

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

AMENDED AGENDA
(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: FEBRUARY 25, 2020
TIME: 9:00 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building,
250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Lawrence Carnicelli (Chair), Christian Tackett (Vice-Chair), Stephen Castro, Kawika Freitas, Tina Gomes, P. Denise La Costa, Kellie Pali, Keaka Robinson, Dale Thompson

Commissioners Keaka Robinson and Dale Thompson were added to Members.
Item C.1 – Kihei corrected to Lahaina.

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

1. MARLA ENGEL requesting a Short Term Rental Home (STRH) Permit in order to operate Turtle Cove, a three bedroom STRH located on a .209 acre oceanfront lot in the R-2 Residential District. The property is located at 31 Papaua Place, Lahaina, HI 96761, TMK: (2) 4-3-007:015-0000. (STWM T2019/0005) (J. Burkett) ([Report](#))

The matter is being brought before the Maui Planning Commission for review because there are at least two permitted short-term rental home operations located within 500 feet of the subject property.

C. ADOPTION OF WRITTEN DECISION AND ORDER

1. [Proposed Findings of Fact, Conclusions of Law, and Decision and Order](#) denying the request for a State Land Use Commission Special Permit (SUP2) by MICHAEL and MI RA FINNEGAN to operate Hale O Ka Pua B&B, a two-bedroom bed and breakfast located in the State Agricultural District located at 2350 Aina Mahiai Place, TMK: (2) 4-4-020:036, Lahaina, Island of Maui. (SUP2 2019/0008) (J. Burkett) (Action on the application was taken by the Commission following public hearing at the November 12, 2019 meeting.)

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. REVIEW OF PROPOSED RESOLUTION AND SETTLEMENT AGREEMENTS

1. [Proposed Resolution Agreement](#) between the COUNTY OF MAUI and PAUL D. GOSSMAN for converting a garage into a habitable dwelling and construction of an observation deck and related improvements within the Special Management Area and Shoreline Setback Area without first receiving SMA and Shoreline Setback determinations or permits for such improvements on property located at 1047 Front Street, Lahaina, Island of Maui. SMA Notice of Violation: NOV 2013/0004; Shoreline Setback Notice of Violation: 2013/0005.

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 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 and Section 12-203-17 of the Shoreline Rules for the Maui Planning Commission.

2. [Proposed Settlement Agreement](#) between the COUNTY OF MAUI and JASON T. STURGIS, TRUSTEE OF THE JASON TIMKEN STURGIS LIVING TRUST and JUDY P. STURGIS, TRUSTEE FOR THE WILLIAM T. STURGIS FAMILY TRUST for renovation of a single-family dwelling within the Special Management Area and National Historic Landmark District that exceeded the scope of the SMA minor permit on property located at 1057 Front Street, Lahaina, Island of Maui. SMA Notice of Violation: NOV 2019/0053.

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 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 and Section 12-203-17 of the Shoreline Rules for the Maui Planning Commission.

E. 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 10, 2020 agenda items

F. NEXT REGULAR MEETING DATE: MARCH 10, 2020

G. 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 February 25, 2020 was on February 10, 2020.

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.

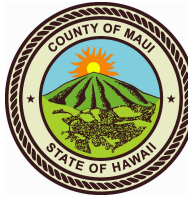
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DOCUMENTS RELATING TO THIS MEETING MAY BE FOUND ON THE COUNTY OF MAUI OFFICIAL WEBSITE AT www.mauicounty.gov, UNDER BOARDS AND COMMISSIONS, MAUI PLANNING COMMISSION.

