

**LANA‘I PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 17, 2021**

A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 5:07 p.m., Wednesday, February 17, 2021, online via BlueJeans Meeting No. **326 384 589**

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

Ms. Shelly Preza: . . . started. Just, if for anyone who is joining us for the first time, if you're a Commissioner and if you'd like to turn your video on that be great. And if you're not a Commissioner, if you could mute your video off until you'd like to testify, if you would like to. And to just get started, I'll start with roll call to make sure that we have quorum today. So is Chelsea here? Okay. Roxanne?

Ms. Roxanne Catiel: Here.

Ms. Preza: John Delacruz? Not here yet. Sally Kaye?

Ms. Sally Kaye: Here.

Ms. Preza: Thank you. Sherry Menze? John Ornellas, I think he's not able to join. Natalie Ropa?

Ms. Natalie Ropa: Here.

Ms. Preza: Thank you. And I believe Shirley has not been able to attend. Unfortunately, that doesn't put us at quorum. That's only four commission members here. So I'm not sure if we want to give them a few minutes. I know that Shirley and John said they weren't able to make it, but I believe Chelsea and John did confirm their attendance. Can you confirm that Leilani, that they said they would be here.

Ms. Leilani Ramoran-Quemado: Can you hear me?

Ms. Preza: Yes.

Ms. Ramoran-Quemado: Yes, John Ornellas – excuse me, John Delacruz and Chelsea did indicate they were planning to attend also.

Ms. Preza: Okay. So do you think it would be best if we just get started anyway and hope that they pop in before we have to vote on anything?

Ms. Ramoran-Quemado: I'll defer that to --

Ms. Preza: I think we'll go --.

Ms. Ramoran-Quemado: -- Richelle.

Ms. Preza: I'm sorry, what was that Leilani? Sorry, what was that Leilani?

Ms. Ramoran-Quemado: I would defer that Richelle to see whether or not if we can continue the meeting without a quorum.

Ms. Preza: Okay. Richelle, are you there?

Ms. Richelle Thomson: Hi Shelly. Hi Chair.

Ms. Preza: Hi.

Ms. Thomson: So what I recommend is that we just wait for a little while before we start the meeting. If we, we can have presentations and testimony without quorum, but you wouldn't be able to deliberate or ask questions. So you can just receive the testimony or presentation, but you couldn't take any action, you know. So if you, if you can give it like another ten minutes or so and just see if you know, enough folks show up and that's what I'd recommend.

Ms. Preza: Okay. Yeah. Sounds good. I'm sorry. Everyone who's joining us on, on time, if we could just wait a little while. Thank you, Richelle, for your input.

Ms. Kaye: Can I ask a question, Shel? Is it possible, Richelle, to do any of the back end items or would that require a motion to amend the agenda? You know, the report on the Miki Basin that kind of thing that doesn't require any action?

Ms. Thomson: Um, right, it kind of doesn't matter because it's all, you know, on the same agenda. So we can take it out of order anyway. Yeah.

Ms. Kaye: Okay.

Ms. Preza: I'm sorry. Can I just confirm; can you all hear and see me okay? Because I'm showing that my internet is not doing great. Okay, thumbs up. That's good. Thank you. I can never tell but yeah, thank you all for your patience. And actually while we wait to see if anyone else, any other Commissioners hop on, I'll just go through the kind of meeting protocols if you're joining us for the first time via BlueJeans. Thank you for being here.

So public testimony will be taken when each agenda item is discussed and testimony will be limited to a maximum of three minutes. Testifiers will be called by me to offer testimony and are asked to mute their audio and video when you're not testifying. If you're testifying via video, you can sign up using a chat function by providing your name and the item you wish to testify on. You can message that directly to Leilani. The Commissioners will be not, will not be checking the actual chat, so please don't put anything there because we won't be, we won't

be addressing that personally. But if you can, if you can directly message Leilani that would be great. And if anyone's calling in via the phone, I'll call for testifiers after anyone who's calling into BlueJeans has testified. Yeah, and it says Commissioner shall not be contacted by the chat function. So anyway, thank you all for your patience. Hope you all are all doing well.

Okay, I guess we'll give them another five minutes if that's okay, just because yeah, I would be good to, if others could hop on. How are Commissioners doing, Roxanne, and Natalie and Sally?

Ms. Kaye: It's cold. Very cold.

Ms. Preza: Yeah, it's quite gloomy outside. Today's a good day for soup. Yeah, I was going to say this is the one good thing about a BlueJeans meeting is that you can stay in your warm house and we don't have to, like, go to the Senior Center and brave the weather. So I'm just going to mute myself and then we'll see where we're at at 5:10. And apologizes to everyone who's tuning in. We can't get started until we have a quorum. But if you want to go take a break, get some water, get a snack, this would be a good time to do it.

Chelsea are you there? I think I just saw Chelsea hop on. Chelsea, can hear us? I think she's still connecting. Oh, hi, Chelsea. It seems like she's still messing with her video.

Ms. Chelsea Trevino: Hi there.

Ms. Ramoran-Quemado: Shelly, you're muted. You're muted, we can't hear you.

Ms. Preza: Oh, sorry. Thank you. So now we have quorum. Okay, we actually did --. Chelsea just leave? Sorry, I only I can only see you popping in and out.

Ms. Trevino: I'm here. I think it kicked me off. I had to connect . . . (inaudible) . . . I'm sorry, I just got home.

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

- 1. A BILL FOR AN ORDINANCE AMENDING SECTION 19.52.090, MAUI COUNTY CODE, RELATING TO UNLAWFUL CONSUMPTION OF INTOXICATING LIQUOR IN HISTORIC DISTRICTS 1 AND 2 (LAHAINA)**

MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting County Council Resolution 20-166 referring to the Lanai Planning Commission a proposed bill to establish that the consumption of intoxicating liquor in recreational areas under the jurisdiction of the

Department of Parks and Recreation is unlawful in Historic District 1 and 2 (Lahaina). Some minor updates are also proposed. (J. Takakura)

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed>

Ms. Preza: Oh no worries. Okay, great. So we have quorum now so we'll get started on Item B.1. If possible, I think, we, we have a presentation. So if you would like to sign up to testify, please directly message Leilani, and then I will open public testimony after any presentations. But this item is on a bill for ordinance amending Section 19.52.090 of Maui County Code relating to unlawful consumption of intoxicating liquor in Historic Districts 1 and 2 Lahaina. And I believe a resolution is being transmitted and I'm not sure if a representative from the County has the presentation for us to listen to. I see Jackie is there. Hi, Jackie. All right, feel free to get started whenever you're ready.

Ms. Jackie Takakura: Okay, thank you, Chair Shelly Preza.

Ms. Preza: Thank you for being here.

Ms. Takakura: Hi Planning Commission members. It's gloomy here on Maui too, so it's nice to be in my office. Okay, so we're here talking about Chapter 19.52 of the Maui County Code. And this is Historic Districts 1 and 2 Lahaina, and I know this is separate. It's not related directly to Lanai, but because it's part of the zoning code, we do get the feedback from all three planning commissions. And I think this place is probably quite familiar to you because, you know, the ferry is right there and so you probably pass through this area often when you come to Maui if you take the ferry.

So I do have a brief presentation for you that I'll go through. I'm going to share my screen now and then I will ask for a thumbs up, uh, blue screen. I think you folks received this in advance. So can I -- I can see your little images if you can just give me a thumbs up that you can see the presentation that I have and you can hear me okay. I'll try to pay attention to my screen, too, so I don't forget where I'm at it.

