

PLANNING COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

August 20, 2015

CONVENE: 9:04 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Don Couch, Chair
Councilmember Robert Carroll, Vice-Chair (excused from
9:57 a.m. to 10:17 a.m.)
Councilmember Gladys C. Baisa
Councilmember Elle Cochran
Councilmember Don S. Guzman
Councilmember Michael P. Victorino (arrived at 9:11 a.m. and left
at 10:45 a.m.)
Councilmember Mike White

STAFF: Jordan Molina, Legislative Analyst
Greg Garneau, Legislative Attorney
Pauline Martins, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone
conference bridge)
Bruce Hashimoto, Council Services Technician, assisting at Lanai
Council Office (via telephone conference bridge)
Dawn Lono, Council Aide, Hana Council Office (via telephone
conference bridge)

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel
Jennifer Oana, Deputy Corporation Counsel, Department of the
Corporation Counsel
William Spence, Director, Department of Planning
Danny Dias, Planner, Department of Planning (Item 25)
Ann Cua, Land Use Planning Supervisor, Department of Planning
(Item 27)
Joseph Alueta, Administrative Planning Officer, Department of
Planning (Items 9 & 16)
Rowena Dagdag-Andaya, Deputy Director, Department of Public
Works (Item 16)

OTHERS: Grant Chun, A&B Properties, Inc. (Items 25 & 27)
Eve Hogan
Mercer "Chubby" Vicens

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PRESS: *Akaku Maui Community Television, Inc.*

CHAIR COUCH: . . . (*gavel*) . . . Will the Planning Committee meeting of August 20, 2015 please come to order. Before we start the meeting, can I encourage everybody to turn off their cell phones or noisemaking devices? Yes.

COUNCILMEMBER BAISA: Thank you.

CHAIR COUCH: Make sure because if it goes off, we'll ask who it was on the phone, what they wanted to say. Alright, my name is Don Couch. I am the Chair of this meeting, this Committee, and I want to welcome the voting Members first. The Vice-Chair of the Committee is Robert Carroll. Good morning.

VICE-CHAIR CARROLL: Good morning, Chair.

CHAIR COUCH: Good morning. Gladys Baisa. Good morning.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR COUCH: Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha. Good morning, Chair.

CHAIR COUCH: Good morning. Don Guzman.

COUNCILMEMBER GUZMAN: Good morning.

CHAIR COUCH: Good morning. Council Chair Mike White.

COUNCILMEMBER WHITE: Good morning.

CHAIR COUCH: Good morning. And excused at the moment is Councilmember Victorino. And from the Administration we have Director of Planning, Will Spence.

MR. SPENCE: Good morning, Chair.

CHAIR COUCH: And Planner, Danny Dias.

MR. DIAS: Good morning, Chair.

CHAIR COUCH: Good morning. And from Corporation Counsel we have Michael Hopper and in the back we have Jennifer Oana.

MR. HOPPER: Good morning, Chair.

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CHAIR COUCH: Good morning. Legislative Analyst today is Jordan Molina and the new, the Legislative Attorney is Greg Garneau. Good morning.

MR. GARNEAU: Good morning.

CHAIR COUCH: And Committee Secretary, Pauline Martins. Good morning. At the Hana District Office we have Dawn Lono and at the Lanai District Office we have Bruce Hashimoto, and at the Molokai District Office we have Ella Alcon. Alright, Members, we have five items on the agenda today. Unusual for a Planning Committee meeting, we usually only have one. First we have PC-25, the Annual Compliance Report for the Maui Business Park Phase II. We have PC-27, Annual Compliance Report for Kihei Residential Project, PC-9, Family Child Care Homes Within the Agricultural Districts, PC-16, Amending the Comprehensive Zoning Ordinance Relating to Wet Bars in Dwelling Units, and PC-20, Maui Island Plan Chapter 4, Economic Development Relating to Tourism. With that, anybody who wants to testify, please sign up in the back and if you're testifying from a remote testimony site, please sign up with the District Office staff. Testimony will be limited to the items I just listed. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item and then we'll give you one more minute to conclude the testimony. We have the lights set up so that if it turns yellow, that's your three-minute mark and when it turns red, that's your four-minute mark so please wrap your remarks up. At this point, Members, without any objection, I'd like to open public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

... BEGIN PUBLIC TESTIMONY ...

CHAIR COUCH: Okay. First person to sign up to testify, and the only so far, is Eve Hogan.

MS. HOGAN: Good morning. I feel like a terminal testifier. Sorry you guys. I'm Eve Hogan, owner of the Sacred Garden, the Sacred Garden Retreat, a permitted vacation rental and I'm speaking on behalf of myself as a homeowner/vacation rental owner and community member of Maui County passionate about making sure our laws make sense. I'm speaking about the wet bar law or proposed bill and which I want to just confess that I haven't read the most current version. I'm really reacting to conversations from about five or six months ago. But I want to just start with the definition of the wet bar. I looked it up in Wikipedia and it says, a wet bar is a small bar used for mixing alcoholic beverages which defers, differs, I'm sorry, from a regular bar in that it includes sink with running water. A wet bar can increase the rate at which drinks are prepared and allows us to clean the glasses quicker and also to add water to the drinks. And with this testimony or this definition in mind, I'd like to encourage us all to change the name of wet bar to food preparation area because that's really what's going on in Maui County. These wet bars are being used for food preparation and it's my opinion that none of us are here to encourage or restrict the

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way people prepare alcoholic beverages 'cause it won't work. My experience with this is that we tried to have a bed and breakfast permitted recently and were told that a bedroom that we had that had a wet bar in it would not be allowed and it would never get permitted because it had a wet bar in it. And, I should just really read this. I want to encourage you to recognize that when you limit...I was told wet bars were not allowed in bedrooms at all. And this completely impacts the ability to have studios, ohanas or bed and breakfast in which you don't have the customers coming into your home. I was told that a true bed and breakfast means that you're preparing food for them in your kitchen but the Department of Health laws require that you don't do that. And so there's really no way to solve that problem. And quite honestly in this day and age, nobody really wants strangers in their actual home nor do strangers really want to come into your home for coffee or toast. So the truth of the matter is is that this wet bar law, if not allowed in the bedroom, is causing people to still prepare food but they're using the bathroom to do it, which is far less sanitary. And if that's not allowed, then they're going outside and using outdoor kitchen areas and when you look at this, it really comes down to, if you ask the Planning Department, the size of the sink and the size of the refrigerator. Well I'm guessing we don't really want our inspectors spending their time going out measuring sinks and measuring refrigerators because, quite honestly, if I have a refrigerator this tall or I have a refrigerator this tall, it's still doing the same thing, it's storing food for people and making their life more convenient and more sanitary. I could put a refrigerator, as far as I'm aware, in my carport. I could put one in every room of my house but I can't put one next to a sink and I can't put one in a bedroom and this makes no sense to me. So I just want you guys to really take a look at this and really think through what the unintended consequences. With the housing issues that we have, it's a big deal. I asked the Planning Department why this was an issue and they cited one person with a large home in Makena who put four wet bars in their house and were renting it as a bed and breakfast. And I want to encourage us all to realize that there are a lot of laws prohibiting bed and breakfasts already. The faucet count we discussed yesterday is already prohibiting the number of wet bars you can have. I really think we need to look carefully at the unintended consequences. And in Toronto, they had a huge housing problem, affordable housing and homelessness problem, and the government encouraged second suites and I put a reference in this to you guys with the website so you can see. But a second suite is defined as a self-contained space or enclosure within a dwelling unit designed for habitation by a separate family or household and which shall contain at least one room, a kitchen and sanitary conveniences designated for the exclusive use of its occupants. This encouragement hugely solved their housing problem. So I just want to thank you guys for looking at this and making sure that we're not passing laws just to control citizens and not actually solve a problem. Thank you.

CHAIR COUCH: Okay, thank you. Members, any questions to the testifier? I have one. You have that in writing?

MS. HOGAN: I do and I gave them 19 copies of it.

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CHAIR COUCH: Did everybody get a copy yet or...

MS. HOGAN: It might be more eloquently written that it was said.

CHAIR COUCH: Okay, so we'll get that passed out to --

MS. HOGAN: Okay. Anything?

CHAIR COUCH: --the Members. Members, any other questions? Seeing none, thank you, Ms. Hogan.

MS. HOGAN: All right. Thank you very much, _____.

CHAIR COUCH: And I want to take this time to welcome Member Victorino, good morning.

COUNCILMEMBER VICTORINO: Good morning and aloha, Chair.

CHAIR COUCH: Alright. Let's go to the District Offices. Hana, do you have anybody signed up to testify?

MS. LONO: Good morning, Chair. This is Dawn Lono at the Hana Office and there's no one waiting to testify.

CHAIR COUCH: Lanai?

MR. HASHIMOTO: Good morning. This is Bruce Hashimoto from the Lanai Office. There is no one waiting to testify on Lanai.

CHAIR COUCH: Thank you. Molokai?

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

CHAIR COUCH: Okay, thank you from those of you out in the remote offices. Members, seeing that there's nobody in the remote offices and it doesn't look like anybody's rushing down here to further testify, without objection, we'll close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay, public testimony is closed.

. . . END OF PUBLIC TESTIMONY . . .

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PC-25 ANNUAL COMPLIANCE REPORT - MAUI BUSINESS PARK PHASE II (GC 15-4)

CHAIR COUCH: Okay. Members, let's start off, real quick. What I'd like to do, up first is the Annual Compliance Report for the Maui Business Park Phase II and then right after that is PC-27, Annual Compliance Report - Kihei Residential Project. So we'll do those, one and two...I got that, I turned it off already. We'll do those, one and two, so we'll have, with us we have Grant Chun, Vice President of A&B Properties and he's ready to come up with his report on his compliance on these two projects. First we'll do Maui Business Park Phase II.

MR. CHUN: Good morning, Mr. Chair. Good morning, everyone.

CHAIR COUCH: Good morning, Mr. Chun.

