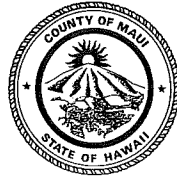


ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

July 14, 2005

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Christopher L. Hart, ASLA
Chris Hart and Partners
1955 Main Street, Suite 200
Wailuku, Hawaii 96793

Dear Mr. Hart:

RE: I.D. No.: SM1 2002/0026
TMK: 4-4-013:001
Project Name: Maui Ocean Club Sequel
Description: Expansion of the Existing Maui Ocean Club with
the Construction of Two New Buildings with a
Total of 148 New Units with 129 Lock-Off Units
and Construction of Related Improvements

At its meeting on July 12, 2005, the Maui Planning Commission reviewed the above request; and after due deliberation, voted to grant approval, subject to the following conditions:

STANDARD CONDITIONS

1. That construction of the proposed project shall be initiated by July 30, 2007. Initiation of construction shall be determined as construction of offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Failure to comply within this two (2) year period will automatically terminate this Special Management Area Use Permit

unless a time extension is requested no later than ninety (90) days prior to the expiration of said two (2) year period. The Planning Director shall review and approve a time extension request but may forward said request to the Maui Planning Commission for review and approval.

2. That the construction of the project shall be completed within five (5) years after the date of its initiation. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The Planning Director shall review and approve a time-extension request but may forward said request to the Maui Planning Commission for review and approval.
3. The permit holder or any aggrieved person may appeal to the Maui Planning Commission any action taken by the Planning Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Maui Planning Commission.
4. That final construction shall be in accordance with preliminary architectural plans as follows: Site Plan dated April 25, 2005; Landscaping Plan Dated May 2, 2005; Napili Building Elevation (East) dated May 9, 2005; Napili Building Elevation (North) dated May 4, 2005 and revised June 20, 2005; Survey Map dated May 16, 2005; and Napili Pump Room dated December 16, 2004.
5. That appropriate measures shall be taken during construction to mitigate the short term impacts of the project relative to dust and soil erosion from wind and water, ambient noise levels, traffic disruptions, and construction waste.
6. That the subject Special Management Area Use Permit shall not be transferred without prior written approval in accordance with §12-202-17(d) of the Special Management Area Rules of the Maui Planning Commission. However, in the event that a contested case hearing preceded issuance of said Special Management Area Use Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

7. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Special Management Area Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Management Area Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.
8. That full compliance with all applicable governmental requirements shall be rendered.
9. That the applicant shall submit plans regarding the location of any construction related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase to the Maui Planning Department for review and approval.
10. That the applicant shall submit to the Planning Department five (5) copies of a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. A preliminary report shall be reviewed and approved by the Planning Department prior to issuance of the building permit. A final compliance report shall be submitted to the Planning Department for review and approval prior to issuance of a certificate of occupancy.

11. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Special Management Area Use Permit. Failure to so develop the property may result in the revocation of the permit.
12. That appropriate energy conservation measures shall be incorporated into the project, such as mechanical heat recovery units.
13. That low level lighting shall be used on the building and within the landscaped areas and further parking lot lighting shall be fully shielded.
14. Appropriate filtration measures to separate petroleum products and other potential contaminants shall be incorporated into the project's drainage plan and shall be regularly maintained by the Applicant.

PROJECT SPECIFIC CONDITIONS

15. That the applicant shall be responsible for all required infrastructural improvements as required by Title 18, Maui County Code, as amended, and other County Codes and Rules and Regulations, including but not limited to water source and system improvements for both domestic and fire protection, drainage improvements, traffic related improvements, wastewater system improvements, and utility upgrades. Said improvements shall be constructed concurrently with the development and shall be completed prior to issuance of a certificate of occupancy unless improvements are bonded by the developer.
16. That a copy of the approved National Pollutant Discharge Elimination System (NPDES) permit shall be filed with the Planning Department and the Department of Public Works and Environmental Management prior to approval of the grading permit.
17. That the applicant shall comply with the Department of Health requirements regarding fugitive dust, emissions, and community noise regulations.
18. That the applicant shall use "best practices" in Crime Prevention Through Environmental Design (CPTED), whenever possible, in developing the project. In CPTED the design and building of

structures, landscaping, and lighting are interwoven to increase surveillance, limit accessibility, and increase opportunities for apprehension resulting in a decrease in the likelihood of crime.

19. That an appropriate Best Management Practices (BMPs) plan shall be reviewed and approved by the Department of Public Works and Environmental Management. Said plan shall address impacts associated with erosion, contaminants, and construction waste. The approved plan shall be filed with the Maui Planning Department.
20. That a construction management site plan showing the location of construction related buildings and material storage areas shall be remitted to the Planning Department for review and approval. Said plans shall show measures taken to prevent materials, petroleum products, debris and storm runoff and eroded soils from blowing, flowing, leaching or other wise impacting the coastal ecosystem.
21. That the applicant shall identify and establish an off-site construction parking area for workers of the project. Workers of the project shall not use County Park facilities or designated beach access stalls.
22. That the applicant shall identify and establish an off-site construction wash down area that will used to wash equipment and cement trucks that will not enter the near shore waters or any stream and drainage ways that empty into the shoreline area.
23. That the Applicant shall provide on site employee parking.

Please note, that all thought the settlement agreements were not listed individually as conditions of the permit, Applicants made representations that they were incorporated into the project and in its presentation to the Commission in obtaining said permit.

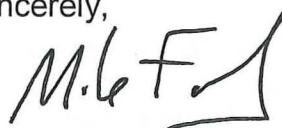
The conditions of this Special Management Area Use Permit shall be enforced pursuant to §12-202-23 and §12-202-25 of the Special Management Area Rules for the Maui Planning Commission.

The Planning Commission adopted the Maui Planning Department's Report as its Findings of Facts, Conclusion of Law, and Decision and Order. Enclosed for your information is a copy of the Department's Report dated February 24, 2004, Addendum Report Dated July 12, 2005 and the Recommendations Report dated June 30, 2005 and presented at the July 12, 2005 meeting.

Mr. Christopher L. Hart, ASLA
July 14, 2005
Page 6

Thank you for your cooperation. If additional clarification is required, please contact Mr. Joseph Alueta, Administrative Planning Officer, of this office at 270-7735.

Sincerely,



MICHAEL W. FOLEY
Planning Director

MWF:JWA:lar

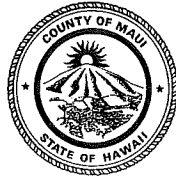
Enclosures

c: Clayton I. Yoshida, AICP, Planning Program Administrator
Isaac Hall, Esq.
ZAED (2)
Joseph W. Alueta, Administrative Planning Officer
Donna Leong, Esq., Caddes Shutte
Development Service Administration (2)
Glenn Kosaka, Esq., Hearing Officer
CZM File (w/ Enclosures)
Project File
General File
K:\WP_DOCS\PLANNING\EIS\2002\mauiocanclubsequent\approvalSMA.wpd

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

July 13, 2005

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

Dear Ms. Salmonson:

RE: Supplemental Statement Determination for the Environmental Impact Statement Prepared in Support of the Maui Ocean Club Sequel Project (Marriott Ka'anapali) located on 15.9 Acres at TMK: 4-4-013: 001, 100 Nohea Drive, Lahaina, Island of Maui, Hawaii (SM1 2002/0026) (EIS 2002/0004)

By letter dated April 22, 2005, the applicant requested a determination from the accepting authority (Maui Planning Commission) relative to the applicability of the Final Environmental Impact Statement (EIS) prepared for the above-referenced project. The Final EIS was accepted by the Maui Planning Commission on August 28, 2003, and analyzed five (5) alternative site plans, whereby Option 5 was identified as the preferred alternative.

During subsequent design development activities, a sixth option (Option 6) was formulated as the preferred plan and contains slight changes to the proposed building and pool footprints. These changes are a result of complying with the new shoreline setback rules, as well as, addressing privacy concerns from the neighboring Ka'anapali Ali'i Condominium project. Option 6 did not involve any change to the height, number of stories, or unit count. The Commission on October 26, 2004 reviewed the applicant's request and determined that Option 6 is not a substantial change to Option 5.

As a result of further settlement agreements, Option 6 was further modified. These modification resulted in the decrease in height on one building and the minor expansion on the second building. No increase in units or increase in the over all building height or building stories occurred. An additional parking story was added.

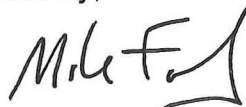
At its regular meeting of July 12, 2005, the Maui Planning Commission, determined in accordance with §11-200-26 and §11-200-27, HAR, that the new modified Option 6 was not a substantial change to Option 5. As such, the Commission determined that a

Ms. Genevieve Salmonson
July 13, 2005
Page 2

Supplemental Statement is not required. Please publish said determination in the July 23, 2005, Office of Environmental Quality Control (OEQC) Environmental Bulletin.

