

**LANA‘I PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 21, 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, October 21, 2020, online via BlueJeans Meeting No. 203920296.

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

Ms. Shelly Preza: Before we go over some of the rules, I'm just going to do some roll call for the commission members. Please, commission members, if you are here, if you could turn on your video, that's really helpful. And if you're not a commission member, if you could keep yourself muted and your video off, that's really helpful for keeping the meeting running smoothly.

So welcome, everyone, to the October 21<sup>st</sup> Lanai Planning Commission meeting. I'll be calling commission members' names. If you're here, if you could just unmute yourself and say "here" just so we can keep track that will be excellent. So Chelsea Trevino? Not here yet? Roxanne? I don't think Roxanne's supposed to be here, so -- John Delacruz?

Mr. John Delacruz: I'm here, but I don't see me. Can you see me?

Ms. Preza: No. Do you know how to -- on the top middle screen, if you kind of hover your mouse, there's a, there's like a video camera. Maybe that's off for you. If you could try to click that on.

Mr. Delacruz: Actually my video and audio is on. I just don't see me.

Ms. Preza: Yeah. We don't see you either. Yeah.

Mr. John Ornellas: So lucky.

Mr. Delacruz: Yeah, yeah, yeah.

Ms. Preza: No. Yeah, I'm not sure. Maybe Leilani, can, can you message him if you have any ideas about how well he could rectify that. Sorry I'm just going to move on real quick and then we'll try to fix that. Sally Kaye?

Ms. Sally Kaye: Here.

Ms. Preza: Thank you. Sherry Menze?

Ms. Sherry Menze: Here. Here.

Ms. Preza: John Ornellas?

Mr. John Ornellas: Me? I'm here.

Ms. Preza: Thank you. Natalie Ropa?

Ms. Natalie Ropa: Here.

Ms. Preza: Thank you. And Shirley? I don't think Shirley is supposed to be here either so, okay, just confirming that. Great.

So as we do at the beginning of every one of these virtual meetings, I'm just gonna go over some of the rules for some of you who might be new joining us and so that we're all on the same page. So if you are here, then you've obviously followed the BlueJeans invite, so thank you.

So public testimony will be taken when each agenda item is discussed and testimony will be limited to a maximum of three minutes. And so Leilani, I believe, will be keeping time for us. Testifiers will be called by me to offer testimony, and are asked to mute their audio and video when you're not testifying. Testifiers via video are asked to sign up via the chat function, providing your name and the item you wish to testify on. And if you would like to do that, if you could directly message Leilani that would be very helpful. We will not be monitoring, the commission members will not be monitoring the chat and won't be answering questions via the chat, so please directly message Leilani if you would like to testify. Testifiers via phone will be called by me after video testimony is finished. And yeah Commissioners shall not be contacted by the chat function. So thank you. And I see everyone's video is off at you are not a commission member. Oh, hi Chelsea. I see Chelsea just pop so, thank you. We have quorum.

Great. So we're going to get right into it unless anyone has questions about procedures or anything.

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

**1. SPECIAL MANAGEMENT AREA USE PERMIT AND PROJECT DISTRICT PHASE II DEVELOPMENT APPROVAL**

**MR. BRYAN ESMERALDA OF MUNEKIYO HIRAGA, on behalf of LĀNA'I ESTATES, LLC, requesting a Special Management Area Use Permit and Project District Phase II Development Approval for the development of Kaluako'i Estates, a private residential project located in the Mānele Project District. The project is located on 10.09 acres at Mauna Lei Drive, Mānele District, Lāna'i City, Island of Lāna'i, Tax Map Keys (2) 4-9-017:014, 015, 016, 017, and 018. The project encompasses five single family**

**residences, garages, and utility buildings, as well as accessory buildings and improvements such as two swimming pools and two spas, a koi pond, and home theater. (SM1 2020/0006) (PH2 2020/0002). (K. Wollenhaupt)**

Ms. Preza: Okay, great. Thank you. So the first item on the agenda is the public hearing, B.1., Special Management Area Use Permit, and Project District Phase 2 Development Approval. I do believe we have a presentation. I'm not sure if the Planning Department, if you folks are prefacing the presentation with anything or if we're going to just jump straight into it. I will open public testimony after the presentation. If -- I mean, I think that'll be beneficial for everyone to just hear what the presenters have to say before we solicit questions. So I'm not sure --

Mr. Kurt Wollenhaupt: This is the Planning Department. Good evening. First off, I want to express our hopes in light of the news this evening over on Lanai that everyone stays safe. It's been quite a, quite a day for you.

Today's application is in the a matter of the Lanai Estates. Why are we here today? This is a request for a Special Management Area Approval and for a Phase Two Project District Approval for a private single-family resident group of five homes and accessory structures on five lots in the Project District Manele. The reason that we're here today -- two things. One is that these lots are actually within the Special Management Area. Therefore, HRS 205A-26 is triggered for the public hearing to review potential impacts of this project on the Special Management Area. The trigger is that a number of the homes are in excess of 7,500 square feet of floor area. Therefore, it could not be an exempted act for these private homes to be constructed. Second, as you're all very familiar with the Manele residential subdivision being located within the Lanai Project District number one, according to 1945 of the Maui County Code, structures, as proposed this evening, are reviewed under the Phase Two process, which is also a public hearing. The requirements of the Phase Two are noted in 19.70 of the Maui County Code. Those have been addressed in the staff report and the applicant has their team ready, Pulama Lanai, also the consultants at Munekiyo, and they are ready to give a presentation. Thank you.

