

PURSUANT TO CHAPTER 92, HAWAII REVISED STATUTES AS AMENDED, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI PLANNING COMMISSION

**UNOFFICIAL AGENDA - HYPERLINKS TO MEETING MATERIALS  
ADDED FOR INFORMATIONAL PURPOSES ONLY**

DATE: MARCH 28, 2017

TIME: 9:00 A.M.

PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building,  
250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Max Tsai (Chair), Sandra Duvauchelle (Vice-Chair), Pua Canto,  
Lawrence Carnicelli, Stephen Castro, Wayne Hedani, Richard Higashi,  
Larry Hudson, Keaka Robinson

Public Testimony will be taken after the staff and applicant presentations are given on each agenda item and **will be limited to a maximum of three (3) minutes**, except for contested cases under Chapter 91, HRS. Testifiers should testify on the item being considered.

A. CALL TO ORDER

B. PUBLIC TESTIMONY

C. RESOLUTIONS THANKING OUTGOING MEMBERS – W. HEDANI and M. TSAI

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

1. MS. JEANA I. NALUAI of HAWAIIAN SPA MAUI, LLC requesting a Conditional Permit and a State Land Use Commission Special Permit Amendment in order to operate the Educational Center for the Perpetuation of Hawaiian Healing Arts and Native Medicinal Plant Conservation and Hoomanu Hawaiian Spa in the State Agricultural District at 1550 Piihola Road, TMK: 2-4-013: 142, Makawao, Island of Maui. (CP 2015/0002) (SUP2 2015/0003) (G. Flammer) [Report](#) [Exhibits](#) [Recommendation](#)
2. MS. ROBYN KAHALELEHUA of CENTERLINE SOLUTIONS on behalf of VERIZON WIRELESS requesting a County Special use Permit for the HON Napili Verizon Wireless Telecommunication Facility to consist of a fifty (50)-foot high monopole tower disguised as a pine tree, twelve (12) panel antennae, microwave dish, and appurtenant structures at 4910 Honoapiilani Highway, TMK: 4-3-001: 085, Napili, Lahaina, Island of Maui. (CUP 2016/0003) (L. Callentine) [Report](#) [Exhibits](#) [Recommendation](#)
3. G. KIM HEMBREE and H. MACK HEMBREE requesting a Bed and Breakfast Home Permit in order to operate the Halama Dolphin House B&B, a six (6)-bedroom bed and breakfast home located at 1676 Halama Street, Unit A/B, TMK: 3-9-011: 009, Kihei, Island of Maui. (BBKM 2013/0003) (E. Aako) [Report](#) [Exhibits](#) [Recommendation](#)  
The application requires a public hearing because there is a permitted bed and breakfast home operation located within 500 ft. of the subject property.

4. KARL JACOBS and ROSA PAZ-JACOBS requesting a State Land Use Commission Special Permit and a Bed and Breakfast Home Permit in order to operate the Hookipa Rose Bed and Breakfast, a four (4)-bedroom bed and breakfast home located in the State Agricultural District at 285 Pauwela Road, TMK: 2-7-008: 139, Haiku, Island of Maui. (SUP2 2016/0015) (BBPH T2016/0007) (E. Aako) [Report](#) [Exhibits](#) [Recommendation](#)

The Bed and Breakfast Home Permit application requires a public hearing because there is at least one (1) permitted bed and breakfast home operation located within 500 ft. of the subject property.

