

ALAN M. ARAKAWA
Mayor

MICHELE CHOUTEAU MCLEAN
Director

JOSEPH W. ALUETA
Deputy Director



RECEIVED

2018 SEP 28 AM 10:18

COUNTY OF MAUI
DEPARTMENT OF PLANNING OFFICE OF THE MAYOR

September 28, 2018

OFFICE OF THE
COUNTY CLERK

2018 OCT -1 AM 9:03

RECEIVED

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

For Transmittal to:

Honorable Mike White, Chair
and Members of the Maui County Council
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL
 9/28/18
Mayor Date

Dear Chair White and Members:

SUBJECT: APPLICATIONS FOR A COMMUNITY PLAN AMENDMENT (CPA) AND CHANGE IN ZONING (CIZ) FOR PROPERTY, LOCATED AT 337 HOUSTON STREET, ISLAND OF LANAI, HAWAII; TMK: (2) 4-9-007:029 (CPA 2018/0005) (CIZ 2018/0005)

The Department of Planning (Department) is transmitting for your review and action CPA and CIZ applications initiated by the Planning Director. A summary of the applications are as follows:

APPLICATION SUMMARY	
Application - CPA	The Community Plan Amendment will change the Community Plan Designation from "Public/Quasi Public to Single Family" on the 11,760 square foot parcel.
Application - CIZ	The CIZ will change the Zoning District from "P-1 Public/Quasi Public to R-1 Residential" on the 11,760 square foot parcel.
Applicant	Planning Director initiated
Owners	Kimberly Masse and Kenneth Kaniho/Dante and Imelda Reymundo
Tax Map Keys	(2) 4-9-007:029
Address	337 Houston Street, Lanai City, Hawaii 96763
Area	11,760 square feet (sq. ft.)
Land Use Designations	State: Urban Lanai Community Plan: Public/Quasi Public County Zoning: P-1 Public/Quasi Public Other: NOT located within the Special Management Area (SMA)

COUNTY COMMUNICATION NO. 18-376

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Mike White, Chair
September 28, 2018
Page 2

Brief Description	The Planning Director (Director) is requesting a CPA and CIZ in order to correct a mapping oversight.
Public Hearing	Held by Lanai Planning Commission (LPC) on August 15, 2018, in Lanai City, Lanai, Hawaii.
Testimony	Ms. Masse testified in favor of the CPA/CIZ during the public hearing.
Recommendation	The LPC recommended approval of the CPA and CIZ by a vote of five (5) ayes, zero (0) nos and three (3) Commissioners excused.

The LPC reviewed the subject applications at its August 15, 2018 public meeting. The LPC recommended approval of the CPA and CIZ.

As Council approval is required for the CPA and the CIZ, the Department respectfully transmits the subject applications to the Council for consideration. Accordingly, attached for your review are the following documents:

1. Proposed bill entitled, A BILL FOR AN ORDINANCE TO AMEND THE LANAI COMMUNITY PLAN AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII, TAX MAP KEY (TMK) (2) 4-9-007:029;
2. Proposed bill entitled, A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM P-1 PUBLIC/QUASI-PUBLIC TO R-1 RESIDENTIAL DISTRICT FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII, TMK: (2) 4-9-007:029;
3. Community Plan Map No. CP-208;
4. Land Zoning Map No. L-2622;
5. Department's Recommendation to the Commission dated August 15, 2018;
6. Department's Report to the Commission dated August 15, 2018; and
7. Minutes of the August 15, 2018, Commission meeting.

Honorable Alan M. Arakawa, Mayor
For Transmittal to:
Honorable Mike White, Chair
September 28, 2018
Page 3

Thank you for your attention to these important amendments. Should you have any questions, please feel free to transmit them to the Department of Planning via transmittal through the Office of the Mayor.

Sincerely,



MICHELE MCLEAN
Planning Director

Attachments

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
Kimberley C. Willenbrink, Staff Planner (PDF)
Lanai Planning Commission (PDF)
Project File

WRS:KCW:ela

K:\WP_DOCS\PLANNING\Cpa\2018\0005_KimMasse\Council\CouncilTransmittal.doc

ORDINANCE NO. _____

BILL NO. _____ (2018)

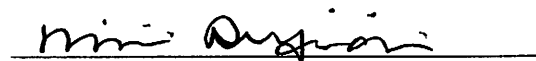
A BILL FOR AN ORDINANCE TO AMEND THE LANA'I COMMUNITY PLAN
AND LAND USE MAP FROM PUBLIC/QUASI-PUBLIC TO SINGLE-FAMILY
FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII,
TAX MAP KEY (2) 4-9-007:029

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 2.80B, Maui County Code, the Lana'i Community Plan and Land Use Map is hereby amended from Public/Quasi-Public to Single-Family for property situated at Lanai City, Lanai, Hawaii, and identified for real property tax purposes as tax map key (2) 4-9-007:029, comprising approximately 11,760 square feet, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Community Plan Map CP-208, which is on file in the Office of the County Clerk of the County of Maui, and attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:


MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

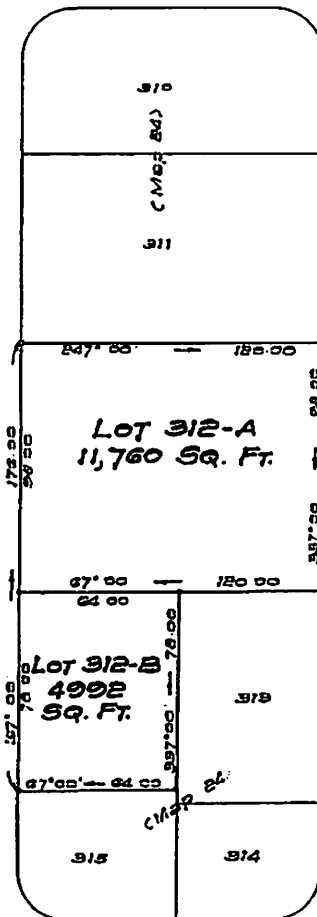
LF 2018-1206
2018-09-11 CPA Ordinance

THIRD STREET

GAY STREET

HOUSTON STREET

FOURTH STREET



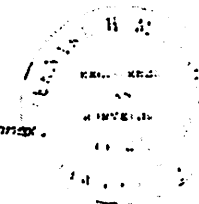
LAND COURT

TERRITORY OF HAWAII

LAND COURT APPLICATION 862

SUBDIVISION OF LOT 312
AS SHOWN ON MAP 24
INTO LOTS 312-A AND 312-B
ISLAND OF LANAI, TERRITORY OF HAWAII

November 30, 1855.
85 Dillingham Bldg. Annex.
Honolulu, T.H.

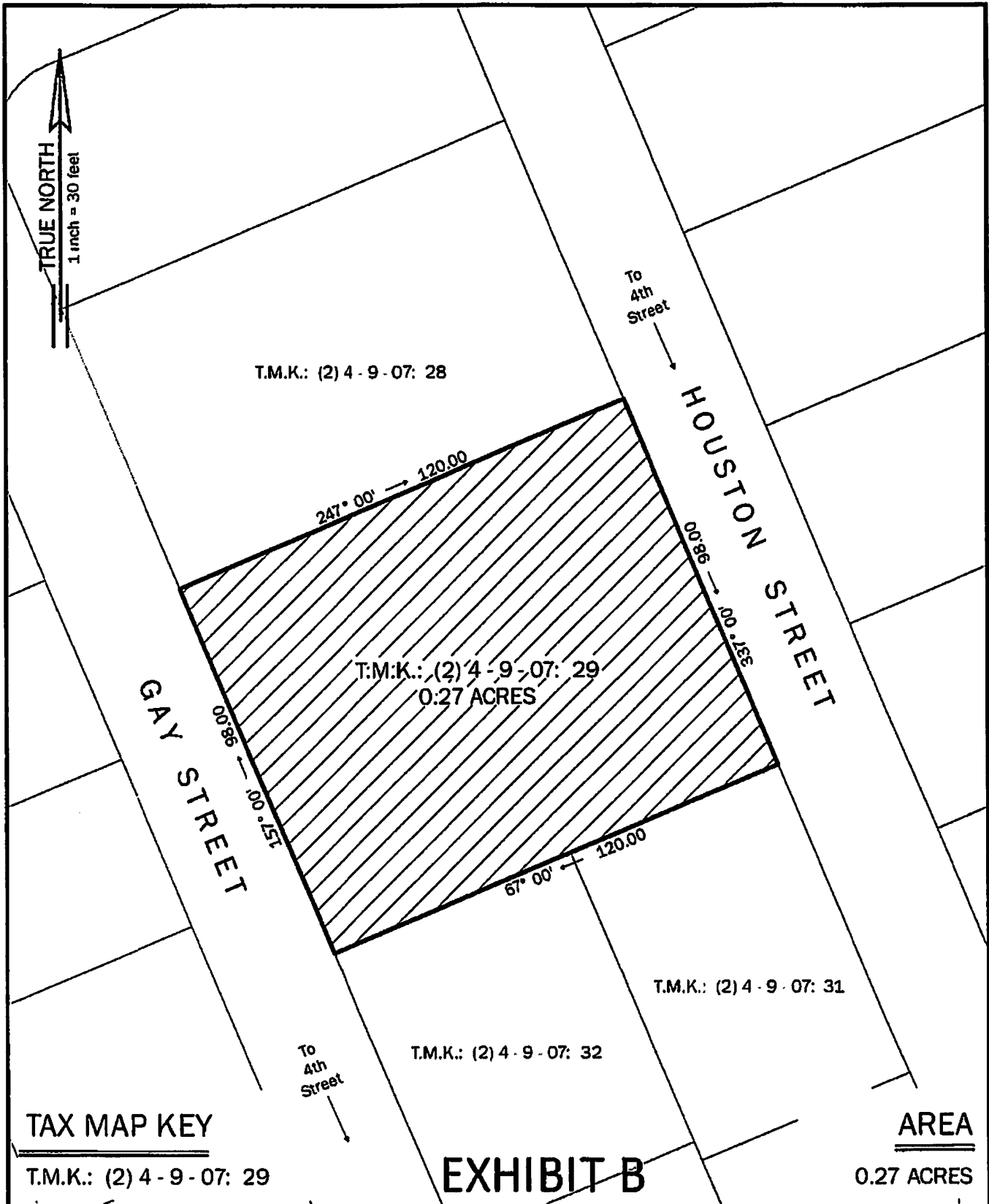


Bernard H. McKeague
Registered Land Surveyor 232
Land Court Surveyor Certificate 48

OWNER: Hawaiian Pineapple Company, Limited
OWNER'S CERTIFICATE OF TITLE: 11,875

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
OF THE LAND COURT DATED DECEMBER 26, 1956
BY ORDER OF THE COURT.

P. M. Sullivan
REGISTRAR OF THE LAND COURT
Filed Dec. 18, 1956
Abraham H. Akana
Assistant Registrar



COMMUNITY PLAN MAP NO. 208

COMMUNITY PLAN AMENDMENT - LANAI CITY, LANAI, HAWAII
FROM PUBLIC/QUASI-PUBLIC (P/QP) TO SINGLE FAMILY (SF)

ORDINANCE NO. _____

BILL NO. _____ (2018)

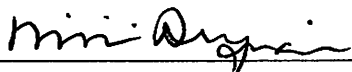
A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
P-1 PUBLIC/QUASI-PUBLIC TO R-1 RESIDENTIAL DISTRICT
FOR PROPERTY SITUATED AT LANAI CITY, LANAI, HAWAII,
TAX MAP KEY (2) 4-9-007:029

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.08 and 19.510, Maui County Code, a change in zoning from P-1 Public/Quasi-Public District to R-1 Residential District is hereby granted for that certain parcel of land situated at Lanai City, Lanai, Hawaii, and identified for real property tax purposes as tax map key (2) 4-9-007:029, comprising approximately 11,760 square feet, and more particularly described in Exhibit "A", attached hereto and made a part hereof, and in Land Zoning Map L-2622, which is on file in the Office of the County Clerk of the County of Maui, and attached hereto as Exhibit "B" and made a part hereof.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

LF 2018-1206
2018-09-11 CIZ Ordinance

862

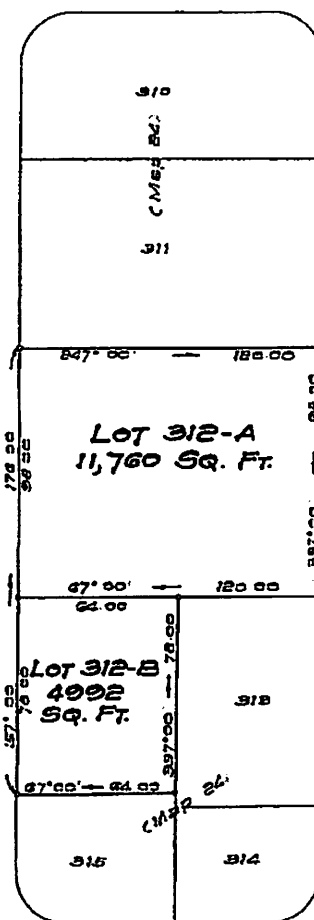
MAP 42

THIRD STREET

GAY STREET

HOUSTON STREET

FOURTH STREET



LAND COURT TERRITORY OF HAWAII

LAND COURT APPLICATION 862

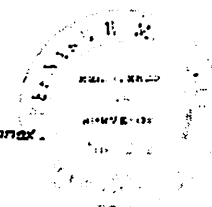
SUBDIVISION OF LOT 312

AS SHOWN ON MAP 24

INTO LOTS 312-A AND 312-B

ISLAND OF LANAI, TERRITORY OF HAWAII

November 30, 1855.
25 Dillingham Bldg. Annex.
Honolulu, T.H.



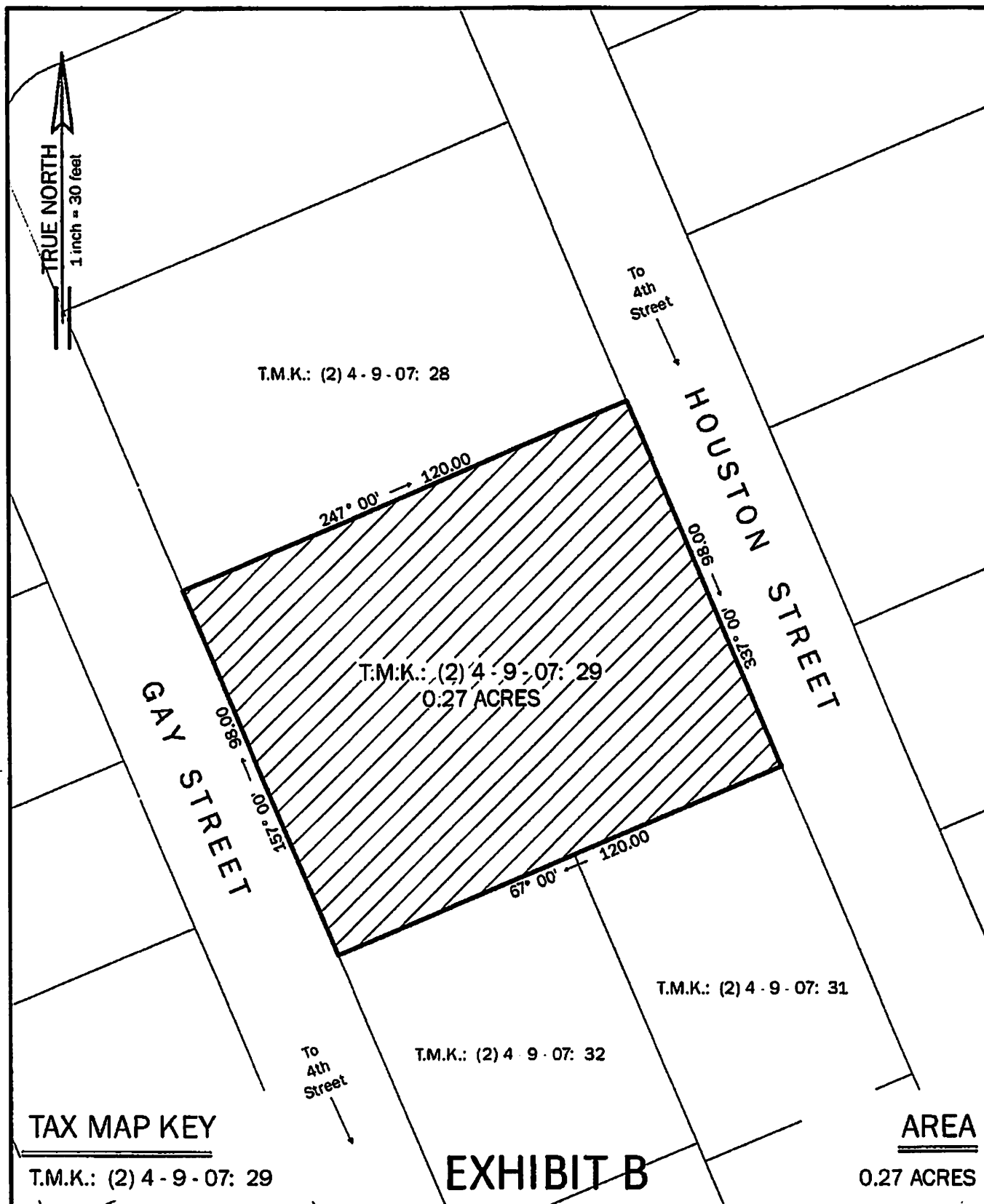
Bernard H. McKeague
Registered Land Surveyor 298
Land Court Surveyor Certificate 49

OWNER: Hawaiian Pineapple Company, Limited
OWNER'S CERTIFICATE OF TITLE: 11,875

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
OF THE LAND COURT DATED DECEMBER 26, 1956
BY ORDER OF THE COURT.

P. M. Sullivan
REGISTRAR OF THE LAND COURT

Filed Dec. 18, 1956
Alfred H. Adams
Assistant Registrar



LAND ZONING MAP NO. L - 2622
CHANGE IN ZONING - LANAI CITY, LANAI, HAWAII
FROM PUBLIC/QUASI-PUBLIC (P-1) DISTRICT TO RESIDENTIAL 1 (R-1) DISTRICT

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of Applications Of

KIM MASSE AND KENNETH KANIHO

For TMK: (2) 4-9-007:029

To obtain a Community Plan Amendment from Public/Quasi Public to Single Family and a Change in Zoning from P-1 Public/Quasi Public to R-1 Residential for a property situated at 337 Houston Street on approximately 11,760 square feet of land at Maui Tax Map Key: (2) 4-9-007:029, Lanai City, Island of Lanai, Hawaii

DOCKET NO. CPA 2018/0005

CIZ 2018/0005

MS. MICHELE MCLEAN, Director, County of Maui, Department of Planning on behalf of the County of Maui

For TMK: (2) 4-9-007:029

(KCW)

**MAUI COUNTY PLANNING DEPARTMENT'S RECOMMENDATION
TO THE LANAI PLANNING COMMISSION
AUGUST 15, 2018 MEETING**

**DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET, SUITE 315
WAILUKU, MAUI, HI. 96793**

Community Plan Amendment and Change in Zoning

K:\WP_DOCS\PLANNING\Cpa\2018\0005_KimMasse\Staff Report to Approval\Recommendation.doc

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of Applications Of

KIM MASSE AND KENNETH KANIHO

For TMK: (2) 4-9-007:029

To obtain a Community Plan Amendment from Public/Quasi Public to Single Family and a Change in Zoning from P-1 Public/Quasi Public to R-1 Residential for a property situated at 337 Houston Street on approximately 11,760 square feet of land at Maui Tax Map Key: (2) 4-9-007:029, Lanai City, Island of Lanai, Hawaii

DOCKET NO. CPA 2018/0005
CIZ 2018/0005

MS. MICHELE MCCLEAN, Director, County of Maui, Department of Planning on behalf of the County of Maui

For TMK: (2) 4-9-007:029

(KCW)

CONCLUSIONS OF LAW

Community Plan Amendment (CPA)

A CPA is reviewed pursuant to Title 2, Section 2.80B.100, Maui County Code (MCC), "Non-decennial amendments to community plans proposed by the planning director or the council." Applications shall follow the procedures set forth out in Sections 19.510.010 and 19.510.020, MCC, as amended.

