

PLANNING COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

September 3, 2015

CONVENE: 9:02 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Don Couch, Chair
Councilmember Robert Carroll, Vice-Chair (excused from 10:43 a.m. through 10:45 a.m.)
Councilmember Gladys C. Baisa (excused from 10:56 a.m. through 10:58 a.m.; and left at 11:47 a.m.)
Councilmember Elle Cochran
Councilmember Don S. Guzman (arrived at 9:10 a.m.; excused from 10:23 a.m. through 10:28 a.m.; and left at 11:05 a.m.)
Councilmember Michael P. Victorino (excused from 10:34 a.m. through 10:40 a.m.)
Councilmember Mike White (excused from 11:01 a.m. through 11:03 a.m.; and left at 11:47 a.m.)

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

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
William Spence, Director, Department of Planning
Joseph Alueta, Administrative Planning Officer, Department of Planning (Item 13)
Kaala Buenconsejo, Director, Department of Parks and Recreation (Item 13)

OTHERS: Isaac Hall, Hui Alanui O Makena
John Buck
Gaylyn Nakatsuka, Facilities Development Branch, State Department of Education (Item 29)
Sharon M. Suzuki, President, Maui Electric Company, Limited (Item 30)

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Marc Ratte, Engineer, Power Supply Department, Maui Electric Company, Limited (Item 30)
Mat McNeff, Manager, Power Supply Department, Maui Electric Company, Limited (Item 30)
Mahina Martin
Plus (6) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR COUCH: . . . *(gavel)* . . . Good morning. Will the Planning Committee meeting of September 3, 2015 please come to order. My name is Don Couch. I'm the Chairman of the Committee, and before we start, can I ask everybody to please turn off any noise-making devices, your cell phones. We have a little deal we do here in this Committee and if your phone rings, we'll ask, we'll stop and ask who it was and what did they want, so, you don't want to have that happen, turn your phone off. And mine is off, too, so. Okay. I want to welcome the Members that are here today. First is Robert Carroll, who is the Vice-Chair of this Committee, good morning.

VICE-CHAIR CARROLL: Good morning, Chair.

CHAIR COUCH: Good morning. Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR COUCH: Good morning. Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good morning, Chair.

CHAIR COUCH: Aloha, good morning. Mike Victorino.

COUNCILMEMBER VICTORINO: Good morning, Chair.

CHAIR COUCH: Good morning. Council Chair, Mike White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR COUCH: Good morning. And excused for the moment is Councilmember Don Guzman. And with us today, we have the Planning Department, of course, Mr. Spence. Good morning, Will.

MR. SPENCE: Good morning, Chair.

CHAIR COUCH: And Corporation Counsel, Deputy Corporation Counsel, Michael Hopper.

MR. HOPPER: Good morning.

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CHAIR COUCH: And then our Staff today is, upfront today is Greg Garneau. Good morning.

MR. GARNEAU: Good morning, Chair.

CHAIR COUCH: And in the back is Legislative Analyst, Greg, I'm sorry, Jordan Molina. Good morning, and, then, Pauline Martins. At the District Offices, we have Denise Fernandez and Ella Alcon. We'll get back to you ladies in just a second. Today we have four items on the list. We have PC-29, which is the Annual Compliance Report for the Kihei High School, Change in Zoning; PC-30, Fifteenth Annual Status Report - Maui Electric. That's for the Waena project out there by the landfill; PC-32, Transient Vacation Rentals in Planned Developments and PC-13, Park Zoning District Comprehensive Update. We're gonna start, without objection, we're gonna start public testimony here in a minute and--

COUNCILMEMBERS: No objection.

CHAIR COUCH: --before we start public testimony for individuals testifying in the Chamber, please sign up at the desk outside the Chamber door. If testifying from a remote testimony site, please sign up with the District Office Staff. Testimony will be limited to the items on the agenda today that I just mentioned, and pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item and I'll be allowing an additional minute to conclude testimony and we'll be using the lighting system. It's set for four minutes. It will go to yellow at three minutes and red at four and please conclude your remarks at four minutes. When testifying, please state your name and any organization you may be representing. Alright, so, first, we'll start with the folks in the Chamber. There have been so far, two people that signed up to testify. First to testify is Isaac Hall, followed by John Buck.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. HALL: Good morning, Chair Couch and Members of the Planning Committee. My name is Isaac Hall. I'm a, an attorney in Wailuku, practiced land use law for 35 years. I'm speaking in favor of the Park Zoning Ordinance, which is PC-13 on your agenda. Generally, I favor the ordinance because it will facilitate the provision of more park space on an easier basis throughout the islands. But specifically, I'm speaking in favor of it because of its application in Makena at the Makena Resort. As you may remember, a long time ago when Everett Dowling was the owner of the resort and rezoned it, there was a condition forty-one or -two, I forget which, which required the expansion of the Maluaka Park and, also, required the dedication of a trail down towards Puu Olai and that has never come to completion. Discovery Land now controls the resort and we've been working with them diligently and the expansion in the southward direction, which is what everybody wanted, is in the works and the adoption of this ordinance would make that possible on a much more quick basis and provide that additional park space quickly. And for that reason, we support that and I

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want to thank Discovery Land for working with us on that and so we hope that that park space can be provided for the benefit of the public as soon as possible through the adoption of this ordinance. Thank you very much.

CHAIR COUCH: Thank you, Mr. Hall. Members, any questions to the testifier? Seeing none, thank you. Next up is John Buck and then we'll go to the District Offices.

MR. BUCK: Aloha and good morning, Committee Chair and Members. For the record, I am John L. Buck III, Executive Assistant to Mayor Alan M. Arakawa. I am also a Certified Parks and Recreation Professional, former general manager of a park district in California, former Parks Director for the County of Maui. And I've been a board member and vice-president for the National Association of County Parks and Recreation Officials. So I'm just...and I'm testifying as an individual today. I am here to make some brief comments on Item No. PC-13 on today's agenda. And I, my first question would be, why are we combining this into one classification? I see from a previous testifier, maybe the reason why they'd like to see that. My thing is, currently, the different classification sets standards for each type of park and the activities and amenities that are allowed in each of these classifications. The classifications also restricts the heights of structures in each of the different classes of facilities. The best of my recollections, the current guidelines state the Code follows the planning guidelines that have been established by one of the national organizations, National Recreation and Parks Association. If the classifications were, was all, my concern is, if all the classifications were under one parks classification, where in the Code would prevent activities, structures and, et cetera, not allowed in a current P-1 parks classification, which is a neighborhood park be allowed in a PK-3 park, now could possibly take place in your neighborhood park. How will we prevent activities such as archery, gun, rifle ranges, motor sports, riding stables, zoos and some _____ that take place in a PK-3, prevent it from taking place in a PK-1? Also, what's, with the classifications currently, there is height restrictions and also, what part of the Code would prevent a 75-foot climbing wall being built in a neighborhood park, when the current PK-1 park is limited to 15 feet in height. If by chance the new proposal change moves forward, I request that there would be some sort of language that refers to national standards when it comes to planning and design of the various parks to allow the appropriate activities in the parks as per guidelines, also the proper heights as set by the guidelines. An excellent source would be those developed by the National Recreation and Park Association. Thank you for your time.

CHAIR COUCH: Thank you, Mr. Buck. Members, any questions to the testifier? I do have some. Do you have that in writing? Because I'd like to...that you could pass out to the Members, because I'd like to refer to some of the items that you were speaking...

MR. BUCK: I don't have the 16 copies, but I can give it to Staff and...

CHAIR COUCH: That's fine.

MR. BUCK: Okay.

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CHAIR COUCH: That's fine. Members, any further questions? Seeing none, I want to welcome Member, Councilmember Guzman.

MR. GUZMAN: Good morning, Chair. Thank you.

CHAIR COUCH: Good morning. Alright, let's go to, let's see, I think Hana's not here today, so, let's go to the Lanai District Office.

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

CHAIR COUCH: Thank you. Let's go to the Molokai District Office.

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. Just to make sure, Hana, are you there? Yeah. I didn't think so. Alright, Members...anybody else in the Chambers wanting to come up and testify? Last chance, going once. Okay. Members, seeing none, without objection, we'll close public testimony?

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay. Public testimony is closed. Thank you, ladies. We'll be hanging up now.

. . . END OF PUBLIC TESTIMONY . . .

PC-29 ANNUAL COMPLIANCE REPORT – KIHEI HIGH SCHOOL (GC 15-7)

CHAIR COUCH: Okay. Here we go. Members, first up, is going to be PC-29, which is the Annual Compliance Report for the Change in Zoning for Kihei High School. The Committee is in receipt of General Communication 15-7, from Kathryn S. Matayoshi, Superintendent, State Department of Education, submitting an Annual Compliance Report in accordance with Condition 3 of Ordinance 4135 (2014), relating to a Change in Zoning for 77.182 acres in Kihei, Maui, Hawaii for the proposed Kihei High School. We're gonna discuss this and, then, see what we want to do afterwards. I have a feeling we're gonna defer and keep it open, but let's hear what the Department has to say. With us today, is Gaylyn Nakatsuka, Facilities Development Branch, State Department of Education. Come on up.

MS. NAKATSUKA: Good morning, Chair and Committee Members.

CHAIR COUCH: Good morning. This is your first compliance report. As noted in

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Condition 3, you're required to have one a year. So, we wanted to just see, this is the first year into it, where you are on things. I do have some questions, but we'll have you give a brief summary and, then, have, open up the floor to the Members.

MS. NAKATSUKA: Okay. Basically, since the approval of the final EIS in November 2012 and the petition for District Boundary Amendment in February '13, we have requested funding for Phase 1 of the high school. Currently, we have \$30 million to support the construction of irrigation wells and site infrastructure and we are, the well work includes archeological monitoring plan, six to seven days of monitoring and additional monitoring if needed. That work is going out to bid as we speak and we'll have a pre-bid meeting this month. And, then, the rest of the monies we'll be requesting to start hopefully site construction. We are requesting additional funding over the next two years for, to fully complete construction of Phase 1, which will allow students to start school. We have received initial DOT response to our TIAR, which is a Traffic Impact Analysis Report and the pedestrian route study and anticipate further comment and guidance from them so that we can revise and resubmit the reports. This is part of the LUC requirement in order for us to finish or start and finish our design phase. And that is basically where we are at right now.

CHAIR COUCH: Okay. Members, any questions? Mister, Chair White?

COUNCILMEMBER WHITE: Thank you, Chair. Thank you for being here this morning. The \$30 million you mentioned is going to be used for site design, but on here it states that the design contract has not been executed, no action has been taken. Is there site design work underway?

MS. NAKATSUKA: So the wells are part of the predesign and so, in order to complete the design, we need to get the results of our well work and where, what is the capacities and how it will function to then complete our design. So, this is still part of the preplanning that we need to do in order to finish the design. Part of the LUC requirements is that we need to get the DOT approval of our traffic study and the pedestrian route study before we can proceed, so we're trying to get that done. We submitted that in November last year and we just got word that they have some issues, so, we are trying to get that resolved as soon as we can. But we are, we do have our team ready for design and, so, they are looking at the overall picture, but we really can't move forward until we get the final approval.

COUNCILMEMBER WHITE: And when does the \$30 million lapse?

MS. NAKATSUKA: The \$30 million lapses in June, so we have everything set to do, to get moving on the infrastructure, but that's really all its gonna take us to, is to get site improvements. And we're looking at the next two years in getting, we need over 100 million in order to get the actual school up.

COUNCILMEMBER WHITE: It lapses in June, that's not a whole lot of time. Thank you. Thank you, Chair.

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CHAIR COUCH: Members, any questions? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you for being here this morning. It also says that, comments from our Department of Public Works, so, has, that has not been, they haven't responded yet?

MS. NAKATSUKA: I have not received any response from them.

COUNCILMEMBER COCHRAN: But they have been given everything to review at this point and so now--

MS. NAKATSUKA: Yes.

COUNCILMEMBER COCHRAN: --you're just waiting for a response?

MS. NAKATSUKA: Yes, we had submitted it and we have not received...to date, the only thing I have received was the DOT comments, but that was on our studies, not in response to the report.

COUNCILMEMBER COCHRAN: Oh, okay. Is, our Public Works Department needed to respond to the studies that you were speaking about, too?

MS. NAKATSUKA: I do not think so.

COUNCILMEMBER COCHRAN: Okay. Alright, well, thank you for your update and let's see it move along. Thank you for being here.

MS. NAKATSUKA: Thank you.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR COUCH: Thank you. Ms. Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And again, thank you so much for being here. This is such an important thing. Everybody keeps talking about the high school. I heard you mention about the wells--

MS. NAKATSUKA: Yes.

COUNCILMEMBER BAISA: --that you're doing. And...

CHAIR COUCH: Ms. Baisa, could you get it...thank you.

COUNCILMEMBER BAISA: You call them irrigation, wells for irrigation?

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MS. NAKATSUKA: Yes.

COUNCILMEMBER BAISA: I noticed in the letter from Ms. Matayoshi, that there's also references to potable water.

MS. NAKATSUKA: Yes.

COUNCILMEMBER BAISA: Does that come later or how does that work?

MS. NAKATSUKA: Yes. The potable water will be coming from the Maui water. It's just that in order to help the project because it's such a large area and irrigation is needed, this will be supplementing it and providing non-potable water in order to help with the irrigation.

COUNCILMEMBER BAISA: So it will be a combination of both things when it's up and running?

MS. NAKATSUKA: Yes.

COUNCILMEMBER BAISA: Okay. Thank you very much.

CHAIR COUCH: Thank you. Members, any further questions? Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And again, also, thank you for being here. I understand about the irrigation wells, but I thought there had been some talk about extensions of our recycling water system from our plant to the property because it wasn't that far to use reclaimed water for irrigation purposes?

MS. NAKATSUKA: Yes. For DOE, our schools, we typically look at all the utilities that are available at the site. Right now, the lines is a few miles or at least a mile, over a mile away.

COUNCILMEMBER VICTORINO: A mile away. Yeah, it's a mile.

MS. NAKATSUKA: And, so, we would hook up to it once it comes to a site and I think that was the agreement in talking with the County and the Mayor before, but in order to get it to the site is a situation of having to get those improvements done along the highway. And, so, in order to anticipate that or because we anticipate it won't, it might not be there when we are building the school that the wells are providing that other source of water and will also be there in case the R-1 water source is, fluctuates. Our understanding is that it will first serve the golf course before it gets to us and there may be some times where there may not be water and the well will be our guaranteed source to help supplement that.

COUNCILMEMBER VICTORINO: So your explanation is basically, it's interchangeable. You'll use resource water when available and the brackish water if that's not

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available?

MS NAKATSUKA: Yes.

COUNCILMEMBER VICTORINO: Okay. I just wanted that not taken out of the picture.

MS. NAKATSUKA: No.

COUNCILMEMBER VICTORINO: Because that's what we had agreed upon many years ago.

MS. NAKATSUKA: Yes. Yes. It's always been agreed that when the R-1 water is there, we will have a connection to the school site.

COUNCILMEMBER VICTORINO: Okay. Thank you very much for that clarification. Thank you, Mr. Chair.

