

**LANA`I PLANNING COMMISSION  
SPECIAL MEETING  
JULY 6, 2011**

**APPROVED 08-17-2011**

**A. CALL TO ORDER**

The special meeting of the Lana`i Planning Commission (Commission) was called to order by Chair Gerald Rabaino at approximately 5:31 p.m., Wednesday, July 6, 2011, in the Lana`i High & Elementary School Cafeteria, Lana`i City, Hawaii.

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

**B. APPROVAL OF THE JUNE 15, 2011 MEETING MINUTES**

Mr. Gerald Rabaino: Lana`i Planning Commission meeting is about to begin. The time is 5:31 p.m. on this July 6<sup>th</sup> of Wednesday. 5:31 p.m. We are pending one Commissioner to enter, is Alberta de Jetley. We have a quorum. Corporate Counsel, you have anything to pass out to the Commissioners? None at this moment.

Okay, on the agenda of July 6<sup>th</sup>, Wednesday, Lana`i High School Cafeteria, Lana`i City. Meeting is called to order as of 5:31 p.m. B, approval of the minutes of June 15<sup>th</sup> meeting minutes. Letty? Any Commissioners, you want to add, subtract, rephrase, any comments?

Ms. Leticia Castillo: I move that the minutes of June 15<sup>th</sup> be approved as circulated.

Mr. David Green: I second.

Mr. Rabaino: Okay, second by Green, Commissioner Green. Okay, so it's been moved by Letty Castillo for the record, and second by David Green to approve the June 15<sup>th</sup>, 2011 meeting. Item-C on the agenda -. Sorry, I moving too fast. Okay, Commissioners, all those in favor say aye.

Planning Commissioners: "Aye."

Mr. Rabaino: Any opposed? So be it for the record, everyone agrees, and no opposition.

**It was moved by Commissioner Leticia Castillo, seconded by  
Commissioner David Green, then unanimously**

**VOTED: to approve the June 15, 2011 meeting minutes as written.  
(Assenting: Gerald Rabaino, David Green, John Ornellas, Matthew Mano,  
and Leticia Castillo**

**Excused: Stanley Ruidas, Alberta de Jetley, Shelly Barfield)**

**C. UNFINISHED BUSINESS**

**1. MR. WILLIAM SPENCE, Planning Director transmitting Council Resolution**

**No. 11-24 referring to the Lanai, Maui, and Molokai Planning Commissions containing a draft bill amending Title 19, Maui County Code, relating to Short-term Rental Homes. (G. Flammer) (Public hearing conducted on June 15, 2011)**  
*(Copy of Department's Report was distributed with the June 15, 2011 agenda packet. Commissioners, please bring your copy to the meeting)*

**The Commission may take action to provide its recommendations to the County Council.**

Mr. Rabaino: Okay, now we shall move into Item-C, unfinished business regarding the Planning Director transmission of Council Resolution 11-24, referring to Lana`i, Maui, Moloka`i Commission containing a draft amending Title 19, Maui County Code, relating to short term rentals. Gina Flammer who is present, and public hearing conducted on June 15<sup>th</sup>. Copy of the report was distributed on the June 15<sup>th</sup> agenda package. Did the Commissioners bring their item? Okay, the Commission may take action to provide recommendation to the County Council. At this time, we'll introduce Gina Flammer. You have the floor.

Ms. Gina Flammer: Did you want to have our discussion first so we can do public testimony? Or did you want to take that first?

Mr. Rabaino: Okay, Commissioners, do you want public testimony first before we do any decision making? Welcome Alberta. Commissioner Alberta has just walked in. The time is 5:35 p.m. for the record. Commissioners, any comments? Do you want to have public hearing first? Testimony? Okay, so be it. Gina, we will now – Gina, we're going to open to the public, yeah. Okay, we're open to public hearing. Anyone sign up? Three minutes speech. Please present your name, your address for the record. First one is Pat Reilly.

Mr. Fairfax "Pat" Reilly: Good evening Commissioners. Pat Reilly. 468 Ahakea Street. I'm sorry the copy machines in this town weren't working today. I sent an e-mail to Gina and I'll give Gerry a copy of this. What I did is went through what the general description which is the first part of the bill, a resolution. It has, seems to me like an order, and I'm going to go through this real fast and then you guys can deal with it or not deal with it.

One, I think we ought to create a section of the bill exclusively for Lana`i as it is a single community plan district. And the Lana`i section of the bill would facilitate Lana`i Planning Commission and potential applicants in reviewing your initial and reviewing applications by placing all the relevant provisions special to Lana`i in one section. Two, provide a window of opportunity and flexibility within the Lana`i section permitting the . . . (inaudible) . . . update of the Lana`i Community Plan to a more thoroughly address this issue. Three, describe within the bill by a table, the clear distinctions between the five types of accommodations – hotel, condominiums, transient vacation rentals, bed & breakfast and short term rentals. I think this will help everybody in better understand if you have a table.

The principles for Lana`i should assist in retaining to the degree possible how we function over

here on Lana`i unless you can figure out a better way of doing it. Lana`i still retains many non-conforming characters of a plantation community that don't quite – not quite the same as Maui. And noticed Moloka`i has some special provisions too. I have no problem with the 180-days. There was a comment last time, but it seems to me that's a reasonable time. Most people don't use the short-term rentals that we operate for 180-days anyhow.

I think there is an issue on Lana`i for ownership and operations. I don't know how much of the city is still owned by Castle & Cooke, but that would be one owner. That could be problematic the way the bill is written for Maui because that one owner has lots of properties and lots of houses including the social hall. We need some flexibility on that. Also the off-site managers should be approved for Lana`i, but I cannot see them and I think another testifier last week said they don't have to be a State approved relator to manage. And I think you would have to write that language into the bill, into the Lana`i section. As far as the sign in front of the place, I mean, we know we all have these addresses, e-mails, cell phones, who's the owner, how you get in touch with them, and what kind of a sign. You know, again, you don't want to start an advertising campaign around town with these huge signs going around, so I think there should be some provisions within the Lana`i section about how to advertise in front of the house. Yeah, okay. May I finish?

Mr. Rabaino: Go ahead.

Mr. Reilly: I've got about two minutes left here. Location, ag district. At this point I can't see us having short-term rentals in an ag district, although that could be focused in the community plan. Occupancy and parking, they say the number of the bedrooms is two. We know that in some cases for families, what they have is two bedrooms and two people in each room. But if you have a family with children, that doesn't work. And a lot of our rentals are for families with children. 500 feet, I think, is too much. 250, I think, would be appropriate. And I'm not sure how the 33% or the 30% protest would work with Castle & Cooke owning half the city. So I think all initial and renewal should come before the Lana`i Planning Commission. And lastly, recognize that we have two project districts with special rules - Koele and Manele. We have homes at Kaumalapau that may want to do this. We have kuleana homes and private property along the beach shore so I think we're real special and I think everybody knows that. And that's why I'm recommending something special for Lana`i. Thank you.

Mr. Rabaino: Pat remain standing. Commissioners, do you have any questions for Mr. Pat Reilly? Any Commissioners? Okay, Pat, what was your first when you started off, your number one item was what? Creating a new bill for Lana`i single family community. Is that the one? Number two, never mind. Okay. Leilani, we're going to pass this on to you for the record. Thank you Commissioner Alberta. Any other? Ron McOmber come forward, second testifier.

Mr. Ron McOmber: Good evening. My name is Ron McOmber. I am a resident of 42 years on Lana`i. I'm also one of these bad guys that has a short-term rental. I have a TAT tax application. I guess you'd call it a permit from the State that I pay my TAT tax. And I've been paying it for 25 or 30 years now. That's why I've never acted or reacted to any of the County stuff because I didn't think that short-term rental –. And now my interpretation of short-term

rental is not a week or two weeks. It's like two days or three days. It's very seldom do I ever have anybody in those houses in any of my places for more than three days, four days at a time. If it is, it's usually a local family that's having a reunion or a wedding or a burial or something. It's very seldom. I also see on here that the parking situation for the bed & breakfast, they should not relax that thing saying that all those vehicles for each one of those rooms has to be on property, not on the roads. My short-term rental very seldom do I ever have two vehicles. Probably never. Most of time, there's one vehicle with a person or persons staying in the house. And I have parking on my own property for that. I've gone to the point where I made the people that are leaving their trucks there to move them off the street and get them up on the driveway so that we don't have that conflict. There's a lot of things. This doesn't come any where close to answering the questions we've got on Lana`i like who's doing short-term rentals on Lana`i? I think the County is going to have a nightmare trying to figure out who's doing it. Because the neighbors are not going to turn in their friends. Buddies are not going to turn in their friends or who's doing it. The only time you're ever going to get recognition of where these people are staying is going to be somebody who'd be woo-woo at them, and they're going to turn them in. That's all I can say.

I would like to be a party to this as, you know, as they go through these regulations and we can come back to discuss this in a workshop even. I think a workshop would be the best thing for Lana`i because when you start looking at the distance, like we said a couple of weeks ago, I really believe the most fair and equitable thing to do is any properties touching that property – forward, beside it, across the street, behind it – should be the properties that you have to notify because they're the ones that are most affected by it. The noise, the people or whatever. And they also benefit from it because they get venison and all the other stuff that the other people don't get. So, the 100 foot boundary, the 250 foot boundary, the 500 foot boundary is absolutely ludicrous. I was talking to the staff about the 500 foot boundary and you put about four of those and you cover the whole town. So I would really like to see a workshop when we get really serious about this. It's the only fair way to do it and then we can sit and talk about it like we did with affordable housing. Nobody is trying to cheat except that, I know that –. The other question would be when you do to a workshop is what this is going to cost us? Are we going to have to raise our prices? Is there going to be a fee involved? Is that a yearly fee? You know, how does that go? By the head? You know, it could be a whole bunch of different things. And so when I give my property to somebody for graduation, do I get credit? So anyway, that's my questions about it. It's a can of worms that I think the County, of course, they've been dealing with this for a long time. I'm not afraid to deal with it. I'm not afraid to come out and do a workshop on it. Okay? Thank you.

Mr. Rabaino: Commissioners, any questions for Ron McOmber? Commissioner Ornellas?

Mr. John Ornellas: Thank you for coming Mr. McOmber. How many units do you manage here on Lana`i?

Mr. McOmber: Four.

Mr. Ornellas: And none of those are considered bed & breakfast.

Mr. McOmber: None of those are considered bed & breakfast. I do not do bed & breakfast. I do not live on the property of any of them. I'm the manager of three and I'm the owner of one.

Mr. Ornellas: Okay, so you mean, did you get to see the handout from the County about the signs?

Mr. McOmber: No. No. I haven't seen that part yet.

Mr. Ornellas: The signs wouldn't affect you because it's a bed & breakfast sign.

Mr. McOmber: Yeah, the only one bedroom bed & breakfast that I know on Lana`i, they advertise in the *Lana`i Times* that they are a bed & breakfast. And the only advertising that we do is I have a card at the airport for affordable vacation rentals, vacation whatever.

Mr. Ornellas: Okay.

Mr. McOmber: Okay?

Mr. Ornellas: Thank you.

Mr. McOmber: Yeah.

Mr. Rabaino: Any Commissioners wish to question Ron McOmber? Commissioners Green? Commissioner Mano? Commissioner Letty? Commissioner de Jetley? None? Okay. Anyone else in this room wants to testify? Please come forward, state your name. If none, we're going to close the public hearing. Closing the public testimony is 5:48 p.m.

Okay, for the record, we had a transmittal for June 21, 2011, by Joshua Stone, Chair of Maui County Charter. It was distributed in your guys packets regarding the Lana`i Planning Commissioners review the request and after due deliberation of a receipt testimony voted unanimously to approve the following recommendation. Okay, this is referring to the Maui County Charter Commission. Item-1 that the status quo be maintained with respect for the election of the County Council members, and the Commissioners expressed concern that any changes to the election system could result in Lana`i being grouped with another geographic area and the loss of Lana`i's dedicated representative.

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead Ornellas.

Mr. Ornellas: We were working on the short-term rentals, and then you went straight to –

Mr. Rabaino: Well, I'm just saying this –

Mr. Ornellas: Can we finish the short-term rental stuff first before we move on to that?

Mr. Rabaino: Okay.

Mr. Ornellas: Thank you.

Mr. Rabaino: Okay, well, I'm going to mention another one. Hold on. We closed the public hearing, correct? Okay, at 5: 48 p.m. Okay. Gina, you want to make your presentation?

