

**HANA ADVISORY COMMITTEE TO THE
MAUI PLANNING COMMISSION
REGULAR MINUTES - JANUARY 16, 2018**

** 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 Gale Notestone at approximately 4:02 p.m., Tuesday, January 16, 2018, at Helene Hall, 150 Keawa Place, Hana Bay, Maui, Hawaii.

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

Chair Gale Notestone: Good afternoon, everybody. We're going to start the meeting. Time now is 4:02 in the afternoon, 16th of January. My name is Gale Notestone. I'll be your Chair this afternoon, hopefully, not this evening. We have members, to my left, Scott Crawford, Dawn Lono, representing Corp. Counsel, David Galazin, and, to my right, Lehua Cosma, and Suzie Esmeralda, is our recorder, and we have Clayton Yoshida. So welcome, everybody.

On the agenda, we start out with Public Testimony.

Chair Notestone read the following agenda item into the record:

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.

Chair Notestone: Do we have anybody who wants to testify at this time?

Ms. Alohalani Smith: ...(inaudible)...

Chair Notestone: Debbie? You can. Yeah. You have to come up to the microphone and state your name. No, I had a request that somebody wanted to do an early testimony.

Ms. Smith: Aloha.

Chair Notestone: Aloha. Come up to the mike and state your name.

Ms. Smith: Aloha. My name is Alohalani Smith. I'm from Kaupo. I just wanted to -- excuse me. I gotta go closer, yeah? So I'm here to testify, I see the two items for the public hearings, in this situation, I would support it. It's only like one bed and breakfast

type of deal on the property, but I also have another item to oppose. As the Aha Moku Council of Kaupo, I oppose Resolution 14-114, dated April 23, 2015. On behalf of the Aha Moku Council of Kaupo, we hereby oppose this Resolution 14-114, dated, again, April 23, 2015, referring to Lanai, Molokai, and Maui Planning Commissions a proposed bill to allow for creation of agricultural -- or agriculture conservation lots. I do want to just kind of mention real fast that we have our Hana Community Plan that is like 24 years old, and we would love to have that revised. That is the meat of why these things are surpassing us and we can't get back to the foundation of it because it's kind of outdated. So I just wanted to state for the record, and I have copies for you, Chairman, so that's it. Thank you very much for your time.

Chair Notestone: Do we have any questions for Ms. Smith? Dawn Lono.

Ms. Dawn Lono: Oh, I have one over here. Sorry. I just wanted to know if there were any specific reasons why the opposition, if you had -- or are those outlined in your written testimony?

Ms. Smith: Right now I'm just opposing at this time. It goes deeper. It has a lot of concerns that the commission -- Planning Commission of each island went through and all their points are so valid. I wouldn't even want to visit the idea without covering those specific concerns and questions that they have because there's no answers to them.

Ms. Lono: Right.

Ms. Smith: So, to me, that's the meat of it. I'm affected as well. So I want to sit down at the table and I want to get to the details of it and have answers provided before they make decisions.

Ms. Lono: Thank you.

Ms. Smith: Thank you.

Chair Notestone: Any other questions? Thank you, Ms. Smith. I'd like to recognize David Kawika Kaina, who's also on our board. Welcome. Moving on. We have our two items tonight in public hearings.

Chair Notestone read the following agenda item into the record:

C. PUBLIC HEARINGS (Action to be taken after public hearing.)

- 1. ROBERT HOREN and WENDY HOREN requesting a State Land Use Commission Special Permit in order to operate Hale Nanea, a 2-bedroom Short-Term Rental Home located in the State Agricultural District at 5440 Hana Highway, TMK: 1-4-003: 051, Hana, Island of Maui. (SUP2 2017/0016) (R. Quigless)**

Mr. Ryan Quigless: Aloha. Good afternoon, Chair, Commission Members. We meet today to discuss Robert and Wendy Horen, and their property, regarding a request for a State special permit to operate Hale Nanea, a two-bedroom short-term rental home in the State agricultural district, on approximately 2.64 acres located along Hana Highway, at 5440 Hana Highway, Hana, Maui, at tax map key (2) 1-4-003:051.

The applicants have a prior State special permit approval, and a short-term rental permit that both expired and they're reapplying for the exact same permit approvals in this process. The applicants have an implemented farm plan consisting of citrus, banana, papayas, coconut, mango, ornamental flowers, palm trees, and the owner/applicant, Robert Horen, manages a sustainable custom woodworking operation. The images of the plants and the harvested trees have been provided for you in the supplementary handout packet that's in front of you. Each of you should have one there. Kawika, I don't know if you have one. Do you have yours? Suzie, do you have -- okay. Perfect.

So the applicants have no request for services on file nor have they had any neighbor complaints or violations with the County on file. The applicants have two letters of support also provided for you in both the Planning Department report, and as exhibits also provided in the handout that I have before you.

There are no permitted short-term rental home operations within 500 feet of the property. Currently, there are 17 permitted short-term rentals in the Hana Community Plan Region. The short-term rental home cap for the Hana Community Plan is 30, and, currently, there are 11 permitted bed and breakfast homes in the Hana Community Plan Region. The bed and breakfast cap for the Hana Community Plan is 48.

To give you a brief background on the analysis that we took in order to review the project, the proposed project is in conformance with the goals, objectives, and policies of the Hawaii State Plan. It will provide additional opportunities for employment and economic growth in the visitor industry. The subject property is in the State agricultural district. Short-term rental use is allowed with the issuance of a State special permit.

The subject property is located in the County agricultural district, and according to Maui County Code 19.65, it allows for the use of a dwelling within the County agricultural district as a short-term rental with the issuance of a short-term rental home permit, and if the

Hana Advisory Committee approves the State special permit, then the short-term rental home permit can be approved administratively.

Hana Advisory Committee Members, are there any questions for either myself or the applicant at this time regarding this project?

Chair Notestone: Anybody on our -- Kawika.

Mr. Kawika Kaina: So the only reason this application is coming through again is because it expired?

Mr. Quigless: That's correct.

Mr. Kaina: We're not asking for any additional conditions or anything; we're just asking to redo the permit again?

Mr. Quigless: That's right.

Mr. Kaina: Thank you.

Chair Notestone: Any other questions? Is there any public testimony in regards to this application? Okay, Lehua Cosma has a comment.

Ms. Lehua Cosma: I just want to make a comment that I like seeing all these tropical flowers, plants on ag lands. I think they pretty much capture what the purpose of its -- you know, the environment, and to say thank you for putting all this up, and good luck on your -- renewing your application.

Chair Notestone: Thank you, Lehua. Any other public testimony? Okay, we'll close the public testimony. Do I have a motion?

Mr. Kaina: I'd like to make a motion to go ahead and approve.

Chair Notestone: With the conditions?

Mr. Kaina: Yes. Do you want me to read them?

Chair Notestone: Okay, we have a motion with the conditions as outlined.

Ms. Cosma: I second that motion.

Chair Notestone: And then we have Lehua seconding.

It was moved by Committee Member David Kaina, seconded by Committee Member Lehua Cosma, then

VOTED: to recommend approval of item C.1., with conditions, to the Maui Planning Commission.

**(Assenting - D. Kaina; L. Cosma; S. Crawford; D. Lono)
(Excused - L. Clark; M. Ross)**

Chair Notestone: Unanimous. Congratulations.

Mr. Robert Horen: Thank you.

Mr. Quigless: Thank you, Chair. Thank you, Committee Members.

Chair Notestone: Thank you, Mr. Quigless.

Mr. Scott Crawford: Mr. Chair? Mr. Chair?

Chair Notestone: Moving on. Our second item -- yes?

Mr. Crawford: Can I?

Chair Notestone: Oh yeah.

Mr. Crawford: Just to clarify, we're not actually approving anything, we're purely advisory, so we're recommending approval but -- next step in the process.