CHAIR COUCH: Thank you. Members, any further questions? I have some. Thank you, again, for being here. I noticed in your comments you said you're gonna start your groundbreaking this month for the...

MS. NAKATSUKA: They're going out to prebid, there's a prebid meeting this month. I need to double-check when the bids will close, but along with that project, there will be a groundbreaking.

CHAIR COUCH: Okay. And do you have any estimate as to when? Because as you mentioned to Chair White, your funds lapse on June 30th.

MS. NAKATSUKA: Okay. Well, this, the well work will proceed, I'm thinking, sometime this year, so it will happen maybe in October, but we still need to open bids and determine with the contractors and coordinate with them the date for getting on-site. So that will determine when we can have the groundbreaking.

CHAIR COUCH: Okay. Thank you. You got that, Mr. Carroll? Alright, so, we're talking still on track for the supposed 2020 class, not Class of 2020, but the first classes going in in 2020?

MS. NAKATSUKA: The big question for that is whether we can get the appropriation for, in the next two years.

CHAIR COUCH: It has to be in the next two years.

MS. NAKATSUKA: Yes.

CHAIR COUCH: And the reason you didn't go with design-build?

MS. NAKATSUKA: Because we haven't...typically, like for a newer school, in Kapolei, for

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design-build, we got the money all at once and so that could be packaged into the design-build program. With it, in coming in phases, it makes it very difficult to guarantee to the contractor that they will get the full funding unless it's there, so, and we don't have a really good track record of getting funding exactly when we say when we need it. So, it...because we couldn't get the funding when we anticipated it, we are now looking at design-bid-build in order to be able to at least phase the work when we get money.

CHAIR COUCH: So it's my understanding that the 100 million was supposed to come from a fund that you guys already have...

MS. NAKATSUKA: Well, it's...

CHAIR COUCH: Some sort of capital improvement fund?

MS. NAKATSUKA: We get CIP funds. It's, but it, each year it really depends on what we get from the legislators. I guess this past legislative session, when we started with the Governor, we ended up with 100 million in total CIP through our budget and I think they were able to add about 34 million to that, so, our whole CIP budget was that much and basically, that's what we're requesting for the new school so. If we don't get it on its own or at least more than that, it's gonna be very difficult for us.

CHAIR COUCH: Okay. Well, then, I'd like to encourage our Kihei folks to keep pressure on the State Legislature to help get this through.

COUNCILMEMBER VICTORINO: Chair?

CHAIR COUCH: Mr. Victorino?

COUNCILMEMBER VICTORINO: I have a question. You know, we've seen that so much was appropriated, and Mr. White has more knowledge in that respect, but I remember we had so much monies appropriated and that's set aside and is only released when the Governor feels fit to release it. So, how much do we have set aside specifically for this project?

MS. NAKATSUKA: We have that \$30 million.

COUNCILMEMBER VICTORINO: That's it? 'Cause I saw we had 100-something, remember?

MS. NAKATSUKA: There was another line item for 100 million.

COUNCILMEMBER VICTORINO: Yes.

MS. NAKATSUKA: But it was a different MOF or a method of finance.

COUNCILMEMBER VICTORINO: Okay.

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MS. NAKATSUKA: And the item, the method of finance that they referred to is no longer used. It was special funds for education and they have since not provided those for us so we now have General Funds. So, basically, they, although the legislation said that, there was no funding in that MOF to provide us that, so we really only had the 30 million.

COUNCILMEMBER VICTORINO: So is this a bait and switch? You tell me I have, I don't and ...*(inaudible)*... I mean, no, you getting me angry now because...

MS. NAKATSUKA: Oh, no, we were asking for that 100, too, and...

COUNCILMEMBER VICTORINO: You read it, you see it, you're told and, then, all of a sudden now, you're telling me completely different.

MS. NAKATSUKA: It's the same thing we read, too. And so when we requested it, we were told that it was not there.

COUNCILMEMBER VICTORINO: Mr. Chair, I think it's time you write a letter from your district and from this Committee to say, what the heck is going on? I was going use another word, but we're on camera, so I won't do that. But this is terrible, because we're told, I read, you read, I talked to the DOE people and, you know, this money was set aside and now you're saying all we got is 30 million and nothing more. That doesn't make me happy.

CHAIR COUCH: Me neither. That's why I brought this up here.

COUNCILMEMBER VICTORINO: You know, since 1998, I have been very particular on this project because you know I was on the Board of Education and we had it set then and we got jammed, and I wanna use the word I was going use now, so I won't use it. But this is getting me very frustrated because Kihei is long overdue for a high school. And now you tell me only 30 million. I'm not blaming you. I'm not shooting the messenger.

MS. NAKATSUKA: I understand.

COUNCILMEMBER VICTORINO: But I want the message sent.

MS. NAKATSUKA: Yes.

COUNCILMEMBER VICTORINO: I hope this reaches the ears of the people above, especially our legislators who supposedly got all this money and said, it's there, right?

CHAIR COUCH: Right.

COUNCILMEMBER VICTORINO: Okay. Thank you, Mr. Chair. I'll let you go from here.

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CHAIR COUCH: Thank you, Mr. Victorino. And thank you for expressing my frustrations so eloquently. Okay. That was my other concern and you've answered it and we will craft a letter to...would that letter go to you or the Governor?

MS. NAKATSUKA: Well, yeah, we have no say in the, how they disburse their monies into --

CHAIR COUCH: Right.

MS. NAKATSUKA: --the different MOFs so.

CHAIR COUCH: Alright, we'll figure out who to send that to and send it off. Members, any further questions for the, for, not questions, for the...yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And how many total phases is this broken down into for the total build out?

MS. NAKATSUKA: Well, there, we broke it down into Phase 1, which will take care of the initial 800 students, so about half, so that we can have at least, the thought is to have at least two houses of students which will at least fund, I guess, and I think we're working...I'm sorry. We're working with the school district to figure out whether it's going to start with just, you know, the lower grades or whether it would open to every grade. I think that still needs to be part of that discussion, but part of the concern would be that if the other monies are not following, then, you know, we cannot anticipate that we will have another house for someone to move into and then that doesn't occur. So, what we really want to do is to make sure that we can do the best we can with the monies that we will have in order to service the students so that they will be able to move from one grade to the other and graduate without having to worry that there's no funding available for that next facility that they need so. We look at the Phase 1 that will allow for students to use the facilities in order to have all the components they need to graduate.

COUNCILMEMBER COCHRAN: Right. I guess my more general question, so set aside do we have money or not, is just the simple, how many phases or what, you know, are you anticipating and hoping to get done because it looks like Phase 1 is just within ten years you need to complete Phase 1. And, then, so I was just trying to figure out timeline-wise, what is the total build-out, how long is that gonna take, how many phases is that gonna be?

MS. NAKATSUKA: So part of Phase 2 is basically, you know, one or two more additional student houses, which are the classroom structures and the, more of the sport facilities. So those will be brought in as we have the funding. I'd like to speak to Phase 2 being just one phase, but it might be broken up. Just like in Phase 1, we have Phase 1-A, which is going to be the remainder of the \$30 million besides the well water or well drilling funding. So it will, it already is being broken up, although we wanted Phase 1 as one phase, so it will be however the funding is provided to us.

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COUNCILMEMBER COCHRAN: Right. I understand that could be a restriction for you. But I guess the initial part is the basic infrastructure backbone, so that would just be, I would think a, collectively, the entire project. So, I mean, you're not gonna just build a road here, stop, okay, here's the little Phase 1 section. And then, you know, run your sewer lines, your utility lines or whatever. You'd think that the entire project would be built out with the infrastructure first and then you're gonna add your classrooms and your sports fields or whatever is gonna add, you know, on top of all that. Is that kind of the idea?

MS. NAKATSUKA: Yes.

COUNCILMEMBER COCHRAN: Okay. Alright, well, very good.

CHAIR COUCH: Ms. Baisa?

COUNCILMEMBER COCHRAN: Thank you.

COUNCILMEMBER BAISA: Thank you very much, Chair. I just want to say that, you know, every time we get into a project that involves State funding, this becomes an issue. I have some experience with this. And I think what we're hearing here today is that it behooves every single one of us not to assume that we have anything beyond the \$30 million that we have. And we have to make this an issue. We have to keep vigilant. We have to stay on our legislators and the Governor because, you know, even when money is appropriated, that doesn't mean a darn thing until you get that check.

CHAIR COUCH: Right.

COUNCILMEMBER BAISA: 'Cause I know, it's happened to me. I've had appropriation done by the Legislature and then, money's never released and goodbye, project. So, we have no guarantees here and I want to thank you very much for bringing this up today because it will create awareness again that we cannot relax.

CHAIR COUCH: Right.

COUNCILMEMBER BAISA: The pressure has to stay on. We need this high school. And it behooves every single one of us to make this a priority and continue to stir the pot. And we have a Legislature that will be coming up very soon. You know, we think next year, but you know what, that's not that far away.

CHAIR COUCH: It's not.

COUNCILMEMBER BAISA: We have to stay on this, and we also have elections coming up and we have to make sure that we have people that are committed to this project. So, thank you again and thank you very much for bringing some reality here. Thank you.

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CHAIR COUCH: Thank you. I hesitate to mention this when the Budget Chair's not here, but the Vice-Chair is here, but maybe we should step up and loan the State the \$100 million.

COUNCILMEMBER BAISA: High interest.

CHAIR COUCH: Yeah, high-interest loan. Get them to, you know, get off their...

COUNCILMEMBER BAISA: Investment.

CHAIR COUCH: Yeah, it's an investment in the future of our children in Kihei. Okay. That's just blue sky thinking. Alright, Members, any further questions or comments? Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah, I do, actually. On Item 17 in regards to energy conservation, what is this, HI-CHPS or H, I, C, H, P, S criteria and you folks wanna qualify and become verified as that? It's a Collaborative for High School Performance Schools Criteria.

MS. NAKATSUKA: Yes.

COUNCILMEMBER COCHRAN: That, what is the benefit?

MS. NAKATSUKA: It's comparable to LEED, so --

COUNCILMEMBER COCHRAN: Oh.

MS. NAKATSUKA: --the LEED Silver Certification, so, this is a comparable rating system, but HI-CHPS is specifically for schools. So, and it was developed specifically for Hawaii, so where LEED, sometimes you lose some points because, you know, the parameters are more typical of being in the mainland where you have, you can get materials from miles around, but for us, after so many miles, you're on the ocean, so, you know, we don't have the same opportunity. So, the HI-CHPS allows us or it was created so that, you know, the difficulties of being an island State were taken into account and other things maybe like natural ventilation was considered more than...in LEED, you can get so many more points from air conditioning your facility than from providing natural ventilation, that in order to get points, a lot of people automatically go to air conditioning because you can then garner other points from the type of system you put in. So, it's things like that that allowed us, you know, to develop or they created the HI-CHPS in favor of Hawaii and the schools.

COUNCILMEMBER COCHRAN: Okay. So, just, I guess, Chair, with the whole heat --

CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: --air conditioning in schools and people donating fans right

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now, are you saying that using natural ventilation, you just mentioned, versus air conditioning?

MS. NAKATSUKA: No, so part of this, well, we understand where we are in Maui, so, you know, Kihei does have its weather situation, so, what, part of HI-CHPS is that they, they've just installed a weather station and, I think, it was at Lokelani Intermediate to help monitor the weather and try to see, you know, where, you know, how the winds go, temperatures. And to use, they're gonna use that as a basis for the school to then help determine, instead of typically you might get your temperature readings from Kahului, which may not have, you know, the same bearing as, closer to the site, so, with HI-CHPS, that's some of the things that come into play. Knowing, too, that this is a site that was totally undeveloped without any utilities there, it's going to cost us more than our typical schools where we have developers provide the utilities up to the street. So that's another thing, we'll have to provide our own driveway. Because there will be future development above the school, what we're looking at is developing the road so that we'll create the driveway to the school and put our utilities in there, but the other half of the roadway will then be turned over to the developer when they develop the upper side so that they can then put in their utilities on the other half of the road without digging up all the improvements that we already put in for the school. So, there's things like that that were already identified when we were looking at the purchase of the land, so, that's in our agreement as well. And then we are working with the utilities to look at plans for the school to try to make a sustainable as possible to then reduce usage. And, you know, air conditioning is a situation where we will probably have something that will provide both, natural ventilation and air conditioning because we know that some days, you can't live without the air conditioning, so, that's understandable. We're just trying to make it work for the school. So that's something that we've challenged the design team to do and it is part of the school's requirements.

COUNCILMEMBER COCHRAN: Oh, okay. Well, very good and thank you for looking into that, and again, looking forward to this moving forward.

CHAIR COUCH: Yes.

COUNCILMEMBER COCHRAN: Thank you, Chair.

CHAIR COUCH: Thank you. Members, any further questions? Seeing none, thank you very much. We really appreciate it and we look forward to hearing from you next year.

MS. NAKATSUKA: Thank you.

CHAIR COUCH: Okay. Members, having said that, without any objections, I'd like to defer this and leave this item open so when we get their...

COUNCILMEMBERS: No objections.

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CHAIR COUCH: Okay. So when we get their report next year, so this item is deferred.

ACTION: DEFER.

PC-30 FIFTEENTH ANNUAL STATUS REPORT - MAUI ELECTRIC (GC 15-8)

CHAIR COUCH: Alright. Up next is the Fifteenth Annual, PC-30, Fifteenth Annual Status Report from Maui Electric, and the Committee is in receipt of General Communication 15-8, from Sharon M. Suzuki, President, Maui Electric Company, Limited, transmitting the fifteenth annual status report in accordance with Condition 6 of Ordinance 2879 (2000), relating to a Change in Zoning for 65.7 acres in Pulehu Nui, Wailuku, Maui, Hawaii. We would like, I would like to discuss this report and we'll see what happens after that. So, without any further ado, Ms. Suzuki, can you bring you and your team up and introduce them to us, for the record, please?

MS. SUZUKI: Okay. Good morning, Chair Couch and Members of the Planning Committee. I'm Sharon Suzuki, President of Maui Electric Company. And today, joining me is Matt McNeff, our President of, our Manager of the Power Supply Department and Mark Ratte, who is a Power Supply Engineer in our Power Supply Department. So what I'd like to do is to give you a very brief overview of our long-range energy plans, have Mark give you an update on the Waena property, and Matt to talk about or give you an update on renewable energy. So, thank you again, for the opportunity to address the fifteenth annual status report on developing power generating needs for Maui island. As Chair Couch mentioned, this is a requirement as part of the zoning that Maui Electric receive for what we refer to as the Waena property. So one of Maui Electric's key responsibilities is to plan to meet the electrical needs of the customers in Maui County and, of course, as those demands grow, we need to adjust our plans accordingly. And what we've heard from customers and you've probably heard from your constituents is that they want lower electric bills. They want us to pursue more renewable energy. They want more choices in how they use electricity and, of course, they want reliable power. So last year, we filed a proposed energy plan with the Public Utilities Commission that focused on meeting those four objectives. And that proposal did also include the need for new generation that can be sited at the Waena property. With the adoption over the past few years of energy efficiency measures by residents and businesses and, of course, the changing electricity demands, you know, with the kinda, the growth and declines in the economy, we have been able to defer the need for new generation. And by delaying investments in new generation, we have been able to avoid passing on those costs to our customers. So at this point, I'd like to turn it over to Mark, who'll give you an update on the Waena property.

