

**MAUI PLANNING COMMISSION
SUMMARY MINUTES
MARCH 9, 2021**

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

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

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Vice-Chair Christian Tackett at approximately 9:02 a.m., Tuesday, March 9, 2021, online via BlueJeans; **Meeting ID: 669 399 692**

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

1. PATRICK ADSUAR requesting a Short-Term Rental Home Permit in order to operate Maluhia Halelo Hale, a four bedroom short-term rental home located in the R-3 Residential District at 77 Halelo Street, TMK: (2) 4-4-009:024, Lahaina, Island of Maui. (STWM T2017/0021) (J. Burkett)

The Commission is reviewing the application because there are at least two permitted short-term rental home operations located within 500 feet of the subject property.

PUBLIC HEARING TO BE RENOTICED TO A FUTURE AGENDA DUE TO A NOTICING ERROR.

C. UNFINISHED BUSINESS

Pursuant to Chapter 91, Hawaii Revised Statutes, and Maui Planning Commission Rule 12-201-119, no public testimony will be taken.

1. MR. GREGORY KOCH submitting a Motion for Reconsideration regarding the Commission's final Decision and Order, denying the State Land Use Commission Special Permit to operate the Hana Panoramic Retreat, a two-bedroom short-term rental home, on property located in the State Agricultural District, at 630 Kapia Road, Hana, Island of Maui, TMK: (2) 1-4-011:041 (SUP2 2018/0006) (A. Cua) (Deferred from the 2/9/21 meeting)

The Maui Planning Commission held a public hearing regarding the subject application on May 26, 2020, at the conclusion of which the Commission voted to deny the subject application. The Commission adopted its written Findings of Fact, Conclusions of Law and Decision and Order denying the application at its regular meeting on December 8, 2020.

*An Executive Session may be called on this item 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.

(Item C begins at approximately 00:2:58 of Chapter 1 of the audio recording.)

(Motion was made at approximately 00:33:40 of Chapter 1 of the audio recording.)

It was moved by Mr. Thompson, seconded by Mr. Castro, and

(Vote was taken at approximately 00:41:27 of Chapter 1 of the audio recording.)

The Motion to Grant the Motion for Reconsideration, FAILED.

**(Assenting – S. Castro, D. Thompson)
(Dissenting – P D. La Costa, K. Freitas, K. Pali)
(Recused - J. Edlao, M. Hipolito)**

(Motion was made at approximately 00:42:23 of Chapter 1 of the audio recording.)

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

(Vote was taken at approximately 00:45:01 of Chapter 1 of the audio recording.)

The Motion to Deny the Motion for Reconsideration, FAILED.

**(Assenting – P D. La Costa, K. Freitas, K. Pali)
(Dissenting – S. Castro, D. Thompson)
(Recused - J. Edlao, M. Hipolito)**

After further discussion by the Commission and Corporation Counsel, Mr. Hipolito indicated he had reviewed the complete record and could take part in the voting of the matter.

(Motion was made at approximately 00:51:14 of Chapter 1 of the audio recording.)

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

(Vote was taken at approximately 00:53:29 of Chapter 1 of the audio recording.)

**VOTED: To Deny the Motion for Reconsideration.
(Assenting – P D. La Costa, K. Freitas, K. Pali, M. Hipolito,
C. Tackett)
(Dissenting – S. Castro, D. Thompson)
(Recused - J. Edlao)**

D. CONSIDERATION AND ADOPTION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

Pursuant to Chapter 91, Hawaii Revised Statutes, and Maui Planning Commission Rule 12-201-119, no public testimony will be taken.

Proposed Findings of Fact, Conclusions of Law, and Decision and Order denying the request for a State Land Use Commission Special Permit for DR. LEW ABRAMS AND MARIA DE ABRAMS to operate Sacred Earth Assembly, a non-profit, interfaith church in the State and County Agricultural Zoning Districts at 4505 Hana Highway, Haiku, Island of Maui, TMK (2) 2-8-003:075 (SUP1 2019/0001)(SUP2 2017/0011) (T. Furukawa) (Action on the application was taken by the Commission following public hearing at the July 14, 2020 meeting.)

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.

Matter has been rescheduled to the April 13, 2021 due to a scheduling conflict of the applicant's attorney.

E. COMMUNICATIONS

1. MS. MICHELE CHOUTEAU MCLEAN, Planning Director, requesting the Maui Planning Commission's review and comment on a revised proposed bill to create two new advisory committees to the Maui Planning Commission, for Paia-Haiku and Kihei-Makena. The proposed bill was submitted to the County Council by Councilmember Kelly T. King via County Communication No. 21-125, posted on the February 19, 2021 Council agenda.

County Communication No. 12-125 can be found at:
<https://mauicounty.legistar.com/View.ashx?M=F&ID=9182065&GUID=3CB8529E-153B-4F96-8666-A42437863D0F>

(Item E begins at approximately 00:56:46 of Chapter 1 of the audio recording.)

There was a consensus of the members to forward their comments as discussed to the County Council regarding the revised proposed bill to create two new advisory committees to the Maui Planning Commission, for the Paia-Haiku and Kihei-Makena.

F. DIRECTOR'S REPORT

(Item F begins at approximately 00:41:21 of Chapter 2 of the audio recording.)

1. Resolution No. 21-18, Expressing Support for Sustainable Tourism, Emphasizing Quality Over Quantity

For the Commission's information and discussion.

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.

No questions or comments on the SMA Minor or SMA Exemption Reports.

4. Discussion of Future Maui Planning Commission Agendas

a. March 23, 2021 agenda items

Ms. McLean went over the items scheduled for the March 23, 2021 meeting.

G. NEXT REGULAR MEETING DATE: March 23, 2021

H. ADJOURNMENT

The meeting was adjourned at approximately 12:10 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Stephen Castro

Jerry Edlao

Kawika Freitas

Mel Hipolito

P Denise La Costa

Kellie Pali

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