

**LANA‘I PLANNING COMMISSION  
REGULAR MEETING  
JULY 15, 2020**

**A. CALL TO ORDER**

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 5:00 p.m., Wednesday, July 15, 2020, online via BlueJeans Meeting No. 250499175.

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

Ms. Shelly Preza: Hi. I hope you're all doing well. Welcome to the Lanai Planning Commission meeting.

**B. INTRODUCTION OF NEW MEMBER – NATALIE ROPA**

Ms. Preza: Before we get started with anything, I wanted to welcome Natalie Ropa to the Commission. She's our newest member, so hello, and thank you so much for joining and we're really happy that you're, you know, going to be a part of our Commission. So, yeah, Natalie is here.

I think everyone who is supposed to be here --. I'm sorry, I'll do roll call real quick so if Commissioners when I call your name if you could just unmute yourself and say, "here," that will be helpful for the record. So Chelsea Trevino?

Ms. Chelsea Tevino: Here.

Ms. Preza: Roxanne Catiel?

Ms. Roxanne Catiel: Here.

Ms. Preza: John Delacruz?

Mr. John Delacruz: Here.

Ms. Preza: Sally Kaye?

Ms. Sally Kaye: Here.

Ms. Preza: Sherry Menze?

Ms. Sherry Menze: Here.

Ms. Preza: John Ornellas? Maybe not here. Someone sees him? John are you here, Ornellas? He didn't let Leilani know that he was coming so perhaps he's not here. Natalie Ropa?

Ms. Natalie Ropa: Here.

Ms. Preza: Hi. And Shirley Samonte?

Ms. Shirley Samonte: Here.

Ms. Preza: Hi. Thank you all so much. Great. So we're all here except for John, but plenty for quorum. So thank you all for being here. So we're moving on to Item C. Before we get into this agenda item, I'll just, for anyone who is tuning in, I'm just going to read the instructions for providing testimony if you would like to.

So if you are providing written testimony, that should have been e-mailed to the Planning Department. And if it was mailed two days prior, then we would have gotten a copy already. But if you would like to offer public testimony during this virtual meeting, testimony will be taken at each agenda item when it's discussed. Testimony will be limited to a maximum of three minutes. And I will call testifiers who have signed up to offer their testimony. And everyone who is not speaking at that time will be asked to mute their microphone so that we can all hear. And testifiers will be able to sign up with Leilani. So if you want directly chat her that's how you would sign up to testify. Please don't type into the "everyone" chat because we're not checking that. It's just going to be Leilani who's kind of keeping track of who would like to testify. So we'll do people who are here via video chat will be called to testified first. And then if you are here via the phone, then I'll ask if anyone, you know, calling in would like to testify as well. So does anyone who's tuning in, anyone have any questions about that or --? If not -- so, yes, if you would like to testify, just please let Leilani know, and then she'll let us know when we get to that item.

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

- 1. Review proposed revisions to Chapter 19.64 and 19.65, Maui County Code, Bed and Breakfast Homes and Short-Term Rental Homes, respectively, for Lanai, as discussed and recommended by the Commission. Discussions held at the December 18, 2018, January 16, 2019, April 17, 2019, June 19, 2019, November 20, 2019, and February 20, 2020 meetings. (J. Hart)**

**The Commission may provide further amendments and revisions, and then direct the Planning Department and the Department of Corporation Counsel to schedule a public hearing on a draft bill at a future Commission meeting or to forward the draft bill on to Council for final Action.**

Ms. Preza: We don't have a ton on the agenda tonight, but I guess if we move on to Item C.1. This is the review -- to review proposed revisions to Chapter 19.64 and 19.65 regarding Bed and Breakfast Homes and Short-Term Rental Homes. You know, I feel like that has been a long . . . (inaudible) . . . But, I'm not sure if Jordan, if you folks are going to say anything first, and then we can open public testimony or what the plan is?

Mr. Jordan Hart: The only thing that I would say is that I took notes on all of the input that was provided by the Commissioners the last time around, and I believe that I added those -- added or made those changes as requested. So I think that -- looking forward to going through it and hoping that it's done.

Ms. Preza: Thanks so much Jordan. Thank you so much for all your hard work on taking all of our thoughts and our many discussions, and translating it down to, you know, what the draft that you provided to us so we really appreciate it all your hard work on it.

Sorry, maybe if -- I just want to remind everyone if you're not talking to please mute your microphone because sometimes you can hear feedback. Okay, great, so I'll open public testimony at this time. Leilani, has anyone signed up?

Ms. Leilani Ramoran-Quemado: Hi Shelly, can you hear me?

Ms. Preza: Yes.

Ms. Ramoran-Quemado: I do have Andrea Shearer (Ippen) to testify on the short-term rental.

Ms. Preza: Okay. Andrea, if you want to turn on -- if you're here on your, your video, you're welcome to turn that on now if you would like. I don't know if you control that or Leilani you control that or if she's calling in.

Dr. Andrea Ippen: Can you hear me?

Ms. Preza: Yes. Thank you. You have three minutes.

Dr. Ippen: Okay. Great. I just have one point that I want to make. Jordan, I think you did a really great job with making the changes that it seems that the Committee had agreed on last time. But I did have one question. It's on page-2, at the top of the page, section B, talking about each permitted dwelling unit on a short-term rental home property shall be rented to one group with a single rental agreement except -- and the old exception number one, "on the Island of Lanai," I thought the Committee had agreed to keep that exception in place, but I see it's still bracketed for removal.

Mr. Hart: Can you, can you redirect me? I was, I was waiting for you to share which ordinance you're talking about.

Dr. Ippen: Sure. Sorry. I apologize.

Mr. Hart: Okay, I see it now. I found it.

Dr. Ippen: The short-term rental. Did I misunderstand?

Mr. Hart: It's -- it's possible that I misunderstood. It's possible that I misunderstood it. I think it's going to be necessary for the Commission to weigh in on that. I had thought that I made the revisions per my notes, and it's possible that I took my note incorrectly when the Commission acted. So, I think that, you know, I believe I did it correctly but we'll have to hear from the Commission if I did or not.

Dr. Ippen: Okay, yeah --

Ms. Preza: Could you say what page you're referring again?

Dr. Ippen: Yes, Short-Term --

Mr. Hart: It's the STRH Ordinance --

Dr. Ippen: Page 2, very top of page 2, section B . . . (inaudible) . . . number one, just for the Island of Lanai. I was under the impression because I testified to this particular topic specifically the last time. To refresh memory, it was relating to people who come into our community on a more than vacation basis . . . (inaudible) . . . So for example, traveling nurses, people who might stay for several months at a time. This was to be able to rent out the rooms within a house to separate . . . (inaudible) . . . parties. So if you have, for example, multiple . . . (inaudible) . . . but they're in the same organization, we can provide, we have an option to provide housing for people of that nature, as opposed to having them only rent to one set organized group at a time.

