

**LANA'I PLANNING COMMISSION  
REGULAR MEETING  
SUMMARY REPORT  
MAY 21, 2014**

**A. CALL TO ORDER**

The regular meeting of the Lana'i Planning Commission (Commission) was called to order by Chair John Ornellas at approximately 5:30 p.m., Wednesday, May 21, 2014, in the Lana'i Senior Center, Lana'i City, Hawaii.

No quorum of the Board was present (See Record of Attendance), therefore meeting was canceled.

Mr. John Ornellas: Alright, the – tonight's meeting of the Lana'i Planning Commission come to order please. This is the May 21<sup>st</sup>, 2014, at the Lana'i Senior Center. The next item, Call to Order. Okay, so we did that. Public –

Ms. Richelle Thomson: Because we don't have quorum, we can through the agenda, take public testimony, receive the presentations. The commissioners can ask questions of the testifiers or the presenters, but no decisions are going to be made unless we do get quorum at some point this evening. So, technically the meeting has been canceled due to lack of quorum. But the sunshine law allows you to receive testimony and presentations.

**B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.**

Mr. Ornellas: Okay. I do – I do want to take this time to apologize to the community. This is very embarrassing that the Lana'i Planning Commission doesn't have enough people to man the Commission tonight so we can get on with Lana'i's business. And I take this very personal and I want this on the record that, that things like this shouldn't happen because we are paying our taxpayer's money, paying for these guys to come here today and spend the night tonight. So, it's just a waste of money and we shouldn't be doing stuff like this. We lose credibility at the county – by the county standards as far as why we want home rule. When you yell home rule at these meetings and, and members don't show up enough for a quorum, that just makes us look stupid. So, I apologize to all of you.

**C. APPROVAL OF THE MINUTES OF THE APRIL 16, 2014 MEETING**

**D. UNFINISHED BUSINESS**

1. **PULAMA Lana'i requesting a State Land Use Commission Special Use Permit and a Phase II Project District Approval for the Reverse Osmosis Desalination Facility and Distribution System including the development of reverse osmosis desalination plant facility, administration building, water generation facility, and related improvements within the Manele Project District at TMK: 4-9-002: 001 (por.), 4-9-017: 009 (por.) and 010 (por.), Manele, Island of Lana'i. (SUP2 2013/0028) (PH2 2013/0001) (B. Sticka)**

The public hearing was conducted on April 16, 2014 and the Commission deferred the matter. (*Commissioners, please bring your copies to the meeting.*)

The Commission may take action on these requests.

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

1. **MR. WILLIAM SPENCE, Planning Director, transmitting a proposed bill amending Section 19.65.080.D of the Short-Term Rental Home ordinance in the Maui County Code concerning Enforcement to be consistent with the Maui County Code Enforcement provisions in Section 19.530 and to ensure appropriate due process. (C. Yoshida for J. Alueta)**
  - a. **Public Hearing**
  - b. **Action**

Mr. Ornellas: So the next thing we're gonna go to since we can't make an approval on the minutes, we'll defer the minutes of the April 16<sup>th</sup> meeting. And then Pulama, on Item D on the agenda, it's the Special Use Permit for Phase Two of the reverse osmosis, the desal plant down at Manele. We're gonna defer that. Pulama asked if we can, if we can put this back on the schedule in June. So we're not gonna listen to that tonight unless –. Okay, then if somebody wants to come up and testify on, on this item, on D1, unfinished business, they can come forward now. Because we're not gonna listen to anything else so – nobody? Okay, so we'll move on. Members, do you have anything to say about the desal plant? No? Alright. Then next up is Item E, public hearing – again, this is based on the short term rental home ordinance and we won't be able to make any decisions tonight, but we will be able to take testimony so – I guess, go ahead Clayton.

