

**MAUI PLANNING COMMISSION
REGULAR MINUTES
AUGUST 25, 2015**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Keone Ball at approximately 9:06 a.m., Tuesday, August 25, 2015, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Chair Ball: Let's call this meeting of August 25, 2015 to order. Let's see, we do have a quorum and we will entertain public testimony at this time if anyone would like to testify on any agenda items they may do so at this time. If you do at this time, you will not be able to testify when the agenda item comes up.

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

Chair Ball: Do we have anybody signed up? Okay, very good. Seeing none, we will close the public testimony at this time. Moving onto Public Hearing Items, C-1, Director?

Mr. Spence: Good morning, Commissioners.

Chair Ball: Good morning.

Mr. Spence: Item C-1 is Mr. Robert Nakagawa of the Maui County Council, Ltd., Boy Scouts of America requesting a Special Use Permit for Camp Maluhia, and our Staff Planner this morning is Evelyn Aako.

C. PUBLIC HEARINGS (Action to be taken after each public hearing.)

- 1. MR. ROBERT NAKAGAWA of the MAUI COUNTY COUNCIL, LTD., BOY SCOUTS OF AMERICA requesting a County Special Use Permit for Camp Maluhia to construct a new dining hall and improvements to the fire protection and domestic water systems, TMK: 3-1-001: 028, Kahakuloa, Island of Maui. (CUP 2015/0001) (E. Aako)**

Ms. Evelyn Aako: Good morning, Chair. Good morning, Commissioners.

Chair Ball: Good morning.

Ms. Aako: Staff Planner Evelyn Aako. As stated by the Director this item is under review because the applicant is requesting a County Special Use Permit to construct a new dining hall at Camp Maluhia as well as to implement improvements to the fire protection and water system. The CUP application also seeks to permit the existing nonconforming use as well as any future camp uses.

At this time, I will turn things over to the applicant's consultant, Bryan Esmeralda, associate at Munekiyo Hiraga and he'll present you with the full scope and details of the proposed project. And then after his presentation, I'll come back up to the podium and present you with the Department's analysis.

Mr. Bryan Esmeralda: Good morning, Chair and Commissioners and Staff. My name is Bryan Esmeralda of Munekiyo Hiraga. I'm here on behalf of the Maui County Council Boy Scouts of America to present the request for a County Special Use Permit for Camp Maluhia.

I'd just like to take a minute to recognize our project team. The applicant and landowner of Camp Maluhia is the Maui County Council Boy Scouts of America. This morning we have Robert Nakagawa who is the Scout Executive with us. The architects were Sunnland Kono Architects. We have Calvin Higuchi this morning. Civil engineers were Fukumoto Engineering. Mandy Saito is with us this morning. Archaeological and cultural resources consultants were Scientific Consultant Services. Mike Dega and Cathleen Dagher. Biological resources consultant was Robert Hobdy and the planning consultants, Munekiyo Hiraga. Myself and Mike Munekiyo are here this morning.

Camp Maluhia is located in Kahakuloa on TMK: (2) 3-1-001: 028. It's a parcel approximately 17.94 acres in size and it's owned by the Boy Scouts of America. This is a regional location map. I know everyone is familiar with the area, but Camp Maluhia is located mauka of Kahekili Highway in Kahakuloa. Kahekili Highway again runs from Wailuku around the West Maui Mountains into Kapalua.

As Evelyn mentioned, the CUP is to construct a new dining hall at the camp. The dining hall will be approximately 7,500 square feet in size. The existing dining hall at the camp was constructed when the camp was first developed in the 1930's and is in need of significant repair which prompted the need for the Boy Scouts to construct the new dining hall.

Related to the new dining hall are proposed improvements to the domestic and fire suppression water systems. Currently there are no fire protection systems at the camp. And I'd just like to note that a portion of the water system improvements are on two adjacent properties. Parcels 1 and 29 which are owned by the State and leased by the Boy Scouts of America.

The existing Camp Maluhia property is located here. It's about maybe 2,000 feet up from Kahekili Highway and it's accessed by a private access road maintained by the Boy Scouts. The new dining hall will be located in the center of the camp in the middle of all the existing facilities. The location of the water system improvements are here. It extends from where the new dining hall will be mauka onto Parcel 1, and also this way across Parcel 29. And I'd just like to also note that just beyond the camp's boundary are the two gravel parking areas that fulfill the camp's parking requirements and the CUP request also is requesting that these permitted as well.

Camp Maluhia was developed in the 1930's and is currently occupied 60 percent of the years and on 95 percent of the weekends throughout the year. The current dining hall was constructed in 1938, and is aging and falling into disrepair. The new dining hall intends to provide adequate facility for

the scouts and the community groups that both use the camp. Again, the two existing parking lots fulfill the parking requirements that are directly associated with the camp uses.

The State Land Use, Wailuku-Kahului Community Plan, and County Zoning designations are all Agriculture for the Camp Maluhia property. The camp is considered an existing permitted use under Chapter 205, Hawaii Revised Statutes, and an existing nonconforming use pursuant to Maui County Code, Chapter 19.30A. In this regard, a County Special Use Permit is being requested for the camp.

As Evelyn mentioned, the scope of the permit request is three-fold. One is to permit the construction of the new dining hall, and also to permit the existing camp uses and facilities, and any future improvements and uses, and also the two offsite gravel parking areas that fulfill the parking requirements for the camp.

This is an aerial photo. The camp is located here. The camp boundary runs approximately here. And as you can see the two parking lots are located just beyond the camp boundaries off the access road which runs down to Kahekili Highway. This is a photo showing the existing conditions of the dining hall. You can see the weathering to the roof.

The new dining hall will be located at the center of the camp's existing facilities. It will be approximately 7,500 square feet in space consisting of an approximately 1,400 square foot kitchen, 3,300 square feet in dining space, 500 square feet in restroom space, and because the dining hall will be built into a slope there is space on the lower level approximately 2,300 square feet for public utility space.

This is again, the site plan of the camp, and the proposed dining hall will be located, centrally located next to the long house and just below the existing dining hall here. This is a photo of the area where the dining hall will be constructed. Again, this slopes down to the lion's cabins, and the pool. The dining hall will be constructed in this location. This is an architectural rendering of the proposed dining hall. As you see the slope and the open activity space underneath and all the dining hall uses will be located on the main floor.

Because the project utilizes State funds and State lands, a Chapter 343, Hawaii Revised Statutes, Environmental Assessment was prepared. The Draft EA and Anticipated Finding of No Significant Impact was published in the Environmental Notice on January 23, 2015. And the Final EA and Finding of No Significant Impact was published on April 23, 2015.

As part of the EA several technical studies were prepared. And in terms of potential environmental impacts, the project is not anticipated to have adverse impacts to topography or soil conditions. Because the camp is located mauka, it's not located within the FEMA flood zone or the tsunami zoned. There'll be no significant negative impacts on flora or fauna. No significant archaeological or cultural sites were identified. So there'll be no significant negative impacts. There'll be no long term impacts to air and noise quality and no impact on traditional beach and mountain access or scenic and open space resources.

In terms of socio economic and infrastructure impacts, there'll be no significant long term impacts to population or economy. No implications or the need to extend services for police, fire or medical

services. No adverse effect on existing recreational or education facilities. No long term impacts to traffic in the area which would require mitigation, and the associated water system improvements to augment and improve the existing systems which serve the camp. And no significant negative impacts to wastewater, drainage or energy and communication systems.

Just to summarize, the Boy Scouts of America is requesting the Commission's favorable consideration of a County Special Use Permit for Camp Maluhia which will permit the proposed construction of the new dining hall as well as permit all other camp uses and structures including future improvements and permit the two existing gravel parking lots on Parcel 1 which currently serve the camp's required parking. At this time we'd like to open it up to any questions

Chair Ball: Are you finished with your presentation completely?

Mr. Esmeralda: Yes, yes.

Chair Ball: Okay, thanks. We will get the recommendation from the Staff on this project at this time?

Ms. Aako: I was going to give my analysis and then...Staff Planner Evelyn Aako again. So just to reiterate some of the things that Bryan mentioned in his presentation. The Final Environmental Assessment was accepted by DLNR, and a Finding of No Significant Impact or FONSI was issued by DLNR. The FONSI was published on April 23, 2015. The deadline for filing an appeal was May 22, 2015 and no appeals were filed.

Some comments from DLNR, State Historic Preservation Division or SHPD regarding the project. They included a request for a reconnaissance level survey of the campgrounds before the issuance of building permits. And the Department and the applicant's consultant were able to work with SHPD and come to an agreement that a reconnaissance level survey or RLS only be required for the existing dining hall prior to issuance of the building permit for the new dining hall. And then within six months of the issuance of that, the applicant would be required to complete RLS for all the structures on the campgrounds. So I just wanted to give that a little bit of background because when I do get to the recommendations the Department is proposing an additional project specific condition and I'll give you that specific language when I get there.

And then the Department also wants to emphasize as Bryan mentioned that the CUP is not only for the construction of the new dining hall, but for allowing the camp use. But any future improvements are only gonna be those that are camp related. So when the approval letter is drafted, if the CUP's approved and it's drafted that language will be clear that this includes future improvements that are camp related, related to the use of the campgrounds.

And finally as of today, August 25, 2015, the Department has not received any calls or letters of public testimony regarding the project.

Chair Ball: Thank you.

Ms. Aako: You want to move on forward to the recommendation?

Chair Ball: You know what, I forgot to open it up for public testimony again, so let's do that at this time.

a) Public Hearing

Chair Ball: Anybody that would like to testify on this item may do so? Seeing none, we'll close public testimony, and you can continue. Thank you.

b) Action

Ms. Aako: So the application complies with the applicable standards for a County Special Use Permit and as such, the Department recommends approval. Approval is based upon the six standard conditions and Chair would you like me to review the six standard?

Chair Ball: Please.

Ms. Aako: Oh, okay.

Chair Ball: I'm sorry, the standard conditions?

Ms. Aako: The standard conditions.

Chair Ball: Just do the specific project. Thanks.

Ms. Aako: The specific. Okay, okay. So, project specific condition. So Condition No. 7 is that the applicant shall utilize best management practices or BMPs designed to minimize potential environmental impacts throughout the construction phase of the project.

Condition No. 8 reads, That in the event that historic resources including human skeletal remains are identified during routine construction activities all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance and the State Historic Preservation Division, Maui Section shall be contacted immediately at (808) 243-5169.

And then Condition No. 9 which the Department would like to propose to add which is what I just mentioned previously would state, That a completed reconnaissance level survey for the existing dining hall shall be accepted by the State Historic Preservation Division prior to issuance of a building permit for the dining hall. Verification of compliance with this condition shall be submitted along with the project's compliance report. RLS for the remaining camp buildings shall be completed within six months after the issuance of the building permit for the new dining hall. Verification of completion of the RLS shall be evidenced by SHPD's receipt of RLS and shall be submitted to the Planning Department. Furthermore, prior to issuance of a Certificate of Occupancy for the new dining hall evidence of acceptance of the RLS for the remaining camp buildings shall be submitted to the Planning Department in the form of an acceptance letter from SHPD.

So in consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation prepared for the August 25, 2015 meeting as its findings of fact, conclusion of law, and decision and order and to

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

Chair Ball: Okay, Commissioners, questions? Commissioner Hedani?

Mr. Hedani: Move to approve as recommended.

Mr. Lay: I have a couple of questions.

Chair Ball: Okay.

Vice-Chair Tsai: I second.

Chair Ball: Seconded by Commissioner Tsai. Questions or discussion? Commissioner Lay?

Mr. Lay: Camp Maluhia how long has it been in existence?

Mr. Esmeralda: It was developed in the 1930's.

Mr. Lay: Okay. The funding is it through the Boy Scouts alone or is there additional funding coming from other contributors, I guess?

Mr. Esmeralda: I'll ask Robert Nakagawa from the Boy Scouts to answer that question.

Mr. Robert Nakagawa: Funding is raised through the Boy Scouts from various sources such as we've gotten State funds, we've received some County grants as well, and private foundations as well as private families and scouters and we're still raising money.

Mr. Lay: Okay, thank you. That's all I got.

Chair Ball: Commissioner Robinson?

Mr. Robinson: This is for the Director. Obviously there's more than one structure being built on this agriculture lot and it's been exempted. And we have a couple other things that's been on the agenda for the past few months regarding to people wanting to do camps. Is there a favoritism because of a existing or is there some type of law that's grandfathered in for these, these many, many buildings on top of this agriculture property?

Mr. Spence: This is like...as pointed out in the...Mr. Chairman?

Chair Ball: Director?

Mr. Spence: Thank you.

Chair Ball: You're welcome.

Mr. Spence: It was pointed out in the presentation the...I mean, this camp preexist any State or

County zoning laws so it's considered a legally existing nonconforming use and you can make certain changes to those legally existing nonconforming uses. I'd have to look at specifically at the Code. But since that time...and then also pointed out this is permitted under State law. What it isn't permitted under specifically is our, is Maui County's Agricultural Zoning District where it's listed as a special use. So that's why they're coming in for all this. Does that?

Mr. Robinson: Yeah, I mean, 'cause no, there's...we have different things coming through and it just seems—

Mr. Spence: I don't think favoritism. I mean, it's an established use.

Mr. Robinson: Yeah, and it's prior to, it's prior to...the use is prior to instead of somebody coming new and wanting to turn something into this.

Mr. Spence: Right.

Mr. Robinson: Right. Okay. I guess the question is then, I saw on No. 2 is for us to for the future for the applicant to never have to come before and ask for another permit again. I've never seen that before.

Ms. Cua: You want me to comment on that?

Mr. Spence: Okay, Ann Cua would like to comment.

Ms. Ann Cua: I can comment a little bit on that. 'Cause we've been with our Zoning Division and as the Director mentioned, what we're trying to do is legally establish an existing nonconforming use. And what triggered this having to happen is they wanted to build a new facility. And so what we're trying to cover through this Special Use Permit is any other type of just camp use directly related to the camp that could come up in the future so they don't have to go through this process again. So in addition to permitting the specific building of a new dining hall, the permit...it's a Special Use Permit so it's for use and it's for use of the existing camp ground to continue as a camp ground. And should let's say they want to build more...what do you call those?