Ms. Preza: I remember your testimony from last time. Thank you.

Dr. Ippen: Okay.

Ms. Preza: Sorry, you were kind of cutting out a little, but I heard what you were saying about refreshing memory about what our previous discussion was. So do you have --? So you would prefer that it did -- it was able to be rented out to multiple, correct?

Dr. Ippen: Right. In my understanding, if memory serves, it's has been . . . (inaudible) . . . that exception for Lanai. When I say "we," I do, of course, mean me and you, the Committee. And I can just see in here that on the new version, the brackets are still there indicating that it be removed as an exception. So it's possible I misremembering your decision. But I just wanted to bring that up in the event that am remembering correctly and that's something that we, as an island, intend to keep for our community.

Ms. Preza: Thank you for your testimony. I think we'll still have to, you know, even if we, you know, had discussions prior, your know, it will -- your input will help to further our discussion tonight to finalize this document and hopefully get it sent off to County Council. So thank you for your testimony. Commissioners, do you have questions for Andrea? Okay, I think we'll have to discuss, but we will discuss what you just mentioned when we go through the document.

Dr. Ippen: Okay. Thank you.

Ms. Preza: Thank you. Leilani, is there anyone else who signed up to testify?

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

Ms. Preza: Okay, thank you. So at this time I'll close public testimony. Sorry, Andrea, if you could turn off your video now so it's just Commission members, please? Thank you so much. Great, so Commissioners, what do you think of the draft that sits in front of us? Does anyone --? Would anyone like to go first, share their opinions?

Ms. Catiel: I have one.

Ms. Preza: Okay.

Ms. Catiel: I, I love it. I mean I love it cause it spreads apart the short-term rental and the B&B. The only thing that we need to do -- well probably for me -- is to just lower the cap. Instead of 25, make it to 20.

Ms. Preza: You're talking about for STRHs or for B&Bs?

Ms. Catiel: For both; short-term rental and B&B.

Ms. Preza: So I think what, my initial reaction or my initial thought to that was --. Were you here at the last meeting, Roxanne, last month's meeting?

Ms. Catiel: Yes I was here.

Ms. Preza: Okay. I think when we were --. I think we had a long discussion about caps, and Jordan had said, you know, if we proposed a cap for, you know, the document that we were reviewing last month, it would probably be easier if the cap that we have in this document also reflects that. And so I think when said the 25 number it's because that's what we had kind of -- we had agreed upon last month. But that's just like my initial thought about what we had been discussing it. Sherry?

Ms. Menze: I thought we voted on 21 last month.

Ms. Preza: Oh, sorry, my mistake. You're right. 21. Okay.

Ms. Menze: We voted on 21 and seconded and passed it. If my notes in my book are right.

Ms. Preza: Thank you. Sorry, I -- that was my mistake. Roxanne, so would you say that --?

Ms. Catiel: Was it 21 or 20? I don't remember.

Ms. Menze: 21 because we wanted to include the people that were on the list and already applied.

Ms. Preza: Okay. So, Roxanne, you're saying lower it?

Ms. Menze: That's why we came up with 21 instead of 20.

Ms. Catiel: Yeah, we're not -- right now it's 25 so we should lower it to 21.

Ms. Preza: Sorry. Yeah. Okay. Thank you. Other comments?

Ms. Catiel: And then what Andrea --

Ms. Trevino: So in regards to the --

Ms. Catiel: Go ahead.

Ms. Preza: Sorry, Chelsea, go ahead.

Ms. Trevino: I was just going to say what -- I think I was just going to say what Roxanne was . . . (inaudible) . . . In regards to what Andrea was talking about, I think we did agree to make it so that it could be rented to more than one because I think our discussion was about when we have the nurses and the people who would not need to rent a whole house would be forced to rent a whole house when they really only need a room. I think that's kind of where we ended up going with that, with that one.

Ms. Catiel: And to add to that, I remembered just as long that there is sufficient parking, there's enough parking.

Ms. Trevino: Yeah.

Ms. Menze: I agree. I think we talked about that also, the same thing Andrea was talking about as long as -- they could rent the individual room, as long as there was ample parking.

Mr. Hart: Chair?

Ms. Preza: Yes Jordan.

Mr. Hart: I think I might have figured out what has happened. So my notes also say that provided sufficient parking is -- or provided sufficient parking is provided. But anyway, there's also -- the previously the bracket was on number two after any. And my notes have it been crossed out there and placing it where it is now. So when it's saying except on the island of Lanai that means that on Lanai more than one group, you can have rental agreements with more than one group. And the concern was that provided parking -- so long as parking is sufficient then it wasn't a concern. So I think that the way the draft is shown does exempt Lanai from the limitation of only one rental agreement per group or only one group.

Ms. Preza: Sorry Commissioners, just so we're all on the same page. So on the STRH regulations, on page-2, at the very top, "each permitted dwelling unit on a short-term rental home property shall be rented to one group with a single rental agreement except on the Island of Lanai." Well, so actually --

Mr. Hart: Oh, yeah, thank you. You're right.

Ms. Preza: So we would need to remove the brackets.

Mr. Hart: Brackets need to be deleted. Okay.

Ms. Menze: Brackets to be, yeah, deleted on that. And underline -- I mean, underline "with sufficient parking."

Ms. Preza: Okay, so taking out the brackets, but --

Ms. Menze: . . . (inaudible) . . .

Ms. Preza: So, do we want to --? I don't know, Jordan, if you think we need to further define like what sufficient parking means or is that like going too deep into it?

Mr. Hart: I would say that...that...we identify parking during the application and basically there's also language that talks about not being able to park. Basically being required to park in the stalls or on site and not on the roadway. So that if somebody was over leasing their units then they would be committing a parking violation or a violation of their permit. I think that it would be easier to handle it that way then basically going applicant by applicant and asking them if they intend to rent to more than one. And then how many do you think you're going to rent to. Basically what I'm trying to say is plan on renting to as many as you have stalls for and not more. And we do verify stalls in the application process.

Ms. Preza: Thank you for the clarification. Sorry while we're on that, just a brief --. Actually, I'll, I'll get to that later. Okay. So Commissioners are we in agreement with this to be able to rent room by room? Sally?

Ms. Kaye: Yes. I read all of the previous meeting notes and that is exactly what I understand you guys agreed to. Yes.

Ms. Preza: What's your thoughts on it?

Ms. Kaye: My thoughts? It think it makes perfect sense.

Ms. Preza: Thank you. Okay, so, yes Jordan, if we could remove the brackets. I'm sorry, this is my note, but I realized maybe in the other places too that we're adding changes. Because I really appreciate that you put the kahako over many of the --. But if we're going to use the kahako then if one, you know, that one that we're talking about now, if they could be placed and also the apostrophe changed to an okina like you did in the other parts. Thank you.

