

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

AGENDA

DATE: July 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: 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, except for the adoption of the written decision and orders, 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 public hearing.)

1. MR. WIL WONG of MAUI EXPOSITION, INC. requesting a Special Management Area Use Permit in order to construct improvements for the relocation of the Maui Swap Meet to the Maui Community College Campus at TMK: 3-8-007: 040 (portion) and 125 (portion), Kahului, Island of Maui. (SM1 2008/0001) (R. Loudermilk)

- a. Public Hearing
- b. Action

2. MR. DON NELSON requesting a Conditional Permit in order to continue the operation of short term vacation rentals in the A-2 Apartment District at 210 and 220 Hauoli Street, TMK 3-8-014: 009, Maalaea, Island of Maui (CP 2002/0020) (P. Fasi)
 - a. Public Hearing
 - b. Action

C. NEW BUSINESS (To be taken up at approximately 1:00 p.m.)

1. MR. GREG KAUFMAN of IWA IKE LLC requesting comments on the Draft Environmental Assessment Determination in support of the Community Plan Amendment from Single Family to Rural for the Iwa Ike Subdivision, a four (4) lot rural subdivision and related improvements at 6699 Makena Road, TMK: 2-1-005: 116, Makena, Island of Maui. (EA 2007/0013) (CPA 2007/0005) (DBA 2007/0007) (SM1 2007/0013) (J. Prutch)

The EA trigger is the Community Plan Amendment. The Maui Planning Commission is the accepting authority for the EA.

The Planning Commission is being asked to:

- a. Provide concurrence on the filing the Draft Environmental Assessment and the Anticipated Findings of No Significant Impact (FONSI) with OEQC for publication.
- b. Provide comments on the draft Environmental Assessment.

The public hearing on the Community Plan Amendment, District Boundary Amendment, Change in Zoning, and Special Management Area Use Permit will be scheduled for a future date after the Chapter 343 process has been completed.

2. MR. GREG KAUFMAN on behalf of PINE STATE LIMITED requesting comments on the Draft Environmental Assessment Determination prepared in support of a Community Plan Amendment from Single Family to Rural (RU-0.5) for the Ke Kani Kai Subdivision, a 2-lot rural subdivision and associated infrastructural improvements at Lot 3 Makena, Keoneoio Road, TMK: 2-1-005: 117, Makena, Island of Maui. (EA 2007/0015) (CPA 2007/0006) (DBA 2007/0008) (CIZ 2007/0015) (SM1 2007/0018) (P. Fasi)

The EA trigger is the Community Plan Amendment. The Maui Planning Commission is the accepting authority for the EA.

The Planning Commission is being asked to:

- a. Provide concurrence on the filing the Draft Environmental Assessment and the Anticipated Findings of No Significant Impact (FONSI) with OEQC for publication.
- b. Provide comments on the draft Environmental Assessment.

The public hearing on the Community Plan Amendment, District Boundary Amendment, Change in Zoning, and Special Management Area Use Permit will be scheduled for a future date after the Chapter 343 process has been completed.

D. ADOPTION OF WRITTEN FINDINGS OF FACTS, CONCLUSIONS OF LAW, AND DECISION AND ORDERS (No public testimony will be taken as the Commission will be completing their adjudicatory function.)

1. CHRIS HART AND PARTNERS on behalf of GENESEE CAPITAL requesting a Special Management Area Use Permit for the Maui Lu Redevelopment Project consisting of the demolition of existing structures and the redevelopment of the Maui Lu Resort into a 400-unit time share complex with lock-off units, recreational amenities, landscaping, beach nourishment, and related improvements on approximately 27.282 acres of land at 575 South Kihei Road, TMK: 3-9-001: 083, 086, and 120, Kihei, Island of Maui. (SM1 2003/0021) (A. Cua for J. Alueta) (The Commission took action at its March 17, 2008 meeting to approve the SMA request).

The Commission may adopt the proposed written Decision and Order with or without modifications.

2. 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) (The Commission took action at its April 8, 2008 meeting to deny the request.)

The Commission may adopt the proposed written Decision and Order with or without modifications.

- F. MINUTES OF THE MAY 13, 2008 MEETING AND ACTION MINUTES OF THE APRIL 22, 2008, MAY 13, 2008, MAY 27, 2008, JUNE 10, 2008 AND JUNE 24, 2008 MEETINGS
- G. DIRECTOR'S REPORT
 - 1. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the June 24, 2008 meeting
 - 2. Planning Commission Projects/Issues
 - 3. Discussion of the July 22, 2008 Maui Planning Commission Agenda
 - 4. EA/EIS Report
 - 5. SMA Minor Permit Report
 - 6. SMA Exemptions Report
- H. NEXT REGULAR MEETING DATE: July 22, 2008
- 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 the filing of a timely intervention request was on June 23, 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-

Maui Planning Commission Agenda
July 8, 2008
Page 5

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\070808.agenda)