

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: MARCH 28, 2023

TIME: 9:00 A.M.

REMOTE MEETING LOCATION: Interactive conference technology via BlueJeans
Videoconferencing: **Meeting ID: 673 586 061**

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, Blaine Apo

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/673586061>

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: 673 586 061**

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. RESOLUTIONS THANKING OUTGOING MEMBERS P DENISE LA COSTA and KAWIKA FREITAS

C. PUBLIC HEARINGS

1. MS. JULIA MANCINELLI of KAHANA SOLAR, LLC and MR. DAVID OKAMURA of MAUI ELECTRIC COMPANY LIMITED, requesting a Land Use Commission Special Permit and County Special Use Permit (CUP) for the proposed construction and operation of a 20-megawatt (MW) ground-mounted solar photovoltaic system, a 20-MW, 4-hour (80 MWh) coupled battery energy storage system, and ancillary support infrastructure. A separate CUP is also being sought for the proposed Maui Electric Interconnection Facilities, consisting of a switchyard, overhead transmission line, protection and control systems that will serve this project and have functions unrelated to the project. A Phase II Project District Development approval for the improvement of an existing agricultural access road that extends from the Honoapiilani Highway/Akahele Street intersection to serve as the main access route to the solar array areas. The proposed project will be located in the State Agricultural District and the County Agricultural and Interim Districts and West Maui Project District 5 (Pulelehua) on approximately 220 acres of land in Napili-Honokowai at TMKs: (2) 4-3-001:017, 082 and 084. (SSP12022-00001) (CSUP2022-00005) (CUP20220004) (PH22022-00001) (T. Furukawa)

APPLICANT HAS REQUESTED TO HAVE MATTER REMOVED FROM AGENDA. PUBLIC HEARING TO BE RESCHEDULED.

2. MIKE SUMMERS of PLANNING CONSULTANTS HAWAII, LLC on behalf of APEAK INVEST, LLC requesting a Special Management Area Use Permit for the proposed construction of an 11,434 square feet multi-tenant light industrial warehouse, comprised of six units approximately 1,906 square feet each, as well as 19 onsite parking stalls and two loading stalls with all associated improvements, located within the Maui Business Park, Phase II, North Project, at 223 Lauo Loop, Kahului, Island of Maui at TMK: (2) 3-8-103:020 (SM1 2022 00008) (A. Biniaris)
[\(Report\)](#) [\(Application\)](#) [\(Documents Received After Posting\)](#)
3. Second Public Hearing on 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. First public hearing was held on November 22, 2022. (C. Thackerson)
[\(November 22, 2022 Memorandum\)](#)
[\(November 22, 2022 Additional Proposed Amendments Memorandum\)](#)

[\(November 22, 2022 SMA Rules – Redline\)](#)

[\(November 22, 2022 SMA Rules – Clean\)](#)

[\(November 22, 2022 Shoreline Rules – Redline\)](#)

[\(November 22, 2022 Shoreline Rules – Clean\)](#)

[\(December 6, 2022 Memorandum\)](#)

[\(December 6, 2022 – SMA Rules\)](#)

[\(December 6, 2022 – Shoreline Rules\)](#)

[\(December 13, 2022 – Memorandum\)](#)

[\(December 13, 2022 – MPC edits SMA Rules\)](#)

[\(December 13, 2022 – MPC edits Shoreline Rules\)](#)

[\(February 7, 2023 – Working Group edits SMA Rules\)](#)

[\(February 7, 2023 – Working Group edits Shoreline Rules\)](#)

[\(February 7, 2023 – Memorandum\)](#)

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.

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

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

[\(Documents Received Since December 13, 2022\)](#)

[\(Documents Received Since January 10, 2023\)](#)

[\(Documents Received Since February 7, 2023\)](#)

D. MOTION FOR RECONSIDERATION OF THE MAUI PLANNING COMMISSION'S ADOPTION OF HEARING OFFICER'S FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER

[Motion for Reconsideration](#) of Maui Planning Commission's adoption of Hearing Officer's Findings of Fact, Conclusions of Law, Decision and Order from the contested case hearing on the appeal of the closure of a Special Management Area Use Permit for One Wailea Development, LLC, for the proposed One Wailea 21-lot subdivision and related improvements at TMK: (2) 2-1-008:145 (previously TMK (2) 2-1-008:115), Wailea, Maui, Hawaii (SM1990010) (W. Wollenhaupt)

[\(Documents Received After Posting\)](#)

NO PUBLIC TESTIMONY WILL BE TAKEN ON THIS MATTER

E. 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. April 11, 2023 agenda items

F. NEXT REGULAR MEETING DATE: APRIL 11, 2023

G. 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 March 28, 2023 was on March 13, 2023.

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\2023\032823_agenda.doc)



