

MICHAEL P. VICTORINO
Mayor

MICHELE CHOUTEAU MCLEAN, AICP
Director

JORDAN E. HART
Deputy Director



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2020 FEB 28 AM 10:13

DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

OFFICE OF THE MAYOR

February 27, 2020

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL


Mayor Date 3/2/20

OFFICE OF THE
COUNTY CLERK

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RECEIVED

For Transmittal to:

Honorable Alice L. Lee
Chair, Maui County Council
and Councilmembers
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee:

SUBJECT: DIGITAL ZONING MAP FOR LANAI

Attached please find a proposed bill, titled "A BILL FOR AN ORDINANCE ADOPTING THE DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF LANAI." The bill's purpose is to replace the old, paper zoning map with a digital zoning map as the official zoning map for the Island of Lanai.

The Lanai Planning Commission reviewed the proposed bill on January 15, 2020 and voted unanimously to pass the bill. The meeting minutes are attached. Prior to the hearing, the Planning Department held a public meeting on Lanai on December 4, 2019 to share information with the community about the proposed bill. The response was positive.

Thank you for your attention to this matter. If you have any questions, please contact Administrative Planning Officer Jacky Takakura at jacky.takakura@mauicounty.gov or ext. 7743.

Sincerely,

MICHELE MCLEAN, AICP
Planning Director

Attachment

xc: Kathleen Aoki, Administrative Planning Officer, Plan Implementation Division
MCM:MCT:ckk
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COUNTY COMMUNICATION NO. 20-192

ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE ADOPTING THE DIGITAL ZONING MAP AS THE
OFFICIAL ZONING MAP FOR THE ISLAND OF LANA'I

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Purpose. The purpose of this ordinance is to adopt the digital zoning map as the official zoning map for the Island of Lana'i. The map shall provide a graphical portrayal of zoning designations established by ordinance.

SECTION 2. Section 19.06.020, Maui County Code, is amended to read as follows:

"19.06.020 Maps. A. Pursuant to section 8-8.3(6) of the revised charter of the County of Maui (1983), as amended, the planning director [shall] will prepare and administer the County's zoning maps.

B. For the [island] islands of Maui[,] and Lana'i, one zoning map for each island [shall] will be prepared and administered in a digital format, such as within a geographic information system and made available for public use on the County website. The digital zoning [map is] maps are incorporated herein by reference and [is] are located online at the department of planning, implementation division's website at <https://www.mauicounty.gov/2159/Digital-Zoning-Map-Update-Project>. The most recently adopted digital [map] maps on file [(2)], Maui Digital Zoning Map (2) and Lana'i Digital Zoning Map (1), [shall] will be in addition to the original "land zoning maps" on file in the office of the county clerk; however, the digital zoning [map (2)] maps shall be used to determine zoning boundaries and designations in the event of a conflict. Whenever an amended zoning map is adopted and the ordinance is filed with the county clerk, the digital zoning map [shall] will be amended to reflect the amended zoning map.

C. The areas of the islands of Kaho'olawe[, Lana'i,] and Moloka'i shown on original maps entitled "Land Zoning Maps," on file in the office of the county clerk with certified copies being placed on file in the planning department, and the digital zoning map for the [island] islands of Maui[,] and Lana'i, together with all explanatory materials thereon, are part of this title."

SECTION 3. Notwithstanding enactment of this ordinance, zoning conditions previously enacted by ordinance shall remain in effect, unless repealed by ordinance or operation of law.

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

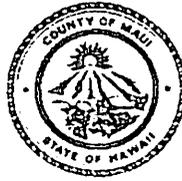
SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND
LEGALITY:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui
2020-0010
2020-02-13 Ord Lana'i digital zoning map

MICHAEL P. VICTORINO
Mayor
MICHELE CHOUTEAU MCLEAN, AICP
Director
JORDAN E. HART
Deputy Director



DEPARTMENT OF PLANNING
COUNTY OF MAUI
ONE MAIN PLAZA
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HAWAII 96793

January 15, 2020

MEMORANDUM

TO: LĀNA`I PLANNING COMMISSION

FROM: MICHELE MCLEAN, AICP
PLANNING DIRECTOR 

SUBJECT: LĀNA`I DIGITAL ZONING MAP

Background

Over the last several years, the Planning Department (Department) has undertaken a project to replace the County's official paper zoning maps with digital versions, available on the Internet, as many other municipalities across the nation have done or are considering. The existing paper maps are, in some cases, old, worn and outdated. They are affectionately known among the staff and in the community as "the Dead Sea Scrolls." The staff who have worked on this have been dubbed the Dead Sea Scrolls Replacement Team, or DSSRT. Successful implementation of the DSSRT project will allow for precise, up-to-date Geographical Information System-based maps to be the official zoning maps for the County. This will increase zoning maps' accuracy, clarity, and ease of use.

In 2017, the Department presented the first digital map for the island of Maui to the Commissions and later in 2018 to the Maui County Council. Maui's Digital Zoning Map 1 was adopted and became effective on October 10, 2018. As was stated at the time, additional revisions and corrections would likely continue to be discovered after a map's adoption and the Department subsequently brought forth a revised draft Map 2 for Maui. Maui's Digital Zoning Map 2 was adopted and became effective on November 13, 2019.

The DSSRT has now completed its review and recommendations for a draft digital zoning map for the island of Lāna`i. This required review of all known associated hardcopy and digital information available to the Department (including State land use designation maps and layers,

LĀNA`I PLANNING COMMISSION

January 15, 2020

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State Land Use District Boundary Amendments, community plan designation maps, current zoning designations and maps, Changes in Zoning ordinances, and boundary interpretations). Utilizing Geographical Information System (GIS) tools, the team digitized this information collectively, rectified the applicable information into geographic space and, finally, examined each of these parameters at the parcel level in a digital zoning map.

Unlike the draft digital map for Maui, which contained over 900 parcel corrections, zoning designation updates and mapping alignment revisions, the draft Lāna`i digital zoning map contains proposed updates in zoning designation for eight parcels. Seven of the parcels are owned by Lāna`i Resorts, LLC and one is owned by the County of Maui. Applying the same methodology used for the digital zoning map of Maui, the Department is recommending that parcels with zoning districts that do not have standards in Maui County Code Title 19 be updated with similar, applicable zoning districts with standards. This is only in situations where the community plan designation is consistent with the zoning. In the case of the draft Lāna`i map, these eight parcels are currently zoned OS (Open Space). The Department is recommending their designation be changed to OS-2 (Open Space 2). The Department notified the property owner of these recommendations and conducted a public informational meeting on December 3, 2019 on Lāna`i to present the project, the proposed zoning recommendations and the draft digital map. These proposed zoning recommendations are attached as Exhibit "1".

Because the proposed changes merely update an old designation, there should be no noticeable effects. Real property tax classifications and other land-use-based elements will not change.

A proposed bill to adopt a digital zoning map for Lāna`i, titled, "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF LĀNA`I," is attached as Exhibit "2".

Passage of this bill would be consistent with a number of General Plan policies, goals, and objectives, including the following components of the Countywide Policy Plan (Ordinance 3732):

- "Government services will be transparent, effective, efficient, and responsive to the needs of the residents" (page 78).
- "Facilitate the community's ability to obtain relevant documentation" (page 79).
- "Use advanced technology to improve efficiency" (page 79).
- "Expand government online services" (page 80).

Future phases of the DSSRT project will include a digital zoning map for the island of Moloka`i and changes to the zoning designations for properties throughout the County with long-established uses that are consistent with the community plan but not consistent with the zoning. One example is Maui High School, which is designated Public/Quasi-Public in the Wailuku-

LĀNA'I PLANNING COMMISSION

January 15, 2020

Page 3 of 3

Kahului Community Plan but is zoned R-2 Residential District. These future phases will also be reviewed by the planning commissions and the Maui County Council.

Recommendation and Options

The Department recommends and requests the Commission's favorable recommendation to the Council for this bill and the adoption of a digital zoning map for the island of Lāna'i. Enactment of the bill will effectuate the DSSRT project's second digital map for the County.

The Commission has the following options:

1. Recommend approval of the proposed bill as drafted to the Maui County Council.
2. Recommend approval of the proposed bill with amendments to the Maui County Council.
3. Vote to defer action on the proposed bill in order to gather specific additional information.

Attachments (Exhibit "1" and "2")

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ORDINANCE NO. _____

BILL NO. _____ (2020)

A BILL FOR AN ORDINANCE ADOPTING THE DIGITAL ZONING MAP AS
THE OFFICIAL ZONING MAP FOR THE ISLAND OF LANAI

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

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A. Pursuant to section 8-8.3(6) of the revised charter of the County of Maui (1983), as amended, the planning director shall prepare and administer the County's zoning maps.

B. For the islands of Maui and Lanai, one zoning map for each island shall be prepared and administered in a digital format, such as within a geographic information system and made available for public use on the County website. The digital zoning maps are [is] incorporated herein by reference and are [is] located online at the department of planning, implementation division's website at <https://www.mauicounty.gov/2159/Digital-Zoning-Map-Update-Project>. The most recently adopted digital maps on file [(2)], Maui Digital Zoning Map (2) and Lanai Digital Zoning Map (1), shall be in addition to the original "land zoning maps" on file in the office of the county clerk; however, the digital zoning maps [(2)] shall be used to determine zoning boundaries and designations in the event of a conflict. Whenever an amended zoning map is adopted and the ordinance is filed with the county clerk, the digital zoning map shall be amended to reflect the amended zoning map.

C. The areas of the islands of Kaho'olawe[, Lanai,] and Molokai shown on original maps entitled "Land Zoning Maps," on file in the office of the county clerk with certified copies being placed on file in the planning department, and the digital zoning map for the islands of

Maui and Lanai, together with all explanatory materials thereon, are part of this title.

SECTION 3. Notwithstanding enactment of this ordinance, zoning conditions previously enacted by ordinance shall remain in effect, unless repealed by ordinance or operation of law.

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

Department of the Corporation Counsel
County of Maui

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**LANA'I PLANNING COMMISSION
REGULAR MEETING
JANUARY 15, 2020**

A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 5:01 p.m., Wednesday, January 15, 2020, in the Lanai Senior Center, Lanai City, Hawaii.

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

Ms. Shelly Preza: Hi everyone. Welcome to the January 2020 Lanai Planning Commission meeting, so we're going to get started. I will say that we have decided to change the order of the schedule for tonight just a little. So we are going to move item E.1. second, after the public hearing, and then item D.1. last regarding the proposed revisions. We will have public testimony next so since there's so many people here we would like to request that everyone keep their testimony to under three minutes so if Leilani can give a warning at 30 seconds. Yeah, please. And then we will reopen, if you would like to hear presentations about each agenda item, we will reopen public testimony after that item. But if you would like to testify at this time particularly, you know, since we're changing the schedule if you can't stay till the end when we're talking about the short-term rental home revisions, I would recommend testifying sooner. So on our sign-up sheet, first, we have Sara Lufrano. Would you like to testify now or at the agenda item? It's up to you. Great, so if any of you haven't been here before if you could please speak into the microphone so it's on record. Thank you.

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

Ms. Sara Lufrano: We'll I was just told I was supposed to read my letter and if you can give me your e-mail, I'll e-mail it also to everyone.

Ms. Preza: If you have -- if you would like to submit testimony, you can e-mail it to Leilani and she can distribute to us.

Ms. Lufrano: Okay, could you just give me her e-mail address.

Ms. Preza: Yeah, you can speak with her.

Ms. Lufrano: Oh, I can speak with her, Leilani? Okay. Oh, this is kind of awkward, but okay. So Dear Ms. Preza and the members of the Lanai Planning Commission. As a resident and homeowner within the Koele Project District I am opposed to Pulama's request for approval of the Malanai Estates as it attempt to materially change the 1992 Phase II approved plan

without a review or environmental impact study by faulty claim that it is a non-substantive revision with less impacts than the original 1992 approved plans.

So my reasons are as follow. The first is the impact of the 20 employee dormitory housing unit is greater than a larger number of vacation homes. So the proposed Malanai states it will house, well, four bedrooms, times 20, which is 80 full-time residents or if they have companion, then 160 full-time residents. With possibly the same number of pets and cars, so 80 to 160 pets and cars. In looking at the Malanai whatever that rules or the things --

Ms. Preza: Sorry, could you speak into the mic?

Ms. Lufrano: Oh, sorry. It doesn't exclude like you can have pets, and you can -- it doesn't say you can't have more than, you know, eight people in the unit. Okay, so these people will live year round on property. So year round, 80 to 160 people with pets will cause far more traffic, noise, water usage, sewer usage, public services and facilities usage, need for police and fire protection, need for health care facilities, school and human services. The residents envisioned by the Phase II approved plan were second vacation luxury homeowners who would use their property only few weeks a year with no pets and no need for public services, health care, schools, human services, etc. In reality the current owners do just that which far differs from the usage involved with 80 to 160 full-time residence employed in the area.

So that was my first problem with it. The second is the entire purpose of the Phase II which was approved is entirely foreclosed by the Phase III proposal. In the former approval of Phase II for Koele, the claim need for the project was for improving the marketability of the Koele Resort complex, and improving the marketability of each individual residence. The purpose of the 1992 plan was to allow the residential development to be reconfigured around the golf course to take advantage of views with increase marketability and greater insurance of success.

Ms. Preza: Sorry.

Ms. Lufrano: Two and half, okay. Insurance of -- wait -- greater insurance of success of the Koele Resort Complex. The Phase III Malanai proposal has a far different motive to provide dormitory style housing for 80 to 160 employees brought in from all over the world. So the problem in 1990 was finding employment for the people of Lanai, not finding housing for employees brought in from around the world. That was the underlying purpose of the initial project to increase tourism in the island, to provide employment opportunities for the residents of Lanai. Okay.

The original EA only envisioned limited employment opportunities over the long-term. So Phase III of Malanai is only being done to supply employment housing which entirely opposite of what Phase II was approved for in 1992.