MR. CHUN: The compliance report for Maui Business Park Phase II has been submitted and is before you. Just an update to what's been provided. Since the submission of the report on May 20th, we have actually received--and this is with regard to condition number seven--we have actually received preliminary subdivision approval from the County for the acreages that are to be conveyed to the County for the future community center and park area as well as affordable housing. So I know that's always a question that pops up and we've been in the process quite some time so glad to be able to report that that's moving along. Aside from that, as you know, the improvements to Hookele Street and the, you know, the subdivision in general are pretty much completed. The parcels have started to sell and you'll see more and more activity along that corridor as new owners embark upon their projects. But we're very pleased with how things are going there and if you have any questions I'll be happy to address those.

CHAIR COUCH: Thank you, Mr. Chun. Members, let me first see if the Planning Department has any questions or comments.

MR. DIAS: Thank you, Mr. Chair. The Department has no questions or comments.

CHAIR COUCH: Okay, thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. Thank you, Mr. Chun, for being here. I guess my question is ...

CHAIR COUCH: Mr. Victorino, could you get a little closer? Thanks.

COUNCILMEMBER VICTORINO: Oh, you know, I'm not used to to this, sorry. Your, Hookele, has become a major thoroughfare between Mokualele and Hana Highway and I think the challenge I have is a lot of those traffic lights, are you or is the County the one, what do you call that, synchronizing...I couldn't think of the word, I apologize...synchronizing the lights because I've heard a lot of complaints about people coming in and, or going through Hookele? Although with the opening of the bypass

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for the airport, that has reduced some of that traffic somewhat because a lot of people now are using the bypass to get to Hana Highway for whichever way they would like to go as far as going east or going west, yeah. So at this point in time, are you, or is our Public Works doing the traffic light synchronization?

MR. CHUN: At this time, the street is still privately held.

COUNCILMEMBER VICTORINO: Held by you folks?

MR. CHUN: Yeah. So ultimately, of course, we're coordinating with the Department for --

COUNCILMEMBER VICTORINO: Okay.

MR. CHUN: --conveyance.

COUNCILMEMBER VICTORINO: So if there's a request to look into that, it would best put through Public Works, Mr. Chun?

MR. CHUN: Or to us. It'd be fine.

COUNCILMEMBER VICTORINO: Oh, either way.

MR. CHUN: Because we still own the road and we can work with you on that.

COUNCILMEMBER VICTORINO: Okay, okay. 'Cause again, and I realize that once Hansen Road is completed that, again, will take a lot of that traffic that's going through Hookele right now, it will be offshoot to Hansen Road. So I know this is more of a temporary fix but it is been a real challenge if you go there in the mornings or afternoons, the traffic does really back up and again because of being really the only access when they coming off from Mokulele and heading across, although with the bypass, there are some people now that are going down to the new bypass and going straight out to Hana Highway. So, anyhow, okay, Mr. Chun, thank you very much. Other than that, really I've been very pleased in what I've seen in that area, the development and I want to thank you and A&B and the rest who have worked hard to make this a part of our community. Thank you.

MR. CHUN: Thank you.

CHAIR COUCH: Members, any further questions? I have one. Condition number 18. You say that, it says that A&B shall provide a police substation within the project for the Department of Police provided that said substation meets the approval of the Department. You gave us a copy in the 2012 Annual Report. Can you just give us an update on what's going on there?

MR. CHUN: The Police Department has informed us that they will let us know when they deem it necessary and appropriate to have a substation within the vicinity of the Maui

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Business Park property. But as a follow up, I'll also reach out to the new Chief --

CHAIR COUCH: Uh-huh.

MR. CHUN: --to make sure he's aware of our willingness to work with them at such point as they deem it suitable for their needs.

CHAIR COUCH: Okay. Now is that, are you going to build a building or work it with a tenant or how's that going to work?

MR. CHUN: You know, at least with regard to the last Chief, he was...that's why I have to talk with Chief Tivo because Chief Yabuta was more interested in co-locating with an existing user where obviously there'd be people and the necessity for a presence. So we'll have to speak with the current administration of the Department to ensure that, you know, their vision for how this need gets accommodated for is in concert with how they anticipate delivering the service.

CHAIR COUCH: Okay, thank you. Just a thought outside the box or maybe not so far outside the box. I know one tenant that's going to be moving there that might be an appropriate place to put 'em and that would be the County of Maui's Service Center. Talk to the Administration and see if they can throw a little extra space for them. I don't know. That makes a little bit more sense.

MR. CHUN: Yeah.

CHAIR COUCH: Okay.

MR. CHUN: That's a great idea.

CHAIR COUCH: Anybody else? Alright, thank you for that one. Members, without any objection, we'll defer that one.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: 'Cause we're going to get the report again next year. Okay, so that item is deferred.

ACTION: DEFER.

PC-27 ANNUAL COMPLIANCE REPORT - KIHEI RESIDENTIAL PROJECT (GC 15-6)

CHAIR COUCH: Alright. On to the next.

MR. CHUN: Shall I just give some prefatory --

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CHAIR COUCH: Sure.

MR. CHUN: --remarks, Mr. Chair?

CHAIR COUCH: Sure.

MR. CHUN: So, yeah, we're very excited about what's been going on. Actually, as you know, you all were able to see fit to grant the zoning on Kihei Residential just a year ago, August 14th, so this is our first annual report. I'm sure that it will be the first annual report of many but the report gives you kind of a snapshot in time of where we are and what we've done since August 14, 2014. And quite a bit has happened actually. We've, since zoning was received a year ago, we've completed the affordable housing agreement, which is I think is the focus of so many of our concerns as a community of late. So that agreement was executed and recorded, on June 25th, actually, and it will accommodate for an initial increment up front of 170 affordable residences for our Maui County residences, starting in the high 200s, yeah. So we're actually already embarking on outreach for a homebuyer education program with our HC&S employees actually, to provide them with the tools to receive appropriate financing, you know, when the time comes. The timing on that is also fairly imminent in terms of how long these things generally take because the first delivery of homes is anticipated for mid-2017 and so that's why as we understand it, homebuyer education becomes so important. Generally we're told it takes 12 to 18 months for many purchasers to become sufficiently credit ready to receive a mortgage. And so that's why the classes are being offered actually as early as next month. In addition, the agreement pertaining to the project for the DOE has been executed. There's been some focus groups as far as architectural design for the homes and structures in the neighborhood. And interestingly enough, it's like the, I thought you might, you all might find this interesting, it's like the local people kind of like the more mainland look and the mainland people kind of like the more, they're like, that doesn't look like Hawaii, you know, make it look more like Wailuku, you know, so it's sort of a, the architectural style will be sort of a blend of the two, you know. And we think it's gonna be a really attractive look for the neighborhood. Again, this is just a snapshot in time. We are working with the various agencies. Still need to complete work with the Parks Department on the parks agreement. They've gone back and forth on the layout of the parks and that's been settled on but the agreement itself is with Corporation Counsel right now, and through the subdivision process, which right now we're just in large lot subdivision to define increment one, but as the subdivision process gets more fleshed out, of course, we'll be working with Planning on the, you know, the pedestrian orientation of the rights of way, bikeways, et cetera. So it's exciting, it's gonna, like I said, I'll probably be here every year on this same topic for a number of years and I apologize in advance for that but we're kind of pumped that we're able to...this week I actually already have done 14 meetings with HC&S employees about this, you know, this opportunity and this topic, and they start work early, right. So I've been up since four o'clock but the, but what's really fun and exciting is this is actually the first time, you know, we've been able, I personally have been able to do that and it's really neat to see, you know, their enthusiasm, especially

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those that have not yet gone down the path of homeownership. So thank you all for your support on this. And thank you also for your work on the Affordable Housing Ordinance 'cause I think that's really helped us to be able to move forward.

CHAIR COUCH: Okay, thank you, Mr. Chun. Members, any questions to Mr. Chun? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And good morning, Mr. Chun.

MR. CHUN: Good morning, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you for being here. On Condition 15 in relation to water supply, any, can you have more detailed comments in reference to that particular condition?

MR. CHUN: Sure. So we are in discussions with the Department of Water Supply to supplement their system with additional source and as well as facilities that would serve to sort of grow the pie for the community at large as well as to accommodate for Kihei residential. The first increment I refer to is 100 percent affordable, which would allow that increment to proceed, yeah, under the current ordinances. And so the discussions we're having with them and the, actually draft agreements that we've kind of gone back and forth on will serve to provide that extra supply for the system.

COUNCILMEMBER COCHRAN: Right, okay. A follow up, Chair?

CHAIR COUCH: Sure.

COUNCILMEMBER COCHRAN: Thank you. Well, in, I just wondering if there's any further discussion on the development of the well? It looks like you wanna look into a new potable groundwater well.

MR. CHUN: Yeah. That's right.

COUNCILMEMBER COCHRAN: So, if you've done any exploratory stuff yet or have --

MR. CHUN: No.

COUNCILMEMBER COCHRAN: --any ideas when or how?

MR. CHUN: Yeah.

COUNCILMEMBER COCHRAN: Okay.

MR. CHUN: Well --

COUNCILMEMBER COCHRAN: Alright.

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MR. CHUN: --so that's, that of course all has to come to you folks. So we're working on the agreement --

COUNCILMEMBER COCHRAN: Uh-huh.

MR. CHUN: --with the Department of Water Supply and then it'll come to you folks and then we can do the --

COUNCILMEMBER COCHRAN: Okay.

MR. CHUN: --work on, in the ground. So --

COUNCILMEMBER COCHRAN: Okay, very good.

MR. CHUN: --yeah, as a kind of foundational matter, we need to know that, you know, we actually are moving in the right direction as far as establishing a facility that's gonna be acceptable to the Department before we actually expend the resources to do the well itself.

COUNCILMEMBER COCHRAN: Right.

MR. CHUN: So we haven't done the well yet.

COUNCILMEMBER COCHRAN: Okay. Thank you.

CHAIR COUCH: Okay, thank you, Ms. Cochran. Mr. Victorino, then Ms. Baisa.

COUNCILMEMBER VICTORINO: Thank you. My, you know, although I had questions on water and that's been answered. My question was on the traffic mitigation. Again, I know you guys had gone through a number of ideas and I guess maybe not any further along than you were, but how is it been working with the DOT, because DOT is really the pivotal partner in this?

MR. CHUN: Right, right. Yeah, it's, you're correct, Mr. Victorino, it is a DOT asset that we will be impacting and entering upon. So we have been working with them and with the Department of Public Works in framing the timing of the improvements to that intersection where the project's entry meets Piilani Highway.

