

**MAUI PLANNING COMMISSION
SUMMARY MINUTES
AUGUST 23, 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 P Denise La Costa at approximately 9:06 a.m., Tuesday, August 23, 2022, in the Planning Conference Room, 250 South High Street, Wailuku, Maui, Hawaii 96768 and online via BlueJeans; 498 408 778

B. PUBLIC HEARINGS

1. FRANK BERNARD requesting a Land Use Commission Special Use Permit to operate a B&B in a second farm dwelling in the State Agricultural and County Agricultural Districts on 1.329 acres of land at 233 Waikina Loop, Haiku, Island of Maui, TMK: (2) 2-7-006:046 (SUP2 2022/0001)(SUP220220001) (T. Furukawa)

The Commission may take action on the request or may defer taking action and refer the matter to the Paia-Haiku Advisory Committee.

(Item B.1 begins at approximately 00:01:46 of Chapter 1 of the audio recording.)

(Motion was made at approximately 00:10:22 of Chapter 1 of the audio recording.)

It was moved by Ms. Thayer, seconded by Ms. Pali, then

(Vote was taken at approximately 00:21:33 of Chapter 1 of the audio recording.)

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

C. CONTESTED CASE HEARING

(Item C.1 begins at approximately 00:24:28 of Chapter 1 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. (PH 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.

Applicant's Exhibits 48 through 53 and Intervenor's Ninth Amended Exhibit List and Exhibit 72 were accepted into the record.

Applicant continued with rebuttal witnesses and concluded.

Applicant and Intervenor presented their closing arguments. Following closing arguments both the applicant and intervenor presented their proposed post hearing procedures.

The applicant proposed the Commission enter into discussion, have deliberation and make their decision today, then direct the preparation of findings and conclusions consistent with the commission's vote to be adopted at a future commission meeting and the intervenors prepare objections to those findings and conclusions which will then be addressed at a future commission meeting.

Intervenors proposed ending the proceeding today, both parties preparing separate findings of fact, conclusions of law, and submit them to the commission. Both sides can present a very brief and organized example of what they think that has been presented and this will allow the commission to review it and then make its decision. After the commission reviewed it, parties will come back another time, and have brief oral arguments on the Findings of Fact and Conclusions of Law at which time the commission could make its decision.

The Chair asked the Commission members to confirm everyone has reviewed everything that has been provided, and feel comfortable and confident to make a decision regardless of what it is today. Corporation Counsel added, this includes any portion of any meeting that any commissioner may have missed, and that member would have had to reviewed the record on that, whether it's the transcript or the recording and all exhibits that had been submitted and are prepared to deliberate if that's the way the commission decides to go.

Roll call was taken for each member in attendance in regards to the Chair's question:

K. Freitas – aye, D. Thompson – aye, M. Hipolito – aye, K. Thayer – aye, K. Pali – aye,
P D. La Costa – aye

A. Lindsey – excused

After further discussion:

(Motion was made at approximately 00:01:45 of Chapter 5 of the audio recording.)

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

(Vote was taken at approximately 00:30:32 of Chapter 5 of the audio recording.)

VOTED: That both parties prepare Proposed Findings of Fact, Conclusions of Law and Decision and Order and that each party will provide a Memorandum of Law addressing how the preliminary site plan in Phase 2 application is in compliance with Ordinances 3553 and 3554 with respect to the affordable housing requirements.

Each Party will File Proposed Findings of Fact, Conclusions of Law and Decision and Order and the Memorandum of Law as discussed with a length of no more than ten pages on September 20, 2022. Each party may file a response with a length of no more than five pages no later than September 23, 2022 before 4:00 p.m. Hearing of the Decision and Order and decision making by the Commission to take place on September 27, 2022 meeting.

**(Assenting – K. Freitas, D. Thompson, M. Hipolito, K. Thayer, K. Pali,
P D. La Costa)**

(Excused – A. Lindsey)

D. DIRECTOR'S REPORT

(Item D begins at approximately 00:31:21 of Chapter 5 of the audio recording.)

