

**LANA‘I PLANNING COMMISSION
REGULAR MEETING
AUGUST 21, 2019**

A. CALL TO ORDER

The regular meeting of the Lanai Planning Commission (Commission) was called to order by Ms. Shelly Preza, Chair, at approximately 5:00 p.m., Wednesday, August 21, 2019, in the Lanai Senior Center, Lanai City, Hawaii.

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

Ms. Shelly Preza: . . . Lanai Planning Commission, August 21st. Thanks for being here. I don't think it's very a long agenda we have so I'd like to get started so we can finish up quickly if need be.

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

Ms. Preza: So we're going to start with the public testimony. So does anyone? No one signed up to testify? Would anyone in the audience like to testify? Okay great, so I'm going to close public testimony at this time.

C. ADOPTION OF WRITTEN DECISION AND ORDER

1. **This item involves a contested case hearing. No public testimony will be received on this item.**

Commission consideration of proposed Findings of Fact, Conclusions of Law and Decision and Order denying the request for a Short-Term Rental Home (STRH) Permit by LORRIE NIELSON to operate Hale Lanai, a two-bedroom STRH located in the R-1 Residential District at 920 Fraser Avenue, TMK: (2) 4-9-005:029, Lanai City, Island of Lanai. (STLA T2018/0008) (J. Burkett)

Action on the application was taken by the Commission following public hearing at the May 15, 2019 meeting.

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the [proposed Findings of Fact, Conclusions of Law, and Decision and Order.](#)

Ms. Preza: So we'll move on to Item C which is the adoption of the written Decision and Order. So basically Commissioners, we're just --. We had already decided to deny this short-term rental home permit applied for by Lorrie Nielson. So this agenda item is simply to decide whether we want to adopt, adopt with modifications or take some other action. So if you had a chance to look through the, the document here with the denial. Were there any comments you would like to share or do you think we can --? Would anyone like to move to adopt? Okay, could you --? We have to move right? Okay.

Ms. Sherry Menze: I move to adopt --

Ms. Preza: Okay, any --

Ms. Menze: -- the rejection on the short-term rental for Lorrie Nielson.

Ms. Preza: Okay, anyone like to second? Okay, great second. So all in favor please raise your hand? Or this is the short-term rental, yeah, so raise your hand please? All in favor? Okay it passes unanimously. So I believe we need to find a copy. No, I think there is one that we are going to sign. Yes, and we'll pass that around to sign, but as we're doing that we can move on to Item D.1. which is the semi-annual report from Lynn McCrory.

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

VOTED: To adopt the Findings of Fact, Conclusions of Law and Decision and Order denying the request for a Short-Term Rental Home Permit as submitted.

(Assenting: R. Catiel, J. Delacruz, S. Menze, M. Martin, S. Preza, C. Trevino)

(Excused: C. Green, G. Rabaino, S. Samonte)

D. COMMUNICATIONS

- 1. July 29, 2019 Semi-Annual Report ([January through June 2019](#)) 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 report.

Ms. Lynn McCrory: Lynn McCrory, Pulama Lanai. Good to see you all. This should be short today because my report is kind of, you've gotten your full two-years of quarters from all of the changes that we've made on the prior report. So you now have just about --. Well I'm sorry you have a year and a half, not two. So next quarter you'll get three or seven quarters,

and then full two years we'll come back again. Nothing unusual. Everything is kind of holding the same. Nothing changing greatly. Everything is kind of falling in line. . . . (inaudible) . . .

Ms. Preza: Commissioners, do you have any questions about the report? Anything for Lynn? None?

Ms. Chelsea Trevino: I just assume that August's, August's numbers are a little higher just because it's summer time, correct?

Ms. McCrory: It's been hotter. You can expect the numbers will go up. I don't think we've seen anywhere near the quantity of rain that we have in the past and I would expect we would see them higher. And we're putting the meters in at Koele so we'll numbers off meters and stuff. I'm sorry, the meters at Manele, we'll have finished all of them. So, real-real, yeah. Okay, so we'll give you a report on that too.

Ms. Preza: Thank you.

Ms. McCrory: Thank you.

E. DIRECTOR'S REPORT

1. **[Open Lanai Applications Report](#) as distributed by the Planning Department with the August 21, 2019 agenda.**

Ms. Preza: Awesome. So, wow, this may be the shortest Commission meeting we've ever had. Okay, so Item E.1. open applications. Jared, are you going to speak about that please?

Mr. Jared Burkett: Hi. Jared Burkett, staff planner, for the Planning Department. There is one thing that I need to note. On the completed projects page there should be one on there, but for some reason the permitting system didn't put it on there and it's the Caruso property that had the trigger taken away last time or two months ago. So it was -- the condition was put on that you had discussed to have parking available but not in the way of the water meter or the water lines. As well as the modification to only rent to one, one party. So, and for --. So you don't have separate bedrooms being rented out. So that one should be on here. It was approved. We don't know why it didn't show up so just letting you know.

