

**MAUI PLANNING COMMISSION
REGULAR MINUTES
SEPTEMBER 27, 2011**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Kent Hiranaga at approximately 9:05 a.m., Tuesday, September 27, 2011 Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Chair Hiranaga: ... and this is the Maui Planning Commission meeting. All Commissioners are present except for Donna Domingo who is excused. At this time, I'd like to open the floor to public testimony. Is there anyone here that wishes to provide testimony on any agenda item? We have a list here. You can testify at this point or you can testify when the agenda item is taken up. Lucienne deNaie, Jeffree Trudeau?

The following individuals testified at the beginning of the meeting:

Jeffree Trudeau - Item C-1, Contested Case Hearing, Bolles 3-lot Subdivision
Moses Akiu Kahiamoe, Jr. - Item C-1, Contested Case Hearing, Bolles 3-lot Subdivision
Moses Akiu Kahiamoe, Sr. - Item C-1, Contested Case Hearing, Bolles 3-lot Subdivision
Daniel Grantham - Item C-1, Contested Case Hearing, Bolles 3-lot Subdivision
Lucienne de Naie - Item C-1, Contested Case Hearing, Bolles 3-lot Subdivision
Frank Iachelli - Item C-1, Contested Case Hearing, Bolles 3-lot Subdivision

Their testimony can be found under the item on which they testified on.

Chair Hiranaga: Anyone else wishes to provide testimony on any agenda item at this time, please come forward? Seeing none, floor is now closed to public testimony. First agenda item, Director.

Mr. Spence: Good morning Commissioners. We are on agenda Item B, Communications. Mr. Peter and Sharon Lapeter requesting a five-year time extension to a Special Use Permit to continue to operate the Horizon of Gold Bed and Breakfast in Kapalua and our Staff Planner this morning is Kathleen Aoki.

B. COMMUNICATIONS

- 1. PETER and SHARON LAPETER requesting a 5-year time extension on the State Land Use Commission Special Use Permit in order to continue to operate the Horizon of Gold Bed and Breakfast in the State Agricultural District at 114 Keoawa Street, TMK: 4-2-008: 016, Kapalua, Lahaina, Island of Maui. (SUP2 2009/0004) (K. Aoki)**

Ms. Kathleen Aoki: Good morning, Commissioners. You have before you a five-year time extension request for State Land Use Special Use Permit. As you may recall I came before you a few months ago and due to a procedural noticing errors we had to extend this hearing or this Communication item to today. Essentially the applicant is asking for this five-year Special Use Permit extension to operate a bed and breakfast located in the Honolua Ridge Subdivision in Kapalua. It's State Land Use Ag, County Ag and Community Plan Ag. It is not within the SMA.

The Planning Commission did grant a Special Use Permit for this B&B two years ago. All conditions have been met and there have been no Request for Services on the property since the approval was granted. Today's request for the State Land Use Commission Special Use Permit, Staff is looking at a five-year time extension for the B&B permit as well which is administratively done. There is one other B&B in the Kapalua area. However, it is not within 500 feet of the property. This is Mayieurs Hale Amakahi B&B in Plantation Estates and was granted a five-year extension by this body in May. There was another B&B, however, that applicant has sold his home. So that B&B no longer exists. A large portion of the property is sloped and hilly so you have about 2.14 acres that is currently in Conservation. It is zoned, I'm sorry, the classification is Unclassified. Part of the property is Classified ALISH for C and the other half is Unclassified. So in that area is all conservation and it's hilly and there's trees. There's about one, just over one acre that's actually in Ag production. The applicant has over 70 different kinds of trees. I did make a site visit. The trees have grown but they're not to the point of maturity of producing like the Lychee tree and Avocado trees they're not at that point of producing anything. The Banana trees were in full bloom, Papayas, etc. The other acre is basically the home and the ohana and all the accessory uses. So the, the products that the applicant produces he either uses for the B&B as part of the breakfasts or if there's excess he donates them either to the school or to the homeless shelter. He does not make any profit off the products. So Honolulu Ridge is subject to HRS 205 which is why we're here today to allow for this special use. Nothing 205 restricts overnight accommodations and as you know on Title 19, it specifically allows for B&Bs in this zoning category. One of the things I'd like to point out today what we did was the conditions that are proposed for this Special Use Permit are exactly the same as the previous approval with the exception of No. 7 which stated that--which was part of the CC&Rs which stated that the applicant couldn't rent out for no less than 31 days. I believe the Director has advised this body that under Title 19, you're not to consider CC&Rs in your approvals. I'd also like to remind the body that in May with the Mayieur's B&B, the deletion same condition was approved by the body to be taken out. So to be consistent we did the same thing with this B&B. Thank you.

Mr. Hiranaga: Thank you. Does the applicant wish to say anything? At this time I'll open the floor to public testimony regarding this agenda item. Is there anyone here that wishes to provide testimony regarding this agenda item, please come forward. Seeing none, the public hearing is closed. I'll now open the floor to questions from Commissioners. Seeing none, oh, Commissioner Shibuya.

Mr. Shibuya: I'll try to keep it short. Planner Aoki mentioned the fact that we are not to consider CC&Rs. However, I have a bias towards respecting those property rights of those community members and they have their own conditions and covenants and restrictions, and I was wondering why this board, this Commission, would not be considering CC&Rs?

Mr. Hiranaga: Director.

Mr. Spence: Thank you, Mr. Chairman. Commissioners, it's by law. It's in, it's in Title 19, that the County shall not consider CC&Rs as a part of their deliberations on bed and breakfasts. It's really, it's not, it really is an issue between the particular homeowner and the homeowners association. You know, they're assessed dues, you know, they have their board meetings. I mean, this is, this

is something for them to decide. The duration and everything, it's not something that the County should get involved with.

Mr. Hiranaga: Commissioner Shibuya.

Mr. Shibuya: As a follow up, it's interesting that these people who have CC&Rs would expect some agency to respect their CC&Rs and their conditions. And it's interesting that in this particular case I believe it's a restricted or a gated community. And so access is limited and they also have specific provisions for limiting, in fact, prohibiting commercial operations within their, their boundaries. So it's very interesting that you would have this respect to have this acceptance of a countermending the provisions of their community. If the community is not for that then the community has an opportunity to revise it, change it, amend it.

Mr. Spence: And I would, I would argue that exact point. That's, that's the business of the association to change their CC&Rs and that's not for this Commission or for the Planning Department.

Mr. Hiranaga: Commissioner Mardfin.

Mr. Mardfin: Hi, related to this, this is coming to us to deal with one way or the other. Was there notification to the neighbors?

