

**LANA‘I PLANNING COMMISSION
PORTION OF REGULAR MEETING
AGENDA ITEM C.1.
NOVEMBER 17, 2021**

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 17, 2021, online via BlueJeans Meeting No. 589 607 544.

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

C. UNFINISHED BUSINESS (Action to be taken)

1. A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE RELATING TO CONDITIONAL PERMIT AMENDMENTS

Ms. Michele Chouteau McLean, AICP, Planning Director, transmitting Resolution No. 21-92 referring to the Lanai Planning Commission a proposed bill to amend Maui County Code Chapter 19.40, Conditional Permits, to remove the planning director’s authority to approve non-substantive amendments that do not result in significant impacts above what would result from the approved conditional permit. (J. Takakura) (*Public Hearing was conducted at the September 15, 2021 meeting, and discussed at the October 20, 2021 meeting.*)

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/DocumentCenter/View/127556/Resolution-21-92-Referring-to-the-Planning-Commissions-a-Proposed-Bill-Relating-to-Conditional-Permit-Amendments>

Ms. Shelly Preza: It seems like we should move on. So, Item C.1. -- Sally, you okay? Okay, C.1. is a bill for an ordinance amending the comprehensive zoning ordinance relating to Conditional Permit amendments. So this is something that we had, you know, public hearing was conducted in September, we discussed it in October, and I believe we just got a letter back. So the Director, the Planning Department, wrote a letter on behalf our Commission asking some certain, you know, clarifying questions. And then we received a document back from Alice Lee, who is the Council Chair. So we do have unfinished business on this because we do need to vote on it. But I’m going to open up public testimony if there’s anyone. Leilani, has anyone signed up?

Ms. Ramoran-Quemado: No one signed up, Chair. Thank you.

Ms. Preza: I don’t see anyone calling via phone. Would anyone like to testify? If not, then we’ll close public testimony. And we can discuss what was presented to us. So just to refresh our memory, this was like the Maui County Code -- the non-substantive --. The Planning Director

may approve amendments to Conditional Permits if the amendments are non-substantive. But it was proposing removal, correct? Sorry, I don't know if there was -- I don't think there's another presentation for this because we discussed in September.

Mr. Hart: The proposal was to remove the Director's discretion on non-substantive changes.

Ms. Preza: Right. Right. So, I mean Commissioners, we have Alice Lee's comments. I don't know if you folks have discussed, you know, want to discuss this a bit more. I was a little confused by --. They were saying that, you know, we asked, like, what is the reasoning for the resolution? And Alice was saying like -- she said something about it was as a result of County Planning and Sustainable Land Use Committee's discussion of a bill that was exclusive to ziplining and not all conditional permits. Jordan, if you can offer any clarification.

Mr. Hart: Yeah. I'm going to have to let the response speak for itself. I was -- I kind of anticipated it might not be as satisfactory for the Commission. But, that's the response that we received.

Ms. Preza: Okay. Thank you.

Ms. Elisabeth Grove: I think non-substantive would also describe the response we received. That might just be me.

Ms. Preza: Yeah. Yeah, I don't really quite understand, you know, what is the problem the Council is hoping to solve. The proposed bill would prevent the Planning Director from granting further amendments as authorized. I feel like that we got that. We had that information. It's not really answering why they want to remove this so that's a little confusing. Yeah, I still don't think we have clarity which leads me to think maybe we should deny because I don't think they, they've provided us any information that's really like pushing us towards agreeing with this proposal, you know. Like, I thought, you know, I think we'd all deferred this because we thought maybe there was a reason why they think that we should remove this particular section that will, that kind of streamlines the process. But I don't really see a compelling argument here or any argument which is kind of --. I don't know what you folks think, Commissioners?

Mr. Zane de la Cruz: Shelly?

Ms. Preza: Yes, go ahead, Zane.

Mr. Z. de la Cruz: Yeah, and like, so more than like not having a compelling argument, there seems, to me, there seems to be some contradiction for that question to what problem the Council is hoping to solve? Or, they're saying, from my interpretation, is they want to remove the Planning Director's ability to make these, to allow these non-substantive changes when

the original document, like the first thing is the guy talking, is someone, Vice-Chair is saying that they want, they want this because it will streamline the process. And to me, those sound like two contradictory things. So it -- I honestly don't understand any of the train of thought for this.

Ms. Preza: Yeah, I agree. Yeah, no Zane, I totally agree. I think especially because when we heard the history of like why that was even implemented. It was to streamline the process, right, instead of going through this whole, like, winded permitting process for a non-substantive change, which they gave us examples of, right, which they're pretty minimal. So, I agree with you. Other comments or --?

Ms. Sally Kaye: Yeah. My sense is that the Department was against this. We didn't have an adequate explanation for why the Council wanted to do it. They pretty much ignored us for a while, and then send something which I agree with everyone else, is fairly inadequate. And the fact that there is a reservation that we will always be notified if the Department wants to take such action that they consider non-substantive. And we can either waive it or review it. It retains our ability and our authority over it somewhat. So I would move to recommend denial of the proposed bill to the Maui County Council. And that would be --

Mr. Z. de la Cruz: I second

Ms. Kaye: -- the recommendation of the Department.

Ms. Preza: Thank you. And I heard Zane second. So, is there any further discussion on this? If not, then all those in favor for the motion, please raise your hand? Any opposed? Any abstentions? No. So that passes unanimously. Thank you very much Jordan, and Jacky, and everyone for drafting that letter to the County Council kind of asking for clarification. And, yeah, I wish, I wish there was some better answers, but, okay, great. So moving on.

It was moved by Ms. Sally Kaye, seconded by Mr. Zane de la Cruz, then unanimously

VOTED: To recommend denial of the proposed bill to the Maui County Council.

(Assenting: J. de la Cruz, Z. de la Cruz, E. Grove, S. Kaye, N. Ropa, C. Trevino)

(Excused: S. Menze, S. Samonte)

There being no further discussion brought forward to the Commission, the meeting was adjourned at 6:55 p.m.

Respectfully submitted by,

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

RECORD OF ATTENDANCE

PRESENT:

John de la Cruz
Zane de la Cruz
Elisabeth Grove
Sally Kaye, Vice-Chair
Shelly Preza, Chair
Natalie Ropa
Chelsea Trevino

EXCUSED:

Sherry Menze
Shirley Samonte

OTHERS:

Jordan Hart, Deputy Director, Planning Department
Jacky Takakura, Administrative Planning Officer, ZAED
Richelle Thomson, First Deputy, Department of Corporation Counsel