If you require additional clarification, please call Mr. Joseph Alueta, Administrative Planning Officer, of our office at 270-7735.

Sincerely,



MICHAEL W. FOLEY
Planning Director

MWF:JWA:lar

c: Wayne A. Boteilho, Deputy Planning Director
Clayton I. Yoshida, AICP, Planning Program Administrator
Kivette A. Caigoy, Environmental Planner
Chris Hart, Chris Hart & Partners
Isaac Hall, Esq.
William Crockett, Esq.
Donna Leong, Esq., Cades Schutte

Project File

General File

K:\WP_DOCS\PLANNING\EIS\2002\mauiocanclubseque\EISSupp_transmittal_OEQC2.wpd

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of)	
)	DOCKET NO. SM1 2002/0026
Mr. Steve Busch, Regional)	Maui Ocean Club Sequel
Vice-President-Construction &)	JOEA
Development)	
)	
To Obtain a Special Management Area)	
Use Permit in order to construct two)	
guestroom buildings containing 143)	
units plus an additional 133 lock outs)	
for a total of 276 keys on the existing)	
15.9 acre Maui Ocean Club property)	
At Maui Tax Map Key 4-4-013:001)	
<u>Lahaina, Maui, Hawaii</u>)	

MAUI PLANNING DEPARTMENT'S ADDENDUM REPORT
TO THE MAUI PLANNING COMMISSION
JULY 12, 2005 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
250 S. HIGH STREET
WAILUKU, MAUI, HI. 96793

SMA
SM1 20020026

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of)	
)	DOCKET NO.SM1 2002/0026
Mr. Steve Busch, Regional)	Maui Ocean Club Sequel
Vice-President-Construction &)	JOEA
Development)	
)	
To Obtain a Special Management Area)	
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guestroom buildings containing 143)	
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for a total of 276 keys on the existing)	
15.9 acre Maui Ocean Club property)	
At Maui Tax Map Key 4-4-013:001)	
<u>Lahaina, Maui, Hawaii</u>)	

At its regular meeting of April 13, 2004, the Maui Planning Commission accepted the petitions to intervene filed by Ms. Donna Y. L. Leong, Esq. and Mr. Isaac Hall, Esq.

Pursuant to §12-201-54 of the Maui Planning Commission Rules (a) all parties to a contested case proceeding shall participate in mediation pursuant to section §12-201-68 prior to any pre-hearing conference and the initiation of the contested case proceeding.

As a result of the mediation, the parties of Kaanapali Alii AOA and Kaanapali Alii Rental Owners Corporation, represented by Ms. Leong, agreed to a settlement. At the end of the mediation, the party of individual owners of the Kaanapali Alii who were represented by Mr. Hall, failed to reach a settlement with the Applicant.

Although the parties represented by Ms. Leong, had settled, they informed the Planning Commission that they would remain parties to the Contested Case hearing to insure that any agreements or findings from the contested case did not undermine their agreement with the Applicant. The Settlement agreement was sent to the Commission. As a result of the settlement, the Commission reviewed Design Option 6 at it's October 26, 2004 meeting. At the meeting the Commission determined that Option 6 was not a significant change from the preferred Option 5 and that a Supplemental EIS was not required.

Prior to the Contested Case Hearing, the Applicant and the "Individual Interveners" that were represented by Mr. Isaac Hall, reached a settlement agreements. The design changes that resulted from the settlement was remitted to the Urban Design Review Board on May 17, 2005. The Board approved the design changes, provided that the design motifs of foliage be reduced in scale to be in keeping with those portrayed on the other buildings.

The Commission is being asked to review the changes to the plans and determine if the changes are significant in which to warrant a Supplemental EIS and/or a new application. The Department has reviewed the proposed changes relative to the EIS and to those presented as Exhibits 10 thru 14 of the Department's Report Dated February 24, 2004. The Department feels that the changes are not significant and similar to the preferred Option 5 of the EIS and to those represented in the review of the project. The Department does not believe a Supplemental EIS is need nor is a new SMA application needed. (Exhibits 2 thru 17). The changes will result in a total of 148 units of which 129 will have lock-offs, for a total of 248 keys. The units will be distributed as Napili: 71 total units; 7 w/o lock-offs; 64 w/ lock-offs. Lahaina: 77 total units; 12 w/o lock-offs; 65 w/ lock-offs.

