

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 9, 2010 (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, Kent Hiranaga, Ward Mardfin, Lori Sablas, Warren Shibuya, Jonathan Starr, Orlando Tagorda

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.)

1. MR. STEVEN SADLER requesting a State Land Use District Boundary Amendment from the State Agricultural District to the State Rural District and a Change in Zoning from the Interim District to the RU-0.5 Rural District for property situated at 132 Makaena Place, TMK: 2-3-032: 013, Pukalani, Island of Maui. (DBA 2007/0005) (CIZ 2007/0009) (P. Fasi)
 - a. Public Hearing
 - b. Action

C. NEW BUSINESS

1. HALE HUI KAI AOA requesting an Environmental Assessment determination on the Final Environmental Assessment prepared in support of the Community Plan Amendment from Single Family to Hotel to conform to the existing hotel use at 2994 South Kihei Road, TMK: 3-9-004: 025, Kihei, Island of Maui. (EA 2008/0009) (J. Dack) (Draft EA reviewed at the July 14, 2009 meeting.)

The EA trigger is the Community Plan Amendment.

The project needs a Community Plan Amendment. The public hearing on this application will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.

The Commission may take action to accept the Final Environmental Assessment as a Findings of No Significant Impact (FONSI) or take some other action.

D. COMMUNICATIONS

1. FRIENDS OF MOKUULA, INC. requesting a four-year time extension on the Special Management Area Use Permit condition relating to the period to initiate construction for the proposed construction of an 84 stall parking and ancillary improvements at TMK: 4-6-007: 001, por. of 002, and 036, Lahaina, Island of Maui. (SM1 2003/0008) (E. Wade)

The Commission may take action on this request.

E. APPROVAL OF ACTION MINUTES OF THE JANUARY 26, 2010 MEETING AND REGULAR MINUTES OF THE NOVEMBER 11, 2009, NOVEMBER 24, 2009 AND DECEMBER 8, 2009 MEETINGS.

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 requests:

- a. LAHAINA CANNERY MALL, LLC requesting a two-year time extension on the Special Management Area Use Permit condition to initiate construction of the Lahaina Cannery Mall Expansion Project at TMK: 4-5-011: 002, 003, and 004 and TMK: 4-5-008: 001 (por.), Lahaina, Island of Maui. (SM1 2006/0002) (P. Fasi)

The Commission shall acknowledge receipt of the request. The Commission may decide whether to waive its review or review the time extension request at a future meeting.

- b. A&B PROPERTIES requesting a two-year time extension on the Special Management Area Use Permit condition to initiate construction on the Kahului Town Center Project, located on approximately 19.9 acres of land at TMK: 3-7-007: 005, 008, 009, 010, 027, and 050, Kahului, Island of Maui. (SM1 2006/0010) (A. Cua)

The Commission shall acknowledge receipt of the request. The Commission may decide whether to waive its review or review the time extension request at a future meeting.

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

DIRE COALITION and SAVE KAHULUI HARBOR submitting a Statement of Objection, Request for Reconsideration and/or Appeal to the Maui County Planning Director and the Planning Commission dated January 25, 2010 on the Special Management Area Exemption to MR. DAVID TAYLOR, Chief of the WASTEWATER RECLAMATION DIVISION, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT for the replacement of two Injection wells and appurtenant facilities at the Wailuku-Kahului Wastewater Reclamation Facility at TMK: 3-8-001: 188, Kahului, Island of Maui. (T. Kapuaala) (APPL 2010/0001) (SM5 2009/0360) (SMX 2009/0362)

This is for information purposes only.

3. The briefing and contested case meeting schedule on the following SMA appeal where the Maui Planning Commission is the hearings body:

MR. GARY STICE of HANA BEACHFRONT ASSOCIATES appealing the Planning Director's decision requiring a Special Management Area Major Permit on the Special Management Area Assessment for proposed residential structures at Mauka Haneeo Road, Koki Beach, Hana, Island of Maui. (APPL 2008/0004) (T. Kapuaala) (The Commission was notified of the SMA Appeal as an agenda item on its February 24, 2009 agenda.)

The Commission may act to approve or modify the date(s) of the contested case hearing.

4. Planning Commission Projects/Issues
5. Discussion of Future Maui Planning Commission Agendas
 - a. February 23, 2010 meeting agenda items
6. EA/EIS Report
7. SMA Minor Permit Report
8. SMA Exemptions Report

G. NEXT REGULAR MEETING DATE: February 23, 2010

H. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

UNLESS OTHERWISE SPECIFIED BY ANOTHER SPECIFIC PLANNING COMMISSION RULE, 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 on January 26, 2010.

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\020910.age)