

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

## AGENDA

DATE: April 8, 2008 (Tuesday)  
TIME: 8:30 A.M.  
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building,  
250 South High Street, Wailuku, Maui, Hawaii 96793

Members: William Iaconetti, Wayne Hedani, Bruce U'u, John Guard IV, Jonathan Starr,  
Kent Hiranaga, Joan Pawsat, Ward Mardfin, Donna Domingo

- A. CALL TO ORDER
- B. INTRODUCTION OF NEW MEMBER - DONNA DOMINGO
- C. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR 2008-2009 YEAR
- D. ORIENTATION WORKSHOP
  - 1. Director's Comments on Process and Efficiencies
  - 2. County Policy Against Sexual Harassment
  - 3. The Sunshine Law
  - 4. Ex parte Communications
  - 5. Discussion of Boards and Commissions Booklet Distributed by the Office of the Corporation Counsel
  - 6. Ethics
  - 7. Powers and Duties
  - 8. Rules of Practice and Procedures
  - 9. Land Use Regulatory Framework in Maui County
  - 10. Zoning
  - 11. Special Management Area Rules
  - 12. Shoreline Area Rules
  - 13. Country Town Business Design Guidelines - Paia-Haiku, Makawao-Pukalani-Kula, and Hana Community
  - 14. Chapter 343, HRS, The EA/EIS Process
  - 15. Work of the Long Range Planning Division - General Plan and Community Plan Updates
  - 16. Flood Hazard District Ordinance
  - 17. Recent U.S. Supreme Court decisions on takings issues.
  - 18. Public Access Shoreline Hawaii (PASH) v. Hawaii County Planning Commission

19. Hawaii Supreme Court Decision regarding the Topliss case (SMA)
20. Meeting Schedule
21. Presentation by Sea Grant Agent Zoe Norcross-Nuu on Sea Level Rise

Public testimony will be taken at 1:00 p.m. on any remaining 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.

E. PUBLIC HEARING (Action to be taken after each public hearing.) (To begin no earlier than 1:00 p.m.)

1. KAI HOLU ASSOCIATION, INC. requesting an amendment to Condition No. 23 of the Special Management Area Use Permit for the Kai Holu Subdivision (formerly known as Kaunoa II Subdivision) to permit two (2) farm dwellings per lot when currently only one (1) farm dwelling is allowed for lands located in the County Agricultural District at TMK: 3-8-002: 101 to 117, Spreckelsville, Island of Maui. One of the two farm dwellings per lot shall not exceed 1,000 square feet of developable area. The current Condition No. 23 restricts the number of farm dwellings to one per lot. The subdivision is developed with 17 lots on 39.7 acres of land. (95/SM1-1000) (P. Fasi)
  - a. Public Hearing
  - b. Action

F. COMMUNICATIONS

1. WAILEA GATEWAY, LLC requesting a Step III Planned Development Approval for the Wailea Gateway Center and related improvements at TMK: 2-1-008: 144 (por.), Wailea, Island of Maui. (PD3 2007/0003) (P. Fasi)

The Maui Planning Commission may take action on this request.

2. SUNSTONE KEOKEA, LLC requesting amendments to Condition Nos. 1, 4, 11, 22, and 29 of the Special Management Area Use Permit relating to initiation of construction and site plan modifications of the 65-lot Liloa Subdivision Plan and related improvements at TMK: 3-9-002: 116, 150, and 151, Kihei, Island of Maui. (SM1 2004/0010) (L. Callentine)

The Maui Planning Commission may take action on these requests.

G. NEW BUSINESS

1. WILSHIRE DMK I LLC requesting comments on the Draft Environmental Assessment prepared in support of the Special Management Area Use Permit for the Alalele Subdivision, a 48-residential lot subdivision at Alalele Place, TMK: 3-9-17: 034, Kihei, Island of Maui. (EA 2007/0009) (SM1 2007/0006) (J. Buika) (originally scheduled to be reviewed at the October 23, 2007 meeting. Commissioners: Please bring you materials with you.)

The EA trigger is the use of State or County lands.

The Maui Planning Commission is being asked to:

- a) Be the accepting authority on the EA
- b) Provide comments on the draft EA

The Maui Planning Commission may take action on these requests.

The public hearing on the Special Management Area Use Permit will be scheduled for a later date after the Chapter 343 process has been completed.

H. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues
2. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission on the March 11, 2008 meeting.
3. Planning Department's Follow-Up on Matters raised by the Maui Planning Commission on the March 25, 2008 meeting
4. EA/EIS Report for the March 11, 2008 meeting
5. EA/EIS Report
6. SMA Minor Permit Report prepared for the March 25, 2008 meeting
7. SMA Minor Permit Report
8. SMA Exemptions Report prepared for the March 25, 2008 meeting
9. SMA Exemptions Report

I. NEXT REGULAR MEETING DATE: APRIL 22, 2008

J. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

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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. The deadline for filing a timely Petition to Intervene was on March 24, 2008.

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\040808.age)**