Mr. Clayton Yoshida: Thank you Mr. Chairman. Clayton Yoshida, Planning Program Administrator, subbing for Joe Alueta, Administrative Planning Officer. This bill is being introduced by the department as a corrective amendment to Chapter 19.65 of the County Code relating to short-term rental homes. The primary objective of the bill is to ensure that enforcement of the short-term rental homes operating without permits will be consistent with all other use violations pursuant to Chapter 19.510 of the County Code. Further, the proposed

amendment protects citizens seeking a short-term rental home permit from being denied the right to apply for a short-term home permit without due process as outlined in Chapter 19.510 of the County Code.

The bill was reviewed and supported by the Department of Planning staff. It was given to the Maui Vacation Rental Association (MVRA) for review and comments. The MVRA stated that they believe that these changes will be best considered along with the comprehensive review of the short-term rental home and bed and breakfast ordinances currently being prepared which will come before the planning commission – slated to come before the planning commission sometime in July. That the MVRA does support a similar enforcement section being added to the bed and breakfast home ordinance. They also stated their support for a strong, unambiguous enforcement provision. The MVRA states that property owners found to be out of compliance with county ordinance says it should be first be given an opportunity to come into compliance by obtaining the proper permits before any notice of violation is issued. The penalty of any property owner losing the opportunity to apply for a short-term rental home permit should be given only to property owners who continue – the penalty of any property owner losing the opportunity to apply for a short-term home rental permit should be given only to property owners who continue to operate even after being formally notified to cease operations and apply for a permit. Evidence of past operation or advertizing should not be encumbering a short-term rental home permit application from being accepted and processed in a timely manner. They questioned the reference to a violating operator as any enforcement action could only be taken against a property owner. But an operator who is not an owner, might be a renter, could be operating without the knowledge or consent of the owner. They did make one recommendation that 19.65.080D be amended to include advertizing as a type of evidence. The department has no objection to include advertisement as a type of evidence to be considered by the director or investigating un-permitted short-term rental home properties.

All notices of warning and notices of violation are serviced to all parties involved including the property owner. The property owner is ultimately responsible for all activities on his or her property. The department will have other amendments forthcoming – like I said hopefully in July. But the director feels that this proposed amendment is simple as well as important and it should be taken up immediately by the planning commissions and the County Council. The other amendments, although also important, it requires several meetings with lengthy deliberation. The department has worked towards seeking compliance first, and violation penalty second. Concerns have been raised that the proposed amendments would only encourage short-term rental home operators to operate their business illegally until they are caught and then apply for a permit. Although this could happen, the long term business consequences to a short-term rental home operators could be significant if someone initiates a short-term rental home – operating a short-term rental home without proper permits, they would have to immediately cease operations or risk fines and a five year prohibition. Having to cancel visitor rentals would have significant damage to the operator's reputation and ability to restart their short-term rental home business.

This matter has been reviewed by the Maui and Moloka'i Planning Commissions that – who have recommended approval subject to on Exhibit 1, item 19.65.080D, in the third line adding

“complaints by neighbors.” Evidence of operation may include guest testimony, rental agreement receipts, complaints by neighbors, or any other information deemed relevant by the department. And also on the second to the last line on page 1, if the county issues a notice of violation for un-permitted short-term rental home operation, and the violation is not overturned and all appeals have been exhausted, then, for the following period of five years, the county should not accept an application for a short-term rental home permit.

This matter was – the public hearing was advertized in The Maui News at least 30 days ago, and I guess we’re – if there are any public testimony or questions from the members about the department’s – who are present – about the department’s proposed amendment.

Mr. Ornellas: Thank you Clayton. Go ahead member.

Mr. Stuart Marlowe: Yeah. One thing that has not been cleared up because of the ambiguity in the, in the previous language of the bill. There are certain districts – hotel districts versus residential where the county has been – if you, if you make two phone calls and talk to different individuals in that specific department, you’ll get two different answers. Whether, whether Manele hotel district allows short-term rental or not. And the same thing is absolutely true for Koele. So, when they’re re-doing this, the language, I think that’s very important item to address. If a district is not allowing short-term rental that has to be part of the application process, to at least inform someone in a district that doesn’t allow it to not, you know – to understand that they don’t have to wait four months, five months for a yes or no. It’s been very frustrating to several of the homeowners in, I know, in the Koele District.