2.80B.100 - Nondecennial amendments to community plans proposed by the planning director or the council.

- A. Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.
- B. Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.
- C. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.

Conclusion: The Community Plan Amendment is to obtain a Community Plan Amendment from Public/Quasi Public to Single Family. This is consistent with Section 2.80B.100, MCC. The Department is not recommending any conditions for the Community Plan Amendment. The proposed amendment has been forwarded to the Lanai Planning Commission.

Change of Zoning (CIZ)

A Change of Zoning is reviewed pursuant to Title, 19, Section 19.510.040, Maui County Code (MCC), "Change of Zoning", by which the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The Council may grant a Change of Zoning if the following criteria are met:

1. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;
2. The proposed request is consistent with the applicable community plan land use map of the county;
3. The proposed request meets the intent and purpose of the district being requested;
4. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;
5. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and,
6. If the application change in zoning involves the establishment of an agricultural district with a minimum lot size of two acres, agricultural feasibility study shall be required and reviewed by the Dept. of Agriculture and the US Soil and Conservation Service.

Conclusion: The Title 19 Change of Zoning will change the zoning P-1 Public/Quasi Public to R-1 Residential for property located at 337 Houston Street. The proposed action is consistent with and is supported by the above listed criteria for a CIZ pursuant to Title 19, Section 19.510.040, "Change of Zoning", MCC.

RECOMMENDATION

COMMUNITY PLAN AMENDMENT

The Planning Department recommends to the Lanai Planning Commission that it recommend "approval" to the Maui County Council for the Community Plan Amendment from Public/Quasi Public to Single Family for property situated at 337 Houston Street.

CHANGE OF ZONING

The Planning Department recommends to the Maui Planning Commission that it recommend "approval" to the Maui County Council for the CIZ from P-1 Public/Quasi Public to R-1 Residential for a property situated at 337 Houston Street.

In consideration of the foregoing, the Planning Department recommends that the Lanai Planning

Commission recommend approval of the Community Plan Amendment and Change of Zoning requests and adopt the Department of Planning's Report and Recommendation statements prepared for the August 15, 2018, meeting and authorize the Planning Director to transmit said Report and Recommendation statements to the Maui County Council.

APPROVED:



MICHELE MCLEAN
Planning Director

BEFORE THE LANAI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of Applications Of

**KIM MASSE AND KENNETH KANIHO
For TMK: (2) 4-9-007:029**

**To obtain a Community Plan Amendment
from Public/Quasi Public to Single Family
and a Change in Zoning from P-1
Public/Quasi Public to R-1 Residential for a
property located at 337 Houston Street on
approximately 11,760 square feet of land at
Maui Tax Map Key: (2) 4-9-007:029, Lanai
City, Island of Lanai, Hawaii**

**DOCKET NO. CPA 2018/0005
CIZ 2018/0005**

**MS. MICHELE MCLEAN, Director, County
of Maui, Department of Planning on behalf
of the County of Maui**

For TMK: (2) 4-9-007:029

(KCW)

**MAUI PLANNING DEPARTMENT'S REPORT
TO THE LANAI PLANNING COMMISSION**

August 15, 2018

**DEPARTMENT OF PLANNING
COUNTY OF MAUI
2200 MAIN STREET
WAILUKU, MAUI, HAWAII 96793**

BEFORE THE LANAI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In The Matter Of Applications Of

KIM MASSE AND KENNETH KANIHO
For TMK: (2) 4-9-007:029

To obtain a Community Plan Amendment from Public/Quasi Public to Single Family and a Change in Zoning from P-1 Public/Quasi Public to R-1 Residential for a property situated at 337 Houston Street on approximately 11,760 square feet of land at Maui Tax Map Key: (2) 4-9-007:029, Lanai City, Island of Lanai, Hawaii

DOCKET NO. CPA 2018/0005
CIZ 2018/0005

MS. MICHELE MCLEAN, Director, County of Maui, Department of Planning on behalf of the County of Maui

For TMK: (2) 4-9-007:029

(KCW)

DESCRIPTION OF THE PROJECT

Michele McLean, Planning Director, is initiating the necessary land use entitlements for an amendment to the Lanai Community Plan and Land Use Map from Public/Quasi Public to Single Family and a Change in Zoning from P-1 Public/Quasi Public to R-1 Residential to correct mapping oversights. The subject property is in the Lanai Community Plan area on approximately 11,760 sq. ft. of land in the State Urban District, located at 337 Houston Street, Lanai City, Island of Lanai and County of Maui, identified as TMK (2) 4-9-007:029 ("Property").

PURPOSE AND PROJECT SUMMARY

The purpose of the Director-initiated requests for a Community Plan Amendment (CPA) and Change In Zoning (CIZ) is to correct mapping oversights on the 2016 Lanai Community Plan Map (**EXHIBIT 1**) and Land Zoning Map L- (**EXHIBIT 2**). The existing single-family residential use is not permitted under the current land use designations. The corrections will allow the property owners to make improvements or rebuild the two residential dwellings currently on the property in the event of a catastrophic loss.

TIMELINE

12/26/1956 This lot was created (Land Court App 862, Map 42) 11,760 square feet (**EXHIBIT 3**).

10/1/1965 By Ordinance 437, the area was zoned Interim (**EXHIBIT 4**).

A church existed on the property at one time. At some point, the church use was eliminated and the property was used for single-family purposes. It is unknown exactly when this occurred.

- 4/26/1989 B89/0965 A Dwelling Demolition permit was issued (**EXHIBIT 5**).
- 7/3/1989 B89/1611 A 960 sq. ft. Single-Family Dwelling permit was issued (**EXHIBIT 6**)
- 4/23/1990 B90/1148 A 600 sq. ft. Single-Family Accessory Dwelling permit was issued (Ohana Dwelling) (**EXHIBIT 7**).
- 3/6/1995 "Lanai Condominium Project" – Declaration of Condominium Property Regime (see Doc_2731108). Condominium Map No. 1078. (**EXHIBIT 8**).
- CPR 0001 – contains the 960 sq ft. Single Family Dwelling - "Unit 1" – 6,076 sq. ft. lot.
 CPR 0002 – contains the 600 sq ft. Ohana Dwelling - "Unit 2"- 5,684 sq. ft. lot.
- 10/7/1997 B97/1643 A 540 sq. ft. Garage permit issued to CPR 0002 to attach garage to dwelling. *Since this condominium lot contained the Ohana Dwelling, the building permit approval was made in error* (**EXHIBIT 9**).
- 5/18/1998 B98/782 A 486 sq. ft. Addition to Dwelling Permit was issued to condo lot 0002 for a family room and bathroom. *Since this condominium lot contained the Ohana Dwelling, the building permit approval was made in error* (**EXHIBIT 10**).
- 12/21/1998 By Ordinance 2738, the Lanai Community Plan Update was enacted by Council. Recommendation and approval in Community Plan Land Use Matrix changes this TMK from P/QP to SF. *However – the Community Plan Map was not amended and thus the designation remained on the map as Public/Quasi Public. This was an error* (**EXHIBIT 11**).
- 3/6/2000 B2000/0440 1224 sq. ft. Addition to Dwelling Permit issued to *Condominium Lot 0002* for a covered patio/ 2 bedrooms/bath/enlarging family room. *Since this condo lot contained the accessory dwelling, the building permit approval was made in error.* (**EXHIBIT 12**)
- 4/24/2000 By Ordinance 2852, Comprehensive Zoning for Lanai, *the lot was rezoned from Interim to P-1 Public/Quasi-Public based on its erroneous P/QP community plan designation as depicted on the Lanai CP map* (**EXHIBIT 13**).
- 7/26/2016 By Ordinance 4343, the Lanai Community Plan 2016 was enacted by Council (**EXHIBIT 14**).

This lot was again identified as Public/Quasi-Public on the Community Plan Map and adopted as such. The designation for Public/Quasi Public should have been corrected to Single Family, however the prior mapping error went unnoticed by the reviewing parties.

- 12/28/17 BT2017/1871 The owner of CPR 0001, Kim Masse applied for a building permit for a car port and a laundry extension.
- 3/14/18 The Department of Planning, Zoning and Enforcement Division, emailed Ms. Masse and explained that her property's zoning is P-1; the dwelling is considered "existing non-conforming"; and she cannot increase the non-conformity (**EXHIBIT 15 - redacted**).
- 3/15/18 Ms. Masse sent correspondence to then Director Spence asking for information on when, why, and how her property was rezoned from Residential to P-1 (**EXHIBITS 16, 17**).
- 4/2/18 The Department researched the property's history and drafted a response stating property was zoned P-1 in compliance with the Public/Quasi Public Community Plan designation on the 1998 Lanai Community Plan Map, which is now known to have not been amended to Single Family as it should have been) (**EXHIBIT 18**).
- 4/12/18 Ms. Masse requested assistance in understanding the issue.
- 4/13/18 A determination was made that the 1998 Lanai CP matrix included a change of the owner's parcel from Public/Quasi Public to Single Family; however the map was never changed.
- Therefore, the County erred on the 1998 Lanai Community Plan Map; erred in zoning the property from Interim to Public/Quasi Public in 2000; and erred again on the 2016 Lanai Community Plan Map. (EXHIBIT 19)*
- 4/16/18 Then Director Spence determined that the Department can do a Director-initiated Change In Zoning and Community Plan Amendment.
- 6/5/18 By correspondence dated June, 5, 2018, the Department determined that Ms. Masse owns the main dwelling and it can be "expanded if desired..." (**EXHIBIT 20**).

In 1965, the parcel was first zoned Interim by Ordinance 437. In 1983, the property was identified as Public/Quasi Public in the Lanai Community Plan. A church existed on the property for some time, however it eventually became a residential use. It is unknown when this change in use occurred. However, in 1989 a demolition permit was issued for a dwelling and a building permit was subsequently issued later that year for a 960 square foot single-family dwelling. In 1990, a building permit was issued for an additional 600 sq. ft. single-family accessory dwelling ("ohana"). Consequently, there were two (2) dwellings on the property. In 1997, 1998, and 2000, three building permits were issued for additions to the 600 sq. ft. dwelling.

In 1998, the Lanai Community Plan was updated and the property was identified to have its community plan land use designation changed from Public/Quasi Public to Single Family to be consistent with the existing single-family use. While the matrix in the 1998 Lanai Community Plan identified the change to Single Family, the Land Use Map enacted by the County Council did not reflect this change. Thus, the property continued to be mislabeled with a community plan land use designation of Public/Quasi Public.

In 2000, the property was zoned from Interim to Public/Quasi Public, consistent with its (mislabelled) community plan designation, as part of comprehensive zoning for the island (Ordinance 2852, Land Zoning Map L-2615). Due to the community plan mapping error, the property was not zoned R-1 as it should have been. In July 2016, the mislabeling error was again repeated in the 2016 Lanai Community Plan and remains as such.

In 1995, the Property was granted a Declaration of Condominium Property Regime (CPR). Two CPR lots were created on the Property and each CPR lot has a residential dwelling: CPR 0001, the main dwelling, has a 960 sq. ft. residential dwelling and CPR 0002, the ohana has a 1,656 sq. ft. residential dwelling. Currently, these single family dwellings are considered existing, non-conforming structures. In the event of a catastrophic loss, the structures could not be re-built under the current land use zoning designation since residential use is not a permitted use in the P-1 Public/Quasi Public District. The proposed change to R-1 would allow for new residential construction. The owners of CPR 0001 are proposing to build a carport and expand the laundry room.

Pursuant to Chapter 343, Hawaii Revised Statutes (HRS), under normal circumstances, a CPA triggers an Environmental Assessment (EA). The Planning Department conferred with the Office of Environmental Quality Control (OEQC) regarding the necessity of an EA for a County-initiated action, whether by Council or the Administration, to correct a mapping error. The Director of OEQC stated an EA would not be needed under such circumstances. The County's Corporation Counsel concurred with the OEQC Director's interpretation that an EA was not required in this particular instance.

DESCRIPTION OF THE PROPERTY

1. The Property is approximately 11,760 sq. ft. and is located at 337 Houston Street, Island of Lanai, at Maui Tax Map Key 2-4-9-007:029. It is in Lanai City and is surrounded by single family residential lots.
2. Land Use Designations:

	<u>Current</u>	<u>Proposed</u>
State Land Use District	Urban	No change
Lanai Community Plan	Public/Quasi Public.....	Single Family
County Zoning	Public/Quasi Public.....	R-1 Residential
3. Surrounding Uses:

North.....	single family residential lots (R-1)
South.....	single family residential lots (R-1)
East.....	single family residential lots (R-1)
West.....	single-family residential lots (R-1)
4. The Property is flat and has two residential dwellings on it:
 - The main dwelling was built in 1989: 960 sq. ft., single story, 3 bedroom
 - The ohana was built in 1990: *600 sq. ft., single story, 2 bedrooms
 (*Additional square footage added in 1997, 1998, and 2000 for a total of 1,656 sq.ft.)

DIRECTOR-INITATED LAND USE ENTITLEMENTS

Community Plan Amendment

A CPA may be proposed by the Planning Director or the County Council, pursuant to Section 2.80B.100(A), Maui County Code (MCC), "Nondecennial amendments to community plans proposed by the planning director or the council."

Change in Zoning

Pursuant to Section 19.510.040(A)(4)(a), MCC, "Change in Zoning," the appropriate planning commission shall hold a public hearing on all applications for zoning changes and make a recommendation to the County Council. The County Council may grant a change in zoning if all the following criteria are met:

- a. The proposed request meets the intent of the general plan and the objectives and policies of the community plans of the county;
- b. The proposed request is consistent with the applicable community plan land use map of the county;
- c. The proposed request meets the intent and purpose of the district being requested;
- d. The application, if granted, would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements;
- e. The application, if granted, would not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the surrounding area; and
- f. If the change in zoning application involves the establishment of an agricultural district with a minimum lot size of two acres, an agricultural feasibility study shall be required and reviewed by the Department of Agriculture and the United States Soil and Conservation Service.

PROCEDURAL MATTERS

1. On April 27, 2018, a transmittal was sent to the following reviewing agencies:

County Agencies:	Comment	Exhibit No.
Dept. of Finance – Real Property Div.	No Response	
Dept. of Public Works	No Comment	(EXHIBIT 21)
Police Department	No Comment	(EXHIBIT 22)
Fire and Public Safety	No Response	
Dept. of Environmental Management	No Response	

2. On June 29, 2018, 45 days prior to the hearing, the Maui Planning Department mailed a notice to the subject property owners and appropriate State and County agencies, notifying them of the scheduled public hearing.
3. On July 13, 2018, a Notice of Hearing on the applications was published in the Maui News by the Maui Planning Department.
4. The subject application does not involve an action that triggers compliance of Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements. By Memorandum dated May 11, 2012, the Department of Planning confirmed that the preparation of an environmental assessment (EA) is not triggered for community plan amendments initiated by the County, whether by Council or Administration.

ANALYSIS

State Land Use

The proposed action is in conformance with the goals, objectives and policies of the Hawaii State Plan.

The subject property is in the State Urban District. The use is consistent with the URBAN designation of the property. Residential use is a permitted use in the State Urban District. Then Director Spence has not requested change for this land use designation.

County Land Use

As mentioned previously, Then Planning Director Spence initiated the CPA and CIZ to correct mapping errors.

Community Plan Amendment

A CPA is reviewed pursuant to Chapter 2.80B.100, "Nondecennial amendments to community plans proposed by the planning director or the council."

A. Nondecennial amendments to community plans may be proposed by the planning director or by the council by resolution. All proposed amendments shall be referred to the appropriate planning commission for findings and recommendations. Proposals for nondecennial amendments to a community plan made pursuant to this section shall be processed in accordance with sections 8-8.4 and 8-8.6 of the charter.

The amendment has been proposed by the Planning Director and has been referred to the Maui Planning Commission for findings and recommendations.

B. Prior to approving any amendment to a community plan enacted pursuant to section 2.80B.090 of this chapter, the council shall hold a public hearing regarding the amendment in the relevant community plan area.

C. Nothing in this section shall prevent concurrent processing of other actions related to a proposed amendment. Where an amendment to a community plan directly triggers an amendment to the general plan, such matters shall be processed concurrently.

The Council will hold a public hearing regarding the amendment on the island of Lanai.

The proposed action does not trigger an amendment to the General Plan/Maui Island Plan.

Change-In-Zoning

As this is a Planning Director-initiated amendment, it is reviewed pursuant to Section 19.510.020(B), "Change of Zoning."

B. All amendments to this title, including proposed zoning ordinances, land use ordinances, zoning maps, and regulations and any amendments or modifications thereto, may be proposed by the planning director, the County council or a planning commission and shall be processed as follows:

1. The planning director shall set the proposed amendment for public hearing on the agenda of the planning commission;
2. If a resolution of the County council initiated pursuant to the charter of the County is transmitted to the planning commission, the director shall set a public hearing date not later than sixty calendar days from the date of the receipt of the resolution of the County council and within one hundred twenty calendar days upon receipt of the resolution, the planning commission shall transmit its findings and recommendations to the County council.
3. The planning director shall notify the County council, and the appropriate State and County agencies, and those persons who requested notification of meetings pursuant to subsection A of this section.

TESTIMONY

As of July 30, 2018, the Department has not received any letters from the public regarding this matter.

ALTERNATIVES

Community Plan Amendment

1. ***Deferral:*** The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. ***Recommend Approval:*** The Commission may take action to recommend to the Maui County Council approval of the Community Plan Amendment.
3. ***Recommend Denial:*** The Commission may take action to recommend denial to the Maui County Council.