COUNCILMEMBER VICTORINO: Right.

MR. CHUN: They have reviewed and accepted the Traffic Impact Assessment Report, which fleshes out the timing of the improvements. They have acknowledged, you know, that there is existing capacity at the intersection at this time but, of course, before the ultimate build out of the property, we'll definitely need to have all of the improvements in place because, you know, at a certain point, the capacity is, the existing capacity is

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met and additional improvements are going to be needed to accommodate. So the Department of Transportation has provided us with correspondence that's attached to the report and our engineering staff has also been working with the engineering staff, Mr. Nolly again and staff over at the Department of Public Works as well. So once we arrive at a plan that is, you know, signed off on by both agencies, of course, that'll be part of the reporting that'll come back to you all.

COUNCILMEMBER VICTORINO: Thank you and I thank you for the update. The last question I have for you--Mr. Chair, if I may--is the affordable housing for HC&S or these A&B workers. How many housing, how many units are you looking to dedicate to them? Or to the affordable housing portion?

MR. CHUN: Yeah, it's 170 affordable housing units. It's not exclusively for HC&S workers.

COUNCILMEMBER VICTORINO: Understood, yeah.

MR. CHUN: But we're just reaching out to them at this point with the homebuyer education training so that they'll be ready when the time comes should they be interested in acquiring a residence. But it's amazing when you meet with them, you know, because a lot of them have more than one home.

COUNCILMEMBER VICTORINO: Right.

COUNCILMEMBER BAISA: Yes.

MR. CHUN: It's very, it's actually makes you kind of, wow, you know.

COUNCILMEMBER BAISA: Yeah.

COUNCILMEMBER VICTORINO: Well, I agree. They are very frugal people --

MR. CHUN: Yeah.

COUNCILMEMBER VICTORINO: --and way ahead of their time but I'm hoping that this will help those who don't have --

MR. CHUN: Right.

COUNCILMEMBER VICTORINO: --and need an opportunity. This will be the opportunity, at least one of many, you know --

MR. CHUN: Yeah.

COUNCILMEMBER VICTORINO: --whether it's Waikapu or this or Waiale. We've talked about it for so long, we'd just like to make sure it comes to fruition. . . .(inaudible). . .

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MR. CHUN: Yeah. Something we're doing too that you might be interested in is --

COUNCILMEMBER VICTORINO: Yes.

MR. CHUN: --the opportunity is also available to the adult children of the employees.

COUNCILMEMBER VICTORINO: Oh okay.

MR. CHUN: So even if the adult children don't, you know, work for the company, they're also eligible to, you know, sign up and go through the classes and, 'cause many of the adult children have not yet --

COUNCILMEMBER VICTORINO: Yeah.

MR. CHUN: --gone down the path of home ownership --

COUNCILMEMBER VICTORINO: Home ownership.

MR. CHUN: --yeah.

COUNCILMEMBER VICTORINO: Thank you. I appreciate that. I think that's good news as far as our community's concerned. Thank you, Mr. Chun. Thank you, Chair.

CHAIR COUCH: Thank you, Mr. Victorino. Ms. Baisa? I know where you're going 'cause I've written it down too.

COUNCILMEMBER BAISA: Thank you very much, Chair. I don't so much have a question but I do want to make a few comments. I think it's really important, Grant, and I want to thank you and A&B very, very much for the leadership that you show in this area. You know, I'm from the generation where we left plantation homes and you built the Dream City and for people that are new to Maui, the Dream City is what we know now as the old increments in Kahului, where people left plantation housing and got homes of their own. And so you've been a leader and this is kind of your legacy, your history, and it's nice to see that it continues because we know that you'll get it done and I think that's the important part. Also, even with the water development, you know, your ability to work with the County and come up with a plan that benefits everyone and get it done. I know it's well recognized and I personally want to thank all of you for your leadership in this area. Maui is lucky to have you. Thank you.

MR. CHUN: Thank you very much.

CHAIR COUCH: Thank you, Ms. Baisa. Members, any questions? I have a couple. One, where, this is where I thought Ms. Baisa was going but I guess I missed it, Ms. Cochran talked about water and we had our discussion yesterday that irrigation water is between 60 and 80 percent of the use of water on Maui in general. So if you're doing, potentially doing a well, are you going to have separate, maybe have that

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well just be for irrigation, 'cause that's 60 percent of the, at least 60 percent of the use? That's A. B, we also talked about in Ms. Baisa's committee, gray water systems for single-family homes that can help alleviate a lot of that need for extra water, reuse the water and not have it go into the sewage capacity as well. So there were some really nice systems that were shown on the presentation yesterday and they said if you get, if you do it as the house is being built, it's much, much cheaper and it might be a model thing that you guys can put out there, saying, hey look we're doing gray water, what's allowed by the State. So I would ask if you've thought of that? If not, would you be interested in looking into something like that?

MR. CHUN: On the first question, yes. We are pursuing a strategy whereby the irrigation water will be provided by a non-potable well in close proximity to the property. On the second question, we may have gone down that path as far as looking at gray water systems. I can get back to you on that. I don't know the answer to that question but I can respond to you in --

COUNCILMEMBER BAISA: Chair?

MR. CHUN: --the future.

CHAIR COUCH: Yeah. Ms. Baisa?

COUNCILMEMBER BAISA: We all had a learning experience yesterday and, you know, I've been following gray water for many years and I really would like to see it become part of our building process. It's better that you put it in at the time that you build the subdivision, build the homes, because to retrofit is very inconvenient. And also this not only saves potable water, that you're not going to be using that to irrigate your yard or your stuff, but it also helps with output that goes into the sewer system. And so that helps this problem that we have of what to do with our R-1 water and, you know, having to build bigger treatment facilities and whatever. So down the road, the cost is a big saving to the community but we have to change the way we think and we gotta do it when we build. And it's not that big a deal if you do it when you build. So if you might take a look at it, I would really appreciate it and we'll help you in any way we can. Thank you.

MR. CHUN: Thank you.

CHAIR COUCH: Thank you. And the other question I had is something we've talked about before and it has to do with the traffic. Any headway--and I just want to get this in public and on the record--any headway with looking at the, looks like a road lot right in front of your property but I think it's State owned property, I can't, I'm not sure where the boundaries are but there is, if you come off the light at North Kihei Road, Piilani and Mokulele, if you go right in there and take a right, right in front of your property is a great area --

MR. CHUN: Yeah.

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CHAIR COUCH: --if, that would alleviate a lot of the issues that I think this body has on traffic if you can get people out there. And I know you're having a hard time with the Department of Transportation and anything that this body or we can do to keep poking at that, I don't know where, what you're, where you are on that right now.

MR. CHUN: Yeah, thank you, Mr. Couch. You've been so diligent in following up on that particular strategy. I don't know how many of you can actually picture the property but yeah, it is actually set in pretty far from the pavement. The State right-of-way is actually fairly wide and so there's a large, it almost looks like a pasture sort of area in front of the property that's actually part of the State right-of-way. And, yeah, no, our engineers have broached that with them, indicating, you know, your interest in that strategy as a potential vehicle for alleviating traffic concerns. So, we, you know, we'll continue to have that discussion. Honestly, it's, I, I'm not sure how receptive they've been to date. Originally, as you may recall, the project design did call for right-in, right-out access point into that space and got, the application actually got through the State Land Use Commission and State DOT was fine with it but ultimately when it got to the County level, State DOT wasn't fine with it anymore. And so from some folks' perspective over there, it's like, asked and answered, we already told you we didn't like that, right, so, but we'll ...

CHAIR COUCH: Yeah, but that's slightly different, right? You were going to do the right-in and out in between the light and Kaiwahine light. My thought was just bring it right to that light.

MR. CHUN: To the next light over?

CHAIR COUCH: Yeah. And, that might, I don't know, I'm having a meeting with DOT on Monday so maybe I'll bring that up and ask him if that's--Mr. Garneau, if you're going to be there, let's bring that up. Thanks. Alright, now you also said the status in the August, on Condition 5 on the TIAR, says in August 2014 an updated traffic analysis was submitted for review. It has been accepted and we got a copy of the letter as accepted but what were the changes? What was updated in the TIAR, 'cause that wasn't included in here?

MR. CHUN: Essentially, the TIAR provided the DOT with information concerning existing capacity and helped them to make a call as far as what would be most prudent in terms of implementation of the improvements or construction of the future improvements at Piilani and --

CHAIR COUCH: Kaiwahine.

MR. CHUN: --Kaiwahine. Yeah, so the, at this point, what they arrived at is actually very good for the affordables, yeah, because we're able to do the affordables upfront without having to delay, basically by two years, for those roadway improvements at Kaiwahine and Piilani. However, at the 175th, I think--we have 170 affordables--and

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the way the State has read it, at the 175th unit we need to get the ball rolling and move forward with the improvements. So essentially it's sort of interesting how, and maybe it's this larger discussion about housing and affordability and stuff, it seems like ducks are falling in line and people are acknowledging what role they can play to facilitate the provision of these homes to these families, you know, and so we're actually happy that the phasing is going to be able to accommodate that.

CHAIR COUCH: Okay, thank you. Members, any further questions for Mr. Chun? Oh, the Department?

MR. SPENCE: Thank you, Mr. Chairman. Maybe we should, I don't know if this went to the Committee. We have a May 26 letter from the Department of Transportation.

CHAIR COUCH: Yes, we have that on the back of his report.

MR. SPENCE: Okay, so that, where it says they can put off the improvements to Piilani Highway, Kaiwahine Street Intersection improvements prior to the Certificate of Occupancy for the 175th and 275th dwelling units. So, you know, I just want to make sure that the Committee is aware of that. The original condition talked about doing it prior to the occupancy of the first dwelling unit or as may be subsequently determined by DOT and also Department of Public Works. So it's not just DOT that has to agree to this, it's also our Public Works Department. So --

CHAIR COUCH: Okay.

MR. SPENCE: --that's a, to me, that's a significant change from what was originally envisioned and I just, I think the Committee should be aware of that.

CHAIR COUCH: And, Mr. Chun, have you talked with the Department of Public Works on that change as well?

