

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

AGENDA

DATE: May 25, 2004 (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: Randy Piltz (Chair), Susan Moikeha (Vice-Chair), Bernice Lu, Susan Moikeha, Suzanne Freitas, Patricia Eason, Johanna Amorin, Diane Shepherd, Nick Casumpang Jr., William Iaconetti

Public testimony will be taken at the start of the meeting on any agenda item 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 the beginning of the meeting will not be allowed to testify again when the agenda item comes up before the Commission, unless new or additional information will be offered.

A. CALL TO ORDER

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

1. AHEAHE MAKANI, LLC requesting a Special Management Area Use Permit for the Kai Makani project, a 112-unit condominium project and related improvements on approximately 10.442 acres of land and the improvements at Maipoina Oe lau Beach Park including the provision of 37 parallel parking stalls along South Kihei Road and associated landscape planting at TMK: 3-9-041: 002, 003, 026, 038, and a portion of 027 and TMK: 3-9-001: 025, Kihei, Island of Maui. (SM1 20020021) (J. Alueta)
 - a. Public Hearing
 - b. Action
2. O.W. RANCH LLC c/o MANCINI WELCH & GEIGER requesting a State Land Use Commission Special Use Permit and a Conditional Use Permit for the continued operation of a twelve-bedroom bed and breakfast, restaurant, parking, caretaker's residence, day event rental, nursery facility, and horse riding facility in the State Agricultural District at 1373 Thompson Road, TMK: 2-2-001: 017, Kula, Island of Maui. (SUP2 2003/0006) (CP 2003/0008) (R. Loudermilk)

- a. Public Hearing
- b. Action

C. APPROVAL OF MINUTES OF THE FEBRUARY 24, 2004 and MARCH 23, 2004 MEETINGS

D. COMMUNICATIONS

1. AHEAHE MAKANI, LLC requesting a Step 2 Planned Development Approval for the Kai Makani project, a 112 unit condominium complex on approximately 10.44 acres of land at TMK: 3-9-041: 002, 003, 026, 038, and por. of 027, Kihei, Island of Maui. (PD2 2003/0001) (J. Alueta)
2. Scheduling of the decisionmaking meeting on the consolidated contested case hearing on the following appeals: (C. Yoshida) (Matter to be taken up at 1pm or soon thereafter)
 - a. Thomas D. Welch, Jr. and James W. Geiger of Mancini, Welch & Geiger, attorneys for Montana Beach, LLC appealing the determination made by the Planning Director on August 8, 2001 to suspend without prejudice the SMA exemption determination for the Montana Beach Condominium Project, Paia, Maui, Hawaii. (Docket No. 01-0002)
 - b. Thomas D. Welch, Jr. and James W. Geiger of Mancini, Welch & Geiger, attorneys for Montana Beach, LLC appealing the determination made by the Planning Director on August 1, 2001 to suspend without prejudice the SMA exemption determination for the Montana Beach Condominium Project, Paia, Maui, Hawaii. (Docket No. 01-0003)
 - c. R. Clay Sutherland (now James & Rhonda Fosbinder), attorney for Dennis P. Holland and Diane Holland appealing the determination made by the Planning Director on August 1, 2001 to suspend without prejudice the SMA exemption determination for the Montana Beach Condominium Project, Paia, Maui, Hawaii. (Docket No. 01-0004)
 - d. Bernard Bays of Bays Deaver Lung Lung Rose Baba (now Carl Osaki), attorney for Michael L. Weidner, appealing the determination made by the Planning Director on August 1, 2001 to suspend without prejudice the SMA exemption determination for the Montana Beach Condominium Project, Paia, Maui, Hawaii. (Docket No. 01-0005)

- e. Deborah Wright of Wright and Kirschbraun on behalf of Ashgar R. Sadri appealing the determination made by the Planning Director on August 8, 2001 to suspend without prejudice the SMA exemption determination for the Montana Beach Condominium Project, Paia, Maui, Hawaii. (Docket No. 01-0006)

E. NEW BUSINESS

1. GENESEE CAPITAL requesting comments on the Draft Environmental Assessment for the Maui Lu Redevelopment project in order to redevelop the Maui Lu in a phased construction of 388 timeshare units and related improvements at 573 South Kihei Road, TMK: 3-9-001: 086, Kihei, Island of Maui. (EA 2003/0008) (K. Caigoy) (J. Alueta) The EA trigger is the use of County lands for offsite improvements. (Draft EA circulated at the April 13, 2004 meeting. (Commissioners: Please bring the draft EA with you to this meeting.)

