

**LANA'I PLANNING COMMISSION
SUMMARY MINUTES
DECEMBER 12, 2018**

([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. Caron Green, Chair, at approximately 5:00 p.m., Wednesday, December 12, 2018, 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.1. begins at 00:00:15 of the Audio Recording)

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

- 3. MS. MICHELE McLEAN, Planning Director, transmitting Council Resolution No. 18-149 to the Lanai, Maui, and Molokai Planning Commissions containing a proposed bill to establish a zoning district to be known as the Wellhead Protection Overlay District. (D. Raatz) (MEMORANDUM)**

(Item C.3. begins at 00:13:30 of the Audio Recording)

(Public Testimony for Item C.3. begins at 00:50:01 of the Audio Recording)

(Motion was made at 01:03:53 of the Audio Recording)

It was moved by Ms. Caron Green, seconded by Mr. John Delacruz, then unanimously

(Vote was taken at 01:04:20 of the Audio Recording)

VOTED: to recommend that the County Council creates a separate wellhead overlay district ordinance for all private wells on Lanai.

*(Assenting: R. Catiel, J. Delacruz, S. Menze, S. Preza,
G. Rabaino, S. Samonte, C. Trevino)*

(Excused: M. Martin)

(Motion was made at 01:04:32 of the Audio Recording)

It was moved by Ms. Sherry Menze, seconded by Mr. Gerald Rabaino, then

(Vote was taken at 01:10:00n of the Audio Recording)

VOTED: To recommend to the Maui County Council that the bill be approved with the comments as discussed.

(Assenting: J. Delacruz, C. Green, S. Menze, S. Preza, G. Rabaino, C. Trevino)

(Dissenting: S. Samonte, R. Catiel)

(Excused: M. Martin)

- 1. MS. MICHELE McLEAN, Planning Director, transmitting proposed amendments to Title 19 of the Maui County Code to increase the penalty for the operation of a transient accommodation without a necessary permit from the current \$1,000 to a civil fine of up to \$20,000 plus \$10,000 per day for each day the unlawful operation persists. (D. Raatz) [\(MEMORANDUM\)](#)**

(Item C.1. begins at 01:10:40 of the Audio Recording)

(Public Testimony for Item C.1. begins at 01:25:43 of the Audio Recording)

(Motion was made at 01:38:34 of the Audio Recording)

It was moved by Ms. Sherry Menze, seconded by Mr. John Delacruz, then unanimously

(Vote was taken at 01:46:20 of the Audio Recording)

VOTED: to defer until the commission is provided with the language, as amended/revised, of the proposed bill.

(Assenting: R. Catiel, J. Delacruz, S. Menze, S. Preza, G. Rabaino, S. Samonte, C. Trevino)

(Excused: M. Martin)

(The Lanai Planning Commission recessed at 6:47 p.m. and reconvened at 6:53 p.m.)

- 2. MS. MICHELE McLEAN, Planning Director, transmitting proposed amendments to the Planning Commission's Rules of Practice and Procedure to authorize the submittal of electronic documents as official documents, in anticipation of Maui County's implementation of the Maui Automated Planning and Permitting System. (D. Raatz) [\(MEMORANDUM\)](#)**

(Item C.2. begins at 01:47:11 of the Audio Recording)

(Motion was made at 01:59:07 of the Audio Recording)

It was moved by Ms. Shelly Preza, seconded by Ms. Sherry Menze, then unanimously

(Vote was taken at 02:00:02 of the Audio Recording)

**VOTED: to adopt the proposed amendments as presented.
(Commission would like to continue to receive printed materials)**

*(Assenting: R. Catiel, J. Delacruz, S. Menze, S. Preza,
G. Rabaino, S. Samonte, C. Trevino)*

(Excused: M. Martin)

D. COMMUNICATIONS

- 1. Discussion of establishing caps for [Short-Term Rental Homes and Bed and Breakfast Homes on Lanai](#). (Previously scheduled for the November 28, 2018 meeting.) *(Commissioners: A copy of the [September 28, 2016 Lanai Planning Commission meeting minutes](#) was included in the November 28, 2018 meeting packet. Please bring your copy to the meeting.)***

The Commission may determine whether a cap(s) should be established and if so what the suggested cap(s) should be 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 D.1. begins at 02:00:45 of the Audio Recording)

(Public Testimony for Item D.1. begins at 02:45:02 of the Audio Recording)

(Motion was made at 03:05:07 of the Audio Recording)

It was moved by Mr. Gerald Rabaino, seconded by Mr. John Delacruz, then

(Vote was taken at 03:08:40 of the Audio Recording)

VOTED: for all Lanai STRH applications to come before the Lanai Planning Commission.

(Assenting: R. Catiel, J. Delacruz, S. Preza, G. Rabaino, S. Samonte)

(Dissenting: C. Green, S. Menze, C. Trevino)

(Excused: M. Martin)

(Motion was made at 03:09:42 of the Audio Recording)

It was moved by Ms. Shelly Preza, seconded by Mr. Gerald Rabaino, then unanimously

(Vote was taken at 03:10:02 of the Audio Recording)

VOTED: to defer Agenda Item D.1.
*(Assenting: R. Catiel, J. Delacruz, S. Menze, S. Preza,
G. Rabaino, S. Samonte, C. Trevino)*
(Excused: M. Martin)

2. **Discussion of allowing no building setback in the Residential District in Lanai City for carports, garages and storage buildings. (Previously scheduled for the November 28, 2018 meeting.)**

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 D.2. begins at 03:11:21 of the Audio Recording)

(Motion was made at 03:11:22 of the Audio Recording)

It was moved by Ms. Shelly Preza, seconded by Mr. Gerald Rabaino, then unanimously

(Vote was taken at 03:11:37 of the Audio Recording)

VOTED: to defer Agenda Item D.2.
*(Assenting: R. Catiel, J. Delacruz, S. Menze, S. Preza,
G. Rabaino, S. Samonte, C. Trevino)*
(Excused: M. Martin)

E. DIRECTOR'S REPORT

1. **Reports from members who attended the Native Hawaiian Law Training on December 7, 2018.**

(Item E.1. begins at 03:09:48 of the Audio Recording)

Without any objections from the Commission, Agenda Item E.1. was deferred.

2. [Open Lanai Applications Report](#) as distributed by the Planning Department with the October 17, 2018 agenda.
3. [Open Lanai Applications Report](#) as distributed by the Planning Department with the November 28, 2018 agenda.
4. [Open Lanai Applications Report](#) as distributed by the Planning Department with the December 12, 2018 agenda.

The Commission did not have any questions/comments regarding the open Lanai Applications Reports.

5. Agenda Items for the January 16, 2019 meeting.

F. NEXT REGULAR MEETING DATE: JANUARY 16, 2019

G. ADJOURNMENT

There being no further discussion brought forward to the Commission, the meeting was adjourned at 8:20 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, Chair
Sherry Menze
Shelly Preza, Vice-Chair
Gerald Rabaino
Shirley Samonte
Chelsea Trevino

EXCUSED:

Mililani Martin

OTHERS:

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Clayton Yoshida, Planning Program Administrator, Current Planning Division
David Raatz, Staff Planner
Eva Blumenstein, Department of Water Supply
Richelle Thomson, Deputy Corporation Counsel (on-call)