E. ADOPTION OF WRITTEN DECISION AND ORDERS

1. MR. MICHAEL BASKIN of SEASHORE PROPERTIES LLC requesting a County Special Use Permit to operate a nine (9) bedroom transient vacation rental (Paia Inn) with 1<sup>st</sup> floor lobby on property situated at 93 Hana Highway, TMK: 2-6-002: 027, Paia, Island of Maui. (CUP 2015/0006) (K. Wollenhaupt)
  - a. Having voted on December 13, 2016 to Deny the Petition to Intervene submitted by ISAAC HALL, attorney for FRANCINE AARONA on November 29, 2016 regarding the County Special Use Permit application submitted by MR. MICHAEL BASKIN of SEASHORE PROPERTIES LLC to operate a nine (9)-bedroom transient vacation rental (Paia Inn) with 1<sup>st</sup> floor lobby on property situated at 93 Hana Highway, TMK: 2-6-002: 027, Paia, Island of Maui. (CUP 2015/0006) (K. Wollenhaupt)

The draft [Decision and Order](#) was prepared by Planning Department staff and reviewed by the Department of the Corporation Counsel.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the proposed Findings of Fact, Conclusions of Law, and Decision and Order.

- b. Having voted on December 13, 2016 to deny the subject County Special Use Permit application submitted by MR. MICHAEL BASKIN of SEASHORE PROPERTIES LLC to operate the Paia Inn with 1<sup>st</sup> floor lobby at 93 Hana Highway, TMK: 2-6-002: 027, Paia, Island of Maui. (CUP 2015/0006) (K. Wollenhaupt)

The draft [Decision and Order](#) was prepared by Planning Department staff and reviewed by the Department of the Corporation Counsel.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the proposed Findings of Fact, Conclusions of Law, and Decision and Order.

2. MR. JAMES WALKUS requesting a Short-Term Rental Home (STRH) Permit to operate a five (5) bedroom STRH, Maui Home STRH, in the County R-2 Residential Zoning District located at 1143 Front Street, TMK: 4-5-004: 058, Lahaina, Island of Maui. (STWM T2015/0012) (L. Callentine)

The application is being brought before the Commission as there is another permitted STRH located within 500 feet of the subject property.

- a. Having voted on October 13, 2015 to deny the subject Short-Term Rental Home Permit application by MR. JAMES WALKUS to operate the Maui Home short-term rental home at 1143 Front Street, TMK: 4-5-004: 058, Lahaina, Island of Maui. (STWM T2015/0012) (L. Callentine)

The draft [Decision and Order](#) was prepared by Planning Department staff and reviewed by the Department of the Corporation Counsel.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the proposed Findings of Fact, Conclusions of Law, and Decision and Order.

- b. Having failed to vote for lack of a motion on November 10, 2015 on a Petition for Reconsideration filed by MR. PAUL PETERS, attorney for JAMES WALKUS to obtain a Short-Term Rental Home Permit in order to operate the Maui Home short-term rental at 1143 Front Street, TMK: 4-5-004: 058, Lahaina, Island of Maui. (STWM T2015/0002) (L. Callentine)

The draft [Decision and Order](#) was prepared by Planning Department staff and reviewed by the Department of the Corporation Counsel.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the proposed Findings of Fact, Conclusions of Law, and Decision and Order.

F. COMMUNICATIONS

1. Discussion on Rule Making as it relates to filing and digital copies, Chapter 91, HRS. (Maui Planning Commission Chair Max Tsai) (Deferred from the February 14<sup>th</sup>, February 28<sup>th</sup>, March 14<sup>th</sup> meetings.)

The Commission may take an action on this request.

G. ACCEPTANCE OF THE [ACTION MINUTES OF MARCH 14, 2017](#) MEETING AND REGULAR MINUTES OF THE OCTOBER 11, 2016 AND FEBRUARY 14, 2017 MEETINGS

H. DIRECTOR'S REPORT

1. MR. WILLIAM SPENCE, Planning Director, notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of his intent to process the following time extension requests administratively:
  - a. HONUAULA PARTNERS, LLC requesting a [2-year time extension](#) on the Special Management Area Use Permit condition to initiate construction of the modifications to the Wailea Ike and Wailea Alanui intersection to provide two (2) left-turn lanes for traffic turning southbound into Wailea – Alanui Drive and to add a signalized double right-turn lane for traffic turning eastbound onto Wailea Ike Drive at TMK: 2-1-008, 2-1-008: 118, 2-1-008: 131, and 2-1-008: 134, Wailea, Island of Maui. (SM1 2009/0012) (C. Thackerson)

The Commission shall acknowledge receipt of the request. The Commission may decide whether to waive its review or review the time extension request at a future meeting.