The Planning Department is also processing the Special Management Area Use Permit for the Maui Lu Redevelopment. The public hearing on the Maui Lu Redevelopment SMA Permit request will be held after the Chapter 343 process has been completed.

F. PENDING LITIGATION (To be discussed after the Montana Beach decisionmaking meeting item.)

1. Consider and adopt procedures for the limited reopening of the contested case for the Hale O Kaula Church Land Use Commission Special Use Permit including selection of a hearing officer as defined in Maui Planning Commission Rules of Practice and Procedure 12-201-5 relative to the Hale O Kaula Church v. Maui County (Civil No. 01-0061 SPK/KSC) and USA v. Maui County (Civil No. 03-0362 SPK/KSC) cases (R. Loudermilk)

The contested case hearing previously involved the following parties:

- a. MR. ROBERT POULSON of HALE O KAULA requesting a State Land Use Commission Special Use Permit in order to use an existing structure and construct a second floor to hold church services within the State and County Agricultural Districts at Anuheha Place, TMK: 2-3-008: 032, Pukalani, Island of Maui. (SUP2 990016)
- b. MR. GLENN M. KOSAKA, attorney for JON DAVERN THURO and CHERYL ANN THURO, FRANK CARAVALHO and MARY

CARAVAHLO and their attorney-in fact FRANK CARAVAHLO, JR.
and BARBARA LUKE intervening on the abovementioned State Land
Use Commission Special Use Permit request.

***An Executive Session may be called on this item 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.**

G. DIRECTOR'S REPORT

1. May 12, 2004 Request Letter from Glenn Tadaki, Planner from Munekiyo and Hiraga on behalf of SVO Pacific, Inc. requesting the scheduling of a Maui Planning Commission workshop and site visit of the Kaanapali Ocean Resort Villas Expansion Site at TMK: 4-4-014: 004, Kaanapali, Island of Maui. (SM1 2003/0024) (J. Alueta)
2. Notification of the Issuance of a Special Management Area (SMA) Emergency Permit on April 26, 2004 to Thomas Welch of Mancini, Welch & Geiger LLP for the placement of temporary shore protection devices along an existing seawall fronting 477 Laulea Place, TMK: 3-8-002: 068, Spreckelsville, Island of Maui. (SM3 2004/0002) (L. Kaiakamalie)
3. EA/EIS Status Report (distributed for the April 13, 2004 meeting)
4. EA/EIS Status Report (distributed for the April 27, 2004 meeting)
5. EIS Status Report (distributed for the May 11, 2004 meeting)
6. EA/ EIS Status Report
7. SMA Minor Permit Report (distributed for March 23, 2004 meeting)
8. SMA Exemptions Report (distributed for March 23, 2004 meeting)
9. SMA Minor Permit Report (distributed for the April 13, 2004 meeting)
10. SMA Exemptions Report (distributed for the April 13, 2004 meeting)
11. SMA Minor Permit Report (distributed for the April 27, 2004 meeting)
12. SMA Exemptions Report (Distributed for the April 27, 2004 meeting)
13. SMA Minor Permit Report (Distributed for the May 11, 2004 meeting)
14. SMA Exemptions Report (Distributed for the May 11, 2004 meeting)
15. SMA Minor Permit Report
16. SMA Exemptions Report

H. NEXT REGULAR MEETING DATE: June 8, 2004

I. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

ANY PETITION TO INTERVENE AS A FORMAL PARTY IN THE PROCEEDINGS BEFORE THE MAUI

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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.

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.

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.

*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 day prior to the meeting date. Thank you for your cooperation.** (S:\all\cardlyn\052504.age)