

**LANA'I PLANNING COMMISSION
REGULAR METING
JUNE 15, 2022**

A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Mr. Reynold Gima, Chair, at approximately 5:03 p.m., Wednesday, June 15, 2022, online via BlueJeans videoconferencing platform, Meeting No. 625 689 299, and at the Planning Conference Room, Kalana Pakui Building, 250 South High Street, Wailuku, Hawaii, 96793, and the Maui County Council, Lanai District Office, Lanai Community Center, 8th Street, Lanai City, Hawaii 96763.

A quorum of the Agency was present. (See Record of Attendance)

Mr. Reynold Gima: . . . June 15th, 2022 meeting of the Lanai Planning Commission. Let the record show that we have quorum with Commissioners de la Cruz, Preza, Kaye, Grove and Gima present. And I believe Chelsea should be joining us shortly.

B. INTRODUCTION OF NEW COMMISSIONER -- NICOLE ALBORO

Mr. Gima: And at this time I'd like to introduce and welcome our newest Commission Member, Nikki Alboro, and unfortunately, she is working tonight, as is Erin Atacador, but they may be listening in on the meeting.

So just some housekeeping issues. Those in attendance who wish to testify please sign up with Leilani via the chat, you know, provide your name and the agenda item that you wish to testify on. And please mute your audio and video until you testify. Leilani will also be monitoring that. And we will also be taking testimony from the County Building and our local Council Member's office for any personal testimony. Let's see, uhm. Oh, last thing is testimony will be limited to a maximum of three minutes.

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

- 1. PULAMA LANAI requesting a County Special Use Permit in order to construct two farm labor dwellings to house employees of Sensei Ag's commercial farm operation in the County Agriculture District, located at Kaumalapau Highway, Island of Lanai, Hawaii TMK (2) 4-9-002:061 (por.) (J. Burkett)**

Mr. Gima: At this time, we will move on to the public hearing agenda item and the first item is Pulama Lanai requesting a County Special Use Permit (CUP) in order to construct two farm labor dwellings to house employees of Sensei Ag's commercial farm operation in the County Agricultural District, located at Kaumalapau Highway, Island of Lanai, Hawaii. T, M, K, two,

four, dash nine, dash zero, zero, two, colon, six, one, portion of. So at this time, I'll turn this over to you, Jared.

Mr. Jared Burkett: Good evening, Chair, Commissioners. My name is Jared Burkett, a staff planner for the Department of Planning. So the applicant is requesting two farm labor dwellings. So I wanted to differentiate the difference between a farm labor dwelling and a farm dwelling. So farm labor dwellings differ and their requirement to be used solely for agricultural employees employed full time or seasonally in the County on the same lot. So that's different from a normal farm dwelling that is, most people are more aware of and used to in the Ag District. So farm labor dwellings are also an accessory use in the County Ag District. However, the applicant is unable to meet the criteria to have a farm labor dwelling as an outright accessory use. The reason why is that they're allowed subject to certain criteria A, B or C, in the County Code, 19.30A.050, and two of the three criteria are required on the Island of Lanai. And one is to provide \$35,000 of gross sales for agricultural products for each of those farm labor dwellings on the lot that they're -- that's in question. And the other is to provide, let's see, a certification by the Department of Water Supply, the agricultural water rates are being paid. So both of those criteria cannot be met because of the form that's required is a Schedule F, which is a profit and loss for, for farming, and that cannot be -- sorry. That cannot be provided because a corporation cannot provide that document. So the applicant is still able to apply for a farm labor dwelling under the criteria listed in the special uses for the district. So and that's what this application before you is for.

So just to go over the -- what criteria you should consider while we're discussing this application, the Chapter is in the Maui County Code is 19.510.070, and that provides the, the provisions for a County Special Use Permit. And it states that the Lanai Planning Commission shall review and after a public hearing, may approve a request for a County Special use Permit if the Commission finds that each of the eight criteria have been met. So those criteria are listed in the staff report so you can read those, review those while, you know, deliberation and testimony is given. The criteria start on Page 10 of the staff report.

The applicant's consultant is G70 and they have prepared a presentation, so they would be happy to give that when, if you're willing and ready to hand over the floor to them. I'm not sure exactly who is presenting from G70, but they're here to provide that.

Mr. Gima: Excuse me, Jared. Just for the record I just want to note that Commissioner Trevino is now on record as the attending the meeting. Thank you. So you can proceed.

Mr. Burkett: And after the testimony and the presentation has given, I can give the Department's analysis and recommendation. Okay, so if it's okay, then we're over to G70.

Dr. Keiki-Pua Dancil: Aloha Commissioners. I just want to take the time to introduce our planning consultants. As Jared mentioned, we have two members of the G70 team with us today. Person to my left in the room is Noelle Besa Wright. She's a planner. And due to medical reasons, we have one remote, and that's Tracy Camuso. And Tracy is the principal

at G70. She will be giving the formal presentation and both Pulama Lanai and G70 will be available for questions later. Chair, I would like to ask that we have permission to share the screen and the person sharing the screen as Noelle Besa Wright. So Leilani, if you would allow her to share the screen if we are granted permission by Chair Gima.

Mr. Gima: Yes, go ahead. Thank you.

Dr. Dancil: Thank you.

Ms. Tracy Camuso: Okay. Can you all hear me? Yes. Okay, great. Aloha Chair and members of the Commission. My name is Tracy Camuso and I'm a principal planner with G70. Today we're here to respectfully request your approval of the County Special Use Permit (CUP) for the Maui Farm Labor Dwellings project. Jared provided a really great detailed description, so we just wanted to provide a brief overview for context.

The Lanai farm labor dwelling project is proposing to provide two farm labor dwellings to house employees at Sensei's Ag Commercial Farm Operation, which is Sensei Farm. Next slide.

So to provide some background on the area, you can see the project is located on an approximately one-acre portion of an approximately 16,000 acre parcel. The site is owned by Lanai Resort, LLC, or Pulama Lanai. The project site is designated as Agricultural by the State Land Use Commission and Agricultural by the County of Maui, and it is also again planned for agriculture uses in the Lanai Community Plan. And as you can see here on the map, the site is surrounded primarily by agricultural uses. Next slide.

So here we have an aerial view of the project site. There is an existing farm dwelling located directly adjacent to the site. The project is highlighted there in the yellow outline, and Sensei Farms is below. The site is also located adjacent to Kaunalapau Highway, and Lanai Airport is about one mile south side. Next slide.

So as many of you know Sensei Farms is a commercial farm that provides locally grown produce to the island and also across the State. And the farm has been in operation since 2020. So these labor dwellings will provide employee housing to support operations of this Farm. Next slide.

So the purpose of the CUP. Why is the CUP necessary? As I mentioned before, the purpose of the CUP is to provide the two farm labor dwellings to house the employees at Sensei Farms. So while the two farm labor dwellings are permitted in the agricultural district for the Maui County Code, Sensei Ag must meet two criteria which are detailed here as A and B. So this is what Jared was mentioning earlier. So I don't want to go work for word. I'm just going to summarize the requirements.

So Item A is to provide proof of agricultural products gross sales shown by a general excise tax forms and a 1040 Schedule-F filing form which is essentially profit and loss from farming. Our challenge is that while Sensei Ag can provide the proof of gross sales, the 1040 Schedule-F form is for filing by individuals, and Sensei Ag is not an individual, it's a corporation. So therefore it must submit a Form 1120. It's very technical here. So you can see the language taken directly from the IRS source on the right side of the screen. So with this technicality, we are not able to meet the entirety of this criterion.

For Item B, the second criteria requires the Department of Water Supply to certify that agricultural water rates are being paid if the water is served by the County system. Well the dwellings are going to be served by the Lanai Water Company, which is a private system. So again, we're not able to meet this criteria.

In summary, under the Maui County Code, we do not meet Criteria A and B relating to the farm labor dwellings. Therefore, we're here before you and are requesting the CUP. Next slide.

So I'm going to go to the project description. It's pretty straightforward. We're providing two farm labor dwellings on an approximately one acre site that will be located adjacent to an existing farm dwelling and near Sensei Farms. The farm laborer dwellings will provide housing for Sensei farm employees, also providing convenient access and security for farm operations. The homes will be prefabricated single family dwellings. One will have four bedrooms. It will be approximately 2,756 square feet. And the second will consist of a two-bedroom unit that's 1,768 square feet. The dwellings will use Tesla Solar and Battery Energy Storage System, so it will be 100 percent off the grid in terms of electricity. For water, as we mentioned previously, it will be provided by Lanai Water Company, and wastewater will be collected by a sewer septic system. You can see that here on the right side of the town. And then finally, landscaping will be incorporated similar to what we have for the existing farm dwelling. Next slide.

Here we have an elevation view of the four-bedroom unit. It's about 19 feet tall. The dwellings will have a lanai space and a detached two car garage. Again, they'll be prefabricated, so construction would be efficient and straightforward with minimal waste. The construction will also be limited to minor grading to provide just level surfaces and built on post and pier foundations at grade. Next slide.

This is the second elevation for the two-bedroom unit. It's about 15 feet tall. The existing farm dwelling that we have on the site now is very similar in specifications to this one. Next slide.

So to provide a recap, we're here respectfully requesting your approval of the Lanai Farm Labor Dwellings CUP that's before you. The project is a permitted use in the agricultural district and meets the objectives of the General Plan and Lanai Community Plan. It's really supporting agricultural farming and operations. The project will be using private utilities and will not result in adverse impacts to the surrounding environment. And finally, and most

importantly, the CUP will help to address these minor code requirements relating to the appropriate tax filing forms for the farm labor dwellings as we summarized above. So with that, we'd like to thank you for your time and are available to answer any questions.

Mr. Gima: Thank you, Tracy. So I'll hand this back over to Jared to finish his presentation of the Planning Department's . . . (inaudible) . . . Jared?

Mr. Burkett: Uhm, we usually will give this, the recommendation, after testimony in case there's any deliberation. I didn't know if anyone signed up.

Ms. Leilani Ramoran-Quemado: Thank you. No one has signed up to testify in this item, and there is no one in the Planning Conference Room.

Mr. Burkett: Okay.

Mr. Gima: Denise in the local Council Office, or Roxanne, is there anyone present wishing to testify?

Ms. Denise Fernandez: Aloha. This is Denise and there is no testifiers at the Lanai Council Office.

Mr. Gima: Okay, thank you Denise. Uhm, Jared, before you go on, I neglected to ask the Commission Members to identify themselves and whether they're alone or have someone else in the room. So, Zane could you state whether you're alone or someone in the room with you?

Mr. Zane de la Cruz: There is no one here with me, here with me.

Mr. Gima: Sally?

Ms. Sally Kaye: I'm alone.

Mr. Gima: Shelly?

Ms. Shelly Preza: I'm alone too. I'm alone too.

Mr. Gima: Lisa?

Ms. Elisabeth Grove: Alone. Alone.

Mr. Gima: And Chelsea?

Ms. Chelsea Trevino: I'm alone. I'm alone.

Mr. Gima: Okay, and I'm alone too. Okay. So I'll close public testimony at this time, and turn it over to you, Jared, for your --. Oh wait, hold on. Before we go to that, Commission members, anybody have any comments or questions?

Ms. Grove: I do. I do.

Mr. Gima: Uh, who is I do?

Ms. Grove: I do. It's Lisa.

Mr. Gima: Okay, go ahead Lisa.

Ms. Grove: I have a question for the County. One of your recommendations was that the Special Use – and apologies because I'm a novice at this, but it looked like you were recommending that the Special Use Permit be only for 10 years. If that's the case, can you please explain your rationale for that?

Mr. Burkett: Yes. So initially usually the, the, the Department only recommends an approval for a period of either five or 10 years. Now, there are permits like a cell towers or even, like, cemetery or something like that we have given a much longer approvals. But we usually give an initial period so that the, the Commission can, or the Department can revisit the projects and the conditions to make sure because it will also ask for the compliance report at that time. But it's up to the Commission if you'd like to extend that period, that's fine. We've had some projects with, you know, 50-year time durations. But either way, they can come in for a time extension and have the permit renewed.

Ms. Grove: Thank you.

Mr. Gima: Any other questions or comments from the Commissioners for Jared or G70?
Sally?

Ms. Kaye: Yeah, I have a few, but I'll wait . . . (inaudible) . . .

Mr. Gima: I didn't hear the last part of your sentence.

Ms. Kaye: I said I will wait if anyone else wants to go first.

Mr. Gima: Chelsea, Shelly, Zane, do you have any questions? Okay, go Sally.

Ms. Kaye: Okay. Jared, I have a problem understanding on, on page two. It's just a little confusing. You say that they don't meet the criteria that's in the Code, and that's why they're coming in for a Special Use Permit. But then on Page 10, you make a reference to, to the fact that they're not going to pursue construction on a second building now. Could you explain that?

Mr. Burkett: Yes. So that's referring to the outright allowed use. That's an accessory use to Ag on, in Ag district, so everyone's allowed to have two farm dwellings on an Ag district lot. So right now, Sensei Farms, they have one. It's the allowed use. So because they're intending to have farm labor laborers on the property, working for Sensei Farms, they're proposing these two farm labor dwellings. So those are limited to only farm employees. They're also not restricted in size. But the other farm dwelling that's that could be built is restricted to a 1,000 square feet. So that's what's discussed on Page 10 that they are not pursuing that second farm dwelling that has the size restriction of a 1,000 square feet. Also, there's potential legislation that could be changing that. So some people here are waiting to see what that will turn out to be.

Ms. Kaye: Okay. I'm sorry that that doesn't help very much. But on page three, one of the, one of the reasons for the purpose is to add security. Have there been incidents out there that require security presence at the farm?

Mr. Burkett: This is a comment that was provided in their application, so I'll let G70 or Pulama Lanai comment on that.

Dr. Dancil: Aloha, Commissioner Kaye. Thank you for the question. There's no reported incidents, but it's just good practice to be near the farm, and that's why we have the farm dwellings there.

Ms. Kaye: Okay, thank you. As long as I have, you can I ask? I'm not really clear on why you, you would not try to submit the Form 1120 if the original one is inappropriate. Is that just a choice on your part or is there some requirement?

Dr. Dancil: It's a great question. So I'm going to back up and maybe have some clarifying points that might help with the original question that you asked. So in Maui County Code, we're allowed to build. There's two types of dwellings. There's a farm dwelling, which we have constructed right now. If we do an additional farm dwelling, it has to be below a 1,000 square foot. There is another type of dwelling unit called a farm labor dwelling, and a farm labor dwelling you can build and Tracy Camuso might be able to pull this out, but I'll answer right now you can build so many per so many acres on the lot. And that's why we're here today for farm labor dwelling. Because it's a farm labor dwelling, it has those three extra criteria that Tracy went through in which we don't meet two. So to go to back to your question to me regarding Form 1120, which is for a Corporation, we had asked the Planning Department that, you know, could we just provide you with an 1120? And the comment received back to them back was no, the Maui County Code states this, and that's what we need to produce. And so that's why we're here before you tonight is because it's not it's, they're going by the strict word in the Maui County Code, and so this is the appropriate avenue. Thank you.

Ms. Kaye: Okay. Okay, yeah, no, it's, it's just I read it a couple of times and it was still a little, it was less than clear on, on why we were going there. Okay, thank you. And I so the next

question I have is on page eight. It's for Sensei employees. But does that include their families?

Dr. Dancil: Thank you, Commissioner Kaye. So the farm dwelling can include family members and then in the farm labor dwelling, it's for Sensei Ag employees, so you have to work for Sensei Ag. And it's up to five persons. And I'm going to turn off my camera and ask Tracy Camuso to come on and continue answering that question because she can point into Maui County Code and where this is all stated. Thank you, Tracy. Tracy, you're on mute.

Ms. Camuso: It always has to be one of those. So back to Keiki's former comment. There is -- we are allowed to build one farm labor dwelling per five acres of lot area. So with a very large TMK, there is a large number of ones that could be, that could be built. But at this time, you know, we are requesting these two farm labor dwellings. And I think the definition section of, of the Code is pretty clear in saying that the dwelling is a lodging unit that's used exclusively by agricultural employees employed full time. And then the farm dwelling is a single-family dwelling that's located or in connection with a farm. So one is very specific to the actual labor relating to the farm, and the other one is kind of just -- there's -- it's less restrictive than when you're adding the word labor. Well, I don't know if that makes sense.

Ms. Kaye: Yeah, it does. But you already have one out there and that is what?

Ms. Camuso: That's a farm dwelling. It's a farm dwelling.

