

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

AGENDA

DATE: JANUARY 28, 2003
TIME: 9:00 A .M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building,
250 South High Street, Wailuku, Maui, Hawaii 96793

Public testimony will be taken at the start of the meeting on any agenda item 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 the beginning of the meeting will not be allowed to testify again when the agenda item comes up before the Commission, unless new or additional information will be offered.

- A. APPROVAL OF MINUTES OF THE AUGUST 13, 2002 and DECEMBER 18, 2002 MEETINGS
- B. UNFINISHED BUSINESS
 - 1. MR. PAUL R. MANCINI, attorney for BOSA HAWAII CORPORATION requesting a Special Management Area Use Permit time extension on the period to complete construction of the Maui Banyan Phase II project, a 343 unit condominium complex at TMK: 3-9-004: 145, Kihei, Island of Maui. (92/SM1-015) (A. Cua)
 - 2. MR. JOHN E. MIN, Planning Director submitting proposed rules repealing Chapter 5; Rules of the Maui Planning Commission Relating to the Shoreline Area of the Islands of Kahoolawe, Lanai, and Maui and the adoption of Chapter 203 of the Shoreline Rules for the Maui Planning Commission. (D. Suzuki) (Public hearing conducted on December 18, 2002) (The Maui Planning Commission voted at its January 14, 2003 meeting to postpone taking public testimony and action on this item until some time in late April or early May)
 - 3. MR. JOHN E. MIN, Planning Director submitting proposed amendments to Chapter 202, Special Management Area Rules for the Maui Planning Commission. The amendments include: (D. Suzuki) (Public hearing conducted on December 18, 2002) (The Maui Planning Commission voted at its January 14, 2003 meeting to postpone taking public testimony and action on this item until some time in late April or early May)

- 1) creating definitions for "average lot width", "fence", "frontyard", "sideyard", and "wall";
- 2) requiring photographs of the shoreline area, sideyard area, and frontyard area if the proposed action is located makai of the nearest coastal public roadway for special management area assessments pursuant to Section 12-202-12(c);
- 3) adding county beach management plans to Section 12-202-12(e)(2) (H);
- 4) adding a proposed action may be deemed to be alter existing public views to and along the shoreline if it proposes any wall more than four feet in height or any fence more than eight feet in height within the sideyard or frontyard of any property located makai of the nearest coastal roadway to Section 12-202-12(e) (2) (K); and
- 5) adding affecting public access to or along the shoreline as a criteria to Section 12-202-12(e) (2).

C. DIRECTOR'S REPORT

1. Status Report on the Revised Shoreline Area Rules
2. Notification to Maui Planning Commission of the issuance of an SMA emergency permit to the Kahana Sunset AOA for repairs of an existing seawall at TMK: 4-3-003: 015, Napili, Island of Maui. (SM3 2003/0001)
3. SMA Minor Permit Report (see attached)
4. SMA Exemptions Report (see attached)

G. NEXT REGULAR MEETING DATE: FEBRUARY 11, 2003

H. ADJOURNMENT

EACH APPLICANT IS REQUESTED TO PROVIDE RESPONSIBLE REPRESENTATION AT THE MEETING.

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.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS, DUE TO DISABILITIES, PLEASE CALL THE MAUI PLANNING DEPARTMENT AT 270-7735 (Maui) OR 1-800-272-0117 (From Molokai) OR

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1-800-272-0125 (From 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) 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.

* **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.**

PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at least one working day prior to the meeting date. Thank you for your cooperation. (S:\all\carolyn\012803.age)