

**MAUI PLANNING COMMISSION
REGULAR MINUTES
JULY 14, 2015**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Keone Ball at approximately 9:08 a.m., Tuesday, July 14, 2015, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Chair Ball: All right, good morning everyone. Thank you for coming to the July 14, 2105 Maui Planning Commission meeting.

- 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.

Chair Ball: If we have any public testimony we can take that at this time. You have three minutes to testify on any agenda item or you may wish...if you may wish to testify when the agenda item comes up you may do so at that time and not both. Seeing none, we will go into Communications, Item C, No. 1, Director?

Mr. Spence: Mr. Chairman, No. 1 comes from Mr. Mark Alexander Roy, AICP with Munekiyo Hiraga submitting the 2015 Annual Report to the Planning Commission regarding the funds of the Settlement with WMPA, West Maui Preservation Association.

C. COMMUNICATIONS

1. **MR. MARK ALEXANDER ROY, AICP, Vice-President of MUNEKIYO HIRAGA on behalf of INTRAWEST submitting the 2015 Annual Report to the Maui Planning Commission on the disbursement of funds in the Settlement Agreement with the WEST MAUI PRESERVATION ASSOCIATION, INC. (WMPA) on the Special Management Area Use Permit and Step 2 Planned Development Approval for the proposed Honua Kai Resort, North Beach Park, and Related Improvements at TMK: 4-4-014: 006 and 008 and 4-4-001: 010, Kaanapali, Lahaina. Island of Maui. (SM1 2004/0017) (PD2 2004/0005) (C. Thackerson)**

Condition No. 32 reads:

“That an annual report shall be filed with the Maui Planning Commission on the disbursement of the funds in the Settlement Agreements for their information.”

This annual report is provided for the Commission’s information and review.

Chair Ball: Candace can you come to the podium, please, just for the camera's sake? Thank you.

Ms. Candace Thackerson: Thank you. Well, the applicant is here to file their annual report. So I'll go ahead and let Colleen...sent that to you guys.

Ms. Colleen Suyama: Good morning. Colleen Suyama representing Intrawest. I'm with the firm of Munekiyo Hiraga. The annual report has been circulated to the Commission and I'm available for any questions that the Commission may have.

Chair Ball: Any questions from the Commission? Seeing none, yes? All right, thank you for that.

Ms. Suyama: Thank you.

Chair Ball: Moving onto Item D-1, Director?

Mr. Spence: Commissioners, we have a Decision and Order, adoption of a Decision and Order for the denial of Ms. Denise Holland to operate a vacation rental home. Our Staff Planner this morning is Ms. Livit Callentine.

D. ADOPTION OF WRITTEN DECISION AND ORDER

- 1. Having voted on September 23, 2014 to deny the Short-Term Rental Home Permit request by MS. DENISE HOLLAND in order to operate the Maui Vacation Home, a three (3) bedroom short-term rental home operation located in the R-2 Residential District at 1161 Lahilahi Place, TMK: 4-5-004: 037, Lahaina, Island of Maui. (STWM T2013/0013) (L. Callentine), the Commission will consider and may adopt the draft Findings of Fact, Conclusions of Law and Decision and Order.**

Ms. Livit Callentine: Thank you, Director. Good morning Commissioners.

Chair Ball: Good morning.

Ms. Callentine: So as you, as the Director just mentioned this is adoption of a written Decision and Order. The vote was taken September 23, 2014, and the outcome was to deny a Short-Term Rental Home Permit at...in the R-2 District at 1161 Lahilahi Place in Lahaina. And I'm available if you have any questions. For those of you who were not here at the time decision was made, I trust that you've had a chance to review the record and if you have any questions, I'm certainly happy to answer them and we have our Corporation Counsel who may be even more appropriate than I am answering any of your questions on the Decision and Order. Thank you.

Chair Ball: Thank you. Questions from the Commission?

Mr. Hudson: Are we gonna vote on this?

Chair Ball: Corporation Counsel?

Mr. Hopper: The vote would be to adopt the Decision and Order. There was actually a vote already taken to deny the permit. This is to adopt the Decision and Order which is a Commission action to basically adopt the Decision and Order as your document. But it's...the denial of the permit actually already heard this, this is a decision on the Decision and Order only.

Chair Ball: Commissioner Robinson?

Mr. Robinson: ...(inaudible)...

Chair Ball: Well, 'cause the case has already been heard.

Mr. Hudson: So...(inaudible)...so then myself who wasn't part of that wouldn't be voting on this anyway, right?

Chair Ball: Well, you vote on it because you read the verbatim minutes and all that.

Mr. Hopper: Well, it's a Decision and Order so you still need generally a five-member, five votes in order to adopt this as a Decision and Order. The actual...I mean, it's different 'cause you've got different Members, but I mean, at this point it's a Decision and Order like this is required, you know, by State Law in order to...in the case of a denial of a Short-Term Rental Home Permit. And you know, generally Commission action requires five votes and so, you know, the actual vote was already taken on the denial itself. This basically reflects the basis for that decision. You were also given the entire record before you as well to become better informed on the basis for, on the record basically showing what the decision, the history of the decision.