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

Ms. Camuso: Yes, and so that, as Jared was saying, those are restricted by size. So you could only have one more farm dwelling that's up to -- it has to be a 1,000 square feet or less. Our dwellings, our farm labor dwellings are 1,700 square feet.

Ms. Kaye: Okay, I get it. Okay. Okay, so then, then I'm sorry, I just have one more question and that's what would happen to this Special Use Permit for these specific lease dwellings if Sensei would cease operating as a farm before the ten years are up?

Ms. Camuso: That's a great question, and I'm going to see if Keiki could help with that.

Ms. Kaye: That's up for the County.

Mr. Burkett: So that's one of the conditions that we've proposed in the approval. If you, if you do grant an approval is kind of a condition on if they stop operating that they would have to, you know, kind of remove the structure or decommission it. So, let me see here.

Ms. Kaye: I'm sorry, I missed that. Okay, got it.

Mr. Burkett: Okay.

Ms. Kaye: Thank you.

Mr. Burkett: Yeah, Condition 13.

Mr. Gima: Okay, Commissioners, and other . . . (inaudible) . . . ? Tracy, were you going to comment on something?

Ms. Camuso: No, I was just . . . (inaudible) . . . the question.

Mr. Gima: Okay, I had a few and just came up. Again back to the Form 1120. I understand why the applicant has not submitted those documents and whatnot, but can, can you just provide anecdotal information that yes, in fact, Sensei Farms has at least \$35,000 of gross sales per year for each farm dwelling without submitting the document, just to, I mean, just to let us know?

Dr. Dancil: Thank you, Chair Gima . . . (inaudible) . . . We can provide that and we have provided that. It's actually in exceedance of what is required. Unfortunately, we are not allowed. Anecdotally, we are held to strict definition and that's why we are here tonight. But anecdotally, you are correct. Both farm labor dwellings can provide in excess for each year in operation. Thank you for the question.

Mr. Gima: Okay, thank you. Yeah, I mean, there would have been helpful because it could be, it could be perceived that you're kind of --. Well, anyway, thank you. Thank you for that information.

And then regarding the Ag water rate. I, I know this is not a Department of Water Supply water system. But can you comment on whether the Lanai Water Company has an Ag water rate, and if it is, what rate? And if they don't have it, they don't have an Ag water rate, what is the rate that farmers would use?

Dr. Dancil: Thank you, Chair Gima, for the question. So right now, they would be paying the same water rates depending on the water meter size. And unfortunately, I don't have that information on the water meter size with me now.

Mr. Gima: So Lanai Water Company specifically does not have an Ag water rate, and then they would just pay what residential users pay. Is that accurate?

Dr. Dancil: They will pay the same thing like the commercial farmers across the street, and what Sensei Farms pays right now.

Mr. Gima: Okay, thank you. The last question has to do -- how many employees do you --? Well, how many employees can live in each of these dwellings and do, will, will they pay rent?

Ms. Camuso: Thanks Chair, per the Maui County Code, there are not, no more than five unrelated persons that are allowed in each unit. So if we are going by the Code, it would be no more than 10 for the two dwelling units combined. And I think your second question was will they be paying rent? Keiki can help with that.

Dr. Dancil: Thank you Chair Gima for the question, and yes, they will be paying rent.

Mr. Gima: Alright, thank you. I think this is the last of my questions. Circling back to the Commissioners, any, any other comments or questions for the applicant or G70? All right, hearing none, I'll turn it back to –

Ms. Preza: Zane is raising his hand, Butch.

Ms. Trevino: Zane and Lisa have their hands up and I wanted to say something too, or ask.

Mr. Gima: Go ahead Chelsea.

Ms. Trevino: I just wanted to be clear on the current request is for the two that fall outside of the 1,000 square foot units. This means, though, however, they could still build an additional unit that falls within the 1,000 square feet without having to, you know, come and get approval and stuff correct?

Mr. Burkett: So I can comment on that. Yes, they can have that other 1,000 square foot farm dwelling without Commission approval or the Planning Department approval. They would just have to get their building permit.

Ms. Trevino: And then my other question is the current unit that's out there, is it, is it also using the same sewer filtration system that they're planning on creating for these other two?

Mr. Burkett: I would defer to the applicant.

Ms. Camuso: Thank you. One of the dwellings will be using the same system. And then there will be a secondary system also provided for the other dwelling.

Ms. Trevino: I think --. I'm sorry. I guess I was asking the one that's already out there now, is it using a similar system now?

Ms. Camuso: Yes.

Ms. Trevino: Oh, okay, okay. So that's already something that's been kind of established and . . . (inaudible) . . .

Ms. Camuso: Yeah . . . (inaudible) . . .

Ms. Trevino: Yeah, yeah, I guess, you know, my concern when I first read it was just the context of, you know, it is like a filtration system into the ground, yeah, it sounds like, right?

Ms. Camuso: . . . (inaudible) . . .

Ms. Trevino: Okay, thank you.

Mr. Gima; Okay, thanks, Chelsea. So Jared, we'll turn it over to you about the recommendations from the Planning Department.

Mr. Burkett: Okay, so the Department --. Did you want --?

Ms. Preza: Yes, sorry. Zane has been raising his hand, so before we stop our discussion, I just wanted to let you know.

Mr. Gima: Oh, I'm sorry, Zane, I can't see you. So go ahead, Zane.

Mr. de la Cruz: Yeah, I guess my questions have to do with scale. Because as they, they mentioned, you know, you can have one of these farm labor dwellings per five acres on the lot, and the lot is over 16,000 acres. I know this is definitely like a theoretical or an absolute max number, but that's over 3,000 dwellings. And, you know, for using leach field systems and things like that, I'm not sure, like, what the projected need for labor will be out there. But you know, leach, as you say leach field systems here is basically like it's a sewer filtration system, but it does just permeate back into the environment. And considering the location of these dwellings, you know, they're pretty far upstream, but they lead directly, basically directly to Kaunapali Harbor. And if, yeah, I guess it's just it's a matter of scale for me, like putting up two more units with leach fields don't seem like a big deal. But considering that they could theoretically put up several thousand of these, I mean, granted, they would have to come through the Commission for it, but I guess I'm just curious as to what their projected needs for labor and labor housing are.

Dr. Dancil: Thank you, Commissioner de la Cruz for the question. At this time, we are only constructing these two farm labor dwellings, and that is with our current and forecasted in the near future, that is what is needed. And exactly, as you mentioned, if we have to build more, we would have to come back to you. But for right now, our near future, we're fine with the two extra farm labor dwellings. Thank you.

Mr. Gima: Any more questions or comments, Zane?

Mr. de la Cruz: Uhm, just for, just some of the other stuff where they're talking about, oh sorry, not having to do much great or not changing --. think of the word overland flow right now -- but that they wouldn't be changing infiltration rates because they're doing minimum grading. And it's not going to affect any of the drainages. But I'm assuming they will be significantly

increasing the amount of impermeable surface kind of that's been accounted for just when there are large rain events?

Ms. Camuso: Thanks for the question. The area it will have, as it does now, it will be gravel driveway, so it will be permeable so water can filtrate through naturally and it will not be paved. So there will be, it will be consistent with what we have there right now.

Mr. Gima: Anything else, Zane? Go for it.

Mr. de la Cruz: I'm not sure if this is really a question they can answer or not, but you know, they talk about the Tesla battery system or being off grid. I was just curious what the lifespan of those battery systems are and if there is a disposal plan for them? Because I mean, batteries will eventually die.

Dr. Dancil: Thanks Commissioner de la Cruz for the question. So the battery lifetime for the Tesla system is 20 years and at that time we would probably dispose of it or refurbish it. There's various different ways that you can switch out the cells, and we would appropriately dispose of the cells in accordance to all State, County and Federal laws.

Mr. de la Cruz: And I think I just got one more. I think I believe it's been previously stated that Pulama wants to have, like, all development, kind of centralized in town to keep the, like, Lanai City as kind of the center of the population. And so I was just wondering if this is just kind of an outlier based on necessity, having these dwellings placed outside of town near the work site because of what's allowable and where the need is, or if this is kind of a shift in a different direction from the centralized community?

Dr. Dancil: Thank you, Commissioner de la Cruz for the question. You are right. We are centralizing our housing and workforce housing in Lanai City. That has not changed. These are, as I mentioned, just the three units; the one that's existing and these two. And it's providing, it's for convenience, as well as security next to the farm to ensure that there's always 24 hours in case something happens with the infiltration system or some of the alarms. There's a lot of data science going on at the site. It's very close nearby that someone can be there much sooner than over at Lanai City. Even though it's close, this is that much closer. So again, convenience and security purposes. But you are correct, it's in Lanai City. That's where the concentration of workforce housing and residential housing. Thank you.

Mr. Gima: Any more Zane? All right, thank you. Last call from the Commissioners before we turn it over to Jared. Okay, Jared, back to you.

Mr. Burkett: Okay. The Department has determined that the proposed use is in compliance with the county's agricultural district with, the, if they're awarded this County Special Use Permit. And so the Department recommends approval of the permit for a period of 10 years. If you would like to approve the permit, then we recommend that you do so with the conditions that are outlined starting on page 19. And then also, if we ask that the Commission adopt the

report and recommendation as the Findings of Fact, Conclusions of Law, and Decision and Order. And if you would like to deliberate or, and you maybe do not want to approve the, the -- sorry -- the County Special Use Permit, then you would want to be sure that you're listing the criteria that are mentioned on page eight as the reason why you're denying the permit. Okay. That's the Department's conclusion.

Mr. Gima: Thank you, Jared. Commissioners, any comments about the Planning Department's recommendation or any comments about the conditions tied to their recommendation? Sally?

Ms. Kaye: Yeah, I just wanted to point out, to point out, that --. I'm sorry, I'm getting some feedback, getting some feedback. Number three has a typo. The second word should be full instead of fill and --

Mr. Burkett: Yeah, I noticed that as well. Thank you.

Ms. Kaye: Okay. Well, I just, I just want to comment. I think that this is an example of smart building to keep employees close to where they're working. It seems to be the thing of the future. A lot of infill is going on in urban areas for just that reason, save on gas and whatever. So I, for one, am happy with the conditions and has nothing else to add. Butch, you're muted.

Mr. Gima: Zane, Chelsea, Shelly, Lisa, any comments about the conditions or about the application in general? All right, hearing none, I'll entertain a motion to approve the request and the Planning Department's recommended conditions for the County Special Use Permit.

Ms. Trevino: I'll make a motion to accept with County's recommendations.

Ms. Grove: I'll second it.

Mr. Gima: Okay. It's been moved by Commissioner Trevino, seconded by Commissioner Grove, that we approve the Planning Department's recommendation to approve the County Special Use Permit subject to the following conditions. Any discussion? Okay, hearing, seeing none, all in favor please raise your hand. I can't see, I can't see Chelsea, for some reason. Okay. Those opposed, raise your hand? Any abstentions? Okay, seeing none, the motion is unanimously approved. Okay, thank you.

It was moved by Ms. Chelsea Trevino, seconded by Ms. Elisabeth Grove, then unanimously

VOTED: To approve the Department's report and recommendations.
(Assenting: Z. de la Cruz, E. Grove, S. Kaye, S. Preza, C. Trevino)
(Excused: N. Alboro, E. Atacador, S. Menze)

2. **MICHELE MCLEAN, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions a proposed bill to amend Maui County Code Section 19.04.040 relating to the definitions of “time share plan” and “transient.” (J. Takakura)**

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/DocumentCenter/View/133291/Proposed-revisions-to-1904040-Definitions-for-time-share-plan-and--transient>

Mr. Gima: We shall move on to the next item, which is Michele McLean, Planning Director, referring to the Maui, Molokai, and Lana'i Planning Commissions, a proposed bill to amend the Maui County Code Section 19.04.040 relating to the definitions of timeshare plan and transient. And at this time, I'll turn this over to Jacky.

Ms. Jacky Takakura: Okay, thank you, Chair Gima. Good evening Lanai Planning Commission. Nice to see you. So I have two public hearings before you and they're both pretty short. The first one is regarding Chapter 19.040 -- 19.40.040, which is the definitions. I'm going to share screen. Can you let me know -- actually I can't see you all -- so can you just --? For some reason I can't see you, but can you just let me know, can you see this grey screen with the bill for ordinance?

Mr. Gima: Yes.

Ms. Trevino: Yes.

Ms. Takakura: Okay, thanks. Okay, so this is a relatively short bill. It only proposes to update some definitions in Title 19. And the purpose of this bill is basically to keep up with the times. Actually, both of them are to keep up with the times because people, you know, change the way they use land. For this bill, kind of the big changes that have come up is that, you know, there's a shortage of health care providers and traveling nurses. And some of the way we have the Code written hinders lodging for these necessary personnel. And then the other thing that has come up is that there's limited liability companies and similar entities being formed to purchase homes for short term use. That's not unique to Maui. So we have some changes that we're proposing.

So one of the first things that we want to do is we have an existing definition for timeshare plan, and we want to increase the length of stay to 180 days, this particular definition. The other existing definition we have is transient one, and we want to exclude health care providers definition. And then we have some other categories, categorical exclusions for the definition of transient or other types of workers, students, other personnel.

So as I mentioned, the two things that we're looking at here is that this chronic shortage of health care and other temporary workers, and that these businesses that are being formed to buy properties or homes, they fall within the definitions of timeshare plan and transient, as

like any other. So as I mentioned, we have two existing definitions that we're just planning to update. The first one here on the left is the timeshare plan. It's real simple. It's just increasing the number of days. Right now at 60. We're increasing that to 180-day period for any occupant. And timeshare plan, this term has evolved over the years. At this time, it's really very limited where timeshare plans are allowed. They're allowed in, like, Hotel District, other districts like Apartment if they were existing prior to the time that the rules changed to eliminate them. So they're still allowed in a few places. But the proposal to change it is that it would be 180 days, not 60.

Okay, so the other term that we would like to update is transient. You see here in this first paragraph, is including that person who uses or possesses or occupies a property based on some sort of arrangement or plan or agreement whereby the owner property or member of partner owner trust, holder of a corporate or limited liability entity that owns the property if ownership rights for the use. So the key thing here is that that they are still, would still be subject to the 180 days like any other transient accommodation. We added, as I mentioned this exclusion that health care providers actively engaged in the practice of medicine so that when they're trying to find lodging, they don't come up in our list of potentially illegal vacation rental.

To go with that, though, we have two new definitions that we're proposing to include in the Code so that it's really clear who exactly these health care providers would be. And so the first definition is what is a health care facility. So that would be private or public, licensed to operate in the County for medical diagnosis, treatment, nursing, rehabilitative or preventive care. And then provider, that's what here, physician, surgeon, dentist and so forth, nurse, therapist, chiropractor, licensed and legally authorized to practice medicine and operate within the State. So actually, that's all I have to present to you. The revisions to the existing terms, timeshare plan and transient, and then these new ones, the health care facility and the health care provider. And the Lanai Planning Commission can recommend approval of the proposed bill, make amendments, deny or vote to defer action.

So that's all I have to share. I can stop sharing screen, but I also, I wanted to just put it out there that, you know, the Maui Planning Commission met yesterday. They had a few suggestions for revisions, and I can share that with you if you want now or later or whatever pleases you. That's my power point for this.

Mr. Gima: Thanks, Jacky. Can you share those comments or revisions from the Maui Planning Commission?

Ms. Takakura: Yes. Okay, so one more time, share screen. This is just a plain white one page, and you can just take a look. No wrong one. Okay, so the Maui Planning Commission, they met yesterday and they had these recommendations for the proposed updates to these two definitions, transient and timeshare. So one thing they wanted us to do is check with the medical community, you know, you know, the hospital and so forth to see what they thought about the time frame for the employees, like, what is actively employed mean. Does that mean

part-time or do they have to work 80 hours? Or do you know specialists come in and just do one operation that might take five hours? So just to get some clarity on what actively engaged? So I'm going to reach out to Maui Memorial Medical Center and to Kaiser, and just get some feedback from them, if we can tighten up that definition.

The other term is regarding students because we have full time students while attending educational classes or programs located in the County. And so the proposal is to refer to an existing definition that we have in the Code, which is the general education. And that's the, you know, the traditional schools that you think of, you know, from kindergarten all the way to university. And that way, you know, say a facility that may offer, you know, a yoga class to get this exception of . . . (inaudible) . . . So by tightening, by saying, you know, you have to be part of this general education, high school, college, university and so forth. And then adding though interns and apprentices for conservation organization. So I guess there is a real shortage. So that was proposed to be added. Just those three for this one. You can let me know. I'll stop sharing whenever I hear from you because I can't see you. Anyways, and I can go over any, if you have questions, questions.

