

**HANA ADVISORY COMMITTEE TO THE  
MAUI PLANNING COMMISSION  
MEETING OF NOVEMBER 2, 2015**

*\* All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 2200 Main St., Suite 315, Wailuku, Maui, Hawai'i. \*\**

**A. CALL TO ORDER**

The meeting of the Hana Advisory Committee (Committee) was called to order by Chairperson, Ward Mardfin, at approximately 4:07 p.m., Monday, November 2, 2015, at Helene Hall, Hana Bay, Maui, Hawaii.

A quorum of the Committee was present (see Record of Attendance).

Chair Ward Mardfin: According to the clock it is a quarter after. I think the hour hand is wrong and everything else is right, I'm hoping. Anyway, it is 4:07. Oh, that's good. It is 4:07 on November 2, 2015. We are in Helene Hall, down at Hana Bay. And I am calling the meeting to order of the Hana Advisory Committee to the Maui Planning Commission. Members present are John Blumer-Buell, Gale Notestone, Dawn Lono, and myself, Ward Mardfin; also here we have, as a recorder, Suzie Esmeralda, our Corp. Counsel, Jennifer Oana, our Director of the Planning Commission, Will Spence, the Administrative man, Clayton Yoshida, sitting in the back, the Planner for today is Danny Dias, and we also have Josh Daniel, who is the Ranch Manager, and Bobby Harvey, who is also working with Hana Ranch. That pretty much takes care of everybody who's in here.

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

**C. APPROVAL OF MINUTES OF THE AUGUST 31, 2015 MEETING**

Chair Mardfin: So the meeting -- we have a quorum of four people. Meeting's been called to order. At this point, we can have public testimony on this, and there are two options: You can give public testimony now, or you can wait until the item is called up, and I would sort of suggest that that might be the optimum way to work it tonight.

If there's no public testimony, in general, then we're on to item C, approval of minutes for the August 31, 2015 meeting that got distributed. Can I have somebody make a motion to approve the minutes?

Mr. John Blumer-Buell: I'll make a motion to approve.

Chair Mardfin: That motion --

Ms. Dawn Lono: I'll second.

Chair Mardfin: That motion's by John Blumer-Buell, and Dawn Lono seconded. We're on to the public hearing, action is to be --

Ms. Lono: Call for the ...(inaudible - not speaking into the microphone)....

Mr. Blumer-Buell: We didn't approve ...(inaudible - not speaking into the microphone)...

Chair Mardfin: Thank you. Yeah, I do have -- we do have to vote on it.

***It has been moved by Committee Member Blumer-Buell, seconded by Committee Member Lono, then unanimously***

***VOTED: to approve the minutes of the August 31, 2015 meeting as distributed.***

Chair Mardfin: And that looks like it's unanimous, which is good because if one of us didn't for it, we wouldn't have passed it. And walking into the room, Scott Crawford, another Member of the Hana Advisory Committee.

We are up to item D, Public Hearing, action to be taken at the end of this

*Chair Mardfin read the following agenda item into the record:*

**D. PUBLIC HEARING (Action to be taken after public hearing.)**

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

Chair Mardfin: And our Planner, as I said earlier, is Danny Dias, and it looks like he would like to speak. Please do.

Mr. Danny Dias: Thank you, Chair Mardfin, and good afternoon, Members of the Hana Advisory Committee. As stated by Chair Mardfin, the item before you involves a community plan amendment and a change in zoning for an approximate 201-acre parcel of land owned by Hana Ranch, LLC. The CPA is to go from golf course to agriculture, and the zoning from PK-4 golf course to agriculture. As stated, these applications were initiated by Director Spence, and I believe the reason for that is, basically, it's something that we feel the community supports, and it's something that we'd like to see. Since this request essentially doesn't involve any work, you know, normally when projects come before you, there is some type of project, some building that's going to be built, increase in traffic drainage, etcetera, etcetera. This project, you know, essentially you're taking what's existing pasture land, and you're not doing anything with it, so there's not a whole lot for me to talk about with respect to that.

I do want to just briefly go over what is currently approved for that parcel of land and why, you know, we're pretty happy that the ranch is going back to ag. In 1993, a community plan amendment and change in zoning was approved by the Maui County Council, and what was approved was a semi-private 18-hole championship golf course, and part of that the golf course was a two-story clubhouse, so it was about 250 feet by 80 feet long, part of that clubhouse was going to be a pro shop, full-service restaurant, bar, kitchen, snack shop, community rooms, lock facilities, golf course storage area, and administrative offices. Also included with that was a 6-acre driving range and a 150-stall parking lot. The CP and CIZ request was approved by the council subject to 20 conditions. I reviewed these conditions and from what I could see, these conditions were basically triggered by construction of the golf course, so from what I understand, none of these conditions were met, however, the golf course was never built. So that about wraps up what I have to say. Along with myself, Director Spence is here for questions, and I just want to hand it over to Josh Daniel, of Hana Ranch, for an opening statement, and, also, Bobby Harvey is here for questions that you may have. Thank you.

