

**HANA ADVISORY COMMITTEE TO THE
MAUI PLANNING COMMISSION
MEETING OF JANUARY 20, 2011**

*** 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 Vice-Chairperson, Shane Sinenci, at 4:23 p.m., Thursday, January 20, 2011, Helene Hall, Hana Bay, Hana, Island of Maui.

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

Mr. Shane Sinenci: We would like to call to order the Hāna Advisory Committee meeting today, Thursday, January 20, 2011. The time is 4:23 p.m. Board members, Shane Sinenci, present; Kawika Kaina, our Chair, is absent today; Edward Cashman, Lehua Cosma, and Dawn Lono.

Mr. Clayton Yoshida: Good afternoon, Mr. Chair. Clayton Yoshida with the Planning Department. Happy New Year. And with me are staff planner, Paul Fasi, the Secretary to Boards and Commissions, Suzie Esmeralda, and your Deputy Corp. Counsel, James Giroux.

Our one public hearing item for today is a request from Susan O'Connor of Ala Kukui for a State Land Use Commission Special Use Permit in order to operate the Ala Kukui Spiritual Retreat Center facility for spiritual and educational activities and retreats on approximately 12 acres of land in the State Agricultural District at KMK 134 Parcel 8, Wakiu and Kawaipapa, Hāna, Maui. The Staff Planner is Paul Fasi.

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

- 1. MS. SUSAN O'CONNOR of ALA KUKUI requesting a State Land Use Commission Special Use Permit in order to operate the Ala Kukui Spiritual Retreat Center, a facility for spiritual and educational activities and retreats on approximately 12.008 acres of land in the State Agricultural District at TMK: 1-3-004: 008, Wakiu and Kawaipapa, Hana, Island of Maui. (SUP2 2009/0013) (P. Fasi)**

Mr. Paul Fasi: Thank you. What we're going to do is have the applicant give their presentation first, so everyone has a general overview of what the project consists of. And then I'm going to get into how it relates to the Maui County Code and the State Land Use Law. Thank you. Chris?

Mr. Chris Hart: Thank you very much, Mr. Chairman and members of the Hāna Advisory Committee. It give me great pleasure and honor to be here in Hāna. I'd like to introduce my son, Jordan Hart, who is with Chris Hart & Partners. We're the landscape architecture and land planning firm basically processing this application for Ala Kukui Spiritual Retreat Center. And Arnie Kotler and Therese are representing the Ala Kukui Retreat Center.

We have a powerpoint presentation for you, and I hope that everybody can see that. If you can. Is that okay? You can all see it? Okay, thank you.

This is a State Land Use Commission Special Use Permit in the Agricultural District. And it's for parcels less than 15 acres. And it's important. This is a 12.008-acre parcel. If it was 15 acres or more, the application for the Special Use Permit would have to go to the State Land Use Commission. But because it's less than 15 acres, we can process it through the Maui Planning Commission. And, in this case, because it's in Hāna, we have to go before -- hold the hearing of the Hana Advisory Committee. And then the Hāna Advisory Committee makes a recommendation to the Maui Planning Commission, and they would be the authority in granting the Special Permit. Thanks. Okay.

Our project team: Susan O'Connor is the applicant. Chris Hart & Partners has handled the permitting. Engineering Dynamics, in Wailuku, has done the Engineering and Drainage Reports. Phillip Rowell is the traffic engineer. Archaeological Services Hawaii was our archeologist. Kaimipono Consulting Services actually prepared the cultural assessment. And Ferraro Choi & Associates did this architecture and the site master plan. I might say something about Ferraro Choi. They are very noted in the State of Hawaii as a very environmentally sensitive architectural firm.

Our objective is to obtain a State Land Use Commission Special Use Permit in the State Agricultural District for the operation of a religious institution.

Maui County Code Chapter 19.30a, Agricultural District, and 19.30a.060 Special Uses, identifies churches and religious institutions as a permitted special use; in other words, special use is something that can be considered in Chapter 205, which is the State Land Use Law, and also our Maui County Code, Chapter 19.30a.

Now the following uses and structures shall be permitted in the agricultural district, if a Special Use Permit, pursuant to section 19.510.070 Maui County Code, has been obtained, except that if a use described in this section also requires a Special Permit, pursuant to Chapter 205, Hawaii Revised Statues, which would be the State Land Use Law, and if the land area of the subject parcel is 15 acres or less, which this parcel is, 12.008, the State Special Permit shall fulfill the requirements of this section. And item J,

Churches and Religious Institutions, are identified as a permitted special use, a use that could be requested.

By a letter dated October 14, 2008, the Maui Planning Department stated that a Special Use Permit will be required, and that lodging provided by nonprofit corporations or associations for religious, charitable, or educational purposes would be allowed at the Spiritual Retreat Center. Now that was a determination that was made in 2008 in October and in 2009, early 2009, we submitted our application for a Special Use Permit based on that determination by the Zoning Enforcement Division, which is a division of the Planning Department.

Another issue that I'd like to talk about here—the OHA letter that you've all received has received a lot of attention. I think that it's very important to realize that the State Land Use Law was adopted in 1962, and the Maui County's current Agricultural District Zoning Ordinance was adopted in December 1998. Now if OHA does not think that it's appropriate for us to be applying for a special permit, OHA should go to the Legislature and seek to change the State Land Use Law. That's as simple as it gets. If you read the letter, we are doing what is allowed by State Law, the State Land Use Law, and by Maui County Code. And we're going to hear more about it, I'm sure. But the cure, in order to realize the goal of OHA, it would take an amendment of the State Land Use Law. And it has to happen through the Legislature. I mean, if that's the case, if that's what they want to do, that's fine. But we are in our right, and it's totally appropriate in terms of State Law and our County Code to be applying for this Special Use Permit.

Now access to the project is from Hāna Highway, and it's approximately .25 miles above Hāna Highway, by a driveway.

The land area, as I indicated to you, is 12.008 acres. The minimum lot size in the Maui County Agricultural District is two acres. So we're totally, you know, within the minimum lot size requirements. The minimum lot size is two acres. We have twelve acres.

We're proposing to be operating our use within existing facilities with a phased expansion based on positive reception; in other words, we're going to start the process through the Special Use Permit. Usually the Special Use Permit would be granted for a period of time. In this particular case, we'd like to be able to start with something like three years. We start the process, and as the process unfolds, we basically are going to build a small hale, consisting of four rooms, a total of 900 square feet. And that would be in 2012. We're going to do a hale pule, which would be 300 to 400 square feet, in 2012. And a pavilion of 900 to 1000 feet in 2014. Those are the only facilities that are being proposed.

This is our location. This is Hāna Highway. This is our 12.008-acre site. This is the ocean.

This shows the development along Hāna Highway; our .25-mile driveway; and our 12.008-acre site.

I might say something about that site. The site actually, from what I understand from history, was an old subdivided lot by Hāna Ranch. It was eventually purchased by Dan Omer. And Dan Omer built a residence on that site in the early 1970s. And it's been used for residential purposes but it has been developed in accordance with the State and County Agricultural District Zoning Ordinances.

The State Land Use District Boundary Map: The yellow area is urban, and that's where Hāna High and Elementary School is located. The brown area is the State Rural District. Now all of this area is identified as Agriculture, and our site is in the Agricultural District.

It's also important to realize that the County's Island Plan, which is being considered currently by the Maui County Council, identifies this area as Agriculture. And we're not asking for any changes until we're totally consistent with the Island Plan.

It's also important that the Land Study Bureau Rating System identifies this 12.008-acre site as "Class E," the lowest possible soil rating. It's very -- it has very marginal productivity, in terms of a classification system that was developed by in the early '60s for the Land Use Law by the School of Tropical Agriculture at the University of Hawaii. The class rating system goes from "Class A" land, which is the most productive, to the lowest productive, which is "Class E."

Also, the Map of Agricultural Lands of Importance in the State of Hawaii—now that actually came about and was adopted by the State Legislature in the late 1980s. That's called "ALISH," "Agricultural Lands of Importance in the State of Hawaii." The ALISH map does not identify our 12.008-acre site. It's not included as ALISH lands.

The Maui County Zoning Map and Hāna Community Plan Map identify the site—basically I indicated to you that this area is rural in a State Land Use classification. It's basically County Interim zoning. Hāna High School is identified as urban, and it's also public/quasi-public zoned. And, essentially, the State Land Use classification again is Ag, and the Maui County Zoning is Ag, okay, for our property.

The existing Land Use designations, again: the State Land Use classification is the Agricultural District. The Hāna Community Plan is Agriculture. County zoning is

Agriculture. And the flood zone designation is C. It's at a higher elevation, and it's an area of minimal flooding.

This is our Project Site Plan. This is the entrance to the site. These are existing facilities. You can see that, in certain areas, there's existing agriculture. There's an area set aside for the growing of landscape ornamental trees, primarily palms. And then there's area set aside for an orchard. And there's a larger basic plan than is actually shown on this master plan for agriculture that exists and is going to be proposed to continue and expand on the property. So, as far as having a base in Agriculture and being consistent with the Community Plan, zoning, The Island Plan, State Land Use Law, we're consistent in the context of Agriculture.

This is our driveway entrance from Hāna Highway. I might say something about that, Jordan. In the context of the project as it currently exists, as we're starting basically to use the facility as a retreat facility, using the facilities that exist there—the home, and so on, the residence—there's no requirement, you know, for improvement. Now, when we take out a Building Permit to do the haies, or to do any of the other buildings, we need to comply and to actually provide improvements. And there's recommended improvements in our Traffic Study, which will be required at that time.

Unidentified Speaker: ...(inaudible)...

Mr. Hart: Yeah, it's basically, I think there's going to be a turning lane.

Unidentified Speaker: ...(inaudible)...

Mr. Hart: Reply from the Police Department. Okay. Okay. Alright. Sorry. This is the driveway entrance to the site, 12.008-acre site. Jordan. Just continuing the driveway. And our project site again. Excuse me. Oh yeah. Actually, we show some of the existing facilities: this is the water tank, which is on the site. Also -- what? The shed, which is down this way, alright. Right, the shed, right, and the barn is here. I can't see that. Oh, here it is, I'm sorry. Okay, that yellow blends in, I'm sorry. Okay. This is the barn. And also the what? The main dwelling is located here - the residence.

Basically, the site, you know, it's a 12.008-acre site. It has a natural, park-like setting. Again, these are shots of the property. Again, the property has been developed since -- in the process of being developed since the early 1970s, and it has a very peaceful and park-like setting, 12-acre parcel. And basically, it is conducive for essentially reflection and a retreat environment.

Project Site. Now these are the new facilities. The first one is the hale site. Again, that's approximately 900 square feet. Okay, these are the facilities. Now these drawings, they're very conceptual but, you know, they are -- they will be something similar, but basically they're going to be very light-frame structures, very low-key. The Hale Pule, to the right, right here. Yeah. Okay. That's 300 to 400 square feet. Pavilion. I'm sorry. Right there, excuse me. Okay. That color isn't so good. We should use red. Okay. This is the pavilion and it's basically about 900 square feet.

Now, important -- the reason we showed you these—obviously, these are not going to be built right away, and we won't start anything like that. It depends on the success. And so, basically after 2012 or around 2012. But I think what it does show you is that the structures that are being proposed are not substantial as far as their scale. And their impact is very light in terms of the park-like setting of the 12-acre site.

Our Special Use Permit criteria: The use is not contrary to the objectives of Chapters 205 and 205A, HRS, and the rules of the commission. The proposed use is not contrary to the objectives sought to be accomplished by 205 and 205A, and in the context of its being agricultural use that has been basically in existence since 1970, it just has a special character that would lend itself to basically the use as a retreat facility.

The use would not adversely affect surrounding property. The proposed spiritual retreat center is located .25 miles mauka of Hāna Highway and will be a low impact use on a 12-acre parcel. Operations at the project site are not anticipated to be noticeable to neighboring property owners. It's very remote. And, of course, the activities would be very meditative and quiet.

The applicant will work with neighboring property owners abutting Hāna Highway to ensure that any potential impacts due to traffic to and from Ala Kukui can be mitigated.

Now the Traffic Study, if you looked at it, talks about traffic during the peak hours. Now, you know, and we will have to make improvements to accommodate perhaps that amount of traffic, but that's going to be very intermittent. It's not going to happen every single day, you know, and it basically it would not happen until, you know, all of the facilities would be built and the retreat center was totally operational.

The use would not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, and school improvements, and police and fire protection.

The Ala Kukui Spiritual Retreat Center Special Use Permit Application has undergone agency review, comment and response process. It has been concluded that an unreasonable burden will not be placed on public agencies to provide roads and streets,

sewers, water drainage, and school improvements, and police and fire protection as a result of the proposed project. These findings are documented by the agency comment letters contained in the project Staff Report.

Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established. Hāna is located in a remote area of Maui. Residents and visitors to the area do not have access to social programs readily available in other areas of Maui. The Ala Kukui proposes to provide opportunities for interfaith religious and agriculture educational programs accessible to residents and visitors of Hāna. The intention here is to be a community building type of project, to be involved with the community.

Also, the 12.008-acre site with Class "E", "Marginal Land" has been developed over time with a residence and accessory buildings - barn, shed, water tank - in support of diversified agriculture - an orchard and landscape ornamentals, etcetera - and due to its residences -- its remoteness and park-like setting, the residence and grounds are a desirable environment for a spiritual retreat center.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. The soil classification by the Land Study Bureau is Class E, the lowest rating on a scale of A to E, which indicates that the soil is marginal, with the lowest overall productivity rating. Even though the soils on the site have the lowest overall productivity rating, over the years the site has been developed in accordance with uses permitted in the State Agricultural District.

The 12.008-acre site has been developed with a single-family residence dwelling, with an accessory barn, shed, water tank in support of diversified agriculture - orchard, landscape ornamentals, etcetera. However, due to the site's remoteness and the 12.008-acre park-like setting, the residence and grounds have also become a desirable environment for a Spiritual Retreat Center. Therefore the subject Special Use Permit Application has been filed.

