

MAUI PLANNING COMMISSION

COUNTY OF MAUI

JULY 28, 2015

(9:07 a.m. to 3:20 p.m.)

TRANSCRIPT OF PROCEEDINGS

ITEM NO. C.1

Held at the Planning Department Conference Room, Kalana Pakui Building, 250 South High Street, and Council Chambers, 200 South High Street, Maui, Hawaii.

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ATTENDANCE

COMMISSION MEMBERS PRESENT:

Max Tsai, Vice-Chair

Wayne Hedani

Richard Higashi

Larry Hudson

Ivan Lay

Keaka Robinson

STAFF PRESENT:

Will Spence, Planning Director, Department of Planning

Clayton Yoshida, Administrator, Department of Planning

Carolyn Takayama-Corden, Commission Secretary

Rowena Dagdag-Andaya, Deputy of Public Works

Michael Hopper, Deputy Corporation Counsel

Kurt Wollenhaupt, Staff Planner, Department of Planning

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1 JULY 28, 2015

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4 VICE-CHAIR TSAI: Today is July 28th, 2015, the
5 Maui Planning Commission is called to order.

6 Before we begin, as a courtesy to everyone, would
7 you please silence your cell phones? Thank you.

8 Okay. We have a number -- regarding public
9 testimony, anyone who wish to testify now will not be
10 allowed to testify again when the agenda item is presented.
11 So you have a choice, either do it now or later. I have
12 a -- let's see. The first item on the -- so does anyone
13 wish to testify right now? Please come forward and identify
14 yourself, you have three minutes.

15 MR. HOPPER: Again, this is primarily for people
16 who can't stay for their agenda item. So there will be
17 another chance to testify for the agenda item when it
18 actually comes up, but this is for if you can't stay for the
19 item primarily.

20 MR. MORAN: I appreciate the clarification. Yeah,
21 my item is D. And I see a lot of people here, so, you know,
22 I will say my piece and hit the road and let you guys absorb
23 all that.

24 Good morning, Chair Tsai.

25 VICE-CHAIR TSAI: Sorry. Can you --

1 MR. MORAN: Oh, sorry.

2 VICE-CHAIR TSAI: Your name, please?

3 MR. MORAN: My name is Mike Moran, speaking for
4 the Kihei Community Association. Good morning, Chair Tsai
5 and Commissioners.

6 UNIDENTIFIED SPEAKER: Good morning, Mike.

7 MR. MORAN: We're on Item D, the Krausz Companies,
8 comments on their SMA recommendations to be presented this
9 morning.

10 The Kihei Community Association has worked with
11 the Krausz Companies, Incorporated over the years since the
12 inception of the downtown Kihei development. Many good
13 features are incorporated into this project; however, there
14 are several issues that we have requested during the design
15 process that still concern the community. These issues are
16 not resolved and must be addressed for the safety of the
17 community and the future success of the project.

18 One: Most importantly, bike paths need to be
19 separated from car and truck, vehicular traffic as shown in
20 our KCA Road Guidelines. A designated bike path is much
21 safer. One path can be run from the lower drive on 4th
22 Street, then turn along the east side of the wetlands.

23 A bike path here will keep the vagrant population
24 from establishing itself in the area near the wetland
25 (inaudible) structure.

1 A second path can run from Liloa along 2nd Street
2 in front of the hotel and then turn (inaudible) and run
3 along the edge of the detention basin.

4 Again, the presence of cyclists will help keep
5 down the establishment of vagrant settlements in the
6 perimeter areas of the project. The situation of
7 homelessness is extreme in the area due to the Hale Kaukau
8 at St. Theresa's Church, the convenience of grocery and
9 drugstores and abundance of discrete places to camp out.

10 Two: All sidewalks shall be separated from
11 traffic by the green strip where the trees and shrubs are
12 planted as shown, again, on KCA Road Guidelines.

13 Within the project, we see protected sidewalks in
14 front of the buildings facing Piikea and along the existing
15 wetlands north of Piikea Avenue. We would like to see that
16 configuration throughout the project, including the south
17 side of Piikea Avenue along the existing wetlands and on
18 both sides of Piikea toward the roundabout.

19 B: There needs to be a sidewalk between Piikea
20 Avenue and Building A, so pedestrians coming from South
21 Kihei Road can access Building A safely on foot instead of
22 having to walk through a parking lot only.

23 C: Provide midway crossing islands at all
24 crosswalks on Piikea so pedestrians have a safe point to
25 pause, if needed, when crossing walking lanes of traffic.

1 Three: Due to sensitive drainage in the area,
2 we're requesting that the green streets principles be used
3 information in all vegetative areas to increase the
4 absorption and filtering of hard-scape runoff.

5 4: The issue of increased traffic and congestion
6 at the intersection of South Kihei Road and Piikea has
7 recently become more apparent --

8 MS. TAKAYAMA-CORDEN: Three minutes.

9 MR. MORAN: Okay. I'll just read my concluding
10 sentence. I'll skip down. Please understand these concerns
11 have been consistently presented and offer the benefit of
12 all the project will be safer and more accessible
13 development of what Kihei can be proud. Mahalo for your
14 support.

15 And we did submit it in writing. So whatever I
16 skipped, you can get to later.

17 Thank you very much.

18 VICE-CHAIR TSAI: Thank you, Mike. Questions from
19 the Commission? Okay.

20 MR. MORAN: Thank you.

21 VICE-CHAIR TSAI: Anyone else? Please come
22 forward, identify yourself. You have three minutes.

23 MR. McCAFFERTY: Good morning, Planning
24 Commission. Brian McCafferty, Teens on Call, work skills
25 training program. You have a letter in your packet that we

1 wrote a while ago.

2 And the reason I am here is because, over the
3 years -- our program has been going for 20 years -- the last
4 five years, we have a increasing number of young people with
5 homeless parents. So I am concerned about this. And I -- I
6 applaud this experiment, social experiment, they call it,
7 for this camp over on the west side.

8 My letter says, this letter is to support concept
9 and planning for the social experiment to be known as
10 Kaua`ula Camp to be situated on private land off of Hokiokio
11 Place by the entrance of the Lahaina Bypass.

12 There will initially be eight camping pads with
13 shower, toilet facility, resident manager. The goal is to
14 provide safe sleeping space for selected individuals. There
15 would be a nominal charge, plus application and selection
16 process. Which is the key, I think, to the success of this
17 is a selection process that would include the Puamana people
18 and, you know, include everyone who is a stakeholder in the
19 neighborhood, to weed out the type of homeless people you
20 don't want, the addicts.

21 There's a number of homeless people that are not
22 addicts that can follow the rules. These are the ones we're
23 advocating for.

24 An experiment to see if this will work. And if it
25 does work, it can be a model for other parts of the island

1 to serve these -- this segment of the homeless population,
2 help them transition, work with other agencies and so forth.

3 So unless we go out on a limb, sometimes you can't
4 pick the fruit. You gotta try something instead of just
5 talk about it. So I pray that everyone here will be
6 compassionate. This is compassionate action to try
7 something like this.

8 And I've known the landowner here. That's why I
9 am here, too, also, besides my young people that have
10 homeless parents, is the landowner, I've known him for over
11 40 years. And he's born on the mainland, but he's been here
12 40 years. And he started out working in restaurants and
13 became a school teacher, you know, taught in our high
14 schools. He's a compassionate person. And that's -- that's
15 why he wants to do this. It's costing him a ton of money
16 and time and -- and plenty humbug sort of, but he -- he
17 believes in it because he's a compassionate person.

18 So I pray that you folks, everyone here who is
19 opposed to it, will try it for a year. The Conditional Use
20 Permit is for a year, I believe, or something like that. Is
21 that correct? It's a limited period of time. So you can
22 see if it works. And if it does work, then you can have a
23 model -- tune it up and have a model for other parts the
24 island, to serve this segment of the homeless population who
25 deserves a chance to transition.

1 Thank you very much. Aloha.

2 VICE-CHAIR TSAI: Thank you. Any questions from
3 the Commission? Seeing none, okay. At this point, to
4 accommodate everyone, and, also, the folks outside, we're
5 going to move our meeting to the Council Chambers.

6 DIRECTOR SPENCE: Right. So this is -- you know,
7 when we set meetings like this, we don't know how many
8 people are going to show up. But we were plenty aware of
9 the interest in -- in the -- in the one project. So we
10 reserved the Council Chambers, so we could accommodate
11 everybody, so people don't have to sit outside. And, you
12 know, it gets pretty cramped in here. So the Chair would --
13 would recess this meeting and we will reconvene up in the
14 Council Chambers.

15 If you go out this door, to your right, and then
16 turn left, you go in under the County building, there's an
17 elevator -- go through glass doors, there's an elevator
18 there. And the Council Chambers are on the 8th Floor.

19 UNIDENTIFIED SPEAKER: Will there be somebody here
20 to redirect everybody else that needs --

21 DIRECTOR SPENCE: Yeah. We're going to put signs
22 out on the door.

23 (Recess, 9:17 a.m. to 9:37 a.m.)

24 VICE-CHAIR TSAI: Okay. We're calling the Maui
25 Planning Commission meeting back to order.

1 Open the floor back up to public testimony. And,
2 again, this is for those of you who are not going to be
3 available to testify when the agenda item is presented. So
4 please know that you'll have opportunity to testify when
5 that comes up, or you can choose to testify now if you can't
6 stay for the meeting. But you can't do both.

7 So we have our first testifier, please identify
8 yourself. You have three minutes.

9 MR. AKINA: Good morning. I am Dr. Kelii Akina,
10 President of the Grass Root Institute of Hawaii, Hawaii's
11 leading independent public policy think tank.

12 Chairman Tsai and Members of the Commission,
13 aloha. Thank you for letting me share my comments today
14 from our organization on the Kaua`ula Campground sites.

15 Basically, you all know that there was a 12
16 percent increase in homelessness in just one year between
17 2014 and '15 here on the island of Maui alone. We now are
18 the state that has the highest per capita rate of
19 homelessness in the entire nation.

20 But our problem isn't the homelessness. Our real
21 problem is the lack of ability of our government to pay for
22 solutions to homelessness. There's a fiscal crisis both at
23 the State level and at the County level. We've documented
24 that. Yesterday, Governor Ige announced a committee that
25 would come up with new solutions for homelessness, but he

1 did not point out funding sources.

2 Here is a solution before us. And that's to take
3 a look at what is going on nationwide.

4 We have surveyed municipalities and states across
5 the nation and have discovered that there's an emerging best
6 practice. That practice is when municipalities and states
7 allow the private sector to move in and take initiatives to
8 solve the problem of homelessness. And that's exactly what
9 we have going on in Kaua`ula right now.

10 There's several benefits to the project. I've had
11 the opportunity to look over the designs. I've gone to the
12 campsite.

13 Benefit Number One: It helps the poor and
14 homeless at no cost to the taxpayer.

15 Number 2: It protects the property values of
16 condos and homes in the area. Here's why: These condos and
17 homes are already experiencing vagrancy from homelessness,
18 but nothing is being done about it. And this problem is
19 going to increase.

20 Currently, in Waikiki, a solution has been
21 developed. Businesses are paying private services to meet
22 the needs of the homeless in order to get them out and take
23 care of their long-term permanent needs.

24 Eventually, condo owners and taxpayers are going
25 to end up paying, but Kaua`ula is part of the solution of

1 the private sector that will cost nothing to the public
2 sector.

3 There's some clarifications that are needed. And
4 I think they're important.

5 First of all, this is not going to be a tent city
6 of homeless. Quite the opposite. It's going to be a
7 professionally-landscaped well-maintained venue with
8 pavilions called pods in which there's dormitory residents.

9 Secondly, it's privately-owned property which
10 means we don't have the problems with the State. You can
11 evict people from private property. You can have private
12 security. You can have a level of management that's not
13 possible in our parks and so forth.

14 In addition, it's not permanent; it's transitional
15 housing. And it's a center where the homeless are connected
16 to health services, mental health services, and other needs.

17 In closing, The Grass Root Institute makes the
18 following recommendations: Number 1, approve this project;
19 Number 2, look to it as a short-term start-up, an experiment
20 that can be reproduced; Number 3, think about --

21 MS. TAKAYAMA-CORDEN: Three minutes.

22 MR. AKINA: -- (inaudible) in the future for
23 developers.

24 And, finally, I'll close with this, let Maui
25 become a model for the rest of the nation. Thank you very

1 much.

2 VICE-CHAIR TSAI: Thank you. Questions from the
3 Commission? Seeing none --

4 MR. AKINA: Thank you very much.

5 MR. AHIA: Good morning. My name is Sam Ahia. I
6 am a resident of Lahaina, Maui for the last 30 years or so.
7 And I am here to support the Kaua`ula Campground.

8 I'd like to share something that I sent that here
9 to -- up to now has been invisible or inaudible. And what I
10 mean by that is I think I have -- I could add to the
11 solution or to add to the allaying of fears of a lot of
12 people who are (inaudible).

13 I have been a part of a small local church in the
14 last 20 years. And our -- our mission is to rehabilitate
15 people. How we do that, we have outreaches, community
16 outreaches, we have youth camps, we -- we invite people.
17 They sign our invitation cards. After we get the cards, we
18 go out and visit them. We have one-on-one talks. We follow
19 up with phone calls. We invite them to our services. We
20 pick them up in vans.

21 When they come into our services, they meet a kind
22 of family there with open arms. And if they keep coming
23 back, all of a sudden, they get this concept of ohana, of
24 people that care about them.

25 We already know the problems they have. We know

1 their circumstances. But our mission is to rehabilitate, to
2 instill confidence in people who are down, that they can
3 change and they can make it and they can become an asset to
4 the community rather than a perceived non-asset, if you
5 will.

6 So I would say today that I am for the project.
7 And I would ask you to consider this added dimension of
8 helping to make people better, to have a better community,
9 then you wouldn't have so much fear of people you can deem
10 as being vagrant or less desirable.

11 I have personally dealt with drug addicts and
12 mentored drug addicts, and broken marriages, children
13 without parents who are in prison. And I am happy to give
14 you an account of many wonderful stories that have come
15 about.

16 Not all our stories have happy endings, but all I
17 am asking you is give this program a chance. Thank you very
18 much.

19 VICE-CHAIR TSAI: Thank you. Questions for the
20 Commission? Seeing none. Okay. I have a list, pretty
21 extensive list of testifiers here. And I am going to call
22 your name, and please let me know whether you want to
23 testify now or wait for the agenda item comes up. I have
24 Marlene Kaahui.

25 MS. KAAHUI: Here.

1 VICE-CHAIR TSAI: Would you like to wait or you
2 want to testify now?

3 MS. KAAHUI: I'll wait.

4 VICE-CHAIR TSAI: Okay. Anna Barbeau?

5 MS. BARBEAU: Is this going to be the first -- the
6 first thing to testify for or against, is it going to be the
7 Ho`omoana project? Is that the first thing?

8 VICE-CHAIR TSAI: That's our next agenda item. So
9 you will have a chance to testify then, or you can choose to
10 testify now.

11 MS. BARBEAU: I might as well go ahead and go. I
12 didn't know if I had to sit through other ones and then
13 wait.

14 VICE-CHAIR TSAI: Right. Just so you know, we're
15 going to have a presentation first, then you get to testify
16 for this particular item.

17 MS. BARBEAU: Oh. I'll wait. I'll look at the
18 presentation.

19 MR. HOPPER: Oh, no, no, no. I am just saying if
20 they want to wait.

21 VICE-CHAIR TSAI: Yeah. So you want to testify
22 now?

23 MS. BARBEAU: Are you going to do a presentation,
24 as you just said?

25 DIRECTOR SPENCE: Okay. The normal -- what we're

1 doing right now is we're following normal Planning
2 Commission procedure. We -- the Planning Commission opens
3 up public testimony as a courtesy to people who need to
4 leave or they need to go to work, or whatever, but still
5 offer them an opportunity to testify. People can testify on
6 any agenda item at this time, but you only get to testify
7 once. You can testify now on any agenda item, or if you --
8 as your name is called, you can -- you can say, no, I want
9 to wait until the actual agenda item is called.

10 MS. BARBEAU: This is the agenda item that I am
11 testifying about, but didn't you just mention there's going
12 to be a presentation before?

13 DIRECTOR SPENCE: Yeah. Right now, we're just in
14 public testimony.

15 MS. BARBEAU: Okay.

16 DIRECTOR SPENCE: Okay. We will go through each
17 agenda item one at a time and there will be additional
18 public testimony at that time. But you get to -- individual
19 members of the public --

20 MS. BARBEAU: You'll call the names again?

21 DIRECTOR SPENCE: We will have additional
22 testimony at that time. But everybody gets a chance to
23 testify once.

24 MS. BARBEAU: Yes. So you -- after the
25 presentation, you'll go ahead and call, in order, people who

1 have signed up for that particular agenda?

2 DIRECTOR SPENCE: That's correct.

3 MS. BARBEAU: Okay. I'll wait for the
4 presentation. I am interested.

5 DIRECTOR SPENCE: Okay.

6 MS. BARBEAU: Thank you.

7 VICE-CHAIR TSAI: I have Linda McCarthy.

8 MS. MCCARTHY: I'll wait.

9 VICE-CHAIR TSAI: Okay. Clark Johnson.

10 MR. JOHNSON: I'll wait.

11 VICE-CHAIR TSAI: Dan Dowdall.

12 MR. DOWDALL: I'll wait, also.

13 VICE-CHAIR TSAI: Dave Kelso, Keiso.

14 MR. KELSO: I'll wait.

15 VICE-CHAIR TSAI: Jason Schwartz.

16 MR. SCHWARTZ: I'll wait.

17 VICE-CHAIR TSAI: Kiana Amoreio.

18 MS. AMONCIO: It's Amoncio. And I'll wait.

19 VICE-CHAIR TSAI: Sorry. Joseph Rizzo.

20 MR. RIZZO: Yeah, that's me. I am going up.

21 VICE-CHAIR TSAI: Okay.

22 MR. RIZZO: Go on up there?

23 VICE-CHAIR TSAI: Yes, please.

24 MR. RIZZO: How are you doing? My name is Joseph

25 Rizzo, R-I-Z-Z-O. I figure I might as well come up here

1 now.

2 Briefly, what I just wanted to say is that about a
3 year and-a-half ago, actually, in January of 2014, I was in
4 college at -- at the Maui College here, University of
5 Hawaii, and doing pretty good. I -- I did everything I had
6 to do to get in the school. I -- I got my tuition paid.
7 Any kind of debts that I had, I had arranged to get pay --
8 payments for. And what happened is I got stuck outside. I
9 got stuck outside, and it started raining. And it was bad
10 rainy season, couple years ago. And I got wiped out. One
11 night, I was camped out and the water actually came up from
12 underneath me and destroyed my computer, my phone, my school
13 books, and my papers, my tent, clothes, everything.

14 And I ended up not doing so well after that, got
15 sick. Ended up going back to Chicago for the last year
16 and-a-half. My family helped me out, get me healthy and
17 (inaudible).

18 And I am back here. And I have made some friends
19 while I was here, last time I was here. And Lisa Darcy is
20 one of 'em. I've been working with her, helping her do
21 research on this homeless thing.

22 And for me, you know, it's a good idea because,
23 you know, I am trying to better myself. I am -- I used to
24 be -- drink real heavy. I was a alcoholic at one time,
25 heavily. I don't drink at all anymore. So -- and I am

1 trying to better myself and I am -- but I'm still having
2 difficult times.

3 And my problem then was that I didn't have nowhere
4 to go to stay out of the rain. And it nearly killed me,
5 actually.

6 And, anyway, I think this is a good idea. You
7 know, I'm into nursing, I'm into music, I'm into a few other
8 things. Never know. I might be the guy in the emergency
9 room that happens to have to take care of your grandson or
10 your granddaughter some day. You never know, so -- maybe
11 mother, who knows. So, you know -- and I'm -- you know, I'm
12 back. I'm going to try to get back in school again. I
13 gotta wait a year now because I've been gone a while now.
14 I've gotta to have a year residency here.

15 That's all I wanted to say, you know. I think
16 that's a good idea, what she's trying to do here, that can
17 help a lot of the right people out. That's all.

18 VICE-CHAIR TSAI: Thank you. Questions from the
19 Commission? Hold on, sir.

20 COMMISSIONER LAY: Joseph, one question.

21 VICE-CHAIR TSAI: Joseph.

22 COMMISSIONER LAY: Joseph, do you have a place to
23 stay now?

24 MR. RIZZO: Right now, I'm staying at the shelter.

25 COMMISSIONER LAY: Okay.

1 MR. RIZZO: Ka Hale A Ke Ola right now. And I'm
2 working on getting something a little better than that.
3 That ain't exactly the best place in the world living with
4 29 other people under -- in one room.

5 COMMISSIONER LAY: How long can you stay at the
6 shelter?

7 MR. RIZZO: I don't know. I guess they got
8 programs there where you can stay a couple years, if you
9 want.

10 COMMISSIONER LAY: Thank you.

11 MR. RIZZO: Yeah.

12 VICE-CHAIR TSAI: Okay. We have Deiter Lane.

13 MR. LANE: I'll wait.

14 VICE-CHAIR TSAI: Richard Siler.

15 MR. SILER: I'll wait.

16 VICE-CHAIR TSAI: Doug Wright.

17 MR. WRIGHT: I'll wait.

18 VICE-CHAIR TSAI: Deborah Wright.

19 MS. WRIGHT: I'll wait.

20 VICE-CHAIR TSAI: Rob Tarver.

21 MR. TARVER: I'll wait.

22 VICE-CHAIR TSAI: Cheryl Henderson.

23 MS. HENDERSON: I'll wait.

24 VICE-CHAIR TSAI: William -- I'm sorry, can't read
25 if it's F or S.

1 MR. SOARES: I'll wait.

2 VICE-CHAIR TSAI: Thank you. Is it an S or F?

3 MR. SOARES: S.

4 VICE-CHAIR TSAI: Got it. Eugene Smith.

5 MR. SMITH: Wait.

6 VICE-CHAIR TSAI: Gordon Firestein.

7 MR. FIRESTEIN: I'll wait.

8 VICE-CHAIR TSAI: Rory Frampton.

9 MR. RORY FRAMPTON: I'll wait.

10 VICE-CHAIR TSAI: Nansy --

11 MS. PHLEGER: I'll wait.

12 VICE-CHAIR TSAI: Ted Loberg.

13 MR. LOBERG: I will wait.

14 VICE-CHAIR TSAI: Albert Dizon. You'll wait?

15 Okay.

16 UNIDENTIFIED SPEAKER: No, no. He coming.

17 UNIDENTIFIED SPEAKER: No. He's testifying now.

18 VICE-CHAIR TSAI: Okay.

19 MR. DIZON: Aloha. Good morning. My name is
20 Albert-Dall Dizon. I am a lifetime resident of Lahaina.

21 And I am not happy with this project you guys
22 trying to build. We the family, especially me, malama the
23 culture, the kupuna. Building one place over there, it
24 ain't gonna be good for us, Lahaina.

25 65 years I live there, three years went to -- I

1 was in the Army. I'm a Vietnam vet.

2 Really one place like Olowalu in Lahaina. When
3 they never build those things out there, the added tents,
4 that place look like crap. Now you get this new stuff look
5 like the new crap behind the old crap. I'm sorry. I am
6 here to defend Lahaina, the culture.

7 The word Kaua`ula, brah, all that family live up
8 there, every kupuna, the word Kaua`ula is sacred. It's not
9 one word you guys can use for you guys' development. You
10 know, you guys love -- you guys say you guys love Hawaii,
11 but you use us only for (inaudible). After that, nothing.
12 (Inaudible) Olowalu. (Inaudible) because the old camp is
13 still shit, period.

14 I'm here to protect Lahaina. No way. I say no
15 way this kine camp. Why? When they pau with the camp or
16 run out of money, what gonna come next? You guys know they
17 going put something else. They trying to push this. If no
18 fast, they go another direction. That's what they're doing.
19 The same players, different time.

20 We, the family of Kaua`ula, been here a long time.
21 We know all the players. It's the same players, different
22 time. You just don't get it. Over the 20 years, the same
23 players doing the same thing. And they messing up Lahaina.

24 Why? I was born there. I know everything. I
25 know every family, big family. I one of the big family in

1 Lahaina. So I'm here to protect the culture, the dignity of
2 that place they call Kaua`ula and the sacred land of
3 Moku`ula. That's the key, gentlemen, ladies. You guys talk
4 about protection, it's the whole area we protect. And
5 that's what the family do, the kuleana family live up there.
6 We trying to protect for not take away what's not going to
7 come back again. Never this gonna come back again. I know.
8 I was here since the time the strike. I was carrying plate
9 to lunch every day. I know what a struggle. I been without
10 money. No money in pocket. You go watch, you go show, you
11 go movies. No money. I been there. This not going to do
12 good for Lahaina and not going to do good for my family.
13 And gonna hurt the history and the culture of Lahaina.
14 (Inaudible) in the past, and it's still in the past.