Okay, so like I mentioned, this is Chapter 19.52 of the Maui County Code, and we just have some revisions. And at the end of last year, the Planning Department received Resolution 20-166 to prohibit drinking alcohol in the county parks in Historic Districts 1 and 2. And that's Chapter 19.52.090. The bill that we're presenting also proposes to revise the definition of intoxicating liquor. So it is the same as what you would find in the Hawaii Revised Statutes, Section 281-1.

And since we received this resolution, we took this as an opportunity to update this whole part of the Code, because if you had a chance to look at the memorandum report, you can see that there's terms that are antiquated and there's some that are redundant. It's just like when we went through that Airport District zoning code and we saw those words like haberdashery

and those things that, you know, you have to look them up. We don't even know what those terms are anymore. So those terms are still in this part of the Code, so we'd just like to clean it up and use modern terms. And there's some definitions like dry goods and then some other store type definitions that are in there that are redundant. So we're trying to put them together and then put them in alphabetical order, and so that they're lined up with also not just in alphabetical order, but with what you would find in other parts of the zoning code.

In addition, we're proposing to make the height limit for single family dwellings and duplexes consistent with the height limit in other chapters of the code. And I'll go into more detail about each of these.

So I want to just go over the parts that we're proposing to update in order of what you would see in the Code, and so this is 19.52.090B. And what we propose to do is take that list of 53 uses and consolidate them down to 19, and use terms that are already in our definitions chapter, 19.04.040. Or, if they're not in there, then just leave them as they are. And that results in 19 uses instead of 53. And in the memorandum, I included all 53 and the proposed consolidation so that you can see we're not trying to delete anything or change anything. We're just trying to consolidate.

We want to add a new use proposed and that would be subordinate uses and structures which are determined by the Director of Planning to be clearly incidental and customary to the permitted uses and structures listed herein. And that language is exactly the same as what you would see in a lot of other zoning districts like Apartment, Industrial. I did a search and this is the same language as in eight other chapters in the zoning code.

So consolidating the 53 uses down to 19, adding this one would equal 20 uses. And by the way, these photos are reminiscent of the time when these use regulations were in existence back in the days of, like I mentioned, haberdasheries, and servants' quarters, and dry goods, and meat markets, and newsstands, et cetera. So it's kind of interesting to go back in time. But, you know, we would like to have the zoning code be pertinent to the present.

So the next change is to 090C, and that is proposing new heights for single family dwellings and duplexes. Right now, the height limit in the historic districts is 35 feet for all buildings and structures. But in most other zoning districts, for single family dwellings, it's 30 feet. And so what we're proposing is to make this part of the Code consistent with other parts of the Code so that single family dwellings and two family dwellings are limited to 30 feet in height. And that would be only new ones. It would not affect existing structures. And I did a search on this one, too. And this is the same as what you would see in residential, service business residential, neighborhood business, rural and agricultural zoning district, is 30 foot, 30 feet height limit.

This is just another change. This is a 090D and changing the term from yard to setback just because that's the general trend in the Department is to use the word setback. And so we'd like to be consistent with that. And you might see this when we get closer to the Title 19 rewrite

in the, in the . . . (inaudible) . . . But we're not changing the numbers or the size of the setback at all. Just this term from yard to setback.

And this is the part that came from -- this is 090F -- and this is the one that came from the County Council Resolution. And right now the current prohibit, prohibition on drinking in parks excludes county parks. And so you can see this yellow here on the screen, we have the bracket going around that yellow part. We want to take that out so that they're not exempted from the --. Well, then they should be just treated like every place, all the other parks in this area. And this recommendation came from the Clean and Safe Lahaina program. Drinking in public parks has become an issue over the years. Some of these parks are culturally significant, you know, like the Courthouse or Moku'ula. Additionally, prohibiting drinking at County parks in the Lahaina Historic Districts would be consistent with the alcohol prohibition at other County parks.

According to the minutes from the November 20th County Council meeting, there's broad community support for this bill, including from the Lahaina Town Action Committee and the Lahaina Restoration Foundation.

Just so you know that the Planning Commissions review the changes to Title 19, but there would be one other provision that would also need to be amended in relation to this. And this is Maui County Code Title 13; 13.040.04A in order for us to take effect. So Corporation Counsel will work with the County Council and the Department of Parks and Recreation to make sure that once this part, Title 19 part, passes through the Planning Commissions' reviews, that additional section would be included for Committee and then Council approval, so that the two parts of the Code are consistent.

So this is a map of the locations. You can see Historic, Historic District 1 is the light blue, and Historic District 2 is the pink. And then I -- we have the green outlines of where those recreational areas are that are under the jurisdiction of the Department of Parks and Recreation. But those are probably familiar to you; the Banyan Court, the Courthouse, you know, right near the harbor. So those are the parcels that would be affected by this change.

So in a nutshell, we'd like to do is modernize, consolidate, and alphabetize the list of used regulations. We'd like to add this additional use, subordinate uses and structures determined by the Director of Planning to be clearly incidental and customary to the permitted uses and structures. Reduce the height limit for new single family dwellings and duplexes to 30 feet, just like other residential areas. And then update the part about the drinking. No drinking alcohol in County parks.

So what the Commission can do is hopefully approve the proposed bill. If you have amendments, you can consider those or include those, you can recommend denial, or you can vote to defer action. So that's the present, that's the basic information. We can answer questions, but I'll stop screen sharing here. Thank you.

Ms. Preza: Thank you Jackie. So, Commissioners, as you are you thinking about any questions for her, I'm going to open public testimony. Leilani, has anyone signed up to testify?

Ms. Ramoran-Quemado: Thank you, Chair. No one has signed up for this item.

Ms. Preza: Okay, thank you. One more chance for anyone calling via the BlueJeans. If anyone would like to testify, you can unmute yourself. And if not, I don't think I see anyone calling in via phone, but I'll just ask. Is anyone calling in via phone who would like to testify on this agenda item? Okay, if not, then I'll close. Okay, actually, so I'm not supposed to be checking the, the chat, but I saw that Andrea asked -- has a question to ask. So Andrea, would you like to testify and you can pose the question to the Commission then we can ask Jackie?

Ms. Andrea Ippen: Yes, please. I would just like to ask if we could hear more in depth as to the reasoning behind the prohibition of liquor in those areas.

Ms. Preza: Okay, thanks Andrea. Maybe, Jackie, if you have any background on that to answer her question.

Ms. Takakura: So . . . is the question regarding the, the exception right now that -- because drinking is allowed in the County parks in the historic district now. So what we're proposing to change, what the resolution would like to change is that drinking would be prohibited in the recreational areas under the jurisdiction of Parks and Recreation. I guess I'm not . . . (inaudible) . . .

Ms. Preza: Yeah, could you say your question again, Andrea?

Ms. Ippen: Yes, I would like to know more, please, about the reasoning behind making alcohol or intoxicating liquor illegal in those parks.

Ms. Takakura: May I Chair?

Ms. Preza: Yes, please.

Ms. Takakura: Thank you. So, yes, this came from the Clean and Safe Lahaina program. And I guess over the years they've been starting to see the problems with homelessness and vagrancy in some of these parks. This would be one of the tools to help, try to help resolve some of these issues that they're starting to see in these parks especially because as you saw in the map, a lot of them are culturally sensitive places.

Ms. Preza: Thank you, Jackie. Andrea, I hope that answered your question. Commissioner, she didn't really ask, she didn't really pose any comments. But do you have any questions for Andrea? We always ask that for testifiers. Okay, if not, has anyone signed up to testify? Leilani, no one has sent you anything?

