

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

AGENDA

NOTE: The Maui Planning Commission agenda filed on April 12, 2002 for a meeting on April 23, 2002 has been canceled. This new agenda filed on April 17, 2002 replaces the canceled agenda.

DATE: APRIL 23, 2002
TIME: 9:00 A.M.
PLACE: Council Committee Meeting Room, 7th Floor, Kalana O Maui Building, 200 South High Street, Wailuku, Maui, Hawaii 96793

Public testimony will be taken at the start of the meeting on any agenda item, except for the North Shore Village contested case decision making item (Item A), 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, except for the North Shore Village decision making item (Item A), 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. Decision making on the 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): (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 THE NORTH SHORE VILLAGE SMA ITEM AND RELATED MATTERS AS THE MAUI PLANNING COMMISSION WILL BE EXERCISING ITS ADJUDICATORY FUNCTION.

Maui Planning Commission Agenda

April 23, 2002

Page 2

1. Intervenor Lance W. Holter's Motion dated April 11, 2002 to Strike Applicant's Memorandum in Support of Hearing Officer's Report and Recommendations
2. Intervenor Lance W. Holter's Motion dated April 11, 2002 to Planning Commission to Hear the Following Motions and Memorandum:
 - a. Motion to Reconsider Zoning Issues
 - b. Motion to Continue Pending Adequate Traffic Impact Analysis Report
 - c. Request for Production of Additional Drainage Documents
 - d. Motion to Reopen Proceeding Regarding Drainage from Rain Storm January 29, 2002.
 - e. Memorandum Concerning Non-accordance of North Shore Village SMA application with Special Management Rules and Zoning.
3. Decision making on North Shore Village Special Management Area Use Permit application
 - a. Hearing Officer John S. Rapacz, Esq.'s Report.
 - b. Intervenor's Lance W. Holter's Exceptions to Hearing Officer's Omission and Failure to Consider Facts.
 - c. 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.
 - d. 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.

- e. David W. Jorgensen, attorney for applicant KRS Development, Inc. submitting a Memorandum in Support of Hearing Officer's Report and Recommendations.
- f. Hearing Officer John S. Rapacz's 8th Order Denying Intervenors' Motion to Reopen the Contested Case Hearing Following the Motion Hearing on February 11, 2002.

Maui Planning Commission Agenda
April 23, 2002
Page 3

- g. Intervenors' February 6, 2002 Joint Motion to Reopen Proceedings.
- h. Applicant's Memorandum in Opposition to Intervenors' Joint Motion to Reopen Proceedings dated February 7, 2002.
- i. Applicant's Proposed Findings of Fact, Conclusions of Law and Decision and Order.
- j. Intervenors' Proposed Findings of Fact, Conclusions of Law, and Special Conditions.
- k. Applicant's Post-Hearing Brief dated January 28, 2002.
- l. Intervenors' Joint Memorandum dated January 28, 2002.

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

- 1. MR. JEAN CLAUDE LUCAS requesting a State Land Use Commission Special Use Permit and a Conditional Permit to operate Clo Clo Cakes utilizing one of two garages in the State Rural District to bake special occasion cakes at 3176 Kilani Place, TMK: 2-3-047: 115, Pukalani, Island of Maui. (SUP2 20010021) (CP 20010027) (R. Loudermilk)
 - a. Public Hearing
 - b. Action

C. APPROVAL OF MINUTES OF THE FEBRUARY 12, 2002 MEETING

D. COMMUNICATIONS

1. MR. LLOYD T. SUEDA , AIA, of SUEDA & ASSOCIATES on behalf of KCOM Corp. requesting a two-year time extension on the period to initiate construction on the Special Management Area Use Permit for the Hobron Center at TMK: 3-7-011: 003, Kahului, Island of Maui. (95/SM1-0019) (R. Loudermilk)

Maui Planning Commission Agenda

April 23, 2002

Page 4

E. UNFINISHED BUSINESS

1. MR. JOHN E. MIN, Director of Planning transmitting a proposed bill to establish an Open Space District chapter in Title 19 of the Maui County Code. (Public hearing conducted on March 25, 2002) (J. Summers)

F. DIRECTOR'S REPORT

1. SMA Minor Permit Report (see attached)
2. SMA Exemptions Report (see attached)

G. NEXT REGULAR MEETING DATE: MAY 14, 2002

H. 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 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 270-77 35 (Maui) OR 1-8 00-27 2-0 11 7 (From Molokai) OR 1-80 0-2 72-0125 (From Lanai) OR NOTIFY THE MAUI PLANNING DEPARTMENT IN WRITING AT 250 S. HIGH STREET, WAILUKU, MAUI, HAWAII 96793 OR FAX NUMBER 270-76 34; 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\042302.2ag)