

**LĀNA‘I PLANNING COMMISSION
REGULAR MEETING
APRIL 16, 2025**

A. CALL TO ORDER AND ROLL CALL

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Mr. Reynold Gima, Chair, at approximately 5:01 p.m., Wednesday, April 16, 2025, online via Webex videoconferencing platform, Meeting ID: 2660 286 7808 and Password: 041625; and at the Current Planning Conference Room, One Main Plaza, 2200 Main Street, Wailuku, Hawaii, 96793; and at the Maui County Council, Lanai District Office, 814 Fraser Avenue (entrance on Gay Street), Lanai City, Hawaii 96763.

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

Mr. Reynold Gima: Alright, good afternoon, everyone. Want to welcome all of you to the April 16, 2025, meeting of the Lanai Planning Commission. Let the record show that we do have quorum. We have five commissioners and anticipating another commissioner come on shortly. At this time, Nikki's on camera. Anyone in the room with you, Nikki?

Ms. Nicole Alboro: No, I'm alone.

Mr. Gima: Okay, Erin's on camera. Anyone in the room with you, Erin?

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

Mr. Gima: Thank you. How's about you, Lisa?

Ms. Elisabeth Grove: I'm alone too, Chair.

Mr. Gima: Okay. And Sandi.

Ms. Sandi Rabaca: Hi.

Mr. Gima: You, obviously you are not alone. Future LPC Commissioner start them young. That's the way to go. Alright. Okay, just some protocols for testimony. If any of you wish to provide testimony this evening, please leave your name in the chat with Leilani and which agenda item you wish to testify on. Until you are called to testify, please mute your audio and video. Testimony will be limited to three minutes, and we will also take testimony from the Planning Commission County Office and also Council Member Gabe Johnson's office. Okay, I see Michelle on camera. Michelle, anybody in the room with you?

Ms. Michelle Fujie-Kaauamo: Nobody in the room with me, but my husband should be coming home from work soon.

B. RESOLUTION THANKING OUT-GOING COMMISSIONER SALLY KAYE

Mr. Gima: All right. Thank you. And I am alone. Alrighty, I will turn this over now to, I guess, Danny for the Reso thanking outgoing Commissioner Sally Kaye. Or is someone else from the Planning Department handling the reso? Brailey? Greg?

Ms. Brailey Gonsalves: Hi Chair. This is Brailey Gonsalves, staff planner in the office. So we're having some technical difficulties with Danny's computer at the moment. I'm going to go ahead and help him --

Mr. Gima: Alrighty.

Ms. Gonsalves: -- reconnect to the meeting.

Mr. Gima: Okay maybe while we're waiting for Danny, I just, I just made a few notes as we thank Sally. Sally and I have served on two different Planning Commissions. First time, I think, in the mid-2000 so, you know, I will miss her greatly. Our, our pre-meeting discussions or post meeting discussions, and she had that encyclo, encyclopedic brain that was very helpful for me. She was always well prepared. She had institutional knowledge of the Planning Department, its staff, and our Planning Commission. She Vice Chaired for me once or twice and, you know, help you to stay focused. She was one of the few Commissioners that routinely attended Commission on Water Resource Management meetings, DLNR meetings, Land Use Commission meetings, County Council meetings. And so not only did she attend she often provided testimony and then she used that information to bring back to the planning commission to help us, you know, when we, when we deliberate, deliberated issues that were discussed at those, you know, those meetings.

And I think her, her love of Lanai and the fact that she had this legal mind. She was a prosecutor in, in Pittsburgh for a number of years and she was one of the few, one of just several hundred in the United States that was authorized to argue before the United States Supreme Court. So having that kind of background knowledge was so helpful not only for, for me but as we worked as commissioners to get together.

I tried to twist her arm to extend but, no, she said she did her time so we will bid her adieu and, and I, I definitely, you know, appreciate the time she's put into not just only the planning commission, but for her community. So thanks Sally. And at this time looks like Danny's ready and I'll turn it over to you Danny for the reso.

Mr. Danny Dias: Alright, thanks, Butch. Can you folks hear me?

Mr. Gima: Barely.

Mr. Dias: Oh, okay, I'll try to talk louder. Sorry, I, I got a new computer and for some reason it kicked me off with the internet so I can't hook up to this meeting. But anyway, I'll try to talk as loud as I can.

So I believe we're on the resolution thanking Commissioner Sally Kaye. So I'm just going to, I'm just going to read it completely for the record and this is a Resolution of the Lanai Planning Commission. It states:

WHEREAS, Ms. Sally Kaye has served the County of Maui since April 2020 as a member of the Lānaʻi Planning Commission; and
WHEREAS, Ms. Kaye has served as Vice-Chairperson from April 2021 through March 2023; and
WHEREAS, Ms. Kaye has served with distinction and has performed her duties in the highest professional manner with the Lānaʻi Planning Commission; and
WHEREAS, Ms. Kaye's term of office with the Lānaʻi Planning Commission is completed on March 31, 2025; now therefore
BE IT RESOLVED that the Lānaʻi Planning Commission hereby commends Ms. Kaye for her dedication and untiring public service to the people of Lānaʻi; and
and
FURTHERMORE, BE IT RESOLVED that the Lānaʻi Planning Commission expresses their sincere appreciation for Ms. Kaye's services and extends their best wishes in her future endeavors; and
FURTHERMORE, BE IT RESOLVED that copies of this Resolution be transmitted to the Honorable Richard T. Bissen, Jr., Mayor of the County of Maui; and the Honorable Alice L. Lee, Council Chair of the Maui County Council.

And I believe this resolution was passed to all the members, and so if you can please, if you haven't already sign it and return it to Leilani. And we certainly thank Sally for her service and all of you because and we'll probably discuss this further down the agenda, but you know it's, it's hard to find people that are willing to, to serve on these boards and commissions and dedicate the amount of time that that's required, so we definitely appreciate you folks being involved in your community.

C. ELECTIONS OF OFFICERS FOR THE 2025 - 2026 TERM:

- 1. CHAIR**
- 2. VICE-CHAIR**

Having said that moving along, the next item on the agenda Item C.1. is election of officers for the upcoming year, and the first will be for chair of the Lanai Planning Commission. And so essentially, if you have somebody in mind, you can make a motion, make a second or somebody can second, and then if there's any discussion. And I've also seen in some boards and commissions, you know, to actually ask the person you're nominating to verify that they're actually interested in serving. So with that, if we can have any suggestions for chair of the commission.

Mr. Gima: Yeah, I move to nominate Nikki Alboro for chair.

Ms. Grove: I'll second.

Ms. Alboro: I don't think I'm ready to chair. Sorry.

Mr. Dias: Okay, so I, I -- if Corp Counsel can correct me if I'm wrong, but we have a motion on the floor, a second. Ms. Alboro has lightly turned it down so I don't know if the maker of the motion has to rescind their motion or what the procedure is at this point.

Mr. Caleb Rowe: Yes, I would have them withdraw the motion.

Mr. Gima: If I don't withdraw the motion then we go through the whole process, we discuss and, and then, and then we vote, right?

Mr. Rowe: That is correct, yes.

Mr. Gima: And, and what, what happens, what happens if it's an unanimous vote for, for Nikki?

Mr. Rowe: That is a good question that I was not prepared to answer today, sorry. I'd have to, I'd have to look at the rules of the parliamentary procedural rules on what would happen with that.

Ms. Alboro: I, I just want to say my two cents. But I just feel like there's still a lot more that I have to learn. I don't know all the laws. I don't know lots of things. I took on a second job, so that's a little bit much to be chairing the planning commission, but yeah, that's, I'm not, you know, I'm not saying that I don't want to be a part of it, but I just don't think I'm ready to be chair at the moment.

Mr. Gima: Okay, I will, I'll, I will rescind my motion. Had I known this I would have been better prepared for tonight's election. Erin, you're, you're, you're going to graduate school, right?

Ms. Atacador: Me?

Mr. Gima: Yes.

Ms. Atacador: Yes.

Mr. Gima: Okay. Sandi just have a baby. Michelle, Lisa?

Ms. Grove: My term doesn't extend for a full year, and I don't have the band width.

Mr. Gima: Okay, to get the meeting moving along, I have one more year on the commission, so I'll volunteer to chair one more year. And Nikki, will you vice chair with me?

Ms. Alboro: Yes.

Mr. Gima: Okay, somebody want to make a motion?

Ms. Atacador: Okay, I motion to have Chair Gima chair for the next year and have Nikki Alboro be the Vice Chair.

Ms. Grove: I second.

Mr. Gima: Okay, it's been moved by Commissioner Atacador, second in by Commissioner Grove that to nominate Butch Gima as Chair and Nikki Alboro as Vice Chair. Okay, any further discussion, questions? Okay, all in favor, raise your hand.

Okay, motion is unanimously carried.

It was moved by Ms. Erin Atacador, seconded by Ms. Elisabeth Grove, then unanimously

VOTED: to elect Mr. Reynold Gima as Chair, and Ms. Nikki Alboro as Vice-Chair for the 2025-2026 term.

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

(Motion carries.)

Mr. Gima: All right.

Ms. Grove: Thank you.

D. UNFINISHED BUSINESS (Action to be taken.)

- 1. A BILL FOR AN ORDINANCE AMENDING CHAPTERS 19.30A (AGRICULTURAL DISTRICT) and 19.36B (OFF-STREET PARKING AND LOADING), MAUI COUNTY CODE, ALLOWING MOBILE FOOD TRUCKS OR TRAILERS IN THE AGRICULTURAL DISTRICT**

Ms. Kate L.K. Blystone, Planning Director, referring to the Maui, Molokai and Lānaʻi Planning Commissions, a proposed bill to amend Maui County Code Chapters 19.30A and 19.36B, which would allow mobile food trucks or trailers in the Agricultural District. The bill proposes to amend Chapter 19.30A by amending the definitions of “Agricultural Food Establishment” and “Agricultural Products Stand” to include mobile food trucks or trailers, thereby allowing them, under certain

provisions, to be considered as permitted accessory uses in the Agricultural District. The bill also proposes to amend Chapter 19.36B to restrict mobile food trucks or trailers from occupying any required parking spaces. (G. Pfof) (Public Hearing was conducted at the February 19, 2025 meeting) (Commissioners: Please refer to the materials that were provided in the February 19, 2025 meeting packet.)

The Commission received a presentation from Gabe Johnson, Maui County Councilmember and Chair of the Agriculture, Diversification, Environmental, and Public Transportation Committee at the February 19, 2025 Lānaʻi PC meeting. The subject Ordinance was introduced to the Maui County Council by Councilmember Johnson.

The entire text of the proposed bill for ordinance is available at: <https://www.mauicounty.gov/DocumentCenter/View/150841/Reso-24-171-CD1>

Mr. Gima: Okay, so let's move on. We got a kind of a busy agenda. So next on the agenda is unfinished business. Oh before, before I read this agenda item, Caleb, since we heard this on February 19, do we still need to take public testimony?

Mr. Rowe: Yes, you would take public testimony, but you could limit it to people who have not already testified on it.

Mr. Gima: Okay, thank you. Alright, so the agenda item, a bill for ordinance amending Chapter 19.30 A and 19.36 B, Maui County Code allowing mobile food trucks or trailers in the agricultural district. Ms. Kate Blystone, Planning Director, referring to the Maui, Molokai, and Lanai Planning Commissions, a proposed bill to amend Maui County Code Chapters 19.3 A and 19.36 B, which would allow mobile food trucks or trailers in the agricultural district. The bill proposes to amend Chapter 19.30 A by amending the definition, definitions of agricultural food establishment and agricultural products stand to include mobile food trucks or trailers, thereby allowing them under certain provisions to be considered as permitted accessory uses in agricultural district. The bill also proposed to amend Chapter 19.36 B to restrict mobile food trucks or trailers from occupying any required parking spaces. The Commission received a presentation from Gabe Johnson, Maui County Council, and chair of the Agricultural, Diversification, Environmental and Public Transportation (ADEPT) Committee at the February 19, 2025, Lanai Planning Commission meeting. The subject ordinance was introduced to the Maui County Council by Council member Johnson. Okay, and this time I'll turn this over to Greg.

Mr. Greg Pfof: Yes, thank you Chair. Let me give you a little reminder back of what happened back on the February 19th meeting. As you, as the Chair mentioned, this bill was introduced to you as well as in other meetings to the other planning commissioners. This bill would amend the Maui County Code to allow mobile food trucks in the ag zoning district. This bill was initiated, you may recall, by County Council via ADEPT Committee and Council

member Johnson, and the Council adopted Resolution 24-171 to refer this to the Commissions for your input.

At your last meeting on February 19 you may recall that I provided a presentation and in that presentation in the report that's also attached to your packet, the Department expressed some concerns regarding the proposed bill and specifically recommended there were four different revisions that the Department was proposing. Council member Johnson also presented at the meeting as the Chair indicated. You may also remember that during public testimony, we heard from a representative, representative from Pulama Lanai indicating that mobile food trucks would not be authorized on the property and therefore, therefore, this bill does not have a real significant impact or direct effect on Lanai.

At that meeting, the Commission voted to defer the item in order to hear the recommendations of the Maui Planning Commission, which was going to hold their meeting the following week. So the Maui Planning Commission did hear their, this agenda item on February 25th. They voted to approve the bill with some amendments, and I'll go real quickly through those amendments.

You may recall in the report there were four amendments that the, that the Department was recommending, and I'll go through each of those four as the Planning Commission from Maui provided comment on those.

So regarding the first recommendation from the Department, the Maui Planning Commission did not recommend approving or supporting the Department's position to increase the distance between food trucks. Instead, the Maui Planning Commission recommended removing the proposed 500-foot distance requirement and not having any distance requirement, distance requirements between food trucks. So that was their recommendation to the Council on that item.

Regarding second issue that the Department provided in the staff report, the Maui Planning Commission did recommend approval of the Department's recommendation which would remove mobile food trucks from the definition of agricultural product stand but keeping it in the definition of agricultural food establishment. So just keep it in within that one definition and not two. However, the Commission also followed the Department's recommendation to keep the terms structure on wheels, a vehicle and mobile trailer within the definition of agriculture product stand so you could actually with an agriculture product stand to still be able to sell things out of a vehicle or back of a pickup truck and so forth.

Regarding the third recommendation, the Maui Planning Commission did not recommend approving the Department's recommendation and instead recommended to keep the terms or trailer, quote or trailer, within the proposed bill as it is currently proposed by Council.

And then in the fourth recommendation, the Maui Planning Commission approved the Department's recommendation to change the word from State to Hawaii where it appears within the bill.

So that's basically it. The Maui Planning Commission did support the bill with those changes as I mentioned. You're for tonight, the Lanai Planning Commission has various options. You can recommend approval of the proposed bill as currently written or submitted to you by the Maui County Council. Recommend approval of the bill with amendments to the Maui County Council, which you could include or follow those if the Maui Planning Commission recommended. You can recommend denial of the proposed bill to the Maui County Council or vote to defer the action to get more additional information. And that concludes my presentation.

Mr. Gima: Thanks Craig. What was the Molokai Planning Commission's response to the bill?

Mr. Pfof: The Molokai Planning Commission recommended approval of the Department's recommendations with the exception to it applying to Molokai.

Mr. Gima: So Molokai Planning Commission approved the Planning Department's recommendations except that the bill --

Mr. Pfof: Except they . . . (inaudible) . . .

Mr. Gima: -- would not apply to Molokai?

Mr. Pfof: That is correct. That is correct.

Mr. Gima: Okay. All right. So at this time, before we get to the Commissioner's questions and comments, I will open this up for public testimony for those who did not testify at the February 19, 2025, Lanai Planning Commission meeting. Leilani, I think we have several people wishing to testify?

Ms. Leilani Ramoran-Quemado: Yes Chair. So first up, I have Gale Ashby to be followed by Clayton Carvalho and Jacob Williams.

Mr. Gima: Alright, the floor is yours Gale? Okay. Gale, are you still there?

Mr. Gale Ashby: Yes.

Mr. Gima: Okay, thank you. Welcome.

Mr. Ashby: You seeing me there?

Mr. Gima: Yes.

Mr. Ashby: All right, thank you. Good evening, everyone. Thanks for the opportunity to testify on this subject. Again, my name is Gale Ashby. We Peahi Dragon Fruit Farm located on Hana Highway. We have six acres. We grow dragon fruit, citrus, and have a couple hundred coconut palms and many other fruits as well.

In 2019, we registered and approved, and were approved by the Zoning and Enforcement Division in Maui and for a commercial ag farmers market. We operated on site there for almost three years through 2022 and were successful. It's a great outdoor farm. In 2023, we received a notice from the Zoning and Enforcement that food trucks and trailers were not allowed. It was a 180-degree reversal, and we were told that we would have to shut it down. We were amazed and confused and everything else. There was no consideration for what we had invested in the site and the equipment, and the Health Department permits and insurance and many other items. After appealing several times we were still forced to close. So the result of that of course was for the last two years we've lost over two years of income.

The food trailer income was well over 75 percent of our total farm income. The reality is that small farms are not sustainable without being able to retail their crops, and to retail their value-added items, products that they produce. And we need to do it on our own land and in an affordable manner. Without to being able to do this, it's my opinion and I think its fact that small farms will continue to die off and be sold, properties will be sold.

Ms. Ramoran-Quemado: Thirty seconds remaining.

Mr. Ashby: Okay, sure. At any rate food trucks and trailers are an affordable and a reasonable way to sell our products and they help sustain the farm. As you know, as we just discussed or were told here that Maui Planning Commission voted six to nothing in favor of this bill and we hope that the Lanai Planning Commission will help to expedite this bill and its enactment and thanks very much for the opportunity to share. Thank you.

Ms. Ramoran-Quemado: Chair, you're on mute.

Mr. Ashby: Am I -- are we okay?

Mr. Gima: Oh, I'm sorry. I'm sorry. Thanks, thanks. Thanks Gale. Commissioners, any questions, comments for, for Gale? Lisa?

Ms. Grove: Thank you for sharing your story. I found it very compelling. The one question I have was, did you have any trouble when you were in operation where there was there any disruptions to the community or any other problems that may have occurred while you were running your farm stand?

Mr. Ashby: Not that I know of nothing at all.

Ms. Grove: Great, thank you. That's all I needed.

Mr. Ashby: We had attendance both from locals and visitors.

Mr. Gima: Okay, if there are no further questions or comments, thanks again Gale. We'll move on to Clayton.

Mr. Ashby: Okay, thank you. I'm, I'm out.

Mr. Clayton Carvalho: Can you folks hear me and see me?

Mr. Gima: Yes.

Mr. Carvalho: Okay, sorry. Aloha. Aloha members of the Planning Commission. My name is Clayton Carvalho. I'm from Hana, Maui. I am speaking -- quick background -- I'm speaking as a member of the Hana Advisory Committee. My views don't reflect the rest of the committee, but I just wanted to let you know I'm currently Vice Chair and previously co-chair of the advisory committee. I was invited here by Council Member Johnson. He came to the budget hearing in Hana a few weeks ago, and he, I think he was spurned by the amount of testimony that he had from Hana concerning this project. It was supposed to be heard by the advisory committee in Hana, but I believe it was paused due to a lack of quorum by our committee. That's it. So you're going to see a few people from Hana here to testifying tonight.

Just a quick introduction to Hana and where we are right now. We are shrunk down to one full-service restaurant, and we do have several dozen food trucks right now. So that is kind of the lifeline of what Hana is at the moment. I want to support the bill as the planning officer Gregory just summarized. I'm sorry my testimony is a little more concise because he answered a few questions that I had.

I was motivated by Sydney Smith's testimony that you guys should have received, and I don't think I need to belabor the point about sending, sending this bill back is what she shared. I've heard people who wanted to scrap it completely. I did read a few submissions from those in East Maui and their frustration, and I, and I, I understand it is due to the proliferation of food trucks in the last two, three years in Hana. But they are not tied to this bill. And what I mean is they're simply set up on the side of the road to operate without much regulation.

As it pertains to this bill, I only I know of one truck who is affected by this bill, who acted upon it, closed, and I think they were read about it in the news. I know of other trucks who were supposed to be affected by this bill, who just ignored it, and are still operating. So I am trying to be as unbiased as possible, but what I see is a lack of enforcement and or clarity to the issue. We are supposed to have people without farm designations. They're supposed to be closed, and we have multiple farm food trucks still open. And again --

Ms. Ramoran-Quemado: Thirty seconds.

Mr. Carvalho: And again, we only have I think one who who's acted upon what the Commission enforced and shutdown and has still been shut down. So what I see is a lack of enforcement. And whether or not this bill is approved as is, I don't think it's going to change those properties from operating. But I do want to support those who have been compliant with the issues from the beginning. Thank you.

Mr. Gima: Thank you Clayton. Commissioners, comments, questions for, for Clayton? Alright, thanks again Clayton.

Mr. Carvalho: Thank you Chair.

Mr. Gima: Leilani, who do we have next?

Ms. Ramoran-Quemado: Thank you Chair. So next up is Jacob Williams, to be followed by Ka'uiki Lind and Dawn Lono.

Mr. Gima: Alright Jacob.

Mr. Jacob Williams: Alright, I think you can hear me now.

Mr. Gima: Yes, we can.

Mr. Williams: Okay, hi, thank you guys everyone for your time. My name is Jacob Williams. I actually live out in Hana and was shut down in 2023 by the Planning Department. I had been successfully running a roadside farm stand with a food truck in Nahiku about 15-20 minutes before Hana since 2017. We started very small, but the ability to make value add and sell directly to our, our customers was, was huge in our development of being able to support our local farmers including our farm. We were able to lease over that time ten more acres to produce more food. We supported . . . (inaudible) . . . for hundreds of thousands of local, hundreds and thousands of dollars of local revenue going to farmers and local producers.

In 2020, we were the very first customer and co-pilot for value added products for Maui Hub. Very first and you know to this day there's 85 now businesses value added selling through that program. They're supporting over a 115 farmers. They've paid out over \$2.4 million to farmers and producers, and this is the effect of allowing us to be able to operate on our land and sell directly to customers. People want to connect that way; it makes a lot of sense.

