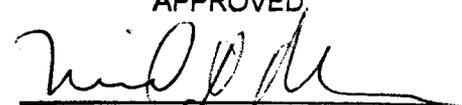


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M I N U T E S
LAND USE COMMITTEE
Council of the County of Maui
Council Chamber
October 31, 2007

APPROVED:

Committee Chair

1 **CONVENE:** **1:32 p.m.**

2 **PRESENT:** Councilmember Michael J. Molina, Chair
 Councilmember Joseph Pontanilla, Vice-Chair
 3 (Arrive 1:38 p.m.)
 Councilmember Michelle Anderson, Member
 4 Councilmember Gladys C. Baisa, Member
 (Leave 3:03 p.m.)
 5 Councilmember G. Riki Hokama, Member
 (Arrive 1:42 p.m.)
 6 Councilmember Jo Anne Johnson, Member
 (Arrive 1:42 p.m.; Leave 4:13 p.m.)
 7 Councilmember Danny A. Mateo, Member
 Councilmember Bill Kauakea Medeiros, Member
 8 Councilmember Michael P. Victorino, Member

9 **STAFF:** Tammy M. Frias, Committee Secretary
 Carla M. Nakata, Legislative Analyst

10 **ADMIN.:** Jeffrey Hunt, Director, Department of Planning
 11 Robyn Loudermilk, Planner, Department of
 Planning (Item No. 35)
 12 Jeffrey Dack, Planner, Department of Planning
 (Item No. 43)
 13 Val Martin, Captain, Fire Prevention Bureau,
 Department of Fire and Public Safety
 14 Michael J. Hopper, Deputy Corporation Counsel,
 Department of the Corporation Counsel
 15 Madelyn S. D'Enbeau, Deputy Corporation
 Counsel, Department of the Corporation
 16 Counsel (Item No. 35)

17 **OTHERS:** Item No. 43: David Dantes, Maui Tradewinds
 Beverly Livingston, Maui
 18 Tradewinds

19 Irene Ryding
 Hope Woolsey
 20 Marcella Naguski
 Charlene Parker, StaLocal Network
 21 Rodney Kilborn
 Jeri Zintgraff
 22 Lani Stout
 Susan McBride
 23 David Dantes
 Keeveen Shambrook
 24 Beverly Livingston
 Wil Wong
 25 Diane L. Morgan
 Joan Spilker

1 Karl Hill
 2 Mark Sheehan
 3 Pat Borge
 4 Additional Attendees (5)

5 Item No. 35: Gregg Blue
 6 Additional Attendees (5)

7 **PRESS:** Chris Hamilton, *The Maui News*
 8 *Akaku--Maui County Community Television, Inc.*
 9

10 CHAIR MOLINA: ...(gavel)... Land Use Committee meeting for
 11 October 31st, 2007, is now in session. Happy
 12 Halloween, Members.

13 For the record, we have in attendance Members
 14 Anderson, Baisa, Medeiros, and Victorino; excused
 15 are Members Mateo, Johnson, Hokama, and Pontanilla.
 16 From Staff, we have Committee Analyst Carla Nakata,
 17 Committee Secretary, Tammy Frias; and from the
 18 Corporation Counsel's Office, we have Michael
 19 Hopper; and from the Planning Department, we have
 20 the Director, Mr. Jeff Hunt.

21 Members, we have two items that we're going to
 22 address today, which is Items LU-35, a Conditional
 23 Permit for Haiku Recreation and Maui Dream Cottages,
 24 as well as Committee Item LU-43, Conditional Permit
 25 for Maui Tradewinds in Haiku.

At this time, Members, I would like to ask the
 Corporation Counsel to give a few opening comments
 before we continue proceeding. Mr. Hopper, this is

1 in relation to both applications. You have the
2 floor.

3 MR. HOPPER: Yes. Thank you, Mr. Chair. I just wanted to
4 state briefly the -- the legal standard for the
5 applications is found in 19.40.010, which specifies
6 the intent of a Conditional Use Permit.

7 It states that the intent of the Conditional
8 Permit is to provide the opportunity to consider
9 establishing uses not specifically permitted within
10 a given use zone where the proposed use is similar,
11 related, or compatible to those permitted uses and
12 which has some special impact or uniqueness, such
13 that its effect on the surrounding environment
14 cannot be determined in advance of the use being
15 proposed for a particular location.

16 I just wanted to reemphasize that as the legal
17 standard for the applications today, which are both
18 Conditional Use Permit applications.

19 In addition, there are also a couple of other
20 issues in relation to the -- the Board's powers,
21 duties, immunities, and liabilities. In this case,
22 it's the -- the Committee's powers, duties,
23 immunities, and liabilities, which I would -- would
24 prefer to discuss in an Executive Session, as
25 permitted by the -- the Sunshine Law, HRS 92-5,

1 before proceeding.

2 It should be a very brief Executive Session,
3 but it's -- the purpose would be to consult with
4 myself regarding the -- again, the powers, duties,
5 immunities, and liabilities of the Committee with
6 respect to these applications.

7 CHAIR MOLINA: Okay. Thank you, Mr. Hopper. Members, the
8 Chair would also like to welcome Mr. Mateo to our
9 proceedings today.

10 The Chair would like to make everyone aware
11 that we will be losing quorum about 4:30 today so we
12 need to proceed efficiently as much as we can so we
13 can address both items.

14 Upon hearing the comments from Mr. Hopper, I'm
15 going to put it out to you, Members, that the Chair
16 would like to recommend that we go into Executive
17 Session before proceeding any further with our two
18 items.

19 So with that being the case, the Chair would
20 like to entertain a motion to go into Executive
21 Session pursuant to Section 92-5(a)(4) from the
22 Hawaii Revised Statutes to consult with legal
23 counsel on questions and issues pertaining to the
24 powers, duties, privileges, immunities, and
25 liabilities of the County, the Council, and the

1 Committee.

2 COUNCILMEMBER VICTORINO: So moved.

3 COUNCILMEMBER MEDEIROS: Second.

4 CHAIR MOLINA: Okay. It's been moved by Member Victorino,

5 seconded by Member Medeiros. Any discussion?

6 Seeing none, all those in favor signify by saying

7 "aye."

8 COUNCIL MEMBERS: Aye.

9 CHAIR MOLINA: All those oppose?

10 **VOTE: AYES:** Councilmembers Anderson, Baisa, Mateo,
Medeiros, Victorino, and Chair Molina.

11 **NOES:** None.

12 **ABSTAIN:** None.

13 **ABSENT:** None.

14 **EXC.:** Councilmembers Hokama, Johnson and
15 Vice-Chair Pontanilla.

16 **MOTION CARRIED.**

17 **ACTION:** RECESS Open Session and CONVENE Executive
18 Session.

19 CHAIR MOLINA: Okay. The Chair will mark it by vote of
20 six, zero with two excused, those Members Johnson,
21 Hokama, and Pontanilla. We will now go into
22 Executive Session.

23 So Members, and members of the public, we will
24 be preparing the Chambers for Executive Session.

25 This meeting is in recess. ...gavel...

1 **RECESS:** **1:35 p.m.**

2 **RECONVENE:** **2:32 p.m.**

3 CHAIR MOLINA: ... (gavel)... Land Use Committee meeting for
4 October 31st, 2007, is now back in session. It is
5 2:32 p.m.