Mr. Hart: Just to address that one time, I didn't change it when it was deleted language. So now that this is coming back in I'll fix it. But you'll see that anything that was queued up to be deleted was deleted as it was written the first time around.

Ms. Preza: I see. Thank you. But, yes, I really appreciate that because, you know, we should be kind of use the proper name of our island, and I think we're heading in the right direction so great. Commissioners, do you have other -- what other comments do you have? I, I personally really -- I think, you know, like I know we spent so much time discussing all this, and I really appreciate how, you know, the major things that we discussed that we really wanted to implement, you know, including the density cap which includes STRH and B&B within that density. I think that makes a lot of sense for keeping the integrity of our neighborhoods intact and not having, you know, so many of these transient homes all over the place, so I'm glad we that Jordan drafted the right words for that.

And I appreciate that in this draft based on our comments that all of the applications will come before the Planning Commission and I think that's -- and renewals as well -- and I think that, that will provide a good forum for Lanai people to be able to testify if they, you know, want to testify positively or negatively. It will at least provides that extra layer of, you know, opportunity for people to do so. And also for Lanai people who are here to actually be able to verify that what, what the applicant is applying for is actually legit, like, what they're saying on their application. So, yeah, just my thought, but do you guys have other comments or --? I think we've come a long way. I think we should be proud that, you know, we're here because this was, you know, a long time in the making.

Ms. Kaye: Shelly, I have, for Jordan, I have some typos to identify. Is that okay?

Ms. Preza: Thank you. Yes, of course.

Ms. Kaye: Okay. So would you want to start with the bed and breakfast since that's the first item?

Mr. Hart: Yes.

Ms. Kaye: Okay. Under the procedures for application, 16.6 --. I'm sorry, 19.64.040. The one change you made was on Lanai the street addresses of adjacent properties and properties across the street was left out.

Mr. Hart: Thank you.

Ms. Kaye: And then right below that on B, notice of application. Again, this is the addition on Lanai notification shall also be provided to current residents. There's no s. You need to make that plural I think.

Mr. Hart: Thank you.

Ms. Kaye: And then under duration renewal, 060, again an addition. And on Lanai -- this is C -- on Lanai, may be granted for up to five years. Needs an s. Okay?

Mr. Hart: Yes. Thank you.

Ms. Kaye: Okay, and then under E, the same thing, current residents, plural. And same thing under F. Okay?

Mr. Hart: Yes.

Ms. Kaye: Okay. So then the other -- for just this one now, the bed and breakfast, the one that I noticed was all the way through and given your robust discussion about this, the intent was that the owner will be the operator for the bed and breakfast. And yet once you get down to revocation and enforcement, 065, all of the sudden it looks like it maybe just old language. Under B, for example, you have the owner, comma, operator, comma or lessee. So it's just I'm pointing this out. You might want to think about whether do a word search and see if that language is not consistent with the intent of the Commission to make it owner operator.

Mr. Hart: Can you clarify where this is?

Ms. Kaye: Sorry. Under revocation and enforcement, starting with B.

Mr. Hart: One second. Let me get there.

Ms. Kaye: Okay.

Mr. Hart: Okay.

Ms. Kaye: And if you just do a word search you'll find there's several examples of what I think is probably legacy language of owner, operator or lessee rather than owner proprietor which is what you guys intended, I think.

Mr. Hart: Let me think about that for a second.

Ms. Kaye: That, that -- I'm sorry, I don't mean this needs to be decided tonight. I'm just pointing that out for you so that there's not --

Mr. Hart: Okay. So I'll make a few, I'll make a few comments that maybe resolve any concern. The first comment that I would say is that --. The first thing I would look at is the definition of B&B and I think that the definition of B&B clearly states what you're concerned with as an owner operator. And I, I need to think about this a little bit more, but I'm wondering if it's trying to capture people who are operating inappropriately. And then the other thing is that this wasn't actually language that was edited as part of the Lanai Planning Commission's revision so I will have to look into or if Richelle is here give comment on editing those other sections without involving the other Planning Commissions.

Ms. Richelle Thomson: Hi Chair, did you want me to comment?

Ms. Preza: Yes please.

Ms. Thomson: Okay. I, I understand the concern. I think what we, what you would probably want to look at is if you look at 19.64.030 C, D, and E pretty much. So the owner proprietor shall be a resident of the county and shall reside on a full-time basis on the same lot being used as a bed and breakfast home. The owner proprietor shall have legal title to the property. And then further, down in E, it says no permit shall be held by a corporation, partnership, limited liability company or similar entity. They're non-transferable, no more than permit per lot. So when you take all that language combined to what you end up with is a pretty small group of people that can hold these permits. They have to, you know, fit into one of those boxes. One of the things is you could have a trustee. So you can have a, you know, a family trust or a revocable living trust that holds the title. I think that so long as the legal title held by the trustee owner, you know, so long as they lived on the same lot, etcetera, I think that they would be allowed to be a permit holder.

Jordan is correct that if, if we're going to make changes to the . . . (inaudible) . . . and enforcement section back at the back, that's County wide. So we would probably -- you know, unless we're going to narrow it down to just Lanai I think that you would have to send that to the other Planning Commissions. So it would have to go up to Council and then to the planning commissions. So my suggestion would be not to tackle that right now since you've made so much progress, and potentially that can be looked at, you know, in a more global

fashion way, you know, planning where the Council wants to overhaul, you know, the chapter. And they can look at kind of cleaning some of that up if it needs it.

Ms. Preza: Thank you Richelle. And thank you Sally for pointing that out. I think I agree that it's a good note to give to Jordan or the Planning Department, but maybe we could focus on what we maybe can present to County Council right now.

Ms. Kaye: Yeah, that was my intent was to only to point it out to Jordan, so that if he found it needed to be changed he could it down the line. It would not need any movement or a motion on our part.

Ms. Preza: Thank you.

Mr. Hart: If I can add. I think it helps the conversation. I looked up the definition of bed and breakfast, bed and breakfast -- bed and breakfast homes in 19.64.040. And it basically defines -- let's see -- bed and breakfast homes means a use in which overnight accommodations are provided to guests for compensation for periods of less than 180-days. In no more than two detached single-family dwellings one of which is occupied by the owner proprietor. Each bed and breakfast home shall include bedrooms, one kitchen and living area. But anyway it goes on. The point being that the part of the definition which we already passed which includes the criteria that the owner proprietor live in one of the dwellings on site. So in order to be defined as a bed and breakfast home it would be subject to this section that is pertaining to the owner proprietor.

Ms. Preza: Thank you. Sally, did you have other typos or anything?

Ms. Kaye: I just found -- yeah, what Richelle was talking about for was short-term rental. What I was talking about were the . . .(inaudible) . . . up is bed and breakfast. So if you just now -- I would just suggest that if you, Jordan, look at the short-term rental, the same typos of residents being singular instead of plural, and that's it.