Ms. Preza: Sorry. I don't think that necessarily works like that.

Ms. Lufrano: I'll be fast. I'll be fast. I'm almost done. I'm almost done. Okay, so the last thing, the environmental landscape is far different from almost 30 years ago. So there's -- I mean, difference in noise, drainage, traffic, water supply, vegetation, flora and fauna are all drastically changed in a 30 year period. In addition, they even said that 1992 EA, they say the drainage plan should be revised. And they also said the development time table in the 1992 Phase II approval was only from 1991 to 1997, and only a 10 year projection was made in the underlying assessment. It's been 30 years.

Ms. Preza: I'm so sorry. If I let you go longer then, it's --. But if you submit it to Leilani, we can see the rest of it. And Commissioners, do you have any questions for Sara at this time? Thank you for your testimony.

Mr. John Delacruz: Yeah, was she introduced before she spoke? I didn't catch her name.

Ms. Lufrano: My name is Sara Lufrano. I'm just a homeowner.

Ms. Preza: Thank you. So next on the sign-up sheet, we have Sherri Williams. Would you like to testify at this time? Okay.

Ms. Sherri Williams: Commissioners, this is also about Malanai Estates. So I have lived on the island for almost 18 years, originally in Koele for almost 10 years, and now I live at Manele. I'm very involved in the community and I have a real good sense of the community as the whole. In my opinion it would be a mistake for Lanai Planning Commission to waive review of this proposed build-out in Koele. And in fact, I recommend the Commissioners to take the time to review the Koele District documents, and what the intent was for the neighborhood, and is for the neighborhood. It's not 20 single-family one-story houses that will be built, as I understand it, it's strictly as rentals and not for sale for homeowners. The current neighborhood in Koele are homeowners.

Referring to the architectural style already in place, this design will not enhance the aesthetic of the area for which owners bought in to with the Koele declaration of a luxury resort in mind. And in fact, it will possibly decrease the value of this neighborhood.

Secondly, it cannot be guaranteed that multi-family and non-related persons will not be occupying these dwellings as rentals. This will most certainly result in more traffic, cars parked outside in driveways and on roads. The noise factor will become much higher as a result as well, which is not the intent of this neighborhood. It is my understanding that the 1992 Koele Preliminary Plan included a proposed mix of townhomes of one and two story heights with buildings consisting of two, three and four townhomes. Although the density would be less with this proposal, it would all but destroy the feeling way of life and the aesthetic at the Koele Villas and the homes on Kaunaoa Drive for which these owners have been enjoying for many years.

In closing we believe these types of project does not belong in the Koele District, and that Pulama Lanai may have plenty of other land areas to consider before building these homes near the Koele Villas. Thank you.

Ms. Preza: Thank you. Commissioners, any questions for Sherri at this time? Thank you. Next, we have John Delatore. Would you like to testify at this time or --

Mr. John Delatore: Hello, Board. We are homeowners at the Koele Villas and have several concerns proposed to the construction here. While we've always understood the potential development of the lots proposed for the Malanai homes, and support Pulama's rights to do so, we question the choice of design and stated use of these residences. Koele was marketed as a resort community with great amenities and the tranquil environment. The proposed number of units with multiple residents sharing space does not conform with the original plan. The potential of four cars per units, temporary rentals coming and going at all hours, the effect would, in fact, be rather devastating to us. The ultimate concern is to maintain property values for all of the current homeowners. We have lost the golf course which has clearly had a negative impact on values. We believe there is a responsibility for Pulama to do what is necessary to maintain the values of our overall community. We have been given very inconsistent and conflicting information as to the size of the units, garages, parking, long-term intent for occupancy. It is inconceivable that these units will ever be inhabited by a single-family. The layout simply does not dictate such usage. In fact, I called Maui County Planning Department last Wednesday to request information regarding the permits for the Malanai project. And at no time did they inform me of the meeting that is now taking place. This lack of transparency is an additional concern of ours. We ask that the Planning Commission here take under deep consideration these concerns to asses, assure that the Koele lifestyle and property values maintain the integrity that was originally envisioned. Thank you.

Ms. Preza: Thank you. Commissioners, any questions for John?

Mr. Delacruz: I'd like to add something. It's fine when you introduce them when they come up, but . . . (inaudible) . . . So can we go to what we usually do when a person speak to introduce themselves, please? This is John Delafore?

Mr. Delatore: Delatore.

Mr. Delacruz: Tore.

Mr. Delatore: Yeah, sure.

Mr. Delacruz: Okay, thank you.

Mr. Preza: Great. Next we have on the list Mike Gretz. Would like to testify now?

Mr. Mike Gretz: Sure. Thanks. Planning Commission members, it was almost 20 years ago. Mike Gretz. G, R, E, T, Z. Thank you. It was almost 20 years ago, in 2001, that my wife and I bought a unit on Koele's Circle back into the first fairway. Let me draw you a picture of then and now. Then, Kukui was a single-family homes with high quality construction. Now we're proposing multiple family units with four to a building or plan, and they're not similar in design to the current structures. Back then there was an 18-hole championship golf course. That's gone. We had access to the Koele Lodge for high quality meals. We now have limited access to Sensei dining, and it's extremely expensive. There's light traffic through Koele right now, and we can anticipate heavy construction traffic, noise, and higher density of residents are expected. The hotel property was available to friends and guests, now it's of limited accessibility. The hotel property was available to children. There's no access for children. The Koele golf restaurant was good food and modestly priced. Now we have a limited snack bar offerings. There's some expectations of increased value back when we brought our house or our properties. Now there's a strongly possibility of the decline in value. Some are either of the residents of Koele have lost privacy, potential value, access, a golf course, and many benefits. The proposed addition provides no improvement to the quality of our lives. In considering this vast amount of available land on this island, we can only ask, "why here? " And for example, why not the land due north of the Sensei Four Season's property? Thank you for your consideration.

Ms. Preza: Thank you. Any questions for Mike? Could I also remind everyone, if you wouldn't mind introducing yourself, and the item that you'll be testifying on? That would be helpful for the Commissioners. Next, I think this says Victoria.

Ms. Victoria Larsen: Hello? Hello? My name is Victoria Larsen. I'm a resident at Koele, and I'm going to be reading, hopefully, a couple of letters that I received from people who can't be here tonight, but wanted to express their opinions.

The first one comes from Katherine Knapp who is also a resident at Koele. And she says the following. Please consider a request that the Maui County Planning Commission requires a review and, or initiate a process that extends beyond density considerations regarding the development of 20 units in the project called the Malanai Estates Residential Subdivision. As an owner in Phase I section of Koele, we are bound by the rules and regulations of the Koele Homeowners Association. The bylaws of the Koele HOA describes a detailed set of steps for approval of additional dwellings or modification of existing dwellings. The design guidelines of the bylaws include consideration of density but also landscaping, building spec, size percent, lot coverage, protection of existing trees including Hawaiian Koa , pools and open space; another requirement. The goal of these guidelines is to create and maintain, quote, a traditional English theme. To date the existing phases have adhere to those guidelines creating a beautiful, tranquil environment.

The Malanai project adds 20 units to the Koele area with a potential of adding 80 residents. For existing residents, it is unlikely that any time there are 80 residents present at the same time due to the nature of our resort community. So it is likely that Malanai project, although

lower in density than the original plan will cause a major change to the environment in area. Particularly because the new residences are arranged in clusters and around existing residences.

Based on this consideration, we are asking the Planning Commission to require and, or to initiate a review process consistent with the architectural and landscape design guidelines prior to approving the construction of the new units. Thank you for your consideration.

How much more time do I have?

This is from David Moyles. He says there's much to commend in the proposed Phase III application submitted by Pulama Lanai. I look forward to the completion of development in our neighborhood, and many years of neglect and uncertainty. After the reduction and density as pointed out by the application is welcome. I am concerned however by the nature of the use of the proposed buildings as presently designed. These do not appear to be homes that contemplate. They will be occupied by singles, couples, and families as in the case of the existing neighborhood.

Ms. Preza: Thank you. Since, since you read on behalf of others, I'm not sure if Commissioners want to ask any questions.

Ms. Larsen: Okay.

Ms. Preza: Thank you. Next, Butch Gima. Oh, you had a question?

Ms. Green: So Victoria, because I overheard you say here, how many other letters did you have there?

Ms. Larsen: Well, I think I received a total of seven or eight, and we sort of distributed them around for other people to read. So for people that can't be here at least can feel that they went to the trouble to send something, that they have a voice at the meeting.

Ms. Green: Okay, thank you.

Ms. Preza: Just a reminder that written testimony can be submitted to Leilani to be distributed to us. Great. Next, Butch Gima, would you like to testify now?

Mr. Gima: Good evening. My name is Butch Gima. I'm going to be testifying on the short-term rental agenda item. I submitted written testimony to all of you. First, I want to kind of summarize the status of short-term rentals on Lanai based on the matrix that I sent to you back in September. And that was based on telephone calls to all of the property managers. So right now, we have about 19 short-term rentals, 10 of which are no longer offering short-term rental services. Eight that are providing short-term rental services have a property manager that is not a relator. 11 of the 19 short-term rentals are providing long-term rentals.

Three applicants status are in question, and five applicants or homes status are unknown. And that may have changed since I provided that matrix to you in September.

I'm not going to be providing testimony on the changes that I, that I support. I will be providing testimony on the ones that I disagree with or offering a new language changes. So under 19.65.020 Restrictions and Standards, the Planning Department is not offering any changes. However, under (D)(2)(b), the permit holder, I recommend that you remove the wording, "or Lanai Community Plan." I feel only relators or family members as defined in this section should be allowed to be property manager. This will help to ensure accountability since enforcement has historically been poor.

Under item (R) number seven which limits the number of short-term rentals for Lanai to 30. I disagree with this limit. I recommend decreasing it to 10 given the current number of approved short-term rental homes now being used as short-term rentals, and in the context of the accompanying bed and breakfast code changes which limits that to 30. Below there's some rationale for why I'm suggesting this. For matters of -- for context, I've also offered comparisons with different communities within Maui County. What's that? Thank you.

I can live with the revision regarding the name of the applicant. I would suggest that you include natural owner because when I did the research on that a lot of times corporations and family trust were listed so you have no idea who the owner is. So again, lastly the other considerations for comparison the cap of 30 short-term rentals equals one short-term rental home per 110 people on Lanai. The recommendation I made of 10 would mean our ratio would be one rental home to 330 which is similar to West Maui.

Ms. Preza: Sorry. Commissioners, do you have questions for Butch?

Ms. Green: Butch, you say we have 19. I do want to ask the County. I thought we had 27 approved rentals. We don't? It's 19? Okay, I had that in my mind. So if there are 19 now, when they come up for renewal, are you proposing then that we do not renew them? Is that how --? I mean, because it would be attrition.

Mr. Gima: Yes.

Ms. Green: Now what basis would we do that?

Mr. Gima: The Code. So if you follow my recommendation of leaving it at 10, we have to, when it expires, then you have provisions where you keep it at 10. I recognize, I recognize that there's -- that was in the details on that one. And I'm not at liberty to provide all that detail in the testimony tonight.

Mr. Delacruz: So Butch, last year about this time, or last year some time, I think you were in favor of between 30 and 45. Now you presented some good statistics to support your new recommendation of 10, but what was your thought process on going from, like, 30 to 10?

Mr. Gima: Well remember when I first testified I asked you guys to put a moratorium on making any decisions because there was nothing for you guys to really fall back on. And so I came up with those arbitrary numbers. I mean, I just, I just pulled that out of the sky. As, as we fine tune the Code, and in addition to the Planning Department coming up with the language for the bed and breakfast, I didn't feel comfortable having 30 and 30. And I think at the last planning commission meeting I did recommend at that time 10 and 30. Because remember now running a business in a zoned residential area is a privilege, not a right. The absentee homeowners are not contributing members of our community as opposed to bed and breakfast owners live here. They're contributing members of our community. They contribute to the identity of our community, and their money stays on island. Absentee owners don't necessarily keep money on, on Lanai.

And the proposed changes and the support I have for some of the changes is based, is biased towards residents as it should be. Just like in the Hulopoe Beach Park Council when we came up with policies with changes in the camping, it's bias toward residents, not former residents and people who know people over here. It should be biased towards residences. This is our community.

Lastly and most importantly, and I stated to you guys at least six months ago, our community is special and unique because of the many long standing relationship fostered over the last century with our neighbors. This in turn has helped to preserve the special overall of our community. You cannot develop, maintain, and foster these relationship with absentee homeowners. In fact, it can mean the opposite. If the users of the short-term rentals destroy the ambiance and quality of the neighbor and their accompanying relationships.

Ms. Preza: Thank you.

Mr. Delacruz: Thank you Butch.

Ms. Preza: Any other questions for Butch? Okay.

Ms. Green: Do you feel comfortable with 30 bed and breakfast. I mean, we have one bed and breakfast, right? You feel comfortable with 30, and then 10 short-term rentals.

Mr. Gima: Yes. For the reasons I just stated. They are our residents. And I had also testified, although it's not in the proposed changes that I think it would be wise and prudent for the Commission to reevaluate in three to five years.

Ms. Preza: Thank you. Great, any other questions for Butch? Next on --. Yes?

Mr. Jordan Hart: . . . (Inaudible. Did not speak into the microphone) . . .

Ms. Preza: 20 as of September. 30. Wait, 30? As of September 30th. Great, thank you for the clarification. Next on the list is Dean Del Rosario. Would you like to testify at this time? Great.

Mr. Dean Del Rosario: My name is Dean Del Rosario, and I want to testify regarding the bed and breakfast. I don't have anything specific. It kind of goes in part with what Butch talked about. So I just wanted to present a perspective and some suggestion to the Commission.

