

HANA ADVISORY COMMITTEE
TO THE MAUI PLANNING COMMISSION
REGULAR MINUTES
JANUARY 21, 2021

A. CALL TO ORDER

The regular meeting of the Molokai Planning Commission was called to order by Chairperson Maya Ross, at approximately 4:08 p.m., Thursday, January 21, 2021, via BlueJeans Meeting No. 254647194.

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

Chair Ross: . . . come to order. Thank you. This is the January 21st meeting of the Hana Advisory Committee. The first order of business is Ms. Sharon Jahns, please forgive me if I mispeak on your name and how to properly say it:

Chair Ross read the following agenda item into the record:

B. PUBLIC HEARINGS (Public Testimony to be taken for each Public Hearing Item)

1. **MS. SHARON JAHNS, requesting a Land Use Commission Special Permit in order to operate JJs Hana Hale, a one-bedroom short-term rental home, in the State Agricultural and County Agricultural Districts on 5.82 acres located at 215 Maia Road, Hana, Island of Maui, TMK: (2) 1-3-009:084. (SUP2 2020/0009) (K. Willenbrink)**

Chair Ross: Miss Willenbrink, you have the floor.

Ms. Willenbrink: Good afternoon, Chair Maya Ross and Members of the Hana Advisory Committee here, and I'm just so pleased that we have this venue that we can meet during -- during these times and maybe even into the future. I see some faces I haven't seen for a while. Lehua. Dawn. This permit request is for a State special permit to operate a one-bedroom short-term rental home named "JJs Hale." I'll tell you how they got that name in a second. The property is located on a 5.82 acres, and it is in the State and County agricultural districts. There are two dwellings on the property. The short-term rental is proposed for the main dwelling. This permit request is brought to you today because you are authorized, by law, to conduct a public hearing and provide a recommendation to the Maui Planning Commission.

The applicant, Miss Sharon Jahns, along with her husband Alan, purchased the property in 2013. At the time, JJ, an older horse, badly in need of attention and medical care, resided in the pasture. Sharon and her husband adopted JJ. The care of JJ has led Sharon and Alan to begin offering sanction to rescue animals. The animal farm currently has two horses, one cow, one goat, fifty chickens, six ducks, three dogs, a cat, and various vegetation.

Sharon is a substitute teacher in Hana and is excited about her research of the benefits of equine and animal therapy. The applicant hopes to share this venue and a therapeutic program with residents of the -- residents of Hana, the community at large, and with overnight guests that wish to participate. Sharon has also applied for a short-term rental home permit. If you, the Committee, recommend approval of the SUP to the Maui Planning Commission, the STRH permit will be approved administratively by the Department. The STRH application does not require approval by the commission. It is noteworthy that, originally, the applicant wanted to apply for a B&B permit. However, for the record, Section 19.30.A.050.B.11.ii does not allow for properties over five acres to obtain a B&B permit. There are no requests for services or complaints recorded for this parcel, and there have been no police reports recorded in the area in the past year.

The property has an implemented farm plan approved by the Department. A site inspection to verify the existing agricultural operation was conducted in October 2020; maybe since then, the applicants have acquired additional animals. You might check with them.

Sharon and Alan Jahns, the applicants, are here today. They're here to answer any questions and address any concerns that you may have. If there, let's see, if there are no objections, Mr. Jahns would also like to have his name added to the permit if it is recommended for approval. Ms. Michelle Cockett, consultant to the applicant and resident of Maui also, is also here and she will provide a brief presentation to the Committee.

The acreage is primarily used for grazing although the applicants also have a variety of vegetation on the land. You're probably aware of the soil quality in this particular area. Pretty -- pretty rocky. It is important to note that there are no permitted vacation rental operations within 1,000 feet of the property, however, you might notice the next item on the agenda is for a three-unit camping glamp site. The properties are abutting, they are neighbors, and the applicants each support efforts to enhance their agricultural endeavors.

The Department received one letter of opposition to the application, and if there are no objections or questions, I see a hand raised.

Chair Ross: Thank you, Ms. Willenbrink. Ward, you have the ...(inaudible)...

Ms. Willenbrink: Thank you, Chair Ross.

Mr. Mardfin: I have a question, before we go on, because I know we're going to go through it. I couldn't -- there are three buildings on the property and I couldn't tell which building is being proposed for the short-term rental.

Ms. Willenbrink: Oh, thank you for the question.

Mr. Mardfin: There's one map that says it's a barn and then there's -- but that's not real clear.

Ms. Willenbrink: Okay. Thank you. It is attached here. There is a primary dwelling, an accessory dwelling, and a barn on the property. Ms. Cockett is going to do a visual presentation; perhaps it will be more clear then. If not, we can ask more questions. Does that sound good?

Chair Ross: Yes. Thank you, Ms. Willenbrink. Thank you. Ward.

Mr. Mardfin: If you can -- if somebody can answer my question first, the presentation will make more sense to me.

Chair Ross: Okay --

Ms. Willenbrink: Thank you.

Chair Ross: Ms. Cockett, is that something that you can answer?

Ms. Cockett: The primary dwelling, which is the main farm dwelling, is the one bedroom, one bathroom. It's actually makai of the property. The other two structures, one -- both are more inland because I'm not quite sure given what you're looking at, that if you would like for me to start the presentation, it might be a little clearer.

Mr. Mardfin: I'm looking at Exhibit 2.

Ms. Willenbrink: Exhibit 2, I believe the dwelling closest -- closest to Maia Road is the primary dwelling.

Mr. Mardfin: That's the one proposed for the short-term rental?

Ms. Willenbrink: Yes, sir.

Mr. Mardfin: Okay.

Chair Ross: Thank you, Ms. Willenbrink. Ward, do you feel comfortable with --

Mr. Mardfin: Yes.

Chair Ross: Ms. Cockett beginning her presentation? Thank you.

Mr. Mardfin: Sure. I know -- now I know what -- which piece we're talking about.

Chair Ross: Right.

Ms. Willenbrink: I will mute.

Chair Ross: Ms. Cockett, you have the floor for your presentation.

Ms. Cockett: Hello, everyone. My name is Michelle Cockett. I'm happy to be meeting up with you today. I hope everybody is well after our volatile past couple of weeks. I look forward to giving a small presentation on what the Jahns would like to do with their property and what they are currently doing with it.

This is called "JJs Hana Hale." I'm going to share my screen and put up the powerpoint for you. So, if you can see, when you first drive into the property, there is an existing dwelling there and that is the proposed main farm dwelling for a short-term rental. That is -- this is a request for the Land Use Commission special use permit approval and short-term rental home permit for your recommendation of approval to the Maui Planning Commission, and specifically to you Hana Advisory Committee. The owners, Alan and Sharon, residents of and raised on Maui, wish to convert their main farm dwelling to a short-term rental home to accommodate families, children, and others to experience human-animal bonding and ecotourism on their property.

Their property is 5.2 acres. It is pastoral and relatively flat. It is zoned and -- with Hana Community Plan and State land use district agriculture as well as all of the surrounding parcels are also agriculture, I'm sure that you are quite aware, and, of course, it is in the special management area.

The infrastructure is a private water system. They do have a State Department of Health approved individual wastewater system that services both the first and second dwelling. The property is located in flood zone X and drainage is retained on site. Although Maia - - Maia Road is paved, there are no curbs, gutters or sidewalks, but they do have established electrical and telephone service, which are available, including Internet and wifi. It's just a mile or so from the Hana Airport.

So, over the years, the -- they have owned this agricultural property for over -- since 2013, and they have been rescuing animals for six years, and they have had horses, cows, chickens, goats, ducks and geese that have been displaced or abandoned, and they've taken in many strays needing homes. But what's unusual about this is because of the love that they've given them, these animals are very friendly and have come to be very interactive with people. So their implemented a farm plan, not only includes animals, but also has fruit trees, coconut palms, pineapple, dryland taro, lilikois, and bananas, and the

entire property is fenced and this allows the animals to have free range during certain parts of the day. There is a separate fenced pasture between the main dwelling and the second farm dwelling that incorporates also the barn itself and stable where the horses are located. There's also stable enclosures for chickens and ducks, a goat, horses and a calf, and they've been -- spent a lot of years clearing and cultivating and caring for this property. And these are some of the -- the -- the -- I call them "crops" but that grow there, gratefully. There are palm trees established as well as bananas. Lilikoi and ... (inaudible)...

Due to the friendliness of these animals, Sharon is partnering with Ohana Makamae, it's a not for profit organization for East Maui residents that provides types of counseling, and they're working on adding a new program to offer the community called "equine therapy," and it will be help to those who are suffering a loss and they're focusing on grief therapy, and this program will mostly be working with young adults and families, but it's not limited to that, but, ultimately, the intent is to have individuals, families, and even other non-profit organizations and local programs who wish to interact with animals, be able to spend more than just a few hours on the farm. Everyday individuals who may be experiencing life changing events or need calming moments are welcome too. And guests that stay there will be able to have one-on-one guided experience with these animals and Sharon will always be there with them. They could be collecting egg, feeding and grooming the animals or simply sitting and enjoying them, and this is a unique experience which can be as much or as little as one chooses. And JJs Hana Hale would provide the ability to have the time to experience that interaction without rushing, because the effect on these -- the aina and the animals on people, keiki and adults, is joyous.

Chair Ross: Thank you, Ms. Cockett. Does that conclude your presentation?

Ms. Cockett: Nope. It's the next one. Okay, so the equine -- sorry, technical difficulty.

Chair Ross: Okay.

Ms. Cockett: The equine -- people have asked what is equine and animal assisted therapy, and according to Psychology Today, it is a therapeutic intervention that incorporates animals and horses, dogs, cats, pigs, birds, and they include it into a treatment plan, and it is -- the therapists themselves are certified and that is the direction that they're going right now, it is used to enhance and complement the benefits of traditional therapy, and they've really found positive outcomes and overall improved emotional wellbeing with those who have autism, mental conditions, behavioral issues, support people who are battling illnesses, like depression, schizophrenia, addiction because animals provide a sense of calm, I don't know if you're all pet lovers, but I am, and they provide a sense of calm, comfort, or safety, and divert attention away from stressful situations and toward ones that provide pleasure. Advocates of animal assisted therapy say that developing a bond with an animal can develop a better sense of self-

worth ...(inaudible)... stabilize their emotions and improve communication, self-regulation, and socialization skills. So, these studies that have been conducted that substantiate the positive effects that interacting with animals can have because the human-animal bond can have that calming effect and it can lead to mind and body benefits by reducing stress and anxiety, and being in Hana, there is a logistical challenge for those who want to interact more with these animals on property, learn their routines, and be more interactive, and time usually help them become more confident with the animal and having time to do so is essential for the wellbeing, and having JJs Hana Hale allow these people to gain that connection as they would be encouraged to remain on property to participate in the animal's daily activities. This human-animal bonding interaction is beneficial for all those who want to do so.

You can see the different -- people are already doing it. Chicken therapy. Linda and Diane, Kai with Kealii, and Pocket, the goat, at the door, Shayna, the cow, with the Christmas lei. Because the journey into and out of Hana is time consuming and lengthy, having a short-term rental home available will allow families to stay, interact, and participate with the animals. This type of ecotourism activity is unlike others and it's important for the enrichment of the visitors, animals, and for the community. The funds generated from the short-term rental will offset the cost to feed and maintain the health of the animals. Since many animals are strays and abandoned, their veterinary care is essential to their well-being and it could become very expensive as well.

So, JJs Hana Hale itself, the -- the dwelling is at 760 square feet, it's one bedroom, one bathroom, it has a large kitchen and living area, spacious bedroom and bathroom, built in 1980 with a deck addition in 1999, and, later, a bathroom addition was added on in 2005; it does have wifi, telephone, fire extinguishers, smoke detectors for the safety of the visitors. So, this is the picture, and I don't know if you recognize it, if you've driven down this -- this road before, but it's -- it's right there. Beautiful. So, this is the interior. We have living area and the kitchen area, which is all one, a separate bedroom and bathroom. Parking is available just right off the road too, and it's just behind the JJs Hana Hale, and it has both hard surface and grass areas. And because the property is very level, there's a lot of room to park several vehicles, park it in the front there. And there's also permitted structures, a permitted barn from 2019 as well as the second farm dwelling.