- b. SAM and JON GARCIA requesting a [2-year time extension](#) on the Special Management Area Use Permit to initiate construction of the Garcia Family Subdivision, a 10-lot subdivision on approximately 5.49 acres of land at TMK: 2-1-008, 2-1-008: 118, 007: 067, Makena, Island of Maui. (SM1 2002/0016) (C. Thackerson)

The Commission shall acknowledge receipt of the request. The Commission may decide whether to waive its review or review the time extension request at a future meeting.

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:
  - a. Approval letter dated March 15, 2017 to MS. LAURIE LOWSON, President of the POHAILANI AOA and JACQUELINE SCHEIBEL requesting an [SMA Emergency Permit](#) to implement temporary measures as a ten foot by ten foot cavity sinkhole depression has developed within seven feet of the residential structure mauka of the existing seawall at 4435 Lower Honoapiilani Road, TMK: 4-3-005: 008, Lahaina, Island of Maui. (SM3 2017/0004) (J. Buika)

This is for notification and review purposes.

3. SMA Minor Permit Report
  4. SMA Exemptions Report
  5. Discussion of Future Maui Planning Commission Agendas
    - a. April 11, 2017 agenda items
- I. NEXT REGULAR MEETING DATE: APRIL 11, 2017
  - J. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

UNLESS OTHERWISE SPECIFIED BY ANOTHER SPECIFIC PLANNING COMMISSION RULE, ANY PETITION TO INTERVENE AS A FORMAL PARTY IN THE PROCEEDINGS BEFORE THE MAUI PLANNING COMMISSION MUST BE FILED WITH THE COMMISSION AND SERVED UPON THE APPLICANT NO LESS THAN TEN (10) DAYS BEFORE THE FIRST PUBLIC HEARING DATE. (Note: The calculation of time for deadlines ten days or less excludes weekends and State recognized holidays.)

THE ADDRESS OF THE COMMISSION IS C/O the DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793. The deadline for filing a timely Petition to Intervene for an item where the first public hearing date is on March 28, 2017 was on March 13, 2017.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. IN ACCORDANCE WITH THESE RULES MAXIMUM TIME LIMITS OF AT LEAST TWO MINUTES MAY BE ESTABLISHED BY THE COMMISSION ON INDIVIDUAL TESTIMONY.

WRITTEN AND/OR EMAILED TESTIMONY REQUESTED SHOULD BE RECEIVED AT LEAST TWO (2) BUSINESS DAYS BEFORE THE MEETING TO ENSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

Testifiers: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, and Conditional Permit require the approval of the Maui County Council. In order to be notified of future agendas of the Maui County Council please notify the Office of Council Services at (808) 270-7838 or by mail to the Maui County Council, 200 S. High Street, Wailuku, Maui, Hawaii 96793.

DOCUMENTS ARE ON FILE WITH THE PLANNING DEPARTMENT.

THE ADDRESS OF THE COMMISSION IS C/O DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE DEPARTMENT OF PLANNING AT 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1-800-272-0125 (Lanai) OR NOTIFY THE DEPARTMENT OF PLANNING IN WRITING AT ONE MAIN PLAZA 2200 MAIN STREET SUITE 315, WAILUKU, MAUI, HAWAII 96793 OR FAX NUMBER 270-7634 AT LEAST SIX (6) BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

ANY FAXES AND/OR EMAILS SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 5:00 P.M. ON THE SECOND WORKING DAY BEFORE THE MEETING TO ENSURE THAT IT IS CIRCULATED TO THE COMMISSION.

**PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at least one day prior to the meeting date. Thank you for your cooperation.**  
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