

**MAUI PLANNING COMMISSION
REGULAR MINUTES
MARCH 25, 2014**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Ivan Lay at approximately 9:02 a.m., Tuesday, March 25, 2014, 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.)

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered.

Chairperson Lay: The Commission will now take testimony for those individuals who cannot be present at this meeting when the agenda item is taken up by the Commission. If you wish to testify now, you can do, but you'll not allowed to testify when the agenda item comes up before the Commission unless you have some new additional information to be offered. You'll be allowed a maximum of three minutes to present your testimony. Our first testifier if he wishes to testify, Mark Hoenig do you wish to testify at this time?

Mr. Mark Hoenig: No.

Chairperson Lay: Tina Hoenig, do you wish to testify at this time?

Ms. Tina Hoenig: No.

Chairperson Lay: Dan Mizner?

Mr. Dan Mizner: No.

Chairperson Lay: Lani Starr? Jessica Caudill? Please step up to the microphone, identify yourself and you have three minutes.

Ms. Jessica Caudill's testimony can be found under the item she testified on. (Item D-3, Fredrick Honig)

Chairperson Lay: Our next testifier, Bill Schlueter. Do you wish to testify at this time?

Mr. Bill Schlueter: No, I will wait.

Chairperson Lay: Lou Furst?

Mr. Lou Furst: ...(Inaudible)...

Chairperson Lay: Mary Spencer?

Ms. Mary Spencer: Not at this time.

Chairperson Lay: Antonio Piazza?

Mr. Antonio Piazza: Not at this time.

Chairperson Lay: Jim Buika?

Mr. Buika: Not at this time.

Chairperson Lay: Okay, thank you. Does anyone else wish to testify at this time? Seeing no more testifiers, we're gonna close our public testimony.

C. RESOLUTION THANKING OUTGOING MEMBER WARREN SHIBUYA

Chairperson Lay: Before we go to our, Commissioners before we go to our first agenda item, I'd like to... I have a couple of acknowledgments. I'd like to acknowledge the Planning Department and all of the hard work and dedication that they do. They make sure that what comes before us has been thoroughly looked at in all aspects and this doesn't even account for all the projects that are rejected, sent back because of wrong doings, insufficient information or straight out this isn't happening on our island. Director Will Spence and his Department has superseded themselves in the care and smart development of Maui and we thank them.

Second, I'd like to acknowledge all the Planning Commissioners and all their hard work. They don't get paid and there's an incredible amount of reading and I appreciate you taking that time to read everything. Each one of our commissioners brings to this Commission a broad mix of professionalism from all parts of Maui. We're not rocket scientists. Excuse me, my bad. We do have a rocket scientist among us and at this time, I would like to thank Warren Shibuya. He has brought this Commission to another level. Not to outer space but rather back to earth. With his love and care for Maui and his tedious examination in each and every one of our agenda items he has awakened us in doing the right thing and we thank him. This is last commission meeting with us. He may be back later on, but maybe a year or so and we thank him very much and like to acknowledge him. Thank you. I hope you don't mind, I won't be doing this in a traditional style. A handshake.

Vice-Chair Shibuya: Thank you very much.

Chairperson Lay: Thank you very much. Okay, now moving on. Oh, Commissioner Wakida?

Ms. Wakida: Just briefly. I also would like to thank Warren Shibuya for his contribution and also he's personally taught me a lot about photo voltaic, and the goals for the State and I think he's raised consciousness of us all and made a amazing contribution to our community with his knowledge and his emphasis in this area. So thank you very much.

Vice-Chair Shibuya: Thank you very much.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: May I have a few words?

Chairperson Lay: Yes, please.

Vice-Chair Shibuya: Thank you very much. I wanna first thank the Staff for the outstanding support. Carolyn, you've been outstanding. Thank you very much. And of course, Public Works we've had many members in Public Works. Even the Planning staffers, even one is back there James Buika--I can't name 'em all, but they have been outstanding in providing this information. We don't look smart until we get the data and the data comes from this Planning staffers and I just want everyone to know that there's one that has been with me. He's not a staffer, he's a Council member, I mean, Corporation Counsel, James Giroux. He's now recuperating I understand, and he served with me or I served with him in the Board of Variances and Appeals, the GPAC, and the Maui Planning Commission, so he and I go back many, many years probably about 13 years. I do wanna thank the Akaku staff that has followed me through GPAC and a few of the BVA as well as all of the Maui Planning Commission meetings.

I just wanna also thank the Maui County to giving me this opportunity to serve Maui County and when I retired I said, well, I'm gonna give at least 10 years to Maui County and now it's going towards my 14th year. And so I bid everyone aloha, but I will be available if you wanted to have some inputs or you trust my inputs.

I do have biases and that's to sustain Maui's energy through ag and food productions, our coastal environment and our economy. These have been the stones for my being here actually to express my biases. The coastal aspect of it is very important because it provides for an opportunity for all of us, our visitors as well to experience the new coastal environment. Enjoying the surfing, enjoying snorkeling, seeing the fish, seeing the clean ogo, and clean waters. This happens to be not happened by chance, but we have to take a purposeful effort to making it being a very good environment. Energy wise, we've got to get off of fossil fuels and so that's why I've been asking for compliance at least 40 percent of the energy, electricity that we are doing. HRS 269-92 sets goals for us. Maui County has been a leader in terms of providing this type of electricity, renewable electricity, however, after this year Oahu is gonna be more...producing more renewable energy than Maui, but Maui is still in the lead. It's a leading edge effort that MECO is doing and MECO is doing a fabulous job. Some of us who pay bills don't think so, but if you did photo voltaic you will understand what I'm saying in terms of sustaining yourselves, sustaining Maui at the same time.

I do wanna thank...I have a comment in terms of this body has provided a procedure in which we hear and listen to all of the comments and if there's any discord within our communities we try to match the wishes of the applicants with the Codes and with our proper judgment and we listen to all of you. And this is our I think an outstanding structure and the process in which the public can provide their due diligence, their thoughts and expressions and wishes. Everything cannot be put into Code, and so therefore, this body I think provides, and other commissions provide great opportunity for the public to put in their inputs. For this, thank you very much for this opportunity.

Chairperson Lay: Commissioners, any more comments? Director?

Mr. Spence: I would like to express my thanks to Commissioner Shibuya for his service and I'd also like to read the resolution into the record and present you with a certificate of appreciation from our Mayor.

So, Resolution of the Maui Planning Commission:

Whereas, Maui Planning Commission was established in 1958; and

Whereas, since April 2009, Warren Shibuya has served as a member of the Maui Planning Commission and has served as Vice-Chairperson of the Maui Planning Commission from April 2011 to March 2012, and April 2013 to March 2014; and

Whereas, Warren Shibuya has served the Maui Planning Commission with dedication and provided valuable guidance in serving the needs of the people of Maui County; and

Whereas, Warren Shibuya's term of office will expire on March 31, 2014;

Now therefore, let it be resolved by the Maui Planning Commission that it does hereby express deepest gratitude and appreciation to Warren Shibuya for his service during the past five years and hereby extends its best wishes in his endeavors, future endeavors; and

Be it further resolved that copies of this resolution be transmitted to the Honorable Alan M. Arakawa, Mayor of the County of Maui and the Honorable Gladys Baisa, Chairperson of the County Council.

Vice-Chair Shibuya: Thank you very much.

Chairperson Lay: You will be missed. Our first agenda item?

Mr. Spence: Commissioners, actually this is like our forth agenda item. The first public hearing item for this morning is William Aila, Jr., Director of State Department of Land and Natural Resources requesting a County Special Use Permit for the Central Maui Regional Park Project. Our Staff Planner this morning is Mr. Paul Fasi.

D. PUBLIC HEARING (Action to be taken after public hearing item.)

- 1. MR. WILLIAM AILA, JR., Director, STATE DEPARTMENT OF LAND AND NATURAL RESOURCES requesting a County Special Use Permit for the Central Maui Regional Park Project to construct a public park with related improvements on 65 acres of land located in the County Agricultural District west of Mile Marker 3 on Kuihelani Highway, TMK: 3-8-007: 101, Kahului, Island of Maui. (CUP 2013/0005) (P. Fasi)**

Mr. Paul Fasi: Good morning, Commissioners. Good morning, Commissioner Shibuya. I might not be saying that any more in the future. This matter arises from an application for a County Special Use Permit originally filed on October 10, 2013 and it was revised on November 6, 2013. The applicant is the State of Hawaii, Department of Land and Natural Resources. They are represented by RM Towell Corporation on behalf of the State DLNR.

I'm gonna go over the governmental regulations. I will leave the details of the park description to the RM Towell representatives here. They would give a more complete description. They don't have a formal presentation, but I'm sure that they are capable of answering any questions regarding this project.

The land use designations are as follows: The State Land District is Urban. The Maui Island Plan is Urban Growth...it is in the Urban Growth Boundary per the Maui Island Plan. The Wailuku Community Plan...the Wailuku-Kahului Plan is Ag. County Zoning is Ag. It is not in the SMA.

As far as the State Land Use regulations, the project is conformance with the guidelines of Chapter 226, Hawaii Revised Statutes also known as the Hawaii State Plan. The Countywide Policy Plan adopted by the Maui County Council on March 24, 2010 which is the first component of the decennial General Plan update. And therefore, the proposed project is in keeping with the following Countywide Policy Plan Goals, Objectives and Policies. Item G of the Countywide Policy Plan is improve parks and public facilities. The objective is to improve quality and adequacy of community facilities. A third objective is to enhance the funding, management, and planning of public facilities and park lands. The Maui Island Plan was adopted by the County Council on December 28, 2012.

The Maui Island Plan provides direction for future growth, the economy, social and environmental decisions through the year 2030. Per the Maui Island Plan the areas addressed include the infrastructure and public facilities. And the infrastructure for the Wailuku-Kahului parks area one of the goals is that Maui will have a diverse range of active and passive recreational parks. This is per the Maui Island Plan which has gone through extensive review.

One of the objectives is the more effective and long range planning of parks, recreational programs able to meet the community needs. Per this guideline, we, the Planning Department feels that the park effectively satisfies this objective.

Per the Wailuku-Kahului Community Plan, under the Recreation, Objective and Policies, provide park and recreational areas as an integral part of the project district specifications which will accommodate the needs of the population growth. As we've all seen this particular area is expanding, it is growing, a regional park such as this 65-acre park does meet this objective. I wanna bring y our attention to the comments from the Water Department. Their property currently has no direct water service being applied. There is a buried water transmission line that traverses the western portion of the proposed park. It is estimated that the park will use 12,000 gallons per day of potable water for use in the parking's comfortable stations ...(inaudible).... The Department of Water and nonpotable water will be supplied, will be supplied by drilling a new well onsite at a later time.

The Department of Environmental Management had significant comments and that would be Exhibit 19. The increase in wastewater from the proposed park will temporarily be transported for treatment to the Wailuku-Kahului Wastewater Reclamation Facility until the Waiale Treatment Facility is on line. The effluent from the WTF facility is anticipated to be R-1 quality and would be able to be reused for landscape irrigation at a later time. And I will have the applicant address the wastewater...Department of Environmental Management comments when they are up here if you have any questions for them.

As far as testimony concerned, we did pass out a few items this morning from the surrounding neighborhood neighbors, and so those comments are for your consideration. I did have two people visit me personally at the Planning Department to talk about their concerns about the park and they're totally in favor of the park and very excited about the prospect of having a park bordering their backyard. If there aren't any questions for the Department, I'll conclude my comments and I will bring the representative from RM Towell, who is representing the DLNR. I'm not sure if there's representatives from the DLNR this morning.

Chairperson Lay: Commissioners, we're gonna hold off our questions till after the presentation.

Mr. Fasi: Thank you.

Mr. Chester Koga: Good morning, Chairman, Director and Members of the Commission. Thank you for the opportunity for making our presentation this morning. I'm also here--

Chairperson Lay: Please identify yourself?

Mr. Koga: Oh, I'm sorry. My name is Chester Koga. I'm employed by RM Towell Corporation. We're the consulting firm Honolulu. And with me today is Carty Chang. He's the administrator of the Engineering Division. Have Carty come up and sit, he's actually the official representative from the Department of Land and Natural Resources. So if there's items that require his direct input. I also have with me, Gordon Ring, who's the civil engineer on this...for this project. So if there any questions that I can't particularly answer we're get to them.

Let me start with a little bit of background to the project. This project was initiated as a result of we'll call it our former representative from County of Maui, Shan Tsutsui who's now the Lieutenant Governor, and during that period of time he was approached by a number of the, we call 'em sports leagues on the island of Maui. And they had expressed to him we need more ball fields. And as a result that became a project that the Lieutenant Governor now has spearheaded. He has met with a number of organizations from the island of Maui and all of them provided input in terms of the types of facilities that you wanted.

Now because we have the Central Maui Park, the need for--we'll call it the big, big boys fields-- are, weren't needed, but they need and demand for little league and softball fields was very high. So that became the impetus for what we were doing. And as, coincidentally at the same time as this was project was coming about, the Waiale Development also came on line or I should say the planning phases started and negotiations were started between the landowner, A&B and the State of Hawaii for some acquisition of land. And as a result of that process which has taken quite a while and Carty can confirm this, but sometime by the end of this month there will be an official transfer of the land from A&B to the State of Hawaii. So that entire process, we've been at it for over a year now. So it has been a long time coming. The people that we started out talking with are definitely happy about that we've come this far.

With that, let me take a few minutes to talk about what the project is all about particularly for those who...more for the audience. I notice that the submittals provided by the Staff is very thorough, covers all the parts of the plan that we're interested in. The big thing is again the ball fields. There

will be nine ball fields, four for little league and four for softball and possibly the fourth one or the ninth one for also for softball and/or baseball. And there will be soccer fields adjacent to them. So it is a, it will be a multi-use facility. It will be unique to this facility...we call them quads where you have four ball fields that are, will be side by side, back to back with the home plates being in the center. And in the center portion we will have restrooms and concessions. This will be sort of unique to that particular ... (inaudible)... The soccer fields will just be open grass areas.

There were as we started the project a number of comments and...that I'd like to address up front so that we can at least start with that discussion. The first item was the whole issue of water. When we first started the project discussions with Department of Water Supply basically said, oh sorry you guys, you guys gotta figure out what you're gonna do about your water. After some amount of discussion we did end up with, okay, we will provide all the potable water basically for drinking fountains and the bathroom so that was gonna be taken care of. Irrigation on the other hand need to be taken care of by wells that are put on site. And at the conclusion about a month or so ago we do have those wells in place. Now we need I need to work on the construction of storage. So there will be a storage tank on site. So again, potable water only for the drinking and bathrooms. The irrigation will be done, handled by the wells.

In the recommendation there is discussion about the archaeology and this has always been an important item and I'm certain that Department of Land and Natural Resources also houses the State Historic Preservation Office. It's something that we need to pay attention to. There were a number of surveys done and we did find...there was one burial site that was located...we'll call it on the...as we'll call it the southwest side that was discovered. After further investigation that the burial site was located, found outside of the project area. And there as a burial treatment plan provided for it and proper treatment on the site. There was other sites that were located near the project site again. We took the effort to go out and specifically look at the site and also we found that, this also this second site was not on the proposed development area. So that was also now taken care of.

Another area that we did have significant comments on was the parking that was going to be provided because for this number of fields, and one of the reasons why the fields, there are so many of the fields and in the concentrated location was in the...there was some thought that we might wanna promote some of, we'll call it, "statewide or regional wide type competitions" or tournaments, I guess maybe that's the better word for it that the parking was needed to take care of. We did look at a different number of standards for each ball field, how many and if it's going to be competitive, how many stalls should we provide? In the end, we are providing for at least 510, we'll call it paved parking areas, accommodation of standard parking, those that are accessible and in addition, we're looking at stalls for electric charging as well.

In addition to that, there will be grassed areas or grassed field, open field areas that be used for overflow parking. So in total, we'll end up close to 600, and we'll call it, 600 or plus parking stalls. And once again, I did mention the landowner. The project will not be developed all at once. And for unfortunately we don't have enough money to develop the entire park. The Legislature only provided "x" number of dollars so we're only gonna build possibly as much four ball fields, some of the parking and some of the access road and bathroom. The second phase we'll try to get the remainder. This may be take another year or so before that phase can be done.

Finally, the improvements themselves have Carty talk a little bit about when we think we can get started. The project did go out to bid and we are in the process of evaluating the bids right now.

One of the big items was the focus of a petition that I think the Members of the Commission may have had a chance to look at it and also we had a letter from one of the Commissioners himself and that has to do with the issue of lighting. We understand that for those homes that will be, like I said, the ball park will be the back, in their backyard. We can understand that's a issue. I did have one resident that lives in the Maui Lani speak about the fact that the golf course driving range lights makes their front yard or back yard look like it's daytime. Now at this point all we can say is that the lighting will be done according to lighting standards for safety purposes for playing at night. The only consolation we can offer at this stage, we are looking at potentially planting some trees along the backside so it provides some amount of shielding. The other part of that, unlike the golf course where the lights are on seven nights a week, the ball field at this time we can say probably will not be in that kind of condition where it's on all seven nights. So we... it will be controlled by scheduling via the Parks Department. Now at this point that's about as much as we can offer and if there are ways we can mitigate the lighting we'll certainly be looking at the...figuring out how we do that. So, with that I have Carty...any of the issues that might have.

Mr. Carty Chang: Thank you, Chester. Carty Chang on behalf of William Aila. I'm the Chief Engineer for the Engineering Division of the Department. I just wanna clarify one of the things Chester mentioned about what's going to Board of Land and Natural Resources on March 28th. The deal is not gonna be closed on March 28th. What we're seeking on March 28th is the Board's approval to enter into the transaction with A&B to sell. And so, the deal won't be closed on March 28th. We're seeking Board approval and the deal will need to be closed before we start construction of the project. So we anticipate the official transaction happening later on this year as far as the land being transferred over to the State.

Just to follow up on a little bit of what Chester was mentioning. I think because, because money was appropriated to Department of Land and Natural Resources for an active park we knew from the very beginning that we need to engage the County because ultimately this is gonna be a County-managed park. It fits into the County's purposes of an active park. We recognize that early on we needed to talk about water, wastewater, Parks and Rec., Public Works and so forth so we started the discussion very early on to make sure that we knew what the County wanted and we could meet the needs of the County. So this discussion started very early on. And I think we've done a lot of stuff that are gonna satisfy the ...(inaudible)... I think it's really about any time you take an action there's gonna be impacts, and I think through the Chapter 343 process we've met that. There's still gonna be impacts, but I think it's all about how we mitigate those impacts.

Lighting came up and I think there's ways that we are gonna be consistent with the current parks operations now, operationally you can mitigate impacts through shutting down the lights at a certain time, you can minimize impacts of lighting through other means.

As far as the water issue that came out, as you know, we worked with...to develop a 65-acre park, you know, infrastructure is very demanding so we needed to look at ways we could try to accommodate it in the interim. As you know, Waiale is gonna be the ultimate goal and there's gonna be a wastewater treatment plant built by A&B which is gonna accommodate the wastewater needs, but in the interim, we got approval from Environmental Management to take care of the

interim load until they build their wastewater treatment plant and when that is built, there'll basically be R-1 treated water. Enough to dispose on the park for irrigation. So in the meantime, we're gonna be tapping the municipal system. Chester mentioned that as far as nonpotable needs we're gonna be drilling...we've actually drilled our well, and the well quality and quantity came out very suitable. So we can in the interim use that nonpotable well for irrigation purposes until the wastewater treatment plant comes on line and then we will use that R-1 water to irrigate as well.

We think this is a unique opportunity because it involves not only private, public but different levels of government. This is an opportunity I think for the Department to engage with the private industry, sell us the land and we can work with the County to actually do something that meets the recreational needs of the County of Maui. So if you have any other questions, I'm here. We have a team here to answer anything you may have. Thank you.

Chairperson Lay: Commissioners, I know I said I gonna have questions start after the presentation, but let's wait after public testimony that way if any concerns come up, we can address it.

a) Public Hearing

Chairperson Lay: At this time, we're gonna open up to public testimony. Mark Hoenig? Please identify yourself and you have three minutes.

Mr. Mark Hoenig: Hi, good morning. My name is Mark Hoenig. I live at 138 Kapela Place in Kahului. We live on the outer edge of the Na Hoku development in Maui Lani which is immediately with the park, the proposed park would be immediately behind our house.

First of all, let me say that we are not opposed to having a park back there. We think that's a great idea. However, we and our neighbors have great concerns about the proposed lighted sports fields in the park plan. When we received the notification from the County and took a look at the plan we were absolutely shocked to see how many sports fields there are and how...and what proximity that they are literally going to be right behind our homes.

If this plan moves forward, the peaceful and quiet neighborhood that we now enjoy will be a thing of the past. We won't be able to have our windows open in the evening because of the current...because of the light and the noise from the sports fields. We'll lose the privacy on lanais and our backyards. The lights of the sports fields would be lighting up our homes causing us to have to close blinds and curtains to keep the light out. It will also cause us to have to run the air-conditioning in the evenings rather than have our windows open because we'll have to have the windows closed to keep out the light and the noise from the sports fields. We feel that the crowd noise generated from not just one or two sports fields, but nine baseball fields and three soccer fields are excessive by any standards when they're located in that close proximity to residential housing.

As the gentleman earlier mentioned we live near the Dunes Golf Course. They have the lights for the driving practice range in the evening. Those lights are visible from miles away. What you're saying is you're planning of taking those lights and putting them within 100 feet of our homes in the back and making them obnoxiously visible for hundreds of homes that are right there in the proximity of the sports park.

We're asking that the Planning Commission please respect our rights as homeowners and reconsider the need for and the location of the sports fields, not the park itself but specifically the sports fields because I know without a doubt this sports facility will deteriorate the quality of life for hundreds of families that now enjoy our quiet neighborhood while providing very little if any benefit to those same neighbors who are putting up with that noise and the light.

What we do want is to have a park that's designed to benefit the community where it will be located. Doesn't it make sense to build a park that will suit the needs of the neighborhoods that are in the closest proximity and have the most frequent access to that park? Why build a park that primarily benefits residents from other part of the island or other parts of the State at the expense of the residents that are nearby?

What neighbors have told us is that they would much rather see the park have facilities and spaces for activities that are much more practical. These could include things like a dog park, playground areas, open space that's suitable for picnics, playing Frisbee, having a simple game of catch, places where kids can play safely and not be in the street. This is a significant issue around our neighborhood. Kids are in the street all the time. The park could feature things like jogging trails, walking paths, a park course to encourage fitness and healthy lifestyles. There are lots of options if we start thinking about the needs and wants of the residents who would be using the park. I'm not saying that we couldn't have any sports fields in the park, but let's not have a park that's only sports fields. A park like we're proposing is gonna be cheaper--

Ms. Takayama-Corden: Three minutes.

Mr. Hoenig: --to build. It's gonna be less expensive to run and maintain.

Chairperson Lay: Please conclude.