Unidentified Speaker: Cabins.

Ms. Cua: Cabins. Stayed there so many times and I can't even...okay, this cabins they wouldn't have to come back through the process again. If they wanted to build like an amphitheater for whether it's religious camps that...or you know, groups that use the...groups like Boy Scouts or other groups that may use the facility that want to do like either a little play or music or campfire songs or whatever they wouldn't have to come in. But if for example, they wanted to rent out the facility to do a commercial concert that would be a problem. So we're trying to limit it to just strictly camp uses that would be covered under this permit. Does that make sense?

Mr. Robinson: It does but when you say rent out for commercial use isn't—

Ms. Cua: That would not be.

Mr. Robinson: –but isn't it...is it when it's rented out to other groups considered commercial?

Ms. Cua: Right, right. So it's not as part of the...it's not part of a camp function. Let's say you wouldn't have people staying in the cabins and the people staying in the cabins using the camp. That would be all part of a camp function. But if they, if they just wanted to bring 500 people in for the night that wouldn't be covered in the permit and I don't even think the Boy Scouts would allow something like that, but it wouldn't be covered under the Special Use Permit 'cause it's not a camp function.

Mr. Robinson: On the recommendation it just says any building. It doesn't say it's for camp use...on the No. 2.

Ms. Cua: Okay, we could probably...I think we have another condition that takes care of that, but we can take a look at that.

Mr. Robinson: On the screen that's what I saw, No. 2.

Ms. Aako: Oh, from Bryan's presentation.

Ms. Cua: Oh, but that's not–

Mr. Robinson: Yeah, so is that?

Ms. Aako: Right, so that's what Ann was just clarifying ...(inaudible-audio)... So that's Bryan's presentation. As far as the Department's recommendations that's what Ann was mentioning and I was saying that when the...if the CUP is approved and the approval letter is drafted, the language will be clear that it's broad enough that they don't have to come back for a CUP or an amendment to the CUP for future camp uses, more cabins, something that's that gonna be used for campground uses. If it's something outside of that then no, this CUP does not allow for it.

Mr. Spence: Right.

Ms. Aako: And we're gonna make sure that the language reflects that.

Mr. Robinson: I think that's totally reasonable. I just don't see where it says that.

Ms. Aako: Right. So that would be if you guys approve the CUP in the approval letter that's drafted which has not been written yet.

Mr. Spence: Mr. Chairman?

Chair Ball: Director?

Mr. Spence: The Standard Condition No. 6, it says that the applicant should develop the property in substantial compliance with the representations made, et cetera, et cetera. If they come in for a building permit for something really strange, I don't know what it would be, you know if they would start, wanted to start holding rock concerts and, you know, this turns into an entire venue or

something like that, that's...there have been no representations made that they wanna do anything like that. All the representations thus far have been they wanna continue the Boy Scout camp in that function and in, you know, the way that it has been operated thus far. If we start seeing building permits and stuff for things, very unusual things, we would really question that. And we would...this is something we regularly do when applicants come in they wanna get a building permit or something and we're like, hey that's not permitted. It's if you want to pursue this, you have to go back before the Commission or you have to get a Special Use, whatever the case may be. It's not...there's a whole enforcement mechanism automatically built in.

Chair Ball: Commissioner Robinson?

Mr. Robinson: I'm all for the Boy Scouts. I've stayed at the camp. It's a fantastic camp. What about if...is the lease able to be transferrable or sold?

Mr. Spence: Your Standard Condition No. 2, that the County Special Use Permit shall not be transferred without the prior written approval of the Maui Planning Commission.

Mr. Robinson: Thank you.

Chair Ball: Commissioner Higashi?

Mr. Higashi: I have a question to the architect. Looking at Exhibit No. 4, Exhibit No. 4 of your proposed new dining hall.

Mr. Calvin Higuchi: Calvin Higuchi, architect.

Mr. Higashi: You have a space underneath the proposed dining hall.

Mr. Higuchi: Yeah.

Mr. Higashi: Is there any recommendation for maybe making available classrooms underneath that area? Is it wide enough that—

Mr. Higuchi: That's basically what it is. It's an activity space that, you know, it rains a lot out there. So when they're outdoors they can go under the building and it's going to be all paved so they can continue their activities under there.

Mr. Higashi: So it's gonna be paved flat?

Mr. Higuchi: Yeah.

Mr. Higashi: With a retaining wall on the bottom of it?

Mr. Higuchi: That's right.

Mr. Higashi: Number 2, I don't see any place about existing handicapped parking because the proposed parking, public parking is pretty far down the two area.

Mr. Higuchi: Right. We have–

Mr. Higashi: Are you gonna have any on the top area for this disabled or...

Mr. Higuchi: Yeah, we have...I think there was at least two on the top and then two on the bottom.

Mr. Higashi: On the top?

Mr. Higuchi: Yeah.

Mr. Higashi: Okay.

Chair Ball: Any further questions? Commissioner Hedani?

Mr. Hedani: I think of all of the organizations that exist on the island, the Boy Scouts is one of the few organizations that makes a significant contribution to building the character of our young people. I'm really pleased that the applicant has generated the funding for an improvement of this scope. I've been involved in scouting for about 15 years, about 15 years ago, and I'm glad that funding was available for something like this. I don't think there's other organizations that contribute as much to building character of our young people as this particular organization and I'd like to see their existing uses continue into the future.

I'd also like to compliment them on their national policy of being more inclusive.

Chair Ball: Anyone else? Seeing none, shall we vote? Motion was to approve the applicant's request for a Special Use Permit for the construction of a new dining hall and related improvements. All in favor raise your hand and say, aye?

Commission Members: Aye.

Mr. Spence: That's six ayes.

Chair Ball: Motion carried unanimously.

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

VOTED: To Approve the County Special Use Permit as Recommended by the Department.
(Assenting - W. Hedani, M. Tsai, I. Lay, S. Duvauchelle, K. Robinson, R. Higashi)
(Excused - L. Hudson, J. Medeiros)

Chair Ball: Moving on.

Mr. Esmeralda: Thank you very much.

Chair Ball: Thank you.

Mr. Spence: Commissioners your second public hearing item this morning is Ms. Michelle Sewell requesting a Land Use Commission Special Use Permit for the Art Estate Bed and Breakfast, and our Staff Planner this morning is Sybil Lopez.

2. MS. MICHELLE SEWELL requesting a State Land Use Commission Special Use Permit in order to operate the Art Estate Bed and Breakfast, a three (3) bedroom bed and breakfast home use in the State Agricultural District on approximately 2.13 acres of land located at 25 Oluolumau Place, TMK: 2-7-013: 111, Haiku, Island of Maui. (SUP2 2014/0013) (S. Lopez)

Ms. Sybil Lopez: Good morning Commissioners. I'm Sybil Lopez, Staff Planner on this project. Just give me a few minutes, I'll just pop up the power point, and then I'll do a quick introduction. I do have the consultant and the applicant here in the room today. The consultant will be the one who will be doing the presentation.