Chair Mardfin: Please do that. Josh, would you please go to the mike, identify yourself, and --

Mr. Josh Daniel: Josh Daniel, Ranch Manager, Hana Ranch. I just want to thank all of you on the community -- or, I'm sorry, the Advisory Committee for having us out to participate in this hearing today. I want to extend my thanks to Clayton and Will and Danny for initiating this removal. This is something that we, as a ranch, have been interested in since we took over management of the property in January 2014. And I will be brief in my description of where we stand on this issue. We are interested in continuing agriculture in Hana, and we're interested in keeping Hana Ranch as a working landscape both through the production of trees and annual vegetables and livestock. And so this zoning overlay has, from the time we've been involved with the project, really existed as kind of a dark cloud over the efforts that we're trying to make both on the ranch and with the community

in Hana, and so we're very much in favor of the removal of this overlay so that we can get back to the business of having an appropriately supported zoning that supports the efforts that we're trying to do the ranch, which is agriculture. So I'll be here certainly available for questions but just wanted to thank all of you and thank our Planning team again, so appreciate it.

Chair Mardfin: Thank you very much. Bobby, did you want to say something?

Mr. Bobby Harvey: I think Josh covered most of it.

Chair Mardfin: Okay. At this point, this has been introduced, I'll open it up for public testimony. Would anybody from the public like to testify? Seeing none, public testimony on this item is closed. Oh, I'm sorry, Director?

Mr. William Spence: I don't know if I qualify for public testimony or not, but just a comment that the ranch approached us about down-zoning this property, and I think that's something really big to their credit, and it says a lot of where their values are, that they want to return it to agriculture instead of -- you know, most companies would hold something like that, and entitlement like that as something of value for their land, and that's not where they're coming from. So when they approached us we, you know, we looked at the law, we looked at a couple of things, and, you know, we found that either the planning director or the county council can initiate zoning, even down-zoning, and this is something that, with their agreement, you know, we're initiating for them, so it's the fastest, cleanest, easiest way to get where they want to go but I think I recognize the controversy this was in '93, and it has continued to be over the years, so I see this all around as a good thing for the community, and for the county, and for the ranch.

Chair Mardfin: Thank you very much. Does anybody on the Advisory Committee have any questions? Since he's grabbing the mike, I'm assuming John Blumer-Buell would like to speak.

Mr. John Blumer-Buell: I have a few questions for Will. I appreciate your opening statement because that was my first question, who's normally the owner of a property instigates and pays for this kind of a planning process, so I was just wondering where the authority came from to initiate this, and so I'm glad that's been clarified a bit. So I have a question on page 4, under Chapter 343, it's about halfway down the page. It says, "The subject application does not involved an action that triggers an environmental assessment, EA. Chapter 343, of Hawaii Revised Statutes, state that an EA shall be prepared for required actions that, "6. Propose any amendments to existing county general plans where the amendment would result in designations other than agriculture, conservation, or preservation, except actions proposing any new county general plan or amendments to any existing county general plan initiated by the county." So this was just the second question

I had when I started to look at this and that's because my initial thought, well, this is going to -- why isn't this triggering an EA at least, and so you've explained it here, and I'd just like to -- some clarification that if this was -- if this was not a down-zoning, what's called a "down-zoning," to agriculture, conservation, or other designations other than ag, conservation, and preservation, then it would trigger an EA, yeah?

Mr. Spence. Right.

Mr. Blumer-Buell: Okay. So --

Chair Mardfin: John? John, does that -- but because it's being changed to agriculture, 6. doesn't apply.

Mr. Blumer-Buell: I understand.

Chair Mardfin: Okay.

Mr. Blumer-Buell: I'm just trying to clarify the EA, EIS law, which I've had some problems with in the past. So that answers that. Then one thing I'd like to see, and this is my question since suggestions aren't hostile at all because I generally support -- I mean I support this, I'm somebody that fought hard against it and was one of the plaintiffs in the lawsuit so --

Mr. Spence: I think that's where we first met.

Mr. Blumer-Buell: So but I think it could be useful, and I'll look to your and what the planners thinks, I would like to would like to see a better history in the report.

Mr. Spence: Okay.

Mr. Blumer-Buell: In other words, this is -- this is a, you know, this is a partial history that then -- one of the things that I'd like to address very specifically, after I give you the list, is there was a house built on the golf course after the PK-4 was approved, and I filed a complaint with Mike Foley, the Planning Director, and I thought that might be in the report. Now, I can dig that up, but I think that's a significant issue to be clarified at this point 'cause my recollection, and I have this in files but I didn't have time to go there, is that Mike wrote back as saying if they -- if they build the golf course, they're going to have to tear that house down.

Mr. Spence: Right.

Mr. Blumer-Buell: So, you know, I think that's -- a lot of the issues were kind of nebulous, but I'd like some clarification on that house, you know, it was given that building permit and it was on a certain parcel of land, and this is just to get the current ranch just to be sure that we're in compliance and know what they can do in the future; of course, we have, you know, we have the agricultural zoning ordinance, we know they can do X, Y, and Z number of subdivisions that they want to, but I'd like to know how the house fits into that, so --

Mr. Spence: Okay. You build dwellings on agricultural land.

Mr. Blumer-Buell: Oh yeah. No, I'm aware, but I'm just saying that this came up after the PK-4 was approved --

Mr. Spence: Okay.

Mr. Blumer-Buell: And people went: How did that happen? So I just think that should be clarified in the context of what they can do. The ranch certainly wants to know what they're entitled to do at this point.

Mr. Spence: Okay. I'm not -- I'm not sure of the exact location of the house whether it's on the PK-4 land or if it's right outside, because I know there's a buffer zone and all that stuff. If it's just ag land, you can build a house on ag land so --

Mr. Blumer-Buell: Right. So I mean the kind of, I don't want to complicate it, but it would be helpful I think if the ranch, the current owners knew that, on this particular parcel, that's on one --

Mr. Spence: Yeah.

Mr. Blumer-Buell: Parcel that you can -- that that house is legal, that you can have a barn, you can have a second house. You know, I just want to clarify this so it doesn't become a future controversy.

