

**MAUI PLANNING COMMISSION  
PORTION OF REGULAR MINUTES  
ITEM B.1  
AUGUST 11, 2020**

Chair, the first item is let's see...the only public hearing item on the agenda today, and that is a transmittal from yours truly of County Council Resolution 19-172 referring to the Commission proposed bills to amend the Paia-Haiku Community Plan from Agriculture to Public/Quasi-Public, the State Land Use District Boundary from Agriculture to Rural and the Zoning from Agriculture to P-1, Public/Quasi-Public for the Door of Faith Church on property at 11 Door of Faith Road in Haiku at TMK: 2-09-007: 032 and Livit Callentine is the project planner and I see she has joined the meeting.

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

1. **MS. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting County Council Resolution 19-172 referring to the Maui Planning Commission Proposed Bills to amend the Paia-Haiku Community Plan from Agriculture to Public/Quasi-Public, the State District Boundary from Agriculture to Rural, and Zoning District from Agriculture to P-1 Public/Quasi-Public for the Door of Faith Church on property situated at 11 Door of Faith Road, Haiku, Island of Maui, TMK: (2) 2-9-007:032 (CPA 2019/0002) (DBA 2019/0003) (CIZ 2019/0005) (L. Callentine)**

**The purpose of the proposed land use changes is to establish consistency with land use designations and the existing use as the Door of Faith Church, in order to allow for reconstruction of existing nonconforming structures.**

Ms. Livit Callentine: Good morning, Commissioners and Director and Deputy Director. So, this project as Michele said was initiated by the Council and it was submitted because the Door of Faith Church in Huelo is the use of the property. It was established in 1953, and it's a little under 2,000 square foot church structure which has deteriorated really badly. It's a...the property has been...well, the property has because of the deterioration, the church has not been used for more than a 12-month period and that, that removed the non...the existing non-conforming status of the church. So, they are at this point in time not allowed to rebuild the church until they...until it's conforming to the land use...to the land use designations. So, I won't go through the...

So, the application has been evaluated. There's a number of criteria that you're going to be looking at and making a decision about for your recommendation to Council. For District Boundary Amendments your criteria which is shown on Page 5 and 6 of the staff report directs you to evaluate and specifically consider the extent to which the proposed reclassification conforms to the applicable goals, objectives, and policies of the Hawaii State Plan and the adopted functional plans.

So, there's a number of criteria. The extent to which the proposed reclassification conforms to the applicable district boundary standards, the impact to the proposed reclassification on certain areas of state...concern, specifically natural resource systems and habitats, cultural, historical or natural resources, commitment of state funds or resources, provisions for employment opportunities and economic development, and provision of housing opportunities for all income

groups. So, with actions by the County Council, certain responsibilities for the administration of district boundary amendments are delegated to the planning commissions.

With the Community Plan Amendment, this is a non-decennial community plan amendment proposal and these are referred to you in order to determine...in order to prepare findings and recommendations to County Council.

And then going onto the Change in Zoning, Council may grant a change of zoning if all of the following criteria are met, and that would be that it meets the intent of the general plan and the community plan, that it also meets the intent of the district being requested, and the application would not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage, and solid waste disposal, drainage, roadway and transportation systems, and the application, if granted, would not adversely impact the social, cultural or economic quality and characteristics of the surrounding area.

So, we went through all of our...all of the criteria and prepared it our report. At this time, I want to ask a question to Chair, do you, do you want me to go through the analysis right now or maybe I should ask Director, do you want me to go through the analysis at this time? The applicant is here and does have a power point to present and will make a presentation himself or the applicant's consultant. I'm sort of thinking I would come back after his presentation and give you the analysis if that's okay. All right, so then I'd like to introduce Raymond Cabebe of Chris Hart and Partners.

Mr. Raymond Cabebe: Good morning, can you hear me?

Mr. Carnicelli: Good morning, yes, we can.

Ms. McLean: Yes.

Mr. Cabebe: Oh, great, great, great. Good morning, Commissioners, Chair, my name is Raymond Cabebe with Chris Hart and Partners, and we represent the Door of Faith Church in Huelo. Along on this meeting is our Associate Planner Helen Pratiwi, who assisted with preparing the assessment and the presentation. I'm going to attempt to share my screen, can you see my screen?

Mr. Carnicelli: Yep.

Mr. Cabebe: Okay, great. As Livit, you know, before you are the applications for the DBA, CPA, and CIZ for the Door of Faith Church. The TMK is (2)-2-09-007: 032. And this point we want to acknowledge Councilmember Shane Sinenci for graciously sponsoring the resolution for these land use designation actions. Hold on a second, lost control of my PowerPoint here.

Ms. McLean: Raymond it might help to open the slideshow first on your computer and get it ready to go and then share your screen at that point.

Mr. Cabebe: Okay, let me back out of this then.

Mr. Hart: You did have it projecting a moment ago.

Mr. Cabebe: Yeah, but it's not...I lost control of it for some reason.

Mr. Carnicelli: Director, do you think just for the sake of the recording we might just take a recess, not that any of us would go anywhere but just for the sake of the recording or you think we are...

Ms. McLean: That's okay, we'll give...we can try a few more minutes.

Mr. Carnicelli: In the meantime, does everybody like my hat? I got this headdress just for you guys. You see now every time you look at me that's all you're gonna see is that darn thing now that I pointed it out, right?

Ms. Callentine: Well do you guys like my background. I'm trying out a virtual background.

Mr. Carnicelli: I like it, I'm noticing that. It's like you're in a loft in New York City or something like that.

Ms. Callentine: I know, isn't it cool.

Mr. Carnicelli: Maybe I should try that out so you don't have to stare at my...

Ms. Callentine: The tree coming out of your head.