Ms. Preza: Sorry what you said about Richelle, I think she was referencing 16 or 19.64.030 on the bed and breakfast. It's on the first page . . . (inaudible) . . .

Ms. Kaye: She was talking -- she was talking about trustee being able to and that's not part of the bed and breakfast. That's part of the short-term rental. So that, that -- but those were the only typos I found in the short-term rental.

Ms. Preza: Okay. Thank you. Do you -- what do you think Sally as a, you know --? Thank you for -- I'm glad that you read through all of the meeting notes because we've, we've had extensive discussion. But did you have -- what do you think of what we came up with?

Ms. Kaye: I thought your discussion was robust. I thought it was really thorough. I thought Jordan did a great job in capturing everything. When I -- I read the minutes first before I read

all of this. And I think your Corporation Counsel did a, did an extraordinary job of guiding you back to where, you know, the legalities were. I was really impressed with the whole process.

Ms. Preza: Thank you.

Ms. Kaye: I have nothing else to say but pointing out the typos.

Ms. Preza: Thank you so much. Great. Who else has comments? Any? Natalie, your first meeting, do you have comments or --?

Ms. Ropa: No, I don't have any.

Ms. Preza: Thank you. Anyone? Okay. Well...if --. Oh, I had a question actually. So thank you for providing us with the, you know, the, the map of what short-term rentals and B&Bs are existing, which are pending. I just wanted a clarification. So because we are proposing these revisions, this is for the island of Lanai correct?

Mr. Hart: It is. It is, yes.

Ms. Preza: Because I, I, I don't think we've ever discussed this in our previous discussions, but there are homes down at, you know, near Hulopoe, Manele area that if, I don't know --. I don't think we've ever asked for a map of that area, if there are any short-term rental homes existing there. I don't know Jordan if you know that off the top of your head.

Mr. Hart: I did provide a map in the attachments. Let's see. It's this. I'm not sure if it came to you separate from the meeting package or with this current meeting package but --

Ms. Preza: Oh, yeah, I have that.

Mr. Hart: My understanding that this is the map of all of the STRHs and B&Bs on the island of Lanai.

Ms. Preza: Okay. But, but the one -- if there are any or any future ones down near the beach area that would also be subject to these rules correct?

Mr. Hart: If they're getting short-term rental home permits, yes, or bed and breakfast permits.

Ms. Preza: Right. Or if they're operating, if they're operating as such, right? Because I actually came across something that was -- it seemed to be advertising. Why I ask this and why I didn't think about it before is because I saw something, I came across something online advertising a home down there that seemed to be kind of like a transient accommodations, and I realized that we had never discussed about if there were any that were down there, so I just wanted to bring that up. But good to know that if these rules get adopted that it's inclusive for the entire island and not just for town.

Mr. Hart: Yeah, let me clarify what I said if they're getting short-term rental home or bed and breakfast permits. I'm unfortunately not enough of an expert on the Island of Lanai that I know whether or not there are any parcels or areas that maybe permitted to have transient rental uses within any of their resort development areas. I just don't know the answer to that right now. So, so that's why I saying if they're getting STRH and B&B permits, they would be subject to this.

Ms. Preza: Thank you.

Mr. Hart: One thing I do want to bring up, going backwards to the resident thing. Actually I did think of it when I was doing, when I writing that sentence and it's actually -- it was a cut and paste throughout -- I wasn't really thinking about when you initially brought it up. But currently you're only required to mail notice to one, one notice per parcel basically. And so I had been thinking about it in the context of more current resident, and I don't know if that matters or not. But what I wouldn't want to apply, imply is that on Lanai it's expected that you send a notice to each individual that's listed on real property tax. So anyway I just wanted to put that out there.

Ms. Preza: Thank you. Do you think it would imply? I would -- like if I --. And I don't know because I'm not involved in the planning or the legal thing, but when I --. I would just read it for grammar but do you think that it would be interpreted differently?

Mr. Hart: That's why I was -- initially when I got the typo, I just figured it was typo and I was just marking it down. But when I started to reviewing it I was thinking about it. I think that it -- . I don't know. I don't know.

Ms. Preza: Richelle, maybe --?

Ms. Kaye: But if he wanted to fix it, then just put the current resident of the addresses.

Ms. Thomson: You could say that.

Mr. Hart: Okay.

Ms. Kaye: And I agree with Shell; it's just grammatical.

Mr. Hart: Yeah.

Ms. Preza: Great. Awesome. Okay, well --

Mr. Hart: Thank you.

Ms. Preza: Thank you. Thank you all so much. I don't have anything saying like, you know, and maybe Richelle you can shed some light on this if we need to be making a motion and - -. Because it's not --. This --. Sorry, just so everyone understands what's going on. These are just our proposed revisions and they would need to be submitted to the County Council for final action. And so this is not like if we say yes we like this then this becomes law. But Richelle, do we need to make a motion to decide if we would like to move forward with submitting this to County Council or, you know, make a --? Sorry.

Ms. Thomson: Yes. So if --. When you feel comfortable that you've gone through. You know, it sounds like you're kind of adopting these changes by consensus which is completely fine. So at the end of the process somebody should make a motion to refer this proposed amendment to County Council for its consideration and approval, and request approval.

Ms. Preza: Thank you. Thank you so much. Sorry, I ask because sometimes I get a paper that say, you know, the end of the, whatever we're discussing saying these are the potential actions we can take so I just wanted to clarify. But is there any further discussion on this or any other comments? Or would someone like to make a motion if we're in consensus that we would like to submit this?

Mr. Hart: Chair, could I? I apologize, but I need to potentially back up a little bit. I want to confirm with regards to caps, are we --? Currently the draft ordinances list 25.

Ms. Preza: Oh, okay. Thank you. So I think -- sorry, thank you for reminding us to go back to that. I think we decided at our last meeting that 21 would be the number for STRH. We did not, you know, make any decisions about B&B caps. Right now, it's written as 25. Would anyone like to --? Or is that fine with everyone? Personally, like, I wouldn't mind if it was 20 even, but I also feel like we're trying to --. Like we would prefer B&Bs over STRHs because that means the person is actually here in the community. And I feel like our density caps also kind of deal with that, but does anyone have any thoughts? If we would like to change it from -- the B&B -- to change to 25 or --? Because I think we're in agreement that the STRH is going to be 21, correct? I see nods, I think. Okay.

Ms. Menze: Yes.

Ms. Preza: Okay. So B&Bs are we okay with 25 or would we like to lower that? Okay. Sally?

Ms. Kaye: Well. The one thing that I wondered about and Commissioner Rabaino nibbled at it, and Commissioner Green talked about it at your last meeting, and that's the volume. If B&B permits six bedrooms, four people each, you're looking at 24 people on a property. And so if you times that, times 25, then you've got a lot of extra people in a neighborhood, as opposed to the three bedrooms that are allowed in a short-term rental. That's just an observation.

