

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

AGENDA

DATE: JUNE 28, 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. KYLE GINOZA, Director, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT and MR. GLENN CORREA, Director, DEPARTMENT OF PARKS AND RECREATION requesting a Special Management Area (SMA) Use Permit and a Shoreline Setback Variance for the proposed Lahaina Force Main No. 3 and Pedestrian Path Project constructed in the shoreline setback area along Honoapiilani Highway at TMKs: 4-4-006: 028 and 070; 4-4-013: 003, 007, 009, and 010; and 4-5-021: 007, 010, 014, 015, 016, 019, and 025, Wahikuli, Lahaina, Island of Maui. (SM1 2009/0013) (SSV 2010/0001) (J. Buika)

- a. Public Hearing
- b. Action

2. MR. GEOFFREY and MS. SIOBHAN WILSON requesting a State Land Use Commission Special Use Permit in order to operate the Rainbow Bridge Bed and Breakfast, a two (2) bedroom bed and breakfast establishment located in the State Agricultural District at 1274 Olinda Road, TMK: 2-4-013: 021, Makawao, Island of Maui. (SUP2 2009/0014) (L. Callentine)

- a. Public Hearing
- b. Action

C. COMMUNICATIONS

1. MS. CHERIE ATTIX requesting a 10-year time extension on the Conditional Permit for the Hale Hookipa Inn to continue to operate a transient vacation rental in the R-3 Residential District at 32 Pakani Place, TMK: 2-4-018:063, Makawao, Island of Maui. (CP 2001/0006) (L. Callentine)

The Commission may take an action to make a recommendation to the Maui County Council regarding this request.

2. MR. JOSHUA STONE, Chair of the MAUI COUNTY CHARTER COMMISSION submitting a May 10, 2011-memo asking for comments from the boards and commissions by June 30, 2011. (*Copy of memo was distributed with the May 24, 2011-agenda packet.*)

The Committee may act to make comments. Comments from the board should relate to its powers, duties, and authority.

The Commission may provide its recommendations to the Charter Commission.

3. Selection of a Hearings Officer/ Body and Mediator on 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) (The notification to the Commission of the appeal was on the May 10, 2011 agenda)

The parties are: 1) Waipio Bay Benevolent Association, LLC (Appellant); 2) Department of Planning (Appellee); and 3) Jeffree Trudeau for the Bolles Family (Applicant)

The Commission may take an action to select a hearings officer or a hearings body. They may also take an action to select a mediator. If the Commission selects itself as the Hearings Body, then it may also select the date(s) for the contested case hearing and authorize the Chair or his designee to conduct a prehearing conference(s) to establish deadlines for the filing of briefs and exchange of witness lists and exhibits.

3. Adoption of the Written Decision and Order on its April 26, 2011 action to deny the following Petition to Intervene Request (To begin at 1:00 p.m. or soon thereafter):

Petition to Intervene request of MR. LEE OHIGASHI, attorney for DAIRY ROAD PARTNERS on the Special Management Area Use Permit request of MR. ALAN K. ARAKAWA, Senior Vice-President of A&B PROPERTIES, INC. for the proposed Maui Business Park Phase II Subdivision, North Project Area, in order to develop a 32-lot light industrial subdivision, including subdivision road, common area landscaping, installation of utilities as well as drainage improvements at TMK: 3-8-079: 013, 021 (por.), and 999 (por.) and 3-8-001: 166 (por.), Kahului, Island of Maui. (SM1 2010/0005) (D. Dias)

The Commission may choose to adopt or modify the proposed Findings of Fact, Conclusions of Law, and Decision and Order drafted by the prevailing party, A&B PROPERTIES, INC. as the Maui Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order in denying the intervention request.

5. MR. LEE A. OHIGASHI, attorney for DAIRY ROAD PARTNERS, submitting a May 19, 2011 Motion for Reconsideration and to Vacate Decision of the Special Management Area Use Permit Approval to A&B PROPERTIES, INC. to construct the proposed Maui Business Park II Subdivision, North Project Area located on approximately 38.19 acres of land located along Haleakala Highway at TMK: 3-8-079: 013, 021 (por.), and 999 (por.) , and 3-8-001: 166(por.), Kahului, Island of Maui. (SM1 2010/0005) (D. Dias) (To begin at 1:00 p.m. or soon thereafter.)

DAIRY ROAD PARTNERS' intervention request was previously denied by the Maui Planning Commission at its April 2, 2011 meeting.

- a July 14, 2011 Memorandum in Opposition to Dairy Road Partners' Motion for Reconsideration and Vacate Decision submitted by Greg Garneau, attorney for A&B Properties, Inc.

The Commission may take an action on the Dairy Road Partners' Motion.

6. MS. GWEN OHASHI HIRAGA, Project Manager from MUNEKIYO & HIRAGA, INC. on behalf of MAUI BEACH RESORT LIMITED PARTNERSHIP submitting the 2011 annual report on the disbursement of funds in the Settlement Agreement with Intervener CHARLES FOX III pursuant to Condition No. 32 of the Special Management Area Use Permit and Step 2 Planned Development Approval for the proposed Honua Kai Resort, North Beach Park, and related improvements at TMK: 4-4-014: 006 and 008, and 4-4-001: 010, Kaanapali, Lahaina, Island of Maui. (SM1 2004/0017) (PD2 2004/0005) (J. Prutch)

The Commission may take action to acknowledge receipt of this report.

7. MS. GWEN OHASHI HIRAGA, Project Manager from MUNEKIYO & HIRAGA, INC. on behalf of MAUI BEACH RESORT LIMITED PARTNERSHIP submitting the 2011 annual report on the disbursement of funds in the Settlement Agreement with Intervener WEST MAUI PRESERVATION ASSOCIATION (WMPA) pursuant to Condition No. 32 of the Special Management Area Use Permit and the Step 2

Planned Development Approval for the proposed Honua Kai Resort, North Beach Park, and related improvements at TMK:4-4-014:006 and 008, and TMK: 4-4-001:10, Kaanapali, Lahaina, Island of Maui. (SM1 2004/0017) (PD2 2004/0005) (J. Prutch)

The Commission may take action to acknowledge receipt of this report.

D. ACCEPTANCE OF THE ACTION MINUTES OF JUNE 28, 2011 MEETING.

E. 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:

MR. DAVID GOODE, Director of the DEPARTMENT OF PUBLIC WORKS requesting a two (2)-year time extension on Special Management Area Use Permit condition regarding the period to initiate construction of the Kaholopoo Bridge Replacement Project at TMK: 1-4-007, Hana, Island of Maui. (SM1 2001/0019) (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.

2. EA/EIS Report
3. SMA Minor Permit Report distributed with the June 14, 2011 agenda packet
4. SMA Minor Permit Report
5. SMA Exemptions Report distributed with the June 14, 2011 agenda packet
6. SMA Exemptions Report
7. Planning Commission Projects/Issues
 - a. Revising the SMA Boundaries
8. Discussion of Future Maui Planning Commission Agendas
 - a. July 12, 2011 meeting agenda items

F. NEXT REGULAR MEETING DATE: JULY 12, 2011

G. 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.

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\062811.age)