Mr. Spence: Yeah. Okay.

Mr. Blumer-Buell: That's it. Now, the other things that I noticed in the -- this report that are, I think, very important is there's reference, during the process, we -- they uncovered, not uncovered, but they documented about 400 acres of archaeological sites, so we have those maps, and this is something that, in my opinion, the community -- was something that the access to archaeological sites and so forth, the community really worked to protect, now, my question for you is: How could we cooperatively preserve the recognition of this? And maybe the ranch could -- would, at some point, want to cooperate in, you know, getting those surveys down to at least protecting them. There's 400 acres. That map -- that map

appears in your report twice with the black -- with the black splotches in it. This is real familiar to you. This -- Will is right. This is the map.

Mr. Spence: Yeah. I'm aware there's a lot of --

Mr. Blumer-Buell: Okay, and so my -- I'm not challenging anything, and I'm going, look, the community worked very hard to recognize the access, archaeological sites, the need for certain preservation, and how can we incorporate this into the future planning for the Hana District, you know, or to preserve it? There's no controversy about preserving Ka Iwi o Pele, for example.

Mr. Spence: Right.

Mr. Blumer-Buell: So that the question is: How can we preserve these sites, the access, and so forth?

Mr. Spence: Well, I can't address access. That's between the landowner and individuals within the community. But the -- you know, so far, they've really shown themselves to be good stewards. I don't think they're going to be bulldozing anything like, you know, some of things we've seen closer to Central Maui. The, you know, the sites aren't going away. They're recognized. The maps are, you know, within the hands of the community. So I -- you know, there's nothing attached to this and I think it's up to the community to work with the landowner.

Mr. Daniel: ...(inaudible - not speaking into the microphone)...

Mr. Spence: Okay. If you want.

Ms. Dawn Lono: I just had a quick question about the -- are the sites that you're referring to on this parcel of land that's being zoned -- down-zoned?

Mr. Spence: It sounds like what Josh wants to comment on.

Chair Mardfin: Josh, would you like to speak?

Ms. Lono: Well, is it? Are they?

Mr. Blumer-Buell: I would say, largely, no.

Ms. Lono: Okay. Then why are we discussing it?

Mr. Blumer-Buell: Well, we're discussing --

Ms. Lono: It's really not relevant to what we're talking about is it?

Mr. Blumer-Buell: Well, it is because we're talking about not just doing away with the PK-4 zoning, but those conditions also included the 725-acre buffer zone around the whole golf course area, and those certainly have had, you know, impacts upon the haoula and this larger site, so that's the reason I brought it --

Ms. Lono: But doesn't that buffer go away if the zoning goes away?

Mr. Blumer-Buell: It does.

Ms. Lono: Those conditions then go away so we're talking about something that's really not relevant. That's just my point.

Mr. Blumer-Buell: Okay. I think it is relevant to recognize what's in the report and what the ranch may want to cooperate with.

Chair Mardfin: John, may I -- can we let Josh respond?

Mr. Daniel: So Josh Daniel, Ranch Manager, Hana Ranch. I just wanted to point out that the three smaller portions that are listed in this map are actually not part of ranch right now. Those are all on the makai side of the road and we are only managing the mauka portions of the road. The larger parcel that's listed on the actual ranch property is outside of the PK-4 buffer -- or PK-4 zone as well.

Chair Mardfin: John, does that answer your question?

Mr. Blumer-Buell: Yeah. No, I understood that and what I am attempting to do is to just have everyone cooperatively recognize these sites so that it doesn't have to -- we don't have to go through this again. If we could -- you know, if there's a process the Planning Director could recommend, for example, the Cultural Resources Commission, perhaps we could, as a Committee, we could initiate trying to protect these sites somehow. That's all.

Ms. Lono: ...(inaudible - not speaking into the microphone)...

Chair Mardfin: Wait. Hang on, Dawn. Let the Director respond.

Mr. Spence: They're already protected by law.

Chair Mardfin: Okay. Thank you. Dawn?



Ms. Lono: So are you requesting that as a condition of down-zoning that they make a commitment of some sort relative to these sites?

Chair Mardfin: Please ...(inaudible)...

Ms. Lono: No, is that what John's -- is that what John is asking for?

Mr. Blumer-Buell: Yes.

Ms. Lono: Okay. Thank you.

Chair Mardfin: Our Corp. Counsel would like to make a comment at this point.

Ms. Jennifer Oana: I would caution the Committee from doing anything that does not relate back to the community plan amendment and the change of zoning. If we condition things that are outside the scope of this community plan amendment or change in zoning, then it would be hard to defend in court if there was a lawsuit against the county, or this Committee, or other planning commission for doing anything that's kind of outside the scope of this request.

Chair Mardfin: I might be able to I don't know whether help or confuse. This past summer I was at the University of Hawaii at Manoa and I went up to the Hawaii Collection at Hamilton Library and I found both the preliminary EIS for this project, which was about an inch thick, and the final EIS that was about an inch-and-a-quarter or inch-and-a-half thick and taken a lot of, I didn't duplicate every page, but I duplicated -- I took photos of a lot of the pages. Is that EIS -- Danny, does either the final EIS or the preliminary EIS exist in the Planning Department's office so that people don't have to go to Manoa?

Mr. Dias: I'm sure we have it. It's probably in storage. A lot of items that are, you know, 20-plus years old would be in storage.

Chair Mardfin: Thank you. But in the EIS, it would have, presumably, and I don't recall exactly whether it did or not, would have probably identified each of the places, most EIS's do, so those would have at least been identified in that document. John, you wanted to respond?

