

**LANA'I PLANNING COMMISSION
SPECIAL MEETING
MINUTES
SEPTEMBER 7, 2022**

A. CALL TO ORDER

The special meeting of the Lanai Planning Commission (Commission) was called to order by Mr. Reynold Gima, Chair, at approximately 5:00 p.m., Wednesday, September 7, 2022, online via BlueJeans videoconferencing platform, Meeting No. 431332048, and at the Planning Conference Room, Kalana Pakui Building, 250 South High Street, Wailuku, Hawaii, 96793, and the Maui County Council, Lanai District Office 814 Fraser Avenue (entrance on Gay Street), Lanai City, Hawaii 96763.

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

Mr. Reynold Gima: September 7th, 2022 Special Meeting of the Lanai Planning Commission. Let's see, let the record show we have quorum, and, and on camera. So we have Nikki Alboro. Nikki, anybody with you in your room?

Ms. Nicole Alboro: No, I'm alone.

Mr. Gima: Okay, thank you. Also on camera, Zane de la Cruz? Zane, anybody else with you?

Mr. Zane de la Cruz: There's no one else present.

Mr. Gima: Okay, Erin Atacador on camera. Anyone with you Erin?

Ms. Erin Atacador: No, I'm alone.

Mr. Gima: Okay, and Lisa Grove on camera. Anyone with you Lisa?

Ms. Elisabeth Grove: Nope.

Mr. Gima: Alright. Thank you. And I am alone, and on camera. Leilani, were you expecting Sally to be in attendance tonight? I don't see her.

Ms. Leilani Ramoran-Quemado: Ah, yes, Chair, she did accept the BlueJeans invite.

Mr. Gima: Okay, well, I'll go through some of the housekeeping stuff and then maybe she'll come on. So again, Commissioners, we must all be on video so we can have a quorum. All votes would be by show of hands. And in the event that I may not see you on my screen and you want to speak, you know, go ahead and ask to speak or put it in the chat, and you know, I can see it that way. For right now, I can see all the tiles.

In terms of testimony, for those of you in attendance, if you choose to testify, please sign up with Leilani via the chat, providing your name and which agenda item you wish to testify on.

Until you are called by me to testify, please mute your audio and video. We will have testimony provided, um, via BlueJeans and also there may be others at the County Building and Council Member Johnson's office. I'll be asking to see if we have testifiers there.

Let's see, where is --. Sally on yet? Because for the first agenda item, Lisa, you are recusing yourself, right? So we do not --. Let's see, one, two, three, we do not have quorum for that. Give me a second, I'm going to text Sally to see -

Ms. Ramoran-Quemado: Hi Chair, this Leilani. I see Sally is on. She just joined.

Mr. Gima: Okay. There we go. We see Sally is on camera so we have quorum. Sally, anybody in the room with you? Sally, anybody in the room with you?

Ms. Sally Kaye: Sorry, no. Sorry.

B. UNFINISHED BUSINESS

- 1. LANAI RESORTS, LLC, a Hawaii Limited Liability Company doing business as PŪLAMA LĀNA'I, requesting a Community Plan Amendment, Change of Zoning, and Project District Phase I Development Amendment for the KŌ'ELE 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, June 15, 2022, and July 20, 2022 meetings.)***

Community Plan Amendment:

Mr. Gima: Okay, thank you. Alright, we have established quorum. And we will proceed to unfinished business. So Lanai Resorts, LLC, a Hawaii Limited Liability Company doing business as Pulama Lanai, requesting a Community Plan Amendment, Change of Zoning, and Project District Phase One Development Amendment for the Koele Project District located at Koele, Lanai City, Hawaii, with various TMKs. Do I need to, do I need to list, I mean, verbalize all the TMKs? If not, I will hand this over to Kurt Wollenhaupt who hopefully can provide us a summary of this item and why it was deferred before we take public testimony.

Mr. Kurt Wollenhaupt: Hi. Good evening members of the Lanai Planning Commission. Just a minute. We are back on the proposal for actually three permits. The public hearing has been held. It was closed. However, as the Chair indicated there can be public testimony this

evening. This concerns the Koele Project District and it comes in three parts. There is the request to obtain a Project District Phase One Amendment. And attached to that is the complex ordinance that the Commissioners have been reviewing over the past few meetings. In addition, there is a request for a Change in Zoning to Project District, known as Conditional Zoning in which there are ten proposed conditions. Of which, I know that condition eight with regards to the water has, there has been quite a bit of debate as to the language of that. So I know that the Commissioners will be asking and reviewing that one in particular. And to backtrack just a bit on the Project District Phase One Amendment, there was a request in regards to Section 19.71.050 Park that the (B), that the maximum lot coverage and heights that while they are stricken in the current recommendation that those height limitations were to come back in. And finally, there is a request for the Community Plan Amendment, again, Project District.

Now, some in the audience may be wondering, well, we already have a Project District. Koele already exists. Yes, that that is very true. The applicant, Lanai Resort, doing business as Pulama Lanai, is proposing a modified and new project district that's going to incorporate some additional areas. There would be a hotel expansion, there will be an enlarged park area, and also a resort commercial subdistrict. So that's why we're here tonight to continue the debate and, if possible, for decision making.

So let's talk a little bit about what decision making encompasses tonight. There are, as I said, three different permits that are being considered. It usually is our recommendation that each of these three would be debated, and that a vote would be taken whether to recommend to the Council an approval, recommend to the Council with modifications of an approval, recommended a denial to the Council, or to defer for another meeting for additional information. So that would be how the process works.

I'd also like to just ensure that the Commissioners know what would go on with whatever decision you may make tonight, and the audience, what would happen moving forward. You will make a recommendation. You're not the final approval body on any of these three applications. But what will happen is that your recommendation will be sent after an ordinance is crafted to the Maui, to the Mayor, who will then take it to the Planning and Sustainable Land Use Committee. And that Committee will agendize a hearing, and they will review and make a decision. And then it will proceed on from there depending on what their decision is.

Concurrently with this process, however, though, is the requirement that you also are going to be taking some Rural and Ag lands for a State District Boundary Amendment. That will have to go to the State Land Use Commission and the attorneys for Pulama Lanai are putting together the documents for that. So we have two processes moving concurrently.

So tonight our recommendation is that you continue your discussions. Try to tighten up some of these conditions for conditional zoning. Take another look at some of the particulars in the Phase One Project District Amendment. And if quorum exists and you feel that you're ready,

then to begin decision making so that this project may move forward as the Lanai Planning Commission sees fit. And Ann Cua, Planning Program Administrator is also on the, on the line this evening. She's had many years of experience in project districts, so hopefully between the two of us we'll be able to answer your questions and assist this evening. Thank you.

Mr. Gima: Thanks, Kurt. So I think I heard you earlier that we already took public testimony, but we have the option of again taking public testimony on this item.

Mr. Wollenhaupt: That's a courtesy that, that, that is allowed. The official public hearing was closed. However, yes, you can take comments from the public.

Mr. Gima: And since we have just five for quorum, we need all five to either approve or deny these items. Is that accurate?

Mr. Wollenhaupt: That is accurate. If you cannot, if you cannot get all five to go one way or the other, then there will be a deferral to the next meeting.

Mr. Gima: Okay. Thanks Kurt. Commissioners, any questions about procedural matters at this point? Okay, hearing none. At this time I will open up public testimony for the Community Plan Amendment only.

Mr. Ramoran-Quemado: Thank you, Chair. This is Leilani. There's no one signed up on BlueJeans, and there is no one in the Planning Conference Room wanting to testify.

Mr. Gima: Okay, thanks Leilani. Denise, anybody from Council Member Johnson's office?

Ms. Denise Fernandez: Aloha Chair and Members, are no, no one waiting to testify here at the Lanai Office.

Mr. Gima: Okay, thank you Denise. At this time, I will close public testimony specific to just the Community Plan Amendment. That being said, Commissioners, any comments, questions about Community Plan Amendment portion of this agenda item? Okay, I, I have, ah, a couple of questions. Um, so is, in table, Table-A, under Lanai Community Plan designation, existing, if you go down to where it says Project District, Golf Course slash Park, and it refers to the CPA Map number 12 and number 13. Does that include the Cavandish Golf Course? And if so, why is it being changed or proposed change to road and project district designation?

Mr. Wollenhaupt: I think we have representatives from Pulama Lanai. I'm opening up the document here. But Dr. Dancil, I know is on, and the folks at Munekiyo. So if they can find it quicker than I can, please do so.

Dr. Keiki-Pua Dancil: Aloha Chair Gima. It's Keiki-Pua Dancil from Pulama Lanai. To, just so that I understand where you're at, you're in Table-A, for the CPA, and you wanted to

understand why the Cavendish TMK was being reassigned to road or project district. Is that your question?

Mr. Gima: Correct.

Dr. Dancil: So parts of the, the entrance, if you look, you have your --let me go to that page - if you look at the maps, the existing Project District map and the proposed Project District map, you'll see that parts of the Cavendish that are near the road were not part of the Project District in the original Project District Map. And that's what we're doing right now is that we're just kind of correcting the use and putting it in Project District because it is part of the overall Cavendish, which is part of a Project District. So it's just that sliver of road that is adjacent to the Koele entrance. And Munekiyo is on, and Karlynn can correct me if I'm wrong, but I do believe that is what we're trying to do.

Mr. Gima: Um, map, Map 12 refers to the road in the Villas area and then Map 13, the hatched area looks like most, if not all, of Cavendish. So if you're, if you're designating it to Project District, I was confused why it's, there isn't a golf course, an accompanying golf course designation. Because if you leave it just Project District, then you can, I mean, you can change the Cavendish to something else.

Dr. Dancil: Okay. Munekiyo, if you don't mind, Munekiyo, if you could share your screen so that I can, so we're all looking at the same thing. So Munekiyo, if you don't mind, could you please pull up on the screen so that we're all on the same page? Chair Gima is looking at Map 12 and Map 13 in the CPA. Could you please . . . (inaudible) . . . ?

I believe they're on. Can I get a confirmation from Munekiyo please?

Ms. Karlynn Fukuda: Hi Keiki-Pua, this is Karlynn Fukuda and Chris Sugidono. We're here from Munekiyo Hiraga. So Chris is sharing Map 12 of the CPA. Is that, can people see it?

Dr. Dancil: No.

Mr. Gima: No.

Mr. Wollenhaupt: . . . (inaudible) . . . do this. You're going to have to bear with me on this one. And I don't know whether or not Exhibit Number, Exhibit-two may also be somewhat of interest because that shows this area that's in question on the golf course and the entryway.

Dr. Dancil: Okay Chair, if you don't mind, I'm going to ask Olivia Simpson from our office. She can share it because we're having trouble with the feed from Munekiyo. Olivia, would you mind sharing your screen please?

Ms. Olivia Simpson: Is this the Map 12 CPA that you're referring to Butch?

Dr. Dancil: I don't see anything right now. Leilani, maybe you have to give us sharing capabilities.

Ms. Leilani Ramoran-Quemado: I didn't change any of the settings, so you folks should have ability to share screen.

Ms. Simpson: It's weird. It says we're sharing screen, but then it doesn't. I'm not sure why this system --

Dr. Dancil: There we go.

Ms. Fukuda: Someone is sharing.

Mr. Wollenhaupt: I think I have it up and running. So whether, whether -- how this, how this will continue this evening, we're going to hope for the best. We have some of the finest technical people here just around the corner.

Dr. Dancil: Great. Thanks Kurt. So, Chair Gima, is this the map in question that you have questions about? Which I think you're on mute. Sorry.

Mr. Gima: I'm sorry. No, it's Map 13. This map refers to the road and the Villas.

Dr. Dancil: Okay.

Mr. Gima: That's the one.

Mr. Wollenhaupt: Thirteen is up.

Dr. Dancil: So if you look at 13. If you shrink your view, Kurt, please. If you could decrease the 153 so everything can be on screen, you can look down below in the tax map key. So Karlynn, can you talk though it?

