

**MAUI PLANNING COMMISSION
SUMMARY MINUTES
MARCH 12, 2019**

([HYPERLINK TO AUDIO RECORDING OF THE MEETING](#))

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Keaka Robinson at approximately 9:07 a.m., Tuesday, March 12, 2019, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

B. COMMUNICATIONS

1. MR. MARTY HERLING, requesting the addition of his daughter HELAINA DI MARTINO, to an approved State Land Use Commission Special Use Permit (SUP2) and a Conditional Permit (CP) for the Banyan Tree Transient Vacation Rental (TVR) within the State Rural District and County RU-1 Rural District at 3265 Baldwin Avenue, TMK: (2) 2-4-002:002, Makawao, Island of Maui. (SUP2 2000/0007) (CP 2000/0012) (K. Wollenhaupt)

(Item B1 begins at 00:01:03 of the audio recording.)

(Motion was made at 00:06:16 of the audio recording.)

It was moved by Ms. La Costa, seconded by Mr. Hudson, then

(Vote was taken at 00:09:34 of the audio recording.)

VOTED: To Approve the Addition of Helaina Di Martino to the Approved State Land Use Commission Special Use Permit and Conditional Permit as Recommended by the Department.

**(Assenting – P. D. La Costa, L. Hudson, L. Carnicelli, K. Pali,
C. Tackett, S. Castro)**

(Excused – A. Hill, T. Gomes)

C. ADOPTION OF WRITTEN DECISION AND ORDER

1. Proposed Findings of Fact, Conclusions of Law and Decision and Order denying the request for a Short Term Rental Home Permit by Mr. Rodell Notbohm, in order to operate Imi Ola, a six (6) bedroom STRH located on a 13,851 square foot oceanfront lot in the R-3 Residential District. The property is adjacent to Keawakapu Beach and located at 3066 S. Kihei Rd., Kihei, HI 96753, TMK (2) 2-1-010:025. (STKM T2018/0005) (J. Burkett) (Action on the application was taken at the November 27, 2018 meeting)

The subject application was heard by the Maui Planning Commission because there were already two existing permitted STRHs within 500 feet of the proposed STRH property.

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

(Item C1 begins at 00:10:06 of the audio recording.)

(Motion was made at 00:14:32 of the audio recording.)

It was moved by Mr. Carnicelli, seconded by Ms. La Costa, then

(Vote was taken at 00:14:36 of the audio recording.)

VOTED: To Adopt the Findings of Fact, Conclusions of Law and Decision and Order Denying the Short-Term Rental Home Permit.

**(Assenting – L. Carnicelli, P D. La Costa, K. Pali, L. Hudson,
C. Tackett, S. Castro)**

(Excused – A. Hill, T. Gomes)

Item F was taken up before Item D as Kahu Hill was not in attendance for the item.

F. Workshop on improving the notification process to owners and recorded lessees within 500 feet of proposed projects to include review of applicable code and rule requirements.

(Item F begins at 00:15:15 of the audio recording.)

A subcommittee made up of Commissioners Pali, Hill, and La Costa will meet to come up with a sample notice with suggested language to address the concerns of the Commission.

D. Proposed new standard condition for all Bed and Breakfast Home and Short-Term Rental Home permits:

The applicant shall ensure that all guests are educated about Maui Nui's history and culture, and about potential detrimental impacts to natural and cultural resources, particularly to the coastal environment and nearshore waters. Evidence of such an education program shall be provided to the Planning Department prior to operation.

The Commission may vote to have this condition added to all Bed and Breakfast Home and Short-Term Rental Home permits.

(Item D begins at 00:55:42 of the audio recording.)

(Motion was made at 01:23:28 of the audio recording.)

It was moved by Kahu Hill, seconded by Ms. La Costa, then

(Vote was taken at 01:26:34 of the audio recording.)

VOTED: To Approve the Proposed Condition as a Standard Condition to All Bed and Breakfast Home and Short-Term Rental Home Permits.

**(Assenting – A. Hill, P D. La Costa, L. Carnicelli, K. Pali, L. Hudson,
C. Tackett, S. Castro)**

(Excused – T. Gomes)

Chair Robinson resigned as Chair and Vice-Chair Hudson chaired the remainder of the meeting.

E. Workshop on the Planning Department’s proposed amendments to the Maui Planning Commission’s Special Management Area Rules and Shoreline Area Rules conducted by Planning Department Staff. (M. McLean)

(Item E begins at 01:27:17 of the audio recording.)

Workshop was for information purposes; no action was taken.

G. DIRECTOR’S REPORT

(Item G begins at 02:15:25 of the audio recording.)

1. SMA Minor Permit Report
2. SMA Exemptions Report

No questions or comments by the Commission.

3. Discussion of Future Maui Planning Commission Agendas
 - a. March 25, 2019 (MONDAY) agenda items

No questions or comments by the Commission. Commissioner Pali will not be at the meeting and possibly Commissioner Robinson.

H. NEXT REGULAR MEETING DATE: MARCH 25, 2019 (MONDAY)

I. ADJOURNMENT

The meeting was adjourned at 11:45 a.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Lawrence Carnicelli
Stephen Castro
Kahu Alalani Hill (in attendance at 9:45 a.m.)
Larry Hudson, Vice-Chair
P Denise La Costa
Kellie Pali
Keaka Robinson, Chair (left at 10:45 a.m.)
Christian Tackett

Excused

Tina Gomes

Others

Michele McLean, Director, Department of Planning
David Galazin, Deputy Corporation Counsel, Department of the Corporation Counsel