

**LANA‘I PLANNING COMMISSION
REGULAR MEETING
NOVEMBER 18, 2020**

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, November 18, 2020, online via BlueJeans Meeting No. 493029090.

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

Ms. Shelly Preza: Well, I hope you're all doing okay. It's . . . (inaudible) . . . Hello. So, it's five o'clock, so we'll get started with the November 18th Lanai Planning Commission meeting. I'm going to take a quick roll call just to make sure we have -- I believe there's quorum . . . (inaudible) . . . on the screen. If you're, if you're a commission member and you're able to turn on your camera that will be great. But if you could just let me know if you're here. Chelsea Trevino? Not here yet. Roxanne Catiel?

Ms. Roxanne Catiel: Here.

Ms. Preza: Thank you. John Delacruz?

Mr. John Delacruz: Here.

Ms. Preza: Thank you. Sally Kaye?

Ms. Sally Kaye: Here. I don't see you Shelly.

Ms. Preza: Oh, really? My --. Can anyone else see me? No?

Ms. Catiel: No.

Ms. Preza: No. Oh, shucks. That's weird. My camera's on. I'll try to mute my video and then turn it back on.

Ms. Kaye: Oh, there you are.

Ms. Preza: Oh, strange. Okay, it was weird. I was seeing my video this whole time, but sorry. Thanks for letting me know. Sherry Menze? Not here. John Ornellas?

Mr. John Ornellas: Here.

Ms. Preza: Thank you. Natalie Ropa?

Ms. Natalie Ropa: Here.

Ms. Preza: Thank you. Shirley Samonte? Maybe not here, but we do have quorum so we'll get started. And so there doesn't seem to be too many people joining us. But just for the sake of making sure we're on the same page I'm just going to read over the rules like we do at every one of these virtual meetings so please bear with me.

So public testimony will be taken when each agenda item is discussed, and testimony will be limited to a maximum of three minutes. Testifiers will be called by me to offer testimony, and are asked to mute their audio and video when they're not testifying. So if you're here with us as part of the audience if you wouldn't mind making sure that your mic is muted and video as well. That would be really helpful. And I will --. So if you are testifying via video and would like to, would like to offer testimony, then you could sign up using the chat function. You directly chat Leilani if possible and by --. And we only have one item on the permitted, or on the public hearing items but you can let her know what, what you would like to testify on specifically. And then I will call on any testifiers via phone after the video, after any video testifiers. And we won't be checking the chat function, the commissioners won't, so if you could be sure to address any questions to Leilani that would be very helpful. Great. Are there any questions from anyone who might be joining us?

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

1. A BILL FOR AN ORDINANCE AMENDING TITLE 19.28, MAUI COUNTY CODE, RELATING TO AIRPORT DISTRICT

MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, referring to the Lanai Planning Commission a Proposed Bill for Ordinance to Amend Chapter 19.28, Maui County Code, relating to Airport District. (Jacky Takakura)

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed> and is summarized as follows:

Section 19.28.010.A, Permitted Uses, is proposed to be amended with some minor updates and to include buildings or premises used by federal, state, or county governments for public purposes.

Ms. Preza: If not, then we'll get right into it. We're starting item B.1. which is a bill for an ordinance amending Title 19.29, Maui County Code, relating to the Airport District. I believe we got sent slides to a presentation. I think Michele, are you going to be doing that? Great. Thank you. Thanks for being here.

Ms. Michele McLean: Thank you Chair and thank you Commissioners. This is a pretty simple, straight forward bill. It's proposing to amend the Airport zoning district. And we're proposing

to amend it because some recent applications came in for uses, not related directly to Kahului Airport but on properties nearby that are zoned Airport District, and they would have to have gone in for a Community Plan Amendment and Change in Zoning to, to do the uses that they were proposing. So if it's okay I'll go ahead and share my screen and go through the power point.

Ms. Preza: Sounds good. Thank you.

Ms. McLean: It's a little slow. Let me stop sharing first. I think for some reason the power point is not happening. So let me try this again. Okay, are you seeing the full slide there?

Ms. Preza: Yes we are. Oh, now – sorry, something glitch, but now I think I we're seeing it.

Ms. McLean: Okay. So these old photos will give you an idea of the times when the current zoning code was passed some 60 years ago. And certainly, as you can see, times have changed and the airports have changed.