Mr. Wollenhaupt: Did it work? It shrunk on my side.

Ms. Fukuda: Yes.

Mr. Wollenhaupt: Thank you.

Ms. Fukuda: So yes. Keiki-Pua had explained, you know, the information relative to the driveway. So at the curve, at the top there by, where it says Keamoku Highway, that's the entrance to the Sensei Resorts. So there's a portion of that driveway that was not within the Project District, and so that's being corrected. And so the Cavendish Golf Course is actually

going to still be within the Project District. There is still a golf course remaining within the Project District as well. There's a sub-district, so --. But this is just the Community Plan and the sub-district is actually within the zoning. So this is just saying that this area is within the Project District.

Mr. Gima: Well, the question I had is in Table-A there's a golf course slash park designation, and that refers to this hatched area in Map Number 13. Is that accurate?

Ms. Fukuda: Yes, I believe that's based on what's shown here in the index, in the narrative that shown on the map, it's going -- we are proposing a Community Plan Amendment from Park Golf Course to Project District.

Mr. Gima: Right. I understand that part. My question is in Table-A, under Community Plan designation, under existing, this hatched area is designated golf course slash park. My question is why is it being changed to Project District and no mention of golf course?

Ms. Fukuda: So again, I think the Community Plan designation is just generally project district. It, it doesn't get into, you know, specificities relative to, you know, Hotel or Single-Family. It's just overlay of Project District. So that's why we're proposing to put this into the Project District because the, the zoning will be within the Project, you know, within the Koele Project District. So, it's to make it consistent.

Mr. Gima: But that doesn't make sense because the existing designation states Golf Course slash Park. So I'm, I'm just asking why is that being removed? I understand the other part of the --.

Ms. Fukuda: So I don't know --. Um, Kurt, I'm sorry to have you jump around, but I don't know if looking at the existing Project District Map will make it clearer. I'm not sure how better to explain, explain it. If you were to look at the Community Plan Map, it is, it's shown as um, park golf course. You know, my guess is because it, you know, existed. The Cavendish Golf Course existed prior to the, the Community Plan being enacted. So when it was enacted, you know, they just designated that particular area for golf course because the Cavendish was already existing. I'm not 100 percent certain on that, but that's, that would be my guess because --

Mr. Gima: Yes, you're absolutely --

Ms. Fukuda: -- the Community Plan --

Mr. Gima: Yes, you're absolutely right. Cavendish Golf Course pre-dated the development of the Koele Project District. My question is on the, on the Project District Map, the Cavendish Golf Course has a designation of golf course. In the Table-A, it lists as golf course slash park.

So the question is why was that removed? Why wouldn't it just stay a golf course slash park and project district?

Ms. Fukuda: Again --

Dr. Dancil: Maybe I --

Ms. Fukuda: Sorry, go ahead Keiki.

Dr. Dancil: Maybe I can take a stab at this. What we're asking you to do today is, right now, that section there is not part of the Project District. Even though in the Community Plan, it is designated as Park Golf Course. So what we're trying to do is put it into the Project District because the Cavendish is part of the Project District. So it's in the Project District, and within the Project District, the sub-district is Golf.

Mr. Gima: Your existing Koele Project District Map includes Cavendish.

Dr. Dancil: Not all of it. It doesn't include this section here that's on Kurt screen, that hashtag.

Mr. Wollenhaupt: It's the black and white hashtag. That's outside of the current project district. So it might be similar to what's going on with some of these houses. The houses over here, these, these individual homes, which are cross hatched, they're currently simply project district. They're not Project District, single-family housing. They're going now outside of the Project District to single-family residential zoning outside of a project district. So what you're trying to do is you're taking this cross hatched piece as it currently exists in zoning outside of the project district. And the first step is you move it into the community plan simply as Project District, Koele Project District. Hence, that's why you're seeing the Project District Community Plan designation. Then in the zone, in the Project District designation, that's where you go into these subcategories with golf, public, open space. So that's, that's how I sort of see what's going on here.

Dr. Dancil: Kurt Wollenhaupt, maybe it would be easier. I can share my screen. I have -- hopefully I'll be able to share. I have the Community Plan, the existing Community Plan, open on my screen right now. And if you allow me to share . . . (inaudible) . . . walk through. Can you see my screen?

Mr. Gima: So Keiki-Pua, are you, are you stating that the Cavendish Golf Course in its entirety was not included in the original Koele Project District map?

Dr. Dancil: Right. Parts of it are, parts of it not. So if --. Do you see my screen?

Mr. Gima: No.

Dr. Dancil: I'm sorry.

Mr. Gima: No. No, I don't.

Dr. Dancil: Okay.

Mr. Wollenhaupt: Do you want to find the community plan map?

Dr. Dancil: Yeah, I have the Community Plan Map. I can put it into --. Olivia, if you don't mind, can you put the link into the chat for everyone to click in that links to the community plan so that we can all be on the same page? And that will help.

Ms. Kaye: I have a question while you're doing that. Keiki-Pua did you not tell us back in May that this was one . . . (inaudible) . . . was to include portions of what should have been included portions of what should have been included in, in the project district and were inadvertently left out? Is this part of that?

Dr. Dancil: No. That part was the stables and the tennis courts.

Ms. Kaye: Oh, okay.

Dr. Dancil: The other part --. There's --. I'm sorry, I misspoke. There are parts that were built as part of the Project District like as you can, as you saw when Mr. Wollenhaupt had his screen up. The entrance to the Koele Hotel was hash tagged, so it was not included in the project district. So that would have been another part that was inadvertently left out. But the part that was left out when they did a comprehensive, when they were trying to pull that all of different Maui use comprehensive rezoning that major part was the stables and the tennis court. That didn't even get put into Chapter 19.71 which is the ordinance that governs Koele Project District. But you are right, the entrance and part of Cavendish and that hash tagged was not included in the original Project District Community Plan Map. Even though it was a part of it before. We're just cleaning up some inconsistencies and mapping.

Ms. Kaye: Okay, I got, I got it now. Thank you.

Mr. Gima: So the Koele Project District map, both the existing and proposed are somewhat misleading. Because it doesn't, it doesn't convey that the Cavendish Golf Course, only portions of the Cavendish Golf Course is part of the Project District because you cannot tell below.

Dr. Dancil: In the one that Kurt Wollenhaupt had up on screen, the existing, the hashtag is the part of the Cavendish that's not included, and it really is just that portion that's by the road.

Ms. Fukuda: And I guess to again clarify, and I know this is, you know, kind of confusing because we're doing the zoning as well as the Community Planning Amendment. But if Kurt is able to get the Community Plan Map up, I think you'll be able to clearly see that the area that was outlined in Map 13 on the Community Plan Map is shown as Park Golf Course and not part of the Project District. And that's why we're wanting to put it within the Project District. The zoning or the Project District Ordinance or the Project District Map did include that area in the Project District. So again, I think it's, it's a matter of just making everything the same as far as designation so --.

Dr. Dancil: We did put in the chat if that's easier for all of you to look at, a link to the Community Plan Map. It's page 11 of 14, and that might be a little clearer since we're having some difficulties with the share screen function.

Mr. Gima: So if I heard you correctly, the hash tag the hashed area on Map 13 was never in the Project District. Is that accurate?

Ms. Fukuda: Not in terms of the Community Plan. It was shown on the Community Plan . . . (inaudible) . . . Now that's the Project District map which --. That's the Project District Map, so that's not the Community Plan Map. Just to clarify.

Mr. Gima: I'm confused. I'm looking at Map 13.

Ms. Fukuda: Okay, so --

Mr. Gima: I'm looking at Map 13.

Ms. Fukuda: Map 13, the cross hatched area that's shown on Map 13, within the Lanai Community Plan was not shown as Project District. It's shown right now as Park Golf Course. But within this, this map that's on the screen, at least that I see on the screen right now, the existing Koele Project District Map that is the Project District Map. And so the crosshatched area that Keiki was referring to on the map that's on the screen, you know, that's -- there's also a portion that includes the Cavendish Golf Course that was not within the Project District.

Mr. Gima: Okay. Either I did not understand or you guys did not make this real clear. In any, in any event, the end endgame, the endgame is to ensure that the Cavendish Golf Course remains in perpetuity in a golf course land designation.

Dr. Dancil: We apologize if it wasn't clear. You are correct, Chair Gima. The Cavendish Golf Course in perpetuity is going to be Project District, sub-district Golf Course.

Mr. Gima: Okay.

Dr. Dancil: Right now in the Community Plan, it's not. It's Park Golf Course.

Mr. Gima: Okay. I'll come back to that when we get to the next part of, when we get to the Change of Zoning area. So that's the only question I had on the Community Plan Amendment. Commissioners, any other questions or comments on the Community Plan Amendment only? Nikki? Erin? Zane? Sally?

Ms. Kaye: No.

Ms. Atacador: No.

Mr. Gima: Okay. Um, so Kurt, there, the Planning Department has no conditions tied to the Community Plan Amendment. Is that accurate?

Mr. Wollenhaupt: That's accurate. And that's, that's common because the conditions are going to come in Conditional Zoning and in the Project District Ordinance, of which of course, it is a multitude of pages. The Community Plan just sort of sets the process that this area is to be designated X Community Plan. That essentially means that that is the wish of the Lanai Planning Commission and the County Council, which allows the really the State Land Use Commission to then make a determination if they wish to adjust the State District Boundary. So that's why the Community Plan doesn't come with conditions. It's normally done in maps. This land is now Community Plan Project District. It would be different if this is outside of the project district. You may have Community Plan Golf, Community Plan Residential. But in this case, there is no conditions.

Mr. Gima: Okay, Kurt, thank you. So hearing no comments questions from the Commissioners, I will entertain a motion to recommend approval of the Community Plan Amendment with no conditions.

Ms. Atacador: I motion. Do you want me to repeat the whole thing?

Mr. Gima: No.

Ms. Atacador: Okay, thanks.

Ms. Kaye: I second.

Mr. Gima: Is there a second?

Ms. Kaye: I --

It was moved by Ms. Erin Atacador, seconded by Ms. Sally Kaye, then

VOTED: To recommend approval of the Community Plan Amendment with no conditions.

(Assenting: N. Alboro, E. Atacador, Z. de la Cruz, R. Gima, S. Kaye)
(Excused: S. Menze, S. Preza, C. Trevino)
(Recuse: E. Grove)

Mr. Gima: Okay, it's been, it's been moved by Commissioner Atacador, seconded by Commissioner Kaye that we recommend approval of the Community Plan Amendment with no conditions. Okay, any further discussions? Okay, hearing none, all in favor raise your hand. Okay, motion passes unanimously. Thank you much.

Change of Zoning:

All right. Let's move on to Change in Zoning, Change of Zoning. Leilani, do we have anyone wanting to testify?

Ms. Ramoran-Quemado: Thank you, Chair. There's no one in the signed up on BlueJeans and there is no one in the Planning Conference Room wanting to testify.

Mr. Gima: Okay. Thank you, Leilani. Denise, anybody at the Lanai office?

Ms. Fernandez: There's no one waiting to testify at the Lanai Office.

Mr. Gima: Alright. Thank you, Denise. At this time, I will close public testimony on Change of Zoning only. All right, Commissioners questions, comments about -- this probably going to take up the meat of this agenda item since there are all the conditions in here.

Mr. Wollenhaupt: Oh, and just for the Commissioners, a dollar late and a day short, I think I did find the Community Plan in case anyone ever wants to take another look at the current Community Plan. Just, just for your reference, I finally got that pulled up, but we'll do the zoning. And as I indicated, there were ten, ten conditions of zoning for Conditional Zoning. I do know by way of history that number eight, the water condition, was to be reworded. So that would be one of the takeaways from the past meetings. Just bringing everyone up to date. Thank you.