Farms are closing across America. USDA just reported over 15,000 farms closing just this last year. You know, it's time that we need less regulation so that we could turn this number around and we could get more people farming. By taking away their ability to sell directly to consumers through value added products with food trucks would be moving in the wrong

direction and ultimately has affected me negatively. I've, I've closed my business. I've, I've pivoted. I'm doing other things, but it definitely overnight stopped revenue to 85 different value-added producers through Maui Hub, including the farmers that we purchased, the stuff that we couldn't grow. So I hope you guys support this. It's a, it's a great way for small farmers and people to support each other in the community and generate jobs and, and wealth in the, in the agricultural districts.

Mr. Gima: Alright, thank you Jacob. Commissioners, questions, comments for Jacob? Lisa?

Ms. Grove: Thank you for your explanation as a person who's farmed in Hawaii. I completely appreciate the value-add piece. Without it our farms perish. I want to ask the same question that I asked Gale Ashby, when you were in operation, did you have any trouble while, while you were, while you had the food court, food truck? Was there, were there problems in the community or anything that in your mind warrant, would potentially warrant this that reversal of decision?

Mr. Williams: No, never once. We've never had a complaint or any kind of issue. You know, the only thing that was problematic was running around and trying to gather all these value-added products myself independently every week to keep my stand stocked. That was, that was the one drawback, but now we have Maui Hub, and it makes it so much easier. So I think replicating what we've done here is something that's hugely beneficial for the small farmers and the local communities.

Ms. Grove: Thank you, Jacob.

Mr. Williams: Thank you.

Mr. Gima: Okay, if there are no other questions or comments, thanks for your testimony Jacob and we will move on to Ka'uiki Lind.

Mr. Ka'uiki Lind: We're on the east side Hana. The biggest neighbor if you're not familiar is the National Park . . . (inaudible) . . . Anyway, I'm here to maybe discuss maybe if we could wait a little while. The Planning Commission can wait a little while. Like Molokai, if we can be maybe exempt from this. I'm not against farming. I grew up farming. I was born in Hana. My family, my grandparents worked for Hana Ranch. We produced cattle. But my problem is, you know, like --. Okay, I'll just read what I wanted to say.

The Real Property Tax Division of Maui County requires landowners . . . (inaudible) . . . cultural tax . . . (inaudible) . . . a system meant to set aside actual farming and local food production. Yet the current proposals to allow mobile food trucks on the ag zoned lands turned that intention on its head. Rather than encouraging East Maui farmers to sell what they grow, this measure invites a wave of Costco's style of reselling food trucks, hauling in bulk, non-local goods over a hundred miles, assuming fossil fuels and only to resell on land designated for agriculture. That's not farming that's retail wrapped the ag. Okay.

What's worse is it opens up pressure on our lobster fishery and other resources. Hence I suggest maybe the Paakai analysis on this, which opens up the lobster fishery and other resources like moi, pakuikui, manini, opihi which can be put directly into food truck menus without oversight. Meanwhile . . . (inaudible) . . . lamb, deer, or pig must legally go pass through certified USDA stamps . . . (inaudible) . . . facilities to ensure public health. My dad worked for the, in the sixties, for Richard Smart with the Parker Ranch slaughtering 250 cows a day. . . . (inaudible) . . . Barbara's Point now called . . . (inaudible) So all these animals, so the only one, what I point out is that the only protein that . . . (inaudible) . . . so these infrastructures don't exist in Hana. We don't have a slaughterhouse.

Ms. Ramoran-Quemado: Thirty seconds.

Mr. Lind: We did the fifties. But, you know, okay, so as someone closely tracking this proposal, I must ask, is this about agriculture or simply enabling, enabling commercial convenience under disguise of ag use? We cannot hold the basic of agricultural events and a purpose of ag delegation program then what are we exactly protecting? My grandfather had the largest apple banana plantation . . . (inaudible) . . .

Ms. Ramoran-Quemado: Time.

Mr. Lind: . . . (inaudible) . . . he bought the apple banana plant, and we tried for food trucks. We tried everything to survive, diversify, and I supportive farming. It's a great thing, but I, I just ask you guys to wait on it till we can ask the community in Hana can decide on this issue in the community association meetings, and Hana Advisory Committee until we can, and then we can move forward together to, you know, what's the best interests of the community. Thank you. Bye-bye.

Mr. Gima: Okay, thank you very much for your testimony. Commissioners, comments, questions. Greg, can you respond to Ka'uiki was mentioning about the food trucks not having to sell locally grown food that they can truck in from miles away, stuff that's you know sold, I think you said like at Costco. Can you comment on that, please?

Mr. Pfost: Sure. Excuse me. It's, it's correct that the mobile food truck does not need to utilize the product from the farm in which the food truck is located. The current definition, for example, agriculture food establishment which would allow the mobile food truck, is, would basically be agricultural food establishment means of building a structure owned and operated by a producer, and permitted under Title 11, Chapter 50, Administrative Rules of the State Department of Health that prepares and serves food at retail using ag products grown, raised or caught in the County, and value added products that were produced using ag products grown in Hawaii. So it doesn't, doesn't require or mandate that the product that is being grown on the farm is what is being sold in the food truck. So you can use a variety of different types of products in order to sell in the food truck.

Mr. Gima: Okay, thank you Greg, for that clarification. Commissioners, based on that clarification, any more, any more comments, questions either for calling Kaʻuiki or Greg? Go ahead Lisa.

Ms. Grove: I have that question for Greg. So looking at the issue around lobster and the fact that it's not regulated is that a Department of Health issue? It doesn't feel like it's necessarily a Maui County issue, but I think it's an interesting point. Like, is this something that, whose jurisdiction would it be to make sure that, that that is regulated?

Mr. Pfof: Yeah, that would, that would be the Department of Health, not, not the, not the Planning Department. We're just dealing with the aspect of whether or not you can have a mobile food truck or not. But yeah, that most likely I would understand would probably be the Department of Health regulating it. Because the Department of Health, and once you do a mobile food truck, you actually have to get Department of Health approval for that mobile food truck. They would then find out what kind of food you're selling and how you're preparing it and serving it and so forth. So they would be regulating that aspect of it.

Ms. Grove: Got it, thanks.

Mr. Gima: So Greg, the, the issue that you clarified, how is that handled by other testifiers at either the Maui or the Molokai Planning Commission meeting?

Mr. Pfof: In regards to the actual product that's being provided and where it comes from?

Mr. Gima: Well, the issue that Kaʻuiki brought up.

Mr. Pfof: And it, it wasn't really addressed to my recollection on, you know, that the product does or does not come from the farm itself. It's interesting because the definition that I just read you is an agricultural food establishment definition which currently exists in our Code. So if you wanted to have an agricultural food establishment in a structure that's permitted right now in our Code, and that definition would apply to it, so it's always been that way in the sense of what type of product that you can sell or serve in an ag food establishment in the agricultural district. So it hasn't changed and this, this bill before you is not changing that either. It's just changing the type of structure that can sell that same food product, as I read in the definition, it's now just changing it to a mobile food truck as opposed to an agricultural food establishment that is permissible today, structure. Does that make sense?

So I don't think there was really a lot of discussion on, on the actual type of products that I recall at the commission meetings. I think it was just, you know, it, right now the current Code allows that that same definition that I just read through ag food establishment.

Mr. Gima: So this bill addresses more of the venue of selling agricultural products, not necessarily where the agricultural products come from?

Mr. Pfof: That, that is exactly, that is exactly correct. Where they, where the ag products come from is, is exactly the same which is in our Code today. So right now in our Code today, as I mentioned, you can actually construct a structure or a small little food establishment structure today that you can sell food products, serve, and sell food products, same as you would do a mobile truck, but just in a structure itself, and those would be the requirements that I just mentioned so that doesn't change. It's just really exactly as you mentioned, it's really the venue, the venue is now, is a mobile food truck, which is more mobile use, not a structure in place structure.

Mr. Gima: Okay, because I mean this changes somewhat for me because I was on the assumption that this bill was to support local farmers and giving them different opportunities to market their product. What was -- was, was my assumption accurate or misplaced?

Mr. Pfof: Well, I, I think the mobile food truck does give the farmer an opportunity to actually sell his product out of the mobile food truck if that's what they want to prepare, the type of food that they want to prepare and use that product, yes, they can. I think for the most part, I think, actually the mobile food prop, food truck does provide the farmer another economic source of funding to be able to basically from what I've heard from farmers is to operate their farm. It's another revenue source. It doesn't necessarily have to be the product. Now, importantly, the bill does require that the mobile food truck be located on a property that has a farm and that farm needs to be in operation, a farm that's operating 50 percent more than, more than 50 percent of the lot needs to be farmed, but it doesn't need to be actually selling that product.

Mr. Gima: So was, was this part of the Planning Department's reservations on this bill that if passed it, it allowed farmers to go get a whole bunch of stuff from different markets and Costco or whatever and then sell that kind of food in their, from their food truck? Was that your concern?

Mr. Pfof: No, that was not one of the Department's concerns because as I mentioned, the existing Code right now allows that to occur. So it's not changing anything in regards to the product that's being served, so we weren't concerned about it. The existing Code, when that was adopted, allow other products to be made and served in an agricultural food establishment. So that's why that was not part of the Department's issue.

Department was more concerned about the potential commercialization of the ag district, so that's what our concern was. Mobile food trucks being more mobile, able to be accessed on a property, lot easier than a structure, so we were just concerned mainly about that aspect.

Mr. Gima: Okay, thanks Greg for refreshing our, our memory. All right. Okay, Ka'uiki --. Oh --

Ms. Grove: Can I ask one more question of Greg, please. How many years were the farm stands allowed to operate? Was it five?

Mr. Pfof: Well, back in, it was back in 2015 I believe in which the, in which the bill was created that allowed commercial ag structures. And there's four different types of commercial ag structures, which is the agricultural food establishment, the agricultural stand, the agricultural retail structure, and a farmer's market. So that's when that was created back, I believe, it was 2015. So, and at that time we had a registration process too. But the, the important aspect was that time that when the Code was written, it indicated that these were, would occur in buildings and structures, right, not in mobile food establishments. So, so that's why this bill is important because it just augments that 2015 bill by now allowing it to be actually in a mobile food truck as well. That's basically what this bill does.

Ms. Grove: But for seven years there were trucks on ag land selling their produce as . . . (inaudible) . . .

Mr. Pfof: . . . (inaudible) . . . together. I believe, I mean definitely there were definitely, you know, ag stands, ag retail structures. There probably were mobile. There has -- I know there's mobile food trucks that exist out there, not necessarily with the registration that's been approved by the County. But there are trucks that are out there, and I know that's been occurring. But you heard, did hear from Mr. Ashby which did have a mobile food truck, and I know for example in that specific, specific instance, what happened is that we actually, Mr. Ashby was applying for another permit. When somebody applies for a permit, we look at all the things on your property and making sure that they have permits. And he had a mobile food truck, but that was not being authorized or, or allowed by the Department because it's a mobile food truck. He could have an ag food established but not a truck. So that's what Mr. Ashby was, had to deal with unfortunately.

Ms. Grove: Got it, thank you.

Mr. Gima: Go ahead Michelle.

