PURSUANT TO CHAPTER 92, PART I, HAWAII REVISED STATUTES AS AMENDED, NOTICE IS HEREBY GIVEN OF A REGULAR REMOTE PUBLIC MEETING OF THE MAUI PLANNING COMMISSION

AGENDA

(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: JULY 12, 2022
TIME: 9:00 A.M.
REMOTE MEETING LOCATION: Interactive conference technology via BlueJeans
Videoconferencing: Meeting ID: 717 571 736

PHYSICAL LOCATION: Members of the public may observe the remote meeting or testify in-person using audio/visual technology at the Planning Department Conference Room, Kalana Pakui Building 250 South High Street, Wailuku, Maui, Hawaii 96793. Note: The Commission Members may not be physically present at this location.

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

A. CALL TO ORDER

Public testimony will be taken when each agenda item is discussed. Testimony will be limited to a maximum of three 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: 717 571 736

To watch the meeting or provide video testimony, use meeting link: https://maui.bluejeans.com/717571736

Written testimony can be provided via email at planning@mauicounty.gov or via USPS mail c/o Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Hawaii, 96793. While the Commission requests that written testimony be submitted by noon, one business day before the meeting to ensure distribution to the Commission, testimony submitted after such date and time will still be accepted by the Commission.

Testifiers via video 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 their names and the item they wish to testify on. Commissioners shall not be contacted by the Chat function; the Chat function shall not be used to provide testimony or comments.

Testifiers via phone will be called by the Chair after video testimony is finished.

Testifiers in the Planning Department Conference Room will be called by the Chair after video and phone testimony are finished.

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) 3-8-1 03:021, Kahului, Island of Maui. (SM1 2021/0005) (W. Bradshaw) [Report] [Application] (Documents Received After Posting)

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) [Report] [Application] (Documents Received After Posting)

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

D. DIRECTOR’S REPORT

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.

3. Review of outstanding fines
4. Discussion of Future Maui Planning Commission Agendas
   a. July 26, 2022 agenda items

E. NEXT REGULAR MEETING DATE: JULY 26, 2022

F. 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 July 12, 2022 was on June 27, 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 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 Planning Commission Agenda
July 12, 2022
Page 4

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.

(S:\all\carolyn\MPC agendas\2022\071222)
ATTACHMENT 1

DOCUMENTS FILED BY APPLICANT

Letter from C. Chipchase – PHII 2018/0002 - Settlement Agreement Exhibits
Honuaula 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
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 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 Honualua Partners LLC
- Intervenors’ Letter requesting approval of attached subpoenas
  Received May 5, 2022
- Intervenors’ First Amended List of Possible Witnesses
- Intervenors’ First Amended List of Possible Exhibits
- Intervenors’ Exhibits 18 – 20
- Intervenors’ Exhibits 21 – 33
- Intervenors’ Exhibits 34 – 45
- Intervenors’ Exhibits 46-47
- Intervenors’ Motion to Strike Staff Report-Continue Hearing-Exclude Applicant’s Improper Discovery
  Received June 23, 2022
- Intervenors’ Second Amended List of Exhibits
- Intervenors’ Exhibit 48
- Intervenors’ Exhibit 49
- Intervenors’ Exhibit 50
- Intervenors’ Exhibit 51
- Intervenors’ Exhibit 52
- Intervenors’ Exhibit 53
Intervenor’s Exhibit 54
Intervenor’s Exhibit 55
Intervenor’s Exhibit 56
Intervenor’s Exhibit 57
Intervenor’s Exhibit 58
Intervenor’s Exhibit 59
Intervenor’s Exhibit 60
Received June 24, 2022

Intervenor’s Third Amended Exhibit List
Intervenor’s Second Amended Witness List

Intervenor’s Exhibit 63
Received June 27, 2022

Intervenor’s Fourth Amended Exhibit List
Intervenor’s Exhibit 64

Intervenor’s follow up on Planning Department’s responses to March 17, 2022, UIPA Records Request
DOCUMENTS FILED BY PLANNING DEPARTMENT

Department of Planning Memorandum In Response to Motion to Strike Staff Report_050922
## PD - Approved Projects for Maui