So Ms. Sewell is requesting a State Land Use Commission Special Use Permit in order to operate the Art Estate Bed and Breakfast. It's a proposed three-bedroom bed and breakfast home use in the State Agriculture District on approximately 2.13 acres of land located at...we needed to amend it...so it's located at 25 Oluolumau Place in Haiku, the island of Maui. And the reason why they're here is for the SUP, the State Special Use and not for the bed and breakfast.

As we have Chelsea Hill, the consultant that will be doing the presentation, but as she be doing it we did have one opposition letter which I'll be passing it around to you as she can conduct her power point presentation. So at this time, I'll turn the time over to her. Thank you.

Ms. Chelsea Hill: My name is Chelsea Hill. Good morning, Commissioners.

Commission Members: Good morning.

Ms. Hill: So this is a Bed and Breakfast Permit application on an Agriculturally zoned property in Haiku. It's on East Kuiaha. This is the location on the north shore. It shows on East Kuiaha, Oluolumau Place. It's a cul de sac, a short little road, cul de sac.

This is an aerial view of the property and the property...oh, shaky. Sorry, I get nervous in front of people. Maybe you should do this Sybil. So I wanted to show you the shape of the property, it's triangular and there's one home on the property, and the owner, Michelle Sewell lives there. There are four bedrooms. She stays in one and she's proposing to rent three bedrooms to bed and breakfast guests.

You see the property to the left which is to the west is a vacant lot, and actually the opposition letter that you received which Sybil just handed out now is the only opposition letter for this project. And the people who own that vacant lot are the family who wrote the letter which Michelle responded to sharing their concerns and addressing them.

To the east there's another home on that lot and you can see that there are actually no homes certainly within 250 to 300 feet from the proposed bed and breakfast home. This is the site plan. It's a different angle from the last slide. It's good thing I'm not in a showdown, can't shoot anybody.

So this is the driveway, and this is the parking. There's plenty of parking. All of this area could expand into parking if necessary, but there are definitely the three spots for the three guest rooms and the two parking spaces for the owner. This is a shed and this is a shed. Everything is permitted on this property.

And so here's where we start talking about the agricultural nature of the lot you saw from the last slide that it's all ag and green. And this part of the property is all occupied by horse pasture which the owner hosts rescue horses and let's them stay here free of charge and just to while away the rest of their lives in safety, and tranquility of this property. The rest of the property is also covered with palm and mango trees and there's some black bamboo. There's a banana stand here. I'll show you all of that. But definitely the main agricultural feature of this property is the horse pasture which will be of course maintained if the client is in fact approved a Bed and Breakfast Permit.

This is the driveway entrance from Oluolumau. And there's this just coming in. This is the rear view of the house with the horse pasture here and the house. Another view. And this is the other side. This is actually looking at it from the parking area. This is Bedroom 1. Michelle Sewell, the owner, is actually owns a interior decorating and staging company with her mother and so they've taken great pride in making the rooms really nice and the whole home. This is Bedroom No. 2. These two bedrooms are on the main ground floor. And the third bedroom is upstairs and this is the only upstairs that there is. There's just this one bedroom. This is one of the bathrooms. There are three bathrooms in the home. Two of them are available to guests or will be available to guests, and this is the second one. This is the dining nook and the living room area.

And here's the farm plan on the site plan so you can see again, the horse pasture. This whole area is very privately landscaped or ag scaped to give lots of privacy to the neighbors. This side is the vacant lot over here owned by the Medeiros Family. And all this area, this is the banana stand, there's some spider lilies. There's lot of gardenia planted around. There's a orange tree, ti, papaya, coconut palms, heliconia, and Norfolk Pine and there's a stand of iron wood here as well. Surinam cherry, puakeniken, but as I mention all of these plants and nature, I do emphasize that this is probably the main feature for the agricultural character of the property. There's the rescue horse and there she is again. Another view. This is just a list of the flowers and the trees that we've already mentioned and one rescue horse I also added yesterday with Michelle that there's lots of wild rabbits and chickens. This is Haiku. And roosters, plenty of roosters. Here's some of the ag. Here's the mango. Beautiful mango, almost done. Black bamboo. Puakeniken again. Norfolk Pine, ironwood, coco.

So here's where you get to a little bit about how Michelle is planning to keep this tranquil, rural character of the property and the neighborhood. She plans to carefully screen the guests using review based companies like Airbnb where any of the guests would have to give a thorough description of themselves to identify whether it's a good match for Michelle who lives in the home and the property and the neighborhood. And then also Airbnb provides a platform for former hosts to review any guests, any potential guests. But actually Michelle plans to focus more on her networks with the Hui No`eau Art Center. She sits on the board. They're very closely networked with the Merwin Conservancy and Palm Society as well and with the local yoga community. So they're really planning on hosting guests through... that would come to them through these networks. So they're kind of friends of friends and will be vetted in that way.

The rest of these house policies are I'm sure you're familiar with. They are the house policies that are required to adhere to within the permit, the B&B permit quiet hours, no amplified sounds beyond the property boundaries, no parties and any group gatherings would have to be with registered guests and parking of course, is all on the property. There's plenty of space. But essentially, Michelle wants to have this bed and breakfast have no impact on the neighborhood so that neighbors and people in the area would actually not even notice that there are guests there.

There are no agency comments. When the State Office and Real Property Tax Office and the Police Departments were asked to comment, they had no comments. This is information that I pulled out of Sybil's staff report. There's no permitted B&Bs within 500 feet. There are only 33 permitted B&B, bed and breakfasts in this area with the cap of 88. And of course, we're a B&B application but in reference to short-term rentals there were on August 1st, only 37 permitted short-term rentals with a cap of 88.

Meet Michelle Sewell. This is a little page about the owner of the property. Michelle has lived on Maui for 25 years. And she is very active in the local community. She was a teacher at St. Anthony's High School for seven years. And when we were talking yesterday preparing for the meeting she mentioned that this experience of being a high school teacher definitely helped her to practice a no nonsense type of behavior. She has no qualms in very competently managing her guests and making sure that they adhere to the tranquility that's set up for this property. She was also previously a realtor so she has experience with property management and everything that goes along with it. I mentioned that she currently owns and runs a decorator staging business with her mom and she sits on the board of Hui Noeau Art Center. One of the, one of the reasons that Michelle is wanting to rent these rooms out on a bed and breakfast basis is that she has two special needs nieces who live on the mainland and she has an agreement or let's call it an agreement with her brother where she hosts these nieces who are young, I think...how old are they?

Ms. Sewell:..Nine, eleven and fourteen...(inaudible-speaking from audience)...

Ms. Hill: Two of them have special needs. And to give her brother a break and let them keep their marriage together she hosts her and takes care of these nieces for two to three months of the year and they stay in this house and in these homes, in the guest rooms so she wants to be able to rent them out and make some extra income while the nieces are not there, not occupying the rooms. And also when her nieces are here, her work, she spends more time with her nieces and family than working. So this would be a nice way for her to offset the loss of income for when they're here.

And the last thing is the rescue horses on the pasture, in the pasture on her property. So thank you for considering this Special Use Permit.

