

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 26, 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. DEAN FRAMPTON of FRAMPTON & WARD on behalf of HFM MAUI, LLC requesting a Special Management Area Use Permit for the demolition of existing structures and the construction of a new 45,000 square foot warehouse facility and related improvements at 120 Kane Street, TMK: 3-7-002: 030, Kahului, Island of Maui. (SM1 2012/0005) (P. Fasi)

- a. Public Hearing
- b. Action

2. MR. JOHN SAYRE requesting a State Land Use Commission Special Use Permit in order to operate the Haiku Nani Short-term Rental Home, a two(2)-bedroom short-term home on property situated in the State Agricultural District at 1640 West Kuiaha Road, TMK: 2-7-012: 264, Haiku, Island of Maui. (SUP2 2012/0026) (G. Flammer)

- a. Public Hearing
- b. Action

3. STEVE and JETTE SLATER requesting a State Land Use Commission Special Use Permit in order to operate the Maui Chalet Short-term Rental Home, a two (2)-bedroom short-term home on property situated in the State Agricultural District at 45 East Waipio Road, TMK: 2-9-005: 054, Haiku, Island of Maui. (SUP2 2012/0010) (G. Flammer)
 - a. Public Hearing
 - b. Action

C. COMMUNICATIONS

1. MAX and TRACEY LUDWIG requesting a five (5)-year time extension on the State Land Use Commission Special Use Permit condition in order to continue operation of the Haiku Makai Bed and Breakfast consisting of one bedroom in the Main Farm Dwelling and two bedrooms in the second Farm Dwelling in the State and County Agricultural Districts on approximately 2.27 acres of land located at 266 North Holokai Road, TMK: 2-8-004: 067, Haiku, Island of Maui. (SUP2 2001/0019) (D. Dias)

The Commission may take action on this request.

2. JOHN RAPACZ, ESQ. representing PAUL LAUB appealing the Planning Director's Notices of Violation (NOV 2009/0011 & 0012) for failure to obtain Shoreline and Special Management Area approvals for property located at 1003 Front Street, TMK: 4-5-003: 002, Lahaina, Island of Maui. (APPL 2009/0003) (T. Kapua`ala)

The Commission may act to approve the proposed Settlement Agreement or take some other action.

D. 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 a 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.

2. KAHANA SUNSET AOA requesting comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment and the Shoreline Setback Variance for the proposed Kahana Sunset shoreline and site improvements at 4909 Lower Honoapiilani Road, TMK: 4-3-003:015, Napili, Lahaina Maui. (EA 2012/0002) (CPA 2012/0003) (CIZ 2012/0007) (SM1 2012/0003) (SSV 2012/0002) (J. Buika)

The entity who will decide on the acceptance of the Final Environmental Assessment is the Maui Planning Commission.

The EA triggers are the Community Plan Amendment and the Shoreline Setback Variance.

The public hearing on the Community Plan Amendment, Change in Zoning, the Special Management Area Use Permit, and the Shoreline Setback Variance 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 Environmental Assessment.

E. ACCEPTANCE OF THE ACTION MINUTES OF THE FEBRUARY 12, 2013 MEETING AND REGULAR MINUTES OF THE JANUARY 8, 2013 AND JANUARY 22, 2013 MEETINGS

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. March 12, 2013 meeting agenda items

G. NEXT REGULAR MEETING DATE: MARCH 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 February 11, , 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\022613.age)