The main purpose of the bill is to just add one new permitted use which is buildings or premises used by the federal, state, or county governments for public purpose. And this is the same use that's allowed in a variety of zoning districts: the residential districts, some of the business district, park district, public-quasi/public district. And so here's a slide that shows various government uses nearby Kahului Airport. You have the Department of Water Supply. You have the State offices and the National Guard. And so it was -- one of these State offices nearby that wanted to do, put up a new . . . (inaudible) . . . and the airport zoning currently wouldn't allow that.

Ms. Preza: Sorry Michele to interrupt you. I think if people are just joining our call if you can make sure that you're muted because right now I'm hearing a lot of feedback from someone else and it's interrupting the presentation. So if you could make sure you're muted while Michele is presenting that would be great. Thank you so much.

Ms. McLean: Thanks Chair. Only three of the county's five airports are affected. The Kaunakakai and the Hana airports are in the Interim zoning district. And the interim zoning district actually has similar language already to allow public owned buildings and government buildings. So we're talking about here with Lanai, Kapalua, and Kahului.

And you can see the gray shaded area shows the Airport zoning district for the Kahului Airport, and there are all of those little tiny parcels within it so that's 106 parcels that are zoned Airport District in Kahului. And then on Lanai, there are four parcels that are Airport District zoned. The main parcel and then these little ones.

Ms. Kaye: Michele, can I ask you a question while you're on that slide so you don't have to go back?

Ms. McLean: Sure.

Ms. Kaye: Okay, so the pink areas you're saying those are zoned in the Airport District?

Ms. McLean: No, just the gray.

Ms. Kaye: Just the gray. What is the pink?

Ms. McLean: The pink is typically interim zoned.

Ms. Kaye: Okay. It doesn't have anything to do with this?

Ms. McLean: Correct. It's just the gray areas. You see into the large gray portions there are those little tiny.

Ms. Kaye: That's 509 acres.

Ms. McLean: All total within the gray, yes.

Ms. Kaye: Okay, thank you.

Ms. McLean: Yeah, you're welcome. And then in Kapalua, in West Maui, there are three parcels that are zoned Airport District. And we're also proposing some changes to modernize the Code. And that's to replace some of the really old items and terms that are used. Although we'll really be sad to see haberdasheries is no longer listed in the Code, or bootblack stands, soda fountains.

Then also in that second -- or excuse me, the third bullet, those two agencies referred to in the current language are no longer in existence. And the State Airport zoning board and the Hawaii Aeronautic Commission are no longer in existence. And the Hawaii Department of Transportation Airports Division is the, is the main regulatory authority for our airports now.

And the options for the Commission are to recommend approval of the bill, recommend approval of the bill with amendments, recommend denial, or defer action if you need any additional information. And we are asking for you to recommend approval today.

Ms. Preza: Thank you Michele for the presentation. Sorry.

Ms. McLean: No, that's it. Thank you.

Ms. Preza: Great. So before Commissioner we have any questions or comments I'm going to open public testimony. Is there anyone who would like to offer public testimony at time? Leilani, have you gotten any requests?

Ms. Leilani Ramoran-Quemado: Hi. Can you hear me?

Ms. Preza: Yes.

Ms. Ramoran-Quemado: Thank you Chair. No, no one has signed up to provide public testimony.

No public testimony was provided from the public.

Ms. Preza: Okay, great. Well, one more opportunity for anyone calling in via video chat. Would anyone like to offer public testimony? If not, then is anyone calling via phone who would like to offer public testimony? Okay, if not, then I'll close testimony, public testimony at this time.

And Commissioners, if you have questions for Michele or just want to discuss anything about this or, please feel free to unmute yourselves. And I see that Sherry and Chelsea are now here, and Shirley, so hello, welcome. I just want to make sure I note that on the record. If there's no discussion then we do have the options to recommend approval. I mean, I know it's a relatively short document so hopefully you've all got a chance to read it.

Ms. Kaye: I do have a couple of questions Shelly.

Ms. Preza: Sure, go ahead.

Ms. Kaye: The definition of public purpose, I couldn't --. I mean, I'm not sure how you define that. The definitions in the Code, in 19.04, define public facility and public use, but not necessarily purpose. And words matter so I'm just not sure who gets to decide what a public purpose is. That's one question.