Chair Ball: Thank you. We shall open it up for public testimony at this time.

a) Public Hearing

Chair Ball: Anyone would like to testify at this time may do so. Seeing none, public testimony is closed. Can we get the recommendation from Staff, Sybil?

b) Action

Ms. Lopez: So the Maui County Planning Department recommends to the Maui Planning Commission approval of the Land Use Commission Special Use Permit subject to the regular standard conditions one through seven. Number seven being, That the farm plan shall remain implemented throughout the duration of the Special Use Permit. Evidence of the implementation shall be submitted as part of any request for a time extension. The Land Use Commission Special Use Permit shall be valid until August 31, 2018. The conditions of the State Special Use Permit shall be enforced pursuant to 205-12 and 205-13, Hawaii Revised Statutes. In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendations prepared for the August 25, 2015 meeting as the findings of fact, conclusions of law, and decision and order and authorize the Planning Director to transmit said written decision and order on behalf of the Maui Planning Commission. Thank you.

Chair Ball: Thank you. Questions from the Commission? Commissioner Lay?

Mr. Lay: What's the nearest bed and breakfast in that area along with the short-term rentals and how many are allowed in Haiku and where are we at now? That was four questions. Sorry about that.

Chair Ball: ...(inaudible)...

Mr. Lay: They're all related.

Ms. Lopez: Oh, I don't...probably the information I have right now is what she has on the power point. The nearest is not within that 500-foot radius. I know we have a pending bed and breakfast which would be on the East Kuiaha Road. That would probably be the closest, but that's not the permitted one. Let me go back to her map. So if you look at this area probably, it won't be...the nearest one would be not even on this map. So would be like more down and that would be the closest one but that's the only pending that's closest in that vicinity. And like...it was 33 permitted bed and breakfast in the Haiku area. The cap is 88.

Mr. Lay: Thank you.

Chair Ball: Commissioner Hedani?

Mr. Hedani: It's actually a follow up to Ivan's question. Usually we get a map that shows the existing locations of B&Bs and short-term rentals in the area. And from my perspective, you know, it says there's no B&Bs within 500 feet. Are there any short-term rentals within 500 feet?

Ms. Lopez: Well, I don't have that information, but I can get that to you. Unfortunately, we did not have that in the power point presentation, but if you need some time I can generate that for you. But like I said the short-term rentals are 37 permitted and there are 33 permitted B&Bs, but I know you kinda wanna see a visual on the map to where those locations are. I can get that to you.

Mr. Hedani: Right. And I think identifying the difference between the B&Bs and the short-term rentals would be nice too, in the future. I don't think it's necessarily for this particular application if you believe there are no short-term rentals within 500 feet. Does the applicant know?

Ms. Hill: I'm sorry, I don't have that information either.

Mr. Hedani: You don't have—

Ms. Hill: I don't have that information either. I don't know where all the other ones are located in the area, but I made a note to include that in future presentations. So thanks for the question. I'm sorry I don't have that information.

Chair Ball: Chelsea, identify yourself when you talk in the mic too please, okay?

Ms. Hill: Chelsea Hill.

Chair Ball: Director?

Mr. Spence: I don't know if Michelle wants to say anything. Have you ever gotten a public notice for a short-term rental home? That would say if you're within 500 feet or not?

Ms. Michelle Sewell: Michelle Sewell. I don't believe I've...I haven't gotten any for short-term rental. I don't know that there was one lower off this map but they sent us for the bed and breakfast. Is that correct? It's down below us, the one...yeah, I know that we received something from them quite some time ago. That's the only one I'm aware of.

Mr. Spence: Okay. That means that there are no short-term rental homes within 500 feet and there's a pending bed and breakfast permit—

Ms. Sewell: Lower on East Kuiaha.

Mr. Spence: —within 500 feet. Right.

Ms. Sewell: I don't think that's within 500 feet.

Mr. Spence: You got notice so, anyway.

Ms. Sewell: Yes, and none of my neighbors, there's the vacant lot and there's Gerry Welch and then there's one renter, two owners, none and Mark Sheehan. I mean, nobody, the rentals, I don't think anybody, they're just all people who live there or vacant lots.

Mr. Spence: Thanks, Michelle.

Ms. Sewell: Thank you.

Chair Ball: And I agree with...thank you. I agree with Commissioner Hedani too, if the Director can talk to his Staff about posting those maps with the existing, and maybe even the proposed that are in process would be helpful in the future.

Mr. Spence: I feel sufficient...(inaudible)...

Chair Ball: Okay, you should.

Mr. Spence: Okay, Commissioner Robinson?

Mr. Robinson: Yes, you mentioned that there was a, there was a letter writing back to the people that had opposition. Do you have a copy of that letter? Are we able to?

Ms. Hill: I do actually.

Mr. Robinson: That would be great.

Ms. Hill: ...(inaudible-not speaking into the mic)...

Chair Ball: Chelsea, come to the mic please?

Mr. Robinson: Would that be all right if she reads it?

Chair Ball: Sure.

Ms. Hill: I think I have that letter on the flash drive, so I'll just pull it up and everyone can see it. Is that better?

Chair Ball: Commissioner Robinson?

Mr. Robinson: And Director, what is the status of that other B&B that's in the works right now or we aren't allowed to talk about it?

Mr. Spence: I wouldn't know anything about it. We get hundreds of applications.

Mr. Robinson: Just a application, but it's not where it's come through us and it's been deferred?

Mr. Spence: No, it will come to you.

Mr. Robinson: Okay.

Mr. Spence: Because it's also in the Ag District.

Mr. Robinson: But she's ahead of the game and she's in first?

Mr. Spence: Yes.

Ms. Hill: I'm sorry, I don't have it on the flash drive so I'll just read it.

Chair Ball: Identify yourself?

Ms. Hill: My name is Chelsea Hill. Thank you, sorry. Dear Thomas, Shirley and Leslie. Thank you very much for taking the time to respond to our bed and breakfast notice by writing a letter to the

Planning Director to voice your concerns regarding bed and breakfast businesses in your neighborhood and about rezoning due to the kind of business in the area. We understand your concern as parents and grandparents about allowing strangers into the neighborhood. I am also very concerned about who comes into our neighborhood as this is my home plus my family including my parents and young special needs nieces spends months at a time visiting here. It is imperative that our guests are safe and respectful. I assure you we will be vetting them thoroughly.

Also, by participating in this application process we have come to learn that the County has much more control over bed and breakfast businesses than they do over long-term rentals. For example, the Maui Police Department is asked to comment on our application which includes a report of any history of police reports stemming from the subject property. Also, the County imposes quiet hours on the B&B property from 9:00 p.m. to 8:00 a.m. during which time the noise from a bed and breakfast home shall not unreasonably disturb adjacent neighbors. A B&B risks...a B&B business risks losing their permit if sound is audible beyond the property boundaries during non quiet hours. And this is more excessive than what otherwise be associated with a residential area. Amplified sound...Also, unlike long-term rental rules, a bed and breakfast property requires that all vehicles shall be parked in the designated onsite parking area and shall not be parked on the street.

Also, bed and breakfast businesses operating on agriculturally zoned land are required to prove that the bed and breakfast business will not take away from agricultural use of land. It's a rather rigorous screening process. In our case, we very much look forward to sharing the agricultural character of our property and neighborhood with our guests.