Ms. Preza: Thank you.

Ms. Karlynn Fukuda: Good evening Chair. Karlynn Fukuda here from Munekiyo Hiraga. I'll be sharing my screen and I'll turn off my video to save one on bandwidth for the presentation, so just wanted to say hi.

Ms. Preza: Thank you. Sorry. Just before -- and thank you Karlynn for saying hi and we're happy to have here -- I want to remind everyone in the audience and commission members I, I believe if your audio is on, if you could be sure to make sure you're muted so that it doesn't cause any disruptions to anyone trying to watch the presentation. I'm not sure Leilani you can check if everyone is muted. John Delacruz I think your mic is on just so you know. Okay thank you.

Ms. Fukuda: Good evening Chair and members of the Lanai Planning Commission. My name is Karlynn Fukuda of Munekiyo Hiraga. We are here tonight to present proposed Kaluakoi Estates Project. Joining me tonight are Kurt Matsumoto, representing Lanai Estates, the landowner and the applicant; Sharon Thom and Keiki-Pua Dancil from Pulama Lanai, the project manager; Lisa Rapp and Don Najita from Architects Hawaii, the project's architect; Kevin Mendes from RM Towill Corporation, the project's civil engineer; and Brian Esmeralda and myself from Munekiyo Hiraga, the project planners.

The proposed project is a private residential project comprised of five lots. The aerial photos map provides the location of the five lots, which are located within the Manele Residential Subdivision. For orientation purposes, the five lots are shown here in red. The Challenge at Manele Golf Course is located here. Existing single and multi-family residences are located here. And the Four Seasons Resort Lanai at Manele is located here. The project area includes tax map key parcels 2-4-9-017-014 through 018. The subdivision lot numbers are also referenced here and includes lots 120 through 124. The homes will be utilized by part-time residents.

The next few slides include photos of exist of the existing site from various views. Photo one is a view from Mauna Lei Drive, the roadway that will be used to access the five lots, looking east. In the background, you can see Puu Hee islet also known as Sweetheart Rock. Photo two is a view from Mauna Lei Drive facing in the west direction. Photo three is an aerial view of the site again facing the east direction, while photo four is an aerial view facing north. In the background, you may be able to make out the existing multi-family residences and the Challenge at Manele Clubhouse. The last photo is an aerial photo of the lot. Mauna Lei Drive is located here. A portion of the Challenge at Manele Golf Course can be seen at the top of the photo, with the existing multi-family residences partially shown as well.

As previously noted, the proposed project includes five private residences on five lots. All five lots are owned by the applicant and will also include other amenities and improvements, which we'll share in a bit. The photo shows a zoomed in view of the five lots that are part of the project, and the table shows the lot number, tax map key number, as well as the approximate area for each parcel. As you can see, the parcels range in size from 2.51 acres to 1.67 acres.

We'd like to get in to a little more detail on the proposed improvements for each lot. Lots 120, 122, 123 and 124 will have homes with three bedrooms, a three car garage and the utility building for infrastructure and storage. The utility building on lot 122 will be slightly larger as it will include office and spaces for staff who will help maintain the five properties. Lot 121 will include a two bedroom home with a three car garage, a utility building, as well as a separate theater building. Lots 120, 121, and 122 will include water features, which will be identified in later slides for each lot. Construction will start with lots 121, shown here in grey, and 122, with the remaining lots being developed at a rate of one lot per year.

Additionally, all five lots will include other improvements, such as driveway connections to Mauna Lei Drive, infrastructure connections, landscaping improvements and fencing. Fencing will be along the frontage from Mauna Lei Drive, as well as along the west boundary of lot 120, and the east boundary of lot 124, as indicated by the red dotted line in the graphic.

All five lots are located within the State Land Use Rural District with a portion of lot of 124 located in the Urban district. All five lots are also zoned Lanai Project District One, Manele, and have the community plan designation of Project District. Lastly all five parcels are located within the Special Management Area for the island. As such a SMA Use Permit and Project District Phase Two approval applications were prepared and filed with the Planning Department for the project. The Planning Commission has jurisdiction over both permit approvals.

We now like to focus on the proposed improvements themselves. This slide provides the site plan of the layouts for each of the five lots. To orient you, Mauna Lei Drive is located here and the lots shown here are from 121 through 124. The homes are anticipated to be used by part time residents. We'll look at site plans for each parcels, each parcel in a minute.

The overall conceptual landscape plan for the five lots is shown here. The landscape designers reviewed the existing landscape and terrain, and developed the concept plan to provide efficient, targeted planting that would be integrated with the existing landscape, which would also include low flow, brackish drip irrigation.

We'd like to share site plans for each of the five lots. We'll start with 120 and continue through the remaining four lots. Mauna Lei Drive will be located on the right of each lot and the ocean will be located on the left side of the property. Starting with lot 120, we have the three bedroom residence here, the garage located here, and the utility building located here. Additionally, lot 120 will include an outdoor spa.

Next, lot 121 includes a two bedroom residence, an attached to game room, the garage, the theater building and a utility building. Lot 121 will also include a koi pond, outdoor spa, and a swimming pool shown here. Additionally, it is noted that due to fire code access requirements a fire sprinkler system is included in the residence.

Lot 122 will include a three bedroom residence, a garage and a utility building. Previously noted the utility building on lot 122 will be larger than utility buildings on the other lots to accommodate additional office space for staff. A swimming pool is also proposed a lot 122.

Lot 123 will include a three bedroom residence with one bedroom in an attached structure, a garage and the utility building.

