

**MAUI PLANNING COMMISSION
SUMMARY MINUTES
MAY 10, 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\)](#)

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

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

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

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson La Costa at approximately 9:02 a.m., Tuesday, April 26, 2022, in the Planning Conference Room, 250 South High Street, Wailuku, Hawaii 96768 and online via BlueJeans;
Meeting ID: 601 381 117

B. 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)

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)

DOCUMENTS FILED BY APPLICANT

Letter from C. Chipchase – PHII 2018/0002 - Settlement Agreement Exhibits
Honuauula Partners Response to Petition to Intervene

Memo in Opposition to Motion for Recusal

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

Applicant's Rebuttal Witness List

Applicant's Rebuttal Exhibit List

Applicant's Rebuttal Exhibit 34 – Carol Lee Kamekona-SHPD 2022 Permittee List 03

Applicant's Rebuttal Exhibit 35 – Lucienne de Naie_DCCA Business Name Search

Applicant's Rebuttal Exhibit 36 – Robin Knox_QEP Diplomate Roster Board for Global EHS
Credentialing

Applicant's Rebuttal Exhibit 37 – Albert Perez_DCCA License Search

Applicant's Rebuttal Exhibit 38 – OECQ Notice

Applicant's Rebuttal Exhibit 39 -Honuaula Animal Management Plan March 22

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 to Allow Discovery and Issuance of
Subpoenas

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

Received March 21, 2022

Maui Planning Commission
Summary Minutes - May10, 2022
Page 3

Applicant's First Amended Exhibit List

Received April 21, 2022

Certificate of Service – Applicant's response to Intervenors' first request for production of documents

Received May 2, 2022

Honuaula Partners LLC – Amended Witness List, Certificate of Certificate of Service

Received May 9, 2022

Honuaula Partners LLC – Second Amended Exhibit List

Honuaula Partners LLC – Exhibit 40

DOCUMENTS FILED BY INTERVENORS

Petition to Intervene

Petitioner's Response to Applicant's response to Petition to Intervene

Motion to Recuse and Continue

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 Pubic Testimony, or in the Alternative Confirm Pubic 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

Received May 5, 2022

Intervenor's First Amended List of Possible Witnesses

Intervenor's First Amended List of Possible Exhibits

Intervenor's Exhibits 18 – 20

Intervenor's Exhibits 21 – 33

Intervenor's Exhibits 34 – 45

Intervenor's Exhibits 46-47

Intervenor's Motion to Strike Staff Report-Continue Hearing-Exclude Applicant's Improper Discovery

Maui Planning Commission
Summary Minutes - May10, 2022
Page 5

DOCUMENTS FILED BY PLANNING DEPARTMENT

Department of Planning Memorandum In Response to Motion to Strike Staff Report_050922

Chair La Costa went over the order of the hearing with opening arguments from both parties. The applicant will present their case and witnesses. Intervenors may cross examine any of the witnesses or the applicant. Intervenor's rights to cross examine will be preserved even this case continues past today. The applicant may then rebut the intervenor's cross examination and statements. The Planning Commission will then be able to ask questions of any of the aforementioned participants.

(Item B.1 begins at approximately 00:05:30 of Chapter 1 of the audio recording.)

Ms. McLean read into the record the description for Item B.1.

The Commission took up the Intervenor's Motion to Strike the Staff Report, Continue the Hearing, and Exclude Applicant's Improper Discovery.

(Motion was made at approximately 00:01:15 of Chapter 2 of the audio recording.)

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

(Vote was taken at approximately 00:04:42 of Chapter 2 of the audio recording.)

VOTED: To Deny the Motion to Strike the Staff Report, Continue the Hearing, and Exclude Applicant's Improper Discovery.
(Assenting – K. Freitas, D. Thompson, M. Hipolito, A. Lindsey, K. Thayer, W. Grieg, P D. La Costa)
(Excused – K. Pali)

Mr. Hurley then put forth an oral Motion to Dismiss the Application Under Consideration for Lack of Completeness on which the parties presented their arguments.

(Motion was made at approximately 00:21:54 of Chapter 2 of the audio recording.)

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

(Vote was taken at approximately 00:03:42 of Chapter 3 of the audio recording.)

VOTED: To Deny the Intervenor's Oral Motion to Dismiss the Application Under Consideration for Lack of Completeness.
(Assenting – D. Thompson, A. Lindsey, K. Thayer, W. Grieg, P D. La Costa)
(Dissenting – K. Freitas)
(Recused – M. Hipolito – video froze during discussion)
(Excused – K. Pali)

The Applicant admitted Exhibits 1 – 40 into the record. The Intervenor admitted Exhibits 1- 47 with the exception of Exhibit 23 into the record. Applicant's attorney noted in regards to

Intervenor's Exhibits 21, 23, 25, 30, 31, 32, 40 should not be admitted at this time without a sponsoring witness. The Commission admitted all exhibits noting the weight that is given to each of them as witnesses are brought forward can be a determining factor of the Phase II application.

Applicant's attorney, Cal Chipchase started with his opening statement and then proceeded with calling their witnesses Chris Sugidono, Michael Dega, Heidi Guth and Stacy Otomo to testify, each being cross-examined by the Intervenor's attorney, Ryan Hurley.

The matter was then continued to June 28, 2022 due to time constraints of Commission members. Applicant's attorney, Cal Chipchase asked whether the Commission would consider a special meeting prior to the June 28th date. The Department indicated it would poll the members on dates that would be available for a special meeting and inform the parties whether it would be possible.

F. DIRECTOR'S REPORT

(Item F begins at approximately 00:07:00 of Chapter 6 of the audio recording.)

1. Complaint filed against former Commission Chair
(Rescheduled from the 4/12/22 and 4/26/22 agendas)

The Commission may discuss issuing a response

Matter deferred to the May 24, 2022 agenda

2. SMA Minor Permit Report – **(Report not available due to transition from KIVA to MAPPS)**

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

3. SMA Exemptions Report - **(Report not available due to transition from KIVA to MAPPS)**

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

4. Discussion of Future Maui Planning Commission Agendas

a. May 24, 2022 agenda items

Ms. McLean went over the items scheduled for the May 24, 2022 agenda.

G. NEXT REGULAR MEETING DATE: MAY 24, 2022

H. ADJOURNMENT

The meeting was adjourned at approximately 5:13 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Kawika Freitas (via BlueJeans) (excused from approximately 3:00 p.m. to 3:55 p.m.)
P Denise La Costa, Chairperson – in person
Ashley Lindsey (via BlueJeans)
William Greig (via BlueJeans)
Mel Hipolito, Jr. (via BlueJeans)
Kim Thayer (via BlueJeans)
Dale Thompson (via BlueJeans)

Excused

Kellie Pali, Vice-Chairperson

Others

Michele Chouteau McLean, Director, Dept. of Planning
Mike Hopper, Deputy Corporation Counsel, Dept. of the Corporation Counsel
Gary Ambrose, Deputy Director, Dept. of Public Works (via BlueJeans)