MR. CHUN: Yes, sir. So our engineering staff is, as I said, in discussions with Department of Public Works and they are in the process of drafting what we think will be an additional layer of interim improvements that they're going to be looking for between now and when the end of the affordable housing construction is done.

CHAIR COUCH: Okay. And I'm not sure how to read the, that number 2, because it says, improvements prior to the certificate of occupancy for the 175th and 275th --

MR. CHUN: Yeah, I was reading as well and what they ...

CHAIR COUCH: --respectively. What do they mean by that?

MR. CHUN: Yeah, respectively. So 175th, by the 175th number one has to occur, submit design plans, and by the 275th, construction has to be completed. That's how they phrased it.

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CHAIR COUCH: Okay. That's even more --

MR. SPENCE: Yeah.

CHAIR COUCH: --challenging --

MR. SPENCE: Yeah.

CHAIR COUCH: --because, so you're saying you don't have to do the, or they say you don't have to do the improvements until the 275th dwelling?

MR. CHUN: You don't have to complete the improvements.

CHAIR COUCH: Complete?

MR. CHUN: Yeah. Yeah.

MR. SPENCE: And, Mr. Chairman, it says, the letter from DOT says, prior to the Certificate of Occupancy for the, you know, for the 175th and the 275th. And thank you, Mr. Chun, for that clarification. The, when we, we don't issue Certificates --

CHAIR COUCH: Yeah.

MR. SPENCE: --of Occupancy for dwellings. The original condition says, prior to the occupancy. So in other words if, you could go up to the occupancy of the 275th unit before these improvements have to be in place.

CHAIR COUCH: So that, what that tells me is they have to finish the improvements before they --

MR. CHUN: Can occupy.

CHAIR COUCH: --can occupy the 275th unit.

MR. SPENCE: That's correct.

CHAIR COUCH: At least it's not start, which is what I first thought it was. So I'm glad it's complete. But, yeah, that's 275, almost 300 units prior to getting those things fixed. And the TIAR, essentially said that that was a viable ...

MR. CHUN: The TIAR identified existing capacity, so, yes. Two hundred seventy-five is not even half the project --

CHAIR COUCH: Right.

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MR. CHUN: --you know. So it's a much larger project so.

CHAIR COUCH: Okay. I note the Department's concern and I kinda have those concerns too but, like I said, we'll see if we can push for that other as well. But I see the point in that you are required for 170 affordable homes, is that right?

MR. CHUN: We're, no, actually thanks for that clarification. We're not required to do that many homes but we're doing 'em.

CHAIR COUCH: Oh, okay. Alright. And you're doing them all at once --

MR. CHUN: Yes, we are --

CHAIR COUCH: --at the beginning?

MR. CHUN: --upfront.

CHAIR COUCH: Okay. That's actually commendable because usually the, with all the improvements and the subsidy on the homes that you're going to need to sell some market rate. So you're basically subsidizing for the period between the affordable homes and the market homes. So thank you for that. And I see why they've done that. It's still a little disconcerting only in that that might be a lot of cars without any improvements at 175. But I don't know. Department, because the condition did say or whatever the Department of Transportation says, is that in compliance with the ...

MR. SPENCE: Yeah. It, Mr. Chairman, the condition says, as may subsequently be determined by State DOT at no cost to the State of Hawaii, et cetera, provided that any such determinations are substantiated by the findings of new updated TIAR report that is reviewed and accepted by DOT and Department of Public Works.

CHAIR COUCH: Okay.

MR. SPENCE: So, our Department of Public Works still has to review and approve it.

CHAIR COUCH: Okay. So that will be a requirement?

MR. CHUN: We're working on that, yes.

CHAIR COUCH: Okay. Thank you. Thank you for pointing that out. Any further comment on that? Mr. Spence?

MR. SPENCE: No, Mr. Chairman, this is your condition.

CHAIR COUCH: Members, any thoughts on that? Okay. Any further questions for Mr. Chun?

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MR. SPENCE: Mr. Chairman?

CHAIR COUCH: Yes ...

MR. SPENCE: Do you want to talk about that?

MS. CUA: I can.

CHAIR COUCH: Sure.

MS. CUA: We do have one other comment.

CHAIR COUCH: Please identify yourself, Ms. Cua, for the record.

MS. CUA: Sorry, Ann Cua, Senior Planner at the Planning Department. We do have one other comment relative to Condition number 1. Condition number 1 states that in order to meet the goals and objectives of the Kihei-Makena Community Plan, Maui Island Plan and Countywide Policy Plan, A&B shall provide an open space greenway with pedestrian walkways and bicycle paths throughout the project area with connectively to the Waiakoa Gulch and adjoining residential areas within the timeframe for completion of backbone infrastructure improvements, et cetera, et cetera, et cetera. Plans for pedestrian walkway and bicycle paths as they relate to each increment of the project shall be provided to the Department of Planning for review and evaluation for consistency with the General Plan documents prior to final subdivision approval for this increment. So, you know, this is one condition that the Department is going to have to work with the applicant on. We have recently been submitted some plans that shows bikeways and sidewalks, some little pocket parks, but we have to be able to say that the plans comply with the condition that says they're providing an open space greenway with pedestrian walkways and bicycle pathways. So we are going to have to, the applicant's going to have to be working with us on that.

CHAIR COUCH: Okay. Mr. Spence?

MR. SPENCE: And just, the preliminary drawings that we've seen, the bike path is pretty much a striped area on the roadway. It's not a different, you know, it's not a separate bike path, it's just like you would see on any roadway with the County. It's hard to say that that's a greenway. And pedestrian walkways, you know, there's sidewalks. It's, we're wrestling, just really honestly, we're wrestling that this meets, what we've seen thus far meets this condition.

CHAIR COUCH: Okay. I, part of that is, I mean, you guys have to work with them on that and, Mr. Chun, you're aware of, I'm sure, of our complete streets policy. It's not an ordinance yet but we're working on that, but our complete streets policy and a big push for greenways, separate bike paths, so I encourage you to work with the Department to see how that fits in. The stuff, unfortunately Hookele was approved

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long before we got into this mode and it is a disappointment for bike paths. In fact, there aren't any. There's no room. It sounds like there's a new child that's happening, congratulations.

COUNCILMEMBER BAISA: Almost, almost.

CHAIR COUCH: Almost, okay, sorry. Anyway, so Hookele is a bit of, is a big disappointment with the community because they see a brand new road and I have to keep telling everybody, well that was approved long before we got into this mode. The airport access road is a little bit better. They've got a really wide bike lane, but, again, it's not separate, but there is enough right-of-way that people are considering doing a private one right next to it. So there is a huge push and because it's bare dirt right now, you have a really good opportunity to showcase a good internal bikeways, and I know that several of the, at least the R&T Park development, we've got that same, you know, we've asked them to really consider doing the greenways. And I think we put that in the form-based code and I know that the Kaonoulu Village is planning on doing that as well. So --

MR. CHUN: Okay.

CHAIR COUCH: --that would be a perfect tie in to that whole area. So I encourage you to work strongly with the Department and listen to what they have to say as to --

MR. CHUN: Sure.

CHAIR COUCH: --as to how to do that so. I have concerns when the Department has concerns, so please keep in mind that this Council has, is very amenable to well-designed greenways and bike paths.

MR. CHUN: Yes, sir.

CHAIR COUCH: Okay. Members, any other questions, comments? Seeing none, thank you, Mr. Chun.

MR. CHUN: Thank you very much.

CHAIR COUCH: Good job on that and hopefully we'll see some stuff happening pretty soon, by the next time.

MR. CHUN: Yeah.

CHAIR COUCH: Get some people in some affordable homes. Okay, alright. Members, without any objection, we'll defer that one?

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COUNCILMEMBERS VOICED NO OBJECTIONS.

ACTION: DEFER.

**PC-9 FAMILY CHILD CARE HOMES WITHIN THE AGRICULTURAL DISTRICTS
(CC 14-175)**

CHAIR COUCH: Okay, next up is Family Child Care Homes Within Agricultural Districts. Members, we're in receipt of the following: County Communication No. 14-175, from Councilmember Don Guzman, transmitting a proposed resolution to refer to the Planning Commissions a proposed bill to allow family child care homes as an accessory use within the Agricultural Districts; and also a correspondence dated March 20, 2015, from the Planning Director, transmitting comments in response to Resolution 14-81, referring to the Planning Commissions a proposed bill to allow family child care homes as an accessory use within the Agricultural Districts. We also received a correspondence dated August 13, 2015, from Committee Chair, me, transmitting a revised proposed bill entitled a Bill for an Ordinance Amending the Comprehensive Zoning Ordinance to Allow Family Child Care Homes Within the Agricultural District. The purpose of the proposed bill is to allow family child care homes as an accessory use within the Agricultural Districts. So this is something we sent out and has come back from the Commissions and I would like the Department to talk about it a little bit and I know Mr. Hopper has some comments as well. So, Mr. Spence, first, or Mr. Alueta. Welcome, Mr. Alueta.

MR. ALUETA: Thank you, Mr. Chair.

CHAIR COUCH: And please identify yourself for the recording as well.

MR. ALUETA: I'm Joseph Alueta. I'm the Administrative Planning Officer with the Planning Department. This is, we view this amendment as pretty much a housekeeping item. We did not necessarily mean that it, we didn't necessarily see the amendment to Title 19 as a necessity but it does provide clarity for the general public. Essentially the State law exerted its authority to basically say these would be allowed within the Agricultural District, preempting the County from establishing restrictions. So we did not feel it was necessary. We were, once that State law passed then we were administering it as such but this does provide clarity and we felt it was needed. None of the Commissions voiced any concern over the, saw the limitations of it and saw it as a housekeeping matter as far as changes to the Code.

CHAIR COUCH: Okay. And really appreciate that, putting that in there anyway because it's a situation where if somebody's looking at Title 19 right here and they don't know about this Chapter 346, Hawaii Revised Statutes, they, you know, it's just another way to make it simpler for, like you said, the public to take a look at this and say, oh, this is allowed and move on from there. Mr. Hopper, you have a question or concern?

