

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 24, 2009 (Tuesday)
TIME: 8:30 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Jonathan Starr (Chair), John Guard IV (Vice-Chair), William Iaconetti, Wayne Hedani, Bruce U'u, Kent Hiranaga, Ward Mardfin, Donna Domingo

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 this time will not be allowed to testify again when the agenda item comes up before the Commission, unless new or additional information will be offered.

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.

A. CALL TO ORDER

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

1. STATE DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION requesting a Special Management Area Use Permit for the proposed Kahului Airport Parking Lot Expansion and Airport Access Road from Hana Highway to Kahului Airport Project at TMK: 3-8-001: 019 (por.), 3-8-001: 123, 3-8-001: 239, 3-8-079: 021 (por.) and 999 (por.), Kahului, Island of Maui. (SM1 2008/0022) (P. Fasi)
 - a. Public Hearing
 - b. Action

C. NEW BUSINESS

1. TOWNE DEVELOPMENT OF HAWAII, INC., ENDURANCE INVESTORS, LLC, and ASSOCIATION OF II WAY HUI, LP. requesting comments on the Draft Environmental Impact Statement prepared in support of a Petition for a State Land Use District Boundary Amendment and anticipated applications for a Community Plan Amendment and Change in Zoning for the proposed Puunani Residential Subdivision located at TMK: 3-5-002: 003, Wailuku, Island of Maui. (EAC 2006/0022) (J. Dack) (Draft EISs circulated at the February 10, 2009 meeting.)

The EIS triggers are the Community Plan Amendment and the use of State or County lands. The State Land Use Commission is the accepting authority for the Draft EIS.

The Planning Commission is being asked to provide comments on the Draft Environmental Impact Statement.

A public hearing on the anticipated Community Plan Amendment and Change in Zoning will be scheduled for a future date after the applications for these have been received and processed and the Chapter 343 process has been completed.

The Commission may act on the request for comments.

2. NONA LANI, LLC requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the Community Plan Amendment applications from Multi-family to Hotel and Change in Zoning from R-2 Residential to H-1 Hotel District for the existing Nona Lani Cottages located at 455 South Kihei Road, TMK: 3-9-041:001, Kihei, Island of Maui. (EA 2006/0002) (CPA 2006/001) (CIZ 2006/0001) (J. Dack) (Draft EA was reviewed by the Maui Planning Commission on April 22, 2008 and copies of the Final EA were circulated to the Maui Planning Commission members at the February 10, 2009 meeting.)

As stated in the Draft Environmental Assessment, the EA trigger is the Community Plan Amendment. The accepting authority for the Environmental Assessment is the Maui Planning Commission.

The public hearing on the Community Plan Amendment and Change in Zoning will be scheduled for a future date after the Chapter 343 process has been completed.

The Commission may act to accept the Final Environmental Assessment and make a Findings of No Significant Impact (FONSI) or make some other determination.

- D. Workshop led by Agency and Board Representatives regarding their roles on matters related to the discovery of cultural resources and artifacts
 1. Charles Maxwell - Chairperson, Maui-Lanai Island Burial Council
 2. Hinano Rodrigues - Department of Land and Natural Resources, State Historic Preservation Division - Maui Office
 3. Stan Solamillo - Department of Planning, Cultural Resources Planner staffing the Maui County Cultural Resources Commission

This is for informational purposes.

- E. UNFINISHED BUSINESS

1. MS. KUTIRA CLAUDINE DECOSTERD and FRED D. SHARPTTE requesting a State Land Use Commission Special Use Permit and Conditional Permit for the Kahua O Mali'o Bamboo Farm and Eco Tourism Retreat in the State and County Agricultural Districts at 610 Huelo Road, TMK: 2-9-007: 036, Huelo, Haiku, Island of Maui. (SUP2 2007/0005) (CP 2007/0002) (R. Loudermilk) (Public hearing conducted on January 27, 2009.)

The Commission may take action on these requests.

F. COMMUNICATIONS

1. MS. DAWN LONO, Chairperson of the Hana Advisory Committee to the Maui Planning Commission transmitting the Hana Advisory Committee's recommendations on the following requests:

MR. JEFFREY S. HUNT, Planning Director transmitting Council Resolution No. 08-92 containing the following bills relative to the Paani Mai Park Expansion Project at TMK: 1-4-006: 025 and 1-4-006: portion of 001, Hana, Island of Maui: (D. Dias)

- a. Community Plan Amendment for Parcel 1 from Multi-Family to Park (CPA 2008/0004)
- b. State Land Use District Boundary Amendment for Parcels 25 and portion of 1 from State Ag. District to State Urban District (DBA 2008/0003)
- c. Change in Zoning for Parcels 25 and portion of 1 from Interim District to PK-2 Park District (CIZ 2008/0005)

The Commission may take action on these requests.

2. Approval of Special Management Area Settlement Agreement relating to the following matter:

MARK M. MURAKAMI, Esq. of DAMON KEY LEONG KUPCHAK HASTERT representing TROY AND SUSAN MCCASLAND appealing the Director of Planning's Notice of Violation (NOV 20080001) for the non-permitted operation of a transient vacation rental within the Special Management Area at property located at 451 Ilikahi Street, TMK: 4-6-006:039, Lahaina, Island of Maui. (T. Kapuaala)

The Commission may take action on this request.

- G. ACTION MINUTES OF THE JANUARY 27, 2009 MEETING, REGULAR MINUTES OF THE JANUARY 13, 2009 MEETING and MINUTES OF SITE INSPECTION/WORKSHOP OF SEPTEMBER 30, 2008.

H. DIRECTOR'S REPORT

1. Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of his intent to issue time extensions on the following request:

- a. MILTON ARAKAWA, Director of the DEPARTMENT OF PUBLIC WORKS requesting a 2-year time extension on the Special Management Area Use Permit period to initiate construction of the Kaholopoo Bridge project at TMK: 1-4-007, Hana, Island of Maui. (SM1 2001/0019) (J. Buika)

The Commission shall acknowledge receipt of the request. The Commission may review the time extension request or waive its review.

2. Pursuant to the Maui Planning Commission's Special Management Area Rules, the notice of the filing of the following SMA appeal:

HANA BEACHFRONT ASSOCIATES appealing the Planning Director's decision requiring a Special Management Area Major Permit (SMX 20080321) for proposed residential structures at Mauka Haneoo Road, Koki Beach, Hana, Island of Maui. (APPL 20080004) (T. Kapuaala)

This is for information purposes only.

3. Planning Commission Projects/Issues
 4. Discussion of Future Maui Planning Commission Agendas
 - a. March 10, 2009 agenda
 5. EA/EIS Report
 6. SMA Minor Permit Report
 7. SMA Exemptions Report
- I. NEXT REGULAR MEETING DATE: March 10 , 2009
 - J. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

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. The deadline for the filing of a timely Petition to Intervene was on February 9, 2009 at 4:30 pm.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH ANY AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE MAUI PLANNING COMMISSION RULES OF PRACTICE AND PROCEDURE. WRITTEN TESTIMONY SHOULD BE RECEIVED AT LEAST

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TWO 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.

DOCUMENTS ARE ON FILE WITH THE PLANNING DEPARTMENT.

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 (Molokai) OR 1- 800-272-0125 (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 TWO (2) 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 INSURE THAT IT IS CIRCULATED TO THE BOARD.

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\022409.agenda)