

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

AGENDA

DATE: MARCH 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, except for contested case proceedings subject to Chapter 91 Hawaii Revised Statutes, 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. Special Management Area (SMA) Appeals are contested cases as specified in the Maui Planning Commission SMA Rules and as such subject to Chapter 91 Hawaii Revised Statutes.

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. COMMUNICATIONS

1. 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)

The Commission and the public were notified via the February 9, 2010 meeting agenda that this appeal had been submitted to the Planning Department.

Pursuant to the Maui Planning Commission's Special Management Area Rules and its Rules of Practice and Procedure, the parties in the appeal as of February 24, 2010 are:

1. DIRE Coalition - Appellant
 2. Save Kahului Harbor - Appellant
 3. Department of Planning - Appellee
 4. Department of Environmental Management - Applicant
- a. Request to intervene in the appeal proceedings from MR. TIM LARA of the SURFRIDER FOUNDATION dated February 24, 2010.

The Commission may take action on the intervention request.

- b. The Commission may choose to select a mediator.
 - c. The Commission may choose to select the Hearings Officer/ Hearings Body.
 - d. If the Commission is determined to be the Hearings Body, then the Commission may determine the briefing and hearing schedule.
2. MR. JOHN RAPACZ, attorney for SVOP, INC., submitting by letter dated February 11, 2010 SVOP's annual report of its disbursements of funds to intervener West Maui Preservation Association and to the West Maui Community Benefit Fund pursuant to the Lot 3 Settlement Agreement between the Applicant and the Intervener as a required by Condition No. 44 of the Special Management Area Use Permit for the Kaanapali Ocean Resort Villas - Lot 3 project at TMK: 4-4-014: 005 (por.), Kaanapali, Island of Maui. (SM1 2006/0018) (P. Fasi)

Condition No. 44 of the SMA Permit states:

"44. That an annual report shall be filed with the Commission for its information on the disbursement of the funds in the Lot 3 Settlement Agreement by the applicant to the intervener and to the West Maui Community Benefit Fund."

C. APPROVAL OF ACTION MINUTES OF THE FEBRUARY 23, 2010 MEETING AND REGULAR MINUTES OF THE JANUARY 12, 2010 AND JANUARY 26, 2010 MEETINGS

D. DIRECTOR'S REPORT

1. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing on the following applications:

MARK and HAUNANI COLLINS requesting the following land use changes for property situated of approximately 0.989 acres of land at 4950 Uakea Road, TMK: 1-4-013: 039, Hana, Island of Maui: (P. Fasi)
 - a. Change in Zoning from Urban Reserve District to Service Business Residential (SBR) District (CIZ 2007/0010)
 - b. County Special Use Permit to operate a transient vacation rental in the Service Business Residential (SBR) District (CUP 2010/0002)
2. Planning Commission Projects/Issues

3. Discussion of Future Maui Planning Commission Agendas
 - a. March 23, 2010 meeting agenda items
4. EA/EIS Report
5. SMA Minor Permit Report
6. SMA Exemptions Report
7. March 17, 2010 Public Hearing on the Following Item at the Kula Community Center beginning at 6:00 p.m.

MR. FRED ROMANCHAK, Owner of the KULA LODGE, requesting a Phase II Project District Approval for the redevelopment of the existing Kula Lodge at 15200 Haleakala Highway, TMK: 2-3-022: 087, Kula, Island of Maui. (PH2 2008/0001) (P. Fasi)

E. NEXT REGULAR MEETING DATE: March 23, 2010

F. 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.

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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\030910.age)