

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, 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 except for the Doug White Appeal 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. Public testimony will not be allowed on the Doug White Appeal item as the Maui Planning Commission will be exercising its adjudicatory function pursuant to Section 92-6(a) (2) Hawaii Revised Statutes as amended in decision making on the contested case appeal proceeding.

A. CALL TO ORDER

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

1. MS. ALICE L. LEE, Director of the DEPARTMENT OF HOUSING AND HUMAN CONCERNS requesting a Special Management Area Use Permit for the proposed Kaunoa Senior Wellness Center consisting of the construction of a single-story 4,320 square feet building, four (4) stall paved parking area, landscaping, lighting, and walkway at 401 Alakapa Place, TMK: 3-8-001: 008, Spreckelsville, Island of Maui. (SM1 2003/0025) (K. Caigoy)

- a. Public Hearing
- b. Action

2. JEREMY and MELINDA Sistar of MAILE BREAD COMPANY, LLC requesting a County Special Use Permit in order to operate a small-scale bread bakery in the R-3 Residential District at 1034 Palolo Place, TMK: 2-4-007: 089, Makawao, Island of Maui. (CUP 2003/0002) (S. Bosco)

- a. Public Hearing
 - b. Action
3. LANDTEC, INC., requesting a Community Plan Amendment from Light Industrial and Open Space to Single Family Residential for the Kaanapali Parcel 10-H Residences Project, the subdivision of a 7.65 acre parcel into 18 single family residential lots and construction of related subdivision improvements at TMK: 4-4-006: 056, Kaanapali, Island of Maui. (CPA 2003/0002) (A. Cua)
- a. Public Hearing
 - b. Action

C. APPROVAL OF MINUTES OF THE JUNE 22, 2004 MEETING

- D. Decision making on the contested case hearing conducted by Hearings Officer E. John McConnell, Retired Judge on the following Special Management Area appeal: (To take place at 1 pm or as soon thereafter) (J. Alueta)

Appeal by Mr. James Geiger of Mancini, Welch & Geiger on behalf of Douglas Richard White from the determination of the Director, Department of Planning by letter dated January 24, 2003 to rescind the Special Management Area (SMA) Exemption determination by letter dated August 8, 2002 regarding the construction of a single family dwelling at 1377 Front Street, TMK: 4-5-012: 018, Lahaina, Island of Maui. (SM5 2002/0289) (APPL 2003/0004)

James Richard McCarty, attorney for Momi Keahi, Kai Keahi, and Kalani Kapu intervening on the abovementioned appeal.

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

- 1) Hearing Officer E. John McConnell (Ret.)'s Report dated May 21, 2004.
- 2) Hearing Officer E. John McConnell (Ret.)'s Proposed Findings of Fact and Proposed Conclusions of Law dated May 21, 2004.
- 3) James W. Geiger of Mancini, Welch, and Geiger submitting Appellant Douglas Richard White' s Exceptions to the Hearing Officer's Report and Proposed Findings of Fact and Conclusions of Law dated June 4, 2004.

- 4) Brian T. Moto and Madelyn S. D'Enbeau of the Department of the Corporation Counsel submitting Appellee Michael W. Foley, Director, Department of Planning, County of Maui's June 4, 2004 Exceptions to the Hearing Officer's Report.
- 5) Brian T. Moto and Madelyn S. D'Enbeau of the Department of the Corporation Counsel submitting Appellee Michael W. Foley, Director, Department of Planning, County of Maui's June 4, 2004 Exceptions to Hearing Officer's Findings of Fact and Proposed Conclusions of Law.
- 6) James Richard McCarty submitting Intervenors Momi Keahi, Kai Keahi, and Kalani Kapu's June 8, 2004 Joinder in Appellee Michael W. Foley, Director, County of Maui's Exceptions to the Hearing Officer's Report; Joinder in Appellee Michael W. Foley, Director, County of Maui's Exceptions to the Hearing Officer's Findings of Fact and Proposed Conclusions of Law.
- 7) James W. Geiger of Mancini, Welch, and Geiger submitting Appellant Douglas Richard White's June 18, 2004 Memorandum in Support of Hearing's Officer's Report.
- 8) James W. Geiger of Mancini, Welch, and Geiger submitting Appellant Douglas Richard White's June 18, 2004 Memorandum in Support of Hearing Officer's Proposed Findings of Fact and Conclusions of Law.

***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.**

ALL OF THESE DOCUMENTS WERE PREVIOUSLY CIRCULATED TO THE PLANNING COMMISSION. COMMISSIONERS, PLEASE BRING YOUR DOCUMENTS WITH YOU.

E. DIRECTOR'S REPORT

1. Status Update on the Planning for the Relocation of the Honoapiilani Highway Pali-Puamana Project
2. Request by Commissioner Suzanne Freitas for a Joint Workshop with the Board of Water Supply on Water Issues
3. EA/ EIS Status Report
4. SMA Minor Permit Report
5. SMA Exemptions Report

F. NEXT REGULAR MEETING DATE: August 10, 2004

G. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

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.

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\cardyn\072704.age)