Mr. Yoshida: Well, I think that can be looked at more thoroughly when we do the comprehensive review of the short-term rental home ordinance. And I guess between then and now we continue to check the project district ordinances for Manele and Koele regarding short-term rental home operations. But that two-year review of the ordinance is forthcoming in July.

Mr. Ornellas: And that review will also – when we, when we – when we work on that there are some Lana’i specific rules to that ordinance so we get to see that also and we can, we can choose to refine it or get rid of it. Anybody else have any questions for Clayton? Audience, anybody want to ask Clayton any questions?

Mr. Yoshida: No, Mr. Chairman, we just want to see – since this is a duly noticed public hearing if there’s anybody attending who wants to testify.

Mr. Ornellas: Yes. Okay, does anybody want to testify on this? Ron?

Mr. Ron McOmer: You’re right. We’re gonna have to have island specific regulations. Because what pertains to Maui –

Mr. Ornellas: Please state your name Ron? For the record.

Mr. McOmer: My name is Ron McOmer spelled M, C, O, M, B, E, R. Ron – R, O, N. 44, year

resident of Lana'i that is not 44. I wish I was. It's going to be a wrath hole on Lana'i when they start this. I'm gonna tell you, everybody's brother is doing short-term rentals on Lana'i. Everybody. Even if you didn't intend it, that's what's happening. I don't know how we're gonna do this, but we're gonna have to have Lana'i specific regulations. One of the regulations that I'm gonna be pushing for is the 500 foot radius around the property. It makes no sense in Lana'i. My one piece of property on Ilima it would cover Fraser to Lana'i Avenue, and half the town in the other direction, so it doesn't make any sense whatsoever. I understand that if you have a house it should all point to touch your house should be notified. And that's only – that's a common courtesy. That's one of the things we need to shoot for later on. But without anybody here this is like talking in the wind. So we might as just – but unless you know that we're gonna have to talk about it because I got to call to my girlfriend, Joelle, today, saying Ron are you gonna to testify to that? I said, well are you going to be there? Obviously she's not. So, anyway this is the – the ordinance that they're going to have on Maui we've got to change for probably Moloka'i and Lana'i both. But particularly, it's gotta be for here. So, right now we'll just put it to bed until we have, have a formal hearing on this thing. Thank you.

Mr. Ornellas: Agree. Thank you Ron. Anyone else in the audience would like to weigh on this? Alright, seeing none, well, let's move onto to –. So, we'll just defer that until next meeting. Does the – is the clock ticking?

Mr. Yoshida: Well, we can't take any action because we don't have a quorum.

Mr. Ornellas: Right. Understood.

Mr. Yoshida: But we'll just list it on the agenda at the next meeting.

Mr. Ornellas: Yes. That's what I just – anyways, is the clock ticking on this? Is the clock ticking on this?

Mr. Yoshida: Since it's director initiated there's no clock ticking versus if it were Council initiated. If it were Council initiated there's a 120 day time to – for the turnaround from the that the department receives the resolution. But there's no clock ticking.

Mr. Ornellas: Okay, great. Thank you. Is that it for you Clayton? Okay.

## **F. COMMUNICATIONS**

- 1. February 6, 2014 Third Quarter Report (June to August 2013) submitted by LYNN MCCRORY, Senior Vice-President of Governmental Affairs, PULAMA LANA'I regarding the project irrigation demand associated with the Residential and Multi-Family Development at Manele, TMK: 4-9-017:001, 002, 003, 004, 005, and 4-9-002:049, Manele, Island of Lana'i. (95/SM1-015) (95/PH2-001) (B. Sticka) (Previously circulated with the February 19, 2014 and April 16, 2014 agenda packets. *Commissioners, please bring your***