Finally, lot 124 will include a three bedroom residence, again, with one of the bedrooms as an attached room to the main structure, an attached playroom, a garage and a utility building.

As previously noted, all five lots will include similar improvements such as the driveway, infrastructure improvements like water, sewer drainage, as well as landscaping improvements.

The following slides will provide renderings of the proposed project from various viewpoints. Keep in mind these renderings are considered schematic designs for the application. The representation should not be misconstrued as final design or design for construction, but rather to demonstrate the design intent in the application.

The top rendering is a cross section of Mauna Lei Drive looking makai. The red dotted line is thirty feet above the existing grade, while the security gates are shown, which are six-feet in height. The lower left rendering is the street view along Mauna Lei Drive, and the lower right rendering is the street view of lot 121 which includes fencing and landscaping.

This next slide is the aerial view from the ocean looking north east. We see the five residences shown in the foreground with the golf course and the existing multi-family residences shown in the background. This rendering is from the Hulopoe Huawai Fisherman's Trail looking north east. The lot rendering shown here is lot 120 with lot 121 in the background. This rendering is also a view from the Hulopoe Huawai Fisherman's Trail looking northwest. Lots 124, 123, 122, and 121 are shown here.

We'd now like to review the environmental impacts and mitigation measures of the proposed project, as discussed in the project's application booklet you received and summarized in the staff report. The proposed project would be located outside of hazard zones, including the flood hazard zones, tsunami evacuation zone, and projected sea level rise hazard, hazard zones. As seen in the aerial photos previously presented, the five lots are located on a sea cliff. The map shown here is the FEMA flood map. All five lots are located in flood zone X, an area of minimal flood hazard.

With regards to flora and fauna for the five lots, as noted here, there are mostly non-native flora species and no conservation concerns for the three native species identified at the properties. Similarly, the fauna or animals identified were mainly non-native animals, with the exception of a koa'ekea. A search was also made for the endangered Hawaiian hoary bat, but none were detected in the area. Lastly, as noted in the application, the U.S. Fish and Wildlife Service was consulted on the proposed project. The U.S. Fish and Wildlife Service provided recommendations on mitigation measures, which will be abided by for the project.

With regards to noise impacts, it is anticipated that there may be noise related impacts during construction. Impacts are proposed to be mitigated by proper equipment and vehicle maintenance and restricted construction hours. Similarly, there may be air quality impacts during construction. However, those impacts are proposed to be mitigated by best management practices. It is noted that upon completion of construction, no long term impacts to noise or air quality is anticipated from the project.

There was an archeological inventory study of the five parcels, and no historical sites were identified. Although no historical sites were identified in the project area, there are two nearby sites that have State Inventory of Historic Places, of S, I, H, P numbers assigned by the State Historic Preservation Division, of S, H, P, D, including the Kapiha'a archaeological preserve shown here in purple.

Based on the comments from the SHPD, an archeological monitoring plan was prepared and filed for the Kaluakoi Estates Project. SHPD accepted the archeological monitoring plan and a copy of the letter, the SHPD approval letter, is provided as Exhibit 12 in the staff report. The applicant will require the contractor to follow the approved monitoring plan during construction.

A traffic assessment was conducted for the proposed project. The assessment concluded that traffic impacts from the five residences would be minimal.

Regarding wastewater, improvements include infrastructure improvements to connect to the privately owned Manele Wastewater Treatment Plant.

Drainage improvements will also be installed as part of the project for each lot, including landscaped swales and depressions as shown in the graphic here. The proposed improvements will meet the County of Maui requirements to comply with the rules for storm drainage facilities and utilize best management practices, or BMP, to mitigate runoff. The increase in runoff due to the new impervious surfaces is anticipated to be 8.8 cubic feet per second for all five lots. There is existing runoff from the areas mauka of the lots which currently drain through the parcels. This existing runoff will continue to flow through the lots via an existing drainage easement.

The applicant is sensitive to water use, and designed the project with various water conservation measures to help reduce water usage for all five lots. The Maui County Department of Water Supply provided comments on the project, and they concluded that the project is within the guidelines provided by the Lanai Water Use and Development Plan. The County utilizes the State of Hawaii water system, water system standards when evaluating projects, and there are two figures for projects in Maui County when zoned single family residential...when calculating projected water demand. The Company opted to utilize the 3,000 gallons per day per acre versus the 600 gallons per day for acre site -- I'm sorry -- 600 gallons per day per unit for single family residences. Additionally, the Lanai Water Use and Development Plan also has guidelines for 600 gallons per day for single family residences. Lastly, the Manele Homeowners Associations, covenants, conditions and restrictions or CC&R limits irrigation to brackish water of up to 1,000 gallons per day. The estimated water usage for each lot is planned for less than 600 gallons per day, and the irrigation use will be less than 1,000 gallons per day of brackish water for lots, as shown in the graphic here.

Water conservation efforts for landscaping were taken into consideration, including the covering of the pools, 75 percent of the year, utilizing natural landscape as much as possible to reduce irrigation use, as well as targeted planting and the use of drought tolerant species. And recycling air conditioning condensate to offset water feature evaporation losses. When possible, water efficiency devices will be installed and the applicant will continue to explore other BMPs for indoor and outdoor water conservations.

As noted here, the proposed project is in compliance with the following governing regulations relative to the SMA and the Project District Zoning. With regards to the Special Management Area, the project is in compliance Hawaii Revised Statutes 205A-2 Coastal Management, program and objectives; HRS 205A-26, SMA Guidelines; and Chapter 402, SMA Rules of the Lanai Planning Commission.

