

LANA'I PLANNING COMMISSION

PURSUANT TO CHAPTER 92, PART I, OF THE HAWAII REVISED STATUTES AS AMENDED; NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE LANA'I PLANNING COMMISSION

AGENDA

DATE: JUNE 18, 2014
TIME: 5:30 P.M.
PLACE: Lana'i Senior Center
309 Seventh Street
Lana'i City, Lana'i, Hawaii 96763

Members: John Ornellas (Chair), Stacie Lee Koanui Nefalar (Vice-Chair), Joelle Aoki, Shelly Barfield, Kelli Gima, Stuart Marlowe, Bradford Oshiro, Beverly Zigmond

- A. CALL TO ORDER
- 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.
- C. APPROVAL OF THE MINUTES OF THE APRIL 16, 2014 MEETING AND MAY 21, 2014 SITE INSPECTION (*Commissioners, please bring your copy of the draft April 16, 2014 meeting minutes which was distributed in the May 21, 2014 packets.*)
- D. REPORT, PURSUANT TO SECTION 92-2.5(D), HAWAII REVISED STATUTES, BY THE COMMISSIONERS PRESENT OF THE TESTIMONY AND PRESENTATIONS RECEIVED AT THE MAY 21, 2014, 5:30 P.M. SCHEDULED MEETING, WHICH MEETING WAS CANCELLED DUE TO LACK OF QUORUM.
- E. UNFINISHED BUSINESS
 - 1. PULAMA LANAI requesting a State Land Use Commission Special Use Permit and a Phase II Project District Approval for the Reverse Osmosis Desalination Facility and Distribution System including the development of reverse osmosis desalination plant facility, administration building, water generation facility, and related improvements within the Manele Project District at TMK: 4-9-002: 001 (por.), 4-9-017: 009 (por.) and 010 (por.), Manele, Island of Lanai. (SUP2 2013/0028) (PH2 2013/0001) (B. Sticka)

The public hearing was conducted on April 16, 2014 and the Commission deferred the matter. (*Commissioners, please bring your copies to the meeting.*)

Site inspection conducted on May 21, 2014.

The Commission may take action on these requests.

2. MR. WILLIAM SPENCE, Planning Director, transmitting a proposed bill amending Section 19.65.080.D of the Short-Term Rental Home ordinance in the Maui County Code concerning Enforcement to be consistent with the Maui County Code Enforcement provisions in Section 19.530 and to ensure appropriate due process. (J. Alueta) (Public testimony was received on May 21, 2014)

The Commission may take action on this item.

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

1. MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution No. 14-15 Referring to the Lanai, Maui, and Molokai Planning Commissions a proposed bill to amend Sections 19.12.020 and 19.37.010, Maui County Code, pertaining to Transient Vacation Rentals in the Apartment District. (J. Alueta)
 - a. Public Hearing
 - b. Action

G. COMMUNICATIONS

1. February 6, 2014 Third Quarter Report (June to August 2013) submitted by 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) (B. Sticka) (Previously circulated with the February 19, 2014 and April 16, 2014 agenda packets. *Commissioners, please bring your copies to the meeting.*)

The Commission may provide its comments on the report. Deferred at the April 16, 2014 meeting.

2. February 7, 2014 Fourth Quarter Report (August to December 2013) submitted by 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) (B. Sticka) (Previously circulated with the February 19, 2014 and April 16, 2014 agenda packets. *Commissioners, please bring your copies to the meeting.*)

The Commission may provide its comments on the report. Deferred at the April 16, 2014 meeting.

3. Pulama Lana'i's Upcoming Projects Update - Lynn McCrory, Vice-President of Governmental Affairs, Pulama Lana'i.

This is for information purposes only.

H. DIRECTOR'S REPORT

1. Open Lana'i Applications Report as distributed by the Planning Department with the May 21, 2014 agenda packet.
2. Open Lanai Applications Report as distributed by the Planning Department with the June 18, 2014 agenda
3. Agenda Items for the July 16, 2014 Lana'i Planning Commission meeting.

Public hearings scheduled:

- a. MR. WILLIAM SPENCE, Planning Director transmitting the Planning Department's Report with comments, recommendations, and proposed amendments to the planning commissions for review and transmittal to the Council relating to Chapter 19.65 of the Maui County Code relating to Short-Term Rental Homes. (G. Flammer)

The Report contains a Proposed Bill for an Ordinance containing the Planning Department's proposed amendments to the Short-Term Rental Home Ordinance No. 3941.

- b. MR. WILLIAM SPENCE, Planning Director transmitting the Planning Department's Report with comments, recommendations, and proposed amendments to the planning commissions for review and transmittal to the Council relating to Chapter 19.64 of the Maui County Code relating to Bed and Breakfast Homes. (G. Flammer)

The Report contains a Proposed Bill for an Ordinance containing the Planning Department's proposed amendments to the Bed and Breakfast Home Ordinance No. 3611.

Both reports are available on the County website at:
www.mauicounty.gov (<http://www.mauicounty.gov/index.aspx?nid=121>)

- I. NEXT REGULAR MEETING DATE: JULY 16, 2014

- J. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

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AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, PURSUANT TO SEC. 92-5(a)(4), HRS.

DOCUMENTS ARE ON FILE WITH THE DEPARTMENT OF PLANNING. THE ADDRESS OF THE COMMISSION IS C/O DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 619, WAILUKU, MAUI, HAWAII 96793.

UNLESS OTHERWISE SPECIFIED BY ANOTHER SPECIFIC PLANNING COMMISSION RULE, ANY PETITION TO INTERVENE AS A FORMAL PARTY IN THE PROCEEDINGS BEFORE THE COMMISSION MUST BE FILED WITH THE COMMISSION AND SERVED UPON THE APPLICANT NO LESS THAN TEN (10) DAYS BEFORE THE FIRST PUBLIC HEARING DATE. (Note: The calculation of time for deadlines ten days or less excludes weekends and State recognized holidays.) THE ADDRESS OF THE COMMISSION IS C/O the DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793. The deadline for filing a timely Petition to Intervene for an item where the first public hearing date was on April 16, 2014 was on April 2, 2014.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH ANY AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.

WRITTEN TESTIMONY AND FAXES SHOULD BE RECEIVED AT LEAST TWO (2) BUSINESS DAYS BEFORE THE MEETING TO ENSURE DISTRIBUTION TO THE COMMISSION. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE REQUESTED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

TESTIFIERS: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, and Conditional Permit require the approval of the Maui County Council. In order to be notified of future agendas of the Maui County Council please notify the Office of Council Services at (808) 270-7838 or by mail to the Maui County Council, 200 S. High Street, Wailuku, Maui, Hawaii 96793.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE DEPARTMENT OF PLANNING AT 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1-800-272-0125 (Lanai) OR NOTIFY THE DEPARTMENT OF PLANNING IN WRITING AT ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793 OR FAX NUMBER 270-7634; AT LEAST SIX (6) BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Department of Planning at least one day prior to the meeting date. Thank you for your cooperation. (S:\ALL\Leilani\LPC\Agenda\2014\061814_age.wpd)