And second, this seems to be driven by a situation in Kahului. And, and so I'm just wondering if this was adopted what could happen at our airport that couldn't happen now?

Ms. McLean: Thank you for the question. I'll answer the second question first. What could happen at the airport now that couldn't happen or what could happen at the airport if the bill were adopted that couldn't happen now would be that...a, a county, state, or federal government agency could conduct a governmental use on the airport property that is not specifically related to the airport. So if, for example, the County Council wanted to have an office at the airport they could. Or another county or state agency wanted to use an unused building at the airport for a use that's not directly related to the airport, they would be allowed to.

Ms. Kaye: And so, so this isn't -- you mentioned that it's prompted or driven by a need in Kahului and, and I'm not sure that --. I assumed it might just be existing uses. But you're saying no; it could be anyone that wanted to come in. And who gets to decide that?

Ms. McLean: Well, with any use the...the...approval of the land owner would be needed so that would be one thing to be mindful of. If you're looking at the Lanai Airport, because it's only four parcels and three of those are contained within that larger parcel, I would imagine that they are all owned by State Airports. So, it seems unlikely to me that other agencies might come in. But if there are any structures on that property that aren't being used right now and there's another government agency that could utilize them for a government function that's not directly related to the airport, the proposed change would allow that. But it's, it's not as it becomes a free for all for any government agency to just start doing things because the authorization from the landowner is needed.

Ms. Kaye: But when you say landowner you're talking about the State Department of Transportation?

Ms. McLean: Correct.

Ms. Kaye: They own that parcel. And, and also you mentioned that if they wanted to use an un, unused building, but, but I understood this to say that they could come in and build something. Would that be accurate?

Ms. McLean: Yeah. Saying that they could use an unused building was just an example of... how the proposed changes could be helpful. It might not be something you anticipate today where there might be an existing building that's unused, and yet you have to go through an entitlement process to let a government agency to use it if, if the, if the bill isn't adopted or isn't applicable to Lanai. But, yes, it would also allow new structures to be built for government purposes.

Ms. Kaye: I noticed that the section above (E) permission for -- I'm not sure why it's there -- but permission for recreational facilities needs to get, needs to be obtained by the Planning Commission. Is there some way to think about adding this in but to require any new or additional use to come before the planning commission?

Ms. McLean: Certainly if the Lanai Planning Commission's recommendation is that this particular change would only apply to Lanai with approval of the Lanai Planning Commission, that's absolutely doable.

Ms. Kaye: Thank you.

Ms. Preza: Thanks Sally, and thank you Michele for answering questions. And I don't know how other commission members maybe feel about that, requesting that, you know, future uses might be --. Or, you know, if anyone tries to make a building or update a facility for the use of that we're talking about if we would like it to come before the Planning Commission. Personally I don't feel --. I mean, I'm not --. I'm actually interested in hearing on what you folks say. I mean, it can't hurt to have an extra check in place, you know, with the -- and a forum for a community to provide feedback. I think, you know, we're all aware of like what the

airport looks like now. And, you know, besides the addition of the, you know, fire fighter station down there, or the fire station down there, it hasn't really change much in the decade previous. But, I'm not sure how others feel that if you think that you would like it to come before the planning commission or if you feel comfortable with the Department of Transportation to be the one dictating what is okay. Thoughts?

Ms. Kaye: Well, I'd like to add that. I make a motion that this could -- that we would...recommend to County Council that the proposed bill be approved with an amendment that any additional public purpose use that's proposed for Lanai come before the Planning Commission.

Ms. Preza: So Sally has made a motion to recommend with amendments -- what she just said. Is anyone -- would anyone like to second that?

Ms. Catiel: I second.

Ms. Menze: I second. Oh, okay.

Ms. Preza: Did you make a motion?

Ms. Menze: No, I just wanted to second. That's okay.

Ms. Preza: I think Roxanne seconded. But is there any further discussion on this before we take a vote? Any clarifications needed from Michele, or does that make sense? Michele, does that wording make sense? Sorry, before we make a motion, I just want to make sure that what she's asking -- what we are proposing is okay.

Ms. McLean: Yeah, I, I understand. So the language in the bill is all fine, except for that additional use, that buildings or premises used by the federal, state or county government for public purposes. That for that particular use on Lanai that would have to be reviewed by the Planning Commission.

Ms. Preza: That sounds good.

Ms. McLean: Okay. Got it.