In regards to the Project District, the project is in compliance with Maui County Code Chapter 19.45, Project District Processing Regulations, and Maui County Code, Chapter 19.70, Use and Development Standards Regulations for the Lanai Project District One, Manele.

The applicant is requesting approval from the Lanai Planning Commission for the SMA Use Permit and Project District Phase Two approval for the proposed Kaluakoi Estates Project. This concludes my presentation. Thank you for your time and we are available to answer questions.

Ms. Preza: Thank you, Karlynn for that presentation. Commissioners, before we -- if you have questions -- I'm going to open public testimony first. So if you could just keep those in mind, don't forget them and I'll open up public testimony now. Leilani, did anyone message you from the audience saying that they would like to testify on this agenda item?

Ms. Leilani Ramoran-Quemado: Thank you, Chair. No one signed up to testify.

Ms. Preza: Okay. Well, I'll ask again now if there's anyone I'm calling in via the BlueJeans app, if you would like to testify on this agenda item, please speak now. Okay, if not, then is there anyone calling in via phone who would like to testify on this agenda item? If not, then I'll close public testimony at this time. And Commissioners, if you have any questions for the applicant, or initial thoughts, feel free to unmute yourself.

Mr. Ornellas: This is John Ornellas. Why, why did, why did the company or the County turn over the responsibility for water to the Maui Water Company? We have our own and I don't know why we couldn't use our own, our own numbers from the, from the Lanai Water Company as well as the Lanai Water Use and Development Plan.

Ms. Preza: Hi, John. I'll let, I'll let the applicant answer that, but in my understanding was that the -- it was it was their own numbers, but they, they sent you to review to the Maui Water Company. Is that -- or Karlynn you can answer as well or anyone.

Mr. Jordan Hart: This is Jordan Hart from the department. It is transmitted to the County of Maui Department of Water Supply. You know we're open to direction on that if there's a request on changing our distribution process in the future.

Mr. Ornellas: Who gave you guys the go ahead to move it to the Maui Water Department?

Mr. Hart: You know I'm not sure. I could, I could, you know, check records, if that's really something that's going to be --

Mr. Ornellas: Is this, is this something if the Lanai wants, Lanai wants to be the, you know, be the ones that you guys come to for approvals and stuff, why go to Maui rather than just to Lanai and the residents?

Ms. Preza: Sorry, can I ask John, and maybe because you're calling via phone you couldn't see the presentation, I'm guessing. So you're asking why their numbers were sent to review at the Maui Planning, at the Maui Water Company rather than being submitted to the Lanai Water Company or can you clarify your question, please?

Mr. Ornellas: Yeah, that's basically it. We have, you know, we have the Lanai Water Board, and then, and then we have the Lanai Water Company. So between the two of us, we could have come up with approvals for this instead of going, going to Maui and get a blessing from them. They don't know what water, you know, what our water supply is. They don't even buy, they haven't even been over here to look, and they have no, they have no business being involved in our, our approvals of water for this island.

Ms. Kaye: Shelly? Shelly, can I, can I step in here for a minute?

Ms. Preza: Sure.

Ms. Kaye: Yes. Historically, John, when the Planning Department gets an application like this, it goes out for agency comment. And the Department of Water Supply was actually very fundamental in helping guide and put through the Water Use and Development Plan so they're very familiar with the water system here. They just simply don't have jurisdiction to enforce anything. So I find their comments extremely valuable, especially in light of the fact that in the past the opinion of the Lanai Water Advisory Committee was not welcomed. So at least it's an outside agency weighing in on an applicant's proposal.

Mr. Ornellas: Okay. And then also, Shelly, you might know a little bit more about this it's the SHPD's looking at the, at the land over there as far as how --? Is there any --? I guess SHPD said it was okay to, to build down there. Is that what you heard or have you seen?

Ms. Preza: Sorry, John, I couldn't catch. Who are who are you asking?

Mr. Ornellas: Shelly.

Ms. Preza: I'm sorry. What are you asking exactly about the land?

Mr. Ornellas: Are you -- is the Archaeological Committee aware of all of the buildings down at, down at the Manele?

Ms. Preza: I can't speak for the Lanai Archaeological Committee if that's exactly what you're asking.

Mr. Ornellas: Yeah, that is.

Ms. Preza: Yeah, I can't speak for them. I'm not sure.

Mr. Ornellas: Okay. I've, I've spoken to a few people, residents, and they said, that's the . . . (inaudible) . . . There is, there is places down there where there's sensitive sites.

Ms. Preza: And John, maybe I'll interrupt you real quick on that. I think the applicant was not saying that there is not significant historical sites and I think we're all aware that there are. But I think they . . . (inaudible) . . . say in the place that they are going to, they are trying to develop those particular places don't have significant cultural properties on those, in those specific areas. And there's an extensive -- I don't know if you got the book in the mail, John, for the proposal. It was the really big one. There has been extensive archaeological documentation of that area, which might be worthwhile to review for to talk about, like, really what's there, if you're interested.

Mr. Ornellas: Okay. If, if you don't have a problem with it, then you're closer to that, to that area than I am as far as approvals and stuff because all the stuff that we've been going through with Manele since the 90's, yeah.

Ms. Preza: Thanks John. Sorry, I see Richelle's hand if you want to chime in.

Ms. Richelle Thomson: Hi everyone. Nice to see you all. I wanted to just quickly point out that one of the conditions recommended by the Planning Department is that the permit shall be subject to an archeological monitoring plan that has been approved by SHPD, so I just wanted to add that in.

