

(APPROVED: 06/07/11)

**HANA ADVISORY COMMITTEE TO THE
MAUI PLANNING COMMISSION
MEETING OF DECEMBER 16, 2010**

*** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, Hawaii. ***

A. CALL TO ORDER

The meeting of the Hana Advisory Committee (Committee) was called to order by Clayton Yoshida, Planning Program Administrator for the Department of Planning, at 4:05 p.m., Thursday, December 16, 2010, Helene Hall, Hana Bay, Hana, Island of Maui.

A quorum of the Committee was present. (See Record of Attendance.)

Mr. Clayton Yoshida: Good afternoon, Hana Advisory Committee to the Maui Planning Commission and members of the public. My name is Clayton Yoshida. I'm the Administrator of the Current Planning Division of Department of Planning. I'd like to call the meeting to order. We haven't had a meeting a while, since August of 2009, but for the record, we do have a quorum here. We have members Dawn Lono, our newest member, Ed Cashman, Shane Sinenci, Kawika Kaina, and we're expecting Lehua Cosma to join us later. So four is a quorum. And the other member on the -- currently on the board is Leimomi Kahula, and there is one vacancy. Also in attendance, from the County, we have your Secretary to Boards and Commissions, Suzie Esmeralda; Deputy Corp. Counsel, Michael Hopper, substituting for James Giroux who normally is here; and we have our Staff Planners, Paul Fasi, who'll be handling the Verizon County Special Use Application, and Danny Dias, who'll be handling the John Romain Change in Zoning Application; as well as the Supervising Planner from the Zoning Division, Francis Cerizo, you'll be conducting a workshop on the new proposed Federal Emergency Management Agency Flood Maps for the Hana Region. We also have in attendance our Planning Commissioner, Maui Planning Commissioner from the Hana area, Mr. Ward Mardfin. And so we only have a bare quorum.

B. INTRODUCTION OF NEW MEMBER - ED CASHMAN

Well, first of all again, we'd like again welcome Ed Cashman to the Hana Advisory.

C. ELECTION OF OFFICERS FOR THE 2010-2011 COMMITTEE YEAR - CHAIR and VICE-CHAIR

So, typically, our board year runs from April till March of the succeeding year, and we haven't had a meeting since August, but we have a meeting coming up next month on January 20 on the Ala Kukui Spiritual Retreat Center State Special Use Permit at the Wakiu

area. So the first order of business is to elect a chairperson, and because we only have a bare quorum, we need a unanimous vote of the members present. So the floor is open for chairperson to serve from now until March 31, 2011.

Ms. Dawn Lono: I would like to nominate Kawika Kaina for chair.

Mr. Shane Sinenci: I'd like to second that motion.

Mr. Yoshida: Any other nominations?

There being no further nominations, a vote was taken on the nomination.

It has been nominated by Member Lono, and seconded by Member Sinenci, and unanimously

VOTED: that Member Kawika Kaina serve as Chairperson for the 2010-2011 board year.

Mr. Yoshida: Okay, well, Kawika, I guess you're the Chair and you can take over from here.

Mr. Kawika Kaina: First of all, before we move on, I'd like to thank Shane for serving as the Chair for the past year. Are we going to vote for a vice-chair now as well? So just to continue, we need to nominate a vice-chair if anybody has any recommendations?

Ms. Lono: I would like to nominate Shane Sinenci as vice-chair.

Mr. Ed Cashman: I second the motion.

There being no further nominations, a vote was taken on the nomination.

It has been nominated by Member Lono, and seconded by Member Cashman, and unanimously

VOTED: that Member Shane Sinenci serve as Vice-Chairperson for the 2010-2011 board year.

Mr. Kaina: Alright, the motion is passed. Shane Sinenci will be the Vice-Chair for the year. So moving on, we have the Resolutions thanking outgoing members Kau'i Kanakaole and Marilyn Tau`a.

D. RESOLUTIONS THANKING OUTGOING MEMBERS - KAU'I KANAKAOLE and MARILYN TAU`A

Mr. Yoshida: Thank you, Mr. Chair. We have some Resolutions for members whose terms expired on March 31, 2010. The first is for Marilyn Tau`a and which reads, from the Hana Advisory Committee, which reads:

WHEREAS, Marilyn Tau`a has served the County of Maui since December 2008, as a member of the Hana Advisory Committee to the Maui Planning Commission; and

WHEREAS, Ms. Tau`a has served with distinction and has performed her duties in the highest professional manner with the Hana Advisory Committee; and

WHEREAS, Ms. Tau`a's term of office expired on March 31, 2010; now therefore, BE IT RESOLVED that the Hana Advisory Committee and the Maui Planning Commission hereby commends Ms. Tau`a for her dedication and untiring public service to the people of Hana; and

FURTHERMORE, BE IT RESOLVED that the Hana Advisory Committee and the Maui Planning Commission express their sincere appreciation for Ms. Tau`a's services and extend their best wishes in her future endeavors; and

FURTHERMORE, BE IT RESOLVED that copies of this Resolution be transmitted to the Honorable Charmaine Tavares, Mayor of the County of Maui; Honorable Danny A. Mateo, Council Chair of the Maui County Council; and Jonathan Starr, Chair of the Maui Planning Commission.

Mr. Yoshida: So if the members could sign the Resolution. We also have a Resolution thanking Kau`i Kanakaole from the Hana Advisory Committee:

WHEREAS, Kau`i Kanaka`ole has served the County of Maui since June 2003, as a member of the Hana Advisory Committee to the Maui Planning Commission; and

WHEREAS, Ms. Kanaka`ole has served as Chairperson from 2005 to 2008; and

WHEREAS, Ms. Kanaka`ole has served with distinction and has performed her duties in the highest professional manner with the Hana Advisory Committee; and

WHEREAS, Ms. Kanaka`ole's term of office expired on March 31, 2010; now therefore, BE IT RESOLVED that the Hana Advisory Committee and the Maui Planning Commission hereby commends Ms. Kanaka`ole for her dedication and untiring public service to the people of Hana; and

FURTHERMORE, BE IT RESOLVED that the Hana Advisory Committee and the Maui Planning Commission express their sincere appreciation for Ms. Kanaka`ole's services and extend their best wishes in her future endeavors; and

FURTHERMORE, BE IT RESOLVED that copies of this Resolution be transmitted to the Honorable Charmaine Tavares, Mayor of the County of Maui; Honorable Danny A. Mateo,

Council Chair of the Maui County Council; and Jonathan Starr, Chair of the Maui Planning Commission.

E. APPROVAL OF MINUTES OF THE AUGUST 20, 2009 MEETING

Mr. Yoshida: The next item, Mr. Chair, is the approval of the minutes of the August 20, 2009 meeting.

Ms. Lono: I move that we accept the minutes of the August 20, 2009 meeting as submitted.

Mr. Kaina: The motion was made. Any second?

Mr. Sinenci: I'll second the motion for the approval of the minutes of the August 20, 2009 meeting.

There being no discussion, the motion was put to a vote.

It has been moved by Ms. Lono, seconded by Mr. Sinenci, then unanimously

VOTED: to accept the minutes of the August 20, 2009 meeting as submitted.

Mr. Kaina: The motion is passed.

Mr. Yoshida read the following item description into the record:

F. PUBLIC HEARINGS (Actions to be taken after each public hearing item.)

- 1. CROWN CASTLE and VERIZON WIRELESS requesting a County Special Use Permit in order to install and operate a 40-ft. monopole with 12 panel antennas at existing commercial mobile radio service site at 99 Mill Place in the County Agriculture District, TMK: 1-4-003: 009, Hana, Island of Maui. (CUP 2010/0004) (P. Fasi)**

Mr. Paul Fasi: Good evening, Members of the Hana Advisory Committee and members of the Hana community. This matter arises from an application for a County Special Use Permit filed on April 13, 2010. The application was filed pursuant to Chapter 19.510.070, Special Use Permits, of the Maui County Code by Verizon Wireless and Crown Castle. They are the applicant. The applicants request a County Special Use Permit for the installation of one 40-foot cellular antenna monopole mounted with 12 antennas and related

ground support equipment. It is going to be installed at an existing commercial mobile radio site presently located in the -- on the Hana Ranch property. The entire property consist of 933 acres. The actual footprint of the facility is a fenced in area of 30-by-50 square feet or 1500 square feet. It is located approximately three-quarters mile mauka of the Hana Highway at approximately 725-foot elevation. The land use designations are as follows: State land use district is ag; the community plan is ag; the County zoning is ag. It is not in the special management area.

The applicant proposes to improve the cellular service in the Hana District by upgrading the cellular antenna technology with the latest support and hardware and software equipment. They primarily consist of replacing three 35-foot omnidirectional antennas and panels with one single 40-foot monopole antenna that will have 12 panel antennas attached to it. Also attached to this monopole will be one omnidirectional antenna that is approximately 15 feet in length, so this will extend the height of the monopole to a total of about 55 feet.

At the request of the Maui Police Department, Verizon Wireless Crown Castle has agreed to allow the Police Department to use its tower to install its monopole at the top of the pole, which brings it to the 55-foot that I just mentioned.

The subject property is in the State ag district. The proposed use is consistent with the State ag designation of the property. Chapter 205-4.5, Hawaii Revised Statutes, list under Permissible uses within the State ag district, item no. 7 list: Public, private, and quasi-public utility lines and roadways, transformer stations, and communication equipment buildings. Under this statute, no. 17 is: Construction and operation of wireless communication antennas. So it is a permissible use within the State ag district.

In the County ag district, the proposed use is consistent with the County ag designation of the property, 19.30A.060, of the Maui County Code, Special uses, it says, "The following uses and structures shall be permitted in the ag district if a special use permit, pursuant to section 19.510, Maui County Code, has been obtained." Item no. G is "Telecommunications and broadcasting antenna." So it is a permissible use in the County ag district with the County special use permit.

So therefore, the County special use permit is an appropriate permit for the 1500 square foot facility and, furthermore, it is also an allowable use in the State ag district, and the Planning Department fully supports approval of this permit request. And that concludes the Department's report. The applicant's consultant is here, Mr. Mike Beason, to take care of any technical questions you may have. Thank you.

Mr. Kaina: Thank you. Before we move on, I'd just like to acknowledge and Lehua Cosma has just walked in.

(Committee Member Lehua Cosma arrived at 4:20 p.m.)

