

## GET Committee

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**From:** Samuel Small <info@mauicauses.org>  
**Sent:** Monday, February 4, 2019 5:00 PM  
**To:** GET Committee  
**Subject:** REQUEST FOR INVESTIGATION of violations of official duties by former Planning Director William Spence  
**Attachments:** Investigation of William Spence.pdf; Spence Exhibits.pdf

The Purpose and Intent of this Request for Investigation is to terminate the uncertainty surrounding the status of the Developer Lot 48A, LLC oceanfront SMA Permit, and to establish the foundation for the Maui County Council to impose the appropriate discipline upon the Planning Director William Spence under the powers set forth in the Maui County Charter.

This Request for Investigation provides indisputable evidence that Director Spence's Declaration is fraudulent and deceptive misrepresentation of County of Maui government records. Consequently, this investigation will demonstrate just cause for the members of Maui County Council to deny William Spence of further employment as a Director or employee with the County of Maui Administration.

**REQUEST FOR INVESTIGATION**

**of violations of official duties by  
former Planning Director  
William Spence**

**UNDER THE  
MAUI COUNTY CHARTER  
ARTICLE 3 – SECTION 3-6.3.  
POWERS OF THE COUNCIL**

**Kelly King  
Chair of the Maui County Council**

## **I. REQUEST FOR INVESTIGATION OF FORMER PLANNING DIRECTOR SPENCE**

Planning Director William Spence's Declaration alleging that he believes that an oceanfront developers Special Management Area Permit was signed off and "*closed*" on the **very same day** it was issued by former Planning Director John Min, is a falsification and misrepresentation of Maui County public records maintained by the County of Maui Department of Planning.

The Purpose and Intent of this Request for Investigation is to terminate the uncertainty surrounding the status of the Developer Lot 48A, LLC oceanfront SMA Permit, and to establish the foundation for the Maui County Council to impose the appropriate discipline upon the Planning Director William Spence under the powers set forth in the Maui County Charter.

This Request for Investigation provides indisputable evidence that Director Spence's Declaration is fraudulent and deceptive misrepresentation of County of Maui government records. Consequently, this investigation will demonstrate just cause for the members of Maui County Council to deny William Spence of further employment as a Director or employee with the County of Maui Administration.

The further Purpose and Intent for this Request for Investigation is to provide just cause for a criminal investigation of former Planning Director William Spence by the Maui County Police Department in accordance with Hawai'i Revised Statutes Title 37. Hawai'i Penal Code.

This Request for Investigation is being presented to the Chair of the Maui County Council and the Maui Police Department by a former executive assistant to the Maui County Council under the Chair of Planning.

## **II. RELEVANT HISTORY**

After years of investigation and continuous frustration of access to County records, on July 17, 2017, Planning Director Spence issued a false Declaration relating to the statues of Developer Lot 48A, LLC's SMA Permit SM2 2000/0042 that clearly contradicts Maui County records which are tracked and

maintained by the Department of Planning for the County of Maui.

### **III. RELEVANT AUTHORITIES**

#### **a. Maui County Charter: Section 3-6 Powers of the Council**

3. To conduct investigations of (a) the operation of any department or function of the County and (b) any subject upon which the Council may legislate

6. To retain, employ, or designate, by a vote of two-thirds of its entire membership, special counsel as legal representative for any special matter presenting a real necessity for such employment. Any such employment shall specify the compensation, if any, to be paid for said services

7. To designate attorneys within the office of Council Services to serve as legal advisors.

(Amended 2016)

#### **b. Maui County Charter § Section 10-1**

Declaration of Policy. Elected and appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct to the end that the public may justifiably have trust and confidence in the integrity of government.

#### **c. Maui County Charter - § 103D-106 Penalties .**

(a) Any person who intentionally violates this chapter or any rules adopted pursuant to this chapter shall be guilty of a misdemeanor and shall be;

(1) Subject to removal from office; and

(2) Liable to the State or the appropriate county for any sum paid by it in connection with the violation, and that sum, together with interest and costs, and

shall be recoverable by the State or county; and

(3) Subject to imposition of an administrative fine under subsection (b).

#### **d. Hawai'i Revised Statutes § 710-1017 Tampering with government record(s)**

(b) A person knowingly records, registers, or files, offers for recordation, registration, or filing, in a governmental office or agency, a written statement which has been falsely made, completed, or

altered or in which a false entry has been made, or which contains a false statement or information.  
commits the offense of tampering with government records..

#### IV. DIRECTOR DECLARATION IS JUST CAUSE FOR A COUNCIL INVESTIGATION

On July 17<sup>th</sup>, 2017, County of Maui Director of Planning William Spence stated for the first time in a signed Declaration under penalty of perjury, that he “*believed*” that Developer Lot 48A, LLC’s SMA Permit was “*closed*” on June 6, 2000, the very same day that the SMA Permit was issued and approved by the Department of Planning. (See Exhibit “A”)

The Declaration of County of Maui Planning Director William Spence was subsequent to a memo sent by Director Spence to Deputy Corporation Counsel attorney Brian Bilberry, wherein Director Spence states “The approval was in 2000, that to me closes the permit.” (See Exhibit “B”)

The July 17, 2017, Declaration of the William Spence has been deemed by the staff attorney with the OIP as a new and official County of Maui government public record. (See Exhibit “C”) The material facts and recently acquired government records provide conclusive evidence that Developer Lot 48A, LLC SMA Permit was **NOT** “*closed*” on June 6, 2000, the very same date it was granted and approved by the Department of Planning.

The evidence presented herein demonstrates that the Planning Director Spence must have been aware that the SMA Permit was not possibly “*closed*” on the day it was granted and approved by former Planning Director John Min. To bring this Request for Investigation into perspective, upon receipt and review of the Declaration of William Spence, the staff attorney with the State of Hawai’i Office of Information Practices (“OIP”) stated “*that the developer must have some amazing contractors to complete all those conditions and improvements in one day*”.

