

**LANA‘I PLANNING COMMISSION
SUMMARY MINUTES
APRIL 17, 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. Caron Green, Chair, at approximately 5:00 p.m., Wednesday, April 17, 2019, in the Lanai Senior Center, Lanai City, Hawaii.

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

B. ELECTION OF OFFICERS FOR THE 2019-2020 BOARD YEAR – Chair and Vice-Chair

(Item B begins at 00:00:10 of the Audio Recording)

(Motion was made at 00:00:42 of the Audio Recording)

(Vote was taken at 00:02:35 of the Audio Recording)

It was moved by Mr. John Delacruz, seconded by Ms. Shirley Samonte, then the nomination to elect Mr. Gerald Rabaino as Chair, FAILED.

(Assenting: J. Delacruz)

(Dissenting: R. Catiel, S. Menze, S. Preza, S. Samonte, C. Trevino)

(Excused: M. Martin)

(Motion was made at 00:00:59 of the Audio Recording)

(Vote was taken at 00:03:05 of the Audio Recording)

It was moved by Ms. Sherry Menze, seconded by Ms. Shirley Samonte, then

VOTED: To elect Ms. Shelly Preza as Chair for the 2019-2020 Board Year.

(Assenting: R. Catiel, C. Green, S. Menze, S. Samonte, C. Trevino)

(Abstaining: J. Delacruz, G. Rabaino)

(Excused: M. Martin)

(Motion was made at 00:03:56 of the Audio Recording)

(Vote was taken at 00:04:23 of the Audio Recording)

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

VOTED: To elect Ms. Chelsea Trevino as Vice-Chair for the 2019-2020 Board Year.

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

(Excused: M. Martin)

- C. 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 C begins at 00:08:45 of the Audio Recording)

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

(Ms. Mililani Martin is present at 5:35 p.m.)

D. UNFINISHED BUSINESS

- 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. (J. Hart for M. McLean) (Public hearing was conducted at the December 12, 2018 meeting and Commission action was deferred.) [MEMORANDUM](#)**

The Commission may take action on this item.

(Item D.1. begins at 00:52:16 of the Audio Recording)

(Motion was made at 01:10:48 of the Audio Recording)

It was moved by Mr. Gerald Rabaino to accept as presented, and due to the lack of a second, the motion died on the floor.

(Motion was made at 01:12:18 of the Audio Recording)

(Vote was taken at 01:12:58 of the Audio Recording)

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

VOTED: To accept the proposed amendments, and incorporate the Lanai Planning Commission's comments and recommendations as discussed at the December 12, 2018 and April 17, 2019 meetings.
(Assenting: R. Catiel, J. Delacruz, C. Green, M. Martin, S. Menze, G. Rabaino, S. Samonte, C. Trevino)

(The Lanai Planning Commission meeting recessed at 6:20 p.m. and reconvened at 6:28 p.m.)

2. Discussion of establishing caps for Short-Term Rental Homes and Bed and Breakfast Homes on Lanai. (Previously scheduled for the November 28, 2018 meeting. Discussed at the December 12, 2018 and January 16, 2019 meetings and deferred.)

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.2. begins at 01:20:22 of the Audio Recording)

(Public Testimony for Item D.2. begins at 01:21:27 of the Audio Recording)

(Motion was made at 02:05:46 of the Audio Recording)

(Vote was taken at 02:06:20 of the Audio Recording)

It was moved by Mr. Gerald Rabaino, seconded by Ms. Roxanne Catiel, then unanimously

VOTED: To defer and requested additional information, as discussed, be brought back to the Commission in a timely manner.
(Assenting: R. Catiel, J. Delacruz, C. Green, M. Martin, S. Menze, G. Rabaino, S. Samonte, C. Trevino)

3. 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 and December 12, 2018 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 D.3. begins at 02:06:33 of the Audio Recording)

(Motion was made at 02:07:10 of the Audio Recording)

(Vote was taken at 02:07:18 of the Audio Recording)

Without any objections, the Commission unanimously voted to defer Item D.3., discussion of not allowing building setback in the Residential District in Lanai City.
(Assenting: R. Catiel, J. Delacruz, C. Green, M. Martin, S. Menze, G. Rabaino, S. Samonte, C. Trevino)

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

1. SHORT-TERM RENTAL HOME PERMIT

BRENDA and MIKE HINTON requesting a Short-Term Rental Home Permit in order to operate Hale Nani, a two-bedroom short-term rental located in the R-1 Residential District at 516 Nani Street, TMK: (2) 4-9-010:050, Lanai City, Island of Lanai. (STLA T2018/0006) (J. Burkett)

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. [REPORT AND RECOMMENDATION](#)

(Item E.1. begins at 02:07:27 of the Audio Recording)

(Public Testimony for Item E.1. begins at 02:21:10 of the Audio Recording)

(Motion was made at 02:44:50 of the Audio Recording)

(Vote was taken at 02:45:12 of the Audio Recording)

It was moved by Ms. Caron Green, seconded by Mr. Gerald Rabaino, then

VOTED: To deny the application for a short-term rental home permit.
(Assenting: R. Catiel, C. Green, M. Martin, S. Menze, G. Rabaino, S. Samonte, C. Trevino)
(Abstaining: J. Delacruz)

2. NOTICE: Due to errors in noticing, the public hearing item below will not take place at this time, and no public testimony will be received on this item. A Public Hearing Notice will be republished and this matter will be placed on a future Lanai Planning Commission meeting agenda.

LORRIE NIELSON requesting a Short-Term Rental Home Permit in order to operate Hale Lanai, a two-bedroom short-term rental located in the R-1 Residential District at 920 Fraser Street, TMK: (2) 4-9-005:029, Lanai City, Island of Lanai. (STLA T2018/0008) (J. Burkett)

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.

F. DIRECTOR'S REPORT

1. **[Open Lanai Applications Report](#) as distributed by the Planning Department with the April 17, 2019 agenda.**

(Item F.1. begins at 02:48:06 of the Audio Recording)

The Commission did not have any comments or questions on the open Lanai applications report.

2. **Discussion on Commissions annual training. Since the Commission does not have any new members for the 2019-2020 year, what if any training would the Commission like the Department to provide?**

(Discussion on Item F.2. begins at 00:05:32 of the Audio Recording, and at 02:49:20 of the Audio Recording.)

Chair Preza suggested that since the Commission has had training in the past, they requested training only on Robert's Rules and how to conduct a meeting properly.

3. **Agenda Items for the May 15, 2019 meeting**

G. NEXT REGULAR MEETING DATE: May 15, 2019

H. ADJOURNMENT

There being no further discussion brought forward to the Commission, the meeting was adjourned at 7:57 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 (present at ~5:35 p.m.)
Sherry Menze
Shelly Preza, Chair
Gerald Rabaino
Shirley Samonte
Chelsea Trevino, Vice-Chair

OTHERS:

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