

**LANA‘I PLANNING COMMISSION
REGULAR MEETING
FEBRUARY 16, 2022**

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, February 16, 2022, online via BlueJeans Meeting No. 865 093 027.

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

Ms. Shelly Preza: If you're here, feel free to unmute your video if you'd like. And I'm just going to go through and call your name and please let everyone know that you're here, if you're here. Sally Kaye? Not on yet. John de la Cruz? Okay, I saw you wave your hand. Zane de la Cruz?

Mr. Zane de la Cruz: Present.

Ms. Preza: Lisa Grove?

Ms. Elisabeth Grove: Here.

Ms. Preza: Sherry Menzi. Not here. Natalie Ropa?

Ms. Natalie Ropa: Here.

Ms. Preza: Thank you. Shirley Samonte?

Ms. Shirley Samonte: Here. Sorry, I'll get on video.

Ms. Preza: Yeah. No worries. Thank you.

Ms. Samonte: Thank you.

Ms. Preza: Chelsea Trevino? Not here yet. But, Sally, I just saw you come in.

Ms. Sally Kaye: Yeah.

Ms. Preza: Thanks. Okay, great, we definitely have quorum. So thanks for anyone who's joining us today, just wanted to let you folks know that if you are here to testify publicly, that will be taken when each agenda item is discussed. I think we only have only one item on the agenda. So I'll call for public testimony at that item and we're limiting it to a maximum of three minutes. And if you're not testifying and if you're not a commissioner or from the Planning Department, we just ask that you keep your video and audio off unless you're testifying. And if anyone is calling in via the phone, then we'll open public testimony after those calling in via BlueJeans have done their testimony. And Commissioners won't be responding to anything in the chat.

B. COMMUNICATIONS

- 1. DONNA M. LOWY requesting a five-year time extension of the short-term rental home permit for the two-bedroom Hale Ohana STRH, located at 1344 Fraser Avenue, Lanai City, Lanai, Hawaii. TMK (2) 4-9-004:003. (STLA 2016/0001) (K. Wollenhaupt)**

Ms. Preza: So with that, we can just go right ahead to Item B.1., which is a request for a five-year time extension on an STRH. We can get started on that. Do we have a presentation or -
-?

Mr. Kurt Wollenhaupt: Oh hello, good evening, Commissioners. This is Kurt from the Maui office. And I'm not sure whether or not the applicant Donna Lowy and the manager Gail Allen. I did talk to Donna yesterday and she was hoping she could figure it out. However, I'll just tell you the purpose of this evening's meeting, which is a communication item requested by Ms. Lowy that does have a permitted short term home rental.

Now, part of the changes that the Commission decided upon and that were codified by the Council in 19.65.070, it states now, the Lanai Planning Commission must review all permit renewal applications on Lanai. And they may grant an extension for up to five years. So this is the first renewal under this new ordinance. And so this evening's mission is to take a look at the application renewal package that Donna put together. It has been deemed complete from the Planning Department's perspective and that she is up to date on her taxes. She answered all the questions regarding applicability of her permit conditions. She showed us an insurance policy and there have been no requests for service or a police report as to the operations of her two bedroom unit located at 1344 Fraser Avenue. The request from Ms. Lowy is for a five year extension. That would be until January 31st, 2027, with all the conditions continuously being enforceable for that period of time.

So that's -- our decision this evening is to consider Donna's request for a five year time extension of her now approved short term home rental known as Hale Ohana. So thank you and I can answer questions and hopefully the applicant is somewhere on this line here.

Ms. Preza: Thank you Kurt. I'll just ask, is the applicant here and would like to say anything or --? Okay, if not, I'll just open public testimony now in case there's anyone who is here to testify on this item. Leilani, has anyone signed up to testify?

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

Ms. Preza: Thank you. And I'll just open it up if anyone's calling in via the phone or anyone would like to testify. If not, then we'll close public testimony. And Leilani, I just want to make sure there were, there wasn't any submittals of testimony that you emailed to us, right?

Ms. Ramoran-Quemado: Correct. I didn't receive anything.

Ms. Preza: Okay, great. Thank you so much. Okay, so with that, Commissioners, it's kind of time for our discussion and Kurt's here if we have any questions for him. Do you folks have any thoughts on this renewal or extension, I guess, of a, of the permitted STRH? Any concerns or no big feelings about it?

Ms. Kaye: I'd like to just thank the Planning Department for putting this together. I know it's the first time they've had to do it and I find it very thorough. And in my humble opinion, our options of places to stay outside of the mega resorts are becoming way more limited day by day. So I would think we should be in favor of approving this extension.

Ms. Preza: Thanks, Sally. How do others feel?

Ms. Grove: I concur.

Ms. Ropa: I agree too.

