

**LANA‘I PLANNING COMMISSION  
REGULAR MEETING  
MARCH 16, 2022**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 5:00 p.m., Wednesday, March 16, 2022, online via BlueJeans Meeting No. 858 816 615.

Ms. Shelly Preza: It's five o'clock. I'm just going to do a quick roll call for members to make sure we have quorum. If you're here, please unmute your audio and video when I call your name. Sally Kaye?

Ms. Sally Kaye: Here.

Ms. Preza: Thank you. John de la Cruz.

Mr. John de la Cruz: I'm here, but I don't see me.

Ms. Preza: Oh, okay. Well, we can hear you.

Mr. J. de la Cruz: Okay.

Ms. Preza: Thanks.

Ms. Stephanie Chen: Oh, Chair? Hi. This is Stephanie. Sorry to interrupt. If the members could, starting with Sally Kaye, could go back and if there's anyone present in the room with you . . . (inaudible) . . .

Ms. Preza: Sorry. Could you say that again? There's a bunch of feedback. If you're not on mute and not trying to talk, please mute yourself. Okay, sorry, Stephanie, could you repeat that, please?

Ms. Chen: Oh, yes. Thanks, Chair. So pursuant to the latest revisions to the Sunshine Law, the members need to state if anyone is present in the room with them during the virtual meeting.

Ms. Preza: I see.

Ms. Chen: Just for the records.

Ms. Preza: Okay, thank you for the reminder.

Ms. Chen: So – thanks Chair. Sure. So if you can just go back and, and start with a member Kaye.

Ms. Preza: Sure.

Ms. Kaye: Yes, I'm by myself in my kitchen.

Ms. Preza: Thank you. John?

Mr. J. de la Cruz: Who?

Ms. Preza: John de la Cruz?

Mr. J. de la Cruz: Can you see me now?

Ms. Preza: We can't. But you -- if you just want to say if there's anyone else in the room with you.

Mr. J. de la Cruz: No, I'm here by myself.

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

Mr. Zane de la Cruz: I'm present and there is no one else in the room with me.

Ms. Preza: Thank you. Lisa Grove? Sherry Menze, I think is not --. Oh, Sherry, are you here? I see your name. Sherry, are you here? Okay, we'll circle back because I do see her name here. Natalie Ropa? Oh, I think she also canceled last minute too, right? Is that right Leilani?

Ms. Leilani Ramoran-Quemado: Correct. Natalie will not be able to attend today's meeting.

Ms. Preza: Okay. And I'm sorry, who was the other one you said couldn't join?

Ms. Ramoran-Quemado: Shirley, she just called to say that she was unable. And Lisa, she notified me about a month ago that she would be out of state.

Ms. Preza: Oh, thank you. Okay. Chelsea Trevino?

Ms. Chelsea Trevino: Present and only one in the room.

Ms. Preza: Okay, thank you. And I'll go back to Sherry. Are you here? I see your name, but you're muted. Okay, I'm not sure if she's here. I'm also by myself, but we do have quorum.

Ms. Chen: Chair?

Ms. Preza: Yes?

Ms. Chen: Thank you. Chair, so also pursuant to the Sunshine Law revisions, a quorum of members needs to be present on video and audio.

Ms. Preza: Okay. So right now, so there need to be five of us on video?

Ms. Chen: Correct?

Ms. Preza: Okay. So there's four of us on video right now. Sorry, John, if you want to figure out how to turn on your, your video, there should --. Are you on a computer or a mobile device?

Mr. J. de la Cruz: Yeah, I'm on, I'm on BlueJeans, but I see my microphone, but my camera has a red slash through it.

Ms. Preza: So if you click that red slash, it should turn your video on.

Mr. J. de la Cruz: Let's see. Reload.

Ms. Chen: Sometimes it works. We have to wait until Member de la Cruz exits and rejoins. But sometimes that's what it takes. And I apologize, I'm going to probably have to jump in and interrupt a few times just as we all get used to the new requirements to allow us to continue the virtual meeting so I apologize the interruption.

Ms. Preza: No worries. Thanks for I appreciate it. Just to make sure we're up to speed with everything that's new. Sorry, John, I don't know if you want to try to jump out and then jump back in. Stephanie said –

Mr. J. de la Cruz: Yeah, you know what I'll turn my computer off and turn it back on.

Ms. Preza: Okay. Sorry everybody, we might, this might take a few minutes so --. I'll just ask again, Sherry, are you here? Because I did, I thought I saw --. Oh Sherry, hello. Oh, you're on mute.

Ms. Sherry Menze: I'm here.

Ms. Preza: Hi, thanks. Is anyone else in the room with you?

Ms. Menze: No.

Ms. Preza: Okay. Sorry. So our Corp Counsel just let us know that's a new rule that we should follow as we're doing the roll call is we just have to disclose if there's anyone else in the room with us. And then there has to be a quorum of us on video and audio for us to continue with the virtual, so just to fill you in. Okay, with that, that's five of us on video now, so I think we can --. You know, hopefully John will be able to join with video when he comes back in, but I believe that means we can get started.

So just a reminder, if you're joining us, please, if you would like to testify on any of the agenda items, please, you can chat directly Leilani and she will keep a running tally of kind of who would like to testify and which agenda item you would like to testify. And testimony will be limited to a maximum of three minutes, and we'll take public testimony when each agenda item is discussed. I'll call first for people who are joining via BlueJeans, and for those calling in via phone, I'll ask afterwards if you would like to offer testimony. If you are, oh sorry, or if you're not testifying, then please mute your audio and video, which I feel like everyone has done, so thank you very much. And Commissioners will not be contacted by the chat function.

Sorry, John, I saw you came back there. Are you able to click that unmute, unmute your, your video icon? Well, at least there's five of us. We'll just kind of continue on.

So we'll move on to Item B, which is the resolutions thanking outgoing Commissioners, which includes John de la Cruz, Natalie Ropa and Shirley Samonte. Is someone going to read? I don't know if that was going to be read into the record, or if that's just, you know, I saying Mahalo for their time and effort?

**B. RESOLUTIONS THANKING OUTGOING COMMISSIONERS – JOHN DE LA CRUZ, NATALIE ROPA AND SHIRLEY SAMONTE**

Mr. Jordan Hart: Chair, this is Jordan Hart. Clayton, do you have a -- is there a proclamation or do you want to make him say a few words?

Ms. Preza: Are you there Clayton? If not, should we wait for him, Jordan or? Looks like he's trying to get a hold of him, so we'll just wait a minute. So I just want to say personally to John, and Shirley, and Natalie, thanks so much for your folks' time. I know Shirley and Natalie aren't here, but John, thanks for all your volunteerism for this Commission.

Mr. Hart: I apologize, Chair. I had made a phone call. I was trying to confirm whether or not there was a proclamation will follow up on that.

Ms. Preza: Okay.

Mr. Hart: And I also wanted to reiterate the department's thanks for the members . . . (inaudible) . . .

Ms. Preza: Oh, Jordan, you're your audio cut out just now.

Mr. Hart: I also wanted to reiterate that thanks from the Department.

Ms. Preza: Thank you.

Mr. Hart: For you Commissioners that have . . . (inaudible) . . . Thank you.

Ms. Preza: Great. So we'll follow back up if Clayton hops on or if the proclamation would like to be read. Oh, John, I see you got your video working, so that's great.

Mr. J. de la Cruz: Yes.

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

- 1. LANAI RESORTS, LLC doing business as PULAMA LANAI is requesting a Land Use Commission Special Permit for the Miki Basin Interim Industrial Uses project located on a portion of land at Miki Basin (east of Lanai Airport off of Miki Road), Lanai City, Island of Lanai, Hawaii. TMK (2) 4-9-002:061 (por.) (SUP2 2021/0008) (K. Wollenhaupt)**

Ms. Preza: Okay, wonderful. So we'll move on to the next item, C, which is a public hearing item, Lanai Resorts LLC doing business as Pulama Lanai requesting a Land Use Commission Special Permit for the Miki Basin Interim Industrial Uses Project located on a portion of land at Miki Basin, Lanai City. So I don't know if we have a presentation or if we are going to go straight to public testimony.

Mr. Kurt Wollenhaupt: Well, good. Good evening, Chair. This is Kurt from the Maui Planning Department location here this evening for the consideration by the Lanai Planning Commission of what's known as a State Land Use Commission Special Permit, SUP2. This evening, it's my understanding that Dr. Keiki Pua Dancil, of the applicant, Pulama Lanai, as well as David Tanoue of the consultant firm RM Towill will be giving a presentation on this Miki Basin project. The Commissioners should well know the review currently going on for the larger 200 hundred acre designated project, in which on December 15th, 2021, the Commissioners looked at the second Draft Environmental Assessment (DEA) for this much larger project that's requiring a State Land Use Commission District Boundary Amendment, along with a Change in Zoning. I can report that after your review on December 15th, the second Draft Environmental Assessment was taken to the State Land Use Commission for the Miki Basin 200 acre project, and the State Land Use Commission accepted the Environmental Assessment, nearly identical to which the members had reviewed previously.

That being said, that brings us to today's meeting and why are we here this evening? So the land currently is zoned agricultural, even though the community plan, as adopted in July of 2016, allows for this area to be heavy industrial. The 14 ½ acre parcel under consideration since it is zoned agricultural, therefore, and also zoned State Agriculture, therefore requires a State Land Use Commission Special Permit for activities as they're proposed this evening, which are reasonable regarding concrete recycling, regarding off street parking for heavy equipment, hauling dump trucks, concrete mixer trucks, semi-trucks and trailers and employee vehicles, and also rock crushing along with the placement of aggregate stockpiles. Many of these activities are currently being done in the Miki Basin condominium 20 acre

parcel and will, in fact, be moved to this 14 ½ acre parcel under this interim permit. Now why do I say this is an interim permit? That is because upon, if the State Land Use Commission designates this 200 acres of urban, and if the County Council changes the zoning to Heavy Industrial and Light Industrial, then the need for such a permit as this evening will then go away. However, in the interim, in order for three purposes to be fulfilled, this State State Special Permit will accommodate the movement of those aforementioned activities to this 14 ½ acres.

Because it's 14 ½ acres, the Lanai Planning Commission is the authority this evening to grant or not to grant this Special Permit. So what, what is the purpose and need for this? As stated in the report, in the application providing economic diversification in support of the current island operations. The development of these industrial facilities will help the construction and building materials, reducing the need for shipment of finished rock and aggregate, and consolidate operations.

That takes us to the second point, consolidating some of these industrial uses concrete recycling, rock crushing construction and building materials storage should result in a more efficient, centralized land area. And it should allow the Miki Basin industrial condominium property to serve other island uses with improved access to the industrial zone land for private and for community based users. Also, from a climate adaptation point, it would be better to have these stored in a central facility, perhaps rather than down at the harbor, in case there were climate issues that may be forthcoming. It also provides an interim industrial use that importantly is consistent with the land use policies of the community plan. It's this consistency with the community plan for these industrial uses, along with the acceleration that some of the uses can be consolidated in one area that merits this application even at the same time that there is a greater application with the District Boundary Amendment classification moving forward along with the Change in Zoning.

The Lanai Planning Commission sometime in the near future will indeed see this Change in Zoning for the 200 acres, being able to comment upon the greater portion. But this evening's conversation is looking at these 14 ½ acres of Ag zoned land in which the applicant wishes to move primarily industrial uses in order for those three aforementioned purposes and needs, diversification, consolidation and a consistency with the community plan.

That's the overview from the Department and Dr. Dancil and Mr. Tanoue of RM Towill. I have a presentation that will give you greater information. Thank you.

Ms. Preza: Thank you, Kurt.

Dr. Keiki-Pua Dancil: Hi Commissioners. I'm going to turn off my video, but share my screen. Is it okay, Chair, if we share the screen?

Ms. Preza: Sure. I think we can see it now.

Dr. Dancil: Okay, great. Aloha Commissioners. Thank you again Mr. Wollenhaupt for the overview of the application this evening. As mentioned, we're here tonight to request your concurrence with the Planning Department's recommendation to approve the Land Use Commission Special Use Permit (SUP2) for the Miki 14.5 acre interim industrial uses. As mentioned, this is an interim step in the rezoning of the larger Miki 200 industrial park.

Firstly, the expanded area on the right panel is from the Lanai Community Plan. The project before you permits the proposed use heavy industrial. It also, as mentioned, diversifies the economy and consolidates industrial uses.

Secondly, the facts presented in the application and the staff report that you have in front of you from the Department of Planning finds at the proposed action will not have an adverse an environmental or ecological effect. On February 16<sup>th</sup>, the State Land Use Commission approved or accepted a Findings of No Significant Impact, or FONSI, for the Final Environmental Assessment.

And lastly, the project meets the five criteria, or quote, unusual and reasonable, end quote, uses in the agricultural district. The implementation of the Lanai Community Plan requires that the land is rezoned at the State and County level. This SUP2 or Special Use Permit is an interim step.

As you can see, the project is located in the Miki 200 industrial park. The panel, or the right, on your right is the Miki industrial area. The light magenta is the light industrial uses as identified in the Lanai Community Plan. And the dark magenta area is the heavy industrial uses. Outlined in purple is the HECO fossil fuel plant. Outlined in red is the Miki 20 Condominium Industrial Park. And outlined in blue as a subject property in which we are here today, the Miki 14.5 interim industrial uses. All together there are 225 acres zoned in the Community Plan as industrial uses. Either 100 acres of heavy industrial. I mean, 125 acres of heavy industrial or 100 acres of light industrial.

So how does this project fit into the Miki 200 industrial park? The Miki 14.5 interim uses will be part of the future location of a concrete crushing facility. As you can see here depicted in royal blue is the 14.5 acres for the concrete crushing facility and the asphalt plant. These are already existing industrial uses on Lanai. They will be relocated when the – the full facilities will be relocated once the final entitlement process is finished. And right now, we're just implementing part of the concrete crushing facility in the area and the subject matter before you today.