Ms. Ramoran-Quemado: I'm sorry. No, sorry, no one else has signed up.

Ms. Preza: Okay, thank you. And thank you so much, Jackie. So I'll close public testimony at this time and Commission --. And I also see that John Delacruz has joined us, so now we're at six. Hi John. Commissioners, do you have any questions for Jackie or any discussion on this agenda item?

Ms. Kaye: I have just a tiny suggestion on the prohibition. The old language actually has, I think, what is probably just a typo that started from years ago and just got carried through. But I'm going to read it "in any public street, park, or open space that is owned or maintained by a government --"

Ms. Preza: Wait, sorry Sally to interrupt you. Could you let us know where you are so I can look too?

Ms. Kaye: Okay, if you want to go to the handout, the original one from the Department, not, not the power point, on page eight. Okay, the language in the middle. What it's assuming is that it would be prohibited without permission or approval from a governmental agency that's in charge of the areas. I'm only challenging the word "expressed" because that's a legal term of art and it's usually without the express approval not expressed. So I would just recommend that that word be changed from expressed, e, d, to express. That's it.

Ms. Preza: Thanks Sally. Any other comments or questions? Well, so we have a few --. Oh, yes, Richelle, hello. I think you're muted.

Ms. Thomson: I just wanted to --. Oh, sorry. Can you hear me now? Okay, thanks. I noticed that in the Planning Department's staff report, they also included the Parks Department's recommendation, recommended language and noted that there was a change to 13.04A.080. And I wanted to because I know that you're as a Commission you're just considering the changes to Title 19, 19.2. But you could convey if you want to either support or whatever for the Park Department's proposed changes. And if you are in support of, of those changes to 13.04A.080, there might be an additional change to suggest to the definition of parks in 13.04A.030. Right now the definition in that title, in Title 13, says parks means a public area owned and operated by the County, and it goes on. So the suggestion might be to copy the language owned or maintained by a governmental agency or by the County because several of the parks in the historic districts are an executive order. So they're not technically owned by the County. So just that small clean up too.

Ms. Preza: Thanks. So just to clarify, the, the, what you're referencing wasn't in our packet, right? Like that's a separate thing that will need to get changed in the future, potentially to align with what we're proposing to do here?

Ms. Thomson: Right.

Ms. Preza: Okay.

Ms. Thomson: And it's -- since you're, you know, kind of considering what Parks has also suggested, if you're in support of that change that the Parks is recommending, I would, I would maybe suggest that in your transmittal that that comment is noted just so the council members are aware.

Ms. Preza: Okay, that sounds good to me. Thank you for bringing that up.

Ms. Thomson: Sure.

Ms. Preza: Okay, so with that, we have a few routes we can go. We can recommend approval of the proposed bill, recommend approval with amendments, denial, or defer. Would anyone like to make a motion so we can move forward with our agenda?

Ms. Kaye: I'll move that we recommend approval of the proposed bill with that one amendment from expressed to express.

Ms. Preza: Thank you. So there's a motion. Would there be any --? Sorry, Sally, do you want to include what Richelle was suggesting as well?

Ms. Kaye: I don't understand how we can recommend an amendment to something that's not in front of us. I'm just not sure how that works.

Ms. Preza: I see.

Ms. Kaye: Because I, I -- we don't have 13. We don't have the language. And I'm not -- I didn't catch where that's appearing in what we have in front of us so maybe I just didn't understand clearly where she's going with that.

Ms. Preza: I see. And Richelle, you can feel free to chime in.

Ms. Thomson: Actually the reference to 13.04A is on -- let's see -- it's attached to the Department of Parks and Rec. There's a letter just following the Planning Department's staff report and dated September 25th. And it's, it's the third page of that letter from the Parks Department.

Ms. Kaye: Got it. I'm sorry. Yeah.

Ms. Thomson: So, yes, I think you're absolutely correct, though. It's, you know, really you're recommending -- the motion is to approve the changes to 19.52 with that change that you noted, which I'm so, I really appreciate your careful read of that. That's excellent. And then if you also wanted to include your opinion on the Parks recommendation to the amendments to

13.04A you can do that as, you know, like a cover letter and just ask Planning to transmit the comments.

Ms. Kaye: I'd be happy to amend the motion to include that the definition in 13.04A.080 be as proposed by the Department. Would that help?

Ms. Preza: Yes. Thank you, Sally. And Richelle, does that is that does that suffice?

Ms. Thomson: Yeah. So there's maybe the changes proposed by Parks to 13.04A and also that they consider aligning the definition of park in 13.04A also. I think even something that kind of generic can, you know, convey what you're talking about.

Ms. Preza: Thank you. So Sally, are you amending your motion to reflect that?

Ms. Kaye: Exactly what Richelle said. So now we just need a second.

Ms. Preza: Thank you. Would anyone like a second that motion?

Mr. Delacruz: Second.

Ms. Preza: Okay, John seconds. So with that, is there any further discussion on this agenda before we take a vote? Okay, if not, then I'll just as we have done in previous meetings, I'll just call out your name, and if you could let me know how you vote. Okay, John Delacruz?

Mr. Delacruz: Aye. Or is it yes?

Ms. Preza: Sally Kaye?

Ms. Kaye: Aye.

Ms. Preza: Natalie?

Ms. Ropa: Aye.

Ms. Preza: Roxanne?

Ms. Catiel: Aye.

Ms. Preza: Chelsea?

Ms. Trevino: Aye.

Ms. Preza: And I also vote yes, so it passes unanimously. Thank you all very much.

Ms. Takakura: Thank you.

Ms. Preza: And thank you Jackie, for your presentation, and for answering questions. And as always, thank you, Richelle, for your guidance. Great.

It was moved by Ms. Sally Kaye, seconded by Mr. John Delacruz, then unanimously

VOTED: To recommend approval of the proposed bill with the amendments as discussed.

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

(Excused: J. Ornellas, S. Samonte)

(Absent: S. Menze)

2. A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B, MAUI COUNTY CODE, TO ADD 'MITIGATE CLIMATE CHANGE AND WORK TOWARD RESILIENCE' AS A NEW GOAL OF THE COUNTYWIDE POLICY PLAN

MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, in accordance with Section 2.80B.060, Maui County Code, transmitting County Council Resolution 20-170 referring to the Lanai Planning Commission a proposed bill to add a new goal and related objectives, policies and implementing actions to the Countywide Policy Plan of the Maui County General Plan 2030. (Jennifer Maydan)

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed>

Ms. Preza: So we'll move on to Item B.2, which is a bill for an ordinance amending Section 2.80B Maui County Code to add mitigate climate change and work toward resilience as a new goal of the Countywide Policy Plan. I'm not sure if we have anyone here to present. We didn't receive any slideshow, like, hard copies in our packets. But, um, is anyone from the County here to speak a bit more on this or are we just going to jump straight into public testimony?

Mr. Jordan Hart: Chair, this is Jordan Hart, Deputy Director of the Planning Department.

Ms. Preza: Hi.

Mr. Hart: Hi. One item I just wanted to check on is, is do we substantively address both agenda items relating to the, to the historic district?

Ms. Preza: Sorry, both agenda items?

Mr. Hart: I'm sorry. I need to make a clarification on that. I was that was an error carryover from a different meeting. Okay, so sorry, we transmitted two items to the CRC, and I thought we were doing two at the same time. I got, I got myself confused.