Ms. Samonte: I agree as well.

Ms. Preza: Thank you, folks. Yeah, I think what's great about -- you know this is the first renewal or extension that has come before us as part of the new, you know, we put a lot of work into those STRH and Jordan especially putting in a lot of work in kind of drafting out all of our comments. So thank you, Jordan and Kurt. But I think what's great is that, you know, it does provide this kind of public forum in case there was anyone who wanted to come to testify about it because I think that was some of our, you know, concerns about the STRHs was maybe people weren't, you know, providing testimony about, you know, what's happening in their neighborhoods. So I think it's good that we didn't get any, you know, negative feedback from anyone who maybe lives in that area. So yeah, I agree that I think it's fine to, you know, it would be fine to grant an extension for this and --

Mr. Wollenhaupt: Excuse me. Donna, Donna is on the line now. I see a nine, two, eight; that's her number. I'm not sure if you have any questions for her, but that is the number that she gave me so --

Ms. Preza: Thanks Kurt. Donna, if you're here and if you wanted to share anything, you know, we're happy to, to listen. But, you know, I think it all sounds like we're, we're pretty okay with granting an extension. We'll have to do an official motion. But is there anything you wanted to say? Okay, maybe not. I don't know if you're on mute or --. Okay, so would anyone like to make a motion?

Ms. Ropa: I can make a motion to approve.

Ms. Preza: Thanks Nat. Anyone would like to second?

Ms. Samonte: Second.

Ms. Preza: Thanks. Shirley seconds. Is there any further discussion on this item?

Ms. Kaye: I'd just like to add that, that I was not, I was not on the Commission at the time all of this discussion. But I think you guys who were Shelly, you guys should be patting yourselves on the back for the hard, hard work you did on this.

Ms. Preza: Thank you, Sally. That means a lot. Great. So if there's no further discussion, I'm going to just call out your folks' names, if you could just tell me how you vote, just so we're coving all of our bases. So, Sally?

Ms. Kaye: Aye.

Ms. Preza: Thank you. John? You're muted.

Mr. J. de la Cruz: Aye.

Ms. Preza: Okay. Zane?

Mr. Z. de la Cruz: Aye.

Ms. Preza: Lisa?

Ms. Grove: Aye.

Ms. Preza: I don't think Sherry's here. Natalie?

Ms. Ropa: Aye.

Ms. Preza: Shirley?

Ms. Samonte: Aye.

Ms. Preza: Chelsea?

Ms. Chelsea Trevino: Aye.

Ms. Preza: And I also vote yes, so that passes unanimously.

It was moved by Ms. Natalie Ropa, seconded by Ms. Shirley Samonte, then unanimously

VOTED: To approve the time-extension.

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

(Excused: S. Menze)

C. DIRECTOR'S REPORT

1. Open Lanai Applications Report as distributed by the Planning Department with the February 16, 2022 agenda.

Ms. Preza: Thanks so much, Kurt, and thanks, Donna, for being here. Great, so with that, you know, looks like we'll have a pretty short meeting today, which I think everyone will be thankful for. But our -- the next item is just C.1. which is open Lanai applications. I don't know if any of you folks had any questions about that. I see Jordan is smiling there. We're going to end probably -- this might be our shortest meeting that we've ever had. And yeah, because the next item is just what's on the agenda for next month. Leilani, is there anything?

2. Agenda Items for the March 16, 2022.

Ms. Ramoran-Quemado: Yes. Next month will three commissioners last meeting, so we'll be doing a resolution thanking them. And then we do have a public hearing item. It's a Land Use Commission Special Permit for the Miki Basin interim industrial use located on a portion of land at Miki Basin. And I believe Jordan will be doing a workshop, preparing a presentation on Important Ag Lands (IAL).

Mr. Jordan Hart: I just want to clarify. It's not going to be a workshop, but it's going to be a presentation to the Planning Commission with the opportunity for testimony by the general public. But it will be to go over -- the Department of Planning is identifying parcels that are eligible for IAL designation on all three islands, and we're going to all three planning commissions to use the Planning Commission as a venue for the public meetings to engage. And then we will be launching an interactive website where members of the public can review the maps and provide comments on the project, and provide any insights that they would have. Then we will be consolidating that and then coming back to the planning commissions at the end of May or in June.

Ms. Preza: Great. Thanks, Jordan. Anything else, Leilani?

Ms. Ramoran-Quemado: That's it.

Ms. Preza: Okay, great. And commissioners, is there anything that you would like to see or -
-? Yes. Lisa.

Ms. Grove: Is there going to be a point at which we discuss any of the --I know it's not, would not be in the next meeting, but just at some point -- the Charter amendments that would affect us as a land use commission?