Ms. Aoki: No there wasn't because there's no requirement. If it's an extension, it's a renewal of a permit, there's not provision that says that notification has to occur. So the notification that goes out is what's in the Planning Commission agenda. So you'll find that every --

Mr. Mardfin: And, and you just said there's no request for service?

Ms. Aoki: There were none.

Mr. Mardfin: Thank you.

Ms. Aoki: You're welcome.

Mr. Hiranaga: Any other questions, Commissioners? Commissioner Sablas.

Ms. Sablas: Hi Kathleen can I ask the rationale for a five-year extension?

Ms. Aoki: Sure. Basically because there were really no issues at the time of the original issuance of the permit, the applicant, with the caveat that the applicant did receive a Request for Service prior to getting his permit and once he got that request for, his, you know, his Request for Service, he ceased the operation and then went through the procedure. That was back in 2008, 2009 when the law got adopted. So as soon as he got that, he applied and went through the process. There's been no issues with that property. We haven't received any complaints whatsoever. So and, you know, basically it's just we feel comfortable with issuing a five-year, a five-year permit for the B&B administratively. There have been others that have come forward that have asked for five years

that have been granted. If we foresaw any kind of issue, we may say no, we only feel comfortable issuing you a two-year permit. So it's at the discretion. It is at the discretion of this body to issue a five-year, but we feel comfortable with it.

Ms. Sablas: A follow-up question, I think earlier you said that the neighbors were not notified about this five-year extension and I'm not sure but I would think the makeup of--or maybe I should ask you a question, the makeup of the people within the 500 radius are they for the most part residents or are they absentee? And my reason for asking this question, is that a possibility that they may not be there, they may not be aware of this application for the five-year extension.

Ms. Aoki: I would have to ask the applicant to answer that question.

Mr. Alfred Lapeter: Thank you, Commissioners. Within 500 feet --

Mr. Hiranaga: Please identify yourself.

Mr. Lapeter: I'm sorry, my name is Alfred Lapeter, the applicant. Within 500 feet I think there's maybe six to seven lots. One has a residence on there. Whether they're absentee or not, they're there a fair amount of the time. After that, there are no other homes close to us, they're all vacant lots. Did that answer your question?

Mr. Hiranaga: Mr. Mardfin.

Mr. Mardfin: Would you please stay up there Mr. Lapeter? I have one more question for you.

Mr. Lapeter: Yes.

Mr. Mardfin: While there was no formal notice to neighbors do you happen to know whether or not your neighbors, particularly the ones that are living there, know that you're applying for an extension, did you ever mention it to them or anything?

Mr. Lapeter: Yes, yes, as a matter of fact, the gentleman that got his approval here in May for the B&B is on the Board of Directors. They are aware of the fact that he had his approved in May. They're aware that mine is up for approval. Yes, everybody's aware of it and they're, they're... people are fine with it. That's why I don't think we've had any complaints and we talk to our neighbors.

Mr. Mardfin: Thank you very much.

Mr. Lapeter: Thank you.

Mr. Mardfin: And let me comment, I think that's a good thing to do.

Mr. Lapeter: Thank you. I'm sorry, do you want me to --

Mr. Hiranaga: Commissioner Shibuya.

Mr. Shibuya: I just have a question for Mr. Lapeter.

Mr. Lapeter: Yes.

Mr. Shibuya: This deals with the amending of the CC&Rs. Were there any efforts to amend this provision in which it permits the commercial operation of any kind of commercial operation within this gated community?

Mr. Lapeter: Yes, if I may answer that, and I brought...may I get my folder? Because I brought all this information. In the CC&Rs is a document, not in the CC&Rs, a document that was recorded with the subdivision that runs with the land. I have all copies here but it was the, it was the document that needed to be recorded explaining the laws and explaining that Honolua Ridge, the subdivision I am in is a full Ag subdivision and it was created after Hawaii State Law in 1998 and the Maui Law which I have in here somewhere of 2003 that state that the CC&Rs cannot trump Ag uses. And in this document which I'll be more than happy to provide it states that all uses in Ag that are approved in Ag can be done in this subdivision and it explicitly excludes the remark of no commercial. So commercial is allowed in the Honolua Subdivision and I have all of that that I'll be more than happy to provide you.

Mr. Shibuya: So your interpretation is the acceptance of commercialization or commercial type operations within this restricted community is by exception because it's failing to notice or mention that commercial activities can be accepted. In the absence of it, then it's acceptable. That's your interpretation.

Mr. Lapeter: What my interpretation is and it says here in this document, it's the amendment to Declaration 21 for annexation of this subdivision. And Section 21(d)(5) says the deletion Section 4(m) from the CC&Rs. Section 4(m) in the CC&Rs states no commercial. So that is deleted from our subdivision.

Mr. Shibuya: And that was ratified by --

Mr. Lapeter: By the homeowners, yes, by everybody and it's all signed and recorded, yes.

Mr. Shibuya: Okay, thank you.

Mr. Lapeter: Because of our--because we're a full Ag subdivision.

Mr. Shibuya: And do you pay real property taxes now for Ag or Residential or Commercial? And do you have homeowners exemption?

Mr. Lapeter: I do not have a homeowners exemption and I pay for the, it's the B&B classification, I'm sorry, but I can't remember exactly what it is. There's a classification when you have a B&B, I think it's something residential, but it's a higher rate and there is no homeowners exemption.

Mr. Hiranaga: Okay, any other questions, Commissioners? Seeing none, thank you. Commissioner Shibuya.

Mr. Shibuya: This is for Planner Aoki.

Ms. Aoki: Yes.

Mr. Shibuya: When did the County inspect, the last visit and review the B&B properties in this area?

Ms. Aoki: Well, I personally made a visit to the applicant's home in May, May 24th.

Mr. Shibuya: I'm looking at the inspectors.

Ms. Aoki: The inspectors?

Mr. Shibuya: Yes.

Ms. Aoki: Unless--

Mr. Shibuya: Do they have a schedule?

Ms. Aoki: They respond to complaints. So they don't make random sort of onsite inspections unless, one, they receive a complaint or two, there's reason to--like if the planner wants them to accompany them on the site visit then we can ask them to come with us.

Mr. Hiranaga: Any other questions Commissioners? Seeing none, at this time we'll have the staff recommendation.

Ms. Aoki: The Department recommends to the Commission approval of the Land Use Commission SUP subject to the following conditions. Please note that Condition No. 1 has been changed and states, shall be valid until July 31, 2016, excuse me. The other conditions are your standard conditions. And as I noted before, we have removed Condition No. 7. In consideration of the foregoing the Department recommends that the Commission adopt the Department's report and recommendation prepared for the September 27, 2011 meeting and authorizes the Director to transmit said Findings of Fact, Conclusion of Law, Decision of Order on behalf of the Commission.

Mr. Hiranaga: Excuse me, Kathleen, on your recommendation is the green page, right?

