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**MAUI PLANNING COMMISSION  
PORTION OF REGULAR MINUTES  
ITEM C.2.a  
JANUARY 12, 2021**

Ms. McLean: Chair, next on the agenda is a notification that pursuant to Section 12.202.17E of your SMA Rules that the Department intends to process a time extension administratively, and this is Ryan Schultz, Vice-President of Development of Versa Real Estate, representing Makai V, LLC, a two-year time extension on the SMA Use Permit condition to initiate construction of Nalu Ola West Subdivision at TMK: 2-5-004: 055, 068, 069 and 022, and TMK: 2-7-004: 007, 048, 049, 052, 053, 054, 055, 056, and 058 in Haiku, and Candace Thackerson is the Project Planner.

**C. COMMUNICATIONS**

**2. MS. MICHELE CHOUTEAU 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) 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)**

**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.**

Mr. Carnicelli: Ms. Thackerson.

Ms. Candace Thackerson: Hello, sorry, I was just jumping on right now.

Mr. Carnicelli: Good morning.

Ms. Thackerson: Good morning.

Mr. Carnicelli: Please identify yourself for the record and do you promise to be truthful?

Ms. Thackerson: Yes, I promise to be truthful. And I'm Candice Thackerson, Staff Planner.

Mr. Carnicelli: Thank you.

Ms. Thackerson: So, the project before you is a waiver of review of a time extension request, a two-year time extension waiver for the Nalu Ola Ranch Subdivision. The project is before you. It is not for any structures except for the well structure that is proposed. It is just for the infrastructure and the division of the lots. It is noted as one of the conditions on the approval that any future homes that will be proposed will need to come in for individual SMA Assessments because we

1 thought it was very important that we looked at the houses individually as they came in for a view  
2 plain analysis because it is along Hana Highway and the homes are going to be makai of that  
3 highway. So...and because these are not, you know, preplanned homes like track homes, they'll  
4 be individual, you know, private, we wanted to make sure that we took a look at each one and  
5 thought about the view impact as each one went in individually. This is just to waive review and  
6 allow the Department to give it a two-year time extension, unless the Commission should feel that  
7 they would like a full review of the project and we can bring it back at that time. I don't know if the  
8 applicant is on the line. Let me scroll down through the names here. I don't see it, but I also see  
9 guest and some other random numbers, so I'm never sure who's on the line at the time.

10  
11 Mr. Carnicelli: Is there anybody from Versa Real Estate and/or Makai V LLC? Is it Makai 5 or is  
12 it Makai V, is it a roman numeral?

13  
14 Ms. Thackerson: Yeah, I'm not sure which one it is either. I sent them a copy of the agenda and  
15 had emailed them that this was going to be happening, but I don't see them on the line.

16  
17 Mr. Carnicelli: Okay.

18  
19 Ms. Thackerson: Yeah.

20  
21 Mr. Carnicelli: Then, we'll go ahead and open up the floor for public testimony. Director, has  
22 anybody indicated that they would like to testify on this particular item?

23  
24 Ms. McLean: No, Chair. No testifiers so far.

25  
26 Mr. Carnicelli: Okay, if there's anybody on the call that would like to testify in this particular item,  
27 please unmute yourself, and if you also wish, unmute your video as well. Going once, going twice,  
28 okay, if there are no objections, we're going to go ahead and close public testimony on this  
29 particular item. Seeing no objections, public testimony is now closed. Commission, any  
30 questions, comments, concerns that you would like to voice at this particular time? Commissioner  
31 Freitas.

32  
33 Mr. Freitas: Thank you, Chair. As I read this application for extension, I kind of get a feel that  
34 they had some plan to do selling of lots and they're just not selling it. I'm kind of bothered that  
35 what they've done in the interim is put up fencing and they're doing cattle grazing in the interim,  
36 although they did sell a couple of lots, you know, with the challenges that they have with  
37 infrastructure, I think this is a little bit backwards this, this project. I'm leaning toward not allowing  
38 the extension.

39  
40 Mr. Carnicelli: Well, this is...we're not, we're not granting an extension or not granting an  
41 extension, we're just saying, are we going to waive our review is what's before us today, right. Is,  
42 this is either going to be granted administratively or they come to us for the extension. So, that's,  
43 that's basically what's before us today, if I'm...is that correct, Candice? Our Director is nodding  
44 yes. Let the record show that the Director is nodding yes.

