

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

AGENDA

DATE: FEBRUARY 9, 2016  
TIME: 9:00 A.M.  
PLACE: Planning Department Conference Room, First Floor, Kalana Paka Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

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OFFICE OF THE  
COUNTY CLERK

Members: John "Keone" Ball (Chair), Max Tsai (Vice-Chair), Sandra Duvauchelle, Wayne Hedani, Richard Higashi Larry Hudson, Ivan Lay, Jason Medeiros, Keaka Robinson

- A. CALL TO ORDER
- B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed.
- C. PUBLIC HEARING (Action to be taken after public hearing.)
1. PACIFIC WEST COMMUNITIES, INC. requesting a Special Management Area Use Permit for Kenolio Apartments, a 100% affordable project consisting of 186 apartments and related improvements on 8.2 acres located at the intersection of Piilani Highway, Kaonoulu Street, and Kenolio Road at TMK: 3-9-001: 157 and 158, Kihei, Island of Maui. (SM1 2015/0011) (P. Fasi)
- The project received 201-H approval from the Maui County Council in 2015.
2. DAVID NELSON and BRIGITTE B. NELSON requesting a State Land Use Commission Special Use Permit in order to operate the North Shore Ocean View Cottage, a one (1) bedroom farm dwelling for bed and breakfast purposes located in the State Agricultural District at 214 Kaokoa Way, TMK: 2-8-002: 115, Haiku, Island of Maui. (SUP2 2015/0008) (E. Aako)
- D. LITIGATION MATTERS (To begin at 10:30 a.m. or soon thereafter)
1. January 27, 2015-memorandum from BRIAN A. BILBERRY, Deputy Corporation Counsel regarding Status Update and Upcoming Settlement Conference on Pending Litigation, Spirit of Aloha Temple et. al. v. County of Maui et al., Civil No. CV14-0535 SOM-RLP (K. Wollenhaupt)
- The Department of the Corporation Counsel requests the opportunity to discuss with the Planning Commission the litigation of the above-referenced case, to update on the status of the evidence identified by Plaintiffs and Defendants as to liability to date, and to discuss settlement options in connection with an upcoming settlement conference before U.S. District Court Judge Susan Mollway set for March 1, 2016.

**AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.**

E. COMMUNICATIONS

1. MR. WARD MARDFIN, Chair of the HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION transmitting the Committee's recommendations on the following:

MR. WILLIAM SPENCE, Planning Director, initiating a community plan amendment from Park (GC) Golf Course to Agriculture and a zoning change from PK-4 Park (Golf Course) to County Agricultural District on lands previously entitled for the Hana Golf Course at TMK: 1-4-002: 004 and 008 (por.), 1-4-002: 007, 009, and 010, 1-4-003: 005 and 009 (por.), 1-4-003: 006, and 1-4-007: 004 (por.), Hana, Island of Maui. (CPA 2015/0003) (CIZ 2015/0004) (D. Dias)

The Commission may take action to make a recommendation to the Maui County Council on these requests.

F. ACCEPTANCE OF THE ACTION MINUTES OF THE JANUARY 26, 2016 MEETING.

G. DIRECTOR'S REPORT

1. SMA Minor Permit Report
2. SMA Exemptions Report
3. Discussion of Future Maui Planning Commission Agendas
  - a. February 23, 2016 meeting agenda items

H. NEXT REGULAR MEETING DATE: FEBRUARY 23, 2016

I. 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 AGENDA ITEMS ARE SUBJECT TO CANCELLATION

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

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 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 February 9, 2016 was on January 26, 2016.

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.

WRITTEN TESTIMONY REQUESTED SHOULD BE RECEIVED AT LEAST TWO (2) 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.

**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 ARE ON FILE WITH THE PLANNING DEPARTMENT.

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.

