

PURSUANT TO CHAPTER 92, HAWAII REVISED STATUTES AS AMENDED, AND THE GOVERNOR'S EMERGENCY PROCLAMATIONS RELATED TO THE COVID-19 CRISIS, NOTICE IS HEREBY GIVEN OF A REGULAR MEETING OF THE MAUI PLANNING COMMISSION

**2<sup>ND</sup> AMENDED AGENDA**  
(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: JANUARY 11, 2022  
TIME: 9:00 A.M.  
PLACE: Online only via BlueJeans; **Meeting ID: 161 331 547**

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

Emergency Proclamation by Governor Ige dated December 29, 2021 Relating to Sunshine Law In-Person Meetings – Suspension of requirement to have at least one meeting location open to the public. Meeting to be online only via BlueJeans

Agenda Item D – Description amended to read: Consideration of Revised Recommendation, as per settlement discussions

Agenda Item C – Amended to read: The Commission may take action to adopt the proposed decision and order.

A. CALL TO ORDER

Public testimony will be taken when each agenda item is discussed. **Testimony will be limited to a maximum of three (3) 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: 161 331 547**

To watch the meeting or provide video testimony, use meeting link: <https://maui.bluejeans.com/161331547>

To provide written testimony, email comments to [planning@mauicounty.gov](mailto:planning@mauicounty.gov) by noon, one business day before the meeting to ensure distribution to the commission. The address to provide testimony via USPS mail is c/o Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Hawaii, 96793 and should also be received by the Department of Planning by noon, one business day before the meeting to ensure distribution to the board.

Testifiers 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 your name and the item you're wishing to testify on. Testifiers via phone will be called by the Chair after video testimony is finished.

Commissioners shall not be contacted by the Chat function

The Chat function shall not be used to provide testimony or comments.

B. PUBLIC HEARINGS

1. SHEMS HEARTWELL, requesting the transfer and time extension of a Land Use Commission Special Permit to operate a Bed and Breakfast in a detached farm dwelling, as well as a County Special Use Permit to operate a counseling home business in the State and County Agricultural Districts on 2.22 acres of land at 1875 Olinda Road in Kula, Maui, Hawaii, TMK: (2) 2-4-019:014. (SUP2 2021/0010) (CUP 2021/0004) (T. Furukawa) ([Report](#))  
[\(SUP2 Application\)](#)                      [\(CUP Application\)](#)                      [\(B&B Application](#)  
[\(Documents Received After Posting\)](#)

- C. [Adoption of Order Granting Proposed Intervenor Wailea Resort SF-S Partners LP's Petition to Intervene](#) filed on July 13, 2021, and Appointing Hearing Officer in the matter of Appeal of Closure of Special Management Area (SMA) Use Permit for One Wailea Development, LLC for the proposed "One Wailea" 21-Lot Subdivision and improvements at Wailea, Island of Maui, Hawaii: TMK (2) 2-1-008:145 (previously TMK (2) 2-1-008:115) (SM1 99/0010)

Pursuant to Chapter 91, Hawaii Revised Statutes, and Maui Planning Commission Rule 12-201-119, no public testimony will be taken.

The Commission may take action to adopt **the proposed decision and order.**

- D. CONSIDERATION OF REVISED RECOMMENDATION, as per settlement discussions with Dr. Lew Abrams and Maria De Abrams, on behalf of Sacred Earth Assembly related to their appeal of the denial of the Land Use Commission Special Permit to operate the Sacred Earth Assembly in the State Agricultural District, Haiku, Island of Maui. (SUP1 2019/0001) (SUP2 2017/0011). ([Revised Recommendation](#))  
[\(Petition to Intervene\)](#) ([Declaration of Christina Lizzi](#))

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)

The Commission may take action to adopt, adopt with modifications, or take some other action regarding the revised recommendation.

No public testimony will be taken on this item.

E. DIRECTOR'S REPORT

1. Complimentary Membership to American Planning Association (APA), Hawaii Chapter

2. SMA Minor Permit Report

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

3. SMA Exemptions Report

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

4. Discussion of Future Maui Planning Commission Agendas

a. January 25, 2022 agenda items

F. NEXT REGULAR MEETING DATE: January 25, 2022

G. 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 January 11, 2022 was on December 27, 2021.**

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 ADDRESS OF THE COMMISSION TO PROVIDE WRITTEN TESTIMONY IS C/O DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, HAWAII 96793.

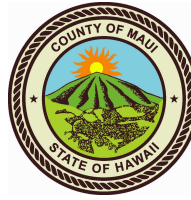
THE LINKS FOR DOCUMENTS RECEIVED AFTER POSTING WILL BE UPDATED PERIODICALLY WHEN TESTIMONY IS RECEIVED, UP TO 12:00 PM ONE BUSINESS DAY PRIOR TO THE MEETING.

