

**LĀNA'I PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 17, 2025**

[\(HYPERLINK TO THE TEAMS VIDEO RECORDING – CHAPTER 1\)](#)

[\(HYPERLINK TO THE TEAMS VIDEO RECORDING – CHAPTER 2\)](#)

**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, September 17, 2025, online via the Microsoft Teams videoconferencing platform, **Meeting ID: 231 548 750 676 8 and Passcode: u5sR2wo6**; and at the Current Planning Conference Room, One Main Plaza, 2200 Main Street, Wailuku, Hawaii, 96793; and a courtesy testimony site 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:** We have quorum, and all Commissioners are on camera. Nikki, is anybody in the room with you?

**Ms. Nikki Alboro:** No, I'm alone.

**Mr. Gima:** Erin, how's about you?

**Ms. Erin Atacador:** Hi, Chair. No, I'm alone.

**Mr. Gima:** Okay. Thank you. Michelle?

**Ms. Michelle Fujie-Kauamo:** I have my sister-in-law Teslin here sitting with me, but, yeah.

**Mr. Gima:** Okay, and Lisa?

**Ms. Lisa Grove:** I'm here alone. Thank you.

**Mr. Gima:** Okay, so I am. Bear with me this evening. I'm in Honolulu and I'm working off of my iPad, so I have a much, much smaller screen to work with. So, bear with me. Plus it is a lot hotter here than in our beautiful island.

**Ms. Grove:** Is that why you got your haircut?

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

**1. Proposed amendment to TITLE MC-12, DEPARTMENT OF PLANNING, SUBTITLE 02, LĀNAʻI PLANNING COMMISSION, CHAPTER 402, SPECIAL MANAGEMENT AREA RULES.**

**The proposed rule amendment is summarized as follows: Proposed action within the Special Management Area recommended to be issued a minor permit shall be reviewed by the Lānaʻi Planning Commission for final determination and decision.**

**Mr. Gima:** No, it was three weeks since the last one, so. Okay, let's see if there's anything else here. Alright, moving on. We have a public hearing. We have a proposed amendment to Title MC12, Department of Planning, Subtitle 02 Lanai Planning Commission, Chapter 402 Special Management Area Rules. The proposed rule amendment is summarized as follows: Proposed action within the special management area recommended to be issued a minor permit shall be reviewed by the Lanai Planning Commission for final determination and decision. So who do I turn this over to, Danny or Greg?

**Mr. Kurt F. Wollenhaupt:** Well hello, this is Kurt. I can take it and begin the process.

**Mr. Gima:** Oh, okay.

**Mr. Wollenhaupt:** It is a good thing that we have our Corporation Counsel here tonight, Adrian. He's the one that drafted the proposed amendment to Title MC 12, Chapter 402 in the proper form. So indeed, as Chair said, the Department of Planning is transmitting to the Lanai Planning Commission the proposed amendment to your Special Management Area Rules Section 12-402-14 for consideration and action tonight. It is a scheduled public hearing.

So the proposal is for the adoption of a procedure akin to that that you use for your SMA exemptions. So I'm just going to read the 13 lines of the proposed amendment that's very straightforward. The Commission has looked at this on a number of other communication item times for discussion and review. So the language does read as follows: Commission review and final determination of Special Management Area Minor Permits. All proposed actions within the Special Management Area recommended to receive a minor permit under Section 12-402-12 F2 shall be placed on the agenda for review and final determination at the next available Commission meeting. The Commission shall make a determination within 60 calendar days after the application is heard by the Commission and public comments have been received that the proposed action is approved, approved with conditions, or denied. If the Commission does not make a determination within 60

calendar days, as provided in Subsection B, the proposed action shall be deemed approved with a minor permit.

And just so that the Commissioners are aware, in fact, at your last meeting you had a, an exemption and the process for the future minors, should this amendment pass, would almost be identical to what you looked at last month for the SMA exemption for the work that Pulama Lanai wished to do for their operational maintenance and landscaping. The application is brought in. The Department makes a determination. There is a short three-page report that is prepared for your Commission. It includes a background. It includes the application, any pertinent exhibits, applicable regulations, and finally the recommendation. And that process would be nearly identical now for the Minor Permits. And just so everyone knows the Commissioners and the audience if there are people, we have Exemptions for the SMA. Those are a list of actions which are determined to be exempt. We have Minors and we have Majors. The difference between a Minor and a Major is the valuation that's put on the project. So for a Major that's a full public hearing. Those are big projects. The Minors are much smaller projects, but they do have evaluation, and they are a development. They're not an exemption, they are a development.

So that's what tonight's review and public hearing and your review is about to make the Lanai Planning Commission the final authority on the minor permits. And we do have our manager, Danny Dias here. And we also have Adrian from the Corporation Counsel in case you have questions for this project. Thank you.

**Mr. Gima:** Thanks Kurt. Before we go to public hearing, Adrian or Danny any anything to add?

**Mr. Adrian Pierce Reifsnnyder:** Probably not --. Oh, sorry, you can go ahead, Danny.

**Mr. Danny A. Dias:** Oh, I, nothing to add, Chair. Thank you.

**Mr. Reifsnnyder:** I would say there's something to add during the Director's Report section where I'm going to fill in for Ana, giving our discussions at the site visit a couple weeks ago, but I don't know if it's best to address right now.

**Mr. Gima:** Okay. One, one short request, Kurt, if you're able to do this, could you give us some historical context? Because this is probably a year and a half process already.

**Mr. Wollenhaupt:** Well, there, there has been, there has been a lot of review that has gone on by the Planning Commission in regards to looking at different projects on your island and to making sure that the Lanai Planning Commission, which does represent the people of Lanai, really have the final say in the approval, the approval with modifications,

or in denial of projects that were in the SMA. The SMA being the special area defined along the shoreline that needs extra review. So there have been numerous meetings to try to craft the language in order for the Planning Commission to be the final authority rather than the Planning Department on projects which can range up to \$750,000 in value. Just to give you an, just to give you a little bit of background on that number.

If it is a shoreline property or one that is affected by say, the shoreline erosion of the amount that is for the maximum amount for a minor permit is \$500,000. When you move back from the shoreline, it moves up to 750,000. So the Commission has recognized that there can be a significant project that may have a significant, that may have an impact when you get into the half a million-dollar range. So there also have been projects in the past that I believe the Commission did wish that they had been the final authority on reviewing. And that being the case, this proposal for the Commission to look at each of the types of SMA applications was brought, was discussed at great length over a number of meetings. Sally Kaye was brought into it in the past. We do, of course, have all the minutes of those meetings, and the outcome of all that was tonight's meeting, in which we're changing the language. So this has been quite thoroughly reviewed at least to get it to us to this point. Thank you.

**Mr. Gima:** Thanks, Kurt. Before I open it to public hearing, just some public hearing protocol. Umm, those of you who wish to testify on any agenda item, please put your name and the agenda item in the chat. And while awaiting to be called, please mute your video and audio. And we'll be taking testimony for those who are present at the Planning Division's Conference Room and Council member Johnson's office on, on Lanai. Please limit your testimony to three minutes. And that being said, I will now open it up for public testimony. Leilani, anybody in the conference room or anybody in the chat willing to, wanting to testify?

**Ms. Leilani A. Ramoran-Quemado:** Thank you, Chair. There's no one in the conference room, but I do have several signed up online. We'll start with Diane Perza, to be followed by Keiki Pua and Kari Bogner.

**Mr. Gima:** Thank you. Alright, Keiki-Pua? I mean, Diane, I'm sorry, Diane.

**Ms. Diane Preza:** Yeah. Aloha Chair Gima and Commissioners. I'm Diane Preza, and I'm testifying on behalf of myself with regards to the SMA proposed amendment. And I guess I don't know if this is appropriate, but I, I'm kind of -- maybe I don't understand why we would allow this, this to be passed because I think it adds maybe another layer of, of, of permitting. It might -- let me, let me explain what, what I'm thinking of. Is, it's that we work, the cultural center and other community groups, work on the coastline on the east side of Lanai. And we do things like fishpond restoration. We clean the area around the

Keomoku Church of weeds, coconut fronds, coconuts, and we, we do work projects around the island. So if we have to apply for a permit, I know, that it would, I think, permit take a long time. And heaven forbid we apply for something and then it rains, or we cannot access that area, and then we have to push it back. So my fear is that, that this, this the way it's working now for us to comply with this law is detrimental to our work. And the whole purpose, I think, is to protect the land and the aina, right? And it's just, it's adding, if you, if you folks have, um, another layer of approval. And depending on if it gets on the agenda, I mean, to me, it doesn't make sense unless I don't understand.

But my, my feeling is that basically we just want to work. We want to help Lanai, we want to care for the shoreline. We want to do projects that involve families in the community, and we want to, we want to help to provide access to the ocean by keeping these areas clear. And this whole system seems a little -- it needs, it needs some kind of improvement where we it shouldn't be so hard for community members to go, want to go and work at the fishpond or work cleaning the beach or the areas around it, in the SMA. So I don't if I expressed my feeling enough, but basically that's what I'm saying. I'm wondering if why are we adding another layer of your folk's approval? I don't understand so that's what I have to say. Thanks.

**Mr. Gima:** Okay, thanks, Diane. Commissioners, any questions or comments for Diane? Diane, I think, you know, whether this is approved or not whatever project that needs a special management assessment to determine whether it's a major, minor or an exemption would, would, would still happen even, even if this --

**Ms. Preza:** Right.

**Mr. Gima:** -- the item is not approved tonight. Is that accurate --?

**Ms. Preza:** Yes, I understand right now how it's written where it's all . . . (inaudible) . . . But so if that's the case then if we add you folks on there, adding another layer onto it, doesn't that like not help the situation in, in getting people on, on the land or doing their activity that needs to be done? Is that right or --?

**Mr. Gima:** Kurt, you wanna, you wanna respond to that, Kurt?

**Mr. Wollenhaupt:** Well, and Adrian can chime in or Danny. A couple of comments on that. We have exemptions. Now exemptions, according to the Lanai Planning Commission's SMA rules, do have to be approved for final approval by the Lanai Planning Commission. And one of the exemptions in (d) is called Hawaiian traditional and customary practices, including work conducted by traditional means near, in, or related to a local . . . (inaudible) . . . traditional Hawaiian fishponds. So it would sound as if some of the work

you're doing at least, would, do require an exemption, an exemption which actually does require final approval by the Lanai Planning Commission. So if it was deemed there was work that you were doing that was a development, a new structure or something then that would be follow under the minor permits that we're looking at tonight. And right now, the minor permits are approved by the Director. This bill tonight would emulate what's going on with the exemptions, so the Department would make a recommendation to the Planning Commission for their review. Does that process take a bit longer? Well, it would take a bit longer because it has to be on the next Planning Commission's agenda. So I think that may answer your question. Some degree of preparation, of course, would be helpful and there would be an ability to have a work that would go on an ongoing basis to be represented in the permit. So that's what I'd have to say.

**Ms. Preza:** So, so are you saying that --? Sorry and I know this is about the, the approval of the minor permit by the Planning Commission, but when you were talking about the exemption, could it be ongoing work? So if we submitted one application, it, it would continue for a period of time? So for instance, if we couldn't access the land due to bad weather or whatever reason, could, would the permit, would we have to submit a brand-new permit or --?

**Mr. Wollenhaupt:** No, you can have a permit that extends overtime.

**Ms. Preza:** Oh.

**Mr. Wollenhaupt:** Yeah, that's, that's probably the best thing for you because that would allow flexibility. It would allow the Planning Commission to know what's going on. It would allow you folks to have flexibility.

**Ms. Preza:** What, what length of time?

**Mr. Wollenhaupt:** Well, if, if, if we approve, if we have like, if we have a length of time on how long it takes to get the permit or how long, how long could you do the activities?

**Ms. Preza:** How long could we do the activity?

**Mr. Wollenhaupt:** Well, I don't think there necessarily is any time frame. There, there's no necessary limit. Because --

**Ms. Preza:** Humm. Okay. So if we went --

**Mr. Gima:** Okay, let me go --

**Ms. Preza:** Yeah, sorry. I know I'm getting off topic, but all right. Thank you.

**Mr. Gima:** Lisa?

**Ms. Grove:** I did have a question for you, Diane, which is if you mentioned the all activities and the all proposed actions language that is above this and not something we're discussing tonight. But if the changes were made to that, let's say that, that language got changed in a future meeting. Maybe there's a no need list and we create that, which is what has been done in other jurisdictions or something like that to make to make it, to more available to the public for Keiki Fishing Tournament, the Fishpond Restoration and all that sort of thing. If that language were to be changed, would you feel more comfortable with what we're discussing tonight?

**Ms. Preza:** Yes, I think that would be very helpful. I would feel much more comfortable.

**Ms. Grove:** Thank you.

**Ms. Preza:** Thank you.

**Mr. Gima:** Thanks Lisa. Okay, Nikki?

**Ms. Alboro:** I just wanted to add to Lisa's comment, but it's pretty unfortunate that, you know, we did discuss, and you know it's off topic, but it's in the special management area, but however, no need list is not possible. So you know, we would have to figure out another name for it or what not. But, like, my, my feeling is that, you know, however many of us are on that meeting and, ore working with the Department, you know, that's like a lot of power to say, like, okay, this, this and this can happen, but this, this and this can't. So, you know, you just, you gotta look at it both ways. But it's pretty unfortunate we did ask if a no need list cause, like, again the Keiki Tournament, birthday parties, what not, that's all in this SMA . . . if you have it at the beach, I'm sorry.

**Ms. Preza:** And Paddle for Life. That is important.

**Mr. Gima:** Okay. Thanks Nikki. Thanks Diane.

**Ms. Preza:** Thank you.

**Mr. Gima:** All right. Keiki-Pua?

**Dr. Dancil:** Aloha Chair Gima, Vice Chair Alboro and members of the Commission. Mahalo

for discussing this very important topic. I've been consistently testifying on this and part of this conversation for the year and a half that Chair mentioned during the prelude to this item on the agenda. As an example, we just got approval for an SMA minor permit, last week actually. The date was September 8th. We submitted that application on April 20th, 2025, and it is literally for five signs that say danger or wayfinding and restoration of a trail down at Nanahoa. Had this rule change that you are debating here tonight been put in place, we wouldn't have gotten our letter. It would have had to come before you, probably in the October agenda because it missed the agenda date deadline, and then we would be discussing it then. So yes, you are correct. It does take more time for you to debate these minor permits as opposed to having the Planning Director issue the letters of approval as the rules are written today. So I just want to provide that as an example. This is a real-life example.

They range, we've had minor permits approved from four months, like this one, four and a half months to up to two years. It just depends on the type of application. The tournaments that you guys are talking about, the Keiki Fishing Tournament, the Paddle for Life, these are one-time events that would have measured impacts that would change depending on what the event was. Whether how many people are coming over, how many canoes. And so those would likely be qualified as minors. So if people are trying to do these type of events, they would have to plan probably a year to year and a half ahead of time to hire a professional to prepare all of the materials, because that would be required as the assessment which is, which was mentioned. It's further above in the language in Section 14-402-12(a).

So really I think we should do this in together. If you guys really are considering doing the change today, you should also at the same time consider changing the language above, because they're, they probably will likely go together. So I think this vote today is premature.

