

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

AGENDA

DATE: SEPTEMBER 11, 2001

TIME: 9:00 A.M.

PLACE: Council Chambers, 8th Floor, Kalana O Maui, County Building,
200 S. High Street, Wailuku, Maui, Hawaii 96793

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

1. MR. DAVID GOODE, Director of the DEPARTMENT OF PUBLIC WORKS WASTE MANAGEMENT requesting an amendment to the State Land Use Commission Special Use Permit Docket No. SP 97-390 and a Conditional Permit for the Entrance Facility to the Central Maui Landfill Expansion and related improvements at TMK: 3-8-003: 025, Puunene, Island of Maui. (SUP1 2001/0001) (CP 2001/0015) (J. Alueta)

- a. Public Hearing
- b. Action

2. TERRY L. & MELE J. STRICKLAND requesting a Conditional Permit for the Haiku Getaway Bed and Breakfast in order to utilize a two-bedroom/ one-bath single-story single-family "ohana" dwelling unit for bed and breakfast purposes in addition to using two bedrooms in the main residence for bed and breakfast purposes in the R-3 Residential District at 1765 Haiku Road, TMK: 2-7-007: 063, Haiku, Island of Maui. Each bedroom would be occupied with no more than two people. (CP 2001/0005) (J. Higa)

- a. Public Hearing
- b. Action

B. APPROVAL OF MINUTES OF THE APRIL 24, 2001 MEETING

C. COMMUNICATIONS

1. Requests to consider the appeal for contested case hearing and to select a Hearings Officer on the Notice of Appeal to the Maui Planning Commission by ISAAC HALL, attorney for HUI ALANUI O MAKENA, DANA NAONE HALL, and LESLIE KULOLOIO of the SMA Exemption Determination No. SM5 2001/0236 by the Planning Director on August 8, 2001 for the Warmenhoven Residence at TMK: 2-1-011: 021, Makena, Island of Maui. (M. Niles)
 - a. August 23, 2001 Letter from Deputy Corporation Counsel Richard Minatoya, attorney for the Director of Planning and the Department of Planning requesting that the matter be considered for contested case hearing.
 - b. August 24, 2001 letter from B. Martin Luna of Carlsmith Ball LLP, attorney for Daniel and Charmaine Warmenhoven requesting that the appeal be dealt with pursuant to the contested case procedure in the SMA Rules.

D. UNFINISHED BUSINESS

1. August 7, 2001 Stipulation to Withdraw Applications from Joel E. August, attorney for the applicants WESTERN PCS II CORPORATION and ISAAC HALL, attorney for Intervenors Olowalu Elua Associates et.al on the applications by WESTERN PCS II CORPORATION for a State Land Use Commission Special Use Permit and a County Special Use Permit to install and use a cellular antenna in the State Agriculture District on approximately 400 square feet of land at 820 Honoapiilani Highway, TMK: 4-8-003: 031 (por.), Olowalu , Island of Maui. (SUP2 990008) (CUP 990005) (Public hearing conducted and intervention granted in December 1999) (R. Loudermilk)
2. Following requests on the appeals of the Planning Director's August 1, 2001 and August 8, 2001 letters regarding the rescinding of the prior SMA exemptions for the proposed residences on the Montana Beach property at Paia:

- a. Petition to Intervene by Isaac Hall, attorney for Christina Hemming and Hui Alanui O Makena on the subject appeals by Montana Beach LLC, Dennis and Diane Holland, and Joseph Weidner (received on August 24, 2001) Position statement received on the same day.
- b. Consolidation of subject appeals
- c. Requests for contested case hearing by appellants and Richard Minatoya, attorney for Planning Department in his letter dated August 23, 2001
- d. Section of Hearing Officer

The appeals are for the following:

Appeals from Planning Director John E. Min's August 1, 2001 determination to suspend without prejudice, the Planning Department's determination that the proposed development is exempt under the provisions of HRS Chapter 205A and Chapter 202, Special Management Area Rules and Regulations of the Maui Planning Commission based on a recent legal opinion from the Department of the Corporation Counsel for the Montana Beach Condominium (Former Lime Kiln) property, TMK: 2-5-005: 014, Paia, Island of Maui. The first three appeal were previously circulated to the Maui Planning Commission for the August 28, 2001 meeting and were deferred at that meeting.)

- a. THOMAS D. WELCH, JR. and JAMES W. GEIGER of MANCINI, ROWLAND & WELCH, attorneys for MONTANA BEACH, LLC, submitting an Appeal of Director's Action regarding the Montana Beach Condominium project at TMK: 2-5-005:014 HPR 2, Paia, Island of Maui. (C. Yoshida) (Appeal received on August 8, 2001)

THOMAS D. WELCH, JR. and JAMES W. GEIGER of MANCINI, ROWLAND & WELCH, attorneys for MONTANA BEACH LLC submitting an Appeal (Supplemental) of Director's Action Concerning TMK: (2) 2-5-5: 14 HPR 2 Montana Beach Condominium (Former Lime Kiln Property), Paia, Maui, Hawaii

- b. R. CLAY SUTHERLAND, attorney on behalf of DENNIS P. HOLLAND AND DIANNE HOLLAND, submitting an Appeal of Director's Action regarding the Montana Beach Condominium project at TMK: 2-5-005:014 HPR 1, Paia, Island of Maui. (C. Yoshida)

- c. BERNARD BAYS of BAYS DEEVER LUNG ROSE BABA, attorney on behalf of MICHAEL L. WEIDNER, submitting an Appeal of Director's Action regarding the Montana Beach Condominium project at TMK: 2-5-005:014 HPR 3, Paia, Island of Maui. (C. Yoshida)
 - d. ASHGAR R. SADRI submitting an appeal for Lot B of the Planning Director's August 8, 2001 letter concerning Montana Beach Condominium project by letter dated August 17, 2001. (C. Yoshida)
3. ISAAC HALL, attorney for CHRISTINE HEMMING and HUI ALANUI O MAKENA submitting a Notice of Appeal to Maui Planning Commission on the SMA Exemption Determinations made by the Planning Director for single family residences which are part of the Montana Beach Condominium project at TMK: 2-5-005: 014, Paia, Island of Maui. (C. Yoshida) (last discussed at the June 12, 2001 continuation of the May 22, 2001 meeting)

E. DIRECTOR'S REPORT

1. Discussion on the establishment of a Department of General Planning to focus solely on the long-range planning functions
2. Tracking of affordable housing requirements on land use permits and approvals
3. SMA Minor Report (see attached)
4. HCPO Conference, September 12-14, 2001

F. NEXT REGULAR MEETING DATE: SEPTEMBER 25, 2001

G. ADJOURNMENT

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

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 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 Maui
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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 (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.

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 working day prior to the
meeting date. Thank you for your cooperation.(S:\all\carolyn\091101.age)