

PLANNING COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

September 20, 2016

CONVENE: 9:03 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Don Couch, Chair
Councilmember Robert Carroll, Vice-Chair
Councilmember Gladys C. Baisa
Councilmember Elle Cochran (left at 9:34 a.m.)
Councilmember Don S. Guzman
Councilmember Michael P. Victorino
Councilmember Mike White

STAFF: 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)
Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
William Spence, Director, Department of Planning
Kurt Wollenhaupt, Planner, Current Planning Division, Department of Planning
Ann Cua, Planner, Current Planning Division, Department of Planning
Joseph Alueta, Administrative Planning Officer, Department of Planning
Kaala Buenconsejo, Director, Department of Parks and Recreation

OTHERS: Isaac Hall, Hui Alanui o Makena
Jack Naiditch, Association of Apartment Owners of Alaeloa
Leahi Hall, ATC Makena Holdings, LLC
Sharon Suzuki, President, Maui Electric Company, Limited
Mat McNeff, Manager, Power Supply Department, Maui Electric Company, Limited
Jamie Cook, Director, Renewable Energy Projects, Maui Electric Company, Limited
Marc Ratte, Engineer, Power Supply Department, Maui Electric Company, Limited

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Mahina Martin, Director, Government and Community Relations,
Maui Electric Company, Limited
Plus (5) other people

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR COUCH: . . . *(gavel)* . . . Will the Planning Committee meeting of September 20, 2016, please come to order? It is now 9:02. My name is Don Couch. I'm the Chair of the Committee. And before we get started, can we ask everybody in the gallery and in the room to please turn their phones off, or at least put them in silent mode. Is your phone on silent mode, sir?

VICE-CHAIR CARROLL: I left my cell phones in my office.

CHAIR COUCH: Oh, good. Thank you. All right. Let's first introduce everybody who's here from the Voting Members of the Committee. First, we have Robert Carroll, who's our Vice-Chair.

VICE-CHAIR CARROLL: Good morning, Chair.

CHAIR COUCH: Good morning. Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

CHAIR COUCH: Good morning. Elle Cochran is excused for now. Mr. Guzman.

COUNCILMEMBER GUZMAN: Morning.

CHAIR COUCH: Good morning. Mike Victorino.

COUNCILMEMBER VICTORINO: Good morning, Chair.

CHAIR COUCH: Good morning. And Council Chair White.

COUNCILMEMBER WHITE: Good morning.

CHAIR COUCH: Good morning. I'm actually pleasantly surprised to see some of you here who said you weren't going to be here, so that's good. I like it. All right, we have two Non-Voting Members, and they're not here today. From the Planning Department, we have right now, Kurt Wollenhump *[sic]*. How do? Wollen...?

MR. WOLLENHAUPT: Wollenhaupt.

CHAIR COUCH: Wollenhaupt. Okay, thank you. And a couple other people who will be up for the next couple of items. We may have Parks Department. I'm not sure. I don't

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see them here yet, but they should be coming in. And from Deputy Corporation Counsel, we have Michael Hopper. Good morning.

MR. HOPPER: Good morning.

CHAIR COUCH: And from our Staff, we have Legislative Attorney Greg Garneau.

MR. GARNEAU: Good morning, Chair.

CHAIR COUCH: Good morning. And Committee Secretary Pauline Martins.

MS. MARTINS: Good morning.

CHAIR COUCH: Good morning. Oh, there he is! Director of Planning, Mr. Spence.

MR. SPENCE: Good morning, Mr. Chair.

CHAIR COUCH: And from Hana District Office, we have Dawn Lono.

MS. LONO: Good morning, Chair. This is Dawn Lono in Hana.

CHAIR COUCH: Okay. Thank you. From the Lanai District Office, we have Denise Fernandez.

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai.

CHAIR COUCH: And from the Molokai District Office, we have Ella Alcon.

MS. ALCON: Good morning, Chair. This is Ella Alcon on Molokai.

