

PURSUANT TO CHAPTER 92, HAWAII REVISED STATUTES AS AMENDED, AND THE GOVERNOR'S EMERGENCY PROCLAMATIONS RELATED TO THE COVID-19 CRISIS, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI PLANNING COMMISSION

AGENDA
([HYPERLINKS TO MEETING MATERIALS ADDED](#))

DATE: NOVEMBER 9, 2021
TIME: 9:00 A.M.
PLACE: Online only via BlueJeans; **Meeting ID: 427 119 848**

Members: Christian Tackett (Chairperson), P Denise La Costa (Vice-Chairperson), Jerry Edlao, Kawika Freitas, Mel Hipolito, Jr., Ashley Lindsey, Kellie Pali, Kim Thayer, Dale Thompson

A. CALL TO ORDER

Public testimony will be taken when each agenda item is discussed except on Agenda Item C. **Testimony will be limited to a maximum of three (3) minutes.**

To listen to the meeting or provide oral testimony via phone, dial 1-888-748-9073 (toll free) or 1-408-915-6290 or 1-408-740-7256 and enter **Meeting ID: 427 119 848**

To watch the meeting or provide video testimony, use meeting link: <https://maui.bluejeans.com/427119848>

To provide written testimony, email comments to planning@mauicounty.gov by noon, one business day before the meeting to ensure distribution to the commission.

Testifiers will be called by the Chair to offer their testimony and are asked to mute their audio and video when they are not testifying.

Testifiers via video are asked to sign-up using the Chat function providing your name and the item you're wishing to testify on. Testifiers via phone will be called by the Chair after video testimony is finished.

Commissioners shall not be contacted by the Chat function.

The Chat function shall not be used to provide testimony or comments.

B. PUBLIC HEARINGS

1. AES KUIHELANI SOLAR, LLC requesting a County Special Use Permit to construct and operate the Kuihelani Solar Plus Storage Project, a 60-megawatt (MW) ground mounted solar photovoltaic system coupled with a 240 MW-hour (MWh) battery energy storage system and related equipment on approximately 449.48 acres in the State and County Agricultural Districts, located within a 4,353-acre parcel approximately two miles south of Kahului in the Wailuku District, Island of Maui, Hawaii, TMK (2) 3-8-005:002-0003, (CUP 2021/0003) (P. Fasi) ([Report](#)) ([Application](#)) ([Documents Received After Posting](#))

- C. Discussion with the Dept. of the Corporation Counsel on an anticipated settlement proposal with Dr. Lew Abrams and Maria De Abrams, on behalf of Sacred Earth Assembly related to their appeal of the denial of the Land Use Commission Special Permit to operate the Sacred Earth Assembly in the State Agricultural District, Haiku, Island of Maui. (SUP1 2019/0001) (SUP2 2017/0011). [\(EXHIBIT A\)](#) [\(EXHIBIT B\)](#)
[\(Documents Received After Posting\)](#)

An Executive Session will be convened by Deputy Corporation Counsel Brian Bilberry to discuss the background of the case and anticipated settlement agreement. (Commissioners a separate meeting invite will be sent to you for the Executive Session)

The Commission may vote to act on the proposed settlement agreement at the December 14 Commission meeting.

No public testimony will be taken on this item.

D. DIRECTOR'S REPORT

1. SMA Minor Permit Report

This is for notification and review purposes. No action is anticipated.

2. SMA Exemptions Report

This is for notification and review purposes. No action is anticipated.

3. Discussion of Future Maui Planning Commission Agendas

- a. November 23, 2021 agenda items

E. NEXT REGULAR MEETING DATE: November 23, 2021

F. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES PURSUANT TO SECTION 92-5(a)(4), HAWAII REVISED STATUTES.

UNLESS OTHERWISE SPECIFIED BY PLANNING COMMISSION RULE, ANY PETITION TO INTERVENE AS A FORMAL PARTY IN A PROCEEDING 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 of ten days or less excludes weekends and State recognized holidays.) THE ADDRESS OF THE COMMISSION IS C/O the DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200

MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793. **The deadline for filing a timely Petition to Intervene for an item where the first public hearing date is on November 9, 2021 was on October 26, 2021.**

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES, AND THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. IN ACCORDANCE WITH THESE RULES MAXIMUM TIME LIMITS OF AT LEAST THREE MINUTES MAY BE ESTABLISHED BY THE COMMISSION ON INDIVIDUAL TESTIMONY. PLEASE NOTE THAT ANYONE WISHING TO PROVIDE ORAL TESTIMONY PERTAINING TO AN AGENDA ITEM THAT IS A "CONTESTED CASE" PURSUANT TO CHAPTER 91, HAWAII REVISED STATUTES, MAY BE ASKED TO TESTIFY UNDER OATH OR AFFIRMATION, AND MAY BE SUBJECT TO LIMITED CROSS-EXAMINATION IN ACCORDANCE WITH SECTION 91-10(3), HAWAII REVISED STATUTES.

WRITTEN TESTIMONY, WHETHER SENT VIA FAX, EMAIL, OR USPS MAIL SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY NOON, ONE BUSINESS DAY BEFORE THE MEETING TO ENSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

THE LINKS FOR DOCUMENTS RECEIVED AFTER POSTING WILL BE UPDATED PERIODICALLY WHEN TESTIMONY IS RECEIVED, UP TO 12:00 PM ONE BUSINESS DAY PRIOR TO THE MEETING.