#### V. JURISDICTION

The Maui County Council and the Maui County Police Department has subject matter jurisdiction over this investigation pursuant to the Maui County Charter adopted by the will of the

people. Jurisdiction is also proper as all matters and events giving rise to the claim(s) set forth in this Request for Investigation arose in the County of Maui, State of Hawai'i.

## **VI. PARTIES**

At all times relevant hereto, Director of Planning, William Spence of the County of Maui was the Director of a government body charged with duties and obligations to oversee and enforce the zoning ordinances, regulations, cultural resources, and administer and enforce the adopted policies of the Special Management Area and Coastal Zone Management Act on behalf of the citizens of Maui County.

## **V. STATEMENT OF FACTS**

Public records clearly document On May 11, 2000, Hugh Farrington of Developer Lot 48A, LLC signed, notarized, and authorized the land Planning firm of Munekiyo, (Milton) Arakawa, and Hiraga, Inc. to proceed with the preparation, filing, and processing of an Application for Special Management Area ("SMA") Assessment for the (re) Subdivision of oceanfront Lot 48A. (*See Exhibit "D"*)

The June 6, 2000 Department of Planning letter referenced in Director Spence's Declaration clearly documents the fact Developer Lot 48A, LLC's SMA Permit #SM2 2000/0042 was determined, granted, approved, and issued to Developer Lot 48A, LLC by then Director of Planning John Min. The letter references Developer Lot 48A, LLC's required civil engineering consultant assessment project valuation of \$91,400.00.

The June 6, 2000 Department of Planning letter referenced in Director Spence's Declaration clearly documents the fact SMA Minor Permit #SM2 2000/0042 was issued by the Department of Planning to Developer Lot 48A, LLC on June 6, 2000, and approved by the Planning Director John Min subject to the completion of six conditions.

Public records now clearly document the SMA Permit Valuation of \$91,402.00 is derived from unit costs for the construction of roadway infrastructure and drainage mitigations delineated on a

required civil engineering Order of Magnitude Estimate included in Developer Lot 48A, LLC's SMA Permit Project Assessment Report. The report is authored by Public Works Director Milton Arakawa's land planning firm Munekiyo, Arakawa, and Hiraga, Inc. (See Exhibit "E")

Public records clearly document that Department of Public Works, the appropriate County agency for subdivision approval of Developer Lot 48A, LLC's oceanfront 3 Lot re subdivision (LUCA File #4.805), included Condition #15; "comply with the conditions of Special Management Area (SMA) Minor Permit SM2 2000/0042 granted on June 6, 2000." (See Exhibit "F")

Public Records clearly document the fact the County of Maui has computerized "KIVA" tracking system for approvals and compliance of all types of all issued permits, including the referenced SMA Permit #SM2 2000/0042. (See Exhibit "G")

Public records clearly document the tracking of the Conditions of Approval, Construction Plan Approvals, and Full Compliance with all other Applicable Governmental requirements for SMA Permit #SM2 2000/0042 was posted and entered into the County of Maui "KIVA Classic Report" tracking system on June 27, 2000, weeks after the June 6, 2000 Department of Planning letter of approval and issuance. (See Exhibit "H")

Upon receipt of a copy of the Planning Director Spence Declaration, Councilmembers Don Guzman and Kelly King's executive assistants researched the County of Maui computer records and produced government records that confirm *two extensions* were requested by Developer Lot 48A, LLC and were granted by the Department of Planning to complete the required subdivision infrastructure and drainage improvement conditions set forth in Developer Lot 48A, LLC's SMA Permit.

Public records clearly show that Developer Lot 48A, LLC's SMA Permit was extended twice, until August 31, 2001, to allow for the completion of the subdivision infrastructure roadway improvements and environmental mitigations within 1 year of said extension. The public records

maintained by the County of Maui clearly show that the Developer Lot 48A, LLC's SMA Permit was a required condition precedent of the oceanfront subdivision's final acceptance and approval. (See Exhibit "I")

## **VI. CONCLUSION**

On July 17<sup>th</sup>, 2017, the County of Maui Director of Planning William Spence created a written instrument declaring that he *"believed"* that SMA Permit SM2 2000/0042 was *"closed"* on June 6, 2000, the very same day that the SMA Permit was issued and approved by the Planning Director John Min of the Department of Planning.

Public records maintained by the County of Maui clearly contradict Planning Director Spence's false Declaration. Public records document the fact Developer Lot 48A, LLC's SMA Permit could not possibly have been *"closed"* on the very same day the SMA Permit application was approved and issued by the Department of Planning.

Evidence presented herein provides indisputable proof Planning Director Spence made a statement and written instrument and misrepresentation of government records in his Declaration of July 17, 2017. The misrepresentation and misleading allegation were made for an improper purpose to mislead and deceive the members of the Maui County Council, and the Maui County residents.

Furthermore, Director Spence's Declaration was intended for an improper purpose to mislead and to deceive the public at large, to the legal injury of the public interest. And further, as a deliberate attempt to impede an investigation and prolong a dishonorable controversy.

## **VII. PRAYER FOR ACCOUNTABILITY IN THE COUNTY ADMINISTRATION**

WHEREFORE, this Request for Investigation provides the findings to the members of the Maui County Council to conclude the following;

- (a) Developer Lot 48A, LLC's SMA Permit SM2 2000/0042 was not closed on June 6, 2000 as falsely declared by former Planning Director William Spence.

(b) Declare through investigation of the findings presented herein, that the written statement presented by Director Spence in his Declaration of July 17th, 2017, that has been deemed a new government record by the State of Hawai'i Office of Information Practices, is misleading, deceptive, and has been falsely made.

DATED: Lahaina, Maui, Hawai'i, February 4, 2019

x

EXHIBIT A

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

CHRISTOPHER SALEM,

Requestor,

vs.

THE COUNTY OF MAUI; THE COUNTY OF  
MAUI, by and through WILLIAM SPENCE, as  
DIRECTOR OF PLANNING, and BRIAN  
BILBERRY, DEPUTY THE CORPORATION  
COUNSEL WITH THE DEPARTMENT OF  
CORPORATION COUNSEL,

Defendants.

