

**LĀNA‘I PLANNING COMMISSION
REGULAR MEETING
JUNE 18, 2025**

[\(HYPERLINK TO THE AUDIO RECORDING\)](#)

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A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Mr. Reynold Gima, Chair, at approximately 5:00 p.m., Wednesday, June 18, 2025, online via Webex videoconferencing platform, Meeting ID: 2661 082 8968 and Password: 061825; and at the Current Planning Conference Room, One Main Plaza, 2200 Main Street, Wailuku, Hawaii, 96793; and at the Maui County Council, Lanai District Office, 814 Fraser Avenue (entrance on Gay Street), Lanai City, Hawaii 96763.

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

Mr. Reynold Gima: Alright. Good afternoon everyone. I want to welcome all of you to the June 17th, 2025 meeting of the Lanai Planning Commission. Let the record show that we have quorum. Commissioner Atacador, anybody in the room with you?

Ms. Erin Atacador: Hi Chair, I'm alone.

Mr. Gima: Okay. Commissioner Grove?

Ms. Elisabeth Grove: I'm alone. Thank you.

Mr. Gima: Commissioner Alboro?

Ms. Nicole Alboro: I'm alone as well.

Mr. Gima: And Commissioner Rabaca?

Ms. Sandi Rabaca: I'm alone.

Mr. Gima: Okay, and so am I. Okay, before we get on to the agenda, just some public testimony protocols. If anyone wants to testify this afternoon, please sign up with Leilani in the chat. Please give her your name and the agenda item you wish to testify on. Until such time that you are called, please mute your audio and video. Testimony will be limited to three minutes. And we will also be taking testimony from those in the County Planning Department Conference Room, and Council Member Gabe Johnson's office.

Alright, so moving on --. Let's see, make sure we have our . . . okay, Adrian's here. He's our Corp Counsel for this evening.

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

1. **A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.30A (AGRICULTURAL DISTRICT), MAUI COUNTY CODE, WHICH WOULD AMEND THE DEFINITIONS OF “AGRICULTURAL RETAIL STRUCTURE” AND “FARMER’S MARKET” TO INCLUDE “VEHICLE” AND “STRUCTURE ON WHEELS” AS TYPES OF AGRICULTURAL RETAIL STRUCTURES**

MS. KATE L. K. BLYSTONE, Planning Director, referring to the Maui, Moloka'i and Lāna'i Planning Commissions, a proposed bill to amend Maui County Code Chapter 19.30A; allowing “vehicle” and “structure on wheels” to be added to the definitions of “Agricultural Retail Structure” and “Farmer’s Market.” The bill would allow “vehicle” and “structure on wheels” to be considered as types of structures, thereby allowing them, under certain provisions, to be considered as permitted accessory uses in the Agricultural District. Note that County Council Resolution No. 25-60, FD1, referring this bill to the Planning Commissions for their review, findings and recommendations to the County Council also included a proposed change to Section 16.25.105.2 “Work exempt from permit.” The Planning Commissions are only responsible for reviewing and providing recommendations on proposed land use ordinances affecting Title 19 – Zoning Code and not Title 16 – Buildings and Construction. (G. Pfof)

The entire text of the proposed bill for ordinance is available at: <https://www.mauicounty.gov/DocumentCenter/View/152042/Reso-25-60-FD1>

Mr. Gima: Alright, moving on to the agenda for a public hearing. We have a bill for an ordinance amending Chapter 19.30A, the agricultural district, Maui County Code, which would amend the definitions of agricultural retail structure and farmers market to include vehicle and structure on wheels as types of agricultural retail structures. Ms. Kate Blystone, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions to a proposed bill to amend Maui County Code, Chapter 19.30A, allowing vehicle and structure on wheels to be added to the definitions of agricultural retail structure and farmer’s market. The bill would allow vehicle and structure on wheels to be considered as types of structure, thereby, thereby allowing them under certain provisions to be considered as permitted accessory uses in the agricultural district. Note that County Council Reso 25-60 FD1 referring this bill to the planning commissions for their review, findings, and recommendations to the County Council. Also included a proposed change to Section 16.25.105.2, work exempt from permit. Planning Commissions are only responsible for reviewing and providing recommendations on proposed land use ordinances affecting Title 19, Zoning Code, and Title 16 building and construction. At this time I will turn this over to Greg.

Mr. Pfof: Okay, thank you, Chair. I have a real brief presentation. If I can share my screen real quick here. If you can hold on just a moment. Can you all see that?

Mr. Gima: Yes.

Mr. Pfof: Okay, thank you. So, a little bit background on this item. This was heard by the County Council back in February. They adopted resolution, which is before you, referring this to all the planning commissions. We're here tonight for the Lanai Planning Commission. We'll be before the Molokai Planning Commission next week and then the Maui Planning Commission on July 8th. What I'd like to do is if you don't mind, take a few slides here and kind of remind us all about what we discussed when we looked at Bill 76, which was mobile food trucks. This was something that the commission heard back, the Lanai Planning Commission heard back in February and April of this year, and if you remember, that was a proposal to allow mobile food trucks in ag district without a special use permit. And I wanted to talk a little bit about this and share some of these slides that we looked at then because some of the same terminology we're going to be discussing tonight. I just want to reacquaint ourselves with that terminology.

This is a slide I presented last time when we talked about mobile food trucks, and you may recall that at that time I talked about the agricultural zoning district and how it allows for different types of uses principal uses, accessory uses, and special uses. That's consistent with all of our zoning districts allow for these types of uses. But in the ag district, principal uses are what you might think of as principal uses such as agricultural and animal livestock raising.

Mr. Gima: Excuse me, Greg.

Mr. Pfof: Yes?

Mr. Gima: Greg, your slides are not moving down.

Mr. Pfof: That is interesting. I can't figure out why that's not, why that's happening. And you cannot see that slide right now, the second slide?

Mr. Gima: You're still, you're still on number one.

Mr. Pfof: Okay. Bear with me for a moment. Let me see if I can figure this out here.

Ms. Ana Lillis: Greg, stop sharing screen and try to share the other screen.

Mr. Pfof: Okay. Try this again here. No, it's not working. Sorry about that. For some reason I'm having a problem in sharing which happened the last time we were at this meeting.

Mr. Gima: Yep. And that's why we gotta get back to in-person meetings.

Mr. Pfof: You see the first slide, yes?

Mr. Gima: Yes.

Mr. Pfof: You see a second slide now?

Mr. Gima: Nope.

Mr. Pfof: And I don't know why I'm doing -- why that's happening, so I tell you what, if I may just go through the presentation, maybe we'll skip this, the power point presentation. I'll try and go through this relatively briefly because I think the, the item before you is fairly simple, I think. For some reason I, I don't know why my, my screen's not sharing.

Well basically what I was getting at is you may recall that -- there we go -- that when we talked about during the mobile food trucks we actually talked about the commercial ag structures and we, I mentioned at that time there were four different types of commercial ag structures that are allowed in the ag district. Those are the agricultural food establishment, the agricultural product stand, the agricultural retail structure, and the farmer's market. So those are the four ways that a farmer can sell products from his farm. And as you may recall, recall when we talked about the mobile food trucks that, and I talked about those commercial ag structures that they have to meet certain required standards. One of those standards is they need to register with the County and, and then we would approve that, and they can do one of those four things. Actually, you can do two of those on your property, you may recall all of that.

