

**MAUI PLANNING COMMISSION  
SUMMARY MINUTES  
JANUARY 11, 2022**

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

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

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

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Vice-Chairperson P Denise La Costa at approximately 9:05 a.m., Tuesday, January 11, 2022, online via BlueJeans; **Meeting ID: 161 331 547**

**B. PUBLIC HEARINGS**

1. SHEMS HEARTWELL, requesting the transfer and time extension of a Land Use Commission Special Permit to operate a Bed and Breakfast in a detached farm dwelling, as well as a County Special Use Permit to operate a counseling home business in the State and County Agricultural Districts on 2.22 acres of land at 1875 Olinda Road in Kula, Maui, Hawaii, TMK: (2) 2-4-019:014. (SUP2 2021/0010) (CUP 2021/0004) (T. Furukawa)

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

*(Motion was made at approximately 00:24:00 of Chapter 1 of the audio recording.)*

**It was moved by Mr. Thompson, seconded by Ms. Thayer, then**

*(Vote was taken at approximately 00:25:17 of Chapter1 of the audio recording.)*

**VOTED: To Approve the Transfer and Time Extension of the Land Use Commission Special Permit and County Special Use Permit as Recommended by the Department.  
(Assenting –D. Thompson, K. Thayer, M. Hipolito, A. Lindsey,  
P D. La Costa,)  
(Excused – J. Edlao, K. Pali, C. Tackett, K. Freitas)**

- C. **Adoption of Order Granting Proposed Intervenor Wailea Resort SF-S Partners LP's Petition to Intervene filed on July 13, 2021, and Appointing Hearing Officer in the matter of Appeal of Closure of Special Management Area (SMA) Use Permit for One Wailea Development, LLC for the proposed "One Wailea" 21-Lot Subdivision and improvements at Wailea, Island of Maui, Hawaii: TMK (2) 2-1-008:145 (previously TMK (2) 2-1-008:115) (SM1 99/0010)**

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

The Commission may take action to adopt the proposed decision and order.

*(Item C begins at approximately 00:29:46 of Chapter 1 of the audio recording.)*

*(Motion was made at approximately 00:32:10 of Chapter 1 of the audio recording.)*

**It was moved by Ms. Thayer, seconded by Mr. Thompson, then**

*(Vote was taken at approximately 00:32:49 of Chapter 1 of the audio recording.)*

**VOTED: To Adopt the Proposed Decision and Order as Presented.  
(Assenting –K. Thayer, D. Thompson, M. Hipolito, A. Lindsey,  
P D. La Costa,)  
(Excused – J. Edlao, K. Pali, C. Tackett, K. Freitas)**

The Commission took up Item E while awaiting Commissioner Freitas to join the meeting.

#### **E. DIRECTOR'S REPORT**

*(Item E begins at approximately 00:33:54 of Chapter 1 of the audio recording.)*

1. Complimentary Membership to American Planning Association (APA), Hawaii Chapter

Members were asked to contact the Department if they would like complimentary membership to the APA.

2. SMA Minor Permit Report

This is for notification and review purposes. No action is anticipated.

3. SMA Exemptions Report

This is for notification and review purposes. No action is anticipated.

Mr. Thompson asked where SM2 2021/005 is located. Ms. McLean noted it is in Hana. She also indicated that SMA Minor Permits and Exemptions on the reports have already been issued, and per the Commission's rules at the meeting where you receive notice of these that starts the clock for an appeal period for anyone who might wish to appeal these decisions and is the reason why this notification is important that it's documented on a certain date that the Commission received notice of these, and also, for the Commission to ask questions about any of the approvals that have already been issued.

Ms. La Costa inquired what the permit issued to Imagine Island Trust was for. Ms. McLean noted it is located in Wailea for construction of accessory uses of a retaining wall, swimming pool, spa, water lateral and reduced pressure backflow preventer.

4. Discussion of Future Maui Planning Commission Agendas
  - a. January 25, 2022 agenda items

Ms. McLean indicated the only item on the January 25, 2022 agenda at this time is a communication item requesting an amendment to an SMA Permit to modify a condition regarding hours of operation.

**D. CONSIDERATION OF REVISED RECOMMENDATION, as per settlement discussions with Dr. Lew Abrams and Maria De Abrams, on behalf of Sacred Earth Assembly related to their appeal of the denial of the Land Use Commission Special Permit to operate the Sacred Earth Assembly in the State Agricultural District, Haiku, Island of Maui. (SUP1 2019/0001) (SUP2 2017/0011).**

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. (Commissioners a separate meeting invite will be sent to you for the Executive Session)

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the revised recommendation.

No public testimony will be taken on this item.

*(Item D begins at approximately 00:00:15 of Chapter 2 of the audio recording.)*

**A Petition to Intervene which was submitted by Na Hinano O Opana was taken up by the Commission.**

*(Motion was made at approximately 00:51:44 of Chapter 3 of the audio recording.)*

**It was moved by Mr. Freitas, seconded by Ms. Thayer, and**

*(Vote was taken at approximately 00:55:57 of Chapter 3 of the audio recording.)*

**The Motion to Allow the Petition to Intervene to be Considered at a Future Meeting because the Commission has found it to be timely by Na Hinano O Opana, FAILED.**

**(Assenting –K. Freitas, P D. La Costa, M. Hipolito – Abstain)  
(Dissenting - K. Thayer, D. Thompson)  
(Excused – J. Edlao, K. Pali, C. Tackett, A. Lindsey)**

*(Motion was made at approximately 00:55:11 of Chapter 3 of the audio recording.)*

**It was moved by Mr. Thompson, seconded by Ms. La Costa, and**

*(Vote was taken at approximately 00:57:08 of Chapter 3 of the audio recording.)*

**The Motion to Deny the Petition to Intervene as not being timely by Na Hinano O Opana, FAILED.**

**(Assenting –D. Thompson, P D. La Costa - Abstain, M. Hipolito, K. Thayer)  
(Dissenting - K. Freitas)  
(Excused – J. Edlao, K. Pali, C. Tackett, A. Lindsey)**

There being no decision made on the Petition to Intervene, the matter will be placed on a future agenda after consulting with parties regarding their availability.

**F. NEXT REGULAR MEETING DATE: January 25, 2022**

**G. ADJOURNMENT**

The meeting was adjourned at approximately 12:14 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**Present**

Kawika Freitas (in attendance at 11:06 a.m.)  
P Denise La Costa, Vice-Chair  
Ashley Lindsey (excused at 11:38 a.m.)  
Mel Hipolito, Jr.  
Kim Thayer  
Dale Thompson

**Excused**

Jerry Edlao  
Kellie Pali  
Christian Tackett, Chair

**Others**

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