Change in Zoning

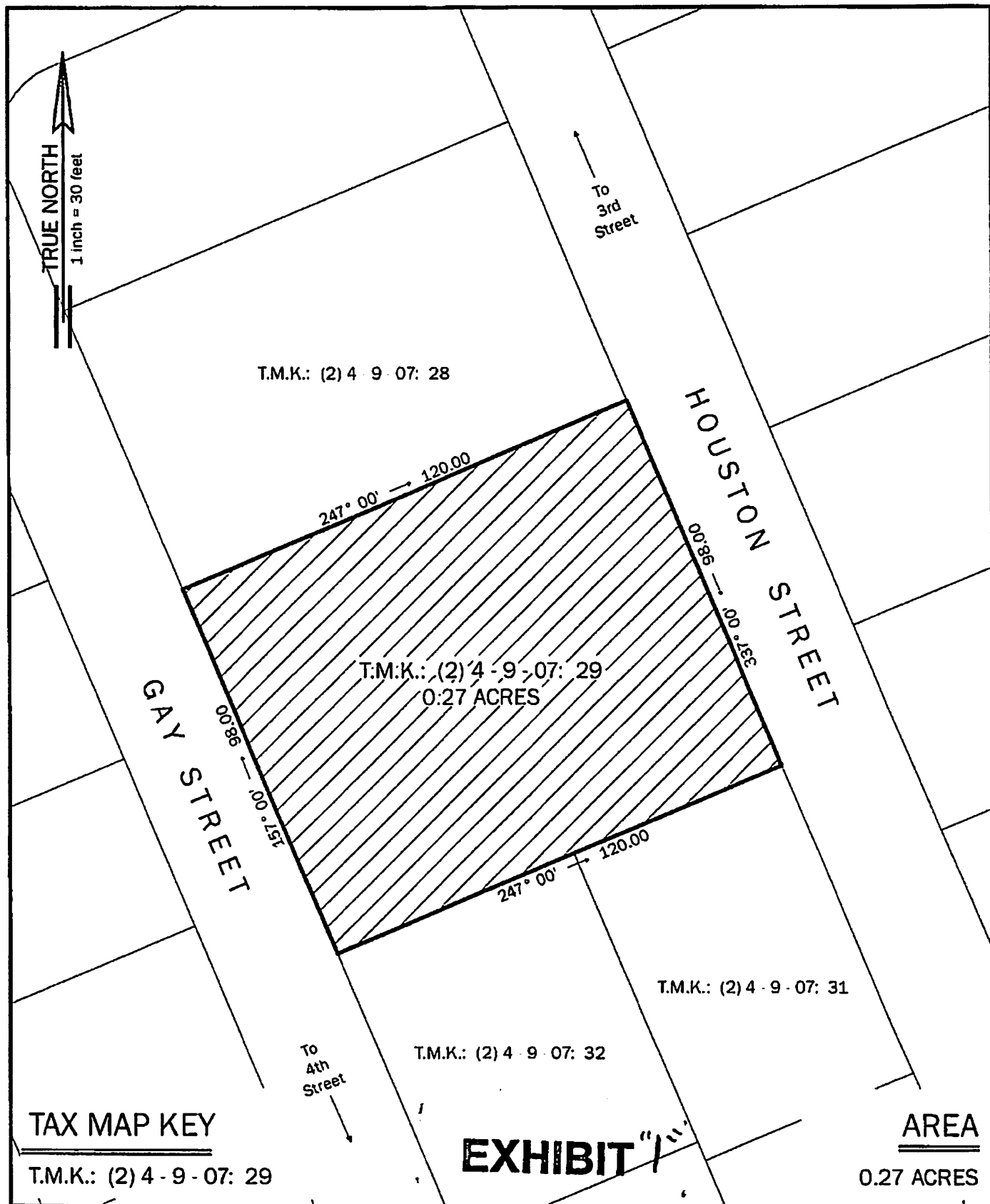
1. ***Deferral:*** The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the request.
2. ***Recommend Approval with No Conditions:*** The Commission may take action to recommend to the Maui County Council approval of the Change in Zoning without imposing any conditions.
3. ***Recommend Approval with Conditions:*** The Commission may take action to recommend to the Maui County Council approval of the Change in Zoning with conditions.
4. ***Recommend Partial Approval:*** The Commission may take action to recommend to the Maui County Council partial approval of the Change in Zoning.
5. ***Recommend Denial:*** The Commission may take action to recommend to the Maui County Council to deny the application.

APPROVED:



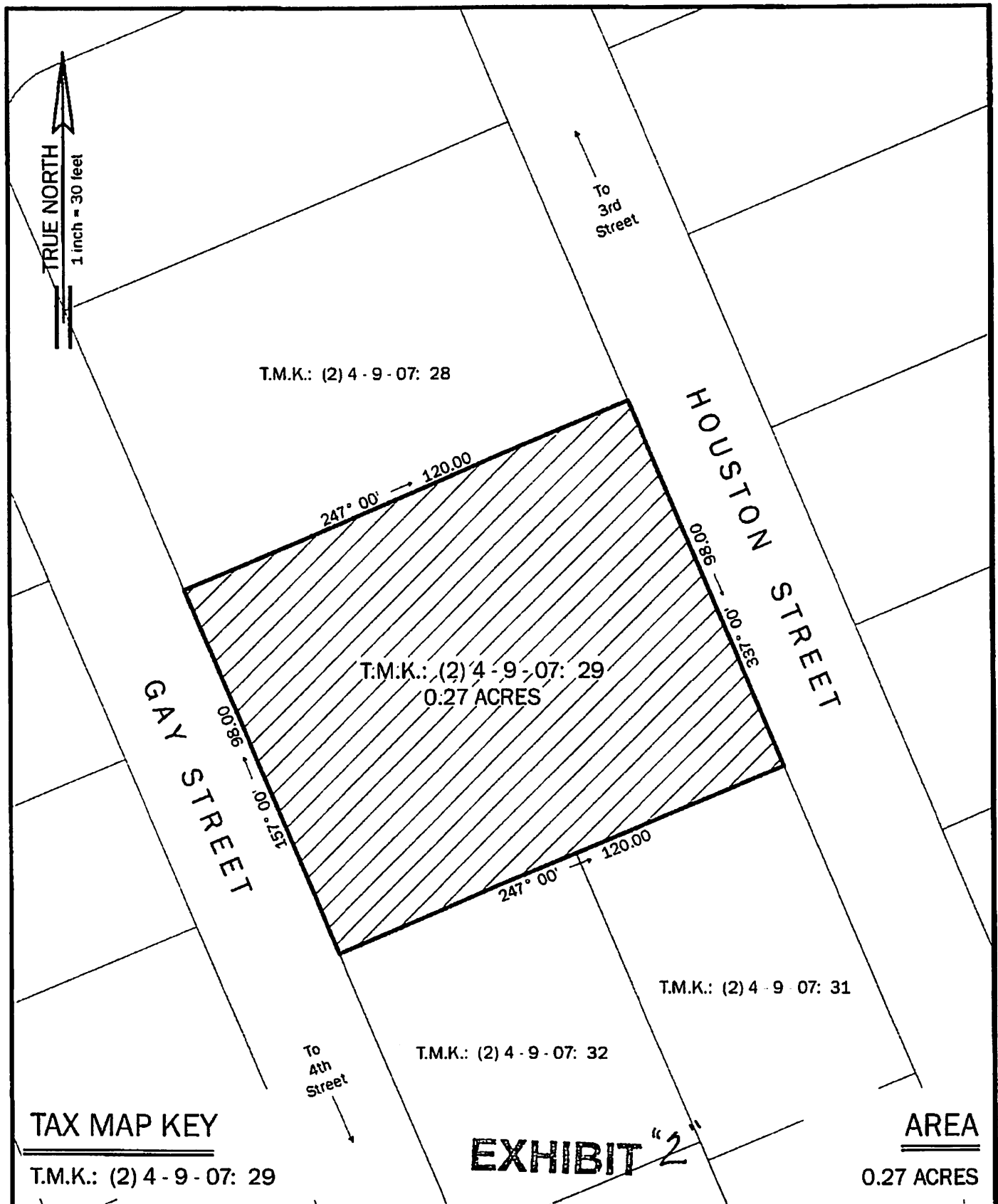
MICHELE MCLEAN
Planning Director

K:\WPDOCS\PLANNING\CPs\2018\0005\STAFF REPORT TO DECISION\LPC REPORT



COMMUNITY PLAN MAP NO.

COMMUNITY PLAN AMENDMENT - LANAI CITY, LANAI, HAWAII
FROM PUBLIC/QUASI-PUBLIC (P/QP) DISTRICT TO SINGLE FAMILY (SF) DISTRICT



LAND ZONING MAP NO. L-

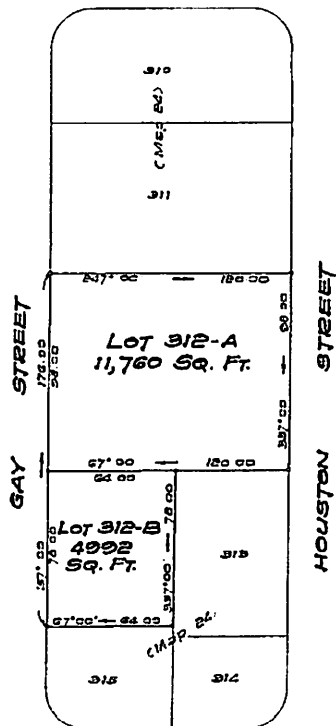
CHANGE IN ZONING - LANAI CITY, LANAI, HAWAII

FROM PUBLIC/QUASI-PUBLIC (P-1) DISTRICT TO RESIDENTIAL 1 (R-1) DISTRICT

MAP 42

THIRD STREET

EXHIBIT "3"



FOURTH STREET

LAND COURT
TERRITORY OF HAWAII

LAND COURT APPLICATION 862

SUBDIVISION OF LOT 312

AS SHOWN ON MAP 24

INTO LOTS 312-A AND 312-B

ISLAND OF LANAI, TERRITORY OF HAWAII

November 30, 1955.
29 Cullingham Bldg. Annex.
Honolulu, T.H.



Bernard H. McKeague
Registered Land Surveyor 222
Land Court Surveyor Certificate 43

OWNER Hawaiian Pineapple Company, Limited
OWNER'S CERTIFICATE OF TITLE: 11,875

AUTHORIZED AND APPROVED BY ORDER OF THE JUDGE
OF THE LAND COURT DATED DECEMBER 26, 1956
BY ORDER OF THE COURT:

R. H. McKeague
REGISTRAR OF THE LAND COURT
Filed Dec 18, 1956
Abraham H. Adams
Assistant Registrar

EXHIBIT

ORDINANCE NO. 437

BILL NO. 37 (1965)

AN ORDINANCE AMENDING ORDINANCE NO. 267,
KNOWN AS THE "INTERIM ZONING ORDINANCE",
BY ADDING THERETO THE DISTRICT OF LANAI.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF THE
COUNTY OF MAUI, STATE OF HAWAII:

SECTION 1. That Ordinance No. 267, known as the
"Interim Zoning Ordinance", is hereby amended in the
following respects:

a. By amending Section 1 thereof to read as
follows:

"SECTION 1. That the districts of Wailuku,
Makawao, Lahaina, Hana, and Lanai shall mean
the Wailuku District, Makawao District, Lahaina
District, Hana District, and Lanai District as
described in Section 10-A of the Revised Laws
of Hawaii 1955."

b. By amending the first paragraph of Section 3
thereof to read as follows:

"SECTION 3. Property Uses Within the Various
Districts of the County of Maui. No land or
building shall be used and no building shall be
erected or structurally altered or maintained
within the districts of Wailuku, Makawao, Lahaina,
Hana and Lanai, except for one or more of the
following uses:"

SECTION 2. This ordinance shall take effect from and
after its final passage by the Board of Supervisors.

THE BOARD OF SUPERVISORS OF THE
COUNTY OF MAUI, STATE OF HAWAII.

By *James Sam*
its Chairman & Executive Officer

ATTEST:

G. N. Toshi Enomoto
G. N. Toshi Enomoto, County Clerk

EXHIBIT

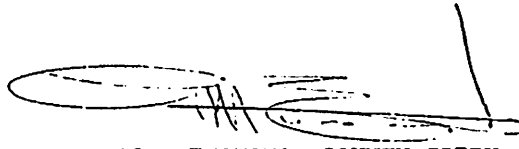
"4"

I, G. N. TOSHI ENOMOTO, County Clerk of the
County of Maui, State of Hawaii, DO HEREBY CERTIFY
that the foregoing BILL NO. 37 (1965)
passed FIRST READING at the meeting of the Board of
Supervisors of the County of Maui, State of Hawaii,
held on the 20th day of August, 1965,
by the following aye and no votes:

AYES: Supervisors Joe Bulgo, Richard I. C. Caldito,
S. George Fukuoka, Goro Hokama, Soon Oak Lee, Marco M.
Meyer, Manuel S. Molina, Lanny H. Morisaki, and Chairman
Eddie Tam.

NOES: None.

Dated at Wailuku, Maui, Hawaii, this 23rd day
of August, 1965.



G. N. TOSHI ENOMOTO, COUNTY CLERK,
COUNTY OF MAUI,
STATE OF HAWAII.

ORDINANCE NO. 437

BILL NO. 37 (1965)

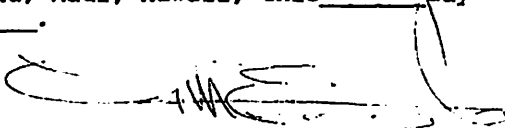
AN ORDINANCE AMENDING ORDINANCE NO. 267,
KNOWN AS THE "INTERIM ZONING ORDINANCE",
BY ADDING THERETO THE DISTRICT OF LANAI.

I, G. N. TOSHI ENOMOTO, County Clerk of the
County of Maui, State of Hawaii, DO HEREBY CERTIFY
that the foregoing Ordinance No. 437
(Bill No. 37 - 1965) passed Second and Final Reading
at the meeting of the Board of Supervisors of the
County of Maui, State of Hawaii, held on the 1st day
of Oct., 1965, by the following aye and
no votes:

Ayes: Supervisors Richard Caldito, S. George Fukuoka,
Goro Hokama, Soon Oak Lee, Manuel S. Molina,
Lanny H. Morisaki and Chairman Eddie Tam.

Excused: Supervisors Joe Bulgo and Marco M. Meyer.

Dated at Wailuku, Maui, Hawaii, this 1st day
of Oct., 1965.


G. N. TOSHI ENOMOTO, COUNTY CLERK,
COUNTY OF MAUI,
STATE OF HAWAII.

Introduced and passed First Reading: Aug. 20, 1965

Effective Date: Oct. 1, 1965.

Copies of the foregoing ordinance are on file in
the Office of the County Clerk, County of Maui, for use
and examination by the public.

HONOLULU STAR-BULLETIN

Issue of:

COUNTY OF MAUI

LAND USE & CODES ADMINISTRATION DEPARTMENT OF PUBLIC WORKS Application for Building Permit

PERMIT NUMBER
89/965
DATE ISSUED
4/26/89

☐ I claim an exemption under Sec 444-2(7) of the HRS and hereby certify that this structure is for my personal use and not for use or occupancy by the general public. I further certify that such building or structure will not be offered for sale or lease within one year after completion ☐ I claim exemption from the provisions of Chapter 464 HRS, requiring certification and stamping of plans by a registered architect or structural engineer as permitted under Sec 464-13(b) I further certify that I will record this exemption with the Bureau of Conveyances as required by Sec 464-13(c). ☐ Approval is granted subject to compliance with the use regulations set forth in Chapter 205, HRS and the Land Use Commission's Rules & Regulations. The owner will provide notice of these use regulations to future owners, heirs and assigns. I acknowledge that I have received from the County of Maui a copy of Sec 205-4.5 HRS X <u>Kathleen E. Oshiro</u> 3/30/89 SIGNATURE OF OWNER DATE I hereby certify that I am a bona fide contractor licensed in the State of Hawaii X _____ DATE SIGNATURE OF CONTRACTOR	FOR LAND USE & CODES ADMINISTRATION USE ONLY <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 30%;">AGENCY</th> <th style="width: 30%;">SIGNATURE</th> <th style="width: 40%;">DATE</th> </tr> <tr> <td>☐ DEPT OF WATER</td> <td></td> <td></td> </tr> <tr> <td>☐ DEPT OF HEALTH</td> <td></td> <td></td> </tr> <tr> <td>☐ FIRE MARSHAL</td> <td></td> <td></td> </tr> <tr> <td>☐ ENGIN. LUCA</td> <td></td> <td></td> </tr> <tr> <td>☐ BUILDING LUCA</td> <td><u>[Signature]</u></td> <td>4/17/89</td> </tr> <tr> <td>☐ PLANNING DEPT</td> <td></td> <td></td> </tr> </table> ISSUED BY <u>R. Mowse</u> ACCEPT VAL \$ 100.00 PERMIT FEE \$ 10.00 REMARKS Applicant certifies that he/she has determined if there are any restrictive covenants applicable to the proposed construction on subject property and if so, that the structure hereby applied for conforms with said covenants. Applicant acknowledges the County has no responsibility to determine conformance with covenants and hereby agrees to defend and hold County harmless from any and all claims arising out of any alleged breach thereof. X <u>Kathleen E. Oshiro</u> 3/30/89 SIGNATURE OF OWNER DATE PROJECT NAME OSHIRO GLENN S / KATHLEEN E CONSTRUCTION TYPE OCCUPANCY GROUP <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>APPLICATION NO. A89/1006</td> <td>T M K (S)</td> <td>ZONE 4</td> <td>SEC 9</td> <td>PLAT 7</td> <td>PAR 29</td> <td>LOT</td> </tr> <tr> <td>DATE RECEIVED 4/14/89</td> <td colspan="6">OWNERSHIP 1</td> </tr> <tr> <td colspan="6">ZONE</td> <td>FLOOD ZONE</td> </tr> </table>	AGENCY	SIGNATURE	DATE	☐ DEPT OF WATER			☐ DEPT OF HEALTH			☐ FIRE MARSHAL			☐ ENGIN. LUCA			☐ BUILDING LUCA	<u>[Signature]</u>	4/17/89	☐ PLANNING DEPT			APPLICATION NO. A89/1006	T M K (S)	ZONE 4	SEC 9	PLAT 7	PAR 29	LOT	DATE RECEIVED 4/14/89	OWNERSHIP 1						ZONE						FLOOD ZONE
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DATE RECEIVED 4/14/89	OWNERSHIP 1																																										
ZONE						FLOOD ZONE																																					

