

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

AGENDA

DATE: OCTOBER 26, 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), Ward Mardfin (Vice-Chair), Donna Domingo, Jack Freitas, Kent Hiranaga, 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. DIRECTOR'S REPORT

1. EA/EIS Report
2. SMA Minor Permit Report
3. SMA Exemptions Report

C. UNFINISHED BUSINESS

1. MR. DENNIS BOEHLJE for BETSILL BROTHERS CONSTRUCTION, INC. requesting a 5-year time extension on the Special Management Area Use Permit condition to complete construction of the Kalama Heights Phase II project, a 36-unit senior multi-family project with related on and off-site infrastructure improvements located at 101 Kanani Road, TMK: 3-9-017:002, Kihei, Island of Maui. (SM1 970012) (P. Fasi) (Deferred at the October 12, 2010 meeting.)

The Commission may take action on this matter.

D. PUBLIC HEARINGS (Action to be taken after each public hearing item.)

1. MS. KATHLEEN ROSS AOKI, Planning Director, transmitting Council Resolution No. 10-43 referring to the Lanai, Maui, and Molokai Planning Commissions a Draft Bill Amending Chapter 2.88 of the Maui County Code, relating to the Cultural Resources Commission and Title 19 Article III, Maui County Code, relating to Maui County Historic Districts. (RFC 2010/0127) (J. Alueta)

- a. Public Hearing
- b. Action

E. COMMUNICATIONS

1. MR. ROGER YAMAGATA on behalf of MAUI DISPOSAL COMPANY requesting a Special Accessory Use Permit for the Maui Disposal Company HI-5 Bottle Redemption Site in the parking lot of the Pukalani Terrace Center in the B-2 Community Business District at 55 Pukalani Street, TMK: 2-3-010: 064, Pukalani, Island of Maui. (ACC 2009/0003) (L. Callentine)

The Commission may take action on this request.

F. SETTLEMENT AGREEMENT

1. Settlement agreement for a notice of violation (NOV 20090004) for operating a commercial kiosk within the special management area for property located at 75 Hana Highway, TMK: 2-6-002: 005, Paia, Island of Maui. (RFS No. 08-0002928) (T. Kapuaala) (Proposed Settlement Agreement circulated with the October 12, 2010 agenda packet. Commissioners: Please bring this document with you.)

* **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.**

The Commission may take action on this matter.

G. ACCEPTANCE OF THE ACTION MINUTES OF THE OCTOBER 12, 2010 MEETING AND REGULAR MINUTES OF THE AUGUST 10, 2010 AND SEPTEMBER 28, 2010 MEETINGS

H. DIRECTOR'S REPORT

1. Pursuant to the Maui Planning Commission's Special Management Area (SMA) Rules, the notice of the filing of the following SMA appeal:

JAMES B. TAKAYESU, attorney, representing MICAH BUZIANIS and CHARLOTTE STRONG appealing the Planning Director's Notice of Violation for exceeding the amount of dwellings allowed pursuant to the conditions of approval for a Special Management Area Use Permit for property located at 111 Makahiki Street, TMK: 3-8-002: 113, Spreckelsville, Island of Maui. (APPL 2010/0003) (T. Kapuaala)

This is for information purposes pursuant to the Commission's SMA Rules.

2. Planning Commission Projects/Issues
 3. Discussion of Future Maui Planning Commission Agendas
 - a. November 9, 2010 meeting agenda items
- I. NEXT MEETING DATE: November 9, 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. The deadline to file a timely intervention request was October 12, 2010.

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\102610.age)