

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 22, 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. MS. DAWN LONO, Chairperson transmitting the recommendations of the Hana Advisory Committee to the Maui Planning Commission on the applications by MS. CHERYL OKUMA, Director, COUNTY 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's Hana Landfill for land consolidation, boundary realignment, and grading activity on approximately 74 acres at TMK: 1-3-006: 012 (por.) and 1-3-006: 007 (por.), Hana, Island of Maui. (SUP1 2007/0004) (CUP 2007/0001) (SM1 2007/0003) (P. Fasi) (Deferred from the June 24, 2008 meeting.)

The Commission may take action on the requests.

C. COMMUNICATIONS

1. LANCE D. COLLINS, ESQ., representing WILLIAM and CATHERINE KNOWLTON appealing the Planning Director's to grant a special management area exemption (SM5 2008/0061) to LUDMILA GUTERMAN-REEVES for a parking barrier, three storage sheds and three garden structures on property located at 530 North Holokai Place, TMK: (2) 2-8-011:007, Peahi, Hamakualoa, Island of Maui. (APPL 2008/0001) (T. Kapuaala)

- a. BRIAN T. MOTO, Corporation Counsel and MARY BLAINE JOHNSTON, Deputy Corporation Counsel submitting JEFFREY S. HUNT, Director, Department of Planning, County of Maui's Motion to Dismiss Appellants WILLIAM KNOWLTON and CATHERINE KNOWLTON's Appeal of the Director's Decision, Memorandum in Support of Motion. The Motion was received on June 27, 2008. (T. Kapuaala)

BRIAN T. MOTO, Corporation Counsel and MARY BLAINE JOHNSTON, Deputy Corporation Counsel submitting JEFFREY S. HUNT, Director, Department of Planning, County of Maui's Amended Motion to Dismiss Appellants WILLIAM KNOWLTON and CATHERINE KNOWLTON's Appeal of the Director's Decision, Memorandum in Support of Motion. The amended Motion was received on July 9, 2008. (T. Kapuaala)

The Commission may take action on the amended motion and dismiss the appeal or take some other action.

- b. Selection of a mediator. The Commission may take action to select a mediator.
- c. Selection of a Hearings Officer. The Commission may take action to select a Hearings Officer.

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 the March 17, 2008 continuation of the March 11, 2008 meeting to approve the SMA request. Copies of the proposed Decision and Order were distributed for the July 8, 2008 meeting).

The Commission may adopt the proposed written Decision and Order with or without modifications. (Deferred from the July 8, 2008 meeting.) (To begin at approximately 1:00 p.m.)

E. NEW BUSINESS

1. WILSHIRE DMK I LLC requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the Special Management Area Use Permit for the Alahele Subdivision, a 48-residential lot subdivision at Alahele Place, TMK: 3-9-17: 034, Kihei, Island of Maui. (EA 2007/0009) (SM1 2007/0006) (J. Buika) (Draft EA reviewed on April 8, 2008. Commissioners: Please bring your materials with you.)

The EA trigger is the use of State or County lands.

The Commission may issue a Findings of No Significant Impact (FONSI) determination or take some other action.

The public hearing on the Special Management Area Use Permit will be scheduled for a later date after the Chapter 343 process has been completed.

F. Workshop conducted by the Maui County Department of Transportation on the Maui Transit System.

G. MINUTES OF THE APRIL 22, 2008 MEETING AND ACTION MINUTES OF THE JULY 8, 2008 MEETING

H. DIRECTOR'S REPORT

1. Planning Department's Follow-Up Report on Matters raised by the Maui Planning Commission at the July 8, 2008 meeting
2. Planning Commission Projects/Issues
3. Discussion of the August 12, 2008 Maui Planning Commission Agenda
4. EA/EIS Report
5. SMA Minor Permit Report
6. SMA Exemptions Report

I. NEXT REGULAR MEETING DATE: August 12, 2008

J. 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.

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\072208.agenda)