Ms. Aoki: Yes.

Mr. Hiranaga: Does it say here delete Condition 7, I couldn't find it.

Ms. Aoki: It does not state it in the green, but it does state it in the letter that was written to you and the Commissioners on the second page.

Mr. Hiranaga: Yeah, I saw that. But for clarity don't you wanna put that into your recommendation?

Ms. Aoki: But I'm deleting it so that's why it's not part of a listed condition.

Mr. Hiranaga: Oh, so this supersedes the previous recommendation, previous recommendation that done for the original doesn't exist anymore.

Ms. Aoki: Right. I can do whatever you want me to do.

Mr. Hiranaga: So this stands alone.

Ms. Aoki: This stands alone, yes.

Mr. Hiranaga: No, it's just clarification.

Ms. Aoki: Yes, thank you.

Mr. Hiranaga: At this time, I'll open the floor to a motion. Seeing none, -- Floor is open to a motion.

Mr. Ball: Motion to approve the five-year extension.

Mr. Hiranaga: Per Staff.

Mr. Ball: Presented by Staff.

Mr. Hiranaga: Second?

Mr. Freitas: Second.

Mr. Hiranaga: Motion by Commissioner Ball, second by Commissioner Freitas. Director, if you could restate the motion?

Mr. Spence: The motion is to approve as recommended by Staff.

Mr. Hiranaga: Any discussion? Commissioner Wakida.

Ms. Wakida: Yes, I will vote for the extension because I feel the rules are being followed. However, I feel we all need to do more to protect our Ag land. There was a wonderful story in the Maui News on Sunday about young farmers who are supplying produce for our local markets and restaurants. This is a new generation who wants to tackle the hard and uncertain work of farming so that Maui can become more sustainable. We must protect and nurture these enterprises and we can't do this by allowing our Ag land to fall into the hands of wealthy developers who build multimillion dollar homes and plant a few fruit trees which we see happening all over the island. They may be following the letter of the law, but not the spirit. And one consequence is that this drives up the price of Ag land and young farmers can't afford to buy it. Our land is precious and so is the younger generation as well as all farmers on Maui who takes the words "locally grown" and "sustainability" to heart. I feel we must do all we can to encourage that.

Mr. Hiranaga: Any other discussion? Commissioner Mardfin.

Mr. Mardfin: I agree with Commissioner Wakida in principle. Excuse me, I, I -- for this particular piece the horse is already out of the barn. When the gated community was created that pretty much did away with this area being used for heavy commercial agriculture. Planner Aoki mentioned that two years ago this Commission voted in favor of this. I went back and checked my notes and while the Commission did, I did not. I voted no. Unfortunately, my notes weren't extensive enough for me to know why I voted no, but I looked at it. And my recollection, vague, vague recollection is that there were community people against it but I could be wrong on that. Nonetheless, if, if that was case I am pleased to find out, I was wrong and that there have been no Request for Service so they're doing stuff okay and I am comfortable in voting yes at this point because my fears were not realized and I'm glad to have that happen. Thank you.

Mr. Hiranaga: Commissioner Shibuya.

Mr. Shibuya: My colleague I respectfully respect his vote and in my case I did vote against it too on the previous case and in this case I will probably vote against it too. The reason for this is that we do have exclusions excluding the public by gated communities to have your own privacy as well as to occupy and commercialize your operations. It is a contradiction there. Openness in the community is not having a gated community so I'm gonna vote against it. In terms of using the land as my colleague Wakida mentioned, we need, we have finite lands and we need to protect these so we need to expand on the opportunities for farmers to, to grow some things to sustain our population, a growing population. The other aspect that I have here is in terms of notification. I am terribly troubled by this fact, it's a procedural fact that if you don't notify your neighbors especially those within 500 feet, we're asking for trouble. Community is, is a transparent operation and I demand for transparency and if you don't have this community involvement and notification then all bets are off for me.

Mr. Hiranaga: Commissioner Lay.

Mr. Lay: I will be voting on this extension for a reason, the reason being that there haven't been complaints which is wonderful. I was worried about that. One of my concerns is where you have a agricultural property where you have a gated community. When I drive around with my son it always feels weird when you come across a gated community and you can't go in there. I can see you closing up your private property but the whole community of residents that's difficult for me especially on Ag property.

Mr. Hiranaga: Commissioner Sablas.

Ms. Sablas: I would like to really commend Commissioner Wakida for her words and I would like to urge the Planning Department to take her words to heart because as we move forward about this special island I think what she said really, really makes sense you know on a planning level. I also as a friendly, maybe to Mr. Lapeter, you mentioned your place is Hanalua. It is not Hanalua, it's Honolua. So if that's your place, learn how to pronounce it if that's what your aina is. Mahalo.

Mr. Hiranaga: Commissioner Mardfin.

Mr. Mardfin: Commissioner Shibuya raises some very interesting and very important points. I was also bothered by the fact that no notification until Mr. Lapeter testified that his neighbors did in fact know and that means a lot. I would just like to make a suggestion to the Planning Director that there be some way to at least inform people without out. I'm not talking about formal notification because I know there's a big expense on that, but for B&Bs initially we put a sign on their property where people can see it. I think if that were done in future cases that would relieve me certainly of any anxiety that the neighbors don't know what's going on and I don't see why for a renewal or extension that a sign at least couldn't be put up so that surrounding people know what's going on and I commend Mr. Lapeter for talking to his neighbors and I would urge any future applicants to talk to their neighbors.

Mr. Hiranaga: Just a question for the Director. So if there were a Request for Service would that trigger notifications for an extension request or is there any trigger for notification on an extension request?

Mr. Spence: There is no requirement for notification on extension. On the original permit is ... (inaudible)... that by certified mail. And you've had lots of proceedings here just whether notice have been given or not. The -- for time extensions, no and part of that is you know, applicants or neighbors are already informed that certain, you know, special uses are going on within the their neighborhood or within 500 feet. If they, you know, if there is an RFS, you know, we generally keep those people in the loop, you know, if there's going to be a time extension or something like that. It is, sometimes it is a great expense to notice, you know, I've personally had clients that, that the expense ran into tens of thousands of dollars.

Mr. Hiranaga: Commissioner Ball.

Mr. Ball: My concern is similar Commissioner Ward's about the notification, I mean, it doesn't cost \$10,000 to put a sign up for 30 days. I was to sell that property next door not knowing the person is running a B&B, and then those people moved in or bought and built not knowing there was this kind of commercial activity going along next to them, I think they'd be pretty upset. But simply by driving the property and seeing a sign up says, oh, we're in a renewal for our, for out B&B at least then the public could make a decision one way or another if that bothered them. I think a sign would be simple, you could put it up for 30 days and be done with it. So I don't know if that has to be a rule change or that has to be an act of Congress or what.

