

**MAUI PLANNING COMMISSION
SUMMARY MINUTES
JUNE 22, 2020**

[\(HYPERLINK TO CHAPTER 1 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 2 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 3 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 4 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 5 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 6 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 7 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 8 AUDIO RECORDING OF THE MEETING\)](#)

As the Chair and Vice-Chair was not available for the meeting the Members voted for a chair pro tem for the meeting.

It was moved by Mr. Thompson, seconded by Mr. Edlao, and unanimously

**VOTED: Kellie Pali as the Chair Pro Tem for the meeting.
(Assenting – D. Thompson, J. Edlao, K. Freitas, M. Hipolito,
A. Lindsey, K. Pali, K. Thayer)
(Excused – P D. La Costa, C. Tackett)**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chair Pro Tem Kellie Pali at approximately 9:04 a.m., Tuesday, June 22, 2021, online via BlueJeans; **Meeting ID: 873 274 565; Participant Passcode: 8045**

B. ORIENTATION WORKSHOP NO. 2

(Item B.1 begins at approximately 00:05:25 of Chapter 1 of the audio recording.)

1. State Office of Planning - Coastal Zone Management Program - Justine Nihipali, Program Manager and Shichao Li, Planner

2. Managing Maui's Shorelines in the Face of Sea Level Rise – Tara Owens
3. Special Management Area Rules and Shoreline Setback Rules – Jim Buika

Presentations were given on the above items.

C. COMMUNICATIONS

1. Presentation on Kahana Bay Steering Committee Draft Environmental Impact Statement dated April 2021 to outline preferred alternatives for the Kahana Bay erosion mitigation in order for the commission to provide comments. The project involves ten TMKs along the Kahana Bay shoreline. The Draft EIS is an informational document only supporting and informing of future permits. In the future, the Maui Planning Commission may hear SMA Use permits and Shoreline Setback Assessment permits associated with the final project. (J. Buika)

The entire text of the Draft Environmental Impact Statement is available at:

http://oegc2.doh.hawaii.gov/EA_EIS_Library/2021-04-23-MA-DEIS-Kahana-Bay-Erosion-Mitigation.pdf

Fact Sheets regarding the DEIS can be found at:

<https://www.oceanit.com/project/kahana-bay-erosion-mitigation-eis/>

The State of Hawaii, Department of Land and Natural Resources, Office of Conservation and Coastal Lands is the approving agency of the Draft Environmental Impact Statement.

No deliberations or actions will be taken at this meeting.

(Item C.1 begins at approximately 00:30:18 of Chapter 3 of the audio recording.)

(Motion was made at approximately 00:40:00 of Chapter 3 of the audio recording.)

It was moved by Ms. Thayer, seconded by Mr. Thompson, and

(Vote was taken at approximately 00:51:57 of Chapter 3 of the audio recording.)

The Motion to Amend the Agenda Wording to “No deliberations or actions will be taken at this meeting, however the Commission may discuss and provide comments on the Draft EIS,” FAILED.

(Assenting – K. Thayer, D. Thompson, M. Hipolito, A. Lindsey)

(Dissenting – J. Edlao, K. Freitas)

(Excused – P D. La Costa, C. Tackett)

After discussion:

(Motion was made at approximately 01:15:38 of Chapter 3 of the audio recording.)

It was moved by Ms. Lindsey, seconded by Mr. Freitas, then

(Vote was taken at approximately 01:17:28 of Chapter 3 of the audio recording.)

**VOTED: To Defer the Matter to the July 13, 2021 Agenda, and to also allow individuals who wish to testify at this meeting to testify.
(Assenting – A. Lindsey, K. Freitas, J. Edlao, M. Hipolito,
K. Thayer, D. Thompson)
(Excused – P D. La Costa, C. Tackett)**

2. Lipoa Kahaleuahi, Chair of the Hana Advisory Committee to the Maui Planning Commission transmitting the Committee's recommendation on MS. SHARON JAHNS, requesting a Land Use Commission Special Permit in order to operate JJs Hana Hale, a one-bedroom short-term rental home, in the State Agricultural and County Agricultural Districts on 5.82 acres located at 215 Maia Road, Hana, Island of Maui, TMK: (2) 1-3-009:084. (SUP2 2020/0009) (K. Willenbrink)

(Item C.2 begins at approximately 01:35:15 of Chapter 3 of the audio recording.)

(Motion was made at approximately 01:19:38 of Chapter 4 of the audio recording.)

It was moved by Mr. Thompson, seconded by Mr. Edlao, then

(Vote was taken at approximately 01:30:30 of Chapter 5 of the audio recording.)

**VOTED: To Approve the Land Use Commission Special Permit as Recommended by the Department with the Recommended Conditions and the additional condition that the applicants will live on the property throughout the permit time period.
(Assenting – D. Thompson, J. Edlao, K. Freitas, M. Hipolito,
A. Lindsey, K. Thayer)
(Excused – P D. La Costa, C. Tackett)**

3. Full review of MR. RYAN SCHULTZ, VICE-PRESIDENT OF DEVELOPMENT OF VERSA REAL ESTATE representing MAKAI V, LLC, requesting a two-year time extension on the Special Management Area Use Permit condition to initiate construction of the Nalu Ola West Subdivision at TMK 2-5 -004: 055, 068, 069, and 022, 2 7-004: 007, 048, 049, 052, 053, 054, 055, 056, and 058, Haiku, Island of Maui (SM1 2014/0004) (C. Thackerson)

(Item C.3 begins at approximately 00:00:13 of Chapter 5 of the audio recording.)

(Motion was made at approximately 01:19:04 of Chapter 7 of the audio recording.)

It was moved by Mr. Edlao, seconded by Ms. Thayer, then

(Vote was taken at approximately 01:24:45 of Chapter 7 of the audio recording.)

**VOTED: To Deny the Special Management Area Use Permit Time Extension.
(Assenting – J. Edlao, K. Thayer, K. Freitas, M. Hipolito, A. Lindsey)
(Dissenting - D. Thompson)
(Excused – P D. La Costa, C. Tackett)**

D. ORIENTATION WORKSHOP NO. 1 (Deferred from the June 8, 2021 agenda)

(Item D begins at approximately 00:00:10 of Chapter 8 of the audio recording.)

1. Sunshine Law
2. Ethics
3. Contested Cases
4. Rational Nexus and Rough Proportionality

Mr. Hopper made PowerPoint presentations on Items 1 to 4.

5. County's Policy against Discrimination

Item 5 was deferred to a future agenda due to the time.

E. DIRECTOR'S REPORT

(Item E begins at approximately 01:42:10 of Chapter 8 of the audio recording.)

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.

There were no questions or comments on the SMA Minor and SMA Exemption Reports.

3. Discussion of Future Maui Planning Commission Agendas
 - a. July 13, 2021 agenda items

Ms. McLean went over the items scheduled for the July 13, 2021 agenda.

F. NEXT REGULAR MEETING DATE: July 13, 2021

G. ADJOURNMENT

The meeting was adjourned at approximately 6:44 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Jerry Edlao
Kawika Freitas
Ashley Lindsey
Mel Hipolito, Jr.
Kellie Pali
Kim Thayer
Dale Thompson

Excused

P Denise La Costa, Vice-Chair
Christian Tackett, Chair

Others

Michele McLean, AICP, Director, Department of Planning
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Jordan Molina, Deputy Director, Department of Public Works