

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 22, 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 Maui Planning Commission Council Resolution No. 12-99 containing a proposed Bill Amending Section 19.32.040, Maui County Code relating to Planned Developments and Section 19.37.010, Maui County Code, relating to Transient Vacation Rentals. (J. Alueta)

The Council is considering a proposed bill to amend Title 19, Maui County Code, to allow transient vacation rentals in planned developments that were approved on or before April 20, 1981, with certain restrictions.

- a. Public Hearing
- b. Action

2. MR. WILLIAM SPENCE. Planning Director referring to the Maui Planning Commission proposed bills to enact a Community Plan Amendment and a Change in Zoning for property situated at 101 A, B, and C Kuau Place, TMK: 2-6-009: 024, Paia, Island of Maui. The bills referred in the resolution are: (P. Fasi)

- a. A Bill for an Ordinance to Amend the Paia-Haiku Community Plan and Land Use Map from Agricultural to Rural for Property situated at 101 A, B, and C Kuau Place, TMK: 2-6-009: 024, Paia, Island of Maui.
 - b. A Bill for an Ordinance to Change Zoning from Agricultural District to RU-0.5 Rural District for Property situated at 101 A, B, and C Kuau Place, TMK: 2-6-009: 024, Paia, Island of Maui.
 - a. Public Hearing
 - b. Action
3. CHARLENE SCHULENBURG and GARY PASSON requesting a Bed and Breakfast Permit in order to operate the Aloha Aku Inn, a six (6)-bedroom bed and breakfast home operation located in the A-1 Apartment District at 1390 South Kihei Road, TMK: 3-9-009: 008, Kihei, Island of Maui. (BBKM T2011/0003) (J. Prutch)
- This bed and breakfast home application is being referred to the Maui Planning Commission for review and action because a variance was obtained to meet the requirements for a bed and breakfast home permit.
- a. Public Hearing
 - b. Action
4. MRS. TASEY MIYAHIRA requesting a State Land Use Commission Special Use Permit in order to operate the Maui Upcountry Home Short-Term Rental Home, a four (4)-bedroom short-term home on property situated in the State Agricultural District at 110 Apau Place, TMK: 2-4-032: 069, Makawao, Island of Maui. (SUP2 2011/0004) (G. Flammer)
- a. Public Hearing
 - b. Action

C. ADOPTION OF DECISION AND ORDERS (To take place at 1:00 p.m. or soon thereafter)

The Commission may take action to approve the written order denying the following intervention request per vote taken at the November 13, 2012 meeting:

1. B. MARTIN LUNA and STEVEN S.C. LIM of CARLSMITH BALL, LLP , attorneys for the Applicant IGLESIA NI CRISTO (CHURCH OF CHRIST) submitting proposed Findings of Fact, , Conclusions of Law, and Decision and Order denying WAHIKULI NEIGHBORHOOD COMMUNITY ASSOCIATION, BRIAN CAREY, SONJA SANCHAGRIN, and JAMES FOSTER's Petition to Intervene filed November 2, 2011 in the matter of the applications of IGLESIA NI CRISTO (CHURCH OF CHRIST) to obtain a County Special Use Permit and a Special Management Area Use Permit to demolish an existing church building and related improvements in the R-3 Residential District at 1518 Malo Street, TMK: 4-5-014: 009, Lahaina, Island of Maui. (CUP 2008/0006) (SM1 2008/0025) (A. Benesovska)

The Commission may take action to adopt the written Decision and Order with or without modifications.

D. COMMUNICATIONS

1. MR. JOHN BLUMER-BUELL, Chairperson of the Hana Advisory Committee to the Maui Planning Commission transmitting the Committee's Recommendation on the requests by MS. ARABELLA ARK for a State Land Use Commission Special Use Permit and a Conditional Permit to operate a ceramics studio in the State Agricultural District at 46-575 Hana Highway, TMK: 1-5-008: 010, Hana, Island of Maui. (SUP2 2011/0006) (CP 2011/0006) (G. Flammer)

The Commission may take action on these requests.

E. ACCEPTANCE OF THE ACTION MINUTES OF THE JANUARY 8, 2013 MEETING AND REGULAR MINUTES OF THE SEPTEMBER 11, 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. February 12, 2013 meeting agenda items

G. NEXT REGULAR MEETING DATE: FEBRUARY 12, 2013

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 to file a timely intervention request was on January 7, 2013..**

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\012213.age)