The mobile food truck actually was proposing changes to two definitions. One, was agricultural food establishment and the other one was agricultural product stand, and what's before you now is a change to the other two definitions that you didn't consider when you talked, when you reviewed the mobile food trucks. You may recall when we looked at mobile food trucks, the Lanai Planning Commission considered that back in February and April. Your recommendation was you realized that this, the bill at that time mobile food trucks didn't affect really Lanai. And you recommended approval of the proposed bill consistent with what the Maui Planning Commission was recommending. And the Maui Planning Commission considered that bill back in February, and they recommended the approval of proposed mobile food truck bill with some amendments. That bill then made its way, after all the planning commissions reviewed it, made its way back to the ADEPT Council Committee on June 5th where I presented the, all the commission's recommendations. Then the ADEPT Committee basically approved the mobile food truck bill with, with pretty much most of the Maui Planning Commission's recommendations, which was basically to have mobile food trucks be considered a, a commercial ag structure under the food establishment or the ag food establishment, a portion, one of those four things in the commercial ag food establishment. So we're just waiting now for a future Council meeting where the Council will consider that bill and, and my guess is we'll probably adopt it to allow mobile food trucks in the ag district.

But as I mentioned that mobile food truck bill only dealt with two of the definitions or two of the different or two of the four commercial ag structures. So what we're doing tonight is dealing with the other two. And basically the proposed revisions that are before you as shown in your packet are mainly just to change the definition of agricultural retail structure, and the definition of farmer's market. Those are two of the four commercial ag structures that are permitted. And just allowing for revisions that would allow for the sale of product out of a vehicle or a structure on wheels. So it's adding those to those two definitions. So it's fairly straightforward. And this is consistent with what you reviewed in the mobile food truck bill, where we changed the definition of a farm stand where we added those two things. You may recall that. So now we're just kind of, kind of taking it and added it to the, to the to the additional two definitions.

The Department is supporting the proposed amendments before you. As shown in your packet, the Department was recommending some minor just structural changes to the text both for the agriculture retail structure and farmers market, as shown in your, the report that was prepared for you. In regard to farmers market, the Department also realized that, you know, sometimes in farmers market you'll find that there is product that is being, that is actually being served or prep, prepared and served as a food product. And so the Department kind of proactively added another section to the farmer's market to allow for that to occur in that definitions.

With that, that concludes the Department's presentation. Again, we support this with some minor amendments or minor revisions to those two definitions. For tonight, the Lanai Planning Commission can either recommend approval or proposed bill to the Maui County Council; recommend the approval of the proposed bill with amendments including the Department's recommended amendments; recommend denial of the proposed bill; or vote to defer the action on the proposed bill to gather more specific information. And that concludes my presentation and I'm available for any questions. Thank you.

Mr. Gima: Alright, thanks Greg. At this time I will open it for a public testimony. Leilani, do you have anyone wishing to testify?

Ms. Leilani Ramoran-Quemado: Thank you Chair. There's no one in the Planning Conference Room, but there is one signed up online, Gale Ashby.

Mr. Gima: Alright, Gale, the floor is yours.

Mr. Gale Ashby: Thank you. Can you see me and hear me?

Mr. Gima: Yes.

Mr. Ashby: Well good. It's the first time I've been successful. Yeah, great. I appreciate the opportunity to share. Aloha, good evening to all of you. After hearing Mr. Pfof's presentation there, we certainly embrace the idea that the food trucks should be added to those other two categories.

I'll tell a little bit about myself. We have a Peahi Dragon Fruit Farm and Farmstand Market on Hana Highway in Haiku. We grow dragon fruit, citrus, and about 200 coconut palms on 6.5 acres. I'm speaking to the proposed bill amending 19.30 regarding the allowance of food trucks as acceptable for commercial ag farmers markets and the other category as well, as well as retail structures and food establishments.

In 2019 when we registered our commercial ag operation, farmers markets were the only category that we could get our food trucks approved in. And we operated that way until 2023 when the Planning Department flip flopped their policy, and we were forced to shut down our food trucks. Consequently, we have lost over 75 percent of our farm income for the last two years, which is obviously unsustainable. And while we agree that allowing food trucks on commercial ag farmers markets would be a great asset for farmers, for us, we are concerned that this new bill could substantially delay the passing of Bill 76, which is on the home stretch of passing in the Council. We urged the passing of Bill 76 first, and then amending the Code to include food trucks allowed on ag farmers markets and the other category. We need, we seriously need to get going again after two years of loss and we shudder to think of a delay, another delay six months, however long it takes to accomplish this bill if it stalls the other bill. And I'm not sure how all that would work and maybe you guys can speak to that as to how it might best work. We're all in favor of this new proposed bill, but we certainly want to get going again. We need to get going again. Thank you.

Mr. Gima: Alright, thank you Gale. Commissioners, any questions or comments for, for Gale? Gale, just out of curiosity, so since you lost so much of your income, what other alternatives or options have, have you and your business pursued?

Mr. Ashby: Yeah, for sure, we sell wholesale. We have wholesale sales in, like local harvest and Down to Earth, places like that, retail, you know, grocery stores and so on. We sell our products there. That is the primary opportunity that we have, we are left with because we can't sell retail out of the food trucks and the value-added products that we were selling before.

Mr. Gima: Okay, thank you. Glad you have those other options. Okay if there are no, no one else in the chat. Roxanne, anyone in the Lanai District Office wishing to testify?

Ms. Ramoran-Quemado: Hi Chair, this is Leilani. I just got a DM from Roxanne. She's having problems with the microphone, but she does not have anyone there.

Mr. Gima: Okay, thanks Leilani. Okay, so at this time I will close public testimony and open it up for, well before, before I open up to questions and comments from the commissioners, real, real quick, so procedurally, are, are we, are we voting to, to approve or deny or are we only offering comments for County Council? I get confused.

Mr. Pfof: You're recommending to County Council whether or not to approve this, or deny it, or with rec, with modifications, so you're making recommendation to the County Council.

Mr. Gima: Okay, second, when did the Lanai Planning Commission receive this from County Council? So basically asking when did the clock start on this one?

Mr. Pfof: And I included a section within the report that talked about -- let me get to it really quick, I apologize for that -- that discussed timing and kind of painted a little picture about how timing works in regards to the Charter and reviewing these, these items. So this was referred to -- it was adopted by Council on February 21st. It was probably referred to the, I assume, it was that same day -- usually is or the next day, so theoretically the 120 days expired on June, will expire on June 21st. So although the Lanai Planning Commission may return, finish its review, it won't be finished within that 120-day review period. However, as I noticed in the, noted in the report, there's actually two time review periods in the Charter that kind of conflict with each other. One allows for a 120, 120-day timeframe after the last planning commission reviews it. The other one says a 120-days after it is referred to the planning commission, so it's a little confusing on the what the Charter indicates as a timing mechanism. So we'll meet one of the mechanisms, but we won't meet the other mechanism.

Mr. Gima: So for future ordinances, I mean, when, when --. I, I, I understand the planning department received it in February, but we didn't get it till, notification from I think last month's meeting. Is that accurate?

Mr. Pfof: I don't know. That maybe correct when you receive notice of this item from the department when it scheduled this item on your agenda. That's, that, that you definitely did receive notice of that. But let me -- I wasn't sure, do, had you received any kind of notification from Office of Council Services that the resolution had been adopted? Sometimes they send a separate notification to the planning commissions as well as a notification to the planning director. Did you receive that?