6 Members, we will -- we have a request
7 regarding -- related to our two items that we're
8 addressing today from Mr. Dantes for Land Use Item
9 43 to be addressed first prior to Land Use item 35,
10 and I believe you should have been given a copy of
11 a -- an e-mail. I believe this is from Mr. Blue to
12 Mr. Dantes, stating that it's basically okay for us
13 to address Land Use Item 43 before his own item of
14 Land Use 35.

15 Is there any -- hang on, Staff. Okay, I
16 apologize. The e-mail was just given to me. I've
17 been informed by the Committee Secretary. I presume
18 that these -- copies of this was given to all
19 Members. I guess it's being distributed now.

20 In a nutshell, in the e-mail, Mr. Blue has
21 agreed to have Mr. Dantes' item addressed first by
22 the Committee. Is there any objections?

23 COUNCIL MEMBERS: No objections.

24 CHAIR MOLINA: All right. Very good, Members. So for the
25 record, we'll address Land Use Item 43, and we'll

1 take public testimony for Land Use Item 43 first,
2 so -- which relates to a Conditional Permit for Maui
3 Tradewinds, Haiku.

4 **ITEM NO. 43: CONDITIONAL PERMIT FOR "MAUI TRADEWINDS"**

5 (HAIKU) (C.C. No. 02-199)

6 CHAIR MOLINA: The Chair would like to go over a few ground
7 rules first. We will take testimony for LU-43
8 first. We have, at this point, 14 sign-ups. And
9 just as a reminder, as it relates to public
10 testimony, you will be given three minutes to
11 testify with a minute to conclude. Please state
12 your name and any organization that you may be
13 representing; turn off all cell phones and pagers so
14 as not to disrupt our proceedings.

15 And I would like to ask for you, our Members,
16 as well as the members of the public, to please help
17 us comply with the Sunshine Law. Keep your
18 testimony confined to the application itself.

19 Now, I know the broader issue of TVRs is
20 something that is of equal importance to be
21 discussed, but that matter will, at one point during
22 this term, will be discussed in the Planning
23 Committee under the leadership of Member Baisa.

24 So again, I would ask that testifiers and
25 Members please keep your comments related to the

1 permit application for Mr. Dantes. So with that
2 being said, Members, we will begin public testimony
3 for Land Use Item 43.

4 First to testify, we have Irene Ryding,
5 followed by Hope Woolsey. And as Ms. Ryding is
6 heading up to the podium, the Chair would like to
7 recognize our Senior Planner, Mr. Jeffrey Dack, as
8 well. My apologies for not recognizing you sooner
9 because the Chair obviously did not know your name
10 at that time. So my apologies, Mr. Dack.

11 Ms. Ryding, proceed.

12 . . . **BEGIN PUBLIC TESTIMONY.** . . .

13 MS. RYDING: Good afternoon and thank you. My name is
14 Irene Ryding, and I am a neighbor of Bev and Dave on
15 Une Place in Haiku, and I want you to know that we
16 are overwhelmingly in support of this B&B in our
17 neighborhood. In fact, I think more than 50 percent
18 of the people that live on our street are here today
19 to testify in favor of this.

20 Not only has the Bed and Breakfast not posed
21 any harm to our way of life out there on Une Place,
22 it's been a great gathering place for the whole
23 neighborhood. In fact, Bev and Dave have opened up
24 their B&B to the neighborhood for parties that we
25 have, we formed a neighborhood watch at the Bed and

1 Breakfast, we had the police come out, and Bev and I
2 are co-captains of the neighborhood watch.

3 Before this neighborhood watch, in less than a
4 year, we had over 14 robberies on our street. And
5 with the help of some of our neighbors who are here
6 today, there was a composite drawing made of the
7 robbers, and the police were involved; and since
8 then, we haven't had any robberies in our
9 neighborhood.

10 So it's been because of this Bed and Breakfast
11 that we've been able to organize and come together
12 as a neighborhood, the kind of neighborhood that you
13 would want to see on Maui because we're all very
14 connected and very caring and, really, Bev and Dave
15 and their B&B are an integral part of it.

16 And I just want to say please, please grant
17 them this permit. We are all in favor of it on our
18 street. Thank you.

19 CHAIR MOLINA: Okay. Thank you, Ms. Ryding. Committee
20 Members, questions for the testifier? Seeing none,
21 thank you for your testimony.

22 Next to testify, we have Hope Woolsey,
23 followed by Marcella Naguski. Hope Woolsey?

24 MS. RYDING: Hope had to leave for work.

25 CHAIR MOLINA: Oh, okay. Ms. Woolsey, we've been informed,

1 had to leave so we will go to Marcella Naguski,
2 followed by Charlene Parker.

3 And for the record, we have, in open session
4 here, all nine Council Members present for today's
5 Land Use Committee meeting. Okay. Ms. Naguski?

6 MS. NAGUSKI: Hi.

7 CHAIR MOLINA: Hi.

8 MS. NAGUSKI: My name is Marcella Naguski.

9 CHAIR MOLINA: Oh, Ms. Naguski, can you pull the -- have
10 the microphone pulled down to hear your voice there.
11 There we go.

12 MS. NAGUSKI: My name -- my name is Marcella Naguski, and
13 I -- I'm kind of nervous.

14 CHAIR MOLINA: That's okay. You're doing fine.

15 MS. NAGUSKI: So anyway, I've known these people for quite
16 a while, and -- and I've been to their place many
17 times, and I -- I -- I agree with what they're
18 doing. Okay?

19 CHAIR MOLINA: Okay, thank you. Committee Members,
20 questions for the testifier? Seeing none, thank you
21 for your testimony.

22 Next to testify, we have Charlene Parker,
23 followed by Rodney Kilborn.

24 MS. PARKER: Aloha, everyone. My name is Charlene Parker.
25 I'm with the StaLocal Network, and we are in support

1 of David Dantes. I have worked with him side by
2 side with this network, where we promote this
3 business to the local community, and we are training
4 some already in our pilot project.

5 David Dantes is in the midst right now of
6 having native plants restored onto his aina to show
7 that we can do ag and also teach that to the people
8 that come and visit.

9 His aina will have native plants that -- my
10 husband is a specialist. He did the Kamehameha
11 Schools, and he will have herbology on his aina, and
12 he will also have flora and fauna, and we really
13 would like him to try one of our hybrids that's on
14 my property in Huelo.

15 So this is very important because this is the
16 beginning of green tourism with the local community
17 making a business out of it, not just people who are
18 from another country, another state. This is for
19 the local community, and it's starting now. And he
20 is one of my major pilot projects. I have two of
21 'em besides my aina, but I don't have any Bed and
22 Breakfast.

23 And I'd like to say please let it continue.
24 This is a very important process right now going on
25 for the local community.

1 CHAIR MOLINA: Okay.

2 MS. PARKER: Any questions?

3 CHAIR MOLINA: Thank you, Ms. Parker. Committee Members,
4 questions? Member Medeiros?

5 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Yes, you --
6 you mentioned flora and fauna?

