

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 November 2, 2007 for a meeting on November 13, 2007 has been canceled. This new agenda filed on November 7, 2007 replaces the canceled agenda.

DATE: November 13, 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. WORKSHOP ON THE COASTAL ZONE MANAGEMENT PROGRAM CONDUCTED BY STATE OFFICE OF PLANNING - CHAPTER 205A, HAWAII REVISED STATUTES

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

1. MR. JEFFREY HUNT, Planning Director transmitting Council Resolution No. 07-33 containing Bills for Ordinances to Change the Community Plan from Ag to Public/Quasi Public, a Land Use District Boundary Amendment to Change the State Land Use designation from State Ag to State Urban, and a Change in Zoning to from County Ag. District to P-1 Public/Quasi Public District for the proposed West Maui Medical Facility and related improvements at TMK 4-4-006: 070 (portion), Lahaina, Island of Maui. (CPA 2007/0002) (DBA 2007/0004) (CIZ 2007/0006) (J. Dack)

- a. Public Hearing
 - b. Action
2. MS. CHERIE ATTIX requesting a 10-year Conditional Permit time extension in order to continue operation of the Hale Hookipa Inn Bed & Breakfast, a transient vacation rental in the R-3 Residential District at 32 Pakani Place, TMK: 2-4-018: 063, Makawao, Island of Maui. (CP 2001/0006) (J. Prutch)
 - a. Public Hearing
 - b. Action

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)(Deferred from the October 9, 2007 and October 23, 2007 meetings.) **(Please bring your report with you from the October 9, 2007 meeting.)**

The Commission may take action on these requests.

2. MR. JEFFREY S. HUNT, Planning Director, providing information on Waivers of the Special Management Area Rules of the Maui Planning Commission for Projects of Debris Removal, Emergency Protective Measures, and Permanent Repairs Required as a Result of the Presidential Disaster Declaration of FEMA-1664-DR, October 15, 2006 Earthquake and Related Aftershocks, Maui County, Hawaii. (J. Buika) **(Report circulated with the October 23, 2007 agenda.)**

This matter is for information purposes only.

E. UNFINISHED BUSINESS

1. 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, Improve Physical Infrastructure, and Improve Parks and Public Facilities, Diversify Transportation Options, Strengthen the Local Economy, and Strive for Good Governance.** Sections. The Commission may also discuss convening a special meeting at a later date to complete any unfinished business under this item.

(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)

The Commission may take action on this matter.

F. APPROVAL OF MINUTES AND ACTION MINUTES OF AUGUST 28, 2007

G. DIRECTOR'S REPORT

1. Referring the Transient Vacation Rental Bills/ Bed & Breakfast Bills to the Hana Advisory Committee for additional comments per the request from the Hana Advisory Committee

The Commission may take action to refer the legislation to the Hana Advisory Committee for additional comments.

2. Scheduling a special meeting to deal with the Transient Vacation Rental Bills/ Bed and Breakfast Bills.

The Commission may act to schedule a special meeting to further review the proposed legislation.

3. Notification to the Maui Planning Commission of the Special Management and Shoreline Setback Appeals pursuant to the Rules of the Maui Planning Commission:

MR. BLAINE J. KOBAYASHI of CARLSMITH BALL, LLP attorney for MICHAEL BASKIN appealing by filing of October 8, 2007 the Director of Planning Jeff Hunt's decision by letter dated September 26, 2007 concerning Special Management Area and Shoreline Assessments for structures and/or activities located at 23 Nalu Place (owner Michael Baskin), TMK: 2-6-002: 019, Paia, Island of Maui. (APPL 2007/0001) (SMX 2007/0218) (RFC 2007/0143) (BT 2007/1356) (T. Abbott) (Copies of the appeal were distributed to the Maui Planning Commission at its October 23, 2007 meeting)

This item is for notification purposes pursuant to the Rules of the Maui Planning Commission.

4. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the October 23 meeting.
5. Planning Commission Projects/Issues
6. EA/EIS Report
7. SMA Minor Permit Report distributed with October 23, 2007 agenda packet
8. SMA Minor Permit Report
9. SMA Exemptions Report distributed with October 23, 2007 agenda packet
10. SMA Exemptions Report

H. NEXT REGULAR MEETING DATE: November 27, 2007

I. 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. The deadline for filing a timely Petition to Intervene was October 29, 2007.

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\111307.2age)