Mr. Gima: I don't recall . . . (inaudible) . . .

Mr. Pfof: I can look into that. So I know that the Planning Director received notification, but I, which would occurred in February shortly after the Council's meeting. I know that for sure. I don't know if, Department of Office of Council Service has sent you actually notification. I can look into that.

Mr. Gima: Okay, thank you. Procedurally again, I was a bit confused. Was this, was this bill supposed to be heard when we heard the February and, and April bill or is this totally separate?

Mr. Pfof: No. It's a totally separate bill. What had happened is the mobile food truck bill, I think that was, I think that went adopted by Council, I think it was in early December of 2024. And then I got it to the planning commissions in February, which you've started reviewing it

in February. This bill is a totally separate bill, basically kind of follows the mobile food truck bill because it, it makes two more adjustments to the definitions that the mobile food truck bill did not. It was not included in that bill. So this is almost like a mobile food truck bill part two. Although this bill, I know Mr. Ashby had indicated would change the definitions for allowing, allowing mobile food trucks. This bill does not actually change the definitions to allow mobile food trucks. It allows for those products to be sold out of a vehicle or structure on wheels, and that's what it allows for. So it changes those two definitions. The one definition of agriculture retail structure, which was not part of the mobile food truck bill. So it changes that definition to allow vehicle or structure on wheels, meaning that in an agriculture retail structure, you can have one that operates on a structure with wheels. Same with the farmer's market, and it adds this phrase, that same phrase to farmer, the definition of farmer's market, so that at a farmer's market which occurs right now, you can sell products, for example, out of a bed of a pickup truck or on a trailer or the truck of your vehicle. So this is basically, that's the purpose of this is to basically allow ensure that the Code says that you can do that. Right now the Code doesn't say you can do that. So this bill is really, just really kind of adding more definition to what you can do in an agricultural retail structure and agricultural food, agricultural, a farmer's market, I'm sorry.

Mr. Gima: Okay, thanks Greg. Alright Commissioners, questions, comments for Greg?

Ms. Alboro: I just have a quick question.

Mr. Gima: Go ahead Nikki.

Ms. Alboro: Greg, so I'm just looking at the packet, and then under the, I guess, one, two, the third paragraph, existing Maui County Code requirements regarding commercial agricultural structures. And then on the third page, page three, Section 19.36B-020, amending the parking code by ensuring that mobile food trucks or trailers may not occupy any space required of this title. And then if you go to page eight, that bold area under number three, minor revisions. So it's saying now that the least space are stills within a farmer's market maybe occupied by a vehicle or structure on wheels, so you're changing that as well, from the existing code?

Mr. Pfof: I'm sorry I got, I got lost on the pages. Were you talking about the, the staff report or the resolution itself?

Ms. Alboro: I think this is the one from Kate Blystone. It's from the Department of Planning. This one.

Mr. Pfof: Okay. I got it.

Ms. Alboro: Came in our packet.

Mr. Pfof: Got it. Thank you.

Ms. Alboro: So page three has that Section 19.36B-020, the fourth bullet point.

Mr. Pfost: Yes.

Ms. Alboro: And I'm assuming this is the original Code that's the existing Code, correct?

Mr. Pfost: That was, that was in reference to kind of a background discussion of what happened with the mobile food truck bill. So I was just indicating what, what was proposed with the mobile food truck bill and what that proposal was, was to amend the parking Code to ensure that mobile food trucks or trailers may not occupy any parking space required of this title. So when you consider the mobile food truck bill back in February or April, that was a proposal back then. And that, that date carried forward through to the Council. So that is not what you're reviewing today.

Ms. Alboro: Because I mean, I understand but it's in the same packet and then it's under a minor revision and it's bolded on page six. So that's why I had asked the question, it's that number, it's number, page six, number three, minor revision, further amend the definition of farmers market as follows. And then the last, I don't know, two or three sentences are bolded and underlined. Is that changing as well? Is --.

Mr. Pfost: So what is, what is being recommended to be --. So I mean, I'm sorry and I think my staff report's a little bit confusing perhaps. So if you go to page four of the staff report and the top of the page four that is the, that is the recommendation by the Council with this proposal to change the definition of farmer's market. And you can see in that just the bold language that's being added so that a farmer's market will now have vehicle or structure on wheels as a, a device in which you can sell your product, okay? So again that you can sell that in the back of your pickup truck, pull a trailer at a farmer's market. So that's what the language is being proposed.

Now if you go to, if you go to page five, and number two is a minor revision that's recommended by the Department to that same definition that's before you. And all the Department is doing is changing the, the text a little bit and putting it at the end of the, putting that statement at the end so that you can have lease, spaces, or stalls within the farmer's market maybe occupied by a vehicle or structure on wheels. So that's how the Department is recommending to change that definition. So it's a slight modification from what's before you.

If you go to now page six, there's a number three a minor revision. The Department is also recommending adding additional information onto the end of the definition of farmers market that would allow for, and you can see, you can see that the lease space or stalls within farmer's market maybe occupied by a vehicle or structure on wheels. And then what we're proposing to also add is lease, space, or stalls may also be used for the preparation in serving a food at retail using ag products grown, raised, or caught in the County and value-added products that were produced using ag products grown in Hawaii as permitted under Title 11, Chapter 50 of the Administrative Rules of State Department of Health. So in other words,

that's what's being proposed tonight. That's all that you need to worry about tonight. I hopefully that make sense?

Ms. Alboro: Not really because I thought all these bolded things were the revisions that we're reviewing, so that one kind of caught my eye. But I, I guess we're just changing or giving recommendations for your definition tonight, correct?

Mr. Pfof: Yeah.

Mr. Gima: Greg?

Mr. Pfof: All that we're doing --. Oh sorry, go ahead.

Mr. Gima: Greg, I think, need to different, differentiate between parking space that would that Nikki referred to on page three from lease, space or stalls. Are they synonymous or are they different?

Ms. Alboro: Yeah, that would, that, that would be my next question is like what if you had ten stalls, ten parking spaces for customers, but you now have two food trucks trailer establishment farm stand, whatever it's the definition and you're taking two stalls away, so that leaves eight stalls. So now you're saying it's permitted is how I read this. Like you can now take up space, more space off on the farm.

Mr. Pfof: No, I apologize, that's not what was intended by that section. That section that you're reading on page three where it refers to Section 19.36B.020, that was, that was a point or what was proposing to be amended with the, with the food truck bill that you guys considered back in, in, in April. And that amendment that you see there did make its way to the Council and it is being proposed. So that has nothing to do with what's on tonight's agenda. That was already considered under the mobile food truck bill as far as parking and making sure that mobile food trucks do not park in spaces that are supposed to be required by, by the parking Code. So that was a whole separate section and all I was doing in that section that you see on page three was I was just trying to provide reference to what was discussed at the mobile food truck bill. I think I confused the matter.

Ms. Alboro: Yeah, sorry I got confused. My, my bad.