15 MS. TAKAYAMA-CORDEN: Three minutes.

16 MR. DIZON: That's the greatness of this land,
17 Lahaina they call. Mahalo.

18 VICE-CHAIR TSAI: Thank you. Questions from the
19 Commission? (Inaudible) Hoshiro.

20 UNIDENTIFIED SPEAKER: Hoshino.

21 VICE-CHAIR TSAI: Sorry. You're going to wait,
22 ma'am?

23 UNIDENTIFIED SPEAKER: It's a he.

24 VICE-CHAIR TSAI: Oh, sorry.

25 MR. HOSHINO: Aloha. My name is (Inaudible)

1 Hoshino from Lahaina, Maui. I agree with my Uncle Albert
2 Dizon. I no approve this project, yeah.

3 Living in Lahaina, you know, there's a lot of
4 things that's came up, especially, you know, this -- this
5 issue right here, Kaua`ula camping ground, you know. And
6 you think about -- you look at the project, especially where
7 the site is, yeah, 22 acres. And it's right next to the
8 stream, yeah. So can you control, yeah, yeah, that amount
9 of people there, yeah, because there's a lot of substance
10 abuse here, yeah. And a lot of people throw all their
11 stuffs right in the stream, yeah. What that's gonna cause,
12 yeah, affect?

13 See, this is the thing that you guys don't think
14 about, especially these Ho`omoana, yeah. That the problems
15 that we facing today, yeah, like, for us, we know we have a
16 big -- a lot of homeless is in here, yeah, in Hawaii, yeah.
17 But creating something like this gonna cause impact for us.
18 Especially for the next -- you know, next generation.
19 Especially, for right now, that this issue might lead to
20 other development as well.

21 That's the impact that I see for us. Because, you
22 know, my grandfather work in the plantation, yeah. And they
23 lived in a so-called -- we called it Lahaina Pump, yeah.
24 Once that Pioneer Mill closed, yeah, they got rid of us.
25 Yeah, they got rid of us. And years, nothing happened. Now

1 you guys like make a campground? No.

2 I don't approve this kine, yeah. So for me, yeah,
3 I say aole to this. And mahalo.

4 VICE-CHAIR TSAI: Thank you. Questions from the
5 Commission? Okay. Next one, we have Brian McCafferty.

6 DIRECTOR SPENCE: He went already.

7 VICE-CHAIR TSAI: Oh, he did. And Ke`eaumoku.

8 MR. KAPU: I'll wait.

9 VICE-CHAIR TSAI: Okay. Deborah Mader.

10 MS. MADER: I'm coming.

11 Aloha, Committee. Thank you for the opportunity.

12 I faced homelessness after one year of college
13 because I was \$17,000 in debt. So I can appreciate people
14 trying to help those that don't have a house. However, in
15 my situation, the problem was the system, the way that
16 our -- the U.S. economy is set up, kids can't afford
17 college. That put me in the position.

18 So on this particular project, I have several
19 concerns. One of which is the word "for commercial use"
20 that is part of the special permission that this group is
21 trying to get to -- to carry forward this project. That
22 makes me worried about how this is going to proceed. It may
23 start off with one intention, but when the word "commercial"
24 is in there, it -- seeing money exchanged or potential other
25 projects, it might grow into, that, obviously, many people

1 from Lahaina don't agree with.

2 And I'm here speaking on behalf of some of my
3 friends who couldn't get here today. They're working.
4 They're mothers as well. I actually live Kihei side, but
5 they asked me to come and, please, to voice their concerns
6 about this project. They're very worried about it, very
7 concerned about what it will grow into, straying far from
8 the intention of just trying to help people bridge
9 houselessness.

10 The other issue I just wanted to address, since I
11 am from Kihei, if I may, is the megamall, downtown, city
12 central, whatever you want to call it, as proposed in Kihei.
13 I'm strongly opposed to it. We have a city center already.
14 We have many storefronts that are vacant right now in Kihei
15 and many opportunities for businesses to come and fill them
16 without having to build a gigantic new mega center in Kihei.
17 My family doesn't want to see Kihei go in that direction.

18 Mahalo.

19 VICE-CHAIR TSAI: Okay. Questions?

20 MS. MADER: Questions?

21 VICE-CHAIR TSAI: Yeah, we're good. All right.

22 Yuki Lei Sugimura. Please identify yourself.

23 MS. SUGIMURA: My name is Yuki Lei Sugimura. And
24 I am here today to testify to support the Krausz Company
25 project in Kihei. I, right now, have, for the past 12

1 years, worked with the Krausz Company to do their marketing
2 and promotions at the Piilani Village Shopping Center.

3 Some of you who are familiar with the project,
4 like our previous speaker, know that a shopping center
5 itself provides a lot of services for the community, with a
6 great shopping center mall concept, with banks there, you
7 can get your gas there at Minit Stop. You can also charge
8 your electric vehicle there, they have a project partnership
9 with JUMPSmartMaui, you can cut your hair there, you can do
10 a lot of things there.

11 But I wanted to also tell you the things that goes
12 on with their partnership for the community. I just got
13 through -- I pulled some of the posters we did. We just
14 pulled -- we just partnered with the shopping center and
15 collected lots of back-to-school supplies for needy
16 children. And we partnered with Queen Liliuokalani
17 Children's Center. We've been doing this -- this project
18 has been around through Senator Inouye's creation in 1998,
19 and we still continue it even after his passing. So the
20 shopping center does help -- also help Maui High School Band
21 get to the Rose Bowl Parade, and did things like that, by
22 having them perform at the center. So we continue to
23 partner with the community to collect food, to do toys, you
24 know, to do different things so that we can give back to the
25 community.

1 And I think this is something that the Krausz
2 company has instilled in me as I -- as I represent them and
3 try to pull these events together. And I just wanted to
4 share that this is -- this is part of the development
5 project concept that's proposed to be built before you.

6 VICE-CHAIR TSAI: Thank you. Questions from the
7 Commission? Thank you.

8 MS. SUGIMURA: Thank you.

9 VICE-CHAIR TSAI: Erin Lowenthal. Please identify
10 yourself.

11 MS. LOWENTHAL: Sure. Good morning, Planning
12 Commission Members. My name is Erin Lowenthal. And I am
13 the Chief Executive Officer of Ka Hale A Ke Ola Homeless
14 Resource Centers.

15 We operate two resource centers, one of which is
16 located in the Lahaina, off Shaw Street. Currently, the
17 Lahaina facility has a wait list of 150 individuals,
18 including more than 60 children. All too often, I am forced
19 with making a heart-wrenching task knowing -- turning away
20 families in need of shelter, knowing that they'll end up
21 sleeping on the beaches, on the streets or uncomfortably in
22 cars.

23 I believe we, as a community, can do better.
24 Ho`omoana's proposed project is a great first step. The
25 proposed campground will provide safe and secure

1 transitional shelter and connect individuals and families
2 with available resources. The initial small scope of the
3 camp, in addition to its full-time site manager, gives me
4 great confidence in its ability to succeed and thrive.

5 It's easy to talk about the problems facing our
6 community, but what we need -- what we see here are a group
7 of individuals committed to providing relief for our
8 communities most vulnerable residents and actually taking
9 action. I urge this Commission to allow this project to
10 move forward and provide much needed relief to our
11 community. Thank you.

12 VICE-CHAIR TSAI: Commissioner Robinson.

13 COMMISSIONER ROBINSON: Will you be around after
14 the presentation if we ever want to call you back up for
15 questions?

16 MS. LOWENTHAL: I would be more than happy to
17 respond to questions, depending on how long this meeting
18 goes. I don't know the --

19 COMMISSIONER ROBINSON: Thank you.

20 VICE-CHAIR TSAI: Yeah. Okay. Yeah, let's ask
21 questions now.

22 COMMISSIONER ROBINSON: I want to see the
23 presentation first.

24 MS. LOWENTHAL: I'll make myself available as a
25 resource.

1 VICE-CHAIR TSAI: Well, I think it's our typical
2 practice not to call people back. And so -- Commissioner
3 Hedani.

4 COMMISSIONER HEDANI: I have a question for the
5 testifier.

6 VICE-CHAIR TSAI: Yes, please.

7 COMMISSIONER HEDANI: As the Chief Executive of Ka
8 Hale A Ke Ola Resource Center, for 160 people that you turn
9 down, are there plans for expansion of your program in
10 Lahaina or in Central Maui?

11 MS. LOWENTHAL: Currently, we do -- we have no
12 plans to expand. We recognize the need for more resources.
13 And, unfortunately, the funding has not been made available
14 for us to do so.

15 COMMISSIONER HEDANI: Okay. So there are no plans
16 at the current time?

17 MS. LOWENTHAL: No, sir.

18 VICE-CHAIR TSAI: Commissioner Robinson.

19 COMMISSIONER ROBINSON: How are you funded
20 currently?

21 MS. LOWENTHAL: We receive a variety of funding
22 sources, which include the County of Maui, the State of
23 Hawaii and the Federal Government through the Housing and
24 Urban Development Administration, HUD.

25 COMMISSIONER ROBINSON: And you say you have two

1 facilities in the Lahaina side?

2 MS. LOWENTHAL: We have two in total. One is
3 located in Wailuku and the other one is located in Lahaina.

4 COMMISSIONER ROBINSON: On Shaw Street?

5 MS. LOWENTHAL: Off Shaw Street, correct.

6 COMMISSIONER ROBINSON: How large is that
7 facility?

8 MS. LOWENTHAL: It is 32 dormitory beds, 24
9 studios and 24 two-bedrooms.

10 COMMISSIONER ROBINSON: Is it a-single story --

11 MS. LOWENTHAL: Yes.

12 COMMISSIONER ROBINSON: -- place? And what is
13 your -- what is your annual budget right now?

14 MS. LOWENTHAL: We -- our annual budget is roughly
15 \$4 million.

16 COMMISSIONER ROBINSON: And how much would you
17 need to double -- I mean, do you folks have a location that
18 -- that you're able to move in if your budget grows, or
19 you're not going to have a location because you go through
20 your budget first and then you start looking for something.

21 MS. LOWENTHAL: We have a long-term lease on the
22 land where we're located now. And the space that we have
23 available in Lahaina does not provide any room for growth
24 unless we were able to secure additional land.

25 COMMISSIONER ROBINSON: Okay. Thank you.

1 VICE-CHAIR TSAI: Commissioner Lay.

2 COMMISSIONER LAY: Erin, what are your greatest
3 challenges with your facility and how do you deal with it?

4 MS. LOWENTHAL: My greatest challenge is really
5 the lack of resources. We have an even longer wait list at
6 our Wailuku facility. Everyone in this community recognizes
7 we need to do more to really tackle the problem with
8 homelessness and, yet, we have limited resources. And we
9 see the resources that do exist dwindling.

10 Ideally, we really need more affordable rental
11 housing built so that can I move people in my facility into
12 permanent housing and really address those who are more
13 chronically homeless.

14 VICE-CHAIR TSAI: Commissioner Lay.

15 COMMISSIONER LAY: I guess I have a question that
16 relates to (inaudible). So with families, how are the
17 children dealt with, with the families? Any education or is
18 it just -- just wondering what the kids are -- with the
19 homeless families, how they're dealt with.

20 MS. LOWENTHAL: Every child receives a children's
21 case manager. And that children's case manager identifies
22 issues that the children are facing, whether it be medical,
23 education, development, et cetera. We also partner with
24 other community resources to provide Head Start programs on
25 site. And we do have a Head Start Program both in Lahaina

1 and at our Wailuku facilities.

2 VICE-CHAIR TSAI: Commissioner Lay.

3 COMMISSIONER LAY: Okay. With this -- with your
4 program, do you see yourself in the future, not necessarily
5 this one itself, but teaming up with them because of the
6 facility that will be available to you?

7 MS. LOWENTHAL: Absolutely. We currently work
8 very, very closely with Ho`omoana. They provide tremendous
9 resources for many of our clients who are trying to dig
10 themselves out of this situation by securing jobs, securing
11 necessary clothing, resume skills, et cetera.

12 COMMISSIONER LAY: Thank you.

13 VICE-CHAIR TSAI: Commissioner Robinson.

14 COMMISSIONER ROBINSON: If I could give you one
15 thing to help you service more people besides money, what
16 would that be?

17 MS. LOWENTHAL: Affordable housing.

18 COMMISSIONER ROBINSON: Thank you.

19 VICE-CHAIR TSAI: Thank you.

20 MS. LOWENTHAL: All right. Thank you very much.

21 VICE-CHAIR TSAI: Yolanda Dizon.

22 MS. DIZON: I'll wait.

23 VICE-CHAIR TSAI: Okay. Lisa Wear.

24 MS. WEAR: Good morning, Council. And thank you
25 for the attendance. Much larger than our initial meeting in

1 Olowalu, which I attended. And my name is Lisa Wear --
2 apologize -- W-E-A-R. I'm a Puamana resident and owner.

3 And I'd like to express, at first blush, I'm sure
4 it appears, because I'm a resident owner, that my concerns
5 are primarily about property values, security, and all the
6 things that will be mentioned by discussion after the
7 presentation. However, equally to that, and maybe more so,
8 my point to speak this morning is that it's very clear that
9 the locals and the Hawaiian natives primarily need to be
10 respected and need to be heard. And I'm quite surprised, in
11 these last few weeks, of the lack of support by that
12 community. I really expected that that was -- that that
13 group would be the most in support of this project.

14 The reason we don't know which way I'm really
15 stating my case right now is because my heartstrings are
16 pulled in all directions. I've seen this presentation. And
17 the reason I wanted to speak first, before it, is to let you
18 know that you're going to hear a very compelling and
19 compassionate presentation that naturally opens the heart.
20 And it's with good will from good people trying to do good
21 things.

22 I would like to invite the Foundation, and
23 particularly Mr. Martin, to please consider these funds or
24 the personal efforts and volunteer that's already in place
25 to still be working if this project does not pass, if it is

1 denied. I would like to see it evolve because, obviously,
2 it's a great gift to the county, to the city, to the
3 individuals, to proceed with some sort of assistance.

4 And I believe, obviously, there's a need for it.
5 And as the good doctor and I have spoken -- just earlier,
6 spoken that this problem will persist and will grow and will
7 spiral larger. And I know individuals need the help. I
8 just believe that there -- that the proposal on its merits
9 currently, there might be a better way to do that and build
10 a bridge.

11 Like I said, I would welcome the Foundation and
12 Mr. Martin to please consider these funds still be offered
13 in the appropriate means, whatever the Council or the
14 individuals and the groups decide that they deem that that
15 is. I would just hate to see it quashed as an all or
16 nothing proposal.

17 And like I said, the presentation, I'm sure, has
18 even probably been summarized since we've seen it at
19 Olowalu. And it's very nice, it's very compelling. And
20 I'd, in my life, like to pay it forward as well. And I get
21 involved and I do so in different avenues. And this is one
22 that I'm happy to be involved with at the appropriate means.

23 So it's, of course, up to all as a group. I just
24 believe that we can build a bridge and find some sort of
25 medium, not necessarily happy medium, of course. The best

1 answer is --

2 MS. TAKAYAMA-CORDEN: Three minutes.

3 MS. WEAR: -- and everybody is unhappy. So please
4 consider whatever the result is that there are options
5 instead of all or nothing, to maybe direct funds in an
6 appropriate manner, in appropriate buildings or however it's
7 effected. Thank you very much.

8 VICE-CHAIR TSAI: Okay. Thank you. All right.
9 Tim Aubrey.

10 MR. AUBREY: I'll wait.

11 VICE-CHAIR TSAI: Sam Ahia.

12 UNIDENTIFIED SPEAKER: He already spoke.

13 VICE-CHAIR TSAI: Robert Harren.

14 MR. HASSON: What did you say the last name was?

15 VICE-CHAIR TSAI: I think it's H-A --

16 MR. HASSON: That's me. I'll go now. Aloha. I'm
17 Robert Hasson. Thank you guys for giving me the opportunity
18 to speak today.

19 I'm here as an objective person. I have no dog in
20 this fight. I don't even live on the west side. I live on
21 South Maui. But I read about this in the paper and it kind
22 of got me scratching my head. And I ran it by my
23 colleagues. I am in real estate, I work at the Wailea
24 Group. And we all kind of looked at this and said it
25 doesn't make any sense from a community planning standpoint.

1 It's a poor location.

2 I do, in a sense, applaud people who are trying to
3 do the right thing, but -- do the right thing with good
4 intentions, but there needs to be due diligence with this.
5 It's been a week or two since people kind of got a chance to
6 wrap their head around this. It seems like it's being
7 escaped under the radar. It seems very political instead of
8 looking at it from an economic standpoint.

9 So, yeah, I would caution everybody that this, to
10 me, just from a unbiased objective standpoint, doesn't make
11 any sense whatever, does make any sense just for site work
12 alone. It's a poor location. You're doing it smack dab in
13 the residential area. It's not urban. There's not a lot of
14 social services around there. It's hot, you know, really
15 hot in the summertime without AC.

16 Again, I'm all for a solution, we got to do
17 something, but this is a bandaid, it's a temporary fix. It
18 will do more harm than good. To me, just kind of common
19 sense that the cons far outweigh the pros, but do I hope
20 that we can work together to find something that would make
21 sense. It's -- as part of the community, we do gotta do
22 something to the problem, but just as a regular person, I
23 don't get it.

24 But that's all I have. Thank you. Appreciate it.

25 VICE-CHAIR TSAI: Elaine -- oh, questions. Sorry.

1 Commissioner Hedani.

2 COMMISSIONER HEDANI: It's not a question for the
3 testifier. Mr. Chairman, because we have so many people
4 here to testify today and -- what I was wondering is if the
5 Chair could request the testifiers to direct their comments
6 to you as the Chairman of the Commission and that we request
7 the audience not to applaud in support or against any
8 testifiers, as a courtesy to people that are testifying.

9 VICE-CHAIR TSAI: Okay. Thank you, Commissioner
10 Hedani. Duly noted. Okay. Elaine Aviles Fales.

11 MS. FALES: Aloha. My name is Elaine Aviles
12 Fales. And I live just on the other side of the bypass
13 (inaudible), my husband and I.

14 My concern with this -- and please note I have
15 experience with one of our children who was unfortunate and
16 dabbled in drugs and became an addict. Thank you to the
17 Lord, after so many struggles, he's -- he's better, but it
18 wasn't easy.

19 And back in the mainland, they have what is called
20 SLE, sober living housing and transitional homes. Not
21 tents. These homes are very controlled. It's a way to help
22 the situation and not put a bandaid. And I think this
23 project is putting a bandaid. We need to get to the problem
24 and help fix it, not put a bandaid on it.

25 We hear the shelters. I think sometimes things

1 need to be really scrutinized. I heard four million
2 allotted a year. I know they can say it's not enough, 4
3 million is not a lot, but I think one million of it can buy
4 a home and a property and several families can live in there
5 and share and work hard. In a lot of these families, they
6 have all these talents of construction contractors, plumbers
7 and everything. With the city giving them the rights to
8 build an (inaudible). Still, these homes being owned by the
9 shelters to control them, giving these people a chance.

10 Also, after so many days, they would have to pay
11 to live there. Affordable living.

12 A bandaid doesn't work.

13 The location where they want this, there's no work
14 there. You have the children living there currently
15 fighting for jobs. It's located incorrectly.

16 I do think we need to respect the locals and
17 listen to them, too. This is their land.

18 MS. TAKAYAMA-CORDEN: Three minutes.

19 VICE-CHAIR TSAI: Thank you.

20 MS. FALES: Thank you.

21 VICE-CHAIR TSAI: Any questions, Commission?

22 None? Okay. Thank you, ma'am. Henry Vandervelde.

23 MR. VANDERVELDE: My name is Henry Vandervelde.

24 I'm testifying on Item C.2, Arkles permit.

25 And I would like to say that I am in favor of this

1 permit. I live directly across the street. And he's a good
2 neighbor. And they're a good community member. And I
3 support the permit.

4 Thank you.

5 VICE-CHAIR TSAI: Questions? Thank you.

6 George --

7 MR. KAIMIOLA: Kaimiola.

8 VICE-CHAIR TSAI: Oh.

9 MR. KAIMIOLA: Aloha. My name is George
10 (Inaudible) Kaimiola. And I'm the office manager for
11 (inaudible). We operate a leadership project based on
12 Hawaiian principles, and we've got funded by the
13 Administration for Native Americans. I'm here speaking as a
14 public -- as a private citizen.

15 I did homeless outreach for six years with Family
16 Life Center. And I've been to the homeless camps. I want
17 to remind everybody about the sodomy that occurred in
18 Lahaina, about the young man that got stabbed, I think it
19 was 21 times, with 22 wounds because one went in and came
20 out the other side.

21 I think that something like this could work. In
22 Lahaina, I don't think so. Because they're too far from the
23 services that are available. I think Spreckelsville would
24 have been a better location when it was first proposed
25 because it's more central. And as an outreach work, I will

1 be able to go there daily to help assist in providing the
2 services.

3 Everybody is talking about bandaids and this and
4 that. The wahine from Ka Hale A Ke Ola said that, you know,
5 her heart melts when she's got to turn people away. My
6 friend that worked there said, "Oh, George, you don't know
7 how hard it was to turn people away." So I have an idea
8 because I'm the guy that have to drive them to the beach
9 afterwards. We can't tell them where to go, but say, "Where
10 do you want to go," and we drop 'em off.

11 In the six years that I've worked there, the
12 number one reason that I've come up with that people are
13 homeless is because they don't access services. They become
14 complacent after a while. They're comfortable. They like
15 staying there. I think by giving them that out, they won't
16 access the services.

17 I agree that affordable homes is the answer. I
18 mean, you can't -- you can't find a house that accepts HUD
19 anymore. Look in the newspaper. There's -- there aren't
20 any left. We need more affordable rentals.

21 I would suggest that maybe you guys do what they
22 call sheets and eats which is what Family Life Center does,
23 which is a drop-in shelter, they come in for the evening,
24 they have a meal and then they go out. The case manager
25 there assesses them for substance abuse, assists them with

1 finding jobs.

2 Ho`omoana, by the way, helped a lot of people find
3 work that worked at -- that stayed at the shelter at Family
4 Life Center. So it is a community effort. They do mean
5 well, but, unfortunately, sometimes like the little kid that
6 assisted the butterfly out of its cocoon -- you know what
7 happens when you assist the butterfly out of its cocoon? It
8 doesn't squeeze all the liquid out of its wings and then it
9 becomes deformed and can't fly.

10 So I appreciate the effort. I truly do. I know
11 your heart's in the right place. We need solutions, but I
12 don't think this is it.

13 MS. TAKAYAMA-CORDEN: Three minutes.

14 MR. KAIMIOLA: I don't think that by mixing
15 transient visitors with the homeless population is a very
16 good idea. So that's my mana`o. Take it for what it's
17 worth. Throw it away if you want, but mahalo.

18 VICE-CHAIR TSAI: Thank you, George. Questions?
19 Commissioner Robinson.

20 COMMISSIONER ROBINSON: George, nice shave.

21 MR. KAIMIOLA: Mahalo.

22 COMMISSIONER ROBINSON: So, George, what type of
23 people you think would be visiting this campground with your
24 experience on Front Street and 505, the veterans? You know,
25 I know the veterans was a challenge over there, right,

1 across from the Moku`ula site. Are those the type of people
2 that will using these type of facilities?

3 MR. KAIMIOLA: You know, I don't even know where
4 the site's at, but if it's -- if it's in that area, oh, even
5 more horrible. Sorry. I see -- I see transient
6 populations. You know, there's a -- there's modern day
7 hobos. They -- they travel here because they get Social
8 Security and they party for a little while, then they go
9 back to the states. Sometimes they get a free ticket here.

10 I asked this one guy, "How did you get here? Oh,
11 I went to a mission and they sent me here." There's a guy
12 that we called Chicago that came here because the parents
13 sent him here because they didn't want to see him freeze to
14 death in Chicago. So you might be inviting even more
15 transients and even more homeless people.

16 If you looked at the statistics, homeless
17 populations in the Continental U.S. dropped when, in Hawaii,
18 it grows. Coincidence, I don't think so. They're moving
19 here because it's nice and sunny. And who doesn't want to
20 live in oceanfront property in Hawaii? I do. You know, but
21 if I do that, I go camping and I'll just stay there for a
22 week or so.

23 Yeah, that's the kind of people, I think. And
24 there are services for veterans, there's the HUD-VASH
25 voucher. Unfortunately, if they've got anything other than

1 an honorable discharge they become ineligible. So that's
2 hard. That's really hard.

3 COMMISSIONER ROBINSON: Thank you.

4 VICE-CHAIR TSAI: Okay. Any other questions? All
5 right.

6 MR. KAIMIOLA: Thank you for your time.

7 VICE-CHAIR TSAI: All right. Looks like public
8 testimony is now closed. We're going to open the next
9 agenda item, Public Hearing Number 1. So just keep the
10 order that's going. We're going to hear the presentation
11 first, then we're going to open up for public testimony
12 again, and then we're going to hear about the Petitions to
13 Intervene.

14 Mr. Wollenhaupt.

15 MR. WOLLENHAUPT: Good morning, Members of the
16 Maui Planning Commission. And thank you to all of the
17 people who showed up today for Item Number Conditional
18 Permit 2014/0002 and State Land Use Special Permit
19 2014/0006.

20 The item in front of Maui Planning Commission
21 today is the Matter in the Application of the Ho`omoana
22 Foundation to obtain a Conditional Permit and a State Land
23 Use Special Permit to allow the development of the
24 campgrounds which, according to the applicant, would be
25 focused on the transient/homeless/financially disadvantaged

1 population and the commercial camper on 7.9 acres on a
2 22.7-acre parcel located at Hokiokio Place and Lahaina
3 Bypass Road at Maui Tax Map Key Number (2)4-7-003:031.

