

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

AGENDA

DATE: JULY 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), 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. HMC KEA LANI, LP requesting a Special Management Area Use Permit for the expansion of the existing spa at the Fairmont Kea Lani Hotel, including the addition of an approximately 2,065 square foot, single-story building expansion with treatment rooms, locker rooms with sauna, whirlpools, steamrooms, coed lounge, retail areas, administrative office, and staff room located at 4100 Wailea Alanui Drive, TMK: 2-1-023: portion of 003, Wailea, Island of Maui. (SM1 2011/0008) (C. Thackerson)

- a. Public Hearing
- b. Action

2. MR. JOHN ROGERS requesting a State Land Use Commission Special Use Permit in order to operate a bed and breakfast known as the Ualani Farm Bed and Breakfast in the State Agricultural District on approximately 2.53 acres of land at 698 Kaupakalua Road, TMK: 2-8-002: 259, Haiku, Island of Maui. (SUP2 2012/0001) (J. Prutch)

- a. Public Hearing
- b. Action

C. NEW BUSINESS

1. V. BAGOYO DEVELOPMENT CONSULTING GROUP on behalf of WAILUKU INDUSTRIAL INVESTMENT, LLC requesting acceptance of the Final Environmental Assessment 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 Draft EA was reviewed at the January 24, 2012 meeting.)

The approving authority of the Environmental Assessment is the Maui Planning Commission.

The project needs a State Land Use District boundary amendment to Urban from the State Land Use Commission and a Community Plan Amendment and a Change in Zoning from the County of Maui. These land use applications will be dealt with by the appropriate entity after the Chapter 343 process has been completed.

The Commission may act to accept the Final Environmental Assessment as Findings of No Significant Impact (FONSI) or take some other action.

2. MR. WALTER F. HESTER III requesting comments on the Draft Environmental Assessment prepared in support of the Shoreline Setback Variance for the proposed construction of a seawall for property located on Keonenui Bay at 4855 Lower Honoapiilani Road, TMK: 4-3-015: 003, Napili, Island of Maui. (EA 2009/0007) (J. Buika)

The accepting authority of the Environmental Assessment is the Maui Planning Commission.

The EA trigger is the Shoreline Setback Variance.

The project needs a Shoreline Setback Variance and a Special Management Area Use Permit. The public hearing on the SSV and SM1 applications will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.

The Commission may provide its comments on the Draft EA.

D. COMMUNICATIONS

1. MR. ROGER S. YAMAGATA for the MAUI DISPOSAL COMPANY, INC. requesting a County Special Accessory Use Approval for a bottle redemption center and dropbox recycling site in the B-2 Community Business District located at 32 Halekuai Street at TMK: 3-9-051: 018, Kihei, Island of Maui. (ACC 2011/008) (G. Flammer)

The Commission may take action on this request.

2. MS. GWEN OHASHI HIRAGA, Project Manager of MUNEKIYO & HIRAGA, INC. submitting the 2012 annual report regarding the disbursement of funds in the Settlement Agreement with the West Maui Preservation Association, Inc. (WMPA) pursuant to Condition No. 32 of the Special Management Area Use Permit and Step 2 Planned Development approvals 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)

Condition No. 32 reads:

“That an annual report shall be filed with the Maui Planning Commission on the disbursement of the funds in the Settlement Agreements for their information.”

This annual report is provided for the Commission’s information and review.

- E. ACCEPTANCE OF THE ACTION MINUTES OF THE JUNE 26, 2012 MEETING AND REGULAR MINUTES OF THE MARCH 27, 2012 AND JUNE 12, 2012 MEETINGS

- F. 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 request administratively on the following:

MR. EVERETT DOWLING of KEAKA LLC requesting a Special Management Area Use Permit two(2)-year time extension on the period to complete construction of all other construction, besides construction of the 13 single-family residences, as specified in Condition No. 34 of the Special Management Area Use Permit for the Maluaka Project located at Makena Resort Lot H-1, TMK: 2-1-006: 037, 056 and 2-1-005: 084, Makena, Island of Maui. (SM1 2005/0015) (A. Cua)

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. MR. WILLIAM SPENCE, Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-16 (h) of its SMA Rules of the issuance of Special Management Area (SMA) Emergency Permit on the following request:

June 27, 2012 letter granting written approval of the request from the POHAILANI AOA for a Special Management Area Emergency Permit to repair sinkholes threatening structures at the Pohailani Maui located at 4435 Lower Honoapiilani Road, TMK; 4-3-005: 008, Lahaina, Island of Maui. (SM3 2012/0002) (J. Buika)

This is for the Commission's information and review.

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

G. NEXT REGULAR MEETING DATE: JULY 24, 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. The deadline for filing a timely Petition to Intervene was on June 25, 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.

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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\071012.age)