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

**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\020916.age)



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

## PD-Approved SMA Minor Projects for Maui

Permit Completion Date: 01/13/2016 - 01/27/2016

01/27/2016

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20160001	HALE MAHINA	HALE MAHINA	WATER IMPROVEMENTS/LAHAINA	HALE MAHINA	SCOTT	01/21/2016	A W/COND-APPROVED WITH CONDITIONS	2430060410000
SM2 - 20160002	ULUNIU ACRE TPAILER	JOB SITE TRAILER & TEMP DWELLING UNIT	USE OF LOT FOR JOB SITE TRAILER/KIHEI	CDF ENGINEERING LLC	SCOTT	01/26/2016	A W/COND-APPROVED WITH CONDITIONS	2*90080140000

Grand Total : 2

ATTACHMENT A

Projects

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# PD-Approved SMA Exempt Projects for Maui

Permit Completion Date: 01/13/2016 - 01/27/2016



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

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20150390	KIHEI PLAZA	COMMERCIAL ALTERATION;	TESSMER, JEAN	CABAIS	01/14/2016	A-APPROVED	2390020830000
SM5 - 20160008	TASTE OF SCHOOL GARD	TEMPORARY TENTS / KIHEI	KIRK SURRY	AZBILL	01/13/2016	A-APPROVED	2210081050000
SM5 - 20160009	BEAUTY SPA MAUI	INTERIOR ALT OF UNIT 111/AZEKA II/KIHEI	PAUL E. AREUS	AZBILL	01/14/2016	A-APPROVED	2390020280000
SM5 - 20160011	MAUI MARATHON	MAUI OCEANFRONT MARATHON	LES WRIGHT	QUIGLESS	01/14/2016	A-APPROVED	2460010070000
SM5 - 20160012	DAYS INN MAUI	DAYS INN MAUI OCEANFRONT/KIHEI	JIE JUN LIAO	SCOTT	01/20/2016	A-APPROVED	2390040290000
SM5 - 20160013	UH MAUI CAMPUS CERAM	INTERIOR ALTERATION	ALVIN M. YOSHIMORI	AZBILL	01/19/2016	A-APPROVED	2370020110000
SM5 - 20160014	CHURCH, MARTIN	MAIN FARM DWELLING/CARPORT-ADDENDUM	TRACY BRYCE		01/20/2016	A-APPROVED	2290020480000
SM5 - 20160015	KIHEI COMMUNITY CENT	PV INSTALLATION / KIHEI	HALEAKALA SOLAR	THACKERSON	01/21/2016	A-APPROVED	2220240230000
SM5 - 20160016	HUBER ATF RET WALLS	ROCK RETAINING WALL --ATF / KIHEI	LISA GUTHRIE	HIGA	01/22/2016	A-APPROVED	2390380020000
SM5 - 20160017	HUBER REMODEL	MAIN DWELLING ADD & POOL / KIHEI	LISA GUTHRIE	HIGA	01/22/2016	A-APPROVED	2390380020000
SM5 - 20160018	DAWES, DAV	DWL/GARAGE/ACC DWL ALTERATION	SHIRLEY CHRISTIANSEN	HIGA	01/22/2016	A-APPROVED	2380780370000
SM5 - 20160019	THE WHALER	NEW ROOF, EXTERIOR RENOVATIONLAHAINA	VIKING CONSTRUCTION	THACKERSON	01/25/2016	A-APPROVED	2440080020000
SM5 - 20160020	GOODFELLOW RENO/POOL	DWELLING RENOVATION & POOL / KIHEI	CHAD GOODFELLOW	HIGA	01/26/2016	A-APPROVED	2210210660000
SM5 - 20160021	SCHETTEWI RESIDENCE	SCHETTEWI - FENCE, TWO GATESPAIA	JEFFREY A. LUNDAHL, ARCHITECT	SCOTT	01/27/2016	A-APPROVED	2380020230000
SM5 - 20160022	LAHAINA ROADS	LAHAINA ROADS/SPALLING & RAILING REPAIRS	MR. CHARLES A. O'NEILL	SCOTT	01/26/2016	A-APPROVED	2380020760000
SM5 - 20160023	A & B PROPERTIES	OFFICE BUILDING RENOVATION: RE-ROOF	SKOG, GREGORY	AZBILL	01/26/2016	A-APPROVED	2450130270000
SM5 - 20160024	MAKENA NORTH GOLF	ELECTRIC UTILITY POLE/MAKENA	ATC MAKENA HOLDINGS, LLC	AZBILL	01/26/2016	A-APPROVED	23700090140000
SM5 - 20160025	FABMAC HOMES	RELOCATE FABMAC HOME-RETAIL OFFICE/KAHUL	CHARLIE MORGAN	AZBILL	01/27/2016	A-APPROVED	2370020010000
SM5 - 20160026	WORLD WHALE DAY 2016	TEMPORARY TENTS/ENTERTAINMT/STAGE-KIHEI	PACIFIC WHALE FOUNDATION	AZBILL	01/27/2016	A-APPROVED	23900050520000

Grand Total : 19