4 My name is Kurt Wollenhaupt. And I am from the
5 Planning Department. I'll be giving a description of why
6 we're here today, a factual outline of the project. As the
7 Chairman of the Maui Planning Commission indicated, then
8 there will be an opportunity for those people who wish to
9 speak directly on this item to come before public testimony.

10 There has been a Petition to Intervene filed by
11 the Pu`unoa Homeowners Association. That Petition to
12 Intervene will have to be considered by the Planning
13 Commission prior to any debate or discussion on the matter.
14 Therefore, I am going to be noting what the project is about
15 and the reason we're here today.

16 As indicated before, the matter does arise from an
17 application for a Conditional Permit that was filed on
18 August 22nd, 2014, and for a State Land Use Special Use
19 Permit filed on June 10th, 2012, by the nonprofit Ho`omoana
20 Foundation.

21 The applicant is proposing to set up and operate a
22 campground, initially with eight camping pods, which will be
23 separated by landscaping for privacy, including two restroom
24 facilities with community showers and toilets, and a
25 location for common trash collection. There would also be a

1 farm dwelling built that would have a manager on site 24/7
2 that would be determining an intake process for the campers.

3 In addition, there would be an agricultural area
4 which would go along with the campground. That gives us
5 pause today to note, well, what is the applicant actually
6 applying for.

7 They're applying for two things. One is the State
8 Land Use Special Use Permit. Why is that important? That's
9 because this land is on agriculture land. According to
10 Chapter 205 of the Hawaii Revised Statutes, a campground for
11 overnight camping, which the applicant is proposing,
12 requires a State Land Use Commission Special Use Permit.
13 This body, the Maui Planning Commission, has final approval
14 authority over this Special Use Permit. Therefore, that
15 will be one of the permits to be reviewed in today's public
16 hearing.

17 That is what the intervenors are intervening on,
18 is the State Land Use Special Use Permit to allow overnight
19 camping in a piece of land that is zoned agriculture by the
20 State of Hawaii on land that is B rated. This is land
21 B-87-I. All land in Hawaii, from a state perspective, is
22 divided into five categories; A, B, C, D and E. Because
23 this is on B-rated land, it does have to have a State
24 Special Permit.

25 In addition, there would have to be, also, a

1 County Special Use Permit, but the Maui County Code does
2 provide that if a State Special Use is required, that will
3 suffice for the County Special Use.

4 So that's the reason that we're here today, for
5 the State Special Use Permit.

6 Now, in addition, the applicant needs to apply for
7 a Conditional Permit.

8 Just so the Members of the audience know the
9 process, a Conditional Permit has final approval authority
10 by the County Council. This body today, the Maui Planning
11 Commission, will be advisory. Should they get to that point
12 today, they will make a recommendation to approve or to
13 deny, that will be sent up to the Maui County Council for a
14 Conditional Permit.

15 Now, why -- why does this application for a
16 campground need a Conditional Permit? Well, the Code is a
17 bit arcane on this. And if you'll bear with me for a
18 minute, the Code indicates that a camping unit, a camping
19 unit -- now, that could be a tent, that could be a
20 recreational vehicle, that could be a lean-to, but it could
21 be a cabin -- a camping unit can only be used for six
22 consecutive nights. So the applicant proposes that someone
23 staying at the campground would use their camping unit for
24 more than six consecutive nights. That is why this needs to
25 be pushed up for a Conditional Permit at the Maui County

1 Council.

2 According to the applicant -- and there has been
3 some discussion of this today -- the campground would serve
4 two needs. That would be camping facilities for a
5 recreational/commercial camper, anyone who would come for a
6 holiday on Maui, someone who lives here and wishes to go
7 camping. In addition there would be -- they would be
8 allowed a campground that would be open to anyone, including
9 the transient, the homeless, the financially disadvantaged
10 population. Therefore, the moniker that has been used when
11 we state "tent city" is not entirely correct. This is a
12 campground. And the Department has to be reviewing this
13 from the aspects of what a campground is, what a campground
14 is defined as in the Maui County Code. And, therefore, the
15 analysis looks at a campground that, in fact, may serve a
16 variety of populations, but, nevertheless, it is a
17 campground.

18 From speaking with the applicant and in looking at
19 their review, the emphasis for their work with the transient
20 population would be on what is called the situational
21 transitional homeless person. Someone that is able and
22 willing to help to take care of themselves as contrasted
23 from the chronic homeless person. The applicant would go
24 into this in more detail during their presentation.

25 As indicated before, the applicant does propose

1 that campers would have to agree to a significantly strict
2 code of conduct. It's outlined in the Staff Report. And I
3 won't go into all the details. However, it does indicate
4 things such as no weapons would be allowed, no loud music
5 would be allowed, personal hygiene, would have to be kept
6 clean, campers would have to observe quiet hours. There
7 would be a zero illicit drug policy. Visiting hours would
8 be controlled. There would be a strict code of conduct.

9 As indicated before, this wouldn't just be a
10 campground set up tomorrow, or whenever it may be approved.
11 There would be significant infrastructure requirements from
12 the applicant before any camper could possibly be here, such
13 as security fencing, the construction of the camp manager's
14 house that would have to be there 24/7. That construction
15 and landscaping that would provide refuge from the heat.
16 The Department would have to agree that the infrastructure
17 was set in place before any campers could even go onto that
18 property.

19 Since we do have many people in the audience today
20 who might not be familiar, I will briefly run through the
21 process.

22 The Special Use Permit that this body will be
23 taking up really has to be reviewed against five criteria.
24 The first was that the use will not be contrary to the
25 objectives sought by the State Land Use Commission. The

1 second, the desired use would not adversely affect
2 surrounding property. The third, use would not unreasonably
3 burden public facilities with roads, streets, sewers, water,
4 drainage. Fourth, unusual conditions, trends and needs have
5 arisen since the district boundaries and rules were
6 established for this area. And, finally, the land upon
7 which the proposed use is sought is unsuited for the uses
8 permitted within the district.

9 And I really can't emphasize enough, those are the
10 five criteria from which this body will have to make its
11 decision depending on the outcome of the Petition to
12 Intervene.

13 The other item, which was the Conditional Permit,
14 the Commission really needs to determine whether or not this
15 use, while it -- is this use so substantially different from
16 uses permitted in this use zone that the Commission could
17 not recommend approval, or does it feel that this use is
18 somewhat similar, related or compatible to other uses and it
19 can make the decision to recommend approval on to the County
20 Council.

21 That being said, I just wanted to finish up here
22 as -- as the -- each of the parties and the Commissioners
23 know, there has been considerable testimony that has been
24 given. It has been reproduced and given to the Members of
25 the Maui Planning Commission. Testimony has come in a

1 number of ways; it's come in through email, it's come in
2 through an I-petition, there's been testimony on both sides
3 of the matter.

4 And, finally, the item, as indicated before, just
5 to clarify, is in the State Land Use District of
6 Agriculture, the West Maui Community Plan Agriculture, the
7 County Zoning Agricultural District. And it's not in the
8 Special Management Area.

9 That would finish the factual report from the
10 Department at this time.

11 VICE-CHAIR TSAI: Thank you, Kurt. Good job.
12 Okay. We're going to open up the --

13 MR. HOPPER: Oh, here. There's no applicant
14 presentation?

15 VICE-CHAIR TSAI: Is there an applicant
16 presentation? Okay, yeah, we have the applicant to present.

17 MR. HOPPER: Just to note that I think we're going
18 to take -- just to note briefly -- we're going to take a
19 break in a second, sounds like, but just to note that the
20 plan is to have the applicant presentation, the conclusion
21 of the public testimony, and then a hearing on the Petition
22 to Intervene. At the time of the Petition to Intervene,
23 legal counsel for the Petitioners and the opposition will
24 have an opportunity to address the Commission with
25 arguments. So I just wanted to have that noted for the

1 record.

2 VICE-CHAIR TSAI: Thank you, Mike. So we're going
3 to take a five-minute recess. Thank you.

4 (Recess, 10:41 a.m. to 10:49 a.m.)

5 VICE-CHAIR TSAI: Maui Planning Commission called
6 back to order. We have a presentation from the applicant.
7 Yes, please begin.

8 MR. DEAN FRAMPTON: Thank you, Commissioners,
9 Members of the Planning Commission. My name is Dean
10 Frampton, Frampton and Ward, assisting in the consulting on
11 this project for the entitlement phase of the development of
12 Kaua`ula Campground. I also have here up with me Ms. Lisa
13 Darcy, Executive Director of the Ho`omoana Foundation.

14 You know, we are starting our presentation here.
15 And we would like to start by saying we appreciate the
16 compassionate testimony on both sides. I'd like to think
17 that, with enough positive energy, we can tackle this
18 problem with homelessness. And what we are hoping to
19 present today is a small start on a large project -- on a
20 large problem.

21 So I apologize, my -- I guess the laser pointer
22 doesn't work on the screen. It works -- difficult to point
23 out, but we'll try and walk through this presentation.

24 So most of you are familiar with the project
25 location, but I'm just going to go through a couple of

1 items. TMK is 4-7-003:031 or a portion of that parcel. As
2 Kurt noted, it's zoned agricultural by the State and the
3 County. It's approximately 22.67 acres in size, total size.

4 The lower portions of the subject property are
5 encumbered by the Lahaina Control Flood Project -- I'm just
6 going to skip ahead here. The lower portions are
7 encumbered, as I said, by the Lahaina Flood Control Project.

8 Approximately nine acres of the subject property
9 is currently used as Kalee's Retirement Stables. And
10 Stewart Farberow and his daughter Kalee started that. And I
11 believe he can speak a little bit more to the history during
12 the public testimony. But that covers nine acres of our ag.

13 And we're proposing the campground for the mauka
14 portion of the property, approximately two acres. And that
15 would include an additional about six acres that we could
16 expand for additional ag use and put them together with the
17 homeless -- or the transient camp and commercial camp.

18 So, again, I don't have my pointer, but, as you
19 can see from the slide, in green, we have the project area.
20 We have the Honoapiilani Highway running along the
21 coastline. We have Puamana on the coast, Puamana
22 Condominium. Just mauka of us we have the Pu`unoa
23 Subdivision. And you can also see the Lahaina Bypass and
24 Hokiokio Place that goes right along our southern boundary.

25 This is a blowup of the parcel in question, the

1 full property, the 22 acres. It's difficult to see the red
2 line and the -- yeah, just the boundary. So Lisa is going
3 to point out the boundary real quickly for me. And just the
4 subject property, the red line going all the way across,
5 yeah. That's going down the mauka side. That's the top,
6 yeah, and along the stream. Okay. Thank you, Lisa.

7 So, Commissioners, you have a copy --
8 Commissioners have a copy of the site plan that we have
9 developed. And just a couple things that we're going to
10 note. And, again, most of this is in your Staff Report that
11 Kurt's provided you with, but we're talking about commercial
12 and resident campground.

13 We're talking about a maximum build-out of
14 approximately 26 pods, which would include no more than 80
15 campers in total.

16 The project will also include restroom facilities,
17 a common area for trash and recycling, a gravel parking
18 area, a bike and a moped storage.

19 In addition, it would include a farm dwelling and
20 a manager's residence, as has been noted, a barn.

21 The property would also be fenced for security.
22 And that tends to be landscaped from the outside. Original
23 landscape improvements on the internal portion of the
24 property.

25 And the project would also include paving of the

1 median on Hokiokio Place right at the project driveway. So,
2 right now, it's a swale, a drainage swale. So it will be
3 paved in that portion.

4 In addition to the improvements that I just noted,
5 potable and non-potable water meters are available for
6 domestic and irrigation water use. A septic sewer system
7 will be installed subject to approval by the Department of
8 Health.

9 All drainage will be contained on site utilizing
10 landscape drainage swales.

11 This was brought up a little earlier in the
12 testimony. A very important part of the project to be noted
13 is the archaeological resources. I would like to note that
14 an inventory survey was completed for this project in about
15 February of 2000.

16 Regarding the project area that we're discussing,
17 that we're proposed -- where the proposed campground is,
18 during that study, they didn't find significant resources,
19 they didn't identify at that project area. That was due,
20 primarily, to decades of intensive agriculture.

21 But the inventory survey did identify significant
22 sites within and adjacent to the stream. And so,
23 subsequently, a preservation plan was prepared and accepted,
24 that essentially includes a buffer zone and a building
25 setback. And it varies going all the way up the stream, up

1 mauka, but, for the most part, for our purposes of our
2 discussion today, it's approximately 100 feet from the
3 center of the stream or about 60 feet from the property
4 boundary. Prior to any plan implementation, this will be
5 verified with SHPD. And we would go through a formal review
6 to get that approved.

7 So, again, this is kind of an overall map showing
8 surrounding parcels. Again, on the makai side of the
9 property, we have Puamana. On the mauka side, we have the
10 Pu`unoa Subdivision. In blue, we have -- you can see the
11 white -- it's difficult to see, but just above our project
12 area are two blue parcels that are owned by the State of
13 Hawaii. In fact, an additional one just to the north of it.
14 And that was for expansion of the Lahaina Bypass. So we
15 have a fairly wide project corridor immediately mauka of us.

16 What I'm going to do is just go through a series
17 of photos. The first set of photos are at Honoapiilani
18 Highway and the Hokiokio Place intersection. And then we'll
19 take -- we'll go up, a little bit up Hokiokio, and then look
20 down on the property from the bypass, Hokio -- Hokiokio
21 Place intersection.

22 So this is looking back towards -- looking south.
23 You can see the intersection there. Pointing out, just
24 worth noting, that we have a thick vegetative landscaping
25 along the highway, on both sides of the road, but primarily

1 the mauka one generally -- generally blocks views mauka. In
2 addition to the drainage control project that -- so there's
3 not a lot of mauka views in this area with the exception of
4 the intersection gap.

5 This is same spot looking north. Again, you'll
6 see landscaping, thick landscaping, on both sides of the
7 road. And we have a thick landscape down the mauka side in
8 particular. So this is looking up that -- kind of that
9 snapshot of Hokiokio Place corridor. Without the pointer,
10 it's hard -- it's hard to clarify, but, basically, above
11 that Toyota truck is where the farm -- or where the
12 campground would be located.

13 So I'm just going to take another photo. This is
14 from what would be the proposed project driveway. You see
15 there's a swale in the foreground here and there's a little
16 gravel area. That's where it would be paved for a median to
17 cross, cross lanes. In the background, you can see there's
18 a large -- it's about a 40-foot embankment and it's --
19 that's on -- the bypass is on top of the embankment. So
20 we -- our project would abut up to the base of that
21 embankment in most cases.

22 So, again, this is Hokiokio bypass intersection
23 looking makai. You can see the bypass going off to the
24 north. And I'm going to just -- where those blue parcels
25 are right now, we're going to be looking from the bypass

1 looking down at this point. So this is -- this would be the
2 southern extent, if you will. Just looking down on the
3 property, you can see there's a very significant
4 topographical difference between the lower camp area and
5 the -- and the bypass highway. And the point we would make
6 is, at least from the bypass highway, most of this -- most
7 of the campground would be obscured.

8 Again, this is looking down. In the foreground is
9 a large -- is a large drainage basin from the State
10 Department of Transportation.

11 This is looking makai in the vicinity of closer to
12 the stream, the edge of the property. And I want to put a
13 very crude overlay, but that's not to scale, but that's
14 essentially the campground area that we're talking about.
15 So you've got the property there. And this is what we're
16 talking about, generally.

17 This is a view from the bypass in the middle of
18 the property, the middle of the proposed campground, looking
19 makai. So, again, I'm on the -- on the northbound lane, so
20 I'm on the mauka side of it. But even on the makai lane,
21 it's still -- you have a hard time even seeing the coconut
22 trees above Puamana down in that area. So the point being,
23 from the highway, this proposed campground would be largely
24 out of view.

25 From that point that I was just at, I turned

1 around and took some photos looking mauka. We have -- we
2 have two five-acre parcels that abut each other. And then,
3 beyond that, we have the Pu`unoa residential sub -- or
4 agricultural subdivision. Again, this is closer to the
5 stream, a little bit more north, looking up at the Pu`unoa
6 agricultural lots.

7 That's -- that's the entrance to Pu`unoa, which is
8 just mauka of our -- of the bypass on Hokiokio intersection.

9 We had a rendering done. It's -- it was done up
10 by a landscape architect. And this is to be illustrative to
11 indicate what this property would look like fully
12 landscaped. It is, obviously, Photo-shopped and represents
13 the best case scenario of what we would like to have at full
14 build-out. But that would be a landscaped wall, mature
15 trees on the inside. And you can see the coconut trees from
16 the driveway that would line the -- line the entrance.

17 So, at this point, I am going to ask Lisa Darcy
18 just to kind of talk a little bit through what Ho`omoana's
19 role in this application would be.

20 MS. DARCY: Thank you, Dean.

21 Thank you, Commission. I didn't realize you
22 weren't paid. So I just want to say wow and thank you. And
23 everybody in the audience who is here to discuss this, I
24 have deep appreciation for it.

25 My name is Lisa Darcy. And I'm the Executive

1 Director at Ho`omoana. I've been working with people in
2 need for about 25 years. So to have this audience is
3 really -- I'm really humbled and grateful by it. So thank
4 you. It's not a very popular topic.

5 So Kaho`ohalahala Campground, our primary
6 objective is that we believe that having a safe place to
7 live, to be employed are essential -- very essential to
8 regaining a higher quality of life.

9 The camp available -- will be available for
10 commercial users and local residents who are struggling with
11 permanent housing. In terms of local residents who may stay
12 stronger than the -- than the commercial camper, essentially
13 that they are willing and able, and mentally, to help
14 themselves.

15 So there's been a lot of discussion about like a
16 tent city. That was never part of our proposal. Our
17 proposal is really a very small group of people who are
18 really able to kind of get themselves up and going. So I
19 just want to make sure that's clear.

20 We have quite a few affiliations. And I'm a
21 member of the Maui Homeless Alliance and a participant on
22 the State Homeless Task Force, chaired by Senator Chun
23 Oakland. She's amazing. And participates -- I participate
24 monthly on Oahu Advocacy team meetings.

25 Ho`omoana organized and sponsored two community

1 forums to educate residents and organizations on the
2 complexities of being unsheltered in Maui County. And very
3 honored. And Ho`omoana was asked by the Governor's Office
4 to join the Hawaii Public Housing Authority. And that meets
5 monthly in Honolulu.

6 We've had some achievements. We've had about 643
7 applicants. And of those, we've been able to assist about
8 540.

9 We have a varied type of assistance. Sometimes we
10 can help out with security deposits and rent. We've had 96
11 people we've been able to assist with that. We also work
12 closely with Family Life Center and Ka Hale A Ke Ola. If we
13 can't assist (inaudible), we make sure they get connected to
14 one of those.

15 We purchased and initiated service for mobile
16 phones. It's a very important item for people to have.

17 We've created 311 resumes. And I estimate my job
18 coaching hours to be over 800 hours. Number of jobs
19 obtained is estimated about 100. I don't always know
20 because sometimes people go off and work and are busy and I
21 don't know what is happening. So --

22 This is really important for people to understand
23 in going forward, part of our conversation, is that there
24 are categories of need.

25 There are situational transitional. And those

1 could be anybody who may have lost a job, someone whose
2 house burned down, had a decrease in income, someone fleeing
3 a relationship where you just need to get back on your feet.
4 This includes financial disruptions such as bankruptcy and
5 whereby the individual must start over.

6 There's, also, cyclical and episodic. This is
7 periods of instability and stability along with -- I'm
8 sorry. And these are individuals who are able to
9 maintain -- or you might have actually some sobriety
10 challenges -- I'm having a microphone challenge -- and may
11 have an occasional relapse. That could be one week, that
12 could be four years. There's no telling. It just depends
13 on the individual.

14 Mental health issues fall into this category as
15 well at times. And sometimes they're in remission and
16 people are well for long periods of time. Sometimes they
17 might not, they might need the help.

18 Then there's the chronic. And this is what, I
19 think, somehow got mixed up with our proposal. Chronic
20 individuals are the third and most severe category of need.
21 And they're often the most visible. These are the
22 individuals who have untreated substance abuse challenges,
23 they have persistent mental health issues that are
24 untreated, and they really have had their life decompensate
25 to the point where they're really not functional within the

1 community.

2 So who can we help? This proposal, Kaua`ula
3 Campground, is designed to assist the situational and
4 transitional residents in our community. At times, we may
5 be able to assist cyclical or episodic. And, generally, I
6 don't think that's going to be anything we're going to be
7 able to help with. We're definitely not going to be able to
8 assist with the chronic. And that's way beyond our ability.

9 In terms of local residents who may stay longer
10 than the commercial camper, essentially that they are
11 willing, again, and able and physically mentally able to be
12 a part of this developing community and to help themselves.

13 We've put a lot of time into the design. We are
14 definitely going to have a full-time camp manager or
15 managers. So there will be a 24-hour individual on site.

16 Initially, we're going to start very small. We
17 are not interested in trying to tackle this entire issue.
18 We cannot. Everyone in this room knows every one of us has
19 to chip in one little piece. This is a little piece we're
20 trying to chip in. It's going to start with eight camping
21 pods and develop incrementally based upon success.

22 We will have showers, we'll have laundry, we'll
23 have bathrooms. Everything everybody in the community is
24 asking for, which are not readily available to individuals.

25 We're going to also make sure that people have the

1 ability to charge their electronics so they can stay
2 connected, if they have a job interview, if their phone --
3 any of that, we're going to have that available.

4 It's going to be professionally landscaped. The
5 surroundings will definitely improve, you can see the
6 current land presence, and include a farming community.
7 This is very important, to develop a sense of community.

8 All applications will be screened and individually
9 selected. And every resident and every commercial camper
10 will have to -- they'll have to adhere to our established
11 code of conduct.

12 The campground will not operate on a first-come,
13 first-serve basis. We know we will not be able to assist
14 everybody.

15 And the length of stay is temporary. It's up to
16 the discretion of the camp manager, but our goal is two to
17 four months. It's a big goal. We know that.

18 Ho`omoana Foundation support. So as the Executive
19 Director and the I'll-do-whatever-you-need person, I will be
20 providing regular on-site support for campground residents
21 in need of life skills and support. And that includes
22 resident preparation, interviewing, identifying permanent
23 housing opportunities, links to the public and private.

24 And I am extraordinarily flexible. I meet people
25 when and where they need to be met. I don't say, woop,

1 lunchtime. Lunch is an option for me sometimes. I will be
2 there, I will help, I'm available.

3 This is really important. Somehow, a picture got
4 out, that got circulated, of all these people in a row.
5 We're not going to have people in a row. We are going to
6 have a small type of little private spot. This is an
7 example of a typical pod concept. It's very important that
8 people see this and understand we are not lining people up.

9 Here is a view where you can see several different
10 pods. So you're neighboring. There's a little bit of
11 privacy. This is -- this is what we're aiming to
12 accomplish.

13 Here's a couple more views that, you know, will
14 use natural landscaping. We'll have (inaudible) picnic
15 table, (inaudible).

16 So the bottom line is we are asking for everyone
17 to understand that we know the complexity and the current
18 community needs. And we're in crisis. We want to present
19 some solutions to unsheltered individuals. We believe
20 everyone needs an opportunity, beginning with a safe place
21 to sleep. If everybody in this room had to sleep in their
22 car last night or had to sleep on the beach and come in here
23 to present, you know that would be a big challenge. You
24 have to have a safe place to sleep.

25 We believe that the campground will give residents

1 who are willing and able to help themselves a chance to
2 succeed. And I've seen people succeed. It does happen.
3 And we're asking you to give us this tiny little chance to
4 succeed.

5 Thank you so much for being here. I really
6 appreciate it.

7 VICE-CHAIR TSAI: Thank you. Okay. We're going
8 to open the floor back up for public testimony. And to
9 speed up the process here, I'm going to call your names in
10 order. So if you can make yourself available in line there,
11 so we can get this thing going. First, I have Marlene, then
12 followed by Linda McCarthy, followed by Clark Johnson, Dan
13 Dowdall. Okay. Marlene, please, Kaahui.

14 UNIDENTIFIED SPEAKER: Marlene went to move her
15 car. When she first signed up, Anna Barbeau was right in
16 back of her in signature. And I asked if I could wait until
17 after the presentation.

18 VICE-CHAIR TSAI: Okay. Go ahead, Anna, you can
19 start.

20 MS. BARBEAU: Thank you.

21 VICE-CHAIR TSAI: And then, please, Linda McCarthy
22 and then Clark Johnson.

23 MS. BARBEAU: That was a nice presentation.
24 Here's the thing -- my name is --

25 VICE-CHAIR TSAI: Please identify yourself.

1 MS. BARBEAU: My name is Anna Barbeau, I'm a
2 48-year resident of Lahaina -- or of Maui, seven years in
3 Lahaina. And I love this land.

4 Here's the problem with this proposition: Those
5 with residences -- without residences are constantly being
6 sent to Maui. These are not mostly our own Hawaii residents
7 that have this homeless situation. The majority are from
8 the mainland, that are being sent here on a one-way ticket
9 from Oregon, West Coast, California, Washington, and some
10 from Oahu.