Kurt did a really good job of describing the activities that are going to be relocated in the area. The panel on your right is a map that is included in the application as well as your staff report. The concrete recycling and rock crushing operation, majority of the area will be used as aggregate stockpiles, and that's what you can see in those large rectangular areas. It's basically demolished concrete and rock into various sizes for uses as an aggregate base course for roadways, sidewalks or similar uses and island operations. The equipment to

create the aggregate stockpiles will also be relocated. Upon approval of all activities are expected to happen within six to 10 months, and the estimated project cost is about 750K.

This is a little bit of a dense slide, but what I wanted to point you to is the five criteria that is used to determine what is considered quote unusual and reasonable use to allow for a LUC Special Permit. In your staff report you will see these criteria listed on pages 11 through 12. On the far left hand, you see C1, the use shall be contrary to objective sought to be accomplished by the Chapters 205 and 205A, HRS, and the rules of the Commission. And that's with C2, C3, C4 and C5. I'm not going to take the time to read it, but what we did here is to summarize what's on pages 11 and 12 in your staff report. And those are the criteria that was listed in the administrative rules to allow a Special Use Permit. And you can see we met those and they're summarized on pages 11-12. Next.

On these slides, they're similar, again, a compilation of what you have in your staff report. It basically outlines the infrastructure and public facilities and services that were evaluated, and whether there was an impact and mitigation measures. And you can find these on pages 12 to 14 in your staff report.

The environmental impacts are summarized here. Again, a FONSI was accepted by the Land Use Commission, so this is just a repeat, except it's just in the area of the 14.5 acres. And this is found on pages 14 through 17 in your staff report.

The application has also been distributed to State agencies as well as County agencies. And what we've done here is just done a summary. You can also find copies of the letters and our responses in the staff report on pages 42 to 94.

So again, we request your concurrence with the Planning Department's recommendation to approve the Land Use Commission Special Use Permit. We are basically implementing the Lanai Community Plan. Facts presented finds that the proposed action will not have an adverse effect. A FONSI had already been accepted by the LUC in February. And it also meets those five criteria that I discussed, which is what you use to determine whether Special Use Permit can be allowed.

We're here for questions. And that's the end of our presentation. Mahalo Commissioners.

Ms. Preza: Thank you for the presentation. So before we jump into our discussion, we're going to open up public testimony. So if you'd like to testify, please message Leilani and she will put you on list. Leilani, has anyone signed up so far?

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

Ms. Preza: Okay. Well, I'll open it up now if anyone would like to testify, please let us know. Is there anyone who would like to testify?



Ms. Ramoran-Quemado: I see one. I see Butch. He wants to testify.

Ms. Preza: Okay. Butch, go ahead. Hi Butch. You can unmute yourself.

Mr. Reynold Gima: Yeah, I did. So, yeah, conceptually I agree with the project in terms of recycling material. Just had a couple of questions. One, since a lot of the public agency input was conducted in September, I'd like the applicant and the County to respond to any changes to the project since then. And if there have been some changes to the proposed project, were the public agencies given an opportunity to respond?

The second thing is it was quite interesting -- this is more comment than a question -- it was quite interesting that the report talked about justifying switching from Ag to Industrial because they couldn't make Ag work because water was not available. But at the same time in, in the report, it talks about a ten inch water line available to that site. I know water is not an issue that using only 2,000 gallons per day, but it was quite interesting that they were justifying, on one hand saying there was no water available and then on the next and say we have a ten inch line coming into the project area.

And yeah, I found it quite interesting in what Kurt mentioned earlier, you know, why, why are we having this? Why are we having this hearing? Whose decision was it to hold this hearing as opposed to waiting for the LUC to make their decision? Well, that's about it. Thank you.

Ms. Preza: Thanks much, Butch. Oh, sorry, if you're not talking, can you mute because I'm echoing, I think. Okay. I'll give the applicant a chance to answer if you would like to answer his first question. If not, I don't think it's one that the Commissioners can really answer.

Dr. Dancil: Thank you. Thank you, Director, Deputy Director Hart. He could probably answer question number three and I will take questions number one and two for Mr. Gima. And I'm hearing an echo. I apologize. Can you hear the echo?

Mr. Jordan Hart: Thank you very much. This is Jordan Hart on behalf of the, the Department. As far as why the item is moving forward now as opposed to waiting until the DBA is completed, the Department feels that this is a reasonable use and it's a utility use for the island of Lanai, so there's no practical.

Ms. Preza: Sorry, Jordan. Sorry, I just want to remind everyone, if you're not speaking, I see a few people unmuted that shouldn't be. Could you please mute yourself because I think we're getting feedback and it's a little difficult to hear? John de la Cruz, could you mute yourself? I think you're unmuted. It might contribute to the feedback. Okay, thank you. Sorry, Jordan.

Mr. Hart: Chair, thank you very much. The short answer is that there is -- the Department sees no reason to delay an unusual but reasonable use that can qualify for an application to proceed with that request. This is a utility used for the island of Lanai. It happens to be in a location that has a longer term, permanent project that's currently proposed. It happens to be

in a location that's community planned for industrial uses. But the, the permit before you is appropriate and reasonable to approve now in the, in the opinion of the Department.

Ms. Preza: Thank you, Jordan. And I'll turn it back over to the applicant to answer the other two questions or one question.

Dr. Dancil: Mahalo Jordan, I appreciate your response. So in regards to the first question, has there been any changes since September because the comment letters to the agencies went out in September? The answer is no. There hasn't been any changes to the project put forth today.

Question number two regarding the water availability. That was more of a comment but I think the response is there – ten inch line is there for water, but it's not an appropriate use for Ag activities in the area. And that is because the surrounding uses are heavy industrial. If you have the HECO fossil fuel facility up at Miki 20 industrial park, so Ag activities is not appropriate there. And as identified in the community plan, it's been identified as heavy use industrial and not Ag. And so that's why we are implementing the community plan. So I hope that answers the questions. Mahalo Chair.

Ms. Preza: Thank you. Commissioners, do you have any questions for Butch? If not, we'll move on. I'm echoing again so I'm not sure if someone else is unmuted.

Mr. Gima: Shelly?

Ms. Preza: Yes.

Mr. Gima: Responding to Jordan. Jordan, could you comment on what happens if the LUC denies the DBA? So which, which action will take precedence?

Mr. Hart: Chair, the, the Lanai Planning Commission is the authority that's approving the Special Use request. In the event that a DBA is passed and a Change in Zoning is also passed, then this would be an outright permitted use in the location. In the event that those land use designations do not pass, and then also the Lanai Planning Commission decides that they should not be extended, then they would need to stop.

Ms. Preza: Thank you, Jordan.

Mr. Hart: But again, I do want to go back to the basic issue of why the Department can be supportive of it is that this is just a basic utility type use on the island of Lanai. So there's not even if the DBA and the CIZ were to not pass, I'm not aware of anything at this phase or at this time that would cause the Department to later recommend that a use like this would not be appropriate under a Special Use Permit. Thank you.

Ms. Preza: Thanks for the clarification. Leilani, has anyone else signed up to testify?

Ms. Ramoran-Quemado: Thank you, Chair, and no one else has signed up.

Ms. Preza: Okay. I'll open it up one more time. And if anyone's calling in via phone who would like to testify, you can unmute now. Okay, there's no further public testimony. We'll close, close it at this time. And Commissioners, if you folks have questions for the applicant, now would be the time. Or we can just start our discussion as well.

Mr. Z. de la Cruz: Well, question for the applicant.

Ms. Preza: Sure. Go ahead, Zane.

Mr. Z. de la Cruz: Just looking at the, the proposed site photos in the packets, looks like that 14 acres is currently being used to stockpile aggregate and some --. Is the permit to allow for the rock crusher and use of the water lines in the area? Because it looks like the area is being used, at least in some of -- there is some use of the area for the stockpile of aggregates, so I'm just curious as to what exactly the permit is getting them that they don't have access to now.

Ms. Preza: I'll open that up to either to Kurt Wollenhaupt or to the applicant.

Dr. Dancil: We'll take it. Thanks, Chair. Thanks, Commissioner de la Cruz. So currently right now there is stockpiling going on and the reason we're there is stockpiling going on is because during COVID we had issues with getting barges on. So it does have aggregate there and we were processing things there. So right now, we are actually applying for moving other equipment over there. The only thing that won't be moved until the Miki 200 should the Miki 200 be zoned is the actual mobile concrete crushing operation facility with the silos.

Ms. Preza: Thank you. Zane, did you have other, another question? Great. Other Commissioners, questions?

Ms. Kaye: Yeah, I have a question for a Kurt. Several questions about the report that was submitted, if he's still there.

Mr. Wollenhaupt: I'm here.

Ms. Kaye: Okay. On page two, you say that the April 2021 CUP was withdrawn after consultation with the Department. Why was it withdrawn and how does -- and I'm quoting you here -- the revised project scope differ from the, the original?

Mr. Wollenhaupt: Well, we did some research and the original application, in addition to the rock crushing, had concrete batching. Now looking at what permits are required from Ameron, from Hawaiian Cement over on Maui, that activity, which was in the original County Use Permit, would also have required a Conditional Permit as per the applications for Ameron and

for Hawaiian Cement. So the applicant decided to take out that concrete batching proposal, and then just go with the activities that are included in tonight's review. Which then made us look back at the requirements of a County Use Permit and as a State Special Permit. And if the two are required, the State Special Permit is the one that trumps the County Special Permit and the State. Therefore, that's why we're looking at what we call the SUP2 State Land Use Commission Permit. So that's what changed and that's what changed this application process. I don't know whether the applicant may have more to add, but that's what happened.

Ms. Kaye: Okay. And then I have another --. Oops, sorry.

Dr. Dancil: No, that is accurate. Thank you.

Ms. Kaye: Okay. On page 15, you made a reference to the fact that there were no Hawaiian hoary bats detected quote during the survey. What survey is that referencing and where in this record is it?

Mr. Wollenhaupt: The applicant may need -- I may need some assistance here with regards to the Environmental Assessment that was going on at the same time. To locate that specific survey, it's going to take me a minute to find.

Dr. Dancil: Mahalo Commissioner Kaye for that question. That is in the Final Environmental Assessment that was accepted by the Land Use Commission. And if you just give me a second I can pull up the actual appendices on which that that was conducted. Bear with me while I do a Control-F. We also did follow up with Dr. Hobby specifically about that, and he was the one that did that observation.

Ms. Kaye: Right. I --

Mr. Hart: Chair, this is Jordan Hart. I think I -- the question that seems to be asked is how is that material entered into this specific record? And so it sounds like what we're saying is, is that it was not. So the question would be, you know, if it's, if the study was done and the conclusion was established is there a sufficient way to, to enter that in as, you know, being information that's not on the record for this specific application, but on the record for the study that was just done in the same location.

Ms. Preza: Sorry, that would be --

Mr. Hart: And this is a question for Commissioner Kaye, who's --. I mean, you're posing the, you're posing the question, which is completely relevant and I understand the, you know, where you're going with it. You know as a follow up question from the Department, you know, do you propose that there is a method to address it?

Ms. Kaye: Well, that is exactly my question. It's not part of this record. It's just kind of stuck in there. And I know exactly where it came from because we did review it. But you know, these

records have to live beyond the night that we decide them. And, you know, there will be two new members next month, and they won't have a clue because they won't have seen this. And so, yeah, as to a method to, I don't know, an addendum to it. I don't know. I'm going to - -. Can we just hold on that because I have another couple of questions about the process here that that might lead somewhere? Is that okay if we just hold that for a minute?

Mr. Hart: Sure.

Ms. Kaye: Okay, so back to Kurt. In your Exhibit-21 dash 22, which was a 10, 21 letter from the LUC, it said the Special Use Permit is not intended to allow for interim uses on lands while the State LUC DBA is in process. That's a quote. There wasn't much of a response from the applicant to that, but I wonder if you could give us some example of a Special Use Permit application that was filed while a DBA or CIZ was in process. Has that happened before?

Mr. Wollenhaupt: Not, not, not that I have processed. And I do believe the applicant did discuss this issue with Mr. Derrickson at the LUC. I know I, I contacted him and we spoke about the duality of these permits moving in tandem, but also recognizing that this may assist in a bit of acceleration with regards to the Miki Basin industrial condominium project. Also that the process occurring in tandem while perhaps not to the original pleasure of the State LUC that after discussions that they understood how this this could happen. I'm not sure if the applicant, but I do believe that they spoke directly also with the LUC. They might have some more discussion regarding this matter.

Dr. Dancil: Yes, we did reach out to the Land Use Commission and did have a discussion with them. They know, you know, in terms of good, you know, practice, they don't like it going on, but it's not not allowed because you can apply for a Special Use Permit. As Deputy Director Hart mentioned, we felt comfortable that the impacts were appropriately represented in the Final Environmental Assessment and the FONSI was accepted. So we, we wanted to move forward because we didn't know how long the full rezoning and entitlement process would take place, and wanted to get this permitted use, a permit for these permitted uses done beforehand. A DBA as mentioned. So if you apply for a Special Use Permit and you meet those five criteria, you are allowed a Special Use Permit so.

Ms. Kaye: Okay. So --

Mr. Hart: This is Jordan Hart. I can add. I'm trying to search the details of it now, but I've processed a Special Use Permit in advance of a DBA on the island of Maui. It wasn't in excess of 15 acres, so it didn't go to the State Land Use Commission, but it was a DBA and there was there was a Special Use Permit preceding it. And it was viewed as being an interim temporary use that would be replaced by the permanent use. And then I had also addressed the scenario where the permanent changes would not, if they did not prevail or if the applicant for whatever reason did not proceed with them, then you still have the decision making body that's authorizing the temporary use that can make a decision on the extension or whether or

not the applicant comes forward with an extension at that time. But this, this has been done before on Maui.