And as far as the others, I would be able to answer questions if you had anything you'd like to know.

Ms. Trevino: One of the things that was brought up was the parking map versus what was actually there. And then, of course, there was the water meter. I'm just, I just guess I'm curious because I had brought it up at our last meeting -- you weren't here -- that where the two car park area is supposed to be there's cement -- I don't know if cinder blocks is the right

word -- but long cement blocks that are on the Thirteenth Street side. So the only entrance and exit is kind of the area where the water thingy was. And the exit and entrance area where they had put on their map has bushes that are planted to grow so I just wasn't sure how the parking actually was considered.

Mr. Burkett: Okay.

Ms. Trevino: Because it would mean that a car would have to come in through next to the cinder block, turn and go in, and then have another car come in behind it. And the only way to get the first car out is, and so it's cinder block, and then this water meter thingy, and a phone pole, and the sidewalk, and the bushes growing that they are starting there. So that was my only --. I didn't feel that the parking was actually addressed in that sense so.

Mr. Burkett: Okay, so the condition was written that they had to avoid the area and provide the parking so the water line and the meter. And the Director signed off on this condition being worded that way. They still to provide the parking in a safe and acceptable manner. If they're not able to, they have to modify something. So --. And if not, then they're breaking the condition of approval, so then permit should be rescinded. So the only thing I could say to that is if a request for service was put in or if I'm advised to go and check into it I can do that.

Ms. Trevino: So I would advise that you go just take a look at it based on the map that we were given from them at the time and what's actually there.

Mr. Burkett: Okay.

Ms. Trevino: Thanks.

Ms. Preza: Sorry, I have a question about parking too in general with, like, short-term rental. So most of the permitting they are required to provide parking, right, and so because their guests are supposed to be using the parking lot that they provide, correct? And if they are not using that, then somebody would contact the, you folks or like the property manager?

Mr. Burkett: They should contact the Planning Department because the, the zoning inspector would be assigned to look into it, and then they would -- it would be put into record basically. And if that is violation the conditions of the approval, then the Director has the authority to rescind the permit or it could be weighted whenever they come in for their renewal to determine if they get the renewal.

Ms. Preza: Well, I'll just mention and I don't know if you need to go look into but --. And I don't know if any of you have noticed but we just live around town so we just see, you know, what's happening. The permit for the Brandt house on Lanai Avenue. I don't know if you folks have noticed, but I know it was a condition that we put in when we approved it that there would need to be a parking area created where they had said they were going to put one. But I've

noticed a lot of times it's not being utilized. People are still parking, like, right on the side of the street. I don't know. I mean some of you live around there so I just thought I'd bring it up since we're talking about parking and, you know, not being utilized, so yeah. Because that was something that we've talked about as being, like, some of the residents brought up as being kind of hazardous when you're parking right on the street and it's a busy street, so yeah.

Ms. Trevino: 444 Lanai Avenue?

Ms. Preza: I think so. Yeah, I just noticed it, noticed it quite a few times so yeah.

Mr. Burkett: Okay, I noted both of those.

- 2. Department is holding a special meeting on February 13, 2020, Thursday, from 4:00 p.m. to 6:00 p.m. Location to be determined. The purpose is to introduce Orion Planning + Design, provide a brief overview of Title 19, Zoning Code audit, the outcomes, and OP+D's recommendations.**

Department is requesting to hold the meeting from 4:00 p.m. to 6:00 p.m. in order to allow the staff/team to return to Maui on the 6:45 p.m. ferry.

Ms. Preza: Thanks. Great, so any questions about open applications? Okay, so E.2., we're holding a special meeting on February 13th, 2020. Are you going to speak to that? Thank you Jared.

Mr. Burkett: Okay, so as you've heard probably the Title 19 of the Maui County Code is having a re-write. As part of the contract with the Orion Planning + Design which is the consultant that was contracted, they are required to go to each planning commission for a discussion to give an overview of the project and discuss a preliminary draft outline for the new zoning code. And because of the scheduling purposes and them being here just for one week, they've asked for the special meeting. The Planning Department, the Director has asked for a special meeting so that they could accommodate getting them to you as well as the other planning commissions.

So, it would be just extremely -- the Department would be extremely grateful for your consideration for this request because it's a special meeting and it's a little earlier.

Ms. Preza: Commissioners, does that work for everyone, the time? Sorry, can you explain a little more about what they're presenting exactly and what we're discussing?

Mr. Burkett: They're going to give you an overview of the progress which is the overhaul of Title 19. So all of the zoning code. And they're going to have -- to discuss the preliminary draft outline so it's not quite the whole flush out thing but the draft outline for Title 19 Zoning.