Regarding the ordinance amending Section 2.80B of the Maui County Code to mitigate climate change and work towards resilience. There is a series of edits put forward in the transmittal that's been given to the Planning Commission. There is no presentation. I do note that Council Member King is here who's been instrumental in this process and maybe her testimony could provide a little bit more of the substantive background to the Commission for context. But as far as the Department's involvement, it was just going to be basically to provide the information to you and receive any comments that you may have on that.

Ms. Preza: Thanks Jordan. Great. So I'll open public testimony but I -- hi, Councilwoman King. I, I know that I read that testimony will be limited to a maximum of three minutes, but if it's okay with my fellow commission members, since Council Member King was, you know, like the chair of this committee, if we could give her longer than that, if she needs to kind of explain some of the background. Would you all be okay with that?

Mr. Delacruz: Fine.

Ms. Preza: Thank you. I see nods, so great. And Leilani, besides Council Member King, is there anyone signed up, else signed up to testify on this?

Ms. Ramoran-Quemado: Chair, yes, we have Michelle Del Rosario also signed up to testify.

Ms. Preza: Okay, great. Thank you so much. But great. Thank you Council Member King for being here.

Council Member Kelly King: Yeah. Thank you for having me. It's really interesting listening to you deliberate on the previous item and it's nice to see some familiar names on the screen. I worked with Stan Ruidas several years ago on trying to put together the . . . (inaudible) . . . Project. But I wanted to, I wanted to share with you my impetus for proposing to add the climate mitigation to the, the Countywide Policy Plan because it's a huge issue. It's probably the next well, you know, it's the next pandemic that's coming after the one that we're experiencing right now. And so we're trying to do a lot. We're trying to work with the Planning Department, and Public Works, and other departments on prevention and mitigation. And so we wanted to put that front and center as a major goal for the County's plan.

We are actually the first County to have a climate action. It's called Climate Action Resilience and Environment Committee now. And we actually just inspired the Big Island to create a similar community for their Council. But this is an issue that is growing and, they're, they're -- we're actually working pretty quickly in the County of Maui. So we just had a very impressive presentation by the Planning Department in my committee today on the SMA, the Special

Management Area Rules. But this, it kind of illustrates where we need to go and we need to move pretty fast and furious on some of these issues.

One of the changes that we made in Committee was based on a testifier presenting the one who runs the Alliance for Community Associations on Maui. And so we added the section on indigenous trees, trying to promote native tree plantings. That's, that was one new section.

The other thing that came up when I first proposed this is was the Planning Director, Michele McLean -- I was, I was pulling all of the climate action items under this this issue, but leaving them also where they were at so they would be dual action -- and she requested we actually bring them all under this one item so there wouldn't be that duality. So we did that in deference to her concerns. And so we consolidated everything under the Climate Action and Resilience Committee. So that's where we are today. And we have the requirements of sending that to all the Planning Commissions, so I hope you'll support it. It's a major issue today and especially for our island communities. And it's also having this front and center is helping me bring more resources, resources from ICLEI. I was recently recruited for the Board of ICLEI, which stands for International Council on Local Environmental Initiatives. And so we'll able to bring some of those resources to Maui County and get us involved in the Circle City program, which will be make us one of five pilot projects in the US to, to launch a circular economy initiative.

So that's pretty much background and where we're at today with moving ahead with climate action. I'm here if you have any questions, so I'm just want to be a resource for you.

Ms. Preza: Thank you so much for sharing. I did have a question actually. So you mentioned about, at like, based on someone's testimony and adding in promoting the, the planting of indigenous trees. But I didn't see it. Could you point out where that is in the, in the proposed section?

Council Member King: I think you've got the -- you should have gotten the amended, the final section. The one that made it out of committee.

Ms. Preza: Because I did see it, you know, under the objective one, of 1A, the policy, I saw increased reforestation efforts by encouraging residents and visitors to plant noninvasive gardens and trees. But I didn't see specific. That was going to be one of my comments today was promoting, you know, the use of native, native trees . . . (inaudible) . . .

Council Member King: I thought that's how we worded it. I'll have to go back and look at it. I'm just trying to find out in your, your --. I don't have the ordinance in front of me right now. Sorry about that.

Ms. Preza: If you remember it off the top of your head, I figured I would ask. But I'm glad that that was a consideration.

Council Member King: Yeah.

Ms. Preza: Thank you. Commission members, do you have questions for Councilwoman King? If not, thank you so much for your testimony, for being here, and I hope you'll stick around in case maybe we have . . . (inaudible) . . .

Ms. Kaye: Actually Shelly, I do have a question for Kelly.

Ms. Preza: Sure, go ahead.

Ms. Kaye: Is it okay?

Ms. Preza: Yeah, okay.

Ms. Kaye: One of, one of the things I would ask you to address is the responsibility for enforcement. I know that, you know, this is done every ten years and I actually have a copy of what was done back in 2007. And I know that was an issue that came up back then, that there's not really a clear line of who's responsible for the implementing policies. I know that there's reporting that's supposed to be done; I think it's annually. And I'm not sure if that is done. So if you could address those, please.

Council Member King: Okay, well, there's, there's a difference between the --. Is it okay, Chair?

Ms. Preza: Yes. And I -- just for other future comments, maybe that would be better suited for, like, our discussion after public testimony has closed because it wasn't really a question for her. But you can go ahead and respond.

Council Member King: Okay, thank you. So there's a difference to the Community Plan and the Countywide Policy Plan. So kind the Countywide Policy Plan is firstly has a big issue, kind of visionary goals. And then when we pass ordinances relative to those goals, we put in the ordinance who is in charge of enforcement. You know, like, if we pass an ordinance outlining or realigning SMA, the SMA line or the shoreline, the shoreline designation, that would be, you know, that goes in the specific section for the Planning Department. But generally, the items that go into the Countywide Policy Plan are not specific policies. They're more visionary goals. But the items that go into the Community Plans, they have that whole section, the whole implementation section. So I'm not sure if that's what you're talking about. And then in that implementation section, there's a column that says who's responsible, what agencies are responsible for each of those implementing actions? But the General Plan doesn't have that. Does that answer your question?

Ms. Kaye: It does, but you raised the further issue of that never happens at -- I mean, that's where I was going with this -- that we have those in our Community Plan, but we've, we've made the argument over the years that even when they're that specific there, unless you have

someone that's monitoring the actual implementation of whatever, you know, encourage, recognize, promote all of the wonderful words, if you don't have somebody monitoring it, it kind of just falls by the wayside. So --

Council Member King: Yes, I totally agree with you on, on that issue. But I'm just -- my, my point was that the Countywide Policy Plan is not the place we put that. If we passed something relative to the Countywide Policy Plan, it will be in that ordinance. So the Countywide Policy Plan is more of a visionary, a vision, and it's got the vision. It's got the principles we go by. And that it allows us as committees to take our issues for our particular committees and say, okay, we're going to work on such and such ordinance, because in the policy plan, that's one of the goals to get there. And so the policies that we pass, and the ordinances we pass are, are the objectives that are going to get us to those goals.

Ms. Kaye: Thanks for the clarification.

Ms. Preza: Thank you. Other questions for Councilwoman King? Okay. If not, thank you so much. And I believe, Leilani, you said Michele Del Rosario would like to testify, is that correct?

Ms. Ramoran-Quemado: That's correct.

Ms. Preza: Okay, Michelle, if you would like to, feel free to unmute your video and your audio, and your testimony you have about three minutes. Michele, are you there?

