

PURSUANT TO CHAPTER 92, HAWAII REVISED STATUTES AS AMENDED, AND THE GOVERNOR'S EMERGENCY PROCLAMATIONS RELATED TO THE COVID-19 CRISIS, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI PLANNING COMMISSION

AGENDA
(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: JULY 14, 2020
TIME: 9:00 A.M.
PLACE: Online only via BlueJeans; **Meeting ID: 886 323 602**

Members: Lawrence Carnicelli (Chair), Christian Tackett (Vice-Chair), Stephen Castro, Kawika Freitas, P. Denise La Costa, Kellie Pali, Dale Thompson

A. CALL TO ORDER

Public testimony will be taken when each agenda item is discussed. **Testimony will be limited to a maximum of three (3) minutes.**

To listen to the meeting or provide oral testimony via phone, dial 1-888-748-9073 (toll free) or 1-408-915-6290 or 1-408-740-7256 and enter **code: 886 323 602**

To watch the meeting or provide video testimony, use meeting link: <https://maui.bluejeans.com/886323602>

To provide written testimony, email comments to planning@mauicounty.gov at least two business days prior to the meeting; written testimony will be distributed to commission members and will be reviewed at the meeting.

Testifiers will be called by the Chair to offer their testimony and are asked to mute their audio and video when they are not testifying.

Testifiers via video are asked to sign-up using the Chat function to send a Direct Message to Planning Director Michele McLean providing your name. Testifiers via phone will be called by the Chair after video testimony is finished.

Commissioners shall not be contacted by the Chat function

B. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. LEILA MONROE AND SIMON DUNNE requesting a State Land Use Commission Special Permit in order to operate a two dwelling, six-bedroom short-term rental home in the State and County Agricultural Districts located at 910 East Kuiaha Road, TMK: (2) 2-7-012:186, Haiku, Island of Maui. (SUP2 2019/0019) (T. Furukawa) ([Report](#)) ([Application](#))

C. UNFINISHED BUSINESS

1. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting County Council Resolution 20-27 referring to the Maui Planning Commissions a Proposed Bill to Amend the Comprehensive Zoning Ordinance Relating to Short-Term Rental Home Permits on Maui and Lanai. (J. Takakura) (Recessed from the June 9, 2020 meeting and deferred from June 23, 2020 meeting) ([Report](#))

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed> and is summarized as follows:

Section 19.65.030.R. is proposed to be amended to reduce the number of short-term rental home permits per community plan area, with the exception of the Kihei-Makena community plan area for which no change is proposed.

2. LEW ABRAMS representing the SACRED EARTH ASSEMBLY, a non-profit interfaith church, requesting a State Land Use Commission Special Permit to utilize approximately 14.6 acres of the Ahimsa Sanctuary Farm and a 7,693 square foot two-story agricultural building for church-related activities at 4504 Hana Highway, TMK: (2) 2-8-003:075 (por.), Haiku, Island of Maui. (SUP 1 2019/0001 formerly SUP2 2017/0011) (T. Furukawa) (Public Hearing held on May 28, 2019 and Deferred to June 25, 2019 and August 13, 2019) ([Memorandum](#))

<https://luc.hawaii.gov/sp19-410-sacred-earth-assembly-maui-county-docket-no-sup1-2019-0001-sacred-earth-assembly/>

The State Land Use Commission remanded this matter to the Maui Planning Commission after a hearing on January 24, 2020.

D. COMMUNICATIONS

1. LUANA DEVELOPMENT PARTNERS, LP submitting the annual report regarding disbursement of funds in the Settlement Agreements for the Honua Kai Resort, North Beach Park, and Related Improvements at TMK: (2) 4-4-014: 006 and 008, and 4-4-001: 010, Kaanapali, Island of Maui. (SM1 2004/0017) (C. Thackerson) ([Letter](#))

Condition No. 32 of the SMA approval (SM1 2004/0017) states:

That an annual report shall be filed with the Maui Planning Commission on the disbursement of the funds in the Settlement Agreements for their information.