You know decades ago when the land use, the State Land Use Commission considered the rezoning of the island for the -- that allowed the current development. It was a lengthy process and they had an EIS, Environmental Impact Application, and even social impact statements. They considered the water and all of the issues that I hear the homeowners in Koele talking about. That was considered a long time ago. And the Land Use Commission with the information it had and the . . . (inaudible) . . . they had, tried to set certain conditions to the, to the rezoning. But they couldn't think of every change. But the idea was to anticipate. The idea back then was that we was a stable plantation community; the last plantation. And the people like myself -- my family have been here for over 90 years because we came with the plantation. I think, we make up maybe 17 percent now of the island. That's how much time has changed.

And I think with the, you know, I listened to the homeowners, it's funny, many of our arguments would apply to the short-term rentals. You know, I heard them talk about -- I wrote some of these down as they were talking about losing the quality and the . . . (inaudible) . . . of the property with the 20 new homes. Loss of privacy. Rental cars coming and going at all hours. Loss of tranquil quality of their neighbor. These are new people. You know, I can image if we put the 10 short-term rentals up there. I think they would not be happy with that.

Okay, so now a perspective I want to give that sort of these changes, I think, the problem --. The short-term rental that the community had before would be like for hunters. I was local people allowing hunters to have a place to stay so they could go hunting. It was short. It was seasonable -- seasonal, and they were local people renting their houses out so hunters could come. What we have now with the -- it's kind of . . . (inaudible) . . . industry of entity landlords renting homes as the result of the exclusiveness of the Four Seasons market. Their rates are so high that regular, if they wanted to visit Lanai, cannot come. So this created an economic opportunity for someone outside to buy a home, which from the outside, four or five hundred thousand is reasonable, and then to use it for short-term rental. But they living in the camp, in the plantation, and as Butch says it's affecting the quality of the lives of the residence of the community. And this is what we were concerned with from the Land Use Commission days because back then the proposal was for an increase up to the 20,000 people. I think now Mr. Ellison is talking about 12,000 people.

Ms. Preza: Sorry. Sorry, I have to cut you off because the three minutes is pau. But Commissioners, do you have any questions for Dean?

Mr. Del Rosario: Can I just make one quick one? 30 seconds?

Mr. Preza: Commissioners, would like to hear it?

Ms. Green: Go ahead. What do you want to say?

Mr. Del Rosario: Okay, I just want to say we're the last plantation, so short-term rentals have been addressed in Waimanalo, Kailua, North Shore, so maybe you guys can look how those communities are addressing these problems, and maybe we'll get some insight. Because this is going to happen. It's going to get worst. I'm sorry, three minutes.

Ms. Green: Dean, we have been looking at that, and we've been kind of tossing this thing around for months, literally. And we just like to kind of have your idea on what you consider maybe an appropriate number for short-term rentals. Have you given any thought as to what you think? There's been things everywhere from 30 to 40, to five percent of available housing, to Butch today with 10. Do you have any feel for that? Because that's what we've got to come up with today. We've got to come up with an idea of --

Mr. Del Rosario: From listening to Butch, I think there's like...eight with property managers, yeah, currently? Yeah, so I think the number he suggested is supported by some data. And I don't know what the market will be or is at this time. I think, I don't know if it can support 30 bed and breakfasts, you know. But we know as it states now, there's eight. So I think Butch's number of 10 seems reasonable to me because it's supported by the current situation.

Ms. Preza: Commissioners, any other questions for Dean? Thank you for your testimony.

Mr. Del Rosario: Thank you.

Ms. Preza: Next on the list is Roxanne. Roxanne?

Ms. Roxanne Robinson: Is this on? Okay. Hi Commissioners. My name is Roxanne Robinson. We've lived in Koele since 2001 and I'm not sure what you guys as a committee can do as far as requiring Pulama Lanai to change their plans. But anyway this is what I have to say. So after reviewing the plans of the single family homes proposed by Pulama Lanai, it's obvious that they're not designed for a single-family. While the outside of the building may fit into the design of the Koele, the inside is designed as a rooming house or dorm rooms. I'm requesting that the Planning Commission require Pulama Lanai to redesign the units with families rather than four unrelated people in mind.

The Koele District was built for vacation or retirement homes, and we also have to answer to an HOA. If we want to make any changes to our, you know, our homes we have to put it to design committee. And then we can only have two cars. So these homes will be in dispersed throughout to our entire community. These rooming houses will potentially have four people

with four cars which translates into 80 cars or trucks using the roads, parking on the streets, and I believe they should be required to follow our HOA guidelines. Thank you.

Ms. Preza: Thank you. Any questions for Roxanne? Thank you. Dave Green.

Mr. David Green: Welcome everybody, and Commissioners, thank you for your service. I'm talking about the Koele Project, the new Koele Project of 20 units. I'm concerned, very concerned about them. They were originally sold as -- not sold, but portrayed as single-family homes. How many single-family homes have four bedrooms on each corner of the house, a bathroom attached to each bedroom, and one kitchen? It's -- and I am aware of the fact that they, at least in the short-term, are probably going to be used as short-term rentals.

The whole project district in Koele was for single-family homes, single-family homes, and or condos, not for multi-family homes. Single having -- you're talking about, you've been talking here recently now just about short-term rentals. These could be 20 short-term rentals, or it could be 80, with 20 times four bedrooms that would be put into Koele. And that would be a disaster. I live at Manele, but I am supporting my friends at Koele. And one of the reasons I'm doing that is during the construction of Koele Mr. Ellison rented out his units down, all of his condos down there -- not all of them, most of them -- to construction workers. It created a huge change in our community. People didn't follow the rules. People didn't care. An owner cares about their property. A renter, not so much. I think it would be a dramatic change to Koele, and a very negative thing for our community. So I hope instead of allowing the Director of Planning to approve, approve this, this proposal from Pulama Lanai, I hope that the Planning Commission takes it up and runs it through the ringer. Thank you very much.

Ms. Preza: Thank you. Any questions for Dave? Thank you for your testimony. So, is there anyone else who would like to offer public testimony at this time? Could you please state your name and what agenda item you'll be testifying on?

Mr. John Miller: John Miller. M, I, L, L, E, R. Commissioners, I'm a retired, licensed general contractor and a resident of Lanai. I reviewed the plans for that Malanai Estate project. It is obvious to me that the units are being constructed for four individuals for each unit. It is an extreme stretch of the imagination that these are family units as was presented to us by Pulama Lanai. The insertion of these units into the Koele Project changes the entire dynamic of the area. I urge that the permits be denied and the transient housing be relocated. Thank you.

Ms. Preza: Any questions for John? Thank you. Would anyone else like to offer public testimony at this time?

Ms. Angela Delatore: My name is Angela Delatore and I am resident. I am going to be reading a letter from Jill Feno who is also a current resident at Koele. Members of the Lanai Planning Commission. Thank you for giving us the Koele Residential Neighborhood an opportunity to voice our concerns and fears. I have been a resident on Lanai since 2010. My husband and

I lived in Manele, and since his tragic death in 2017, I have relocated to Koele. Koele has always been one of the most spiritual and beautiful places on Lanai. Every day there are many people who come to Koele to walk, run, bike, and enjoy the tranquility that Koele offers. This neighborhood is like a park for everyone to enjoy. It truly enriches our souls and reminds us how special this island is. The proposed project, the Malanai Estates, will definitely have an impact on the neighborhood. Where the proposal states single-family detached homes, the drawing of homes we have seen shows a dorm like living space. Four masters of equal size, each with a bathroom, and a shared galley style kitchen. The impact of this style of housing is very different than a family home. Instead of one or two cars at each home, there will be three to four. In most cases, the occupants will not share a familial bond.

Dorm living is very different and the impacts will certainly be felt by all who live there now. Half way into the neighborhood, at the stop sign, the two lane road turns into a single lane. There will be an additional 12 homes on that road, each with possibly four cars, trucks, SUVs. That is an additional 48 autos on a very small strip of road in addition to the existing autos. This definitely will impact walkers, runner, biker, children, and change the environment. There will be many impacts due to the nature of the housing. A family occupying a home is very different than several individuals with the normal turnover that these projects have. There are many people involved in the planning, and approval of such a project like this, it might be that some of these people have never visited Koele. Koele is one of Lanai's treasures. I would hope that each person involved in these decisions to consider their response if these dorms were being built next door to their own homes. I believe that many, many changes have taken place since 2012 that has been very positive for our community. Larry Ellison has brought so much to this island, and it has all been first class. To make this island green and self-sustaining is a wonder goal. With all my heart, I hope that these goals will come to fruition in the future.

Ms. Preza: Thank you. Any questions? Great, anyone else would like to offer?

Ms. Donna MacNair: Hi, I'm Donna MacNair, and I'm reading a letter for Barbara McIntyre. We both live at Koele Villas.

Dear Ms. Preza and members of the Lanai Planning Commission. Thank you for letting me, as a resident of Koele, have an opportunity to voice my concerns. I have been an owner and resident at Koele since 2000. My husband and I lived there for seven months a year until 2016, and the beautiful and peaceful Koele atmosphere were a treasure to us. We literally stopped traveling to other parts of the world after moving there as we preferred being at Koele. I feel that the proposed Malanai Project will have a negative impact on the neighborhood for several reasons. The proposed architecture of the building is not in keeping with the existing Koele Villas. The high occupancy and probable turnover of employees associated with this dormitory style living is not in keeping with the quiet family atmosphere. And the large increase in traffic will create noise and visual pollution.

Larry Ellison's goal to make Lanai self-sustaining is admirable, and one we all support. He has done a magnificent and first class job of creating a beautiful atmosphere with the hotels and grounds at Manele. As well as at Sansei with the lovely landscaping and haies behind the building there. I feel that constructing the proposed homes at Koele, and trying to integrate them into the community as they are designed would be comparable to placing them along the haies behind Sensei. They just wouldn't fit. If the project does go ahead, I would hope that the home's design and architecture would be in keeping with the Villas at Koele, utilizing the same siding and color palette. In addition, to soften the effect and impact in our neighborhood, I would also hope that abundant landscaping would be installed as he has done at the hotel. Thank you. Barbara McIntyre.

Ms. Preza: Thank you. Any questions? Sure.

Ms. Ingrid (____): Hi. My name is Ingrid . . . (inaudible) . . . and I'm a resident of Lanai City. I was asked to read a statement so I'm going to do that. This statement comes from Katherine Knapp who resides up at the Villas at Koele. Katherine and William Knapp. She says please consider --. Oh, you read that one? Sorry. I have a couple.

I was also requested to read one from Maddie Callahan, and it says aloha and new years greetings. My name is Madeline Callahan. My husband's name is Doug. And I've been coming to Lanai since 1995. We first fell love with Koele where we first stayed and they built the Villas. We were immediately impressed with the dedication to quality, the beauty of design, and the attention to the finest details in craftsmanship. We returned in the following years, and ended up purchasing here because of the promise of the commitment to excellence and distinction. Our other home is in New York, quite an exercise in travel this far for a second home. The idea of building and inserting dormitory buildings in to the fabric of this almost perfect community and whatever labels you wish to place on them, that is why we are here. No executive with children is going to place small children in outer rooms with full access to their own lanai. These buildings will house adults whose home is not here on Lanai. They are to house workers who have different purposes here. These do not have a place, do not have place but it is not in the small development of Koele. They are other good solutions for this need for housing for people who come here to work. It is unnecessary to give a historical dissertation of the subsequent development that has taken place over the last 23 years. Rather we feel it is imperative to point out the dilution of the building's original elegant design and the greatly compromised vision of Lanai specialness as a world class destination. As for property values of the community who have invested in, love, and have made Lanai their home particularly Koele, it is indescribably unfair. Surely there are countless other great alternatives. Please think, rethink this and consider the greater good for all. Thank you for your time and consideration. Maddie and Douglas Callahan.

Ms. Preza: Thank you. Any questions? Would anyone else like to offer public testimony?

Dr. Andrea Ippen: Hi. Andrea Ippen. I just want to add my own commentary on the short-term rental permitting situation with the conversation of how many permits should be allowed.

Butch earlier was talking about 10. Somebody else testified to support that, and I believe you said there were 20 at this point. Okay, whether it's 20, 25, or 30, I don't think that it's incumbent to reduce the number of permits for renewal that are currently existing. People in this community have spent their money, investment dollars, obtained their permit, done everything correctly and legally, and I think to have roughly half, whether it's from 20 to 10, or 22 to 10, lose their permit for no reason, I think, it's absolutely unfair to those people who put their money into this project. Thank you.

Ms. Preza: Questions for Andrea.

Ms. Green: Yes, I do, but I need to find Butch's thing. Somebody have it. Yes, thank you. Okay, he said it's 19 now, we know 20 short-term rental homes. 10 of them are not offering short-term rental services. So would you be okay to those people who, you know, have been -- they have a short-term rental permit but they have been operating as something else, as a long-term rental or not at all, of not renewing their permit then you'll be back to the 10.

Dr. Ippen: First I question Butch's methodology and his research. I was one of the managers he contacted, and I don't find the questions he asked me to be...perhaps applicable to the numbers that he was quoting to you. So if we're going to go off of an actual research study, I would be interested to see what information, a properly conducted methodological research would give.

Second, when it comes to people using their homes currently as long-term rentals as opposed to short-term, these are investment properties. If people were unable to get short-term rentals, so they went to long-term because it's a way to increase their revenue, that would make sense to me. And there's nothing currently in the law saying that you cannot long-term rent in a short-term home. You have the option to later revert back to short-term I think is, should be permissible. I don't think people should lose their permit simply because they're trying to make money with their investment property in any way they can.

Ms. Green: Do you have any strong feelings about how many short-term rentals Lanai can support?

Dr. Ippen: That's a question that goes beyond the scope of my knowledge. Whether I think maybe that -- I think it was you, Caron, that mentioned the percentage earlier. I don't know if five percent, 10 percent, I don't know if it should be based on a percentage or a density study. But, I'd certainly would advocate -- right now what I'm advocating for is that you do not have less than what is currently permitted.