Civil No.: 17-1-0208 (1)

DECLARATION OF WILLIAM R.  
SPENCE

**DECLARATION OF WILLIAM R. SPENCE**

WILLIAM R. SPENCE does hereby declare:

1. I make this declaration upon personal knowledge and am competent to testify to the matters stated herein.
2. I am the Director of Planning. I have held this position since January 2, 2011. In my capacity as Director, I am familiar with Christopher Salem and his requests for public records related to SMA Permit #SM2 2000/0042.
3. In November 2016, my department received a request from Salem requesting public records “. . . of the date and final acceptance and closure of SMA Permit #SM2 2000/0042. . . [a]lso the name of the Planning Department Individual that closed the referenced SMA Permit. . .”. There is no document responsive to this request and Salem was informed of that fact.

4. It is my belief that SM2 2000/0042 was closed when the approval was issued on June 6, 2000 via letter to Hugh Farrington. Salem received a copy of that letter well before the filing of the current lawsuit.

I hereby declare under penalty of perjury that the above is true and correct.

DATED: Wailuku, Maui, Hawaii, June 6, 2017.

  
WILLIAM R. SPENCE

JAMES "KIMO" APANA  
Mayor

JOHN E. MIN  
Director

CLAYTON I. YOSHIDA  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

June 6, 2000

Mr. Hugh Farrington  
Lot 48-A, LLC  
P. O. Box 1516  
Kihei, Hawaii 96753

Dear Mr. Farrington:

RE: Special Management Area (SMA) Minor Permit – For the Three-Lot Subdivision of Lot 48-A at Hui Road "E" and Related Subdivision Improvements at TMK: 4-3-015:004, Lahaina, Island of Maui, Hawaii (SM2 2000/0042)

In response to your application received on May 11, 2000, and in accordance with the Special Management Area Rules for the Maui Planning Commission, Sections 12-202-12 and 12-202-14, a determination has been made relative to the above project that:

1. The project is a development;
2. The project has a valuation not in excess of \$125,000.00 (Valuation: \$91,400.00);
3. The project has no significant adverse environmental or ecological effect, taking into account potential cumulative effects; and
4. The project is consistent with the objectives, policies and Special Management Area guidelines set forth in the Hawaii Revised Statutes (HRS), Chapter 205-A and is consistent with the County General Plan and Zoning.

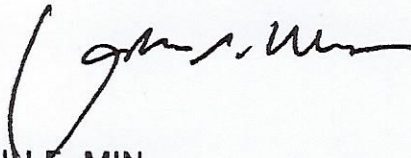
In consideration of the above-referenced determination, you are hereby granted a Special Management Area Minor Permit approval, subject to the following conditions:

Mr. Hugh Farrington  
June 6, 2000  
Page 2

1. That construction shall be in accordance with plans submitted on May 11, 2000.
2. That a subdivision approval shall be obtained prior to the initiation of construction (if applicable).
3. That construction of the subdivision improvements shall be initiated by December 31, 2000 and shall be completed within one (1) year of said initiation.
4. As represented, the existing chain-link fencing located within the minimum 48 ft. shoreline setback area shall be removed within sixty (60) days of the date of this approval. Documentation shall be submitted to the Maui Planning Department that the condition has been fulfilled.
5. That continued public-lateral shoreline access shall be allowed along the rock ledge, makai (ocean side) of the existing embankment and vegetation fronting the shoreline area of Lot 48-A.
6. That full compliance with all other applicable governmental requirements shall be rendered.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,



JOHN E. MIN  
Planning Director

Mr. Hugh Farrington

June 6, 2000

Page 3

JEM:CMS:osy

c: Clayton Yoshida, AICP, Deputy Planning Director  
Aaron Shinmoto, PE, Planning Program Administrator  
Colleen Suyama, Staff Planner  
Michael Munekiyo, AICP, Munekiyo, Arakawa & Hiraga, Inc.  
LUCA (2)

~~2000/SM2~~ Minor Permit File  
General File  
(S:\CMS\HuiRoadE2)

x

EXHIBIT B

**From:** William Spence  
**To:** Bilberry, Brian; McLean, Michele; Rapacz, John  
**Date:** 12/22/2016 8:32 AM  
**Subject:** Re: Fwd: RFS Notification  
**Attachments:** KivaNet 9.1.2.pdf; Approval.pdf

RFS attached. It was forwarded to Brian on 11/29.

I'm not sure what he is asking about "final acceptance and closure" of the SMA permit. The approval was in 2000, that to me closes the permit, I'm sure he has that letter.

Will

William Spence  
Planning Director  
Maui Planning Department  
One Main Plaza Bldg.  
2200 Main Street, Suite 315  
Wailuku, Hawaii 96793  
(808) 270-7735

<b>Received:</b> 28-Nov-2016 05:22 PM	<b>Confidential:</b>
<b>Location:</b> HUI ROAD	<b>Required:</b>

Requestor			
<b>Name:</b>	CHRISTOPHE SALEM MR		
<b>Company:</b>			
<b>Email:</b>	chrissalem8@yahoo.com		
<b>Place Name:</b>			
<b>Address:</b>	5100 L HONOAPIILANI ROAD		
<b>City:</b>	LAHAINA	<b>State:</b>	HI
<b>Home Phone:</b>	8082806050	<b>Work Phone:</b>	
<b>How Taken:</b>	REMOTE	<b>Source:</b>	INTERNET
<b>Zip:</b>	96761		

Problem							
	Problem	Description	Status	Empl.	Inspr.	Viol.	Inspn.
>	NA01ADMIN	PD-ADMIN	DONE	JRAPACZ		NONE	NONE

Memos	
<b>Entered By:</b>	KIVANET
<b>Date:</b>	29-NOV-2016 07:35 am
<b>Type:</b>	
<b>Memo Text:</b>	Department of Planning; As requested previously and yet to be received, please provide public record of the date of final acceptance and closure of SMA Permit #SM2 2000/0042. Also, name of Planning Department individual with Planning Department that closed the referenced SMA Permit in the County records.