Mr. Hoenig: Okay, you guys have had a year to plan this and you're giving me three minutes to talk about my issues. But we're saying that this park is much more practical the kind of park that we're proposing and we're asking that you actually look at the needs--

Chairperson Lay: You can give us a written testimony if you wish.

Mr. Hoenig: Pardon?

Chairperson Lay: You can give us a written testimony if you wish also.

Mr. Hoenig: Okay I will. But that's what we're looking for. It's something that's much more practical for the neighborhood and not just sports fields and this park is a one trick pony. All it's good for is playing sports. Thank you. And I will submit further comments via written testimony.

Chairperson Lay: Commissioners, any questions for the testifier? Commissioner Shibuya?

Vice-Chair Shibuya: Mr. Hoenig, in terms of the invasive light and noise there's a planned chain link fence to separate the park from your homes. If we put in let's say a CMU wall about seven feet tall is that invasive? Would that mitigate some of the sound?

Mr. Hoenig: I am not...I don't know how much it would cut back. It certainly wouldn't mitigate the light at all because the lights are gonna be much more than seven feet high.

Vice-Chair Shibuya: Right. But it gives you more privacy.

Mr. Hoenig: It would.

Vice-Chair Shibuya: From the current wall that you have now?

Mr. Hoenig: Yes. That would certainly be preferable to a chain link fence which doesn't do anything except maybe--

Vice-Chair Shibuya: And then you can remove your wall because now you have a CMU out there.

Mr. Hoenig: Remove our wall, I'm not sure...

Vice-Chair Shibuya: Because the CMU would be built up instead of the chain link fence. You would have double walls. Your wall and their sports field wall for a fence.

Mr. Hoenig: Yes, I was saying it probably would mitigate a little bit of the sound but it certainly wouldn't take care of the light issue.

Vice-Chair Shibuya: I understand, but I understand.

Mr. Hoenig: That would be much preferable to a chain link fence.

Vice-Chair Shibuya: At the same time there is also ventilation. You put up some kind of wall like so it mitigates or minimizes the amount of movement of air. So it's a tradeoff between ventilation and noise.

Mr. Hoenig: Right, which I'm saying we wouldn't need to have that tradeoff if we didn't have those sports fields there. If we had a regular park that wouldn't be necessary. A chain link fence would work just fine.

Vice-Chair Shibuya: Okay, thank you.

Chairperson Lay: Commissioners, any more questions? Seeing none, thank you very much.

Mr. Hoenig: Thank you.

Chairperson Lay: Our next testifier. Tina Hoenig? Tina Hoenig, excuse me.

Ms. Tina Hoenig: Thank you. My name is Tina Hoenig. Live at 138 Kapela Place. And our house would be directly next to the proposed Central Maui Regional Park. I have lots of questions for the Planning Commission. Is there really a need for more sports parks in Central Maui? Quite a few sports parks already exist. What study has been done or what data has been used to determine that Central Maui needs nine more baseball fields and three more soccer fields? Are current sports

fields at capacity? Is there a waiting list of teams that need to play, a place to play that cannot be accommodated with existing facilities? Do we have to have lighting on the sports fields? Why is the park being designed exclusively for use of sports park with no space or facilities for other activities?

I hear that there was a propose that trees would be put in to buffer the lighting. How long are those trees gonna take to grow? Years before they would buffer the light? Could the sports parks be moved to another area that at the area behind Pomaikai School? This area is not next to residential neighborhoods.

Concerning about the sports field lighting. How many nights a week would the lights be on? How would the lights be controlled? These are all issues that we have since our house will be directly affected and the other houses that are around us. We actually went around the neighborhood and talked to many neighbors. We have a petition that's signed and our neighbors are not against having green space and having a park. We're against to having all these nine ball parks. And having why so many? One, two maybe, but why nine? And just exclusively at that.

Will there be gates at the entrance to the park to discourage after-hours loitering and overnight camping? Are there any other parks that sit this close to residential housing on Maui? None that I know of, but maybe I don't know of all of them.

You talk about the needs of the County? What about the needs of the community and the people that are directly affected by this? And then what are the next steps in the planning process? How will we be informed of how the County is proceeding with this project? We were actually very disappointed when we got a letter in...actually we were told that there was a letter that was sent out to residents and not many of the residents that were gonna be affected by this park got the letter. We didn't get the first letter.

Ms. Takayama-Corden: Three minutes.

Ms. Hoenig: And then there was a meeting that was...I guess the Planning Commission then they had to bump back--

Chairperson Lay: Please conclude.

Ms. Hoenig: --the meeting. I'll wrap it up and we got the second notice. And that's the only time we were informed by this decision that would dramatically affect our community. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Commissioner Wakida?

Ms. Wakida: Just clarification on the letter business. Your property backs up onto this proposed sports field?

Ms. Hoenig: That's correct.

Ms. Wakida: And you...some of your neighbors received the first letter but--

Ms. Hoenig: Correct.

Ms. Wakida: --did you happen to know what was in the first letter?

Ms. Hoenig: I do not.

Ms. Wakida: And then you received the second letter?

Ms. Hoenig: This is true.

Chairperson Lay: Director wishes to comment?

Mr. Spence: No, go ahead.

Chairperson Lay: Go ahead.

Ms. Wakida: And the second letter was what? Generally what was in the second letter?

Ms. Hoenig: Second letter said that there was going to be a meeting on March 25th about the plans for the Central Maui Regional Park and on the back of that was a really tiny tax map code and a plot of the surrounding area of...very difficult to read of what it was gonna be, but it was clear enough that there was the nine ballparks and the three soccer fields.

Ms. Wakida: Okay, thank you.

Chairperson Lay: Director wish to comment?

Mr. Spence: Chair, just to clarify why there was letters sent out instead of just one, et cetera. As the Commission knows this was going to be scheduled earlier and it was agendized and then canceled. There was a couple of mistakes with public notice and so the applicant renoticed this hearing. So normally...again what was sent out was the standard notification that's for every County Special Use Permit. You know it sounds a little confusing because some people got the first one, some people didn't and so knowing that, you know, the full notification wasn't done. We canceled and said, okay, let's renotice.

Chairperson Lay: Commissioners, any more questions for the testifier? Seeing none, thank you very much. Our next testifier is Bill Schluuter. Thank you, sorry about that.

Mr. Bill Schluuter: Hi, my name is Bill Schluuter. I live at 136 Anamuli Street...(inaudible)...I'm actually in the cul de sac...well, I got a cul de sac behind me and then the houses that will be backing this park. I have lived next to parks before in other parts of the country. I've been here for 14 years. I raised my kids here. They went through the schools. My kids went to many of the parks. I spent 12 years in parks all over this island. Soccer, baseball, softball, you name it we did it. And they're noisy and they cause a lot of traffic and they cause a lotta headaches on the weekends and they leave beer and they leave trash and they leave all kinds of stuff even though beer is illegal it shows up. So this will be horrible. This is a terrible location for a park, right behind a bunch of homes. You can't secure it. I don't care how you try it. You can't secure it.

Oh, and to answer your question earlier, some of those homes there don't have fences on the backside so it's just be the chain link fence...(inaudible)... Some of the homes facing that they do not have a fence right now so there wouldn't be a double fence. So anyway, sorry it just popped in my head.

Yeah, I'm a little unprepared because I thought this was the meeting was gonna discuss the possibility of having a park. I did not realize the government had already spent many, many hours and the thing's all ...(inaudible)... My question is is when I bought that property four years ago, in the planning office up there in the country club you got a park right there behind the school, recreational area, 23 acres. And we looked at that and we looked where our property was at and we said that be fine. That's gonna be away from people. It's gonna have excess parking. Everything you need is gonna be right there in that location and it will not bother any of the housing divisions that were proposed at that time. What happened to that place? It's there. You can still go in there, walk into there today and you'll see the sign right there where it says recreational park, 23 acres. Why all of a sudden that we decide to put this thing up behind all our homes? It's not just right. Plus the traffic now you're gonna be running traffic all the way up past homes that don't need to be there...(inaudible)... I know, somehow there's a planning commission here but I don't think you're looking at the homeowners. This thing is completely built. What...there's no way that these lights, the noise, I mean, like me and my neighbors, you cannot live 100 yards from a baseball field and not hear the noise. I know because I've been one of those people making the noise when my kid hit a home run. You probably could of heard me 500 yards away and that happens all the time. And the fact that you want to bring tournaments in, my children played tournaments. In fact, my boy is now playing college ball. So yes, the tournaments will come and then it will come busloads of people. They bring 'em in from Oahu, you put 'em up in motels, you bus them, where you're gonna park that? Six hundred parking lots ain't gonna do it. A 600-car parking lot just will not do it. If you had the other location...the original location you could do the same thing and you had the school parking lot for an overflow. You got your purpose. You've got the sewer effect...I was understanding because I made some inquiries beginning...all the facilities were available for that area. So why have they not, why is that not been pursued?

Ms. Takayama-Corden: Three minutes.

Mr. Schlutter: Okay.

Chairperson Lay: Please conclude.

Mr. Schlutter: So I'm gonna, like I said, I apologize because I did not realize the stage that this was in. I will send a letter and I'll have some other people and I thank you for your time?

Chairperson Lay: One moment. Commissioners, any questions for the testifier? Seeing none, thank you very much. Our next testifier, Lou Furst? Lou?

Mr. Lou Furst: Good morning ladies and gentlemen, my name is Lou Furst. L-O-U F-U-R-S-T. I'm also, I'm the president of the board of the Islands of Bluffs at Maui Lani Owners Association. Also, I'm a member of the board of the Maui Lani Community Association. I have not come here this morning to speak in those positions. I'm an owner in Maui Lani, one of over a thousand. However, I wanted to stand here before you this morning to express my concerns and pass onto you the

comments and the calls and emails that I've been receiving for guidance and wisdom and direction on how this issue should be addressed. I have not been fully informed on this as well as you. However, I have done a cursory research to the point that I understand there are some grave concerns by owners most specifically in the Na Hoku and Legends communities of Maui Lani. I will let other people speak to their specifics, however, my perception is and conclusions are most likely the main concerns and issues are lighting, water usage, parking, noise, traffic, specifically the safety and security and traffic of access to the park. It goes right by the front of Pomaikai and as everybody is most likely aware, the Uncle Dave the local crossing guard is tasked fully now for safety for the children going to and from the community to the school and this will just really put him in a position that he will not be able to fulfill those responsibilities. The overall big picture, traffic is a concern, safety is a concern, lighting is a major concern, noise is a major concern. So I'll sit here and yield my time to my other owners here and let them speak to those issues.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much.

Mr. Furst: Thank you, sir. Our next testifier is Mary Spencer.

Ms. Mary Spence: See if I can see over this. I originally commented on this development almost a year ago exactly, March 29, 2013. And in that letter I mentioned three kinds of concerns. Traffic was one, costs were another concern as a citizen of Maui and Hawaii, and also needs assessment which all three of those things have been spoken to today.

I received a letter back from Mr. Aila in May, at the end of May, but unfortunately I appreciate him having a, you know, given me a letter back, but unfortunately it didn't address any of the issues that I raised. It said things like the financing of the parks operations and maintenance is currently being considered by the County of Maui. And in response to the assessment it says, we'll be looking into community concerns, but none of those things have, I haven't been informed we have any progress on those issues so my concerns continue.

So for today I'd like to just say that this is park plan does not meet your own objectives. It does not meet the objective of improving public facilities for the community. The needs assessment for this park obviously were not done by professional standards because the community was not thoroughly assessed and the needs of the community, the best assessment you have of those are the testimony that you've heard from the nearby residents to this park this morning.

And secondly, we're all aware of public budget shortages, and to have no planning, no numbers, no budgets, no sources of funding for the long-term operation of such a highly impactful, complex development is really irresponsible and I think that every citizen of this island and the State deserve to have a real plan, an itemized budget over a period of years for how this will be maintained and how the concerns that were mentioned this morning will be addressed if this is going to be built. I'd also like to say that green space is a wonderful thing for neighborhoods if it's done properly and if it's done in a way that holds the... pardon me, the interest and needs of the community particularly the most adjacent community precious and takes those into consideration, documents them and take them into consideration and inputs that into planning of the development. This is a high impact development. It isn't a park. It is a high impact development.

Ms. Takayama-Corden: Three minutes.

Ms. Spence: And it will destroy the quality of life--

Chairperson Lay: Please conclude.

Ms. Furst: --of hundreds of homes. And I'd like for you to consider that really seriously and give us real answers in the future. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Commissioner Freitas?

Mr. Freitas: Yes, you list three items that you asked them about. You mentioned too you didn't answer his response on the need assessment. What was his response if you would please?

Ms. Furst: Let me read that to you. The program for the site is still in the planning phase.

Mr. Freitas: That was the whole comment?

Ms. Furst: Well, the whole comment is that there have been discussions for several years which is not a clear answer either. There's no documentation of what those discussions were, who were the people who were surveyed, what's the data on the assessment? You know, a needs assessment is a research study that documents the needs of all of the constituents of the community that's going to be affected. Well, that's clearly not been done and it's not addressed in this response to me.

Mr. Freitas: Could you read his response on that item in its entirety please?

Ms. Furst: Have you read it before?

Mr. Freitas: No.

Ms. Furst: I just wondered if you already knew what it said.

Mr. Freitas: No, that's why I'd like to hear it.

Ms. Furst: Okay. The need for the park and park facilities has been a subject of discussion for several years. In 2007, the Planning Department commissioned a public facilities assessment that showed that there was a need for more facilities in the Wailuku-Kahului area in consideration of the planned developments. The park is planned for provision...with provision for pedestrians and bicycles. There is a proposed community center to provided in an adjacent parcel. The program for the site however is still in the planning phase. You know as some of the people have testified today, we're out of the loop. We're the people who have invested our entire savings in these homes--

Mr. Lay: Thank you. You've answered the question.

Ms. Furst: --and we have not received any of this information.

Mr. Lay: Commissioners, any more questions?

Ms. Furst: Thank you.

Chairperson Lay: Thank you very much. Our next testifier, Jim Buika, Buika.

Mr. Jim Buika: Good morning, Commissioners. My name is Jim Buika. I live in Wailuku not near the parks. I live at 514 Komo Ohia Street and I would like to provide comments on the Central Park SUP also. I am in favor of the project but would like the Commission to understand concerns that I have and to potentially add some mitigation to the project if you agree with my concerns. My credentials, I am a soccer dad. I have a daughter who is playing college soccer now and I've played baseball all my life including college myself. So as far as the sports, I have some experience. I am in the Planning Department, but I am taking vacation just to...right now, just to comment as a private citizen.

So three topics I'd like to address. First, that this project it is a once-in-a-lifetime opportunity to design a park to meet the community's needs so I think we need to take time to do it properly. I do not think enough thought or community involvement has gone into the park design and I would like to encourage the Commission to add a condition if the park goes forward to require an additional meeting with the community sports professionals and the coaches to meet their needs and to design the park accordingly and also with the community as you've heard this morning.

Second, have some thoughts on a facility being more mixed use that I'll offer for your consideration. And also, I'm extremely concerned about the health and safety of the design of the layout of the project especially with respect to these eight back to back to back to back baseball fields. We didn't have a presentation of the project but there are two sets of four ball fields that are in a clover leaf pattern and if you play baseball, if you know baseball, baseballs are projectiles, they are dangerous, you're always...I've been injured playing baseball, but not only that they put a concession stand in the middle of four backstops there. So you're gonna have foul balls coming from four different directions, bouncing off the pavement, spinning like crazy, concussing people, hitting 'em in the head, potentially causing injury even death. You got a concession there so you're attracting all the people right to the center of these four and you have four baseball fields going in all directions. So you don't always hit the ball forward. A lot of times as you know playing baseball you hit the ball out of bounds and they're very dangerous. So I think that what the project needs to do is really meet and redesign the layout to mitigate that health and safety concern. Also, the soccer fields are all undersized, trying to cram in four rather than at least one or two larger sized fields. Soccer is pretty easy you can change the boundaries but we should consider that.

Chairperson Lay: Please conclude.

Mr. Buika: Okay. So in conclusion, I have other thoughts, but I encourage the Commission to consider adding a condition that require the park designers to meet with the appropriate coaches and athletic authorities to sit down at a meeting and redesign the layout of the facilities to meet the requirements of the sports community and to meet the health safety of the public and also the public rather than just the three-minute thing like this. Have a sit down talk story meeting. Thank you, those are my--

Chairperson Lay: Commissioners, any questions for the testifier? Commissioner Wakida?

Ms. Wakida: Good morning, Jim. Did you get to mention all three of your concerns? I heard--

Mr. Buika: No, I didn't get to mention the mixed use ideas that I have.

Ms. Wakida: Could you briefly tell us your thoughts on the mixed use?

Mr. Buika: Sure. There are as some of the other testifiers have said there's only baseball and soccer which is not bad but how about, you know, parents are gonna be bringing a lotta toddlers there. There's no keiki playground there. These kids are gonna be going crazy sit and watching their older brother play baseball. We could add that as an amenity. Nothing for adults to do. How about a couple of tennis courts or maybe a bike path or a walking path or an exercise station would be good. Maybe a one sand volleyball court, maybe one basketball court. So something that would cater to more of, more of everybody who's there rather than just sitting observing watching baseball, we need other activities to do.

Another important thing is if you do these concession stands something that we have a problem now on the island, you do a lot of fundraisers, lot of events, over nights, maybe three-day type of things, we need cold storage at the concession stand so that we can store our hamburger overnight to meet, basically meet Department of Health standards. So cold storage is very important. And then a pavilion, some picnic tables, some shade tree...the trees are all concentrated in one area, just to break the heat. You know it's gonna be central, it'll be hot. So those are I think a lot more can be designed into the project. So thank you for allowing me to add those comments.

Chairperson Lay: Commissioners, any more questions?

Mr. Buika: Thank you.

Chairperson Lay: Thank you very much, Jim. Does anyone at this time wish to testify? Please step forward and identify yourself.

Mr. Shyam Subrammanyam: Good morning, Commissioners. My name is Shyam Subrammanyam. I live at 248 Anamuli Street very close to the cul de sac, almost at the cul de sac of Anamuli Street not too far from Kuihelani Highway. The concern that we have is residents of that particular part of Anamuli the concern that we have is the large sized parking lot that there's like 600 plus cars right in the backyard. It's going to reduce drastically the quality of life in that area. The parking lot if I may suggest should be far away from...(inaudible)... Anamuli on the far side of this proposed park. And second concern that we have is I understand there's gonna be road that's gonna come off of Kuihelani Highway towards the parking lot. I think that's serious area of concern. Again, the parking lot can be reached from the, from I would say Waiko Road which is a long way off so that way it's nowhere close to the residential area that we live in. These are two areas of concern that we like to present.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Does anyone else wish to testify at this time please step forward up to the mic, you have three minutes.

Mr. Neil Sorensen: Good morning. My name is Neil Sorensen. I live at 212 Anamuli. I'll be directly backed up to the park. My main concern is how much of a setback there's gonna be between the park boundaries and our own backyards. I haven't been able to quite determine the distance that they're planning or what they're planning in between whether there's gonna be some kind of a green buffer zone, a swale is what I've heard, couple things like that. So my main concern is how much of a setback are we gonna have in between or is this park actually gonna be right butt up against my backyard.

My other concern was the whole situation with the letter. If my wife...if I hadn't found out through a coworker that he'd received a letter and he lives three blocks down the way, this whole meeting may well have happened a month ago and nobody that lives in close proximity would have heard about it. I'm hoping that that's not some kind of an end run by anybody to, you know, kinda circumvent the whole thing. If I hadn't found out about that and we got a hold of the architect and had the whole thing rescheduled we would have been maybe never even heard about it at all. That's it. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you very much. Does anyone else wish to testify at this time? Please step forward to the mic. And for those of you who have testified and haven't signed in, please sign in at the front there too.

Mr. Ayres Schmitt: Good morning. Hi, my name is Ayres Schmitt. I live 128 Kapela Place, Kahului which backs up right to the proposed park. And like many of my fellow neighbors you know, we have a concern about why this park, this facility is being designed to back up to our community. I mean, it seems like you got a special use that with a large piece of parcel here why couldn't relocate this in another part of this that would affect, you know, the residents and the community that directly back up to this. I mean, there's been a lot said about all the things that we'll have to experience so I'm not gonna repeat 'em. But I wanted to go on record that I feel like there hasn't been enough time to really study this to realize the impact that it's gonna have for the immediate residents of this neighborhood. You know, there's been talk about a wall being put up. This particular property sits up quite a bit higher than our community and which proposes somewhat of a problem because with that being said, you know, people looking down into our backyards and so forth, you know, is somewhat annoying. As far as, you know, putting up a wall, you know, the wall will help circumvent some of that, but you know, at the same token it won't, you know, prevent the light and so forth. So yeah, I'm not opposed to the park. I always knew that there was gonna be some sort of a regional park, a ball field and all the ball fields backed up to my backyard, I didn't expect that. And so, I would like the Planning Commission and the Council to consider the possibility of maybe locating this somewhere else. I mean, why can't...you know, I mean, is this particular parcel of land the only one that's available? I mean, they're asking for the special use of this large parcel, you would think, you know, that there's lots of areas you could put all these ball fields. And like it was mentioned before, it was my understanding the ball fields were gonna be over here by the Pomaikai School. What happened to that idea? That's all I have to say.

Chairperson Lay: Commissioners, any questions for the testifier? I have a quick question for you.

Mr. Schmitt: Yes, sir.

Chairperson Lay: How long have you lived there?

Mr. Schmitt: I've lived there since 2009.

Chairperson Lay: So you said you were aware that or are that a park was gonna be put there?

Mr. Schmitt: It's supposed to be a regional park.

Chairperson Lay: You knew about this prior to you moving there?

Mr. Schmitt: I do, yeah. A regional...for a regional park not a ball field facility. The ball fields were gonna be over by the Pomaikai School. The developer with the, I guess the total land program, you know, of the whole area, you know, described that.

Chairperson Lay: Okay, thank you very much. Does anyone else wish to testify at this time? Seeing none, public testimony is closed. Commissioners, do you wanna take a break before we move onto our questions? Let's take a 10-minute break, reconvene at 10:20. Thank you.

A recess was called at 10:15 a.m., and the meeting was reconvened at 10:29 a.m.

Chairperson Lay: Please have a seat in our gallery. And we're moving onto questions from our Commissioners. Commissioners, any questions? Seeing none...no, I'm just kidding. Commissioner Wakida?

Ms. Wakida: Yeah.

Chairperson Lay: That's funny, come on.

Mr. Freitas: Pay attention.

Ms. Wakida: All right, I'd like to start off with some questions about lighting. I guess that would be Mr...was the name Koga? I didn't quite get the last name.

Mr. Koga: Yes, Koga.

Ms. Wakida: Perhaps you would be the person I would ask?

Chairperson Lay: And please step up to the mic and identify yourself.

Mr. Chester Koga: Chester Koga with RM Towill Corporation.

Ms. Wakida: Thank you. I don't...did we get any maps in here that showed where the planned lighting was going to go in our?