Ms. Preza: So I guess my only concern is that sounds like a lot of information and I'm wondering -- and if they have to get out of here by six to check the 6:45 is everyone going to have enough time to actually get all their questions answered and actually discuss and give them good. Oh, sorry, what time is ferry? 7:45.

Mr. Burkett: But they did --

Ms. Preza: They're catching the ferry.

Mr. Burkett: But they did ask between four and six, for the meeting to be 4:00 and 6:00 p.m.

Ms. Preza: Commissioners, do you think that's enough? I mean I don't know anything about this but, like, do you think that's enough time to actually discuss or --? I personally don't but --. 'Cause I can just potentially see it happening like, oh, they give all this information we, you know, especially with public testimony and stuff and getting questions answered and discussing and then they have to rush out at six because they want to catch the ferry, maybe we wouldn't get all of our questions answered or --.

Mr. Burkett: Well, I don't know that this is an item for public testimony. But --. Okay, so one thing is you could possibly take notes and provide your questions to the Department and we could transmit them to them for them to have formal comments if that would work.

Ms. Trevino: Maybe you could just share with them the concern that she raised and ask them, you know, if that's something.

Mr. Burkett: Yes.

Ms. Trevino: Because they already know that their presentation is only 30 to 45 minutes and that gives you another hour just to see if that is something they're thinking about.

Mr. Burkett: Sure I'll mention it.

Ms. Preza: Thank you. If it's going to be longer and if there's going to be a lot of need for discussion then maybe we could try allot a bit more time. I know everyone works so that's something that we would all need to discuss but I would just hate to rush through everything. Because I think --. I'm glad that Lanai is being included in these talks, but sometimes I feel like Lanai is a little over looked, like, in and out, and we're, we say we came, you know, without actually giving enough time to really discuss what's being presented, so thank you, for looking into that. Great. Anything else from --? Sorry, E.3., agenda items for September 18th?

3. Agenda Items for the September 18, 2019 meeting

Mr. Burkett: As of now there are none.

Ms. Preza: Sorry, what was that? Okay, do I have to? Do you have a question for Butch? Is this public testimony or is it just a comment?

Mr. Reynold "Butch" Gima: Just a request.

Ms. Preza: A request. Okay.

Mr. Gima: Hi. My name is Butch Gima. Could you --? Well, I'd like the Planning Commission to request the Planning Department to provide a report at the next meeting on either the proposed changes to Chapter 19.65 which is the short-term rental language. And if they are not ready to present the changes, provide at least a progress report in terms of what they've accomplished, what still needs to be accomplished, and when they project that they will make their presentation.

Secondly, about the February meeting you as the Chair are not compelled to end the meeting if you guys aren't pau. You can table or defer the meeting and require them to come back to finish the meeting. So you are not compelled to finish the meeting within that time just to accommodate their travel plans. So I totally agree with how you guys feel about that. We shouldn't be compelled to finish it within a prescribed time because they don't do that on Molokai and Maui.

Ms. Preza: Thank you. I think --

Mr. Gima: Thank you.

Ms. Preza: Thanks. I was just thinking since it's so far ahead of time if we can find a way and compromise and work it out for both parties then we should consider that. But thank you. I was going to ask about the short-term rental home update so maybe we can have an update on the, on the next meeting.

Mr. Burkett: I put a note; we'll look into it.

F. NEXT REGULAR MEETING DATE: September 18, 2019

G. ADJOURNMENT

Ms. Preza: Thank you. Also, Leilani sent an email to all of us but this is just for anyone who would be interested tomorrow. There's the Ocean Management Plan meeting about getting community input about the plan. But --. Sorry, this is not a Planning Department thing, right? It's a --. What entity is it? Thank you. Sorry, I just wanted to let everyone know because I think it might be worth checking out. Yeah. Especially because I think things have changed

with our coastal waters, and if you have concerns which I do, like, I'm probably going to be going to share them.

It's at 5:30 at the Union Hall I believe. Yeah, Union Hall. 5:30 p.m. to 7:30 p.m. There's also an online survey that you can take if you can't attend. Yeah, I think Leilani sent an email to all of the Commissioners though, but definitely worth maybe looking into. Thanks. Anything else Jared or --? Okay, well, our next regular meeting date is September 18th, 2019, but we can, I guess we can end our meeting now at 5:18 p.m. Good job everyone.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 5:18 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Roxanne Catiel
John Delacruz
Mililani Martin
Sherry Menze
Shelly Preza, Chair
Chelsea Trevino, Vice-Chair

EXCUSED:

Caron Green
Gerald Rabaino
Shirley Samonte

OTHERS:

Jared Burkett, Staff Planner
Richelle Thomson, Deputy Corporation Counsel