

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 22, 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), Ivan Lay (Vice-Chair), John "Keone" Ball, Donna Domingo, Jack Freitas, Wayne Hedani, Warren Shibuya, Max Tsai, 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. PACIFIC RIM LAND, INC requesting the following land use changes for the existing Kihei Rock Crushing Facility site located at 500 East Welakahao Road, TMK: 2-2-002: 078, Kihei, Island of Maui (K. Wollenhaupt):
 - a. Community Plan Amendment from Agriculture to Heavy Industrial (CPA 2011/0001)
 - b. State Land Use District Boundary Amendment from the State Agricultural District to the State Urban District (DBA 2011/0004)
 - c. Change in Zoning from Agricultural District to the M-2 Heavy Industrial District (CIZ 2011/0004)
 - d. County Special Use Permit to conduct rock crushing operations (CUP 2011/0006)
 - a. Consolidated Public Hearing
 - b. Action on each entitlement request

- C. ORIENTATION WORKSHOP NO. 2 (Orientation Workshop No. 1 was conducted on April13, 2012.)
1. Flood Hazard District Regs. (C. Cortez, ZAED)
 2. Office of Planning Presentation on the Hawaii Coastal Zone Management Program (Leo Asuncion and Shichao Li) (To be presented at 1:00 p.m. or soon thereafter)
 3. Special Management Area Rules (J. Buika)
 4. Shoreline Area Rules (J. Buika)
 5. Sea Level Rise (Tara Miller Owens, Sea Grant Agent)
 6. Ex Parte Communications (J. Giroux)
 7. Discussion of Boards and Commissions Booklet Distributed by the Office of the Corporation Counsel
 8. Ethics
 9. Recent U.S. Supreme Court decisions on takings issues.
 10. Public Access Shoreline Hawaii (PASH) v. Hawaii County Planning Commission
 11. Hawaii Supreme Court Decision regarding the Topliss case (SMA)
 12. 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.
 13. Other Relevant Hawaii Supreme Court Cases
 14. Intervention and Settlement Agreements

The workshop is for information purposes.

- D. ACCEPTANCE OF THE ACTION MINUTES OF THE MAY 8, 2012 MEETING AND THE REGULAR MINUTES OF THE NOVEMBER 8, 2011 MEETING
- E. DIRECTOR'S REPORT
1. Planning Commission Projects/Issues
 2. EA/EIS Report
 3. SMA Minor Permit Report
 4. SMA Exemptions Report
 5. Discussion of Future Maui Planning Commission Agendas
 - a. June 12, 2012 meeting agenda items
- F. NEXT REGULAR MEETING DATE: JUNE 12, 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.

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. The deadline to file a timely intervention request was on May 8, 2012.

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\052212.age)**