

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 10, 2012 (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 HEARING (Action to be taken after public hearing.)

1. SOULSPACE RANCH, LLC requesting a State Land Use Commission Special Use Permit for the Fred Baldwin Memorial Home and College of Yoga, Metaphysics, Water Sports, and Hawaiian Culture and Swimming Pool Facility in the State Agricultural District at 1813 Baldwin Avenue, TMK: 2-5-004: 007, Makawao, Island of Maui. (SUP2 2010/0010) (L. Callentine)

- a. Public Hearing
- b. Action

2. SOULSPACE RANCH, LLC requesting a District Boundary Amendment from State Agricultural District to State Rural District for the Fred Baldwin Memorial Home and College of Yoga, Metaphysics, Water Sports, and Hawaiian Culture and Swimming Pool Facility at 1813 Baldwin Avenue, TMK: 2-5-004: 007, Makawao, Island of Maui. (DBA 2010/0001) (L. Callentine)

- a. Public Hearing
- b. Action

C. COMMUNICATIONS

1. MR. MARTY HERLING requesting a 10-year time extension on the State Land Use Commission Special Use Permit in order to continue to operate a transient vacation rental known as the Banyan Tree Bed and Breakfast in the State Rural District on approximately 2.10 acres of land at 3265 Baldwin Avenue, TMK: 2-4-002: 002, Makawao, Island of Maui. (SUP2 2000/0007) (K. Wollenhaupt)

The Commission may take action on this request.

2. TOWNE DEVELOPMENT OF HAWAII, INC. requesting a 5-year time extension on the Special Management Area Use Permit condition to complete construction of the North-South Collector Road Extension from Walua Place to Keonekai Road at TMK: 3-9-004: 005 & 145, 3-9-019: 004, 3-9-020: 004, 007, 012, 016, 020, & 027, Kihei, Island of Maui. (SM1 2005/0007) (P. Fasi)

The Commission may take action on this request.

3. MR. CHRISTOPHER LAU, Commissioner in the Lehman Brothers Holdings, Inc. and SASCO 2008-C2, LLC v. W2005 Kapalua/ Gengate Hotel Realty, LLC et. al., Civil Action No. 10-1-0567 (2), Second Circuit Court, State of Hawaii requesting transfers of the following Special Management Area Use Permits and Phase 2 Project District approvals from W2005 KAPALUA/GENGATE HOTEL REALTY, LLC to RCK MAUI, LLC for the completed Ritz Carlton Hotel Projects due to ownership change on parcels located at TMK: 4-2-004: 021, Kapalua, Lahaina, Island of Maui: (K. Wollenhaupt)
 - a. 1990 SMA and Phase 2 Project District Approvals for the Ritz Carlton Hotel
 - b. 2007 SMA and Phase 2 Project District Approvals for the Ritz Carlton Resort proposed lobby and common area improvements. (SM1 2006/0039) (PH2 2006/0007)

The Commission may take action on these requests.

D. ACCEPTANCE OF THE ACTION MINUTES OF THE DECEMBER 13, 2011 MEETING

E. DIRECTOR'S REPORT

1. MR. WILLIAM SPENCE, Planning Director notifying the Maui Planning Commission of his intent pursuant to the provisions of the Chapter 19.32, as amended, of the Maui County Code to approve the following Step 3 Planned Development request:

MR. KALANI HO requesting a Step 3 Planned Development Approval for the installation of a covered deck extension within the 6 foot setback at 5155 D Hanawai Street, TMK: 4-3-011: 022, Napilihau Planned Development, Napili, Island of Maui. (PD3 2011/000) (K. Wollenhaupt) (Variance approved by the Board of Variances and Appeals on October 13, 2011)

The commission may take action to waive its review or review the proposed request amendment at a subsequent meeting.

2. Delegation to the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing on the following requests:

MS. ARABELLA ARK requesting a State Land Use Commission Special Use Permit and a Conditional Permit to allow for visitation to ceramics studio, Ark Ceramics by clients on 0.959 acres of land located in the State Agricultural District at 45-575 Hana Highway, TMK: 1-5-008: 010, Koali, Hana, Island of Maui. (SUP2 2011/0006) (CP 2011/0006) (G. Flammer)

The commission may take action to authorize the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing and make its recommendations on these requests.

3. Notification to the Maui Planning Commission of the filing of the following Special Management Area (SMA) Appeal on December 16, 2011:

MR. PAUL R. MANCINI of MANCINI, WELCH & GEIGER, attorneys for the AOA POLYNESIAN SHORES appealing by document received on December 16, 2011 Planning Director William Spence's letter dated December 6, 2011 regarding a Special Management Area (SMA) Minor Permit Approval for Notice of Warning dated October 5, 2011 with an approved limited time extension for removal of illegal structures in the shoreline setback area at the Polynesian Shores Resort, 3975 Lower Honoapiilani Road, TMK: 4-3-008: 002, Lahaina, Island of Maui. (SMX 2011/0513) (SSA 2011/0085) (EAE 2011/0011) (APPL 2011/0005) (J. Buika)

This is for notification purposes pursuant to the SMA Rules of the Maui Planning Commission. No action will be taken.

4. Planning Commission Projects/Issues
 - a. Revising the SMA Boundaries
5. EA/EIS Report
6. SMA Minor Permit Report
7. SMA Exemptions Report
8. Discussion of Future Maui Planning Commission Agendas
 - a. January 24, 2012 meeting agenda items

F. NEXT REGULAR MEETING DATE: JANUARY 24, 2012

G. 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 to file a timely Petition to Intervene was on December 23, 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\011012.age)