Mr. Pfof: It's actually probably my bad on the preparation of this report. I probably should have just left that out. I was trying to provide some background on what happened with the mobile food truck bill. So all that we're dealing with today is just those two definitions of ag retail structure and farmer's market. You can see that on the bottom of page three and the top of page four. Those are the definitions that are being proposed by Council and how the Council is proposing to change those. Those two definitions are only being changed to add the term vehicle and structure on wheels so that you can do that so you can pull up a trailer at the farmer's market and sell it in the back of your trailer, back of a pickup truck. Same thing

on an agriculture retail structure so that it can -- actually your agriculture retail structure does not have to be a stationary structure. It can be on a trailer. So that's all that's being proposed with this bill are those two changes.

And then the Department had recommended, is recommending minor modifications to those and those minor modifications are shown on page five and six of your report. Does that clarify that hopefully?

Mr. Gima: No.

Mr. Pfof: Oh, okay, I'm sorry.

Mr. Gima: So will you clear up, clarify again? Are the parking space referenced on page three, okay?

Mr. Pfof: Okay.

Mr. Gima: Is that, is that synonymous or totally different than the reference to lease, space, or stalls in minor revision number three?

Mr. Pfof: It's totally different.

Mr. Gima: Okay, then you answered my question, or you probably answered Nikki's question.

Mr. Pfof: It's totally different.

Mr. Gima: Alright, thank you Greg. Okay, Commissioners, other questions comments? Lisa?

Ms. Grove: Hi Greg. Thank you for all of this. I, the question I have really goes to what Mr. Ashby said as he was testifying in terms of possible delays. Can you speak to that issue? Will there be delays? And if so, how long?

Mr. Pfof: No, well, I can't anticipate --. I, I mean I can't predict what the Council's gonna do, but as I mentioned, the mobile food truck bill, which there was, the planning commissions had finished it and now it was before the ADEPT Committee. The ADEPT Committee, Council Committee considered that just last June 5th, and they recommended moving it forward to the Council. So the recommendation was to allow mobile food trucks as a, as the, the, as an agricultural food establishment. So they recommended what the Maui Planning Commission recommended so that in ag food establishment will allow mobile food trucks. So now the ADEPT Committee recommends that to Council, so the Council has to put it on their agenda and adopt it. And if they adopt the ordinance as recommended by the ADPET Committee, which I assume that they probably will, then you can do mobile food trucks in the ag district, so that's not gonna delay anything.

They, the Council then on the heels of that, the, the Council could hear this bill as well, which would further amend just those two definitions to allow the sale of ag products out of the vehicle or structural wheels. So it's only like augmenting that original mobile truck, mobile food truck bill. So there should not be any delay.

Now the County Council could say, hey, we've got this other bill that the planning commissions are reviewing, why don't we just consider it all at once? So that probably could delay it a month or two depends on what they want to do and when they want to put it on their agenda. But it doesn't have to delay it.

Ms. Grove: Okay, great. Thank you.

Mr. Gima: Nikki?

Ms. Alboro: Sorry, Greg, I have one more question. So the resolution number 25-60, that, comma FD-1, was that put before the Maui Planning Commission?

Mr. Pfof: No, has not yet gone before the Maui Planning Commission. It will on July 8th, I believe it was.

Ms. Alboro: And, and we've never had it on our agenda, correct?

Mr. Pfof: That is correct. This is the first time you're hearing it, the Resolution 25-60 FD1. This is what's before you tonight.

Ms. Alboro: But we're not doing anything on this tonight, I don't think, right?

Mr. Pfof: Well, what we're requesting is this, so this resolution is before you, Resolution 25-60 FD1 includes modifications to Title 16, which you're not going to be making any recommendations on because the planning commission does not make recommendations on Title 16. That's handled separately. And it also includes recommendations are, are within the resolution to Title 19. That's on page four of that resolution. And if you go to page four of that resolution, those are the exact things that I presented in my report of the changes to the Code that the Council is recommending. So you see on page four is the change to agricultural retail structure, on page five is the change to the definition of farmer's market. So that's what the Council is proposing. And once the planning commission to opine upon are those two changes in the definition. And as I mentioned in the report, the Department just was recommending that you consider some minor modifications as identified in my report.

Ms. Alboro: But everything else in this resolution is already been passed? No?

Mr. Pfof: No, it has not. The, what they, what the Council does is let me, let me maybe give you a little bit of background on the process. The Council will initiate a resolution. So a Council Member put this resolution on the Council agenda, they discussed it, and they adopted this

resolution and that, the adoption of this resolution is merely forwarding this proposal to the planning commissions. So if you look at the title, if you look at the title of this resolution on the very first page, it says referring to the Lanai, Maui and Molokai Planning Commissions, this proposed bill. So the Council did review this resolution, adopted it so that it can now forward it to the planning commissions, and that's why we're here tonight. And so you're, you've got the resolution now, you're reviewing it, and then once you give me your comments, as well as Maui and Molokai Planning Commissions, I will take all of those back to the Council and I'll say, okay, this is what the commissions did, this is what they recommend. And then the Council will consider that, and it will become a bill, and it will actually become ordinance adoption if they adopt it. That's kind of how the process works. So this resolution has been adopted by Council, but it's not the final version yet because we're waiting for the planning commissions to make their comments.

Ms. Alboro: But we're only, tonight, we're only discussing your amendments about the, on page four, correct?

Mr. Pfof: That is correct. Because the other sections, pages one through three are, are actually, I'm sorry. Yeah, one, through one through three are actually recommendations to Title 16, which the planning commission doesn't consider. It's actually a permitting process. So you're only considering what's on page four and five, and that's what's identified in my report as well.

Mr. Gima: So which begs the question, why is this before us if we're not going to, we're not going to deliberate . . . (inaudible) . . . not to mention, not to -- wait, let me finish -- not to mention why in the hell is this transcript? This transcript is terrible. This is terrible. It's hard to read.

Mr. Pfof: Well, I know that what is before you is what's on page four and five. So I am looking for your recommendations on what's on page four and five of the resolution. Regarding the transcript, that is all that we have from the meeting, and I thought, and that was actually my, my doing in at least providing it to you so you can get some context. Because I know that's important to you is trying to get some context to what happened at the Council meeting. So that's all I have to present to you on what happened at the Council meeting. That was their discussion. You can also watch the video if you want, but I thought I included that in there just for your own benefit in case you wanted to know what the Council discussed when they considered this Resolution. But I agree with you, the transcript is difficult to read, so hopefully it helps to some degree, but it is difficult.

Mr. Gima: Alright, Sandi, Erin, you guys had questions or comments? So why, why under recommendations and options you have something for the Maui Planning Commission? I've never seen that before.

Mr. Pfof: So that's on the very last page, under recommendations and options number one, and that's so that there was a recommendation by Councilmember Sinenci that the Hana

Advisory Committee review this. And so that recommendation, number one, is only for the Maui Planning Commission because they're the ones that advise, they're the ones that determine whether or not something should be reviewed by the Hana Advisory Committee. So this report that you have before you goes to all three commissions --

Mr. Gima: Okay.

Mr. Pfost: So recommendation number one is just really for the Maui Planning Commission.

Mr. Gima: So the Planning, Planning Department is recommending approval of the proposed bill with revision number three. Is that accurate?

Mr. Pfost: That is correct.

Mr. Gima: Okay, Commissioners --

Mr. Pfost: And that's on, on page six.

Mr. Gima: Commissioners, any comments specific to revision number three? Any questions or comments? Go ahead Lisa.

