

**MAUI PLANNING COMMISSION
SUMMARY MINUTES
JULY 12, 2022**

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

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

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

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

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

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

[\(HYPERLINK TO CHAPTER 7 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 8 AUDIO RECORDING OF THE MEETING\)](#)

[\(HYPERLINK TO CHAPTER 9 AUDIO RECORDING OF THE MEETING\)](#)

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Vice-Chairperson Kellie Pali at approximately 9:02 a.m., Tuesday, July 12, 2022, in the Planning Conference Room, 250 South High Street, Wailuku, Maui, Hawaii 96768 and online via BlueJeans; **Meeting ID: 717 571 736**

B. PUBLIC HEARINGS

1. MBPN LAUO 21 LLC requesting a Special Management Area Use Permit for the construction of an 11,803 sq.ft. warehouse building with supporting office space on an approximately 0.53-acre parcel, located in the Maui Business Park Phase II, North Project Area, at 211 Lauo Loop, TMK: (2) 3-8-103:021, Kahului, Island of Maui. (SM1 2021/0005) (W. Bradshaw)

(Item B.1 begins at approximately 00:03:47 of Chapter 1 of the audio recording.)

(Motion was made at approximately 01:18:35 of Chapter 1 of the audio recording.)

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

(Vote was taken at approximately 01:24:41 of Chapter 1 of the audio recording.)

**VOTED: To Approve the Special Management Area Use Permit as amended with the three additional conditions as discussed by the Commission.
(Assenting – K. Freitas, D. Thompson, M. Hipolito, K. Thayer, K. Pali)
(Excused – A. Lindsey, W. Greig, P D. La Costa)**

2. NEW CINGULAR WIRELESS PCS, LLC, DOING BUSINESS AS AT&T, requesting a County Special Use Permit in order to build a new 35-foot wireless communications tower and support facility to provide cellphone coverage and to support coverage to first responders, located in the County Agricultural District off of Upper Kanaio Road, Kula, Island of Maui, on a portion of the 5,891.64-acre Ulupalakua Ranch parcel, TMK: (2) 2-1-009:001. (CUP 2022/0002) (J. Burkett)

(Item B.2 begins at approximately 00:01:17 of Chapter 2 of the audio recording.)

(Motion was made at approximately 00:24:30 of Chapter 2 of the audio recording.)

It was moved by Mr. Thompson, seconded by Ms. Pali, then

(Vote was taken at approximately 00:26:00 of Chapter 2 of the audio recording.)

**VOTED: To Approve the County Special Use Permit as Recommended by the Department.
(Assenting – K. Freitas, D. Thompson, M. Hipolito, K. Thayer, K. Pali
P D. La Costa)
(Excused – A. Lindsey, W. Greig)**

With consensus of the Commission, Item D., Director's Report was moved up on the agenda.

D. DIRECTOR'S REPORT

(Item D begins at approximately 00:26:35 of Chapter 2 of the audio recording.)

1. SMA Minor Permit Report

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

2. SMA Exemptions Report

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

No questions or comments from the Commission on the SMA Minor and SMA Exemption Reports.

3. Review of outstanding fines

As two of the testifiers were not available to testify due to technical difficulties, Item 3 was tabled until after Item C.

C. CONTESTED CASE HEARING

(Item C begins at approximately 00:02:44 of Chapter 3 of the audio recording.)

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 related to Item C.1 are attached as Attachment 1.

Mr. Hopper stated he discussed the Motion to Recuse with Commissioner Greig. He indicated Commissioner authorized him to inform the Chairperson and Commission that he plans out of an abundance of caution to recuse himself from the proceedings and that there is no need for the Commission to further discuss the Motion to Recuse.

Oral arguments were taken on the Motion to Suspend from the parties. After discussion, the Commission went into Executive Session. Discussion continued upon reconvening, the meeting.

(Motion was made at approximately 00:02:09 of Chapter 5 of the audio recording.)

It was moved by Ms. Pali, seconded by Mr. Thompson, then

(Vote was taken at approximately 00:02:53 of Chapter 5 of the audio recording.)

VOTED: To Deny the Motion to Suspend.
(Assenting – K. Freitas, D. Thompson, M. Hipolito, K. Thayer, K. Pali
P D. La Costa)
(Excused – A. Lindsey)
(Recused – W. Greig)

The Commission continued with the proceedings with the applicant indicating they have two additional witnesses which are in response to commissioner questions.

Mr. Hurley made an oral Motion for Directed Verdict to Deny the Application.

(Motion was made at approximately 00:14:22 of Chapter 6 of the audio recording.)

It was moved by Ms. Pali, seconded by Mr. Thompson, then

(Vote was taken at approximately 00:15:04 of Chapter 6 of the audio recording.)

VOTED: To Deny the Motion for Directed Verdict.
(Assenting – K. Freitas, D. Thompson, M. Hipolito, K. Thayer, K. Pali
P D. La Costa)
(Excused – A. Lindsey)
(Recused – W. Greig)

Mr. Hurley gave his opening statement and began calling the intervenor's witnesses.

The matter was continued to the July 26, 2022 agenda. The Chair asked that the Intervenors provide the number of witnesses and who they anticipate calling.

D. DIRECTOR'S REPORT

(Item D begins at approximately 01:26:39 of Chapter 8 of the audio recording.)

4. Discussion of Future Maui Planning Commission Agendas
 - a. July 26, 2022 agenda items

Ms. McLean went over the items scheduled for the July 26, 2022 agenda.

3. Review of outstanding fines

Commission discussed the matter and received public testimony.

E. NEXT REGULAR MEETING DATE: JULY 26, 2022

F. ADJOURNMENT

The meeting was adjourned at approximately 6:08 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

P Denise La Costa, Chair – in person
Kellie Pali, Vice-Chair – in person
Kawika Freitas – in person
Dale Thompson - in person
Mel Hipolito, Jr. – via BlueJeans
Kim Thayer – in person

Excused

Ashley Lindsey
William Greig

Others

Michele Chouteau McLean, Director, Dept. of Planning - in person
Michael Hopper, Deputy Corporation Counsel, Dept. of the Corporation Counsel – via
BlueJeans for Items B.1 and B.2 – In person for Item C