Chair Ball: And if you have questions on why the decision was, you know, was made then you would ask those at this time. Commissioner Hedani?

Mr. Hedani: Move to adopt the Findings of Fact, Conclusions of Law, Decision and Order.

Mr. Medeiros: Second.

Chair Ball: It was moved by Commissioner Hedani, second Commissioner Medeiros. All in favor say, aye, and raise your hand.

Commission Members: Aye.

Mr. Spence: That's five ayes.

Chair Ball: Any opposed, same sign? Carried unanimously.

Ms. Callentine: I'll be collecting signatures from you, Mr. Chair, from the Director, and from Ed Kushi or his designated representative. Thank you.

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

VOTED: To Adopt the Findings of Fact, Conclusions of Law and Decision and Order.
(Assenting - W. Hedani, J. Medeiros, L. Hudson, K. Robinson, R. Higashi)
(Excused - I. Lay, S. Duvauchelle, M. Tsai)

Chair Ball: Okay. Item E-1, Director?

Mr. Spence: Moving right along. This is regarding pending litigation regarding a judicial appeal of the Commission's denial by Mr. Terry Epstein for a State Land Use Commission Special Use Permit and Short-Term Rental Home Permit within the State Agricultural District at 120 Kaimanu Place, and the Staff Planner is...I don't see Danny.

E. PENDING LITIGATION

- 1. Judicial appeal of the Commission's denial of the request by MR. TERRY EPSTEIN for a State Land Use Commission Special Use Permit and a Short-Term Rental Home Permit in order to operate the Shambala Short-Term Rental Home, a six (6)-bedroom short-term rental home in the State Agricultural District at 120 Kaimanu Place, TMK: 2-1-019: 100, Wailea, Kihei, Island of Maui. (SUP2 2012/0030) (STKM T2012/0012) (D. Dias)**

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS 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. Mike Hopper: I mean, at this point, I think I would request an executive session. I don't think there's necessarily anything in open session today.

Mr. Greg Kugle: Greg Kugle, the attorney for the Epsteins. I would like to at least testify as a public testimony on the agenda item before the Commission goes into executive session.

Mr. Hopper: It's...I'm mean, it's up to the Chair. I mean, it's a contested case item so public testimony is not required, but you can allow testimony on the item if you like.

Chair Ball: Okay, we'll give you the three.

Mr. Kugle: Thank you, Mr. Chairman and Commission Members. You have before you a case that remanded by the Circuit Court because of some errors that occurred. And I just wanna stress the Epstein's position on this case is that they are entitled to and should get a contested case hearing. The...my suggestion to the Commission would be for the appointment of a hearings officer to conduct the contested case hearing and under your Rules, Section 12-201-54 it provides that in all contested cases a hearings officer shall be appointed. I think one should be. I've had discussions also with the Corporation Counsel about the nature of notice to be given for the continued hearing

and the most analogous provision of the Commission's Rules is Rule 12-201-14(1)(5) on continued hearings that provides that parties to the proceeding get written notice as required by State Law and that a public notice should be published in the newspaper, the same newspaper as was originally that the original hearing was published in. And so, we've had those discussions with Corp. Counsel. I just wanted to reiterate that for you. Thank you. I have nothing further unless there's questions.

Chair Ball: Thank you very much. Any questions? Seeing none, would anyone else like to testify on this agenda item E-1 at this time? Seeing none, we will call for an executive session. Is there a motion to move into executive session?

Mr. Medeiros: Move to go into executive session.

Mr. Higashi: Second.

Chair Ball: Moved by Commissioner Medeiros, second by Commissioner Higashi. We will move into executive session. Please clear the room.

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

**VOTED: To go into Executive Session to consult with its attorney pursuant to Section 92-5(a)(4)
(Assenting - J. Medeiros, R. Higashi, L. Hudson, W. Hedani, K. Robinson)
(Excused - I. Lay, S. Duvauchelle, M. Tsai)**

The Commission went into Executive Session at 9:18 a.m. to 10:10 a.m. A recess was then called at 10:10 a.m., and the meeting was reconvened at 10:20 a.m.

Chair Ball: Commission will come to order. We are on Item F, Director?

Mr. Spence: Okay, Commissioners, we have a workshop conducted by Public Works. It's review of how they review preliminary drainage reports. This morning we have Ms. Rowena Dagdag-Andaya. She's the Deputy Director for Public Works.

F. Workshop conducted by the Department of Public Works on their review of project preliminary drainage reports

Ms. Dagdag-Andaya: Thank you Chair and thank you Director Spence, and good morning Commission Members. My name again is Rowena Dagdag-Andaya and I'm the Deputy Director of Public Works. And I'm really happy to be here today with our Staff. I'm gonna introduce them to you for...in just a minute. What we are gonna be giving you a presentation on storm water management and how we review plans. The plans that also come before when you review things for SMA or zoning, community plan, EAs.