Chair Notestone: Thanks for the clarification. Next item for the public hearing.

Chair Notestone read the following agenda item into the record:

- 2. MR. KLEE IRWIN, of MORPHIC SCIENCE, requesting a State Land Use Commission Special Permit in order to operate Kawika's Hill, a short-term rental home permit located in the State Agricultural District at 1400 Hana Highway, TMK: 1-2-003: 040, Hana, Island of Maui. (SUP2 2015/0004) (R. Quigless)**

Chair Notestone: And Mr. Quigless also representing Mr. Irwin in the public testimony.

Mr. Quigless: Hello again, Committee Members, Chair. As stated earlier, my name is Ryan Quigless, Planner and Landscape Architect, with the Maui County Planning Department. We meet here today to review and discuss the details of a request for a State special permit to operate Kawika's Hill, a two-bedroom short-term rental home in the State agricultural district on approximately 1.8 acres located along Hana Highway, at 1400 Hana Highway, Hana, Maui, at Tax Map Key No. (2)-1-2-003:040.

The applicants have an implemented farm plan consisting primarily of cattle grazing operations at this time. Detailed images of the property and the cattle have been provided to you in the supplementary packet in front of you. Oh, one moment, please. Okay, now you have the packet in front of you.

Okay, the applicants have no request for services on file nor have they had any neighbor complaints or violations on file with the County. The applicants have five letters of support and a few other letters of support that came in at the last minute today. I'm not sure what the total tally on letters of support at this time. It sounds like it might be close to ten at this time. The report shows at least five.

There are no permitted short-term rental home operations within 500 feet of the property. Currently, there are 17 permitted short-term rental homes in the Hana Community Plan. The short-term rental home cap for the Hana Community Plan is 30. Currently, there are 11 permitted bed and breakfast homes in the Hana Community Plan Region, and the bed and breakfast cap for the Hana Community Plan is 48.

Because of the total acreage of the property, the following State agencies were transmitted to for comments on the proposed use of the property: Office of Planning, which we received no comments, it's also Exhibit No. 11 in your report, and the State Land Use Commission, which also had no comment.

And, again, to reiterate some of the analysis we used in reviewing the project, the proposed project is in conformance with the goals, objectives, and policies of the Hawaii State Plan, it will provide additional opportunities for employment, economic growth in the visitor industry within the area, subject property is in the State agricultural district, short-term rental use is allowed with the issuance of a State special permit, the subject property is located in the County agricultural district, Maui County Code 19.65 allows for the use of a dwelling within the County agricultural district as a short-term rental with the issuance of a short-term rental home permit, and if the Hana Advisory Committee approves the State special permit, then the short-term rental home permit can be approved administratively.

Committee Members, Chair, are there any comments for either myself or the applicants at this time?

Chair Notestone: Any members have any questions for Mr. Quigless? I have one. This property has had a sign in front of their -- along the street or the highway for quite some time, is there a reason why it's been delayed so long?

Mr. Quigless: We try to coordinate so that the property owner could be here in person to answer any questions and to support his own project, and that was also the request of the property owner as well, so scheduling a time when everyone could be here was kind of the -- the challenge.

Chair Notestone: Thank you.

Ms. Lono: I have a question ...(inaudible - not speaking into the microphone)...

Chair Notestone: It'll be public testimony. Kawika.

Mr. Kaina: In looking at this permit, I noticed the entire parcel is 91.81 acres?

Mr. Quigless: That's approximately correct or understood.

Mr. Kaina: Okay. Now the special permit that we're asking for to operate, will this cover the entire 90 acres or just the 1.8 that you're asking for?

Mr. Quigless: Just the 1.8.

Mr. Kaina: Okay.

Mr. Quigless: Yeah, it's been sectioned off for safety.

Mr. Kaina: Okay. Perfect. Thank you.

Chair Notestone: Anybody else from the Hana Advisory Committee?

Ms. Lono: I'll wait for public testimony.

Chair Notestone: We'll open public testimony on this item. Do we have any -- if you'll come up, sir, and state your name and --

Mr. Frank Cabral. Frank Cabral. On the rest of that acreage, we're raising cattle on that property, so that's designated ag, and we have taken the real property tax people up there to look at the whole operation so they approved it and it is designated ag, but we have, right now, I have a five-year lease on the rest of the property for cattle just to see what they're doing with the land.

Chair Notestone: Thank you, Mr. Cabral. Anybody else? Ms. Kristiansen, if you'll state your name.

Ms. Terry Kristensen: My name is Terry Kristensen. I live in Nahiku, and I also have a short-term rental, it is a B&B, and I'm here just to let you know that we have found vacation rentals on ag land are a very enriching opportunity for visitors. Our rental is a second bedroom so it couldn't be a full-time rental, and it has made a big difference in a lot of visitors' lives. We have a 94% occupancy, and we have return guests that have found that the peace and quiet of being on ag land is very, very enjoyable for them, and I know Kawika's Hill, and I know how well-cared for it is. There is -- they represented -- Klee is represented locally so that if anybody has any problems, within five to ten minutes, the support staff can be there, and I encourage you to approve this permit or to offer your approval to the Commission. Thank you.

Chair Notestone: Thank you, Terry. Next up.

Ms. Iwalani Poaipuni: Aloha, my name is Iwalani Poaipuni. I have known Klee Irwin for 11 years now. He has always been a kind, considerate, and caring person. We are very fortunate to have him part of our community. He has employed locally at the site of 1400 Hana Highway, which is where I'm currently working -- oh, Debbie's currently working, and also at 2580 Hana Highway. Because of this, my husband and I were able to move home to Hana after living in Pukalani for six years away from our families, and I hope that you guys can consider the approval.

Chair Notestone: Thank you, Iwa. Anyone else? State your name in the microphone.

Ms. Deborah Stoner: Hi. Aloha. I'm Deborah Stoner.

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

Ms. Stoner: Oh, I'm sorry. Okay. My name is Deborah Stoner. I'd like to share positive testimony for Kawika's Hill, and also mention the benefits my family and I are grateful for. I have a small business, East Maui Maintenance and Décor, Incorporated. I've lived here in this rural community of East Maui for 37 years, and I've been the housekeeper and onsite manager for Kawika's Hill for over 13 years. I was hired by the first owner, Mr.

Gary Smith, in 2004, and now doing the same job for Mr. Klee Irwin, the man who bought the property from Mr. Smith. I guess you could say I came with the house. My husband does most of the needed maintenance and repairs while our grandsons do the yard work, which includes weed-eating and lawn mowing. We do live close by, only three miles away, on Lower Nahiku Road, and really rely on this mutually beneficial arrangement. We're always available to the Kawika's Hill guests. We're on-call for any concerns they might have. Over the years, this property has also provided work for other small businesses in the Hana area. The list would include plumbers, electricians, carpenters, road workers, and appliances. The property is a win-win situation for everyone, including other small businesses here in Hana. We also host many visiting families and friends who have the opportunity to enjoy the calm and the charm and beauty of East Maui in a private, safe, clean, and convenient location. Thank you, council members. We do appreciate this opportunity to share our positive experience and the contributions Kawika's Hill continues to provide for Hana for the guest and small businesses. Thank you and aloha.

Chair Notestone: Thank you, Debbie. Anybody else? Please state your name. Thank you.

Mr. Glen Simkins: Hi. My name's Glen Simkins, and I am Klee's immediate neighbor, and, first of all, I'd to say that Klee's been a wonderful neighbor. In fact, I accidentally encroached on his land and he was just more than willing to work with me and it's been a really wonderful relationship, and, you know, having Frank next door has been great as well, but on another whole note, I have a little ice cream shop and, you know, the people at Kawika's Hill, they just kind of walk up and get ice cream in the afternoon, and it's really a pleasant experience to have them next door and it's almost kind of this family and they're really part of the neighborhood, and, furthermore, when my elderly family come into town, it's really, really convenient to have Kawika's Hill next door where it's just, you know, a very nice five-star experience for my elderly couple and they don't have to stay in a Nahiku kind of ...(inaudible)... you know, it's much, much, much better, so I would really, really implore the council to allow this to continue because I really don't see anything but good things coming out of there, and so thank you.