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 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](http://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.**  
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County of Maui  
 Kalana O Maui Building  
 200 South High Street,  
 Wailuku, HI 96793-2155

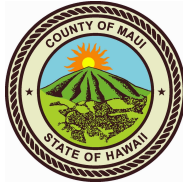
## PD-Approved SMA Minor Projects for Maui

12/27/2021

Permit Completion Date: 12/01/2021 - 12/27/2021

Permit #	Project	Description	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM2 - 20210087	MAUI COMMUNITY	PROPOSED SEWER MANHOLE/KAHULUI	MAUI COMMUNITY SCHOOL FOR ADULTS/KAHULUI	MUNEKIYO HIRAGA		12/07/2021	A W/COND-APPROVED WITH CONDITIONS	2370040030000
SM2 - 20210090	IMAGINE ISLAND TRUST	IMAGINE ISLAND TRUST	SMX/IMAGINE ISLAND TRUST/WAILEA	MARC TARON		12/01/2021	A W/COND-APPROVED WITH CONDITIONS	2210290050000
SM2 - 20210091	RODRIGUEZ GAMBOA	CONSTRUCACCESSORY STRUCTURE, CABANA, EXERCISE ROOM WITH LANAI	SMX/RODRIGUEZ EGANA GAMBOA/KIHEI	SOLANGE DOTRO GAMBOA		12/01/2021	A W/COND-APPROVED WITH CONDITIONS	2390460300000
SM2 - 20210092	AUTO OWNERS EVENTS	SPECIAL EVENT FOR AUTO OWNERS INS/KIHEI	AUTO OWNERS EVENTS/KIHEI	MC&A INC		12/07/2021	A W/COND-APPROVED WITH CONDITIONS	2210081400000
SM2 - 20210093	BEN WALIN	BEN WALIN	SMA/NEW 960SF SF GARAGE-PAIA	BEN WALIN		12/09/2021	A W/COND-APPROVED WITH CONDITIONS	2260120190000
SM2 - 20210094	NA KI AI IUI	CONSTRUCTION OF 4 AHU TO MARK THE BURIAL REMAINS	NA KI AI IUI/HANA	EDWARD CASHMAN		12/13/2021	A-APPROVED	2140100010000
SM2 - 20210095	NA KI AI IWI KUPUNA	REMOVE EXPOSED IWI & RETURN REMAINS FURTHER MAUKA	NA KI AI IWI KUPUNA O HANAMAUKA/HANA	EDWARD CASHMAN		12/13/2021	A W/COND-APPROVED WITH CONDITIONS	2140070010000 2140100040000
SM2 - 20210097	LAHAINA RESTORATION	HOLIDAY EVENTS/LAHAINA	HOLIDAY EVENTS AT CAMPBELL PARK/LAHAINA	LAHAINA RESTORATION FOUNDATION		12/14/2021	A W/COND-APPROVED WITH CONDITIONS	2460080060000

**Grand Total : 8**



County of Maui  
 Kalana O Maui Building  
 200 South High Street,  
 Wailuku, HI 96793-2155

## PD-Approved SMA Exempt Projects for Maui

12/27/2021

Permit Completion Date: 12/01/2021 - 12/27/2021

Permit #	Project	Permit Name	Applicant Name	Planner	Completed Date	Decision	TMK(s)
SM5 - 20210266	ELLIANO POOL	SMX/ELLIANO POOL/LAHAINA	HAWAII OFF GRID		12/03/2021	A-APPROVED	2420030970000
SM5 - 20210267	SPLIT AIR CON	SMX/INSTALL SPLIT AIR CON/LAHAINA	SUSAN ANDREASSEN	BRADSHAW	12/03/2021	A-APPROVED	2460290150000
SM5 - 20210268	SCOOTER WALSH RES	SCOOTER WALSH RESIDENCE/KIHEI	LOUIS SCOTT WALSH "SCOOTER"		12/07/2021	A-APPROVED	2390110610000
SM5 - 20210269	ROASTED CHILLES	SMX/ROASTED CHILLES/KIHEI	JOSE OFIR BENITEZ ARCE		12/10/2021	A-APPROVED	2390020280000
SM5 - 20210270	RUIZ POOL & SPA	SMX/RUIZ POOL & SPA/KIHEI	SARAH & DANIEL RUIZ		12/13/2021	A-APPROVED	2390370560000
SM5 - 20210271	VICK PROJECT	SMX/VICK PROJECT/KIHEI	ERIC VICK		12/13/2021	A-APPROVED	2390390200000
SM5 - 20210272	76 HANA HWY	REPAIRS TO CLOTHING STORE/ATF/PAIA	TERI LARRONDE	BURKETT	12/15/2021	A-APPROVED	2260030430000
SM5 - 20210273	WAILEA INN	SMX/WAILEA INN/KIHEI	CDG MAUI, INC.		12/16/2021	A-APPROVED	2390050130000
SM5 - 20210274	MPD MAKILA FACILITY	MPD MAKILA COMMUN FACILITY\LAHAINA	DEPARTMENT OF PUBLIC WORKS		12/20/2021	A-APPROVED	2470140120000
SM5 - 20210275	WEBB SWIMMING POOL	SMX/WEBB SWIMMING POOL/KIHEI	CORNELIA D WEBB		12/21/2021	A-APPROVED	2220250430000
SM5 - 20210276	UYEHARA RESIDENCE	ATF_UYEHARA RESIDENCE/WAIUKU	SAM YEH		12/21/2021	A-APPROVED	2340290220000
SM5 - 20210277	JOHNSON RESIDENCE	SMX/JOHNSON SWIMMING POOL/PAIA	KRISTIN & EVERETT JOHNSON		12/21/2021	A-APPROVED	2380950160000

**Grand Total : 12**