This is for notification and review purposes. No action is anticipated.

2. LANCE D. COLLINS, attorney for Victor Gregor Limon, The Hawai'i Independent, and Disappeared News, submitting Letter dated June 24, 2020 relating to the ongoing contested case hearing on the following application:
[\(Letter\)](#) [\(SCPW-20-0000386 - Order\)](#) [\(Order Granting Public Access by Video\)](#)

BRE ICONIC GWR OWNER LLC, requesting a Special Management Area Use Permit, Step 1 Planned Development Approval, and Step 2 Planned Development Approval for the Grand Wailea Resort to transfer "H-2 Hotel" and "OS Open Space" zoning designation areas, update facilities and create 224 new guest room units, renovate and expand the resort swimming pool and restaurant facilities, expand the parking structure from three to five levels to provide 316 additional parking stalls, removal of the Seaside Chapel Structure, addition of approximately 30 public beach parking stalls, and related landscape, utility, and infrastructure improvements at 3850 Wailea Alanui Drive, Wailea, Island of Maui, TMK (2) 2-1-008:109. (SM1 2018/0011) (PD1 2019/0001) (PD2 2018/0003) (A. Cua)

No public testimony will be taken on this matter as it relates to an ongoing contested case proceeding.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, PURSUANT TO SECTION 92-5(a)(4), HAWAII REVISED STATUTES.

The Commission may take action with respect to the letter.

E. DIRECTOR'S REPORT

1. West Maui Community Plan Update [\(Letter\)](#)
2. SMA Minor Permit Report

This is for notification and review purposes. No action is anticipated.

3. SMA Exemptions Report

This is for notification and review purposes. No action is anticipated.

4. Discussion of Future Maui Planning Commission Agendas
 - a. July 28, 2020 agenda items

F. NEXT REGULAR MEETING DATE: July 28, 2020

G. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SECTION 92-5(a)(4), HAWAII REVISED STATUTES.

UNLESS OTHERWISE SPECIFIED BY PLANNING COMMISSION RULE, ANY PETITION TO INTERVENE AS A FORMAL PARTY IN A PROCEEDING BEFORE THE MAUI PLANNING COMMISSION MUST BE FILED WITH THE COMMISSION AND SERVED UPON THE APPLICANT NO LESS THAN TEN (10) DAYS BEFORE THE FIRST PUBLIC HEARING DATE. (Note: The calculation of time for deadlines of ten days or less excludes weekends and State recognized holidays.) THE ADDRESS OF THE COMMISSION IS C/O the DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793. The deadline for filing a timely Petition to Intervene for an item where the first public hearing date is on July 14, 2020 was on June 29, 2020.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES, AND THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. IN ACCORDANCE WITH THESE RULES MAXIMUM TIME LIMITS OF AT LEAST THREE MINUTES MAY BE ESTABLISHED BY THE COMMISSION ON INDIVIDUAL TESTIMONY. PLEASE NOTE THAT ANYONE WISHING TO PROVIDE ORAL TESTIMONY PERTAINING TO AN AGENDA ITEM THAT IS A "CONTESTED CASE" PURSUANT TO CHAPTER 91, HAWAII REVISED STATUTES, MAY BE ASKED TO TESTIFY UNDER OATH OR AFFIRMATION, AND MAY BE SUBJECT TO LIMITED CROSS-EXAMINATION IN ACCORDANCE WITH SECTION 91-10(3), HAWAII REVISED STATUTES.

WRITTEN TESTIMONY, WHETHER SENT VIA FAX, EMAIL, OR USPS MAIL SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 5:00 P.M. AT LEAST TWO (2) BUSINESS DAYS BEFORE THE MEETING TO ENSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

Testifiers: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, and Conditional Permit require the approval of the Maui County Council. In order to be notified of future agendas of the Maui County Council please notify the Office of Council Services at (808) 270-7838 or by mail to the Maui County Council, 200 S. High Street, Wailuku, Maui, Hawaii 96793.