Ms. Preza: Thanks, Richelle. And I should disclose that, though I'm not -- Lanai Estates is separate, but I do work for Pulama Lanai, but in the Cultural . . . (inaudible) . . . Someone's feedback is -- okay, we're okay now. So, yeah, anyway, I just wanted to disclose that. But my only relationship to the project would be our department would be the crew that is monitoring cultural sites as they are developing if this gets approved. So thank you Richelle for bringing it up.

Mr. Ornellas: Okay, so basically they're going to be doing the same thing as the renovation to the Manele Hotel as far as making sure that they, that they say what they're going to do when construction begins.

Ms. Preza: Yeah, I'm not sure about what happened with the Manele Hotel, but there are, there are plans in place that had to be approved by the, by SHPD, with State Historic Preservation Department, to make sure that things are followed in terms of the archeological sites that you're discussing, John.

Mr. Ornellas: All right. That's it.

Ms. Preza: Thank you. Other commissioners, do you have other questions for the applicant or any thoughts?

Ms. Kaye: I have a few questions, Shelly, if nobody else wants to go yet.

Ms. Preza: Is that okay with everyone? Go ahead.

Ms. Kaye: I'm sorry. Go ahead.

Ms. Preza: No, you can go ahead, Sally.

Mr. Kaye: A couple of energy questions for the applicant. Why -- was there any consideration given, and if not, why wasn't standalone solar considered as an energy source assuming the grid is still saturated in that in the project district? I just wondered if it was thought about.

Ms. Fukuda: Karlynn Fukuda from Munekiyo Hiraga. I'll start and if anyone from the project team would like to add please feel free. But the applicant is considering potentially adding PV panels to the roof of the utility building. And if PV panels were added, they would be discreet and hidden by parapet walls. So that is a, a consideration that's being reviewed right now by the applicant.

Ms. Kaye: Okay. And then a related question, and then, and then I'll let someone else go because I have a few more. But the -- are there any particular safeguards or restrictions to stowing what would amount to about a thousand gallons of diesel over the properties in an SMA? And if you could clarify, is a diesel and propane because your text says diesel, but the visuals show a propane tank or perhaps it's both?

Mr. Don Najita: This is Don Najita from Architects Hawaii. The propane is for cooking purposes and hot water, so that's a typical natural gas source. The diesel is for the emergency generators, which are in a belly tank under the emergency generator.

Ms. Kaye: Okay. And could you address whether there's any kind of restrictions for storage or regulations for having that amount of diesel in the SMA?

Mr. Najita: We're not aware of any restrictions applicable to this installation. We will be complying with all of the applicable regulations for storage of fuel in general, for fire code and plumbing uses. So we will be complying to the full extent possible with all applicable regulations.

Ms. Kaye: Thank you.

Ms. Preza: Thanks Sally. Do you have other questions or commissioners, other commissioners who are present, any questions or comments?

Ms. Chelsea Trevino: My, my comment was, was also going to be in regards to the safety and I don't know, not feasibility, but this idea of having fuel storage in this location was concerning both, of course, flammability and leakage wise and how, how are they being...how are they responsible for that, you know? Because if there's a leak, you know, they're on an incline, it's going to go down. We know that it's a very dry area, even with landscaping, you know. So initially, that was my biggest concern as well, being that there's diesel and it just says fuel storage, which isn't clear. Yeah. So those are the two things that I'm a little leery about.

Ms. Keiki-Pua Dancil: Aloha Commissioners. Aloha Chelsea. Our thoughts are with you today from Lanai. This is Keiki-Pua Dancil calling for Pulama Lanai. I want to clarify a statement that was made earlier. We are going to be using propane for the generators. Propane is safer. We will also be compliant for all County as well as State laws regarding how you store these tanks...as well as for its use. I just want to make that clarification.

Ms. Preza: Thank you Keiki-Pua. Chelsea, do you have other questions, or any other commission members, or comments?

Ms. Kaye: Yeah, I, I, Shelly, if nobody is going to go I'll whip one out. I wonder -- two more -- one would be if somebody from the applicant could address. This is a fairly unusual feature for our island. What is the purpose of a basement in that area and the VRC? What, what, what will that -- what function will they serve?

Ms. Lisa Rapp: Hi. This is Lisa Rapp with Architects Hawaii. Yes, the basement, if you understand the slope of the, of the lot, it does have a slope and so it does allow for a basement. And the basement will be used to house the mechanical equipment, to which we'll shield them from view and also help with noise.

Ms. Kaye: And the VRC?

Ms. Rapp: Yeah. I'll let, Don, if you wouldn't mind answering that question about the VRC.

Mr. Najita: This is Don from AHL. The VRC stands for vertical reciprocating conveyor. So that's basically an equipment. And its intent is to allow for equipment to be placed in the basement if necessary. Sort of like the elevators are not for people, just for equipment.

Ms. Preza: Other questions, Sally or anyone?

Ms. Kaye: Yeah, I just have one more. And this is, this is for Jordan, probably. I've reviewed some applications like this before and generally, when that Planning Department goes to great trouble to send it out for agency comment. And the agency goes to great trouble to send them back with recommendations. In the past, mostly the response has been, yeah, okay, we'll do that, or here's our cogent reason why we can't. I don't think I've seen so many "we'll think about it" responses. You know, one would be that they'll consider it and they've shifted it forward to the design team to consider. So my question is, if, if it goes out of our hands, where in the process down the line -- I've never had to ask this before -- do those kinds of agency recommendations get reviewed by the Planning Department or an additional permitting process in the design, design phase? I'm just not clear on that.