45  
46 Ms. Thackerson: Yes.

1  
2 Mr. Carnicelli: So, this is just nothing more, are we going to waive our review and let it be granted  
3 administratively? And if you would please, Ms. Thackerson, go over the criteria with which we  
4 have to use to grant an extension and/or not?

5  
6 Ms. Thackerson: Yes. So—

7  
8 Mr. Carnicelli: So, like, what is, what's before us right now?

9  
10 Ms. Thackerson: Yeah, the four points before you when looking at whether or not to waive your  
11 review of the time extension are the length of the time extension, two years. The reason, and as  
12 they were saying, yeah, they had also cited that it was taking them some time to sell off the lots  
13 and begin construction, especially with covid and everything. And then, the two other points are  
14 where whether or not there has been a significant change in the surrounding SMA area, that  
15 would affect the I believe I think the first one was the infrastructure of the area. And the second  
16 one is whether or not there's been changes in the SMA that would, in affect the environmental  
17 part of the area. There really hasn't been any changes in the SMA for permit granting within the  
18 neighboring area since the granting of this permit. And so, that's what you're supposed to be  
19 looking at today. Commissioner Kawika Freitas, if you did not want to grant it administratively  
20 what would then happen is this would just come back as a public hearing item and they could  
21 then ask for a longer extension if they would wish, a waiver, they can only do two years. So,  
22 yeah, and they may be doing cattle grazing on the lots. I'm not sure because the applicant isn't  
23 on the line, but it is agriculture. So, they can be doing agriculture on the lots in the meantime.

24  
25 Mr. Freitas: Okay, thank you.

26  
27 Mr. Carnicelli: Any other questions or concerns? Welcome back, Ms. La Costa. Okay, Candice,  
28 if you would go ahead and give your recommendation or the Department's recommendation,  
29 please.

30  
31 Ms. Thackerson: Yes, the Department would recommend that the commission go ahead and  
32 waive their review of the two-year time extension and allow the Department to administratively  
33 grant the SM1, a two-year time extension to initiate construction.

34  
35 Mr. Carnicelli: Great. Thank you. At this point in time, I'll entertain a motion from the floor.  
36 Commissioner Tackett.

37  
38 Mr. Tackett: Yeah, I would like the motion to keep our review. I would, I would be, I don't  
39 remember all the details of it, and before it, before it's completed, I would like to, I would like to  
40 have a refresher. So, my motion is to keep the review of the project for the planning commission.

41  
42 Mr. Carnicelli: Okay, to not waive review and to have the planning...seconded by Commissioner  
43 Freitas. Commissioner La Costa, I'm gonna just ask that you to go ahead and stay out of this one  
44 since you didn't get the front end of what was presented and everything like that, if that's okay.  
45 So, motion on the floor is from Commissioner Tackett, seconded by Commissioner Freitas to not  
46 waive our or to not waive our review and to not have this done administratively. You already

1 spoke to the, the motion, Commissioner Tackett. Would anybody else like to speak to the motion?  
2 Commissioner Freitas.

3  
4 Mr. Freitas: Maybe we wouldn't have had to do that this way had the applicant been on to answer  
5 some simple questions. So, for that reason, I think we should review it. Thank you.

6  
7 Mr. Carnicelli: Fair enough. Anybody else like to speak to the motion? Okay, all those in favor  
8 of the motion, please raise your hand, and that is to not waive review. That is one, two, three,  
9 four, five. Opposed? One. So, the motion is five to one, let the record show that  
10 Commissioner Thompson was the dissenting vote, but the motion passes, so we will go ahead  
11 and have this come back for our...have the time extension come back for our review.

12  
13 **It was moved by Mr. Tackett, seconded by Mr. Freitas, then**

14  
15 **VOTED: To Review the Time Extension Request at a Future Meeting.**  
16 **(Assenting – C. Tackett, K. Freitas, S. Castro, J. Edlao,**  
17 **M. Hipolito)**  
18 **(Dissenting – D. Thompson)**  
19 **(Excused – K. Pali, P. D. La Costa)**

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21  
22 Respectfully Submitted by,

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24  
25 CAROLYN TAKAYAMA-CORDEN  
26 Secretary to Boards and Commissions II