Ms. Grove: The one thing I will say is that the last time while we didn't have jurisdiction to suggest that the Maui Planning Commission forward it to Hana. We made the recommendation that we would like it to happen, and I just want to remind people that we did it last time because we, it felt difficult for the residents of Hana to be able to have their voices heard. So we are still, we are still allowed to do that. We could recommend it with the County's revisions and say that as the Lanai Planning Commission, we recommend that Hana gets looped into this conversation, yeah?

Mr. Gima: You want that to be part of the motion?

Ms. Grove: Yeah.

Mr. Gima: Okay. Alright --

Ms. Grove: But I don't feel super strongly about it, just I, mean we heard from people that made it clear it's really difficult for them to have gotten to testify. They're the most, seemed very impacted.

Mr. Gima: Okay, I will entertain a motion to recommend approval of the proposed bill with revision number three amendment to the Maui County Council. In addition, recommending that the Maui Planning Commission forward this matter to the Hana Advisory Committee for review and comment prior to the commission's final deliberations and recommendation to the Council. You guys can say, you can say, you just can say so move.

Ms. Grove: Yeah, so moved. I'll say so moved. Greg has hand up and I thought maybe that was gonna impact the movement of the so, so I was checking to see.

Mr. Gima: Okay, is there any second?

Ms. Atacador: Are, are we allowed to hear Greg's hand raised before we proceed?

Mr. Gima: Well there's a motion, there's a motion on the floor, so if there is no second then the motion dies and then we'll go to Greg. If there is a second, then we'll go to discussion and then Greg will provide his input. So there's a motion on the floor, looking for a second. Okay motion is dead for lack of a second. All right, Greg.

It was moved by Ms. Grove to recommend approval of the proposed bill with minor revision number three to the Maui County Council, and to recommend that the Maui Planning Commission forward the matter to the Hana Advisory Committee for review and comment prior to the Commission's final deliberations and recommendations to the Council. Due to a lack of a second, the motion died on the floor.

Mr. Pfof: I, I'm sorry to interrupt you, but there's actually two things that you want to do. One is that revision number three is correct. That's a, that's a Department recommendation, but there's also minor revision number one. That is a separate definition. That's on page five. So I wanted to make sure that you're actually doing two things tonight is making a recommendation on the definition of agricultural restructure as identified in number, minor revision number one on page five, and also minor revision number three on page six. So those are the two things that actually need to be done tonight. That's so --.

Mr. Gima: Okay, that's why I asked you earlier, Greg.

Mr. Pfof: I apologize.

Mr. Gima: Okay, so I will now then entertain a motion to recommend approval of the proposed bill, which will include revision number one, minor revision number one and minor revision number three to the Maui County Council, which may or may not include the Department's -- no, amendments to the Maui County Council, period. Alright, if -- Nikki?

Ms. Alboro: I'm sorry you were looking for so moved, right? Yeah, I so moved.

Mr. Gima: Okay, any second? Alright motion dies for lack of a second. Who wants to make a different motion? Go ahead Lisa.

It was moved by Ms. Alboro to recommend approval of the proposed bill with minor revisions to number one and three to the Maui County Council. Due to a lack of a second, the motion died on the floor.

Ms. Grove: Chair, when you gave your last round, you didn't say that you were adopting Maui, the Planning Commission's recommendation for changed language, so that's why I didn't move it. And I, and again, I don't care if Hana is in the mix, but it wasn't in what you just said, and I didn't know if that was your intention.

Mr. Gima: The planning commission's changed language?

Ms. Grove: The, well I, like the, the, the planning commission has the revised language that it's just a little bit more clear and that was what their recommendation was. And I believe the first time you, you offered the proposal, you said it in, in that manner and second time you did not.

Mr. Gima: I mean which, which specific change? Because I, I --. The first motion was minor revision number three and Hana Advisory Committee. The second, the second motion was minor revision number one and minor revision number three, but no Hana Advisory Committee.

Ms. Grove: I apologize. I thought that the first motion also included with the changes recommended by the planning commission and that it goes to that, the language that's on, I think, page five. Right, they, they or they clarified the language a little bit. And I may be wrong about that though, that's what I thought we were talking about.

Mr. Gima: Specifically on page five? I'm, I'm confused.

Ms. Grove: Yeah, I'm sorry. I'm making it even more confusing. I'll just withdraw my comment.

Mr. Gima: Because the one on page five is minor revision number one.

Ms. Grove: Right.

Mr. Gima: Is that, is that the one you are talking about?

Ms. Grove: No, I thought that they had taken the language around the lease stalls and put it at the end of this, at the end of the sentence. It was just a couple of clarifications, but I may be, may have misunderstood what Greg was saying.

Mr. Gima: Yeah, that's minor . . . (inaudible) . . .

Ms. Alboro: That's under a minor revision three. Yeah.

Ms. Grove: Okay I'm sorry.

Ms. Alboro: So I moved Butch's second recommendation. I think the Hana Advisory Committee part should be left up because they are notified when the planning commission meets for testimony and information.

Ms. Grove: I second it.

Mr. Gima: Okay, it's been moved by Commissioner Alboro, seconded by Commissioner Grove that we recommend approval of the proposed bill with minor revision number one and minor revision number three to the County, Maui County Council. Okay, any further discussion or questions regarding the motion? Okay, all in favor signify by raising your hand.

Ms. Atacador: Sorry Chair, you moved on right before I could ask my question.

Mr. Gima: Oh, I'm sorry. Go ahead.

Ms. Atacador: So I just want to clarify, is the Hana Advisory Committee notified when things are on the Maui Planning Commission agenda for them? Because last time it sounded like they weren't advised about that, and they missed their opportunity to testify.

Mr. Pfof: Chair, may I answer that question, yeah?

Mr. Gima: Sure.

Mr. Pfof: Yeah, basically the, the process for the, the Hana Advisory Committee, it's, it's an advisory committee to the Maui Planning Commission. So it's up to the Maui Planning Commission to decide whether or not the Hana Advisory Committee comments on something. And it's solely up to the Maui Planning Commission. So when this goes before the Maui Planning Commission on July 8th, I will be asking the Maui Planning Commission if they would like to forward this to the Hana Advisory Committee as requested by Councilmember Sinenci. So this discussion will occur with the Maui Planning Commission. It will be up to them to decide whether or not they refer it to the Hana Advisory Committee or not. So it's a sole decision by the Maui Planning Commission.

I think the last time they, they did not refer to the Hana Advisory Committee was they were concerned also about the 120-day time frame in getting that done; whether or not the Hana Advisory Committee would be meeting soon and so forth, and it's kind of a timing mechanism issue. So and they, they recommended that anyone from Hana that had concerns just please go to the Council meeting and show up and present your concerns.

I think with this one, it will be interesting. I'll see what the Maui Planning Commission wants to do, but we're kind of beyond that 120-day time frame anyways, so they may refer to Hana Advisory. I don't know what they're going to do, but I'll, I'm gonna make that same pitch to the Maui Planning Commission, hey, you know, it was recommended by Councilmember Sinenci

to refer this to the Hana Advisory Committee. It's up to the Maui Planning Commission what they want to do.

Ms. Alboro: Sorry Greg, one more question. The July 8th Maui Planning Commission meeting is open to the public, correct?

