

PURSUANT TO CHAPTER 92, HAWAII REVISED STATUTES AS AMENDED, AND THE GOVERNOR'S AND MAYOR'S EMERGENCY PROCLAMATIONS RELATED TO THE COVID-19 CRISIS, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI PLANNING COMMISSION

AGENDA
(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: FEBRUARY 8, 2022
TIME: 9:00 A.M.
PLACE: Online only via BlueJeans; **Meeting ID: 668 328 227**

Members: Christian Tackett (Chairperson), P Denise La Costa (Vice-Chairperson), Jerry Edlao, Kawika Freitas, Mel Hipolito, Jr., Ashley Lindsey, Kellie Pali, Kim Thayer, Dale Thompson

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 **Meeting ID: 668 328 227**

To watch the meeting or provide video testimony, use meeting link: <https://maui.bluejeans.com/668328227>

To provide written testimony, email comments to planning@mauicounty.gov by noon, one business day before the meeting to ensure distribution to the commission. The address to provide testimony via USPS mail is c/o Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Hawaii, 96793 and should also be received by the Department of Planning by noon, one business day before the meeting to ensure distribution to the board.

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

The Chat function shall not be used to provide testimony or comments.

B. PUBLIC HEARINGS

1. MAKAWAO CEMETERY ASSOCIATION requesting a State Land Use Commission Special Permit for a proposed 4.61-acre expansion of the Makawao Cemetery on 7.454 acres, at 3363 Baldwin Avenue, Makawao, Island of Maui, TMK: (2) 2-4-002:001. (SUP2 2019/0021) (P. Fasi) ([Report](#)) ([Application](#)) ([Documents Received After Posting](#))

C. COMMUNICATIONS

1. LIPOA KAHALEUAHI, Chair of the Hana Advisory Committee to the Maui Planning Commission transmitting its recommendation on the following application:

KAUPO COMMUNITY ASSOCIATION requesting a State Land Use Commission Special Permit and County Use Determination for the newly built Kaupo School Classroom structure and related improvements to be used as a community facility on 2.25 acres at 34346 Piilani Highway, Kaupo, Island of Maui, TMK: (2) 1-7-002:015, (SUP2 2020/0005) (UD 2020/0001) (P. Fasi)

[\(Memorandum\)](#)

[\(Report and Minutes of the 12/16/21 HAC meeting\)](#)

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

The Commission may take action on this request.

D. NEW BUSINESS

1. MICHELE CHOUTEAU MCLEAN, AICP, Planning Director, transmitting a request for comment on the Draft Environmental Assessment (DEA) prepared for the proposed Waiehu Residential Community to be processed for compliance with Hawaii Revised Statutes (HRS), Chapter 201H. The project is located on a 158 acre portion of a 238-acre parcel adjacent to Kahekili Highway, Wailuku, Island of Maui, TMK: (2) 3-3-002:031 (portion). (EAC 2022/0001) (J. Burkett)

[\(Memorandum\)](#)

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

The entire text of the DEA and Anticipated Finding of No Significant Impact (AFONSI) is available at:

http://oeqc2.doh.hawaii.gov/Doc_Library/2021-12-23-MA-DEA-Waiehu-Residential-Community.pdf

The County of Maui, Department of Housing and Human Concerns is the approving agency for the DEA.

E. UNFINISHED BUSINESS

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). (T. Furukawa) [\(Revised Recommendation\)](#)

- a) BIANCA ISAKI, Co-Counsel and CHRISTINA LIZZI, Co-Counsel on behalf of NA HINANO O OPANA submitting a Petition to Intervene on the matter of Lew and Maria De Abrams, on behalf of Sacred Earth Assembly to obtain a State Land Use Special Permit to operate Sacred Earth Assembly, a non-profit interfaith church, in the State Agricultural District on approximately 14.8 acres of land located at 4505 Hana Highway, Haiku, Island of Maui, TMK (2) 2-8:003:075 (por.) (SUP1 2019/0001) (SUP2 2017/0011)
[\(Petition to Intervene\)](#) [\(Declaration of Christina Lizzi\)](#)

The Commission may take action on the Petition to Intervene. If the Petition to Intervene is denied, the Commission may take action to adopt, adopt with modifications, or take some other action regarding the revised recommendation.

