

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: MARCH 22, 2022  
TIME: 9:00 A.M.  
PLACE: Online only via BlueJeans: **Meeting ID: 766 926 828**

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: 766 926 828**

To watch the meeting or provide video testimony, use meeting link: <https://maui.bluejeans.com/766926828>

To provide written testimony, email comments to [planning@mauicounty.gov](mailto: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 commission. While the Commission requests that written testimony be submitted by noon, one business day prior to the meeting, to allow time for it to be transmitted to and reviewed by Commission members, testimony submitted after such date and time must still be accepted by 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

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

B. RESOLUTIONS THANKING OUTGOING COMMISSIONERS CHRISTIAN TACKETT AND JERRY EDLAO

C. PUBLIC HEARING

1. Michele Chouteau McLean, AICP, Planning Director, transmitting Resolution No. 21-171 referring to the Maui Planning Commission a proposed bill to amend Maui County Code Titles 2, 18, 19 and 20 relating to wetlands restoration and protection. The purpose of the proposed bill is to conserve and protect sensitive ecosystems and ecosystem functions and values by establishing requirements to map and protect wetlands. (E. Derrington) ([Report](#)) ([Documents Received After Posting](#))

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

D. REVIEW OF PROPOSED RESOLUTION AGREEMENT

Proposed Resolution Agreement between the COUNTY OF MAUI and KUAU COVE PROPERTIES, LLC for violations for the placement of sand within the shoreline area and Special Management Area (SMA) without Shoreline and SMA permits on Property located at 799 Poho Place, Paia, Island of Maui. NOV 2019/0079 and NOV 2019/0080. ([Memorandum](#)) ([Documents Received After Posting](#))

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), HRS.

The Commission may take final action on the proposed Settlement Agreement pursuant to the provisions of Section 12-202-23(d)(3) of the Maui Planning Commission's Special Management Area Rules and Section 12-203-17 of the Shoreline Rules for the Maui Planning Commission.

E. CONTESTED CASE HEARING

1. HONUA'ULA PARTNERS, LLC, requesting Project District Phase II Development approval for Honua'ula, a master planned community comprised of single family and multi-family homes, village mixed-uses, preservation and conservation areas, and recreational/open space areas and related infrastructure improvements on approximately 670 acres in Kihei-Makena Project District 9, located in Wailea, Kihei-Makena, Maui, Hawaii, TMK (2) 2-1-008:056 and 071. (PH2 2018/0002) (A. Cua)

([Motion to Recuse and Continue](#))

([Memo in Opposition to Motion for Recusal](#))

([Petition to Intervene](#))

([Honuaula Partners Response to Petition to Intervene](#))

([Petitioner's Response to Applicant's Response to Petition to Intervene](#))

**DOCUMENTS FILED BY APPLICANT**

Honuaula Partners LLC Exhibit List

Exhibit 11 – Resume of Tyler Fujiwara, P.E.

Exhibit 12 – Resume of Andrea Millan

Exhibit 16 – Resume of Michael F. Dega, Ph.D.

Exhibit 17 – Resume of Jaap Eijzenga, M.S.

Exhibit 20 – Statement of Qualifications for Otomo Engineering, Inc. for Professional Consulting Civil Engineering Services

Exhibit 21 – Resume of William Mitchell

Exhibit 29 – Resume of Thomas Nance

Exhibit 30 – Map of Native Plant and preservation Area/South Preserve Area, Updated Exhibit 1-0 map (submitted to the Commission via email on February 17, 2022)

Exhibit 31 – Drainage Master Plan Depicting Preserved Sites, Features, and Cultural Use Sites North of the NPPA (dated March 14, 2022)

Exhibit 32 – Final Environmental Assessment Piilani Highway Widening Project (Kilohana Drive to Wailea Ike Drive dated May 2012, Volume I of II

Exhibit 33 – Final Environmental Assessment Piilani Highway Widening Project (Kilohana Drive to Wailea Ike Drive dated May 2012, Volume II of II

Received March 17, 2022

Honuaula Partners LLC Rebuttal Witness List

Honuaula Partners LLC Rebuttal Exhibit List

Exhibit 34 - List of Archaeological Consultants in State of Hawaii for Calendar Year 2022

Exhibit 35 - Printout of Department of Commerce & Consumer Affairs Professional Vocational Licensing Search for Lucienne Antoinette de Naie

Exhibit 36 - Printout of Board of Global EHS Credentialing QEP Dipomate Public Roster

Exhibit 37 - Printout of Department of Commerce & Consumer Affairs Professional Vocational Licensing Search for Albert Perez

Exhibit 38 - Office of Environmental Quality Control, The Environmental Notice (dated August 8, 2012

Exhibit 39 - Honuaula Animal Management Plan dated March 2022

Received March 18, 2022

Honuaula Partners LLC Response to Intervenors' Motion Reopen Public Testimony

Honuaula Partners LLC Response to Intervenors' Motion to Walk the Land with Commissioners

Honuaula Partners Response to Intervenors' Motion Allow Discover and Issuance of Subpoenas

Honuaula Partners Response to Intervenors' Prehearing Brief Relating to Affordable Housing

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Applicant's First Amended Exhibit List

**DOCUMENTS FILED BY INTERVENORS**

Intervenors' Witness List

Intervenors' Exhibit List

Intervenors' Motion to Walk the Land with Commissioners

Intervenors' Motion to Allow Discovery and the Issuance of Subpoenas

Intervenors' Motion to Reopen Public Testimony, or in the Alternative Confirm Public Testimony Will Not be Considered in the Present Proceeding

**Received March 17, 2022**

Intervenors' Rebuttal Witness List

Intervenors' Rebuttal Exhibit List

Intervenors' Pre-Hearing Brief

**Received April 1, 2022**

Intervenors' Statement of Clarification

Intervenors' First Request for Production of Documents to Applicant Honuaula Partners LLC

Intervenors' Letter requesting approval of attached subpoenas

**DOCUMENTS FILED BY PLANNING DEPARTMENT**

No public testimony will be taken on this matter.