11 Living in Lahaina, tutoring kids -- I'm a 20-year
12 retired DOE person, I have private tutoring -- and I see
13 kids in fear when they go by parks and there's all these
14 guys laying in the parks, alcohol bottles all over the
15 place. I approach and ask them, I say, "You know, there's
16 places you can get help, there's a Salvation Army, there's
17 up above the aquatic center." And they, "No. We can't
18 party." These guys are from the mainland. They're not our
19 own people. Well, I'm not local, but I lived here for a
20 while.

21 Anyway, they're being sent here on a one-way
22 ticket to take advantage of our social services as in their
23 own areas it's been tapped out. And they're being sent by
24 their own social services from the West Coast. The majority
25 are single, who will not comply with the rules of non drugs

1 and alcohol in establishments that are already in place.

2 And for example, when I go across the street -- I
3 live (inaudible) apartments. When I go across the street to
4 walk in the beach, I take a bag and I pick up rubbish. And
5 I picked up this card. And I was going to drop it in the
6 mailbox and let it go back to its owner. Well, it's a
7 syringe -- a needle exchange program card from San Diego.
8 Now I can't walk on the beach barefoot. I wear slippers. I
9 don't want to get poked by a needle.

10 There are guys camping in the -- in the graveyard,
11 all up and down the beach, just like that, leaving rubbish
12 and trash. That's just one small little kine.

13 Now, this proposal meaning well, but wrong place.
14 And I'm sorry, it's just going to enable a greater influx,
15 encouraging others. In fact, I've spoken to people that
16 say, wow, if this happens, I'm going to move out and go live
17 there, save some money. And they're already in an apartment
18 or a dwelling. Build it and they will come.

19 Now, Peter Martin, if you need the tax break, I've
20 got some solutions. Agricultural land. Oh, my goodness.
21 Or you could donate the property and start building pods for
22 educational purposes for residents that will not go on to
23 college after they get out of high school. Pods for
24 hands-on, mechanics, carpenters, electrical. Get a big tax
25 break. You know foundations and charities will go flock to

1 that so they have their name on top.

2 MS. TAKAYAMA-CORDEN: Three minutes.

3 MS. BARBEAU: I'm sorry. Hold on.

4 VICE-CHAIR TSAI: Please conclude, ma'am.

5 MS. BARBEAU: Okay. Hold on. You can donate the
6 land for that purpose. You make like a Hawaiiana type, so
7 people can come in, look at mango groves, et cetera. And
8 that will create jobs. Agricultural land. Or this cutting
9 edge, it's in the process right now, hemp. Good building
10 material. Doesn't take water or people to take care of it.

11 Okay. So here's my wrap-up: You can enable a
12 listless lifestyle or you can elevate through educational
13 pods, see the big picture. You know, you can either be
14 vilified or admired, you know. What's your legacy going to
15 be?

16 Thank you --

17 VICE-CHAIR TSAI: Ma'am --

18 MS. BARBEAU: -- very much.

19 VICE-CHAIR TSAI: -- thank you.

20 MS. BARBEAU: Questions? Yes, sir.

21 VICE-CHAIR TSAI: Commissioner Hedani.

22 COMMISSIONER HEDANI: Mr. Chairman, you know, if
23 we have 100 people that want to testify today, and we give
24 each person three minutes, that's 300 minutes. Divided by
25 60 minutes, that's five hours of testimony. So can we have

1 the testifiers restrict their comments to three minutes?

2 MS. BARBEAU: I apologize. I was here since 8:00.

3 VICE-CHAIR TSAI: Thank you. Yes, please. So we
4 have -- yeah, is Marlene back?

5 UNIDENTIFIED SPEAKER: I don't see her.

6 VICE-CHAIR TSAI: So we have Clark Johnson
7 followed by Dan Dowdall. Please be ready. And identify
8 yourself, you got three minutes.

9 MR. JOHNSON: Good morning, Council -- Committee.
10 My name is Clark Johnson. I'm very concerned about the
11 homeless problem in the United States, especially on Maui.

12 One-and-a-half years ago, I was homeless. That
13 was not easy. I'm the exception to the general problem of
14 people not wanting to participate.

15 Hopefully, Ho`omoana Foundation will screen the
16 people carefully, will -- will get the people to move
17 back -- forwards in lives.

18 I was an individual that had the opportunity to
19 move forward. I now reside in a group home. I'm getting
20 treatment for my certain challenges I face. I'm a
21 responsible citizen. No, I do not do drugs. I do
22 responsible recovery, moving forward with my life.

23 My story doesn't end there. I am going back to
24 school this fall to be a -- even more of a productive
25 citizen. My goal is to work in this community, to be an

1 outstanding example. I appreciate the opportunity to begin
2 again with Mental Health Kokua.

3 Yes, people have challenges, but I am one of the
4 role models for moving forward with my life. And I think if
5 we are very careful and we select people from certain
6 criteria and we have it in the right neighborhood, we can
7 move forward.

8 We need to respect the land, too. And I have
9 confidence that this chamber -- this committee will pick
10 carefully, but will also take responsibility. And the
11 Ho`omoana Foundation, yes, that they will screen their
12 applicants and they will move forward and do the right
13 thing.

14 Secondly -- excuse me for a second. You've heard
15 my story. We're talking about people's brothers, sisters,
16 aunts, uncles, mothers, fathers. We need to take care of
17 our ohana.

18 Thank you and mahalo. Aloha.

19 VICE-CHAIR TSAI: So following, we have Dan
20 Dowdall and Dave Kelso.

21 UNIDENTIFIED SPEAKER: You're skipping over people
22 like --

23 MS. MCCARTHY: Yeah. I'm Linda McCarthy.

24 VICE-CHAIR TSAI: Okay. Please come up, ma'am.
25 Then we have Dan and, also, Dave. Please be ready.

1 MS. McCARTHY: Hi. My name is Linda McCarthy and
2 I live in Lahaina.

3 And this is such a tough subject, but I think
4 everybody in this room, their heart is in the right place.

5 And so I just want to add that there is a similar
6 facility, the resource center in Lahaina. There's also the
7 (inaudible), Salvation Army. And there's a -- a 40-person
8 dorm there with 48 family apartments. And it seems like
9 that an actual building more centrally located, nearer to
10 medical services and public transportation would be more
11 appropriate to help the homeless and people in transitional
12 periods of their life. Expanding this building that's --
13 where a place already exists makes a lot more sense. This
14 is a really bad location.

15 And, again, I think it would be a win-win for
16 everybody if we all work together just a bad idea. So thank
17 you.

18 MR. DOWDALL: Good morning. My name is Dan
19 Dowdall. Thank you, Commission, for the opportunity. I
20 live in Lahaina area, also.

21 And, of course, it's a good idea. We have to do
22 something to address the homeless issue. Personally,
23 though, I don't think this is the correct location for it
24 due to services, kuleana land issues.

25 I don't know about the idea of -- myself, if I

1 were a recreational camper, I'm not going to be camping next
2 to a homeless guy. I don't care. So I don't think that
3 idea works.

4 But the idea, of course, of the homeless facility
5 is good. I just don't think it's a good location given the
6 fact that it's a dry, hot, dusty area far away from services
7 for the people who need it the most.

8 Thank you.

9 VICE-CHAIR TSAI: Thank you. And, also, have
10 Jason Schwartz after.

11 MR. KELSO: Good morning, gentlemen. My name's
12 Dave Kelso. I live in Makila Plantation, which is right --
13 backs up to Pu`unoa. And I've been here for about a year
14 and-a-half, came from San Diego. Another beautiful place.

15 I had a big concern with this in that I worked in
16 the fire department for 36 years, and we had kind of a
17 similar situation in Balboa Park. I don't know if a lot of
18 you know about Balboa Park, but it's a beautiful park.

19 And about a decade and-a-half ago, they proposed a
20 similar situation, but it wasn't a pod, it was for camping
21 for vacationers and, also, for whoever wanted to use it,
22 locals and so forth. And they had a restriction on days
23 that you could use the campsite.

24 As time went on, less vacationers used the
25 facilities. One of the reasons was a little bit more crime

1 in the -- in the area. We started responding a lot more to
2 the area, police department with us. And pretty much, after
3 about two and-a-half years, it was taken off the board.
4 They closed it up and said that's it. So I kind of have a
5 concern with this.

6 Another thing that they brought up was 26 pods, 80
7 people, kind of, as a total. I did a little math. And a
8 lot of homeless people, as has been brought up, they have
9 families, they have children. Well, if you put three people
10 in a pod, you're running out of people. And I don't know of
11 too many homeless families that don't have quite a few
12 children, or more than a mom and a dad and one child. So
13 the numbers, to me, don't fit.

14 And then, also, now you have an issue with
15 commercial use. If you use the pods for your 80 people,
16 some way, it just doesn't work out that you're going to have
17 commercial people in that area.

18 And, again, when the gentleman was talking about
19 is there issues, the big one is, is you've got
20 multi-million-dollar homes all the way around this proposal.
21 I think that affects it.

22 Is there another campsite in the area? I don't
23 see other campsites other than somebody along the stream
24 that's homeless.

25 And the big thing I had kind of a concern was

1 that -- when the gentleman was talking about how he was
2 going to have the vegetation and the bypass couldn't see
3 this and --

4 MS. TAKAYAMA-CORDEN: Three minutes.

5 MR. DOWDALL: They're almost trying to hide this
6 thing. Well, if it's so nice, why are we trying to hide it?
7 Thank you very much for your time.

8 VICE-CHAIR TSAI: Thank you. We have Kiana
9 Amoncio after Jason. Are you -- I'm sorry. Are you Jason?

10 MR. SCHWARTZ: I'm Jason.

11 VICE-CHAIR TSAI: Yeah. Would you please come
12 first? I'm sorry. And then Kiana.

13 MR. SCHWARTZ: Good morning. My name is Jason
14 Schwartz. I am here for one reason, because I know homeless
15 people. And I know that I could be homeless if it wasn't
16 that someone in the community reached out when I was in
17 challenge and helped. And I came because I know Lisa Darcy
18 and I saw the good that she's been doing, all the work that
19 she's been doing.

20 As far as this location, I can see the, you know,
21 fear and danger and property values. I think this issue is
22 getting bigger and bigger. And these pods are going to be
23 everywhere. And I don't know if anyplace is going to be the
24 appropriate place. The old NIMBY problem, not in my back
25 yard.

1 I'm representing a 9,000-square-foot house
2 Upcountry where I live in, has nine bedrooms, but the
3 owner's not ready to -- someone tried to buy it, but they
4 knew that the community would stand in the way, thinking
5 that they didn't somehow trust the people would screen
6 people to stop the problems.

7 So I know there's all kinds of issues, but I think
8 we have to really look at this.

9 I do a lot of stuff at Akaku. And I am
10 negotiating getting a time slot because housing and
11 homelessness are the two issues. Erin from the shelter said
12 it the most clear, we need affordable housing. We need
13 somehow to expand the rules to create some kind of housing.

14 Camping is something that I don't really feel too
15 close to. If I was homeless, I'm not sure if I would be
16 camping. But I do know that there are a lot of people that
17 really need help.

18 And so please give careful consideration here.
19 And I hope that the homeowners know that Lisa Darcy and the
20 group that I know are very careful at what they do. It's
21 not gonna be random light-level screening. And it's going
22 to start, and if it doesn't work, kill it.

23 Thank you.

24 VICE-CHAIR TSAI: Thank you.

25 MR. SCHWARTZ: Questions?

1 VICE-CHAIR TSAI: Thank you. And we have Deiter
2 Lane after.

3 MS. AMONCIO: Good morning. My name is Kiana
4 Amoncio. And I've been a resident of Hawaii for about 29
5 years, 15 in Oahu and 14 on Maui. And, unfortunately, I --
6 I struggle with a mental illness, so I experienced
7 homelessness firsthand. Not for a long period of time. But
8 what saved me was family and friends.

9 And I think what Lisa Darcy and Peter Martin are
10 trying to do in Ho`omoana Foundation is a great asset to
11 this community.

12 I hear a lot of people giving opinions and
13 negativity and positivity, but who is actually going to take
14 action with what's -- with the issue of homelessness. And
15 Ho`omoana's on the front lines for homelessness and making a
16 difference and putting an effort, and not just sitting down
17 at the desk and saying all these problems and not doing
18 anything about it. They're trying to make change in the
19 world, starting with our family islands here in Oahu and --
20 I'm sorry -- on Maui.

21 And so I do support this -- this camp. And I
22 believe that if it wasn't for family and friends that I
23 would be homeless right now. And if I knew that there was a
24 facility that I could stay at for about \$10 a day, I
25 would -- you know, I would really appreciate that. And, you

1 know, let's -- let's try to do something about this
2 homelessness problem.

3 And I just thank you for this time. Mahalo.

4 VICE-CHAIR TSAI: Thank you. We have Richard
5 Siler after. Sir, please come up.

6 MR. LANE: Good morning. My name is Deiter Lane.
7 I'm a property owner in Pu`unoa near the proposed
8 campground. My wife is president of the Pu`unoa Homeowners
9 Association.

10 The first public meeting with the community that
11 I'm aware of concerning the Ho`omoana Foundation's
12 (Inaudible) -- sorry, I'm slaughtering the words --
13 application for a campground was not held until July 14,
14 2015, right before the opportunity to intervene expired.
15 This gave us hardly any time to get with counsel and try to
16 be able to bring something to this Commission. I'm sure the
17 timing was no accident, but time should be given to the
18 community to make inquiries, to further investigate the
19 application.

20 Although the applicant calls his campground a
21 service intended to benefit the broader community, it has
22 wholly failed to really seek the input and incorporate
23 comments and concerns from the adjoining property owners.
24 Explaining -- explain this temporary project and how eight
25 campsites for the homeless and/or commercial use will

1 accomplish anything, especially based on the lack of the
2 Foundation's past experience with housing.

3 In their PowerPoint presentation, they showed they
4 only have done resumes and other nonresidential type
5 services, or demonstrate why, other than as a matter of
6 convenience for the applicant, that this project is at all
7 appropriate in an agriculturally-zoned area outside the main
8 town of Lahaina.

9 The applicant pushes that it has rules that will
10 be -- keep the camp in order. What if someone breaks the
11 rules and is ordered out of camp and won't leave, what
12 happens? Do you go to court? If there is a problem, this
13 camp is outside Lahaina, and the wait for police could be
14 considerable. In the Staff Report the police have expressed
15 a lot of concern about this camp.

16 There are no general public services in the area.
17 And all the conditions are extremely arid.

18 I just want to say that everybody needs to get
19 together and help the homeless. And this is just not the
20 right solution. Mixing commercial campers and resident and
21 transitional campers doesn't seem like a good mix to me.

22 And I please ask that you consider denying this
23 request. Thank you.

24 VICE-CHAIR TSAI: Thank you. We have Richard, and
25 followed by Doug Wright and then Deborah Wright.

1 MS. WRIGHT: Just for the record, I'm here on the
2 intervention. So I'll be speaking later. That's Deborah
3 Wright.

4 VICE-CHAIR TSAI: Okay.

5 MR. SILER: Good morning. My name is Richard
6 Siler. I'm a resident in Lahaina. Thank you to the
7 Commission for hearing, I think, all the views being
8 expressed today.

9 I want to mention that this issue, you know, has a
10 lot and has evoked a lot of emotion on both sides. But I
11 think rather than talking in emotional terms, the Commission
12 is here to look at the impact and the validity of a feasible
13 proposal, whether that is feasible. Look at the merits of
14 the plan, look at the discussion around the plan and you
15 have to determine based on the facts as to whether it
16 creates adverse impact to the surrounding community, as to
17 whether there is no additional public resource that is
18 encumbered by this.

19 Just to put it in context, I volunteered with a
20 lot of nonprofit organizations. I have worked to build
21 houses with Habitat for Humanity. I have worked with
22 Salvation Army and supported Feed My Sheep, Cup of Cold
23 Water. I have, myself, supported homeless and counseled
24 with drug-addicted and mentally ill individuals for a long
25 time.

1 So emotion aside, as a resident in Lahaina, I
2 strongly oppose the proposal. And I'll tell you why. I
3 think that Ho`omoana's Foundation seeking this Special Use
4 Permit to construct a tent facility, no matter what you call
5 it, whether it is a temporary tent facility, it's not
6 affordable housing. It's decorations on a tent.

7 This is at the intersection of Honoapiilani,
8 Hokiokio and the bypass. Let's think about that from a
9 common sense standpoint. You're putting children, you're
10 putting families, you're asking people to leave things and
11 belongings and cook outside and be in an environment which
12 is extremely dry. We've had a lot of grass fires over
13 there, you don't think the Fire Department is going to be
14 imposed upon, the police would be imposed upon?

15 You know, asking the homeless to live in temporary
16 structures like that without AC, I don't see that as
17 compassionate. I really don't. I think the homeless do
18 need compassionate solutions. And we're talking solutions,
19 not quick fix or -- you know, we need appropriate functional
20 solutions. Counseling, yes. Job placement, sure.

21 Peter Martin's facility there in Olowalu, great
22 place to stage a job center, counseling center, opportunity
23 next to existing camping facilities for these people to go
24 to. Provide transportation. There's no good resource here
25 for social services, the first response in case of an issue.

1 Additionally, the location is going to cause some
2 traffic problems. I believe these are highly traveled
3 areas. Whether it's campers, the homeless or the unintended
4 visitor --

5 MS. TAKAYAMA-CORDEN: Three minutes.

6 MR. SILER: -- peers and family members that will
7 be adversely affected. I ask the permit be denied.

8 Thank you.

9 VICE-CHAIR TSAI: Thank you. Doug Wright followed
10 by Rob Tarver.

11 MR. WRIGHT: Good morning, Commission Members.
12 It's still morning. I just checked, just to make sure. I'm
13 an attorney for Pu`unoa, but it's unclear if the
14 intervention is going to be allowed. So I'd like to take a
15 few minutes just to give a perspective on this.

16 Listening to Ms. Darcy's presentation, this is an
17 emotional issue about homeless. And that's the way it's
18 been phrased, but, to put it in perspective, this is a
19 Special Use Permit and a Conditional Permit which is being
20 requested of this Commission to allow up to 80 people, plus
21 a resident manager building, on about 2.9 acres of land, in
22 an agriculturally-zoned area. That's why we're here. It's
23 because we're asking to change the rules for the
24 agricultural zoning.

25 Now, I understand that homelessness is a

1 terrifying topic for anyone to consider. The reasons or
2 causes for a family's homelessness, or any individual, may
3 vary. And the ability to help often seems daunting.

4 Maui is filled with compassionate, sympathetic,
5 caring people. We've seen that today on both sides. The
6 Lahaina neighbors are no exception. To paint them, as one
7 individual did, as a NIMBY is really quite disrespectful of
8 the valid concerns that have been raised by any number of
9 people here today.

10 And these aren't concerns just that people are
11 inventing. These are well-publicized concerns that are
12 raised in the news media, that are in statistics that are
13 widely available.

14 And although the challenge to provide homelessness
15 is a difficult task, it's been pretty well recognized and
16 presented by everybody that the answer would be more in the
17 tune of affordable housing. This is not housing. This is
18 an agriculturally-zoned property.

19 Ms. Darcy suggested that they were going to have a
20 working farming community. That wasn't part of the plan.
21 It's not part of any plan that's been submitted to the
22 Planning Department or this Commission. An agricultural
23 zoning does allow a farming community with housing that is
24 appurtenant, workers' housing to supplement the farm.
25 That's not what is being suggested here. But, instead, the

1 Commission is being asked to change the rules.

2 I question whether or not this Commission really
3 does have the authority to issue a Special Use Permit. It's
4 been phrased that the exemption for 15 acres or less for the
5 land use area means that this Commission has the final word.
6 I think that's taking for granted the fact that the parcel
7 is 22 acres in size. The applicant has touted the fact that
8 there's another working farm of nine acres in size which
9 satisfies the agricultural component. You can't isolate.
10 I'm not aware of any rules, at least, where you can isolate
11 issuing a permit for part of this parcel. You know, this is
12 a 22-acre parcel. I believe the Special Use Permit would be
13 required to be obtained from the State Land Use Commission.

14 Now, what is truly before you is the Conditional
15 Permit. And I heard Kurt -- and I apologize, Kurt, I
16 can't -- I never quite got your last name or the ability to
17 pronounce it, so I will say Kurt -- discuss what the
18 criteria for the Conditional Permit might be. And there are
19 some significant criteria for that.

20 MS. TAKAYAMA-CORDEN: Three minutes.

21 MR. WRIGHT: Please deny the permit here today,
22 the Conditional Permit that would be otherwise requested. I
23 ask you to review those terms in the Maui County Code
24 ordinance for yourselves to see what that actual language
25 says. It's not exactly, I don't believe, as represented by

1 Kurt.

2 Thank you.

3 VICE-CHAIR TSAI: Thank you. Rob Tarver. We have
4 Cheryl Henderson, followed by William Soares. Please.

5 MS. HENDERSON: My name is Cheryl Henderson. And
6 I live in Lahaina. My husband and I volunteer at the
7 Resource Center and serve dinner there twice a month. They
8 are doing a fantastic job. And I really don't see this
9 campground for eight people. That's less than a drop in the
10 bucket. I would think that the money could be spent so much
11 better to add to the Resource Center and make that a better
12 project. It's already working.

13 And I don't think that this campground, at such a
14 busy intersection, as you enter Lahaina, is really what we
15 want on the welcome wagon door side. It's -- it is
16 literally by the city limits.

17 So many other people have said mixing commercial
18 and the homeless seems silly. I don't see that working. It
19 clearly didn't work in San Diego. And I -- I don't see it
20 working here, either.

21 I -- I also pick up -- I walk the beach and pick
22 up trash. I'm -- I have an affliction that I can't walk
23 anywhere without a plastic bag, picking up. And the -- and
24 so I'm very aware of the homeless situation that we have in
25 Lahaina. And it clearly is getting worse.

1 I desperately want to be part of the solution, not
2 part of the problem. So I'm not -- I'm not condemning
3 anybody because I know I could be there next month, but I
4 don't think that this is the solution for this problem. And
5 I ask that you do deny the petition.

6 And it clearly needs more time and more research
7 on this. And it seems like the money could go to the
8 Resource Center or Salvation Army or wherever they have a
9 proven track record of helping the homeless.

10 Thank you.

11 VICE-CHAIR TSAI: Thank you. William Soares,
12 followed by Eugene Smith.

13 MR. SOARES: My name is -- my name is William
14 Soares. Listening to different people in the morning, I've
15 come to the conclusion that, since I've been in Lahaina for
16 74 and-a-half years, I probably am the senior citizen here
17 today. Hopefully, my comments will be taken with a grain of
18 salt, and, also, make note of what I really feel.

19 I had a -- I had a list of comments that I wanted
20 to say. And after listening to all the different people, I
21 changed my -- changed my notes. I didn't change my
22 thinking, I changed my notes.

23 And before I go any further, I just want to say I
24 do not support this project.

25 The first thing that comes to mind -- I don't know

1 how many of you travel Piilani, but go there at 7:00 in the
2 morning or 4:00 in the afternoon, and ask Wayne Hedani how
3 long it takes him to get out of town. Okay. That -- that
4 intersection and the Launiupoko intersection has really
5 created traffic problems. Okay. Nobody worries about the
6 traffic until you're in it. Okay. If you're home, it's
7 fine.

8 The other thing that bothers me is now we're going
9 to have homeless people in a specific area. And how do they
10 transport themselves? They gonna be walking. There's no
11 sidewalks there. They can walk on the Haul Cane Road, but,
12 eventually, they got to get out to a street.

13 I live right across from the Aquatic Center. I
14 can tell you that I see people running the red light every
15 day, and people walking across that highway at 10:00 at
16 night, going out to wherever they going. We're lucky we
17 haven't had a real serious accident. Walking is not going
18 to solve the problem for those people that need to get by
19 there.

20 The other thing that really annoys me is --
21 hopefully, there's somebody here from Department of
22 Transportation -- because when you come down from the bypass
23 and you hit that stoplight, about a minute later, your light
24 will change and you can get out on the highway. But in the
25 meantime, there's 30 or 40 cars waiting for that light to

1 change back to green again. It just is annoying. And I've
2 talked to Mr. Catagual. And I haven't been successful.

3 The other thing that bothers me is the location.
4 The location is only half a mile from where I live. A
5 couple days ago, I decided to do my yard at 2:00 in the
6 afternoon. It wasn't a smart thing to do. I hung my
7 thermometer on the clothesline at 2:00 in the afternoon.
8 And --

9 MS. TAKAYAMA-CORDEN: Three minutes.

10 MR. SOARES: -- the temperature was 101. So these
11 guys are going to be out there in the bushes with 101 in the
12 tent and no AC and maybe a fan.

13 The other issue, mixed use. I don't understand --

14 VICE-CHAIR TSAI: Sir, will you please conclude?

15 MR. SOARES: Okay. I guess I'll conclude, but
16 I -- I just feel that this is not the right place. I've had
17 discussions with some people. I know they are opinionated
18 for the project, but I wish that the people that were
19 opinionated for the project would live -- live near the
20 project, not just visit it.

21 Thank you.

22 VICE-CHAIR TSAI: Okay. We have Eugene Smith,
23 Gordon Firestein, followed by --

24 MR. FIRESTEIN: My name is Gordon Firestein. My
25 wife and I live in Launiupoko. And we are opposed to this

1 proposal and urge the Planning Commission to reject it at
2 this time.

3 We're sympathetic to the needs to help the
4 homeless on the west side, as I believe everybody in the
5 room is. Our concerns are really about the process by which
6 this decision is being taken.