Mr. Kaina: At this time, we'd like to open the floor to public hearing if anybody has anything to comment on the issue. John?

a. Public Hearing

Mr. John Blumer-Buell: I just have a question for Paul that maybe Paul can answer.

Mr. Kaina: Sorry, John. Can you state your name?

Mr. Blumer-Buell: John Blumer-Buell. We recently got an upgrade from Hawaii Public Radio out here. They went through the expense. We're getting real good broadcast signal at the Hana School going out towards Hamoa, but that's about it. I mean we love public radio and we're out a bit further. Could they use the same site to locate their signal if it's a better spot? Or should they talk with Verizon? I mean the president called me to see if we can work out a better location.

Mr. Fasi: I believe -- thank you, John. I believe they're two different technologies and they're basically -- 'cause one's cellular and the other one's radio frequency, and I would believe that Hawaii Public Radio would have to take up that issue with the property owners, the Hana Ranch.

Mr. Kaina: Thank you. Anyone else have any comments before we move ahead? Alright, moving right along. Board members?

Mr. Cashman: I had couple questions. What is the height limit in Hana?

Mr. Fasi: The height limit, it varies. It can vary. In the ag district, the height limitation is anything above 40 feet, you set it back one additional foot for every foot in height. That's what the ordinance says. So, technically, you set it back a thousand feet, you can go up a thousand feet.

Mr. Cashman: You know, I noticed in the national -- in the letter from the historic, they suggested instead of the type of tower you were putting, they put a tree, you know, the tree type. I've seen that in Honolulu. It's -- was it considered here?

Mr. Fasi: The Planning Department doesn't advise it because it's so far in a remote area, and we think it would be less obtrusive if it wasn't like that. It takes a lot more maintenance to keep it -- appearances up as a tree, and it adds cost to the applicant's bottom line. We do -- we do make those recommendations in certain areas, for example, in Lana`i, near the

-- I guess it was near the harbor, we had them put it into a tree manner, but we don't feel it is necessary. They will paint it to make it less obtrusive.

Mr. Cashman: Another question is are there any other, besides Verizon, in the area?

Mr. Fasi: I believe there are. Yes, there are.

Mr. Cashman: And you would know who they are? Well, my concern is, you know, now with radio and cellular technology is advancing, you know, we don't know how many we going end up with and where we going end up with it.

Mr. Fasi: Well, the new technology that they're installing is replacing three antennas with one antenna, so that technology is moving in the right direction.

Mr. Cashman: Well, you folks only one company. I just was wondering how many --

Mr. Fasi: I'm going to let the -- I'm going to let the applicant's representative answer you.

Mr. Mike Beason: Good afternoon. My name is Mike Beason. I submitted the application on behalf of Verizon Wireless and Crown Castle. Also in the audience is Eric Schotz, he is with Crown Castle and he's taken the drive out here to be here to answer questions like this. The other carrier up at this site right now is Singular, AT&T, one in the same entity, right? The Maui Police Department is existing -- has an existing site there and they have been co-locating their equipment inside the Verizon Wireless shelter. When we came with the application, and it was distributed, they saw the real advantage to be able to gain the ten feet of height from what they have now to be able to cover a larger area and that's why they made the request to add one on the antenna, basically, just move that antenna that's there up to the top of this tower. Singular, right now, is not, as far as I know, hasn't requested to go on this tower. They have antennas very similar inside the compound area that are mounted onto existing pipes along the fence. The tree pole, like Paul was saying, is -- we felt it was better just to paint it a dark color and put it up there than to try to do the tree pole, and the cost is quite a bit more easily in the two to three times range. If we did something like that, we would try to put in a large enough tree that then that co-location application could come in in the long run. Crown Castle manages sites all throughout Hawaii. Their job is to try to promote the co-location of sites and that has been -- all the counties have that same opinion - if we can put people into one area, it's the best way to do it than to have a proliferation of sites. So there is always that potential that a carrier would add antennas to a pole that we're trying to -- that we're proposing.

Mr. Cashman: Thank you. You know the -- you said the police share, does the fire and EMS share the same --

Mr. Beason: It's all the same facility, yeah. The EMS system it's all E-911, yeah, and the police just happen to be the managing entity for that.

Mr. Cashman: What you folks do, you folks lease the land from Hana Ranch?

Mr. Beason: Yes, we do.

Mr. Cashman: Thank you.

Ms. Lono: I have a question, Mr. Chair. Knowing that Hana Ranch is for sale, is this lease secure if the Ranch property were to sell?

Mr. Kaina: Sorry, go ahead.

Mr. Michael Hopper: Mr. Chair ...(inaudible)... to the questions, I'm not sure if the public is closed at this point? It's so -- you announced the public hearing was closed? I just want to make sure that's clear. Because I think the testifier's question went right to the person so no more testimony?

Mr. Kaina: You're correct. Sorry about that. I'd just like to make mention that public hearing has been closed. Dawn, if you want to continue?

Mr. Eric Schotz: I'm Eric Schotz with Crown Castle. I represent the tower owner. Crown Castle's lease with Hana Ranch would presumably transfer in the event of the sell of Hana Ranch to another party.

Ms. Lono: The other question I had: Is there any kind of a photograph or a picture of what this looks like? Did I miss it? Well, I saw that. That's the coverage area.

Mr. Beason: ...(inaudible)...

Ms. Lono: Okay. Okay, great. Thank you.

Mr. Fasi: Yeah, there should be photo simulations of the present site and there -- I'm sorry. There are photos of the present site and photo simulations of what it would look like in -- with it installed.

Ms. Lono: Okay. Great. Thank you.

Mr. Fasi: And just to mention, and getting back to the tree issue, the Department does not take into consideration of what it cost the applicant. Yeah, I keep telling Mike, you know, we're dealing with a approximately 60 billion dollar company and a tree is not going to --

not going to put a dent in their bottom line. But we honestly felt that a tree would be out of place in this particular instance and to have them paint it would be more appropriate. But we appreciate your question.

Mr. Sinenci: I have a question. You mentioned that the use of the antenna is, again, for a wider coverage of Verizon customers; that's probably the main -- the main thing for this, and also the use for emergency systems and, specifically, the Police Department and some of our public services here. Is that what -- is the main use of this antenna?

Mr. Fasi: Yeah, the main emphasis is to increase the coverage area. And the police are real excited about it, not only because they have real estate on top of this pole, but that they're able to upgrade their equipment. It gives them an opportunity to upgrade their equipment as well and a better -- have a better coverage area for the Hana community. And this -- I've worked on antennas before with the Police Department, but in this particular case, they're really excited about this because the coverage is not that great right now so they're looking forward to the increased covered.

Mr. Sinenci: I also noticed that the Department of Health has -- you've included several different department, and including the Department of Health, for their input on having this antenna and just for health and safety well-being of our community, it's okay?

Mr. Fasi: It's so far remotely located that I would doubt that there's any chance of any type of radio pollution affecting the community. And I think the science on that particular issue is still up in the air.

Mr. Sinenci: Okay, thank you.

Mr. Kaina: I have a question as far as location. I just noticed on the application that it says the 933-acre parcel at 99 Mill Place, and I just wanted to clarify, my understanding, and also in Exhibit 3, that where the hotel employee housing is is considered Mill Place, so would this then actually be considered Mill Road where the site is actually located or is this in fact Mill Place?

Mr. Fasi: I'm going to defer the question to the applicant.

Mr. Beason: Mike Beason again. We submitted our request for an address to be issued to the site for E-911 purposes. All sites need to have that so that the corresponding call that's coming in can be identified to where that call's being made from in a spot where you can actually do triangulation; you can narrow down the location of where that call came from, but that's the reason that -- and the 99 Mill Place is the address that was issued by the County. So that's how that came to be. I did the request on that that's why I know. Yeah.

Mr. Kaina: Okay. Okay, thank you.

Mr. Beason: I'll go back one step to the photo-sims. The copy I have is not a great copy of the application there. I did do a markup or a poster setup of the photo simulations that we did. These are pretty clear pictures. What I tried to do in the example here is I took a photograph with a 50 millimeter lens, which is considered kind of a person's view as you see, and of course when it's on a four-by-six, it seems like a pretty small picture, but I would not have been able to give any impression of what this look like so I used the 200 millimeter lens to then zoom in on the location, so I've done both - existing photo proposed and what the County requested us to do is to do one that's highlighted so that when you do the green as if it's a dark color that we want it to be installed, you can loose it can you can't find it, so what they asked they asked us to do -- so now we have two photos - we have a highlighted photo and then the dark green. So I'll pass a couple of these down the way and you can take a look.

Ms. Lono: Great. Thank you so much.

Mr. Beason: And this is the same photographs that were submitted with the application.

Ms. Lono: It pretty much disappears, yeah?

Mr. Beason: That is the hopes. I think that there is always the ability to see something if you're looking for it, but that -- that is what we're hoping to do is paint it dark. The photographs, what Paul asked me to do is look at -- con the area very closely and make sure that I've given the impression from all the positions. You could see it from Hana Town itself. There are not a lot of view places but there some, like right in front of -- across from Hana Hotel looking up the hill. That is probably the most prominent spot of all of them. I still think that a dark color is going to be fairly low impact.

Ms. Lono: Beautiful. Thank you so much. That helps a lot.

Mr. Beason: You're welcome.

Mr. Kaina: Thank you for that presentation. Board Members, anymore questions? You just want to take a break?

Mr. Yoshida: I guess the Department has a recommendation if you want --

Ms. Lono: Do you want to read -- are you going to read the recommendations? Do we need to do that?

Mr. Yoshida: I guess Paul can present the recommendations.

Ms. Lono: Okay.

b. Action

Mr. Fasi: I'm not going to read all the conditions. I'm going to read the ones that are notable. The County special use permit will be valid until February 28, 2026, so 15 years. We do have project specific conditions that the project be completed by February 28, 2013, and project specific conditions 9, 10, 11, 12 are requirements of the Maui Police Department and we would like to have those left verbatim, unchanged. Those are the exact words from the Police Department and we take their recommendations and just put them in our Department's recommendations.

So, in consideration of the foregoing, the Planning Department recommends that the Hana Advisory Committee adopt the Planning Department's report and recommendation prepared for this December 16, 2010 meeting as its findings of fact, conclusions of law, decision and order, and authorize the Director of Planning to transmit said recommendation to the Maui Planning Commission for further action. Thank you.