So without any delay, I wanna introduce to you Cary Yamashita. He's our Engineering Division Chief, and he'll give you a brief overview...let me just put on or turn this one first...So Cary is our Engineering Division Chief and what he'll be providing you information with is our drainage reports

in general, and then we also have John Smith who is a Engineer IV with our Engineering Division. He'll talk a little bit about storm water quality.

So we got two different things that we're gonna be talking about. First of all is just storm water management regarding volume. And then we'll also talk about storm water quality. And then related to in our review of drainage reports, I will be giving a presentation on our MS4 Program. So the three of us are here to answer any questions that you have. So I'm gonna turn it over to Cary.

Mr. Cary Yamashita: Thank you Commission for allowing us to give you this short presentation. Basically our role as the Engineering Division in review of drainage reports at this stage of the process is pretty cursory and I don't mean to downplay it but because the information that we receive as part of the application by developers don't contain construction plans or specifications. And a lot of the work that is presented at that time is preliminary and you know, there's not much detail to any final layout of subdivisions or roadways. But we do look at the fact of, you know, whether it impacts our master planning effort in the region or if it's a chronic drainage problem area, we'll look at that and take it into consideration and try to touch bases with the developer or their engineer to see if we can, you know, come up with a means of mitigating some of the problems in the immediate area.

However, you know, I do wanna go over our process as far as when we do get to a construction plan phase. We do follow the Countywide Drainage Standards and this drainage standard is basically a statewide standard. All the counties throughout the state have a similar standard and they follow the same rules and regulations as far as calculations and other aspects of the report. So under standard drainage rules we follow Title MS15 and it's a County rule, an ordinance that been in effect since, I believe, 1990. And it pretty much lays out all the parameters that we need to follow and as far as how we check for drainage flows that are created through a development, pre and post construction.

The drainage report is submitted at the time of construction plan review and at that period there's all the roadways and grading plans are all laid out, and so we can do a assessment of that report. The detailed...oh, can you go back, oh sorry about that...The report needs to be prepared by a licensed civil engineer for all developments. And I would like to also mention that when, you know, when we have a application like for a single-family resident we've been, you know, granting exceptions that as long as they have an engineer that reviews the development and they just need to send in a certified letter saying that there's no adverse effect to downstream or adjoining properties.

I'll just go over some basic concepts that we follow, and this is all taken from the drainage standards, and we, you know, we need to ensure that compliance to the standards are upheld. So drainage systems need to be designed so there's no damage to street, facilities, structure or the ground. So there's no serious interruption of normal vehicular traffic. No adverse effects to downstream and adjoining properties. And in general, all natural tributaries, waterways, streams, cannot be replaced by a closed system meaning a conduit. So...and there may be rare occasion where we've granted a closed system, but you know, even with a closed system we don't allow buildings over the system. There'll be an easement so that the easement will be called drainage easement and it's only for maintenance purposes. Also, another important aspect is that we don't allow realigning of any natural waterways that go through a development because it could impact downstream facilities

because we're gonna you know probably redirecting the water into...to locations where the water's not previous...is going under existing conditions. The other main point is that the outlet velocities and quantities of the storm water leaving the site through culverts shall not exceed preexisting conditions. All additional storm runoff that's created by post development improvement is to be retained on site. And finally, the existing offsite flows may be passed through provided there is no additional adverse effect to downstream properties. A lot of times the developments, the existing...preexisting condition is just...there's no channel or tributary so there's a sheetflow that's occurring, and you know, we try to...well, the developer cannot distribute more flows after it leaves the property. And we are extra cautious of how we look at the proposed drainage scheme once the drainage passes through the property because that's where we notice the most effect because...well, a lot of times the developers they try to, you know, create diversions or concentrate flows, and without really looking at what's happening after it leaves the site and that's where, you know, from our experiences we've noticed the most problems.

And basically this is a illustration of a dry pond...a retention basin. And you know, examples of retention of the additional flows that the development causes, we store the excess drainage in dry wet ponds through to dry wells or through a dry detention basin. The basins actually retain the excess flows and what happens is that water will infiltrate through the ground and eventually into ground water or it will evaporate. But what normally developers use this, you know, the retention basins to take care of their additional water. So I'm pretty sure you folks have a lot of questions, but I just wanted to give a brief overview without getting too technical in the formulas that we use to calculate flows and do you have any questions regarding storm water?

Chair Ball: Questions from the Members?

Mr. Robinson: I got a question.

Chair Ball: Commissioner Robinson?

Mr. Robinson: We're not supposed to ask about a project per se, but just general?

Mr. Hopper: If there's a particular project it's gotta be on your agenda, yeah. I mean, if you wanna talk about the drainage regulations in general, yeah that's fine. If you've got particular projects, you can ask on another agenda if it's within the Commission's purview.

Mr. Robinson: Okay. Hi Cary.

Mr. Yamashita: Hi.

Mr. Robinson: So a new development goes from grass to cement or asphalt.

Mr. Yamashita: Okay.

Mr. Robinson: Is there a measurement of a water ratio to where grass or sand would accumulate water and how much water is that ratio?