APPLICANT: PLEASE FILL IN AREA BELOW (TYPED)							
PROJECT ADDRESS (HOUSE NO AND STREET) 341 Houston Street				NATURE OF WORK (CHECK ALL THAT APPLY)			
PROJECT ADDRESS (TOWN AND DISTRICT) Lanai City, HI 96763				☐ NEW BUILDING ☐ FENCE ☐ FOUNDATION ONLY ☐ RETAINING WALL ☐ SHELL ONLY ☐ RELOCATION ☐ ADDITION ☐ ALTERATION ☐ RECONSTRUCTION ☐ MISC STRUCTURE ☐ REPAIR ☒ DEMOLITION ☐ SITE WORK ☐ SEA WALL ☐ SWIMMING POOL			
LEGAL OWNER (FULL NAME) Glenn S & Kathleen E. Oshiro				NOW OCCUPIED AS Dwelling			
MAILING ADDRESS (INCLUDE ZIP CODE) P.O. Box 67, Lanai City, HI 96763				TO BE OCCUPIED AS Demolish Dwelling			
LESSEE/TENANT (1)				DIMENSIONS 20x44			
MAILING ADDRESS (INCLUDE ZIP CODE)				PARTITIONS			
LESSEE/TENANT (2)				FLOORS			
MAILING ADDRESS (INCLUDE ZIP CODE)				CEILING			
LESSEE/TENANT (3)				ROOF			
MAILING ADDRESS (INCLUDE ZIP CODE)				BASEMENT FLOOR			
☒ SEWER OR CESSPOOL ☐ ROOF OVERHANG ESTIMATED VALUE OF WORK							
MAILING ADDRESS (INCLUDE ZIP CODE)				NO OF UNITS NO OF STORIES FLOOR AREA LOT AREA 11,760sf			
PLAN MAKER N/A				DISTANCE TO NEAREST INTERIOR LOT BOUNDARY (FEET) RIGHT 41' LEFT 23' REAR 50' FRONT 18' NEAREST BLDG 100'			
MAILING ADDRESS (INCLUDE ZIP CODE)				REMARKS this permit request negates permit for ohana zoning request dated 2/10/89			
BUILDER owner				Warranty Deed recorded 3/14/89			
MAILING ADDRESS (INCLUDE ZIP CODE)							
APPLICANT NAME Kathleen E. Oshiro				TELEPHONE NO. 565-6952			
SIGNATURE OF APPLICANT <u>Kathleen E. Oshiro</u>				DATE 3/30/89			

OFFICE COPY

EXHIBIT "5"

COUNTY OF MAUI

LAND USE & CODES ADMINISTRATION DEPARTMENT OF PUBLIC WORKS Application for Building Permit

PERMIT NUMBER

89/1611

DATE ISSUED

7/3/89

☒ I claim an exemption under Sec 444-2(7) of the HRS and hereby certify that this structure is for my personal use and not for use or occupancy by the general public. I further certify that such building or structure will not be offered for sale or lease within one year after completion. ☒ I claim exemption from the provisions of Chapter 464 HRS requiring certification and stamping of plans by a registered architect or structural engineer as permitted under Sec. 464-13(b) I further certify that I will record this exemption with the Bureau of Conveyances as required by Sec 464-13(c) ☐ Approval is granted subject to compliance with the use regulations set forth in Chapter 205, HRS and the Land Use Commission's Rules & Regulations. The owner will provide notice of these use regulations to future owners, heirs and assigns. I acknowledge that I have received from the County of Maui a copy of Sec 205-45 HRS. <i>[Signature]</i> 4/20/89 SIGNATURE OF OWNER DATE I hereby certify that I am a bona fide contractor licensed in the State of Hawaii. X <i>N/A</i> SIGNATURE OF CONTRACTOR DATE		FOR LAND USE & CODES ADMINISTRATION USE ONLY <table border="1"> <tr> <th>AGENCY</th> <th>SIGNATURE</th> <th>DATE</th> </tr> <tr> <td>☒ DEPT OF WATER</td> <td><i>[Signature]</i></td> <td>5/3/89</td> </tr> <tr> <td>☐ DEPT OF HEALTH</td> <td></td> <td></td> </tr> <tr> <td>☐ FIRE MARSHAL</td> <td></td> <td></td> </tr> <tr> <td>☐ ENGIN. LUCA</td> <td></td> <td></td> </tr> <tr> <td>☒ BUILDING. LUCA</td> <td><i>[Signature]</i></td> <td>5/24/89</td> </tr> <tr> <td>☐ PLANNING DEPT.</td> <td></td> <td></td> </tr> </table> ISSUED BY <i>[Signature]</i> ACCEPT VAL \$ 45,000.00 PERMIT FEE \$ 283.00 REMARKS Applicant certifies that he/she has determined if there are any restrictive covenants applicable to the proposed construction on subject property and if so, that the structure herein applied for conforms with said covenants. Applicant acknowledges that County has no responsibility to determine conformance with covenants and hereby agrees to defend and hold County harmless from any and all claims arising out of any alleged breach thereof. <i>[Signature]</i> 4/20/89 SIGNATURE OF OWNER DATE PROJECT NAME OSHIRO GLENN S/KATHLEEN E CONSTRUCTION TYPE V-N OCCUPANCY GROUP R3 OWNERSHIP ZONE FLOOD ZONE 1 Urban		AGENCY	SIGNATURE	DATE	☒ DEPT OF WATER	<i>[Signature]</i>	5/3/89	☐ DEPT OF HEALTH			☐ FIRE MARSHAL			☐ ENGIN. LUCA			☒ BUILDING. LUCA	<i>[Signature]</i>	5/24/89	☐ PLANNING DEPT.		
AGENCY	SIGNATURE	DATE																						
☒ DEPT OF WATER	<i>[Signature]</i>	5/3/89																						
☐ DEPT OF HEALTH																								
☐ FIRE MARSHAL																								
☐ ENGIN. LUCA																								
☒ BUILDING. LUCA	<i>[Signature]</i>	5/24/89																						
☐ PLANNING DEPT.																								

APPLICATION NO. A89/1133	T M	ZONE K	SEC 4	PLAT 9	PAR 7	LOT 29
DATE RECEIVED 4/26/89	(S)					

APPLICANT: PLEASE FILL IN AREA BELOW (TYPED)			
PROJECT ADDRESS (HOUSE NO AND STREET) 341 Houston Street,		NATURE OF WORK (CHECK ALL THAT APPLY)	
PROJECT ADDRESS (TOWN AND DISTRICT) Lanai City, HI 96763		☒ NEW BUILDING ☐ RETAINING WALL ☐ ADDITION ☐ MISC STRUCTURE ☐ SITE WORK ☐ FENCE ☐ SHELL ONLY ☐ ALTERATION ☐ REPAIR ☐ SEA WALL ☐ FOUNDATION ONLY ☐ RELOCATION ☐ RECONSTRUCTION ☐ DEMOLITION ☐ SWIMMING POOL	
LEGAL OWNER (FULL NAME) Glenn S. & Kathleen E. Oshiro		NOW OCCUPIED AS XXXXXXXXXXXXXXXXXX	
MAILING ADDRESS (INCLUDE ZIP CODE) P.O. Box 67, Lanai City HI 96763		TO BE OCCUPIED AS Single family	
LESSEE/TENANT (1) n/a		DIMENSIONS 24x 40	
MAILING ADDRESS (INCLUDE ZIP CODE)		PARTITIONS 2x4 studs d/w	
LESSEE/TENANT (2)		FLOORS plywood/lino	
MAILING ADDRESS (INCLUDE ZIP CODE)		CEILING gyp bd d/w	
LESSEE/TENANT (3)		ROOF comp. shingle	
MAILING ADDRESS (INCLUDE ZIP CODE)		BASEMENT FLOOR n/a	
PLAN MAKER owner		☒ SEWER OR ☐ CESSPOOL ☐ ROOF OVERHANG ☐ 3'	
LICENSE NO.		ESTIMATED VALUE OF WORK \$29,000.00	
MAILING ADDRESS (INCLUDE ZIP CODE)		NO. OF UNITS 1	
TELEPHONE NO.		NO. OF STORIES 1	
BUILDER owner		FLOOR AREA 960sf	
LICENSE NO.		LOT AREA 11,760sf	
MAILING ADDRESS (INCLUDE ZIP CODE)		DISTANCE TO NEAREST INTERIOR LOT BOUNDARY (FEET)	
TELEPHONE NO.		RIGHT 41' LEFT 17' REAR 68' FRONT 28' NEAREST BLDG 100'	
APPLICANT NAME Kathleen E. Oshiro		REMARKS Warranty Deed recorded 3/14/89.	
SIGNATURE OF APPLICANT <i>[Signature]</i>			
DATE 4/20/89			

OFFICE COPY

COUNTY OF MAUI

LAND USE & CODES ADMINISTRATION DEPARTMENT OF PUBLIC WORKS Application for Building Permit

PERMIT NUMBER
90/1148
DATE ISSUED
4/23/90

INITIAL <u>ES</u> I claim an exemption under Sec. 444-2(7) of the HRS and hereby certify that this structure is for my personal use and not for use or occupancy by the general public. I further certify that such building or structure will not be offered for sale or lease within one year after completion. Upon conviction, any violator shall be fined \$500 for the first offense, \$1,000 for the second offense, and not less than \$1,500 or more than \$2,000 for any subsequent offense.		FOR LAND USE & CODES ADMINISTRATION USE ONLY AGENCY SIGNATURE DATE ☒ DEPT. OF WATER <u>[Signature]</u> <u>7/1/90</u> ☐ DEPT. OF HEALTH ☐ FIRE MARSHAL ☐ ENGIN. LUCA ☒ BUILDING LUCA <u>[Signature]</u> <u>3/10/90</u> ☐ PLANNING DEPT.	
<u>ES</u> I claim exemption from the provisions of Chapter 464 HRS requiring certification and stamping of plans by a registered architect or structural engineer as permitted under Sec. 464-13 (b). I further certify that I will record this exemption with the Bureau of Conveyances as required by Sec. 464-14(c).		APPROVALS REQUIRED APPROVED BY <u>[Signature]</u> ACCEPT VAL \$ 33,000.00 PERMIT FEE \$ 304.00	
<u>ES</u> Approval is granted subject to compliance with the use regulations set forth in Chapter 205, HRS and the Land Use Commission's Rules & Regulations. The owner will provide notice of these use regulations to future owners, heirs and assigns. I acknowledge that I have received from the County of Maui a copy of Sec. 205-4.5 HRS. <u>[Signature]</u> <u>2/22/90</u> SIGNATURE OF OWNER DATE		REMARKS: Applicant certifies that he/she has determined if there are any restrictive covenants applicable to the proposed construction on subject property and if so, that the structure herein applied for conforms with said covenants. Applicant acknowledges that County has no responsibility to determine compliance with covenants and hereby agrees to defend and hold County harmless from any and all claims arising out of any alleged breach thereof. <u>[Signature]</u> <u>2/22/90</u> SIGNATURE OF OWNER DATE	
I hereby certify that I am a bona fide contractor licensed in the State of Hawaii. X <u>[Signature]</u> <u>2/22/90</u> SIGNATURE OF CONTRACTOR DATE		PROJECT NAME OSHIRO GLENN S/KATHLEEN E CONSTRUCTION TYPE V-N OCCUPANCY GROUP R3 OWNERSHIP ZONE FLOOD ZONE 1 Urban C	
APPLICATION NO. A 90/564 DATE RECEIVED 3/2/90		T M L S C P A L M K 4 9 7 29	

APPLICANT: PLEASE FILL IN AREA BELOW (TYPED)			
PROJECT ADDRESS (HOUSE NO. AND STREET): 341 Houston St, Lanai City,		NATURE OF WORK (CHECK ALL THAT APPLY)	
PROJECT ADDRESS (TOWN AND DISTRICT): Lanai City, HI		☒ NEW BUILDING ☐ RETAINING WALL ☐ ADDITION ☐ MISC. STRUCTURE ☐ SITE WORK	
LEGAL OWNER (FULL NAME): Glenn S. & Kathleen E. Oshiro		☐ FENCE ☐ SHELL ONLY ☐ ALTERATION ☐ REPAIR ☐ SEA WALL	
MAILING ADDRESS (INCLUDE ZIP CODE): P.O. Box 67, Lanai City, HI 96763		☐ FOUNDATION ONLY ☐ RELOCATION ☐ RECONSTRUCTION ☐ DEMOLITION ☐ SWIMMING POOL	
LESSOR/TENANT (1):		HOW OCCUPIED AS: n/a	
MAILING ADDRESS (INCLUDE ZIP CODE):		TO BE OCCUPIED AS: UHANA	
LESSOR/TENANT (2):		DIMENSIONS: 20'X30'	
MAILING ADDRESS (INCLUDE ZIP CODE):		WALLS: double wall 2X4 STUDS	
LESSOR/TENANT (3):		PARTITIONS: 2X4 STUDS	
MAILING ADDRESS (INCLUDE ZIP CODE):		FLOORS: 1 PLYWD	
LESSOR/TENANT (4):		CEILING: gyp. bd.	
MAILING ADDRESS (INCLUDE ZIP CODE):		BASEMENT FLOOR: n/a	
LESSOR/TENANT (5):		SEWER OR CESSPOOL: 3'0"	
MAILING ADDRESS (INCLUDE ZIP CODE):		ROOF OVERHANG: 3'0"	
LESSOR/TENANT (6):		ESTIMATED VALUE OF WORK: \$25,000	
MAILING ADDRESS (INCLUDE ZIP CODE):		NO. OF UNITS: 1	
LESSOR/TENANT (7):		NO. OF STORIES: 1	
MAILING ADDRESS (INCLUDE ZIP CODE):		FLOOR AREA: 600sf	
LESSOR/TENANT (8):		LOT AREA: 11,750 sf	
MAILING ADDRESS (INCLUDE ZIP CODE):		DISTANCE TO NEAREST INTERIOR LOT BOUNDARY (FEET):	
LESSOR/TENANT (9):		RIGHT: 20'0" LEFT: 48'0" REAR: 32'0" FRONT: 46'0"	
MAILING ADDRESS (INCLUDE ZIP CODE):		NEAREST BLDG: 1630"	
LESSOR/TENANT (10):		REMARKS:	
MAILING ADDRESS (INCLUDE ZIP CODE):		WARRANTY DEED RECORDED 3/14/89.	
LESSOR/TENANT (11):		EXHIBIT "7"	
MAILING ADDRESS (INCLUDE ZIP CODE):			
LESSOR/TENANT (12):			
MAILING ADDRESS (INCLUDE ZIP CODE):			
LESSOR/TENANT (13):			
MAILING ADDRESS (INCLUDE ZIP CODE):			
LESSOR/TENANT (14):			
MAILING ADDRESS (INCLUDE ZIP CODE):			
LESSOR/TENANT (15):			
MAILING ADDRESS (INCLUDE ZIP CODE):			
LESSOR/TENANT (16):			
MAILING ADDRESS (INCLUDE ZIP CODE):			
LESSOR/TENANT (17):			
MAILING ADDRESS (INCLUDE ZIP CODE):			
LESSOR/TENANT (18):			
MAILING ADDRESS (INCLUDE ZIP CODE):			
LESSOR/TENANT (19):			
MAILING ADDRESS (INCLUDE ZIP CODE):			
LESSOR/TENANT (20):			
MAILING ADDRESS (INCLUDE ZIP CODE):			

OFFICE COPY

76AD
2505



STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
RECORDED

January 26, 2015 8:01 AM

Doc No(s) T-9156059
on Cert(s) 943333
Issuance of Cert(s) 1091715

D



/s/ NICKI ANN THOMPSON
ASSISTANT REGISTRAR

1 2/3 ZMA
B-32577091

Conveyance Tax: \$400.00

PAU D/E 4/14/2015 TRMAE

✓
LAND COURT

REGULAR SYSTEM

1
AFTER RECORDATION, RETURN ORIGINAL BY: MAIL (X) PICK-UP ()

Kimberly Christine Masse
P.O. Box 631112
Lanai City, HI 96763
Esc. #6827004066-TL



Tax Map Key No.: (2) 4-9-007-029-0001

Total Pages: 8

APARTMENT DEED

PARTIES TO DOCUMENT

GRANTOR: MARY ROBERTA CHARLES and MICHAEL CHARLES

GRANTEE: KIMBERLY CHRISTINE MASSE

THIS DEED, is made as of the 21st day of January, 2015, by and between MARY ROBERTA CHARLES, wife of Tom Christopher Kiely and MICHAEL CHARLES, unmarried, of Lanai City, Hawaii, hereinafter collectively called the "Grantor," and KIMBERLY CHRISTINE MASSE, a single woman, whose address is P.O. Box 631112, Lanai City, Hawaii 96763, hereinafter called the "Grantee;"

EXHIBIT "8" 1

WITNESSETH:

✓ That for TEN AND NO/100 DOLLARS (\$10.00), and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor hereby grants, bargains, sets over, delivers, and conveys unto Grantee, as **TENANT IN SEVERALTY**, in fee simple:

All of that certain real property and personal property (if any) described in Exhibit "A" attached hereto and made a part hereof.

This conveyance and the warranties of the Grantor are expressly declared to be in favor of the Grantee, as **tenant in severalty, her heirs, devisees, personal representatives and assigns.**

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto;

TO HAVE AND TO HOLD the same, as to said real property, together with all buildings, improvements, tenements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto the Grantee absolutely and according to the tenancy herein set forth, and as to said personal property (if any), absolutely and forever.

SUBJECT, HOWEVER, to the rights of other apartment owners in (1) the common elements and limited common elements described in the Declaration described in said Exhibit "A", to non-exclusive easements through, over and across said common elements and limited common elements for ingress, egress, support and repair as set forth in said Declaration; (2) the other common elements for use according to their respective purposes as set forth in said Declaration; and (3) the apartment described in said Exhibit "A" for support as set forth in said Declaration.

The undivided percent interest in and to the common elements herein conveyed and shall be deemed conveyed or encumbered with said apartment even though such interest is not expressly mentioned or described in the conveyance or other instrument; this provision shall be a covenant running with the land.

Grantor hereby covenants that he is the owner in fee simple of the property described in Exhibit "A" and is the absolute owner of all said fixtures and/or tangible personal property; that he has good right to sell and convey the same; that said property is free and clear of all liens and encumbrances, except as described in said Exhibit "A"; that Grantee shall quietly enjoy said property without lawful disturbance, and Grantor shall WARRANT and DEFEND the same unto Grantee against the lawful claims and demands of all persons, whomsoever, forever, except as aforesaid.

Grantee does hereby, covenant and agree, for the benefit of the owners from time to time of all other condominium units in the condominium project described in said Exhibit "A", to at all times observe, perform, comply with and abide by all provisions set forth in said Exhibit "A", and such rules and regulations adopted by authority thereof, and does hereby accept and approve said By-Laws.

The covenants made by Grantor and or Grantee, and all rights and benefits conferred hereunder upon Grantor and/or Grantee, shall be binding upon and inure to the benefit of Grantor and/or Grantee, and his heirs, devisees, personal representatives, and assigns.

In interpreting this instrument, the use of any gender shall be construed to include all genders, and the use of any number shall be construed as either singular or plural, as the circumstances may require. The terms Grantor and Grantee, together with any pronouns used in lieu thereof, refer to the singular or plural as the case may be.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

All covenants and obligations undertaken by two or more persons or entities shall be deemed to be joint and several unless a contrary intention is clearly expressed elsewhere herein.

[END OF TEXT, CONTINUED ON NEXT PAGE]

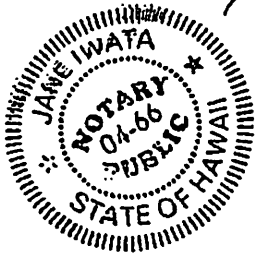
IN WITNESS WHEREOF, the Grantor has executed this instrument.

✓ Mary Roberta Charles
MARY ROBERTA CHARLES
"Grantor"

STATE OF HAWAII)
 /) SS:
COUNTY OF MAUI)

✓ On 1/20, 2015, before me personally appeared MARY ROBERTA CHARLES, to me personally known, who being by me duly sworn or affirmed, did say that such person executed the foregoing document as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such document in such capacity.

