

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

AGENDA

DATE: FEBRUARY 28, 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. MR. WILLIAM SPENCE, Planning Director, introducing proposed amendments to Chapter 201 of the Maui Planning Commission's Rules of Practice and Procedure including the rules for the Geothermal Development Activities Permit. (J. Alueta)
 - a. Public Hearing
 - b. Action

C. UNFINISHED BUSINESS

1. MS. KAREN Y. SHINMOTO, Business Manager of BIG ISLAND SCRAP METAL requesting an amendment to the Special Accessory Use Approval to allow for the acceptance of ferrous metals, including white goods, and vehicle batteries at its redemption and recycling center in the B-2 Community Business District located at 883 Lower Main Street, TMK: 3-8-036: 092, Wailuku, Island of Maui. (ACC 2006/0003) (K. Wollenhaupt) (deferred at the January 25, 2012 meeting.)

- a. Petition to Intervene filed by Ian Sandison, Arsima Muller, and Craig Nakamura of Carlsmith Ball, attorneys for Schnitzer Steel Hawaii Corp., dated January 19, 2012 on the amendment request.

Craig Kugisaki, attorney for Big Island Scrap Metal, LLC submitting a Memo in Opposition to the Petition to Intervene dated February 7, 2012.

Patrick Wong and Jane Lovell, attorneys for the County Department of Planning submitting a Memo in Opposition to the Petition to Intervene dated February 7, 2012.

Ian Sandison, Arsima Muller, and Craig Nakamura of Carlsmith Ball, LLP, attorneys for Schnitzer Steel Hawaii Corp. submitting a Reply Memorandum dated February 14, 2012 in support of Schnitzer Steel Hawaii Corp.'s Petition to Intervene.

- 1) Action on the Petition to Intervene
- 2) Selection of a Hearings Officer/Hearings Body and a Mediator

- b. Action on the permit amendment request.

D. NEW BUSINESS

1. WAILUKU INDUSTRIAL INVESTMENT, LLC requesting comments on the Draft Environmental Assessment written in support of the Community Plan Amendment for the proposed Waiko Baseyard Light Industrial Project on approximately 31.222 acres located at Waiko Road, TMK: 3-8-007: 102, Waikapu, Island of Maui. (EA 2011/0005) (P. Fasi)

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) from the County and a State Land Use District Boundary amendment from the State Land Use Commission. Hearings on the CPA, DBA, and CIZ will not commence until after the Chapter 343 process has been completed.

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

E. COMMUNICATIONS

1. Further update on the status of the mediation and written settlement agreement between the parties on the Grand Wailea 310-Room Addition Special Management Area Use Permit application: (original update provided at the February 14, 2012 meeting.):

- a. MR. ISAAC HALL, attorney for SHAWN HORWITZ, TERRI ZAGER, CRAIG ZAGER, TIM CONNER, KENNETH HAWKINS, ROBERT LEE, GILA WILLNER, RANDY BOWEN, JOHN SALINAS, JAMES L. PAYNE, JOSE FIGUEROA, JEFFREY MANDELBAUM, NINA S. YOSHPE, ANDRE MAGNINOT, R. TYLER WHANN, DEBORAH CROSS, and MURRAY JAFINE with respect to ROBERT LEE, GILA WILLNER, RANDY BOWEN, JOHN SALINAS, JAMES L. PAYNE, JOSE FIGUEROA, and MURRAY JAFINE submitting a Petition to Intervene dated September 8, 2009 on the applications by MR. WADE FISCHER, Vice-President of Resort Development, PYRAMID PROJECT MANAGEMENT LLC requesting a Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit for the proposed Renovations and Guestroom Expansion at the Grand Wailea Resort and Spa at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. Improvements include renovations to hotel public areas, cultural garden, and landscape improvements, expansion of pool activity areas, and 310 additional guest rooms housed in eight (8) extended and detached buildings throughout the hotel property. (PD1 2009/0002) (PD2 2009/0001) (SM1 2009/0006) (A. Cua) (Public hearing on SMA Use Permit was conducted on September 22, 2009.)

The intervention request was granted at the November 23, 2010 Maui Planning Commission meeting and Glenn Kosaka was selected as the Mediator.

- b. MS. DANA NAONE HALL, Intervenor Pro Se submitting a Petition to Intervene on the applications by MR. WADE FISCHER, Vice-President of Resort Development, PYRAMID PROJECT MANAGEMENT LLC requesting a Step 1 Planned Development Approval, a Step 2 Planned Development Approval, and a Special Management Area Use Permit for the proposed Renovations and Guestroom Expansion at the Grand Wailea Resort and Spa at 3850 Wailea Alanui Drive, TMK: 2-1-008: 109, Wailea, Island of Maui. Improvements include renovations to hotel public areas, cultural garden, and landscape improvements, expansion of pool activity areas, and 310 additional guest rooms housed in eight (8) extended and detached buildings throughout the hotel property. (PD1 2009/0002) (PD2 2009/0001) (SM1 2009/0006) (A. Cua) (Public hearing on SMA Use Permit was conducted on September 22, 2009.)

The intervention request was granted at the November 23, 2010 Maui Planning Commission meeting and Glenn Kosaka was selected as the Mediator.

An action may be taken regarding deadlines for the submittal of written settlement agreements or some other action may be taken.

2. BDG, INC. requesting a County Special Accessory Use Permit for a Farmers Market on approximately 25,123 square feet of land located at 70 Lono Avenue in the B-2 Community District at TMK: 3-7-005: 012, Kahului, Island of Maui. (ACC 2011/0001) (K. Wollenhaupt)

The Commission may take action on this request.

3. KUTIRA CLAUDINE DECOSTERD and RAPHAEL SHARPE requesting a time extension until March 31, 2017 on their State Land Use Commission Special Use Permit in order to continue to operate the Kahua O Malio Bed and Breakfast, a four-bedroom bed and breakfast home located on 2.689 acres of land at 610 Huelo Road, TMK: 2-9-007: 036, Haiku, Island of Maui. (SUP2 2007/0005) (G. Flammer)

The Commission may take an action on this request.

F. ACCEPTANCE OF THE ACTION MINUTES OF THE FEBRUARY 14, 2012 MEETING AND REGULAR MINUTES OF THE SEPTEMBER 13, 2012 MEETING.

G. 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 requests administratively on the following:

- a. Elleair Hawaii, Inc. requesting two (2)-year time extension on the Special Management Area Use Permit condition to complete construction of the Maui Palms Hotel Redevelopment Project at TMK: 3-7-003: 007, Kahului, Island of Maui. (SM1 2001/0012) (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. United Parcel Service requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the proposed relocation of the United Parcel Service Facility at Kahului Airport, TMK: 3-8-001: 019 (por.) and 239, Kahului, Island of Maui. (SM1 2008/0023) (L. Callentine)

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. Planning Commission Projects/Issues
 - a. Revising the SMA Boundaries

3. EA/EIS Report
4. SMA Minor Permit Report
5. SMA Exemptions Report
6. Discussion of Future Maui Planning Commission Agendas
 - a. March 13, 2012 meeting agenda items

H. NEXT REGULAR MEETING DATE: MARCH 13, 2012

I. 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 February 13, 2012.**

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\022812.age)