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

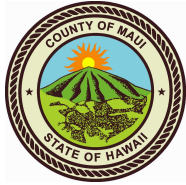
PD-Approved SMA Minor Projects for Maui

02/12/2020

Permit Completion Date: 01/29/2020 - 02/12/2020

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20200012	APPLETON ACCESSORY	APPLETON ACCESSORY DWELLING	SMX/APPLETON ACCESSORY DWELLING/PAIA	APPLETON,HAROLD C REVOC TRUST	KELIIKOA	02/11/2020	A W/COND-APPROVED WITH CONDITIONS	2260110080002
SM2 - 20200015	KEIKI O KA `AINA	KEIKI O KA `AINA FESTIVAL/ LAHAINA	KEIKI FESTIVAL	EVELYN GOO		02/03/2020	A W/COND-APPROVED WITH CONDITIONS	2460080060000
SM2 - 20200016	RADCLIFF GRADE	RADCLIFF GRADE ADJUSTMENT WALLS,KIHEI	ATF\GRADE ADJUSTMENT WALLS,KIHEI	CDF ENGINEERING LLC	QUIGLESS	02/07/2020	A W/COND-APPROVED WITH CONDITIONS	2390140550000
SM2 - 20200018	1065 FRONT STREET	STURGIS, JASON AND WILLIAM FAMILY TRUST	DEMOLITION/NEW CONSTRUCTION/LAHAINA	PILI DESIGN BUILD		02/11/2020	A W/COND-APPROVED WITH CONDITIONS	2450030290000
SM2 - 20200019	ANDAZ MAUI - TENT	TEMPORARY SET UP OF 40'X80' TENT FOR EVENTS ON 2/14/20-2/15/20	ANDAZ MAUI - TENT FOR 2/14 & 2/15 EVENT	ENVISIONS ENTERTAINMENT AND PRODUCTIONS, INC.	THACKERSON	02/10/2020	A W/COND-APPROVED WITH CONDITIONS	2210080670000
SM2 - 20200020	GRAND WAILEA	GRAND WAILEA TEMP TENTS EVENT/WAILEA	GWR TEMP TENTS/ KIHEI	EARL KONO		02/11/2020	A W/COND-APPROVED WITH CONDITIONS	2210081090000
SM2 - 20200021	SEAWALL REPAIR	SEAWALL REPAIR 1640 HALAMA STREET	SEAWALL REPAIR\KIHEI	BETTY M. LEIS TRUST: STEPHEN LEIS, TRUSTEE	LAU-HEE	02/11/2020	A W/COND-APPROVED WITH CONDITIONS	2390110140000

Grand Total : 7



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

PD-Approved SMA Exempt Projects for Maui

02/12/2020

Permit Completion Date: 01/29/2020 - 02/12/2020

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20200015	PHILIP KASPER	SMX/CEMENT PAD/LAHAINA	KASPER,PHILLIP	QUIGLESS	01/30/2020	A-APPROVED	2460330090000
SM5 - 20200016	DELIMA, VANESSA	ADD 2 BED/2 BATH, FAMILY & REC RM/KIHEI	VANESSA DELIMA		01/31/2020	A-APPROVED	2390170090000
SM5 - 20200017	KEYSIGHT TECHNOLOGIE	SMA APP/TEMP TENT 3/25-3/27-WAILEA	ENVISIONS ENTERTAINMENT & PRODUCTIONS INC.	CRITCHLOW	02/03/2020	A-APPROVED	2210081400000
SM5 - 20200018	AC SPLIT SYS INSTALL	SMA/SPLIT AC INSTALL/LAHAINA	CAROLYN PIAZZA	QUIGLESS	02/03/2020	A-APPROVED	2460280380000
SM5 - 20200019	ATF OHANA	SMA/ATF OHANA/KIHEI	GIOVENNELLA,YVONNE MARIE	CRITCHLOW	02/04/2020	A-APPROVED	2390440160000
SM5 - 20200020	COLANERI & COPANI	COLANERI & COPANI RENOVATION\KIHEI	PAUL E. AREUS	QUIGLESS	02/06/2020	A-APPROVED	2390040250011
SM5 - 20200021	FAIRWAY SHOPS MAUI	FAIRWAY SHOPS MAUI\LAHAINA	FAIRWAY SHOPS MAUI LLC (JOHN MCBEATH)	QUIGLESS	02/07/2020	A-APPROVED	2440080170000
SM5 - 20200022	PAUKUKALO STORE	SMA APP/EXTERIOR/INTERIOR REPAIR-WAILUKU	RANDY CRUZ	KELIIOA	02/06/2020	A-APPROVED	2340270240000
SM5 - 20200023	JOHN ZEVEBERGEN	JOHN & NANCY ZEVEBERGEN\LAHAINA	BRIAN VOLK		02/07/2020	A-APPROVED	2440080220066
SM5 - 20200024	PUAMANA COTTAGE	PUAMANA COTTAGE\LAHAINA	APRIL LORD	FASI	02/11/2020	A-APPROVED	2460280010000
SM5 - 20200025	ALEXANDER COURTS	SMX/NEW ELECTRICAL/KIHEI	ALEXANDER COURT L L C	FASI	02/07/2020	A-APPROVED	2210061030000
SM5 - 20200026	WHITEHEAD, HOWARD &	MAIN DWL ADDITION/ALTERATIONS (ATF)	HOWARD LEE WHITEHEAD	WAIKIKI	02/10/2020	A-APPROVED	2390360060000
SM5 - 20200027	OSHIMA RESIDENCE	OSHIMA RESIDENCE ADDITION (ATF)	MAYUMI OSHIMA	SEGUNDO	02/10/2020	A-APPROVED	2320110120000
SM5 - 20200028	KBH RENOVATION	KBH GUESTROOM RENOVATIONS	SHARON WRIGHT, MWA, INC.		02/11/2020	A-APPROVED	2440080030000
SM5 - 20200029	NUILANI MONTANA LLC	SMA APP/CONDO INTERIOR RENOVATION-KIHEI	VOLKMANN, PAM & DANIEL	QUIGLESS	02/11/2020	A-APPROVED	2210080690079

Grand Total : 15