Document Date: Undated Number of Pages: 8
Description of Document: Apartment Deed



Signature: [Signature]
Name: _____
Notary Public, State of Hawaii, 1ST Circuit
Jane Iwata
My commission expires: My commission expires: 02/22/16

✓ 
MICHAEL CHARLES

"Grantee"

✓
STATE OF ~~HAWAII~~ Arizona)
 ^{AMH} Maricopa) SS:
CITY AND COUNTY OF ~~HONOLULU~~) AMH

✓
On January 21, 2015 before me personally appeared
MICHAEL CHARLES, to me personally known, who being by me duly sworn or
affirmed, did say that such person executed the foregoing document as the free act and
deed of such person, and if applicable, in the capacity shown, having been duly
authorized to execute such document in such capacity.

Document Date: _____ Number of Pages: _____
Description of Document: Apartment Deed

Signature: 
Name: Allison M. Hudgins
Notary Public, State of ~~Hawaii~~, Maricopa County ^{AMH} Arizona ^{AMH} Circuit
My commission expires: 10-1-2016

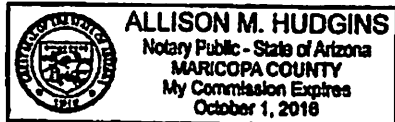


EXHIBIT "A" ✓

FIRST: ✓

Unit 1 of that certain Condominium Project known as "LANAI CONDOMINIUM PROJECT", as shown on Condominium Map No. 1078, and described in the Declaration of Horizontal Property Regime recorded March 6, 1995 in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 2225291, as the same may be amended.

Together with appurtenant limited common elements as follows:

- (A) That certain land area upon and around which Unit 1 is located, shown and designated on the Condominium Map as "Limited Common Element Land Area Appurtenant to Unit 1", containing an area of approximately 6,076 square feet more or less, shall be limited common element appurtenant to and for the exclusive use of Unit 1.

Together with appurtenant easement as follows:

- (A) Non-exclusive easements in the common elements designated for such purposes for ingress to, egress from, utility services for, and maintenance and repair of said Unit; and the other common elements for use according to their respective purposes.

SECOND: ✓

An undivided 50.0 percentage interest in all common elements of the project and in the land upon which said project is located as established for said apartment by the Declaration, or such other percentage interest as hereinafter established for said apartment by any amendment of the Declaration as tenant in common with the other owners and tenants thereof.

Being all the property described in the following:

APARTMENT DEED

Recorded : April 24, 2009 in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 3850980 ✓
Grantor : LANAI HOSPITALITY PARTNERS, LLC, a Hawaii limited liability company ✓
Grantee : MARY ROBERTA CHARLES, wife of Tom Christopher Kiely and MICHAEL CHARLES, unmarried, as Tenants in Common

Being the property described in and covered by Transfer Certificate of Title No. 943,333. ✓

THE LAND UPON WHICH SAID CONDOMINIUM IS LOCATED IS DESCRIBED AS FOLLOWS:

All that certain parcel of land situate at Lanai City, Island of Lanai, Island and County of Maui, State of Hawaii, described as follows:

Lot 312-A, area 11,760 square feet, more or less, as shown on Map 42, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 862 (as amended), of Hawaiian Pineapple Company.

SUBJECT, HOWEVER, TO:

1. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : GRANT
Granted To : MAUI ELECTRIC COMPANY, LIMITED and GTE HAWAIIAN
TELEPHONE COMPANY, INCORPORATED, now known as
HAWAIIAN TELCOM INC.
For : Easement for power and communication lines
Dated : March 23, 1955
Recorded : March 30, 1955 in the Office of the Assistant Registrar of the Land Court,
State of Hawaii, as Document No. 172242

2. Covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions set forth in Deed dated January 7, 1957, recorded March 12, 1957 in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, as Document No. 199263, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or natural origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c) or Section 515-6, HRS.

3. Agreement for : PRIVATE WATER SYSTEM
Executed By : GLENN S. OSIIRO and KATHLEEN E. OSIIRO, husband and wife
and Between : DEPARTMENT OF WATER SUPPLY OF THE COUNTY OF MAUI

On the terms, covenants and conditions contained therein,

Dated : May 19, 1989
Recorded : June 14, 1989 in the Bureau of Conveyances, State of Hawaii, in Book
23293, Page 373

(NOT NOTED ON TRANSFER CERTIFICATE OF TITLE REFERRED TO HEREIN)

4. Agreement for : PRIVATE WATER SYSTEM
Executed By : GLENN S. OSIIRO and KATHLEEN E. OSIIRO, husband and wife
and Between : DEPARTMENT OF WATER SUPPLY OF THE COUNTY OF MAUI

On the terms, covenants and conditions contained therein,

Dated : April 17, 1990
Recorded : May 11, 1990 in the Bureau of Conveyances, State of Hawaii, as Document
No. 90-069331

(NOT NOTED ON TRANSFER CERTIFICATE OF TITLE REFERRED TO HEREIN)

5. Condominium Map No. 1078, filed in the Office of the Assistant Registrar of the Land Court, State of Hawaii.

6. Matters in an instrument that, among other things, contain or provide for easements, assessments, liens and their subordination; provisions relating to partition, restrictions on severability of component interest, covenants, conditions and restrictions, provision that no violation thereof and no enforcement of any lien provided for therein shall defeat or render invalid the lien of a mortgage or deed of trust made in good faith and for value, but omitting any covenants or restrictions if any, based upon race color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

Entitled : Declaration of Condominium Property Regime
Recorded : March 20, 1995 in the Office of the Assistant Registrar of the Land
Court, State of Hawaii, as Document No. 2225291

Said Declaration was amended by the following instruments:

DATED:	RECORDED:	DOCUMENT NO.:
March 28, 1995	April 19, 1995	2230529
October 2, 1995	October 11, 1995	2265330

Liens and charges for upkeep and maintenance as provided in the above mentioned Covenants, Conditions and Restrictions, if any, where no notice thereof appears on record.

For information regarding the current status of said liens and/ or assessments
Contact : ASSOCIATION OF APARTMENT OWNERS OF LANAI
CONDOMINIUM PROJECT

7. By-Laws of the Association of Apartment Owners of Lanai Condominium Project, recorded March 20, 1995 in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 2225292.
8. Agreement for : ENCROACHMENT
Executed By : WAYNE MATSUURA, Trustee under that certain unrecorded Oshiro Family Trust dated March 11, 1992
and Between : TEODORO ALBON CALUNOD, SR., an unmarried man, ANDRES JOSEPH CALUNOD, husband of Leonie Yuk Lan Calunod, and MICHAEL HILARIO VILLARMIA CALUNOD, husband of Susan Calunod
- On the terms, covenants and conditions contained therein,

Dated : December 20, 1996
Recorded : December 30, 1996 in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 2357540
9. Covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions set forth in Apartment Deed recorded August 22, 2001 in the Office of the Assistant Registrar of the Land Court of the State of Hawaii, as Document No. 2731108, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or natural origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c) or Section 515-6, HRS.
10. Any and all easements encumbering the apartment herein mentioned, and/or the common interest appurtenant thereto, as created by or mentioned in said Declaration, as said Declaration may be amended from time to time in accordance with the law and/or in the Apartment Deed, and/or as delineated on said Condominium Map.

END OF EXHIBIT "A"

COUNTY OF MAUI
LAND USE & CODES ADMINISTRATION
 DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT
 250 SOUTH HIGH STREET
 WAILUKU, HAWAII 96793

97-1643
 DATE ISSUED
 10/7/97

Application for Building Permit

INITIAL

☒ I claim an exemption under Sec. 444-2(7) of the HRS and hereby certify that this structure is for my personal use and not for use or occupancy by the general public. I further certify that such building or structure will not be offered for sale or lease within one year after completion.

Falsely claiming an exemption is a violation of Sec. 444-2(7) and carries a fine of forty percent (40%) of the total contract price or other amounts as stipulated in Sec. 444-23(c).

☒ I claim exemption from the provisions of Chapter 484 HRS, requiring certification and stamping of plans by a registered architect or structural engineer as permitted under Sec. 484-13 (b). I further certify that I will record this exemption with the Bureau of Conveyances as required by Sec. 484-13 (c).

☒ Approval is granted subject to compliance with the use regulations set forth in Chapter 205, HRS and the Land Use Commission's Rules & Regulations. The owner will provide notice of these use regulations to future owners, heirs and assigns. I acknowledge that I have received from the County of Maui a copy of Sec. 205-4 HRS.

FOR LAND USE & CODES ADMINISTRATION USE ONLY

AGENCY	SIGNATURE	DATE
☐ DEPT. OF WATER		
☐ DEPT. OF HEALTH		
☐ FIRE MARSHAL		
☐ ENGR. LUCA		
☒ BUILDING LUCA	<i>[Signature]</i>	9/25/97
☒ PLANNING DEPT	<i>[Signature]</i>	9/25/97

ISSUED BY: *[Signature]*

ACCEPT VAL \$ 5000.00
 PERMIT FEE \$ 72.00

Applicant certifies that he/she has determined if there are any restrictive covenants applicable to the proposed construction on subject property and if so, that the structure herein applied for conforms with said covenants. Applicant acknowledges that County has no responsibility to determine conformance with covenants and hereby agrees to defend and hold County harmless from any and all claims arising out of any alleged breach thereof.

[Signature] 8/17/97
 SIGNATURE OF OWNER DATE

I hereby certify that I am a bona fide contractor licensed in the State of Hawaii.

X _____
 SIGNATURE OF CONTRACTOR DATE

APPLICATION NO.	T	ZONE	SEC	PLAT	PAR	LOT
A97-1568	M	4	9	007	029	
DATE RECEIVED	K					
8/25/97	(s)					

THE ATTACHED PERMIT HAS BEEN ISSUED WITHOUT THE REVIEW & APPROVAL OF THE DEPT. OF WATER SUPPLY. THE APPLICANT/OWNER IS ADVISED TO CONTACT THE DEPT. OF WATER SUPPLY FOR ANY FURTHER APPROVALS PRIOR TO THE START OF CONSTRUCTION OF THIS PROJECT. A COPY OF THIS PERMIT WILL BE SENT TO WATER SUPPLY FOR THEIR INFORMATION.

PROJECT NAME: REYMUNDO, DANTE/IMELDA

CONSTRUCTION TYPE: V-H

OCCUPANCY GROUP: H-1

OWNERSHIP: Urban Inform (own)

FLOOD ZONE:

APPLICANT: PLEASE FILL IN AREA BELOW (TYPED)

PROJECT ADDRESS (HOUSE NO. AND STREET): 340 Gay St.	NATURE OF WORK (CHECK ALL THAT APPLY)		
PROJECT ADDRESS (TOWN AND DISTRICT): Lanai City, HI 96763	☐ NEW BUILDING	☐ FENCE	☐ FOUNDATION ONLY
LEGAL OWNER (FULL NAME): Dante & Imelda Reymundo	☐ RETAINING WALL	☐ SHELL ONLY	☐ RELOCATION
MAILING ADDRESS (INCLUDE ZIP CODE): P.O. Box 255, Lanai City, HI 96763	☒ ADDITION	☐ ALTERATION	☐ RECONSTRUCTION
LESSOR/TEENANT (1): N/A	☐ MISC. STRUCTURE	☐ REPAIR	☐ DEMOLITION
MAILING ADDRESS (INCLUDE ZIP CODE): N/A	☐ SITE WORK	☐ SEA WALL	☐ SWIMMING POOL
LESSOR/TEENANT (2): N/A	HOW OCCUPIED AS: Dwelling	TO BE OCCUPIED AS: Garage	
MAILING ADDRESS (INCLUDE ZIP CODE): N/A	DIMENSIONS: 18'-0 x 30'-0	WALLS: T-111 D.F. siding over 2x4 studs 16" o.c.	
LESSOR/TEENANT (3): N/A	FOUNDATIONS: N/A	FOUNDATION: Poured concrete slab	
MAILING ADDRESS (INCLUDE ZIP CODE): N/A	FLOORS: Poured concrete slab	ROOF: "Torch-down" roll roofing on 5/8 ply	
LESSOR/TEENANT (4): N/A	CEILING: N/A	BASEMENT FLOOR: N/A	
MAILING ADDRESS (INCLUDE ZIP CODE): N/A	☒ SEWER	ROOF OVERHANG: 30"	ESTIMATED VALUE OF WORK: \$5,000.00
PLAY MAKER: Owner	☐ INDIVIDUAL WASTE WATER SYSTEM	FLOOR AREA: 540 sq. ft.	LOT AREA: 5,684 sq. ft.
MAILING ADDRESS (INCLUDE ZIP CODE): Same as above	NO. OF UNITS: 1	NO. OF STORIES: 1	NEAREST BLDG: Attached
BUILDER: Owner	DISTANCE TO NEAREST INTERIOR LOT BOUNDARY (FEET): FRONT: 49'-6 LEFT: 6'-6 REAR: 11'-0 FROM: 16'-0		
MAILING ADDRESS (INCLUDE ZIP CODE): Same as above	REMARKS:		
APPLICANT NAME: Dante Reymundo			
SIGNATURE OF APPLICANT: <i>[Signature]</i>			

LAND USE & CODES ADMINISTRATION
DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT
250 SOUTH HIGH STREET
WAILUKU, HAWAII 96793

5/18/98

INITIAL		FOR LAND USE & CODES ADMINISTRATION USE ONLY										
02		I claim an exemption under Sec. 444-2(7) of the HRS and hereby certify that this structure is for my personal use and not for use or occupancy by the general public. I further certify that such building or structure will not be offered for sale or lease within one year after completion. Falsely claiming an exemption is a violation of Sec. 444-2(7) and carries a fine of forty percent (40%) of the total contract price or other amounts as stipulated in Sec. 444-23(c).										
02		I claim exemption from the provisions of Chapter 484 HRS, requiring certification and stamping of plans by a registered architect or structural engineer as permitted under Sec. 484-13 (b). I further certify that I will record this exemption with the Bureau of Conveyances as required by Sec. 484-13 (c).										
02		Approval is granted subject to compliance with the use regulations set forth in Chapter 205, HRS and the Land Use Commission's Rules & Regulations. The owner will provide notice of these use regulations to future owners, heirs and assigns. I acknowledge that I have received from the County of Maui a copy of Sec. 205-4.5 HRS.										
		A P P R O V A L S R E Q U I R E D	AGENCY ☐ DEPT. OF WATER ☐ DEPT. OF HEALTH ☐ FIRE MARSHAL ☐ ENGIN. LUCA ☒ BUILDING, LUCA ☒ PLANNING DEPT	SIGNATURE <i>[Signature]</i> <i>[Signature]</i>	DATE 5/22/98 5/27/98							
		<i>[Signature: M. Rockett]</i> REMARKS		ACCEPT VAL \$ 9500.00 PERMIT FEE \$ 117.00								
Applicant certifies that he/she has determined if there are any restrictive covenants applicable to the proposed construction on subject property and if so, that the structure herein applied for conforms with said covenants. Applicant acknowledges that County has no responsibility to determine conformance with covenants and hereby agrees to defend and hold County harmless from any and all claims arising out of any alleged breach thereof.												
<i>[Signature: Reymundo]</i> SIGNATURE OF OWNER		4-22-98 DATE										
I hereby certify that I am a bona fide contractor licensed in the State of Hawaii.												
X SIGNATURE OF CONTRACTOR		DATE										
PROJECT NAME REYMUENDO, DANTE/IMELDA												
CONSTRUCTION TYPE V-N												
OCCUPANCY GROUP R-3												
APPLICATION NO 98-734		T M K (S)	ZONE 4	SEC 9	PLAT 007	RUR 029	LOT	OWNERSHIP Joint				FLOOD ZONE C
DATE RECEIVED 4/28/98												

PROJECT ADDRESS (HOUSE NO. AND STREET) 340 Gay St.		NATURE OF WORK (CHECK ALL THAT APPLY)	
PROJECT ADDRESS (TOWN AND DISTRICT) Lanai City, HI 96763		☐ NEW BUILDING ☐ FENCE ☐ FOUNDATION ONLY ☐ RETAINING WALL ☐ SHELL ONLY ☐ RELOCATION ☒ ADDITION ☐ ALTERATION ☐ RECONSTRUCTION ☐ MISC. STRUCTURE ☐ REPAIR ☐ DEMOLITION ☐ SITE WORK ☐ SEA WALL ☐ SWIMMING POOL	
LEGAL OWNER (FULL NAME) Dante & Imelda Reymundo			
MAILING ADDRESS (INCLUDE ZIP CODE) P.O. Box 255, Lanai City, HI 96763		NOW OCCURRED AS Dwelling	
LESSEE/ TENANT (1) N/A		TO BE OCCURRED AS Family room & Bathroom	
MAILING ADDRESS (INCLUDE ZIP CODE) N/A		DIMENSIONS 18'x19'-7"; 24'x5'-7"	
LESSEE/ TENANT (2) N/A		FLOORING 2x4 studs 16" o.c. " gypsum board	
MAILING ADDRESS (INCLUDE ZIP CODE) N/A		FLOORING Poured Concrete slab	
LESSEE/ TENANT (3) N/A		CEILING " gypsum board	
MAILING ADDRESS (INCLUDE ZIP CODE) N/A		SEWER 3'-0	
LESSEE/ TENANT (4) N/A		INDIVIDUAL SEWER SYSTEM 3'-0	
MAILING ADDRESS (INCLUDE ZIP CODE) N/A		ESTIMATED VALUE OF WORK \$9,500.00	
PLAN MAKER OWNER		NO OF UNITS 1	
LICENSE NO. N/A		NO OF STORES 1	
MAILING ADDRESS (INCLUDE ZIP CODE) Same as above		FLOOR AREA 486 sq. ft.	
BUILDER Owner		LOT AREA 5684 sq. ft.	
MAILING ADDRESS (INCLUDE ZIP CODE) Same as above		DISTANCE TO NEAREST INTERIOR LOT BOUNDARY (FEET) 49'-6	
APPLICANT NAME Dante Reymundo		NEAREST BLDG. 6'-6	
SIGNATURE OF APPLICANT Dante Reymundo		REAR 6'-0	
DATE 4-22-78		FRONT 16'-5	
		ATTACHED	

EXHIBIT "10"

OFFICE COPY

513/97

ORDINANCE NO. 2738

BILL NO. 114 (1998)
DRAFT 1

A BILL FOR AN ORDINANCE AMENDING SECTION 2.80A.050
OF THE MAUI COUNTY CODE, PERTAINING TO THE ADOPTION
OF THE UPDATED LANA`I COMMUNITY PLAN (1998)

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this bill is to repeal the Lana`i Community Plan, having an effective date of June 17, 1985, as amended, and to adopt the updated Lana`i Community Plan (1998) attached hereto as Exhibit "1".

