

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

AGENDA  
(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: MARCH 12, 2019  
TIME: 9:00 A.M.  
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Keaka Robinson (Chair), Larry Hudson (Vice-Chair), Lawrence Carnicelli, Stephen Castro, Tina Gomes, Kahu Alalani Hill, P. Denise La Costa, Kellie Pali, Christian Tackett

Public testimony will be taken when each agenda item is discussed. **Testimony will be limited to a maximum of three (3) minutes.**

A. CALL TO ORDER

B. COMMUNICATIONS

1. MR. MARTY HERLING, requesting the addition of his daughter HELAINA DI MARTINO, to an approved State Land Use Commission Special Use Permit (SUP2) and a Conditional Permit (CP) for the Banyan Tree Transient Vacation Rental (TVR) within the State Rural District and County RU-1 Rural District at 3265 Baldwin Avenue, TMK: (2) 2-4-002:002, Makawao, Island of Maui. (SUP2 2000/0007) (CP 2000/0012) (K. Wollenhaupt) ([Report](#))

C. ADOPTION OF WRITTEN DECISION AND ORDER

1. [Proposed Findings of Fact, Conclusions of Law and Decision and Order](#) denying the request for a Short Term Rental Home Permit by Mr. Rodell Notbohm, in order to operate Imi Ola, a six (6) bedroom STRH located on a 13,851 square foot oceanfront lot in the R-3 Residential District. The property is adjacent to Keawakapu Beach and located at 3066 S. Kihei Rd., Kihei, HI 96753, TMK (2) 2-1-010:025. (STKM T2018/0005) (J. Burkett) (Action on the application was taken at the November 27, 2018 meeting)

The subject application was heard by the Maui Planning Commission because there were already two existing permitted STRHs within 500 feet of the proposed STRH property.

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

D. Proposed new standard condition for all Bed and Breakfast Home and Short-Term Rental Home permits:

*The applicant shall ensure that all guests are educated about Maui Nui's history and culture, and about potential detrimental impacts to natural and cultural resources, particularly to the coastal environment and nearshore waters. Evidence of such an education program shall be provided to the Planning Department prior to operation.*

The Commission may vote to have this condition added to all Bed and Breakfast Home and Short-Term Rental Home permits.

- E. Workshop on the Planning Department's proposed amendments to the Maui Planning Commission's Special Management Area Rules and Shoreline Area Rules conducted by Planning Department Staff. (M. McLean)

This workshop is for information purposes; no action is anticipated.

- F. Workshop on improving the notification process to owners and recorded lessees within 500 feet of proposed projects to include review of applicable code and rule requirements. ([Documents](#))

G. DIRECTOR'S REPORT

1. SMA Minor Permit Report

This is for notification and review purposes. No action is anticipated.

2. SMA Exemptions Report

This is for notification and review purposes. No action is anticipated.

3. Discussion of Future Maui Planning Commission Agendas

- a. March 25, 2019 (MONDAY) agenda items

- H. NEXT REGULAR MEETING DATE: MARCH 25, 2019 (MONDAY)

I. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

AN EXECUTIVE SESSION MAY BE CALLED 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 PURSUANT TO SECTION 92-5(a)(4), HAWAII REVISED STATUTES.

UNLESS OTHERWISE SPECIFIED BY PLANNING COMMISSION RULE, ANY PETITION TO INTERVENE AS A FORMAL PARTY IN A PROCEEDING 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 of 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 March 12, 2019 was on February 26, 2019.

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. PLEASE NOTE THAT ANYONE WISHING TO PROVIDE ORAL TESTIMONY PERTAINING TO AN AGENDA ITEM THAT IS A "CONTESTED CASE" PURSUANT TO CHAPTER 91, HAWAII REVISED STATUTES, MAY BE ASKED TO TESTIFY UNDER OATH OR AFFIRMATION, AND MAY BE SUBJECT TO LIMITED CROSS-EXAMINATION IN ACCORDANCE WITH SECTION 91-10(3), HAWAII REVISED STATUTES.

WRITTEN TESTIMONY, WHETHER SENT VIA FAX, EMAIL, OR USPS MAIL SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 5:00 P.M. 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.

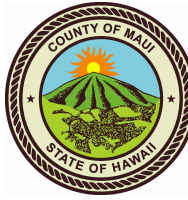
Testifiers: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, and Conditional Permit require the approval of the Maui County Council. In order to be notified of future agendas of the Maui County Council please notify the Office of Council Services at (808) 270-7838 or by mail to the Maui County Council, 200 S. High Street, Wailuku, Maui, Hawaii 96793.