DOCUMENTS RELATING TO THIS MEETING MAY BE FOUND ON THE COUNTY OF MAUI OFFICIAL WEBSITE AT www.mauicounty.gov, UNDER BOARDS AND COMMISSIONS, MAUI PLANNING COMMISSION.

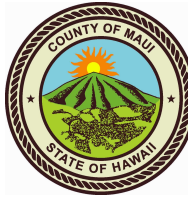
THE ADDRESS OF THE COMMISSION IS C/O DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE DEPARTMENT OF PLANNING AT 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1-800-272-0125 (Lanai) OR NOTIFY THE DEPARTMENT OF PLANNING IN WRITING AT ONE MAIN

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PLAZA 2200 MAIN STREET SUITE 315, WAILUKU, MAUI, HAWAII 96793 OR FAX NUMBER 270-7634
AT LEAST SIX (6) BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at least one day prior to the meeting date. Thank you for your cooperation.
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County of Maui
Kalana O Maui Building
200 South High Street,
Wailuku, HI 96793-2155

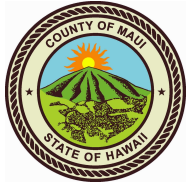
PD-Approved SMA Minor Projects for Maui

07/01/2020

Permit Completion Date: 05/29/2020 - 07/01/2020

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20190048	3P HANA PROPERTIES L	3P HANA PROPERTIES	CONSTRUCT 4 AG BLDGS/TANK/SITE WORK	FRANK GASZTONYI		06/04/2020	A W/COND-APPROVED WITH CONDITIONS	2130090700000
SM2 - 20190066	FERRARO'S RESTAURANT	FERRARO'S RESTAURANT UPGRADES AT FOUR SEASONS RESORT	RESTURANT UPGRADE/WAILEA	FOUR SESONS RESORT MAUI		06/22/2020	A W/COND-APPROVED WITH CONDITIONS	2210230070000
SM2 - 20200051	HAWAIIAN CANOE CLUB	HAWAIIAN CANOE CLUB	OC1 ADDITION\KAHULUI	HAWAIIAN KAMALI'I INC		05/29/2020	A W/COND-APPROVED WITH CONDITIONS	2370080170000
SM2 - 20200052	PUNA II AOA	REMOVE/REPLACE/REPAIR POOL DECK AND POOL EQUIPMENT ENCLOSURE	PUNA II AOA/LAHAINA	STEVE HARTFORD, PRESIDENT - PUNA II AOA		06/02/2020	A W/COND-APPROVED WITH CONDITIONS	2420020050000
SM2 - 20200053	CLOSURE OF CESSPOOLS	CLOSURE OF 2 CESSPOOLS AT HC&S & KT&S FACILITIES	CLOSURE OF 2 CESSPOOLS\KAHULUI	A&B PROPERTIES HAWAII, LLC		06/04/2020	A W/COND-APPROVED WITH CONDITIONS	2370100090000
SM2 - 20200054	DOLLAR RENT A CAR	DOLLAR RENT A CAR	REPLACEMENT OIL AST STORAGE TANK/KAHULUI	LAZAZZERA, ANDREW		06/05/2020	A W/COND-APPROVED WITH CONDITIONS	2380010920000
SM2 - 20200055	1176 HALEPAKA	DEMOLITION OF EXISTING DWELLING/CARPORT	1176 HALEPAKA\LAHAINA	DAVID ROUDA, AGENT		06/10/2020	A W/COND-APPROVED WITH CONDITIONS	2450040240000
SM2 - 20200056	ZIELINSKI SD	ZIELINSKI SUBDIVISION	ZIELINSKI SUBDIVISION\LAHAINA	CDF ENGINEERING LLC		06/12/2020	A W/COND-APPROVED WITH CONDITIONS	2430050360000
SM2 - 20200057	ZIELINSKI, LYNN & KE	ZIELINSKI, LYNN & KEITH	IRRIGATION WELL/LAHAINA	LYNN & KEITH ZIELINSKI		06/16/2020	A W/COND-APPROVED WITH CONDITIONS	2430050360000
SM2 - 20200058	ZIELINSKI HOUSE	ZIELINSKI HOUSE RELOCATION	HOUSE RELOCATION\LAHAINA	BRANDON MURR		06/12/2020	A W/COND-APPROVED WITH CONDITIONS	2430050360000
SM2 - 20200059	MICHAEL DALE NAPORA	MICHAEL DALE NAPORA	SMA APP/ADDITION OF 2 BDRM/BATH-LAHAINA	MICHAEL DALE NAPORA		06/19/2020	A W/COND-APPROVED WITH CONDITIONS	2430080190000
SM2 - 20200060	BABY BEACH SIGNAGE	TWO SIGNS TO BE SITED AT EXISTING PARKING LOT FOR BABY BEACH	BABY BEACH SIGNAGE\SPRECKELSVILLE	A & B PROPERTIES HAWAII, LLC		06/26/2020	A W/COND-APPROVED WITH CONDITIONS	2380010720000
SM2 - 20200062	AQUAPONIC GREENHOUSE	GREENHOUSES FOR GROWING AQUAPONIC ORGANIC VEGETABLES	AQUAPONIC GREENHOUSE/HAIKU	FREDRICK R HONIG TRUST		06/26/2020	A W/COND-APPROVED WITH CONDITIONS	2280040320000
SM2 - 20200063	GREENHOUSE 1 & 2	GREENHOUSE 1 & 2	GREENHOUSE 1 & 2/HAIKU	HONIG,FREDRICK R REVC LVG TR		06/26/2020	A W/COND-APPROVED WITH CONDITIONS	2280040320000