Ms. Fujie-Kaauamo: Sorry, I, I'm trying to follow because I feel like I'm getting conflicting information. So I'm looking at the document that was submitted. It's the resolution committee report. And they suggested to amend to include that the mobile food truck or trailer operating on a farm, where the food truck or trailer is located must, sorry, I'm reading, must include produce that is sold, or sorry, must --. State Department of Hawaii Health prepares, serves food at retail using agriculture products grown and raised or caught in the State and value-added products that were produced using agriculture products in Hawaii. So and I, I heard that there are food trucks that are around that are just basic. So they're, they're the illegal ones parked on agricultural land. Is that, but they were not selling any items that were a product of the agricultural farm?

Mr. Pfof: Yeah, to answer that question is, is the, the product doesn't have to be from the farm itself. It has to be from, as you read in that definition, it's products raised or caught in the State or in, in Hawaii or in the County. And so it's not necessarily the actual product from, from the farm itself. It can be, doesn't necessarily have to be though.

Ms. Fujie-Kaauamo: Okay. And yeah. So, so then the farmer that had the food truck that was selling agriculture products from his farm or not food truck, yeah food truck, that was selling agriculture products that was produced on his farm. In, if this rule or if this was passed, then that would have been totally okay. But because he was operating out of a food truck that was the reason why it got shut down because the food truck wasn't listed?

Mr. Pfost: Because the Code does, the Code doesn't, the way the Code reads is it only allows for a building or a structure, not a mobile food truck that's why.

Ms. Fujie-Kaauamo: But there are other -- sorry -- but there are other food trucks that were doing it, but they were operating illegally but it's just because he applied for the Code that this one got caught.

Mr. Pfost: That, that is correct.

Ms. Fujie-Kaauamo: Because the other, the other testimony shared that there's a lot of food trucks that are not being regulated and just kind of parking and getting away with it.

Mr. Pfost: That is, that is correct. We, we operate our code enforcement on a complaint base, so if we get a complaint about those, we'll investigate it. But if we don't get a complaint, then folks operate things without permission from the County.

Ms. Fujie-Kaauamo: Got it. Okay, because I was confused. It seems, so as long as the item, as long on this agricultural site the, the bill as it reads is if a farmer decides to put a mobile food truck, if it passes, on their property that they must have some kind of agricultural product grown in Hawaii, not necessarily grown on their farm but grown somewhere in Hawaii.

Mr. Pfost: That's correct.

Ms. Fujie-Kaauamo: And nobody would be able to check to see whether or not this farmer actually is doing that unless somebody complains and says, hey, this farmer has everything that he bought from Costco or something like that.

Mr. Pfost: That's correct.

Ms. Fujie-Kaauamo: Okay, thank you. Sorry, I was just getting clarifying questions.

Mr. Gima: Okay, thanks Michelle. And Ka'uiki, thank you for your testimony. We're going to be moving on to Dawn Lono.

Ms. Dawn Lono: Aloha and good evening, everyone. My name is Dawn Lono. I'm a Hana resident. I did testify in the Maui Planning Commission meeting regarding the food truck on ag land requesting that it be heard in the Hana Advisory Committee to the Maui Planning

Commission, as that is the purpose of the Hana Advisory Committee, which is to address proposed legislation that will deeply impact our community, and to advise the Maui Planning Commission. Due to time constraints for passing this bill, they did not refer it to the Hana Advisory Committee. Considering that much of the Hana community plan area is agriculturally zoned, and this bill has the potential to greatly impact our community, I would like to request that the Hana Community Plan area be exempt from this legislation until it can be thoroughly vetted by the community through the Hana Advisory Committee. Mahalo.

Mr. Gima: Alright. Thank you, Dawn. Commissioners, comments, questions for Dawn? Lisa?

Ms. Grove: Thank you for that. I, I understand that you guys didn't have quorum the last time you met. Is there a meeting of the advisory committee scheduled and would this be able to be on the agenda and how long would it take?

Ms. Lono: Well, the item has to be referred by the Maui Planning Commission to the Hana Advisory Committee. I do not recall that there was, that this item was on the agenda and that there wasn't quorum. So I do not recall that situation at all, but it is important. We have a very large agricultural community in East Maui and a lot of properties are impacted by this and, you know, I'm hearing things about, you know, monitoring and enforcement and all of those kinds of things. Those are huge questions in our community, you know. Enforcement is a big deal and there's not a lot of it out here. So you can kind of, like you said, you got to tattle-tail on your neighbor. You got to tell on someone in order to have somebody come out and do any kind of enforcement on these kinds of businesses. So I just really feel like it would be great to vet this through the Hana Advisory Committee. Perhaps we could, you know, make it a little bit more, enforceable, you know, if we had an opportunity to vet this. Mahalo.

Ms. Grove: Thank you, Dawn. That's super helpful. Do you think that there's a --? I still am not positive of what the path would be for the advisory committee to review this? We understand – I, I can say for me, I can understand the enforcement issues on Lanai, right, and the importance of your community voice being heard. Just wondering what the process would be for that to happen.

Ms. Lono: The process is that the Maui Planning Commission must refer it to the Hana Advisory Committee. That's the only way that the Hana Advisory Committee hears anything is if the Maui Planning Commission refers it to the Hana Advisory Committee. So that's what would need to be done.

Ms. Grove: Got it. Thank you. I really appreciate that.

Mr. Gima: Greg and or Caleb, can you address that? Since the Maui Planning Commission deliberated and acted upon this, procedurally is it still possible for it to be referred to the Hana Advisory Committee?

Mr. Pfof: Maybe I'll take a first stab at it. The speaker was correct and that the, it is up to the Planning, Maui Planning Commission to determine whether or not this goes before the Hana Advisory Committee meeting committee. The Maui Planning Commission did address this issue during their public hearing. And they talked about whether or not to send this or not. They realized that within the time constraint of reviewing a resolution that's been initiated by the Council, which is a 120 days and that it would not, probably be possible to get this before the Hana Advisory Committee. The Commission encouraged those of interest of those that were of interest from Hana in this item to attend the Council meeting because this will go back to Council and to express concerns there. And ultimately the Commission did not recommend that this be reviewed by the Hana Advisory Committee because it was really more of a timing mechanism. So there's really not a method to get this back before Hana Advisory Committee. I recommend that those residents actually attend the Council meeting when this attends, when this is heard and speak before the Council there and express their concerns at that time.

Mr. Gima: Okay.

Mr. Rowe: Yeah, I'd agree with what Greg said. The only kind of caveat that I would make to that is, you know, potentially the Council could refer it back to the planning commission for them to refer it to the, to the Hana Advisory Commission Committee.

Mr. Gima: Alright, thank you guys. Thank you, Dawn. We'll move on to Jasmine King. Just saw you on camera Jasmine.

Ms. Jasmine King: I'm here. Aloha. My name is Jasmine King. I'm an attorney and a farmer. I worked to create the East Maui local food assessment. So I thought long and hard about how important it is to create this engine for our community of bringing local food into as many places as possible. However, after reading the food truck bill, I was disappointed to find that there was no threshold established for the use of Hawaii's agricultural products and to simply refer to using agricultural products from Hawaii and not qualify or quantify that would create such a such a vague and ambiguous situation that I think it basically opens the door to commercial food service. And to that, to do that under the guise of agriculture it doesn't seem appropriate.

The one district in which agriculturalists and bonified farmers have any advantage and can access land and can carry out the type of work that really, like I said creates an actual engine for the community is in the agricultural district, and I don't think this bill as it is does that. In fact, it just makes it possible to do food service and I may have heard because I apologize if I missed anything that that's already been addressed, but in that light I don't see this bill as ready to go. Thank you.

Mr. Gima: Thank you, Jasmine. Comments, questions for Jasmine from the Commissioners? Greg, was this issue brought up in any of the other planning commission meetings? And if so, how, how was that addressed?

Mr. Pfost: Like I mentioned before, I don't recall that it was addressed and in other planning commission meetings and I think, and, and again, as I mentioned, the reason why the Department wasn't concerned regarding this particular issue is because the current code allows the same kind of product to be sold in an agricultural food establishment as it would in an agricultural mobile food truck. So in other words, we've been operating this way since 2015 for the type of product that can be served in an ag food establishment in the ag district. So since we've been operating that way, we did not recommend any changes to that. I understand the concern, but that was not my recollection was not a focus of the other two planning commission meetings.

Mr. Gima: Thanks Greg. And thank you for your testimony Jasmine.

Ms. King: You're welcome.

Mr. Gima: Okay, if there are no other testifiers, we'll go to Leilani and is anybody in the Planning Department Conference Room wishing to testify?

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

Mr. Gima: Alright, thank you. Roxanne, anyone in the Lanai Office?

Ms. Roxanne Morita: I'm sorry, no, no one's here to testify.

Mr. Gima: All right, thank you very much. So at this time I will close public testimony. So now, questions, comments, suggestions from the Commissioners on this bill? Go ahead Lisa.

Ms. Grove: As you guys know this is an issue that's pretty a passionate of mine just based on our February meeting as well. I'm wondering if there's some way to -- we're talking about the venue and not about the things that get sold in it and want to, I think that's pretty clear. There's already structures you can have on the farmland. We've heard from the loss of income from farmers and the impact on the hub. I guess my question is, is it possible to pass this but also send a reminder to the Maui Planning Commission that these sorts of issues should be going to the Hana Advisory Council before they take a vote on this? Or is that sort of outside of our purview and not really our place to say?

Mr. Gima: Caleb, you want to address that?

Mr. Rowe: So I, I, I think one thing that you could do, if you're not going to, you, you could, you could make a recommendation to the Council that they returned it to the planning commission with kind of instructions to, to send it to the, to the Hana Advisory Committee. I think that that would be the, the best way to go about trying to get that done. Because I don't think we can necessarily, if we're --. Because if we're going to pass it, we can't really, you

know, put a reminder for future action on it. Or, or what we're doing right now is we're dealing with this specific piece of legislation.

Ms. Grove: And there's no vehicle for it to go to Hana, but is it possible to pass it with reservations and the reservations being that they didn't take into consideration meeting with the advisory council in Hana or something like?

Mr. Rowe: I don't see a problem with that, yeah.

Ms. Grove: Okay, thank you. It's just a suggestion.

Mr. Gima: So Commissioners as Keiki-Pua mentioned at the February meeting, this bill really wouldn't affect Lanai and its farmers. So are you, are any of you or all of you feeling similar, similar to how the Molokai Planning Commission handled this item?

Ms. Alboro: What, what was their --? They, they passed it and excluded Molokai, right?

Mr. Gima: Yes, I believe they approved the bill with the recommendations made by the Planning Department, but to exclude the island of Molokai. Is, is that, is that accurate, Greg?

Mr. Pfof: Yes, that is that is correct.

Mr. Gima: Okay.

Ms. Alboro: Greg, sorry I just have one more question. Since planning commission, Maui Planning Commission already met and passed it, is that accurate? Is this bill passed already?

Mr. Pfof: Yes, with the Maui Planning Commission, just like you, just like the Lanai Planning Commission or the Molokai Planning Commission, you're all giving a recommendation to the Council about what you feel about this bill, you know? And so it still needs to go to Council. But the Maui Planning commission had heard it. They recommended that the bill move forward and be approved, and they, of the four recommendations that were in the, by the Department, our revisions that were suggested by the Department, the Maui Planning Commission agreed with two of them but did not agree with two other ones. And I can go through those if you want to again, but that's basically what they did, recommend approval of the bill with the two of the modifications that the Department recommended.