1. Designation of the South Maui Advisory Committee to conduct the public hearing and provide a recommendation on the following application:

BRETT DAVIS OF CHRIS HART & PARTNERS, INC. on behalf of WAILEA GOLF LLC, is requesting to amend the Planned Development Step II approval and Conditional Permits for proposed Wailea Tennis Center offsite parking improvements on TMK: (2) 2-1-008:141, Wailea Ike Place, Wailea, Island of Maui. (CP 99/0007) (PD2 2004/0006) (T. Furukawa)

The Commission may take action to designate that the South Maui Advisory Committee conduct the public hearing and provide a recommendation on the subject application request or take other action.

(Item D.1 begins at approximately 00:31:21 of Chapter 5 of the audio recording.)

(Motion was made at approximately 00:01:32 of Chapter 6 of the audio recording.)

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

(Vote was taken at approximately 00:05:20 of Chapter 6 of the audio recording.)

VOTED: For the Commission to Hear the Matter and Not Designate the South Maui Advisory Committee to conduct the public hearing and provide a recommendation to the Commission.
(Assenting – K. Freitas, D. Thompson, M. Hipolito, K. Thayer, K. Pali, P D. La Costa)
(Excused – A. Lindsey)

2. Designation of the Paia-Haiku Advisory Committee to conduct the public hearing and provide a recommendation on the following application:

TESSA MUNEKIYO-NG OF MUNEKIYO HIRAGA on behalf of LORRAINE GRADE is requesting time extensions of the Conditional Permit and Land Use Commission Special Permit for the Hale Akua Retreat Center, and an amendment of the site plan to include after-the-fact structures, located at TMKs: (2) 2-9-007:053, 056 (por.), 057 (por.), 058 (por.) at 110 Door of Faith Road, Haiku, Island of Maui. (CP 2005/0006) (PD2 2004/0006) (T. Furukawa)

The Commission may take action to designate that the Paia-Haiku Advisory Committee conduct the public hearing and provide a recommendation on the subject application request or take other action.

(Item D.2 begins at approximately 00:06:16 of Chapter 6 of the audio recording.)

(Motion was made at approximately 00:13:12 of Chapter 6 of the audio recording.)

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

(Vote was taken at approximately 00:15:37 of Chapter 6 of the audio recording.)

VOTED: For the Commission to Hear this Matter and Not Designate the Paia-Haiku Advisory Committee to conduct the public hearing and provide a recommendation to the Commission.
(Assenting – K. Freitas - Abstain, D. Thompson, M. Hipolito, K. Thayer, K. Pali, P D. La Costa)
(Excused – A. Lindsey)

3. SMA Minor Permit Report

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

4. SMA Exemptions Report

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

Mr. Freitas inquired whether PV installation requires a permit at all the times. Ms. Cua noted if it is located in the Special Management Area, it is required. Any proposed action in the SMA requires an assessment and from the assessment it's determined whether it can be exempt, a minor permit can be issued or it has to be moved up to a major permit.

5. Discussion of Future Maui Planning Commission Agendas

a. September 27, 2022 agenda items

Ms. Cua stated that the September 13, 2022 meeting is canceled due to the HCPO Conference being held on Kauai. She then went over the items scheduled for September 27, 2022 meeting.

Ms. Pali asked for an update on the request for a more detailed list of individuals the Department was working with for fines or agreements in regards to non-conforming things on their property which Department provided previously and that it be placed on a future agenda.

E. NEXT REGULAR MEETING DATE: SEPTEMBER 27, 2022

F. ADJOURNMENT

The meeting was adjourned at approximately 4:48 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 (in attendance at 9:29 a.m.)
Kim Thayer – in person

Excused

Ashley Lindsey

Others

Ann Cua, Current Division Administrator, Dept. of Planning - in person
Michael Hopper, Deputy Corporation Counsel, Dept. of the Corporation Counsel – via
BlueJeans Item B.1, remainder of agenda – in person
Gary Ambrose – Deputy Director, Dept. of Public Works – via BlueJeans