

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 8, 2013 (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 referring to the Lanai, Maui, and Molokai Planning Commissions Council Resolution No. 111 containing a proposed Bill Amending Chapter 19.40, Maui County Code, Relating to the Duration of Conditional Permits. (J. Alueta)

- a. Public Hearing
- b. Action

2. MR. PETER HAMILL of CDF ENGINEERING requesting a State Land Use Commission Special Use Permit for the SEH 28 MLP 10 Solar Hub Utilities Project, the construction and operation of a 240-kW ground mounted photovoltaic system and related improvements in the vicinity of Honokowai in the State Agricultural District at TMK: 4-4-002: 019 (por.), Honokowai, Lahaina, Island of Maui. (SUP2 2012/0007) (K. Aoki)

- a. Public Hearing
- b. Action

3. MS. COLLEEN BRADY requesting a State Land Use Commission Special Use Permit and a Bed and Breakfast Permit in order to operate the Lilikoi Lani Farm Bed and Breakfast, a five (5)-bedroom bed and breakfast home in the State Agricultural District at 2460 Kaupakalua Road, TMK: 2-7-002: 061, Haiku, Island of Maui. (SUP 2012/0008) (BBPH T2012/0004) (J. Prutch)

All of the guest rooms will be located in the main farm dwelling.

The Bed and Breakfast Permit needs to be reviewed by the Maui Planning Commission because the property is located within 500 ft. of a previously permitted bed and breakfast home operation.

- a. Public Hearing
- b. Action

- C. Workshop on Ordinance No. 3941 relating to Short-Term Rental Homes (G. Flammer)

The purpose of the workshop is to provide information to the Commission on the details as specified in the Ordinance regarding the procedure and criteria for the Commission's review of Short-Term Rental Home Permit applications and for State Land Use Commission Special Use Permit applications for Short-Term Rental Home operations in the State Agricultural District.

The Commission will be reviewing a number of Short-Term Rental Home Permit applications and for State Land Use Commission Special Use Permit applications for Short-Term Rental Home operations in the State Agricultural District beginning with the January 22, 2013 meeting.

- D. ACCEPTANCE OF THE ACTION MINUTES OF THE DECEMBER 11, 2012 MEETING AND REGULAR MINUTES OF THE NOVEMBER 13, 2012 MEETING

- E. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues
  - a. Amending the SMA Boundaries
2. Planning Department's Proposed Revisions to Special Management Area Use Permit Conditions (J. Dack) (Matter was deferred at the December 11, 2012 meeting.)

- \* An Executive Session may be called under the provisions of Section 92-5(a)(4), Hawaii Revised Statutes to allow the board to consult its attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities.

This matter is for discussion and possible action.

3. EA/EIS Report
4. SMA Minor Permit Report
5. SMA Exemptions Report
6. Discussion of Future Maui Planning Commission Agendas
  - a. January 22, 2013 meeting agenda items

F. NEXT REGULAR MEETING DATE: JANUARY 22, 2013

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 intervention request was on December 21, 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\010813.age)