Transmitted for the Commission is all the settlement agreements that have been entered into by the Applicant and Interveners.

Approved by



Michael W. Foley
Planning Director

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of)

Mr. Steve Busch, Regional)

Vice-President-Construction &)

Development)

To Obtain a Special Management Area)

Use Permit in order to construct two)

guestroom buildings containing 143)

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for a total of 276 keys on the existing)

15.9 acre Maui Ocean Club property)

At Maui Tax Map Key 4-4-013:001)

Lahaina, Maui, Hawaii)

DOCKET NO.SM1 2002/0026

Maui Ocean Club Sequel

JOEA

MAUI PLANNING DEPARTMENT'S RECOMMENDATIONS REPORT
TO THE MAUI PLANNING COMMISSION
JUNE 30, 2005 MEETING

DEPARTMENT OF PLANNING
COUNTY OF MAUI
250 S. HIGH STREET
WAILUKU, MAUI, HI. 96793

SMA
SM1 20020026

BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of)	
)	DOCKET NO.SM1 2002/0026
Mr. Steve Busch, Regional)	Maui Ocean Club Sequel
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15.9 acre Maui Ocean Club property)	
At Maui Tax Map Key 4-4-013:001)	
<u>Lahaina, Maui, Hawaii</u>)	

CONCLUSIONS OF LAW

Based on its analysis, the Planning Department finds that:

(A) *The proposed project will have "no adverse impact" and will not involve an irrevocable commitment to loss or destruction of any natural or cultural resources.*

(B) *The proposed project does not significantly curtail the range of beneficial uses of the environment.*

(C) *The proposed project does not conflict with the County's or the State's long-term environmental policies or goals.*

(D) *The proposed project will not adversely affect the economic welfare, social welfare and activities of the community, County or State.*

(E) *Provided that appropriate conditions relating to sewer and roadway/traffic improvements are implements, the proposed project does not*

involve substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways.

(F) In itself the proposed project has no significant adverse effect nor has it a cumulative effect upon the environment or involves a commitment for larger actions.

(G) The proposed project does not substantially affect a rare, threatened, or endangered species of animal or plant, or its habitat.

(H) The proposed project is not contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances;

(I) During construction, the proposed project is expected to have short-term impacts on the air quality and ambient noise levels. These impacts will be temporary and localized. These impacts are not considered permanent and will be mitigated through appropriate construction practices.

(J) Provided that appropriate drainage, and erosion control measures are implemented, the proposed project will not adversely impact flood plains, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters or coastal waters.

(K) The proposed project does not substantially alter natural land forms or impact existing public views to and along the shoreline.

(L) The proposed project is not contrary to the objectives and policies of HRS chapter 205A.

The Planning Department, based on the facts presented in the Department Report, finds that the proposed action will not have a significant adverse environmental or ecological effect; the proposed action essentially meets the objectives, policies and guidelines of the SMA Rules; and the proposed action is consistent with County zoning and the West Maui Community Plan.

RECOMMENDATION

Therefore the Maui Planning Department recommends approval of the Special Management Area Use Permit approval subject to the following conditions:

STANDARD CONDITIONS

1. That construction of the proposed project shall be initiated by July 30, 2007. Initiation of construction shall be determined as construction of offsite improvements, issuance of a foundation permit and initiation of construction of the foundation, or issuance of a building permit and initiation of building construction, whichever occurs first. Failure to comply within this two (2) year period will automatically terminate this Special Management Area Use Permit unless a time extension is requested no later than ninety (90) days prior to the expiration of said two (2) year period. The Planning Director shall review and approve a time extension request but may forward said request to the Planning Commission for review and approval.

2. That the construction of the project shall be completed within five (5) years after the date of its initiation. Failure to complete construction of this project will automatically terminate the subject Special Management Area Use Permit. A time extension shall be requested no later than ninety (90) days prior to the completion deadline. The Planning Director shall review and approve a time-extension request but may forward said request to the Planning Commission for review and approval.

3. The permit holder or any aggrieved person may appeal to the Planning Commission any action taken by the Planning Director on the subject permit no later than ten (10) days from the date the Director's action is reported to the Commission.

4. That final construction shall be in accordance with preliminary architectural plans dated xxxx

5. That appropriate measures shall be taken during construction to mitigate the short term impacts of the project relative to dust and soil erosion from wind and water, ambient noise levels, traffic disruptions, and construction waste.

