

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

## AGENDA

DATE: October 9, 2007 (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: Johanna Amorin (Chair), Wayne Hedani (Vice-Chair), William Iaconetti, Bruce U'u, John Guard IV, Jonathan Starr, Kent Hiranaga, Joan Pawsat

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 this time will not be allowed to testify again when the agenda item comes up before the Commission, unless new or additional information will be offered.

Testifiers: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, Conditional Permit, Type 3 Bed and Breakfast Permit require the approval of the Maui County Council. In order to be notified of future agendas of the Maui County Council please notify the Office of Council Services at (808) 270-7838 or by mail to the Maui County Council, 200 S. High Street, Wailuku, Maui, Hawaii 96793.

A. CALL TO ORDER

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

1. MR. JEFFREY S. HUNT, AICP, Planning Director transmitting the following bills for ordinances addressing the issues of bed and breakfast operations and transient vacation rentals (TVRs): (J. Alueta)

a. A Bill for an Ordinance to Amend the Bed and Breakfast Ordinance, Chapter 19.64 of the Maui County Code regarding Bed and Breakfast Homes.

The proposed amendments add that breakfast shall be made available to onsite guests and that bed and breakfast operations within the residential and rural districts shall be limited to existing single-family structures; a 16 sq. ft. project notice sign shall be posted

at the front of the property along the main access road; the application shall be subject to 19.510.20, the planning director shall approve or deny the bed and breakfast permit application; conditions under which the appropriate planning commission would approve or deny the permit; and provisions for renewal of bed and breakfast permits.

- b. A Bill for an Ordinance to Amend Chapter 19.40, Conditional Permits prohibiting transient vacation rental operations from being established via the conditional permit process.
- c. A Bill for an Ordinance Relating to the Permitting of Transient Vacation Rentals.

The purpose of the ordinance is to allow transient vacation rentals only in the following instances: (a) in zoning districts where they are a permitted use (currently in the airport and hotel districts), (b) in business zoning districts, and (c) in the destination resort areas of Wailea, Makena, Kaanapali, and Kapalua.

- d. A Bill for an Ordinance to Amend Section 19.30A.060, Special uses of the Maui County Code, relating to the Agricultural District.

The bill would include bed and breakfast operations that are operated in conjunction with: 1. A bonafide agricultural operation with an annual gross income from agricultural products of \$35,000 as a accessory use. 2. Located in a structure that is listed on a State or National Register of Historic Sites. Bed and Breakfast operations shall be subject to the provisions found in Chapter 19.64 and shall be subject to Chapter 205, Hawaii Revised Statutes.

- e. A Bill for an Ordinance to Amend Chapter 19.29.030, relating to the Rural District.

The bill would include bed and breakfast operations subject to the provisions and restrictions of Chapter 19.64 of the Maui County Code as a permitted use.

- a) Public Hearing on the various proposed bills
- b) Action on the various proposed bills

C. COMMUNICATIONS

1. MR. CHRISTOPHER L. HART of CHRIS HART & PARTNERS, INC. requesting amendment of Conditions No. 1, 4, and 11 of a Special Management Area Use Permit relating to the initiation of construction and modification of plans for a proposed bar, deli area, restrooms, outdoor dining areas, and expansion of sun deck areas located adjacent to the existing swimming pool at the Hyatt Regency Maui Resort at TMK: 4-4-013: 008, Kaanapali, Lahaina, Island of Maui. (SM1 2002/0022) (L. Callentine)

The Commission may action on the request.

D. UNFINISHED BUSINESS

1. MR. CHRISTOPHER L. HART of CHRIS HART & PARTNERS on behalf of A & B PROPERTIES and MAUI COUNTRY CLUB, LTD. requesting amendments to Condition Nos. 1 and 10 of a Special Management Area Use Permit relating to (1) initiation of construction for improvements to the clubhouse, pro shop, parking lot, entry, cart storage, and pool pavilion, construction of a fitness room and repair of a tennis court and (2) timing of compliance reporting at the Maui Country Club located at 48 Nonohe Place, TMK: 3-8-001: 071, Spreckelsville, Island of Maui. (SM1 2004/0032) (L. Callentine) (Deferred from the March 27, 2007 meeting.)

The Commission may take action on the land use request.

2. MR. RON SERLE requesting a State Land Use District Boundary Reclassification from the State Agricultural District to the State Rural District and a Change in Zoning from Interim District to RU-0.5 Rural District for the Serle Subdivision on approximately 5.258 acres of land at TMK: 2-7-002: 156 (formerly a portion of TMK: 2-7-002: 043), Haiku, Island of Maui. (DBA 2006/0002) (CIZ 2006/0005) (J. Dack) (Public hearing conducted on July 10, 2007.) (Matter deferred at the August 14 and September 25 meetings.)
  - a. July 26, 2007 Letter from Christopher L. Hart of Chris Hart and Partners requesting that the item be deferred to a regular meeting in September 2007.