Ms. Preza: Thank you.

Dr. Ippen: Thank you.

Ms. Preza: Would anyone else like to testify?

Mr. Bart Baldwin: Hello Commissioners. My name is Bart Baldwin, and I appreciate you all being here tonight and all the hard work that you guys do throughout the year. I'm going to speak on both topics so not to repeat what other people have said, but something that I didn't hear was the Koele Association as I understand it chose as owners or as association members for the minimum rentals up there to be six months or longer. So they want it to be long-term. I don't honestly know that Pulama is considering it being short-term. I think they want managers who are going to be here for a while. But certainly the association up there has a record which is different than Manele because my understanding of Manele, they can rent it for one month at a time, the units. So just basically I think it's a no brainer for you guys to want to be involved in this permit process for what Pulama is wanting to do. So --.

Regarding short-term rental homes, and I appreciate what Butch has done, and what you guys are considering, but there is a season for all things. And we're in a unique season where Pulama and others needed long-term rentals. And so homeowners or investment investors made decisions to rent long-term which was probably different than what they were planning to do when they applied to have that short-term rental home permit. And so I don't think people should be penalized. Like Andrea said who, during a season take opportunities to rent long-term. I think do overall those people want to rent to people who come to Lanai to experience it. Maybe they have some knowledge of Lanai, or maybe it's their first time. And as a relator myself, I see that those people eventually become clients and choose to make their home or to make an investment on Lanai. So, so the more opportunities, and I would suggest at least two to four percent of the available units on the island be allowed to be short-term rental homes. And those investors are paying real property taxes, and they have property managers, and they pay for cleaners, and landscapers, and construction people who are painting those homes or taking care of them. Thank you.

Ms. Preza: Any questions for Bart?

Ms. Green: So Bart, we went through this exercise a little. There are 929 homes that are not owned by Pulama Lanai. So you're saying two to four percent, that's roughly 20 to 40 homes you feel would be an appropriate number for, for short-term rentals. Is that what I am to understand?

Mr. Baldwin: No, I'm saying total inventory. So if my -- I had heard the number that Pulama has 400 plus units on Lanai. That includes multi-family and single-family. And so I think the overall island total is 1,200 or something, units. So I'm talking greater, you know, the larger number, not the individually owned. That's just my opinion.

Ms. Green: Okay, thank you. The numbers we had were Pulama had 245, but may not include the apartments.

Ms. Preza: Thank you for your testimony. Would anyone else like to offer public testimony? Sure.

Mr. Howard MacNair: My name is Howard MacNair, and my wife and Donna and I moved here in 2010.

Ms. Preza: Sorry, could you address us?

Mr. MacNair: Howard MacNair, owner at Koele, one of the villas. And we're fulltime residents here at Koele. And we moved here because of the quality life, and just want you can --

Ms. Preza: Sorry, would you mind addressing us please? Thank you.

Mr. MacNair: Oh, addressing you. I'm sorry. So we moved here for the quality of life, and it really and truly is a special place. What's happening right now, what's been happening is that we are seems consistently being nipped away with regards to our benefits, to our lifestyle enhancements, things being taken without any kind of reimbursement to offset those losses. And it's really difficult as a homeowner when you spent, you know, your life working and you want to retire, and you want to come to place that you think is going to be your resting spot, and to see these things happen. And I know they happen, you know, all over the country and world. I just ask that the board, the Commission, really look at this, with seriousness because it's your governance that's going to decide what's going to happen going forward. And what happens to us could easily happen to you in other ways to your rights and privileges. And we can't allow just because somebody has a lot of money and power to abuse that power. And I'm not saying that's happening because Mr. Ellison has done some incredible things and there's no doubt in my mind that this island will be like nothing else in the world in 10 years. It's truly going to be special. But you don't want to be forgotten along the way and pushed out.

And we've seen it happened in, you know, in California, in Beverly Hills, Elon Musk has bought up six homes on this exclusive street in Beverly Hills, and the neighbors are, like, being forced out because he's driven the prices up so high that they can't afford to stay there. I mean, he's just getting them to move and he's going to take this whole neighborhood over.

Jeff Bezos up in Seattle, he just got voted down by the Seattle Council about the amount of contributions he can be giving out to politicians that will side with him to help him in development. And I'm not saying that this is the kind of thing that is happening here. But all I'm saying is there needs to be a real seriousness about looking at these things, and think about your own position if you were up there or if it's your homes down in town, if apartment buildings or other things were going to go in next door to you, would it be appropriate if they weren't zoned that way to begin with and that's not what we bought into. Thank you very much.

Ms. Preza: Thank you. Questions for --

Mr. Delacruz: No questions, but I have --.

Ms. Preza: No, John has the microphone.

Mr. Delacruz: Not a question, but a comment. We're taking testimony up front before we go into the agenda items. We've been doing this for an hour. Isn't the purpose of taking the testimony up front is to let the people who don't plan to be here during the agenda item to speak. Because we're not getting into the agenda and already I'm getting tired of listening to people talk.

Ms. Preza: No, I think we offered the opportunity for people to speak after the presentation. But, everybody is welcome to testify at the beginning if they would like to.

Mr. Delacruz: Okay.

Ms. Preza: Great. Would anyone like to testify? Okay, well, problem solved. Great. Well since it is --

Mr. Delacruz: The issue is when we get into an agenda item, we'll dedicate our attention to that agenda item. Right now we're jumping to thoughts like Bart started talking about short-term rental homes, and he then started talking about other things, when we get into the agenda item, due to my age, I might forget all about Bart.

Ms. Preza: Okay. Well, thank you. Next, so I think we will move onto item C.1. and then after that agenda item we will have a break so --. No, we're moving -- E.1. will come after Item C.1.. But we need to do the public hearing first so I believe the County has a presentation for us regarding this agenda item.

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

- 1. MS. MICHELE McLEAN, AICP, Planning Director, transmitting a proposed bill relating to zoning maps described as follows:**

A proposed bill entitled "A BILL FOR AN ORDINANCE ADOPTING A DIGITAL ZONING MAP AS THE OFFICIAL ZONING MAP FOR THE ISLAND OF LANAI."

The purpose of the proposed bill is to adopt a digital zoning map for the Island of Lanai. (K. Aoki)

Ms. Kathleen Aoki: Good evening Commissioners, members of the public. My name is Kathleen Aoki, and I am the Administrator for the Plan Implementation Division with the Department. Tonight what we're doing is we're bring forth to you a proposal to adopt a digital zoning map for the Island of Lanai. We were here on December 3rd and did a public

informational meeting on the map. So we're going to pretty much do a very similar presentation for you. But what I'm going to do is I'm going to give you just a really, big brief background. Sorry, I got to stay here. A brief, brief background of the project. And I have with me tonight my GIS Analyst, Peter Graves, who will be running the power point and showing you some maps. And we have Ann Cua here who's the Senior Supervising Planner for the Current Division.

So most people may or may not know that Maui County relied -- relied, past tense -- on paper maps for zoning. And what we've done over the last 17 -- I don't know, it's been a long time, many years -- is try to convert to digital zoning maps. So the first island that we worked on was Maui. We came to Lanai back in 2017 and presented to all three Commissions our proposal for a Maui map. But we also had to make amendments to Chapter Title 19 in the zoning code and that's why we had to go to each island. For this map, contrary to what's in your report, we do not need to go to all three islands. It was determined by Corporation Counsel that because we're only time just adopting a map for Lanai, we only have to come to the Lanai Planning Commission for your recommendation. This recommendation will be taken up to the County Council who ultimately have approval to adopt the map.

So what we'll do now is just one other thing I wanted to mention on your reports. The exhibits are not matched. It's manini, but just so you know that they're not labeled and I think they were stapled backwards. So exhibit number one are the maps, the proposed changes, and exhibit number two is the ordinance.

So I'll pass it off to Ann. We're going to be kind of doing the tag team here, and we'll take any questions you have at the end. Here's Ann.

Ms. Ann Cua: Good evening Commissioners and members of the public. It's great to see so much of you in attendance here today. This is good. Can everybody see me? Okay, because I'm going to need to use this part of the time as well.

So just to give you a little bit of background for those of you who were not here when the Department had come before to talk about this project, this digital mapping project initially began -- I don't know if most of you knew Mayor Apana's time. That was back in 2001. So when Kathleen said we've been working on this for a long time, we have been working on this for a long time. And it started with a small group of staff, and then the project was transferred to the Planning Department in 2005. And what the Planning Department did is we took staff from each of our divisions that had expertise in all the various areas. And we came together as a group to, to, to tackle this project and to try and verify zoning for all of our islands.

So where are we today? Well, 13 years later, zoning for parcels on Maui were identified. And 14 years later, 14 plus years later, parcels on Lanai have been verified. We've made corrections addressing map alignments. We've updated parcel zoning with zoning districts that has standards. We have eliminated non-existent zoning districts. We've corrected some oversights. All in the time that it took to get to the Planning Commission level.

The one, the one thing I do want to mention, any changes that we've made have had all been consistent with the community plan. That's important to note, and I will mention that again later.

So given the complexity of this project, the Department is presenting a digital map for each island individually. We completed a digital map for Maui in 2017, and it was adopted by the County Council in October of 2018. And at that time we had represented that Lanai would be next, and here we are.

In late October of 2019, the Department mailed a letter to the landowner, Pulama Lanai, advising them of some proposed adjustments made on their parcels. And one other updated zoning proposal is for a County owned parcel. So again, on November 26, 2019, we issued a press release advising the public of this Lanai project, and we provided a link to the website, and also an invitation to a public meeting that was scheduled for December 3rd, 2019. And as Kathleen mentioned when we came up here, we had maybe about 10 people in attendance. And there were some questions from the people that attended, but pretty much everybody felt that this was a really good project for not only Lanai, but for all of our, all of our Maui County islands.

So after receiving the Lanai Planning Commission's recommendation, the proposed digital map and accompanying Title 19 ordinance will be forwarded to the Maui County Council for their review and action. And all proposing zoning recommendations, as I mentioned previously for this digital zoning map as well as the zoning maps on Maui that we did, were all consistent with the underlying community plan designations.

So I think most of you are familiar with zoning, but we noticed as we discussed this project, as we take it out to various communities, sometimes the questions that we hear back...lead us to believe that there might be some confusion with the terminology of zoning, community plan designation, sometimes even SMA, Special Management Area, so we want to, we want to talk to you about what is zoning because this is a zoning project. It's not a community plan project. It's not a Special Management Area project. It's a zoning project.

So what is zoning? Zoning determines how a property may be used and where structures may be placed. It promotes an orderly pattern or development. It separates incompatible land uses, and it is the first thing that you need to know before you develop your property. And this is an example. For zoning, there's various development standards. Like I mentioned, it tells you the permitted uses, it says how high you can go with your buildings, the setbacks that you have to observe from property lines, the lot size and the lot width, the density, landscaping, and even the number of parking stalls that you're required to have. That all comes under our zoning standards.

Zoning is not community plan designations. It is not the Special Management Area. It is not flood maps. And it is not State Land Use classifications. The State has four basic land use

classifications: Agricultural, Urban, Rural and Conservation. Zoning is not that. So I just want to make that really clear because for us, it's something we deal with every day. But for a lot of people, it's not. And we thought it was really important to make that distinction for everybody.

So how is property zoned? Or how has it been zoned in Maui County? Well, there's comprehensive zoning maps. That's when the County goes in and zones an entire area. And then there's individual changes in zoning. And you may have seen some with the planning commission here where an individual comes in and say, you know, I have this piece of parcel and I want to change my zoning from residential to business. Just as an FYI, you can only change your zoning to another designation that is consistent with the community plan. So it is different, but the community plan is very important because you can't change your zoning to a designation that is inconsistent with the community plan. If you want to do that, there's a process for that. You need to come in and amend the community plan. And then comprehensive land use ordinances. So those are three basic ways where property is zoned in Maui County.

What were the goals of this project? Well, Kathleen mentioned to you that pretty much all we've ever had -- all we've ever used in the County of Maui for zoning information are paper zoning maps. And they are very old; over 50 years old. We did not bring one with us because it is such precious cargo that we try and -- and this is serious -- we try and minimize the handling. I don't know if any of you have seen it, seen any of our maps, but they, they're crinkly, they have scotch tape on them, they have handwriting on them. I mean, but that's what we have used for so many years. And so one of the goals was to get rid of that, to replace that. A huge goal of this project was to make zoning information accessible to the public. That was a huge goal because right now what you have to do is you have to call or you have to come into the county and you have to ask what your zoning is. The goal of this project is that at some point you'll be able to be in the comfort of your own home, and you'll be able to type in your tax map key number and be able to pull up what your zoning is all by yourself.

And another thing, another goal of this project was -- and that's probably what took us the longest -- was in order, in order for us to come before any body, whether it's for a Maui map, a Lanai map, and then we will eventually tackle Molokai -- but we need to know what the zoning is. So we had to go almost parcel by parcel to determine. And a lot of times that's bringing out a State Land Use District map, a community plan map if we feel we need to make a little change. Okay, is it consistent with the community plan? So it's not just looking at a map, and say, oh, this is the zoning. At times we have to bring out other maps. So we did that. And so we were able to confirm existing zonings, for all parcels, in the County of Maui, to the best of our ability with what we had at that time. Is it 100 percent correct? Probably not. We have already --. Since Maui's map was adopted, we've already gone back twice. Oh, only once? We're going to go back again. No, okay, okay. I thought it was twice. I mean, soon after we were done with the Maui map, we realized there were, there were some other things that were uncovered. So, again, we felt we needed to put our best foot forward, put something

out there, get a digital map. We know that there's probably going to be some things we find, but we figure, we'll deal with that then. If not, we'll wait forever.

