

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

AGENDA

DATE: September 11, 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. Planning Director transmitting a Bill for an Ordinance to Amend Chapter 19.29 of the Maui County Code relating to Rural Districts.

The amendments include amendments to Section 19.29.020 regarding District standards and the addition of Section 19.29.060 allowing the planning director to adopt rules to clarify and implement this chapter.

The development standards for County Rural zoned lands will be the same as those established for the RU-0.5 zoned lands. The bill also reformats the chapter to include easy-to-read tables. (J. Alueta)

- a. Public Hearing
- b. Action

2. MR. RYAN CHURCHILL of MAUI LAND AND PINEAPPLE COMPANY requesting a Special Management Area Use Permit for the Kapalua Coastal Trail Project and related improvements at TMK: 4-2-004: 004, 010, 012, 014, 015, 016, 017, 024, 025, 032, 034, 037, and 043; and TMK: 4-2-005: 041, 042, and 049, Kapalua, Lahaina, Island of Maui. (SM1 2006/0026) (T. Abbott) (Applicant has subsequently deleted TMK 4-2-004: 043 and TMK: 4-2-005: 049 from the request.)

- a. Public Hearing
- b. Action

C. COMMUNICATIONS

1. ANTHONY AND VICTORIA CAPUTO submitting a Petition to Intervene dated August 23, 2007 on the application of MR. RYAN CHURCHILL of MAUI LAND AND PINEAPPLE COMPANY requesting a Special Management Area Use Permit for the Kapalua Coastal Trail Project and related improvements at TMK: 4-2-004: 004, 010, 012, 014, 015, 016, 017, 024, 025, 032, 034, 037, and 043; and TMK: 4-2-005: 041, 042, and 049, Kapalua, Lahaina, Island of Maui. (SM1 2006/0026) (T. Abbott)

The Commission may take action on this request.

2. JOYCE Y. NEELEY and PHILIP L. LAHNE, attorneys for PLANTATION ESTATES LOT OWNERS ASSOCIATION submitting a Petition to Intervene dated August 23, 2007 on the application of MR. RYAN CHURCHILL of MAUI LAND AND PINEAPPLE COMPANY requesting a Special Management Area Use Permit for the Kapalua Coastal Trail Project and related improvements at TMK: 4-2-004: 004, 010, 012, 014, 015, 016, 017, 024, 025, 032, 034, 037, and 043; and TMK: 4-2-005: 041, 042, and 049, Kapalua, Lahaina, Island of Maui. (SM1 2006/0026) (T. Abbott)

The Commission may take action on this request.

3. GLENN M. KOSAKA , attorney for PRIMEWEST CAPITAL (HAWAII), INC. submitting a Petition to Intervene dated August 24, 2007 on the application of MR. RYAN CHURCHILL of MAUI LAND AND PINEAPPLE COMPANY requesting a Special Management Area Use Permit for the Kapalua Coastal

Trail Project and related improvements at TMK: 4-2-004: 004, 010, 012, 014, 015, 016, 017, 024, 025, 032, 034, 037, and 043; and TMK: 4-2-005: 041, 042, and 049, Kapalua, Lahaina, Island of Maui. (SM1 2006/0026) (T. Abbott)

The Commission may take action on this request. If any of the Petitions to Intervene are granted for the Kapalua Coastal Trail item, the Commission may select a Mediator and a Hearings Officer.

4. WV SUB, LLC c/o GENERAL GROWTH PROPERTIES requesting an amendment to Condition No. 5 of the Special Management Area Use Permit for the Whaler's Village Parking Structure and other improvements regarding the width of the public access easement for property situated at TMK: 4-4-008: 001, Kaanapali, Island of Maui. (86/SMA-19) (R. Loudermilk)

The Commission may action on the request.

5. CHRIS HART & PARTNERS on behalf of MR. MIKE DEZAHD requesting an amendment to Condition No. 1 of a Special Management Area Use Permit to expand the time period for two years or until August 31, 2009 to initiate construction of the Kihei Hanalei Condominiums on approximately 0.24 acres of land at TMK: 3-9-005: 019, Kihei, Island of Maui. (SM1 2004/0037) (J. Buika)

The Commission may take action on this request.

D. 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 **Natural Environment and Local Culture 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)*
(To begin at 1:00 p.m. or soon thereafter.)

The Commission may take action on these sections.

E. DIRECTOR'S REPORT

1. Notification that the public hearing on the Planning Department's proposed bills addressing Transient Vacation Rental and Bed and Breakfasts is scheduled for the Maui Planning Commission's October 9, 2007 meeting. A meeting for the Hana Advisory Committee to comment on the proposed bills is scheduled for September 17, 2007 at 4:00 p.m. at Helene Hall.
2. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the August 28, 2007 meeting.
3. Planning Commission Projects/Issues
4. Discussion on amending the Maui Planning Commission rules regarding the placement of a notification sign on property for project applications.
5. EA/EIS Report
6. SMA Minor Permit Report
7. SMA Exemptions Report
8. Hawaii Congress of Planning Officials (HCPO) Conference scheduled for September 26-28, West Hawaii.

F. NEXT REGULAR MEETING DATE: September 25, 2007

G. 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 on August 27, 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

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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\091107.agenda)