Mr. Yamashita: Yes, the formula we use is a component of a C value which is a overall flow value and if you have a impervious surface which is like asphalt or concrete it's like .95, nothing infiltrates into the ground. So...and that's a direct multiplier to compute your flow. So a .95 value for an impervious surface compared to a .3 for undeveloped which is like sand or grass or any undeveloped property is a significant difference in the computation once we compare pre and post development.

Mr. Robinson: So a new project when they're developing from a grass or a sand lot to asphalt they come to your department and the engineer has to show you his calculations to where they're gonna retain whatever the difference is between .3 and .95 on top of their property?

Mr. Yamashita: That is correct, yes. And it's all part of the drainage report. And so, the drainage report contains all the calculations, the coefficients, the factors that they're using to compute the values that go into the final flows. And that's where we really look at it because they try to...they tend to try to reduce that value so they can show that there's not as much quantity of the storm water coming off of that site or being added to the existing.

Mr. Robinson: Thank you, Cary.

Chair Ball: Any other questions? No? Thank you.

Ms. Dagdag-Andaya: So next, I'm gonna call up John Smith from our Engineering Division and he'll talk a little bit about water quality. Our Engineering Division reviews drainage reports. Cary reviews a lot of them. John has been working with our Development Services Administration that actually administer the Water Quality Rules that we have under the County of Maui. So I'm gonna turn it over to John. John, I wanted to also point is our go-to person when it comes to water quality. He's been working on our MS4 Program that I'm gonna be talking about in just a little bit. So here's John.

Mr. John Smith: Thanks Rowena. Thanks for having us today. I'm a little too tall for thing. Yeah, I assist Cary and I'm an engineer on staff. So like Rowena said, I tend to get involved with the MS4 Program and the Water Quality Rules and work with our Development Services group.

So the triggers, you know, in DSA to...that put you under the Water Quality Rules, and these are, these are a separate set of rules under MS15 that deal particularly with the quality of the water and what Cary talked about was more quantity and flooding control. We're talking about cleaning up the water. So same basic program where the engineers need to submit a drainage report with detailed calculations showing how they've met these rules. And this applies to disturbed sites over one-acre with the detailed report. Less than one-acre still requires a plan, but it doesn't require the ...(inaudible)...professional engineer.

So mine is really short, but just to give you a general concept of what these rules say. They apply to flows that are generated on site. So they're not required to treat flows that come from offsite, it's what's generated there. And the idea being that you will look at storms that are smaller, two-year storms or one-inch of rainfall, and because...and the reason behind that is because the smaller storms is where most of the pollutants get flushed out. So you focus on the smaller storms and then the engineers will design BMPs, Best Management Practices using what...and these are buzz words,

but low impact development techniques. I'm sure you've all heard that, that terminology before. And what they do is they try to incorporate areas on the site where they can clean up that storm water by using things like retention cells or green roof or pavement that can actually take the water, permeable pavement or porous pavement some people call it. They incorporate grass swales into their sites rather than just hard piping. And then there are a number of commercially available devices that are specifically used to clean up storm water for these smaller storms. And this is just a real simple example rather than just piping it straight from the curb over to the outlet, you would run the storm water through a vegetated swale. That swale would then take some of the pollutants from those smaller storms and infiltrate into the soil and clean it up that way.

So, yeah, I guess I'm doing this as a, just as a preface to your presentation 'cause it leads right into this new MS4 Rules that the County is now under. So I'll turn it over, back over to Rowena and I'll be around for questions too. Thank you.

Ms. Dagdag-Andaya: Thanks, John. I may need John for a portion of this presentation, so...So tied in with our drainage reviews we are also, you know, looking at developing our MS4 Program, MS4 meaning Municipal Separate Storm Sewer System. And if we can just go into the next slide. So we talked a little bit about managing storm water and the reasons for managing the storm water.

You know polluted storm water runoff threatens water quality. We know that. We look at that...you look at that as a commission when you're reviewing projects. We know that preventing pollution from entering the water is more affordable than cleaning out the polluted water. We all live downstream so managing storm water properly has community benefits. It reduces flooding, you reduce erosion, you protect the water quality and in essence you create a more beautiful community when you have clean water flowing through.

Federal Facility Storm Water Requirements are under the Clean Water Act, and I'll go into that into the next slide. You know you see the letters, N-P-D-E-S in a lot of the permits or the projects that you review and it's stands for Nation Pollutant Discharge Elimination System. It's actually authorized by the Clean Water Act and it sets up the structure for the NPDES Permit program that the State administers. So the Department of Health here in Hawaii administers that NPDES program. And what it does is it basically controls water pollution by regulating point sources that discharge pollutants into the waters of the U.S.

For Maui County we were kicked into a Urbanized Status under the 2010 Census, and my next slide is gonna show that, but I wanted to talk a little bit about the requirements of the permit. The permit that we applied for and what a lot of the applicants have with their projects, it contains limits on what you can discharge. It also has monitoring and reporting requirements as well and other provisions that ensure that whatever discharge coming from your property doesn't hurt any water quality or people's health. So that's why that permit is there. It's to ensure that the water quality is such that it doesn't hurt people or just water quality in general.