SECTION 2. Section 2.80A.050 of the Maui County Code is amended by amending subsection F to read as follows:

"F. The following community plans are adopted by the council pursuant to this chapter:

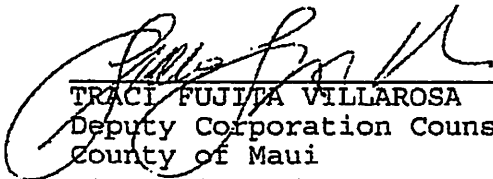
1. Molokai Community Plan;
2. [Lanai] Lana`i Community Plan (1998);
3. West Maui Community Plan (1996);
4. Wailuku-Kahului Community Plan;
5. Kihei-Makena Community Plan (1998);
6. Makawao-Pukalani-Kula Community Plan
(1996);
7. Pa'ia-Ha'iku Community Plan (1995);
8. Hana Community Plan (1994);
9. Kahoolawe Community Plan (1995)."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

EXHIBIT "1"

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



TRACI FUJITA VILLAROSA
Deputy Corporation Counsel
County of Maui
s:\clerical\kao\ord\lanacom.pdf

3/6/2000

2/28/2000 km 6.7

ORDINANCE NO. 2852

BILL NO. 33 (2000)

A BILL FOR AN ORDINANCE TO ADOPT A LAND
ZONING MAP FOR LANDS WITHIN AND AROUND
LANAI CITY AND LANDS NEAR KAUMALAPAU
HARBOR ON THE ISLAND OF LANAI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The purpose of this bill is to adopt a land zoning map for lands within and around Lanai City and lands near Kaumalapau Harbor on the Island of Lanai, County of Maui, State of Hawaii.

SECTION 2. Lands within these areas are hereby zoned as set forth on Land Zoning Maps No. 2615 and 2616. Zoning granted through this action conforms to the Lanai Community Plan, as adopted by the Maui County Council on December 21, 1998.

SECTION 3. Prior zoning ordinances, other than interim zoning, shall be incorporated on Land Zoning Map No. 2615. All such ordinances, and any conditions which are contained therein, shall remain in full force and effect.

SECTION 4. Severability. If any provision of this ordinance, or application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this ordinance are severable.

SECTION 5. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:


KELLY A. CAIRNS
Deputy Corporation Counsel
S:\CLERICAL\LAW\ORD\Inzord3.wpd

EXHIBIT "13"

WE HEREBY CERTIFY that the foregoing BILL NO. 33 (2000)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 20th day of April, 2000, by the following votes:

Patrick S. KAWANO Chair	Dain P. KANE Vice-Chair	Michael A. DAVIS	J. Kalani ENGLISH	John Wayne ENRIQUES	G. Riki HOKAMA	Dennis Y. NAKAMURA	Wayne K. NISHIKI	Charmaine TAVARES
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 20th day of April, 2000.

DATED AT WAILUKU, MAUI, HAWAII, this 20th day of April, 2000.

RECEIVED
2000 APR 20 PM 3:45
OFFICE OF THE MAYOR

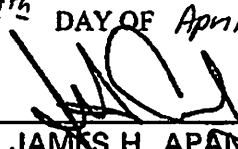


PATRICK S. KAWANO, CHAIR
Council of the County of Maui



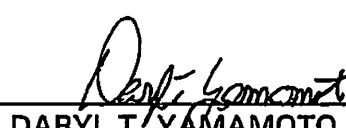
DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 24th DAY OF April, 2000.



JAMES H. APANA JR., MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2852 of the County of Maui, State of Hawaii.



DARYL T. YAMAMOTO, COUNTY CLERK
County of Maui

Passed First Reading on April 7, 2000.
Effective date of Ordinance April 24, 2000.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2852, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

RECEIVED
2000 APR 24 PM 2:55
OFFICE OF THE
COUNTY CLERK

ORDINANCE NO. 4343

BILL NO. 67 (2016)
Draft 1

A BILL FOR AN ORDINANCE AMENDING SECTION 2.80B.070, MAUI COUNTY
CODE, TO ADOPT THE UPDATED LANAI COMMUNITY PLAN

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The Lanai Community Plan, having an effective date of December 21, 1998, as amended, is hereby repealed, and the updated Lanai Community Plan (2016), attached hereto and incorporated herein by reference as Exhibit "1," is adopted.

SECTION 2. Section 2.80B.070, Maui County Code, is amended by amending subsection C to read as follows:

"C. The following community plans are incorporated by reference and adopted pursuant to this chapter:

1. Hana Community Plan - Ordinance No. 2347 (1994), as amended;
2. Paia-Haiku Community Plan - Ordinance No. 2415 (1995), as amended;
3. Kahoolawe Community Plan - Ordinance No. 2413 (1995), as amended;
4. West Maui Community Plan - Ordinance No. 2476 (1996), as amended;
5. Makawao-Pukalani-Kula Community Plan - Ordinance No. 2510 (1996), as amended;
6. Kihei-Makena Community Plan - Ordinance No. 2641 (1998), as amended;
7. Lanai Community Plan [- Ordinance No. 2738 (1998), as amended] (2016);
8. Molokai Community Plan - Ordinance No. 3022 (2001), as amended; and

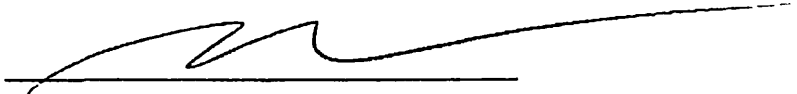
EXHIBIT "14"

9. Wailuku-Kahului Community Plan - Ordinance
No. 3061 (2002), as amended."

SECTION 3. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



MICHAEL J. HOPPER
Department of the Corporation Counsel
County of Maui

paf:gjg:16-108d

- Fwd: Re: Kimberly Masse - Building permit application #B T20171871

From:
To:
Date:
Subject: Fwd: Re: Kimberly Masse - Building permit application #B T20171871

Hi -

I found ZAED's email. Its part of an email the applicant sent to me. See below:

Thanks,
Kathleen

>>> | 4/12/2018 10:39 AM >>>

Just to follow up on our telephone conversation, my suggestion to you is to first send a letter to Planning Director William Spence and ask for an official determination of which dwelling on your TMK would be deemed the main dwelling and which would be the accessory (ohana) dwelling.

If your house is deemed to be the main dwelling, then you could pursue a Change In Zoning and a Community Plan Amendment.

If your house is deemed to be the accessory dwelling, then (in my humble opinion) there would be no point for you to pursue the above because the accessory is limited to 600 sq ft., and your dwelling would be considered existing/non conforming at 960 sq ft. As such, an expansion request would be denied.

Please feel free to call or email me anytime if you have additional questions.

Take care,

>>>
Hi Kathleen,

4/12/2018 8:16 AM >>>

Thank you for taking the time to help me! I appreciate it a lot! I will give you my back story.

We bought our home in Jan 2015 and have recently decided to add two car ports and extend our laundry room just to the end of the house. We got the architect and did the blue prints then filed with the county to get the permits. Below is what I received. So I called Renee and she told me to write a letter to the Planning supervisor

EXHIBIT "15"

and ask when, why and how our property was P1. So I wrote the letter and attached is their response. Along with our property tax key map. I want to do things the right way and have my loan in place, so now I just have to fix the zoning issue.

Back a long time ago there was a church on our property. Then they took the church away and split the lot then built two homes on the property in 1989. My neighbor was able to extend before this issue happened. Our lot is used for residential and all the surrounding lots are residential. I am not sure why they listed our lot as a P1, but this is where I am at. I am not sure how to proceed from here. Do I need to get a variance, a conditional permit or do we need to do the re-zoning? I am a little overwhelmed at this point but will keep moving forward to get our project going and doing it the right way.

Please call me when you get a chance.

-

Aloha Ms. Masse

The Department of Planning, Zoning Administration and Enforcement Division (ZAED) has reviewed the above application and have the following comments:

1. The property is zoned P-1 Public Quasi Public. Click on the link for P-1 District: https://library.municode.com/hi/county_of_mau/code_of_ordinances?nodeId=TIT19ZO_ARTIIICOZOPR_CH19_31PUQUBLDI
2. The 960 sf dwelling was permitted under #B 89-1611, which is "existing non-conforming"
3. Increasing the non-conformity will not be allowed
4. Storage sheds are not allowed in the P-1 District
5. Effective January 9, 2018, a fee structure has been added to the Fiscal Year 2018 Budget Ordinance. see attached Ordinance 4794

Should you have any questions, please feel free to contact me at 270-7253.

Mahalo,

Planning Department
Land Use & Building Plans Examiners
2200 Main Street
One Main Plaza, Suite 335
Wailuku, Hawaii 96793
[\(808\)270-7253](tel:8082707253)

18/1423-RSDD

Kimberly Masse
P.O. Box 631112
337 Houston Street
Lanai City, HI 96763
(808) 559-0289
shopofsmiles@yahoo.com

RECEIVED

2018 MAR 19 PM 4:06

COUNTY OF MAUI
DEPT. OF PLANNING
ADMINISTRATION
03/15/18

William Spence, Director of Planning
County of Maui
Department of Planning
2200 Main Street
One Main Plaza, Suite 315
Wailuku, HI 96793

Dear Sir,

I am respectfully requesting your assistance for your help with my building permit application
#B T20171871.

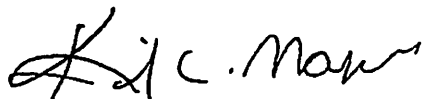
My single family dwelling was built in 1989 and is listed as a residence on the County of Maui Tax Key Map (attached.) I submitted the above building permit application to add two car ports, one on each side of the residence and to fix/add onto my existing laundry room area. The permit came back as denied because our property is zoned P-1 Public Quasi Public.

I am requesting the information on when, why and how the property was changed from residential to P-1 Public Quasi Public, as all the structures in our area, including my single family dwelling, are residential homes.

I would really like to do the above improvements: the proposed repairs/additions are in compliance with the residential character of the neighborhood and would improve the overall appearance of our property, as well as improve our quality of living in our home.

Any help would be appreciated. My contact information is listed above.

Respectfully,



Kimberly Masse

EXHIBIT "16"



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Owner and Parcel Information

Owner Name	MASSE,KIMBERLY CHRISTINE Fee Owner KANIHO,KENNETH KALANI Fee Owner Show All Owners and Addresses	Today's Date	March 15, 2018
Mailing Address	PO BOX 631112 LANAI CITY HI 96763	Parcel Number	490070290001
Location Address	337 HOUSTON ST UNIT NO 1	Parcel Map	Show Parcel Map
Neighborhood Code	4962-1	Land Area	
Legal Information	UNIT 1 LANAI CONDOMINIUM PROJECT CM 1078	Parcel Note	

[Generate Owner List By Radius](#)

Assessment Information [Show Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land Value	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2018	HOMEOWNER	\$ 179,600	\$ 0	\$ 179,600	\$ 138,200	\$ 317,800	\$ 200,000	\$ 117,800

Homestead Information

MASSE,KIMBERLY CHRISTINE 2017
MASSE,KIMBERLY CHRISTINE 2018

Current Tax Bill Information [2018 Tax Payments](#) [Show Historical Taxes](#)

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
No Tax Information available on this parcel.									

Improvement Information

Building Number	Style	Year Built	Eff Year Built	Percent Complete	Living Area	Construction Type
1	Contemporary	1989		100 %	960	Frame
Heating/Cooling	Exterior Wall	Bedrooms/Full Bath/Half Bath	Roof Material	Fireplace	Building Value	Sketch
NONE	PLYWOOD	3/2/0	Wood shingle		\$ 138,200	Sketch Building 1

Accessory Information

Building Number	Description	Dimensions/Units	Year Built	Percent Complete	Value
No accessory information associated with this parcel.					

Sales Information

Sale Date	Price	Instrument #	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
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05/22/2017	\$ 1,000	Fee conveyance		Quitclaim deed	06/01/2017	T10013201	1137574
01/21/2015	\$ 400,000	Fee conveyance	Valid Sale	Apartment deed	01/26/2015	T9156059	1091715
04/20/2009	\$ 1,000	Fee conveyance	Related Individuals	Apartment deed	04/24/2009	3850980	943333
04/30/2007	\$ 475,000	Fee conveyance	Valid Sale	Apartment deed	04/30/2007	3594535	856149
05/18/2001	\$ 138,000	Fee conveyance	Valid Sale	Limited warranty/apartment deed	08/22/2001	2731108	388316
03/06/1995	\$ 0	0000000000			03/20/1995	2225291	388316

Permit Information

Date	Permit Number	Reason	Permit Amount
07/03/1989	B891611	New res dwelling	\$ 45,000
04/26/1989	B890965	Improvement Demolished	\$ 100

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ZONING									
Owners	Zoning	Struct	Establ	Flags	Geo Area	Permits	RFS	Legal	Parcel Attr
APN: 2490070290000		340 GAY ST 2C							
EXHIBIT	Planning Area:	2	LANAI COMMUNITY PLAN DISTRICT						
	Genrl Plan Use:	P/QP	PUBLIC/QUASI-PUBLIC						
	Detail Plan Use:								
	Comment:								
Current Zones		Description	Origin	Ordinance	Ord Date	GIS C			
F-1		COUTNY'S P-1 PUBLIC/QUASI-PUBLIC DIST.							
SMA NONE		NOT IN THE SPECIAL MANAGEMENT AREA							
URBAN		STATE URBAN DISTRICT							
Zone History		Description	Origin	Ordinance	Ord Date	GIS C			

It has been placed on this parcel

1/3 | | List of Valu | | <OSC>

EXHIBIT "17"

EXHIBIT

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 2, 2018

Ms. Kimberly Masse
P.O. Box 631112
337 Houston Street
Lanai City, HI 96763

Dear Ms. Masse:

**SUBJECT: DATE OF ZONING CHANGE FOR PROPERTY LOCATED AT
337 HOUSTON ST, LAHAINA, HAWAII
TMK: (2) 4-9-007:029**

The Department of Planning (Department) has received your March 15, 2018 request seeking clarification for when the zoning on the above property changed from Interim to P-1 Public Quasi-Public. We offer the following response:

1. The above property contains the following designations: State Land Use Urban; Community Plan Public/Quasi-Public; and County Zoning P-1 Public/Quasi-Public.
2. On October 1, 1965, this lot received its first zoning of Interim by Ordinance 437. Interim zoning was intended to be a temporary zoning. Maui County Ordinances are available at: <https://www.mauicounty.gov/165/Ordinances>
3. On April 24, 2000, the zoning on this lot was changed from Interim zoning to P-1 Public/Quasi-Public by Ordinance 2852. This was part of a comprehensive zoning of Lanai City to have zoning match the Lanai Community Plan adopted by Council on December 12, 1998. On July 26, 2016, the Lanai Community Plan was updated by Ordinance 4343 and this lot remains Community Plan Public/Quasi-Public. Community Plan Maps are available at: <https://www.mauicounty.gov/1523/Community-Plan-Maps>
4. §19.31 MCC contains the permitted uses and development standards of the P-1 Public/Quasi-Public zoning district, which are available at: https://library.municode.com/hi/county_of_maui/codes/code_of_ordinances?nodeId=TIT19ZO_ARTIICOZOPR_CH19.31PUQUBLDI

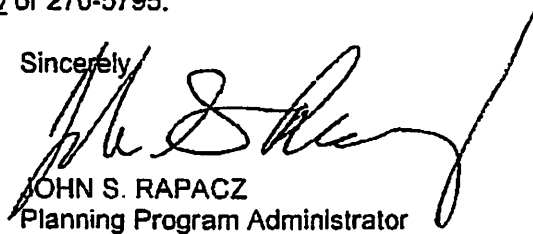
EXHIBIT "18"

Ms. Kimberly Masse
April 2, 2018
Page 2 of 2

5. Dwellings are not a listed permitted use in the Public/Quasi-Public zoning district; however, the use of these dwellings as they were permitted on April 24, 2000 may continue in accordance with §19.500.100.B MCC (Nonconforming uses). https://library.municode.com/hi/county_of_mau/code_of_ordinances?nodeId=TIT19ZO_ARTVADEN_CH19.500GEPR_19.500.110NO
6. If you want to pursue a Change In Zoning from P-1 Public/Quasi-Public to Residential and a Community Plan Amendment from Public/Quasi-Public to Single Family, these applications are available at: <https://www.mauicounty.gov/1385/Zoning-and-Land-Use-Plans>

Should you have any questions on this letter, you may contact Paul Critchlow, Staff Planner, at paul.critchlow@mauicounty.gov or 270-5795.

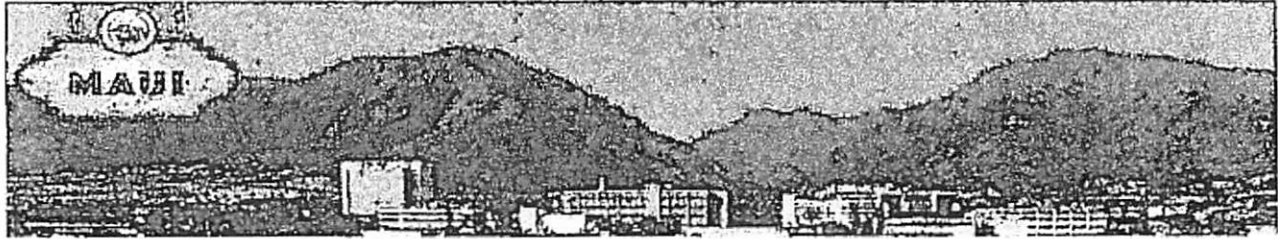
Sincerely,



JOHN S. RAPACZ
Planning Program Administrator

For WILLIAM SPENCE
Planning Director

xc: Danny Dias, Staff Planner (PDF via email)
Paul Critchlow, Staff Planner (PDF via email)
WRS:JSR:DAD:PBC:sec
K:\WP_DOCS\PLANNING\LTR\2018\1423_DateOfZoningChange\Response-ZoningDate.doc



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[Recent Sales In Area](#)

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Owner and Parcel Information

Owner Name	MASSE,KIMBERLY CHRISTINE Fee Owner KANHO,KENNETH KALANI Fee Owner Show All Owners and Addresses	Today's Date	April 11, 2018
Mailing Address	PO BOX 631112 LANAI CITY HI 96763	Parcel Number	490070290001
Location Address	337 HOUSTON ST UNIT NO 1	Parcel Map	Show Parcel Map
Neighborhood Code	4962-1	Land Area	
Legal Information	UNIT 1 LANAI CONDOMINIUM PROJECT CM 1078	Parcel Note	
Generate Owner List By Radius			

Assessment Information

[Show Historical Assessments](#)

Year	Tax Class	Market Land Value	Agricultural Land Value	Assessed Land Value	Building Value	Total Assessed Value	Total Exemption Value	Total Net Taxable Value
2018	HOMEOWNER	\$ 179,600	\$ 0	\$ 179,600	\$ 138,200	\$ 317,800	\$ 200,000	\$ 117,800

Homestead Information

MASSE,KIMBERLY CHRISTINE 2018
MASSE,KIMBERLY CHRISTINE 2019

Current Tax Bill Information

[2018 Tax Payments](#)

[Show Historical Taxes](#)

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
No Tax Information available on this parcel.									