What was our challenges? Like I mentioned initially those, those poorly, poorly conditioned maps. They lacked detail. They were worn out, falling apart. And then we really had no single complete set of maps for the island. It was pretty much a patchwork. Like remember I talked about, how do we zone in Maui County? We have individual changes in zoning. We comprehensive. It's kind of like a patchwork quilt of all different type of things to make it. A digital map gives you one map. It's a one shot deal, and so that's a good thing.

The benefits, I mentioned some of it already that everyone will be able to confirm zoning accurately and efficiently. There will be greater public access to accurate zoning information. The determinations that I talked to you about, about people coming into the County and bringing a paper in or calling and asking for zoning confirmation, it's going to, it's going to drastically reduce the amount of zoning determinations that the Department will have to give. And just FYI, between fiscal year 2014 and 2018, the staff processed over 20,000 zoning verification forms. So that's a lot of time and taxpayer money.

Another benefit is that it will improve coordination between governmental agencies. And, very briefly I want to talk about a new permit processing system, or permit tracking system that we're going to have in Maui County, the MAPPS. The MAPPS system. Right now we have KIVA. I don't know if any of you know about KIVA. Well, that's going to be replaced with MAPPS. This digital zoning project is a key element to that process.

So now I'm going to turn it over to Peter and he's going to present some maps to you. I can do this, I guess. Okay, so prior, prior to 1957, Lanai had no zoning. And then in 1958, you had Interim zoning. Interim zoning was always just that. It was meant to be Interim for a short period of time. And then from 1980 to present, there's been individual changes in zoning. Remember I told you there's different ways that zoning was created. We have individual changes in zoning, and then we have comprehensive zoning. We've had comprehensive rural and comprehensive ag zoning. Again, these all have to -- these were all consistent with the community plan. And so as of today, this is the existing zoning for Lanai City. So again, you still see that, remember when we talked about Interim, you see that pink area, that's Interim. Interim is what's supposed to be temporary, but we still have Interim zoning today. That's just kind of the way it is.

So now I will turn it over to Peter.

Mr. Peter Graves: So these are the recommendations for changes that -- excuse me -- that the Department came up with. For the most part, we're not changing zoning. We're just consolidating zoning. But there are some older codes that have no standards. Not so much the case on Lanai. Lanai didn't really have any of those crappy 50 year old maps. Lanai just had a few maps, you know, and plus the comprehensive zoning, so it was a lot simpler. Maui, we had to make so many recommendations just because of the way things didn't fit together

and very old cartoonish maps. But it's a little simpler here so our only recommendations for zoning changes here are just to update from an older code -- excuse me -- to a newer code. And those are all to change from open space which isn't used anymore. Now we've got OS1 which is the more restrictive. Open space one which is more restrictive and that's generally reserved for areas of particular concern and historic archaeological sensitive. And then OS2 which is just your general open space, you know, between homes and greenways.

So the first recommendation is in this area south of the city, Manele and Kaumalapau. It involves these green strips along the edge of the road. And I broke it up into a few maps just so they'd be zoomed, zoomed in. So like it says here these were originally open space which we don't use anymore. And our recommendation is to just update that to open space two along the road here.

The next map kind of continues up this way along Kaumalapau and then it's Queens. Same thing. These are, right now, these are designated open space. We want to change them to open space two which for the most part house cleaning just to get rid of these older zonings.

Another one for example -- this isn't the case on Lanai -- but one of the older zonings would be Public which we now use Public/Quasi-Public. So on Maui, we updated all of those to there are a couple of different Public/Quasi-Public now, one and two.

Okay, so moving on. This is the Hotel Lanai. Focusing on this area of trees right here because this one or two parcels has multiple zonings. But down here in the lower left corner where those pine tree are is a piece of OS that we again want to update to Open Space -- sorry -- we want to update to Open Space two.

And here is Fraser, I guess Jehovah's Witness, and I can't remember the name of the other church. Right now -- excuse me -- most of this is designated open space. There's some business country town here, some...P1, Public/Quasi-Public.

This one is a little more complicated because we can't do anything that's not consistent with the community plan. And if we had gotten here prior to the new community plan being passed, we would have just recommended this whole area be updated. All of this open space, not the BCT or the public, be updated to OS2. But since the time we've been working on this, the new Lanai Community Plan was passed, I think in 2016, and our recommendations have to, again, follow that community plan.

So this is the new community plan designations. Had to split it up. This area has gone from, on the community plan, has gone from open space to park. On top it's gone from open space to public/quasi-public. Some of this... which I think previously it was business is now, has been extended over business commercial. So we cannot recommend that these parts -- I'm sorry - - these parts in here be updated to OS2. We can only recommend that what is remaining on the community plan is OS, open space, be updated to OS2. Which leaves us in the position of leaving this old zoning that we want to update, we need to leave it, we have to leave it

alone. Because as much as it would be nice and neat to make it all open space two, we just, we just can't do that. So that's our fourth recommendation, fourth area is to update this section of the parcel to open space two.

And that's, that's all for our recommendations. This is the updated map which you can't see much here. This is the zoomed in on the updated map with the open space two if it's implemented. Thank you.

Ms. Aoki: So now what we're going to do is just briefly go over the ordinance changes because you do have to make a change to Title 19 in order to adopt a digital map for Lanai. Just some background information, the current policies on zoning maps in the Maui County Charter it does state that the Planning Director shall prepare, administer, and enforce zoning ordinances, zoning maps, and regulations. Maui County Code 19.06 is what we're going to be updating. It says that paper maps -- right now it says that paper maps for Lanai shall be kept on file and it establishes policies for determining boundaries of zoning districts.

Our position, of course, we want you to support the map and recommend approval of it to the Maui County, Maui County Council. Sorry. It is under our authority. We want to recognize that a digital map is the official zoning map, not the paper maps. And we're going to update the standards and boundaries as Peter just discussed where we can. And thank goodness for Lanai, your maps are newer so the only outdated zoning district that you have that we have to change is OS which is open space which has no standards. It doesn't exist in Title 19. We do fall back on the OS district but it just makes it cleaner to make it OS2. And then we do have language in our general plan that talks about this.

So specifically I just want to show you anywhere where it's underlined is where we're adding. So for this, we're adding an "s" island to say islands because we're going to have Maui and Lanai. And only one zoning map per each island. We talk about that they shall be digital maps. And Maui, as Ann mentioned, we did have to go back and update so it's now digital map two. For Lanai, this will be digital map one. Every time we go back, if we find something that, excuse me, we need to correct, we have to come before you. So maps do not get changed without County Council approval. I just want to make that clear. So if we found errors like we did in Maui we would come back to you. We would ask you for your recommendation. We would go to Maui County Council and that map would now become number two. So, just so you understand that.

One thing else I do want to make clear is if somebody comes in with an individual change in zoning. So somebody owns, like Ann mentioned, a parcel and wants to change their zoning from R1 to BCT, they would come before you. Same process. Come before you, ask for a recommendation. It goes to Maui County Council. They approve it. We incorporate that into this digital map. We will not come back to you because you have made that approval. Maui County Council has made that approval. So we come back to you with corrections. We incorporate what you adopt separately. So that map should always be pretty much updated. It does take us a little bit of time. It's not instantaneous but we do incorporate that. Next page.

And then up there it will say that on file in the Office of the County Clerk with certified copies being placed on file in the Planning Department, the digital zoning maps for the Islands of Maui and Lanai. And that's it for our presentation. We're available for questions, if any. Well, the members are ask questions. Thank you.

Ms. Preza: Thank you for the presentation. So at this time before the Commissioners discuss, I'd like to --. Well, first of all, would anyone like to offer public testimony on this agenda item? Yes, great. So we'll reopen public testimony at this time.

Mr. Stanley Ruidas: Hello. Stan Ruidas. Lanai resident. This is a good thing that, you know, the Department has fulfilled, I guess, you could say. You know, back in the day, we had go through all of these zoning things, and you get cock-eyed when looking at everything. Yeah, so kudos to the Department and all who worked hard on it. I recommend that you guys approve it. Thank you.

Ms. Preza: Thank you. Would anyone else like to offer public testimony? Okay. Sorry, could you speak into the microphone please?

Ms. Alberta de Jetley: Thank you Madame Chair. My name is Alberta de Jetley. On one of the maps that was presented, if you could go back to the map that showed the corner of Lanai Avenue and Kaunalapau Highway. You had a BCT parcel on that. Fraser, one back more. Back more. Okay. No, one more. There is a BCT in the middle of open space. Yes, that, that was for future and years ago when we were all working on this. That was for future development outside of the core of Dole Park. So for you to change it back into open space two, no, it would not beneficial. It should stay.

Ms. Preza: Sorry. In the maps that we got, it's not been changed.

Ms. de Jetley: Okay. That BCT is going to stay the way it is?

Ms. Preza: They're just changing the open space designation, so BCT, it's not changing.

Ms. de Jetley: It will stay. And then at a previous meeting, I mentioned that the open space along the highways are actually floodways. So it's really important that you all remember that they are for a flood control within Lanai City. Thank you.

Ms. Preza: Thank you. Any questions for Alberta? Would anyone else like to testify at this time? Okay, so I will officially close testimony for this public hearing item. So Commissioners, we have three options before us. We can recommend approval to the County Council. We can recommend approval with amendments. Or, we can defer for more information. Do any of you have thoughts about this agenda item? Okay. I, I think it's good that it will be more accessible for everyone to see. My only comment would be since they're changing --. Sorry, I'm trying to find it. Since they're change, they're adding in Lanai, I think, since diacritical

markings are used throughout this ordinance to do it consistently. So instead of just having the okina in Lanai, to add the kahako over the first a as well since the other islands are using the diacritical.

Ms. Aoki: I would defer to Corporation Counsel on that because I know in the past when we've asked to do that, we were told that it needs to be consistent throughout the entire code. So if that's possible, I'm all for it. I was ready to do it. At the end of the day, Corporation Counsel signs off on the legality of the bill so we can let them know. I don't know if Richelle you're able to answer that, but that's what I understand.

Ms. Thomson: Thank you. So our office does recommend, you know, that we have consistency throughout the code, and we're dealing with a couple of similar issues. But I think that the Commission could make that as one of your comments, you know, that, you know, that you, if, if you're inclined to approve the digital map and the changes as represented by the Planning Department with the additional comment that, that the spelling of Lanai should include all the diacritical marks.

Ms. Preza: But that's with no guarantee of it being. I guess it's just, it's difficult because it's been -- if it's inconsistently wrong. But I, I, I would -- other than that I think it's okay. But, Commissioners, do you have any thoughts on the rest of the document?

Ms. Green: I just have a question about this last discussion about where we still have an OS even though the efforts has been to get rid of it. You're going to have to change the community plan in order to change that and get it consistent? Is there a plan to do that or does it really matter?

Ms. Aoki: Well, with the update of the 2016 Lanai Community Plan, that was the recommendation was to change it from OS to Park, to Public/Quasi. All those areas got changed in 2016. So they took it out of OS and put it into those designations. So until the -- in order for us to go back and change the zoning to OS2, you would have to go back and put it back the way it was. So I don't know if there's impetuous to do that. The idea instead would rather be to follow the community plan, and go in and appropriately zone those areas the zoning that they want. So in other words, park would be zoned to PK. So you would change OS zoning to PK to match that park designation. Not OS2 anymore because they don't want OS. They don't want open space. They wanted park. Same thing with the Public/Quasi-Public. You would take that OS zoning, and determine if you want what we call PQ1 or PQ2 depending on what kind of zoning you wanted. I don't know if that kind of answers your question. But there's no movement on the Department to go back and change those areas that were just changed. That the community spoke, that was adopted by Council.

Ms. Preza: So we as a Commission can comment or suggest that that is changed in this or no?

Ms. Aoki: I would say no.

Ms. Preza: Okay.

Ms. Aoki: Well, I mean, you can provide any comment that you want. However, we were trying to make clear that this is not a community plan map. This is a zoning map, so we don't want to get fuzzy and start talking about changing the community plan.

Ms. Preza: Thank you. Any other questions or discussion? Would anyone, would anyone --? Okay.

Ms. Green: I'd like to recommend approval of the bill for an ordinance adopting the digital map, zoning map, as the official zoning map for the Island of Lanai.

Ms. Preza: With the comment?

Ms. Green: With the comment about the --

Ms. Preza: Having the diacritical.

Ms. Green: Okay, the diacritical. Yes.

Ms. Preza: Okay, great. Well, so we have a motion. Would anyone like to second?

Ms. Roxanne Catiel: I second.

Ms. Preza: Okay, Roxanne seconds. All in favor please say aye. Oh, any discussion? Okay, aye? Any opposed? Anyone would like to abstain? Okay, it unanimously passes. So thank you so much for your hard work.

It was moved by Ms. Caron Green, seconded by Ms. Roxanne Catiel, then unanimously

VOTED: To recommend approval of the bill for an ordinance adopting the digital zoning map as the official zoning map for the Island of Lanai with one comment as discussed.

(Assenting: R. Catiel, J. Delacruz, C. Green, S. Menze, S. Preza, S. Samonte, C. Trevino)

(Excused: M. Martin, G. Rabaino)

Ms. Aoki: Thank you. Thank you very much.

Ms. Preza: So at this time I think it would be good to take a quick break, five minutes, if possible, and then we'll return to continue with the agenda items. Thank you.

(The Lanai Planning Commission recessed at 6:38 p.m. and reconvened at 6:45 p.m.)

E. DIRECTOR'S REPORT

1. **MICHELE MCLEAN, AICP, Planning Director transmitting the following request pursuant to the provisions of Section 19.45.060, Project District Amendment and Revision of the Maui County Code:**

LANAI RESORTS, LLC, a Hawaii limited liability company, doing business as PULAMA LANAI, requesting a Phase III Project District Approval in order to construct 20 single-family residences with garages located in the Lanai Project District 2 (Koele) Zoning District at TMKs: (2) 4-9-021:001, 003, 005, 006 and 011, Koele, Island of Lanai (PH3 2019/0007) (A. Cua and K. Wollenhaupt)

The Director has determined this is a non-substantive revision to the Phase II preliminary approved site plan which allows up to 100 townhomes and this request will not result in significant impacts above the Phase II approved plan. With the 20 new residential units proposed in this request along with the 33 units which currently exist, there will be a total of 53 residential units constructed out of the 100 units which were originally approved. The Commission shall acknowledge receipt of the request. The Commission may act to waive its review of the proposed non-substantive revisions and allow the Director to approve the Phase III Project District request for the 20 residences or act to not waive review and further evaluate the request.