Mr. Hart: So from my review of the agency comments, quite a few of the issues that are called out our verified at building permit or grading permit approval. But, you know, in the context of certainty for the Planning Commission, you know, the time to establish what you specifically want to see in a project is, is here for you. But I don't know if it would really be, you know, feasible to go point by point on all of the comments and establish where they're addressed.

There is also a Phase Three that's approved by the Planning Department, and that's basically to recognize that the, the development plans are consistent with the representations that are made in the, in the Phase Two. But more specifically, to your point, I think that, you know, conditions from the Planning Commission is, is how you establish specific items that you're interested in.

Ms. Kaye: Okay. So, so one, one for example, was the Fire Department saying that a defensible space shall be provided? And the response was essentially we'll think about it. So does the Fire Department down the line when the permit comes to them because I'm sure they'll have to, it will be Fire Prevention Bureau that would review the storage of the fuel? Do they then have an opportunity to insist on that or is that -- what happens to that if it's not a condition put on by us?

Mr. Hart: Yeah, so that's, that's, you know, that's kind of what I was going to as far as whether or not I know all codes. I believe the Fire Department's standard comment is also that they reserve the right to provide further comment at building permit review. So, you know, your question of whether or not they could require defensible space, I don't know if that's in a existing fire code or if that was a recommendation for them, you know, that would require the Fire Department to tell us that now. If you wanted to make it a condition, then it would be an SMA condition. But again, if it's in the fire code, then they would require it in their building permit review.

Ms. Kaye: Thank you.

Ms. Preza: Thank you. Any other comments or would you folks like, commission members like to hear the department recommendation? Nodding heads? Jordan, if you wouldn't mind sharing with us the department recommendation, please.

Mr. Hart: Chair, the Maui County Planning Department recommends approval of the Project District Phase Two Development Approval. Furthermore, the Department recommends approval of the Special Management Area Use permit subject to the following conditions. Do you want me to go ahead and read the conditions?

Ms. Preza: They're quite extensive, so I'm not sure. Commissioners, if you had a chance to read through the standard conditions that -- that's on page for reference, 27 of the, this package that was sent to us. It's about -- it's about two pages -- two whole pages of comments so I'm not sure if Commissioners, have gotten a chance to read that or if you would like Jordan to read through them?

Mr. Hart: I think it's more like three and a half which, which we can do, but I think that that's a lot of, of content to read in the record, and it's provided written into the record. Maybe more.

Ms. Preza: Thank you. No, I had a chance to read it. So I think you don't need to read it as long as no other commissioners are, you know, asking you too but --. So great. Thank you. So basically that the Maui County Planning Department is recommending approval with the conditions that are outlined on pages 27, 28, 29, and 30. And so the options that we have before us are to defer if we would like to obtain additional information; to approve with no conditions; approved with conditions; or to deny. And Jordan, just, and just for clarification, so if we would like to approve with the Planning Department recommendations or conditions, would that be approved with conditions or would that be approved with no conditions?

Mr. Hart: That would be approved with conditions but it's, it's standard on nearly every project that the commission would add their own conditions to the slate of recommended conditions by the department.

Ms. Preza: If we have any to add.

Mr. Hart: If you have any.

Ms. Preza: Okay, great. Thank you. So, Commissioners, do you feel comfortable with what has been presented enough to make a decision or would you like to further discuss the project?

Mr. Ornellas: This is John. I move that we accept the county's recommendation to accept the permit.

Ms. Preza: Thank you, John. So there's a motion to approve with conditions, specifically with the Planning Department's recommendations. Is there anyone who would like to second that?

Ms. Ropa: I'll second.

Ms. Preza: Okay. Natalie seconds. Is there any further discussion on this agenda item before we vote? If not, then I'm going to -- so like we've done in previous meetings, I'm just going to read everyone's name and if you could tell me how you vote, that would be great. So let me just --. Okay, so Chelsea?

Ms. Trevino: Aye.

Ms. Preza: Thank you. John Delacruz?

Mr. Delacruz: Aye.

Ms. Preza: Sally Kaye?

Ms. Kaye: Aye.

Ms. Preza: Sherry Menze?

Ms. Menze: Aye.

Ms. Preza: John Ornellas?

Mr. Ornellas: Aye.

Ms. Preza: Natalie Ropa?

Ms. Ropa: Aye.

**It was moved by Mr. John Ornellas, seconded by Ms. Natalie Ropa, then unanimously**

**VOTED: to accept the Department's report and recommendation as presented.**

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

*(Excused: R. Catiel, S. Samonte)*

Ms. Preza: I also vote yes so it passes unanimously. Thank you all very much. And thank you to all the presenters who were here and available to answer questions. We really appreciate your time and extensive information that you provided us with. And thank you, Jordan and

Planning Department, members of Planning Department, for being always so willing to answer all of our questions. We really appreciate it as well. Great. So that was it for agenda Item B.

Ms. Fukuda: Thank you.

## **C. DIRECTOR'S REPORT**

### **1. Open Lanai Applications Report as distributed by the Planning Department with the October 21, 2020 agenda.**

Ms. Preza: Thank you. So I guess left is just item, item C, which is pretty much our kind of finishing . . . (inaudible) . . .there's not anything to vote on. But C.1. is . . . (inaudible) . . . Oh sorry. Someone saying something? No? Okay, so C.1. open Lanai applications report, if Commissioners have any questions on that. It's always distributed to us.