**Permit Completion Date:** 06/15/2022 - 06/29/2022

### CP Special Management Area Minor Permit - Maui

<table>
<thead>
<tr>
<th>Plan #</th>
<th>Project Name</th>
<th>Short Project Description</th>
<th>Applicant Name</th>
<th>Planner</th>
<th>Completed Date</th>
<th>Plan Status</th>
<th>TMK(s)</th>
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<tbody>
<tr>
<td>SM22022-00023</td>
<td>Campbell Park Fourth of July</td>
<td>Fourth of July Music Event from 5 pm – 8 pm, Setup 8 am to Noon Breakdown. 8 pm – 10 pm</td>
<td>Lahaina Restoration Foundation</td>
<td>Ailiki Biniaris</td>
<td>06/21/2022</td>
<td>Completed</td>
<td>2460080060000-49957</td>
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<td>SM22022-00026</td>
<td>Monroe - West Maui Construction</td>
<td>Grub lot; lay gravel; install fence; construct driveway apron</td>
<td>John Kim</td>
<td>WEST MAUI CONSTRUCTION</td>
<td>06/24/2022</td>
<td>Completed</td>
<td>2381030220000-91365</td>
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<tr>
<td>SM22022-00021</td>
<td>LOKELANI INT ADA</td>
<td>Reconstruct areas of campus to be ADA compliant: walkway landings at bldgs E, G, H, I, cafeteria &amp; main corridor &amp; portables, new parking area at</td>
<td>Laury Sanger</td>
<td>DEPT OF EDUCATION-KIHEI SCHOOL</td>
<td>06/24/2022</td>
<td>Completed</td>
<td>2220020430000-90826</td>
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<td>SM22022-00027</td>
<td>Monroe MBP Lot 23</td>
<td>Grub lot, lay gravel, install fence, install driveway apron</td>
<td>John Kim</td>
<td>WEST MAUI CONSTRUCTION</td>
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<td>SM22022-00028</td>
<td>Monroe MBP Lot 26</td>
<td>Grub lot; lay gravel; construct driveway apron; install fence</td>
<td>Linda Kim</td>
<td>WEST MAUI CONSTRUCTION</td>
<td>06/29/2022</td>
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**Grand Total:** 5
## ZAED Special Management Area Exemption

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<th>Short Project Description</th>
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<th>Completed Date</th>
<th>Plan Status</th>
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<tr>
<td>SM52022-000038</td>
<td>Warren - Storage Shed</td>
<td>The project involves After-the-fact work for a storage shed with related improvements.</td>
<td>SAM AND DIANA WARREN</td>
<td>Chelsea Rabago</td>
<td>06/16/2022</td>
<td>Approved</td>
<td>2390351060000-79191</td>
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<tr>
<td>SM52022-000039</td>
<td>Bonanno Pool &amp; Spa</td>
<td>The project involves the construction of a pool and spa on a property in Wailea with an existing dwelling.</td>
<td>DAVID SELLERS</td>
<td>Danny A. Dias</td>
<td>06/17/2022</td>
<td>Approved</td>
<td>2210260710000-5042</td>
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<tr>
<td>SM52022-000040</td>
<td>Schroeder Alteration</td>
<td>The project involves the construction of a roof deck and stairs to an existing single family dwelling in Kihei. The project will be located in the rear yard</td>
<td>MATTHEW SCHROEDER</td>
<td>Danny A. Dias</td>
<td>06/17/2022</td>
<td>Approved</td>
<td>2390130130000-35268</td>
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<td>SM52022-000036</td>
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<td></td>
<td>3002 KIHEI LLC</td>
<td>Wesley Bradshaw</td>
<td>06/21/2022</td>
<td>Completed</td>
<td>2390041050000-33901</td>
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<td>SM52022-000037</td>
<td>BOSA RESIDENCE: SINGLE FAMILY DWELLING, RETAINING WALLS, POOL &amp; SPA</td>
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<td>MARC TARON</td>
<td>Wesley Bradshaw</td>
<td>06/23/2022</td>
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<td>SM52022-000047</td>
<td>ALLEN RESIDENCE: ALLEN, FRED R SEPARATE PROPERTY TRUST</td>
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<td>MAUI ARCHITECTURAL GROUP INC</td>
<td>Wesley Bradshaw</td>
<td>06/29/2022</td>
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Grand Total: 6