Chair Notestone: Thank you, Glen. Anybody else? Yes, ma'am. State your name.

Krista Fuglestad: My name is Krista Fuglestad. My husband, Ian, and I are also in support of this. I don't have a prepared statement, but it just makes such good sense. It supports people in the community. It's far away from everybody also so it's not in anybody's face. It's really well-cared for, and I think it deserves the support from this community. I truly do. That's it. Thank you.

Chair Notestone: Thank you very much. Anyone else?

Mr. Vilink: (Testifier's name may be misspelled) I represent my landlord, Ted Giden, I live next door, and I also in support of that. That's all I have to say. Glen and everybody, we're just like family. Great place and I know great important people really like it. I don't see anything why it shouldn't be done. Thank you very much and aloha.

Chair Notestone: Thank you very much. Anybody else? Yes, sir. You can come to the microphone and state your name.

Mr. Milton Oliveira: Milton Oliveira, and I live down the road from them, and I guess my question would be is this short-term rental special permit being applied for, is it like a yearly thing? Or --

Chair Notestone: it's five -- five years.

Mr. Oliveira: Every five years?

Chair Notestone: I believe so.

Mr. Oliveira: And so every five years all they do is apply for the same thing again?

Chair Notestone: They go for a renewal.

Mr. Oliveira: Yeah, renewal. So it's just to run the vacation rental, that permit?

Chair Notestone: That's correct. That's correct.

Mr. Oliveira: Nothing to do with the cattle grazing and whatnot?

Chair Notestone: No, sir.

Mr. Oliveira: That's a separate --

Chair Notestone: Separate.

Mr. Oliveira: And that's stays that?

Chair Notestone: Yes.

Mr. Oliveira: The cattle grazing? The rest of the 91 or 90 acres?

Chair Notestone: Whatever is left of that.

Mr. Oliveira: So the 1.8 is the -- just the only area that's being for the house, right? The 1.8 acre?

Chair Notestone: I'm sorry. I didn't hear that last part.

Mr. Oliveira: Just the 1.8-acre is being applied for that special permit?

Chair Notestone: Yeah, this is just for the 1 -- what was it? The 1-plus acres.

Mr. Oliveira: Okay. That's all I have. That's all I wanted to know.

Chair Notestone: Thank you, Mr. Oliveira.

Mr. Oliveira: Thank you.

Chair Notestone: Thank you very much. Anybody else? Yes, we have a young lady in the back. If you'll state your name.

Ms. Mavis Oliveira-Medeiros: Mavis Oliveria-Medeiros. I have a share in the land right next to this vacation rental proposal property and I'm just concerned 'cause we looked it up and I think this guy has a lot of businesses. Did you guys look it up? Look up his name. He's like the owner of five different businesses and I just worry if it's going further than just the vacation rental. That's it.

Chair Notestone: Thank you for that. Anyone else? Yeah, the applicant, yes? State your name. Thank you.

Mr. Klee Irwin: My name's Klee Irwin. I'm the applicant. I can answer that question, the last question, which is, yeah, for me, Hana is not about business. It's a home for me. I've been coming here for over 30 years, many times every year, so I'm kind of in the middle, I'm not really a tourist, but I'm not a full-time resident. I plan to spend a lot more time here as I get older, and I never bought this property anyway for a vacation rental, I just bought it because I like it, and right now, I'm not even renting it. My family has been saying there, my mother-in-law, my son, so, yeah, and I have other businesses. I own part of Hana Tropicals with Ian and Krista, I'm partners there, and I own a business on the Mainland, but I do not own five businesses, I wish I did, but I hope that answers the question that was brought up.

Chair Notestone: That you, Mr. Irwin. Anybody else? Oh, we have one more. If you'll state your name. Tell us your name.

Ms. Shiuta: I'm Shiuta, and I also -- I'm a neighbor, but it's not -- I'm just renting. Well, I just wonder if you don't need this as a business opportunity, then there's a lot of family --

Chair Notestone: Could you speak into the microphone.

Ms. Shiuta: There's sometimes so many families living in one household because they can't find renting, so if you don't need it for business, why not rent it long term? Does that make sense? Because that's really what's needed. You know, if you don't need the money, I see if people have a big mortgage and they need the money, then I totally support it, but I would -- if you don't need it, I think it would be a better thing for the community to rent it long term. Thank you.

Chair Notestone: I have a question for Mr. Irwin. Have you attempted to do long-term rental?

Mr. Irwin: I stay there a lot with my family so, like I said, in the last year, most of the time it's been with my family, so that's why long-term rental doesn't work because we use it. There's a pro and a con to long-term versus short-term. With the short-term, it puts more families to work. I would say, you know, I could give you details, but we put many families to work whereas if it was a long-term, the way things work out is, you know, the tenants of long-term take care of most of their work themselves or pay for it themselves and they -- it doesn't end up creating as much employment, so I do worry myself about the rental availability in this community because I have, you know, friends and family who, you know, who we worry about that, but in this case, it helps with employment, so it's a compromise I guess.

Chair Notestone: Are there any other questions for Mr. Irwin?

Ms. Lono: I have a question.

Chair Notestone: Dawn Lono.

Ms. Lono: So this -- this house that you're going to do the special use permit for has only two bedrooms?

Mr. Irwin: Yes.

Ms. Lono: And does it have one kitchen or does it have two kitchens?

Mr. Irwin: One.

Ms. Lono: One kitchen. Okay. And were you required to upgrade the cesspool to a septic system in order to accomplish this permit?

Mr. Irwin: No.

Ms. Lono: Okay. And I'm only asking that because all of that has been coming up recently and everybody's going to be required to do that at some point, and it was my understanding if you do anything on your property to improve or anything like that, that you would be required to do a septic system so that's why I asked the question.

Mr. Irwin: Oh, yeah I --

Chair Notestone: Thank you, Dawn. It's house rules, you're not allowed to re-testify. Just the one time.

Mr. Irwin: Oh, sorry, Dawn, for my ignorance. I guess there is a septic.

Chair Notestone: Mr. Cabral?

Ms. Lono: Mr. Irwin just clarified it. Could you state it ...(inaudible - not speaking into the microphone)...

Mr. Irwin: There -- I apologize for my ignorance. There is a septic system already, that's why we weren't asked to put it on, but I should have known that, but now we know.

Chair Notestone: Thank you. Anybody else on public testimony? Yes, sir. If you'll state your name in the microphone.

Mr. Greg Wilson: Greg Wilson. I live in Nahiku, not that far away. I got a question. Where is Hana Organics at? Anybody know? The Hana Organics project?

Mr. Irwin: 2050 Hana Highway

Mr. Wilson: Okay, so that's nothing to do with -- okay.

Mr. David Galazin: Excuse me. Thank you, Chair. This is David Galazin, Corporation Counsel, I advise the commission here. The public testimony portion is for you to provide testimony to the commissioners, and then if they have questions of you, then ask that but

--

Mr. Wilson: Okay, well this -- I was wondering where it was because he was -- Klee has, you know, things going on here. We didn't know if it was -- it had to do with the Nahiku property or if it was in Hana, but apparently it's in Hana, so don't worry about it I guess. It's just a lot of stuff that he's planning and I don't think it would fit in Nahiku so -- it's in Hana. Thank you.

Chair Notestone: Thank you, sir. Anybody else? If you'll state your name in the microphone.

Ms. Michele Notestone: Michele Notestone, resident here. I just have -- can we ask the owner questions where he can answer? No? Okay. Alright, so what's the maximum amount of people that can be on the property?

Chair Notestone: Could you say that -- could you say that again?