Lastly in our case, I live in the rental home so I will be on hand to make sure our small business has no impact on our neighborhood and that everyone is safe and treated with respect. Ultimately, our bed and breakfast will go completely unnoticed by our neighbors. Sincerely, Michelle Sewell, owner. That was written on May 12th.

Chair Ball: Thank you. Commissioner Lay.

Mr. Lay: That was an incredible response letter by the way. A teacher, right? Well done.

Chair Ball: Further questions? Commissioner Higashi?

Mr. Higashi: This is for staff. You know, we've had quite a few bed and breakfast applications in Ag area. You know whether once we approve the bed and breakfast permit that their Ag rate changes in water usage or does it stay stable?

Ms. Lopez: Sybil Lopez, Staff Planner. I do not know that answer. Well, I'll let Chelsea, 'cause she says she knows the answer.

Ms. Hill: Chelsea Hill. So the Ag water rates are not affected by a bed and breakfast permit or not. And the property rates, the Ag rates are changed and it kicks it into a category that's called Residential Commercial. And the rate is I think right now it's about 4.40 per \$1,000 assessed value. I don't understand that, but what it is the Ag rate is something less than...let's put it this way, it's about twice the regular Ag rate for property tax. And it's half the tax, property tax rate of a short-term rental home. So it's right in between about.

Mr. Higashi: Okay. I just wanted to know about the water--

Ms. Hill: Oh, I'm sorry. I thought you asked about both.

Mr. Higashi: --...(inaudible)...property. No, I wondering the water rate.

Ms. Hill: The Ag water rate is not affected to my knowledge.

Chair Ball: Director?

Mr. Spence: And definitely they lose their homeowners exemption. I don't follow the rates either, but once they're doing a bed and breakfast or short-term rental home you lose your homeowners exemption.

Chair Ball: And your homeowners rate too, you get bumped up to that which is about twice as much, yeah. Commissioner Higashi?

Mr. Higashi: Yeah, I have one more. According to your map, the road itself from the highway to her residence is that a two-lane roadway or is it a single roadway from the highway to her property?

Ms. Lopez: So you're looking at Oluolumau Place and then East Kuiaha Road going out. So that kinda comes into that place. So the highway is far up. Are you asking about the Hana Highway going out? I mean...

Mr. Higashi: Well, whatever main road that goes from is it East Kuiaha to her property or is it Hana Highway?

Ms. Lopez: No, it's East Kuiaha to her property which is...which you go into Oluolumau and then you go onto her property.

Ms. Sewell: Would you like me to explain?

Ms. Lopez: Sure. I'll have the applicant explain.

Ms. Sewell: I know it well. Michelle Sewell. Thank you so much. We have, first just to acquaint you with it, we have Hana Highway which is about a mile below, you turn right onto East Kuiaha, you go up a mile, and then...approximately...and then you will see Oluolumau. So you have two-lane highway, you have a two-lane road, go into Oluolumau which I believe is a County road however it is not paved or graded very often. But it is a two-lane size. So, you turn onto Oluolumau and we are the first driveway on the left, and then it ends in a cul de sac.

Mr. Higashi: So it's, it's unpaved, it's dirt road that you're talking about?

Ms. Sewell: It is. It's unpaved and it has gravel. It is a County road, however, and then all the neighbors every once in a while participate in putting gravel down like if we have extra gravel, we'll put it in or a neighbor down the way will put it in or as a matter fact, I'm having some young men put in...I talked to the fellow up above us, Mr. Carries and he told us how to fix the potholes. So

we're putting a little cement in there. So it's kind of hodge podge. It's a County road. It is enough room for definitely two street, I'm sorry, cars to come back and forth, but it is rough.

Mr. Higashi: The reason why I asked you the question was because if it's unpaved during winter weather 'cause that's rainy country—

Ms. Sewell: Yes sir.

Mr. Higashi: —the road gets muddy. Do you need a four-wheel drive or can a tourist take a regular vehicle through there?

Ms. Sewell: No, it is definitely...it has crusher waste and it has all the rock and everything like that. It doesn't get muddy, but we do get potholes every once in a while and like I said, the neighbors kind of all participate in filling that, those potholes when they occur, and they do occur during the rainy season, even on the paved streets on East Kuiaha.

Mr. Higashi: So you don't, so you don't need a four-wheel drive, you can take a regular vehicle?

Ms. Sewell: No, sir. No, sir.

Mr. Higashi: Okay.

Chair Ball: Anyone else, questions? Commissioner Hedani?

Mr. Hedani: Michelle, after you wrote the response to the Medeiros Family—

Ms. Sewell: Yes.

Mr. Hedani: —did you get a response from that?

Ms. Sewell: No, I don't believe we did. And I understand their concerns. So I definitely wanted to write that letter because that was a serious thing to think about and we want safety in our neighborhood and peace and quiet. I don't want anybody coming to my home that I don't feel safe.

Chair Ball: Commissioner Hedani?

Mr. Hedani: If the Medeiros were to engage in intensive agricultural operations on their property, intensive agricultural operations, a chicken farm, would you object?

Ms. Sewell: I don't believe so. I haven't, I haven't really thought about that. I think it would...it's agriculture land. They're allowed to do agriculture. I don't believe I could object or should object to what people want to do on their own property that's legal.

Mr. Hedani: The reason I ask the question is to not preclude agricultural uses for their property based on the bed and breakfast operation on your property I think is what they're concerned about.

Ms. Sewell: I kind of didn't understand sir, I'm so sorry, yeah.

Mr. Hedani: Basically I think if they have...if I were the owner across the street and I wanted to engage in true agriculture.

Ms. Sewell: Certainly.

Mr. Hedani: A highly intensive chicken farm or whatever, you know, having you operate a mini hotel next to me might be a problem if you were to object to it.

Ms. Sewell: Yes, I first I'd like to...may I say something about the mini hotel because I really...this is my home. I want a few visitors to come at sporadically at certain times of the year. So I don't see it as having a lot of people come in, but I certainly wouldn't object to anybody on agricultural land doing agriculture on their own property.

Chair Ball: Commissioner Robinson?

Mr. Robinson: Hi.

Ms. Sewell: Hi.

Mr. Robinson: And this directed to all B&B operators. Who do you have...who are you planning to clean after the guests leave?

Ms. Sewell: I have a lovely young woman that I work with personally on my home anyway, and her name is Grace and she will help me at this point. I mean, people and come go, but I will have assistance and she's great. I love her.

Mr. Robinson: I'd just like to comment that you know, a small business owner, so hopefully you follow the rules of employment and if she's a 1099 and taxes and you know?

Ms. Sewell: We're actually working with her right now with our bookkeeper personally to get her all set up, 'cause she's a young woman and we want her to have a good business.

Mr. Robinson: Fantastic. Thank you.

Chair Ball: Anybody else? Do we have a motion?

Mr. Hedani: Did we get the recommendation?

Chair Ball: We did. Did we get the recommendation?

Mr. Hedani: Move to approve as recommended.

Mr. Lay: Second.

Chair Ball: Approve by Hedani and second by Commissioner Lay. Any discussion? All in favor raise your hand and say, "aye"? Director?

