

**MAUI PLANNING COMMISSION  
SUMMARY MINUTES  
SEPTEMBER 22, 2020**

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

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

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

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

[\(HYPERLINK TO CHAPTER 5 AUDIO RECORDING OF THE MEETING\)](#)

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 9:07 a.m., Tuesday, September 22, 2020, online via BlueJeans; **Meeting ID: 696 111 670**

**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)

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.

*(Item B.1 begins at approximately 00:04:47 of Chapter 1 of the audio recording.)*

*(Action was taken at approximately 01:23:09 of Chapter 1 of the audio recording.)*

**The recommendation to recommend approval of the proposed bill with the recommended amendments by the Department and the Commission's recommendations of defining rappelling and bungee jumping, require third party inspections and proof of insurance**

**annually, prohibit crossing or operating in a stream or waterway that provides drinking water, and suggest that the Council further discuss building permits and if the County would play a role in inspections, and also suggest that the Council use Mr. Daniel Boren as a resource was approved by consensus of the Commission.**

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)

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.

*(Item B.2 begins at approximately 00:00:15 of Chapter 2 of the audio recording.)*

*(Motion was made at approximately 00:6:07 of Chapter 3 of the audio recording.)*

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

*(Vote was taken at approximately 00:07:20 of Chapter 3 of the audio recording.)*

**VOTED: To Defer the Matter in Order for the Department Produce a Revised Bill Based on the Discussion and Testimony Received.  
(Assenting – J. Edlao, P. D. La Costa, S. Castro, K. Freitas,  
M. Hipolito, K. Pali, C. Tackett, D. Thompson)**

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)

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

*(Item B.3 begins at approximately 00:08:03 of Chapter 3 of the audio recording.)*

*(Motion was made at approximately 01:05:40 of Chapter 4 of the audio recording.)*

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

*(Vote was taken at approximately 01:29:56 of Chapter 4 of the audio recording.)*

**The Motion to Approve the County Special Use Permit as Recommended by the Department with the Amendments to Conditions 4 and 5 as Discussed, FAILED.  
(Assenting – D. Thompson, J. Edlao, S. Castro)  
(Dissenting – M. Hipolito, P. D. La Costa, K. Pali, C. Tackett)  
(Excused – K. Freitas)**

*(Motion was made at approximately 01:31:04 of Chapter 4 of the audio recording.)*

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

*(Vote was taken at approximately 00:4:57 of Chapter 5 of the audio recording.)*

**The Motion to Deny the County Special Use Permit as it does not meet Criteria 5 and 6, FAILED.  
(Assenting – P. D. La Costa, C. Tackett, M. Hipolito, K. Pali-abstained)  
(Dissenting – J. Edlao, S. Castro, D. Thompson, L. Carnicelli)  
(Excused – K. Freitas)**

*(Motion was made at approximately 00:26:55 of Chapter 5 of the audio recording.)*

**It was moved by Ms. Pali, seconded by Mr. Edlao, and**

*(Vote was taken at approximately 00:31:34 of Chapter 5 of the audio recording.)*

**VOTED: To Approve the County Special Use Permit as Recommended by the Department with the Added and Amended Conditions Discussed.  
(Assenting – K. Pali, J. Edlao, S. Castro, M. Hipolito,  
P. D. La Costa - abstained, C. Tackett, D. Thompson,  
C. Carnicelli)**

**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.)

*(Item C.1 begins at approximately 00:08:03 of Chapter 5 of the audio recording.)*

*(Motion was made at approximately 01:05:40 of Chapter 5 of the audio recording.)*

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

*(Vote was taken at approximately 00:31:34 of Chapter 5 of the audio recording.)*

**VOTED: To Adopt the Proposed Findings of Fact, Conclusions of Law, and Decision and Order.  
(Assenting – P. D. La Costa, D. Thompson, J. Edlao, S. Castro, M. Hipolito, K. Pali, C. Tackett, C. Carnicelli)**

#### **D. DIRECTOR'S REPORT**

*(Item D begins at approximately 00:34:30 of Chapter 5 of the audio recording.)*

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

**The Commission had no questions or comments on Item D.1, D.2, D.3 and D.4.**

**E. NEXT REGULAR MEETING DATE: OCTOBER 13, 2020**

**F. ADJOURNMENT**

The meeting was adjourned at approximately 5:15 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**Present**

Lawrence Carnicelli, Chair  
Stephen Castro  
Jerry Edlao  
Kawika Freitas (excused @ 2:30 p.m.)  
Mel Hipolito  
Kellie Pali  
P Denise La Costa (in attendance @ 11:30 a.m.)  
Christian Tackett, Vice Chair  
Dale Thompson

**Others**

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