CHAIR COUCH: Good morning, ladies. We'll get back to you in just a minute. All right. Members, we have three items up today. We have PC-30, which is the annual status report of Maui Electric. Then PC-2, which is Makena Resort Change in Zoning compliance relating to access for parks and recreation. And PC-32, transient vacation rentals in planned developments. We're gonna start public testimony real soon, but before we do, for individuals testifying in 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 three items I just listed on the agenda today. And pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item with an additional one minute. And we're gonna be using a lighting system, the green light will be on for three minutes, and then yellow light will be on for your last minute, and when it turns red please end your remarks. And when testifying please state your name and any organization you may be representing. Members, without objection, we'll open public testimony.

COUNCILMEMBERS: No objection.

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CHAIR COUCH: Okay, public testimony is open. Let's first go to the first testifier who signed up is Isaac Hall, followed by Jack Naiditch.

. . . BEGIN PUBLIC TESTIMONY . . .

MR. HALL: Good morning, Chair Couch and Members of the Planning Committee. My name is Isaac Hall and I'm here speaking on behalf of Hui Alanui o Makena today on Item PC-2. In 1986, Hui Alanui o Makena reached an agreement with Seibu to place two parks at either end of Maluaka Beach. Those two parks have been great successes. There's been extensive public use of both of those parks. It was always intended that they would both be expanded but particularly the one at the south end of Maluaka Beach, and the understanding was that it would be expanded...the south park would be expanded in the south direction. That actually got put in the Change in Zoning as Condition No. 32. Then to our surprise, that is the Hui's surprise, there was some effort to expand the park to the north and that led to my letter in 2011 objecting to an expansion to the north. But since 2011, we have worked with the resort and other groups also have worked with the resort and there's an agreement at this point in time that the park is gonna be expanded to the south. There had to be a Change in Zoning to facilitate that. I think that's happened and Ann may speak to that, Cua, that is. And it's very good because there's Maluaka Point there that's used by a very good additional park area in the southern direction. It's used by fishermen and it also starts the trail towards Oneuli Beach and the trail going down the Oneuli Beach is also open as well, so it's a great coastal resource. So the concerns that I raised in my letter of 2011 I no longer have. I'm very happy with the progress that's been made. It hasn't totally been completed, but there is a map now of where that, how the park is gonna be expanded to the south, and so that it'll be a total of 1.5 acres in size. And I believe that it will be as great as a success as the initial beach park was. Thank you very much

CHAIR COUCH: Thank you, Mr. Hall. Members, any questions to the testifier? Seeing none, thank you.

MR. HALL: Thank you very much.

CHAIR COUCH: Next up is, the last one to sign up to testify is Jack Naiditch.

MR. NAIDITCH: Good morning, Council, Chairman Couch, and the members of the Council.

CHAIR COUCH: Mr. Naiditch, can you bring your mic to your...there you go.

MR. NAIDITCH: Is it better?

CHAIR COUCH: Much better.

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MR. NAIDITCH: Okay. So I'm here to testify about PC-32. I represent the Association of Apartment Owners of Alaeloa. My understanding is that this bill has been changed several times. It was originally the Puamana bill. It was then changed, I believe by Council, Councilman Guzman actually proposed the last change which was to eliminate the land acreage provision in this ordinance, and now the ordinance is being changed to allow for a combination of single-family dwellings and duplexes which is exactly what Alaeloa is. And Alaeloa has been, otherwise completely qualifies for this particular amendment. It was formed prior to '81; it's been engaged in short-term rentals of 30 days or more. The entire project is supportive of it, there's no dissent in the project. The board has approved it. They just want to see some clarity. They believe that it's only fair that they be included with other planned unit developments in this ordinance, and they therefore appreciate your review and passage of this. If you have any questions, I'm happy to answer them.

CHAIR COUCH: Thank you, Mr. Naiditch. Members, any questions to the testifier? Seeing none, thank you. All right. We'll go to the District Offices. Hana District Office, do you have anybody there waiting to testify?

MS. LONO: There's no one waiting to testify in the Hana Office.

CHAIR COUCH: Molokai District Office?

MS. ALCON: There's no one here on Molokai waiting to testify.

CHAIR COUCH: Lanai District Office?

MS. FERNANDEZ: There's no one waiting here on the Lanai Office to testify.

CHAIR COUCH: And is anybody else wanting to testify? Going once, going twice. Okay. Members, seeing nobody coming down to testify and nobody at the District Offices, without objections, we'll close public testimony.