Mr. Pfof: Yes, it is. Yes, advertise and open up to the public. And in fact at the, the, during the mobile food truck bill, there were some residents from Hana that did show up and speak, but and did speak at the Council meeting, at the ADEPT Committee meeting on June 5th as well. So I think they're getting represented. It's just I know that, I know, we'll see how it goes with, with this one. Maybe they'll refer to Hana, I don't know. But it is an open public meeting, yes.

Mr. Gima: Erin, was your question answered?

Ms. Atacador: It was. Thank you.

Mr. Gima: Okay, so protocol wise, just to, to clarify Greg, when the Maui Planning Commission receives a notice, does the Hana Advisory Committee also receive the notice at the same time of the agenda items?

Mr. Pfof: No. No, what happens is the item, just like tonight is there's a public notice that's placed in the paper for tonight's meeting, tonight's hearing. There's an agenda that's prepared. Same thing will happen with Maui Planning Commission as well. Nothing will be forwarded to the Hana Advisory Committee. At the Maui Planning Commission meeting, as part of my presentation, I will ask the Maui Planning Commission if they want to refer this to the Hana Advisory Committee. If they decide to do that, then they can't make their, they can't make a decision that night. It has to be referred to Hana Advisory Committee. Hana Advisory Committee reviews it. Their recommendation then is to the Maui Planning Commission. So the Maui Planning Commission considers what Hana indicated, and then the Maui Planning Commission then makes their final decision or recommendation to the Council like what you're doing tonight. It kind of throws an extra step in there to have the Hana Advisory Committee review.

Mr. Gima: Okay, everybody clear on that one? Okay, so we have a motion on the floor. Any more comments or questions before I call for the vote? Okay, hearing none, all in favor of the motion, please raise your hands. Okay, motions carried. Thank you very much.

It was moved by Ms. Nikki Alboro, seconded by Ms. Lisa Grove, then unanimously

VOTED: to recommend approval of the bill, with the minor revisions to numbers one and three, to the Maui County Council.

(Assenting: N. Alboro, E. Atacador, R. Gima, E. Grove, S. Rabaca)
(Excused: M. Fujie-Kaauamo, Negus Manna)

(Motion carries.)

Mr. Pfof: Thank you.

Mr. Gima: Before we go to the Director's Report, let's take a ten-minute break.

(The Lanai Planning Commission recessed at 5:51 p.m., and reconvened at approximately 6:01 p.m.)

C. DIRECTOR'S REPORT

1. Completed Lāna'i Applications Report (No permits were issued from the period of 05/08/25 to 06/09/25 – no report generated.)

Mr. Gima: Okay, Lanai Planning Commission is back on the record. I'll turn this over to Ana for the Director's Report.

Mr. Kurt Wollenhaupt: Oh, hello, this is Kurt here. I don't know --. Can you hear me?

Mr. Gima: Yes, I can.

Mr. Wollenhaupt: I'm not sure where Ana is but, I can report that there's no documents that have been received in regards to permits for the completed Lanai application report. Danny Dias had to go over to town today, so he's not here. I do believe Ana's here, but I'm not sure if she's connected yet. So on the item number one, there have been no completed permits.

Mr. Gima: Maybe while we were waiting, Leilani, anything you want to talk about regarding the HCPO conference?

3. The 2025 Hawai'i Congress of Planning Officials (HCPO) Conference, August 27-29, 2025 at the Hilton Hawaiian Village Waikiki Beach Resort.

Ms. Ramoran-Quemado: I know, I believe Candace did send out an email to the Chair and Vice Chair saying that two people from each Commission is being allowed to attend. You did reach out to your members, and then I have you already, the forms have already been submitted for you, and then we're trying to get a second person to attend. So this year, HCPO will be held on the Oahu at the Hilton Hawaiian Village on August 27th to the 29th. And then there's a link if you folks wanted to look into that, I believe that was included in the email. So if you folks are interested, just let either myself or Candace know or the Chair and then I'll get that one person registered. Thank you.

Mr. Gima: Okay, thanks Leilani.

Mr. Wollenhaupt: I see that Ana Lillis is back online now.

Mr. Gima: Okay.

2. Status of the LPC SMA permit rule change proposals.

Ms. Lillis: Hello Chair. Thank you everyone. Basically, for the rest of the report, we have the Lanai Special Management Area rule change, which I'll turn it over to Kurt.

Mr. Wollenhaupt: In your packet, the two-page packet, there was the proposed modifications for making the Maui, or excuse me, making the Lanai Planning Commission the final determiner of the minor permit. Therefore, you would have final decision-making authority on the exemption as you have now, obviously on the special major permit known as an SM1, and then also with minor permits. So right now the Director makes the decision and reports that decision to you with proposed language changes. The Lanai Planning Commission would have final authority and decision-making process. So that is what relatively straightforward language is being proposed. This is only for discussion purposes again to try to craft a final language that can be posted for review and a public hearing to be scheduled at a later date. That's all that the Department has to say at this time.

Mr. Gima: Okay, thank you Kurt. At this time I'll open up for a public testimony. Leilani, anybody in the chat or in the conference room?

Ms. Ramoran-Quemado: Thank you Chair. There's no one online or in the conference room. Thank you.

Mr. Gima: Okay, hopefully Roxanne got her mic working. No. Okay, thank you. Nobody's here to testify. Alright, thank you Roxanne. Okay, at this time I'll close public testimony on this agenda item. Okay Commissioners comments, questions for Kurt or Ana? Lisa?

Ms. Grove: Thank you for all of this. You mentioned that, that you guys would come with back to the Lanai Planning Commission with proposed changes. Would you, will you also be making recommendations at that time, or I mean is that the, is that the same thing? Are we talking about the same thing or --? I just want to say I appreciate your guidance and, and would want to know whether or not we were getting some recommendations from the Planning Department as we consider these minor.

Mr. Wollenhaupt: Well, this is being done in, in a perfectly acceptable way in the sense that you're having this discussion right now on language you feel would best accommodate the transition to the Lanai Planning Commission being the final decision maker for minor permits. So it would be helpful if we could get the language crafted as close as you would agree to it and then that language would be proposed with the help of our Corporation Counsel to be placed on an agenda for a public hearing. So that's how the process would work. Again, you're the, you would vote the rule in, but I'm, it's my understanding that then the Mayor has to agree to that. So this is not a Council approved issue, but the Mayor does have to sign. I know we

have our Corporation Counsel. I, I'm not sure. They, they should be online. But there would be a public hearing notice given, and then subsequently you would have a public hearing meeting as you're having tonight, which would have the specific language being recommended in, and then you would take the public testimony, and if you believe there would be appropriate changes to that, then you could certainly make those changes and I believe then that would be, if, if approved, then we just send these changes of the SMA Rules to the Mayor for signature. If I'm missing something, I will have our Corporation Counsel or our Deputy Director chime in on this.

Mr. Adrian Pierce Reifsnnyder: Hi Kurt. Totally right. Yeah, this is subject to the Chapter 91, Mayoral approval, so yeah.

Ms. Grove: But as written the, the, there would not necessarily be recommendations from the Planning Department to these permit applications. Is that correct as currently, as currently written?

Mr. Reifsnnyder: I, I can't really speak to that. Yeah, I think Kurt or someone else at Planning can weigh on whether or not to provide recommendations.

Mr. Wollenhaupt: In order to have gotten on tonight's agenda, Kate has to have been okay with it as well as Ana so they've looked at this language and feel that it would be appropriate to move forward. So we're, we, we're helping you craft the language that you would find appropriate and then --

Ms. Grove: Right, and just to be super clear, I'm talking about recommendations on each specific Special Management Area Minor Permit.