Mr. Cabebe: Can we share Helen Pratiwi's screen and unshare mine?

Ms. McLean: Raymond, we don't control the share screen, only individual people can do that. We can just mute your audio or your video.

Mr. Cabebe: Okay.

Mr. Castro: Lawrence, I can see the roots coming out.

Mr. Carnicelli: Are they gray?

Ms. Callentine: Chair, I have a copy of the presentation as a PDF, if need be I can share that screen.

Mr. Hart: I did it. Helen's video was muted, I muted her video. Okay, so Raymond, now only one of you can have the mic active.

Mr. Cabebe: Yeah. Can you hear me?

Ms. McLean: We can hear you but you need to speak a little louder.

Mr. Cabebe: How's that. Okay, can you hear me?

Ms. McLean: Yes.

Mr. Cabebe: We can't hear anything on this side. You got this on muted that's why.

Ms. McLean: We can hear you Raymond.

Mr. Hart: Raymond, you have to unmute the audio coming at you, but we can hear you.

Mr. Cabebe: Okay. Can you hear me now?

Ms. McLean: Yes.

Mr. Cabebe: Okay, leaving off where we started. The applicant is the Door of Faith Church and School and we have Pastor Rick here on line as well so he can answer questions. The Kahiamoe Family own the .933-acre property prior to the church taking ownership and the church was established in Huelo in 1953 as Livit said, and the Reverends Hatie Apuna and Dolly Kahiamoe served as the Pastors prior to Pastor Rick. The congregation currently consists of approximately 25 members and along with the Door of Faith Churches in Kahana and Lahaina, the Huelo church hosts quarterly for fellowship conferences that rotate among the three churches. The church also conducts various community efforts that I'll have Pastor Rick elaborate on for you later. The existing church is about 1,800 square feet and it is in dilapidated condition. There is also a church hall approximately 2,200 square feet that's currently used for church activities. There's also two water tanks on the property one is a 20,000-gallon tank for fire protection and also a 4,000 gallon tank for wastewater purposes.

The church property itself is legally landlocked. Although maps show that the Door of Faith Road is adjacent to the property to the northeast that portion of the road is privately owned by a landowner that surrounds property on three sides. Access is through the state property to the east and the church as a revocable permit for a portion of the state land for main access to the church property. This is the location map showing the property on the north shore of Maui and the access from Hana Highway down the Door of Faith Church Road and access through the state property here. This is a TMK map it shows the legal boundaries so you can see how the property is actually landlocked and the access is through this Parcel 18 that's right to the east and this portion is being leased or has a...the church has a revocable permit from the state for that.

The church has deteriorated to the point where it's unsafe and Pastor Rick and the congregation wish to reconstruct a church over the existing footprint. Chris Hart and Partners consulted with the Planning Department initially in 2018 and although the church received permits previously and is considered nonconforming or was considered nonconforming at one point it was determined that the church cannot be reconstructed without a State Land Use Commission Special Permit and since the special permit would have a expiration date and need extensions the church decided that it would be more prudent and expedient to pursue the DBA, CPA and CIZ instead.

This is a State Land Use map showing it in Ag. The Paia-Haiku Community Plan map you can see it that little dot right there, that little blue dot that's the property and it's in Ag, and the County zoning is Ag. On the Maui Island Plan it's outside of any of the Growth Boundaries and on the Maui Island Plan Protected Areas Map it's not within any protected area.

Now the ALISH map shows the property in prime land, you know, but however due to the parcel size it's not suitable for large scale agriculture and since the church has been there for nearly 70 years and given that the road is named for the church it's clearly established that Ag is not the most appropriate use and in contrast, the Land Study Bureau Map shows that the productivity rating is relatively poor, it's D on a scale of A to E. This is the flood map showing that the property is outside of the flood hazard zone.

This is some site photographs showing the character of the property. This is the north side looking north through the property, looking south through the property, and the west side on the bottom, the east side on photo number two, and this photo, this slide shows photos of the church, first slide on the left you can see the hall to the left, and you also can see that small 4,000 gallon tank that's used for wastewater, and that's the front of the church and the backside of the church, it's not in very good condition. These are the sides of the church. The north side looks pretty good, but on the...if you look the south side of the church you see the siding is all falling off. This is the front and side of the church and this photo on the right shows the stones that hold up the foundation to the church, one of the stones. This is the church interior, you can see all the pews are all pushed together 'cause it's not being used currently. The photo on the right it's kind of dark but if you look on the wall it's like, you can see just gashes in the wall. These photos show the floor and the ceiling and it got holes and it just shows the condition.

You can't really see this, somehow the colors are really off on this computer but this is a site plan and you can see the church is up here, the hall is to the right of it. The access comes down here. This circle here represents where the 40,000-gallon tank is for fire protection and this a latest floor plan that was submitted for building permit, guess you can't see it on this, it shows that the...so the plan is to construct a new church basically on the same footprint where the old church was or is.

And just to summarize, the proposed actions...the County Council will be taking action on these actions and it's a DBA from Agricultural to Rural, CPA from Agricultural to Public/Quasi-Public, and Change in Zoning from Agriculture to P-1, Public/Quasi-Public and these actions would result in consistency of the proposed land use designations with the existing uses. And at this time, I want to have Pastor Rick talk about some of the things that the Door of Faith does for the community. Pastor Rick you can...can you unmute Pastor Rick.

Pastor Richard Trier: Can you hear me? Good morning, can you hear me?

Mr. Carnicelli: Yes, we can, and Raymond if you could stop screen share at this point if you're done with your presentation and that way we can see Pastor Rick a little bit better that be fantastic.

Pastor Trier: Can you hear me now?

Mr. Carnicelli: Yes, we can. Good morning.

Pastor Trier: Well, good morning, good morning everyone, my name is Pastor Richard Trier from the Huelo Door of Faith Church in the beautiful Island of Maui, no ka oi and I'm here to...

Mr. Carnicelli: Pastor, Pastor before you go any further, I probably should have done this with Raymond, but I just do have to ask you do you promise to be truthful?

Pastor Trier: Oh, yes sir. I swear on the Holy Bible.

Mr. Carnicelli: Not a problem, it's a contested case and so then for I just have to make sure that ...(inaudible)...Thank you, go ahead proceed.

Pastor Trier: Yes, so what we're trying to do out here at the Huelo Door of Faith Church is basically just rebuild the new church over the same footprint as the prior church, the existing church and bring it under a little bit under the 2006 Building Code, and you know over the years we've been community oriented, we established a crime watch a few years back and had the Police Department Captain and Lieutenant come out to Mr. Kahiamoe's property, who the family that gave the land to the church so we established...anyway we established the crime watch and then we also have a food bank where we feed some families maybe about 25 different families that come once a month on the second Saturday of each month for the food bank. We've had community meetings where the community responded to...they wanted to drill some wells in the area so they used our hall as a meeting place for that and we also participated in the road to Hana cleanup, we fed all of the workers that were involved in the East Maui side from Peahi...from Haumana Road, the 16 mile marker all the way out to Keanae, so we've been proactive, we've...we've been out there for 70 years with the community very much is involved with the things that we do. We've kept some of the kids out of the judicial system by having meetings and having campouts and with the youth in the past and we're still doing that today. What else have we done? We have...in the past we've had community gatherings where we call it, The Taste of Huelo and everything that we put on the program where everything is free, we feed them, we have clothes, we have food giveaways, we have like a bakery, products that we give away such and forth, anyway so we're really involved with the community. We're not trying to, we're not trying to grow the membership, we're just trying to get our church back so that we can have the comfort and stability of a safe environment for our small congregation.

Ms. Pua Kahiamoe: Can I add to that? My name is Pua Kahiamoe, I'm the daughter-in-law of the Pastors John and Dolly Kahiamoe and aside from—

Mr. Carnicelli: Good morning, just...I'm sorry, real quick, do you promise to be truthful?

Ms. Kahiamoe: Yes.

Mr. Carnicelli: Okay, thank you. Please proceed.

Ms. Kahiamoe: So aside from what Pastor Rick has just mentioned we have done offsite community projects and we have for over ten plus years gone down to Hookipa Beach Park on

Easter Sunday to have fellowship and we have food so anyone who passes by that's really hungry we invite them in, we share the word with them, and then we go down to the ocean and we have a water baptism that day. So, and we've had numerous church rallies where all of the churches would get together on a Friday night, and you know, we spend time in the word and in song, we are huge presence in the Huelo community and many have come through those doors, and you know lost and forlorn and just looking for a place of comfort, so I just wanted to add to what Pastor Rick said earlier. Thank you.

Mr. Carnicelli: Thank you very much, appreciate it. Raymond, do you guys have anything else at this time?

Mr. Cabebe: Okay, thank you Pastor Rick and Pua. That concludes our presentation and we are available for questions and we look forward to your comments and recommendations for the County Council. Thank you.

Mr. Carnicelli: Great. Thank you. And Raymond, just for the...just for the record, did everything you say I was a truthful? Raymond or Mr. Hopper go ahead.

Mr. Hopper: Oh, yeah. Since this is a...will ultimately be decided by Council, this isn't a contested case. So, no, I mean...

Mr. Carnicelli: Oh, okay

Mr. Hopper: So, no I mean, yes, it's good that people be truthful, but no need to swear people in and no need to cross-examine testifiers, so...

Mr. Carnicelli: Awesome, great. Then since Raymond is done, Livit, the floor is yours.

Ms. Callentine: Mr. Chair. So, the department has concluded that it hopes and asks you to conclude as well with the determination that the land use changes that have been proposed conform with the Hawaii...will conform with the Hawaii State Plan, the State Land Use District designations churches being allowed in the Rural District. This lot is a substandard lot for agriculture and further the Office of Planning confirmed that this use would be permissible in the Rural District. We find it's also in conformance with that County Wide Policy Plan, the Maui Island Plan, the Paia-Haiku Community Plan noting that the Chapter 343 requirements are waived for a county-initiated community plan amendments.

And then I want to go onto the zoning portion of the analysis, so with this this property. It was initially County zoned Interim back in August of 1958, and at that time, churches were permitted use by the County under this district. Then in December of 1998, the property was rezoned to County Agriculture and churches in the Agricultural District were not a permitted use. However, it was existing nonconforming at that time nor...though again, it's...and if the, if the zoning doesn't change, the church is not a permitted use in the zoning district. Change in zoning will change the property from Agriculture to P-1, Public/Quasi-Public and in this district, churches are an allowable use.

I wanted to specifically draw your attention to a couple of areas that we were concerned about. One is the archaeological, historical or cultural resources that might be impacted. The church built in 1953 is a historic property. And so, we consulted with Miss Analise Keller in the Long Range Planning Division, who is our historic, historic resources queen. I'll say that. She has determined that this property, based on the review that she did of the project and photographs and such, that this church structure probably qualifies to be placed on a historic register and that the Historic American Building Survey documentation may be appropriate as mitigation for this. And this will be determined in consultation with the Department of Land and Natural Resources, Historic Preservation Division prior to issuance of any demolition, building permit or Special Management Area Permit, and then the...one of...the most significant comment that we received from agencies was from the Department of Fire and Public Safety, and they commented that with the change from Agriculture to Rural this will result in an increased need for fire protection. So, the minimum flow requirements increased from 500 gallons a minute to 1,000 gallons of minute. The applicant is...has been provided with this information and has acknowledged that this is...will be a requirement at the time of building permit is sought.