Grand Total : 14



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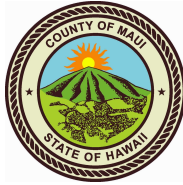
PD-Approved SMA Exempt Projects for Maui

07/01/2020

Permit Completion Date: 05/29/2020 - 07/01/2020

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20200125	MARTY STEVENSON	ATF SMA APP/SF FAM RES SOLAR-LAHAINA	JASMINE TURLEY		05/29/2020	A-APPROVED	2460300190000
SM5 - 20200126	LACKEY STORAGE SHED	LACKEY STORAGE SHED	JEFF LACKEY		05/29/2020	A-APPROVED	2250130490000
SM5 - 20200127	HANAKAOO BEACH PARK	HANAKAOO BEACH PARK	COUNTY OF MAUI, DEPT. OF PARKS AND RECREATION		06/02/2020	A-APPROVED	2440130060000 2440130070000
SM5 - 20200128	TAMMY CAMPBELL RESID	SMX/TAMMY CAMPBELL RESIDENCE/PAIA	TAMMY CAMPBELL	DIAS	06/03/2020	A-APPROVED	2260120120000
SM5 - 20200129	HAMMOND RETAINING WA	HAMMOND RETAINING WALL	BABB,PAULA J TRUST	KANHAI	06/03/2020	A-APPROVED	2420030620000
SM5 - 20200130	KULAKANE SEAWALL	KULAKANE SEAWALL REPAIR\LAHAINA	ERNIE DANKOS		06/08/2020	A-APPROVED	2430060110000
SM5 - 20200131	PARKING GARAGE	PARKING GARAGE SPALL REPAIR\LAHAINA	BRAD WELLS		06/08/2020	A-APPROVED	2440010970000
SM5 - 20200132	KAANAPALI REMODEL	KAANAPALI TRUST REMODEL	BRIAN VOLK		06/08/2020	A-APPROVED	2440080220160
SM5 - 20200133	626 LUAKINI ST	626 LUAKINI ST\LAHAINA	SUSAN KUWADA	BURKETT	06/09/2020	A-APPROVED	2460080170000
SM5 - 20200134	DONNA TING	SMA APP/DEMOLITION-KIHEI	IGE, MARSHALL	HIGA	06/10/2020	A-APPROVED	2390150070000
SM5 - 20200135	316 PAANI PLACE	316 PAANI PLACE RESIDENCE\PAIA	DYNAMO PROPERTIES LLC	BUIKA	06/10/2020	A-APPROVED	2380020510000
SM5 - 20200136	KUAU NEW HOUSE	SMX/KUAU NEW HOUSE/PAIA	KURT MAGNESS	DIAS	06/12/2020	A-APPROVED	2260120430000
SM5 - 20200137	BUBBA GUMP	BUBBA GUMP SHRIMP RESTAURANT MAINTENANCE	MARC EBERLE, LANDRY'S INC.		06/12/2020	A-APPROVED	2450010090000
SM5 - 20200139	KENOLIO DOG PARK	KENOLIO DOG PARK/KIHEI	SAMUAL MARVEL		06/12/2020	A-APPROVED	2380770040000