7 MS. PARKER: Yes.

8 COUNCILMEMBER MEDEIROS: What kind of animals are you
9 referring to?

10 MS. PARKER: We have -- when -- when the birds come into
11 these species, these plants, and it's very vital.
12 Like I live in Huelo, and we relate it to the birds.
13 They are very, very important.

14 We have lots of birds. We have the -- I don't
15 know all the Hawaiian names my daddy names them, but
16 they're the rain birds, and they're attracted to a
17 lot of the native species.

18 COUNCILMEMBER MEDEIROS: Thank you for your testimony.

19 Thank you, Mr. Chair.

20 MS. PARKER: Uh-huh.

21 CHAIR MOLINA: Thank you, Member Medeiros. Any other
22 questions for the testifier? Seeing none, thank
23 you, Ms. Parker, for your testimony.

24 Next to testify, we have Rodney Kilborn,
25 followed by Jeri Zintgraff. I hope I pronounced

1 that correctly.

2 MR. KILBORN: Aloha, Chair Molina, and Council Members.

3 Rodney Kilborn, I live in Haiku. Been up there
4 almost my whole life. Just retired from the Fire
5 Department maybe three months ago, happy.

6 Besides all that, I -- I'm here speaking not
7 only because of vacation rental but because of Dave
8 Dantes and the kind of person who he is, the kind of
9 person who touch a lot of the local people here who
10 usually couldn't be here, they're natives to the
11 island. They wanted to speak also on behalf of who
12 this gentleman is.

13 I also will speak the same language as Aunty
14 who was here who could not interpret it because she
15 nervous, but I know what she feel because I feel the
16 same thing that I had coagulate from Dave Dantes and
17 his beautiful wife Beverly.

18 My grandfather is Kilborn. That's how the
19 name -- I had become to inherit that Caucasian name,
20 as we say the haole name. Grandpa was a great
21 Irishman, came from Ireland. Lived up in
22 Washington. Went school to become a doctor.

23 Now he married a great good-looking Hawaiian,
24 kanaka lady, which is my tutu, Saffrey, in
25 Honokowai. I need -- grandpa was a very good haole

1 man. He lived the culture. He became the culture.
2 I learned to respect both side because of grandpa.

3 Well, when I met David Dantes, he remind me of
4 my grandpa when I look at that. And he's that kind
5 of person. Dave is an ER doctor. To see somebody
6 that -- who cared and take care and -- and open his
7 arms and for emergency -- even if it was you and
8 stuff like that, I think you guys would kind of see
9 who this kind of person who he is.

10 I mean, I kind of got off the track here, but
11 you know Dave -- and I -- to you guys, I think we
12 should give him and let him have the opportunity to
13 continue what he's doing because he's very important
14 to our community, especially to the local people
15 like myself and Aunty and others out there that
16 would like to speak about the guy because he is
17 important.

18 He -- it shows that we have good haoles that
19 come here and live with us. And yeah, we get some
20 bad ones, but that doesn't mean we have to shut off
21 the whole vacation thing.

22 I think we should take a look and find who the
23 genuine persons, people here and keep 'em here
24 because I hate to see him leave. And that coming
25 from one Hawaiian to one haole. Mahalo and thank

1 you.

2 CHAIR MOLINA: Okay. Thank you, Mr. Kilborn. Committee
3 Members, questions for the testifier? Seeing none,
4 thank you for your testimony, Mr. Kilborn.

5 Next to testify, we have Jeri Zintgraff, I
6 hope I pronounced that correctly, followed by Lani
7 Stout.

8 MR. ZINTGRAFF: I'm Jeri Zintgraff, and I am the neighbor
9 right next door to Bev and Dave, and I am totally in
10 support of their operation.

11 They've -- I found in all the years that we've
12 been their neighbors, never once has their guests
13 ever infringed on us in any way. They've been
14 quiet, they've been respectful. It's been lovely to
15 have them as neighbors because, as everyone's
16 testifying to their character, they're the kind of
17 neighbor that would come through for you if you ever
18 needed anything.

19 In fact, the fact that they had their Bed and
20 Breakfast, when we had our house tented, we were
21 able to stay next door, not have to go far, and we
22 appreciated that, as well as having their facility
23 there for the neighborhood watch and things like
24 that.

25 But they've been excellent neighbors, never

1 heard any noise, the traffic has never been a
2 problem. Their guests have not been intrusive in
3 any way, and we're just glad to have them next door.
4 Thank you.

5 CHAIR MOLINA: Okay. Thank you, Ms. Zintgraff. Committee
6 Members, questions for the testifier? Seeing none,
7 thank you for your testimony.

8 Next to testify, we have Lani Stout, followed
9 by Susan McBride.

10 MS. STOUT: Aloha, Members. My name is Lani Stout, and I'm
11 speaking on behalf of myself. And I'd like to state
12 that I -- I've known David and Bev, I guess,
13 profession -- on a professional level through MVRA
14 for about two years, but I've had the privilege of
15 knowing them as friends in the last five months as
16 we worked together on the StaLocal Network.

17 And during this time, I've discovered some
18 great things about 'em. One of 'em is that they
19 love and respect and care about Maui, and they care
20 about their neighborhood, and they obviously care
21 about the peace and quiet that -- that their
22 neighborhood and neighbors enjoy.

23 And they're both concerned and actively
24 involved in the community and the issues, and they
25 also care about the welfare of those on the island.

1 And they also love and respect the aina, and they
2 care about the Hawaiian culture, and they care about
3 the Hawaiian people. And they're also very caring
4 and responsible property owners. And I respectfully
5 request that you would grant them their CU permit.
6 Thank you very much.

7 CHAIR MOLINA: Okay. Thank you, Ms. Stout. Committee
8 Members, questions for the testifier? Member
9 Anderson?

10 COUNCILMEMBER ANDERSON: Yeah, I'm just curious. What is
11 the StaLocal Network?

12 MS. STOUT: The StaLocal Network is an organization that
13 Ms. Parker had spoken of. She is actually the
14 founder of it.

15 It is our desire to assist the local people in
16 establishing their B&Bs, helping them by networking
17 with those who have experience with it and have
18 certain skills that can enable them to -- to get set
19 up, whether it's the web site, whether it's helping
20 them through the paperwork so that it's not --
21 number one, not a scary process for them, but it
22 enables our local people to stay here on island.

23 So that's why we've chosen the name StaLocal,
24 because we want them to stay local and so we hope to
25 work not only with the County but with other

1 resources on the island to enable them to legally be
2 able to do this.

3 COUNCILMEMBER ANDERSON: Okay. Thank you, ma'am.

4 MS. STOUT: Uh-huh.

5 CHAIR MOLINA: Thank you, Member Anderson. Any other
6 questions for the testifier? Seeing none, thank you
7 very much for your testimony.

8 Next to testify, Susan McBride, followed by
9 David Dantes.

10 MS. McBRIDE: Hi.

11 CHAIR MOLINA: Hi.

12 MS. McBRIDE: My name's Susan McBride. I'm an independent
13 contractor, and Bev and David are -- I'm sorry, I'm
14 real nervous.