Mr. Gima: All right, Commissioners. I have comments on eight, nine and ten. How's about the rest of you?

Ms. Kaye: Actually, I only have one. I think that we went over the conditions previously. I think only eight and ten, and we needed to add an 11th. The eight, I think Kurt came up with language that better reflected what the Commission wanted in terms of water reportage, and we can discuss that. And then 11 would be what he's already mentioned, which would be to

word it so that the 20-foot or one-story height limitation in the Park District comes back in. And yeah, I'm sorry, ten, we wanted, we wanted to discuss ten.

Mr. Wollenhaupt: Oh, and just to comment on the Commissioner Kaye's request on the height limitations in the park. I think that can be done by simply moving them back in. When you discuss Project District Phase one amendment that the strikeouts will simply be read, will be put back into the Project District. I don't think that would be a condition on zoning because it will be a requirement in the ordinance. I know we have our . . . (inaudible) . . . Corporation Counsel on here, but I think that would work for that proposed condition 11 that we would take care of that in the Project District Ordinance.

Mr. Gima: Okay. Thanks Kurt.

Mr. Wollenhaupt: And in regards, in regards to condition eight, um, we, we can work on this this evening, of course. Something proposed would be that the applicant shall provide the Lanai Planning Commission with the quarterly and the year-end water usage reports for the hotel expansion park and then the resort commercial sub-districts. That was some suggested language as contrasted from what was on there now. And we can now, we can work on that to a greater extent with your debate.

Ms. Kaye: I'm sorry, Kurt, you carved out certain exceptions there? I thought --

Mr. Wollenhaupt: Well, there's a couple of ways. We have three new areas in here; the hotel expansion, the park, and the resort commercial. And I know we had talked about what we would --. There's a difficulty in getting the water for the private residential. I guess that I'm sure that our water experts from Pulama Lanai can explain that. So I think what the goal was to get a total use of the Koele Project District. And then specifically on these new expansion areas -- Hotel, the larger Park area, and the Resort Commercial subdistricts. We would have then a total for the district. So we could add that language. In addition to having these three areas, thereby not compromising I guess the privacy of individual homeowners. Perhaps the representative from Pulama -- it had to do with water -- could explain that. I think that's what we're trying to go is we were trying to get a sense of overall use and then break it down as best we can into the different areas in the project district. Something that hasn't really been done before.

Ms. Kaye: Well, I'm -- you know, in the Manele Project District, we, we have water reporting on multi-family uses and on single-family uses, and they're not identifiable and they're not individual properties. So I'm not sure why the same couldn't be here. If you wanted, if you want to suggest that we do sub-designations, then Hotel use, Single-Family use, Multi-Family use, and then all the new areas, I, if that's where you're going, I'd like to hear from Pulama on that one.

Dr. Dancil: Aloha. Aloha Commissioner Kaye. What we were trying to attempt to do was how do we align what we already report now, which is part of one of our conditions with the Project District Phase II. And how do we add on this project district amendment so that we're not double counting, double reporting. Because we will still have to report as the other condition in that other Project District Phase II. We're trying to figure out how do we combine the two. And so the suggestion was since we already are reporting the Project District -- Olivia correct me if I'm wrong, you can type it into -- but I believe it's Condition 15 for the Koele Project District Phase II which was the renovation, we report those numbers. The idea was as part of this one, we would report anything that was new, so that we're not mixing. And then collectively, we could put them on the same timeline so you would have --. Because they're tied in two different applications, we have to file them in two different dockets, so to speak, and then they could be combined. So separately, separately and then a combination of the two because you wanted to see them all together so that you guys weren't having to do the mental math of putting it together. That's what we're attempting to do.

Ms. Kaye: Okay, thank you.

Mr. Gima: I think in our previous discussions too, we, we commented about the types of water. And so I'd like to, like it be worded where potable, non-potable, brackish and or R-1 water used and source of the water. I hear what you're saying Keiki-Pua about having to blend the two reports. I think we just, I think this Commission and prior Commission just want to look at what the, the overall water usage is in the major categories. We don't want to micromanage too much. And more importantly, I think it's important that this these reports coincide with the 28 day reporting periods on the periodic water report so it can be checked for accuracy. So Kurt, do you need, do you need, um --?

Mr. Wollenhaupt: Oh, yes. We, we went to get this language corrected because I know, I remember during the debate there was an issue where brackish is word we're not using, but we're going to use potable. We're going to use drinking water. So we need to get, we need to get the language correct on this one not to be left to the imagination of the, of the planner here.

Ms. Kaye: We also, we also talked about and this was included in the original language in the May packet of the source of the water. You know, where was the R-1 coming from and which wells were the potable water coming from? And I understand that Pulama and, and its consultant have maintained that there isn't any brackish water in the project district. And I think before that is eliminated, I would want to know if brackish water could be piped to that district if it was required from one of the Palawai wells.

Mr. Gima: Yeah. So Kurt, I'm recommending that we include potable, non-potable, brackish, R-1. And if none, if let's say brackish is not used then it will be zero in that column. I think now we just have to decide Hotel use, irrigation, multi-family, single family, park, resort

commercial. I think those are the major categories. It's not that, it's not that difficult to come up with a matrix to identify that.

Mr. Wollenhaupt: Oh no, I'm -- the, the question would be seemingly would be helpful if we could get a matrix that uses --. I understand there's another water report. Yeah, I've got that. That it would be helpful if at least in this document, even though it might be double reporting, that originally my thought was, you have the entire district that you have a number and then you have the sub districts like we're talking, the hotel expansion, the park, the resort, commercial, your multi-family and the single-family. And then across the top, you could have potable, non-potable, brackish, R-1. So it's going to be X if there is no brackish. And then if there is an amount, even if it's reported on another, that this can be one table that shows everything that's going on. But I don't know if that's agreeable or if that's what you're looking for. That was my original idea. So if we have any thoughts here, I'm happy to take them.

Mr. Gima: Erin? Zane? Nikki? Any comments or questions?

Mr. Wollenhaupt: So it would be something like that the applicant shall provide to the Lanai Planning Commission with quarterly water usage reports for the Koele Project District, including a breakdown into the multiple subdistricts not limited to the new ones of hotel expansion, park, and resort commercial, including the quantities of potable, non-potable, brackish, and R-1 water used. In addition, the source of said water should be explained in the response to this condition. I guess that's what I'm, that's where I was going, but I don't know whether that's where the Commission or the applicant wishes to go.

Mr. Gima: I like that wording, but we got to include that stuff about the 28-day report. It has to coincide with the 28-day reporting period or else it's you can't make heads or tails out of this report. I mean, I'm, I'm all for getting rid of the other report that Keiki-Pua was mentioning and just have one that just encompasses the whole Koele Project District so we have a kind of a bird's eye view of total Project District use and then in the different categories and in, and in the sub districts. From a policy and planning point of view, you know, that's, that's, that's what we need. And I think that's what the Planning Department needs also. Care to comment Keiki-Pua?

Mr. Wollenhaupt: Unfortunately, they're report so we can't just take that out of the other one, but perhaps in this one, we could be, we could be comprehensive. Knowing that the other one is going to still have to be done. But in this one, we'll try to, to get a degree of overall comprehension that we're going to, and at least in this report, the applicant will provide the Lanai Planning Commission with the quarterly water usage reports for the Koele Project District, including a breakdown by sub-district of the quantities of potable, non-potable, brackish and R-1 water used and the sources said water. These numbers shall coincide with the 28-day reporting period.

Mr. Gima: Twenty-eight day reporting period in the Periodic Water Report.

Mr. Wollenhaupt: I see that Dr. Dancil has her hand up.

Mr. Gima: Okay, go ahead Keiki-Pua.

Dr. Dancil: Thanks Chair Gima. Chair Gima, respectfully, I, I understand and you've reiterated this in multiple ways that you wanted to coincide the 28-day water report that is reported to the Commission on Water Resource Management. I think I showed a graph, it was in the depth that you all got a copy of on a very small discrepancy between what our numbers are and, you know, kind of what's pumped out and what's distributed. And it's minor. It ranges from, looking at the chart right now, point four, minus point four percent, upwards to, I think the highest was five percent. It was really not much difference at all. Given the complexity and how to redo these, I don't see that it's really matters when you're looking at such a small increment. That's just my comment. And I thought I explained that in July when we met. That's all I have to say. Thank you.

Mr. Gima: All right. Thanks Keiki-Pua. Commissioners, any comments about either what Keiki-Pua said or Kurt's latest version of condition number eight?

Ms. Alboro: Can he re-read those . . . (inaudible) . . . Oh, sorry.

Mr. Gima: So, Nikki, you want Kurt to re-read that? Okay.

Mr. Wollenhaupt: I'll go slowly so perhaps you can stop me if you don't like something. So that the applicant shall provide the Lanai Planning Commission with quarterly water usage reports for the Koele Project District and subdistricts, including quantities of potable, non-potable, brackish and, or R-1 water used, and the source of said water. And then this was to coincide with the 28-day reporting in the Periodic Water Report.

Mr. Gima: Thanks, Kurt. Zane, you had your hand up.

Mr. de la Cruz: I guess my question is on the categories of water for reporting. I think one of our biggest problems that we run into there is that we don't have actual definitions, like, um, or, you know, what is potable, non-potable, what is brackish, what is R-1? Or like R-1, I guess we actually do have a definition for. But the others we don't have like a hard definition on. We just kind of go on like how we use the phrases and common speech. So I don't know, like, yeah, I just don't know how we categorize that reporting.

Mr. Gima: Good point, Zane. And that's one of the reasons why this issue is in the workshop items that we'll hopefully discuss after this agenda item. But yeah, clarity, clarity would be very helpful not only in this agenda item, but all agenda items that have to do with water. Thank you.

Ms. Richelle Thomson: Chair, if I could ask a question?

Mr. Gima: Sure. Go ahead.

Ms. Thomson: Is that for me? Thank you. Just a quick question. And this is for Pulama. Are you able, rather than identifying those sources of water by those categories, are you able to identify the, the wells from which the water is, water comes from? And then, of course, R-1 is a separate category. I don't know, Chair Gima, if that would satisfy the information needs, and also, Keiki-Pua, whether that information is readily available. Or if it's, I'm making this more complicated? Thank you.

Dr. Dancil: Chair Gima, may I answer?

Mr. Gima: Yes, please go ahead.

Dr. Dancil: Thanks, Richelle. So I also have Joy coming on the line. If you allow her to speak as well. We also want to make mention on how we receive this data is we request Lanai Water Company to give us the data. You have to understand two separate entities. They're publicly regulated. There's privacy laws. So we can request. The request is made on billing, which we bill every other month, Lanai Water Company. In future PUC application, we'll be asking for monthly billing. And at that point, it would be closer aligned to the 28-days. But right now, how we bill is how we get that information from Lanai Water Company. And so that's why it's not going to match. And so you want, you know, in the future monthly billing, if the PUC approves that, that could closer aligned to, Chair Gima, your 28-days currently report now.

I'm also going to call on Joy to talk about the source of the water and how we could potentially provide that information. As you know, water is pumped up and then distributed. So you can't say if a water droplet, like, came from here to here. It would be a combination. But Joy, if you could raise -- if you allow Joy to speak.

Ms. Joy Gannon: Is it okay if I speak, Chair?

Mr. Gima: Yes. Yes, please. Thank you.

Ms. Gannon: Okay. Good evening Chair. Thank, thank you for allowing me to participate, and Commissioners. Let's see, there's a bunch of questions and if I miss any please let me know.

So for identifying which well the water comes from? No, we're not able to do that. The water goes into the distribution system. So I'm answering Richelle's question if I could identify which well it came from. So the water goes in the distribution system from wells three, six, eight and future will be seven. So I can't say the water to the, the hotel came from well six or whether it came from well eight. It could be either or.

