

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

**UNOFFICIAL AGENDA - HYPERLINKS TO MEETING MATERIALS
ADDED FOR INFORMATIONAL PURPOSES ONLY**

DATE: APRIL 25, 2017
TIME: 9:00 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building,
250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Sandra Duvauchelle (Chair), Richard Higashi (Vice-Chair), Pua Canto,
Lawrence Carnicelli, Stephen Castro, Tina Gomes, Larry Hudson,
Keaka Robinson, Christian Tackett

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. **Testimony will be limited to a maximum of three (3) minutes.**

C. PUBLIC HEARINGS (action to be taken after each public hearing.)

1. MR. MIKE GOSHI of DESIGN PARTNERS, INC. requesting a [Special Management Area Use Permit](#) for the Kamaole Grand project consisting of seven (7) residential buildings comprised of 217 condominium residences, a recreation center, barbecue areas, swimming pool, and associated improvements at 2455 South Kihei Road, TMK: 3-9-020: 007, Kihei, Island of Maui. (SM1 2016/0007) (C. Thackerson)

2. MR. KELLY O'KIEF requesting a [Short-Term Rental Home Permit](#) in order to operate Hale Kuau, a three (3)-bedroom short-term rental home located in the R-1 Residential District at 749 Hana Highway, TMK: 2-6-012: 012-0001, Paia, Island of Maui. (STPH T2016/0008) (T. Furukawa) [Additional Documents](#)

The subject application is being brought to the Maui Planning Commission for review because there are at least 2 permitted short-term rental home operations located within 500 ft. of the subject property.

3. CHRISTOPHER JOHN MAUNE and SEAN MAUNE, SERGIO SANCHEZ and LILIAN SANCHEZ, FRANCISCO BERRUETTA and SHANELLE G. BERRUETTA requesting a [Short-Term Rental Home Permit](#) in order to operate the Hoaloha Hale, a two (2)-dwelling short-term rental property located in the R-3 Residential District at 2505 Halama Street, TMK: 3-9-010: 080, Kihei, Island of Maui. (STKM T2016/0007) (E Aako)

The subject application is being brought to the Maui Planning Commission for review because there are at least two (2) permitted short-term rental home operations located within 500 ft. of the subject property.

D. COMMUNICATIONS

1. MR. TOM PIERCE on behalf of THE ASSOCIATION OF APARTMENT OWNERS OF THE ROYALMAUIAN submitting a [Petition to Intervene](#) dated April 10, 2017 on the following application:

MR. MIKE GOSHI of DESIGN PARTNERS, INC. requesting a Special Management Area Use Permit for the Kamaole Grand project consisting of seven (7) residential buildings comprised of 217 condominium residences, a recreation center, barbecue areas, swimming pool, and associated improvements at 2455 South Kihei Road, TMK: 3-9-020: 007, Kihei, Island of Maui. (SM1 2016/0007) (C. Thackerson)

The Commission may take action on this request.

Should the Commission grant the Petition to Intervene, then they may also take action on the following:

- a. Selection of the Hearings Body/Hearings Officer
- b. Selection of the Mediator

Should the Commission act to deny the intervention request, then they could act on the application requests.

E. REVIEW OF PROPOSED SETTLEMENT AGREEMENT FOR ALLEGED SPECIAL MANAGEMENT AREA AND SHORELINE AREA VIOLATIONS

1. [Proposed Settlement Agreement](#) between the COUNTY OF MAUI and the ASSOCIATION OF APARTMENT OWNERS OF MAHINAHINA BEACH for the construction of barbecue grills, a stairway, a trellis,, electrical lights, switches and wiring, an eating area, and a seawall within the Special Management Area (SMA) and Shoreline Setback Area (SSA) without first receiving permit for such improvements on property situated at 4007 Lower Honoapiilani Road, TMK: 4-3-008: 001, Mahinahina, Lahaina, Island of Maui.
 - a. SMA Notices of Violations issued as follows: NOV 20150063 (Electrical), NOV 20150065 (Stairway), NOV 20150068 (Trellis), NOV 20150070 (Barbecue grills), NOV 20150071 (Seawalls), and NOV 20150073 (Eating Area)
 - b. SSA Notices of Violation issued as follows: NOV 20150064 (Electrical), NOV 20150066 (Stairway), NOV 20150068 (Trellis), NOV 20150070 (Barbecue grills), NOV 20150072 (seawalls)

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

The Commission may take final action on the proposed Settlement Agreement pursuant to the provisions of Section 12-202-23(d)(3) of the Maui Planning Commission's Special Management Area Rules.

F. ORIENTATION WORKSHOP NO. 2

1. Special Management Area Rules and Shoreline Setback Rules
2. Flood Hazards
3. County's Policy Against Discrimination
4. Update of the General Plan – Long Range Division and Plan Implementation
5. Property Rights
6. Rational Nexus and Rough Proportionality

G. COMMUNICATIONS

1. Commission Discussion on amending Section 12-201-34 of the Commission's Rules of Practice and Procedure regarding Maximum Time Period for Decision,

The Commission may take action on this matter.

H. ACCEPTANCE OF THE ACTION MINUTES OF THE APRIL 11, 2017 MEETING AND REGULAR MINUTES OF THE JULY 26, 2016 MEETING

I. DIRECTOR'S REPORT

1. MR. WILLIAM SPENCE, Planning Director, notifying the Maui Planning Commission pursuant to Commission's SMA Rules of the following Special Management Area (SMA) Emergency Permit:
 - a. [Approval letter](#) dated April 4, 2017 to ANTHONY GERARD FREDERICO of PENINSULA DEVELOPMENT HAWAII TRUST and BRANDON MURR of CDF ENGINEERING LLC requesting a SMA Emergency Permit to implement temporary repair work to mitigate the impacts of three (3) sinkholes located mauka of the existing seawall at the Maui Sands II property at 3559 Lower Honoapiilani Road, TMK: 4-4-001: 071, Lahaina, Island of Maui. (SM3 2917/0005) (K. Scott)

This is for notification and review purposes.

2. SMA Minor Permit Report
3. SMA Exemptions Report

4. Discussion of Future Maui Planning Commission Agendas
 - a. May 9, 2017 agenda items

J. NEXT REGULAR MEETING DATE: MAY 9, 2017

K. ADJOURNMENT

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 April 25, 2017 was on April 10, 2017

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 TWO MINUTES MAY BE ESTABLISHED BY THE COMMISSION ON INDIVIDUAL TESTIMONY.

WRITTEN AND/OR EMAILED TESTIMONY REQUESTED SHOULD BE RECEIVED AT LEAST TWO (2) BUSINESS DAYS BEFORE THE MEETING TO ENSURE 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

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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 AND/OR EMAILS 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.
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