And so then it goes to Council and then the Council will, I'll prepare a transmittal report to the Council, which will summarize what happened at each of the Commission meetings. I'll include attach the minutes to that, to that, and then the Council has at it from there and they decide whether or not to approve the bill, or amend it, or what have you.

Ms. Alboro: Got it.

Mr. Gima: So Commissioners, any of you have any feelings one way or the other on some of the recommendations that were approved or, or, or not approved?

Ms. Grove: I supported what Maui did, the Maui Planning Commission.

Mr. Gima: Okay. Okay.

Ms. Atacador: Yeah, I thought it was interesting that they removed the, the spacing limitation, right? So now they can be closer together. They don't have to be required to be distanced, which I guess in some sense I understand that way they're not just spread out randomly if there is an area of focus for the food trucks, they would all be in that same area on, on that lot. So I guess I can understand the reasoning behind that one too.

Ms. Alboro: Forgive me, but was there a limit to the amount of food trucks allowed in the property? I can't remember. Was it three?

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

Mr. Gima: Sure, go ahead.

Mr. Pfof: Yeah, yeah, two is actually the max you can have. You can have a maximum of two commercial ag structures on your lot. And of those commercial ag structures, there's four different types. There's a ag food establishment which could be a, which if this bill passes, a mobile food truck. There's an ag retail structure, an ag farm stand, and a farmer's market. So you can have two of those four, and so meaning that you can have two mobile food trucks on your lot at max.

Mr. Gima: So Commissioners, Lisa is in favor of the Maui Planning Commission's approval with their recommendations. Is anyone in objection of how the Maui Planning Commission decided on this item? Okay, hearing none, I will --

Ms. Grove: Chair, can I make one amendment? Which is I still would like to make the reservation, state a reservation that it did not go before the Hana Advisory Council.

Mr. Gima: Would you like to include that in the motion, or would you like to include that it being on the record and having the Planning Department share that with the Maui Planning Commission?

Ms. Grove: I would want to do it in a way that gets heard and that's why you're the Chair not me. I just want to make sure that that, if other people agree that it's often the smaller communities that don't get heard, and I just want to make sure that they had, that, that there's some voiced expression of that.

Mr. Gima: Okay, I will entertain a motion to approve this item as the Maui Planning Commission did in February with the added stipulation that the Maui Planning Commission refer this item to the Hana Advisory Committee.

Ms. Grove: Or that, that in the future because it sounds like the trains already left the station, in the future that they try to take that into consideration or something. I'm not sure we can do it now because of the time timing issues, but I would like to just be on record saying that they should have had a chance to weigh in on this.

Mr. Gima: Well, we can't do it for the future. It only has to pertain to this --

Ms. Grove: Okay, so we can say with reservations because it did not go before?

Mr. Gima: What would be without reservation?

Ms. Grove: So that the, so that, that my personal view is I'd want to approve it with a reservation that it did not go before the Hana Advisory Council understanding that that's not going to happen, right? But that I have reservations about this because they, they didn't have a chance to have a voice. And that may not make sense procedurally.

Mr. Gima: Um, because --

Ms. Grove: But it gives me pause. I, I still want to approve it, but it gives me pause because it didn't go to them. That wasn't our jurisdiction, but it felt like they should have had an opportunity.

Mr. Gima: Okay, since a motion has yet to be made, I would suggest we bifurcate that. We, we make a motion and then we instruct the Planning Department to inform both the Maui Planning Commission and County Council on this. Any objections to that? Okay, hearing none, I will, I will entertain a motion to approve this bill as the Maui Planning Commission did in February 2025.

Ms. Grove: So moved.

Ms. Atacador: Second.

Mr. Gima: Okay, it's been moved by Commissioner Grove, second by Commissioner Atacador that we approved this bill as the Maui Planning Commission did in February 2025. Okay, any questions comments on the motion? All right, hearing none all in favor, please raise your hand. One, two, three. Alright, motion passes unanimously. Thank you.

It was moved by Ms. Elisabeth Grove, seconded by Ms. Erin Atacador, then unanimously

VOTED: to follow the Maui Planning Commission and recommend the same approval to the Maui County Council.

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

(Motion carries.)

Mr. Gima: And so who, who from the Planning Department will take the responsibility to ensure Lisa's message or recommendation gets to the Maui Planning Commission and the County Council?

Mr. Pfof: I think it would be a good, I think, if it's, if it's the, I think as, as Caleb mentioned what might be good is if the, if the Commission just or passed, so I know it's unanimous and passes a motion that says that you wanted to inform the Council that you had concern that this was not heard by the Hana Advisory Committee, something to that language. And that would be good for me then I'll take that forward. Not only did you do the last motion that you just did and approve that, but then also that the Lanai Planning Commission expressed concern that this was not heard by the Hana Advisory Committee. I could take that forward.

Mr. Rowe: Another option, Chair, would, we could do that by way of a resolution, that you guys pass a resolution that then gets forward to the Planning Commission and the Maui County Council.

Mr. Gima: Nikki?

Ms. Alboro: If I heard Greg correctly though, I mean, like, I understand where you're coming from, where you want to, you know, make sure that it goes to the Hana Advisory and whatnot, but their chance was to speak at the Maui Planning Commission. Correct?

Mr. Pfof: Yes, but they also have a chance to still speak at the Council meeting as well. And, and in fact the Maui Planning Commission made mention of that during the discussion is that they would encourage any Hana residents to come to the Council meeting to also speak and express their concern regarding, or concerns or favor, in regards to this bill.

Ms. Alboro: Yeah because I just don't know if that resolution is needed because it's going to Council, and they did. I mean, I don't support, I, I don't think it's right, but it doesn't affect Lanai. However, I see both sides where, you know, it could impact, and it couldn't. So I just don't think that, yeah, they it was really . . . (inaudible) . . . If it was a real issue, they, you know, the planning commission meeting, they should have been heard.

Mr. Gima: So if I heard you guys correctly, you guys, you guys, Caleb and, and Greg, you would need either a reso or a motion from the Planning Commission so that you can pass on Lisa's points?

Ms. Grove: I also take Nikki's point and I just don't --

Mr. Gima: Okay, hold on, hold on Lisa. Hold on Lisa. Let them answer.

Mr. Rowe: I would think that that would be the best way. That would be the best way to make sure that it gets the, the, that information is, is given to them.

Mr. Gima: Okay, Lisa, will, will you make a motion, please?

Ms. Grove: I move that we suggest to the, I mean, I, I hear Nikki's point and I think it's a compelling one, so I don't want to overstate this especially from Lanai to Maui to Hana. Um, I, I have, I want that the Maui Planning Commission know that there were reservations, that I have reservations or the board has, the Lanai Planning Commission has reservations because it did not go before the Hana Advisory Council.

I also get that they have other opportunities, but sometimes in small communities it's hard to go, you know, it's either difficult to show up in person, hard to, as we know, to testify on Zoom or to testify, you know, with the entire island.

Mr. Gima: Okay, can you please state a motion that directs the Planning Department to do what you want them to do?

Ms. Grove: I move that we express concern that the Hana Advisory Council wasn't, didn't have a chance to meet and discuss this issue. I'm also happy to withdraw the motion.

Mr. Gima: Okay, any second?

Ms. Fujie-Kaauamo: I second.

Mr. Gima: Okay, it's been moved by Commissioner Grove, seconded by Commissioner Fujie-Kaauamo that the Planning Department convey. No, that the Lanai Planning Commission express reservations that the Hana Advisory Committee was not heard on this issue. Did I state that correctly, Lisa? Okay, so any further discussion, questions about the motion? Nikki?

Ms. Alboro: So the Hana Advisory Committee, is it their responsibility to get the information from the Planning Department or does the Planning Department or Planning Commission have to give that information before they meet? And then lastly, they did not have quorum, so, you know, that's another issue that I see that may have happened. I mean, I'm just trying to get it like what's the procedure? Planning, the Planning, the Maui Planning Commissions get the bills, I need to report to Hana Advisory Committee or does Hana Advisory Committee have to do the homework?

Mr. Gima: Go ahead Greg.

Mr. Pfost: Yeah, and there is a specific process that's laid out for this. It's basically that the planning commission has to recommend that something go to the Hana Advisory. The Maui Planning Commission has to recommend something be reviewed by the Hana Advisory Committee. And once they do that, then the commission cannot, the Maui Planning Commission cannot vote on the item until it's been through the Hana Advisory Committee.

So the Hana Advisory Committee would then review it. Then the item comes back to the Maui Planning Commission, and then the Maui Planning Commission can make a decision on it considering what the Hana Advisory Committee recommended. So there's that kind of a process.

This whole process was initiated at the Council level because Council member Sinenci representing the Hana area had mentioned that he would like this reviewed by the Hana Advisory Committee. So we made note of that in our report and reminded the Planning Commission to at least consider the idea. The planning commission did consider the idea and, and decided that they were not going to send it to Hana Advisory Committee.

So that's kind of the process and so it goes, goes from there. And, and the Commission did mention that, you know, they discussed it, and they did mention, like I said, recommended that residents from Hana attend the Council meeting and express their concerns at that meeting as well. They were concerned about quorum as you mentioned as well. That was part of their discussion and the timing it would take to do that, all of that so hopefully that helps.

Mr. Gima: Okay, so this motion really doesn't compel the Maui Planning Commission to do anything. I mean we're just, I think we're just, the, the, the motion just basically expresses our, our disappointment. Is, is that accurately, Lisa? Okay, any further questions, comments on the motion? Hearing none, all in favor, raise your hand. Okay, one, two, three, four. All opposed?

Ms. Alboro: Sorry, what is this for? Which to give, to say that they should give it to Hana Advisory Committee?

Mr. Gima: No, we're just expressing disappointed that the Maui Planning Commission did not refer this item.

Ms. Alboro: Oh.

Mr. Gima: So your vote is?

Ms. Alboro: I agree.

Mr. Gima: Okay, let's, let's revote. All in favor of the motion, please raise your hand. Okay, motion passes unanimously. Thank you.

All right, it is 6:20 p.m. Let's take a ten-minute recess, reconvene at 6:30 p.m.

It was moved by Ms. Elisabeth Grove, seconded by Ms. Michelle Fujie-Kaauamo, then unanimously

VOTED: to express the Lanai Planning Commission's concern that the Hana Advisory Committee did not meet and discuss the proposed bill.

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

(Motion carries.)

(Lanai Planning Commission recessed at 6:20 p.m. and reconvened at 6:30 p.m.)

E. COMMUNICATIONS

- 1. MS. JORDANNE PERKINS and MS. DORIS MAE WEINBERG APTEKAR requesting a five-year time extension of a two-bedroom short-term rental home permit for THE ARTISTS HOUSE located at 1243 Queens Street, Lānaʻi City, Island of Lānaʻi, Hawaiʻi; TMK: (2) 4-9-013:060 (STLA20170002) (Brailey Gonsalves) (Item was scheduled on the March 19, 2025 agenda. Commissioners: Please refer to the materials that were provided in the March 19, 2025 meeting packet.)**

Mr. Gima: Okay, it's 6:30 p.m. We're back on the record. Next on the agenda comes under Communication. Ms. Jordanne Perkins and Ms. Doris Mae Wineberg Aptekar requesting five-year time extension of a two-bedroom short-term rental home permit for The Artist House located at 1243 Queen Street, Lanai City, Hawaii, TMK: 2-4-9-013:060. So who has this? I think this is yours Brailey. It's all yours.