Ms. Preza: Thank you. I feel --. I see, I see, yeah, I see where you're coming from. I also feel like --. Sorry, Sherry, go ahead.

Ms. Menze: I personally feel like we should have five B&Bs. I mean lower the number. 25 just seems so outrageous.

Ms. Preza: Can I ask but why would we want a lower number of B&Bs than we're allowing STRHs if we prefer B&Bs as . . . (inaudible) . . .

Ms. Menze: I mean, we should make it the same.

Ms. Preza: Okay. Yeah. I think -- my concern with -- or I think the thing about B&B, at least, is that the person is there on property and is a part of the neighborhood. I do think that in the way our draft is written at least, our density cap would help kind of thin out how many people, any additional off island people would even be in the neighborhood at any given time which I think is good. And I'm also like kind of wondering how many properties in Lanai City would even be able to be a B&B with, you know, like the size of houses and parcels. I would be okay with lowering it. I don't think it should be like substantial. I don't think it should be substantially less than STRHs because I think if we're thinking long-term, I would personally prefer to have, you know, if have 21 current STRHs now, I would prefer to have 21, you know, smaller B&Bs with like property owners who are here than just STRHs that with owners who are absentees. So I don't think it should be super low but maybe . . . (inaudible) . . . suggested maybe like 20 you said. With, with the understanding that our density would also . . . (inaudible) . . .

Ms. Menze: Or make it the same. Or make it the same.

Ms. Ropa: Shelly, you know, when you look at the map, there aren't B&Bs even permitted right on the island, I mean?

Ms. Preza: Yeah. Right now there's none. And there are, there's a pending one at Honowai Place. But I think in some of our previous discussions we were kind of talking about how while there are no B&Bs, but in our discussions, like, that's kind of what, kind of like in principal that's kind of what we would prefer. Because we had many discussions about our problem with STRHs is that, you know, you have a lot of people purchasing home or having homes and they're not anywhere on Lanai or in Hawaii even. And so at least with bed and breakfast, the person that has the permit to operate is also living on property, so they are actually in the community and part of it, as opposed to being elsewhere. But, yes, you're right. There's none right now; none permitted. Richelle?

Ms. Thomson: Thank you. Just a quick note. Since caps such a hot topic, you know, it's really sort of where the . . . (inaudible) . . . what I'd suggest is if you're going to change, you know, amend it from the proposed 25, to go ahead and do it by a formal, you know, somebody make a motion and . . . (inaudible) . . . So there's no question what the Commission wanted.

Ms. Preza: Thank you. Okay, does anyone feel strongly and would like to make a motion amending the cap of 25 for the B&Bs?

Ms. Menze: I make a motion to change the cap for the B&Bs to reflect the exact same number as on the Short-Term Rentals of 21.

Ms. Preza: So what we're changing the Short-Term Rentals to is to 21. We have a motion. Would anyone --

Ms. Menze: Well, that was what we discussed last meeting, but if you want to keep them both at 25.

Ms. Preza: Oh, no, no. I'm just clarifying for wording because right now, on the STRHs it says 25, but I think we decided 21. So you're proposing to -- we have a motion to change the cap of the B&Bs to 21. Is there anyone who would like to second? I think if we don't have any second, then the motion dies, correct? Would anyone like to second that?

Ms. Menze: I guess we leave it 25.

Ms. Preza: Okay. Sorry, Richelle --

Ms. Kaye: Richelle, I wonder if you could -- if we could make a global motion to accept the changes that were sent over for both provisions, both short-term rental and bed and breakfast, and then just simply amend the numbers to what we want so we have a very clean motion that does everything all at once. Is that all possible?

Ms. Preza: Wait sorry, I think we have a motion on the --. Sorry, Richelle, you can answer that, but I'm confused about the procedure.

Ms. Kaye: Well you don't have a second so I was just wondering if it would be easier, for Richelle, from your perspective if it was all done in one swoop.

Ms. Thomson: I think what I suggested taking care of the cap as a separate distinct motion both, you know, in the B&B context, and then we get to the STRH, to do that. And then, then go back, and you know, then you can adopt it as amended which includes the cap, you know, what all of the kind of more housekeeping type changes.

Ms. Preza: Thanks Richelle. So if no one seconds this, then it just dies, right?

Ms. Thomson: Correct.

Ms. Preza: So would anyone like to second the motion on the table to change B&Bs to 21?

Ms. Catiel: I second it.

Ms. Preza: Okay. Thank you. Roxanne seconds. Is there any further discussion on this amendment? Okay, if not, then we'll take a vote. So if --. Let's see, we have everyone who's here on video, right? If --. Actually like previous discussions, I'm going to call each of your name, so please let me know your vote. So if you're in favor --. Sorry, I'll just read each of your names. It's hard to do this virtually. I apologize for the confusion. But Chelsea, how do you vote?

Ms. Trevino: Yes.

Ms. Preza: Okay. Sally?

Ms. Kaye: Aye.

Ms. Preza: Natalie?

Ms. Ropa: Yes. Aye.

Ms. Preza: Sherry?

Ms. Menze: Aye.

Ms. Preza: Roxanne?

Ms. Catiel: Aye.

Ms. Preza: John Delacruz?

Mr. Delacruz: Aye.

Ms. Preza: And Shirley? Oh, you're muted.

Ms. Samonte: Aye.

Ms. Preza: I also vote aye, so that amendment, that motion passes unanimously. Great. So now we dealt with that, is there any further discussion on our two drafts?

**It was moved by Ms. Sherry Menze, seconded by Ms. Roxanne Catiel, then unanimously**

**VOTED: to amend the Bed and Breakfast Homes cap from 25 to 21, as discussed.**

*(Assenting: R. Catiel, J. Delacruz, S. Kaye, S. Menze, N. Ropa, S. Preza, S. Samonte C. Trevino)*

*(Absent: J. Ornellas)*

Mr. Hart: Chair, please can I clarify? That's changing the cap for STRH to 21?

Ms. Preza: That was changing the B&B cap to 21.

Mr. Hart: Thank you.

Ms. Preza: And also the, I think, with the understanding that the STRH cap is also 21 based on our discussion last month, our approval. Sorry, Richelle, do we need to do another one?

Ms. Thomson: No. But what I suggest is, is just do the B&B right now, and then do the STRH separately. And then you can confirm the cap on that one.

Ms. Preza: Okay. So we should do the STRH cap now?

Ms. Thomson: You know what, just complete the B&B right now. So maybe the motion could be to approve -- to approve the amended, as presented by the Planning Department, with the housekeeping changes as discussed and approved by consensus, and the, and the cap, the amended cap.

Ms. Preza: I see. And then move on to the STRH. Okay. I didn't realize we were going to do them separately, but thank you for the clarification. So if there's no further discussions on B&Bs, I'll entertain a motion to approve the proposed revision to the B&B regulations with the amended motion that we just did. Would anyone like, would anyone like to make that motion?