Mr. Blumer-Buell: Just that it is available. I have copies of those documents, hard copies, if you ever want to borrow them for a while. And just out of curiosity, I went to the State Department of Health site the other day, the Office of Environmental Quality Control, those reports are still there, so they're on file there, and I do accept, you know, Will's statement, and they have statements in there, the -- the, you know, with the historical sites, they are recognized by the state, and we have the state in there, so I understand that, and I

appreciate that. I'm just trying to, I hope not to be misunderstood, but I'm just trying to make the ranch aware of it, and it was very important to the community, we don't have to condition it, but just the fact that they're aware of it I think is very important. On the other hand, I do think the first issue I brought up, which was that house, I think that should be clarified on their behalf too, just to know if it's legal on that parcel, what their limitations are. You and I, we're both very familiar with the ag bill and the subdivisions that that allows.

Chair Mardfin: Anything else?

Mr. Blumer-Buell: Yes. In the reports -- in the report, there's when the PK-4 was approved, there was -- there was language in the report to be sure that any traditional accesses that went through the golf course would be cooperatively relocated or maintained, you know, understood by the golf course owner, so I just -- I think that's worth bringing up too, you know, it's been a few years but we had some community residents arrested on Hana Ranch land previously, long -- you know, years ago because of access so, you know, the hunting and gathering access is very important. My sense of your company is very good and I think you want to recognize those things, so I'm just trying to put it out there to inform people and, hopefully, avoid any problems, you know. The access was mentioned, the -- I won't go into the title but there are title issues outside of the immediate golf course area. The planners tried to stick within what they thought was fee simple property. There's hui land. So that's not an issue 'cause it is outside, but it is something to be understood. The -- and this is just -- I'd like to see as part of the report too, if the Director thinks it's appropriate, there is a very good map showing the buffer one, the 1500-foot buffer zone around the golf course, I think I have that too, but that had a, you know, that had a certain impact on the development of the community and, you know, that could still be an issue in the future. So the other thing was I think it would be useful for historic record and to give the planning commission and the council a copy of the lawsuit that was filed by Maui Tomorrow, the Hana Community Association, Kauiki Council, Friends of the Hana Coast, Kekula Bray, and Marc Hodges, and the only reason I would ask you to consider that is that that raises a lot of the contrary issues that the community had. So again, if people understand what the issues were and are, then my point is just to reduce any future conflict. That's it, you know.

Chair Mardfin: In response to that, I'd ask if either Danny or Will knows, does the Planning Department have any information about those lawsuits?

Mr. Spence: We wouldn't have that. Corp. Counsel's office would. I'm not -- it's going to be noted for the record, for, you know, when we get to planning commission, we're going to include, you know, what discussed in front of the Hana Advisory Committee and that I don't know if we even have the time to go dig those up, or Corp. Counsel has the time to go dig them up, so but it -- they will certainly be noted that there was, you know --

Chair Mardfin: John, do you happen to know if the suit was against the county planning commission or was it against Hana Ranch?

Mr. Blumer-Buell: The lawsuit was the plaintiffs that I named versus the County of Maui, the Maui County Council, and so forth. And just so people know, there was a point when the Hana Ranch Partners, I think that's the correct name, purchased it, I was the community representative at that point for the plaintiffs and met with Judge Cardoza, and the county attorneys, and attorneys for the Hana Ranch Partners, and they said, at that point, we don't want to build the golf course, and Judge Cardoza had basically said I don't want this on my docket anymore, you know, either go ahead or time out. So that was the point where kind of everything rested.

Chair Mardfin: So in effect, there was a lawsuit but no resolution, no decision because ownership changed and it became a moot point since the new owners decided not to proceed. Is that what you're telling me?

Mr. Blumer-Buell: Yeah, generally. And I think it's useful. I mean the historical fact is that the Keola Hana Maui went bankrupt, their bank in Japan took all the equity out of the project with the 700 -- with the 1500-foot buffer zone, the banks did not recognize any equity in the property anymore so they went, it was the Long-Term Bank of Nigoyo, and they folded up. So these are just -- you know, I think I have a copy of the lawsuit too, all this stuff is deeply filed, but the point is that it will point out, just from the community's and native Hawaiian groups, what the issues were that they were concerned with and, you know, my impression in meeting with Josh a number of times, and the Hana Ranch Partners, and so forth, I'm very happy with the new ownership, I mean to go from 40 years spraying, you know, 24D and 243T everywhere, to having a organic farm there, to me, is I'm really happy about that.

Chair Mardfin: Thank you, John. Do any other Committee Members have any questions or comments? Scott.

Mr. Scott Crawford: Well, as John mentioned in the relationship to the lawsuit, for those who knew my wife, Kekula Bray, was one of the plaintiffs in that lawsuit, and it was at the time that we first met when this issue was before the County Council and, in a way, you could say our first date was going to a council hearing on the Hana Golf Course, and the first time I ever testified at a public hearing in Hana was in relation to the golf course, so I think all these years later, I feel like this is a justification of her work back then and her willingness to put her name out as an individual, you know, representing the perspective of those who were opposed to the golf course, I know that it was divisive in the community at that time, and I think, you know, those, thankfully, those old riffs and wounds have healed since then, and I join the other members in just expressing gratitude to the current

owners of the ranch for supporting making this change, and I think Kekula would be happy to see this happen today. Mahalo.

Chair Mardfin: Thank you. Dawn? Go ahead, John. Take it away.