Ms. Michelle Del Rosario: Hi. Aloha. All right, aloha. I come before you this evening, the Lanai Planning Commission Members, as an owner, a property owner on the island of Lanai, as well as a leadership member for the Climate Reality Project.

Climate Reality Project was formed by former Vice President Al Gore. And so I'll share quote with you that he has a very robust website. You can look up called the Climate Reality Project. And members of the community go through training to be able to be more knowledgeable and create change in their communities.

Vice President Gore's quote is, "The reality we face implores us to act." So I come before you this evening to recommend and request your support of a bill for an ordinance amending Chapter 2.80B of the Maui County Code, and the Countywide Policy Plan relating to climate change and resilience specifically adding mitigate climate change and work towards resilience as a new goal of our Countywide Policy Plan. And I would appreciate your support. Climate change is upon us and it's affecting all of our islands here in Maui County. And I would love to see both Pulama Lanai and County of Maui move forward and being proactive and creating resilience in all of our projects going forward and preparing us for climate change. Thank you.

Ms. Preza: Thank you for your testimony. Commissioners, do you have questions for Michelle? Okay, if not, then thank you so much. We appreciate your time.

Ms. Del Rosario: Thank you.

Ms. Preza: Leilani, has anyone else signed up to testify?

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

Ms. Preza: Okay, and is anyone calling in via phone who would like to testify on this agenda item? Okay, if not, then I'll close public testimony. And Commissioners, we can begin our discussion. If you have thoughts or questions about the proposed changes if anyone wants to get us started.

Do you folks think it's a good idea? I think it's a great idea to add a section addressing this. I do have a few comments about maybe potential changes or additions to some of the policies. Maybe I could just speak about some of those things. If that's okay. If anyone else wants to go too, that's fine.

Okay, so I think, and so kind of to my last comment to Councilwoman King, and under objective one, policy A, which is increased reforestation efforts by encouraging residents and visitors to plant noninvasive gardens and trees. I think we should aim that to promote native gardens and -- plant native gardens and trees, because I think it's good that, you know, obviously we should encourage people to plant not invasive. But that could also just be other introduced species. Whereas I think native gardens and trees are more closely related to what would have been here and what worked for thousands of years prior to people coming. So I would recommend changing that language from noninvasive to specifically native.

Something else I would add in that section about mitigating climate change impacts would be to acknowledge and promote programs that utilize traditional knowledge in implementing climate change and, you know, programs and resilience. Because I feel like native Hawaiians lived here for hundreds of years very sustainably. And while I think this, you know, the efforts of these policies are heading in the right direction, I do think we need to address the fact that we're in Hawaii and that there are like many centuries of generational knowledge that could really help in our efforts to promote resilience against climate change. So I would recommend acknowledging that and also acknowledging, you know, promoting programs that, that help to promote natural and cultural resource management. And I feel like that in particular was missing from that section.

What else? I think also in objective two which was reducing the impacts of sea level rise by acknowledging climate change, adapting, mitigating and planning accordingly. I would add a policy that would be to either support or develop programming to protect iwi kupuna. You know, in traditional times, native Hawaiians often were, after passing, their iwi, or their remains, were placed in sand. And so I think with sea level rising, a lot of our kupuna are threatened. And so I think that should be a part of the policy to develop programs and support programs that will help address protection of those iwi. I think that's incredibly important as, as, sea levels will rise in coming decades.

And lastly, one of my other thoughts was on objective three, which was to significantly, significantly increase the use of renewable and green technologies to promote energy efficiency and energy self-sufficiency. I think that's a great goal, and I agree with a lot of the policies that are there. But I think there should be an additional policy that acknowledges that these seeking out renewable and green technologies should be, should be done in tandem with the local community to make sure that it's in the best interest of community members and that it fits with what the community members would like for, for their, for their community. And I think about that because of the big wind fight that happened years ago when I was in high school. And I think that we all, I hope that we all can acknowledge that renewable energy and green technology is a great thing, but it should be done in a way that is culturally sensitive and sensitive to the special places that we have here on land. And so I would suggest adding a policy that says that, you know, while we want to promote all these things, they should also be done working closely with the communities that are involved or that are impacted by these renewable energies.

And those were some of my thoughts. I don't know if others have comments or what you thought about some of the things that I proposed.

Ms. Kaye: I actually agree with everything you've said Shelly, I wonder if it would be useful to pair it down to specific language and specifically where you want to add it.

Ms. Preza: Thanks. Yeah, I mean, I tried to kind of break it down. I know that was just more of my thought process, but I tried to kind of --. I think with supporting use of traditional knowledge and incorporating, you know, cultural and natural resource management as a policy, I imagine that would go under objective one, to mitigate climate change impacts. And then the comment about iwi kupuna, I, I imagine would be under objective two which is, you know, reducing the impacts of sea level rise. And then I imagine that the working with local communities would go under three for, you know, encouraging the use of renewable and green technologies. But you're right, I think we should try to make more specific language and that combines everything that we've been saying. But you do other Commission Members, I would love to hear additional thoughts.

Ms. Ropa: Are the things that you said things that you want to add separately or change the language? Because I feel like it might be two different things, you know what I mean?

Ms. Preza: I think it would be to add to a policy or to suggest that they add. Because I'm not sure if there's anything besides the comment on, you know, changing non, noninvasive to native, I feel like the things that I was saying, they wouldn't, yeah, they wouldn't, like I think you're implying, like they wouldn't, they wouldn't be addressed if we just tried to change the existing language because they're not quite referenced. What do you think, Natalie? Or the Commissioners?

Ms. Ropa: Yeah, I agree . . . (inaudible) . . . Like the residents and visitors to plant noninvasive gardens and trees, if you change that to native, you know, like, does that mean that some of like the food plants and things like that people are planting to eat that maybe are not native or important. You know what I mean?

Ms. Preza: Right. I thought about that, too. I think, I don't know if that could maybe be added also like promote planting of native gardens and trees or, you know, food, food plants, you know, for like, for more sustainable lifestyles. I feel like that could fit there as well. Yeah, that's a good, that's a good thought. And I'm sorry, maybe Jared, if I could -- or not Jared -- Jordan, if I may ask, are we just, if we are -- you know, I know we're just kind of discussing our thoughts on this. So would it, if we are able to just come up with a list of thoughts that we all would like to support, that's all that we're kind of recommending, right? Or are we recommending the actual we're recommending the actual approval of the bill with potential amendments? Are those our options?

Mr. Hart: Yes. Approval, approval with amendments. I mean, you could basically, you know, make any series of recommendations you want, whether it be, you know, you recommend that it not be approved, approve with no amendments, or you could recommend amendments and approval. And so just to recap, I was basically, you know, when you were making your initial recommendation I was envisioning that you were talking about editing Item-A, or Item 1A, to incorporate native species. And then it sounded like there was also the incorporation of, of food and sustainability type plants that are consumed. And then for the other items, I was just envisioning that they were going to be basically add ons in Sections two and three because they didn't sound like they were edits of a partially completed or completed objective or policy. Excuse me. Or if you wanted to call out a specific location where you want to -- sorry about that -- if you wanted to call out specific location where you wanted them to be inserted, or if you thought that at the end was fine, you know, it's up to this body.

Ms. Preza: Okay. Thank you for the clarification. I think --. Okay, so that's where we're going with this as a Commission so that we know what the end goal is. Maybe before we start, like, talking about specifically what we want, where and how like thoughts that maybe haven't been expressed that you think should be added or anything that should be . . . (inaudible) . . . that we think should be removed.