Improvement Information

Building Number	Style	Year Built	Eff Year Built	Percent Complete	Living Area	Construction Type
1	Contemporary	1989		100 %	960	Frame
Heating/Cooling	Exterior Wall	Bedrooms/Full Bath/Half Bath	Roof Material	Fireplace	Building Value	Sketch
NONE	PLYWOOD	3/2/0	Wood shingle		\$ 138,200	Sketch Building 1

Accessory Information

Building Number	Description	Dimensions/Units	Year Built	Percent Complete	Value
No accessory information associated with this parcel.					

Sales Information

Sale Date	Price	Instrument #	Instrument Type	Valid Sale or Other Reason	Document Type	Record Date	Land Court #	Land Court Cert
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05/22/2017	\$ 1,000	Fee conveyance		Quitclaim deed	06/01/2017	T10013201	1137574
01/21/2015	\$ 400,000	Fee conveyance	Valid Sale	Apartment deed	01/26/2015	T9156059	1091715
04/20/2009	\$ 1,000	Fee conveyance	Related Individuals	Apartment deed	04/24/2009	3850980	943333
04/30/2007	\$ 475,000	Fee conveyance	Valid Sale	Apartment deed	04/30/2007	3594535	856149
05/18/2001	\$ 138,000	Fee conveyance	Valid Sale	Limited warranty/apartment deed	08/22/2001	2731108	388316
03/06/1995	\$ 0	0000000000			03/20/1995	2225291	388316

Permit Information

Date	Permit Number	Reason	Permit Amount
07/03/1989	B891611	New res dwelling	\$ 45,000
04/26/1989	B890965	Improvement Demolished	\$ 100

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**LANA'I
COMMUNITY PLAN
(1998)**

MAUI COUNTY COUNCIL

EXHIBIT 1

pc:complans:inypln05

EXHIBIT "19"

Part V
Land Use Map

Matrix No. & Name	Appr x Acres	Tax Map Key, Location	Existing Designation	Lanai CAC Recommendation 1993	Planning Department Recommendation 1995	Planning Commission Recommendation 1995	COUNTY COUNCIL VOTE 1998
10 Koele Project District, NW	57 acres	TMK 4-9-2:1	Project District	Change to Agriculture	Same, except that tennis and equestrian to remain in PD	Same	AG Northwest PD tennis & equestrian
11 Koele Woods & Cavendish Golf Course	OS 12 acres GC 98 acres	Woods TMK 4-9-1:24 Golf Course TMK 4-9-18:3p	Project District	Change wooded areas to Open Space. Change Cavendish to Park (GC)	Leave in wooded areas in PD. Reflect OS areas in CP text. Cavendish to Park (GC)	Same	OS in PD Woods PK (GC) Cavendish
12 Koele Area North	238 acres	TMK 4-9-2:1p	Rural	Conservation east of Keomoku RD, Ag west of Keomoku Rd.	OS east of road and Ag west of road	Same	OS east of road AG west of road
13 Hotel Lanai	1 acre	TMK 4-9-11:1p	Hotel	Change to Open Space	Same	Same	HOTEL on the condition trees not removed
14 Nurse's Quarters & First Hawaiian Bank	2 acres	P/QP 0.2 acre TMK 4-9-11:13 B/C 0.2 acre TMK 4-9-11:5p SF 1.6 acre TMK 4-9-11:5p, 6	Multi-Family	Change to Public/Quasi-Public for nurse's quarters Business/Commercial for remainder of block.	Same	Change to P/QP for nurse's quarters; Coml for bank; SF for remainder	P/QP nurse's qtrs B/C for bank SF for remainder
15 MCC Block	1 acre	TMK 4-9-06:11	Multi-Family	Change to Business/Commercial.	Same	Same	B/C
16 Senior Center	0.3 acre	TMK 4-9-06:6	Multi-Family	Change to Public/Quasi-Public.	Same	Same	P/QP
17 Former Church	0.3 acre	TMK 4-9-07:29	Public/Quasi-Public	Change to Single-Family, existing use.	Same	Same	SF
18 Fraser Ave. Park	1.0 acre	TMK 4-9-14:16	Single Family	Change to Park, existing use	Same	Same	PK
19 Haw Tel Building	0.2 acres	TMK 4-9-06:38	Business/Commercial	Change to Public/Quasi-Public.	Same	Same	P/QP
20 Former Church	0.15 acres	TMK 4-9-05:37	Public/Quasi-Public	Change to Single-Family	Same	Same	SF

ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

June 5, 2018

Ms. Kimberly Masse
P.O. Box 631112
Lanai City, Hawaii 96763

Dear Ms. Masse:

**SUBJECT: DETERMINATION OF WHICH DWELLING IS CONSIDERED THE
MAIN AND THE ACCESSORY DWELLING, LOCATED AT:
337 HOUSTON STREET, LANAI CITY, HAWAII
TMK: (2) 4-9-007:029**

The Department of Planning (Department) has received your May 1, 2018 request seeking a determination on which dwelling is considered the main dwelling and which dwelling is considered the accessory dwelling on the above lot. We offer the following response:

1. Building Permit B-1989/1611 (attached) was issued on July 3, 1989 for a 960 sq ft dwelling. Then Building Permit B-1990/1148 (attached) was issued on April 23, 1990 for a 600 sq ft dwelling.
2. At the time the above permits were issued, the zoning code allowed for one main dwelling (not limited in area size) and one accessory dwelling (limited to a maximum area of 600 sq ft).
3. Any permits issued after the above referenced permits would not have changed the designation of which dwelling is the main dwelling or the accessory dwelling.

Therefore, based on the above information, the dwelling with Building Permit B-1989/1611 is considered the main dwelling which can be expanded if desired and the dwelling with Building Permit B-1990/1148 is considered the accessory dwelling and it cannot be expanded.

Should you have any questions or concerns, you may contact Paul Critchlow, Planner, at paul.critchlow@mauicounty.gov or 270-5795.

Sincerely,


JOHN S. RAPACZ
Planning Program Administrator

For WILLIAM SPENCE
Planning Director

Attachments: Building Permits B-1989/1611 and B-1990/1148
xc: Danny Dias, Staff Planner (PDF via email)
Paul Critchlow, Staff Planner (PDF via email)
WRS JSR DAD PBC sec
K:\WP_DOCS\PLANNING\LTR\2018\2291_MainDwellingDetermination\Response-UseDetermination1.doc

ONE MAIN PLAZA BUILDING / 2200 MAIN STREET, SUITE 315 / WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735 / FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205 / LONG RANGE DIVISION (808) 270-7214 / ZONING DIVISION (808) 270-7253

EXHIBIT " 20 "

COUNTY OF MAUI

LAND USE & CODES ADMINISTRATION DEPARTMENT OF PUBLIC WORKS Application for Building Permit

PERMIT NUMBER
89/1611
DATE ISSUED
7/3/89

☒ I claim an exemption under Sec 444-2(7) of the HRS and hereby certify that this structure is for my personal use and not for use or occupancy by the general public. I further certify that such building or structure will not be offered for sale or lease within one year after completion.

☒ I claim exemption from the provisions of Chapter 464 HRS, requiring certification and stamping of plans by a registered architect or structural engineer as permitted under Sec 464-13(b). I further certify that I will record this exemption with the Bureau of Conveyances as required by Sec 464-13(c).

☐ Approval is granted subject to compliance with the use regulations set forth in Chapter 205, HRS and the Land Use Commission's Rules & Regulations. The owner will provide notice of these use regulations to future owners, heirs and assigns. I acknowledge that I have received from the County of Maui a copy of Sec 205-4.5 HRS.

Kathleen E. Oshiro 4/20/89
SIGNATURE OF OWNER DATE

I hereby certify that I am a bona fide contractor licensed in the State of Hawaii

X N/A
SIGNATURE OF CONTRACTOR DATE

APPLICATION NO	T	ZONE	SEC	PLAT	PAR	LOT
A89/1133	M	2XXXXXX	XX	XX	XX	XX
DATE RECEIVED	K	4	9	7	29	
4/26/89	(S)					

APPROVALS REQUIRED

AGENCY	SIGNATURE	DATE
☒ DEPT OF WATER	<u>[Signature]</u>	4/9/89
☐ DEPT OF HEALTH		
☐ FIRE MARSHAL		
☐ ENGIN. LUCA		
☒ BUILDING LUCA	<u>[Signature]</u>	5/29/89
☐ PLANNING DEPT		

ISSUED BY [Signature] ACCEPT VAL \$ 45,000.00
PERMIT FEE \$ 283.00

REMARKS: Applicant certifies that he/she has determined if there are any restrictive covenants applicable to the proposed construction on subject property and if so, that the structure herein applied for conforms with said covenants. Applicant acknowledges that County has no responsibility to determine conformity with covenants and hereby agrees to defend and hold County harmless from any and all claims arising out of any alleged breach thereof.

Kathleen E. Oshiro 4/20/89
SIGNATURE OF OWNER DATE

PROJECT NAME
OSHIRO GLENN S/KATHLEEN E

CONSTRUCTION TYPE
V-N

OCCUPANCY GROUP
R3

OWNERSHIP
1

ZONE
Urban

FLOOD ZONE
1

APPLICANT: PLEASE FILL IN AREA BELOW (TYPED)

PROJECT ADDRESS (HOUSE NO AND STREET)
341 Houston Street,

PROJECT ADDRESS (TOWN AND DISTRICT)
Lanai City, HI 96763

LEGAL OWNER (FULL NAME)
Glenn S. & Kathleen E. Oshiro

MAILING ADDRESS (INCLUDE ZIP CODE)
P.O. Box 67, Lanai City HI 96763

LESSEE/TEENANT 1:
n/a

MAILING ADDRESS (INCLUDE ZIP CODE)
n/a

LESSEE/TEENANT 2:
n/a

MAILING ADDRESS (INCLUDE ZIP CODE)
n/a

LESSEE/TEENANT 3:
n/a

MAILING ADDRESS (INCLUDE ZIP CODE)
n/a

PLAN AREA (A)
owner

OWNER
owner

MAILING ADDRESS (INCLUDE ZIP CODE)
owner

APPLICANT NAME
Kathleen E. Oshiro

TELEPHONE NO
565-6597

SIGNATURE OF APPLICANT
[Signature]

DATE
4/20/89

NATURE OF WORK (CHECK ALL THAT APPLY)

☒ NEW BUILDING	☐ FENCE	☐ FOUNDATION ONLY
☐ RETAINING WALL	☐ SHELL ONLY	☐ RELOCATION
☐ ADDITION	☐ ALTERATION	☐ RECONSTRUCTION
☐ MISC STRUCTURE	☐ REPAIR	☐ DEMOLITION
☐ SITE WORK	☐ SEA WALL	☐ SWIMMING POOL

NOW OCCUPIED AS
XXXXXXXXXXXXXXXXXX

TO BE OCCUPIED AS
Single family

DIMENSIONS
24x 40

WALLS
2x4 studs d/w

PARTITIONS
2x4 studs d/w

FOUNDATION
conc. blk p/p

FLOORS
plywood/lino

ROOF
ccmp. shingle

CEILING
gyp bd d/w

BASEMENT FLOOR
n/a

☒ SEWER OR CESSPOOL

ROOF OVERHANG
3'

ESTIMATED VALUE OF WORK
\$29,000.00

NO OF UNITS
1

NO OF STORES
1

FLOOR AREA
960sf

LOT AREA
11,760sf

DISTANCE TO NEAREST INTERIOR LOT BOUNDARY (FEET)
RIGHT 41' LEFT 17' REAR 68' FRONT 28' 100'

REMARKS
Warranty Deed recorded 3/14/89

OFFICE COPY

COUNTY OF MAUI

LAND USE & CODES ADMINISTRATION DEPARTMENT OF PUBLIC WORKS Application for Building Permit

PERMIT NUMBER
90/1148
DATE ISSUED
4/23/90

INITIAL <u>JS</u> I claim an exemption under Sec. 444-2(7) of the HRS and hereby certify that this structure is for my personal use and not for use or occupancy by the general public. I further certify that such building or structure will not be offered for sale or lease within one year after completion. Upon conviction, any violator shall be fined \$500 for the first offense, \$1,000 for the second offense, and not less than \$1,500 or more than \$2,000 for any subsequent offense.		FOR LAND USE & CODES ADMINISTRATION USE ONLY	
APPROVALS REQUIRED AGENCY SIGNATURE DATE ☒ DEPT OF WATER <u>[Signature]</u> <u>4/15/90</u> ☐ DEPT OF HEALTH ☐ FIRE MARSHAL ☐ ENGINEER ☒ BUILDING LUCA <u>[Signature]</u> <u>3/10/90</u> ☐ PLANNING DEPT		THESEY <u>[Signature]</u> ACCEPT VAL \$ 33,000.00 PERMIT FEE \$ 304.00	
<u>JS</u> I claim exemption from the provisions of Chapter 454 HRS requiring certification and stamping of plans by a registered architect or structural engineer as permitted under Sec. 454-13 (b). I further certify that I will record this exemption with the Bureau of Conveyances as required by Sec. 454-14(c).		REMARKS Applicant certifies that he/she has determined if there are any restrictive covenants applicable to the proposed construction on subject property and if so, that the structure herein applied for conforms with said covenants. Applicant acknowledges that County has no responsibility to determine conformance with covenants and hereby agrees to defend and hold County harmless from any and all claims arising out of any alleged breach thereof. <u>[Signature]</u> 2/22/90 SIGNATURE OF OWNER DATE	
<u>[Signature]</u> 2/22/90 SIGNATURE OF OWNER DATE I hereby certify that I am a bona fide contractor licensed in the State of Hawaii X <u>[Signature]</u> <u>2/22/90</u> SIGNATURE OF CONTRACTOR DATE		PROJECT NAME OSHIRO GLENN S/KATHLEEN E CONSTRUCTION TYPE V-N OCCUPANCY GROUP R3 OWNERSHIP 1 ZONE Urban FLOOD ZONE C	
APPLICATION NO A 90/564 DATE RECEIVED 3/2/90		T M L E S P A L T XX XX XX XX XX XX XX XX 4 9 7 29	

APPLICANT: PLEASE FILL IN AREA BELOW (TYPED)			
PROJECT ADDRESS (HOUSE NO AND STREET): 341 Houston St, Lanai City, PROJECT ADDRESS (TOWN AND DISTRICT): Lanai City, HI LEGAL OWNER (FULL NAME): Glenn S. & Kathleen E. Oshiro MAILING ADDRESS (INCLUDE ZIP CODE): P.O. Box 67, Lanai City, HI 96763 LESSOR TENANT (1): MAILING ADDRESS (INCLUDE ZIP CODE): LESSOR TENANT (2): MAILING ADDRESS (INCLUDE ZIP CODE): LESSOR TENANT (3): MAILING ADDRESS (INCLUDE ZIP CODE): PLAN MARKER ANFAC OWNER Glenn S. & Kathleen E. Oshiro MAILING ADDRESS (INCLUDE ZIP CODE): P.O. Box 67, Lanai City, HI 96763 APPLICANT NAME Kathleen E. Oshiro SIGNATURE OF APPLICANT <u>[Signature]</u> DATE 2/22/90		NATURE OF WORK (CHECK ALL THAT APPLY) ☒ NEW BUILDING ☐ FENCE ☐ FOUNDATION ONLY ☐ RETAINING WALL ☐ SHELL ONLY ☐ RELOCATION ☐ ADDITION ☐ ALTERATION ☐ RECONSTRUCTION ☐ MISC STRUCTURE ☐ REPAIR ☐ DEMOLITION ☐ SITE WORK ☐ SEA WALL ☐ SWIMMING POOL NOW OCCUPIED AS n/a TO BE OCCUPIED AS OHANA OVERSIZING 20'X30' WALLS double wall 2X4 STUDS PARTITIONS 2X4 STUDS FOUNDATION CONC BLK F/P FLOORS PLYWD ROOF asphalt shingle CELLING gyp.bd. BASEMENT FLOOR n/a SEWER OR CESSPOOL 3'0" ROOF OVERHANG 3'0" ESTIMATED VALUE OF WORK \$25,000 NO OF UNITS 1 NO OF STORIES 1 FLOOR AREA 600sf LOT AREA 11,750 sf DISTANCE TO NEAREST INTERIOR LOT BOUNDARY (FEET): RIGHT 20'0" LEFT 48'0" REAR 32'0" FRONT 46'0" NEAREST BLDG 1680' REMARKS WARRANTY DEED RECORDED 3/14/89.	

OFFICE COPY

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

May 29, 2018

GLEN A. UENO, P.E., P.L.S.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

JOHN R. SMITH, P.E.
Highways Division

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT

JUN - 1 2018

RECEIVED

MEMO TO: WILLIAM R. SPENCE, PLANNING DIRECTOR

FROM: ☒ DAVID C. GOODE, DIRECTOR OF PUBLIC WORKS

SUBJECT: **COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING TO
CORRECT A MAPPING ERROR FOR KIM MASSE OHANA;
TMK (2) 4-9-007:029
CPA 2018/0005; CIZ 2018/0005**

We reviewed the subject application and have no comments at this time.

If you have any questions regarding this memorandum, please call Rowena M. Dagdag-Andaya at 270-7845.

DCG:RMDA:da

xc: Engineering Division

S:\DSA\Engr\CZM\Draft Comments\49007029_kim_masse_ohana_cpa_ciz.rtf

EXHIBIT

21



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

May 16, 2018



TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

MEMORANDUM

TO : KIMBERLY C. WILLENBRINK, STAFF PLANNER
DEPARTMENT OF PLANNING

FROM : TIVOLI S. FAAUMU, CHIEF OF POLICE

SUBJECT : PERMIT NO.: CPA 2018/0005, CIZ 2018/0005
TMK : (2) 4-9-007:029
Project : Kim Masse Ohana
Applicant : Department of Planning

☒ No comments or recommendations to offer at this time.

☐ Refer to enclosed comments and/or recommendations.

Thank you for giving us the opportunity to comment on this project.


Assistant Chief John Jakubczak
For: TIVOLI S. FAAUMU
Chief of Police

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT

MAY 21 2018

RECEIVED

EXHIBIT "22"

**LANA'I PLANNING COMMISSION
REGULAR MEETING
AGENDA ITEM C.1.
AUGUST 15, 2018**

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, August 15, 2018, in the Lanai Senior Center, Lanai City, Hawaii.

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

Ms. Caron Green: It's now five o'clock and this is the Lanai Planning Commission. I see that we have quorum this evening, so without further ado I'd like to begin the meeting.

- 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.

Ms. Green: First on our agenda is public testimony. I think as I've indicated earlier, I would prefer to have public testimony after the individual items, but if people cannot stay for the whole meeting, please feel free to do your public testimony at this time. So do I see that I have somebody who would like to do public testimony? Okay, nobody wanting to do public testimony?

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

1. **MICHELE CHOUTEAU MCLEAN**, Planning Director, transmitting a Community Plan Amendment from Public/Quasi-Public(P/QP) to Single-Family Residential (SF) and a zoning change from P-1 Public/Quasi-Public District to R-1 Residential District for property situated at 337 Houston Street, TMK: (2) 4-9-007: 029, Lanai City, Island of Lanai. (CPA 2018/0005) (CIZ 2018/0005) (K. Willenbrink)
[DEPARTMENT'S REPORT](#) [RECOMMENDATION](#)

The purpose of the land use changes is to correct mapping errors on the 2016 Lanai Community Plan Map and Land Zoning Map L-2615 regarding the subject property.