**Ms. Ramoran-Quemado:** 30 seconds.

**Dr. Dancil:** So to wrap up, I recommend that we look at the language further ahead, where the definition of proposed actions are, and the words all proposed actions are subject to an assessment. And proposed action means any use, any use, any activity or operation. So I think we need to focus on that first. Thank you for your time.

**Mr. Gima:** Thanks, Keiki-Pua. Questions, comments from the Commissioners? Erin?

**Ms. Atacador:** Thank you, Chair. Um, so what you're saying, Keiki-Pua, is it's the, it's the verbiage above that's triggering having to do an assessment? Like I guess I'm confused of

why if the Planning Department was approving it, they don't require an assessment. But if we're approving it, then we would need an assessment.

**Dr. Dancil:** I'm so sorry. I apologize if that's what I spoke in that manner. That's not correct. Everything, all requires an assessment and it's up to the Planning Department to make the determination if it's, one, an exemption or a minor or a major. So an assessment was made that this was a minor. The Planning Director can approve a minor, can sign the letter, and issue it. Because it's a minor and if this rule change went through today I would not have gotten that letter on September 8th. I probably would have been scheduled for the October Planning Commission meeting and you as a decision-making authority, had this rule change happen, would make the decision on whether it was a minor or not.

**Ms. Atacador:** So, like how last time we did the, the presentation and everything, so you wouldn't have to do that if the Planning Director was the approver? Not --

**Dr. Dancil:** I wouldn't have to come before the Commission because all of that material was already reviewed by the Planning Department and an assessment was made. Last time it came before you for the exemption which you are the final decision maker on the exemptions, I still go through the same assessment, I still provide the same type of materials, I just physically am present and available for questions during that deliberation for you as the final decision-making authority.

**Ms. Atacador:** I guess, I guess my, the, the hard part I'm having a hard, having a hard time connecting the dots on is why if we, if the, if the Planning Commission is the approver of it or of anything like the Paddle for Life. So if, if the Planning Department was the final approval for that, why wouldn't they need the same--? Why would we need an additional permit, I guess? Or like have a whole hearing and everything? Just because we're a Commission instead of the Department?

**Ms. Dancil:** No. So I mean, so if the Paddle for Life, they would still do the same thing. They would have to do all of the MAPPS. They would still have to do all of the impact analysis. They would still have to go through that same process. So everybody all do the assessment. The Planning Department then will say, okay, Paddle for Life, you're not an exemption because you're not listed on the HRS. So exemptions are very clearly articulated in HRS 205. Correct me if I'm wrong. And if they say you're not an exemption, you're an SMA minor, then Planning Director could sign the Paddle for Life today. But if this rule change goes forward, they would bring the item before you as a decision-making authority, and you as the body would say yay or nay.

**Mr. Gima:** Let me -- excuse me for a second, Erin. Let me jump in real quick. Leilani, did you have something to?

**Ms. Ramoran-Quemado:** Yeah, we were just missing Vice Chair Nikki for a little while, but she came back on.

**Mr. Gima:** Oh, okay, okay.

**Ms. Alboro:** Sorry, I got logged off again. I'm, I'm here.

**Mr. Gima:** Okay, okay. Go ahead, Erin.

**Ms. Atacador:** That's all. Thank you. Thank you, Chair. Thank you Keiki-Pua.

**Dr. Dancil:** Thank you.

**Mr. Gima:** Okay, any more comments, questions? Lisa?

**Ms. Grove:** So, if, if no needs list isn't possible, it sounded like you were also talking about that language above the all proposed actions language.

**Dr. Dancil:** Yes.

**Ms. Grove:** In your, with your expertise in mind, what would you suggest gets changed there then? I mean, like how, how does this change so that we're not making it so onerous on our community groups or social events at the beach and things like that?

**Dr. Dancil:** I think that's where you would open it up to the community to come up with what is defined as a proposed action because right now the definition of proposed action is any use, activity or operation. So you would clearly define what that proposed action was, or work in those that Section 12-402-12(a), you could work in that language, or you could work on the definition of proposed action.

**Ms. Grove:** Thank you.

**Mr. Wollenhaupt:** Oh, this is Kurt. You, you were right. We've heard a number of times here that no needs is, is completely gone. That, should we, I have to say that it's currently in review at the Court of Appeal. So that's still, that debate is ongoing. So it is not as if that idea of no needs is off the table. It is currently in appeal, Maui County versus Maui Tomorrow. So just letting you know that that's the way it is. Thank you.

**Mr. Gima:** Thanks for the clarification, Kurt. Michelle, do you think any comments questions? Michelle?

**Ms. Fujie-Kaauamo:** I had one comment. So I understand that it creates another layer that needs approval once the Planning Commission, or once the Department determines that it's a minor permit. But technically the Lanai Planning Commission is not the reason for the delay, right? So if you submitted an approval back in April and it never got put on our agenda until, what did you say September or whatever that date. Like we were not the hold up, right? It's the, the Commission or the Department that needed to review all of that. I, I think one of our concern, one of my understandings was that if the Department can just say yes, approve to all of these kind of small, smaller minor permits without community oversight, that was our concern of why we put this in. Is that a lot of these kind of minor permits were being approved, and we had no idea what was going on or didn't provide an opportunity for the community to hear what these events were going on. So in, in terms of like lengthiness, like, Auntie Diane, I don't think that anybody would say no to the Loka'ia project, right, in terms of like this group here? Like, there's definitely things that Keiki-Pua mentioned in the proposed action that would, should be considered, not exempted, but like that should not have to go through kind of such a lengthy process. But that's a different discussion. But that was my understanding. Am I correct about the --?

**Dr. Dancil:** So, I'm sorry if I use the word delay. I'm just saying it's an extra step. So instead of me getting the letter on September 8th, I would have to wait. So real life example Paddle for Life, just, you know, two months ago they just put their application in and who knows if they're even gonna make it? Their event is in two weeks or so. So again, it's just gonna be training for the community of, hey, this is just gonna take about a year to year and a half to prepare all of this material, to submit it, to make sure it's complete and at the level of standard that the Planning Department clearly lays out requirements. So it's not a delay, it's just an extra step. So no delay. It's just one more step that needs to happen as opposed to today, the Planning Director can make the choice and whether it's SMA minor and sign the letter before bringing it to the Commission. That's all it is. One more step.

**Mr. Gima:** Alright. Thanks Keiki-Pua. Oh, Lisa.

**Ms. Grove:** I just want to make sure that I understand. So if, well, we keep talking about Paddle for Life, so let's just stay there. Is there, there is the potential for a mechanism to say that when there's, you know, certain activities, maybe it's a hiking trail sign or a fixed, a fixture in a bathroom at the beach park or a group coming over, that it would be possible to say they don't have to submit a permit, whatever the that is, right? That they don't have to submit a, a permit period, right? Because back in the day --

**Dr. Dancil:** No.

**Ms. Grove:** Okay. So because we, we didn't do this before, right?

**Dr. Dancil:** Yes.

**Ms. Grove:** I mean, there are some things that happened that recently that changed the trajectory so that these organizations like Keiki Fishing or Paddle for Life now have to go get a permit. That wasn't the case for years and years and years, correct?

**Dr. Dancil:** That is correct. And the reason is because we did not know all activities require this. So the language up above that all, I did, I personally did not know it was all. Once that was raised to my attention that, hey, it's all, and that's why I said, all? Yes. I mean propose any -- so it's all proposed actions and the definition of proposed action means any use, activity, or operation. So even driving an SMA in theory is a proposed action. So again, it wasn't until it was brought to our attention. We were notified. We received a violation. So now that we know when people come to us for right of entry because we have private property in the SMA and they want to use Hulopoe Beach Park, they come to us for right of entry, I send a note to Planning Department, hey, this group is interested in doing this activity, do they need to apply for an SMA assessment? Correct, the way the language is, Section 12-402-12, all proposed. So we tell them you need to submit because the law. So it was happening. People were looking at blind eye, but it was, it was happening. You are correct. Now that we're aware of it and will come to us, we need to follow the law and ask them to go and provide, you know, submit an assessment and have it reviewed and determinations made.

**Ms. Grove:** And then unless there was a change to the all proposed actions and then that would be a different scenario, correct?

**Dr. Dancil:** If there is a change to the language, then maybe there is a list of whatever that list is gonna be called.

**Ms. Grove:** Okay. Thank you.

**Mr. Gima:** All right. Thanks Keiki-Pua. On to Kari.

**Ms. Kari Bogner:** Thank you, Commission. Just I had a whole testimony to give tonight, but I wanted to summarize it. Obviously at the Lanai Culture and Heritage Center we're just as, Aunty Diane Preza earlier said we have run a number of events within the SMA. We include, you know, currently we have a free resident hunting program, the Lanai Community Stewardship program, that's going on within the special management area. And you know looking back about all activities that includes, I mean that would include hunters just driving or anybody driving on that Keamoku coastal road. And so I would be very much in favor working with, with the Commission, with the community, with Pulama

Lanai to figure out how to, how to reword the, the all activities. It's just, I mean, on other islands, there's great work being done without applying for SMA assessments or exemptions, for without applying for SMX or SMA exemptions and, and SM1, minors. And so I just maybe we could look at other counties to see how they go about this because or even on Molokai or on Maui, it's just, you know, even to just have a group of people collecting marine debris along the beach. You know, for us to go through that SMA assessment, the lengthy process, it's just how are we expected to get anything done in a timely manner on Lanai. You know, just picking up coconut fods around historic Keamoku, around historic Kalanakila Church. You know, that's, that triggers, and you know, the lengthy process of getting the assessment and everything. And it's, for me personally, it's, it's heartbreaking because we just want to be out there and, you know, cut down some kiawe, put, put in the ground some deer resistant manevaneva, just to do something to, to make the shoreline better, and to be able to gather with cultural practitioners to, you know, restore the kuapa of Waiopailokia. And it's just --. You know, we can, we're happy to work with Pulama Lanai to get those assessments done, to get in the proper permitting, but it just means --

**Ms. Ramoran-Quemado:** Thirty seconds.

**Ms. Bogner:** -- months and months of, of not being able to, to do anything and I think that's, that's a loss for the community, that's the loss for the island, for the aina, and that's all I have to say now. Thank you. Thank you for your time.

**Mr. Gima:** Thanks Kari. Commissioners, questions, comments for Kari? All right. Thank you. Leilani, any others wishing to testify?

**Ms. Ramoran-Quemado:** Thank you, Chair. There's no one else signed up.

**Mr. Gima:** Okay, Roxanne, anybody in Gabe's office?

**Ms. Morita:** No, there's the one here to testify tonight.

**Mr. Gima:** Alright, at this time, I will close public testimony. So now is the time for Commissioners to discuss the Planning Department's presentations and further discuss what the testifiers had to say. But before we go to that, Adrian, I don't if it's worthwhile to talk about or how applicable it is to talk about -- there's that saying something about the spirit, there's a spirit of the law and there's the intent of --? You know what I'm talking about?

**Mr. Reifsnyder:** Are you sort of talking about the difference between what's legal and what's just?

**Mr. Gima:** No, there, it, there's, there's a reference on what, what is actually written and what's in the spirit of the, the law.

**Mr. Reifsnyder:** Oh, yeah.

**Mr. Gima:** And I don't know if it's applicable to our discussion today.

**Mr. Reifsnyder:** I think you're, you're talking about, like, legislative intent. Sort of what was going on in the minds of those who wrote the law in the first place.

**Mr. Gima:** Yeah. Yeah. There's a lot, a lot of times the intent is one thing, and the actual wording of the law is another.

**Mr. Reifsnyder:** I, I, yeah, I couldn't agree more. I mean, I think believe it or not, a lot of times the definition sections of legislation sort of gets the least amount of attention because it seems so straightforward. But it's actually one of the most complex and difficult parts because it kind of lays the groundwork for everything that comes after that. So it's super, super important to make sure that when you are coming up with these definitions, you're considering all the, you know, potential outcomes of that and the potential negative ramifications of that as well.

**Mr. Gima:** All right. Thank you, Adrian. All right, Commissioners, comments, questions, suggestions? Nikki.

**Ms. Alboro:** I just had a, a question I guess maybe for Adrian or Kurt, but say, say it does get voted on and it passes today. So I just want to understand, if an application come in that would be put on your desk and waited till the next Planning Department put on the agenda and then we would review the application and then if any edits or maps missing or there's errors or whatnot, like who --? I mean, like, for, for myself, like, I, I don't have enough knowledge about the SMA and the, the, the graphs and you know the, the areas and whatnot. So like what if we said yes and then it was wrong or, you know, like that's, that's my question. So, like who would review it? I see here that you guys are put it on there that you know that the Department would like to take a look at it, and fix small grammar, grammatical errors and making sure the section numbers are in line and whatnot. So for me, that's already the Planning Department doing the work and approving it.

**Mr. Wollenhaupt:** Well, hi, this is Kurt. There are couple of things here. We, we, I think, we need to step, step back a little bit. So you have a, you have a proposed action. That, that, that they're needing, that you're proposing that's going to happen in the SMA. So

you go on to MAPPS. That's our automated planning and permitting system. And you go through a process by which you apply for an SMX. Now this is different than the SM1. SM1s are big projects, multi millions, new. You usually know if you're an SM1. So we're only talking about the SMX.

Now the SMX comes in. It's assigned to a planner and then the planner has to, has to review the complexity of the project. If it's an interior remodel of a, of a house that's in the SMA, there would be no need to send that to SHPD. But if it's a, if it's a proposal in which there is, well, substantial or it might not be so substantial, but it's a worrisome issue, then we have to send this application to SHPD to further review. That in itself can take considerable amount of time. So there are a range of projects that depends if there's grounds disturbance. It depends if they're in the shoreline set back. If it depends if they need an environmental assessment exemption. So this project comes in, it's assigned to a planner. Then they make the decision about just how much involved is this review to be. It can be very simple. I mean a very simple. It could be done in just, just a, a matter of two or three weeks. And then once we've made a decision, then we need to put that, that decision onto the agenda for the Planning Commission.

So when every project is different. But if you do follow a small room edition -- these are exemptions -- repair, maintenance, or interior alteration to an existing structure. That would not take long at all. A transfer of title, or a creation or termination of an easement, the subdivision of the land less than 20 acres in size, trash removal, installing fencing. So, so we would, we would write a short report, but I don't believe that we're looking to you for the accuracy of any kinds of maps or that. We, we would take that, that's part of our responsibility to make sure that the report that goes to you is complete. So yes, some, some can take quite a long time, but others can move with pretty, pretty, pretty fast. So I'm, I'm just telling you kind of the process.

And, and you did mention, yes, the, the, the issue regarding non-substantive corrections, that has to do with the language. If there's a, a word, or an and, or a period that needed to be corrected in the proposed Commission rule change, so that would be a non-substantive amendment, just if we needed to change the grammar.

So anyway, that's kind of a background is how these permits. They come in. The planner gets it. Determines how much review it needs. Is it going to be an SM exemption? Going to be an SM minor? Once that's deemed complete, we do the assessment, we send it to you. So that's how this process works.