Ms. Flammer: Okay. I'm Gina Flammer, staff planner with the Maui County Planning Department. I didn't pass out a couple of handouts besides the one page. What came to you in your packet is I tried to do the best I could from the minutes of the meeting just to provide a summary, and then I wanted to just give you some direction as to where you could go with your discussions and recommendations. I didn't want in any way dictate anything to you. I just wanted to you to have something to work from that kind of highlighted the issues. Two other issues that were brought up that aren't on the sheet were, one, was the social hall, which Alberta did take me up to so I got a chance to see it and we're going to do a little more research on that. But if you did want that included in the bill, you would need to instruct me on that through a motion that you guys would accept. And the other thing that is not on here but that we did talk about was the neighbor notification distance and that's why I handed out the other one. You see you have a page that has all kinds of circles on it. It's just to show you different ways of looking at what the neighbor notification is so it's up to you guys to decide and to tell me. We also talked about the signs so if you're curious I did bring different sizes of the signs so when we get there I can show you and you can decide, you know, what you think would be appropriate for sign and stuff. I don't know, did you just want to just go ahead and take the issues? I can just turn it back over to you guys if you want to ask questions or if you want to go right into your discussion of the various issues.

Mr. Rabaino: Go ahead Commissioner Ornellas.

Mr. Ornellas: Yes, thank you Gina for coming. This sign –

Ms. Flammer: Let me explain that. Okay, so when I was talking to your Chairperson about the signs, he was asking me questions about lettering and can you read it and how does the sign work. Now how it works with laws is you put general guidelines in your ordinances, but when it comes to the nit picky of how many inches tall should your lettering be, that's usually left with the Department. I gave you the bed & breakfast sign and I would assume we would do something similar for the short-term rental, but I wanted you to see how much detail we go into when it's a sign. We don't expect someone to put up a sign, you know, this big and then have half inch lettering on it so that you have to be standing two-feet in front of it to read it. So that's the reason. I hope it didn't cause any confusion to why I said bed & breakfast, but it's more education to you guys to see. So if you have questions about the signs, I'm ready to talk about that too.

The first recommendation I made was I heard you guys talk about the parking requirements, and I understand the reasons for that. You have lots that are very small. I also understand that a lot of people come they only rent one car. Right now the ordinance reads you would need

one parking spot per bedroom in addition to any other requirements. So if there were an ohana, you'd have to have extra spots. So if you have a six bedroom, you're looking at having six parking stalls. I recognize that could be very difficult here so we have two options if you want to address the parking requirements. Because you are the body that's going to review every single application, you could make a determination on each case what the appropriate parking is for that. Or I could write in an lesser requirement that would be right in the law. You need two parking stalls. You need one. Something like that.

The next issue that I heard loud and clear at the last meeting is there are not enough licensed real estate professionals to be managers. So I did include some language as to how, if you wanted to do that you could do that. That's number two.

And then number three, I had heard that, you know, Lana`i maybe doesn't need a huge sign, so I brought different examples of the different signs.

And then the other two issues that I mentioned again, if you want to talk about the social hall, that's another one. And then if you want to talk about how far away from the property where the proposed application is should those neighbors receive notice that would be the fifth one. So you guys want to take them – however you guys would like to do your discussion and communicate your recommendation.

Mr. Ornellas: Mr. Chair? So Gina, so this basically would be defined and then you would take notice and then underneath these short-term rentals?

Ms. Flammer: It would. It wouldn't be as large as that because that's actually a four by four. It's a large sign, but, yes, it would need to follow the similar language and the sizing of the letters yeah.

Mr. Ornellas: So actually Mr. McOmber, he would have to have four signs.

Ms. Flammer: This sign here is only for the initial notification sign when you submit your application to the Department. And that is another way to let your neighbors know that you've come in for an application. Because the neighbor notification goes to the owners and you have renters the sign is so that all of your neighbors will see it. The ordinance does have another provision for Moloka`i and Lana`i, and the Maui Planning Commission did also recommend that a one square foot sign be placed on the property once the permit is approved that has the contact person's name and phone number and the name of the business on it. So that's the two signs we're talking about. One is just the beginning for the notice and that's the big one, and then one is a smaller one that stays up so that people know who to contact if there's a problem.

Mr. Ornellas: So let me ask you a hypothetical. So we've got people that own townhouses down at Manele and they, someone of them have rent short-term, a few days, a week, so they would also have a sign up?

Ms. Flammer: I would have to check on a townhouse. If it's in Manele, it's in a project district. Currently the ordinance does not include the project district as an area where you could be eligible to apply for a permit. For Lana`i City, if you're going to come in for a permit for this, you would need to put the sign up to notify people.

Ms. Alberta de Jetley: John, excuse me, later on in our discussions I was going to recommend that we exclude Manele and Koele project districts because their needs are totally different from the town, and we don't quite know what the requirements are going to be. So at this time, I would like to exclude both project districts.

Mr. Ornellas: I disagree, and we'll have discussion on that later.

Mr. Rabaino: John? Alberta? Last week when we had that, when we had our meeting, it was said by Sue that the project district is separate from what we're discussing for the thing. And David, you were, you had many questions on that, so we rambled on that one. But it was explained that project district is separate from what we're talking about.

Ms. Flammer: It's currently not a part of the bill. And I did do some research. I do have the ordinance that shows the condition number five that says short-term rental homes right now, under the project district, are not eligible for short-term rentals. Single-family homes are not eligible for short-term rentals. I believe – and we can talk to our Corporation Counsel, James Giroux, about that – but I believe we'd have to amend the project district in order to allow the short-term as opposed to just adding it into the bill.

I do want to mention a little background on process. One of the nice things about us coming out for early comment to you is not only do we get your recommendations, but we get to highlight the issues. So this is only the beginning of the process. What happens now after my report goes to the Council is the Council takes it up, so there's still an opportunity to work out some of the kinks and for also for your community to talk and decide what they would like to do. And then we would work with Riki Hokama and the Council to execute your wishes, or implement.

Mr. Green: Just for the record I'll say that I've taken a short survey of residents down at Manele, and we have more strict requirements than this bill would provide. There's no single-family homes allowed for short-term rentals. There are some people that are doing that in contravention to the project district ordinance. There are some condos, but very few, and we have more strict regulations on how long they can be rented, et cetera. And I think speaking for the homeowners association of which I'm the president I don't think we want to be included in this bill. And that would be more of a liberal than the rules that we have currently down at Manele.

Mr. Rabaino: Commissioners, any other discussion? Alberta?

Ms. de Jetley: Mr. Chair, when we started this process one of the goals that I would like to see the Commission do is we all know that this bill is coming down the pipes throughout Maui



County and our goal should be to protect and encourage every single private vacation rental, bed & breakfast, hunters lodge, whatever we have in this town, we need to ensure that they can continue to do business because they are a very, very important part of our economy. And if we get bogged down and whether or not we're going to allow homes or condos or townhouses in the project districts to become a part of this. As David said, their laws are, their requirements are much more stringent. We need to concentrate on what's happening within our community to protect the accommodations that we presently have.

Mr. Rabaino: So noted for the record. Any other discussions Commissioners? Mano? Ornellas?

Mr. Ornellas: Okay, so let's – can we start the voting on or talking about like number one the parking requirements? Can we start discussing on that?

Mr. Rabaino: Okay. Yeah. Discussion on the parking.

Mr. Ornellas: Personally after reading this, I would say that we would definitely, either, waive the parking or write something in there at a lesser, because I agree with Gina. I mean, obviously, we can't do what the people on Maui does. So, I've been – I drive around a lot, so I get to see a lot of these places. So I would just say that we just waive the parking because there are a lot of places that don't do short-term rentals and they've got tons of cars along the street, so why do we want to restrict these guys? So I would say that – I would recommend – I would be in favor of waiving the parking requirements, period.

Ms. Flammer: Just so I can clarify, did you want to do that on a case by case basis when they come before you or did you just want to do a blanket? You would have two options. You could grant yourself or recommend that the ability to waive on a case by case basis as they come before you. Or you could just completely waive them for everybody.

Ms. de Jetley: John, could I ask that maybe you raise them on a case by case basis because right now presently I think in the area of Palawai Street we have a hunting lodge there. They do not have – I think they might have only two places. And in another place, we have a potential building that will be opened up eventually possibly as short-term accommodations. It's on a corner lot, and if we just blanket waive them. It's on Third and Ilima. If we blanket waive them and they have five different people staying there, all of those cars will be parked on their neighbor's right-of-way. So if we can do it by a case by case basis when the permits come before us, I think that would be the fairest thing to do. We have to respect – we have to remember that although we want these businesses to succeed, they also have to respect. The owners of those businesses have to respect the rights of their neighbors to be able to park in front of their own house.

Mr. Ornellas: Mr. Chair, if we open – if we open it up to a case by case basis that leaves us open to criticism because we allow one person to do this, and we don't allow another person to do this.

Mr. Rabaino: Understood. Gina, instead of the case by case, we could put it as general but for me, and if the Commissioners disagree with me that's fine, but I want to throw this at you. Okay? First of all this resolution 11-24, short-term rental dated July 6<sup>th</sup> from Mr., our Mr. Wonderful Planning Director. Relaxing the parking requirements – that's the item number one which we are deliberating – instead of case by case which Alberta is suggesting and I'm 50/50 for it. But first all I would like to know on your behalf, Gina, do you have the listing of the licenced bed & breakfast and what are the numbers that is already established on Lana`i?

Ms. Flammer: It's zero. No one has come forward with the permit yet.

Mr. Rabaino: Okay, as far as advertisement – there's advertisement out there – have the Planning Department or your Department checked in because of this item of short-term rentals? Have you guys explored – I'm trying to be neutral here as much. I'm trying to choose the correct language – explored or have an avenue where you can see who has registered for such a business regarding whether it's bed & breakfast or rentals? And you probably can, as Ron McOmber was saying, the TAT tax that would be showing on the State records, or Maui County records?

Ms. Flammer: Okay, so whenever you're looking at regulating an industry it's always important to understand the industry the best you can. So I did look up at least one site to see what was on Lana`i more out of curiosity for what kind of operations are we talking about. So I do have a lists of who they are. I have talked to at least one person who does run a business. I'm playing phone tag with another one. In terms of the TAT license, no, I haven't gone to the State to see who has a TAT and who doesn't.

Mr. Rabaino: Okay, as a suggestion on my behalf.

Ms. de Jetley: Mr. Chair?

Mr. Rabaino: Hold on Alberta. Wait. On my behalf if you can have that available for us even though we still deliberating on this issue. The other factor is that we all know and I'm reading the one that our Vice-Chair Stanley requested. And I was going over during Butch Gima's area that the bed & breakfast that he had – the pages are numbered. Hold on – it's regarding October 17, 2007, they said, the third paragraph on page 32, some of the clean up as far as who provides the list. Okay, notification of sign to be posted on property and to remove 30 days after. Okay. Within this paragraph, that's the reason why I brought up those items that when I'm looking at our June 15<sup>th</sup> we have one here that says it's signed by Michael Hunter and Susan Hunter, and I believe that's on page 19. And that's one very, very obvious and noticeable bed & breakfast that exists on Lana`i. Okay, and that was submitted by Ms. de Jetley on page 18, going to page 19, yeah. So that's one that has been noted because she gave her testimony which on the June 15<sup>th</sup> of last month. Okay, I'm going to turn it over to Commissioner de Jetley.

Ms. de Jetley: Mr. Chair, if going back into this whole process, we're in this situation we are in now because up to this time we haven't enforced any of the short-term rental bills. On Maui,

it's been a total mess with people wanting to be legal but unable to become legal. When Mr. Spence was here on Lana`i, he said that this time the Planning Department is trying to bring people into compliance so they're not thinking of going out and prosecuting people because they're running a so-called illegal bed & breakfast or illegal vacation house. Because up to this time on Lana`i nothing has been legal. You might have, be paying your GET, you might have a transient accommodation tax, but no business is presently legal if you go through this whole thing. So we need to be able to bring people into compliance.

For myself personally, I know of more than 12 places that operate either as just straight out rental rooms, hunting lodges, or bed & breakfasts. The hunters have had a very successful, very long term business called Dreams Come True. I know of another local family that have three rooms that they have been renting consistently for at least five years. My family has stayed there. If we go through this community and start nit picking saying you're legal, you're not legal, yes you can and no you can't, we're not helping the people we suppose to be helping. Okay, so let's move forward and try to bring everybody into compliance with the new regulations and try to have the new regulations set so that it's something that we all can live with.

Mr. Rabaino: Okay. Well noted. I'll take it under advisement yeah, but I'm not trying to say that we're going to penalize them. All I want to see is a list, number one, and then we can work on this parking because I have some other questions for Gina regarding parking, regarding lot size. Commissioners Ornellas?

Mr. Ornellas: Gina, once somebody has a permit, then the neighbors, if something happens let's say, and, you know, they have loud parties and that kind of stuff. There's a complaint, there's a process the neighbors can file complaints even though they have a permit?

Ms. Flammer: Yes, there's two types of compliance. One is coming into compliance with the code and then the other is once you get your permit you have to be in compliance with your permit. For your example part of the permit requires house rules that has no noise before 8:00 a.m., or after 9:00 p.m.. So if they have a party they're breaking the rules. Yes, they could file the request for service and that could trigger a notice of warning. One of the things we're talking about with the bill is having like a three strikes provision. A notice of warning would count as one type of thing.

Mr. Ornellas: And parking could be part of that complaint.