Mr. Gima: So Jacky, based on what you, based on what you just shared has the Maui Planning Commission deferred action on this item?

Ms. Takakura: No, they recommended approval. Sorry, sorry.

Mr. Gima: With these amendments?

Ms. Takakura: Yes. Yes.

Mr. Gima: Okay, thank you.

Ms. Takakura: Should I stop sharing now? Stop sharing now?

Mr. Gima: Yes, please. Okay, so at this time, I'll open up public testimony. Leilani, do we have anybody signing up?

Ms. Ramoran-Quemado: Thank you, Chair . . . (inaudible) . . . Let me mute you. There's no one in the Planning Conference who's here to testify and I do not have anyone signed up via chat.

Mr. Gima: Uhm, Denise, anybody in the Lanai Council Office wishing to testify?

Ms. Fernandez: There are no testifiers at the Lanai Office, Lanai Office.

Mr. Gima: Okay, thank you, Denise. So at this time I'll close public testimony and then open up for Commissioners who may have questions or comments for Jacky. Go ahead, Lisa.

Ms. Grove: Hi, Jacky. I just had one question and it's related to one of the late testimony that we got from William Johnson. Can you clarify that his -- and I apologize if I missed it -- I couldn't tell if he was pushing a yes or a no, but it felt like he was advocating for support. Is that accurate?

Ms. Takakura: Thank you, Commissioner Grove. Yes, you are correct.

Ms. Grove: Okay.

Ms. Takakura: This, I'm not sure exactly, but I know that in Kapalua at Ironwoods, which is Apartment District, and one of those was, I guess, where they've all agreed to not have vacation rentals. I guess one of these LLC has bought a unit, and so it kind of raises some concern in the community. Yeah, it's starting to happen here.

Ms. Grove: Yeah. And I'm familiar with Pacaso. That's one of the examples, and I want to make sure, I just wanted to clarify that a vote in favor of the recommendations would be to suggest that I don't approve of Pacaso's behavior. Okay, thank you.

Ms. Takakura: Yes.

Ms. Grove: And just so everyone knows the testimony was talking about how people are coming in and, and skirting the vacation rental laws by buying houses and then dividing up the houses, so it's a limited liability corporation. And then they're dividing up the houses so that people can buy a share of a house for a couple of million dollars or something like that. The concern that I have is that it's obviously it threatens our housing supply, but it also has a huge potential to drive up housing costs because these are corporations that are ultimately speculating on real estate on, on Maui and across Hawai'i. And I think it's a, a dangerous pattern and I want to make sure that we're doing what we can to safeguard ourselves against it.

Mr. Gima: Thanks, Lisa. Chelsea, Zane, Shelly, Sally? Zane, go ahead.

Mr. de la Cruz: I guess for -- I just need some --. I don't understand one of the, I think, the exemptions for the definition of transient, the number four, employees who receive room and board as part of their salary or compensation for work performed within the County by the employer providing their room and board. Does that mean that if a company hires someone and gives them a place to stay, that's all right? Is that what that means?

Ms. Takakura: Commissioner de la Cruz, yes, that is correct. So those are currently exempted. So say a traveling nurse is here to work, the lodging is already all set up and included. And you know, then then that's fine. That's already excluded from the definition of transient. We've been having running into problems when, say, a property owner directly rents to a traveling nurse or a health care provider because they pop up on our list of vacation rentals. And the purpose of the trip here is not for a vacation rental. So this is to just clarify

that health care provider actively engage, you know, if they meet the criteria, they can directly rent from a property owner provided they meet the criteria.

Mr. Gima: Zane, any other questions?

Ms. Kaye: Yeah, I have . . . (inaudible) . . .

Mr. Gima: Okay, go ahead Sal.

Ms. Kaye: I'm sorry, did Chelsea --? Chelsea, did you say something?

Ms. Trevino: I was just going to make sure I understand clearly. So yes, I was going to ask a question. Do you want me to go first?

Ms. Kaye: Yes.

Ms. Trevino: Okay, so just for the sake of me really understanding what this bill is about, the context is with these exceptions, I guess we'll call them. A person who falls within these exceptions would be able to rent a place what we would normally consider short term without it becoming an issue that someone is renting to them short term without a short term rental permit, correct?

Ms. Takakura: Yes, that is correct.

Ms. Trevino: Okay. Okay, I just wanted to make sure I was on that page. And then the context of the 60 days to 180 days, we're saying that's a -- is that, that's the minimum?

Ms. Takakura: For the timeshare definition. The existing definition just follows the State law. I think it's like 514B or something that says 60 days. And so we'd like to make it 180 days so that it's kind of a level playing field against any other type of lodge or residence. You know, that's our standard for what is a transient and what isn't, that 180-day threshold.

Ms. Trevino: Okay, thank you.

Mr. Gima: Thanks, Chelsea. Sally?

Ms. Kaye: Yeah, okay, so on page three, you have a number two under transient, the practice of medicine, that gave me pause because it's such a specific term generally used for physicians. And I'm wondering if the Commission, what, what the other Commissioners would think about recommending that it would be health care providers actively engaged in providing medical services rather than practicing medicine? That just seems like a term of art that might get questioned down the line. That's just one, one consideration. And then in the slide that you had up, Jacky, on the health care provider, the definition, you have physical therapist,

chiropractor and other, and I'm quoting, and other health care facilities, and that just seems like it's not the right language that you would want there. Did you mean providers?

Ms. Takakura: Thank you, Vice-Chair Kaye. Yes, because first we're talking about positions that people would be filing and then we talk about a facility, so you are absolutely right that we should change that work facilities to, or say that work at health care facilities. But yes, change it to other than facilities, yes.

Ms. Kaye: Okay, and so in that same sense, then, if somebody comes over from the mainland to do a specific procedure or, you know, assist in something or other, and they're not licensed to practice within the State, is that part of the definition going to be problematic?

Ms. Takakura: Thank you, Vice Chair Kaye. That's a great question. And I'm going to ask the Corporation Counsel when we start working on that, and just to make sure that we don't run into that problem.

Ms. Kaye: Okay, then my only last question is just a what if? What if a person is wealthy enough to just simply pay for six months to a stay in, in a place and then just doesn't stay that long because they don't want to. What kind of enforcement are you looking at?

Ms. Takakura: So we have seen that where I guess I don't know if they have a lease or not, but in -- we have seen that where and then it falls under our enforcement because it becomes a transient vacation rental less than 180 days. So that's been the problem. I don't know if Jordan is here, but I think the one of the recent ones that came up, I think we're able to settle. But with, with the shortage of positions or people in these positions, I think this was the way to try to, you know, still have them come here without having violations when they do end up staying less than 180 days.

Ms. Kaye: I'm not talking about exemptions. I'm just talking about a general person. You're, you -- forget the exemptions. I meant everyone else that does.

Ms. Takakura: Oh, okay, thank you, Vice Chair. So yeah, as long as a person comes here and stays, you know, more than a 180 days, they're fine. That's not, that's totally fine. But when they break a lease, if we're able to find it, you know, we get reports of it, we would enforce on that because yeah, then that falls into the definition of transient. So it's a matter of being able to, you know, find them with adequate evidence put forth.

Mr. Gima: Any more questions Sally?

Ms. Kaye: Just, well, . . . (inaudible) . . . heard from the Maui Planning Commission. Okay, sorry, I'm having feedback again. I'm trying to understand why they want to add interns, apprentices, why that wouldn't fit under number seven, lodging provided by nonprofit corporations or associations? I mean, it seems like that's where it should go rather than just carve out another exception.

Ms. Takakura: Oh, we can do that. That's a great idea. So that could be a --. I mean, that is a -- most of them are nonprofit corporations or companies.

Ms. Kaye: Just add conservation environmental or whatever.

Ms. Takakura: Yeah. Yes.

Ms. Preza: I have a question about that, actually, because does number seven mean the lodging needs to be provided by the nonprofit? Because what if they're talking about, oh, they want to have like an intern from Oahu and stay but they're not going to be getting lodging from that specific nonprofit, but they're still going to be engaged in conservation work? Sorry Jacky, I'm not sure if you're trying to talk. Hi, Michele.

Ms. Takakura: Oh, Michele, were you raising your hand to answer or would you want me to answer?

Ms. Michele McLean: Oh, go ahead. I'm here if, if I'm needed.

Ms. Takakura: Oh, thank you, Ms. Preza. So lodging provided by the nonprofit or corporations or associations for these different purposes, that would be lodging that, you know, that organization goes out and finds for those, those workers or apprentices or interns or whoever it is that they're . . . (inaudible) . . . for them. So I guess we, we would want to clarify if, if it's, say, the apprentice or the intern is finding the lodging directly themselves, rather than the organization finding it for them. But for number seven, the way it is now a lodging provided by these organizations, they would be the ones finding or providing the housing for the workers.

Ms. Preza: Right. Okay, thank you. That's what I was confused about. I don't think it will be fixed the issue like that the Maui Planning Commission is bringing up, which is just there should be an exception for, I guess, conservation interns, but thank you.

Ms. Takakura: Yeah --

Ms. McLean: I think that if I could add.

Mr. Gima: Go ahead, Michele.

Ms. McLean: Thank you, Chair, and nice to see everybody. Number seven, we have seen be used mostly by churches that might have folks come for training, or missionary work, or substitute minister, where they provide lodging as on the property or they have access to other lodging. The Maui Planning Commission's edition of the Interns for Conservation, Conservation Groups was because one commissioner is familiar with conservation organizations that really seek out interns to come and help, and they are left to their own devices to find accommodations. And usually these are people who have the means to, to

come here and to do an apprenticeship or an internship and find their own accommodations. So they wanted to allow that that option. Thank you, Chair.

Mr. Gima: Okay, any other questions from the Commissioners?

Ms. Trevino: . . . (inaudible) . . . Based on what Michele . . . (inaudible) . . .

Mr. Gima: Go ahead Sally.

Ms. Trevino: Oh, Sally, go ahead.

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

Ms. Trevino: I'm sorry. Okay, so based on what Michele was just saying about the internships for the -- talking about the conservation people, it's, she, she had mentioned that they have their own means. So I don't know that they would fall under number seven because I think the way number seven is written it's saying that the nonprofit or corporation would be providing the lodging. But what she just said, it sounds like that's not the case for some of these individuals. So maybe that, that is why would not be in section seven or for number seven . . . (inaudible) . . .

Ms. McLean: Yes, that's, that's correct.

Mr. Gima: Okay, Chelsea, any other questions? Okay. Sally?

Ms. Kaye: Yeah, Shelly raised a really good point. I hadn't, I hadn't thought about that. What is the purpose of this? If the purpose of this is to exempt certain category of people that are providing services on a less than a month, yeah, less than a half year basis, then they should be allowed to do it regardless of who's paying for it or who arranges it as long as they fit within one of the exceptions, medical, conservation. Am I, am I misunderstanding the purpose of this?

Ms. Takakura: Vice Chair, you're correct in that these would be exceptions and not considered transients, and wouldn't be subject to enforcement. But with Michele's explanation regarding the, the interns and the apprentice conservation organizations, it seems like it would be separate from number seven. And I think, is that okay with that?

Mr. Gima: Does that answer your question, Sally?

Ms. Kaye: Sort of. Yeah, sure.

Mr. Gima: Okay, so I'm still trying to wrap my head around this. So the transient change and definition is primarily being done to accommodate these different classes of occupancy. Is that a generalized summary?

Ms. Takakura: Uh, Chair Gima, that's half of the proposed changes. The other half is to clarify that the corporate or limited liability entity type organizations fall under that criteria also and are subject to the 180 day duration also.

Mr. Gima: Okay, and then the 180 days, I think, Chelsea asked, and I don't know if I understood it, but that's a minimum or maximum?

Ms. Takakura: I'm going to look at it right now because I get myself mixed up. There is transient and transient visitor owned transitional dwelling unit for less than 180 days. A transient is less than 180 days.

Mr. Gima: And it was problematic because currently it's only 60, and so you guys moved it up to 180. What if, what if they excluded classes go beyond 180 days, then what happens?

Ms. Takakura: Those are fine. Those would be long term and long term residency is fine. The 180 days is all right.

Mr. Gima: Okay, thank you. And then on the timeshare plan, the definition change, it seems like the, the, the goal in changing the duration from 60 to 180 is tied to, uhm, your concerns about property ownership schemes that William Johnson alluded to in his written testimony? Okay.

Ms. Takakura: Yes, that is correct, Chair Gima. We need both of those on the timeshare plan and the transient just to make sure there's no -- that the rules are consistent and they're, you know, . . . (inaudible) . . .

Mr. Gima: Okay, thanks Jacky. Alright, any further questions, comments from the Commissioners? Zane?

Mr. de la Cruz: So going with, you know, the conservation group thing, would that mean that we, like, would we have to define, like, we, I mean, this bill, would it have to define what a conservation group is the same way that it defines what a health care provider and health care facility is?

And for the timeshare portion, does that mean -- I'm just thinking about this functionally -- does that mean a timeshare can only be, can only have two people owning it if the residency time goes up to six months? Does that mean there can only be two people, like two different people staying at a timeshare for . . . (inaudible) . . . ?

Ms. Takakura: Thank you, Commissioner de la Cruz. So timeshare units -- you're, you're correct. So that the timeshare circulates among various persons. It would be good for a period in . . . (inaudible) . . . Yeah, it would just be too for these, right, because yeah, it would be 180 days.

Mr. Gima: Any other questions, Zane? Okay. Shelly, Lisa, any further questions? All right. Let's see. So the recommended recommendations and options are outlined on page two in the Planning Department's packet. Any comments, preferences, or motions regarding what the Planning Department is recommending?

So, Jacky, procedurally, I think Sally made some suggestions and corrections so would it be appropriate to entertain a motion to approve approval of the proposed bill to the Maui County Council with the amendments that were noted by Commissioner Kaye?

Ms. Takakura: Chair Gima, if I may, can I just double check, double check, if I wrote them down, that I'm all, I'm on the same page as all of you?

Mr. Gima: Sure.

Ms. Takakura: Okay, so what I have for is, under the definition for, uhm, health care provider, under, under the definition of transient, for exception number two, it would just say health care providers actively engaged in providing medical services instead of practicing medicine. And then another correction is for the definition of health care provider change that word facilities here. Then consult with Corporation Counsel about there will be any issues with its licensing and legally authorized requirements. And then also, get a definition for conservation organization. That's what I have. Is that correct, everybody?

Ms. Preza: I don't know if it needs to go into the official recommendation, but maybe adding something about the discussion or this is just something that you could maybe relay about interns, apprentices like those who aren't having the housing provided to them by nonprofit corporations, but who are doing work for those kinds of organizations outlined. I think that's kind of what we were discussing too.

Ms. Takakura: Thank you. I got that down.

Ms. Preza: Thanks, Jacky.

Mr. Gima: All right, any other amendments or modifications to the proposed bill? All right, hearing none, I will entertain a motion to recommend approval of the proposed bill to the Maui County Council as amended.

Ms. Preza: So moved, moved.

Ms. Kaye: Second. Second.

Mr. Gima: Okay, it's been moved by Commissioner Preza, and seconded by Commissioner Kaye that we recommend approval of the proposed bill to the Maui County Council as amended. Any discussion? Hearing none, all in favor raise your hands. I don't see Lisa here.

Ms. Grove: . . . (inaudible) . . .

Mr. Gima: Okay, all opposed? Any abstentions? Okay, hearing none, motion is passed unanimously. Thank you very much. Let's take, let's take a short five minute recess and then move on to the last public hearing item.

It was moved by Ms. Shelly Preza, seconded by Ms. Sally Kaye, then unanimously

VOTED: To recommend approval, to the Maui County Council, the proposed bill with the amendments as discussed.

(Assenting: Z. de la Cruz, E. Grove, S. Kaye, S. Preza, C. Trevino)

(Excused: N. Alboro, E. Atacador, S. Menze)

(The Lanai Planning Commission recessed at 6:24 p.m., and reconvened at 6:30 p.m.)