**Mr. Gima:** Was your question answered Nikki?

**Ms. Alboro:** Yes and no. So if, if it comes in and it's pretty straightforward and you're, saying that it can be done in a matter of weeks, that's great. However, majority of the permits will require an assessment and all that stuff if it's in an SMA, correct? I mean, like, I know you said like if it's a groundbreaking or whatnot, but it mean it's in the shoreline management area, so --

**Mr. Wollenhaupt:** An assess, an assessment, yes, but that assessment it's usually six or seven pages. It's pretty straightforward questions. They always have assessments with minors. With the exemptions, there's a couple of exemptions that have, like, a mini assessment. So it's just a, it's a like a page form. With the other exemptions there isn't, there isn't, there is an assessment. But again the, the assessment is relatively straightforward in which you're looking, you're looking did it need SHPD review? Is it on the shoreline? Are there impacts? So those can be answered pretty quickly in most cases.

These are, you know, exemptions. An exemption an exemption. It's an act that's it's not a development. A minor is a development so those are going to probably have a greater degree of review. So sometimes we need to, to -- there could perhaps be a debate around how many of these exemptions do you want to see? Could there be --? But that's for another day. The agendized item is minor permit, so I don't want to get off on, on something that we're not agendized for.

**Ms. Alboro:** So I just have one more question. So not all SMA or SMX permits require environmental assessments.

**Mr. Wollenhaupt:** Well, they, they all --. Well, they all require an assessment and that's like . . . (inaudible) . . .

**Ms. Alboro:** Oh, I'm sorry, just --

**Mr. Wollenhaupt:** A six-page form that we put with the permit. There are two types of permits, and I'm not the, I'm not the shoreline expert here, but it's not for tonight, you're going to get to deal with me. I believe it's, O, nonstructural improvements and there, there's another one here for, for a very minor repair maintenance to existing structures. It's been determined that it's a mini, a mini assessment because it's of such minor use. We don't need six pages just to describe that. So when you talk about an environmental assessment, there are triggers for that, use of county and state lands, use of the shoreline area. Now for most of these, it's going to be an environmental assessment exemption. So we deem it exempt. It's just a couple of paragraphs in the permit. Now that's very different then a full environmental assessment that you've seen when The Four Seasons wants to add a new wing, or they want to do a ballroom, or there's the adventure center or something like that. Now that that's a very complex process for the environmental

assessment. The these for the most part are gonna be environmental assessment exemption. So yes, you could have a permit that has a minor permit.

**Mr. Gima:** Kurt, let me, Kurt, let me jump in right here real quick. So, Nikki, what is your specific concern or what do you need specifically clarified?

**Ms. Alboro:** So like I, I would ask, like, so for Paddle for Life, would they be required to do an environmental impact, whatever it is? I mean, what how many hoops would they have to jump through? Like that's State and private that's coming in off the water that's passing the high watermark, and then it's coming on to private property. So it's like what kind of impact is, is, are they looking at for as far as getting a permit?

**Mr. Wollenhaupt:** Well, I, I can have Danny, if he's on also jump in on this, but they, they would --. What would probably be in this case it would be a minor permit that would indicate location, hours. Are they going to use like a tent, like a beverage tent on the beach for, for sun protection? So they would come in with their SMX. That would -- there would be a list of are you going to affect geological processes? Are you going --? And most of those would probably be no. Would it be use of the shoreline area? Yes. But then they would be getting again like a two-paragraph statement shoreline assessment exemption for activities that are minor in the shoreline setback. Would they be getting an environmental assessment? Yes, but again, it's an exemption for minor activities. So these would all be in this permit. Now that does not take long at all to, to give them an exemption. So no, they would not be doing an environmental assessment or an environmental impact statement. That, that would not be for these minor, these minor and routine activities that could be along. They may, in fact, they'll have to do a minor in the sense that conditions might wish to be placed as to hours, location, things like that. So anyway, I don't want to go on too long.

**Mr. Gima:** So Nikki, real quick, whether we approve this or not approve it, in your specific example they got to do the same amount of paperwork and homework. Is that accurate, Danny?

**Mr. Dias:** Well, theoretically yes, but it does, like Keiki-Pua mentioned, I mean it does add time because now you have to get on you know an agenda. And you know, just generally speaking, if you go before a board or commission, we're going to be very thorough and making sure that you submit everything that you need to do. You know, like there's certain things that maybe if a planner is reviewing it, they're not going to be super like, okay, make sure you get the this signature from this owner, et cetera. But when we go to a Commission, we're gonna wanna be very thorough because when we're in front of nine people, all it takes is one person to ask a question on something. And so we wanna make sure that, you know, we dot all our I's and cross all our T's.

But, but generally yes, that you would submit the same amount of information. But like I said, applicants will tend to make sure they're more thorough when they do apply, knowing they have to go to a board or commission because now it's not just a planner approving it, now it's a group of nine people.

**Mr. Gima:** Thanks. Erin?

**Ms. Atacador:** Sorry Chair. I think your last statement kind of answered my ongoing question that for some reason is having a hard time. I just wanna like make sure like what, like how, like how Kari testified, like it's not additional work whether we're the final people approving it or not, right? Like now that it was brought to the attention that all activity has to do it, it's just, it's, it's really just unfortunate timing that we're doing this and it was hot that all activity because it's not us that is triggering this being done. It's catching that it was all activity needs to go through this, right? So whether we're at -- I understand the time element of it, but making these, you know, organizations go through an extra step is, is not because we are asking to be the final approval, right. It's a time for sure, I understand that aspect of it. But just the workload and what we're expecting of these organizations that are that are great. You know we, we definitely want activities like this to happen for the community. But it's not because we're the approver that this is happening, correct? Okay. Okay, okay, I think it makes sense now. Thank you for letting me explain that to myself.

**Mr. Gima:** Lisa, Michelle, comments, questions before we go back to Nikki? All right, Nikki, back to you.

**Ms. Alboro:** I mean, what is our time on this to vote? I mean is it, um, are we in the -- are we counting? Can it be --? Kurt, Danny, somebody.

**Mr. Wollenhaupt:** Oh, I, I don't think you, I, I don't, I don't, I don't believe there is any time. This is, this is for your proposed SMA rules. So you, you would, you've already had the public hearing. So Corporation Counsel can, can assist me. You either -- if you wanted to have more study, there's, you can defer it to a next meeting, or you recess this. I did believe it's deferring to a next meeting and, but you need to have questions or you need to have something. So no, there's, I, I don't believe there's a time element here because this is your, your application. If it's an outside application, I believe there's, the rules may state 120-days, but that's, that's for something different than this.

**Ms. Alboro:** I just think because there's so much question in regards to the SMA Rule in general in regards to the all activities and you know people wanting to create a no need list or you know like who has that authority. So I just feel for me like if we should address

the definition and all that stuff before we come up with this proposed change for us to see the Minors and it, you know, be one step more, you know, just one more entity to get approval from.

**Mr. Gima:** Okay. Let's move on. Lisa.

**Ms. Grove:** I, I wanna echo what I think I heard Nikki just say which to me, it feels like this is hard to adjudicate until we can have this, the bigger conversation around the all proposed actions because it would impact how I feel about this. Even though they're separate, even though we don't impact the Keiki Fishing Tournament's ability to be here. I'm a little concerned that we, I agree in home rule, I agree with the community needs to hear all of these things. I'm also just concerned that we're making an overcorrection potentially because something happened that we didn't know about, one thing, and we're worried about that, and I understand that. I did, I do too. I'm worried that we're, that there could be some unintended consequences. One of the things Kurt you said a couple of meetings ago about this is that, you know, that there'll be people cheating, right? Like they're not going to apply for the permits because they're going to say, well, it's going to take me another 60 days, I'm just going to do it myself. You had mentioned that that had happened on Maui, and I think your line was people are at Home Depot right now buying stuff that's probably in violation of the SMA. So I just, and it feels hard to me to, like, make this, this little, not little change, but this change without making the change that has, what it feels like and what we heard from some of our testifiers a bigger impact on the community.

**Mr. Gima:** Okay, thanks Lisa. Michelle?

**Ms. Fujie-Kaauamo:** After hearing Erin and Lisa, I mean, I was already kind of following the train of thought of it seemed like the main issue is not with the changing of the language so that way we are final approval but with what are we finally approving? What are we approving of, right? And if now all of a sudden it's all of the proposed actions, then that leads for a deeper conversation around what are those proposed actions that we would be approving? And I do think same like Lisa that it would change my perspective if knowing that we were no longer or if knowing that it would help out community organizations or cultural groups to be able to expedite their process a little bit in, in the, in a sense of, okay, knowing that we can change the proposed action language. But I don't feel confident right now in being able to say that I can vote on whether or not we have final determination on special management minor permits, not knowing what those minor permits are. Not, not -- the definition, but not knowing what the what, the events are that would trigger the minor permit. But I, I do see that it's not our, right now, the, the issue that people have is not necessarily with us being the final approver. I get that it adds a little bit of time, but I do see that there is a benefit to that, but knowing what are we, what

are we proposed --? What, what are the proposed actions is, is the big key. And with that definition still undefined I feel like it's important for us to, or at least in my -- it's important for me to wait or at least have a conversation around what those proposed actions could look like.

**Mr. Gima:** Okay. Thanks Michelle. I got about five points of considerations. One, I heard earlier, Keiki-Pua said she would prefer that we defer on this until we change the, the language. And I'm, I'm, I'm worried about that because if we wait to change our Planning Commission rules on whether we are the final determinant of minors, it, it could drag on. Because changing the language for all proposed actions I think is going to take a long time and we, we may lose what started this whole process.

Number two, it is, it is about home rule. It is about home rule. And like I said in prior meetings, it was back in 1992 that Dolores Cabral made the big push to have our own Planning Commission so we can have home rule. Okay.

Number three, even if we approve this change, we still are gonna get significant Planning Department input and consideration. So it's not like an either or. It, it's, it's gonna be a, a, a team, a team decision.

Number four, I don't think some of the exceptions or unintended consequences both staff and testifiers have brought up should dictate policy. We should set the policy. We should set the policy, um, because if, if we're gonna let the different events or potential intended consequences govern our decision, then, then there's gonna be uku million different possibilities, and that, that doesn't work, that doesn't work.

Umm, lastly, umm, so this, this last minor permit that the Planning Director approved, we are supposed to receive notification of that approval. So Kurt or Danny is the notification in -- is this our notification of the minor permit approval?

**Mr. Dias:** Yeah, that's, that's correct. So whenever the Department approves a minor permit, it goes on to your next agenda. The project that Keiki-Pua is talking about, I don't think it made it on this agenda because it was just approved like a few days ago, and the agenda was already set and you know, like in the paper, etcetera. But it will be on your next agenda in October. So it's just like the, the timing, you know.

**Mr. Gima:** Okay, I guess, I guess I misunderstood. I, I was under the assumption that the Planning Director, when approving a SMA minor, sends a letter, something formal to the Planning Commission saying Organization A applied for SMA minor, I approved it and it was for this project or event. That, that was my assumption. Was, was, was that an erroneous assumption?

**Mr. Dias:** I can verify with Leilani if we've done that in the past, but my understanding was always, and it may be because now we have the new MAPPS system, but all the approved Lanai permits, we put it on the next available agenda for notification. And then with our MAPPS program, you know, Commissioners can log on and you guys can find, you know, everything that there was attached to that project; all the plans, any documentation, etcetera.

**Mr. Gima:** Because these, these notifications are very brief, and I mean, every time most of us see these, we go, what's this or what's this about? So, it really doesn't convey, you know, what, what, the Planning, what the Planning Director approved? Okay.

**Mr. Dias:** Yeah. So, so just if, if you're looking at the existing agenda --

**Mr. Gima:** So those are my --

**Mr. Dias:** -- so that would be the, the project that was brought to you folks at the last meeting. That you folks approved. Yeah, yeah, but the one that Keiki-Pua was talking about today, that hasn't made it on the agenda yet, because it was just approved. But it will be on your next agenda. Yeah, and we're always prepared to, to discuss it at your meeting. You know, we're always ready to pull up all the documentation that that we based our decision on.

**Mr. Gima:** So I, I would, I would prefer that we vote on this and not defer. I can, I can consider deferring if the thinking is well, we should have Sandi and Negus in, in this discussion also, you know. But I, I would, I prefer not to do that. But in order, in order to approve this change, all five of us would have to vote in the affirmative. Is that accurate, Adrian?

**Mr. Reifsnyder:** Yeah. Sorry, did someone just jump in? Yes, correct Chair. I don't know if someone was just trying to jump in there.

**Mr. Gima:** Okay. So Commissioners --? Go ahead Michelle.

**Ms. Fujie-Kaauamo:** So if we approve Section B, that does not prevent us from going back later on and changing Section A, right?

**Mr. Reifsnyder:** No, it wouldn't prevent you folks from doing so, but I would consider you know efficiency.

**Ms. Fujie-Kaauamo:** Doing this just one time.

**Mr. Reifsnyder:** Yeah, exactly.

**Mr. Gima:** Wait, say, say it --. Who was that? Was that you, Adrian?

**Mr. Reifsnyder:** Yeah, sorry, Chair. I have a weird lag with my video right now. Umm, yeah, it, it wouldn't prevent you from later, at a later date, you know, proposing a new rule change. But given the overlap and that it's, you know, it's sort of you're trying to accomplish the same thing, right, with, with whatever that future amendment would be around the, the all action definition. So it's just something to consider. You, you wouldn't be barred from making an amendment in the future. But for efficiency, I would consider doing both at the same time.

**Mr. Gima:** Well, I, I would tend to disagree because tonight's one is whether we're, we make the, the final decision. What Michelle and others have talked about would be changing the definition.

**Mr. Reifsnyder:** But I think that definition that we would change is included in this amendment, the all proposed actions.

**Mr. Gima:** Hmm.

**Mr. Reifsnyder:** So there's a lot of things to consider, and Kurt had brought it up as well is that we do have this pending Supreme Court case, right, which could definitely influence which direction we go as a community on how we want to go about, you know, defining that. Because it is right now it's incredibly broad and you know we can't do this no need list. Right now, we can't do these categorical, categorical exemptions right now, but that could change in six months.

**Mr. Gima:** So the proposed language in Section B that's underlined where it says all proposed actions, those three words are not in the original text?

**Mr. Reifsnyder:** Sorry you're reference, you're in 12-402-14, Section --

**Mr. Gima:** B.

**Mr. Reifsnyder:** B, yeah. Boards and Commissions final determination of Special Management Area Minor permits all proposed actions within the Special Management Area. Is that what you're talking about right there?

**Mr. Gima:** Yeah, those three words, all proposed actions, that are underlined --

**Mr. Reifsnyder:** Right.

**Mr. Gima:** -- are three words in the original text or --

**Mr. Reifsnyder:** No, I -- let me see if it's in my packet, the original text, there.

**Mr. Wollenhaupt:** Well, proposed action is the definition. That, that word proposed action is in, is in the original 12-402-14. If it has been determined that the proposed action -- so then we go back to the definitions and it says proposed action means any uses, activities or operational proposed by the applicant on land within the Special Management Area. So proposed action is in both. Now it says all -- the new one says -- all proposed actions. The other one says proposed actions. But you go back to the definition and the proposed actions means any. So it's conveying the same thought in my opinion.

**Mr. Gima:** Well, I, I -- all, all proposed actions was referenced by Keiki-Pua. And if all proposed actions, those three words were not in the original text then, I mean, that, that, that's a major consideration, right?