Testifiers: Please be advised that applications for Community Plan Amendment, State District Boundary Reclassification, Change in Zoning, and Conditional 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.

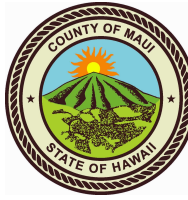
DOCUMENTS RELATING TO THIS MEETING MAY BE FOUND ON THE COUNTY OF MAUI OFFICIAL WEBSITE AT www.mauicounty.gov, UNDER BOARDS AND COMMISSIONS, MAUI PLANNING COMMISSION.

THE ADDRESS OF THE COMMISSION IS C/O DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE DEPARTMENT OF PLANNING AT 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1-800-272-0125 (Lanai) OR NOTIFY THE DEPARTMENT OF PLANNING IN WRITING AT ONE MAIN PLAZA 2200 MAIN STREET SUITE 315, WAILUKU, MAUI, HAWAII 96793 OR FAX NUMBER 270-7634 AT LEAST SIX (6) BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

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.

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County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

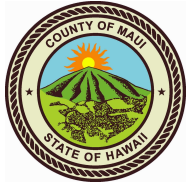
PD-Approved SMA Minor Projects for Maui

10/27/2021

Permit Completion Date: 10/13/2021 - 10/27/2021

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20210079	T-MOBILE PEAK	T-MOBILE PEAK ACHIEVEMENT 2021 BREAKFAST/LAHAINA	T-MOBILE PEAK ACHIEVEMENT 2021/LAHAINA	SHERATON MAUI RESORT & SPA		10/19/2021	A W/COND-APPROVED WITH CONDITIONS	2440080050000
SM2 - 20210080	5050 REPAIR & MAINT	MAKE REPAIRS TO ROOF, POOL, EXT PLASTER/KIHEI	5050 REPAIR & MAINTENANCE/KIHEI	ARDEN COMPANIES LLC		10/21/2021	A W/COND-APPROVED WITH CONDITIONS	2210071000000
SM2 - 20210081	MAUI BAY VILLAS SIGN	MAUI BAY VILLAS GROUND SIGNAGE - 2 SIGNS	MAUI BAY VILLAS GROUND SIGNAGE\KIHEI	STEPHEN JACOBSON		10/22/2021	A W/COND-APPROVED WITH CONDITIONS	2390010860000 2390420360000
SM2 - 20210082	KEAHI HOU	ONE BEDROOM AND ADDITIONAL DWELLING UNIT	SMX/KEAHI HOU ADDITION/LAHAINA	KEAHI JAMES HO		10/25/2021	A W/COND-APPROVED WITH CONDITIONS	2460060560000
SM2 - 20210083	HOLIDAY LIGHTING	HOLIDAY LIGHTING OF THE BANYAN TREE/LAHAINA	HOLIDAY LIGHTING OF THE BANYAN TREE/LAH	THE LAHAINA RESTORATION		10/26/2021	A W/COND-APPROVED WITH CONDITIONS	2460010090000

Grand Total : 5



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

PD-Approved SMA Exempt Projects for Maui

10/27/2021

Permit Completion Date: 10/13/2021 - 10/27/2021

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20210232	HALEAKALA SHORES PV	HALEAKALA SHORES PV REPLACEMENT/KIHEI	SHARON WRIGHT		10/14/2021	A-APPROVED	2390040970001
SM5 - 20210234	ROBERT MAXFIELD 1987	ROBERT MAXFIELD 1987 PROPERTY TRUST/KIHE	SATISH GHOLKAR		10/19/2021	A-APPROVED	2210230050053
SM5 - 20210235	MYNAH VENTURES	SMA/RMV EXT SPC/NEW EXT WALL-LAHAINA	MYNAH VENTURES LLC	RABAGO	10/19/2021	A-APPROVED	2440010230000
SM5 - 20210236	TAVERNA ECOSHADE	SMA/ADD TRELLIS OVER LANAI-LAHAINA	VILLAGE TAVERN LLC		10/19/2021	A-APPROVED	2420040600000
SM5 - 20210237	SABINE FINANCIAL	SABINE FINANCIAL SERVICES INC/KIHEI	SHRILEY CHRISTIANSEN- PERMIT SERVICES		10/20/2021	A-APPROVED	2390100320000
SM5 - 20210238	PERNICANO RESIDENCE	SMA/ATF CONVERSION REC RM/WRKSH-P-HANA	PERNICANO, KENNETH		10/20/2021	A-APPROVED	2140050460000
SM5 - 20210239	STINGER RESIDENCE	SMX/STINGER RESIDENCE/KIHEI	FRED W LOESBERG, AIA		10/20/2021	A-APPROVED	2210290040000
SM5 - 20210240	LAEL LEONE	SMA/ADDITION REMODEL-KIHEI	LAEL LEONE		10/21/2021	A-APPROVED	2390460450000
SM5 - 20210241	SEIDEMAN RESIDENCE	SMX/SEIDEMAN SWIMMING POOL/KIHEI	SEIDEMAN		10/21/2021	A-APPROVED	2390420770000
SM5 - 20210242	WALIN REMODEL	SMX/WALIN REMODEL/PAIA	WALIN,BENNETT J & JANICE M L		10/21/2021	A-APPROVED	2260120020000
SM5 - 20210243	HANA HIGH SCHOOL	SMX/HANA HIGH SCHOOL/HANA	HAWAII OFF GRID LLC		10/26/2021	A-APPROVED	2130060080000

Grand Total : 11