

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 23, 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. MAUI MEMORIAL PARK, LLC requesting a State Land Use Commission Special Use Permit in order to expand the existing Maui Memorial Park on 10.936 acres of land in the State Agricultural District at Waiinu Road, TMK: 3-8-046: 043, Wailuku, Island of Maui. (SUP2 2009/0005) (P. Fasi)

Public hearing rescheduled to the April 27, 2010 meeting because the applicant did not fulfill notification requirements.

### C. NEW BUSINESS

1. MS. MARCIA LUCAS requesting comments on the Draft Environmental Assessment prepared in support of the Shoreline Setback Variance for the 11 Hale Malia Place Slope Repair Project in order to construct a structurally engineered slope retaining system at 11 Hale Malia Place, TMK: 4-3-003: 096, Napili, Island of Maui. (EA 2009/0008) (SM1 2009/0018) (SSV 2009/0005) (K. Wollenhaupt)

The EA trigger is the Shoreline Setback Variance.

The project needs a Special Management Area Use Permit. 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 take action to be the accepting authority of the Environmental Assessment and provide its comments on the Draft Environmental Assessment.

D. APPROVAL OF ACTION MINUTES OF THE FEBRUARY 9, 2010 MEETING

E. 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. KE ALII VILLAS, INC. requesting a 2-year time extension on the period to complete construction of the Ke Alii Villas per the condition of the Special Management Area Use Permit for property situated at 2385 South Kihei Road, TMK: 3-9-020: 020, Kihei, Island of Maui. (SM1 2002/0023) ( G. Flammer)

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. KE ALII KAI II, LLC requesting a 2-year time extension on the period to complete construction to the Special Management Area Use Permit condition for the Ke Alii Kai II Subdivision (a.k.a. Moana Estates) at Kananui Road, TMK: 3-9-019: 004, Kihei, island of Maui. (SM1 2003/0013) (G. Flammer)

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. Notification of issuance of a Special Management Area Emergency Permit by pursuant to the Special Management Area Rules of the Maui Planning Commission:

Special Management Area Emergency Permit by letter dated February 4, 2010 to MS. LAURA VALENZUELA, General Manager of the KAHANA SUNSET AOA to complete temporary emergency protective measures and repairs to the Building "A" foundation and adjacent seawall at the Kahana Sunset, 4909 Lower Honoapiilani Highway, TMK: 4-3-003: 015, Lahaina, Island of Maui. (SM3 2010/0001)(J. Buika)

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 Haneoo 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.) (Previously discussed at the Jan. 26 and the Feb. 9 meetings.)

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. March 9, 2010 meeting agenda items
  6. EA/EIS Report
  7. SMA Minor Permit Report
  8. SMA Exemptions Report
- F. NEXT REGULAR MEETING DATE: March 9, 2010
- G. 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.

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\022310.age)