Mr. Spence: I see five ayes, and one...

Chair Ball: Any nays? Abstention.

Mr. Spence: Motion passes.

Chair Ball: Motion passes. Okay, congratulations.

Mr. Spence: Commissioners?

Chair Ball: Yes.

Mr. Spence: ...(inaudible)...but I'll just say I've been acquainted with Michelle for quite a while and I know she's gonna be a very careful operator and she treasures her quiet and privacy, so it'll be a good thing.

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

**VOTED: To Approve the State Land Use Commission Special Use Permit as Recommended by the Department.
(Assenting - W. Hedani, I. Lay, M. Tsai, S. Duvauchelle, K. Robinson, R. Higashi)
(Excused - L. Hudson, J. Medeiros)**

Chair Ball: Thank you. We'll take a five-minute recess.

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

Chair Ball: Okay, call this meeting back in order. Item D, No. 1, Director?

Mr. Spence: Commissioners, we have RCFC Kehalani, LLC requesting transfer to the following Phase II Project District Approvals for Kehalani Holding Company. Our Staff Planner still this morning is Mr. Danny Dias.

D. COMMUNICATIONS

1. **RCFC KEHALANI, LLC requesting to transfer the following Phase II Project District Approvals from KEHALANI HOLDING COMPANY, INC., KEHALANI MAKAI LLC, and KEHALANI MAUKA, LLC to RCFC KEHALANI, LLC for the Wailuku Project District No. 3 (Kehalani) at Wailuku, Island of Maui (D. Dias):**
 - a. **92/PH2-001 per Condition No. 16**
 - b. **PH2 2002/0004 per Condition No. 3 (D. Dias)**

Mr. Danny Dias: Thank you, Director Spence. Good morning, Chairman Ball and Members of the Maui Planning Commission.

Commission Members: Morning.

Mr. Dias: This item before you it's really that simple it's just a transfer from the three owners, the three previous owners I should say which is Kehalani Holding Company, Inc., Kehalani Makai LLC, and Kehalani Mauka LLC, and the new owner is RCFC Kehalani LLC. So if you folks have any questions I'm available. In addition, we have Colleen Suyama from Munekiyo Hiraga and Brian from RCFC Kehalani. Thank you.

Chair Ball: Okay, at this time we'll open up for public testimony. Anybody wishing to testify at this time may do so. Seeing none, public testimony is now closed. Let's open it up for Commissioners questions? Commissioner Robinson?

Mr. Robinson: Hi, could you guys give us the status of this permit and the project?

Mr. Dias: It's an ongoing thing. I can bring up Brian Ige, but it's basically an ongoing thing. You know, Kehalani Project District. I think the...is it the majority of it pretty much built out at this point or...but it's an ongoing thing and you know, throughout the years, another portion gets built, for example, the school was more recently--

Mr. Robinson: Is the applicant able to tell us right now where we're at--

Mr. Dias: Yeah, I'll have him come up.

Mr. Robinson: --and...Thanks.

Mr. Brian Ige: My name is Brian Ige. We represent the landowner, RCFC Kehalani. and we're the development manager here on Maui. Maybe...I brought a map, and that might be helpful. It would be better if I can see it then ...(inaudible)...talk to you folks.

Basically this Kehalani Project District I think got its original State Land Use and zoning back in 1991. It consisted of 650 plus acres of land in just primary down from Waiale Road all the way up to Wailuku Heights. Since 1991, approximately 1,500 to 1,600 units have been developed so far, residential units along with the Kehalani Village Center. The Puukukui School is located in the center of the project district and that's been conveyed to the State DOE already. That was done last year. So this transfer of permit is basically transferring the Phase 2 Project District approvals to this new landowner, RCFC Kehalani, LLC.

Chair Ball: Commissioner Robinson?

Mr. Robinson: Is there any affordable housing units as part of this development at all? Or are you guys already built it out?

Mr. Ige: There is a affordable housing requirement that was done in the initial zoning, State Land Use, and County. It's 50 percent. Through 2014, the landowner is current with all the affordable housing requirements.

Mr. Robinson: Which means half was affordable, half was--

Mr. Ige: Correct. I think there's excess in the upper levels of the income ranges. I think some 300 excess units.

Chair Ball: Commissioner Duvauchelle?

Ms. Duvauchelle: Good morning, Brian. Has all of the offsite requirements for this Project District been complete?

Mr. Ige: No, they're not.

Ms. Duvauchelle: And that obligation transfers with this permit?

Mr. Ige: Correct. To continue developing, a lot of the offsite things need to get improved and completed.

Ms. Duvauchelle: So those triggers stay in place for the release?

Mr. Ige: Those triggers stay in place, and a lot of them are unilateral conditions and County agreements that are...run with the land.

Ms. Duvauchelle: Good. Thank you.

Chair Ball: Commissioner Robinson?

Mr. Robinson: Director, on the previous conditions which of course, you know, they probably didn't do that yet, it says low flow water systems is that for homes or is that for?

Mr. Spence: Yeah, that was—

Mr. Robinson: Each homes as part of the building permit condition have to have a low flow system?

Mr. Spence: Yes.

Mr. Ige: Correct.

Mr. Spence: And then you can ask the applicant how they've implemented that. I wouldn't review the...we look at their zoning compliance, we don't look at—

Mr. Robinson: The building part. Thank you.

Chair Ball: Any further questions of the applicant? Seeing none, do we have a motion? Commissioner Hedani?

Mr. Hedani: Move to approve as recommended.

Ms. Duvauchelle: I'll second.

Chair Ball: Motion by Hedani, seconded by Duvauchelle. Any further discussion? All in favor say, "aye," and raise your hand, please?

Mr. Robinson: I'm sorry, I have one last one. I apologize. Is we were up here before with the Water Department is this part of this property with that permit and was RCFC part of that on top of lao Road?

Chair Ball: Alu.

Mr. Robinson: Alu Road.

Mr. Ige: That's correct. The Water Supply is looking to purchase about two and a half acres from this current landowner to expand their water treatment facility. And it's at the corner of the, I guess northeast corner, northwest corner.

Mr. Robinson: And so is that your company or is that the current, the previous landowner?

Mr. Ige: We represent the landowner, RCFC.

Mr. Robinson: The current landowner?

Mr. Ige: So RCFC is in negotiations with the County for them to obtain that property.

Mr. Robinson: Oh, it's still in negotiation?

Mr. Ige: Yeah. I think it's getting ready to go to Council for approval.

Mr. Robinson: Oh, okay. Thank you. Sorry.

Chair Ball: Without any further questions, all in favor raise your hand, say "aye"?

Mr. Spence: That's six ayes.

Chair Ball: Motion carried unanimous.

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

VOTED: To Approve Transfer of the Phase II Project District Approvals for 92/PH2-001 and PH2 2002/0004 as Recommended by the Department. (Assenting - W. Hedani, S. Duvauchelle, I. Lay, M. Tsai, K. Robinson, R. Higashi) (Excused - L. Hudson, J. Medeiros)

Chair Ball: Moving on. Item E, Director?

Mr. Spence: Acceptance of the Action Minutes of August 11th, and portion of the July 28, 2015 Regular Minutes.

