

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 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, except for contested cases under Chapter 91, HRS, 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. RESOLUTIONS THANKING OUTGOING MEMBERS BRUCE UU and WAYNE HEDANI
- C. PUBLIC HEARINGS (Action to be taken after each public hearing.)
 - 1. Owner/Applicant FREDERICK HONIG, President of Well Being International, Inc., requesting a State Land Use Commission Special Use Permit to operate the Spirit of Aloha Temple on State Agricultural District land to allow non-denominational church and wedding uses on a 11-acre property located at 800 Haumana Road, TMK: (2) 2-8-004:032, Haiku, Island of Maui, Hawaii. (SUP2 2007/0009) (J Prutch)
 - a. Public Hearing
 - b. Action
 - 2. SANDRA ATHERTON and HENRY VANDERVELDE requesting a State Land Use Commission Special Use Permit and a Bed and Breakfast Permit because it is located within 500 ft. of two (2) permitted bed and breakfast operation to operate the Kukui Plantation LLC Bed and Breakfast, consisting of using up to five bedrooms in the owners' residence as part of the bed and breakfast operation located in the State Agricultural District at 60 Kapuaimilia Place, TMK: 2-8-004: 099, Haiku, Island of Maui. (SUP2 2004/0001) (BBPH T2009/0020) (G. Flammer)

- a. Public Hearing
- b. Action

D. COMMUNICATIONS

1. KATHLEEN GILDRED and MARC and ANE TAKAHA requesting a transfer of permit holders from KATHLEEN GILDRED and SEAN BRUNWIN to KATHLEEN GILDRED and MARC and ANE TAKAHA and a five (5) year time extension on the State Land Use Commission Special Use Permit and Condition Permit to continue the operation of the Hale Alana TVR, a transient vacation rental within the County Rural District at 3378 Keha Drive, TMK: 2-1-017: 040, Maui Meadows, Kihei, Island of Maui. (J. Prutch)

The Commission may take action on these requests.

2. MR. CLYDE MURASHIGE of A&B WAILEA, LLC requesting a Step 3 Planned Development Approval for the proposed Wailea MF-10 Development consisting of ten (10) single-family residential lots, thirty-six (36) multi-family units in four (4) buildings, 64,000 sq. ft. of commercial space and related improvements on approximately 13.7 acres of land at TMK: 2-1-008: 121, Wailea, Island of Maui. (PD3 2010/0001) (D. Dias)

The Commission may take action on this request.

3. MR. JEFFREY HUNT, AICP, Planning Director requesting current clarification of the Maui Planning Commission's February 2008 request for additional information regarding the Final Environmental Assessment (FEA) for the entitlements action for the Palaeua Beach Lots located at TMKs: 2-1-011: 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, and 023, Palaeua, Kihei, Island of Maui. (EA 2006/0014) (J. Dack)

The Commission may choose to request the same additional information or reduce the amount of additional information requested for it to make a decision on the acceptability of the FEA.

4. 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) (previously scheduled for the March 9, 2010

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.”

E. APPROVAL OF ACTION MINUTES OF THE MARCH 9, 2010 MEETING

F. DIRECTOR'S REPORT

1. Rescheduling of the date of the Maui Planning Commission's contested case site inspection and the receiving of public comments in Hana on the following SMA appeal:

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 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.)

The Commission may choose to reschedule the date of its Hana visit on this matter. At its February 23, 2010, the Maui Planning Commission decided to go to Hana on April 27, 2010 for the Maui Planning Commission who is the Hearings Body to conduct a site visit and to receive public comments in Hana on the proposed project and the appeal of the Planning Director's decision. At its March 9, 2010 meeting, the Maui Planning Commission decided that it would serve as the Hearings Body on the DIRE Coalition/Save Kahului Harbor SMA Appeal and that the contested case on this appeal of the Planning Department's decision to grant an SMA exemption for the replacement of two injection wells at the Kahului Wastewater Treatment Plant would be heard on April 27, 2010.

The Commission may act to do the following:

- a. Change the date of the contested case site inspection and the receiving of public comments on the Stice appeal in Hana.
 - b. Conduct site inspections of other pending Hana projects such as:
 - 1) SBR Zoning Change for Mark and Haunani Collins
 - 2) SBR Zoning Change for John Romain
 - 3) Ala Kukui Retreat Center State Special Use Permit at Kaeleku
 - 4) Hana Landfill SMA
2. Planning Commission Projects/Issues
 3. Discussion of Future Maui Planning Commission Agendas
 - a. April 13, 2010 meeting agenda items
 4. EA/EIS Report

- 5. SMA Minor Permit Report
- 6. SMA Exemptions Report
- G. NEXT REGULAR MEETING DATE: APRIL 13, 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 March 9, 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\032310.age)