For categories, there are definitions. For R-1, there is definition for brackish. And if you use the terminology of a regulated drinking water, there's a definition for that as well. So that for me, would be a good way to look at it. Commissioner Sally's question regarding getting brackish water to the Project District, you would need to build an entire new distribution system, and potentially pumping, and probably, I think, we'd have to look at our source capacity for that. But it would definitely require a completely separate distribution system.

The way that -- and I'm going onto the way that we do the reporting. So currently we bill every other month. We're requesting in the PUC applications to go to monthly billing. So that would be more in line with the 28 day period, so to speak. The reason I would suggest that is the way that we get our numbers. So on a typical day, say today, 93 percent of our meters read or submitted their readings. So what does that mean is seven percent of them didn't come in, and so we can go out and read those. Is there any way for me to know what seven percent, which ones didn't come in? No. So on the day of every 28 days, we first thing in the morning we download the readings and then the ones that don't come in, we physically go to that meter and we take that, we write, handwrite that read down. So essentially what having these two separate 28-day period and a billing period means is, is adding a whole bunch of work. And I'm not sure if that bang for the buck is worth it given that there's not a huge discrepancy now and that we are requesting going into a monthly billing period. If there's any other questions or else I will stop.

Mr. Gima: Commissioners, comments, questions, for either Joy or Keiki-Pua? So, Joy, I assumed you listened to Kurt's latest version of condition eight. Is that accurate?

Ms. Gannon: I did listen, and quite frankly, I was a little confused.

Mr. Gima: Okay, so you heard about the sub-district categories like hotel, park, resort, commercial.

Ms. Gannon: That makes total sense to me. And as long as we are not identifying any specific person, we can break it into multi-family, single-family, hotel, park. That's, that's -- we can totally do that.

Mr. Gima: Okay. And when, when you do that breakdown, you can do it within the 28-day reporting period data that you collect?

Ms. Gannon: We can. The issue is, is we're essentially creating a lot of additional work, not only in the way that the meters are read. So on any given day, your 90 some odd percent and you have to go out and read those. And then secondly, the way that we do our reports. So it gets a little complicated. But, essentially, we build the reports in the utility billing system. But what switching it to a 28-day period essentially takes it out of the utility billing system and moves it into an excel spreadsheet. And it can be done. I'm not saying it can't be done, but it's a lot of work.

Mr. Gima: But you went all electronic. I mean, your, your staff doesn't have to physically go to the meter to read it now.

Ms. Gannon: We do.

Mr. Gima: Is that accurate?

Ms. Gannon: No, that's not accurate. So what I'm saying is on any given day, 90-some odd percent of the meters' reads come in. For example, one of the commissioners had a leak, and that leak alert trigger will stay triggered until the read came in saying you did have that leak. And on any given day, it's around 93 percent. So I'm missing about seven percent to 10 percent of the reads. And on those days, I go out and have to read them. So about 10 percent.

Ms. Kaye: Hey, I have a question, Joy. Is, is the sticking point, the, the trying to coordinate it with the 28-day period and would that go away once you, the PUC, approves you for monthly billing would then they'd be much more aligned?

Ms. Gannon: That would be a preferable option because if I only have to do the, to do the catch up reads once, that makes it helpful. And also being able to do the reports in the utility billing system makes it very helpful, less prone to user error.

Ms. Kaye: Okay, so when do you anticipate that this -- I know it's been languishing out there because of COVID for a while. When do you anticipate the to move on this?

Ms. Gannon: We are actually hoping to file by the end of the month.

Ms. Kaye: Then would it be acceptable to all parties if we worded exactly as Kurt said, but asked for the 28-day coordination to begin when the monthly billing is granted by the PUC? Or at such time as monthly billing becomes the preferred practice of the Water Company. How about that?

Ms. Gannon: The monthly billing would still be the 15th. It would -- what we're proposing and still will be the 15th. The reads would be from the 15th to the 15th of the month, at every month.

Ms. Kaye: Oh.

Ms. Gannon: So from September 15th to, to October 15th, from October 15th to November 15th. So it's not a 28-day period, it's, it's basically the 15th to the 15th.

Ms. Kaye: Okay. So I guess my, my follow up question then would be we're asking for quarterly and year end. So that does require additional steps on your part. Is that, is that something that your, your recordkeeping system can do fairly accurately?

Ms. Gannon: So as long as you're asking --. So if I were saying my 12, 15, 12, 15 would be -
-. As long as you're not asking it from December 31st, January 1st through December 1st
calendar year, and as long as you're looking at 365 days with the, on the billings on the 15th,
that's totally doable.

Ms. Kaye: Okay, thank you.

Mr. Gima: So having heard all of that, Kurt, what does your latest version look like now?

Mr. Wollenhaupt: I'm afraid, I'm not sure. Well, let's try it again. That the applicant shall provide
the Lanai Planning Commission with quarterly water usage reports for the Koele Project
District and its subdistricts, including quantities of regulated drinking water, brackish, and or
R-1 water used. These numbers would coincide with the monthly billing at such time as the
bill, as that billing is approved.

Ms. Thomson: I have a potential. I don't know if this will be helpful, but that just the last part,
perhaps to coincide with the PUC approved billing cycle. That way, if there are any changes
it's already built into that. Does that work for the Commissioners? And also does that work for
the Lanai Water Company or Joy?

Ms. Gannon: For the Lanai Water Company, if we say of approved Lanai, the approved PUC
billing cycle and we are, we, we are --. I anticipate that the PUC will approve that change.
But again, that is up to them.

Ms. Kaye: Butch, you're muted.

Mr. Gima: Sorry. So Commissioners, any comments about Kurt's latest version? I can live
with your latest version. Kurt, I don't like the regulated drinking water. So you just could put in
parentheses potable and then also add non-potable, I think, I can, I can live with that.

Mr. Wollenhaupt: Okay. Well, we better get this. That the applicant shall provide the Lanai
Planning Commission with quarterly water usage reports for the Koele Project District and its
subdistricts, including quantities of, now you want potable in parentheses or just potable --?
Yes?

Mr. Gima: Potable in parentheses following regulated drinking. I think that's a term you used.

Mr. Wollenhaupt: Okay. Potable regulated drinking water then potable in parentheses,
brackish and . . . (inaudible) . . .

Mr. Gima: Non-potable. Non-potable and, or R-1.

Mr. Wollenhaupt: You want brackish, then non-potable, and or R-1 . . . water used.

Mr. Gima: Yes.

Mr. Wollenhaupt: Now what are we going to do? These numbers shall coincide with the PUC approved billing cycle. Did we want that on there or not?

Mr. Gima: Yeah. However, Sally and however -- yeah however Sally stated and amended by Richelle.

Ms. Kaye: Yeah, I think Richelle's language was perfect, and I would object. I don't think regulated is, is necessary. I think that's just confusing. It's potable, non-potable. I mean, those are the --. Like, like we said before, if they don't have any, they'll be zero. But brackish is regulated just like potable. So it's not just regulated, it's potable and that, that's the way I heard that being phrased so I'd just take that out.

Mr. Wollenhaupt: You're taking regulated drinking water out and just leaving potable without parentheses?

Ms. Kaye: Yeah, I don't, I don't see the point of that.

Mr. Wollenhaupt: That, that's for you all to decide it.

Ms. Thomson: I think that the, the question I would have is if regulated drinking water is the standard for water that can be consumed by humans, I just want to make sure that if we're using the term potable then that that's what the Commission intends it. It's intending that this passes as regulated drinking water under the State definition. In case there's a question later on about what does the term potable mean, and I know all of you are familiar with that history.

Joy, maybe you can help us out with, help the Commission out with this in terms of the State's define terms. It's, as you said, regulated drinking water means water that is fit for human consumption. And that's commonly referred to as potable.

Ms. Gannon: Well, I wouldn't touch that one with a 10-foot pole, Richelle. So there's water that's regulated by the State Safe Drinking Water Branch, and then there's water that's not regulated by the State Drinking Water Branch.

Mr. Gima: I like I said, I can live with the regulated drinking water, but I prefer potable. Regulated drinking water in the last 32-years only came up at the last Planning Commission or the previous Planning Commission meeting when the two guys who were formerly from CWRM brought that up. That's the first time I've heard of that. So, yeah, again, as I said earlier, preferably potable, non-potable, brackish and R-1. And then when we get to the

workshop, I think if we have a very clear definition that we use that from here on in, it will save us a lot of time, a lot of headaches, and everybody will be on the same page.

Ms. Thomson: And really, if I'm understanding it, what the Commission is looking for is the source of the water that's best that can be reported.

Mr. Gima: No, not necessarily the source. It's, it's amounts in the different subcategories.

Ms. Kaye: Yeah.

Ms. Alboro: So that word source is kind of, like, maybe it doesn't belong there because she said that she wasn't able to identify what well it was coming from. So maybe the source word should be something else.

Ms. Kaye: I think, and Kurt took it out. Nikki, I think Kurt already took that out of the conditions.

Ms. Alboro: Oh, okay. I know that was something that you had mentioned you wanted in there, but, yeah, she said she wasn't able to identify it, so I was lost there. Sorry.

Ms. Kaye: Well, no, the source of the water was in their original condition. And, um, because of the conversation we've had, we're now agreeing that that probably doesn't need to be in there. And I believe the way Kurt read the condition back to us, he, he did not include that. Is that right Kurt?

Mr. Wollenhaupt: That, that, that's correct. That's correct. I'm trying to type out what I think we're going with. But, yes, that's why I took that out in the last version.

Ms. Alboro: Okay, got it.

Mr. Wollenhaupt: So let's take a stab at this. That the applicant shall provide the Lanai Planning Commission with quarterly water usage reports for the Koele Project District and its subdistricts, including quantities of regulated drinking water, quotation, potable, brackish, non-potable and or R-1 water use. These water usage numbers shall coincide with the PUC approved billing cycle through the extent practicable.

Ms. Kaye: No, that, that phrase is not, no. That's not.

Mr. Wollenhaupt: Take the last part out then. These water usage numbers show coincide with the PUC approved billing cycle. Did we want that referenced?

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

Mr. Wollenhaupt: . . . (inaudible) . . .

Ms. Kaye: Yes.

Mr. Wollenhaupt: So these water usage numbers shall . . . (inaudible) . . . shall coincide with the 30-day PUC billing cycle once approved or just the PUC approved billing cycle? Because there is a billing cycle now. I'm just trying to distinguish that between the one that might be approved.

Ms. Kaye: Right. I believe 30 days is what they've asked for and what the PUC would, would most likely give them because that's what they do.

Ms. Gannon: If we could . . . (inaudible) . . . to the approved billing. The, the monthly, the monthly because some months have 28, some months have 31. So if we could keep it to the --

Ms. Kaye: Monthly.

Ms. Gannon: -- monthly.

Ms. Kaye: Yeah, absolutely.

Mr. Wollenhaupt: So these water usage numbers shall coincide with the monthly PUC billing cycle and approved?

Ms. Kaye: Okay, how about shall comply with the 30-day billing cycle once approved by the PUC. I'm sorry, monthly billing cycle, once approved by the PUC.

Mr. Gima: I can live with that.

Ms. Thomson: I'm sorry. I want to make sure that we're --

Mr. Gima: Richelle?

Ms. Thomson: Thank you. But you still, you don't mean for them to do monthly reports. It's still quarterly, but the data is going to come from the monthly billing cycles. Okay, thank you. I just wanted to make sure I understood.

Mr. Gima: So Commissioners, is it now crystal clear to you? Okay, last, last call on condition eight. Okay, condition nine, any guidance on that, Kurt, because there was a lot of discussion about it and --?

