

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

AGENDA

DATE: MAY 10, 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: Kent Hiranaga (Chair), Warren Shibuya (Vice-Chair), John "Keone" Ball, Donna Domingo, Jack Freitas, Ivan Lay, Ward Mardfin, Lori Sablas, 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. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. MR. WILLIAM SPENCE, Planning Director proposing the following bills relating to the Maui County Code concerning Industrial Districts: (J. Alueta)

- a. A Proposed Bill Amending Chapter 19.24 of the Maui County Code relating to Light Industrial Districts
- b. A Proposed Bill Amending Chapter 19.26 of the Maui County Code relating to Heavy Industrial Districts
- c. A Proposed Bill Creating an M-3 Industrial District in the Maui County Code.

- a. Public Hearing
- b. Action

____ 2. 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)

- a. Public Hearing
- b. Action

3. MR. MIKE YAMAMOTO of MCDONALD'S RESTAURANTS OF HAWAII, INC. requesting a Special Management Area Use Permit for the proposed Lahaina McDonald's Restaurant Reconstruction for the demolition and reconstruction of the existing Lahaina McDonald's Restaurant, addition of a double drive thru lane, and landscaping, parking, and related utilities improvements at 885 Wainee Street, TMK: 4-5-001:019, Lahaina, Island of Maui. (SM1 2009/0008) (K. Wollenhaupt)

- a. Public Hearing
- b. Action

C. COMMUNICATIONS

1. RONALD and KAREN MAYIEURS requesting amendments to the State Land Use Commission and Bed and Breakfast Permit in order to increase their bed and breakfast operations from 3 to 4 bedrooms and a 5-year time extension to continue operation of the bed and breakfast at 212 Plantation Church Drive, State Agricultural District, TMK: 4-2-005: 021, Kapalua, Island of Maui. (SUP2 2005/0012) (K. Wollenhaupt)

The Commission may take action on these requests.

2. MS. ANNE TAKABUKI of WAILEA GOLF LLC requesting a Special Accessory Use Approval to conduct special events at the Wailea Golf and Emerald Golf Courses and Facilities for lands in the PK-4 Park District at 100 Wailea Golf Club Drive, TMK: 2-1-008: 140, Wailea, Island of Maui. (ACC 2010/0002) (G. Flammer)

The Commission may take action on this request.

- D. Presentation by Sea Grant Agent Tara Owens on Sea Level Rise (To be taken up at 1:00 p.m. or soon thereafter) (Weren't able to get to this item at the April 12, 2011 Orientation Workshop due to time constraints.)

E. SETTLEMENT AGREEMENT

1. Settlement agreement on the Notice of Violation issued to MICAH BUZIANIS and CHARLOTTE STRONG 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) (To be taken up at approximately 1:30 p.m. or shortly thereafter.)

- * **An Executive Session may be called by the Commission in order to discuss their duties, powers, and liabilities as it relates to the subject settlement agreement.**

The Commission may take action on this matter and/or other agreements proposed by the parties.

F. UNFINISHED BUSINESS

1. MR. DOUGLAS POSELEY requesting an Environmental Assessment determination on the Final Environmental Assessment (EA) prepared in support of the Community Plan Amendment from Park to Agriculture for property situated near Milepost 15 Honoapiilani Highway at TMK: 4-8-003: 047, Olowalu, Island of Maui (EA 2010/0004) (G. Flammer) (Final EAs previously circulated at the November 9, 2010 Maui Planning Commission meeting.) (Commissioners: Please bring your copy with you.) (Previously scheduled for the February 8, 2011 meeting. Last discussed at the March 8, 2011 meeting.)

The accepting authority for 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 accept the Final EA and issue a Findings of No Significant Impact (FONSI) or take some other action.

2. MR. JOHN RAPACZ, attorney for SVOP, INC., submitting SVOP's 2011 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 discussed at the April 26, 2011 meeting.)

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."

G. ACCEPTANCE OF THE ACTION MINUTES OF THE APRIL 26, 2011 MEETING

H. 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 his intent to process the time extension request administratively on the following:

- a. MR. RORY FRAMPTON requesting a 2-year time extension on the Special Management Area Use Permit condition to initiate construction of the Garcia Family Subdivision and related improvements on approximately 5.49 acres of land at TMK: 2-1-007: 067, Makena, Island of Maui. (SM1 2002/0016) (G. Flammer)

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. GLENN AKO, Manager of HAWAII NATIONAL BANK requesting a 2-year time extension on the Special Management Area Use Permit condition for the Auto Parts Store facility at 81 Halekuai Street, Kihei, Island of Maui. (SM1 2004/0034) (P. Mikolay)

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. Notification to the Maui Planning Commission of the submittal of the following SMA Appeal:

DANIEL GRANTHAM and LUCIENNE DENAIE of the WAIPIO BAY BENEVOLENT ASSOCIATION, LLC appealing the Director's decision of December 6, 2010 to issue an SMA minor permit for the Bolles 3-Lot Subdivision and related improvements on 20 acres of land at TMK: 2-9-007: 052, Huelo, Hamakualoa, Island of Maui. (APPL 2011/0001) (SM2 2010/0083) (P. Fasi)

This is for information purposes only. No action will be taken.

3. EA/EIS Report
4. SMA Minor Permit Report distributed with April 26, 2011 agenda
5. SMA Minor Permit Report
6. SMA Exemptions Report distributed with the April 26, 2011 agenda
7. SMA Exemptions Report
8. Planning Commission Projects/Issues
 - a. Revising the SMA Boundaries

9. Discussion of Future Maui Planning Commission Agendas
 - a. May 24, 2011 meeting agenda items
- I. NEXT REGULAR MEETING DATE: MAY 24, 2011
- 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 April 26, 2011.

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 SIX (6) 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\042611.age)