Ms. Notestone: How many people can this rental occupy at one time? What's the maximum occupancy for this two-bedroom? What is it, one bath; two baths? Just curious.

Chair Notestone: Yeah, we're not to answer questions to clarify that --

Ms. Notestone: Okay. I mean I don't have the information on the property with me. It was just a question. It's one bath.

Chair Notestone: Well, we have Mr. Quigless. He may help us out. He'd like to say something here.

Ms. Notestone: Okay.

Mr. Quigless: Just to quickly answer that, it's two adults and two children per room rented.

Ms. Lono: So that would be four adults, four children for a two-bedroom?

Mr. Quigless: Correct.

Ms. Notestone: Okay, that's all I'm going to ask since you can't answer questions.

Chair Notestone: Thank you. Anybody else? I think we had about everybody in the room up here. Yes, sir?

Mr. Ryan Poe: Aloha. My name is Ryan Poe. I own a small lunch trailer in Kaeleku area, and Klee helped us to get that started, and I would like to support him in this knowing that it'll help bring us more business into Hana.

Chair Notestone: Is that the Hana Grindz?

Mr. Poe: Yes.

Chair Notestone: Good luck to you on that.

Mr. Poe: Thank you. Appreciate it.

Chair Notestone: Anybody else? There must be somebody else out there? Okay, we're going to close public testimony. Do we have a motion? No objections to closing public testimony. Do we have any comments? Do we have any comments, Mr. Crawford?

Mr. Crawford: Klee, thank you for bringing this application to the, you know, through the process and trying to get legal. I appreciate your comments as to -- I was going to ask the question as far as long-term rental and so I appreciate your explanation of why that isn't feasible for you there. Of course, we're concerned about the housing, you know, shortage in Hana. I did want to ask you, aside from the cattle grazing, is there any -- do you have any other plans for this property that are in the works? I think it's important as we consider these things that we look at the cumulative impact of other things that may be happening, and so I wanted to ask if there's other plans that you have that you may be coming for other types of permits or whether that's, you know, certified kitchen or other kinds of activities that may be happening on the property that would contribute to a cumulative impact?

Mr. Irwin: Well, we have discussed some banana growing operations on the property but, for right now, the only thing that we have going at this point is the cattle grazing, but we've worked up some documents and some plans in the past on banana growing and it's still something we're discussing, but no other types of permits other than -- other than that as a potential activity.

Chair Notestone: Anybody else from our -- Kawika.

Mr. Kaina: I just have to state this for the record because this did come up in a previous testimony for the last article, which was basically the Hana Community Plan, and in regards to this specific permit, we're asking for a special use permit out in the Nahiku area. Now in the Hana Community Plan, it does say, under Part 3, "That the community plan is to encourage the availability of agricultural suitable lands to provide opportunities

for small diversified ag activities with residential tenancy for farmers." It also states on no. 8, "To discourage urban land uses and special use permits outside of the Hana Town area." And I want you to listen to that wording because it's pretty specific, which basically meant unless you're going provide essential services to the region's economic well-being, which provide essential services for the residents of the Hana District. And right below that, in no. 9, it says, "Discourage transient rental accommodation uses outside of the Hana urban area." So for me being a resident, and the fact that I use this community plan, basically, as part of my decision process, that says a lot for me when you're asking me to support a special use permit, which specifically states in the Hana Community Plan that it's out of that area. Now, I will also state that in reading through -- in reading through the permit, and this is on your side, is that to kind of quell my whole -- my whole anxiety with that is it does say in here that the property has a land type rating of D-19, so if anybody's aware of that scale, the scale basically goes from A, representing the highest rating, to E, representing the lowest rating in the ag district, meaning if you have an A designated ag property, your property is prime for growing, and, basically, this property was designated D-19, which meant it was only good for pasture land, the ground was mucky, and it wasn't very good for growing ag. So I just wanna state that for the record. It does say clearly in our community plan that we do not like these kinds of activities out of the urban area. What was also stated was that this plan is pretty old and outdated, and we haven't had a chance to kind of revisit that, but I will say that those are in there and I owe it to this community to make that point.

Chair Notestone: Thank you, Mr. Kaina. Very good. Any other comment? Do we have a motion for this?

Ms. Lono: I'm thinking I might have another question. Give me just a second. I'm formulating it.

Chair Notestone: The wheels are turning up here.

Ms. Lono: The wheels are turning.

Chair Notestone: Take it, Dawn Lono.

Ms. Lono: So my understanding, in addition to this structure, there are other structures on the property, other housing dwellings on the property. Do they house like workers or -- everybody is shaking their heads. So you tore down the other houses that were on the property?

Mr. Irwin: I'm not aware of any other ...(inaudible)...

Chair Notestone: If you would go to, Mr. Irwin, would you go to mike again and state your name one more time, please.

Mr. Irwin: Klee Irwin. Dawn, I'm not aware of any houses being on the property before I owned it. It's just this one little structure down at the bottom, and there's nothing else, but you might be thinking of that other property that we talked about that we call "Eden" at the other -- at another address.

Ms. Lono: No. I thought behind the pods, we used call them "the pods" --

Mr. Irwin: Yeah.

Ms. Lono: That property.

Mr. Irwin: That's a different property.

Ms. Lono: Okay. Got it.

Mr. Irwin: Yeah.

Ms. Lono: Alright.

Mr. Irwin: Yeah.

Ms. Lono: Thank you.

Chair Notestone: Any other comments? Alright, Dawn. Do we have a motion to move this ahead?

Ms. Cosma: I make a motion that we move forward to the next item.

Chair Notestone: Lehua Cosma makes a motion. Do I have a second?

Ms. Lono: Well, her motion -- is your motion to adopt this with the Planning Department's ... (inaudible)...

Chair Notestone: With the conditions? Yeah.

Ms. Cosma: I'd like to make a recommendation for approval.

Chair Notestone: As recommended by the Planning Commission.

Ms. Cosma: As recommended by the Planning Commission correct.

Chair Notestone: With its recommendations.

Ms. Cosma: Right, with the conditions that's attached to it.

Chair Notestone: And their conditions.

Ms. Cosma: Correct.

Chair Notestone: And do we have a second?

Mr. Crawford: Second.

Chair Notestone: Scott Crawford seconds.

It was moved by Committee Member Lehua Cosma, seconded by Committee Member Scott Crawford, then

VOTED: to recommend approval of item C.2., with conditions, to the Maui Planning Commission.

**(Assenting - D. Kaina; L. Cosma; S. Crawford; D. Lono)
(Excused - L. Clark; M. Ross)**

Chair Notestone: We have a unanimous.

Mr. Quigless: Mahalo, Committee Members.

Chair Notestone: Thank you. We're closing the Public Hearing Item No. 2. Moving on to Communications, item no. 1, under Communications, next item --

Chair Notestone read the following agenda item into the record:

D. COMMUNICATIONS

- 1. Letter from COUNCIL MEMBER ROBERT CARROLL requesting that the Hana Advisory Committee to the Maui Planning Commission provide comments on Council Resolution No. 14-114 Relating to Agricultural Conservation Lots. (D. Raatz)**

The Committee may provide comments on the proposed legislation.

Chair Notestone: We'll take a recess. We'll take a recess, five minutes.

(A recess was called at 4:47 p.m., and the meeting reconvened at 4:55 p.m.)

Chair Notestone: Time now is 4:55 and we're moving on to the Communications, item no. 1. Mr. Raatz, you have the mike.

Mr. David Raatz: Thank you, Chair and Committee Members. For the record, I'm David Raatz, Administrative Planning Officer, with the Department of Planning. Thank you for scheduling this item today. I want to make sure everyone has received --

Chair Notestone: Could we have quiet in the room, please, everybody in the back? Thank you.