*copies to the meeting.)*

**The Commission may provide its comments on the report. *Deferred at the April 16, 2014 meeting.***

2. **February 7, 2014 Fourth Quarter Report (August to December 2013) submitted by LYNN MCCRORY, Senior Vice-President of Governmental Affairs, PULAMA LANA'I regarding the project irrigation demand associated with the Residential and Multi-Family Development at Manele, TMK: 4-9-017:001, 002, 003, 004, 005, and 4-9-002:049, Manele, Island of Lana'i. (95/SM1-015) (95/PH2-001) (B. Sticka) (Previously circulated with the February 19, 2014 and April 16, 2014 agenda packets. *Commissioners, please bring your copies to the meeting.*)**

**The Commission may provide its comments on the report. *Deferred at the April 16, 2014 meeting.***

3. **Pulama Lana'i's Upcoming Projects Update - Lynn McCrory, Vice-President of Governmental Affairs, Pulama Lana'i.**

**This is for information purposes only.**

Mr. Ornellas: Alright so let's move on to – since there's nobody else that wants to speak on, on that item, we'll move on to F, Communications. There's two reports, third quarter report – third and fourth quarter reports that was submitted in by Pulama concerning the irrigation for the Manele Bay Project District. Let's just defer that until our next meeting. I want, want the rest of the mice here to listen.

Ms. Lynn McCrory: . . . (Inaudible) . . .

Mr. Ornellas: Okay, then, that's fine. Thank you. We'll go onto – that was F1 and 2? And then so we'll go on to F3. Lynn, do you want to give an update on your –? No, you don't want to?

Ms. McCrory: Now can you hear me. Thank you. Lynn McCrory, Pulama Lana'i. I think you can see on the open project district projects by TMK that most of them are ours. The first two are the reverse osmosis facility that was a site visit today for the planning commissioners. The gas storage tank and fleet base yard are both – one at Manele and one up here – and that is adding another gas storage tank. Urban Reserve District to the BCT Lana'i is for the old police station. And that is the one that went – that went from – to residential. To move it back to business we have to re-zone it. So we're just waiting for that to come up on the County Council agenda. Lana'i Community Health Center, I don't know. It looks like air-conditioning. I don't know what that one is. Canoe's Restaurant is some additional work just to make it look better and kind of clean up things around it. The Lana'i ILWU subdivision. Oh my gosh, talk about no quorum. We've been trying to get this subdivision approved since January and we now have to go back over to Maui next month. So we're going to hope that they can get quorum together.

Richard's Market is again some additional work being done in there. Lana'i Avenue houses are the three houses on Lana'i Avenue right up here and we just received the demolition permit on that, and then this is the building permit. Three houses.

Mr. Ornellas: Those are the ones that are fenced off right now?

Ms. McCrory: Yes.

Mr. Ornellas: Well – wait a minute. I think, if I'm not mistaken, when we had the site visitation that two could be demolished and one would be remodeled.

Ms. McCrory: No, all three are to be demolished. No the ones that are going to be renovated are the hospice.

Mr. Ornellas: Understood. Understood. But when we did the, the site visit on those three houses on, on Lana'i Avenue, they were going to save – they were going to remodel one, and then they were going to demolish two.

Ms. McCrory: No, we were not going to – we're not doing that.

Mr. Ornellas: Okay, I'll go back and check my notes and – thank you.

Ms. McCrory: Okay. So this will be – this permit that you're seeing here is actually the building permit to reconstruct. And then what will also happen is we will have to do a zoning to take it from BCT to Residential. So it's a long time before you see houses being built there because the zoning has to get done first. Theater alterations, I think you can see the dust fence that is now up and we're hoping to have that permit in this next few days. We're hoping. Lana'i City Pharmacy renovations that –

Mr. Ornellas: Lynn, let's go back to the, the theater. They put up the dust fence and they made – on the corner of Seventh and Lana'i Avenues, they didn't do the, the dust on top because when you drive up you can see the cars. It's still too tall, so you can't – so there's still some site restrictions. When you get to the stop, stop area and you look through the fence, it's still pretty tall. Can somebody go look and maybe think about lowering it down a little bit. Because the seniors are the ones – Joelle said she saw somebody almost get whacked yesterday. And her father was pulling out of there and it was almost a close call. Okay, good. Good. Yeah, yeah.