Ms. Lono: I so move. Yes, I move to accept the recommendations of the Planning Department including their conclusions of law, and the standard conditions, and the project specific recommendations as presented by the Department with no changes.

Mr. Kaina: The motion is on the floor. Do we have a second?

Mr. Cashman: Second.

Mr. Kaina: Alright we have a second.

There being no further discussion, the motion was put to a vote.

It has been moved by Ms. Lono, seconded by Mr. Cashman, then

VOTED: to accept the recommendations of the Planning Department including their conclusions of law, and the standard conditions, and the project specific recommendations as presented by the Department with no changes.

***(Assenting: E. Cashman; L. Cosma; D. Lono; S. Sinenci)
(Excused: T. Kahula)***

Mr. Kaina: The motion is carried.

Mr. Fasi: Thank you.

Mr. Kaina: Moving on.

Mr. Yoshida read the following item description into the record:

- 2. JOHN S. ROMAIN requesting a Change in Zoning from the Urban Reserve District to the Service Business Residential (SBR) District for property situated at 4869 Uakea Road, TMK: 1-4-005: 026, Kawaipapa, Hana, Island of Maui. (CIZ 2010/0001) (D. Dias)**

Mr. Danny Dias: Good evening, Mr. Chair, Members of the Hana Advisory Committee. As Clayton stated, this project involves a change in zoning for property located just down the street there. The size of property is approximately .622 acres. What the applicant is applying for is a change in zoning from urban reserve to service business residential, and the ultimate purpose of the change in zoning to service business residential is so that the applicant can operate a bed and breakfast. I just wanna point out that this project, if it were to be voted upon favorably by this Committee, would still have to be approved by the Maui Planning Commission, followed by the Maui County Council, and to operate a bed breakfast, the applicant would then have to get a bed and breakfast permit from the Planning Department. So there's still quite a lot of steps involved with this particular project.

Just a short description of the property, like I said, it's .62 acres in size, approximately. There are two existing structures there; I believe it was built about 1998, so they're about ten years old or so. There's a main dwelling and then an accessory dwelling. The size of the main dwelling is 1150 square feet, and the accessory dwelling is 700 square feet.

Just some history on, you know, urban reserve and SBR. The property is community planned for service business residential, but it's zoned urban reserved, and from what I understand, basically, when the community plan was adopted, around the mid-'90s, the County decided to comprehensively zone properties that were zoned urban interim, so the County decided to comprehensively zone about eight properties that were zoned urban interim, but there was no service business residential zoning category. So, you know, obviously you can't zone something if the zoning category doesn't exist. So what they did was they zoned these eight parcels urban reserve, and it's been that way all this time, and last year, the County Council approved a new ordinance allowing service business residential and part of what service business residential allows is bed and breakfasts so, naturally, the applicant who's been sort of waiting all this time now wants to be zoned the same as what the community plan designates this property.

So that kinda concludes everything I have to say. I don't know if the applicant wanted to add anything or -- okay, so we're available for questions.

Mr. Kaina: At this time, we'd like to open up the floor to public hearing if anyone has anything or any comments to make on the application. John, please state your name again.

a. Public Hearing

Mr. Blumer-Buell: Aloha, Chair Kaina and Members of our Committee. My name's John Blumer-Buell and I'm testifying as an individual except I'm going to make a statement that is endorsed by Terry Lee Poipuni, I did call her to read this to her and she's, you know, I wouldn't say something with somebody else's name unless they had supported it.

I read the 54-page report and the 3-page recommendation by the County of Maui Planning Department. I've also read -- also discussed the issues with Terry Lee Poipuni, who served as a member of the 1994 Hana Community Plan committee. She wanted to be here today but is engaged with a nutritional Christmas party this afternoon for Hui No Ke Ola Pono. For your information, I served on the Hana Advisory Committee to the Maui Planning Commission at the time the Hana Community Plan was created. The proposed Hana Community Plan came before the committee for a review. I am familiar with the issues. I attended nearly all of the meetings of the Hana Community Plan committee and was part of the discussions regarding illegal vacation rentals and nonconforming uses. I have testified regarding the issues several times before the Maui County Council and Maui Planning Commission, and have discussed the issues of vacation rentals over the years with John Romain, the applicant, and other SBR designated parcel owners.

After careful consideration, I suggest the Hana Advisory Committee to the Maui Planning Commission recommend, "deferral of the subject item until the Hana community can hold a series of informational meetings regarding the impacts of the proposed zoning change of at least eight parcels with an urban reserve zoning and an SBR community plan designation." That the end of the recommendation. Previously, the League of Women Voters and the Hana Community Association conducted a democratic vote regarding a proposed zone for a golf course and country club in Hana. A similar community vote could be considered after the proposed community informational meetings.

I would also urge your Committee to consider an alternative recommendation that "the subject issue be deferred and forwarded as an agenda item for the upcoming review and update of the Hana Community Plan."

Terry Lee Poipuni told me she supports either of these recommendations. We both support a bed and breakfast -- we both support bed and breakfast permits for John Romain, Mark

and Haunani Collins, and Joe's Place until the SBR issues are resolved. We did not discuss the other five SBR designated parcels.

Here are two good reasons to make one of the suggested recommendations, and Terry agreed with these as well: The 1994 Hana Community Plan, under Land Use Objectives and Policies, No. 13, states, "Encourage community-based dialogue regarding proposed land use changes in order to avoid unwanted conflict." This is exactly what we are encouraging you to do.

The issues of SBR zoning is a complex issue with many potential negative impacts upon the community. The current SBR zoning ordinance did not exist in 1994 during the review of the community plan. In fact, the SBR ordinance did not exist until last year, 2009, 15 years after the Hana Community Plan was adopted. The ordinance does not resemble what we talked about at those meetings. The change -- and, therefore, I don't think is in line with the intent of the Hana Community Plan. The change in community plan designation to SBR effectively bypassed the normal requirement for an environmental assessment. An environmental assessment has never been done for the SBR designations. The SBR Ordinance 3681, adopted in 2009, allows for "professional offices, food service establishments, retail establishments" at a "neighborhood scale." These uses and potential impacts were not considered during the community plan process.

The Hana Community Plan, under Land Use, Implementing Actions No. 5 states, "Conduct an inventory and study of existing non-conforming uses, including vacation rentals to determine (1) their numbers, (2) geographic distribution, and (3) effects upon the local housing and real estate markets and local economy, and identify recommendations for resolving non-conforming use issue."

The information requested by the Hana community in the 1994 Hana Community Plan has never been provided or studied comprehensively. The County of Maui has not funded this and other very basic studies for Hana including a master water and wastewater plan.

Both of those are in the community plan. I'm just about finished.

A few of the other issues and potential impacts that need to be studied in relationship to the SBR designation and current proposed legislation, including home occupation, include, and I'm sorry I didn't say that very well, the County right now is considering a home occupation bill, which will cover some of the issues in our request in '94. The other things that are potential impacts are: 1) impact upon tax assessments and rates for Hana residents; 2) cumulative impacts regarding pedestrian safety along Uakea Road; 3) cumulative impacts, positive and negative, on the Hana Community of 2-3 thousand tourist coming through Hana every day; 4) impacts of the current estimated 10 illegal vacation rental operations

along Uakea Road; 5) impacts upon the existing Hana Town Center and related business, including the Hotel Hana-Maui.

So mahalo for your consideration.

Mr. Kaina: Thank you, John. Do we have any other public testimony in regards to the issue? John?

Mr. John Romain: Am I allowed to respond to ...(inaudible)...

Mr. Kaina: Corporate Counsel, can you answer that for us?

Mr. Michael Hopper: Yeah, the applicant would have the right to make a presentation, so he could certainly speak during then. You can have him go during public testimony too if you'd like. Anyone from the public's allowed to testify. But, normally, an applicant would give their presentation during their request to be heard by the commission so -- while I've seen it before where the applicants have public testimony as well; normally, that's handled -- I mean they can have question and answer session with the applicant and the applicant can address the commission and, usually, you know, deals with those issues then, so I mean it's up to the -- you know, he's allowed to testify now but will also have a chance to, basically, give you his presentation later on too.

Mr. Kaina: Okay. John?

Mr. Romain: I don't think I really need to do a public testimony ...(inaudible)... be a little strange but --

Mr. Kaina: Can you come up to the mike and just speak into the mike so we have this on record?

Mr. Romain: I don't think it would be appropriate for me to make a public testimony on my own behalf. And, perhaps, if there are questions that you folks have heard from this testimony, if you'd direct them to me, I'd be happy to address them that way. Or whatever works. I just -- some inconsistencies that I wanted to take care of. But if you don't have a problem with it, then, you know, I'm not going to push the issue, but if --

Mr. Kaina: I don't have a problem with it.

Mr. Romain: Okay. Thank you. Go ahead, Aunty. If you can state your name first, please.

Ms. Viola Cashman: Good evening, Advisory. My name is Viola Cashman and I'm a resident of Hamoa. And I'm a landowner, you know, we own our property. My concern is

that although the applicant is going for rezoning, one kind of tends to wonder and not really wonder but when you live in Hana, you know that every other big residential "facility" or structure is -- if you take the number of people that have vacation rentals here in Hana, Hamoa ... (inaudible)... Kipahulu, Nahiku, I suspect Keanae and I suspect, you know, Kaupo that really when you think about it, these vacation rentals are basically illegal. Now the person wants to go in and have their property rezoned, that's fine and dandy, but if you're -- if the County or the planners know that there are illegal vacation rentals, 'cause even where I live in Hamoa, there are illegal vacation rentals, and my understanding is that if you wanna have bed and breakfast, you need to go in and get -- you know, apply for these permits. However, if we continue to have people run illegal vacation rentals and then they can turn around and go get a bed and breakfast and, okay, everything is fine, my golly, they're still operating against what the law is now - that it is illegal. And that's my concern is that we have people going in for rezoning, we have people who going in for bed and breakfast, but you know what? The bottom line is they're still running illegal vacation rentals. Thank you.