Ms. Flammer: If they're violating their parking it could.

Mr. Ornellas: And that brings me to this. I'd like to make a motion Mr. Chair that we waive the parking requirements for this. And if there's any problems in the future that the complaint process will be handled – we'd be able to handle this.

Ms. Flammer: If you're waiving the parking requirements, there would be nothing to file a complaint against.

Mr. Ornellas: There should be. I mean there's –. Let me ask you a hypothetical then. So if I have a rental and the guy is going to throw a party let's say. And seven cars show up and they start parking in my driveway I can complain about that. Or do I just call the cops and just handle it there? Or can I call the Planning Department to –? Okay so it is a civil matter and it would be handled by the Police?

Ms. Flammer: How a parking problem happens now is if you – it would be the vacationers parking on the street overnight instead of using the spots. Or we'd go by and someone would file a complaint that trees had been planted in the spot that was represented as being the parking area. It would be something like that.

Mr. Ornellas: Mr. Chair, I still move to make a motion to waive the parking requirements for Lana`i in this short-term rental bill.

Mr. Rabaino: Is that a motion that you are making right now?

Mr. Ornellas: That's the motion I'm making right now.

Mr. Rabaino: Okay. Commissioners, anyone want to second that motion? Or you want more deliberation? Do I hear a second on the motion that John Ornellas has stated to waive the parking requirements for Lana`i? Do I hear a second on the motion? No, there's no second. Continue discussion. Any Commissioners? Commissioner Mano? Commissioner de Jetley?

Ms. de Jetley: So Gina, if we did it on a case by case basis, do we need to make a motion for that or just ask you to –?

Ms. Flammer: Yes, you could make a recommendation to me. What we do is we create a waiver process in the law that would give you the ability to review it on a case by case. You don't need to figure out the legalities. You have me and James here. You would just need to instruct me what you want to do and we'd work out the legalities of it.

Ms. de Jetley: I move that –

Ms. Flammer: Just a policy direction for me.

Ms. de Jetley: I move that on the parking requirement waiver that we refer it to the Planning Department to advise – to advise us.

Ms. Flammer: Would you like the ability to review the parking requirements on a case by case basis?

Ms. de Jetley: Yes.

Ms. Flammer: Okay, maybe the motion should –

Ms. de Jetley: I move that we waiver the parking requirements on a case by case basis.

Mr. Rabaino: Okay, that's the one you – you're wording it in that phrase as a motion?

Mr. Green: I'll second the motion.

Ms. Flammer: And I'm going to make a quick clarification here based on Corporation Counsel.

Mr. Rabaino: She made the motion. Commissioner David Green is second the motion. Okay.

Ms. Flammer: I just want to clarify something.

Mr. Rabaino: Okay.

Ms. Flammer: You're talking about having it come through this Planning Commission for the waiver, yeah, right? I just wanted to get that on the record.

Ms. de Jetley: Yes so that we all understand that, you know, like Mr. Smith has a five bedroom apartment type building in a residential neighborhood on like a 10,000 square foot lot that would obviously impact his neighbors. We'll be able to review that.

Mr. Rabaino: Okay, calling for the vote. Okay, Gina, could you re-read the motion, on how the motion is going to be stated on paper?

Ms. Flammer: Yes. Okay, you are recommending that a parking waiver process be created for the Lana`i Planning Commission to determine parking requirements on an application by application basis.

Mr. Rabaino: That's the way it would read? Okay. Calling for the vote. All those in favor of the motion – just raise your hand. One, two, three, four, five. John? It has been voted unanimously.

Mr. Ornellas: I said no.

Mr. Rabaino: You said no. Hello, you when raise your hand over there. When look like a yes. Okay, one opposition for the record. Okay I saw that wave I said he agree too then. Okay, so we have one nay, and five yays for the record.

**It was moved by Commissioner Alberta de Jetley, seconded by Commissioner David Green, then**

**VOTED: that a parking waiver process be created for the Lana`i Planning Commission to determine parking requirements on an application by application basis.**

**(Assenting: Gerald Rabaino, Alberta de Jetley, Leticia Castillo,**

**David Green, Matthew Mano**  
**Dissenting: John Ornellas**  
**Excused: Stanley Ruidas, Shelly Barfield)**

Mr. Rabaino: Okay, Gina, happy?

Ms. Flammer: Thank you. Yes.

Mr. Rabaino: Next on the item. Allowed non licensed realtor to be professional manager. The underline wording would be added to the draft. Under 19.65.030C, the owner applicant shall have the legal title to the property on which the short-term rental home is located. If the owner/applicant is not a full-time resident of the County, the owner/applicant shall have the name of a person who shall serve as onsite caretaker or off-site manager. An onsite caretaker shall reside on the lot and have responsibility for overseeing all guests action. And off-site manager shall be State licensed real estate profession except, underline, on Lana`i, and an accessible 24-hours a day. Discussion Commissioners.

Ms. de Jetley: Mr. Chair, I think by not having –. Okay, the way I understand this and I'm just letting the other Commissioners know this is the way I understand the law. If you are a property manager working for one person, one owner, you're legal. If you are a property manager working for multiple owners, Hawaii State law requires that you be licensed. And I would like to ask our Island of Lana`i Properties broker, Sue Murray, because she's familiar with that law, and I'm not really sure if I'm interpreting it correctly. If she could come and possibly advise us.

Mr. Rabaino: Okay, Corporate, after she does her spill, I'm going to ask you a question. Come Sue, state your name and your title. Thank you.

Ms. Sue Murray: . . . (*Changed cassette tapes*) . . . I think I'll defer to the legal Counsel, but my name is Sue Murray, and I'm with Island of Lana`i Properties, the principal broker. I had suggested some language to Gina on this because I think the brokers on Lana`i don't have an interest in being involved in property management of short-term rentals. But however the law as I understand it, as Alberta said, if you do work for more than one owner, landowner, you are required to be licensed. So I think we need Corp Counsel to investigate whether an exception worded like this would be possible under Hawaii State law. One possibility maybe that if, you know, the broker – a lot of it is about monies, so if the designated caretaker does not accept any monies or handle monies in anyway, maybe a possibility around it. But the other objection I think I have to language is it is referring to the caretaker. The owner/applicant is not a full-time resident of the County and I think if you're not a full-time resident of Lana`i, they should be required to designate an on island property manager.

I have one other comment just while I'm up here. As far as the notification goes, it just seems maybe logical on Lana`i because I think it's difficult for people to measure 100-feet, 200-feet, 500-feet. Would it make sense that you have to notify such as a variance application, you have to notify all of your abutting property owners and possibly because parking is a sensitive issue, you have to notify everyone in your particular street. And if you're . . . (inaudible) . . . street

property, you have to notify everyone on both of the streets that you own property on. Thank you.

Ms. Flammer: Before I turn it over to James, I did run Sue's language thru our Department too, and they thought maybe it was a little too complex. It would be simpler to do with that, but I'll let our attorney mention. In terms of how to know how many feet, our computer system at the County does it. It's easy to do, you just have to – and our application process walks you right through it.

Mr. James Giroux: Yeah, I don't have the answer for that right now as far as what the legal requirements for realtor in order to be a property manager. I would have to look through the HRS as far as what their requirements are. It seems like a matter of liability if somebody's, you know, handling more than one property that it starts to get a little, I guess, the State would get concerned. But I would have to look that up to see if they've actually passed regulation on that.

Ms. de Jetley: Mr. Chair, I move to defer that, item number two, until we have legal advice from Counsel.

Mr. Green: Could I make a comment?

Mr. Rabaino: Go ahead Commissioner Green. Did you make a motion?

Ms. de Jetley: Yes.

Mr. Rabaino: Can you repeat that? I didn't write it down.

Ms. de Jetley: I move that we table item number two regarding non-licensed realtors and refer it to Counsel.

Mr. Rabaino: So that's your motion, right? Okay. Anybody going to second the motion?

Mr. Matthew Mano: I second the motion.

Mr. Rabaino: So Alberta has moved the motion to table the item number two, and second by Matt Mano for the record. All those in favor say –. Discussion, sorry.

Mr. Green: If I could I'd like to just say that while we're on this topic that it just says here an off-site manager shall be a licensed real estate professional. I imagine that's suppose to be professional except on Lana`i, and accessible 24-hours a day. I'm not sure what the definition of "accessible" is. But on page-25 of the packet that we got the last time, the Department was recommending that the off-site manager has to live in the community plan district or within 15 miles. You can, technically, I think, probably live in Maui, and be within 15 miles of some place on Lana`i. So, I think, unless accessible means they can reach the house in 10 or 15 minutes, and it's undefined, I think we need to add something here about the fact that they have – the off-site manager has to live in the community plan district.

Ms. Flammer: Thank you. The Department did recommend that. That would be great if you could talk about that. I did get – our attorney did ask if you would want to give me an indication on the policy in terms of a real estate professional. If it were possible, is that something that you would support?

Mr. Giroux: As the policy is – I don't know if it's recommended – but as far as just adding "except on Lana`i" would basically allow a non-professional to at least manage one. We need to look at the legalities if they wanted to do two, or three, or four. So it would be nice to have an indication if that's something Lana`i wants us to look at as far as –. I think the difference is that on Maui, they're looking at having a professional licensed manager. If wants Lana`i wants something different, it would be nice to have that statement coming out of Lana`i so that we know that if that's something Lana`i wants when the Council starts drafting this we can further research. Because the law is going to be what law is on the State level. But we want to know this is your chance to customize this for Lana`i, so we want those policy statements coming out of Lana`i as far as what is it that you're looking for. I mean, is this an issue of professional versus non-professional? Is that something unique to Lana`i that needs to be taken care of in the law so that's an issue or do you want Lana`i to have professional managers who are licensed by the State, who live on Lana`i? I think that's the policy issue that we've got to clear out and we got to get the answer from you.

Mr. Rabaino: Okay. I'm going to throw this at you then. Okay, we know that Castle & Cooke is the land owner and rents a lot of stuff. Okay, now with this housing coming up, there's going to be the Maui County Affordable Housing. Okay, and if we are going to write language in where it says after except on Lana`i and be accessible 24-hours, that is referring to an off-site manager – okay, shall be a State licensed real estate professional. That's an off-site manager. Okay, that's what the last sentence is indicating and clarifying. So if any of the other Commissioners want to add something after the accessible 24-hours a day. My interpretation of 24-hours a day is if there's a problem whether it's a leakage, a domestic, or drug activity, and that off-site manager is not there, okay, and is not accessible to provide information or records for the Police report when they're there handling those three items – emergencies, drug relations, water leakage, domestic. So that's the way I'm interpreting that. If you want a detail that under the accessible 24-hours a day, we can detail it if Gina can spell something out in that before we come to – before the Commissioners come to a more solid clause to agree on.

Mr. Giroux: Gerry, one suggestion –

Ms. de Jetley: I agree with the comment that was just made. This is rocket science. We need to make this easy. The main thing is if you've got a problem going on in your vacation rental, or your bed & breakfast, there has to be someone that the Police can contact or the other neighbors can contact. That's all there is to it. So we don't need to make extra language. It's just common sense that somebody has to be available.

Mr. Rabaino: Okay, Gina and Corporate Counsel, is that language sufficient enough and be accessible 24-hours a day for an off-site manager? Is that a proper wording legally?



Mr. Giroux: I think what's going to happen is that at the end of all this there's going to be a clause that says the Department can create rules pursuant to Chapter 91. And in there, they're going to have to define what "accessible" is, and they're going to have to define, you know, all of these terms, unless you have a term that you absolutely want to be used. I think Mr. Green brought up an important issue about geography that, you know, if this is too loose saying within 15 miles and that doesn't work for Lana`i because that puts somebody off shore and that's the exact opposite of what you're trying to get to. You want to be able to have somebody to be able to drive to the location, open the door, change a lock, do something like that. That's the kind of policy direction we need from this body.

Ms. Flammer: So if I could just clarify. What Commissioner Green was talking about was the Department's amendment, and what that says – and that was also the Maui Planning Commission – is that it has to be in the same community plan district or within 15 miles whichever is closer. So for Lana`i it would be on the island. If you wanted somebody not in Manele, you would need to tell me that because right now the way the law reads it would be anybody on the island would qualify.

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Alberta?

Ms. Flammer: Or if –

Mr. Rabaino: And then John you're after.

Ms. Flammer: If you were to adopt that amendment, it would be 15 miles. Where would that put you from right here?

Mr. Ornellas: Lahaina.

Ms. Flammer: 15 miles would put you in Lahaina. It would be the community plan district then. And that's how the law reads right now, so you wouldn't even have to adopt that amendment. It would be nice to get some direction though from you as James mentioned about would you want to professional license –? I mean, would you want someone who doesn't have a real estate license to be able to manage at least one?

Mr. Ornellas: Mr. Chair?

Mr. Rabaino: Go ahead.

Mr. Ornellas: The County cannot enact ordinances or laws that supercedes State laws, right?

Ms. Flammer: Yeah how it works is when there's conflicting laws, the more restrictive. Yes.