Mr. Wollenhaupt: Well, I guess I'm going to have to take the guidance of our former Deputy Director, Jordan Hart, now the Planning Program Administrator for Zoning in which we

essentially indicated that that's something that the County Council put on the original project district. And if they would determine that they would like to take it off, then I guess they can do that. So that's pretty much -- that's why it was left in there, and we did not get a definitive comment from the Department of Public Works, if my memory serves me correct. I do understand the arguments that were made by Pulama Lanai, and I believe Mr. Chipchase wrote an extensive review of this condition. However, management decided that at the time we made the recommendation that this would just be left in. So that's --

Mr. Gima: Okay, Committee, shall we, shall we just do that? Leave it as is and if it needs to be modified, removed, County Council can take care of that. Any objections to that?

Ms. Kaye: No.

Mr. Gima: Okay. Moving on to condition ten. So I, I'd like to propose reword, rewording it to read that the applicant shall use R-1 water to irrigate and or use for dust control to the extent available and practicable. Comments, questions, edits on that one?

Ms. Kaye: Could you say that again please Butch?

Mr. Gima: That the applicant shall use R-1 water to irrigate and or use dust control to the extent available and practicable.

Ms. Thomson: Chair, I do have a comment on that. R-1 water can be used for other, other uses, so that may be limiting it rather than expanding the uses or clarifying. So you may want to leave a broad rather than restricting it to certain types of uses of R-1 water.

Mr. Gima: So you'd recommend taking out irrigate and dust control?

Ms. Thomson: Yeah. It can be, it can be used for ranching, you know, for watering cattle. It can be used for agriculture, in farming, all types of farming. So there are many, like, just many, many uses for R-1 water. So I think right now it's very broad, so you're not limiting it. But I think including those terms may be read to limit it to certain uses. But I think what your, I think the intent is to use it for as many things as possible.

Mr. Gima: I think part of it was to ensure that R-1 water is used to irrigate and for dust control, and not use potable water for irrigation and dust control.

Ms. Thomson: Right.

Mr. Gima: So if you take those out, it doesn't, it doesn't direct the applicant to use it for irrigation and dust control.

Ms. Thomson: Maybe --

Mr. Gima: Is that accurate?

Ms. Thomson: How about the applicant shall use R-1 water, including for irrigation and dust control, comma, to the extent available and practicable. Then you're, then I think you're, you're saying including, but not limited to really, but you're making a specific statement that you would like them to be using it for irrigation and dust control.

Mr. Gima: But can you reword that again?

Ms. Thomson: Yeah. So just going off of what I think Kurt has down. That the applicant shall use R-1 water, comma, including for irrigation and dust control, comma, to the extent available and practicable. So you're calling out those two uses that you want to emphasized, but not limiting it to only those uses.

Mr. Gima: Okay. Nikki?

Ms. Alboro: I think . . . (inaudible) . . . needs to be listed.

Mr. Gima: Say again, Nikki?

Ms. Alboro: I think including not limited to needs to be listed. Like including irrigation and whatever was the other word -- I'm sorry -- but not limiting to the extent available and practicable.

Mr. Wollenhaupt: So then it would read that the applicant shall use R-1 water in --. So use R-1 water, including but not limited to irrigation and dust control, to the extent available and practicable.

Ms. Alboro: Sounds good.

Mr. Gima: Thanks, Nikki. Zane, Sally, Erin, any comments about that revision? Okay.

Dr. Dancil: Chair Gima?

Mr. Gima: Yes, Keiki-Pua?

Dr. Dancil: A couple clarifying questions. I'm sorry. I raised my hand a couple of times and I don't mean to interject. I apologize. Two clarifying questions, if I may. Clarifying question on condition nine. Is that the Commissions' --. I thought I heard you have no recommendation for condition nine or was there recommendation for condition nine?

Mr. Gima: Yeah, there were, there are no objections to leaving it in, as stated in the report, pretty much yielding to County Council since it was their original condition. So if they want to modify it or take it out, then they would do that.

Dr. Dancil: Okay. We just want to go on record that, no, we, we've expressed that we object to the condition. We believe it was tied to the original Project District and will be stating that a such. We just want to get that on the record.

For Condition 10, I just want to make sure that we all understand, calling out specifically to things for brackish. I want to make sure that to the extent available and practicable, I think we had this issue when we're asked to use brackish water down at one of our construction sites, not for dust control. Some equipment, the integrity of some of the construction materials we wouldn't want to use brackish water during those times. I just don't want to be held that should it be available we have to use. I want to make sure that because you're calling specifically out the dust control, I just want to put that on record that we had made comments that it's not always the best type of water for dust control in certain times when we're doing construction for integrity purposes of building materials.

Mr. Gima: Okay, so noted. Thanks Keiki-Pua. Ah, you know, to, to number nine, I mean, I just had a note to myself that I don't remember if I had brought it up the first time, but I think the bypass will not only help the Koele Project District related traffic so it bypasses the city, which I think was the intent regardless of the number of housing units in the project district. But I think it will help Hokuao ingress and egress and eventually the County affordable housing project ingress and egress, so yeah, that's just condition number nine.

Okay, Kurt said about the building height thing that Sally brought up will be addressed in the third item. All right, so any other comments, questions, changes to the Change of Zoning portion on this agenda item? All right, hearing none, I will entertain a motion to recommend approval, recommend approval of the Change of Zoning with conditions.

Ms. Kaye: I'd move that we recommend approval with the conditions as proposed by the Planning Department in the May packet, numbers one through 10, with the amendments that we discussed and agreed to by Kurt and Richelle tonight.

Ms. Atacador: I second.

Mr. Gima: Okay, it's been moved by Commissioner Kaye, seconded by Commissioner Atacador that we approve the Change of Zoning with conditions identified in the May, the May packet, one through 10, with the amendments as discussed tonight that was provided by Kurt and Richelle. I hope, I hope I got everything from what you said, Sally.

Ms. Kaye: Right. The amendments were to number eight and number ten. That's all.

Mr. Gima: Okay. All right, any further discussion on the motion? Hearing none, all in favor raise your hands. Okay, the motion passes unanimously. All right, thank you. Why don't we take a ten minute recess? We'll be back at 6:42 p.m.

It was moved by Ms. Sally Kaye, seconded by Ms. Erin Atacador, then

VOTED: To recommend approval of the Change of Zoning with the conditions, #1 through 10, as proposed by the Planning Department in the May packet, and with the amendments to conditions #8 and #10 as discussed.

(Assenting: N. Alboro, E. Atacador, Z. de la Cruz, R. Gima, S. Kaye)
(Excused: S. Menze, S. Preza, C. Trevino)
(Recuse: E. Grove)

(The Lanai Planning Commission recessed at 6:32 p.m. and reconvened at 6:42 p.m.)

Project District Phase 1 Development Amendment:

Mr. Gima: Sally, are you there? All right, we have quorum back on camera. Okay, now we're at Project District Phase One Development Amendment. So at this time, I will open public testimony again. Oh, Leilani, anyone wanting to testify?

Ms. Ramoran-Quemado: Thank you, Chair. There's no one wanting to testify.

Mr. Gima: Okay. Denise, anybody at the Lanai Office?

Ms. Fernandez: No testifiers at the Lanai Office.

Mr. Gima: Okay, thanks Denise. At this time I'll close public testimony on the Project District Phase One Development Amendment. Anything to add here, Kurt?

Mr. Wollenhaupt: This is the third application that you're looking at tonight. And critical to this, there's actually the revisions to the Maui County Code Chapter 19.71. In your packet, in your exhibits, there is a red line version, in Exhibit-3, of the proposed amendments for the Koele Project District. I do know and this is to address Commissioner Kaye's issue on Section 19.71.050 Park, and this is for 2B, development standards for Park District shall be items four and five. There was a strikeout of maximum lot coverage five percent and maximum height one-story not exceed twenty feet. And it appeared to be the wish of the Commission that those strikeouts return back to the development standards. So that addresses that issue. That's a simple addition back in. So that was the only modification. There may be some spelling errors

in the, in the document. However, that was the only major item that we that, we had talked with about. So that's where we are in the Phase One Amendment.

Ms. Kaye: I just want to clarify that number four, B4 was not an issue. It was five. And the applicant offered to add that 20, 20 maximum height, one-story not to exceed 20-feet back in. We didn't discuss it all a maximum lot coverage five percent. I don't know that that we, we challenged that.

Mr. Wollenhaupt: Okay, that's good. Good, good. So, so on the table is taking, putting number five back in.

Ms. Kaye: Yeah.

Mr. Wollenhaupt: There would be a renumbering, of course. Yeah, that would be done in the corrected version. Four would go away and five would become a four.

Ms. Kaye: Right.

Mr. Wollenhaupt: Right. And we're, we're --. Yes, we're leaving in number five.

Mr. Gima: In that same section, um, what did we do with C that follows right after what we just talked about?

Mr. Wollenhaupt: C, C is in.

Mr. Gima: I think we had discussed kind of interesting or tricky language where it said areas within park districts that have continually and lawfully use high level aquifer groundwater. That that wording was kind of interesting and I'm trying to remember what we wanted to do with that. And this one says non-potable water should be used for irrigation to the extent available. And in the previous discussion, we talked about R-1 water. Do we need to make that consistent?

Ms. Kaye: I think the discussion was instead of non-potable, we suggested brackish or reclaimed was more accurate for the practice that's currently on island. And I also understood that the, that part of lawfully used high level aquifer groundwater, I think the applicant clarified that that was to protect the use of water on Cavendish. Um, I'm sure they'll correct me if I'm wrong.

Dr. Dancil: No, you're correct, Commissioner Kaye.

Mr. Gima: Okay. Thank you. So Kurt, do we need to modify this language based on what Sally just mentioned?

Mr. Wollenhaupt: Um, this is the language that you're recommending, so any modifications that you believe are fit, now is the time.

Mr. Gima: So Sally, you were saying insert R-1, and or brackish and remove non-potable?

Ms. Kaye: Yes. Brackish or reclaimed, I think, that's what we discussed before.

Mr. Wollenhaupt: And that's replacing non-potable?

Ms. Kaye: Yeah.

Mr. Gima: Okay. Erin, Zane, Nicole, any comments or questions about that change? Okay. Moving on.

Mr. Wollenhaupt: And that's, that's replacing non-potable in the third sentence too? Third line?

Mr. Gima: Yes. Yes. Under 19.71.055, Golf Course, letter C and D having to do with irrigation. I'm trying to recall. By removing D as it pertains to the Old Experience at Koele Golf Course. Is that accurate? Is that what you guys remember? Your memory is just as good as mine. Any questions or concerns about the irrigation language or the strikeout of the irrigation language in that section? Kurt, do you or Keiki-Pua have any comments about that?

Mr. Wollenhaupt: No, I, I don't have anything more to add.

Dr. Dancil: No, no comment.

Mr. Gima: Okay. Moving on to Open Space and Resort Commercial. I don't think there was anything. Land Use categories and acreages. There are no standards of development, nothing. Okay. So that pretty much covers the proposed amendments to County Code Chapter 19.71.

With regard to Table-C in our packet, Kurt and or Keiki-Pua, could you clarify again in the existing project District sub-designation, which, which one pertains to the Old Experience at Koele course, and which one pertains to the Cavendish course?

Dr. Dancil: Commissioner Gima, give me time. I'm opening up the document. You're wanting to understand which line item in Table-C is referenced to Cavendish or Koele, uh, the Experience at Koele? Is that your question?

Mr. Gima: Correct.

Dr. Dancil: Okay.

Mr. Gima: Which existing sub-designation.

Mr. Wollenhaupt: I think it's probably 002 that's going from Golf Residential Multi-Family, and it's exiting all the golf. I'm sure that the applicant can confirm that.

Mr. Gima: So you're suggesting that was the Experience at Koele Golf Course?

Mr. Wollenhaupt: Right because that's all going outside of golf now.

Mr. Gima: Okay.

Mr. Wollenhaupt: Confirm that too . . . (inaudible) . . .

Mr. Gima: And would the Cavendish golf course come under the next line, golf slash, residential slash, public?

Mr. Wollenhaupt: That's what, that's what I'm attempting to make sure.

Dr. Dancil: Correct. Kurt is right.

