

**MAUI PLANNING COMMISSION  
ACTION MINUTES  
JANUARY 24, 2017**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Max Tsai at approximately 9:06 a.m., Tuesday, January 24, 2017, 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** - 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.

**C. NEW BUSINESS**

1. PASTOR BENEDICTO MARIANO requesting comments on the Draft Environmental Assessment (DEA) to demolish the 1,000-square foot single-family structure built in 1945 and construct the new International Christian Fellowship Church located at 281 Prison Street, TMK: 4-6-011: 023, Lahaina, Island of Maui. EA 2011/0003 (CPA 2016/0001) (P. Fasi)

The EA triggers are the Community Plan Amendment application and the project being located in the Lahaina National Historic Landmark District.

The public hearing on the community plan amendment, district boundary amendment, and change in zoning requests will be scheduled after the applicant has completed the Chapter 343, HRS process.

The Commission is being asked to be the approving agency for the final environmental document and to provide its comments.

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

**VOTED: To Approve the Recommendation of the Department on the Filing of the Draft Environmental Assessment and Anticipated FONSI Determination with OEQC for Publication.  
(Assenting – L. Hudson, R. Higashi, K. Robinson, W. Hedani,  
S. Duvauchelle, S. Castro)  
(Excused – P. Canto, L. Carnicelli)**

**D. COMMUNICATIONS**

1. MR. RORY FRAMPTON of RORY FRAMPTON CONSULTING, INC. on behalf of MAKILA RANCHES, INC. requesting deletion of Condition Numbers 17 and 20 of the previously approved Special Management Area Use Permit for the Makila Ranches Phase 2 Agricultural Subdivision creating eleven (11) agricultural lots,

one (1) non-developable greenway lot, and two (2) roadway lots with associated improvements and infrastructure at TMK: 4-7-014: parcels 1-14 (formerly TMK: 4-7-001:026), Launiupoko, Lahaina, Island of Maui. (SM1 2009/0014) (K. Wollenhaupt)

Condition Nos. 17 and 20 related to the County of Maui's anticipated acquisition of Lot 12, a non-developable greenway lot and public use of the subdivision roadway to access Lot 12.

The SMA Use Permit was approved by the Commission on December 9, 2014.

The Commission may take action on this request.

**It was moved by Ms. Duvauchelle, seconded by Mr. Castro, and**

**The motion to Delete Condition 20 and Amend Condition 17 FAILED.  
(Assenting – S. Duvauchelle, S. Castro, W. Hedani)  
(Dissenting – L. Hudson, K. Robinson, R. Higashi)  
(Excused – P. Canto, L. Carnicelli)**

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

**The Motion to Deny the Request to Delete Conditions 17 and 20 FAILED.  
(Assenting – L. Hudson, R. Higashi, K. Robinson, W. Hedani)  
(Dissenting – S. Duvauchelle, S. Castro, M. Tsai)  
(Excused – P. Canto, L. Carnicelli)**

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

**VOTED: To Defer the Matter.  
(Assenting – K. Robinson, L. Hudson, W. Hedani, S. Castro,  
R. Higashi)  
(Dissenting – S. Duvauchelle)  
(Excused – P. Canto, S. Carnicelli)**

## **E. ADOPTION OF WRITTEN DECISION AND ORDERS**

1. Having voted on July 12, 2016 to deny the County Special Use Permit application by MR. DEREK HOYTE of D&S VENTURES, LLC for the Camp Maui Project in order to retain, rehabilitate, and improve a historic site with accessory guided tours including a challenge course, museum, zipline, and onsite parking on 17.519 acres in the County Agricultural District at 2065 Kauhikoa Road, TMK: 2-7-012: 086 (por.), Haiku, Island of Maui. (CUP 2015/0002) (P. Fasi)

The draft Decision and Order was prepared by Planning Department staff and reviewed by the Department of the Corporation Counsel.

- a. Applicant D AND S VENTURES, LLC's Objections to Draft Findings of Fact, Conclusions of Law and Decision and Order Denying Request for a County Special Use Permit; Exhibit A (Applicant D and S Ventures, LLC's Exhibit List with the Exhibits attached thereto); Exhibit B (Applicant D and S Ventures LLC's [concurrently filed] Motion to Reopen Hearing on its request for a County Special Use Permit for existing unpermitted outdoor recreational activities at Camp Maui, Haiku, Maui, Hawaii); Exhibit C (Applicant D and S Ventures, LLC's [concurrently filed] Motion to Amend its Application for a County Special Use Permit for existing unpermitted outdoor recreational activities at Camp Maui, Haiku, Maui, Hawaii); Certificate of Service received on January 17, 2017. (P. Fasi)

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.

