

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

AGENDA

DATE: SEPTEMBER 24, 2013
TIME: 9:00 A.M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793
Members: Ivan Lay (Chair), Warren Shibuya (Vice-Chair), John "Keone" Ball, Sandra Duvauchelle, Jack Freitas, Wayne Hedani, Jason Medeiros, 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 each public hearing item.)

1. MR. KYLE GINOZA, Director, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, COUNTY OF MAUI requesting a Special Management Area Use Permit and Shoreline Setback Variance at the Wailuku Kahului Wastewater Reclamation Facility's existing, 450-foot rock revetment, to construct an extension of the existing rock mound revetment by 1,350 feet, consisting of a 1,100-foot extension to the west with 125 feet landward returns at each end. The crest of the existing revetment will be raised three (3) feet. The revetment extension will be covered with excavated sand. Excess excavated sand will be placed on the beach located at the facility. (SM1 2012/0004) (SSV 2012/0003) (J. Buika)

- a. Public Hearing
- b. Action

2. MS. TERESA WATERS requesting a State Land Use Commission Special Use Permit in order to operate the Lahaina Animal Farm Short-Term Rental Home, a three (3) bedroom short-term rental home in the State Agricultural District at 108 South Lauhoe Place, TMK: 4-7-012: 008, Launiupoko, Lahaina, Island of Maui. (SUP2 2012/0033) (L. Callentine)

- a. Public Hearing
- b. Action

3. WILLIAM and CONNIE LAWLER requesting a Bed and Breakfast (B&B) Permit in order to operate the Maui Ocean Palms B&B, a two (2) bedroom bed and breakfast in the State Rural District at 1136 Kupulau Drive, TMK: 2-1-018: 072, Maui Meadows, Kihei, Island of Maui. (BBKM T2013/0001) (J. Prutch)

This matter is being brought to the Maui Planning Commission because there is a permitted B&B operation located within 500 ft

- a. Public Hearing
- b. Action

C. COMMUNICATIONS

1. MR. SCOTT CRAWFORD, Chair of the HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION transmitting their recommendation on the request by TERRY and MICHAEL KRISTIANSEN for a State Land Use Commission Special Use Permit in order to operate the Entabeni Cottage, a one(1) bedroom bed and breakfast home on property situated in the State Agricultural District at 370 Hana Highway, TMK: 1-2-004: 011, Hana, Island of Maui. (SUP2 2012/0011) (G. Flammer)

The Commission may take action on this request.

D. ACCEPTANCE OF THE ACTION MINUTES OF THE SEPTEMBER 10, 2013 MEETING AND REGULAR MINUTES OF THE AUGUST 13, 2013 MEETING

E. DIRECTOR'S REPORT

1. Pursuant to the Special Management Area Rules of the Maui Planning Commission, notification to the Maui Planning Commission of the filing of the following Special Management Area (SMA) Appeal on September 6, 2013:

ISAAC HALL, attorney for MAUI AINA COMPANY, LLC, JOSH STONE, and MARTIN BRASS in their capacities as managing members of MAUI AINA COMPANY, LLC and CHRIS and ANNIE MCNEIL submitting an appeal dated September 6, 2013 of the SMA Minor Permit issued by the Planning Director for an addition to the Paia Inn at 93 Hana Highway, TMK: 2-6-002: 027, Paia, Island of Maui. (APPL 2013/0006) (SM2 2013/0087) (SMX 2013/0234) (E. Wade)

This is for notification purposes pursuant to the SMA Rules of the Maui Planning Commission. No action will be taken.

2. 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:

- a. Mr. EDWARD THIELK requesting a two (2)-year time extension on the Special Management Area Use Permit to initiate construction of the proposed repair, renovation, and construction of improvements at the Mana Foods Store, TMK: 2-6-005: 002, Paia, Island of Maui. (SM1 2004/0024) (L. Callentine)

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.

3. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing and make recommendations on the subject applications:

- a. ANJA PAIVIKKI RUTIZ and RICHARD RUTIZ requesting a State Land Use Commission Special Use Permit in order to operate Anja's House Bed and Breakfast, a one (1) bedroom bed and breakfast located in the State Agricultural District at 41049 Hana Highway, TMK: 1-6-005: 026, Hana, Island of Maui. (SUP2 2013/0024) (G. Flammer)

The Commission may act to direct the Hana Advisory Committee to conduct the public hearing and make its recommendation to the Planning Commission on the subject application or take some other action.

- b. TORMOD ISETORP requesting a State Land Use Commission Specials Use Permit in order to operate Ekena, a three (3) bedroom short-term rental home located in the State Agricultural District at 290 Kalo Road, TMK: 1-3-009: 013, Hana, Island of Maui. (SUP2 2013/0018) (G. Flammer)

The Commission may act to direct the Hana Advisory Committee to conduct the public hearing and make its recommendation to the Planning Commission on the subject application or take some other action.

4. Planning Commission Projects/Issues

5. EA/EIS Report

6. SMA Minor Permit Report

7. SMA Exemptions Report

8. 2013 Hawaii Congress of Planning Officials (HCPO) Conference - September 18-20, 2013, Kona, Island of Hawaii
9. Discussion of Future Maui Planning Commission Agendas
 - a. October 8, 2013 meeting agenda items

F. NEXT REGULAR MEETING DATE: SEPTEMBER 24, 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 DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793. The deadline for filing a timely Petition to Intervene for a September 24, 2013 public hearing date was on September 10, 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 (2) 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 DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE DEPARTMENT OF PLANNING AT 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1-800-272-0125 (Lanai) OR NOTIFY THE DEPARTMENT OF PLANNING IN WRITING AT ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, 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\092413.age)