Mr. Wollenhaupt: No, no, what, what this does is if, when a minor comes in, and a minor is a project that is under \$750,000. Unless there's a special shoreline issue and then it's under \$500,000. That's a whole other debate, but that's already been signed by the Governor. For a minor project that could be a room edition in which conditions are required to be put on it, the Planning Department will write a short, short report recommending approval or denial that will be posted for your review as the final decision-making authority and then you will either vote it up or vote it down. So that will happen with each of these permits that may come in the future.

Ms. Grove: Okay. And then --

Mr. Wollenhaupt: Just as you're doing with an exemption.

Ms. Grove: Okay, perfect. Thanks for the explanation. That helps a lot. On that first line, it says Commission review and final determination, it should have the word have in there. Commission review and have final determination. Is there a word missing? Or is that more of a title?

Mr. Wollenhaupt: That's a title.

Ms. Grove: Okay.

Mr. Wollenhaupt: That, that's really --

Ms. Grove: Got it.

Mr. Wollenhaupt: The, the underlined is just – in bolding it's so, this is the title of that section.

Ms. Grove: Got it. Okay, thank you.

Mr. Wollenhaupt: Commission review and final determination.

Ms. Grove: And then the last comment I'll make is that, and this, it goes back to another Director's report item that wasn't on this agenda, but we use to have it on previous about where we stand with the absent, absent the vacancies with the planning commission. I get a little worried about the 60 calendar days because we don't have quorum, we've talked about this before, we could blow past that, right? And then it automatically becomes approved? Is that how I'm reading that, that (C)?

Mr. Wollenhaupt: So, so what, what, what this process would be is that we will get a Special Management Area Minor Permit. Decision will be made, let's say we rec, would, would recommend approval. Then we will put it on your calendar. So that will be on your calendar like this evening's calendar, and then the public --. But that 60 days doesn't start until, actually the public comments, we were thinking of a way that you would really have a very good sense that this letter to you, this, this report was, fulfills the information needs that you really would want to have. So we're not saying just 60 days once you receive it, but 60 days once you've heard it and the public comments have been received, feeling that these are relatively simple permits. These are, that's why they're called minor permits. So it's very unlikely, unlike an SM1 for a new hotel or something like that, these are simple room additions, modifications that aren't exempted, but they, we put conditions on, so they have to be a minor. So you would see it tonight if we had the public comment and that was closed, now the 60 days would start. Now, it is true that if you couldn't make a decision tonight and then you couldn't make a decision within 30 days and you couldn't make a decision with 60 days, then yes, it would be approved. Now, of course, that's what we're here for tonight is maybe you'd rather have, you know, 70 days. But we wouldn't want, we're trying not to, not to have these people who wish to have a permit be strung out --

Ms. Grove: Right, exactly.

Mr. Wollenhaupt: -- for months and months. You know, we just, we don't, we want to be fair to everyone. Because again, these, these normally are relatively straightforward. But if you

feel that says 80 days because 30 days are in a calendar month, and if you miss one meeting, two meetings might go 62 days, that's certainly an understandable argument.

Ms. Grove: I feel much better at having you explain how the clock works, so I really appreciate that. Thanks for running that through for me. That's very helpful.

Mr. Gima: Okay, Commissioners, any other questions or comments? Okay, so the, so to be clear, Lanai Planning Commission has final authority on SMA major and SMA exemptions. If this passes, we'll have final authority on major, minor, and exemptions. So we're all clear on that, right? And then for clarification from the Planning Department, is this accurate that it's understood once the SMA minor comes to the Planning Commission, the Planning Department has already determined via the Special Management Area Assessment that it meets the criteria for a Special Management Area Minor Permit. Is that, is that accurate, Kurt?

Mr. Wollenhaupt: Yes, that, that is accurate. That's why it's a report. It's not a wave review or --. There will be a report written. Now it won't be exhaustive, again, because these are straightforward projects, but there will be a report, yes.

Mr. Gima: Okay, and for the Planning Department, what fiscal impact do you see, or the Planning Department see if the minor permit is approved for the Lanai Planning Commission having final authority?

Mr. Wollenhaupt: Well, I don't, I don't believe there will be terribly much fiscal impact in the sense that the planner will have a report that will have to be written. But these will come under your regularly scheduled meetings, so it won't be as if we're having special meetings all the time for these minors. So there will be a minor additional staff time, but staff is here to address many different kinds of permits, including the minors and the majors, so we can never know exactly how many permits, but there's not that many of the minors and the exemptions that come. So I don't believe it would be significant. But thank you for the question.

Mr. Gima: Okay, follow up is what are the pros and cons of giving the Lanai Planning Commission final authority on minor permits?

Mr. Wollenhaupt: Oh well the, the pros are that all the community members now know who made the final decision, so that way, they know that locally appointed citizens of their community made this decision. That it wasn't, well it wasn't, it wasn't the plan, it wasn't the Planning Department over in Wailuku. It was that you citizens that you see everyone every day on the street. And, and that's a good thing.

We've discussed some of the issues before. Timing, you know, again, it's the broken glass syndrome. You have a broken window, you need to get it fixed. Many times, obviously there are a number many activities that go on in which a permit is not going to be pulled. You could say every time you mow the grass, you need a permit. Well, that may in depth be a yes, a true statement, but it's not reality.

So, that would be the biggest con would be how long it's going to take to come up with a decision on these. But again, they're minor permits and, and we would want to try to expedite them really within 30 calendar days, not 60, getting it on to the next meeting and, and helping the applicant have a vote either up or down as soon as they can. So those would be a pro and a con in regards to this. I don't know whether our Corporation Counsel or if Ana has any additional words to say on it. But it's certainly not – the Molokai does this. They have final decision-making ability, so I guess it's working for them, and it works for us.

Mr. Gima: Adrian, Ana, anything to contribute on pros and cons?

Ms. Lillis: Nothing from me.

Mr. Reifsnnyder: Yeah, nothing to me either, Chair.

Mr. Gima: Okay, I specifically asking for pros and cons because over the course of the last 12 to 18 months, I never got the sense that the Planning Department was overwhelmingly enthused about the Lanai Planning Commission having final authority on SMA minor permits. Did, is that an accurate impression or is that, am I way off?

Mr. Wollenhaupt: Well, hope can always spring eternal as we might say. I think that -- I, I do not believe honestly that it will be a significant workload as, as you talked about the fiscal impact. I think some of our debate was well actually some of the debate -- we could go into a long discussion -- some of the debate was actually the exemption should be the ones that we have the final authority and the minors because they have conditions, those would be the ones for the commission then to make the final determination. That had been discussed. As you know, when you do an exemption though an exemption could be for \$25 million for an interior renovation at the Four Seasons Hotel. So there are reasons that are good that you do see the exemptions. I think that was probably the argument years ago. Well minors are under \$500,000 or now \$750,000. This provides, as we might say, a release valve on some kinds of projects that we can move them through quickly. So that's the argument of leaving it kind of the way it is. But I know there have been situations in the past that have been unfortunate, that had led to debate on this subject and, as I had indicated this, this will certainly provide for you, Commissioners, to be take the responsibility on the final determination. So that, that's the argument that we have dealt with in our debate amongst ourselves. But we wouldn't want to see a project move, take, you know, six months, a year. These simply aren't that complicated projects.