So the next slide will show you the urbanized area. So in 2010 after the Census was done, it was determined that the areas within the red dashed lines are now considered an urbanized area. According to the Census, that...this entire area has more than 50,000 people. So now we're considered we are in the Central Maui area within Wailuku, Kahului, parts of Paia and Waiehu, we're

now considered Urbanized. We have more than 50,000 people. So Federal Government now says, okay, now you guys are gonna have this MS4 Status. You have to apply for a permit. In addition to that, I don't know if you heard of our MPO, the Municipal Planning Organization, that we're gonna be talking about in a couple months with our traffic presentation. But for the MS4, I mean that kinda triggered this, this Urbanized area triggered our status as having or needing an MS4 Program.

So what do we need in order to comply with the permit and what is needed for our MS4 Program? So first of all we need to apply an NPDES Permit coverage. And that's what we did about, I wanna say about a year ago. We received the permit from the State Department of Health, and Department of Health said, okay County of Maui you guys need to do all of these different things. First of all, you need to develop a Storm Water Management Program. So that's what John and Cary and a lot of our Staff within Engineering Division and also in Development Services Administration have been doing within the past few months is developing that program. And there's several different elements that are required.

So first of all, you need public education and outreach. You also need people to participate in the program. You need to get business owners to buy into it. You know, just regular people out in the community. You need to also have different agencies involved too. There's also a component for Illicit Discharge Detection and Elimination, construction runoff control. So now we're looking into enforcement. With that and post construction storm water management in new development and redevelopment. And also for the County of Maui for our departments, I mean, we need to be good stewards and have a program in place for good housekeeping and pollution prevention. Some of our baseyards now have to be retrofitted or some of our buildings also need to take a closer look as to how water is being discharged or how storm water is being managed.

So the first one, the first element public education and outreach the goal is to set up a public education or outreach program to educate a diverse group of people. So we got...we're looking at having to educate children, seniors, business owners, and...about what our program is like, how we can achieve clean water, clean runoff in our community. So we're trying to set that up. And in the next slide, I'm going to show you the potential BMPs. So through public education, we provide pamphlets, and fact sheets, posters. We also setting up a web page specifically providing information to the public about how people can get involved and how people can be good stewards. We're doing a lot of outreach so we've gone...we've done several presentations before different nonprofit groups, the Hawaii Society of Professional Engineers was one organization. We've done several before the Council and we're also looking at doing more public service announcements.

Public Education and Outreach can be these types of pamphlets or little challenges, crossword puzzles making it fun you know. Public participation is one of our goals is to engage broad support for the MP4 Program. So there's a lot of discussions with stakeholder groups discussing more with the watershed partnerships that we have on the islands. And participating with a steering group. And again, earlier I mentioned about having the community buy in. And let me just give you an example, in Honolulu, you know, how we have a lot fo those car washes? So in Honolulu they are looking at having a permit for those car washes. So you know how a church organization wants to do a little fund raiser, now in several jurisdictions they're looking at permitting those types of activities so you can't just go have your church car wash anymore. You have to go and apply for a permit. I'm not saying that's something that we're considering right now, but for some jurisdictions they're

looking into doing that because of...in order to comply with their MS4 Program. 'Cause when you think about it, all of the water that comes from those types of activities do enter into our storm drain system. So that's...that whole thing with community buy in it's gonna be really key as we develop our program. Other public programs that we're looking into participating in is adopt a stream, poster competitions, storm drain markings. On the mainland they have these little medallions that they place next to the storm drain inlet saying, you know, clean water only or only rain down the drain. So those are things that we're looking at doing.

The next one, Illicit Discharge and Detection and Elimination. The goal is to reduce to the maximum extent practicable any discharge to a MS4 that's not composed entirely of storm water. So our task and what we've identified as some of our tasks include mapping out or creating a GIS layer of the regulated MS4 mapping out a drainage system, taking surveys of the industrial areas, tracking illicit discharges, connections, spills, looking at our existing ordinances and seeing how...seeing if we need to update them to prohibit any illicit connection or discharges.

Item No. 4, construction site runoff control. The goal is to reduce to the MEP polluted storm water runoff from construction sites. So when you have...this is where we will be working with our Development Services Administration staff and training them on how to identify, identify any types of activities that might now be in compliance with our MS4 Program. So we need to educate our Staff on how to look for this different things.

And then No. 5, Post Construction Storm Water Management in New Development and Redevelopment. That's where kind of our review of drainage comes in. So before you, I passed around a packet, and it's actually our application packet. Whenever a...John had mentioned earlier about our Storm Water Quality Rules. So now every time there's a subdivision or a building permit that's applied for, it goes through this review. So the applicant needs to complete that and we'll work with the applicant ensuring that their project complies with our Storm Water Quality Rules and that's how, I mean, it matches up with No. 5 is making sure that we do...we reduce any polluted runoff post construction runoff from new development and new development areas.

And then No. 6 as I mentioned earlier, just for the County to be good stewards. We need to take a look at our existing operations to make sure that...to ensure that we have a reduction in the amount and type of pollution that's collected in the MS4.