Ms. Kaye: So move.

Ms. Preza: Okay. We have a motion. Would anyone like to second?

Ms. Catiel: I second.

Ms. Preza: Thank you. There's a second. Is there any further discussion on this motion? If not then we'll vote and do the same thing. I'll call your name and you can tell me how you vote. You can say aye, nay, or abstain. Chelsea?

Ms. Trevino: Aye.

Ms. Preza: Sally?

Ms. Kaye: Aye.

Ms. Preza: Natalie?

Ms. Ropa: Aye.

Ms. Preza: Sherry?

Ms. Menze: Aye.

Ms. Preza: Roxanne?

Ms. Catiel: Aye.

Ms. Preza: John?

Ms. Delacruz: This is for both or just B&B?

Ms. Preza: B&B.

Mr. Delacruz: Aye.

Ms. Preza: Shirley?

Ms. Samonte: Aye.

**It was moved by Ms. Sherry Menze, seconded by Ms. Roxanne Catiel, then unanimously**

**VOTED: to refer the proposed Bed and Breakfast amendments to the County Council with the added changes and amendments as discussed.**

*(Assenting: R. Catiel, J. Delacruz, S. Kaye, S. Menze, N. Ropa, S. Preza, S. Samonte C. Trevino)*

*(Absent: J. Ornellas)*

Ms. Preza: I also vote aye, so the motion passes unanimously. Thank you. Great. So that was for B&Bs, and now STRHs. Is there any further discussion on that? I believe we've discussed to change the cap to reflect 21 as we discussed in our previous meeting. But we can also move forward with making a motion to accept revisions or -- if anyone like to make that? Or is there further discussion?

Ms. Menze: I make a motion to accept the draft -- the short-term --

Ms. Preza: Sorry, go ahead Sally or Sherry. Sorry.

Ms. Menze: I make the motion to pass the amended draft of these of the short-term rental homes.

Ms. Preza: Thank you. So there's a motion to accept the STRH draft revisions. Is there any second?

Mr. Delacruz: I'll second it.

Ms. Samonte: Second.

Mr. Delacruz: Oh, whoever.

Ms. Preza: John seconds. Oh, Richelle. Yes, Richelle.

Ms. Thomson: I just wanted to clarify so the record is pretty clean. So B.1., on page-2, we're going to remove the brackets so that it remains as current. So each permitted dwelling unit on a short-term rental home property shall be rented to one group with a single rental agreement except, number one, we're going to leave this in, on the island of Lanai. And correcting the kahako and the okina in Lanai. We talked about on the onsite parking, but I think Jordan's opinion was that the onsite parking is dealt with in a parking section adequately. They have to onsite parking regardless or they would be in violation. I agree with him. And then other, the other, other primary change was to the cap being 21. So not 25, you know, as in the circulated draft. And the housekeeping changes with notice to the current residents of the adjacent properties.

Ms. Preza: Correct. Thank you. So thank you for the clarification for the record. Is there further discussion on this? If not, then we'll go a vote. Okay, so Chelsea, how do you vote?

Ms. Trevino: Aye.

Ms. Preza: Sally?

Ms. Kaye: Aye.

Ms. Preza: Natalie?

Ms. Ropa: Aye.

Ms. Preza: Sherry?

Ms. Menze: Aye.

Ms. Preza: Roxanne?

Ms. Catiel: Aye.

Ms. Preza: John? Sorry you're muted.

Mr. Delacruz: Aye.

Ms. Preza: Shirley?

Ms. Samonte: Aye.

**It was moved by Ms. Sherry Menze, seconded by Ms. Roxanne Catiel, then unanimously**

**VOTED: to refer the proposed Short-Term Rental Home amendments to the County Council with the added changes and amendments as discussed.**

*(Assenting: R. Catiel, J. Delacruz, S. Kaye, S. Menze, N. Ropa, S. Preza, S. Samonte C. Trevino)*

*(Absent: J. Ornellas)*

Ms. Preza: And I also vote aye so that motion passes unanimously. Wow, everyone take a breath because that was a year in the works. Thank you all so much and thank you Jordan and Richelle for all your guidance and everything. And I hope that, I hope the County approves. But you'll keep us up to date on that Jordan?

Mr. Hart: Yes. Thank you.

#### **D. COMMUNICATIONS**

- 1. MS. KEIKI-PUA S. DANCIL, Ph.D., Senior Vice-President of Government Affairs, PULAMA LANAI, submitting the 2019 annual report dated June 12, 2020 regarding water usage at Manele pursuant to condition no. 24 of the Special Management Area Use Permit and Project District Phase 2 Approval 5-year time extension for residential and multi-family development at TMK: 4-9-017:001, 002, 003, 004, 005 and 4-9-002: 049, Manele, Island of Lanai. (95/SM1-015) (95/PH2-001)**

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

Ms. Preza: Thank you all so much. Wow. Great. So, moving on to Item D.1. which is Communications. I believe Keiki-Pua Dancil is submitting the 2019 annual report dated June 12<sup>th</sup>, 2020 regarding water usage. Is Keiki-Pua here?

Dr. Keiki-Pua Dancil: Aloha Chair Preza, Vice-Chair Trevino, members of the Committee, and members of the public that have joined us this evening.

Ms. Preza: Also feel free to --. So sorry to interrupt you. If you want to turn on your video you're also welcome to.

Ms. Dancil: I think it's -- just to -- I know Andrea had some, it sounded garbled, just to help with bandwidth I'm going to leave the video off and leave just audio so it's clear.

Ms. Preza: Okay, thank you.

Dr. Dancil: On behalf of Pulama Lanai I wanted to provide the following three reports, agenda Item D.1. is condition 24. It's a 2019 annual report for Manele. It's a compliance report that we submit to the Planning Department and then to the Lanai Planning Commission. I also want to point out that I have Joy Gannon, from Lanai Water Company, here as well to answer any technical questions.

Some of the highlights that were called out in the 2019 report were the following. Data Hawaii had -- all the water samples were coordinated with the State Department of Health, and there were no violations. Attachment B tabulates the meter readings. There's been significant progress on the watershed management. We have multiple partnerships including the US Fish & Wildlife, US Department of Ag Natural Resources Conservation Service, Hawaii Endangered . . . (inaudible) . . . Project, and the US Geological Survey and with the University of Hawaii on various different efforts. That was one of the new things that happened in 2019. All the details are found in the report.

We also filed, the Lanai Water Company filed tiered water use rates with the PUC, and that decision is pending. I can go on to the next item or I can stop here. And as I mentioned Joy Gannon is present and she can help answer technical questions. Chair, what would you like?

Ms. Preza: I think that you can -- if Commissioners are okay with that I think she can say, explain each of the items that she's talking about and then we can ask questions after. Okay, everyone -- I think I see some nods so feel free to go ahead, please. Thank you.