Ms. Kaye: Okay.

Ms. Preza: Thank you, Jordan.

Ms. Kaye: That's good to know. So then, then perhaps you could answer a follow up question, which is if the LUC approves the DBA and, and the County of Maui approves the CIZ, then would the -- this is multipart question -- would the Special Use Permit dissolve? And I understand that the uses would be then permitted. But would the SUP permit, if it's granted, then continue for the five years, for the five year period?

Mr. Hart: That's a more complicated question because you would no longer be in the state agricultural district, so I'd have to, I'd have to look into that on whether or not it would evaporate or not. It would seem that -- that would seem logical, but I'd need to check into legislation and administrative rules to determine specifically.

Ms. Kaye: All right. So, so my concern is that, you know, this is a smidge under what would have gone by rule and statute to the Land Use Commission and comes to us. And what we have on the record, all we have in front of us in the record is the LUC saying it's not done this way and shouldn't be done this way. It shouldn't be done piecemeal. So that made me think, well, okay, what if tonight the Planning Commission says okay and we're going to add conditions. And then down the road, the Planning or the LUC gives a DBA and adds conditions. And then the County of Maui does the CIZ, and they had conditions. Which conditions control and do they control the whole 200 acres or with the ones we apply only apply to this 14.5 five acre parcel? You know, it's, to me there's just a lot of questions that I would like to have a little more on record information to go on. Like I'd like to hear or see something in writing from the Land Use Commission that contradicts what we see in front of us, which is they think it's a bad idea.

Mr. Hart: This is Jordan Hart. I'll, I'll provide replies from my perspective to those questions. So, so first, I want to say that only the land area before you under this request should be subject to any sort of conditions or commitments by the applicant in this request.

Ms. Kaye: Right.

Mr. Hart: On the question about I did need to look into whether or not the, the, a Special Use Permit granted in the State agricultural district would evaporate if the property was moved into the urban district. And that's, that's completely logical. But another way to address that would be for the, the Commission to propose a condition that it would evaporate if the land use designations changes occurred. And in that case, that would resolve your question about which conditions were at play. You could, you could have it evaporate if a Change in Zoning or the DBA were passed.

Well, let me walk that back. You're going to the State Land Use Commission first. Maybe, maybe you would make it evaporate when both land use designation changes, changes occur.

Well, let me let me walk that back even further. Would the applicant want to request an interim time to operate while they mobilize and construct the remainder of their site? So like, let's say you get land use designations changed, but you're not actually ready to inhabit a fully or any additional permits triggered that that you would want to maintain that.

Ms. Kaye: Yeah, you see, my problem.

Mr. Hart: Okay, I hear, I hear the conflict that I'm thinking out loud and I'm describing it.

Ms. Kaye: right. I mean, if, if, if, if we would come up with three or four conditions that were appropriate based on the record in front of us and then this would disappear. Those conditions would likely disappear as well. The Land Use Commission or the County Council would not be required to have our conditions imposed. So we could possibly say, yeah okay, you can have it, but we want the conditions to apply. And so that would go away if the, if the permit dissolved. So that's my problem. I would just like a little more clarity. I wouldn't be opposed to deferring this for a month. We're going to get two new members next month.

Ms. Preza: Sorry. I saw our Corp Counsel unmuted. I think she can give us some advice.

Ms. Kaye: Good. Good. Good.

Ms. Chen: Right. So this is a really good question, Member Kaye. I, I just wanted to chime in to remind the Commission that, you know, for the Change in Zoning that's going to come back before you as well. Correct, Jordan? So the Commission at that time could recommend a continuation of any conditions that are imposed. I mean, granted, the conditions will have to be, you know, roughly proportionate to mitigate the impacts pursuant to the law. And they would have to make sense carrying over. But for the Change in Zoning this, this would come back before you and you would have the opportunity to recommend . . . (inaudible) . . .

Ms. Preza: Thank you, Stephanie.

Ms. Kaye: But the problem, the problem is that tonight we could impose or agree on conditions that the applicant would agree with that would stand and that they wouldn't be subject to anyone else down the road we're just recommending. So that's the clarity that I wanted. You know, it seems to me the DBA was filed with the LUC on 11, 21. And they have 365 days, I think, to review and act, which would bring it to like November, December of 22. And the application at page 10 states -- and I think Kurt referenced this -- that all activities are planned to be operational within six to 10 months. So we're devising our -- these two processes are going to come out at the same time. So I'm still not really clear what why this is here, especially

in light of the fact that all we have from the LUC is this is not an appropriate use of interim process.

Ms. Preza: Jordan?

Mr. Hart: Chair, so all I can say that is on behalf of the Department, the LUC exerts itself for its opinions on the County pretty liberally, and we don't always agree. And in this situation, the Lanai Planning Commission is the deciding authority for this request. And in the Department's evaluation, it's not inappropriate and in fact appears reasonable. And so our recommendation is for approval. But, you know, the concerns that you expressed are certainly not -- sorry -- any specific member expresses or, you know, it's, it's totally fine to take into consideration in your decision making. But we've reached this conclusion because we think that it is okay to proceed with this. It is your authority to do so. And the Land Use Commission has expressed their opinion in this record.

Ms. Preza: Thank you, Jordan. I was just wondering. I just wanted I wanted to open up to other commission members, like if there were specific questions or concerns about this application. Because it sounds like, I mean, Sally, you bring up good points and it's more about like the process, right, so? But you know, that's if we impose, there's concerns about if we impose conditions like what takes precedence, right, as these things are moving along. But I mean, are there --? Yes, Jordan. I'm sorry.

Mr. Hart: I just want to say one more thing on this subject. I think the way if you are interested in passing it, the thing you do is, is you just contained the use and the timing around your, around your conditions. Like, you know, the concern is expressed that that there will be a transition of the use beyond the authority of this use permit. And so, you know, you can establish your conditions to contain that. And that that would be the way that you would propose to do that under the authority of this permit.

Ms. Preza: Thank you, Jordan.

Ms. Kaye: I'm sorry. Could you, could you explain that, Jordan? I'm not sure I understand what you mean.

Mr. Hart: Okay. So, so you see, you're bringing up whether or not there is some sort of transition of the use into the period when the Council and the State Land Use Commission are the deciding authority. So you can set parameters around the use that you're proposing right now or that you're willing to allow. And that would be the way to do it. I guess the best way I can explain it, like, do you want to tell them that they need to discontinue, for instance? I don't personally see any reason to cause them to demobilize. But if you're concerned that the Council or the State Land Use Commission wouldn't apply conditions that the Commission feels are satisfactory, you know, that would be a method that you could break, you know, cause a clean break.



Ms. Preza: Thank you, Jordan. I think I mean, I did want to ask the other Commissioners and or Sally too, you know, like, are there concerns about or if we were to move forward with potential approval, would there be conditions that you would want to impose or is there some --? I can see where your concern is coming from, Sally, with the process. But is there, are there, are there concerns about this particular use? Like is there a reason why we should not grant the Special Use Permit? Or is your concern just about the process of these things happening in tandem?

Ms. Kaye: Well, some, some of the concerns have been satisfied in that Jordan says this has happened before. And I'm not satisfied with the answer to that I don't know that that can be answered tonight, you know, what happens to our conditions if it goes to the other two entities. Do they -- then they put conditions on and do they supersede the ones we imposed? And if it if it dissolves, which wasn't clear in this record, that that would be what happened, then that's something to consider that any conditions we would impose. I thought of three really minor ones, but they only last for six or seven months likely. And I just need to have the Commission understand if that's where we're at, that's where we're at.

Ms. Preza: Okay, do you want to share what conditions you were thinking of or if other Commissioners have thoughts about what's before us if there was something that you did not agree with, that you would like to be changed? Or Sally, you can share the minor ones that you had suggested?

Ms. Kaye: Yeah, no. I'm real happy to have somebody else speak for a change.

Ms. Preza: Because I see where you're going with this. But I also -- that means that if we want to subject them, that's, that's given that we want to subject this to specific conditions which what if we don't have any, then maybe we're, you know, we might as well?

Ms. Kaye: Right? Yeah, I mean, there were some things in the supplemental information that, you know, I would have, I would have, like, wanted more explanation on the somehow taking -- allowing these 14.5 acres to be used would -- what did they say? -- preserve sufficient space for community and private sector users within the condominium 20 acres. I don't understand how that even works. Those 20 acres are already set aside so, and 50 percent of them have to be sold. So you know what, what, why is that a justification for this? So I would have just, you know, . . . (inaudible) . . .

Ms. Preza: Oh, sorry. You can continue. I was going to give them a chance to response, but if that --. I thought you were moving on to the next question. Do you want to add to that Sally? Okay, I want to give the applicant a chance to respond to that question.

Dr. Dancil: Can you hear me?

Ms. Preza: Yes, now we can.

Dr. Dancil: Okay, sorry about that. We're having technical difficulties. Commissioner Kaye, would you mind restating? I got a little lost in the conversation on your exact question, please. Sorry about that.

Ms. Kaye: Okay, sorry. Sure. You were saying that granting this Special Use Permit and this is a quote, would help to preserve sufficient space for community and private sector users within the Miki Basin condominium 20 acres. That, I mean, that's already set aside. The, the, the compliance with that is on the record. So I'm not sure how this helps that.

Dr. Dancil: Yes. So sure, Commissioner Kaye. So are you referencing the November 30th, 2021 -- sorry, we have technical issues here -- the Planning Department, that letter is that what you're referring to, so I can just make sure I'm addressing that exactly?

Ms. Kaye: Yes. I'm so sorry. Yes, that that was on page four.

Dr. Dancil: Thank you so much. Yeah. So right now are some of our activities in Miki 20 are occurring for a rock and concrete operations, about a little over an acre. And so if we evacuate the Miki 20 and move over to the Miki 14.5 that alleviates one acre in that Miki 20 for other potential buyers in the CPR in the Miki 20, and that's what was meant by that.

Ms. Preza: Thank you for clarifying that. Sally, do you have other questions?

Ms. Kaye: Well, okay, yeah, but, so if you anticipate getting a DBA and a CIZ and this is all going to go away in favor of a 200 acre permanent rezoning, then I'm still not clear on the urgency to do this right now since the condominium, according to the last update we got from you, isn't ready for that kind of use yet anyway.

Dr. Dancil: It actually --. Am I off mute? Yes. Great. Sorry. Thanks for the question. Right now, it's just in land court, so that's the only thing that's holding it up is the land court. And then zoning is completely done, as you know, for the Miki 20 area. So as soon as the land court's done, we finish the evaluation and get that CPR and we've hired a broker and that's offered. And then if we have potential buyers, they can move in right away. So we expect that. Our lawyers, again, land court has, no one can put an estimate on how long that process will take. They told us four months when we submitted it in December. Four months is coming up on that. And so if we get this done sooner then, if there is a potential buyer for that quarter acre lot, then they would be able to purchase it. We don't know what, how long the DBA or this Change in Zoning will take. And so this is, this is just, like I said, an interim step. The entitlement process is completely protracted, and I couldn't even have an estimate on how long this would take. 18 months, 20 months, potentially.

Ms. Kaye: I thought they had 365 days.

Dr. Dancil: Then it has to go to Change in Zoning. I apologize. So that's an extra step. You know, after we, we come to you, you make a recommendation, it goes to the PSLU

Committee. A couple hearings there and then it goes to Full Council, two hearings. So that's, that's quite a long --. I -- who's to say how long that process will take?

Ms. Preza: Stephanie, did you have a comment?

Ms. Chen: I did. Thanks, Chair. So yeah, as Dr. Dancil was pointing out, you know, this process could easily take years, could easily take five years, and this permit would expire after five years. So, you know, I would encourage the Commission to review the application in front of it before this land use, Special Use, Land Use Commission Special Use Permit. And, you know, I think it's a really good question, Member Kaye, but we shouldn't assume that the DBA is going to happen or the subsequent Change in Zoning. Though those are definite possibilities. But right now, what you have for you is this particular application.

Ms. Preza: Thank you, Stephanie.

Ms. Kaye: Okay. Thank you very much for that clarification. And that then brings forward the idea that if any of the Commissioners think there should be conditions imposed to granting this SUP now would be the time to think about doing that and with the understanding that they would last for a while. Is that correct?

Ms. Chen: Correct. I think, you know, without everything else is an uncertainty, though these are being processed concurrently, you know, with the DBA, and then subsequently a CIZ. But that hasn't even been started yet. I think the Commission right now should look at the application, and consider the conditions proposed by the Department. If there are additional conditions that the Commission would like to consider, I do think that those should be considered, you know, as lasting throughout the duration of this permit for five years. Or it's subject to change and the DBA is approved. But what you can reasonably assume right now is that you're looking at a permit approval for five years.

Ms. Preza: Thank you, Stephanie. So I guess, Commissioners, that -- I mean, for me personally, I'm okay with the proposed uses as they're presented in this report. And, you know, as we do with all these other ones, I do disclose that I work for Pulama Lanai, but in the Culture and Historic Preservation Department. So not involved with this project, except our department was involved with archeological surveying that is referenced in here. But personally, I'm okay with the proposed use and the Special Use Permit for the interim, you know, five years as the County, the County Planning Department proposes. So I'm not sure if others have comments or concerns. How you folks feel about if you think what we have in front of us is sufficient to grant them this permit or if you think it should not be granted.

Mr. Z. de la Cruz: I guess I have a question.

Ms. Preza: Sure, go ahead.

Mr. Z. de la Cruz: In the Department of Water Supply's response, you know, one of the things they mention is that, you know, the proposed site is what they believe to be relatively close, about a mile from the R1 recycled wastewater site. And that, you know, this area, at least the footprint of the area, they say, you know, the stockpile dust control with R1 recycled wastewater may be accomplished by extending the reclaimed wastewater pipeline out to Miki Basin. And if that's a consideration seeing that, you know, if this project does go on for five years and even if you know you get the zoning is approved in that industrial area, if there would be applicable uses for the on the R1 recycled wastewater. And so if the company has any plans of using that instead of potable water.