MR. RATTE: Thanks, Sharon. Good morning, everyone. As you probably know...

CHAIR COUCH: Mr. Ratte, if you could bring the microphone up. There you go. Thank you.

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MR. RATTE: As you all probably know, Waena is a 65-acre parcel located just past the landfill on Pulehu Road. The property was rezoned to Heavy Industrial and provides an optimum location for the future of Maui's need, power needs. Approximately half of the site is designated for conventional generation; the other half for alternate research, alternate energy research or projects. Since the property was purchased from A&B, it has been leased back to HC&S at no cost and remains in ag, except for about 1½ acres that's currently being used by our Transmission and Distribution Department for our storage lay down. As stated in our annual report and restated by Sharon earlier, to date, we've been able to defer the addition of firm generation on Maui, had not had to develop the Waena site beyond the storage needs I mentioned. Next up is Matt McNeff to talk, our Power Supply Department Manager, to talk about some of the alternate energy resources.

MR. McNEFF: Thanks, Mark. Good morning, everyone. Again, my name is Matt McNeff and I'm the Manager of the Power Supply Department at Maui Electric. Maui Electric continues to make modifications to what, to the way we operate in order to incorporate additional renewable energy. Back in 2010, we had a renewable generation RPS of about 15 percent and that has more than doubled to over 33 percent as of 2014. And you know what makes up that renewable generation is wind from Kaheawa and Auwahi, biomass from HC&S, some hydro, a lot of rooftop solar resources like that. We currently accept about 90 percent of the wind generation that is available from the facilities that are owned and operated by Sempra and SunEdison, that being Kaheawa and Auwahi. This year, we plan to install more rooftop solar than we have in any previous year and that takes us to, we're right about 12 percent of our customers that have rooftop solar as compared to the national average of, you know, much less than 1 percent. We have posted on our website a graph that actually tracks in near real-time, the renewable generation that is coming onto our grid for each day. We also have various tools that customers can use to evaluate their options if they will be interested in installing solar. And we just submitted for approval by the Public Utilities Commission, two new purchase power agreements for utility-scale solar projects on Maui. The Waena report gives a status of various other alternative energy efforts that we are involved in to bring more renewable energy to Maui County. Thank you.

CHAIR COUCH: Thank you. Members, open up for comments, questions. None?

COUNCILMEMBER VICTORINO: Chair?

CHAIR COUCH: Yes, Mr. Victorino?

COUNCILMEMBER VICTORINO: You know, thank you, again, all of you for this update. I think the community, as well as ourselves, appreciate this each and every year. I know it's mandated, but your extensive review helps us to better understand where we're heading. I guess the million-dollar question and, you know, this is all nice, is really what's happening out there and it's probably more concerning to the public is

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what's happening with this merger. And I guess, I don't want to bring that up because that's not part of this.

CHAIR COUCH: Right.

COUNCILMEMBER VICTORINO: You know, okay; however, Mr. Chair, it is the overlying part of this. It is not, you know, you can't separate this whole issue and I won't go into a lot of details, but the point I'm having and most on the consumers and constituents that are out there are really concerned about that and that issue. All of this is not, it doesn't mean a lot to them until we know what happens there because will they follow this plan entirely verbatim, that's still to be seen. And I've read their report. In fact, we, I think tomorrow night at Lihikai School, we have another opportunity at 6:00 p.m. to meet with them for a talk-story session. Am I not correct, Ms. Suzuki?

MS. SUZUKI: I'd like to make a couple comments related...

COUNCILMEMBER VICTORINO: Wait, wait. Am I correct about the meeting tomorrow night?

MS. SUZUKI: Okay, well there's...okay, what, tomorrow night is not a talk-story session, it's a listening session --

COUNCILMEMBER VICTORINO: Oh, listening session.

MS. SUZUKI: --hosted by the Public Utilities Commission --

COUNCILMEMBER VICTORINO: Okay.

MS. SUZUKI: --so that the public can provide comments on the merger.

COUNCILMEMBER VICTORINO: Okay.

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: Okay. So, that was my question. And I guess, Ms. Suzuki, I'll allow you to comment if Mr. Chair allows the comments. I mean, I'm fine with this. We're moving in a very positive direction, but again, does that direction change if and when something else happens? So, I guess, that's the million-dollar question.

CHAIR COUCH: Go ahead. Yeah. That's fine.

COUNCILMEMBER VICTORINO: That's my question.

MS. SUZUKI: Okay. I'd like to just briefly comment on that, then. The NextEra has seen our energy plans for the future and they support them. I think that from our perspective, NextEra will help us to accelerate our plans, and I wouldn't say that it

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would be done as we file them because they have, one, not been approved by the Commission and, of course, many things are changing. As I mentioned, you know, the demand for electricity, the resources, concerns about different types of resources, so, I think we just continually review. In fact, we are in the process of reviewing and, you know, the merger's happening kind of concurrently.

COUNCILMEMBER VICTORINO: Okay.

MS. SUZUKI: But they do support our plans because we knew we needed to pretty much transform how we operate and they'll help us to accelerate that transformation.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair, and thank you, Sharon. I mean, I, again, just so the public to understand what is going on. This is a compliance report, but this is good that we can feel a little confident that they can still support what you've put out there, so long as this is approved by the Commission itself.

MS. SUZUKI: And maybe, I'd like to just add maybe three more points to why --

CHAIR COUCH: Sure.

MS. SUZUKI: --we think that they can help us and why it is good for Hawaii and for Maui County. So, NextEra has access to lower cost capital, which means lower interest rates on any financing, which we see as a way to help us invest in the investments that we need to make in infrastructure to integrate more renewable energy and therefore, that gets passed onto customers in terms of lower cost. Their scale, scale helps to bring economies of scale to pricing and cost for us in terms of what we do. For example, if we standardize on the types of poles that we installed, you know, they could help us buy it at a lower cost. And the third is their technical expertise. They've done, as an example, implementation of new technologies in terms of communication two-way to their customers and understanding what's on the grid. We wouldn't have to reinvent the wheel from that perspective, so, they certainly have technological expertise that we can tap.

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair, and thank you, Ms. Suzuki.

CHAIR COUCH: Thank you. Mister, Chair White?

COUNCILMEMBER WHITE: Thank you, Chair. There was a mention that you were looking at two commercial-level solar projects. Where will those be located and will they impact any of the existing circuits that are to some degree limited by the number of people that are on them? And I'm not sure I'm asking the question properly, but I'm sure you can figure out what the answer should be.

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MR. McNEFF: Sure. Thank you for the question. One will be located in Kihei and one will be located in Lahaina. They are anticipated to interconnect to circuits; however, before the Public Utilities Commission right now, we have a proposal on alternate ways to, I think, maybe what you're referring to is some of like the 15 percent of peak on a circuit. We have other ways we're planning on calculating the risk associated with the amount of DG penetration on the circuits, you know, as we continually get experience with higher and higher penetrations, we become more comfortable and each time, have been able to push the envelope.

COUNCILMEMBER WHITE: But will either of those, Kihei and Lahaina installations limit what expansions may be available to the Lahaina and Kihei residents without them?

MR. McNEFF: I think that our, I don't know if I would say that they, it would limit it, our calculations include all of the distributed generation on any one of the circuits, so it will definitely be factored in. That being said, you know, they plan to go through inner, some studies that will try to mitigate any effects of the system being interconnected.

COUNCILMEMBER WHITE: And what size are we talking?

MR. McNEFF: Each of them are just under about three megawatts.

COUNCILMEMBER WHITE: Pretty good size installation. Okay. I'm still a little concerned that the residential folks are not gonna be able to expand to the same degree that they might be able to otherwise. Thank you.

CHAIR COUCH: Okay. It was Ms. Baisa, then, Ms. Cochran.

COUNCILMEMBER BAISA: Thank you very much, Chair, and thank you very much, folks from MECO, for being here this morning. You certainly are the item of interest this week and I'm definitely looking forward to the meeting tomorrow night. I'd like to listen to what the public has to say. I just have a question that is a little bit away from that because I think, you know, I think there's a little confusion about exactly what is before the PUC. And what is before the PUC is do we go with NextEra's offer or don't we? We're not gonna get into all these other things at this point if I understand correctly what is exactly before them, but...

MR. HOPPER: *...(inaudible)... [Note: He is providing legal advice to Chair Couch.]*

CHAIR COUCH: Okay. Madam Baisa, I'm sorry, we've been interrupted by Corp. Counsel. We've got some issues with talking about NextEra any deeper than that, so, if we can stay away from...

COUNCILMEMBER BAISA: I'm going away from that right now.

CHAIR COUCH: Okay. Okay. Sorry.

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COUNCILMEMBER BAISA: Yeah. I wasn't even going there until somebody else brought it up.

CHAIR COUCH: Okay.

COUNCILMEMBER BAISA: What I am interested in is, you know, we've been reading a lot about the demands that are being placed on our utilities because of the weather. Could you comment?

MR. McNEFF: Sure. I can comment. You know, recently, there has been unusually hot and humid weather and when that occurs, you know, demand increases. In fact, you know, this year, we've had our highest peak or the largest demand we've ever had since at least back to 2010, possibly before that, so, it definitely does place a demand on us being able to provide all the power that people want.

COUNCILMEMBER BAISA: But you're comfortable? You're okay? You've been able to handle?

MR. McNEFF: So far. We have, you know, we always have plans to be able to meet the need and, you know, that does include some contingencies, so we always have some backup in place.

COUNCILMEMBER BAISA: Also, I want to go back to Waena. You know, when Waena was started, of course, we were very concerned about building more capacity and needing more generation and whatever. And then, there was kind of a relaxing of that because we saw all of this alternative energy come in. Am I sensing now that we're going to go back to try and to get Waena up and going because we need to?

MR. McNEFF: Yes, that is part of our plans in the future to put additional generation at Waena.

COUNCILMEMBER BAISA: Okay. Thank you very much and thank you for keeping the lights on.

CHAIR COUCH: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, MECO, for being here this morning. So, Chair, the discussion is solely on the Waena, this, the Waena --

CHAIR COUCH: Right. That's what...

COUNCILMEMBER COCHRAN: --generation station because all the rest of the list in this report is not really pertaining to the item on the agenda today as in...

CHAIR COUCH: Yeah, I see that that's, it's in the report. It's been noticed.

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MR. HOPPER: *...(inaudible)... [Note: He is providing legal advice to Chair Couch.]*

COUNCILMEMBER COCHRAN: You know, I'm just looking at the point about hydroelectric and that's been ceased due to feasibility assessments.

CHAIR COUCH: Yeah. You can ask that.

COUNCILMEMBER COCHRAN: Okay. I just wondering if there's a kind of a summary of some sort to look up to see 'cause you had out, had three separate studies done and they all concluded the same saying it's not feasible so you folks just have kinda scratched that off the list of things to look at?

MR. McNEFF: I wouldn't say that we scratched it off the list. We continually evaluate it, but in each one of the studies that we have done in the past, it hasn't, although, I think it has a lot of technical characteristics that we would like to see, we couldn't get the economics really to pencil out.

COUNCILMEMBER COCHRAN: Okay. Yeah. I would still kinda like to see the reasons in where things are tested and how it was tested and if there's a way. I'm not sure. Do you have something online or a summary sort of page of sorts at all? Again, I don't want like thousands of pages of technical stuff.

MR. McNEFF: Yeah. I believe we have something prepared and I can, I'll give that to you after.

COUNCILMEMBER COCHRAN: Okay. Great. And Item 6 in regards to grid integration, it mentions about the battery energy storage system that was done and, you know, that whole, the Wailea substation was extended in order to gather more data and to come to some conclusions and analysis and what have you, where can we see that? You know, I mean, I always talk about battery backup, so has this proven out that it's, you know, doable or needed or something that you can strive to integrate within your system?

MR. McNEFF: Yeah, so, this project in particular is sort of a smart grid pilot. You know, I believe, it was successful. The battery's installed and it did serve its purpose. Now that the demonstration or the, you know, the trial is over, we continually evaluate how best to use that battery now that, you know, it was for a set purpose during the trial and now we're free to use it as we can.

COUNCILMEMBER COCHRAN: Oh. Okay.

MR. McNEFF: So, yeah, during the study, we used the battery to decrease the peak load on the substation. Like I said, since then, we can use it however we feel best. I'm not sure, is there a report that people can refer to on the...we'll check on the smart grid pilot report.

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MS. SUZUKI: We can check on that.

COUNCILMEMBER COCHRAN: Okay. Thank you. I mean, as everyone knows, how I live off of the storage in my battery in the evenings, obviously, when there's no sun out, I mean, as, you know, we talk about the renewable resources are not happening, wind or what have you and that battery backup storage is the key thing to flip, you know, on your switch in having your electric power generated and I think it's so important. But I know technology is the way it is and it changes each and every day or we want to get the best product out there, but I just think, you know, we need to start somewhere and improve as we go along with that if it's possible. But, Chair, yeah, I have other questions, but I don't want to take over everything. I was just curious. I didn't realize that you folks are utilizing biodiesel fuel and it says for your, oh, I guess, startup and shutdowns of the engines over in Maalaea, so, is that, is there any, have you folks looked into maybe utilizing it as the sole source ever?

MR. McNEFF: Yeah, absolutely. The biodiesel we currently use, I think we've used since 2003, if I'm correct on two of our units for environmental reasons. Back in 2007, we actually tested each different type of unit. There's five different types at the Maalaea Power Plant running on biodiesel and found that they all could and stay within our air permit limit, so, you know, we've done all our tests. We've done a long-term test on biodiesel on one of the units at Maalaea, so, that facility we believe is pretty well situated to change to biodiesel should the pricing be favorable.

COUNCILMEMBER COCHRAN: Okay. Well, very good. And sorry, Chair, but lastly about the MRRF, I didn't realize that you folks had thoughts in regards to a Maui Resource Recovery Facility, in particular Lahaina, West Maui, I guess, near our Lahaina Wastewater Treatment Facility? So is that like, it's Item 11, the last 11a and so, is that happening? I mean, is this something on your folk's books to do? 'Cause I was never aware of that?

MR. McNEFF: So this is related to the Wastewater Treatment Plant in Lahaina and alternate ways to use the water, the treated water. You know, I think, one of the proposals the County had in mind was to use that water to grow a crop and, then, either make electricity or biogas from that crop and that is something that we are in discussions with the County with and would be, would want to proceed with should there be benefits to customers.

COUNCILMEMBER COCHRAN: Oh, okay. Alright, well, very good. I'm glad to hear that. So thank you, folks, for your time this morning. Chair, thank you very much.

CHAIR COUCH: Thank you. Members, any further questions? Seeing none, thank you, folks for being here and we'll see you in, probably, next year.

MS. SUZUKI: Thank you.

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MR. McNEFF: Thank you.

CHAIR COUCH: Alright. Having said that, Members, again, this is an annual report, so, without any objection, I'd like to defer this item?

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay.

ACTION: DEFER.