15 CHAIR MOLINA: It's okay. You're doing fine.

16 MS. McBRIDE: They're one of my clients.

17 CHAIR MOLINA: Excuse me, could you bring the mike down a
18 little closer to -- there you go. Continue.

19 MS. McBRIDE: Okay. I can't add a whole lot to what has
20 already been said because that's mostly what I
21 wanted to tell you.

22 But one thing I would like to say is when
23 their guests check in with them, Bev and David take
24 them around. They do a whole orientation. There
25 are places on the island that some of the tour books

1 tell the people to go, the tourists to go where
2 they're really not welcome. And Bev and David let
3 them know these are not places that they are welcome
4 and steer them in the right direction.

5 They educate 'em, as you've heard, they've got
6 the -- the local plants. I can't get my name
7 around -- my tongue around the names of them, but
8 it's been quite an education for me to even be able
9 to work for them.

10 It's -- they're two highly intelligent people,
11 but they just are the salt of the earth kind of
12 people. They're wonderful to work for and wonderful
13 to work with. It's been a great education for me so
14 I hope that you will approve this for them. Thank
15 you.

16 CHAIR MOLINA: All right. Thank you, Ms. McBride.

17 Committee Members, questions for the testifier?

18 Seeing none, thank you for your testimony.

19 MS. McBRIDE: Thank you.

20 CHAIR MOLINA: Next to testify, David Dantes, followed by
21 Reeveen [sic] Shambrook.

22 MR. DANTES: Good afternoon and happy Halloween, Committee
23 Members and -- and Chair, and thank you for the
24 opportunity to make a presentation.

25 I'm a little bit shaken up because I'm not

1 accustomed to hearing good things about myself like
2 this, so -- I thought I'd mention about the StaLocal
3 Network that we -- as a condition of registration
4 for the training program, we do require them to
5 promise not to attempt to open a business without
6 first obtaining all the proper permits and
7 documentation, so I wanted to clarify that we're not
8 promoting people getting into a business without
9 having gone through all the steps first.

10 So I guess the main thing that I wanted to
11 clarify is that a year ago, this Committee deferred
12 a decision on our permit because of questions
13 regarding to -- regarding whether the Planning
14 Commission was within the scope of its authority in
15 granting a State Special Permit; and by various
16 correspondence, I hope that that question has been
17 clarified.

18 We do have a verbal comment from the State
19 Land Use Commission, Executive Director Anthony
20 Ching, saying overnight accommodations are
21 permissible if the Planning Commission approves the
22 State permit.

23 We have a letter from Ms. Kobayashi from the
24 State Office of Planning of DBEDT, essentially
25 retracting an honest mistake that was made a month

1 earlier in a letter. And to add to that, I'd like
2 to clarify that we're not asking to have an
3 agricultural tourism activity.

4 In other words, we don't have a dairy farm
5 where we're going to give people a tour and have
6 them stay overnight, so the kind of permit we're
7 requesting is not commensurate with agricultural
8 tourism. It's -- it's simply a permit for the
9 accommodation.

10 Lastly, we have not applied for agricultural
11 tax breaks or water rates because we're not capable
12 of cultivating 51 percent of our property.

13 The parcel was inspected by the County
14 agricultural specialist for compliance with County
15 Agricultural zoning, and it was found that as much
16 agriculture and agricultural land conservation as
17 could be expected on that parcel was in evidence.

18 We're not -- also not asking for a farm labor
19 dwelling, just for clarification. We have two
20 dwellings on the parcel. Both are permitted as farm
21 dwellings, and we believe that we're in compliance
22 with both the State and County agricultural
23 regulations for those.

24 Thank you very kindly for taking your
25 attention from the huge community issues, which are

1 constantly confronting you, to -- to pay attention
2 to this one permit for this afternoon. Thank you.

3 CHAIR MOLINA: Thank you, Dr. Dantes. Committee Members,
4 questions for the testifier? Seeing none, thank you
5 for your testimony.

6 COUNCILMEMBER HOKAMA: Chairman, one question.

7 CHAIR MOLINA: Excuse me. Mr. Dantes, we have a question
8 from Chairman Hokama.

9 COUNCILMEMBER HOKAMA: Mr. Dantes, we heard from some
10 earlier testimony that what I believe they believe
11 you to be applying for is a Bed and Breakfast
12 permit. I heard that phrase a couple of times this
13 afternoon.

14 Can you tell us is that an accurate
15 description of what you're asking this Committee
16 this afternoon for -- for its recommendation?

17 MR. DANTES: No, I don't think that that is technically
18 accurate, according to the County's definition of a
19 Bed and Breakfast permit.

20 Bed and Breakfast permit would apply to a
21 single-family dwelling in either Residential or
22 Urban zoning, where the owner lives in the same
23 dwelling as the guest, and it would be subject to
24 Code Section 19.64.

25 What we're requesting is for -- is a

1 Conditional Permit, subject to Section 19.40, which
2 allows overnight accommodations -- in this case, one
3 room in our main farm dwelling and two rooms in the
4 second farm dwelling.

5 So the answer to your question is no, this
6 would -- this would not be -- this would not be a
7 Bed and Breakfast permit. It is a Conditional
8 Permit.

9 COUNCILMEMBER HOKAMA: Thank you for the clarification.

10 MR. DANTES: Yes, sir.

11 CHAIR MOLINA: Okay. Thank you, Chairman Hokama.

12 Mr. Medeiros?

13 COUNCILMEMBER MEDEIROS: Mr. Dantes, thank you for your
14 testimony. Just to follow up on Council Chair
15 Hokama's question or inquiry, you -- you reference
16 the letter from Ms. Kobayashi, and I'm looking at
17 the October 23rd, 2007, letter.

18 She also says in her letter -- and she talks
19 about Bed and Breakfast. And why would that be so?
20 Because she -- she doesn't mention anything in her
21 letter regarding transient vacation rental.

22 MR. DANTES: I think that that's an unfortunate oversight,
23 the choice of words, that she limited her letter to
24 Bed and Breakfast.

25 The question that was presented to her is

1 whether overnight accommodations are permissible,
2 provided that the State Land Use Commission Special
3 Permit has first been issued.

4 And unfortunately, the -- the terms in which
5 she responded appear to restrict the use to Bed and
6 Breakfast. But I think fortunately, the Planning
7 Department has had a verbal communication with the
8 Chair or Executive Director of the State Land Use
9 Commission, and we did provide it as written
10 testimony today.

11 If I may, it will just take a second to read
12 it. In a phone call with the Director of State Land
13 Use Commission on October 1, 2007, his office states
14 that Act 250 did not prohibit overnight
15 accommodations from being established via the State
16 Special Use Permit process of 205-6.

17 In fact, the State Special Use Permit that was
18 granted to my wife and myself by the Planning
19 Commission in 2002 was for a transient vacation
20 rental, the use of a room in our main farm dwelling
21 and the use of two rooms in a cottage.

22 COUNCILMEMBER MEDEIROS: Okay. Thank you, Mr. Dantes, for
23 that clarification.

24 MR. DANTES: Yes, sir.

25 COUNCILMEMBER MEDEIROS: Thank you, Mr. Chairman.

1 CHAIR MOLINA: Thank you, Mr. -- Member Medeiros. Any
2 other questions for the testifier? Seeing none,
3 thank you for your testimony, Dr. Dantes.