So as you see here, I believe these are pictures from our own baseyard, the Wailuku baseyard which is right down the street. So we actually took a survey and did a site visit or we had Department of Health walk around the baseyard with our Staff and identifying areas of improvement. And for the most part, the County did pretty well in terms of cleaning up, making sure that any storm water entering into the drainage system is of appropriate quality. So with that, I think there's...there's still room for improvement. But those are things that we are now constantly taking a look at. How do our operations affect the MS4? How do our operations affect storm water? So things like litter pick up, making sure that people pick up after themselves, doing more storm drain inspections, having an asset management data base of all of our drainage systems, making sure that everything is in working order, erosion control measures at County facilities, making sure that facility or personnel are also on board with the MS4 Program and having them take ownership of and constantly thinking about their actions like what are, you know, what are we doing as employees to

making sure that there's no litter going into our storm drain system?

So you know, we have short and long term goals. There is a schedule that we created and every other week our team meets to develop and to see how we're doing with those goals. We also have a consultant on board, third-party consultant who works with us in developing the program. We also have performance measures in place and I think our permit is for three years. So within the three years we have a schedule of actions that need to take place. And so we're working towards them. You know, we're making, you know, changes into our own program. We're constantly educating applicants as they come in about our MS4 Program, what we require. There's more talk about low impact development nowadays. So I see a lot of positive things happening with our drainage program, the way we review drainage, but at this point, I think we thought it was good idea for us to explain to all of you on the Planning Commission as to how we approach drainage. We look at velocity, we look at volume, but we also look at storm water quality. So, it doesn't just end at the Planning Commission review, it also...it continues on when the project goes into further detail. So when they go into subdivision it gets reviewed, if there's a building permit associated with the project, it gets reviewed again. So, with that if you have any questions, Cary, John, and I are here and we just wanna thank you for giving us this opportunity.

Chair Ball: Thank you, Public Works. Commissioner Higashi?

Mr. Higashi: Rowena I have a question for several...one, you they talk about drainage and specifically the lao Stream that runs down. In the old days that water would be able to go down in into the underground wells and so forth. Now that it's all concrete, all that water goes into the ocean. Now what amount of fresh water do we lose from construction of concrete, although it's great drainage that water is prevented from going into the ground into our wells. How do you, how do you account for that?

Ms. Dagdag-Andaya: Yeah, Commissioner Higashi, I don't know the exact number, but I do wanna note that we have a project that we're working with the Army Corps of Engineers about that, you know, that portion of the channel, I mean, the stream right before it becomes concrete near Eha Street and so, so they've developed a plan. They're in the Draft Environmental Assessment phase right now, and that alternative that they came up with would allow for more recharge. So, I know you're shaking your head Commissioner Hedani, so that's one of the things. They came up with A, B, C, D, E, F, G or A, B, C, D, E, five alternatives when they initially set out to do the project. And then after hearing testimony and concerns from the public and from different agencies they came up with an alternative F that would encourage more recharge. So with that, I think...I don't know if that application is coming before the Commission for review, but that's one of the ways that we...you know, Corps is working on that issue that you bring up. But again as far as that number, I don't know offhand what it would be. I can find out for you though.

Mr. Higashi: The second question I have is, I notice that in car washes like on Wakea they have steam car washing. Now that steam that hits the engine drains all of that pollutant or oil and everything else it goes into a drain. Does that drain go into a tank or is it go into a drainage system?

Chair Ball: John, identify yourself again for the record, please?

Mr. Smith: Sure. John Smith, Public Works, Engineering Division. Yeah, that is something I can't answer your question right now, but I know a lot of those car washes have pretreatment or treatment of their storm water before it discharges. But in a specific basis I can't answer that question. But as part of the MS4 Program we notice that what we will be looking at are commercial facilities and car washes are one of those facilities that we'll be looking at to understand where that's going. So today I can't answer it, maybe a year from now I'll be able to.

Chair Ball: Any further questions? I have a question for someone I guess. The channels around Kahului specifically let's say Kahului Industrial area that's a source where we could clean up before it goes out to the ocean. It goes out by like Ka`a Point and then it goes out by...right into the Kahului Harbor which seems to discharge everything and anything in there. And you can tell because I paddle in the harbor for over 30 years, and you can tell after it's rained you cannot see the bottom any more where some days you can see the bottom actually. And I attribute it to those channels being lower so they don't flow into the ocean, and I may be wrong about that, but that's my theory on that. So with that being said, I mean we kinda know where it all goes to into those channels, those concrete channels and are held in there. And I don't know if there's a way to filter that out before it gets, you know, it seems to flow out when it gets to the level where it can. I don't know if there's a process where we could, you know, put a cleaner gate or whatever you do because we know where it all flows to and I think most of those are concrete throughout Kahului. And I don't know if that's been looked into or whatever.

Mr. Smith: Again, it's a similar answer to before, but it is...we're identifying areas like that where we know we have issues. And as part of this permit, as part of the program, we'll look at specific sites like that, specific areas where the County has control where we can develop a project in the future to say, a specific cleanup area or specific larger BMP that would be designed specifically to clean up that area. Similar things like that have been done under the MS-4 Program in Honolulu, and that program's been underway for over 10 years, but I know they've cleaned up a lot of areas very similar to ours under this program. So those are areas that we will target.

