

PURSUANT TO CHAPTER 92, HAWAII REVISED STATUTES AS AMENDED, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI PLANNING COMMISSION

## AGENDA

DATE: MAY 28, 2013  
TIME: 9:00 A.M.  
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793  
Members: Ivan Lay (Chair), Warren Shibuya (Vice-Chair), John "Keone" Ball, Sandra Duvauchelle, Jack Freitas, Wayne Hedani, Jason Medeiros, Max Tsai, Penny Wakida

Public testimony will be taken at the start of the meeting on any agenda item, except for contested cases under Chapter 91, HRS, in order to accommodate those individuals who cannot be present at the meeting when the agenda item(s) is (are) considered by the Maui Planning Commission. Public testimony will also be taken when the agenda item is taken up by the Maui Planning Commission. Maximum time limits on individual testimony may be established by the Planning Commission. A person testifying at this time will not be allowed to testify again when the agenda item comes up before the Commission, unless new or additional information will be offered.

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.

A. CALL TO ORDER

B. COMMUNICATIONS

1. PAUL MANCINI, ESQ. of MANCINI, WELCH & GEIGER, attorney, representing the ASSOCIATION OF APARTMENT OWNERS OF THE POLYNESIAN SHORES appealing the Planning Director's Notices of Violation (NOV 2012/0007, 0008, 0009, 0010, 0011, 0012, 0014, and 0015) for failure to obtain Shoreline and Special Management Area approvals for certain improvements and to abide by condition Nos. 2 and 12 of the Special Management Area Minor Permit and Shoreline Setback approvals (SMA 2011/0116 and SSA 2011/0085) to remove other improvements located on the Polynesian Shores property at 3975 Honoapiilani Road at TMK: 4-3-008: 002, Lahaina, Island of Maui. (APPL 2011/0005) (APPL 2012/0001-0008) (J. Buika)

The subject improvements include stairs at the north and south ends of the Property, a seawall/ revetment, and a deck and barbeque area including stairs.

The Commission may act to approve the proposed Resolution Agreement (Settlement Agreement) or take some other action.

C. NEW BUSINESS

1. MS. CHRISTINE CONLON-KEMP, Director of the MILOWAI MAALAEA AOOO requesting comments on the Draft Environmental Assessment (DEA) prepared in support of the Shoreline Setback Variance application for the proposed seawall repairs at the Milowai Maalaea project, 50 Hauoli Street, TMK: 3-8-014: 022, Maalaea, Island of Maui. (EA 2012/0006) (SM1 2012/0008) (SSV 2012/0004) (A. Benesovska)

The EA trigger is the Shoreline Setback Variance.

The accepting authority of the Final Environmental Assessment is the Maui Planning Commission.

The public hearing on the Special Management Area Use Permit and the Shoreline Setback Variance will be scheduled after the Chapter 343, HRS process has been completed.

The Commission may provide its comments on the Draft Environmental Assessment.

D. COMMUNICATIONS

1. ALICE JORDAN and BOB FLINT requesting a five-year (5) time extension and to amend the project scope to establish a one bedroom bed and breakfast operation on their State Land Use Commission Special Use Permit in order to continue to operate the Wild Ginger Falls Bed and Breakfast in the State Agricultural District on approximately 2.263 acres of land at 355 Kaluanui Road, TMK: 2-7-002: 121, Makawao, Island of Maui. (SUP2 2009/0009) (L. Callentine)

The Commission may take action on these requests.

2. MS. GWEN OHASHI HIRAGA, Project Manager of MUNEKIYO & HIRAGA, INC. submitting the 2013 annual report regarding the disbursement of funds in the Settlement Agreement with the West Maui Preservation Association, Inc. (WMPA) pursuant to Condition No. 32 of the Special Management Area Use Permit and Step 2 Planned Development approvals for the proposed Honua Kai Resort, North Beach Park, and related improvements at TMK: 4-4-014: 006 and 008, and 4-4-001: 010, Kaanapali, Lahaina, Island of Maui. (SM1 2004/0017) (PD2 2004/0005) (J. Prutch)

Condition No. 32 reads:

“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 annual report is provided for the Commission's information and review.

- E. ACCEPTANCE OF THE ACTION MINUTES OF THE MAY 14, 2013 MEETING AND REGULAR MINUTES OF THE APRIL 9, 2013 MEETING
- F. DIRECTOR'S REPORT
  - 1. Planning Commission Projects/Issues
  - 2. EA/EIS Report
  - 3. SMA Minor Permit Report
  - 4. SMA Exemptions Report
  - 5.. Discussion of Future Maui Planning Commission Agendas
    - a. June 10, 2013 meeting agenda items
- G NEXT REGULAR MEETING DATE: JUNE 10, 2013 **(Monday)**
- H. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

UNLESS OTHERWISE SPECIFIED BY ANOTHER SPECIFIC PLANNING COMMISSION RULE, ANY PETITION TO INTERVENE AS A FORMAL PARTY IN THE PROCEEDINGS 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 ten days or less excludes weekends and State recognized holidays.) THE ADDRESS OF THE COMMISSION IS C/O THE MAUI PLANNING DEPARTMENT, 250 S. HIGH STREET, WAILUKU, MAUI, HAWAII 96793. The deadline for filing a timely Petition to Intervene was on May 13, 2013..

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH ANY AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE MAUI PLANNING COMMISSION RULES OF PRACTICE AND PROCEDURE. WRITTEN TESTIMONY SHOULD BE RECEIVED AT LEAST TWO BUSINESS DAYS BEFORE THE MEETING TO INSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

DOCUMENTS ARE ON FILE WITH THE PLANNING DEPARTMENT.

THE ADDRESS OF THE COMMISSION IS C/O THE MAUI PLANNING DEPARTMENT, 250 S. HIGH STREET, WAILUKU, MAUI, HAWAII 96793.

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THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE MAUI PLANNING DEPARTMENT AT 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1-800-272-0125 (Lanai) OR NOTIFY THE MAUI PLANNING DEPARTMENT IN WRITING AT 250 S HIGH STREET, WAILUKU, MAUI, HAWAII 96793 OR FAX NUMBER 270-7634; AT LEAST SIX (6) BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

ANY FAXES SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 5:00 P.M. ON THE SECOND WORKING DAY BEFORE THE MEETING TO INSURE THAT IT IS CIRCULATED TO THE BOARD.

**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. (S:\all\carolyn\052813.age)