

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

AGENDA

DATE: JANUARY 11, 2011 (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: Jonathan Starr (Chair), Ward Mardfin (Vice-Chair), Donna Domingo, Jack Freitas, Kent Hiranaga, Lori Sablas, Warren Shibuya, Orlando Tagorda, Penny Wakida

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 Planning Director William Spence and Deputy Planning Director Michele McLean
- C. DIRECTOR'S REPORT
 - 1. EA/EIS Report
 - 2. SMA Minor Permit Report
 - 3. SMA Exemptions Report
 - 4. Pursuant to the SMA Rules of the Maui Planning Commission, notification to the Maui Planning Commission of the submittal of the following SMA Appeals:
 - a. MR. ISAAC HALL , attorney on behalf of ROBERT LEE, GILA WILLNER, RANDY BOWEN, JOHN SALINAS, JAMES L. PAYNE, JOSE FIGUEROA, and MURRAY JAFINE and DANA NAONE HALL , Pro Se submitting a Notice of Appeal on November 23, 2010 on the Environmental Assessment Exemption along with the Shoreline Setback Approval issued by the

Department of Planning on November 19, 2010 to PYRAMID PROJECT MANAGEMENT LLC for proposed landscaping improvements in the Shoreline Setback Area at the Grand Wailea Resort and Spa at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. (APPL 2010/0006) (EAE 2010/0083) (SSA 20090030) (A. Cua)

The parties thus far are:

1. Isaac Hall and his clients and Dana Naone Hall - Appellants
2. Department of Planning - Appellee
3. Pyramid Project Management, LLC

This is for notification purposes.

- b. MR. ISAAC HALL on behalf of MR. SHEP GORDON submitting a Notice of Appeal on December 14, 2010 on the issuance of the Special Management Area Exemption for the roadway improvements by MR. FRANK BUD PIKRONE on South Kihei Road in the Keawakapu area, Kihei, Island of Maui. (APPL 2010/0005) (SM5 2010/0281) (T. Kapuaala)

The parties thus far are:

1. Isaac Hall on behalf of Shep Gordon - Appellant
2. Department of Planning - Appellee
3. Frank "Bud" Pikrone of the Wailea Community Association - Applicant

This is for notification purposes. There is litigation occurring in the Second Circuit Court.

- 1) December 17, 2010 letter from Mr. Shep Gordon asking that the SMA Exemption for the construction of parking stalls and roadway within the County right-of-way at Keawakapu (SM5 2010/0281) be placed on the January 11, 2011 agenda.

D. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. MR. WILLIAM SPENCE, Planning Director transmitting various amendments to Chapter 202: Special Management Area (SMA) Rules of the Maui Planning Commission to increase fines and have the SMA Violations be heard by the Maui Planning Commission instead of the Planning Director. (J. Alueta)
 - a. Public Hearing
 - b. Action

E. NEW BUSINESS

1. KG MAUI DEVELOPMENT, LLC requesting comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment for the Pulelehuakea Subdivision, a 13-lot single family residential subdivision in reconfiguring the Single Family and Park-Golf Course community plan designations for property situated along Aina Lani Drive at TMK: 2-3-008: 036 (por.), Pukalani, Island of Maui. (EA 2010/0005) (CPA 2010/0003) (CIZ 2010/0006) (D. Dias)

The accepting authority of the Environmental Assessment is the Maui Planning Commission.

The EA trigger is the Community Plan Amendment.

The project needs a Community Plan Amendment (CPA) and a Change in Zoning (CIZ). The public hearing on the CPA and CIZ applications will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.

The Commission may take action to provide its comments on the Draft EA.

F. COMMUNICATIONS

1. MR. CHRISTOPHER LAU, Commissioner appointed by the Court in the case of Wells Fargo Bank, N.A. as Trustee for Registered Holders for UBS Commercial Mortgage Trust 2007-FL1 v. Makena Hotel, LLC et. al., Civil No. 09-1-0625 requesting a transfer of the following Special Management Area Use Permits previously granted from HONU A LLC to ATC MAKENA S GOLF LLC and ATC MAKENA HOTEL LLC due to ownership change on the following projects located at Makena, Island of Maui (K. Wollenhaupt): (Previously scheduled for the December 14, 2010 meeting but the Commission ran out of time.)
 - a. Special Management Area Use Permit dated November 13, 1998. (SM1 98/0013) for Makena Resort roadway and utility improvements at TMK: 2-1-005: 108 (por.); 2-1-007: 094 (por.); 2-1-008: 098 (por.); 2-1-008: 099 (por.); 2-1-008: 100(por.); 2-1-008: 106 (por.); and 2-1-008: 108 (por.); Makena, Island of Maui. All work has been completed under this permit. Transfer is from Honua LLC to ATC MAKENA S GOLF LLC.
 - b. Special Management Area Use Permit dated January 9, 2002 (SM1 2001/0013) for the Makena Alanui Roadway Improvement Project at TMK: 2-1-005: 085 (por.) And 2-1-005: 108 (por.), Makena, Island of Maui. Transfer is from HONU A LLC to ATC MAKENA S GOLF LLC.
 - c. Special Management Area Use Permit dated November 21, 1990 (86/SMA-010) to construct improvements to the Makena - Keoneoio Road including two (2) permanent cul-de-sacs and related road widening, public beach access, and 40 parking stalls, walkways, rock walls, public comfort station, beach activities shelter, landscaped planting, and related improvements at

TMK: 2-1-005: 084,2-1-005: 086; 2-1-008: 056; 2-1-006: 057, 2-1-006: 057;
2-1-006: 059; and 2-1-006: lot 1-B, Makena, Island of Maui. Transfer is
from HONUA LLC to ATC MAKENA HOTEL, LLC.

The Commission may take action on these transfer requests.

2. MR. RORY FRAMPTON on behalf of OW RANCH, LLC requesting a 10-year time extension on the State Land Use Commission Special Use Permit and Conditional Permit in order to operate a transient vacation rental and conduct special events at O.W. Ranch on approximately nine acres of land located in the State and County Agricultural Districts at TMK: 2-2-001: 017 (por.), Kula, Island of Maui. (SUP2 2003/0006) (CP 2003/0008) (G. Flammer)

The Commission may take action on these requests.

- G. Workshop on the New School Impact Fee Program for the Island of Maui conducted by Heidi Meeker of the Facilities Development Branch of the State Department of Education (To begin at 1:00 p.m. or soon thereafter.)

The workshop is for information purposes.

- H. Workshop on the Damage Caused by the recent flooding in Kihei over the Christmas 2010 Weekend (J. Buika)

The workshop is for information purposes.

- I. ACCEPTANCE OF ACTION MINUTES OF THE DECEMBER 14, 2010 MEETING AND REGULAR MINUTES OF THE SEPTEMBER 14, 2010 AND NOVEMBER 23, 2010 MEETINGS.

- J. 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 her intent to process the time extension request administratively on the following:

- a. MR. MATTHEW SLEPIN, Senior Associate of CHRIS HARTAND PARTNERS on behalf of CENTRAL PACIFIC BANK requesting a 2-year time extension on the Special Management Area Use Permit condition to initiate construction of the Pacific Plaza Office Complex and related improvements on Lipoa Street, TMK: 3-9-002: 215, Kihei, Island of Maui. (SM1 2006/0041) (A. Benesovska)

The Commission was previously notified of the transfer of the SMA Use Permit from LIPOA STREET PARTNERS LLC to CENTRAL PACIFIC BANK.

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

STATE OF HAWAII, DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION requesting a Special Management Area Use Permit for the proposed Hana Highway Improvements from Uakea Road to Keawa Place in order to widen the existing one-lane bridge culvert to two (2) lanes at TMK: 1-4-006: 999(por.), Hana, Island of Maui. (SM1 2010/0020) (P. Fasi)

The Commission may take action for the Hana Advisory Committee to conduct the public hearing on this application.

3. Planning Commission Projects/Issues
4. West Maui Site Inspections - January 12, 2012
5. Discussion of Future Maui Planning Commission Agendas
 - a. Agenda items for the January 25-26, 2011 meeting

- 1) JAMES B. TAKAYESU, attorney, representing MICAH BUZIANIS and CHARLOTTE STRONG appealing the Planning Director's Notice of Violation for exceeding the amount of dwellings allowed pursuant to the conditions of approval for a Special Management Area Use Permit for property located at 111 Makahiki Street, TMK: 3-8-002: 113, Spreckelsville, Island of Maui. (APPL 2010/0003) (T. Kapuaala)

K. NEXT MEETING DATE: January 25, 2011

L. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

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.

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 intervention was on December 27, 2010.

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\011111.age)