**Mr. Wollenhaupt:** What, the definition though is proposed action. The, the, the definition that we're all talking about in the definitions, in your SMA law, proposed action -- those in quotes -- proposed action. That's also in the old language and a proposed action means any use or activity. So, it, it's the, the definition is not all proposed actions. It's proposed action. But proposed action means any use. So it means all proposed action. So unless you define what a proposed action is and is not and what may be exempted, I think the meaning is the proposed action is any proposed action.

**Mr. Gima:** But you do you understand my point? Because Keiki-Pua brought up the reason why Pulama Lanai is doing and, and advising people utilizing Hulopoe Beach Park is because of the word all, or in, in part because of the word all.

**Mr. Wollenhaupt:** Well, and then if that, that's certainly within your, your purview this evening is that you would recommend making a, you'd recommend making an, an amendment tonight. You would say we wish to delete the word all in the proposed language. So the proposed language would now say proposed actions within the Special Management Area, deleting the word all. Now our esteemed attorney here can certainly tell how that might, that might change matters. But that's certainly, that's why you're here tonight. You can make an amendment to this, change the language, and vote on the amendment, and then vote on the main action, if you believe that that more accurately represents what you're wishing.

**Mr. Gima:** Adrian?

**Mr. Reifsnyder:** Yeah. I mean, the way I'm seeing it right now and from all the talks we've had with all the different stakeholders thus far is that I think we want to, we need some flexibility on this. So and we need some more input. We need community input. I think we need to see some resolution with what's going on in the Courts right now as well because there is this controversial term, all proposed action. So we could, you know, there's multiple routes to solving this. It could be to keep that language in there. Keep that also in the language in Section 12 and then change the definition at a later point in time. We could keep the definition as it is and then change those sections and change whatever, you know, instead of all proposed actions, all proposed blank actions if we want to sort of narrow the scope a little bit. There's multiple routes here that we could, that we could go. And you know, I'm out of policy maker, that's up to you folks, so I can't really make that call on what's best. I can provide guidance, but I, you know it's up to you folks. But it sounds what I'm hearing, at least as an observer is that we need more input. But that's not my call. That's absolutely your, your, your role as Chair and, and your role as the Commission.

**Mr. Gima:** Okay, Commissioners, I, I want your comments on what I just brought up. But before we do that, I'm gonna ask Keiki-Pua to come on and, and, and comment on whether that would make any difference for Pulama Lanai if the word all was taken out of there. Keiki-Pua?

**Dr. Dancil:** Hello, Chair Gima, Commissioners. Thanks for the question. So in the language before you tonight, if the word all came out it, it, it doesn't matter because the definition of proposed actions is defined further up in the definition section. And the definition of proposed action means any use, activity, or operation proposed. So it, it doesn't matter. Still a problem.

**Mr. Gima:** Okay, thank you Keiki-Pua. Commissioners, comments?

**Dr. Dancil:** You're welcome.

**Mr. Gima:** Go ahead, Lisa.

**Ms. Grove:** I too am not a policymaker, but I just wonder if there is some language like, you know, all proposed actions with no community benefit. Or you know, is there some way we can change that language that allows it to be broad but not so broad that we're excluding some of the community groups or families are just trying to use the lands inside the SMA? Commercial activity, you know, I don't know if there's --

**Mr. Gima:** Okay, I tell you what, let's, let's take a five-minute break so you guys can chew on this for a little while and decide how you guys wanna proceed. Whether you want to approve, approve with amendments, defer or, um, disapprove this. Okay, so five minutes. We'll be back --

**Mr. Reifsnyder:** Chair, I wanna just add one, just one more option that you folks have which would, um, you could create a temporary investigative unit or group, excuse me, a TIG. And that way it gives you a little bit more time and it creates a process for community involvement. And sort of, you know, collect more information so you can better come to a decision and explore strategies, and you know different pathways to accomplishing the goal here. So that is another --

**Mr. Gima:** Okay.

**Mr. Reifsnyder:** And that's, that's at your disposal.

**Mr. Gima:** Okay. Thanks Adrian.

**Mr. Reifsnyder:** Yep.

**Mr. Gima** Okay. So we're, we're, we're in recess till 6:20 p.m.

*(Lanai Planning Commission recessed at 6:15 p.m., and reconvened at 6:20 p.m.)*

**Mr. Gima:** Okay, we got Erin, we got Lisa, Michelle, and just waiting on Nikki. Okay, we got, we got Nikki back on. Okay, any more comments, preferences?

**Ms. Fujie-Kaauamo:** I have a question.

**Mr. Gima:** Haven't gotten --. Okay, go ahead.

**Ms. Fujie-Kaauamo:** So if we say or if we all, if the five of us vote on the amendment, and let's say there is a Special Management Area or like if we wait, not wait, yeah, if we wait and there is a Special Management Area Permit that goes through, then that means that it will not come to us because we never made that decision, right? But if we make the decision, then the Special Management Area Permits that come through will have to come through us. Is that correct?

**Mr. Gima:** Yes.

**Ms. Fujie-Kaauamo:** Okay.

**Mr. Gima:** So Adrian, if, if we approve this tonight, it becomes effective tonight or today?

**Mr. Reifsnyder:** I believe so, yeah. I mean, we'd have to post notice but, but yeah.

**Mr. Gima:** Alright. Lisa?

**Ms. Grove:** Adrian, it's been a while since I got briefed on what a TIG is. I know what it is conceptually, but could you describe how it would work in this specific circumstance, please?

**Mr. Reifsnyder:** Yeah, yeah, absolutely. So the TIG, it operates, so it's gonna be a minimum of three meetings. And so in this meeting, what we would do is we'd, we'd formally establish the TIG, define the scope of the investigation, and clarify the authority of the TIG members. And it cannot be, cannot be quorum. So it has to be less than what would establish quorum. So that would happen in this meeting. Then the investigation, those TIG members that would be selected today, again, less than a quorum, they would then conduct their investigation and record all their findings. And then the second meeting, so the next, our next scheduled meeting, then the TIG group will come back, present its findings and recommendations to the full board. However, this would, there couldn't, there wouldn't be any discussion or decision making. It would just sort of be presentations. You could ask clarifying questions. But there couldn't be any sort of deliberation for voting at that point. The following meeting, so this would then be two months from now, at that, at that meeting, that would be the time for the full board to deliberate on the TIG's findings, and then to make any decisions or take action. So that's kinda the run of the --

**Ms. Grove:** Perfect. Thank you. I appreciate your explanation.

**Mr. Reifsnyder:** Yeah, absolutely.

**Mr. Gima:** Erin? Nikki? No?

**Mr. Reifsnyder:** Sorry Chair, I just want to make one clarification on the effectiveness of those rules. I, I apologize, I take that back. So that, you would, you would approve, but they would still be subject to Mayoral approval as well. So that is one, one extra step.

**Mr. Gima:** Okay.

**Mr. Reifsnyder:** I apologize for my original answer.

**Ms. Atacador:** Actually, Chair, can I ask a question if I may?

**Mr. Gima:** Go ahead Erin.

**Ms. Atacador:** Can I address a question? Can I address a question to the Commission, to the Commission members? Like it's not a vote or anything. I just, I just want to like, you know, ask everyone. So if we vote no on, on this, Commissioners, you, you all are okay with, with someone on the, with the Planning Department on Maui approving what, what happens, what, what's going on like on, on Lanai for the SMA? Because that's essentially what, what we're doing, right? If we say no where we don't wanna change it, we're gonna keep it how it is, then the final, the approvals would still be done by the Planning Department, right on Maui.

**Mr. Gima:** Correct. Final, the final, the final authority would be the Planning Director.

**Ms. Atacador:** Planning Director.

**Ms. Grove:** For the minors, right? Like for that --

**Mr. Gima:** . . . (Inaudible) . . .

**Ms. Atacador:** Correct.

**Ms. Grove:** Yeah, just for the minors. I think it's important to just remember that.

**Mr. Gima:** . . . (inaudible) . . .

**Ms. Atacador:** Correct. So like you're okay with the minors being approved by the Planning Director for, for Lanai?

**Mr. Gima:** I mean, I mean, I hope it's clear that I prefer that we have final authority. That's my, that's my preference.

**Ms. Atacador:** Lisa, Michelle, Nikki, you guys, that's your guys feeling?

**Ms. Fujie-Kaauamo:** I think that was the original sentiment, right, of why we put that in is that we wanted to know what was going on, and, and be able to have a say in what was happening. I, I was not aware that now it becomes this whole other deal where everything, on the compliance side of it. So that's the only thing that I'm struggling with. I think I'm still okay with having the, or knowing and not, or not giving the power all to the Maui Planning Director to make these assessment or to make the final say. That's kind of where I'm at but I'm also thinking about the timeline, right? Like I don't wanna be the reason why

there are -- why things have to take longer than they really need to. But it sounds like it's gonna, it's, the hang up is not us. It's not the Planning Commission, it's that because it takes so long to approve these projects. So that's kind of what I'm going on in my head right now. But I do, I am also curious what Sandi and Manna also have to share or say too because I don't, I don't know.

**Ms. Alboro:** I just have one more thing to add.

**Mr. Gima:** Go ahead.

**Ms. Alboro:** So just keep in mind too, every, with all the terms being expired in March or whatnot and us already having openings, us not having quorum would add even more time to getting an approval or what not. I mean like, I just wanna make sure that we're making the right decision, and I think, at this time, with the Planning Director, it's working. I understand the concerns that the community had with the gate being installed at Hulopoe. And I think that's what originated this rule change. But may I ask like since the, since the gate has been installed, how many major permits or minor permits were, you know, community impacted and you know that actually came forth or that we even knew about.? So and it's also, this department is also a complaint driven department. So if it's not come, you know if nobody complains about it, nobody knows. So I mean, like all these structural or renovations or whatnot, it's already happening. And that's just my two cents. I'm just worried about the quorum part about us not having enough Commissioners and it being held up even longer because now you're pushed back to next month's agenda and then you're hoping for.

**Mr. Gima:** Yeah, like I said earlier, my preference is to approve. I can live with deferring it so we can get Sandi and, and Manna's input. Like I, and like I've asked other applicants or the, or the Planning Department or the Council, what, why now in, you know, in terms of Pulama requiring all these entities to file the SMX but not before? I mean I, I've, I've heard that from a number of people. I don't know if, I don't know if the four of you have had that question in your mind also.

**Mr. Reifsnyder:** Well, Chair, we're talking about the SMA Minor Permits right now, just as a reminder, yeah.

**Mr. Gima:** Yes, yes.

**Mr. Reifsnyder:** Yeah. So we do got to stay on track with that.

**Ms. Fujie-Kaaumo:** I -- sorry, this is Michelle. I think or it's clear in my mind that it was because there was some kind of --. It's like almost like before we weren't sure, but now

that we know, we got to follow the law, right? So it's, it's like you can't just say, okay, before we did it that way, we can go back to doing it that way. Because now they're clearly informed that no, all, or all activities in SMA need to follow this law. That's my understanding. Correct me if I'm wrong.

**Mr. Gima:** Okay. No, I think that's accurate. And, and Nikki's right. It's a complaint driven process. Go ahead, Lisa.

**Ms. Grove:** I think I'm falling in the pro-TIG column because we, I agree that having Sandi and Manna's input here would be very important. It feels like if we're gonna wait, we've got, it's not a huge amount of time to figure out how to get that other language right, which seems more onerous to the community. And I feel a little bad doing one thing that even though it's -- I don't -- that it's gonna make the process longer, yes. The quorum issues have been something that I've raised before so that's a huge issue for me too, but I just feel like if we're going to do this, it feels like in my personal view that we should try to get all of it right and have the investigation figured out, is there language? And then that might also find some issues with the language that we've got on the table now. And that process does require, you know, community input so we would be hearing from more people. And it doesn't seem like it would take months and months and months to do.

**Mr. Gima:** Well, like Adrian said, it's time limited, right? It's three months. Is that accurate, Adrian?

**Ms. Grove:** Exactly.

**Mr. Reifsnyder:** Limited. Yeah, three meetings. So today would be the first one just for establishment. Next month would just be presentations. Clarifying questions two months from now, so what's that, November? November, that would be the time for deliberation and, and taking action as a, as a full board.

**Mr. Gima:** Anybody have any objection?

**Mr. Reifsnyder:** And the benefit and I would say just one more benefit of that too is that, you know, right now we're kind of constrained on just talking about Section 14 here, which is this, the minor permits. The TIG could expand that and then also consider sort of the, the interrelatedness between Section 14 and Section 12, and the whole, and the whole Chapter really and just how the interplay of, of the different rules. And, you know, it, it, it allows you to broaden the scope a little bit as long as that's defined today in the scope of the TIG.

**Mr. Gima:** Okay. Anybody, anybody have major objections to the TIG? Is that, is that is the TIG a deal breaker for you guys? Okay. Last comments before I propose a motion?

**Ms. Alboro:** Sorry, I just wanna know who's involved in the TIG? I think I wasn't on when you guys talked about it. Like, who would be? It would just be the Commissioners or --?

**Mr. Reifsnyder:** It's got to be less than a quorum, so you would choose, you would, you would establish that today. So you could nominate yourself to be on the TIG.

**Ms. Alboro:** Okay.

**Mr. Reifsnyder:** Chair, you could recommend who you think would be best suited. It's up to you folks to decide.

**Mr. Gima:** And we, we do that before the motion to establish the TIG?

**Mr. Reifsnyder:** You could, you could do it together, yeah.

**Mr. Gima:** Okay.

**Mr. Reifsnyder:** So I think the motion to establish the TIG would, it would also include, you know, defining the scope of that TIG and then also the members of that TIG.

**Mr. Gima:** Okay, if there are no objections to forming the TIG are there any volunteers who want to be on the TIG? Okay, Lisa.

**Ms. Fujie-Kaauamo:** Can, can I ask --

**Ms. Grove:** If no one else will.

**Ms. Fujie-Kauamo:** -- what is, what is the time or like what is --? What -- I know that you shared that we're gonna be a part of it, but, like, what is the time commitment on that? Like is it a separate virtual meeting or how does that work?

**Mr. Reifsnyder:** It's kind of up to you folks. So it can be as in-depth as you feel fit, you know, to make to do your proper research and information gathering. So, um, I'm not -- that would be part of the discussion tonight to, to sort of start brainstorming about the, the types of actions that you folks could take within the TIG, you know, how best to, to approach the community and get their input. If there's any, you know, individuals or departments that have specialized knowledge that you'd like input on that would also be

encapsulated in the TIG. So you have a lot of flexibility. And, and that TIG, so yeah, I mean, you can kind of do whatever you want. But, if yeah.

**Mr. Gima:** Okay. So, Erin, are you raising your hand to be the third member of the TIG?

**Ms. Atacador:** No, I was gonna ask if we can nominate Commissioners who are not currently here that I think would, would be good at being on the TIG.

**Ms. Grove:** And I would be happy to withdraw my name.

**Mr. Reifsnyder:** I, I'm not entirely sure if we can nominate someone and, I mean, they need to also accept that nomination. So without their presence right now, I think that would be a little difficult.

**Mr. Gima:** Would you accept the nomination, Erin, to be the third TIG member?

**Ms. Atacador:** No, I would not. And I'm sorry. I think Manna would be --

**Mr. Gima:** Michelle?

**Ms. Atacador:** -- he would be great. I, I feel like, you know, he has not been here for a lot of meetings, and so this is his opportunity to kind of catch up and get information that, that he would need and, you know, be back on the Commission again because it's been a while since we've, we've seen or heard from him.