So, this request actually is part -- and I do believe that -- sorry, technical difficulty. There -- it is in conformance with the Hawaii State Plan and for agricultural -- I'm going to go back to the previous slide, if you don't mind. Because this structure as a habitable unit wouldn't change, and it actually does support the -- the primary use of agriculture with -- with a type of guided tour, but it's with the animals, and because the short-term rental code was established, it permits this type of use too on property. There's ample space between other properties, other dwellings and structures, and the owner does live onsite, and as this is residential use, the neighboring properties would not be affected. There's no additional burden on public services as what is normal per a long-term rental. It is a

live pastoral livestock type of agricultural activity with farm animals, sustenance crops, and it's -- that's the primary use of the land and the STRH component responds to the need of additional accommodation for those people who would like to stay. When purchased in 2013, the land was very overgrown with cane grass and invasive flora fauna, and it took many years to achieve its current state. So, it also is in conformance with the Hawaii State Plan because it's consistent with to provide economic viability, and the ability of obtaining economic abilities in Hana is vital at this point. Having those accommodations will provide the ability to frequent local places, businesses, and activities for visitors who would like to stay there. So, the balance of both -- having both the agriculture and visitor sectors allows for ecotourism and mutual benefit of experience and economic ability without losing the primary goal of diversified agriculture, which is present on this property. The STRH would benefit all visitors to be a part of the ecotourism aspect of animal interaction, and it also supports the therapies through Ohana Makamae and other organizations. So, through countywide policies, it does improve education because there's education in the experience. It's an ecotourism that learns about the animal, what it -- what it needs, how it feed it, and it learns how to care for and treat the animals. And in this particular case too, it goes an extra mile because there's a therapy to -- associated with it, conscious and unconscious, it can provide a long-lasting effect on an individual. So, having animals -- having individuals spend quality time with the animals and the environment, it gives them confidence and peace. So, having the ability to provide the short-term accommodation, a person can stay for longer periods of time to interact with the animals. So, because STRH is a business, it must maintain sustainability, and it must have mutually beneficial components, so the owners, Alan and Sharon, have roots established on this island. They know the importance of community, and values, and community of the island. They are here for the long haul, have commitment, and know what it is to be pono, pono to the land, pono to the neighbors, pono to the service they provide, which strengthens the long-term economy for the community. And because the soil capability plays a role, like the type of soil is a shallow soil, and it has limited ability to sustain crops and it's used for mostly pasture and grazing, which is exactly what is being done on this property.

So, basically, I went back into the Maui Island Plan and I noticed that it had a specific reference for Hana itself saying that it depends much more on the success of one major employer than others there -- an economic downturn can have a devastating impact. Well, we're in it, and we need a healthy diversification of economy, especially during this unprecedented times, and by diversifying, it maintain some economic viability and sustainability, and more importantly, the success of any business is its response to giving back, malama, which JJs Hana Hale does. It is a locally-owned business. It incorporates the vision of connecting people with animals to facilitate an overall sense of well-being and confidence, replenishment, and purpose. The business of the short-term rental will provide the means by which to maintain the animals, as well as give those who visit the sense of place that is healthy and inviting. And again, because that's such a poor soil capability, it is being used for grazing so it does support the Maui Island Plan. And as far

as the Hana Community Plan, which is -- concerns the preservation and enhancement of the current land use patterns, this property is actively pursuing living agriculture. With the animals, it creates a diverse area where people come and participate, petting, caring for, riding, holding them, enjoying them, and fresh eggs are always donated to the community. So, the JJs Hana Hale would be accessory to the main primary ag use of the grazing livestock fowl and small crop farming activities on the property allowing the short-term rental to provide a place for friends and family, young people, local and mainland visitors to experience ecotourism to interact with these special animals. There are no -- has no known historical figures and the owners will provide a statement in their house rules which will request that the visitors respect the cultural and historic areas in the vicinity.

So, in conclusion, JJs -- technical difficulty here -- will provide a therapeutic type of agricultural experience by being involved in the animals in their activities, which will enrich and uplift. The short-term rental will allow interaction with them throughout the day without the need to drive in and out of Hana. It will also support the local economy. E komo mai. Come enjoy the peace and ambience. Aloha

Chair Ross: Mahalo for your presentation. The Chair will now open the floor for public testimony. Testimony is limited to three -- three minutes, sorry, with thirty seconds to conclude. I have, so far, on the testimony list in order Terry Lynch, John Blumer-Buell and Leah. Is there anyone else that would like to testify before I open the floor to Terry Lynch? Is there anybody else that, on this call, that wants to join onto this? Let's see. I'm getting a chat, possibly Dawn Lono. Okay, so, Dawn, I'll put you on, and then when it comes to your turn, if you'd like to give any testimony, I will give you the floor. So, that seems to be the only additional possible testifier, so the Chair will now open the floor to Terry Lynch. Terry Lynch, you have the floor.

Mr. Lynch: Aloha. This is Terry Lynch. I'm a resident here at Kaeleku, and we've been doing Maui's Best Flower for years. ...(inaudible)... testimony today is on the campground, and we haven't heard about that yet, so at least I don't think we have, so can I give testimony on the campground?

Chair Ross: No. We will open the testimony for the campground when we open that order of business.

Mr. Lynch: Okay, good.

Chair Ross: Make the note.

Mr. Lynch: So, you can go on to the next.

Chair Ross: Thank you, Mr. Lynch.

Mr. Lynch: Thank you.

Chair Ross: I will put you on the list for, so sorry if I say your -- your names wrong, but Mr. and Mrs. Ponichtera, I think I slaughtered your name and I really apologize. So --

Ms. Ponichtera: No, that's fine.

Chair Ross: The Chair will open the floor to Mr. John Blumer-Buell. Mr. John Blumer-Buell, you have the floor.

Mr. Blumer-Buell: Okay, can you hear me now?

Chair Ross: Yes, we can.

Mr. Blumer-Buell: Okay, good. Sorry, in my letter to you, I failed to notice Maya was the new Chair, so aloha, Chair Ross and everybody, and the -- the, you know, I -- I think the therapeutic thing with people is good, but this is trying to get a special use permit so they can have an STR and for that reason, I do not support it. If -- if it was -- if it was, you know, I support a limited amount of B&Bs for Hana residents that live in the houses, and I might support a -- a B&B permit, but not for an STR. The whole vacation thing and the vacation rental situation is out of control; that includes, particularly, the short-term rentals are the worst, and the -- the farm plans that get approved are not farms, generally speaking. So, the Hana Community Plan doesn't -- it discourages special use permits all together outside of the urban area but, you know, in the case of wanting to get a special use permit only to get a STR, I don't support that at all, and no offence to anybody. I think it's -- the idea of therapy with the animals is great, I'm familiar with that kind of therapy, I think it's wonderful, I think the idea of working with the folks at Ohana Makamae is great, and I think they can still -- there's nothing wrong or illegal about doing the therapeutic part of the operation, and I believe they could be charging for that, for that -- for that time during the day, Ohana Makamae is not open after dark, as far as I know, and so they could legally be doing their ag operation and therapy operation without any problem. I think we have lots of people, you know, doing ag tours, for example, Ono Farms, other - - lots of other people, so that part of it is fine. I think they can charge that service. I think if they were looking for a B&B, it would be a different approach, but it's a whole thing, you know, until we actually deal with the -- the amount of over-tourism and the -- the actual limits of things in Hana, I would oppose it as proposed only. But thank you very much. Any questions?

Chair Ross: Thank you, John, and I didn't know if anybody was keeping time, but you were right in time, so I appreciate that.

Mr. Blumer-Buell: Sure.

Ms. Cockett: May I provide a response briefly?

Chair Ross: No.

Mr. Blumer-Buell: No. I just want to answer questions from the Committee. I'm not here to debate anyone, you know.

Chair Ross: We're not going to or not address the testimony. The Chair will now open the floor to Leah, I can say your first name right. If you could please clarify your last name so I don't do it a disservice like I keep doing.

Ms. Ponichtera: Of course. It's Ponichtera, so not at all how it's spelled, so no judgment there.

Chair Ross: Ms. Ponichtera, you have the floor.

Ms. Ponichtera: Yes. Thank you so much. Again, as Kimberly mentioned before, we are Sharon's direct neighbors or one of them, we do share a fence line, and I just wanted to express my support of this project and Sharon and Alan as, first of all, wonderful neighbors and contributors to this community. They are like the ideal neighbors we could have wished for. So helpful. So courteous. So generous with us. We've taken turns watching each other's animals. Sharon contributed a few animals to our property, and I think this idea is a wonderful one for the Hana community. I think it's pretty obvious to all of us that live here there's not a lot of counselling services, therapy opportunities here, and for her to lend out her land, her animals, her time and energy to support the community in this way, I think we have nothing bad to say about it. We're extremely supportive of the project and we wish them luck. That's it from us. Oh, I think you're on mute, Maya.

Chair Ross: Thank you so much, Ms. Ponichtera, for your testimony. I have to look at the chat. I have to run -- thank you, Suzie. You're keeping time. I appreciate it. It gives me one less thing to focus on in this technological meeting that we're running. Dawn Lono, do you wish to testify on this agenda item? Dawn, you have the floor if you'd like it.

Ms. Lono: Okay, yes, this is Dawn. Can you hear me?

Chair Ross: Yes, we can. You have the floor.

Ms. Lono: Okay, mahalo. More than testimony, I just have some clarifying questions that could perhaps be answered when it comes before the Committee after testimony. I -- I really would like clarification on the -- the B&B over five acres not being allowed. I know she quoted the -- the chapter and verse on that, but I wasn't quick enough to write it down

or I could look it up for myself, so I'd like a clarification on that. The other question that I have is, would the ecotourism and interaction with the animals be -- the animals be a requirement of the visitors that come and rent at the property or is it just like open and if you want to do so, then that's an option? The other thing is is for Ohana Makamae, is there any kind of a rental fee for them if they utilize the animals and do therapies with -- with the animals? I -- I get that it's a great benefit to the community and to have this kind of a service here for -- for people who need this therapy, it's amazing, and I support it a hundred percent; just wondering how all of that works. And then with the compliance with the Hana Community Plan, and John brought this up as well, it is outside of the urban area, which is where the recommendation in the Hana Community Plan is to have these STRHs within the urban area, so this property is well outside of the urban area and we have -- we have, you know, limited number of properties that can be permitted and it seems like -- and we're -- we're getting very close to that limit right now, and actually there's a lot of discussion about the possibility of lowering the limit within the Hana community, so I just wanted to bring that up because it is not within the guidelines of the Hana Community Plan and is outside the urban area. So, that's all I have to say. Thank you very much for listening to me. I miss being on the Committee and with all of you guys so aloha and mahalo.

Chair Ross: Mahalo, Dawn. Obviously, I miss you being on the Committee as well because I thought you were still on the Committee. I'm so used to you sitting next to us. So, thank you for your testimony. And I am -- the Chair is getting used to the fact that you are no longer on the Committee. Thank you for your testimony. Before I open -- before the Chair opens and asks the Committee if there are any questions or discussion, is there any one else on this call that would like to give public testimony regarding this agenda item? Seeing that there is no one wanting to give additional public testimony, I will now ask the Committee if there are any questions now that we have taken public testimony and open for discussion. Ward, I see your hand up. You have the floor.

Mr. Mardfin: Thank you very much. I have a number of questions. First of all, can I -- do -- let's see how I ought to put this. I don't get the connection between the B&B and the - - let me ask another question first. Who is taking care of the animals now? I assume they need daily care to be fed and that sort of thing.

Chair Ross: Is -- thank you, Ward. Is this a question that can be answered by Ms. Cockett or maybe the -- the Jahns?

Ms. Cockett: The Jahns, if they are available, absolutely can respond to that, but they are and live on property and do take care of them. Both pictures are -- that are on the presentation actually she was in them. She's the one, Sharon, who takes care.

Mr. Mardfin: If they're on the property, how can they rent the property out?

Ms. Cockett: And there -- the STRH component is required because a B&B is not available for properties over five acres.

Mr. Mardfin: I understand that.

Ms. Cockett: Yes.

Mr. Mardfin: So, how -- how -- you're telling me they're going to rent it for short-term rental and they're going to be on the property? I don't understand.

Chair Ross: Oh, I'm sorry for --

Ms. Cockett: Chair, please.

Chair Ross: Sorry before -- I apologize for cutting you off, as Chair, I need to state that I have closed public testimony and that -- and opening this question and discussion with the Committee. My apologies. Ward, you have the floor.

Mr. Mardfin: Yeah, I'm -- I'm confused as to how they can be on the property and still rent the property out.

Ms. Cockett: There are two dwellings on the property.

Mr. Mardfin: They live in the second farm dwelling?

Ms. Cockett: Yes.

Mr. Mardfin: Ah. And so, they're going to continue to live in the second farm dwelling?

Ms. Cockett: Correct. And to elaborate as well too, Sharon is a substitute teacher at Hana School.

Mr. Mardfin: So I don't see how that's relevant to the application.

Ms. Cockett: She's a member of the community.

Chair Ross: Thank you, Ms. Cockett. Ward, do you have any -- you said you had several questions. Would you like to keep --

Mr. Mardfin: ...(inaudible)...What -- I -- the animal therapy sounds wonderful. I don't see how the short-term rental ties in --

Ms. Jahns: Hello?

Mr. Mardfin: With the animals. Either with or without, they could do the animal therapy either with or without a short-term rental.

Chair Ross: Thank you, Ward. I do believe the Jahns are here and able to answer the question so I'd like to ask, Ms. Cockett, if you could put your mike on mute for now, and I -- the Chair will give the floor to Sharon and Alan Jahns.