Mr. Kaina: Thank you, Aunty Viola. Anybody else has any testimony in regards to the issue? Alright, at this time, we'd like to close public testimony. Board Members, if you all have any questions?

b. Action

Ms. Lehua Cosma: Thank you. One of my biggest concern is, and this is for the surrounding neighborhood around Mr. Romain's property, is a lot of our kupuna, born and raised Hana, they're not familiar with SBR. I feel because of the lack of information that this bill was just introduced last year, I really really want them to be here to attend more community meetings before any of this is approved. I feel that's their right to know what is SBR. I've had several phone calls, people that did get the letter about this meeting, that felt uncomfortable to come because they don't understand it. I mean they maybe had it two weeks in their hand. I feel there's more information behind this that we need to share with them so they are knowledgeable on what they wanna approve, because we all support bed and breakfast permit. I think that's the right way to go because if it doesn't work, it expires. But with rezoning, that's something we approve, we can't take that back. We lost something forever. So I think with careful consideration, getting more of our community, especially in the surrounding area, who born and raised and lived there forever, they're scared that with this economy, their taxes are going to raise, and they are all on fixed income. And that's my biggest concern is to get more of them out here, have the Hana Community Association facilitate meetings, bring these people that it's going to affect here and explain what is SBR. Because it can be very complex, SBR. It doesn't have to be just bed and breakfast, but it can expand to other things. And, you know, I support Mr. Romain. He's been helpful to the community in some ways. I've seen, with the school, he help us.

But I really wanna see -- support the bed and breakfast permit first as a right step to take before we consider approving something that some of us don't even have enough knowledge about because it was just introduced last year, and it's a big big thing that we really gotta consider, especially when it's going to affect the neighborhood of Hana. Mahalo.

Mr. Kaina: Thank you, Aunty. Go ahead, Mr. Dias.

Mr. Dias: Okay, regarding the bed and breakfast permit, just for the record, right now being zoned urban reserve, Mr. Romain can't even apply for a bed and breakfast. It's not even allowed in urban reserve. And so that's why he needs a change in zoning so he can apply for a bed and breakfast permit. So, essentially, the change in zoning has to come first. I just wanted to clarify that.

Mr. Kaina: Thank you for clarifying my question before I asked it. Uncle Ed?

Mr. Cashman: I have a question for John. John, what do you use the residence for now? Is this a regular residence?

Mr. Romain: I -- my family sometimes visits but I do -- I have been operating as a B&B, yes, but I live there on the grounds, yes.

Mr. Cashman: Okay. Thank you for being honest. I just have a comment I wanna make. You know when they approved the bed and breakfast, they had a quota for Hana as 48. I don't know how they came up with that 48, you know. I come to the community meetings. I didn't see where we had our input. My concern is say if we approve 48 bed and breakfast, and I think we should encourage people, like Mr. Romain, to apply because that's what we want, we want people to be legal, but we cannot have 48 legal bed and breakfast, and 80 or 90 illegal. The County is putting us in the position like we don't know where we're at, you know. Okay, so far, I think, just by the signs, I see two signs people applied. That's telling me that's the only people who qualify. The rest of them are illegal. To me, it's fair to the community, it's fair to this Committee here that the County has to correct that. They cannot tell us, okay, you can approve 40 bed and breakfast, and there's 80-90 out there illegal. Like John said, the community plan 1994 asked to do a study. It was never done. I mean I'm not going to approve -- I'm not going to support this, not because I don't believe in what Mr. Romain is doing. He's operating now so, you know, we not preventing him from doing anything. Until the community can understand what this new zoning is, I'm not going to be supporting this issue. Thank you.

Mr. Kaina: Thank you, Uncle Ed. Board Members? Dawn?

Ms. Lono: There's a huge history here, which of course John sort of touched on and been involved for quite a while, and I was just trying to reflect back the Hana Community Plan that was done in the mid-'90's, and a designation that was created that didn't actually exist as zoning was small business residential, so in the last couple of years, many members of the community got together and pushed for this zoning to actually be written up and be made available because the only other option was to do the country town business. Is that the right -- country town business zoning designation? Which is way bigger than small business residential. So that was done through a series of community meetings, going through the Hana Advisory Committee, going before the Planning Commission, going before the County Council, there were a lot of meetings held before that zoning designation was even finalized and approved. So I have a little bit of concern about it - reinventing the wheel again. I understand there's probably people that don't understand it. There's a lot of information out there. You can go look at it. One of the questions I have that's pertinent to this situation is if we were to pass this and give him SBR zoning, could we make it with a condition that he -- that it's SBR zoning with the condition that whatever exist on the property and is operating on the property right now is all that can be done, and if he were to try to change it and say put a little retail store on there or try to add and put a three-story, add more rooms on or something like that, could we say, okay, you have SBR with this condition that you can operate exactly what's there, the way it is right now, and nothing else. And if you change it, then you have to come back to the community? Is that a possibility?

Mr. Yoshida: Well, I guess this property's located in the special management area and if there is any action that is deemed to be a development, they would have to get a special management area permit, depending on the valuation of the improvement, if it's more than 125,000, it'll be a special management area use permit and that requires a public hearing.

Ms. Lono: That doesn't answer my question. Because he wouldn't -- or the property owner wouldn't necessarily have to build a new structure or do \$125,000 worth of work, just like now, people are operating bed and breakfast without permits and so forth, he could just change it into a retail store and unless your neighbor turns you in, the County's not going to do anything about it, so all I'm trying to say is can we put a condition on it that says you have your zoning but it's conditional upon operating exactly the way it is right now, and if you change that operation, if you try to add rooms or put a retail space in, or do anything else that's actually allowed under the SBA, then you have to come back through a process.

Mr. Hopper: It's been done before, interestingly enough, for a property that was community plan SBR in Wailuku was a conditional zoning with a limitation on the uses allowed. What you would not want to do is say it's something like the uses that are currently there. You'd would wanna look at the uses, and you would want to see if there were ones you didn't want the property to have, you could say except that these uses shall not be permitted. That was done before but the reason that was done before was because the SBR

designation did not exist in the zoning ordinance so I believe the person got zoned a certain type of business use with limitations. So that's what had happened before in the past. It's been done. Again, you're just recommending to the Planning Commission, who is recommending to Council the final action to take on this permit. But that's something that I know of has been done once before. It's a bit unusual because you typically establish the zoning districts and then, you know, if the zoning district is inappropriate and the community plan is inappropriate, then those things should be changed to what would be an appropriate community plan designation and an appropriate zoning in those cases typically.

Ms. Lono: Okay, well this designation lines up with our community plan, so that's not a problem. Some of the things that are allowed within the SBR zoning designation are things that perhaps we would not want to see on that particular piece of land or even in that area. So my question is very specific. And I also understand and it's a little frustrating that we're reminded that all we are is a body that makes a recommendation to the Planning Commission who makes a recommendation to the County Council. It's a little demeaning to feel that way; to feel like, well, you guys are just making a recommendation anyway. So why are we here? So I feel like we have some validity here. We have valid concerns that have been brought up. We would like to make -- we know we are only making recommendations and the Planning Commission can either take 'em or leave 'em. If the Planning Commission changes them or doesn't acknowledge them, then we still can go before the County Council, as a community, and say, listen, you know, these are things that we would like to have happened if you give this zoning. So back to my specific question is if we were to recommend that this property be rezoned to SBR, can we say SBR conditional upon the existing use of whatever he has two rental units of such and such a size and that no other commercial uses would be allowed on the property unless he came back for approval?

Mr. Hopper: That recommendation, no, specifically, because a bed and breakfast home would still need to get a bed and breakfast permit. Even a zoning change to SBR would not allow him to operate a bed and breakfast home. I believe you would need to -- you could say a bed and breakfast home subject to provisions of Section 19.64.030 of this code would be a permitted use, and then either all the other permitted uses not allowed or some of them, but you couldn't, you know, this zoning doesn't allow a bed and breakfast home as an outright permitted use. He would still have to get a bed and breakfast permit for the operation of a bed and breakfast. So that would be the issue. I think what you could do is say that you recommend a SBR designation be granted with -- well, you would need to specify which of the permitted uses you would like to see as permitted uses and which ones you think -- you could say except that 1, 2, 3, 4, 5, or whichever ones, you know, you don't want to see are not going to be permitted and then -- so in your recommendation to the Department I think the body, you know, if it does recommend -- if it recommends denial, it could certainly do that. If it recommends the change conditionally, then you would definitely want to specify except the only uses that shall be allowed shall be bed and breakfast home

subject to the provisions of 19.64.030 of this code. I don't think you can go beyond what the zoning district allows, but I think you can be more restrictive than what the zoning district allows.

Ms. Lono: So can you tell me exactly what is in 19.64.030 ...(inaudible)... references in there? It says -- it says, specifically for those who are listening, the following uses and structures shall be permitted in the SBR, service business residential district, and no. 6 says, "Bed and breakfast homes subject to the provisions of section 19.64.030 of this code." So now I'm trying to get to what is 19.64.030.

Mr. Yoshida: Maybe Francis can pull that up. He has 19.11.

Ms. Lono: Okay, so does 19.64.030 require that a bed and breakfast home on an SBR zoned property still get a special permit - a bed and breakfast permit? I guess that's the question.

Mr. Francis Cerizo: Maybe what I can do is, since there's a lot of people that don't understand what the SBR or don't have an understanding of the SBR, I can give just a short lesson on it. This code was approved recently and, as you can see, it's Ordinance 3681, in 2009, so it's very recent. What I'll do is I'm just going to go through the purpose and the different uses. I guess that's the main thing - what can you do in SBR. So if you look to your left, I have the ordinance that Dawn was making reference to, and, basically, the purpose of the SBR district is to provide a mixture of residential and small scale neighborhood oriented businesses. So the standards we have to adopt and so forth. There's going to be, as we develop the SBR, there's going to be some standards that -- development standards that go along with it. Now, there's only six uses permitted. You can have a house, single-family dwellings; you can have duplexes where you have two houses next to each other; you can have greenhouses, truck gardens and nurseries; we can have SBR service establishments, and I'll explain that in a few seconds; and we can have SBR and mixed uses establishments, and I'll show you the definitions of what that means. And Dawn was talking about there's also bed and breakfast homes. Those are six permitted uses.