COUNCILMEMBERS VOICED NO OBJECTIONS.

CHAIR COUCH: Okay. Public testimony is closed. Thank you, ladies.

. . . END OF PUBLIC TESTIMONY . . .

PC-30 ANNUAL STATUS REPORT - MAUI ELECTRIC (GC 15-8 & 16-8)

CHAIR COUCH: All right. Members, start off with, we'll go right in order, first item on the agenda is PC-30, the annual status report of Maui Electric. We have before us, two general communications from Maui Electric relating to annual status reports for the Waena Generating Plant. Representatives from the Maui Electric are here to give us an update. So what I'd like to do is have the President of Maui Electric come up,

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that's Sharon Suzuki. And if she has other people that she wants to give a status she'll just bring them up. Thank you, Ms. Suzuki.

MS. SUZUKI: Okay. Good morning, Chair Couch and members of the Planning Committee. I'm Sharon Suzuki, President of Maui Electric; joining me from Maui Electric are Mat McNeff, our Power Supply Manager, Jamie Cook, our Director of Renewable Energy Projects, and Marc Ratte, our Power Supply Engineer. Today, what we'd like to do is give you a brief highlight of the annual status report that we filed on our Waena property as it relates to developing power generating needs for the island of Maui. We also want to make ourselves available for questions that you may have. So back in 2000, we received approval for the rezoning of the Waena property to help meet and anticipate a need for new generation on the island of Maui. We've been fortunate that to date we have been able to defer the need for a new capacity for the past few years, and it's tied to changes in the demand for electricity, shifting economy, and energy efficiency equipment that our customers have installed at their facilities. So those are key contributors on how we've been able to defer the need for new capacity on our island. Today, renewable energy is an important part of what we deliver to our residential and business customers. Since our commitment to clean energy in 2008, we've made a lot of progress in integrating renewable energy as a percentage of our electricity demand. In 2008, the percentage of our sales from renewable energy resources like wind, solar, and biomass was 14 percent. And as of last year at the end of December, we were at 35 percent, so this is 4 years ahead of the milestone of 30 percent renewable energy by 2030. And we were able to do that because we collaborated with partners, customers interested who made investments in rooftop PVs, as well as developers of large-scale wind farms, and of course HC&S and their use of the bagasse. We've been able to do that because these resources were available in an affordable and a way that allowed us to integrate it to the grid without impacting the reliability of service that our customers expect and want from us. So we continue to be committed to bringing on more renewable energy, of course, ultimately reaching the goal of 100 percent renewable by 2045. So I'll turn it over to Mat McNeff and he'll turn it over to Jamie, and they'll share with you what we're doing in terms of acquiring more renewable energy. Thank you.

MR. MCNEFF: Good morning. As an update to the Waena property itself, on May 5th, Maui Electric submitted a request to the Public Utilities Commission to begin the process for adding additional generation on Maui. As you heard Sharon mentioned Maui Electric along with the Maui community has been able to defer the need for a new generating station for years, but our forecast once again show it's required. The request was for approximately 40 megawatts of new generation needed in large part due to our plans to retire the Kahului Power Plant. Half of that 40 megawatts is to be renewable firm generation and the other half is to be a fuel flexible or able to be operated both on conventional and renewable fuels firm generation. Maui Electric needs to follow the procedures specified by the Public Utilities Commission for adding additional generation. And as part of that procedure, Maui Electric will have to compete against other bidders to win the right to install the generation. It's currently part of our plan should we win to install at least 20 megawatts of renewable

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generation at the Waena Facility. It's also possible that other bidders may propose to put generation at the Waena Facility as part of the request for proposals. The new generation has planned to be in operation around the 2022 timeframe. Until then, HC&S has been using the property for sugar cultivation but with their decision to stop sugar production they've removed the sugar cane and are in the process of adding a ground cover. As far as other renewable generating facilities, the three wind farms with a combined total of 72 megawatts are operating well. Last year, we accepted more wind than any previous year on Maui. We also have Makila Hydro, a small hydroelectric facility on the West Side. And we have 2 of our newest independent power producing facilities, just about 6 megawatts of solar that are in the development phase now. And now here's Jamie Cook to give an update on rooftop solar and customer programs.