Ms. Preza: Thanks for the question. I'll hand it off to the applicant to maybe respond.

Dr. Dancil: Thanks Commissioner de la Cruz. If you read in the letter, I just want to definitely point out that if it's available. So R1, we might not have R1 water available for use. And so I just want to make sure that it's not a condition and then we just don't have enough R1. We, we would rather use our R1 on irrigation purposes. This would be primarily dust control on, for the 2000. But right now, most of the R1 water is being processed for irrigation up in the city. There's the availability. We can only process so much unless you start flushing more toilets.

Ms. Kaye: I'm sorry. Can I follow up on that? Where in the, where is the R1 water going in the city right now? I thought it all went to Koele and that was stopped.

Dr. Dancil: Sorry, that's what I meant, up in Koele.

Ms. Kaye: So it's still being sent all the up to Koele?

Dr. Dancil: Some of it is, some of it is being redirected up Koele right now. Some of it is being put in the infiltration ponds at the County.

Ms. Preza: Thank you. Zane, does answer your question or did you have a follow-up?

Mr. Z. de la Cruz: It does, but also raises a different question. I think I can't remember which meeting it was. I know it was sometime last year when we had the meeting about R1 water use with Joy from the Water Company. And it was my impression at that time that we weren't -- that the, the R1 facility wasn't at capacity. That something along the line stated that that facility has the ability to process all of Lanai's wastewater, but currently is not. Um, so I guess would like some clarification on that of how much of the available wastewater is being treated for R1. I understand there are technical and economic issues to that, but I'm just getting some, what sounds like conflicting information.

Dr. Dancil: No, I'm sorry. Commissioner de la Cruz, I apologize. I don't mean to provide conflicting information. Right now, we're in the process of fixing the R1 water to get it out to our auxiliary reclamation facility, ARF. We're, we had to fix some of the equipment there. The

County right now is not sending all of the water to us to process because we're fixing it, and they're dumping it into their infiltration pod. So that is correct. That is currently what's going on right now. We are in the process of fixing some valves and are going to be irrigating up at Koele.

Ms. Preza: Thank you. Zane, did you have other comments or questions? Other Commissioners? Chelsea, Sherry, any thoughts? John? If not, I mean, we do have to come to some sort of decision tonight so we can choose to approve, approve with conditions, to defer, or to deny. So I don't know if folks want to have a discussion about kind of where we might be leaning. How you folks may feel based on the information that's been provided tonight and in our packets.

Mr. Wollenhaupt: Oh, I just --. This is, this is Kurt again. I just wanted to make one comment on a change of, proposed change of condition. Condition nine from the State Historic Preservation Division, the Department would replace the wording that we came up with, with the exact wording from Dr. Downer of SHPD that's in their, it's in their letter dated November 3rd, 2021. It's nearly the same, but it includes the phone number to call in case there are historic resources. So we would strike the language in Condition Nine, replace it with the exact language requested by SHPD on page two of the letter from Dr. Downer. So just before you get into deliberation, I'd just want to let you know that that changed, we would highly recommend.

Ms. Preza: Thank you, Kurt. Sorry, I have one kind of spelling error change on page 15 of the packet under archaeological and historical resources. And it's all because I work with the Lanai Culture and Heritage Center. It's misspelled cultural instead of culture. If I forget to mention that. Okay. Sorry, did you catch that? Well, hopefully you got that. We can -- I don't know that, I don't think that needs to be like any condition. It's just a comment. Okay. Further discussion. Is there any --? I mean, I guess is there a problem we have with the proposed use that you think should be addressed? I mean, we do need the industrial area, right, for rock and concrete. I mean, there's already mining down there. So I guess I'm just wondering if there --. I mean, I'm just trying to spur on some discussion about if there is something that we do take issue with that we should discuss. Yes, Zane.

Mr. Z. de la Cruz: I understand, like the, especially at this point in time, the use of reclaimed water is kind of off the table, but especially if this project has the potential to go on for several years before any other zoning changes happen. I'm not sure, like, I don't want to hold their feet to the fire on this or anything because I know it's a technical issue that's not easily solved. But is there some way we can get into the record about like at least considering the use of R1 water?

Ms. Preza: Yeah, thank you, Zane. Yes, Jordan. Oh, sorry, Jordan, did you raise your hand?

Mr. Hart: You know what, I'll, I'll see if the applicant wants to provide a reply to you.

Ms. Preza: Oh, yes.

Dr. Dancil: Thank you, Commissioner de la Cruz. We will consider it. I just also want to say if we could also add if available. Because if there is no R1 water available, I don't want to be held to that condition that we have to use R1 water and then we just don't have enough R1 water available.

Ms. Preza: Thank you. And I saw Stephanie.

Ms. Chen: I was going to suggest something to the same effect. Perhaps to the extent practicable. The applicant shall use reclaimed water to the extent practicable. And then it sounds like the applicant is amenable to trying to use reclaimed water.

Ms. Preza: Thank you. So Stephanie, would you say that that could be included as a condition or do you think it's sufficient that it's been discussed here in the record?

Ms. Chen: I think we could add it as a condition if the Commission would like to do so, but I don't see why not. To clarify it would be probably be a good idea.

Ms. Preza: Zane, do you think that would --? Would that address your concern?

Mr. Z. de la Cruz: Yeah. It's, yeah, it's one of those things where I understand that there are a lot of technical and economic issues with getting well, one producing the R1, and then setting up new pipelines to move it around. But, you know, I just think it's an important enough use that even if it's not something that's ultimately followed through on that, we are actively discussing.

Ms. Preza: Thank you. Okay, Commissioners, other comments?

Ms. Kaye: Yeah. If you don't --. If, unless somebody else wants to jump in, I will just go with some of the, the couple of manini conditions I would like to have us consider. Anybody else want to? Okay. I, one of my conditions would have been quarterly water usage reporting including volume, whether brackish, potable or R1, and the source. That would be one. And then, given the discussion that just happened, I think Zane's recommending that that R1, R1 water be used if practicable, which would indicate that we'd like to know where the R1 water is going. You know, it's easy to say, well, it wasn't practical, but nobody knows where it went and how much was used. So, you know, I don't know if you want to incorporate that into the condition I just said or make it a separate one.

Ms. Preza: I have a comment on that. I, I personally don't feel strongly about having a quarterly water report for this five year Special Use Permit just because. I understand why we asked for it and other permits when there are kind of more permanent projects like the amphitheater, different things. But given that they said that, you know, the use would be like, you know, no more than a couple thousand gallons a day, I don't feel like super strongly about having,

requiring them to provide us with a quarterly use report for that amount of water. But that's just my own personal comment. I don't know how others feel. Because we do get quite a few, you know, for lots of these different projects. But for this, this one, it's, it's pretty minimal it seems. That's just my two cents, though. I mean, John, Chelsea, Sherry, how do you folks feel? Do you feel strongly one way or the other? Well, not just about the rest of . . . (inaudible) . . . Yeah. Sorry, Sherry, go ahead.

Ms. Menze: Dust control uses a lot of water, and if they're going to be crushing rocks, there's a lot of dust control in that. And so I don't know how much water a water truck holds, but they can spread a whole water truck in a matter of minutes.

Ms. Preza: I think their estimated use was about 2,000 gallons a day, and applicant can confirm that, or sorry, if I'm misrepresenting that. That's 2,000 gallons a day, right?

Ms. Menze: Thank you.

Dr. Dancil: Correct. That is correct; 2,000 gallons per day is the projected water use.

Ms. Preza: Thank you. So, I mean, I guess it just depends on if you feel that is a lot of water enough to warrant, you know, us requiring data from them about, about it. But it's is valid and if you folks feel that way.

Ms. Kaye: I'm sorry. I think it's totally inappropriate to say that 2,000 gallons is not enough to be concerned with. That that completely ignores a cumulative effect that could happen. The Water, Department of Water Supply indicated some concerns. Commissioner de la Cruz indicated some concerns. The fact that they already report on other projects should have nothing to do with this. I, I'm, I'm pretty floored that that you have that opinion Chair.

Ms. Preza: Sorry, just my, my personal opinion about, you know, this is a five year term. But if others feel strongly about requiring quarterly reports on this, you know, that will make, you know, help us towards our decision that that's okay too.

Mr. Hart: Chair, perhaps you could ask the applicant if they have a significant concern about being asked to report.

Ms. Preza: Sure.

Dr. Dancil: Thank you, Deputy Director Hart, for the opportunity to speak. We report all the time. This would just be another thing that we have to add. Just to put things in context, a single family homes for planning purposes uses 600 gallons per day. So this is a few single-family homes. So just, just want to put that into perspective. And I understand water is precious. We count every drop. We take into account significant conservation measures. We're constantly innovating a whole bunch of things. So don't take that comparison as slight

to the comment from Commissioner Kaye, but we don't have a problem, but it's just, well, I just want to put that in perspective. Mahalo, Chair.

Ms. Preza: Thank you. And I meant no offense either. But I, you know, I do have the Eye on Water app, and I think just for my own use, you know, a thousand, two gallons, or two thousand gallons a week, it's, that's where I'm coming from in terms of my own personal perspective, you know. But it's totally valid . . . (inaudible) . . . Yes, John?

Mr. J. de la Cruz: Isn't the concrete plant going to be moved down there? And what's causing the concrete besides sand, stones and cement? Water, right? I agree that the water coming or being used at the 14.5 acre site should be added on to all monitoring reports. And all types of water should be reported that will be used by the new site. The concrete is, is vital to any kind of construction. And with all the construction coming up, you're going to be pumping up a lot of concrete out of there. And you're going to need be using more than 2,000 gallons a day. I can predict that.

Ms. Preza: Thanks, John. I'll give the applicant a chance to respond.

Dr. Dancil: Thank you, Mr. John de la Cruz, just to differentiate between the two. Appreciate the question. And for the interim uses, we predict only incremental of 2,000 gallons. For the larger Miki 200, which is not the subject of this, you are right, it is more and it's already in use right now. So right now we already are using 3,500 gallons per day, right now, today at the Miki 20 site where the plant is at. So it's already being used today. And eventually when we go in for the DBA, the water use for that will be relocated, but that's not till later. In the interim uses, we're only predicting 2,000 gallons per day for dust control.

Ms. Preza: Thank you for clarifying.

Mr. J. de la Cruz: Thank you.

Ms. Preza: Zane, I saw you, did you have your hand raised earlier?

Mr. Z. de la Cruz: Yes, so, it kind of goes along with Commissioner John de la Cruz's comment where the water, to me like a water report is not so much, you know, because it's a, it's not important because it's a small amount of water, but it's important because we need to keep track of what's happening, whether it's, you know, the predicted uses under, over, or spot on. Like, that's something I think we should be keeping track of.

Ms. Preza: Okay, that's fair. And I think, you know this, this body is what will, you know, revisit this if it's if they come back for a request in five years. That's correct, Jordan, right, in five years they would come back to the Planning Commission to, if they would like to extend the Special Use. So, I, I appreciate the, you know, having the record of, you know, if that was, you know, to your point. You know, did they use what the estimate that they would use. Other comments? Yeah, sorry. I'm going to let Chelsea go ahead.



Ms. Trevino: I just was wondering about, I don't know, so I'm going to ask. Just in the context of roadways, because we know Kaunalapau is the adjacent, is the main road that it connects to. I don't know that that's already what's used. I'm just wondering if with, with the development, and then of course having that area or maybe the trucks are already stored out there in a different space, is there going to be an impact on the road itself in that little intersection going into Miki Basin? I'm just curious because that was one of my other concerns was possibly traffic, but more so just the condition of the road. With this, more use, if there is more use. Like I said, I'm not sure what it compares to now or what's going on now as what it will be as it becomes developed and used more. I don't know if they can answer that.

Ms. Preza: Thank you. I'll get back to the applicant to respond.

Dr. Dancil: Thank you, Commissioner Trevino. I'm going to introduce Stan Allen, who's our director of development and construction. He can address that, and it was also written. He can point to the place where it is written in the staff report or in our application, but Stan will answer.

Mr. Stan Allen: So essentially the incremental addition to the vehicle usages amounts to two vehicles over, two vehicles per like two hour roundtrip period over an eight hour day equates to 20 vehicles per day. That is the net add.

Ms. Kaye: Can I ask a follow up question then please to you? The Exhibit 19 and 20 of the Planning Department's report has your response to the Department of Transportation that the project anticipates, quote, added vehicular load of 118 vehicles per day. Is that not part – is that inaccurate?

Dr. Dancil: Go ahead.

Mr. Allen: That, that is a correct calculation, but that out of the, from the 20. So 98 vehicles are existing, from existing operations from elsewhere on the island.

Ms. Kaye: Any of those, I think there was some mention of 67 would be heavy duty vehicles of the 118?

Mr. Allen: Correct. You don't have the actual . . . (inaudible) . . . Out of the six, seven will be heavy vehicles. Those are the haul trucks, the mixer trucks. The balance of that calculation are our personal vehicles that are being parking at this site.

Ms. Preza: Thank you. Does that answer your folks' questions? Their follow ups? Okay. Any other questions or comments, concerns? Do you folks feel prepared to make a decision on this tonight? Or would you folks like a quick break to, to think about it and then we can return to our discussion? We've been at this for almost an hour and a half, so. I don't see an

objection. So why don't we take a quick five minute or six minute break till 6:30? And then we'll return to finish up our discussion on this? Sounds good? Thank you, folks.

*(The Lanai Planning Commission recessed at 6:25 p.m., and reconvened at 6:30 p.m.)*

Ms. Preza: Great. We'll just wait for Chelsea and Sally, I think. Okay, great. We have --. I think we need five for --. I'm sorry, Stephanie said we need five for quorum on video, right, to be, to proceed with our virtual?