Ms. Preza: Thanks. So if there's no further discussion, I'm going to call everyone's name, and if you could tell me how you vote that would be helpful. Let me get my roll call here. Okay, so Chelsea?

Ms. Trevino: Yes.

Ms. Preza: Thank you. Roxanne?

Ms. Catiel: Yes.

Ms. Preza: John Delacruz?

Mr. Delacruz: Yes.

Ms. Preza: Sally Kaye?

Ms. Kaye: Aye.

Ms. Preza: Sherry Menze?

Ms. Menze: Aye.

Ms. Preza: Thank you. John Ornellas?

Mr. Ornellas: No.

Ms. Preza; Natalie Ropa?

Ms. Ropa: Aye.

Ms. Preza: And Shirley Samonte. I'm not sure -- I saw her kind of coming in and out. Shirley are you there?

Ms. Samonte: Yes, I'm on the phone because I'm having technical issues. But my vote, yes.

It was moved by Ms. Sally Kaye, seconded by Ms. Roxanne Catiel, then unanimously

VOTED: to recommend to County Council that the proposed bill be approved with an amendment as discussed.

(Assenting: R. Catiel, J. Delacruz S. Kaye, S. Menze, S. Preza, N. Ropa, S. Samonte, C. Trevino)

(Dissenting: J. Ornellas)

Ms. Preza: Thank you. And I also vote yes, so it passes with eight votes, and one no. Thank you everybody. Thank you Michele.

C. DIRECTOR'S REPORT

1. [Open Lanai Applications Report](#) as distributed by the Planning Department with the November 18, 2020 agenda.

Ms. Preza: So moving right along. That was pretty much the only item on B. We'll move on to the Director's Report, Item C, which is open Lanai applications report which we get every month. I don't know if anyone has any questions on that. If not, then we'll move on to Item C.2. which if there is any status update on our proposed STRH/B&B changes. I think, Michele, are you going to speak on that? Thank you.

2. Status update on the STRH/B&B proposed changes.

Ms. McLean: Thank you Chair. The, the proposed bill that this Commission crafted was transmitted to the County Council earlier this year, and referred to the Planning and Sustainable Land Use (PSLU) Committee chaired by Council Member Tamara Paltin. They discussed the item at two different meetings, on October 13th and also an evening meeting on October 22nd. Both of those were by video conference. But because COVID hit Lanai around October 20th, at the October 22nd meeting they didn't want to take action because they wanted to give another opportunity for Lanai residents to comment on the bill. So they, they deferred action and we haven't heard when they anticipate rescheduling.

Also the -- there was a separate bill to establish a moratorium on the issuance of new B&B and STRH permits. That was enacted into law by Ordinance 5125 which took effect on September 26th. So that's a one year moratorium which would go away if the Council adopts the, the bill that, that you all proposed. So the Council does have that cushion of time to act on the bill. But I don't know when they intend on taking it.

Ms. Preza: Thanks Michele for the update. Would it be possible --? So they deferred it to the Sustainable Land Use Committee? Is that what you said? I guess like I'm wondering how we would find when it will be back on their agenda or when they would --. I have --. I mean, for us I feel like I have a hard time keeping track of all these different meetings and committees and especially if they are interested in feedback from the Lanai community. Maybe if we could be notified and then we can let our, you know, local community members here know that it's happening. Maybe they would get more participation.

Ms. McLean: Sure. We can, through Leilani, we can let you know when that's scheduled in committee again.

3. Highlights from the Lanai Planning Commission members who attended the Virtual 2020 Hawaii Congress of Planning Officials (HCPO) Conference, October 19-23, 2020, hosted by the State Office of Planning and the American Planning Association – Hawaii Chapter (APAHI).

Ms. Preza: Great. Thank you so much. Thanks for the update. Okay, great. And then Item C.3. is highlights from Lanai Planning Commission members who attended the virtual Hawaii Congress of Planning Official Conference 2020 in October. I'm not sure if any --. I didn't get

a chance to go. I don't know if anyone did and would like to share how it went if any of you did attend?

Ms. Kaye: I did.

Ms. Preza: Great. You want to . . . (inaudible) . . . a little bit?