SM5 - 20200141	KREPS	SMX/KREPS ACCS DWELLING & LANAI/KIHEI	KREPS,DALE RAYMOND & WANETTE ULUWEHI AKO-KREPS	DIAS	06/17/2020	A-APPROVED	2390351150000
SM5 - 20200142	ZHANG & HE RESIDENCE	SMX/ZHANG & HE RESIDENCE/KIHEI	LESTER DOMINGO	DIAS	06/17/2020	A-APPROVED	2390610030000
SM5 - 20200143	WAILUKU-KAHULUI WWRF	WAILUKU-KAHULUI WWRF POND	ROMMEL YANOS		06/15/2020	A-APPROVED	2380011880000
SM5 - 20200144	NAPILI WWPS NO. 4	NAPILI WWPS NO. 4 FORCE MAIN REPLACEMENT	COUNTY OF MAUI DEM		06/15/2020	A-APPROVED	2430160170000
SM5 - 20200145	PAPALAU A SIGNAL	PAPALAU A TRAFFIC SIGNAL IMPROVEMENTS	COUNTY OF MAUI,		06/19/2020	A-APPROVED	245002

* = Shoreline Projects
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PD-Approved SMA Exempt Projects for Maui

07/01/2020

Permit Completion Date: 05/29/2020 - 07/01/2020

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
			DEPARTMENT OF PUBLIC WORKS				2450060150000
SM5 - 20200148	TABORADA	SMA APP/OHANA & MAIN DWELLING-KIHEI	SCHUBERT TABORADA	RABAGO	06/24/2020	A-APPROVED	2390030710000
SM5 - 20200149	PARKING GARAGE	PARKING GARAGE SPALL REPAIR\LAHAINA	BRAD WELLS		06/24/2020	A-APPROVED	2440010970000
SM5 - 20200150	KIHEI SURFSIDE	SMA APP/RENOVATION/IMPROVEMENTS-KIHEI	PETERSEN, KENNETH/STEINBERG, KATHERINE		06/25/2020	A-APPROVED	2390040280000
SM5 - 20200151	FAIRMONT KEA LANI	FAIRMONT KEA LANI	HMC KEA LANI LP	WOLLENHAUF	06/25/2020	A-APPROVED	2210230030000
SM5 - 20200152	BORGE COTTAGE DECK	BORGE COTTAGE DECK/HAIKU	TROY & LADONNA BORGE		06/25/2020	A-APPROVED	2270050190000
SM5 - 20200153	HONOKALA HOUSE	SMA APP/INSTALLATION/RENOVATION-HAIKU	STEPHEN C. HYNSON		06/29/2020	A-APPROVED	2290050140000
SM5 - 20200154	MARION	MARION-INSTALLATION OF SPLIT SYSTEM A/C	MARK & TINA MARION		06/29/2020	A-APPROVED	2460310270000
SM5 - 20200155	MARION	MARION-INSTALLATION OF SPLIT SYSTEM A/C	MARK & TINA MARION		06/29/2020	A-APPROVED	2460310270000
Grand Total : 27							