MR. COOK: Good morning.

CHAIR COUCH: Good morning.

MR. COOK: I'm gonna give an update on rooftop solar and the available customer programs that we have for Maui County. Net Energy Metering started in 2001 and it's been a resounding success. In October of 2015, the PUC issued a decision in order which essentially closed the Net Energy Metering Program for further applications. And Maui Electric issues a one-year pre-approval period for customers in the Net Energy Metering Program. So at that time, we worked through the existing queue of all our Net Energy Metering customers. And at the moment, we have 16 megawatts of Net Energy Metering Programs that are still pre-approved and pending installation. And at that time on October 2015, that decision and order from the PUC established 2 new energy programs for our customers, Customer Grid-Supply and Customer Self-Supply. And there was an initial cap that was imposed by the PUC at 5 megawatts for Maui County, 5 megawatts for the Big Island, and 25 megawatts for Oahu. And at the moment, we have pre-approved 5 megawatts of Customer Grid-Supply for Maui County. And at the moment, we have .39 megawatts of Customer Grid-Supply actually executed and installed as of the end of August of this year, 2016. For a sum total between Customer Grid-Supply, the Feed-in Tariff Program, the Standard Interconnection Agreement Program, and Net Energy Metering. Currently as of the end of August 2016, we have over 87 megawatts of customer-sited distributed generation on our system on Maui, Molokai, and Lanai. So this represents a significant portion of our energy supply, especially during the day. Some of those systems do have battery systems for the customer use, but again this represents a significant amount of energy on our system during the day. Going forward, we're always looking at ways we can integrate more renewable energy and also more customer-sited systems. And there's an open docket with the PUC to investigate what we're calling distributed energy resources 2.0, which is investigating new and innovative programs for our customers moving forward into the future. Thank you.

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CHAIR COUCH: Thank you. And thank you, all three for a succinct rundown of what's going on. Members, any questions to the folks from Maui Electric on what's happening over in that area? Chair White?

COUNCILMEMBER WHITE: Thank you, Chair. You mentioned 87 megawatts of renewable during the day. What is the total that's used during the day? What percentage is that 87 of the total that's used?

MR. COOK: That's a really good question considering that the bulk of all of these systems are customer-sited systems, so they're individual systems mapped out all over our system. It's hard for us to determine exactly how much of that energy is used. Primarily, the customer uses their energy first and then that excess energy is then converted into NEM credits specific to that program. So it's hard to determine exactly how much of that energy is actually used on the system precisely. Does that help answer the question?

COUNCILMEMBER WHITE: Yeah. I'm trying...we may need to ask it in a different way. How much are you having to generate during the day to make up for whatever is not being supplied by the customer?

MR. COOK: So I think one important aspect to remember is that when customers feed into the grid, we have to constantly balance our generation to our load.

COUNCILMEMBER WHITE: Right.

MR. COOK: So that drives our generators down during the day, so we have to react to that. So in fact, we're generating less from our units because of daytime solar.

COUNCILMEMBER WHITE: Right.

MR. COOK: Yeah.

COUNCILMEMBER WHITE: Yeah. I was just trying to get a sense of how much we're generating versus how much is being supplied on site.

MR. COOK: Mat can answer that.

MR. McNEFF: Sure, and it'll vary, you know, on whether it's a sunny or windy day, but I think maybe if I could get back to you on the range of daytime loads that we see --

COUNCILMEMBER WHITE: Sure.

MR. McNEFF: --that'd be better. Thank you.

COUNCILMEMBER WHITE: Yeah. Thank you. That was all I had. Thank you.

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CHAIR COUCH: Okay. Thank you. Members, any...Ms. Baisa?

COUNCILMEMBER BAISA: Yes. Thank you, Chair. And thank you so much for being here, Maui Electric. Jamie, you mentioned something about 16 something in a queue. Can you repeat that? I didn't get what you were trying to say.

MR. COOK: Sure. We have approximately 16 megawatts of customers that had been preapproved for the Net Energy Metering Program, so that means that if we issued you a letter that means you have a year to put it in. And so those are all the ones that have been issued that letter and they are in the process of getting their financing, working with their installer, getting their permitting, it hasn't actually been installed and the agreement hasn't been signed yet. So it's...those are...that's 16 megawatts of projects that we have accounted for and we have made available for customers.