Mr. Blumer-Buell: And I think -- I wanted to put this out there because this is a little bit of history that I think's important for the new owners to hear too. I was one of 25 General Plan Advisory Committee members that served -- we served for years to write the initial draft of the Hana -- General Plan, the Maui General Plan, now, the point I want to raise is that there was a point where the Hana Ranch Partners came forward, I have these letters, and they were proposing 100 acres for affordable housing between the cross and the fire station, in that mauka area there, and, you know, I'm not here to try to hold anybody to that, but I think, and I have those papers, I'll be happy to give those to you, but this was -- the discussion at that point was and it still is a discussion in Hana about generational housing, just having big enough house lots so that a family could survive on a piece for a couple generations at least, so that was an issue that came up during the GPAC, and I just think it's worth noting, historically, I'll try to dig up all this information. The last thing was that during the GPAC too, we had investigatory committees, and there was a meeting we had on the land use, and I was requested that they pull up the PK-4 zoning, and the planner's going there's no PK-4 zoning, and sure enough, when they got to that, they got to that map on their slides, there was, and so I tried to have it recognized and removed at that point because the conditional zoning had expired by five or ten years at that point, so, you know, so once again, I'm happy that -- I would vote to have this taken off the books period without any discussion, but I'm trying to take this opportunity to put out a little information that may be helpful to everybody in future discussions. That's all. Thanks.

Chair Mardfin: Thank you, John. Anybody else on the Committee? I'd like to say a couple things. First, this isn't a conflict of interest, but I've worked with Josh, he was very gracious, I'm trying to write a history of Hana, and he was very gracious in providing me with access to the minutes and records of the former Kaeleku Sugar Plantation, from 1905 to 1946 or 7, I think, and so I'm very grateful to him for that, that doesn't involve a conflict of interest so I don't have to have to recuse myself, which is good because we -- well, we'd still have a quorum anyway, but what I wanna say is I'm very thankful. Secondly, I think they've done really good things. I think that this fact that they, basically, approached the Planning Department to initiate this indicates a level of sensitivity to what people in Hana feel about the land and the whole area, and so I want to, personally, thank them for that. I have a couple questions, however, for Will, and one of -- oh, the first one is the map. There are two maps in here. One is Exhibit 1, and there's another imbedded in Exhibit 10, and they're not showing quite the same things, and I'd like somebody to explain to me what the real area is. And Exhibit 1, I guess, Exhibit 1 shows Figure 2.3.1 shows the project site. There's another way in the back -- no, I'm looking for the one that -- it's Exhibits 10 and 11, and if you look at those two maps, they are not the same area. And now I can't find mine.

Mr. Dias: Chair Mardfin, is it this map here?

Chair Mardfin: That's one I'm talking about.

Mr. Dias: Okay. I can explain that. So --

Chair Mardfin: And those two maps don't cover the same area.

Mr. Dias: Okay.

Chair Mardfin: As far as I can tell.

Mr. Dias: Exhibit 1, that's the maps that we pulled from the file.

Chair Mardfin: Okay.

Mr. Dias: Those were the maps that were in the original report, etcetera. Exhibit 10, that map was actually from the Department of Accounting and General Services. So when we sent this out for agency comments, they provided a comment letter, and they put in that map. So that's where the discrepancy is.

Chair Mardfin: So that's their notes about the approximate project limits.

Mr. Dias: Correct. Correct.

Chair Mardfin: And that doesn't seem anywhere close to what's on Exhibit 1.

Mr. Dias: Yeah, I can't really explain, you know, the discrepancy, but, you know --

Chair Mardfin: Exhibit 1 is what you're talking about today.

Mr. Dias: Exhibit 1 is the actual map, and then this is just from a state agency that they included in their comments. Yes.

Chair Mardfin: Yes.

Mr. Harvey: ...(inaudible)...

Chair Mardfin: Please go to mike and identify yourself.

Mr. Harvey: This is Bobby, from Hana Ranch. From roughly looking at it, they've identified most of the property that Hana Ranch Land owns that is on Exhibit 10, yeah. So if you look at --

Chair Mardfin: This one is what you own.

Mr. Harvey: It's a -- it's all so little bit, but it's pretty close to what Hana Ranch Lands own.

Chair Mardfin: Roughly. 'Cause I imagine things were sold in the process. And this is the one that you're talking about today for down-zoning. Thank you. The second thing I wanted to ask you about, back sort of with that second map, maybe a little bit before it, before the photos, where they talk about the conditions on the project, and I have it, it's hard to describe it, but I have it Exhibit B, Conditions, and they say, no. 5, "That the Declarant shall submit an annual report to the Department of Agriculture and the Department of Health on the types and quantities of all chemicals applied to the golf course area." Is that within the power of the Department of Planning to require that a private company submit the type and quantity of all chemicals applied? I'm just thinking of something that's happened a little more recently but --

Mr. Spence: Well, no, these conditions were placed on this particular project. If you look at the county code, when you rezone a property, the council can put conditions on that property to mitigate the impacts of a particular project, so that's what they did at that time.

Chair Mardfin: And so it was presumably legal so the county, at some point, can require that kind of information, at least from this --

Mr. Spence: Presumably.

Chair Mardfin: For the project.

Mr. Spence: Well, the idea was they were going to go forward with a golf course and they have to --

Chair Mardfin: Yeah. No, no, I don't mean the project of down-zoning, I mean the project of establishing the golf course. I'm not talking about today's project of down-zoning, I'm talking about, if they wanted to go ahead with the golf course, they would have had to describe all the chemicals used.

