

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

AGENDA

DATE: FEBRUARY 11, 2003
TIME: 9:00 A .M.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building,
250 South 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. APPROVAL OF MINUTES OF THE AUGUST 26, 2002, AUGUST 27, 2002, SEPTEMBER 24, 2002 REGULAR MEETINGS and MINUTES OF THE SEPTEMBER 9, 2002 and OCTOBER 23, 2002 WORKSHOP MEETINGS (Copies of the minutes for the workshops were earlier circulated to the commission members).
- B. COMMUNICATIONS
 - 1. MR. ED REINHARDT, President of MAUI ELECTRIC COMPANY, LTD. requesting a time extension on the period to complete construction of Unit M18 until December 31, 2007 on the Special Management Area Use Permit for Maalaea Generating Station Units M17, 18, & 19 at TMK: 3-8-005: portion of 025, Maalaea, Island of Maui. (SM1 940011) (C. Suyama)
 - 2. MR. DAN GOODFELLOW of GOODFELLOW BROTHERS, INC. requesting a State Land Use Commission Special Use Permit amendment to allow for the additional use of the site as a construction baseyard and a time extension in order to continue to operate a rock crushing facility within the State Agricultural District at TMK: 2-2-002: 001 and 054, Kihei, Island of Maui. (SUP 790003) (S. Bosco)

C. UNFINISHED BUSINESS

1. a. MR. ISAAC HALL, attorney for the KAHANA SUNSET OWNERS ASSOCIATION submitting a Petition to Intervene on the applications by MR. GIL COLOMA-AGARAN, Director of the DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT (formerly Department of Public Works and Waste Management) for a Special Management Area Use Permit and a Shoreline Setback Variance for the Lower Honoapiilani Road Phase IV Improvements project at Kahana and Napili, Island of Maui. (SM1 2000/0008) (SSV 2000/0001) (C. Suyama) (Deferred at the December 10, 2002 meeting and the January 14, 2003 meeting)
- b. MR. GIL COLOMA AGARAN Director of the DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT (formerly Department of Public Works and Waste Management) requesting a Special Management Area Use Permit for the Lower Honoapiilani Road Phase IV project (Hoohui Road to Napilihau Street consisting of roadway, drainage, and related improvements to a 1.4 mile segment of Lower Honoapiilani Road at TMK: 4-3-03, 4-3-05, 4-3-10, and 4-3-15, Kahana and Napili, Island of Maui. (SM1 2000/0008) (C. Suyama) (Public hearing conducted and item deferred at the December 10, 2002 meeting and the January 14, 2003 meeting)
- c. MR. GIL COLOMA AGARAN, Director of the DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT (formerly Department of Public Works and Waste Management) requesting a Shoreline Setback Variance for the Lower Honoapiilani Road Phase IV Improvements (Hoohui Road to Napilihau Street) consisting of roadway improvements (Shoreline Segment 1 between TMK: 4-3-15:36 and 4-3-19:47 and Shoreline Segment 2 between TMK: 4-3-15:8 and 4-3-15:36) and repairs to three (3) existing drainage outlets (Outlet 1 south of Pohailani Condominium at TMK: 4-3-05:27 and 4-3-10: portion of 9; and Outlets 3 and 4 between TMK: 4-3-15:8 and 36), and the construction of two (2) new outlets (Outlet 2 near Hui Road D and Outlet 5 south of Hui Road E) at TMK: 4-3-05:27, 4-3-10: portion of 9, and 4-3-15, Kahana to Napili, Island of Maui. (SSV 2000/0001) (C. Suyama)

(Public hearing conducted and item deferred at the December 10, 2002 meeting and the January 14, 2003 meeting)

D. DIRECTOR'S REPORT

1. January 27, 2003 Transmittal by the Department of the Corporation Counsel of a draft amendment to the Special Management Area Rules of the Maui Planning Commission regarding Valuation of Proposed Developments for SMA Permit Purposes
2. Notification to the Maui Planning Commission of the submittal of the following SMA Appeals pursuant to the provisions of Section 12-202-26 of the Maui Planning Commission's SMA Rules:
 - a. Kenneth R. Kupchak, Gregory W. Kugle, and Sat Khalsa Freedman of Damon Key Leong Kupchak Hastert, attorneys for KUOHA LLC and Paul and Sherry Lambert appealing the Planning Director's Decision to Rescind the Special Management Area Assessment Determination for the Lambert Residence at TMK: 2-1-011: 014, Makena, Island of Maui. (SMX 2002/0655) (SM5 2002/0485) (APP 2003/0001) (M. Niles) (previously circulated at the January 28, 2003 meeting)
 - b. B. Martin Luna, Gary G. Grimmer, and Karl K. Kobayashi of Carlsmith Ball LLP, attorneys for Charles Sweeney and Nell Sweeney appealing the revocation of their Special Management Area exemption by the Planning Director for the Sweeney Residence at TMK: 2-1-011: 013, Makena, Island of Maui. (SMX 2001/0018) (SM5 2002/0483) (APP 2003/0002) (M. Niles) (previously circulated at the January 28, 2003 meeting)
 - c. Daniel Grantham. Chair of the Maui Group Sierra Club and Riki Pestana-Torres representing himself appealing the issuance of a Special Management Area Minor Permit to Francesco Moretti, Executive Director of the Maliko Bay Trading Company, LLC for the Maliko Bay Subdivision consisting of a subdivision into 8 lots with related improvements on 44 acres of land in the State Agricultural District at Hana Highway & Maliko Gulch, TMK: 2-7-004:006, Haiku, Island of Maui. (SMX 2002/0072) (SM2 2002/0198) (APP 2003/0003) (J.Higa)

3. Status Report on the Revised Shoreline Area Rules
4. SMA Minor Permit Report (see attached)
5. SMA Exemptions Report (see attached)

E. NEXT REGULAR MEETING DATE: FEBRUARY 25, 2003

F. 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 (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.

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\021103.age)