Services	
<b>Service:</b>	*REASSIGN-CASE REASSIGNED
<b>Required:</b>	
<b>Assigned:</b>	
<b>Completed:</b>	JARAKAWA
<b>Comments:</b>	On 11/29/16, received this RFS and forwarded to Brian Bilberry of Corp Counsel.
<b>Status:</b>	DONE
<b>Scheduled:</b>	29-Nov-2016
<b>Date:</b>	29-Nov-2016

Request Inspection History				
Inspection	Result	Completed	Inspector	Scheduled
There are no records.				

Violations	
There are no violations.	

Related Documents	
File Name	Description
S:\ZONING\RFS\2016\1392_Salem_sma Scanned from a Xerox multifunction device.pdf	RFS REPORT

x

EXHIBIT C



DAVID Y. IGE  
GOVERNOR

STATE OF HAWAII  
OFFICE OF INFORMATION PRACTICES

NO 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
Telephone: (808) 585-1400 FAX (808) 585-1412  
E-MAIL: [oiip@hawaii.gov](mailto:oiip@hawaii.gov)  
[www.oiip.hawaii.gov](http://www.oiip.hawaii.gov)

CHERYL KAKAZU PARK  
DIRECTOR

July 21, 2017

VIA E-MAIL

Mr. Christopher Salem  
5100 Lower Honoapiilani Road  
Lahaina, Hawaii 96761

Re: Appeal from Denial of Access to General Records (U APPEAL 17-29)

Dear Mr. Salem:

This follows our telephone conversation yesterday. Again, thank you for your letter of June 6, 2017, which was received by the Office of Information Practices (OIP) on July 14, 2017, and included a copy of the written Declaration of William Spence, Director of Planning, dated June 6, 2017 (Declaration), that was apparently submitted to the Circuit Court of the Second Circuit. Since it appears that the document was prepared by Mr. Spence or prepared for his signature and related to a matter handled by his office, the Declaration is a "Government record" as defined in section 92F-3, Hawaii Revised Statutes.

In the Declaration, Mr. Spence states "It is my belief that SM2 2000/0042 was closed when the approval was issued on June 6, 2000 via letter to Hugh Farrington." Based on our telephone conversation, it is my understanding that you are satisfied that Mr. Spence's Declaration is responsive to your record request RFS Information for 16-0001392 to the County of Maui, Planning Department. As a result, you are withdrawing U APPEAL 17-29.

This letter also serves as notice that OIP is not representing anyone in this appeal. OIP's role herein is as a neutral third party.

If you have any questions, please do not hesitate to contact OIP.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald H. Amano".

Donald H. Amano  
Staff Attorney

DHA:za

x

EXHIBIT D

May 9, 2000

Mr. John E. Min, Director  
Department of Planning  
County of Maui  
250 S. High Street  
Wailuku, HI 96793

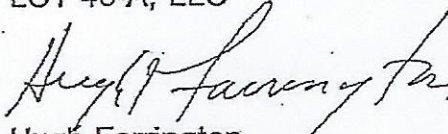
Dear Mr. Min:

RE: APPLICATION FOR SPECIAL MANAGEMENT AREA ASSESSMENT FOR THE  
SUBDIVISION OF LOT 48-A (TMK 4-3-15:4)

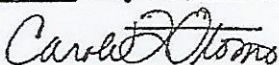
As owners of TMK 4-3-15:4 at Napili, Maui, Hawaii, we hereby authorize Munekiyo,  
Arakawa & Hiraga, Inc. to proceed with the preparation, filing and processing of an  
application for Special Management Area Assessment for the subject subdivision.

Should you have any questions regarding this project, please contact me.

Very truly yours,  
LOT 48-A, LLC

  
Hugh Farrington

Subscribed and sworn to before me this  
11th day of May, 2000.

  
Carole F. Otomo  
Notary Public, State of Hawaii

My commission expires: 12-19-01  
farring/lot48a/authltr.001

L.S.

X

EXHIBIT E

**ORDER OF MAGNITUDE ESTIMATE  
FOR  
SUBDIVISION OF LOT 48-A INTO 3 LOTS**

March 4, 2000

Description	Approx. Quan.	Unit	Unit Price	Total
<b><u>ROADWIDENING</u></b>				
<b><u>L. Honoapiilani Road</u></b>				
Grading L. Honoapiilani Road	220	l.f.	\$ 5.00	\$ 1,100
2½ AC	41	ton	\$ 85.00	\$ 3,485
4" ATB	66	ton	\$ 82.00	\$ 5,412
6" SBC	100	ton	\$ 35.00	\$ 3,500
Primer	103	gal.	\$ 4.00	\$ 412
Conc. Curb and Gutter	220	l.f.	\$ 20.00	\$ 4,400
4' Sidewalk	220	l.f.	\$ 18.00	\$ 3,960
Driveway Curb Cut and Apron	1	each	\$ 1,000.00	\$ 1,000
Traffic Control		L.S.		\$ 2,000
Grassing Shoulder	880	s.f.	\$ 0.50	\$ 440
Dust Control		L.S.		\$ 2,000
Subtotal - L. Honoapiilani Road:				\$ 27,709
<b><u>Hui Road E</u></b>				
Grading L. Honoapiilani Road	400	l.f.	\$ 5.00	\$ 2,000
2" AC	36	ton	\$ 85.00	\$ 3,060
6" UTB	108	ton	\$ 35.00	\$ 3,780
Primer	112	gal.	\$ 4.00	\$ 448
Conc. Curb and Gutter	142	l.f.	\$ 20.00	\$ 2,840
Sidewalk	142	l.f.	\$ 18.00	\$ 2,556
Driveway Curb Cut and Apron	2	each	\$ 1,000.00	\$ 2,000
Traffic Control		L.S.		\$ 1,000
Grassing Shoulder	600	s.f.	\$ 0.50	\$ 300
Dust Control		L.S.		\$ 2,000
Subtotal- Hui Road E:				\$ 19,984
<b><u>WATER SYSTEM:</u></b>				
Fire Hydrant	1	each	\$ 4,000.00	\$ 4,000
Double Service Conn.	1	each	\$ 2,000.00	\$ 2,000
Subtotal - Water System:				\$ 6,000