Mr. Spence: Right.

Chair Mardfin: That's very interesting.

Mr. Spence: You would -- in order to do conditions, as we're talking about, that are defensible in court, you need to draw a rational nexus, you need to draw a link between an impact and a condition.

Chair Mardfin: Okay.

Mr. Spence: You can't just go, oh, I think it's a good idea that we do this or that. There actually has to be some kind of basis --

Chair Mardfin: Yeah.

Mr. Spence: For that condition.

Chair Mardfin: It's interesting 'cause the people, the County of Maui, wanted that kind of information.

Mr. Spence: Yeah.

Chair Mardfin: The judge decided that we wouldn't get it. That's the only other thing I really wanted to raise. John?

Mr. Blumer-Buell: Yeah, just a little information on that point. You know, if you read on the conditions, no. 2, they refer to the requirements of the Audobon Society of New York. There was a lot of information coming into the public knowledge right around that time regarding the negative impacts of golf courses, so there was, I would have to say, that Keola recognized that they need to cooperate to supply the county with that information. They didn't resist that. They knew there was good reason for that. And couple other things. Hana was the first -- the first golf course in the state to undergo the PK-4 EA, EIS process. So the other thing that came out of it, and Will will recall too, is Hana was the first one that no potable water could be used on the golf course, so this really was -- was a good initiative at the time.

Chair Mardfin: Thank you. Any other questions from the Committee? While we had public testimony earlier, I notice some people have come in sense, would anybody like to make public testimony? Please come forward, give your name.

Mr. David Kaeo Kaimanaokealoha Prais: Aloha. David Kaeo Kaimanaokealoha Praise, from Haneo, Haumoa, but also we currently have land in Aleamai as well. I just received a call from my cousin, Kalekoa Kaeo, who received an email at some point today saying there was this meeting today. I think, perhaps, one of you emailed my cousin. I not quite sure what's going on up there or what this meeting is for. Obviously, I mean not too much of our community here either. Awareness of it. I'm not sure. I don't know if there's some

type of platform or forum or some type of way to get notice to the public in on this. Real quick, if I can get it answered is: What is today's meeting about in Aleamai?

Chair Mardfin: This is the Hana Advisory Committee.

Mr. Prais: Yeah.

Chair Mardfin: To the Maui Planning Commission.

Mr. Prais: Okay.

Chair Mardfin: And the Maui Planning Commission, a little while ago, assigned to us the responsibility of holding a public hearing on this matter. This matter is to change -- ask for a community plan amendment, there's 200 -- approximately 201 acres of land that is now in park, assigned for park, golf course, for golf course, okay.

Mr. Prais: Okay.

Chair Mardfin: And they're, the Department of Planning and the landowners are asking that that park community plan be retracted, in effect, and restored to the original agriculture that it had before 1993.

Mr. Prais: Okay.

Chair Mardfin: There's a second part to it but it's, basically, the same, it also changes the zoning from park, which it currently has, reverting to what it was prior to 1993, reverting to agriculture.

Mr. Prais: Back to ag.

Chair Mardfin: So they're trying to put stuff that could have been used for park into agricultural legal condition so that --

Mr. Prais: Okay.

Chair Mardfin: We no longer have to worry about a golf course being built there.

Mr. Prais: Yeah. 'Cause we were one of the main ones fighting against that golf course. Is there --

Chair Mardfin: So you should be thanking the owners of the land.



Mr. Prais: Yeah. With my -- what I was told today, perhaps, there was development of housing going in up there? None? Just ag? Alright. All organic?

Unidentified Speaker: All organic.

Mr. Prais: Alright. Alright. Well, thank you very much, everybody.

Chair Mardfin: Thank you.

Mr. Prais: And I'll pass on the --

Chair Mardfin: Thank you very much.

Mr. Prais: Yes.

Chair Mardfin: John?

Mr. Blumer-Buell: Yeah, I emailed your relative --

Mr. Prais: Yes.

Mr. Blumer-Buell: Because long after the -- we talking about this after the thing had been approved. I mean I see him every five years somewhere in -- so I just wanted to let somebody know, and the Kaeos had been front and center --

Mr. Prais: Yes.

Mr. Blumer-Buell: Talking about Aleamai, and my recollection is that the driveway to the clubhouse was going to go through your property --

Mr. Prais: Yes.

Mr. Blumer-Buell: And so this is where there was a lot of huhu and in the end, my recollection is the proposers went along with the ohana and recognized, not only your interest, but agreed to stay off of your land all together.

Mr. Prais: Yes.

Mr. Blumer-Buell: So I just -- I emailed him just to see and I'd suggest you take a full report, take a couple of them, give them to your families because if there's more issues in here, you can bring them up, not just before us, but this is going to go to the Maui Planning Commission, it'll be in --

Mr. Prais: Okay.

Mr. Blumer-Buell: In Wailuku, and then it will go to the County Council too in Wailuku so --

Mr. Prais: Still get time.

Mr. Blumer-Buell: My point is this is a good time to, you know, I think several of our members recognizes some of the issues I raised are actually outside of the 210 acres of golf course, however, they're very important to the future of the Hawaiian community and so forth so --

Mr. Prais: Very good.

Mr. Blumer-Buell: I'm really glad that you're here. Thanks for --

Mr. Prais: Yes. Mahalo for the email.

Mr. Blumer-Buell: Yeah, I didn't hear back. I just thought there's other really big issues going on right now so mahalo.

Mr. Prais: Yeah. And he's also teaching at UH MC still. He's got classes all day --

Mr. Blumer-Buell: Right.