Mr. Koga: No. No, you didn't get any. All we presented is the plan and doesn't show any of the, we'll call, utilities.

Ms. Wakida: Could you give us an idea of where you planned to do lighting? Apparently we don't have an overhead picture of this, but maybe you could just describe it?

Mr. Koga: Fundamentally, yeah, I can just generally say that they're gonna be in the perimeter of the ball fields themselves, but they're not...I'm just looking at a plan right now. You have this plan. It's one of the exhibits. I think it was like A, A-3 I think.

Chairperson Lay: Exhibit 2 might be a good...

Ms. Wakida: I'm looking at Exhibit 2.

Mr. Koga: Okay, Exhibit 2 would be fine. If you look at the ball fields, the lighting would be within the perimeters of the ball field.

Ms. Wakida: Of the, I'm sorry?

Mr. Koga: Of the perimeters of the ball field or within the diamond.

Ms. Wakida: Okay.

Mr. Koga: Now, let me just kinda add a little bit about lighting. To the extent that we're able, we are going to provide necessary shielding. All the parking lot lights will be shielded, all the concession areas they'll all be shielded according to the County Code. The ball field lighting is a little...is separate and all we can, what we can do at this point is tell you that we're gonna do our darnest to try to provide as much shielding as we can because it sort of defeats the purpose unlike, we'll say like a parking lot where the lights can all be focused downwards, ball fields a little different 'cause you wanna provide as light for the safety of the players, right, because if they can't see the ball it could be actually dangerous for them. So we did spend a lot of time looking at also the orientation of the ball fields. Some of you mentioned that. In terms of the orientation to sunlight, we spent quite a bit of time with the little league teams, softball teams to really talk about that discussion in terms of which direction the sun is coming from whether or not you're in the infield or the outfield and you know and that safety because for the most part these are for little kids, we're gonna maximize the safety as much as we can. I'm sure I'm not answering your question.

Ms. Wakida: Well, you're planning to put lights for all nine fields. So you're planning to have night games for all the fields?

Mr. Koga: Oh, I'm sorry. Only one of...one each in the quads and the large ball field. So at any one time only three fields will be lighted.

Ms. Wakida: So one youth field, one softball field, and the high school field?

Mr. Koga: Yes.

Ms. Wakida: Will be lighted. Okay.

Chairperson Lay: Kind of a follow up with that one. Okay, so in the past we've had lights that broadcast a little brighter, more farther out. The lights nowadays are they more condensed and more directed?

Mr. Koga: For the most part yes.

Chairperson Lay: And then also, your fields that you're gonna be lighting up at nighttime, the backside of the backstop being the dark side, the bright side being out, towards the outfield side, right? So if there any way we can get the lighting pointed out towards the parking area instead of towards the residents on those fields that are lit up? I mean, have there been any decisions on which fields are gonna be lit up at night? You know, if we can address that issue that might help it a lot too.

Mr. Koga: If I could, let me bring up Gordon Ring. He was the project engineer. Maybe he could get to some of that

Mr. Gordon Ring: Hi, Gordon Ring from RM Towell. I guess that's something we could consider right now. I think the State only has funding to light one field in each set of fields right now. But we could, I guess that could be decided. We're putting in the infrastructure to be able to light all the fields at some point. But I mean they may be done by the county in the future.

Chairperson Lay: Okay, thank you. Questions Commissioners? Commissioner Freitas?

Mr. Freitas: What time will this park close at night for lighting?

Mr. Ring: I believe 10:00 p.m. the lights would be off.

Mr. Freitas: 10:00 p.m. would be off?

Mr. Ring: Just like with the rest of the County parks.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: I see tennis courts is that volleyball court or is that basketball courts?

Mr. Ring: Maybe those are soccer fields.

Vice-Chair Shibuya: Oh are those soccer fields?

Mr. Ring: Closer to the highway.

Vice-Chair Shibuya: The three?

Mr. Ring: Yes.

Vice-Chair Shibuya: Okay. And they will be lighted? No? Yes?

Mr. Ring: At some point. They're not in--

Vice-Chair Shibuya: Initially no.

Mr. Ring: Not in our plan.

Vice-Chair Shibuya: And where's the parking in relations to all this?

Mr. Ring: Along that bottom edge, the south edge.

Vice-Chair Shibuya: This edge?

Mr. Ring: It's about 500 paved stalls right there.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Just a follow up on the parking. Where are you planning to have the overflow parking?

Mr. Ring: In between the softball and baseball quads there's an open grass area that could accommodate about 200 additional cars for overflow.

Chairperson Lay: Commissioner Duvauchelle?

Ms. Duvauchelle: I can't tell from the exhibit what is the distance between the chain link fence and the back fences of the Maui Lani residents? What is the setback?

Mr. Ring: I think about 50 feet.

Ms. Duvauchelle: Fifteen?

Mr. Ring: Fifty.

Ms. Duvauchelle: Fifty. Thank you.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: In...I have some concerns about the use of this park. We didn't get any information in here on the need for nine more softball/baseball fields as opposed to say some tennis courts, some basketball courts and that sorta thing. In other words, why is it...why are they ball fields and what is the need in the County? Is there...are there teams waiting, are there teams that can't play, how many ball fields do we currently have and so on? Do you have any information along those lines?

Chairperson Lay: And for the record, please identify yourself each time you come up to the mic. Thank you.

Mr. Koga: Chester Koga with RM Towell Corporation. ...(inaudible)...basically start the basis of the you might say the need was established back in 2007. There was a study commissioned by the County of Maui, Planning Department in preparation of the County's General Plan and the upcoming community plan. At that time each one of the community plan neighborhoods were

surveyed for what was the current inventory of parks both hard courts, plus play fields, plus tennis courts, plus open fields. So that became the basis of all that. Wailuku community...Wailuku-Kahului Community Plan indicated that for its population, you're and I'll use this term lightly, largely under served by way of hard courts for basketball, volleyball, ball fields, and soccer fields and tennis courts.

Let me just kinda say why are we only doing ball fields for this particular location. You need to look at the entire Waiale Development Plan and unfortunately we can't talk about all those specifics adjacent to the project site we will call this to the west I guess, there will be a new County community park, okay. And again for Commissioners, the County classifies its parks variously where you got the neighborhood park, community park, district park, and regional park. Regional park would be like the Central Maui Regional Park, very large facility. This would be classified in the category of a district park. It doesn't have all the amenities and then you have the community parks. The community parks are gonna take up other uses. There will be tennis courts, there will be the volley...not volleyball, but basketball courts, there will be a playground facility there as well. Adjacent to that will be a fairly substantial community center. Next to that in the large, very large open field you have in the area there will be a new middle school that will be developed very close by to Pomaikai Elementary. Pomaikai Elementary will also be bigger than what you see. So there will be this central core if you will that would have these ball fields mixed with a community park, community center and one new school that's not there yet, and then the new Pomaikai Elementary. So there is...have been some thought that went into the overall development of this area.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: I can't seem to put all the what Chester has mentioned here together. I'm looking at Exhibit 3. Is that something that you could use to describe your future expansions? Or is there another exhibit that's more graphically available that I can at least understand what you're saying?

Mr. Koga: My problem is that, yes we do have that. We have the community plan that is being proposed like this park it has gone through its land use entitlement processes and it is awaiting I think final zoning I think to get through, but I can't speak to all the details because the plans are not available. So I believe you have this graphic as well in your packet, yeah? It's not a colored one.

Mr. Chang: I guess what Chester is referring to is the full build out of the Waiale development. This was disclosed in the Environmental Impact Statement that was issued by the developer, A&B. So when you look at this colored map because it's not part of the Department of Land and Natural Resources development. This is essentially what Chester was talking about the school build out and on this map it designates where all those different features are gonna be and the park that we're developing is only one component of this master plan that's being done by A&B right now.

Also on this plan here and this is disclosed in the EIS there is other park areas over here that's ... (inaudible)... park, park here. I think what he was talking about is this County initiative to develop Maui Lani and I guess there's a regional area here that's open space as well. So when he talks about the full build out this is the overall plan that's done by the developer and this portion right here is what is being developed by the Department of Land and Natural Resources. So this is probably a better indication of what's going on in the overall area.

Chairperson Lay: Director?

Mr. Spence: Commissioners that at build out of the whole Waiale project gonna have about 2,500 homes as well as I forget how many acres of commercial. It's gonna be a substantial development right next door.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Let's see, Mr. Koga I believe again. I'm looking at Exhibit 2, again, these soccer fields are those regulation size? It's difficult to get a sense of how big everything is. Are they...by regulation I mean, high school soccer fields or are these youth fields?

Mr. Koga: Chester Koga, RM Towill. The soccer fields are also designed for a younger ages not for high school or college age children.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Are these permanent facilities? In other words, permanent goals or are they moveable?

Mr. Koga: ...(inaudible)...temporary ones or moveable I guess. Yeah, no, these are not permanent.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: The topography of this area does it lend itself to these play fields versus walking trails or jogging paths? As well as because there was testimony that the people wanted alternatives. They wanted to be able to have perhaps a kiddy area. They wanted to have a play area for perhaps little older children. This does not...this plan identifies those that are able to play group activities.

Mr. Koga: Again, how I would answer the question is that you consider all the facilities that we plan for this zone, okay. This is where the focus of the ball fields, play fields would be located. Next door will be the community park where the...I don't know from the top lots are located this is where the volleyball, outdoor volleyball or the basketball courts can located. So but in terms of other types of recreation can there be facilities for bicycles or just walking if you will and the answer is yes.

Vice-Chair Shibuya: I think we're lacking this overall picture and I believe the public is lacking this picture too. So that's why we have this objection to it. And to come up with alternatives to mitigate some of these problems and concerns of the public, you know, I'd really like to see if these plans can be at least provided to the community for their inputs too. Are there any objections to that?

Chairperson Lay: Mr. Fasi wish to comment?

Mr. Fasi: In order to answer Commissioner Shibuya's question the big picture was addressed in the EIS which is not a part of today's agenda. This is primarily to review the County Special Use Permit for this particular parcel. It's not to review the Waiale Master Plan.

Chairperson Lay: Commissioners any more questions? Commissioner Freitas?

Mr. Freitas: I don't know if this question is for you but the Director said there will be about 2,500 homes there. Was there a study done to determine how many young families are there and approximately how many children will be affected? I'm going for the need of the park. If you have say, 10 percent my age, you have...you can estimate what do you call, two, three kids per household then you can you know, see the need for the what do you call the park which I believe you have a lot of young families in the Waiale area.

Mr. Koga: Chester Koga. I'm sorry I can't answer the question for the larger development and according to Mr. Fasi, yes a lot of that was handled in the EIS in documentation for the entire development. But once again, this is not specifically designed as a neighborhood park. When I say neighborhood park, just the people in the vicinity. The kids all walk, ride their bike, whatever or parents drop 'em off. It's not necessarily specifically designed for that kind of activities. That's not to say that the ...(inaudible)... ball cannot take place.

Chairperson Lay: Commissioner Medeiros...oh, excuse me.

Vice-Chair Shibuya: No, go ahead.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: Yeah, the plans for this on the softball fields and everything so like the makule league it would be available for the makule league players and everything like that for them to set up leagues, right if they wanted to?

Mr. Koga: I think the answer is yes. Again, that's gotta be discussed with the Parks Department as to you know, the use and scheduling that's obviously gonna be the issue.

Mr. Medeiros: Yeah, it is available, right?

Mr. Koga: Yes.

Mr. Medeiros: Okay, thank you.

Chairperson Lay: Director wish to comment?

Mr. Spence: Just kinda bouncing off of Commissioner Freitas question or comment about, you know, this is not just for the Waiale development. And perhaps we should have had a Parks representative here but the Parks Department has been looking a lot for a space for additional ball fields. The Central Maui ball fields that we have Keopuolani Park those are overused and you hear a lot of complaints. Those have to be you know, shut down because they are overused and they don't get any time to rest it. We're looking, you know, they're looking for other spaces around Central Maui. So the demand is definitely there. This is not to serve just the Waiale project. This is to serve all of Central Maui. You have Kehalani coming up. You have, you know, Maui Lani is building more of a passive park, but you know, with that growing community there's gonna be in Kehalani and Waiale there's gonna be additional demand coming up for ball fields. There's demand

right now that's not being met, but as these communities grow there's going to be that additional need as well. So that's why this is coming in a centralized area. It's gonna be...right now it's sorta on the outskirts, it's going to be very central within the next decade. So that's why this is in this location.

Chairperson Lay: Commissioner Duvauchelle?

Ms. Duvauchelle: I have a question for Mr. Koga. You referred earlier to the fact that now construction is going to be done in phases and what we have in Exhibit 2 calls out Phase 1. What is the extent now with Phase 1 and how many acres and what's the overall plan for your phasing?

Mr. Chang: Phase 1 essentially is what the existing budget will allow. The map that you have, Exhibit 2, essentially what we're gonna do is we're gonna do most of the mass grading up to the...about half of the...we're gonna work our way left to right. So you're gonna build the baseball field, the high school baseball field and up to half of the softball quads which includes the concession stand, the restroom no. 1 which is near the parking lot, about three-quarters of the parking lot and all the underground infrastructure. The State is also requesting additional money to the Legislature right now and you know, in about a month or two we'll know whether or not we'll get that additional appropriation. If we do get that additional \$5 million request that we're pressing for we can continue to build from left to right. We would like to obviously finish the softball quads and as far as we can go if we can build as much of those small little baseball quads we will work that way.

Chairperson Lay: Commissioner Duvauchelle?

Ms. Duvauchelle: One of the existing homeowners mentioned that there's quite a grade difference between this area and the back of their homes. In your construction drawings are you bringing the grade down, are you, you know, blending that, taking it into consideration?

Mr. Chang: The grade difference currently is about 15 feet from the top to the bottom right now. And basically we're working with the existing topography that what we have and there's gonna be a swale in between that would capture the...any flows that come off of that. So you're gonna have quite a bit of buffer because there's gonna be a swale between the Maui Lani fence line and then the actual field which are gonna be higher.

Ms. Wakida: Thank you.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: Will there be opportunities for landscaping the trees because many of the testimony included perhaps mitigating some of the lighting with large trees, not small trees. I'm talking what size trees are thinking in terms of if you are planning to in?

Mr. Chang: Yeah, I think the trees were brought up very early and we've met with the public and the association. As far as your question about what type of trees...do you know what type of trees? I know there was some discussion about certain trees create rubbish. We don't want that. So we kept going back and forth. We're also working with the County because if the County is gonna

maintain this they gonna wanna have certain type of trees that are, you know, easily maintained as well. So we've been in discussion with Parks and Rec on the type of specific trees that are gonna be in that area.

Vice-Chair Shibuya: Well, I hope it's natural trees not an artificial tree.

Mr. Chang: Oh yeah, I don't believe it's artificial trees, not that low maintenance.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Where are the spectators supposed to be? Can you show me on Exhibit 2?

Mr. Chang: The reason why we did it in quad is basically to maximize the amount of ball fields and similarly on Oahu this is how the Waipio is designed. Spectators, between the quads there about 70 feet between fence line and fence line. So normally in this type of configuration the spectators will kind of you know, sit around behind the dugout and between that area. They kinda set up their chairs. This is gonna be...this is not intended to be a stadium type of thing. There's also a little area that bleachers can be put there, you know, those metal, five-tiered bleachers as well. And if you're familiar with the way the games are usually people tend to sit on the outfield. They will just kind of park tents and their chairs and sit on the outfield. So it's kind of an informal layout. People will tend to sit along the fence line and along the outfield and there's an opportunity to put in...we left some space open for a set of bleachers that can be in at a later date as well. So that's where the spectators are gonna be sitting.

Vice-Chair Shibuya: So there's no bleacher?

Mr. Chang: Not in this current plan right now, but we left a space so in the future if there's future funding or the County gets funding there is that area that's set aside for bleachers. But in the interim people are just gonna stand around like how they normally park their tents and fold out chairs along the backstop.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I am a soccer and coach pitch grandma, and in my experience with these games they all take place during the day and they all take place on the weekends, a few have taken place after school but that's generally when you...activities, my grandchildren in West Maui. These youth...this youth baseball field...well, let me start with, it goes up to what age?

Mr. Chang: Pony and Bronco. It's mostly Pony and Bronco, those type of...

Ms. Wakida: So that's up to what?

Mr. Chang: Twelve.

Ms. Wakida: Twelve.

Mr. Chang: Twelve years old.

Ms. Wakida: So I'm not familiar with Central Maui's schedule or usage. Do you have games at night for these kids?

Mr. Chang: On Oahu?

Ms. Wakida: No, here.

Mr. Chang: Here. I think I would defer that to the Parks and Rec Director or Maui County because I'm not sure how the operations of the scheduling and so forth is.

Ms. Wakida: Because what I'm wondering is why you need lights on these youth baseball fields when all the games take place during the day? In West Maui there's no lights on the...where the kids play, the young kids play baseball.

Mr. Chang: That may be the current status. I'm not sure in the future there's intent to bring in night time games or you want that opportunity in the future to bring in tournament play at night. I think that's always been the question. Currently, yes you may have the status quo of just having daytime games but there may be the opportunity in the future to wanna have these type of events at night.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: You have a 50-foot buffer between the residents and the park am I right? You said 50 feet.

Mr. Chang: Let me clarify that. I think the question that was asked was how much space between the...was it the fence line of the border fence or the fence line of the outfield?

Ms. Duvauchelle. I was asking between your chain link and Maui Lani property owners.

Mr. Chang: Okay, basically that six-foot fence line that runs along that property boundary is gonna be at the property boundary. I think the 50-foot buffer that was represented was the distance between the fence line and the nearest baseball...put the softball field outfield fence. Just wanna clarify that there's not gonna be--

Mr. Freitas: Okay, Yeah, because I was thinking you got a 50-foot buffer, you can put up a CMU wall and you'd cut out all of the noise being 50 feet away. But if it's the ball field then it's a different story.

Mr. Chang: But between that 50-foot buffer it's gonna be a, essentially a swale that's supposed to capture the runoff that flows from the park along there into the retention basin. So that 50-foot buffer is not gonna be really all usable. It's gonna be meant to be a swale, a cutoff swale.

Mr. Freitas: So if it is, what do you call, not usable could you put a CMU wall on the edge and keep the swale on the outside?

Mr. Chang: That's possible, but the intention of that swale was also to provide access for maintenance vehicles to access the retention basin. So if you have all the border on the inside

closer to the park essentially what you're gonna have is vehicles traversing between the CMU wall that you're asking for and the Maui Lani residents. So we're trying to keep all the activity within the park because I don't think...that could be a safety issue if you have maintenance vehicles that need to maintain that retention basin traversing on the outside of the border. That's why we're keeping the fence at the outer most border or the...where the Maui Lani property abuts the park property.

Chairperson Lay: Commissioners, there's a lot of questions that we're asking about this agenda item. I'm wondering if we need more information or is there...or do we have enough here to go forward or should we bring this back at a later date when we have that information available? Commissioner Shibuya?

Vice-Chair Shibuya: I think that there's not enough information, not enough details and they assume that we know about the master plan. We have no idea. We don't have any alternatives to even address and in fact, where Jack is coming from, the CMU wall can be like a barrier which the swale can be pushed against that CMU wall and so therefore the swale begins right next, right at the border, you see, and you're not thinking of that alternative. And I just wanna keep peace in the family here and the CMU wall would block out...we put it against, along side freeways in Honolulu what about right between your neighbors and the ball field, you know, that kind of thing?

Mr. Chang: Oh, Russell is with our State Parks, he had a comment.

Mr. Russell Komabe: Aloha Chair, Vice-Chair, Commissioners. Russell Komabe, Development Branch Chief, Division of State Parks. Maybe I can provide maybe some insights that may provide additional pieces of information for your consideration. We kinda started the active planning of this park I would say back in 2012, and we're working with the Department of Parks and Recreation on this.

And just to kinda clarify the location and the use of this particular park area. Confirming with Parks and Recreation staff this Central Maui I guess has various terms for us, Central Maui Regional Park, now we're calling it Central Maui Sports Complex, the reason why I say that was that I do believe it was last year that the Mayor had announced the development of a Central Maui Regional Park. So that park would pretty much accommodate a lot of the other uses of active playing fields, picnicking, other day uses, basketball courts to that extent. And we had coordinated this with the Department of Parks and Recreation because the component that we're doing would provide that type of facilities for that particularly for the playing fields. Whereas the other component of the County park would provide the other types of facilities and amenities that one wishes and wants from a regional park. So to kinda clarify that's where this kind of fits in and the regional park I do believe for lack of a better term of orientation kinda the side of the Pomaikai Elementary kinda of further up.

So County Parks had envisioned that what's gonna happen is that they are gonna be developing a baseyard facility which will be kinda at the upper edge of where our park development is and that serve as a central servicing point for both components. So we just wanted to clarify we haven't been working in this in vacuum. We have been in close coordination with various County departments and agencies and myself and Phil Ohta, our Maui District Superintendent have been actively talking with staff from Maui county basically on several issues. Design issues is something that we have been pretty much involved with.

So the next step is this park will be...is a park for residents of Maui. So we, you know, are working where Maui County will take over the operation and maintenance. Scheduling questions, things that affect park hours, lighting will be all upon what Maui County currently implements in their Park Department. So we would defer those management issues. Scheduling of games, makule, little league, softball pretty much will be their decision as to how to fit that need. So I wanted to kinda reiterate that we have been coordinating with Maui County Parks.

The question of the trees, Parks Staff had said we do not want ironwood and we said, no, that's fine. True Makani is I do believe the species that we are kinda looking at. Lighting, landscaping will all involve input from the County. What we need to do is...we are continuing to work with Maui County on I guess, operational and maintenance issues pursuant to a memorandum of agreement to serve as a interim prior before this park area is turned over to the County. So I just wanted to kinda like provide maybe that additional insights that it is what seemingly are nine baseball/softball fields are a part of I do believe a larger park complex. Like Director Spence had noted as far as the needs of the recreational facilities and in relation to the future development of this area with Waiale and the other developments coming on board. Also, wanna note that we appreciate working with the County and the collaborations that we have so far. So we just wanted to kinda like reiterate things lighting, fencing, wall issues are things that, you know, will be inconsideration and we can...you know, we'll consult with Maui Parks, is it doable for them when they have to maintain these areas between the swales and the boundaries, you know, we'll see. But definitely, yeah, it's under consideration.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: I wanna thank Mr. Komabe for the insight. The only problem I have is that it seems like we're lacking inputs from the community. We have Maui County Parks and Recreation and the State collaborating but in coming with a bigger plan and we appreciate that, the only problem is the users have no input so far had they not?

Mr. Komabe: We have I guess had done several type of outreach efforts within this past year. And one of them was about last year we had a presentation at Pomaikai and it was inviting you know, the Maui Lani community and whomever else was interested in this project. We had received a lot of good comments as far as how the park should be looking, what it's gonna be used for, a lot of it is the shortage of the facilities that are needed and you know, traffic is obviously, parking obviously are issues always whether it is the intensive development as a mixed use house community development or a major park area definitely that is a consideration and definitely needs to be addressed. I do believe once further elements of Waiale are developed, the traffic situation flow may be mitigated with Kuihelani access and exits. Currently it would pretty much have to be through Kamehameha as we have noted. But...to answer your question we had... I thought we had did appropriate, you know, outreach and input as far as getting additional insights to that.

