

**MAUI PLANNING COMMISSION  
ACTION MINUTES  
JANUARY 9, 2018**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Sandy Duvauchelle at approximately 9:05 a.m., Tuesday, January 9, 2018, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

**B. PUBLIC TESTIMONY** - Public testimony will be taken when each agenda item is discussed. **Testimony will be limited to a maximum of three (3) minutes.**

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

1. MR. GARY FURUTA on behalf of the CATHOLIC CHARITIES HOUSING DEVELOPMENT CORPORATION requesting a Special Management Area (SMA) Use Permit in order to construct the proposed Kahului Lani Affordable Senior Housing Project including two (2) six-story multi-family residential buildings, a 7,500 square-foot multi-purpose building, parking, and related improvements at 65 South Kane Street. TMK: 3-7-005:003, Kahului, Island of Maui. (SM1 2017/0001) (C. Thackerson)

The project will provide 164 one-bedroom units for rent to seniors who earn 60 percent or less of the County's median income and one (1) two-bedroom resident manager's unit. Catholic Charities Hawaii will provide onsite social service case management for residents.

**It was moved by Mr. Higashi, seconded by Mr. Castro, then**

**VOTED: To Approve the Special Management Area Use Permit as Recommended by the Department.  
(Assenting – R. Higashi, S. Castro, L. Carnicelli, A. Hill, K. Robinson,  
L. Hudson, C. Tackett)  
(Excused – T. Gomes)**

2. MR. WILLIAM SPENCE, Planning Director transmitting Council Resolution No. 17-140 to the Lanai, Maui, and Molokai Planning Commissions containing a proposed bill to amend the definition of "resource extraction" in the Comprehensive Zoning Ordinance. (D. Raatz)

**It was moved by Mr. Hudson, seconded by Mr. Higashi, then**

**VOTED: To Recommend Approval to the County Council the Council Resolution as Recommended by the Department and with Comments as Recommended by the Commission.  
(Assenting – L. Hudson, R. Higashi, L. Carnicelli, A. Hill,  
K. Robinson, C. Tackett, S. Castro)  
(Excused – T. Gomes)**

3. PETER LORD and LISA LORD requesting a State Land Use Commission Special Permit in order to operate the Aloha Spirit Maui Short-Term Rental Home, a two (2)-bedroom short-term rental home located in the State Agricultural District at 915 Kai Hele Ku Street #B, TMK: 4-7-010: 026-0002, Launiupoko, Lahaina, Island of Maui. (SUP2 2017/0015) (K. Willenbrink)

**It was moved by Mr. Carnicelli, seconded by Mr. Castro, and**

**The Motion to Approve the State Land Use Commission Special Permit as Recommended by the Department, FAILED.**

**(Assenting – L. Carnicelli, S. Castro, C. Tackett - abstained)  
(Dissenting - K. Robinson, A. Hill, R. Higashi)  
(Excused – T. Gomes, L. Hudson)**

**It was then moved by Mr. Robinson, seconded by Mr. Higashi, and**

**The Motion to Deny the State Land Use Commission Special Permit, FAILED.**

**(Assenting - K. Robinson, R. Higashi, A. Hill, C. Tackett - abstained)  
(Dissenting – L. Carnicelli, S. Castro, S. Duvauchelle)  
(Excused – T. Gomes, L. Hudson)**

**It was then moved by Mr. Carnicelli, seconded by Mr. Robinson, then**

**VOTED: To Defer the State Land Use Commission Special Permit to the Meeting Before 100 days (two meetings from 120 days) from the Public Hearing Date (1/9/18).  
(Assenting – L. Carnicelli, K. Robinson, A. Hill, C. Tackett, S. Castro, R. Higashi)  
(Excused – T. Gomes, L. Hudson)**

#### **D. UNFINISHED BUSINESS**

1. MR. CHRIS BOLTE and MR. GARY BOLTE requesting a Short-Term Rental Home Permit in order to operate the Huaka Mahina STRH, a four (4)-bedroom short-term rental home located in the Urban District at 2773 Kolepa Place, TMK: 4-4-006:039, Lahaina, Island of Maui, Hawaii (STWM T2017/0010) (L. Callentine ) (deferred at the October 24, 2017 meeting.)