Ms. Jahns: Hi. Aloha. Thank you, everybody. Thank you, Michelle. Good questions. We live on the property. I have been here for seven years. I'm going to acquire the animals slowly. So, what kind of has happened is, with the animals, Ohana Makamae reached out to me to -- to work -- to work a program with them through equine therapy and, in answer to Dawn's question, there is no charge. We don't -- we do not charge them anything. This is just something that we're -- we're donating to them. And in the -- in the long term -- in the short term of it, I am actually on the board of Ohana Makamae now as well and so it's a program that we hope to be able to give back to the community, but what -- I guess what we want to do is share what we've created here with visitors, with people. We want to be able to have people come to our property, stay here, enjoy, enjoy the animals, learn what it's like to clean a barn, work with horses. I find people really get a sense of enjoyment out of this. It's -- it is -- it has its therapeutic -- it's just very warming to the soul. Ohana Makamae will be the only one that has a licensed therapist, that's a complete separate program, but, in addition, we would like to be able to offer it to guests that come and stay here, and it's not a B&B, we would like to do a B&B if we were given the opportunity, but because we're 5.82 acres, we're over -- over the limit for size, but if it ever were to change, we would prefer to do a B&B, that's what we would like to do because we're not going anywhere. We love it here, and we're staying in Hana. What was John's other question?

Mr. Jahns: Where do we live? We --

Ms. Jahns: Oh, we live here. Ohana Makamae is no fees. That is -- that is just something that we'd like to work with them to do. And I have been taking care of the animals from the get-go, which is why we built the barn and -- and built the second -- well, and built -- we built the barn for the horses. We had -- we've had many different horses out here over the times, a couple have passed, but yeah. I hope that answers your question.

Chair Ross: Thank you, Sharon, for clarifying. Does any other member of the Committee have a point of discussion or a question? Lehua? Lehua. I'm so sorry. Lipoa. I was looking at Auntie Lehua and looking at you at the same time. Lipoa, you have the floor.

Ms. Kahaleuahi: It's a beautiful name to -- to have mixed up with. It's all good. Ward, you actually asked my question, so mahalo for that, and mahalo to the Jahns for clarifying. My only other point was the multitude of examples surrounding that area of agricultural

production, and I recognize that the -- the grading of the soil there is particularly low, but as your property as well shows and others around it including the botanical gardens in that area, you know, do show the level to which ag can be produced in an area, so I just wanted to share that with -- on the floor. And then my final point as well was already brought up regarding the compliance with the Hana Community Plan and being outside of the -- the urban district. But I agree with what was shared as well. Sharon, we've been on a couple of emails regarding some of our dear friends down the road --

Ms. Jahns: Yes. Yes.

Ms. Kahaleuahi: And it's so nice to see your face.

Ms. Jahns: Yes, you too. Nice to see you, too.

Ms. Kahaleuahi: And -- and I'm too, working with another non-profit, I'm curious about a potential partnership but that's a different story. Thank you. That's all for now.

Ms. Jahns: Thank you.

Chair Ross: Thank you, Lipoa. Aunty Lehua or Ward, do you have any further questions or points of discussion for this agenda item? Aunty Lehua, your mike is off. If you could put your mike on so we can hear you. You scroll towards the top middle of the screen. There we go.

Ms. Cosma: Can you hear me now?

Chair Ross: We can, thank you. Aunty, you have the floor.

Ms. Cosma: Thank you. Being a longtime resident of Kaeleku, from 1975, I have seen many, many changes to our ag lands, and what my -- my problem is the people that before us made those ag lands for a special reason but now it's been taken over by -- by getting all this special use permit and it destroying our ag land. Pretty soon, you know, we won't have ag land. It's all going to be STR, B&B, you know, and I understand what the Jahns are doing, it's a good thing with animals, but I feel, personally, we need to defer this project because a lot of clarifications we need will come from the Maui County Council. I believe it's on their agenda at this moment. And until we get that facts together, then we can really look at this project. So, I just wanted to make this my point of view and just suggest that we take a better look at this picture and take more time to decide, is this what the Hana community needs? Because it is totally outside of the urban area. And I love what I have right now - peace, quiet, serene, beauty, nature. So, when you -- when you consider visitors, we don't know what kind of visitors, although I live across the street of Maia, but I still feel like it's my responsibility to carry on the historical Kaeleku where my

father-in-law, they all worked during the plantation camps. So, thank you very much. And I just pray the best out of this. Mahalo, Maya.

Chair Ross: Thank you, Aunty. I -- the Chair would like to ask for clarification on what you're specifically talking about, Aunty Lehua. Are you referring to -- you mentioned about things living on the Maui County Council agenda, are you referring to the lowering of the short-term rental cap? Are you asking for us, you did use the word "defer," are you suggesting to defer until that gets adjusted? I wanted a little more clarification on -- on what you're referring to, Aunty.

Ms. Cosma: Okay. I'm referring to the Maui County Council who I believe they're in a working stage now to see how much the cap really is because it's gone out of control, and so until then, when we get more facts from that, we would know better how to proceed.

Chair Ross: Thank you, Aunty Lehua. Ward, I saw your hand go up while I was asking for that clarification. You have the floor.

Mr. Mardfin: Okay. I'd like to ask the Jahns if they've ever considered using long-term rental for this instead of short-term rental. I say that in particular because one of the goals of the Countywide Policy Plan is to expand housing opportunity for residents and long-term rental would achieve that where short-term rentals will not achieve that.

Ms. Jahns: Right. Thank you.

Chair Ross: Ms. Jahns.

Ms. Jahns: Good question. We currently have -- I have all my family that lives here on Maui as well, and they come out quite a bit, so we keep it open also to welcome our family out here, our friends that may -- may want to come out. I've also used it many, many times for my friends here in Hana, such as when people are getting their houses termitted, I've invited them to stay. I've let people use it. I have a hard time tying myself into something long-term because I do use it for other things, my family, friends here, and then when we do get the equine therapy up and going, we're probably going to keep it empty on the days that we do that so we can have the families use that as well 'cause we did think about the long term, the long-term rentals as well, but I'm not sure that would be the best thing for what we have in mind here. We -- it -- it's -- it's -- it's something that I would like to be able to donate to Maui United Way for kids to come out. I mean, I just feel like Aunty Lehua, we do live in a very beautiful, amazing place, and you've been here all your life, and I respect that, and I don't want to change the -- I don't want to add any more noise. I just want to be able to share this with people in a quiet, peaceful way. I would really -- I don't want to, you know, this would not be a place where people come to party or loud noises. I would be very respectful. I -- I -- I -- I really like all my neighbors. I mean, it would be something done very respectfully to the community, for the community

here in Hana, for the community here in Kaeleku, and for -- for the community of Maui really, so -- but I get all the points that you guys are making and I do understand where you're coming from. I do. But I do think that we have something here that is very special that could be shared too and could be put to good use in many different ways. I mean, you know, that -- that's kind of my vision because I want to be able to share this property with people.

Mr. Mardfin: I still don't see the nexus between the animal therapy program, which is one aspect of things, and the short-term rental, which seems to me to be totally different. I mean, are people going to come out for one day or two days to be with animals? I --

Ms. Jahns: I think so. I mean, I think so. I have many people that have asked or want to. I mean, I have never -- the only people that come out now are, like I said, friends and family from in the area here, but what I see from the joy that people get, I think people would come out here and this would not be, like I said, a therapy with counselors, but they would be able to come out and -- and experience the land and the animals and it's -- it's very special. I mean, the horses are amazing. The cow, the donkey. It's just a very -- a very special feeling that you get out here and, yeah, I think it would. But would we get some people coming out just for the day and the drive? Probably we would get some of that too, but that's not really how I would want to market it. And I don't want this to be an everyday thing. I want to be able to utilize this property for other things for which I already said, I don't want to repeat myself, but -- but I -- but I think yes. Yes, it would. I mean, my -- my I don't want to -- this is not something that I want to do for just people coming and going in and out, in and out. I want to be able to have people come in here, spend some time, decompose, even if the animals aren't here, just the aina is -- is special and spiritual. I mean, this whole place is. So, I'm not looking, you know, I don't want to exploit it or have it be a place of parties. I just want to share it. That's what it -- that's really what I want to do.

Chair Ross: Thank you, Sharon.

Ms. Jahns: Oh, you're welcome, Maya.

Chair Ross: Ward, you have the floor.

Mr. Mardfin: Thank you. Well, this is more for Kimberly because she did the analysis of it, and on her PowerPoint presentation, she had some things about the Hana Community Plan but she specifically didn't address the issue in the PowerPoint, but on page nine, of our report, under Land Use, it says, "Objectives and policies," number eight, "Discourage urban land uses and special use permits outside of the Hana Town area, except to allow those activities which are essential to the region's economic well-being." And I'm not convinced that a short-term rental is essential to our economic well-being. And item nine, "Discouraged transient rental accommodation uses outside of the Hana urban area." And

the Hana urban area, it's really unclear where it ends, but it's either the police station or at most Hana School, so this is well outside of that area. And to the best of my knowledge, the whole Kaeleku area, makai of Hana Highway, doesn't have any B&Bs or short-term rentals, so this would be a new precedent to what's going on down there.

Chair Ross: Thank you, Ward. I do believe that came from the presentation from Ms. Cockett, not from Ms. Willenbrink. Ms. Cockett, did you want to address --

Mr. Mard: Well, maybe I ...(inaudible)...

Chair Ross: That slide or is that something that the Chair can give the floor to Sharon? It was your presentation, Ms. Cockett, so the Chair wants --

Ms. Cockett: Yes, it was. It is up to -- I'm going to leave it to Sharon to make a decision and defer to her if she'd like to address that. In my opinion, I agreed that, yes, STRH by their very restrictiveness, doesn't allow the B&B, which was ultimately what she had wanted to do and that, in and of itself, would not have been difficult to attain but unfortunately, in the essence of the word "short-term rental accommodations," there are, in my opinion, a lot of people who come, including myself, I live in town, and I don't necessarily want to take the drive back, it can be very dangerous, especially when it's like windy or rainy or something, so having a place to stay down there it actually becomes a safety, that's just my opinion, however, agreed. Yes. It states in the policies and objectives outside the urban core of Hana Town albeit it would seem to be, I think, appropriate as well to have additional accommodations besides what's available. That's just my opinion. Please, Sharon, I defer to you.

Chair Ross: Thank you, Ms. Cockett. Sharon. Do you have any additional --

Ms. Jahns: I don't -- we're -- I'm not -- Michelle, you might help me on this, but I'm pretty sure there are two others, so we would not be the first in Kaeleku. I think -- what is the Hana Estates, right up the road from -- right at the top of Maia, and there's another one. I'm pretty sure there's two. I don't think they're B&Bs.

Chair Ross: The Chair would like to ask for clarification on whether the properties Ms. Jahns is referring to are bed and breakfasts, short-term rentals.

Mr. Jahns: Hana Estate.

Ms. Willenbrink: Thank you, Chair. I don't have that information specifically, but I can make some clarifications for you. I have, first of all, I do have Chapter 19.30, the reference to the bed and breakfast and five acres, if you would like for me to that -- read that into the record. Second of all, on page three, number six, generally we look at all the properties within 500 feet radius, in this case, I expanded that to 1,000 feet because this

is Hana and it is an agricultural area, there are no permitted STRHs or B&Bs within the 1,000-foot radius, however, there are 25 permitted STRH operations in Hana in the, well, in the community plan region, and 13 B&Bs. I do not know the specific areas. I did not go that far. One thing also to consider is, Member Cosma is right, there is legislation pending at the council level. We have a new council. I can't -- I can't look towards what that -- that might be but, currently, the cap is 30 for STRH and we are at 25, so this would add one more up and getting closer to the current cap. There are 13, out of 48, bed and breakfasts. I might also point to you that on page, well now, get back to the recommendations, there are some standard conditions that we generally put on all of these types of STRH applications, however, the Hana Advisory Committee is welcome to look at those conditions and add any that they might seem would be specific to this particular operation. I know that Jahns do prefer to have a bed and breakfast and, at this time, they cannot, that, too, may change in the future. I think council is going to be looking at all the ins and outs and wheres and whats all about transient operations in general, especially after we move through this time. But you're welcome to add additional conditions, for instance, if you feel that it would be more appropriate to add a condition that the Jahns were on property at all times when a guest is there, that would lend towards this -- the support of their equine therapy or -- or whatever you want. So, I'm just throwing things out there for you to consider.

Chair Ross: Thank you, Ms. Willenbrink.

Ms. Willenbrink: Thank you. Did you want me read that code provision? Is that necessary?

Chair Ross: The Chair doesn't feel it's necessary. Do any members of the Advisory Committee feel that it's necessary to enter that in officially? It doesn't seem to be a need. Thank you, Ms. Willenbrink. I did see members of the Committee raise their hands at moments during when Ms. Willenbrink had the floor. Is there any members of the Committee that would like to continue discussion or questions? Yes, Lipoa, you have the floor.

Ms. Kahaleuahi: Mahalo. It was only to reiterate, you know, the -- the lessening of our cap throughout our community, especially during this time when tourism has decreased. I recognize the timing to prepare for, you know, an eventual increase in that industry again, however, this legislation, just wanting to speak towards this legislation, again, affirming, you know, that decrease that was, you know, spearheaded by our council and, you know, efforts within the community recognizing that we actually -- we have a lot of opportunities for visitors and locals alike to -- to come and experience our community, and while yours is definitely unique, I think, you know, this is just something that -- I think we have a couple of applications as well that are in the pipeline having been approved, I'm not sure exactly where we are and if someone can confirm that those have already been updated to the 25, great, but it's also just recognizing that that legislation is in the

pipeline and, you know, I kind of agree with Aunty Lehua, after hearing things as well, potentially deferring until those things are clearer, those legislative motions are clear, we know where we stand as far as the limitations and the cap, you know, it may be a better time to make approvals and decisions for the long term.