2. **June 12, 2020 Third through Fourth 2019 Semi-Annual Report (Condition 14) submitted by MS. KEIKI-PUA S. DANCIL, Ph.D., Senior Vice-President of Governmental Affairs, PULAMA LANAI 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 Lanai. (95/SM1-015) (95/PH2-001)**

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

Dr. Dancil: Okay, agenda Item D.2. is condition 14 which is the semi-annual report. It's for the third and four quarter of 2019 for Manele. It's a compliance report that we file to the Planning Department as well as the Lanai Planning Commission. Attachment A tabulates as well as graphically represents the water meter readings for the second half of 2019. We've also provided historical data for context.

3. **June 12, 2020 Fourth Quarter 2019 report (October through December 2019) and First Quarter 2020 report (January through February) water**

**usage reports for the project site (Condition 15)\_submitted by MS. KEIKI-PUA S. DANCIL, Ph.D., Senior Vice-President of Governmental Affairs, PULAMA LANAI 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 Lanai. (95/SM1-015) (95/PH2-001)**

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

Dr. Dancil: Agenda Item D.3. is condition 15 which is a quarterly and year-end report for Q4 2019 and Q1 2020 for Koele. It's a compliance report that file with the Lanai Planning Commission. Exhibit A is for Q4 2019. Due to the resort opening in November, it only includes two months, November and December. Exhibit B is for Q1 2020. And that concludes my presentation. And again, just to reiterate Joy Gannon, Director of our Water Utilities, is here to answer technical questions.

Ms. Preza: Thank you. Sorry Richelle, do we need to open public testimony on the Communication items before I move any further?

Ms. Thomson: Yes. Since they're -- those are sunshine law items basically so yes.

Ms. Preza: Okay.

Ms. Thomson: You could do it all at once.

Ms. Preza: Okay. Thank you. So Commissioners before we ask questions or, you know, have any questions for them I'll open up public testimony at this time. If there is anyone present who would like to testify on any of the current agenda Items D.1., 2 or 3? Leilani, did you get any, anyone messaging you?

Ms. Ramoran-Quemado: No, I didn't receive any.

Ms. Preza: Okay. And is there anyone -- would anyone like to testify via phone? If not, then I'll close public testimony. And sorry, I forgot to say thank you Keiki-Pua for transmitting all of these information. Commissioners, do any Commissioners have questions for her or Joy Gannon about what was presented? If there are none, then --

Ms. Kaye: I have an observation. I'm probably the only one besides Leilani and Clayton that was in the room when these conditions were originally imposed 12 years ago. And when I went back over a lot of the old minutes I noticed that there were a lot of holes and the history of why they were imposed. And I noticed that some of the information is not coming to you the way it was originally intended. And I think that's to the detriment of both sides. For example for the very first one of number 24, Keiki-Pua the very first one that you presented, the changes to the number and level of certification. You've, you put down that there were eight certified and nine in 2018 and 2019. When this started that one of the first reports was 2010,

you only two, so that's a huge improvement. And that kind of information would be really valuable for the Commission to follow the historic trend. And I make the same observation about the way the water levels are presented. And I don't quite know how to go back and do that. I don't know whether the Commission is satisfied with the information. I don't hear any questions so I'm not sure that the trend overtime which is the original intend of these to be presented to the Commission is clear enough.

Ms. Preza: Thanks Sally. So you're --. Okay, so your observation is that the graphs that are being presented perhaps if they could be, the timeline could be extended to see how things were ten years ago compared to now?

Ms. Kaye: Well not necessarily over the whole period, but some way in which to gauge the direction. I mean, it could very well be that over a five year period of time -- and by the way, it's not brackish non-potable, it's just brackish, so that's a change that really should happen. The way the water levels have gone might be more informative if you had a little more of a timeframe in which to review them.

Ms. Preza: Thank you for that comment. Joy or Keiki-Pua what do you think about, in future reports, maybe on some of the graphics or --? I guess, well, I guess I wonder, I put it back to the Commissioners then what, what kind of timeline would you like to ask of them if we would like to do so? Like, five years or --? I mean, I don't really know how that works on, how that would work on the graph or if anyone feels strongly about this?

Ms. Trevino: Well, I'm wondering is it a timeline . . . (inaudible) . . . that have taken place. Is that, Sally, is that kind . . . (inaudible) . . . ?

Ms. Preza: Sorry, you . . . (inaudible) . . . Chelsea, could you repeat what you said?

Ms. Trevino: I said I'm not sure if it's a timeline or if it's more about significant actions or significant things that have taken place to help us understand in a fuller context. Is that kind of, Sally, what you mean?

Ms. Kaye: Well, you really hit on both of them Chelsea. Some of the conditions that were originally imposed had reason behind them, and, and I'm not sure that the, the explanation is as full as it could be. It kind of leaves Pulama on the hook for stuff that might not necessarily be what was originally intended, number one. And number two, you're right, the trend of water usage was what the original intent of this was. So you could see if it was going up, it was going down, and you could, you know, develop a level of comfort with the direction in which it was going. That's what I find missing.

Ms. Trevino: Yeah, and I think too because of the...cycle of, of Commissioners happening, you don't have consistency, or consistency of understanding because you have new members who have no idea as far as the historical relevance of the, of the things that have come about. So, I don't know if that's something Sally that we need the Commission to even

know how to read these or what they're looking at. I think that's part of, part of the issue too as far as not having comments or even knowing what to comment on.

Ms. Kaye: Right. And maybe if I might Shelly just ask a question of Corp Counsel? If there would be a way to put together some sort of document, one or two of us -- I'd be happy to do it -- but it will take, it will take me a while to go back to the notes because I just got this on Friday and didn't have a chance to get back. Just informative. This, this condition was put on because of us, and you know, a citation to whatever meeting it was discussed at. I, I don't know how that information could get to the Commission or whether --. I'm just not sure how to proceed from this point, so if Corp Counsel could weigh in on that.

Ms. Thomson: You know what, what might be helpful is a request by the Commission to the Planning Department to just give a, you know, a summary of that permit condition in the larger context of the permit itself. And then, you know, maybe that will generate some discussion, you know, and it's not like the end, the end of the, of the matter so you can always get more information. And this might be kind of an ongoing process to, you know, get familiar with the historical aspects of this permit and the permit conditions. So I'd probably start there with a request to the Planning Department that they provide some context on, on condition 14, you know, so that you understand why you're getting these reports.

Ms. Kaye: Terrific.

Ms. Trevino: I know I would appreciate that.

Ms. Preza: Thank you. So Richelle, sorry I know you just veered off the screen but if you could come back because I have a question. So with that, if other Commissioners feel like they would also like them context and maybe training on what, what was done in the past and request that from the Planning Department, would that -- could we just request that informally or would we need to make a motion?