Ms. Kaye: Yeah, it was, it was really interesting having gone to a number of these before. I had only one complaint that the sections were too short. It would have been wondering. It was great being able to sit in your jammies and attend. But I would have -- I missed it being able to interact. I thought the land use part of it was really good. Unfortunately we only got the slides today which is kind of the downside of it. You go to it, you attend it, but then you didn't have anything to, you know, remind you what you learned. I did learn that it was Director McLean's birthday, so happy belated birthday. So, yeah, no I enjoyed a lot. I learned a lot. It was good.

Ms. Preza: Thanks Sally. And yeah, happy belated birthday Michele. Anyone else? Did anyone else attend and would like to share how it went?

Ms. Menze: I went and attended. I only got to do two days, the Monday, Tuesday, but again, like Sally said, I can't remember what I learned. But it was very interesting and I'm going to look at the slides so I can re-review what we learned.

Ms. Preza; Thanks Sherry. Did anyone go? Well I know this year was a big change with, you know, switching with virtual and everything. But I'm glad that they were still able to put something on, and glad it was, you know, helpful and that they sent the slides so that you guys can review. I would actually be interested if maybe one of you wouldn't mind sharing what, if there was anything interesting, if you wouldn't mind sharing the slides, both of you. Great. I mean, if you wouldn't mind. Okay, awesome. Well, that was pretty much it. The last item is C.4., agenda items for the December 16th meeting. I'm not sure, Michele or Leilani, if anything is currently scheduled. Leilani, is there anything currently on there that you know of?

4. Agenda Items for the December 16, 2020 meeting

Ms. Ramoran-Quemado: No, as of right now. Your next meeting is yes, December 16th, and I don't have anything at the moment, but it is four weeks out. So if anything changes and there is items that's added on, of course, I'll send you the agenda as usual.

Ms. Preza: Thank you so much.

Ms. Kaye: Shelly?

Ms. Preza: Yes?

Ms. Kaye: I'd like to ask for, for an agenda item. And doesn't necessarily -- it wouldn't be worth having a whole meeting on it so if there isn't else and, and you, because you get to pick the agenda, approve it. If you decide to, fine. But, I'd like to see an update, have the Department give us an update on the progress of the Miki Basin 20-acre condominium project. I know that that's been on the books for almost 20 years now, and there were a number of updates, but I don't think there's been anything in, in, like close to a year. And I'd just like to know what's going on with that.

Ms. Preza: Thanks Sally. Michele, is that something that maybe if we could ask for that you would be able to provide an update?

Ms. McLean: Yes.

Ms. Preza: Thank you. Well, Leilani, maybe we could, if you wouldn't mind taking note of that and we can plan to have it on the agenda, and we can see if anything else comes up. And maybe if nothing else will come, then maybe we can defer it to January and everyone can have a December break? But we'll keep up to date on that.

Ms. Ramoran-Quemado: Okay. I will do that.

Ms. Kaye: Just, just --. Sorry Michele, if I could?

Ms. McLean: Go ahead Commissioner Kaye.

Ms. Kaye: No, no. I was just going to say, just to clarify, the last one that I checked in on, the land owner was pointing the finger at somebody in the County, some entity in the County that was holding things up. And I, I -- but they weren't there to answer it. So that's why I, I would like to hear what the County has to say. Thanks.

Ms. McLean: Okay. And just for the commissioner's knowledge, the State Land Use Commission met today to reportedly to accept the Final EA for the larger Miki Basin entitlements. And it didn't even get into deliberations. The applicant withdrew their request, and so I'm not quite sure what the status is. But if anyone was following that or wondering if that proceeded today, it did not happen today and we're a little bit curious as to how it's going to evolve. Just so, just so you know. And maybe by the time we talk about the 20 acres we'll have a better understanding of the status of that as well and we can let you know.

D. NEXT REGULAR MEETING DATE: December 16, 2020

E. ADJOURNMENT

Ms. Preza: Thank you. Anything else? If not, then this might be a record breaking time for us, but our next regular meeting date as of now is December 16th, and we'll adjourn at 5:29 p.m. So thank you all so much for being here, and hope you're all taking care, and staying safe, and staying well. Thank you so much.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 5:29 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

Roxanne Catiel
John Delacruz
Sally Kaye
Sherry Menze
John Ornellas
Shelly Preza, Chair
Natalie Ropa
Shirley Samonte
Chelsea Trevino, Vice-Chair

OTHERS:

Michele McLean, Planning Director
Stephanie Chen, Deputy, Corporation Counsel