Ms. McCrory: Lana'i City Pharmacy is again some internal renovations for a building permit. Can't answer on residential preschool. Lana'i Central Storage? Arlan, do you know what that one is? Is that us or someone else?

Mr. Yoshida: I think that's a landscaping plan review.

Ms. McCrory: Okay. Yeah, I don't know what that one is. Okay, Four Seasons Resort Lana'i, that is still the room renovation. That is ongoing with the west wing. We are looking to start the

east wing next year. We're going back to the original schedule. So that will start in '15. Temporary tent for Lana'i City – that one isn't us either. The Nobu Trellis is changing the trellis on the Nobu Restaurant that's above it, and we're working our way through that. Okay Hulopoe Bay Beach Park, that is either the gate which I think is almost done or it's our after-the-fact permit, our last – I hope – after-the-fact permit for work. If it's the after-the-fact permit, in the center where you go around in that circle, they raised the drainage area so that water would get higher in there before it would start draining. But they did that raise without a permit. If it's the gate, which I don't think it is, that is – well, that's right. Okay, that's the next one. The gate is the next one.

Mr. Ornellas: The gate is the –

Ms. McCrory: Access gate.

Mr. Ornellas: – one to the front, the front entrance?

Ms. McCrory: And that is the one that keeps the people off the beach. That is to put the gate up so that the side that's towards Manele Hotel, where the cars have been –

Mr. Ornellas: Going up to the kiosk.

Ms. McCrory: So we're going to put a gate up there so they can't drive their cars through.

Mr. Ornellas: Okay. Okay.

Ms. McCrory: Installation of electrical service I believe is the ranger station down at Hulopoe Beach Park. And that is, you know, running a line, putting the electricity in there. Here's raising of the storm water drain. So I don't know what that first one is. That's that one. Manele golf, golf maintenance – that is the 17<sup>th</sup> hole cart path that needs repair. So this will be taking out the cart path to the 17<sup>th</sup> hole and then putting new concrete down for that path. You think that's enough?

Mr. Ornellas: Let's go back to the front page, Lana'i City Pharmacy. It says, Lana'i City Pharmacy Renovations. What pharmacy?

Ms. McCrory: The real estate office.

Mr. Ornellas: They're kicking you out?

Ms. McCrory: We're – we're giving her a nice office.

Mr. Ornellas: Okay, I understand that, but when this, this decision come about as far as turning that into a pharmacy? That's kind of like the first time I heard that.

Ms. Kimberly Miyazawa Frank: . . . (Inaudible) . . .



Mr. Ornellas: Please come and use, use the mic please. Identify yourself and use the mic.

Ms. Miyazawa Frank: Good evening commissioners. I'm Kimberly Miyazawa Frank of Pulama Lana'i. The subject of a pharmacy on Lana'i has been discussed and debated for a long time, going back at least nine months now. Talking with all the current health care providers. Talking with Moloka'i Drugs. Talking with outside big chains and deciding on a – an independent local from Maui pharmacist who would open a second location on Lana'i. This pharmacy was referenced at the last Planning – was it a planning commission that I was just at? Where Diana Shaw – sorry, okay, CPAC meeting – where Diana Shaw and Dr. Humphry and Serenity all testified with respect to health care, and he, he mentioned the pharmacy. So it's been in the public record and, and in discussion in our community for a long time.

Mr. Ornellas: Yeah, I know exactly what you're talking about because I've been at most of those meetings. Location.

Ms. Miyazawa Frank: Sorry. Okay.

Mr. Ornellas: That's what I'm talking about, the location. What made you guys think of using that as – instead of some other place?