Chair Ball: And selfishly you could start at the Kahului Harbor, but...because, because it is actually...you know, there's a lotta people that go into that harbor, thousands of people use that harbor. And the problem with the harbor is there's...it's designed poorly, but it, I mean, it's designed by necessity because it's the only place it could be put in. There's only one entrance to it and it's upwind. So everything flows down to the harbor including the drain into the harbor that is kind of on the north end of the beach if you will, and so it all drains out and then heads down from there. So...selfishly speaking.

Ms. Dagdag-Andaya: Rowena Dagdag, Department of Public Works, yeah, thank you for those comments, Chair Ball. Also, the program is pretty new. You know, we started working on this maybe about two years ago, and then prior to that, that's when our Storm Water Quality Rules came into play. I think it was in 2012 when our Storm Water Quality Rules were adopted. But we're really hopeful that you know, we...that we can move forward in...now we have some direction as to, you know, how we move forward when it comes to storm water quality. And you know, at first we kinda thought, oh here's another you know, unfunded mandate for the County to comply with. But I mean, I do see it, and my Director and I we see it as a positive thing. You know, in the...in the end, I think we'll or you know, as we move forward with the program, we'll see a lot of positive changes and we

just hope that we do get that community support as well.

Chair Ball: Awesome. Any further questions for the Public Works Department? Seeing none, thank you for the presentation all of you.

Ms. Dagdag-Andaya: Thank you very much.

Chair Ball: Item G, we are moving that was the Public Works Traffic Impact Assessment project, and you wanna give us a little bit on why we are moving that item?

G. Workshop conducted by the Department of Public Works on their review of project traffic impact assessment (TIAR) reports

Ms. Dagdag-Andaya: Thank you, Chair. Rowena Dagdag, Public Works. Again...well, we asked for this item to be deferred. When we met with staff about a week ago, we were going through the presentations and we kinda felt like, you know, I think we need to talk about our Complete Streets Program. So the way it's agenda...put on the agenda, has it as how we review traffic reports, but I think we also wanna talk more about our Complete Streets Policy, show you the check list that we're looking into using, and how the work that we do with respect to reviewing traffic can also...you know, we can work together in reviewing those. So we wanted to create a more enhanced presentation before you today. So with that, we ask for a deferral on that matter.

Chair Ball: Thank you. Director?

Mr. Spence: Just a quick note Commissioners and for people watching on Akaku. I don't mean this as a shameless plug for this Administration, but—

Chair Ball: But here it goes.

Mr. Spence: —but here it comes..No, really it's...the members of this Administration like Rowena, David Goode that have really pushed storm water, improving storm water conditions, complete streets, those kinds of things. And I know the Mayor, himself is very concerned about storm water runoff. So it's...I'm just very pleased of the planning how far this County has come in consideration for environmental effects on quality of life for the people on this island. It's really a huge, huge progressive step in all these areas. So thank you, Rowena, and she personally picked up the whole Complete Streets thing...(inaudible)...gotta have this, so a lotta credit goes to her and her boss.

Chair Ball: All right, thank you very much. Okay, with that, we will move to Item H, Acceptance of the Action Minutes of June 23, 2015 meeting and the Regular Minutes of the May 26, 2015 meeting.

H. ACCEPTANCE OF THE ACTION MINUTES OF JUNE 23, 2015 MEETING AND REGULAR MINUTES OF THE MAY 26, 2015 MEETING

Mr. Higashi: So move.

Mr. Hudson: Second.

Chair Ball: Moved by Commissioner Higashi, second by Commissioner Hudson. All in favor say, aye?

Commission Members: Aye.

Chair Ball: Any opposed? Motion carried unanimously.

It was moved by Mr. Higashi, seconded by Mr. Hudson, then

**VOTED: To Accept the Action Minutes of the June 23, 2015 Meeting and the Regular Minutes of the May 26, 2015 Meeting.
(Assenting - R. Higashi, L. Hudson, J. Medeiros, M. Tsai, W. Hedani,
K. Robinson)
(Excused - I. Lay, S. Duvauchelle)**

Chair Ball: Director's Report, Item 1a, Director?

I. DIRECTOR'S REPORT

1. Designation of the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing and provide its recommendation on the following applications:

- a. ROBERT and ERICA REYNOLDS requesting a State Land Use Commission Special Use Permit and a Short-Term Rental Home Permit in order to operate the Hana Estate Short-Term Rental Home (STRH) in the State Agricultural District on approximately 6.81 acres of land located at 110 Maia Road, TMK: 1-3-009: 076, Hana, Island of Maui. (SUP2 2012/0022) (G. Flammer)**

This short-term rental home application is being referred to the Maui Planning Commission for review and action because the proposed short-term rental home is located in the Hana community plan area and the number of bedrooms proposed for short-term rental home use is greater than three.