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)

F. DIRECTOR'S REPORT

1. Discussion in Executive Session:

Update from the Department of the Corporation Counsel on the status of two matters: (1) Hooponopono O Makena, Maui Tomorrow Foundation and Sierra Club of Hawaii vs Maui Planning Commission, County of Maui and Wailea Resort SF-S Partners regarding the acceptance of the Final Environmental Assessment for the Wailea SF-S project and (2) Maui Meadows Neighborhood Association vs. Maui Planning Commission regarding the denial of the Petition to Intervene on the Paeahu Solar project.

Please note that this discussion will occur in Executive Session and that no testimony will be taken.

AN EXECUTIVE SESSION WILL 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)

No action will be taken.

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.

4. Discussion of Future Maui Planning Commission Agendas
 - a. February 22, 2022 agenda items

G. NEXT REGULAR MEETING DATE: February 22, 2022

H. 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 8, 2022 was on January 25, 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 ADDRESS OF THE COMMISSION TO PROVIDE WRITTEN TESTIMONY IS C/O DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, HAWAII 96793.

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.

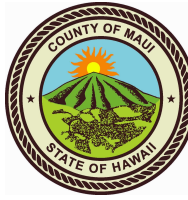
Maui Planning Commission Agenda
February 8, 2022
Page 5

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.

IF YOU REQUIRE AN AUXILIARY AID OR SERVICE OR ACCOMMODATION DUE TO A DISABILITY, PLEASE CONTACT THE COMMISSION STAFF NO LATER THAN THREE BUSINESS DAYS PRIOR TO THE SCHEDULED MEETING DATE AT (808) 270-7735 (Maui) OR 1-800-272-0117 (Molokai) OR 1-800-272-0125 (Lanai)

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

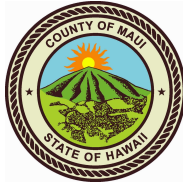
PD-Approved SMA Minor Projects for Maui

01/26/2022

Permit Completion Date: 01/12/2022 - 01/26/2022

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20220001	DEBERARDINE ADU RENO	ALTERATION TO (E) ADU AND INSTALLATION OF UNDERGROUND PROPANE LINE	SMX/DEBERARDINE ADU RENO/KIHEI	HAWAII OFF GRID		01/19/2022	A W/COND-APPROVED WITH CONDITIONS	2390110230000
SM2 - 20220004	MAUI OCEANFRONT MARA	MAUI OCEANFRONT MARATHON 1/16/22	MAUI OCEANFRONT MARATHON 1/16/22/LAHAINA	A. LESLIE WRIGHT		01/12/2022	A W/COND-APPROVED WITH CONDITIONS	2460010070000
SM2 - 20220005	CHRIS CUMMING	CHRIS CUMMING	SMA APP/BBQ/FIRE PIT/LANAI/STAIRWAY-KIHE	20 DEGREES NORTH PROPERTIES LLC		01/13/2022	A W/COND-APPROVED WITH CONDITIONS	2210061060000

Grand Total : 3



County of Maui
 Kalana O Maui Building
 200 South High Street,
 Wailuku, HI 96793-2155

PD-Approved SMA Exempt Projects for Maui

01/26/2022

Permit Completion Date: 01/12/2022 - 01/26/2022

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20220003	TANNO GAME ROOM	SMX/TANNO GAME ROOM/WAILUKU	MICHELLE E TANNO		01/13/2022	A-APPROVED	2320150410000
SM5 - 20220004	RICH SALEM	RICH SALEM/PAIA	MATT FOX		01/18/2022	A-APPROVED	2380020510000
SM5 - 20220005	HALE KAMAOLE	HALE KAMAOLE FIRLINE UPGRADE & SEWER/KIH	MWA INC	WILLENBRINK	01/20/2022	A-APPROVED	2390040840000
SM5 - 20220006	JOSEPH & KATA MAGDIC	SMX/JOSEPH KATA MAGDIC N302/LAHAINA	MAGDIC FAMILY TRUST		01/20/2022	A-APPROVED	2440080230090
SM5 - 20220007	SUNGA RESIDENCE	SMX/SUNGA RESIDENCE/KIHEI	RAMON SUNGA		01/21/2022	A-APPROVED	2390350820000
SM5 - 20220008	KURULIAK KUNG POOL	SMX/KURULIAK KUNG RESIDENC/KIHEI	RUSSELL KURULIAK & LINA KUNG		01/21/2022	A-APPROVED	2390610200000

Grand Total : 6