Okay, if not, so I imagined that the, you know, utilizing traditional knowledge and promoting natural and cultural resource management, I imagine that that would be under objective one like in addition to the policies there. Because it seems like it would fit like there's already policies that they promote programs and incentives that decrease greenhouse gas emissions and improve environmental stewardship and development of these property. Like to me that would fit in that section if everyone agrees. Did anyone not agree with that? Okay, so I would suggest that be added to that policy. And I think what you're saying, Jordan, and what Natalie was referencing earlier was editing Policy 1A, which was increase deforestation efforts by encouraging residents and visitors plant -- we can put native gardens and trees and also food

or plant. I don't know how we would -- Natalie, do you have a thought or --? Or non-invasive plants that promote food sustainability? Maybe that could be a way to edit that first one.

Okay, and then objective two just be to, to protect the iwi kupuna . . . (inaudible) . . . I think I would add it . . . (inaudible) . . . Under the policies I would add ensure that the promotion of renewable and green technologies are that they were . . . (inaudible) . . . that the community is, is for those new activities. Sorry, I'm not saying that correctly, but I think it's just we want to involve make sure that local communities are involved in any kind of large scale of renewable --

Ms. Kaye: Shelly, I'm sorry, what page are you on?

Ms. Preza: -- works for the community and for taking care of places.

Ms. Kaye: Shelly, I'm having a hard time following where you are can you --

Ms. Preza: Sorry, Sally, you cut out. What did you say?

Ms. Kaye: I said, I'm having a hard time following where you are. Can you identify a page of the renewable energy goal that you're referring to? What page is that?

Ms. Preza: If you go to the first page that . . . (inaudible) . . . That, that is, there's, that is page four . . . (inaudible) . . . That is objective three; it's the renewable energy objective.

Ms. Kaye: Oh, see, you're all the way back there.

Ms. Preza: Sorry, Sally, can you hear me?

Ms. Kaye: Yes, I can hear you. You're all the way back there. I'm sorry. I was to the meat of it. I was trying to follow through the detailed one. I got it now. Okay. Yeah. So how about if, if and that's, that's a really, really wonderfully important thing that you brought up. So what if the, what if the suggestion would be to significantly increase the use of renewable and green technologies to promote energy efficiency and energy self-sufficiency after consultation with local communities that are targeted for the site for any renewable projects. Would that work?

Ms. Preza: You're suggesting we, we suggest the edit to be in the objective itself . . . (inaudible) . . . underneath it?

Ms. Kaye: I believe we're having trouble with --

Ms. Preza: Can you all, all hear me?

Ms. Kaye: Yeah. There's a networking issue. I'm getting a notice at my end.

Ms. Preza: Sorry, I think my, my internet is . . . (inaudible) . . . Okay, sorry. Oh you guys can't hear me? . . . (Inaudible) . . . Hi. Sorry. I think my internet cut out. Can you all hear me now? Okay, if you can't hear me maybe, I don't know if --. Can you hear me now? I was going to say maybe Chelsea should take over. Okay, I see nods. Apologies. I don't know what's happening with my internet but it kind of made, it made everyone freeze, so sorry. If it's okay, if I cut out again, if Chelsea maybe you could take over that would be great. But seeing as you can all hear me now, we'll just kind of plow forward, I guess.

Ms. Trevino: Yeah, everything has been very choppy, the whole meeting, for me.

Mr. Hart: Chair and Vice-Chair, if you look, you can see the signal that you guys are getting. It looks like you have kind of weak signal that both of you are getting right now. There's, there's like a, looks like a cell phone bars under the lower right of everybody's image.

Ms. Trevino: Yeah, I see Shelly's has been like one bar the whole meeting. I don't know. I have Hawaiian Telcom for internet so I know they've been having issues.

Ms. Preza: Okay, I can try to move location to see if my internet will get better, if you give me one moment. If not -- but feel free to continue discussion of this. I'm just going to move closer to the router.

Okay, so I'm closer to the router, but it's still showing my signal as poor so I'm not sure how -. I don't want to keep anyone waiting in this meeting. I'm not sure if anyone else is able to take over with better Internet or what the rules are on that. It seems like Chelsea was having some issues as well.

Mr. Hart: You seem solid now.

Ms. Preza: It seems better now. Okay, maybe we'll just try to, try to keep going while the internet is good and we'll troubleshoot if anything else comes back. Apologies, everyone, for the technical difficulties.

Sorry, so was there further discussion on, on where things should be put or what should be added?

Mr. Hart: The last thing I was able to take notes on was there is a discussion. It seemed like Commissioner Kaye made some suggested edits and I was trying to, to basically make sure to get them correct and in the right place. That's, that's where I stopped taking notes.

Ms. Preza: Thanks. I think I was asking Sally if, if you thought that, that added thing about the working with the local community, if that should be added directly to the objective or perhaps as a policy underneath the objective.

Ms. Kaye: Yeah. And, and now that I know where you are, I think absolutely it should be in the objective because then it applies to all policies below it. And so some of them, you know, doing encouraging green footprint practices, that that's you know, that's probably not as relevant. But if you do it in the objective, then it's done. You don't have to pick and choose which policy.

Ms. Preza: I see.

Ms. Kaye: That's my thinking.

Ms. Preza: That makes sense. I'm sorry, Jordan, have you been able to kind of capture some of these notes as we've gone through?

Mr. Hart: Yeah, I've actually got all of them up until this point. And I just -- so basically it seemed like the suggestion was to merge your, your comment on consulting with the local community and making sure that the proposed project fits with the objective of significantly increasing the use of renewable and green technologies to promote energy efficiency and energy self-sufficiency. And so I'm trying to make sure that I understand it. It would be something to the effect of significantly increase the use of energy and green --. Sorry. Significantly increase the use of renewable and green technologies to promote energy efficiency and energy self-sufficiency, and then some version of in consultation with the local community where the project is proposed.

Ms. Preza; Yeah.

Mr. Hart: Okay, okay.

Ms. Preza: Thank you. Okay, thank you, Jordan. Thank you. Other additions and any other thoughts or discussion? And Jordan, am I correct in if, you know, we don't have further discussion, if we, you know, someone could move to, to recommend approval of the proposed bill with amendments that we could just say referencing the notes that that you've taken on behalf of our, our comments?

Mr. Hart: Yeah, you can do that.

Ms. Preza: Okay, thank you. So any other discussion or would anyone like to make a motion for this agenda item?

Ms. Kaye: Okay, I'll move that, that the Commission recommend approval of the proposed bill to the Maui County Council with the amendments as discussed and captured by the Planning Department.

Ms. Preza: Thank you. We have motion on the table. Would anyone like to second that motion?

Ms. Ropa: I'll second.

Ms. Preza: Natalie seconds. Thank you. Great. So we'll go to a vote. And as always, I'll call each of your names and you can tell me how you would vote. So, Roxanne?

Ms. Catiel: Aye.

Ms. Preza: Sally?

Ms. Kaye: Aye.

Ms. Preza: Natalie?

Ms. Ropa: Aye.

Ms. Preza: John Delacruz?

Mr. Delacruz: Aye.

Ms. Preza: Thank you. Chelsea?

Ms. Trevino: Aye.

Ms. Preza: Okay, thank you. And I also vote aye, so it passes unanimously. Thank you all very much.

It was moved by Ms. Sally Kaye, seconded by Ms. Natalie Ropa, then unanimously

VOTED: To recommend approval of the proposed bill with the amendments as discussed.