**Mr. Reifsnyder:** Well, that I mean that is kind of the benefit of the TIG, though, is that they, as long as they would be there next meeting and the following meeting, right. So the next meeting, if Commissioner Negus was there, he would be able to hear the presentations. And then if he's there at the next meeting after that, he'd be able to participate in deliberation so that would actually allow those Commission members that are not present today to have an opportunity to, to listen to all the information that was discussed today and additional information that's going to, you know, be uncovered through this TIG.

**Mr. Gima:** Go ahead, Nikki.

**Ms. Alboro:** So, like Adrian's comment says that we would have to inform or involve the community, and I just want to know like how, like what is our plan? Like what is required for us to do it? And then second, my second question is, I know you said it's not, you know, it cannot be quorum, so, but we could invite outside entities, example Keiki-Pua from Pulama Lanai or you, from the Department of Planning, and Danny, like, is that possible?

**Mr. Reifsnyder:** Yeah. So the TIG, it would be you going to them, not so much them coming to you, right? So this is, the TIG operates separately from the rest of the board. The board, the rest of the board cannot be involved in the investigation. That's just the TIG members. And there's no sunshine law requirements. The TIG group is outside of sunshine law, so there's no sort of protocol you need to follow as far as you know, public involvement. No, you can go out and do whatever you think you need to do to get that information. So there's no restrictions. There's no protocol to it. You just cannot involve members outside of the TIG that are on the Commission. That's the only rules that you know, you got to separate those communications until it comes back to our regularly scheduled public hearing.

**Ms. Alboro:** Okay, wait, now I'm confused. So we're, we're doing the two, 12 and 14, in this TIG, correct, like trying to define all activity or are we just trying to get a yes for seeing minors?

**Mr. Reifsnyder:** That would be part of the discussions tonight on defining the scope of the TIG.

**Ms. Alboro:** I, I mean, I, I think we have to be very selective. I mean, we have to be very smart and strategic on who we invite to help us define that all activities because, you know, like I said, it's kind of scary if it's like just five people deciding the fate of Lanai and you don't, you know, we're not involving Lanai. I mean, like there's a lot of people on tonight, which is great, but like not the entire Lanai. You know, like, how would how would, how do you get it out there that this is coming from the Planning Commission?

**Ms. Grove:** A community survey which is what I do for a living. And you guys all know because you are my . . . (inaudible) . . . --. And we could go out to the, we could go and do the investigation and, and, figure out what the trade-offs are and we could do a quick little -- I will do a pro bono survey.

**Mr. Gima:** Great idea.

**Ms. Grove:** That's just offering it as an option.

**Mr. Reifsnyder:** Yeah, and you can, you can involve, you know if you want to, in your efforts to go out into the community and whether it's holding events or just talking one-on-one with individuals. I mean you can involve departments too. So if you want Corporation Counsel there while talking with the community for their input, that's, we're available.

**Ms. Alboro:** But your services would, would not be available in our TIG meetings.

**Mr. Reifsnyder:** They would.

**Ms. Alboro:** It wouldn't?

**Mr. Reifsnyder:** It would be.

**Ms. Alboro:** It would be? Oh.

**Mr. Reifsnyder:** They would, yes. Yeah.

**Ms. Grove:** The only rule is that we just can't talk amongst ourselves as Commissioners, right? I mean, that's the biggest issue, which is we can't because that would be in violation of sunset, sunshine laws. But we can go ask any expert we deem useful. We can talk to people who spend a lot of time down there. We can talk to the community groups or whatever, right, as well as Corp Counsel, about language or people in your Department who can speak to policy.

**Mr. Reifsnyder:** Yeah. Yeah, yeah, absolutely.

**Mr. Gima:** So if in fact we form the TIG, Lisa, would you be willing to take the lead?

**Ms. Grove:** I would like to ask another people would prefer to do that, but if the answer is no, then the answer to you, Chair, is yes.

**Mr. Gima:** Okay. I think, I think it'd be good to have three on so, three on there, but I, I wanna back out of that because I'm, I'm very, I'm, I'm very strong on, on my views on this, so ideally I'd like the four of you to be, you know, on the TIG. Erin, Erin, you kind of said no. What about you, Michelle? Are you, are you willing to be on the TIG?

**Ms. Fujie-Kaauamo:** I am on the fence mainly because I'm not sure what the, like it just doesn't --. I, I'm, I don't know, maybe it's the teacher in me. Like I can't see what that would --. Like, I need to know what is the process, and it sounds super vague right now. Like it sounds like okay, you just go out and talk to people. Like what, can you define that a little bit more, Adrian? Like I know you said, okay, as long as you guys get together, you can figure out who you're gonna talk to. Like, is there, is there a process? I mean, and then the other part is we need to come up with a report by next month, right?

**Mr. Reifsnyder:** Yeah, I mean, it doesn't have to be a super formal report, but it's just, you

know, presenting your findings. That could be orally. That could be through a power point. That could --. You know, it's, it's up to you. I mean, I see what you're saying. I mean, usually the benefit of the TIG is that there is this level of flexibility. There is no protocol that you gotta follow. It's really, you go out there and you find the information however you see fit. If that's even knocking on doors, go ahead and knock on doors. Which is something that you wouldn't be able to do formally, you know, under sunshine with, with the --. Well, you could, but I'm just saying that there's, there's less protocol involved, which is generally beneficial. But if you find that to be a waste of time, then that's a totally valid argument as well.

I mean, I can say the TIGs that I've witnessed, I mean, one was going out, like, it was almost like knocking on doors. You know it was, it was just two Commission members trying to figure out what was going on with the trees, the exceptional trees for the Arborist Committee. Another one is, you know, you're holding meetings, multi-departmental meetings. So I mean it can, it can be as formal or informal as you want it. But I can't really speak on what would be the most effective route.

**Mr. Gima:** Is that everyone --

**Ms. Grove:** And for me personally, I, I would be very much less interested if we weren't also going to try to tackle that Section 12, the all proposed action section. And that might make people uncomfortable on this Commission. But I, I'm not going to, I don't want to be involved on the TIG if it's just 14, because I think we know everything we need to, most of the things we need to know about that. It's really Section 12 with the all proposed actions that seem to be the most onerous to the community.

**Mr. Gima:** Mm-hmm.

**Ms. Grove:** But if that's outside people's comfort zone to even start talking at having that conversation or doing it in a TIG, then I, I will stand down on pushing for or supporting a TIG.

**Mr. Gima:** That was my assumption of what the TIG's responsibility would be is focusing on different language to replace all proposed action. Does that help?

**Ms. Grove:** And just so --

**Mr. Gima:** Is that helpful for you, Michelle?

**Ms. Fujie-Kaauamo:** Yes. And I, I, I guess another concern that I'm having is just the time wise. Like the we have one month-ish to figure this, you know, to coordinate amongst just

the, if it, if it is the three of us, and then how do we enact a community-based kind of data collection which Lisa you know you shared we could get a survey together. But in terms of like how do we coordinate with amongst ourselves time that we can meet. Like I, I mean, I'm already struggling just to meet like this this once-a-month meeting and all the other responsibilities that I have. So I, I don't wanna sign up for it and then have to say, hey, I'm not available during the certain times that you guys are, are meeting and that's, that's my hesitant. Like I wanna be a part of it, but I'm also just like, you know, it's, it's a fine balance. But I do think that it is, Lisa, super important to determine what that proposed actions are. And that's, that is where I'm kind of like this. I don't know.

**Ms. Grove:** Yeah, me too. I'm also a little distressed that we can't see counsel with, from our Chair, right? Like, we can't --. Adrian, I just want to be clear. Like if we want to go to Chair Gima and say we have six questions about what you said in the past or any of that, we're precluded from having any conversation with them, correct?

**Mr. Reifsnyder:** Yes, but I mean, Chair could also be a part of this TIG.

**Ms. Grove:** Right.

**Mr. Reifsnyder:** If you want the Chair, yeah. The only --. Yeah, Chair, Chair can absolutely be a part of TIG. It's just you guys cannot have quorum. The TIG cannot constitute quorum. And again, it's like this information that you're going in and out into the community and gathering, you're bringing it back to the rest of the board. So all that information is going to be discussed and disseminated to the entire board. And there will be opportunity for other board members that are not on the TIG to provide input.

**Ms. Grove:** I mean the thing that I think is daunting for all of us, I, I certainly know it is for me is like, yes, all proposed actions is problematic. But how do we change it and how do we change it in, in three meetings of a TIG or in two months or something as lay people with day jobs?

**Mr. Reifsnyder:** Well, it doesn't also have to, you know, you can extend. If you need between --. So the first meeting, you establish it. The third meeting is when you would deliberate and take action. There can be more than just one of those set, like, you can extend the TIG. There's no --. It doesn't have to be --. You don't need to have your presentation done by next month. You don't need to have the presentation. You know you can, you can extend that piece of the TIG for longer than just one month.

But I think, I think there's multiple questions that we're sort of deciding, and I think breaking it down might be the best way. So I think the benefit of the TIG right now is that it would allow you folks to consider both, consider, consider the entire Chapter.

So both 12 and 14 and other sections. And it would allow you to come up with a solution that considers other aspects of the Commission's rules than this narrow one that we're considering right now, today that's on the agenda. So that to me is the benefit of the TIG. So if you want to come up with a solution that's not just necessarily a band-aid for this one section, but a solution that would be all-encompassing for the whole chapter, I think a TIG is your best option. Now if you want to just focus on this one section and deal with whatever the ramifications are of that later, I don't know what those are, there might not be any, then we can take then I don't, you know, we can either take action right now. If you want to have the other Commissioner's input, then we could just defer this to next month when they're available. That's another, that's another, I mean there's, there's multiple options here. But I think the first, the first question to answer would be do you want to just focus on this and come up with a solution on Section 14 or do you want to come up with a solution that takes into consideration the, the entire Chapter in the entire Special Management Area Rules as a whole?

**Ms. Grove:** How do we come up with the solution? I mean, I know, I mean, talking to the community is obviously one approach, but we need policy or lawyers or people to tell us like what's possible or what could be on the table. And for me personally, that's what scares me, like trying to figure out how we're gonna solve this as people who are not, land policy experts. At least I'm speaking for myself.

**Mr. Reifsnnyder:** Well --

**Mr. Gima:** I don't think the TIG is designed to solve. I think the TIG is designed to come back with a recommendation. And then as, as the full Commission, then we can decide whether we're going to approve, disapprove, solve or not solve.

**Ms. Grove:** Yeah, . . . (inaudible) . . . using a solution a lot, and it's still the same where we have to come back with a policy or legal recommendation of language and --

**Mr. Gima:** I think --

**Mr. Reifsnnyder:** Well, you folks are --

**Mr. Gima:** But if, if you, if you meet specific to all proposed action and changing that that wording that narrows your, your, your focus.

**Ms. Grove:** Yeah.

**Mr. Gima:** Like I said, I did --

**Ms. Grove:** It also feels like a lot.

**Mr. Gima:** I did like, I'd like the four of you to be on the TIG and then however your schedules workout, hopefully all four can participate. If can't, then maybe three. But I think, I think, I think we need to move on, on this one. Because there --

**Ms. Alboro:** I just can't --. I, I just can't do door to door and like be, you know, gathering information like I cannot commit to that and that may, I, I may, you know, withdraw my vote. But because community involvement is like the key here.

**Mr. Gima:** Okay, so --

**Mr. Reifsnnyder:** Well, how, how would you suggest getting more community involvement outside of having these monthly hearings? Because this is the one opportunity. This is the, the best opportunity I would, that I know of for the community to get involved, outside of, you know, a TIG or going out.

**Ms. Alboro:** No, yeah, I agree with you 100 percent, and you know it's, it's the, you know, it's the same scenario where like just saying like if the gate was installed and you know like nobody came to the Planning Commission meeting but it was approved and then it comes back on the nine commissioners that are on the board that approved it. You know, I'm just, I'm just using that as an example. I don't want that. I don't want us to be the deciding factor without a lot of community involvement is what I should say. I mean, like putting out the survey. Are you putting it out to 3,000 people? Are you going to talk to the children? Are you going to talk to the Kupuna who don't have you know, computers or cell phones or whatnot like, you know, like the people, you know, like their voice, their, their voices are powerful as well. So it's like, yeah, I just now I'm kind of thinking about it is like, you know, the community involvement is really, really, really important and whether it be like putting a talk story in the park again, or maybe inviting the Mayor or somebody to come over and be like, hey, this is your chance to do this, you know? But it's like it has to have a lot of community involvement, not just the same people who voice their concerns.

**Mr. Gima:** The TIG, the TIG can do only so much. I mean, I, I trust Lisa's experience in terms of, of doing surveys. Historically, Lanai people are gonna come out only if it, if it's a real controversial issue. I mean you can only you can do your due diligence, get the word out. If they don't come then well too bad. They have, they have, they had the opportunity. Again, I think the TIG is not necessarily gonna solve the problem, but at least your focus is going to be much narrower than our focus tonight.

**Mr. Reifsnyder:** No, yeah, 100 percent. I mean, don't, don't feel like the burden is on this TIG to, to come up with the entire solution. No, no, the, the, it's just to gather more information than the, the board or the Commission as a whole could do because they're, they, they are bound by rules. And I mean there's not a ton of civic engagement in these Commission hearings so this could be a way to, to access that knowledge that I keep hearing is, you know it's, it's incredibly important that we get this knowledge. Okay, well, how do we get it?

**Ms. Grove:** But to answer your, your question, Nikki, I'm not translating it into Tagalog and Ilocano, or things that I do when I'm, when I have enough band width and I have resources to do this. This a pro-bono exercise, right. So it's going to be short survey. It's going to be an online survey. We're going to put it out through this social media. We can also have high school students participate. But I don't, I don't have the band width to do like a full on study here with my other work commitments and everything else. So it's not going to be a perfect survey. We'll probably get 150 or 200 people.

**Ms. Alboro:** No, yeah, I, I, I, and I appreciate you doing it. Yeah, but you know.

**Ms. Grove:** Which, which is meaningful but not exhaustive.

**Ms. Alboro:** Okay.

**Mr. Reifsnyder:** Yeah. I mean, if you get ten, ten more people's opinions on this is better than nothing, you know. So there's no pressure. Don't feel any pressure to, to make this perfect, but it's just, its, it's more information that sounds like it would be beneficial, and you will have all the support. You're, you're getting information, you're bringing it back, and then it's still the whole body. It's still the, the supportive Departments that are gonna, you know, that are gonna weigh in and help come to your decision. But ultimately you folks, this is your rule is you, you, you are going to have to make a decision on this. So it's kind of like I'm sort of hearing a catch 22. It's like, oh, we can't make a decision until we get more community input. But then how are we supposed to get the community input you know to make a decision so?

**Ms. Fujie-Kaauamo:** Can, can I make a suggestion then? So I heard Lisa was saying that one of, or one of --. You know, because Uncle Butch, I know, that you, you said that you would excuse yourself because you feel strongly about this position. But would you be open to the option of being on the TIG so that way we still can talk to you?

**Ms. Grove:** And could I play a role as just this, like, the survey person that --? Or because I'm a Commissioner, I can't do that? So like if you guys came to me and said here's the

questions, the kinds of things we want to have you do, I could write a questionnaire for your approval not as a participating member and then do the survey.

