

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 12, 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. MR. WILLIAM SPENCE, Planning Director, proposing amendments to Chapter 19.30A, Agricultural District, of the Maui County Code regarding utility pedestal walls. (J. Alueta)
  - a. Public Hearing
  - b. Action

C. DIRECTOR'S REPORT

1. MR. WILLIAM SPENCE, 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 following time extension requests administratively on the following:
  - a. MR. GREGG LUNDBERG, General Manager of the WESTIN MAUI RESORT AND SPA requesting a two (2)-year time extension on the Special

Management Area Use Permit condition to initiate construction of the Westin Maui Resort and Spa Renovation Project at 2365 Kaanapali Parkway, TMK: 4-4-008: 019, Kaanapali, Lahaina, Island of Maui. (SM1 2008/0020) (J. Prutch)

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. RANDALL H. ENDO, Vice-President of A&B PROPERTIES requesting a two (2)-year Special Management Area Use Permit period to initiate construction of the Wailea Resort MF-10 Multi-Use Project at TMK: 2-1-008: 121, Wailea, Island of Maui. (SM1 2008/0007) (PD2 2008/0001) (C. Thackerson)

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.

- c. MR. RANDALL H. ENDO, Vice-President of WAILEA MF-7 LLC requesting a two (2)-year Special Management Area Use Permit time extension on the period to initiate construction of the Wailea MF-7 Multi-Family Residential Project at Kai Malu Drive, TMK: 2-1-008: 116, Wailea, Island of Maui. (SM1 2006/0038) (PD1 2006/0004) (PD2 2006/0004) (PD3 2007/0004) (C. Thackerson)

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.

D. COMPLETION OF ORIENTATION WORKSHOP NO. 2 (Deferred from the May 22, 2012 meeting.)

- 1. Ex Parte Communications (J. Giroux)
- 2. Discussion of Boards and Commissions Booklet Distributed by the Office of the Corporation Counsel
- 3. Ethics
- 4. Recent U.S. Supreme Court decisions on takings issues.
- 5. Public Access Shoreline Hawaii (PASH) v. Hawaii County Planning Commission
- 6. Hawaii Supreme Court Decision regarding the Topliss case (SMA)
- 7. 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.
- 8. Other Relevant Hawaii Supreme Court Cases
- 9. Intervention and Settlement Agreements

10. Special Management Area Rules (J. Buika)
11. Shoreline Area Rules (J. Buika)

The workshop is for information purposes.

- E. ACCEPTANCE OF THE ACTION MINUTES OF THE MAY 22, 2012 MEETING AND THE REGULAR MINUTES OF THE MARCH 13, 2012 MEETING.
- F. DIRECTOR'S REPORT
  1. Planning Commission Projects/Issues
    - a. Amending the SMA Boundaries
  2. EA/EIS Report
  3. SMA Minor Permit Report
  4. SMA Exemptions Report
  5. Discussion of Future Maui Planning Commission Agendas
    - a. June 26, 2012 meeting agenda items
- G. NEXT REGULAR MEETING DATE: JUNE 26, 2012
- H. 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.

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\061212.age)