7 We have very limited information about this
8 proposal, and have been given no time whatsoever to consider
9 its implications.

10 And, clearly, the proposal raises many sensitive
11 questions for the community, serious and long-term
12 implications. It deserves a thorough examination by the
13 community it will affect.

14 There's been no opportunity yet for the public to
15 learn from the proponents exactly what they are proposing
16 and why they believe this is likely to succeed except for
17 this hearing, that I'm aware of. Apparently, there was a
18 presentation, I guess, a week or two ago. We heard nothing
19 about it. We weren't invited. And so this is all of the
20 information that we had to go on.

21 Also, the proponents have had no opportunity,
22 other than this hearing, to hear from the public our many
23 legitimate concerns or to express how they intend to address
24 them. At a minimum, before the Planning Commission takes
25 action, there needs to be a community hearing on the west

1 side with ample notice, and for us to be informed and given
2 an opportunity to ask questions and voice concerns.

3 Thank you.

4 VICE-CHAIR TSAI: Thank you. Rory. We have Nansy
5 Phleger following.

6 MR. RORY FRAMPTON: Good -- good morning,
7 Commissioners. My name is Rory Frampton. I'm a board
8 member of Ho`omoana Foundation. I'm also a board member of
9 the Ka Hale A Ke Ola Resource Center. Erin Fleming was, our
10 Executive Director, here talking to you earlier. I'm
11 speaking here as an individual.

12 The Ka Hale A Ke Ola operates two facilities that
13 have emergency shelters, transitional shelters and long-term
14 low-income rentals. The facility that's being proposed by
15 Ho`omoana would be a complement to Ka Hale A Ke Ola. It
16 would provide for some temporary transitional housing. You
17 heard today of a long waiting list. Perhaps some of those
18 people on the waiting list could come to this facility.

19 Again, the intent is to provide a safe and clean
20 place for people who are willing and able to help themselves
21 break the cycle of homelessness.

22 The location of this project site, although the
23 project site is just a couple acres, it's on a parcel that's
24 22 acres in size. It provides for significant buffers from
25 the residences down makai, which are on the other side of

1 the highway, on the other side of the Lahaina Flood Control
2 Project. On the mauka boundary, you have the Lahaina
3 bypass. So it does provide some isolation, some buffers.

4 Some people have suggested it should be right in
5 the middle of town. You know, there's no perfect space.
6 And, certainly, if you were in the middle of town, you would
7 have as many or if not more people objecting to the
8 location.

9 The opportunity to have it on a larger
10 agricultural property and to allow people to work and
11 participate with the farming activities presents a unique
12 opportunity for people to -- to participate in a positive
13 way and to improve the site. People have mentioned that
14 it's dry, hot and dusty. It certainly is hot. But if you
15 look just mauka and look what a little bit of irrigation can
16 do, some of those properties have turned to be pretty nice,
17 landscaped. The landscaping in Lahaina grows really quick.
18 With a little bit of water, you can get shade and make it a
19 more comfortable location without much difficulty.

20 This -- the problem of homelessness is
21 multifaceted. There is no one single silver bullet that's
22 going to stop it. I think everybody needs to do their
23 little part. And I -- I commend the -- Mr. Martin who
24 started the Foundation and who has contributed his money to
25 try to help people out, and in this one special way. So I

1 would ask that the Commission consider the request in a
2 positive light.

3 And I would also note that, for the people here,
4 this isn't the only body that needs to consider this
5 project. It also is going to go in front of the County
6 Council as part of the Conditional Permit, as Kurt mentioned
7 earlier. So there will be additional opportunities for
8 public consideration and public debate in front of the
9 County Council.

10 That's all.

11 VICE-CHAIR TSAI: Commissioner Lay.

12 COMMISSIONER LAY: Just a quick question. I
13 should have asked this earlier. The percentile as far as
14 local families, you know, people from Hawaii compared to
15 those from the mainland, I think is what? What is it, I
16 mean, as far as homeless?

17 MR. RORY FRAMPTON: I wouldn't be able to answer
18 that question in terms of exact numbers. I'm not aware of
19 it. I know the facilities at Ka Hale A Ke Ola, in terms of
20 the individuals served, there's quite a bit of local people,
21 but there are quite a bit of people from the mainland as
22 well as the other Pacific islands. So it is -- it is a kind
23 of a cross-section of people that Ka Hale A Ke Ola, but, I'm
24 sorry, I can't give you the exact numbers.

25 COMMISSIONER LAY: Okay. Thank you.

1 VICE-CHAIR TSAI: Thank you, Rory. Nansy Phleger,
2 Ted Loberg, Ke`eaumoku. And after Ke`eaumoku is Yolanda
3 Dizon.

4 MR. KAPU: I have written testimony. Can I give
5 this to all the Commission, please? I have 14 copies.

6 VICE-CHAIR TSAI: Can you proceed, please?

7 MR. KAPU: Okay. Good morning to the Planning
8 Commission. Mahalo for allowing me this time to testify.
9 My name is Ke`eaumoku Kapu of Kaua`ula Valley. And I am the
10 CEO of Aha Moku o Maui, an advisory to the Aha Moku Council
11 of each moku throughout the 12 districts of Maui. I am here
12 to oppose the request for the State Land Use Permit and
13 Conditional Permit to allow for the development and
14 operation of the Kaua`ula Campground focused on both
15 transient and homeless commercial camper located at Hokiokio
16 Place and the Lahaina Bypass road.

17 Our concerns stem from many years of land
18 litigations with Kuleana Kuikahi, which is made up of
19 kuleana landowners mauka of this project with Kaua`ula
20 Associations LLC -- a lot of our family is sitting in the
21 back -- in the protection of the historic corridors known to
22 many as the capitol of the Kingdom of Hawaii depicted on a
23 sign on Piilani Highway just below the project area. So
24 important that it's credited to be placed on the National
25 Historic Register, which didn't extend mauka, but,

1 nonetheless, it is within the cultural properties corridor,
2 whereas the State Historic Preservation Division, Don
3 Hibbard, director in 2001, has stressed the need for a
4 300-yard setback along Kaua`ula River for the fear of
5 adverse impacts towards historic sites and possible burials.

6 This 22.678-acre project, owned by Kaua`ula Land
7 Company, being proposed for transients are more than enough
8 reason for the community of Lahaina to be outraged that the
9 County would even consider on putting such an intrusive
10 proposal on the agenda for the County Planning Commission's
11 consideration. And to remind the Commission that this comes
12 from the same affiliates that got denied by this County when
13 they wanted to do the same type of homeless camp in
14 Spreckelsville a few years ago which created the same fears
15 within the Hamakuapoko and Hamakualoa moku community.

16 To understand more of the background of Kaua`ula
17 Associates LLC, I urge this Commission to look into the
18 County's rulings of a prior project once proposed for this
19 very area, Pu`unoa Village, that they tried to fast track,
20 but got denied unanimously by the County of Maui in 2004,
21 and the lawsuit that stemmed from this project by Kuleana
22 Kuikahi LLC versus the County of Maui.

23 Before the County fast tracks this project, I urge
24 the Planning Commission, the Department, to look into what
25 was the preservation conditions that were proposed in this

1 area by the Pu`unoa Village 201G -- 201G, prior project to
2 assure all avenues are considered before making any
3 determination of this intrusive commercial project, which
4 does not -- does nothing for our community of Lahaina.

5 So I stress this, that the facts are, I think this
6 project is in the wrong body. The County Council
7 representatives for years have dealt with this very general
8 area.

9 MS. TAKAYAMA-CORDEN: Three minutes.

10 MR. KAPU: A lot of adverse issues that our
11 kuleana families that are here today have been facing. And
12 it's still ongoing today. So mahalo for your time, Ladies
13 and Gentlemen. Thank you.

14 VICE-CHAIR TSAI: Thank you. Okay. We have
15 Yolanda. And the last testifier I have listed is Tim
16 Aubrey. If anyone else chooses to testify, haven't
17 testified on this agenda item yet, please come now.

18 MS. DIZON: Hi. My name is Yolanda Dizon. And I
19 live right below Ke`eaumoku on the mauka -- the mauka of
20 Kaua`ula Valley. And I was really, really shocked to hear
21 that it was gonna be a project below us because nothing
22 was -- was heard. I called my families, nobody heard
23 anything. But like good neighbors, Mr. Martin always wants
24 to be a good neighbor, and he always try to keep us in the
25 loop, I guess we got passed up. I don't know.

1 Anyway, I travel the road right above the basin
2 where this project is being -- where it's gonna be. You
3 don't have to be a rocket scientist to see the bypass.
4 Piilani Highway lights and amount of traffic that goes up
5 and down that area, cars comes zooming in, coming out of
6 Wailuku into Lahaina to catch that bypass. I'm coming off
7 on the side road and see how many times there's almost
8 accidents there. It's not a safe place. It shouldn't even
9 be there.

10 And -- and -- and it's not that anybody is against
11 the homeless people or what's trying to be done for them.
12 This is not the place. It's not, really.

13 And out of the 22 acres, is it true that's only
14 two acres that's going to go to this? What's going to
15 happen to the other 20? Why the special permit for that
16 commercial area? You know -- you know, I mean, that's so
17 baloney, period, baloney. It is. And, you know, please
18 deny this.

19 We need to have community meetings on west side
20 because this is gonna impact west side huge. And everyone
21 that goes in and out, for either employment, visitors, it's
22 gonna impact. Like Mr. Soares says, traffic stops before
23 Hokiokio road all the way out to Launiupoko.

24 And, yeah, please deny it. Thank you.

25 VICE-CHAIR TSAI: Thank you. Tim Aubrey.

1 MR. AUBREY: Good morning. My name is Tim Aubrey.
2 And I am a Lahaina resident that does and have been involved
3 with people's transitional places in their lives. And I
4 understand firsthand its challenges and what it looks like.

5 Homeless camps, as we have all seen, whether on
6 the streets or on the beach, are not esthetically pleasing,
7 by any means, even though, for some, it's their only option.
8 I also understand that the proposed plan will, by no means,
9 solve the homeless crisis. Without certain conditions in
10 place, I, too, would be skeptical. However, I do believe
11 that the proposed plan will include to serve both
12 esthetically pleasing environment and a purpose that can
13 make all the difference in the world to an individual trying
14 to get back on their feet.

15 As far as the law of attraction, any place that --
16 any -- any place that presents itself as a well maintained
17 and looked after environment usually serves as a deterrent
18 to wanderers. Such a place, if both purposes are served, a
19 pleasing environment that adapts to its surroundings and
20 helping those being helped, are respectful and appreciative
21 and are willing to improve themselves.

22 That's all. Thank you.

23 VICE-CHAIR TSAI: Thank you, Tim. Anyone wish to
24 testify at this time that hasn't testified already, please
25 come forward now. Identify yourself, you have three

1 minutes.

2 MR. U`U: I'm trying for say good morning or good
3 afternoon, but your clock, gotta change the batteries. So I
4 gonna say aloha. My name is Bruce U`u, in here to support
5 the homeless campsite that is being proposed. And -- and
6 I -- I just like to say that I respect all testifiers who
7 testified in favor or not in favor.

8 You know, where do you start? There's 160 waiting
9 list for homeless. Everybody's been bringing up the
10 homeless problems, whether it be the Mayor or the Governor.
11 And going back to the subject, 60 of them are children. And
12 that's -- I get a hard time swallow that one, you know.

13 Some of the testifiers say it was too isolated.
14 And the one in Sprecks, they said, was too close to the --
15 to the services. It's amazing how, you know, it doesn't fit
16 everyone. It was too far -- the one in Spreckelsville was
17 too close, this is too isolated. You can't please 'em all.
18 One said it's too hot, don't have the proper landscaping.
19 And one needs to just drive to Maui Meadows to figure they
20 figured it out. Why can't you guys?

21 So I just wanna say this: If I was put in that
22 predicament, I would take my kids there, if I was homeless.

23 And I did adopt two kids. Same life like these
24 kids. They're Hawaiian. I got 'em when they was two and
25 three. Where the services was? Where is their

1 opportunities? I took 'em in. They're still with me.
2 They're 14 and 15. They're brothers, never have a chance.
3 Stepbrothers, they not with me. Sadly, couldn't take 'em
4 home. I took 'em. (Inaudible) the problem, I was part of
5 the solution. I brought 'em in.

6 One go Kamehameha Schools, one going King K. They
7 had no idea what was Christmas. They couldn't understand.
8 Why you gonna put one tree in your house? Who puts a tree
9 in your house, he tell me. He don't get it.

10 Only two I took. Get 60 on this list. It kills
11 me to be here. And you -- and you have a hard time. I
12 still have a hard time swallowing when listening to people
13 say it's not perfect. It's not, you know. And they
14 Hawaiians, guys. I Hawaiian. They Hawaiian. I took 'em
15 in. I wish I could take in more. And I trying to be one
16 positive role model. And I getting hard time. I doing my
17 best. You know, I do my best. And I don't complain about
18 the issue. I did something about the issue. I just like
19 'em -- I just want one solution to the problem that is
20 ongoing.

21 MS. TAKAYAMA-CORDEN: Three minutes.

22 MR. U`U: Sorry about -- sorry about getting
23 emotional. I had a feeling, as I was contemplating to
24 testify, because I knew that would happen. Thank you.

25 VICE-CHAIR TSAI: Thank you. Anyone else wish to

1 testify?

2 LINDA: Aloha, Committee. My name is Linda
3 Magallanes (phonetic). And I live all my life in Lahaina.

4 First of all, Mr. U`u was talking about my first
5 cousin's kids. And I thank him so much for helping them.
6 If I had known, I would have took them, too.

7 Anyway, you know, I not looking at a bad thing of
8 this plan, but it's not in the right place. It is hot. I
9 live just a little bit out of Lahaina Town, and it's still
10 hot. But, of course, I cannot run AC because the electric
11 is high. But that location where it is, it's really hot.

12 And for those who came and testified for it, you
13 know, if you -- like -- like the earlier person said, don't
14 just go visit, live in the area.

15 So what I'm speaking right now is I'm totally
16 against it. I not -- you know, what you guys wanna do,
17 that's fine, but might not be the right place at this time,
18 you know, because -- and I work in Lahaina Town. I talk
19 with a lot of homeless people. Maybe that's what you should
20 do, go and talk to them. They not gonna listen. They wanna
21 drink, they wanna do drugs. What we gonna do with those
22 people? That's the ones need the help.

23 And then I heard another testifier, oh, maybe we
24 should have them in Lahaina Town. Maybe you're right, at
25 the banyan tree. Let's do a community, leave them there at

1 the banyan tree, because that's where they're all at. And
2 then go across the highway to go sleep. But they're not
3 going listen.

4 So who is this really benefit? Not the people of
5 Lahaina. I just feel that it's totally in the wrong place.
6 Find somewhere else. And I'm not against what you're doing.
7 I glad you folks are doing something like that, but not
8 there. Find somewhere else. Thank you.

9 VICE-CHAIR TSAI: Thank you. Come up, please
10 identify yourself. You have three minutes.

11 MS. OANA: Aloha mai kakou. Nadine Oana. I'm
12 here as an individual resident in Maui. You know, I'm so
13 emotional. We talk about it all the time. We hear Ige's
14 plan and a task force, so to speak. And I really believe
15 that's what we need here in Maui, is to really have the
16 meeting of the minds.

17 But I truly oppose this project only because, one,
18 how do you mix vacationers on the commercial side with
19 situational homelessness. I don't understand how that's
20 gonna mix. I really don't.

21 I've been in hotel, I've been on the social side,
22 I've been on both sides of the fence. And I really, really
23 do not believe that this project will serve what we perceive
24 the greater community perceives.

25 And then the other thing that bothers me the most

1 is that how come the Pu`unoa residents and neighbors don't
2 know about this project? That tells me that this developer
3 did not approach the neighbors. It tells me that they wanna
4 bypass their neighbors. Why wouldn't you want to listen to
5 the neighbors, right?

6 If you -- you're gonna grow one big mango tree,
7 I'm sure your neighbor is going to be bothered by it after
8 20 years. May not be bothered by it the first year, but 20
9 years later, it's gonna be on their side of the fence, and
10 they're gonna be picking up all those leaves and dirty
11 rotten mangos, if they don't eat it.

12 But, anyway, the point is be a good neighbor,
13 right? We all have to live together. We all have to create
14 solutions for each other to help the homelessness. Not this
15 bandage project that -- temporary, I don't even understand
16 what temporary means. What is that, one year, two year?
17 What happens after that? That means that these people are
18 gonna get a special management permit for a temporary
19 period. What happens after that? I wanna see that plan.
20 I'm sure the neighbors wanna see that plan. Right? If you
21 live right next, I'd wanna know, you know. Don't -- be
22 transparent, be good neighbors.

23 Thank you.

24 VICE-CHAIR TSAI: Okay. Seeing -- oh, one more.

25 MS. PALI: Hi. My name is Mapu Pali.

1 There's two kinds, there's homeless and houseless.
2 Which one are you guys trying to help out?

3 My sister, she just going through a rough time
4 right now. The shelter, she said that there's a lot of
5 people on the waiting list. But since she has two kids,
6 they took her in, she got to move in on Monday, yesterday.

7 I wouldn't want them going, living in one tent. I
8 would rather have them -- the money that's doing this whole
9 project, why don't they give it to the shelters people, let
10 them expand their stuff? Instead of throwing 'em -- making
11 a little side track so they can put more things on other the
12 other 20 acres, and, afterwards, just throwing out all those
13 people in the beginning part, in those small little tents,
14 so they can have some other things in the future. But
15 instead of making those stuff, they should give the money
16 to -- I don't know -- Salvation Army, they're usually taking
17 in the homeless people.

18 Homeless are like bums who choose to do that.
19 Houseless is the one that works, with kids, having hard time
20 paying bills, have to work and can't pay for the housings.
21 So just get it straight, is it homeless or houseless people
22 you guys are trying to help. Thank you.

23 VICE-CHAIR TSAI: Okay. Now seeing no one else
24 who wants to testify, public testimony is now closed. At
25 this time, we passed the lunchtime, I'll ask the Commission

1 Members, okay we go on to lunch and we re-adjourn at 1:15?
2 Stay here? Yeah, let's stay here. Come back to the same
3 place. So we re-adjourn at 1:15. Thank you.

4 (Recess, 12:13 p.m. to 1:19 p.m.)

5 VICE-CHAIR TSAI: So we would like to hear from
6 the opposing party. Yeah, Petitioner first. So you guys
7 want to come up and present your case?

8 MS. WRIGHT: Do you want us at the podium, or
9 where do you --

10 VICE-CHAIR TSAI: Yes, please.

11 MS. WRIGHT: Good afternoon, Commissioners. Thank
12 you for giving us the opportunity this afternoon to present
13 our Petition to Intervene. My name is Deborah Wright and I
14 am an attorney representing Pu`unoa Homeowners Association.
15 And we're asking permission to intervene in this matter
16 concerning the applicant's request for the Conditional Use
17 and Special Use Permits, including the commercial and
18 homeless tent area.

19 Let me put on my glasses here.

20 Your rules, under 12-201-41(d), leave to intervene
21 is supposed to be freely granted.

22 One of the reasons we're here before you today is
23 because, in this particular instance, the deadline for leave
24 to intervene was July 14. The informational hearing that
25 was held for the neighbors and for others in the community

1 was, also, July 14, 2015.

2 The applicant feels, of course, that we should
3 have intervened and met that deadline and been before you no
4 matter what. We feel that it was unreasonable to ask for
5 intervention or to assume that intervention could be filed
6 before we even attended the informational meeting. It seems
7 like that would have been jumping the gun, to say we object,
8 we want to intervene, we want to participate in this, when
9 we hadn't even had the chance to hear from our neighbors as
10 to the situation and to at least have the opportunity to ask
11 questions of them.

12 As soon as the informational meeting was over,
13 when there were still what the Pu`unoa Homeowners
14 Association thought were unanswered questions and problems,
15 they sought counsel and sought to intervene. And did it as
16 promptly as possible.

17 Because leave to intervene should be freely
18 granted, and because of these particular facts, we believe
19 that the Commission should, for good cause, grant us leave
20 to intervene.

21 It's important to remember that they have spent a
22 year with you guys. They filed their application in June.
23 And at least with the County, they've spent a year doing
24 their preparation, getting their comments. One application
25 was filed in June and one of August of 2014. But in the

1 meantime, they haven't had a meeting with the neighbors or
2 communicated with the neighbors about this particular plan.

3 So having it all come right at the very end like
4 this, we think, is unreasonable and presents good cause for
5 us to intervene at this particular time. Especially where
6 you're talking about an ag property, the zoning for which --
7 what they're asking you to do is not a permitted use, it's
8 not a special use, it's not an accessory use. It's
9 completely outside of that, where they're coming in for
10 these permits.

11 And this is something that is, as a result, very
12 important to the community. And we believe that Pu`unoa,
13 being as close as it is -- part of Pu`unoa is across
14 Hokiokio road and part of it is across from the bypass. So
15 we're on two sides of this particular piece of property in
16 this project. And we think that, as a result, the
17 homeowners there are uniquely situated to provide input and
18 to express concerns or even conditions that might be
19 appropriate with regard to this particular project.

20 The applicant has said, well, you know, there are
21 limitations on what is good cause. And good cause -- they
22 cite to several different cases and say, you know, this
23 doesn't fit good cause. But taking from their cases, the
24 cases they cited -- one is Miller v. Tanaka. And, in Miller
25 v. Tanaka, the Court said good cause also depends upon the

1 circumstances of the individual case, and a finding of its
2 existence lies largely in the discretion of the officer or
3 the court. In other words, you have to look at the
4 particular facts of the particular case and see whether you
5 think good cause has been shown. We believe it has in this
6 instance.

7 Similarly, they cite to a couple other criminal
8 law cases, which are actually under the Rules of Criminal
9 Procedure, kind of different circumstance. But in each of
10 those cases, the court repeats the fact that it's in the
11 discretion of, in this case, the Commission, or, in that
12 case, it would be the trial judge to determine if good cause
13 has been shown. We think under these circumstances it has.

14 Because of our proximity to the particular
15 property and because of the ag zoning for the whole area,
16 including the area where the Pu`unoa homeowners live, they
17 are in a unique and better position to go into and delve
18 into some of the concerns and problems that we think exist
19 with regard to the property with the current zoning.

20 You've heard a lot of people talk about how arid,
21 how dry it is. We saw that the Fire Department said, well,
22 we're against campfires. And they said, don't worry, there
23 won't be campfires, but they did say, separately, well, we
24 may allow grills and we may allow camp stoves and things of
25 this nature. With the arid and dry conditions, that's a

1 huge concern for brushfires.

2 And, again, because of the location, you're not
3 near services, such as fire services, that could help with
4 regard to these situations. That's just one example.

5 The homeowners are very concerned about security.
6 And it's not just the security for them and the homeowners,
7 it's also security for the people who may be staying on the
8 campgrounds. There is a big concern.

9 There are -- there -- the Police Department talked
10 about the fact that you need to provide, to make sure this
11 is a secure area. And the response was, well, we'll go
12 ahead and we will put a 24/7 on-site manager on the
13 property. But what the Police Department said in their
14 letter is there should be security personnel on the
15 property. It's not enough.

16 And you've got a situation where you're talking
17 about putting some homeless people, putting some commercial
18 campers into a situation there, and then also having the
19 problems with highways on two sides, another road, a heavily
20 traveled road, next to it, where people are going to have
21 heavy pedestrian traffic. So far you've had Department --
22 the transportation study that was done. And the
23 transportation study specifically spoke to the fact that
24 vehicular traffic would not be increased dramatically, but
25 it didn't address pedestrian traffic.

1 Because of these unique situations that the people
2 living in the area can address, we think that it's
3 appropriate for them to be allowed to intervene and
4 contribute.

5 One of the things that the applicant has also said
6 is -- you're supposed to allow intervention if it will make
7 for a fuller record, but they're saying this is just going
8 to expand the proceedings. Well, to me, a fuller record
9 does expand the proceedings to some extent because it
10 provides more information and more input and it gets the
11 information that needs to be made for a clear decision so
12 that you -- you have this kind of information coming. And I
13 can't understand why that wouldn't be in a -- why that
14 wouldn't be something that is appropriate for the
15 intervention to do, to expand, to make sure that when you're
16 talking about certain situations and conditions that are
17 unique to this area, and that people living in the area are
18 uniquely suited to address, why that wouldn't be something
19 that's appropriate.

20 One of the criticisms of our intervention was that
21 the applicant says, well, you know, you -- you let them come
22 into this, they're just going to -- it's just one of those
23 things that's just a delay, it's just causing more problems.
24 But the -- but the fact of the matter is that this is an
25 important thing. Again, you're talking about approving

1 something, a zoning use -- a zoning -- a use for zoning that
2 is outside the realm, outside the standard realm.

3 None of the homeowners -- and you've heard a lot
4 of them speak today -- none of them are against providing
5 shelter for the homeless, but none of them believes that, in
6 this particular area, a tent like that is suitable for a
7 family. There are perhaps ways to do this that would be
8 appropriate. Affordable housing is desperately needed, we
9 all know that. But we don't think this is the appropriate
10 method. And certainly not without considerable
11 restrictions.

12 This is called a temporary plan. We don't know
13 what that means, even. We haven't even had the opportunity
14 to explore that. As someone said when they got up, does
15 that mean it's for one year, it's for three years, after one
16 year they can fold it, does it mean it's temporary? Someone
17 called it a great experiment. Well, those kinds of things
18 need to be explored so we all know what we're talking about
19 exactly before the Commission approves or disapproves this
20 application that's before it.