Mr. Spence: Commissioners, first is an action item for you to designate the Hana Advisory Committee to the Maui Planning Commission to conduct the public hearing and provide recommendation for a short-term rental home permit in Hana. For new Commissioners, we do have the Hana Advisory Committee. It's advisory to this Commission, and what they do is...so if you so choose, you designate them to hold the public hearing out in Hana where more people can participate in the process, then they report back to you, and you make the ultimate decision on, you know, certain applications.

Chair Ball: We do get the verbatim minutes from that meeting.

Mr. Spence: Yes.

Unidentified Speaker: Is Akaku there?

Mr. Spence: No. Akaku does not go out there. I would imagine if there was something really big, yeah, they probably would, but on a regular basis, no.

Akaku: What you guys want.

Mr. Spence: Okay, there you go. They're wishing for a trip to Hana. So anyway, so the question is would the Commission like to delegate the public hearing authority to the Hana Advisory Committee for the Short-Term Rental Home Permit and Special Use Permit for Robert and Erica Reynolds?

Mr. Medeiros: So move.

Mr. Higashi: Second.

Chair Ball: Moved by Commissioner Medeiros, second by Commissioner Higashi. All in favor?

Commission Members: Aye.

Chair Ball: Any opposed? Motion carried unanimously.

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

**VOTED: To Designate the Hana Advisory Committee to Conduct the Public Hearing and Provide Its Recommendation.
(Assenting - J. Medeiros, R. Higashi, L. Hudson, M. Tsai, W. Hedani,
K. Robinson)
(Excused - I. Lay, S. Duvauchelle)**

Chair Ball: Item b?

- b. MR. KLEE IRWIN requesting a State Land Use Commission Special Use Permit in order to operate Kawika's Hill Short-Term Rental Home (STRH) in the State Agricultural District on approximately 1.8 acres of land located at 1400 Hana Highway, TMK: 1-2-003: 040, Hana, Island of Maui. (SUP2 2015/0004) (G. Flammer)**

Mr. Spence: Okay, the...there's another one. Number b, for Mr. Klee Irwin also requesting a State Land Use Commission Special Use Permit in Hana. So again, you would be delegating the public hearing to the Hana Advisory for them to conduct the public hearing for you.

Mr. Medeiros: So move.

Mr. Higashi: Second.

Chair Ball: Moved by Commissioner Medeiros, second by Commissioner Higashi. All in favor say, aye?

Commission Members: Aye.

Chair Ball: Any opposed? Motion carried unanimously.

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

**VOTED: To Designate the Hana Advisory Committee to Conduct the Public Hearing and Provide Its Recommendation.
(Assenting - J. Medeiros, R. Higashi, L. Hudson, M. Tsai, W. Hedani, K. Robinson)
(Excused - I. Lay, S. Duvauchelle)**

Chair Ball: Item 2?

2. SMA Minor Permit Report (Appendix A)

3. SMA Exemption Report (Appendix B)

Mr. Spence: Okay, Items 2 and 3. Commissioners, you've been circulated the SMA Minor project report or list, anyway, and the SMA Exemption projects for your review and just acknowledgment that you've received them.

Chair Ball: Okay, any questions on that? Seeing none, move on. Future Planning Commission Meeting Agenda. Clayton?

4. Discussion of Future Maui Planning Commission Agendas

a. July 28, 2015 meeting agenda items

Mr. Spence: Mr. Yoshida, would you like to address—

Chair Ball: On the agenda item for the future meeting?

Mr. Clayton Yoshida: Very briefly, Commissioners. The meeting on July 28th, you have three public hearings scheduled, the homeless campground project in Lahaina, and two Short-Term Rental Home Permit applications. Plus we are bringing back the Downtown Kihei project. The Commission dealt with it about a year go, and the Council has decided affirmatively on various matters that are under their jurisdiction namely the Community Plan Amendment and Zoning Change. So for the new Members, we're asking that you...documentation will be circulated to you regarding the Final EA, and minutes of the August 2014 meeting. So it may be rather a full discussion at the next meeting.

J. NEXT REGULAR MEETING DATE: JULY 28, 2015

Chair Ball: Okay, very good. Next meeting will be on July 28th. I will not be able to attend, so Vice-Commissioner Tsai will be running that meeting. If you cannot make it, please let Carolyn know that.

Vice-Chair Tsai: Is that a new title Vice-Commissioner?

Chair Ball: Is that what I said?

Vice-Chair Tsai: Yeah.

Chair Ball: All right, that's a new title for you. All right, next regular meeting is on July 28th. Thank you all for coming. Meeting adjourned.

K. ADJOURNMENT

The meeting was adjourned at approximately 11:09 a.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Keone Ball, Chair
Wayne Hedani
Richard Higashi
Larry Hudson
Jason Medeiros
Keaka Robinson
Max Tsai, Vice-Chair (in at approximately 9:35 a.m.)

Excused

Sandy Duvauchelle
Ivan Lay

Others

Will Spence, Planning Director, Planning Department
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Tom Kolbe, Deputy Corporation Counsel, Department of the Corporation Counsel (Item E-1)
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works