Vice-Chair Shibuya: It doesn't appear that because we have a large audience here that have spoken not against it but seeking alternatives and I guess we lack myself included, lack a bigger picture, bigger understanding of these various parks or different areas in which we'll have recreation for these folks. And that's my concern. We don't have the big picture. We don't have all this information.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: Question for the Director. We're here for a Special Use Permit and this will have to go before the Council?

Mr. Spence: No. The Maui Planning Commission is the final authority on County Special Use Permits.

Mr. Freitas: Thank you.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Good morning. If I understand you correctly this particular ball park is part of a larger picture of parks in the area. Why then did you decide to have the softball fields which require very tall poles and lots of lighting next to a residential area rather than move it further away and more central to the, the whole park area?

Mr. Komabe: I do believe that the area that we had looked at and in the design of the quads, you know, I think we had believed that it did provide enough of the mitigation of public safety and use. So to answer your question, we had thought that that would have been the appropriate configuration to have those types of facilities to meet the stated needs.

Ms. Wakida: Well, it doesn't really answer my question-

Mr. Komabe: Okay.

Ms. Wakida: --because I live about a half a mile from a ball park and the lights from that ball park if it weren't for some trees would be shining on my house. So I appreciate the comments from the residents nearby about lighting. And this is you've mentioned safety and so and you need sufficient lighting for these activities at night. Therefore, why don't you put those ball fields in another area of your park master plan? That was my question.

Mr. Komabe: As far as the total layout of what we have. I think it has to do with also the area that was suitable for how we will develop the facilities that we need. So at that time it appeared that the area that we had, you know, appeared to be an area that could provide the best location for these types of facilities. I wonder if I...that answered your question?

Ms. Wakida: Well, I mean why is this the best location when it's obviously right next to a residential area and there's a great deal of concern about the impacts on the residents. So why is this such a good location?

Mr. Komabe: And at the time, you know, we had believed that it may have been appropriate being that unfortunately we had not got the good insightful comments from the residents at that time we were kinda developing that. So to answer your question, you know, it's a point that we, we will be considering or looking at. And the park will be developed in phases so I think an important note is that we wish we had all the funding where we could development the whole entire park altogether, so there'll be a lag as far as the development of the different phases. To answer your question,

Commissioner-

Ms. Wakida: Well, that doesn't make any difference if there's a lag. The bottom line is it will be developed eventually.

Mr. Komabe: That is correct. That is correct.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: Just looking at Exhibit 2, and piggybacking off Commissioner Wakida's comments right now the softball fields would have at least one lighted and that the intent is to light up the softball fields. Let's say you flip that and exchange it with the soccer fields. Soccer fields probably not have nighttime and so now this central area will not be lit up whereas where the far end it doesn't appear like you have any residences in the far end where the soccer fields are.

Mr. Komabe: As far as for the lighting if it...if the County believes that the lighting for the park isn't appropriate then lighting definitely I guess will be coming in either in a redesign. As far as for the fields, the County feels that the fields in this locations are appropriate. We do believe that the fields can be built. If lighting is the issue then it's something that I do believe we can discuss with the County, the Department of Park and Recreation as far as the types of facilities that they were looking at as far as having developed and managed. So lighting definitely if the County feels that the lighting is a problem and should not be done then that would pretty much have the fields unlit and utilized as such. We believe that I do...we can consider alternatives on mitigative measures, walls, you know, shield trees, species to that effect. As far as managing when the lights will be going on that is another operational mitigation that could be implemented. The Maui Department of Recs that we can work with them as far as what is appropriate to the County and the community of course.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: A side issue. Long ago Baldwin High School was built by the County and they had all these recreational facilities. The stadium, football field, baseball field, softball field. Then the Statehood came and all of the property was released over to the State. That was all the high school properties released to the State except for the swimming pool and the athletic, the gym and things of this nature. The County retained control of it. So Baldwin High School has no stadium, no football field, no baseball field, okay, and it shares it with Seabury Hall and St. Anthony. You know, so it's the only high school here on Maui that has no stadium, no football field, no baseball field that it calls their own whereas King Kekaulike has their own, Lahainaluna has their own, Maui High School has their own, what is it? We're not doing what the needs assessment as one testifier mentioned.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: There was a suggestion by one of our testifiers that there be additional meetings between the...with the park officials and the community. I'm wondering if you folks would be open to that?

Mr. Ross Tsukenjo: My name's Ross Tsukenjo. I'm with the Lieutenant Governor's Office as mentioned before he was the one kinda spearheading this effort to get these ball fields built from the stakeholder meetings that he had held. Also, some community members that had obviously come up to him as he lives in this community. There was a tremendous need as the Director said for more ball fields because of the overuse of the current ball fields. Why we had designed the ball fields this way is because of the parcel was as you can see is a unique type of parcel and we had gone through many designs in order to see what we could fit on this type of...on this parcel just because of the way it's situated. Unfortunately, we can't speak to a larger park development within this...with the Waiale and Maui Lani community because we, the State is only purchasing this parcel for development. The funding for this entire build out and purchase of the parcel is coming from the State. So that's why we can't speak to the other parts of the County parks and stuff like that because we aren't involved with the County Parks fundings or building.

But what was Russell was saying that we were in talks with the County Parks to see what they were building so that we could see that we weren't duplicating the type of facilities in one area and in another. So that's why Russell was saying that in the County area they have the mixed use of the tennis courts, volleyball courts, playground area. I believe they'll have basketball courts. So that's why seen the need for the ball fields and the State stepped up and said...well, the Lieutenant Governor said the State will step up and with this parcel that we're purchasing from A&B build the ball fields. So...

Chairperson Lay: Commissioner Duvauchelle?

Ms. Duvauchelle: I have a question on as far as the funding that you just and I know it takes a lot of work to get the State funding and I really hate for the opportunity to pass us by. What is the timing?

Mr. Tsukenjo: Well, sorry to say that that's why we're on a little time crunch right now. The funds are gonna lapse this year. That's why we were a little I guess, I wouldn't say rushed but we were trying to, trying to see what we could do to expedite so that we wouldn't lose the funding.

Ms. Duvauchelle: Thank you.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: On the funding issue, the funding is for development of a park is it tied specifically to development of ball parks?

Mr. Tsukenjo: Yeah, when we went into for the appropriation, the appropriation has a worksheet that you need to, you needed to describe what type of facilities we're gonna build and in that worksheet we had mentioned for the appropriation would be ball fields.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Can you make any changes to that?

Mr. Tsukenjo: At this time, no. The appropriations is in and they've appropriated it. That's why we

can start. We had started the plan and design phase and we can start construction once we get all of our public permits and approvals.

Chairperson Lay: Commissioner Duvauchelle?

Ms. Duvauchelle: So your construction drawings are complete?

Mr. Tsukenjo: I believe they're complete. Yeah, our construction drawings are complete.

Chairperson Lay: Commissioners, any more questions? Commissioner Wakida?

Ms. Wakida: Your construction drawings are complete so that includes lighting?

Mr. Tsukenjo: Right now with the funding we had we had said that we could light one field per type of use which was the baseball field, one of the softball fields and one of the little league, pony league fields. As said, if we need to move it around, I believe we can try to accommodate that. We can see what the Plan and Design Team like I believe one of the Commissioners said, why don't you do one of the fields that the lighting will face towards the parking lot and not toward the houses. We can look at that obviously. But that is right now what we are looking at is to light one of each of the types of fields. Not to say that you guys will have night games but we just wanted to say that because of the overuse of the current parks we wanted to give you guys the best opportunity for the fullest use of these fields. I mean, and that might include night games.

Chairperson Lay: If I may add about the lighting thing, if ...(inaudible)...consideration there's gonna be some speaker system with the announcer?

Mr. Tsukenjo: Right now, no. No PA system.

Chairperson Lay: Oh, okay.

Mr. Tsukenjo: We are putting infrastructure in for electrical conduit if like you say in the future it's determined that there is a need for it or if there is a want for it then it will be easier to install, but right now there is no...

Chairperson Lay: Commissioners, any more questions? Commissioner Wakida?

Ms. Wakida: Is there anybody here from the County since this is gonna be managed, run by the County?

Chairperson Lay: You mean from the Parks Department?

Ms. Wakida: Yes.

Mr. Tsukenjo: I think the County Parks might not be here because we haven't fully come to an agreement on the maintenance and management of the park on the County side. So it would be premature for them to come out and testify on something that is not quite in their ball...or in their radar yet. Right now one of the things is the State is gonna build the park. The State is gonna fund

the park. If the County decides to take it over or help us manage and maintain the park we would be...we'll be grateful to that. But if it comes to it and we need to...well, the State needs to maintain...well the management would be kind of a tricky thing because State Parks is more of what you would call a...their facilities that they manage are usually like camping grounds and other things not so much community recreational type of softball, makule league and other things like that. So they would have to seek some assistance from the County Parks.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Well, the reason I bring it up is because maintenance is gonna be a big issue.

Mr. Tsukenjo: Yes.

Ms. Wakida: Right now the parks are suffering from maintenance problems. In West Maui there's nobody, we don't have a single irrigation specialist and I just am surprised that the County can have room in their budget.

Mr. Tsukenjo: Yeah, so I think that's part of the discussion.

Ms. Wakida: For more personnel as well as more money to take on this big project.

Mr. Tsukenjo: Yeah, I think that's part of the discussions too. Lieutenant Governor has committed that if anything the State would try to put the money for some of the maintenance and obviously it will depend on what we work out an agreement with Maui County.

Chairperson Lay: Commissioners, any more questions?

Mr. Tsukenjo: Just one more. I guess one of the concerns is community output, input. So I guess maybe another community meeting has been suggested. I'm thinking we can try to see if we can try to set one up once again at maybe Pomaikai Elementary. But obviously we are a little bit under the gun right now because of the appropriations and the lapsing of it.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: Are you ready for a motion?

Chairperson Lay: Yes, I'm asking for the Department's recommendations at this time.

b. Action

Mr. Fasi: The Planning Department based on the facts presented in the Department report find that the proposed use will not have a significant adverse or environmental or ecological effect. The proposed use is consistent with Chapter 205, the Countywide Policy Plan, the Maui Island Plan, the Wailuku-Kahului Community Plan, and applicable Title 19, Maui County Code Ordinances. In consideration of the foregoing the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the March 25, 2014 meeting as its finding of fact, conclusions of law, decision and order and authorize

the Director of Planning to transmit said written decision and order on behalf of the Planning Commission. Thank you.

Chairperson Lay: Commissioner Shibuya?

Vice-Chair Shibuya: I'd like to make a motion to accept the recommendations of the Staff to approve the County Special Use Permit for the Central Maui Regional Park with the following additional condition that they include the public in another hearing to help design along side with the jointly Parks and Recreation from the State and the County as well as the community members have this session together so that they can at least come up with a better design or layout without making too much problems.

Mr. Freitas: Second.

Chairperson Lay: Motion by Commissioner Shibuya, seconded by Commissioner Freitas. Any discussion on the motion? Commissioner Wakida?

Ms. Wakida: Yes, as I said before I live about a half a mile from a very popular ballpark and it's got lights that shine over a neighborhood that's a half a mile away and the night games get very ruckus. They have a lot of fun. They bring their coolers. They are having a great time. It's very noisy and I can hear 'em at my house. With this ballpark right next to a residential area the problem seems to be night games. I don't think anybody objects to a morning or afternoon baseball game but it's the night games. And I would like to...see, I don't know quite how to include this, to suggest that the applicant meet with the community to discuss night games and whether or not they should even be allowed since it is so close to a residential area. Because I think that addresses a majority of the complaints.

Chairperson Lay: If we can clarify that? Are you asking for them to...a suggestion or are you asking from them no night games...a condition?

Ms. Wakida: Well, I would ask for no night games until further conversations with the community.

Chairperson Lay: Does the maker of the motion agree with that?

Mr. Fasi: I believe Commissioner Shibuya made a motion regarding the community meeting between the Parks and the DLNR, can we put that one to rest before we move onto Commissioner Wakida's suggestion?

Mr. Spence: I think they're gonna overlap because that would include the...I think the discussion of night meetings would be included with the discussion with the community. So perhaps something like that prior to issuance of building permit or prior to initiation of construction the applicant meets again with the community to discuss items, discussed at the...or concerns at the March 25, 2014, Maui Planning Commission meeting including but not limited to nighttime games, buffer areas between existing residences and the park, just hours of operation.

Vice-Chair Shibuya: Yeah-

Mr. Spence: ...(inaudible)...

Vice-Chair Shibuya: --that'll cover.

Mr. Spence: Is that what-

Ms. Wakida: Yeah, as long as when this meeting takes place the applicant is amenable to the will of the community and it isn't just, we had the meeting but we're gonna go do what we want anyway. If the applicant would be willing to listen and follow the will of the community on things like the hours of operation.

Mr. Spence: I'm not sure how to measure that. I would certainly say that the... I would say in the... I know our Parks Department is gonna be flexible with regards to if there are night ball games at all or limiting them to just certain cases because I don't think that scheduling is clear. I mean, if I was living next door I think I would be concerned too that I'm gonna have these lights, you know, shining in my backyard or in my windows, you know, however many times a week or something like that. But I don't think if with further discussion I think we would probably find out that wouldn't be the case at all. It would be, you know, you're gonna have nighttime tournament play once, maybe twice a year and then pau. You know, so ...and I don't know if that's acceptable in the discussion or not. But you know, I think those kinds of things need to be discussed with the adjacent residents and you know, just work those kinds of things out.

Ms. Wakida: Just one comment. Well, I realize that that can't be monitored, but I did wanna make that statement for the record so that the residents would know that they have got my support anyway for having their concerns heard and met.

Mr. Spence: Yeah.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: I believe the lighting has to go in with this Central Park. Yes, the residents can meet, they can, what do you call, go to the Mayor, go to somebody and shut the night games off if it gets out of hand. But to put a condition in that the residents can determine whether there will be lighting installed in the park, I don't think it goes with the motion at all. I think the lighting should be in there and if they have a complaint I feel that they should lobby the residents, go to the Mayor, go to the County, go to the Parks Department and say we don't want no lighted games and I think that should suffice.

Chairperson Lay: Any more discussion on the motion? Commissioner Medeiros?

Mr. Medeiros: I'll be speaking for the motion as is. And the reason for this was is because when then Senator Tsutsui first came up with this plan, my reaction was, finally. Finally, you know, I'm a put up or shut up kind of guy and here was this public servant finally standing up. How many people are saying we gotta take care of the kids, we gotta take care of the kids? And here is this State Senator that says, I have a plan, I'm gonna do it, and he moved on it, you know. Now he's the Lieutenant Governor and he wants to see it through and I going support him for this. You know, put up or shut up. You either wanna take care of the kids, get 'em off the streets, get 'em out of the

malls, put a glove on their hand, put a bat in their hands. You know if they're gonna hit something make sure it's a ball, you know. I support Lieutenant Governor Tsutsui on his vision and I challenge anybody here, this whole Commission, put up or shut up.

Chairperson Lay: Commissioners, any more comments on the motion? Need the Director to repeat the motion.

Mr. Spence: First part's easy. To recommend... The motion is to approve as recommended by Staff with the addition that the applicant meet with the adjacent community... that the applicant meet with the adjacent residents to discuss concerns regarding lighting, setbacks, and other items brought up at the March 25, 2014 Maui Planning Commission meeting.

Chairperson Lay: Call for the vote. All those in favor?

Mr. Spence: That's five ayes.

Chairperson Lay: Motion carries

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

**VOTED: To Approve the County Special Use Permit as Recommended by the Department with the Additional Condition as Follows: That prior to initiation of construction, the Applicant shall meet with the adjacent community members to discuss its concerns.
(Assenting - W. Shibuya, J. Freitas, J. Medeiros, S. Duvauchelle,
P. Wakida)
(Excused - K. Ball, W. Hedani, M. Tsai)**

Chairperson Lay: Commissioners, we have another agenda for lunch today, so we're gonna actually break for lunch and reconvene at 1:15.

A recess was called at 11:35 a.m., and the meeting was reconvened at approximately 1:17 p.m.

Chairperson Lay: Our next agenda item?

Mr. Spence: Commissioners, we are on your second public hearing item. This is an application by Mr. Manolo Morieri for a Bed and Breakfast Permit and our Staff Planner is Ms. Gina Flammer.

- 2. MR. MANOLO MORIERI requesting a Bed and Breakfast Permit in order to operate the Villa Parthenope Bed and Breakfast, a 3 bedroom bed and breakfast located in the R-1 Residential District at 313 Baldwin Avenue, TMK: 2-5-006: 023, Paia, Island of Maui. (BBPH T2013/0004) (G. Flammer)**

This bed and breakfast home application is being referred to the Maui Planning Commission for review and action because the property is located within 500 ft. of a previously permitted bed and breakfast home operation.

Ms. Gina Flammer: Okay, good afternoon Commissioners. Today we're looking at three-bedroom bed and breakfast home permit. Gonna walk you through the project. So just as a summary it's three bedrooms for a four-bedroom house. The house itself was built in 1984. The applicant lives in the same house. He bought the house in 2009, and he has renovated it, he's landscaped the yard as you'll see. He did have building permits for the recent renovation so it had gone through the County through Public Works. The house is located along Baldwin Avenue, a short walking distance to Paia Town and the trigger for today is that there's another bed and breakfast within 500 feet. The bed and breakfast is actually located right next door to him.

So I put a lot of information in your staff report. I'm not gonna repeat all of it. But I'll give you just kind of a run through of a lot of the exhibits that are in there. I have the regional map so you can see where it is located. I put a parcel map in there too, just so you can see exactly what we're talking about, where it is, how short it is to Paia Town. And then just so you can have kind of a bird's eye view I included that as well. There's a lot of trees right in that area right through there. So it was kinda hard to get some photographs of the property but I'll kinda do the best I can.

So here's the front of the house. There is a gate in front that does open up and now there's room for parking once you get inside there. Here's the house itself. And then this is the downstairs the main sitting area. It opens up onto one of the bedrooms. We have a kitchen area or a kitchen right here. And then a dining area. And then I'll just show you the bedrooms. And these are the same pictures that are in your report right here. Here's the backyard that's directly behind. And then I wanted to show you the side. So this is the north side. If you look back here you can see the other side. Oh, actually you can see the other side and then here is where...that wouldn't be the north side but that's where the existing bed and breakfast is. It's located right there. South side, thank you. And then the front yard there facing Baldwin Avenue where you can see it and then you get a little closer down. It's a winter picture, it's more green but you can see where the gate is. And then I wanted you to see where you are from the other side of the street in relation to the other houses that are on the north side there and then to the south side right there.

So there are two other bed and breakfasts in the area. One is about a quarter-mile towards Paia Town and then the other one is located right next door. It shows you when those other two were approved. And then I just wanted to point out it's interesting that those are the only two bed and breakfasts in the Paia-Kuau region. I kinda circled it up there. I just thought that was kinda curious. The rest of them are all in the Haiku area. It is a little different for short-term rental homes so I did include that in your packet as well. And then I wanted to show you the directed growth map for the Maui Island Plan and this property, this area is included in the small town boundary.

I included the written description and as someone from the Planning Department what I notice when I read something like this is that the applicant recognizes that it's important to be good to your neighbors and that you're in a neighborhood and that you have to operate within that type of environment. He does also describe the rest of the operation too and that's in your report. And then I included the house policies so you can see what those are. And these are actually mandated in our bed and breakfast law. And then there were no comments from the police.

And then I wanted to show you the 500-foot boundary map. This is the notification map. I wanted to show you where the existing bed and breakfast is, where he is and then all the lots that were

notified and these people were notified twice. They're notified at the beginning of the application process when they file the application and then they're notified for the public hearing. Part of the public hearing is also the applicant's required to publish in the newspaper three times a week apart. So there's a lot of noticing that goes on with bed and breakfast. We didn't receive any protests during any of these time periods. And then we did receive four letters of support which are also included. I do have the one that's up there that I'm gonna pass out to you.

I'm gonna have Chelsey Hill, the consultant...sorry about that. That came in last week and this is from the neighbor that's on the south side and it's the same one that's being shown up on the screen right there. So I have Chelsey Hill who is the consultant here. She's who's passing out the letter right now to answer any questions. And then I also have the applicant who could give us the proper pronunciation and also give us a little history on the name of the bed and breakfast. So that concludes the power point. If there's any questions we could do that now.

Chairperson Lay: Commissioners, we're gonna hold back our questions till after public testimony.

a) Public Hearing

Chairperson Lay: At this time, does anyone wish to testify? Seeing none, public testimony is closed. Commissioners, questions? Commissioner Wakida?

Ms. Wakida: Did we wanna hear from the applicant?

Chairperson Lay: Oh, does the applicant wish to say anything at this time?

Ms. Wakida: Or his representative?

Chairperson Lay: No, okay thank you. Commissioner Wakida?

Ms. Wakida: I have a question for the applicant.

Mr. Manolo Morieri: Good afternoon. My name is Manolo Morieri, and I'm the owner of 213 Baldwin Avenue property.

Ms. Wakida: And what is the name of your property?

Mr. Moreiri: Villa Parthenope. Parthenope is the--

Ms. Wakida: Parthenope?

Mr. Moreiri: Yes, is the name of the hold mermaid that comes from city in Italy which is Naples. So the story is connected to the hold Greek mythology which that mermaid was there like kind of fall in love of Ulysses when he traveling during the ...(inaudible)...And actually because the guy was trying to protect himself because the mermaid they try to bite sailors, actually that's the real story. Anyway because he refused her love she was like feeling so much pain to kill herself. And then where they find her dead body they build the city where we actually live in town. So because I think that's an island, it has a lot of connection with the story of the mermaid or the symbol as it

is I thinking was a nice thing...(inaudible)...the symbol of the mermaid that become even on an island as Maui with the story of my city which a whole mythological story and I think it was nice thing.

Ms. Wakida: Oh, okay. Actually that's my main question, but may I?

Chairperson Lay: Go ahead.

Ms. Wakida: My main question is the one that I ask all applicants and that is there is a shortage of rental housing on Maui and your area so why have you chosen not to rent out the downstairs long term?

Mr. Moreiri: Because honestly I always dreamed to have a bed and breakfast because the kind of work that you do with the people is in a different way. You have more opportunity to meet people from everywhere. And I thinking I can share my experience of a person that have been traveling the world and communicate it. So now living in Hawaii I can give them a different perspective of the places and making them feeling better when they're traveling in island like Maui or in other places like Hawaii, you can explain them how it is and be more in touch with the people. It's more interesting and more fascinating for me.

Ms. Wakida: Okay, thank you.

Mr. Moreiri: You're welcome.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: Out of curiosity, is Maui your home or are you just here for a little while?

Mr. Moreiri: No, it's my home now.