The 120-day deadline to make a decision is February 21, 2018.

The Commission may take action on this request.

**It was moved by Mr. Robinson, seconded by Mr. Higashi, and**

**The Motion to Deny the Short-Term Rental Home Permit, FAILED.**

**(Assenting – K. Robinson, R. Higashi, A. Hill, C. Tackett-Abstain)  
(Dissenting – L. Carnicelli, S. Castro, S. Duvauchelle)  
(Excused – T. Gomes, L. Hudson)**

**A Motion to Approve the Short-Term Rental Home Permit was made by Mr. Carnicelli which Died Due to a Lack of a Second.**

**It was then moved by Ms. Duvauchelle, seconded by Ms. Hill, then**

**VOTED: To Go Into Executive Session.  
(Assenting – S. Duvauchelle, A. Hill, L. Carnicelli, C. Tackett,  
S. Castro, K. Robinson, R. Higashi)  
(Excused – T. Gomes, L. Hudson)**

**It was moved by Mr. Carnicelli, seconded by Mr. Robinson, then**

**VOTED: To Deny the Short-Term Rental Home Permit.  
(Assenting – L. Carnicelli, K. Robinson, A. Hill, C. Tackett, S. Castro,  
R. Higashi)  
(Excused – T. Gomes, L. Hudson)**

2. MS. KANZA STOTT requesting a State Land Use Commission Special Permit in order to operate the Stott B&B, a three (3)-bedroom bed and breakfast located in the State Agricultural District at 195 Apuwai Street, TMK: 2-7-036: 016, Haiku, Island of Maui. (SUP2 2017/0014) (K. Willenbrink) (deferred at the November 14, 2017 meeting.)

The 120-day deadline to make a decision is March 14, 2018.

The Commission may take action on this request.

**It was moved by Mr. Tackett, seconded by Mr. Higashi, then**

**VOTED: To Approve the State Land Use Commission Special Permit as Recommended by the Department as Amended with a Time Period of One Year and Twenty (20) Rentals Per Year.  
(Assenting – C. Tackett, R. Higashi, A. Hill, C. Tackett, R. Higashi)  
(Excused – T. Gomes, L. Hudson, L. Carnicelli)**

3. October 26, 2017 e-mail from KATHY DAVEY withdrawing her State Land Use Commission and Bed and Breakfast Home applications:
  - a. MS. KATHY DAVEY requesting a State Land Use Commission Special Permit and a Bed and Breakfast Home Permit in order to operate the

Kaanapali Coffee Cottage, a 2-bedroom bed and breakfast home in the State Agricultural District at 2950 Aina Mahiai Place, TMK: 4-4-020: 052, Kaanapali, Lahaina, Island of Maui. (SUP2 2017/0006) (BBWM T2017/0002) (T. Furukawa) (Public hearing was conducted on the applications at the June 27, 2017 meeting)

- b. ISAAC HALL, attorney on behalf of JACK and LYNN MUEGGE, MENEHUNE VENTURES, LLC, WORTHY CLAY SCOTT, and MARY JACQUELINE SCHEIBEL intervening on the above mentioned applications by MS. KATHY DAVEY. (Intervention was granted at the June 27, 2017 meeting.)
- c. The Commission selected RAY WIMBERLEY as the Mediator and E. JOHN MCCONNELL (Retired Judge) as the Hearings Officer at its July 25, 2017 meeting.

The notification to the Commission of the receipt of the applicant's withdrawal e-mail is for information purposes.

#### **E. COMMUNICATIONS**

1. MR. FRED "PUNAHELE" KRAUSS of HALAU KEALAOKAMALIE requesting a Use Determination in order to operate a halau and cultural facility in the State Agricultural District and the County Agricultural District at 186 Piihola Road, TMK: 2-4-012: 005 (por.), Makawao, Island of Maui. (UD 2017/0002) (P. Fasi)

The Commission may take action on this request.

