

**LANA'I PLANNING COMMISSION
SUMMARY MINUTES
JUNE 19, 2019**

([HYPERLINK TO AUDIO RECORDING OF THE MEETING](#))

A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 5:03 p.m., Wednesday, June 19, 2019, in the Lanai Senior Center, Lanai City, Hawaii.

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

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

(Item B begins at 00:00:54 of the Audio Recording)

Several members of the public provided testimony at the beginning of the meeting.

D. PUBLIC HEARINGS (Action to be taken after public hearing.)

- 1. PATRICK CARUSO requesting a Short-Term Rental Home Permit in order to operate Lanai Sunset Hale, a three-bedroom short-term rental located in the R-1 Residential District at 1276 Fraser Street, Lanai City, Island of Lanai. TMK: (2) 4-9-004:010 (STLA T2018/0009) (J. Burkett)**

REPORT AND RECOMMENDATIONS

The Commission is reviewing the application because there are at least two permitted short-term rental home operations located within 500 feet of the subject property.

(Item D.1. begins at 00:15:05 of the Audio Recording)

(Motion was made at 01:03:25 of the Audio Recording)

(Vote was taken at 01:22:30 of the Audio Recording)

It was moved by Mr. John Delacruz, seconded by Ms. Caron Green, then motion to approve the Department's report and recommendation on the short-term rental home

permit request with the 22 standard conditions plus the two additional conditions – dies (no action).

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

Although the trigger for the application to come before the Commission was no longer applicable since one of the two permitted short-term rental permits within the 500 foot of this subject property was sold, the public hearing for this project was still held in order to hear the Commission and the public's comments and testimonies. The Commission took action on the item, but since the vote was four ayes and three nays, the motion died (no action). The Department, though, will take the Commissions' comments that ensued during their discussion and the testimonies provided by the public into consideration when the determination is administratively made on the application by the Department.

(The Lanai Planning Commission recessed at 6:28 p.m. and reconvened at 7:00 p.m. Ms. Caron Green is excused from the meeting at 6:37 p.m.)

C. UNFINISHED BUSINESS

- 1. Discussion of allowing no building setback in the Residential District in Lanai City for carports, garages and storage buildings. (J. Hart) (Previously scheduled for the November 28, 2018, December 12, 2018 and April 17, 2019 meetings and deferred.)**

The Commission may determine whether the front, side and rear yards should be zero feet for carports, garages and storage buildings on properties in Lanai City that are zoned Residential. The Commission may then direct the Planning Department and the Department of Corporation Counsel to draft such a bill for public hearing at a future Planning Commission meeting.

(Item C.1. begins at 01:24:56 of the Audio Recording)

The Commission discussed the no setback in the residential district in Lanai, and comments were to retain the existing setbacks, as well as possibly decrease the setbacks to a lower number. However, after discussions, the Commission did not direct the Department to draft any legislation. If though, the Commission wishes to continue further discussion, they will request the Department to bring this matter back for further discussion.

2. **Discussion of options for regulations of Short-Term Rental Homes and Bed and Breakfast Homes on Lanai, and related amendments to Chapters 19.64 and 19.65, Maui County Code. (J. Hart) (Previously scheduled for the November 28, 2018 meeting. Discussed at the December 12, 2018, January 16, 2019 and April 17, 2019 meetings and deferred.)** [MEMO](#)

The Commission may determine whether a cap(s) or other proliferation controls should be established and if so what the suggestions should be, as well as amendment to Chapters 19.64 and 19.65, Maui County Code, proposed in future legislation. The Commission may then direct the Planning Department and the Department of the Corporation Counsel to draft such a bill for public hearing at a future Commission meeting.

(Item C.1. begins at 01:51:53 of the Audio Recording)

The Commission provided their recommendations and suggestions to controlling short-term rental homes and bed and breakfast, and also provided their comments as to possible amendments to Chapter 19.64 and 19.65. The Department will take the Commissions' recommendations, and will draft and incorporate verbiage appropriately in the ordinance. The proposed amended ordinance will be brought back to the Commission for further review and discussion at a future meeting.

E. COMMUNICATIONS

1. **May 28, 2019 Semi-Annual Reports ([January through June 2018](#), and [July through December 2018](#)) submitted by Ms. Lynn McCrory, Senior Vice-President of Governmental Affairs, PULAMA LANA'I regarding the project irrigation demand associated with the Residential and Multi-Family Development at Manele, TMK: 4-9-017:001, 002, 003, 004, 005, and 4-9-002:049, Manele, Island of Lana'i. (95/SM1-015) (95/PH2-001)**

The Commission may provide its comments on the reports.

(Item E.1. begins at 02:48:44 of the Audio Recording)

Ms. Lynn McCrory went over the reports, and the Commission did not have any questions.

F. DIRECTOR'S REPORT

1. **Reports from members who attended the Native Hawaiian Law Training on June 7, 2019.**

(Item F.1. begins at 02:52:31 of the Audio Recording)

Commissioner Rabaino attended the Native Hawaiian Law Training, but was not present at the meeting to provide his report. Item will be taken up at the next scheduled meeting.

2. **Open Lanai Applications Report as distributed by the Planning Department with the June 19, 2019 agenda.**

(Item F.2. begins at 02:52:47 of the Audio Recording)

There were no questions on the reports.

3. **Agenda Items for the July 17, 2019 meeting**

(Item F.3. begins at 02:53:00 of the Audio Recording)

Mr. Jared Burkett notified the Commission that action on the Decision and Order for the Hale Nani project is scheduled for the July 17, 2019 meeting.

G. NEXT REGULAR MEETING DATE: July 17, 2019

H. ADJOURNMENT

There being no further discussion brought forward to the Commission, the meeting was adjourned at 8:07 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Roxanne Catiel
John Delacruz
Caron Green
Mililani Martin
Shelly Preza, Chair

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Shirley Samonte
Chelsea Trevino, Vice-Chair

EXCUSED:

Sherry Menze
Gerald Rabaino

OTHERS:

Jordan Hart, Deputy Planning Director
Jared Burkett, Staff Planner
Richelle Thomson, Deputy Corporation Counsel