- 3. MICHELE MCLEAN, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions a proposed bill to amend Maui County Code Chapter 19.04 to authorize commercial filming and photography activity in all zoning districts with a film permit, and create a new chapter in Title 5 to create a new permit process for commercial filming and photography. (J. Takakura)**

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/DocumentCenter/View/133292/Draft-bill-for-ordinance-for-commercial-filming-and-photography-activities>

Mr. Gima: Okay, so all Commissioners are on camera. So moving on to the next agenda item. Michele McLean, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions a proposed bill to amend Maui County Code, Chapter 19.04 to authorize commercial filming and photography activity in all zoning districts with a film permit and create a new chapter in Title 5 to create a new permit process for commercial filming and photography. Okay, Jacky?

Ms. Takakura: okay, thank you, Chair. It's me again. This is another short one, and like the previous one, we met with the Maui Planning Commission yesterday and I'm going to open this. I'll just give you the same presentation and then at any time I can show you their recommended changes. And I also want to say that we are blessed to have Donne Dawson, Dawson from the State Film Office, who is a wealth of information to be able to help with any of your questions after the presentation. So let me just give you a quick introduction. I'm going to share screen and share. Chair, can you just let me know, can you see this blue and white screen? I can't see.

Mr. Gima: Yes, thank you.

Ms. Takakura: Okay, thanks. Thanks. All right. Okay, so like I mentioned with the previous bill, you know, we're -- times are changing and so we need to keep up with changes and then having being more commercial filming and photography activity and so there, there's a need for a permitting process for this commercial filming and photography, particularly on private property. And just for some background information, and this is before my time, so I'm not real familiar with it. But I guess a couple of years ago there was some filming for MTV in Haiku and it had a lot of impact on neighbors. And my understanding is there were some fines involved and they paid the fines and everything. But, you know, maybe if a permitting process had been in place at the time, it could have been some mitigating factors to reduce the impact on the neighbors. Anyway, that's just an example of, you know, why something like this very . . . (inaudible) . . .

So the goal of the bill is to have this permitting process because right now commercial filming and photography is only allowed where commercial and business uses are allowed, not in other zoning districts like residential or agriculture. So by having a permitting process, the impacts on the neighbors and the environment can be mitigated. So just for background, commercial filming and photography is only allowed in, you know, like Hotel District or other districts that allow business or commercial use, and on State properties with a state permit or a County properties with a county permit. And so by having a permitting process for private properties that would hopefully minimize the negative impacts on neighbors, it's creates accountability, and bring some clarity for enforcement.

So this is the proposed definition, and this is based on feedback from the Maui Film Office and the State Film Office filming and photography for commercial purposes. And then there's some criteria active crew of three or more people, use the filming equipment, and then there's the whole list of equipment examples. And then you take a look at the bill in the, actually in the memorandum report, you can see there's a lot of limitations and criteria. This is just a summary. As I mentioned, State properties already need a state film office permit, and so that's not going to change. County properties already require a film permit from the County, and that's not going to change.

The big change is that the private properties require a film permit from the County. Putting in there that there should be written notice to properties within 500 feet, 14 days prior to the start of the filming. Any annoyances or inconvenience to the neighbors, you know, traffic or lights or noise, any parking should be on site only. For hours of operation, the proposal is that for outdoor on private property would be eight a.m. to nine p.m., and then indoor, 7:00 a.m. to midnight. County property, it would be based on what the film permit office, so that to be determined based on the project. Filming at night would have to comply with State rules. There's something in the HRS 205A, which you know, what's the estimate rules regarding artificial lighting for shoreline and ocean. And that's to protect the threatened and endangered species, nesting and so forth on the shoreline.

There would be procedures established for complaints and enforcement of the violations. So a lot of this --. Well, some of it is proposed for Title 19, which is the zoning code. The bulk of it is in Title 5, and that's the part of Maui County Code that regulate business licenses and regulation. And makes sense because, you know, this is regulations for business. The permit would be issued by the Maui County Film Office, and enforcement would be by the Zoning Division.

So that's basically a quick summary of the proposal. The Lanai Planning Commission can recommend approval, can recommend approval with amendments, denial, or defer action. So that's it for the power point. So I'll stop sharing. But like I mentioned, I do have just a brief summary, if you're interested in seeing what the Maui Planning Commission recommended changes are. And I do have Donne from the State Film Office here also, who is a wealth of information on this subject.

Mr. Gima: Jacky, were you going to share what Maui Planning Commission recommended? Okay, why don't you go ahead like we did in the previous.

Ms. Takakura: Yeah. Okay, so they met yesterday, as I mentioned. And so what we did or what they proposed is for the definition to break it down into, you know, like bullet items, a list, and require that all of these criteria apply for an activity. And that would be the, uhm, that is commercial, you know, money changing hands, that there's an active crew, and then there's the use of equipment. Regarding equipment, drones came up and so we added that. The proposal is to add that to the list of equipment. And also clarify that, you know, we don't want to be stepping over our boundaries that if there's, you know, FAA rules or whatever that they would have to comply with those kinds of rules, or any aerial, you know, helicopters or drone use . . . (inaudible) . . . photography.

One of the things that we have in the proposed bill you'll see is that the applicant is the property owner, but normally it's a production company that is the applicant. . . . (inaudible) . . . clarify that. The production companies that, you know, if they contact the . . . (inaudible) . . . office and they're the ones who --. Well, they would know that, you know, the hours and what they're doing is the length and so forth.

Another recommendation that came up is that the neighbor notice requirement; not 14 days, but make it 30 days prior to filming, that the neighbors have adequate time to respond or ask questions or, you know, reach out to the film office.

Also, two more conditions. The aerial or the drones that you know they have compliance. If they require something from the FAA that they have it, have insurance. And then the enforcement would be that the property, like if there's a violation, we usually go by TMK when we have notice of violations or notice of warning. So that's similar to any other enforcement actions, it's by property. And one of the other recommendations from the Maui Planning Commission Chair was that it's clearly a minimum fine of \$1,000, which I think is already existing in Title 19. And that's from yesterday. And I'll stop sharing when I hear from you.

Mr. Gima: Okay, thanks Jacky. At this time I will open up public testimony, and Leilani, I think we have someone signed up for this agenda item?

Ms. Ramoran-Quemado: Yes. Thank you, Chair. There is Donne Dawson signed up to testify.

Mr. Gima: Okay, Donne?

Ms. Donne Dawson: Hi. Aloha, everyone. Aloha Chair. Aloha Commissioners. Donnie Dawson, Hawai'i Film Office. I am the State Film Commissioner. I work very closely with the Maui County Film Commissioner, Tracy Bennett. I've been in this position since 2001, so long time, and I am in wholehearted support of this proposed bill to allow commercial filming in all zoning districts. I think it's going to do two things. It's going to open up greater opportunities for film productions to, to film in our communities. But it is going to attach a very specific, regulated film permitting process to ensure that all filming is conducted under the proper terms and conditions, and that they adhere to those in the course of their, their work, their filming work in our community. I -- this is the long time coming and I'm very grateful to the Maui Planning Department for, for pushing this forward and bringing it to your attention. So with that, I will just leave myself open to any questions that any of the Commissioners have regarding this measure or the film industry in general. Mahalo.

Mr. Gima: Thank you, Donne. Commissioners, any questions, comments for Donne?

Ms. Grove: I had one. I had one. First of all, I just want to say thank you for . . . (inaudible) . . . The one question I had, and I am familiar with how film shoots work. Is there -- and I think this would be a hard, hard thing to pull off. But is there any concern that people are going to try to just reduce the crew by one person to kind of skirt around this? Or is it virtually impossible to do the kind of film shoots we're talking about with less than three people?

Ms. Dawson: Yeah, I don't think that that's going to be an issue. You are going to have your plethora of wedding photographers, portrait photographers, family photos that are one, pretty much one person operations one to two. But those aren't the ones that we're concerned about. What we're concerned about are significant film productions that are going to have impact on our community. And the only way to ensure and, like I said, I've said to the Maui Planning Commission, they by and large ninety five percent plus are going to want to do right by our communities, and they're going to want to act accordingly and respectfully because they want to be invited back. But we want to make sure that we capture everyone and make sure they have to follow this specific film permit conditions and in terms of filming activity, because it can be a very significant disturbance to communities and residential communities especially. And you know, we've had experience in other counties where they were given a far greater latitude to film at night in very kind of sleepy, quiet communities, and we just can't have that. So this kind of sets up all those guidelines to ensure that they can come, they can film in, in certain places and then, you know, leave those places better than they find them.

Ms. Grove: Yeah, my concern is just around sort of the reality TV format or something like that, which I think could potentially be the most problematic and whether or not they would dump a crew member and have two people instead of three to kind of skirt around this or find other ways to install cameras so that they don't have the crew and they can sort of cheat the three person rule. But perhaps that's not a concern. I'm just curious.

Ms. Dawson: Well, I want to be, I want to be real and candid and tell you that the majority of productions that are going to film in, say, a residential neighborhood, for instance, and we don't really advocate film productions, any film productions from filming in congested neighborhoods where it's going to be really problematic. We want them to be as remote as possible so that they are not going to be disturbing on neighbors as much. But it will be a lot of reality programming and that, that's just the truth. But you can't film a reality television of any consequence with two people. It's just impossible. These, these reality shows -- I'll take Temptation Island as an example because they've filmed two or three seasons on Maui. And you know, they've, they've got, you know, 50 to 100 people on any given reality show. So, and those are the types of shows that are going to have the greatest consequence. So they're the ones that we want to, we want to rein in.

The other thing to keep in mind is that anybody who films on public property, whether it is State, County or Federal, has to have a film permit even if they are one person. Private property is a different animal unless that private property falls within the State's conservation district and then they have to have permission from the State, even if it's, you know, two people walking and talking in a forest, they have to have permission to do that.

So in the case of Lanai, if you're going to have any filming on hotel property would be coordinated, negotiated approved by the hotel itself. And anything else that is not within the State's jurisdiction is going to be Pulama Lanai. And they, they would have to get the necessary permission through Pulama Lanai. Insurance is a requirement for all filming activity, which is key to allowing them to film in our spaces is that they are heavily insured. General liability insurance at two million and automobile insurance, I think, at one million. So, they would have to have that in place for filming on private property as well.

Ms. Grove: Great. Thank you. I appreciate your answer.

Mr. Gima: Any other questions, Lisa? Okay, Shelly, Zane, Chelsea, Sally?

Ms. Preza: I actually do have a question. Zane, do you want to go? Sorry. I don't know if this is for Donne or for others, but I guess it says, you know, we have information saying that the Maui County Film Office will create an application process to issue film permits. I guess I'm just wondering what that entails, and in particular, I have some concern about if we open up commercial filming in any district, so that includes places where there is important cultural and natural resources, like not just in like neighborhoods or like, you know, in towns. Is there, um, is there anything that kind of stipulates, you know, that they need to acknowledge and

have a plan for training their crew and their whoever's in their shoot, about respecting our cultural natural resources? Yeah, if you can, if anyone can answer that.

Ms. Dawson: That's a great question. That's an excellent question, and it is kind of paramount concern for everyone. I will tell you that no film production is granted permission anywhere to film, whether it is private property or not, or public property where there are known cultural or environmental sensitivities that are, you know, such as burial sites, such as archaeological features, such as places that are considered, you know, sacred. You know, heiau, that type of thing. Or if there's even places where there's been over filming and those places have kind of suffered loss of vegetation or, you know, native, native flora and fauna that need to regenerate. We will -- we are the first line of defense. The State and the County will ensure that the production is provided another option. So be assured that just because someone asks to film somewhere does not mean they are going to be granted permission to film there. There is a whole vetting process that is part of the film process that has to be conducted before those film permits can be issued. So hopefully that's, you know, reassuring.

The other thing I mentioned to the Maui because this question came up with the Maui Planning Commission as well, is that we are working on a Hawaiian handbook that is a producers guide to film making within the Hawaiian Islands. And it is similar to something that they have at the New Zealand Film Commission and in New Zealand, which we have close working relationship with. But essentially, it's a guideline for producers to cultural and environmental sensitivities.

Further, there is a section in our production directory at the State level which you know all the counties have access to, and we give it out to all of our potential film productions. And it's a, it's a section called guidelines for filming in sensitive Hawaii locations, and it goes down the entire list. It talks about our unique geological and cultural history. It talks about . . . (inaudible -- spoke in Hawaiian) . . . It talks about our endangered and threatened species. And it just say please don't make decisions to film in places until you consult with the film offices first. Like don't fall in love with someplace before you found out whether it's appropriate and proper for you to film there. So hopefully that's helpful.

Ms. Preza: Thank you. I -- thank you for the information. That was, that was, I guess, a couple of follow up questions to that is who is involved in the vetting process? Because I guess I'm just wondering like, is it people who are experts in like the cultural natural resources of these places? And then another --. I'm sorry, I'll let you answer that first.

Ms. Dawson: Well, it's our State agencies and their expertise that they bring to the table because keep in mind that the film permits are signed off by the State or County agency that has the jurisdiction over that property or that location. So they have their own experts. We have our own list, or roster of experts, whether they are cultural or environmental. We work very closely with all of our State agencies and with our Federal agencies, depending on what the jurisdiction is, what the issue is. We have --. I'm Native Hawaiian myself, so I'm not, I don't pretend to be like the, the be all end all expert, but I do have a lot of knowledge. But I know

when I need to kind of, you know, direct traffic if there is a question about a place that I can't answer. There is also, you know, places like . . . (inaudible – spoke in Hawaiian) . . . , the birthing stones on Oahu, where there are families that are, have kuleana responsibility for those areas. So we consult with whomever the appropriate agency or cultural or environmental organizations have kuleana or have the specific knowledge expertise for that given area location.

Ms. Preza: Thank you. Thanks. I have one more question, but I'll let other commissioners if they have questions. I don't want to be dominating the --. Zane?

Mr. Gima: Why don't you finish up, Shelly, and then we'll go to Zane after you.

Ms. Preza: Okay, I guess this is kind of more general question, but maybe it's related to the, the handbook that you shared. And I know this is getting a little into the details, but I think, I guess, in the handbook, is there anything about the way that these films, commercial films are portraying Hawaii and maybe some things to consider in terms of what might be detrimental in terms of cultural appropriation or this idea of Hawaii is paradise when there's obviously been kind of a fraught history when we look at our films about, you know, is portrayal of, you know, I guess, Hawaii as this kind of idyllic place, which it is in some ways. But I think kind of ignoring some of the, you know, native histories. I guess I'm wondering if there's any kind of . . . (inaudible) . . . in the handbook.

Ms. Dawson: There's, there's whole section. I mean, this is, you know, this is you're singing, singing my, my, your music to my ears to, to hear you ask these questions. But there's a whole section in the handbook about cultural appropriation, misappropriation. It is a fine line and what I find and what I have found for the last 20 years is really education is key because a lot of these producers don't know what they don't know. And by and large, they want to do right by our culture. They want to do right by our communities, but they, they don't know necessarily what they're stepping into. So we are constantly educating. And as an example, there was a, there was a recent indie film that was filmed in Maui that had to do with sharks. And I went through a whole hour long discussion with the producers and the director talking about how sensitive the issue of sharks are, and how, how, how important sharks are to Native Hawaiian culture. And that, you know, they need to be cognizant of these things before they just dive right in. Now, on the flip side, you know, we have to abide by the First Amendment and there's, you know, there is that freedom of expression. But again, as I said, it's been my experience that not only do these, most of these productions want to do right by our community and our culture and our environment because they want to be invited back, but more importantly, I think that the attitudes toward cultural appropriation, misappropriation are changing. I think that we're in a culture of, of diversity, inclusion, more hunger out there from audiences to, to know more about, to have more authentic portrayals about indigenous cultures and indigenous communities. So all of that, I think, is shifting. I'm not Pollyanna in the sense that it's, it's all, you know, fine and dandy now, but I am saying that it is top of our radar. And, and again, you know, your concerns are our concerns, and I think they are shared by the bulk of the community.

Ms. Preza: Thanks so much.

Mr. Gima: Thanks, Donne. Okay, Zane?

Mr. de la Cruz: Yeah, I guess as a follow up, I guess for Shelly's question, when you're talking about who makes the decisions on natural and cultural sensitive areas, you're talking about families that have kuleana on some of these sites. Would they be able to deny a permit if they felt it was inappropriate? Like . . . (inaudible) . . .