Ms. Miyazawa Frank: Yeah. We, we wanted to give the pharmacy the closest proximity to the hospital, to the other health care providers as we could. So a spot on Dole Square made the best sense. And that was at the request –

Mr. Ornellas: Okay. And then whole building is going to be used? I mean, because the back side there's a separate business right?

Ms. Miyazawa Frank: What's on the back?

Mr. Ornellas: There's a separate business on the back side, towards the –.

Ms. Miyazawa Frank: Cory Labang, yeah, she's staying.

Mr. Ornellas: She's staying. Okay, so everything from Cory Labang forward to – is going to be the pharmacy?

Ms. Miyazawa Frank: Right.

Mr. Ornellas: So it's also going to be a retail store?

Ms. Miyazawa Frank: Yes. With – I mean they're only going to sell pharmaceutical, pharmacy related –

Mr. Ornellas: Yeah, I understand, band-aids and soap and –

Ms. Miyazawa Frank: Well, and small DME, durable medical equipment that is currently not available on the island. Again, taking the input, and taking the suggestions of all the health care providers on the island, and coming up with what is the best use of that space, what is the best – who could be the best partner giving the needs of this unique community.

Mr. Ornellas: Bringing – I mean, I understand the concern for having a pharmacy and it's been talked about for 20 years. But as far as the location, you didn't think it was necessary to come before – somehow have a community meeting to bring it forward?

Ms. McCrory: We should have, I did not. I wasn't aware that it totally started so, we'll do a community meeting.

Mr. Ornellas: That's after-the-fact so . . . (inaudible) . . . I don't, I don't know if you can – I just – I'm thinking of the three stores that we do have that they also sell medical, small, small stuff – medical supplies in their stores. What this would do to, to them? I mean –

Ms. Miyazawa Frank: Well, the most significant impact, of course, is to Moloka'i Drugs who has been a provider to this community, and has been here when no one else would. And so one of our first steps was to talk to Moloka'i Drugs and give them the first right of refusal. And they gave us their blessings to move forward with bringing in an independent. They agreed as with all the other health care providers on the island that they wouldn't want to see a big chain, like, a Longs or a Times or a CVS come in. We agreed because of the nature of the community, because of the flexibility you have with an independent. All of the health care providers had specific requests that the – whoever the pharmacist is – meets. Specific insurance requirements, specific way of managing and establishing patient relationship, specific ways that they wanted to see the pharmacist work with the rest of the medical team, specific hours that they thought the pharmacy should be open to match – at least match or potentially even exceed the clinic hours, and specific requests to have the pharmacy in as close proximity to the rest of the health care providers as possible.

Mr. Ornellas: Alright.

Ms. Miyazawa Frank: And that's how we chose that location. That, and the fact that there's really slim pickings, right, with respect to open and available space.

Mr. Ornellas: Okay, so, so you're bringing in a pharmacist from Maui? Is that what you're doing? Is he going to be going back and forth?

Ms. Miyazawa Frank: He's going to be staffing it with licensed pharmacists. He has – he currently has three that works in his Maui location. He will be hiring additional. He, he will come here and he will be hiring additional folks. He's also looking –

Mr. Ornellas: And then the staff?

Ms. Miyazawa Frank: He's looking to hire local staff.

Mr. Ornellas: Local staff. And how many people do you think – did he say he's going to need?

Ms. Miyazawa Frank: Yeah, a couple of pharm-techs. One of the concerns and one of the requests from one of our health care partners was that he be able to provide internship opportunities, much like Moloka'i Drugs does. And he, in fact, does do that. He is a certified – I think it's called –? You have to have a certification to allow pharm – pharmacy interns to work in your pharmacy, and he's – pre-scepter location. Yes. And so he is a certified authorized pre-scepter location, and he will continue to help support our local universities and colleges in, in providing a location on Lana'i. So it's a nice opportunity for local kids who might want to go into pharmacy to have a place on Lana'i to look at working.

Mr. Ornellas: Okay. Thank you.