Ms. Gonsalves: Thank you Chair. Good evening, Chair Gima and the members of the Lanai Planning Commission. My name is Brailey Gonsalves. I'm a staff planner with the Planning Department at the Current Division.

As Chair Gima has introduced, the Department is transmitting to the Lanai Planning Commission, a short-term rental permit renewal application for The Artist House. Permit number STLA 2017-0002, an approved two-bedroom short term rental located at 1243 Queens Street in Lanai City.

This item is under your review today because all short-term rental home permit renewal applications for the Island of Lanai must be reviewed by the Lanai Planning Commission.

And today we have the permit holder Ms. Jordanne Perkins online available to provide additional details about the application, if needed. The Department is also available for questions. I will turn it back to you, Chair. Thank you.

Mr. Gima: Alright, thank you, Brailey. Um, Commissioners -- oh, wait, before we go, before we go questions and comments from the Commissioners, I will open this up for public testimony. Leilani, anybody at the County office or in the chat wishing to testify?

Ms. Ramoran-Quemado: Thank you Chair. There is no one in the conference room or online who signed up to testify. Thank you.

Mr. Gima: Alright, thanks. Roxanne, anybody at the Councilman Gabe's office?

Ms. Morita: No sir, there's no one here to testify.

Mr. Gima: All right, thank you very much. In that case, I will now close public testimony and open it up to questions and comments from the Commissioners either to Brailey and or the applicants. Okay, seeing none, I just have a few. Okay. Brailey, what, what happens because I see the permit expired in February and the insurance also expired in February. Is there anything we need to know as a result of this?

Ms. Gonsalves: The Department has up until --. Oh, thank you for the question Chair. The Department has up until six months after expiry to process the permit. We were signed up for the last planning commission meeting, yeah, which was no quorum so here today. As far as the updated insurance, I can get that from the applicant.

Mr. Gima: So you, do you have to request that or is the applicant required to provide that to the Planning Department?

Ms. Gonsalves: They're required to provide it, yeah, as soon as they can get it renewed.

Mr. Gima: Okay, in, in your, in the Planning Department's review of the extension, did you, did you ask, and if not, is the work room that's listed in the packet, a bedroom? Because I could have sworn my family from off island rented this place years ago and I could have sworn that work room was a bedroom.

Ms. Gonsalves: If the question is for me, Chair, I can.

Mr. Gima: Okay.

Ms. Gonsalves: Okay, as far as we can tell from the permit the workroom is not a permitted bedroom. From the initial permit, it was never permitted to be a bedroom. We did do a compliance inspection virtually and observed that the bedroom, that the work room is indeed

not a bedroom. But we can have more details from the applicant should you, should you need.

Mr. Gima: No, I mean, if, if you, if you followed up on the extension request and, and determine that it's not a bedroom, then that's, that's good enough for me. Okay, there are no further comments or questions. Any anybody needing to hear from the applicant? Oh, go ahead Nikki.

Ms. Alboro: Sorry, Brailey, just to confirm, so you said that this was on March's agenda when we didn't have quorum?

Ms. Gonsalves: That is correct. Thank you.

Ms. Alboro: I don't see it listed. But anyway, I, I just wanted to ask, why would it be in on March's quorum and permit and insurance would have expired in February? Why was it not like in January or in February's agenda? Just a question --

Ms. Gonsalves: Chair, if I could answer that question. Sorry Chair, if I could answer the question.

Mr. Gima: Oh, please go ahead.

Ms. Gonsalves: Okay. The staff report was prepared in February for March, March's agenda. We're required a certain number of days to transmit it for Director review, and to be placed on the planning commission agenda, but we'll follow up with the applicant to be sure that they submit their, their insurance.

Ms. Alboro: Chair, I have one more question. So they were allowed to operate with the expired application and insurance up until now? For Brailey.

Mr. Gima: Brailey, I think the question was for you.

Ms. Gonsalves: Sorry, I was waiting for direction, but I see Danny's hand up.

Mr. Danny Dias: Yeah, I, I think I can address that. So, so like Brailey mentioned earlier, Maui County Code allows the Department to approve time-extensions for STRHs six months after they expire. And the reason the Council allowed for that is because they know that, you know, some of these things take time.

As far as the insurance, well, when, when the time extension came in, obviously, you know, it was, it was valid. My assumption is that it still is, so we can verify that. All we have to do is ask the applicant or we could even ask the applicant, you know, right now, did they renew, or does it auto renew? And before we send out, you know, an approval letter, assuming the

commission were to approve this, we would verify that they indeed renewed it beyond February of this year. Thank you Chair.

Mr. Gima: Thanks Danny. Any other comments or questions, Nikki?

Ms. Alboro: Sorry, one more, what, can you just refresh me? I'm not familiar with the STRH permit renewal application, but what is the, when is the renewal sent? How much time is given to complete and turn in the application?

Mr. Dias: I believe -- Brailey, you might know this off the top of your head -- but I believe they have 90 days prior to expiration of their permit to apply for a time extension. If they don't come in 90 days prior, then we can't even accept it and so it automatically doesn't get extended and their permit ends. But once we get it, we have six months from the expiration to process a renewal. And like I mentioned, the purpose of that was because we were finding that oftentimes we needed a lot more time to process renewals, and also, you know, for situations like Maui where it's really hard to get on the planning commission agenda, et cetera, sometimes, you know, these permits were to expire and it's not really the applicant's fault, you know, so the Council gave like that that six month grace period. Thank you.

Mr. Gima: Okay, anything else Nikki?

Ms. Alboro: No.

Mr. Gima: Okay, go ahead.

Ms. Alboro: No, nothing else.

Mr. Gima: Any other questions, comments from the Commissioners? Okay, hearing none, I will entertain a motion to approve the request for a five-year time extension of a two-bedroom short term rental home permit for The Artist's House located at 1243 Queen Street, Lanai City, Island of Lanai, Hawaii TMK 2-4-9-013:060.

Ms. Atacador: So move, Chair.

Mr. Gima: Any second?

Ms. Rabaca: Second.

Mr. Gima: Okay, it's been moved by Commissioner Atacador, seconded by Commissioner Rabaca to approve the request for five-year time extension of a two-bedroom short term rental home permit for The Artist's House. Any further questions, comments? Hearing none, all in favor --

Ms. Jordanne Perkins: Oh, am I allowed to say something?

Mr. Gima: No, we have a motion, we have on the floor. Okay Erin?

Ms. Atacador: Sorry, just to triple check before we move forward. It, the Planning Department wouldn't reissue it until they received the renewed insurance, that's correct?

Ms. Gonsalves: Yes that seems to be correct.

Ms. Atacador: Okay, okay. Sorry. Just triple checking. Thank you.

Mr. Gima: Okay, any other further questions or comments from the Commissioners? Hearing none, all in favor of approving the motion, please raise your hand. Okay motion passes unanimously. Okay, thank you very much. Moving on. Okay, Ms. Keiki Pua --

It was moved by Ms. Erin Atacador, seconded by Ms. Sandi Rabaca, then unanimously

VOTED: to approve the renewal of the five-year time extension.

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

(Motion carries.)

Mr. Rowe: Chair? Chair, sorry if I if I may --

Mr. Gima: Yes.

Mr. Rowe: There were recommended conditions that were placed on the renewal that were in the staff submittal. I was wondering if you wanted to also adopt it with those recommendations.

Mr. Gima: Oh, I'm sorry.

Mr. Rowe: And, and that's actually where the insurance requirement comes from is from, is from the conditions that the, of the, under the recommendations of the Department.

Mr. Gima: Wait, help me, help me understand that. So we have to approve this request and make specific comments to the condition of recommendation?

Mr. Rowe: Sorry, and I, I should have brought it up when the motion was first brought. Whether when you made the motion to approve or deny the renewal application, whether that was going to be with the conditions that were recommended by the Department. And those recommendations are one through 22, and it looks like pages two through four.

Mr. Gima: Oh, okay. So the motion was missing reference to these recommendations is what you're saying.

Mr. Rowe: Yes, and sorry I should have caught that earlier.

Mr. Gima: Okay.

Ms. Fujie-Kaauamo: Chair, I have a question. So you mentioned that there's the conditions listed one through 24. Would you mind or would the Planning Commission or sorry, would the Planning Department help kind of condense this for us and how is this different from the initial application? Like what are the -- because I'm looking at the initial application, there's 22 conditions, and then the current permitting conditions that we are adapting with the recommendation of the planning committee, there's 24.

Mr. Rowe: Sorry, no, there's, there's 22. I think I mis-spoke.

Ms. Fujie-Kaauamo: Oh, okay.

Mr. Rowe: Yeah, there's 22.

Ms. Fujie-Kaauamo: So, so it's the same as the initial applicant renew or the initial approval application from 2017? So there's the renewal from 2025, right, the March one, and then there's the initial that was submitted, and so when it was initially approved, there was the permitting conditions listed. Is there any difference between what the recommendation conditions and the original? Like what is that discrepancy? Or is there no discrepancy between the two? It's she's -- sorry -- the permit holder is still required to meet all of the initial conditions from the original permit in this new renewal or is there any additional renewals or a change in the renewal conditions?

Mr. Gima: Okay, Caleb?

Mr. Rowe: I believe Brailey has her hand raised. She's -- be able to answer . . . (inaudible) . . .

Mr. Gima: Oh okay. I'm sorry.

Ms. Gonsalves: Hi, thank you. This is Brailey Gonsalves, the staff planner at the Planning Department. There are some updates to reflect current code. There is the same 22 conditions, but I can clarify the updates. Condition number two, which is also verified with the applicant, and they are in compliance and agree with the condition update but no longer says within 90 days prior to expire, permit expiration. And now says no later than 60 days. This is just to reflect update, updated verbiage from the Code. It's to be more clear. Within 90 days is less clear than filed no later than 60 days. That's condition number two.

And, um, condition number 17 also to reflect update in Code. There is the added sentence of permit holders must allow compliance inspections to be conducted within one hour of notice. Refusal to allow access within one hour may result in permit revocation. And this is kind of a blanket update with all permit renewals coming across that have the old verbiage. Other than that, the 22 conditions are the same as the initial.

Mr. Gima: Lisa?

Ms. Grove: So just so I'm clear, this is the language that goes out to every renewal, in every letter to everyone, correct? This isn't specific to this particular property or is it?

Ms. Gonsalves: If I may answer.

Ms. Grove: Please.

Mr. Gima: Go ahead Brailey.

Ms. Gonsalves: Thank you. Yes, that's correct. It's a blanket update in all the short-term rentals and B&Bs.

Ms. Grove: Because we've never approved these conditions. We've always had the blanket approval on at least the ones that I've been on because this was stipulated as part of the approval process so I'm not sure we need to, if either we need to go back to all the other ones and say, do a double approval or this is something new has changed and we need to approve the 22 conditions because it's always been, sounds like it's always been in the renewal packages.

Mr. Gima: Well before entertaining an amended motion, do any of the Commissioners have any questions or concerns about the conditions?

Ms. Grove: Can I get my question answered though? I'd like to know if these are, if this is a boilerplate that's in everything that goes out.

