

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

AGENDA

DATE: FEBRUARY 12, 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. MS. STEPHANIE BRILL requesting a State Land Use Commission Special Use Permit in order to operate the Aloha Cottage Short-Term Rental Home on property situated in the State Agricultural District at 1875 Olinda Road, TMK: 2-4-019: 014, Makawao, Island of Maui. (SUP2 2012/0010) (G. Flammer)
 - a. Public Hearing
 - b. Action
2. MARK and PAIGE SLOANE requesting a Short-Term Rental Home (STRH) Permit in order to operate the Sloane Residence Short-Term Rental Home, a three (3)-bedroom STRH located in the State and County Rural Zoning Districts on approximately 0.829 acres of land located in Maui Meadows at 736 Mililani Place, Maui Meadows, TMK: 2-1-014: 116, Kihei, Island of Maui. (STKM T2012/0007 formerly CP 2012/0003) (K. Wollenhaupt)

The application is being brought to the Commission for review and decision making due to the sufficient number of protests of adjacent neighboring landowners within

the 45-day time period to file protests after the applicant sent out the notice of application to landowners within a 500 ft. radius of the subject property.

- a. Public Hearing
- b. Action

C. NEW BUSINESS

1. MR. WALTER F. HESTER, III requesting an Environmental Assessment determination on the Final Environmental Assessment prepared in support of the Shoreline Setback Variance application for the construction of retaining wall located at Keonenui Bay, TMK: 4-3-015: 003. Napili, Island of Maui. (EA 2009/0007) (J. Buika)

The entity deciding on the acceptance of the Final 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 decide to accept the Final Environmental Assessment as a Findings of No Significant Impact (FONSI) or take some other action.

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

The Commission may take action to approve the draft written orders denying the following intervention request per vote taken at the February 28, 2012 meeting:

1. Findings of Fact, Conclusions of Law, Decision and Order relating to the denial of Schnitzer Steel Hawaii Corporation's Petition to Intervene regarding Big Island Scrap Metal, LLC's request for a County Special Accessory Use Permit for an existing recycling and redemption center to add ferrous metals, "white goods", and batteries for redemption in the State Urban District at 883 Lower Main Street, TMK: 3-8-036: 092, Wailuku, Island of Maui. (ACC 2006/0003) (K. Wollenhaupt)

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

2. Findings of Fact, Conclusions of Law, Decision and Order relating to the denial of Big Island Scrap Metal, LLC's County Special Accessory Use Permit for an existing recycling and redemption center to add ferrous metals, "white goods", and batteries for redemption in the State Urban District at 883 Lower Main Street, TMK: 3-8-036: 092, Wailuku, Island of Maui. (ACC 2006/0003) (K. Wollenhaupt)

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

E. COMMUNICATIONS

1. MR. FRED ROMANCHAK of the KULA LODGE requesting a five (5)-year time extension to Condition No.1 of his Phase II Project District Approval to initiate construction of the Kula Lodge renovations and improvements on approximately 3.7 acres in the State Urban District at TMK: 2-3-022: 087, Kula, Island of Maui. (PH2 2008/0002) (P. Fasi)

The Commission may take action on this request.

F. ACCEPTANCE OF THE ACTION MINUTES OF THE JANUARY 22, 2013 MEETING AND THE REGULAR MINUTES OF THE DECEMBER 11, 2012 MEETING

G. 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 26, 2013 meeting agenda items

H. NEXT REGULAR MEETING DATE: FEBRUARY 26, 2013

I. 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 29, 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\021213.age)