Mr. Raatz: Thank you, Chair. I want to make sure each of the Committee Members has received the handout we've provided today, which is a copy of Resolution 14-114, which is referenced on the agenda. We actually gave you in your materials, prior to the meeting, our analysis of the Resolution, but I thought you might want to have the Resolution itself at your fingertips. If you don't have it handy, I've got extra copies here. I just left it on each Member's desk earlier today.

So we're actually here today at the behest of Maui County Council Member Robert Carroll, who, as you know, holds the Hana residence area seat on the Council and Chairs the Council's Land Use Committee, and just a little bit of background on this item. Some might say we're here three years too late. The Resolution was adopted in 2014 to propose legislation amending the comprehensive zoning ordinance, and under the Charter, before the Council can consider enacting a land use ordinance like that, the Planning Commissions have to provide review and comment, so we did route this legislation through the Maui, Lanai, and Molokai Planning Commissions in early 2015, and reported back to the Council, but at that time, the input of the Hana Advisory Committee was not sought, so Council Member Carroll thought you may still want to weigh in on this; the item is pending before his Committee; it's identified as LU5 on the Committee's master agenda. So the bill that's proposed by the Council is titled, "A bill for an ordinance to allow for the creation of agricultural conservation lots." One of the notable features of the bill is that it would allow for one-acre lots in the agricultural zone under certain circumstances. Currently, under Chapter 19.30A, of the Maui County Code, there's a two-acre minimum lot size in the agricultural district. And the concept behind this is that if you have lot sizes with a minimum that may be too high, you end up eating up more land in the layout of a

subdivision that you might want, so the theory is, we understand it in this bill, is if you have a lower minimum lot size, you might have more efficient use of the land, you might free up more land for open space, and it's a form of agricultural cluster zoning or cluster subdivision design, you'll see that acronym "CSD" in the materials, and it's -- it's a concept that's been pretty popular in land use and zoning circles within the past decade or two, and again the concept is for a more efficient use of agricultural land. If you have a subdivision that's being created, you would want to be able to cluster farm dwellings, say, in one portion of the subdivision, it'll allow for more open space, and, ideally, more farmable land in the long run.

So as you'll see in the report that we provided back to the Council in 2015, dated April 23, 2015, the Department of Planning, and also the State Office of Planning, who we consulted with, expressed support for what we perceived as the intent of the bill to foster an ability for agricultural cluster zoning, but we didn't believe that the bill was worded very precisely, we thought it was too complicated, and the language wasn't as strong as we've seen in some other ordinances where they've pursued this concept effectively, and this was actually one of those proposals from the Council that was not vetted through the normal committee process, so we didn't have a chance to weigh in as this legislation was being considered, it was just adopted on the floor of the Council meeting in late 2014 and sent over to the commissions, so we concluded, and the Planning Commissions generally agreed with us, that the concept is worthy of exploring and it's something we've seen at planning conferences in Hawaii and on the Mainland for years now, but the execution is flawed and could have some unintended consequences, there's no guarantee, as we it, that the clustering that you would like to have would actually result from this ordinance being enacted. So that's our basic summary. I'd be happy to answer any questions, or I can go into more detail in the Planning Director's comments back to the Council if the body would like.

Chair Notestone: Comments? Mr. Crawford.

Mr. Crawford: I guess my first question is where it's at in the process and what steps are going -- what the steps are going forward since it's already gone through the other Planning Commissions and it's kind of coming to us late for our comments, is there an opportunity for the bill to be revised and some of those flaws that you see to be corrected and the implementation match the intent, or is it sort of like take it or leave it at this point because it's already so far along in the process, you know, 'cause -- that's my basic question.

Mr. Raatz: Thank you for the question. So we fulfilled our obligation under the Charter by reporting back to the Council in April 2015 with the Planning Commissions' comments. Since that time, the legislation has been sitting in committee, in Council, it hasn't yet come

back up for any public discussion, but the item is still pending in Council Member Carroll's Land Use Committee, so at his direction, the item could be scheduled again, and the bill could be revised. So we would certainly be willing participants in the committee discussion at that time and could propose specific amendments to the legislation and work with the Council if they do choose to schedule this. So it is a little funny procedurally in that, obviously, you're a body that is designed to provide comments to the Maui Planning Commission, and they've already fulfilled their duty under the Charter, but Council Member Carroll and Planning Director Will Spence thought it would be beneficial to give you the opportunity to weigh in in the event this does get scheduled in the Land Use Committee, and we would be happy to share any comments you may have with the Land Use Committee.

Chair Notestone: Dawn Lono.

Ms. Lono: Do you have any recommended language that you've come up with that would clean this up and make it more in the direction that you're thinking it should be with the cluster subdivision? Do you have some language you're recommending?

Mr. Raatz: We did have some that we proposed back to the Council three years ago. I'm not sure that we would propose the exact same language at this point, but it would probably be pretty similar, we haven't vetted that language with Corporation Counsel yet, we haven't taken a look at the latest trends with municipalities that are pursuing these types of ordinances, so the short answer is yes. We would certainly have language to propose to the committee and we'd be prepared to do so.

Ms. Lono: But you don't have any proposed language you could share with us now that we could respond to or consider? I mean I see the comments in here --

Mr. Raatz: Yeah.

Ms. Lono: Of why the Planning Department doesn't feel like it's efficient and that -- but do you have a recommendation for other language?

Mr. Raatz: No, we don't, at this time.

Ms. Lono: So what would the Planning Department like to see done to clean it up? I mean is there something you can share with us that perhaps we could support you on, or maybe it's something we're not going to think of so we could put it out there?

Mr. Raatz: Yeah, thank you for that question. Without knowing whether Council Member Carroll is actually going to schedule this, we haven't invested the resources in coming up

with a formal proposal at this time, we do stand behind our general concerns and comments from that April 23, 2015 letter, and if we do get an indication that it's scheduled, we will do our vetting by conducting additional research and consulting with the Corporation Counsel before we submit a proposal.

Mr. Kaina: Are we talking about actually creating another land code, or are we just saying you're ag lot and you wanna become a conservation ag lot, or are we creating another designation?

Mr. Raatz: Thank you for the question. It would not be creating another designation, per se. This would all still be under the heading of the agricultural zoning district.

Mr. Kaina: Oh, under 19.30. Does this particular bill grant anyone going from ag into conservation ag, provide any other requirements or -- I mean does it provide you the opportunity to do something different than a normal ag property besides subdivide?

Mr. Raatz: Yes, it does. If you're willing to dedicate your land to agricultural uses in perpetuity, then you would get certain bonuses and benefits under this legislation.

Mr. Kaina: Is there a particular amount of ag that's going to be required from anyone under this designation? I mean we're looking at subdividing, which usually means more home lots on it, and I see the open space with CSD, so does this mean you still gotta provide your normal ag plan, you still have to provide a certain amount of ag on the property, like current ag designated properties do?

Mr. Raatz: Yes, that's correct. There's a concern that we've had, an inability to enforce the current standards and there's some fear that this might allow for more uses in ag lands that are not truly farming and that would contradict the purposes of agricultural zoning.

Chair Notestone: Thank you, Mr. Kaina. Anybody else? Dawn Lono?

Ms. Lono: Yeah, I kinda have a concern similar to that since the -- what is allowed now on agricultural land is quite different since they passed that bill a year or two ago, which allows for all kinds of other products to be sold on agricultural land, and we've seen it, you know, as you drive through our community, you can see that it has just blown up with food trucks and all kinds of roadside stands that are not selling agricultural products, that are not performing agriculture on their land, but, of course, there really isn't enforcement going on so nobody's paying any attention to it, and it's just getting, you know, relatively out of control, and that's just a personal opinion, but so if you were allowed to do one-acre lots in these areas, then you potentially have the same kind of a situation where

these businesses would be allowed on this agricultural land and, basically, becomes like a mini mall, you know, of places where you can buy things and not necessarily doing agriculture and nobody's -- I mean there's just no way to enforce that, I mean you guys don't have the manpower to do it, the ability to go on somebody's land or check it or whatever, I don't know what that process is, but it's not happening now, and this is going to blow up into something similar to that with people wanting to promote business and serve the visitor industry, and so on and so forth, which is not necessarily a bad thing, but, you know, there's gotta be a balance and I think we're rocking the balance here quite significantly, and so that's one of my concerns. The other one, if these are one-acre ag lots, currently, you can build, you know, a main structure of some indeterminate size, I guess it's a percentage of the lot?