Mr. Gima: Go ahead Danny.

Mr. Dias: Thank you, Chair. Yes Commissioner, these are standard conditions, and we put them on basically every STRH and B&B. And sometimes there may be a more specific condition for, you know, STRHs, excuse me, STRHs and B&Bs that get commission approval, so there might be like a specific scenario or situation on the property and they want to add an extra condition, but these are standard conditions. They apply to everybody. We put them on all B&Bs and STRHs. And yeah, so essentially, they're not project specific. They're across the board.

Ms. Grove: So yeah, so I don't think we need a second resolution is my point because every, every resolutions we've passed we've only done one vote on, on these and they've stated the same stipulations. Is that accurate?

Mr. Rowe: So I, I have, I haven't been here for one of these before. In other Commissions that I've, that I've done, we have done it as a single motion, but it's usually done something along the lines of, you know, accept the renewal application with the conditions recommended by the Department. That, that would be the, the motion that would normally be passed. So there's not normally too. It's just I, I, I didn't chime in prior to you guys voting on it and so that, that was my mistake.

Ms. Grove: I see. Thank you so much for clarifying.

Mr. Rowe: Yes.

Mr. Gima: Okay, that being said and with no one objecting to the conditions, I will entertain a motion to amend the initial motion that we approve the five-year extension for The Artist's House short term rental home on Lanai subject to the 22 conditions included in the Planning Department's staff report.

Ms. Grove: I'll second.

Mr. Gima: No, I need a motion first.

Ms. Grove: So moved.

Ms. Fujie-Kaauamo: I second.

Mr. Gima: Okay, it's been moved by Commissioner Grove, seconded by Commissioner Fujie-Kaauamo that we amend the initial motion by recommending approval of a five-year time extension for The Artist's House's short term rental home on Lanai subject to the 22 conditions that are included in the Planning Department's staff report. Okay, any further questions or comments on the motion? Okay, hearing none, all in favor, please raise your hand. Okay, motion passes unanimously. Thank you.

It was moved by Ms. Elisabeth Grove, seconded by Ms. Michelle Fujie-Kaauamo, then unanimously

VOTED: to amend the initial motion to recommend approval the five-year time extension subject to the 22 conditions included in the Department's staff report.

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

(Motion carries.)

2. **MS. KEIKI-PUA S. DANCIL, Ph.D., Senior Vice-President of Governmental Affairs, PULAMA LĀNAʻI, submitting the Q3 and Q4 2024 quarterly reports, and 2024 annual report, pursuant to Condition No. 15, for the Project District Phase II Application for the Four Seasons Resort, Lānaʻi, Koele Proposed Improvements (PH2 2017/0001) *(Item was scheduled on the February 19, 2025 agenda. Commissioners: Please refer to the materials that were provided in the February 19, 2025 meeting packet.)***

The Report is provided to the Lānaʻi Planning Commission for its review.

Mr. Gima: Alright, moving forward on the agenda, Ms. Keiki-Pua Dancil, Senior VP of Governmental Affairs Pulama Lanai submitting quarter three and quarter 2024 quarterly reports and the 2024 annual report pursuant to Condition 15 for the Project District Phase Two application for the Four Seasons Resort Lanai, Koele proposed improvements. This item was scheduled on the February 19th, 2025 agenda and was deferred to the March and then subsequently to the meeting tonight. Okay, I'll turn this over to you, Keiki-Pua.

Dr. Keiki-Pua Dancil: Aloha Commissioners. In case the fire alarm goes off, it's okay. It's just testing because it was going off.

Before you have Condition 15, Q3, Q4, as well as 2024 annual report. For Q3, the hotel excluding irrigation was 31,000 gallons per day. Hotel irrigation was 55,000 gallons per day. Collectively, this represented approximately 5.3 percent of the pumpage during that periodic report period. For Q4, hotel excluding irrigation, around 29,000; hotel irrigation around 40,000. Collectively, approximately 4.3 percent of the pumpage during the same quarter when you compare it to the periodic water reports. And I'm here for questions.

Mr. Gima: Before we take questions and comments from the Commissioners, I'll open it up for a public testimony. Roxanne, anyone in your office wishing to testify?

Ms. Morita: No, there's no one here to testify.

Mr. Gima: Okay. Leilani, anybody in the chat or in the Planning Department's Conference Room?

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

3. **MS. KEIKI-PUA S. DANCIL, Ph.D., Senior Vice-President of Governmental Affairs, PULAMA LĀNAʻI, submitting a statement, in reference to Condition No. 11, for the Miki Basin Interim Industrial Use Project, Lānaʻi, Hawaii (SUP2 2021/0008) *(Item was scheduled on the***

February 19, 2025 agenda. Commissioners: Please refer to the materials that were provided in the February 19, 2025 meeting packet.)

The Report is provided to the Lānaʻi Planning Commission for its review.

Mr. Gima: Okay, at this time I'll close public testimony. Commissioners, comments, questions for Keiki-Pua? All right, hearing none. Thank you, Keiki-Pua. We move on to the next item. Keiki-Pua Dancil, Senior VP of Governmental Affairs, Pulama Lanai, submitting a statement in reference to Condition 11 for the Miki Basin Interim Industrial Use Project, Lanai, Hawaii. This item also was scheduled in February and subsequently deferred to March and tonight's meeting. Okay, Keiki-Pua.

Dr. Dancil: Thank you Chair. So Condition 11 was for the interim uses at Miki. When the Council and Land Use approved the zoning and it became urban and heavy industrial in that area, there was no need for the State Land Use Special Use Permit. Therefore, we are no longer needing to report on it because there's essentially, the zoning replace the need for a Special Use Permit because it is permitted uses.

Mr. Gima: So you're saying Condition 11 is null and void because a jurisdictional, jurisdiction changed?

Dr. Dancil: Yeah, so the reason we needed to come before the Lanai Planning Commission was because it wasn't a permitted use. And when the Land Use Commission switched it to urban and then the County did the change in zoning to M-2 Heavy Industrial it is a permitted use. Therefore, a Special Permit becomes moot. And this was explained during our Change in Zoning application before the Commission when we --. Remember when we did this, it was a couple years ago?

Mr. Gima: So all water used reports will be reflected in the Lanai Water Company's periodic water reports from now on?

Dr. Dancil: Water use to that area and the distribution should be included.

Mr. Gima: Okay, thank you. I'll open up for public testimony. Roxanne, anyone in the District Office wishing to testify?

Ms. Morita: No, there's no one here.

Mr. Gima: Okay, thank you Roxanne. Leilani, anyone in the Planning Department's office or anybody in the chat?

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

Mr. Gima: All right. Thank you, Leilani. At this time I'll close public testimony on this agenda item. Commissioners, questions, comments for Keiki-Pua? Okay. All right, hearing none. Thank, thanks Keiki-Pua.

Dr. Dancil: Thank you. Good night.

F. DIRECTOR'S REPORT

1. Completed Lānaʻi Applications Report *(No permits were issued from the period of 02/07/25 to 04/04/25 - No report generated.)*

Mr. Gima: Good night. All right, moving on to Director's report. Danny, will you be handling this area of the agenda?

Mr. Dias: Yes Chair, I will be. Okay, so, the Director's Report, Item F.1., completed Lanai applications report. For the last two months there have been no permits issued on the island of Lanai.

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

Mr. Dias: Item number two status of the Lanai Planning Commission SMA Permit rule change proposals. We met, well, we meaning me, supervising planner Kurt Wollenhaupt, and our Deputy Director met with the Chair Gima and the Vice-Chair Alboro. And we sort of voiced our concerns. Some, some planners brought up a scenario, where with this rule change and the rule changes essentially, you have SMA major permits, you have SMA minor permits, and then you have SMA exemptions. Right now SMA majors obviously come to the Lanai Planning Commission and so do SMA exemptions, but SMA minors are handled by the Department. With this proposed rules change, everything would come to the Commission, which isn't necessarily a bad thing except for certain scenarios where you may have some emergency situations.

You know, one example was if a baseball goes through somebody's window or if there's a storm and a tree falls on somebody's roof et cetera, technically, if somebody were to follow the law, they wouldn't be able to fix those items until they get approval from the Planning Commission, and I don't know if that was necessarily the intent. So what we want to do is, you know, continue to meet with the Chair and Vice Chair and sort of condense the conversation that we want to have with the Lanai Planning Commission, but come back before you folks and see if we can capture, you know, exactly what you folks want. Because our concern is, if everything has to run through the Commission then we, we might be in a scenario where we're encouraging people to do things illegally, which we don't want to do.

I think this meeting is a good example. Like let's say there was an emergency at somebody's house that happened at the end of January. They come in for a permit. You know, we wouldn't be able to schedule them for like say a month. And then we don't have quorum and now they got to wait another month, you know. I, I think there's some scenarios that that we

should discuss before we come before you with the specific rule changes that we want to do or that you want to do.

The rule changes itself shouldn't be that hard to draft. Essentially we would be adopting what applies to SMA exemptions and we would just be sort of like importing that language for minor permits. But anyway, that, that's sort of the status right now. And, and as I mentioned, you know, earlier, we, we haven't processed any, any applications or given any permit approvals so I think we do have time to have this conversation. So I know that was a lot but, you know, anybody has any questions, let me know and we can, I'll do my best to answer those questions. Thank you Chair.

Mr. Gima: Thanks Danny. Do you guys have any questions comments for, for Danny? Go ahead, Erin.

Ms. Atacador: Thank you Chair. So Danny, how you were saying like if a baseball goes through a window or something like that, it would need to go through us. But that's only in houses that are in SMA areas. Is that correct?

Mr. Dias: Yes, that's correct. That is correct, yes.

Ms. Atacador: On Lanai, there isn't that, that much houses. I mean not saying that those houses that do exist in SMA areas wouldn't have those kind of situations that occur, but, I, I guess I can understand where you're coming from, but in my opinion, I still think that we should examine all of them as a part of the Lanai Planning Commission. It's just my two cents.

Mr. Dias: Yeah, and, and that's and that's the conversation we want to have, you know, like, like if, if anybody can think of scenarios or we can think of some scenarios and, you know, and you can say, well, that's not really something we're concerned about. But just making sure we vet it because you know part of the process for these rule changes, I believe it's required by Code, but I know when we changed the SMA Rules for Maui Island, we had to notify everybody that was in the SMA, you know, because you're essentially, you know, affecting people's rights. And so we just want to be really prepared when we, you know, propose actual language changes and you know, there's no surprises with people testifying and saying, well, what about this scenario and you know, it's not something that we thought of.

Ms. Atacador: Thank you, Danny. Right. And, and, and I agree again with that. I just, yeah, just from things that have happened in the past, it's going to be a hard time for me not to, to change my opinion about them all coming through us. Again, I hate to always bring it up and go back to this, but it was something that significantly impacted our community is the gate being constructed down to Hulopoe Beach for the community. So again, it's -- I hate it, it was years ago, I understand that, and it was different circumstances but something that impacted

the community that much, I feel something that needs to, you know, be remembered when we make decisions in the future.

Mr. Dias: Yeah, definitely. Understood. Thank you. Okay.