Chair Ross: Thank you, Lipoa. Ward, have a floor vote, but before you speak, I'm a little confused on what's going on. Someone is sharing their screen.

Mr. Mardfin: Tad is trying -- Tad is trying to come in. I think.

Chair Ross: Okay.

Ms. Esmeralda: Hi, this is Suzie. Dean, I think you're trying to get on. You're sharing your screen. If you go to the top of the screen and click on the red button.

Chair Ross: There we go.

Ms. Esmeralda: Okay.

Chair Ross: Thank you, Suzie. Ward, you have the floor.

Mr. Mardfin: We're -- I don't know if we're finished discussing or not, but if we are, I'm prepared to make a motion.

Chair Ross: Is there any member of the Committee that has any more questions or points of discussion before Ward makes a motion?

Ms. Willenbrink: Chair Ross, this is -- this is this is Kim. I -- because of the screen, I'm a little unclear how many members are present and so for the -- for my -- any report and record --

Chair Ross: Sure.

Ms. Willenbrink: Are there four members present? You, Ward, Lehua, and Lipoa?

Chair Ross: A fifth member has arrived.

Ms. Willenbrink: Ah. Okay. Thank you for the clarification.

Chair Ross: Ward, you have the floor.

Mr. Mardfin: Yes, I move to deny on the grounds that it is in direct conflict with the Hana Community Plan, which is long overdue of updating, but as long as it isn't, we should try

to reflect that, and so I recommend that we deny the approval of an SUP. If we approve the SUP, the Planning Department has said they will immediately approve the short-term rental and so this is the only way we could block that.

Chair Ross: A second is required in order for the Chair to state the motion and ask if there's more points of discussion. Aunty Lehua, you have the floor.

Ms. Cosma: Yes, I'd like to second Ward's motion.

Ms. Desjardins: Chair, this is Mimi. Can I make a clarification?

Chair Ross: Yes, please. You have the floor.

Ms. Desjardins: Thank you. So, the motion, just I want to give a recommendation that the motion should be phrased more as recommending to the Maui Planning Commission to deny, just to be clear that you guys aren't denying it, but you're recommending to that. Thank you.

Mr. Mardfin: You're correct. It's a recommendation -- it's a recommendation to the Maui Planning Commission that they deny the SUP.

Chair Ross: On the grounds that it is in direct conflict of the Maui County Council's agenda items, upcoming agenda items?

Mr. Mardfin: No, on the grounds that it's in direct conflict with the Hana Community Plan. When we update the community plan, we could reconsider things, but that's in the far distant future, I'm afraid.

Chair Ross: Thank you, Ward. The motion is to recommend to the Maui Planning Commission to deny this application on the grounds that it is in direct conflict with the Hana Community Plan. Is there any point of discussion from the Committee Members?

Ms. Cosma: Hello?

Chair Ross: Yes, Aunty Lehua, you have the floor.

Ms. Cosma: I would like to second that motion made by Ward Mardfin to the Planning Commission to deny the SUP because of the conflict with the Hana Community Plan.

Chair Ross: Thank you. It's been properly motioned that we deny the main -- amend the main motion, sorry, not amend, deny the main motion. Seeing that there is no further discussion. Those in favor of denying, sorry, recommending to the Maui Planning

Commission to deny on the grounds that this SUP is in direct conflict with the Hana Community Plan, those in favor of this say aye or show your hand, raise your hand.

Ms. Cosma: Aye.

Chair Ross: Those in -- those who are opposed to the motion please say no or nay. It looks like we have all ayes on this and the motion is carried to recommend to the Maui Planning Commission to deny on the grounds that this SUP is in direct conflict with the Hana Community Plan.

Mr. Mardin: Maya, I'm sorry. I didn't --

Ms. Esmeralda: Chair, did you -- yeah, did you get Dean?

Chair Ross: If I could get clarification on Dean entering, as we've already had public testimony, is Dean able to carry the ...(inaudible)... on this agenda item?

Ms. Desjardins: Chair, I think he's able to vote. As long as he got here before the vote was taken, then I think it's okay.

Chair Ross: Thank you, Mimi. He was here before we -- the amendments and to the vote. Dean, I know -- are you -- I don't know if you're on the phone or can you open your video if you're on a computer. The Chair can -- would you recommend the Chair restate and redo the entire vote or do I ask --

Ms. Desjardins: No, you can just inquire -- just inquire with him what his vote is if he wishes to vote.

Chair Ross: Dean, if you wish to vote, if you could please take yourself off mike and state whether you are in favor or opposed to recommending the -- to the Maui Planning Commission to deny on the grounds that this is in direct conflict with the Hana Community Plan.

Mr. Wariner: Can you hear me?

Chair Ross: Yes, we can. Thank you, Tad, you have -- sorry, Tad, not Tad, Dean, you have the floor.

Mr. Wariner: Oh, Thank you. I wish to vote in favor of the motion.

Chair Ross: Thank you. That is five.

Mr. Mardfin: Maya, did you vote?

Chair Ross: I did. Sorry, I don't know if my hand was in the screen. No, it wasn't. I'm sorry. I did vote in favor of recommending to the Maui Planning Commission to deny on the grounds in direct conflict with the Hana Community Plan.

Mr. Mardfin: So, it was unanimous?

Chair Ross: It was unanimous, Ward.

Mr. Mardfin: Thank you.

It has been moved by Committee Member Ward Mardfin, seconded by Committee Member Lehua Cosma, then unanimously

VOTED: to recommend to the Maui Planning Commission to deny the SUP on the grounds it being in direct conflict with the Hana Community Plan.

(Assenting: L. Cosma; L. Kahaleuahi; W. Mardfin; M. Ross; D. Wariner)
(Absent: L. Clark)
(Excused: D. Kaina)

Chair Ross: The next order of business is:

Chair Ross read the following agenda item description into the record:

- 2. MR. MATTHEW and MRS. LEAH PONICHTERA, requesting a Land Use Commission Special Permit in order to operate The Grove Camp Hana, a three-unit glampsite, in the State Agricultural and County Agricultural Districts on 6.738 acres located at 305 Uwala Road, Hana, Island of Maui, TMK: (2) 1-3-009:081. (SUP2 2019/0005) (K. Willenbrink)**

Chair Ross: Ms. Willenbrink, you have the floor. If everyone, other than Ms. Willenbrink, can put themselves on mute.

Ms. Willenbrink: Thank you, Chair Ross, Members of the Committee. My name is still Kim Willenbrink, and I am the planner assigned to this, this item as well today. This item is also an application for a State special commission -- no, State Land Use Commission special permit. The applicants, Leah and Matthew Ponichtera, are requesting the State special permit to operate a three-space overnight camping area, commonly referred to these days as glamp sites. It will be named "The Grove Camp Hana." The property is located at 305 Uwala Road in the State and -- no, State and County agricultural districts.

This permit request is also being brought before you today because you are authorized, by law, to conduct a public hearing and provide a recommendation to the Maui Planning Commission on this permit request.

The applicants reside on the farm and they have owned it since 2018. There is only one dwelling on the property. Together, Leah and Michael operate a macadamia nut farm on their 6.7-acre property. The property has an implemented farm plan. It's approved by the Department. A site inspection to verify the existing agriculture operation was conducted in October 2020, it was on that same day, and I would say that, yes, this is a bona fide farm. Approximately 70 percent of the land consists of a macadamia nut grove and a processing facility. In addition to the macadamia, the applicants have papaya, torch ginger, avocado, citrus, banana, bamboo, and also a home garden.

There are no requests for service or complaints related to this property, and there have been no police reports filed in the area in the past year.

There are four letters in opposition to this application. Two letters are attached to the Department staff report and two letters were submitted after the staff report was posted, however, I believe you have access to those.

Leah and Michael Ponichtera are here today and they will happily answer any questions and address any concerns that you may have. I would like to note again that there are no permitted vacation rental operations within 1,000 feet of the property. As I mentioned, they are neighbors of the Jahns. Leah has a presentation and I will turn it over to her if there are no objections, however, I do see a hand raised.

Chair Ross: Mute would help or unmute rather. Ward, you have the floor.

Mr. Mardfin: I have a question for Kimberly. She said there were four letters. I have one from a Michael McCormack. I have one from a Carter Tutwiler, Trustee. Are you counting the one from John Blumer-Buell?

Ms. Willenbrink: Yes, sir, I am. And also --

Mr. Mardfin: And one from Michael Cappadona?

Ms. Willenbrink: Yes.

Mr. Mardfin: Okay. Thank you.

Ms. Willenbrink: Yes, you're very welcome.

Chair Ross: Thank you.

Ms. Willenbrink: Yes, Chair, Leah has a presentation. If there are no objections, I will mute my microphone.

Chair Ross: Thank you, Ms. Willenbrink. There are no objections. Leah, you have the floor, and I apologize if your name is Leah and I keep saying Leah.

Mr. Ponichtera: Chair?

Ms. Ponichtera: Oh my gosh.

Mr. Ponichtera: ...(inaudible)...

Ms. Ponichtera: Oh my gosh. Come on. I'm trying. I -- oh, come on. Oh my gosh.

Mr. Ponichtera: Hello.

Ms. Ponichtera: Oh my gosh. This would happen right now.

Mr. Ponichtera: What happened?

Ms. Ponichtera: I don't know. Oh, there we go. Hi, everyone. Sorry, my computer was freezing for a moment. Everything was fine until now, of course. Okay, can you all see and hear us?

Chair Ross: I don't see any visual -- there's --

Ms. Ponichtera: It would happen right now.

Chair Ross: That's technology.

Ms. Ponichtera: I know. Perhaps we should -- perhaps we should shut it down and join again?

Ms. Ponichtera: Oh my gosh.

Mr. Ponichtera: Should we try rejoining?

Chair Ross: Are you not able to find your video icon?

Ms. Ponichtera: No. No. It's not that it's on actually. I -- I've been -- I'm well versed in this. This is absolutely a computer problem. It's not letting me click any of the buttons right now. Goodness.

Mr. Ponichtera: Should we just try to rejoin?

Ms. Ponichtera: Could we possibly try to hang up and rejoin?

Chair Ross: Is anybody opposed to --

Ms. Ponichtera: Oh, I'm so sorry.

Chair Ross: We're not opposed to that. We can wait for --

Ms. Ponichtera: Okay, thank you so much. I'm so sorry. Honey, don't freak out. Give us one moment here. Can you use -- get your computer on?

Mr. Ponichtera: Yeah ...(inaudible)...

Ms. Ponichtera: No. The presentation's not on there.

Chair Ross: Your guys -- your guys' mike is -- your mike is on.

Ms. Ponichtera: Oh, I know. I can't touch -- none of the buttons will respond right now. I can't even get a cursor to move around. Oh my gosh. Just give us one second. Everything worked fine until this very moment. This is crazy. And restart ...(inaudible)... spinning circle here. Hang on.

Ms. Kahaleuahi: I don't know if your computer has the ability to force shutdown, if the Committee would be open to that, it may take a little bit more time on your end to obviously reboot, but just throwing that out there to see if we could provide you with that time to force a shutdown somehow.

Chair Ross: Don't look like any members of the Committee are opposed to just waiting for this technical difficulty to be resolved.

Ms. Cosma: We can hear you clearly, but we cannot see you.

Chair Ross: Aunty Lehua?

Ms. Cosma: Yes?

Chair Ross: Is the Committee interested in taking maybe a five-minute recess and giving this time --

Ms. Cosma: Yeah.

Chair Ross: For people to use the restroom, get some water, we can do that during this time? Is anybody opposed to that? Let's take a five-minute recess.

Ms. Cosma: Nope.

Chair Ross: We'll start -- we'll see how they're doing at 5:32.

Ms. Cosma: Okay. Thank you, Chair.

(A recess was called at approximately 5:27 p.m. The meeting reconvened at approximately 5:40 p.m.)

C. DIRECTOR'S REPORT

- 1. American Planning Association Hawaii Chapter complimentary Chapter-only membership to members of planning-related boards and commissions at the County of Maui, Department of Planning**
- 2. Scheduling of other Hana Region Applications**
- 3. Discussion of Future Hana Advisory Committee Meetings**

Chair Ross: The Chair would like to take ourselves to the next order of business as we await for agenda item 2, B.2., to come back. The Ponichteras are having technical difficulties. The Chair would like to continue this meeting in a timely manner. The Chair would like to open the next order of business. Mr. Yoshida, the Director's Report, agenda item 1.

Mr. Yoshida: Thank you, Madam Chair, Members of the Hana Advisory Committee. Clayton Yoshida, with the Planning Department. The American Planning Association Hawaii Chapter is offering a complimentary chapter only membership to members of planning related boards and commissions at the County of Maui, Department of Planning, such as the Maui, Lanai, Molokai Planning Commissions and the Hana Advisory Committee. They do have, I guess, virtual maybe monthly sessions where they invite speakers on planning-related matters, so if you would like to register or you're interested in a complimentary membership, you can contact the board secretary, Suzie. They're the ones that kinda co-hosted the Hawaii Congress of Planning Officials Virtual Conference in October that was hosted -- co-hosted also by the Office of State Planning, so that was one thing.