Now, the bed and breakfast homes are -- in order to have that use, you have to go to -- you have to -- it's subject to the provisions of 19.64, and we'll move over to that in a few minutes. Let's just go back to the principle permitted uses 4 and 5. What is "SBR service establishments?" Okay, we have two definitions, and as shown in the staff report, the SBR means "service business residential." When we have a mixed-use, that means we can have -- we can have a dwelling unit and also a service business establishment. Now, the big question is: What is a "service business establishment?" And it's a commercial service not greater than 2,000 square feet. So it's -- it's kept, you know, the size is limited, and that includes display, storage, and accessory uses. And what kind of uses can you have? You

can have professional offices, a lawyer's office, insurance office, you can have a business office, you know, the -- and you can have a restaurant, you can have a little store, and which goods are sold to the general public for direct consumption. So, you know, those are the -- if you wanted SBR, and that's basically what it is. You can have a little bit -- a small business and you also can have a mixed-use. We have a house and a business. Those are the business components of the SBR. And the other one, back to the original part where we had the other six uses - single-family, duplex, truck garden, and your B&B. Here's the accessory uses that are attached to those six permitted uses, and ohana units are permitted, pools, fences, and so forth.

So Dawn had a question on what is 19.64.030. This is the provision where you need to get permits to get a bed and breakfast. So let's skip over to there. Okay, so this is the bed and breakfast homes code, and the portion that we're looking at is 030, this is the restrictions and standards. So here's your restrictions; it's quite lengthy, you know, it goes on and on and on so --

Ms. Lono: But it still requires him to get a permit?

Mr. Cerizo: Yeah. You're required to get a B&B permit.

Mr. Kaina: I think the answer -- the answer we're looking for is when we do -- well, when they do -- the applicant will have to come back for the that B&B application, does it then come back to this board for public hearing?

Mr. Cerizo: Okay, maybe Clayton can answer that because depending on the number of rooms, sometimes it's administrative, and then when there's more rooms, it becomes commission approval.

Mr. Dias: Okay, basically, the B&B code, it requires a public hearing if 30 percent of the people within 500 feet - 30 percent or more complain about it. And if not, it tends to be just within the Department.

Ms. Lono: ...(inaudible)...

Mr. Dias: Correct.

Ms. Lono: Just to clarify, if we were to recommend that Mr. Romain's application for SBR zoning be approved only including no. 6, that's in the SBR, which is -- refers to the bed and breakfast, and it also requires him to get the permit. That would be the only allowed uses on the property. And I don't know if this -- zoning generally runs with the land no matter who owns it or what happens to it, so we would wanna make it very clear that this zoning would only allow this bed and breakfast, the existing structures, the existing number of

rooms, and if that were, for some reason, change, then it would have to go back to the community. That's where I'm trying to kinda get to.

Mr. Dias: I just wanna add, if you are going along that route, I would say not just 6, but I would also recommend you include at least 1, 2, and probably 3 because --

Ms. Lono: Okay, 1 is single-family dwellings --

Mr. Dias: Yeah.

Ms. Lono: 2 is duplex dwellings, which he actually has, and what else did you say?

Mr. Dias: 3, which would be greenhouses, truck gardens and nurseries.

Ms. Lono: Well, no. My recommendation would not be to include that.

Mr. Dias: Not even nurseries.

Ms. Lono: So 1, 2, and possibly 6. I don't know if anybody's grasping what I'm trying to say or thinking along these lines 'cause I understand the concerns in the community about this SBR zoning - it seems a little scary and it seems like it can open up a bunch of cans of worms, and if we're very clear about exactly what we're doing here, then hopefully it can alleviate some of those fears. But this zoning was created directly as a result of our community plan and it does address that and solve what was a problem because we had the designation but we didn't have a zoning to match it, and now we have a zoning to match it, and it's not going outside of the community plan where it was designated, it's still the same properties, you know, that we were talking about. So, you know, this -- I know that this has been going on for an eternity, and it seems like something needs to give, and we kinda need to work together as a community and support some of these businesses because some of them are going to happen anyway, we're going to get somewhere along the line 40 or whatever they designated for Hana, and if we don't get those approved, people are going to be operating illegally unless people step up to the plate and turn them in because the County doesn't do anything otherwise. It's completely administrated by people turning other people in. Otherwise, the County doesn't do anything. So that's kinda how we're operating right now and I don't really see that changing a lot in the near future. So knowing Mr. Romain and how he's operated his business in the past, looking at his property, looking at the history here from all the way back from the community plan till now, if we can put specifics on this recommendation, then I would feel comfortable with it. If we cannot, then I wouldn't.

Mr. Kaina: Do we have a count of how many parcels, within this SMA area, are actually zoned SBR or designated SBR? So I'm looking at Exhibit 5, and there is a ton of SBR marked up in there.

Ms. Lono: ...(inaudible)...

Mr. Dias: Yeah, I think it's around eight. Yeah, I'm not -- I don't think it's more than ten though.

Mr. Yoshida: Yeah, it looks like, from the Hana Community Plan Hana Town Map, there are about eight.

Mr. Kaina: So these -- these parcels have been designated SBR, they have not been zoned SBR, but we can be under the assumption that they will all be going through the same process to try and get that zoning designation?

Mr. Yoshida: We don't know. We know we have an application from Mark and Haunani Collins for SBR zoning at this point in time.

Mr. Kaina: Okay.

Mr. Lono: Mr. Chair, I'd like to ask a break if public testimony is closed.

Mr. Kaina: Yeah, public testimony has been closed. Hang on one second. We've got another comment here.

Ms. Cosma: Hi. I wanted to just comment that I have to say, sorry, I don't agree with my colleague down there but I really respect our Hana Community Plan, and it's almost up to date. I asked -- I would like to recommend we defer this so that we can fit in with the Hana Community Plan that's just about finished. I think it's fair to the community that they all be afforded this opportunity to have a say, not just the Advisory because it's -- it's a big change this. And I'm surprised that a rezoning doesn't require an EIS so that a lot of these issues wouldn't be raised and questions wouldn't be raised. I'm sure with an EIS, with the rezoning for an SBR, it would have answered all of our questions as we speak tonight. Mahalo.

Mr. Kaina: Thank you, Aunty Lehua. Uncle Ed.

Mr. Cashman: Yeah, I'll make a comment. One of the issues with the bed and breakfast is, you know, like you say, if you don't have a certain number of complaining, it comes an administrative. One of the problems we have in Hana, when you have one vacation rental or bed and breakfast, your neighbors is all the same, so they're not going to complain. So

if we give them the zoning, they automatically become bed and breakfast. It's not going to come back to the community. Like where Mr. Romain is, there's a lot of illegal vacation rentals. You take Maka`alae. Your neighbors is all illegal vacation rentals so if we approve the zoning, we're not going to see the issue anymore. It's going to be administrative. It's not going to come back to the community. It's going from rezoning, they going get their permit, and we still going be faced with the issue your neighbors are all illegal. Like Dawn was suggesting that, you know, we approve it as what they doing now. We cannot approve something that's illegal. He's operating an illegal - I don't know what he wanna call it - but it's illegal so we cannot be approving that, and I think the issue, bed and breakfast issue, should come back to this community. People not going complain unless -- the mentality of Hana is I'm not going turn my neighbor in unless my neighbor hit me on the head with one coconut. It's not going to happen. That's why we have -- I looked in the ...(inaudible)... we get 80, 90, maybe 100 vacation rentals. You take Maka`alae, you get 10, 12 houses. Maybe 2 is single-family residence. The rest is a vacation rental. Some of the guys, one lot, they get their residence, they get their ohana unit. They divide the main residence in half, they get two vacation rentals, and they rent it out. It's a problem that, like Lehua says, the community has to input. While we rezoning, we allowing illegal things to happen and it's going keep happening. I want it on record that the County has to step up and that we gotta deal with it. We cannot -- we cannot deal with illegal. We gotta follow what the rules are.

Ms. Lono: Well, my perception is that what Mr. Romain is trying to do is become legal and take the steps to become legal. So -- and speaking of Maka`alae and all of those places, none of them have an SBR designation. None of them. The only SBR designations are right here - up that road and up Hauole, that's the only place that we have SBR designation. So the way I was kinda looking at it was like he's trying to become legal, take the steps to become legal, you know, and we're not trying to approve something that's illegal, what we're trying to do is take the steps so that he can become legal, and he does have the designation in the community plan, and very few properties do, and just because they do, doesn't mean they're going to get it because they have to come and go through this process that, just listening to us this evening, is really clear that, you know, not everybody sitting here going just 'cause you have the designation, it gets approved. So the only -- the only way that I could support this is if we can put the condition on it that it's specifically for that, nothing else, that none of these other potentially allowable uses would apply, and if that could be the case, then I could support the rezoning. But if it cannot be the case, then I could not support it. Mahalo.

Mr. Sinenci: I have a question maybe Clayton or Mr. Dias could answer. Just looking in that neighborhood area, you have John Romain's area, across you have Joe's Place, I don't know what that zoning is but it's also -- oh, so he's operating legally, Joe's Place?

Ms. Lono: My understanding from -- this is from many years ago is that Joe's Place and Aloha Cottages were grandfathered in. Now somewhere along the line, somebody said, okay, no. They're not grandfathered in. They have to follow everything like everybody else even though they've been there since before zoning was ever put into place. So I don't know where that stands, but my understanding was that Aloha Cottages and Joe's Place were grandfathered in as well as Heavenly Hana Inn, which is down by the school.

Mr. Sinenci: And those are the only ones?

Ms. Lono: Those are the only ones that, it's my understanding, were grandfathered in, but my understanding is not always correct 'cause things change.

Mr. Sinenci: Because in that area, right next to Joe's Place, there's also the Seventh Day Adventist Mormon Church, and then you also have another Kukulu Cottage right down my Waikoloa Road -- Kunaokala Cottages, you also have Hana Kai, which is another condominium resort, and then some more cottages that are also vacation rentals too. So that whole area beside where some of those houses across Hana Kai is the only residences on Uakea Road, in that area? The rest is either rentals or vacations homes, whatever. I was just looking at that whole area as being -- I mean do they all have different zoning, each one of these areas? It sure looks like it on Exhibit 5, get SBR, MF, OS, SF, P. They're all different zoning.

Ms. Lono: Yeah, the property on the Kahului side of John Romain, there are two single-family dwellings that are long-term rentals - that's Brad Smith's property, the green house up by the road, and then the house behind, those are long-term rentals.

Mr. Sinenci: Okay.

Ms. Lono: Then you got John's and another vacation rental, and as you come toward Hana, it's mostly vacation rentals. But I don't know if all of those are SBR. I don't think they are. I don't think every single one of those properties is SBR, but I'm not sure. From this map, I can't tell.