DOCUMENTS RELATING TO THIS MEETING MAY BE FOUND ON THE COUNTY OF MAUI OFFICIAL WEBSITE AT [www.mauicounty.gov](http://www.mauicounty.gov), UNDER BOARDS AND COMMISSIONS, MAUI PLANNING COMMISSION.

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.

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

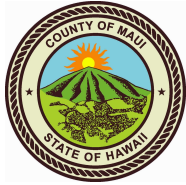
## PD-Approved SMA Minor Projects for Maui

02/27/2019

Permit Completion Date: 02/13/2019 - 02/27/2019

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20190010	BTBH SHORELINE MAINT	BTBH SHORELINE MAINTENANCE	INSTALLATION/PAIA	NAPUAOWAILUPE LP	BUIKA	02/14/2019	A W/COND-APPROVED WITH CONDITIONS	2260090010000
SM2 - 20190011	ROSS WATER TANK	ROSS WATER TANK	CONSTRUCTION OF A WATER TANK/HAIKU	JONATHAN ROSS	BURKETT	02/14/2019	A W/COND-APPROVED WITH CONDITIONS	2290070900000
SM2 - 20190013	NICHOLS LIVING TRUST	NICHOLS LIVING TRUST	NEW SF FARM DWELL&SEPTIC/HAIKU	RAQUEL FREITAS	BURKETT	02/13/2019	A W/COND-APPROVED WITH CONDITIONS	2270132100000
SM2 - 20190014	WEISS RESIDENCE	WEISS RESIDENCE	RECONSTRUCT SINGLE DWELLING\KIHEI	SCOTT ALAN WEISS & EVA PRINCE WEISS	QUIGLESS	02/21/2019	A W/COND-APPROVED WITH CONDITIONS	2220260070000
SM2 - 20190015	GRAND WAILEA EVENT	TEMPORARY TENT & STAGE STRUCTURE ON OPEN LAWN	GRAND WAILEA RESORT HOTEL & SPA EVENT	EARL H KONO AIA	THACKERSON	02/19/2019	A W/COND-APPROVED WITH CONDITIONS	2210081090000
SM2 - 20190017	PRUN: BALI HOUSE RE	PRUN: BALI HOUSE RENOVATION	MINOR IMPROVEMENTS/LAHAINA	MARTIN MUNDAY	BUIKA	02/21/2019	A W/COND-APPROVED WITH CONDITIONS	2430190460000
SM2 - 20190018	SAM GARCIA	SAM GARCIA REMODEL	REMODELING\KIHEI	SAM GARCIA	THACKERSON	02/21/2019	A W/COND-APPROVED WITH CONDITIONS	2210070670000

**Grand Total : 7**



County of Maui  
 Kalana O Maui Building  
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 Wailuku, HI 96793-2155

## PD-Approved SMA Exempt Projects for Maui

02/27/2019

Permit Completion Date: 02/13/2019 - 02/27/2019

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20190039	BIENIA SOM 115	INTERIOR RENOVATIONS	JOHN F BIENIA	THACKERSON	02/14/2019	A-APPROVED	2390170030015
SM5 - 20190040	WAILEA POINT	WINDOW REPLACEMENT\KIHEI	JEREMY STODDART	BURKETT	02/15/2019	A-APPROVED	2210230040000 2210230050000 2210230060000
SM5 - 20190041	ANDERSON, LEE	NEW 2 STORY MAIN DWELLING/KIHEI	HENRY RIXEY	BUIKA	02/25/2019	A-APPROVED	2380130250000
SM5 - 20190042	PH2 LAUNIUPOKO PARK	PH2 PRKG IMPROVEMTS\LAUNIUPOKO	DEPT OF PARKS & RECREATION	THACKERSON	02/15/2019	A-APPROVED	2470010170000 2470010300000
SM5 - 20190043	HALE ONO LOA CONDO	STABLIZATION OF 1-STORY CONDO BLDG\LAHAI	HALE ONO LOA CONDO	BUIKA	02/19/2019	A-APPROVED	2430060440000
SM5 - 20190044	PENTHOUSE VILLAS	SMX/PENTHOUSE VILLAS/KIHEI	GAL COHEN	CRITCHLOW	02/25/2019	A-APPROVED	2390050410000
SM5 - 20190045	CUMMING RESIDENCE	INTERIOR RENOVATIONS\KIHEI	ROBERT CUMMING JR	WAIKIKI	02/25/2019	A-APPROVED	2210260350000
SM5 - 20190046	MAUI HARBOR SHOP	SHOP SIGNAGE\WAILUKU	PRESTON CHENG	BURKETT	02/26/2019	A-APPROVED	2360080010000 2360080130000

**Grand Total : 8**