COUNCILMEMBER BAISA: And you're still accepting applications?

MR. COOK: We're still accepting applications for the Customer Self-Supply Program and Standard Interconnection Agreements. And typically Standard Interconnection Agreements are for larger systems that seek to offset their load and not export. And the Customer Self-Supply Program is a non-export system as well or program as well.

COUNCILMEMBER BAISA: I see. Do you have any statistics on what the ROI is on that investment on buying a PV system?

MR. COOK: We could get some information for you.

COUNCILMEMBER BAISA: I think it might be very interesting. I attended a meeting last week with the Filipino Chamber of Commerce and they brought in the Director of DBEDT, Mr. Salaveria. And he mentioned some astronomical figures on ROI, and I think it's something that we ought to tell the public so that they would understand. It was in the hundreds percent and it was very impressive. Of course I have a PV system and I love my \$19 bill, but, you know, I know there's people that are still hesitating and are still thinking about, you know, is it worth it. Someone told me the other day, well my electric is only \$150 a month. And I said, wouldn't you like that to be 19. But, you know, I think there's still...people don't really understand how it works.

MR. COOK: That's a good point. And we're constantly focused on new ways that we can educate our customers and the industry and the public at large on how the system, how the different energy programs work, what is the customer's responsibility as far as research, getting quotes and things like that. We firmly believe the electric company still has a big part in educating, and we're always striving to get ourselves connected with the customer at the beginning of the process so they're well aware of what's ahead of them.

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COUNCILMEMBER BAISA: Thank you very much. And, you know, we're very happy to see MECO going down this road. It's so important. And good to hear the statistics that you're way ahead of the 2030 goals. So again, thank you very much.

MR. COOK: Thank you.

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

COUNCILMEMBER WHITE: You mentioned...well, Ms. Baisa was talking about the ROI, but the significant ROI is on the original Net Energy Metering Program, right, but that's...my understanding is that program is no longer available. Is that correct? Or that...maybe that's what's in the queue, but if you haven't signed up for the original Net Energy Metering system, I don't believe it's available anymore.

MR. COOK: So the Net Energy Metering Program is fully subscribed and active, so that means that anybody that's in the program will remain in the program. All of those people that I mentioned in that 16-megawatt group of preapproved systems will be in that program and the program is closed for new applications. So it is a fully subscribed and active program.

COUNCILMEMBER WHITE: Right.

MR. COOK: So that's...we need to be really clear about that because there are still people that are still installing their systems.

COUNCILMEMBER WHITE: So going forward, the benefit is mostly because you'll be able to offset your energy usage by having it generated on site, but you're not gonna get the same value back if you produce more than you are using at particular times, correct?

MR. COOK: That's correct. So the economics are going to be different for the newer programs as opposed to Net Energy Metering.

COUNCILMEMBER WHITE: Right. So and it would be helpful if you could give Ms. Baisa some, a sense of what the return, the change in the return is because the credits, I believe, are still there for now. So you get the credits but you don't get the same economics from the over generation, right?

MR. COOK: That's correct.

COUNCILMEMBER WHITE: Okay. Thanks. Thank you.

MR. COOK: And some of the recalibrations for the new programs sought to address a lot of over sizing of systems, which we have seen with the CGS Program. The average size for Net Energy Metering systems was around 6.5 for the whole program and for Customer Grid-Supply, the new system size is around 10 kW. So the average system size actually went up which was not the intent and I think it was just a reaction from

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the industry because the economics are different. So again, that gets back to education, you know, we're just focused on making sure that customers are abundantly aware of the differences in the program and what they're getting involved with at the onset.

COUNCILMEMBER WHITE: Right. Thank you. Thank you, Chair.

CHAIR COUCH: Thank you. Mr. Victorino?

COUNCILMEMBER VICTORINO: Thank you. And very interesting dynamics. My question to, I guess, that young man, Jamie, again, would be now that we don't have Net Metering or it's really not a part of the creation for the economic impact, is it that consumers have to be much more careful in the sizing of their systems? Again, like you say, a lot of systems were oversized or large in capacity because you could sell back to the utility. But with that being said, now you've got to be really careful exactly how much you're actually using and trying to fit your system accordingly.