Mr. Sinenci: From this map, we're not very consistent with that whole area and zoning.

Mr. Dias: Well, this map is the community plan. This is community plan. It's not zoning.

Mr. Sinenci: It's just crazy.

Ms. Lono: This map, if it's the community plan, this is -- shows us the designations, right, so it's got designation SBR, it's got multi-family, and then SBR again, and then it's open space, and SBR, and single-family, and park, so, you know, this is our community showing

those designations, and they're pretty -- you know, the dots are on the properties that are SBR. So if you look up Keawe Place, go look up Keawe Place, there's SBR on that --

Mr. Sinenci: That would be Aloha Cottages.

Ms. Lono: That's next to Aloha Cottages.

Mr. Sinenci: Yeah.

Ms. Lono: And then the one next to that, which is included, is Bill Medeiros' property and is designated SBR, and they're the only properties that I am aware of. There's a list of eight.

Mr. Sinenci: Thank you.

Mr. Kaina: Go ahead.

Mr. Cerizo: Can I make a comment? I've been hearing that -- my name is Francis Cerizo. I'm with the Planning Department. I've been hearing comments that, you know, why isn't there an EIS. They should have an EIS. On the board, in order to have an EIS, we have certain triggers, and if you look to your left, these are the eight triggers. And on the top, you know, whenever you use County money or State money, that triggers an EA or may trigger an EIS. Another one is conservation district lands and sometimes the conservation district lands are along the coast and sometimes, you know, they're up there higher on the mauka side. Use of the shoreline, when you're in the shoreline area, that's as defined by the State, you need to do an EA or an EIS. As we go down, historic district, when you change the general plan, which is similar to the community plan, that would trigger an EIS or an EA. When you want to reclassify conservation lands to urban lands or rural lands, you'll need to do an EIS or EA. Helicopters and also these facilities, usually large landfills or refineries and so forth, those require an EIS. A change in zoning does not require an EIS. One of the -- I know you folks have concerns on environmental -- during the SMA process, and this project is in the SMA process, we go through a lengthy evaluation of the property. We do an assessment and as you can see, you know, we look at the cultural resources, we look at the beneficial use to the environment, conflicts with the community plan policies, and it goes all the way down to J, so there's issues on the environment, there's issues on, you know, the -- well, there's a lot of issues that's covered, and that will go -- typically, all of these, when it's a major permit, you will review it, okay. So you will have to check and you can question I think this thing has an effect on, you know, one of these issues here. So this is where, you know, you will have comment on any project that's in the SMA area that has a major permit.

Mr. Kaina: Thank you. Mr. Dias? Clayton?

Mr. Yoshida: Again, I would only add that, you know, what is before the Commission is a zoning change. You have to look at the criteria that are listed on pages 2 and 3 of the staff report. Again, on page 3, you can impose conditions if you find it's necessary to prevent circumstances which may be adverse to public health, safety, and welfare; that the conditions shall be reasonably conceived to mitigate impacts emanating from the proposed land and shall meet the criteria, the two criteria, that the public shall be protected from potentially deleterious effects of the proposed use and that the need for public services created by the proposed use shall be fulfilled, and which is different from the enforcement of transient vacation rentals. That's another issue. And if we have -- we're complaint driven, so if we have complaints about people operating transient vacation rentals or bed and breakfasts, you know, they could file a request for services and we will followup on that. But the matter before you is a zoning change and does it meet these six criteria or not. And if you want to impose conditions, then it has to meet those criteria.

Mr. Hopper: Mr. Chair?

Mr. Kaina: Corp. Counsel, go ahead.

Mr. Hopper: Just regarding the SMA, if all's going to happen is a bed and breakfast home application, will the Department require an SMA permit in this case?

Mr. Dias: No.

Mr. Hopper: And it does not require that for bed and breakfast permits across the County?

Mr. Dias: No. SMA permits are, you know, the more construction-based - if you're actually going to build something.

Mr. Hopper: So if you didn't have a house and were going to build a house to run a bed and breakfast, you'd have to do it then.

Mr. Dias: That would trigger the SMA.

Mr. Hopper: If someone already has a home, it's permitted, has its SMA, and decides it wants to do a bed and breakfast, you would not require an SMA permit with that bed and breakfast permit application?

Mr. Dias: No.

Mr. Hopper: Okay. I just wanted that on the record. That was my understanding, Countywide as well, with bed and breakfast permits and I didn't want that to -- so if these

people apply for a bed and breakfast permit, I wouldn't see -- the Department would not require an SMA permit is what I'm asking - right? I just wanted to have that clear.

Mr. Dias: That's correct. We wouldn't require one.

Mr. Hopper: So there would not be another review unless there is a trigger in the bed and breakfast permit law that required public review and I wouldn't see one. I think that's -- if there's another home within 500 feet or if there were a certain number protests, without that happening, I wouldn't see another review coming to this body if they were going to go for a bed and breakfast only.

Mr. Kaina: Thank you, Counsel. Alright, so basically, the way I see it, the applicant here, Mr. Romain, is here applying for the rezoning in order to comply with the County Codes that have been set. Is that correct?

Mr. Dias: Correct. So that, later on, he can apply for a bed and breakfast permit.

Mr. Kaina: Now, looking at Exhibit 5 and the fact that we do have these additional areas that have been designated SBR but not zoned, is it correct to assume that in order for these folks to operate legally, they would then again have to come in to get the SBR zoning?

Mr. Dias: That is correct. And Mr. Romain is the first person that's ready to do that.

Mr. Kaina: So this is just a precedent. That's all it is. It's the first one, basically.

Mr. Dias: It could be. Yeah. Yeah. Assuming these people even come in. They might not. You know, we don't know.

Mr. Hopper: Danny, if some of the parcels are in ag, ag zoning does allow bed and breakfast permits, I believe. Wouldn't you need a State special use permit and a bed and breakfast?

Mr. Dias: Special use permit, correct.

Mr. Hopper: So you would -- would you necessarily need to get a change in zoning? Let's say you were or all these parcels -- what's the zoning of the parcels? 'Cause interim, for example, allows bed and breakfast homes as well. So it wouldn't necessarily be true even if they were community plan SBR that they'd have to get a change in zoning to SBR. It depends on what their current zoning designation is now, I think.

Mr. Dias: Yeah. That's correct.

Mr. Hopper: I don't know what the -- but some zoning designations, residential, for example, interim, and ag allow someone to apply for a bed and breakfast permit without -- even if their community plan is something different, I believe. I'm not certain if that community plan inconsistency would prevent that, but the zoning itself wouldn't prevent that.

Mr. Dias: I believe you're correct, but then from what I've been told or from what I know, everything that is SBR on, you know, Exhibit 5, community plan, was zoned urban reserved, so I don't think we're going to come up with that issue.

Mr. Hopper: Yeah, if that's the case, then they all would be like this.

Mr. Dias: They -- yeah.

Mr. Hopper: Very good point.

Mr. Kaina: Thank you.

Mr. Romain: Can I make a comment now or ...(inaudible)...

Mr. Dias: Well, before he does, I just wanna point something out regarding, you know, bed and breakfasts and vacation rentals and so forth 'cause, you know, the Department, we've been dealing with this for a very long time. You know, with respect to your comments, you're correct. There are a lot of illegal, you know, B&Bs, vacation rentals, and so forth. And so what the Department wants people to do is come in and apply and be legal, like how Mr. Romain has. The problem with making it so restrictive or discouraging them to do that is you end up encouraging people to just keep on doing it illegally, you know, and that's the problem that we had. It's, you know, you sort of -- when you squeeze too hard, more slips through your hands, you know, and that's -- I just wanted to point that out that, you know, the Department's position is we do want people to come in and get legal and that way we know, you know, who is out there, and on top of that, that allows us to add conditions, restrict them, have certain standards because if they're not coming in or they don't want to come in, then, you know, then they're just willy-nilly and they're doing whatever they want to.

Mr. Romain: May I make a comment?

Mr. Kaina: Sure. The applicant would like to make a comment.

Mr. Romain: Thank you. I would just like to respond to one point, and perhaps a short history of how I got here. Yes, you could say I'm illegal, but I have tried since I bought the property in 1997 and built in 1998. At that time, there was the first B&B ordinance was

being written and I, literally, designed the place with the bridge-way between the two to conform, which was a more restrictive B&B thing. When I went in to do this, I found that it was urban reserve, and there was a planner named Elizabeth Anderson, and I said, "What is this?" And she says, "Well, you can't do much of anything. This is a temporary zoning." This is what I was told that as soon as -- the Planning Department had already written up the SBR designation, and it had gone to the Council, and there are very few properties, eight here and a few in Wailuku, that had this and there never has been the pressure to push it through. So I was always under the impression that SBR zoning was just around the corner and at that time, I would have applied. These urban reserve -- whereas, on the community plan designated us, as John Blumer-Buell told me when they did it, all of the properties that were designated SBR had some history of some kind of commercial use; in my case, it was the Heavenly Hana Inn's Beach Cottage, they called it. But anyway, so I set it up to go and I kept thinking that SBR was around the corner, and we've been pushing and pushing and finally met with the Planning Department, like three years ago, they liked the idea, they wrote up the ordinance, it went to the Council, and I immediately applied. So I like to think of myself as on license more than illegal 'cause I have tried to conform. My employees are paid good wages. I have workmen's comp. I'm doing everything to conform. I have liability insurance. And I've just been -- I've been caught in this catch-22. So you're technically correct, and I own up to that, but there are some circumstances I just wanted to make known. Thank you very much.

Mr. Kaina: Thank you for your comments. At this time, we'd like to request a five-minute break, so the time right now I'm looking at is 5:41, so we will re-adjourn in five minutes.

(A recess was called at 5:41 p.m., and the meeting was reconvened at 5:52 p.m.)

Mr. Kaina: I'd like to call this meeting back to order again. If we will continue where we left off, Advisory Members, if you have any questions.

Ms. Lono: I actually would like to make a motion, and of course motions are meant to be seconded, if somebody wants to second it, and then up for discussion. So I would like to make the following motion, and if I need assistance wording it properly, you're welcome to assist me, I'd like to recommend that we approve the change in zoning to SBR allowing only item no. 6, of the six items that are listed under SBR uses, and allow only the existing structures, and that the property owner would need to apply for the appropriate B&B permit, per Maui County Code 19.64.030.

