

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

AGENDA

DATE: JULY 28, 2009 (Tuesday)
TIME: 9:00 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

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

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. Status Report on the Permit Processing and Approval Numbers for Bed & Breakfast Permit Applications. (C. Yoshida for J. Hunt)
- C. PUBLIC HEARINGS (Action to be taken after each public hearing.)
 - 1. MAX and TRACEY LUDWIG requesting a State Land Use Commission Special Use Permit and a Bed and Breakfast Permit because it is located within 500 ft. of a permitted bed and breakfast operation to operate the Hale Makai Bed and Breakfast, consisting of one (1) bedroom in the owner's residence and two (2) bedrooms in the second (2nd) farm dwelling located in the State Agricultural District at 266 North Holokai Road, TMK: 2-8-004: 067, Haiku, Island of Maui. (SUP2 2001/0019) (BBPH T2009/0021) (A. Cua)
 - a. Public Hearing
 - b. Action
 - 2. THOMAS A. and VICTORIA A. LEWORTHY requesting a State Land Use Commission Special Use Permit to operate the Leworthy Bed and Breakfast, a 4-bedroom/ 2-bath bed and breakfast in the State Agricultural District at 1444 West Kuiaha Road, TMK: 2-7-012: 030, Haiku, Island of Maui. (SUP2 2008/0003)(J. Dack)

- a. Public Hearing
 - b. Action
3. ALFRED and SHARON LAPETER requesting a State Land Use Commission Special Use Permit for the proposed Horizon of Gold Bed and Breakfast to use 4 bedrooms in the State Agricultural District at 114 Keoawa Street, TMK: 4-2-008: 016, Kapalua, Lahaina, Island of Maui. (SUP2 2009/0004) (D. Dias)
 - a. Public Hearing
 - b. Action
 4. RONALD and KAREN MAYUIERS requesting a State Land Use Commission Special Use Permit in order to operate the Hale Amakihi Bed & Breakfast, a three (3) bed and breakfast home in the State Agricultural District at 212 Plantation Club Drive, TMK: 4-2-005: 021, Kapalua, Lahaina, Island of Maui. (SUP2 2005/0012) (K. Wollenhaupt)
 - a. Public Hearing
 - b. Action

D. UNFINISHED BUSINESS

1. KAA NAPALI RESORTS AOA requesting a Special Management Area Use Permit for Kaanapali Alii Resort Improvements consisting of a) improvements to existing drainage facilities; b) addition of a 1,200 sf swimming pool and a 155 sq. ft. keiki pool as well as a new pump station; and c) the addition to the 2nd story to the administration building to create a fitness complex at 50 Nohea Kai Drive, TMK: 4-4-008: 022, Kaanapali, Lahaina, Island of Maui. (SM1 2008/0012) (T. Abbott) (Public hearing was conducted on June 23, 2009 and further review was done on July 14, 2009.)

The Commission may take action on this request.

2. MR. VINCE BAGOYO, JR. on behalf of MAUI WAI OHULI PARTNERS requesting a Special Management Area Use Permit for the Hoonani Subdivision in order to subdivide to create 28 single-family residential lots and a larger lot to include the drainage retention basin for property situated on Hoonani Street at TMK: 3-9-001: 007, Kihei, Island of Maui. (SM1 2008/0024) (J. Buika) (Public hearing conducted on May 12, 2009)

The Commission may take action on this request.

3. COUNTY OF MAUI, OFFICE OF THE MAYOR, requesting a Special Management Area Use Permit for the proposed South Maui Emergency Ambulance Station consisting of a single-story, 1,500 square foot building for the South Maui Emergency Ambulance Station and related improvements at 300 Kilohana Drive, TMK: 3-9-038: por. of 026, Kihei, Island of Maui. (SM1 2006/0024) (L. Callentine) (Public hearing conducted on June 9, 2009.)

E. APPROVAL OF THE ACTION MINUTES OF THE JULY 14, 2009 MEETING

F. 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:

MS. PAM ENGLISH of MAUI LAND & PINEAPPLE COMPANY, INC. requesting a 2-year time on the Special Management Area Use Permit and Phase II Project District Approval to initiate construction of the Kapalua Mauka First Phase including the 51 lot Mahana Estates Subdivision, redesigned golf course, a clubhouse, a driving range, a 22 unit Mauka Village project as well as on-site and off-site utility improvements at TMK: 4-2-001: 042 (por.), 4-3-001: 006 (portion), and 4-3-001: 008 (portion) pertains to PH2 2006/0004 and TMK: 4-2-004: 036 (portion) and 4-2-004: 037 (portion) pertains to SM1 2006/0013, Kapalua, Lahaina, Island of Maui. (G. Flammer)

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

2. Designation of the Hana Advisory Committee to the Maui Planning Commission to provide comments on the following proposed legislation:

MR. JEFFREY S. HUNT, Planning Director transmitting Council Resolution No. 09-60 containing:

- a. A draft bill entitled " A BILL FOR AN ORDINANCE AMENDING CHAPTER 19.08 MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS".

The purpose of the draft bill is to permit affordable accessory dwelling units on lots of 6,000 square feet or more in residential districts.

- b. A draft bill entitled "A BILL FOR AND ORDINANCE AMENDING CHAPTER 19.35 RELATING TO ACCESSORY DWELLINGS."

The purposes of the draft bill are to: (1) permit affordable accessory dwelling units on lots of 6,000-7,499 square feet; (ii) increase the maximum gross square footage of accessory dwelling units; and (iii) require that accessory dwelling units built on lots of 6,000-7,499 square feet remain affordable." (RFC 2009/0215) (J. Alueta)

The Commission may act to ask the Hana Advisory Committee to provide comments on the proposed bill.

3. 2009 Hawaii Congress of Planning Officials (HCPO) Conference - September 23-25, 2009, Sheraton Waikiki Hotel

4. Planning Commission Projects/Issues
 5. Discussion of Future Maui Planning Commission Agendas
 - a. August 11, 2009 meeting agenda items
 6. EA/EIS Report
 7. SMA Minor Permit Report
 8. SMA Exemptions Report
 9. Special Maui Planning Commission Meeting on the Maui Island Plan Review - August 5, 2009, 1:30 p.m., Lahaina Civic Center, Lahaina, Island of Maui
- G. NEXT REGULAR MEETING DATE: August 11, 2009, 9:00 a.m.
- H. 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 filing a timely Petition to Intervene was July 14, 2009.

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\072809.age)