Ms. Chen: Correct. Yeah, at all times, Shelly, at least five.

Ms. Preza: Okay. Sounds good. Thank you. That's -- it's good that you remind us or else, you know, as we switch to these, to address these new laws. Okay. Great. I do think we have video quorum now, so. Okay, returning to our discussion. How are --? I don't know if five minutes helped to --. Do you folks have any other questions or comments about this? As you folks are thinking about it, I don't know, Kurt, if you want to kind of re-share what the options we have before us are, would you would you be willing to?

Mr. Wollenhaupt: Oh, good evening. Well, the options today are in the staff report and those would be right before the recommendation. And those would be you could defer action to another meeting date in case you need additional information or clarification that would assist in your deliberation on this evening's request. You can approve with no conditions, although I don't think that would be the case. You can approve with conditions that we have stated in the staff report, which were the nine conditions with the State Historic Preservation Division condition modified. And then should the members wish to make a motion to add conditions I believe there was discussion regarding, one was the applicant shall use reclaimed water to the extent practicable. Another would be somewhat that the applicant shall provide to the Commission quarterly water usage reports for the project site indicating whether such water is potable, brackish or R1, and indicating the source of said water. Those were two conditions that were up for consideration, but of course, there has not been any debate regarding that. Um, and then the third condition, the third opportunity would be that the Commission could actually take an action to deny that request this evening. So those are opportunities for this evening's action.

Ms. Preza: Thank you, Kurt. So Commissioners, how do you feel based on the options we have before us, and you know, we if we do choose to go towards approval, you know, Kurt did kind of reiterate what we had talked about in terms of potential conditions. What do you folks think? There is also the option to defer if you folks have questions you think we need additional information on. Oh, sorry, Sherry, did you raise your hand?

Ms. Menze: I, I think we should go ahead with Sally's conditions and Zane's conditions. I mean, if that's what you think, Sally and Zane.

Ms. Preza: Thank you. Sherry.

Mr. J. de la Cruz: This is John. I agree with Sherry. I think we go ahead with the conditions that were mentioned by Sally and Zane.

Ms. Preza: Okay. So would someone like to make a motion formally?

Mr. Z. de la Cruz: Before we go into that?

Ms. Preza: Sure.

Mr. Z. de la Cruz: Are we going to discuss the recommendations for the nine other conditions?

Ms. Preza: Ah, well, we've all read them prior. So if there's something in particular you wanted to discuss?

Mr. Z. de la Cruz: Well, just from what it sounded like what Kurt was saying is that we would need to approve with condition of these nine things, right?

Ms. Preza: No, I think he was saying there was a slight modification to one of --. Sorry Kurt, I'll let you. I'll let you speak on that.

Mr. Wollenhaupt: Oh, well, I think, I think --. Well, there's Corporation Counsel. But if you were, there would be a motion to make a new, an additional condition, and then that motion would be seconded. And then there would be debate and you could vote on whether or not you wish to add that condition to this project. And then once all of the, once the conditions were all added, either accepted or not, then there would be a main motion to accept the project with the all the conditions which it now would be 11 conditions. So, um, you know, there'd be a motion and then conditions, then debate, and then we would have a final motion as to whether or not you would accept or deny the project, and so --

Ms. Preza: Thank you. Sorry to your point, Zane, I think, yes, we would, we'd be voting to if we recommend approval with those existing nine recommendations that the County proposed. Sorry, I didn't, I don't quite understand when you first asked. And sorry, Stephanie, since you're on, I, I mean, in the past we have, we didn't necessarily go like condition by condition. Sometimes we just someone would move to add two conditions together and then we do that. Or in other times, I feel like we've even like recommended approval with conditions like that as stated. But I don't know, what is your recommendation for tonight?

Ms. Chen: I think that's fine. The method Kurt proposed is fine as well. If you want to do it all in one fell swoop, Kurt could restate the option for the nine conditions with the one change to condition number nine to include the information from the SHPD letter, including the phone number. And then the two conditions that the Commission was discussing. It sounds like there's support for that. So if somebody -- Kurt could, could restate those and somebody could make a motion to approve with the 11 conditions as read by, by Kurt. That would be

one option. And then you would need a second. And then, of course, if there's discussion. And then I would recommend you to the new Sunshine Law rules or new Sunshine Law requirements that the vote be taken by roll call or by consensus. If there's consensus, that's okay. But if there's any objections . . . (inaudible) . . . yeah.

Ms. Preza: Consensus would be like if everybody raises their hand and it's unanimous, right?

Ms. Chen: Correct. Yes, if there's no objection.

Ms. Preza: Okay. Thank you. So, if that sounds okay with Commissioners, is it okay if we ask Kurt to kind of re-read what he just said? Or not everything he said, but the adjustment to number nine, and then ten, proposed ten and 11. Sorry, Kurt, if you wouldn't mind.

Mr. Wollenhaupt: Okay, well, there's a recommendation of the Department would be to the Lanai Planning Commission to approve subject to the nine conditions. Therefore, that would be valid until March 31st, 2027. And any extension would have to come to the Lanai Planning Commission, not just the Director, but the Lanai Planning Commission.

Also, the construction would have to be initiated by March 31 of 2023. The other conditions are relatively straightforward. There would be a deletion of condition nine with a replacement indicating, in the unlikely event that subsurface historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, native sand deposits or sinkholes are identified during the demolition and reconstruction work, cease work in the immediate vicinity of the find, protect the find from additional disturbance, and contact the State Historic Preservation Division at eight, oh, eight, six, five, two, one, five, one, zero.

There would then be a condition number ten. That would be stated that the applicant shall use R1 water if available and practicable. There would then be condition number 11 that the applicant shall provide the Commission with quarterly water usage reports for the project site, indicating whether such water is potable, brackish or R1, and indicating the source of said water. That would be the now 11 conditions for the consideration.

Ms. Preza: Thank you, Kurt.

Ms. Kaye: I'm sorry, I would like to say that's not quite what I was suggesting. The quarterly water use reporting yes, and how much, whether – broken into how much of it was brackish, potable or R1. Not, not, just, yeah.

Mr. Wollenhaupt: So we'll try this again. The applicant shall provide quarterly water usage reports indicating the quantities of potable, brackish and or R1 use and the source of the water. How are we doing?

Mr. Hart: Chair?

Mr. Wollenhaupt: Are we getting closer?

Ms. Preza: Sorry Jordan, did you --

Mr. Hart: Yeah. I, I, I apologize if I'm missing, if this is already included. But it seemed like the desire was for the non-potable water to be used. And the reporting had a facet in that. So perhaps the report should make a comment about the availability of non-potable water, as well as the usage.

Ms. Preza: I'm sorry, are you talking about the avail, availability of specifically R1 water or just any?

Mr. Hart: Yeah. Well, I believe that had been discussed as, as something that may or may not be available for use. So if there is a desire for non-potable water sources should there be some sort of statement about the availability if there is another condition that it will be used if available and practicable?

Ms. Preza: So you're thinking of maybe we add that into number 11? Is that -- I'm sorry -- is that what you're suggesting?

Mr. Hart: Right. On the condition of reporting, if, if the position is supposed to be that, that the non-potable water may not be available, then it would seem like the report, the, the water report would make some sort of statement about the availability.

Ms. Preza: Okay. Yeah. Does that seem okay with everyone? I think that seems appropriate.

Mr. Wollenhaupt: Or do we have some specific language here? We need to, we need to get this down correctly so that there's no confusion.

Mr. Hart: Kurt, I can, I can, I can do it. Can you, can you, uhm --

Mr. Wollenhaupt: If the applicant shall provide quarterly water usage reports including quantities of potable, brackish and R1 used and source of the water. In addition, the applicant shall provide a report on to the availability of X-water.

Mr. Hart: Kurt, can you -- I'm sorry -- could you repeat the, the condition regarding the use of, of non-potable water, if available or practicable?

Mr. Wollenhaupt: Well, that condition would be that the applicant shall use R1 water if available and practicable. That's condition 10.

Mr. Hart: Okay. So, so, so then, then the, I would, I would say that the, the reporting condition should include a statement by the applicant on the availability and practicability of use of R1 water for the project site.

Ms. Preza: Thank you, Jordan.

Mr. J. de la Cruz: But that addresses the R1 water. On Condition 11, the quality report you would include all types of water. Is that correct?

Ms. Preza: Right. But I think he was just trying to say, like, give them away to address like if, if R1 is not used, if it was not practicable, then they can make a statement about its availability. Is that correct, Jordan?

Mr. Hart: Ah, Chair, yes. I mean, for the applicant to make a statement about it, but also for the Commission to determine whether or not it's available or practicable for access.

Ms. Preza: Okay. Yes, Zane?

Mr. Z. de la Cruz: I'm just -- I appreciate the suggestion that Jordan has made. Like I really like that idea. And it kind of gives us, as you know, the Commission, an idea of whether it is not available and not practical, practicable, or if it's available as in like right now, I think, they're saying that there is some water that's being put into the infiltration ponds and therefore it's not being used. But because there isn't any infrastructure down there, it can't be used. And so that might give us an idea of like how much R1 water is available versus how much, or versus if the infrastructure is there for us to use it. And that could help us inform or help inform decisions that we make later on.

Ms. Preza: Thanks, Zane.

Ms. Chen: And Chair, I could put it in the chat. Kurt, can you repeat the first part of what you said and then I'll massage the language a little bit for your consideration, Commissioners.

Mr. Wollenhaupt: Well, if we're on number 10 now.

Ms. Chen: Oh, sorry, we're not on number 11?

Mr. Wollenhaupt: Oh, we're going to 11. We're on number 11. The applicant shall, the applicant shall provide the Commission with quarterly water usage reports for the project site indicating the quantities of potable, brackish and, or R1 water used, and the source of said water.

Ms. Chen: Okay, so that, we could just say that and comment as well as R1 water use practicability.

Ms. Preza: I'm sorry, Jordan, I see you.

Mr. Hart: Chair?

Ms. Kaye: I think he was --. Jordan was suggesting the availability.

Mr. Hart: Yeah. There are two statements. One statement from the applicant in those quarterly reports regarding --. Obviously, if they're using the R1 water then it's, you know, it makes it easier. But if their position is that they aren't able to use it, they should make it a statement on its availability and its practicability for the Commission's awareness to determine whether or not there's compliance with the prior conditional use.

Ms. Chen: So Jordan, do you think that language doesn't capture that as well as R1 water use practicability?

Mr. Hart: Right, because, because there was two factors. One, one is availability, and the one is practical, practicability of using it at the site.

Ms. Chen: Okay. See, I don't think we necessarily --. Well, it's not wrong to include both, but I don't think that you necessarily need to include both because if it's not available, it's not practicable. It's not wrong to include both, but like to do so.

Mr. Hart: Counsel, the only thing that I would say is that it would not be clear. Just saying something is not practicable, you know, there may, there may be a desire for a little bit more clarity on what facet of not practicable are we talking about.

Ms. Preza: And based on --

Ms. Chen: Okay, I'll reword this then.

Ms. Preza: Thank you, Stephanie. I think based on the discussions that I've heard, we would like both in, even if --

Ms. Chen: Okay.

Ms. Preza: Yeah, I see a couple nods.

Mr. Wollenhaupt: So are we going back to -- condition 10 then is going to be applicant shall use R1 water if available and practicable, and shall provide a statement on the available and practicability of R1 water on site in the quarterly report.

Ms. Preza: Sorry, I, sorry I think we went back and forth a couple of times. It sounded like the condition 10 would just be stopped after like would be used where, when available and practicable. And then they were -- the suggestion was tacking on what Stephanie kind of suggested to 11. Is that correct?

Ms. Chen: Yes. And I put condition 10, the revised condition 10 in the chart so everyone could see it. And then I'm working on condition 11 just so we can all be on the same page and make sure . . . (inaudible) . . .

Ms. Preza: Thank you, Stephanie. Well, sorry, while that's being written and in some ways, the virtual platform is good because we're able to kind of read certain things that wouldn't necessarily be possible in a physical meeting. But are there other comments while we wait for her proposal for 11? Yes, go ahead, Zane.

Mr. Z. de la Cruz: I'm not sure, like --. So for --. I'm not sure, like, like socratic of a discussion this can be. I'm just not entirely familiar with how these meetings run, so correct me if I'm going out of bounds here or not. Um, I guess kind of to the point that other people were making earlier about the 2,000 gallons a day for dust control, that seems pretty small to me. I'm just kind of like, I want to bounce this off the other Commissioners. Because I think like a standard water truck, like, the one that we usually see around on the construction sites, I think those are like 4,000 gallon tanks. I'm just, you know, I don't even know what I'm trying to get out here, but like that --. Like, are they just using it for the road controls in the area or are they spraying down the crushed material? Does anyone have an idea how that works?

Ms. Preza: Yes, Jordan.

Mr. Hart: Does the applicant have a licensed civil engineer present?

Dr. Dancil: We don't have our civil engineer present, but we have our director of operation who runs it and we -- the question and Zane is absolutely right. We did comment about this earlier. It is 2,000 gallons per day for and this is that incremental use. As I mentioned, we already are using right now because we do operate already and we are allowed to operate and we do use water today, we use thirty five --

Mr. Allen: Hundred. Thirty-five hundred.

Dr. Dancil: Thirty-five hundred. So it's, it's in the table. And so the 2,000 is the incremental for the subject application. That's what it is.

Ms. Menze: So the 2,000 would be in addition to the 350? So you'd be using five, 550?

Dr. Dancil: Yes. But we already today use. So it's part of the used today. So when we report to CWRM, if you look at CWRM's report on the pumpage it's already used today.

Ms. Menze: Okay. Well that makes more sense then and then the future that project would be using 5,500 gallons a day. When you add --. What's existing now and then what, what the 2,000 that you're going to add to it. It would make a little more sense because 2,000 doesn't seem like very much water at all.



