

MAUI PLANNING COMMISSION

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

AGENDA

(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: NOVEMBER 22, 2022

TIME: 9:00 A.M.

REMOTE MEETING LOCATION: Interactive conference technology via BlueJeans
Videoconferencing: **Meeting ID: 111 420 233**

PHYSICAL LOCATION: Members of the public may observe the remote meeting or testify in-person using audio/visual technology at the Planning Department Conference Room, Kalana Pakui Building 250 South High Street, Wailuku, Maui, Hawaii 96793. Note: The Commission Members may not be physically present at this location.

Members: P Denise La Costa (Chairperson), Kellie Pali (Vice-Chairperson), Kawika Freitas, Dale Thompson, Mel Hipolito, Jr., Ashley Lindsey, Kim Thayer, Dr. Mark Deakos

A. CALL TO ORDER AND ROLL CALL

Public testimony will be taken when each agenda item is discussed. **Testimony will be limited to a maximum of three minutes.**

To watch the meeting or provide video testimony: Click on or use meeting link: <https://maui.bluejeans.com/111420233>

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: 111 420 233**

Testifiers via video are asked to sign-up using the Chat function providing their names and the item they wish to testify on. Testifiers via phone will be called by the Chair after in-person and video testimony is finished.

Testifiers will be called by the Chair to offer their testimony, those participating by phone or video are asked to **mute** their audio and video when they are not testifying.

To provide written testimony: Email testimony to planning@mauicounty.gov or submit written testimony by mail to the Maui Planning Commission c/o Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Hawaii, 96793. While the Commission requests that written testimony be submitted by noon, one business day before the meeting to ensure distribution to the Commission, testimony submitted after such date and time will still be accepted by the Commission.

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. CHARLENE SHIBUYA FOR MUNEKIYO HIRAGA on behalf of COUNTY OF MAUI DEPARTMENT OF PUBLIC WORKS requesting a Special Management Area Use Permit and Shoreline Setback Variance for proposed improvements in two areas. Area 1: Dickenson Street to Lahainaluna Road includes replacing concrete wave deflector, wooden railings, deteriorated sidewalks, concrete planters, overgrown trees, existing light fixtures and street amenities; repairs to beach access stairs and railings; and removal of wooden bollards. Area 2: Papalaua Road to Baker Street includes replenishing boulders in stacked seawall, located at Front Street, Lahaina, Island of Maui, TMK: (2) 4-5-002: 999 and 002 (por.) and (2) 4 6-009 :999 (SM1 2020/0011) (SSV 2020/0002) (C. Thackerson) ([Report](#)) ([Application](#))
[\(Final EA\)](#) ([Documents Received After Posting](#))
2. MICHAEL SUMMERS of PLANNING CONSULTANTS HAWAII, LLC on behalf of R.D. Olson Development, requesting a Special Management Area Use Permit for the proposed Maui Airport Industrial Project involving the development of two one-story buildings comprising of 98,320 square feet of warehouse and 38,000 square feet of office space. Parking, landscaping and related improvements are also proposed. The project will be built on five light industrial lots proposed to be consolidated at TMKs: (2) 3-8-103:014, 015, 016, 017, 018. The lots are located in the Maui Business Park II North Project, Kahului, Island of Maui. (SM12022-00004) (T. Furukawa) ([Report – Part 1](#)) ([Report – Part 2](#))
[\(Application\)](#) ([Additional Information](#)) ([Documents Received After Posting](#))
3. Proposed amendments to TITLE MC-12, DEPARTMENT OF PLANNING, SUBTITLE 02, MAUI PLANNING COMMISSION, CHAPTER 202, SPECIAL MANAGEMENT AREA RULES and Proposed amendments to TITLE MC-12, DEPARTMENT OF PLANNING, SUBTITLE 02, MAUI PLANNING COMMISSION, CHAPTER 203, SHORELINE RULES FOR THE MAUI PLANNING COMMISSION ([Memorandum](#)) ([Additional Proposed Amendments Memo](#))
[\(SMA Rules – Redline\)](#) ([SMA Rules – Clean](#))
[\(Shoreline Rules – Redline\)](#) ([Shoreline Rules – Clean](#))

The proposed rule amendments are summarized as follows:

SUMMARY OF THE PROPOSED AMENDMENTS TO CHAPTER 202 (SPECIAL MANAGEMENT AREA RULES): provide new and revised definitions; streamline application requirements and procedures; clarify and revise procedures for intervention, enforcement and appeals; require assessments for sea level rise; revise procedures for emergency permits, requiring a long-term plan and the removal of temporary measures; add “categorical exemptions” that are considered exempt and will not need an assessment.