PC-32 TRANSIENT VACATION RENTALS IN PLANNED DEVELOPMENTS
(CC 15-220)

CHAIR COUCH: Alright...one more item before we go get our break here. Members, we're now on PC-32, Transient Vacation Rentals in Planned Developments. The Committee is in receipt of County Communication 15-220, from me, transmitting a proposed resolution entitled Referring to the Planning Commissions a Proposed Bill Relating to the Transient Vacation Rentals in Planned Developments. The purpose of the proposed resolution is to refer to the planning commission [sic] that bill. The purpose of the bill is to delete the provision within the Comprehensive Zoning Ordinance that limits transient vacation rentals use in planned developments to planned developments consisting of only duplexes or multifamily dwelling units. Members, this was, when we brought the bill up that brought in Puamana to get them in alignment, three other planned unit developments were included in that bill that would be allowed to continue the uses as a permitted use, but one of them...and we had reached out to all of them and one of them did not respond to us and that was Alaeloa and Ms. Cochran had some concerns about that, so, we put in that one item, that one restriction to basically carve out Alaeloa. We have received a letter from the AOA of Alaeloa asking that we remove that. So, that's what this bill is all about. And, then, maybe I took Mr. Spence's thunder there, but Planning Department, do you have any comments on this one?

MR. SPENCE: I don't think we have any comments, Mr. Chairman.

CHAIR COUCH: Okay. And let's see, Members, I'll open it up to you. Ms. Cochran, first. Yeah.

COUNCILMEMBER COCHRAN: Thank you, Chair, and yeah, you're correct. At the time we first discussed this, that particular project did not have comment. And, well, I heard just here and there, but no official written.

CHAIR COUCH: Right.

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COUNCILMEMBER COCHRAN: But so, I, just to be safe, to now add it in. So, you're saying right now, the AOA has responded and wants to be included?

CHAIR COUCH: Yes. And then...

COUNCILMEMBER COCHRAN: Okay. And that's what this --

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: --the action is here today to do?

CHAIR COUCH: Uh-huh.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: And basically, all it does is if you look on the ordinance, it, the bill, it will eliminate No. 3, which says, the planned unit development consists of only duplexes or multifamily dwelling units, because Alaeloa has a combination of duplexes, multifamily and single-family and they were apparently built at the time to have transient vacation rentals in there, so, we wanted to, they asked to be included into this. So, any questions? Comments? Ms. Cochran?

COUNCILMEMBER COCHRAN: So is there...okay. Thank you, Chair. So they, the AOA just called your office to state...

CHAIR COUCH: They called and they did send me a letter. I'm surprised...

COUNCILMEMBER COCHRAN: But I don't see any written form here which would be nice.

CHAIR COUCH: Yeah, I don't see a written thing. I could certainly at the break go find that and get it passed out.

COUNCILMEMBER COCHRAN: Okay. Yeah, Chair, thank you, just 'cause, you know, I mean, to just have something attached --

CHAIR COUCH: Sure.

COUNCILMEMBER COCHRAN: --to this item where it's in written form --

CHAIR COUCH: Sure.

COUNCILMEMBER COCHRAN: --that hey, we, the undersigned AOA, whatever, agree, would like this, you know, so just to see that. Because I, my office, personally, has not received any phone calls or --

CHAIR COUCH: Okay.

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COUNCILMEMBER COCHRAN: --e-mails or what have you in regards to this ...*(inaudible)*...
vote on today.

CHAIR COUCH: Sure. We can do, what I'll do is we'll do our midmorning break and then, I'll
get that and when we come back, we can act on it. Okay?

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: So, Mr. Guzman?

COUNCILMEMBER GUZMAN: Okay. Chair, do we have a representative come in, also?

CHAIR COUCH: No, this was to send it down to the Planning Commission.

COUNCILMEMBER GUZMAN: Oh, just for the Planning Commission side? Okay.

CHAIR COUCH: This is...yeah. This is all to send it down to the Planning Commission.
They were gonna talk to them down there and then come back. And, Ms. Cochran, let
me take back what I want to do. This is just to send it down to the Planning
Commission and they were gonna send their, they asked if they needed to come today
and I said, no, because this is gonna go down to the Planning Commissions. That's
what this is for today. It's not to pass the bill out.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: So I can...

COUNCILMEMBER COCHRAN: So it's still about referring?

CHAIR COUCH: Yeah.

COUNCILMEMBER COCHRAN: Oh, okay.

CHAIR COUCH: This is just referring it to the Planning Commission and what I'd like to do
is refer it and then, in the meantime, I'll get the letter from them.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: And get it to you and add it to the binder.

COUNCILMEMBER COCHRAN: Yeah. Okay. Well, thank you, Chair, that's fine. I mean,
but if so happens in our 15-minute break or whatever we get, it's there and --

CHAIR COUCH: Yeah, yeah.

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COUNCILMEMBER COCHRAN: --you know, we can just, no harm in adding it in.

CHAIR COUCH: No, no, not at all. Not at all.

COUNCILMEMBER COCHRAN: Okay. Very good.

CHAIR COUCH: But right now, I'd like to just say, let's get this out to the Planning Commission and, then, at the break, I'll find the letter for you.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: Okay?

COUNCILMEMBER COCHRAN: And that's fine, Chair. I mean...

CHAIR COUCH: Okay? Members, any other questions, comments?

UNIDENTIFIED SPEAKER: No.

CHAIR COUCH: Okay. I'm ready for, to make my recommendation.

COUNCILMEMBERS: Recommendation.

CHAIR COUCH: I will entertain a motion to recommend the adoption of the proposed resolution entitled Referring to the Planning Commissions a Proposed Bill Relating to Transient Vacation Rentals in Planned Developments, and incorporating any nonsubstantive revisions, and I'm not gonna file it because it's gonna come back --

UNIDENTIFIED SPEAKER: Right.

CHAIR COUCH: --from the Planning Commission.

VICE-CHAIR CARROLL: So moved.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR COUCH: Okay. It's moved by Member Carroll, seconded by Mr. Victorino. Any comments? Alright, no discussion, all those in favor, please say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR COUCH: Opposed, "no"? Let the record show that it's, oh, we got all seven of us here today. Yay. Seven "ayes," zero "noes." The motion passes.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: None.

MOTION CARRIED.

ACTION: ADOPTION OF RESOLUTION.

CHAIR COUCH: And with that, I'm not gonna close this item out, yet. We're gonna go on our midmorning break. If you can be back by 10:20, I would appreciate it. We are at recess. . . . (*gavel*) . . .

RECESS: 10:05 a.m.

RECONVENE: 10:23 a.m.

CHAIR COUCH: . . . (*gavel*) . . . Will the Planning Committee meeting of September 3, 2015, please come back to order. Alright, Members, Staff is handing out the letter requested by Ms. Cochran and I apologize for not having that in the binder earlier.

PC-13 PARK ZONING DISTRICT COMPREHENSIVE UPDATE (CC 14-312)

CHAIR COUCH: Alright, we're now on to item PC-13 and just to give you a heads-up, the Committee is in receipt of County Communication 14-312, from Planning Director, transmitting the proposed bill entitled A Bill for an Ordinance Amending Chapter 19.27, Maui County Code, and Repealing Chapter 19.615 Relating to Park Districts. The purpose of the proposed bill is to update the County's zoning provisions relating to park districts, including the Maui Central Park District, and to consolidate the provisions into a single chapter within the Comprehensive Zoning Ordinance. And we're going to determine what we want to do with that bill today, so, to start off, let's go with Parks, I mean, I'm sorry, Planning. Parks is on its way, but, oh, he is here. Come on up. We're gonna be talking with you.

MR. ALUETA: Do you want me...

MR. SPENCE: Let's start.

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CHAIR COUCH: Pardon?

MR. SPENCE: Let's have Planning start.

CHAIR COUCH: Yeah, yeah, would like you to start, Mr. Spence, and, then, Mr. Buenconsejo, you're gonna have a comment as well.

MR. ALUETA: Okay.

CHAIR COUCH: Hopefully.

MR. ALUETA: Thank you, Mr. Chair. The, as part of our ongoing update to Title 19 as we go through, we talked to the Parks Department, Parks districts, and the Code has, currently has two sections which is 19.27, which is the Central Maui Park, which has its own standards. And, then, you have 19.615, in the Maui County Code and that was adopted and that has all the rest of the Parks districts, which is kind of an oddball location 'cause it's in the Enforcement Section or it's in some unusual section of the Maui County Code. So again, we're just trying to consolidate the two chapters into one. It's more appropriate for it to be in, under 19.27. We are keeping the Central Maui Park as its own standalone, which is the Keopuolani Park, as well as consolidating much of the park uses and districts down into a general, basically a PK-2 and, or a PK-1 District and a PK-4, leaving and getting rid of PK-2 and 3 Districts. We're also liberalizing a lot of the requirements as far as lot area. Over the years, we've had some very unusual or been put in some really weird positions where you want to do a use such as a skate park that's allowed only in PK-3, yet you only have three acres. You don't have 25 acres or the minimum requirement. The classic case was in Hana where you had, you have a beautiful skate park out there, but we had to change the zoning to a district, but the lot did not meet the district standards as far as that goes. Also, you have, skate parks could be allowed or should be allowed in other districts or other smaller lot sizes and not just in that particular districts. And a lot of this also came about as discussions with the Parks Department over several years prior to going to the Planning Commissions and many of those issues came up. We tried to find out what are they coming in for variances. A lot of time it's height variances for structures, you're, and as well as you see that in the gymnasiums for their facilities, as well as future plans if they would like to build larger structures. There was talk at one point of doing a Blaisdell-type structure at one point and so they wanted to have that flexibility. Another thing they came up with is that we also have like master greenway plans throughout the County, Upcountry greenway plans for equestrian trails, hiking trails and multiuser paths. Many of these facilities would be park facilities. The facility would be only 10-feet wide and 15 miles long. How do you measure or meet the minimum lot requirement for that...or lot size? So, it didn't make any sense for a lot of that. Also, in our discussions with the Parks Department at the time of the drafting was they, I mean, again, they needed to have that flexibility, but also they felt that any use that they do, any time they go in for improvements, right, or for new facilities, one, they're gonna have to do an EA. So, there's gonna be public

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input for that, and most of the time, that facility is being inputted, being developed because of community demands or community input for such a facility. Secondly, they felt that when they, they also have to come before the Council and get the appropriate funding for that facility. So, again, there's a lot of, they felt there was a lot more, there's checks and balances for their facilities when they come in for that, so, if they did, I mean, I know there was some issues on gun ranges or whatnot. Obviously, you're not gonna have a gun range on a two-acre neighborhood park. Also, I don't think...you probably could, I mean, but I think that the Council during its budget, as well as the community would have some issues and concerns. They would want to put some limitations on it. Also, that, another reason that, you know, that was discussed a lot was, we have areas that are zoned Park, so that's one of the reasons we would want to have it, I mean, on a zoning map. But, so, it's not really zoned PK-1, 2 and 3. I mean, it's not in a PK designation, so we feel that that's one of the reasons we need to have where we've already zoned something as a park, we need to come in and redesignate it, you know, as one of the, I believe, Section 3 of the, of this proposal to automatically zone those to PK-1. This bill does not zone or rezone any park facility that was developed, but the underlining zoning is not a park, such as, you have throughout Maui County, park dedications that were done in, for residential, for large residential subdivisions in which a neighborhood park of some type was developed, but it's still R-3 or R-2 or it's in the Residential District. But park facilities or open, pocket parks had been developed and they'll continue to be, have that underlining zoning until we go back and at that time rezone it. Another thing that came up from the Parks Department in their discussions with us in trying to get us to basically be a little more open in the amount of uses and in concern, like, I guess, one of the concerns was if we had private parks that were zoned Park. For the life of me, I can't think of any that's been zoned Park and would be PK-1 that's private right now; however, the other caveat that where the Parks Department indicated to me and they can correct me if I'm wrong is that they, they have memorandums of understanding, some type of agreements that they do with the private landowner to, one, allow for the public access, but also it limits the uses and the regulations and they regulate it through that type of a document, rather than the actual zone. So even though it may be a R-3 zoning, they obviously, there's a park there and they limit the hours, they limit through some type of, and the types of uses that go on there, even though it's, has a different type of zoning. And the same issue would come up if it was, you zoned it PK-1 and it was held as a private park if it, there would still be that underlining agreement that would limit the uses to whatever the Parks Department and that private landowner had. And then, again, if the private landowner did want to come in to zone their property PK-1, then, the Council could then decide whether or not there should be other limitations within it. And thank you, Mr. Chair.

CHAIR COUCH: Thank you, Mr. Alueta. Mr. Spence, do you want to add to that, please?

MR. SPENCE: Yeah. Just a couple of comments. When, with regard to the lot size, when we did the Interim zoning project in the late '90s, one of the things that I noticed is all of these places on our community plans that we subsequently zoned to PK-1, PK-2, PK-3, virtually, none of 'em met the minimum lot size. That's, that to me is a problem.

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That tells me there's something distinctly wrong with our Zoning Code. You also look in this Code and like in the PK-1, we have neighborhood centers are allowed. We don't have a definition for neighborhood center. We would probably interpret it at some point to be a, like a community center, but those are only allowed in PK-2. And then you go to PK-3, community centers aren't allowed at all. In your regional parks where you would want the community to gather and, you know, function together, we don't allow community centers, so, it's, you know, there's just silly things like this. I mean, this to me, indicates a huge rewrite is necessary of this section of Code and, you know, some of the things are just really obvious to me. And one last comment and, then, Kaala doesn't want to say anything, but he's sitting up here anyway. A lot of the parks like in Maui Lani, we're looking at a parks dedication right now. That's zoned Project District. It's not zoned PK anything. That has its own standard, its own requirements as they come to, you know, similar to what Joe was saying about private parks. If they dedicate it to the County, you know, it still has its own standards apart from the Parks zoning district. So I'm really comfortable and there's quite a few of those and I'm really comfortable that those are very well controlled and regulated. So, thank you, Mr. Chair.

CHAIR COUCH: Okay. And, then, Mr. Buenconsejo. Welcome, by the way, we have Parks Director, Kaala Buenconsejo, so.

MR. BUENCONSEJO: Chair, thank you, Chair. From the Parks standpoint, we're in favor of the proposed changes from Planning. You know, the biggest thing from that, from what I just learned as well with all of these zonings and everything else is, you know, from what it was written in the past, there needs to be a lot of cleanup. A lot of the things don't pertain to what it really should be, with the never ending changes that Parks sees by the community, so, I think this will allow us just to clean that up, the language, and allow Parks a more flexible use. Just to reiterate as well from a Council standpoint, this will not allow us to just go ahead and build and do what we want, Council will still be making those funding choices and everything else, but it's not a Planning aspect and a Parks aspect. It is, does clean it up which is what we need to do. So, thank you.

CHAIR COUCH: Okay. Members, you've heard the discussion, the comments, the opening comments from the Departments. I have a pretty big list of questions, but I'm going to open it up to Mr. Guzman, first, since that's, your Committee deals with Parks. Do you have any questions at this time or you want to just move it on to other Members?

COUNCILMEMBER GUZMAN: Yeah. I'll actually defer at this time.

CHAIR COUCH: Okay.

COUNCILMEMBER GUZMAN: I do have some questions, but I need to --

CHAIR COUCH: Sure.

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COUNCILMEMBER GUZMAN: --go through it real quick.