Mr. Kaina: The motion is on the floor if anybody would like to second the motion or if you would like to discuss this.

Ms. Lono: You need a second before you can discuss it.

Mr. Kaina: Anybody to second the motion? Counsel?

Mr. Hopper: Just a comment. I think Planner Dias had said this, my only concern is allowing only number 6 and not 1 or 2, which is single-family dwelling or duplex use. The only problem would be, if for whatever reason they would be denied a bed and breakfast permit, there would be no economically viable use. So I'd just maybe advise to have single-family dwelling to be an allowed use also - just as a suggestion.

Mr. Kaina: So we would like to add uses 1 and 2, single-family dwellings and duplex dwellings.

Ms. Lono: Okay, I will amend my motion to include items no. 1 and 2 and 6 only.

Mr. Kaina: The motion is on the floor. There's no second on the floor? Do we have any other questions or motions?

Ms. Cosma: Is this a question for the motion that was just made?

Ms. Lono: We can't discuss it unless there's a second.

Ms. Cosma: Oh, okay.

Ms. Lono: So if we second it, we can discuss it, and then we can vote it up or down, but we can't discuss it without a second.

Mr. Sinenci: I will second with discussions.

Mr. Kaina: So the motion is seconded. Up for discussion?

Ms. Cosma: Actually, I wanted to make a motion too, if I may, and that was to defer this for --

Ms. Lono: We have to deal with the motion that's on the floor first.

Ms. Cosma: Oh, okay. The motion was made and second, with conditions, correct? Okay, that's something I have reservations on, when it comes to conditions, it's because there has been many things that came through this Advisory with conditions sent back and it's never -- most of it were never followed through, and I felt that it's important before we make any decision because once it leaves here, it's out of our hands. Then if you have to go to the County Council to testify, there's no community people that will make that time to go out there. So that's my biggest concern with this motion is the conditions.

Ms. Lono: I think it would be important, our responsibility to make sure that we at least, you know, our recommendations will go in writing to the Planning Commission, then they'll do their thing, and then it'll go before the Council. I think it's important that we write our own personal letters to support these conditions, if that's what we want, and to attend the meeting, if we can. But if we cannot, we need to send those written recommendations in to the Planning Commission and to the Council to support whatever it is we do. And it's really important to be clear about that and to make sure that we stay on top of it; that's our responsibility. Once we walk out of this room, I don't think our responsibility ends. I think it begins. So we're here because we've been asked by the community and by the Mayor's office to hear these things, and I'm just greatly surprised that the community is not here tonight. I mean I sent out I don't how many emails to the Hana Business Council and to my whole list of community people, and with something that's supposed to be of this magnitude, I would think that people would come out for. And we specifically scheduled it not on the night of the Christmas program, which was last night when we were originally going to schedule it. So, you know, the community should be here. This is the opportunity to hear it in Hana. And again, it's our responsibility when we walk out of this room to not drop the ball and to follow through with whatever it is we decide to do.

Mr. Sinenci: I just wanted to add and I only seconded with conditions because I believe some of our community members did bring up some viable issues. One being our community plan and following a plan that has been set by our forefathers and it kinda set precedence for us and for the future. So I did wanna, one, follow our Hana Community Plan. And secondly, some other members that, again, weren't here tonight, it was just some of -- especially the residences that are near and around John's area, their concerns are about their property taxes and so forth so -- and they weren't able to come, but those are some of the issues that our other committee members, which we represent, ultimately, have brought up on this issue.

Mr. Kaina: So the motion on the floor is to approve with conditions that uses 1, 2, and 6 are approved. That is the motion on the floor, correct?

Ms. Lono: And that the applicant proceed with the B&B permit process per Maui County Code 19.64.030, which is in no. 6.

Mr. Kaina: So, Advisory Members, before we go to a vote, are there any other conditions that you wanna add? Is that what we're discussing at the moment?

Ms. Lono: I'd like to ask one more question. Does any -- can anyone answer the question whether or not the assessment, the re-assessment on this property would it affect the property values around that property if there were to be a re-assessment because of this zoning? Can anyone answer that for us?

Mr. Kaina: So, in other words, would the zoning affect any of the residual parcels around the area?

Mr. Yoshida: I don't believe it would unless they had the same zoning.

Mr. Kaina: Alright, so the motion's on the floor. We'd like to take a vote.

There being no further discussion, the motion was put to a vote.

It has been moved by Ms. Lono, seconded by Mr. Sinenci, then

VOTED: to recommend that we approve the change in zoning to SBR allowing only item nos. 1, 2, and 6, of the six items that are listed under SBR uses, and allow only the existing structures, and that the property owner would need to apply for the appropriate B&B permit, per Maui County Code 19.64.030.

(Assenting: K. Kaina; D. Lono; S. Sinenci)

(Dissenting: E. Cashman; L. Cosma)

(Absent: T. Kahula)

Mr. Kaina: So, Counsel?

Mr. Hopper: Mr. Chair, you need four votes, since you're entitled to seven members, I believe, so you need at least four votes to take action on something, so you would have no -- the motion would fail in that instance, so you would, I think at this point, be looking for another motion.

Mr. Kaina: Alright, so the motion's still to carry. Any other motions on the floor, questions, discussion, Members?

Mr. Cashman: I have a motion.

Mr. Kaina: Go ahead.

Mr. Cashman: Before I make the motion, I'll just make a statement. I think I understand what the applicant is trying to do, and I really -- I think that's the right way to do it. I'm going to make the motion that we recommend approval of this application without conditions.

Mr. Kaina: The motion was made. Do I have a second on the floor? No second on the floor? Discussion?

Ms. Cosma: I just wanna confirm the motion that was made. Yeah, I didn't hear it good.

Mr. Cashman: Yeah, the motion I made was to recommend approval without conditions. Just to add to that. To me, we give somebody a zoning, we should restrict what that zoning is. I mean when you look at the six conditions, it's not unreasonable. If we going give somebody a zoning, then we not legislating, we're just asked for one recommendation. I don't think we should restrict it. That's why I make it recommend approval without conditions because I think what Mr. Romain is doing is what we want people to do and we gotta test it someplace. I've listened to all the discussion and, you know, I kinda changed the way I was looking at it, but I think this is the way we should go and we see what happens. As every other one come, we can take it as a case come. So my motion is to recommend approval without conditions.

Ms. Lono: I'll second the motion for discussion.

Mr. Kaina: Motion is seconded. Any discussion? Shane?

Mr. Sinenci: If Ed's going to go ahead and approve it, I still think Member Dawn Lono -- I'd like to still add her just with 1, 2, and 6. I just had a question about --

Ms. Lono: And ...(inaudible)...

Mr. Sinenci: What's a "truck garden?" Hawaiian landscaping?

Mr. Hopper: If you wanted to add to his motion, you would need to make a motion to amend that motion once it's on the floor and you would need to get four votes again to amend that motion. I mean he made a motion to approve with no conditions, which would allow -- which would allow these --

Mr. Sinenci: ...(inaudible)...

Mr. Hopper: Yeah, if you wanted to add those conditions, you would need to move to amend his motion, and then you need to get four votes to do that. So there's a procedure for that in *Robert's Rules of Order*. But you would still need four votes to amend that motion. Basically, his is a unconditional approval. If the body wanted to make it then a conditional approval to say, you know, motion to amend to say that only uses whatever are allowed, I believe that would be germane to the motion but you would still need to have five -- or not five, but four votes in order to make that change. And if you didn't get four votes, then you would have the motion as it was made.

Mr. Cashman: Alright. I withdraw the motion.

Mr. Sinenci: So I would like to make a motion that we approve John Romain's change in zoning from urban reserve to service business residential with the following conditions: that 1, 2, and 6 apply as permitted uses on his property.

Ms. Lono: I'll second it.

Mr. Kaina: The motion has been made. Can you say it in the microphone?

Ms. Lono: I'll second the motion.

Mr. Kaina: The motion has been seconded. Any discussion?

Ms. Cosma: Okay, the motion was made, there was a second. I really wanna support this. I really do. But I really want to support my community who -- who couldn't make it tonight and really wanted to voice their concern too because -- especially the surrounding areas, and I feel by doing so, I was really going to be in favor of a deferral so that we can get those people out here, you know. Some of them are uncomfortable with this kind of meeting and I was hoping the Hana Community Association would be a good organization that would get all these Hana residents out to say what they wanna say. So that's my only opinion. I really wanna see this through, but I really want the community here too, and that's, to me, only fair. Thank you.

Mr. Kaina: Any other discussion? Any other discussion?

Ms. Lono: I'd like to call for the question, please.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Sinenci, seconded by Ms. Lono, then

VOTED: to approve John Romain's change in zoning from urban reserve to service business residential with the following conditions: that 1, 2, and 6 apply as permitted uses on his property.

(Assenting: E. Cashman; K. Kaina; D. Lono; S. Sinenci)

(Dissenting: L. Cosma)

(Absent: T. Kahula)

Mr. Kaina: So we have four votes to approve; one to oppose. The motion is carried. Moving on, as far as the agenda.

Mr. Yoshida read the following item description into the record:

G. WORKSHOP

Workshop on the new proposed Federal Emergency Management Agency (FEMA) flood maps for the Hana Region based on hurricane generated flooding presented by the Zoning Administration and Enforcement Administration (ZAED) staff. (F. Cerizo)

The Committee may provide its comments on the information presented.

Mr. Cerizo: Good evening. This is going to be kind of a short workshop on a new map that's coming out in about a year. The -- last year we adopted a new flood insurance rate map based on the digital maps so, online now, we have maps; you can actually check your house if you're flooded or not. We have a new map that's coming out and it's going to amend the existing map. This map is based on a hurricane study that was done for the entire state. So the hurricanes usually come from the south side so a lot of the -- on this side of the island would not be affected but as you go around close to by Opelu Gulch and getting around the island, there is going to be increases of flood zones up to 55 feet above mean sea level. At one time, if you go along around the coast, the flood height is just 14 feet, 14 feet above the ocean. So right now, you know, this is just a short -- like a preview of what's going to happen and we're trying to get some outreach to tell -- to inform you, the community members here, and maybe this can be like a ...(inaudible)... where you can, the next time we come out, we'll be coming out again in -- sometime in February or March, and then we'll be coming again before the actual change. One of the major things that is going to happen is that those people that get caught in the change, they're going to have flood insurance required. We had many people that had a change in zoning with the last map and they find out now they have to pay \$3,000 a month. Commercial properties, they go up from 12 to \$25,000 a year. So this can be a major impact on your dwellings, your family, you know, whoever lives on this side. Yes? You had a question?