Mr. Prais: Yeah, and some other issues. But thank you very much.

Mr. Blumer-Buell: Yeah, and I suggest you get a couple copies of the report and take a close look at it.

Mr. Prais: Will do. Yes. Thank you.

Chair Mardfin: Thank you, John. And thank you. And I would suggest that after we kinda get a break or something that you speak to Danny Dias, right over there, give him your contact information so when it comes before the Maui Planning Commission, he can let you know about it.

Mr. Prais: Alright. Very good.

Chair Mardfin: And I particularly want to thank you for bringing this lovely young lady, who I presume is your daughter maybe?

Mr. Prais: Yes, she is. Yeah.

Chair Mardfin: 'Cause I think it's really important to get young kids involved in a political, legislative, administrative process very early on. Thank you very much.

Mr. Prais: She attends all of them with me. Thank you.

Chair Mardfin: Aloha.

Mr. Prais: Mahalo.

Chair Mardfin: Scott wanted to say something.

Mr. Crawford: Kai, I just wanted to say too, thank you for coming today and just -- just a couple things to mention. This Hana Advisory Committee to the Maui Planning Commission, we're purely advisory, but we're an opportunity for members of the Committee as well as the public, members of the public to testify about things that affect the community. There's opportunity through the county website to sign up for notifications about the agendas for all of these hearings.

Mr. Prais: Okay.

Mr. Crawford: So it's one way you can find out about whatever is coming up on our agendas. I know that -- I believe the next meeting we actually have an application for a change in zoning, if I'm correct, for Mr. Stice's property right down the road from ...(inaudible)...

Mr. Prais: Heard about it. Yeah, yeah.

Mr. Crawford: So something you may interested in but -- and then also the notices are sent out to the Hana community's email list that I maintain as well as sent out from Dawn's office, so the notices are posted on the public boards and things like that. So there are opportunities for ways for people to hear about it, but if you specifically want to, you know, make sure you're informed, then I'd recommend signing up for that notification list on the county website and you'll get all the agendas that way.

Mr. Prais: Okay. Sounds good. Thank you, Scott.

Chair Mardfin: Thank you very much.

Mr. Prais: Alright. Mahalo.

Chair Mardfin: Any other public testimony? Seeing none, public testimony is closed. Danny, would you like to give the department's recommendation?

Mr. Dias: Thank you, Mr. Chair. The Department of Planning recommends that the Hana Advisory Committee recommend to the Maui Planning Commission approval of the community plan amendment from park/golf course to agriculture, and the change in zoning from PK-4 park/golf course to agriculture without conditions.

Chair Mardfin: Thank you very much. Scott.

Ms. Oana: And I'd also recommend to the Committee, if that's what your motion is going to be, to also move to adopt the Department of Planning's report and recommendation prepared for this meeting as its report to the Maui Planning Commission and the Maui County Council, and authorize the Planning Director to transmit said report and recommendation to the Maui Planning Commission and the Maui County Council.

Mr. Crawford: In honor of Kekula, I move to approve with no conditions and without repeating everything but just include recommendation that Corporation Counsel just stated.

Chair Mardfin: May I have a second? John.

Mr. Gale Notestone: I second the motion.

Chair Mardfin: John, could you --

Mr. Blumer-Buell: Yeah, I'll second the motion for discussion.

Ms. Lono: Gale already ...(inaudible - not speaking into the microphone)...

Chair Mardfin: I didn't hear it either, but that's okay. Okay, so the motion has been moved and seconded. Is there discussion? John.

Mr. Blumer-Buell: I would, potentially, I'd like the Planning Department or Will Spence to -- I'd be happy to take your recommendation for this but I would like a condition 1 that sorts out the house that was built on behalf of the owners so that everybody's real clear about what they can do and how that house got built. I think that's important. It should be -- and I'll -- I will try to dig up the letter that I got from Planning Director, Mike Foley. The second condition is just that the Planning Department agree to meet with the Kaeo's or work out whatever issues they have in mind. They were very persistent during this process and actually did a lot of good for the community. So that discussion would require a different motion but I'd like to hear, if the Chair will allow, and I'd like to hear Director Spence's response. What does he think's appropriate. I mean I support -- I support this project.

Chair Mardfin: I didn't hear a motion to amend, but you asked a question of the Director, and in the nature of discussion, it's appropriate that he can respond if he chooses.

Mr. Spence: With regards to the house, it's either legally built or it's not. We don't need a condition for that. With regards to talking to the Kaeo's, I mean these gentlemen -- we don't need a condition on zoning in perpetuity, passed by the County Council by two readings that one member of the community go talk to the other. They can just go talk to them. So we don't need the conditions on it. And -- but the landowner is here listening to the comments and I'm sure they'll take them to heart.

Mr. Blumer-Buell: You know, hearing that from you, I will agree with Scott's, you know, I seconded the -- your recommendation with no conditions. Now, what I intend to do is I will go through my records and get them all to you for the Planning Commission. I mean I think some of the historical information is very important, and get it to the owners of the ranch too because there's a lot to learn from it.

Mr. Spence: Sure. And if you get those records, you can send them to me but they're going to end up with Danny.

Mr. Blumer-Buell: Okay.

Mr. Spence: So I can take a peek when they arrive, but they're going to end up with Danny.

Mr. Blumer-Buell: How soon is it going to get to the Planning Commission?

Mr. Spence: As soon as we minutes done, I know Suzie's backed up, so --

Mr. Blumer-Buell: Okay.

Mr. Spence: You have a little bit of time to go through your boxes.

