

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

AGENDA

DATE August 26, 2002  
TIME: 2:00 P.M.  
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii 96793

- A. Decision making on the reopened contested case hearing on the application by MR. IAN D. SMITH, Project Manager of KRS DEVELOPMENT, INC. requesting a Special Management Area Use Permit for the North Shore Village, a 24-lot residential subdivision and related improvements at Hana Highway, TMK: 2-6-005: 007, 008, & 009, Paia, Island of Maui. (SM1 2001/0005) (W. Spence) (Public Hearing conducted on July 24, 2001) (Decision making conducted on April 23, 2002) (Motion to Reopen by Douglas Sameshima, attorney for Intervenor Madelyn D'Enbeau on behalf of the Estate of Jonathan Waxman granted at June 23, 2002 meeting) (W. Spence):

Petition to Intervene on the subject SMA application by Lance W. Holter on the granted at the August 14, 2001 meeting.

Petition to Intervene on the subject SMA application by Madelyn D'Enbeau on behalf of the Estate of Jonathan Waxman granted at the August 14, 2001 meeting.

PURSUANT TO SECTION 92-6(a) (2), HAWAII REVISED STATUTES AS AMENDED, PUBLIC TESTIMONY WILL NOT BE RECEIVED ON THIS ITEM AS THE MAUI PLANNING COMMISSION WILL BE EXERCISING ITS ADJUDICATORY FUNCTION.

1. Hearing Officer John S. Rapacz, Esq.'s Supplemental Report Setting Forth Proposed Findings of Fact, Conclusions of Law, and Decision and Order Regarding Affordable Housing dated August 1, 2002
2. Hearing Officer John S. Rapacz, Esq.'s Correction to Hearing Officer's Supplemental Report Setting Forth Proposed Findings of Fact, Conclusions of Law, and Decision and Order Regarding Affordable Housing dated August 5, 2002.
3. Proposed Findings of Fact, Conclusions of Law, and Decision and Order from the Parties filed after the closing of the reopened contested case hearing on July 19, 2002.

4. Intervenor Lance W. Holter's Joinder in Intervenor Madelyn D'Enbeau's Proposed Findings of Fact; Conclusions of Law; Proposed Order from the Continued Contested Case Hearing held July 19, 2002; and the Memorandum in Support of Same
5. Written Decision and Order of the Maui Planning Commission of the decision to grant the Special Management Area Use Permit made on April 23, 2002.

The following documents were distributed to the Maui Planning Commission prior to the April 23, 2002 Maui Planning Commission decision making meeting:

6. Hearing Officer John S. Rapacz, Esq.'s Report
7. Intervenor's Lance W. Holter's Exceptions to Hearing Officer's Omissions and Failure to Consider Facts.
8. March 11, 2002 Letter from Intervenor Madelyn D'Enbeau informing the Maui Planning Commission that she has retained attorney Douglas Sameshima to represent her in the SMA proceeding.
9. Douglas J. Sameshima, attorney for Intervenor Madelyn D'Enbeau submitting a Joinder in Intervenor Lance W. Holter's Exceptions to Hearing Officer's Omissions and Failure to Consider Facts.
10. David W. Jorgensen, attorney for applicant KRS Development, Inc. submitting a Memorandum in Support of Hearing Officer's Report and Recommendations.
11. Hearing Officer John S. Rapacz's 8<sup>th</sup> Order Denying Intervenors' Motion to Reopen the Contested Case Hearing Following the Motion Hearing on February 11, 2002.
12. Intervenors' February 6, 2002 Joint Motion to Reopen Proceedings.
13. Applicant's Memorandum in Opposition to Intervenors' Joint Motion to Reopen Proceedings dated February 7, 2002.

14. Applicant's Proposed Findings of Fact, Conclusions of Law and Decision and Order.
15. Intervenors' Proposed Findings of Fact, Conclusions of Law, and Special Conditions.
16. Applicant's Post-Hearing Brief dated January 28, 2002.
17. Intervenors' Joint Memorandum dated January 28, 2002.

B. DIRECTOR'S REPORT

C. NEXT REGULAR MEETING DATE: AUGUST 27, 2002

D. ADJOURNMENT

EACH PARTY IS REQUESTED TO PROVIDE RESPONSIBLE REPRESENTATION AT THE MEETING.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS, DUE TO DISABILITIES, PLEASE CALL THE MAUI PLANNING DEPARTMENT AT 270-7735 (Maui) OR 1-800-272-0117 (From Molokai) OR 1-800-272-0125 (From 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) DAYS BEFORE THE SCHEDULED MEETING.

\* **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.**

PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at least one working day prior to the meeting date. Thank you for your cooperation. (S:\all\carolyn\082602.age)