MR. COOK: That's correct. That situation is actually it's more pronounced and more acute with the change in programs. And in theory, that practice should have always been in place when sizing systems for Net Energy Metering because...

COUNCILMEMBER VICTORINO: However, it didn't take place that way, it was being, I don't want to say, abused but, you know, larger sizes because the fact that you could net meter and you get back, you know --

MR. COOK: Correct.

COUNCILMEMBER VICTORINO: --some residual effect. Finally, for home systems, I see more and more residential systems as well as commercial systems. Battery systems that are being offered to save energy, especially now that you don't have this buyback if you want to make sure that you have enough capacity and storage because again sun's only up during the day and at night, you know, if you need more then that means you flip back to the grid. Have you seen a turn towards and improvement in the battery systems that are out there? 'Cause you see all these commercials, you know, giving you all these great ideas and I'm not sure if the public really understands what that means also.

MR. COOK: Sure. So generally the electric company does not give endorsements for one product or one company.

COUNCILMEMBER VICTORINO: Good.

MR. COOK: What we have seen in general in the industry is a vast improvement in battery systems that are available to customers and, you know, systems that are, you know, sort of off the shelf and very easy to implement. So the game has definitely changed

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as far as battery storage for customers and we're starting to see an uptick in battery systems put in, especially with a Customer Self-Supply Program.

COUNCILMEMBER VICTORINO: Yeah. Thank you. Thank you for that clarification and thank you, Mr. Chair.

MR. COOK: Thank you.

CHAIR COUCH: Thank you, Mr. Victorino. Members, any other questions? I have one quick question. I think it was Mr. McNeff talked about if you guys win a request for proposal. Who's making the request for a proposal and isn't that your land so?

MR. McNEFF: Yeah. So...oh, sorry.

CHAIR COUCH: Go ahead.

MR. McNEFF: So as part of the process, the Public Utilities Commission put out for us to follow and it's, you know, sort of to promote competition so we'll go out for an RFP, a request for proposals for this new generation. It'll be...there'll be oversight by an independent observer and we'll just be one of the bidders, and so the independent observer along with a separate team from Maui Electric or the Hawaiian Electric companies will evaluate the bid separate from the team that put forth the bid, will evaluate all the bids, and then the best one will be chosen regardless of, you know, who it came from. So our plans is definitely to put new generation at Waena. And as part of that process, you know, if it's going to be the best for the customers we're also thinking about making the Waena facility available.

CHAIR COUCH: Okay. Thank you. That ends my questions. Members? Okay. Thank you very much for being here. Members, normally I would file the two County or general communications but we're approaching the end of the term and they will auto-file so to expedite we'll just without any objection, we'll defer this item.

COUNCILMEMBERS: No objection.

CHAIR COUCH: No objections, okay, that item's deferred.

ACTION: DEFER.

**PC-2 MAKENA RESORT CHANGE IN ZONING COMPLIANCE WITH CONDITIONS
RELATING TO ACCESS FOR PARKS AND RECREATION (C.C. 11-220)**

CHAIR COUCH: Members, next is PC-2, Makena Resort Change in Zoning Compliance with Conditions Relating to Access for Parks and Recreation. This is a County Communication from Attorney Isaac Hall regarding Change in Zoning Condition No. 32 relating to expansion of the park area at Maluaka Beach in Makena. We also

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have correspondence from Planning Director from February 2012 with maps showing the plan for compliance with the zoning condition. My understanding since that time a lot of progress has been made. We all went out there, most of us went out there for a site visit. I scheduled this item so that the Committee may receive an update on the status. So if we can go with Mr. Spence or Ms. Cua, I don't know...by the way, welcome, Ms. Cua.

MS. CUA: Thank you, Chair.

CHAIR COUCH: Oops, you gotta press the...

MS. CUA: Oh. Thank you, Chair. I believe the applicant submitted a letter regarding their update and their progress in expansion of the park south of the existing Maluaka Park. One issue that had come up through the process was that that area south of the existing Maluaka Park was zoned PK-4 and that use did not provide for park, just general park use. It was primarily a golf course zoning. And since then the County has done an update of the park district ordinance where there are basically two park districts now. One is just the PK District which is just general park districts and then there's PKGC or PK Golf Course and that is where your golf courses comes in, but within that area you can have parks. So now the expansion, the .66-acre expansion south of the existing South Maluaka Park, the zoning does permit that. That's all the comments we have.

CHAIR COUCH: All right. Thank you. Members, I had a discussion with Makena ATC and they're the ones that showed me the map that, I believe, you have in the letter dated 9/16. And it looks like it's exactly what the, everybody was looking for including us. So are there any questions that anybody has for this one? I just wanted to bring this up to let you know that through everybody's work we got something that is making everybody happy. I would like to ask Parks Director if he's okay with what the proposal is as well. So if we can get Parks Director to come down. I know you're just shaking, you're nodding your head, but we just want to get it on record. Introduce yourself, sir.

MR. BUENCONSEJO: Chair, good morning, Chair. Kaala Buenconsejo, Parks Director.

CHAIR COUCH: Okay. So you've seen the proposed changes and the proposed map and what's your Department think about that one?

MR. BUENCONSEJO: Chair, from the Parks' standpoint, again working with the management company as well, Makena Company, again we have no real concerns about that park parcel being proposed. We are working with some concerns from the current Makena Landing issues that we are working with when it comes to parking --

CHAIR COUCH: Yeah.

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MR. BUENCONSEJO: --and commercial vending, so we're working on that on a separate case. But as far as what is being proposed here in front of Council, there's no concerns on our standpoint.

CHAIR COUCH: Okay. Thank you. Members, any questions. All right. If you have noticed the September 16th letter, it also says that they're just finalizing some surveys and whatnot, but I think everybody...the whole reason it was brought up to us is because there was some concern on where that was gonna be. It looks like everything is in the right place, so I'm ready for, to make my recommendation.

COUNCILMEMBER BAISA: Recommendation?

CHAIR COUCH: Members, I would like to, in this case, I definitely want to file County Communication 11-220. So I'll entertain a motion to recommend filing of County Communication 11-220.

COUNCILMEMBER VICTORINO: So moved.

COUNCILMEMBER WHITE: Second.

CHAIR COUCH: Okay. It's been moved by Member Victorino and seconded by Member, Chair White to recommend the filing of the communication. Any discussion? Seeing none, all those in favor, please say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR COUCH: Opposed? Let the record show that there are seven "ayes" and zero "noes" and zero excused.

**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: FILING OF COMMUNICATION.

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CHAIR COUCH: By the way, welcome, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you very much, Chair. Okay. So we've got that one.

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

CHAIR COUCH: Now, Members, we're on Item No. PC-32, which is Transient Vacation Rentals in Planned Developments. Members, this started as a County Communication from me transmitting a proposed resolution to refer the proposed bill we are considering today to the Planning Commission. The proposed bill would allow transient vacation rentals at the Alaeloa Project in Napili. This was transmitted to the Committee by correspondence dated September 13, 2016. The bill has been reviewed by the Lanai, Maui, and Molokai Planning Commission. Both the Planning Department and the Maui Planning Commission recommend passage of the bill. The Lanai Planning Commission offered no comments. The Molokai Planning Commission did not recommend passage of the bill and asked that the Council consider a bill to clean up all condominium projects in the County. In fact, this is the last one that has the issue and we were going, we had had it in when we did the Puamana bill. We realized that that went, that Alaeloa was included in that, but we hadn't heard from the AOA from Alaeloa and so Ms. Cochran asked us to carve that out until we did hear. Well, we finally heard from the AOA and they're all on board for it. So we will be working off a request for legal services, dated September 13, 2016. Department, do you have any questions or comments?

MR. ALUETA: No comments, Mr. Chair.

CHAIR COUCH: You gotta press the button.

MR. ALUETA: No comments, Mr. Chair.

CHAIR COUCH: Thank you. Thank you, Mr. Alueta. Members, any questions?
Ms. Cochran?

COUNCILMEMBER COCHRAN: Chair, thank you. And so, yes, this is the...this only affects Alaeloa?

CHAIR COUCH: Right. That's, add that into the Puamana bill which we have carved out at your request.

COUNCILMEMBER COCHRAN: Right, at the time because the residents there were not notified and had any discussion about it to us.

