

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

## AGENDA

DATE: November 27, 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. MILTON ARAKAWA, Director of the DEPARTMENT OF PUBLIC WORKS requesting a Special Management Area Use Permit for Phase III of the Northshore Greenway Project on approximately 0.66 miles of paved bikeway with associated signs and striping at TMK: 2-5-005: 017, 46, and 47, Paia, Island of Maui. (SM1 2006/0032) (J. Prutch)

- a. Public Hearing
- b. Action

2. MR. ALLEN D. DUARTE and MR. JOSEPH G. DUARTE requesting a Community Plan Amendment from Rural to Single Family Residential, a State Land Use District Boundary Amendment from the State Rural District to the State Urban District, and a Change in Zoning from the Agricultural District to the R-3 Residential District for the Duarte Family Subdivision, a two-lot subdivision on approximately 0.4907 acres at 411 and 425 Iao Valley Road, TMK: 3-5-003: 005 & 006, Wailuku, Island of Maui. (CPA 2006/0003) (DBA 2006/0001) (CIZ 2006/0004) (R. Loudermilk)

- a. Public Hearing
- b. Action

C. SETTLEMENT AGREEMENT

1. October 25, 2007 Settlement Agreement on Notice of Violation (No. V 20050110) issued to and subsequent appeal by RALPH S. IKEDA and LORETTA Y. IKEDA, Individually and as Trustees of the RALPH S. IKEDA REVOCABLE TRUST and the LORETTA Y. IKEDA REVOCABLE TRUST for alleged failure to obtain Special Management Area permits for the construction of an exterior shower stall and concrete slab, for the construction of concrete walkways, and for the extension of the main dwelling at 151 Hana Highway, TMK: 2-6-004: 011, Paia, Island of Maui. (No. V20050110) (T. Kapuaala)

- \* **An Executive Session may be called by the Commission in order to discuss their duties, powers, and liabilities as it relates to the subject settlement agreement.**

The Commission may act to approve or not approve the Settlement Agreement.

E. UNFINISHED BUSINESS

1. SVO PACIFIC, INC. requesting a Special Management Area Use Permit for the proposed Westin Kaanapali Ocean Resort Lot 3 Project consisting of the construction of 390 timeshare units and related parking and amenity improvements at 45 Kai Malina Parkway, TMK: 4-4-014: por. of 005, Kaanapali, Island of Maui. (SM1 2006/0018) (P. Fasi) (Public hearing conducted on October 23, 2007.)

- a. LANCE D. COLLINS, attorney for the WEST MAUI PRESERVATION ASSOCIATION submitting a Petition to Intervene dated December 5,

2006 in the matter of the application of SVO PACIFIC, INC. requesting a Special Management Area Use Permit for the proposed Westin Kaanapali Ocean Resort Lot 3 Project consisting of the construction of 390 timeshare units and related parking and amenity improvements at 45 Kai Malina Parkway, TMK: 4-4-014: por. of 005, Kaanapali, Island of Maui. (SM1 2006/0018) (P. Fasi)

- 1) Notification of settlement of intervention request dated November 5, 2007.

The Commission may take action on this matter.

- b. SVO PACIFIC, INC. requesting clarification as to whether the proposed traffic mitigation measures qualify as “other mitigative measures” pursuant to Condition No. 7 of the 1988 Special Management Area Use Permit and Shoreline Setback Variance for the North Beach Subdivision and Condition No. cc of the 1997 Special Management Area Use Permit for the Kaanapali Ocean Resort, Kaanapali, Lahaina, Island of Maui. (88/SM1-023) (88/SSV-002) (SM1 970006) (P. Fasi)

The Commission may take action on this matter.

- c. Action on Special Management Area Use Permit for the Westin Kaanapali Ocean Resort Lot 3 Project.
2. 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 **Diversify Transportation Options, Strengthen the Local Economy, and Strive for Good Governance, the Vision Statement, and Core Values and Principles** Sections. The Commission may also discuss convening a special meeting at a later date to complete any unfinished business under this item.

The MPC will also review the following goals, objectives or policy statements which still require action:

- A1a, NEW Policy in §A, A2b, A3f
- B2e
- E1h, NEW, E1i, E1p, E1j, E1g, E3e.
- I1b
- J4I
- Regarding the language “change all instances of ‘citizen’ to ‘resident’”.

*(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))*

F. APPROVAL OF MINUTES AND ACTION MINUTES OF OCTOBER 9, 2007 AND MINUTES OF THE OCTOBER 16, 2007 SPECIAL MEETING.

G. DIRECTOR'S REPORT

1. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing on the following application:

MS. CHERYL OKUMA, Director of the DEPARTMENT OF ENVIRONMENTAL MANAGEMENT requesting a State Land Use Commission Special Use Permit, County Special Use Permit, and Special Management Area Use Permit for the County of Maui's Hana Landfill and Land Acquisition Project at TMK: 1-3-006: 007 and 012 (por.), Hana, Island of Maui. (SUP2 2007/0004) (CUP 2007/0001) (SM1 2007/0003) (P. Fasi)

2. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the November 13 meeting.
3. Planning Commission Projects/Issues
4. EA/EIS Report
5. SMA Minor Permit Report
6. SMA Exemptions Report
7. December 4, 2007, Special Meeting at 1:00 p.m. on the Transient Vacation Rental/ Bed and Breakfast Bills

H. NEXT REGULAR MEETING DATE: December 11, 2007

I. ADJOURNMENT

Maui Planning Commission Agenda  
November 27, 2007  
Page 5

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\112707.agenda)