Ms. Dawson: Uh, the State agency, the State agency would deny on behalf of the family. Or let's -- I'll give you an example. We would sit around at a table and we'd have people from the Division of Boating, the Division of, of Parks, and say, a community organization, and I'm just going to grab a place out of a hat, but Makua Beach, for example. We have people from the Waianae community and we would also -- and they, they have kuleana, they have a formal organization, and we would sit around the table and we would discuss what the film production wants to do. And we would kind of work through the details and the, the State agency, Parks in this case, and boating, is going to defer to that community organization and say, do you think this is a good idea and not a good idea? And we'd answer whatever questions there might be. And if they would say, you know, no, it's too sensitive. We've shut off this State park to our own community and we can't let a film production come in there and, and the community is going to be all up in arms as to why, why don't we have access, and this film production gets access? And in that case, we wouldn't allow it, and we would have to help the production find an alternative. So every single film request is dealt separately on a case by case basis. And like I said before, just because someone asks and they want desperately to film in this particular location, does not mean they're going to get permission to film there.

Mr. de la Cruz: And like one of the first things that this bill talks about is how it will minimize negative impacts on communities. I, I guess I need some clarification on that. I don't understand how something that is currently disallowed where if it were to be allowed, would minimize the impacts.

Ms. Dawson: Well, it means that they would have to go through a specific process. They're not just --. They're --. Because some places they've been allowed to film. I mean, they've, they've gotten the necessary, I think, SMA. I don't want to speak out of turn here, but they've got necessary waivers, for one particular instance, to maybe film in an area that's zoned agriculture. But if this bill were to pass, what you're doing is you are putting a specific constraint and regulation on all of their activity, and you are dictating to them exactly how they have to conduct. And one of the most important considerations here is how they are notifying and outreaching to neighbors who would be --. Because obviously the property owner is okay with it because they're, you know, they, they're, they're supportive of the filming happening on their property, but their neighbors might not be. And so you are requiring that these productions perform outreach to these neighbors and to mitigate concerns that the neighbors may have.

Now, I will tell you that in extremely extreme situations, where there's going to be prolonged filming in, in some, you know, private property area that is abutting some neighbor's property where they don't necessarily want to be subjected to filming going on for two weeks period, the production could and has in the past offered to put them up at a resort or have them --. You know, or even if it's not two weeks, maybe they don't even want to be around if it's going to be there for, you know, a few days or a weekend and they will pay to, to put them up at a at a hotel so that they don't have to be subjected to the filming that's going on in the, the, the property next door. But again, we're not going to be advocating productions film in congested neighborhoods where it's going to potentially irritate a lot of people. That's, that's just unwise.

So we would be, we would be working with the productions in advance to make sure that they are only looking at neighborhoods that are, that have been exposed to filming before and that don't have a problem with it. We don't, we don't want to create problems where none exist. And not everybody is -- I mean, a lot of people, I would say the majority of the of the, the population understands the economic importance of the film industry, and sees that as a good diversification of our economy, you know, opposite tourism or over tourism. But we don't want film productions to go where they are not wanted. So that's a very strong consideration. We don't want to ram a production down a neighborhood's throat. That is just, that's just, I'm sorry, it's, it's stupid. Because it's just you're going to be overwhelmed with complaints and you're going to have to mitigate those complaints.

Mr. Gima: You've got any more questions?

Mr. de la Cruz: So would the, would the neighbors, like, have some form of recourse the same way that, like, you know, with a naturally sensitive area that's, you know, it's been over filmed or overused. Would, let's say, theoretically, you know, there is a property that people really like to shoot at and you're they did a two or three weeks shoot, and then eight months later, they want to do another two or three months shoot there. Would the neighbors have some sort of recourse as to saying like, hey, man, you've done this already. Like, is there some way for them to --?

Ms. Dawson: I'll say yes. Yes. And I think, you know, most of our productions, especially ones that are of any size or substantive level, have to go before the neighborhood boards in whatever respective communities. They have to and usually it's the County Film Commissioner's responsibility. I usually attend those meetings, too, if it's a big enough production. But just to answer questions of the neighborhood board, of the neighbors, because again, we don't want --. They, they should have a say. They do and should have a say in whether or not they think that it is, you know, an oversaturation. We've had that on the North Shore of Oahu, where --. Or in places like of Nuuanu, Nuuanu forest areas where it's like, you know what, this, this community has had a lot of filming that's gone on in the last couple of years, we're going to take away, take a break, and we're not going to be issuing or entertaining any permits for these particular areas.

So I mean, like I said, it's all about communication, education and we don't --. You know, these productions are coming in here. They're making multimillion dollar decisions to come into our community. We don't want them to send them into the line of fire. We want to help smooth the process. It's why my office is even in existence, which been around since 1978, in order to provide that level of handholding on both the community side of it and the production side of it. We're kind of like the liaising agency. And your County film office performs that same function.

Mr. Gima: Okay, anymore, Zane?

Mr. de la Cruz: Yeah, so this wouldn't necessarily . . . (inaudible) . . . for --. Or I guess I don't know who this is for. But when you're looking at the bill and is talking about shoreline and ocean lighting for the preservation of seabirds, not all seabirds nest on the shoreline. Um, some of them nest rather far inland. So I'm not sure if there could be some language added for that kind of protection. And some of that's temporal like only a certain times of year, but something I think that should be taken into consideration.

Ms. Dawson: Yeah, I mean it, it's, it's, it's and that I'm sure that could be expanded because it's not just the seabirds that we're concerned with. It's all species that are threatened or endangered. And you're right, you know, some of them nest on the shoreline, some of them are inland, but they are attracted to the light. And that is the, that's the main consideration. That's what U.S. Fish and Wildlife is most concerned with. That's what our State agencies are most concerned with. They're attracted to the light, and the light is a, is a disturbance to them. And, and we -- the, the film production has to do very specific mitigating things in order to avoid those lights shining into the night sky or directly into the ocean waters. And so there's a whole process and protocol that they have to go through. But the, the main purpose is you do not want those lights creating an attraction to them because that's when you have your strikes, your inadvertent strikes, and, and your, your, your downed animals that that need to be tended to. I mean, it's, it's very, very serious and we do take it serious and, and make sure that our productions are fully aware and that we are working closely with their lighting departments to ensure that they don't create that disturbance or pollute the night sky any more than is absolutely necessary. And it's and again, those lights are going to be shielded. They have to be shielded. They have to be at a 45 degree angle. They cannot be straight up, straight down. And they can only, they can --. There's a very narrow time period that they can film after dark before they have to shut down.

Mr. Gima: Okay. So let me remind Commissioners we're still in public testimony. So Sally or Zane, are you -- if you're, if you're already finished -- Chelsea, do you have any questions for our testifier? Hearing none. Thank you, Donne, for all that wonderful background information.

Ms. Dawson: You're welcome. You're welcome.

Mr. Gima: I don't think we have any more testifiers. Do we, Leilani?

Ms. Ramoran-Quemado: Thank you, Chair. Thank you, Chair. There's nobody else, else.

Mr. Gima: Okay. Denise, do we have any testifiers at the Lanai Council Office?

Ms. Fernandez: There's no testifiers at the Lanai Council Office.

Mr. Gima: All righty. So at this time I will close public testimony. Then Jacky, you want to kind of recap the Planning Department's position and recommendations?

Ms. Kaye: Butch, I have some questions. I have some questions. So, is she going to do that first or do you want the questions before? How are we going to do this? How are we going to do this?

Mr. Gima: Yeah, thank you Sally. Yeah, let's go, go with Commissioners' questions before Jacky does the recap. Go ahead.

Ms. Kaye: Okay, Jacky, can I assume that this does not apply to non-profit outfits that are filming? It's only for commercial operations? That's just a yes or no question.

Ms. Takakura: You are correct. It's only would be, it would only be for commercial. Yes.

Ms. Kaye: Okay. So now under conditions on page three, A, if on private property, the owner. What if the owner is not the resident? What if it's a person that's leasing the property? Can they get permission of the lessee to do it? That was a question. And we, of course, don't have a neighborhood board here, so I'm not sure if somebody wanted to film on my street, am I going to have to notify 500 people? I mean, people within or do what does the production person, after I would assume, he would have, he or she, would have . . . (inaudible) . . . in writing to use my property to film on. Correct? And then they would, they would notify everybody, and that's it. It doesn't have to go before the Planning Commission. We're, we're essentially it. So that's another question.

And then I'm vehemently opposed to a midnight deadline for interior filming on this island. I think we should comply with Maui, Maui County Code, which is ten o'clock. And I had a question about the complaints. You said two complaints. Can that be two people each issuing a complaint or one person issuing two complaints? That was in F on page four; two complaints submitted to the Maui Film Office. And then the penalty of \$1,000, is that per production or is that per day a violation? That wasn't clear. Thank you.

Ms. Takakura: Chair Gima, do you want me to try and answer those now or should I . . . (inaudible) . . .

Mr. Gima: . . . (inaudible) . . .

Ms. Takakura: Okay, Vice-Chair, yes, you have a good point about whether or not it would be the owner of the property providing the written notice. We can work on that. Sometimes, you know, we just have, like, with other permit applications, they just submit a letter saying, you know, I'm authorized by the owner to do certain things. So that can be consistent to other processes. Because you're right it might be the lease or it might be even the production company. But as long as they have the authorization of the property owner, I think that would be fine because that's how we do other permits, at least here in zoning division. But I would double check on that one.

Yeah, the part about no Commission, Commission review that is correct.

The part about 10:00 p.m. better for Lanai, we can include that. And, yeah, right now, the number of complaints and how by the same person or not is not clarified. If I came across two complaints by the same person and they were submitted at two different times, like say, there was a noise thing on one day and then a traffic thing a couple of other days, I would interpret that as two separate complaints, but I can clarify that. Those would be handled by the Maui Film Office, but, yeah, I can get clarity on that.

And then the penalty, normally with violations, you have an initial fine and a daily fine. So -- and both of those mentioned for Title 19 is \$1,000. So an initial would be a \$1,000, and then if the problem is ongoing, that there would be additional daily fines of \$1,000 for each day. That's typically how things work. Hopefully, that answers your questions.

Ms. Kaye: Thank you.

Mr. Gima: Got any more comments or questions, Sally?

Ms. Kaye: I know that . . . (inaudible) . . . is provided to us a resource, but just Jacky for your thinking about going forward with the, the reference to County parks always brings up for us what do you do about Hulopoe? Because it's State land below the high watermark and then it becomes a quasi-public. At one point, the County took responsibility for informing people that weren't using the park properly. So, you know, you're going to I think, run the risk of falling into now that this is applying to private property, that that might just come up as an issue. I just wanted to raise that as a flag.

Ms. Takakura: Okay, that's a good point so I'll note that down . . . what that would require.

Mr. Gima: Okay, thank you. Lisa, Chelsea, Shelly, Zane, any other questions or comments before we go to Jacky recapping the --? Okay, Zane, go ahead.

Mr. de la Cruz: This is just in reference to, I think, the County Council wanting to put proof of drone compliance in, and I'm just not sure. I think it's -- I like the sentiment of it, but I'm not sure if it's a feasible on a practical scale. But I think when it comes to drones, like, when they're regulated by the FAA, you can call, like, in and file flight times if you're doing over

certain, like, going over certain elevations and stuff. But for the most part, you just like go on the radio and advise that you're going to be flying somewhere, and there's no --. There's --. You're not given anything to show that you've done this.

Ms. Takakura: Okay, so that's a good point. So it's important for them to comply, but there may not be any documentation that they have the compliance thing. Yeah, I think we're going to have to research that one because, you know, we did have Corporation Counsel jump on the call yesterday and he did, you know, he wasn't prepared, you know, regarding FAA rules and so forth for drones. So before we would present anything, you know, after it went through this process and we are ready to take it Council, we're going to have to do that and make sure we have it right. Because his concern was that we're not overstepping our boundaries because we cannot supersede Federal law and so forth. We're . . . (inaudible) . . .

Ms. Grove: . . . (inaudible) . . .

Ms. Takakura: . . . (inaudible) . . . going to have to get clarity.

Ms. Grove: Uhm, I do think that it's important, at least, that, that, that the neighbors be apprised of it, right? So that there is, there is a sort of regulatory piece and then the informational piece. And if, if there is drone filming going on, I think that the, the community has a right to know.

Mr. Gima: Shelly, Chelsea, any comments or questions?

Ms. Trevino: So the only thing for me, the only thing for me -- oh -- that stood out was because it says anywhere basically all the places. We did, you know, we did talk about like culturally sensitive areas and whatnot. But I, I guess I'm thinking in the context of like, let's say, somebody who goes hiking or somebody who goes camping somewhere, you know, how, how are people going to know that that the --. You know, I guess I'm just thinking in the context of somebody who's like, oh, I'm going to go do this and then they pack all their stuff and they go to go there and then there's filming there or they can't access it or, you know, how does that work? I guess that's my concern is like, how do we navigate letting people know because, because we're talking --. I mean, I think the very first thing that kind of struck me was the equipment was the generator. I was like, okay, so somebody can just, you know, go into the hale with their generator and get their approval. You're up there having a nice, peaceful hike and there's a generator, or you're going to go camp somewhere. But, so, I just, I guess I wasn't quite sure about that context because, you know, because, you know, as we shared earlier, there's kind of like that consultation that takes place between the land owner or the person who is responsible for it. But you know, we have a lot of land that, you know, maybe the State or County or whoever owns, but public, like, people have access to it on a regular basis without needing permission or whatever. And so that was the only thing that I don't know that there's a way to address that or just let people know like, hey, this area is going to be filming, you know, so that they're --. I don't know if it makes sense what I'm asking, but that's kind of what my only thing that I was like, okay, that's not really addressed.

Ms. Takakura: Sure Chelsea. Public, public access is or was the first consideration for any filming. So, yeah, that would be important. And you know, if it's a State or County property like a State park or County park, you know that already there's that process that exists now. But, yeah, public access is important. And you know, one of the things that -- if you want to, if you wanted to add -- this did get discussed a little bit at Maui Planning Commission. You know, if you wanted to add a provision that the film office should deny permits that could have a detrimental impact to a culturally, historically, archaeologically, or environmentally sensitive sites, put that in there too. You know, I just want to let you know also that at the County we do have an archaeologist and that here, in the Planning Department, we do have cultural resources planners that the film office can always consult with if they're not sure.

Mr. Gima: Chelsea, I got the impression that you were looking at what type of public notice would be provided for, like, let's say you went hiking up to the hale, and then there was a permit to do film up there because that's private property. I'm guessing that's what you're asking about. How would you, how would the public be noticed that there's going to be filming up at the hale? Is that accurate?

Ms. Trevino: Yeah, that would be, that would be an example. Yeah, yeah. Or like, you know, on Lanai, people go camp on the other side of, not just Hulopoe, right, like, yeah. So just that kind of. And maybe Lanai has a little more free range than other places do. And but that's just the consideration I thought about in that context.

Ms. McLean: Chair, this is Michele. Could I make a couple of comments about notice?

Mr. Gima: Sure, go ahead.

Ms. McLean: Thank you, Chair. I wanted to clarify that notices required to be given to owners and residents within 500 feet. So typically it's the recorded owner. But we wanted to make sure that residents are notified too if they're not the owner. Um, and it is the property owners responsibility to make sure that that gets done even if they're renting the property, it is the owner's responsibility to know what's going on, on their property and to provide neighbor notice.

In terms of broader community notice, there are a couple of things that we could do. We could add that all County film permits have to be posted to the county website so that anybody can access them and see them, and particularly for Lanai and Molokai. But, it could apply to Maui as well. We could say that copies of any film permit shall be distributed to the members of the Planning Commission. So it wouldn't be for you folks to act on, but for each of you to be notified so that you'd be aware of it so that if you're asked, you would know. So that would be one way to help. Just have broader public notice to make them available on the county website and to let Planning Commissioners know.

Mr. Gima: Okay. Thank you, Michele. Shelly, did you have any comments or questions? Okay, I just have --. Go ahead.

Ms. Kaye: Sorry. Yeah, I thought you said Shelly. If you did, I apologize. But I had a suggestion to make that we could put -- we've done this before -- we could put language. We should ask, we could ask that language go in, except for the Island of Lanai, where indoor activities should cease by 10:00 p.m. and notice shall be provided as, as Michele just said, to the Planning Commission and in the local newspaper within 30 days. Because I'm not sure how, even if we got notice, how would we disseminate it. There should be some kind of broader notice because we don't have a neighborhood board here that people could attend. So the only way to do it is in writing some sort of notice and writing. And I think using Lanai Today might be an option, or even Maui, Maui News. That might satisfy Chelsea's concern.

Ms. Trevino: Yeah, that, that's, yeah. I'm sorry, that's much better to be able to have it. Because even how would people notice that's something that they would look for, right, in that context.

