

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

AGENDA

DATE: April 14, 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, John Guard IV, Wayne Hedani, Bruce U'u, Kent Hiranaga, Ward Mardfin, Donna Domingo, Lori Sablas, Warren Shibuya

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. INTRODUCTION OF NEW MEMBER - WARREN SHIBUYA
- C. ELECTION OF OFFICERS FOR THE 2009-2010 YEAR - CHAIRPERSON AND VICE-CHAIRPERSON
- D. ORIENTATION WORKSHOP
 - 1. County Policy Against Sexual Harassment
 - 2. The Sunshine Law
 - 3. Ex parte Communications
 - 4. Discussion of Boards and Commissions Booklet Distributed by the Office of the Corporation Counsel
 - 5. Ethics
 - 6. Powers and Duties
 - 7. Rules of Practice and Procedures
 - 8. Land Use Regulatory Framework in Maui County
 - 9. Zoning
 - 10. Special Management Area Rules
 - 11. Shoreline Area Rules

12. Country Town Business Design Guidelines - Paia-Haiku, Makawao-Pukalani-Kula, and Hana Community
13. Chapter 343, HRS, The EA/EIS Process
14. Presentation by Sea Grant Agent Zoe Norcross-Nuu on Sea Level Rise
15. Flood Hazard Districts
16. Recent U.S. Supreme Court decisions on takings issues.
17. Public Access Shoreline Hawaii (PASH) v. Hawaii County Planning Commission
18. Hawaii Supreme Court Decision regarding the Topliss case (SMA)
19. Meeting Schedule

E. COMMUNICATIONS

1. Changing of the Maui Planning Commission Regular Meeting Start Time to 9:00 a.m. beginning with the June 9, 2009 meeting.

The Commission may take action on this item.

2. Discussion on Meeting Protocol for Chair and Commission Members
3. Discussion on using the following conditions as project specific conditions on appropriate SMA Permits based on its March 24, 2009 discussion on the Wailea MF-10 project:
 - a. That all irrigation for landscaping shall be drip irrigation with the exception of the presently established grass areas and newly proposed grass areas only as presented to the Commission on that date.
 - b. That the Applicant shall meet with appropriate Department of Water Supply and Planning Department personnel to appraise the Applicant's water consumption usage and to make any necessary adjustments in order to be in compliance with the Department of Water Supply consumption figures. The suggested review may include but not be limited to the following categories:
 - 1) Anchor Tenants/ Retail & Commercial
 - 2) Retail & Commercial - Others
 - 3) Two-Story Business Buildings
 - 4) Restaurants
 - 5) Recreation Center
 - 6) Landscaping & Courtyards
 - 7) Service
 - 8) Apartment Units
 - 9) Grand Total of Categories 1-8

The Applicant shall meet with the Department of Water Supply one (1) year from the date of the certificate of occupancy and for two(2) consecutive years on the anniversary date thereafter.

The Commission may have a discussion and provide guidance on what types of projects these proposed conditions should be incorporated as project specific conditions.

F. NEW BUSINESS

1. CHIEF TOM PHILLIPS, MAUI POLICE DEPARTMENT and JEFFREY HUNT, Director, DEPARTMENT OF PLANNING requesting comments on the Draft Environmental Assessment (EA) for the proposed Kihei Police Station prepared in support of the Community Plan Amendment from Agriculture to Public/Quasi Public for property situated in the State Agricultural District at TMK: 2-2-024: portion of 070, Kihei, Island of Maui. (CPA 2009/0002) (J. Dack)

The accepting authority for the Environmental Assessment is the Maui Police Department.

The EA triggers are the use of County funds and the community plan amendment.

The project needs a community plan amendment, State land use district boundary amendment less than 15 acres, and a change in zoning. The public hearing on these applications will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.

The Commission may comment on the Draft EA.

G. COMMUNICATIONS

1. DWIGHT and CYNTHIA WEIDING requesting a determination of the rear lot lines for double frontage lots pursuant to the provision of Section 12.08.100G of the Maui County Code for property situated at TMK: 3-5-004: 087, Waikapu, Island of Maui. (RFC 2009/0008) (P. Fasi)

The Commission may take action on the request.

2. DEPARTMENT OF PLANNING, LONG RANGE DIVISION transmitting a conceptual schedule for the Maui Island Plan review for Planning Commission comment. Proposed schedule distributed at the March 24, 2009 meeting.

The Commission may act to adopt or modify the proposed schedule.

F. ACTION MINUTES OF THE MARCH 24, 2009 and REGULAR MINUTES OF FEBRUARY 10, 2009 MEETINGS

G. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues

2. Discussion of Future Maui Planning Commission Agendas
 - a. April 28, 2009 agenda
3. EA/EIS Report
4. SMA Minor Permit Report
5. SMA Exemptions Report
6. Public Hearing on the Maui Island Plan - April 21, 2009, 9 am

H. NEXT REGULAR MEETING DATE: April 28 , 2009

I. 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.

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 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\041409.age)