Ms. Preza: Moving Item E.1. to be the next agenda item, and I believe there is a presentation regarding this agenda item.

Ms. Cua: Thank you Chair. I was trying to organize myself in a place where you wouldn't have to turn your chairs so we're just trying to make some room up here. So, thanks for your testimony because it, it has...shown me that I probably should explain more than I thought I was going to need to explain tonight just about the project district process. So the reason that we're here tonight is that the Department received a Project District Phase III application. And I want to talk about the Project District process first before we talk about this specific application.

So, Commissioners, when we -- once a year we come before you, the Department comes before you and we provide you some training on a number of things, you know, the legal process, on the different types of permits. And one of the permit types that we talk about are Project Districts. And so we've gone through that training, but I think it's really important to go through it again because we don't use it a whole lot. So basically Maui County Code Chapter 19.45.050 outlines the three phases of a Project District, a Project District processing.

The Phase I of the Project District processing is the creation of the ordinance. The ordinance which say what are the permitted uses? How many acres, and how many acres in the project district? How many acres should be set aside to the various land use categories such as maybe residential, multi-family, hotel, open space, park. It lists the development standards. All those things are listed in an ordinance. So a proposed ordinance is done. It goes to the Planning Commission for a public hearing similar to, you know, a meeting like this, but it's a public hearing format. And then if the Commission is supportive of the ordinance, they recommend approval to the Maui County Council. So for a Project District Phase I application, the Lanai Planning Commission is not the authority. They make a recommendation to the Maui County Council who is the authority to approve Project District zoning because it is a zoning district.

If the County Council passes a Project District Zoning for a property, the next phase of the Project District process is the Phase II process. And I'm just going to have to read just a little bit. So it says here a Phase II approval shall be processed as follows. After the Phase I approval, so after the ordinance, the applicant shall submit to the Planning Director a preliminary site plan for the Project District development. The preliminary site plan shall conform to the Project District Ordinance and shall include a number of things. And then, it says that the Planning Director shall submit the preliminary site plan to the Planning Commission. The Planning Commission shall hold a public hearing in the affected community plan region. So we have to hold a hearing here. The Planning Commission may approve the preliminary site plan with or without modifications.

Then when that phase of the Project District process is done, then and only then can an applicant come in with a Phase III applications. Phase III applications equate to sort of like construction drawing levels. You know, they know exactly what they want to do. It's quite specific. And what it says for Phase III, after the Phase II approval, the applicant shall submit a final site plan for the Project District development to the Planning Director. The Director shall approve the final site plan if it conforms in all substantive respects to the approved preliminary site plan.

So why are we here tonight? So we are here tonight because the Planning Department received a Phase III Project District site plan. And when we looked at -- when we compared the site plan to the Phase II site plan, it didn't conform in all substantive respects to the approved preliminary site plan. It was different. It went from a 100 units, and now they just want to add 20 more.

Okay, so the law goes on to read, it talks about --. There's a section 19.45.060 amendments and revisions, and it says, non-substantive --. Wait, let me read a little bit further. Proposed substantive revisions of the Phase II preliminary site plans shall be subject to Planning Commission review and approval. Proposed non-substantive revisions of the Phase II Preliminary site plan that would not result in a significant impact above what would result from the Phase II approved plan may be reviewed and approved by the Planning Director. So for Maui, if the Planning Department determines it's a non-substantive modification, we would

just approve it administratively. The law goes on to say, for Project Districts on Molokai and Lanai, the Planning Director shall notify the respective commission of the Planning Director's review of the proposed non-substantive revisions. The Commission may review the non-substantive revisions and take action, or waive review.

Okay, so now I feel I can go into the details of this particular project. Now that you have -- now that you all have the context of the process because it is, it is kind of confusing and complicated. So as I said initially, the Planning Department received a Phase III Project District application with a site plan. And so we looked at the Phase II approval and so --. Well, let me go back again. The site plan we received was for approval -- or the Phase III application for an approval of a 20 unit residential project known as Malanai Estates Project located in the Koele Project District.

The District, the Koele Project District was established by County Council in 1986. So the Project District Phase I, the ordinance, 1986. And it was amended in 1992. The zoning for this area, for this particular area because now we've been talking -- I've heard, I've heard people talking about single-family, multi-family. So the ordinance that was adopted by the County Council, the Project District, has a number of different districts. This particular project is in the multi-family district. So that's really important to note because I hear people saying about they don't want multi-family. But you need to understand, this is a multi -- it always has been in a multi-family district. So I wasn't sure if everybody understood that.

Okay, so the Phase II site plan --. Excuse me. Okay, at the time that the Commission approved the Phase II site plan, it included -- and I'm quoting -- up to 100 townhomes on about 19 acres. And...it was stated at the time, should, should a 100 townhomes be built, the average density would be less than six townhomes per acre. The applicant at that time also proposed a mix of townhomes of one and two-story heights, with buildings consisting of two, three, and four townhomes, which I've heard testimony about that tonight. Since 1992, 33 homes have been built on this 19 acre parcel. 27 units are in the Villas, Koele Villas, and six units are in the Pines, Koele Pines. Consequently, this area could actually, based on the approval that they have been granted by the Commission in the Phase II could build an additional 67 additional townhomes. The applicant is now proposing to build 20 detached single family dwellings rather than the 67 townhomes on the remainder of the property.

According to the Code and I read, I read this to you and so I'm just going to summarize. It says if there is a proposed non-substantive revision of the Phase II preliminary site plan that would not result in significant impacts, then the Planning Director can approve it on its own. That's where it stops for Maui. As I mentioned, for Lanai, we have to come to the Commission, and you can either, you would have to say we waive our review, and then the Planning Director could then issue. Or, you would say, we do not waive our review. And that means we would come back at another meeting, and then you would do your review of the project.

So the Department looked at this like we look at any other project that gets an approval, not only in a Project District, but Special Management Area, any other project that gets a

development approval and for some reason has modifications. Sometimes modifications deal just with buildings moving from one area to another. Maybe they've decided to re-site some buildings. Sometimes we see modifications because people have gone through, started going through the -- trying to get a building permit and they're seeing building code requirements that necessitates different changes. Maybe the buildings have to be higher. Maybe sometimes they decide they don't want to do as much of the project. There's all -- there's varying degrees of changes that are made to a project. And so the Planning Department reviews that. And we have to determine is this significant? Or is this substantial, is it not substantial? In this particular case we looked at, we looked at the 20 units. We believe it is non-substantive based on everything that we review with any type of permit. The area was always planned for a -- in a multi-family zoned area. There are 33 homes there now. There could be an addition of 67. They are willing to forego after -- if they are able to get 20 units approved, they are saying that at this time they were going to forego the remainder of the units.

When we look at the impacts at that, we look at things like water demand, waste water demand. Those are all going to be less. It's basic math; it's going to be less. So for the Department feels comfort in telling the Commission that we feel that this is a non-substantive review. If it were on Maui, we would be approving it on our own. But because it is on Lanai, we have to come to you and ask you to waive your review so that we can complete our review. If you do not feel comfortable with that, then you would choose not to waive your review and review it yourself.

So I think that --. Let me see if I have anything else. I think that includes my presentation for now. I can answer any questions that you may have.

Ms. Preza: Thank you. I was wondering, so if we did not waive review and requested to further evaluate, what would that look like?

Ms. Cua: Okay, that's a very good question. It would look pretty similar to what we have. So normally in Maui, when we use the waive, for the Commission to waive or not waive a review, we basically, you know, we don't provide much information because you're not reviewing the whole project. The information that we've prepared for you tonight is pretty substantive. Not something we -- not as much information as we normally provide for just asking you to waive or not waive. Usually we, you know, talk you through it, maybe provide you a site plan. But tonight we provided quite a bit of information. You know, we provided you the applicant's request, the map, we provided you, you know, the prior approvals. You know, we've provided a lot of information. That is information that you need to be able to make your review. You need to see that this is in the multi-family sub-district. I've explained to you tonight the Project District process because you need to know why we're here and you know, you can compare it to how things are done in Maui and how it has to be done on this island based on the law. So I can't imagine us submitting much more than we've submitted to you tonight. We have a lot of information here tonight.

Ms. Preza: So, if we chose to further review, what is our authority to recommend anything? Is it just to evaluate and see if it's within the --

Ms. Cua: Okay so -- okay again, a good question. So when we go back to the law... basically the law says --. I mean, it doesn't give you a whole lot of guidance. It just basically says, you know, after the, after the Phase II site plan, the preliminary site plan is approved through the Phase II process, which you guys did that already. If an applicant wants to make changes to that, there has to be a determination by the Department that it is substantive or non-substantive. If it's non-substantive, then we will come and ask you to waive.

If you decide not to waive, then we would have to bring, you know, again bring the site plan to you. We're going to show -- basically what we'll do is we're going to show you, okay, this was the site plan that was approved as part of the Phase II and this is what they want to do now. They've already constructed the, the -- what is it? -- The Pines. The Pines and -- I'm sorry, what was the other one? -- and the Villas. And this is where --. And the site plan that you have shows that. You know, this is where the Pine is, this is where the Villas is. And this, and the rest of it was supposed to be developed with 67 townhouses of a variety of mixes. They don't want to do that now, they want to do 20 units and this is how they're positioned it which is what you already have.

Ms. Preza: Sorry. Thank you. So just for clarification, so when you said "we already approved it," this was in 1992 when the Phase II?

Ms. Cua: The Lanai Planning Commission at that time.

Ms. Preza; Yes. Okay, that was Phase II.

Ms. Cua: Right.

Ms. Preza: And so the only reason that it's before us now is because they are choosing to do less than what was proposed in Phase II?

Ms. Cua: Well, the reason it's before you is because what they've come in with the Phase III now and the new site plan is different. It's different. So not that it's just because it's less. Whether it was less, more, it's different.

Ms. Preza: It's different from the original 100 that was proposed in 1992.

Ms. Cua: Right. Right.

Ms. Preza: Okay, thank you for the clarification.

Mr. Delacruz: Thank you for all your work, and all the explanations on the project things. At this point, because we already listened to a whole lot of testimony before going into the

agenda, I think it would not be prudent to waive our review. There are a lot of questions I have. First to address the...this, what's it called, non-substantive, non-substantive revision, okay. The County Planning Department is using numbers to justify this non-substantive revision by saying they're going to give up 67 by only asking for 20. And by giving up 67, they're reducing the requirements for resources like water and whatever. But what the...what the audience does not show is the sales pitch and the expectations of what's already there. Koele Hotel and Manele Hotel were built as country clubs to attract people to buy property around those hotels. So the expectations of those people were...I'm going to move to Lanai, live next to a country club, and I'll be next to this fancy restaurant, I'll have this nice house, and that's the way it's going to be. Now whatever the reason over the last 20 or 30 years, it seems that the...company requirements have changed. Either the requirements or the desires have changed. And they want to use this property differently, you know. Based on the requirements for the company and the expectations of the people who bought into those properties are being severely affected. And that's a consideration that we, we have to talk about. We have to consider that. And that's my, my input to this process for right now.

Ms. Thomson: I can take a stab at answering that concern at least. So the Planning Commission's territory in this matter is to determine whether this Phase III modification complies with the Phase II approval. So Phase II was approved by a prior planning, through this process planning commission that 100 townhomes could be built in this area. So the change is that it's only going to be basically just a little over half in terms of the number of units that are going to be built in this 18 acre area.

In terms of any private rights of legal action that some of the owners in that area could take against the developer, against Pulama Lanai which takes steps into the shoes. If they have private legal rights of action, they can bring those elsewhere. But this body does not have any authority to enforce CC&R's or other types of private agreements.

Mr. Delacruz: Well, I'm not suggesting we make, we try to attach any conditions to this process. What I am saying is because we have the opportunity to review, we can make recommendations to the Planning Department and the Council. Because the final authority will be with the Council --

Ms. Cua: No.

Mr. Delacruz: Or the Planning Department?

Mr. Cua: Yeah. So, so we're done with the Council. So I just wanted you to understand the process of the Project District. The ordinance...the ordinance for the Project District was already approved by the County Council. It went through the Planning Commission. It was approved by the County Council. The preliminary -- the first preliminary site plan that included 100, the 100 townhome concept units were approved by the Planning Commission already, but only 33 units were built. And so, they have 67 units that they could still built today, today. But they're coming in and saying, we want to build only 20 more units at this time. We're not

seeking to build the additional 67. And, and, and so right now the approval is resting either with the Department or the Commission. The Council is not part of the mix anymore.

Mr. Delacruz: Well, that's fine. But what I'm saying is since you are here, and we have the option of whether to accept the review process or not accept the review process, it is my suggestion or recommendation that we do not forgo the review process. That the discussion is well worth the effort.

Ms. Thomson: One of the things I just wanted to make clear though is as part of -- if you choose to, you know, not waive review and bring it back, in terms of what you can do at that point, we can't add conditions or change the zoning. So really what you would be looking at is do these single-family homes comport with the Project District ordinance, and single-family, multi-family, duplexes and apartments are outright permitted uses in this area that we're talking about. So, you know, really that's kind of the extent of the review is, you know, do these single-family homes comport with the Project District ordinance and they're an outright permitted use.

Ms. Preza: Does that make sense to the Commissioners the fact that we can't --. Even if we choose not to waive review, the extent to which we can recommend anything is, you know, it's basically nothing. It's just to decide whether or not it's within the, the --. Does everybody understand? Okay. Thank you for the clarification.