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

(Excused: J. Ornellas, S. Samonte)

(Absent: S. Menze)

C. DIRECTOR'S REPORT

1. Open Lanai Applications Report as distributed by the Planning Department with the February 17, 2021 agenda.

Ms. Preza: Thank you Council Member King for being here as well. Okay, excellent. And again, apologies for the technical difficulties we experienced. I hope it didn't prolong the meeting too much, but we'll move on to agenda item C.1. which is open applications report as distributed by the Planning Department. We get the same docket every, you know, we get

that at the end of our packet every month. So are there any questions on those? Okay, if not, then --

Ms. Kaye: Yes, yes. Sorry.

Ms. Preza: Oh, yes. Go ahead Sally. No, go ahead. I didn't, I didn't see you nod. Go ahead.

Ms. Kaye: Yeah. Sorry. The Hulopoe Beach Park access gate; it's an SMX. What, what is that?

Mr. Hart: I will have to research that specific one and get back to you.

Ms. Kaye: Okay, thanks.

Ms. Preza: Thanks. Any other questions, Sally or anyone?

Commissioner Kaye requested further information of the Hulopoe Beach Park access gate, an SMX project. Mr. Hart will do research and provide information at a later date.

2. Status update on the 20-acre Miki Basin CPR project.

Ms. Preza: Okay, great. And then the next Item C.2., which is status update on the 20-acre Miki Basin CPR project.

Mr. Hart: So the update that I received from the applicant essentially is that the, there needs to be a subdivision that occurs, and the applicant is trying to get the land court's recognition of the subdivision of the parcel or lot two. And once that's completed, then they'll initiate the condominiumization process. Once that is completed, they would be able to proceed with the project. They're basically waiting for resolution from the State Department of Transportation in order to complete the recognition of lot two. And so at this point, they're basically not able to provide estimated time frame as far as when that recognition of lot two would be completed or when the final condominiumization of the lots would be completed.

Ms. Preza: Thank you, Jordan.

Ms. Kaye: Okay, Jordan. I have a question for Jordan. What is lot two? What, what is, what are you referring to?

Mr. Hart: Lot two -- well, I received a verbal summary, so my understanding is a lot two is a portion of the land area that is going to be condominiumized where the four fee simple lots, or they're going to be condos, but where the fee simple condos will come out of is that lot two area. Okay.

Ms. Kaye: Okay. So this, this, this, parcel, this 20 acre parcel is currently zoned in Ag?

Mr. Hart: I --

Ms. Kaye: I mean --. Yeah, I'm sorry, I don't mean zone. Has it -- what taxation level is being applied to this?

Mr. Hart: Oh okay. So I mean we can check that on real property tax. It, hypothetically it should be taxed as it's zoned, but I'd have to look at what it actually is taxed at right now.

Ms. Kaye: Because this has been 20 years, over 20 years now, that this promise for this benefit for the community has been on the table. And, you know, I'm sorry, I'm not smart enough to really understand what you just said. I mean, what is the holdup with Land Court? This, this doesn't help us understand what the delay is and why it's being used right now as pretty much an urban. I mean, there's, there's a, what is it called, a processing plant on the facility right now.

Mr. Hart: So on behalf of the Department, I did request a specific update, you know, outlining specific steps and an ETA on, you know, the ultimate expectation of when lots would be offered for sale. And I received a long, much longer version of basically the key points that I, that I relayed, which is basically what the step is at hand, what the next major step is, and that there's no ETA provided.

So, you know, I can understand the issue of concern. You know, I basically did hear it in the last few meetings anyway, as the item was discussed, and this is the level detail that I received and able to give to the Commission.

Ms. Kaye: Was that in writing? Did you get that in writing, Jordan, or verbally, did you say?

Mr. Hart: It was an e-mail. It was an e-mail.

Ms. Kaye: Well, then how about if we just requested in writing as a formal submission, can we do that? An update and put it on the next agenda.

Mr. Hart: Sure. So, so let me clarify. Are you requesting me to write that information, or are you requesting that the applicant provide that information?

Ms. Kaye: Which would you prefer?

Mr. Hart: Considering I don't actually have direct knowledge of any of this stuff, I would prefer that the applicant provide their information on what is going on.

Ms. Kaye: Then let's, let's do that. Then you can weigh in on it.

Ms. Preza: Okay. Sorry, so to confirm. So, we as a Commission -- maybe this is a question for Richelle -- we're able to do just request information of applicants on something that's not on our agenda? Just to confirm.

Ms. Thomson: So if it's a project that is likely to come up, you could request information on it. You can also request information on it. I wasn't really following the complete thread about what was going on with land court, and then the condominiumization. But if this is related to Miki Basin and the CPR and it's a preliminary step that needs to be done, yeah, I think it's related enough to request information on that preliminary step. Because it sounds like the --. Well, it's about this 20 acre Miki Basin project at any rate, so yeah.

Ms. Preza: Okay. Thank you. Just wanted to confirm to make sure we're within our bounds, so okay. Great. Other Commissioners would also like to request that information?

Mr. Delacruz: I would like to see that information. This is John. Let me see if my mic is on. Yeah, I've got my audio on. I think one or two meetings ago there was, I thought, some confusion as to what a dwelling and what an apartment is. And there was some talk about a certain type of dwelling is not an apartment, or an apartment is not a dwelling, and I was concerned about that. Because there was always talk about there being apartments at the Miki Basin project. But someone said, no, there's not going to be any apartments. But my understanding of condominiumization is where you have multiple dwellings on one lot. So I would like to see clarification on that.

Mr. Hart: Chair, so I could try --. This, this is not the applicant's response, but basically there is, there are land condominiumization. So there's condo units that that is the standard, you know, basically like apartment units that are fee simple with, with a CPR number that can be sold. But there's also land condos, and the context that I'm aware of seem to be discussing light industrial use condominiumized land as opposed to apartment type condo. But are you -- so the clarification is, is, is multi-family proposed within the, the development that we're discussing at this time?

Mr. Delacruz: I would like to know who's going to live in those apartments or condominiums.

Mr. Hart: Okay. I can --. Chair, what would be easiest for the Department to, to basically return a response that satisfactory to the Commission would be a little bit of an outline of, of the information that's being requested. Okay, now, now, I do want to reiterate, my understanding was that this was supposed to have been a light industrial development. Just leave it at that.

Ms. Kaye: It's heavy industrial, Jordan.

Mr. Hart: I'm sorry about that. Thank you very much.

Ms. Preza: Okay. So would it be helpful --? So are we trying to decide now what we are requesting or could everyone e-mail specifics when they've had more time to think about it?

Mr. Hart: I would prefer that you either --. I mean, if you want to defer this item -- like it's not even an agenda -- I guess it's an agenda item. But I mean, if you guys want to think about it and make a decision on what updates you want at the next meeting, but I would, I think it'd be better not to receive a series of different e-mails coming in and then cobble them together and be --. I think that the body should agree on what the information that's being requested is.

Ms. Kaye: How about if we just make a motion that we would like to see on the next agenda, the applicant provide an update of the status and be available to answer questions that we would come up with after getting that update. Can we do that?

Mr. Hart: Yeah, that's fine. I'm sorry, I didn't mean to say that's fine on behalf of the Commission. These are the things that I asked for just, just FYI. List the remaining land use and construction approvals needed to for the completion of development with any pending application numbers, other notable processes that will need to be completed, estimated completion of each of these items above, estimated first date of offering. And the way I envisioned that is that is all substantive County level approvals that need to be completed in order to develop a subdivision. Any other, you know, non-County level like Bureau of Conveyance or condominiumization. And then basically ultimately ending in an estimated timeline for those items. And then a final estimated timeline of when lots might be made available for sale.