Mr. Spence: Well, one of the things, well, it was taken... certainly one of the things we've been talking about for the Ag District is adopting Administrative Rules for Special Uses in the Ag District so that's something we can consider when we get there. There's a lot of discussion on bed and breakfast. Right now there is no sign requirement while the permitted use is operating. There's some discussion as we go forward and we revisit the, the original itself that there be some kind of small sign, you know, informing people giving them a contact number so if there is an issue with noise or whatever, as you know, that's also going forward with the Short-Term Rental Bill as well. So as we revisit those things, you know, we're, we're gonna be heading in some kind of direction like that.

Mr. Hiranaga: Commissioner Shibuya.

Mr. Shibuya: It's just a question for the Planning Director. In terms of posting signs, you're saying that it's not really a requirement. But what if this body would make a friendly amendment to the fact that there should be a sign posted as long as the B&B is in operation that there be a sign notifying the public that it is -- the name of thing, the operation as well as the license number and the expiration date.

Mr. Spence: The Commission would have to make--recommend a new condition. You can't just make it a friendly amendment. I'm hesitant to--I mean, the conditions are supposed to mitigate some circumstance. We've had no complaints. We've had no indication that nobody knows that this is going on. I mean, it's supposed to mitigate something. You know, when you place conditions on things it's not supposed to be just because we want to change the way that we operate, you know, Special Use Permit for bed and breakfast or whatever, the...we will also be having Administrative Rules for bed and breakfasts come before this body. So you know, we can talk about those things at this time. Just to start putting a condition on because we think there's something lacking in the rules I don't think it's proper.

Mr. Shibuya: A follow up --

Mr. Hiranaga: Commissioner Freitas.

Mr. Freitas: I second this motion. The reason why I second this motion is because this Ag subdivision is a joke. You can sustain a profit to grow anything on this, on this property. They say the property is hilly, sloped, hilly and I farmed all my life and you cannot, there's no way these Ag subdivisions should even be allowed in places that you cannot farm. Now if this was up in Kula, Olinda, I would not second the motion because the lands are flat, you can grow agriculture. On two acres you probably, maximum you can use an acre and a half. These people choose to live in seclusion with a gated community. They should all get together and have their own bed and breakfasts and live in seclusion and have a great time that's why I second the motion.

Mr. Hiranaga: Commissioner Shibuya.

Mr. Shibuya: Just a comment on Commissioner Freitas. While I respect his comments, I just want to tell him that I grew up and I was actually farming the land of two acres in Kula and it was not flat, it was sloped and I raised chickens, pigs, I had corn, I had carnations as well as alfalfa. These were all on a slope and so respectfully there was only two acres and so we did have a profitable because I went to school with it, and so we were able to survive there was six of us children. I was the eldest so therefore, I helped sustain the family. In terms of the Planning Director's comment I want more transparency and that's why I'm asking for a possible condition that this bed and breakfast possibly could not have been noticed because it was slipped under the rug and it was silently moved through the process and it was not something that the public was aware of. You've got a gated community and you don't have posting. So therefore, and there's no notification so there's a problem here for me. I'd like to see more transparency.

Mr. Hiranaga: Any other discussion? Seeing none, I'll call for the vote. All in favor of the motion to approve please so indicate by raising your hand.

Mr. Spence: That's five ayes.

Mr. Hiranaga: Opposed.

Mr. Spence: That's two nays.

Mr. Hiranaga: The motion carries.

Ms. Aoki: Thank you, Commissioners.

It was moved by Mr. Ball, seconded by Mr. Freitas, then

**VOTED: To Approve the Five-Year Time Extension on the State Land Use Commission Special Use Permit, as Recommended.
(Assenting - K. Ball, J. Freitas, I. Lay, P. Wakida, W. Shibuya)
(Dissenting - L. Sablas, W. Mardfin)
(Excused - D. Domingo)**

Mr. Hiranaga: Let's take a five-minute recess.

A recess was called at 9:51 a.m., and the meeting was reconvened at 10:00 a.m.

Mr. Hiranaga: Next agenda item, Director.

Mr. Spence: Mr. Chairman and Members, we're on Item C of your agenda. This is a contested case hearing subject to Chapter 91 HRS. Mr. Daniel Grantham and Lucienne de Naie of the Waipio Bay Benevolent Association appealing the Director's decision of December 6, 2010 on the SMA Minor Permit for the Bolles 3-lot subdivision in Huelo.

C. Contested Case Hearing Subject to Chapter 91 HRS

- 1. DANIEL GRANTHAM and LUCIENNE DENAIE of the WAIPIO BAY BENEVOLENT ASSOCIATION, LLC appealing the Director's decision of December 6, 2010 to issue an SMA minor permit for the Bolles 3-Lot Subdivision and related improvements on 20 acres of land at TMK: 2-9-007: 052, Huelo, Hamakualoa, Island of Maui. (APPL 2011/0004) (SM2 2010/0083) (P. Fasi)**

The parties are: 1) Waipio Bay Benevolent Association, LLC (Appellant); 2) Department of Planning (Appellee); and 3) Jeffree Trudeau for David C. Bolles (Applicant).

Ms. Mary Blaine Johnston: Good morning, Deputy Corporation Counsel Mary Blaine Johnston appearing on behalf of the Director, William Spence. I was notified yesterday afternoon by Paul Fasi, who's the Planner assigned to this particular matter that David Bolles is the owner of the

property and who was granted an SMA Minor Permit has withdrawn his application for that permit so the permit no longer exists so there's nothing really for the board to hear today. I'm sorry, that we didn't have time to notify you ahead. As you've heard, the parties have been working--having discussions on trying to resolve this and, you know, hopefully there'll be some now to see what happens here. So there's really nothing for you to hear. I know you'll be sorry not be able to stay here through the afternoon and hear...I don't know if anybody has any questions.

Chair Hiranaga: Does the appellant wish to say something? Briefly.

Mr. Daniel Grantham: Yeah, I know, you guys have to get onto other stuff here. So, we have learned a lot in this process and we have really appreciated the neighbors who have, you know, participated in this process. This is not something, this is, this is not, this is really a community process happening and it's been clearly inspiring to see. I have high hopes that it can proceed to a satisfactory conclusion to everybody. But I'm not, you know, I don't see that as, as foregone without some considerable work. I appreciate the Commission's time and appreciate the time that the witnesses went through to come down here and their time they, they put into all these discussions, and I really do have to compliment Mr. Trudeau too, for the amount of time he's spent in trying to communicate with, with what at times is very challenging conversation.

Chair Hiranaga: Thank you. So if there is no objection from the Commissioners, we will grant their request to withdraw this appeal. No objection. Thank you.