The second thing is we, as I had explained in -- at the December 4th meeting, we still have a backlog because of the Covid-19 and trying to -- whether we were going to have

in-person meetings or virtual meetings, so we still have a couple of short-term rental applications, we have some projects that have been around for a while, like the Gary Stice SMA permit, on Haneoo Road, and the Kahawaiokapia Bridge Improvement Project from the Department of Public Works, so those will be maybe scheduled. Also, we have the Kaupo School improvements, so it becomes a community center for the Kaupo area, and then we have the DeJetley subdivision SMA permit application, which is in the vicinity of the Gary Stice property out on Haneoo Road.

The other matter also was, yeah, the other matter was we are losing two members at the end of March, commissioner -- Board Member Cosma and also Board Member Linda Clark, from Kaupo, so we will have some new members, hopefully, by April 1st, but we may not have a meeting in February, but we may have a meeting in March. We'd like to take advantage of the knowledge of outgoing members Clark and Cosma.

So, those are the applications that we have pending, and we had agreed to quarterly meetings on the once every three months, on the third Thursday of the month, so that will be the next scheduled meeting would be the March 3rd Thursday in March. That's what we have to report, and I believe the Ponichtera, Mrs. Ponichtera is on the line

Chair Ross: Thank you, Clayton, for the Director's Report. So, we, to confirm, we are scheduling that agreed upon quarterly meeting for March 3rd?

Mr. Yoshida: I think at the December 4th meeting, we agreed to regularly scheduled dates. If we didn't have any agenda items, then we will cancel the meeting, but so we have a regularly set aside date agreed upon once every three months, on the third Thursday, so that will be March.

Chair Ross: Okay. Thank you so much --

Mr. Mardfin: Eighteen?

Chair Ross: For your report.

Mr. Mardfin: March 18? Would that be March 18?

Chair Ross: The third Thursday. Yes, you're correct, Ward. I -- I have that wrong in my notes.

Ms. Kahaleuahi: I just want to ask a quick question regarding the one-week dispersion of materials, I recognize that's probably, you know, comes from higher up, but I just wondering if there's any possible way for us to receive materials up to two weeks in advance. Sometimes, I mean, in the past, I know on our Committee we've experienced not getting it right away at the one-week mark, but also it can be kind of a scramble to

prepare for our meetings within that time, so I just was wondering if what the process is there for increasing that time.

Ms. Desjardins: Chair, do you want me to address that?

Mr. Yoshida: Yeah, we could consider or strongly consider that suggestion. Also, I guess when Suzie post the agenda and sends it to the commission, the reports and things are attached to the agenda so you can access it that way --

Ms. Kahaleuahi: Right.

Mr. Yoshida: If you know there is a meeting.

Chair Ross: Thank you.

Ms. Kahaleuahi: That was a good point. Thank you.

CONTINUE AGENDA ITEM B.2.:

Chair Ross: I'd like -- the Chair would like to revisit order regarding Mr. Matthew and Mrs. Leah Ponichtera requesting a Land Use Commission special permit in order to operate the Grove Camp Hana, a three-unit glampsite in the State agricultural and County agricultural districts on 6.73 acres located at 305 Uwala Road, Hana, island of Maui, TMK: 2-1-3-009:081, SUP2 2019/0005. Ms. Willenbrink, you have the floor. We are moving into the presentation that was provided by the Ponichteras, but due to technical difficulties, Ms. Willenbrink will help facilitate that presentation.

Ms. Willenbrink: Thank you, Chair. I see you here. Leah, so yes I'm --

Ms. Ponichtera: ...(inaudible)... I think I can go ahead and share the screen now. Everything appears to be back in order.

Ms. Willenbrink: Great.

Ms. Ponichtera: Okay, can you all see our presentation?

Mr. Ponichtera: Sorry about that.

Ms. Ponichtera: Okay, first of all, major apologies. I -- I can't believe that happened. This is probably my hundredth video call in the last six months and this is my first time I had an error, of course, today, not good for the nerves, but thank you all so much for your patience and for your consideration of this project. I'd like to start just by introducing us, ourselves, and our farm to start out with. But, first of all, my name is Leah. This is my

husband, Matt. A lot of you might know him as Ponche. And about three years ago, like Kimberly stated, we moved to Hana from Kihei, basically with a number one goal of living a more sustainable lifestyle and having a greater connection to the land. We have been very proud this year. We expanded our production on the farm quite a bit over the last two-and-a-half years, obviously, there's a learning curve our first couple of years, but we were very proud to harvest almost 10,000 pounds of macadamia this year during the harvest season, and, hopefully, we'll see some of you at the -- the farmer's market. We'll be debuting there next week with Hana Macadamia, so, hopefully, some of you will be buying some mac nuts from us with your scripts.

In addition to my work and his work at Hana Macadamia, we're both also employed full time off the farm. I work in marketing and public relations supporting clients across the islands, including Maui Brewing Company and Koloa Rum, the Maui Humane Society, and others, so we are active members of the community, still somewhat relatively new to Hana, so we look forward to getting to know more of you.

Mr. Ponichtera: Yes, it's really nice to meet some new faces, I would rather meet you guys in person, but this will do, I guess. A little bit about myself. I came to Maui as a brewer, a beer brewer. I worked in Maui Brewing in Lahaina, and then I opened up the Kihei branch as well, the big brewery down there. But I am, you know, proud to call myself a farmer now. I work full-time right now at Whispering Winds Bamboo in Kipahulu, so I commute there four days a week. And then my other full-time job is here at Hana Macadamia. Yeah, many of my hours here are spent, you know, reviving the land, maintaining as well as, hopefully, diversifying the land as well, and I occasionally pick up a few nuts too.

Ms. Ponichtera: Occasionally. The 10,000 pounds we mentioned. Alright, well, just to quickly give you an overview of the project that we're proposing and what we're hoping to do here. Quick overview. I just want to make the point that this project is designed to be an extension of our current farm operation; in no means is it a replacement. In fact, we don't even anticipate it really being a profitable business but, hopefully, one that helps us sustain the farm and expand the farm. Again, we moved here just a little under three years ago. We're young. We look younger than we are. We're pushing forties now, but we'll hold on to these baby faces as long as we can. But this project, again, is designed to help us continue to care for and further develop this farm by, hopefully, bringing in a small additional income stream to the farm so that, ideally, Ponche and potentially myself can take a step back from those aforementioned full-time jobs to be here more and spend more time on our farm.

So, quickly, I wanted to kind of touch on agritourism and tourism in Hana, specifically. I think everyone kind of understands agritourism is the overlap between agriculture and tourism, so we fit right into that bucket here. We joined Senator Kalani's meeting on this past Saturday, and we're pretty astounded at how many of his points that he made were

very much in line with our mission. We really hope to be part of the solution here to the tourist problem in Hana. I know that there are quite a few people here all the time. I think there's, you know, close to 2,000 cars on the road a day, maybe even more, and our goal is to have the ability to interact with some of these visitors to offer them an educational experience, what it's like to live and work on a farm, and also to be a valuable resource for them when it comes to exploring the Hana community in a responsible and respectful manner. Again, agritourism is a very effective way to show visitors the hard work and dedication it takes to care for the land to grow your own food, and we really hope to be a resource for our guests and encourage them to support other local farms and businesses here, learn a bit more about sustainability and the importance of buying local and respecting our community. This is an incredible place that we are super blessed to live in and I'll say right now, Hana has completely changed us, as people, at the goals in our life and our mission and, you know, we purchased this farm a bit -- I guess we didn't have any idea how much work it would really take, it's a lot, it's a lot of work, and this project, we hope, will simply alleviate some of that work off of our farm to bring us here more.

Quick touching on our target market, obviously, Hawaii tourism, which we talked about and, hopefully, connecting with some of those inevitable visitors to Hana and, hopefully, encouraging them to act a bit more responsibly and respectfully while they're here. We also, of course, hope to attract locals, whether Maui locals or outer island locals who might want to learn more about farming in Hana or just want to spend a weekend here, obviously, lots of people do, and we'd like to really capture some of those and -- and show them how to do that the right way. We also really hope to be a valuable resource for local families, offering them a place for their visiting family members and friends to stay that's safe and comfortable and affordable. I know, just personally, we had quite a few family members that wanted to come out last Christmas, not this past Christmas, obviously, with Covid, But, you know, they simply, his sisters, my sister, they simply can't afford to stay here. Oftentimes there's really not a place for them to stay so, hopefully, we would be a source for other local families if they -- they need to put their families up somewhere. We do intend to give a very steep Hana side discount in addition to a kamaaina discount.

And then, quickly, to touch on another really valuable asset of this project for us will be possibly using these structures and these tents, tentalos, on a work-trade basis to host farm workers. This past year, we hosted a farm worker in our home. It's a small home, it's open air and, like I said, you know, I work from home full-time so it is tough to have someone in here all the time walking behind my video interviews and -- and things like that, so we're really hoping to basically create two to three bedrooms out in the -- out in the macadamia grove to kind of be a solution to that for us as well.

Mr. Ponichtera: Yeah, and just like -- some of the things that really inspired us were like kind of like the way we travel. We tend to kind of stay in places a little bit more like off the beaten path, rather than the large resorts with lots and lots of people and high prices, you know, like some of these examples that we've listed below, a lot of those have

permanent structures, ours wouldn't be permanent, you know, it's not real Hana, it's not - we're not digging into the ground here, everything is above ground in a tentalo style, so that it is -- it's not permanent and not a big footprint on our actual lands.

Ms. Ponichtera: Which is, as mentioned before, over 70 percent for agriculture use. We don't want to cut into that by building an ohana.

Mr. Ponichtera: Which we are, you know, zoned for but --

Ms. Ponichtera: Yes, which we -- we are zoned for, and we could do, but that's not something that we want to do. We truly think that's a bigger footprint and more disruptive to this land, so this is kind of a solution, the creative solution we tried to come up with to help expand our farm.

Mr. Ponichtera: Yeah, and just a little bit about our property. So, here's a little photo. This is actually a shot of the site that we plan to put some of the tentalos. As you can see, there's a lot of mac nut trees surrounding it, a little bit bananas there on your right.

Ms. Ponichtera: And I would just -- I would also note, this is what you'll see in a minute, this is pretty much smack in the middle of our macadamia grove. It's the only cleared area in the grove so everything surrounding it is dense macadamia forest, I would call it, which is very intentional, first of all, it's safer, you know, for our guests, we're not putting them right under a tree where a branch could fall, but also it's -- it's really designed to keep the impact on the neighborhood down. It's very quiet. We've had friends stay out there when they've come to visit in their own tents and we can't hear them from the house and we don't expect anyone to be able to really hear our guests, which is very important to us.

Mr. Ponichtera: And here's just a little bit of the map of the exact kind of thing; so that spot that we just showed you the photo of is not really listed on this map but it's probably exactly around right above the Lot 73 text right there on the spot, so you can kind of get a better idea of how kind of central on the property it is and then see the existing kind of lines and, really, it was a big effort and a conscious decision to kind of put it there with all the considerations, especially the -- the properties that are on the south right there. And then there is just a little bit of a drawing, parking is kind of more towards the -- the house, the structure that we live in, and just a reminder that our property is fully fenced as well so there won't be any wandering, you know, onto somebody like Sharon's property and disrupting her animals or -- or any of the other neighbors around. Now, here's a photo of our nut hut. This is a permitted structure. We call it the "nut hut" because this is where all of the action happens. We, inside this hut, we have our dehusker, which takes off the green husk on the nuts, so you see in the picture on the right, and as well we just purchased a cracker this year, which we're super stoked about that we're not hand-cracking anymore.

Ms. Ponichtera: Yeah.

Mr. Ponichtera: Yeah, so a lot of the work does take place in here, and, yeah, that's another area that we would like to bring up to the guests too and to show them kind of the exact process of how it is, of course, with some earmuffs on because some of this equipment is a little loud. And then just a couple of other shots of the property. It's probably that shot in the middle, I wish you guys could see a little before shot, before that, because to clear that portion of the land took my whole two years. There is massive honohono grass about waist high, and all sorts of weeds, and it was a lot of time spending on actually clearing all of these trees. The former owners really didn't live here. I think I see somebody waving. Is that --

Ms. Ponichtera: No.

Mr. Ponichtera: Or not. Okay. Sorry. The former owners weren't here full time. They had a former landscaper guy, he did his best, but, you know, I don't think he had as much incentive to keep the trees as clear as -- as I do, so it was a massive undertaking, especially that first year, and I'm pretty proud of what we've been able to clear each month and each year towards an effort to pick up more mac nuts now. You know, they said, when Kimberly said before, 70 percent of this land is macadamia. We're harvesting just from a fraction of that right now just to keep clearing and managing this forest. We also have a few chickens on the property as well, and they're -- you wanna take that?

Ms. Ponichtera: Yeah. So, quickly just to talk about the experience we hope to offer our guests. Obviously, it's a working farm and we want them to have the opportunity to participate in that if they would like to. So, some of the experience, of course, includes exploring the farm grounds, picking macadamia nuts with us or on their own, participating in our weekly dehusking and sorting process in the nut hut during the harvest season, and then post-harvest season, participating in our nut-cracking sessions and sorting and packaging mainly for the farmer's market; of course, sampling our -- our nuts. We'd certainly like to share them with them and, hopefully, they'll purchase some to bring home as well. So those are just some of the experience, but I'll try to keep moving along here. I know you've all invested a lot of time already and then we made you wait.