Mr. Ornellas: Okay. So in this case, in this case, if there's a State law, then we, the County

cannot create an ordinance or a law to supercede it. So I think it's very important that you go and check, and then come back to us and then this discussion should just end right now since we can't really do anything.

Ms. Flammer: Yeah, we're going to be looking at two things. I mean, you've got the dominimus rule which says one person so we know that now. And then the second part is what happens when you have a manager who doesn't take money? Are there any other aspects you want us to take a look at?

Mr. Ornellas: Since the project districts do not fall under this ordinance, we have a lot of people on Lana`i that manage units down there. So this law, I mean, this ordinance wouldn't have anything to do with them as far as maintaining and managing units down there.

Ms. Flammer: They would not be eligible to come in for a permit.

Mr. Ornellas: Yeah, the homeowners wouldn't, but they have managers. Because most of the places down there are just used maybe a few months out of the year. And the rest of the time the managers are maintaining these places and keeping them operational. So they're not being done by professional real estate agents, but there's a lot of people down there that take their business very seriously, and derive their income from that. So to call it professional, I guess, it doesn't really, because there's people down there that are very professional that take care of these units. And you're basically protecting million dollar assets for these people. So I would say that get the indication from Joe first then we have that discussion.

Mr. Rabaino: Commissioners, any other discussion on item number two where it stand as we defer? Number two. Commissioner Green?

Mr. Green: Are we giving you the direction that you want if we defer this? I still don't think we've answered the question or provided any direction on this is a license real estate professional, not just –

Ms. Flammer: At this point I don't have any direction. I've just been asked to do research. So when my report does go out it won't have a recommendation based on that. But you will have the opportunity to work with Riki Hokama if you decide after we get you the information on it.

Mr. Ornellas: Okay. I call for the question.

Mr. Rabaino: Okay. What was the question?

Mr. Ornellas: Defer this until the County can come up with the law and kind of give us some guidance on which way we can go.

Mr. Rabaino: Okay, all those in favor to defer item number two, allow non-licensed realtors to be professional managers. The motion was to defer this item. All those in favor raise your hand. Five, and one no vote, okay, for the record. Okay.

**It was moved by Commissioner Alberta de Jetley, seconded by Commissioner Matthew Mano, then**

**VOTED: to defer item number two regarding non-licensed realtors and refer it to Counsel.**

**(Assenting: Gerald Rabaino, Leticia Castillo, Alberta de Jetley, Matthew Mano, John Ornellas**

**Dissenting: David Green**

**Excuse: Stanley Ruidas, Shelly Barfield)**

Mr. Rabaino: Item number three, Neighborhood notification sign for Lana`i shall be at least two square foot. Discussion Commissioners.

Ms. de Jetley: Mr. Chair, one of the, in the public comment section, this sign is not an advertising sign saying that this property is a vacation rental. This, the way I understand it, is this two square foot/feet sign is to let the neighbors know who to call if there's something going on at that property. It's just a way for so that they know who call. Who owns the property? Who's the manager? Who they should call.

Ms. Flammer: No, this sign is only to notify that the owner of the property has come in for a permit.

Ms. de Jetley: No, no. I'm talking about not that notification sign for the permit. I'm talking about the other sign. The neighborhood notification sign is to sign in for the permit. So I'm getting confused here. I'm talking about the other sign that has to stay on the building that tells you who to call.

Ms. Flammer: That in the ordinance right now is one square foot.

Ms. de Jetley: And that's one square foot that you're holding up?

Ms. Flammer: Yeah. This is one square foot. And there's an interesting clause that says it maybe attached to an existing structure such as a fence. It's odd, yeah. If you would like to clarify that. I don't know if everybody has a fence to put it on. I don't know if you want to clean that up a little better.

Ms. de Jetley: You could just put it in a visible location. Visible from the sidewalk or street.

Ms. Flammer: I believe that's what the Maui Planning Commission did. Did you want to – is that a motion I can write down?

Mr. Rabaino: So what's the language they used? The Maui County?

Ms. Flammer: Okay, right now we're talking about the permanent sign that identifies the operation. That is – let me find the section in the law – that's in a separate section of your

ordinance.

Mr. Rabaino: According what we had last month, Gina, yeah, it says permanent signage, it says on Lana`i and Moloka`i, the sign shall be attached to the existing structure such as the fence.

Ms. Flammer: Yeah. That's the language. I'm trying to find it in here, one of the restrictions and criteria. So if you wanted to clean that up, that would be under restrictions and standards. That's M. And it says within the Hana Community Plan area, on Lana`i and on Moloka`i, a one square foot sign identifying the short-term home rental permit number shall be placed at the front of the property along the main access road.

Mr. Rabaino: Just like that as you read it.

Ms. Flammer: This only says identifying the permit number. It does not have a phone number for the person. I believe only on Moloka`i does it say the sign shall state the telephone number of the owner, on-site caretaker, or off-site manager. The Maui Planning Commission also approved that they would like a sign. If you would like a sign that has the contact, you probably need to make a motion and have it be a recommendation.

Mr. Rabaino: Yeah, contact number would be nice added to it. Yeah. Commissioners, discussion? John? Green?

Mr. Ornellas: The sign that we're talking about now is the sign after the permit has been –?

Ms. Flammer: Yeah. We'll go back to the other one when we're done. I'm sorry, I missed that, was that a motion?

Mr. Ornellas: I make the motion that the sign that gets posted on the building or visible from the street have a contact number on it. So this is the second sign – name and number is enough.

Mr. Rabaino: That's the motion you're making?

Mr. Ornellas: Yes.

Ms. de Jetley: I second.

Mr. Rabaino: Okay. I second. Okay, Alberta second. Call for the question. All those in favor raise your hand. One, two, three, four, five, six. Okay, six in favor.

**It was moved by Commissioner John Ornellas, seconded by Commissioner Alberta de Jetley, then unanimously**

**VOTED: to recommend that the sign that gets posted on the building or visible from the street have a contact number on it.**

**(Assenting: Gerald Rabaino, Leticia Castillo, Alberta de Jetley,**

**Excused: David Green, Matthew Mano and John Ornellas  
Stanley Ruidas, Shelly Barfield)**

Ms. Flammer: Okay, so for the sign that we're talking about for the notice, I did two signs. I did the two square feet. That's what it would look like. Here's four square feet.

Ms. de Jetley: Mr. Chair? I move that the neighborhood notification sign for Lana`i shall be two square feet.

Mr. Rabaino: Any second to the motion?

Mr. Green: I second the motion.

Mr. Rabaino: David Green second. All those in favor raise your hand. Okay, all six in favor of the two.

**It was moved by Commissioner Alberta de Jetley, seconded by  
Commissioner David Green, then unanimously**

**VOTED: that the neighborhood notification sign for Lana`i shall be  
two square feet.**

**(Assenting: Gerald Rabaino, Leticia Castillo, Alberta de Jetley,  
David Green, Matthew Mano and John Ornellas**

**Excused: Stanley Ruidas, Shelly Barfield)**

Mr. Green: Mr. Chair, may I ask the question?

Mr. Rabaino: Yes.

Mr. Green: The prior sign that goes on the building, what was the size of that?

Ms. Flammer: One square foot? It is this size that I'm holding up.

Mr. Rabaino: And the wording would be large, yeah?

Ms. Flammer: Yeah, I'm sure we'd cover that. Yeah

Mr. Ornellas: And visible from the street.

Ms. Flammer: That's the key right there is being readable.

Mr. Ornellas: Okay. So can we talk about the sign when somebody is going for a permit? That's this one.

Ms. Flammer: That's the one you just voted on.

Mr. Ornellas: No.

Mr. Mano: Yes.

Mr. Ornellas: We voted on the one that gets posted after the permit is generated. This one is –.

Mr. Mano: . . . (inaudible) . . .

Mr. Ornellas: I just asked you the question and you told me, you told me – that was my clarification. What one are we voting on and you said it was the one after the permit that you've gotten your permit and the one that's going to be posted. This one is when you're going to get a permit. That's the one I want to talk about.

Ms. Flammer: Okay. That was the one you voted on. Alberta just made the motion though for the second sign.

Mr. Ornellas: Okay. Can we –? Is there –? I mean, can I try to get an amendment through to that first? Is it too late? No, I guess it's not too late. Nothing's too late. Okay, I want to take exception to the sign that says it has to be on mounted post, it has to be of plywood, and it has to be mounted on four by four posts. I would rather it just said visible from the street. So if you're going to put the two by two up, you make sure it's visible to the street. Either you hang it on your fence or, you know, it's something that you can see from the road clearly. Because some people, this is going to be an expense that is only going to be up for a few months at the most. Hoping, in the months not years.

Ms. Flammer: You know, you raise a really interesting question. We're trying to figure it out here. What I've given you is the application and the rules. The ordinance is very broad. If you wanted clear instructions we could put something in the code that addresses that.

Mr. Ornellas: So I can amend?

Ms. Flammer: Sure. Yeah you can –

Mr. Ornellas: Okay. Well it's based on–. Mr. Chair, I'd like to amend –

Ms. Flammer: You can do a separate motion. It's fine with me.

Mr. Ornellas: Okay. A separate motion. I make a motion that the notice sign requirements that requires a piece of plywood and four-by-four post, as long as the sign is made per the requirements of being two feet by two feet, that it is visible from the road and not necessarily have to be mounted on four-by-four post and stuff like that. So it could hang on a fence because a lot of our homes, with the sidewalks and some of these units, the sidewalk and the fence butt up to one another. So you can't really put a four-by-four post up to mount the sign, but you can hang it on the fence.

Ms. Flammer: I have an idea. Maybe you want to make a motion that recommends that the neighbor notification sign be allowed to be posted to a fence, an existing structure such as a fence.

Mr. Ornellas: Any place that's visible from the street.

Ms. Flammer: Or you could use that language. Is that what you want to use?

Mr. Ornellas: Yes. I make that motion please.

Ms. Flammer: You just did. So you just need a second.

Mr. Ornellas: Okay, I need a second.

Mr. Rabaino: Second. So the motion has been made by John Ornellas, second by Gerry, the Chair. Call for the vote. All those in favor, raise your hand. One, two, three, four, five, six. Okay, all six. Approved. No nays. You got it.

**It was moved Commissioner John Ornellas, seconded by Commissioner Gerald Rabaino, then unanimously**

**VOTED: that the notification sign be visible from the street.**  
**(Assenting: Gerald Rabaino, Leticia Castillo, Alberta de Jetley, David Green, Matthew Mano and John Ornellas**  
**Excused: Stanley Ruidas, Shelly Barfield)**

Ms. Flammer: So there's the two other issues that aren't on the page. One is how far out do you want to have applicants mail neighbor notification letters and then we'll take up the Social Hall if you'd like after that.

Mr. Rabaino: That's the other? It's not listed here?

Ms. Flammer: They're the other two issues that we didn't have a recommendation on but they're important. That you had brought them up at the meeting before.

Mr. Rabaino: How far? Within the block. I think it would be just in the block where the bed & breakfast or rental going be.

Ms. de Jetley: Mr. Chair, what people have been asking is that we consider abutting properties, and directly across the street, and behind the property. So if you were on one of the double streets, yeah, it would be your adjoining property – the properties that direct adjoins you on both sides and in back, and directly across the street. So probably it would have to be about 250 square feet, or 200 feet?

Ms. Flammer: You don't have to be tied to the square – the feet – but if you wanted it to be a

100, you kind of caught that. If you wanted to say directly adjacent and across the street, directly across the street, you could do that as well. Those would be your two choices getting as close to what you're talking about.

Mr. Rabaino: I'm in a cul-de-sac, so that block. That's what I'm referring to the block. What about the cul-de-sacs?

Ms. Flammer: You would have to craft language that would apply to that. Because otherwise somebody two away would not be adjacent or across the street.

Mr. Rabaino: Within the cul-de-sac?

Ms. Flammer: Just add that in your motion then.

Mr. Rabaino: Yeah.

Ms. de Jetley: Mr. Chair, why don't we just go by the feet then? And then they have a computer that just generates it all out. It tells you exactly. So if you went 200 feet and you were in a cul-de-sac, it would take that into account. So just do it by the feet to simplify it.

Mr. Ornellas: Gina? Can I ask Gina a question please?

Mr. Rabaino: Go ahead.

Mr. Ornellas: Looking at your -. Okay 100 feet, so if the circle touches a property, so now you're looking at one, two, three, four, five, six, seven, eight, nine, 10, 11, 12, 13, 14, 15, about 16. That's a 100 feet if you're going to go by this circle, that's almost 18 houses that you're going to have to do. That's not what Alberta was saying. But we could put it in, and we can discuss cul-de-sacs. I mean, we can actually just say, cul-de-sacs.

Ms. Flammer: Yes.

Mr. Ornellas: Or end of roads.

Mr. Rabaino: Yeah, flag lots.

Ms. Flammer: Whatever clarifying language you think is necessary you can add into your recommendation.

Ms. de Jetley: John, you want to go 100 feet?