CHAIR COUCH: Members, any questions? Mister, Chair White?

COUNCILMEMBER WHITE: Thank you, Chair. So, it appears that PK-2 and PK-3 are going away?

MR. ALUETA: That is correct. We're just consolidating the uses of PK-1, 2 and 3 into one standard district and, then, we're also expanding some of the uses that are allowed within PK-4, which is the Golf Course District and then, keeping Maui Central Park as its own standards with no changes there.

COUNCILMEMBER WHITE: Okay. So, when a, when there's a parcel of land that's not zoned Park, but comes to us as a part of a subdivision agreement, what zoning will be assigned to that? Will the, that be decided upon by the Planning Department or the Commission or?

MR. ALUETA: It will be, it will stay whatever the underlining zoning provided that the uses that they're proposing in that. You know, if it's a passive park or whatever, it would be allowed. If they are proposing to improve it with the Parks Department, then, at some point, the zoning would have to be changed to the appropriate zoning district in which you would come before the Council to decide at that point. Obviously, there would be a recommended. So, that's one of the things to take into consideration.

COUNCILMEMBER WHITE: So, in what, are there cases in which the assigned uses would be given PK-4?

MR. ALUETA: Yeah. Golf courses are PK-4 and, so, the, that's the, one of the impetus, I guess, you could say, that with the initial adoption of 19.615, the Parks District was the rezoning or comprehensive rezoning of many of the golf courses to PK-4, so, that occurred like in many of the Makena areas, Makena-Wailea area.

COUNCILMEMBER WHITE: My concern, Chairman...

CHAIR COUCH: Hang on a second. Corp. Counsel has, wants to...

MR. HOPPER: I just had something that may be helpful, but if you wanted to continue with your question.

COUNCILMEMBER WHITE: No, go.

MR. HOPPER: Just a note. I think your question about if a subdivision came up, I think it's good to note that a subdivision, you know, may require a park dedication, but unless they're going for a rezoning, they would be dedicating whatever the property's already zoned. So, a Residential Zoning as I understand it does allow park use, so, someone could come in for a subdivision, have to dedicate a park and wouldn't need to change

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their zoning from Residential to Park in order to have that park either dedicated in the County or set aside for private dedication. So, right now, unless there's a rezoning application for somebody, to one of these park districts, there wouldn't be any new districts established. It'd be the existing district. So just to note that.

COUNCILMEMBER WHITE: Okay. Thank you for that clarification. That brings up another question and if we're designating uses that are allowable and this just drops into general park, then, what uses are allowable in those cases? And my, one of my concerns is that if something is zoned PK-4 and it allows skeet and trap field and sports ranges and so forth, can a golf course take a part of their property and turn it into a skeet range? Which is --

MR. ALUETA: Yes.

COUNCILMEMBER WHITE: --which may be right next to a residential area or does that require them to come back to the Parks Department or Planning to initiate that change?

MR. ALUETA: No. They would be allowed to do that as a permitted use within the PK-4 District.

MR. SPENCE: But I would...

COUNCILMEMBER WHITE: That's a concern for me. Not that any golf course would be crazy enough to do that next to residential, but crazier things have happened.

MR. SPENCE: Yeah. And I would just comment. I would think the likelihood of say, turning one of the holes as one of the Makena courses, certainly not in Kaanapali would they even dream of turning it, one of the holes into a trap range or a rifle range. I just, one, there's much less return on that kind of thing than there would be for a golf course.

COUNCILMEMBER WHITE: But we've also had golf courses decide to close. So...

MR. SPENCE: That's true.

CHAIR COUCH: I can think of the one in West Molokai, could that become a, if this were to change, would that become, the Kaluakoi one, could that become a gun range? I mean...

MR. SPENCE: No, 'cause it's not PK-4. It's Interim.

CHAIR COUCH: Oh. Okay.

MR. SPENCE: They could build homes on it right now if they wanted to, 1 per 6,000, but they also, they're also in the SMA as are many of our golf courses.

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CHAIR COUCH: Okay.

MR. SPENCE: And Mr. Chairman, if--

CHAIR COUCH: Yes?

MR. SPENCE: --if it's just quicker to put the whole gun range thing to bed so everybody can quit worrying about that, throw it into the special use category and just, we don't have to discuss it anymore and, you know, everybody's concerned about gun ranges exploding all over the island. Let's just call it a special use, it'll go through a process and we'll be done.

COUNCILMEMBER WHITE: I'm fine with that, Chair.

CHAIR COUCH: Yeah, as well.

COUNCILMEMBER WHITE: I mean I'm not going to get too exercised over where picnicking occurs.

UNIDENTIFIED SPEAKER: At the far end of the gun range.

CHAIR COUCH: Okay.

COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR COUCH: Any...Mr. White, any more questions?

COUNCILMEMBER WHITE: No.

UNIDENTIFIED SPEAKER: Mr. Chair?

CHAIR COUCH: I do want to mention that what Mr. Hopper was talking about, for instance, Residential has a, a whole residential subdivision has a park in it. There's a real close example here is Wailuku Heights, the park there, is actually zoned Residential, but it was part of the whole subdivision so.

UNIDENTIFIED SPEAKER: Right.

CHAIR COUCH: The question is, do we want to go back and change that to Park zone or, but, because that is allowed in the Residential zone.

COUNCILMEMBER WHITE: Well that was my question, really, is, what are the uses that are allowed in that type of park if it's not under one of these categories?

CHAIR COUCH: How does that work?

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MR. SPENCE: It's a real general definition. There's a general definition in the Code that says, park, means a tract of land designated and intended to be used for active and passive recreation. That doesn't, you know, limit a whole lot. I would just say if it's a private park and it's under the homeowner's association, they're gonna limit what they want to do with their park. If it's publicly-owned, you know, like Joe said, there's either some kind of understanding with the County of what's gonna be allowed there or it's gonna be, if it's County-owned, you know, all the CIP comes to the County Council and there's determinations on what's gonna be built where. So I'm just really not concerned that we're gonna have all kinds of inappropriate uses in the middle of our neighborhoods.

MR. HOPPER: *...(inaudible)...*

CHAIR COUCH: Mr. Hopper?

MR. HOPPER: I also read the Residential zoning section and it says, use, the use that's allowed are parks and playgrounds, non-commercial, certain commercial amusement and refreshment sale activities may be permitted when under supervision of the government agency in charge of the park or playground. So, it may be inappropriate 'cause there may not be a government agency, but, I mean, unless that's considered permitted by the County, but that's what the actual, in the Residential District anyway, that's what's allowed.

CHAIR COUCH: Okay.

MR. SPENCE: So non-commercial.

CHAIR COUCH: Okay. Anybody else? Questions? Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you. Chair, the Department mentioned earlier about that section of the ordinance or the Code that relates to community centers on, in parks. It's, where exactly is that section? Is that, will that encompass...it's on Page 8, the subordinate use and structures which...

MR. SPENCE: Of the new ordinance...

CHAIR COUCH: Hold on one second. Members, I've, Staff has distributed the old or the current Park District, so, this has all the zoning --

COUNCILMEMBER GUZMAN: Okay.

CHAIR COUCH: --permissions and whatnot. That was just handed out just as this item started. So that, that shows you what we're repealing in this bill and, then, what it's turning to. So it can, gives you some comparison.

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COUNCILMEMBER GUZMAN: Okay. So, the current bill as proposed does resolve that so you can --

MR. SPENCE: Yes, it does.

CHAIR COUCH: Right.

COUNCILMEMBER GUZMAN: --build community centers and parks. ...*(inaudible)*...

MR. SPENCE: It basically says...yes, it basically says in any of your parks, anything zoned Park, you can have a community center.

COUNCILMEMBER GUZMAN: Okay. Very good. Thank you.

CHAIR COUCH: Okay. Alright, one question I have is, are there...this is for Parks Department, are there any parks out there that are owned privately at this point?

MR. BUENCONSEJO: Chair? Yes, there are couple parks that are privately owned, privately maintained and open to public. So, there is one in the South District right now at Kamalii Subdivision Park. There's a couple in West Maui District at Kahana Ridge and Kahekili Beach Park and, actually, a few more in South Maui as well. So there are a few that, yes, are privately owned, privately maintained, but open to public.

CHAIR COUCH: Then, I guess the question and I'm sure the Planning Department doesn't have this information on top of their head, is it zoned actually, zoned Park or is it probably part of the Project District or the Residential zoning?

MR. ALUETA: Yeah. In all likelihood, it's still zoned Residential if it was, so it was basically, when they did their subdivision, they decided to maintain it as a private park and they had some type of agreement with the Parks Department that that would satisfy their park requirement without having to dedicate it, the land to the County. And I guess that was considered acceptable to them at that time.

CHAIR COUCH: Okay. Another question I have and, Members, if you have questions, just...okay, Ms. Cochran?

COUNCILMEMBER COCHRAN: Just real quick because Kahekili Beach Park was brought up. That was an airport --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --prior. Well, so, what's an airport zoned? Or was it just Ag and they built a runway on it back then?

MR. SPENCE: You know, we would...Mr. Chairman?

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CHAIR COUCH: Yes.

MR. SPENCE: We would have to look up the exact zoning for each one of these and I have no doubt, too, as previously said, some of these are gonna be Project District, so.

CHAIR COUCH: That's a good question because that airport probably was there before we had any zoning code, so.

MR. SPENCE: Yeah. That could very well be as well. I doubt if that's zoned Airport down there --

COUNCILMEMBER COCHRAN: Yeah.

MR. SPENCE: --anymore.

CHAIR COUCH: Okay. Mr. Guzman?

COUNCILMEMBER GUZMAN: I was, I guess, my question is, are we going to be placing archery in the same special use category as gun ranges? 'Cause I feel that there's...

CHAIR COUCH: And that's totally up to this body so.

COUNCILMEMBER GUZMAN: Oh, I feel that there's a distinction between gun ranges and archery. Before we used to have the archery range just right here in town.

CHAIR COUCH: Right.

COUNCILMEMBER GUZMAN: So, it's not very...

CHAIR COUCH: We'll go through.

COUNCILMEMBER GUZMAN: Okay.

CHAIR COUCH: We'll go through and see what we like. One just general question, I know you have as MCP, PK-1 and PK-4, that's kind of inconsistent. Any problem with calling it MCP and, then, Park and, then, GC, for golf course, just so we...because you start looking at PK-1, PK-4, what's that mean?

MR. SPENCE: 'Cause it jumps from PK-1 to PK-4?

CHAIR COUCH: Uh-huh.

MR. SPENCE: We're comfortable with whatever we want to call it. The two districts are, basically, park for recreation and the distinction is, the other one is for golf courses.

CHAIR COUCH: Right.

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MR. SPENCE: Primarily.

CHAIR COUCH: And skeet ranges.

MR. SPENCE: Yeah. PK-S.

MR. ALUETA: It does allow for, I mean, we did add open land recreation, outdoor recreation, you know, paint gun, airsoft field play, picnicking to the golf course areas. Again, those are large, normally, typically, large tracts land.

CHAIR COUCH: Okay. So, Members, what I'd like to do...yes, Mr. White, Chair White?

COUNCILMEMBER WHITE: On Page 9, under maximum building height, what's the rationale for allowing up to 120 feet in PK-1?

MR. ALUETA: Yeah. Part of it is lighting, for light structures. But again, as I indicated, when we first, I guess when I first started doing the amendments and just trying to consolidate the 19.615 into 19.29, I had initially, had planned on keeping everything the way it was, standardized and the same with all the restrictions. The more and more we talked with Parks Department, more and more we talked with staff and the history of like I say, all these different ones, we made the changes. And one of the meetings that we had with the Parks Department at the time was that besides lighting, there was a desire at some point, to build a larger facility. You always having to go into variances for gymnasiums and for basketball arena, basketball gyms and stuff like that. And, so, like I said, at the time, there was this discussion that, of doing a Blaisdell-like type arena at, on one of the park facilities. But again, the Council's gonna see the budget for the most part. And, so, you're gonna decide whether or not that budget, you know, to build a Blaisdell-type arena is appropriate, but then you're gonna start going, well, where is it gonna be built? Okay. It's allowed, but do you want that, I mean, you're gonna have concerns and I think the EA is also gonna raise --

MR. SPENCE: Right.

MR. ALUETA: --issues about that facility and whether or not the 120 feet is the appropriate height. So, again, you want to...this is the...yeah, that's the maximum, I understand your concern, but I don't think people are out there trying to build ten-story or nine-story buildings out there.

COUNCILMEMBER WHITE: Is there any PK-1 zoning in, that is privately held?

MR. ALUETA: I don't think so. I mean, I'm not, again, it's pretty rare for someone to actually zone to a, to the Park District. Again, from, and so, that's why it would had to have been a facility owned by the County in which they wanted to rezone it as part of some comprehensive plan. But I...many, again, many of our parks that we consider parks

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that we go to and use, are actually in another zoning category where a park facility are allowed, but the actual zoning is not. And, in fact, it's kind of, when you go through some of the zoning changes for parks, some of them just zoned it to Park. They didn't actually say, Park, PK-1, even though that's probably what they meant because, based on the lot size. And, so, one of the things here is to correct, so that we can actually zone it into the, an actual zoning category that has regulations 'cause there is no, in the County Code, we don't have a development standards or and use, uses listed for just Park per se, the zoning of Park.

COUNCILMEMBER WHITE: So you're comfortable with, you don't have anyone out there that we're gonna be giving a 120-foot building height to, that it's under private ownership?

MR. ALUETA: Yeah. Not that I'm aware of. I'm pretty comfortable that there is none.

CHAIR COUCH: I totally understand your concerns.

COUNCILMEMBER WHITE: ...*(inaudible)*... helpful, it doesn't feel, make me feel pretty secure.

CHAIR COUCH: Well, we have until first reading to get that information, too, if we were to...

COUNCILMEMBER WHITE: I'd like them to follow up on that.

CHAIR COUCH: Yeah.

COUNCILMEMBER WHITE: And if there is any instance where that might be the case, then, I would rather instead of saying, maximum building height, maximum, you know, specify that it's for lighting fixtures or something of that sort. Thank you, Chair.

CHAIR COUCH: Any other...Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And thank you, Chair White, for bringing that up. I was just, 'cause you mentioned it in reference to lighting fixture of some sort at that height level and, then, reading the DBEDT comments about the lighting on Kauai and the seabirds, so, I know the verbiage in regards to luminaries cutoff and shielding and what have you, but does that have anything to do with it being so high up in the air, the height of the actual post itself, not just the lighting of it, the illumination, but the height, too?

MR. ALUETA: Yeah. And I, it, part of it, yes, part of it does has to do with the height, part of it, but it also has to do with just when you put a, any light fixture, whether it's on the side of your house, it creates a light pollution and light distraction to near-shore birds, you know, dark-rumped petrel and whatnot. I do, I would recommend or would like to see as I was reading, rereading the bill, it has been up here quite some time, so, it's been a while since I took a look at it and we had had some discussions on whether or

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not we should specifically list poles or /towers and, as a separate type of development rather than just for building height, so, that we could specify height limitations on those. Because I, we do have what do you call, emergency sirens out there also as a permitted use within the Parks District. And right now, it's kind of a, I guess, a gray area because on some things we would consider it a structure, some people would say, no, a pole is not a structure, but I do feel that we should probably, to make it cleaner for everyone, that we just list it as, under the development standards charts, we just list a pole/tower and, you know, or light pole or siren or just, light pole/tower and then put in the maximum height. And, then, if you choose to decrease the amount of height for buildings, that wouldn't impact necessarily the poles and lighting fixtures because right, so.