Ms. Miyazawa Frank: Thank you.

Mr. Ornellas: Members, any questions for Lynn? Okay, so that's, that's all you've got?

#### **G. DIRECTOR'S REPORT**

- 1. Resignation of Priscilla Felipe as a member of the Lana'i Planning Commission**
- 2. Open Lana'i Applications Report as distributed by the Planning Department with the May 21, 2014 agenda packet.**
- 3. Agenda Items for the June 18, 2014 Lana'i Planning Commission meeting.**
  - a. Public Hearing on MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 14-15 Referring to the Lana'i, Maui, and Moloka'i Planning Commissions a proposed bill to amend Sections 19.12.020 and 19.37.010, Maui County Code, pertaining to Transient Vacation Rentals in the Apartment District. (J. Alueta)**
  - b. Continue the discussion on amending the Special Management Area Rules as suggested by the Chair (Deferred at the November 20, 2013 meeting.)**

Mr. Ornellas: Director's Report – it's item G.

Mr. Yoshida: I guess we just formally would inform the board that Priscilla Felipe did resign as a member of this commission. I guess we had the open Lana'i application report that, I think, Lynn basically summarized. And so our next meeting date is scheduled for June 18<sup>th</sup>. We have scheduled a public hearing on the Council Resolution 14-15 that was distributed to you regarding a bill for an ordinance amending county code pertaining to transient vacation rentals

in the apartment district, as well as the public hearing item that was presented tonight concerning the department's recommendation for amendment regarding enforcement on short-term rental homes. And we have the desalination plant, State Special Use Permit and Phase Two Project District approval item that – well, we did a site inspection of this afternoon and was on the agenda for tonight, but there's been a request for a deferral of that. So, it looks like it's a full agenda.

Mr. Ornellas: If – if nobody – anybody else wants to say anything, come up and say it. Yes, come up Winnie. Thank you. State your name and – and your affiliation.

Ms. Winifred Basques: Hi. Winnie – Winnie Basques. I have so much affiliation so I just going come to one point, okay. First of all, this is the first time I hearing about this pharmacist coming to Lana'i. Last month when the Governor came I talked to him about a pharmacist. We do not have no pharmacist on the island. The medication come from Moloka'i, and it takes several days to come from Moloka'i to Honolulu to Lana'i. In the mean time people are getting sick. How are they going to get their medication? That's a big, quote and unquote. Think about it because what happen if you was sick. You have to wait for the medication to come from Moloka'i, to Honolulu, to Lana'i. And you know how long that takes, the mail to come. If you going get something from Maui it takes five days. Lana'i, Honolulu, Maui. So the thing is that – you guys talk about the airlines coming in.

The second one is about the landscaping. I don't want to say anything bad, but the landscaping in front of the stores is not been taken cared of. I talking about the lo'i. The taro is all hanging down. Nobody come over there, take care of it. And that's a shame because that is food right then and there. I asked Ferguson. I asked him, does anybody take care of your lo'i? He said, no. The company takes care of it – only cutting the grass and that's it. They don't trim the shrubs around there. They don't trim the taro itself. It's all hanging down. It's all rotten already, and that looks very untidy. I talking about Hawaiian culture, sustainability. That's it. That is right there. The food is there. Nobody taking care of it. So I asked him, would you like me to come and take care of the plant which I do other two places too as well. And I don't have no company. If you want to pay me, it's okay. They pay for the gasoline for my equipment. You don't have to pay me for my labor because I do it with the heart. Keako tells you you go and do your thing. But when I see this kind stuff I hate to say it's kapulu. You like somebody go and show you how to clean the yard?

Mr. Ornellas: Yeah.

Ms. Basques: Thank you.

Mr. Ornellas: Thank you Winnie. Appreciate it.

Ms. Basques: You're welcome.

Mr. Ornellas: Lynn, the next time we do a city, a community – a community meeting, you might want to include landscaping because it does look pretty ragged around, around the businesses.