21 Thank you.

22 VICE-CHAIR TSAI: So now we will give the
23 opposition a chance to speak.

24 MR. GEIGER: Good afternoon, Commissioners. Can
25 you hear me?

1 When a party wants to come in -- or when a person
2 who is not a party wants to come into the process, they have
3 to come in and explain to you why they are different from
4 the public as a whole. Because the Planning Department is
5 out there --

6 VICE-CHAIR TSAI: For the record, can you please
7 identify yourself?

8 MR. GEIGER: Oh, I'm sorry. I apologize. My name
9 is Jim Geiger. I'm here on behalf of Ho`omoana Foundation,
10 the applicant in this case. And we are opposing the
11 intervention of the Pu`unoa Homeowners Association. And
12 we've done it on three reasons. And I presume that each of
13 you have had the opportunity to read our opposition.

14 But, as I said, when somebody wants to intervene
15 in a matter, when they're not a party to the proceeding,
16 they're coming in and saying "let us participate," they need
17 to explain to you how they are different from the public in
18 general, how they are uniquely affected by this particular
19 project, so that they should be able to come in and
20 participate as a party to the process. That is their burden
21 that they have to achieve. They have to convince you, yes,
22 we should be here. And I will submit that they have not
23 done that.

24 What you have heard is that they are bringing up
25 things that are not unique to Puamana -- excuse me --

1 Pu`unoa Homeowners Association. Those are the same issues
2 that the people in Puamana have, that the people in Lahaina
3 have, that the people on the west side have. They complain
4 about traffic, they complain about possibility of fire, they
5 complain about security. Those are no different than any
6 other resident of west side.

7 They haven't established to you that they are
8 unique from the public whose interests are being protected
9 by the Planning Department, by the other County departments
10 who have had an opportunity to review, by the Planning
11 Director, who was weighed in on this particular project and
12 given you his thoughts, with conditions that he thinks
13 should be imposed, addressing these very same issues that
14 they are trying to, let's say, let us come in and raise. So
15 I think that they have just failed in the basic hurdle that
16 they would have to clear.

17 They also failed procedurally. You folks have a
18 rule -- or several rules. One rule is, before the public
19 hearing, the applicant has to give at least 30 days notice
20 to the neighbors and in -- and in the paper. That was done
21 in this case. A letter was sent out June 19. You have it
22 in the Staff Report. It's Exhibit 10. In the letter, it
23 not only mentions that we're going to have this community
24 hearing, but it also says, until then, "Please do not
25 hesitate to call me should you have any questions or

1 concerns."

2 They had the opportunity to contact the Foundation
3 and say, "What's going on? What are you talking about? How
4 is this gonna impact security? What are you doing for
5 traffic? What are you doing for fire." They did not take
6 advantage of that opportunity; instead, they waited. They
7 waited until the Friday before this hearing -- Thursday
8 before this hearing, four days ago, to file a Petition to
9 Intervene.

10 And then they don't tell you why they waited other
11 than, "Oh, well, we wanted to see the community meeting."
12 Well, why didn't they go look at the Staff Report? Why
13 didn't they contact Ho`omoana Foundation? You don't know
14 these things. They didn't think to do it. They came in too
15 late.

16 In fact, we reached out to them and had a meeting
17 with the president of the -- of the Association on July 2nd.
18 Yet, they still waited until July 23rd in which to file the
19 petition. Is that timely? Is that good cause? I submit it
20 is not.

21 I think the final point I'd like to make is that
22 even if you say, okay, we'll let 'em slide on the -- on
23 filing late, and even if you say, okay, well, maybe they're
24 a little bit different from the public, you have to ask
25 yourself, will their participation assist you in your

1 decision-making process.

2 You have two permits before you. You have a
3 Special Use Permit, State Special Use Permit, and you have a
4 County Conditional Use Permit. The intervention doesn't go
5 into the County Use Permit. You're still going to have to
6 rule on that. You're still going to have to act on that.
7 Intervention won't stop that. You have to proceed with
8 that.

9 So what benefit does it do you in your
10 decision-making process to allow the homeowners association,
11 which isn't even adjacent property, which is probably more
12 than 500 feet away from the nearest corner of this property,
13 to come in and participate? The answer is nothing. They
14 won't add anything more than what all of the departments
15 have added. Because if you've gone through the Staff
16 Report, as I have, you'll see that all the Department have
17 weighed in, all commented on things, the very things these
18 people are bringing up. What more would they add? I submit
19 nothing.

20 And so for these reasons, I would ask that you
21 deny the Petition to Intervene so that we can proceed
22 forward on the permits. Thank you.

23 VICE-CHAIR TSAI: At this point, I'll ask the
24 Commissioners if they have any questions for either party?
25 We're making a decision whether to grant or deny the

1 petition. Or, if you prefer, we can go into Executive
2 Session.

3 COMMISSIONER ROBINSON: I make a motion to deny
4 the Petition to Intervene.

5 COMMISSIONER LAY: Second.

6 VICE-CHAIR TSAI: So we have a motion on the floor
7 from Commissioner Robinson to deny, a second from
8 Commissioner Lay. Discussion.

9 COMMISSIONER LAY: I see no new issues that were
10 brought up. The same concerns were brought up earlier, the
11 same concerns they have with these -- with these
12 petitioners. And that's the reason why I made a motion --
13 seconded the motion to deny.

14 VICE-CHAIR TSAI: Any other comments? Okay. You
15 want to repeat -- okay, Director, do you want to repeat the
16 motion?

17 DIRECTOR SPENCE: The motion is to deny
18 intervention.

19 VICE-CHAIR TSAI: So all in favor, raise your
20 hand.

21 DIRECTOR SPENCE: That's four ayes.

22 COMMISSIONER HEDANI: Is that the vote?

23 VICE-CHAIR TSAI: Yeah, the vote.

24 COMMISSIONER HEDANI: I'm sorry. Did you call for
25 the vote?

1 VICE-CHAIR TSAI: Yes, I did. Sorry.

2 DIRECTOR SPENCE: Okay. Once again --

3 VICE-CHAIR TSAI: Once again, let's call for a
4 vote. All in --

5 DIRECTOR SPENCE: The motion is to deny
6 intervention.

7 VICE-CHAIR TSAI: All in favor, raise your hand.

8 DIRECTOR SPENCE: That's five ayes.

9 VICE-CHAIR TSAI: Motion carries.

10 MR. GEIGER: We want to thank the Commissioners
11 for your action. I guess we would ask for just a short
12 recess so we can prepare for the presentation for further
13 questions on the permit.

14 VICE-CHAIR TSAI: Yeah. Five minutes will --

15 MR. GEIGER: That would be fine for us to prepare.
16 Thank you.

17 VICE-CHAIR TSAI: Five-minute recess.

18 (Recess, 1:39 p.m. to 1:47 p.m.)

19 VICE-CHAIR TSAI: Call the meeting back to order.
20 Corporation Counsel.

21 MR. HOPPER: I would just like to note that we
22 would request that Mr. Geiger prepare the decision and order
23 denying the intervention.

24 MR. GEIGER: Will do.

25 MR. HOPPER: Thank you.

1 VICE-CHAIR TSAI: I would like to open the floor
2 up for questions from the Commission Members.

3 COMMISSIONER LAY: Okay.

4 VICE-CHAIR TSAI: Commissioner Lay.

5 COMMISSIONER LAY: Okay. Ho`omoana is very new
6 facility we're trying to get -- you know, attempting to open
7 up. I'm wondering are there any successful ones that have
8 inspired you to open up this campground? I'm not sure who
9 it would be addressed to.

10 VICE-CHAIR TSAI: The applicant, please.

11 MS. DARCY: Good afternoon. And thank you. My
12 name is Lisa Darcy, I'm the Executive Director at Ho`omoana.

13 Yes, there are places that have inspired me.
14 There are also places that have worked and ones you need to
15 understand why they have not worked. Part of the
16 inspiration that has come from this is exactly what has
17 happened today, in that there isn't a full recognition or
18 understanding of the problem. It's become a very large
19 problem. There isn't a lot of education on the segments of
20 it. And it's segmented.

21 And what we did was look at -- and I've researched
22 many, many, many campgrounds. I actually have an ongoing
23 dialogue with Eric Tars who is with the National Law Center
24 on Poverty and Homelessness. And I've spoken to several
25 different campgrounds on the mainland. And I've talked to

1 them about what are the things that have worked for them and
2 what have not worked. What has worked is when people do
3 have full knowledge of what is happening and that the
4 community is aware, which we are doing, and the individuals
5 who are there understand.

6 The problem is with tents in camps have been just
7 for one size fits all. We are recognizing we can't deal
8 with that approach, certainly not in a small foundation.
9 And we would really need a lot of stakeholders and community
10 and a larger scale to do a one size fits all. We're not
11 able to do that. That's actually something that doesn't
12 work.

13 So one of the things that does work, in all of my
14 years, 25-plus years, of working with people with
15 challenges, is that you -- you can't put people in one size
16 fits all. You have to fit whatever they need at that point.
17 This is just that. It is a very small attempt.

18 And it actually -- we, actually, believe in
19 bandaids. There was a lot of discussion about bandaids not
20 being good, but bandaids are actually very helpful. We are
21 actually trying to do that and protect just a small group.
22 Not the large group. We understand that is not something.
23 So that has inspired us. So if we took a tiny bite of this,
24 we might have a chance in understanding the larger picture
25 and it would provide an opportunity for years for education

1 for the entire community.

2 COMMISSIONER LAY: Thank you.

3 VICE-CHAIR TSAI: Commissioner Higashi.

4 COMMISSIONER HIGASHI: I have a question relating
5 to your project itself. I think, conceptually, I really
6 appreciate the fact that addressing the homeless is an
7 important factor. However, there are some major concerns
8 about safety, starting with the walkway from your particular
9 project to wherever they're gonna go. I don't see any in
10 your plan itself for safety.

11 The other thing that I -- I'm worried about is
12 these people are gonna be up in a -- in an out-of-town area
13 and bus transportation. These people, more than likely,
14 will not have a vehicle to be able to get to any place
15 that's close enough for them to have transportation.

16 And with that, I was very concerned about the
17 project itself.

18 MS. DARCY: So just a comment on that. There are
19 an enormous amount of individuals who are unsheltered who
20 are living in their cars. They don't have a place to
21 shower, to go to the bathroom. You would recognize them if
22 you have the same pattern over and over. This is the group
23 that we are looking to work with. We're not looking to work
24 with somebody who is struggling or gonna be walking up and
25 down the road or -- I mean, that is -- it's a very small

1 group of people, but they're the people that we can actually
2 probably pump out of the systems pretty quickly.

3 So we have recognized that and understand the
4 importance of that. We have had dialogue with the
5 Department of Transportation, look forward to more ongoing
6 dialogue with the Department of Transportation.

7 And we're -- we're, again, looking for the people
8 who are invisible because you don't see them because they
9 are in places where they can get to and they can, you know,
10 semi-blend in, but they do need help of maybe having a safe
11 place to leave their belongings and a place to shower, a
12 place to do the laundry, a place to plug in. So it
13 addresses that in that we are, again, not going to be
14 looking -- or -- or having people who are going to be
15 walking up and down the highway.

16 There are some corridors that are established
17 already where people are walking. We would like to improve
18 that as well.

19 VICE-CHAIR TSAI: Commissioner Hudson.

20 COMMISSIONER HUDSON: Referring to the memo
21 written by the Police Department dated November 3rd, 2014,
22 Paragraph 4 of the memo, "In addition, there is a Kaua`ula
23 Campground Code of Conduct policy that does not prohibit the
24 use of illicit drugs or alcohol on site. There is no policy
25 for the campground manager, coordinator or designee being

1 responsible for monitoring and/or identifying such
2 activity." Could you please enlighten me on this?

3 MR. DEAN FRAMPTON: Thank you, Mr. Chairman. Dean
4 Frampton.

5 I believe you have a handout packet that you got
6 today that included a location map, the large 11-by-17
7 underneath your Staff Report right there. It had a location
8 map, a site plan and, also, the latest revised version of
9 the code of conduct. And if you look there, I think it's
10 Item Number 3, it says specifically this is a no drugs, no
11 alcohol policy. So that -- that comment was part of the
12 review process, taken into account and incorporated into our
13 plan.

14 COMMISSIONER HUDSON: So there's no alcohol?

15 MR. DEAN FRAMPTON: No alcohol, no drugs. And a
16 policy will be enforced.

17 VICE-CHAIR TSAI: Commissioner Lay.

18 COMMISSIONER LAY: Enforcement by who?

19 MS. DARCY: The camp manager. And if the camp
20 manager is unable to contain the situation, we will use
21 whatever the community would use, police, whoever.

22 COMMISSIONER LAY: So Police Department would be
23 the next step after that?

24 MS. DARCY: You know, it depends on the situation.
25 I've been able, at times, to deescalate people personally.

1 I have a skill set. Not everybody has that skill set, but,
2 based on what the person is able to do. If it's necessary,
3 yeah, absolutely. We do have an officer nearby, adjacent to
4 our property, who is very invested. So it's an asset.

5 VICE-CHAIR TSAI: Commissioner Hudson.

6 COMMISSIONER HUDSON: Illegal drugs or contraband,
7 only the government can hold illegal drugs, there's no
8 discretion on that. I think the question is more direct.
9 While I understand a lot of situations can be defused,
10 certain situations cannot be diffused. You're aware of
11 that?

12 MS. DARCY: Oh, absolutely, yes. And this is --
13 the point is safety. We're engaging in creating a safe
14 place for people that's highly valuable or functional.

15 VICE-CHAIR TSAI: Commissioner Robinson.

16 COMMISSIONER ROBINSON: Even though we denied the
17 intervention, I do believe that you guys did rush this
18 through the process. I do believe that with working with
19 the community more, a lot more things could have come out.
20 And maybe the long run, things might have been done more
21 cohesively with the community. And I hope you guys
22 understand that the -- the testimony we had today was
23 because of the way you guys decided to do it. I just want
24 you guys to understand that. I think I agree with a lot of
25 people that are here today.

1 My -- my question is why the commercial element?

2 MR. DEAN FRAMPTON: I'd say that that's -- a
3 commercial element serves two purposes. Number one, at its
4 basic element, it's to provide financial stability for an
5 operation that's run by a nonprofit organization. But
6 probably more importantly, number two, it's to add a sense
7 of normalcy, sense of normalcy to the environment. And it's
8 as simple as that. I'll leave it at that.

9 COMMISSIONER ROBINSON: If this project is gonna
10 be needed as a commercial to help pay for this nonprofit
11 and -- and if costs become higher than expected, which, most
12 businesses, that happens, especially in the beginning
13 process, do you increase the commercial and decrease the --
14 you know, the -- the -- I guess the best part about this
15 project was trying to help these transient people?

16 MR. DEAN FRAMPTON: Yeah. The focus will always
17 be on the -- the resident population that needs the help.
18 But in terms of the financial -- it is a part of it. It
19 helps to offset the cost, but is not the primary issue. The
20 primary issue is serving the -- the residents that need
21 assistance. So if a sliding scale needed to be applied, I'm
22 sure that the manager and the owner would consider that.

23 COMMISSIONER ROBINSON: Is your Foundation paying
24 rent to the -- to the property owner?

25 MS. DARCY: Yes. We are engaged in a lease with

1 the property owner.

2 COMMISSIONER ROBINSON: So with normal
3 accommodations, there are policies to evict people, the
4 counties have certain rules and laws. And we talked about
5 people that are breaking the rules, you know, they would
6 have to, you know, move on and so forth. How about people
7 that don't break the rules or that would say that your
8 interpretation of them breaking the rules are incorrect?

9 MR. DEAN FRAMPTON: I think the first -- the first
10 thing that we would always look at is the code of conduct,
11 are they complying with the code of conduct. And, secondly,
12 it would be dependent on the discretion of the camp manager,
13 are the residents fitting in, are they utilizing the
14 benefits, are they doing what they can to help get
15 themselves in a better scenario. So I think we're talking
16 about the -- the strength and the qualities of a qualified
17 camp manager.

18 COMMISSIONER ROBINSON: Well, I understand that.
19 But somebody who is in need is probably going to sign any
20 type of code of conduct to get into a facility.

21 MR. DEAN FRAMPTON: I understand.

22 COMMISSIONER ROBINSON: It comes apart, like
23 Mr. Hudson says, where the police, because you have just a
24 manager, they're going to be coming, driving out to that
25 location. How do you folks deal with the shelter part when

1 you have to have people leave that area?

2 MS. DARCY: So one of the things that is not
3 visible to this group here today is the amount of supports
4 and the amount of connection that Ho`omoana has with the
5 entire homeless alliance and all of the agencies and
6 facilities. I have a direct line and call agencies all the
7 time. People come into the office all the time who have a
8 wide array of needs. Everybody leaves with a connection to
9 something. So if somebody is displaying problems that are
10 bigger than we can associate with, I mean, we can call any
11 of the other agencies, give them an opportunity to intervene
12 or assist the person. And, hopefully -- you know, sometimes
13 that actually just relieves what the issue is, is I can't
14 even get in touch with my case manager, or, you know, I'm so
15 frustrated. Sometimes I just pick the phone up and call and
16 they go, you got through. I'm like, yeah, yeah. You know,
17 sometimes it takes a little persistence, and they're a
18 little tired. So sometimes that actually can really just
19 take care of the issue. And we have connections with the
20 entire community.

21 COMMISSIONER ROBINSON: I think what I'm talking
22 about is not a -- is not a free service, it's a paid
23 service. And you're gonna -- from what I've read, you're
24 gonna charge a certain amount. So when you charge a certain
25 amount, a certain services -- has to be a two-way street.

1 So when there's a -- when there's a dispute, it ain't as
2 simple as, well, I'm sorry, this is a homeless shelter and
3 falls under these rules because it's not going to be a
4 shelter anymore because it is for pay. So that's when, you
5 know, things could be different. That's where you have a
6 code of having 80 people, you have 20 parking lot spaces.
7 You know, a lot of the concerns of this community is the
8 safety of the community and the people involved. And
9 it's -- I guess what I'm still getting to is how are you
10 gonna control a paid environment when people have rights?
11 You can't just call another agency and say --

12 MR. DEAN FRAMPTON: Right.

13 COMMISSIONER ROBINSON: -- we're going to shift
14 you off to some other place.

15 MR. DEAN FRAMPTON: It's gonna have to be the
16 strength of the on-site manager or managers. And that's,
17 also, why we've talked about growing in increments, not
18 getting too far ahead of ourselves, and, you know, allowing
19 the camp to grow, allowing the protocols to be more refined
20 and defined over time in order to respond. Because we're
21 not -- we're not jumping right into people right away.
22 We're jumping into, you know, a small piece of this first,
23 grow into it, understand our mistakes, there will be
24 mistakes, do what we can, stick with the Planning
25 Department, work on conditions, if there's anything that

1 changes over time. So, you know -- and -- and utilizing, as
2 Lisa said, the other agencies that may be able to support.
3 But understanding it's primarily our responsibility to
4 manage this well. So my answer to you would be slow,
5 controlled growth, not getting too far ahead of ourselves.

6 VICE-CHAIR TSAI: Commissioner Hedani.

7 COMMISSIONER HEDANI: The question I have is more
8 for the Planning Department rather than the applicant at
9 this point. The property is 22-plus acres. Under the
10 guidelines that we usually follow, properties that are 15
11 acres or less come to the Planning Commission, properties
12 that are over 15 acres go to the State Land Use Commission.
13 Why did we make an exception in this case?

14 VICE-CHAIR TSAI: Director.

15 DIRECTOR SPENCE: Thank you, Commissioner -- thank
16 you, Commissioner Hedani. The -- the answer to that is this
17 is not an exception. In Hawaii Revised Statutes, Chapter
18 205-6, Special Permits, the very first section says, subject
19 to this section, the County Planning Commission may permit
20 certain unusual and reasonable uses within the agricultural
21 and rural districts. So that authority is given to you to
22 decide on these. Later on, under Section D, it says special
23 permits for land, the area of which is greater than 15 acres
24 or for lands designated IAL, they need to go to both the
25 Planning Commission -- it needs to go to the Land Use

1 Commission. And then the -- the Land Use Commission's rules
2 basically mirror what -- what state law says. So here we're
3 talking about the 7.9 acres. That area where there is being
4 a request for a Special Use Permit is smaller than 15 acres.
5 They cannot conduct -- and this is -- they cannot conduct
6 the special use outside of this 7.9 acres. This is
7 something that we've been doing since I can remember.

8 If you think of it another way, you have -- you
9 can have any number of small uses that only take up an acre
10 or a couple acres on 1,000-acre parcel. Why would you need
11 to go to the Land Use Commission for just that really tiny
12 use?

13 So this is the way that they set up state law.
14 It's the area of land that has the special use; it's not the
15 parcel of land that -- that use is located on a specific
16 parcel, but it doesn't encompass the entire parcel. So
17 that's the way that -- and we have any number of these. We
18 processed any number of these over the years in this exact
19 same manner.

20 MR. HOPPER: To clarify, the Commission's only
21 authority in this case is to grant the use for the 7.9
22 acres. The special uses that are required cannot be
23 practiced outside of the 7.9 acres. The rest of the land
24 would have to be used in a manner that's allowed by the
25 State Agricultural District without any permitting. If the

1 use is beyond the 7.9 acres that requires the Special Use
2 Permit, then the State Land Use Commission would have to
3 approve. But the applicant's proposal is 7.9 acres, as I
4 understand it, of the 22-acre parcel. And the Department
5 has consistently applied that it's the area of use and the
6 Commission has granted permits under those circumstances in
7 the past. And the County has talked to the State Land Use
8 Commission about that. So it's not a matter of the size of
9 the parcel, it's the actual size of the use. It's the size
10 of the land on which the use is being authorized. So in
11 this case 7.9 acres is the only area that the Planning
12 Commission can authorize this use on. If the use is outside
13 of that area, it has to be something that is permitted under
14 State and County agricultural laws, anyway.

15 VICE-CHAIR TSAI: Questions? Commissioner Hudson.

16 COMMISSIONER HUDSON: I have a question regarding
17 the pod. The pod is considered a dwelling, is that correct,
18 for -- for -- the question is for Corp Counsel. Could it be
19 considered a dwelling? I mean, in criminal law, a tent
20 could be considered a dwelling. And if it's considered a
21 dwelling, then you pay rent on it. Is this a rental unit?

22 MR. HOPPER: Well, I mean, the Commission is being
23 asked to authorize the pods. I mean, what exactly is the
24 concern about whether something is a dwelling or not? I
25 mean, the use that's being authorized is overnight -- is an

1 overnight camping use which would require a Special Use
2 Permit. I'm not sure of the significance of characterizing
3 it as a dwelling or not as a dwelling. It's being used --
4 it's being authorized by the special permit process.

5 COMMISSIONER HUDSON: Okay. Bear with me. I'm
6 trying to wrap my head around this. The people are gonna be
7 interviewed before they get allowed to take part in this,
8 right? Correct me when I'm wrong. I'm working from that
9 assumption. They get interviewed and they say, okay, yes,
10 you can stay here. It's for a short-term, two months, four
11 months, whatever, but if they're staying there and they're
12 actually living there and they're paying rent, then we go
13 back to Mr. Robinson's consideration. If they're paying
14 rent on the dwelling, they have certain rights, you cannot
15 kick them out right away. I just want some clarification
16 from Corp Counsel. Am I misreading this?

17 MR. HOPPER: Well, the restrictions on eviction,
18 that's something you could ask the applicant about and that
19 they would be responsible for dealing with. And whether
20 it's extremely difficult or difficult to evict people, that
21 would be an issue for the applicant. This permit, again, is
22 to authorize that use, but the -- the, you know, dealing --
23 as you would if you authorize any development, the issues
24 with, you know, evicting people who are paying rent on that
25 property would be the responsibility of the landowner.

1 VICE-CHAIR TSAI: Commissioner Lay.

2 COMMISSIONER LAY: Just some clarification. The
3 pod, the pod is owned by the individual himself or is it
4 owned by the -- by the camping grounds? And if you're
5 getting kicked off, you're just being kicked off of the
6 property and not thrown out of your home, if that is your
7 tent, right?

8 VICE-CHAIR TSAI: Can we have the applicant come
9 forward to answer these questions?

10 MR. GEIGER: It really would be treated, if you
11 will, more like a hotel, overnight stay in a hotel.

12 VICE-CHAIR TSAI: Jim --

13 MR. GEIGER: Sorry. I apologize.

14 VICE-CHAIR TSAI: Please identify yourself again.

15 MR. GEIGER: Jim Geiger on behalf of the
16 applicant.

17 What you're talking about would really be treated
18 like a hotel, an overnight stay at a hotel. And hotels
19 routinely kick people out if they're being unruly. And so
20 it would be the same thing.

21 VICE-CHAIR TSAI: Commissioner Robinson.

22 COMMISSIONER ROBINSON: Except it's not a hotel.
23 It's a -- and I guess the question, is this a short-term
24 vacation rental? I mean, are we going to categorize this --
25 you know, is -- we got to get our categories. That's where,

1 I think, we're all leaning towards. If they're gonna charge
2 rent to a pod or room, and they're going to have 30 of them,
3 or 20 of them, could this become a short-term vacation
4 rental?