### **2. Proposed Meeting Schedule for Calendar Year 2021. The Commission may take action to approve or modify the proposed meeting schedule.**

Ms. Preza: And if not, then item C.2. is the proposed meeting schedule for calendar year 2021. The commission may take action -- I guess we do, sorry, we do have an action item -- the Commission may take action to action to approve or modify the proposed meeting schedule which was sent to us in our packets. If Commissioners have any initial thoughts. Sorry if I could just ask, but not if this a question Leilani. I didn't get a chance to go through each date, but is this just the same, the third Wednesday of each month?

Ms. Ramoran-Quemado: Correct. Yes, this is standard third Wednesday of every month.

Ms. Preza: Thank you so much. Commissioners, well, sorry, I'm not sure if we have to officially vote on this or if anyone could clarify that or we can just take this --?

Ms. Thomson: This is Richelle. You don't need to officially vote on it. I think it's more of a notice, and if there's, you know, any problems with any certain dates, you can discuss it.

Ms. Preza: Okay, thank you. Commissioners, do you folks have any issues with the proposed dates or are we okay to move forward as is? Okay, there being no objections then sounds good to us. Thank you.

### **3. Sending of hard copies of Pulama Lanai's Application Booklets to the Lanai Planning Commission Members – is it necessary? As application booklets are now digitally linked to the agenda.**

Ms. Preza: And then item C.3. is a question about sending hard copies of Pulama Lanai's application booklets to the Lanai Planning Commission members. Is it necessary as application booklets are now digitally linked to the agenda?

Mr. Delacruz: I like hard copies.

Ms. Kaye: Me too.

Mr. Delacruz: This is John Delacruz.

Ms. Kaye: Yeah, me too.

Ms. Preza: So that's what --. Sorry, just to clarify. So you're talking about like these application booklets, correct, like that really --?

Mr. Delacruz: That's right.

Ms. Preza: Okay, I think, for me, I also personally like having hard copies, but I'm all you know, I am all for sustainability. So I don't know if it would be possible for them to be by request. Maybe some commission members don't mind using the digital link. Obviously, we have our preferences with, you know, we each have our individual preferences about, you know, if we want a hard copy or not. I don't know if that's an option. I'm not sure what I'm addressing quite.

Mr. Hart: Yeah, so I think that it would be easier, more practical if we established, you know, a standard, ideally everybody's digital. And the reason for that is because on contested cases, we have to provide you with the application document. And so, you know, that can be a significant amount of paper every single time, which may be flipped through one time and discarded. So that being said, we're prepared to provide, you know, what, what the commission wants. If individuals who want paper can just establish that they always want paper, that might be easier rather than on demand per project because the timing of distribution and when somebody might get something and then try to notify the department then instead they want paper. We would turn around and notify the applicant that they need to contact a professional printer to get those booklets produced, which is not necessarily feasible to change direction on in the time period between publication of the agenda and the distribution of the document. So I think that we're open to basically establishing a count of commissioners who want to receive paper, whether that's everyone or none, but some fixed number which could be brought up and changed at a different time.

Ms. Preza: Okay. Thank you. Well so, I don't know, commission members now, like do you, do any of you folks prefer to just use the digital copy?

Ms. Menze: Yes.

Ms. Preza: I see Natalie nodding, Chelsea nodding. Maybe perhaps, would it be better since we're missing two commission members, if Leilani if you could just send an email to all the commission members and then we can all reply with our preference if -- and then that would be establishing the fixed number for our commission. And then maybe when a new member comes on, you can ask them and that way there will always be, like, a standard number that hopefully won't bring up the issues of having to, the applicant having to go back to the printer or something. Would that be okay you folks Jordan or --?

Mr. Hart: It would. I'm gonna just reiterate one more time, and I recognize there's people who feel more comfortable with paper. I would like to encourage you to reconsider the entire commission going digital. But, you know, we can we can basically have Leilani establish who received paper. But, you know, over time, I would like you to reconsider it because it's, it's a lot of paper that moves back and forth.

Ms. Trevino: So, Jordan, would, would, as a scenario, just say the commission decides to go digital, would we still receive a hard copy to the public library?

Mr. Hart: I think -- I'm going to assume you're talking about environmental assessments. Is that right?

Ms. Trevino: No. Like, these, these things all come to the public library for community viewing. So I just I want to make sure there is some sort of printed matter. Anyways, I just don't know, if this is only regards to commission members.

Mr. Hart: Let me check. What we're talking about right now. It's only in regards to commission members. I need to check in with Leilani. I was I'm not necessarily aware that there is a pre -- like a standing agreement on Lanai that the library gets a copy of application. So, so what I'm saying doesn't interfere with, with that. This is for the commissioners.

Ms. Trevino: Okay, thank you.

Mr. Hart: Yeah, but obviously I'm not asking to totally overrule somebody who relies on paper, but just we'd like to get there eventually with you. So anyway, for now we can, we can do the head count approach.

Ms. Preza: Thank you. Thank you, Jordan, and we appreciate it. I think yeah, I definitely agree that digital is a good idea for sustainability, but I also want commission members to be able to feel comfortable getting all the information and they may have -- some people may have a hard time perusing through digital. At least for me, like I think I am --. Yeah, I think we all have preferences, so thank you. We appreciate it.

Okay, and then finally, the last item in C is agenda items for the November 18th meeting. I'm not sure if anything is on that already that you can share with us.

Ms. Ramoran-Quemado: Hi Chair. This Leilani. Yes, there's actually one public hearing item that's amending Title 19 relating to, I think, it was airport district. And then as usual, I'll be sending the documents at least the week prior to the meeting. And if there's anything else added on, of course, you'll get the draft agenda for review about a week before too.