In terms of traffic, the...both the Police Department, Maui Police Department and State Office of Transportation...Department of Transportation indicated in their responses that they didn't anticipate any problems with traffic on the road. The Maui Police Department did talk about the pedestrian safety, and because all of the parking will take place on the same side of the highway as...sorry, oh no...no, I'm sorry, I'm getting this confused with another project. Okay, just that last part, sorry...so, there have and essentially there wasn't any parking issue and parking requirements themselves will be determined at the building permit stage, but so, shall I hold off on giving conclusions of law at this point or give those now? Hold off, Michele.

Mr. Carnicelli: We'll wait till...

Ms. Callentine: Thank you.

Mr. Carnicelli: ...we have public testimony.

Ms. Callentine: Okay...

Mr. Carnicelli: Is that all—

Ms. Callentine: Further...let me just also mention, I'm sorry Mr. Chair.

Mr. Carnicelli: Yeah, go ahead.

Ms. Callentine: We've received no letters of testimony for or against the project at all, so, thank you.

Mr. Carnicelli: Thank you. Director or Deputy Director do either one of you want to add anything before we go to –

Ms. McLean: No chair.



Mr. Carnicelli: Okay. So, Director has anybody indicated that they would like to testify on this particular item?

Ms. McLean: Dick Mayer indicated he wished to testify, but he did not specify which item. So, Mr. Mayer, if you are still on, if this is the item you wish to testify on, please unmute your audio and video or let us know which item you'd like to testify on.

Mr. Carnicelli: Mr. Mayer has not unmuted himself, I believe there is somebody else if you look in the chat, Director, somebody else is...I don't know if it's on this item.

Ms. McLean: Chair, Moki Kahiamoe would like to testify.

Mr. Carnicelli: Please unmuted your audio and if you wish your video.

Ms. McLean: Helen, if you can hear, you need to unmute your audio and video for Moki to testify.

Ms. Pua Kahiamoe: So, my husband has asked me to speak on his behalf and I put together a testimony and I thank you very much for giving me the opportunity to share from the heart this morning. On behalf of the Door of Faith Hawaii, the Huelo Door of Faith Church, Pastors Rick and Chris Trier, congregants both past and present. My name is Nanette Pua Kahiamoe and I'm here with my husband, son of the late pastors, John and Dolly Kahiamoe. Being here is an honor and more so a divine appointment, as I quote, from Isaiah 6: 8-9. I hear the voice of the Lord saying, whom shall I send and who will go for us? And I said, here I am, send me. As soon as I sent my text to Pastor Rick last Thursday to let him know that I would like to attend today's meeting. I let out a huge sigh of relief, but in the same breath, I said, what are you thinking? Well, the rest is history and without a doubt in my mind, being here today counts for eternity for all who came before me and all...and all who will come after for our future inheritance, for the hungry, for the searching, for the lost, for the heavy burdened and whosoever.

I remember the day when I first poked my head into the doors of that aged, worn wooden structure in 1980 with my four-year-old daughter in tow, my heart racing, every fiber of my being tossing to and fro, and finding myself desperate and out of options. I was wishfully hoping that magically all my troubles would just disappear into thin air. Remember earlier I said the rest is history. Well, fast forward now to 1997 when once again, I step back into that same building and this time many of the elders had passed on. The church showed a further disrepair, and one of the presiding pastors just passed away after a very progressive battle with pancreatic cancer, and she was my mother-in-law. This time there seemed to be a call to action. This time it wasn't about me it was about the resounding call of our founder Pastor Mildred Brostek's model of action in living faith knows no defeat at that for such a time as then for her there was no stepping back. I knew that my encounter that day was one that numerous others experienced as well just as the dedicated few in 1953 desired to raise a lighthouse in the sleepy, tiny valley of Huelo, some 30 plus years later, another group of faithful and dedicated few came alongside of Pastor Rick and Sister Chris to further the work that was started and to complete the call to action. In ourselves we alone are challenged, but in Jesus Christ we stand united in him and on his promises and his strength for us we are able to pick up the mantle and to run the race with patience.

Today, the call to action is a monumental step closer with a vision starting in 1953 to raise a reconstructed sanctuary, to be approved for a zoning change from Ag to Public/Quasi-Public, to never forget where we came from, and to always strive for the higher call to action for the present and for the future. Mahalo to all of you for your concerted effort and time in supporting our vision of Huelo Door of Faith, the Door of Faith Hawaii, and the numerous others that were mentioned earlier. Thank you.

Mr. Carnicelli: Thank you very much. Any questions for the testimony? Hearing none, thank you very much, appreciate your time. Is there anybody else that would like to come forward and testify on this particular item, please unmute yourself, and if you would too unmute your video.

Mr. Craig Kalawaia. Good morning.

Mr. Carnicelli: Good morning. Would you like to testify?

Mr. Kalawaia: Good morning, everyone. Yes. Yes.

Mr. Carnicelli: Please state your name for the record and you have up to three minutes.

Mr. Craig Kalawaia: Okay. Good morning, my name is Craig Kalawaia, and I thank you for hearing my testimony. I am a proud member of the Huelo Door of Faith congregation. I would like to share the importance of our zoning change. Our church building has been in need of serious reconstruction. Upon this long process we were advised that we need to change zoning, and we need to reconstruct our church to have a place where we could help out more in the community and help families within a bigger space that we can accommodate and provide more resources. Our church building is rundown and falling apart. It is not safe. We want to reconstruct and reset a solid foundation within the same footprint, but await a decision for the rezoning. Please help us by approving our rezoning for the Huelo Door of Faith Church. Thank you for your time and complete understanding. Mahalo and God bless, Craig Kalawaia.