Mr. Raatz: Yes.

Ms. Lono: Yeah. So you could do like a 10,000, you know, square-foot house, but then you can also have your farm dwellings, at least one, and then on one acre, I mean how much agriculture can you actually do and support the use of it for other agricultural dwellings, which will get slid in there, you know that, and so it -- it just seems like it's a -- there's a problem with enforcement of the rules, and if you allow this to happen, then you're just growing that problem even more significantly, so that's one of my concerns about it. If you could pass that along in whatever form you're going to do that.

Mr. Raatz: Thank you. I appreciate that.

Mr. Kaina: Is there any language in the bill, and I know I have it in the front here, that specifies anything in regards to special uses and a special use permit combined with these ag conservation lots? And the reason I'm asking, it's kind of a nice scenario for me, as I go back and look at this is, I'm seeing a 90-acre parcel, I'm seeing it put into conservation lots, I'm seeing half of it subdivided and ten lots built, and what I'm wondering is can this particular owner apply for a special use permit and, therefore, go on and create a so-called "transient hotel" with ten lots on one ag lot, zoned as conservation, with the proper special use permitting in which regards we basically created a hotel on ag zoned land. Is there any language in there to prevent that from happening?

Mr. Raatz: I don't see that. I don't know if that scenario would play out, but I can understand the concern.

Chair Notestone: Is that all, Mr. Kaina?

Mr. Kaina: So, basically, there's no language currently written in the bill that would prevent that from happening although, albeit, there may be other stuff that they'll fall into?

Mr. Raatz: Correct.

Mr. Kaina: Thank you.

Mr. Raatz: Sure.

Ms. Lono: Mr. Chair?

Chair Notestone: Dawn Lono.

Ms. Lono: Is there -- what is the justification for requesting this, you know, one-acre subdivisions? I mean I understand what you're saying about the clusters, and so on and so forth, but I don't see it really assisting with the affordable housing issue because one-acre lots with a house on them are not going to be affordable, I can't even imagine it, so I'm just wondering where this is actually coming from and where the request is coming from and why. Why they're asking for this.

Mr. Raatz: Thank you for the question. And, unfortunately again, we don't have a committee report to guide use because there weren't committee deliberations on this, but again the concept that we've been following for a while now is to, again, be more efficient with the way land is divided up in an agricultural subdivision, and instead of having each landowner come in and build two acre or more -- or develop two acre or more lots that quickly eats up a lot of land, if you have a smaller lot size; in theory, in that particular area, you'll end up with less land that's developed and, therefore, it's reserved for open space, which has environmental benefits, or more farming as opposed to non-agricultural uses. So alluding to affordable housing, I don't see that as something that has been touted as a justification for this type of proposal; it's more on the environmental and supporting agricultural uses factors that are important there in our general plan and in our community plan documents.

Mr. Kaina: And just for comment, I mean just for the record, I will say there are a lot of Hana families who live on what we call "hui land," which are big agricultural lots, most of them are second, third generation, they cannot subdivide, this does provide a great avenue for these families to provide a share for each one of their living descendants, so there is some positive that I see here, but I think, definitely, the Council needs to go back and look at safeguards to protect this particular bill from being abused, I mean, for me, the most drastic one is the scenario I mentioned, but I mean, again, I do see a positive, it's just we really need to walk through this process and make sure we safeguard the community.

Chair Notestone: Thank you, Mr. Kaina.

Mr. Raatz: Thank you.

Chair Notestone: Mr. Crawford.

Mr. Crawford: I think, you know, it's challenging for us to provide really like substantial comments when we're just coming into this for the first time and trying to sort of get our heads around what the purpose of it is, and what it means in relations to the existing, you know, zoning ordinance, so, you know, I appreciate your explanations and I think that, you know, my feeling, after just kind of reading the, you know, listening to your testimony and reading the letter from the Planning Department, or, basically, reading the outline of the -- you know, your concerns and recommendations, is that I understand the purpose behind this, and I think that it probably is a good idea to try to move in this direction towards more cluster development and, you know, preserving open space, and I think that the, you know, the concerns that are raised as far as best practices and, you know, the design review process, the concerns that you have with the bill seem to make a lot of sense if those, you know, if those issues are really flaws in the bill that could allow it to be, you know, not to fulfill the intent. So, you know, my take on it would, basically, be to agree with the Planning Department's, you know, based on the information that I have, to agree with the Planning Department's take, at this time, which is that it's worth considering this kind of a change to the ordinance, but the Council should listen to the Planning Department's recommendations about how to make it a really sound bill so that it actually fulfills the intent of what they are trying to do.

Mr. Raatz: Thank you.

Chair Notestone: Any other comments? Lehua.

Mr. Cosma: I just want to say that this is first time for all of us to come here, so it's really premature to really give a good comment back, but I really feel that it's so complicated right now that it needs to be revisit, and I think it should come back to the communities to get more of the residents' input on this, and it shouldn't just come from us 'cause this is important when it comes to land and more people need to come out again and give their input, see if this is a good plan or not, 'cause it's all over the place, and I look at Molokai's comments, Lanai, they don't want it, so there's something that we're missing in this language that's not presented, so that's my comment. Thank you.

Mr. Raatz: Thank you.

Chair Notestone: Thank you. Mr. Crawford again.

Mr. Crawford: I just wanna agree with that, Lehua's sentiment there, that if this is brought to the Council and they continue moving forward, that I would hope that it would be brought back to the Hana Advisory Committee again. Now that we kind of have an idea what it is, that if it could be brought back and we kind of have a little bit more time to get the word out to the community and kinda help maybe have some more -- have --

Mr. Kaina: Clarification.

Mr. Crawford: Some more information about what the impacts would be and really give people a chance to think about how it would specifically impact lots here in Hana 'cause a lot of times like this it sounds good in theory, but then you get down to looking at actual individual lots or examples to really see how it's going to have an impact and that would -- is something that would take some time for people in Hana to be able to explore and look at, so, you know, if you can pass along that recommendation that if the Council does move forward with it, at the appropriate time in that process bring it back to the Hana community again.

Mr. Raatz: Okay, will do. Thank you. And I'll just add briefly, depending on where this goes, if Council Member Carroll and the rest of the Council shows an interest in pursuing this concept, and we do submit our own proposal, it might be so different than what you have before that it triggers the requirement to go back out to the Planning Commissions anyway, and then we would certainly ask the Maui Planning Commission to seek your advice at that time.

Chair Notestone: Dawn Lono.

Ms. Lono: I guess along that line of it coming back to be heard by the community, if the Land Use Committee is going to be having meetings about it, perhaps they come out to the Hana community and have a meeting out here with the Land Use Committee because then it would also give us an opportunity, and then, of course, they're going to go back and do whatever they're going to do with it, but it would -- I still think it coming back again before the Hana Advisory Committee in its recommended final stage might be a really, really good thing to do, so I would like to see that as well. Mahalo.

Mr. Raatz: Okay, we'll pass that along as well. Thank you.

Chair Notestone: Scott?

Mr. Crawford: A procedural question is it -- is it most useful just to have sort of the individual comments of the Members, or if we can all come to an agreement, is it useful to have a motion expressing the sentiment of the Committee as a whole?

