

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

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Vice Chairperson Richard Higashi at approximately 9:05 a.m., Tuesday, November 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 - Public testimony will be taken when each agenda item is discussed. **Testimony will be limited to a maximum of three (3) minutes.**

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

1. ANGELA ELIZA GONZALEZ-TROXEL and JON KEITH TROXEL requesting a State Land Use Commission Special Permit in order to operate the Keokea Ranch Estate, a three (3)-bedroom bed and breakfast located in the State Agricultural District at 337 Kealakapu Road, TMK: 2-2-002: 005, Kula, Island of Maui. (SUP2 2017/0018) (K. Willenbrink)

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

VOTED: To Approve the State Land Use Commission Special Permit as Recommended by the Department as Amended that Either Dwelling Can Be Used for the Bed and Breakfast.
**(Assenting – L. Carnicelli, S. Castro, A. Hill, L. Hudson,
K. Robinson, C. Tackett)**
(Excused – T. Gomes, S. Duvauchelle)

D. UNFINISHED BUSINESS

1. Proposed Settlement Agreement between the COUNTY OF MAUI and the ASSOCIATION OF APARTMENT OWNERS OF MAHINAHINA BEACH for the construction of barbecue grills, a stairway, a trellis, electrical lights, switches and wiring, an eating area, and a seawall within the Special Management Area (SMA) and Shoreline Setback Area (SSA) without first receiving permit for such improvements on property situated at 4007 Lower Honoapiilani Road, TMK: 4-3-008: 001, Mahinahina, Lahaina, Island of Maui. (Deferred at the April 25, 2017 meeting.) (previously scheduled for the October 24, 2017 meeting.)
 - a. SMA Notices of Violations issued as follows: NOV 20150063 (Electrical), NOV 20150065 (Stairway), NOV 20150068 (Trellis), NOV 20150070 (Barbecue grills), NOV 20150071 (Seawalls), and NOV 20150073 (Eating Area)

- b. SSA Notices of Violation issued as follows: NOV 20150064 (Electrical), NOV 20150066 (Stairway), NOV 20150068 (Trellis), NOV 20150070 (Barbecue grills), NOV 20150072 (seawalls)

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 final action on the proposed Settlement Agreement pursuant to the provisions of Section 12-202-23(d)(3) of the Maui Planning Commission's Special Management Area Rules.

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

**VOTED: To Approve the Proposed Settlement Agreement.
(Assenting – K. Robinson, L. Hudson, L. Carnicelli, A. Hill,
C. Tackett, S. Castro)
(Excused – T. Gomes, S. Duvauchelle)**

E. COMMUNICATIONS

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. ALFRED FAIRBANKS requesting a Special Management Area Use Permit two (2)-year time extension to initiate construction of the Alahahele Estates Subdivision a 46-lot single family subdivision with related improvements at 0 Alahahele Place, TMK: 3-9-017: 034, Kihei, Island of Maui. (SM1 2007/0006) (J. Buika)

The Investigative Committee was created at the October 10, 2017 meeting. The Investigative Committee provided their report at the November 14, 2017 meeting.

The Commission may take action on the time extension request.

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

**VOTED: To Waive Review of the Time Extension Request.
(Assenting – L. Carnicelli, L. Hudson, A. Hill, K. Robinson,
C. Tackett, S. Castro)
(Excused – T. Gomes, S. Duvauchelle)**

F. DIRECTOR'S REPORT

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

MS. PATRICIA MILLER requesting a State Land Use Commission Special Permit in order to operate the Hana Sanctuary, a two bedroom bed and breakfast home located in the State Agricultural District at 1840 Hana Highway, TMK: 1-3-002: 006, Hana, Island of Maui. (SUP2 2017/0013) (R. Quigless)

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

It was moved by Mr. Robinson, 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 Recommendations on the Request.
(Assenting – K. Robinson, L. Carnicelli, L. Hudson, A. Hill,
C. Tackett, S. Castro)
(Excused – T. Gomes, S. Duvauchelle)**

2. SMA Minor Permit Report
3. SMA Exemptions Report

Commission had no questions or comments on the SMA Minor and SMA Exemptions Reports.

4. Discussion of Future Maui Planning Commission Agendas
 - a. December 12, 2017 agenda items

Mr. Spence went over the items scheduled for the December 12, 2017 meeting.

G. NEXT REGULAR MEETING DATE: December 12, 2017

H. ADJOURNMENT

The meeting was adjourned at approximately 11:07 a.m.

Submitted by,

Carolyn Takayama-Corden
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE

Present

Lawrence Carnicelli
Kahu Alalani Hill
Richard Higashi, Vice Chairperson
Larry Hudson
Keaka Robinson
Steven Castro
Christian Tackett

Excused

Tina Gomes
Sandy Duvauchelle, Chairperson

Others

William Spence, Director, Planning Department
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works (on-call)