

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

AGENDA

DATE: November 10, 2008 (Monday)
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, 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. Resolution Thanking Joan Pawsat for her service on the Maui Planning Commission
- C. PUBLIC HEARINGS (Action to be taken after each public hearing item.)
 - 1. MARRIOTT OWNERSHIP RESORTS, INC. requesting a transfer of the Special Management Area Use Permit from GENESEE CAPITAL to MARRIOTT OWNERSHIP RESORTS, INC. for the Maui Lu Redevelopment Project at TMK: 3-9-001: 083, 086, & 120 , Kihei, Island of Maui. (SM1 2003/0021)(C. Yoshida for A. Cua)
 - a. Public Hearing
 - b. Action
 - 2. MR. WILLIAM B. MOFFETT, Managing Member of KAHANA NUI, LLC requesting a Conditional Permit in order to operate the Kahana Nui Villas, using a single-family residence as a short-term rental in the R-3 Residential District on Lower Honoapiilani Road, TMK: 4-3-019: 049, Kahana, Island of Maui. (CP 2002/0017) (R. Loudermilk)

- a. Public Hearing
- b. Action

D. UNFINISHED BUSINESS

1. JAY WISTHOFF & KATHY WISTHOFF requesting a State Land Use Commission Special Use Permit and a Conditional Permit in order to operate a transient vacation rental, Hoolio House in the State Agricultural District at 138 Awaiku Street, TMK: 4-7-009: 058, Launiupoko, Lahaina, Island of Maui. (SUP2 20030003) (CP 20030003) (J. Dack) Public Hearing was conducted on August 26, 2008.

The Commission may take action on these requests.

- E. Workshop conducted by Deputy Corporation Counsel James Giroux on the proposed amendment to the standard Special Management Area Use Permit condition regarding permit transferability to conform with the March 2008 rule amendment for SMA permits and amendments to approved henceforth.

October 30, 2008 Letter from Deputy Corporation Counsel James Giroux regarding the language for Revised Special Management Area Use Permit Standard Condition Regarding Time Extension.

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

1. MR. KEN KAWAHARA of the STATE DEPARTMENT OF LAND AND NATURAL RESOURCES requesting a Special Management Area Use Permit for the proposed Maalaea Small Boat Harbor Improvements at TMK: 3-6-001: 002, 049, 049 (por.), and 050; 3-8-014: 027, 028, and 030, Maalaea, Island of Maui. (SM1 2008/0004) (T. Abbott)

- a. Public Hearing
- b. Action

2. MS. TAMARA HORCAJO, Director of the COUNTY DEPARTMENT OF PARKS AND RECREATION requesting a Special Management Area Use Permit for the Lahaina Civic Center Tennis Courts Expansion Project consisting of the addition of four (4) new tennis courts, a 25-stall paved parking lot, and related improvements at TMK: 4-5-021: portion of 010, portion of 016, and portion of 020, Lahaina, Island of Maui. (SM1 2008/0015) (L. Callentine)

- a. Public Hearing
- b. Action

G. COMMUNICATIONS

1. MS. JESSICA KAILANI ROSS of the LEIALII HOMESTEAD ASSOCIATION submitting an October 24, 2008 letter requesting to intervene on the application by

MS. TAMARA HORCAJO, Director of the COUNTY DEPARTMENT OF PARKS AND RECREATION for a Special Management Area Use Permit for the Lahaina Civic Center Tennis Courts Expansion Project consisting of the addition of four (4) new tennis courts, a 25-stall paved parking lot, and related improvements at TMK: 4-5-021: portion of 010, portion of 016, and portion of 020, Lahaina, Island of Maui. (SM1 2008/0015) (L. Callentine)

The Commission may take action on this request.

H. ACTION MINUTES OF THE OCTOBER 28, 2008 MEETING, REGULAR MINUTES OF THE AUGUST 12, 2008 AND THE SEPTEMBER 9, 2008 MEETINGS

I. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues
2. Discussion of Future Maui Planning Commission Agendas
3. EA/EIS Report
4. SMA Minor Permit Report
5. SMA Exemptions Report

J. NEXT REGULAR MEETING DATE: November 25, 2008

K. 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 was on October 24, 2008 at 4:30 pm.

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

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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\111008.agenda)