Mr. Galazin: Thank you, Chair. It's Corporation Counsel. There are a couple of options, you know, each Member has had an opportunity to voice their own, you know, personal opinions about deficiencies they see both in timing and both in context of the bill, and I think that's been recorded, so the Planning Department could craft something that I think captures that, or in addition to, if this body wanted to also agree with the recommendation of the Planning Department's report of 2015, that could also be part of the recommendation. I think what the Council Member was looking for was just your general comments, and if they are we agree with the Planning Department this should go back to the table and we also have these specific concerns, that would be -- just be the motion to agree with this as well as whatever comments were made today.

Chair Notestone: So we'll make a motion in regards to our recommendation is that what you recommend?

Mr. Galazin: Yeah ...(inaudible)...

Chair Notestone: Okay, before we do that, do we have any public testimony to follow? Thank you, Mr. Raatz.

Mr. Raatz: Thank you.

Chair Notestone: Okay, close public testimony. I would like to acknowledge that we have three letters of written testimony that's been accepted by the Hana Advisory Committee. Thank you. And moving on, do we have a motion for our recommendations and to clarify the recommendations for the Planning Commission?

Mr. Crawford: Well, let's see, I'll make a motion to express the general agreement of the Committee with the recommendations of the Planning Commission that there is benefit to the intent of this legislation but that it -- it needs to be revised to cover some of the flaws so that the intent actually matches the implementation, and also that if it does move forward, it comes back to the Hana Advisory Committee for another round.

Ms. Lono: I second that.

Chair Notestone: We have a motion from Scott Crawford, and Dawn Lono seconds. Do we have a vote?

It was moved by Committee Member Scott Crawford, seconded by Committee Member Dawn Lono, then

VOTED: to express the general agreement of the Committee with the recommendations of the Planning Commission that there is benefit to the intent of this legislation but that it needs to be revised to cover some of the flaws so that the intent actually matches the implementation, and also that if it does move forward, it comes back to the Hana Advisory Committee for another review.

(Assenting - D. Kaina; L. Cosma; S. Crawford; D. Lono)
(Excused - L. Clark; M. Ross)

Chair Notestone: Unanimous. Thank you. Yes, Dawn Lono?

Ms. Lono: And just perhaps reiterating the things that we all shared and are pretty much in agreement with one another, I think, of the concerns that were brought up and just to make sure that those get listed as well. Okay. So we don't have to formulize that into a motion, you guys got it, right? Alright. Thank you.

Mr. Raatz: For the record, Chair, yes, we'll take a look at these minutes and make sure we accurately convey the comments of all the Committee Members.

Chair Notestone: Thank you very much. Moving on to the next item on our agenda.

Chair Notestone read the following agenda item into the record:

- 2. Hana Advisory Committee member SCOTT CRAWFORD's response to JOHN BLUMER-BUELL's October 24, 2017 letter to the Hana Advisory Committee regarding recusal of certain Hana Advisory Committee members on the Nahiku Community Center matters at the October 26, 2017 Hana Advisory Committee meeting.**

HAC Member Crawford was unable to attend the October 26, 2017 meeting to respond to the letter.

Chair Notestone: And he is here today to comment on that. Take it away, Scott.

Mr. Crawford: Thank you, Chair. I just -- unfortunately, in Mr. Blumer-Buell's letter questioning a potential conflict of interest and need for recusal of certain Members, there

were several inaccuracies in the way that he characterized myself and my employer, Kipahulu Ohana, so I just wanted to have a chance to correct the record and would ask that this letter be entered into the record along with the minutes, which I will give to the Chair.

Chair Notestone: We're accepting a letter from Scott Crawford in regards to this Communication item. Scott, would you like to read it to us or just you wanna submit it?

Mr. Crawford: That's not necessary.

Chair Notestone: Okay. Thank you. Do we have any comments from our Committee? Yeah, on the letter, on this Communication issue. Lehua?

Mr. Crawford: Thank you for the opportunity to correct the record.

Chair Notestone: Lehua Cosma has got a comment.

Ms. Cosma: I would like to share some comments too in this, referring to the recusal of certain Hana Advisory Committee, 'cause I was one of them too, and I resent all that negative things that was said about me. I truly believe that it was inaccurate. Asking for my recusal because I supported a project for a friend, it had nothing to do with me sitting on this, behind this, my nametag for the Advisory Committee. I spoke on behalf of them as an individual resident of Hana, and I think I'm entitled to that, like anybody else who comes before us to testify. I thought it was very hurtful and -- but I'm not surprised that it has come from somebody like Mr. Blumer-Buell, who holds many resentful things against me on a personal level, but I will continue to be a good member of this Committee, and I act on fairness and a good humble person. Thank you. And that's for the record.

Chair Notestone: Thank you, Lehua. I, personally, appreciate you being who you are for this community. Do we have any public testimony on this Communication item? I see no one, so we'll close public testimony. Any other comments, recommendations from our Hana commission? No. Okay. So moving on, we have the item E., Director's Report, and Clayton's going to take mike and give us three items:

Chair Notestone read the following agenda item into the record:

E. DIRECTOR'S REPORT

1. Native Hawaiian Law Training

Chair Notestone: Take it away.

Mr. Clayton Yoshida: Good afternoon, Mr. Chair and Members of the Hana Advisory Committee. An update on the Native Hawaiian Law Training, at the end of the last Council term back in December of 2016, they passed a bill, which became an ordinance, requiring that new members of the Planning Commissions and the Hana Advisory Committee receive training, Native Hawaiian law training from the Ke Huli Ao Center for Native Hawaiian Law, part of the William Richardson School of Law at the University of Hawaii. We told -- the Department told the Council at that time that the Department had no monies budgeted to either bring the members to a central for a training or send the trainers to Maui, Molokai, Lanai, and Hana to conduct the training. They said, oh, the Council said, oh um, well, the training -- Ke Huli Ao received a grant from the Office of Hawaiian Affairs to conduct this type of training and they have done so in the past for board and commission members for State boards, say, the State Land Use Commission, the Land Board, the State Water Commission, so we would use -- they would use one of the -- they have it twice annually, and for one of those series of meetings, they would have it on Maui, so we worked with a teaching assistant in the center to have a broadcast from Akaku in the Council Chambers that could be accessed by the various boards and committee members in December, the 9th, it had to be on a weekend because all of the trainers teach classes at the Richardson School of Law during the week. About a month before the training, we talked to one of the professors, law professors at the University and they were saying that the Office of Hawaiian Affairs had problems with Akaku broadcasting the training throughout the County, so, basically, we canceled that training, Ke Huli Ao used the monies to train State board and commission members, new State board and commission members in December, and we're going to the Council for monies to send the trainers to Maui, Molokai, Lanai, and Hana to conduct the training, which probably would be sometimes late spring or early summer. Because this is the first time that we're doing this kinda training, it applies to all of the members of the Planning Commissions and Advisory Committee; in subsequent years, it just applied to the new members. So that's the status. We're going to the Council for a budget amendment to send the trainers to the different geographic areas.

Chair Notestone: Dawn Lono has a comment.

Ms. Lono: So them scheduling the training to be conducted out of the chamber and connecting up with -- I know they were going to connect up with our office here so the Hana Committee could access the training and I'm assuming they probably were going to do Molokai and Lanai, would that be publicly broadcasted because they're connecting it that way? Couldn't it just be connected and not broadcasted?

Mr. Yoshida: Well, I thought -- well, one of the thoughts was that the members could watch it at home and they could call in or send in their questions to the Council Chambers

and we could -- questions could be asked of the trainers as the training went along. That was because --

Ms. Lono: So why couldn't they do it using our office the way we do meetings, you know, 'cause we can interact and ask questions, we can even do it so we can see each other if we need to do that, but that doesn't have to be publicly broadcasted. I don't understand why -- why they changed it 'cause, originally, I don't think it was to be publicly broadcasted and you sit at home and watch it and call in your questions, I don't think that's how it was originally set up. Somewhere it changed along the line.

