

**MAUI PLANNING COMMISSION
ACTION MINUTES
JULY 25, 2017**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Sandra Duvauchelle at approximately 9:04 a.m., Tuesday, July 25, 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 - 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 each public hearing.)

1. MR. WILLIAM SPENCE, Planning Director, transmitting alternative proposed bills relating to Short-Term Rental Homes in the Pa`ia-Ha`iku Community Plan Area, respectively described as follows:
 - a) A proposed bill titled "A BILL FOR AN ORDINANCE AMENDING THE PA`IA-HA`IKU COMMUNITY PLAN RELATING TO VISITOR ACCOMMODATIONS." The purpose of the proposed bill to amend the Pa`ia-Ha`iku Community Plan, adopted by Ordinance 2415 (1995), to confirm Short-Term Rental Homes are allowed in Pa`ia-Ha`iku Community Plan Area, consistent with Ordinance 3941 (2012).
 - b) A proposed bill titled "A BILL FOR AN ORDINANCE RELATING TO SHORT-TERM RENTAL HOMES IN THE PAIA-HAIKU COMMUNITY PLAN AREA." The purpose of the proposed bill to amend Chapter 19.65, Maui County Code, to prohibit new Short-Term Rental Homes in the Pa`ia-Ha`iku Community Plan Area.

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

VOTED: To Defer the Matter to Receive Community Input for at Least 60 Days.
(Assenting – L. Carnicelli, H. Higashi, K. Robinson, C. Tackett, S. Castro)
(Dissenting – L. Hudson)
(Excused – T. Gomes)

2. FRANCISCO GOYA, TAMARA CATZ, and EMANUEL MATTIELLO requesting a Short-Term Rental Home Permit in order to operate the Paia Beach Home, a 3-bedroom in one dwelling short-term rental home located in the R-1 Residential District at 36 Ae Place, TMK: 2-6-002: 028, Paia, Island of Maui. (STPH T2017/0002) (E. Aako)

The subject application is being brought to the Maui Planning Commission for review because there are at least two (2) permitted short-term rental home operations located within 500 ft. of the subject property. The applicant's previous STRH Permit expired prior to the applicant renewing it so a new permit is required.

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

The Motion to Approve the Short-Term Rental Home Permit, FAILED.
(Assenting – L. Carnicelli, S. Castro, R. Higashi)
(Dissenting – L. Hudson, C. Tackett)
(Recused – K. Robinson)
(Excused – T. Gomes)

It was then moved by Mr. Hudson, seconded by Mr. Tackett, and

The Motion to Defer the Short-Term Rental Home Permit for 60 Days, FAILED.
(Assenting – L. Hudson, C. Tackett)
(Dissenting – L. Carnicelli, S. Castro, R. Higashi)
(Recused – K. Robinson)
(Excused – T. Gomes)

After further discussion and Mr. Robinson indicating that he would be participating and not recusing himself:

It was moved by Mr. Carnicelli, seconded by Mr. Higashi, and

VOTED: To Approve the Short-Term Rental Home Permit as Recommended by the Department.
(Assenting – L. Carnicelli, R. Higashi, S. Castro, K. Robinson-Abstained, C. Tackett-Abstained)
(Dissenting – L. Hudson)
(Excused – T. Gomes)

D. NEW BUSINESS

1. VINTAGE RENTALS, LLC requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the Community Plan Amendment request from Single Family Residential to Business/Commercial for the Paia Trade Center project for the proposed renovation of an existing single family to a commercial building located at 150 Luna Place, TMK: 2-6-005: 005, Paia, Island of Maui. (EA 2016/0001) (CPA 2016/0002) (CIZ 2016/0001) (SMX 2016/0003) (C. Thackerson) (Draft Environmental Assessment was reviewed by the Commission at its November 7, 2016 meeting.)

The Chapter 343, HRS trigger for the Environmental Assessment is the community plan amendment.

The applicant has also submitted applications for a community plan amendment, a change in zoning, and a Special Management Area Assessment. These applications will be scheduled for further review after the Chapter 343, HRS process has been completed.

The Commission may act to accept the Final Environmental Assessment as a Findings of No Significant Impact (FONSI) or take some other action.