Mr. Carnicelli: Thank you, Mr. Kalawaia. Any questions for the testifier? Seeing none thank you very much, appreciate it. Is there anybody else that would like to come forward and testify on this particular item, please unmute yourself and if you wish, unmute your video. Going once, twice, okay, so if there are no objections, we'll go ahead and close public testimony on this particular item. Seeing no objections testimony is now closed. I guess at this point in time we'll go ahead and with questions from the Commission to either the applicant or to...(inaudible)...We'll go Commissioner Pali and then to Commissioner Freitas. Commissioner Pali.

Ms. Pali: Thank you, Commissioner. My question is for staff planner. I just wanted you to just reconfirm I did not see any opposition on this item, and I just wanted to confirm was there opposition, and if so, if you could just give a brief description.

Ms. Callentine: Thank you for the question. The Department has received no comments, letters or calls in opposition to this project.

Mr. Carnicelli: Thank you. Commissioner Freitas.

Mr. Freitas: Thank you, Chair. I really had one question about this project, and it was partially answered by Miss Callentine. It was about the Fire Department and the water. What...I'm not sure if the question is to you or to Mr. Cabebe but, how is it that you folks see to providing a thousand gallons for two hours when your tank is only 40,000 gallons, which will only provide 40 minutes. Do they have county water running by that they can tap off of to meet that requirement? Other than that, I have no other issues, but could you respond to that, please?

Ms. Callentine: For that question, I would refer you to Exhibit Number 17 and 18 so we can discuss what, what the Fire Department said. I'm trying to pull mine up right now. But in terms of your specific questions about how they came to have the current water flow they have I would defer to the applicant and the applicant's representative to explain that more fully. Thank you

Mr. Carnicelli: Mr. Cabebe.

Pastor Trier: Aloha, Pastor Rick. I'll address this at this time.

Mr. Carnicelli: Great, thank you.

Pastor Trier: Presently, a correction is what we have there right now is a 20,000-gallon tank, not a 40, and then we have another 4,000 gallon for wastewater. We also have a two and a half inch standpipe from the 20,000 gallon tank out to the road and an entrance for the fire trucks to come in and tap into that. And I understand that that was that was finished up outside of the allowable time to have that finished up. And so, by the time we got that up, up online and running, the new law kicked in with the 1,000 gallons per hour for two hours. So that that brings us up to 120,000 gallons of water.

Just to clarify we don't have any, we don't have any County water in Huelo at all in the valley everything is Hawaiian water rights through the Kahiamoe Family. We do have a line that runs from East Maui Irrigation through the church property and down into the valley for the Kahiamoe Ohana which runs 24/7 continuously.

The only, the only problem we have is the storage. We have no fire department within the footprint of Haiku, and so the responsibility of this, this of this law, of the ordinance falls on us as a little church. So, what I'm planning to do in order to comply is to purchase five more 20,000 gallon of water tanks and with the other 20 that we have, six times twenty would equal 120,000 gallons. But again, this is really a, really a burden on us in a sense of finances, and we're able, we're able... we have some money on the side, but we're able to do it if we have to do it. I would be more than willing to sign a hold harmless agreement with the County, and if it would be allowed to maybe reduce that back to 60,000 gallons or to work with us to give us a little bit of leeway, maybe we do a, we do a tank every three months for, you know, until we get the five tanks up to help us with our costs. But, you know, all of all of these rules and regulations are I know we have to comply with it, so whatever we have to do, we have to do. I'm just hoping that we can, you know, I've talked with Paul Haake in the past about this many times, and it is what it is. So that's, that's our plan basically right now is to go through the expense of buying the galvanized tanks

from the Big Island of Hawaii and then labor of love, I'll put them together for the church and for the community. But that's another community need that that I have in the back of my mind when I meet with the people that live down there and see if we cannot get a big enough tank that would also supply not only the church's need for the, for the zone change, but also the community need because it is, it is, it is a need and we thank, we thank the County for that, opening up the streams and everything else out there. So, we got, we got ample water, the problem is the storage. So, I was also thinking of maybe a retention basin, and so I'm still kicking that around, but the...but definite we'll meet, we'll meet the requirements.

And then just, just a different...a little bit different subject I wanna kind of bring some clarity to it. In the past, when we tried to redo the church, I did get in touch with the State Preservation Division. and the existing church is not considered historical. But I'll look for those records and the paperwork on that and give it to Mr. Raymond Cabebe and follow up with that as well. So, if you have any questions and I'm open to discussion. Thank you.

Mr. Freitas: Thank you for your response and good luck.

Pastor Trier: Thank you.

Mr. Carnicelli: Thank you. Any other questions from the Commission? I have a couple of things that I would just like clarity on, and one is actually just will stay on the same theme with the Fire, Livit is that a condition of what we're doing today or will that be part of their building permit as far as the fire compliance?

Ms. Callentine: Yes, Mr. Chair, thank you for that question. The...those, those, those types of specifications will be determined at the time that a building permit is applied for. We did not propose any conditions onto either any of these three land use changes because those are really best associated with specific construction activity at least that, at least type, yes.

Mr. Carnicelli: Okay, so I mean, as we're just doing, you know we're recommendation obviously to the Council on the CPA, the DBA and CIZ, and so, you know and that's just a condition of the building permit. The Water Department had concerns about the BMPs, but again, that's gonna be part of the building permit and the rebuild of the church, not part of what we're doing today. If the adjacent property is used as a church then we're gonna have to do, you know, an amendment to this, so it's just like, again, that's not what we're doing today, but I just want to have a part of the record that we're discussing that. And then also SHPD, right? So, I think that's important as we forward this over that we do get something from SHPD as we move forward on that. And then the last question that I just have or comment that I have is for Mr. Hopper, there's a letter in here from Corporation Counsel saying that they do not need an EA for this, but it's dated 2012. Being that it's 2020, are we still on board with no EA? I see, let's let the record show that the Director is nodding, yes, but I'll let you chime in Mr. Hopper.