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MR. HOPPER: Yes, Mr. Chair. We have, we're reviewing this bill as to form and legality and it should be approved soon. But the one change that we would recommend is the State law actually does define family child care home and it says, means a private residence, including an apartment unit or a townhouse as those terms are defined in 502C-1 at which care may be provided for one to no more than six children who are unrelated to the caregiver by blood, marriage or adoption at any given time. So it's not a, kind of a whatever you want to do definition. It actually is a relatively limited definition. So the suggestion would be to change the listed use to--right now it says family child care homes registered pursuant to Chapter 346, Hawaii Revised Statutes, provided that the family child care home is located in a farm dwelling and that's definitely consistent with the State law but I think maybe by additional clarity it should say, family child care homes as defined in Section 46-15.35(b), Hawaii Revised Statutes. That would be the suggestion because that's what the State law definition is and that is limited to one to six children, which is maybe different than the County, if the County just says family child care home without a definition, that might be unclear.

CHAIR COUCH: Okay. Members, any concerns or questions on that? Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. I did submit this ordinance in I believe it was July 1, 2014 and then the House Bill 2560 passed and was signed into law I believe July 9th by Neil Abercrombie allowing these type of child care homes in the Agricultural/Residential zoned areas. One of the main reasons why I put this forth prior to the State passing it was the, I guess the need to have these child care facilities closer to residential areas in the Ag zoned instead of having to drive them into town, drive the children into town and have those additional hours spent on the road while these kids could stay in the Agricultural District area. One of the concerns that I have was the long delay in this coming forth. This was back in 2014. If it was as simple as what has been stated in the transmission, that because the State law passed, their provision to allow child care facilities or child care homes in the Agricultural District, they're saying in this transmission that it was pretty much moot to even include it in our County ordinances so I'm getting mixed messages here. I get an opinion from a Corp. Counsel saying that look, we can be more restrictive but then I get another letter from Planning saying that because State law says it then we don't really need to do anything except for add it into our ordinances to clarify.

CHAIR COUCH: Uh-huh.

COUNCILMEMBER GUZMAN: I want a clear explanation as to why there is this type of confusion or at least I'm getting confused because of the fact that in the letter itself it says that we don't really need to add it because State law trumps, that's the word in here --

CHAIR COUCH: Yep.

COUNCILMEMBER GUZMAN: --trumps County --

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CHAIR COUCH: Uh-huh.

COUNCILMEMBER GUZMAN: --land use zoning restrictions.

CHAIR COUCH: Right.

COUNCILMEMBER GUZMAN: So explain to me ...

CHAIR COUCH: Well, from ...

MR. HOPPER: Can I ...

CHAIR COUCH: Yeah, let me give it a shot first but it's more of a, for me, having to deal with Title 19 all the time, it's better to have the listed uses in our ordinance as well, the allowed uses so.

COUNCILMEMBER GUZMAN: No, no, I totally --

CHAIR COUCH: Yeah.

COUNCILMEMBER GUZMAN: --agree with that. But just a few minutes ago, it sounded as though there has been already maybe people utilizing the State law even though it's not indicated or it's not a permissible use in our County ordinances.

CHAIR COUCH: Mr. Hopper?

MR. HOPPER: Thank you, Mr. Chair. This is a very different issue than the State having a listed use in HRS 205-2 or 4.5. This is actually in Section 46-15.35 and it specifically manifests a clear intent to preempt County zoning. It says in this section, for purposes of zoning, family child care homes shall be considered a residential use of property and shall be a permitted use in all Residentially designated zones, including but not limited to zones for single-family dwellings. That's not State law zones, that's County zones and the State does have the authority when it gives the counties the authority to zone, give exceptions to that. It also says, and this is the new language, considered a permitted use in all Agriculturally designated districts provided that the family child care home is located in a farm dwelling, notwithstanding Sections 205-2 and 205-4.5. And it also says, no Conditional Use Permit, variance or special exception shall be required for residences used as family child care homes and then it gives a definition. This is different than what we had with the commercial agricultural structures and I don't recall exactly what the State name was for it. When they listed that as a permitted use in HRS 205-2, those are the State's own districts but it doesn't specifically say, like this section does, that counties are basically preempted from enacting, you can enact restrictions on things that don't meet the family child care home definition but it does say that these uses are considered a residential use and allowed in all Residential zoning in the County districts. If this same thing was done

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with respect to commercial agricultural structures, if it said, commercial agricultural structures shall be considered a permitted use and no County zoning ordinance can require a Conditional Use Permit, variance or special exception, then we'd be talking about more similar bills but this is a different ordinance and a different bill than the one we're talking about with respect to commercial agricultural structures. In general ...

COUNCILMEMBER GUZMAN: Mr. Hopper, I'm going to cut you short because we're getting a little bit off track. I will discuss that other matter with you later but it's clear that there's a difference, you know, I understand what you're saying. So I'm off that topic, you know, I'm clearly okay with ...

CHAIR COUCH: You understand why the differences?

COUNCILMEMBER GUZMAN: Yeah, it sounds as though they may have put in --

CHAIR COUCH: They pretty much told us --

COUNCILMEMBER GUZMAN: --specific language, yeah.

CHAIR COUCH: --we have to do that.

COUNCILMEMBER GUZMAN: Okay.

CHAIR COUCH: So --

COUNCILMEMBER GUZMAN: That's fine.

CHAIR COUCH: --instead of having to look for it in HRS, we put it in ours because we're told we have to put it in ours.

COUNCILMEMBER GUZMAN: Right, right. Well, that's fine. The other concern that I had was the delay, you know, it was, we're talking about more than a year for a simple clarification on this.

CHAIR COUCH: Well it had to go through all the Planning committees, Commissions. We got it in March and we scheduled it right, as soon as we could in our docket. We've got a huge docket.

COUNCILMEMBER GUZMAN: But, no, I actually thank you, Chair, for putting this forth and bringing it --

CHAIR COUCH: Uh-huh.

COUNCILMEMBER GUZMAN: --in a more efficient or expeditious way, manner so. It's a good bill and it's actually going to help a lot of people --

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CHAIR COUCH: Yep.

COUNCILMEMBER GUZMAN: --with their child care. Okay. Thank you.

CHAIR COUCH: Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you very much for putting this before us today and I agree the time has come and I'm very excited that we're finally going to do it. During the State process I was very actively involved in lobbying for this bill, followed it very closely, with a lot of urging from my Upcountry constituents and they were very active in it too. And I was very pleased that a lot of the ladies that, you know, do this, they spoke up and they went to Honolulu, did everything they had to do. And so they really want this and this is very important to Upcountry, so I hope that my colleagues will support it. And I thank Member Guzman for the work on it. Thank you.

CHAIR COUCH: Okay. Anybody else?

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And, yes, I want to commend Mr. Guzman for pushing this forward and I think the timeline is quite delayed but here we are today, so thankful for that. This is just kind of housekeeping and just a general question I think.

CHAIR COUCH: Uh-huh.

COUNCILMEMBER COCHRAN: In regards to the overall document, why was the spelling of our islands changed? I mean it has Moloka`i with the okina, then you have omitted it, so I just wanted to know, is that, sorry if it's kind of a benign question to ask. But I am sort of wondering.

CHAIR COUCH: Mr. Molina?

MR. MOLINA: Thank you, Mr. Chair. That was a drafting preference of OCS. We don't have, I guess, you know, a good handle on what the appropriate use of okinas and kahakos should be and so to avoid that mistake, the preference is to omit them.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: I think that come up on a couple other committees as well, it's an OCS ...

COUNCILMEMBER COCHRAN: Okay. Chair?

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CHAIR COUCH: For the public, that's Office of Council Services.

COUNCILMEMBER COCHRAN: Right. And so from here on out we're going to be writing our islands and Hawaiian names, proper name places, because when we're not sure? We don't have anyone here that's ...

CHAIR COUCH: I think that would be a subject you want to bring up at a Chair's meeting, probably, with the Chair.

COUNCILMEMBER COCHRAN: Okay, alright. I, just seemed odd to me.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: But, Chair, just a note. In original Hawaiian language, there were not such glottal stops and what have you. The Hawaiian people already knew how to pronounce things without those --

CHAIR COUCH: Uh-huh.

COUNCILMEMBER COCHRAN: --stoppages were there naturally 'cause you were taught that. Okay.

CHAIR COUCH: Okay?

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR COUCH: Thank you. Members, any further discussion? So the first thing I would like to do is, without objection, is add that language that Mr. Hopper talked about. And, Mr. Hopper, can you rephrase the...Members, it's Page 3 of the bill that is attached to the March 20th Department of Planning correspondence.

MR. HOPPER: Mr. Chair, the suggestion was to state, family child care homes as defined in Section 46-15.35(b), Hawaii Revised Statutes. That's the State law definition and that's kind of the, I think that was the intent but if that's undefined, it may be unclear in the County Code what a family child care home --

CHAIR COUCH: Okay.

MR. HOPPER: --is.

CHAIR COUCH: So just referring to the definition in HRS?

MR. HOPPER: Yes, that would be the recommendation unless someone's going to try to, you know, say well a family child care homes not limited to one through six children and then we're getting into beyond what the State law is discussing.

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CHAIR COUCH: Okay. Members, any objections to adding that language before we make the...okay.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Staff, you have that?

MR. MOLINA: Mr. Chair, can I request a brief recess?

CHAIR COUCH: Okay, short recess. . . . *(gavel)* . . .

RECESS: 10:08 a.m.

RECONVENE: 10:09 a.m.

CHAIR COUCH: . . . *(gavel)* . . . Will the Planning Committee meeting of August 20, 2015 please come back to order? Okay, so we're gonna, Members, we're gonna be getting that language when the Corporation Counsel approves it to form and legality if we have consensus of putting that language in. Any objections?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: No objections, okay. Alright, that being said, any further discussion on this one? Alright, hearing none, Chair's willing to give his recommendation.

COUNCILMEMBERS: Recommendation.

CHAIR COUCH: Okay. It's the Chair's recommendation that, I will entertain a motion to recommend passage on first reading of the revised proposed bill entitled A Bill for an Ordinance Amending the Comprehensive Zoning Ordinance to Allow Family Child Care Homes within the Agricultural District; incorporating any nonsubstantive revisions and filing of County Communication 14-175. Mr. Guzman?