But here is the first example of the accommodations. Just to be clear, this is not on our property yet. We are waiting for approval before we build anything. This is an example and it's a great example of what we're trying to do. So, I really wanted to show this because I think some members of the community, after receiving the, you know, two-sentence notice, were sort of under the impression that we were trying to start a whole campsite here. That is not at all what we are trying to do. In fact, I think it's a lot closer to a B&B description than a campsite. I, personally, don't even love the term "glamping," why we're calling it the -- the "Grove Camp" or a "Farm Camp," but again, I'm sorry, this

is an old presentation and it says "four" here, it should read "three," so, our -- our Grove Camp at Hana Macadamia will feature no more than three platforms, measuring at most two hundred square feet, and each platform will hold one canvas tent, which will be fully outfitted with a bed, chairs, and some storage areas, high-end organic linens is our plan, and also these tents are designed to be completely electricity-free, so it is an unplugged experience, which is for two reasons, to cut down on neighborhood impact and to make sure that we still have the peaceful and quiet environment that we need to live and survive especially this guy who's working 70-plus hours a week on two farms. So, hopefully, that answered some of the questions about people maybe showing up and pitching tents; that's absolutely not the case here. Here's another quick example of an accommodation structure. So, again, a very similar structure to what we'll be doing. We think they fit in really nicely with the property, a beautiful design, and we also plan to include with each one a propane camping stove so that they can, you know, cook up some dinner, but what we will not allow is fires or coal cooking. We don't want people having campfires. We don't want a bunch of smoke pouring over into our neighbor's properties. And we really hope to encourage them to be patrons of our local food vendors as well. We'll also supply drinking water in each of the tents, and we also have a water cooler in the nut hut as well as a large utility sink under the main house, our house is on stilts, so there is space underneath, which you'll see here in the next slide I believe. So, restroom facilities, I'm sure this is another concern of the community. Where are these people going to the bathroom? I think that question has been raised a lot in this last year as some of our public restrooms were closed during Covid, so all guests will have use of a full bathroom, which is located right underneath our main residence. Again, we're stilt house, so it's right downstairs. It's full bath and shower. We plan to provide, again, organic products. We are on a septic system so that's very important to us. It's what we use in our home and it's what will be provided to our guests. We plan to, just quickly to go back, we are applying for up to three units. We plan to start with two, so it's a maximum of four people at any time. So, this will be a shared bathroom. If and when the day comes that we are ever capable of expanding to three units, we may apply for another permit so that we could build a freestanding self-sufficient bathroom and composting toilet out in the growth. Again, guest parking is completely within the property, they're right next to our main residence as soon as you pull in, again, for multiple reasons, this is to limit neighborhood impacts, we don't want a bunch of cars parking on the street, getting in the way of all the kids that play on our cul de sac, that's their playground, that's not a parking lot, and the parking will all be in the property, which is also so we can keep a close eye on things as well so it's -- I mean, that's our front door right behind me there, so the parking spaces are basically right there, so we can always see when people are coming and going and make sure they're following our rules, our ground rules. We'll also provide trash, compost, and recycling. We do a ton of composting on our land, obviously, we talked about the soil issues here, that's been a big project for this guy trying to build up a lot of soil. I appreciate him dealing with that compost because I think it's pretty gross.

Quickly here, I don't think I need to go too much into all these nitty-gritty details, but I did want to point out we will be designating check-in times from 3 to 7 p.m., again, so that, you know, people aren't showing up here all hours of the day and disrupting the neighborhood. Check out is going to be by 10:00 a.m. And our quiet hours, which are very important to I'm sure everyone on this call and us as well, we will have a strict enforced quiet hours from 8 p.m. to 8 a.m. Reservations, I don't want to get too into the nitty-gritty again, but we do plan to create our own website with -- with, of course, your approval on this project, and we may also partner with Hip Camp, which, if you're not familiar with them, check them out, there are some Hana properties on there, I don't know if they're all legal, but there are some really neat ones, but, basically, the mission of Hip Camp --

Chair Ross: I lost audio.

Ms. Ponichtera: Oh, have you? Oh no. Okay. Wait.

Mr. Ponichtera: You want me to go to this one?

Ms. Ponichtera: Yeah. Turn yours on.

Ms. Willenbrink: I can hear.

Ms. Ponichtera: That's not great.

Mr. Ponichtera: That's just feedback.

Ms. Ponichtera: Why?

Mr. Ponichtera: Because you're on your mike ...(inaudible)...

Ms. Willenbrink: Does anyone else have audio?

Ms. Ponichtera: Try that again, Honey.

Mr. Ponichtera: Can you guys hear me on this one?

Ms. Lono: This is Dawn. I have audio.

Ms. Willenbrink: Me too.

Ms. Kahaleuahi: I also have audio.

Ms. Ponichtera: Here we go. Here we go.

Mr. Ponichtera: Hello?

Mr. Mardfin: Okay, I'm not getting audio from you now.

Ms. Ponichtera: Can you hear us now? Can you hear us now? Are we back?

Mr. Ponichtera: Okay, he says yes. He's nodding his head.

Ms. Ponichtera: Yes. Okay, wonderful.

Mr. Ponichtera: I'll just sit here for a second.

Ms. Ponichtera: Okay, so we'll go back in here.

Ms. Kahaleuahi: We have lost our Chair. I'm not sure. Chair, are you still there?

Ms. Ponichtera: Okay. Maybe it's everyone internet.

Ms. Willenbrink: I don't see a Chair here either because she lost audio, but I did not. I don't know. Mimi?

Ms. Desjardins: I think it was actually on the Chair's end. She might be having a problem. I see she's not on, but I could hear, I think everybody else could hear, so maybe something happened. Let's see if she -- we get her back on.

Ms. Ponichtera: Yeah, they lost the Chair so we're waiting for her to come back, Maya.

Mr. Ponichtera: Hana-wide?

Ms. Ponichtera: Yeah.

Ms. Willenbrink: You wanna mute, Leah?

Ms. Ponichtera: Oh, sure, sure. I'll mute too.

Ms. Willenbrink: Mimi?

Ms. Desjardins: Yeah?

Ms. Willenbrink: In the event the Chair cannot come back, I don't think Vice-Chair is here this evening, is there --

Ms. Desjardins: Did the Chair say she's not coming back?

Ms. Willenbrink: No, no. I'm just saying in the event.

Ms. Desjardins: Well, then we could just appoint somebody to be a temporary chair, but I think we should wait because -- let's see, how many folks are on, are currently on the call?

Ms. Willenbrink: We've got two. I can see two.

Ms. Kahaleuahi: There's four of us.

Ms. Desjardins: There are -- there's still quorum? Okay.

Ms. Willenbrink: There is still quorum.

Ms. Kahaleuahi: And this might be Chair Maya calling in now.

Chair Ross: Aloha so much, Lipoa. Thank you, Lipoa, for reaching out to me. I could not tell if it was me or the Ponichteras that got kicked out, but it looks like the internet at Hana School is currently down, so I am on a call. I don't know when the Committee and this meeting lost me.

Ms. Desjardins: Right when you said you couldn't hear, we pretty much stopped so --

Chair Ross: Okay.

Ms. Desjardins: They can proceed right where you got -- where I think you got cut off.

Chair Ross: Thank you. The Chair does not have a visual of the presentation moving forward unless the -- the internet gets resolved, so if the Ponichteras could continue on their presentation, the Chair apologizes for my technical difficulties now, but let's keep this meeting going.

Ms. Ponichtera: No worries, and we fully understand, and we're almost done.

Mr. Ponichtera: We're almost ...(inaudible)...

Ms. Ponichtera: So, thanks for hanging in there with us.

Chair Ross: Thank you.

Ms. Ponichtera: But I think we were talking about reservations, and I just wanted to highlight Hip Camp because they are very much in line with our mission, which is to connect landowners who want to keep their land underdeveloped with responsible, ecologically minded visitors, who are passionate about exploring and protecting our lands, and our mission could not be any more in line with that, so we -- we would plan to partner there.

Mr. Ponichtera: Yeah, this is exactly like the type of guests we want. We want to emphasize that, you know, as guests make their reservations, there's a little vetting process here of, you know, I don't know how many of you guys have used some similar kind of things, but you typically like one of the things you do is you write a little note to the homeowner or -- or place you're staying at and -- and kind of connect first before you have a guest stay out there; that's how we have done it in the past and, you know, how we've stayed on Kauai or the Big Island before, and it's nice to have that working relationship because I think as a former guest, it kind of makes you almost want to be as responsible, if not more, and, you know, kind of with that theme of, you know, leave a place nicer, you know, when you arrive or when you leave rather, so I just wanted to kind of emphasize the type of guests that we're trying to -- trying to have on our property.

Ms. Ponichtera: Yeah, I think that's a really good point. You know, we don't ever anticipate being something you can just immediately book, like you would a resort or hotel. We do want to talk to people first, get to know them a little bit before we invite them here. Okay, quickly, I just wanted to go over some ground rules. I think we did talk about these ones already, these are kind of the basics that we want to highlight, but we do expect or we will have our guests review the ground rules with us and sign an agreement before we take them to their tent so they really understand the rules that they have to follow here and we'll have signed documentation that they've agreed to it. First on the list is being mindful and respectful to neighbors, not entering neighboring properties. Next is using the designated parking spaces on the property, reiterating there will be no street parking. We talked about the bathroom and the rubbish and compost. Max capacity rules per tent, so it's two each, so there will be no more than six people on this property at any time, well, eight if you include us, which is still, you know, less than some -- some of our neighboring families, so we do really want to keep a small footprint here. We don't have kids so, you know, count these guests, maybe, maybe those extra heads. We also, again, want to reiterate no open fires, no charcoal, no loud music, no illegal drugs, drunk and disorderly behavior. You know, we will be here all the time. We do not have another residence. We don't have a home somewhere else. We're not leaving this place. In fact, we haven't left in quite a long time and we really don't plan to. I don't foresee us ever having the financial ability to own another home or a vacation home somewhere else. This is our full time and our only residence and we will be here supervising. No loud music, no pets. Children must be supervised at all times.

Again, thank you all so much. Community support does mean a lot to us and I know that what we're presenting here today is something newish, certainly something new for our community, so we really appreciate you listening and hearing us out. Again, it's really our goal with this land or with this project to create an additional income stream for our land so everything that we're putting into this project is designed to output so that we can continue expanding our farm and, hopefully, spending even more time here. So, again, we both work 40 hours a week off this land and then all the rest of the time we have on this land, we don't really have any free time, which is probably why we haven't met a lot of you, we're working nonstop here, and we've made a lot of great progress, and we hope that this project will only help us make even more. So, thank you so much. We hope, of course, we hope we have your support and we want to do this in a way that makes our community proud.

Mr. Ponichtera: Yeah, thanks, guys. Thanks for your time and thanks for the technical difficulties. And, you know, we're actually looking forward to addressing some of the concerns that some of the neighbors have written into us that we've received and, yeah, just answer any and clarify just a couple of things. I think, you know, it can be a scary thing when you get a thing in the mail that says there's going to be a campground opening next to you and we really just want to kind of, yeah, just clarify some of those fears.

Ms. Ponichtera: Yeah.

Mr. Ponichtera: So, thanks again and we hope we can do that today.

Ms. Ponichtera: Thank you. I'll stop sharing now.

Chair Ross: Thank you to the Ponichteras for your presentation and Ms. Willenbrink. The Chair will now open the floor for public testimony. Testimony is limited to three minutes with thirty seconds to conclude. You'll have to give the Chair a moment on where my notes are, the list of testimony, as I've been dealing with technical issues. I have ...(inaudible)... if everyone can put themselves on mute, the Chair would like to give Terry Lynch the floor.

Mr. Lynch: I can hear you. Can you hear me okay?

Chair Ross: Terry, you have -- we can hear you.

Mr. Lynch: Shall I take it off ...(inaudible)...

Chair Ross: You have the floor. We can hear you.