Ms. McCrory: . . . (Inaudible) . . .

Mr. Ornellas: Yeah, that probably would be nice. Alright. So, Butch, Mr. Gima? We saved the best for last, is that what this is?

Mr. Reynold “Butch” Gima: Butch Gima. There was a question raised at the site visit today about the total acreage for the desal plant. On the application, I think it's 14.99 acres. I think the response to the question was that the, the area that was going to hold the two million gallon tanks comprised of 14.99. I'm just wondering if the County Planning Department and the applicant did do their due diligence in ensuring that the source wells, and the disposal wells and the transmission lines acreage should be included in the total project acreage. Because if it should be then is it appropriate for this body to review the application. And – because if at a later time we find out that it should have gone before the Land Use Commission “poho” all of your guys time and energy.

Ms. Thomson: The determination of the acreage and whether or not it's above or below the 15 acre threshold is made by the Planning Department as they're analyzing the application. So, I don't know if Clayton has any further information on, on that. But my understanding is that, you know, that they did look at that and it does go, you know, through their analysis. This, Lana'i Planning Commission, would be the hearing body though even if it had to go – and also up to the State if it's over 15 acres. So, this planning commission would be making a recommendation. So it's not that this planning commission wouldn't be the proper hearing body regardless of the threshold of the 15 acres.

Mr. Ornellas: So next meeting can you get that information? Does the 14.95 acres, where the trailers – you want to know what all the acreage together is?

Mr. Gima: No, the Planning Department already made an analysis, so Clayton should have the information now, or the Planning Department should have the information now.

Mr. Ornellas: And it will sit today, that 14.95, is basically just that one area, not where the wells are located, and neither the disposal wells. But you want that all included.

Mr. Gima: No. I'm – Corp Counsel said Planning Department made the analysis. So I'm waiting to hear from the Planning Department what their analysis was. Is the total project over 15 acres or not? We don't have to wait till the next meeting. They better know, they had to made – Corp Counsel said they already made the analysis. Let him answer that.

Mr. Yoshida: Well, I think we're dealing with components that – lands that are in different State Land Use Districts and different – have different County zoning. Some of the portions, components of the projects are in the Manele Project District, thus, the Phase Two – they need the Phase Two Project District Approval. Some of the components are in the State Agricultural District, but not all of them. So, that requires a State Special Use Permit. It's not all of it is in

the State Ag District, it's some of it is in the State Ag District.

Mr. Gima: I'm not sure I understand it.

Mr. Yoshida: It's determined that the portion that's in the State Ag District that needs a Special Use Permit is the 14.95 acres where the desal plant facility itself would be located.

Mr. Gima: Okay, thank you.

Mr. Ornellas: Clayton, can you, the next meeting, show us – we've got that map – so show us what's in – I mean, more defined, what's in the ag, what's in the project district and what's in the – so that way we can –

Mr. Yoshida: We'll bring our saline use maps and county zoning maps.

Mr. Ornellas: Okay. I understand what Butch was saying 'cause if your tie in all that stuff in together that's more than 14.95 acres so –. Alright anything members, audience, community? Nothing? Alright, so our next meeting will be June – June 18<sup>th</sup>. Same place, 5:30 p.m. Meeting adjourned.

**H. NEXT REGULAR MEETING DATE: JUNE 18, 2014**

**I. ADJOURNMENT**

There being no further discussion brought forward to the Commission, the meeting was adjourned at approximately 6:14 p.m.

Respectively submitted by,

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

**RECORD OF ATTENDANCE**

**PRESENT:**

Stuart Marlowe  
John Ornellas, Chair  
Bradford Oshiro

**EXCUSED:**

Joelle Aoki  
Shelly Barfield  
Kelli Gima  
Stacie Koanui Nefalar, Vice-Chair  
Beverly Zigmond

**OTHERS:**

Clayton Yoshida, Planning Program Administrator, Current Planning  
Ben Sticka, Staff Planner  
Richelle Thomson, Deputy Corporation Counsel