COUNCILMEMBER GUZMAN: So moved. Thank you, Chair.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

COUNCILMEMBER WHITE: Second.

CHAIR COUCH: Okay, it's moved by Member Guzman, seconded by Member Victorino and Member White. Members, any discussion? Okay, all those in favor, please say "aye."

COUNCILMEMBERS VOICED AYE.

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when people come to the Department and they want their building permits signed off, the things we look at, they really all could be considered kitchens. We would like to differentiate that so we can say, okay you have your kitchen, but then you can have, you know, however many wet bars. So we're looking to clarify that. It's, we see abuses of it but we also see the need. If the law is just clear, we can go ahead and more easily sign off on building permits. And thank you to your Staff, Jordan Molina, for working with us.

CHAIR COUCH: Okay. Members, our last discussion talked about--and we still will bring that up, I think, as an item--number of kitchens in a home. If, Staff, you can remind me to get that letter out. But this is just about the wet bars at this point.

MR. SPENCE: Right.

CHAIR COUCH: There was comments, there were comments, maybe unlimited. I heard unlimited thrown around and other comments were it depends on number of bathrooms. This is what I came up with after talking with that but I'm not married to this one. We, right now, the dwelling unit, it talks about a single kitchen and no more than two wet bars. We defined, thanks to Mr. Molina, we actually also defined kitchen to also say, not including a wet bar, and added a few other things to further define kitchen as well. And then we added, I believe, ice makers to be allowed there, a small mixing or blending appliance and I think coffee makers were already allowed. And we also said what wasn't allowed was a 220 electric volt electrical outlet and we also, I think, added a dishwashing machine and garbage disposal. But other than that, any further comments on this, any further thoughts? I mean, we can go back and forth all day on the number per unit. We should start with something, or per dwelling unit, so we start with something. So I started with two and we'll see how, it was the thought to see how the Department can handle that in their approving, approval of permits. Questions? Thoughts? I see Mr. White is churning so I'm going to give him some time to formulate his thoughts. Anybody else? Mr. White, Chair White?

COUNCILMEMBER WHITE: Thank you. And I noticed that you have, and no more than two wet bars.

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: If the Department could please give us some insight as to how they came up with two only?

MR. ALUETA: We had a meeting and we threw out two to start with and we'll let you guys figure it out. Honestly, that's how we did it. I mean, we don't feel that three or, I mean, we just couldn't figure out, you know, number of permutations and we felt that given the, you gonna have one kitchen and up to two wet bars. We've batted around square footages; we batted around one per floor, if you have two, that means you have one per floor. If you have, if you're a single story and you have a huge mansion, you have a west wing and an east wing of your house, you can have a kitchen in the

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middle and one wet bar on each wing. We just felt it was a good, we thought one was a good starting point but after our meetings with you and that didn't seem to be adequate for Council, we thought we'll come up to two and, but the bottom line is we just want something we can enforce. So we'll throw it back into your court and see how you do.

COUNCILMEMBER WHITE: You know what happens when we have a lack of direction.

MR. SPENCE: And a little bit more on that. We really thought about, we thought a lot about unlimited, and according to the number of bathrooms and just felt like that was too open ended and very broad. Mostly what we focused on within the Department was should be two or three. And so we're just coming back to thinking, you know, your average house, you're gonna have, you know, say your average house in Kapalua or Wailea, you're gonna have your kitchen downstairs, you're gonna have your media room or other, some other kind of entertainment room so there's your first wet bar and then upstairs would be a second. But, you know, that's, you know, some people have basements, so, you know, not me, but I think, you know, people would want a wet bar in a basement. So we mostly focused on, seemed most reasonable to us to have two or three.

COUNCILMEMBER WHITE: That's kinda hard to argue with. I don't have one at all.

CHAIR COUCH: Neither do I. Okay, Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much and I like your remark earlier about churning. I've been sitting here churning too because this issue of the wet bar is very complicated and I understand why it is an issue and I understand why the wet bar has been abused and, you know, people put in a sink and then before you know it they have a kitchen, and I understand that. It's because of the housing situation that we have. Also there's people that, you know, always are clever and figure out how to get around stuff. I don't get excited about this at all. You know, people are going to do what people are going to do and I don't know that we'll be able to go into homes and stop people from turning the wet bar into a kitchen or putting a stove or whatever they want to put wherever they going to do it until we catch them. So I can, you know, support the group's recommendation, whatever it is. But, you know, I don't like the definition. I really am concerned about the idea of not even allowing a microwave. You know, in today's world, a microwave is almost as essential as the coffee pot or a toaster oven or whatever. I mean, if you're gonna have a wet bar, obviously when you do drinks, you're gonna do pupus. And nowadays with everything coming frozen and all you have to do is pop it in a microwave, put it on a plate, you're not gonna go from one side of the house to the other to get a, you know, to heat up your pizza pockets or whatever it is you're having, to serve your guests if you're in one of these huge homes. And I'm laughing at the definition of average house. Yesterday morning there was a very interesting headline in the Honolulu paper about the house that sold on Maui for 41 million. That definitely is not an average house and I think that's the problem is that, you know, no longer is the average house the three bedroom, two bath. It's, the

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definition is huge. We have lots and lots of luxury homes being built on Maui and they will need and want to have this kind of accommodation. Maybe, I've been thinking about this and saying, should this law have some kind of an index to the size of the home. You know, the other night we had that cesspool meeting and I found it very interesting that they chose in order for you to expand your cesspool or go to a septic tank, if you add an extra bedroom, then you have to do it. They didn't care if you add another bathroom, which I think was really interesting when you're talking about waste. You'd think they'd be talking about an extra bathroom but they chose bedroom, if you add another bedroom then you gotta fix your cesspool. It doesn't make any sense. So this is more complicated than just picking one or two and I really think that maybe we gotta have big house, little house, added in here somewhere. Now it's very confusing, like I said, I'm not wedded to any of this, like you, but I think there's more to it than one or two. Thank you.

CHAIR COUCH: Okay. Mr. Guzman and then Mr. Victorino.

COUNCILMEMBER GUZMAN: Thank you, Chair. I always like it when Ms. Baisa comments. She makes things very plain and easy to understand. So I really do agree with what she's saying, that, yeah, microwaves are essential to a wet bar, you know. When do you go to a, you know, watch a football game without eating those pizza pockets or those, you know, the microwave type of nacho cheese. I know they have those nacho cheese that you've gotta mic up and melt down a little bit. But in, anyway, when you, and for the Department, when you were discussing the amount of, the number of wet bars and you had mentioned that size, going by square footage of the house was brought up, what was the discussion, the pros and cons of determining, using that method in determining the amount of wet bars?

MR. SPENCE: It was just a matter of keeping it simple. But, you know, we could, we can still discuss, you know, two wet bars for a house up to whatever, 4,000 square feet, another one for up to 6,000 or something. I'm just pulling numbers out of the air. We can, you know, we can discuss that too.

COUNCILMEMBER GUZMAN: So it was, there wasn't really anything substantially that hindered the ability for you to expand it --

MR. SPENCE: No. It was...

COUNCILMEMBER GUZMAN: --or at least base it off of square footage of the house?

MR. SPENCE: Yeah, we can still do that. It was more trying to keep the ordinance simple.

COUNCILMEMBER GUZMAN: Okay.

MR. SPENCE: Sometimes, you know, we get into some really complex ordinances and the more complex it gets, the more interpretation there is, the more what if this, what if that, how 'bout if I just do this with my house and then, you start, you know, you

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start stretching your brain a little bit going, oh maybe in this case but what about the next case and simpler is sometimes better.

COUNCILMEMBER GUZMAN: So that is still open for discussion?

MR. SPENCE: Yes.

COUNCILMEMBER GUZMAN: Okay. Another one was the, within the definition, the under the counter refrigeration. I know that I've seen these smaller refrigerators on top of the counter--and they're small--and I think sometimes people have back problems, you know, and they have to come, bend down and it's so much easier when it's on the counter. And it's just a small little refrigerator and they open it up and, you know, I don't why you wouldn't, you know, why is it have to be under counter refrigeration?

MR. SPENCE: Mostly because, and this is in the context of, part of the discussion we had last time is maybe we need to revisit the whole idea of having two kitchens in a house. Okay, so that being said, that's, to me that's a separate issue but I think it's certainly worth discussing just with the reality that things are, the way that things are now. Under counter, I mean, somebody comes to us and says, yes, this is for serving drinks and you go okay, so you're calling it a wet bar, all five of these or however many and they're going, yes, that's exactly what they're for. And so let's, you know, you look at a wet bar, just Google it, look at the images, they all have the under the counter refrigeration. And that's, you know, I mean, realistically, somebody sets up their little frig on top of the counter, we're gonna say, hey put it under the counter. I mean, if, I don't even know if we would even, I mean we would have to investigate a complaint but I'm not sure who's going to complain about that so.

COUNCILMEMBER GUZMAN: But if it's on the counter, it's actually a violation of the --

MR. SPENCE: Okay. And we'll tell 'em...

COUNCILMEMBER GUZMAN: --ordinance. And you would have no choice or no discretion.

MR. SPENCE: We'll write 'em up and say --

COUNCILMEMBER GUZMAN: But you'd cite 'em?

MR. SPENCE: --put 'em under the counter.

COUNCILMEMBER GUZMAN: Thank you, Chair. I think Mr. Victorino has some questions too.

CHAIR COUCH: Okay.

MR. SPENCE: Yeah, we're not, you know, again, this is not out of ignorance of what current situations, the need for housing, et cetera, et cetera, or the, you know, the possibility

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that maybe houses should have, be able to have two kitchens. This is primarily when people come...and it occurs in a couple situations. It comes when people are applying for building permits and they have a large number of wet bars. Yeah, we call 'em wet bars. Just like we see a bunch of detached yoga studios with a full bathroom, with closets, with a wet bar and it's an ohana unit but people, because they call it a yoga studio, you know, they're trying to get their second ohana, you know, after having the main house and the first ohana. You know, we see that kind of stuff all the time. So this helps us in the context of reviewing and approving building permits because right now, lacking a definition of a wet bar, everything that comes before us can look really much like a kitchen. We would like to be able to differentiate the two and say, okay, you're, this is good. So that's...the other situation we run into is when we do home inspections for bed and breakfast and short-term rental homes. When we walk in and somebody goes, yeah, that's my wet bar and it looks like a lot of the photos that I showed in the PowerPoint where you have full on islands, uppers, lowers, full, you know, refrigerators and a puka for the stove whenever we leave and, you know, this body in passing bed and breakfast and short-term rental home ordinances said you need to comply with all these different laws. We go into these homes and we look and we go, that's not a wet bar, that's a kitchen and they go, no it's not. And so we get into these kind of discussions and it becomes difficult and it's a big waste of time. We'd like to be able to easily say, no this is what you need to be able to do, follow this definition and we're good. And, we run into this actually quite a bit. Sorry. I --

CHAIR COUCH: No, that's...