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

PD - Approved Projects for Maui

03/15/2023

Permit Completion Date: 03/01/2023 - 03/15/2023

CP Special Management Area Minor Permit - Maui

| Plan # | Project Name | Short Project Description | Applicant Name | Planner | Completed Date | Plan Status | TMK(s) |
|---------------|--|---|-------------------------------------|------------------|----------------|-------------|---------------------|
| SM22023-00027 | Wailua- Construction of ATF Taro patch farm shed | Wailua- Construction of ATF Taro patch farm shed | Ladawn Federline Terry Akuna | Collette Cardoza | 03/02/2023 | Approved | 2110040110000-150 |
| SM22023-00022 | Francisco Ilya Escario | ATF placement of three 8' X 20' shipping containers used for storage and removal of trash, debris, and structures. Addition of one 8' X 40' Staging area for construction materials | Rulan Waikiki | Laury Sanger | 03/02/2023 | Approved | 2270040360000-74944 |
| SM22023-00025 | Kihei #8 Force Main Project | Staging area for construction materials | DANNY SUMNER | Tara Furukawa | 03/03/2023 | Completed | 2390041410000-34200 |
| SM22023-00026 | AT&T HIL02278 Kihei BDN Parity | AT&T proposed new telecommunication facility located on the rooftop of the Kihei Plaza | ASHLEY MAY | Collette Cardoza | 03/07/2023 | Completed | 2390020830000-32202 |
| SM22023-00018 | NORTH SHORE GREENWAY | Installation of concrete post and wood rail fencing and removable bollards along the mauka side of the North Shore Greenway path | COUNTY OF MAUI-DEPT OF PUBLIC WORKS | Wesley Bradshaw | 03/08/2023 | Approved | 2250050170000-12689 |
| SM22023-00031 | Waiola Church 200th Anniversary Celebration | 200 Waiola Church Anniversary Celebration | Jen Mather | Rachel Beasley | 03/08/2023 | Approved | 2460070160000-49925 |
| SM22023-00033 | MICHAEL LEE PLANS | A new retaining wall along the northern an eastern borders of the property as well as associated grading. A new sewer clean out and upgrade | MICHAEL MINHYUNG LEE | Laury Sanger | 03/09/2023 | Approved | 2330011040000-68026 |
| SM22023-00034 | MICHAEL LEE PLAN | Applicant proposes demo of the house and ohana, and rebuilding a new house and ohana. A new retaining wall along the northern border of the | JERRY EUIHYUNG LEE | Laury Sanger | 03/09/2023 | Approved | 2330010520000-17742 |
| SM22023-00021 | ROBERT HOLLIFIELD | Demolition of garage and construction of 2,434 sq. ft. addition to existing dwelling | ROBERT HOLLIFILED | Wesley Bradshaw | 03/13/2023 | Approved | 2390060040005-92547 |
| SM22023-00024 | 3806 PROPERTIES LLC | Construction of two accessory dwelling units | 3806 PROPERTIES LLC | Wesley Bradshaw | 03/13/2023 | Approved | 2430060430000-41804 |

Grand Total: 10



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

PD - Approved Projects for Maui

03/15/2023

Permit Completion Date: 03/01/2023 - 03/15/2023

ZAED Special Management Area Exemption

| Plan # | Project Name | Short Project Description | Applicant Name | Planner | Completed Date | Plan Status | TMK(s) |
|----------------|--|--|-------------------------------|------------------|----------------|-------------|---|
| SM52023-000045 | Murray Residence | Interior remodel of unit 102 to include change of the layout of the kitchen, guest bathroom, laundry, powder, bedroom 3, bath 3, primary bathroom, and Cluhouse renovations and ADA compliance for parking lot | Regidor Reyes Amanda Quipp | Laury Sanger | 03/03/2023 | Approved | 2210080910000-3183 2210080910070-78245 |
| SM52023-000057 | Kaanapali golf course clubhouse renovation | Cluhouse renovations and ADA compliance for parking lot | Munekiyo Hiraga | Laury Sanger | 03/06/2023 | Approved | 2440080180000-46929 |
| SM52023-000063 | KA454 Huntsman | Interior renovation | VOLK PACIFIC BUILDERSINC | Laury Sanger | 03/06/2023 | Approved | 2440080220226-47362 |
| SM52023-000043 | PARADISE RIDGE SIGN | Add project sign stating "Paradise Ridge Estates," on the retaining wall below building 7, directly in front of the entry gate, on the Paradise Ridge | Jennifer Salisbury | Laury Sanger | 03/08/2023 | Approved | 2390041320000-33903 |
| SM52023-000052 | Janes Residence | Construction of new single family dwelling, pool and landscaping | ROBB COLE | ZAED Intake | 03/08/2023 | Approved | 2430030430000-83399 |
| SM52023-000051 | THE MAHANA AT KA'ANAPALI ROOF ALTERATIONS | Re-roof existing lobby roof, gallery roofs, maintenance buildings, trash enclosure roofs, and stair/elevator roofs. | DAVID SELLERS | Collette Cardoza | 03/10/2023 | Approved | 2440010990000-66605 |
| SM52023-000049 | Home PV Installation | New grid tied rooftop mounted PV with battery backup mounted to exterior of Single-Family dwelling. (Kihei) | RISING SUN SOLAR ELECTRIC LLC | Collette Cardoza | 03/10/2023 | Approved | 2220250500000-6407 |

Grand Total: 7