Mr. Hopper: I'm trying to unmute. I don't recall what letter you're saying. I'm assuming that this isn't a project specific letter, but this is probably the opinion that was done that dealt with the issue of if there was a county-initiated community plan amendment that's not something that requires an environmental assessment. I believe that's the opinion you're talking about.

Mr. Carnicelli: Right.

Mr. Hopper: Yeah, and I think the...our office had gotten that guidance.

Mr. Carnicelli: Well, no, this is...yeah, yeah, no I'm sorry go ahead, sorry.

Mr. Hopper: I think our office has gotten that guidance from OEQC that the EA trigger for a community plan amendment does not apply to County-initiated changes in the community plan. If it was an applicant only change that wasn't initiated by the County that would generally require an EA so I think that's the, the distinction. I don't believe our office had given an opinion on, on this particular project, which is why it wouldn't have been giving the opinion back then. The opinion was, I think in general there had been some confusion with OEQC in the past on whether County-initiated community plan amendments needed EAs, and they had confirmed, I think a while ago that they did not. And so, that's my understanding of what would apply to this project, would be generally, if it's Council or County-initiated, the community plan amendment doesn't require an EA.

Mr. Carnicelli: Yeah, I just...the only reason why I ask is 'cause I know that there was recently changes that I guess, you know EA, EISs in regards to County projects...or say government projects and I didn't know if this was relevant to that or not. So just wanted clarification is, so that was all. So, I think you addressed it and that yeah, it still apply. Thank you. Any other questions, comments, concerns from the Commission at this time. Commissioner Freitas.

Mr. Freitas: Thank you, Chair. I'm still worried about the water situation and wish that the Maui Fire Department person would be here to kind of answer some questions. But is the requirement based on the size of the property or the size of the building or is it a blanket or is it a blanket rule and not take into consideration remote areas such as where Huelo lies. It's unfair to require that kind of change which will require 120,000 capacity, 120,000-gallon capacity. What if their property was only one acre and trying to do...so I'm not sure what the exact size of this property...Is there a way that the Fire Department can relook at the rules or to either grandfather them back to the 500? I don't want to make exceptions or changes for convenience because I know that the rule is there because of safety. It's been there for 67 years without any problems, knock on wood. But is there any way to clarify that requirement and have they taken into consideration the remote area? And I'm not sure if that's for the Fire Department or for the Director.

Ms. McLean: Commissioner Freitas, I can comment more generally which is that the Fire Department does have I'll call it, a menu of options to provide fire protection, taking into account the diverse areas and structures that we have, but I don't think it generally when there's new construction or renovation to an older structure, the County departments seek compliance with current requirements and that is because of health and safety reasons. But with the Fire Department, it's not as rigid as it used to be because they have, again, a variety of ways to provide the needed fire protection, such as sprinklers. So I can't speak specifically about this property and these structures, but we can seek to get more specific information from the Fire Department when this is transmitted to Council and we can let the Council know if this moves, if the Commission is able to make a recommendation today and this moves to Council, we can be sure

to let them know that the Commission had questions about fire protection and we can get some follow up information from the Fire Department.

Ms. Callentine: I did, I did speak with, excuse me, this is Livit, I did speak with Paul Haake to see if he would be able to attend this morning and he wanted to but he was in another meeting and had a commitment. It's possible he is out of that meeting and we want to continue and I try to contact him off line to see if he can jump into the meeting, I could do that if you want me to.

Mr. Freitas: Yes, please, say Commissioner Freitas is requesting it.

Ms. Callentine: Okay, I will do that. Thank you.

Mr. Carnicelli: P. Denise La Costa.

Ms. La Costa: Thank you, Chair. I have the same with questions and concerns as Commissioner Freitas. If the, the size is the same, the use is the same, the number of parishioners is the same then it seems like an undue burden to have them have to buy those huge tanks because they are not inexpensive. So, I'm glad that Vice-Captain or Captain Haake, anyway, that that he can be on the call to answer these questions because that, that was my concern too, about the undue burden of cost. Thank you.

Mr. Carnicelli: Any other questions, comments, concerns from the Commission? So, I guess we're going to have to hold off on making a decision. Commissioner Castro, you just turned your video on, do you wanna...do you have any questions, go ahead.

Mr. Castro: Yes, this question is for Livit. The reconstruction does that mean a complete tear down of the church and putting up a new church and the old church with the present church do we know if the materials to build that church contain any asbestos?

Ms. Callentine: I can't answer. Thank you for the question. Commissioner Castro, I can't answer as to whether there's any asbestos. When I was on the site visit, we did talk about the...I think the framing is redwood, perhaps, and so the framing actually might be able to be salvaged, and...but as far as how much I mean, definitely the exterior, the siding, the windows, the floor, all the interior stuff has to go. They may be able to salvage some of the building. So, it would be a rehabilitation, I would say perhaps more than a reconstruction. But again, this is something we should check in with the applicant on to see if he has further details of how that would go.

Mr. Castro: Okay, so as of now, we don't know if there's any materials in the building that contain asbestos?

Ms. Callentine: We do not.

Mr. Castro: Thank you.