4 MR. DANTES: Thank you.

5 CHAIR MOLINA: Next to testify, we have Reeveen [sic]
6 Shambrook, followed by Beverly Livingston.

7 MR. SHAMBROOK: Hi, my name is Keeveen Shambrook. I moved
8 to Maui ten years ago. For the first five years, I
9 worked at an organic farm in Kula. We raised
10 avocados and mangos.

11 We tried to -- to grow both these on Beverly
12 and David's property, and what happened was you
13 would get a nice healthy green tree; and once the
14 flowering process would start, which eventually
15 would turn into a fruit, we'd get the heavy winds
16 that come down, the trade winds, and you basically
17 would have a healthy tree; within a couple days, I'd
18 say about 10 percent of the flowers remain on the
19 tree, the other 90 percent are blown off. So I just
20 wanted to put that out there.

21 Also, the property is on a very steep slope.
22 So in order to put an orchard or anything on that,
23 you would have to terrace it, which again would be
24 -- you know, it wouldn't be cost effective because
25 you're only getting 10 percent of the fruit off --

1 off each tree.

2 The first thing that both Bev and Dave have
3 been working on and off for the last 4 years, but
4 the first thing when I -- when I went onto the
5 property, they basically said that the guests and
6 the neighbors come first. We never start before
7 9 o'clock in the morning. The rule of thumb is if
8 there's a car in the driveway or -- of where the
9 tenants will be staying, there's no chainsaws,
10 there's no weed whacking, there's no -- there's no
11 motor tools. So we like to keep it as -- as -- you
12 know, as a sanctuary when the people are there.

13 Again, I just can't stress enough. They
14 definitely have the aloha spirit, and thank you very
15 much. Mahalo.

16 CHAIR MOLINA: Okay. Thank you, Mr. Shambrook. And my bad
17 for mispronouncing your name, Keeveen. Okay.

18 Committee Members, questions for the testifier?

19 COUNCILMEMBER VICTORINO: Yes, I have one.

20 CHAIR MOLINA: Okay. Mr. Victorino?

21 COUNCILMEMBER VICTORINO: Keeveen?

22 MR. SHAMBROOK: Yeah.

23 COUNCILMEMBER VICTORINO: What -- you mentioned about
24 the -- the farming and trying and all this other
25 stuff, but what -- I don't see the relevance

1 because, I mean, they're not asking us for any kind
2 of farming exemption or anything of that nature, and
3 they stated earlier so I -- you know, what was your
4 reason for saying that, you know, as far as farming?

5 MR. SHAMBROOK: Basically, I was just saying that just
6 because I know that that, at one point, was a
7 problem, and we did try and grow trees on there
8 to -- to get fruit trees growing on that property.
9 So I just thought I'd put that in there. If it
10 doesn't have any relevance, I'm sorry about that.

11 COUNCILMEMBER VICTORINO: Oh, okay. I -- I just was
12 questioning. I -- I apologize. Yeah, thank you,
13 Mr. Chair.

14 CHAIR MOLINA: Thank you, Mr. Victorino. Thank you,
15 Mr. Shambrook.

16 Committee Members, next to testify, we have
17 Beverly Livingston, followed by Wil Wong.

18 MS. LIVINGSTON: Hi, my name is Bev Livingston. I'm not
19 going to take much time because I know you're --
20 you've got a lot of other things to do.

21 I just want to say thank you for considering
22 this, and I want to thank everybody that showed up
23 to support us. You guys are wonderful. And just
24 please consider the -- the -- our request, just
25 knowing that we're trying to do the very, very best

1 we can with all the things we're trying to deal
2 with. Thank you.

3 CHAIR MOLINA: Okay. Thank you, Ms. Livingston. Committee
4 Members, questions for the testifier? Seeing none,
5 thank you for your testimony.

6 Next to testify, Wil Wong, followed by Diane
7 Morgan.

8 MR. WONG: Good afternoon, Mr. Chair, Members of the
9 Council. My name is Wil Wong. I previously spoke
10 in favor of vacation rentals that can provide a
11 segment of Maui visitors with an alternate,
12 nonhotel-like experience. I further indicated that
13 they should be in neighborhoods that are
14 appropriate, providing compliance criterias can be
15 met.

16 I am a resident of Haiku and the owner of a
17 two-acre ag-zoned property. My intent, like many,
18 many others, was not to go into commercial farming
19 but to live in a country-like, low-density setting.

20 Most of the land in Haiku is not what you
21 would call prime ag; and in many cases, not even
22 marginal because it's so windy there. Compounding
23 that is the lack of available water. We face
24 requests for water consumption cutbacks yearly, and
25 obtaining an oversized meter is virtually

1 impossible.

2 David Dantes and Beverly Livingston reside on
3 Une Street, where I also live. Their lot is steep
4 and hilly, so any kind of ag requirements should be
5 out of the question. Even when pineapple was
6 previously grown in our current neighborhood, their
7 property was not cultivated.

8 In the past, I have never been inconvenienced
9 by any of the negatives that some opponents of
10 vacation rentals voice, such as excessive noise,
11 partying, reckless driving, or off-street parking
12 and so on.

13 During their previous hearings and today, you
14 can see the residents from our street are all in
15 favor of their application. Their activities would
16 be compatible and does not alter the character of
17 our neighborhood. I ask that you give the
18 applicants favorable consideration. Thank you.

19 CHAIR MOLINA: Thank you, Mr. Wong. Committee Members,
20 questions for the testifier? Seeing none, thank you
21 for your testimony.

22 Next to testify, we have Diane Morgan,
23 followed by Joan Spilker.

24 MS. MORGAN: Thank you for hearing our testimony today.

25 I'm one of the neighbors of Bev and Dave. I think I

1 might have the worst wind in the neighborhood. I'm
2 at the top of the hill. I've been a resident here
3 since 2001, and I do try to grow things, as a master
4 gardener, and would love to be able to market some
5 of my produce, but it is a challenge.

6 But what I can tell you about Bev and Dave is
7 that they make the neighborhood an ohana, and they
8 work with what they have. So I had a fruit fly
9 party in our neighborhood so that we could all have
10 fruit fly traps, and it would not only help me, it
11 would help the whole neighborhood.

12 She came, she supported that, she brought good
13 pupus and so I see that support with her, especially
14 with the neighborhood watch. That makes me feel
15 much safer. When I first moved in, I had someone
16 case the house when I first moved in there, and that
17 was very frightening to me.

18 And what I really think is that I understand
19 that there's so much positive and negative about all
20 this, and I've experienced a lot of that personally.
21 But, you know, you have the opportunity to give them
22 a way to financially provide for themselves.

23 And I just had friends of mine stay there from
24 the East Coast, and -- and they just loved it. In
25 fact, the woman that stayed there wrote this

1 beautiful poem. I thought Bev had brought it, but
2 it was just -- you know, it's what we want people to
3 leave Maui with, really understanding what aina
4 means.

5 And I think you have to live here a while.
6 And certainly when I came here, I didn't really
7 understand that till I lived with wind and
8 centipedes what it was really about living here.