5 MR. WOLLENHAUPT: Well, since we've opened the
6 door, I'll start down the road to see where it goes. We
7 have to remember -- and this was sort of in my initial
8 comments, this is a campground. Campground as defined in
9 the code has a camping unit. The camping unit as defined in
10 the code, a tent, recreational vehicle, cabin, lean-to or
11 other similar structure which provides or intended to
12 provide temporary living quarters for a person or persons
13 only allowed for not more than six consecutive nights within
14 a 30-day period.

15 Part number one. When we're talking about a tent,
16 a tent wouldn't be considered a dwelling if the tent doesn't
17 have the building permit. The short-term rental bill
18 requires -- allows for the permit, short-term rental in a
19 dwelling. A tent does not equate to a dwelling under the
20 Building Code. So that was one question, well, could a tent
21 be considered a dwelling. And in this case, it would be my
22 understanding that the answer would be no. Therefore, we're
23 looking at a structure or a -- we're looking at a camping
24 unit that's providing temporary living quarters.

25 And there, we move into the second phase. If this

1 was a request for a campground and the traditional
2 campground would have people using their tents for six
3 nights or less, the Conditional Permit would not even be
4 part of our debate today. It would just be can you have
5 overnight camping in the Ag District. That's what we're
6 dealing with, the State Special Use Permit. Overnight
7 camping in the Ag District.

8 When we begin to speak about multiple nights in a
9 camping unit, a/k/a a transient individual would be staying
10 two months in a tent, now we have moved into the realm of
11 where the Conditional Permit is required and passage by the
12 Council. So that's where it gets to be more of a challenge,
13 in looking at the lift this project comes into as a
14 campground moving beyond perhaps ones traditional definition
15 of a campground.

16 So I'm trying to answer both the questions. A
17 tent, I can't see that as a dwelling. I can't see this as
18 ever being a short-term rental because a short-term rental
19 does require a dwelling, which a tent is not. And we have a
20 greater lift and a greater level of review because the
21 applicant, in fact, wants to use these camping units for
22 more than six nights. So that's my attempt at starting some
23 answers here.

24 VICE-CHAIR TSAI: Commissioner.

25 COMMISSIONER ROBINSON: So they're permitted,

1 the -- the main house, because that's the only property,
2 that's the only house on top of that lot, and then they have
3 a farm dwelling. Is there a dwelling -- is that -- is that
4 stables where they have any type of stuff? Is that
5 considered the second dwelling on top of this farm lot, this
6 22 acres?

7 MR. WOLLENHAUPT: It's my understanding that the
8 farm dwelling to be constructed as a requirement prior to
9 occupancy of any campground units would in fact be the farm
10 dwelling in which the on-site manager would live.
11 Therefore, at the moment, there is no building approved
12 dwelling. But a dwelling known in the vernacular as a farm
13 dwelling, which would be required under State Ag, would have
14 to be built and then consequently occupied by a 24/7 manager
15 prior to any occupancy of this campground. So it is correct
16 that there would be a one farm dwelling.

17 Now, the stables that are there for Kalee's ranch,
18 that's an allowed use in the Ag District.

19 COMMISSIONER ROBINSON: Is that considered a barn?
20 Because there's also a barn on top of this proposal. So is
21 that become the third --

22 MR. WOLLENHAUPT: The barn would be -- that's
23 going to be part of, I believe, the building to house
24 different kinds of implements to be used in the agricultural
25 portion of this permit. So the barn would be, again, an

1 accessory structure, but there wouldn't be anyone living in
2 the barn, so it wouldn't be a habitable dwelling. It would
3 be a storage unit.

4 COMMISSIONER ROBINSON: But you can have more than
5 one accessory structure on one lot, yes?

6 MR. WOLLENHAUPT: In association with the
7 activities of the farm.

8 COMMISSIONER ROBINSON: With activities, okay.

9 MR. HOPPER: Just to --

10 VICE-CHAIR TSAI: Corp Counsel.

11 MR. HOPPER: Just to clarify, Staff, correct me if
12 I'm wrong, I mean, the conditional permit is allowing uses
13 that are not allowed by the zoning. That's why it's going
14 to the County Council for their decision-making. I think
15 there was a conclusion that the uses, you know, in dealing
16 with the number of dwellings and whether these are, you
17 know, camping -- camping units or considered transient
18 vacation rentals, which they're not based on the
19 Department's analysis, they still require County Council
20 approval. County Council can't authorize uses that are not
21 allowed by the zoning. These are uses that are not allowed
22 by the zoning, agricultural zoning, which is why they have
23 to go to Council and get a Conditional Use Permit. And
24 that's how the Council can authorize it. The Council can
25 essentially authorize any use in any district based on the

1 criteria in the Conditional Permit. It is relatively broad
2 authority of Council. It used to be all transient vacation
3 rentals had to get permitted before the short-term rental
4 law came into being. So that's what is being requested.
5 And I think that's why the Department concluded that they
6 need a Conditional Use Permit, because that use is not
7 allowed in the State -- in the -- the State Agricultural
8 Districts, why the Special Use Permit's being required, but
9 the -- the Conditional Permit's required if the use is not
10 allowed by County zoning.

11 VICE-CHAIR TSAI: I have a couple questions of the
12 applicant.

13 MR. DEAN FRAMPTON: Dean Frampton.

14 VICE-CHAIR TSAI: Yeah. Can you elaborate on your
15 commercial part? Are you talking about just specifically
16 related to renting out sites or --

17 MR. DEAN FRAMPTON: I think the commercial
18 component is just strictly the rental of camping pods as
19 discussed.

20 VICE-CHAIR TSAI: Okay. Also, my understanding,
21 and you kind of alluded to it in your presentation earlier,
22 is that the similar projects in Seattle and Oahu failed. So
23 what makes you guys think you're going to be successful?

24 MR. DEAN FRAMPTON: The similar projects that
25 failed are -- I think that's more experiences Lisa is aware

1 of. I'm not aware of those experiences. What I -- what we
2 do know is that we're asking for a Special Use Permit that
3 would have a time stipulation on it and it would have
4 accountability in terms of if it's not working, if it's not
5 doing well, it's a revocable permit. But we are optimistic
6 that this will work.

7 VICE-CHAIR TSAI: Thank you. So no other
8 questions from the Commission, I would like to hear the
9 Department's recommendation.

10 COMMISSIONER LAY: I have a question.

11 VICE-CHAIR TSAI: Oh, I'm sorry.

12 COMMISSIONER LAY: Your manager, what kind of
13 skill sets does he have? He's going to be on the property
14 all the time and he's going to have to deal with a lot of
15 things. I'm just wondering what type of person would fill
16 that spot.

17 MR. DEAN FRAMPTON: Sadly, our previous on-site
18 manager was -- was here to testify about that specific
19 question. He's not here, but he has spoken about it. His
20 name is Josh Dean. He has been an on-site manager. He --
21 it takes a special person, he said. And in his words, you
22 have to make an assessment in the first five minutes, you
23 have to know -- you have to judge character, you have to be
24 able to make a quick call, and, then, if you make a mistake,
25 you have to be able to rectify it quickly. So we're looking

1 for -- it will be a strong individual, or perhaps
2 individuals, living in the family, perhaps a family unit,
3 but that is -- that is probably the single most important
4 part of this whole process, is the on-site manager or
5 managers.

6 COMMISSIONER LAY: Thank you.

7 VICE-CHAIR TSAI: Commissioner Hedani.

8 COMMISSIONER HEDANI: Okay. I have a question for
9 the applicant. In the exhibit that was circulated, it looks
10 like this, the Kaua`ula Campground. At the top of the
11 parcel, it shows a culvert opening which looks like two 36
12 or two 48-inch culverts daylighting at the top of the
13 background. During a 100-year storm what happens to that
14 water?

15 MR. DEAN FRAMPTON: Kurt, if you wouldn't mind,
16 could you go to Slide Number 40, please? You're almost
17 there. Keep going, please. Right there. Go back. There
18 you go. Commissioner Hedani, is that -- is that the
19 daylighting culvert area that you're talking about?

20 COMMISSIONER HEDANI: Right. Take a look at the
21 next slide after that. You'll see it displayed at the top
22 of the campground.

23 MR. DEAN FRAMPTON: Okay. And then are you
24 talking about the area -- well, okay. So --

25 COMMISSIONER HEDANI: Right here.

1 MR. DEAN FRAMPTON: That -- yeah, that drainage
2 comes specifically from the improved area of the highway, up
3 on -- on the -- on the elevated bypass. That was sized by
4 the State to accommodate their runoff in the event of a --
5 well, I can't speak for them, but in a -- in a major rain
6 event. If you see what we've included in our -- in our site
7 plan is that we have provisions there for a landscape soil
8 that would connect to the stream. So in the event of an
9 extremely large event, that -- that area where the culvert
10 comes out would act -- it's -- it's a depression, so it
11 would act as a settling pond, if you will, and then overflow
12 into the drainage swale, which in that case would lead
13 towards the stream.

14 COMMISSIONER HEDANI: So what you're saying is
15 none of the water that comes out of that culvert would reach
16 the campground site?

17 MR. DEAN FRAMPTON: That would be the intent.

18 COMMISSIONER HEDANI: Okay. Because I've seen
19 water come out of a 48-inch culvert that went right over the
20 settlement basin and hit the retaining wall on the back
21 side, then flew up about 30 feet, when a big storm comes.

22 MR. DEAN FRAMPTON: It would -- it would behoove
23 us to have that -- if we were to be fortunate enough to move
24 forward, to have an engineer take a really hard look at
25 that.

1 COMMISSIONER HEDANI: Okay. The reason I'm
2 cautious is because we've approved things in the past where
3 bed and breakfasts have gone down the stream, disappeared in
4 the middle of the night. And, fortunately, there were
5 nobody in there.

6 MR. DEAN FRAMPTON: Understood.

7 VICE-CHAIR TSAI: Commissioner Robinson.

8 COMMISSIONER ROBINSON: I have a question for
9 the -- for the finance person of this project. You're gonna
10 take 'em all?

11 MR. DEAN FRAMPTON: Depends how deep we get in
12 finances.

13 COMMISSIONER ROBINSON: Just real simple. If this
14 Commission put a condition to where there would be zero
15 commercial activity and zero money collected from these
16 transient people, would you guys still do this project?

17 MR. DEAN FRAMPTON: You say would we -- if it were
18 100 percent --

19 COMMISSIONER ROBINSON: Zero percent commercial.

20 MR. DEAN FRAMPTON: Zero percent commercial.

21 COMMISSIONER ROBINSON: You collect zero monies
22 from occupants. Would this project still go forward?

23 MR. DEAN FRAMPTON: One second.

24 MR. MARTIN: Good afternoon, Commissioners. My
25 name's Peter Martin.

1 We -- the Foundation is very, very well funded by
2 myself and my former wife Debbie. We do not need the money
3 to make this commercial campground work. It -- we think
4 there's -- it's very valuable that people do pay. They
5 might be able to work it off.

6 It's part of the experience we've developed from
7 being involved in Camp Olowalu, which we took over about,
8 what, 16 years ago. And I think most -- my children went
9 there 35 years ago or so. And we have a fair amount of
10 experience in that campground at one time.

11 And Josh was here to speak, but he is running our
12 construction company. And as you know, we have an
13 affordable housing project going. And, all of a sudden,
14 this guy's -- the sewer -- so he left, because they were
15 trying to put the sewer line in. I got mad at him. He
16 goes, "What can I do? I want to build these houses, so I
17 left." I said, "Okay."

18 But, anyway, what he had managed -- when he took
19 over, Olowalu Camp, it was quite a problem and wasn't
20 managed as well as it is now. If you go down there, your
21 children have probably gone there, I hope.

22 But back to this, if do charge there, do we
23 deviate for certain folks and give them jobs, helping out,
24 whatevers, yes. But I don't think that that would make a
25 better camp. Would we do it, anyway? I guess, but I -- I

1 think if you understood the rationality and work we've had
2 studying this, you would understand that we think it's a
3 healthier way to go for all -- all of them. But we can
4 definitely show you the financials. And you'll know that
5 Debbie and I funded this well.

6 COMMISSIONER ROBINSON: Is -- I actually think
7 it's a great thing that you guys are trying to do. I think
8 commercial and charging people will -- will get a little, I
9 think, like I explained before, in the accommodations and
10 people's rights. You know, it's not a pure shelter. I
11 think there's challenges there. I think, you know, work,
12 you know, trade or something else, that's not a monetary
13 thing might, you know, give a couple loopholes to the
14 management of the property. But for a financial thing,
15 it's -- and the way it is, I just know, I think for me
16 it's -- it's more of a -- it takes away from what I think
17 the goal is, which is trying to help these transient people.
18 I think when people hear commercial, I think when people
19 hear charge, you know, it's just -- it's -- and as we've
20 heard today, a lot of times, you know, half the people
21 are -- don't want homeless there, they have commercial
22 camping there, you know. It's kind of a combination of
23 both. I think if it was one or the other instead of a
24 combination, you know, I think that's something a little bit
25 easier to -- to grasp, you know, about going forward.

1 MR. MARTIN: I understand. I feel strongly that
2 this is a positive. And it has been a positive at Camp
3 Olowalu. And if you -- the police reports there are
4 nonexistent now. And they were very existent years ago.
5 And I don't think we've had a problem. And the system is
6 working. We've moved more -- that has been a true
7 commercial campground now. Very few people there are
8 transient. They are locals, lot of people that live here,
9 they're not all tourists.

10 But this campground, Ho`omoana is a nonprofit, it
11 will not make a profit. I can -- I mean, it's not even
12 close to making any kind of a profit. Not that there's
13 wrong with it. It is -- it is very well funded. I don't
14 mind sharing that, folks, with you, you know. And it's --
15 we have the finances to make this work. That -- that's not
16 gonna be the problem.

17 VICE-CHAIR TSAI: Commissioner.

18 COMMISSIONER ROBINSON: That's fantastic that it's
19 well funded. Any chance of getting a better type of
20 facility besides a tent pod if it's well funded?

21 MR. MARTIN: Well, first, possibly in the future.
22 I don't want to say. We wanted something that if it was a
23 mistake, which I don't believe it is, but we won't be out --
24 you know, it's -- the cottage would still have possibly some
25 value in the wrong location, but the -- all the site work

1 and the landscaping would not have any value, so -- I mean,
2 not have that much value. So I didn't want to get too far
3 down the line with a three-year permit. I want to prove
4 ourselves. And I think we will.

5 VICE-CHAIR TSAI: Commissioner Lay.

6 COMMISSIONER LAY: Mr. Martin, for me, I
7 understand the reason why you would charge. Because, for
8 me, in society, you working to get something. If you give
9 something free, of course, you're gonna get a different
10 crowd from the people that are looking at it, I'm gonna stay
11 here, I have to work for it. It's a part of sensibility and
12 reality. So I think as far as your program, it's important
13 that they know that, too, where this is a start, but a start
14 starts from somewhere. And I'm wondering if you agree upon
15 that.

16 MR. MARTIN: Well, I do. I believe that -- and I
17 -- I'm like Bruce U`u, I cry when I talk. But four
18 components, faith, community, family and work. We will
19 incorporate those. Work is a very important part of it.
20 Sorry, I cry when I talk. And I don't have to. Thank you.

21 VICE-CHAIR TSAI: Okay. Other questions?

22 COMMISSIONER LAY: Oh, one more. One more,
23 please. Indulge me just one more time. Okay. There was
24 some question about fire. Do we have any water resources or
25 anything available in case there's a fire there in the area,

1 or fire extinguishers or anything at these campsites that
2 might be possibly there to help prevent this from happening?

3 MR. DEAN FRAMPTON: There's a fire hydrant right
4 at the project, right where the proposed project driveway
5 is.

6 COMMISSIONER LAY: Thank you.

7 VICE-CHAIR TSAI: Commissioner Hedani.

8 COMMISSIONER HEDANI: I have a question on
9 Kaua`ula Stream, which is right next to the proposed
10 campsite. Does it flow on a regular basis? Does it flood
11 on a regular basis, and to what degree?

12 MR. DEAN FRAMPTON: As we understand, it flows on
13 a regular basis. It flows on a regular basis. We're not
14 aware of it flooding, but it flows.

15 COMMISSIONER HEDANI: And at flood stage, what
16 does it reach?

17 MR. DEAN FRAMPTON: I can't answer that.

18 COMMISSIONER HEDANI: Okay. Is the campground
19 gonna be fenced in?

20 MR. DEAN FRAMPTON: Yes, sir.

21 VICE-CHAIR TSAI: Director.

22 DIRECTOR SPENCE: Yes. Kurt, what flood zone is
23 it? Okay. Commissioner, this is in flood zone X which
24 means it's subject to minimal flooding. So it's subject to
25 minimal flooding, meaning that if the stream gets a whole

1 lot of water that it's not going to affect this particular
2 property.

3 COMMISSIONER HEDANI: Okay.

4 DIRECTOR SPENCE: And the -- I remember the
5 particular bed and breakfast that Commissioner Hedani was
6 referring to. That was down at the bottom of Maliko Gulch,
7 a very different situation than what we're referring to
8 here.

9 VICE-CHAIR TSAI: Commissioner Hedani.

10 COMMISSIONER HEDANI: I heard concerns from people
11 about protection of archaeological sites along the stream,
12 historical sites along the stream, potential burials. What
13 kind of a historic preservation plan do they offer for the
14 parcel itself?

15 VICE-CHAIR TSAI: Applicant.

16 MR. DEAN FRAMPTON: Dean Frampton again. Kurt, if
17 you wouldn't mind going to -- we had a slide up -- I believe
18 it was Slide Number 9. It was in the beginning. And if you
19 don't mind, I'm just gonna -- I'm gonna read from that
20 again, but there was an inventory survey completed and
21 approved, in February 2000, for a larger portion of these
22 parcels. This property being one of them. And regarding
23 the project area that we're proposing the campground on,
24 there were no significant resources identified at that time.
25 And that was due to decades of intensive agriculture. As I

1 mentioned in my presentation, the inventory survey did
2 identify significant sites within and adjacent to the
3 stream.

4 There was a preservation plan that was approved
5 and accepted that includes, as I mentioned, a buffer zone
6 and a building setback that varies, but it's
7 approximately -- it varies in different locations on the
8 stream. But the setback is approximately 100 feet from the
9 center of the stream or 60 feet from the property boundary.
10 The plan as we have it designed now acknowledges and
11 respects those setbacks and even goes beyond that.

12 COMMISSIONER HEDANI: What is the distance from
13 the proposed camping area to the stream?

14 MR. DEAN FRAMPTON: Scaled on that site plan, it
15 looks like it's about 80 feet right now.

16 COMMISSIONER HEDANI: Because I couldn't tell from
17 the exhibits that were provided --

18 MR. DEAN FRAMPTON: Not right.

19 COMMISSIONER HEDANI: -- what part of it, you
20 know, would be close to or encroaching over the cultural
21 sites.

22 MR. DEAN FRAMPTON: Nothing is -- as designed is
23 intended to be encroaching or over, nothing, as designed.
24 And as I mentioned in my -- my -- the earlier presentation,
25 prior to implementation, we have to demonstrate compliance

1 with the existing approved preservation plan. And that's
2 governed by SHPD. We have to demonstrate compliance before
3 we can move forward.

4 VICE-CHAIR TSAI: Commissioner Robinson.

5 COMMISSIONER ROBINSON: Mr. Frampton -- sorry --
6 on the -- on the proposed layout of the campsite --

7 MR. DEAN FRAMPTON: Yes, sir.

8 COMMISSIONER ROBINSON: -- you selected an area
9 that is under the culvert. Did you guys do any other
10 drawings that might have been more north and south of
11 campsite instead of east to west?

12 MR. DEAN FRAMPTON: The -- the site plan as you
13 see it now, it has shifted a little bit over in various
14 stages. You know, we submitted -- it's a general
15 application process, you know. We submitted an original
16 application with the design, get agency comments, we adjust
17 accordingly and we move it around. But DOT did bring out a
18 comment, we were -- it has moved around, the configuration
19 has -- has been massaged, if you will. But we feel that in
20 its current location right now, that's -- that's the best
21 location.

22 COMMISSIONER ROBINSON: Thank you.

23 VICE-CHAIR TSAI: Commissioner Hedani.

24 COMMISSIONER HEDANI: This is a question for the
25 applicant. The \$10 fee applies to per person or per pod per

1 night?

2 MR. DEAN FRAMPTON: Yes. And \$10 is a moving
3 target, but it's an approximate. Yes. But, yes, that would
4 be per person per pod per night.

5 COMMISSIONER HEDANI: Okay. So from my math, if
6 you are at full build-out, you have 80 people at \$10 per
7 night, that's \$800 per night, times 365 days a year.

8 MR. DEAN FRAMPTON: So, again, it's -- it was --
9 it was (inaudible). As Mr. Martin noted, the Foundation is
10 a nonprofit. It's not designed to be profitable in that
11 sense. So I'm sure the price range would be adjusted
12 accordingly with consultation with the Planning Department.

13 COMMISSIONER HEDANI: It comes out to \$24,000 per
14 month, from my perspective.

15 MR. DEAN FRAMPTON: Okay. That's --

16 COMMISSIONER HEDANI: 288,000 --

17 MR. DEAN FRAMPTON: -- on full -- on full
18 build-out? On full build-out, correct?

19 COMMISSIONER HEDANI: Okay. One more question.

20 VICE-CHAIR TSAI: Commissioner Hedani.

21 COMMISSIONER HEDANI: When I go camping, I always
22 carry a knife. I always carry a knife, period. How are you
23 gonna prevent people from having knives in the campsite?

24 MR. DEAN FRAMPTON: Again, it's the -- it's the
25 code of conduct and it's the manager, the on-site manager,

1 observation, the awareness. You know, I'm sure in your
2 circumstance it depends on -- on what you're doing when
3 you're actually camping, if you go to the shoreline, if
4 you're scaling fish. You know, in this particular case,
5 there should not be a need for a knife in this case. And
6 that's the rules. And comply with it or you're in a
7 violation of code of conduct.

8 COMMISSIONER HEDANI: From my perspective, just
9 from my perspective, when I go camping, I take a knife for
10 utility purposes as well as self-defense.

11 MR. DEAN FRAMPTON: Okay.

12 VICE-CHAIR TSAI: No more questions? Oh.

13 COMMISSIONER HEDANI: I have a question on
14 traffic. At full build-out, if we have 26 pods, we have 80
15 people, from one lot, on Hokiokio road, the problem is that
16 Honoapiilani Highway is -- at 40,000 vehicles per day gets
17 stopped on a regular basis by intersections and stoplights
18 that back up traffic not only to Launiupoko, it backs up
19 traffic to Maalaea Harbor on bad days. When I'm coming home
20 to Wailuku from Lahaina, I can read what brand tires the
21 visitors are driving because they're going so slow. The
22 County made a mistake at Launiupoko by putting a 50-lot
23 parking lot mauka side of the highway. 50-lot parking lot.
24 People, when the surf's up, they use the stoplight to cross
25 Honoapiilani Highway. They press the button, the stoplight

1 stops, 40,000 vehicles come to a stop, they cross the road.
2 They have to do it twice, once going, once coming back to
3 their car. Times 50 cars, that's 100 presses of the button,
4 times maybe three times that the stall turns over in a day.
5 So that's 300 times that the stoplight activates. That's
6 for 50 stalls. We're dealing here with 80 people from one
7 lot. If we approve it on this one, should we approve it on
8 another lot becomes the question. And the question then
9 becomes how many times is the signal going to be pressed for
10 people that need to cross the highway or, you know, to get
11 onto the highway. That number of vehicles was not something
12 that was anticipated when the agricultural subdivision was
13 built. Putting 26 residences, temporary transitional tent
14 residences on one lot, from my perspective, becomes
15 troublesome from that perspective.

16 VICE-CHAIR TSAI: Good point. Does the applicant
17 wants to respond?

18 MR. DEAN FRAMPTON: Again, Dean Frampton. I'll
19 respond on, I guess, two different levels. First of all, we
20 had a traffic study done for us at the request of the DOT.
21 In the morning peak hour, it's estimated over one hour,
22 there would be (inaudible) generated out of this project
23 site on full build-out. In the evening -- or in the
24 afternoon peak hour, 10 trips. That's -- that's a small
25 portion of 40,000, but, nonetheless, it's more. I think a

1 lot of these issues in time go away if we can get the next
2 phase of the DOT -- the next phase of the bypass to go
3 through. I think that helps out, but that's a regional
4 traffic issue. And we understand, but we feel our overall
5 numbers are -- are somewhat insignificant given the larger
6 regional problems that we have. Eight in the morning, 10 in
7 the evening.

8 VICE-CHAIR TSAI: No more questions? Let's hear
9 what the Department's recommendation is.

10 MR. WOLLENHAUPT: Good afternoon, Members of the
11 Maui Planning Commission. I'm not going to be pedantic
12 about this, but I will be going through what exactly would
13 be approved and why we are here again.

14 As you know, this is a lot in the County Ag
15 District. If this were a noncommercial camp, it would
16 simply be an accessory use. If it were a commercial
17 campground, it would require a County -- County Special Use
18 Permit, that it go through the proper procedures. But since
19 this is also located on State Ag, we have to look at the
20 State rules. And because this is an overnight camp, it
21 requires a State Special Use Permit. So the first permit
22 that the Members of the Commission would be looking at would
23 be the State Land Use Special Use Permit.