And it's very important, because, you know, it wasn't -- Mr. Omer didn't buy the property and build the home and build the facilities and whatever agriculture was started with the intention of making it a retreat center, but because of the fact that Hāna is a special place, and people do like to come to Hāna because of the basically the atmosphere that gives them renewal, it is a site that can provide renewal, and it can provide basically, you know, an experience that would be unique in Maui County, and something that would be beneficial to the economy and also to the social welfare of the community of Hāna.

Conclusion. In consideration of the foregoing analysis, we respectfully request a recommendation for approval of the subject Special Use Permit, from the Hāna Advisory Committee, to the Maui Planning Commission for the Ala Kukui Spiritual Retreat Center as an unusual and reasonable use in the State Agricultural District.

Again, one other thing I want to mention. There was some mention in the Staff Report about the Special Management Area. I want to tell you that the Special Management Area boundary is at Hāna Highway. And there was a long discussion about the Special Management Area. And the State of Hawaii didn't really accept the definition that was put forth by the Federal Government. In 1976, when the interim Coastal Zone Management Act was adopted, Hawaii State Legislature, they said that the Special Management Area shall be an area of not less than 300 feet from the shoreline. Maui County expanded it to the, basically, to the coastal highway, which is Hāna Highway. So this property is not in the Special Management Area.

Also, again, this is essentially a view of the site in its built-out form with existing and proposed buildings. And it's a very low key development. It maintains its park-like setting. It's very appropriate in terms of the character of land within the Agricultural District.

The requested Special Use Permit meets the Land Use criteria of the State and the County. The Agency Comment Process has verified that the environment and public infrastructure will not unduly burdened -- unduly burden or be damaged. The existing infrastructure will not be unduly burdened or damaged. Ala Kukui is in communication with neighboring property owners and will work to mitigate any potential impacts which may result from the operation.

We respectfully request a recommendation for approval for the subject's Special Use Permit from the Hāna Advisory Committee to the Maui Planning Commission on the Ala Kukui Spiritual Retreat Center as an unusual and reasonable use in the State Agricultural District.

I thank you very much. We're open to questions if that's appropriate, or is Paul going to make his presentation first?

Unidentified Speaker: ...(inaudible)...

Mr. Hart: You're welcome.

Paul Fasi: Good evening. My name is Paul Fasi. I'm a senior planner with the County of Maui. What I'm going to attempt to do is put this in the perspective of how it relates to State Land Use Law and County Zoning Law. A little bit of what you're going to hear

may be a repeat of what Chris just said, but I need to get this on the record from a Planning Department's perspective. Just a reminder, when you do speak, you need to speak into the microphone and you need to state your name because we do record the minutes of this meeting.

So here we go. The applicant's requesting approval of the State Land Use Commission Special Use Permit in the State County and Hāna Community Plan Ag District to continue operation of the Ala Kukui Spiritual Retreat Center. This is a facility for spiritual and educational activities, overnight accommodations, commercial kitchen with a grease trap. This matter arises from an application for a State Land Use Conditioned Special Use Permit filed on April 22, 2009 with the Maui Planning Commission. The application was filed pursuant to Chapter 205-6. This is the Land Use Commission Special Use Permit section of the Hawaii revised statues, also title 15 of the Department of Business and Economic Development and Tourism, subtitle 3, State Land Use Commission Chapter 15. These are the rules under which a proposed action like this is reviewed under.

The action was proposed by Chris Hart & Partners on behalf of the O'Connor Family Trust, they are the applicant, on approximately 12 acres of land in the State Ag District, situated in Hāna, located at 4224 Hāna Highway, identified as Maui TMK 1-3-4-008. This is the property.

The applicant wishes to attain the State Land Use Commission Special Use Permit in the Ag District for the Ala Kukui Special Retreat Center, a facility for spiritual and educational activities and seminars, overnight accommodations, and the commercial kitchen on a parcel less than 15 acres. And, as you heard Chris mention, since it is less than 15 acres - it's 12 - it's under the jurisdiction of the Maui County.

Land Use designations. The State Land Use District is Ag. The Hāna Community Plan is Ag. County zoning is Ag. It is not in the Special Management Area.

The project consists primarily of two components: the physical facility, and the use. The facility is the physical construction of the build-out and associated improvements. And you saw the conceptual designs of the build-out. The Planning Department is not overly concerned with the build-out as proposed. We are more primarily concerned with the use. The use consists of educational and spiritual-related seminars, programs, meetings, and overnight accommodations for up to 18 people. We're using the term "overnight accommodations" rather than "TVR." They're interchangeable, however, based on Maui County Code in a certain section—and I'll get into that later—we have to treat this as overnight accommodations, not as "TVR." So we're not going to use the TVR language tonight, okay?

The applicant will operate the Ala Kukui within the currently existing structures and facilities at present. What they have now is what they're going to operate under. And as the program becomes more successful, they are going to go into a phased expansion of the facilities, the physical structures themselves and probably the number of participants accommodating the structures.

As Chris mentioned, there will be a zendo pavilion accommodating approximately 50 people. There will be a grass paved parking area, which will accommodate approximately 35 vehicles. There will be four 200-square-foot overnight units. These are the haies. These are separate units, 200 square feet each. There will be a single room that will be a multi-purpose structure. And the commercial kitchen.

The use regarding overnight accommodations. The applicant provides -- is proposing to provide overnight accommodations for up to 15 people in 5 individual structures; that will be the 4 haies and then the main retreat house. The overnight accommodations would consist of the following proposed scenario: approximately 8 people in four 200-square foot structures and 7 additional people in the existing residence.

Now in regards to why this is not a TVR, under the County Code 1904 under definitions, they are allowed to apply for overnight accommodations as a nonprofit organization or for religious, charitable or educational purposes. But the one caveat is that provided that no rental income is produced. That no rental income is produced. How do you prove that? We don't know. It it's a bundle package for seminars, it's not the Planning Department's responsibility to try and find out what -- is any of that for the overnight accommodations rental purposes. We don't know. So you need to keep that in mind.

Chapter 205-4.5 of the Hawaii Revised Statutes, this is the State Land Use Code, permissible uses within the Ag District. This is the Hawaii Revised Statutes. What is permitted in the Ag District: a single farm dwelling. The applicant has a single farm dwelling, a garage, barn, and storage shed, and water tank. The applicant proposes six more structures and a parking lot for 35-40 vehicles. What's permitted in the Ag District right now is one single-family farm dwelling.

The garage and barn are actually, I believe, a retreat house and commercial studio. In the application, it's referred to as a garage and barn. In the advertising, it is referred to as a retreat house and community studio. Why the differentiation? I don't know.

The second permissible use in the Ag District is cultivation of crops. Now everyone's thinking about traditional crop growing; however, raising of livestock, fish, bees, poultry, and those activities are uses related to the farming or animal husbandry is also allowed, and not just traditional crop growing.

Ag education conducted on a farming operation is allowed. So if they are doing ag education on a true farming operation, that is allowed. It's up to this community to determine if you consider what they're doing now a true farming operation. A single nursery exists, and I believe they have some orchards, and some gardens.

Non-ag related uses, and this is number four of Chapter 205: Uses not expressly permitted in sub-section A shall be prohibited, except those uses permitted as provided in 205-6, which is your Special Use Permits. The activity that they are proposing to do in the Ag District is not permitted, and that is why they have to apply for a Special Use Permit.

Standards for reviewing a Land Use Commission Special Use Permit are found under Title 15, whereas it says certain unusual and reasonable within the ag and rural districts other than those for which the district is classified may be permitted. So, other than livestock, crop growing, animal husbandry, what they're proposing may be permitted.

The following guidelines from Chapter 15 of the Hawaii Administrative Rules are established to determine, you know, what is considered to be unusual and a reasonable use: Number one, the use shall not be contrary to the objectives sought to be accomplished by Chapter 205. Chapter 205, again, is the Land Use Commission Land Use Law.

Introducing, and my response is, introducing a retreat facility with overnight accommodations in the State Ag District and promoting primarily non-ag activities is contrary to State regulations and, hence, the requirement for a Special Use Permit.

The desired use would not adversely affect the surrounding property. And the Department's response is: the size and scope of the proposed use might have an impact upon the surrounding property owners in terms of increased amount of traffic that is being generated, noise, and possibly an increase in overall property values and, therefore, property tax rate increases.

Number three, the use would not unreasonably burden public agencies to provide roads and streets, sewers, water drainage, etcetera, and the proposed use would not unreasonably burden any of these public services.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. In other words, as Chris mentioned, the soil's classification is classification E, not very good. You've got from A to E. It's the worst. However, that does not say that they cannot do many other alternatives to traditional crop growing—animal husbandry, poultry production, they can do wind energy facilities, ag education

conducted on a farming operation, game and fish propagation. So they don't have to just stick to traditional crop growing. There are many other alternatives.

As County zoning is concerned, Chapter 19.3a is the Ag District Ordinance. The purpose of the Ag District, and this is the purpose and intent I'm going to read to you, is to implement Chapter 205 of the Hawaii Revised Statutes. That's the Ag statute. And the goals and policies of the Maui County General Plan and Community Plans promote ag development, preserve and protect ag resources, support the ag character and components of the County's economic and lifestyle. It is this intent of this Chapter to, and I repeat number one, reduce the land use conflicts arising from encroachment of non-ag uses into ag areas.

Now this is going to be considered a special use, the proposed use, and why is that so? Because the proposed use is not listed as an outright permitted use in the County Ag District and, therefore, normally a County Special Use Permit would be required, not a State Special Use Permit, but a County Special Use Permit. But since the property is in the State Ag District, and, as you've heard, under fifteen acres, the State Special Use Permit is kind of the umbrella over the County Special Use Permit. So we eliminated the County Special Use Permit and have this State Special Use Permit has jurisdiction over an action like this.

My report is dated January 10. The Department has not received any communication regarding this matter. However, this morning the Department did receive maybe a dozen faxes here in support, faxed letters in support of the proposed project. Some are signed, and some are unsigned.

That concludes the Department's report. Thank you.

Mr. Sinenci: Okay, we'd like to go ahead --

Ms. Lono: Okay, some of the -- you stopped short of addressing the balance of item B, under Chapter 19.30a, Agricultural District, the purpose, the intent, and you just read number 1, but the rest of it didn't get addressed.

Mr. Fasi: I did that purposely because I think number 1 is the most applicable. I could have read the others as well. If you feel it's necessary, please do so.

Ms. Lono: Yeah, I think it's important to read those.

Mr. Fasi: What page is that on?

Ms. Lono: It's on page 14.

Mr. Fasi: And what line would that be?

Ms. Lono: Let's see, you read --

Mr. Fasi: Oh, okay, I've got it.

Ms. Lono: Okay.

Mr. Fasi: Okay. What the -- what she's referring to is the intent, there's five of them -- six of them, in the Ag District Ordinance, Chapter 19.3a, which is the Ag District Ordinance for the County. I just read number one: Reduce the land use complex arising from encroachment of non-ag uses into ag areas. I'll read the others just to get them on the record. Number two: Mitigate rising property values of farmlands to make ag uses more economically feasible. Number three: Discourage developing or subdividing lands within the Ag District for residential uses thereby preserving ag lands and allowing proper planning of land use and infrastructure development. Number four: Discourage establishment of non-ag subdivisions. Number five: Ensure that the rezoning of land from the Ag District shall be open for public debate and in the overall public interest as evidenced by conformance with the Maui County General Plan and Community Plan Land Use Designations and Policies, State Land Use Law, this chapter, and good planning practices. And number six: Notify the public land -- notify the public that lands within the Ag District area are used for ag purposes. Owners, residents, and other users of such property or neighboring properties may be subjected to inconvenient, discomfort, and the possibility of injury to property, and I'm not going to continue reading this. This is the Right to Farm Act, and it doesn't really apply here. But basically what they're talking about is if you buy a piece of property and your neighbor's farming, he has the right to farm regardless of whether you don't like, you know, the smell or the noise. If you're going to buy property next to a chicken farm, they're going to crow so don't buy property there. Thank you.

Ms. Lono: Yes, thank you.

a. Public Hearing

Mr. Sinenci: Okay, we'd like to open public testimony at this time at this time. We'll call your name. Make sure you, again, repeat your name for recording purposes, and we would like to keep your testimony to two minutes. Hilary Harts.

Ms. Hilary Harts: Good afternoon and thank you so much for coming to this very important meeting. My name is Hilary Harts. I may have the unique position in this room of managing Buddhist retreats that have been held at the Ala Kukui Center several years ago. They were very small and wonderful. The facility is a Japanese architectural style dwelling, the main center hall, and is extremely conducive for inward

work, and the grounds are exquisite. They have been immaculately kept. And what happens in a retreat is people stay there on the grounds, and there is not coming and going, so it really does not impact so much the traffic and the roads.

So, I just want to encourage, please, we're looking for facilities for larger groups. This would certainly work for what the interest of a Buddhist meditation retreat would be and, having been there, know personally how deeply wonderful it is a facility and what its plans for the future is very exciting as an exquisite place for that to happen. And thank you for being here and, hopefully, this will proceed forward. Mahalo.

Mr. Ed Cashman: Hi. I have a question. Yeah, can you -- I have a question, Hilary.

Ms. Harts: Yes?

Mr. Cashman: You folks charge, or is it free for the retreats?

Ms. Harts: We did pay money, yes.

Mr. Cashman: Can I ask how much?

Ms. Harts: It was, wow -- it's -- I'd have to go back and look and maybe I could supply that to you at a different time. It was extremely minimal at that time.

Mr. Cashman: Okay, thank you.

Mr. Sinenci: Rick Rutiz.

Mr. Rick Rutiz: Good afternoon and thank you for coming out. Residential use. When Dan Omer owned this, you had a wealthy landowner with closed gates on this property. Now, the gates are opened. Just a few of the things that I can remember -- Kuki Ka'iwi doing the thing with the kids up there, Aunty Ipo Kanaka'ole, Aunty Ku'ulei, Kau'i Kanaka'ole's hula halau last year up there. Even though we're talking about a spiritual retreats and this will help do some income for the place, I firmly believe that if we can leave this as an open center, it will be open for the community to use. I remember haku mele some years ago with Carl and Rae. I'd hate to depend on the hotel as the only venue for having cultural and community gatherings. And I think this could become -- I think that it will be an open door policy if we allow this. Thank you very much. Any questions?

Mr. Sinenci: Joyce Mitchell-Mynar. Are you representing --

Ms. Erin Lindbergh: Aloha. I am. My name is Erin Lindbergh and I have a letter that I'd like to read on behalf of Joyce Mitchell-Mynar.

Aloha to the Hana Advisory Committee. My name is Joyce Mitchell-Mynar, and I'm a resident of Hāna, and work with Hāna Arts Performing Arts creating musical theater in Hāna. Though unable to be there for the hearing, I would like to add my support for Ala Kukui's Special Use Permit to operate a retreat center. I have attended and participated at several retreat functions and workshops — all unique in their own way. Ala Kukui contributes to the richness of Hāna by offering such diverse spiritual and cultural work. The care and beauty of the land and facilities reflect the sensitivity that the staff has for the area and Hāna as well. Please support Ala Kukui in their request for this Special Use Permit. Mahalo no. Joyce Mitchell-Mynar. Thank you.

Mr. Sinenci: Hotel Hana Maui.

Mr. Roger Lane: My name is Roger Lane. I'm presenting this on behalf of the Hotel Hana Maui.

To the Hana Advisory Committee and Maui Planning Commission. Dear Committee Members:

The Hotel Hāna-Maui strongly supports the approval of the Special Use Permit for Ala Kukui to operate their retreat center here in Hāna. As you are aware, this legendary hotel was recently acquired by Green Tea LLC with the goal of reviving the success and profitability that was long ago experienced by this property. In turn, we would become a viable economic contributor to the community once again, able to continue to provide jobs and opportunity to the Hāna residents.

One important new facet of the hotel's operation is providing unique programming, classes and workshops that provide memorable experiences for each and every guest. And to do this requires a variety of venues to conduct this programming, both on property and off property.

The Ala Kukui Retreat Center is an ideal partner who, when feasible, could provide a beautiful, historic venue to expand some small, low-impact hotel programming to. In return, Hotel Hāna-Maui looks forward to partnering with Ala Kukui to provide blocks of rooms for their retreat

participants, thus increasing the hotel's revenue through a local market channel that currently does not exist.

As you all know, part of the economic success of any community is grounded in the variety of businesses and services that come together in support of each other. We believe that the Ala Kukui Retreat Center is a good fit for the community, and we support the plans of Ala Kukui.

The Hotel Hāna-Maui encourages the Hāna Advisory Committee to recommend approval of this Special Use Permit before you. Mahalo nui loa. Mark Stebbings, General Manager.

Mr. Roger Lane: On a personal note, in the 1970s, I used to fly people here and charter airplanes to do retreats. We used to take over the Heavenly Hāna Inn, and once that was taken over as a ...(inaudible)... we could not bring people here anymore. There was nothing here that could accommodate it. So that's on my ...(inaudible)... I recommend it also.

Mr. Sinenci: Winona Mastumura.

Ms. Winona Matsumura: Thank you for being here. I was born and raised in Hāna and probably one of the older kupunas in Hāna. I'm going to -- my name is Winona Mastumura. I went to school here, graduated from here, and then left for quite a few years.

I live just outside the gate to Ala Kukui, and I'm able to see any traffic into the property. I walk my dog daily on this property and find a peaceful, serene, almost holy atmosphere. The main house is approximately a quarter of a mile from my home, all uphill. The winding driveway through the numerous trees makes me feel like I'm walking into what I would imagine heaven would appear to anyone. There are numerous edible fruits and nuts on the premises, which I sometimes pluck off the bush.

I can recall an occasion when I spent time there overnight. The calm quiet of the area is "loud" - no automobiles passing by, no neighbors close enough to hear, only the distant occasional barking of dogs or roosters crowing at dawn. If the gate is left open, one might hear the slow crunching of a car approaching the house. Even the appearance of the headlights at night is a rude intrusion of the tranquility.

To sit on the lanai is a treat in itself. The ocean is in plain view with the lush gardens framing the magnificent view. One might be able to see an occasional fishing boat

gently passing along the shoreline and sometimes even follow a cruise ship passing on the horizon.

For those who are fortunate enough to spend a few nights here, and are early risers, greeting the sunrise as it peeks out of the horizon is a mind-boggling, amazing, magical and memorable, unforgettable experience.

It has been interesting to talk with some members of groups that have utilized the retreat. They enjoyed the atmosphere, surrounding, and the peace that comes with it. It is so easy to immerse oneself into this setting. The retreat is conducive to promote healing, thinking and learning, renewing, and cleansing one's na'au. My Hawaiian upbringing gets a boost every time I enter this spiritual place.

I implore you to grant the retreat the permit to continue what has been started and to let its spirituality spread throughout the community and anyone fortunate enough to experience it.

I cannot imagine anyone voicing negative comments on the use of this facility. Obviously, if there is anyone objecting the use of this property, they probably have not visited it or spent some time there.

It is my hope that Ala Kukui will, however, improve the unpaved driveway. There are a number of cars that use this driveway, not necessarily to go to Ala Kukui, but the nursery on the left. Perhaps this problem may be rectified in the near future. Thank you so much.

Mr. Sinenci: Question?

Ms. Dawn Lono: Aloha, I was so glad to see you here because I know you live right there in close proximity to the property. And so, a couple of things that came to my attention as I read through this, and I actually thought of you, it says that the property anticipates 60 trips daily to and from the property, as mentioned in the TIAR. I don't think that's been happening in the past, of course, because there wasn't officially the activities going on there. So I just wanted to get your feedback on how you felt about the possibility of, you know, 60 trips daily up and down the road. And in another place, I can't find it right off, but it said something about most or – if I need to find it I will – but it said that it would be van traffic going up daily to take people up. So I just wanted to get your feedback on how you felt about that possibility with the actual full retreat, you know, happening in full swing.

Ms. Matsumura: I don't think the traffic would come by, like a school, where they all come within the hour. I know we've had vans going up and down there at one time. Perhaps with an improved driveway, it wouldn't be so bad. But I don't think they'll come one after another 60 at one time. I doubt very much.

Ms. Lono: So what would be important to you is the improvement to the driveway to accommodate the traffic, and having it be able to be two-way, because I know there's been intrusion on your property at times by vehicles that need to pull off onto the side to let a van go through or something like that. So, what would be important to you is to have the driveway improvements done in order to accommodate whatever traffic would be going up and down the road?

Ms. Matsumura: Yes.

Ms. Lono: Okay, thank you.

Mr. Sinenci: Kit Gillette.

Ms. Kristen "Kit" Gillette: Good evening. Thank you for coming and listening to the proposal. My name is Kristen "Kit" Gillette, and I live here in Hāna. I've been here for ten years, and I've lived in Maui for twenty. When I first came to Hāna, I was part of a group of people who enjoyed meditating together, and we would gather in each other's homes, maybe once a week, and participate in our meditation practice. Susan O'Connor was one of those people, as were several other people - many people in the community, and what we found was that it was a little hard to find a space that would really accommodate very many people and sometimes we'd be outside, and we'd find a space there.

But as we gathered and shared after the meditation, we said, oh what a -- wouldn't it be wonderful if we would have a space where we could actually invite more people, know that this would be available on an ongoing basis. And I believe, although I wasn't always part of all the discussions, that that was one of the things that inspired Susan to look for a property. I know she thought about just wide open spaces, and trying to build something that was small, and maybe everybody could just come to. There was a lot of discussion that went on, and it was very thrilling to see that Ala Kukui started to become welcoming to various activities in our community. I myself was able to bring in a film about the Dalai Lama and his mother to Ala Kukui to offer to the public, at no cost, you know, we didn't charge for it, but just to introduce them to that particular subject. And Ala Kukui has always been so welcome to -- or welcoming to share if there's someone here who can offer something to the community.

So, I urge you to approve this Special Use Permit so that Ala Kukui can continue to serve the community and support spiritual practice in Maui and in the world. Thank you. Any questions?

Mr. Sinenci: Mary McClung.

Ms. Mary McClung: Hi, good evening. I've lived here for about ten years or eleven years, and I know that's not very long, but I do appreciate the things that I have experienced at Ala Kukui – different workshops, and educational, and cultural, and spiritual workshops that were at donation, which were -- for instance this bracelet that I'm wearing, I took a workshop from Auntie Ku'ulei, which was really -- she's a really inspiring woman, and I'm really grateful to have got to meet her and learn from her. And also, as a resident of Kīpahulu, I find that it's really nice to have Ala Kukui presenting things like that and supporting the cultural wisdom and knowledge that is so rich in the Hāna area, and keeping it going.

So, I just come as a resident saying that, you know, that I have appreciated that, and I know that also -- I haven't been able to go to all the workshops, but I know they had one on grafting, and if they had one again, I'd like to go to that. I guess that's all I have to say. Thanks.

Mr. Sinenci: Thank you. Again, please state your name for recording purposes. Mary Elbert.

Ms. Mary Elbert: Thank you for coming. My name is Mary Elbert, and I think Ala Kukui is such a unique embodiment of what Hāna and Hana, Maui stand for. I've been to a number of retreats and different activities that have been there, and I regularly go to the kupuna yoga class. And the minute you drive into that driveway, you become a different person. It's a unique, beautiful place that really lends itself to helping us reach our best potential. So I hope that this will be approved. It certainly is a contribution to the community and appreciated by all of us that use it. Thank you.

Mr. Sinenci: Erin Lindbergh.

Ms. Erin Lindbergh: Aloha. My name is Erin Lindbergh, and I'm a resident of Kīpahulu, and I'm also a yoga instructor. And thank you, Mary. It's been an incredible joy and fulfillment for me to be able to connect with the kupuna in our community and to offer my teachings at Ala Kukui, which is truly a place of deep beauty and peace. And it also really allows us to feel the deep beauty and peace within ourselves, and so in teaching yoga, I feel that it's not only a healing practice, but it's a preventative healing practice, and I feel that this is a beautiful place to be able to offer this to the community. Also, we

have a lot of fun. And I really believe in the integrity of Susan O'Connor and the people that are on the board and also the staff of Ala Kukui, just a great vision there, and very sincere vision, and a vision that I really feel is rooted in the good future of Hāna. So thank you so much, and I really urge you to support this. Thank you.

Mr. Sinenci: Lisa Hamilton.

Ms. Lisa Hamilton: I have nothing to add.

Mr. Sinenci: Lisa Hamilton.

Ms. Hamilton: I didn't mean to sign in ...(inaudible)...

Mr. Sinenci: Okay.

Ms. Hamilton: I was just signing in that I'm here.

Mr. Sinenci: Gary Chow.

Mr. Gary Chow: Aloha. Thank you for coming. Along with Aunty Nona here, I am the other person that lives at the beginning of that driveway going up the hill, and, you know, I wanna say that the last few years or months that Ala Kukui has been operating that the traffic hasn't been a problem for us. They've been very respectful in regards to the traffic.

For myself, Ala Kukui happens to be one of those places that we don't have many places in Hāna. Unlike the other side of the island where they have, you know, neighborhood recreational centers and all these other places, Hāna's lacking in a lot of facilities so it's such a wonderful thing to have another venue that is available.

And, you know, I've also been a recipient in other ways. I'm self-employed, and I provided services for Ala Kukui. But also, as a parent, the programs that they have up there and the classes they've had, my own son has been the recipient of a class done by Pekelo, which was -- has set him, you know, it's one of the things that he truly enjoys now. But, anyway, the facilities is low-impact, and the staffing there and everybody, as long as I've been involved, they have always embraced the community and have never had any resistance to suggestions or even suggestions for programs, so I hope that you guys allow them to continue to do this for the community. Thank you.

Mr. Sinenci: Gary Chow?

Mr. Chow: Yes?

Ms. Lehua Cosma: Thank you, Gary, for your testimony. As a parent, and I'm a grandparent, parent, do you see the traffic, any problem with our kids walking to and from after school on that busy highway?

Mr. Chow: No.

Ms. Cosma: Have you every witnessed our keikis walking?

Mr. Chow: Oh, yeah, yeah.

Ms. Cosma: And you feel no impact will affect that?

Mr. Chow: Not from there. Surprisingly, you know, most of the traffic issues would be on the highway itself.

Ms. Cosma: Right, but not from --

Mr. Chow: But not from that driveway.

Ms. Cosma: And another question I had was, you said you provide service too.

Mr. Chow: Yes.

Ms. Cosma: What kind of service do you provide?

Mr. Chow: Catering.

Ms. Cosma: Catering?

Mr. Chow: Yeah, providing, you know, refreshments or sustenance for, you know, some of their programs there.

Ms. Cosma: Thank you.

Ms. Lono: Thank you, Gary, for your testimony. And I just want everybody to understand, I'm trying to kinda play devil's advocate here and think ahead and think broadly, and one of the things that keeps coming up is that, in testimonies, is about the existing retreat center and its use and has low-impact and so on and so forth. But it really has not been operating as fully as what is being proposed. So we have to think beyond what has existed to date and look at what's being proposed and what those impacts will be.

So, again, you as a property owner there, right at the driveway, I just would like to ask you the same question that comes up in here about the possibility of 60, you know, in-and-out cars a day, and vans going up, and so on and so forth, would that negatively impact your property in any way or do you see it like Lehua said, the possibility of -- you know, the kids walk, that's where their sidewalk is to go to and from school? What do you see as possible impacts when this retreat center is fully operational, which it never has been to date?

Mr. Chow: Yeah, I think the difference, also I think Mr. Fasi pointed out, is that the facility is not like a hotel. There may be intermittent activities and, you know, it may not have people there every weekend. I don't -- and I think Mr. Hart may have addressed the problem that they would, you know, be willing to do whatever was necessary to make that a safe right-of-way. So as long as they're willing to do that, I don't think it's been any problem. I know that there is -- I don't know of van traffic that goes all the way up top. I think most of the vans might be traffic going to another site but --

Ms. Lono: In this report, like I said I can't find it right now but if I need to I will, the proposed use --

Mr. Chow: Yeah.

Ms. Lono: Would have vans going up there daily. We're not talking about the retreat center, as like I said, the way it has been operating to date, but as a full-on retreat center that would be operating daily, weekly, you know, and intending to promote business there, of course to, you know, make money, which is not a bad thing. But what's been happening to date is not what is proposed.

Mr. Chow: Yeah. Yeah.

Ms. Lono: So we have to, like I said, expand ourselves into knowing and understanding what is the proposed use and its impacts.

Mr. Chow: Okay.

Ms. Lono: And reflecting back on what has been happening is very minor and limited compared to what is being proposed. So I'm just trying to open our minds to that.

Mr. Chow: The possibility.

Ms. Lono: Well, that's what's being proposed.

Mr. Chow: Yes.

Ms. Lono: So, yes, that's what we have to think about.

Mr. Chow: Yeah, I, you know, I understand what you're saying. I don't see it as that being, at least for me, I'm speaking only for myself and the location of my property, but I do not -- I don't feel that it would be a problem. Most of the activities that take place there are activities that take place for a period of time, which means that people do it on site, so it's not like somebody goes up, they're there for a half-hour, and they drive down, and back and forth. But, yeah, for myself, I don't think it's a problem. I don't feel that it is.

Ms. Lono: Okay, maybe I can ask Chris or the representatives some questions about the proposed uses, so I can get clear in my mind, 'cause what I'm kinda seeing from what I've read over here is a daily, you know, operational use, and vans going up daily, and things like that. So I just need clarification. So at some point, I would like to be able to ask questions. Okay. Thank you.

Mr. Sinenci: Thank you. Esse Sinenci for Abbot.

Ms. Esse Sinenci: Aloha. Thank you for coming. I am known as Esse Sinenci. I live in Hana. And I'm to read a letter from the Office of the Abbot, Monastery of Christ in the Desert.

Dear Friends:

I have been blessed to have had some time for spiritual retreat at Ala Kukui / Hāna Retreat, and I would like to lend my support in your considerations to grant Ala Kukui a Special Use Permit to operate a spiritual retreat.

It is really important that there be such retreat centers available to people who sometimes get burned out by just doing their regular work, who sometimes begin to suffer because of the difficulties and stresses through which they are passing at a particular time. People like myself, an abbot of a monastery in New Mexico as well as the abbot of four dependent houses, can find himself overwhelmed with living. A time of retreat at a center like Ala Kukui is incredibly helpful.

I arrived at Ala Kukui feeling very low, without energy, finding it difficult to laugh, and even to rejoice in the good things in my life. By the time I left, I felt that my life was restored, both in prayer, because I am a Christian believer, but also, from living in the silence, from being able to see the sun

every day, to be able to walk in silence and solitude, to having wonderful meals, which I could eat and could even share at times.

Ala Kukui is a wonderful place of healing. It's a wonderful place where any person can experience the spirit of healing, of love, of a very special presence. And the interaction with the native local people has been a special gift for me.

I pray that Ala Kukui might become a wonderful spiritual center, a retreat center, helpful to many people. Ala Kukui is really needed.

Signed: Your brother in the Lord, Rt. Rev. Philip Lawrence, O.S.B. Abbot

Ms. Esse Sinenci: That's his letter, dated January 13. And my name is also again written down as a resident and citizen of Hāna. I would like to speak on behalf and in support of Ala Kukui. And in the beginning when we first started using Ala Kukui, the kupuna from the senior center would be invited to take part in classes, and these were donated services to help the kupuna learn some skills that -- we even had art classes. I signed up for a writing class, which was given by Tad Wariner, a school teacher. The last time we used it, I was facilitating a high school retreat for confirmation students, yes, high school students, back in - I forget what date, but it was sometime last year. The staff and every one of them were very cooperative, and we made a love offering at that time. We didn't need to, I suppose, but whenever we use things or places like this, this is what we do. We offer a love offering by making a small donation to Ala Kukui. Thank you.

Mr. Sinenci: Sheila Agnitsch.

Ms. Sheila Agnitsch: Aloha, everyone. You all know my name is Sheila Agnitsch, and I'm here -- I never plan what I was going to say, but one of the first things I do want to say is Susan O'Connor has been such a blessing for our community in Hāna and for us at Hale Hulu Mamo. I am the senior center director there. We've benefited from her blessings.

And this retreat center -- you know, when I think of the word "spiritual," I can just go the end of Nanoalele and have my own little spiritual retreat. However, that's for me personally, by myself. But for a gathering of, like I know in the future possibly our Catholic priests might need a place to retreat, spiritually, Ala Kukui would serve that purpose. Like many people before me have said, there is no place here in Hāna that is a facility for things like that. For myself, I'm also in the recovering community, and so, for us, this also serves a purpose for us to gather as a group. Like I said, right here is

such a beautiful place right here in Hāna, but it's not like Ala Kukui where it's kind of secluded, where you can really have that spirituality.

Our kupuna, like Aunty Esse has mentioned, we've gone there to do crafts. We've learned how to paint watercolors, and, through Susan O'Connor, they've brought in people like that, that can teach and help, help us -- our kupuna be creative in painting. So that was a fun thing. We do plan to do more stuff up there, like gardening with Aunty Angela and Ryan over here. One of the things we have a problem with some of our older kupuna is they cannot bend down. They like go to the Mahele Community Farm down at Kahanu Gardens, but they cannot get in the dirt. So some of the things that Ala Kukui staff is trying to do is to create -- what you call those? Nursery? No, I was thinking more of where the raised -- raised beds where they can do gardening right like that, yeah, instead of bend down, 'cause some of them cannot get down. So we've been doing -- partnering with Ala Kukui for some of those things. Just taking our kupuna out of our center and going up there and having a lunch, picnic, it's a beautiful place, so we do that.

Myself, personally, as a hula student of Kau'i Kanaka'ole, there was over 50 of us dancers from Hāna that were able to use their facility, and it was a blessing for all of us. And Aunty Nona knows, you know, there was over 30, 40 cars going up there twice a week for hula. And from my understanding, one of the things that is in the future is for our students at Hāna School that takes hula from Kau'i, they're planning to plant a hula garden, so some of the dyes that they need, so good stuff.

You know, I've been up there for several blessings. Ala Kukui is a path to light, enlightenment, and I think it's a good thing for Hāna to have a facility like this to benefit our community. Any questions? Okay, Lehua.

Ms. Cosma: Thank you, Sheila.

Ms. Agnitsch: You're welcome.

Ms. Cosma: Thank you for all you do for Hale Hulu Mamo, our kupuna. I like to see them doing all these activities, going out, going different places, like you mentioned. The thing that you did mention that you do have another spiritual place that you go to by yourself, and many of us do that. We have our sacred spot in Hāna and that's why it's special, because we know where it is, nobody else does. And that's our retreat itself.

Thank you for explaining what Ala Kukui is. And I just wanna say that I, too, wish I could have experienced all of that what you guys did, but it wasn't known to many people in the community up till now that this project is going through. But I just want to thank you

for explaining and bringing the kupuna to a nice place, where they can get away, and thank you for your testimony.

Ms. Agnitsh: Thank you. I do want to comment back to Lehua's comment there. Right now, we have -- Ala Kukui, in the years that they've been in existence, they've gone through different people who are running it, or leading it, guiding it, and throughout those times, they've done different things, yeah. Different people bring different things to the table. And at this time, I know it's Therese and Arnie, and so I think it will -- you know, as long as people like us let them know, like listening to Gary Chow and Aunty Nona come up here and talk, so long we can have a communication and a talk with them about the things we do want and the things we don't want, it's open. The communication is open, and I think that's important. And I, too, in the past, didn't know about some of the activities that was going on at Ala Kukui. And so I -- within this last year, it's been a lot better as far as communication and, like Dawn mentioned, they've kind of not been operating like they want to in the future, but the little things have been going on there, there's been communication, a lot better communication so I'm hoping for a better Ala Kukui in the future. Mahalo.

Mr. Sinenci: Stacy Lynch.

Ms. Therese Fitzgerald: My name's Therese Fitzgerald but Stacy asked me to read this letter that she sent in.

January 15, 2011.

Aloha kakou, Maui County Planning Commission, Hana Advisory Committee, Friends, and Community:

I am writing in support of Ala Kukui's application for a Special Use Permit to operate a retreat center in Wakiu. Ala Kukui's owner and Board Chair, Susan O'Connor, has been a supporter and a benefactor to most of the non-profits in Hāna since her arrival many years ago.

Susan has been very generous, culturally sensitive, and extremely compassionate to those in need. I am certain that Ala Kukui's retreat center will greatly benefit the Hāna community and all who use it. Can you imagine the cultural and educational possibilities the retreat center can offer to our community and extended 'ohana? Mahalo for your kōkua. Stacy Lynch. Thank you.

Mr. Sinenci: Margot Birstran. Sorry, Biestran. No? She left? Karalyn Henderson.

Ms. Karalyn Henderson: Aloha. I'm Karalyn Henderson. I'm going to be reading a letter for my father, Raymond Henderson. I didn't know how to sign up, so sorry. And then I'll say a few things of my own.

Dear Hana Advisory Committee:

I'm writing this letter for and in behalf of Ala Kukui – Hāna Retreat Center and their request for a Special Use Permit for their newly renovated property. As a close neighbor and friend to Ala Kukui's mission, my family and I have had the pleasure to attend many programs and events hosted at the retreat center. We have all benefited greatly! From learning slack key guitar, to making an ipu, or listening to incredible guest lectures on so many topics. Mostly we have enjoyed the healing energy and beauty of the space and property. My family and I fully support and endorse their request for a Special Use Permit. We feel strongly that the organization will be responsible in carrying out activities that will benefit not only its current and future clients, but also the Hāna community. Our community desperately needs additional space to host activities and events while having access to cooking facilities close by, and Ala Kukui's location and facilities can help meet these needs. If you have any question regarding my support letter, please feel free to call me.

And the number you have on your copy is wrong so I'm going to give you my copy so you can have it. But I also agree with my father and have been communicating with Ala Kukui in the past five months that I've moved home, since I've been home from college. And I've just realized the need that we -- everybody needs, just in general, for a place set apart from normal places where you can go and you can feel peace. And I think that Auntie Angela and Uncle Ryan do a really good job at cultivating the space there and the land and the home, and making that place and the atmosphere be a place where people can go to to feel peace. And that's important. And also more -- maybe more importantly to me and to other Hawaiians in the community, just the fact that it is a place where Hawaiians can go to enrich and to cultivate our culture. That's so important, just to us, and to me, in general. So that's all I had to say. Mahalo.

Mr. Sinenci: Kekula and Scott Crawford.

Mr. Arnie Kotler: My name is Arnie Kotler. I have a copy of Kekula's and Scott's statement, so since Kekula isn't here, I'd like to read it.

Aloha Members of the Committee:

We are writing to express our support for the approval of the Special Use Permit application for Ala Kukui Hāna Retreat. We believe that a spiritual retreat center is an appropriate use of this property and facility, and that it will provide a very positive benefit for the Hāna community. We understand that Ala Kukui will offer a quality venue to host retreats, workshops, and other events and activities for local spiritual leaders, including traditional Hawaiian cultural practitioners. It is also our hope that this will enrich Hāna's community through opportunities for interaction with spiritual leaders and teachers from many traditions worldwide, while enhancing Hāna's reputation as a place of healing, peace and spirituality, noted in the -- rooted in Hawaiian cultural values and the aloha of the people of Hāna. These activities will also provide much needed economic stimulus for Hāna, as local residents are able to host events and provide services for the facility and the events held there. The founder of Ala Kukui, Susan O'Connor, has been a great benefactor for many important organizations and initiatives in Hāna, and she has proven herself a very conscientious and supportive member of the community and very respectful of Hawaiian culture. We wholeheartedly support the plans of Ala Kukui and urge the Hāna Advisory Committee to recommend approval the Special Use Permit application before you. Mahalo, Scott and Kekula Crawford. Thank you.

Mr. Sinenci: Reverend Pua Hashimoto.

Ms. Agnitsch: Aloha. As you know, I'm not Reverend Pua, but this is a letter from Reverend Pua Hashimoto, dated January 20, 2011, to the Hana Advisory Committee, from Senior Chaplain, Pua Hashimoto.

Dear Friends:

As Senior Chaplain of Maui Community Correctional Center, I have little time for retreat. For this reason, I count my time at Ala Kukui one of the joys of my life. I found so much love with everyone at Ala Kukui. I deeply appreciate the peace that is there.

It would be a great spiritual nourishment for the prison ministry, if, for example, there could be a retreat at Ala Kukui for Kairos Prison Ministry, whose mission is to bring love and forgiveness to incarcerated individuals, their families, and those who work with them. Kairos also assists the inmates in the transition of becoming productive citizens. I have spoken to

Ala Kukui's directors, and they are very open to working with me on programs like this.

It is my sincere hope that Ala Kukui will be available as a light, illuminating the way for our ministry, men and women who need hope and unconditional love to carry them through years of fear, loneliness, and strife. Me ke aloha pumehana, Reverend Pua Hashimoto, Senior Chaplain, Maui Community Correctional Center, Kairos Prison Ministry. Thank you.

Mr. Sinenci: Donna Mae Shorey.

Ms. Donna Mae Shorey: Aloha. My name is Donna Mae Shorey, and I live in Lower Nahiku. Most people here know me as a gardener and landscaper. However, before I moved here 25 years ago, I worked as a cook on oceangoing vessels, both private and commercial. In 2005, I cooked at Ala Kukui for some retreats and other activities that were held there. Food shopping for a retreat here is very much like provisioning for an ocean voyage. You have to buy everything you need on the other side and bring it in, with no trips back out for the duration. There is one big difference besides the obvious. Fresh produce, fruit, fish, eggs, even homemade ice cream are now available in Hāna. That means people can have the freshest and best food available, and the money stays right here in our community. Not only is Ala Kukui creating jobs, but also bringing much-needed income to local farms and businesses.

Also, I have witnessed first-hand that people both from here in Hawai'i and the mainland fall in love with this place, and it's very beautiful and peaceful, and it's a totally suitable location for this sort of thing - up away from the highway and away from the neighbors. Ala Kukui has only the best intentions in creating this place for people of all walks of life and denominations, and I can see no reason not to grant them a Special Use Permit. Thank you.

Ms. Lono: Your last statement, you said you see no reason not to grant them a Special Use Permit. Do you think that there should be any conditions on the permit or any kinds of requirements to mitigate any potential impacts, or you think it should just be granted with no conditions or --

Ms. Shorey: Well, I think you've covered most of the things with the road, the neighbors, you know. I think that, you know, you guys have covered most everything.

Ms. Lono: Actually, nothing's been covered by us, so that's what we're going to do tonight --

Ms. Shorey: Well, I mean, you know, these --

Ms. Lono: Is make sure that we cover those things.

Ms. Shorey: Yes.

Ms. Lono: So I'm just trying to ask, besides the road, is there anything else that you could think of that should possibly be addressed in any conditions that we might want to put on the granting of the Special Use Permit?

Ms. Shorey: I can't think of anything. I think that the road is probably the only thing that would be an issue, the road and the neighbors.

Ms. Lono: Great. Thank you so much.

Ms. Shorey: You're welcome.

Mr. Sinenci: John Blumer-Buell.

Mr. John Blumer-Buell: Aloha, Committee and community members, and Chris Harts and associates. And is Kawika the Chair now? Are you the Vice-Chair? Okay. Aloha, Chair Sinenci today and Committee Members. I respect the good intentions of the O'Connor Family Trust, who are the applicants. Mrs. O'Connor has made significant contributions for the betterment of the Hāna community in the past. However, approval of the application is premature at this time. There are parts of the proposal I support. There are parts of the proposal I do not support. I request the Hāna Advisory Committee to defer the subject item, which is one of your options from the Planning Director, for two months, to allow the community and the Hāna Advisory Committee the opportunity to completely read the 81-page report and associated rules and regulations. At that time, community members could make informed recommendations. And I wanna thank -- I couldn't have had access to the report without Arnie emailed me the report, so I did have a chance to just cursorily go through it, but really haven't had — I'm somebody who looks for details — I haven't had the chance to really go through it. The report has not been available to the community long enough to fully digest the information or make informed decisions. There are contradictions and inaccuracies in the report, which need to be fully discussed and understood.

I also request a timely written legal opinion by Maui County Corporation Counsel that would include findings of fact and conclusions of law. The opinion could benefit both the Hāna Advisory Committee and the Maui Planning Commission in their deliberations. The 1994 Hāna Community Plan, under Land Use Objectives and Policies, number 13,

states, "Encourage community-based dialogue regarding proposed land-use changes in order to avoid unwanted conflict."

And I know you're trying to keep it short, I would like, In my testimony, I requested permission to read Exhibit number 6, but that is five pages, and I think you should take a close look at that. I respectfully disagree with Chris's characterization of that exhibit, it's number 9, and I think part of -- part of why I'm asking for a deferral is so that OHA can be brought into this, too. I mean I think they raise some incredibly good concerns, and they could be addressed.

The last thing I want to say specifically is — Paul Fasi brought it up, and I hope you'll take a close look at Exhibit 9F, if you haven't already, and I just want to read you one paragraph from that, and tell you why I think this needs to be looked at closely. This is a letter from the Planning Department to Chris Hart and Partners: "We have reviewed your request to reconsider the requirement for a County Conditional Permit for the short-term overnight accommodation use of the Ala Kukui Spiritual Retreat Center. As you note, the definition of transient states in part, "It shall not apply to lodging provided by nonprofit corporations or associations for religious, charitable, or educational purposes, provided that no rental income is produced." And I think that's very important because it sounds to me like they're packaging the accommodations in with just the cost of the retreat itself, and the result of being allowed to do that means that they have bypassed something the County wanted them to do, which is a County Conditional Permit. That exception's allowing them to do that and it is -- these are transient accommodation rentals. I don't buy this letter written by Jeffrey Hunt, who's a friend of mine, at all. This is just his opinion. This is not a legal opinion with findings of fact. So I think there's been a bypassing of some of the really important issues. And as somebody that worked on the General Plan for three years with Lisa Hamilton, Carl Lindquist, and 22 other people, and Chris Hart knows this, we put a lot of energy into preserving agricultural lands, and this, this is a terrible precedent for agricultural lands. I would, you know -- what -- just to sum this up, the reason I'd like a deferral is to get all these people together -- I've heard Sheila make great suggestions -- I'd like to see as part of the Conditional Use Permit a community advisory group. I heard a great suggestion from the Hotel Hāna-Maui and Roger Lane that the hotel could provide accommodations for the Ala Kukui. I would like to see that as a condition rather than building additional units initially. I think that's a good partnership. I've heard requests to have a hula garden or a canoe garden. I think that is something that is outstanding. That should be memorialized as part of your conditions. The other thing with Chapter 205, Number 5, says that the land is not suitable for agriculture. Nothing could be further from the truth. We went through a contested case in Hāna at the farm in Ka'eleku over a campground where it had "D," malama stoney muck. That was a big issue. And, of all people, Dan Omer was the one that testified that all the cuttings for his nursery were

coming from that farm in malama stoney muck. My point is, I understand from Arnie they may have three pages or more of suggestions for things they can grow on that property appropriately, I mean awa, the canoe garden, and so forth, and I would like to see those incorporated into it as a condition to be sure they happen. So there's more things but I think a real advisory group and a way that's set up so there's meaningful access to the Ala Kukui board, you know, and so I hope you can understand where I'm coming from.

And I would like to say just finally, a nice thing about the O'Connors, again, is that they helped to bring in the Dalai Lama to Maui, which I think was a great thing, and they were nice enough to invite me to be one of the guests. But, the devil's in the details. And that's what we want to make pono for the community. Thanks.

Mr. Sinenci: Thank you.

Ms. Cosma: John?

Mr. Sinenci: Question.

Ms. Cosma: I have a question for you. So, in other words, you're not opposing this project, you just want to see -- I mean, you support the things our testimonials have said?

Mr. Blumer-Büell: I haven't heard anything I really strongly disagree with. I would like to see all of those really outstanding things made part of a Conditional Use Permit. And I think it's very important for the applicant to acknowledge that these are transient accommodations and not try to avoid the Conditional Use Permit. I mean I think I would ...(inaudible)... but I think there's some really bad implications for agricultural land on Maui and in Hāna. You may have hundreds of people applying to become quasi-religious groups as a way to avoid the designation of transient vacation rentals. So, I'm saying, deal with it. Let's acknowledge that it is that. Let's get the Conditional Permit. And if you have the right conditions, I would support moving ahead. You know, I just want to give the Committee time to really go through the report and come up with the conditions that will really make this become all that it could be. It's that simple.

Mr. Sinenci: Thank you, John. Okay. Francesca and Donald Lono.

Ms. Jan Murdock: Aloha. Thank you for coming. My name is Jan Murdock. I'm here on behalf of Franca and Donald to read this letter:

We are residents of the Wakiu area where Ala Kukui is located and wanted to express our thoughts. We are unable to make the meeting tonight. We support the project 100% and feel it will be a great plus for Hāna and its people. Ala Kukui provides a bridge between worlds, Hawaiian culture is perpetuated as well as learning about other cultures and the common ground people have everywhere. We support the Special Use Permit and all the improvements mentioned in the letter received.

Ms. Jan Murdock: I also am a personal friend and I served Susan and her 'ohana and her guests and her staff for many years. And she's providing an oasis in our everyday world to provide people with a very special place to be. And I personally am very appreciative of that. Thank you all.

Ms. Lono: I have a question.

Mr. Sinenci: Question.

Ms. Lono: Thanks, Jan. Just again, I'm wondering about the importance of considering conditions to mitigate any potential negative impacts, so on and so forth, and wanted to know if you had any thoughts on anything of that nature.

Ms. Murdock: Well, what John just said about using the hotel as the bedroom for that only creates more traffic. You know, and the optimum word here, I think that everyone isn't paying too much attention to, is "retreat." It's been my experience with the guests that have been there is they come to retreat. They're not coming here to LIKE run around and do as many things as they can do. They appreciate the silence, the beauty, the nature, the, you know, safeness of that place, the incredible nurturing of it, and they don't want to go anywhere. And they're there. I mean they do do other activities in time allotted, but they're there to retreat. And I think the intention and the mission of this group of people and the staff and all of the people that are on the board is very open, and very honest, and in the best interest of this community.

Ms. Lono: Thank you, Jan.

Mr. Sinenci: Thank you. George Kahumoku, Jr.

Mr. Gary Chow: Hi again. I'm reading a letter sent by George to Arnie.

Mr. Sinenci: State your name. Say your name again.

Mr. Chow: Oh, my name is Gary Chow. The letter says:

Aloha to The Hāna Advisory Committee, January 17, 2011.

E Ho Mai Ka Ike

Mai luna Mai e

Ona Mea Huna Noheau O na Mele.

E Ho Mai , E Ho Mai , E Ho Mai. And that was a chant written by Kumu Aunty Edith Kanaka'ole

My name is George Kahumoku Jr., Hawaiian Slackkey Guitar Master, Teacher, Native Hawaiian Planter, a Kahu, and an Herbalist. I have had the blessings of attending and leading several workshops in Slackkey Guitar, Hawaiian songwriting, and composing, and ukulele at Ala Kukui, with my son Keoki Kahumoku, and Hawaiian Songwriter composer Dennis Kamakahi. The bulk of our students were kupuna and na'opi'o from Hāna. We also performed several concerts for the Hāna Community organized by our Friends, Claudia Kalaola and her husband and family. I was also able to participate in sharing some Hawaiian varieties of kalo and herbs with Ala Kukui.

I also participated in The Hāna Film Festival, with Uncle Boy Kana'e, when he was alive, and Ken Burgimier, several times where Ala Kukui assisted with housing and workshops for the Hāna Community.

I believe that Hāna is a very spiritual place full of legends and mele, and that Ala Kukui would further the spiritual cause to benefit Hawaiian culture. I also see it as a place where people can build tolerance and a bridge for the understanding of various approaches to understanding and living Life and various approaches to various spiritual beliefs. I see Ala Kukui as a vehicle for people to gather together for world peace. It is my understanding that Ala Kukui played a major role in bringing the Dalai Lama to Maui.

I am currently teaching a class at UH-Maui in Ethnobotany. Many of the native plants that we read about in books written by Kamakau, Krauss, Gutmanis , Kelsey and Isabella Abbot grow like weeds at Ala Kukui. Ala Kukui is a living testimony and treasure of Hawaiian plant life that has been accessible to Hawaiian Cultural Specialists like myself. Please support Ala Kukui for a Special Use Permit to Operate a Spiritual Retreat. It was Tiny Malaikini who first brought myself, my brother Moses, and Ernie Cruz Jr. to Hāna back in 1974 to play Music. Hāna has been an inspiration to all of us. I have written and been inspired to complete at

least 3 songs while in Hāna. I completed one song at Ala Kukui. Please support Ala Kukui.

E Ola Ala Kukui. E Ola Makemake. Please feel free to call or email me with any questions you might have. Mahalo Nui Loa.

Mr. Sinenci: Keoki Kalani.

Mr. Keoki Kalani: Aloha, Commission, Committee, community, everybody. Aloha. My name is Keoki Kalani, and I'm the ED for Hāna Youth Center, another nonprofit organization, okay. And before I read this, I just --

Ms. Lono: Excuse me, Keoki?

Mr. Kalani: I'm sorry.

Ms. Lono: Excuse me. I'm sorry. Could the people are conversing in the back of the room please step outside 'cause it's kind of -- disrupts our ability to hear what's going on, so thank you very much.

Mr. Kalani: Okay, so, forgot what I was going to say, but anyway, okay, I'll read this. Okay, I wanted to share that prior to Ala Kukui's closure, Hāna Youth Center was fortunate to have attended several workshops under the directorship of Claudia Kalaola, including youth-friendly sessions in hula, ukulele, guitar, bamboo instrument-making, demonstrations involving mai'a or bananas, the creating of mala gardens with the hope that the kids would go home and make their own garden, and this is just to, you know, name a few.

Now these occasional trips to Ala Kukui provided cultural education that was fun, exciting, and it brought insight that we alone at Hāna Youth Center would not have been able to provide as well for our youth. We operate what is called a "drop-in center." So the kids come when they want to come. And if they want to leave, they just pull, okay. When they heard we're going to Ala Kukui, the van is full — van, truck, jeep, you name it, we're looking for other vehicles to help us transport kids. It was a nice -- they were all very nice programs that we attended.

With your approval, we look forward to the day when we can once again collaborate and further inspire our opi`o because they are our future. Any questions?

Mr. Cashman: Aloha, Keoki.

Mr. Kalani: Aloha.

Mr. Cashman: You know, since -- you were saying you went when Claudia was there. Since this new management, have you folks visited Ala Kukui?

Mr. Kalani: We haven't visited because, to our understanding, it was closed, or it was under -- it was going through a change.

Mr. Cashman: Oh, okay.

Mr. Kalani: And so the opportunities did not become available.

Mr. Cashman: In fact, that was my understanding, too. I went to the last hula recital and I was told that was the last one. In fact, they had food, and I was surprised to hear that they were still having, when the planning commission went site visitation, I was surprised because I went to the last one, had the hula troupe, and I was told that was it. I used to get an email every time they have a — not so much a retreat, but a lecture, la'au lapa'au. In fact, the information I got was it wasn't for the locals.

Mr. Kalani: I didn't get that.

Mr. Cashman: That's why they changed management. I mean I might be wrong, but that's what I heard. Correct me if I'm wrong.

Mr. Kalani: Okay, so anyway, being a nonprofit organization, it's difficult to find funding, you know, and when you are able to have something that brings in income, and when you write for grants and you show that you are trying to make an effort to be self-sustaining, you know, it's appreciated, because people who give money don't want to see it just going out the door, yeah, and I think those nonprofits who make efforts to try and sustain themselves, you know, hats off to them. I really believe that the people running Ala Kukui, they're spiritual, yeah, so they should have conscience, and I think they've shown good faith, and I think, through your encouragement, they'll be once again an asset for our community. Pau. Thank you.

Mr. Sinenci: Karen Davison. Karen? Susan Cuffe.

Mr. Kotler: I have a short letter from Susan Cuffe. My name is Arnie Kotler.

Dear Sirs:

I am writing this letter in support of granting a Special Use Permit to Ala Kukui to operate a Retreat Center in Hāna. The programs and services provided thus far have been of great benefit to the Hāna community.
Sincerely, Susan M. Cuffe.

I'd be happy to say a few words. I'm part of the applicant team - personally, and also maybe responding to some of the outstanding questions if that's okay now or another time?

Mr. Sinenci: At the end, you'll have a chance.

Mr. Kotler: Okay. Thank you.

Mr. Sinenci: Thank you. Pastor Lea Kalalau.

Mr. Gary Chow: Aloha. I'm Gary Chow. I'm reading a letter that she gave me.

Aloha and God Bless to you all. I am writing this letter on behalf of myself and the assembly that I fellowship with, The Master's Touch by His Word. We are a nonprofit organization here in Hāna started in 2002, commissioned to share the Word of God. Through the years, having a facility available to our use, whether it be for a conference, meeting, overnight retreats, or revival has been a struggle. With many legal obstacles, like noise restrictions, permit fees, and insurance coverage, and also availability, it is almost impossible to utilize a facility. After countless activities and countless struggles, we were able to utilize Ala Kukui, a place that we have found to exceed our expectation. The solitude and spiritual embrace of this place welcomed us into a place that has a lot to give for Hāna. Its rest and peacefulness has allowed us to expand our ideas of outreach to our community. And Maui as a whole and I along with other -- our congregation support the efforts of Ala Kukui and am very thankful for having this available for us, and we will continue to support their growing in our community. Mahalo, Pasor Lea Kalalau, The Master's Touch by His Word.

Mr. Chow: Can I make one other comment? I know, Ed, as an example, we were able to use the facility and Ala Kukui did not charge us anything. So basically it was place, it was accommodations for our pastors that came over to do our -- you know, their work so at least -- yeah.

Mr. Sinenci: Tad Bartimus.

Ms. Tad Bartimus Wariner: My name is Tad Bartimus Wariner, and I run a program called "Write Story, Talk Story," "Talk Story, Write Story;" however you wanna say it. I've been doing this for 13 years. I'm a journalist, and a very experienced journalist. I worked for the *Associated Press* for 30 years. I teach writing. And I do it on a volunteer basis.

The first place I taught this was at my house 13 years ago with a group of eighth-grade girls. And then I was encouraged by people who work for Susan O'Connor, whom I did not know, to use the facility at Ala Kukui. At first I was hesitant to do it. I couldn't quite see the benefits of it. And then, when I went up there, I saw that it would provide an incredible place of peace, of privacy, of beauty to take groups of children up there and let them experience silence and creativity to allow them to open their mind to the fact that this was their space and their place. And I began to do this in 2005 at Ala Kukui. I've had nearly 200 Hāna children there, for free. They've never charged a penny. Susan O'Connor underwrote the program. I'm a volunteer. That expanded to over 120 kupuna in this community, who have done writing workshops at Ala Kukui. And we ceased to do it in 2008 when I was under the impression that, first of all, they were remodeling, so they closed for remodel, and then it was my impression, although I might have been in error, that everything had to wait till these decisions were made about what was going to happen up there.

I can tell you that those retreats for those children were extraordinary. It produced a body of work that now fills up a box, like this, full of writing from the kids. It helped them to prepare their personal statements for college. It has helped directly, in my opinion, helped them to garner three Gates Millennium Scholars out of Hāna in this time. Last year the only Gates Millennium Scholar in Maui County was from Hāna, it's a young boy who had participated in the program for three years. And as far as being a benefit to the local community, I've never had anyone participate in these programs unless they were from the local community. It's free. We use the kitchen. It was subsidized by Susan with food. It's been an extraordinary blessing. And I can tell you that since 2008, we have missed it. We have not been able to take advantage of Ala Kukui. We do it at the school now and sometimes at my house, but it is not the same. It is simply not the same for these kids, and probably for the kupuna, too. Thank you very much. I really hope that you will approve this, for the community.

Ms. Cosma: Thank you very much for coming and sharing your testimony.

Ms. Wariner: Thank you.

Ms. Cosma: And you said there's no charge. That's what I like.

Ms. Wariner: There's no charge.

Ms. Cosma: And that's a benefit I see for our community. But, is there a guarantee after the proposed project is fulfilled, everything's in place, that there'll still be no charge to our community?

Ms. Wariner: I'm completely confident about my program.

Ms. Cosma: I know.

Ms. Wariner: I can't tell you. I can't tell you.

Ms. Cosma: Okay.

Ms. Wariner: I'm not a clairvoyant. I've lived too long; I know life changes; things happen. But I can tell you that I have never had any person that represented Ala Kukui ever break faith with one single thing that they offered to us. And I've never seen anything but generosity on behalf of that place towards the kupuna and the kids that I've brought up there and it's -- you know, I mean a lot of people wouldn't take on the liability of kupuna on their property in a group, or a bunch of kids from eighth graders on up to high school seniors. That was never an issue. And because -- because of the way they approached the program, I believe that the response, particularly from the children, was never anything but gratitude and respect.

Ms. Cosma: Thank you.

Ms. Wariner: Thank you for having me.

Ms. Noe Lecker: Aloha. My name is Noe Lecker, resident of Hāna. I live about four houses across the street from Ala Kukui. I would like to first of all thank you folks for opening this meeting up to our community. I would like to thank all the community members for bravely coming forward and talk in front of a mike. I know it's hard.

But I am one that is in support of Ala Kukui. As Ms. Wariner spoke about her writing program, my daughter was one of that student that attended, and she was blessed to learn how to write her essay for college, and she is now attending her second year in UH college. So I am thankful for the workshop.

I also would like to thank Ala Kukui because my son, Dylan, was able to attend their youth employment program through Ala Kukui and Alu Like. And I'm very thankful for that. They were able to learn how to plant, weed, take care of the 'aina. They learned all about the Hawaiian plants and how to take care of them. So I'm very thankful for Ala Kukui, and I'm very thankful for the upcoming project that they are looking at bringing to our community. Thank you.

Mr. Sinenci: Thank you. That concludes our public testimony at this time. We'll take a five-minute recess and reconvene at 6:40.

(A recess was called at 6:30 p.m., and the meeting was reconvened at 6:49 p.m.)

Mr. Sinenci: Okay, we'd like to reconvene our Hana Advisory Committee meeting.

Ms. Lono: Mr. Chair, could we hear from the applicant's representative real quick? He had a few things to say. Could we hear from him?

Mr. Sinenci: Okay, we can open up discussion at this time from the applicant.

Ms. Lono: Okay. Thank you.

Mr. Sinenci: And questions from the board.

Ms. Lono: Okay. Thank you. Oh --

Mr. Yoshida: I guess we need to close the public hearing if -- or offer if there's anybody who hasn't testified that wants to testify, to testify now, and then we can close the public hearing, and then you can ask questions of the applicant.

Ms. Lono: I would like to move that if there is no one else who would like to provide public testimony, that we close public testimony.

Mr. Sinenci: Is there a second?

Ms. Cosma: I second to that.

Mr. Sinenci: Okay, we'd like to go ahead and open discussion.

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

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

VOTED: to close public testimony.

Mr. Hart: Thank you, Mr. Chair and Members of the Hana Advisory Committee. My name is Chris Hart and we'd just like to close with some comments. But first I'd like to ask Therese Fitzgerald to come and to basically read something into the record. Then I'd like to have Arnie come with some comments. And I just have just a couple of details that I'd like to say in closing, if that's okay.

Mr. Sinenci: Okay.

Ms. Therese Fitzgerald: My name is Therese Fitzgerald, and I'm going to read a letter from Susan O'Connor:

To the Hāna Advisory Committee:

The O'Connor family has been blessed with a home in Kīpahulu and to be part of the Hāna community for the past forty years. Hāna has shaped us as a family and as individuals. Starting with Angela, who has been part of our lives all this time, we were given subtle lessons about walking and living on the land and being present to it.

It has been my intention to give back to the Hāna community at least some of what I have received and to be able to offer a gathering place, a place of renewal, in the same beautiful, respectful way. Since the idea of Ala Kukui arose following 9/11, Ala Kukui has been the "child" of many people in Hāna and other parts of Hawai'i. We have wanted to provide a place of healing and transformation for Hāna and for the world.

The land has spoken to us, and we have not deviated from a vision of personal and global transformation. To see people come to Hāna from other places and interact with cultural practitioners and gain new insights and peace of mind and come away renewed and able to continue their work is, to me, the magic and beauty of the place.

It has been a long road, and I have made many mistakes along the way. I take responsibility for being naive and foolish about the Hawaiian culture, making people unhappy. The process of discovery has been instrumental in refining Ala Kukui's spiritual mission with greater understanding of the need for inclusivity, reciprocity, and healing.

We will try, if you give us permission, to continue to be more responsive to Hāna's people, our wonderful neighbors, and the needs of the community.

Thank you with all my heart for your support over the years.

Aloha,
Susan O'Connor

Ms. Lono: Could we request a copy of that letter for our records? Mahalo.

Mr. Arnie Kotler: My name is Arnie Kotler. Therese Fitzgerald, my wife, and I are the co-directors of Ala Kukui. I want to clarify some of the outstanding questions, and then Chris, of course, can handle the more technical parts.

In April 2009, the Ala Kukui board met and were a bit troubled that Ala Kukui was -- the monthly cash flow was extremely negative and Susan wanted to be able to support Ala Kukui, but not indefinitely. In the same period of time, as Chris Hart mentioned, he submitted the application for a Special Use Permit, and then we were informed by the County that we need to stop operations. So, those two things happened at the same time. In April, the staff — Claudia and the rest of the staff — were given notice that we would shut on June 30th, and then very shortly after that the County confirmed that that was the right thing to do in terms of the SUP process.

At the end of 2009, Therese and I met with the Ala Kukui board. We have experience with retreat centers in other places. We've lived in Hawai'i for twelve years and on Maui since the beginning of 2004. We live on the other side; we live in Kihei. And the board asked if we could help create a business plan, a sustainable business plan for Ala Kukui, balancing the need for income with the need for community activity, etcetera, and we presented that to them at the end of the year and they asked if we would be the co-directors. And to — you know, I don't want to be too informal, but Therese said yes, and we did it. And so, we've been coming over from the other side a few days a month, and then more, and lately three-quarters time, to help Ala Kukui through this process and interface with Chris and Jordan Hart on the SUP process.

So since the middle of 2009, we've essentially been closed, but Erin Lindbergh's kupuna yoga has continued; we opened the house for Halau O Kekuhi from Hilo to stay there. I assume the dinner after Aloha Festivals is the one you meant. We thought it was okay for them to do it. There was no money exchanged. They were essentially guests of Susan and Susan's residence, which until we get the SUP, I believe legally is what it is. So, if we've erred in that, we didn't intend to. We've tried to follow the letter of the request from the County to not operate.

I'm also aware that many years ago a group was assembled to advise Ala Kukui on behalf of the local community, and there was a kind of massive miscommunication and there's still some hurt, and Therese and I are really newcomers; we're from the other side, even now. And I just want to communicate that everything I've heard about the proposals of that group and the wonderful programs that Claudia brought, we deeply want to continue. And the same for Ryan and Angela, we meet all the time and learn from them. We're not directors in any directive sense; we know how much we don't know about being here. We do have skills in operations like retreat centers.

Another piece I want to mention is the balance of groups from the outside and local events, and also the cash flow issue, which Mr. Cashman mentioned. When possible, it's Ala Kukui's Board's intention not to charge for local events. Claudia, with the help of Scott Crawford, were extremely successful raising funds to underwrite all of those programs. And we're learning—I hope Scott will help us and we hope that, you know, Claudia can help us also—to develop those skills better. But our intention is to provide these kinds of activities. But also the board and Susan have made clear, it's not a subsidized operation. Our charge is to move towards breaking even, not profit and not charging massive amounts, but enough to cover the expenses of running it. And Susan continues to subsidize it, but her intention is to make that smaller over time as we operate.

Regarding the driveway, it's my understanding that the traffic report commissioned by Chris Hart, on behalf of the applicant, was for 29 cars to come in in the morning, and 29 cars to leave in the evening. And, as I did the math, I think that's based on the complete build-out and everyone's commuting. If people stay on campus, there's less traffic. At the present level of facility availability, there's less traffic. So I think -- I believe that number 60 is 29 plus 29, rounded up, based on maximum activity at some point. And the police chief's letter referred to the tour van, being, possibly, I'm not sure where that information came from.

I think that's the main thing. Are there any questions or outstanding issues that I might be able to address?

Mr. Cashman: Thank you. Presently, you don't have a permit to operate anything then?

Mr. Kotler: That is correct. Yes, that is correct.

Mr. Cashman: What is Ala Kukui registered as—nonprofit? religious?

Mr. Kotler: Yes, nonprofit religious organization.

Mr. Cashman: You are registered with who?

Mr. Kotler: The nonprofit name is "Hana Retreat," and then the given name for the program is "Ala Kukui."

Mr. Cashman: That's a religious registration.

Mr. Kotler: Yes. Yes.

Mr. Cashman: You're registered with who?

Mr. Kotler: I'm sorry?

Mr. Cashman: Who are you registered with?

Mr. Kotler: IRS. We can show you a copy of the IRS Determination letter.

Mr. Cashman: Can I ask who the board is?

Mr. Kotler: The Board is Susan O'Connor, Susie Miller, and Heng Chang, sometimes called Master Chang, a Vietnamese Buddhist monk.

Ms. Lono: Who was the other one?

Mr. Kotler: Master Chang is the way he is known.

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

Mr. Kotler: No, there's just the three. There was a larger board that was disbanded at the time in mid-2009, and the present board did tell us that we should help develop a local board and a board that we want to work with. But during this holdover period, these are the founding board members, and they are the present board members.

Mr. Cashman: You mentioned that Claudia them raised funding to run the different programs. So are you saying it wasn't funded by the O'Connors, it was funded --

Mr. Kotler: I think some were, like Tad Bartimus' program definitely was funded by the O'Connor's, I think, family foundation. But Claudia raised funds from—I can't remember—Hawaii Community Foundation? I can get back to you if that's important to you.

Mr. Cashman: Oh, okay. Thank you.

Mr. Kotler: It's various in-State funding sources.

Mr. Cashman: You know, when you folks get that build-out and add these other units, are they going to be provided with kitchens? Or you guys just use the central kitchen?

Mr. Kotler: No, central kitchen.

Mr. Cashman: That certified kitchen. I came to at one la'u lapa'au.

Mr. Kotler: Yeah, the kitchen, which is not fully certified yet, which will be completed as part of the certificate of occupancy process.

Mr. Cashman: Generally speaking, who your folks target group? What group do you want to attract? You know, like --

Mr. Kotler: Yeah, there's essentially two tracks. We really want to be a resource for the local community. When Kau'i Kanaka'ole's class practiced hula for Aloha Festival, we loved it. And we want to continue those kinds of activities.

For the other ones, Erin Lindbergh has been in contact with a number of yoga teachers whom she respects about coming to teach yoga from various places, and bringing a group of 8 or 10 people with them. My wife and I have participated in various meditation retreats over the years and are in contact with people we know. There's a list of proposed activities, and those are the kinds of people that we've been in contact with over many years and wish to invite. The pastors also, as mentioned, and so on.

Mr. Cashman: Would you object to one advisory committee?

Mr. Kotler: We would love an advisory committee.

Mr. Cashman: Yeah, my concern is, to me, we're really stretching what the zoning is, you know, what you folks say you folks are going to do, what you doing, and what is allowed. If we give you guys permission, what's going to stop everybody else? I mean, I grant -- O'Connors have been good to this community. There's a lot of things. We cannot deny that. That's why we got so many people testify. But we have to look at the whole picture. I mean what if I wanted to do that, say I want to run a religious and I want to do this, this, this, like? We setting a precedent here that, you know. There are other ways you could have done this besides special use. And I don't think money is the object. You can do re-zoning and do what, you know, is -- to O'Connors, I don't think money is the critical factor. But by allowing, giving you folks this Special Use Permit, we setting a precedent that I don't think is good for Hana. So that's why I ask you if you object to an advisory because we have to have some kind of protection that what you say you are going to do --

Mr. Kotler: Surely.

Mr. Cashman: You know, is going to happen because to have the County enforce it — I mean, you take the vacation rental, which you could call this thing, what you folks are

proposing, it's almost unenforceable. We get 80-90 of them. So if we going to rely on the County to enforce it, it's not going to happen. I mean, it's just going to surround us. And I don't want to go the point that we call this another vacation rental, but it's bordering on that. Thank you. That's all I have to say.

Mr. Kotler: Thank you. Of course, the difference is someone's there for retreat, and I understand what you're saying.

Mr. Cashman: Yeah. Okay.

Mr. Kotler: Thank you.

Mr. Hart: Chris Hart, again. You know, Mr. Cashman, you know, are you talking about changing the zoning for this particular parcel as another option? Is that what you're saying? We could do that? Think about it. You know that's not true.

Mr. Cashman: Why can't you come in for change the zoning?

Mr. Hart: How can you? The Island Plan proposes it as agriculture. The Community Plan proposes it as agriculture. The State Land Use District Boundary is agriculture. The County zoning is agriculture.

Mr. Cashman: So you're telling me you cannot do it, I mean, you couldn't apply?

Mr. Hart: No, you can't apply. I mean I used to be the Planning Director. You can't do that. I mean, what you can do is you can find a place in the business district. We could try to buy the Hotel Hana-Maui or have some sort of a relationship with them, where you go on a retreat at the Hotel Hana-Maui. But you can't just go and ask for a change in zoning. That doesn't happen.

And you think that by doing this it's going to be a big precedent? How much problems do you think it has been for us to get to this point? How much? A lot. We applied in 2009.

Mr. Cashman: We have to live here. You don't.

Mr. Hart: Well, I live on Maui. And I'm just telling you, you don't just go and apply for a change in zoning in the ag district.

Mr. Cashman: Like I said earlier, we have to live here, you don't.

Mr. Hart: I know you're concerned, and we want to do things right. But I just want you to know that that's not an option. The thing is that, you know, when we basically talked about this whole thing and, you know, with the Planning Department, we established that this is going to be a retreat center. And that as part of the retreat, there would be a fee that would be charged, and that fee, you know, would actually cover the cost of a person staying overnight. It is not considered a transient vacation rental. Now, the possibility is that there might be more people than the 17 that are talked about, ultimately, 7, basically, let's see, 7 in the house and eight, yeah, 15—that might go to the Hotel Hana Maui, and that's fine. That would be good. But in general, you know, this is not a transient vacation rental, and I can't see how the process of going through a Special Use Permit would be a precedent for people operating and getting approval to do a transient vacation rental. I just don't see it happening. Yes?

Ms. Lono: Personally, I think that a Special Use Permit is much more protective in that it's temporary.

Mr. Hart: Right.

Ms. Lono: And if you were to do a change of zoning, that's permanent.

Mr. Hart: That's correct.

Ms. Lono: And that could allow a lot of other things to occur, depending on what zoning you change it to. But a Special Use Permit is temporary. And like you mentioned in the beginning, you said something about, you know, starting it for a three-year period, and then you would have to come back to the community again.

Mr. Hart: Right.

Ms. Lono: And the community would look at, or, you may have to, I don't know, or it could be done administratively to extend it, but hopefully that we could put in the condition that you'd have to come back to the community and show that you followed what you said you were going to do, and that everything is what you say it is.

Mr. Hart: Right.

Ms. Lono: And then you have the Special Use Permit extended. But I think it's actually a protection on the community to do a Special Use Permit, because it's not permanent.

Mr. Hart: That's correct and --

Ms. Lono: And so that's my feeling on that, just to give you a different perspective.

Mr. Hart: And the opportunity of having an advisory committee, if that's going to be, you know, the decision, I think is a very good possibility, and a very good condition, okay. And that would be insurance, you know, in the context of the community.

Essentially, the only other thing I wanted to say has to do with the traffic. And in reality, the number of cars is essentially going to be intermittent, the 29 cars in the morning; the 29 cars leaving in the afternoon. If there is going to be a retreat, obviously, a certain number of those people are going to stay overnight, and they're not going to necessarily be using the driveway, so they're not going to leave. And that's not going to happen every day. But in the context of the traffic study, we have to basically identify the peak, and in the context of the peak, we have to provide improvements to accommodate the peak. And that's what we're doing. But that's not going to happen every day. And so I just want to assure you that -- and most people who have spoken even said that that amount of traffic wasn't necessarily going to be an issue with them. And those improvements, of course, would be triggered in the context of any expansion that we would do to the project.

I'd just like to say, you know, in closing, you know, I do believe that this is a good project. I think Hana is a unique place. It is a place where people really find renewal, spiritual renewal, and I think the opportunity of having a facility like this in Hana is going to be a benefit to the community, and it's also going to be, basically, a benefit to people that really want to come to Maui because Maui is no ka oi and one of the best places in all the world. And if Hana is the best of the best, that's fine. I think this will basically work to perpetuate that. Thank you.

Ms. Lono: One of the questions I had about the traffic and the improvements on the road, I'm just trying to visualize in my head, the issue is with the entrance from Hana Highway back to the Ala Kukui gate.

Mr. Hart: Right.

Ms. Lono: And what I've experienced and why I was so specific with Aunty Nona is because I've watched her have to, you know, block off her driveway and put cones in front, because the busses would be going up to Hana Tropicals and would turn around in her driveway, or else meet a car and the car would end up in her driveway and I don't know -- I think it says in here that there's a 60-foot wide easement.

Mr. Hart: That's correct.

Ms. Lono: And I'm not exactly sure where that easement lies and what it would end up requiring as far as expanding that into a two-way street, and if it would require moving rock walls, or removal of some of the beautiful trees and hedges that are along there, and that would be something that we should look at and understand.

Mr. Hart: It's going to have to be designed, but the intention is that it would be a two-way entry, okay, and, you know, how it actually gets configured going mauka is something that we have to work out with our engineer. Anyway, thank you very much. I appreciate all of your kokua and -- yes?

Ms. Cosma: One more thing. In closing, I just want to say that, comment on Mr. Cashman's comment on precedent, setting a precedent, I think what Mr. Cashman and I, for me, ag lands is important in Hana. That's what makes Hana unique and a special place where everybody want to come to because of the ag lands that protect our beauty--

Mr. Hart: Right.

Ms. Cosma: And environment.

Mr. Hart: Yeah.

Ms. Cosma: And that's why they have ag land laws is to protect place, like remote areas like Hana and the reason why you have to go through this Special Use Permit. I've heard lot of testimonies tonight in support of Ala Kukui, what's existing now. 'Cause they don't know how it's going to be after everything pau, but I support what's existed before all of this 'cause they utilized what's been going on in the past. I never heard one comment about the global community that's going to come to Hana — global, worldwide, where everybody can come here and retreat. Which is nice. But the background of these people that come into our community. Is there some kind of safety measures that will ensure our community were safe? I don't know who that guy down the road is. Is my child safe to walk to Hana Bay?

Mr. Hart: I see. Yeah.

Ms. Cosma: You know, that's the concern. I always think of our keiki and our kupuna. But Hana, if you're born and raised here, the whole road is the kids' playground. They walk there every day come to the bay. Is there a safety measure that will assure us that we'll be living in a safe community, inviting the global community? Is there something that can be placed as a condition?

Mr. Hart: Well, I think that, you know, having the opportunity of having the advisory committee, as Mr. Cashman says, I think that's a very good idea. And I -- you know, Arnie might want to respond to that. But I would just like to say that we respect the agricultural land. I've been involved in planning here on Maui for 40 years. I respect our basic State land use district land use law. I respect our community plans. I respect our County zoning. In the County zoning, it says that we can apply in the ag district for a special use. And that's what we're doing. And we believe that Ala Kukui, given the circumstances of the site, the uniqueness of it, that it qualifies for a special use: an unusual and reasonable use of the land. So, with that, I'm just going to ask Arnie to comment or --

Ms. Therese Fitzgerald: My name is Therese Fitzgerald, and I'd like to make a personal response. First, to say that I've dedicated my whole life to the efforts that communities make to try to have the light shine through, and of course there's always darkness, and we're not looking for perfection. I don't look for perfection. And I know it's very hard to create trust. I'd like to say a few things. One is I'm absolutely committed to being part of the efforts for anybody coming from the outside into your community to make sure we do everything possible for them to be clearly aware of where they are and who they are among. And I wholeheartedly invite us to work together, as we have been — you heard from Sheila and others who have been serving as advisors. And we can make that more formal. And I just wholeheartedly invite you to work with us. I think, you know, there are enough favorable conditions here for us to join together in beneficial activity, beneficial ways of being, both for the local community, in terms of the keiki being nurtured, the kupuna being nurtured by the land and fellowship, sisterhood, the working mothers, the cultural practitioners, the stressed-out mothers and fathers and grandparents, the couples, you know, to have a place where we will have deep and true spiritual nourishment in all the ways that are possible with this beautiful community and people coming, trustworthy people coming, and being held by a trustworthy team, the staff, an advisory council, you who are watching over your precious community. Thank you.

Ms. Cosma: Thank you, Therese. You know, I'd like to make a --

Mr. Kotler: My name is Arnie Kotler. I just want to respond to the concern about the word "global." Maybe it's the wrong word. It's shorthand for people not from here coming.

Ms. Cosma: I just took it from the ...(inaudible)...

Mr. Kotler: Yeah. No, we've been using it from the beginning. It was part of Susan's original vision. But I just -- it's shorthand. And the people who come for retreats are

generally pretty trustworthy and we're going to screen carefully. There's all kinds of stuff that we don't want either. And, as Therese said, "doing it together." Thank you.

Ms. Cosma: Thank you.

Mr. Sinenci: Okay, thank you. At this time, we'd like to close the applicant's section and go ahead and get the Department's recommendations at this time.

b. Action

Mr. Fasi: The Planning Department, in regards to this matter, has no recommendation at this time, pending input from the public at this January 20, 2011, public hearing. In consideration of the foregoing, the Planning Department recommends that the Hana Advisory Committee adopt the Planning Department's report and recommendation prepared for the January 20, 2011, meeting as its findings of fact, conclusions of law, decision and order, and authorize the Planning Director to transmit said documents to the Maui Planning Commission for further action. Thank you.