Mr. Wollenhaupt: Sometimes miracles occur. You never know.

Mr. Gima: Okay, so I understand the Experience at Koele, the proposed sub designation as park slash, open space slash, residential. Is that accurate?

Mr. Wollenhaupt: Yes, that's accurate.

Mr. Gima: Okay. And then the Cavendish, under the existing designation of golf slash, residential slash, public will be changed to parks slash, golf slash, hotel slash, residential?

Mr. Wollenhaupt: Yes, that --. Yes, that's right. That odd shape that we were talking about at the beginning of the discussion this evening.

Mr. Gima: But that odd shape was outside of that Project District.

Mr. Wollenhaupt: Oh, but that's the general area that we're speaking of. And the . . . (inaudible) . . . 003.

Mr. Gima: Um, I mean, the end game is making sure with the proposed Project District sub designation that it's real clear to the Cavendish golf course, its land designation is park slash, golf slash, hotel slash, residential. And that includes the entirety of the Cavendish golf course.

Mr. Wollenhaupt: Yes.

Mr. Gima: Is that accurate Keiki-Pua?

Dr. Dancil: Yes that is. And it might help, Chair Gima, if you look at Exhibit-2 in your staff report. It has a map of the proposed Koele Project District. And you will see that G, which is designated as purple for golf subdistrict within the project district, does indeed include Cavendish.

Mr. Gima: Okay. Just want to make sure we get that on the record. All right, thank you. Okay Commissioners, other comments, questions, edits to Project District Phase One Development Amendment. All right, I will entertain a motion to approve the Project District Phase One Development Amendment as amended this evening, in 19.71.050 Park PD-L/2, letter C.

Ms. Kaye: And B, B-5 comes back in.

Mr. Gima: Oh, all right. Yeah, that's right. And B-5. Thank you.

Ms. Kaye: So move.

Ms. Atacador: Second.

Mr. Gima: Any second? Okay, it's been moved by Commissioner Kaye, seconded by Commissioner Atacador that we approve Project District Phase One Development Amendment, as amended tonight in Section 19.71.050 Park PD-L/2, letter B-5 and letter C. Okay, any further discussion on this motion? Okay, hearing none, as soon as Sally comes back into view, all in favor raise your hands. Okay motion passes unanimously. Thank you very much.

It was moved by Ms. Sally Kaye, seconded by Ms. Erin Atacador, then

VOTED: To recommend approval of the Project District Phase 1 Development Amendment as amended in Section 19.71.050 Park PD-L/2, letters B5 and C.

(Assenting: N. Alboro, E. Atacador, Z. de la Cruz, R. Gima, S. Kaye)
(Excused: S. Menze, S. Preza, C. Trevino)
(Recuse: E. Grove)

C. DIRECTOR'S REPORT

- 1. Open Lanai Applications Report as distributed by the Planning Department with the September 7, 2022 agenda.**

Mr. Gima: Okay on to Director's Report. So, Ann, will you be handling this section of the agenda?

Ms. Cua: Yes, I will. Okay, first of all, we have the Open Projects report. Do you have any questions on that? And you just dealt with the first item on your list. Any questions?

Ms. Ramoran-Quemado: Lisa, you're muted.

Mr. Gima: Go ahead, Lisa.

Ms. Grove: Sorry about that. Hi. I now get to talk. So I was just curious, and I apologize if I don't know if the geography is sitting right in front of me and I can't see it. But I'm looking at that last one on the open projects about the permit to scrape, grub and excavate sand. Where is that located?

Ms. Cua: I am not exactly sure. That is -- maybe, maybe Keiki-Pua can respond to that. I don't know if that's them.

Dr. Dancil: Bear with me; I'm opening it up. I don't know what that is.

Ms. Cua: And it's not a, it's not a permit. It's an RFC. It's a request for comment.

Dr. Dancil: That might have to do with a letter that came through to --. Hold on.

Mr. Gima: I'm assuming this has to do with Hulopoe Beach Park.

Dr. Dancil: That's what I'm wondering.

Mr. Wollenhaupt: That would be, that would be the correct assumption. It's being handled by Wesley Bradshaw, a planner that specializes in the shoreline.

Dr. Dancil: So it's not our application. It was a complaint that came through.

Ms. Grove: Got it. Thank you.

Dr. Dancil: We did respond.

Ms. Grove: Yes, very familiar. Thanks.

Ms. Cua: Any other questions?

Ms. Kaye: Yeah, I do. I'm sorry. I don't believe I've ever seen an RFC like this. So this is the Planning Department receives the letter. I know what we're talking about there. And then the request for comment is for the applicant to respond to the, the letter and the assertions therein? Is that with that?

Ms. Cua: Well, an RFC can come in different forms. When somebody --sometimes when somebody just has questions about a particular project or a property that they're inquiring about, they send a letter to the Department. And because we need to initiate a response, we need to track it somehow. So we assign it an RFC because there's not a permit associated with the request. And so sometimes the Department just does a letter. Sometimes we contact, if it's about a particular project, we may contact the applicant of that project and get comments from the applicant like, you know, maybe in this particular case we did, I'm not sure. So it's kind of a -- it's just a way that we identify requests coming into the Department so we can track them.

Ms. Kaye: Maybe next month or the next meeting, we can have a little more detail for this one then.

Ms. Cua: Okay. Anything else on this open assignment report?

Mr. Gima: Nikki, did you have a question? I saw you were unmuted earlier?

Ms. Alboro: Oh, I don't know why I wasn't -- I muted. Sorry.

Mr. Gima: Okay.

2. Chair Gima's proposed workshop items.

Ms. Cua: Can I move on Chair?

Mr. Gima: Yes, please. Thank you.

Ms. Cua: Okay. So the next item is the Chair's request for workshop. Here it is. So I went through the 11 items and categorized them. And now that you have a full Commission, so we, we normally do not do training for Commissions, all boards and commissions until you have a full board or commission. And so you have one now. So how we normally structure our trainings, which those of you who have been members for a while know that is we usually split it up. We used to do it all in one day before, but we found that it's, it's just too much. It's too much information for people to comprehend. People get tired and so you don't hold on to as much information. So we decided to split it up. And that way, it gives the staff a little bit more flexibility on their time as well to be able to make themselves available to you. We invite Corporation Counsel to do part of the training. And the first three items, items one, two and three that the Chair has on his list is just that. You know, the requirements about going into

executive session. You know, what is the conditions of when a member wants to recuse themselves or have a conflict of interests. Nexus consideration and rough proportionality, that's all stuff that is part of the normal presentation and training from Corporation Counsel.

The only other thing on the list that I thought maybe we would have to seek help from Corporation Counsel is item number eight. Please explain the public trust doctrine and its significance as it relates to the Lanai Planning Commission.

Items four, five, six and seven, that's, that's exactly what the Planning Department's training is, and our, our training goes a little bit beyond that. When we -- item, like item number four, for example, we normally go through a number of our application processes and, and we tell you when you are the authority and when you are not. Like in today's, today's matters that you heard, you are not the authority on any of them. The County Council is the authority. You hold the public hearing and you make a recommendation to the County Council. So when we go through our training and we go through the various land use, land use development, and shoreline types of permits, we tell you just that. You know, when you are the authority, the sole authority, when you are recommending body making a recommendation to the authority.

And then final group.

Mr. Gima: Ann?

Ms. Cua: Yeah.

Mr. Gima: Yeah, I mean, the reason why I put in this matrix and I know the Planning Department informs us, but it would be helpful for me if I have a cheat sheet like this. So when I get the packet from Leilani, I can say, oh, okay, this is a Community Plan Amendment then I can look down on the timeline when the clock starts, all of that stuff, and I don't have to wait for the Planning Department to tell us at the meeting. And that way, it's going to save you guys time, and I feel we are going to be much more prepared. And I think this is going to be applicable to Molokai and the Maui Planning Commission too.

Ms. Cua: Okay. That's, yeah, that's probably something we could easily put together. Yeah, and I don't know the, the clock starts. That isn't applicable in some applications. So again, you know, we'll, we can do some kind of a chart for you. And then we would also give you a copy of our, our training, which is something that you should always have that you can refer to when you know that there's an application that's coming up like, like, today, for example, you could go to the part of the power point presentation that talked about Community Plan Amendments, Changing Zoning and Project Districts.

So again, and, and the final thing is your questions number nine, ten, and 11, and my understanding is that you normally do receive some type of training, usually annual training from the State Water Commission. And so we would have to work to coordinate that as well.

So like I said, now that you have a full Commission as we, you know, we have a bunch of bills that are coming from Council that we have time limits on that we need to get it to all the Planning Commissions. So we're trying to make sure we can get your comments in time because we don't want to miss the opportunity to get your comments. But whenever we have, we anticipate that we have time on these agendas, we'll probably try and, you know, put some of this training on there. Any questions on that?

Mr. Gima: Commissioners, comments questions whether this stuff is, will be helpful or not helpful?

Ms. Atacador: Yeah, no, I think it's really helpful and can't wait to get this training done. So it can you help us and help me personally too. So I'm excited for this training.

Ms. Grove: Me too.

Ms. Cua: Chair, would you like me to move on?

Mr. Gima: Why don't you find out how soon we get these training because the priority, the priority for me would be number four, number five, number 10, and number 11. And as we were talking about in the earlier agenda item, I strongly feel that we not only the Planning Commission, but the Planning Department needs to have a real clear definition of potable, non-potable, R-1, and brackish. And we set that so we don't waste time deliberating the different interpretations every time. And that's that should be in a cheat sheet on our packet just like the, the matrix in number four. I get, I get sick and tired of having to relitigate, re-discuss, you know, the definitions. So, yeah, that is a big priority for me.

And number 10 is a huge priority, and I would prefer that the Planning Department keeps a running tab on the amount of water being used and allocated or reserved. And this is important because if you, as I mentioned in other meetings, if you only look at the application and say, let's say it's only 200,000 gallons a day, and if you don't know what the big picture is, we are being irresponsible as a Commission in terms of, you know, deliberating that that application. And most of the application, most, if not all, do not give the Planning Commission that overall picture of water use and how much water has been reserved for different projects. So and I've said this before, I fault both the applicant and the Planning Department for not making that real clear. So those are, those are the, the priorities for me, and I would like to see the trainings happen yesterday rather than, than later.

Ms. Cua: So what I can --. I hear what you said, Chair. I think from the Department, we think, we think number one, two, and three is some of the most important. If you don't have a legal basis for how you conduct business, that can be problematic for the Commission. It doesn't take very long. That would be one of the first things. That's one of the first things we train all our Commissions on because it's how you conduct business. Um, I think the Department's training on what we're responsible for is the next priority. You know, I have to mention, we are

not, we are not water experts. You know, for us, you know, we, we rely with all of our boards and commissions, we rely on various County, State and Federal agencies that have experts in their field to guide us. Whether it be water, architecture, archaeological issues, drainage. So, you know, I, you know, I can't sit here and tell you that -- we, we do not have the, the, the, the technical staff trained to give you the kind of water information that you're asking for. And to keep on track and to be able to tell you it's adequate or not. And that's something maybe a larger discussion with my bosses, but I can just tell you in terms of the staffing because it's my staff that would be giving you that information. And I, you know, I don't think any, none of us are trained in that. So, you know, you know, that that's a tough one for us. And that's why I suggested for items nine, ten and 11 that, you know, we bring to you somebody like we always do from the State Water Commission. In terms of --. I think we, we, we are more familiar with your types of questions on water. So I think that's something that we can try and work with the applicant to make sure we get the best information. But I think to put that responsibility on the Department when we don't have that kind of technical staff, I think that's a tough one. That's just my . . . (inaudible) . . .

Ms. Grove: I can also just add that I thought that what we've been taught so far is that there's a local, state and federal disconnect when it comes to these definitions and that they're not all synced up. And so I think that's what's making our job more difficult, but that that's not the, the Planning Commission's kuleana, right?