Ms. Green: So, so we're powerless? We have -- we do not have the final say on this as a, as a Commission?

Ms. Cua: No. No, what --. You're not powerless. We're here because you are able to make the choice of waiving your review, or not waiving your review and reviewing it. But what we're saying is we don't you to think that your review is going to be to go and change the scope of the project district, or you know, there's already, there's an already approved plan. There's an approved site plan for this project. And your focus should you decide to do your own review is going to be on just that, on looking at the site plan. You're going to have to look at the ordinance which we're already telling you that we've looked at it. Because we've done -- we've already done what you're going to need to do. Because in order for us to say it was not substantive, we have to, we have to look at, okay, is what they want to do permitted by law, by this ordinance? And we did. What is the district that they're in? They're in the multi-family district. What sub-district? What kind of uses are they allowed in this sub-district? Well, they can do single-family detached buildings. They can do apartment houses. They can do duplexes. They can do accessory uses and structure. I mean, it's an outright permitted use.

Ms. Menze: So, what I'm hearing is that what we're doing is just making sure that we're within the law of the Phase III with the -- in conjunction with the Phase II. We're not here to change the design. We're not here to make it our job that the HOA is, it reviews the actual building plans. We don't, we can't do the building plans, and say we don't like the ways it's built. We're,

we're -- I'm asking the question -- we're just here really to review that we're within the Phase II, Phase III within the Phase II.

Ms. Cua: Right. Basically right now --. So the Phase III is the jurisdiction of the Planning Department. That's not your jurisdiction. As I mentioned, the Phase III plan is only the jurisdiction of the Planning Department. Your jurisdiction is, you know, now we've brought it back to the Phase II and we're saying, okay, it's slightly different from what was approved. We feel it's not substantive. We feel very comfortable with that. If you are comfortable with that, and if you have some comments you want to pass over to us as we complete our review, that's fine. But if you're comfortable in doing that, then you would waive your review. If you are not comfortable doing that, they you would review. What you are reviewing only though is the amended site plan.

Ms. Menze: So the testimony that we've been hearing mostly is that people against it, they're against the design which we can't govern. And they want to make sure that it stays within their HOA, which we can't decide. So our --

Ms. Cua: Well, even, for, for the Planning Department, we can't. Any kind of agreement, association agreement, the County is not party to any of that. If they're, like Corp Counsel mentioned, if there's, you know, association things that have been represented or whatever, that's a private thing. That's a private matter and anything. We don't get involved in that, and neither do you.

Ms. Menze: Yeah. And so that's --. I mean, I listened to everybody's testimony. I kind of wrote down, and there was a direct line between everybody's testimony, and they don't like, they don't really like the design of the buildings. They're not sure of the buildings are going to be to their satisfaction up there. If they're going to go through the HOA review. But this doesn't - - from what I'm taking from the public testimony and what's been hearing in the traffic, all the things that were said is not what us, as the Planning Commission here on Lanai can govern. Am I right?

Ms. Cua: Yeah. I mean, you're basically, you're basically looking at the site plan, and you're saying -- you would be saying -- if you don't waive your review, then you're saying you want to take a look at it. But you're just basically going to be comparing the site plans and saying okay, it was 100 units in this area, and now there's going to be 50 whatever. You know, you can ask your questions, you know, try and get information.

Ms. Green: I guess my issue comes down to the where it's non-substantive. From what I can see that you got to make your decision on. I mean, I understand it's fewer. But you're making also an assumption that at some future time they're going to do a total build out, which, you know, if this didn't get approved, it may or may not happen. But the 67 houses that were built were either one and three bedroom houses. They were not four bedroom houses. And they were lived in by a single-family. You didn't get the floor plans of these houses to make your decision. But, many people and actually the company has even said that some of these

homes are going to be used for housing as many as four unrelated people in the single house. To me, that's a very substantive change in their community. And, you know, you mentioned water, okay, there may be a few fewer bathrooms, however, these people may be there full-time. Whereas the people that currently live there only live there part-time, so they are not using as much water as people who would be living there full-time. Secondly, if there are four different people living in the house, there are going to be a lot more cars on the street, and somebody was mentioning a single lane, a single lane street. So I don't really figure with the information you were given how you could really decide whether these were substantive or non-substantive changes.

Ms. Cua: Okay, that's, that's --. If I could Chair. That's a very good question and I definitely have a comment to that. So anybody that has a home, anybody that has a home, you are allowed to have a family to live in that single-family home. What is the County's definition of a family for everybody, not only for this project? And this is something we look at because it's the law. And the law says that you can have -- and I don't have the whole thing, but the gist of it is you can have no more than five unrelated people living in your single-family home. You can. You can. I can. Everybody can. The previous homes that they were going to build, the townhomes that could have the same thing. There's no difference in terms of what could make up a family. People have a lot of bedrooms in the house. You could have four kids that have cars. I mean, there's no way we control that. You know, again, maybe some of you that lived here have very large homes with many, you know, many, many bedrooms. I don't know. But we don't, we don't control -- we don't say that, you know, if you have four bedrooms, then you can't have four cars. But it's the same for every single family.

Ms. Preza: Thank you. And I think what I hear too is that there's a difference between a substantive change in their neighborhood environment versus a substantive change in the site plan, which is what we're discussing.

Ms. Cua: Right. Exactly.

Ms. Preza: You know, so I don't want to make anyone feel like they weren't heard because I, you know, I welcome everyone. And I am glad that you guys all came to share your opinions and feelings about the community. But I just want to make sure everyone understands that even if we agree that things will change in the area there, what we are discussing is the change in the site plan.

Ms. Cua: That's correct, Chair. Thank you.

Ms. Preza: Sorry, so actually I am going to reopen public testimony unfortunately because we opened public testimony at the beginning. Those who already spoke, they chose to speak at that time. And so if anyone hasn't spoken yet, now is your time to, to pose questions or comments to the commission. Sorry, no. But would anyone else like to? Oh, I see a hand. Yeah, Alberta hasn't spoken on this agenda item so --

Ms. de Jetley: Thank you Commissioners for letting me speak to you again. I'd like you to remember that the original plan --

Ms. Preza: Sorry, I will say because you didn't testify on this agenda item yet, so that's why you're able to testify.

Ms. de Jetley: Yes. Yes. I'd like you to remember that the original plan for this project started in 1986. Then it was reviewed again in 1992. And now it's back for Phase III. So, if you were buying into this project, because it was a Project District, it was the buyer's responsibility to look at what the Project District entailed because it would have told them right then and there that it could've been built out. You know, it's terrible. You go there and you have a really nice house, and you have all this nice space. But the project district is a project district and it was all laid out for any buyer entering the project to look at in advance before they put their money down. So who knows what this will look like in another 10 years. But what I'm hearing now is that Pulama is saying that they're going to cap it. So they're going to reduce it to 33 more units, and then --. 24? 20 more units and then that's it. They're going to forgo the rest of what they are actually entitled to.

And then another way that you could look at it is this could build 12 townhouses, instead of these single-family units, and still have five unrelated people living there. Anyone of us can have five unrelated people living anywhere in this town. But this is a Project District, and when you buy into the project district, it's the buyer's responsibility to be fully aware of what future plans for this district is. I'm really sorry for everybody but the law is the law.

Ms. Preza: Thank you. Commissioners, do you have questions for Alberta? Would anyone else who hasn't offered public testimony on this agenda item would like to speak? Thank you. Oh, sorry, I motioned to Stan, and then you can go after.

Mr. Ruidas: Stan Ruidas, Lanai resident, full-time. You know what you look at this project and, you know, you got to look at the entire project what is best for the economics of the island. You know, 36 million is probably times by three, that's what the island would get from this project. And then if you look at the legalities, I mean I look at the Planning Department and they presented what's supposed to be presented. If you guys, you know, don't waive this, I don't know what's going to get, you guys are going to get out of it. Doing 20 homes instead of what they could build out is kind of a no brainer because it could be worst. So, would you take the lesser evil? And so and that's my, that's my opinion. Thank you.

Ms. Preza: Commissioners, do you have questions for Stan? Thank you for your testimony. Would you like to testify?

Mr. Douglas Williams: My name is Douglas Williams. I live here full-time. I used to live in Koele. What I would like you to do is repeat the 1992 regarding townhouses. It doesn't say anything about -- these are single-family residents which it doesn't state that on there.

Ms. Preza: Okay. I think Corp Counsel you have that section?

Mr. Williams: They're not attached.

Ms. Thomson: So in the, in the multi-family sub-district the outright permitted uses are single-family detached buildings, apartment houses, duplexes and, accessory uses and structures.

Mr. Williams: So is that, that in the entire project on the hill that is now been reduced quite a bit, or is that just in that one row of section?

Ms. Cua: 19 acre area that we're talking . . . (inaudible) . . .

Mr. Williams: It's just that one area.

Ms. Cua: Well, that's the area we're talking about.

Mr. Williams: Okay. Okay.

Ms. Preza: Thank you. Would anyone else like --? Sorry, Commissioners, do you have questions for him? Thank you for your testimony. Would anyone else like to testify at this time? Okay, so I'll officially close public testimony. Commissioners, would you like to discuss how you think we should move forward? Oh, sure.

Ms. Cua: I just needed to mention that -- and I should have passed this out. I'm sorry. We received --. I know you received a bunch of testimony and some of the people read their letters, but we received seven letters tonight. So I would like to pass this, but have, like, one copy, so if we could get it back. So, you could pass it down. And we received that at 4:42 p.m., this evening, this afternoon.

Ms. Preza: Thank you. Caron?

Ms. Green: Yeah, I would just like to make a comment because we're going to be moving on to short-term rentals and bed and breakfast after this. We as a Commission have been extremely sensitive to the community. How the community feels about having short-term rentals in their neighborhood. How many, you know, short-term rentals in a given area, et cetera, et cetera. I am really just kind of blown away actually at how the County can just look away from all these people who have come and testified that they don't want this in their neighborhood. If I read through the rules a permit can be denied if 15 percent, if there is more than 40 houses in the area, if 15 percent of the people send in written recommendations to not approve the short-term rental, the County or the Planning Commission cannot approve that short-term rental. So I am just -- I'm sincerely very disturbed that the company can come in here without impunity and destroy a neighbor by putting in parental homes, all rental homes,

and increasing the traffic and everything there, and we just all sit by and say because the density is less, of course you can do it.

Ms. Preza: Wait, sorry. I'm sorry to interrupt you, so the 15 percent thing, you're referencing the short-term rental homes not the --

Ms. Green: I am. I'm just saying --

Ms. Preza: Okay. Sorry.

Ms. Green: -- when we looked at people in town and they impact a short-term rentals or bed and breakfast, there are a whole set of rules that that we follow and the County follows. And I'm just really blown away that people up there have, have no rights.

Ms. Preza: But...sorry, are you insinuating the new project you're looking at it as if they're short-term rentals?

Ms. Green: No, no, no. My point, my point is that --. Well, they are rental properties with probably mostly long-term rentals, but I'm just saying we are having a sensitivity to the people in town about their neighborhoods. And we have rules in place to protect those neighborhoods. But I'm feeling today that there are no rules in place to protect this neighborhood up at Koele.

Ms. Thomson: I understand what you're saying and part of what, part of the problem I think as a testifier mentioned that this is a very onerous project district. I don't know how it relates to other project districts but it was set out in the '80's, modified slightly in the '90's. So we're, we're now at the Phase III approval, you know, but during at that time that the project district was established there were, you know, public hearings and council action, it's a rezoning. So it's not a small land use change. It's quite a dramatic and big land use change when a project district or any zoning district is created or when zoning change that way. So, yes, it's been a long time and I understand the current residents are not pleased at least in part with some of the changes. But, this was a project district. The zoning, you know, when you buy into the property you can check what the zoning is. And, you know, I think that it's going on in other areas of Maui County too where you have single-family homes that might have been there forever, that they're in the hotel zone, and there's a hotel right next door or a multi-family. So, it's not a unique problem, but it's a factor of the zoning code.

Ms. Preza: And I just want to say I don't think it's for a lack of us being sensitive to what is happening. But I think it's us as a body recognizing what we can legally do to solve the problem. I think with the short-term rental homes, you know, it is within, you know, we were told that we are able to, you know, transmit potential edits to the County for review. But for this particular agenda item there's just not a ton that we can do within our bounds. Correct? Or Jordan, would you like to --?

Mr. Hart: Thank you Chair. I just want to address that. So, so the situation is similar. You know, the Lanai Planning Commission could propose, you know, amendments to ordinances, but this is an existing intact ordinance and somebody is trying to operate through it as it exists now. It's the same as if somebody had filed their short-term rental home permit application before the Lanai Planning Commission opened up the ordinance and started making recommendations. They get to operate through the ordinance as it exists. So, you know, there are a set of rules that we are administering right now and that's what we're going through. And we do assess impacts. We have to quantify impacts in order to determine something substantive or not. I mean, there has to be a way of measuring things and we do use numbers, you know, traffic numbers or waste water numbers, and we based those off of the County's definitions. And that the only way that we can fairly quantify anybody's impact when you have a project on Lanai, or Maui, or Molokai, and everybody's playing the same field. So we did go through our process and look at how we have to assess the relationship between a Project District Phase II and a Phase III, and we came to the conclusion that it is non-substantive and we're presenting it to you to decide whether or not you also feel that it is non-substantive and you want to waive your review, or you're not certain and you want to decide to review it. But I think that's, you know, that's really the critical question is, you know, if you do want to review it, what do you want to review in order to help you make that conclusion? Or do you feel like we've talked about those things now and it's clear?

Ms. Preza: Thank you Jordan.