It was moved by Mr. Carnicelli, seconded by Mr. Higashi, and

**VOTED: To Accept the Final Environmental Assessment as a Findings of No Significant Impact (FONSI) as Recommended by the Department.
(Assenting – L. Carnicelli, R. Higashi, L. Hudson, K. Robinson,
C. Tackett, S. Castro)
(Excused – T. Gomes)**

E. UNFINISHED BUSINESS

1. MR. PETER SULLIVAN of HAWAII MATERIALS RECYCLING LLC requesting a State Land Use Commission Special Permit in order to establish and operate a construction materials recycling facility to accept and process inert construction and demolition wastes including concrete, rock, and asphalt on approximately ten acres of land located in the Agricultural District at TMK: 2-2-002: 084 (por.), Kihei, Island of Maui. SUP2 2016/0014) (L. Callentine) (Public hearing was conducted at the July 11, 2017 meeting and the matter was later deferred.)

The Commission may act on the subject application.

It was moved by Mr. Carnicelli, seconded by Mr. Higashi, and

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

2. Notification of Mediator and Selection of Hearing Officer on the following contested case:

ISAAC HALL, attorney on behalf of JACK and LYNN MUEGGE, MENEHUNE VENTURES, LLC, WORTHY CLAY SCOTT, and MARY JACQUELINE SCHEIBEL intervening on the applications by 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 and intervention was granted at the June 27, 2017 meeting)

The Commission may take action to acknowledge the agreed upon mediator and select the Hearings Officer/Hearings body.

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

VOTED: To Approve Ray Wimberley as Mediator and the Honorable E. John McConnell as Hearings Officer.
(Assenting – K. Robinson, L. Carnicelli, C. Tackett, S. Castro, R. Higashi)
(Excused – T. Gomes, L. Hudson)

F. Workshop on Managing Maui’s Dynamic Shoreline: Coastal Processes, Impacts, and Responses – Tara Owens, Maui Sea Grant Agent

Ms. Tara Owens presented a power point presentation for information purposes only.

G. ACCEPTANCE OF THE ACTION MINUTES OF THE JULY 11, 2017 MEETING AND REGULAR MINUTES OF THE NOVEMBER 7, 2016 MEETING

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

VOTED: To Accept the Action Minutes of the July 11, 2017 Meeting and Regular Minutes of the November 7, 2016 Meeting.
(Assenting – L. Carnicelli, S. Castro, K. Robinson, C. Tackett, R. Higashi)
(Excused – T. Gomes, L. Hudson)

H. DIRECTOR’S REPORT

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

MS. BRIANNA EVERETT requesting a State Land Use Commission Special Permit amendment for Hana’s Tradewind Cottages to utilize two (2) two-bedroom farm dwellings for short-term rental use on approximately 2.164 acres of land situated in the State Agricultural District at 143 Alahele Place,

TMK: 1-3-009: 107, Hana, Island of Maui. (SUP2 2012/0034) (R. Quigless)

The applicant currently has a State Special Permit and a Bed and Breakfast Home Permit (BBHA 2013/0005) to operate a two-bedroom bed and breakfast home on the property. The Applicant has also applied for a Short-Term Rental Home Permit.

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

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

VOTED: To Designate the Hana Advisory Committee to the Maui Planning Commission to Conduct the Public Hearing and Provide Its Recommendation.
(Assenting – R. Higashi, L. Carnicelli, C. Tackett, S. Castro,
K. Robinson- abstained)
(Excused – T. Gomes, L. Hudson)

2. SMA Minor Permit Report
3. SMA Exemptions Report

No questions or comments on the reports.

4. Discussion of Future Maui Planning Commission Agendas
 - a. August 8, 2017 agenda items

Mr. Spence went over the items scheduled for the August 8, 2017 meeting.

I. NEXT REGULAR MEETING DATE: AUGUST 8, 2017

J. ADJOURNMENT

The meeting was adjourned at approximately 3:19 p.m.

Submitted by,

Carolyn Takayama-Corden
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE

Present

Lawrence Carnicelli
Steven Castro
Sandy Duvauchelle, Chairperson
Richard Higashi, Vice Chairperson
Larry Hudson (excused at 1:04 p.m.)
Keaka Robinson
Christian Tackett

Excused

Tina Gomes

Others

Will Spence, Director, Planning Department
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel