

HANA ADVISORY COMMITTEE
SITE INSPECTION
JULY 19, 2016

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

A. CALL TO ORDER

The July 19, 2016 site inspection of the Hana Advisory Committee was called to order by Vice-Chairperson, Gale Notestone, at 2:11 p.m., inside the entrance of Kahanu Garden, 650 Ulaino Road, Hana, Maui.

Members Present: Gale Notestone, Vice-Chairperson
Linda Clark
Lehua Cosma
Dawn Lono

Others Present: Clayton Yoshida, Planning Program Administrator, Dept. of Planning
Jennifer Oana, Deputy Corporation Counsel, County of Maui
Jordan Hart, Chris Hart & Partners, Planning Consultant
Michael Opgenorth, National Tropical Botanical Gardens
Peter Gaffney, Kahanu Garden

Mr. Michael Opgenorth, National Tropical Botanical Gardens, applicant, presented a Hawaiian chant.

Deputy Corporation Counsel, Jennifer Oana, read the following agenda item into the record:

B. SITE VISIT

- 1. MR. MICHAEL OPGENORTH of the NATIONAL TROPICAL BOTANICALGARDENS requesting a State Land Use Commission Special Permit in order to construct and operate a visitor center with a gravel parking lot and landscape planting without irrigation at the entrance to Kahanu Garden in the State Agricultural District at 650 Ulaino Road, TMK: 1-3-002: 039 (por.), Hana, Island of Maui. (SUP2 2016/0003) (R. Quigless)**

Mr. Opgenorth gave an overview of the project. The Committee then proceeded to the area of where the proposed gravel parking lot would be and then to the proposed entrance of the visitors center. The proposed visitor center building was outlined on the ground to show how the building is to be situated on the property and to show the size of the building.

The proposed exterior east wall of the building was pointed out which the applicant is requesting to be moved into the lanai area three feet from what was originally requested to increase the building interior space but that the increase is not to exceed the original proposed footprint of the building. The proposed area for the septic system was also pointed out on the property.

The Committee then proceeded through the proposed exit driveway from the visitors center. At the exit, Mr. Opgenorth presented the site plan of the proposed project. The Committee then recessed the site visit in order to walk down to the existing Kahanu Garden public restroom.

(A recess was called at 2:47 p.m., and the site visit was reconvened at 2:54 p.m.)

At the existing Kahanu Garden public restroom, Mr. Opgenorth explained that the proposed visitor center architecture would be similar to the recently built Kahanu Garden public restroom. The Committee explored the architecture of the restroom.

C. ADJOURNMENT

Vice-Chair Notestone adjourned the site inspection at 3:03 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

**HANA ADVISORY COMMITTEE TO THE
MAUI PLANNING COMMISSION
MEETING OF JULY 19, 2016**

** 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 Vice-Chairperson, Gale Notestone at approximately 4:11 p.m., Tuesday, July 19, 2016, at Helene Hall, 150 Keawa Place, Hana Bay, Maui, Hawaii.

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

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 JUNE 30, 2016

Vice-Chair Gale Notestone: Good afternoon, everybody. We'll call the meeting to order of the Hana Advisory Committee on this date, July 19, 2016. It is now 4:11 p.m. My name is Gale Notestone, I'm the co-Chair filling in for our Chairman, Ward Mardfin. Today, on the council, we have, to my left, Dawn Lono, Clayton Carvalho, Linda Clark, and to my right, we have Jennifer Oana, and then Lehua Cosma, and our tech lady over there, Suzie Esmeralda. And we call this meeting to order, and we have unfinished business about the National Tropical Botanical Garden, the Kahana Gardens, and we're asking for public testimony to start. And at the discretion of the chair, that would be yours truly, public testimony may be given and 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. Do we have any public testimony at this time? I see no takers for the public testimony, so we look to item C, which is the approval of the minutes of June 30, 2016.

Mr. Clayton Yoshida: Good afternoon, Mr. Vice-Chair and Members of the Hana Advisory Committee. My name is Clayton Yoshida, with the Planning Department, subbing for Ryan Quigless, Staff Planner. This matter was heard by the Commission -- I mean the Committee at a June 30, 2016 meeting.

Ms. Jennifer Oana: Sorry. Can you hold on, one real fast, we're going to approve the minutes. We're still on item C.

Mr. Yoshida: Oh, sorry.

Ms. Dawn Lono: I move that we approve the minutes of the June 30, 2016 meeting as submitted.

Vice-Chair Notestone: Dawn has made a motion to approve the minutes.

Mr. Clayton Carvalho: I will second.

Vice-Chair Notestone: And Clayton seconds.

It has been moved by Committee Member Lono, seconded by Committee Member Carvalho, then unanimously

VOTED: to approve the minutes of the June 30, 2016 meeting as submitted.

Vice-Chair Notestone: Unanimous. Okay, moving on, Unfinished Business, item D. Take it, Clayton.

D. UNFINISHED BUSINESS

- 1. MR. MICHAEL OPGENORTH of the NATIONAL TROPICAL BOTANICAL GARDENS requesting a State Land Use Commission Special Permit in order to construct and operate a visitor center with a gravel parking lot and landscape planting without irrigation at the entrance to Kahanu Garden in the State Agricultural District at 650 Ulaino Road, TMK: 1-3-002: 039 (por.), Hana, Island of Maui. (SUP2 2016/0003) (R. Quigless) (The request was previously reviewed at the June 30, 2016 and deferred for a site visit)**

Mr. Yoshida: Okay, thank you, Mr. Vice-Chair. This matter was heard by the Advisory Committee at a June 30, 2016 meeting. The Committee did receive public testimony, as reflected in the minutes that you just adopted. They did hear the department's report. They did hear the applicant's presentation. And there was opportunity for questions. The department did present its recommendation at the conclusion of which the Commission -- Committee deferred the matter pending a future site inspection to be conducted. So the site inspection was noticed for this afternoon at 2 p.m., and we were able to forward the

intermittent stream, and so we had a quorum there at the site inspection. So I guess that's kind of where we stand. If the applicant wants to present any further information or clarification, they can do so at this time.

Vice-Chair Notestone: Thank you, Clayton.

Mr. Jordan Hart: Good afternoon, Vice-Chair and Members of the Hana Advisory Committee. My name is Jordan Hart, of Chris Hart & Partners. On behalf of the applicant, I would just like to bring up a few things, I really don't think it's necessary to redo our presentation or really go into detail, I think that we did that adequately in the last meeting as well as we recapped things at the site visit just now, but a couple of things that I did hope to see if we could request a recommendation for approval of, the first was an item that was brought up today by Mr. Mike Opgenorth at the site, you know, as the building was lined out, you could see that it is a pretty modest size structure and so there was a request for the opportunity to potentially expand a few hundred feet under the existing roof structure, on the east side of the property; obviously, the exact square footage would need to be worked out with the architect, but the general request is the opportunity of flexibility to expand that back area a little bit. The application reflects 800 square feet under roof, which you saw out there lined out, and 800 feet under lanai, but as you're standing in it, it does seem a little bit of a tight space, especially the back education room area.

Another item I would want to bring up that we did discuss somewhat in the last meeting was just specifically that this is a request for approval of a gravel parking lot. The Lahaina design guidelines -- oh, sorry, Hana Design Guidelines allow for the preservation of the rural character of Hana, which includes doing things like not paving areas like Kahanu Garden, and so we'd really ask for you to support that as we go forward to the Planning Commission. And in addition to that, the landscaping that's required with any parking lot, we're asking to be allowed to not irrigate that. As you saw, there's quite a bit of moisture out at the site. It really won't be necessary to excavate further and add irrigation lines.

And then the final thing that we had requested the last time around was that this duration of the permit is recommended by the department for three years, we would ask for five years. Kahanu Garden is a nonprofit and it is somewhat intensive for them to go through this process, and so if they could put that off for another year, that would be to everyone's benefit I think. That really concludes the items that I wanted to recap at this point, but I'm also available for any questions on the application.

Vice-Chair Notestone: Thank you, Mr. Hart. Are there any questions from our Committee?

Ms. Oana: Just, Mr. Hart, this is Jennifer Oana, for the record, just to make clear what your additional requests for recommendation is is to extend the interior building size, approve

or recommend a gravel parking lot, and five-year permit instead of a three-year permit. Just three additional requests or were there four?

Mr. Hart: There was actually, together with the gravel parking lot, is a request that the landscape planting in the parking lot not be required to be irrigated.

Ms. Oana: Thank you.

Mr. Hart: Thank you.

Vice-Chair Notestone: Do we have any questions?

Ms. Lono: I have one question about the parking lot. Have you ever considered grass blocking instead of just gravel? Gravel can be kind of gnarly out there sometimes.

Mr. Michael Opgenorth: It's a really good question but, at the same time, we -- oh, I'm sorry. For the record, Michael Opgenorth, the Director of Kahanu Garden. We wanted to use materials that have worked good in previous projects. We consulted with local experts on materials that would work good given the soil that is in the project area and it was recommended that the type of small rock that's available nearby would be suitable for this project. We have considered other paving blocks, and also there's a mat as well that could be rolled out and grass could grow through that, but one of the concerns with that was that it wouldn't allow for a distinct enough of a border from where the parking lot ends and where the regular soft grass is, and so we felt that the gravel would drain well and it would be the most, I think, appropriate given the environment that the project site's in.

Ms. Lono: Thank you. We also talked about restricting the number of visitors per year to 30,000 visitors per year, you know, that's an interesting thought. I just don't know how you would really keep track of that. I mean you guys can keep track of it. You can report anything you want to report and, you know, who's going to know what. But it seems kind of important to -- if we are going to, you know, open that place up like that further, that there be some kind of a restriction on the number of visitors. We certainly don't want it to be, like you said, you don't want it to be like a national park or -- but, you know, I still have the concern that once it's built, and once it's there, you know, people will hear about it. It will end up, you know, like you said, on TripAdvisor with, you know, people saying, oh, go here to this place and it just is a little unnerving so -- and I know my, you know, our family expressed concern about that, and in asking for an extension on the time of the permit, the three years to five years, I understand that cost factor, but that would also give us an opportunity to kinda evaluate, you know, what is really happening, and what it happening there as a result of this permit, and so I don't know how anybody else feels about that, but I would like to discuss that further and see how everybody else feels about that.

Vice-Chair Notestone: Thank you, Dawn. Anybody want to comment that's on the Committee? I have a question. Is it possible to do a three-year initial and then with the option, if all goes well, to move to a five-year after that?

Mr. Hart: That is possible. So what will have to happen is that Kahanu Garden will have to come in every -- every term to renew their permit in perpetuity, so the first renewal is proposed to be three years, I was just requesting that the first renewal happen in five years and in addition to that, I would like to just bring up that there's an obligation to operate consistent with the application that's requested or the permit that's requested, so, basically, at anytime, if people in the community feel like Kahanu Garden isn't operating the visitors center the way they're representing that they're going to do it now, you know, you would just have to come to a Hana Advisory Committee meeting like this or even just contact the Planning Department and let them know that's the case, and the Planning Department would followup with that through the Zoning Administration and Enforcement Division, and if it's correct that they're not operating in compliance with their permit, then action could be taken on them, the permit could be revoked, so there's plenty of opportunity for the community to have recourse against the applicant if they're not operating appropriately, so it's not as if you give them five years and then nobody can do anything to them in that interim. So I'd just like to note that. Thanks.

Ms. Lono: Dawn Lono. As experienced today when we went down there, the river was running, that river can get really hairy, and not only does it run that way, but that river also runs parallel to that road. When that water really runs, it runs parallel to that road and then dumps into that river and that's when it gets extremely precarious and that can happen very quickly, it doesn't happen often, but there's also the condition of the road itself, I mean driving my car down there, I was like oh my gosh, this is not a good thing, so I don't know if the county will put any effort into trying to fix the road at all or make it more driveable 'cause most of these cars are tourist cars, they're not Jeeps and four-wheel drive trucks and stuff like that, you know, they're little Hondas and whatever they're driving, so I don't there's some concern for me about that road itself.

Mr. Hart: If I could address that a little bit. I think that, you know, there was a part of a conversation occurring just prior about the capacity of Kahanu Garden and whether or not it'll become a primary attraction, and I think having the road in its current condition doesn't lend itself to the volume that, you know, a fully improved area would. The other thing I would say is that a nonprofit really doesn't have the wherewithal to do anything like that, to make significant improvements to a piece of infrastructure like that. You know, whether or not the county identifies that as a priority, I wouldn't say it's very likely, but it's also, you know, it would have to be at the discretion of the county at that point.

Ms. Lono: Well, I just have to beg to differ with you that the condition of the road does not stop people from going down there. When Blue Pool was the place to go on the map, in

the books, 300, 400 cars a day would go down that road and, you know, it severely affects the condition of the road with all those cars going down there as well. So it's just something to think about safety-wise, and I don't know, it says something in here about road conditions and things like that, but it was just a thought, especially since today, that's what we experience. We talked about the SHPD report that is not yet -- you haven't yet received?

Mr. Hart: No, not in the interim.

Ms. Lono: And that is a real problem for a lot of projects, and that department is completely dysfunctional it seems at this point in time, and so when do you really expect to get that report?

Mr. Hart: Well, we have to have it before we're able to construct, so the sooner the better, but --

Ms. Lono: You have no control.

Mr. Hart. No, we don't, but we'll be, you know, we'll be in a tight position if they don't do it soon.

Ms. Lono: Okay, those are things that I had, and then after any other discussion, I'd be willing to start making some motions for conditions.

Vice-Chair Notestone: I have a -- thank you, Dawn, a question for Mike. Today, while we were at the site visit, you mentioned that if we got stuck there because of the stream, there was alternative route through the -- it was Jim Nabors' property. Is that correct?

Mr. Opgenorth: Sorry. Mike Opgenorth again, Director of Kahanu Garden. Yes. So staff has access to the Jim Nabors access road, and we have the vehicles that are going to be able to get up there safely, however, we don't encourage visitors, with their small vehicles, to go up Jim Nabors' road. In the case of a serious flooding event, and, you know, today was, you know, pretty -- you know, it wasn't -- it wasn't calm down there. There was some water moving, right? And so we try to get visitors out as quickly as we can, and we haven't had anybody stuck over in the garden before, to my knowledge. However, in the case that it's so bad that a car cannot go through the river, we would then be able to transport people, in our vehicles, to where they'd like to go in Hana, right, 'cause sometimes people are staying in Hana, we would work with them to try to help them, but, of course, as we know, people drive the road to Hana, they're coming from the other side, and so it's a serious concern for us, but we do our best at Kahanu Garden to take precautionary measures to make sure no one gets stuck there in the first place.

Vice-Chair Notestone: So you have an agreement that that could hold in the future that you can transport people from your property out to the highway?

Mr. Opgenorth: We would have to discuss that with the owner of the property. We -- I can't promise that we would have access for a certain set of time.

Vice-Chair Notestone: Okay, thanks.

Mr. Hart: This is Jordan Hart. If I could add on to that. Some of the correspondence that we completed with the Planning Department, it's in your staff report, related to the intermittent stream and, basically, the agreement was that there is signage on both sides of the stream that Kahanu Garden would maintain vegetation around so that there's a clear view of the warning signs that, basically, say if the water is running, don't cross, and then also that Kahanu Garden agree to, basically, close, you know, when the stream is running, and then, as Mike just said, they notify people as quickly as possible so that they can get across safely ahead of time.

Vice-Chair Notestone: Thank you, Mr. Hart. Any other comments or concerns from our Committee?

Ms. Cosma: Hi. Lehua Cosma. I just wanted to say I think that road where the river runs is really a county issue and I feel it's a safety issue that they should help to maintain it and not just Kahanu's issue 'cause everybody uses it, residents that goes home, not just visitors, I'm thinking of the residents mostly, but it's a safety concern that I really think that this county should maintain it better than what it is today. Thank you.

Vice-Chair Notestone: Thank you, Lehua. Dawn.

Ms. Lono: So Dawn Lono again. So in the recommendations it has a one million dollar insurance policy, naming the county as additional name insured, so I'm assuming then that that would cover any situation that might be -- come up around something like that or is that just for on the property?

Mr. Hart: That's a standard condition and normally relates to the special use permit itself, but I'm sure an attorney could find ways to dig into that if they were looking, but perhaps Corp. Counsel could provide direction to the Advisory Committee on how that's intended to function and how the road is maybe treated in relation.

Ms. Lono: Well, and if they are given the responsibility of maintaining the signage, you know, on both sides of the river and trying to make sure that people don't cross if it's not

safe, then it seems like they're taking on some liability; that's kind of a concern. I don't know if you guys are thinking in that realm or not but --

Mr. Hart: The agreement was, basically, to maintain the vegetation around the signage as opposed to the signs themselves, but perhaps Mike could come up and speak on behalf of Kahanu on their comfort level regarding that.

Ms. Lono: Does it say something in here about maintaining the vegetation around the signs?

Mr. Hart: It was in our correspondence as well and it's in the staff report.

Ms. Lono: Okay. But it's not in the recommendations?

Mr. Hart: Let me double-check on that. I know it's -- suffice to say, it's part of the submittals and representations made, and it's definitely in the staff report.

Ms. Lono: Okay. Thank you.

Mr. Opgenorth: So the sign was the main thing. I mean having those clear so the people can see, you know, when the river is here, don't go, right, and so that's, you know, the preventative measure in which -- you know, people are going to go down that road whether we tell them to or not. We close the gate oftentimes and people will still go through the river when it's running to our front gate, and so, to a certain extent, Kahanu Garden cannot be responsible for people's personal decisions to cross that stream, and I just wanted to add that.

Ms. Oana: This is Jennifer Oana. So just because the question was asked regarding the insurance policy, if you read the standard conditions, it'll tell you what it insures against, so it insures and defends the applicant and County of Maui against any all claims or demands for property damage, personal injury or death arising out of the permit including, but not limited, to claims from an accident in connection with the permitted use or occasion by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of the said rights and to all actions to damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of the permit.

Vice-Chair Notestone: Well, there you have it. Do we have any motions from the Committee at this point?

Ms. Lono: ...(inaudible)...

Vice-Chair Notestone: Dawn Lono. We asked for a five-minute recess. Thank you.

(A recess was called at 4:35 p.m., and the meeting reconvened at 4:38 p.m.)

Vice-Chair Notestone: Okay, we're back, after recess, the Hana Advisory Committee part two. Do we have a motion from the Committee in regards to Kahanu Garden, number one agenda today?

Ms. Lono: Okay, I would like to make a motion that we approve the state land use commission special use permit for Kahanu Garden with the standard recommendations as provided by the department and in addition to that, to add restrict the number of visitors to 30,000 visitors per year, to have a gravel parking lot with one paved handicap stall and landscaping that requires no irrigation but would like to propose that the landscaping be of native or Polynesian introduced plantings, that the applicant be allowed to extend the wall of the -- the east-facing wall of the building out into the lanai to expand the footprint of the interior of the building but not to expand the footprint underneath the roof. Is there a second?

Vice-Chair Notestone: Do we have a second on the motion?

Ms. Cosma: I second that motion.

Vice-Chair Notestone: Thank you, Lehua. Lehua Cosma seconds the motion. Do we have any discussion about the motion?

Mr. Clayton Carvalho: I just have a question for Jennifer. Is that the correct procedure? Do we have -- not that I have an issue with any of the conditions, but are we approving all the conditions all with one approval or, you know, or one by one?

Ms. Oana: Yes. This would be one motion to approve along with the additional recommendations --

Mr. Carvalho: Thank you.

Ms. Oana: And conditions.

Vice-Chair Notestone: Thank you, Clayton.

Ms. Lono: Unless someone has a problem with one of the conditions we added, then we'll have to, you know, modify it, but it's up for discussion.

Vice-Chair Notestone: Any discussion? Lehua.

Ms. Cosma: Okay, I just want clarity. So in this motion with the conditions on the permit term, it is now -- it's going to be five years instead of three? No? Okay.

Ms. Lono: In the motion that I made, using the standard conditions, which was three years, so I left it at that.

Vice-Chair Notestone: Any further discussion?

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

It has been moved by Committee Member Lono, seconded by Committee Member Cosma, then unanimously

VOTED: to approve the State Land Use Commission Special Use Permit for Kahanu Garden as recommended by the department and to include the following conditions: that the number of visitors be restricted to 30,000 visitors per year; have a gravel parking lot with one paved handicap stall and landscaping that requires no irrigation and that the landscaping be of native or Polynesian introduced plantings; that the applicant be allowed to extend the east-facing wall of the building out into the lanai to expand the footprint of the interior of the building but not to expand the footprint underneath the roof.

Vice-Chair Notestone: It's unanimous.

Mr. Hart: Thank you very much.

Vice-Chair Notestone: Yeah, Mr. Hart, thank you for coming.

Ms. Lono: I just would like to thank Mike for so graciously hosting us down there today and lining out the building, and locating it, and showing us where it's going to be. I mean that was really important to see that, and it gave me a little more comfort even though there's a part of me that just really is not feeling really comfortable with it. You know, I want to thank you and I appreciate you showing us and easing my mind a little bit about what could be and as long as there's a way, down the road, if it gets out of control and it starts getting really crazy down there that we can say, hey you guys, you know, we gotta back it up here a little bit, then that gives me a little bit of comfort too, so thank you.

Mr. Opgenorth: Well, Aunty Dawn, I just wanted to thank you all for coming down and also just wanted to mention that Kahanu Garden is a place that is a big responsibility, you know, as far as caring for that place and every single person there has a lot of kuleana, and we don't take it lightly, this is a project that was not introduced without a lot of foresight and with a lot of consideration, and so it's our intention to make, not just this Committee proud, but Hana proud as well. Mahalo.

Vice-Chair Notestone: Lehua.

Ms. Cosma: I, too, want to thank you, Mike, and your staff, Peter, and everybody's doing a fabulous job down there. And like I told you today, you could use more manpower with the small crew that you have, but that's something that can happen along the way. But just a suggestion. I know Uncle Blue was a big part of Kahanu Garden, and even the Kahanu family, if you could have something in your visitors center, Uncle's picture and the Kahanu family, just so that people know the background and the history of how they impacted Kahanu Garden, so that's just a suggestion.

Mr. Opgenorth: We'd be more than happy to do that.

Vice-Chair Notestone: Anybody else? I'd like, also, to thank Mike and their staff, it was excellent today, your presentation, and, yeah, I think you're doing a great thing down there, and, Jordan, thank you. Moving on, we're moving to the Director's Report, item F, Scheduling of other Hana Region applications and Discussion of future Hana Advisory Committee Agendas.

F. DIRECTOR'S REPORT

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

Mr. Yoshida: Oh, thank you, Mr. Vice-Chair and Members of the Committee. Your next meeting is scheduled for Tuesday, August 30th, you would consider and have a public hearing on the bed and breakfast application from Kaulani Woessner for Kaua's bed and breakfast here on Uakea Road, and at Tuesday's meeting, we are trying to get the Planning Commission to refer to the Advisory Committee the two council resolutions relating to short-term rental homes, Council Resolution No. 16-93, relating to -- I believe that's the one on enforcement on short-term rental homes and bed and breakfast permits, introduced by Council Chair, Mike White, and Council Resolution No. 16-94, regarding the minimum length of ownership of the property in applying for short-term rental homes, so five years, introduced by Council Member Robert Carroll. We did circulate, I believe, to the Committee the amendments to the short-term rental home ordinance, which was passed by the council

and signed by the Mayor on May 23rd. There were these additional amendments that members had but they felt that they weren't vetted through the communities, so they referred these two resolutions to the three planning commissions, Lanai, Maui, and Molokai, and we're trying to get the Maui Planning Commission to ask the Hana Advisory Committee for its recommendations on the two resolutions. So that's the August 30th meeting.

Ms. Lono: ...(inaudible - not speaking into the microphone)... for the August 30 meeting?

Mr. Yoshida: Yes.

Ms. Lono: So two resolutions?

Mr. Yoshida: Two resolutions and the bed and breakfast permit for Kaulani Woessner. We have future Advisory Committee meetings, we have applications from the Department of Public Works for the Kahawaiokapia Bridge Replacement Project, so that's an SMA permit, and so I believe the Planning Commission, at its last meeting, referred that application to the Advisory Committee for your review and comments, and then the other one is the Kawaipapa change in zoning form Bill Seitz for about a 20-acre property at Kawaipapa, so those are the two most immediate applications after we deal with the council resolutions and the bed and breakfast permit by Mr. Woessner. Any questions?

Mr. Carvalho: I don't know if it's proper to ask, do we have a quorum for the August 30th? I'm not sure.

Vice-Chair Notestone: As far as I know, for August 30th, our Chairman will be back and available for that, and I will be available.

Mr. Carvalho: Okay.

Mr. Yoshida: Yeah, I believe that the Committee Chair, Ward Mardfin, should be completed with his education teaching duties by then, so he'll be here.

Mr. Carvalho: The other one is more of a comment. I haven't heard anything recently regarding the -- on the situation, the bed and breakfast, the short-term rental homes, I kinda wanna go back to where I started here, this has been -- this is actually fourth or fifth year, and I remember the first application we received or one of the first ones for someone who's on the board now, Gale, and one of the reasons we approved him and commended him was because he came forward, and he came forward with a proposal and felt that he's playing by the rules and all that. I guess it's just like beat a dead horse but when I go onto AirB&B, I see over 150 illegal rentals in Hana, and I'm yet to hear -- I've yet to hear a

violation being handed out in Hana, and I'm just wondering if anything changed or improved for the last years since I think two years was the last time we kinda really brought up where we were adding staff, you know, staff to the - I don't know how you say it - the enforcement, yeah, I know we enforce it, and now we have four, and I don't know if they've made any progress here and it kind of makes our job look, I don't know, I guess --

Mr. Yoshida: Yeah, I guess Council Member White, his resolution deals with enforcement against illegal short-term rental homes and bed and breakfast home operations. In addition, when we came to the Committee over two years ago with our proposed amendments to the short-term rental home ordinance, we also came to you with proposed amendments to the bed and breakfast home ordinance, and I guess the council did listen to you on the short-term rental home ordinance because they reduced the cap from 48 to 30, you know, which was something that this Committee, or the majority of this Committee, wanted, so they do listen and they will be considering -- I mean they have on their plate, the Planning Committee, the amendments to the bed and breakfast home ordinance but -- and we will be looking at enforcement at the next August 30th meeting relative to Council Member White's resolution.

Mr. Carvalho: Thank you, Clayton. I just feel like sometimes we're wasting your time here when we're going through these -- the process of approving these short-term rental homes and, you know, that's still -- we have maybe 10% approved in Hana.

Mr. Yoshida: Yes, I believe I heard Committee Member Cashman many times --

Mr. Carvalho: Yeah.

Mr. Yoshida: Loud and clear on this enforcement, I guess whenever he had the opportunity, that was is basic comment.

Mr. Carvalho: Thank you, Clayton.

Vice-Chair Notestone: Thank you, Clayton, for that. Anything more?

Mr. Yoshida: That's all we have to report, Mr. Chair -- Mr. Vice-Chair.

Vice-Chair Notestone: Thank you very much. Anybody have comments or questions?

G. ADJOURNMENT

Mr. Carvalho: I move to adjourn this meeting.

Vice-Chair Notestone: I have a motion to adjourn. Do I hear a second? Dawn Lono seconds.

It has been moved by Committee Member Carvalho, seconded by Committee Member Lono, then unanimously

VOTED: *to adjourn the meeting at 4:53 p.m.*

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions

RECORD OF ATTENANCE

Present:

Gale Notestone, Vice-Chairperson
Clayton Carvalho, Jr.
Linda Clark
Lehua Cosma
Dawn Lono

Excused:

Ward Mardfin, Chairperson
Scott Crawford

Others:

Clayton Yoshida, Planning Program Administrator, Current Division
Jennifer Oana, Deputy Corporation Counsel