CHAIR COUCH: Chair White?

COUNCILMEMBER COCHRAN: Oh, wait.

CHAIR COUCH: Oh, I'm sorry. Ms. Cochran?

COUNCILMEMBER WHITE: ...*(inaudible)*... when she's done.

COUNCILMEMBER COCHRAN: And, so, right, I see cellular and radio towers, the sirens, like you mentioned and wind turbines are here, too? Turbines are mentioned?

MR. ALUETA: Yeah.

COUNCILMEMBER COCHRAN: As in height, so. Yeah, I think it needs to be distinguished, I mean, a chimney and a vent is very different from a tower or a, you know, a lighting fixture and what have you, so, I think, that would be helpful to distinguish the different heights and what's allowed and things. Thank you, Chair.

CHAIR COUCH: Chair White?

COUNCILMEMBER WHITE: You know one thought is that, you know, I understand the building height being at 120 for a, you know, a Blaisdell arena or something of that magnitude, but I think I would be a little more comfortable taking out building height and allowing towers and poles and things of that height. And, then, just, any building over the 35 feet is just, is a special use. Because if there's a desire to build a big arena, then it's going to go through a huge EA --

CHAIR COUCH: Huge process, yeah.

COUNCILMEMBER WHITE: --process and everything else as a result of the review and, so, I don't think making that a special use is gonna be a big problem.

CHAIR COUCH: No.

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COUNCILMEMBER WHITE: And then they don't have to go and check to see who's got PK-1.

CHAIR COUCH: Right. Along those lines, Department, something like War Memorial fields that, you know, the bottom, at the bottom is the track and the football field, and, then, you have the stands and, then, you have the press box and, then, you have the lights, is that all considered one structure or are they all separate structures? The stands are one structure, then, the...how would that be interpreted, I guess? As far as whether it's a building, you know, for the maximum height there because I, just doing the math on top of my head, it looks like it's probably about, from the field to the top of the press box, probably 60 feet.

MR. SPENCE: Yeah.

MR. ALUETA: Yeah. We wouldn't measure it from the field. We measure it from where that, the ground on which it's on right now.

CHAIR COUCH: Even though it's all kind of the same structure 'cause the stands are built in the side of the hill, sort of, and then, the press box is on top of the stand's structure?

MR. ALUETA: Well, yeah, again, we would take it from the building itself and I don't think that the *...(inaudible)...*

CHAIR COUCH: Okay. I just wanted to see how it would be interpreted, so, that we don't get a situation where if we limit the building height to 35 feet, you can't put a big stadium, you know, setup like that.

COUNCILMEMBER VICTORINO: Well, Mr. Chair?

CHAIR COUCH: Yeah?

COUNCILMEMBER VICTORINO: Yeah. I think when War Memorial and, also, you can use another example is the Lahaina --

CHAIR COUCH: Yeah.

COUNCILMEMBER VICTORINO: --football stadium, same premise, is actually built into a hillside. The actual height from which it's measured for the lighting is actually the level, where the level of the top of that hill is, okay, and that's how the War Memorial was originally done. If you go to the other side, which is, what do you call, the same level as the field, then the lights stand on the same level, so, that would be measured from that point, if I'm correct. So that's my understanding on how these were applied through the years and it _____ be applied in the future if you're talking building into a hill, you know.

CHAIR COUCH: Right.

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COUNCILMEMBER VICTORINO: In other words, building a complex into a hillside, which Lahaina and the War Memorial has actually done. And there's thoughts of other places where that could be done, also.

CHAIR COUCH: Sure.

COUNCILMEMBER VICTORINO: So, I hope that that doesn't change, you know, 'cause I think that would be really difficult --

CHAIR COUCH: Right.

COUNCILMEMBER VICTORINO: --to deal with it. There's one more question I had for, and I've heard all the concerns as far as buildings and lights and all that and putting separate language, I'm okay with that, Mr. Chair. I think more clarification that is given is made it, makes it easier for all of us to apply it later.

CHAIR COUCH: Right.

COUNCILMEMBER VICTORINO: And the guns and the archery and all that, you know, I agree, that try not to put it next to some active playing park or on golf course, wherever civilians or human beings are consistently moving around, I don't think that's a great idea.

MR. SPENCE: Probably not.

COUNCILMEMBER VICTORINO: I don't think anybody would have done that. I think there's more common sense out there, but it's good to make sure everybody on the same page. My question here is, how does this apply to our parks who have pools? No one talks about that. And Pukalani, War Memorial, Kahului, all of these have pools. Now, it's a little separate, but there's no, you know, real applicable standard to pools and how they may fit in to a community or into a park. I know, I just made Mr. Alueta frown again. You know me, I would come up with something you weren't thinking about, but it is true and almost all our parks now, and our major parks, we have pool facilities and they're built on up or down or across. And, so, in the future, as we build up like the regional park, how would that be applicable to the standards as far as pools are concerned, if we build any more pools in public facilities or public lands?

MR. ALUETA: I'm sorry, I'm not following. Pools are allowed.

COUNCILMEMBER VICTORINO: I know they're allowed.

MR. ALUETA: But what's, what do you mean by standards?

COUNCILMEMBER VICTORINO: Okay. Like what we're having right now with some of our pools, they're starting to deteriorate and leak and, so, we build 'em up, we don't build 'em always on level ground. I think that's one of the questions that I wonder, does this

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address, that, you know, does this in, because when I read it over, I couldn't see where it addressed what particular topography we use. I guess that's the question. Is there anything that addresses that in this policy? In this new policy? In the old one, it did. In the new one?

MR. ALUETA: A pool would still require a building permit, so, we just --

COUNCILMEMBER VICTORINO: Yeah, yeah.

MR. ALUETA: --treat it like any other structure and measure the height from that.

COUNCILMEMBER VICTORINO: So, it would be considered a structure like anything else?

MR. ALUETA: Yeah. And we would measure it from the finish original grade, whichever is lower.

COUNCILMEMBER VICTORINO: Okay.

MR. ALUETA: So, in that case, if they graded and they made that the new finished grade and the height of the pool and most pools are gonna be no more than 8 feet in depth at the deepest end, so, I don't think you're gonna build a 35-foot high based on the current or a 120-foot-high pool.

COUNCILMEMBER VICTORINO: Well, I was thinking, maybe, one of those high, what do you call those diving towers?

MR. ALUETA: Right.

CHAIR COUCH: Yeah, those are ten meters, so.

COUNCILMEMBER VICTORINO: Well, but, you know, I was thinking for you, sir, you know.

CHAIR COUCH: Yeah.

COUNCILMEMBER VICTORINO: You've been talking, never mind. Never mind. Okay. I just wanted clarification on that.

MR. ALUETA: That is a good point. If someone did, if you decided to build a deep pool --

COUNCILMEMBER VICTORINO: Yes.

MR. ALUETA: --and then build a tall --

COUNCILMEMBER VICTORINO: Ten-meter --

MR. ALUETA: --10 meter --

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COUNCILMEMBER VICTORINO: --diving tower.

MR. ALUETA: --a 30-foot thing, so you would be right there in that 45 to 50-foot range --

COUNCILMEMBER VICTORINO: Okay.

MR. ALUETA: --'cause the diving end would have to be at least 15, I would assume be minimum of 15 feet depth.

COUNCILMEMBER VICTORINO: I don't ...

MR. ALUETA: I'm not sure if I want to dive in anything less than that.

COUNCILMEMBER VICTORINO: Well, for me, it better be 100, 'cause I know I'm not gonna land real well, but anyhow, I'm sorry I brought up the subject.

CHAIR COUCH: That's alright.

COUNCILMEMBER VICTORINO: But it was very important, you know. I thought this was something that needed to be brought up. Thank you, Mr. Alueta, and thank you, Chair.

CHAIR COUCH: Members, what I'd like to do is to go through not line-by-line or anything like that, kinda section-by-section and, then, when we go to the uses, we'll discuss them quickly. Basically, on Page 1, if anybody has any questions on that without, you know, if you don't have any questions, we'll just go right on. Any concerns with the language and whatnot on Page 1? Yes, Mr. White, Chair White?

COUNCILMEMBER WHITE: The only question was whether you were gonna change the...

CHAIR COUCH: That's on Page 2.

COUNCILMEMBER WHITE: Well, but you have MCP here.

CHAIR COUCH: Yeah, Maui Central Park, gonna leave that in there. I, on Maui Central Park...go ahead.

COUNCILMEMBER WHITE: To me, Maui Central Park means one park in Central Maui so.

CHAIR COUCH: That's Keopuolani Park, right? But, would this also include the new regional, the big park, the 209 acres?

MR. ALUETA: No, Maui Central Park was a separate standalone zoning that came about for Keopuolani only.

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COUNCILMEMBER WHITE: But how different is it really than the other larger parks? I mean, we're trying to establish --

CHAIR COUCH: Consolidate, yeah.

COUNCILMEMBER WHITE: --zoning for a type of park, not one park. At least, that's what I assumed.

MR. ALUETA: That's entirely up to you. All I can say is that Maui Central Park was a very controversial park and it, for that reason, I decided not to touch it. I just said, here it is 'cause it was a very controversial item with, around the community, I mean, so I just didn't want to delve into it and make a mess of it and I left it as is. Whatever new park facilities that you adopt within Central Maui and you appropriately zone it, then, at that time, you can zone it to one of the categories of either PK-1 or PK...

CHAIR COUCH: Only PK-1.

MR. ALUETA: PK-1, yeah, depending on the appropriate zoning.

CHAIR COUCH: Let me ask Mr. Victorino, since that's kind of in the border of your area, is it not or is it that...

COUNCILMEMBER VICTORINO: The Central Park, the Regional Park?

CHAIR COUCH: Keopuolani Park?

COUNCILMEMBER VICTORINO: Keopuolani Park, I think, falls in Kahului.

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: Falls in, because Kanaloa is the divider.

CHAIR COUCH: Oh, is the divider, okay.

COUNCILMEMBER VICTORINO: Kanaloa --

CHAIR COUCH: The question...

COUNCILMEMBER VICTORINO: --_____ Wailuku.

CHAIR COUCH: Okay. The question I have, then, to the Members is, yes, it was controversial when it went in. It's in. It's got standards. It pretty much fits general park description, I mean, it would fit in the general park uses, do we need to have that zoned...I agree with, Chair White, that we have one zoning for that one park, is there any concern with putting it into PK-1, what is currently called PK-1, in this bill? Any concerns with the Department, Planning or Parks or Corporation Counsel?

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MR. ALUETA: I'm sorry, what was the question, again, Mr. Chair?

CHAIR COUCH: Just eliminating MCP District and...

MR. ALUETA: Well, the uses that would be, then, allowed would or potentially allowed within that park would be, say, automobiles and go-cart and motorbike activities are currently prohibited from MCP. Campgrounds are currently not allowed. I mean I'm sure that cellular and radio towers, I think the cell industry would really love it if we could put some in Central Maui Park.

CHAIR COUCH: But, I guess, then, that leads to the question, would any of those things be allowed without having to come through Council?

MR. ALUETA: I'm not...depends, I guess, not, at least a budget or at least an EA or it all depends on what latitude the Parks Department has over that facility right now.

CHAIR COUCH: Because I would imagine a private cell tower would have to come through us for an agreement.

MR. ALUETA: Yeah.

CHAIR COUCH: It would have to come for an agreement, we can't, they can't use park facility without, I would think without an easement at least.

MR. SPENCE: I would say that's true. It would at least have to get an easement. It's also in the Special Management Area. So, it's not like something's just going to magically appear.

CHAIR COUCH: So, I guess, still the question remains, does the Department have an issue with us just eliminating MCP and changing it to park, general park?

MR. ALUETA: From a Planning aspect, no, I don't think we have any big alerts. We just did not, because we felt it would be too controversial or it would muddy the water even further if we did it on our own. If the Council wants to do it, that would simplify the districts. I think that makes it easier for everybody with less districts. Again, I just, from...I guess I've been here too long and the history of it is, I recognize when it was a issue and, so, I don't want, I did not wanna get drawn back into the controversy at that time.

MR. SPENCE: Right. And...

CHAIR COUCH: Yes, Mr. Spence?

MR. SPENCE: Just a couple comments on that. One, I would want to look at the specific zoning ordinance to see if there are conditions, specific conditions on it that would

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have to be dealt with. And, also, just as a note of what the controversy was, it was basically, then, Mayor Linda Lingle's project and there, so that, just all by itself, the Council and the Mayor didn't get along very well and there was also burials in the dunes as I recall. So, there was just a lot going on with the whole thing. But it finally passed. I would want to look at the specific ordinance and see if there is conditions that would need to be dealt with before you, we could just blanket rezone it. But in theory, planning theory, I think it'd probably be a good idea.

CHAIR COUCH: Okay. So, Members, I guess the Chair...

COUNCILMEMBER WHITE: Or we can just leave it.

CHAIR COUCH: What's the body's...I'm fine with taking it out. I don't think we're gonna pass it out today. We're gonna get everybody's concerns and changes because we're gonna move some things to special use and, so, we'll have it rewritten and by that time, by the next meeting, we should know what the conditions are. It's easy to find out. And if we feel like pulling it out, which is, would be my recommendation, and there's some issues, then we can put it right back in.

COUNCILMEMBER VICTORINO: Well, I think, I'd like to see the conditions and what was put forward, before I make my decision on that area so, until then, I don't want either recommendation and I don't want to leave it in, I don't want to take it out until I see it.

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: I think that's the way I could make an informed decision.

CHAIR COUCH: Sure. We can do that.

COUNCILMEMBER VICTORINO: Okay, sir. I didn't mean to hold you up but.

CHAIR COUCH: Yeah, yeah. No worries. Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah. I agree and, you know, I wasn't around when this was established, but, obviously, speaking on the controversial things that had occurred back then, there's a reason why and definitely I'm sure there's some hard-set conditions upon this district. And it almost sounds like that it did not want things of that nature with motors attached and archery and gun ranges and things that I see would be included if we switched it into PK-1, so, I definitely would be much more comfortable in waiting, but --

CHAIR COUCH: Sure, we could do that.

COUNCILMEMBER COCHRAN: --as, Mr. Alueta, mentioned, it's gonna allow skeet, traps, sporting ranges --

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CHAIR COUCH: Well, no.

COUNCILMEMBER COCHRAN: --all these things.

CHAIR COUCH: We're moving those to special uses.

COUNCILMEMBER COCHRAN: Oh, okay. Oh, right, right. Sorry. But trails and then --

CHAIR COUCH: Which it has.

COUNCILMEMBER COCHRAN: --the specific, well, not with no motorbikes and things of that nature. So anyhow, yeah, further discussion, Chair, but I would...

CHAIR COUCH: Sure.