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. MICHELE CHOUTEAU MCLEAN, AICP Planning Director, transmitting the following application to the Maui Planning Commission pursuant to the provisions of the Maui Planning Commission's Special Management Area Rules that the following permit transfer has occurred by approval letter dated March 3, 2022.

MAUI WAIOHULI PARTNERS requesting a transfer of Special Management Area Use Permit from Maui Waiohuli Partners to Savio Kihei Wailani Village LLC for the Hoonani Subdivision, a 27-lot residential subdivision and related improvements on 12.88 acres located at Hoonani Street, Kihei, Island of Maui, TMK: (2) 3-9-001: 007 (SM1 2008/0024) (P. Fasi) ([Letter](#))

This is for notification purposes.

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. April 12, 2022 agenda items

G. NEXT REGULAR MEETING DATE: APRIL 12, 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 March 22, 2022 was on March 8, 2022.**

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.

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.

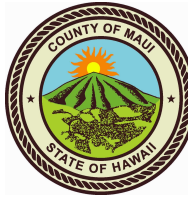
DOCUMENTS RELATING TO THIS MEETING MAY BE FOUND ON THE COUNTY OF MAUI OFFICIAL WEBSITE AT [www.mauicounty.gov](http://www.mauicounty.gov), UNDER BOARDS AND COMMISSIONS, MAUI PLANNING COMMISSION.

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

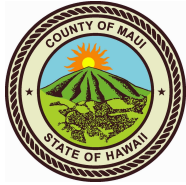
## PD-Approved SMA Minor Projects for Maui

03/09/2022

Permit Completion Date: 02/23/2022 - 03/09/2022

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20200086	MACC 100KW ADDITION	MACC 100KW PHOTO-BOLTAIC ARRAY ADDITION	SMX/MACC 100KW ADDITION/KAHULUI	MAUI ARTS & CULTURAL CENTER		03/08/2022	A W/COND-APPROVED WITH CONDITIONS	2380071270000
SM2 - 20220006	MATHERS, ZACHARIA	ATF_COVERED LANAI/REPLACE /EXT ROOF ETC	MATHERS, ZACHARIA/KIHEI	NICK WAGNER	KANAE	03/07/2022	A W/COND-APPROVED WITH CONDITIONS	2390280380000
SM2 - 20220016	LOT 1 WAILEA GOLF	LOT 1 WAILEA GOLF ESTATES II	SMA/NEW SF RES/LANA/GARAGE/POOL-KIHEI	CDG MAUI, INC		03/08/2022	A W/COND-APPROVED WITH CONDITIONS	2210081560001

**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

03/09/2022

Permit Completion Date: 02/23/2022 - 03/09/2022

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20220033	U OF H HAWAII MAUI	U OF H MAUI COLLEGE HOSPITALITY ACADEMY	UNIVERSITY OF HAWAII MAUI COLLEGE		02/23/2022	A-APPROVED	2370020110000
SM5 - 20220034	SAMPSON HOME	SAMPSON HOME/KIHEI	IL'IILI (2017) TRUST		02/24/2022	A-APPROVED	2390050340000
SM5 - 20220035	POULTER, MICHAEL/CEC	DWELLING #1, #3, ACC DWL, DECK' - ATF	CELIA POULTER		02/24/2022	A-APPROVED	2390060070000
SM5 - 20220036	JESTER KITCHEN	SMX/JESTER KITCHEN REMODEL/LAHAINA	KELLY JESTER		02/25/2022	A-APPROVED	2420010240094
SM5 - 20220037	MAUI BANYAN PARKING	SMA/REPAIR PARKING STRUCTURE-KIHEI	STEVE LENTZ, K2N CREST		02/25/2022	A-APPROVED	2390040050000
SM5 - 20220039	ULUA BEACH PARK	ULUA BCH PARK KIHEI WASTEWATER PUMP #9	COUNTY OF MAUI/DEPT OF ENVIRONMENTAL MANAGEMENT, WASTEWATER		02/28/2022	A-APPROVED	2210080880000
SM5 - 20220040	HAPPINESS HOUSE STRH	HAPPINESS HOUSE STRH/LAHAINA	PAUL LAUB		02/28/2022	A-APPROVED	2450030010000
SM5 - 20220041	KIHEI VETERINARY	SMX/KIHEI VETERINARY CLINIC/KIHEI	JEROB LEAPER	RABAGO	03/01/2022	A-APPROVED	2390021490000
SM5 - 20220042	PEAHI RESERVE ESTATE	SMX/PEAHI RESERVE ESTATES/HAIKU	CAMPBELL FARRELL		03/08/2022	A-APPROVED	2270070030000

**Grand Total : 9**