

RECONVENED FROM DECEMBER 6, 2022 AT 11:00 A.M.

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: DECEMBER 13, 2022

TIME: 8:00 A.M.

REMOTE MEETING LOCATION: Interactive conference technology via BlueJeans Videoconferencing: **Meeting ID: 256 402 086 for RECESSED MEETING ON DECEMBER 13, 2022 AT 8:00 A.M.**

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. AS THIS IS A RECESSED MEETING, TESTIMONY WILL NOT BE TAKEN WHEN THE MEETING IS RECONVENED.**

To watch the meeting or provide video testimony: **Click on or use meeting link: <https://maui.bluejeans.com/256402086> FOR RECESSED MEETING ON DECEMBER 13, 2022 AT 8:00 A.M.**

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: 256 402 086 FOR RECESSED MEETING ON DECEMBER 13, 2022 AT 8:00 A.M.**

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. UNFINISHED BUSINESS

1. 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 ([November 22, 2022 Memorandum](#))
[\(November 22, 2022 Additional Proposed Amendments Memorandum\)](#)
[\(November 22, 2022 SMA Rules – Redline\)](#)
[\(November 22, 2022 SMA Rules – Clean\)](#)
[\(November 22, 2022 Shoreline Rules – Redline\)](#)
[\(November 22, 2022 Shoreline Rules – Clean\)](#)
[\(December 6, 2022 Memorandum\)](#)
[\(December 6, 2022 – SMA Rules\)](#)
[\(December 6, 2022 – Shoreline Rules\)](#)
[\(December 13, 2022 - Summary of Commission Discussion of December 6, 2022 Memo\)](#)

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.

[\(Documents Received After Posting through November 21, 2022\)](#)

[\(Documents Received Since November 22, 2022\)](#)

C. NEXT REGULAR MEETING DATE: December 13, 2022

D. 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.

(S:\all\carolyn\MPC agendas\2022\121322_agenda_reconvened from 120622.doc)