24 Then, second of all, why does it need a
25 Conditional Permit. And, again, I said this, but I just

1 want to ensure that the Members know. The reason the
2 Conditional Permit is required for this particular project
3 is that the applicant proposes using a camping unit, a tent,
4 an RV, a lean-to, for more than six consecutive nights.
5 It's not particularly related to the individual staying six
6 nights; it's the use of the camping unit. I know it does
7 sound a bit odd, but that's the way the Code is written.

8 Therefore, moving into the first recommendation on
9 the State Land Use Special Use Permit, in the green sections
10 of your Staff Report, there's a recommendation with 10
11 conditions. In reviewing the comments today and the
12 consultation, the Department would be making a
13 recommendation of approval; however, adding a number of
14 conditions.

15 If we go with Condition Number 1, that the Land
16 Use Commission Special Permit shall be valid until July
17 28th, 2018, or in accordance with the expiration date of the
18 Conditional Permit, whichever is later, subject to extension
19 by the Director of Planning upon a timely request filed at
20 least 90 days prior. The Planning Director may forward the
21 time extension to the Planning Commission for review and
22 approval, may require a public hearing on the time extension
23 by the Planning Commission. The Department would, however,
24 recommend adding an additional sentence, that this State
25 Land Use Commission Special Permit shall not be effective

1 until such time as the Maui County Council approve the
2 related Conditional Permit. Now, that should be obvious
3 because the applicant has made representations that a
4 camping unit would be used more than six consecutive nights,
5 but we would want to make sure that should approval of the
6 Land Use Commission Special Permit be done today, as you are
7 the final body, that that permit would essentially not be
8 effective until and unless at such time as the Council would
9 approve the Conditional Permit.

10 The Department also will be recommending adding a
11 condition. Because there has been considerable concern
12 about landscaping, because the plans are showing a
13 landscaped area, that a condition worded such as that a
14 zoning and enforcement division approved landscape and
15 planting plan shall be implemented prior to occupancy of the
16 campground. So that there would be the planting of some
17 trees in this rather barren place prior to the occupancy.

18 And that being said, there would also be an
19 addition to Condition 10-J, that all campers must fill out a
20 campground application, agree to a code of conduct and be
21 approved by the camp manager prior to engaging in any
22 campground activity. The code of conduct shall be
23 substantially the same as presented in the Staff Report and
24 as expanded by exhibits presented at the July 28th MPC
25 meeting with -- especially with regards to a zero alcohol

1 use.

2 So that being the case, I won't go through all 10
3 conditions, but Condition Number 1, which was stated, has to
4 do with the expiration date. Condition 2, non-transference
5 policy. Condition 3, insurance. Condition 4, that full
6 compliance with government requirements shall be rendered.
7 Five, that the applicant will present detailed compliance
8 reports. Six, that the applicant will develop the property
9 in substantial compliance. Seven, that the farm plan will
10 remain implemented during the duration of the permit.
11 Eight, that in the case of historic resource finds,
12 including skeletal remains, that construction activities and
13 all work shall immediately cease. And that the property in
14 the vicinity of the finds shall be protected from additional
15 disturbance and that State SHPD shall be contacted
16 immediately. Nine, that best management practices will be
17 followed. And 10, which has Conditions A through J, which
18 are critical for this permit. And, also, it should be
19 recognized these conditions are being placed in the State
20 Land Use Commission permit. Therefore, these specific
21 issues, which are very critical to any functioning of this
22 camp, are going to be resting with the Maui Planning
23 Commission. And there is an ability, then, for you to
24 easily come back and modify them. That's why they're being
25 placed here.

1 I can go through A through J. Is that something
2 that -- okay. A, that all necessary permits shall be
3 obtained for the manager's cottage and farm dwelling, that
4 the dwelling shall be constructed prior, prior to any
5 occupancy of any campground sites, and the full-time manager
6 shall be on site during all times the campers are in
7 residence. B, that State Department of Health individual
8 wastewater system shall be constructed and approved prior to
9 occupancy of any campground sites. That all sanitary units
10 including bathrooms, laundry, showers, sink areas shall be
11 constructed and approved prior to occupancy of any
12 campground sites. That security fencing, especially along
13 the border with the Lahaina Bypass Road and Hokiokio road,
14 shall be completed prior to the occupancy of any campground
15 sites. That Fire Department approved driveways and roadways
16 shall be constructed and approved prior to the occupancy of
17 any campground units. That the median fronting the project
18 driveway on Hokiokio Place be paved due to an existing
19 median swale to accommodate entering and exiting left turns
20 to the future project driveway. G, that a minimum of at
21 least 450 feet of space be provided between the future
22 project driveway and the Lahaina Bypass Road exit ramp. H,
23 that the frontage surrounding the project driveway shall be
24 free of any large trees or obstructions in order to maintain
25 adequate site distance and to assist in pedestrian safety

1 along Hokiokio Place. I, that the campgrounds shall start
2 with eight camping pods, incrementally ramping up to a
3 build-out maximum of 26 pods. No more than 80 campers at
4 build-out shall be permitted on property at any one time.
5 Capacity and control of (inaudible) shall be subject to
6 daily review and (inaudible) the camp manager. J, all
7 campers must fill out a campground application, agree to a
8 code of conduct, be approved by the camp manager prior to
9 engaging in any campground activity. The code of contact
10 shall be substantially the same as that detailed in the
11 Staff Report for the July 28th, 2015 Maui Planning
12 Commission meeting, and as expanded by exhibits presented at
13 the July 28th Maui Planning Commission meeting.

14 In consideration of the foregoing, the Maui County
15 Planning Department would recommend that the Commission
16 adopt the Department's report and amended recommendation for
17 the July 28th, 2015 meeting, and authorize the Director to
18 transmit findings of fact, conclusion of law and decision
19 and order on behalf of Maui Planning Commission.

20 VICE-CHAIR TSAI: Corp Counsel.

21 MR. HOPPER: Just to briefly add, the options are
22 set forth in the Staff Report. There can be approval,
23 approval with conditions, deferral, if you need more
24 information, or denial. Keep in mind that the approval --
25 any approval would have to be based on the criteria in --

1 that you have in your Staff Report under State law and the
2 rules of the Land Use Commission. And it is the applicant's
3 burden to establish that they are entitled to the Special
4 Use Permit.

5 Also, I would note under State law, this is HRS
6 205-6, C says that the County Planning Commission may, under
7 such protective restrictions as may be deemed necessary,
8 permit the desired use. And that phrase, "under such
9 protective restrictions as may be deemed necessary," can
10 authorize conditions. So the Commission can add additional
11 conditions, it can delete conditions or modify the
12 conditions that are proposed. You can add conditions, if --
13 if you would like.

14 But, again, the options are approval with
15 conditions, approval, deferral, if you need more information
16 on this, or denial. And those are your options. Again, the
17 applicant bears the burden of showing they met the criteria
18 that was set forth to you in the Staff Report by the
19 Planning Department under the law.

20 DIRECTOR SPENCE: (Inaudible.) Kurt, so -- and I
21 bring this up for the Commission's consideration as well --
22 the Number 1 Condition deals with the time of -- that the
23 permit would be valid until it has to be renewed. We would
24 normally think of that as sort of a trial period. I would
25 note that -- I mean, as it is right now, we're recommending

1 for three years. The -- and to be changed, you know, for, I
2 assume, three years after Council approves the Conditional
3 Permit, if they approve it.

4 I would note that there's a lot of infrastructure
5 and a lot of things to be installed on this property prior
6 to occupation of -- you know, actually the operation of the
7 conditional -- or operation of the campground. So I would
8 say the actual operation would probably be probably a couple
9 of years rather than three actual years. Because the
10 approvals need to come first. Then you're gonna get -- you
11 know, install the septic system, the restrooms, all the
12 other facilities. So the actual -- this Commission may
13 approve it, County Council may approve it, and then they're
14 going to install the infrastructure, and that's going to
15 take some time, before any of the campground pods can even
16 be occupied.

17 VICE-CHAIR TSAI: Thank you. So we have
18 Department's recommendation. Do I hear a motion?

19 COMMISSIONER LAY: Motion for approval.

20 VICE-CHAIR TSAI: We have a motion for approval by
21 Commissioner Lay.

22 COMMISSIONER HIGASHI: Second.

23 VICE-CHAIR TSAI: Second by Commissioner Higashi.

24 MR. HOPPER: Chair, I need to clarify. To
25 clarify, there's a motion to approve with the conditions as

1 recommended by staff?

2 COMMISSIONER LAY: Yes.

3 VICE-CHAIR TSAI: Do we have discussion on this
4 motion? Commissioner Lay.

5 COMMISSIONER LAY: Like what was brought up
6 earlier, this is the first step in something that we're
7 trying to work on. You see it in the streets, you see it on
8 the roads, you see it on the highways, you see it when you
9 go into the back yards. Lot of homeless out there. This
10 isn't going to resolve everything, but it's a one step try.
11 Not everything works, this might work, we're hoping it does
12 work, for the County. If we can work forward in trying to
13 help to educate these people, get them back into society,
14 it's a good thing. If we just leave it the way it is, it's
15 only gonna get worse. We got to get some kind of trial run
16 to get things moving in the right direction. And as it is
17 right now, nothing is going. We got more people coming
18 here, more homeless here. And we're going to sit back and
19 watch it happen? I think we have to step forward and do
20 something and move ahead.

21 VICE-CHAIR TSAI: Commissioner Robinson.

22 COMMISSIONER ROBINSON: I totally agree. I think
23 something has to be done. My feeling, however, is that this
24 project, there's too many -- too many things that I don't
25 think are done correctly. I think if we push this forward,

1 we're just going to throw a whole boatload of you know what
2 on top of the Council and it's just gonna -- it's just not
3 gonna -- as is, I don't think, with the conditions, it's
4 just not a well thought enough project yet. I think the
5 intent is there. I think -- I think the need is definitely
6 there. And I think the compassion from the owner and from
7 the rest of us, we all want, we all want a project like this
8 to happen, but there's still the safety issues, there's
9 still the support of the surrounding neighbors, there's
10 still the DOT numbers, which I don't know how there's only
11 eight trips with 23 parking stalls and more pods. You know,
12 there's -- and we see in the past, until we actually get
13 engineering numbers, it's really hard to -- to estimate
14 something that's going to be safe. And we're looking at a
15 permit and our body is granting something, we're saying that
16 we agree that, you know, the applicant, you know, has done
17 the due process and that this project is -- you know, is
18 going to be safe. Because if we don't -- if we don't do it
19 correctly, it's just going to get kicked out (inaudible) or
20 some other place and it will take even longer for this
21 project to go.

22 You know, it's -- I know the motion on the floor
23 is to approve. And I'm not against approving, but I think
24 I'm more falling towards -- I'm more towards -- I don't
25 know. I mean, to deferral with -- with, I mean, I guess

1 conditions. I feel the applicant didn't speak with the
2 community enough. I think the applicant didn't get enough
3 information from outside of their -- their circle, you know,
4 and get more ideas on what other people think. I think they
5 looked internally and have a good project, but I just think
6 there's a little -- there's still some more tweaking to do
7 before this becomes a positive thing for the community.
8 Something as we saw with us being in this chamber and having
9 this many people speak for and against it. It's very split,
10 and I hate to, you know, just push this off to the County
11 Council, and just, you know, without it -- you know, the
12 project being worked more. Is there such a thing as -- as
13 a -- as a deferral for a certain amount of days with a
14 condition that the applicant goes back to the community
15 more? You know, the intervention was just Pu`unoa, but
16 there's -- you know, there's -- there's the long-term
17 Lahaina people, there's the farther west, there's the ones
18 up the street. What is my -- my (inaudible).

19 VICE-CHAIR TSAI: There's a motion on the floor.
20 Any other discussion regarding this motion?

21 DIRECTOR SPENCE: And I should say, Commissioners,
22 if this motion fails, the floor would still be open to
23 other -- other motions, either to defer or deny or -- you
24 know, depending on whatever the Commission -- the Commission
25 chooses to do. So, you know, there is a motion on the floor

1 and we should deal with that one.

2 VICE-CHAIR TSAI: Commissioner Higashi.

3 COMMISSIONER HIGASHI: In listening to today's
4 testimony and presentation, although the applicant did
5 follow all the procedures of what should have happened with
6 the County, apparently, somewhere along the line, there was
7 some mis -- lack of communication between the community and
8 the applicant. And I think some of those things, based upon
9 the recommendation of staff, had said possibly could be
10 resolved with the project itself. Because I think the
11 project has potential, but there are some extenuating
12 circumstances that I think needs to be addressed.

13 VICE-CHAIR TSAI: Commissioner Hedani.

14 COMMISSIONER HEDANI: I have a hard time
15 supporting this, this particular application and the motion.
16 Traffic on Honoapiilani Highway is horrendous. It backs up
17 all the way to the Pali, it backs up to Maalaea at times.
18 This is gonna make it worse; it's not gonna make it better.
19 And I understand the intent of the project.

20 The landowner acquired a lot of land when Pioneer
21 Mill went out of business, a lot of land. Most of that land
22 has been driven toward creating gentlemen estates on
23 agricultural land. It's essentially raised the average
24 price of housing on the west side by the fact that most of
25 those homes are million dollar estates. Land that was in

1 productive agriculture is no longer in productive
2 agriculture.

3 This particular land is rated B class land, which
4 means you add water and you can have productive agriculture
5 there. Almost all of the estates that are up in these
6 subdivisions go through the motions of doing agriculture,
7 but don't really produce agricultural goods for the
8 community.

9 This particular application, I believe, tries to
10 do something for the homeless to correct the perception that
11 the landowner is only out there to make money by selling
12 million dollar estates.

13 I agree that there's a homeless problem. I agree
14 that something has to be done about it. I don't agree that
15 it should be done through putting people in tents and
16 putting visitors next to them who have no understanding that
17 the people next to them are homeless or may have problems
18 other than being fully functional rational people that have
19 no dependencies or issues.

20 When somebody rents a campsite, they have an
21 expectation of security. The people that rent them the site
22 for camping owe them a duty of security. They have to be
23 assured that, when they go to sleep at night, everything is
24 gonna be -- everything is gonna be fine.

25 I don't think that's the case in this particular

1 situation. I don't -- no matter how good the manager is, no
2 matter if they screen them with a metal detector -- look at
3 me. Am I armed? The answer is yes. Would I be allowed to
4 camp at night at the campsite? Probably so. Am I an ax
5 murderer? Nobody knows. Some people think I am.

6 In this particular case, I think if the landowner
7 is truly interested in addressing the homeless problem in
8 West Maui, he would do what some of the advocates that deal
9 with the homeless asked them to do, provide affordable
10 housing, donate lands to the County of Maui for affordable
11 housing. Have the -- have the County proceed with an
12 affordable housing project.

13 The Commission has a responsibility to help
14 provide affordable housing. And it's something that we
15 haven't done.

16 We need to get through the Community Plan process.
17 We need to identify areas that can be set aside for
18 affordable housing. And we need to recommend approval for
19 development of those parcels to the Council for affordable
20 housing.

21 The solution to homelessness is homes. And the
22 way to do that is for us to do our job in order to make
23 homes available for people that need it. Not million dollar
24 gentlemen estates on the side of the hill with magnificent
25 views of the ocean. Places where people can live, decently,

1 safely, so they don't have to resort to campsites like this.

2 From my perspective, this is not a good idea.

3 VICE-CHAIR TSAI: Thank you, Commissioner Hedani.

4 Commissioner Hudson.

5 COMMISSIONER HUDSON: About as elegant as
6 Mr. Hedani. Also, I'll be brief on my closing comments on
7 this. (Inaudible) is right, we need this project to
8 proceed, but I agree more with Mr. Higashi and Mr. Robinson.
9 Even though they did notify the neighbors, I do not believe,
10 in good faith, that the neighbors had ample opportunity to
11 respond. I think a lot of these issues could have been
12 addressed in a true head to head where they sit down and
13 discuss these things.

14 In my neighborhood, if somebody is going to have a
15 party, they let everybody know, we're having a party. It's
16 called being a good neighbor.

17 I have some difficulties with this. I have some
18 concerns about its location. I don't doubt its merit or its
19 need, though.

20 Thank you.

21 VICE-CHAIR TSAI: Any other comments from the
22 Members? Okay. So we're going to have the Director repeat
23 the motion and take a vote.

24 DIRECTOR SPENCE: Okay. Commissioners, the motion
25 is to approve as recommended by staff and as conditions

1 (inaudible).

2 VICE-CHAIR TSAI: Okay. All those in favor of the
3 motion, raise your hand.

4 DIRECTOR SPENCE: That's two ayes. Motion fails.

5 VICE-CHAIR TSAI: Oppose? Yeah, oppose.

6 DIRECTOR SPENCE: That's three opposed. Motion
7 fails.

8 COMMISSIONER LAY: Motion to defer.

9 COMMISSIONER HUDSON: Second.

10 VICE-CHAIR TSAI: Okay. We have a motion to -- by
11 Mr. Lay to defer and seconded by Commissioner Hudson. And
12 discussion on the --

13 COMMISSIONER LAY: The reason I'm asking for -- to
14 defer this, we got three of our guys -- three of our
15 Commissioners missing today. I would love to have heard
16 their input. And I'm sure they could have brought up more
17 information that might help us with this decision. And
18 that's the reason why I'm deferring this.

19 COMMISSIONER HUDSON: I hoped we would use the
20 deferral time for the parties to speak with each other.

21 VICE-CHAIR TSAI: So we need to make a decision on
22 the date, next meeting, and, also --

23 COMMISSIONER ROBINSON: Discussion.

24 VICE-CHAIR TSAI: Yeah. When would you guys like
25 to have --

1 COMMISSIONER LAY: For me, one of the reasons was
2 because of the time limitations that were put upon this was
3 rushed through. So whatever we might think that there will
4 be enough time for the discussion to happen as needed, I'm
5 fine with that.

6 MR. HOPPER: Just note for the record that, for
7 the deferral, the Members who are absent are going to
8 require a transcript of this meeting in order to come up to
9 speed before we would have the next meeting to continue to
10 discuss this. So I'm not sure how much time that would
11 take, but that would be the minimum for them to have an
12 opportunity to receive all the materials, including the
13 transcript of today's meeting, and have an opportunity to
14 review that -- either the transcript or the video recording,
15 but a way to examine all the evidence that's been put before
16 you prior to making a decision. So we would need that.

17 Also, if there's any additional information you
18 want from the applicant or from the Department or staff,
19 then that should be requested as well so they can give that
20 to you prior to the next meeting.

21 COMMISSIONER ROBINSON: I would ask for a deferral
22 of minimum of 60 days.

23 VICE-CHAIR TSAI: So the maker of the motion would
24 have a suggestion. Do you --

25 COMMISSIONER LAY: That's late September, then,

1 right? Middle of September? Okay.

2 VICE-CHAIR TSAI: So you're okay with that?

3 COMMISSIONER LAY: Yes.

4 VICE-CHAIR TSAI: So we have a motion on the floor
5 to defer for 60 days minimum.

6 MR. HOPPER: Wait a minute. Do you want to -- I
7 don't necessarily -- if you're okay with that, that's all
8 right, but the 60-day time frame, if the information can be
9 provided to the other Members quicker than that, I don't
10 want you to necessarily hamstring that ability. It's up
11 to --

12 COMMISSIONER ROBINSON: I think my vote to defer
13 this motion instead of -- instead of not to vote to defer
14 is, hopefully, give enough time for the parties involved to
15 get together without us forcing them to. And, hopefully,
16 when we do meet again, there's some other information. So
17 that way, the vote won't go exactly that it's going to go
18 today. So -- so that is the purpose for 60 days. Is that
19 allowed?

20 MR. HOPPER: You can make the motion to defer for
21 that reason. Again, you can request that there be that
22 discussion, but that wouldn't be a requirement.

23 COMMISSIONER ROBINSON: Right. We can't --

24 MR. HOPPER: But, you know, you would vote at the
25 next meeting based on, again, the criteria set forth in the

1 permit, any new evidence. And, again, any absent Members
2 are going to need to be able to come up to speed with the
3 whole record before they can take action on this, on this
4 item.

5 COMMISSIONER ROBINSON: Yeah, because I just --
6 that was -- a one-week turnaround for me to read something
7 like that was a little tight, so -- the matter that we had
8 this afternoon. So I think 60 days is something I'd
9 request.

10 VICE-CHAIR TSAI: Commissioner Hedani.

11 COMMISSIONER HEDANI: I agree with Commissioner
12 Robinson. I think if we defer it -- you know, I could
13 support a motion to defer. I think if we defer it and allow
14 the applicant an opportunity to speak with the community
15 that attempted to intervene at today's meeting it would be a
16 step in the right direction. And then to come back to us
17 with the results of those discussions.

18 The only reason I supported the motion to deny the
19 intervention was I thought we were going to deny this
20 application outright. Since we're moving toward considering
21 approval or we had a motion for approval, I think we should
22 allow the people that had problems with this project to
23 speak with the applicant.

24 So if you need a condition or an amendment to the
25 main motion, I can do that. Or if the maker of the main

1 motion would be amenable to adding a condition that they
2 meet with the surrounding community associations, I think
3 that would be a good thing.

4 MR. HOPPER: Again, at this time you can make
5 requests, but there's not going to be any binding conditions
6 on the deferral. You can defer and request action and
7 additional information, but, in the end, your action is
8 going to be to approve or deny. I mean, you can defer for
9 additional information and you can make that request and say
10 it's for 60 days, but, again, if there's -- there's --
11 generally, you can't put a condition on a deferral motion.
12 You can on an approval motion, certainly, but on a deferral
13 motion, you can make that request certainly and if they, you
14 know, don't do that to your satisfaction, and you believe
15 essentially that the criteria for granting the permits has
16 not been met and they have not met the burden of showing
17 they're entitled to the relief requested, you can deny the
18 permit. But in this case, the deferral, you can certainly
19 state your -- you know, your request that they -- they still
20 speak with certain people, but, you know, to say it's a
21 condition is a bit different. I'd say it's a request that
22 that be done as part of the deferral, just to clarify.

23 VICE-CHAIR TSAI: Mike, since we can request for
24 additional information, can that be part of the information
25 we are requesting, is the findings of their meetings or

1 discussions with the community, the rest of the community?

2 MR. HOPPER: You can certainly request they
3 provide any information that they have on that, or specify
4 exactly what you would like to see that would assist you in
5 your decision-making at the next meeting.

6 VICE-CHAIR TSAI: Yes.

7 MR. WOLLENHAUPT: Since we're discussing
8 surrounding communities, the testimony has come in from
9 Pu`unoa Homeowners Association, Puamana Homeowners
10 Association, Launiupoko neighborhood, Shark Pit
11 neighborhood. So I think that any discussions, because
12 those have been letters from those neighborhoods, the
13 applicant should be requested that discussions should, at a
14 minimum, go to the neighborhoods that have expressed most
15 level -- highest level of concern. So I just wanted to get
16 on the record that those have been the neighborhoods that
17 have written testimony of concern.

18 VICE-CHAIR TSAI: Commissioner Robinson.

19 COMMISSIONER ROBINSON: I think the applicant,
20 wanting a favorable outcome in the next meeting, will
21 probably reach out more than just that area. And, you know,
22 to put -- I don't think we have to put the requirement on.
23 I think -- I think they kind of heard us today that -- with
24 our votes, that we want them to be more -- more inclusive in
25 their decision and their plan. So I think just -- I think a

1 request would be good. And I'm comfortable to vote on that
2 now.

3 VICE-CHAIR TSAI: You want to repeat the motion on
4 the floor, Director?

5 DIRECTOR SPENCE: I'm gonna try. The motion is to
6 defer. I think the request -- that there's a request with
7 it for 60 days, that the applicant go discuss the matter
8 with the community. But the main motion -- and those are
9 just requests, but the motion is to defer.

10 VICE-CHAIR TSAI: Okay. All right. Let's vote.
11 Show of hands. All in support of this motion, raise your
12 hand.

13 DIRECTOR SPENCE: That's five ayes. Motion
14 carries.

15 Commissioners, there's one more item with this
16 particular application. It'd be action on the Conditional
17 Permit. The Planning Commission makes a recommendation to
18 the County Council. And, I mean, just so the record is
19 clear, would the Commission like to make a motion on the
20 recommendation for the Conditional Permit? There could
21 be --

22 COMMISSIONER ROBINSON: I make a motion to defer
23 for 60 days on the -- on the conditional.

24 COMMISSIONER HEDANI: Second.

25 COMMISSIONER HIGASHI: Second.

1 VICE-CHAIR TSAI: Okay. Show of hands, vote. In
2 support of the motion to defer.

3 COMMISSIONER HEDANI: Second.

4 DIRECTOR SPENCE: Okay. That's five ayes to defer
5 on the Conditional Permit.

6 VICE-CHAIR TSAI: Okay. Before we go to the next
7 agenda item, we're going to move to the regular Planning
8 conference meeting room. 10 minutes.

9 (Recess, 3:20 p.m.)

10 (Transcript of this item concluded.)

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CERTIFICATE

I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney nor an employee of any of the parties hereto, nor in any way concerned with the cause.

DATED this ___ day of _____, 2015.

Tonya McDade
Certified Shorthand Reporter #447
Registered Professional Reporter
Certified Realtime Reporter
Certified Broadcast Reporter