Mr. Gima: Hold on Danny. Commissioners, any other questions? Comments? Okay. Couple of things. This has been on our agenda for over a year now, and we, we recognize at the time this first was brought up it was very close to the Lahaina wildfires, and that's why I think the, the Planning Commission gave the Planning Department a lot of leeway in terms of coming up with some amended language. I think what's important is we have to keep in mind, you know, what Sally brought up. And it's unfortunate that Sally wasn't, isn't here tonight and wasn't at the last couple of meetings, but she sent the plan, the Planning Department some contextual history of why the Lanai Planning Commission wants to consider changing our rules so that we review SMA minor permits also. So yeah, I, I, I see what you're saying Danny from a procedural, procedural standpoint and we need to talk about it, but we seem to be kicking the can down the road. I would, I would prefer that amended rules be put on the agenda so we could have a substantive, you know, discussion on, on this. And, and in the meantime, between now and the time it is on the agenda, if the Planning Department could distribute what Sally sent to the Planning Department in terms of context and history.

Mr. Dias: Okay, understood Chair. And then just for some context, you know, the reason why we're, we're being cautious is because with the Maui SMA Rules that were passed, what ended up happening is somebody immediately challenged it, and then was, was successful. But then the ruling from the judge, it wasn't clear if the entire Maui SMA Rules were invalidated or just a portion. You know, so we, I guess maybe we're being overly cautious but because of that, you know, we, we want to make sure that if we do something that would be something that, you know, will stick and not just be immediately challenged and thrown out in Court.

So, but, but if that's the desire of the Commission, yeah, we, we could just, you know, add that language so that all the minors come to the Commission and then have that conversation.

Mr. Gima: Okay, so we didn't, we didn't have a pre-meeting for this one. So yeah, let's make sure that you and Ana and Nikki and I and Caleb can get together before next month's meeting.

Mr. Dias: Okay.

Mr. Gima: All right. Moving on.

3. Status of the proposed Talk Story LPC meeting.

Mr. Dias: Status of the proposed talk story LPC meeting. So Caleb can correct me if I'm wrong. I know when we met the last time Butch we wanted Caleb as part of that meeting to discuss this, but she was on vacation and now I believe there might be another Corp Counsel that's going to take over for Lanai. So, I think that this discussion can happen in our, our monthly meetings, you know, with you and with Nikki because we definitely need Corporation Counsel onboard on this. You probably remember I think Selena sort of had reservations so --

Mr. Gima: Right.

Mr. Dias: Anyway, that's, yeah, that's the status of that. We can have a meeting outside of, you know, a regular scheduled Commission meeting to discuss this item.

Mr. Gima: Yeah, before you move on Danny, Sally pointed out and requested from Selena at that time was that because she had concerns about the sunshine law that she asked Selena to convey to the Planning Commission what change from the mid-2000s when we were allowed to do the talk story sessions till now.

Mr. Dias: Okay, we'll, we'll make note of that.

Mr. Gima: Okay, thank you.

4. Status of the LPC vacancy.

Mr. Dias: You're welcome. If I may, item number four, status of the Lanai Planning Commission vacancy. From what I understand, nobody has put in a name for this vacancy. So until that happens, probably not going to have another commission member.

Mr. Gima: Um, I've been in contact with two residents. One has emailed me saying that they will submit an application. I sent them the link. And the second individual, I just spoke with today and I asked him, I asked him to attend the meeting just to get a feel of how it goes. They're, they're interested. They, they, they want to give back to the community, at the same time, you know, time management, both work stuff and family stuff may hinder. So hope, hopefully, hopefully, if, if they're in observance of tonight's meeting that will be a motivating factor for them to submit the, their application.

5. Status of hybrid meetings.

Mr. Dias: Okay, thank you Chair. Status of hybrid meetings. So I know we discussed this in our meeting, Chair. Deputy Director Lillis and Planning Supervisor Wollenhaupt went to Lanai to look at various spaces and from what I understand they didn't find anything that was viable to hold in-person meetings, but we're still sort of trying to find a way to do it. One challenge honestly is, is the budget, which is Council is currently reviewing the budget. If we do hybrid, you know, in-person meetings obviously we'll need, you know, funds to do that. I

seriously doubt they will allow us to do night meetings because if we do night meetings, then we would have to stay over, and then that of course adds a lot to the costs. So, so that an ongoing thing basically, but for us right now it's, it's really seeing what the budget is going to be because, you know, the Planning Department did go in front of their Council Budget Committee. We thought it went well, but then we've also seen in the media that, you know, there's been talk of, you know, extreme cuts and so we, we just don't know what that means for us.

Mr. Gima: Commissioners, do you guys have any thoughts or questions on this issue? Go ahead Lisa.

Ms. Grove: Are all of the Molokai Commission meetings done virtually?

Mr. Dia: Yes.

Ms. Grove: Okay.

Mr. Gima: Erin?

Ms. Atacador: Just outside the box thinking, I wonder if there's a way, that, that we could approach hybrid or in-person meetings, you know, if there was a certain trigger. Like if it was something that we were, if the agenda had something we were voting on or, just any example, then that would cause, you know, and not to say every month you guys need to come over. But if there was something, I don't know, some kind of trigger that could, you know, we would, we, you know, not we won't get as many testifiers and participations in every single meeting, but if there was something that our, we felt that our community would, you know, want to testify in-person on if, if that could be some kind of trigger that we could then opt to, okay, this month will go over for, for in-person or offer a hybrid option, you know, just thinking, thinking outside the box and trying to get those who want to participate in-person options.

Mr. Dias: Yeah, I think that's a good idea. Like I said, it depends on the budget, but I could see a scenario well depending on, you know, what, what we're able to do financially. It could be, you know, like say quarterly or, you know, at least maybe twice a year or so or something, right? Or like you mentioned, you know, if we have something that we know it's like, okay, this is something the community is going to really be interested in. It might bring out, you know, you know, dozens of people or whatever, then, then we could, you know, adjust accordingly. But, but yeah, we definitely hear you.

Mr. Gima: Lisa?

Ms. Grove: Channeling Commissioner Kaye and previous conversations, the other thing that we've talked about, and we have a new sort of group on the Commission, and this may not be feasible for people, but the daytime meetings would save you guys hotel stays and things

like that if we had moved to daytime meetings, which I know the other planning commissions do. And I know that's something that Commissioner Kaye has raised a number of times, so I felt compelled to do that in her honor.

Mr. Gima: Thanks for bringing that up, Lisa. Yeah Danny, I know when Ana and Kurt came over, I, I was a bit disappointed. Because for one, I thought they were coming over just for this hybrid meeting issue, but I, when we had our meeting last month I learned that they, they killed ten birds with one stone coming to Lanai. They didn't get to, they didn't get to see the Senior Center. And you know, I'd, I'd offer to take them around to different potential sites. So, and I, I know you said the, if we go to a hybrid meeting that the meeting site has to be a public building, like it cannot be a Pulama Lanai building or it cannot be Four Seasons building. So, you know, there, there are --. I mean, in, in the past we used to hold it at the school cafeteria. We used to hold it at the Library meeting room, and most recently we used to hold it at the Senior Center.

You know, in terms of budget, you know, you, you guys, you guys got to let the Council know that they, you guys haven't spent any money on hotel, travel and per diem for over five years. So there's a lot of money that was budgeted for this, but never expended.

Mr. Dias: Yeah, for the County, I think in all government, I think you know any unspent money at the end of the fiscal year essentially like goes back in, you know, the general fund and then during budget it gets . . . (inaudible) . . .

Mr. Gima: Okay, last call, last call on hybrid meetings. We'll take this up again in our pre-meeting for May, Danny.

6. Agenda items for the May 21, 2025 meeting.

Mr. Dias: Okay, sounds good. Okay, lastly agenda items for the May 21st meeting, we have at least three items. My notes here. The first one is for the wastewater. I believe it's the wastewater treatment facility. The one that's owned by Pulama Lanai. Basically they're coming in for a State Special Use Permit, and it's essentially a paperwork issue. I believe the previous owner never renewed their Special Use Permit, so now they, you know, we realized that it's technically unpermitted and so Pulama Lanai is coming in to get a permit. From what I understand though, it's not an expansion. There's no, there's no work or whatever. It's just, you know, making sure that they have the permit for it.

The other two items are basically bills for ordinances. One has to do with bed and breakfast homes and, and, you know Greg obviously would be the expert on this. But what I, I, from what I understand, it's essentially legislation being introduced for B&Bs in the Lahaina area. Right now, our bed and breakfast law doesn't allow you to apply for a B&B unless the structure was built for five years. So, you know, obviously if you're in the burn area in Lahaina you wouldn't be able to do that. So this bill sort of, you know, gives out like a little carve out to make an exception for those people.

The other bill is related to Ag, and it would amend the definition of, you know, quote agricultural retail structure to include a vehicle and structure on wheels. So, adding various uses to the agricultural district. But Greg will provide those ordinances to you and do a presentation like he did today. And that's about all that I have for the May meeting in front of you right now. Thank you.

G. NEXT REGULAR MEETING DATE: May 21, 2025

Mr. Gima: Thanks Danny. Commissioners. Do you guys have any requests to include on next month's agenda? Okay. Hearing none. If you guys come up with anything before, you know, next couple of weeks, please shoot it to Leilani and then CC me. Will everybody be here for the May 21st meeting? Okay, so Michelle said no. Everybody else will be able to make it? Okay I think Negus, Negus will be back. He's done with all of his classes this month. So we have one, two, three, four, five, six. Who else is missing? Okay, well, I'll follow up with you guys to make sure we got quorum. Alright, everybody.

Mr. Rowe: Chair?

Mr. Gima: Go ahead, Caleb.

Mr. Rowe: Sorry if I may, as Danny mentioned, we, we have had a new attorney who joined our office and he is, he's currently shadowing me. I'm going to be here for the next meeting as well, and potentially even longer, but he will be taking over eventually. I just wanted to introduce him. He is on, on the call right now. He's down there as Adrian Pierce. He's going to take over the staffing of the, of the Lanai Planning Commission. Just wanted to introduce you guys.

Mr. Adrian Pierce: Aloha.

Mr. Gima: Hey Adrian.

Mr. Pierce: Nice to meet you folks and very much looking forward to working together.

Mr. Gima: Can you give us a Readers Digest version of your background?

Mr. Pierce: Sure, yeah, I, I'm a graduate UH Richardson School of Law. I've been mostly focusing on environmental law and planning, a little bit of land use stuff as well. I had some experience working at the State Legislature. I was the Legislative attorney for Representative Tarnas under Judiciary and Hawaiian Affairs. So I'm slightly familiar with how the, the County procedures work but, but yeah, very much still learning and Caleb's been a great teacher and following his . . . (inaudible) . . .

Mr. Gima: Alright, thank you Adrian. Looking forward to working with you.

Mr. Pierce: You as well sir.

H. ADJOURNMENT

Mr. Gima: Alrighty. Okay, thank you everybody. If there are no objections, meeting is adjourned. See you next month.

There being no further discussion brought forward to the Commission, the meeting adjourned at 7:22 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

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

EXCUSED:

Negus Manna

OTHERS:

Danny Dias, Planning Program Administrator, Current Planning Division
Greg Pfof, Administrative Planning Officer, ZAED
Brailey Gonsalves, Planner
Caleb Rowe, Deputy Corporation Counsel
Adrian Reifsnyder, 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