Dr. Dancil: Correct. That is a correct statement. Thank you.

Ms. Menze: Thank you.

Ms. Preza: Stephanie, I saw you put in the chat condition 11. Sorry. Did we say that the end would say, as well as R1 water availability and practicability?

Ms. Chen: And it would probably have to say and use practicability.

Ms. Preza: Mm-Hmm.

Ms. Chen: But I think that the applicant proposed, I think their language that Kurt originally had originally stated and that's fine on my end. And if you want to add, if you want to add R1 water availability and use practicability, or do you just want to stick with the availability?

Ms. Preza: I think availability and use practicability is what I'm hearing from our discussion, if that's okay. Sorry, so just so we can kind of move along here. So right now, as it stands, our condition 10 would be the applicant shall use R1 water if available and practicable and --. Oh sorry, Jordan, what you just added, where are you proposing that?

Ms. Chen: Oh yeah, that's good, Jordan.

Mr. Hart: That would be -- that was the proposed add on to number 11.

Ms. Preza: To number 11. So it should, it would read the applicant shall provide the Commission with quarterly water usage reports for the project site including quantities of potable, brackish and or R1 water use, and the source of said water. And that the applicant will include a statement on the availability of R1 water and practicability for use at the project site.

Ms. Chen: Yeah, that's good.

Ms. Preza: Okay, thank you. Commissioners, I think, has that captured our discussion? If so, perhaps someone would like to put a motion forward?

Ms. Kaye: I would move that the Commission approve the subject Special Use Permit application and with the conditions proposed by the Planning Department including the change to condition number nine, and the addition of condition 10 and condition 11, as stated by Jordan. Thank you, Jordan and Stephanie. Thank you, Stephanie.

Ms. Preza: Thank you. Would anyone like to second that?

Ms. Trevino: I second.

Ms. Preza: Thank you. Chelsea seconds. Is there any further discussion on this? If not, then well, we can just do a roll call since we're . . . (inaudible) . . . So when I call on you, please let me know how you vote. Sally Kaye?

Ms. Kaye: Yes.

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

Mr. J. de la Cruz: Yes.

Ms. Preza: Chelsea Trevino?

Ms. Trevino: Yes.

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

Mr. Z. de la Cruz: Yes.

Ms. Preza: Sherry Menze?

Ms. Menze: Yes.

**It was moved by Ms. Sally Kaye, seconded by Ms. Chelsea Trevino, then unanimously**

**VOTED: To approve the Department's recommendations with the amendments and the additions, as discussed.**

*(Assenting: J. de la Cruz, Z. de la Cruz, S. Kaye, S. Menze, S. Preza, C. Trevino)*

*(Excused: E. Grove, N. Ropa, S. Samonte)*

Ms. Preza: Thank you. And I also vote yes, so that passes unanimously with six votes. Thank you all so much. And thank you to the applicant and to Kurt, Stephanie and Jordan for your insights and helping us kind of move our discussion along and for clarification.

#### **D. COMMUNICATIONS**

- 1. CHRISTINE FEINHOLZ, GISP of PACIFIC CARTOGRAPHY, and JORDAN E. HART, DEPUTY DIRECTOR on behalf of the DEPARTMENT OF PLANNING presenting information and progress in establishing a methodology and process for the MAUI COUNTY IMPORTANT AGRICULTURAL LANDS STUDY which will identify and map parcels which may be eligible for designation as Important Agricultural Lands on the Island of Lanai.**

**The Commission may provide comments on the methodology and process being established.**

**Public testimony will be taken on this item.**

**Link to the Project Website:** <https://pacificcartography.mysocialpinpoint.com/maui-ial-mapping-project>

Ms. Preza: Great. So we'll move on to the next item on the agenda, which is D.1. which I believe this is Jordan presenting on this or sharing about it.

Mr. Hart: Chair, thank you very much. Jordan Hart on behalf of the Department. I'd like to just do an opening statement on this project and then I'll turn it over to on Anders Lyons. So Chair, I'm Jordan Hart, Deputy Director of Planning. I'm joined today by our lead consultant, Christine Feinholz of the Pacific Cartography, and our project outreach lead Anders Lyons of Kapalaea Consultants. I also want to thank the Director for her support and the Department's internal project contributors Kathleen Aoki, Peter Graves, Jared Burkett, and Paul Critchlow for all of their hard work, providing their input and review to help shape our progress to date.

This evening, we are pleased to present the Department's initial progress in the process of identifying and mapping parcels that may be eligible for designation as important agricultural lands, beginning with the eligibility framework, as well as the application of that framework to the island of Lanai. This initial presentation is the first step and was anticipated to be a long, intensive process. Last week, this presentation of a countywide framework and application to the island of Maui were shared with the Maui Planning Commission and the Hana Advisory Committee. The framework and its application to the island of Molokai were also presented to the Molokai Planning Commission. Our goal this evening is to introduce the project and concepts to the public and to the Commission to announce the activation of the project website, which contains an interactive GIS map, project survey, commentator's chat room, as well as the draft reports on the county wide technical study, as well as the island reports for Maui Molokai, and Lanai. We encourage the public to visit the project site, project website, which can be accessed via the Planning Department's home page under the heading of Hot Topics, and review and provide comment on the draft materials, which will be available for 45-days from tonight's meeting, ending on April 30th, 2022. With that, I'd like to introduce on Anders Lyons to conduct our presentation.

Mr. Anders Lyons: Thank you, Jordan. Let me just get my screen sharing here. Are you seeing the full screen?

Mr. Hart: Yes.

Mr. Lyons: Okay. Thank you. Good evening, Commissioners. This presentation is intended to provide an overview of the first of a three phase process for designating important agricultural lands on the island of Lanai. Important agricultural lands in this presentation will also be referred to as IAL. Before we begin, I want to note that Christine Feinholz of Pacific

Cartography, with feedback from Jordan Hart, Deputy Director of the Maui Planning Department, has designed the tools in this process, researched existing data related to agricultural lands on Lanai, solicited and incorporated feedback from governmental agencies regarding the process, and developed the draft IAL reports that are now available for review online.

I am Anders Lyons of Kapalaea Consultants, LLC, and under guidance of Christine and Jordan, I am responsible for public engagement of this first phase of the IAL designation process. To date, there has been an internal Maui County and related governmental constituency based consultation. This presentation marks the movement of the process into a public engagement period. What follows in this presentation is a review of the work to date, as well as moving the process forward from here. In our initial public roll out of this process we are making this presentation to you and to the other two Maui County Planning Commissions. In addition, we are also presenting to the Hana Community Advisory Group. To help you follow along with this presentation, a brief statement is included at the top of most slides to give you a quick overview of that slides content. If you read nothing else, please read that statement. The need to designate IAL is enshrined in our State Constitution and was initiated by the Hawaii State Legislature. The purpose of this designation is to identify and protect agricultural lands that are important to food sustainability and to promote those lands for agricultural uses. The Legislature has tasked each County to identify lands in their jurisdiction for designation. In Maui County, it is the County Council that has the final authority under the legislation to designate and adopt important agricultural lands in the County. A concurring approval by the State Land Use Commission is also necessary for adoption. Long before the Maui County Council votes on lands for inclusion, the process is designed to identify potential lands for designation through objective and subjective analysis, involves significant community engagement, and the development of incentives to encourage landowner participation.

Phase two -- we are currently in phase one. This is a three phase process. Phase one consists of using currently available data to identify and map lands in Maui County to be considered for IAL designation. Of the three phase process, only phase one, the current phase, has been funded and executed. Phase two, when funded, will develop incentives for landowners to designate their lands as important agricultural lands. This phase will involve a great deal of both governmental agency and community member feedback. And phase three, when funded, will take the parcel scores developed in phase one and apply community values through extensive community engagement to recommend specific parcels to the County Council for designation as important agricultural lands. Again, we are currently in phase one, which seeks to identify and map parcels that may be eligible for designation.

The State Legislature identified eight potential criteria by which to evaluate parcels for suitability for designation as important agricultural lands. However, the criteria used to evaluate suitability and ultimately, ultimately to designate IAL will be determined by each County. Criteria can include some or all of the Legislature suggested criteria, or each County can add to, modify, or discard criteria as determined by the process in each County.

Here are the eight criteria in abbreviated format. One, currently used for agriculture. Two, soil suitability. Three, lands previously identified by the state. Four, traditional Hawaiian and other unique agricultural lands. Five, sufficient quantities of water to support viable agricultural. Six, consistent with the General Plan. Seven, consistent, consisting of a critical land mass. And eight, with or near existing conducive infrastructure. Here is the full language used by the Legislature, and I hope you bear with me as I read them for you.

One, land currently used for agricultural production. Two, land with soil qualities and growing conditions that support agricultural production of food, fiber, or fuel and energy producing crops. Three, land identified under Agricultural Produce Selectivity Rating systems, such as the agricultural lands of important, important to the State of Hawaii or ALISH system adopted by the Board of Agriculture on January 28, 1977. Four, land types associated with traditional Native Hawaiian agricultural uses such as taro cultivation or unique agricultural crops and uses such as coffee, vineyards, aquaculture and energy production. Five, land with sufficient quantities of water to support viable agricultural production. Six, land whose designation as important agricultural lands is consistent with general, development, and community plans of the County. Seven, land that contributes to maintaining a critical landmass important to agricultural operations, operating productivity. And eight, land with or near support infrastructure conducive to agricultural productivity, such as transportation to markets, water or power.

To give you a high level view of the entire first phase, here it is broken into a flow chart. Data, data analysis include identifying existing data, analyzing the data, identifying IAL eligible lands, and developing a scorecard for each parcel. Report development consisted of development of a draft countywide technical report, and development of draft islands specific report. And project, and the project review framework involves the solicitation and receipt of feedback through the development of a project website, and the development of an interactive map.

This synthesis of the data analysis, report development and project review framework resulted in the first draft report. These reports were reviewed by the County Planning Department and their feedback was incorporated into draft two reports. The draft two reports were circulated to other governmental agencies with expertise in agriculture and agricultural lands. These agencies included the State of Hawaii Department of Agriculture, the State of Hawaii Department of Land and Natural Resources, the Commission on Water Resources or CWRM, the County of Maui Department of Water Supply, the Department of Tropical Plants and Soil Sciences, the U.S. Department of Agriculture Natural Resources and Soil Conservation, or USDA and RCS, and the State of Hawaii Office of Planning. Feedback from these agencies through the interactive maps, a Zoom discussion and follow up emails was incorporated into the third draft. That third draft is available for review and comment on the project website.

This project overview is the first of two times we will present to the Planning Commissions. Primarily, this first presentation is an opportunity for the Commission to understand the

process in this phase, phase one. It is also an opportunity for Commissioners to access the third draft report after meeting to -- after the meeting to become more familiar with the maps and submit comments on methodology, analysis and identification of lands for inclusion in IAL. Indeed, anyone can access the interactive tool component at this time. Details on accessing the tool and reports will be given at the end of this presentation.

The next step is to incorporate any additional information we receive in the next six weeks into a final report. That final report will be presented to this Commission for review and comment. From there, the designation process will roll into phase two, identifying landowner incentives for participation, for participating in IAL designations when funded. At the start of this current process, specific cartography with feedback from the Maui County Planning Department narrowed in on the criteria found here to take the first pass of identifying lands for further analysis. The following criteria were applied to create the first map of IAL of eligible lands. Included were private and some specific types of State and County lands that are zoned agriculture, parcels not in a protected status or zone urban, and parcels greater than one quarter acre. Excluded were federal lands, lands with a protected designation or other incompatible zoning designation, and parcels under one quarter acre. Note that in most instances the State of Hawaii Department of Agriculture is responsible for identifying and designating governmental lands.

Phase one is meant to be an objective filtering of data related to parcels that could be potentially included in an eventual IAL designation. But there are some limitations to the availability, compatibility and age of the data. For example, not all data was collected or stored in the same scale. And some data sets were as old as 40 years old. There were also some problems with the metadata or data that describes other data. For example, the agricultural land use maps have incomplete information about how the data were collected and updated. While phase one is meant to be as objective as possible, more subjective criteria and weighting, weighting of criteria will happen in phase three. This is when the community will be heavily engaged. Phase two and three are not yet funded. The greatest score or value for each parcel of land, it was first filtered through the criterion in slide eight. For example, Ag zoned, not federal land and greater than one quarter acre. And then applied against existing data on things like pre and post contact agricultural lands, soil evaluation, and water availability. This analysis, analysis then will spread into an IAL parcel scorecard. An example can be seen here with the white background.

The scorecard provides a quick view of how expansive, expansive the evaluation attributes are on individual parcels. All parcels that met the initial filtering are then assigned scorecards that provide a rank combined scores from low to high values. Combined parcel scores indicate the extent to which each parcel meet each of the eight criteria. In phase three of the project, each island community will have the opportunity to decide the weight of each criteria so that the individual needs of each island are reflected in the final scores.

As described in the previous slide, the filtering of lands by the presence and extent of variables allows for the land to be ranked. On this slide, see the rankings for the island of Lanai. Purple

is the lowest ranked land, meaning only one or two criteria were met for those parcels. Yellow indicates that three or four criteria were met. Light-green indicates that five or six criteria, criteria were met. And dark-green indicates that greater than six criteria were met. Note that of the eligible land screened over 94 percent of parcels met five or more criteria on the island of Lanai.

The process continues. The Commissioners and general public are invited to visit the website to further familiarize themselves with the lands and their rankings. And you can influence the process by completing a survey found at the website. Also viewing and commenting on the interactive map, and reviewing and commenting on the reports. The website interactive map and plans can be accessed through the Maui County Planning Department, Hot Topics website, or directly through the URL at the top of the slide. Christine's contact information is also listed here. This concludes our presentation on the process and initial analysis of important agricultural lands for the island of Lanai. Here with us are Christine Feinholz of Pacific Cartography, and Jordan Hart from the Maui County Department of Planning to answer your questions.