MR. SPENCE: --commandeered your question.

CHAIR COUCH: I believe Mr. Victorino is up next.

COUNCILMEMBER VICTORINO: Thank you. Interesting subject matter, wet bars. I mean the world has much bigger issues to deal with but wet bars, you know, I got it, I got it. Ms. Baisa kind of put it in perspective but also I agree with you. There are many, many homes around this community --

MR. SPENCE: Yeah, absolutely.

COUNCILMEMBER VICTORINO: --that you walk in, 17 bedrooms, 7 bathrooms, 8 bathrooms, 9 or 10 wet bars, kitchens, whatever you want to call 'em and each are sectioned off. And this is happening all over Maui County.

UNIDENTIFIED SPEAKER: Sure.

COUNCILMEMBER VICTORINO: It's actually happening all over the State. If you recently saw this, that murder in Honolulu, four families live in four separate dwellings, I mean, sections of one dwelling, it's happening. You know, I'm to the point where, if it helps you to do a better job, Mr. Spence, then I'm all for helping you out and to be really specific. I think when we leave things for discretion, this is what we have

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happening. I do agree, Ms. Baisa, a \$41 million house versus...and I don't know if you can find a number of homes nowadays for less than 500,000, not in Maui County, it's difficult. And I look at Central Maui and we have had a tremendous increase in large homes and they're not mega mansions, they're not even close. They're family dwellings.

MR. SPENCE: Right.

COUNCILMEMBER VICTORINO: And, you know, we could get on 'em but these are the working people that are struggling just to survive, you know. I challenge anyone right here to say differently. Whether you talking West Maui, South Maui or Central Maui, there has been a tremendous increase in large...oh, one single-family unit and all of a sudden you see a stack behind, stack on the side and all of a sudden you got eight-ten families living in one parcel. It's the way of what Maui has become. So whether it's a wet bar or kitchens or whatever you want to call it, if it makes his job easier, fine, but I will not detract from the fact that until we can build more affordable housing, affordable rentals for our working people to live in, this is the way they have to go and I'm not going to stop 'em. And I challenge anybody else in this room to stop 'em. If you wanna, you go right ahead, you ain't getting my support, not so long as I sit in this seat and I may only have 16 months but 16 months I'll fight you to the hilt as far as hurting our residents who are in dire need of someplace to live. I've said enough. Thank you.

CHAIR COUCH: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And I completely agree with Mr. Victorino and brings to mind when I'm out door knocking, there's like five different entrances and I don't if there's a main one or who is the main or what and it's, so, anyhow, that's kind of what I've experienced in walking through neighborhoods. So I know, and I hear the difficulty of the Department right now. And, again, if this is what's going to help at this point, but that whole, the microwave thing, it is a little, it seems very restrictive in a sense in this wet bar scene. I think it goes hand in hand, as Mr. Guzman said and Ms. Baisa has mentioned. So I'm, you know, which way, just have to see how we all sort of come together here. But it's a difficult one because, as Mr. Victorino described, things are occurring and it's the way of how people need to survive. It reminds, it sort of coincides with Ms. Hogan's testimony at the end in regards to the Toronto solution to their homelessness and affordable housing issue, the second suites they called it there, seems quite similar to what's happening here but we see third, fourth, fifth and sixth suites here. So thank you for bringing this up, Chair, and we'll see how this goes. Thank you. It looks like Mr. Alueta is grabbing his mic.

CHAIR COUCH: Go ahead, Mr. Alueta.

MR. ALUETA: Thank you, Mr. Chair. Again, right now, the way the definition of a kitchen is, we have, and for the most part, would be able, would call the vast majority of wet bars

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that we see to be a kitchen. The goal of this ordinance is to basically make it simpler so that we could allow a limited number of wet bars so that we can give also the public a clear answer on what they can and can't do that would qualify as a wet bar. The current code, the ordinance that we are charged with enforcing, as well as administering through our review of the building permits state that a single-family dwelling contains a single kitchen. We are proposing to expand that to allow for at least two wet bars and that would alleviate our problems, I guess, with regards to review. The separate global issue that you talk about, affordable housing, conversion of single-families into multi-family, whether you want that or not, completely separate subject. Yes, it's related. However, right now I'm just trying to be able to have my staff review a permit, be able to make a clear call on what it is, approve it or disapprove it and move on and also give the general public and the architects out there clear design features that was going to be acceptable to the Department with regards to their building permits. The other, the one thing I would like to note on, I guess, the draft is that, you know where it says, on the, mid-sentence where it's kinda, it's kind of a long sentence but where it says, such as coffee makers, and then it has, except that a wet bar may not contain, I guess from my aspect I would prefer it to have just a period and just say, a wet bar may not contain any of the following, to separate it out rather than have it as an exception, the way it's worded now. With regards to under counter refrigeration, during the initial discussion we had set up square footages; however, if you notice it says, under counter, so there's really no limit on the square footage. So somebody could, it was brought up that people who have larger homes or have a large wine collection, have several under counter wine fridges for their collection but we felt, rather than have a full fridge, which is normally a sign of a kitchen, you know, a larger fridge for food, then we feel that, we left it at under counter and that's easy, it's an easy design constraint for us to review for. I understand the microwave issue; however, that's clearly a food preparation. That's clearly within the definition for what would count as a kitchen. We do not, if somebody buys their \$49 microwave and puts it in and plugs it in, that's not an issue. I mean, we don't know about after, I mean, that's not drawn in on plans. We just put it out there 'cause, you know, if there is a complaint, we can expect that there is an appliance there for cooking and we would say, you're in violation of the plans we approved. We said you could have a wet bar. It's clearly been converted to a multi-family dwelling because there's multi kitchens. Again, we're just looking for clear directions so that we can have the ability approve a wet bar. And in this case, I guess, up to two wet bars for people. And I'll leave you guys to decide how you want to tackle affordable housing and additional accessory dwellings on, at another date.

CHAIR COUCH: Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And I don't want to make this any more complicated than it already is. And I understand the plea from the Planning Department that they want some clear guidance, but, of course, like everything we do in this Committee, nothing is easy because everything has a lot of sides and everything has a lot of positions and it affects a lot of people. And we don't want to do harm. You know, my feeling about any legislation we do is do no harm because if

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we're gonna do harm, better we do nothing. But I can only support this if we consider not having any kind of a bad effect on people that are, like I said, just struggling to try to live and if their wet bar is a kitchen, well so be it, it's happening. And we can't prevent it and we can't monitor it so --

MR. SPENCE: Right.

COUNCILMEMBER BAISA: --I don't like the hypocrisy of that. But I do think that we should look at the size of the houses that we're limiting because two wet bars in a house that is 5,000 square feet is something else in a house that is 1,000 square feet, totally, totally different. And so I also want that microwave out of there and under the counter, to me, is totally stupid. I don't care where you put the refrigerator, I have one in my office and it doesn't constitute a kitchen but I think we can make this simple and we can accomplish what they want. Thank you.

CHAIR COUCH: Thank you, Ms. Baisa. We'll have check your, you have no sink in your office though, right?

COUNCILMEMBER BAISA: No. No wet bar. I don't drink.

CHAIR COUCH: Mr. Carroll, any comments? No, you're good, alright. Members, still looks like we have some issues and I'm fine with going with the size of the house as far as the number. Department, are you okay with ...

MR. SPENCE: We can come back with and discuss ...

CHAIR COUCH: I want you to be able to get your --

COUNCILMEMBER BAISA: What you need.

CHAIR COUCH: --your stuff out, what you need to do your job.

MR. SPENCE: Thank you.

CHAIR COUCH: And I know this is kind of, we've been doing this a long time. Let's do one more round.

MR. SPENCE: Okay.

CHAIR COUCH: You heard what everybody said today. Adjust it to the size of the house. I'm guessing, taking the microwave out or what's the Committee's pleasure on that one? Taking the prohibition of microwave out?

COUNCILMEMBER BAISA: Out.

COUNCILMEMBER VICTORINO: Yeah, take it out, yeah.

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CHAIR COUCH: Okay. And we'll get together and we'll come back and hopefully that will be the last and we'll get this thing passed out.

MR. SPENCE: And...

CHAIR COUCH: Yes, Mr. Spence?

MR. SPENCE: Just one more comment.

CHAIR COUCH: Sure.

MR. SPENCE: When we get complaints about, just FYI, when we get complaints about multiple families living in the house, I don't recall a time when it was from, the complaints came from Kahului or, you know, certain parts of Lahaina, it mostly comes from Upcountry. I mean it's usually not the circumstances that everybody is referring to where you have multiple families, I mean, just trying to get by, it's people taking advantage, landlords dividing up their houses into multiple units. That's what we see most often when we get those kind of complaints.

CHAIR COUCH: Okay. Members? Ms. Baisa, it looks like you're churning now. And mister, Chair White is churning as well. Chair White first. Alright Ms. Baisa, go first.

COUNCILMEMBER WHITE: Ms. Baisa can go first.

COUNCILMEMBER BAISA: Go ahead.

CHAIR COUCH: Mr. White?

COUNCILMEMBER WHITE: I guess I'm a little conflicted on this --

CHAIR COUCH: Yeah.

COUNCILMEMBER WHITE: --because I realize that it's, you know, the purpose of this is to help the Department to enforce but at the same time I have a little bit of a difficulty with us being in a position where we're telling people what they can and cannot do with their own home. And I've shared with you some of the issues I've had with the process where I didn't want to connect, I didn't want to have a door from my living room into one of my kid's bedrooms and so I decided I wanted to connect it all by an outside lanai. I've lived in three houses in Hawaii that are similarly constructed where the access to bedrooms is from a lanai and not an interior hallway but I was told I can't do that and it took me a long, long time to finally get the approval. It was based on the fact that they were trying to impose something on me that was not in the Code.

