

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

AMENDED AGENDA
(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: FEBRUARY 23, 2021
TIME: 9:00 A.M.
PLACE: Online only via BlueJeans; **Meeting ID: 291 930 403**

Members: Christian Tackett (Vice-Chair), Stephen Castro, Jerry Edlao, Kawika Freitas, Melvin Hipolito, P. Denise La Costa, Kellie Pali, Dale Thompson

Item D – Addition of notation – Pursuant to Chapter 91, Hawaii Revised Statutes, and Maui Planning Commission Rule 12-201-119, no public testimony will be taken.

A. CALL TO ORDER

Public testimony will be taken when each agenda item is discussed. 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 **code: 291 930 403**

To watch the meeting or provide video testimony, use meeting link: <https://maui.bluejeans.com/291930403>

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 nor shall the Chat function be used to leave comments.

B. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. NEW CINGULAR WIRELESS PCS, LLC (AT&T Mobility) requesting a County Special Use Permit for the proposed cellular antenna facility to include a 40 ft. monopole and support equipment on a 980 s.f. portion of an 8.1 acre agricultural lot located at 1651 Kahekili Highway, Unit 1, Wailuku, Maui, Hawaii, TMK (2) 3-2-013:043-001 (CUP2020/0007) (P. Fasi) [\(Report\)](#)
[\(Application\)](#) [\(Documents received after posting\)](#)

2. MS. MICHELE CHOUREAU MCLEAN, AICP, Planning Director, in accordance with Section 2.80B.060, Maui County Code, transmitting County Council Resolution 20-170 referring to the Maui Planning Commission a proposed bill to add a new goal and related objectives, policies and implementing actions to the Countywide Policy Plan of the Maui County General Plan 2030. (J. Maydan) [\(Report\)](#) [\(Documents received after posting\)](#)

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed>

3. MS. MICHELE CHOUREAU MCLEAN, AICP, Planning Director, transmitting County Council Resolution 20-166 referring to the Maui Planning Commission a proposed bill to establish that the consumption of intoxicating liquor in recreational areas under the jurisdiction of the Department of Parks and Recreation is unlawful in Historic Districts 1 and 2 (Lahaina). Some minor updates are also proposed. (J. Takakura) [\(Report\)](#) [\(Documents received after posting\)](#)

The entire text of the proposed bill for ordinance is available at <https://www.mauicounty.gov/1127/Legislation---Proposed>

C. COMMUNICATIONS

1. MS. MICHELE CHOUREAU MCLEAN, Planning Director, notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of her intent to process the following time extension requests administratively:
 - a) MS. ROWENA DAGDAG-ANDAYA, Director, on behalf of the COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS requesting a two-year time extension on the Special Management Area Use Permit for the Proposed Replacement of the Kahana Nui Bridge located between Hua Nui Place and Omaikai Place in Lahaina, Island of Maui, TMKs: (2) 4-3-006: 029 (por.), (2) 4-3-005 083 (por.), 4-3-019: 028 (por.), and (2) 4 3-019: 049 (por.) (SM1 2015/0007) (W. Bradshaw) [\(Request\)](#) [\(Documents received after posting\)](#)

The Commission shall acknowledge receipt of the request. The Commission may decide whether to waive its review or review the time extension request at a future meeting.

D. CONSIDERATION AND ADOPTION OF PROPOSED WRITTEN DECISION AND ORDER

Pursuant to Chapter 91, Hawaii Revised Statutes, and Maui Planning Commission Rule 12-201-119, no public testimony will be taken for this matter

1. [Proposed Findings of Fact, Conclusions of Law, and Decision and Order](#) on the matter of a Notice of Violation issued by the Planning Department for the use of heavy equipment in the shoreline setback area and in the ocean, and failure to implement Best Management Practices, pursuant to Special Management Area Use Permit SM1 2014/0001 and Shoreline Setback Variance SSV 2014/0001, approved on June 14, 2016, and Special Management Area permit exemption SM5 2019/0205 and Shoreline Setback Approval SSA 2019/0050, issued on October 15, 2019, for temporary sandbag repairs and additional maintenance at the shoreline fronting the sheet pile wall for the Hololani Resort Condominiums, located at 4401 Lower Honoapiilani Road and placement of new sandbags. (J. Dack)
 - a) ASSOCIATION OF APARTMENT OWNERS OF HOLOLANI AND SHARON WRIGHT'S NOTICE OF APPEAL FROM NOTICE OF VIOLATION NO. NOV 2020-0061, AS CORRECTED, filed by Paul Alston, Pamela W. Bunn and Timothy H. Irons, Dentons US LLP, attorneys for Appellants Association of Apartment Owners of Hololani and Sharon Wright. (APPL 2020/0005)
 - b) NOTICE OF APPEAL TO THE MAUI PLANNING COMMISSION FROM NOTICE OF VIOLATION 2020/0061, DATED JULY 9, 2020, filed by Jeffrey Ueoka, Mancini, Welch & Geiger, attorney for Appellant Goodfellow Bros., LLC. (APPL 2020/0004)

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the proposed Findings of Fact, Conclusions of Law, and Decision and Order

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. March 9, 2021 agenda items

F. NEXT REGULAR MEETING DATE: March 9, 2021

G. 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 February 23, 2021 was on February 8, 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.

