

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

(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: SEPTEMBER 22, 2020
TIME: 9:00 A.M.
PLACE: Online only via BlueJeans; **Meeting ID: 696 111 670**

Members: Lawrence Carnicelli (Chair), Christian Tackett (Vice-Chair), Stephen Castro, Jerry Edlao, Kawika Freitas, Melvin Hipolito, 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: 696 111 670**

To watch the meeting or provide video testimony, use meeting link: <https://maui.bluejeans.com/696111670>

To provide written testimony, email comments to planning@mauicounty.gov by noon, one business day before the meeting to ensure distribution to the commission.

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 providing your name and the item you're wishing to testify on. 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. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting County Council Resolution 20-90 referring to the Maui Planning Commission a Proposed Bill to Amend the Comprehensive Zoning Ordinance Relating to Canopy Tours and Zipline Operations. (J. Takakura) ([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:

Per Council Resolution No. 20-90, adopted on June 19, 2020, transmitting the proposed bill, the Council proposes to amend Chapter 19.30A and establish Chapter 19.97, Maui County Code, to require a Conditional Permit for canopy tour and zipline operations to enable the Council to evaluate the appropriateness of the uses in various zoning districts.

2. MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, referring to the Maui Planning Commission a Proposed Bill to Amend Chapters 19.35, 19.64 and 19.65, Maui County Code, Relating to Accessory Dwellings, Bed and Breakfast Home Permits and Short-Term Rental Home Permits. (J. Takakura) ([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:

Chapters 19.35, 19.64, and 19.65 are proposed to be amended to allow bed and breakfast and short term rental home operations in accessory dwellings, subject to restrictions that encourage long-term occupancy; limit short-term rental homes to one per property and per applicant; clarify trusts and ownership requirements; expand notification requirements to neighbors of the property; and other minor revisions.

3. CELLCO PARTNERSHIP dba VERIZON WIRELESS requesting a County Special Use Permit (CUP) in order to operate an existing telecommunication facility in the Agricultural District, located at 1500 Kaupakalua Road, Haiku, Island of Maui, TMK: (2) 2-7-013: 175. (CUP 2020/0006) (J. Burkett) ([Report](#)) ([Application](#))

The Commission is reviewing the application because the requested use, when located in the Agricultural District, requires a CUP.

C. PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

1. [Proposed Findings of Fact, Conclusions of Law, and Decision and Order](#) denying the request for a State Land Use Commission Special Permit by ABRAMS STEVEN HORST, III to operate a four-bedroom STRH in a farm dwelling in the State and County Agricultural Zoning Districts at 200 Pua Niu Way, Lahaina, Island of Maui, TMK (2) 4-7-009:076-0001 (SUP2 2017/0012) (T. Furukawa) (Action on the application was taken by the Commission following public hearing at the January 22, 2019 meeting.)

D. DIRECTOR'S REPORT

1. MS. MICHELE MCLEAN, Planning Director, notifying the Maui Planning Commission pursuant to the provisions of the Maui Planning Commission's

SMA Rules of the issuance of the following Special Management Area Emergency Permit:

- a) [Written Confirmation of Verbal Approval letter dated August 26, 2020](#) to Mr. Anders Lyons of Kapalaea Consultants LLC requesting a SMA Emergency Permit for minor repair of a seawall and stabilization of a sinkhole within 20 feet of a condominium building located at Makani Sands, 3765 Lower Honoapiilani Road, Lahaina, Island of Maui, TMK: (2) 4-3-006:012 (SM3 2020/0006) (EAE 2020/0052) (C. Thackerson)

This is for notification and review purposes.

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. October 13, 2020 agenda items

E. NEXT REGULAR MEETING DATE: OCTOBER 13, 2020

F. 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 September 22, 2020 was on September 8, 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 NOON, ONE BUSINESS DAY 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.

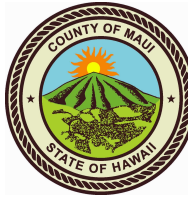
DOCUMENTS RELATING TO THIS MEETING MAY BE FOUND ON THE COUNTY OF MAUI OFFICIAL WEBSITE AT www.mauicounty.gov, UNDER BOARDS AND COMMISSIONS, MAUI PLANNING COMMISSION.

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 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