Mr. Grantham: Thank you.

The following testimony was received at the beginning of the meeting:

Mr. Jeffree Trudeau: I'm Jeffree Trudeau representative for David Bolles and I'm here this morning to let the Planning Commission know that we've -- that David has decided to withdraw the SMA application and we are in negotiations with the neighbors right now to bring in an alternate way to the site and when we get to that point we'll reapply.

Mr. Hiranaga: Questions, Commissioners? Seeing none. Frank Iachelli. Mose Akiu Kahiamoe, Jr.

Mr. Moses Akiu Kahiamoe, Jr.: Good morning, Board Members my name is Moses Akiu Kahiamoe, Jr. And I am one of the neighbors who lived on the property that adjoining to Mr. Bolles represented by Jeff Trudeau. At this time, I would like to thank Jeff Trudeau as to coming a some sort of a agreement to our understanding about the place in, in reference. And at this present time we are working with negotiation about items on property, i.e., ask respectfully that we should be included in his planning. So at this time, is there any questions?

Mr. Hiranaga: Questions, Commissioners? Seeing none, thank you. Next individual is Moses Akiu Kahiamoe, Sr.

Mr. Moses Akiu Kahiamoe, Sr.: Good morning, Members. I'm Moses Kahiamoe, Sr. I was born and raised in Huelo. A lot people knows me well. Have my whole family there the whole place and

I just wanna make sure that that we protect this place for us that, that we get our ancestors inside there. We wanna protect that and give us right to go there. We don't wanna just destroy his property. We just wanna go there and pay our respect to this place in there. That's all we ask. Thank you.

Mr. Hiranaga: Questions, Commissioners? Seeing none, thank you. Daniel Grantham.

Mr. Daniel Grantham: Good morning, Chair and Commissioners. We got a email late yesterday. I was cc'd on it. It said, the applicant appeared to be withdrawing his application. We came here ready whatever happened so we're happy to continue talks with the applicant. I think there's been some productive progress forward on that. We're hoping that that, you know, process can continue. And I would really like to thank the witnesses who have come forward and ready to testify even though they knew that there was a chance that it was gonna be withdrawn anyway. And I'm sure you guys don't mind having a little more time on your schedule for today. I think Lucienne and Frank are back now.

Mr. Hiranaga: Lucienne de Naie.

Ms. Lucienne de Naie: Thank you, Chair Hiranaga and thank you, Members of the Commission being willing to sit through what could have been a very long day. My name is Lucienne de Naie, and of course, I live across the street from this place and enjoyed being there for many, many years and enjoyed walking this land because the former owner, Mr. Ben Tavares, was, you know, a friend was very open to folks having a respectful use of the land as long as they didn't bother his cows. So I, I know this land very well from just having it be my backyard. And I know it's a very special place and so I just really want to thank the Commission and their Staff, you know, Mr. Fasi, Mr. Yoshida, Ms. Johnston for working so hard to try to, you know, bring this altogether and to all of you and to Mr. Trudeau, who has been -- he's met with people hundreds of times now and Mr. Bolles being willing to look at this as maybe the end of one process and the beginning of another one that can be based on something that has a wider view. And I just, and of course, all the folks who are willing to come as, as witnesses and supporters too. You know, it's a lot when folks have work to do to take off that time. I just want to leave you with one thought. It's like, we prepared a little packet and in that packet there was one exhibit that showed a picture of this very remarkable heiau site that's in Huelo. It's called ...(inaudible)...Heiau and it was featured in this book on sacred sites of Maui back in the late '90's and this heiau remained missing for many, many years. It as thought to be destroyed until Mr. David Metz discovered it in his backyard in a place where he was renting, reported it SHPD, had it documents, that's why it's in this book and so we, we know that there are sites on the Parcel 52, Mr. Bolles' site that equally have lain forgotten for many, many years and that's one of our real motivations to work with the Kahiamoes and other members of the family and Mr. Bolles. Just make sure that those are taken care of and that as the planning goes, each person, you know, who buys these new outs will have an opportunity to know about this place that, that they're now calling their home. Thank you.

Mr. Hiranaga: Questions, Commissioners? Seeing none, thank you. Frank Iachelli.

Mr. Frank Iachelli: Hi, my name is Frank Iachelli and I live on the property adjacent to Mr. Bolles property, Lot 52 that's up for discussion today and I just wanted to tell you a little bit about who I am

and why I'm here and, and an alternative if this ever comes back to you, the Commission, that I think would be, that might work for all parties and, and my wife and I purchased our home on Door of Faith in 2007. Since then we have come to know our neighbors, the land and the culture. We have also come to know how special place, we call Huelo. Huelo is a community where the neighbors help, care and respect each other. The first day here we discovered we had no water. The previous owner did not properly maintain the water catchment system and so the tank leaked, the pumps broken and the gutters were full of sediment. Leaves and berries from the Java Plums. By the end of the first day we met our neighbors the Dowslins who lived kitty corner to us. We also met the Kahiamoe family and Moke Sr., Jr., cousin Darrell, Moke Jr. daughters and Mana who's family runs the sand at Twin Falls. By the end of the Mana and Darrell dealt with Java trees that dropped plum berries into our gutters. Tom Dowslin fixed our water tank and water pump and filled our tank with water from his own. Tom and my wife Theresa climbed the roof and the cleaned the drain gutters so our tanks would be replenished by the next big rains. Starting that weekend, Darrel and Moke Sr., and Moke Jr., cleared the area of debris and cane grass. Now we offer our help whenever it's needed. My wife and I own a small graphics firm producing websites and computer services. We've been able to give back researching, repairing computers and helping our neighbors with internet access. It all reminds me of an experience I've heard about a community helping a neighbor rebuild their house that got burnt down. Our neighbors have thought us what the word, "community" means. Another special thing about our community is we seek each other's acceptance for projects we have, to be sure it will not impact our enjoyment of their space or surrounding and this is the background for my neighbors being here today or me being here today. My neighbors shared with us the concern about a very special property bordering the gully. Well, the property we're talking about today. It is one of the last undeveloped places on the north shore and has picture postcard views of the sunsets on west and a view of the coast all the way to Hana. The property's legal access is on the east side of the property. The problem is this, a road would have to be built, tearing down terrain, laying two large culverts and possibly disrupting existing wells and water flow. Another problem with this action is the possible destruction of ancient historical sites which are important to the kamaaina as well as others interested in discovering these sites, documents them and preserving them for all to visit and enjoy. So I felt there was an alternative to this destruction. So some time before the owner of Lot 52, Mr. Bolles approached me and asked me for an easement for an easement through my property --

Ms. Takayama-Corden: Three minutes.

Mr. Iachelli: --to go down next to the existing Hui Road.