Mr. Hart: We can, we can do that. We can do a status update. We could do that. I think that they're still --. We'll schedule something as far as an update on where, where the Charter Commission is at.

Ms. Grove: I don't think and I'm certainly not suggesting that next month might be a good time to do it. I just wanted to put a pin in it that it would be great to do before it goes before the public or there's an opportunity. But it seems like it's still very much in the sausage making phase.

Ms. Stephanie Chen: I could just chime in there, Chair. This is Stephanie from the Department of Corporation Counsel. I'm filling in for Richelle tonight. So the Charter Commission had completed its, its initial work. And so the next step is going to be, I think, the GREAT Committee. The Government, Relations, Ethics, and Transparency Committee for Council. That committee has set aside, I believe it's four days for meetings regarding the proposed Charter amendments. So, just keep an eye out for that. And then, as Jordan said, I think, it can be placed, this item can be placed on a future agenda. But just so you folks don't miss out on any of that, keep an eye out for those, those dates which are coming up soon.

Ms. Preza: Thanks, Stephanie. Jordan?

Mr. Hart: I did want to clarify. So Stephanie, my understanding is that, is that the Charter Commission has a final report, and then those items go to the ballot but that the Council can also add items. Is that, is that accurate?

Ms. Chen: Thanks, Jordan. It is, it is a confusing process and I, I may get some of this incorrect so don't hold me to it. I wasn't the one who was advising the Charter Commission. But I know they're finish with their initial work. Now the Charter Commission is going to the GREAT Committee in Council. And then Council will be able to look at the report, as Jordan said, and propose alternatives, I believe. So then it will go back to the Charter Commission. The Charter Commission will have a certain amount of set time to analyze those alternative proposals that Council comes up with. And then the Charter Commission can agree or disagree. And ultimately there could be two different, two alternative proposals for a ballot question, I believe, if the Charter Commission and the Council have a, can't come to a consensus. But, it's, it's a little more detailed and complicated than that. But I think that's kind of the, a very general overview. So I would just encourage you to look at the County webpage and follow the, the next process, and I'm someone will explain it far better than I did.

Mr. Hart: So where I was going with that is that that picking the point when, when the appropriate or ideal update is, is presented is a bit of a moving target from my perspective.

But I know that Richelle is extremely knowledgeable and that she might be the ideal person to go over these things with the Commission. But I don't want to volunteer her, but I think she's . . . (inaudible) . . .

Ms. Chen: Oh, I'm sure she would be happy to. Yeah, I can volunteer her. She's very well versed in this field.

Mr. Hart: Yeah.

Ms. Chen: Either she will or someone from our office. So on the next, at one of the next meetings when it's most appropriate we'll consult with the Department, and the Department will consult with the Chair just that item.

Ms. Preza: Great. That sounds awesome. Thank you folks. Commissioners, anything else that you are hoping to see on a future agenda items, or the future agenda?

Ms. Kaye: You know what Shelly, I'd like to, I'd like to just chime in on the Charter Commission. Since we're going to lose three members and get three new ones, I would hope that we could schedule it for after when the new members -- who we don't know who they are -- would be appointed. And the ones we're losing can always tap in to hear the presentation. But the new ones would lose that opportunity so at least we should wait till they're on board.

Ms. Preza: I guess Jordan or anyone from Planning, do you know when we'll be getting new? So sorry, in the past we've had, like, people lined up as people are exiting. Is that not the case this year?

Mr. Hart: I have to check on that. I haven't been monitoring the selection and confirmation process so closely recently. So I need to update before I can reply.

Ms. Preza: Okay, sounds good. Thank you. Okay --

D. NEXT REGULAR MEETING DATE: March 16, 2022

E. ADJOURNMENT

Mr. Wollenhaupt: Oh, hi, this Kurt again.

Ms. Preza: Hi Kurt.

Mr. Wollenhaupt: Oh, just to update all of the members that the State Land Use Commission did issue the Finding of No Significant Impact, or the FONSI, and accepted the EA for the 200 acre Miki Basin project that you did comment on. So, you'll be seeing that coming in the future, but that's just updating you on what happened today at the Land Use Commission meeting.

Ms. Preza: Thanks, Kurt. We appreciate that update. Okay, if that's it, then our next regular meeting is scheduled for March 16th, 2022. So thank you all for taking the time, and I'm glad that, you know, you all enjoy the rest of your daylight hours. Thank you and see you folks next time.

There being no further discussion brought forward to the Commission, the meeting was adjourned at 5:16 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
Shirley Samonte
Chelsea Trevino

EXCUSED:

Sherry Menze

OTHERS:

Jordan Hart, Deputy Director, Planning Department
Kurt Wollenhaupt, Staff Planner
Stephanie Chen, Deputy, Department of Corporation Counsel