Mr. Gima: Were you able to get that Jacky?

Ms. Takakura: Yes. The indoor, have it finished by 10 p.m. And then the notice of the Lanai Planning Commission and the local newspaper with 30 days. I have a dumb question, though. Is there any electronic format that would be an option because I just know in the conversation yesterday it came up, you know, like a lot of times, the film production crews, they're running more of it on a tighter schedule or shorter notice because sometimes newspapers take a long time to get the ad and print it and get it out. So I want to ask if there's another way that the notice could be distributed quickly, less turnaround time. Because that would be helpful, I think, to the permit office.

Mr. Gima: Yeah. Pulama Lanai has that Lanai 96763 dot com. And there's a calendar in there, and so there's various ways you could do that notice, in addition to what Sally has suggested.

Ms. Takakura: Sorry, the Maui Film Commissioner, he's, he's traveling, so he's not here. Otherwise, he . . . (inaudible) . . . We did work with him. Yeah, sorry, he's not here.

Mr. Gima: So I have one question on the permit. I mean, I assume it's automatic on the permit that the property owner agrees to filming on the property as opposed to what you mentioned earlier about getting a letter authorizing the production crew to film. Is that accurate?

Ms. Takakura: Chair Gima, so right now, the language is, is that the owner of the property would have to, you know, provide the notice and so forth. But normally we do go by TMK, so it's by the property and the owner is ultimately responsible.

Mr. Gima: But in terms of the permit, I mean, whoever fills it out, is it, is it required on the permit that that the owner has to agree to it? Because I'm thinking of a private property, let's

say there's 15 acres and the production company wants to film. And if the, I mean, 15 acres is a huge area and . . . and that's what I was saying. I would think it has to be a required part of the permit, and the, the private owner acquiesced or agreed to it. I mean, you would think you think that that's automatic, but I don't know because I'm not familiar with the industry.

Ms. McLean: Chair, if I can respond to that. It would be up to the County Film Office to, to create the application form. I can't imagine that they wouldn't have information on the owner of the property, and the signature from the owner of the property. It's not explicit in the bill. I don't know that it needs to be. But we can, you know, there are other things that would go in the permit application. Just basic information, the TMK, the size of the parcel, the dates, the activity that's going to occur. All those would be part of the application form. And the bill doesn't spells those out. The bill says the permit office has to create an application and these are minimum conditions. But you know, if you feel strongly that that's something that needs to be added to the bill, then then that's a recommendation that we would send to the Council.

Mr. Gima: Well, whether it's language in the bill or just in the application form to ensure that the property owner agrees, whichever is whichever, whichever's easiest.

Ms. McLean: Okay. We -- before we send this to the County Council, before we send the package to the County Council we'll coordinate more with the Film Office on what the actual application might look like and make sure that that's included.

Mr. Gima: Okay, thank you. Before I turn this back over to Jacky, Commissioners, are there any objections to any of the amendments the Maui Planning Commission put forth? Uh, okay, hearing and seeing none, I'll turn it back over to you, Jacky, about the Planning Department's summary and recommendations.

Ms. Takakura: Thank you, Chair Gima. Just regarding the consent of the private property owner, they would have their own separate location agreement with the production, require their own insurance coverage. But yeah, we can make sure all of that's in the permit application.

Okay, so far, I'll just go over my notes. May I ask what do you folks think about having a provision about the Maui Film Office denying permits that could have a detrimental impact on culturally, archaeologically, environmentally sensitive sites? Put something in like that?

Ms. Kaye: According to whom? Who gets to decide that?

Ms. Takakura: So yeah, they could consult with, you know, SHPD, or you know, our Cultural Resources Planner or the County Archaeologist, community organizations. Yeah, those are good things to clarify.

Mr. Gima: Any objections, Commissioners? Okay, none.

Ms. Takakura: Chair Gima, the . . . (inaudible) . . . The other thing I have is the indoor ending at 10 p.m. Clarification regarding the complaints or the number of complaints. Clarification on the proof of drone compliance. If it's just a drone license.

Ms. Kaye: And I think -- I'm sorry to interrupt -- but I think what Zane was recommending, at least I understood, is that if there is going to be, excuse me, drone activity, that that is specifically spelled out in whatever notice.

Ms. Takakura: Okay. That's what I have. Oh, and then also putting notice to the Lanai Planning Commission, and then in the local newspaper within 30 days. And maybe I should just say an online posting, so we don't have to specify, you know what, if there's a new website that everybody goes to. The one that Chair Gima mentioned. And I think for all of them, you know, regardless of the island, it would be good to post all of them on the County's website. And for Lanai, it could also be in the . . . (inaudible) . . . Would that be okay?

Mr. Gima: Yes. And then I think the last amendment had to do with specifying the initial and the daily fine amount. So Commissioners, any . . . (inaudible) . . . amendments? Zane?

Mr. de la Cruz: I'm not sure if this is an amendment or not, but like, ah, Commissioner Kaye was saying, like, we don't have a neighborhood board, and that seems to be, you know, the, the interaction site between these production companies, State entity, and where the film was, like, if they're going to shoot in town, where that discussion and talk would come from. And lacking that, it seems that like our community doesn't have a form of recourse when it comes to one of these permits being granted. And I don't know how, but is there a way for it to be, like, a sort of a neighborhood board, can there be a public meeting or something like that? Because it sounds, because we don't have -- it sounds like because we don't have something called the neighborhood board that we don't have a say at the table when it comes to that kind of discussion.

Ms. Grove: Can I just say a comment to that? Which is the, the problem, I think, with a public meeting is that there's still no jurisdictional authority to say no that's not okay. I'm wondering if it should be the Planning Commission or some other body that gets to say, no, you can't do this in our neighborhood. Because I just worry that they would come like, oh, we can complain about it, but there's still nothing we can do.

Mr. Gima: Good point, Lisa. So Jacky, can, can the amendment include that language?

Ms. Grove: So, it would be in lieu of, you know, a neighborhood association or whatever the, the, the authority is on other islands, it would be the Lanai Planning Commission, right? Have I gotten that right, fellow Commissioners?

Ms. Kaye: Right, so in that case, Jacky, would it be that the Maui, except on the Island of Lanai, the Maui Film Office shall hold a public hearing before the Lanai Planning Commission prior to production.

Ms. Grove: . . . (inaudible) . . .

Ms. Takakura: . . . (inaudible) . . .

Ms. Grove: . . . (inaudible) . . . that we're . . . (inaudible) . . .

Mr. Gima: Wait. Hold on. Let --. Okay, Lisa, and then we'll go to Michele.

Ms. Grove: Yeah, I just brought it up. The one thing that I did hear Jacky say was just like, you know, sometimes these things move more quickly and we don't want to like --. I mean, I want it to be done right, but I also don't want to impede opportunities. And so it, would it, does feel too onerous to require the Planning Commission to do this? And I'm asking this as a question to the fellow Commissioners. Because I think --I think that might make sense, but I also don't want to add these sort of hurdles that it becomes ridiculously impossible for people to deal with.

Mr. Gima: Okay, Michele.

Ms. McLean: Thank you, Chair. I was going to make a similar comment to Commissioner Grove that we know that that these production companies often have their very tight timelines. And so trying to schedule that could, could end up being, you know, in losing the opportunity for them to film there. I had the similar concern with the recommendation that notice be given to neighbors. We had proposed 14 days prior to the activity and the Maui Planning Commission recommended that be changed to 30. That's a concern. But really, it should be the Film Office that's making these arguments, not us so much because we're, you know, we're all about public notice and all that. But that -- those are concerns that they've shared with us in the past that these guys show up and say, hey, we want to start filming in two weeks and we're hoping to, to be responsive to those concerns. So, yeah, I think doing as much notification as possible, but I don't know about shifting the approval authority and the timing that would go into that. I think that would be a concern to the Film Office.

Ms. Grove: We would still have the ability to go the Film Office and raise our concerns, correct? I mean, even just as citizens or as members of the Commission.

Ms. McLean: Well, you know that, that brings a thought in terms of the protest. So if we're widening the notification, maybe that might be the way to address that. So right now, it talks about notifying property owners within 500 feet, and maybe that notification process -- so sorry, I'm jumping around a little bit. Well, what we had discussed before was sending out copies of the approved film permit, disseminating that so that people would know. Then we can still do that, but we could also, when it comes to notification before the permit is issued, before the activity takes place, to include some kind of community notification, not just neighbors. And so then when there -- and then so if complaints, when it comes to the complaints being submitted, complaints can be submitted by not just owners or residents

within 500, within 500 feet. So maybe that broadens the community's participation that that if there are any problems, you know, already problems, anybody can complain and suspend the activity. So maybe those are ways to help get the word out and to have more of a voice if the activity is detrimental.

Mr. Gima: Okay, Zane?

Mr. de la Cruz: This all just seems very reactive and not proactive. Like from what I understand, what I understood from the public testimony was that, you know, these other communities with these things called neighborhood boards, which I fully admit have no idea what that is. But they're going to see at the table before this happens, before filming starts. And from what it sounds like, we do not have that opportunity, and I do not believe that's right.

Ms. Kaye: You know, it's so funny that you would say that, Zane, because now that I'm reading page 3A, the owner of the property shall provide written notice of the activity. I assumed that meant before it started. And from what Michele just said, that's after it's already been approved. Is that correct?

Ms. McLean: That's correct.

Mr. Gima: So I agree, I agree with Zane that the process has to be set up where the community has a say before the permit is approved. The permits approved, then what the community says afterwards doesn't have as much teeth. And, yeah, film, film productions crew who want to work on a tight schedule, but if, if the, the State and the Maui Film Office can give, you know, put on notice that, hey, if you want to film in private property in the County of Maui, you've got to work on this timeline, meaning that it has to come before the Planning Commission. So you got to give yourself at least 30 days just to get it on the LPC agenda. And I don't think we should bow to the fact that they want to speed things up in two weeks.

Ms. Takakura: Chair Gima just for some context with the public hearings. A date has to be set and then there's also 30 days public notice required. So that kind of pushes things out to like two months, public hearings.

Ms. McLean: If I could add to that. If, if you want the Lanai Planning Commission to approve these permits, that's, you know, that's your recommendation that we would send to the Council. If it doesn't have to be a public hearing because then that would allow for it to get on the agenda faster. So it would still be a public meeting where testimony would be accepted, and you would have decision making authority. But it wouldn't be a quote unquote public hearing. Public hearings are called for in the County Code for certain types of permits. But there are other issues that come before you that aren't public hearing items where you still have approval authority. So that would just help with the timeline for it not to be a public hearing.

Ms. Grove: Were you also suggesting Michele that another option would be to just to require public notice as the notifying neighbors? I thought that was still more proactive than reactive so that we would have a chance to go to the Maui Film folks and say we object to this idea. Isn't that what we're --? As long as we have some avenue to proactively to say, we don't think this is cool.

Ms. McLean: The bill could be reworked to allow for that. So once that notice is given. So let's say a film permit is issued, notices given not just to owners and residents, but to the broader community, a provision could be added related to objections or protests that could stop the activity before it starts.

Ms. Grove: But it would still come after the issuance of the permit. So I was just wondering if there there's anything that would be before that, a precursor to that, but I guess not.

Ms. McLean: Well, you know, again, it's really up to you folks to say what you would like, how you like this, how you would like this bill to be structured. It could be structured where notice is given and you know, if no objections or protests are received, then the Film Permit Office or the Film Office can proceed with issuing the permit. But if concerns are raised, then I don't know, we'd have to figure out what would happen if concerns are raised.

Mr. Gima: So can the neighborhood board protocols and processes be instituted for the Lanai Planning Commission oversight? Because that's the only reason why we're talking about LPC oversight is because we don't have neighborhood boards. So I'm, and I'm sure they have protocols and processes. Can we just follow what they do?

Ms. McLean: I'm not familiar enough with them to be able to say yes or no, because we, you know, Maui County doesn't have them, so I'm not, I'm not familiar with how they operate.

Mr. Gima: Okay. Is this a major sticking point for Commissioners? And if, if it is, then the Planning Department, what timelines are we working under to get a decision to County Council?

Ms. Takakura: So we have Molokai Planning Commission next week, then we have 120 days after the last public hearing to get the proposed bill to, uhm, County Council. 120 days after the last public hearing.

Ms. Grove: Can I ask a question of clarification? Michele, did you just say that Maui doesn't have any neighborhood boards? Because if so, why is that language in here? It means that there is no jurisdictional authority for anybody to push back on this if in fact they don't exist.

Ms. McLean: I don't think there's language in here about neighborhood boards. Maui County does not have neighborhood boards, just Oahu does. Just the City and County of Honolulu does. So I think Donne Dawson brought up neighborhood boards because that's how it works on Oahu.

Ms. Grove: I see. Thank you for clarifying.

Ms. McLean: Yeah.

Mr. Gima: So Jacky, the last public hearing would be Molokai's public hearing, so the clock starts, the 120 days clock starts after tomorrow's Molokai Planning Commission meeting? Is that accurate?

Ms. Takakura: Next week Wednesday, the 22nd. Unless it's deferred or no quorum or something, then we have to republish.

Mr. Gima: So for Lanai Planning Commission we have time to flush this one out. Uhm, how do the rest of you feel about deferring this item until we can get some clarification on how we want to deal with community input and decision making prior to the issue of the permit?

Ms. Kaye: It's my understanding that the Maui Film Office and the State Film Office have been concerned with State property and County property. This is a whole new can of worms when it, when it comes to private property. And I am not against the idea, but I'm stunned to learn that the notice is after the permit has been issued. So I would absolutely, given the concerns the Commissioners have raised tonight, defer this for a month to let perhaps the film person when he comes back and the County Planning Department figure out a way that -- I'm going to bet this comes up on Moloka'i too some prior notice so that --. I just can see problems, if a landowner says yes, the production is all ready to go. The notices sent out and then everybody goes crazy. I just see that's that's a recipe for disaster going down the line.

Mr. Gima: Lisa, Chelsea, Shelly, Zane, your thoughts.

Mr. de la Cruz: I'm in a similar venue as Commissioner Kaye that the person who gave the public testimony earlier obviously thought that there was some form of discussion and recourse that the community had. But that's obviously not the case in Maui County. So I think we need to address that before we can move forward on this.

Ms. Trevino: I just guess, I guess I'm just like thinking in the context of -- and it's not about taking, you know, like, not empowering the community. But in the regards to this subject that we're talking about, there was reference to neighborhood boards, right? And now we're talking about the whole community. And I don't know if that's the same context, you know, I'm just thinking as far as that is concerned. You know, we're talking about a neighborhood board versus now we're talking about the Planning Commission, and that's like the whole --. Then we're talking about the whole community giving input. So I just I don't see the connection as far as the amount of people. And then I thought that Ms. Dawson said something to the effect of if anyone in the 500 foot radius disagrees then they'll shut it down. I thought that was said.

Mr. Gima: Go ahead Zane.

Mr. de la Cruz: So I asked specifically if, like, when asked the question of if a family has kuleana to a certain place, if they have the ability to deny this permit. And she said, no, they don't. The State agency that operates it could deny on their behalf, but it's not, it's not a guaranteed thing. And I'm not saying that even the Planning Commission is the right body to make these rulings. It could be something, you know, a property within 500 feet of the property that's being filmed on. Maybe that makes, like, a pseudo neighborhood board where they get to have input on what's happening. But as it stands now, it sounds like there is, that we have no agency that this island or Maui County essentially has no agency as private citizens to decide whether or not we want this to happen in our neighborhoods. And, you know, for filming that takes place, you know, on the east side, K-moku town and stuff, we still wouldn't have influence over there. And, you know, that's not our neighborhoods, so it's understandable. But if something's taking place in town where we live, I think we should have some say on that. And right now, it sounds like there is nothing we can do about it once the permit is awarded and there's nothing we can do prior to the permit being awarded unless they make violations.

Mr. Gima: Good point, Zane. And to your question, Chelsea, I think Lisa had talked about why the Planning Commission would be appropriate entity because we have kind of like jurisdictional authority, whereas Coalition for a Drug-Free Lanai or LCA or whatever, they don't have that and they don't have rules on how to conduct meetings and make decisions, and you know, the whole Sunshine Law stuff. So unless the Planning Department can come up with another decision making process prior to the issuance of a permit, then it seems like the Lanai Planning Commission would be the entity. But going back to my earlier question, how did the rest of you feel about deferring this until we can come up with better language on this issue? Lisa?

Ms. Grove: I was just giving you a thumbs up. I agree with it. I agree with it.