Ms. Thomson: I think you can just request it informally. You know, it may do make like Commissioner Kaye said, it may take a little bit of digging, so I don't know if I would expect it by the next meeting. But I think that, you know, the Planning Department, Jordan, has been very responsive so.

Ms. Preza: Commissioners, I agree that, you know, more information, you know, about the, you know, what we're, not just what we're looking at, but the context from which it came would be helpful. Sorry Jordan. Hi.

Mr. Hart: So to clarify, the Commission is requesting context of why the condition was implemented and like the nature of the discussion that lead up to implementing a condition?

Ms. Preza: I believe so, and just any kind of, maybe some brief background about, you know, if Sally's talking about, you know she was on the Commission 12 years ago that decided this,

you know, it might be helpful to know what was happening during that time that, you know, made them ask for this. Because I kind of agree that sometimes it's hard to know exactly what you're looking at without understand where the initial intent was from. But -- other comments or questions for, I believe, Joy and Keiki-Pua are still here, if others have questions.

Mr. Hart: I just --

Ms. Preza: Go ahead Jordan.

Mr. Hart: Chair, I do want to just make a little bit of comment in order to set expectations. One of the difficulties that the Planning Department will have of, of...we're going to have to be able ask for things that are within the language of the condition. I just want to express that now. I'm definitely willing to do some research and learn for myself, for reporting back to the Commission on why, you know, what the context of, of --. And to clarify, we're talking about condition number 14 as it relates to SM1 1995-015 and -- anyway, condition 14, related to that, discussing the context. But in order -- in the context of potentially changing the information that's presented or how it's presented, that's either going to be in the, in the context of the condition language that the Department has the ability to enforce on behalf of the Commission or in the context of the willingness of the applicant to present supplemental information to the Commission at their request just to -- just so everybody understands what our ability to caused them to do things stems from.

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

### **1. Open Lanai Applications Report as distributed by the Planning Department with the July 15, 2020 agenda.**

Ms. Preza: Thank you for the clarification. Commissioners, other questions or --? If not, then thank you so much Keiki-Pua and Joy for being here and for your time. Well...next is the agenda Item E which is the Director's Report. So we have, you know, as always the open Lanai applications report has been distributed to us if there are any questions on that. If not - - oh Sally, yes.

Ms. Kaye: I'm so sorry. I tried, your minutes from the last minutes, I was not in the same time zone and I had a grandson that needed immediate attention so I did not hang on for the open project reports and the minutes aren't up so I don't know if you discussed it. But the Kaluakoi Estates, was there any discussion or any information about that? There are five of them, five TMKs.

Ms. Preza: To my, to my knowledge, we didn't discuss. I think -- I don't think we discussed any, anything that was on the open applications report. Sorry, I'm just looking for my copy. Other Commissioners, we did not discuss anything on the open application. I'm not sure that -- I don't think there's any -- there was nothing that the Planning Department reported to us. I

think that's why there was nothing on the minutes, Sally. Sorry.

Ms. Kaye: No, are the minutes posted from last meeting?

Ms. Preza: Maybe Leilani could answer that.

Ms. Kaye: Yeah, I couldn't find them, but -- unless they came up today. But anyways, so my question would be what do we know about these five applications? I know they're down at Manele. I looked them on KIVA, but do we know what they are for?

Mr. Hart: On behalf of the Department, Chair, perhaps the applicant is willing to brief the Commission. These are --. I haven't been briefed by the staff planner on basically the content or purpose of the applications so I can't respond on behalf of the Department right now.

Ms. Kaye: Okay.

Ms. Preza: Well, I think maybe we could --. I don't know if we want to ask the applicant to explain or if perhaps could, next time, if the Department has more information they could provide it to us.

Ms. Kaye: I think that would, that would be my preference that it come to the Department.

Mr. Hart: I can do that.

Ms. Preza: Thank you.

Ms. Kaye: Thank you.

## **2. Agenda Items for the August 19, 2020 meeting**

Ms. Preza: That sounds good. If there's nothing else on the open applications report to discuss, E.2. --

Mr. Hart: Chair?

Ms. Preza: Yes? Sorry.

Mr. Hart: One thing that we just would like to point on the agenda formation for the next meeting, the one item that I'm going to bring up is the Armen Majkus application, STLA 2019/0003. Just -- anyway.

Ms. Preza: Okay. Thank you. Well, oh yeah that kind of -- so E.2., is that kind of what you're referencing like what we're talking about next time?

Mr. Hart: Yes. So I was going to name a permit which wouldn't make any sense. But if you refer to it on the list then that's the one I'm going to be naming. Yeah.

Ms. Preza: Okay. Sounds good. Thank you.

Ms. Kaye: So do you --

Ms. Preza: Oh, sorry, Sally.

Ms. Kaye: No, no. I just have a question. I'm a little confused on what will be brought to . . . (inaudible) . . . on that assessment application given that we're in kind of in a state of flux in terms of nothing has been adopted by County Council, even to the moratorium that was agreed to before, and now what we've done tonight. So when this and others come before in say the next two, three months what are we using to assess it?

Mr. Hart: I'll defer to your Counsel on that question.

Ms. Thomson: The million dollar question. So what you'll be using is the current code as adopted. So until the code has changed or until the moratorium is in place. Because I know that the moratorium left our office so it should be back up at Council right now. So I don't know how fast Council is going to take that up, but I'm assuming it should probably move pretty quickly. You know, so some of these, what I'm anticipating is that these ordinances from tonight in essence would probably get to Council almost around the same time as the moratorium, you know, just . . . (inaudible) . . . pretty tight in there. So it might take a couple of months I would say to get through the Council process, you know, but that's just an estimate. But in the meantime, you would be applying the law as it currently exists.

Ms. Preza: Thank you Richelle. Okay, Jordan, is there anything else that you know of that's on next month's agenda?

Mr. Hart: The other --. There was the -- Majkus STLA, and then there was a potential presentation of a water workshop by water system.

**F. NEXT REGULAR MEETING DATE: August 19, 2020**

**G. ADJOURNMENT**

Ms. Preza: Thank you. Great. So thanks so much. So Item F, our next meeting date is August 19<sup>th</sup> and that pretty much concludes our meeting at 6:12 p.m. Thank you all so much for being here, and thank you for everyone who's tuned in and hope you're all doing well. See you next month.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 6:12 p.m.

Respectfully submitted by,

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

**RECORD OF ATTENDANCE**

**PRESENT:**

Roxanne Catiel  
John Delacruz  
Sally Kaye  
Sherry Menze  
Shelly Preza, Chair  
Natalie Ropa  
Shirley Samonte  
Chelsea Trevino, Vice-Chair

**ABSENT:**

John Ornellas

**OTHERS:**

Jordan Hart, Deputy Planning Director  
Richelle Thomson, Deputy Corporation Counsel