Description	Approx. Quan.	Unit	Unit Price	Total
<b><u>SEWER SYSTEM:</u></b>				
2" HPE Force Main	900	l.f.	\$ 20.00	\$ 18,000
Connection to Existing SMH	1	each	\$ 3,000.00	\$ 3,000
Conc. Anchor Beam Block	3	each	\$ 300.00	\$ 900
Subtotal - Sewer System:				\$ 21,900
<b><u>ELECTRICAL, TELEPHONE, CATV SYSTEM:</u></b>				
Service Lateral	3	each	\$ 2,500.00	\$ 7,500
Subtotal - Electrical, Telephone, CATV System:				\$ 7,500
SUM OF ALL ITEMS:				\$ 83,093
10% CONTINGENCY:				\$ 8,309
PROBABLE CONSTRUCTION COST:				\$ 91,402

x

EXHIBIT F

JAMES "KIMO" APANA  
Mayor

CHARLES JENCKS  
Director

DAVID C. GOODE  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS  
AND WASTE MANAGEMENT  
LAND USE AND CODES ADMINISTRATION  
250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

PERZINGTON  
RALPH M. NAGAMINE, L.S., P.E.  
Land Use and Codes Administration

RONALD R. RISK, P.E.  
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.  
Engineering Division

ANDREW M. HIROSE  
Solid Waste Division

BRIAN HASHIRO, P.E.  
Highways Division

June 23, 2000

Mr. Reed M. Ariyoshi, P.E., P.L.S.  
WARREN S. UNEMORI ENGINEERING, INC.  
2145 Wells Street, Suite 403  
Wailuku, Hawaii 96793

SUBJECT: MAILEPAI HUI PARTITION SUBDIVISION  
TMK:(2) 4-3-015:004  
LUCA FILE NO. 4.805

Dear Mr. Ariyoshi:

Preliminary approval was granted to the subject subdivision on June 23, 2000.  
Final approval shall be contingent upon compliance with the following conditions:

1. Requirements/comments from Maui Electric Company:

- a. Electricity is available from nearby existing facilities (overhead and/or underground).
- b. Requires line extension (overhead and/or underground) within existing County or State road right-of-way.
- c. Requires line extension (overhead and/or underground) within private road or property.

Comments: Final approval of the subdivision is recommended. Line extension requirement for Lot 48-A-2 can be deferred until it is developed.

If you have any questions, please contact Mr. Alan Miyazaki at 871-2390.

Mr. Reed M. Ariyoshi, P.E., P.L.S.

SUBJECT: MAILEPAI HUI PARTITION SUBDIVISION  
LUCA FILE NO. 4.805

June 23, 2000

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2. Comply with requirements/comments from the State of Hawaii, Department of Land and Natural Resources, Historic Preservation Division. For further information, please contact Ms. Cathleen Dagher at (808) 692-8023.
3. *Rev. 12/1/00* Comply with requirements/comments from the Department of Planning. For further information, please contact Mr. Francis Cerizo at 270-7253.
4. Requirements/comments from the Department of Water Supply:
  - a. Provide water service to each lot in accordance with the standards.
  - b. Water system development fees will be charged upon application for water meters.
  - c. The applicant should be advised that the department's processing of this subdivision does not in any way imply that water service for the subdivision will be available. Approval of water service to each lot will be subject to rules and regulations of the department at the time water service is applied for.

If you have any questions, please contact the Department of Water Supply at 270-7835.

*Rev. 12/1/00* Requirements/comments from the Department of Public Works and Waste Management, Engineering Division:

- Rev. 12/1/00* Provide approved certified shoreline documents.

NOTE: Your "Checklist For Preliminary Plats" indicated that the Shoreline Certification was submitted. However, your letter of transmittal dated May 8, 2000, does not indicate that the certified shoreline survey map was submitted.

If you have any questions, please contact Mr. Lloyd Lee at 270-7745.

12/1/00

Mr. Reed M. Ariyoshi, P.E., P.L.S.

SUBJECT: MAILEPAI HUI PARTITION SUBDIVISION  
LUCA FILE NO. 4.805

June 23, 2000

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Requirements/comments from the Department of Public Works and Waste Management, Wastewater Reclamation Division:

- a. Provide a sewer system to the proposed lots for connection to the existing County sewer system.
- b. The developer should be informed that the Wastewater Reclamation Division cannot insure that wastewater system capacity will be available for the project.
- c. Developer is not required to pay assessment fees for this area at the current time.
- d. The construction plans shall show the installation of an advance riser at each lot.
- e. Indicate on the plans the ownership of each easement (in favor of which party). **NOTE: County will not accept sewer easements that traverse private property.**
- f. Forcemains in Hui Road "E" and new SMH to remain private. SMH should be installed in private roadway (Discussed with Reed Ariyoshi).

If you have any questions, please contact Scott Rollins at 270-7417.

7. In accordance with Section 18.12.040(B) MCC, submit a copy of any deed restrictions or covenants applicable to the subdivision. If there are none, please indicate this in writing.

8. In accordance with Section 18.12.030(E)(13.a.) of the Maui County Code (MCC), submit a certificate signed and acknowledged by all persons vested with record title in the land subdivided consenting to the preparation and recording of the plat, provided that no consent is required by any person having any non-governmental easement, lease or license affecting the land subdivided, provided further that the director shall not approve any subdivision that causes any lot to be landlocked on the land subdivided or any adjacent land.

Mr. Reed M. Ariyoshi, P.E., P.L.S.