Mr. Ornellas: No. No, a 100 feet would – if you look at this handout. Do you see that handout?

Ms. de Jetley: Yeah.



Mr. Ornellas: Okay, you count – if the line is touching a property, you would have to get a notification to them. So that's about 16 to 18 houses. So what you were saying was just the houses around you and across the street. What Gerry is saying, what about the cul-de-sacs? So we just put in verbiage that says this covers cul-de-sacs – from the beginning of the cul-de-sacs to the end of the cul-de-sacs. And that's the only verbiage we need to add to it.

Ms. Flammer: What I'm hearing is that neighbor notification shall be sent to owners of properties adjacent, across the street or within the cul-de-sac.

Mr. Rabaino: You're drafting the language, yeah, Gina?

Ms. Flammer: That's what I just said I'm writing down.

Mr. Rabaino: Okay, you're drafting the language.

Mr. Green: Just for clarification about Alberta also suggested behind. I don't know. If it's an adjacent property.

Ms. Flammer: Adjacent you're going to end up with kiddy corner also.

Mr. Green: Yeah. Okay.

Ms. Flammer: And then across the street means if the road were not there would it touch the property. Explain the road part.

Mr. Ornellas: There's some roads that come to an abrupt stop with a signage saying that you can't travel anymore. And so there might be houses around there. Yeah, a dead end. So you would need to make sure that if you're in that dead end area that you get – you're not adjacent to any of these people so you just want to put –. I can see –. I have that –. I just got confused by saying how do you manage that?

Mr. Rabaino: In other words, what he's referring to, you know, this side of the town, has a lot of dead ends.

Ms. Flammer: Yeah, you wouldn't have somebody across –. I do. I just asked out legal Counsel – it's a good question – if that's a cul-de-sac or not. What you would have in that case is a property owner behind you, next to you on one side, and across the street from you. Would there be houses on the other side where the stop is?

Mr. Ornellas: You know what, I mean, if – nothing that we do is etched in stone right?

Ms. Flammer: Yes.

Mr. Ornellas: It is etched in stone?

Ms. Flammer: No. You're correct. I'm sorry.

Mr. Ornellas: So if down the road something blatant comes up then we can handle it then.

Ms. Flammer: Once it's been adopted by the Council and put in law, it's etched in stone. Up until that point you could –.

Mr. Giroux: You know, maybe as a policy statement what you're trying to say is look at a broader notification and look at impact. Because right now the process you've been giving is a circular. You know, 500 feet. What you're trying to do is you're trying to do an impact analysis related to notification. And I think it's a very important discussion. And, you know, don't feel bad because I think this discussion has gone on in other Commissions where notification has been an issue but it's been legal that they did the footage requirement. But it's going to take a lot of analysis to try to figure out a methodology because what you're trying to do is you're trying to codify something that somebody can read and say okay I can do that. And that's very difficult.

Mr. Ornellas: How about –? Will the applicant come before us before? He would come to us after he has these letters, after he's done his diligence on these letters?

Ms. Flammer: They come to you once the application is deemed complete. That's what we call it. And what that means is they've met the legal requirements, and it's gone out for agency review and any of those comments have been –. It's pretty far down the process. A lot goes on before it comes to you.

Mr. Ornellas: All I was thinking about was if it came to us and we have concern in the neighborhood that this unit was going to be in, that we could tell them you need to tell this person, this person, this person, and then that way they can go and say well this is what the Lana`i Planning Commission did and told us we had to send out. And these are the letters that we sent out. And another thing is that we're not like Maui. We do not have mail delivery here. So by getting these notices out will have to be given by hand.

Ms. de Jetley: No they have to go by certified mail don't they? It's a legal notice.

Ms. Flammer: Yes they do.

Mr. Ornellas: Who's going to have the listing of all the post office boxes?

Ms. Flammer: It's Real Property Tax is where we get the neighbor notification.

Mr. Ornellas: So you would give a list of the P. O. boxes that they need to –

Ms. Flammer: The applicant is required to provide that with the application. And then we check it against Real Property to see.

Ms. de Jetley: I have a question for the other Commissioners. We're not actually carved in stone. You know because we're getting caught in, well, that's a cul-de-sac, that's the end of the road. How about instead of the 100 foot boundary, why don't we just make it a 150 feet? It still would create, it still would cover quite a large area. The 250 foot boundary is kind of big. And you're a little bit concerned about the 100 feet, so why don't we go 150 feet?

Mr. Ornellas: . . . (inaudible) . . .

Ms. de Jetley: No because if it was 50 feet a lot of other people would be impacted. Like if I had a vacation house right next door to me, I would may not be able to complain about if it were like two houses over from me.

Mr. Ornellas: Okay, so when you see the sign up then you can send the Planning Department a letter saying that you disagree. But I would like to make a motion that we make it 50 feet.

Ms. de Jetley: No, I could not, never agree to 50 feet. It's not enough notice.

Mr. Ornellas: That's fine. Maybe there's other people that will do along with it. So we're going to have a second on my motion?

Mr. Mano: No, I've got a discussion. You know, you guys was talking about this is a buffer zone, right. This is the buffer zone that depicts who needs to notified if you have a rental vacation home by your area, correct?

Ms. Flammer: Yes.

Mr. Mano: And the notification, they, the neighbors will be notified by the sign you put up, correct?

Ms. Flammer: Yes.

Mr. Mano: Okay, so I don't know why we're going 150 feet when it's a 50 feet buffer zone. Because if the guy is your neighbor and he's doing this, he'll have a notification and that notification will be posted. And you have the opportunity to say, no, I don't want it. But if we're going to go 150 feet, when you look at this block right here, that's about 18 homes that's in the buffer zone. If you go 50, you might have about six to eight homes. So we're going back and forth discussing something that has to be there. The buffer has to be there. They have to be notified.

Ms. de Jetley: Okay, Commissioner Matt, I can see where you're going on your reasoning. There will be a sign posted. And I would – and John you would like to see this at 50 feet.

Mr. Ornellas: I made a motion that we accept 50 feet.

Ms. de Jetley: Okay, so I will second that motion.

Mr. Rabaino: You sure you want the 50 feet?

Mr. Green: Okay, can I ask just for clarification?

Mr. Rabaino: Go ahead David Green.

Mr. Green: I actually like what I thought was Alberta's initial suggestion, adjacent and across the street. I don't know what the size of lots are, but if it's a – everybody is looking at this very compact area here. Why did we run away from the adjacent houses and across the street and a cul-de-sac? I don't know. . . (inaudible) . . .

Mr. Rabaino: I wanted to add cul-de-sac in there. That's all I wanted to do.

Ms. de Jetley: I disagree on including the cul-de-sac because the 50-feet would cover it. And the adjacent, if you're talking adjacent and across the street, the 50 feet would cover it.

Mr. Ornellas: I call for the question.

Mr. Rabaino: Call for the question. Can you read that motion again John?

Ms. Flammer: That the motion is the neighbor notification shall be 50 feet from the property boundary line.

Mr. Rabaino: Okay, calling for the vote. All those in favor raise your hand. One, two, three, four, five. Five, and I oppose.

**It was moved by Commissioner John Ornellas, seconded by Commissioner Alberta de Jetley, then**

**VOTED: the neighbor notification shall be 50 feet from the property boundary line.**

**(Assenting: Alberta de Jetley, Leticia Castillo, David Green, Matthew Mano and John Ornellas**

**Dissenting: Gerald Rabaino)**

Ms. Flammer: Social Hall?

Mr. Rabaino: Hold on now. You folks have a time limit on your flight? You guys got to leave early? Time limit? Because we're stuck on this unfinished business right now.

Ms. de Jetley: Mr. Chair, we're on a role for the short-term.

Mr. Rabaino: Okay. Let's go.

Ms. de Jetley: Let's get this think out and down the road.

Mr. Rabaino: Okay, what is the last one? Social Hall. Okay, any discussion Commissioners?

Ms. de Jetley: Yes please. The Social Hall is a historical building in our community. It serves a purpose for us to hold family reunions, funerals, all kinds of social activities. And originally I had suggested that we exempt the building from the short-term rental, but others have said that they would like to see this building included. So, Gina, if you tell us how we could do that.

Ms. Flammer: I would just need a policy direction from you and then we can kind of figure – the Council and the Department – can figure out the legalities of it. So what I would need from you is would you like it to be included in the bill as eligible for a permit?

Mr. Rabaino: Go ahead Ornellas.

Mr. Ornellas: Gina asked a question. Okay. Isn't the Social Hall part of the project district?

Ms. Flammer: I don't have the answer for that.

Ms. de Jetley: I don't think it's part of the Koele Project District because the Koele Project District starts on the street behind it. But Clay from Castle & Cooke was here. Sue is already gone. But if we could just take a two minute break so if I can see if he's there. He might be able to answer that.

Mr. Ornellas: No, I don't know. I don't think so.

Ms. Flammer: It's just a recommendation again. If the Council finds that it's not legally possible, then they wouldn't – they'd have to either find a way to make it legally possible or they just wouldn't include it in, but they'd know your desire. It would be eligible for a conditional permit for that process.

Ms. de Jetley: Should I make a motion to include the Social Hall on a conditional permit?

Ms. Flammer: No. You want it to be eligible for this bill right so it's a more stream line permitting process? This only goes to you guys. You're the final approving authority.

Ms. de Jetley: Okay. So do we have to make any kind of a motion?

Ms. Flammer: You would need to give me policy direction if you want it included.

Ms. de Jetley: How would I word that?

Ms. Flammer: You would recommend that the Social Hall be eligible for a permit under this ordinance.

Ms. de Jetley: I move to – I move that we recommend that the Social Hall be eligible for a permit under this ordinance.

Mr. Rabaino: That is the motion. Anyone second the motion?

Mr. Green: I second the motion.

Mr. Rabaino: So it has been second. The motion has second by David Green. Calling for the vote. All those in favor raise your hand. So we have five and one abstain.

Ms. Flammer: Okay, motion carries.

Mr. Rabaino: Motion carries. Okay.

**It was moved by Commissioner Alberta de Jetley, seconded by Commissioners David Green, then**

**VOTED: to recommend that the Social Hall be eligible for a permit under this ordinance.**

**(Assenting: Gerald Rabaino, Alberta de Jetley, Leticia Castillo, David Green, Matthew Mano**

**Abstaining: John Ornellas**

**Excused: Stanley Ruidas, Shelly Barfield)**

Ms. de Jetley: I have a question for Gina. So Gina then it will be your responsibility to see if it's in the Project District or not?

Ms. Flammer: Yeah. Okay, so the next thing is the Council –. In your presentation from last time, I did list out the specific amendments that the Department recommended. If there were any in there that you concurred with – not all of them fit for Lana`i – you could take a look and we could pass that on to the Council. I don't believe one would – I'll let you guys locate it first. I have extra copies if anybody would like an extra copy.

So I'll just be real quick. It looks like the first one probably would not apply to you. The second one, I don't know if you have a care or not about having it be rented to one group at a time. It's up to you. The third one is resort areas. We had had a bill originally that had said it could be an outright permitted use in certain resort areas. I think because you have a project district too that your resort areas probably wouldn't apply. Either it would be additional planning triggers. Number five, you may be interested in renewals. The way the law currently reads the Department can administratively approve renewals. It says renewals and enforcement at the top.

Mr. Ornellas: Gina? Mr. Chair? Can I ask Gina a question please? Number two, you said – we just kind of glazed over it – that each dwelling permitted as a short-term rental home be required to rent to one group at a time. Two parking stalls onsite shall be provided for each dwelling which we've taken that sentence out.

Ms. Flammer: Right.

Mr. Ornellas: Okay, so we go back to the first sentence about one group at a time. There are some people here that rent rooms.

Ms. Flammer: It may not be appropriate for your community.

Mr. Ornellas: And so I would say that that statement would be incorrect for Lana`i.

Ms. Flammer: So let's make that clear. Thank you.

Mr. Ornellas: Okay. Alright. Good.

Ms. Flammer: Is that a motion that on Lana`i rooms can be rented out individually?

Mr. Ornellas: Yes.

Ms. Flammer: It makes sense.

Mr. Ornellas: Okay. Because we have workers that come from other islands and have one bedrooms.

Ms. Flammer: Just to clarify too. Workers that come that do not pay for their own lodging are permitted out right. I mean, they can do that now. The company can put them up. That is okay under our current law. I know there was a question about some of the company properties where they do house workers. I did research the code. It does fall into that just so you guys understand that. And I didn't hear a second though on the –

Mr. Green: I'll second the motion.

Ms. Flammer: Okay.

Mr. Rabaino: Can you read the motion again?

Ms. Flammer: On Lana`i, short-term rental home rooms can be rented out individually.

Mr. Rabaino: That's it? And it says for the island of Lana`i. That's the motion. And anyone second that? Okay, David Green second that. Okay, calling for the vote. All those in favor raise your hand. Okay, any opposed? None. For the record, passed.