Mr. Yoshida: Yeah, I think the -- well, one of the issues was because it was on a Saturday that Council Services staff would have to come in and open up the Molokai, Lanai, and Hana office for the training, and they would have to pay whatever the overtime or whatever it would be to come in on a Saturday and supervise, you know, the broadcast and the training.

Ms. Lono: So it's cheaper to send the trainers to each are and conduct separate training than to have one day where one person comes in to each office and maybe one person at the -- couple people at the chamber than -- I don't understand. That just doesn't logically makes sense, but I guess that's where we are so we go with the flow, right?

Mr. Yoshida: Yeah, I mean there's, you know, certain Sunshine Law questions because you are subject -- the various commissions and the Hana Advisory Committee are subject to the Sunshine Law and so -- but that's what the Department is working toward, you know, trying to get the training accomplished by getting a budget amendment.

Ms. Lono: So the training is subject to the Sunshine Law? So anybody in the community can come to training when the Committee Members get trained, is that what you saying?

Mr. Yoshida: Yeah, I mean it is a meeting of the board, per se, like --

Ms. Lono: Yeah, but it's not really a meeting, it's a training. There's a difference. There's no decision making being made. It's a training. So I don't understand that either. Maybe Corporation Counsel can enlighten me on that. Sorry, am I asking too many questions about this? Should I just let it go?

Mr. Galazin: So, yeah, that brings up a number of issues. Frankly, I was -- I had not returned yet back to Maui when the decision was made to implement this Native Hawaiian Law Training. I, myself, am a graduate of the William Richardson School of Law, and was trained in Hawaiian law when I was there, but they do want to make sure that all the board and commission members have this and, yes, there is a Sunshine Law concern.

Have I evaluated it to see if there's any way we can sort of slip by it? No. I haven't looked it. I think the bigger issue is money, not really any of the other concerns. So for whatever reason the law school has decided they want to do things a certain way, and if they are the ones who are going to be doing the training, we sort of have to go with whatever they're going to decide.

Ms. Lono: Well, it didn't sound to me like it was the law school that made the change. It sounded like it was a funding issue. I don't know. I should just drop it, but it's not making logical sense to me that we couldn't pay, you know, four or five people for a day of overtime, which I never get paid for overtime, they don't allow that for me, so if I have to work at night for all the meetings, and come in, and do things, I just have to do comp time, hour for hour, and I think that's how all of our offices work, so if we had to facilitate that, it's not a big deal. So, financially, it doesn't make sense what you just said, but since that's the way it is, then we go with the flow. I'm done. Dawn out.

Chair Notestone: I have a question. So for the ones who cannot attend the training, is there a plan in place for make ups, how that would be? Just asking.

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

Mr. Yoshida: But we'll keep you posted as to the progress of the training. Okay, under item 2 --

Chair Notestone: Moving on. Thank you, Dawn.

2. Scheduling of other Hana Region Applications

Mr. Yoshida: Yeah, scheduling of other Hana region applications. The two major -- well, besides some B&B and short-term rental applications, the two major ones we are have are the Gary Stice SMA use permit on -- to construct two single-family dwellings on his property on Haneoo Road, and this Kawaipapa zoning change that Bill Sides, III, is handling. So the one that's closer to being scheduled with the Advisory Committee is the Gary Stice two single-family homes special management area use permit and that could happen maybe the latter half of March, but we will poll the Members and check when Easter is this year and so forth.

Chair Notestone: Could you repeat that project again for me? What that project is again, the future agenda, what is that one again?

Ms. Lono: Gary Stice was one.

Chair Notestone: Oh, Gary Stice.

Mr. Yoshida: Yeah, Gary Stice.

Chair Notestone: Oh.

Ms. Lono: And then the other one was Bill Sides ...(inaudible - not speaking into the microphone)...

Chair Notestone: Bill Sides.

Mr. Yoshida: Yeah, the Kawaipapa zoning change. So, yeah, we would just do, if it's Gary Stice, we would just do Gary Stice.

Chair Notestone: Yeah, I didn't hear the Gary Stice very well.

Mr. Kaina: A recommendation to the Planning Department to please schedule additional time for that one.

Mr. Yoshida: So do you want to start earlier than 4?

Mr. Kaina: I think so. I think we should. That's going to be a highly contested case and we'll get a lot of public testimony for that one.

Chair Notestone: I acknowledge and agree with Mr. Kaina.

3. Discussion of Future Hana Advisory Committee Agendas

Mr. Yoshida: Okay, so with that, that what we have to report. I think the Mayor will probably be submitting his nominees to boards and commissions for -- to replace those whose terms expire at the end of March, the latter part of this month or early next month, and then the Council Policy Committee will start their work in reviewing the nominees so that they can be, hopefully, confirmed by March 31st.

Ms. Lono: Whose terms are up?

Mr. Yoshida: We would have to check. I think the one we might have questions about possibly is Mr. Crawford.

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

Chair Notestone: Anything further, Mr. Director?

Ms. Lono: What happened to the bridge ...(inaudible - not speaking into the microphone)...

Chair Notestone: Which bridge?

Mr. Yoshida: I don't know. I think the Department is still working with -- was working with Public Works because it's on the -- the Hana Road corridor is on the National and Registers of Historic Places.

Ms. Lono: It just kinda fell off the -- the map ...(inaudible)...

Chair Notestone: That's a good question.

F. ADJOURNMENT

Ms. Lono: I move we adjourn, Mr. Chair.

Chair Notestone: Oh, we have a motion to adjourn. Do I have anybody else second that? Do we need a second? Scott Crawford, and we are adjourned. Thank you very much. And the time is 5:43 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE:

Present:

Gale Notestone, Chairperson
David Kawika Kaina, Vice-Chairperson
Linda Clark
Lehua Cosma
Dawn Lono

Absent(A)/Excused(E):

Linda Clark (E)
Maya Ross (E)

Others:

Clayton Yoshida, Planning Program Administrator, Current Division
David Raatz, Administrative Planning Officer
Ryan Quigless, Staff Planner
David Galazin, Deputy Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions II

Jan. 16, 2018

William Spence, County of Maui Planning Director
Hana Advisory Committee to the Maui Planning Commission, Gale Notestone, Chair

Aloha Director Spence, Chair Notestone and members of the Committee:

Due to inaccurate statements regarding myself and my employer, Kipahulu 'Ohana, Inc., made by Mr. John Blumer-Buell in his Oct. 24, 2017 letter, and because I was not able to attend the Oct. 26 meeting of the Committee and address these inaccuracies at the time, I wish to have these factual corrections entered into the record now.

Mr. Blumer-Buell made reference to the "so called Kipahulu Community Center." However, what is actually called the Kalena Center, located at the Kalena Triangle, has never been called the Kipahulu Community Center, was never a public facility, and has never been intended to function as a community center. Rather, it is an agricultural processing facility and certified shared-use commercial kitchen that is managed by a nonprofit organization.

Mr. Blumer-Buell asserted, without any evidence, that the legal process for an EA or EIS was not followed. However, the Kalena Center was constructed in compliance with all permitting and regulatory requirements, and was issued a final permit by the County.

Finally, Mr. Blumer-Buell claimed that the "so-called 'community center' ... has been privatized." In fact, the status and function of the facility has not changed since it was originally constructed. While the facility was originally developed by the Kipahulu Community Association, due to a better match of mission and capacity the management and assets of the facility were transferred to the Kipahulu Ohana, Inc. in 2011, with County approval and mutual agreement of the organizations. But the facility was never a "public" facility that was "privatized" as Mr. Blumer-Buell claimed, and it continues to fulfill the same purpose as originally intended, under nonprofit management.

As for any relevance of these issues in regard to the proposed Nahiku Community Center and any potential conflict of interest, I will address this question if that item comes before the Committee again while I am still a member.

Mahalo for this opportunity to correct the record.

Sincerely,



Scott Crawford
PO Box 645
Hana, HI 96713