Pastor Trier: Hi, maybe I can help respond to that. There's no, there's to my knowledge, there's no hazardous materials. It's a Type 5 building, it's you know it 4 x 4 posts on blue rocks presently

as that video, the picture earlier that we showed, that Raymond showed, but yeah, redwood siding, a totung roof, aluminum roof, the ceiling, the ceiling that's in there now is the old gypsum board, you know, like the cardboard type, but that's about it. So, there's no, there's no lead paint or anything, anything like that, as far as I know, existing or, you know, I don't see, I don't see any problem with that. But we can, we can always have somebody come out and make sure I mean, but I don't think, I don't even think that's needed.

Mr. Castro: And the only reason I ask is because my understanding materials a lot of it came Lahaina and back in those days there wasn't any really any laws, you know, like they are now pertaining to asbestos.

Pastor Trier: No, it's a pertinent question, Stephen, thank you.

Mr. Castro: Okay, thank you.

Mr. Carnicelli: Yeah, I understand the concerns regarding that and I'll just go ahead and circle back on what we're doing today is a recommendation to the Council on Community Plan Amendment, a District Boundary Amendment, a lot of these stuff when to the structure part of this, they'll be handled when they go for their demolition permit, so Livit have you heard anything from the Captain in regards to him being able to join us or not?

Ms. Callentine: I have not heard anything yet. Let me just double check and see if he's answered. No, I do not have a response from him yet.

Mr. Carnicelli: Okay, so if we want to hold off on making a recommendation till after ...(inaudible)... make a recommendation, --

Ms. Callentine: I'm sorry, I thought you...you cut out.

Mr. Carnicelli: Oh, okay, sorry. Is I think what we'll do is, is since two of the commissioners would like to hear from the Captain before making our recommendation maybe what we do is go ahead and press pause here and move on. Mr. Hopper, what would be the proper way of, of handling this right now? Do we want to recess this item and come back or what would be the proper way of handling?

Ms. McLean: Chair, because there are other items on the agenda, you could just table this for now, and if Captain Haake is available, then we can move on to the other items on the agenda and return to this one today.

Mr. Carnicelli: Okay. Then if—

Ms. McLean: Without having to recess.

Mr. Carnicelli: Got it. Got it. Okay, so if there are no objections we'll go ahead and table this particular item. Seeing none, this item is now tabled. We will move on in the agenda. Director.

Ms. McLean: Mike, did you have something to add to that? I just want to make sure you didn't have any concerns.

Mr. Hopper: I got, I got kicked off so I didn't hear what was done. I heard the tail end of tabling it, if...I mean, if basically you're deferring action on this item, you would want to check your, your timing for making recommendations because there is a time requirement to get the recommendations to Council, but I think it's something like 90 or 120 days from the closure of the hearing. So, I think you'd want to make clear that the public hearing is, is closed but that you're deferring this item to—

Ms. McLean: Mike, Mike, we're talking about just tabling it for today and hoping that Captain Haake can join in a half hour or something like that.

Mr. Hopper: Okay, that's fine.

Ms. McLean: Okay. So, if Captain Haake is not able to join and the Commission doesn't want to make a recommendation today then they could formally defer.

Mr. Hopper: That's, that's correct.

**The item was tabled in order to contact Captain Haake of the Fire Department for him to respond to the Commissioner's concerns. The item was then taken up after finishing with other items on the agenda.**

Mr. Carnicelli: Director, moving onto the next item in your report.

Ms. McLean: Thank you, Chair. Paul Haake joined the meeting a while ago from the Fire Department. I don't know if he's still available, but if he is, we could return to the first item, the proposed land use entitlements for the Door of Faith Church.

Mr. Carnicelli: That was so long ago, I forgot about it.

Ms. Callentine: May I speak up here?

Mr. Carnicelli: Yes, please.

Ms. Callentine: This is Livit. I just got a message from Paul, but he has a doctor's appointment from 12:45 until 2:00 and he will be back in the office after 2:00, so I do not know if he's still on right at this moment. It's not 12:45 yet.

Ms. McLean: Livit, I saw that he ...(inaudible)...his phone number to you, can you please call him?

Mr. Carnicelli: Captain are you on the phone?

Ms. Callentine: Yes.



Ms. McLean: Okay, Chair, maybe you'd like to—

Mr. Carnicelli: Maybe, Director, let's finish your report and then we'll come back to Item B.1.

**The item was tabled in order to contact Captain Haake. After finishing the remainder of agenda, the Commission returned to the item.**

Mr. Carnicelli: Commissioner Freitas.

Mr. Freitas: Thank you, Chair. My question for Director while we're waiting for Mr. Haake to call. Is it possible that a different zoning for that property that may allow churches that may change the requirement for the water flow?

Ms. McLean: I do not believe...so when we're talking about water there are two different requirements, one is from the Water Department and then one is from the Fire Department and obviously the work together. From Fire Department I believe it relates to occupancy and use so the zoning wouldn't have a bearing on that. When it comes to the Water Department, I don't know that zoning has a bearing either, I think it's on the use and the fixture counts, but we can confirm that with Water, but that's my understanding.

Mr. Freitas: Thank you.

Mr. Carnicelli: Hi Livit, any word?

Ms. McLean: Livit you're muted.

Ms. Callentine: Sorry. I did try to reach Paul Haake at the number he gave me and he's not answering and he can't a voicemail, so I presume he's no longer on the call and also, he's got his phone off. Again, he did say, he did say he'd be available again after 2:00.

