

**MAUI PLANNING COMMISSION
ACTION MINUTES
SEPTEMBER 26, 2017**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Sandra Duvauchelle at approximately 9:05 a.m., Tuesday, September 26, 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. UNFINISHED BUSINESS

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: (Public Hearing conducted on July 25, 2017.)
 - 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.

The Commission may take action on this item.

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

VOTED: To Transmit the Alternative Proposed Bills to the County Council as Amended.
(Assenting – L. Carnicelli, R. Higashi, K. Robinson, C. Tackett, S. Castro)
(Dissenting – L. Hudson)
(Excused – T. Gomes)

D. PUBLIC HEARING (action to be taken after public hearing.)

1. EDIC SLIVA and LISA TOLLNER-SLIVA requesting a Short-Term Home Permit for the Lahaina Palms, a four (4)-bedroom short-term rental home in one dwelling located in the R-2 Residential District at 36 Kai Pali Place, TMK: 4-5-004: 053, Kaanapali, Lahaina, Island of Maui. (STWM T2017/0018) (T. Furukawa)

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

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

E. COMMUNICATIONS

1. KENNETH & ANJALI DESURE requesting an amendment to their State Land Use Commission Special Permit to replace DANI NUESCA with TROY WAGNER as a co-permit holder for the Maui Ocean Breezes Bed and Breakfast Home in the State Agricultural District at 240 Holokai Road, TMK: 2-8-004: 104, Haiku, Island of Maui. (SUP2 2012/0004) (T. Furukawa)

The Commission may take action on this request.

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

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

F. COMMUNICATIONS

1. MR. DAVID GOODE, Director, DEPARTMENT OF PUBLIC WORKS requesting comments on the Draft Environmental Assessment for the proposed Napili Culvert Replacement Project, TMK: 4-3-001: 003 (por.), 4-3-002: 023 (por.) and 045 (por.), and the 40-foot County right-of-way. (J. Buika) (previously scheduled for the September 12, 2017 meeting.)

The Department of Public Works is the approving agency for the Environmental Assessment. (EAC 2017/0003)

The Commission may provide their comments on the Draft Environmental Assessment.

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

**VOTED: To Forward the Commission's Four Comments on the Draft Environmental Assessment.
(Assenting – K. Robinson, R. Higashi, L. Carnicelli, C. Tackett,
S. Castro)
(Excused – T. Gomes, L. Hudson)**

- G. ACCEPTANCE OF THE ACTION MINUTES OF THE AUGUST 22, 2017 MEETING AND REGULAR MINUTES OF THE NOVEMBER 22, 2016, DECEMBER 13, 2016, JUNE 13, 2017, JULY 11, 2017, AUGUST 22, 2017 MEETINGS AND PORTION OF THE REGULAR MINUTES OF THE FEBRUARY 28, 2017 MEETING-ITEM C-1 AND PORTION OF THE JULY 25, 2017 MEETING-ITEM C-1**

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

**VOTED: To Accept the Action Minutes of the August 22, 2017 Meeting and Regular Minutes of the November 22, 2016, December 13, 2016, June 13, 2017, July 11, 2017, August 22, 2017 Meetings and Portion of the Regular Minutes of the February 28, 2017 Meeting – Item C-1 and Portion of the July 25, 2017 Meeting - Item C-1
(Assenting – L. Carnicelli, S. Castro, K. Robinson, C. Tackett,
R. Higashi)
(Excused – T. Gomes, L. Hudson)**

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:

MR. TODD LIEBL, CEO of VICTORY DEVELOPMENT HAWAII, INC. requesting a two (2)-year Special Management Area Use Permit time extension on the period to initiate construction of the Cove Beach Village Project in the A-2 Apartment District at 82 Kanani Road, TMK: 3-9-16: 004, Kihei, Island of Maui. (K. Scott)

The Commission is being asked to waive or not waive its review.

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

**The Motion to Review the Time Extension of the Special Management FAILED
(Assenting – C. Tackett, K. Robinson-Abstain)
(Dissenting - S. Castro, L. Carnicelli, R. Higashi)
(Excused – T. Gomes, L. Hudson)**

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

VOTED: To Waive Review of the Special Management Area Use Permit Time Extension.
(Assenting – L. Carnicelli, S. Castro, K. Robinson, R. Higashi, S. Duvauchelle)
(Dissenting – C. Tackett)
(Excused – T. Gomes, L. Hudson)

2. Meeting Schedule for Calendar Year 2018

The Commission may take action to accept or amend the proposed meeting schedule.

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

VOTED: To Accept the Meeting Schedule for Calendar Year 2018.
(Assenting – S. Castro, L. Carnicelli, K. Robinson, C. Tackett, R. Higashi)
(Excused – T. Gomes, L. Hudson)

3. Reports from Commissioners who attended the 2017 Hawaii Congress of Planning Officials Conference (September 20-22, 2017) at the Alohilani Resort, Honolulu, Island of Oahu.

Commissioners Robinson and Carnicelli made brief comments regarding the conference.

4. SMA Minor Permit Report

5. SMA Exemptions Report

Mr. Robinson asked for the conditions of the approved SM2 2017/0062 AAAAA Rent-A-Space.

6. Discussion of Future Maui Planning Commission Agendas

a. October 10, 2017 agenda items

Ms. McLean went over the items scheduled for the October 10, 2017 agenda.

I. NEXT REGULAR MEETING DATE: October 10, 2017

J. ADJOURNMENT

The meeting was adjourned at approximately 2:28 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 12:10 p.m.)
Keaka Robinson
Christian Tackett

Excused

Tina Gomes

Others

William Spence, Director, Planning Department (excused at 12:10 p.m.)
Michele McLean, Deputy Director, Planning Department (in attendance at 1:15 p.m.)
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel