

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 12, 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: John "Keone" Ball, Donna Domingo, Jack Freitas, Kent Hiranaga, Ivan Lay, Ward Mardfin, Lori Sablas, Warren Shibuya, 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 MEMBERS - JOHN "KEONE" BALL and IVAN LAY
- C. ELECTION OF OFFICERS FOR THE 2011-2012 YEAR
 - a. Chairperson
 - b. 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. Hawaii Supreme Court Decision in the case of Paulette K. Kaleikini v. Laura H. Thielen, in her official capacity as Chairperson of the Board of Land and Natural Resources, Board of Land and Natural Resources, and the Department of Land and Natural Resources.
22. Other Relevant Hawaii Supreme Court Cases

E. DIRECTOR'S REPORT

1. EA/EIS Report
2. SMA Minor Permit Report
3. SMA Exemptions Report

F. PUBLIC HEARINGS (Action to be taken after each public hearing.) (To begin at 2:00 p.m. or soon thereafter.)

1. HMC KEA LANI LP requesting a Special Management Area Use Permit for the proposed Ko Restaurant Upgrades at the Fairmont Kea Lani Resort with the installation of a new roof structure and new restaurant furniture, fixtures, and equipment at 4100 Wailea Alanui Drive, TMK: 2-1-023: 003, Wailea, Island of Maui. (SM1 2010/0007) (C. Thackerson)

The proposed improvements consist of a 4,630 square foot decorative roof structure, four (4) primary and five (5) secondary support columns, and new restaurant furniture, fixtures. and equipment.

- a. Public Hearing
- b. Action

G. UNFINISHED BUSINESS

1. PAUWELA FARMS, LLC requesting a State Land Use Reclassification from the State Agricultural District to the State Rural District and a Change in Zoning from the Interim District to the RU0.5- Rural District for the proposed Pauwela 4-Lot Subdivision (0.5 acre minimum lot size) on approximately 4.71 acres of land at 125 Pauwela Road, TMK: 2-7-008: 047, Haiku, Island of Maui. (DBA 2009/0003) (CIZ 2009/0005) (D. Dias) (Public hearing conducted on March 22, 2011.)

The Commission may take action on these applications.

H. COMMUNICATIONS

1. MR. DAVID KAWIKA KAINA, Chairperson transmitting the recommendations of the Hana Advisory Committee on the request by CROWN CASTLE and VERIZON WIRELESS for a County Special Use Permit in order to install and operate a 40-ft. monopole with 12 panel antennas at existing commercial mobile radio service site at 99 Mill Place in the County Agriculture District, TMK: 1-4-003: 009, Hana, Island of Maui. (CUP 2010/0004) (P. Fasi)

The Commission may take action on this request.

2. MR. DAVID KAWIKA KAINA, Chairperson transmitting the recommendations of the Hana Advisory Committee on the request by MR. JOHN S. ROMAIN for a Change in Zoning from the Urban Reserve District to the Service Business Residential (SBR) District for property situated at 4869 Uakea Road, TMK: 1-4-005: 026, Kawaipapa, Hana, Island of Maui. (CIZ 2010/0001) (D. Dias) (Maui Planning Commission conducted site inspection in May 2010.)

The Commission may take action on this request.

I. APPROVAL OF THE ACTION MINUTES OF MARCH 22, 2011 MEETING

J. DIRECTOR'S REPORT

1. Pursuant to the Special Management Area Rules of the Maui Planning Commission, notification of the issuance of the following permit:
 - a. Special Management Area (SMA) Emergency Permit to PATRICK O'ROURKE of the Board of Directors of the MAKANI SANDS AOAO to excavate under the existing seawall four to six feet, place three to five foot diameter boulders under the wall and pressure grout the voids between the boulders, and install No. 5 rebar on top of the boulder floor and pressure grout to stabilize the structure for property situated at 3765 Lower Honoapiilani Road, TMK: 4-3-006: 012, Lahaina, Island of Maui. (SM3 2011/0008) (J. Buika)

This is for notification purposes.

2. Planning Commission Projects/Issues
3. Discussion of Future Maui Planning Commission Agendas
 - a. April 26, 2011 meeting agenda items
 - b. May 10, 2011 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 and related improvements at TMK: 1-4-006: 999(por.), Hana, Island of Maui. (SM1 2010/0010) (P. Fasi)

- c. Scheduling of the public hearing on Council Resolution No. 11-24 relating to Short-Term Rental Homes

K. NEXT REGULAR MEETING DATE: APRIL 26, 2011

L. 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\041211.age)