Mr. Medeiros: You're planning on raising kids, raising a family, the whole nine yards?

Mr. Moreiri: Yes, yes.

Mr. Medeiros: Cool.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: And to follow up with Mr. Medeiros, you bought the property in '09 is that when you moved to Maui?

Mr. Moreiri: No. At the beginning we bought it as a vacation property with my family and then I moved here after.

Ms. Wakida: Which was what year?

Mr. Moreiri: Was three years ago because I got married, and before I was doing back and forth,

you know, in the country.

Ms. Wakida: Thank you. Back and forth to Naples?

Mr. Moreiri: Yes.

Ms. Wakida: Oh.

Chairperson Lay: Commissioners, any more questions? Seeing none, can we get the Department's recommendation?

b) Action

Ms. Flammer: Okay, so you have a copy of our recommendation. There are 17 conditions on there. I won't go through them unless you have a question about a specific one. So I will let you know that in consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Department's report and recommendation prepared for today's hearing, March 25, 2014 as its findings of fact, conclusions of law, and decision and order and authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Chairperson Lay: Call for the question.

Ms. Wakida: We need a motion.

Chairperson Lay: Yeah. Commissioner Medeiros?

Mr. Medeiros: Move to accept the...move to accept. I'm having a brain freeze right now.

Chairperson Lay: Do I have a second?

Ms. Duvauchelle: Second.

Chairperson Lay: Motion by Commissioner Medeiros, and seconded by Commissioner Duvauchelle. Any comments or questions on the motion? Commissioner Wakida?

Ms. Wakida: Yeah, I will support the motion. I do have a concern about two B&Bs in a row and I have a concern about that whole area becoming more... homes being taken out of local residence and rentals and put into vacation homes. That's a concern. But in this particular case, I don't, I don't see any overwhelming reason not to support it although I have these reservations about two B&Bs in a row there.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: Yeah, I made the motion to accept the recommendation mostly because he did say that this is his home. They'll be living in the residence so you know that in itself would take it out of the rental market. I share your concern also. And I just wanted to remind him that we're gonna

have a Central Park you can take your kids to to play soccer.

Chairperson Lay: Commissioners, any more discussion on the motion? Seeing none, can we get the Director to repeat the motion?

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

Chairperson Lay: Call for the vote. All those in favor?

Mr. Spence: That's six ayes.

Chairperson Lay: Motion carries. Congratulations.

Ms. Flammer: Thank you.

It was moved by Mr. Medeiros, seconded by Ms. Duvauchelle, then

**VOTED: To Approve the Bed and Breakfast Permit as Recommended by the Department.
(Assenting - J. Medeiros, S. Duvauchelle, J. Medeiros, J. Freitas, M. Tsai, P. Wakida)
(Excused - K. Ball, W. Hedani)**

Chairperson Lay: Our next agenda item?

Mr. Spence: So Commissioners, we are on your third public hearing item of the day. This is Mr. Fredrick Honig of the Spirit of Aloha Temple requesting a State Land Use Commission Special Use Permit to operate an agricultural educational classroom, hold Spirit of Aloha Temple Church Services and church service related events such as weddings in the State and County Agricultural District on approximately 11 acres of land in Haiku. Our Staff Planner this morning is, this afternoon, is Mr. Kurt Wollenhaupt.

Mr. Wollenhaupt: I think we should make sure everyone's in the room before we start.

- 3. MR. FREDRICK R. HONIG of the SPIRIT OF ALOHA TEMPLE requesting a State Land Use Commission Special Use Permit to operate an agricultural educational classroom and hold Spirit of Aloha Temple Church Services with Church Service Related Events such as Weddings in the State and County Agricultural Districts on approximately 11 acres of land located at 800 Haumana Road, TMK: 2-8-004: 032, Haiku, Island of Maui. (SUP2 2012/0032) (K. Wollenhaupt)**

An Executive Session may be called in order for the Commission to consult with their attorney on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities pursuant to SEC. 92-5(a)(4), HRS.

Mr. Kurt Wollenhaupt: Good afternoon, Members of the Maui Planning Commission. The item before you is a State Land Use Commission Special Use Permit to operate a classroom and hold the Spirit of Aloha Temple Church services with church related events such as weddings in the State and County Agricultural Zoning Districts on approximately 11 acres of land located at 800 Haumana Road in Haiku, Maui, Hawaii.

The issue before you today is as indicated previously is a State Land Use Commission Special Use Permit. That being the case, our main focus has to be on Chapter 205 of Hawaii Revised Statutes in that this needs to be looking at the main reason for agricultural lands is agriculture. However, there are certain unusual, but reasonable uses that can be provided in the Ag lands one of which is every well-known to this Commission would be the short-term rental home.

So today's review is going to be on a request by Mr. Fredrick Honig in order to hold a number of different activities on his 11 acre lot. However, before we begin we've had an awful lot of supplemental information. So I think it would be behoove us to make sure that we have all of the proper documents in order. That being a case, there is a large addendum but also on the desk of everyone that's 110 pages that's going to be referred to as supplement no. A. That has the letters of support, the letters of opposition and signed settlement agreement in addition to some other information.

Exhibit No. 2 is going to be a series of photographs on Haumana Road. These will become important as we look at the access to this property. That's gonna be known as Exhibit addition no. 2. There should be a series of photographs as you drive from the Hana Highway down to the property in question. Number 3, will be a letter that was received yesterday at 5 o'clock from the Office of Hawaiian Affairs that will be noted as No. 3. No. 4 is testimony that we received last evening sometime between the hours 5:00 p.m. and 8:00 a.m. this morning known as No. 4. There is a property map at the request of one of the Commissioners that lists, it's in red that shows the properties in protest or opposition to this that will be known as No. 5. No. 6 will be a fax that was received this morning. It's from the law firm of Bervar & Jones that will be No. 6. No. 7 will be testimony that was faxed at 11:17 today from Kevin O'Brien resident of Haumana Road expressing concerns, that will be No. 7. And I believe that brings us up to date on all submissions in addition to the 335-page staff report. That being the case, it's time for us to review this application.

We're going to try to use the technology that's been provided here whether this work, we're hoping it will work. Indeed as indicated before today's review is to be for a State Land Use Commission Special Use Permit. The applicant is the Spirit of Aloha Temple also with Mr. Fredrick R. Honig who is in the audience today along with some of his advisors who will be doing a presentation after this concludes.

There are three principle uses that are requested in today's State Land Use Special Use Permit. It's important to note that this property is in the State and the County Agricultural Districts. Because it's also in the State Agricultural District any permit that would be granted would also provide for a County Special Use Permit. Therefore, this body is acting as the State Land Use Commission as this property is under 15 acres. So analysis today is going to be governed by Chapter 205 of the Hawaii Revised Statutes.

There are three items that will be reviewed today in considerable depth. The first requested use from the applicant is known as the Spirit of Aloha Interfaith Church. This is a nonprofit 501(c)(3). The next item requested is for an educational classroom, agricultural education as well as some times of spiritual education that would be affiliated with the interfaith church. Finally, there is a request for church related events such as weddings, inspirational speakers.

It's important to note their location of this. As we review today's State Land Use Commission Special Use Permit there needs to be considerable focus on effects of public health, public safety resources on the property. This property is a rather oddly shaped 11-acre lot at the end of Haumana Road in Haiku with oceanfront property. It's approximately at Mile Marker 16 on the Hana Highway 11 miles of Paia Town. As you can see you make the coastline drive in this blue until you get to Mile Marker 16 at which time you make a left turn towards the coast down Haumana Road.

The gardens are an 11-acre site. We'll be looking at three of the special buildings today, but this is to give you an orientation that you'll be driving in from Haumana Road down a relatively steep graveled driveway into the main core of the gardens area. There is potential parking in the main core for the activities that would be occurring at three different venues. Venue B is actually now the approved potting shed, Venue C is the Spirit of Aloha Temple approximately 1,400 square feet, and Venue A is the waterfall site pavilion.

Here's an aerial view that shows this parcel at the end of Haumana Road. It shows the...Mr. Naish, the famous surfer's property to the right here. Some of the other owners that are in this neighborhood. This has a steep decline into the core of the property, and of course, it obviously is oceanfront.

One of the key components here that's important is how do we access this property. So I'm gonna take you down, down a drive down Haumana Road. We could have done it with a Google, but I thought in light of some technology we better just leave it as this today. It is a narrow asphalt agricultural road that's evident here in the diagrams and photographs, but you don't really get a sense until you drive down it. Okay, we're gonna start right here at 49 Haumana Road we're beginning our journey from Hana Highway. Continues on there are some areas for pullouts that can be seen. There other areas which become quite narrow as had been written in some of the letters of concern and also which are of concern to our emergency services department. There is an evidence of a car here, it helps to give...helps to frame the perspective of where this road is and if you were going down to an event you can imagine yourself in this automobile. We're moving down we're about at 410 Haumana Road. I think we're about halfway there. 469 Haumana Road this area there's a fencing area here, there's vegetation, and a bit of a berm here. 507, 538, the road does get considerably narrow at this spot. We'll be discussing some of this later on. 558 Haumana Road, 620 and finally we arrive at the applicant's cul de sac and gated property at 800 Haumana Road.

This is the entry gate to the Spirit of Aloha Gardens. There is a well provided area here in which there is to be no parking however for any event that would potentially take place at the gardens. There is a steep driveway. This is one of my colleagues driving while I'm taking the picture as we're moving down now graveled, graveled remember that, graveled road. There are some concerns from the Fire Department in which we did speak to one of the representatives about emergency services. While the fire engines themselves are somewhat uniquely designed at the Paia Fire

Station with 4-wheel drive and a smaller wheel base the same can may not necessarily be true with the police automobiles, ambulances so there are some...we'll be talking about that a little bit later on.

So anyway as...we're getting back now into the location of the property. One of the main, in fact the main event area would be the Spirit of Aloha Temple that's shown here by the big blue arrow, approximately 1,400 square feet. A 1,400 square foot building would require 14 parking spaces that would be the Code. One parking space for every 100 square feet of area. They do have a building permit and it is a sprinklered building. There's a photograph of the tented structure. While a little bit difficult to see here it is an open air structure so you can move right in here and then in the distance of course, is the Pacific Ocean.

The second site which the applicant wishes to have probably primarily his classroom events would be what is known as the Waterfall Pavilion pretty much directly on the coast relatively small building completely open air with just a roof. Again, it's sprinklered and it does have a building permit.

Finally, we have the potting shed. It's important to note that access to this potting shed is actually...one would go to the upper road on the property accessing it. There's a considerable grade difference from this potting shed and the Spirit of Aloha Temple. Here's a photograph of the potting shed which was being used as appropriately named.

This is a view it represents some of the topography of the area. This is one of the neighbor's homes up here on the home. Here's another of one of the neighbor's homes. I believe one of those individuals is in the audience today. But it does show the botanical garden. It shows from a perspective of getting a sense of how steep some of this property is.

So now we move into the history of the gardens. This application has been seen...but well I have to back up there, no... This is a brand new application and it's important to note that. However, this property and the applicant have been before the Planning Commission in the past. In fact, they brought an application forward another State Land Use Commission Special Use Permit minor at the Maui Planning Commission meeting of March 23, 2010. The application at that time was considerably expanded from the application that's before us today. In fact, that application actually was looking at approximately 100 weddings per year, short-term rentals, transient vacation rentals, an application for a helipad, helicopter. That being the case, this was actually denied by the Planning Commission on a five to three vote.

The applicant then did file on May 17, 2010 a Petition for Reconsideration. That Petition for Reconsideration was amended to downsize the proposed project eliminating the short-term rentals and the helipad and proposing further caps on the weddings, religious educational classes, prayer services and also the applicant did mention a Federal Law known in vernacular as RLUIPA and that then was convened to September 28, 2010 in which the Commission held a meeting on the applicant's for a Petition for Reconsideration. Commissioner Ward Mardfin at that date gave notice as is required that he would on December 14, 2010 that he would move to rescind the previous denial of SUP2 2007/0009. Therefore, that meeting as when agendized for December 14, 2010 Mr. Mardfin did give his motion for a rescission of the denial. There was no second. That being the case, the original denial of SUP2 2007/0009 holds to this day and that finished the history of the project.

However, it should be noted that the Commission during its debate--I'm sorry, a low battery connection, now we get a new battery--the Commission did however during its debate did suggest that the applicant would apply for an SUP2 afresh provided that the outstanding issues were resolved. By that way, on February 25, 2014, there was two Settlement Agreements one of which was reviewed by the Maui Planning Commission which is attached in additional document no. 1 and has been signed by the Mayor and the Chair of the Planning Commission that were for a number of Notices of Violation mainly for the short-term rental activity and the building of a... and for the lack of a building permit for one of the buildings. That Settlement Agreement was signed and is in your packet.

In addition, there was a resolution to a Office of Coastal Lands Case MA0812. Now this is an important resolution to that case and it's in your packet. There was concern and there was evidence of work that was done in the conservation area. And the Office of Conservation and Coastal Lands did receive a check from the applicant for \$2,500 that satisfied the final uncompleted condition of enforcement case MA0812. The Office of Conservation and Coastal Lands did close case. This was in reference in their notes to failing to obtain appropriate permits for the alleged unauthorized concrete, Quikrete, cables from the shore to the rocks offshore, rope attached to the cliff with anchor points, manmade cuts into the cliff, cemented shores within the Conservation District. However, it's important to note that the applicant has resolved that issue with the State.

So we're gonna move on now to the Department analysis based upon public safety and agency comments. The Department has reviewed this with regards to public safety. One of the critical concerns of course is the capacity of Haumana Road, a one-lane agricultural asphalt road. That being the case, there have been comments from different agencies which I'll address a little bit later in the vehicle access, but let's first talk about the wastewater.

There's been a lot of review in this from different agencies and one of the critical components to a review of any of these permits is the capacity of the systems on site. So if we look at wastewater capacity there are three septic individual wastewater systems which I did see do have confirmation of being built appropriately. Those three septic systems, the capacity of the system involved with the Spirit of Aloha Temple is approximately a 1,000 gallons per day. That therefore does limit any potential usage on this property. It's estimated that a person uses approximately 10 gallons of water for each four-hour period, so if you were to have an event that would say last for six hours with 40 people that would use about 800 gallons of water which would exhaust the capacity of the wastewater system. That being an important point in the review of any limits on issues or on events that could occur on this property. And I can answer any details of this. There's an awful lot to cover here so we'll try to move it along.

The next point is potable water. We've been...there are two water tanks situated on the property, a 5,900-gallon tank and 20,200-gallon tank served by a well. The State Department of Health, Safe Water Drinking Branch has issued a significant and detailed letter requesting numerous conditions with strict regulations on any water on this property. Essentially the water on the property is not to be used for people who are attending events in the sense of using it for drinking, for people who are using it to washing of the fruit and there's been a...now again, this is for the people who would be attending events, so the people...the applicant who lives there, that's a different situation. So since this is a private water system the Safe Water Drinking Branch is requiring that the applicant do testing in order to find out what exactly is in the water and in the future should a permit be

approved there could be some then modification of their current requirements. However, in regards to the classroom, the State Department of Health says that no food shall be prepared on property including washing and cutting of fruits and vegetables for eating, no sampling of foods is allowed unless prepared in the kitchen with a DOH Food Establishment Permit in which case a hand sink facility set up with potable water must be made available and a DOH Food Establishment Permit must be obtained.

With regards to the weekly church service, the Department of Health is okay with having a potluck. However, the potluck is limited and no food shall be prepared on the property. This includes the washing and the cutting of fruits and vegetables. No sampling of foods is allowed unless prepared in the kitchen with again a Department of Health Food Establishment Permit. For such related church events, again, the Department of Health would like to see a DOH Food Establishment Permit for any of these events. Now these are, there are the recommendations that are coming from the Department of Health and figure importantly in looking at public safety of any event that could be held on this property... (inaudible)... the potable water availability. Now we're not making any issues about the applicant who lives on the property. The Department of Health is addressing the safety of people who may attend the events in either classroom or the church or the church related events.

Now we move onto the roadway. Well, access to the site is along the asphalted surface of the applicant... to the applicant's property line by which the driveway does become gravel. Haumana Road is narrow mostly one lane with approximately 20 parcels being served by this road. The application has been reviewed by the Fire Department and by the Police Department. The Police have commented on the benefits of perhaps a road widening and street lighting however that would seem a bit problematic in this very agricultural area. The nature of Haumana Road has lead the Department to recommend a limitation on the number of vehicles that might be visiting and the number of hours of operation under this application. In addition, as indicated before in speaking with the Fire Department they do have concerns about emergency vehicles accessing the property down a steep graveled driveway certainly during inclement weather. Also, there would be the issue of being able to access other properties should there be an accident on a one-lane road however there are turnouts, but nevertheless public safety is a critical item to be reviewed in today's meeting.

In addition, there were agency comments from the State Historic Preservation Division as the Members would likely have seen there are four noted sites. The applicant has done a comprehensive archaeological inventory survey which did identify four archaeological pieces. There was a condition in 2009 that the applicant was to complete a preservation plan. Unfortunately, that preservation plan has not yet been approved, but the applicant has submitted it to the State Historic Preservation Division and I've been in extensive conversations with Morgan Davis of the SHPD and she has indicated that that preservation plan is on her desk and is being reviewed at this time.

The Planning Department of course is required to look at this through its applicability to the General Plan of Maui. The General Plan now consists of course of the Maui Island Plan, consists of the Paia Community Plan, consists of the Zoning Code, the Countywide Policy Plan and the Department's review of this is in the staff report. Again, the primary purpose of this property is for agricultural purposes as it is a botanical garden. Therefore, anything supplemental to that would have to be reviewed for its, for its use and that the primary purpose would still need to be

agriculture.

And that brings us to Chapter 205 which should really be the heart of this whole review today. Chapter 205 does allow for certain unusual but reasonable uses in the State Agricultural District. The first point, point A is that the proposed use should not be contrary to the objectives sought to be accomplished under 205 and 205A. The subject property is used for bonafide agricultural activities and does in fact have a approved farm plan from the County of Maui. It is a botanical gardens for the cultivation of fruits, vegetables, flowers and there is an allowment for open area recreational facilities and is such this does include the botanical gardens.

The proposed Spirit of Aloha Temple will be using existing buildings on site in a shared use arrangement with the botanical gardens. No new buildings or structures are proposed for this activity. The church is intended to compliment and support the existing agricultural uses on the property and the applicant, Mr. Fred Honig is a licensed minister and the Spirit of Aloha is 501(c)(3) entity.

Second, the desired use will not adversely affect surrounding property. It's important that in any potential approval that any uses will have to... may ensure that there are mitigations to impacts on the surrounding area. These mitigations would include noise and traffic and burdens on public services. The Department in looking at this has made recommendations on mitigation measures including limiting group visitation hours, numbers, location, the employment of shuttles whenever possible, alerting guests to the narrowness of Haumana Road. That this project will not unreasonably burden public facilities. It is important to note that this is a private water system, it is a private septic system. There is not expected to be burden on County services with regards to that or on educational facilities in light that this not proposed to have additional housing. Nevertheless it really should be noted that Haumana Road is a narrow agricultural road and extra caution certainly needs to be exercised by any visitors with regards to the pedestrians, with regards to the families that may be using this rather narrow road in order that all properties are afforded a degree of safety, the safety of others and the ability of the emergency vehicles to access appropriate properties along the road. The Department as indicated has tried to work with the applicant and also with the public safety agencies in order to address some of these issues.

There is flexibility for allowing uses in the Ag District. Churches are specifically mentioned as a special in the County Special Use Permit, but as this is a State Land Use Commission Special Use Permit a church use would be considered a reasonable but unusual use in the Ag District. That being the case there are churches of course in numerous locations throughout the Agricultural District which are operating today.

Finally, the land is used as a botanical garden. The final point on HRS 205, the land upon which the proposed use is sought is unsuited for the uses permitted. Well, it is suited for a botanical garden which is being used. The agricultural rating of this land is known as C9 that is a modicum, that is a medium quality land and they do have their farm permit.

So those are the criteria really by which this Commission today needs to be looking at this matter. That really forms the heart of a debate on any Special Use permit. So finally what were the applications originally requested? Well, there were for three things. One was the classroom, weekly church service and church related events proposed for 48 times a year with 24 events half

them permitted for up to 80 people, half of them under 40 people. The classroom and the weekly church service would be limited to under 24 people with the weekly church service once a week to classroom up to four times a week.

The applicant did come back with a amended request for a classroom, a weekly church service, but for a tiered event number 12 events, church related events, weddings, inspirational speakers, 12 at 20, 12 at 40, 12 at 60, 12 at 80.

The Planning Department is reviewing each of these separately. There is the classroom. The classroom being for events up to a total of 24 attendees and that classes would be limited to four per week usually between 10:00 a.m. and 4:00 p.m. There is a logic to 24 attendees because when 25 it's a bit complicated but a public water system comes into play when 25 people are on property more than 59 times a year. Should this applicant go to a public water system, they are going to have an enormous task in front of them to essentially establish a very highly regulated water system which I...is not their intention as I know it.

The second is for the weekly church service usually on Saturdays between 10 and 2 again for a permitted up to a total of 24 attendees.

And the final issue which does become at really the heart of the matter church related events. Again, it's important to note that again as I'm emphasized now probably the fourth or fifth time, ag lots should be for ag purposes. The State Office of Planning has made note of this in their comment letter that they are concerned that the primary use of this property always needs to be for this botanical gardens use. The applicant is wanting to have church related events such as weddings the Department looking at the maximum of 48 of these related events per year, 24 of these events, half would be between a total of 25 to 40. This is half of what the applicant is proposing. The applicant would like to have 80, up to 80 people at...well, at I guess 12 events and 60 people at another 12. Events permitted for a total of 25 to 40 would be limited to two per month, and again, these are the Department's analysis and consideration for recommendation which are more limited than what the applicant's asking for. The remainder of the events or half would be limited to 24 people. So succinctly put he could have 48 events a year, half of them could have between 25 to 40, half of them you'd have to have 24 people or less. Couldn't be more than four church related events per month and shuttles would have to be employed to transport participants with 25 or more people. The Department had some issues with that and we have been in discussion, we have additional comments that we can make on that at a later time. And the church related events would need to held between 10:00 and 8:00 p.m.

Well, that concludes...there's a lot more I could talk about but in the interest of time and I know the applicant has a presentation I think that gives at least an overview and we can dive into any of these details as best see fit. Thank you.

Chairperson Lay: Does the applicant wish to say something at this time?

Mr. Kevin Hoeke: ...(jinaudible-speaking from audience)...

Chairperson Lay: Yes.

Mr. Kevin Hoeke: Well, my notes start with good morning. But I just realized it was a different anticipation. Anyway good afternoon, and thanks for being here to consider this SUP proposal. My name is Kevin Hoeke and I've lived in Maui half-time for about a decade now. I do thank God for that. And I've been a member of the Spirit of Aloha Advisory Board for several years.

The SUP is being proposed by both Fredrick Honig and the Spirit of Aloha Church. I think it's important to realize that the church is the most important component of moving this forward. The core values of the church include reverents from nature and horticulture including plant-based nutrition. And when I heard Kurt speaking of, well geez it's ag land but you wanna do spiritual events and is that different? I mean for this church particularly we see no difference between the use of the botanical gardens as one of the most exceptionally beautiful pieces of land I've ever been on and using that beauty of the botanical garden of the agricultural purpose, the nexus between that and the spiritual events to us is, you know, unmistakably obvious that it's completely consistent with the use of ag zone. The church is also looking to have, you know, as we've talked about a weekend service so that we can sort of cultivate its mission there on the land.

I've known Fredrick and spend a good deal of time at the Spirit of Aloha for many years. And the primary reason I'm here today is that this is one of the most exceptional properties I've ever experienced and I believe that the vision of this church and what he wants to do there is very good for the future of Maui and I would say humanity as a whole. It's exactly the kind of thing that I think Maui can look at and say there's an example of a fantastic thing going on the north shore as long as we can, you know, properly address the concerns, I think it's a fabulous thing for Maui. And Fredrick wants to share this property. You know, this is coming from a giving place that he wants to open this up in this way. And of course, some of it may be income producing as well. We're not trying to say it's completely altruistic request, but primarily this is coming from 20 years extremely hard work transitioning a very, you know, wild, steep hillside, overgrown mosquito infested jungle into, well you will see enough pictures and hear enough testimony as to the quality of this property for people to experience.

The modest level of programs sought in the SUP ensures that these key programs can take place in a way that the neighboring community is gonna be maintained in its peaceful and safe manner. That's the most important thing to us. And I...we're gonna get into how we're gonna deal with the traffic issues in a moment.

I've been representing Fredrick in a personal capacity over the past two years regarding Planning Department issues and during this time we've addressed and resolved quite a few issues with the Planning Departments. These discussions have greatly improved the relationship and our understanding I think of each other. And I think that that process is what has lead to the Department's recommendation to support an SUP on the property. I think that's very important that a lot of that balancing has taken place in the Department's view this is a properly suited place to engage in these activities.

I think what's important to recognize is that there was a difference in the level of intensity that we were looking for and what the County recommended. Basically we wanted it twice as many spiritual services there and after a great consideration, we have decided to at this moment we hereby are bringing our request into exact alignment with the Department's recommendation. So Kurt's presentation aside, we are now asking for a total of 48 spiritual events, 24 of which would be 40

persons or less, 24 of which would be 24 persons or less, a total of 48 throughout the year, no more than four in any month. We are doing this, you know, obviously we're trying to recognize the hard work that the Department has done in trying to figure out what's a fair balance on this land and you know, we have been...the Department has been persuasive in their suggestion that we just take on a relatively small SUP at this time and ensure success and by success I mean, that it's a positive impact to the community and that the granting of this SUP will reflect positively on the County. The way we're gonna do that is by protecting the safety of the road. And I think that one thing that's very important to recognize is that as it stands right now, you know this is an incredible property for people to walk around on. There's been a lot of amazing different terraced flat areas to move around on and experience. It's kind of a ideal tourist attraction in a way. Paved road to it. You know, it's not way out in Huelo. It's really kinda close to the whole vacation scene. And if he does open it up to advertising it as a botanical garden for tours and so forth which is kind of one of his only other options at this point, we don't have a lot of control over the traffic. We can't really have any way of controlling how many people show up. We can't have any way of kind of getting to know the people who are showing up and reinforcing this idea of how important it is to be careful with the road.

By going in this direction, we're gonna have a lot of the same visitors that are continually having this reinforced message of the road safety is the most important issue. And I think that between the way that we do outreach, RSVPs, et cetera, I think it's extremely, extremely safe approach that we're taking to...at the level of activity that the Department has recommended. The Department's visited the land on many occasions. I think that they recognize that this is something that's gonna be a really great thing for Maui.

You know, the two main issues of course on something like this is, is it causing it too much noise, is it causing too much commotion on the road? I think I've covered the road issue for now. As far as the noise issue, the County suggested that the events end at 8 o'clock. We are going to request that the...all noise if there is any noise, we're not saying that all these events we're gonna have loud noise or anything like that, but to the extent there is any noise that 8:30 would be our cutoff and that everybody would be cleared off the property by 9:00. So that's a slight modification of what Department requested. The noise issues that may have taken place in the past are that, they're in the past. Like I said, the communications for the Department over the last couple years we've gotten, you know, really clear on if we're gonna move forward in the SUP how we need to do that in a way that ensures success and a happy neighborhood. The noise is not going to be an issue. We are in a 100 percent control of that. We will do whatever is necessary including having, you know, silent events if necessary to make sure that the neighborhood is not impacted. There are, you know, I don't wanna minimize there are two neighbors that could possibly hear anything that happens there maybe only one and I believe that he's here today. So if he can speak to that, but we're more than willing to interface with him and ensure that noise is not gonna be an issue.

In the interest of time, I'm feeling like I may revisit some things in a bit but at this point, I think I do wanna turn it over. The next speaker...well, let me just double check my list here...had a quick question for Kurt 'cause we did discuss this last week. Are you sure that there is a wastewater issue with...

Chairperson Lay: At this point, it's a presentation with us so we can do a question and answer later.

Mr. Hoeke: Okay before I forget I'm just gonna have Fredrick chime in on that for a moment or actually I could just hand it over to you at this point if you wanted to?

Mr. Fredrick Honig: No, I'll just stick to that.

Mr. Hoeke: Okay. Why don't you just answer the wastewater question now?

Mr. Fredrick Honig: The question about the wastewater. Hi everyone.

Chairperson Lay: Please identify yourself?

Mr. Honig: I'm Fredrick Honig and I'm honored to be here. The wastewater is not an issue. We had Linda Taylor clearly define that we had the capacity for up to 80 people for four-hour programs and we're not doing that, we're only doing half of that. And the other thing, the drinking water is not an issue either because we're allowed to have up to 24 people a day, drinking, using, washing, bathing in our water. We're allowed 24 people a day, legally allowed to touch our water. And 59 days out of the year we can more than that and there's no number for more than that. So the water...the only thing we're not allowed to do is we're not allowed to wash an apple in the water that somebody could drink. That's the truth. That's what they're saying right now because you have to have a commercial kitchen. But that one point about the fruit in the water that you can drink that you can't wash a piece of fruit of that, that point we're still going to work out and we said with Will, that we would be honored to just make a provision in this thing that we will work it out with that point about fruit, washing the fruit with our water in the future.

And the wastewater is completely done. Plus there's other options too just so you know for those two points. The one option for the health department gave us is that if we want to, we have the right to turn off the sinks in the bathroom which we will do. We will do whatever is necessary to make this work. So if you have problems with the people using the water, we have the right just to use hand dispenser or to have bottled water brought in for that. But there's not a problem with using water and there's not a problem with the septic and that's already been confirmed.

Mr. Hoeke: I think that the difference may have been at the higher level, when he said the 59 days a year you can have 24 people using the water system no question about it my understanding is that when Kurt is saying that there are outstanding concerns regarding drinking water, I think that might have been at the higher level of intensity that we've now definitely...my understanding according to Fredrick is that maybe taken care of.

Chairperson Lay: You might wanna pick it up. You might be losing some of our Commissioners here.

Mr. Hoeke: Okay, yeah. I'm just about to turn it over. So Mr. Pete Brady is a sustainability experts of sorts and he's gonna present today in support of the Spirit of Aloha.

Mr. Pete Brady: Greetings. First of all, I wanna thank all of you for being here for being part of the planning process because I come from a scientific perspective that's called anthropocene geography and anthropocene geography comes from the term, the antropocene era which means that humans control this earth right now. It's an actual geological-

Chairperson Lay: Could you just identify yourself again please?

Mr. Brady: Yes, my name is Pete Brady.

Chairperson Lay: Okay.

Mr. Brady: This is actual geologic epoch that we're in where the major controlling force on this planet is humans. And when you look at anthropocene geography it measures the quality of life of the land, the water, the climate, the atmosphere, and the people as they interact with the land and Maui has been verified as one of the last great places on planet Earth. There is a reason why people call this like the Garden of Eden. And when...in your jobs as planners and planning commissioners, you are in charge of what to be looked at as a life boat in the middle of the Pacific where you have unique geological, cultural, botanical, agricultural, and other features that exist nowhere else on this planet. And the reason I'm even here today to talk about Fredrick Honig and the Spirit of Aloha Temple as well as what is happening in his neighborhood is because Maui is one of the last great places on this planet. It's scientifically verified that it is. So what is decided about what is going to happen here is absolutely crucial and the world is watching.

How did I find Maui? I was looking for a place that was quiet, safe, clean, relatively crime free, no traffic jams, no pollution, beautiful scenic value, multiculturalism that works, people that have a wonderful spirit towards each other and towards the land, an ocean to swim in because I'm a swimmer, and people who care about making this a special place that allows humans to thrive economically and culturally, but also doesn't destroy the place. In fact, it's interesting I was talking with one of your members just out there and they talked about the trashing of a place like Maui. So when I was looking on the internet for places and people that had respect for Maui and it had respect for how special Maui was I stumbled upon his website. That's the first I ever heard of Fredrick Honig. And when I first looked at his website, I thought, this is like some new age guy. He's been training with all these religious people for all these and he's got this botanical garden and he wants to have Hawaii and Maui be a vision of the whole world, for how to feed children so they don't have diabetes and obesity, how to produce your own food, how to get rid of pesticides and herbicides, how to make Maui safe, how to make agriculture safe, how to make the air cleaner, how to make the ocean nicer, and I discovered this man's website. So I called him up on the phone. I talked to him for three hours and he told me that what he was doing here was keeping his land in a state that would make it good for humans and for animals and for-

Ms. Wakida: Excuse me, point of order?

Mr. Brady: Yes?

Ms. Wakida: Chairperson, is our speaker giving us testimony to support this or is he actually part of the presentation to provide-

Chairperson Lay: He's presentation of the applicant.

Ms. Wakida: Providing information?

Chairperson Lay: Was supposed to be. We'll give him a little leeway, but he has to get back to the

agenda what we're talking about and why he's here or why they're here.

Ms. Wakida: Thank you.

Mr. Brady: Yeah, so I thank you very much. It's hard sometimes people do not contextualize what is happening and I'm telling you that when you look at Fredrick Honig's land as a geographer or a conservation biologist or an ethologist or an ethnographer what you see is that he attempting to make Maui safer, cleaner, more pristine, more economically successful, more viable and he is doing this by not coming before you as other people who own beautiful parts of Maui have done and saying to you that he wants for example subdivision rights so that he can bring bulldozers in and greatly alter the land and create traffic burdens and other burdens so that there can be several mansions built on the land. He is living like a monk, like a man without hardly any possessions at all in a very aesthetic monk like way and also working for land in ways that means that he sacrifices and he's also very conscious of his neighbors. And I see that some of his neighbors are here today and they all have their concerns. But as a visitor to Maui, and watching Haumana Road and walking up Haumana Road—

Chairperson Lay: You're gonna have to get to the agenda where you're talking about—

Mr. Brady: —I was just mentioning the road and I'd like to be able to continue please?

Chairperson Lay: Well, we had your...he already addressed the road situation.

Mr. Brady: Well, I have some other information that's on point.

Chairperson Lay: It's new information?

Mr. Brady: Yes. I've been up walked and bicycled up and down Haumana Road several times and I can tell you there are impacts on that road just from people getting lost looking for Jaws that would make any impacts of this man's modest program request would generate to pale in comparison. The road is not as narrow as it has been presented. I have seen people who are residents of the road who are themselves causing these--

Chairperson Lay: Do you have anything that you can show us that beside you talking to us that can particularly address this situation 'cause--

Mr. Brady: I don't walk on down the road with a camera, sir, but I'd like to be allowed to finish. I have some relative things to say.

Chairperson Lay: How much longer, please? We have an agenda.

Mr. Brady: Well, we did wait all day, sir. And so I have--

Chairperson Lay: We can move on it you want to.

Mr. Brady: Well, I'm trying to move on and I'm being interrupted. Okay, can you let me finish, please?

Chairperson Lay: Call by the Chair. I'm trying to--

Mr. Brady: I'm trying to help you.

Chairperson Lay: You're out of order.

Mr. Brady: You're out of order?

Chairperson Lay: Yes.

Mr. Brady: I'm trying to help you understand this man's, this man's--

Chairperson Lay: We're trying to keep to the agenda, okay.

Mr. Brady: I'm trying to keep to the--

Chairperson Lay: You're giving us information that has nothing to do--we've already had information about the roadways and everything and we appreciate your spiritual enlightenment but we wanna move on with what--

Mr. Brady: It's not about spiritual enlightenment, sir. It's about what the man is doing with his property which other people are complaining about because they don't understand what's happening.

Chairperson Lay: We thank you for your time.

Mr. Brady: Okay and I thank you for taking my comment.

Mr. Hoeke: Okay we're trying to set up the power point which we thought was ready to go. In the meantime, you know Fredrick Honig who is the trustee in the Spirit of Aloha Church had some comments.

Mr. Honig: Aloha and welcome. Thank you for coming here today to help to co-create a botanical garden on Maui that will be a blessing to everyone and to help preserve for this and future generations. The garden horticultural--

Chairperson Lay: Could you speak your name again, sorry just for the record.

Mr. Honig: I'm sorry. I'm Fredrick Honig.

Chairperson Lay: Okay.

Mr. Honig: Thank you. In fact, that's my next...you're right to my point. My name is Fredrick Honig is the line here. I was born in 1952 in a liberal Jewish family in Pittsburg, Pennsylvania. Our parents from a young age instilled their five children spiritual values that included having respect for all religions. The whole family including my grandmother had connections with horticulture, gardening, plant-based nutrition. This was the start of my interest in plant-based nutrition. My

grandmother loved gardening and we had lots of house plants and vegetable gardens that became the foundation in horticulture and in the connection between horticulture, plant-based nutrition and spirituality. Our parents also instilled in us the habits of performing good deeds. I worked very hard around the house and also had a large paper route. While I was in high school I had outside jobs and saved enough to travel to Europe on shoestring budget while I visited cathedrals including the Vatican and the CC. I went to college at UC Berkley majoring in mechanical engineering. At the age of 21 I attended a interfaith retreat lead Swami Satchidananda of the Integral Yoga Institute. Swami Satchidananda became recognized as an extremely respected and influential global spiritual leader with centers throughout the world. I was very impressed with this organization and so after joined its center in Santa Cruz. I was ordained as a minister in 1977, and lived, studied, taught, and served as monastic member within this organization for 20 years. During this period I taught courses in yoga, meditation, stress management and plant-based nutrition. I served on our Virginia Council's Minister's Association and organized the first interracial church service in our county's history. I played key roles in interfaith programs and in the design and the construction of a world class temple known as the Light of Truth Universal Shrine. The only shrine in the world today that is equally dedicated to all world religions.

I moved to Maui in 1992 and began to teach yoga, stress management at the Spa Grande at the Grand Wailea Resort. The Lahaina United Methodist Church, Unity Church, Church of Religious Science as well as other private classes. Over the past 40 years I have presided over countless religious ceremonies including baptisms, confirmations, weddings, prayer groups, meditation groups and church services. In 1993, with the generous support of my family we acquired the stewardship of this sacred 11-acre land that now is called The Gardens. For the past 21 years I have served in the establishment of this center. The Gardens are dedicated to living in harmony with nature. To align with its 12 organizing principles which are the foundation of all world religions. We have dedicated one garden to each of these principles. The gardens are a living classroom for sustainable organic horticulture and delicious plant-based nutrition. To tour the gardens is to experience the deeper appreciation and understanding of nature.

The Special Use Permit that we are co-creating today is designed to share in a harmonious and safe way the wonders of the gardens. The garden's Special Use Permit is designed to ensure that the safety and peacefulness of the neighboring community is maintained. The proposed plan is designed to provide and fulfill our core missions of the Spirit of Aloha Temple. The following are some of the many benefits that will be derived from our programs. No. 1, helps to preserve for this and future generations the historic features of the gardens. And I'll just elaborate for that one moment. That I as a monk do not have children. I am a dedicated person. My life is about being serviceful. I lived for 20 years on \$20 a month and right now I don't own my own vehicle. I very rarely leave the Gardens. I'm dedicated to giving this sacred land as my gift to the world and I want it to be shared in some humble way. And what I'm asking from all of you is a blessing to every single person in the world. There is no one, no one who will be harmed by this, but there will be everyone will be blessed by it. This is for the benefit of all of us. What we are doing today is one of the most important things happening because this land is absolutely sacred and historic and it deserves to be preserved as something other than somebody's private estate. I personally have the ability to just keep this for myself. I don't have to do this. I don't have any children. I don't have any motivation out of money. I lived my entire life without that being my motivation. I would not have lived as a monk in a yoga center making \$20 a month and working 80 hours a week if my money was my intention and that was my main concern. It is not. My main concern is that this

land, if you come there and anyone sees it, it has to be preserved. It would be a travesty of our responsibility as a society to let a land like this slip away into the greed and what happens. I don't wanna put anything down. I wanna say, this needs to be preserved for not my say, and not even our say, for children's say. Imagine 100 years from now when all of this oceanfront estates are all private estates this is where the Haumana can come down and see the north shore, see historic taro fields, work in those taro fields, learn Hawaiian horticulture and learn about the spirit of aloha. And I'm not saying that I am the pinnacle of the Spirit of Aloha but I'm dedicated to that. I've made that as my goal to live that and to share that and this I believe does that. The gardens allows this land to be shared in a controlled way that optimizes the garden's use. What we're doing here and we're saying here is we would have on the average less than 15 vehicles per day. You know, it's--the Fire Department has signed off on this and we are ready to go...and the Police Department have signed off on it. They haven't said no you can't do this. And there are probably 30 or 40 vehicles per day that come down looking for Jaws. This provides a way that Haumana Road will be kept safe. If it's not...if this does not happen, I'll have no alternative other than to say we will do tours because we do not have the right at this moment as a botanical garden just to teach horticulture without this Special Use Permit. I have Kamehameha Schools--do you have this working now this thing?

Mr. Wollenhaupt: It appears that the file is so big and it's saved in the PTX format and it's not registering. So in that format I...(inaudible-not speaking into a microphone)

Mr. Honig: We had this downloaded. To test I bought two of these thumb drives and I had them downloaded into somebody else's computer yesterday just to make sure that they would work with the PC. So I did my job and it's one of the most exquisite slide shows that you could imagine that I was going to show you, but I'll keep talking with you. Maybe you can find another computer that will have the ability to do that? Okay, and anyway I have hosted programs with Kamehameha Schools and they will...not with Kamehameha Schools, I've had Mrs. Delima come. I've reached out to every trust on the island, Weinberg Foundation, Kamehameha Schools, Office of Hawaiian Affairs, the National Tropical Botanical Gardens, and others trying to find people who would liaison with us.

Chairperson Lay: Excuse me, if you could pick it up just a little bit more that way we don't lose our Commissioners. I, myself, have to go too, so...

Mr. Honig: I'm doing my best you know to preserve this land and I'm not doing it...as far as weddings, I am not married to weddings. Like I wanna do a educational programs. I believe that Kamehameha Schools and other schools will come. I know Sacred Heart School is interested, Hui Malama has done programs with us. The Kaunoa Senior Center is interested in having programs there. It will be a blessing to this island to have a place where people can come and enjoy the beauty of nature. It's alcohol free, cigarette free, drug free, 100 percent organic. We don't use any pesticides. We're the most ecologically advanced property on the island today. We're the only property where we are National Wildlife Federation Bird Sanctuary. We don't have mongooses. We have completely have eliminated mongooses. We have virtually eliminated mosquitoes and we help other people to do the same thing. We have the most thriving bird population that is getting better all the time and soon we'll have Nene also. And the Nene won't have to live in cages, they'll just be able to live in nature in the property. The gardens--

Chairperson Lay: Okay, you realize that's a state bird. We don't cage them, we don't put them...tell them where to go or anything. They have all the right to be wherever they wanna be.

Mr. Honig: That's true, but we can help to propagate them at our botanical gardens and to help that--

Chairperson Lay: You'd have to get--go through a arm and leg and try get that done just to comment on that because--

Mr. Honig: Yeah, no we've already started down the path. It's on the way. We provide...we are helping to maintain the Hawaiian culture by promoting its historic nutrition which was primarily plant based. The precontact Hawaiians were at least 90 percent plant-based nutrition and we're helping to save that aspect which will help the Hawaiian people who have a lot of problems with diabetes and other issues that are related to not eating plant-based food. We offer...we'll be offering the Maui seniors an opportunity to be, to volunteer at our organization and become involved in doing some wonderful work. I will be helping--

Chairperson Lay: Okay, you're trying to get a permit here so if you could just kinda stick to that?

Mr. Honig: We'll be helping to attain Maui's food and energy sustainability goals because we'll be helping to promote how to do gardening. Like that's the greatest need for this island right now is food sustainability and we will be a pivot to help that happen. And then we're also offering a place to help integrate into our lives our principles that are the foundation of the Spirit of Aloha and a place where people can be inspired by the glory of nature to move to a healthier lifestyle. Thank you. Is there any questions?

Chairperson Lay: Commissioners, if we can let's take a recess here for about 20 minutes.

Commission Members: Ten.

Chairperson Lay: I'm gonna need 20. I'll talk to Warren, if you can take my spot for 10 minutes? Reconvene at eight to.

A recess was called at 2:42 p.m., and reconvened at approximately 2:55 p.m.

Vice-Chair Shibuya: Call to order. We've returned from recess and I'd like to introduce myself, I'm Warren Shibuya. I'm the Vice-Chair. Chairperson Ivan Lay had another errand to run and he'll return and so, I'll be taking care of the proceedings. Mr. Honig are you concluding or are you finishing your statement? Please come to the microphone and introduce yourself?

Mr. Honig: Thank you. I'm Fredrick Honig. There's many people who gave such valuable recommendations so I'll just ask you a question. Would you like to hear like many people spoke on our behalf you can see, and I'd like just a few of the very key people who are Hawaiian elders to be able to share what they've written and I'd like Lani to just present that to you.

Vice-Chair Shibuya: Okay, well this will be part of the testimony?

Mr. Honig: This is part of our presentation.

Vice-Chair Shibuya: Testimony not presentation, right?

Mr. Honig: We were thinking that this would be part of our presentation. We were told that we were allowed to have several people come and to present on our behalf and Lani is a member of advisory board.

Vice-Chair Shibuya: Just a minute. Commissioner Medeiros?

Mr. Medeiros: Those people gave written testimony?

Mr. Honig: Yes.

Mr. Medeiros: Then we have their testimony. You reading it to us during the presentation is chewing twice okay. Let's get on with it.

Mr. Freitas: Point of--

Vice-Chair Shibuya: Commissioner Freitas?

Mr. Freitas: Point of order? What do you call, we're having a presentation not public hearing, right?

Vice-Chair Shibuya: That's correct.

Mr. Freitas: Gotta get this presentation over.

Vice-Chair Shibuya: Right.

Mr. Hoeke: Okay, we're definitely sensing, it's late in the afternoon and we'd just like to, respect to the Committee by saying we will go ahead and end the presentation here at this time. We know there's questions and answers. So anything you'd like to know we can address...(inaudible)...at that time.

a) Public Hearing

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

Ms. Jessica Caudill: Good morning. My name is Jessica Caudill and I'm here to testify about the Special Use Permit on Haumana Road. You can refer to Page 57 of your supplemental handout. I emailed the testimony. I've been living on Haumana Road since I was a child and now own my own home there just a few properties above Mr. Honig. I've watched the neighborhood grow slowly over time and I do feel strongly that granting the Special Use Permit will dramatically increase traffic which will negatively affect the daily life of all of the residents. With no outlet the extra cars, shuttles and limousines will be passing each home both on the way to and the way from the Spirit of Aloha Temple Gardens. The road is curvy and mostly narrow making it difficult at times to pass oncoming traffic without slowing down at least, stopping sometimes or even pulling off into the next driveway.

And when you live on the road you have a little etiquette of you know, where you should pull over, who should pull over next, you know, who has the right of way if you're going up. But I think visitors aren't always aware of that. Off the top of my head, last night was just counting the neighbors down the road. There's about 25 houses including on both side and again, that's just counting. So in my estimation the traffic will abruptly double. The minimum amount of extra cars will be 15 most days, and 20 cars once a week according to Mr. Honig's letter to the neighbors and that would be just for gardens not including the weddings and other events and classes and things that are listed in the Special Use Permit.

The weddings are gonna be weekly and there's gonna be something on every Saturday. Some things go till 4:00 in the afternoon and 8:00 in the afternoon, and I think it's just when we're all out walking and enjoying the neighborhood and playing with our children. We already you know, have to caution our kids to walk right across the street, look both ways, it's just a tiny little road and they wanna just run over and play. So of course, we're trying to teach them safety. So we...many of us walk regularly with and without the kids for exercise and enjoyment and I am truly concerned for the safety of our neighborhood and especially our children. I don't think that our road is ready for this dramatic, drastic sudden increase in traffic. No, it's not growing with us. Thank you. Any questions?

Chairperson Lay: Commissioners, any questions for the testifier? Commissioner Wakida?

Ms. Wakida: Thank you for coming this morning. Are you aware of what current traffic there is in connection with this botanical garden?

Ms. Cauhill: I, you know, things that I've observed when we were building our house between 2006 and...2005 to 2006 my boyfriend building the house would count sometimes 40 cars going down when there was an event. He always knew when there was an event. Otherwise in general, there's really only about four homes between mine and the end of the road and one of them is my brother's. And there's not a lot of traffic. There's really only like three or four cars that will actually pass by and one of them is a family member. So that's concerning too, a bunch of new strangers in the neighborhood for our children. And the road cause it goes downhill people kinda coast and tend to speed up a little bit. Mr. Honig did put up a caution for our children sign in front of our property at one point after my brother requested it when there was somebody driving fast, so that was nice.

Ms. Wakida: Thank you.

Chairperson Lay: Commissioners, any more questions for the testifier? Seeing none, thank you very much.

Ms. Cauhill: Thank you.

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

Vice-Chair Shibuya: Okay, thank you. I'd like to open it up to public testimony at this time. And let's see, Lani Starr?

Mr. Hoeke: See's one of our...(inaudible)...can we move her down to down the line?

Vice-Chair Shibuya: Okay. Anthony Piazza? Antonio Piazza? Please state your name--

Mr. Antonio Piazza: Antonio Piazza.

Vice-Chair Shibuya: --and you do have three minutes to--

Mr. Piazza: I will not need all three minutes.

Vice-Chair Shibuya: Thank you.

Mr. Piazza: Thank you. A terrible thing happened in Cincinnati, Ohio last year. A homeowner in defiance of the Zoning Codes and Public Safety Ordinances insisted on keeping a chimpanzee as a pet in her home. Eventually the animal got loose, horribly maimed and mutilated a guest. Tragic. But another tragedy is unfolding as we meet here today in Cincinnati. Officials are coming up with contingency plans of how they're going to fund in the event they lose a \$120 million lawsuit that's being brought against them for failing to enforce safety ordinances. When a partygoer and let us be clear, these weddings are to make money. People come and they drink and they make a lot of noise, but that's not the worst of it. This is on a 50-foot cliff. There is no way to make it safe without running afoul of the Department of Land and Natural Resources regulations of the coastline when, not if, but when one of those guests goes off that cliff Maui is going to be dealing with the same circumstances but without the comfort that Cincinnati has right now that they did not permit that use with the land. Thank you.

Vice-Chair Shibuya: Questions of Commissioners?

Mr. Piazza: I am so sorry.

Vice-Chair Shibuya: That's all right.

Ms. Wakida: I didn't get the name of the testifier, please repeat your name?

Mr. Piazza: Antonio Piazza. Thank you.

Vice-Chair Shibuya: Any other questions, Commissioners? None? Mr. Piazza?

Mr. Freitas: Sir, would you please? Mr. Piazza, I have been on that Haumana Road and I feel it's narrow and one of the presenters said it's wide enough and what have you. My question to you, do you live on that road?

Mr. Piazza: I do not. I live off of North Holokai. I have been down that road.

Mr. Freitas: Okay, have you seen the road after the rain?

Mr. Piazza: Sir, one vehicle driving in a sleeting rainstorm down that road, it's a miracle that people make it home. But imagine trying to come now, imagine if you have sick child and there's a line of

cars snaking up from one of these weddings most of whom who have been drinking heavily for four or five hours. So the short answer to your question is traversing that road in daylight is perfectly reasonable. Traversing it at night not in the rain is a challenge. Traversing it at night in the rain if there's no one coming in the other direction is an adventure. Traversing it with people coming from a commercial event solely for the purpose to make money is an irresponsible and reckless thing to allow to occur.

Mr. Freitas: Thank you.

Vice-Chair Shibuya: Thank you, Mr. Piazza. The next testifier will be Nancy Gilgoff? I apologize for mispronouncing your name.

Ms. Nancy Gilgoff: That's all right. It's Nancy Gilgoff.

Vice-Chair Shibuya: Gilgoff, okay.

Ms. Gilgoff: Gilgoff, yes. And I live at 411 Haumana Road. I moved there in 1994 when I bought the property with my family. I am concerned about the impact of more cars on the road that it will bring...one thing that Fredrick has said that to me shows that he actually doesn't travel on the road very much that he said 40 cars a day come down there looking for Jaws. Doesn't happen. When Jaws is going off maybe we get two or three. Apparently what happened, Google had on Google Maps that Jaws was down our road. So Valerie who's here today has corrected that, so Google has changed that.

But to have what Mr. Piazza was saying to have anything happen there after dark with the narrowness of that road to me is crazy. If we have a quiet street, we honor each other going by. With a line of traffic it would be almost like a parade of lights going by us. And I do think it is dangerous.

I also wanna point out that the only person not impacted by all of the traffic will be Fredrick except that he will make money off of it. The rest of us will be impacted as the cars go by and we will have to use more caution crossing the street, we have to be much more aware. As it stands now when I go to work in the morning at 7:30, quarter to 8:00 I never see another car on Haumana Road except when we come to that fork where Kulike is. So it's very small. Very small and very not much traffic on it. And as I say, it does concern me very much that we could have so much traffic. I'm also concerned about the alcohol. I do not think it's appropriate to have alcohol at these events and we are worried about the fact of the situation if that is allowed. And in the planning thing there was no mention of that. So that's a big concern for all of us.

And you know, when he first approached me on it and agreed to this whole thing. He talked to me about the education and he said we wanna bring some kids down from Kamehameha Schools, educate them on their Hawaiian agriculture, show them this place. I said, that's great. He didn't talk to me about all these 24 weddings or however many. I mean, 300 cars a week or month, however many is it's really not what he presented to me and I don't know what he presented to other people. So I think he's being a little unclear with what he was planning to do as he presented it to the people on the street. Thank you very much for your consideration.

Vice-Chair Shibuya: Thank you. Commissioner Freitas?

Mr. Freitas: Yes, I have two questions for you, same question. How is the road after this rain?

Ms. N. Gilgoff: There's water pouring down. We can't...there have been a couple times we haven't been allowed to go down the road because things are in the way. So the water all feeds off of all the streams that come above it and they, you know, like they do in our valleys and they force down through those valleys and the streambeds are overflowing and most of that water goes down into a culvert drainage, but it's on Haumana Road and so it can be covered in water sometimes. We are in the wet district. We are not dry there.

Vice-Chair Shibuya: Commissioner Freitas?

Mr. Freitas: Second question. Have you been aware that they have held any weddings or any events since they have come before us?

Ms. N. Gilgoff: I don't know specific dates. Years ago certainly there were some limousines going down there and I heard he got cited for that. So I don't know specific dates on that.

Mr. Freitas: Thank you.

Vice-Chair Shibuya: Commissioner Tsai?

Mr. Tsai: Yeah, on that note, where do you...can you point out where your house is?

Ms. N. Gilgoff: 411, it's .8 of a mile down.

Mr. Tsai: Yeah, can you show on the map real quick?

Ms. N. Gilgoff: Half way down... (inaudible--walked away from the microphone)... So yeah, it's about half-way down. So it's on the narrower side of the street.

Vice-Chair Shibuya: Commissioner Tsai, you wanna continue?

Mr. Tsai: No. Thank you.

Vice-Chair Shibuya: None, okay. Thank you very much.

Ms. N. Gilgoff: Thank you.

Vice-Chair Shibuya: Okay, next person to testify is Stephanie Gilgoff?

Ms. Stephanie Gilgoff: You did very well. Thank you.

Vice-Chair Shibuya: Okay, thank you.

Ms. S. Gilgoff: Yes, my name is Stephanie Gilgoff. I'm Nancy's sister. We live at 411 Haumana

Road. Mine is gonna be very short, but what I would like to request is that any activities that are held on Mr. Honig's property end before dark so that the community and the neighborhood there can remain quiet in the evenings. Mr. Honig again he lives at the end of Haumana Road so the traffic doesn't affect him, but it will affect everybody else on the road. And the reason why many of us live on Haumana Road is because we like the lifestyle there. We like the rural lifestyle. We like the quiet. And I believe Mr. Honig knew when he bought that property that it was a rural area and that it was a small road. And I notice when I read your application, the application for the Special Use Permit there are several times when the Commission mentions that it wishes to maintain the rural and natural ambience and character of the region. And I'm afraid that what Mr. Honig is planning to the degree that he is planning it will change that. Thank you for your time.

Vice-Chair Shibuya: Questions, Commissioners? None? I'll call a brief recess while we change positions here.

A recess was called at 3:07 p.m., and the meeting was reconvened at approximately 3:08 p.m.

Chairperson Lay: ...couple more questions for him.

Mr. Piazza: Thank you. I will be very brief. I was unaware--

Mr. Freitas: Mr. Piazza, I have a question for you.

Mr. Piazza: Thank you, sir.

Mr. Freitas: Have you been aware of any activities on that property?

Mr. Piazza: Yes, I'm gonna point to the map for a second.

Mr. Freitas: Thank you.

Mr. Piazza: This is my property.

Mr. Freitas: Yes, sir.

Chairperson Lay: Come back to the mic and then continue.

Mr. Piazza: I was completely unaware that the Commission was unaware that since Mr. Honig was denied a permit for weddings there have been dozens of weddings on that property. I thought the Commission knew that. I think that reflects upon the plausible, the plausibility of his complying of any limitations in a permit because with no permit he's still been having the weddings. Was that responsive?

Mr. Freitas: Thank you very much, sir.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Mr. Piazza?

Chairperson Lay: Some more questions, Mr. Piazza.

Mr. Piazza: I am so sorry.

Mr. Tsai: Hey, no problem. Can you cite the timeline for the dozens of weddings that you've seen? I mean, what time period are we talking about here?

Mr. Piazza: I was here, my memory fails me, it was a couple, three years ago when he was here looking for a helipad and that was denied. Since then, I couldn't tell you on the exact dates, but every time there's a wedding it's hours and hours of amplified music and alohas coming up to our house. So it's vivid in my mind how many times, the exact dates I wouldn't be able to tell you.

Mr. Tsai: So you're saying this is within the last three years?

Mr. Piazza: Consistently not just occasionally.

Mr. Tsai: Okay. Thank you.

Mr. Piazza: Thank you.

Chairperson Lay: Director?

Mr. Spence: Just for the Commission's information and a reminder it was last meeting or the time before that, I wasn't here, where the Commission signed acceptance of settlement agreement because there were violations and the County cited him and we have since settled that. So as far as we're aware since, you know, since issuing notice of violations there haven't been any more activity that we know.

Mr. Tsai: Okay. Director, when was that settlement date?

Mr. Spence: The agreement that's a part of your packet is dated March 6th. That's when, I believe that's when the Mayor signed it. It was two, it was one or two meetings ago that this was brought before the Commission for...

Mr. Tsai: So let me understand this. When you say the settlement was reached at that time two meetings ago perhaps in last year? Cannot be sometime 2013 time frame?

Mr. Spence: Okay, we issued, we issued notices of violation on...at least according to the settlement agreement, again this is in your packet, we issued notices of violation on September 22, 2012. And so we went through the enforcement process and everything and then brought these settlements. There's actually two of them in here. Brought these settlement agreements to the Planning Commission.

Mr. Tsai: So I guess what I'm trying to understand then that once that a settlement is reached is he allowed to have--

Unidentified speaker: No.

Mr. Spence: We issued, we issued notice of violation...it said September 2012. Just because you reach a settlement doesn't mean you can do all the things that were cited for in the first place.

Mr. Tsai: Right.

Mr. Spence: So they're still illegal. That's why he's here. That's why he's here requesting a permit.

Mr. Tsai: So when was the settlement reached. I guess what I'm trying to understand, may I ask the testifier come back? So how recent...Yeah, Mr. Piazza, to your best knowledge when can you say, when do you think the last illegal wedding was conducted that you can remember, most recent should I say?

Mr. Piazza: I was out of the country for most of February and into the beginning of March. So I cannot tell you from my own experience during that period of time. Prior to that it would have been within a month or so of that, five weeks, but within that time frame. So in other words, after the settlement was actually inked, but more the point, I actually never filed a complaint about the noise. So I'm not sure what addressed in the settlement. It may have been Building Code violations or other things. But what was clear is that for the past few years he has not had a permit to conduct wedding. He's conducted weddings anyway. So it's meaningless to say, well, how about if you only do it once a month with this many people. How are you ever gonna enforce it? He's demonstrated he doesn't care about what the requirements are. Thank you.

Mr. Tsai: Thank you.

Chairperson Lay: Director?

Mr. Spence: So Commission, just for me to repeat the timeline, Mr. Piazza and nobody in this room filed an RFS. It came about...we became aware during...trying to get Mr. Honig getting after the fact permits there was still activities on the island including short-term rentals, including weddings and so we issued, we initiated the enforcement action. We issued notices of violation September of 2012. We've gone through the process with Mr. Honig. And we brought the settlement to this commission on February 25th. So that settles, you know, I mean, if you've been deemed guilty and you served your time, you know, you... (inaudible)...at least you're supposed to be able to start over again. So that's, now he's requesting the permit to do that. I can't say, you know obviously we're not down there. We saw enough that we issued violations.

Chairperson Lay: Commissioner Wakida, you had a question?

Ms. Wakida: Well no, it's just a comment to the Director. The first notice of violations were in September of 2012. The settlement wasn't signed until March of 2014.

Mr. Spence: That's correct.

Ms. Wakida: This testifier is saying between the time of the first notice of violation and the time this was signed there had been continued violations whether or not they came before the Department that is what this testifier said.

Mr. Spence: If that's his testimony, then that's his testimony.

Ms. Wakida: Okay.

Mr. Piazza: And for the record, I'm asking the question regarding timelines because I have a concern over when a settlement is reached that there's a continued illegal activity. That's what I'm trying to get to the bottom of.

Chairperson Lay: Okay, we've gone through all the testifiers who signed in. Does anyone else wish to testify at this time? Please step up to the mic and identify yourself. You have three minutes.

Mr. William Knowlton: Thank you. My name is William Knowlton. I'm an adjoining landowner of Mr. Piazza's and I look down the gulch at Mr. Honig. I would like to just make couple brief comments. One about...the last one I'll make is about the timeline.

This picture shows Mr. Honig conducting weddings on the cliffside blocking ocean access. This picture from Mr. Honig's archaeologist shows a drainline in the stream. This is testimony from Mr. Honig in 2010 which says, I am not and I do not have the intention of having people stay overnight. He told you guys that. He was cited for TVRs. And last but not least, I downloaded this from the web on March 14th, it is an advertisement for this year April 4th to April 30th, a Spring Integral Yoga Teacher 200-hour training by his sister. As part of this yoga training they are offering beautiful accommodations, daily and weekly rates available. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Seeing none, thank you. Anyone else wishing to testify at this time please step forward and identify yourself.

Mr. Daniel Mizner: My name is Daniel Mizner. I live 455 Haumana Road. I've been a resident for 25 years as have most of my neighbors. This will impact the road...and here's the handout of the road. I've measured it. There's places it's 10 feet wide. Two cars can't pass much less a bus or delivery truck. On this road there's also steep banks on either side so cars really have a hard time finding a place to pull off. So how are many more, much more traffic we have will have an adverse effect on our road. We walk on our road. Our neighbors walk. We walk to each other's places. Children play on the road. They bicycle on the road. Kids go to school, get dropped off, you can see the shelter for the school bus, and they get dropped off in the afternoon, they walk home some of them. So there's a serious hairpin turn at the top and a child walking along that could be a disaster. So I simply ask you to deny this and I know that they're recommended approval and you have to have valid reasons to deny it and one is safety, the safety of our children, the safety of residents, and the other is HR 205, the lands better in the district be agriculture. Weddings have nothing to do with agriculture. And so I ask you to deny this to consider our quality of our rural neighborhood. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Mr. Shibuya? Commissioner Shibuya?

Vice-Chair Shibuya: Thank you, Mr. Mizner. Are these your photos?

Mr. Mizner: Yes.

Vice-Chair Shibuya: Your images. On the bottom center there's a colored, reddish colored roadway and others are sorta grayish, blackish. Is there a reason for one being red or is it natural after a storm?

Mr. Mizner: Yes, the reddish part on the second to last picture is down near the bottom just by where our driveway is. When it rains, it rains. And there's...this actually impacts where you can pull off the road because often there is a deep trench on the side of the road. And this area right here with the red is, is runoff from the erosion and that's why it's more reddish.

Vice-Chair Shibuya: Okay, that's what I thought. Thank you.

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Yeah, I don't think you have a picture of this, but maybe Kurt you can show him, it's in our packet over here, Page 31, it shows basically a shuttle bus. Looks like a full-size school bus down at the gate, guess off the cliff. So my question I guess, more of a concern is that there's no way, I mean, to get a bus down...I mean a school bus down that road.

Mr. Mizner: No, it would take the whole road. And any people walking on the road would have difficulty getting off on the areas where there are steep banks. And anybody that happens to be coming in the other direction we hope that they're not on a blind curve which there are many.

Mr. Tsai: And there's a statement made here that ample parking spots for shuttle buses I guess, shuttles and also 20-foot wide gravel road.

Mr. Mizner: That's upon Mr. Honig's property.

Mr. Tsai: Okay. Just wanted to clarify. Thank you.

Mr. Mizner: Thank you.

Chairperson Lay: Does anyone else wish to testify at this time? Please state your name and you have three minutes.

Ms. Lani Starr: Thank you. My name is Lani Starr. I have been a long-time friend Fredrick Honig and can attest to his character and the sincerity of his request and that he really has an intention to do good for the people of Maui. I would like to kind of address a few things that have come up so far. Number one, several people did testify they're concerned about drinking. It should be very clear that Mr. Honig doesn't allow drinking at any of his events and so therefore, this concern should be put to rest.

Another thing I think we need to think about is everybody's talking about the road. Well, we're talking about if cars are going down there and in essence it could cause a problem, but we can look at it the opposite way too. If there is a such a problem that exists, if there any kind of emergency vehicles that need to get down that road for whatever reason whether it's ambulances, fire trucks,

that road is so narrow that how are they gonna get through if there's other cars. So therefore we have to think about the consideration that for the safety of the people on that road maybe we should think about that that road should be expanded. Earlier a fellow testified that in Cincinnati the County or the State had gotten sued because of some chimpanzee they hadn't given the right permits, right or there was a permit, whatever, they weren't permitted and you know, a lawsuit is brought against them because of this violation. Well, you know, as a citizen I know that if there is any kind of a hazard where a child loses his life because of an emergency vehicle cannot get down that road, the same will apply in the opposite form whereas there could be that kind of a situation. I wanna play the angel's advocate here so we can look at all the reasonable variables that could take place in this kind of a regard. And I think it should be seriously taken into consideration if we're looking at the scenario with Mr. Honig, we should really look at the broad spectrum of our populous and protecting a populous that is on that road in particular. Anyways, thank you so much for your time. I know this has been a very laborious process for all of you. Mahalo.

Chairperson Lay: Commissioners, any questions for the testifier? Commissioner Tsai?

Mr. Tsai: Ma'am thanks for coming. I'm gonna ask you to clarify your statement there regarding no drinking. Now obviously Mr. Honig was cited for conducting weddings and I just can't possibly believe that the, let's say alleged weddings that has happened many of them, that you...Mr. Honig doesn't allow any drinking at a wedding. Are you making that statement there has never been drinking at your events?

Chairperson Lay: No, the question is directed at the testifier.

Mr. Tsai: Because you made that statement so I'm asking you.

Ms. Starr: Well, from my knowledge and understanding just coming into this, you know, having known Fredrick for a long time, I know that personally he is, you know, holds a very high standard in his life. And I know from having conversations with him just recently that drinking will not be allowed at any of these events whatsoever. So I understand that to be the standard that is in place right now. Prior to that, I don't know, but I do know that for a fact that he hasn't been doing any weddings since that last citing has happened I think he has had some gatherings but at those gathering there has been no drinking and at those gatherings they have not been weddings from the best of my understanding.

Chairperson Lay: Commissioners, any more questions for the testifier? Seeing none, thank you very much.

Ms. Starr: Okay, thank you.

Chairperson Lay: Does anyone wish to testify at this time? Seeing no one, public testimony is closed. Commissioners, any questions for the applicant? Commissioner Wakida?

Ms. Wakida: A question for Kurt. Oh, it's not a hard question. I'm gonna ask about the current permit for the property. What is currently allowed on this property in terms of activities of any kind?

Mr. Wollenhaupt: Well, I think the Director might be able to and perhaps even Corporation Counsel,

but allowed on there would be a botanical garden.

Ms. Wakida: Correct.

Mr. Wollenhaupt: And with that the concomitant agriculture, the husbandry of the trees and the plants and everything that goes with that. So from that perspective as Mr. Honig represents is a botanical garden that's a perfectly allowable use in the Ag District. He has permits for the number fo buildings that you saw, the Spirit of Aloha Temple, the waterfall pavilion, and the potting shed. There are permits as I checked with ZAED for the other accessory agricultural buildings to be used in the role of agriculture and that would be what would be permitted as I understand it.

Ms. Wakida: So for example school groups that come in, that's all part of the botanical garden? I'm not raising an objection--

Mr. Wollenhaupt: No.

Ms. Wakida: --I'm just trying to get the--what's allowed.

Mr. Wollenhaupt: It's my understanding that that would be allowed. I'd want our management to just to confirm that and perhaps Corporation Counsel, but as this is a botanical garden.

Mr. Spence: That botanical garden use it's supposed to--it's an accessory use listed under in the Agricultural Zoning Code. So whatever farming, whatever agricultural activities are going on as a part of that and that could be, you know, agriculture is pretty broadly defined. They could have people down there to, you know, as with other botanical gardens you could, you know, see the different species and take a tour and those kinds of things. At some point I might note however if we started getting busloads of people going down that road as a part of that accessory use we still may have, you know, we would still have safety concerns, other concerns that we noted in the report. And there's other regulations that are more administerial in nature, you know, like the governing the private water system, the wastewater systems, those aren't, those aren't discretionary kinds of things. Those are enforced as, you know, as just a part of government regulation. It's nothing that we can say, okay all of a sudden now is wastewater systems can handle more. That's not our decision to make. That's an engineering standard, the Department of Health's standard based on, you know, their own standards that they've adopted through rule making and those kinds of things ...(inaudible)...So if there was too many people going down there as part of the accessory use we could still have issues with the level of activity. It's not carte blanche all of a sudden we can have, you know, Roberts buses going down there. That's not the case at all.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Just a follow up there. I certainly understanding having people come to visit the botanical gardens and so on. Are you aware of any classes being conducted down there currently?

Mr. Wollenhaupt: None at the moment, no.

Ms. Thomson: Chair?

Mr. Wollenhaupt: Yeah, Corporation Counsel--

Chairperson Lay: Corp. Counsel?

Mr. Wollenhaupt: --I do have...there was a issue on the uses and I think that Richelle had some information.

Ms. Thompson: Just generally, this is just elaborating on agricultural uses and accessory uses so this is HRS 205, agricultural education programs conducted on a farming operation which is further defined for the education and participation of the general public. It goes on you know, they must be accessory and secondary to principle ag use of the parcels or lots on which the ag education programs are to occur and interfere with surrounding farm operations. So it is an allowed use to do educational ag related education.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: Kurt, I got a question on this wastewater issue. Now you have...say you get 80 people there that they're expecting 80 people there, but a friend just came from the mainland and he has three of his buddies. So now he comes over there, you got 83 people there. The wastewater is set 80 people or I've been to a lotta gatherings and even when I used to go church and you take somebody with you. So you're expecting people, you may have 92. How are you going to...(inaudible)...that because you're right at the max.

And on the second water issue, two-part question, second water issue. We see sprinkler systems in the tent. Has this thing been permitted and where is it gonna get the pressure to activate that sprinkler system and also operate that fire hydrant?

Chairperson Lay: Excuse me, Commissioner Freitas please speak into the mic.

Mr. Freitas: The sprinkler system and operate that fire hydrant? The water pressure?

Mr. Wollenhaupt: All excellent questions. Okay, how are we going to govern the number of people that go down there? That is a challenging question. How are we going to enforce if there's not 92 versus 80 and 45 versus 40? That is a remarkably difficult question to answer and to be honest I'm not sure how we do monitor. However, if were to have a limit, we were trying to make the limit of the people that might be attending it based upon some hard data, based upon some figures. One of those ways of reviewing this was the capacity of the wastewater system. It's an IWS, an individual wastewater system that has been approved. I did get a confirmation that the County has approved it for the Spirit of Aloha Temple, a 1,000 gallons a day. There is a reference point that for each four hours one person uses approximately 10 gallons of water for waste. That would mean that 40 people and 10, 400. Eighty people times 10, 800. It's a rough estimate but it's something that we could at least say that is the capacity of the system. We have 40 people there for 60 hours you're gonna max the thing out. So I think that answers the question on at least on the wastewater system, but how do we enforce 45, no, 40, yes? That's a challenge.

The second question on regarding the pressure. Yes it is sprinklered. We had confirmation from the Fire Department that the sprinklers were inspected. There is a pressurized system there that

does provide the proper pressure. There's a... also there is a two gallons tank for the pressurization system that goes into the sprinklers. So from that perspective it would appear that the applicant has provided the infrastructure on that. There's also a hydrant system that provides in the immediate area of the hydrant.

Mr. Freitas: Is that pressurized?

Mr. Wollenhaupt: The hydrant... I think you'd have to ask the applicant on that. There are pictures of the hydrant. That is using just for the immediate buildings in that core area. It's not the three buildings that we're talking about. That would be the first farm dwelling, the second farm dwelling, the reception area, things like that. I think you need to ask the applicant a little bit more on whether that hydrant... what the kind of pressure is out that hydrant if you hook the hose to get to those other buildings, the ones that are not sprinklered.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: You said that the septic system is approved. Is it permitted?

Mr. Wollenhaupt: It is. It does have a permit, yes. That we did confirm that. And I just, I did wanna make one clarification... comment, I think perhaps I might have been unclear. There was a comment that I made about the potable water. Potable from a public water system... this is not a public water system. This is only a private water system. So when I indicated the potable I think what I meant to say is on Page 140, the Department of Health, Ms. Patty Kitkowski of the use of the water which is a private water system for people that would attend events and she had recommended certain conditions with regards to the use of that water on site. So, I didn't wanna make the reference that okay, the water is not potable. I think that in this context I should just simply say it's a public water system therefore it's not managed. It's a private water system and DOH has conditions they want put on. We're not representing potability of this water. We're using the DOH conditions there is a requirement for testing. So I did wanna clarify that comment.

Chairperson Lay: Commissioner Freitas follow up?

Mr. Freitas: Yeah, on the potable water. It is unsafe to wash an apple and eat an apple, but yet it's safe to drink? Something's not right here.

Mr. Wollenhaupt: Well, the DOH does say and I will say, they say, at no time can caterers or special event participants use the water at the Spirit of Aloha facility. That all water to be provided for catered special events and brown bag lunches is either brought in by participants or bottled an approved source. So the DOH they want the people to bring their water for that. And what may happen with people... the applicant who lives there, that's up to them, but there is on these catered special events, they say the water is to brought in by participants or from an approved bottled source. So that's... I don't wanna use the word, potability because I think I'm gonna make a representation that I might be unclear of. But I'm using what DOH is concerned and what they said... (inaudible)...

Chairperson Lay: Commissioner Tsai?

Mr. Tsai: Okay, on this matter I'm...I guess I'm really concerned because you're saying that we can't...I mean, I'm looking at this letter here, Page 140, it says, no food shall be prepared on this property. Now the applicant obviously stated, you know, his vision that the whole botanical garden, the fruits, vegetables, organic, you know, that's great, but if you cannot even use the water to wash the fruits, what can you do? And I guess I'd like to get a clarification of what is the applicant doing as far as taking care of their own personal needs of--

Mr. Wollenhaupt: Well, I'll address a couple of points there. Number 1, these are coming from the Department of Health. We do try to take the recommendations as they come also from the Clean Water Safe Drinking Department in Honolulu. These are their recommendations. We do recognize that...if there was some kind of permit to be granted that over the course of the year the DOH if they were to see different kinds of monitoring they may in fact modify their conditions. However, the Department is concerned about the safety of participants who might come there for catered event or for something that we're trying the DOH. Now what, what the applicant made from their personal perspective, we're not controlling what they drink as the owner of the property but DOH is concerned with people who would be visiting there, people who will be attending events there. So with regards to his strategy I think you'll have to ask the applicant that question.

Mr. Spence: Can I?

Chairperson Lay: Director?

Mr. Spence: Just a point of clarification. You have two different branch in Department of Health commenting on that. So the Safe Water Drinking Branch is I believe is the one recommending the testing, no more than 24 people at a time and you know, you can do a certain amount more than that so many times a year. The DOH Department of Sanitation that's saying don't use the water for anything. So you have two different branches of Department of Health, they may not be talking to each, but--

Mr. Wollenhaupt: Oh, oh, oh, I do have a clarifying--

Mr. Spence: But I think it's important to note there are two different branches of DOH talking about public safety as it relates to the water.

Chairperson Lay: Kurt?

Mr. Wollenhaupt: Well, we do have...on Page 290, we have a letter from Mel Hamano of State of Hawaii Department of Health Safe Drinking Branch. He made three recommendations that are specific to what was just discussed that were less restrictive. I was concerned and then I sent that to Patty Kitkowski who is the Environmental Health Services Division of the Maui Sanitation Branch and she made some clarifications. Then I was directed from Mr. Hamano the original conditions on Page 140, this is Patty Kitkowski's response, I would suggest this language be used. Therefore there was communication between departments and that's how we came up with this final language that does have some pretty strict restrictions.

Mr. Spence: ...(inaudible)...I stand corrected.

Mr. Wollenhaupt: Oh, no that's okay. I just wanted to...we were trying... 'cause we were having the same issue that who's on first, who's on second? But we do recognize that DOH may in fact change as Mr. Honig is requested to do testing. I mean, it has, you know, chemicals atrazine, ethylene dibroin, 1,2-dibromo, 3-chloropropene, 1, 2, 3-chloropropene. He's to be doing these tests in coliform bacteria, submit that to the Department of Safe Water Drinking and then there could be some changes if these departments may allow the use of water in a different way. But we were putting these conditions in out of concern for the highest level of safety.

Chairperson Lay: Commissioners? Commissioner Wakida?

Ms. Wakida: Kurt, thank you for the map showing...well, it's showing us letters, there were quite a number of support letters. Did any of them come from people living on Haumana Road?

Mr. Wollenhaupt: I did not see the addresses of anyone that currently lives on Haumana Road. That was...and that is a concern from the Department that we have a lot of support letters but their addresses were either not given or they were in other parts either in Kahului or in other areas of the island.

Ms. Wakida: Okay, thank you.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: To your knowledge Kurt, how many people live on the property?

Mr. Wollenhaupt: All I know is...well, in the main...it's my understanding the main farm dwelling, the applicant has indicated that there is a long-term individual, I mean, long-term renter that would be in the main farm dwelling. Mr. Honig himself as I understand would live in the secondary farm dwelling. So I don't know of any other individuals who would permanently live there.

Ms. Wakida: I'm looking at the map in our packet that was provided by Linda Taylor Engineering and this is...was Page 132 in the I guess it was in the original packet. It's a plot of the buildings on the property.

Mr. Wollenhaupt: Yes, I have it right here.

Ms. Wakida: What would be the second farm dwelling?

Mr. Wollenhaupt: The second farm dwelling is at the bottom of the --

Ms. Wakida: Oh, here it is. Thank you. I see it. This Linda Taylor Engineering identified at least four of these buildings as one bedroom. Have you been inside these other buildings like the office and the reception that it's listed here as one bedroom.

Mr. Wollenhaupt: I've been inside most of them, looked through the windows of some of them. Why these would say one-bedroom specifically not sure unless it has to do with trying to come up with a capacity for a IWS. I did ask the Zoning and Enforcement Division of whom the Planning Program Administrator is in the audience. Okay, how many buildings can we have here, what's

going on? And his response was that well, you can have a main farm dwelling, you could have a second farm dwelling. He has an approved farm plan. They do have the building permits and...but that there's not a limit to buildings that would be used in accessory to the agricultural activities on the premises. When I looked in office and when I looked in employee lounge and when I looked at reception, programs, they're you know, they're buildings. I did not observe that there were beds and things like that in there. So are there, you know, would there be a bathroom, would there be, you know, some kind of a sink, yes. But I couldn't say that they approved as bedrooms. They are buildings to be used in the connection with the ag activities on the property.

Ms. Wakida: Did they have kitchens in them?

Mr. Wollenhaupt: No, I didn't see kitchens.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: Does he have a GET license and has there been any, what do you call, revenues derived from the farm, the ag process here?

Mr. Wollenhaupt: I think we're gonna have to defer that question to the applicant when it comes to taxation. I don't have records on, tax records on this except of course it's a 501(c)(3). So there's a lot of subtleties and how they would file tax returns. But if you want the applicant to answer your question, I'm sure they could.

Mr. Freitas: No, I just raised the question. That be fine enough. That be good enough.

Chairperson Lay: Commissioners? Commissioner Wakida?

Ms. Wakida: Well, I have a question for the applicant.

Mr. Honig: And I also have comments that I could help shed a lot of light on the issues to let you know you can ask.

Ms. Wakida: No, I just have a question. We'll just stick to the question. The weddings that you are asking for can the party bring their own minister if they choose?

Mr. Honig: Yes.

Ms. Wakida: So, maybe I should ask this question of Corp. Counsel how that would be church related if he is not actively part of the wedding?

Ms. Thomson: Generally RLUIPA, the Religious Institutions...Religious Land Use And Institutional Persons Act does not specify any particular type of religion. It's more about the exercise of religion. And the exercise of religion is defined quite broadly so it can include many other different types of religious related activity not only traditional church services but it would include weddings. I don't believe that it would necessarily have to be conducted by, you know, one person.

Ms. Wakida: Okay. Thank you.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Perhaps you can answer the question. How many live on property?

Mr. Honig: Two.

Chairperson Lay: Any more questions, Commissioners? In an earlier photo...excuse, only when you're asked a question, we address you so at this time, thank you. There was a picture, a photograph of a drainage pipe in the river. Did anybody, any of you have a chance to see that and identify it, Kurt, no? Okay. Any more questions, Commissioners? Commissioner Wakida?

Ms. Wakida: Mr. Honig, we received eight objections from neighbors of yours. Did you contact any of those neighbors personally?

Mr. Honig: I would like to read to you what I wrote to them.

Ms. Wakida: No, just answer my question. Did you contact any of those neighbors personally to discuss their objections with them?

Mr. Honig: Yeah, every single one as far as I know.

Ms. Wakida: Did you personally contact these people?

Mr. Honig: Okay, I have copies of each of the...I have copies of all of the emails that I sent to the ...(inaudible)...

Ms. Wakida: No, I mean face to face.

Mr. Honig: Oh no. I invited them to come to visit. I would like to read you the letter.

Ms. Wakida: No, no, no that's fine.

Mr. Honig: That I wrote to them.

Ms. Wakida: I just wanted to know if you contacted them face to face.

Mr. Honig: Not face to face but by email.

Chairperson Lay: Thank you. The question's been answered.

Ms. Wakida: Thank you.

Chairperson Lay: Corp. Counsel would you like to shed a little light on this?

Ms. Thomson: Thank you. I just wanted to offer a couple of brief comments about RLUIPA. RLUIPA is a Federal Law and it's designed to prevent discrimination against religious exercise. What it means in this context is, not that the zoning laws don't apply, but that the application does need

to be considered with regard to RLUIPA. Basically a zoning law or its application cannot substantially burden religious exercise without a compelling government interest. And that interest needs to be pursued with the least restrictive Means. So you can tailor a permit, but you need to do so, you know, in the light of those other contacts and if you have specific questions on the application of RLUIPA to this application and where you are, where your judgment can lie with regard to those permit conditions, I'd recommend that we do that in executive session.

Mr. Freitas: I move to go into executive session.

Mr. Tsai: Second.

Chairperson Lay: Moved and seconded for executive session. All those in favor?

Commissioner Members: Aye.

Chairperson Lay: We're going to take an executive session right now. If everyone can please leave the room? Thank you.

The Commission went into executive session from approximately 3:52 p.m. to 4:31 p.m., and the meeting was reconvened at approximately 4:32 p.m.

Mr. Freitas: Read the recommendation.

Chairperson Lay: Department's recommendation.

Mr. Wollenhaupt: Good afternoon. We're continuing with the State Land Use Commission Special Use Permit. There was a recommendation page that is noted. With the conclusions of law followed by the specific recommendations. Due to the complexity of this we'll probably going to have quite a bit of debate. The first recommendation is that the Land Use Commission Special Use Permit would be valid until March 31, 2016 subject to further extension by the Maui Planning Commission upon a timely request and that would most like a require a public hearing. I'm not sure how we want to do this if you wanna go through condition by condition or if there's to be some debate or do you want me to run through quickly? Do we have a recommended way?

Mr. Spence: If I might just suggest you just...I mean without reading all the standard conditions verbatim or any of the conditions verbatim but you can summarize?

Mr. Wollenhaupt: Okay, we'll do that. These are project specific conditions that the applicant would need to have all final building permits if there are any pending with regards to this property. No. 7 that the events would be limited. The limitations were outlined in the staff report. Those limitations were noted to be the 48 events for the year half of them would have a total between 25 to 40 participants. The other would be limited to less than 25. The remainder of the 24 church events would be limited again to under 25. There would be no more than four church events per months. The hours would be between 10 and 8. The next condition has to do with the impacts on the onsite private water system. That has to do with the records shall be kept to the satisfaction of the Department of Health. That if there's to ever be more than 25 or more people for 59 days a year there would have to be new limitations with regards to a public water system. No. 9, that if the

applicant, should the applicant want to do anything greater than that approved or possibly approved today, the applicant would be required to come back for amendment. No. 10, this has to do with all of the private water limitations that are recommended by the Environmental Health Services Division regarding the use of water on property at certain events. No. 11, that the applicant is to do testing of this water within one year of this permit should it be issued. No. 12, that shuttles would be employed whenever possible. Right now we have that shuttles would be required for guests over 25 people in attendance. No. 13, that the parking plan must be completed prior to any sort of operations under this permit. No. 14, that driveway safety is a concern and that there has to be some kind of traffic concretization or some hardening of the surface of the driveway subject to the satisfaction of the Fire Department, the Department of Public Works for safety. The preservation plan needs to be completed with all due haste. There should be absolutely no ground altering in the vicinity of any historic sites and that the applicant needs to know from this Commission that that plan is to be approved using all resources available to get done immediately. Then timing between 10 and 8, periodic inspections are to be allowed regarding this. Absolutely no short-term rentals there also B&Bs, TVRs are to be prohibited unless the applicant would apply ... (inaudible)... Referral can come back to the Maui Planning Commission upon a request for service and the Director that is deemed reliable there's been evidence of a violation. The Maui Planning Commission may suspend, revoke or suspend this permit for good cause and that there's gonna be annual detailed report prior to the one-year anniversary. So those are a few things to consider on our recommendation.

This red line? No, that's just for you. If the Members wanted copies. We do have some questions on some of the conditions for discussion purposes there's been a red line copy, but that's only been discussed with the Director and myself and Corporation Counsel.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: I'd like to make a motion to deny and I have a ... (inaudible)... reason why I am voting to deny. I run a tow business and road safety is so important to me and that road I feel is not safe with pedestrians walking up and down the highway and people with bicycles and what have you. And I have been on that road with our tow truck and it is a very narrow... especially when it rains. So that's my prime reason for making the motion to deny the applicant.

Mr. Medeiros: I second.

Chairperson Lay: Motion by Commissioner Freitas to deny, seconded by Commissioner Medeiros. Any discussion on the motion? Commissioner Wakida?

Ms. Wakida: I concur with Mr. Freitas about the concern for safety on the road. And we've heard from neighbors that they feel the road is unsafe for a certain amount of excess traffic which the applicant sounds like he will generate. And as well, there seems to be some issues raised about water and wastewater that I think are of concern.

Chairperson Lay: Any more discussion on the motion? Director can repeat? Oh, Commissioner Medeiros?

Mr. Medeiros: Yeah, I seconded the motion mostly because while I respect his rights to religion,

it's not safe. Okay, maybe the Planning Commission, the State Department of Health recommended all of these things to us as satisfactory, but it's still not safe not to the degree where I would be comfortable with. Okay. I respect human life. I wanna protect it.

Chairperson Lay: Want to repeat the motion?

Mr. Spence: The motion is to deny the application for a Special Use Permit.

Chairperson Lay: Call for the vote. All those in favor?

Mr. Spence: That's six ayes.

Chairperson Lay: Motion carries.

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

**VOTED: To Deny the State Land Use Commission Special Use Permit.
(Assenting - J. Freitas, J. Medeiros, M. Tsai, S. Duvauchelle, P. 'Wakida,
W. Shibuya)
(Excused - K. Ball, W. Hedani)**

Chairperson Lay: Our next agenda item. Director's Report.

Mr. Spence: Commissioners, you have your SMA Minor Report and your Exemption Report in front of you.

Mr. Honig: I don't feel that my rights have been ...(inaudible)...

Chairperson Lay: You're out of order.

Mr. Honig: ...(inaudible)...

Chairperson Lay: I'm sorry, you're out of order. You're gonna have to--

Mr. Honig: I've spent six years--

Chairperson Lay: --excuse me, you're out of order.

Mr. Honig: --trying to get approve this.

Chairperson Lay: You're out of order.

Mr. Honig: Okay, well I want to go--

Chairperson Lay: Well, you would have to do that formally. You can do that not in this way, not in this manner. We've already addressed the issue and we've come to a conclusion.

Mr. Honig: You didn't give me any time to talk after I was cut off. I was never given another chance to respond.

Chairperson Lay: Please, please you're gonna have to leave. You've already been...matter's closed.

E. DIRECTOR'S REPORT

1. **SMA Minor Permit Report** (Appendix A)
2. **SMA Exemptions Report** (Appendix B)

Mr. Spence: Okay, Commissioners, you have your SMA Minor and your SMA Assessment list. This is just for acknowledgment of receipt. Okay, so you got your list, right?

Commission Members: Yes.

Mr. Spence: Okay. Future Planning Commission agenda items.

Chairperson Lay: We'll make a verbal acceptance of our report. All those in favor?

Commission Members: Aye.

Chairperson Lay: Those opposed? Acceptance of our SMA Reports. Moving on.

3. Discussion of Future Maui Planning Commission Agendas

a. April 8, 2014 meeting agenda items

Mr. Spence: Okay, Future Planning Commission Agenda for April 8th, we're going to have a new member, Mr. Richard Higashi. We're going to elect officers and then there's gonna be an orientation workshop and two public hearings, three public hearings, one communication item and three items on the Director's Report for time extensions for SMA permits. Questions on those?

F. NEXT REGULAR MEETING DATE: APRIL 8, 2014

G. ADJOURNMENT

Chairperson Lay: Motion to close our meeting today?

Vice-Chair Shibuya: I just wanna say thank you for a nice proclamation. Thank you for letting me serve with you.

Chairperson Lay: It's been a pleasure. If there's no further business, Planning Commission is now dismissed.

The meeting was adjourned at 4:45 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Sandy Duvauchelle
Jack Freitas (in attendance at 9:30 a.m.)
Ivan Lay, Chair
Jason Medeiros
Warren Shibuya, Vice-Chair
Max Tsai (in attendance at 1:17 p.m.)
Penny Wakida

Excused

Keone Ball
Wayne Hedani

Others

William Spence, Director, Planning Department
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Director, Department of Public Works