SUMMARY OF THE PROPOSED AMENDMENTS TO CHAPTER 203 (SHORELINE RULES): provide new and revised definitions; amend how the setback is established, changing the depth in many cases to follow the erosion hazard line (EHL) with 3.2 feet of sea level rise where the EHL is mapped; clarify and expand structures and activities allowed in the setback; prohibit shoreline hardening in most cases while allowing repairs; clarify repairs allowed for nonconforming structures; clarify and revise procedures for enforcement.

[Documents Received After Posting](#)

C. DIRECTOR'S REPORT

1. SMA Minor Permit Report – No SMA Minor Permit Report Generated – No permits issued for the 10/26/22 – 11/07/22 time period

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. December 13, 2022 agenda items

D. NEXT REGULAR MEETING DATE: December 13, 2022

E. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

INTERRUPTION IN VIDEO/AUDIO: If the connection between any testifier and the video conference is lost, the meeting will continue. A meeting held by interactive conference technology shall be automatically recessed for up to 30 minutes to restore communication when audiovisual communication cannot be maintained with Commission members participating in the meeting or with the public location identified above. If connection cannot be restored within 30 minutes, the meeting is automatically terminated.

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 Sec. 92-5(a)(4), Hawaii Revised Statutes.

Documents relating to this meeting may be found by clicking on the links provided on this Agenda, on the County of Maui official website at <https://www.mauicounty.gov>, under Boards and Commissions, Maui Planning Commission, and are on file with the Department of Planning.

The address of the Commission to provide written testimony is c/o Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii 96793, phone number is 808-270-7735, and email is planning@mauicounty.gov.

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 is 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 or documents is received, up to 12:00 p.m. on business day prior to the meeting.

Petitions to Intervene: 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.) Filing of all documents to the Commission is c/o the Department of Planning, 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 22, 2022 was on November 4, 2022.

Oral testimony will be received on any agenda item subject to the provisions of Chapter 92, Hawaii Revised Statutes, 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 oral 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, will 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

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.

SPECIAL ASSISTANCE: If any person needs an auxiliary aid/service or other accommodation due to a disability, contact the Planning Department at 808-270-7735 (Maui), 1-800-272-0177 (Molokai) or 1-800-272-0125 (Lanai), or planning@mauicounty.gov, as soon as possible. Requests made as early as possible will allow adequate time to fulfill the request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

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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SPECIAL MANAGEMENT AREA MINOR PERMIT – MAUI

Approved Projects for Maui

Permit Completion date: 10/26/22 – 11/9/22

No report generated.

No SMA Minor Permits issued for time period.



COUNTY OF MAUI
 Kalana O Maui Building
 200 South High Street
 Wailuku, HI 96793-2155

PD - Approved Projects for Maui

11/09/2022

Permit Completion Date: 10/26/2022 - 11/09/2022

ZAED Special Management Area Exemption

Plan #	Project Name	Short Project Description	Applicant Name	Planner	Completed Date	Plan Status	TMK(s)
SM52022-000115	Milewski PV Installation	The project involves the addition of 10 PV panels, a Tesla Powerwall, inverters, meters, and all required electrical work to an existing single-family dwelling	RISING SUN SOLAR ELECTRIC LLC	Danny A. Dias	10/27/2022	Approved	2390370370000-37983
SM52022-000122	Beach House Brewing	ATF work to building and site and proposed remedial work to building exterior.	BEACH HOUSE BREWING CORP	Scott Forsythe	11/02/2022	Approved	2460090050000-50035
SM52022-000128		Reinforce shear wall and install new Master Bedroom window	K2N Crest	Collette Cardoza	11/07/2022	Approved	2210230060002-4766
SM52022-000127		HOUSE REMODEL: DOOR REPLACEMENT, REMODL KITCHEN, ENLARGE LANAI, NEW POOL	JULIA MANCUSO	Wesley Bradshaw	11/07/2022	Approved	2260110290000-13556
SM52022-000131	TPC	TPC Tented event at Wailea Golf Club Molokini Lookout from 11/9-11/11/2022	Shea Festejo	Carolyn Cortez	11/07/2022	Approved	2210081400000-65568
SM52022-000114		Concrete Spaul Repair - Mana Kai Resort	STEVEN MARLETTE	Wesley Bradshaw	11/07/2022	Approved	2390040230001-33104
SM52022-000106	Suzanne Fradette PV	Grid Tied PV w/batter backup	RISING SUN SOLAR ELECTRIC LLC	Laury Sanger	11/07/2022	Approved	2210081200061-93685
SM52022-000108		Gardner residential restoration, shoreline, .	Dan Gardner	Wesley Bradshaw	11/07/2022	Approved	2390120060000-35229
SM52022-000120	AT&T HIL02220 Wailea - Modification to an Existing Telecommunications Facility - FCC 6409 EFR	AT&T's proposed modification consists of: - Remove (7) remote radio units - Remove (2) antennas	THORNE ABBOTT ASHLEY MAY	Ignacio Filippini	11/07/2022	Approved	2210080610000-2387

Grand Total: 9