Ms. Preza: Thank you. Sounds good.

Mr. Hart: Also Chair, this is Jordan, was someone going to ask me a different question?

Ms. Trevino: I was just going to ask would digital format possibly be provided a little bit sooner. Like --

Mr. Hart: That's a --. Well, digital format can be accessible the moment the agenda is published because it includes hyperlinks. So then the mail, the timing on mail would be a Leilani question though.

Ms. Trevino: Yeah because I mean, I felt like wow, when I got this in the mail, I was like, man our meeting is like right around the corner, and this is 100 of page to peruse. So that's the only reason I ask. I was just curious if the digital format would, you know, give us a little bit more time to look at things.

Mr. Hart: Leilani, can you clarify that, when, you know, when the package is mailed out in relationship to the publication of the agenda.

Ms. Ramoran-Quemado: Yes. So normally when I post the agenda with County Clerks, I'll go ahead and also post it online on the county website with all that digital links to it. So they would get it, if they were to access it digitally, they'll get it at that time, which is way in advance before they actually get it through the mail, which would take probably two, three days for it to reach them. So, yes, I'm more than likely, so they'll get the -- if they want to access the digital copy, it would be at least six days . . . minimum . . . where they can access it before the meeting.

Mr. Hart: Okay, to clarify, do you mail the packages on the do the agenda is posted?

Ms. Ramoran-Quemado: Correct.

Mr. Hart: Okay.

Mr. Ornellas: You know, lately, the post office has been very late because I'm looking at my packet now, and it was, it was dated and when it was shipped out was October 14th. And I got mine yesterday.

Mr. Hart: Okay.

Mr. Ornellas: I mean, unless you guys want to buy me a Christmas present in a laptop computer, I'm going to be taking paper.

Mr. Hart: Okay. Yeah, no, I understand that. I was --. We'll have a conversation internally about, about, you know, the mail out dates and things like that. I recognize that mail has been slowing down recently, that's a real issue. Okay, so I, I'm not gonna be able to make any, you know, comment on what's going to result of that. But Leilani will take a headcount as far as who wants to stick with paper and then, you know, FYI for everyone, even if you are a person who's going to stick to paper, you can still access the material online on day of the publication of the agenda.

Mr. Ornellas: Okay.

#### **4. Agenda Items for the November 18, 2020 meeting.**

Mr. Hart: Okay, and then I had an update on the B&B and STRH ordinances, if you wanted to do that after that. That's what I was going to comment on. But if anybody has any questions or discussion on this item for me.

Ms. Preza: No, I think, I think we'd all like to hear about the update on that B&B, if that's okay.

Mr. Hart: Okay, so we had one hearing approximately one week ago. There was no direct testimony on it necessarily. One person who is was on to testify on the design guidelines regarding ground signs did also make a comment about the change of the, the area buffer of 300 feet. And so as a result, we were asked to do some additional research on whether or not there was enough room in Lanai City for 42 total permits, B&B and STRH, based on land area and zones that the use can occur. And so there is there's definitely more than enough room for a total of 42 within Lanai City. And there's also happens to be parcels outside Lanai City that could ultimately have a B&B or STRH if a home was developed on them.

And then there was some discussion about the proposal of, of the grace -- not a grace period, but the ability to continue to renew permits if, if you're within 300 feet or on the same block as an existing permit, there's language in there that says that you can renew. And so there was a little bit of a discussion about whether or not that should remain in. And so the Department did an analysis of, of which permits would potentially be jeopardized if that did not remain in. And so we're going to present that to the committee, the Council tomorrow, and they may decide to take final action on that item tomorrow....at 9:00 a.m.

Ms. Preza: Thank you Jordan, for the update. So if we wanted to tune in for that, would we just go to the --? Do they have a link to their meetings as well?

Mr. Hart: Right. So you can, you can go to the Council's website, which is Maui County dot U, S, and then the there's agendas for all the committees. It's the Planning and Sustainable

Land Use Committee. And then you can click on that in the agenda. And I'll basically show an option to watch the video and it will provide links to all the material.

Ms. Preza: Sorry, I think, some, someone mic is on. John, I don't know if you can mute because it's kind of distracting. We can't hear what Jordan is saying. Sorry, Jordan, if you could finish please.

Mr. Hart: That's fine. That's the end of my update. Just basically you can go to the Council's website and review the agenda for the Planning and Sustainable Land Use Committee. The meeting starts tomorrow at 9:00 a.m.

**D. NEXT REGULAR MEETING DATE: November 18, 2020**

**E. ADJOURNMENT**

Ms. Preza: Thank you so much for that update and for working on this tirelessly, so we appreciate it. Great. Commissioners, other questions or any questions? Okay, thank you, guys. Thank you, everyone so much. Our next regular meeting date is November 18<sup>th</sup>, and we'll be adjourning at 6:04 p.m. So thank you all very much for coming and home you all are taking care and staying well.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 6:04 p.m.

Respectfully submitted by,

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

**RECORD OF ATTENDANCE**

**PRESENT:**

John Delacruz  
Sally Kaye  
Sherry Menze  
John Ornellas  
Shelly Preza, Chair  
Natalie Ropa  
Chelsea Trevino, Vice-Chair

**EXCUSED:**

Roxanne Catiel  
Shirley Samonte

**OTHERS:**

Jordan Hart, Deputy Planning Director  
Kurt Wollenhaupt, Staff Planner  
Richelle Thomson, First Deputy, Corporation Counsel