

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

**UNOFFICIAL AMENDED AGENDA - WITH HYPERLINKS TO MEETING MATERIALS
ADDED FOR INFORMATIONAL PURPOSES ONLY**

NOTE: The Maui Planning Commission agenda filed on January 13, 2017 for a meeting on January 24, 2017 has been canceled. The Applicant's Objections on Item E.1 received on January 17, 2017 has been added (Item E.1.a). The Applicant's Motions to Reopen and to Amend received on January 17, 2017 have been added (Item F.1 and F.2).

DATE: JANUARY 24, 2017

TIME: 9:00 A.M.

PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

Members: Max Tsai (Chair), Sandra Duvauchelle (Vice-Chair), Pua Canto, Lawrence Carnicelli, Stephen Castro, Wayne Hedani, Richard Higashi, Larry Hudson, Keaka Robinson

A. CALL TO ORDER

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed.

C. NEW BUSINESS

1. PASTOR BENEDICTO MARIANO requesting comments on the Draft [Environmental Assessment \(DEA\)](#) to demolish the 1,000-square foot single-family structure built in 1945 and construct the new International Christian Fellowship Church located at 281 Prison Street, TMK: 4-6-011: 023, Lahaina, Island of Maui. EA 2011/0003 (CPA 2016/0001) (P. Fasi)

The EA triggers are the Community Plan Amendment application and the project being located in the Lahaina National Historic Landmark District.

The public hearing on the community plan amendment, district boundary amendment, and change in zoning requests will be scheduled after the applicant has completed the Chapter 343, HRS process.

The Commission is being asked to be the approving agency for the final environmental document and to provide its comments.

D. COMMUNICATIONS

1. MR. RORY FRAMPTON of RORY FRAMPTON CONSULTING, INC. on behalf of [MAKILA RANCHES, INC.](#) requesting deletion of Condition Numbers 17 and 20 of the previously approved Special Management Area Use Permit for the Makila Ranches Phase 2 Agricultural Subdivision creating eleven (11) agricultural lots, one (1) non-developable greenway lot, and two (2) roadway lots with associated improvements and infrastructure at TMK: 4-7-014: parcels 1-14 (formerly TMK: 4-7-001:026), Launiupoko, Lahaina, Island of Maui. (SM1 2009/0014) (K. Wollenhaupt)

Condition Nos. 17 and 20 related to the County of Maui's anticipated acquisition of Lot 12, a non-developable greenway lot and public use of the subdivision roadway to access Lot 12.

The SMA Use Permit was approved by the Commission on December 9, 2014.

The Commission may take action on this request.

E. ADOPTION OF WRITTEN DECISION AND ORDERS

1. Having voted on July 12, 2016 to deny the County Special Use Permit application by MR. DEREK HOYTE of D&S VENTURES, LLC for the Camp Maui Project in order to retain, rehabilitate, and improve a historic site with accessory guided tours including a challenge course, museum, zipline, and onsite parking on 17.519 acres in the County Agricultural District at 2065 Kauhikoa Road, TMK: 2-7-012: 086 (por.), Haiku, Island of Maui. (CUP 2015/0002) (P. Fasi)

The [draft Decision and Order](#) was prepared by Planning Department staff and reviewed by the Department of the Corporation Counsel.

- a. Applicant D AND S VENTURES, LLC's Objections to Draft Findings of Fact, Conclusions of Law and Decision and Order Denying Request for a County Special Use Permit; Exhibit A (Applicant D and S Ventures, LLC's Exhibit List with the Exhibits attached thereto); Exhibit B (Applicant D and S Ventures LLC's [concurrently filed] Motion to Reopen Hearing on its request for a County Special Use Permit for existing unpermitted outdoor recreational activities at Camp Maui, Haiku, Maui, Hawaii); Exhibit C (Applicant D and S Ventures, LLC's [concurrently filed] Motion to Amend its Application for a County Special Use Permit for existing unpermitted outdoor recreational activities at Camp Maui, Haiku, Maui, Hawaii); Certificate of Service received on January 17, 2017. (P. Fasi)

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the proposed Findings of Fact, Conclusions of Law, and Decision and Order.

2. Having voted on October 25, 2016 to deny the Petition to Intervene filed on July 25, 2016 by MR. HAROLD DAVIS relating to requests by MRS. LEONA ROCHA WILSON, Manager of LONA RIDGE, LLC to obtain a State Land Use Commission Special Permit and a Conditional Permit in order to conduct special events, including weddings, corporate and non-profit reception, workshops, art shows, photography sessions, filming, and similar events as well as Hawaiian cultural practices in the State and County Agricultural Districts on approximately 5.75 acres of land located at 588 Kulaiwi Drive, TMK: 3-5-002: 010, Wailuku, Island of Maui. (SUP2 2015/0007) (CP 2015/0003) (G. Flammer)

The [draft Decision and Order](#) was prepared by DEBORAH WRIGHT of WRIGHT & KIRSCHBRAUN, attorneys for the applicant LONA RIDGE, LLC.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the proposed Findings of Fact, Conclusions of Law, and Decision and Order.

F. COMMUNICATIONS

1. Applicant D and S VENTURES, LLC's Motion to Reopen Hearing on its request for a County Special Use Permit for Existing Unpermitted Outdoor Recreational Activities at Camp Maui, Haiku, Maui, Hawaii received on January 17, 2017.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

The Commission may take action on the request.

2. Applicant D and S VENTURES, LLC's Motion to Amend its Application for a County Special Use Permit for existing unpermitted outdoor recreational activities at Camp Maui, Haiku, Maui, Hawaii. Received on January 17, 2017.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

[Dropbox link for documents relating to Agenda Item F.](#)

The Commission may take action on the request.

G. ACCEPTANCE OF THE [ACTION MINUTES](#) OF JANUARY 10, 2017 AND REGULAR MINUTES OF THE AUGUST 9, 2016 MEETING

H. DIRECTOR'S REPORT

1. 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 requests administratively:
 - a. [WAILEA HOTEL & BEACH RESORT, LLC](#) requesting a two (2)-year time extension on the period to complete construction of the Andaz Maui at Wailea Resort and related improvements at 3550 Wailea Alanui Drive, TMK: 2-1-008: 067, Wailea, Island of Maui. (SM1 2005/0035) (PD1 2005/0006) (PD2 2005/0007) (SSV 2005/0004) (C. Thackerson)

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.

2. SMA Minor Permit Report
3. SMA Exemptions Report
4. Discussion of Future Maui Planning Commission Agendas
 - a. February 14, 2017 agenda items

I. NEXT REGULAR MEETING DATE: February 14, 2017

J. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

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

Maui Planning Commission Amended Agenda
January 24, 2017
Page 5

Petition to Intervene for an item where the first public hearing date is on January 24, 2017 was on January 9, 2017.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. IN ACCORDANCE WITH THESE RULES MAXIMUM TIME LIMITS OF AT LEAST THREE MINUTES MAY BE ESTABLISHED BY THE COMMISSION ON INDIVIDUAL TESTIMONY.

WRITTEN AND/OR EMAILED TESTIMONY REQUESTED SHOULD BE RECEIVED AT LEAST TWO (2) BUSINESS DAYS BEFORE THE MEETING TO ENSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

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.

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 AND/OR EMAILS SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 5:00 P.M. ON THE SECOND WORKING DAY BEFORE THE MEETING TO ENSURE THAT IT IS CIRCULATED TO THE COMMISSION.

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.
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