

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

## AGENDA

DATE: May 27, 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: Jonathan Starr (Chair), John Guard IV (Vice-Chair), William Iaconetti, Wayne Hedani, Bruce U'u, Kent Hiranaga, Joan Pawsat, Ward Mardfin, Donna Domingo

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. UNFINISHED BUSINESS

1. MR. JAMES H. SCHLOEMER requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the Shoreline Setback Variance application for the proposed Schloemer Residence at 4410 Makena Road, TMK: 2-1-011: 028, Makena, Island of Maui. (EA 2006/0018) (SSV 2006/0005) (T. Abbott) (The draft EA was reviewed at the March 13, 2007 meeting. Final EA determination previously scheduled for March 25, 2008 meeting. Final EA previously distributed for the March 25, 2008 meeting. Commissioners: Please bring your Final EA with you to the meeting.)

The Environmental Assessment trigger is the planned work within the shoreline setback area. The accepting authority for the Environmental Assessment is the Maui Planning Commission.

The Commission may act to make a Findings of No Significant Impact (FONSI) or take some other action.

The public hearing on the Shoreline Setback Variance will be scheduled for a future date after the Chapter 343 process has been completed.

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

1. MS. JANICE TANAKA TOWER requesting a State Land Use Special Use Permit and a Conditional Permit in order to operate the Star Lookout Transient Vacation Rental, three (3) rooms within an existing cottage located on 1.427 acres of land in the vicinity of Thompson Road, TMK: 2-2-001: 054, Keokea, Kula, Island of Maui. (SUP2 2002/0007) (CP 2002/0009) (J. Prutch)
  - a. Public Hearing
  - b. Action
  
2. MS. LINDA GALLAGHER on behalf of CB LAANA, CHARLES RENT & SUKUMA LUMJUAN requesting a Conditional Permit for a Type 3 Bed and Breakfast operation for the Spyglass Bed and Breakfast-Vacation Rental in the P-1 Public/ Quasi-Public District at 367 Hana Highway, TMK: 2-6-009: 017, Paia, Island of Maui. (CP 2006/0005) (SMX 2006/0141)(P. Fasi)
  - a. Public Hearing
  - b. Action
  
3. MR. TROY MCCASLAND requesting a Conditional Permit in order to continue to operate a short term rental in the R-2 Residential District at 451 Ilikahi Street, TMK: 4-6-006: 039, Lahaina, Island of Maui. (CP 2006/0016) (P. Fasi)
  - a. Public Hearing
  - b. Action

D. UNFINISHED BUSINESS

1. PACIFIC RIM LAND INCORPORATED requesting a Special Management Area Use Permit for the proposed four unit single-family condominium and

related improvements at 201 Makena Road, TMK: 2-1-007: 066, Kaeo, Makena, Island of Maui. (SM1 2001/0017) (C. Suyama) (The Maui Planning Commission conducted a joint public hearing on this request in 2002 and deferred action on the request until after the Council had taken action on the other land use entitlements such as the community plan amendment, district boundary amendment, and change in zoning.)

The Commission may take action on this request.

E. COMMUNICATIONS

1. Corporation Counsel's discussion on Professor John Van Dyke's Memorandum on the Sunshine Law, Chapter 92, Hawaii Revised Statutes (J. Giroux)

F. DIRECTOR'S REPORT

1. Planning Director reporting pursuant to the Maui Planning Commission's SMA Rules the filing of the following Notice of Appeal of the Planning Director's Decision:

LANCE D. COLLINS on behalf of WILLIAM KNOWLTON and CATHERINE KNOWLTON submitting a Notice of Appeal of the Director's Decision dated April 18, 2008 of an exemption on the Special Management Area Assessment application submitted by LUDMILA GUTERMAN-REEVES for the construction of a boundary wall and three (3) 80 square foot storage sheds at 530 North Holokai Place, TMK: 2-8-011: 007, Peahi, Hamakualoa, Island of Maui. (SM5 2008/0061) (APPL 2008/0001) (T. Kapuaala)

No action will be taken on this notification.

2. Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's of his intent to issue a time extension on the following requests:
  - a. SUNSTONE KEOKEA, LLC requesting a 2-year Special Management Area Use Permit time extension on the period to initiate construction of the Liloa Village Subdivision at TMK: 3-9-002: 116, 150, and 151, Kihei, Island of Maui. (SM1 2004/0010) (L. Callentine)

The Commission shall acknowledge receipt of the request. The Commission may review the permit time extension request or waive review of the request.

- b. BETSILL BROTHERS CONSTRUCTION, INC. requesting a 2-year Special Use Permit time extension on the period to complete construction of the Kalama Heights Phase II project, a 36-unit senior multi-family residential project with related on and offsite infrastructure improvements at 101 Kanani Road, Kihei, Island of Maui. (SM1 970012) (P. Fasi)

The Commission shall acknowledge receipt of the request. The Commission may review the permit time extension request or waive review of the request.

3. Planning Director requesting that the Hana Advisory Committee be allowed to comment on the proposed Service Business District (SBR) District Bill as several SBR designated properties in the community plan are located in Hana Town. The public hearing by the Maui Planning Commission is scheduled for June 24, 2008.

The Commission may decide to seek comments from the Hana Advisory Committee prior to the June 24 Maui Planning Commission public hearing.

4. Registration for 2008 HCPO Conference - Sept. 10-12, Grand Wailea Hotel.
5. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the May 13, 2008 meeting.
6. Planning Commission Projects/Issues
7. EA/EIS Report
8. SMA Minor Permit Report
9. SMA Exemptions Report

G. NEXT REGULAR MEETING DATE: June 10, 2008

H. 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 the filing of a timely Petition to Intervene on the public hearing item was on May 12, 2008.

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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\052708.agenda)