Mr. Gima: Okay, thank you, Kurt. I just wanted to give the Planning Department an opportunity to comment on, on my impression. So for clarification, the proposed language that's in red in our, in this agenda item, that's, that's the, that's the only language that would be changed or is there other parts of this section that we need to look at specifically?

Mr. Wollenhaupt: No, the, the way that it works is that if the language in black at the top of the page, that's what's there right now.

Mr. Gima: Okay.

Mr. Wollenhaupt: That all goes out; that's why it's structured out. And the language in red, that's, that's the minor permit process. They're not really, it's a relatively straightforward process. If you do notice because there was a bit of consternation on the language that we had talked about, having to do with the applicant will be notified in writing. Well, we're, we don't, that, that seems to lead to problems which we don't need to go because we don't, that, we're trying to get away from these calendar days about notifying an applicant in writing. When the decision is made, that's the decision. We could say okay you, this, let's say this was the 60th day and you made your decision, and you voted to deny this, but we couldn't get a letter out today, and so notifying the applicant in writing doesn't, after the debate that you had at the last meeting, doesn't, doesn't seem to add any transparency to this process. Because you make the decision, that's the day the decision's made. Then we will in a reasonable time get the applicant. But if the applicant should be responsible enough to be at the meeting to know what's going on. So they will know their decision because this is their project. So yes, it's straightforward, it, it really, it really is.

Mr. Gima: So if the Lanai Planning Commission becomes the final authority on SMA minor, we will have three options; to approve, approve with conditions or deny. Is that accurate?

Mr. Wollenhaupt: Yes, that's right.

Mr. Gima: Okay, so that being said do we need to include language in the red section where that specifically says we can impose conditions?

Mr. Wollenhaupt: That might be an excellent idea in B saying that the Commission shall make a determination within the 60 calendar days after the application is heard by the Commission and public comments have been received that the proposed action is either approved or approved with conditions or denied.

Mr. Gima: Okay. I can live with that. Commissioners, any comments about that language regarding imposing conditions? Okay. So, Kurt or Adrian, can you give us a kind of a ballpark figure? Let's say we approve this proposed language tonight, give us a ballpark figure about what happens next month, what happens three months from now, what happens six months from now in terms of the public hearing?

Mr. Wollenhaupt: Well, I, I can, I can allude to that. There's one question I'd have to have our Corporation Counsel opine on or, or perhaps Ana or perhaps we'd have to think. Although I do not believe it's required, and because and, and on Maui, because we were changing shoreline rules, actual shoreline parcel holders were notified. Now there does need to be a public hearing, that public hearing would be published in the newspaper, it would be on the

agenda, there would be, has to be at least 30 days. As to whether those people who have parcels in the SMA need a separate letter, that's a question, I do not believe they do, but that would be a question I would want to have answered before we could make a decision on what the timing would be. I would say two months if that would be optimistic. This is not terribly complicated, but we would have to notify the newspaper I believe six weeks before the meeting to get in the newspaper. Leilani may have some more specific information. I would say two months would be very optimistic. Three months is reasonable. If everyone has to notice, be noticed in the SMA, definitely three months to four months. But our Corporation Counsel may be able to opine as to whether people would actually need a letter sent to them if they own property in the SMA.

Mr. Reifsnyder: Yeah, I'm trying to go through the rules, the LPC rules right now and I can't find anything about that specifically. I remember Candace, I think, had brought it up a few meetings ago about how they, how you folks had sent out a mailer I think to every resident. Is that correct?

Mr. Wollenhaupt: I believe it was, though, to those who had the, who were on shoreline parcels because they were redoing SMA rules and shoreline, but not everybody in the SMA was getting letters. It was because the shoreline parcels were particularly affected by the erosion hazard line and certain things like that.

Mr. Reifsnyder: Okay. Yeah, I might have to get back to you folks on that because I'm not seeing anything directly in the rules at hand, but, but I can get a, a formal answer to you by the next meeting for sure or I can just email.

Mr. Gima: Okay, thanks Adrian. So procedurally tonight are we, do, do we have to approve, approve specific language or are we just giving the Planning Department an idea of what else needs to be in this red section and then you guys' fine tune it and then set it for public hearing? Is that --

Mr. Wollenhaupt: Yes, I believe that, that's exactly the way, trying to get this language crafted as best as you folks would agree on and simply giving us direction to agendize it for a full public hearing, as soon as is reasonable, meeting the conditions required for us at such a public hearing.

Mr. Gima: Okay, so Commissioners, anything else, questions comments for especially about section B where, where we will have it read that after public comments have been received that the proposed action is either approved, approved with conditions, or denied. Anything else to add either to that or any of the other sections? Okay, so if there are no objections then we're asking that the Planning Department fine tune the proposed change in the SMA rules for the Lanai Planning Commission regarding minor permits to include the amendment to section B and to set it for public hearing. Will that suffice Corp Counsel? Or do you need a specific motion with voting?

Mr. Reifsnyder: Sorry, can you repeat that Chair? I was just looking into, I was doing some research about the timing element for notice.

Mr. Gima: Can we just go with if there are no objections, or do you need a specific motion with voting on directing the Planning Department?

Mr. Reifsnyder: I think just no objections should suffice, Chair.

Mr. Gima: Okay. Alright, so seeing there are no objections, Planning Department, any questions in terms of what your responsibilities are?

Mr. Wollenhaupt: Oh, I think I'm, I'm set. I'm set, ready to go.

Mr. Gima: Alright. That's what I like to hear.

Ms. Lillis: No questions, Chair. Thank you.

The Commission reviewed the revisions and without any objections, they added the language, as discussed, to Section B, then requested the department to schedule the item for a public hearing.

4. Agenda items for the July 16, 2025 meeting.

Mr. Gima: Alrighty. So we covered HCPO. Leilani, what do we got for July 16th meeting?

Ms. Ramoran-Quemado: Thank you, Chair. I do not have any proposed legislation, or any permits scheduled for the July meeting.

D. NEXT REGULAR MEETING DATE: July 16, 2025

E. ADJOURNMENT

Mr. Gima: Okay. Ana and Danny, and I think Adrian, and Nikki and I have a meeting next week Friday to prep for our July meeting. At that time we can probably talk, I mean, about our vacancies. So one of the potential applicants was interviewed, but INB did not have quorum so they couldn't vote on it. I think they're meeting next week. I don't know what happened to second applicant. Alright, Commissioners, do you guys have anything you want on next month's agenda? Will everybody be here July 16th? Okay, if there is nothing else and no objections, meeting is adjourned. Thank you everybody.

There being no further discussion brought forward to the Commission, the meeting adjourned at 6:31 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Nicole Alboro, Vice-Chair
Erin Atacador
Reynold Gima, Chair
Elisabeth Grove
Sandi Rabaca

EXCUSED:

Michelle Fujie-Kaauamo
Negus Manna

OTHERS:

Ana Lillis, Deputy Director, Department of Planning
Greg Pfof, Administrative Planning Officer, ZAED
Kurt Wollenhaupt, Planner
Adrian Pierce Reifsnnyder, Deputy Corporation Counsel
Roxanne Morita, Executive Assistant, Maui County Council, Lanai District Office
Leilani Ramoran-Quemado, Secretary to Boards and Commissions II, Current Planning Division