**It was moved by Commissioner John Ornellas, seconded by Commissioner David Green, then unanimously**

**VOTED: that on Lana`i, short-term rental home rooms can be rented out individually.**

**(Assenting: Gerald Rabaino, Leticia Castillo, Alberta de Jetley, David Green, Matthew Mano and John Ornellas**

**Excused: Stanley Ruidas, Shelly Barfield)**

Mr. Rabaino: Okay, any other items Gina?

Ms. Flammer: Okay, number five, if you would like to see renewals, you would maybe make a recommendation that – you could just make a recommendation to adopt number five or you could craft it how you see. Right now in the bill renewals are done administratively, which means by the Department.

Mr. Rabaino: Commissioners, any discussion?

Ms. de Jetley: Mr. Chair? As long as there are no complaints, it would be better to be done administratively because you can see how our meeting gets bogged down. I wouldn't want anybody to be out of business because we weren't able to get to their permit request.

Ms. Flammer: Our recommendation says two or more protests from landowners across the street or adjacent. Or 20% of noticed neighbors filed a written protest.

Mr. Rabaino: Can we cut down the 45-days?

Ms. Flammer: Cut down the 45 days?

Mr. Rabaino: Reduce the 45-days?

Ms. Flammer: Well, the 45-days is the period of time we allow those receiving the notice to get in a letter to us. To respond, yeah.

Mr. Rabaino: That's standard language then?

Ms. Flammer: You could make it longer or shorter.

Mr. Green: Excuse me. This is initial applications, not renewals.

Ms. Flammer: Right now we're talking about renewals. It looks familiar because it's also part of initial applications for the Maui Planning Commission for them to review it. You guys review all of them. So, but on Maui, they don't review all of them, but we're recommending this trigger also for initial applications and also for renewals. So it would apply to you for renewals.

Mr. Green: So the process for a renewal is when it comes up time for renewal, the owner of the property has to go through the notification period all over again?

Ms. Flammer: They would with this, yes. Under the current ordinance, no.

Mr. Rabaino: So this language going apply for both sides – notification and renewals?



Ms. Flammer: This only applies for renewal because you see every permit application.

Mr. Rabaino: But when you use the word “you see” it’s just the Planning Commission?

Ms. Flammer: You approve. You approve all initial applications on Lana`i. I’m going to read you the language in the bill just so you guys are clear on what it currently says:

“Initial permits shall be valid for a maximum of three years. Shorter periods may be approved to mitigate impacts. Subsequent permit renewals may be granted by the Planning Director for terms of up to five years on Lana`i and Maui, and up to one year on Moloka`i. In reviewing a time extension request, the Planning Director shall require evidence of compliance with conditions of this Chapter, and no permit shall be renewed without written verification of tax payments. And no permit shall be renewed if the operation has created adverse impacts on the neighborhood or caused the loss of character in the neighborhood.”

It doesn’t mention neighbor notification or having it come to you guys.

Mr. Ornellas: Let me ask you a question, Mr. Chair? So according to that, the Planning Director can approve renewals?

Ms. Flammer: According to the bill. We did not write the bill. This is how it came to us from Council. Our recommendation is that if there’s protest from more than one neighbor. We understand sometimes there may be one neighbor. Two, we think maybe you guys want to see it. Maybe you don’t. It’s up to you to tell me. But that’s what we recommended.

Mr. Ornellas: Okay. And then the length of the permit is?

Ms. Flammer: The initial permit can be up to three years. It’s up to you to grant the time.

Mr. Ornellas: Okay.

Ms. Flammer: And then it would then be up to you to determine how much time for the renewal. Right now the Department could grant it up to five years if they wanted to the way the ordinance is written.

Mr. Ornellas: Okay. And each time –. The permit – is there cost associated with the permit other than building signs?

Ms. Flammer: Yes, there’s a filing fee.

Mr. Ornellas: And how much is that?

Ms. Flammer: \$350 for the initial application.

Mr. Ornellas: \$3.50?

Ms. Flammer: \$350 for the initial. If it goes to public hearing, which it would here, it's another \$500? Something like that. Hold on. We're going to get clarification from Clayton Yoshida.

Mr. Clayton Yoshida: Well, I guess, once the ordinance is adopted it would go to the Council to establish a fee in the budget. For bed & breakfast initial fee is \$400. \$400 for a bed & breakfast permit. And then if it comes in conjunction – if it's in the ag district, and they need a State Special Use Permit, it's \$550. Well, you get a 50% discount if you process the two concurrently, so \$275. So \$400 plus \$275 is \$675. And then the extensions, depending on the number of years, it's kind of accelerated. So if you get one year, it may be like \$200. If you get five years, it could be \$600. Because we don't have to see the permittee again for another five years.

Mr. Ornellas: Does the Planning Commission – does the Planning Commission can make recommendations as far as charges?

Mr. Yoshida: They could in terms of the annual budget. I mean the fees are established. I mean the ordinance would refer to they shall pay fees as established in the annual budget, and the public could comment on the annual budget.

Mr. Ornellas: Annual budget. Okay. So basically our purview would be length of time? For the length of the permit and renewal length, right?

Mr. Yoshida: Yes. For the renewals, if they get longer periods of time, then they pay more.

Mr. Ornellas: Yeah, but \$500 –. You said bed & breakfast is 500 and something dollars? So it would be 600 and something?

Mr. Yoshida: Well, if it's \$400 for the B&B permit. If it's in the ag district also, they need a State Special Use Permit so that's \$550. But because we're processing the State Special Use Permit and the B&B Permit together, you get a 50% discount, so \$275. So \$400 plus \$275 for the B&B Permit and the State Special Use Permit.

Mr. Ornellas: Okay. And is there any guidelines for the Planning Commission as far as length of time for permits and renewals?

Mr. Yoshida: Well, I think they specify the maximum, the maximum parameters, they can say you can get an initial permit for the B&B is up to three years. But if it comes to the Commission, they don't necessarily have to give them the full three years. They could say, you know, there's some problems with the neighbors or whatever, we'll give you one year or we'll give you two years, and then we'll take a look at it in one or two years. We're not going to give you three years. There is some discretion for the Commission on the initial permit and there is some discretion on –

Mr. Ornellas: On the renewals.

Mr. Yoshida: – for the Department or whoever on the time extension. We don't necessarily have to give them the five years. If, let's say, they haven't complied with the conditions, fully complied, with the conditions of the initial permit, you know, we could recommend a one year time extension or two year time extension, instead of a five year time extension.

Mr. Ornellas: Okay. I'm trying to get –. So if we change the years from three to five, the price would still be the same?

Mr. Yoshida: It depends on, I guess, on the budget. The fee structure is established in the budget. We've gone by the number of years that you get the time extension for. Because you get a longer time extension then we're not going to see you for another, longer period of time.

Mr. Ornellas: Yeah. Okay. And then I'm trying to kind of cover our butts as we go along, but, so if by chance we decide to extend it to five years? So what is the trigger? Three complaints would be enough for these guys to come back? Enough for us to see it again?

Ms. Flammer: No, our recommendation – and it can be anything you want – but what the Department is recommending is two or more protests within the 45-days notice period for land owners adjacent or directly across the street.

Mr. Ornellas: Okay and that is –? And what is that for? Is that for renewals or for –?

Ms. Flammer: That's for renewals.

Mr. Ornellas: Okay. I'm saying you get your permit and it's valid for five years.

Ms. Flammer: It can only be valid originally for up to three.

Mr. Ornellas: I'm trying to extend it.

Ms. Flammer: So when you come in to extend it, this body could grant a renewal for up to five years.

Mr. Ornellas: Okay.

Ms. Flammer: Maximum. Or less.

Mr. Ornellas: So we can do it on the other side. But what if, what if, for instance, somebody is really not following the three years or following the rules that's been established? Let's say after a year he's gotten three or four complaints, and what's the process for them to come back to us and say? Because we issued the permit. We should be able to yank the permit.

Ms. Flammer: Yeah, I understand that completely. Right now, revocation is:

“Any permit shall be revoked at any time by the Planning Director if the requirements of the Chapter or the conditions have not been met.”

And then we have enforcement also, but that’s not revocation of the permit. So right now, the language in the bill that was given to us that we’re discussing, the Planning Director can revoke a permit if they’re not meeting the condition.

Mr. Ornellas: Okay, can that language be . . . (inaudible) . . . ?

Ms. Flammer: Yes, you can make a recommendation, yeah.

Mr. Ornellas: Okay. I mean, I don’t, like I said with the last thing with the Manele Bay beach stuff, as long as we’re within the loop and he asks us. Because sometimes we can hear the bickering between neighbors and stuff than more he is hearing on High Street in Wailuku.

Ms. Flammer: Yeah exactly. So why don’t you make a motion with some language that revocation could be by the Planning Commission, the Lana`i Planning Commission? So right now, under C, yeah, we would add another section that said “on Lana`i.” You’re recommending on Lana`i that the short-term rental home permit shall be revoked at anytime by the Lana`i Planning Commission if the requirements of this Chapter or the conditions of approval have not been met. Is that what you’re—?

Mr. Ornellas: That kind of sounds like it. I mean, I don’t want – again, I don’t want to let the Planning Director be – I want us to be . . . (inaudible) . . .

Ms. Flammer: I understand that completely, yeah.

Mr. Ornellas: Can you repeat that again please?

Ms. Flammer: So how the motion would read, how the recommendation would read would be recommending that any permit for a short-term rental home on Lana`i shall be revoked at any time by the Lana`i Planning Commission if the requirements of this Chapter or conditions of approval have not been met.

Mr. Ornellas: Okay, I make that motion Chair as you were listening to her.

Mr. Rabaino: Can you read that back?

Ms. Flammer: Yes, I sure can. It’s okay. You’re recommending that under – and I would quote the section – you add language that say any, on Lana`i, any permit for a short-term rental home shall be revoked at anytime by the Lana`i Planning Commission if the requirements of this Chapter or the conditions of approval have not been met.

Mr. Rabaino: That’s the motion. Anyone second that motion?

Ms. Castillo: Second.

Mr. Rabaino: Okay, Letty second. Call for the question.

Mr. Ornellas: . . . (inaudible) . . .

Mr. Rabaino: Discussion? Alberta?

Ms. de Jetley: I'm a little bit worried about it because I think that if there are complaints that the owner of that vacation rental should be able to go through a process with the complainer and with us. Like it should be able to go through mediation rather than us just saying well, you know, you're losing your permit.

Mr. Ornellas: Mr. Chair, that is the motion that there has to be – there is a procedure that the Planning Department and the Lana`i Planning Commission has to follow before we revoke anything. So we're not doing this arbitrarily. I mean there has to be a highway as far as how we get from A to Z before we throw out, we revoke, somebody's permit. So that's covered in the motion.

Ms. Flammer: The "highway" is the rules.

Ms. de Jetley: Okay. So are you waiting for a second on it then? It's already been second? Okay, so shall we call for the vote?

Mr. Ornellas: Call for the question.

Mr. Rabaino: Okay, calling for the vote. All those in favor say aye. All those opposed, none. For the record, all – six votes – unanimous. Okay.

**It was moved by Commissioner John Ornellas, seconded by Commissioner Leticia Castillo, then unanimously**

**VOTED: to recommend that any permit for a short-term rental home on Lana`i shall be revoked at any time by the Lana`i Planning Commission if the requirements of this Chapter or conditions of approval have not been met.**

**(Assenting: Gerald Rabaino, Leticia Castillo, Alberta de Jetley, David Green, Matthew Mano and John Ornellas**

**Excused: Stanley Ruidas, Shelly Barfield)**

Ms. Flammer: Okay, so you're back to number five, for renewals if you would like to see them, just let me know how.

Mr. Rabaino: Well, you'll get back to us with the draft right that you're making? The wording. The language.

Ms. Flammer: What the Department is recommending if you want to see the renewals is that applications where two or more protests are received during the 45-day neighbor notification process from landowners adjacent or directly across the street would send it to the Lana`i Planning Commission for review.

Mr. Ornellas: Okay, can you just repeat that again one more time please? I'm reading it, but she's not following that.

Ms. Flammer: Basically I just have to rephrase it differently for your motion. So your motion would be that applications where two or more protests are received during the 45-day period from landowners adjacent or directly across the street would trigger a Lana`i Planning Commission review of the renewal application.

Mr. Ornellas: Okay, and then we can decide –? Do we have –? I mean, I agree with what you just said, but we can decide how long the renewal will be?

Ms. Flammer: Yes.

Mr. Ornellas: And that would take a separate motion?

Ms. Flammer: No.

Mr. Ornellas: Okay.

Ms. Flammer: That would give you the ability to –

Mr. Ornellas: Up to five years? Okay.

Mr. Rabaino: Happy John?

Mr. Ornellas: Yeah. Did somebody make a motion that?

Mr. Rabaino: You did.

Mr. Ornellas: Okay, I make the motion.

Ms. de Jetley: I second it.

Mr. Rabaino: Call for the question, all those in favor, raise your hand. Okay, unanimous. Opposed? None, for the record. Got it Lei? Got it on tape? Okay, next item?