Ms. Preza: Thank you for the presentation. Commissioners, before we go in to questions, I'm going to open up public testimony. Leilani, has anyone signed up to testify on this item?

Ms. Ramoran-Quemado: Thank you, Chair, and no one signed up to testify.

Ms. Preza: Okay. Is there anyone present who would like to testify at this time, either via BlueJeans or via phone? If not then we'll close public testimony. And Commissioners, if you have questions or comments about this, feel free to unmute. Zane, go ahead.

Mr. Z. de la Cruz: Yeah, I was just curious if you know the -- I believe it's the 12 criteria, are those weighted in any way or are they all given equal merit?

Ms. Christine Feinholz: Hi Zane, thank you for your comment and your question. The scores only represent the degree to which each variable exists within each parcel. So I don't know if Anders can go back to the slide that shows how we scored things. If the variable was not present in a parcel, it was given a score of zero. If it was more than zero, but less than 50 percent present in the parcel, it was given a score of one. If it was greater than 50 percent in a parcel, it was given a score of two. So it is weighted, but it's subjective and it's, it's just meant to show the degree to which each parcel fulfills the existence of that variable within it.

Ms. Preza: I had a question. Sorry, Zane, did that answer your question? Okay, sorry Zane, did that answer your question?

Mr. Z. de la Cruz: Yes. Sorry, I was on mute.

Ms. Preza: No, no. You folks mentioned 12 variables, but were there only eight on the side? I guess, can you confirm what the --? I see eight criteria on the Exec Summary and on that slide show. But you folks say there were 12?

Ms. Feinholz: That's correct. There's, there's actually 12 data sets that we've identified, identified. So some variables, we found more than one data set that was relevant to that variable.

Ms. Preza: Okay. So they're not necessarily tied to the eight criteria that are outlined in the . . . (inaudible) . . .

Ms. Feinholz: They are, they are, but some, we found multiple data sets that addressed a single variable in some cases.

Ms. Preza: Hmm. So I guess I'm curious, since 94 percent of what was designated on the Lanai fulfilled seven to 12 of the data sets. Can you just share like what were the common -- ? Because I think -- sorry, that was a great presentation, but I guess it was not very, like, Lanai specific. Could you just fill us in about kind of what determines Lanai and those particular parcels to be, you know, highly eligible or, you know, dark green?

Ms. Feinholz: Uhm, well, on one of the slides, you probably noticed the agricultural lands of importance to the State of Hawaii that was developed in 1977. It shows all of central Lanai in pineapple cultivation. And so because that was the legislated data set that we were, that we were supposed to use for this analysis, that would be one of the examples where you can see the coverage is pretty much complete within our parcel analysis. We also used soil conservation data and agricultural land use maps. I don't have it in front of me right now. I do believe that on Lanai they were on the lower end of the threshold because the traditional Hawaiian data set unfortunately does not cover the island of Lanai. But I'd be happy to provide you with the list, if you would like of exactly how those datasets panned out. There's only 11 parcels identified on Lanai. And so that's something we can do pretty easily.

Ms. Preza: Thank you. Yeah, I'm just curious about how, how, how 94 percent, you know, fulfilled the seven to 12 kind of data set things that you folks put together. So thank you. I'm sorry, Jordan, just to clarify, we're here just to provide like commentary and, and --? Is that what we're doing tonight? Any --?

Mr. Hart: Yeah. So, so there's the, there's the countywide technical study. And so we're soliciting comments on the adequacy and appropriateness of that. And then there is the, the application of that, that grading system to the island of Lanai. And so, you know, we're, we're requesting comment on that report. And then this is a countywide study so we're certainly, you know, not limiting the Lanai Planning Commission. There are two other island studies. But, but, basically, yeah, we're, we're using the Planning Commission as a venue to let the community come and speak on the item if they're interested to do so. We're trying to solicit your comments on the method of grading and how it's been applied to Lanai so far. I do want



to point out, I think this may have been touched on a little bit, but you know, we are looking for input on whether or not the waiting for Lanai is appropriate and whether or not there may be other factors that we didn't consider that should be factored in. So the whole, the whole process to date is what we're seeking input on. We, we did the, you know, there was initial strategizing of how the project should be put together and initial draft by the consultant and reviewed by the Department, and back and forth. And then there was an agency comment and response period. And then now we're, we're presenting it to the general public and just trying to get direction.

Something else I want to talk about is that it is a three phase project. I, I, it was briefly touched on a couple of times, but what we're trying to do in phase one is, is identify a, a grading system to kind of establish which parcel should be discussed as potentially eligible. And then the next phase would be discussion, outreach, and discussion about what appropriate incentives should be for parcels that are designated. And ideally that those incentives are legislated and basically created as ordinances on the County level, and potentially the State Land Use Commission. Or, not that, the State Legislature would like to also add eight additional. And then the third phase would be to refine the grading system further and then ultimately recommend to the Maui County Council in a final report which parcels should be designated. And the Council would make a final referral of their proposed designation to the State Land Use Commission, and the State Land Use Commission will be the final body.

One thing I didn't say about phase three is that that would also include a robust community engagement process on all three islands. But this initial phase that we're doing is just to say basically say . . . (inaudible) . . . to this legislation and directs the County to designate important agricultural lands. We're putting together a system to identify which parcels should participate in that conversation going forward. And here is the system that we put together in order to identify them and here they are. And obviously, there's associated reports that that include language that describes that process and so on, but essentially, that's what we're doing. We're trying to make sure people know and get feedback on how we've done so far in order to make adjustments for future steps.

Ms. Preza: Thank you. Yes, Christine.

Ms. Feinholz: Thank you. If it's okay I'd like to just share a screen that outlines the data that we used. Is that okay?

Ms. Preza: Yes, that'd be great. Thank you. Specifically for Lanai, right?

Ms. Feinholz: Well, let's just say upfront that this was a County wide analysis, and therefore we, we did only use County level data. We did not get into local level data because it was meant to be a cohesive screening process at the County level. In phase three, individual islands and communities will have the opportunity to speak directly to their jurisdiction at the island level, if that makes sense.

Ms. Preza: Sure, thanks.

Ms. Feinholz: Okay, let's see if I can share this. How do we share screen? Can you see it?

Ms. Preza: It's pretty blurry for me. I'm not sure if others can read it.

Ms. Feinholz: Let me see if I can zoom in a bit. Does that help? Okay, so we, we reviewed many data sets. Some we decided were redundant or some didn't quite give the information that we needed. And so on the left hand side are the standards. And then on the third column are the data sources that we analyzed for inclusion. And whatever you see in red in the individual IAL scores means that those data were used in the final scoring. So we had the 2015 Agriculture Baseline Study, the Maui County Agricultural Land Use Maps, you know, a high resolution land cover data, the soil survey geographic database addressed item two. ALISH was specifically called out in item three, land under, land identified under ALISH productivity rating systems. And number four we had land types associated with traditional Native Hawaiian agriculture and unfortunately, the island of Lanai was not included in that study. And then let's see. Page 10. Here we go.

And so land was sufficient quantities of water. That was one of our trickier ones. There wasn't a County level data set regarding water. And as I understood from CWRM if we were to use the meter data, which was only available regionally in certain areas, that the meter location did not necessarily mean that's the parcel where the water was being used. So we weren't able to use that data. And so what I did is I reviewed all the water use development plans and the aquifer system outlooks, whether they were going to have sufficient water supply based on demand out to 2030. And so for the aquifers systems that were forecasted to not be able to meet future demand, and if that parcel was located in an arid or very dry area that was just marked for further review. And so that wasn't really included in the scoring right now. That will become more evident in phase three where people can review the water issue because the water issue is really sensitive on all three of the islands.

Land number, item number six was consistent with the General Plan. And we used the General Plan urban boundaries for that. Maintaining a critical land mass was difficult because that is -- it was a very subjectively written statement. And so we, we were, we identified parcels that were in isolation of other parcels, and those parcels were marked for extra review in phase three. And let's see, I think there's just a couple of more.

The support infrastructure, all the data were reviewed and assessed for relevance. And it was determined that at this point in the phase, we would consider that all parcels have some type of road access. And the distance to the market is under 30 miles for all of, all of the parcels. We did look at climate change a little bit. It's not included in the final score, but that information is available on the database if in phase three that comes up.

Ms. Preza: Thank you. And I guess I am very curious to see kind of what specifically applied to Lanai, like, maybe obviously not in this meeting if you folks don't have that, but in future,

like I guess when you folks are preparing to come to the community or like, do more of that outreach. Just because I think some of those data sets, I mean, like you said, the Hawaiian traditional uses like that didn't even apply to Lanai. And you know, I think some of these, like, to look at Maui County as a whole rather than us each individually. I feel like we might just get lumped in and things might be missed. Like, for example, like the requirement that you folks added in for, like, you know, the, the parcel to be within 30 miles of a farmer's market. On Lanai, like, our island is not even three miles long, you know, so basically everything would fulfill that. So I guess I'm just thinking out loud about, you know, what specifically might apply to Lanai, and if that's really a true indicator of what is an important agricultural land. Because I think it sounds like, you know, if you use historical data, obviously, like for 70 years, it was historically pineapple, right? But I mean, there's some issues with what that did to our island as well. So I think --. But if I feel like that is reflected in the data sets and saying like, oh, if it's been designated that again. It's still, I mean, much of our island is so designated as Ag because of that legacy, right? So sorry, I'm just sharing my, my own thoughts about, you know, like in future phases or as you folks are kind of gathering feedback, maybe thinking a little more deeply about like how it might specifically apply to Lanai and if that's really a fair, you know, judgment about if that whole area is truly, you know, important agricultural lands. But anyway, I've talked too long. Commissioners, do you folks have other comments?

Mr. Hart: Chair, could I add a little something before, before you go on? I do want to say that because we're looking at this as a, we're proposing this is a three phase project, I think that, you know, we're trying to set out a framework. It's not going to be the final framework. That's going to be refined in the phase three. I think that this is kind of -- in the function of the overall project, I think it's more of a process of, of determining which parcels should be excluded from proceeding further in the conversation.

And then the other thing I want to say is that this really is a lot of information. And, you know, we understand that. And so I've proposed to do second visits to all the other Commissions and the, the Hana -- the two other Commissions and the Hana Advisory Committee. And I'd like to offer that I'd come back next meeting. Because obviously, you know, the material was sent out, but it's significant and this conversation will probably spur other ideas and thoughts. And so I don't think that there needs to be a rush to feel like you catch everything tonight, but that you just start the conversation and we try to develop it and finalize it in the next meeting.

Ms. Preza: Thank you, Jordan.

Mr. Hart: And I apologize. One final thing on that subject is that the public comment period goes until April 30<sup>th</sup>. And as usual, Commissioners are able to participate in the comment that will come out of the Commission as a body, but can also provide independent personnel comment into the project.

Ms. Preza: Thank you. That's great. Other Commissioners, do you folks have thoughts or questions or --? And we I just want to say we appreciate the opportunity to, you know, as this,

as a community forum to kind of gather feedback. So thank you, folks for thinking of, you know, bringing this to us. Other Commissioners questions?

Ms. Kaye: Yes. Yes, I'll be brief. I have one question and two comments. Jordan, first of all, did I hear -- I hope I did not -- that phase two and phase three are not funded. That's just yes or no.

Mr. Hart: That is true.

Ms. Kaye: Oh boy. Okay. And then I just wanted to comment. I'm sorry, it's an occupational hazard. On page 24 and 26, deficit is spelled wrong. And on page four, this material you sent us described Sensei Lanai at Manele, which is not accurate.

Ms. Feinholz: Please say that again. I'm sorry I was writing.

Ms. Kaye: Okay. Which one?

Ms. Feinholz: To your final point? Thank you.

Ms. Kaye: Oh, you, you described Sensei Lanai at Manele Bay, which is not the name of the hotel. That's up in Koele.

Ms. Feinholz: Thank you.

Ms. Preza: Great. Other comments? I just had a, I mean, just kind of an overall comment about like the --. I work in culture preservation so also kind of, you know, like looking at the history of agriculture on Lanai. I think that section might need to be refined a bit more, and I'm not sure where the sources are coming from, but that might be something to look back into. Sorry that's not a comment on the data set, Jordan, but like just about the report as a whole, I think there's some things that needs to be addressed. But I mean, I don't know. I don't really feel like getting into details. But, you know, we -- I work at the Cultural Heritage Center as well so if you folks have questions, we can follow up on that if you're interested.

Mr. Hart: Chair, we can and we're, we're actually issuing requests for comment to various, various stakeholder groups. They were more agricultural focused, but we'd like to add that organization for specific comment on. I know that there is a historic context section that we'd certainly appreciate input on.

Ms. Preza: Great. Thank you. Yeah, we'll be happy to help with that. And my other comment, I was just like thinking out loud about the, I guess, other kinds of criteria for determining whether something is an important agricultural land is I, I feel like -- and sorry correct me if I'm wrong -- and I do appreciate Jordan your willingness to maybe talk about this at again in another meeting. But I wonder if there was any discussion about like incorporating some sort of score for, I guess, what the community, future community vision might want. Like, I don't

know if other Commissioners like kind of follow what I'm saying. But I guess a lot of this is based on historical data, right, about like agriculture on the Lanai, which as we know, you know, it was a huge pineapple plantation. So I guess I'm just wondering if there's any way to account for what the future of Lanai might look like. Or like, what are what residents would want it to look like if that was at all taking into account? Or is that something that I don't know. I don't know if other Commissions have brought that up or --.

Mr. Hart: Uhm.

Ms. Preza: I'm sorry I know that's a very nebulous thing.