SUBJECT: MAILEPAI HUI PARTITION SUBDIVISION  
LUCA FILE NO. 4.805

June 23, 2000

Page 4 of 6

9. In accordance with Section 18.12.040(C) MCC, submit a tax clearance certificate (issued by Department of Finance, Real Property Tax Division) to show written proof that all taxes and assessments on the tract are paid to date. An "Application for Tax Clearance" form is enclosed for your use.  
**NOTE:** The tax clearance certificate shall be valid at the time of final subdivision approval.

10. Submit a revised original notarized letter of authorization from the owner consenting to the subdivision of TMK:(2) 4-3-15:04. The letter of authorization previously submitted by the owner consented to the subdivision of TMK:(2) 4-3-15:42.

11. In accordance with Section 18.20.040(B.2.) (Existing streets) MCC, improve the adjoining half of Hui Road "E" and the road widening lot to the provisions of the subdivision ordinance for roadways within the urban district. The one-time exemption from construction of roadway improvements on existing streets abutting subdivisions containing three lots or less was used as part of the previous Mailepai Hui Partition subdivision (LUCA File No. 4.686).

12. Design and construct the drainage facilities to the requirements of the Department of Public Works and Waste Management. A detailed final drainage report and site specific erosion control plan shall be submitted with the construction plans for review and approval. The drainage report shall include, but not be limited to, hydrologic and hydraulic calculations, and the schemes for disposal of runoff waters. The site specific erosion control plan shall show the location and details of structural and non-structural best management measures. The drainage and erosion control plans shall provide verification that the grading and all runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties.

13. Comply with or show compliance with Section 18.16.210 (Shoreline and other access rights-of-way) MCC.

14. As noted on the preliminary plat, the two existing structures will be removed. These two structures must be removed prior to final subdivision approval.

Mr. Reed M. Ariyoshi, P.E. P.L.S.  
SUBJECT: MAILEPAI PARTITION SUBDIVISION  
LUCA FILE NO. 4.805

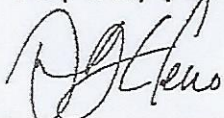
June 23, 2000  
Page 5 of 6

15. Comply with the conditions of the Special Management Area (SMA) Minor Permit (SM2 2000/0042) granted on June 6, 2000. NOTE: Upon the approval of the construction plans, the subdivider should verify with the Department of Planning to verify if an SMA Major Permit is required or if another SMA Minor Permit is required due to the addition of construction work.
16. Submit ten (10) sets of the construction plans and three (3) sets of a drainage and soil erosion control report for review and approval by the applicable agencies. In accordance with Section 18.24.010(D) MCC, a construction plan review fee (\$50/lot) shall be paid upon submission of the construction plans.
17. Submit fifteen (15) prints of the final plat in accordance with Chapter 18.12 (Final Plat) MCC. The final plat shall include all revisions addressing the comments noted on the enclosed preliminary plat.

Within one (1) year from the date of preliminary approval of the subdivision, all requirements shall be completed, unless an extension of time is granted. Applications for extension of time should be made in writing to the Department of Public Works and Waste Management at least fifteen days before the expiration date.

If you have any questions regarding this letter, please call Mr. Lance Nakamura of our Land Use and Codes Administration at 270-7252.

Very truly yours,



CHARLES JENCKS  
Director of Public Works  
And Waste Management

Enclosures: Preliminary Plat  
Application For Tax Clearance

Mr. Reed M. Ariyoshi, P.L.S.

SUBJECT: MAILEPAI HUI PARTITION SUBDIVISION  
LUCA FILE NO. 4.805

June 23, 2000

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LSN/GAU S:\LUCA\ALL\SUBD\LUCASUBD\REG4\4#805-1.pr

XC: Dept. of Finance, Real Property Tax Div. (unmarked preliminary plat only) -  
Dept. of Finance, Tax Map Div. (unmarked preliminary plat only)  
Engineering Division w/preliminary plat  
Wastewater Reclamation Division  
Dept. of Water Supply, SD 00-42  
Dept. of Planning  
State Dept. of Health  
Maui Electric Company

x

EXHIBIT G

Home Community Online Services Land and Permit Information

# Online Land and Permit Information

## Overview

The County of Maui provides public access to land and development information via its development tracking system and Real Property Tax application.

## Tax Map Key (TMK) Format

The standard TMK format is island(x)+zone(x)+section(x)+plat(xxx)+parcel(xxx)+HPR (xxxx).

Example: 2340080420000

## Permit and Application Information

- [List of permit and application types](#)
- [Online land and Permit information status](#)
- [GIS map viewer application](#)
- [Permit and Development Application Information](#)

## Real Property Tax Information

- [Parcel ownership information](#)
- [Parcel tax information](#)

# Online Permit & Application Description Listing

9/4/2012

Listing of all active Permit and Application types in the County Online Permitting System.

