

**MAUI PLANNING COMMISSION
ACTION MINUTES
MARCH 28, 2017**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Max Tsai at approximately 9:07 a.m., Tuesday, March 28, 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. **Testimony will be limited to a maximum of three (3) minutes.**

C. RESOLUTIONS THANKING OUTGOING MEMBERS – WAYNE HEDANI and MAX TSAI

Mr. Spence read the Resolutions for Mr. Hedani and Mr. Tsai into the record.

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 Piiholo Road, TMK: 2-4-013: 142, Makawao, Island of Maui. (CP 2015/0002) (SUP2 2015/0003) (G. Flammer)

It was moved by Mr. Hedani, seconded by Ms. Canto, then

**VOTED: To Approve the Amendment to the State Land Use Commission Special Use Permit and Recommend Approval to the County Council of the Conditional Permit as Recommended by the Department and amended with a Five-Year Time Period.
(Assenting – W. Hedani, P. Canto, L. Carnicelli, K. Robinson,
L. Hudson, S. Duvauchelle, S. Castro, R. Higashi)**

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)

It was moved by Mr. Hudson, seconded by Ms. Canto, then

**VOTED: To Approve the County Special Use Permit as Recommended by the Department.
(Assenting – L. Hudson, P. Canto, L. Carnicelli, K. Robinson,
W. Hedani, S. Duvauchelle, S. Castro, R. Higashi)**

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)

The application requires a public hearing because there is a permitted bed and breakfast home operation located within 500 ft. of the subject property.

It was moved by Mr. Carnicelli, seconded by Mr. Hudson, then

**VOTED: To Approve the Bed and Breakfast Home Permit as Recommended by the Department.
(Assenting – L. Carnicelli, L. Hudson, P. Canto, W. Hedani,
S. Duvauchelle, S. Castro, R. Higashi)
(Dissenting – K. Robinson)**

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)

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.

It was moved by Mr. Carnicelli, seconded by Mr. Castro, then

**VOTED: To Approve the State Land Use Commission Special Permit and Bed and Breakfast Home Permit as Recommended by the Department.
(Assenting – L. Carnicelli, S. Castro, L. Hudson, P. Canto, W. Hedani,
S. Duvauchelle, R. Higashi- abstained)
(Dissenting – K. Robinson)**

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 1st 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 1st 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.

It was moved by Mr. Hedani, seconded by Mr. Carnicelli, then

**VOTED: To Adopt Decision and Order.
(Assenting – W. Hedani, L. Carnicelli, L. Hudson, K. Robinson,
P. Canto, L. Hudson, S. Duvauchelle, S. Castro,
R. Higashi)**

- 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 1st 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.

It was moved by Mr. Hedani, seconded by Ms. Canto, then

**VOTED: To Adopt the Decision and Order.
(Assenting – W. Hedani, P. Canto, L. Carnicelli, K. Robinson,
L. Hudson, S. Duvauchelle, S. Castro, R. Higashi)**

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.

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

**VOTED: To Adopt the Decision and Order.
(Assenting – K. Robinson, L. Hudson, L. Carnicelli, P. Canto,
W. Hedani, S. Duvauchelle, S. Castro, R. Higashi)**

- 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.

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

**VOTED: To Adopt the Decision and Order.
(Assenting – K. Robinson, L. Hudson, L. Carnicelli, P. Canto,
W. Hedani, S. Duvauchelle, S. Castro, R. Higashi)**

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 14th, February 28th, March 14th meetings.)

The Director will speak with the Director of ITS to discuss possible options.

2. Discussion on when public testimony should be allowed.

Discussed different options of when and the amount of time allowed for testimony.

G. ACCEPTANCE OF THE ACTION MINUTES OF MARCH 14, 2017 MEETING AND REGULAR MINUTES OF THE OCTOBER 11, 2016 AND FEBRUARY 14, 2017 MEETINGS

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

**VOTED: To Accept the Action Minutes of March 14, 2017, and Regular Minutes of the October 11, 2016 and February 14, 2017 Meetings.
(Assenting – W. Hedani, K. Robinson, L. Carnicelli, L. Hudson,
P. Canto, S. Duvauchelle, S. Castro, R. Higashi)**

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. HONUULA 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.

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

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

- 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.

It was moved by Ms. Duvauchelle, seconded by Mr. Hedani, then

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

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)

For notification purposes.

3. SMA Minor Permit Report
4. SMA Exemptions Report

The Commission accepted the SMA Minor and SMA Exemptions Reports.

5. Discussion of Future Maui Planning Commission Agendas
 - a. April 11, 2017 agenda items

Mr. Spence went over the items scheduled for the April 11, 2017 meeting.

I. NEXT REGULAR MEETING DATE: APRIL 11, 2017

J. ADJOURNMENT

The meeting was adjourned at 4:03 p.m.

Submitted by,

Carolyn Takayama-Corden
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE

Present

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

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 (on-call)