

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

AGENDA

DATE: JULY 27, 2010 (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: Jonathan Starr (Chair), Donna Domingo, Jack Freitas, Kent Hiranaga, Ward Mardfin, Lori Sablas, Warren Shibuya, Orlando Tagorda, 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. ELECTION OF VICE-CHAIRPERSON FOR THE 2010-2011 COMMISSION YEAR

C. NEW BUSINESS

1. MR. ROBERT T. MCDANIEL III, Development Partner of KANAHA PROFESSIONAL PLAZA, LLC requesting comments on the Draft Environmental Assessment prepared in support of the Special Management Area Use Permit for the proposed Maui Medical Plaza Project consisting of the construction of a six-story approximately 132,865 square foot professional medical office/laboratory facility, a six-story approximately 365 stall parking structure, and related improvements in the M-2 Heavy Industrial District at 151 Hana Highway, TMK: 3-7-011: 028, Kahului, Island of Maui. (EA 2010/0002) (SM1 2010/0006) (J. Buika) (The Draft EA was circulated with the mailout for the July 13, 2010 meeting.)

The EA trigger is the utility work being done within the State right-of-way.

The project needs a Special Management Area Use Permit. Action on the Special Management Area Use Permit application will be taken by the Maui Planning Commission after the Chapter 343 process has been completed.

The Commission may provide its comments on the Draft Environmental Assessment.

D. SETTLEMENT AGREEMENT

1. Corporation Counsel will present a settlement agreement with a recommendation for action by the Commission pursuant to the Maui Planning Commission's Special Management Area Rules and the Shoreline Area Rules on property owned by LARRY D. DODGE and SARA P. DODGE (Co-Trustees of the Larry D. Dodge and Sara P. Dodge 1988 Living Trust) regarding Notices of Violation issued for alleged Special Management Area and Shoreline Area infractions situated at 6950 Makena Road, TMK: 2-1-006: 090, Makena, Island of Maui.

* **An Executive Session may be called by the Commission in order to discuss their duties, powers, and liabilities as it relates to the subject settlement agreement.**

E. ADOPTION OF DECISION AND ORDER

The Commission may take action to approve the written order upholding the Planning Director's Decision requiring Mr. Stice to obtain a Special Management Area Use Permit per vote taken at the June 8, 2010 meeting on the following appeal:

MR. GARY STICE of HANA BEACHFRONT ASSOCIATES appealing the Planning Department's decision to require a Special Management Area Use Permit for the construction of proposed residential structures at 175 Haneoo Road, Koki Beach, Hana, Island of Maui. (APPL 2009/0004) (T. Kapuaala) (Contested case site inspection conducted on May 4, 2010.)

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

F. ACCEPTANCE OF THE ACTION MINUTES OF THE JULY 13, 2010 MEETING AND REGULAR MINUTES OF THE MAY 4, 2010 MEETING.

G. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues
2. Discussion of Future Maui Planning Commission Agendas
 - a. August 10, 2010 meeting agenda items
3. EA/EIS Report

4. SMA Minor Permit Report
 5. SMA Exemptions Report
- H. Workshop on Protecting Coastal Resources (see attached detailed agenda) (J. Buika)
- I. NEXT MEETING DATE: August 10, 2010
- J. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

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.

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.

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 TWO (2) 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\072710.age)