CHAIR COUCH: Right.

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COUNCILMEMBER COCHRAN: And so since then we have had. So, I guess, I just wanted to double check and make sure that this isn't including other areas we have not spoken about. Coconut Inn, you know, I think they came up during the Puamana discussions, up in Puukoolii Road. You know, I mean, I don't know. Maybe other places have opened up and that they approached whoever and now it's here being --

CHAIR COUCH: Right.

COUNCILMEMBER COCHRAN: --in this mix too. So I just wanted to make sure it's clear that this isn't allowing others that we have not spoken about or increasing other than --

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: --allowing Alaeloa.

CHAIR COUCH: It's my understanding because we had that matrix of whose was what that the Alaeloa was the only one and we were able to find the one thing that excluded them, but we can have the Department respond if they know of any of those. Press it once, the light goes green. There you go.

MR. ALUETA: Thank you, Mr. Chair. Based on the research that we have done so far, yes, that is the only one that was identified so far.

CHAIR COUCH: Okay. Thank you. Does that satisfy your concerns, Ms. Cochran?

COUNCILMEMBER COCHRAN: Yes.

CHAIR COUCH: Okay. Members, any other questions? Seeing none, I'm ready to make my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR COUCH: I will entertain a motion to recommend passage on first reading of the proposed bill entitled A Bill for an Ordinance Relating to Transient Vacation Rentals in Planned Developments; and to allow Staff to make nonsubstantive revisions; and to file the County Communication.

VICE-CHAIR CARROLL: So moved.

COUNCILMEMBER BAISA: Second.

CHAIR COUCH: It's been moved by Mr. Carroll and seconded by Member Baisa to recommend passage of the bill. Any discussion?

COUNCILMEMBER COCHRAN: Chair?

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CHAIR COUCH: Ms. Cochran?

COUNCILMEMBER COCHRAN: So just real quickly I just want to make triple, quadruple for sure.

CHAIR COUCH: Okay.

COUNCILMEMBER COCHRAN: Such as Pulelehua that's recently going to come back online to be discussed and having single-family, I think, duplex type, multiplex-type dwellings there and having it be rentals. Something of that nature, would be included in this?

CHAIR COUCH: If I can answer for the Department and correct me if I'm wrong, No. 2(A) talks about the plan development receiving final approval as provided and been operating as a vacation rental on or before April 20, 1981.

COUNCILMEMBER COCHRAN: Okay.

CHAIR COUCH: So Pulelehua has not.

COUNCILMEMBER COCHRAN: Okay. So I just wanted to make sure that that date corresponds at every other thing that is coming online and...

CHAIR COUCH: Mr. Spence?

MR. SPENCE: And, Mr. Chairman, I would like to comment that Pulelehua is not a planned development, it's a project district.

COUNCILMEMBER COCHRAN: Oh...

MR. SPENCE: So it wouldn't apply anyway.

CHAIR COUCH: And we don't do planned developments anymore apparently.

MR. SPENCE: We could.

CHAIR COUCH: We do?

MR. SPENCE: If we want.

CHAIR COUCH: If we want, okay.

COUNCILMEMBER COCHRAN: Okay. So and I got the PD abbreviations wrong too, planned development, okay, got it. Thank you. Just quadruple making sure. Thank you.

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CHAIR COUCH: Okay. Thank you. Any further discussion? Seeing none, all those in favor, please say "aye."

COUNCILMEMBERS VOICED AYE.

CHAIR COUCH: Opposed? Let the record show that the measure passes with seven "ayes" and zero "noes" and zero excused.

**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: FIRST READING OF BILL AND FILING OF
 COMMUNICATION.**

CHAIR COUCH: Members, thank you very much. We're done before some of the people that had to go. Again, another quick PC meeting. Thank you for the Department. Thank you for the Staff. This meeting is adjourned. . . . *(gavel)* . . .

ADJOURN: 9:44 a.m.

APPROVED BY:



DON COUCH, Chair
Planning Committee

pc:min:160920:mb

Transcribed by: Michelle Balala

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CERTIFICATE

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

DATED the 11th day of October, 2016, in Makawao, Hawaii

Michelle Balala

Michelle Balala