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

**VOTED: To Approve the Proposed Findings of Fact, Conclusions of Law, and Decision and Order.**  
**(Assenting – W. Hedani, L. Hudson, K. Robinson, S. Duvauchelle, S. Castro, R. Higashi)**  
**(Excused – P. Canto, S. Carnicelli)**

2. Having voted on October 25, 2016 to deny the Petition to Intervene filed on July 25, 2016 by MR. HAROLD DAVIS relating to requests by MRS. LEONA ROCHA WILSON, Manager of LONA RIDGE, LLC to obtain a State Land Use Commission Special Permit and a Conditional Permit in order to conduct special events, including weddings, corporate and non-profit reception, workshops, art shows, photography sessions, filming, and similar events as well as Hawaiian cultural practices in the State and County Agricultural Districts on approximately 5.75 acres of land located at 588 Kulaiwi Drive, TMK: 3-5-002: 010, Wailuku, Island of Maui. (SUP2 2015/0007) (CP 2015/0003) (G. Flammer)

The draft Decision and Order was prepared by DEBORAH WRIGHT of WRIGHT & KIRSCHBRAUN, attorneys for the applicant LONA RIDGE, LLC.

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.

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

**VOTED: To Approve Proposed Findings of Fact, Conclusions of Law, and Decision and Order  
(Assenting – W. Hedani, L. Hudson, K. Robinson, S. Duvauchelle, S. Castro)  
(Recused – R. Higashi)  
(Excused – P. Canto, S. Carnicelli)**

#### **F. COMMUNICATIONS**

1. Applicant D and S VENTURES, LLC's Motion to Reopen Hearing on its request for a County Special Use Permit for Existing Unpermitted Outdoor Recreational Activities at Camp Maui, Haiku, Maui, Hawaii received on January 17, 2017.

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 on the request.

2. Applicant D and S VENTURES, LLC's Motion to Amend its Application for a County Special Use Permit for existing unpermitted outdoor recreational activities at Camp Maui, Haiku, Maui, Hawaii. Received on January 17, 2017.

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 on the request.

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

**VOTED: To Deny the Motion to Reopen Hearing and Motion to Amend Application.  
(Assenting – K. Robinson, L. Hudson, W. Hedani, S. Duvauchelle, S. Castro, R. Higashi)  
(Excused – P. Canto, S. Carnicelli)**

**G. ACCEPTANCE OF THE ACTION MINUTES OF JANUARY 10, 2017 AND REGULAR MINUTES OF THE AUGUST 9, 2016 MEETING**

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

**VOTED: To Accept the Action Minutes of the January 10, 2017 Meeting and the Regular Minutes of the August 9, 2016.  
(Assenting – W. Hedani, S. Castro, K. Robinson, S. Duvauchelle,  
L. Hudson, R. Higashi)  
(Excused – P. Canto, L. Carnicelli)**

**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. WAILEA HOTEL & BEACH RESORT, LLC requesting a two (2)-year time extension on the period to complete construction of the Andaz Maui at Wailea Resort and related improvements at 3550 Wailea Alanui Drive, TMK: 2-1-008: 067, Wailea, Island of Maui. (SM1 2005/0035) (PD1 2005/0006) (PD2 2005/0007) (SSV 2005/0004) (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.

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

**VOTED: To Acknowledge Receipt and Waive Its Review of the Time Extension.  
(Assenting – W. Hedani, S. Castro, L. Hudson, K. Robinson,  
S. Duvauchelle, R. Higashi)  
(Excused – P. Canto, S. Carnicelli)**

- 2. SMA Minor Permit Report
- 3. SMA Exemptions Report

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

**VOTED: To Accept the SMA Minor and SMA Exemption Reports  
(Assenting – W. Hedani, K. Robinson, L. Hudson, S. Duvauchelle,  
S. Castro, R. Higashi)  
(Excused – P. Canto, S. Carnicelli)**

4. Discussion of Future Maui Planning Commission Agendas
  - a. February 14, 2017 agenda items

Mr. Spence went over the items scheduled for the February 14, 2017 meeting.

**I. NEXT REGULAR MEETING DATE: February 14, 2017**

**J. ADJOURNMENT**

The meeting was adjourned at 3:18 p.m.

Submitted by,

Carolyn Takayama-Corden  
Secretary to Boards & Commissions II

**RECORD OF ATTENDANCE**

**Present**

Stephen Castro  
Sandy Duvauchelle, Vice-Chairperson  
Wayne Hedani  
Richard Higashi  
Larry Hudson  
Keaka Robinson  
Max Tsai, Chairperson

**Excused**

Pua Canto  
Lawrence Carnicelli

**Others**

Will Spence, Director, Planning Department  
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel  
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works