9 But what I really, really would like to
10 encourage you to do is to see them as a blessing and
11 not something that will be bad here for Maui, that
12 this won't open the door to bad people doing things
13 here.

14 And I'd like to close with one of my favorite
15 scriptures in the Bible that says, Where the spirit
16 of the Lord is, there's peace, patience, love, joy,
17 kindness, gentleness, and self-control. And against
18 such things, there is no law against such things.

19 Thank you.

20 CHAIR MOLINA: Okay. Thank you for your testimony.

21 Committee Members, questions for the testifier?

22 Seeing none, thank you.

23 Next to testify, Joan Spilker, followed by
24 Karl Hill. And Members, the Chair's aware of the
25 time so after we complete testimony on LU-43, I'll

1 ask the Planning Department to give us a brief
2 overview, and we'll take a short recess.

3 Ms. Spilker?

4 MS. SPILKER: Good afternoon, Chair, and Council Members
5 and everybody else. My name is Joan Spilker, and I
6 also live in the neighborhood where Bev and David
7 do.

8 I'm going to be very short. I've been asked
9 to be brief, but I can be brief. Everybody before
10 me has said the exact truth about these people, and
11 they are the nicest -- to me, they're like saints.

12 They don't lose their patience, they're very
13 conscious of everybody around them, so please,
14 please see it in your heart to give them a permit.
15 Thank you.

16 CHAIR MOLINA: Okay. Thank you for your testimony.

17 Committee Members, questions? Seeing none, thank
18 you.

19 Next to testify, Karl Hill, followed by Mark
20 Sheehan.

21 MR. HILL: I'm Karl Hill, and I'm the next-door neighbor to
22 Bev and Dave, and they've been great neighbors to me
23 and just would like to also say support them.

24 I think Willy Wong had a great speech, and I
25 could just ditto that, but I -- I would really hate

1 to see Bev and Dave have to -- not be able to live
2 in where they do and be my neighbor if -- if they
3 were denied the permit, and that's what the end
4 results were of it, so I'd like to just ask for that
5 permit for them and that -- for that reason.

6 CHAIR MOLINA: Okay. Thank you, Mr. Hill. Committee
7 Members, questions for the testifier? Seeing none,
8 thank you for your testimony.

9 Next to testify, Mark Sheehan, and he is the
10 last person signed up to testify on LU-43, so the
11 Chair will give the public one last opportunity to
12 testify on LU-43 after Mr. Sheehan is done. Okay,
13 Mr. Sheehan.

14 MR. SHEEHAN: Council Chair, Council Members, good
15 afternoon. I'm going to try to restrict most of my
16 remarks to the Conditional Permit for tradewinds,
17 Maui Tradewinds, but I would like to invite each and
18 every one of you -- let me just back up a second.

19 I have a real estate office in Makawao, which
20 has been there for just about 20 years and one in
21 Paia also, it has been in Paia for about six or
22 seven years. I also have a 14-acre farm in Haiku
23 where I've been for 20 years.

24 So I've been involved in agricultural tourism
25 and the raising of bamboo and -- and building

1 experimental houses with this new product, bamboo,
2 and in trying to grow as many crops as possible.
3 It's pretty difficult to make more than about 5 or
4 \$10,000. It's -- it's very challenging, but there's
5 a great deal of interest in agriculture and in the
6 kind of alternative building that I've been involved
7 with.

8 But I want to -- I -- I've been experiencing a
9 lot of the trauma that has been produced by the
10 current crackdown on vacation rentals from my
11 neighbors and the people who live and work in the
12 shops in Paia and Makawao, and I would like to
13 invite each and every one of you to visit those
14 towns and walk in a few shops and talk directly to
15 the people to get some idea of how extreme the
16 impact has been. It is devastating. They're not
17 quite ghost towns; but persist with the current
18 strategy, and they will be.

19 If anybody deserves a Conditional Permit, I
20 think it is David Dantes and Beverly Livingston. As
21 far as I can see, they have done everything possible
22 to comply with the requirements of the State and
23 County laws. They have conscientiously pursued
24 this.

25 They have been -- I've known them for many,

1 many years. They are people of extreme integrity.
2 They do everything possible to not only follow the
3 laws but to make their clients, their guests
4 comfortable in their accommodations.

5 They screen the guests who are coming into
6 their rentals to make sure that they are not -- they
7 understand that it's a quiet neighborhood and that
8 they want the guests to respect the -- the
9 neighborhood.

10 I can't imagine people who've done more to
11 really do it right. And by the way, there is a,
12 really, place in the tourist picture for whatever
13 you want to call it, agricultural tourism.

14 People want to stay in quiet places, and they
15 can learn to respect the integrity of those
16 neighborhoods, and they want to experience what Maui
17 is really like apart from luxury hotels.

18 We have really overemphasized the luxury
19 hotels, and we need to really pay attention to
20 people's desire to live and to -- to experience the
21 quiet side, and Haiku and Hana particularly offer
22 that opportunity to people.

23 The people who are offering this kind of
24 opportunity, such as Maui Tradewinds, I think are
25 providing a very valuable tourist opportunity for

1 people who want to -- guests who have stayed with me
2 in the past want to walk the farm, know what's going
3 on, what's growing there. They're very interested
4 in the kind of crops that are growing, that are
5 being raised. They want to know a little bit more
6 about the -- the island and what makes this island
7 work, and they want to meet more local people.

8 MS. NAKATA: Three minutes.

9 MR. SHEEHAN: And this type of opportunity gives people the
10 opportunity. Please approve this Conditional
11 Permit. Thank you.

12 CHAIR MOLINA: Okay. Thank you, Mr. Sheehan. Committee
13 Members, questions for the testifier? Seeing none,
14 thank you for your testimony.

15 And I saw a hand go up in the gallery. We
16 have one more person that would like to testify on
17 LU -- Land Use Item 43. And -- yeah. Chair will
18 make note of the -- good afternoon, Mr. Borge. We
19 have you signed up for Land Use Item 35.

20 MR. BORGE: Oh, mistake. Was mistake.

21 CHAIR MOLINA: Did you want to go for --

22 MR. BORGE: No, I forgot my glasses.

23 CHAIR MOLINA: No problem. Okay. Go ahead, Mr. Borge.

24 MR. BORGE: Mike got me all excited when I first came in.
25 He was, you know, chasing me out of here and stuff.

1 You know, I know when you first started, you
2 said it was supposed to -- this is a big issue,
3 vacation rentals, B&B. I was going to come here and
4 just say, you know, all kind of stuff about that but
5 then as I was -- after I signed up and I was walking
6 up, Mr. Dantes came up to me and said what am I
7 testifying for? Who -- what -- what it's all about?

8 And I said, well, you know, I'm entitled to my
9 opinion. I have nothing against him personally if
10 he wants to run a B&B, TVR, if the Council
11 (inaudible) fine.

12 My thing with the process, here we have --
13 he's the president of -- of the TVR association or
14 whatever you call yourselves. They're having a
15 lawsuit against the County. So now he comes before
16 the County for a permit.

17 I mean, don't you think that we should wait
18 until this lawsuit is settled and -- and see what we
19 come up with, or you guys are -- have a shadow over
20 your head on your voting now, I think.