E. ACCEPTANCE OF THE ACTION MINUTES OF THE AUGUST 11, 2015 MEETING AND PORTION OF THE JULY 28, 2015 REGULAR MINUTES (from Item C-2 to end of meeting).

Chair Ball: Is there a motion?

Mr. Lay: Motion to accept.

Mr. Hedani: Move to approve.

Chair Ball: Motion by Commissioner Lay, second by Hedani. All in favor raise your hand, say aye?
Motion carried unanimously.

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

**VOTED: To Accept the Action Minutes of the August 11, 2015 Meeting and Portion of the July 28, 2015 Regular Minutes (from Item C-2 to end of meeting).
(Assenting - I. Lay, W. Hedani, M. Tsai, S. Duvauchelle, K. Robinson, R. Higashi)
(Excused - L. Hudson, J. Medeiros)**

Chair Ball: Director's Report, Item F, No. 1.

F. DIRECTOR'S REPORT

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

MR. WILLIAM SPENCE, Planning Director, initiating a community plan amendment from Golf Course to Agriculture and a zoning change from PK-4 Park (Golf Course) to County Agriculture District on lands previously entitled for the Hana Golf Course at TMK: 1-4-002: 004 and 008 (por.), 1-4-002: 007, 009, and 010, 1-4-003: 005 and 009 (por.), 1-4-003: 006, and 1-4-007: 004 (por.), Hana, Island of Maui. (CPA 2015/0003) (CIZ 2015/0004) (D. Dias)

None of the proposals regarding the golf course were implemented.

Mr. Spence: So Commissioners this is a request from the Planning Department to designate the Hana Advisory Committee to conduct the public hearing. We are, I think everybody knows there's a Golf Course zoning in Hana and with the request from the new landowner and also just, you know, I think this is a good thing to do, we are initiating the change in zoning and change in community plan to go back to Agriculture. The current owner has no plans to build a golf course and luxury homes around it or anything like that so we're initiating that zoning on their behalf. And we're just requesting that the Hana Advisory Committee they conduct the public hearing.

Chair Ball: Do we need a motion?

Mr. Spence: Yes.

Chair Ball: Okay. Is there a motion to...Commissioner Hedani?

Mr. Hedani: Move to designate the Hana Advisory Committee to conduct the public hearing.

Mr. Higashi: Second.

Chair Ball: Moved by Commissioner Hedani, seconded by Commissioner Higashi. All in favor raise your hand, say, "aye". Oh, discussion, yes?

Vice-Chair Tsai: Director, what...I guess this is a proper protocol for something like this to just have us redesignate for something like this?

Mr. Spence: As far as why?

Vice-Chair Tsai: Yeah.

Mr. Spence: The proper protocol for...are you referring to the Hana Advisory Committee?

Vice-Chair Tsai: Exactly, yeah.

Mr. Spence: It's really at the discretion of this Commission, but that's what the Hana Advisory Committee was set up for so public hearings and input can be gathered from the Hana area without everybody having to drive into town. They could fly I suppose, but yeah, this is...public hearings are normally conducted out of Hana by the Advisory Committee.

Vice-Chair Tsai: Thank you.

Chair Ball: Okay, all in favor?

Mr. Spence: That's six ayes.

Chair Ball: Motion carried unanimously.

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

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

Chair Ball: Item 2 and 4. I don't know what happened to No. 3.

Mr. Spence: I don't either.

2. SMA Minor Permit Report (Appendix A)

4. SMA Exemption Report (Appendix B)

Mr. Spence: Commissioners, you're in receipt of the SMA Minor Permit and Exemption Reports.

Mr. Lay: Move to accept.

Ms. Duvauchelle: Second.

Chair Ball: Motion to accept by Commissioner Lay, seconded by Commissioner Duvauchelle. All in favor? Motion carried unanimously.

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

**VOTED: To Acknowledge the SMA Minor and SMA Exemption Reports.
(Assenting - I. Lay, S. Duvauchelle, M. Tsai, W. Hedani, K. Robinson,
R. Higashi)
(Excused - L. Hudson, J. Medeiros)**

Chair Ball: Item 5, Discussion of future Maui Planning Commission agenda. Director?

5. Discussion of Future Maui Planning Commission Agendas

a. September 8, 2015 meeting agenda items

Mr. Spence: I am looking for Clayton's memo. So the next meeting, August 11th, we have Ms. Jeana Naluai requesting a Land Use Commission Special Use Permit to operate a bed and breakfast up on Piihola Road. You have Mr. Charlie Jencks on behalf of Dr. James Marocco, the King's Cathedral requesting a County Special Use Permit to operate King's Cathedral and Chapels in Lahaina. And we have a couple of...we're anticipating I think Department of Transportation for the Ohukai Road sidewalk matter, and then also Unfinished Business is Ms. Breanne Fortun requesting a Short-Term Rental Home Permit. I don't remember why that was deferred but it was...(inaudible)...last meeting.

Chair Ball: Thank you. Okay, so our next meeting will be on September 8th, I will be—

Mr. Robinson: Chair?

Chair Ball: Yes?

Mr. Robinson: Are we able—

Chair Ball: Commissioner Robinson?

Mr. Robinson: –Are we able to put on top of the agenda how do we get it...I wanna ask about a memorandum that we sent to the County Council four or five months ago about where our letter is as far as the Committee. How does that happen?

Chair Ball: Director?

Mr. Spence: I know the letter is on–

Mr. Robinson: Mr. Couch's committee?

Mr. Spence: Yes, it's in Mr. Couch's committee, but it's on his master list. They have a master list of issues that are in committee. They're not in any kind of chronological order, but it is on that list. I am not aware when he intends to take it up. We could inquire if you want?

Mr. Robinson: Do we have to put it on the agenda to...and do we have to agree to ask to inquire again or is just, you guys just going inquire?

Mr. Spence: If you would–

Mr. Robinson: Gotta vote it in.

Mr. Spence: If this Commission would like me to inquire, otherwise private citizens can also ask...(inaudible)...

Mr. Hopper: Will, do you maybe wanna ask and report back at the next meeting if anything?

Chair Ball: Corporation Counsel.

Mr. Hopper: I mean in general a letter like that there's no obligation for the Council to take any action on it, so...

Mr. Spence: Right.

Mr. Hopper: –I mean, you can check the status of it.

Mr. Spence: Okay.

Mr. Robinson: Thank you.

Mr. Spence: Thank you.

Chair Ball: September 8th, I will be out of town, so Commissioner...Vice-Commissioner Tsai will be running the meeting.

Vice-Chair Tsai: Chair.

Chair Ball: Vice-Chairman, Vice-Commissioner, something like that. Okay, meeting adjourned.

G. NEXT REGULAR MEETING DATE: September 8, 2015

H. ADJOURNMENT

The meeting was adjourned at approximately 10:34 a.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Keone Ball, Chair
Sandy Duvauchelle
Wayne Hedani
Richard Higashi
Ivan Lay
Keaka Robinson
Max Tsai, Vice-Chair (in attendance at 9:14 a.m.)

Excused

Larry Hudson
Jason Medeiros

Others

Will Spence, Director, Planning Department
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works