

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 23, 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

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. Adoption of Written Decision and Order prepared by BRIAN T. MOTO, Corporation Counsel and MARY BLAINE JOHNSTON, Deputy Corporation Counsel on behalf of JEFFREY S. HUNT, Director, Department of Planning, County of Maui Dismissing the Appeal filed by LANCE COLLINS, attorney for the Appellants WILLIAM KNOWLTON and CATHERINE KNOWLTON of the Planning Director's Decision 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) (Action taken on the Motion to Dismiss at the July 22, 2008 meeting.) **(Deferred from the September 9, 2008 meeting)**

The Commission may act to adopt or modify the proposed written decision and order.

- a. MR. LANCE D. COLLINS, Attorney for the Appellants WILLIAM KNOWLTON and CATHERINE KNOWLTON submitting a letter of objection dated August 18, 2008.

C. PUBLIC HEARINGS (Action to be taken after each public hearing item.)

1. MR. GREG KAUFMAN of IWA IKE LLC requesting a State Land Use District Boundary Amendment from Agricultural to Rural for the Iwa Ike Subdivision, a four (4) lot rural subdivision and related improvements at 6699 Makena Road, TMK: 2-1-005: 118, Makena, Island of Maui. (DBA 2007/0007)(J. Prutch)

Public hearing is rescheduled to the October 14, 2008 meeting because the applicant did not complete the notification requirements.

2. PINE STATE LIMITED requesting a State Land Use District Boundary Amendment from Agricultural to Urban for Ke Kani Kai, a proposed 2-lot subdivision and associated infrastructure improvements at Lot 3 Makena, Keoneoio Road, TMK: 2-1-005: 117, Makena, Island of Maui. (DBA 2007/0008) (P. Fasi)

Public hearing is rescheduled to the October 14, 2008 meeting because the applicant did not meet the notification requirements.

3. MR. JEFFREY S. HUNT, Planning Director transmitting Council Resolution No. 08-55 containing A Bill for an Ordinance Section 19.530.030, Maui County Code, Pertaining to Administrative Enforcement to the Lanai, Maui, and Molokai Planning Commissions. (RFC 2008/0070) (J. Alueta)

- a. Public Hearing
- b. Action

4. CINGULAR, CLEARWIRE, MOBI PCS, SPRINT/NEXTEL, T-MOBILE, and VERIZON WIRELESS requesting a Conditional Permit in order to erect and operate a telecommunication facility at 519 Baldwin Avenue (Paia Mill Site), TMK: 2-5-005: 054 (por.), Paia, Island of Maui. (CP 2007/0014) (R. Loudermilk)

- a. Public Hearing
- b. Action

5. MR. WILLIAM B. MOFFETT, Managing Member of KAHANA NUI LLC requesting a Conditional Permit in order to operate the Kahana Nui Villas, two single family residences as short term rentals at 4560 L. Honoapiilani Road, TMK: 4-3-019: 046, Kahana, Lahaina, Island of Maui. (CP 2002/0017) (R. Loudermilk)

- a. Public Hearing
- b. Action

D. ACTION MINUTES OF THE SEPTEMBER 9, 2008 MEETING

E. NEW BUSINESS

1. MR. SANDY BAZ of MAUI ECONOMIC OPPORTUNITY, INC. requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the Community Plan Amendment to Light Industrial for the MEO Transportation Center on 10.041 acres at TMK: 3-8-006: por. of 004, Kahului, Island of Maui. (EA 2008/0003) (CPA 2008/0001) (DBA 2008/0001) (CIZ 2008/0001) (A. Cua) (Draft Final EAs distributed at the September 9, 2008 meeting. Commissioners: Please bring your copies with you.)

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

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

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

F. DIRECTOR'S REPORT

1. Update on the Pali to Puamana Project. The department will be providing a brief overview of the completed Final EA document and inform the Commission that their conditions were met as outlined during the April 22 meeting on the acceptance of the Final EA.
2. Planning Commission Projects/Issues
3. Discussion of Future Maui Planning Commission Agendas
4. EA/EIS Report
5. SMA Minor Permit Report
6. SMA Exemptions Report
7. Commissioners comments of the 2008 HCPO Conference, September 10-12, 2008 - Grand Wailea Resort
8. Central Maui Landfill/ Ameron and Maui Lani VMX Site Visits on September 30, 2008 meeting at 9:00 a.m. at the Central Maui Landfill site

G. NEXT REGULAR MEETING DATE: October 14, 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 is September 9, 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- 800-272-0125 (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\092308.agenda)