21 I mean, you know, you got -- you're -- you're
22 backed against the wall, maybe, you know what I
23 mean, to have a clear conscious to vote on this
24 issue.

25 You know, to me, that's -- that's just my

1 opinion, but I was telling (inaudible) I have
2 nothing -- he can be the greatest man in the world,
3 but this is like the Superferry issue, you know?

4 I mean, so now we going to -- you know, you're
5 backed up against the wall. I mean, it's -- to me,
6 it's very hard for you people to vote clearly, with
7 a clear mind, knowing that you got a lawsuit
8 going -- going against you, you know?

9 I mean, like I said, it's just my opinion.
10 But Mr. Dantes, I mean, I can love you, give you a
11 lei, hug you, kiss you, or whatever you want me to
12 do, but it's not personal, okay? And I'm entitled
13 to my opinion, and I'm an opinion kind of guy, okay?
14 Thank you.

15 CHAIR MOLINA: Okay. Thank you, Mr. Borge. Committee
16 Members, questions for the testifier? Seeing none,
17 thank you.

18 Okay. Seeing no other sign-ups for Land Use
19 Item 43, if there are no objections, Members, the
20 Chair will close public testimony for Land Use item
21 43.

22 COUNCIL MEMBERS: No objections.

23 CHAIR MOLINA: Okay, thank you.

24 . . . **END OF PUBLIC TESTIMONY.** . . .

25 CHAIR MOLINA: Members, the Chair will ask the Planning

1 Department to give us a brief overview of the
2 application. And once that is done, I will ask you
3 to withhold your questions, and we'll take a brief
4 recess. Director Hunt?

5 MR. HUNT: I'll defer to Senior Planner Jeffrey Dack.

6 CHAIR MOLINA: Okay. Mr. Dack?

7 MR. DACK: Yes, good afternoon. As indicated, I -- I am
8 Jeffrey Dack. I'm glad to be with you this
9 afternoon.

10 Last year in August of 2006, Planning Program
11 Administrator Clayton Yoshida gave a brief oral
12 report. The Department doesn't have updates to the
13 report since that time, so I will largely repeat
14 what was indicated at that time.

15 The subject property is located at 4230 Une
16 Place in Haiku. It's Community Plan Designation
17 Agriculture, lies within the State Agricultural
18 District, and is zoned County Agriculture.

19 The applicants, David Dantes and Beverly
20 Livingston, are requesting a County Conditional
21 Permit to use one bedroom and one bath area on the
22 first floor of a four-bedroom farm dwelling, known
23 as Building A, and a two-bedroom, one bath second
24 farm dwelling, known as Building B, for transient
25 vacation rental purposes.

1 Public hearing was conducted by the Maui
2 Planning Commission on August 27th, 2002. Ten
3 letters of support are included in the Department's
4 report from that time.

5 In addition, at that public hearing, 5
6 additional letters of support and 3 petitions signed
7 by 32 merchants, 8 employees, and 63 visitors were
8 submitted by the applicant and distributed to the
9 Commission.

10 No one testified at the public hearing in
11 support of or in opposition to the request. The
12 Planning Commission recommended approval of the
13 Conditional Permit, subject to 13 conditions,
14 allowing for the Conditional Permit to be initially
15 valid for a period of one year and also that by
16 proposed Condition 13, full compliance with the
17 conditions of the State Land Use Commission Special
18 Use Permit would need to be rendered.

19 The letter -- there's a letter dated
20 September 4th, 2002, that has been transmitted to
21 the Council, which includes the 16 conditions of the
22 State Land Use Commission Special Use Permit.

23 The Staff Planner at that time was Julie Higa,
24 who has since retired from the Department in April
25 of 2004, and this concludes the Department's oral

1 report.

2 CHAIR MOLINA: Okay. Thank you, Mr. Dack. All right,
3 Members, let's take a ten-minute recess. And when
4 we come back, the floor will be open up for
5 questions for the Planning Department.

6 This meeting is in recess until 3:25.

7 ...(gavel)...

8 **RECESS: 3:15 p.m.**

9 **RECONVENE: 3:25 p.m.**

10 CHAIR MOLINA: ...(gavel)... The Land Use Committee meeting
11 for October 31st, 2007, is now back in session. It
12 is 3:25. And Members, we just received a brief
13 overview from the Planning Department regarding Land
14 Use Item 43, a Conditional Permit for Maui
15 Tradewinds.

16 And let me read into the record what the
17 Committee will be considering. It is County
18 Communication No. 02-199 from the Planning Director,
19 transmitting a proposed bill to grant a request from
20 David Dantes and Beverly Livingston, doing business
21 as Maui Tradewinds, for a one-year Conditional
22 Permit for the operation of transient vacation
23 rentals on approximately two acres located at 4320
24 Une Place in Haiku.

25 The Committee also received a correspondence

1 dated April 3rd, 2007, from the Department of the
2 Corporation Counsel, transmitting a revised proposed
3 bill entitled A BILL FOR AN ORDINANCE GRANTING DAVID
4 DANTES AND BEVERLY LIVINGSTON, DOING BUSINESS AS
5 MAUI TRADEWINDS, A CONDITIONAL PERMIT TO USE ONE
6 BEDROOM ON THE FIRST LEVEL OF A TWO-STORY MAIN FARM
7 DWELLING, DWELLING A, AND TWO BEDROOMS OF A SECOND
8 FARM DWELLING, DWELLING B, FOR TRANSIENT VACATION
9 RENTALS WITHIN THE COUNTY AGRICULTURAL DISTRICT, FOR
10 PROPERTY SITUATED AT 4320 UNE PLACE, HAIKU, MAUI,
11 HAWAII.

12 The purpose of the revised proposed bill is to
13 grant Dr. Dantes' and Ms. Livingston's request for a
14 one-year Conditional Permit to operate transient
15 vacation rentals on property owned by David Dantes,
16 as Trustee of the Revocable David Dantes Trust dated
17 April 11, 1994, and Beverly Livingston.

18 So with that being said, Members, also we have
19 available as resource personnel, we have from the
20 Fire Department Captain Val Martin waiting in the
21 wings, and we have on-call the Deputy Water
22 Director, Mr. Eric Yamashige.

23 So Members, the floor is now open for
24 questions first to the Planning Department. Member
25 Johnson.

1 COUNCILMEMBER JOHNSON: Yes. And I apologize, Mr. Chair,
2 because I'm going to have to leave shortly, so -- I
3 wanted to find out, though, my main concern was are
4 we able to verify that all the conditions that you
5 refer to that -- I guess both State and the County
6 requirements that the Planning Commission made, that
7 there is compliance, or do we have an assurance that
8 there will be compliance if there isn't currently?
9 Are you able to address that?

10 MR. DACK: I understand the principal -- I can't speak to
11 absolutely all the conditions, but I do understand
12 there is a difficulty still with meeting the water
13 requirement for the fire flow, which I think was a
14 significant item discussion over a year ago. I
15 don't have any reason to believe that that actually
16 has been solved.