MR. SPENCE: Right.

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COUNCILMEMBER WHITE: So, and I understand the need to enforce, and the need to have some level of control but at the same time I'm sitting here saying to myself, we're really only controlling the folks that are coming in currently for a Building Permit because we know that there's violation based on the Code all over the place. So we're choosing to tell someone who is coming in for a new Building Permit that you can't do what everyone else has done in many, many parts of the County already. So, in effect, we're saying...to Mr. Spence's comment a couple minutes ago, the complaints come from Upcountry. Well, if we're not going to enforce in Kahului--and I'm not suggesting that we do--but if we're not going to enforce in Kahului, then why should we enforce Upcountry? What, you know, what makes us a bigger target than Kahului? So, you know, I understand the direction. I understand that it will make the decision making and approval process more rapid but at the same time I'm, I have a hard time with the fact that we're telling people what they can and cannot do with real specificity but no fairness because it's already done in so many other places on the island throughout the County.

CHAIR COUCH: Okay. Mr. Spence?

MR. SPENCE: Well, I think Chairman White's illustration on his own Building Permit is a perfect example. I want to take the arbitrariness out of this. That's why we put this bill forward. It was a longstanding interpretation that had no backing in the law that you can connect, you know, via the outside and we looked at, there's nothing in the Code that says you can't, you know, it was just, it was one of those longstanding things that was just basically incorrect. So with this bill, we're looking for that kind of, we're looking for more clarity on what we can and cannot say. So that's, and again, you know, I'm pretty realistic, I know once people get their Building Permit for whatever, they're going to do a bunch of stuff with it.

CHAIR COUCH: You know, Members, this is starting to get into a bigger policy issue area --

COUNCILMEMBER BAISA: Yes.

CHAIR COUCH: --and I know they want to get something out. What are your thoughts--and I know, I'm sorry he's left right now--but what are your thoughts of bumping this up so we have the other two Members? 'Cause I know Mr. Hokama has some very strong thoughts on this. And what are your thoughts of pushing this off onto the Policy Committee only because it talks, we're talking about a bunch more policies right now. This is a big overall policy that we're going to have to discuss. Is that something...and I'm looking at Chair White, of course.

COUNCILMEMBER WHITE: Well I think all the policies have to do with Planning issues.

CHAIR COUCH: Yeah.

COUNCILMEMBER WHITE: So I think it's in the right ...

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CHAIR COUCH: Okay, alright.

COUNCILMEMBER WHITE: It's in the right Committee.

CHAIR COUCH: I mean, 'cause we, I may want to invite Mr. Hokama and Ms. Crivello to have the discussion at the next meeting.

COUNCILMEMBER WHITE: I would encourage their attendance.

CHAIR COUCH: Yeah.

COUNCILMEMBER BAISA: Right, yeah, very good idea.

CHAIR COUCH: Okay. Alright, Ms. Baisa, you had a comment?

COUNCILMEMBER BAISA: No, I've spoken enough --

CHAIR COUCH: Okay.

COUNCILMEMBER BAISA: --and I'm for a deferral. Thank you.

CHAIR COUCH: Yeah, alright.

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, deferral is great and I'd like to see more participation of the other island representatives here, but as for Mr. Alueta's very quite simple, I think, suggestion in that mid-sentence of the paragraph to kind of separate it out, I guess, 'cause he wants the period there --

CHAIR COUCH: Uh-huh.

COUNCILMEMBER COCHRAN: --instead of the colon, a semicolon, that just kind of runs on in to the except that --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --a wet bar may not, et cetera. So are you entertaining that suggestion by Mr. Alueta?

CHAIR COUCH: Yeah, we're gonna, work with the Department --

COUNCILMEMBER COCHRAN: Okay.

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CHAIR COUCH: --to come up with a better definition.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: More refined.

COUNCILMEMBER COCHRAN: I mean just to break up that --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --sentence or that whatever paragraph.

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: Okay. Thank you.

CHAIR COUCH: We'll do that. Okay, Members, without...any further comment? Without objection, we'll defer this.

COUNCILMEMBER COCHRAN: No objection.

COUNCILMEMBERS VOICED NO OBJECTIONS

CHAIR COUCH: Okay, this item is deferred.

ACTION: DEFER.

CHAIR COUCH: Members, we only have one more item and it's pretty quick. I'm sorry I didn't get you to, go through your break, we were in such a --

COUNCILMEMBER BAISA: That's alright.

CHAIR COUCH: --vigorous discussion. If we're okay, this should be fairly quick. Just continue on with that?

MR. SPENCE: Yeah.

PC-20 MAUI ISLAND PLAN, CHAPTER 4, ECONOMIC DEVELOPMENT RELATING TO TOURISM (CC 15-153)

CHAIR COUCH: Alright. Members, we're in receipt of a Communication 15-153, from me, transmitting the matter relating to the Maui Island Plan, Chapter 4, Economic Development Relating to Tourism. I think the Staff has passed out this item.

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COUNCILMEMBER COCHRAN: No.

COUNCILMEMBER BAISA: No.

CHAIR COUCH: No, not yet. Staff is passing out this item. This is basically from the Maui Island Plan regarding tourism. And if you look at Page 4-13, Action 4.2.1-Action 3, Implementing Actions, it says, develop a yearly performance report to the Maui County Council that describes the returns resulting from an expenditures of public funds/grants that were awarded for the visitor industry. For whatever reason, this got transferred to this Committee. It's my thought that this is actually more an EAR consideration because this is talking about what expenditures of public funds and grants are awarded to the visitor industry. So would it be E for Economic Development, I'm not sure? Mr. White, any thoughts on that?

COUNCILMEMBER WHITE: I think as far as a review is concerned, that it should, it would likely go to EAR.

CHAIR COUCH: Yeah.

COUNCILMEMBER WHITE: But it, because it's also based on expenditure of funds and the justification of those expenditures, it could just easily go to B&F, but I think I would prefer if it's a review of the return that it start off in EAR and then it could become an item in BF later.

CHAIR COUCH: Okay. Ms. Baisa?

COUNCILMEMBER BAISA: Chair, I support Chair White's position. I think that's a good place to have a good review.

CHAIR COUCH: Mr. Guzman, that's your Committee.

COUNCILMEMBER GUZMAN: Yeah, that would be fine with me, Chair. Definitely we could put together a report and then submit to BF.

CHAIR COUCH: Okay. Yeah, I brought this up because this came up, I think, in budget or some performance issues that, we haven't been getting these reports as far as I can tell. Mr. White?

COUNCILMEMBER WHITE: Yeah, that brings up a question. How many, is there an index, Mr. Spence, of how many other reports the General Plan requires?

COUNCILMEMBER BAISA: Thank you.

COUNCILMEMBER WHITE: Because, you know, it's one of those lovely issues with a plan that is as big as this. We've got, I think we've got report requirements all over the place and who's tracking it?

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MR. SPENCE: I don't think we have an index as such. I know that we're working on, you know, the annual report. We're actually working on two reports right now. We're working on an annual report for the Maui Island Plan and one for the implementation of the community plans. It's been quite a challenge. They haven't been done in a long time. So we're working on those. As far as the other reporting within the Maui Island Plan, I'm, you know, we can definitely look at that and come up with how many reports we're supposed to come up with and who's supposed to do it. You might have a new committee, just a report review committee.

CHAIR COUCH: It's not that this Committee has anything else to do.

COUNCILMEMBER WHITE: Yeah, it'll have to go to Budget and Finance to get approval for all the staffing --

CHAIR COUCH: There you go.

COUNCILMEMBER WHITE: --to generate all the reports.

CHAIR COUCH: Yes. Any further comments, Members?

COUNCILMEMBER BAISA: No.

CHAIR COUCH: Okay. Then I'll make my recommendation.

COUNCILMEMBER BAISA: Recommendation.

CHAIR COUCH: Okay. The Chair will entertain a motion to recommend referral of County Communication 15-153 to the Economic Development, Energy, Agricultural and Recreation Committee.

VICE-CHAIR CARROLL: So moved.

COUNCILMEMBER GUZMAN: Second.

CHAIR COUCH: Okay, it's been moved by Member Carroll, seconded by Member Guzman. Any further discussion? Mr. White?

COUNCILMEMBER WHITE: Did you actually receive a report?

CHAIR COUCH: No. That's part of the thing, is where is the report?

COUNCILMEMBER WHITE: So you're just referring the item?

CHAIR COUCH: Yep.

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COUNCILMEMBER WHITE: Not anything specific?

CHAIR COUCH: Correct.

COUNCILMEMBER WHITE: Thank you.

CHAIR COUCH: Alright. Members, any further discussion? All those in favor, say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR COUCH: All those opposed? Let the record show that there's six "ayes," zero "noes" and Mr. Victorino, excused.

**VOTE: AYES: Chair Couch, Vice-Chair Carroll,
 Councilmembers Baisa, Cochran, Guzman and
 White.**

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Victorino.

MOTION CARRIED.

**ACTION: REFER communication to the Economic Development, Energy,
 Agriculture, and Recreation Committee.**

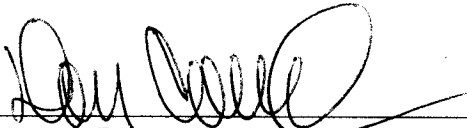
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CHAIR COUCH: Members, thank you very much for hanging in there. We will get the wet bar thing taken care of but I will encourage Ms. Crivello and Mr. Hokama to come in and join this discussion. That being said, thank you, Staff, for being here. Thank you, Planning Department, for being here, and this meeting is adjourned. . . . *(gavel)* . . .

ADJOURN: 10:55 a.m.

APPROVED BY:

A handwritten signature in black ink, appearing to read "Don Couch", written over a horizontal line.

DON COUCH, Chair
Planning Committee

pc:min:150820:alp

Transcribed by: Annette L. Perkett

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CERTIFICATE

I, Annette L. Perkett, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 11th day of September, 2015, in Haiku, Hawaii.


Annette L. Perkett