**It was moved by Commissioner John Ornellas, seconded by Commissioner Alberta de Jetley, then unanimously**

**VOTED: that applications where two or more protests are received**

**during the 45-day period from landowners adjacent or directly across the street would trigger a Lana`i Planning Commission review of the renewal application.**

**(Assenting: Gerald Rabaino, Leticia Castillo, Alberta de Jetley, David Green, Matthew Mano and John Ornellas**

**Excused: Stanley Ruidas, Shelly Barfield)**

Ms. Flammer: Okay, those are the only –. Those were the only Department recommendations I saw. If you have other items – there's a lot tucked in that bill – this would be the time to bring them up.

Mr. Ornellas: Mr. Chair, when you put this all together, obviously, there's probably going to be a draft?

Ms. Flammer: Yes.

Mr. Ornellas: And we will see that draft? I mean, I'm not pertaining to what's going on Maui, but I'm more interested in what's pertaining to Lana`i.

Ms. Flammer: Yeah. What I would do is write a letter with the recommendations to be signed by someone in our Department for your Chair. So we can find a way to make sure that your see that they are accurate. I mean, do you want me to go back and review them?

Mr. Ornellas: . . . (inaudible) . . .

Ms. Flammer: Okay. Sometimes we do that.

Mr. Ornellas: I just want to – you know, I just want to see it on a piece of paper so that way we can, when we sit down and, you know, six months from now or eight months from now when this isn't been approved yet, we at least have an idea of what we did back then.

Ms. Flammer: Exactly. Yeah. So I'll draft a letter and it will come from your Chair, and usually we have someone in our Department that will sign it. The only thing that won't be addressed in the letter at all unless you want me to put any kind of – any background information is the rental agent aspect. I could put something in there that I was asked to do more research and we deferred on it. Would you want that? Chair, would you want that in the letter?

Mr. Rabaino: (nods)

Ms. Flammer: Okay.

Mr. Ornellas: Yeah, just a statement that we deferred that and then probably the next meeting you should have the answer to our question and we can probably decide at our next meeting.

Ms. Flammer: But then at least we'll have a paper trail of the following issues.

Mr. Ornellas: Yes. Yes. Thank you very much.

Ms. Flammer: A lot of good work you guys.

Ms. de Jetley: I have a question. Gina, so on the renewals if there are no complaints, is there a process where it can just be done administratively?

Ms. Flammer: Yes it would be. And even if there's one, it would be done administratively.

Ms. de Jetley: Administratively. So do you need a motion for us to do? No?

Ms. Flammer: No, that's just how the bill would read right now.

Mr. Ornellas: Again, I would feel more comfortable if he's going to a renewal that we be notified before that renewal. Again, this is just FYI. If we have a problem with this renewal, then we can say something. If he doesn't receive any correspondence from us, then we just let it go.

Ms. Flammer: I completely understand what you're saying, but like me ask a question to Clayton. Why don't you make a recommendation so that we get it on paper.

Mr. Green: Did we just vote . . . (inaudible). . . ?

Ms. Flammer: You did, however, what you voted on was if two or more protest on the application. What Commissioner Ornellas is asking for is notification of every renewal.

Mr. Ornellas: So what did you say that –?

Ms. Flammer: I would recommend that you make a motion and direct that we make that as a recommendation. And whether it goes in the code or it just becomes Department policy I don't know, but at least we have what you want written.

Mr. Ornellas: Okay. I'll make that motion that we at least have a chance to review all renewals.

Ms. Flammer: Do you want to be notified or do you want to review?

Mr. Ornellas: Okay, that would be a better word – notified – prior to the renewal, so that way we know what is going on in our community as far as somebody getting a renewal. Or what – something just popped up in my head. That's dangerous – but what if somebody – well, the permit will go with the owner of the house. Okay, so it's not transferable. Okay.

Ms. Flammer: Right now the motion I have from Commissioner Ornellas is the Lanai` Planning Commission be notified of short-term rental home renewals.

Mr. Green: Can I make a comment? In the past we've been notified after the fact. Presumably we would like to be notified before approval.



Ms. Flammer: Thank you for clarifying that of renewal requests prior to Department approval.

Mr. Ornellas: Yes.

Ms. Flammer: Thank you.

Mr. Ornellas: And again, you can tell the Director as I said at the last meeting, it's just for us. And if we have any comments or something like that, we get back to him. If you don't hear anything from us within three or four days, then continue.

Ms. Flammer: Yeah I understand. I don't have a second though on that.

Mr. Green: I second.

Mr. Rabaino: All those in favor? Discussion? Okay, get ready to vote John. All those in favor? Okay. Any more motions John? Okay, for the record, all in favor, all six, and none opposed. Okay, next on the item, of the agenda.

**It was moved by Commissioner John Ornellas, seconded by Commissioner David Green, then unanimously**

**VOTED: Lanai` Planning Commission be notified of short-term rental home renewal requests prior to Department approval.**  
**(Assenting: Gerald Rabaino, Leticia Castillo, Alberta de Jetley, David Green, Matthew Mano and John Ornellas**  
**Excused: Stanley Ruidas, Shelly Barfield)**

Mr. Green: Wait a minute. One other question. In the – just to clarify, there's no limits for Lana`i on the number of short-term rentals that could be approved.

Ms. Flammer: You do not have a cap for the island of Lana`i. And again that's because it's up to you. You decide when you've met your cap.

Ms. de Jetley: Mr. Chair, could we take a five minute break please?

Mr. Rabaino: Okay. Five minute break.

*(The Lana`i Planning Commission recessed at approximately 7:25 p.m. and reconvened at approximately 7:33 p.m.)*

#### **D. COMMUNICATIONS**

- 1. Lanai Planning Commission's LWAC representative(s) to provide a brief update on the Lanai Water Advisory Committee (LWAC) meeting (Commissioners John Ornellas/David Green)**

Mr. Rabaino: Continuation on the agenda. Commissioners please be seated. Thank you. Item-D, Communications. Are we done with the rental thing first? We are. Okay. So communication, the Planning Commission's LWAC representatives to provide a brief update on the Lana`i Water Committee.

Mr. Ornellas: Mr. Chair, write down this important date – August 26<sup>th</sup> the Maui County Council Water Committee is coming to Lana`i to hear, for a public hearing, on our Water Use and Development Plan. August 26<sup>th</sup>. I will, if there is any changes – or I mean when a meeting notice comes out I will forward that meeting notice to everyone on the Commission just so that then you can put the word out because that will be a very important meeting. There's some discussion at the last County Council Water Committee meeting as far as the jurisdiction over who oversees the Lana`i Water Company.

Mr. Rabaino: Okay, August 26<sup>th</sup> falls on a Friday. At what time? At what place?

Mr. Ornellas: They're trying to come in the 9:15 a.m. boat. But they can't because of County restraints, they're not going to stay over night.

Mr. Rabaino: Okay, so noted for the record. August 26<sup>th</sup> the Water – Council is coming over for the Water Advisory Committee. 26<sup>th</sup> is on a Friday.

Ms. de Jetley: Mr. Chair, can I ask Counsel if he can explain something to me? You know we send e-mails back and forth like John is going to be sending all of us e-mails. So isn't that considered a violation of the sunshine law? Shouldn't he send it to you to send it out to us?

Mr. Giroux: As far as the sunshine law, it's important to understand that the idea is that you do not want to have a discussion between two or more members. And the problem with technology is it's going faster than the law, so you know, you guys start twittering and blogging and it's going to jam us all up. So if an information needs to go from point A to point B, it's a lot safer that you send it to the Department, the Department sends it out. And that way there's not discussion side ways between the members. You know, because it's okay for the Department to let you know, hey, we're going to have a meeting on Thursday, call us if you can't make it. And that has to get to everybody so it should come out of the Department. Not one member call the other member, call the other member, call the other member, call the other member, or one member e-mail the other members and then they e-mail. We want to eliminate that type of –. The Legislature – well, the Courts have looked at that as serial communication. And what that means is you're having an illegal meeting. What you don't want happening is that even though the intention is not to have a discussion, what happens is all somebody has to accidentally do is press send and it group sends, and then everybody all of sudden is entered into a discussion. So we want to avoid that all costs especially if it's something where it's just communication. You know, somebody wants to bring something up on the agenda, send it to the administration, and the administration will put it on the agenda or they'll send it to the Chair. And the Chair and the administration can discuss how they want to put it on the agenda, that type of thing. Or it can be put on the agenda for discussion.

Mr. Rabaino: Okay. Well, for the record, I've been letting Leilani know a lot of stuff. Like John sends me something. I forward it to Leilani. Alberta sends me something, I'll forward to Leilani. So for everybody understanding is my way of doing it is I send everything to Leilani and it's up to her to how she distributes it. Yeah because I've received some from the Commissioners, they send it to me and then I forward it to Leilani. And then another thing is I don't have a twitter or Facebook account so I'm safe.

Mr. Giroux: Ipad, droid. I can't keep up. It's going too fast.

Mr. Rabaino: Okay, any other discussion? Where are we now? We're still on –? Okay, we're done with the communication. Item-E, Director's Report, 2011 State Association of Counties report. Commissioner Ruidas and Mano. Update.

## **E. DIRECTOR'S REPORT**

### **\_\_\_\_\_ 1. 2011 Hawaii State Association of Counties (HSAC Conference Report) - Commissioners Ruidas and Mano, June 22-23, 2011**

Mr. Mano: The Counties Association I actually sat in two interesting meetings – not meetings, but conference. It was about the sunshine law because I had a question with this lawyer from Oahu. Because I have seen in the past where somebody would say something to somebody, and then that person will leave, they would invite another person to the house. And then that person would leave and then another come to the house. My concern was they were breaking the sunshine law. So when they invited me, I said “no” because according to the sunshine law even though it's two, you cannot have the two and then send one person home and another person come over discussing the same issue. So my concern with that was when I asked him, I said you know what, then the sunshine law should be changed legislatively where nobody can meet. That way the sunshine law is not broken. Because when you do a leeway with two person discussing it tends to go to three, four and five. Next thing you know we're voting on an issue where if I disagree the other five already discussed it and they're voting on the issue, you know. And that was my interest, you know, with the sunshine law. And I made it specific – and not naming people – but I think with the counties we fall under sunshine law, but with the State there is no sunshine law. You know, they're exempted from the sunshine law. The legislators are exempted. And my question was I didn't get a clear understanding why until they told me they had something like 3,000 bills they had to decide at a short time. But that don't cut no rice. To me, I don't care if they get 6,000 bills, it shouldn't be where you can pull five guys on the side to discuss a bill so they all vote for it. To me, it's illegal. If we stand under the United States judicial laws, then they should exempt nobody. And that was my topic with these people. Because if we're not exempted, then I don't think the legislators have any power to say by their laws, make it their laws, that, okay, we're exempted because we get 6,000 bills we got to depend on. When you talk to them a lot of them don't even read the bill. They're just following somebody else. So is that fair to the taxpayers? I don't think so. And that was my concern when I went to this, and I was glad that I got to go to it because I learned a lot about the sunshine law, you know, and kept me in awareness. Because if I want to be on the Commission I need to know this law especially for the County of Maui.

Another one that I got to sit in was they had some speakers on computers about twitter and Facebook, on campaigning and how important it was to keep in touch with their constituents. It was interesting listening to these guys talk about being a Chairperson for some political party or some political person. It was important how they were able to answer questions and throw things out there where people would actually write back to them, and they kept in contact. When I sat in the audience, I watched three out of the eight people continuously twittering or Facebooking on their computer, keeping in contact with people out there who have questions or people who have issues that they want answers. You see lawyers doing it. And one of the interesting speaker actually says he does not read any newspapers because he have people who pulls out important topics on the newspaper and twitter him. So every morning he wakes up at five and he goes to his twitter, his Facebook, and he reads what articles are out there, politically, business or whatever, you know. These are the interesting things that I see and actually got to sit in. And those were the two topics that I was interested in because I ran for office and it opened my eyes, you know, how you can have people who chairs your campaign and they can be on this while you're outside. They can be twittering people, you know, putting out your point of views and answering their questions. And I was kind of glad that I went to this.

I know Stanley went to a few things. I'll let him discuss what he went through. I know he went on the windmill at Kaheawa. He also went to the sugar plantation which he came back and told me he was tired because they walked HC&S, from the very bottom, to the very top, to the very outside. I mean by the time he got back was almost about five o'clock. So by the time we got to the dinner we had only pupus but we didn't care, you know. But it was interesting to tell you the truth that I really learned a lot. I think I learned more doing that than going to the HCPO to tell you the truth because the law was spoken on, publicizing and reading publicities and going into the computer, utilizing whatever we have now in the future to put things out so that you can either be heard or. . .(inaudible) . . . That was my thing about it. I liked it. But the question to me was about the sunshine law because to me it was unfair that the State is exempted because they have too many bills.