Ms. Cua: No, that's not the Planning Department's. You know, some of what I heard was, was news to me. And you know one thing I --. I'll just give you a quick example. You know, there was a project I was involved in at Maui years ago, and we, used we used terminology like, uh, bus stop, bus shelter. You know, we just, we just use it when we wrote the condition. Well, years later, that terminology had a specific, specific description of what that meant. And that caused problems later on because we were just, you know, throwing around words, you know. This is a bus shelter. This is a bus stop. This is a bus. Well, you know, years later, you know, when you have a whole Department of Transportation, Maui Transportation, you know it, those specific words meant something. So what I'm hearing, what I'm learning now is that, you know, we, we've used potable water for as long as I remember. Now we're hearing that, well, you have to be careful in what in the terminology that you use. So again, that's not something that the Planning Department is going to be able to guide you through. And I don't know if Corp Counsel can help me with any of this a little bit or we just have to wait and talk with our Director. But I just want to be honest with you and let you know what, what I feel our capabilities of our staff is because I don't want to give you any false hopes of, you know, something that you feel the Department is responsible to give you, and when we don't have the technical resources on staff.

Mr. Wollenhaupt: Well, just from the planner's perspective, it would be great to get this issue settled; brackish, R-1, potable, non-potable, drinkable. It just makes it, it --. It just makes perhaps me look like I don't know what I'm doing sometimes. And so it would be nice to get this straightened down, and here are, here are the parameters with which we're going to

analyze projects. Very helpful in the future rather than, well, like tonight we're going to change this brackish. No, it's potable. No, it's drinkable. So a consensus of the minds, at least for the Lanai projects would be very useful. Thank you.

Ms. Cua: Any further questions?

Mr. Gima: Sally?

Ms. Kaye: Yeah, I'm wondering, I'm wondering if we could have Richelle, Corporation Counsel, Planning Department think about putting together a TIG, and have a couple of Commissioners. Plus I would assume Joy from the -- you know, just do an informal discussion about some of these gnarly issues to try to fill out, you know, answer some of these questions. I mean, I don't want to do it tonight, but maybe we could think about whether that would be useful for discussion at the next meeting, we could get some clarity on whether we could do that. Because I don't think CRWM is --. I mean, I've had their, I'd have their trainings. They don't come in and --. Um, they're pretty hands off. As long as you meet their overall strictures, they really, you know, aren't going to give too much, at least in the past, they've never given too much. So if we're just even going to get to a point where we agree on definitions, a TIG, a temporary whatever you call it, group might work. So if we could just discuss that next time, maybe, that would be helpful.

Ms. Thomson: And this is Richelle. I think, you know, especially for some of the Commissioners that aren't as familiar, I know, Chair Gima and Commissioner Kaye, you folks are very, very familiar with the history of the issues on Lanai. It may be helpful to see if we can schedule the CRWM water training just as, give some context to the, to the discussion and then, you know, we can tell them that we're, you know, we are trying to develop a terminology that's more universally used both by Lanai Water Company, by CWRM, the County Code. And I can certainly, I definitely can do my part in terms of what we use in the County to refer to different types of source water. But I think that's, I really do think this is a great effort. I know over the years that I've been assigned to this Commission, this is an ongoing discussion, so I absolutely understand where you're coming from. You know, clarity would be terrific. I agree with Kurt. None of us like to like we don't know what we're talking about.

Mr. Gima: Okay, so I heard what you're saying, Ann, about what the Planning Department can and cannot do. So I'll take the responsibility of sending you a draft in terms of types of water and the definitions based on what, what we got from, what I got from Commission on Water Resource Management. So I'll take the responsibility of doing that.

Ms. Grove: Would it be okay if I just put in a plug for regulated drinking water? Because to me, regulated means that there's somebody monitoring it for safety and that feels important to me. And that there is an outside body who's actually monitoring our water separate and apart from the entity that distributes it.

Mr. Gima: And I will --. So after I do that, I will try and come up with a draft for number ten, for the Planning Department to consider. Because some of these, you don't, don't necessarily -- yeah, it's good to have expertise. Some of this stuff is policy and, and --. So I'll, I'll leave it at that. And then I agree with you that you've got to handle one, two and three first, because that's, I mean, that's protocols of your Department, so I understand that. Okay, Commissioners --?

Ms. Kaye: Yeah, yeah --

Mr. Gima: Go ahead Ann. Oh, Sally.

Ms. Kaye: Yeah, I just want to -- I agree with Richelle that if we could get that, that'd be -- she's right. It would -- having CRWM come over first would be a good starting point. So if that could get scheduled along with, you know, what we're going to do with one, two and three, that'd be great if that's possible.

Mr. Gima: Okay, thanks Sal. Ann, you were going to say something?

Ms. Cua: No, I can just move on to number three when you're ready.

Mr. Gima: Okay, before we move on to number three, Zane, Nikki, Erin, any comments about workshop items? Any further questions, comments? All right hearing none, Ann move on to number three, please.

3. Proposed Meeting Schedule for Calendar Year 2023.

The Commission may take action to approve or modify the meeting schedule.

Ms. Cua: Yeah, we attached to your agenda the proposed schedule for 2023. And we'd like your approval on that or any kind of modification at this time so that we can set the schedule for the year.

Mr. Gima: These are all third Thursdays, right? I mean, on third Wednesdays?

Ms. Cua: Wednesdays. Yes, I believe so.

Mr. Gima: Okay. Commissioners, any objections to the schedule or do you have any requests for consideration of other dates? Nikki?

Ms. Alboro: I can't do November 15th, for sure.

Mr. Gima: Okay.

Ms. Kaye: I would like to once again raise the possibility of making this a lunchtime event rather than an evening event. I think the Planning Department has in the past indicated that it would be easier for them if we did this during the daytime.

Ms. Cua: It definitely would especially when you know, when we go back to in-person meetings, because then we could be in and out in the same day.

Ms. Kaye: One day.

Ms. Cua: Lodging, lodging is a huge issue for us and a big expense to the County.

Ms. Kaye: Yeah, I thought it might set a precedent. I know the consideration has always been, you know, people get off work, but you know, right now we're doing this all virtual right. And if we do it on a lunch hour, then people can do what they're doing now, which is to phone in. So I just would like to raise that as a possibility for discussion.

Mr. Gima: Nikki?

Ms. Alboro: . . . (inaudible) . . .

Ms. Atacador: . . . (inaudible) . . .

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

Ms. Alboro: Because I'm like, I really don't have a lunch break, but I can't see my lunch breaks going to be four hours and then, you know, expect to get paid. Yeah.

Ms. Atacador: Yeah.

Ms. Grove: And also, Chelsea Trevino said that if she, if it was, the last time we talked about this, I believe said that if this was during the lunch hour, she would have to quit. I don't know if her term is up, but I assume she's still on the Commission. But she said that that would be a deal breaker for her, for her job.

Mr. Gima: Erin, you were going to say something?

Ms. Atacador: No, just, just agreeing that if it was a lunch hour that we, you know, with, with work, we could do an hour. But with these meetings, it seems like we go way over an hour. So I don't think that I could commit to doing a lunch time either.

Mr. Gima: Okay. Any comments, Zane?

Mr. de la Cruz: Uh, I guess I'm just in the same boat as most people that I, like, I have a half hour protected lunch break. But that's, that's as much as I've got.

Mr. Gima: Okay. And then we have got four others not in attendance tonight, so --. Oh well, Lisa, you talked about Chelsea already, so three others. Okay, but in terms of the --. But in terms of the dates, there are no objections with this 2023 schedule? Sally?

Ms. Atacador: Would you consider --? Sorry, Chair. Would you consider making December's meeting earlier in the month just because it's the 20th and it is a little nearer to the Christmas and Christmas Eve holiday? And people might have plans or travel or have family in, moving that one up to earlier in the month?

Ms. Grove: I agree. I was going to say that.

Mr. Gima: Yeah, I think in our October-November meeting and based on what potential agenda items we have, yeah, there's a, I think, possibility for changing the date of the meeting. Okay, Ann, you were going to add something?

Ms. Cua: Well, I was, I was, just I was just looking at my, my calendar. Unless we, you know, for now, move it to the 13th.

Mr. Gima: Okay, any objections by Commissioners?

Ms. Grove: No, looks good.

Mr. Gima: Okay. Let's change up to December 13th.

Ms. Cua: Chair, can we check with Leilani and Clayton if they see --. I'm, I'm just, I'm just looking at my calendar, but I don't know if they may know of some reason why that wouldn't be a good date. So could either Clayton and, or Leilani maybe chime in.

Ms. Ramoran-Quemado: The only problem would be Molokai Planning Commission meets on the second and fourth Wednesdays, so it may conflict, although they do meet at 11:00 a.m. so maybe not. Maybe it could work out. I just have to check to see --. Well, if we're still going to be doing virtual, if the facility is open. But if we do in-person, then that should be no problem, I think. But it's so far away. It's like over a year away. Anyway, that's my comments. Anything Clayton? Clayton has no comments.

Mr. Gima: Leilani, can you check with Sherry, Shelly and Chelsea and who am I missing? That's it, three, yeah.

Ms. Ramoran-Quemado: I'll send an email tomorrow and ask them if they're okay with moving it to the 13th.

Mr. Gima: Okay. Moving on.

Ms. Cua: So, chair, if I could just summarize real quick. So we'll, we'll leave the schedule with all the same dates except for December. Change it to the 13, and then leave the time at 5:00 p.m. for now. And you know that that will be assuming the other members are okay with, with this change in the date. This will be what will set as our guide. But of course, you know, you may have items. I mean, you may have special meetings that you need to do. You may have cancellations of meetings. You know, you may have not want to have a meeting in December if you don't have many items. So we'll just take it as it comes. But at least it will, you know, give us all something to reserve our calendars with.

Ms. Kaye: And also, and also, I think Shelly and Chelsea and maybe Sherry all go off in March, so they're not going to be around for December 2023. We have to check on that, but we're going to lose, I think, three members in March.

Mr. Gima: Good point, Sally. Thank you. Okay, SMA Minor Approvals.

4. Discussion on how the Commission can get informed of SMA Minor Approvals.

Ms. Cua: So I guess you brought this up before. You know you want to discuss how the Commission can get informed of SMA, SMA Minor Permit approvals. Um, I know what we do for the Maui Planning Commission is we prepare a report. Clayton, do you have any comments on this at all that you can make? And this might be just a report that we can generate for you.

Ms. Kaye: While he's responding, isn't it part of our rules that Minor SMA approvals should be reported to the Lanai Planning Commission since we don't have any say in it?

Ms. Cua: I'd have to check your rules.

Mr. Clayton Yoshida: Yeah, I think that this was --. This is Clayton Yoshida. This was brought up at the last Lanai Planning Commission meeting and I think we can report to the Commission when SMA Minor Permits are issued. For Lanai, we can give them a copy of the approval, SMA Minor Permit approval letter.

Ms. Kaye: Well, if nobody is aware of whether that's actually in the rules, then maybe we can change our rules so that it's required because I'm not sure that you're saying you can give us

a report will, will last when, you know, staff changes and Commissioners change in the same situation comes up again. So yeah.

Ms. Cua: I, if I could comment. I think what Clayton was saying is that we could just direct staff that whenever they, whenever they issue an SMA Minor Permit approval to cc the Commission, to make sure the Commission gets a --. So it's not, it's not just giving you a report telling you that these are the numbers. It's usually giving the actually letter which I think you would want more.

Mr. Gima: Again, for the, us newer commission members, can you do a real quick differentiation between a Major and a Minor? And who does the approval of the Minor?

Ms. Cua: Okay, so I'm not as familiar with your rules. I -- there are -- an SMA assessment comes into the Planning Department and it can either be, become an SMA Exemption or an SMA Minor Permit, both of which are administrative approvals, I believe by the Planning Department. Molokai is different. Every, every island is a little bit different.