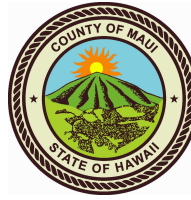
DOCUMENTS RELATING TO THIS MEETING MAY BE FOUND ON THE COUNTY OF MAUI OFFICIAL WEBSITE AT www.mauicounty.gov, UNDER BOARDS AND COMMISSIONS, MAUI PLANNING COMMISSION.

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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

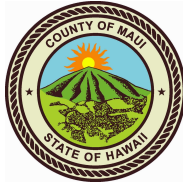
PD-Approved SMA Minor Projects for Maui

02/10/2021

Permit Completion Date: 01/27/2021 - 02/10/2021

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20200038	BERTO	REMODEL OF UNIT	BERTO\LAHAINA	CARY BRANCH		02/08/2021	A W/COND-APPROVED WITH CONDITIONS	2460330240000
SM2 - 20200061	KIHEI SURFSIDE	SURFSIDE VACATION CLUB INC	SMA APP/RENOVATION/IMPROVEMENTS-KIHEI	PETERSEN, KENNETH/STEINBERG, KATHERINE		02/08/2021	A W/COND-APPROVED WITH CONDITIONS	2390040280000
SM2 - 20210005	SAUNA & SOAKING TUB	PREFABRICATED SAUNA & SOAKING TUB	PREFABRICATED SAUNA & SOAKING TUB/KIHEI	CSGDC LLC		02/02/2021	A W/COND-APPROVED WITH CONDITIONS	2210210660000
SM2 - 20210006	KALEHUA STREET GATE	INSTALLATION OF AUTOMATED GATE	SMX/KALEHUA STREET GATE/KIHEI	MAKENA BUILDERS		02/05/2021	A W/COND-APPROVED WITH CONDITIONS	2210080990000
SM2 - 20210007	WAILEA TENNIS CLUB	EXCAVATE 14,400 SQ. FT AREA	WAILEA TENNIS CLUB PICKELBALL COURTS	BARRY HELLE		02/04/2021	A W/COND-APPROVED WITH CONDITIONS	2210081230000

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

02/10/2021

Permit Completion Date: 01/27/2021 - 02/10/2021

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20210018	HENSLEY SWIM POOL	SMX/HENSLEY SWIM POOL/KIHEI	HAWAII OFF GRID		01/28/2021	A-APPROVED	2390600780000
SM5 - 20210019	ROMANO MAIN DWELLING	SMX/ROMANO MAIN DWELLING & MORE/KIHEI	MICHAEL & BRANDI ROMANO		01/28/2021	A-APPROVED	2390460470000
SM5 - 20210020	LAHAINA CIVIC CENTER	LAHAINA CIVIC CENTER TENNIS COURT/LAH	CLIFFORD MURAKAMI		01/29/2021	A-APPROVED	2450210100000 2450210200000
SM5 - 20210021	WILLIAMS SPLIT AC	SMX/WILLIAMS SPLIT AC/LAHAINA	RYAN AND SARAH WILLIAMS		02/03/2021	A-APPROVED	2460300090000
SM5 - 20210022	MEYER HM,OHANA,&POOL	SMX/MEYER HM, OHANA, & POOL/KIHEI	RYAN AND DEANNA MEYER		02/03/2021	A-APPROVED	2390530180000
SM5 - 20210023	HELENE HALL SEPTIC	HELENE HALL SEPTIC SYSTEM REPAIR/HANA	COUNTY OF MAUI PARKS AND RECREATION	BRADSHAW	02/05/2021	A-APPROVED	2140040340000
SM5 - 20210024	REIMERS SWIM POOL	SMX/REIMERS SWIM POOL/KIHEI	HAWAII OFF GIRD LLC		02/08/2021	A-APPROVED	2390100350000
SM5 - 20210025	ROBERTS GAS LINE	SMX/ROBERTS GAS LINE/KIHEI	KATY ROBERTS		02/08/2021	A-APPROVED	2390400500000
SM5 - 20210026	HEHEMANN SOLAR NEM	SMX/HEHEMANN SOLAR NEM/PAIA	RISING SUN SOLAR		02/08/2021	A-APPROVED	2380950130000
SM5 - 20210027	TOMPKINS PROPERTY	TOMPKINS PROPERTY TRUST/KIHEI	SATISH GHOKAR		02/08/2021	A-APPROVED	2210080640086 2210080640087

Grand Total : 10