Ms. Green: I'm going to be the pain in the neck here, but again, defining substantive and your numbers. Were you informed that these buildings were not going to be selling, occupied by single-families, but all four bedrooms could possibly be used by different individuals? Which means that, you know, you could have a family move in, and it's a husband and wife versus, you know, four people or you may have families move in and compare this with a --. The Villas only had one or three bedrooms. They didn't have any four bedroom villas. And we aren't comparing build out with this. In other words, if somebody wanted to do full build out, if they didn't get approved at this project, they would have to come to you to do full build out, and that would be another decision again. So I don't like comparing, well, this is less than full build out and therefore we should approve it. Maybe there's another plan that's less than full build out that would be a better solution. So back to the, the non-substantive changes, I, you know, I don't know what your formulas are but four bedrooms versus one or three bedrooms, full-time residents. Did they tell you these were going to be full-time residents in these houses so that you knew that there were going to be four bathrooms that are going to flush toilets every day and that there's going to be probably maybe in some cases four vehicles instead of two which are currently used there? Did they give you all that information?

Mr. Hart: It's important to point out that Ann Cua tried to explain that --. What's discussed --. Okay, so there's speculation that there will be four unrelated people, you know, living in these bedrooms. If they did that, that's permitted. That's consistent with the definition of single-family so that's important.

Ms. Green: I, I'm not, not questioning that.

Mr. Hart: Okay. It's important to set that aside, though, because --

Ms. Green: I understand.

Mr. Hart: But my first, the first time I heard speculation of how they would be used was by testimony here tonight. Sorry, there was something else too. I forgot. You said quite a few things, I forgot.

Ms. Green: No, what I'm trying to say is when I read their proposal or, you know, their submission, I didn't feel that you have enough information to make an intelligent decision on non-substantive. It was based, as far as I can tell right now, is okay we're going to have 20 units instead of 67 that could be there. So let air go, less use of water, yadda, yadda, yadda. But that's not necessarily true because you were not told that these are four-bedroom homes that may be occupied by more people than are currently being used. Okay, if you build out what is currently there, one and two bedroom places, and those places are only occupied six months out of the year, so you're --

Mr. Hart: I got to stop, I got to stop you in order to reply to some of things that you're saying. First of all, the Department doesn't speculate how often somebody will live in their units, and we don't take representations by developers that claim that my, my future occupants will only be here several number, like, you know, any number of months per year. We anticipate that they will be fully occupied. You know, waste water is measured by, by restrooms and things like that, bedrooms. Traffic is assessed by units so, so the measuring tools that we use, you know, they're not perfect, but they're in place and they're standardized so that everybody can rely on it. Like, you know, if you did your own development, you would be using the same kind of standards that a large developer would use. And so, so I would definitely can agree with you that, that there's nuances that our system misses, but we're bound by the rules that we are operating under. And in the context of assessing what is substantive and what is not substantive, you know, we're looking at impacts, and so you have, what we would determine to have been a larger impact proposed as a smaller impact. And also the use transition to single family is permitted. So combining those two things, we determined that's non-substantive. And that's consistent with how the department assesses.

This happens relatively frequently. Developers, you know, development takes a long time. Somebody plans something in one cycle, the approvals remain alive. They're in another cycle. Trends have change, they need to build something different in order to meet the market. So they have to come to the Planning Department and say, hey, I want to build something a little bit different. Is this a non-substantive change? And the Department has to assess that, and generally we compare impacts in order to determine that. And so, this, the way we've done that here for this project is consistent with how we do it in other situations.

So, so I just want to say that the Department is confident that we've done our assessment properly and we're representing it to you. Now, it's your decision to make at this point. And if you want to dig into it, then we'll be here to present to you.

Ms. Preza: Thank you. Commissioners, do you have --? Do other Commissioners have comments or opinions about how we should move forward?

Ms. Green: So what I'm hearing is like a lot of the things we're not the last say on this.

Ms. Cua: You are tonight. You are tonight. I'm sorry if we're not making it clear. We are here tonight to ask you to waive your review because we feel these changes are non-substantive in nature, but it is your choice. It is your choice to waive your review or not. That's your decision.

Ms. Trevino: I, I think maybe there might be some hope or misunderstanding as to what a review, if we said we don't want to waive and we want to review this. I think there might be some misunderstanding as to how our review would look like and whether we would be reviewing it in any different manner than the way it has been reviewed. Because all of the information -- this is going to sound negative -- but the review is not based on our personal comfort. The review is based on like they said, the amount of water, the traffic. So everything that they looked at, that they've already looked at is exactly what we're going to look at.

I feel for the people who live in these areas and who have these understandings and these, you know, the way it was supposed to be. But what we, our job is to look at, is what does the law say? And are these falling within the law? Because they can build a condominium there, right? Isn't that what one of the things is? So in reality, they could put a condo there. That's what type of zoning these homes are in. So I just want to make sure people understand that even if we say we don't feel comfortable with the way this is, we, as the Commission, would still have to do the review by the same means. We would have to look at the water impact. We have to look at the traffic impact. And we have to look at, okay, what is this 100 homes at one to three bedrooms versus this. And so they've done that already. And I'm just saying that because I don't want it to seem like if we waived the review people think, oh, well they're not, you know, trying to make sure that the island is whatever. I just want to make sure people understand I think they've shared the scope of what, of what our capacity is here now. So, I'm just sharing that because I do understand that there's, there's some things that seem unfair or seem like, well, that doesn't make sense. And I'm just saying that as far as a consultation for the Commission on what a review or waive of review might possibly look like, and what the actuality of our review would be.

Ms. Preza: Thank you. So that --. Does anyone else have anything that they'd like to share or would anyone like --? Okay.

Ms. Shirley Samonte: I think it's also very important to note that the review or what we're here to do or what we're tasked to do is to make sure that what, what is being proposed in Phase III is allowable in what was already approved in Phase II. I mean, that's, I think, the bottom

line of what the review is because Phase II was already approved and...to me, it looks like what's being proposed does, is allowable in Phase II. I'm not sure if our review, if we did the review, if it will show any different.

Ms. Preza: I agree with Chelsea and Shirley, in my personal --. Yeah. But I don't want any of you to feel like you weren't heard because we do. You know, we empathize, but just, I think you guys said very eloquently kind of what we are able to do at this time. Is there any -- would anyone else like to share on the Commission or would anyone like to make a motion so we can -- whether to act not to waive review or whether to waive our review?

Ms. Menze: I make a motion to waive our review.

Ms. Preza: So we have a motion to waive our review. Does anyone second the motion? Roxanne seconds. Is there any further discussion before we vote? So all in favor to waive our review? One, two, three, four, five. All opposed? Two. No abstentions, so the motion passes. Thank you.

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

VOTED: To waive the review.
(Assenting: R. Catiel, S. Menze, S. Preza, S. Samonte, C. Trevino)
(Dissenting:: J. Delacruz, C. Green)
(Excused: M. Martin, G. Rabaino)

Ms. Cua: Thank you Chair.

D. UNFINISHED BUSINESS

- 1. Review the proposed revisions to Chapters 19.64 and 19.65, Maui County Code, Bed and Breakfast Homes and Short-Term Rental Homes for Lanai, respectively, as discussed and recommended by the Commission. Discussions held at the December 12, 2018, January 16, 2019, April 17, 2019, June 19, 2019, and November 2019 meetings. (J. Hart)**

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

Ms. Preza: Okay. So now the time is almost eight o'clock. We had decided to...we had decided to move our unfinished business, Item D.1., to the end of this meeting. I'm not sure how the Commissioners are feeling. We do have two meetings scheduled next month, so I don't know if you would all prefer to defer this agenda item. I'm sorry if any of you waited to -

- . I know some people testified on this and we were planning to discuss it. But I think because we had decided in our previous meeting that we would go line by line through it, I would, I would personally prefer to do that all at one time as opposed to, you know, do it for 20 minutes and then have to pick it up back again. So I don't know if anyone else feels similarly. So --

Ms. Trevino: If we are deferring this item, I do not want any other agenda items to come before it again. Because this has been deferred so many times. We've had several meetings we haven't had. It's, like, ridiculous already. So, I only agree to defer if like that's the only agenda item. I don't know. It needs to be --

Ms. Preza: Well, I'm sorry, I know we're kind of jumping around the agenda here, but for E.4., the agenda items for --. Sorry, that's for the special meeting. For the February 19th meeting, to your knowledge is there anything that is on that agenda currently? You don't know. Is it possible for us to request that this is priority? Because I agree that I would like to get it done. Oh, the observatory. We got --. That's on the 13th. Oh, okay. Nothing on the 19th. Okay, I also agree that if we defer this, can we agree that this would be priority for that meeting, the February 19th. Okay. Great, sorry, so that's D.1. We are deferring Item D.1. to February 19th meeting. We are done with E.2.

E. DIRECTOR'S REPORT

2. Reports from members who attended the Native Hawaiian Law Training on December 16, 2019 in Kona or December 17, 2019 in Hilo.

Ms. Preza: So the next is Item E.2. which is reports from members who attended the Native Hawaiian Law Training on December 16th in Kona, or December 17th in Hilo. Did anyone? I went to the one in Hilo, and I won't talk your ears off. I mean, I think we're all required to attend at some point during our term. And I think -- I mean it was very good. I think Sherry you attended. Did you attend one previously? I mean, I don't have much to report besides they had really great speakers, talking about, you know, what's happened in Hawaii's history that, you know, we have the duty to respect, you know, native Hawaiian history and rights. And I think it was very insightful for our, you know, our position as Commission members and our duties to, you know, honor those things. But anyway, so next is Item E.3. which is open applications.

3. Open Lanai Applications Report as distributed by the Planning Department with the January 15, 2020 agenda.

Ms. Preza: Yeah, it's a list. Okay.

4. Agenda Items for the February 13, 2020 special meeting

Ms. Preza: And then agenda items for the February 13th special meeting.

Mr. Hart: Chair, if I could make a few comments. I want to back up a little bit to the short-term rental home and bed and breakfast. I received Commissioner Catiel's comments, and went through them. So if anybody else wants to send me any comments in advance, I'll go through them in advance. That would be helpful, I think, in kind of facilitating your thoughts, organized, you know. And then, you know, also me understanding where you're coming from.

And then the other thing, I want to apologize for suggesting to move the last item up. I thought it would be easier to decide whether or not you wanted to really dig into it later or move on rather than kind of do a half review on the spot so I apologize for consuming time.

Ms. Preza: That's okay. You don't need to apologize. I mean, I think, most of the people who attended tonight were regarding that so I think it's good that we dealt with it tonight.

Mr. Hart: Okay. So we'll definitely focus on this on the 19th and again if you want to, you know, send me any comments, or send them to Leilani actually, any comments. Do not copy each other. I'll, I'll look at them and see how to be able to respond to them on the 19th. Thanks.

Ms. Preza: Thank you. Sorry, so the agenda items for that special meeting is what?

Mr. Hart: So it's the -- Orion is the consultant to the Planning Department that's drafting the revisions of Title 19, and then there's the observatory, are the items.

Ms. Preza: So, sorry, I understood that we were discussing Title 19. So now the observatory is a new agenda item for that.

Mr. Hart: Public hearing.

Ms. Preza: Public hearing. So do we still --? Are we still scheduling that from four to six because I think we had put restraints on the time, right?

Ms. Ramoran-Quemado: Yes, four to six for the Orion, and then afterwards is the public hearing.

Ms. Preza: So after that is the public hearing.

Ms. Ramoran-Quemado: Yes.

Ms. Preza: So we would have to stay. So what if we go done with the --? Or is the Title 19 discussion the full two hours?

Ms. Aoki: Hi. So I will be back for that. The consultant suggested at least a two hour window, but it could be less if there's not as many questions. It could in theory be less. We just have to leave at six to get down to the ferry because we're going back. So the cut off is six, but it could be less. Can't be more.

Ms. Preza: Okay, thank you. But the observatory needs to be discussed on that date also?

Ms. Aoki: Yes, it's been noticed. Yes, a noticed been scheduled for a public hearing.

Ms. Preza: Oh, okay. Sorry, I just asked because when we had discussed having a special meeting, we only, I thought we only agreed from four to six, so I didn't realize that we could extend it.

Okay, sorry, just so we have it in my head. So we have one meeting on February 13th that can, that's going to address those two things, and then February 19th is another meeting. This is unusual, correct? Okay.

Ms. Aoki: Sorry, so we asked the Lanai Planning Commission for a special meeting because Orion was going to be in town that week. So it was, I guess, I don't know how it was presented to you folks whether you wanted to supplement and add an additional meeting or if this was going to take in place of one.

Ms. Preza: No, my question was more just having an additional item attached to that because I thought it was just for that one thing.

Ms. Aoki: Yes, I did too so I don't know.

F. SPECIAL MEETING DATE: February 13, 2020, Thursday, starting at 4:00 p.m.

NEXT REGULAR MEETING DATE: February 19, 2020 at 5:00 p.m.

G. ADJOURNMENT

Ms. Preza: But thank you for the clarification. Okay, it seems like there has been a notice so is that okay for everyone? Okay. So that's the agenda items. So Item F, our special meeting date is February 13th. That's a Thursday, starting at 4:00 p.m., here, correct? And then our next regular meeting date is the following week, February 19th, at 5:00 p.m. which the STHR/B&B revisions will be priority so we can finally get this somewhere. Great, if that's it, then I'd like to officially adjourn the meeting. Thank you all for your time and thank you for your testimony as well. Thank you.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 7:50 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Roxanne Catiel
John Delacruz
Caron Green
Sherry Menze
Shelly Preza, Chair
Shirley Samonte
Chelsea Trevino, Vice-Chair

ABSENT (A)/EXCUSED (E):

Mililani Martin (E)
Gerald Rabaino (A)

OTHERS:

Jordan Hart, Deputy Director
Kathleen Aoki, Administrative Planning Officer, Plan Implementation Division
Ann Cua, Senior Planner, Current Planning Division
Peter Graves, GIS Analyst, Plan Implementation Division
Richelle Thomson, Deputy Corporation Counsel