COUNCILMEMBER COCHRAN: Maybe from here on out, we don't create such a central, you know, a single item --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --in a, as a park but --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --but this one in particular maybe it was established a while back and one of those things, where, let's not do this again and keep it as is kind.

CHAIR COUCH: We'll take a look at it.

COUNCILMEMBER COCHRAN: Alright.

CHAIR COUCH: Mr. Victorino, then, Mr. Hopper.

COUNCILMEMBER VICTORINO: Yeah, again, some of the history behind of this, even though I wasn't on the Council at that time, I remember meeting with Mayor Lingle and the Parks Department and it was, this park was originally to be a passive park in the sense of you could walk it, you could take your children and go and picnic and all of that. That was what this park's intent was along with some playing fields for soccer because the soccer community had continually demanded and softball fields for softball use. They also put a sand volleyball court there, which never really took off and they finally took away, and which is part of the dog park now. Okay. Also, this was also to be used by the YMCA and the Boys and Girls Clubs at that time for recreational purposes for the children. So it was a multiplicity of directions that was given by then, Mayor Lingle, to get this as a Central Park. It was her dream to make it a one-of-a-kind Central Park. And there was trails and there's still trails. You can walk the entire park and I think it's like three point something miles if you were to

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walk continually around that park or something like that. I've done it once, and I've not done it ever again, you know. Also, the botanical garden, which was a zoo at that time, was part of this. And it, then, was changed into a botanical garden, instead of being added to Keopuolani Park. So, there was a lot of history and I think you can pull all this out. I mean, this is not something that we can't find. And I disagree with the statement, never to be done again, because there are some areas where some conceptual and I not talking about a regional park, but some conceptual, whoo, sometimes words cannot come out so fast, conceptually, they would like to use the same premise as Keopuolani, you know. We also have there the special park for our special children. Okay. That was all a part of this. This was a really encompassing, one-of-a-kind and we hope that some other areas in the future may do this. You know, so, again, I'm comfortable either way. I'd like to see the conditions and, personally, I'd like to see it stay as the, and that's my personal choice as the central park.

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: I would like to see it that way, but let's see what else comes out and then we can decide at that point.

CHAIR COUCH: Mr. Hopper, you had a comment?

MR. HOPPER: Just to note that the archery range and the automobile, go-cart and motorbike are separate items, so, if one was going to be a special use, the other would have to be made a special use as well. I just wanted to note that. That those are different. Any of these that are listed permitted uses obviously are gonna be permitted unless they're made a special use. So, if there's additional uses that the Council wants to change to special uses, they should be noted going forward.

CHAIR COUCH: Okay. So, that's, we'll get that information. If we go to Page 2 now...

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Sorry, clarification, are electric bikes motorbikes, considered a motor-powered bike? Would that fall into that category, do you know?

CHAIR COUCH: Well, on motor vehicles, at least the State definition of motor vehicles, no.

COUNCILMEMBER COCHRAN: For bikes, 'cause it's, is it, we don't have a proper definition, yet, on that?

CHAIR COUCH: On electric bikes?

COUNCILMEMBER COCHRAN: Yeah?

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CHAIR COUCH: No.

UNIDENTIFIED SPEAKER: It's still a bike, it's still a motor.

COUNCILMEMBER COCHRAN: It's a bike with a motor.

COUNCILMEMBER VICTORINO: Isn't it something about so many RPMs?

COUNCILMEMBER COCHRAN: But is there gas in CCs?

CHAIR COUCH: CCs.

COUNCILMEMBER VICTORINO: Yeah, CCs, yes, thank you.

CHAIR COUCH: Right. And that 55 CCs and below are not considered motor vehicles.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: Okay? Alright, Page 2 and again it's the Chair's thought to change general park, just call it PK, not PK-1 and golf course, GC. Other than that, everything looks fine. Any comments, concerns, objections? Okay. So, we'll do that. We'll make that change. Then, Page 3 to, the bottom of Page 2, all the way to the top of Page 4 is being eliminated. So, we start Page 4, all the uses, so archery and gun ranges, are we gonna make that special uses in both, PK-1 and PK-4 or actually, park and golf course? Any concerns with doing that?

COUNCILMEMBER WHITE: Can we separate archery and gun ranges? Archery is not anywhere near as intrusive.

CHAIR COUCH: Okay. Any objections to changing those? Department? Corp. Counsel? Members? Okay. So, we'll separate first of all, archery and gun ranges. Archery, okay as a regular use in PK-1 and, or in, I would say PK-4 and special use in PK-1 or make it a permitted use all the way?

COUNCILMEMBER VICTORINO: Chair?

CHAIR COUCH: Yes?

COUNCILMEMBER VICTORINO: Did you not say you're not gonna use PK-4?

CHAIR COUCH: Yeah, I...

COUNCILMEMBER VICTORINO: Come on now ...(inaudible)...

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CHAIR COUCH: The column list...alright, let me put, change the column to PK and GC. Thank you.

COUNCILMEMBER VICTORINO: You confusing everybody.

CHAIR COUCH: I know. Sorry. So...

COUNCILMEMBER VICTORINO: Mr. Alueta wants to say something.

CHAIR COUCH: Yes, Mr. Alueta?

MR. ALUETA: I guess my preference would be, to keep it as PK-4, just because I don't have to change, rezone a bunch of property, that there's a lot of property that's already zoned PK-4.

MR. SPENCE: True.

MR. ALUETA: And so I'd, and so we'd have to...

CHAIR COUCH: Well, but you're, we're already rezoning PK-1, 2 and 3, so, we can just add that.

MR. ALUETA: Yeah, but the...that's true; however, there's almost no PK-3 except for Hana and Park is just the areas where we're correcting where somebody made the mistake or someone put it in Park rather than going through and actually saying, PK-1. So, there's really and there's, also, a lot of, you know, like in Kihei, where you have lands that are, on the zoning map that says, Park. So, at least now, they'll have a standard. But if you keep it, because PK-4 just designates it's a larger park, golf courses are allowed by right, also, but, also, other uses are, we've added --

CHAIR COUCH: Oh.

MR. ALUETA: --other uses to it, so, tennis facilities, lots of others.

CHAIR COUCH: It can be something other than just a golf course?

MR. ALUETA: Yes.

CHAIR COUCH: Although you do say in Page 2, you know, PK-4, Golf Course?

MR. ALUETA: Right, because that's the existing title. I didn't want to change too much. It's still called PK-4, Golf, and it allowed for a lot of these uses but we are also adding other things like athletic arenas, stadiums, tennis court centers, which I think may have been on the existing, but there's just a lot of different things that we're trying to keep it consistent. But it's entirely up to the body. I just was trying to, it's the Park District, I'm just trying to name, keep it...

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CHAIR COUCH: So, and I'm fine with that. I just don't like the fact that it says, PK-4, Golf Course if it can have arenas and everything else. So, can anybody think of a different --

COUNCILMEMBER COCHRAN: Slash.

CHAIR COUCH: --name for that kind of district? Well, we'll come up with something.

COUNCILMEMBER VICTORINO: Yeah. Yeah. Yeah.

CHAIR COUCH: We'll come up with something so.

COUNCILMEMBER VICTORINO: I think leaving it PK instead of trying to --

CHAIR COUCH: Yeah.

COUNCILMEMBER VICTORINO: --and then just go back into PK-4 and, then --

CHAIR COUCH: Yeah.

COUNCILMEMBER VICTORINO: --we don't even have it, whoops.

CHAIR COUCH: Yeah.

COUNCILMEMBER VICTORINO: Okay. Thank you, Mr. Chair.

CHAIR COUCH: Okay. So, back to the uses, archery and gun ranges. PK-1 is permitted or special or I'm sorry, archery. Not archery and gun range. Archery.

COUNCILMEMBER COCHRAN: Chair?

CHAIR COUCH: Yes?

COUNCILMEMBER COCHRAN: Chair, an arrow can kill, too. And it's, it can be dangerous --

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: --and I think right now, you need to be, you're allowed, but you need a permit, no? You need to ask permission? No? In a park?

MR. BUENCONSEJO: Chair?

CHAIR COUCH: Yes?

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MR. BUENCONSEJO: Currently, right now, we do not allow archery in our parks unless it's designated, we have a certain area, but it would be permitted. You can't just go there and start shooting wherever you want in a park so.

CHAIR COUCH: Mr. Hopper?

MR. HOPPER: And, of course, to clarify, this is your Zoning Ordinance which would even restrict the Parks Department from allowing the use, but if it's a County-owned park, the County itself can restrict or require permits for whatever uses are gonna be on the County property. I think that should be clarified. If the uses aren't allowed here, then, there could be a zoning issue. We're dealing with just the zoning. But you've got your whole separate Parks Ordinance which talks about the types of activities that can happen in the park, which permitting you would need and the Parks Department itself would have the authority to determine which uses are allowed in the park, even if they're permitted. Just like any private landowner would have the right, they could still restrict the uses. But in this case, it would be based on that park's ordinance, so, it's an important thing to note, I think, in general for this ordinance as well.

CHAIR COUCH: Okay.

MR. ALUETA: And Kaala and I were talking about when you mentioned motorbikes and stuff like that of either potentially moving that to special uses and I was indicating, no, he could restrict it, but that means that if you put it under special use, that means the Parks Department would have to get a Special Use Permit from the County to do the motorbike as opposed to him just saying, you can't do motorbikes unless you get a Special Use Permit. So, say, somebody wanted to set up a, at the stadium parking lot, wanted to get a permit, they don't allow, they, nobody can just show up and set up a go-cart track, but they wanted to get a permit from the Parks Department, they would. But if you made that use a special use, then, the Parks Department would have to then get a Special Use Permit to set up, to allow for go-carts in the parking lot for that one day on that one property. And so, again, as both, as Mr. Hopper indicated, they have control over the park facility if it's owned by the County, and even if it's not owned by the County, they have normally they have limitations and access agreements for private facilities.

MR. HOPPER: And, yeah, again, this wouldn't apply though, that, those restrictions wouldn't necessarily apply to private facilities unless at the time they got dedicated for use, there was a, some type of restriction. If there happened to be privately-owned facilities that had the zoning, then, yes, those private facilities could do the use without getting a special permit if they're listed as permitted uses. But for government-owned facilities, that's all correct, that they would still need to get Parks Department permission to go on to that park and use it for that use.

CHAIR COUCH: Okay. So, that being said, back to archery and gun ranges, I still think as Ms. Cochran says, arrows are pretty deadly, too, leaving them together is fine and making them all a special use would be the, I think, the route that we're looking at.

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COUNCILMEMBER WHITE: Yeah but we're talking about ranges. So, a range has to be set up.

CHAIR COUCH: He can't hear you.

COUNCILMEMBER WHITE: Ranges have to be set up and approved by the Department. It's not a situation where people just walk into a park and start doing target practice on a tree.

CHAIR COUCH: So, you're saying, leave it as a permitted use as opposed to special use?

COUNCILMEMBER WHITE: It's gonna have to be approved by them anyway.

CHAIR COUCH: Okay.

COUNCILMEMBER VICTORINO: And if you remember, the archery setup in Kahului Community Park was actually in the building, which used to be the storage area for the parks, yeah?

MR. ALUETA: Yeah. Well, the Kamehameha Day tournament for archery used to be held at Keopuolani prior to it becoming Keopuolani Park.

COUNCILMEMBER VICTORINO: Right.

MR. ALUETA: It used to be...

COUNCILMEMBER VICTORINO: Because you had the lower section.

MR. ALUETA: Yeah, it was in the desert over there and, then, most practice facilities indoor, is an in-door range at the, I used to do it at Kahului Armory, is where we did indoor archery. And, then, the outdoor, the Kam Day tournament was at the, well, what was the Quonset hut and desert in Central Maui so. But again, this would allow for it to be as a permitted use within those PK districts. PK-4, it would be a permitted use, so, those golf, existing golf course facilities that have that designation would be allowed to do those facilities as, because they are privately, private facilities.

CHAIR COUCH: Direction? Concerns? I'm fine with leaving it as a permitted use, then, with that.

COUNCILMEMBER VICTORINO: With special management?

COUNCILMEMBER COCHRAN: With special use? So, I do archery and the people I, they were setting up at Lahaina Rec. Center and, then, they were told, oh, no, no, no, you can't do this. So, I, we moved the targets, but you can literally walk up and put the targets that you have and put out your quiver of arrows and your bow and start

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shooting. I mean, you can do this, anywhere, beach park, I mean, if physically, you can, I mean, I know where you're not permitted, but you, a person could. So, things of that nature permitted, but you need to get permission of Parks in order to do it.

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: So off timing from the whole, you know, after school training for all the kids running around, I mean, you're not gonna do it, it was, you know, done primarily early morning when no one was even quite awake yet.

CHAIR COUCH: But you still had to get permission.

COUNCILMEMBER COCHRAN: Right, well, at the time, the people did not realize that. They just said, hey, this looks like a safe time of day to go shoot arrows and then ...*(inaudible)*... you're not allowed. But, so, it's moved now to a better permitted place. So I, you know...

CHAIR COUCH: Chair White? Or Ms. Baisa?

COUNCILMEMBER BAISA: Yes, Chair. I would like to see this with permission only. You know, archery can be very dangerous. And somebody can get really badly hurt, so, I think that we need to pay attention to permitting.

CHAIR COUCH: So with, under notes and restrictions, with proper permits?

COUNCILMEMBER BAISA: Yeah.

COUNCILMEMBER WHITE: I think we should change the wording to, archery ranges and gun ranges, so that it doesn't read, archery and gun ranges.

CHAIR COUCH: Fine. I, without any objections, yeah, that's...

MR. SPENCE: You have to have both.

COUNCILMEMBER WHITE: Pardon?

CHAIR COUCH: The way it reads, it kinda looks like it, but I agree with you, archery ranges and gun ranges. That's, we can make that change. No objection? No objection.

COUNCILMEMBERS: No objections.

CHAIR COUCH: Okay. So, yes, Mr. Hopper?

MR. HOPPER: I just happened to look in the Parks regulations and it just, interestingly enough, it is prohibited for anyone to discharge firearms, air rifles or spring guns except at a range established and regulated for that specific purpose. And, then, it

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says, except as otherwise authorized by permit, license, lease or concession, it is unlawful for any person within the limits of any parks to engage in archery. So, you need a permit. So, that's in a separate code section that regulates what the, what's allowed in County parks. Now again, if it's a privately-owned park, then, the zoning would be the more appropriate one to go to, to see what the restrictions are.

COUNCILMEMBER WHITE: Right.

MR. HOPPER: But we have a whole set of as you, I'm sure, are familiar with regulations regulating what's allowed in the parks and what you need permits for and things like that.

COUNCILMEMBER WHITE: So you need a permit if you're gonna do an archery tournament?

MR. HOPPER: Engage in archery, in order to do that, you need a permit, license, lease or concession issued in accordance with the Code.

COUNCILMEMBER WHITE: Right.

MR. HOPPER: In a County park.

COUNCILMEMBER WHITE: Right.

MR. ALUETA: So, just to be clear, are you leaving it in as a outright permitted use within the zoning categories and it'll be limited and restricted by the Parks Department?

COUNCILMEMBER WHITE: Right.

CHAIR COUCH: That's what we're discussing right now. I think that's the ultimate, I think that's fine. But...