The Commission may take action to defer the matters or may take action on the land use requests.

3. MR. JEFFREY S. HUNT, AICP, Planning Director, transmitting the 2030 Countywide Policy Plan (Plan) to the Maui Planning Commission pursuant to the provisions of Chapter 2.80B of the Maui County Code. The Maui Planning Commission may review and provide recommendations on Section IV (Goals, Objectives, & Policies) of the Plan, which was revised to reflect the recommendations of the Maui, Molokai and Lana`i General Plan Advisory Committees. Emphasis will be placed on the revised **EXPAND HOUSING OPPORTUNITIES FOR COUNTY CITIZENS, PROMOTE SUSTAINABLE LAND USE AND POPULATION MANAGEMENT, and IMPROVE PHYSICAL INFRASTRUCTURE** Sections *(Plan was mailed previously. Commissioners: Please bring your copy. To view Section IV, (Goals, Objectives, & Policies) see Maui County website at : [http://www.co.maui.hi.us/departments/Planning/pdf/Full\\_Directors\\_Report.pdf](http://www.co.maui.hi.us/departments/Planning/pdf/Full_Directors_Report.pdf) ) (To begin at 1:00 p.m. or soon thereafter.)*

The Commission may take action on these sections.

#### E. DIRECTOR'S REPORT

1. Scheduling of the date, time, and place for oral argument and decision making on the following contested case hearing (To begin at approximately 1:00 p.m. or soon thereafter):

CHRIS HART AND PARTNERS on behalf of GENESEE CAPITAL requesting a Special Management Area Use Permit for the Maui Lu Redevelopment Project consisting for the demolition of existing structures and the redevelopment of the Maui Lu Resort into a 400-unit time share complex with lock-off units, recreational amenities, landscaping beach nourishment, and related improvements on approximately 27.282 acres of land at 575 South Kihei Road, TMK: 3-9-001: 083, 086, and 120, Kihei, Island of Maui. (SM1 2003/0021) (J. Alueta)

MR. GUY A. HAYWOOD, attorney MAUI BEACH VACATION CLUB submitting an untimely Petition to Intervene received July 1, 2005 on the request by CHRIS HART AND PARTNERS on behalf of GENESEE CAPITAL for a Special Management Area Use Permit for the Maui Lu Redevelopment Project consisting for the demolition of existing structures and the redevelopment of the Maui Lu Resort into a 400-unit time share complex with lock-off units, recreational amenities, landscaping beach nourishment, and related improvements on approximately 27.282 acres of land at 575 South Kihei Road, TMK: 3-9-001: 083, 086, and 120, Kihei, Island of Maui. (SM1 2003/0021) (J. Alueta)

- a. Hearing Officer's Report of Keith Hunter
- b. Exceptions filed by Intervenor Maui Beach Vacation Club
- c. Memo in Support of Hearing Officer's Report by Genesee Capital

The Commission may take action to select a date, time, and place for oral argument and decision making on the contested case.

2. Designation of the Hana Advisory Committee to conduct the public hearing on the following applications:
  - a. MS. CHERYL OKUMA, Director, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT requesting a State Land Use Commission Special Use Permit, a County Special Use Permit, and a Special Management Area Use Permit for Hana Landfill and Land Acquisition on Waikoloa Road, TMK: 1-3-006: 012 (portion) and 1-3-006: 007, Hana, Island of Maui. (SUP1 2007/0004) (CUP 2007/0001) (SM1 2007/0003) (P. Fasi)
  - b. MR. MARK COLLINS requesting a Change in Zoning from the Urban Reserve District to the B-CT Country Town Business District for the Palemo 3-Lot subdivision at TMK: 1-4-013: 039, Hana, Island of Maui. (CIZ 2007/0010) (P. Fasi)
  - c. MR. MARK COLLINS of HANA BAY CHARTERS and ACCOMMODATIONS requesting a Type 2 Bed and Breakfast Permit at 4950 Uakea Road, TMK: 1-4-013: 039, Hana, Island of Maui. (BB2 2007/0002) (P. Fasi)

The Commission may take action on the delegation request.

3. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the September 25 meeting.
  4. Planning Commission Projects/Issues
  5. EA/EIS Report
  6. SMA Minor Permit Report
  7. SMA Exemptions Report
- F. NEXT REGULAR MEETING DATE: October 23, 2007
- G. ADJOURNMENT

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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.

**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\carolyn\100907.agenda)