Mr. Lynch: Okay. My name's Terry Lynch, L-Y-N-C-H, and we've been farming here in Kaeleku since 1979, and we have Maui's Best Flowers, takes a while to develop a plan

that works. Now, I just -- I'm going to try to keep it short by reading on this. There are, you know, about 1991, there was an application for 48 transient units, we call them that 'cause that's what they are, they can call them "tents" or "camping," but that's what it is, and that was turned down by resolution of the County Council separately from the process and also it was turned down at the State Land Use Commission. So, the application was turned down, it was larger, but it doesn't matter because there are many violations now going on and enforcement is not really happening; for instance, there have -- we already have illegal drive-in campgrounds, I call them "drive-in campgrounds," uses and operations that are not being enforced on Haneoo Road. If you read that in the TripAdvisor that they're having conversations about, you know, oh, it was a great stay. I'm going to come back. You know, even Tony says in one case, he goes, oh, come back soon, you know, and they were talking about meals during the day so, in other words, I - - I don't see enforcement there. The neighbors are greatly disturbed. But the fabric of the Hana Community Plan, which Lehua brought up, is -- is now being ripped apart, is detrimental of all of us in the community. The prime example of Hana Farms application for a fruit stand on Hana Highway making itself a restaurant with huge hippie be in meetings on a regular basis in violation of Covid regulations, which threaten our kupuna, and while honest business are trying to stay -- are obeying rules, they go on partying, threatening the lives of our kupuna. I understand that they use State land to house their transient workers. This is a campground. That's right. They provide tents or their WWOOFers who get little or no pay, and the owners recently may have purchased a lot so they can distant themselves from the noisy hell they have created for the neighbors. What enforcement is there for them? So, meanwhile, we are still farming successfully. Yes, it's harder. Yes, it doesn't have all these benefits the other jobs may have on the outside, but you learn to live life and enjoy the beauty of this place in Hawaii. Please vote no on this. Our kupuna's plan, the Hana Community Plan, was right, like -- like Lehua said, this is agricultural land and some people have a little more difficult land, whatever, you have to get a plan, but no one seems to be planning that these days. There are many other -- my one neighbor is already grading around and I have to wonder, is this another camp? It'll hit everywhere in Hana, it will cause a deluge of applications, or not, because they go ahead and do things or some people will go ahead and do things without even applying. They'll ...(inaudible)... and they just say, oh, well, you know, come stay with us. You can drive your car and set up a tent, this is the latest, and, you know, neighbors, of course, have to endure for the noise as demonstrated by Hana Farms down there who greatly disturb the neighbors and may soon be moving away in another house so they can get away from the hell they've caused for them. So, all I can say is we've suffered a lot, but I really feel sorry for the neighbors nearby down there, and this is a bad precedent, very bad for Hana planning, for the Hana planning that is demonstrated in the Hana Community Plan. Thank you very much.

Chair Ross: Thank you, Terry.

Mr. Lynch: I think I'm --

Chair Ross: We are over time.

Mr. Lynch: I'll skip discussing the impact -- impacts on the neighbors. Thank you. Aloha.

Chair Ross: Thank you, Terry Lynch for your testimony. The Chair would like to give the floor to Mr. John Blumer-Buell. John --

Mr. Blumer-Buell: Aloha, Chair. Can you hear me, Chair?

Chair Ross: Yes, we can.

Mr. Blumer-Buell: Okay, first of all, aloha, Matt and Leah, and I like what you're up to. You know, you guys have got good hearts, you're on the right path, and I hope you'll read my testimony, which opposes your application for a number of reasons made -- based mostly on the Hana Community Plan and some of the things that Terry talked about. Now, look, I think it may solve your problem. You can set up legal workers accommodations. You'll have to talk with Planning. You can talk with me. I think that the -- the balance of the money you may be getting that you can get some -- you may be able to legally establish some workers quarters, but not vacation rentals. We need -- I'm a founder of the Hana Farmers Union out here, we need good apprentice program, so there's a need for you. You're on the right path. Now, I hope you read my letter, and I did read the opposition from your immediate neighbors, several immediate neighbors, I think that's very important, and they seem -- and they complimented your -- your agriculture and your mac nut farm. They're very complimentary that -- but I agree with their objections. Now, please read my letter. The -- you guys have it, it's based upon the plan, and I want to say, look, Matt, you're working out at Whispering Winds, if you could give me a call this week, and stop by, I'll give you a dozen or more white pineapple starts if you want. They're a great crop. We gave away hundreds this year, we didn't need them, but they're a very good crop, be happy to give you some. Give me a call. My number's on the -- my testimony. So, I hope you read that. You'll get an idea. But you guys are -- you guys are good people on the right path. So, aloha.

Chair Ross: Thank you, John, for your testimony. The Chair would like to open the floor if, Dawn Lono, if you're still interested in providing public testimony, you have the floor.

Ms. Lono: Okay. Good evening. I just had a couple of things. One of the issues that came up for me was the septic cesspool issue when it comes to expanding their bathroom to six more people and if that system is designed to accommodate that kind of capacity or if a septic system will be required. This kind of sets a precedent for the area for doing this, this glamping sort of project and also for doing work trade, which is -- is an issue in our community. I don't know if they've tried to reach out to community members to be employed or if work trade entails, you know, paying the taxes and all the benefits and

stuff that go with working on a farm, but that's -- that's something that came to mind for me. And there are just a myriad of unintended consequences to this kind of a project. I am right in the area, although I am outside of the 500-foot area of being notified by the intended applicant, I'm right there, and I just have issues with growing this kind of a business and -- and I get that it has to do with agriculture, but in the long run, it doesn't really have to do with agriculture. It has to do with making money to perhaps support your agricultural business, and I -- I don't know if that's -- if that's a good or a bad thing, but I'm just trying to look at unintended consequences of such a development in our area. We have others in the area that have done similar things, and I feel like it has been -- it has had negative consequences. I heard what -- what the applicants have had to say, and they have all the greatest intentions. I hear that they have, you know, all these things in place that will control, you know, the parking and the fires and all of these things, that -- that's wonderful, and I think that's -- that's really great, but I just would like to focus a little bit on how we can and cannot control unintended consequences in our area, and if this is going to also set a precedent, set a precedent in the special management area of our community, if we are to approve this as a community, if this will set a precedent so that it will kind of explode and we -- we've seen that happen in other areas. So, those are my concerns, those are my questions, and I appreciate your time. Thank you so much. Mahalo.

Chair Ross: Thank you, Dawn, for your testimony. The Chair would like to ask the Ponichteras if they wanted to address any of those issues directly, answer any of the questions that have been presented, and then from there, the Chair would like to ask the Committee for discussion and questions.

Ms. Ponichtera: Yes, we'd be happy to you.

Ms. Desjardins: Chair, do you want --

Chair Ross: I'm sorry.

Ms. Desjardins: Chair, do you want to close public testimony? Sorry.

Chair Ross: I'm sorry. Thank you so much, Mimi. The Chair would like to close public testimony. Seeing that we have not received anymore interest in testifying, public testimony is now closed. Leah and Matt, you have the floor.

Ms. Ponichtera: Thank you. Well, so I would say, I'll just go in order, I took a couple of notes here with Terry and, first of all, you know, thank you for caring enough to come and attend today and listen to us. I think that there, of course, was a lot of confusion and there probably still is some, so we appreciate all your time. But for Terry, you know, again, yeah, we're new farmers, like I said, we're in our mid to late thirties and we are a first generation farm, which is rare these days, I think, especially here in Hawaii, where it's

very cost prohibitive to do that. We're not a super well-off couple. Like we said, he's a full-time farmer and I work in marketing, which did allow us to have a good savings built up to purchase this land, but since then things have changed and, you know, we struggle, just like many Hana residents, to make our monthly mortgage payment, and we didn't purchase our land in the '70s or the '60s, we purchased it two-and-a-half years ago, so we've got some hefty payments and this would really, really help us continue making sure that this land stays agricultural land and is an active farm. I would think that as a member of this community, you know, I would want to ensure that that someone else isn't going to come in and scoop up this land when we can't stay anymore and build another house on it or be part-time renters or part-time residents who don't actually farm this land, so that kind of brings me into the precedent, I know that I'm going a little out of order, but Dawn did speak about the precedent and yes, I think, of course, that's an understandable fear and I would just say on that note, we hope that if any precedent is set here, that it includes that ag land is actually being used for ag purposes and that, as a community, the precedent is set that we want to support the people that are actually trying to farm their land. We also hope that the precedent that's set here is that applicants must go through the same rigorous process we have, which is so far been almost two years we've been having these kind of conversations and trying to figure out the laws and trying to do this correctly. We also hope another precedent that is set is that if anything like this is applied for again, that those residents are there full-time. So, we hope the precedent set is full-time resident farming their ag land and going through the process here today. So, I think, Dawn, you also brought up the cesspool concerns. I just wanted to reiterate, we are on a septic system, it's a thousand-gallon septic system, and there's only the two of us living here so, you know, I think it's, sure, it's something we will pay close attention to and perhaps pump our septic a little more frequently than we would have before with just the two of us here, but it is, you know, still about the size of many families, the amount of people on the property using the restrooms. I don't expect it to have a major impact there other than us, you know, having to pay a little closer attention to make sure we get that pumped regularly. And then, John, thank you for the offer for stopping by the pineapple. I'm sure we'll take you up on that and talk about the legal farm workers, we do understand that, and it is something we considered, and I know there's a lot of neighbor concerns about commune-style living and things like that farm workers would bring, which is why we're proposing it this way. It's not commune-style living. They are people visiting. It really -- I wish I could have everyone reconsider and think about this as a B&B 'cause that really is what we're doing is a B&B with an ag aspect, but we don't have a second home, we don't have another structure, so this is the -- the lowest impact way we could do that. You have anything to add?

Mr. Ponichtera: No, just a little bit, you know, I know like somebody said something about, you know, this is a financial reason and, you know, money is going to come in and whatever, sure, it's going to be used for ag but, yeah, it allows us to be here and be present as well. You know, I'm away for a lot of the time right now currently and this is just one thing to get us over the hump, you know, to get us those couple pieces of

equipment for a few years. These -- these structures are temporary, maybe they won't be there in five to ten years, that's my hope. My hope is to be able to diversify this land to a point where I am, you know, solely going to the farmers market and, you know, dispersing out other vegetables and giving away free pineapple myself. I would love to get to that point. You know, this is just one avenue we saw that's kind of a bit more of a guaranteed income rather than having farm workers kind of, you know, unattended and unwatched. I work with a lot of farm workers in Kipahulu at Whispering Winds and, yeah, it took them like a good 20 years to get them to the point where they are at Whispering Winds to have those farm structures. I know talking to my boss, Rich and Ryan, and they had a hell of a time getting to that point of going through that process, and I don't know if we're going to be there in 20 years or not, if, you know, to get to that point, it is a struggle, but, you know, I'm trying like hell to do it and this is just one thing kind of just hopefully to get us over the hump. So, that's all I have.

Ms. Ponichtera: Thank you.

Chair Ross: Thank you for those clarifications. The Chair would like to request that, given that I'm on my smartphone, the Chair would like to request that everyone turn off their video at this moment unless you are a Hana Advisory Committee Member so that I may call on those as I open this to ask the Committee if there are any questions or point of contact in that I can visually see, and I see you, Ward, so and, Lehua, I see you, and I'm scrolling over and it looks like, Ward, you'll start. You have the floor.

Mr. Mardfin: Thank you very much. I appreciate the comments by the applicants. I don't -- I -- before me I have Exhibit 3 that we were sent, and Exhibit 3 shows four tent structures, and now they're saying there were only three. Which are the ones is -- goes -- are you doing away with?

Ms. Ponichtera: That's correct. It's only three.

Mr. Mardfin: Which three?

Ms. Ponichtera: A long time ago, when we started working on this application, we thought we wanted to propose four; since then, yes, we decided that max is three tents. Honestly, right now, if there are concerns, we would be happy to reduce that formally to just two if that makes anyone feel more comfortable, three is kind of wishful thinking for expansion, but we plan to open with two, three was just kind of having that possibility to expand but --

Mr. Mardfin: That's not answering my question. My question was which three? You have four on the map.

Ms. Ponichtera: Oh, I'm sorry. I don't have that in front of me, but they're -- they're going to pretty much all be right next to each other there in the center of the property. So, right above where it says that Lot 73, that's where all three will go.

Mr. Mardfin: So two of the ones you have on that upper edge in right hand edge are -- are in the wrong place?

Ms. Ponichtera: Oh, they must be. I haven't seen that document that you're referring to. It may have been from a much earlier iteration of this where we did think we would spread it out a bit more to give our guests privacy but, obviously, over the years, we want our neighbors to have the privacy, not our guests so that's why they're all together in the middle there.

Mr. Ponichtera: Yeah, as we uncovered the land over the last year-and-a-half too that kind of -- yeah, you must have an old document and --

Ms. Ponichtera: That's unfortunate.

Mr. Ponichtera: Yeah, I'm sorry about that, the confusion, but they are going to be more concentrated in the one area. I can show you that page again from our presentation, if that would be helpful.

Chair Ross: Thank you. Ward, would that be helpful for the Ponichteras to share the screen?

Mr. Mardfin: It would.

Ms. Ponichtera: Okay.

Chair Ross: The Chair --

Mr. Mardfin: Also, Maya, I notice that Michael McCormick and Carter Tutwiler are at least listening in and I was wondering, I know they didn't say anything during public testimony, but I was wondering if they had wanted to. Okay, I see it.

Ms. Ponichtera: So, Ward, here it is, and I believe this is what you were looking for, and so if you kinda flip back and forth, you can see it's pretty much something ...(inaudible)... that's where all three will go.

Mr. Ponichtera: Not quite a scale drawing here but --

Ms. Ponichtera: I'm not a graphic designer, no, but, yeah, so on that picture, kind of right above the text that says, "Lot 73," right above that text is pretty much the area right there.

Mr. Mardfin: Thank you.

Ms. Ponichtera: Of course.

Mr. Ponichtera: Yeah.

Chair Ross: Thank you for the clarification. Mister -- I do -- please forgive me, Tutwiler, as -- as Ward had mentioned, or Mr. McCormick, I can't really see who's all on the call at the moment, does -- am I to open public testimony for -- unclear --

Ms. Desjardins: Well, Chair, you already closed --

Chair Ross: Unclear how to voice in.