Ms. Preza: Thanks Jordan. So basically you're saying we could request a representative to be here to answer questions on behalf, of the Commission?

Mr. Hart: Um, let me see. I mean, I think that you can request anything. You can consult with your Counsel on that. I guess the question is, the technical question is, what is the applicant obligated to present to you? But I, I mean, you can look at who's attending here now.

Ms. Preza: Okay. I feel like this is a bit unclear still, and maybe Richelle, I could just check with you to ask if we did want a representative, to request that a representative come to the next meeting to answer Commissioners' questions. Is that possible and legal?

Ms. Thomson: Yeah, it's definitely legal. And, you know, like Jordan was saying, you folks can ask for pretty much anything that you feel is important to you, you know, to know what this potential application is going to include, you know, and what your role is and analyzing it, you know, at some point in the future. So definitely you can ask for that. I think it would be a good idea to send a formal communication with those items that Jordan read so that the applicant has an idea of what information you're seeking. In terms of whether you can require someone, you know, to, to come. No, you know, it really it would be up to the applicant. You know, they may send a written correspondence, and then if you have more questions, you know, we could continue to follow up. It really doesn't sound to me like there's any immediately pending business that's going to come before you, you know. But since it is on your agenda, you know,

you're perfectly within your rights to send the communication and request the representative to be present. And then if they do, that's really up to them.

Ms. Preza: Thank you. So would formal communication, who would write that? Would it be -- ?

Ms. Thomson: Yeah, you could request the Planning Department . . . (inaudible) . . .

Mr. Hart: I was going to say the same thing that I would expect that the Department would issue it on your behalf, and that kind of was relating to why I was really wanted to be clear on what was going to go in that letter.

Ms. Preza: Sorry, Jordan, I didn't. Did anyone catch what Jordan just said? I think you were mute part of that.

Mr. Hart: Just to repeat, I just basically said that the Department normally does the correspondence on behalf of the Commission. And that was why I wanted to be clear on what was included in that correspondence.

Ms. Preza: I see. Thank you. So, Sally, it sounds like we're, you --. And I'm not sure how the other commission members feel. Would you just like to request a representative applicant be present to answer questions at the next meeting?

Mr. Delacruz: Yes.

Ms. Kaye: Yeah, I agree with John. Yeah, having been in on this for almost 20 years, I think that what Jordan asked and the responses he relayed to us are not satisfactory, not through any fault of his. I would like a more fleshed out version of the timeline of what's happened over the last 20 years and where the holdup is, because I heard land court from Jordan's first addressing this. And then I heard that a lot of that is County. So it's just not clear. And I think it should be clear to the community and us what's going on.

Mr. Hart: Chair, if I could just clarify my statements. I'm not aware of any of the steps being County level steps. I did in my initial request include statement on any County level permits.

Ms. Preza: Thank you. Sally, do you want to say something else?

Ms. Kaye: Well, okay. Then, then Jordan, my question is if, if the County isn't being, isn't holding up this process in any way, which I suspected was the case, then all of those permits or all of those permitting processes are in the future. So, something else has to happen before County does whatever the County is going to do. And I'm not understanding what the holdup is that's preventing that. So I guess that's kind of the bottom line of where I'd like to see the applicant address the timeline of what they've done over the past 20 years and what's going on at the moment.

Ms. Preza: Well, so, the applicant --. So are you --. Is the applicant Pulama Lanai? Because they could only speak to the past. I mean, their tenure here, right, but not the past 20 years?

Ms. Kaye: No, that's not true. That they inherited, they inherited the process, the land, the permitting process. It's a continuation.

Mr. Hart: Yeah, I'll say just, just for context. There was an initial discussion of that, and basically our, our focus was, you know, on, on their time here. Obviously, the Department looks at land use issues as, you know, being a continuous operation regardless of who is, who's doing what. But my inquiry was, was related to, you know, what they're doing now and what's going forward. But --. So just to try and refocus it. Did you, did the Committee, or sorry, the Commission think that the items in my list were sufficient or did you want to change them or supersede them with, with what Sally just suggested? I guess I just want to get clarity on what is what is going into this letter.

Mr. Delacruz: Jordan, this John, could you review your items please? That you're going to put into your correspondence? Because what I would like to see is what are they trying to do? What are the processes involved in the timeline? There are different segments involved. I think the applicant has to go to the State for land use. Someone said recognition, but their condominiumization is a zoning process which isn't a County responsible for zoning?

Mr. Hart: Just to clarify. It's not the -- the condominiumization is isn't handled by the County of Maui. There are --. In the summary that I received, there are a couple of items that are happening, you know, on the, let's call it the State level. But one involving land court and then the condominiumization process is occurring next. But those are not, those are not County processes.

So the -- my initial inquiry was, was this, list of remaining land use and construction approvals needed for the completion of development with any pending application numbers, other notable processes that will need to be completed, estimated completion of each of the items above, estimated date of first offering. And so what that was expected to do is, was identify all processes on the County level with permit numbers, identify all other notable processes that may not have permit numbers like dealing with land court or condominiumization, and then estimated timeline of each of those items, and then a final like what's, what's the date that you would offer the first property for sale date.

Mr. Delacruz: Sounds good. Thank you, Jordan.

Ms. Kaye: Jordan, if I could ask you that, that sounds very complete to me too, to add one thing, and that is current assessment of who and how the land in the 20 acres is being used currently.

Mr. Hart: Clarification. Do you want two things? Statement of the, the real property tax assessment or statement of the current use?

Ms. Kaye: The current actual use of the property.

Mr. Hart: Use.

Ms. Kaye: I think we can all look it up on, the on the County website.

Mr. Hart: Thank you.

Ms. Preza: Thank you. Commissioners, is there, is as everyone okay with that. I don't know if we need a formal motion as long as everyone is in consensus. Okay, I see nods. Okay, great. Thank you so much Jordan for helping us parse through this.

Mr. Hart updated the Commission with the information received from the applicant. The Commission requested the Department transmit a written request to the applicant to provide the information as discussed, and to request their attendance to the next scheduled planning commission meeting to address any anticipated questions the commission should have.

3. Agenda Items for the March 17, 2021.

Ms. Preza: Great. So the only item left is the, is C.3., agenda items for March 17th. I'm not sure if Leilani or Jordan if you know anything is coming our way or we would just find out in the next couple of weeks?

Ms. Ramoran-Quemado: Yeah, Chair, thanks. I didn't have any request to put anything on the agenda other than what you folks were just discussing.

Ms. Preza: Thank you Leilani. Okay, great. So our next regular meeting date is March 17th and we'll adjourn at 6:28 p.m. Thank you all for your time and thank you for everyone who joined us and called in. Hope you have a good evening.

Currently, there are no proposed legislations or projects scheduled for the March 17, 2021 meeting.

D. NEXT REGULAR MEETING DATE: March 17, 2021

E. ADJOURNMENT

There being no further discussion brought forward to the Commission, the meeting was adjourned at 6:28 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
Shelly Preza, Chair
Natalie Ropa
Chelsea Trevino, Vice-Chair

EXCUSED:

John Ornellas
Shirley Samonte

ABSENT:

Sherry Menze

OTHERS:

Jordan Hart, Planning Deputy Director
Jacky Takakura, Administrative Planning Officer
Richelle Thompson, Deputy, Corporation Counsel