Mr. Sinenci: So are the Committee Members are going to have a chance to vote on this, or is this change --

Mr. Cerizo: This is just a workshop. Yeah.

Mr. Sinenci: Okay, but the changes, I mean it's got -- I know community members have a problem with this, with a map change of the island, already people have expressed their concerns about this map change, and I know the community has a lot to say about it. So you're saying it's a workshop but I'm not sure, is it just going to be made into law and they were just going to change it, or is the public or the community have a chance to express their views about it because I know this community has?

Mr. Cerizo: The appeal period has not started, so we're giving -- see, actually, it's going to be adopted and effective in latter part of next year, 2011, October, November, December, somewhere along that last quarter. FEMA's going to be sending a notice out in the papers and then what we're going to do, we're going to actually put another push out to the community and say, you know, you're going to get flooded. At that time when we come out, and perhaps we'll be at the same -- when you have your next meeting, we'll come out and all what you -- we can make it a public hearing so that people can come out and voice their opinions and we'll give you an opportunity to become part of the commenting community. Okay, you can do it as the Committee or you can do it individually. Appeals to actually change the map, it has to be a technical appeal, and that's what's going to happen next time. When I come out next time, we're going to be in the appeal period and I'm going to inform you, okay, this is the appeal period. This is how you can appeal. But in the meantime, right now, you know if you wanna see if your property's affected, you know, how can you find your property? And we have -- I'm passing out copies of my presentation and the website is noted on the lefthand corner. It's a State of Hawaii DLNR website, and it's very readable, but it says, "NFIP," or it says, "Hawaii NFIP." What I can do, I can send you the actual full size copies. We will mail that to you so that -- it's kinda hard to read. But this is how you find it. You go to the website, and please note that, you know, the first thing you're going to see is this disclaimer, and the disclaimer says, you know, this is a website that gives that information but it's not -- it's for informational purposes only, and the reason why they do that is because -- the reason why is because when you get onto this flood hazard assessment tool, and this is the first page that you're going to have, we have -- when it goes on, you know, you put in here you put "Maui County" and you put your TMK or address on this parcel, and what you going do after this, see, I wasn't sure you had live internet here, but we do, so we can actually go through a live presentation; if you folks want to, we can go through a live one, but this is just a brief -- you will get to this page, you can plug in your numbers, and then what we'll have is, you know, this is an example right here in Hana, and this is near the -- this is the Hana Bay, and the map is off a little, and why I'm saying it's off that the parcel layer is off. The flood mapping and the imagery are married together. So if you look at this parcel here, here's the house, and this is the flood zone; as you can see, the house is in the flood zone. So that's -- that is the base map. Now the parcel layer, as you can see, this is the centerline in the roadway, this black line, and here's the actual pavement, and there's the centerline, so what happens here is this has to be adjusted. So when you wanna have an official determination, you have to go to a surveyor, they'll download this information, and they'll make the proper adjustments so that they can see that the property line is, you know, they're going to adjust it so the property line is closer to the house and, you know, they'll show the house in the flood zone, but they're going to have to adjust the parcel layer. You folks can see that on -- I think you can see it better on your actual printout. Yeah.

So this is how the map looks like. This is near Opelu Gulch, that's more east of this property, of what it is, and you can see here on the left side, it's just, you know, the flood

zone is -- it kinda just touches the points and maybe down near the water, maybe this might be cliff area or little slope area, but in this area here, there's just slight areas of flooding. But on the revised maps, there's a major change. It actually moves in all like a couple hundred feet and this is where the elevations go up to like 35, 50 feet up above the mean sea level. There's a tool on the website, it's right here, it says, "DFIRM Comparison Tool," and what you do is you click on that parcel there -- I mean that number there, that link there, and you need to turn on the flood map and there's a layer under "layers," there's a layer that says "Proposed map." When you turn those two parcels on -- I mean layers on, and you click on - and this kinda technical, right, so you click on this, and you drag it over to here, and you click in on the lot, and what end result is it'll show that, previously, it's in zone X, which is like not flooded, and there's no elevation 'cause it's not flooded, but the new flood zone shows that this is going to be a VE zone, which is high velocity, huge waves, and it's up to, I believe, 35 feet. So, you know, I'm trying to give this out so you can actually go and show people how to do this or we can -- I'll send you the real links so it actually can help you -- you know, maybe you can pass it on to your community association, and so forth, and then if you want me to come out to your community association ahead of time, I can do that and make another presentation where we can give a little more detail to the residents of here that might be affected.

So we'll see you in about a couple of months and then sometime during summer time, and we'll talk insurance, and one thing you can do on an insurance is that if you get insurance ahead of time, you get locked in on the lower rate. You grandfathered on the lower rate because now it's not flooded so you get this lower rate, and then when it changes over, you'll still get the lower rate. You know, it's not going to be -- yeah. So that's for next time. Okay, any questions? Okay, thank you.

Mr. Kaina: Sorry.

Mr. Hopper: ...(inaudible)... Mr. Chair, even though this isn't a public hearing item, since it's on the agenda, you would have to allow public testimony on this item as well.

Mr. Kaina: Alright, if there are no comments, we'd like to open up the floor for public testimony if anybody has anything to share. John? I know I sound repetitive but if you could just state your name before you start.

Mr. Blumer-Buell: John Blumer-Buell. I just have a question and that is are these maps are being drawn up or they're based upon on any sort of assumptions about global warming and, you know, where are they coming from? And then the second question is how much input has the insurance industry had into this plan? Thank you.

Mr. Kaina: Thank you, John.

Mr. Cerizo: The study was made -- was completed by FEMA after Hurricane Katrina, you know, there was a lot of impacts of hurricanes -- the impacts of hurricanes that are not really identified in our flood maps. So what they did, over the last two years, they did an extensive study of the coastline. They surveyed the entire coastline on the south side, up to we call that the "ten-meter mark" or 40 feet above mean sea level, and they compiled all the data from all of the hurricanes that occurred in the last 50 years -- 50 or 100 years. It's a long record. They combined the record and came out these models. So it's a very extensive study. There are data books. We have the studies. If you would like to review the studies, it's very technical, and it was done on a FEMA contract. There was no input on the insurance, by the insurance companies. It's independent. Like all flood studies, it's contracted out by the Federal Government through FEMA, which is the Federal Emergency Management Agency, that handles disasters, disaster relief.

Mr. Sinenci: I have a comment.

Mr. Kaina: Anyone else would like to submit testimony? Alright, so we'd like to go ahead and close public testimony; if anybody else has any comments from the board?

Mr. Sinenci: I think for our community, when you say "map," it just kind of gets us all riled up inside only because if you're changing -- our biggest concern is that the maps are still intact and you're not -- you're not changing the maps and omitting a lot of -- some of the places that we have or hold sacred over here. So when you say "map," that's our biggest concern. When you say you're going to change the map, that is our biggest concern. So if you are -- if you're just doing it for hurricane and that kinda thing, you know, I'm sure you're going to have some testimonies on that, but for this community, no change in the overall island map whether it's changing boundary lines or anything like that, we wanna be part of that. We definitely wanna be a part of that 'cause we've already been presented with this about changing the island map and we are against that. Thank you.

Mr. Cerizo: Yeah, this is a map that is -- that is not under our control. We have no -- we do not make this map. It's a Federal study that it's a national map, flood map, that is across the United States and we're just one of the states where they updated the maps. So the map is coming and we're just here to provide you information.

Mr. Kaina: Thank you.

Ms. Lono: Isn't it just that this is an overlay on -- it doesn't change any boundaries or anything. It just is an overlay of the flood zone onto our existing maps. It's not changing boundaries or anything. The only boundary its changing is where the flood zone is. That's my understanding of it from -- we had to go through a class in the real estate stuff and they shared with us that it's just an overlay on the existing map. It's not changing any boundaries except the flood boundaries.

Mr. Kaina: Alright, if we have no further comment, moving right along with our agenda.

H. DIRECTOR'S REPORT

1. Scheduling of other Hana Region Applications

Mr. Yoshida: Again, as I stated earlier, we have an Advisory Committee meeting scheduled for January 20, this is a public hearing on the Ala Kukui Spiritual Retreat Center special use permit in Wakiu. Other applications that we are processing, as I mentioned before, are the Mark and Haunani Collins SBR zoning request on Uakea Road, and we recently received a SMA major permit -- use permit request from the State Department of Transportation for the Uakea Bridge improvement project from, I think, the intersection here to Keawa Place so -- but that hasn't been scheduled for public hearing yet. So the next meeting will be on January 20 on the Ala Kukui project.

Again, we have one vacancy on this board and we have a new administration coming in on January 2, so if you know of people that would want to serve for purposes of, you know, quorum or so forth, then they probably should submit their applications to the Mayor's office. They Mayor probably will be submitting nominations to the Council in last January or early February so that they can be approved before April 1.

With that, we come to the end of an administration. Thank you for allowing me to attend these meetings over the past four years. We have a new Director, Will Spence, coming onboard January 2. I don't know what all the board and commission assignments will be, but Suzie will be here, so that's the important thing. And we wish you all a happy and safe holiday season. And I guess this was the only meeting that we had in 2010, but we have a few meetings scheduled in 2011. Thank you very much.

Mr. Kaina: Thank you, Clayton.

I. ADJOURNMENT

Ms. Lono: I move to adjourn.

Ms. Cosma: Second.

Ms. Lono: I move we adjourn.

Mr. Kaina: Motion's on the floor.

Ms. Cosma: I second.

There being no further business brought before the Committee, the motion was put to a vote.

It has been moved by Ms. Lono, seconded by Ms. Cosma, then unanimously

VOTED: *to adjourn the meeting at 6:30 p.m.*

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Kawika Kaina, Chairperson
Shane Sinenci, Vice-Chairperson
Ed Cashman
Lehua Cosma
Dawn Lono

Absent

Leimomi Kahula

Others

Clayton Yoshida, Planning Program Administrator
Paul Fasi, Staff Planner
Michael Hopper, Deputy Corporation Counsel