Mr. Hart: This whole thing is very complicated, and I'm going to touch a little bit on, on Commissioner Kaye's yes or no question. If you read through the, the State Legislation, it's extremely broad and it's, it's quite significant. But it's also light on specific direction. So I already said broad. But anyway, and it directs the Counties to take these actions, and the Council funded an exercise which we're carrying out, but it certainly was not capable of doing the three steps that would be necessary to arrive at a designation. Or do some of the more nuanced things that you're describing, which are completely appropriate and probably warranted, but not something that we could even begin to entertain. The closest we can do to achieving that is to do the, the outreach process that we're doing and ask people to, to let us know. You know, there's a real complicated questions as far as, you know, what's the total quantity of land that you need? You know, like, does that relate to total population or does that relate to Lanai, or Molokai, or Maui only having sustainable food supply for themselves or sharing? What sort of agricultural practices are you doing? Are you doing what's been done in the past or what may be done in the future? Are you including cattle ranching or not? It does not incorporate aquaculture, so that's just, you know, not part of the calculation. It's just -- this is a land based study so that would just be some sort of peripheral thing occurring. So there's a lot of really complicated things that that are addressed by this overall exercise that aren't specifically --. I think that if the conversation focuses on what do we determine to be the best agricultural lands that we have, basically to identify those and discuss setting those aside that that is what the legislation describes itself as trying to achieve. But there is all kinds of different directions and questions that you can you can take the overall exercise in, and that would just be for the community and the Council Members to decide how much time and resources they want to dedicate to that.

Ms. Preza: Thanks, Jordan. Okay, Commissioners, do you folks have other questions or --? Do you folks want to have this again on the agenda to have more time to digest everything or are you --? I mean, Jordan did mention there, and I think you put it like a link about how people can comment, like for public comment, like on our own. So I don't know if that that's an option you folks want to pursue instead of having it again on our agenda or --

Mr. Hart: Chair, if I could --

Ms. Kaye: . . . (inaudible) . . .

Mr. Hart: If I could even basically just ask for a favor. Because I'm already doing two visits to the other, to the other bodies, it would kind of be nice to keep it symmetrical. And also, you know, even if the Commission doesn't want to spend a lot of time on it or it doesn't have any new comments, if at least there could be the venue to open up public testimony in case other people become aware of this in the comment period and feel the need to come out and share. At least there would have been the two opportunities.

Ms. Preza: Sure. Yeah, that sounds great. Okay. So with that, we don't take any formal action, right? We're just, this was just an opportunity to provide commentary, right Jordan?

Mr. Hart: Yeah. If you, if you wanted to either by consensus or vote on your, your comments, you could do that. But, or if you wanted to wait until the next meeting for a final, you could do that as well.

Ms. Preza: Okay. I think --. Commissioners, do you feel like maybe we wait till April and then kind of consolidate comments?

Ms. Kaye: I think Jordan recommended a second presentation, which I'm in complete agreement with, so I, I would like to see that happen.

Ms. Preza: Right. Sorry, Jordan, do you mean a second presentation or a second opportunity to just comment on? Like, are we going to see this presentation again?

Mr. Hart: I wasn't proposing to do the same presentation again. If there was, if there was specific things --. The material that we produced is, is contained within the reports that are available. So I could potentially emphasize or describe things that were done a little more. I don't think that I would be able to have my consultant team with me the second visit. And so the real intent of the second visit was to number one provide a second opportunity for the community to give public testimony. Obviously, you know, there wasn't a lot of participation tonight. And number two, if any supplemental ideas or comments developed within the Commissioners over any additional review time that they might use in the interim or just might occur to them in the interim, then I would be able to collect that as well.

Ms. Preza: Great. Thanks, Jordan. Sorry, Chelsea --

Mr. Hart: I'm sorry, Chair, I could redo the same presentation that we did tonight on a more rapid basis if you're interested in seeing that a second time.

Ms. Preza: I mean, I'm not sure. I mean, I do feel like I think it will be valuable to have more time to digest everything that is already publicly available. I think having maybe some maps and stuff like the night of or at least like, you know, the maps for the potential designation or just like the list of what the criteria was like, that might be helpful. But I don't want to make you have a whole other presentation ready. But I do appreciate like having the forum in case

other people would like to come testify. And sorry, Chelsea, you did -- were you going to say something?

Ms. Trevino: Yeah, I just wanted to ask clarifying question. So to make sure I understand the purpose of what's happening, this is to designate areas to be kind of like protected. Is that correct for agricultural use or reserve? I don't know if that's the right word. So what we need to find out from our community is if there are specific areas they feel that with, that are within, I guess, those green sections that you showed us that they feel are even more so important to keep designated as agriculture, that those would be the things that they would want to comment on. Is that, is that correct to my understanding?

Mr. Hart: Yeah. So, so the purpose of the legislation is to reserve the most productive agricultural lands for current and future agricultural productivity and food sustainability. There's two parts of the, of the process. Well, let me back up. The designation of IAL as described in the State Legislation does limit uses to, like, in the normal State agricultural district there are other uses that are not agricultural that are permitted, and that the IAL designated lands are to be used for agricultural purposes, agricultural uses, not the other uses that may also be permitted in the Ag District. The development and improvements that happen in IAL lands is also supposed to be geared directly towards agricultural, agriculture, and not, you know, supplemental type of uses. The housing is also supposed to be specifically for the farmer, their immediate family, and agricultural workers, and not other types of housing. There are also supposed to be incentives developed, and so that that's what we hope to promote in a phase two of this overall project because the designation describes limitations. But the incentives in exchange for designation are not fully fleshed out, definitely not on the County level. And then for the, for the phase one, there is the grading system that we're using and whether or not that's, you know, needs to be --

Ms. Trevino: . . . (inaudible) . . .

Mr. Hart: Yeah, whether or not you have like Lanai centric tweaks or improvements that could be recommended for that grading system. And then there's also the parcel specific. I mean, just because there's the level of familiarity that that people have with the land on Lanai that that there could be locations, specific recommendations, but the, the grading system maybe the most effective way. But there can be parcel specific or location specific recommendations provided into the process as well. And I think that the best . . . (inaudible) . . . so somebody could click on something and --

Ms. Preza: Jordan, sorry to interrupt. You kind of like broke off for like maybe ten seconds, so if you could repeat, like the last --

Mr. Hart: Ten. Nice. What is the last --?

Ms. Trevino: You said the best and then it --. You said the best and then that's when it --

Mr. Hart: Oh nice. Yikes. The most important thing I have to say to you is the, the interactive GIS map on the website because you can comment on specific parcels. So that might be the best way for, for people with like geographic knowledge to, to provide direct comments because you can click on the map and then add your thoughts there.

Ms. Trevino: Okay. And I don't know. And then just my other question is, I guess in regards to Lanai. You know, you may like, for instance, tonight we didn't really have anybody who came to comment. I guess I don't even know how to frame this question. The context of designation of the land versus the ownership of the land. I think, you know, I guess I'm just saying that because, like, maybe people feel like we can't make comment because we don't, because we don't own the land, if that makes sense. So I guess I'm what I'm trying to ask is if there's specific land people, you know, a certain amount or a certain area that's more productive or whatever, it really doesn't matter who owns the land. We just want to know what land and how much of the land we want to designate for this very direct and specific agricultural use, correct?

Mr. Hart: Sure. Yeah. And I can speak further about that. So the State Legislation doesn't talk about excluding non-owners from the conversation. It's essentially -- the way I read it is that it's, this is a statewide exercise to reserve the most productive and best agricultural lands across the State for the future of, of -- or current and the future of agriculture, as well as food sustainability. Um, and that the process that's, that's described describes community engagement. It requires owner notification as you get towards leading to the designation process. So we're not at the designation process. We're talking about which parcels may be eligible at this phase, but it does require specific owner identification. But it certainly does not exclude non owners or make the discussion of the designation exclusive to the landowners. It's basically this is all the land that we have in the State and which do we agree are the best, most productive Ag lands in order to designate IAL. And then there, there's no notification requirements. There's separately there's also an owner initiated designation process that can be done. And A&B has done that on Maui Island in the past. And Monsanto tried to do that on Molokai but ended up not completing it. And that's different from the County initiated process, which is what we're doing.

Ms. Trevino: Thank you. That's helpful because if we want to get community input, especially on Lanai, it, it helps to let everyone understand why they would do that. Thanks.

Ms. Preza: Thank you, everyone. Are there any other questions or comments? Luckily, it'll be on the agenda next time. So but I guess if you folks have any questions for the consultants in particular since they're here now, now would be the time. If not, thank you so much for being here and for the presentation. And we're going to move on to the next item on our agenda. So thank you, and you folks have a good night.

Ms. Chen: Chair?

Ms. Preza: Yes?



Ms. Chen: I would just recommend that you defer. You can do it by consensus.

Ms. Preza: Oh, okay, sorry. So, yeah, are you all okay with --? I'm sorry, I think because we're, we need video quorum is are John and Sally there? Thank you. So are you folks okay with deferring this to next time? Provide ultimate commentary? Yes Sally. Oh, everyone's raising their hands. Yes. Good. Okay, I don't see any objections, so great. So Stephanie, is that sufficient?

Ms. Chen: Yeah. Thank you.

Ms. Preza: Great. Thanks for the reminder. Great. So next is E, Item E, which is Directors Report. And before I forget Jordan is going to read into the record our Mahalo to the outgoing members.

Mr. Hart: Yes, Chair, thank you very much. I apologize. I was confused by the updated agenda and I missed the, the resolutions in my, in the first packet. So I do want to read the resolutions. There's three separate resolutions, so I hope that I could consolidate a resolution for Shirley Samonte, Natalie Ropa and John de la Cruz if you don't mind, and basically go through one version of it.

Ms. Preza: Yeah, that sounds good.

Mr. Hart: Okay. So

Whereas Shirley Samonte, Natalie Ropa and John de la Cruz have served the County of Maui since June 2020 for Ms. Ropa and March 2017 for Mr. de la Cruz and Ms. Samonte as members of the Lanai Planning Commission.

And whereas Mr. de la Cruz, Ms. Samonte, and Ms. Ropa served with distinction and have performed their duties in the highest professional manner with the Lanai Planning Commission.

And whereas Ms. Samonte, Ms. Ropa and Mr. de la Cruz term of office with the Lanai Planning Commission is completed on March 31st, 2020.

Now, therefore, be it resolved that the Lanai Planning Commission here hereby commends Ms. Samonte, Ms. Ropa and Mr. de la Cruz for their dedication and untiring public service to the people.

And furthermore, be it resolved that the Lanai Planning Commission expresses their sincere appreciation for Ms. Samonte, Ms. Ropa and Mr. de la Cruz's services and extends their best wishes in their future endeavors.

Furthermore, be it resolved that copies of this resolution be transmitted to the honorable Michael P. Victorino, Mayor of the County of Maui and the honorable Alice L. Lee, Chair of the Maui County Council. Thank you.

Ms. Preza: Thank you so much, Jordan. And thank you again to John, Natalie and Shirley.

**E. DIRECTOR'S REPORT**

**1. Open Lanai Applications Report as distributed by the Planning Department with the March 16, 2022 agenda.**

Ms. Preza: Great. Next is E1, which is open land application support. If there are any questions on that? If not, next is just E.2. agenda items for April 20th. So, Leilani, is there anything on the agenda?

**2. Agenda Items for the April 20, 2022.**

Ms. Ramoran-Quemado: Yes, there will be a bill. Sorry, a public hearing, a bill for ordinance amending portion of Maui County Code relating to wetlands restoration protection. And then I'll put on the IAL item again on the agenda.

Ms. Preza: Great. Thanks so much.

**F. NEXT REGULAR MEETING DATE: April 20, 2022**

**G. ADJOURNMENT**

Ms. Chen: And then Chair, if I could just make one quick announcement for informational purposes. The, the Charter Commission is going to meet to discuss the, the comments and proposed changes made by the Maui County Council. They're going to meet on March 31st at 9:00 a.m. So if any Commissioners want to submit written testimony in their individual capacities, I would urge you to do so prior to the 31st of March. You know, as early as possible, to make sure that all the Commissioners receive it. And then if you want to testify in person to plan on being there at nine a.m. to testify.

Ms. Preza: Thanks so much, Stephanie. And thanks for being with us today, filling for Richelle.

Ms. Kaye: Can I ask --? I'm sorry, Shelly, can I ask, you cannot testify remotely?

Ms. Chen: Yes, I believe you can testify --. Sorry, I mean be there virtually. Yes, I think it's, it's still going to be virtual. They should actually have an in-person location at that time. The Governor's proclamation is set to be lifted on March 25<sup>th</sup>. So for anybody wanting to testify in person, just be on the lookout for the Charter Commission's agenda that will detail the in-person location. Otherwise, I believe they will also have the virtual option, and you can just sign in at nine a.m.

Ms. Preza: Thanks for clarifying. Okay with that, our next regular meeting date is April 20th and we're adjourning at --. Oh sorry, Jordan, yes?

Mr. Hart: And I did want to mention that that is going to be the first hybrid meeting for the Lanai Planning Commission. And that means that there will be a virtual version and a live version. We have reached out to Councilmember Johnson's office to see if he would be willing to host the public testimony at his Lanai office. If that is not possible, then we will make use of our, our fallback method of addressing the issue, which is not satisfactory, but it is what we were able to accomplish, which is to open live meeting space here in Wailuku. We do expect that we should be back to being able to be fully available for live meetings within two months after the end of the, after the opening of hybrid meetings.

Ms. Preza: Thanks, Jordan, for the update. Great. So with that, we're adjourning at 7:53 p.m., and thank you all so much for all your hard work tonight and for sticking around. I hope you all have a good rest of your night.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 7:53 p.m.

Respectfully submitted by,

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

**RECORD OF ATTENDANCE**

**PRESENT:**

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

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**EXCUSED:**

Elisabeth Grove  
Natalie Ropa  
Shirley Samonte

**OTHERS:**

Jordan Hart, Deputy Director, Planning Department  
Kurt Wollenhaupt, Staff Planner  
Stephanie Chen, Deputy, Department of Corporation Counsel