

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

## AGENDA

DATE: APRIL 13, 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: Donna Domingo, Jack Freitas, 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. INTRODUCTION OF NEW MEMBER - JACK FREITAS
- C. ELECTION OF OFFICERS FOR THE 2010-2011 YEAR - CHAIRPERSON AND VICE-CHAIRPERSON
- D. ORIENTATION WORKSHOP
  - 1. Director's Comments
  - 2. County Policy Against Discrimination
  - 3. Powers and Duties
  - 4. Meeting Schedule
  - 5. Rules of Practice and Procedures
  - 6. Land Use Regulatory Framework in Maui County
  - 7. Zoning
  - 8. Special Management Area Rules
  - 9. Shoreline Area Rules
  - 10. Presentation by Sea Grant Agent Tara Miller on Sea Level Rise
  - 11. Country Town Business Design Guidelines - Paia-Haiku, Makawao-Pukalani-Kula, and Hana Community
  - 12. Chapter 343, HRS, The EA/EIS Process

13. Flood Hazard Districts
14. The Sunshine Law
15. Ex parte Communications
16. Discussion of Boards and Commissions Booklet Distributed by the Office of the Corporation Counsel
17. Ethics
18. Recent U.S. Supreme Court decisions on takings issues.
19. Public Access Shoreline Hawaii (PASH) v. Hawaii County Planning Commission
20. Hawaii Supreme Court Decision regarding the Topliss case (SMA)
21. Other Relevant Hawaii Supreme Court Cases

E. PUBLIC HEARINGS (Action to be taken after each public hearing.) (To begin at 1:00 p.m. or soon thereafter.)

1. HALE HUI KAI AOAO requesting a 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. (CPA 2008/0006) (J. Dack)
  - a. Public Hearing
  - b. Action
2. MR. CHARLES JENCKS on behalf of HONUULA PARTNERS, LLC requesting a Special Management Area Use Permit to modify the Wailea Ike Drive/Wailea Alanui Drive intersection to accommodate a double right-turn movement from Wailea Alanui Drive to Wailea Ike Drive and double left-turn movement from Wailea Ike Drive to Wailea Alanui Drive and related improvements at TMK: 2-1-008,131, 118 (por.), and 134 (por) Wailea, Island of Maui. (SM1 2009/0012) (G. Flammer)
  - a. Public Hearing
  - b. Action

F. COMMUNICATIONS

1. Selection of Hearings Officer/Hearings Body and Mediator on the following SMA Appeal:

MR. DANIEL GRANTHAM for the WAIPIO BAY BENEVOLENT ASSOCIATION, LLC appealing by filing dated September 22, 2009 the Planning Director's decision to grant a Special Management Area Exemption to JEFFREE TRUDEAU for a 3-lot subdivision at TMK: 2-9-007: 052, Haiku, Island of Maui. (SM5 2009/0242) (SMX 2009/0274) (APPL 2009/0003) (T. Kapuaala) (Commission was notified of the appeal at its October 13, 2009 meeting.)

The Commission may take action to select a Hearings Officer/ Hearings Body and Mediator.

G. APPROVAL OF THE ACTION MINUTES OF THE MARCH 23, 2010, MARCH 17, 2010 AND MARCH 30, 2010 MEETINGS AND THE REGULAR MINUTES OF FEBRUARY 9, 2010 MEETING.

H. DIRECTOR'S REPORT

1. Scheduling of the Maui Planning Commission review and comment date on the following :

MR. CHARLES JENCKS on behalf of HONUULA PARTNERS, LLC requesting comments on the draft Environmental Impact Statement (EIS) prepared in support of the Honuula (formerly known as Wailea 670) Phase II Project District Approval at TMK: 2-1-008: 056 and 071, Wailea, Island of Maui. (EIS 2009/0002) (A. Cua)

The accepting authority of the EIS is the Maui Planning Commission. The Chapter 343 HRS trigger is the construction of a wastewater treatment plant.

The Commission may select a date to review and comment on the Draft EIS document.

2. 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. MR. CLYDE MURASHIGE, Vice-President of WAILEA MF-7 LLC requesting a two-year time extension on the Special Management Area Use Permit condition to initiate construction of the Wailea MF-7 Multi-Family Residential Project at Kai Malu Drive, TMK: 2-1-008: 116, Wailea, Island of Maui. (SM1 2006/0038) (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. MR. CURT DEWEESE of SUNSTONE KEOKEA, LLC requesting a two-year time extension on the Special Management Area Use Permit condition to initiate construction of the Liloa Village Subdivision and related improvements. a 65-lot subdivision at TMK: 3-9-002: 116, 150, and 151, Kihei, Island of Maui. (SM1 2004/0010) (C. Thackerson)

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.

- c. MR. RICK ARMOUR of KALAMA HILLS LLC requesting a 2-year time extension on the period to initiate construction on the Special Management Area Use Permit condition for the Kalama Hills Subdivision, a 12-lot single family residential subdivision and related improvements at 55 Auhana Street, TMK: 3-9-017: 023, Kihei, Island of Maui. (SM1 2005/0042)(C. Thackerson)

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.

- d. MR. MIKE KITAGAWA requesting a 2-year time extension on the period to initiate construction for the proposed automotive and metal recycling facility and related improvements at 30 Hobron Avenue, TMK: 3-7-011: 001, Kahului, Island of Maui. (SM1 2006/0033) (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.

- 3. Planning Commission Projects/Issues
- 4. Discussion of Future Maui Planning Commission Agendas
  - a. April 27, 2010 meeting agenda items
  - b. Tentative schedule for May 4, 2010 Hana Site Inspections and Meeting
- 5. EA/EIS Report
- 6. SMA Minor Permit Report
- 7. SMA Exemptions Report
- I. NEXT REGULAR MEETING DATE: APRIL 27, 2010
- J. 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 29, 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\041310.age)