Mr. Hiranaga: Could you please conclude your comments please?

Mr. Iachelli: You know, I'm really, really close.

Mr. Hiranaga: Okay, 30 seconds.

Mr. Iachelli: My point is this, we are really close and I'm asking you to work with us and Mr. Bolles accept this alternative proposal to protect the land, preserve the historical site and also help Mr. Bolles in his quest to develop his property. My neighbors on the existing Hui Road knowing no matter how hard we try to mitigate the effects of this access being granted and it will place a burden

of additional traffic and noise on them. They are willing to make the sacrifice to save the land and protect the historical sites. Thank you.

Mr. Hiranaga: Questions, Commissioners? Seeing none, thank you.

This concludes the testimony received at the beginning of the meeting.

Chair Hiranaga: Next agenda item is Item D.

Mr. Spence: Next item is acceptance of the Action Minutes for the September 13, 2011 meeting.

Mr. Grantham: Mr. Chair?

Chair Hiranaga: You're out of order. You are out of order.

Mr. Grantham: I was just going to ask you --

Chair Hiranaga: You are out of order.

D. ACCEPTANCE OF THE ACTION MINUTES OF THE SEPTEMBER 13, 2011 MEETING

Chair Hiranaga: Is there a motion to accept the minutes?

Mr. Shibuya: Move to accept.

Chair Hiranaga: Second?

Mr. Lay: Second.

Chair Hiranaga: All in favor so indicate by saying, "aye."

Commission Members: Aye.

Chair Hiranaga: Motion is approved.

It was moved by Mr. Shibuya, seconded by Mr. Lay, then

VOTED: To Accept the Action Minutes of September 13, 2011 Meeting.
(Assenting - W. Shibuya, I. Lay, L. Sablas, J. Freitas, K. Ball, P. Wakida,
W. Mardfin)
(Excused - D. Domingo)

Chair Hiranaga: Next agenda item, Director's Report.

E. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues

a. Revising the SMA Boundaries

Mr. Spence: Planning Commission Project/Issues, revising the SMA Boundaries. Are there any questions on the Commission--I know we had the meeting a couple of times ago where we did the GIS presentation. Were there any follow up meetings for the Commissioners, by the Commissioners?

Chair Hiranaga: Commissioner Wakida.

Ms. Wakida: Are you asking if some have been scheduled?

Mr. Spence: No, what I'm asking, we had the presentation with Staff and I was wondering if there was any follow up that the Commissioners wanted to bring up?

Ms. Wakida: I'm very interested in this issue and I, I hope that there's follow up in any form, and appears that in the presentation they're gathering a lot of very good information, and I hope that in the not too distant picture they will come to some conclusions about how to, and some recommendations about some revisions.

Mr. Shibuya: I like this effort in revising the SMA boundaries because, and I hope that it's projected perhaps in a third dimension. We normally see it in a map and it's in two dimensions. And what we don't see is cliffs and that sort of thing we assume that it is like shoreline and it's all level and so that's I think, that kind of input would be helpful.

Mr. Spence: Yeah, and I did have brief opportunity to bring that up at the HCPO Conference that, you know, we're actually doing shore SMA boundaries by GIS rather than just like everybody else did at that time with the nearest highway.

Mr. Shibuya: Yes, I'm also looking in terms of where are the possibilities of placing energy capturing and converting systems such as at certain shorelines that is not really good for surfing, it's not really safe for beach goers and ...(inaudible)... leave it -- take that power and convert it into electricity or however.

Mr. Spence: There has been quite a bit of talk about the -- I mean, it's just really a different subject but it's, there is quite a bit of discussion about wave energy and also ocean thermal.

Mr. Shibuya: Very good. Thank you.

Chair Hiranaga: Okay, I just wanna make a brief announcement. I guess the appellant wishes to retrieve his material. So if you could just stack it somewhere, he'll riffle through it and pick what he wants. Maybe you could pass it down to the ends. Next agenda item is E-2. Director.

2. EA/EIS Report

3. SMA Minor Permit Report

4. SMA Exemptions Report

Mr. Spence: Clayton, do we have any EA/EIS?

Mr. Yoshida: Well, not currently in the near future.

Chair Hiranaga: Commissioner Shibuya.

Mr. Shibuya: I did ask a couple of them but I could probably follow up with a email with you Clayton if that's helpful. I know the item has passed because you had some other activities this past week so it may have been lost to the shuffle.

Mr. Yoshida: I'm sorry?

Mr. Shibuya: Would you like me to email it to you? I could do that because it was something that I asked on the last meeting, but you know, I'm sure that you didn't have much time to address it.

Mr. Mardfin: Mr. Chairman?

Chair Hiranaga: Commissioner Mardfin.

Mr. Mardfin: I would just like to say I had two minor issues and I talked with Clayton about it and got a response and unless, they're both in the Hana District if anybody's interested be happy to share it around but I don't think anybody is. I got the information I needed, thank you very much. I want to thank Clayton for that.

Chair Hiranaga: Moving one.

Mr. Shibuya: Chairman?

Chair Hiranaga: Commissioner Shibuya.

Mr. Shibuya: I just have the current one. I just have one request, can I note that on this chartreuse colored sheet, Page 1 of 1, SM5 2011/0294, it's a subdivision of three parcels in Haiku and I'm very interesting in terms of the source of water and utilities.

Mr. Spence: Okay, so we have that one, Clayton or can we get it?

Mr. Yoshida: We can get that information between now and the next meeting.

Mr. Spence: Okay. Okay, wonderful.

Chair Hiranaga: Any other items? Seeing none, moving onto E-5, Discussion of future commission agendas.

5. Discussion of Future Maui Planning Commission Agendas

a. October 11, 2011 meeting agenda items

Mr. Yoshida: I have circulated a memo regarding the items for the October 11th meeting. We have one public hearing on an SMA for a duplex building in Kihei, a referral from the Hana Advisory Committee on the applications by Mark and Haunani Collins for SBR zoning. Also, we have Kula Lodge request to delete the condition regarding the prohibitions of kitchens in units. And a Special Accessory Approval for a HI5 redemption center by Maui Disposal Company.

Chair Hiranaga: Any discussion? Seeing none --

Mr. Mardfin: Yes, I'd like to ask a question.

Chair Hiranaga: Commissioner Mardfin.

Mr. Mardfin: This B-1, Fred Romanchak about Kula Lodge, what's going to happen, is that going to come, that's going to come before us as what?

Mr. Yoshida: I request to delete one of the conditions of the Phase 2 Approval that the Commission granted last March regarding prohibition of kitchens in the units.

Mr. Mardfin: Okay, thank you.

Chair Hiranaga: Any other discussion? Seeing none, Agenda Item E-6, Director.

6. 2011 Hawaii Congress of Planning Officials (HCPO) Conference on Kauai - September 21-23, 2011

Mr. Spence: Discussion on the 2011 HCPO Conference on Kauai. A number of Commissioners were there last week. Whatever comments the Commissioners would like to present to the others I personally I thought it was one of the best HCPOs that I've been to. The speakers were outstanding. The, you know, of course, the setting, the hotels really pretty good too. It was, it was very informative and I think it presented a good direction for the State to go in as far as planning.

Chair Hiranaga: Commissioner Mardfin.

Mr. Mardfin: I thought it was very informative also. And my intention was to go and then write a report for the Commissioners who couldn't go until I was told by the Chairman that they're gonna have almost all, you know, the power point stuff is likely to be posted by -- in two weeks. And when you have that you can go on and, you know, you won't have the beauty of the conversation to read it to you but you can read most of it to yourself. There was some very interesting discussions about B&Bs and how Kauai is having much more problems than we are believe it or not. There was a lot of discussion about complete streets and parking and slowing down traffic that I think we can learn from by a guy name Dan Burden. I just think ... particularly Kauai I think and Maui have a lot of

similarities but a lot of differences and I think we should learn from their experiences and they can learn from our experiences and I'd urge you when the stuff is on line to go out and check for a lot of the power points I thought they were very, very valuable. Thank you.

Chair Hiranaga: Commissioner Sablas.

Ms. Sablas: Thank you. I wanna thank the County and Chairman for the opportunity to be there and anytime you are in an environment where you have the experts of their special field to be there to share their experiences it's really, really I think exciting and enlightening and one of the take aways that I came away with, you know, from one of the speakers who said about in planning you need to be able to look what the finished product is going to be and how you're gonna accomplish it. And I think that's something that we need to, you know, having gone through our Maui Island Plan, we have a lot of ...(inaudible)...I mean, we have a lot wishes but reality is we need to know how it's going to be implemented otherwise the time is wasted and anyway, I really did appreciate, I especially appreciated, of course, the tours, the historic sites. I've always been one that's really interested in preserving what's so special about our islands and so Commissioner also asked me is it time to talk about, it's one of the places we went, was to visit the Hanapepe salt mine and what we learned is that this is the, probably the only place in the world that actually produces salt and it goes back in generations. There are two types here, you know, the red of course is the alae salt and it's mixed with, usually with the red dirt. It's milder and the stronger one is the, you know, it's like I guess, from what I understand it's like wine the top ...(inaudible)... best. So thank you, Commissioner Hiranaga for sharing your bounty with the rest of the Commissioners here. You know, the Hawaiians believe salt is really, is the salt of life and we use this in blessings, we use this in special places and when I had my salt I cherish it. So mahalo.

Chair Hiranaga: Commissioner Sablas, this is a gift from Teddy, I forgot his last name.

Ms. Sablas: Teddy Blake. And his ohana is from the Ahupua`a of Koloa and he's very, very passionate about, about maintaining his aina, but what I like about Teddy is that he is willing to work with all parties and he's open and you know, it's nice to be able to see passionate people that we can come to the table with the opposition and try to come up to solutions in mitigation on their special areas.

Chair Hiranaga: What is the word that they use pa`e kai?

Ms. Sablas: No, pā`e kai.

Chair Hiranaga: And just additional information traditionally this salt is never sold. It is only given as gifts although the one speaker did say certain families are now starting to sell it because of financial need, but in the past this salt has never been sold. So you can never find this salt in the markets. Other people call it Hawaiian salt or whatever, it's not this Hanapepe salt pond salt.

Ms. Sablas: And it's a good point he made because to produce that it's really labor -- it takes a lot of sweat and tears. I mean, to have them produce a salt, if you go to Kauai those who haven't go and visit the Hanapepe salt mines it's really an interesting place to see.

Chair Hiranaga: And best used on raw food I was told. Commissioner Shibuya.

Mr. Shibuya: I'm gonna be--I'd like to at least share some of the information that I gathered and the reason why I guess Commissioner Mardfin is not really commenting too much is because he doesn't have his glasses so he can't read his notes. So I'm going to cover whatever I can and because he and went on the north shore tour and we did go to the Kipu and menehune fishpond, Alekoko and Nawiliwili. We also went to Kauai Coastal Path in which they are planning to have 17 miles of coastal pathway, a concrete pathway starting from Lyngate Park going south as well as going north. So it's quite an adventurous undertaking. It's a great project. Coming from Redondo Beach, California I used to bike and exercise along the strand and the strand was all the way from Palos Verdes all the way to Santa Monica by the way. So that is an extreme stretch and this will be a duplication, Hawaiian style or Kauai style. Ke Alahele, Makalae we also went there and the Waipa Foundation in which this particular Ahupua'a is trying to sustain themselves to their own techniques, their ...(inaudible)... native techniques, plants, using the water as well sustaining themselves and they actually are supported by Kamehameha Schools and they give briefings to school children, Malama Kauai as well as Kileaua Point National Wildlife Refuge in which they have a specific pu'u fenced off and so you don't have cats or any feral animals getting in there so now the sea birds, the Shearwaters as well as our Nene and everything else is in there and it's amazing that they have so many of these sea birds. And so I just wanted you to know that Kauai has taken the step to preserve these, these native creatures.

The other aspect here, we start looking in terms of various sessions and the various sessions in this particular case talked about interdependency of the nature and the ecosystem, the human systems, the social economic health systems that if we work together and combine them, we can come up with a good and possibly a unique solution and this was done by Dr. Mathews Hamabata. He is the Executive Director of the Kohala Center in which folks who lack the skills, educational skills but yet were able to develop this various activities which they can support each other and grow things and teach others how to live off the land. That was inspiring for me.

There was others that I went through embracing sustainability and community plans. This was near and dear to me because I had actually worked on the community general plan and here is a problem here where we ask for community inputs, we get the inputs, we buy technical advice from the consultants which the general plan obtain and we had what is called is a "Hawaii 2050 Sustainability Plan" which was done earlier and we were able to use this, incorporate these goals and objectives in the, in the General Plan. Also, this one is a summary of the Maui Nui Focus which I was actually a facilitator on also. There were several facilitators but all of the documentation from the community input, what they wanted, what they valued are all in this and we incorporated those in the General Plan, the draft that is. What was also interesting too is that we had even though Maui County did not have the kuleana for the Kahului Harbor nor did they have the kuleana to deal with the cruise ships, we have the Mayor coming up at this, it was during the Mayor Arakawa's first term and it was published in 2005 in which they say and they note the differences, the problem here is that fuel trucks are delivering gas or diesel to the harbor used by recreational and commercial vessels cannot do so when cruise ships is anchored outside the harbor for both safety and security reasons. Therefore, if they must deliver fuel on a date when a cruise ship is in they must do it at night. Pacific West Fuels incurs overtime charges for deliveries made after working hours and that's exactly what it is. And also, the tankers that transfer this fuel, download this fuel have to do

a race in which they refill from the harbor and then go unload and come back again to refill the tanks. The problem here is that we lack storage areas on the shore. Also, we also, this is the -- in 2005, December, just about six months later you have the McCadder Group, the transportation group from Bellevue, California these are all consultant reports, by the way, this is one is a consultant report.

Chair Hiranaga: Mr. Shibuya how much longer do we have because I think other Commissioners may want to speak?

Mr. Shibuya: Okay, give me three minutes. The point here is that the fully laden Hilo Bay or the Tesoro barge drawn about 20 to 21 feet with a three-foot margin required water depth of 23 to 24 feet significantly exceeds the 18 feet water depth currently at a minimal of primary fuel berth of Maui. Although the deep ...(inaudible)... fuel barges can also be berthed at Pier 1 that is very limited because you have a cruise ship there at the same time. So now we have premium time partially filled barges coming more frequently and that added cost is to the burden of Maui's economy and this is some the points that it's ...(inaudible)... in and when we make these decisions and we don't work with the State we're gonna be on the short end of the stick and that's exactly what's happening today. So these are some of my take aways. One of the renewable energy things that I had a question of and I thank the Kauai people for giving me a prize for asking the question but the question was when the water is a community property in Hawaii. In the mainland, it is the landowners property. If you own your land and you, you find water on your property that water belongs to you. In Hawaii, it belongs to the people. So the question was if we have renewable energy systems what about the wind, what about the ocean, what about the geothermal, do we provide royalties to the people of the Hawaii if we convert this energy into electricity and you sell 'em, what portion of this comes back to the people for royalty? Okay.

Chair Hiranaga: Any other Commissioners wish to provide comment? Commissioner Mardfin.

Mr. Mardfin: Just one quick one. I talked about the -- some of the things I got in terms of content. But I wanted to thank some of the participants from Maui in particular Will Spence, Director of Planning, gave a very good and important talk as one of the keynote speakers. Michael Hopper did an excellent job talking about issues with B&Bs and former planner, Thorne Abbott did a very good job about problems with getting coastal measurements -- setbacks. I may have missed some and I would hope that the Director would any that I might have missed because I didn't see them or didn't remember them.

Mr. Spence: Yes, my speech was outstanding.

Mr. Mardfin: It was.

Mr. Spence: Thank you. You know, the discussion on vacation rentals I thought was very interesting. And there's always a, "business meeting" for the different directors and Director of Office Planning and just some of the things I talked to those guys about, by the way, I'm the only director who's not an attorney. All the others from, and including Office of Planning, Jessie Souki is an attorney, but the Directors from Big Island, City and County and Kauai ... So I'm depending on James to keep me out of trouble. But the Big Island does not have a definition for short term

rental. They don't regulate them at all. They regulate bed and breakfast but where owners are absent there's no regulation whatsoever. ...(inaudible)... we talked about enforcement. We have shared enforcement issues, you know, in collecting data and evidence. It was, it was very enlightening to hear the experience of the other, other directors. Big Island only has four zoning inspectors for the whole island. I was like, oh my gosh, you know, busy as we are. Very interesting. It was, it was very good, productive conference I thought.

Chair Hiranaga: Yeah, this is my fourth HCPO Conference and I believe all four that I've attended has always been very well organized and the presentations are very informative and I hope that the Department next year will make a strong effort to insure that all nine Commissioners can attend. I think it's really important, order, order, I mean it's nice to send people from Urban Design Review, BVA, Lanai, Molokai Commission, Hana Advisory, but I think if you're on a budgetary constraint, minimum all nine Commissioners should go, Planning Commissioners and then if there's room for others so be it. But, we carry a heavy burden here on our agenda and it's very educational. Also the social networking, you get to meet other Commissioners from the other islands. You get to meet Planning Directors from other islands. Just the exposure to the people of Kauai and the culture on the tours, different flavor added to how they conduct business on their island I think is very important.

As far as the tour, I think Lori and I went on the south tour, we found it very informative. For me, the National Botanical Garden Research Center was extremely impressive. It almost seemed like they filmed Jurassic Park at that building because it's this building that basically houses rare books on tropical plants. And they have this glass-encased climatically controlled room that's in the middle of this fortified building that, I guess withstands hurricanes or whatever and they actually open it to the public on Sundays where you can actually pull books off the shelf and open them and examine them. I mean, it's amazing that they would allow the public to actually handle these books. And they said now there's a lot of people who are interested in tattoos that are the visiting there because they want to take pictures of the old ancient tattoos so they can use that as a model. So that's pretty interesting. The Whitman family I guess they fund this. They have a board of 50 people and they all have to make unanimous decisions for any type of decision that they make. Yeah, again, very informative and I have to show you the generosity. This is how much salt was given to me. So I've made enough for all the attendees for the Department. I wasn't going to keep this because of -- high blood pressure. It's like salt for a lifetime for me. So I strongly urge the Department and the Director that next year, I believe it's going to be on Oahu that there be a special consideration to the Maui Planning Commission that all nine Commissioners can go.

Mr. Spence: We did, just for everybody's information we sent 16 commissioners from our three different Planning Commissions and 16 staff members and then 3 more staff members decided to spend their own money and attend.

Chair Hiranaga: Commissioner Wakida.

Ms. Wakida: ...(inaudible)... I forgot his name, Dave that did the Smart Growth Workshop at the MACC was he a presenter over there?

Mr. Spence: Yes. Dan Burden.

Mr. Mardfin: He gave the initial keynote speech.

Mr. Spence: And I know that we're trying to get another speaker over here, Mark Benton, here's another nationally recognized speaker on not just smart growth issues but walkability and I think they're two distinctly different personalities. Mark is super high energy, remarkably high energy and when we went to Washington, D.C. he was one of the speakers and so Don Couch and my office was going to somehow see we can get him over here. So we'll let everybody know.

Chair Hiranaga: Any other discussion on agenda item E-6? Seeing none, next regular meeting is October 11th, and if there's no objection this meeting is adjourned.

F. NEXT REGULAR MEETING DATE: OCTOBER 11, 2011

G. ADJOURNMENT

The meeting was adjourned at 10:37 a.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Keone Ball
Jack Freitas
Kent Hiranaga, Chairperson
Ivan Lay
Ward Mardfin
Lori Sablas
Warren Shibuya, Vice Chairperson
Penny Wakida

Excused

Donna Domingo

Others

William Spence, Planning Department
James Giroux, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Department of Public Works