Permit Type	Permit Description	Contact Department
S	SIGN PERMIT	DEPARTMENT OF PLANNING
SM1	SMA USE PERMIT	DEPARTMENT OF PLANNING
SM2	SMA MINOR PERMIT	DEPARTMENT OF PLANNING
SM3	SMA EMERGENCY PERMIT	DEPARTMENT OF PLANNING
SM4	SMA BOUNDARY CHANGE	DEPARTMENT OF PLANNING
SM5	SMA MINOR PERMIT EXEMPT	DEPARTMENT OF PLANNING
SM6	SMA MINOR - MOLOKAI	DEPARTMENT OF PLANNING
SM7	SMA MINOR LANAI	DEPARTMENT OF PLANNING
SMX	SMA ASSESSMENT	DEPARTMENT OF PLANNING
SPV	SIGN PERMIT VARIANCE	DEPARTMENT OF PLANNING
SSA	SHORELINE SETBACK APPROVAL	DEPARTMENT OF PLANNING
SSD	SHORELINE SETBACK DETERMINATION	DEPARTMENT OF PLANNING
SSV	SHORELINE SETBACK VARIANCE	DEPARTMENT OF PLANNING
STHA	SHORT-TERM RENTAL HOME/HANA	DEPARTMENT OF PLANNING
STKM	SHORT-TERM RENTAL HOME/KIHEI-MAKENA	DEPARTMENT OF PLANNING
STLA	SHORT-TERM RENTAL HOME/LANI	DEPARTMENT OF PLANNING
STMO	SHORT-TERM RENTAL HOME/MOLOKAI	DEPARTMENT OF PLANNING
STMP	SHORT-TERM RENTAL HOME/MAK-PUKALANI-KULA	DEPARTMENT OF PLANNING
STPH	SHORT-TERM RENTAL HOME/PAIA-HAIKU	DEPARTMENT OF PLANNING
STWK	SHORT-TERM RENTAL HOME/WAILUKU-KAHULUI	DEPARTMENT OF PLANNING
STWM	SHORT-TERM RENTAL HOME/WEST MAUI	DEPARTMENT OF PLANNING
SUB2	ORDINANCE 2372 SUBDIVISION	DEPARTMENT OF PUBLIC WORKS
SUB3	FAMILY SUBDIVISION	DEPARTMENT OF PUBLIC WORKS
SUB4	LIMITED SUBDIVISION	DEPARTMENT OF PUBLIC WORKS
SUB5	4TH DWELLING SUBDIVISION	DEPARTMENT OF PUBLIC WORKS
SUB6	ORDINANCE 3731	DEPARTMENT OF PUBLIC WORKS
SUB7	HRS 264-43, ACT 12, HB 2428	DEPARTMENT OF PUBLIC WORKS
SUBD	SUBDIVISION	DEPARTMENT OF PUBLIC WORKS
SUP1	LUC SPECIAL USE > 15 ACRES	DEPARTMENT OF PLANNING
SUP2	LUC SPECIAL USE < 15 ACRES	DEPARTMENT OF PLANNING
TSO	TEMP SALES OFC	DEPARTMENT OF PLANNING
VEND	PD-VENDOR BUSINESS LIC PLANNING REVIEW	DEPARTMENT OF PLANNING
WTP	WORK TO PERFORM PERMIT	DEPARTMENT OF PUBLIC WORKS
WWD	WASTEWATER DISCHARGE	DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WWH	WASTEWATER HAULER	DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WWM	WASTEWATER MONITOR	DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
X	EMERGENCY BUILDING PERMIT	DEPARTMENT OF PUBLIC WORKS
ZF	ZONING FORMS	DEPARTMENT OF PLANNING

Total Count: 132



## Conditions of Approval By Permit

Page: 1 of 1

Run Date: Friday July 31, 2009 11:02 am

Permit: SM2 - 20000042

The following Conditions of Approval are required to complete the permit:

Condition of Approval	Entered	By	Completed	By
CONSTRUCTION IN ACCORD W/PLANS THAT CONSTRUCTION SHALL BE IN ACCORDANCE WITH PLANS SUBMITTED/DATED _____.	27-JUN-00	1080		
OBTAIN BUILDING PERMIT (IF APPLICABLE) THAT A BUILDING PERMIT SHALL BE OBTAINED PRIOR TO THE INITIATION OF CONSTRUCTION. (IF APPLICABLE)	27-JUN-00	1080		
APPROPRIATE MITIGATE MEASURES THAT APPROPRIATE MITIGATIVE MEASURES SHALL BE TAKEN DURING CONSTRUCTION TO MITIGATE THE SHORT TERM IMPACTS OF THE PROJECT RELATIVE TO SOIL EROSION FROM WIND AND WATER, AMBIENT NOISE LEVELS, AND TRAFFIC DISRUPTIONS. PRECAUTIONS SHALL BE TAKEN TO PREVENT ERODED SOILS, CONSTRUCTION DEBRIS AND OTHER CONTAMINANTS FROM EXCESSIVELY ENTERING THE COASTAL WATERS.  AMENDMENT TO CONDITION NO. 3. LETTER DATED NOVEMBER 6, 2000.  3. THAT CONSTRUCTION OF THE SUBDIVISION IMPROVEMENTS SHALL BE INITIATED BY JUNE 30, 2001 AND SHALL BE COMPLETED WITHIN ONE (1) YEAR OF SAID INITIATION.  AMENDMENT TO COND. NO. 3 LETTER DATED MAY 10, 2001  "3. That construction of the subdivision improvements shall be initiated by August 31, 2001, and shall be completed within one (1) year of said initiation."	27-JUN-00	1080		
INITIATE CONSTRUCTION  4. As represented, the existing chain-link fencing located within the minimum 48 ft. shoreline setback area shall be removed within sixty (60) days of the date of this approval. Documentation shall be submitted to the Maui Planning Department that the condition has been fulfilled.	27-JUN-00	1080		
FULL COMPLIANCE THAT FULL COMPLIANCE WITH ALL APPLICABLE GOVERNMENTAL REQUIREMENTS SHALL BE RENDERED.	27-JUN-00	1080		
6. That full compliance with all other applicable governmental requirements shall be rendered.	27-JUN-00	1080		

X

EXHIBIT H

**Permit ID**

SM2-20000042

**Description**

Special Management Area (SMA) Minor Permit ?  
For the Three-Lot Subdivision of Lot 48-A at Hui Road "E" and Related Subdivision Improvements at TMK: 4-3-015:004, Lahaina, Island of Maui, Hawaii (SM2 2000/0042) In response to your request for a second time extension dated May 8, 2001, the Maui Planning Department hereby amends Condition No. 3 of the above-referenced permit and grants a two month extension as follows: "3. That construction of the subdivision improvements shall be initiated by August 31, 2001, and shall be completed within one (1) year of said initiation."