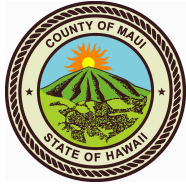
PD-Approved SMA Minor Projects for Maui

09/10/2020

Permit Completion Date: 08/26/2020 - 09/09/2020

| Permit # | Project | Description | Permit Name | Applicant Name | Planner | Completed Date | Decision | TMK(s) |
|----------------|---------------------|----------------------------------------------------------------------------------------------|-----------------------------------|------------------------------------|-------------|----------------|-----------------------------------|---------------|
| SM2 - 20200074 | KAHANA FALLS RESORT | INTERIOR BATHROOM RENOVATION | KAHANA FALLS RESORT | SHARON WRIGHT, MWA, INC. | | 08/28/2020 | A W/COND-APPROVED WITH CONDITIONS | 2430100320000 |
| SM2 - 20200075 | KAHIAPO FARM | REPAIR AND MAINTAIN SURGACE AND SIDES OF EXISITING DIRT ROAD AND START CULTIVATING THE LAND. | SMX/KAHIAPO FARM/HAIKU | GRAHAM EZZY AND KATHRIN MIELKE | WILLENBRINK | 09/02/2020 | A W/COND-APPROVED WITH CONDITIONS | 2270040640000 |
| SM2 - 20200076 | FEINTECH-GREENFIELD | POOL WITH TRELIS | SMX/FEINTECH-GREENFIELD POOL/HANA | ALLEN GREENFIELD & VIVIAN FEINTECH | | 09/08/2020 | A W/COND-APPROVED WITH CONDITIONS | 2140100160000 |
| SM2 - 20200077 | UNIKI-HULA CEREMONY | UNIKI-HULA CEREMONY/PAIA | UNIKI-HULA CEREMONY PAIA | FRANCINE AARONA | | 09/04/2020 | A W/COND-APPROVED WITH CONDITIONS | 2260020180000 |

Grand Total : 4



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

PD-Approved SMA Exempt Projects for Maui

09/10/2020

Permit Completion Date: 08/26/2020 - 09/09/2020

| Permit # | Project | Permit Name | Applicant Name | Planner | Completed Date | Decision | TMK(s) |
|----------------|----------------------|-----------------------------------------|--------------------------------------------|-------------|----------------|------------|---------------|
| SM5 - 20200204 | ROYAL LAHAINA RESORT | ROYAL LAHAINA RESORT CARPORT PV/LAHAINA | CDF ENGINEERING LLC | | 08/26/2020 | A-APPROVED | 2440080130000 |
| SM5 - 20200205 | SHOOK ACC. DWELL | SMX/SHOOK ACC. DWELL/ HANA | SHOOK,TERESA A | | 08/26/2020 | A-APPROVED | 2130080430000 |
| SM5 - 20200206 | ROYAL LAHAINA RESORT | ROYAL LAHAINA RESORT CARPORT PV SYSTEMS | CDF ENGINEERING LLC | | 08/26/2020 | A-APPROVED | 2440080070000 |
| SM5 - 20200207 | FOWLER NEW DWELLING | SMA APP/BLDG NEW 4 BDRM RES DWL-KIHEI | CDF ENGINEERING LLC | FERNANDEZ-R | 08/26/2020 | A-APPROVED | 2390070370000 |
| SM5 - 20200208 | HIL02234 S. KIHEI 4C | SMX / HIL02234 S. KIHEI 4C 5C/ KIHEI | AT&T MOBILITY | | 08/26/2020 | A-APPROVED | 2390180220000 |
| SM5 - 20200209 | PLUCHOS RESID RENO | SMX/PLUCHOS RESIDENCE RENOVATION/KIHEI | HAWAII OFF GRID ARCHITECTURE & ENGINEERING | | 08/26/2020 | A-APPROVED | 2210081120009 |
| SM5 - 20200210 | WESTIN MAUI RES&SPA | UPGRADE PUMP/FILTERS FOR SAFETY\LAHAINA | ANDERSON POOLWORKS | | 08/27/2020 | A-APPROVED | 2440080190000 |
| SM5 - 20200211 | BOYD/DUNKER PROJECT | ATF NEW BI-FOLD/HINGED DOOR/HAIKU | LINDA LANGE | | 08/31/2020 | A-APPROVED | 2280060650000 |
| SM5 - 20200212 | KIHEI AKAHI TRELLIS | INSTALL TRELLISES\KIHEI | LYNN PONCIN | | 08/31/2020 | A-APPROVED | 2390200010000 |
| SM5 - 20200213 | SPANGLER | SMX/SPANGLER POOL/WAILEA | JULIE SMITH | KELIIKO | 08/31/2020 | A-APPROVED | 2210260300000 |
| SM5 - 20200214 | RITZ CARLTON CLUB | INTERIOR EXTERIOR RENOVATIONS\LAHAINA | BRE RC MAUI KAPALUA LLC | THACKERSON | 09/03/2020 | A-APPROVED | 2420040210131 |
| SM5 - 20200215 | BESASSO/GIORDANO BAR | SMX/BESASSIO&GIORDANO BARN/HAIKU | MATIAS BESASSO & MORLA GIORDANO | WILLENBRINK | 09/08/2020 | A-APPROVED | 2270360370000 |
| SM5 - 20200216 | DAGS | DAGS | DEPT OF ACCOUNTING & GENERAL SERVICES | FASI | 09/08/2020 | A-APPROVED | 2380790180000 |
| SM5 - 20200217 | KBH TIKI TERRACE BAR | KHB TIKI TERRACE BAR, GRILL & STAGE/LAH | SHARON WRIGHT | CUA | 09/09/2020 | A-APPROVED | 2440080030000 |

Grand Total : 14