Mr. Sinenci: Okay, thank you. We'd like -- thank you. Clayton?

Mr. Yoshida: Yes, Mr. Chair and members of the board, I guess the reason why the department is coming out with -- came out with a no recommendation is because, of course, we changed administration and we changed leadership in the department, and on I guess day four of the new director's term, this was presented to him and felt it was important to -- he wanted to be cautious, seeing as he was only on day four, and he wanted to hear from the community. But the Department can assist the board, you know, whichever way it decides to make a recommendation. You know if it decides to recommend approval, we can assist the board with that. If it decides to recommend disapproval, we can assist the board with that.

Ms. Lono: Okay, so the no recommendation from the Planning Department was based on wanting to hear from the community. So, now that we've had a community hearing, would it be appropriate for us to defer this and have the Planning Department review the public comment from this meeting and come back to the Hana Advisory Committee with their recommendations and give us, as well, a chance to look at this voluminous information and think about all of the information that's been brought to us this evening, because I believe that there is support, in that we do want to approve or, basically, I would like to see this approved, but I do think that there are some conditions and recommendations that we need to make. And at this hour, after almost four hours of being here, you know, after working all day and we're all probably hungry and tired and whatever, that perhaps what we need to do is defer and ask the Planning Department to come back to us with their recommendations based on the information that came into

this meeting, and then for us to be able to provide recommendations at a future meeting. Mahalo.

Mr. Yoshida: Well, I guess we have draft conditions if that's the direction that the board -- so we don't start from scratch.

Ms. Lono: Right. Yeah.

Mr. Yoshida: But, you know, we have a starting point and you folks can modify it as you see fit.

Ms. Cosma: Clayton, I like the idea of the deferral, because I, too, want to approve this. I support our community having this. But I, too, like Dawn, I didn't have enough chance to really review all this thick paperwork. And when I look things, I want to look through it thoroughly before I make the right decision. But I support Ala Kukui, but not at this time. I'd also like to request a site visit. I want to feel what everybody's feeling. See what I'm saying? You know, I suggest the Advisory get up there, take a tour, go visit what these people do and get that feeling, so we know what we talking about. So, you know, if it's all, you know, In all respect to the Advisory, I'd like to ask your support, I'd like to make a motion that this --

Mr. Sinenci: No, we're not -- okay, we'll open -- we can --

Ms. Cosma: But that's my recommendation as the Hana Advisory.

Mr. Yoshida: Whatever recommendation ...(inaudible)... that maybe provided the different options.

Ms. Cosma: Can I make the motion?

Mr. Sinenci: Yeah, we would like to go ahead and close the Department's recommendation and open up the Board's discussion.

Ms. Cosma: Okay, I'd like to make a motion, then, that the Hana Advisory defer this January 20th Ala Kukui proposal and request that we, as the Hana Advisory, along with community members, we do a site visit on the next Hana Advisory meeting on this project. I think that's important. And then we can also have another community meeting, after reviewing all the paperwork and the community's testimony that we heard this evening. Thank you.

Ms. Lono: I'll second the motion.

Mr. Sinenci: Is there a second?

Ms. Lono: I second.

Mr. Sinenci: All in favor? Oh, okay, we're going to have a discussion on that motion.

Mr. Cashman: I have a comment. You know, I went to a few lectures or retreat what you folks -- whatever you call it up there, and it was never called a "spiritual." I notice now that's the term you folks using. It was la'au lapa'au. It was hula, you know. But now, I don't know when it changed, but it changed to a spiritual -- no, no. I just making a comment. I don't -- yeah.

Ms. Lono: So the motion is basically for deferral, and to request a site visit, and then a follow-up meeting to make our recommendations.

Mr. Sinenci: We're discussing right now the motion.

Mr. Fasi: On behalf of the department, if we're going to go in that direction with a site visit, can the Department ask the Committee's permission to have the site visit and this meeting on the same day?

Mr. Sinenci: Yes. I just wanted to add that we all agree that the services so far has been beneficial for our community - just from the big turnout we had tonight. It was nice to see a lot of our community members come out. However, as a board, we do have responsibilities that we need to go over and look at, one being the zoning, two being, you know, other -- there has been other letters beside the approvals, basic things like the infrastructure, the, you know, what's all of these buildings, the cesspool, all this kinds of stuff are also coming up, too. The testimony we heard is what Ala Kukui has been operating in, and so far it sounds wonderful. So, you know, why all the changes? Why the overnight? Why, you know, it's already been operating successfully as it is without the Special Use Permit to make it legal for all these activities.

Ms. Lono: They were shut down.

Mr. Sinenci: They were shut down because of all these things, right. We are looking at all those things. Public is closed right now. We're in a discussion right now. So, these things we want to, again, we want to present the Planning Commission with your testimonies so that they do come up with some semblance or some idea of what this place is. And I think the site visit would be nice if they could experience that, too.

Again, it's outside of our community plan. You know, it's -- we all agree it's a beautiful place, but we've already established a foundation in our community, and one being our Hana Community Plan, where things should be, and so we want to -- we don't want to just discredit the hard work that our predecessors have set for us. You know, they've worked hard these last 30, 50 years on our vision, and we want to continue that as well, too. So we just don't want to, "Okay," you know, and change it on a flip of a coin. So, I agree -- I too agree with this motion, and give us a little bit of extra time to discuss this. Thank you.

Ms. Cosma: Thank you, Mr. Chair. You said it perfect. And I'd also like to say that I think that's the beauty of having Hana Advisory is that we can exchange ideas, thoughts before making any kind of informed decision, and I just want to say thank you to everybody for coming out, I mean giving all your time, it's precious. Everybody, mahalo.

Ms. Lono: I'd like to call for the question and ask for a vote, if our discussion has been finished.

Mr. Cashman: Yeah, I have a comment. You know, I would appreciate if the Planning Commission, when we do meet again, come back with a recommendation because we don't do this every day. In fact, I just -- not the Planning, but the Planning Department. I just got this today, too. You know, when you see all the people commenting how good it is, it's hard for us to sit here and go against it, even if my personal -- I might not agree with. I rely heavily on the experts; it's not me, the Planning Department. If they have no comment, then where does it leave me? You know, so I would appreciate, I'm going to agree with this deferral, but please, come back with guidance for us. Thank you.

Mr. Sinenci: All in favor of deferring the Susan O'Connor / Ala Kukui request of a State Land Use Commission Special Use Permit to operate the Ala Kukui Spiritual Retreat Center, to defer this meeting to a later date, all in favor, including a site visit at our next meeting, possibly, if the staff can recommend a possible date.

Mr. Yoshida: Well, if we move to the next item, scheduling of other Hana region applications, we have that SMA permit for the DOT improvements to the Uakea Bridge, which requires a public hearing. Possibly looking at March 17, St. Patrick's Day. I don't know if that's too far away from now but, you know, if we can --

Ms. Lono: It would be nice if we could have it a little more quickly. I mean, I don't know how quickly the Department can move at this point in time. This is January 20th. That would be almost two months away. So if there's any way we could do it sometime in February. I don't know how, like I said, how quickly it can move. And I know public notification is required, and all of that. So, I think the sooner, the better is all that I'm

saying. But we need to first vote, don't we? That's what we want to do, is defer, before we start discussing the dates?

Mr. Sinenci: Yes, yes.

Mr. Yoshida: Yeah, We could not move the Uakea Bridge SMA permit hearing any sooner. Well, it could be early March. But we have to give a forty-five day notice, and we have to publish a public hearing notice in five newspapers thirty days prior to the hearing.

Mr. Sinenci: Okay, so, let's vote.

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

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

VOTED: to defer the Susan O'Connor / Ala Kukui request of a State Land Use Commission Special Use Permit to operate the Ala Kukui Spiritual Retreat Center to a later date.

***(Assenting: E. Cashman; L. Cosma; D. Lono; S. Sinenci)
(Excused/Absent: K. Kaina (E); T. Kahula (A))***

Ms. Lono: And then now we can move to the next item on the agenda ...(inaudible)...

Mr. Sinenci: Okay, we'd like to move on to the Director's report.

C. DIRECTOR'S REPORT

1. Scheduling of other Hana Region Applications

Mr. Yoshida: Well, I guess it's the preference of the Commission as to when we're going to continue this item for -- yeah.

Ms. Lono: So what you're trying to do is piggy-back it onto the upcoming meeting regarding the State DOT bridge. You're trying to do both of them at the same time in order to avoid having to have two meetings in Hana, correct?

Mr. Yoshida: Well, yeah, I mean, we've had a meeting last month. We had a meeting this month.

Ms. Lono: Right. That's what we're here for.

Mr. Yoshida: Yes, correct. Correct. But --

Ms. Lono: So, if, I mean, it's really the Department's call on when it's scheduled and all we could do is say let's schedule it as soon as possible, and if we can do it early March, and do it contiguously with the DOT issue, then that's wonderful. So I would just like to recommend that we schedule this at the earliest convenience of the Planning Department.

Mr. Giroux: Just as a caveat, if we can't get a date today, that it's going to create notice issues for the applicant.

Ms. Lono: Okay.

Mr. Giroux: That means that they would have to re-notice the public and that would cause problems so --

Mr. Hart: Can I just say that didn't we close the hearing on this Special Use Permit?

Mr. Sinenci: We deferred.

Mr. Hart: No, no, no. We closed the hearing.

Mr. Giroux: Well, we closed the public hearing.

Mr. Hart: That's correct. So we don't have another public hearing, but we have a public meeting. Is that correct?

Ms. Lono: Yes.

Mr. Giroux: That's correct. But we still need a date certain.

Mr. Hart: Yeah, we do. But, I mean, in order to put it in the agenda. But we don't have to notify everybody within five hundred feet again, or advertise, because the hearing has been closed.

Mr. Sinenci: Deferred.

Mr. Hart: No, no. The hearing has been closed.

Mr. Giroux: The distinction is between the -- there's a -- the State law requires that there be a public hearing. The public hearing is the opportunity for the public to get notification

via the mail and for the abutting properties. That requirement is required by law. So, if there's a deferral of that process, then they would have to get a re-notice, you know, that whole process. The public hearing is closed. So now the issue of when it's put on the agenda, it's still a public meeting, where you have to meet the Sunshine Law requirements of notice. So, that's the distinction.

Mr. Sinenci: Thank you, Counsel.

Ms. Lono: So what I hear is the Planning Department is recommending March 17. So is that our choice? Is that the choice you're giving us? Or, what I was saying was, can we do it sooner if possible, or you're saying you want a date certain tonight, and the date certain that you are recommending is March 17?

Mr. Yoshida: Well, we were offering that, given the budgetary times that we're in, and furlough days, and so forth. However, I mean, if the commission wants, I mean, the board wants to have it sooner, we can try to come out sooner. We just -- we're trying to consolidate. We were planning to come out anyways in March for this DOT SMA project, that we could consolidate the two into one meeting. But if the board feels that we should, you know, they should have a meeting sooner, then we can try to arrange a meeting sooner.

Ms. Lono: Mr. Hart, do you have a recommendation? Or do you have a feeling about a date? Would you have a recommendation about that?

Mr. Hart: Well, you know, I appreciate the Planning Department's desire to consolidate hearings but, obviously, if it could happen in mid-February, that would be fine for us. I think that would give—let's say, today is the 20th—say a month from now. You know, I didn't look at my calendar but, you know --

Ms. Lono: As long as it's not the week of February 14th.

Mr. Hart: Okay. All right.

Ms. Lono: Valentine's Day.

Mr. Hart: Well, yeah. As an Irishman, I would like it not to be March 17, but that's all right. That's all right. But, you know, if that's okay with you, that would be fine, and we certainly can, you know, any of the logistics as far as a visit to the site, and everything.

Ms. Lono: So, Paul, do you have something?

Mr. Fasi: Yeah, I would like to ask the applicant. Does the applicant have a problem with March 17?

Mr. Kotler: Our preference is sooner. We've waited since submitting the application in March or April, 2009. People do contact us about wanting to have events, and we say we can't do it. And, as you know, for a year and a half we've been saying, "Maybe in a few months." So, from our point of view, we'd love to open sooner rather than later, if that's feasible in other regards.

Ms. Fitzgerald: We can stretch. And, I just want to say, I think it would -- think about how it would feel to community members who are eager to see something move ahead here. But the important thing is to have the time—I'm kind of shocked that you just got the papers so close to this time, and that you haven't been up to Ala Kukui—so, to take the time. But, I think, you know, if it was possible to do it in a month, that that would keep the faith in people. But also people are used to taking the time it takes, and going slow, so we accept your decision.

Ms. Lono: Well, if we could just say that, at the latest March 17, and if the Planning Department can schedule it and come out here sooner, then we would be open to that. Can we leave it at that, Clayton?

Mr. Yoshida: Yeah, I don't know if that'll satisfy Corp. Counsel as far as creating problems. If we have to have, decide on a specific date today.

Mr. Giroux: No, you can leave it open. I mean, if the Department can do it earlier, then just make sure that you meet the Sunshine Law requirements.

Mr. Yoshida: Okay, yeah we can do that.

Mr. Sinenci: You have anything else for the Director's report?

Mr. Yoshida: The only other application that we're -- Hana application that we're still dealing with is the Mark Collins zoning change to SBR. That's all we have to report.

D. ADJOURNMENT

Ms. Cosma: Okay, then I'd like to make a motion that we adjourn this meeting.

Mr. Sinenci: Is there a second? Thank you everyone.

Mr. Hart: Thank you very much.

There being no further business brought before the Committee, the meeting was adjourned at 7:45 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Shane Sinenci, Vice-Chair
Ed Cashman
Lehua Cosma
Dawn Lono

Excused/Absent

Tina-Marie Kahula (A)
Kawika Kaina (E)

Others

Clayton Yoshida, Planning Program Administrator
Paul Fasi, Staff Planner
James Giroux, Deputy Corporation Counsel