**Ms. Fujie-Kaauamo:** And where do those questions come from then? Like, are we coming up with those?

**Ms. Grove:** Like you guys are telling the things you're hoping to learn, and I'd write questions and then you could review drafts and improve it. Then I'd program it and put it in the field.

**Ms. Fujie-Kaauamo:** Could we also include, I guess, different departments that could help us formulate that question? I mean because like Keiki-Pua and like Lanai Community or Lanai Cultural and Heritage Center, they, you know, came out to testify for very specific reasons. And I feel like, like, is that Adrian, the type of department help that you're thinking of? Or is it just within the Planning Department that we could you guys for help on questions?

**Mr. Gima:** I, I think, I think, you have to remember that TIG has a lot of flexibility. We set, the TIG sets its own roles and responsibilities. So asking too many questions of the Planning Department, what we can do cannot do I, I think it is, is a lost cause.

**Ms. Fujie-Kaauamo:** No, not what we can or cannot, but can they give us guidance in terms of --

**Mr. Gima:** Yeah, it's -- they already said they can give us guidance. So it's coming up on seven o'clock. Let me entertain a motion to form a TIG with, with Lisa, Nikki, Michelle, I need a yay or nay on you.

**Ms. Fujie-Kaauamo:** Can you, can you be available?

**Mr. Gima:** Yay or nay.

**Ms. Fujie-Kaauamo:** Can you be available for questions because I feel like if I'm gonna say yeah and I can't --

**Mr. Gima:** The only way, the only way I can be available for questions is if I'm on the TIG. But I need a yay or nay from you on your commitment to the TIG.

**Ms. Fujie-Kaauamo:** Right now it's a nay. I can't, I don't have enough answers.

**Mr. Gima:** Okay. Okay. So I'll entertain a motion to form a TIG that's comprised of Nikki, Lisa and myself. Erin already said nay. And then Lisa, please take the lead and we will focus on redefining all proposed actions.

**Ms. Atacador:** So moved.

**Mr. Gima:** Is there a second?

**Ms. Fujie-Kaauamo:** I'll second that.

**Ms. Alboro:** Nikki.

**Mr. Gima:** Okay, so who made the motion? Who said, who said so moved?

**Ms. Atacador:** Erin.

**Mr. Gima:** And who seconded?

**Ms. Alboro:** Nikki.

**Mr. Gima:** Okay. It's been moved by Commissioner Atacador, seconded by Commissioner Alboro that we form a TIG comprised of Nikki Alboro, Lisa Grove, Butch Gima, with the focus on redefining what all proposed actions will be. Okay, any further discussions, questions on the motion? Hearing none, all in favor raise your hand. Okay, motion is carried unanimously. Alrighty. Thank you.

**It was moved by Ms. Erin Atacador, seconded by Ms. Nikki Alboro, then unanimously**

**VOTED: To create a Temporary Investigative Group (TIG) comprised with Chair Gima, Vice-Chair Alboro, and Commissioner Grove. The TIG will focus on redefining all proposed action in Section 12-402-14, Special Management Area Minor Permit Procedures.**

(Assenting: N. Alboro, E. Atacador, M. Fujie-Kaauamo, R. Gima, E. Grove)

(Excused: Negus Manna, S. Rabaca)

**(Motion carries.)**

**2. A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.35 OF THE MAUI COUNTY CODE REVISING THE MAXIMUM GROSS COVERED FLOOR AREA REQUIREMENTS FOR ACCESSORY DWELLINGS**

**Ms. Kate L.K. Blystone, Planning Director, referring to the Maui, Molokaʻi, and Lānaʻi Planning Commissions, a proposed bill amending Maui County Code Chapter 19.35 – Accessory Dwellings. The proposed bill initiated by the County Council through Resolution No. 25-142 would increase the maximum gross covered floor area for accessory dwelling units from 500 to 720 square feet on lots less than 7,500 square feet, and from 600 to 720 square feet on lots less than 10,000 square feet. The proposed bill also increases the maximum cumulative floor area for covered and uncovered decks, walkways, lanais or similar structures from 200 to 280 square feet on lots less than 7,500 square feet, and from 240 to 280 square feet on lots less than 10,000 square feet. (G. Pfost)**

**The entire text of the proposed bill for ordinance is available at:**

**<https://www.mauicounty.gov/DocumentCenter/View/154297/Reso-25-142>**

**Mr. Gima:** Moving on the agenda. A bill for ordinance amending Chapter 19.35 of the Maui County Code revising the maximum gross covered floor area requirements for accessory dwellings. Ms. Kate Blystone, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions a proposed bill amending the Maui County Code Chapter 19.35, accessory dwellings. The proposed bill initiated by the County Council through Reso number 25-142, would increase the maximum gross covered floor area for accessory dwelling units from 500 to 720 square feet on lots less than 7,500 square feet, and from 600 to 700 square feet on lots less than 10,000 square feet.

The proposed build also increases the maximum cumulative floor area for covered and uncovered decks, walkways, lanai or similar structures from 200 to 280 square feet on lots less than 7,500 square feet and from 240 to 280 square feet on lots less than 10,000 square feet. Okay, I will now turn this over to Greg.

**Mr. Gregory J. Pfost:** Yes, thank you, Chair. I'll try and keep my presentation brief since we've been going for a long time here, so hold on a second here. I just have a real quick power point presentation. You should see that slide before you, and hopefully you see this next slide, is that correct?

**Mr. Erin Atacador:** Yes.

**Mr. Pfost:** You see a slide that says background? Thank you. So just real quick background on this. The County Council back in July adopt a Resolution 25-142 referring this bill to the Planning Commissions. This was initiated by the Council, and for, to the Planning Commissions for your review, comments, and or recommendation back to the Council.

We're here tonight for the Lanai Planning Commission. And next week we will be before the Maui and Molokai Planning Commissions on this issue.

The purpose of the bill is to provide another option to help address housing shortage by allowing flexibility to maximize living areas in ADUs or increasing those size of ADUs on smaller lots. And in addition also not increasing the size of -- in addition to increasing the size of ADUs, but also increasing their associated accessory structures, such as covered and uncovered decks, walkways, lanais and similar structures.

Within the packet that I provided to you and within the staff report include some discussion on some other density related issues that the Council's currently considering. And within the minutes of the transcript minutes that are provided to you in your packet the Council had mentioned including this bill and a future discussion with Bill 103 and State Act 39. And I just wanted to give this as some background information. You may recall that the Commission in the past, reviewed Bills 103, 104 and 105 and recommended those to the Council. The Council actually reviewed and approved Bills 104 and 105. Those were in regards to adding a kitchenette to a dwelling unit. That was Bill 104. And Bill 105 was allowing nonconforming structures to be rebuilt in disaster areas. Both of those were approved by Council and are in effect today.

However, Bill 103, which was a proposal by the Department to increase density in residential districts to one unit for 2,500 square feet lot area is currently on hold at the Council and on pause. They had some concerns regarding that density, that significant amount of density that the Department was proposing. Also, in addition to that, the, there was a State Act 39 which was in the legislative session in 2024, which was adopted and signed by the Governor that requires all counties within the State to allow for two accessory dwelling units per residential lot or the reasonable equivalent. And the County to implement that must adopt an ordinance by December 31<sup>st</sup> of 2026. So that Bill and or that Act by the State and also Bill 103, all of this density stuff caused some concern from the Council. And so they wanted to put forward this Bill, but they would, they were also talking about looking at this Bill and in relationship to those Bills as well is because it all affects residential properties. So that's just a background on, on kind of density issues that the Council's considering right now at the same time.

But the Bill is before you, right now, is simply just increasing the size of the maximum allowed size of an accessory dwelling unit and its accessory structures. So as shown in this slide right here and it's described in the report as well, this affects really the smaller lot areas or lot sizes. So it changes County wide from lot sizes that are up to 7,499 square feet, it would change that to a maximum gross covered area from 500 square feet to 720. And for lot sizes between 7,500 and 9,999 square feet, it would change that from 600 square feet to a maximum of 720 square feet.

Interesting and just to point out on Lanai, you're only allowed to do an accessory dwelling unit if, if that lot size is over 7,500 square feet. On Lanai, it only allows one accessory dwelling unit. And so on Lanai, it would only change the maximum square footage of an accessory dwelling unit from 600 square feet, which is the current maximum size, to 720 square feet.

Additionally, their proposed revisions to the maximum uncovered and covered decks and similar structures, it's a very slight adjustment. As noted within the report and here, it's basically from on smaller lots under 7,499 square feet would change from 200 to 280 square feet, and on lots between 7,500 and 9,999, which is what would be affected on Lanai would change from 240 square feet to 280 square feet for those exterior kind of improvements, decks, lanais, and so forth.

The Department is in support of the proposed Bill. We believe it's consistent with the General Plan. In your packet there's a list of policies within the General Plan that we feel it's consistent with. It's really a minimal increase, only about 120 square feet to 220 square feet more on the smallest lots, which may be a one or two additional bedrooms depending upon the size of those bedrooms. It may importantly, it maintains a small size and accessory dwelling unit by and ensuring that ADUs are continued to be incidental and subordinate to the main dwelling. That's what's important about an accessory dwelling unit. And also there's -- this does not change any development standards on a lot. So all the existing setbacks, height, parking maximum 60 percent impervious surface requirements will still control the amount of development on a lot. So you won't see significant changes.

The options for the Planning Commission today are to recommend approval of the proposed bill to County Council, recommended approval of the. approval of the proposed bill with amendments or comments to the Maui County Council, recommended denial of the proposed bill to the Council, or vote to defer action to gather additional information. And that concludes my presentation.

**Mr. Gima:** All right. Thank you, Greg. At this time I'll open it up to. Public testimony before we get comments and questions from the Commissioners. Leilani, any anybody in the chat or in the conference room?

**Mr. Leilani A. Ramoran-Quemado:** Thank you, Chair. I don't have anybody in the conference room or signed up on the chat. Thank you.

**Mr. Gima:** Thanks Leilani. Roxanne, anybody in Gabe office?

**Ms. Roxanne K. Morita:** Thank you. No, there's no one here to testify.

**Mr. Gima:** All right. So at this time, I will close public testimony. Commissioners, questions, comments for Greg? Lisa?

**Ms. Grove:** I just have a quick one. You, the, the Depart, the comments from the Department of Fire and Public Safety on page five said that it will -- the increase in size will in turn increase density and fuel load to the properties in which they're implemented. Did they express any concern about that or any inability to manage that increased fuel load, or was that all within the confines of what they have to do right now understanding that their jobs keep getting bigger every day?

**Mr. Pfost:** Yeah, I, I think, you know, this is just the comment that we received from the Fire Department. I, I think it's, it's important to understand that the, the existing development standards of setbacks, building height are not changing. So whether or not you have an ADU that could be that size, you could increase the size of your main dwelling structure, you'd still be within those confines. So I agree what they're saying is it there would, there may be larger structures on the site, but there's gonna be no more larger structures than there would be anyways. So it's kinda, you can kinda counter that point a bit. I recognize the issue though. They're always concerned about increases and development and so forth, but that's the only indication that they've indicated with what exactly what you see here. They didn't indicate anything otherwise. They did note, you know, that first bullet point is, has no conflict with the fire code, so they did note that, which it does not. ADUs do require Fire Department review before they are issued permits. So just like other things to your main dwelling structure. So they will have the opportunity to review individual ADUs as well and provide comment.

**Ms. Grove:** Thank you.

**Mr. Gima:** Erin, Michelle, Nikki? Yes, to follow up on that, Greg, I'm, I'm trying to understand the, the rationale for the Planning Department to, to agree with this proposal for, for several reasons. One, you got 103 and 39 pending. Number two, as Lisa brought up, I mean, the fuel load increases and even though what you just mentioned about the main house can just get larger, I, I think from the wildfire report, the, the fact that houses that were so close to each other contributed to somewhat to, to the wildfires. And so density on a lot going to increase. And then third, was there any consideration about traffic impacts? Because you're gonna have more people living on a property, invariably you're gonna have more cars, more vehicles, and then added to that, then it may impact fire lanes, well, definitely on Lanai. I mean the, we have poor fire lanes as it is right now.

Fortunately, we don't have that many 7,500 square foot lots on, on Lanai. So could you comment on that please?

**Mr. Pfost:** Sure. You know, it's a really good, good point, and in fact, the Department was actually asked that almost a similar question about increasing ADU sizes and what the Department's position on that would be when we are actually discussing Bill 103 with the Council. I made mention that in the report. And at that time, the Department mentioned it like, hey, we have concerns depending upon what you're talking about, right? You know, we want to make sure that one ADUs are subordinate to the main structure, so they should be smaller and that's their purpose. In this particular case the size increase that we're talking about, we felt was relatively insignificant. An ADU does require a separate additional parking space by Code. So the additional area may kick in additional parking, but it we felt there was fairly insignificant on, on the amount that, the increase. And, and really the amount of the increase also counters the, the importance of it, I think the Council made mention of this, the importance of increasing the size is to provide more housing opportunity or increasing size of accessory dwelling units allowing more people to live in accessory dwelling units where we have, we have problems where people can't find places to live. So for that reason and that was the sole purpose of the Department moving forward with Bill 103 and Bill 104 to increase density as well as dealing with the adding the kitchenette was to actually provide more additional housing opportunities. The General Plan talks about, and all of those policies talk about improving housing opportunities within the County and trying to address the housing issue. So I think the Department felt that the, the, the amount of improvements that are being done or the, the proposal, the maximum, it's just, and it just sets a maximum bar. It doesn't say you have to construct this amount. But it just says that that maximum is an incremental increase. It doesn't change the overall development capacity on a piece of property because you're still confined with setbacks, parking issues, so you're still gonna have to meet all those regulations. And it was minimal enough and, and to offset to, to all of that, and combined with trying to provide a little bit more housing opportunity, that's why the Department was in support of it and felt it was consistent with the General Plan.

So we acknowledge those concerns that the Fire Department has raised and in fact, those concerns that the Fire Department has raised in regards to Bill 103 as well, as, as when State Act 39 ends up making it through process, through the ordinance, the Fire Department is already applying to the to the, to the Council, about concerns with the increase in density that the Department was proposing. So they, they were concerned already with that and that's part of the stumbling block I think with the Council and Bill 103 moving forward is because of the, these exact issues that you're bringing up relates to fire related issues. But again, as I mentioned, we felt that the increase was fairly minimal; you're still constrained by all the development standards. So we, and ADUs will have to already provide parking so we felt that those issues were addressed.

**Mr. Gima:** So in terms of risk reward going ahead with this, the, the reward with the, the intent of having more housing units. And, and the concerns about the fire risk do not outweigh the rewards, it, it appears. Is that, is that an accurate summary?

**Mr. Pfost:** I think that's an accurate summary, yes.

**Mr. Gima:** Okay. Yeah, I mean I'm, I'm not so concerned about the increase in size, just the proximity, proximity to from one building to another on one property. Not, not so much on the larger, not so much on the larger lots, but on the on the smaller lots.