Mr. Gima; Okay, thanks. What about you, Shelly?

Ms. Preza: Yeah, I agree. I think there has been a lot of information to digest tonight, and I think we, everyone brought a really good points. So I think, you know, if we have a little bit of time and I understand Jacky, you folks are going to be on a timeline after the last public hearing, but hopefully next month will be, you know, still allow some time to work on the wording after that. I think it's a good idea.

Mr. Gima: . . . Okay . . . (inaudible) . . .

Ms. Takakura: And . . . (inaudible) . . .

Ms. Trevino: . . . (inaudible) . . . Molokai to, to say, or what their input is.

Mr. Gima: Okay, if there are no objections and let's defer action on the proposed bill in order to gather specific additional information and --. Okay, so there's no one objecting, so we will

defer this to our next meeting. And then, Jacky, are you clear on what needs to be, what specific information is needed?

Ms. Takakura: Yeah, and the Maui Film Commissioner will be back next week so we can talk with him about the concerns and maybe he's got some ideas about the industry much better. Maybe he has better . . . (inaudible) . . . So yeah, we'll have this on the next agenda.

Mr. Gima: Okay, thank you, Jacky.

Ms. Grove: . . . (inaudible) . . . Oahu has like a process in place to confirm or deny these things. It seems like the other neighbor island should have this, an equivalent.

D. UNFINISHED BUSINESS

1. **LANAI RESORTS, LLC, a Hawaii Limited Liability Company doing business as PŪLAMA LĀNA'Ī, requesting a Community Plan Amendment, Change of Zoning, and Project District Phase I Development Amendment for the KŌ'ĒLE PROJECT DISTRICT located at Kō'ele, Lāna'i City, Lāna'i, Hawai'i. TMK(S) (2) 4-9-001:021, (2) 4-9-001:024, (2) 4-9-001:025 (POR.), (2) 4-9-001:027, (2) 4-9-001:030, (2) 4-9-002:001 (POR.), (2) 4-9-002:061 (POR.), (2) 4-9-018:001, (2) 4-9-018:002 (POR.), (2) 4-9-018:003 (POR.), (2) 4-9-018:004, (2) 4-9-018:005, (2) 4-9-020:020 (POR.), (2) 4-9-021:009 (CPA 2021/0001, CIZ 2021/0001, PH1 2021/0001) (K. Wollenhaupt) *(Item was discussed and deferred at the Lanai Planning Commission's May 18, 2022 meeting.)***

Mr. Gima: Good point. Good point, Lisa. So, okay, we're, we're coming up on eight o'clock. We still have unfinished business from last month, Communications, and then Director's Report. How are Commissioners feeling in terms of how much more stamina you have for the, for the evening? What's your preference?

Ms. McLean: Chair, I'm going to drop off. Jordan Hart is on for the last item if you go there. And I just wanted to say thank you very much for all of your time and input, and we look forward to continuing to work with you on the bill. So thanks again and good night.

Mr. Gima: Thanks Michele. Okay, Commissioners comments, thoughts about continuing on with the agenda. Just for some procedural matters, when we were handling the Community Plan Amendment, Change of Zoning and Project District Phase One Development Amendment for the Koele Project District last month, I think Jordan Hart said we have till August to, to work on this. There were a number of questions submitted to the applicant, and the applicant chose to present tonight as opposed to providing written responses. Uhm, I, I envision --. I mean, if we go and cover all of the questions I envisioning that we're going to go way past nine o'clock. Thoughts or comments about that.

Ms. Grove: And do you have a quorum?

Mr. Gima: Yes, we, we still have five because, yeah, you would be recusing yourself. Does anybody have any preferences?

Mr. Wollenhaupt: Oh, there's this is --. Hi. This is Kurt. Just a quick question, quick question. I had looked into this 120 days business in 19.510, and while it says that it's to be pushed up to the Planning Committee in Council in 120 days, there doesn't appear to be any, any consequence of not pushing it up. So Richelle Thompson is on the meeting, but in looking at the Code, it says, well, it should be pushed up, the consequences of not doing so don't appear to be any. And I'm sure if the applicant would agree that we could have further debate, then there would not be any consequences. So that would give you more time to deliberate if the Director, Deputy Director would rule on this or our Corporation Counsel may have some thoughts. But I had anticipated that question might come up if there were any consequences to going over 120 days. Anyway, I just want to let you know. Thanks.

Mr. Hart: Chair, I wouldn't propose a rule on it, but I would say that based on my past experience, former Council had not focused on the 120 day time limit, but our Current Planning Commission -- oh, sorry -- Planning and Sustainable Land Use Committee Chair Paltin does focus on it. But basically due to the nature of needing time to address issues and application durations that it typically was not adhered to in the past. But I would say that if I couldn't see this Council being satisfied with the matter moving forward without substantive comment from the Commission, so you know that, between the, the applicant and the Commission, you know, you could conclude how you want to handle that. But I would just say that I don't think the Council would feel this is a satisfactory matter for them to start making decisions on without hearing from you. Thank you.

Mr. Gima: Thanks. Thanks, Jordan and Kurt. Richelle any comments?

Ms. Richelle Thompson: I agree with, with Jordan that, you know, especially with, with this matter, it's, you know, obviously particular to Lanai. I, I also wouldn't see Council taking action without your input. You also, as you pointed out, Chair, you know, you do have time and you're not running up against a deadline, even if Council did want to go ahead and move forward. So, you know, I think if it drag out through the summer, you know, we might want to revisit that or have a conversation with the Chair of that committee. But, you know, for now, I think you're, you're fine.

Mr. Gima: Okay, since I didn't hear anything from the Commissioners, my preference is we defer this to next month with the expectation that the applicant provide the Planning Commission written responses to the questions. I think if we get the written responses, when we meet in July, we may not have to go through all of the questions. How do the rest of you feel about that?

Ms. Kaye: I agree. I don't know how Pulama will react to that, but I agree with that.

Ms. Preza: Can you remind me? Can you remind? How many questions were on that? Sorry, it wasn't here last month, but I did listen in to the recording and then I saw that what was sent, but can you remind me how many questions were on there?

Mr. Gima: Over 20.

Mr. Wollenhaupt: Oh, hi. There were nine pages of questions. Nine pages of questions.

Ms. Preza: I, I'm not sure. I mean, I think it would be up to the applicant if they could this, but I also feel like a month to answer nine pages of questions written out seem like a tall order. I'm not sure, but I'm okay with it being, if we defer for them to answer in person as well. Just my own preference because they did wait also this whole time, but I'm, I'm not sure what other people feel. I'm okay with verbal oral responses at the next meeting too.

Ms. Trevino: Well, I'm just wondering how much time it would take to listen to what they have to say today without us discussing it, just to hear. And then if you're requesting we want the written, then --. I'm just throwing that out there.

Mr. Gima: So how's about you, Zane?

Mr. de la Cruz: I do like the suggestion of if they, if Pulama wants to present, then just listening to them present and then not necessarily going into a Q&A today, still being able to do that at the next meeting. But that would allow us to kind of digest the information that they want to put out there; I like that idea.

Mr. Gima: So just to, to remind everybody the reason why we deferred was because Pulama chose not to answer, um, several questions. Or they were, they weren't personnel there to answer some, some of the questions and thus in the Planning Department asked the Commissioners to submit questions for the applicant by, by a certain date. Um, I would, I would agree with you, Zane, if we were still in receiving hard copy minutes. That way we could -- if we had listened to the applicant answering, then we can look at the hard copy minutes to go back to. But we don't have hard copy minutes and we don't have the applicant's written responses. So a lot of times it will require us to remember what was said. And so you don't have technically anything on record unless you go online and look for the answers in the County website. So that, that is another reason why I prefer to defer and, and have the applicant and all of their --. They have more than three or four people that can answer a lot of questions, so it's not like one person has to answer all of nine pages. Any other comments, Commissioners?

Ms. Preza: What do you think about asking the applicant if they have a preference? Just because I wonder, like it sounded like you folks were asking people who could answer the questions to be present tonight. So I'm just wondering if you know, they've been waiting for

three hours and maybe we ask them if they would prefer to answer some questions while they have some of their experts here.

Ms. Kaye: Shelly, just to clarify, because you weren't here last month, we specifically asked for these in writing and they had a whole month to do it and then within the last two days just submitted something saying, no, we're not going to do it. So that's why the suggestion was to give them another month to do that.

Mr. Gima: Okay, Shelly, I'll, I'll take your suggestion and ask the applicant so Pulama Lanai would you like to comment on the preference of several members of the Planning Commission to defer this to next month until you guys can provide us written responses? Go ahead.

Mr. Matsumoto: Chair, can you hear me? Thank you. Thank you, Commissioners. And you know, we respect that it's been a long night and your, your suggestion to defer. If I can just respond to the thought about how we would answer the questions. When we received the questions, we thought they were really important questions to answer, but also for us to answer them very thoughtfully and thoroughly. And to do that properly, as was mentioned, it's nine pages of questions, it would have been a whole other volume of pages of answers to do it justice. We thought they were important questions and out of respect we thought it'd be better to present them in person. And in fact, it would serve as both not just a response to the questions, it could serve as information to the Commission and also an opportunity to have dialogue about the questions. So that's how we perceived this as an opportunity to answer and also, at the same time, educate and create more of a dialogue. So we appreciated the questions and thought that this would be a better format rather than just write a lot of responses on paper. And that has to do with some of the questions also that were asked because they weren't just questions, for example, about water. There was questions about how the report was put together and how confusing the report was. So even more so, it felt important to present the answers in person so that we can point out how the report was put together, how it was organized, how information can be obtained from these reports. So if you would indulge us and give us the opportunity to do the presentation, we would greatly appreciate it.

Mr. Gima: I don't think it's, I don't think it's an either or. I mean, if you provide the Planning Commission written responses, you can also provide the verbal response and there can be a, a dialogue. So it's not an either or. My thinking is if you provide written responses and then we come to the next meeting and then I can ask, I can ask the Commissioners, okay, question number one, everybody okay with that? If everybody's okay, we just move on, and then we'll just, we'll just discuss with the applicant the ones that we're still confused about or needs more clarification. But absent, absent that, we're going to go, we're going to have to go through all the questions if you just want to provide a verbal response. What about, what about the rest of the Commissioners, any comments, questions to Pulama's comments?

Ms. Kaye: And I wonder if we could compromise in some way. You're going to lose me real soon because this -- I could not probably go for another hour, so if you -- and if we're not

going to vote, then you know they can make their presentation if that's, if that's the Commission's pleasure, and then, you know, follow up next month. Or, we could defer to the next month and make sure that this is either first on the agenda, Jordan, if that's possible. It always comes last, unfinished business, and there was so much else on. I had a feeling this would happen. So I'd like to have it get the attention that it deserves. And it sounds like they've put together a really good presentation and I don't want, I don't want to feel rushed to consider what they have to say. That's just my feeling on it.

Mr. Hart: I can respond to that, Chair. The Chair can, or the Committee can reorganize -- the Commission -- can reorganize the agenda at the beginning of every meeting. We did naturally -- not naturally -- but through the course of items being delegated to the Commissions and applications come in, we did have two or three public hearing items that were on the agenda, so we typically try to resolve those because notices have happened. But other than that, we can discuss what's on the agenda for next meeting at the, during the Director's Report, and we can also reorganize, the Committee, the Commission can reorganize prior to the start, or even in agenda formation that's done with the Department prior to the publication of the agenda. Thank you.

Mr. Gima: Thanks, Jordan. Sally, I think that's a really good suggestion. Zane, Chelsea, Shelly, any comments?

Ms. Trevino: I just want to say I appreciate the explanation as far as why they wanted to meet in person. However, it doesn't seem like it lends itself to because I was thinking it was more, like, a presentation, like, here's some information you can think about it. But it seems like it doesn't lend itself to that context, and so maybe it is better that we put it towards at the front of our agenda next time. And then maybe for them to consider the importance of something in writing. But that would contribute at least to the discussion and maybe moving it, hopefully making the flow a little bit more conducive.

Mr. Gima: Zane, Shelly, any anything to add to that?

Mr. de la Cruz: I mean, I don't like --. There's two conflicting thoughts, right? Like, I don't like holding this up because we're obviously, you know, having people on the line here who thought they were going to have a chance to speak tonight, but don't get to. But I, I really would like to go over this in detail. And I don't know, is this something that an executive session would be good for because we never seem to have enough time or I don't know what? If nothing else, I do think they should be bumped to ahead of the agenda for next month so that we're not constantly kicking it back a month.

Mr. Gima: Okay, any thoughts, Shelly?

Ms. Preza: I agree that if we defer, it should be the first thing on the agenda next month, so we can definitely get to it. Like I said earlier, I'm okay with the oral presentation. I think it

maybe it'll lend itself to getting through the nine pages of questions and then we'll have enough time to hopefully talk about it if it's first on the agenda.

Mr. Gima: Okay, so hearing --. Well, this is a procedural discussion, so Lisa, do you have any input in terms of procedurally how we handle this?

Ms. Grove: I, I guess the only thing I would say is that I think that, that Pulama . . . (inaudible) . . . attempt at dialogue feels like a worthy exercise. I, I personally think that answering nine pages of questions in writing, I don't, I don't remember that being discussed last week, but I think that might be out when I was in my recusal phase. But I personally think deferring and if it's too late and people don't want to keep going to let them present and have a dialogue to me seems more valuable than something in writing.

Mr. Gima: Okay, I would, I would propose --. I mean, okay, let me say it this way. Are there any objections to deferring this matter to next month's meeting and having this being the first item on the agenda? And the expectation is that the applicant will provide both a written and oral response and presentation to the Planning Commission. Any objections to that proposal?

Ms. Preza: I guess, I guess the written . . . (inaudible). . . are saying you want a written response too?

Mr. Gima: Yes, for the, for the reason stated earlier.

Ms. Preza: I think, I think I object to having them answer those nine pages of questions written. I'm okay with the oral presentation next month first on the agenda.

Ms. Grove: I agree with that. My recollection was that we were giving them something in writing but that they weren't required to give something back to us in writing.

Mr. Gima: Yeah, that's the tough part, because we don't have hard copy minutes, we wouldn't be able to verify that. But that was, that was the expectation.

Mr. Hart: Yeah, Chair. This is Jordan Hart from the Department. It was stated by Commissioners that they wanted to see it in writing, which is why the letter was formatted that way. And just for context, for other Commissioners, I think that it's not -- this is not an unreasonable amount of writing that would be required of a land use planning application, even of a smaller magnitude than this. So I don't think that you should concern yourself with how much typing may be involved in providing a written response. And I do think it would be better for you to have it established on the record to be able to review in the interim and then just basically have it entered into the record. I think that the concern that had been raised in the last meeting was that if it wasn't done in writing that, then we would be relying on minutes and representations in the Maui Planning, or the Lanai Planning Commission's record rather than just having materials submitted. And so just for your frame of reference of what you as

Commissioners should feel comfortable asking of applicants, I don't think that you should feel that you're asking some undue burden for this.

Mr. Gima: Okay, does this Jordan's input change any of the Commissioners' positions? Because if, I mean, if there's one or two objections, then we have to go to a motion and vote. Is that, is that accurate, Richelle?

Ms. Thomson: I'm sorry, Chair, I missed your question.

Mr. Gima: I was asking because I proposed if there was no objections, I was proposing that we defer this till next month, and so we bump up to the first item on the agenda with the stipulation that the applicant provide both a written and verbal response and presentation. And then subsequent to that, there was some objections, so I said, if, if there are some objections, did Jordan's input change? If it didn't change their objections, then would we procedurally have to go to a motion and vote on it?

Ms. Grove: . . . (inaudible) . . .

Ms. Thompson: I don't think that you, that you need to go to a vote. You can if you'd like, you know. If it's cleaner that way, you know, if there are, you know, you've got really just got bare quorum, so you wouldn't have enough if you have anybody that that did object. So, you know, the other, the other consideration is that you obviously can't force an applicant to respond to in a certain way. You can request it, you know, and they can do their best to accommodate the request. But can't force them to do it in writing is what I'm saying.

Mr. Gima: Okay. I mean, obviously, the, the Commission wants responses and answers to the questions so we can make a decision on the, the application. Um, how, how would --? Okay, how about this proposal that that we defer this to next month and we bump it up to the first item on the agenda. We would prefer a written response, but as Corp Counsel says, we can require it, so the, the applicant can make a verbal presentation and response to the questions. Any objections to that alternative? Okay, hearing and seeing no objections, then the decision is that we will defer this item to next month, and we will bump it up to the first item on the agenda, and the applicant will make a verbal and verbal response and presentation, and cut it off right there. As an aside, as an aside, yeah, we would appreciate if the applicant could provide written responses.