Major, SMA Major permits, though, however, come into the Planning Department, but the Planning Commission is the authority on granting Special Management Area Major permits.

Mr. Gima: Okay, thank you. So the Minor, the Minor Special Management Area approval is done by the Planning Director. Is that accurate?

Ms. Cua: Yes.

Mr. Gima: Okay. Thanks.

Ms. Thomson: And Chair, I can just add. I just pulled up your rules. So regarding SMA Minors, it is in your rules right now that the Planning Director would notify the Commission at your next regularly scheduled meeting of the issuance of an SMA Minor Permit. And the Commission acknowledges receipt. That the Planning Department's notification shall include but not be limiting the name of the applicant, the development authorized by the permit, and the location and purpose of the development. So that is in your rules now.

Mr. Gima: Thanks, Richelle.

Ms. Cua: Thank you.

Mr. Gima: Commissioners, any, any further comments or questions regarding the SMA Minor Approval process?

Ms. Kaye: Yeah, I'm sorry. Can, can I just get a clarification? So if it's in our rules, then why weren't we notified?

Ms. Cua: I don't know if we've recently issued any Minor permits. I don't know if Kurt has issued any.

Ms. Kaye: Yes, in June of 2021.

Mr. Wollenhaupt: I don't think I have. It's, it's rare that we see these. But I guess if we didn't, then we need to fess up and say, well, we dropped the ball and let's get on with the show.

Ms. Cua: I don't think we received many. We don't receive many is my understanding.

Mr. Wollenhaupt: Very rare. Very rarely. Very rarely. They're either the Major ones which we have seen for exemptions, which you do see. We just have to keep an eye on that if that's something that we should be reporting.

Mr. Gima: So who's going to take the lead on getting us the SMA Minor approval for June 2021?

Ms. Cua: I'll make sure that that gets to you at your next meeting.

Mr. Gima: Okay, thank you. Zane?

Mr. de la Cruz: I just had a clarifying question. You mentioned, there is mention that the Minor approvals weren't the only administratively approved permits. What other, other than the Minor approvals, what are the things that are determined without coming before the planning commission? Like, what are the other administratively approved permits?

Ms. Cua: I believe Exemptions.

Mr. de la Cruz: And are we also --

Mr. Wollenhaupt: Exemptions are, exemptions are an odd, odd thing over on Lanai, though, right? I think we need to look at that again.

Ms. Cua: Yeah, I need to --. I'm not as familiar with the rules. I don't do Lanai projects, so, you know, we'll look at those rules again. Unless Richelle has it available.

Ms. Thomson: I do have it up, and Kurt's correct. They are a little bit different than other Commissions. So this regarding SMA Exemption, and this is a process and procedure so I'll just -- I won't read the whole thing but I'll kind of summarize it.

So any proposed action within the SMA, Special Management Area that is recommended to be exempt -- so that they recommended by the department should be exempt -- and shall be,

under F-1, let me see what that says cause it's . . . (inaudible) . . . Sorry it's scrolling up on my laptop here. Sorry. Okay, I believe, so it's anything recommended to be exempt shall be placed on the agenda for review and the final determination at the next Commission meeting. So what the Commission would do is make a determination whether it is, this action is exempted, whether be not exempted. And then if you determine it's not exempt, then it's, that decision is presented to the Director, and then the Director processes under, it looks like it would be either a minor or a major.

Mr. Wollenhaupt: An example of that might be if the, the Manele Bay Hotel wanted to do three million dollars of interior improvements. Well, that could definitely be considered exempted, but it would unlikely be a Major SMA because it could fall under the exemption categories for the SMA. But if I would only assume that sometime in the past, that the Lanai Planning Commission, unlike other commissions, made a decision that such projects could be as such gravitas that they really wanted to see. Because you're, you're running down a fine line when you get to the point of well, we can have a \$20 million renovation in here and it can just be exempt. But I think that might be part of the reason you take a closer look than either the Maui Planning Commission does on these exemptions. Just the thought. And which was the Minor Permit? Did you say June one of 2021? And that's the one that you're referring to?

Mr. Gima: Yes, that's the one.

Mr. Wollenhaupt: Okay. So that was, that was the Special Management Area Minor Permit for the installation of the gate located at Hulopoe Bay Beach Park at the terminus of Manele Bay Road in Manele Bay. I pulled it up. So that's what we can have Leilani send to the Commissioners, if they would like to see that letter.

Mr. Gima: Okay. Thanks, Kurt. Okay, any other further, further, comments, questions on SMA Minor Permit approval? Okay, meeting minutes, Ann?

5. Discussion on how meeting minutes can be produced in a timely manner.

Ms. Cua: Um, so I guess this came up at another meeting that you had on just the timeliness of the minutes. You know, we basically have four Boards, Secretary to Boards and Commissions. We've recently had added two new advisory committees on Maui. And so, you know, with all the boards and commissions, you know, the, the, the clerks are just doing the best they can to get the minutes in a timely manner as, as they can. What they do right away is provide summary minutes. I believe Leilani does that as well. And then the, the verbatim minutes come after.

Ms. Kaye: Okay, I have a question. Back in a period of 2006 to 2011, 10 when I was on the Commission we had meetings. Leilani would get us minutes. We would review them, we would correct them, and we would have them before the next meeting. And yeah, it was a

pain because we had to correct all the typos and whatever. And then somewhere in the interim, you guys moved to the system you have now. And I get it that it's great because we don't have to review them, but then we don't know what we did. So when something is deferred from one meeting to the next, we don't have any way of looking at what we did or said because nothing is available within that first month. So, that that I can see. I'm sorry if I missed something. There might be a recording that you would have to like, listen to, but you can't do a word search, you can't do --. I just, you know, I know the system changed somewhere in the interim, and there's no way to put just like a printed version out even though it's not perfect in the months' time. Have you given that up completely?

Ms. Cua: You know I -- I don't know if Leilani wants to make any comments. I mean, she's been here historically in terms of how it's, it's from --. From my understanding, it's, it's just volume. It's just the amount of work that the staff has that to, to put the full minutes out before the next meeting, it's just not always possible.

Ms. Thomson: The, the law also, Commissioner Kaye, you're correct on that, the law changed in 2017 to that requires that boards and commissions keep written or recorded minutes. But in terms of what's required for written minutes, it's not verbatim. It's summary minutes. So those are, those are the requirements. It is kind of tedious to go back over the video, but it is available if anyone wants to watch certain sections. And I'll go back and watch meetings, especially Council meetings, where a matter has kind of continued for several and I just need to refresh my memory on it.

Mr. Wollenhaupt: I mean, one suggestion, although, this is more work for the planner would be at the conclusion of these multiple deferrals for the planner on record to do maybe half a page. This item has been deferred. The major points of contention or review are this. The major issues coming up are this. Our calendar is this, and at least that would give, maybe that would help refresh the memory of both the Planning Department and the Commissioners if that was done quickly and then just sent out. Because I know with this Koele we've been doing this now for four or five times and it can be difficult to remember where we are, what we're doing, where were we are in the debate. So in addition to a verbal update, maybe a quick written process would be good to send to you, and that might be useful. Just a thought.

Mr. Gima: Yeah, I think that would be helpful. When, when can the Commission expect the summary minutes? Will that come with the packet?

Ms. Cua: I'll let Leilani talk about how she puts the minutes out.

Ms. Ramoran-Quemado: Thank you. This is Leilani you. So usually I try to complete the summary minutes with within the week after the meeting and then I post it online. So in the summary minutes, it will contain the time stamp of when the motion was made, the vote was made, and who made it. It also will have a link, digital link to the recording. So you folks didn't actually go to that actual part of that meeting, part of the minutes or meeting minutes and then

listened to that action. And then, yes, it's posted online because it's required at least 40 days after the meeting for us to post it online, and to be available to the public. But no, I don't provide written, it's just online.

Mr. Gima: Okay. Thanks, Leilani. Any other question? Comments, suggestions regarding minutes and ability to review before the next meeting? Okay, Ann, hybrid meetings?

6. Discussion on having hybrid meeting at the Lanai County Council's facility.

(Ms. Cua: Yes, I know this is something that has been discussed for a while. We have not --. Leilani did check and I'll let her, I'll let her inform you what she checked on. But basically we were not able to, to find an adequate sized space that would be able to meet the requirements for virtual meetings or hybrid meetings. Leilani, do you want to mention what you checked on?

Ms. Ramoran-Quemado: Um, yeah, well, I'm not at my desk, so I don't really have my notes. But I did check on the Lanai Council Office, they are not ready to hold virtual meetings. And then the space itself, occupancy max is 13, so even having the Commissioners there, all nine of you folks, if we do virtual, you can only have an extra four more people in there before he exceeds the maximum occupancy. But yeah, they don't have a TV set up, computer set up, and I don't know when, if, if they will have something set up.

Mr. Gima: Yeah, so I was at their open house today, and, yeah, they basically said the same thing, but they're willing to work with the Planning Department and the LPC if and when it becomes possible. I mean, they're willing to upgrade their, their hardware. But sounds like the occupancy issue may be problematic. And we used to hold our regular planning commission meetings at the Senior Center, and the Hulopoe Beach Park Council holds their hybrid meetings there. So, we do in-person and via Zoom. So that's an alternative is looking at the Senior Center.

Ms. Cua: I thought we checked on that and that was not an option. I don't know if Clayton or Leilani recalls why.

Ms. Ramoran-Quemado: Um, well, it's not equipped also in order to hold hybrid so --. But if we do go back in-person, then I would have to check with Kris to see if she would have the facility available for us to use.

Ms. Cua: Yeah, that was my understanding. That was the original place that we checked on for hybrid meetings and, you know, we were told that they're just not equipped to do that.

Mr. Gima: What would you need to have the Senior Center equipped?

Ms. Cua: Leilani?

Ms. Ramoran-Quemado: Well, at least to a large TV. So then that way, if, if there are people and Commissioners, so you folks can all view it, if we do hybrid. And then a computer with internet. I'm not quite sure if they do have internet. And I think that's about it. There could be more, but I'm just going off the top of my head.

Mr. Gima: Okay.

Mr. Wollenhaupt: How about the movie theater? I don't know if that's even a possibility. One day a month, you have nice chairs. I don't, I don't know if that would even be a possibility, but it certainly would allow people to attend the meeting. Anyway, just an idea.

Mr. Gima: The chairs are so comfortable we might fall asleep.

Ms. Grove: It's too cold.

Mr. Gima: I never thought about it. Okay, September 21st Agenda items.

7. Agenda Items for September 21, 2022.

Ms. Ramoran-Quemado: That would be me. Um, let's see, there's another public hearing, a bill for ordinance, and it's relating to converting apartment buildings from TVR use to long-term residential use. And then there's still the film bill, so I would have to check with Jacky and Michele to see if they want to bring that back to you folks. And anything else that the upper management, um, let's me know to put on the agenda.

D. NEXT REGULAR MEETING DATE: September 21, 2022

E. ADJOURNMENT

Mr. Gima: Commissioners, any of you have any proposed agenda items for next month, or for September 21st? Okay, I think that should be it. Hey, we might pau hana before eight o'clock tonight. If there is nothing else and there are no objections, I shall adjourn the meeting. Thank you, everybody.

There being no further discussion brought forward to the Commission, the meeting ended at 8:00 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Nicole Alboro
Erin Atacador
Zane de la Cruz
Reynold Gima, Chair
Elisabeth Grove
Sally Kaye, Vice-Chair

EXCUSED:

Shery Menze
Shelly Preza
Chelsea Trevino

OTHERS:

Ann Cua, Planning Program Administrator, Current Planning Division
Clayton Yoshida, Planner, Current Planning Division
Kurt Wollenhaupt, Staff Planner
Denise Fernandez, Executive Assistant, County Council, Lanai District Office
Richelle Thomson, First Deputy, Department of Corporation Counsel