COUNCILMEMBER WHITE: You know because the ordinance says, you can't discharge archery without a permit.

CHAIR COUCH: Right.

COUNCILMEMBER WHITE: And if we're leaving it as archery ranges, I'm okay with that.

CHAIR COUCH: Okay. Alright, that was tough, the first one. So, archery ranges and gun ranges, we're gonna change that to and they're gonna be fine because there are park restrictions, Parks Department restrictions already. Athletic arenas, stadiums and tennis centers, that's allowed in all three different districts. I don't see any problem with that. Okay. I'll just go down, Members. If you have a, an objection, just speak up.

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COUNCILMEMBER WHITE: Why do you just ask if there are any objections ...*(inaudible)*...

CHAIR COUCH: Okay. Are there any objections to Page 4? Any of the uses in Page 4? They're okay? Page 5?

MR. BUENCONSEJO: Chair?

CHAIR COUCH: Any concerns?

MR. SPENCE: Chairman?

COUNCILMEMBER COCHRAN: The Department's trying to...

CHAIR COUCH: Department?

MR. BUENCONSEJO: Quick one back, going back again to this permitted use for the ...*(inaudible)*... it over, but in discussion with Joe is, I think for the PK-4, as we're talking about it, that's your private land use _____ the golf course. Those possibly, maybe, should be special use because we don't have control over that, where PK-1, we already have regulations set in place and PK-4 is basically a private landowner zoned in that PK-4, who they could just go and open up --

CHAIR COUCH: Got you.

MR. BUENCONSEJO: --whatever they wanted to based on the current situation. So, maybe those particular items could be a special use and leaving the PK-1s as it currently stands. Again, just a suggestion. Maybe Joe ...*(inaudible)*...

CHAIR COUCH: Yeah.

COUNCILMEMBER WHITE: Just to confuse it more, I'm okay with that as far as the gun ranges are concerned, but I don't think archery is that big a deal. 'Cause you know, they have their own liability to deal with.

CHAIR COUCH: So they were gonna split that, try to split that out again?

COUNCILMEMBER WHITE: Well, since we said, archery ranges and gun ranges, just put a line in-between 'em. One can be a special use and the other can, is a permitted use based on approval from the Department.

CHAIR COUCH: So, notes and restrictions would say, in County-owned facilities, it says...we leave it as a permitted use in County-owned facilities only and, then, we'll add in a special use, private facilities, is that what we're saying?

COUNCILMEMBER WHITE: For gun ranges.

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CHAIR COUCH: For gun ranges. Any objections to that? Will that, is that an issue, Mr. Hopper, with, you know, private versus public?

MR. HOPPER: Mr. Chair, I think there are sections in the Code in zoning where there is a distinction between if the facility's government-owned or privately-owned, so, I wouldn't see a problem with that. We may have to work on the wording, I'm not sure if it will be notes and restrictions versus just redescribing the use as archery and gun ranges in publicly-owned facilities, listing that as a permitted use and then listing archery ranges, not archery ranges, but gun ranges that are privately owned, listing that in the special use section.

CHAIR COUCH: Okay.

MR. HOPPER: Something like that.

CHAIR COUCH: Yeah.

MR. HOPPER: That has been done from time to time in the County's ordinances, so off-hand, I don't see a problem, but we would have to work out the language, I think.

CHAIR COUCH: Okay. Is that the general intent of the Committee? Archery and gun ranges are permitted use in public facilities, change that to archery ranges and gun ranges in publicly-owned facilities...right? And then we'll put in special use, we'll put gun ranges in private, privately-owned gun ranges or gun ranges in privately-owned facilities. Whatever, he said he's going to work out the language, but basically, if it's a private park and they want to put a gun range, it's a special use. Is that what the intent of the Committee is?

COUNCILMEMBER WHITE: I thought we were making it a special use for both, public and private?

CHAIR COUCH: No, we...

COUNCILMEMBER WHITE: For gun ranges?

CHAIR COUCH: 'Cause Ukumehame Park is, would need then, to have to get a special use permit.

MR. SPENCE: It already does.

MR. BUENCONSEJO: Chair?

MR. SPENCE: Mr. Chairman?

CHAIR COUCH: Okay.

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MR. SPENCE: Ukumehame Park probably, it's Agriculture, it preexists our Agricultural zoning laws, but let me read straight, for, this is just for the Ag District, just for the Ag District, under Special Uses, 19.30A.060, No. H, open land use recreation structures and facilities which do not meet the previous section including commercial camping, gun or firing ranges, archery ranges, skeet shooting, paintball, bungee jumping, et cetera, et cetera. So, those are already required to get a Special Use Permit if, public or private, if somebody is going to open one of those facilities up in the Ag District. And that's probably where you're gonna see a gun range or something like that anyway, out in the middle of nowhere, far away from other people so. And I seriously doubt somebody's gonna want to change their zoning to park in order to do it, it's not gonna accomplish a whole lot so.

CHAIR COUCH: Okay. So, the last I understood, we're okay with archery and gun ranges as being a permitted use as long as it's in a public park because the Parks Department handles the permits for that. But if it's a gun range on a golf course or a privately-owned park, then, it needs to have a Special Use Permit.

COUNCILMEMBER WHITE: That's fine.

CHAIR COUCH: Okay. You got that, Staff?

MR. MOLINA: Just for clarification, for the golf courses, archery and gun ranges will be exclusively special uses or is that...

CHAIR COUCH: Privately-owned golf courses.

MR. MOLINA: Okay. So the public, private separation applies to both the PK and the golf course?

CHAIR COUCH: Uh-huh.

MR. MOLINA: Okay. Thank you.

CHAIR COUCH: Okay. Anything else in Page 4? Page 5? I'll just go through, gymnasiums, historic building structures or sites or areas of scenic interest, marinas, open land recreation, outdoor recreation, paint gun and airsoft playfields, picnicking, playgrounds, playing courts, playfields, recreational, educational neighborhood or community centers and facilities for public or...okay, what is that word?

UNIDENTIFIED SPEAKER: Which one?

COUNCILMEMBER VICTORINO: Hey if you don't know it then ...*(inaudible)*...

CHAIR COUCH: Eleemosynary.

COUNCILMEMBER WHITE: Eleemosynary.

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CHAIR COUCH: Eleemosynary?

COUNCILMEMBER WHITE: Or something like that.

MR. ALUETA: What he said. Eleemosynary.

COUNCILMEMBER BAISA: Charitable.

CHAIR COUCH: Charitable?

COUNCILMEMBER WHITE: Yeah.

CHAIR COUCH: Why don't we just say, charitable organizations?

MR. ALUETA: It's in the, it's what it was. Mr. Chair, I do wanna note, not only, you have skeet and trap.

CHAIR COUCH: Well, we're getting down there.

MR. ALUETA: And, then, but also, I just want to note, so, you know ahead of time, outdoor recreation includes hunting and skeet shooting. So, if you want to, if, so, if you want it out, you would just put a note, except for, you know, hunting and skeet or whatever under the exceptions table. I'm just...

CHAIR COUCH: Is that outdoor recreation or open land recreation?

MR. ALUETA: Outdoor recreation.

CHAIR COUCH: Includes hunting. Where is that defined? Is that in the definitions?

MR. ALUETA: Yeah, it's in the, 19.04.

CHAIR COUCH: Nineteen, "o", four, okay.

MR. ALUETA: Yeah, the definition section.

CHAIR COUCH: Wow. Okay. So, outdoor recreation, any problems with putting in the notes and restrictions, except for hunting?

COUNCILMEMBER COCHRAN: For all categories?

CHAIR COUCH: No, no. For outdoor, yeah, for all categories. Because we don't have any parks that we're gonna allow hunting in, do we?

COUNCILMEMBER VICTORINO: Hey, private, I don't know.

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CHAIR COUCH: Alright, so, except for hunting. We're gonna add that, okay, Staff? Got that? Okay. And, then, we go back down to skeet and trap fields and sporting ranges. What is a sporting range?

MR. ALUETA: I knew this ten months ago when I sent it up. No, I actually knew the difference between skeet and trap. They're slightly different and sport ranges, also, like...

CHAIR COUCH: Are you talking about sporting clay ranges?

MR. ALUETA: Yes.

CHAIR COUCH: Okay. Shall we say, sporting clay ranges?

MR. ALUETA: Well, there's a slight difference and that's why I put all three of 'em just to cover my bases.

CHAIR COUCH: Right, right.

MR. ALUETA: Some of them...

CHAIR COUCH: But you say, sporting ranges, and I think it should say, sporting clay ranges.

COUNCILMEMBER WHITE: Unless it's a range that uses something that's not made of clay.

COUNCILMEMBER VICTORINO: We are really on a roll today. And I usually, and I'm lucky I'm way on this corner, I'm not really been infected yes.

MR. ALUETA: Yes.

COUNCILMEMBER WHITE: Oh don't go there.

CHAIR COUCH: Okay, let's get back into order here. Are you okay with that? Because sporting clay is, we all know what sporting clay is, even though they're not made of clay sometimes, so, but do we want those as a special use or is that okay at a golf course? I think we would want to change that to a special use in private facilities. In private facilities, again, only. Okay. Next page.

COUNCILMEMBER COCHRAN: Chair, real quick.

CHAIR COUCH: Yes?

COUNCILMEMBER COCHRAN: Sorry to go backwards.

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CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: To Page 4 in campgrounds?

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: It's not, it's only allowed in PK-1.

CHAIR COUCH: PK, yeah.

COUNCILMEMBER COCHRAN: And nothing else.

CHAIR COUCH: Right. Don't know that we want to turn a golf course into a campground.

COUNCILMEMBER COCHRAN: But PK-4 isn't necessarily a, only a golf course, right? It's private lands that are PK-4, so --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --it should be like a slash there, because you keep referring golf course, golf course, it's not just necessarily a golf course, and we have places such as West Maui, who, which was once a golf course and now it's just open fallow, who knows what it's gonna be course right now. There's some courses that just got sold and it never, village, it's just sitting their idle right now. So what, now, I'm just thinking in terms of these open lands, campground, could, I mean, there's walking trails there and things now. People were throwing Frisbee, walking their dogs, I mean, it's turned into numerous uses. But and it's private, though, you know, it's not County, it's not anybody.

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: So, I think if they wanted to make a camp thing, it should be allowable. So how would that work?

CHAIR COUCH: Department, you have any concerns on that?

MR. ALUETA: I'm sorry, as far as changing...

CHAIR COUCH: Well, adding campgrounds as a permitted use in PK-4?

MR. ALUETA: No, I think we added...

CHAIR COUCH: You pulled it out.

COUNCILMEMBER COCHRAN: It's not there.

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MR. ALUETA: Right, but...oh, okay. Let's see. Why did I pull it out? I don't have a problem with adding it. That would allow for that, I mean, I did know that we, for the golf courses, we did add, we wanted to open land recreation and outdoor recreation as well as, you know, some other activities, so that people could do it, so, I don't have a problem with the campgrounds.

CHAIR COUCH: Okay. Members, any concern with that? Okay. Alright. I got, yeah, we got a few more pages left. What I'd like to do is 'cause I know two Members have to go, well, it'll still keep us at bare quorum, but what I'd like to do is ask you to take a look at this, our meeting's been moved to September 24th. I will bring this back up on September 24th. Anything that you want to change in this, have it ready and, then, I'll just ask for anybody's suggested changes. Is that agreeable? Mister, Chair White?

COUNCILMEMBER WHITE: Just a question for the Department. We have this list of items that are allowed under the previous --

CHAIR COUCH: Correct.

COUNCILMEMBER WHITE: --definitions. I'd like them to provide us a list of items that they have taken out, that are not reflected in this, if there are any.

CHAIR COUCH: Mr. Alueta, did you remove any restrictions?

COUNCILMEMBER WHITE: I don't find marinas, I don't find caretaker cottages and couple of other things, so.

CHAIR COUCH: You don't find marinas, where, in here?

COUNCILMEMBER WHITE: In this.

CHAIR COUCH: Yeah, it's on Page 5.

COUNCILMEMBER WHITE: Okay.

MR. ALUETA: Yeah, marinas and caretaker facilities are accessory uses. They're just, they, we just consider that to be an accessory use, so, that's...

COUNCILMEMBER WHITE: So, is there anything in this list, the original list of permitted uses that has been taken out?

MR. ALUETA: Not intentionally. We, I mean, the intention was, but we will double-check, but the intention is to be more permissive. We added uses, I mean, we added like farmers markets and all these things that are already going on through some type of licensing or we just wanted to expand the uses, especially where we think it was appropriate. So, I think that's, we didn't take anything out. We added stuff in.

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COUNCILMEMBER WHITE: Okay. Good. Thank you, Chair.

CHAIR COUCH: Okay.

MR. SPENCE: And, Mr. Chairman, I would just also note that sometimes we will consolidate uses like if it says, archery ranges for youth and, then, archery ranges for adults or something, we'll just consolidate 'em and call 'em archery ranges, so, it covers everything. So, we'll simplify. So, we can take a look at that, too.

CHAIR COUCH: Okay.

MR. SPENCE: Where we collapsed uses together.

MR. ALUETA: Mr. Couch?

CHAIR COUCH: Yes?

MR. ALUETA: Mr. Chair, just one, so I can make some change or do some updates also while you're...is it the general consensus that anything with a gun does, is, should be a special use if it's on private --

CHAIR COUCH: Correct.

MR. ALUETA: --it's privately-owned property?

CHAIR COUCH: Correct.

MR. ALUETA: Okay. Because, you know, like I said, there's like outdoor recreation and outdoor thing has listed, you know, skeet and other stuff that...and hunting, right, so you would want to have those uses moved to a Special Use Permit if it's owned privately?

CHAIR COUCH: Correct.

COUNCILMEMBER WHITE: Unless it's paintball guns.

CHAIR COUCH: No, paintball is fine.

MR. ALUETA: Right, paintball and airsoft.

CHAIR COUCH: And airsoft as well.

MR. ALUETA: Okay.

CHAIR COUCH: Okay. Any other comments, Members? So when we come back on the 24th and if you can't make the 24th meeting, send me a message that you're okay, an e-mail

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or a letter of some sort of what changes you would like. Thank you, Department, and you know, I just wanted to say that we thought that this might be an easy one until we got into the weeds. And because of the way we're a little short-staffed at the, everywhere, we didn't get to the really tough questions until yesterday and I want to thank the Departments for coming up with the answers with these tough questions on such a short notice. And we'll try and get it a little bit sooner to you than a 24-hour notice so.

UNIDENTIFIED SPEAKER: Thank you.

CHAIR COUCH: We appreciate your getting here and getting the questions answered. At this time, we will defer this item without any objections.

COUNCILMEMBERS: No objections.

CHAIR COUCH: No objections.

ACTION: DEFER.

CHAIR COUCH: And that being said, that's the last item today, and thank you, Members, and we will see you on the 24th, I think. So this meeting is adjourned. . . . *(gavel)* . . .

ADJOURN: 11:49 a.m.

APPROVED BY:



DON COUCH, Chair
Planning Committee

pc:min:150903

Transcribed by: Joanne Bista

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CERTIFICATE

I, Joanne Bista, 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 28th day of September, 2015, in Kahului, Hawaii


Joanne Bista