**Mr. Pfost:** Even and importantly though, if I may chime in as well, accessory dwelling units don't have to be detached. They can be attached as well. So and smaller lots you, you may find that to be able to get your accessory dwelling unit on the lot, right? And so it's an important fact just to keep in mind. You still have the setback standards that you have in between properties, you know, from one property to another. That's important. I think a big part about what we saw in wildfires is what happens within those setbacks, right? What types of materials are in those setbacks? What type of landscaping we have in the setbacks? What type of fencing; wood fencing versus concrete block fencing right? They make a difference in in how fires transfer from one property to another. The Fire Department can probably chime in more on that, but that's what I've heard from the Fire Department.

**Mr. Gima:** Thanks for the clarification about ADUs can be attached to the, the main house. That that's helpful. In, in terms of pending 39 and 103, does one supersede the other? Or can they --?

**Mr. Pfost:** No, just we have a deadline on, on Act 39 by, I mentioned, December 31st, of 2026. So we've got a little bit more than a year to get that ordinance through. That ordinance, incidentally, because it is an amendment to Title 19 will come to you for comment as well. There's one part of the ordinance that the Council or that the Act that the Council was kind of struggling with, is it the requirement was two ADUs or their equivalent of. And so where the Council is kind of struggling with Bill 103 was what is the equivalent mean of? You know, can we, can we, can we do, will Bill 103 increasing density equal the equivalent of the ADUs that are required by State law? So that's part of the whole discussion that the Council was struggling with. They were actually working with Corp Counsel on that specific issue trying to figure out what does this mean. How does the Act gonna be implemented? You know, and so that's the whole discussion why Bill 103 and Act 39 are kind of stalled at the moment. But they felt, I think, as this was put forward, I think that this is kind of an interim measure that kind of may help with rebuild that's going

on, and it may provide more opportunities for housing opportunities without Bill 103 or Act 39. And so that's kind of where they're at.

**Mr. Gima:** Lastly, could you comment on the last bullet point on the comments from the Department of Fire and Public Safety, especially in light of today's headline where the Century Golf Tournament was cancelled for lack of water?

**Mr. Pfost:** Yeah, that that's a, it's a good, it's a good point. I know that building permits for ADUs also go to the Water Department as well, Department of Water Supply as well as Fire. They'll have the opportunity to provide input, and they'll look at what your ADU is composed of to make sure that you're still within the water guidelines of what your property can provide, or, or the requirements of what your what your property can provide, so it'll still be reviewed by that department. But beyond that, I, I can't opine upon any more than that. I mean, it's interesting to see, I guess the only other comment I would have is, is, you know, how many of these are gonna be built? You know, I don't think we're gonna see -- what we have seen, I know, in a 10-year period we saw about 500 of them being built within the County. I can't remember the, the time period that was. And which meant about average in about 50 a year. So you're not gonna see an onslaught of development of these, but yeah, I think it's, it's a good point that the Fire Department raised. The Council will also consider that as we move forward to Council as well.

**Mr. Gima:** Alrighty. Thanks Greg. Last call on comments, questions from the Commissioners. Okay, hearing none, I will entertain a motion to recommend approval of the proposed bill to the Maui County Council.

**Ms. Fujie-Kaaauamo:** So moved.

**Ms. Grove:** Second.

**Mr. Gima:** Okay, it's been moved by Commissioner Fujie-Kaaauamo, and seconded, seconded by Commissioner Grove that we recommend approval of the proposed bill to the Maui County Council. Any further discussion or questions on the motion? Hearing none, all in favor, please raise your hands. Okay, motion is carried unanimously. Thank you. That one went pretty quick.

**It was moved by Ms. Michelle Fujie-Kaaauamo, seconded by Ms. Lisa Grove, then unanimously**

**VOTED: To recommend approval of the proposed bill to the Maui County Council.**

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

(Motion carries.)

**3. A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.36.B OF THE MAUI COUNTY CODE REGARDING ELECTRIC VEHICLE PARKING REQUIREMENTS**

**Ms. Kate L.K. Blystone, Planning Director, referring to the Maui, Molokaʻi, and Lānaʻi Planning Commissions, a proposed bill amending Maui County Code Chapter 19.36.B – Off-Street Parking and Loading. The proposed bill initiated by the County Council through Resolution No. 23-163, CD1 would require newly constructed places of public accommodation outside of the erosion hazard line with at least 50 parking spaces to provide two parking spaces designated for electric vehicles and equipped with electric vehicle charging systems. Additionally, for each additional increment of 50 parking spaces, two additional parking spaces and vehicle charging systems would be required. The proposed bill mandates that the vehicle charging systems must be in working order and references Hawaii Revised Statutes for definitions of “electrical vehicle charging system” and “place of public accommodation.” The proposed bill also provides that any conflict with Maui County Code Title 16’s Energy Code will be resolved in favor of the stricter provision. (G. Pfost)**

**The entire text of the proposed bill for ordinance is available at:  
<https://www.mauicounty.gov/DocumentCenter/View/154438/Reso-23-163-CD1>**

**Mr. Gima:** All right. Next on the agenda a Bill for Ordinance amending Chapter 19.36B of the Maui County Code regarding electric vehicle parking requirements. Ms. Kate Blystone, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions, a proposed bill amending Maui County Code Chapter 19.36B, Off Street Parking and Loading. The proposed bill initiated by the County Council through, through Reso Number 23-163 CD1 would require newly constructed places of public accommodation outside of the Erosion Hazard Line (EHL) with at least 50 parking spaces to provide two parking spaces designated for electric vehicles and equipped with electric vehicle charging systems. Additionally, for each additional increment of 50 parking spaces, two additional parking spaces and vehicle charging systems would be required. The proposed build mandates to the vehicle charging systems must be in working order and references HRS for definitions of electrical vehicle charging system and place of public accommodation. The proposed bill also provides that any conflict with Maui County Code Title 16’s Energy Code will be resolved in favor of the stricter provisions. And this goes back to you, Greg.

**Mr. Pfost:** Thank you. This one's a little bit interesting and nuanced, and so let me, I have another brief presentation here that I'll share with you. So, as with the last agenda item, this Resolution 23-163 CD1 was also considered by the Council on July 8th and referred it to the Commissions for your review, comment and or recommendation to the Council. Again, we're here, we're here on the Lanai Planning Commission today and we'll be at Maui Planning Commission and Molokai Planning Commission next week.

The purpose of the bill, as, as identified within the transcript minutes and within also the committee report that was prepared on this is really it's an environmental related issue to reduce, help reduce greenhouse gases and move towards a zero emissions clean economy and promote the use of EVs by providing more EV parking spaces within the County. I'm gonna give you a little bit of background here because it's this important regards to the Department's recommendations on this bill and concerns with this bill.

We already have an existing Section within the Maui County Code. It's Title 16, and it's an energy code. This was section was actually adopted back in 2022. And it's interesting and importantly, Title 16 in the Energy Code is implemented by the Department of Public Works, and in the DSA Division. And within that section, it talks about the types of EV required spaces that are supposed to be constructed for new residential multi-family and new commercial buildings. Specifically it talks about types of readiness spaces, parking spaces that shall be provided as part of new development, and it breaks those into three different types of readiness: EV capable, EV charger ready, and EV charges in place and operational.

And real quickly EV capable is basically having the panel, the electrical panel in the building be capable of being able to handle additional EV parking spaces as required. EV Charger Ready is, is basically the same thing, but kind of a next level up where there's actually a, a chase or something like that that is allows for the electrical wiring to be going out to the parking space individually. And then EV charger in place and operation are actually the completed project. So you'd actually see EV chargers out there that are ready and operate and ready to go.

So what that Title 16 does is it identifies the number of EV parking stalls based upon the land use type and the type of EV readiness that I just discussed. So, for example, new residential multi-family buildings of eight or more parking stalls are required to provide 70 percent EV capable spaces, 20 percent EV charger ready spaces and 10 percent EV chargers in place and operational. For new commercial buildings of 10 or more parking spaces, they're required to have 40 percent of those as being EV capable and zero percent is EV charging, but 10 percent as EV chargers in place and operational.

Additionally, Title 16, Energy Code, also requires any existing buildings being altered by more than 50 percent or having more than 10 spaces being substantially modified are subject to either the requirements of commercial building or multi-family depend upon their use. So this is already in existence with our Maui County Code and being implemented today.

Within Title 19, which is our Zoning Code and that is implemented by the Department of Planning, we have one minor section that talks about EV space requirements, and it requires EV parking spaces to be in compliance with State law. And so here I've listed State laws requirements within HRS. HRS says that basically places of public accommodation with at least 100 parking space shall have at least one EV parking space. And that the requirement should be met, can be met on one island within the State, and I can go into more detail if you like on that. It also provides a definition of place of public accommodation, meaning that this applies to those uses that are commercial, lodging for transit use, theater, stadium, parks, campsites, hospitals, to name a few. But interestingly, State law does not apply to residential land uses, where Title 16 does. So there's a little bit, you're starting to see a little bit of conflict or difference between Title 19 existing and Title 16 existing as they have different standards for what is required for EV parking.

Now, the proposed revision that is before you is amending Title 19, which is a Zoning Code, and it amends the parking and loading section and what it does is it refers to the State's definition of place of a public accommodation for those types of uses. But it also applies to those only outside of the erosion hazard line with at least 50 parking spaces. And the requirement that is being proposed is two EV spaces per 50 parking spaces. It also requires a, the bill before you, also requires that EV chargers must be in working order. It references, the HRS, the State law regarding definitions of EV charging system in place of a public accommodation. And importantly, as the Chair mentioned, it says any conflict between Maui County Code's Title 16, Energy Code, and this provision, the stricter shall prevail. Excuse me. And so the Council direction was they adopted this resolution looking for the Commission's review in the proposed bill, but also noted within the attached committee report, the Commission was, the Council was also recommending the Commission evaluate whether Title 16's Energy Code, the requirements for EV spaces be transferred to Title 19 to make it more consistent.

So the Department's recommendations, and sorry for all the, the text on here, but within our report I provide a lot more background on this. But overall, in general, the Department is supporting ADUs and the proposed bill. It's consistent, we believe, with the General Plan and the list of policies within it, your attached packet. However, our significant concern is about the inconsistency of the proposed bill versus the existing Title 16, Energy Code, and we believe this creates confusion to the public and development community, and also to County staff and being able to implement the bill. Within the report, the Department

identified four different modification areas, and they all have to deal really with consistency between these two areas. It's not really trying to hinder the development of EV parking spaces, but we feel that having these in two sections of the municipal code creates too much confusion.

The first issue area was in regards to applicability of use. As I mentioned the proposal before you uses the definition of place of public accommodation, which has certain types of uses. But then Title 16 has other types of uses that it applies to, so there's inconsistency there. So the Department's recommending that the land use applicability be kinda in one section within the code.

Set issue B was there's an inconsistency in EV parking space requirements. So the proposed bill and the Title 16 have different requirements for the same use. And within your packet, within the staff report, we provided an example on page five where we had a hundred, we gave an example of 100 parking spaces in a new construction building, the, the new building and we indicated within that table that Title 16 would provide for far more spaces than would the proposed bill before you. And so there's an inconsistency in how that's treated.

The third is implementation. Title 16 is implemented by the Department of Public Works, where Title 19 is issued by the Department of Planning. So we're recommending that the that the use requirements and the parking space requirements all be within Title 19. Whereas the construction requirements regarding the EV like the charging systems or anything electrical be actually in Title 16 where it belongs.

And finally, we just wanted to make note in issue area number D, as I mentioned, EV spaces required under Title 16 are much more significant than what is being proposed in this bill. And so we're noticing those differences. And then also within Title 16, there's kind of a lack of definitions to be able to interpret Title 16 as well. So we're recommending that there be further input provided or looked at from the Council on these differences in parking space requirements because there's a pretty significant Title 16 as compared to this one. And that the Council also look at more clarity in Title 16 for definition of terms.

So there's quite a lot of department modifications, but the Department was really concerned, as I mentioned, about really the inconsistency between Title 16 and what's being proposed here and wants to make sure that there is consistent with, consistency within those two sections. That, that being said, the Planning Commission's options today are to recommend approval of the proposed bills as provided for you right now by Council; recommend approval of the proposed bill with amendments or comments to the Council, which may or may not include what I've outlined as far as the Department's recommended

modifications; recommend denial of the proposed bill; or vote to defer action to gather more specific information. And that concludes my presentation. Thank you.

**Mr. Gima:** Thanks Greg. That was a hell of a presentation and summary. Appreciate it.

**Mr. Pfost:** So sorry if it was too much, but I tried to get it out there as best as I could.

**Mr. Gima:** I, I was able to follow it. Thank you. Alright, before Commissioners' comments and questions, I will open up for public testimony. Roxanne, anyone in Gabe's office?

**Ms. Morita:** No, Chair. There's nobody here to testify.

**Mr. Gima:** Okay. Leilani, anybody in the chat or in the conference room?

**Ms. Ramoran-Quemado:** Okay, thank you, Chair. There is no one in the conference room, but I do have Keiki-Pua signed up.

**Mr. Gima:** Okay. Go ahead, Keiki-Pua.

**Dr. Keiki-Pua Dancil:** Aloha Chair Gima, Vice Chair Alboro, and Members of the Commission. Thank you for the opportunity to provide comments on this legislation. A version of this bill has been going through Council for a while now. Actually that's how I'm met Mr. Pfost. I met him during one of the testifying hearings on this bill that was before Committee in which this bill came forward. I strongly recommend that you guys take into consideration the Department's comments. He is correct. There's a fair number of inconsistencies between Title 16 and Title 19 that cause a lot of confusion during the review process.

Chair Gima you often ask how does this reflect or how does this impact Lanai? The first project that this probably would likely impact on Lanai would be the County's affordable housing phase one project. If that gets off the ground. So in the example staff planner Greg did not have a chance to cover, but he did provide it in the example on page five in his staff report, he talks about a new multi-family building, and in Title 16, in phase one for the Lanai County -- and I'm just using this as an example because this is a Lanai example -- so the County's project is proposing 72 units of which 26 are multi-family. So those 26 units are required as a multi-family, each multi-family unit required to provide two parking stalls. So 26 times two is 52 parking stalls. Of those 52 parking stalls, there are accommodations for 100 percent and below AMI to exempt from only EV charge ready. But it still needs to comply with 70 percent EV capable and 10 percent EV charger installation and operation. So I'm just providing this as an example so you understand how this will impact our community, most likely the County's project will be impacted first. And

just take into consideration because this would add more cost to the project itself; Title 16. Title 19 is much more lenient in terms of the number of parking stalls. So again, inconsistency. For ease of review it should be consistent. So that's our recommendation is to just --

**Ms. Ramoran-Quemado:** 30 seconds.

**Dr. Dancil:** I agree with the Planning Department's assessment and recommendations that there are a fair number of inconsistencies between Title 16 and Title 19 that will cause confusion and will impact the Lanai community. Mahalo for the opportunity to testify.

**Mr. Gima:** All right. Thank you, Keiki-Pua. Commissioners, comments, questions for Keiki Pua? Appreciate you pointing out the applicability to, to Lanai, which answered one of my questions. All right, Leilani, anybody else in the chat?

**Ms. Ramoran-Quemado:** There's no one else, Chair. Thank you.

**Mr. Gima:** Alright, if there, so if there are no more further questions or comments for Keiki-Pua, I will close public testimony. Okay, Commissioners, questions, comments for the Planning Department? All right, hearing, seeing none, I have several. Greg, I, I, I understand the intent of this bill, but what is the problem statement? Why now? Because I mean, EVs been around for a while, but why now? Was there a problem that prompted the development of this bill?