**Address**

40 HUI E RD  
LAHAINA, HI 96761

**Contacts**

PERMIT APPLICANT:, HUGH FARRINGTON

**Conditions**

CONST ACRD - CONSTRUCTION IN ACCORD W/PLANS

CONSTRUCTION IN ACCORD W/PLANS

Recorded by: 1080

OBTAIN BP - OBTAIN BUILDING PERMIT (IF APPLICABLE)

OBTAIN BUILDING PERMIT (IF APPLICABLE)

Recorded by: 1080

MITIGATE - APPROPRIATE MITIGATE MEASURES  
APPROPRIATE MITIGATE MEASURES

Recorded by: 1080

INITIATE2 - INITIATE CONSTRUCTION

INITIATE CONSTRUCTION

Recorded by: 1080

FULL COMP - FULL COMPLIANCE

FULL COMPLIANCE

Recorded by: 1080

**Additional Information****General Permit Information -**

Permit Name:

Permit Location:

Project: HUI RD."E"

Entry Date: 27-Jun-2000

Accept Date: 27-Jun-2000

Issue Date: 27-Jun-2000

Expiration Date:

Completion Date: 06-Jun-2000

**Permit ID**

SUBD-20000045

**Description**

MAILEPAI HUI PARTITION SUBDIVISION -  
Subdivision of Lot 48-A into Lots 48-A-1, 48-A-2 & 48-A-3.

**Address**

40 HUI E RD  
LAHAINA, HI 96761

**Contacts**PERMIT CONTACT:, WARREN S. UNEMORI  
ENGINEERING, INC.PERMIT APPLICANT:, WARREN S. UNEMORI  
ENGINEERING, INC.

PERMIT OWNER:, LOT 48 LLC

**Additional Information****General Permit Information -**

Permit Name:

Permit Location:

Project: 4.805

Entry Date: 09-May-2000

Accept Date: 09-May-2000

Issue Date: 09-May-2000

Expiration Date:

Completion Date: 03-Oct-2001

×

EXHIBIT I

COUNTY OF

[Help](#) [Home](#)[Look Up](#)[Print](#)[Genealogy](#)[Summary](#)[RFS](#)

## Permit Summary

<b>Permit:</b>	SM2 20000042	<b>Flags:</b>	NO
<b>Description:</b>	SMA MINOR PERMIT		
<b>Project:</b>	HUI RD."E" 3 LOT SUBD.LOT 48-A HUI RD."E"		
<b>Status:</b>	DONE	<b>Entered:</b>	27-Jun-2000
<b>Issued:</b>	27-Jun-2000	<b>Completed:</b>	06-Jun-2000
<b>Decision:</b>	A W/COND		
<b>Expiration:</b>		<b>Last Renewal:</b>	
<b>Location Desc.:</b>			

### Parcel Information

<b>Address</b>	<b>TMK</b>	
40 HUI E RD	2430150040000	<a href="#">GIS Parcel</a>

### Scope of Work

Special Management Area (SMA) Minor Permit ? For the Three-Lot Subdivision of Lot 48-A at Hui Road "E" and Related Subdivision Improvements at TMK: 4-3-015:004, Lahaina, Island of Maui, Hawaii (SM2 2000/0042)

In response to your request for a second time extension dated May 8, 2001, the Maui Planning Department hereby amends Condition No. 3 of the above-referenced permit and grants a two month extension as follows:

"3. That construction of the subdivision improvements shall be initiated by August 31, 2001, and shall be completed within one (1) year of said initiation."

### Professionals / Contractors

There are no professionals for this application.

[\[QUANTITIES\]](#)

## Structure Classification

<b>Initial Value:</b>	\$0.00	<b>Calculated Value:</b>	\$0.00
<b>Standard Plan:</b>		<b>Public Project:</b>	
<b># of Structures:</b>		<b># of Res. Units:</b>	
<b>Total Floor Area:</b>			
<b>Model:</b>			

Occupancy Group	Construction Type	Structure Class
None attached.	None attached.	None attached.

## Inspections

Inspection	Result	Completed Date	Completed By	Schedule	CORR		
					O	C	N
There are no inspections for this permit.							

## Activities

Activities									
Description	Assigned	Nodes		Dur.	Est. Completion	Target End	Decision	Decision Date	
		Beg	End						
There are no activities for this application.									

## Permit Flags

Flag	Description	Status
There are no flags on this application		

November 6, 2000

Mr. Michael T. Munekiyo, AICP  
Munekiyo, Arakawa & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Munekiyo:

Re: SPECIAL MANAGEMENT AREA MINOR PERMIT FOR THE  
SUBDIVISION OF LOT 48-A AT HUI ROAD E, TMK 4-3-015:004,  
NAPILI, MAUI, HAWAII (SM2 2000/0042)

In response to your request dated October 27, 2000 we hereby amend  
Condition No. 3 of the above-referenced permit and grant a time extension as follows:

"3. That construction of the subdivision improvements shall be  
initiated by **June 30, 2001** and shall be completed within one  
(1) year of said initiation."

Thank you for your cooperation. If additional clarification is required, please  
contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,

JOHN E. MIN  
Planning Director

JEM:CMS:cmp

cc: Clayton Yoshida, AICP, Deputy Planning Director  
Aaron Shinmoto, Planning Program Administrator (2)  
Colleen Suyama, Staff Planner  
LUCA (2)  
Project File  
General File

K:\WP\_DOCS\PLANNING\SM2\00sm242\TimeExtension.wpd

May 10, 2001

Mr. Michael T. Munekiyo, AICP  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Munekiyo:

Re: Special Management Area Minor Permit for the Subdivision of  
Lot 48-A at Hui Road E, TMK: 4-3-015:004, Napili, Maui, Hawaii  
(SM2 2000/0042)

In response to your request for a second time extension dated May 8, 2001, the Maui Planning Department hereby amends Condition No. 3 of the above-referenced permit and grants a two month extension as follows:

"3. That construction of the subdivision improvements shall be initiated by **August 31, 2001**, and shall be completed within one (1) year of said initiation."

Thank you for your cooperation. If additional clarification is required, please contact Ms. Colleen Suyama, Staff Planner, of this office at 270-7735.

Very truly yours,

JOHN E. MIN  
Planning Director

JEM:CMS:cmb

c: Clayton Yoshida, AICP, Deputy Planning Director  
Aaron Shinmoto, Planning Program Administrator (2)  
Colleen Suyama, Staff Planner  
LUCA (2)  
Project File  
General File  
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