E. COMMUNICATIONS

- 1. May 1, 2022, Q1 2022 Quarterly Report from December 2021 through mid-February 2022 (Condition 15) water usage reports for the project site submitted by MS. KEIKI-PUA S. DANCIL, Ph.D., Senior Vice-President of Governmental Affairs, PULAMA LANAI for Project District Phase II Application for the Four Seasons Resort, Lanai, Koele Proposed**

Improvements (PH2 2017/0001).

The Report is provided to the Lanai Planning Commission for its review.

Mr. Gima: Okay, that being said, let's move on to Communications. Keiki-Pua, I will turn this over to you for the 2022 first quarter quarterly report.

Dr. Dancil: Aloha Chair. Thank you for the opportunity. I also have Joy on the line, who is our Director of Utilities. Given the time and we're just -- you guys all received the report and we're here for questions.

Mr. Gima: Okay, thank you. Commissioners, comments, questions about the first quarter Koele Retreat Potable Water Use Report? Okay, hearing or seeing none, we'll accept the report as presented. Thank you.

F. DIRECTOR'S REPORT

1. Open Lanai Applications Report as distributed by the Planning Department with the June 15, 2022 agenda.

Mr. Gima: Okay. On to the Director's Report, open Lanai applications.

Mr. Hart: Chair, uhm, the attachment is presented to the Commission each meeting as part of the agenda. That's there for you to review if there's any questions.

Mr. Gima: Okay Commissioners, any comments, questions about the open projects report? I don't, I don't think it has changed since May's report.

Mr. Hart: I'm wondering if perhaps --. The only one I would wonder is if the Ag, Ag labor dwelling came off. No, those are still on.

Mr. Gima: Okay, if there's --

Ms. Ramoran-Quemado: Hi Chair, this is Leilani. I just wanted to make a comment that with the transition over to MAPPS, some of the reports or permit numbers didn't get transferred or filtered into that report. So the report is kind of inaccurate right now.

Mr. Gima: Okay, thanks Leilani. Do you anticipate by next month's report that everything will be okay?

Ms. Ramoran-Quemado: We hope so, the MAPPS team is working on, on trying to get the report up to date.

2. Chair Gima's list of potential workshop items.

Mr. Gima: All right, thank you. The next item is the list of potential workshop items that I submitted to the Planning Department. Care to comment on that, Jordan, in terms of upcoming workshops, mandated workshops for the Planning Commission?

Mr. Hart: Mandated workshops. The only thing that I can think of that is mandated is the, I believe, the Native Hawaiian Law Training is training is required of the Commissioners. Other than that, I think that the Department and Corporation Counsel does do training modules, but I think that that's just to try to help things run smoothly and make sure that Commissioners are knowledgeable about the issues at hand. But as far as mandated, I don't, I don't know about that. But we can discuss the, the list however you would like. We do have your outline here.

Mr. Gima: So when I was asking about mandated training, don't, don't the Commissioners have, especially the new ones, have to go through specific training or workshops?

Mr. Hart: Ah, your Counsel could --. I don't specifically recall at this moment whether or not that's mandated in the Commission's rules or otherwise. I don't know the answer to that, but perhaps Counsel does. But we do, do that process. I want to clarify, we do it. I just don't know whether or not that's mandated.

Mr. Gima: Well, obviously, the workshop, potential workshop items are going to be dependent on what else is on the agenda, and obviously not expecting all of them to be provided at any one time. I think what will be helpful is knowing what the Planning Department could provide and what the Commissioners feel are important to them.

Mr. Hart: On behalf of the Department, I think that we could provide information on all of these items listed. I don't think there's any problem with that, and we're obviously we're working with the Commission would like to see at this time.

Mr. Gima: Okay, thanks Jordan.

Ms. Thompson: I just wanted to, just wanted to add that Jordan was correct. The Native Hawaiian Law training is the only required training, and it's -- the Code requires you to take it within one year of your appointment. I think it's a great training to, you know, take as often as you can because you learn something new every time you receive it.

Mr. Gima: So any, any preference Commissioners on one, whether you want the training of the workshop items that are listed and if you do, which ones would you prioritize.

Mr. de la Cruz: Um, and just for me and my own personal interests, like the ones relating to, you know, the water usage. How are the different, like, types of water, I guess, legally defined or how we define them.

And, yeah, just going over kind of the more of the nuts and bolts between your water capacity, the composite data and all of that. I am, I guess, more personally interested in those things.

Mr. Gima: Okay, thanks Zane. What about you Shelly?

Ms. Preza: I wonder if maybe --. I wonder if this could be discussed at the next meeting with some of the new board members or the Commission members. I've been on the Planning Commission for four years now, so I feel like maybe this will be more relevant for the incoming members. I had a thought about, you know, the, the water questions. Maybe that could be something that is incorporated into their annual. I feel like every year we have like an annual kind of water workshop. That's right, Richelle, right? I mean, I know it's not mandatory, but I feel like every year we kind of do have like a representative from CWRM and stuff comes. So maybe those are questions that could be submitted ahead of time as incorporating into that presentation. Yeah, just my thought. Oh, Jordan?

Mr. Hart: Chair, I do want to apologize.

Ms. Grove: . . . (inaudible) . . .

Mr. Hart: I didn't realize that you had a second page to it. I was only looking at the first page, so I did speak too soon on the water ones. We can have our Department of Water Supply, who doesn't operate locally on Lanai, but knows a lot of the information that's being discussed. And we can have our Department of Environmental Management assist the Department in our training modules, and they could cover these items. As well as supplemental questions directed to CWRM as well.

Mr. Gima: Okay, thanks Jordan. Lisa

Ms. Grove: I was a little . . . (inaudible) . . . to your question about the types of applications. Like I assume that those are just helping us clarify the language and the nomenclature that's used for all of this, but I wasn't sure. And I guess for me, it would be sort of projecting out about where we think we're going to be making the most decisions and what, what sort of grounding would be the most useful to make said decisions. And as a still somewhat new commissioner, I'm not sure what that looks like. I feel like we've --. I've participated in the water briefings and feel like I understand that. It's more about what else is coming down the road that would be useful to us to be -- at least me personally -- to be more grounded and knowledgeable about.

Mr. Gima: Okay, thanks, Lisa. Go ahead, Jordan.

Mr. Hart: So we would, we would -- the Department covers permits and we would we, would use this worksheet plus any additions discussed tonight to augment what we normally do. And the Department, Current Division, you know, Kurt, and Jared, and Ann Cua have -- and

Clayton -- have some familiarity with what you guys see most. And so we would try to emphasize those most and give shorter discussions to the ones you see less frequently.

Ms. Grove: Thank you, Jordan.

Mr. Gima: Chelsea . . . (inaudible) . . .

Mr. Wollenhaupt: Oh, hi, this is Kurt. We put together the presentations with the Maui Planning Commission, and it talks about the Land Use and Planning Framework, General Plan, Countywide Policy Plan, how those all fall down in line, what the Planning Department's role is, and then the different island plans and community plans. And then it goes into quite a bit of discussion on, well, what is the conditional permit? What is it that a bed and breakfast permit? What is a County Special Use Permit? Now, sometimes that can be information overload, but there is traditionally, now COVID stopped it, but at the start of a new term, there's a pretty much of an entire meeting filled with all many of the planners coming on and talking about different types of permits that they work with. So that gives you an overview. What is a project district? What is the changing in zoning? What is the district boundary amendment? So that presentation has been prepared in the past and certainly can be moved quickly to have a day of this kind of overview. Just letting you know that. Thanks.

Mr. Wollenhaupt: Music to my ears, Kurt. Thank you. Chelsea, any preferences?

Ms. Trevino: Well, just looking at the first five questions, I think for new, new Council Members, it might be helpful because I don't know how much experience some of them have had on, on one. And then, you know, I mean, I've been on here for a few years, but that by no means makes me a professional in it. But, you know, you see some of these are like, oh, I should know the answer to that, do I? But so I, you know, we've got what how many new members do we have? Well, we only have --. I'm just wondering about, yeah, like, like I said, the context of some of the newer members and their experience or, you know, just being new to the process and helping them understand because you can feel like you're flailing, just trying to keep up with the agenda items if you don't even know, you know, like, yeah, of the functioning of it, I guess.

Mr. Hart: Chair, you know, I've been doing Land Use Planning for a little while and, you know, starting as a new planner, it's completely overwhelming. You know, our State and County framework is it's a lot to remember, and I think that it takes more years, more than four years to actually be able to piece the whole thing together. And I think that what Kurt said about information overload is pretty, pretty spot on. So I think that if we just basically if we go through the items, we do the training that's, that's, you know, served the Department and the Commissions pretty well, over time, plus augment it with this. And the Commissioners save their packets and then they just focus on the presentation when the planner introduces a project and sets out the framework and just kind of ask you a critical refresher questions there on the procedures. I think that that's, that's the most helpful, but it is going to be pretty difficult for a person to frame out the entire, you know, land use planning guidance system for the

State and County in your mind in this context. So I think that just using a reference material and then, you know, asking the questions as the various applications come up would probably be the most practical way to navigate your way through.

Mr. Gima: Okay, any . . . (inaudible) . . .

Mr. Wollenhaupt: You know, they say you can only remember three things from the meeting. And when we try to try, to put in ten different kinds of permits all in six hours, that, I'm afraid that's not the best pedagogical way of learning. So it might be of use that, okay, you reserve 20 minutes at a meeting for Conditional Permits and then 20 minutes for B&B's. And you have a different kind of a permit that's spoken about at each meeting. And that might be a way to kind of get into some of the more complicated permits easily rather than we have ten permits and we're going to spend four hours and we're going to just have slide after slide after slide because you won't remember anything. So that was just an idea that might work.

Ms. Preza: I like Kurt's idea, and I did not mean to say earlier that I am in any way an expert. But I do think it would be good to collect some feedback from the newer Commissioners because, like Chelsea said, when you are a new Commissioner, I feel like everything feels like an overload. But I also feel like in the time that I've been on the Commission, at least, folks at the Planning Department have been really helpful in walking us through, like what's in front of us because I don't think it's possible. Like even if we had a table like this in front of us with everything filled out, like Kurt said, we probably won't remember all of it anyway. So I think it is helpful to have, you know, like be focusing on what's in front of us and then having the guidance of people who do, do this every day. So yeah, so I just wanted to throw that out there.

Mr. Gima: How's about you, Sally. Any preferences?

Ms. Kaye: I agree with just about everything everybody said. I think we need the two new Commissioners to weigh in, but I don't think they'll, they'll know enough to weigh in. So I think we should take the training and have it as soon as we possibly can when we get a full deck. And I think that everybody needs to understand that this has been an incredibly, at least the two years I've been back on this Commission, I've never seen agendas this full. There's, there's just so many applications going down. It's not that usual. So I don't think we should feel as overwhelmed as I think some of the new members do. We just have to, we just have to, I think, what Kurt said is really smart. We need to just take time with the applications as they come in and be able to ask questions so you really understand what you're dealing with.

Mr. Gima: Okay, so I guess I'll work with Jordan on coming up with kind of a training plan. I mean, part, part of this, I mean, I've been through the Planning Commission before and this stuff would be helpful for me again because it's, it's been over ten years since I've been on the Planning Commission. And what I'm thinking with some of this information is having a cheat sheet that we will have with us every, every meeting that we can refer to. And so I can, I can work with, you know, Jordan on that because even with the history I've had with the

Planning Commission and I always have to ask myself, what, you know, what is the timeline for this and who's the final authority for that? And we've had a lot of questions about water. You know, we shouldn't, we shouldn't deliberate over water every time and spend hours on it. You know, if we have, if we have a set guide of how we're going to deal with water issues, then I think you'll make our deliberation and decision making process a lot easier and much faster, both for us and for the for the applicant.

Okay, so that being said, like I said, I will work with Jordan on this and see, you know, what future agendas look like, and that will pretty much dictate when we can slide these workshop items in. Okay, last call on the workshop item issues.

Mr. Hart: The only thing I want to see on that is I just encourage you to, you know, when the planner is presenting a new project, just ask any of your questions. Don't feel ashamed or rushed. Like, if you have any procedural questions or you want the thing to be put into context, like, reset in your mind at that time. That's what the planners there to do and take advantage of that. That's, the, I think that that's the best thing to do because it is a lot of material and you can reset each meeting by just having them break it down if it wasn't clear enough. Because sometimes, there's a tendency if a planner does things frequently, kind of want to buzz through their speaking time, and get on with it. But if that's not serving the Commission, you guys should just slow us down, and make sure we revisit the issues you want to clarify first.

Ms. Thompson: And I agree exactly with that, you know. And, and I will also try to keep that in mind, especially because you do have the new Commissioners starting to try to put the applications that you're looking at in context and kind of lay out, you know, where the law comes from, what your authority is and just things like that. I'll try to keep that in mind as we go along as well.

3. Agenda Items for the July 20, 2022.

Mr. Gima: Okay. Thank you, Richelle and Jordan. So moving on to the agenda items for July 20th. Leilani, what, what do we have for July?

Ms. Ramoran-Quemado: Thank you, Chair. So on agenda, we have the two items that was deferred, priority going to the Koele Project District. And then there's also a new bill for ordinance relating to County Cultural Overlay Districts. Thank you.

Mr. Hart: So, Leilani, I believe the cultural overlay district has to be a public hearing, is that right?

Ms. Ramoran-Quemado: Thank you. Yes, Jordan, it's a public hearing item.

Mr. Gima: Okay, will everybody be able to make it for the July 20th meeting? Okay, so for now, we will, we will have quorum for July 20th. Okay, any, anything else regarding the agenda?

F. NEXT REGULAR MEETING DATE: July 20, 2022

G. ADJOURNMENT

Mr. Hart: Yeah, Chair, I think I don't know if there's any better time to do this. So I did want to inform you all that I've taken the, the division head position for the Zoning Enforcement Administration Division, and so I'm actually stepping down as Deputy effective July 1st. And so I just wanted to thank you all for I really enjoy working on Lanai. I liked it a lot better when I could go there. But I've really enjoyed meeting you all and working with you all, and thank you for being patient with me and, you know, letting me participate with you in your process. I really appreciate it.

Mr. Gima: Well, thanks for the . . . (inaudible) . . . Jordan.

Ms. Trevino: Thank you, Jordan.

Mr. Gima: But congratulations.

Mr. Hart: Yeah, sorry. It's just one of those transitional things, and it just never seems to be the right time to bring it up and now here are at the end so this is the time to bring it up.

Mr. Gima: So who will fill your shoes?

Mr. Hart: So Jacky Takakura is going to be the Deputy to replace me, and she's fantastic as you know. And I'll be supportive in, you know, around. So I'm not going anywhere, but I won't be assigned directly to participate in all your meetings.

Mr. Gima: All right, thank you. So if there is nothing else and no objections, oh, Zane?

Mr. de la Cruz: Yeah, I'm -- okay, I'm not sure where this fits in or anything. But, I think if we could have like a, this is more of a tool than an agenda item, but an inventory of like our, our water usage, like, proposed water usage for projects and how much they're actually using versus, you know, are GPD cap. Like that would be helpful when we talk about a lot of these projects where they, where we always want to know how much water they're going to be using and how that relates to the available inventory. And I think that's a rather simple tool to put together if we have the information necessary. And I think that would be very helpful for our future discussions.

Mr. Gima: Thanks, Zane. I think, yeah, I think that can go in into some of the different questions in the workshop items. But yeah, thanks for putting it out on record. Okay, if there are no objections, 8:45 p.m., meeting is adjourned. Thank you, everybody. And we'll see you guys next month.

There being no further discussion brought forward to the Commission, the meeting ended at 8:45 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Zane de la Cruz
Reynold Gima, Chair
Elisabeth Grove
Sally Kaye, Vice-Chair
Shelly Preza
Chelsea Trevino

EXCUSED:

Erin Atacador
Shery Menze
Nicole Alboro

OTHERS:

Jordan Hart, Deputy Director, Planning Department
Jacky Takakura, Acting Planning Program Administrator, ZAED
Kurt Wollenhaupt, Staff Planner
Jared Burkett, Staff Planner
Denise Fernandez, Executive Assistant, County Council, Lanai District Office
Richelle Thomson, First Deputy, Department of Corporation Counsel