**Mr. Pfost:** I, you know, I, this bill has been, it, it's, it's been in progress as Keiki-Pua has mentioned since 2023. You see the resolution number on is 2023, and it's been through committee several times in which I've attended those meetings as well, trying to provide my input on it as well. I think, I, I, I know that the, it's interesting I think at the beginning of it, of, of this, of the, the bill as it started to move forward, I think folks weren't aware of Title 16 and the, the requirements of Title 16 because they're actually more stringent than what is being proposed here. I think except for, you know, places of public accommodation kind of opens the bandwidth to more uses than what Title 16 does. So it, it does allow for more types of uses to fall into that category of, and then it just sets those at two spaces per 50. I, I, I think it's just more or less trying to get something on the books that tries to encourage or and provide more EV parking spaces County wide, and I think that's a, a great endeavor. I think it's just the conflicts that are existing between the two bills is really what the problem is, and I think those need to be fixed before we can move forward. That's my personal opinion. So I'm not sure if I answered your question. As of right now it I think it's been going on for like we've been trying to do this for like two years or at least the Council has. And, and trying to push something to increase parking, EV parking, requirements but I still think it needs a little bit more work.

**Mr. Gima:** Yeah, I, I, like Keiki-Pua have, have a lot of problems with inconsistencies and I don't feel it should be the Planning Commission's responsibility to, to merge 16 or 19 or come up with modifications in, in the language. Is, is there a reason why Planning Department said, didn't say, here County Council, you guys do it. It, it shouldn't be the Planning Commission that has to, to make, to make the modifications. You, County Council, you proposed a bill, it's junk so here work on it. Because, because this is not a, this is not a good final product that you're bringing to the commissions.

**Mr. Pfost:** I think, I think it was actually kind of maybe, maybe a little bit of mention in the Council transcript that I provided that highlighted section where I think the Council, Council has been looking at this through committee for like two years now and excuse me, my input has been this along the way. It's like, well at first, initially when I first looked at this, I didn't know Title 16 existed. And then we got into the discussion and the subsequent committee met, committee meeting, I go wait a second, Title 16 is quite different and so I've, I've been trying to push you need to modify this to get consistency. I think it came to finally at a head where they wanna move it forward and so they just wanna kinda get the Commission's input. And, and in fact, within the, within the transcript minutes as well as within the Council report, it's asking the Commission whether or not, how the Commission feels about moving the space requirements into Title 19. So it's already, the Council's, I think, already acknowledging this issue of inconsistency and they just wanted to kinda get it before the Planning Commission so they can bring it back, and then probably my guess is revise it a bit.

So I, I don't how to answer your question really. I've, I've, I've, I've brought this attention to the, to the Council during committee meetings of this inconsistency. So I think they just wanted to throw it out there and then it will come back and I have a feeling it will get revised a little bit more.

**Mr. Gima:** Yeah, especially because this is the third item on tonight's long agenda, all the more so I don't wanna spend time wordsmithing and changing stuff. That, that is their kuleana, not ours.

**Mr. Pfost:** Well, I, I think that --

**Mr. Gima:** How do, Commissioners, you guys feel otherwise?

**Mr. Pfost:** I think the -- if I may -- the Department kind of felt the same way and that's why our, our recommendations are not really modifying this bill. It's just saying, hey, it needs to be brought together in a, in a more consistent fashion.

**Mr. Gima:** So, Adrian, do we need, do we need to take a vote, or can we just say County Council, you guys gonna send us a, a better package or something more polished than what we have in front of us?

**Mr. Reifsnyder:** Yes, Chair. Yeah, so you can defer if you -- or, or really just be to just to vote it down tonight. So I mean, you can, the three options I think Greg had put it as the last slide in his in his presentation, but approve, deny or defer.

**Mr. Gima:** Okay. Lisa?

**Ms. Grove:** The other, the one question I have and you guys may not be able to answer it, but maybe we can ask for the answer if other people think it's important, is how many EVs in Maui County are, are being powered by clean energy? I don't have solar array. We don't have community solar. I buy an electric vehicle and it's, it's diesel being burned, you know, in Miki Basin to run my EV. So to me, that doesn't feel like I got an EV. I don't feel like it's fair for me to take a spot from someone else when in fact I'm, I'm probably running a cleaner car, but I'm not running it on cleaner energy. And I know that's not just a problem on Lanai. So I would love to understand if it's possible, like are, is it a fact the preponderance of EVs in Maui County being, being fueled by clean energy or is it just another way to get diesel into, you know, into cars without going through the gas tank or gas through the gas tank? Do you understand what I'm saying?

**Mr. Gima:** I sure do. Okay. Before I entertain a motion any, any other comments, questions from the Commissioners? Okay, hearing none, I will entertain a motion to recommend denial of this proposed bill to the Maui County Council and ask that the Planning Director share Commissioners' comments to the County Council.

**Ms. Grove:** So moved.

**Ms. Fujie-Kaaumano:** Second.

**Mr. Gima:** Okay, it's been moved by Commissioner Grove, seconded by Commissioner Fujie-Kaaumano that we recommend denial of the proposed bill to the Maui County Council and direct the Planning Department to share the Lanai Planning Commission comments to County Council. All right, any questions, any comments on the proposed motion? All right, hearing none, all in favor, please raise your hands. Okay, motion is carried unanimously. Thank you.

**It was moved by Ms. Lisa Grove, seconded by Ms. Michelle Fujie-Kaaumano, then unanimously**

**VOTED:**           **To recommend denial of the proposed bill to the Maui County Council and to ask that the Planning Director share the Commissioners' comments to the Maui County Council.**

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

**(Motion carries.)**

## **B.       DIRECTOR'S REPORT**

### **1.       Completed Lānaʻi Applications Report (*Permits were issued from the period of 08/08/25 to 09/05/25*)**

**Mr. Gima:** Alright. It is quarter to eight Let's see, Director's Report, I will turn this over to Danny.

**Mr. Danny A. Dias:** Thank you, Chair. So Director's Report, Item B1, those are the completed Lanai applications for the past month. And as I mentioned earlier in the meeting, basically the approvals listed there are the ones that you folks reviewed and approved that your August meeting, so I assume there's no questions on that.

**Ms. Grove:** I actually have one.

**Mr. Dias:** Okay.

**Ms. Grove:** Only just that the project descriptions end without a full sentence. And so I just as a housekeeping, it says maintenance of existing and then there's nothing after that, and then maintenance of. So could we in the future have that, have whatever this is coming next in writing.

**Mr. Dias:** Yeah, that's a good question. I'm gonna have to do some research on that and the reason why is because you know Leilani essentially pulls it off of our database, but it only allows us to print like a certain amount of characters.

**Ms. Grove:** Oh, okay.

**Mr. Dias:** So yeah, it, it cuts it off --

**Ms. Grove:** Yeah, I see.

**Mr. Dias:** -- and it's, so we try to be like as descriptive as possible and as short of a message as possible, and sometimes that just doesn't work.

**Ms. Grove:** Okay.

**Mr. Dias:** But yeah, but yeah, like, like, I mentioned earlier, you folks are free to ask us for more information.

**Ms. Grove:** I get it. Thank you.

**Mr. Dias:** We can give that to you. Thank you. And then let me see here, and then the next item, Chair, is basically highlights from the HCPO conference last month. Thank you.

**2. Highlights and insights shared by Chair Gima following his attendance at the 2025 Hawaii Congress of Planning Officials (HCPO) Conference, held August 27-29, 2025, at the Hilton Hawaiian Village Waikiki Beach Resort in Honolulu, Hawaii**

**Mr. Gima:** In the interest of time, since I got a whole bunch of notes, I will type these up and send them to you guys. But, real, real quickly, I wish Manna went with me on the Agri business tour. I think he would have really enjoyed that. And you'll, you'll see it in the, in the notes. I went, I went to the recycling place, Wahiawa Value Added Facility, Mililani Agri Voltaic Research Facility, Central Oahu Ag and Food Hub Project, Kunia Village and Agri Business Complex, and Ag Corridors. Went to one on Hawaii Water Plan. Went one to one on Hawaii housing market and effects of the new supply. And then one on creating a local housing market.

One of the, one of the benefits of HCPO Conferences is, is networking. I got to meet people from DHHL who informed me that Ikaika Ohana is not only gonna do the affordable housing project, but they're also gonna be doing phase two of the DHHL housing, which is, which is good. Met with several planning commissioners from Maui Island, and I made a recommendation in writing and verbally to the staff that next year's HCPO conference, which will be held on Maui, that they have a meeting of all the Commission from the four counties, so we can talk story, compare notes, and, and see what's working, and they thought that was a good idea. Hopefully they'll, they'll follow through on that.

Well, yeah, I, I will write this up, send it to Leilani, and then Leilani will, will get it to all of you. Hoping Nikki and Erin definitely can, can go to next, next year's HCPO Conference. Had a good time with Gabe and his staff too during happy hour. Okay, back to you, Danny.

**3. Summary of Planning Department's visit to Lānaʻi.**

**Mr. Dias:** Thank you, Chair. And I, I believe right now our next agenda is pretty light so we

can always include this item again if you know you prefer to discuss more than just the notes that you're planning on providing. But anyway, having said that, next item is a summary of Adrian's and our Deputy Director, Ana Lillis's, site visit to your island. Thank you, Chair.

**Mr. Reifsnyder:** Thanks, Chair. Yeah, I'll try to be brief as well given time, but yes, myself, Deputy Lillis and Chair Gima, all we're on Lanai a couple weekends ago, our last couple Fridays ago and we met with Dr. Dancil over at Pulama Lanai, and that's where we had sort of discussed some of the issues we touched on tonight. We were exploring the language in the Chapter and about, you know, Special Management Exemptions and what some potential solutions could be towards that. So it's good that we had a chance to talk about all those today.

We also explored the, the idea of having an in-person Planning Commission meeting by the end of the year. So I think, I don't know if there's any updates on Planning's side, but Corp Counsel is open to it. I think we were able to find some good locations that could be candidates. Sounds like the top choice would probably be the, the Senior Center. Is that correct, Chair?

**Mr. Gima:** Yeah.

**Mr. Reifsnyder:** So yeah, hopefully that that space is very accommodating for us. It has their own PA equipment, it's the right size, good location, so hopefully we can get that sorted by the end of the year.

We talked about, you know, hosting a water workshop. Chair had taken us around the island and sort of just pointed out some issues. We talked about wildfire mitigation. Yeah, I'm trying to think. Yeah, I think that's kind of everything. I mean, there's --

I talked with Brian regarding the Supreme Court case and the categorical exemptions. Apparently, all the briefings been submitted on that. So it's really just in the hands of the Court now, so. Yeah, it was very productive visit. We got to understand some of the issues a little bit better. And we're excited to, to hopefully have an in-person meeting by the end of the year.

**Mr. Gima:** Thanks Adrian.

**4. Proposed meeting schedule for calendar year 2026. The Commission may accept or modify the proposed schedule.**

**Mr. Dias:** Okay. Next item on the agenda is a proposed meeting schedule for year 2026.

And as you folks can see, it's consistent with what we've done in the past, which is basically the third Wednesday of every month. I believe that's for your folk's approval unless you folks want to modify that.

**Mr. Gima:** Yep, just leave it as is, as it as it's been for decades.

#### **5. Agenda items for the October 15, 2025 meeting.**

**Mr. Dias:** Okay. And then last item is agenda items for the October 15th meeting. And right now all we have is one item and that's another resolution that Greg will be bringing before you. It's Council Resolution 25-152. I believe it's being introduced by Council member Tamara Paltin, and it has to do with off street parking. And basically right now the County Code, the requirement for parking is based on the square footage of single-family dwellings and that --. Sorry, let me backtrack. This is amending the parking requirement just for single-family dwellings. Right now, the Code bases the requirement on square footage and then this proposed change would base it off of the number of bedrooms versus the size of the house. So that will be coming before you at your next meeting. And that's all we have for right now, Chair. Thank you.

**Mr. Gima:** Uh, TIG, TIG will make a report, right? Or could, could make a report?

**Mr. Dias:** Yeah, I'd have to defer to Adrian on that. I'm not familiar with the requirements of, of the TIG.

**Mr. Gima:** Commissioners, do you guys have any agenda items for October? Lisa?

**Ms. Grove:** Isn't there -- I thought I saw something posted about the water workshop being like soon. Isn't there the CWRM one like in the next few days? I'm not going, but I thought I saw something about that.

**Mr. Gima:** No, the, the water workshop proposal had to do with the discussion we've been having for almost a year now about having a talk story with just the Commissioners. So that, that, that hasn't been developed yet. But I think Keiki-Pua has her hand up. She may have information on that. And then after that, we'll go to Erin. Go ahead Keiki-Pua.

**Dr. Dancil:** Thank you, Chair Gima. I just, yes, so CWRM did post. They have their annual workshop. It's on Monday night. It's a virtual meeting, so they posted that. We have it also on the Lanai 96763 Facebook page, but yeah, that's been distributed. It's on Monday.

**Mr. Gima:** It's a virtual? They're not gonna come here?

**Dr. Dancil:** It's a virtual meeting.

**Mr. Gima:** Ah, that's pretty weak. But, no, I don't want to kill the messenger. But thank you for the information, Keiki-Pua. All right, Erin.

**Ms. Atacador:** Thank you, Chair. I know it was on our agenda a few months ago probably, but I was wondering if we could circle back to an update on status for the vacant seats for the, for the Lanai Planning Commission. Is there a possible to request an update?

**Mr. Gima:** Yes, I think, I think ideally we would have INB, Independent Nomination Board Chair, Jody, attend the meeting. We only, we can only request that. I don't think anybody can mandate her to, to attend the meeting.

**Ms. Atacador:** Okay, can I request it?

**Mr. Gima:** Most definitely.

**Mr. Dias:** I will request that. I don't know if I mentioned this at the last meeting, but we, we did --. Well, first of all, it, it, she's really busy, so it can be, you know, kind of difficult to get in contact with her. But I think the last contact we had with her regarding the Lanai Planning Commission was that so there is, you know, obviously other boards and commissions and essentially everyone in the County is, is short. There's a Maui County Urban Design Review Board which requires a Lanai member. We had one but he resigned in the last month or so. I believe his name was Ricky Sanches. And so right now, that's the priority for them. But yeah, we'll try to get an update on whether or not there's more names out there.

**Ms. Atacador:** Thank you.

**Mr. Gima:** All right. If there are no other agenda items for our October meeting. Oh, before, before I adjourn, everybody gonna be able to make it next month? Okay. All right. So if there are no objections, meeting is adjourned right before eight o'clock. Thank you, everybody. This is a long one..

**Ms. Grove:** Thank you. Bye.

**Mr. Dias:** Thanks everybody.

**Mr. Reifsnyder:** Thank you.

**NEXT REGULAR MEETING DATE: October 15, 2025**

**ADJOURNMENT**

There being no further discussion brought forward to the Commission, the meeting adjourned at 7:58 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  
Michelle Fujie-Kaauamo  
Reynold Gima, Chair  
Elisabeth Grove

**EXCUSED:**

Negus Manna  
Sandi Rabaca

**OTHERS:**

Danny Dias, Planning Program Administrator, Current Planning Division  
Robin Liles, 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