Ms. Green: Okay, then we'll move on to our Item No. C, which is Planning Commission Director -- well Michele is not here. I see somebody standing in for her? Okay . . . *(Chair Caron Green read the above project description into the record.)* . . .

Ms. Kimberley Willenbrink: Good evening Madame Chair and members of the Commission. My name is Kimberley Willenbrink and I've been with the Maui Planning Department Current Division since last July. Prior to that I worked with the Office of Council Services, Maui County Council for 12 years. So resident of this County, first and foremost, let me just thank you for your dedication and your service to this County.

This matter is scheduled for your review and recommendation today. The Planning Director is requesting a Community Plan Amendment (CPA) from Public/Quasi-Public to Single Family and a Change in Zoning (CIZ) from P1-Public/Quasi-Public to R-1 Residential. The property is located at 337 Houston Avenue on approximately 11,760 square feet of land. The purpose of this Director initiated request for a Community Plan Amendment and Change in Zoning is to correct mapping oversights on the 2016 Lanai Community Plan map which is Exhibit 1 in your report, and Land Zoning map which is Exhibit 2 in your zoning report. The corrections will allow the property owners to make improvements or rebuild the two residential dwellings currently on the property in the event of a catastrophic loss, heaven forbid. The subject property was condominiumized in 1995. This matter was first brought to the Planning Department's attention earlier this year after the owner of TMK 0001, Ms. Kim Massi, applied for a building permit. After some research a determination was made that the 1998 Lanai Community Plan matrix included a change of the owner's parcel from Public/Quasi-Public to Single Family. However, the map was never changed. Hence, the reason we are here today is to correct this. At the beginning of the report, you may read through a timeline of the results of all of that research that was put into this.

During a site inspection this morning, Ms. Massi showed us where she would like to build a carport and a laundry extension on her dwelling which was built in 1989. There are no agency comments related to this matter. A Director initiated Community Plan Amendment does not trigger the need for an Environmental Assessment (EA). A Community Plan Amendment is reviewed pursuant to Title 2, Section 2.80B.100, Maui County Code, non-decennial amendments to community plans proposed by the Planning Director or the Maui County Council. A Change in Zoning is reviewed pursuant to Title 19, Section 19.510.040, Maui County Code, Change of Zoning by which the appropriate planning commission shall hold a public hearing and make a recommendation to the County Council. After the discussion, I will explain your alternatives to consider and provide the Department's recommendation on this matter. Ms. Massi is here today to address any questions you may have. Thank you Madame Chair.

Ms. Green: Thank you. Commissioners, are there any questions for Kimberley?

Mr. John Delacruz: Yes. There's a couple of things I need to clear up. Is this lot 3? I drove by today and there's, there's two houses on this lot.

Ms. Green: John, John, would you say what exhibit it is that you're holding up?

Mr. Delacruz: Exhibit 2.

Ms. Willenbrink: Yes, I understood from Ms. Massi that maybe you drove by today. That is very good. Thank you. There are two parcels on the property because it was condominimized.

Mr. Delacruz: There's a greenhouse on the street facing Houston Street.

Ms. Willenbrink: Yes. And that's the, that's the dwelling in question.

Mr. Delacruz: That is marked 337 Houston.

Ms. Willenbrink: Yes.

Mr. Delacruz: On the other side, on Gay Street, there's a 340, and I'm guessing that's 340 Gay Street.

Ms. Willenbrink: Yes.

Mr. Delacruz: But the lot is only on 337? It's not the whole lined area?

Ms. Willenbrink: It is the whole lined area. When we say properties are condominimized that is such the case. But the lot itself, and the planning wrote, we tend to call it an invisible line because it is the lot, the entire lot that will go through the Change in Zoning and Community Plan Amendment.

Mr. Delacruz: So both buildings, the one that's facing Houston and the one that's facing Gay, is on Kim's property?

Ms. Willenbrink: No. It was condominimized. Kim has the first property, and I do not know the owner's name of the other one. I could look it up. It starts with an R, on the other portion of the condominimized property.

Mr. Delacruz: Okay. Well, that's okay. On one of the...applications submitted by one of the previous owners, they addressed it as, although the lot number is the same --

Ms. Willenbrink: Yes.

Mr. Delacruz: -- the street address was referred to as 341 Houston. Does that matter?

Ms. Willenbrink: Well, I --. In the timeline of research I did not see anything that came up. I'm sure that you know Kathleen Aoki. She did most of the research on this project. I did the report and the...and the discussion.

Mr. Delacruz: Okay. If you would look at Exhibit 5 please.

Ms. Kathleen Aoki: Hi. Kathleen Aoki, Division Chief for Plan Implementation. I'm in the place of actually Clayton today. I do see on the building permits that were submitted, they do have 341 Houston Street. I noticed that too. But the TMK is the actual TMK that we're looking at. We just learned today too that the other owner of the condominiumized property gets their address on Gay Street. I can't explain to you why these two different houses have different addresses, or one's on Gay and one's on Houston. We look at the TMK. That's what we're looking at. So it is this TMK that was condominiumized. So it is one parcel. So we have to get into technical terms here. It's one parcel, which is that TMK. When it got condominiumized like Kim explained that's just an invisible line. That is something that is done with the Bureau of Conveyances. It means nothing to the Planning Department except that we know that is condominiumized but it's still one parcel. So there are two dwellings on this parcel. There is - - there was a question from the applicant earlier today about how do you change your address because I guess this is coming up. Planning has absolutely nothing to do with addresses. I believe it's with the US Postal Services, so you would have to go to the US Postal Service to ask for some kind of change of address. That's about all I can say as far as the confusion with the addresses. But the important part is when we get property deeds, they have their TMK on it. We have the deeds of these properties. It's verified with Real Property Tax. That's what these maps will show because these becomes ordinances so this is going to get attached to the ordinance, this actual map that you're looking at.

Mr. Delacruz: So as long as the tax map key reference is correct, the address doesn't matter.

Ms. Aoki: Correct.

Mr. Delacruz: It won't present any problems in the future.

Ms. Aoki: No.

Mr. Delacruz: Okay, thank you.

Ms. Aoki: You're welcome.

Ms. Sherry Menze: So the lot is 11,000 square feet, and the two houses share that one lot.

Ms. Willenbrink: That is correct.

Ms. Menze: How do they pay their property tax then if it's on the TMK? I mean, I'm just curious because these are all the questions that would come up?

Ms. Aoki: No, those are very good questions. It's similar like living in a condominium. You get taxed on your portion of the property that you own, so the Real Property Tax Division has their property separated by --. In the last four digitals of a TMK, 99% of the time it's going to be 0000. Most of us have that if you own a piece of land. If you own a condominiumized property, it will say 0001, 0002.

Ms. Menze: Okay.

Ms. Aoki: 0003. If you have 500 units, 0501. So that's how they know, and then they assess it based on --. If you look at page 3 of your report, the fourth date down on 3/6/1995, it explains that a declaration of condominium property regime was done, so this is where 0001 was formed with 6,076 square feet, and 0002 was formed with 5,884. So that's how Real Property Tax will look at those two pieces within that parcel and then look at the property, the house, the square footage, and make their assessment.

Ms. Menze: Thank you because I was very confused with the two addresses also.

Ms. Willenbrink: One second. May I chime in on that? If you look at Exhibit 18, there is a copy of the Real Property Tax information, and it shows 0001 as the parcel number and it spells out all of her information.

Ms. Menze: Thank you so much.

Ms. Willenbrink: You're welcome.

Mr. Gerald Rabaino: Okay, my question to you, yeah, is on Exhibition 10, you have Dante Reymundo Imelda. It was issued in May 18, 98, and they signed their permit at 4/29/98. Okay, that's Dante Reymundo. As well as 8/17/97. But then again when you look at this, there's no imaginary line when Reymundo started to build his house on that lot. Okay, the one that Massi, the one that is, that we're talking about, that used to be under Cathy Oshiro when she was living here. That also, that home there was used of the Hotel Lanai employees. Okay, now, with all the finding that she's been done, and whatever recordation you have, nobody did a follow through to make sure if there's an imaginary line on this, on Exhibit 2 -- well 1, 2 and...3. Okay. You have arrows at 6, 7 -- on page 3 -- 67 dash 120. And above you have 247 and 12, okay. That's on the Houston. And on the Gay Street, on the very top of Exhibit 3, you have 247, the arrow facing to 120. Okay you automatically when somebody is looking at this map you know it's a one-way street, yeah, but it has two traffic routes going in one direction from these lots. Okay, now, when Reymundo did his application, and Cathy Oshiro signed the paper to sell the event, did any surveyor come and survey that lot? Is that standard to survey a lot when the lot is going to be sold to someone else?

Ms. Willenbrink: Are you talking about the building permit application?

Mr. Rabaino: Yeah because see when you said there was, earlier you said there was like an imaginary line where Reymundo is, what John was claiming, why is it not showing here? Okay because if it's a condo, and when it was sold, yeah?

Ms. Willenbrink: Yes.

Mr. Rabaino: And it was registered before the condo was in place of the other planning commissioner and she was in transition from Cathy Oshiro to purchase the lot, where's the people involved there to do the enforcement and follow through?

Ms. Willenbrink: I'm not exactly sure that I can answer your question completely, however, the Planning Department does not deal with the building permits. That is the Department of Public Works. And so in the timeline you will see also through the years there have been errors in the building permits, but we didn't go there with that state because that is not our Department's purview.

Mr. Rabaino: But doesn't, doesn't the Planning oversee the permit department?

Ms. Willenbrink: Not building.

Mr. Rabaino: No?

Ms. Willenbrink: Not building permit.

Mr. Rabaino: Not even a hint to go and --?

Ms. Willenbrink: No.

Mr. Rabaino: Okay. Well, I was going to make a...proposal but cannot move forward with this. It's not resolving anything because she's trying to claim that she want to do something, and yet you guys worried about the other guy on the other side.

Ms. Aoki: Okay. One question though I wanted to ask. When you mentioned the Exhibit 2 and the arrows of the Street, Houston Street, the arrow is point the wrong way? Are all the streets the same? Because I want to make sure our map is correct when we go to Council. So on Exhibit 2 and Exhibit 1, are those arrows correct or is it the wrong way for Houston or Gay? Because don't Gay and Houston go one way, the same way? Yeah. So first of all I want to change that. I know it sounds kind of manini, but I want to make sure the map is correct when we go to Council. So is Houston Street, can you guys let me know on Exhibit 1 and 2 which are basically the same map -- one is for a Change in Zoning, one is for a

Community Plan Amendment -- should the arrow for Houston Street be the other way? Yes, okay. So that's the first thing.

Second thing is, Jerry, the map is not going to show the line for the condominiumization. That is something that is done with the Bureau of Conveyances. It does not split a parcel. That's why I mentioned TMKs will have this 0001, 000, but there's no actual line on a map. You're not going to see it. So when you look at Exhibit 1 and Exhibit 2, it's going to show that entire parcel. We know it's condominiumized. We're telling you folks it's condominiumized. The Change in Zoning is going to apply, and the Community Plan Amendment are going to apply to the entire, that entire square. But we have to let you know who owns these things and what, what the, what's happening with the parcel, so that's --. If a Change in Zoning came in for a five-story condominium property, it would be the same thing. You would have a whole bunch of people listed down as owners -- 0001 -- but it's the lot. Does that help you?

Mr. Rabaino: My next question would be then if you going to zone and get rid of that condominium.

Ms. Aoki: We're not getting rid of the condominium.

Mr. Rabaino: Not getting rid of it? You're going to stand by that, the condominium?

Ms. Aoki: They just want to rezone the property.

Mr. Rabaino: The entire property? Then from there you work from it?

Ms. Aoki: Yeah.

Mr. Rabaino: To say Reymundo is residential, and Masse is going to be residential.

Ms. Aoki: Yeah, the entire lot.

Mr. Rabaino: And that's the only zone change. I can live with that.

Ms. Aoki: Zone and Community Plan Amendment. They're both Public/Quasi-Public right now, so we need to change both to be consistent.

Mr. Rabaino: Okay.

Ms. Green: Okay, Commissioners, are there any other questions? I do have a quick question. So it said in the 98 plan that they had already said they wanted to be a single-family, and it just didn't follow through on the, on the -- what do you call it? -- the map. Is that the same thing for the 2016 plan followed the 98 recommendations.

Ms. Willenbrink: That is correct.

Ms. Green: Okay, that was my assumption here, but I wanted to make sure that's correct. Okay, if there are no other questions for the Council Members, I would like to invite public testimony at this time. Is there anybody who would like to give public testimony? Kim?

Ms. Kimberly Massi: Hi, I'm Kim Massi. I humbly ask your support in my endeavor here. We were putting in for a building permit so we could put in a carport and extend our laundry room and this is where we ran into the issue. I wanted to do things the right way obviously so we would have go in for a rezoning before I can get my permit approved so thank you.

Ms. Green: Thank you Kim. Is there anybody else in the audience who would like to do public testimony at this time? Okay, there being none, Council Members, do we have any more questions or would anybody like to make a motion?

Ms. Willenbrink: Would --. Excuse me? A point of clarification, do I make the recommendation, the Department's recommendation first?

Mr. Delacruz: Yes, please.

Ms. Willenbrink: Thank you Madame Chair. This evening you have several alternatives to consider for each of the amendments. For the Community Plan Amendment, you can opt to defer the matter to a future date, you can opt to recommend approval, or you can opt to recommend denial of the permit application. For the Change in Zoning, your options, excuse me, are to defer the matter, to recommend approval with no conditions, to recommend approval with conditions, to recommend approval with partial conditions, and or to recommend denial.

Here is the Department's recommendation. In consideration of the foregoing, the Planning Department recommends that the Lanai Planning Commission recommend approval of the Community Plan Amendment and Change in Zoning requests, and adopt the Department of Planning's Report and Recommendation statements prepared for the August 15th, 2018 Lanai Planning Commission meeting, and authorize the Planning Director to transmit said report and recommendation statements to the Maui County Council. Mahalo.

Ms. Green: I have just a quick question, and that is regarding this street issue, the Houston and Gay Street issue. Would we make that a condition and if so, how would we handle that?

Ms. Willenbrink: Would the condition be to change the address?

Ms. Green: No, no, it's just your mapping designation of the streets.

Ms. Aoki: You can just say it in the record, but not make it a condition.

Ms. Green: Okay. You've already made note of it. Okay, thank you.

Mr. Delacruz: Hi. Can we recommend approval for both at the same time?

Ms. Willenbrink: Yes you can.

Mr. Delacruz: Okay. I move that the Lanai Planning Commission --

Ms. Willenbrink: Excuse me? Kathleen said it might be cleaner if you do separate motions. A motion for each. I'm sorry.

Mr. Delacruz: I move that the Lanai Planning Department approve the change to single-family. Is that the -- from Quasi Public to Single Family residential with no conditions.

Ms. Willenbrink: And that is for the Community Plan Amendment?

Mr. Delacruz: Yes.

Ms. Willenbrink: Thank you.

Mr. Rabaino: Second.

Ms. Green: Okay, we have it, John has moved, and Jerry has second the motion. Do we have any further discussion members? Okay, can we take a vote? All in favor? It passes unanimously. Okay, do we have a second motion?

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

VOTED: to recommend approval to the Maui County Council for the Community Plan Amendment from Public/Quasi Public to Single Family residential with no conditions.

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

(Excused: S. Preza, M. Martin, C. Trevino)

Mr. Rabaino: Second.

Mr. Delacruz: I'll do it.

Mr. Rabaino: No, I will just stand with your motion. Okay, the second motion would be Change of Zoning, correct?

Ms. Willenbrink: Yes, correct.

Mr. Rabaino: Okay, so we'll approve the Maui County for CIZ from P-1 Public Quasi to R-N Residential for property situated at 337 Houston Street, and forward it to the Council, with no condition attached to it.

Mr. Delacruz: Is it R-N or R-1?

Mr. Rabaino: R-1, yeah?

Ms. Green: R-1.

Ms. Menze: Yeah, R-1.

Ms. Green: Okay, who is seconding?

Mr. Delacruz: I second.

Ms. Green: John seconds. Okay, Commissioners do we have any further discussion on this matter?

Mr. Rabaino: None.

Ms. Green: Okay, all in favor? All right, the motion passes.

Ms. Willenbrink: Thank you Madame Chair.

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

VOTED: to recommend approval to the Maui County Council for the CIZ from P1 Public/Quasi to R-1 Residential for property situated at 337 Houston Street with no conditions.

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

D. COMMUNICATIONS

- 1. MS. LYNN P. MCCRORY, Senior Vice-President of Government Affairs, PULAMA LANAI, submitting the [2017 annual report dated June 25, 2018](#) regarding water usage at Manele pursuant to condition no. 24 of the Special Management Area Use Permit and Project District Phase 2**

Approval 5-year time extension for residential and multi-family development at TMK: 4-9-017:001, 002, 003, 004, 005 and 4-9-002: 049, Manele, Island of Lanai. (95/SM1-015) (95/PH2-001)

The Report is provided to the Lanai Planning Commission for its review.

(Discussion of Item D.1. begins at 00:27:08 of the Audio Recording)

E. ORIENTATION WORKSHOP NO. 3

1. The Planning Framework (C. Thackerson)
2. Zoning (C. Thackerson)
3. Chapter 343, HRS, Environmental Assessments and Environmental Impact Statements (C. Thackerson)
4. Bed and Breakfast Homes and Short-Term Rental Homes (K. Willenbrink)

(Items E.1. through E.3. begin at 01:05:40 of the Audio Recording)

(The Lanai Planning Commission recessed at 6:42 p.m. and reconvened at 6:50 p.m.)

(Item E.4. begins at 01:42:00 of the Audio Recording)

F. DIRECTOR'S REPORT

1. [Proposed Meeting Schedule](#) for Calendar Year 2019

The Commission may take action to approve or modify the meeting schedule.

(Item F.1. begins at 02:11:50 of the Audio Recording)

The Lanai Planning Commission had no objections to the proposed meeting dates.

2. [Open Lanai Applications Report](#) as distributed by the Planning Department with the agenda.

(Item F.2. begins at 02:13:11 of the Audio Recording)

3. **Agenda Items for the September 19, 2018 meeting.**

(Item F.3. begins at 02:16:07 of the Audio Recording)

Ms. Aoki notified the Commission that there are currently no items scheduled for the

September 19, 2018 Lanai PC meeting.

G. NEXT REGULAR MEETING DATE: SEPTEMBER 19, 2018

H. ADJOURNMENT

There being no further discussion brought forward to the Commission, the meeting was adjourned at 7:30 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
Gerald Rabaino
Shirley Samonte

EXCUSED/ABSENT (A):

Mililani Martin (A)
Shelly Preza, Vice-Chair
Chelsea Trevino

OTHERS:

Kathleen Aoki, Planning Program Administrator, Plan Implementation Division
Candace Thackerson, Staff Planner
Kimberley Willenbrink, Staff Planner
Richelle Thomson, Deputy Corporation Counsel (On-Call)