**It was moved by Mr. Higashi, seconded by Ms. Hill, then**

**VOTED: To Approve the Use Determination as Recommended by the Department.  
(Assenting – R. Higashi, A. Hill, K. Robinson, C. Tackett, S. Castro)  
(Excused – T. Gomes, L. Hudson, L. Carnicelli)**

2. HOWARD BENSON and MICHAELYN STURGEON BENSON requesting an amendment to their State Land Use Commission Special Permit to operate the Holomakai to allow for 5 bedrooms to be used for bed and breakfast use instead of 2 bedrooms for property situated in the State Agricultural District and County Agricultural District at 165 N. Holokai Road, TMK: 2- 8-004: 027, Haiku, Island of Maui. (SUP2 2015/0002) (T. Furukawa)

The Commission may take action on this request.

**It was moved by Mr. Tackett, seconded by Mr. Castro, then**

**VOTED: To Approve the Amendment to the State Land Use Commission Special Permit as Recommended by the Department.  
(Assenting – C. Tackett, S. Castro, L. Carnicelli, A. Hill, R. Higashi)  
(Dissenting – K. Robinson)  
(Excused – T. Gomes, L. Hudson)**

**F. DIRECTOR’S REPORT**

1. Designation of the Hana Advisory Committee to conduct the public hearing and provide their recommendation on the following request:

ROBERT HOREN and WENDY HOREN requesting a State Land Use Commission Special Permit in order to operate Hale Nanea, a 2-bedroom Short-Term Rental Home located in the State Agricultural District at 5440 Hana Highway, TMK: 1-4-003: 051, Hana, Island of Maui. (SUP2 2017/0017) (R. Quigless)

The Commission may designate the Hana Advisory Committee to the Maui Planning Commission to conduct a public hearing and provide its recommendations on the request.

**It was moved by Mr. Carnicelli, seconded by Ms. Hill, then**

**VOTED: To Designate the Hana Advisory Committee to Conduct the Public Hearing and Provide their Recommendation on State Land Use Commission Special Permit by Robert Horen and Wendy Horen.  
(Assenting – L. Carnicelli, A. Hill, K. Robinson-Abstain, C. Tackett, S. Castro, R. Higashi)  
(Excused – T. Gomes, L. Hudson)**

2. MR. WILLIAM SPENCE, Planning Director, notifying the Maui Planning Commission pursuant to Commission’s SMA Rules of the following Special Management Area (SMA) Emergency Permit:

MR. BILL KUGLER, Director of the KULAKANE AOA and MS. GERI R. BRAY, Director of the MAKANI SANDS AOA requesting a Special Management Area Emergency Permit in order to repair damage due to the creation of sinkholes at 3741 Lower Honoapiilani Road and 3765 Lower Honoapiilani Road, TMK: (2) 4-3-006: 001 and (2) 4-3-006: 012 (SM3 2017/0010) (K. Scott)

This is for notification and review purposes only.

3. SMA Minor Permit Report
4. SMA Exemptions Report

**It was moved by Mr. Higashi, seconded by Mr. Robinson, then**

**VOTED: To Accept the SMA Minor and SMA Exemption Reports.  
(Assenting – R. Higashi, K. Robinson, L. Carnicelli, A. Hill,  
C. Tackett, S. Castro)  
(Excused – T. Gomes, L. Hudson)**

5. Discussion of Future Maui Planning Commission Agendas
  - a. January 23, 2018 agenda items – Hoomoana Campgrounds State Special Use Permit and Conditional Permit applications. Unfinished Business. Meeting at the Cameron Center Auditorium in Wailuku.

Mr. Spence went over the item scheduled for the January 23, 2018.

**G. NEXT REGULAR MEETING DATE: JANUARY 23, 2018**

**H. ADJOURNMENT**

The meeting was adjourned at approximately 5:25 p.m.

Submitted by,

Carolyn Takayama-Corden  
Secretary to Boards & Commissions II

### **RECORD OF ATTENDANCE**

#### **Present**

Lawrence Carnicelli (excused at 2:35 p.m. and back in attendance at 4:55 p.m.)  
Steven Castro  
Sandy Duvauchelle, Chairperson  
Kahu Alalani Hill  
Richard Higashi, Vice Chairperson  
Larry Hudson (excused at 12:15 p.m.)  
Keaka Robinson  
Christian Tackett

#### **Excused**

Tina Gomes

#### **Others**

William Spence, Director, Planning Department  
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel

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Rowena Dagdag-Andaya, Deputy Director, Department of Public Works (9:00 a.m.-10:35 a.m.)