

**MAUI PLANNING COMMISSION  
SUMMARY MINUTES  
JULY 14, 2020**

[\(HYPERLINK TO CHAPTER 1 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 2 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 3 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 4 AUDIO RECORDING OF THE MEETING\)](#)

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 9:05 a.m., Tuesday, July 14, 2020, online via BlueJeans; Meeting ID: **886 323 602**

**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)

*(Item B.1 begins at approximately 00:03:25 of Chapter 1 of the audio recording.)*

*(Motion was made at approximately 00:24:34 of Chapter 1 of the audio recording.)*

**It was moved by Mr. Freitas, seconded by Mr. Thompson, then**

*(Vote was taken at approximately 00:27:17 of Chapter 1 of the audio recording.)*

**VOTED: To Approve the One Dwelling, Four-Bedroom State Land Use Commission Special Permit for Short-Term Rental Use as Recommended by the Department.  
(Assenting – P. D. La Costa, S. Castro, K. Freitas, D. Thompson,  
K. Pali, C. Tackett – Abstain)**

**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)

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.

*(Item C.1 begins at approximately 00:31:25 of Chapter 1 of the audio recording.)*

*(Motion was made at approximately 01:22:03 of Chapter 1 of the audio recording.)*

**It was moved by Mr. Tackett, seconded by Ms. La Costa, and**

*(Vote was taken at approximately 01:31:18 of Chapter 1 of the audio recording.)*

**The Motion to Recommend to the County Council the Caps be Reduced as Recommended by the Department, FAILED.**

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

*(Motion was made at approximately 01:33:45 of Chapter 1 of the audio recording.)*

**It was then moved by Ms. Pali, seconded by Mr. Thompson,**

**To Recommend to the County Council to leave the caps as is, a moratorium for new applications exempting applications already in process for six months and during that time come up with a study to justify if the caps should be then moved.**

**After Discussion, Ms. Pali withdrew her motion and Mr. Thompson withdrew his second to her motion.**

*(Motion was made at approximately 01:56:30 of Chapter 1 of the audio recording.)*

**It was then moved by Ms. Pali, seconded by Mr. Thompson to Recommend to the Council to study the current demand in each region and set the caps according to the demand. Commission is taking no action to change the caps at this time until the study is done.**

After discussion:

*(Motion was made at approximately 00:09:00 of Chapter 2 of the audio recording.)*

**It was moved by Ms. La Costa, seconded by Ms. Pali, then**

**VOTED: To Amend the Motion to Include a Six-Month Timeline.**  
**(Assenting – P. D. La Costa, K. Pali, D. Thompson, K. Freitas,**  
**S. Castro, C. Tackett – Abstained)**

The amended main motion was then put a vote:

**It was moved by Ms. Pali, seconded by Mr. Thompson, then**

*(Vote was taken at approximately 00:10:26 of Chapter 2 of the audio recording.)*

**VOTED: Recommend to the County Council to study the current demand in each region within Six Months and set the caps according to demand. No recommendation to the change the caps at this time, until that study is done.**  
**(Assenting – K. Pali, D. Thompson, K. Freitas, S. Castro,**  
**P. D. La Costa)**  
**(Dissenting – C. Tackett)**

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)

<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.

*(Item B.2 begins at approximately 00:00:33 of Chapter 3 of the audio recording.)*

*(Motion was made at approximately 00:36:56 of Chapter 3 of the audio recording.)*

**It was moved by Mr. Thompson, seconded by Mr. Carnicelli, then**

*(Vote was taken at approximately 00:42:43 of Chapter 3 of the audio recording.)*

**VOTED: To Accept the New Map that Identifies 14.6 Acres as the Project Area as Identified as Exhibit 2 in the Department’s Report.**  
**(Assenting – D. Thompson, K. Pali, S. Castro, K. Freitas,**  
**C. Tackett – Abstain)**  
**(Dissenting – P. D. La Costa)**

Due to technical difficulties, the recording of the portion of the meeting from approximately 3:23 p.m. to 5:04 p.m. is lost and not available for transcription.

The following motion was made after discussion:

**It was moved by Mr. Thompson, seconded by Mr. Carnicelli, and**

**The Motion to Approve the Land Use Commission Special Permit with the 12 Original Conditions, with Amendment to Condition 5 and the Addition of a 13<sup>th</sup> Condition as Discussed, FAILED.**

**(Assenting – D. Thompson)**

**(Dissenting – K. Freitas, K. Pali, S. Castro, C. Tackett, P. D. La Costa)**

Upon the Motion to Approve the Land Use Commission Special Permit Failing:

**It was then moved by Mr. Freitas, seconded by Ms. La Costa, and unanimously**

**VOTED: To Deny the Land Use Commission Special Permit.**

**(Assenting – K. Freitas, P. D. La Costa, K. Pali, C. Tackett, S. Castro,  
D. Thompson – Abstain)**

#### **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)

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.

**After a lengthy discussion, the Commissioners asked for documentation of the approval and the minutes of the meeting be provided to them at a future meeting.**

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:

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.

**Mr. Collins withdrew his request per his letter dated July 13, 2020.**

**E. DIRECTOR'S REPORT**

1. West Maui Community Plan Update

**First scheduled meeting is July 28, 2020 at 5:30 p.m. via BlueJeans**

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.

**Clarification was asked for SM5 2020/0131 and SM5 2020/0149 as both was noted as parking garage spall repair for the same property.**

4. Discussion of Future Maui Planning Commission Agendas

- a. July 28, 2020 agenda items

**Ms. McLean went over the items scheduled for the July 28, 2020 meeting.**

**F. NEXT REGULAR MEETING DATE: July 28, 2020**

**G. ADJOURNMENT**

The meeting was adjourned at approximately 5:04 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**Present**

Lawrence Carnicelli, Chair  
Stephen Castro  
Kawika Freitas  
Kellie Pali  
P Denise La Costa  
Christian Tackett, Vice Chair  
Dale Thompson

**Others**

Michele McLean, Director, Department of Planning  
Jordan Hart, Deputy Director, Department of Planning  
Jordan Molina, Deputy Director, Department of Public Works  
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel