

**MAUI PLANNING COMMISSION
REGULAR MINUTES
MARCH 11, 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 11, 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.)

Chairperson Lay: Planning Commission is now called to order. It's March 11th, and it's 9:00, a little after 9 o'clock. Before we start the meeting today, we'd like to take a moment in remembrance of those who passed away on Molokai, oh, Lanai excuse me, on Lanai. A very tragic event and if we can all stand up and give a moment of silence. This is for Kathleen Kern and Tremaine Balberdi. Thank you.

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: At this time, we'd like to open to public testimony. For those of you who wish to testify on one of our agenda items, we'll give you time right now to come forward if you have a busy day today. We'll give you three minutes to testify. Identify yourself, and you won't be able to testify later on unless you have any new agenda or items to bring up. Does anyone wish to testify at this time? Seeing none, public testimony is closed. Our first agenda...well, right now what we're gonna do is we're gonna see if Rock and Brew...We wanna move our agenda. Move Rock and Brew up forward. They said there's a resolution. It's been taken care and we can get through that quickly and move onto our regular agenda. Any objections?

Commission Members: No objections.

Chairperson Lay: Thank you

E. ADOPTION OF WRITTEN DECISION AND ORDERS ON ACTIONS TAKEN AT THE DECEMBER 10, 2013 MAUI PLANNING COMMISSION MEETING (Deferred by requests of the parties at the February 11, 2014 and February 25, 2014 meetings)

1. **Proposed Order submitted on January 9, 2014 by PETER A. HOROVITZ and KRISTINE TSUKIYAMA of MERCHANT HOROVITZ, LLLC, attorneys for Applicant ROCK & BREWS PAIA, LLC granting Applicant ROCK & BREWS PAIA, LLC'S Motion to consolidate the following appeals:**
 - a. **ISAAC HALL, attorney for MAUI TOMORROW FOUNDATION, INC., LANCE HOLTER, the LUNA PLACE ROAD ASSOCIATION,**

TERI LARRONDE, and MICHAEL NEWBRO submitting an appeal dated July 19, 2013 of the SMA Minor Permit and Country Town Business (CTB) approval issued by the Planning Director for renovations and refurbishment to an existing building and the Mercantile building (Rock and Brews) at 120 Hana Highway, TMK: 2-6-005: 033, Paia, Island of Maui. (SM2 2013/0069) (SMX 2012/0414) (CTB 2013/0003) (APPL 2013/0005) (E. Wade)

The Commission and public were notified of this appeal through the August 13, 2013 Maui Planning Commission agenda.

- b. ISAAC HALL, attorney for MAUI TOMORROW FOUNDATION, INC., LANCE HOLTER, THE LUNA PLACE ROAD ASSOCIATION, TERI LARRONDE, and MICHAEL NEWBRO submitting an appeal dated October 17, 2013 of the amended SMA Minor Permit and an amended Country Town Business (CTB) Approval issued by the Planning Director for Renovations and refurbishment to an existing building and the Mercantile building at 120 Hana Highway, TMK: 2-6-005: 033, Paia, Island of Maui. (APPL 2013/0010) (SM2 2013/0069) (SMX 2012/0414) (CTB 2013/0003) (APPL 2013/0010) (E. Wade)**

The Commission and the public were notified of this appeal through the November 12, 2013 Maui Planning Commission agenda.

- 2. Proposed Findings of Fact, Conclusions of Law, Decision and Order submitted by PETER A. HOROVITZ and KRISTINE TSUKIYAMA of MERCHANT HOROVITZ LLC, attorneys for Applicant ROCK & BREWS PAIA granting ROCK & BREWS PAIA, LLC's Motion to Dismiss or in the Alternative for Summary Judgement regarding the following consolidated appeal:**

- a. ISAAC HALL, attorney for MAUI TOMORROW FOUNDATION, INC., LANCE HOLTER, the LUNA PLACE ROAD ASSOCIATION, TERI LARRONDE, and MICHAEL NEWBRO submitting an appeal dated July 19, 2013 of the SMA Minor Permit and Country Town Business (CTB) approval issued by the Planning Director for renovations and refurbishment to an existing building and the Mercantile building (Rock and Brews) at 120 Hana Highway, TMK: 2-6-005: 033, Paia, Island of Maui. (SM2 2013/0069) (SMX 2012/0414) (CTB 2013/0003) (APPL 2013/0005) (E. Wade)**

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- b. ISAAC HALL, attorney for MAUI TOMORROW FOUNDATION, INC., LANCE HOLTER, THE LUNA PLACE ROAD ASSOCIATION, TERI LARRONDE, and MICHAEL NEWBRO submitting an appeal dated**

October 17, 2013 of the amended SMA Minor Permit and an amended Country Town Business (CTB) Approval issued by the Planning Director for Renovations and refurbishment to an existing building and the Mercantile building at 120 Hana Highway, TMK: 2-6-005: 033, Paia, Island of Maui. (APPL 2013/0010) (SM2 2013/0069) (SMX 2012/0414) (CTB 2013/0003) (APPL 2013/0010) (E. Wade)

The Commission and the public were notified of this appeal through the November 12, 2013 Maui Planning Commission agenda.

Mr. Peter Horovitz: Morning, Mr. Chair and Members of the Commission and Staff. My name is Peter Horovitz. I'm the attorney for Rock and Brew.

Mr. Isaac Hall: Good morning, Chairperson Lay and Members of the Maui Planning Commission. My name is Isaac Hall and I represent the appellants.

Mr. Michael Hopper: Michael Hopper for the Planning Director.

Mr. Horovitz: We have reached a settlement of this matter and the two items that were before the Commission here have been dismissed formally. So we ask that Item E and the proposed orders be taken off calendar. The matter is fully resolved.

Mr. Hall: Isaac Hall. I agree with that. We sent in a letter to the Chairperson. It's dated March 7th notifying the Commission that the matters were resolved. The two dismissals were filed on March 7th at 11:12. We believe terminates the jurisdiction of the Planning Commission.

Mr. Hopper: Again, Michael Hopper for the Planning Director. Just to let you know the Planning Department was not a party. Is not required to be a party to the Settlement Agreement. The Department did sign the stipulation to dismiss because it essentially dismisses the case against the Director, but the County was not a party to the actual settlement agreement that was between Rock and Brews and the appellants themselves.

Chairperson Lay: Okay, before we go to any questions or comments from Commission, I'm opening it up to public testimony. Does anyone wish to testify at this time on this agenda item? Seeing none, public testimony is closed. Commissioners, any questions or comments? Commissioner Medeiros?

Mr. Medeiros: At the last meeting, Commissioner Freitas had some questions about the settlement, is there any answers to his question?

Ms. Thomson: The settlement agreement is between the two private parties and the County's not a party to that settlement agreement. If you have questions, you might be able to address to the applicant or to the appellant, but the Planning Commission doesn't have jurisdiction over this matter any more since the appeal is withdrawn, both appeals were withdrawn.

Mr. Medeiros: Okay, thank you.

Chairperson Lay: Commissioners, anymore questions or comments?

Mr. Ball: We need to take action on this at all?

Chairperson Lay: Yeah, just acceptance. Thank you very much.

Mr. Hall: Thank you.

Mr. Horovitz: Thank you.

Chairperson Lay: Okay, going back to our regular agenda item, number one.

Ms. McLean: Thank you, Chair. This is Item C-1 on the agenda. You have one public hearing item today. This a request from Mr. David Ward of Frampton & Ward LLC on behalf of Olowalu Elua Associates for State Land Use Commission Special Use Permit for Camp Olowalu to conduct commercial camping operations on land located within the State Agricultural District on Honoapiilani Highway at TMK: 4-8-003: 081 (por.) in Olowalu. Paul Fasi is your Staff Planner.

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

1. MR. DAVID WARD of FRAMPTON & WARD LLC on behalf of OLOWALU ELUA ASSOCIATES, LLC requesting a State Land Use Commission Special Use Permit for Camp Olowalu to conduct commercial camping operations on land located within the State Agricultural District on Honoapiilani Highway at TMK: 4-8-003: 081 (por.), Olowalu, Island of Maui. (SUP2 2013/0022) (P. Fasi)

Mr. Paul Fasi: Good morning. Without repeating what the Director said, I'm just going to go over the governmental regulatory requirements and the applicant has a two-hour presentation for you. The applicant's requesting a 20-year State Land Use Commission Special Use Permit to expand its current camping operations utilizing several improvements with modern technology, composting toilets, gray water system and PV. They're also going to improve the orchid planting nursery onsite.

The proposed camp, the expansion is 6.3 acres of 28.8 acres. Of the 28 acres only 6.3 acres is the actual camp ground. The State Land Use designations are as follows, Ag and Conservation. The Maui Island Plan it is in the Planned Growth Area. West Maui Community Plan it's Agriculture and Park. County zoning is Agriculture and R-3.

Pursuant to Section 205-6 of the Hawaii Revised Statutes, Special Permits which this falls under the Planning Commission, this Planning Commission may permit certain and unusual and reasonable uses in the Ag and Rural Districts other than for which those districts are classified and then there are six guidelines that they have fall under. The applicant's request satisfies the definition of unusual and reasonable use.

Reviewing agencies, the Department did transmit this to the appropriate governmental agencies. There are no significant comments returned and the comments that were submitted, the Department feels comfortable that the applicant satisfied their concerns. As far as the Countywide Policy Plan, the proposed use has been in existence for approximately 45 years. It remains in

harmony with the Countywide Policy Plan, the Maui Island Plan, and the West Maui Community Plan. It is in the SMA, but it is not in the Urban Growth Boundary. They do have an SMA Assessment application submitted to the Department for their development of the improvements. So after this is decided upon the Department will then review their development which consists mainly of tent platforms and the septic systems and...not septic systems but composting toilets and the IWS system. As I said before it's not in the Urban Growth Boundary. It isn't in the Planned Growth Area. It is in harmony with the guiding principles of the Maui Island Plan Directed Growth Plan.

As far as testimony is concerned as of today, the Department has not received any communication regarding this matter. The applicant is requesting a 20-year permit and I believe the Department has reviewed back down to two years. The concern there was perhaps that we just kinda wanna review how the development's gonna go and what effects it will have on the environment. And then the Director will have an opportunity to review the application for extension beyond that two-year period. We don't have any real...it's not a red flag and we don't have any real concerns with the development and the Department is overall pretty comfortable with this. That concludes the Department's report. I'll turn it over to the applicant ...(inaudible)...presentation. Thank you.

Mr. Dave Ward: Good morning, Chair Lay, Members of the Planning Commission. My name is Dave Ward. I'm with Frampton & Ward and I'm here to request a State Land Use Commission Special Use Permit for the expansion of Camp Olowalu into agricultural lands.

I'd like to introduce our project team some of who are here today. The onsite camp manager is Tim Aubrey and he's here today available for questions later. The land manager, Glenn Trimble with Olowalu Elua Associates. The project engineer is Linda Taylor and she's here available for questions. The archaeologist is Mike Dega. Peter Niess helped us with the graphic design that we inserted into the packet, and again I'm Dave Ward.

As far as the presentation today what I'd like to do is talk about the property itself, review it. Go through a little bit of history related to the camp and then talk about the proposed project and then also review mitigating measures related to the project. So again, the landowner is Olowalu Elua Associates. The TMK itself is 28.9 acres. The proposed area for the commercial camping is only 6.3 acres within that TMK. The State Land Use Designation is Ag. The General Plan, community plan are Park and Agriculture. The zoning is Agriculture and it is within the Special Management Area.

The TMK is in red that you can see on the screen. That's the physical TMK. This is the Olowalu General Store which is an easy thing to see out there. This is the Olowalu manager's house. This is Kapaiki. This is the area we were proposing here. This is just a slide that shows more an aerial overview, again, Olowalu General Store, the village here, Hekiwi Point, you can see the production of the nursery here. Again, the manager's house is here, proposed area. This is the more the governmental I guess slide that actually technically shows the area and it's area that is shaded in green and hatched and that represents, that's 6.3 acres right there. The existing camp is just makai of this area.

So what I'd like to do with the next couple of slides is kinda just again orient you with the camp site itself. Many of you recall that we were in front of this body a few years ago for an intersection on Honoapiilani Highway that Driveway D and with the improvements of that Honoapiilani Highway,

Driveway D, kinda the historical access to the camp was closed and the access moved to the manager's house entrance. So that's what these slides down. This is traveling on Honoapiilani Highway heading towards Lahaina. You can see there's this large storage pocket for left-hand turns into the manager's house driveway which is there. This is the same just getting a little closer. You can, you can see the storage lane here. And also you can see the accel lane out of the manager's house.

This is coming the other way. This is going towards Maalaea. Again, there's a large pocket on the side of the road for storage turning into the manager's house and then this is just a closer view. You can actually see the Camp Olowalu sign there. Once you turn into the manager's house, this is looking directly makai and then you take an immediate left and you're on this gravel road right here which heads toward the camp. This is just more slides of that gravel road. This is just the access road towards the camp. This is right at the entry to the camp and about six months or so, ago or so, Olowalu Elua went through a process and began some cleanup in the camp and with that they installed this little turn around area which is kind of new. If you haven't been to the camp recently you wouldn't have seen it, but it's really nice, a innovative idea. They used some of the kiawe that was left over kind of to create the barrier and then planted some native plants and some other plants in it. This shows a citrus area which is also right at the entry. This is the area I was talking about that was closed. The kinda historical access to the camp was directly off of Honoapiilani Highway. That was closed again with the improvements for that Driveway D which is that driveway to the mauka subdivision. In this process, we are looking to install an emergency gate here that could be used if there's an emergency and also could be used for light utility for bringing large trash trucks and things like that.

These are the closest neighbors. So this is, this single family home is directly adjacent to the camp. And then the next probably closest is actually the Village at Kapaiki, Kapaiki which is across the highway. We met with...personally Tim and Glenn, and I met with all the surrounding landowners and talked with them about the project. So we feel they're comfortable with this project.

This is the check-in area for the camp. So when you...when the visitors arrive they come in and check in. This actually is Tim, who is the camp manager, this is basically the back of his house. So they check in right at his house. These are cabins, the existing cabins at the camp. Again, if you haven't been there, you know, in many years, you can see the vegetation and just how nice the landscaping's done around there. Tim really takes pride in keeping the place clean. You can see that here also. This is looking at the mess hall which is the existing mess hall on the site, and then you can see the groups in front of the mess hall. This is inside the mess hall. Again, this is within the existing cabin area. When people rent the cabins they also get the use of the mess hall, and you can see it's nice and clean. They did some upgrades to it recently, you know, keeping it in good shape. This is actually the onsite manager's house right here. So on the other side of this is that check-in area. So they basically they check in right on the back of Tim, Tim's house. He lives there with his wife and his new baby. This is the area for luas for the existing cabin rental. This is just looking makai. You can kinda get an idea of the proximity of the ocean here. It's really right on the water, beautiful location.

This is standing on the beach. This is looking towards Lahaina, and this is looking towards Maalaea. One of the things you'll notice is the, you know, it's kinda a natural berm here along the top of the bank here which is nice. You also see that the shoreline has been significantly cleaned

up. The owner, Olowalu Elua worked with the State to clean this shoreline and in doing so, it's kinda opened up lateral access along that shore for everyone which is a really nice benefit for the public.

This is the ground camping area within the camp. So this is kinda towards Lahaina from the cabins and there's a number of ground camping camp sites in this area. This area has been recently...so this is when I said they had done some clean up out there. This is the area where the recent clean up took place and there's also a portion of the area for which we're asking for this special use permit. You can see this area has been grassed. It's a little hard to tell but there's some mango trees that were planted. The company had an opportunity to get some mango trees from a neighbor and they took that opportunity and got those trees permitted to be installed and worked with an archaeologist for monitoring during the installation but they took that opportunity to get those trees installed.

Again, this is the area that we're...a portion of the area that we're talking about for the proposed use. You can see here that's there's a berm that's been created here. This is the makai side. This is mauka so you can see that berm is in place for helping to assist with drainage. Again, this is just more shots of that area looking out towards the road. And then this area here is the area that as...if this is approved and as we move forward they would continue to clean up, you know, more of that proposed area within this request.

Okay, now I'd like to give just a brief history about the camp. The camp has as Paul mentioned, the camp's been in operation since kinda the mid-50's. These photos that I have here were shared with us by the McBarnet family which is kinda long-term kamaaina family here. There's some great photos. So I'm gonna kinda cruise them but they're really interesting to look at. One of the things that I think is interesting is it also shows an evolution in the camp. That previous five, real quick Dean go back, that previous slide you can see this is just, this is just a hut on the water. You know this kind of the beginnings of Camp Pecusa. You can see, you can see the name there, Camp Pecusa which was the original name that was established by the churches that set the camp up. They had a lease with Amfac, Pioneer Mill Amfac, to...I guess it was Pioneer Mill at the time, excuse me, Pioneer Mill at the time to lease this land and to have it as an area for camping for church and community.

This is the construction actually of the resident's house, the manager's house out there. Again, you can see the...(inaudible)...out there on site. This is installation of utilities for the mess hall that is there now. These were, we believe these were actually the original cabins or tents that were out there onsite. They're more of an army style type tent as opposed to the cabins that are there today. Again, you can see the buildings were in place at this time. This is great photo of the mess hall, the existing manager's area and then these tents out in the open. The thing I really love about this is that, you know, this is from the 50's and this is aerial photograph in the 50's, right. You climb the tree. This is the guy's up in the tree taking the photo. Nowadays guys would get their GoPro and whatever those little remote helicopters are to take these kind of photos. I love this photo. Again, this is, this is actually Alex and Terri McBarnet as children. And I spoke with, I spoke with both Terri and Alex over time on this and I spoke to Alex just last week about his memories and he just really talked about you know, how it was a great community place. That you know, the churches were involved but realistically it was place where people could come together. And in those days he said that people really didn't have the mobility that we have today and so it was great

place for kids to come and be able to, you know, enjoy the water which he said they just really didn't get to do as often as kids get to do today. And this is what camp's all about. I mean, this is from, this says 1954, it says dressed as girls, so that's what camp's all about right there. So that's kinda the early days.

And the camp was run by the churches and kind of in the late 90's when Olowalu Elua was looking at purchasing this property from Pioneer Mill there was a lot of discussion in the community about the camp and there was real desire for the camp to be maintained. And there were articles in the paper and stuff like that. Again, really pointing out how special this camp is. You know, there's not a whole lot of camping opportunities on Maui in camps themselves and even fewer on the ocean. You know, there are the State parks. In Hana you can rent cabins out there and obviously up on Haleakala but there's very few opportunities for camping on Maui.

During the transition period in the late 90's and kinda early 2000, Holy Innocence was actually managing the camp at that time and they were seeing that the insurance costs were continuing to rise, there was significant working capital improvements that needed to be done at the camp. And you know, they got together with some of the other churches who had been involved with the camp and went out into the community and really talked story with people about camp and you know, their desire to keep it available for groups to visit there. And they also you know, talked to Olowalu Elua Associates and after those discussions were complete the churches decided that Olowalu Elua would be the best steward for this camp. And with that, came a commitment from Olowalu Elua that they would continue to have the groups there that had frequented the camp, you know, and kinda maintain that type of camp, that campy feel out there.

These are just some of the improvements that like I said the camp had kinda gotten to a point of some disrepair. This is a little just before and after. You can see the improvements that have been done to the inside of the cabins themselves. This is the outside of the cabins and the campgrounds. The campgrounds had really become really overrun. So it was really a nice improvement. You know, Olowalu Elua is willing to spend a little bit of money and clean it up.

Okay, so that's a little bit about the history. Now what I'd like to do is talk about the proposed use. And again, what I'd like to do is go through this and then if there's questions, technical questions later we do have consultants here to talk about, you know, things like if there's engineering questions or anything, Linda is here to talk about that.

So this was provided in your packet and this is kind of an image of what we're looking to do here as far as part of this commercial camping. And I'm kinda gonna try to keep this brief and consolidated as I can. There's two types of...first let me just orient. So this is the existing cabins here. This is the mess hall here. This is the onsite manager's house here. This is that turn around that we talked about, and this is the driveway in up here. This is Honoapiilani Highway. So with the improvements that we're talking about with this expansion of the camp, we wanna make sure that you know, we continue to preserve and respect the area, and also protect the natural resources and other things in the area. So all of that kinda played into the design of how this expansion of the commercial camping could come about. So one of the things we are looking at is moving...moving the parking and kind of all the travel way further mauka. So moving the parking up behind this proposed area for the camping, and also of course, you know, next to where you can check in and some parking over here. But again, trying to move that automobile further away from the beach.

There's two types of clusters that we're talking about having included with this commercial camping. There's tent platform clusters which this kinda purple area represents. So there's a cluster there and cluster here. And there's also ground camping clusters. And the concept between...about having these clusters is to provide an area that has its kind of own independent utilities to it and kind of a nice size also so that each of these clusters will have their own composting toilets, their own gray water showers, their own place for people to wash up their utensils and things like that. So those are depicted again on this slide. You can see that this is a tent camping area or a platform area kind of every other tent platform there's an area for a restroom, shower right there next to it.

So this is just more general information about it. The tent platform clusters are expected to be kinda six to eight of these tent platforms. The ground camping is more 12 to 15. The infrastructure that's provided for those is adjusted such that it can meet that demand. The maximum number of clusters that we think we could have in here is eight, although we think that might be really the maximum. We really don't think we might get to that. This would be developed over some period of time and we'll want to keep that open space feelings, you know, so we just have to be careful about that. Each of the areas have its own, its own infrastructure and we're estimating potentially another 150 campers at full build out.

So right now these are the existing cabins you can see. They have six to eight cots in them. The proposed tent platforms we're talking about there would be wood structure with a semi-permanent tent on top with two cots within the tent. The tent platforms themselves are projected to be 14 x 20 platform. They'd be about three feet about the ground. This provides for, you know, you get away from the bugs and the water and some of that stuff, and again, we're trying to provide a range of camping experiences here. So this would just be one of many, of many alternatives we have for camping out there. I...again, two cots per tent. The tents will be made of fire retardant material. We did work with the Maui County Fire Department about requirements that would be needed for these tents which is what you see here with the separation of the tents between each other. The ground camping clusters again, 12 to 15 tent sites per cluster and then those tent sites will actually be numbered and maintained. So it's not like it's just kinda free-for-all out there, it's actual sites.

This is the engineer's diagram of what we're talking about. Kind of a...this shows two of the tent platform clusters here, and then one of the ground camping clusters here This shows some of the technical information about the types possibly of the composting toilets that we would have on site and the number of them. This is a very...I wanna make sure this is a concept plan. I just wanted to make sure...composting toilets are something that I'm not that familiar with. I don't use 'em everyday, but I have...in this process I've done some research and actually seen them at Haleakala and stuff. So the composting toilet itself, one of the key pieces is that the catchment area is actually above ground. So that really provides for, you know, something that's really light on the natural resources. The material is actually composted within this bin, you can see there's a crank here which is turned and then every so often you do have to take some of that composting material out. We're working with some of the eco guys to hopefully use some of that composting material with them, but if not, it would go to the landfill. Again, this is an idea about composting toilets. You need them to be off the ground so that this tank can be underneath so that's just what that image is showing there.

As far as the gray water shower system, again this is just conceptual. We don't...I don't really think we're gonna have any laundry. I just found this image online but I thought it was helpful. It shows sinks and a shower going down into a tank which is vented. From that tank, we plan to pump that water and then use that water for subsurface irrigation on site. So that's the way that that works. Both of these improvements are gonna require permits with the State of Hawaii Department of Health and Linda can tell you more about that, but we'll obviously be working with the Department of Health and meet all of their rules.

Okay, so now I'd like to talk a little bit about some of the surround...the things that surround the camp and again, I mentioned that these had an impact on the design parameters for the proposed project. There's an archaeological site just on the Hekili Point side of the existing camp which is here and it's a burial site. It's a site where there's known burials and there's also some scatter in that area. So back in the, I think it was kinda the mid-2000's Olowalu Elua worked with the Maui County Burial Council and came up with a preservation plan for this area. So there's a really large preserve over there that's been established and it's depicted with this plaque here you can see that's actually been noticed for it.

Olowalu Elua went through all of the implementation of the burial treatment plan for this area. But over time, you know, there has been some growth in this area and you can see that this `opiuma which is an incredible weed, it's tree but it acts like a weed has started to really encroach in here and this area needs clean up. So part of these improvements will also assist with that clean up because we're gonna clean to and into the, into this protected area and we're with Hinano Rodrigues, we're working ...(inaudible)...Kapu, Linda Mahina about this clean up and also the installation of a crypt in the center of this preservation area but that's kinda ongoing discussions that we're having now. But again, the key is long-term preservation of this site and we believe that by having this entire area cleaned up really helps preserve this area. We're gonna do things like you know, just be certain that all campers that are there understand what this is so there's no problems here. It will obviously be noticed and marked off so that it's very clear what it is.

Again working with this area. This slide is great. It doesn't quite pop in this slide, but you can really see the reef system right here just adjacent to the shoreline and what a pristine area this is. Everybody, I know everybody has stories about being out here because it's such a wonderful spot to be on the water and with this proposed, with this proposed project we know that it's our responsibility to respect this and to integrate innovative measures into this to protect this resource. So again, we talk about the way that we are...the wastewater, you know, using the gray water, the composting toilets, all these things we feel are important. I failed to mention that when Olowalu Elua took over the camp, they also...that lua that had been there for a long time and kinda didn't have sufficient septic or sewer system there they did install an aerobic system there. So that was actually done some years ago, but again trying to protect resource making sure that we don't have an impact here. I pointed out on the slides there's that berm that will act as a protective area. The berm in the grassed area that we saw act as a protective area to retain and percolate the drainage onsite.

And then also, we believe that notice in an important thing. Tim does a good job of telling people about the natural resource and we believe with the camp getting bigger that we're gonna have to do even more work to make sure that people understand when they go in the water what they're doing out there just to make sure that they're not putting their hands all over the coral, and you

know, doing the stuff that we know is not something that you do out there. So they've actually been in development of a kinda little booklet. It talks about, you know, the whales during whale season, talks about the seals, talks about the marine environment out there.

So I wanted to talk a little bit about the camp itself, and again, the camp continues to evolve and I think about three or four years ago there was a...and maybe even two years ago there was a situation where we had kinda more permanent campers on the site and part of the reason that we're looking at doing this is because...that having that situation where there people, there were some shorter term people there and some longer term people there was not a great mix and so it really got us to focus on what this camp is all about. It's about short-term stay. It's about 14 days or less. That's what we're really gonna focus on. And I what I'd like to do is have Tim come up and just kinda just real quickly tell you a little bit about how the camp rules work and the security works on site and then I'll come up after that and then conclude and then we'll be available for questions. So it's okay, Tim if you could come up. This is Tim Aubrey, he's the came manager.

Mr. Tim Aubrey: Tim Aubrey. I'm the manager at Camp Olowalu, onsite manager. Seen you guys on T.V. and it's a little intimidating. Basically how it works is they'll come to the check-in window. I'll have them go get a site, and they'll come back and sign a waiver form which will indicate where they're at. They'll go back and they'll just start camping. We do have security there. I'm there full-time. My security is at nighttime so I have an onsite guy that for right now he's staying at the campsite in a tent. So he'll you know, make sure that 10 o'clock is quiet time and that's really enforced. There's no open fires. He makes sure that people are real good about that. You can bring a hibachi. So we've just been real strict on, you know, making it a real pleasant place for everybody. If you have any questions, I'll be more than happy to answer them.

Mr. Ward: Okay, so just as far as a wrap up. You know big picture this is a historic existing use in this area and it's a great alternative for both community members and visitors alike to be able to enjoy this area, you know, in a safe environment and they've been doing it historically for years. Tim's got a group that has been coming to the camp for 35 years. It's a marine, high school, a high school group out of Seattle that studies that studies the marine environment and they've been coming for 35 years. You know, it's not anything new. We've got a lotta local families who come down here. As a matter of fact, my son was down there with a group of families right before Christmas last year. You know the churches still use the facilities. We do offer for visitors also and different groups come from off island and use this facility.

The design that we're talking about we've tried to really keep it campy. We've tried to keep it light impact. You know, gravel, gravel driveways not hardened driveways, composting toilets. This, you know, and the other thing I wanna say is that you know Olowalu Elua does have a track record here. They have been managing this camp for you know, almost 15 years now and I believe they've had a good track record. I do know that you know like everything else you go in and out, things change a little but you know, they've done a great job and you know, I think just looking at the grounds themselves really depict that. It's really, it's really a nice environment.

The last thing I wanna talk about a little bit is the time period which Paul mentioned. When we came into this process we were hoping that we could get you know, 10 years or so on a permit. There is gonna be a significant investment that Olowalu Elua is gonna be making. We anticipate you know, \$300,000 worth of improvements over a period of time. That's not gonna be day one,

but over a period of time as you install these composting toilets, this gray water system, some of the cleanup that they've been doing out there, over time that is gonna be...you know, that kind of investment which is significant and we are hopeful, we wanna work with the Commission and with the Department, but we are hopeful that we can receive a reasonable period of time for this permit to kind of recoup some of that, some of that investment. Otherwise, I think we are available for question and again, I mentioned before Linda Taylor is here if you have specific questions on engineering or anything like that. Thanks, Ivan.

Chairperson Lay: Commissioners before we open up to questions, I'd like to open to public testimony. If anyone wishes to testify at this time, please step up to the mic and identify yourself and you have three minutes.

a) Public Hearing

Ms. Irene Bowie: Good morning, Irene Bowie, Maui Tomorrow Foundation. I would just like to comment that I hope that you will take the Planning Department's recommendation with a two-year SMA Permit for this because the impacts, you know, we need to see that gray water system and the other things that are planned for it really work. That reef, the Olowalu reef is one of the few pristine reefs that we have left in Maui County. And it is a main breeding ground of manta rays, one of the few main breeding grounds of world. It's a haul out area for monk seals. And also there was as study done by marine biologists a couple of years ago that the spawning that occurs at Olowalu reef feeds the islands of Lanai and Molokai their reef systems too, so it's really critical for all of Maui, Maui nei's reef systems and I think with, you know, the different plans that Olowalu Town and all the other impacts that are being looked at in that area, it's, it's just wise to go along. Let's hope everything goes really well on this, and then that SMA can be extended, but you know, I think the Planning Department is very wise in their recommendation and I hope you'll consider that. Thank you.

Chairperson Lay: Commissioners, any questions for the testifier? Thank you very much. Does anyone else wish to testify at this time? Seeing none, we're closing public testimony. Commissioners, you have any questions? Commissioner Wakida?

Ms. Wakida: Just a disclosure first of all, I am a member of Holy Innocence Church and I used...Holy Innocence at one time had the stewardship of Camp Pecusa and I was on the committee that oversaw the activities and different cleanups and stuff that we did down there.

Chairperson Lay: Commissioners, any questions? Commissioner Ball?

Mr. Ball: Honoapiilani Highway intersection is there plans to signal that?

Mr. Ward: No, there isn't.

Mr. Ball: I guess I'm hoping not.

Mr. Ward: None. To my knowledge there's not any plans to.

Mr. Ball: I mean there's no requirement I guess?

Mr. Ward: No, there's definitely no requirement and as I kinda pointed out on those first slides that intersection that's being used now by the camp is really fully improved. It's got really long storage pockets. The old access to the camp was not allowed by the State. It was not an approved access by the State and so when the improvements were done for that Driveway D which came in front of this body that old access needed to be closed. So with that, the State approved that the access be moved down to the existing access at the camp manager's house. Yeah, that's a great question.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: What is the current permit that the area is operating under?

Mr. Ward: There's no permit that the existing camp is operating under. It's an existing nonconforming use to my understanding and the operations are mostly within the conservation zone. If you look at the map, this is the conservation line here. So all of the existing use is within the Conservation zone. And I've provided I believe there's a letter from 2007 I believe that the State issued. And there's discussion about that existing nonconforming use and where the State confirms that.

Ms. Wakida: So there was no permit for everything going on is that what you're saying?

Mr. Ward: To my knowledge there's no permits for the existing camp operation within the Conservation zone. It's allowed by the State.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: Irene Bowie mentioned gray water. Approximately how many gallons you estimate per unit will be used daily?

Mr. Ward: Yeah I can have Linda come up and maybe give you a rough calculation. If it's okay, Ms. Wakida I'm sorry. I wanna make sure you also understand that since we're going into this Agricultural area that's really the trigger. Since we're in the Ag area that's the trigger for the special use. I'm sorry I didn't follow up very well on that.

Ms. Linda Taylor: My name is Linda Taylor with Linda Taylor Engineering. Good morning, Commissioners.

Chairperson Lay: Can we move the mic a little closer please?

Ms. Taylor: Okay.

Chairperson Lay: Thank you.

Ms. Taylor: The amount of gray water that will be coming out will just be from the shower use and cleaning up after the kitchen. I don't really have a solid number for that. I did do some rough calculations and if the whole camp gets built out the gray water was less than I think 1,500 gallons a day that's if everything gets built out.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: I understand that that gray water will be held in tanks and then distributed to the landscaping I am correct?

Ms. Taylor: Yes, subsurface irrigation only nothing aerial.

Mr. Freitas: So it won't be a running flow. Thank you very much.

Ms. Taylor: You're welcome.

Chairperson Lay: Commissioner Ball?

Mr. Ball: I don't know if I missed it or is there a part about public showers in your presentation?

Mr. Ward: The showers will be within the clusters themselves. There will be showers for the campers there. I don't know exactly how the public showers will be addressed. Right now the use is for the camp itself.

Mr. Ball: I guess that's what I meant the campers shower.

Mr. Ward: Yeah, yeah, for the camp, yeah. And so the existing showers for these cabins will stay the same and they're kind of in the areas of the luas and those go into an aerobic wastewater system. The new showers will be integrated into each of these clusters and those showers again will go into this gray water system, held into a tank and then pumped for subsurface irrigation. That pump also I didn't mention we plan to use photo voltaic for that pump so it would be during the day. It's mighty sunny out there most days. So we intend to install photo voltaic of the existing structures.

Chairperson Lay: Commissioner Ball?

Mr. Ball: How many campers can you fit in those? More of a selfish question.

Mr. Ward: The way that we've estimated is is that in each of the tent platform tents we, again, two cots per tent. And then for the ground camping, again since the sites are number and you're only allowed kinda one tent per site then that's really we estimated two people there. We believe that at full build out if we were to get up to the eight clusters there'll be no more than 150 extra people or 75 in...(inaudible)...

Chairperson Lay: Commissioner Ball?

Mr. Ball: I guess kind of a follow up to that. So and this is more for the public knowledge for the site is can people rent out the whole tent site or the whole the...(inaudible)...

Mr. Ward: Yeah, right now, the way that it works right now is that the existing cabins here many times that's the way it works. Families will come or groups will come and they'll rent out the cabins themselves and then they also put up tents within the cabin area and other places. And so Tim

works with them. They can call make reservations in advance 'cause actually typically the cabins are booked on the weekends pretty far in advance. But they make reservations in advance and then they're able to come and utilize those and they know it's going to be available.

Mr. Ball: Well, I really like the idea because you know, being part of a canoe club we always are looking for places for the kids to camp and there is nowhere to camp on the beach unless you do it illegally on this side.

Mr. Ward: Right.

Mr. Ball: So I really like the idea. Costs for camping there is?

Mr. Ward: I think, hey Glenn do you want to go over maybe just what you guys expect related to the...I'm gonna let Glenn Trimble answer that. Maybe Glenn you can talk about what the existing costs are and then what you guys propose--

Mr. Glenn Tremble: Good morning, Commission. My name is Glenn Tremble. I'm with Olowalu Elua Associates. And I've been the manager there for several years. I'm also a small partner. Currently the cabin facility sleeps I think 36 people in the cabins and we charge I think 600 for the whole 36...that area of the cabins. As far as the tent camping goes, we charge \$15 a night per head. The new area that we're hoping to develop would have the tents at probably \$50 a night for two people in the tent so it's \$25 a head. That's where...we don't wanna price ourselves out of the market we want it keep it camping and keep the stays limited and continue on the use that's been going. We just have an extremely high demand with nothing like these on Maui we're really hopeful that the Commission would support this.

The one thing I hope you can incorporate is lengthening the time period of the permit. It is a significant investment for us and we wanna do a good job and I think we need a few years further than the two years, the term in there. Thank you.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: Two things. The first one, I wanna go back to the picture of the lua.

Mr. Ward: Okay.

Mr. Medeiros: Okay, no the...

Mr. Ward: Oh, the new one. The composting toilets.

Mr. Medeiros: Yes.

Mr. Ward: I'm sorry.

Mr. Medeiros: Okay, that one will looks really good. I like the idea of it, but you know how would somebody with a disability access it?

Mr. Ward: Good question. I guess...

Mr. Tremble: I think we're--

Mr. Ward: You're gonna have come back up. You wanna come up?

Chairperson Lay: Please step up to the mic, identify yourself if you have information.

Mr. Tremble: Yeah, right now the existing campground.

Chairperson Lay: Identify yourself please again just for the records.

Mr. Tremble: Oh, Ron Tremble, Olowalu Elua. Right now the exiting campground the bathroom facilities are at ground level. I believe that in the design of the tent camping area we're gonna have ramped access to the facilities and the openings and doors would be wide enough for wheelchair access.

Mr. Medeiros: So all of it will be ADA?

Mr. Tremble: Not all of it. We're gonna have areas that will have the ramps accessible. But I don't think we're planning on every tent platform to be ADA.

Mr. Medeiros: And would you be offering discounts to community clubs like canoe clubs, boy scouts and things like that?

Mr. Tremble: We hold our rates very reasonable, and we do allow a lot more people in the cabin area, you know, than the 36 and some people bring 50, 75 people and use the facility with tents and other things. We only charge the flat rate of 600 so they get a real discount on things when they do. We're supportive about the community groups that come and use the facility.

Mr. Medeiros: Okay, 'cause I'm a Lahaina boy. I remember Camp Pecusa. My memories of Camp Pecusa is just oh, wow, I wanna go back. The thing about Camp Olowalu, you know, I really like what you guys are doing you know, with the preservation and everything like that and trying to keep it as much as Camp Pecusa used to be and everything. However, I am a community minded person you know and while I couldn't make it a condition I would really appreciate you know your facility be more open towards community groups.

Mr. Tremble: We do our best, and I receive a number of calls from different community groups and I pass on a little bit of kamaaina if they call me or they call Peter or Jim or any of the partners. We try to get 'em in and Tim would support that. We do work with family reunions, graduation class reunions, different community groups all the time. So, I think we do a good job at trying to keep that cost very low.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: This is a question for I think, yeah, Mr. Ward? Will this campground be open to the public and by that I mean, if somebody, a family wanted to come out for the day and picnic in this

area will that be allowed?

Mr. Ward: The State, there's a State beach reserve, let me get my slide up here. So the State itself, again, when I mention that Olowalu Elua had worked with the State and opened up this area right on the beach, literally right on the sand, they cleaned this, the State area up significantly. It was very overgrown with kiawe and other things. With that implementation that really opens this beach for the public to come out and they're welcome to come out onto the beach. The area behind back here my hunch is that Tim will work with people, but I think I would be hesitant to say that anything goes because when people come and they're camping here we wanna regulate the number of people who are using the facilities and all those types of things. So I do think that Tim is very good at working with folks. I know that you know, he's been here for many years and kinda knows people and understands the way people are here on Maui. So he has been good at working with people to allow them to come down park, access those types of things, but I don't, don't think that we could say that the entire area is open to the public at any time because if we do that, I think that we just run the risk of having too many, you know.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I have a question for Michele about the Conservation area. There's a Conservation area that runs all along here. Is that...what are the restrictions or what's allowed within the Conservation area as far as public, public use?

Ms. McLean: Just in general, public beach reserves are open for public recreational uses.

Ms. Wakida: Okay.

Ms. McLean: Any sort of...any more intensive use or structure or something like that would have to be either allowed outright or through some sort of permit. In the State Conservation District there are different subzones and each subzone has different uses that are permitted outright or that require a permit from...through DLNR.

Ms. Wakida: I guess my question is for example, there's a Conservation zone running along the front of this camp and then it extends down and the public has access to that area?

Ms. McLean: All beaches in the State are public beaches.

Ms. Wakida: Beach...well, they've delineated, excuse me, beach and then Conservation line. It seems like it's two separate.

Ms. McLean: I don't know where the public, where the line delineating between public and private land would be. Where it's public land then that would be available for public use. Maybe Dave can explain on this map where the private property ends.

Mr. Ward: It's not as clear as it could be. This line here that I'm pointing to that's a depiction of the property boundaries. So everything mauka belongs to Olowalu Elua. The areas that would be within the Conservation area it would be the allowed uses within Conservation but it would be private property. The area, there's about a 100 feet of beach reserve here. It actually varies in this

location, but typically in Olowalu it's about 100 feet. It usually a little, it's a little greater in some places here, but there's about 100 feet that actually is owned by the State and that's public. That's open to the public.

Chairperson Lay: Commissioner Ball?

Mr. Ball: As a follow up to that question maybe you can tell us what the current usage is now as far as, you know, are there 100 people that go down there every weekend that we're gonna be kicking out or are there everybody that goes down there is registered and you know, how many people randomly go...

Mr. Ward: There's no change. There's absolutely no change from what we're talking about related to the use of the beach by the public. There's no change. That's gonna continue to be exactly the way it is. We're just requesting that the area mauka of the old cane haul road, basically the area that's Ag be permitted for an expansion of this camp for a commercial use. So there's really no change anticipated down here. People park down on the corner, they walk through. You know, there's lots of folks that use this beach. I know people paddle board right along the coast here. I do know that there have been a lot of folks have mentioned to me that clearing this beach has been really nice for the public because before there was so much kiawe and other things you couldn't basically use the beach because it was all overgrown and so you know, working with the State and providing the manpower and equipment to do that has been I think helpful for the community.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Well as a follow up to that you've cleared the beach there, what is the public access to that area?

Mr. Ward: I'm sorry, so people park a lot of times along the side of the highway right at the corner at the Mile Marker 14 is where generally people park to then access this beach. So this... doesn't show it very well, does it...so this is the area we're talking about Camp Pecusa. This is that single family home here and then people park along here and then walk along here. They can also come into the wharf area which is right here and then have lateral access along the beach for the public.

Ms. Wakida: Well, no matter how you look at it it's quite a hike for a family to hike down into that area to get to that beach.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Dave, Olowalu's private property I'm still a little bit confused on the private property boundaries yeah?

Mr. Ward: Okay.

Mr. Hedani: All of the beachfront of Olowalu is bounded by a government beach reserve so the entire coastline of Olowalu is State property?

Mr. Ward: Yes. There's a very small portion that's private but there's a public access across that.

But yes, the answer is yes.

Mr. Hedani: So there's a government beach reserve that covers the entire coastline of Olowalu?

Mr. Ward: Except for very small places and there is lateral access there, so yes. The answer is yes.

Mr. Hedani: So from the edge of the...typically from the edge of the vegetation line demarcates private property. In this particular case, the government beach reserve includes the vegetation line up to a 100 feet?

Mr. Ward: Yes, it comes...generally a 100 feet up and so yes, there are areas including this area where it would be past the normal vegetation line, yes.

Mr. Hedani: Right, okay. So from the standpoint of lateral access, the government...it belongs to the State essentially?

Mr. Ward: Yes.

Mr. Hedani: So that's not a problem if the State wanted to they could create a path through that entire coastline that would be open to the public?

Mr. Ward: Absolutely.

Mr. Hedani: If they had the money to do it and if they had the willpower to do it?

Mr. Ward: Right.

Mr. Hedani: I like the idea basically of this project. I know there's people that go down to Olowalu and camp and they're invaded by scorpions and centipedes and whatnot, so the idea of having something off the ground is really comforting to some degree I think. And it looks like it's much greener you know, than the existing facilities which I've been down, I have checked it out because people wanted to go camping and it's like dusty and it's basically it's kinda dusty and dirty and this would probably be a heck of a lot better. One of the concerns that I had was the proposal to run the leachate into the leach field from the composting toilets. Is there a way to avoid that by just removing the leachate? Having it self-contained and removed as opposed to going into the ground?

Mr. Ward: Yeah, if it's okay, I'm going to let Linda Taylor respond to that since she's the engineer?

Ms. Taylor: Linda Taylor. Linda Taylor. There's very little leachate that comes out of the composting toilet. If they're working properly there really should be like zero. If there is gonna be some leachate it's less than a pint per person per day.

Mr. Hedani: I guess my question then would be if it's a small amount can it be prevented from going into the ground?

Ms. Taylor: It has to go somewhere. The way that these composting toilets operate is by evaporation. So their intent to evaporate 100 percent, but the backup is to have the leachate to go into a underground leach field and that also can pass through a tank first. I think that's what we're gonna do. It's the leachate from the composting toilet per the Health Department requirements has to go through a type of tank, septic tank and then goes through the soil absorption that to percolate back.

Mr. Hedani: Yeah. Okay, I'm just a little concerned because I think gray water is a great idea you know from the kitchen sinks and the showers and that's kind of natural stuff that can go into the irrigation. When I think of leachate I'm thinking of a landfill and the leachate that comes out from the bottom of a landfill which is like super toxic stuff.

Ms. Taylor: You're referring to the compost I believe, the hard substance, the dried substance that comes out that needs to be removed periodically so the composting toilets evaporates most of the liquid so the leachate, when I think of leachate I think of a liquid form that most of it will evaporate. The compost that comes out it, in some parts of the country they can use on the soil. Here in Hawaii we need to dispose of that in the landfill or Eco Composting products. That cannot be reduced and the amount that is produced per toilets every four months is about a gallon.

Mr. Hedani: Okay.

Chairperson Lay: Commissioners, we have some ongoing questions, so let's take a 10-minute break. It's been about an hour if that's all right with everyone? Reconvene at 10:20.

A recess was called at approximately 10:10 a.m., and the meeting was reconvened at approximately 10:20 a.m.

Chairperson Lay: Commission is now called back to order. Commissioners, any more questions? Commissioner Wakida?

Ms. Wakida: Mr. Ward, are there plans to also install a lighting, anymore light in here?

Mr. Ward: If it's okay, I'm gonna let Glenn Tremble answer, thank you.

Mr. Tremble: We're hopeful at the platforms to have a PV lighting system with a battery operated. Minimal lighting just enough for people so they can safely walk in and out of the tents and up and down the stairs.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: Well, different topic. Well, I was just interested, I mean you gave us a picture of what you propose to use for the tents, and I mean, I think the idea of getting them of the ground sounds great. I'm just wondering how they vent because the existing structures have open, open sections at the top so heat can rise and go out. How are these tents gonna be vented?

Mr. Ward: I think they vent with like a window type material in the tent. I'll let Glenn.

Mr. Tremble: Yeah, the tent design I believe they have a separate tent fly that goes over the top and the top is actually screened and then the fly goes over it.

Chairperson Lay: Glenn, I hate do that, but every time you come to mic you have to identify yourself again. So on the recording it shows that someone

Mr. Tremble: Oh, sorry. Yeah, Glenn Tremble, Olowalu Elua. There are two separate pieces. The tent structures has got the four walls. It actually has a door which will have more like a screen door. The roof of it is screen material and then there's a canvas fly for weather protection that's above the roof so it vents all through.

Ms. Wakida: Okay, yeah it's not real apparent in these photos.

Mr. Tremble: Yeah, that's just a generic photo we took off the...

Ms. Wakida: Okay, thank you.

Chairperson Lay: Commissioners, any questions? Commissioner Wakida

Ms. Wakida: Well, it's mostly a comment. I'm real protective of the Conservation area along here. I've walked this area and I know that in front of a couple of the private pieces of property further down, the homeowners have landscaped that Conservation area and so to the average beachgoer it looks like private property and actually it's not, it's State property and I wanna be sure that we're clear here and Mr. Hedani brought this up about this Conservation section which is actually State land is actually available for public access as I understand it. And along those same lines, as I said I've walked all along here and found this forested area of Olowalu Point absolutely charming and gorgeous. So one man's clean up of a area maybe another man's destruction of a forested area so I just am glad that the DLNR is and well, I hope they are keeping an eye on what's going on here so that this remains...maintains some its beautiful virgin quality along this point.

Chairperson Lay: Deputy Director wish to ask a question.

Ms. McLean: Thank you Chair, just for the Department's clarification possibly for the Commission's as well just confirming what the full potential build out would be and just to know exactly what's being applied for and what would be permitted. Looking at your concept plan that you had up on the screen before it shows two areas of the platforms and one area of the ground camping. In the staff report it says there could potentially be four areas for tent platforms and four areas for ground camping. So the concept plan would be like your initial phase like you said it's gonna grow over time but then there would be potentially two more of the platforms and then three more of the ground camping sites?

Mr. Ward: That's correct. This was not done to try to deceive anyone it was just at the time when we created this we were just trying to show a concept and you can see it's actually marked future phase.

Ms. McLean: Right.

Mr. Ward: I don't know if that's really the best wording. But the idea is those are other areas that would include some of these clusters. And the thing is we're not 100 percent sure what people are gonna want and so we're trying to leave a little flexibility related to the ground tenting versus the tent platforms.

Ms. McLean: Thanks.

Mr. Ward: Thanks.

Chairperson Lay: Commissioner Ball?

Mr. Ball: What is your protected opening date for this if it goes through?

Mr. Ward: As we saw in the slides this area, kinda right in this area here has actually been already cleaned and grassed. So that area is actually pretty close to being available to start trying this out. So if this is approved we do hope that kinda the summer or fall we would, we'd be...we'd have some of this available. Again, I don't...we don't intend to start big. We intend to start small. So that's the goal.

Mr. Ball: Short follow up to that. You know that area looked pretty just grassy so those trees that are represented there, are you guys bringing in big trees or are you gonna plant from small?

Mr. Ward: There are large mangoes that have been planted in this area. They were planted about six months ago and they just haven't had a chance to fully fill out. I believe we planted eight, is that right, 17 big mangoes in that area. Wow, okay shows how much I know. So a lot of large mangoes in this area. They came actually from the farm right down the road. I'm sorry, the 17 is along the access way and all these areas here. So all those mango trees will continue to grow. Those are large trees.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: You mentioned...I was asking about cooking that people could bring hibachis. Are you providing any grills and are there any fire pits allowed?

Mr. Ward: We do intend to provide some grills in these clusters. In working with the Fire Department one of the comments was no open camp fires in this agricultural area. So we have committed to them that we wouldn't have camp fires. It's just part of the regulations from the Fire Department.

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

Mr. Ball: Maybe a question before that.

Chairperson Lay: One second, Commissioner Ball has a question.

Mr. Ball: And actually it's probably for Paul, so should we start talking about maybe a longer time

frame, I don't know what the pleasure of the board is, but I think two years is short--

Mr. Fasi: The Department's recommending two years, but it's up to this body to either shorten it or extend it. It's entirely up to this body.

Mr. Ball: There's no restriction. I know there's some point we have restrictions on the time frame.

Ms. McLean: Typically depending on the use and this isn't a use like short-term rental home that you see regularly. An initial time is relatively short and then extensions are typically much longer. In this case, the extension could be approved by the Planning Director. The Director could bring it to the Commission if the circumstances warrant, but it's proposed at just two years to start with and then the extensions can be administrative after that point.

Chairperson Lay: Commissioner Freitas?

Mr. Freitas: A question for Michele so you saying that it is two years we cannot extend if we so desire?

Ms. McLean: For this initial approval the Commission can set that initial time period. You guys can--

Mr. Freitas: Above two years?

Ms. McLean: Yeah, you can change that to your time period. This is just our recommendation to you so you can change that if you'd like.

Mr. Freitas: I understand. Thank you.

Chairperson Lay: Any more questions? Okay.

b) Action

Mr. Fasi: The Planning Department based on the facts presented in the Department report finds that the proposed use will not have an adverse or a ecological effect upon the property. So therefore the Land Use Commission Special Use Permit shall be valid until March 30, 2016, that's two years, subject to extension by the Maui Planning Director. The Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the March 11, 2014 meeting as findings of fact, conclusion of law, decision and order and authorize the Planning Director transmit said written decision and order on behalf of the Planning Commission. Thank you.

Chairperson Lay: Call for a motion?

Mr. Ball: I'll make a motion.

Chairperson Lay: Commissioner Ball?

Mr. Ball: I'd to amend the recommendation to change the two-year time frame to a 10-year time frame and with the recommendations from the staff.

Mr. Freitas: Second.

Mr. Medeiros: Third.

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

Ms. Wakida: I will be voting against the motion. I would like to see the impact of the camp and the improvements, the new improvements will have first. I trust that the Camp Olowalu people will do their very best but I think prudence dictates that since we are stewards of the coastline of Maui that we be cautious. Here's there's a whole development behind this coming up across the highway. So I don't wanna go for 10 years.

Chairperson Lay: We can ask for a compliance report at the end of two years to see if they are following everything that they said they would do if that might be a consideration on your part? Commissioner Freitas?

Mr. Freitas: The reason way I made the motion...second the motion is because number one, I believe it's a terrific project and the only concern was gray water, what do you call, the gray water that is being generated I don't see any, what do you call, chemicals or stuff generated, because it's camping you're basically washing dishes, taking a shower and that's the reason why I second motion. I think it's a great project and to invest money in a project and have to come back before the Commission and it costs a lot of money. I know I've been there.

Chairperson Lay: Commissioner Medeiros?

Mr. Medeiros: I will also being supporting this. Had he gone for the full 20, I would have supported that too. I believe this project is a good project. I do not...I'm one of the guys that you know, look at the project itself. Yes, there are a lot of projects and developments surrounding it but that's not their kuleana. Their kuleana is their project, okay. And they are doing everything possible to make this a good project. You know, and this ground water and everything and protecting the reefs, it's in their best interest to protect that reefs. Without those reefs they have no business. They don't have an attraction, okay, and I think you guys owes me a thank you because I helped you guys clear up that beach. I spent, in my childhood I spent a lotta time picking the kiawes out of my foot, you know, so I did my part.

Chairperson Lay: I would like to add to it also...Commissioner Hedani go ahead?

Mr. Hedani: Go ahead.

Chairperson Lay: Well, for me I shouldn't even say this this is like a secret hideaway for me, Olowalu. My family and I have always gone there forever. It's a nice, beautiful beach. It's always a relaxing spot, very quiet, and I hope we upkeep that. I mean, I love the different...the changes that you have made. You've fixed up the place. From what I seen in the last five years

tremendously. The pictures in the past where we seen the green open fields so beautiful and then, you know, little by little we're getting back to that which are improvements. So I'm looking forward to this camp going on. And we thank you for the opportunity of you guys fixing it up. Whatever you can do for us and also public access across that beach line. Commissioner Hedani?

Mr. Hedani: I'll be supporting the motion. I think for me it's a good experiment. When I look at Olowalu as a total development I think preserving open space areas for public use is nice at both ends, both ends of the coastline, maybe in the center along with the private development of the area itself. Traditionally we've gone after public parks you know for public open spaces, and this is a good experiment because it's in essence I think a private park that's open to the public that's not discriminatory to anybody that wants to use it, that charges for maintenance of the park itself so it's like a fee for service public park essentially is what they're creating. And I think from the experimental standpoint, it's a nice test to see whether or not something like that will work you know. In a State park, in a County park you get a beautiful facility, you get grills, fire pits, areas where you can make fires, beautiful landscaping, the public pays for it and no camping is allowed. In this particular case you can camp. It'll be open to boys scouts, girl scouts, community groups, other types of groups that would like to use it, church groups and I think it probably can show that the private sector can do it better, faster, cheaper and more effectively and with happier people than if the government does it. And I think because of that I'd like to support the experiment.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I support the project. The Department however, came in with a recommendation of two years, so I just feel that jumping up to 10 is excessive, I would go five, but I felt 10 was excessive, but I do support the project.

Chairperson Lay: Commissioner Wakida, I mean, Commissioner Hedani?

Mr. Hedani: I know we look alike. Although it's dealing with the reef in this particular area. I understand that the reef in that particular area is one of the most beautiful reef systems probably in the State of Hawaii and deserves to be protected. One of things I think that both the County as well as the State should look at is not the commercial camping that occurs on the land, but mooring of vessels offshore because I think they...on a good day you can see six boats anchored off of Olowalu and I'm not sure if they're dropping anchor on the coral or if they're tying up to moorings that they've illegally mounted to the bottom but it's something that DLNR should get involved in in terms of regulating where they drop anchor and how they moor so that they don't damage the reef further. In the case of Kahoolawe, I mean, in the case of Molokini, the tour boats essentially took a coral reef and turned it into rubble before they mounted permanent moorings after the fact, after all the coral was destroyed. And in Olowalu I'd like to see them do something like that before that happens rather than after.

Chairperson Lay: Commissioners any more comment? If not, we can get the Deputy Director to repeat the motion?

Ms. McLean: The motion is to approve the State Land Use Commission Special Use Permit subject to the six conditions listed in the staff report with a time period of 10 years.

Chairperson Lay: Call for the vote. All those in favor? Those opposed? And we have...this is when I come in again. For me, on Maui there aren't too many places to camp, there is legally where you can actually camp. I mean, I hate to say it you have to do it illegally, cast your pole out so you're fishing so your family can camp at a beach on Maui. To have an opportunity to have a camp that's set up to camp in a very nice environment, I'm very looking forward to being at this facility. So I'm voting in favor. Thank you. Motion carries.

Ms. McLean: So that's five ayes, and one no.

Chairperson Lay: Congratulations.

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

**VOTED: To Approve the State Land Use Commission Special Use Permit as recommended by the Department with the Amendment that the Extension be for 10 years.
(Assenting - K. Ball, J. Freitas J. Medeiros, W. Hedani, I. Lay)
(Dissenting - P. Wakida)
(Excused - S. Duvauchelle, W. Shibuya, M. Tsai)**

Mr. Spence: Good morning, Commissioners. So we're on Item D-1, New Business, Mr. Albert Kanno, Manager of ABC Development Company, LLC requesting an EA Assessment Determination for a Final Assessment for the Waikapu Light Industrial project. Staff Planner is Mr. Paul Fasi.

D. NEW BUSINESS

- 1. MR. ALBERT KANNO, Manager of ABC DEVELOPMENT COMPANY, LLC requesting an Environmental Assessment Determination on the Final Environmental Assessment prepared in support of the community plan amendment for the Waikapu Light Industrial Project, a 7-lot light industrial subdivision and related improvements at 109 East Waiko Road, TMK: 3-8-007: 105, Waikapu, Island of Maui. (EA 2013/0003) (P. Fasi) (Draft EA was reviewed at the November 26, 2013 meeting.) (The Final EA was distributed to the Maui Planning Commission at its February 25, 2014 meeting.)**

The entity who will decide on the acceptance of the Final Environmental Assessment is the Maui Planning Commission.

The EA trigger is the Community Plan Amendment.

The public hearing on the Community Plan Amendment, Land Use District Boundary Amendment, and Change in Zoning will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.

Mr. Paul Fasi: Good morning. This is a seven-lot industrial development under condominium property regime, 8.55 acres in Wailuku, County of Maui. This is the review for the Final

Environmental Assessment to issue the Findings of No Significant Impact today. This item has been before this body and it was November 26, 2013 when you did review the Draft EA. There was one comment that was made. I just passed the applicant's response to that one comment. It was basically that they use some alternative power regeneration systems.

On February 19, 2014 we passed the FEA out to you and the trigger for the EA as mentioned earlier is the community plan amendment from Ag to Light Industrial and the use of County lands for sidewalks, gutters, and landscaping. That was the trigger for the Environmental Assessment. The applicant will be back before this body again. We're going to have to process the Change in Zoning, the Community Plan Amendment which requires it to go all the way to the County Council and the District Boundary Amendment as well. So this will come back before this body for a more significant review.

That pretty much concludes my introduction of the project. I'm gonna turn it over to Cheryl Okuma of Munekiyo & Hiraga and she will go through the project in more detail. Thank you.

Ms. Cheryl Okuma: Thank you. Good morning, Chair Lay, Commissioners. We appreciate the opportunity to be here before you regarding the Wailuku Light Industrial project. Sorry about that technical difficulty on my part. Anyway we are here before you as the Maui Planning Commission is the approving agency for the review of the Final Environmental Assessment for this project and determination for a Finding of No Significant Impact.

The project team that's here today is the applicant, Mr. Albert Kanno of ABC Development Company, civil engineer Kirk Tanaka, traffic engineer Matt Nakamoto, and environmental attorney Ian Sanderson together with myself.

This is a perspective in terms of the project location which is right here and as you can see it is between two of the main arterial roadways Honoapiilani and Kuihelani on this side and within this corridor is surrounded by a number of industrial uses, Consolidated Baseyard, Waiko Baseyard, and most recently last year was the reclassification of the Waiko Industrial area which is here and actually on this side here to an Urban designation.

This is the project site before Mr. Kanno expended, you know, a considerable expense and effort to do that clean up. Approximately 40,000 tons or so of metals of this property that was formerly operated as a scrap operation and through the use of various heavy equipment, shredding and baling removed some of the large materials off island, use of a trommel to basically take out more of the finer metals from the soils. And basically taking that soil, containing it, and capping with approximately three feet of clean soil.

This is the project which consists of the seven limited common lots and as noted previously Mr. Kanno will be retaining one of those lots for himself and the rest will basically be sold to perspective purchasers. As was mentioned, this matter, this project will come back to this body due to the requests in terms of the District Boundary Amendment, Community Plan Amendment which is the trigger for this Environmental Assessment and Change in Zoning requesting designation from Agriculture to Urban Industrial Use.

The Draft EA was reviewed by this Commission back in November 26 of last year. And there was

one comment that was noted from the Commission and that was that individual unit owners give consideration to the use of renewable energy sources such as photo voltaic and the applicant will provide a provision in the condominium property regime documents which will manage this particular project area stating that the owners do consider the use of renewable energy sources such as photo voltaic panels.

So we are here basically today to respectfully request the Commission's review of the Final EA and a Finding of No Significant Impact Determination. And we thank you for your time and if you have any questions, we'd be happy to respond. Thank you.

Chairperson Lay: At this time, we're gonna open up to public testimony. Does anyone wish to testify at this time? Seeing no one, public testimony is closed. Commissioners, questions or comments.

Mr. Freitas: I move to accept the EA.

Chairperson Lay: Commissioner Wakida?

Ms. Wakida: I always have a question. And I may have asked this when we came through on the draft, but unfortunately I don't remember what the answer is. In your drainage discussion on Page 43-44, it says there will be inspection of the drainage facilities annually. Whose responsibility will that be?

Ms. Okuma: I will call up Kirk Tanaka and he'll respond to that. Thank you.

Mr. Kirk Tanaka: Good morning, Commission Members. My name is Kirk Tanaka with Tanaka Engineers. We're the civil engineers on the project. I believe in response to Commissioner Wakida's question we're proposing subsurface detention for...to take care of the increase in drainage flow. And so it would be up to the individual owner of the separate detention basins to maintain them. Am I answering your question?

Ms. Wakida: Yes.

Mr. Tanaka: Okay, thank you.

Ms. Wakida: Thank you.

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

Mr. Hedani: Cheryl, does the project have curbs, gutters, sidewalks, and landscaping along Waiko Road?

Ms. Okuma: That is currently in consideration right now because we know that there are curbs and gutters on the west side in front of Waiko Baseyard. So the idea is to basically continue that along East Waiko Road in front of the project site.

Mr. Hedani: Okay, because if it's a condominium property regime that's being set up then it would

be something that would have to be incorporated into the documents at some point.

Ms. Okuma: In terms of that responsibility, let me check. I'm not sure if that's gonna be actually incorporated into the document or not, let me...

Mr. Tanaka: Commissioner Hedani, again Kirk Tanaka with Tanaka Engineers, I believe your question is who's responsible to install the proposed curb, gutters and sidewalks, I believe it will be a condition of the Department of Public Works and it may come in as...because this is CPR this may come in as a condition of the building permits, yeah. So that's how I can see to be the trigger for the development of the curb, gutters, and sidewalks along Waiko Road. Although I am familiar with the County's project to install curb, gutters and sidewalks along both sides of Waiko Road. I'm not sure what the current status of that is.

Chairperson Lay: Public Works wish to comment?

Ms. Dagdag-Andaya: That's correct. We do have a project along Waiko Road in that section over there. It's still...I think it's still in the Draft EA phase. There's a number of issues that we still need to clear up. In the last few subdivisions that we have worked on along Waiko Road, the developer did have conditions to put in the curb, gutter, sidewalk. And as stated by Mr. Tanaka it will probably be a condition for their building permit so they would be responsible I believe.

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

Ms. Wakida: Yeah, in the presentation in here I think there was some landscaping plans proposed, correct? And I think it included planting shade trees?

Ms. Okuma: Yes, I think that there is a County requirement in terms of the number of shade trees depending on number of spaces, parking spaces.

Ms. Wakida: Okay, yes and I encourage, I mean I realize they wanna do photo voltaic and I wanna keep some areas, big enough roof areas unshaded but I really encourage the applicant to use large canopy trees and not these little lollipop trees that we see. It really will offset a lot of the carbon footprint as well as add beauty.

Ms. Okuma: Okay, we'll take a look at that. Thank you.

Chairperson Lay: Commissioner Hedani?

Mr. Hedani: Cheryl, light industrial being light industrial, people that are in the light industrial business most of the time don't do landscaping well because they're not landscapers that's not what they do. In a condominium situation I think it's nice because you can set up a maintenance agreement where there's an assessment, everybody kicks in, somebody maintains the landscaping in perpetuity and you have a really nice project at that point. So that's something that I would recommend.

Ms. Okuma: Okay, thank you for that comment.

Chairperson Lay: Commissioners? Commissioner Freitas?

Mr. Freitas: The reason why I'm supporting this project 'cause I know what do you call the area very well. They have ... (inaudible)... commercial baseyard and you folks will just be in the middle, will just be a vacant project. I'm very familiar with the clean up. They did a superb job on that clean up. They went some ridiculous footage down and got the thing through the trommel and they did an excellent job. I think it's a perfect place for the project and I think the light industry will benefit by it.

Chairperson Lay: Commissioners, any more questions? If not, can we get the Department's recommendation?

Mr. Fasi: The Department's recommendation is to have this body recommend a Findings of No Significant Impact for the Final Environmental Assessment document. Thank you.

Mr. Freitas: So move.

Mr. Ball: Second.

Chairperson Lay: Motion by Commissioner Freitas, seconded by Commissioner Ball. Any 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 five ayes.

Chairperson Lay: Motion carries. Congratulations.

Mr. Fasi: Thank you.

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

**VOTED: To Accept the Final Environmental Assessment as a Findings of No Significant Impact (FONSI).
(Assenting - J. Freitas, K. Ball, J. Medeiros, W. Hedani, P. Wakida)
(Excused - S. Duvauchelle, W. Shibuya, M. Tsai)**

Mr. Spence: Your next item I believe is Item F? Acceptance of the Action Minutes of February 25, 2014.

F. ACCEPTANCE OF ACTION MINUTES OF THE FEBRUARY 25, 2014 MEETING.

Mr. Ball: Move to approve. No changes.

Mr. Medeiros: Second.

Chairperson Lay: Motion by Commissioner Ball, seconded by Commissioner Medeiros. A verbal acceptance. All those in favor?

Commission Members: Aye.

Chairperson Lay: Those opposed? Acceptance acknowledged.

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

**VOTED: To Accept the Action Minutes of the February 25, 2014 meeting.
(Assenting - K. Ball, J. Medeiros, J. Freitas, W. Hedani, P. Wakida)
(Excused - S. Duvauchelle, W. Shibuya, M. Tsai)**

Mr. Spence: Okay, Item G, Director's Report. Items 1 and 2 you have the SMA Minor and Exemptions Reports.

G. DIRECTOR'S REPORT

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

Mr. Hedani: Move to accept.

Mr. Ball: Second.

Chairperson Lay: Motion by Commissioner Hedani, seconded by Commissioner Ball. A verbal acceptance. Commissioner Wakida?

Ms. Wakida: Not on any specific one, what does this mean by with scope on these last couple pages it goes SMA with scope, they're in the back, the back two pages?

Mr. Spence: I'm not sure. I believe this is in response to not just naming a project where... I mean, it's the permit name but I think we're putting a little bit more explanation in it that you're used to. I don't know I can ask Clayton. Later on.

Ms. Wakida: Okay. Yeah, I can see, I mean, in a couple places there are some notes. So I just thought it was...

Mr. Spence: Commissioner Shibuya previously asked about the Maui Electric, there's the comment with the scope on it.

Ms. Wakida: I see.

Mr. Spence: There's a couple of others that I notice that have notes.

Chairperson Lay: We have a motion of acceptance by Commissioner Hedani, and seconded by Commissioner Ball, a verbal acceptance. All those in favor?

Commission Members: Aye.

Chairperson Lay: Those opposed? Acceptance acknowledged.

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

**VOTED: To Accept the SMA Minor and SMA Exemption Reports.
(Assenting - W. Hedani, J. Medeiros, J. Freitas, K. Ball, P. Wakida)
(Excused - S. Duvauchelle, W. Shibuya, M. Tsai)**

- 3. Discussion of Future Maui Planning Commission Agendas**
 - a. March 25, 2014 meeting agenda items**

Mr. Spence: Item 3 is the March 25, 2014 meeting, we're getting out early today, it may not be so early next time. We have three public hearing items. First of all we're gonna have resolution for outgoing member Warren Shibuya. We're gonna have three public hearing items. The first will be County Special Permit for the Central Maui Regional Park over towards Waiale. We're gonna have request for a Land Use Commission Special Use Permit for Mr. Fredrick Honig and the Spirit of Aloha Temple, and the third item is Manolo Moeirri requesting a Bed and Breakfast Permit in the R-1 District in Paia. Question on that?

Chairperson Lay: Any questions, Commissioners? Commissioner Hedani?

Mr. Hedani: I need to be excused for that meeting because my wife's gonna have eye surgery. If you need a quorum and you're stuck give me a call though.

Chairperson Lay: Okay.

Mr. Ball: There'll be lunch also right?

Mr. Spence: Yeah, we'll have. I'm sure we'll have lunch.

H. NEXT REGULAR MEETING DATE: MARCH 25, 2014

Chairperson Lay: Anything else, Commissioners? Seeing none, Planning Commission is now adjourned.

I. ADJOURNMENT

The meeting was adjourned at 11:00 a.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Keone Ball
Wayne Hedani
Jack Freitas
Ivan Lay, Chair
Jason Medeiros
Penny Wakida

Others

Sandy Duvauchelle
Warren Shibuya, Vice-Chair
Max Tsai

Others

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