6. That the subject Special Management Area Use Permit shall not be transferred without prior written approval in accordance with §12-202-17(d) of the Special Management Area Rules of the Maui Planning Commission.. However, in the event that a contested case hearing preceded issuance of said Special Management Area Use Permit, a public hearing shall be held upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

7. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Special Management Area Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Special Management Area Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with

the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.

8. That full compliance with all applicable governmental requirements shall be rendered.

9. That the applicant shall submit plans regarding the location of any construction related structures such as, but not limited to trailers, sheds, equipment and storage areas and fencing to be used during the construction phase to the Maui Planning Department for review and approval.

10. That the applicant shall submit to the Planning Department five (5) copies of a detailed report addressing its compliance with the conditions established with the subject Special Management Area Use Permit. A preliminary report shall be reviewed and approved by the Planning Department prior to issuance of the building permit. A final compliance report shall be submitted to the Planning Department for review and approval prior to issuance of a certificate of occupancy.

11. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the Special Management Area Use Permit. Failure to so develop the property may result in the revocation of the permit.

12. That appropriate energy conservation measures shall be incorporated into the project, including solar water heaters.

13. That low level lighting shall be used on the building and within the landscaped areas and further parking lot lighting shall be fully shielded.

14. Appropriate filtration measures to separate petroleum products and other potential contaminants shall be incorporated into the project's drainage plan and shall be regularly maintained by the Applicant.

PROJECT SPECIFIC CONDITIONS

15. That the applicant shall be responsible for all required infrastructural improvements as required by Title 18, Maui County Code, as amended, and other County Codes and Rules and Regulations, including but not limited to water source and system improvements for both domestic and fire protection, drainage improvements, traffic related improvements, wastewater system improvements, and utility upgrades. Said improvements shall be constructed concurrently with the development and shall be

completed prior to issuance of a certificate of occupancy unless improvements are bonded by the developer.

16. That all private infrastructure, including but not limited to, roads, utilities, drainage systems, etc., shall be regularly maintained by the Applicant. This restriction shall be recorded with the deed of each unit.

17. That the applicant shall provide affordable housing in accordance with "Maui County Administrative Affordable Housing Recommended Guidelines for Land Use Approvals". An agreement shall be executed between the applicant and the County of Maui Department of Housing and Human Concerns (DHHC). A copy of the agreement shall be filed with the Maui Planning Department prior to filing of the final compliance report.

19. That a copy of the approved National Pollutant Discharge Elimination System (NPDES) permit shall be filed with the Planning Department and the Department of Public Works and Environmental Management prior to approval of the grading permit.

20. That the applicant shall comply with the Department of Health requirements regarding fugitive dust, emissions, and community noise regulations.

21. That the applicant shall use "best practices" in Crime Prevention Through Environmental Design (CPTED), whenever possible, in developing the project. IN CPTED the design and building of structures, landscaping, and lighting are interwoven to increase surveillance, limit accessibility, and increase opportunities for apprehension resulting in a decrease in the likelihood of crime.

22. That an appropriate Best Management Practices (BMPs) plan shall be reviewed and approved by the Department of Public Works and Environmental Management. Said plan shall address impacts associated with erosion, contaminants, and construction waste. The approved plan shall be filed with the Maui Planning Department.

23. That a construction management site plan showing the location of construction related buildings and material storage areas shall be remitted to the Planning Department for review and approval. Said plans shall show measures taken to prevent materials, petroleum products, debris and storm runoff and eroded soils from blowing, flowing, leaching or other wise impacting the coastal ecosystem.

24. That the applicant shall identify and establish an off-site construction parking area for workers of the project. Workers of the project shall not use County Park facilities or designated beach access stalls.

25. That the applicant shall identify and establish an off-site construction wash down area that will used to wash equipment and cement trucks that will not enter the near

shore waters or any stream and drainage ways that empty into the shoreline area.

The conditions of this Special Management Area Use Permit shall be enforced pursuant to §12-202-23 and §12-202-25 of the Special Management Area Rules for the Maui Planning Commission.

In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation Report prepared for the July 12, 2005 meeting as its Findings of Fact, Conclusions of Law, Decision and Order and authorize the Director of Planning to transmit said Decision and Order on behalf of the Planning Commission.

APPROVED:

A handwritten signature in black ink, appearing to read "M. Foley", written over a horizontal line.

MICHAEL W. FOLEY
Planning Director