## **2. 2011 Amendments to Chapter 205A**

Mr. Rabaino: Thanks for the update Mano. When Stanley returns we shall ask his portion. Okay, item number two – by the way Commissioners, any questions for Mano? None. Okay. Item number two, 2011 amendments to Chapter 205A.

Mr. Yoshida: I asked the clerical to distribute the recent amendments to the CZM law signed into law by the Governor on June 23<sup>rd</sup>, effective on July 1<sup>st</sup>. Essentially it raises the threshold for the minor permit from \$125,000 to \$500,000. And the second thing it does is if you build a house, single-family dwelling with a floor area of more than 7,500 square feet, it's considered to be a development and requires an SMA permit. So these are the changes made by the legislature during the recent session.

Mr. Rabaino: Commissioners, any questions? Discussion regarding the 205A amendments? None. Okay. John?

Mr. Ornellas: 205A, do we have a copy of that?

Mr. Yoshida: Yes, it's distributed in the binder when you first get on the Commission.

Mr. Ornellas: Okay.

Mr. Yoshida: Chapter 205, State Land Use Law; Chapter 205A, Coastal Zone Management Act.

Mr. Ornellas: And the changes are basically from –?

Mr. Yoshida: 205A, Coastal Zone Management Act.

Mr. Ornellas: I understand that. But the changes you're saying is from \$200–?

Mr. Yoshida: The threshold for the minor permit, it use to be \$125,000 for the past 18 years, and the legislature upped the threshold to \$500,000. So if you come in with a \$450,000, let's say, commercial addition, that can be a minor permit.

Mr. Ornellas: And minor permits do not come before the Lana`i Planning Commission, at least?

Mr. Yoshida: Yes, that's correct. They're issued by the Planning Director.

Mr. Ornellas: Okay. Did you see the light went on? Gina, you guys were suppose to come back with a – we were suppose to talk about changing the rules concerning the minor permits.

Mr. Yoshida: I believe that –. Well, we had the orientation session on the SMA, your SMA and shoreline area rules with Jim Buika. And I believe we're going to talk further about amendments to SMA boundaries. I think that was a point of interest for Commissioner Ruidas.

Mr. Ornellas: Yes you're right. What we're talking about happened last meeting where we questioned the Director's – the tents down at Manele, and he did that without – and that is part of the rules. So last meeting the Department was suppose to come up with a proposed change to the rules. Did we see something?

Ms. Flammer: No, I think your request is that you be notified ahead of time on these minors and exemptions.

Mr. Ornellas: Then the Director said we need to change the rules because he doesn't – he doesn't – he won't do that. And this is basically what we were talking about earlier. And when I mentioned what happened last meeting, this is exactly what I'm talking about is things sometimes get approved without our knowledge and we want to be advised of those changes, renewals, the permit, and I was asking for something. And then the Director said to change the rules so that way –.

Mr. Yoshida: I believe we do produce a Lana`i open assignment report and in those reports probably there could be those SMA assessments pending. And the Commission could –

Mr. Ornellas: Okay, this is the minutes from the 15<sup>th</sup>, page 50, line item number, starting at 16. About half way through. I think it's 19. Yeah, so what I said is "so all I'm asking is just for us to get a heads up before you approve. And if you get a response from us then you know there's some concern and maybe you should hold off until our next meeting and then bring that as part of the agenda for the next meeting." And then number 24, Mr. Spence say, "okay, well, that, I think would require amendment to your rules that you would start reviewing minor permits. Right now that is –." And then I said something, "I don't want over burden you." And he says, "I know."

Ms. Flammer: If I could just make a clarification. The part that would require the change would be your ability to review something if you sought a problem with one of them. Right now the Department is able to give you what Clayton is called an open assignments report that shows you pending applications. That's – is that what you have in your hand? Okay, what would require the rule change was if you wanted to act on one of those.

Mr. Ornellas: That, the minor –. Okay. That is – thank you. That wasn't the issue. The issue was we don't want to see it after the fact. We want to see it before the fact. And here, let me read on here, number 42. I say, "Okay, can the Planning Department or Corp Counsel come up with a draft as far as amendments to that rule?" And Mr. Spence say, "If that's something the Commission would like." And then you said, "Are you familiar with where this area is?" And then I guess we started to talk about where this place was, but that's what –. Okay, so the next meeting, can we have some sort of language that –? I mean, I don't want us to –. I want us to be part of the process and not be an audience.

Ms. Flammer: I understand and you don't want to see things after. And you probably don't want to see things and not be able to do anything. So are you asking for the ability to review something if you see something on there?

Mr. Ornellas: Before hand, yes.

*(Commissioner Alberta de Jetley leaves the July 1, 2011 meeting at approximately 7:55 p.m.)*

Ms. Flammer: You don't want to review all of them correct? You want to just be able to look at the list and tag something?

Mr. Ornellas: Well, we would like to –. I mean, yeah, I guess that would be it. But because some of things are very abbreviated, we don't know what the extent is.

Ms. Flammer: We've been working on that list. Let me talk to Clayton about how we could procedurally.

Mr. Ornellas: Yeah, I mean, it's nothing earth shattering, but –

Ms. Flammer: I completely understand. If you want to review all minor permits, you would then review them all. If you want the ability –

Mr. Ornellas: Okay.

Ms. Flammer: I would just need to know, if you want the ability to, when you see the open assignments report, flag and pull up certain items, that's a little different.

Mr. Ornellas: How many open permits does the Planning Department approve for Lana`i in a quarterly? Let's say in a quarter or in a year, or whatever rings your bell? Tell us what the average is.

Mr. Yoshida: We could do that. I don't think that there that many right now given the current state of the economy.

Mr. Ornellas: Okay, so is that something we can work on by either the next meeting – the next meeting is two weeks away, so –.

Mr. Yoshida: Yeah, we could try to get that information for your July 20<sup>th</sup>.

Mr. Ornellas: Do I need to make a motion for that? Or is this a request from the Department? And then what you guys come up with we can make a motion to accept that change to our rules.

Mr. Yoshida: We can provide that information at the July 20<sup>th</sup> meeting.

Mr. Ornellas: Okay, I'd appreciate it. And if you can't then just let us know, and then it will be on the following meeting then, the August meeting if there is one.

Ms. Flammer: So the information you're asking for is how our rule change would be worded, and also you're curious how many minor permits come through our Department. Or would you just want the rule change language?

Mr. Ornellas: Just the rule change. I mean he's already stated that it's not much, so it's not like something we would have to spend 20 hours to read before our meeting.

Ms. Flammer: Okay.

Mr. Rabaino: Okay Commissioners, any other discussion? Are you done with that topic Commissioner Ornellas?

Mr. Ornellas: For that topic, yes.

**3. 2011 Hawaii Congress of Planning Officials (HCPO) Conference - September 21-23, 2011 - Kauai Hyatt, Poipu, Kauai**

Mr. Rabaino: Commissioner Green, anything else? Okay, item number three, 2011 Hawaii Congress of Planning Official Conference, September 21<sup>st</sup> to 23<sup>rd</sup>. Lei, any updates? Anybody get any update on that? None? Okay. But we going leave on the 20<sup>th</sup> you stated yeah in the e-mail. Okay. The kind, me, Alberta and Stan gave you the information. Okay.

**4. Cancel or reschedule the September 21, 2011 Lanai Planning Commission meeting due to the 2011 HCPO Conference**

**The Commission may act to cancel or reschedule the September 21 meeting.**

Mr. Rabaino: Item number four. Cancel or reschedule the September 21<sup>st</sup> Planning Commission. Commissioners, suggestions?

Mr. Ornellas: I make a motion that we cancel that meeting.

Mr. Mano: No choice.

Mr. Ornellas: Yeah, most of the people will be gone.

Mr. Rabaino: Okay, so be it. We'll cancel.

**It was moved by Commissioner John Ornellas and without any opposition by the members of the Lana`i Planning Commission, the September 21, 2011 Lana`i Planning Commission meeting is cancelled.**

**5. Open Lana`i Applications Report**

Mr. Rabaino: Okay, next page, number five, open Lana`i applications. There's only one report on the page. John, you want to read it?

Mr. Ornellas: Yeah, it's nothing. It's zero. What happened to Richard's expansion, Richard's shopping center expansion?

Mr. Yoshida: Reported at the May meeting that they got a building permit in April.

Mr. Ornellas: Okay, and so this is pending permits, not completed permits?

Mr. Yoshida: This is pending applications.

Mr. Ornellas: So was Castle & Cooke asked to – were they invited to this meeting to give us an update on that?



Mr. Yoshida: Yeah, they were invited to the June meeting.

Mr. Rabaino: There's no one from them to represent Richard's?

Mr. Ornellas: Can we ask them to be here on – request that they be here on the 20<sup>th</sup> so that they can respond to –? Just an update. We're not going to quiz them and rake them over the coals. We just them to come and give us an update.

Mr. Yoshida: We can ask, but, you know, if they don't –. Well, we can't guarantee that they'll be here. I mean, they got their permit.

Mr. Ornellas: Okay. Well, one day they're going to have to come to us for a permit won't they?

## **6. Streamlining Ordinances**

Mr. Rabaino: Okay, with that said, item number six, streamlining ordinances.

Mr. Yoshida: I guess the Department did distribute the streamlining ordinances which became effective in April which the Commission dealt with last January. So these are now law.

Mr. Rabaino: Commissioners, any questions? Ornellas? Green? Mano? Letty? None? Okay, we move to the next item or you have something to add?

## **7. Agenda items for the July 20, 2011 Meeting**

### **a. Public Hearing on the following:**

- 1. MS. LAURIE ANN K. CHAN, Director of Client Services of AVALON DEVELOPMENT COMPANY, LLC on behalf of T-MOBILE WEST CORPORATION requesting a County Special Use Permit in order to install improvements at two wireless telecommunication sites, each approximately 300 square feet in area at TMK: 4-9-002: 001 (por.), Island of Lanai. (CUP 2010/0009) (J. Prutch)**

- a. Site 1 is located 0.25 miles north of the Koele Lodge.**
- b. Site 2 is located at Manele Bay adjacent to an existing water treatment facility.**

**Meeting starts at 5:30 p.m. at the Lana`i High & Elementary School Cafeteria.**

Mr. Yoshida: Yeah, our meeting is starting at 5:30 p.m.. The one major item we have is the County Special Use Permit for the T-Mobile wireless telecommunication sites at Koele and Manele. And then the – which starts at six o'clock, the public hearing. And I guess the Commission wants to, or some Commissioners want to be able to go to the Charter

Commission meeting that evening which begins at seven o'clock.

Mr. Rabaino: So the Charter meeting is at seven that night, yeah? At what building? Do you know? Do you have any information on what building they going hold that meeting? Bowling alley? The community center? Okay. So our meeting is going to start at 5:30 p.m., right, and then there's the other one at six. So the above item, the above item over here for July 20<sup>th</sup>, it says public hearing for the T-Mobile. That's the only thing that we have on the agenda on the 20<sup>th</sup>?

Mr. Yoshida: I think the information that Commissioner Ornellas had requested on SMA activities.

Mr. Ornellas: We can put that on the 20<sup>th</sup>. The September meeting will be cancelled because of the conference. So just put it on an agenda for the August one.

Mr. Yoshida: The August meeting.

Mr. Rabaino: Move that back so we only have one item to talk about, the T-Mobile?

Mr. Ornellas: Yeah.

Mr. Rabaino: That's fine.

Mr. Ornellas: Yeah, so it gives you more time.

Mr. Yoshida: That's all we have to report.

Mr. Ornellas: And I made a motion that we cancel the meeting on –

Mr. Rabaino: Yeah you did. Everybody is in favor.

Mr. Ornellas: We had a vote on it?

Mr. Rabaino: No, we all said yeah. Everybody said yeah, so that's official. We got the votes, yeah! Okay, so let me see. We got that covered. And the next regular meeting is July 20<sup>th</sup> at 5:30 p.m., correct?

**F. NEXT REGULAR MEETING DATE: July 20, 2011**

Mr. Yoshida: Yes.

Mr. Rabaino: Okay, then that way everybody can attend the other meeting. That's the only thing, though. I just want to make sure that's the only thing on the agenda, the T-Mobile one, right? And we move the other one to September – August, excuse me. Okay, any other questions Commissioners? Do I hear a motion to adjourn?

**G. ADJOURNMENT**

Ms. Castillo: So move.

Mr. Rabaino: So moved. Pau hana. Aloha o'e. 8:02 p.m.

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 8:02 p.m.

Respectively transmitted by,

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

**RECORD OF ATTENDANCE**

**PRESENT:**

Gerald Rabaino, Chair  
Leticia Castillo  
David Green  
Alberta de Jetley (from 5:35 p.m.)  
Matthew Mano  
John Ornellas

**EXCUSED:**

Stanley Ruidas, Vice-Chair  
Shelly Barfield

**OTHERS:**

Clayton Yoshida, Planning Program Administrator  
Gina Flammer, Staff Planner, Current Planning Division  
James Giroux, Deputy Corporation Counsel, Department of Corporation Counsel