Mr. Mardfin: We closed public testimony.

Ms. Desjardins: Right.

Chair Ross: We did close public testimony.

Mr. Mardfin: We have -- we do have their letters. We have a letter from --

Chair Ross: Yes.

Mr. Mardfin: Carter Tutwiler and from Michael McCormick.

Chair Ross: Michael McCormick. Yes. Correct. And -- and I -- and, Ward, I did ask during the break and during public testimony if there was anyone else.

Mr. Mardfin: On the hard copy that I received from the Planning Department, the first page of Carter Tutwiler's Exhibit 5B was not included, I had to go online and download it, and I don't know if any of the other Committee Members had the same problem.

Chair Ross: The Chair received it on the -- I actually had to print mine out and I have it in that printout as Exhibit 5B.

Mr. Mardfin: If you print it out, it's fine ...(inaudible)...

Chair Ross: Aunty Lehua and Lipoa, did you both receive Exhibit 5B, the testimony?

Mr. Mardfin: The second page of the memo report ...(inaudible)... the first page.

Chair Ross: Aunty Lehua, if you could unmute. I see your hand.

Ms. Cosma: Yes, I got mines.

Chair Ross: And, Lipoa, I'm seeing a head nod? Yes? Okay, so we --

Mr. Mardfin: Okay, it must just have been mine ...(inaudible)...

Chair Ross: And, Dean, I'm sorry, Dean, did you receive Exhibit 5B, the testimony from Carter Tutwiler, if I'm saying that correctly.

Ms. Cosma: Yes.

Chair Ross: Yes. I'm getting a nod from -- from Dean as well. So, we've received the testimony.

Mr. Mardfin: Maya, I apologize. My copy in the mail was deficient, but I was able to download it, so I'm okay.

Chair Ross: No, thank you for clarifying. I wasn't aware that that was an issue for any of the members, so I appreciate that. Is there any interest in topics of conversation or questions from the Committee? Aunty Lehua, I saw your hand was up. I give you the floor.

Ms. Cosma: Thank you. Chair. I like the -- the description of the Camp Grove, but I had a lot of questions behind it. And I understand it's glamping. Any time there's a yurt on a property, it's called "glamping" versus camping, which is the traditional way. Glamping is when it's more towards the luxury and the glamorous of the nature of our aina, so I really feel that it is not for Hana. It is not for Kaeleku. The reason is we already have two existing campgrounds which is -- which in the proper zoning, and I feel that there's a lot of monkey see monkey do in Hana. If you start one, it sets precedence to many other people that want to do the same thing. And in no time, we don't have ag lands, and that should be our main focus towards more ag farming and not to find something where you can put like a yurt or an extra house to meet your -- to meet the needs of paying this bill, paying that bill. I totally see this as a great demand outside of Hawaii because it's already happening, and if it happens here, it's never going to end. Trust me. So, I'm not against the owners, but I just want to put it out there so that others know that this is called "glamping," and glamping is very -- we have to be careful because the community won't benefit from these glamping, it's visitors that come here, and I don't want to see Kaeleku traffic, noise, I no care how they say it's going to be controlled. We cannot take this risk. So, that's my manao. Mahalo.

Chair Ross: Thank you, Aunty. And the Chair would like to point out that this is listed on our agenda item as a three-unit glamp site, so that falls in with what you are clarifying as far as what it is we are looking at, so thank you.

Ms. Cosma: Correct.

Chair Ross: Are there any members of the Committee that have additional questions or point of discussion? Lipoa, you have the floor.

Ms. Kahaleuahi: Mahalo. Just a couple points. Congratulations guys, on ten thousand pounds of mac nuts. That's quite an accomplishment. And I just actually -- I actually had my first questions were maybe directed at Corp Counsel for clarification, and then I'll -- I'll regroup and might have more questions for you guys directly, but are there any TVR, the transient -- the abbreviation that was used, I'm forgetting what it stand for, but the TVR classification, are there other examples here on Maui or in Hawaii of this?

Ms. Desjardins: Are you talking specifically about the tent -- tentalo scenario?

Ms. Kahaleuahi: I'm more -- it was more specifically, no, not -- not specifically about that, but the TVR classification, of course I'm not finding it now, the transient vacation rentals, that it would be considered, I just was wondering any other examples that currently exist on the island.

Ms. Desjardins: You know, I'm going to have to defer to Ms. Willenbrink from Planning on that. My understanding it's very limited. I think it -- I'm going to say it's more like hotel, condominium TVRs are, you know, like in Kihei you see a lot of that. But I know for sure that this does qualify under the -- a definition of an STR, but, Ms. Willenbrink, if you can give her an example, that would be appreciated.

Ms. Kahaleuahi: Thank you. Sorry, Ms. Willenbrink, you're on mute.

Ms. Willenbrink: Well, you didn't miss anything I was just saying thank you. Thank you for the question. This, as Mimi said, it does qualify for a special use permit and an S -- and as short-term vacation rental, it does not need an STRH permit, and, specifically, as -- as Leah mentioned, there aren't too many examples just like this, and no, I did not research that. That is not kind of within the realm of this. However, I will say it is emerging. This is -- it -- all meetings that I see is that people that are farming are trying to come up with ways that they can continue to farm their property and make their mortgage and feed their family and such. So, no, I cannot answer your question specifically, however, I think it is an emerging vacation opportunity. I hope that helps a little bit.

Ms. Kahaluahi: Mahalo for clarifying. My second question, I'm not sure who it's going to be for, which is merely a reminder regarding the residency requirement for either STRs or B&Bs, is there one and can somebody remind me what -- what that requirement was? You know, how long do you have to be a resident in a place to apply?

Ms. Willenbrink: Yes, thank you. For both, bed and breakfast and STRH, there is a five-year residency requirement, however, this application is for the special use permit so that does not -- that's not applicable, and I would also note that there is the five criteria to take into consideration ...(inaudible)... I have it in the conclusions of law beginning on page 12, that is the five criteria or the applicable standards for unusual and reasonable uses that are up for you to consider based upon HRS 205 and the Land Use Commission rules ...(inaudible)... your remarks in -- to fit into those criteria.

Ms. Kahaleuahi: Thank you for clarifying. That's it for now. I'll regroup and if I have any more questions.

Chair Ross: Thank you, Lipoa. Are there any Hana Advisory Committee members that have questions or points of discussion they would like to state? Ward, you have the floor, and then Aunty Lehua.

Mr. Mardfin: I'll defer to Aunty Lehua.

Chair Ross: Aunty Lehua, you have the floor.

Ms. Cosma: I just want to reiterate that we must focus on the Hana Community Plan. It was put together by the many hours of hard-working people who are looking out for the community of Hana, and so with that, we reflect on items that are being -- being introduced outside of the urban area, so with that taken into consideration, I would like to -- that's my opinion. Look at the Hana Community Plan ...(inaudible)... mahalo.

Chair Ross: Thank you, Aunty Lehua. Ward, did you want to take the floor?

Mr. Mardfin: Yes, please. For me, this is -- this application was a harder issue than our previous one because it's -- these campground seem more temporary. On the other hand, we have four letters in opposition, including two of their direct neighbors, four letters in opposition to this, and their letters have not been thoroughly addressed as far as I'm concerned, but the main reason I'm going to move to deny, when the time arises, is because, as Lehua says, this is outside the urban area, this is in direct conflict with the Hana Community Plan, if we want to change the Hana community plan, that's fine, but, until that happens, at least with this project in this area, I would have to vote for denial.

Chair Ross: Thank you, Ward. Are there any more questions or point of discussion from the members of the Hana Advisory Committee? Aunty Lehua?

Ms. Cosma: Was that a motion just ...(inaudible)... a motion?

Mr. Mardfin: I was waiting -- I was waiting until discussion finished.

Ms. Cosma: Okay. Alright.

Chair Ross: Is the discussion finished from the Hana Advisory Committee? Are there any members that have any more points of discussion or questions? Lipoa, you have the floor.

Ms. Kahaleuahi: Mahalo. I would have to agree with Ward regarding confirming the opposing letters that we received from the community, as well as the recognition of this area as a historical ag area, and the -- I also am not sure if there is, I mean, we're all talking about precedent and therefore recognizing that there aren't current regulations to uphold, you know, this -- this new venture. I agree, I live in Makaalae now, grew up in Haneoo and Hamoa, I can attest to both the overwhelming lack of other alternative sites to house the increasing interest in camping. Frequently, on my rides home, I make calls to the police station reporting various camping activity that is not desired in the area, so I can see how, you know, and this is very creative, I give you both credit with your hearts are in the right place, trying to keep a small footprint in our community, and -- and it is a new, you know, potentially a new avenue to pursue, however, I don't think both our community as well as the current infrastructure and regulation to hold this -- this new venture accountable, and so, for those reasons, I'm so far moved to agree with Ward's sentiments, when we get to that point.

Chair Ross: Thank you, Lipoa. Are there any more questions or points of discussion by the members of the Committee? I see none. Ward, you have the floor.

Mr. Mardfin: If there is no other discussion, I move that we recommend to the Maui Planning Commission denial of this application for an SUP.

Ms. Kahaluahi: I second that motion to recommend denial to the Maui Planning Commission at this time.

Chair Ross: It has been -- sorry. Somebody need to put on mute. It has been moved and seconded that the motion is to recommend to the Maui Planning Commission to deny this SUP. Is there any discussion? Ward, you have the floor.

Mr. Mardfin: I was just -- I didn't put a reason attached to it, but the primary reason, there are others, but the primary reason is because it's outside of the Hana urban area and -- or it -- so it's in direct conflict with Maui -- with the Hana Community Plan that says all

kinds of housing of this sort be within the Hana Community Plan -- within the Hana urban town.

Chair Ross: Do -- the Chair would like to ask the Committee, do you want this, the main motion to be amended so that it reflects this addition to the motion? We would need another motion made, if I'm not mistaken.

Mr. Mardfin: It doesn't need to be. The discussion -- this discussion gets recorded and the Maui Planning Commission will get the discussion so they'll see the reason.

Chair Ross: Thank you, Ward.

Mr. Mardfin: So it doesn't have to be separate.

Chair Ross: Okay. Is there any further discussion from the Committee? Seeing that there is no further discussion, those in favor of recommending to the Maui Planning Commission to deny the SUP given that it is not within the Hana urban area and is in direct conflict with the Hana Community Plan, those in favor, please say aye. Actually, sorry. The Chair apologizes. This time, I'm going to do a roll call on this vote because we had confusion on the last one. Ward?

Mr. Mardfin: Aye.

Chair Ross: Aye. Dean Wariner? Sorry, you're mute. I saw your mouth, but I do want to confirm.

Mr. Wariner: Oh.

Ms. Wariner: Just raise your hand.

Mr. Wariner: Hang on.

Chair Ross: Aunty Lehua?

Ms. Cosma: Aye.

Chair Ross: Thank you. Lipoa?

Ms. Kahaleuahi: Aye.

Chair Ross: The Chair is in favor of this motion as well. The ayes have it and the motion is carried to recommend to the Maui Planning Commission to deny the SUP on the

grounds that it is in direct conflict with the Hana Community Plan that this SUP is not within ...(inaudible)... urban designation.

Mr. Mardfin: So, that's unanimous?

Chair Ross: That is unanimous, Ward.

Mr. Mardfin: Thank you.

It has been moved by Committee Member Ward Mardfin, seconded by Committee Member Lipoa Kahaleuahi, then unanimously

VOTED: to recommend to the Maui Planning Commission to deny the SUP on the grounds that it is in direct conflict with the Hana Community Plan.

(Assenting: L. Cosma; L. Kahaleuahi; W. Mardfin; M. Ross; D. Wariner)

(Absent: L. Clark)

(Excused: D. Kaina)

D. ADJOURNMENT

Chair Ross: Seeing that we have covered the Director's Report, the Chair would like to ask if there is any further business to come before the Committee. The Chair will entertain the motion to adjourn. If there are no objections, this meeting is adjourned. I will -- the Chair will do a roll call again. Ward?

Mr. Mardfin: Aye.

Chair Ross: Dean? Aunty Lehua?

Ms. Cosma: Aye.

Mr. Mardfin: Muted.

Chair Ross: Aunty Lehua.

Ms. Cosma: Oh, wait.

Chair Ross: Do you have any objections to this meeting being adjourned?

Ms. Cosma: No, no. No. Aye.

Chair Ross: Lipoa?

Ms. Kahaleuahi: Aye.

Chair Ross: The chair has no objection to this meeting being adjourned, seeing that we have a unanimous, and I'm not hearing any objections, the Chair declares this meeting adjourned.

The meeting was adjourned at approximately 7:05 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Maya Ross, Chairperson
Lehua Cosma
Lipoa Kahaleuahi
Ward Mardfin
Dean Wariner (due to technical difficulties, Mr. Wariner deemed present at 5:10 p.m.)

Absent:

Linda Clark

Excused:

David "Kawika" Kaina, Vice-Chairperson

Others:

Clayton Yoshida, Planning Program Administrator, Current Division, Department of Planning
Kimberly Willenbrink, Staff Planner, Current Division, Department of Planning
Mimi Desjardins, Deputy Corporation Counsel, Department of the Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions II, Current Division, Department of Planning