Mr. Blumer-Buell: Yeah. No, these files are deeply buried and ...(inaudible)...

Mr. Spence: I'm sure they are.

Mr. Blumer-Buell: After 20 years. And just personally, I wanted to thank the Planning Director for coming out, and the whole staff. I mean I'm glad you're here. I was hoping that you would be able to explain some of these things, and you did.

Mr. Spence: And this is an important issue for this community, and I recognize that, so I wanted to personally come out and hear what the Advisory Committee had to say, and the perspectives and everything, so when the questions come up in -- for the Planning Commission and for the County Council, I can accurately convey some of things.

Chair Mardfin: Thank you very much. Any other discussion on the motion to approve the change in zoning and the community plan amendment, and to adopt the decision and order of the Planning Department - recommend approval to the Maui Planning Commission.

There being no further discussion, the motion was put to a vote.

***It has been moved by Committee Member Crawford, seconded by Committee Member Blumer-Buell, then unanimously***

***VOTED: to recommend approval of the community plan amendment and the change in zoning to the Maui Planning Commission and Maui County Council, and to adopt the Department of Planning's report and recommendation prepared for this meeting and authorize the Planning Director to transmit said report and recommendation to the Maui Planning Commission and the Maui County Council.***

Chair Mardfin: It was unanimous for ayes. The report is to go to the Maui Planning Commission. Next on our agenda. And let me say, I said it earlier and I want to say it again, Josh Daniel, I really, really want to thank you for -- you have been great assets in the community. You know, this issue split the community very, very badly, in a way I have never seen before, and this goes a long way toward healing and you should really be commended for what you guys are doing.

Mr. Daniel: Thank you, Ward.

Chair Mardfin: Thank you.

Ms. Lono: ...(inaudible - not speaking into the microphone)...

Chair Mardfin: Let's hold a rodeo. It was really fun. ...(inaudible)... I once got a tour of their operation and they have more weight in worms than they have in cattle, which I think is amazing.

Mr. Daniel: If we could only sell the worms.

Chair Mardfin: I'm sorry?

Mr. Daniel: If we could only sell the worms.

Chair Mardfin: Yeah. Oh, your hamburgers are very good too. I had one the other day, and you have a new outlet up in Paia.

Mr. Daniel: Correct.

Chair Mardfin: Okay. Clayton, you're next on the agenda, Director's Report, scheduling of other Hana region applications.

## **E. DIRECTOR'S REPORT**

- 1. Scheduling of other Hana Region Applications**
- 2. Discussion of Future Hana Advisory Committee Agendas**

Mr. Yoshida: Good afternoon, Mr. Chair and Members of the Committee. We have two items, Hana items currently, one is the Gary Stice special management area use permit, and the other one is Mr. John Cabral wants to do a construction baseyard in the Kawaipapa area, fairly close to where Mr. Hoeffken has his quarry. We just got that Cabral application last month. The Stice application isn't ready to go, as of this date, so I don't think we'll do that one until sometime next year because even if it were ready tomorrow, we have the applicant 45-day notice, so that'll put the hearing around December 18, which is kinda difficult to get members and the public to come out to meetings, so probably sometime next year for the Stice, and then after that, the Cabral. So with that, I think -- well, this probably is the last meeting for calendar year 2015, probably, but, you know, we can't control the council and their wanting to get your input on some legislative piece, so we can't say definitively, but we'll say probably. So with that, we'd like to wish all of you a Happy Holiday Season, Thanksgiving, Christmas, New Years, and we'll see you next year, but I don't know if the Director has anything further that he wants to talk about.

Chair Mardfin: Clayton, are we getting anywhere, aside from Stice's property, anything on either short-term rentals or B&Bs in the immediately foreseeable future?

Mr. Yoshida: I believe the Planning Committee has another meeting scheduled for Thursday to consider the amendments to the short-term rental home and bed and breakfast home ordinances, they've been kind of working at this diligently throughout this year, so I guess the next meeting is on Thursday for the Planning Committee.

Chair Mardfin: Thank you very much. Director Spence, any comments?

Mr. Spence: Just delighted to be out here. It's not often I get the chance. But I don't know if there'll be, you know, just with the Mayor's whole homeless initiative that you've read in the paper, it's sort of extending a little bit past just the homeless issue into affordable

housing, you'll probably see a few bills come your way, I can't say when, but I know you've got a lot of things in mind, so you may see some other things.

Chair Mardfin: Thank you very much. Before I adjourn the meeting, would any Members of the Committee like to say anything? John.

Mr. Blumer-Buell: Yeah, I just want to thank Clayton and Director Spence. I've been advocating having any SMAs in the Hana District heard by the Advisory Committee. I think that's really a good thing. It would potentially head off the conflict. So anyway, thank you.

## **F. ADJOURNMENT**

Chair Mardfin: Anybody else want to say anything? Not hearing anything, I don't know the time, but I declare this meeting adjourned.

There being no further business brought before the Committee, the meeting was adjourned at 5:11 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA  
Secretary to Boards & Committees

## **RECORD OF ATTENDANCE**

### **Present**

Ward Mardfin, Chairperson  
Gale Notestone, Vice-Chairperson  
John Blumer-Buell  
Dawn Lono  
Scott Crawford

### **Excused**

Clayton Carvalho, Jr.  
Anjoleen Hoopai-Waikoloa

### **Others**

William Spence, Planning Director  
Clayton Yoshida, Planning Program Administrator, Current Division  
Danny Dias, Staff Planner  
Jennifer Oana, Deputy Corporation Counsel