Mr. Carnicelli: Okay. Commissioner La Costa and Commissioner Freitas, I want your concerns to be addressed and I want you to feel comfortable making a vote, but where I'm coming from is, is I would prefer not to have to defer this as our next meeting's coming up in 44 minutes, I'd prefer not to defer this. CPA, DBA and CIZ all just recommendations to the County Council. There has been some concerns that we've already stated on the record. We could say, okay, we give a recommendation, whatever that is, to the County Council but say, hey listen, we want you to have this conversation with Captain Haake, right, and say, you know...is so that could be part of our recommendation is just saying, okay listen, we weren't able to talk to them, but we want to make sure that you guys do. So that could be part of our transmittal. I see Commissioner Freitas nodding are you Okay with that as well? Okay, Commissioner La Costa is okay with that as well. So, then I think what we'll do is, I would prefer to go ahead and bundle up the Community Plan Amendment, the District Boundary Amendment and the Change in Zoning together or I guess maybe what I'll do is Livit, why don't you go ahead and give the Department's recommendation.

Ms. Callentine: Okay, sure I'd be glad to. Thank you, Mr. Chair.

Mr. Carnicelli: And we'll bundle all three together.

Ms. Callentine: Okay, that's gonna be tricky, but I'm gonna because we have...they're unbundled in the report, but I'll do my best.

Mr. Carnicelli: Okay.

Ms. Callentine: So, the Maui County Planning Department has found that the project as proposed is consistent with the Hawaii State Plan State Land Use designation change, the County Wide Policy Plan, the Maui Island Plan, the Paia-Haiku Community Plan, and with Title 19, the Zoning Code. In conclusions of law for the District Boundary Amendment, we...the district lists...State Land Use Commission District Boundary Amendment will change the land use designation from Agriculture to Rural. The proposed action is consistent with and is supported by the criteria of a DBA to Rural pursuant to Chapter 205-3.1, Hawaii Revised Statutes.

Furthermore, the applicants proposed action is also consistent with and supported by the criteria pursuant to Hawaii Administrative Rules. And the DBA, of course, is also processed at the County level because the land use area is less than fifteen acres. At the County level that Maui County Code, Zoning Chapter, 19.68 applies. The proposed action is consistent with the criteria for a DBA pursuant to Maui County Code, Chapter 19.68 as stated in the Department report, the Department is not recommending any conditions for the District Boundary Amendment.

Now switching to the Community Plan Amendment, we conclude that the Community Plan Amendment is to reclassify the project's area community plan designation on the Paia-Haiku Community Plan map from Agriculture to Public/Quasi-Public. This is consistent with Chapter 208B, Section 100 in the Maui County Code. The Department is not recommending any conditions of approval for the Community Plan Amendment.

For the Change of Zoning, we conclude that the Title...Change of Zoning will change the zoning district from Agriculture to P-1, Public/Quasi-Public. Proposed action is consistent with and supported by the criteria for a CIZ pursuant to Chapter 19...sorry, pursuant to Section 19.510.040 Change of Zoning, Maui County Code. The department is not recommending any conditions change of zoning.

And for the recommendation, Department of Planning recommends to the Maui Planning Commission that it recommend approval of the Maui County...to the Maui County Council for the DBA from Agricultural to Rural. Further the Planning Department recommends that the Maui Planning Commission...to the Maui Planning Commission that it recommend approval to the Maui County Council for the Community Plan Amendment from Agriculture to Public/Quasi-Public.

And finally, the Planning Department recommends to the Maui Planning Commission that it recommend approval to the Maui County Council for the Change in Zoning from Agriculture to P-1, Public/Quasi-Public. And in consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Department of Planning's report and

recommendation statements prepared for the August 11, 2020 meeting and authorize the Planning Director to transmit said report and recommendation to the Maui County Council.

And I just finally, just like to, to just remind us that any issues with the water, the fire flow, parking, all of those things will actually come up again and have to be addressed during any permit review that would subsequently come up for change...for altering the site at all.

Mr. Carnicelli: Great. And you've also taken note of the concerns that we had while we were in discussion that will also be a part of the transmission.

Ms. Callentine: Yes, I have been taking notes.

Mr. Carnicelli: Great. Thank you so much. So, I'll entertain a motion...(inaudible)...regarding the recommendation from the Department. Mr. Thompson.

Mr. Thompson: I recommend...making a motion to accept this as they...as stated by the Department.

Mr. Carnicelli: The Department. Great. Second, Commissioner Pali, great. Moved by Commissioner Thompson, seconded by Commissioner Pali, any further discussion on the motion? Seeing none, Director. Oh wait, Commissioner Freitas, sorry.

Mr. Freitas: Thank you. I'm going to support this. I was wondering I want to throw this out there to Ms. Callentine, was it ever considered to just change, make it a special use, request a special use?

Ms. Callentine: Yes.

Mr. Freitas: If that's a way to get around this water and that didn't work?

Ms. Callentine: Well, the reason why the special use would not be a special use permit would no longer appropriate is because, because the church had to abandon use of the church building due to its disrepair for more than 12 months. They've lost their nonconforming status and therefore that special use permit would no longer be applicable.

Mr. Freitas: Thank you. Thank you. Just trying to help them, that's all, mahalo.

Ms. Callentine: I know, yeah.

Mr. Carnicelli: Any other of further discussion? Seeing none, Director.

Ms. McLean: Thank you, Chair. The motion is to recommend approval to the County Council of the District Boundary Amendment, the Community Plan Amendment, and the Change in Zoning with an asterisk that we will follow up with Fire and Water before transmittal to the Council.

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Mr. Carnicelli: All those in favor, please raise your hands, by six unanimous. Congratulations, Pastor if you're still on the call somewhere.

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

**VOTED: To Recommend Approval to the County Council the Community Plan Amendment, District Boundary Amendment, and Change In Zoning as Recommended by the Department. The Department is to follow up with the Department of Fire & Public Safety and the Department of Water Supply before transmittal to the County Council.  
(Assenting – D. Thompson, K. Pali, K. Freitas, S. Castro, C. Tackett, P. D. La Costa)**

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II