17 COUNCILMEMBER JOHNSON: Okay. And --

18 CHAIR MOLINA: Okay, hang on. Mr. Director, do you want to
19 add additional comment to Member Johnson's inquiry?

20 MR. HUNT: Generally speaking, what we do is we issue a
21 permit with approval with conditions of approval.

22 COUNCILMEMBER JOHNSON: Uh-huh.

23 MR. HUNT: And it's up to the applicant to then --

24 COUNCILMEMBER JOHNSON: Uh-huh.

25 MR. HUNT: -- comply with those conditions. We wouldn't

1 expect them to reply -- comply with those conditions
2 prior to getting approval because what if they
3 don't.

4 COUNCILMEMBER JOHNSON: Okay. Okay, so then basically,
5 what you're stating is that, you know, they're going
6 to represent that in order for you to grant, you
7 know, the actual -- I guess the permit or for that
8 to be done, they would at the time have to comply
9 with that, is that correct?

10 MR. HUNT: That's correct.

11 COUNCILMEMBER JOHNSON: Okay. And, Mr. Chair, I don't know
12 if Mr. Martin is able to address the issue of the
13 compliance with fire flow.

14 CHAIR MOLINA: Okay. Hang on. You know what we'll do,
15 we'll ask Captain Martin to -- if you could just
16 hold on.

17 Members, could we -- you have any other
18 questions for the Planning Department before we call
19 Captain Martin? Director?

20 MR. HUNT: Just to follow up, it -- if there's conditions
21 that may be difficult to comply with, that's
22 certainly something we would want to know about, if
23 there's an arduous condition or just it's not
24 feasible to comply with a condition, that's --
25 that's good information, but we don't require

1 compliance until -- prior to the actual final
2 approval.

3 COUNCILMEMBER JOHNSON: Yes. And, Chair Molina, I -- I
4 just want to determine was there any transmittal of
5 any information from the applicant, stating that
6 there would be difficulty complying with any of the
7 conditions, or at any point was there any indication
8 that they would not be able to comply?

9 CHAIR MOLINA: Department?

10 MR. DACK: Don't recall any recent transmittals, but I do
11 understand certainly the discussion last -- at your
12 previous Committee meeting on this subject referred
13 again to the -- the water and the fire flow
14 conditions; and as I say, I still understand that's
15 the principal technical difficulty I understand
16 with -- with meeting -- meeting the Department's
17 requirements.

18 COUNCILMEMBER JOHNSON: Thank you very much, Mr. Chair.

19 CHAIR MOLINA: Thank you, Member Johnson. Captain Martin,
20 any additional follow-up comment to Member Johnson's
21 inquiry regarding water flow?

22 If -- if you want, you can please come up just
23 as a follow-up to Member Johnson's question. If you
24 could please have a seat and get comfortable. We
25 also have a seat open here as well, Captain Martin,

1 if you'd like to come by here. Proceed, Captain.

2 MR. MARTIN: Good afternoon, Chair, Members of the
3 Committee. In this particular case, the fire flow
4 requirements would be enforced by the Water
5 Department so we're not involved in this particular
6 case as any fire flow that would be required.

7 CHAIR MOLINA: Okay. Thank you, Captain Martin. Member
8 Johnson?

9 COUNCILMEMBER JOHNSON: Yes. And I know that in some cases
10 where -- because we don't have a station out in that
11 area right now, some of the requirements have been
12 that there's sprinklering, you know, of the rooms or
13 whatever or, you know, automatic fire sprinklers in
14 the house. You didn't make a recommendation, or the
15 Fire Department did not make such a recommendation?

16 CHAIR MOLINA: Captain?

17 MR. MARTIN: Ms. Johnson, in this particular case, no. And
18 the reasoning behind that is because the facility
19 or -- or the -- the R-3 single-family dwelling or
20 cottage is going to be used for short-term rental
21 and it had an existing fire hydrant and fire flow
22 that was there previously. Would there be any
23 difference if you had a local family living in there
24 a year at a time, you know? And the answer is no.

25 It's the same structure. It doesn't change

1 anything, and they have a County fire hydrant system
2 fronting the property. So unless they build
3 additional structures or make something bigger, we
4 might take a closer look at it; but if it's just the
5 same structure and they're just changing the -- the
6 use to -- to short term, we don't feel that there
7 should be any difference.

8 We -- we don't treat it as a commercial -- you
9 know, so require them to have a higher flow
10 requirement or require them to put fire sprinklers
11 or anything.

12 COUNCILMEMBER JOHNSON: Okay, great. And then if I may
13 follow up, too, one of the concerns always in --
14 even in downtown Lahaina, are you able to access the
15 site adequately?

16 If there were a fire, is there the ability for
17 the Fire Department to traverse the area so that you
18 would be able to at least put out any fire that
19 might threaten, you know, the people, you know,
20 whether it's Mr. Dantes and his wife or guests?

21 CHAIR MOLINA: Captain?

22 MR. MARTIN: In this particular case, it is a -- quite a
23 ways from the Paia Fire Station so it would be a
24 fairly long response, but it's no different from any
25 of the other houses and homes that are in the area.

1 And there is a driveway leading to the
2 residence and -- and the cottage so I can't say that
3 it is any more dangerous or -- or anything than any
4 other residence in the area.

5 COUNCILMEMBER JOHNSON: Okay, great. Thank you very much.

6 CHAIR MOLINA: Okay. Thank you, Member Johnson. Committee
7 Members, questions for either the Fire Department or
8 the Planning Department? Mr. Medeiros?

9 And before I recognize you, the applicant is
10 also available for your perusal as well, Members, if
11 you have a desire to ask the applicant questions as
12 well. Mr. Medeiros.

13 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. From -- for
14 the Fire Department. Yeah, you mentioned that
15 there's a fire hydrant there. Is that a full-size
16 fire hydrant, or is that an ag area standpipe?

17 MR. MARTIN: That area, it looks like an ag area,
18 two-and-a-half-inch standpipe.

19 COUNCILMEMBER MEDEIROS: Okay. So that would be adequate
20 for the fire operations? Because seems like you say
21 that that's adequate and wouldn't be any different
22 for -- with another hydrant, is that correct?

23 MR. MARTIN: I don't know exactly -- well, for us, it's a
24 two-and-a-half-inch standpipe and, you know, it will
25 give us water for firefighting, which much of Haiku

1 is two-and-a-half-inch standpipe and -- and
2 inadequate to fire departments, you know what I
3 mean? Yeah, we want a regular size fire hydrant,
4 you know, with four-and-a-half-inch outlets, but we
5 know the reality. We know the County's budget, we
6 know the Water Department is trying their best to
7 get a lot of the County water systems up to
8 standards.

9 So I don't -- I can't -- you know, for us to
10 say, you know, put in a bigger fire hydrant for this
11 when it's the same structure if it was long-term
12 rental, I mean, there's no -- if we were to require
13 somebody -- you know, which is not our job in this
14 position -- I mean, in this particular case. Our
15 job is not to deal with the water fire flow so I
16 really don't want to get into that topic. That's
17 the Water Department's call on it.

18 But of course. I mean, we want all the water
19 in the world outside if -- if there was a fire,
20 yeah, and we don't necessarily, you know, want the
21 two-and-a-half-inch pipes if we can have a real big
22 fire hydrant, but that whole area is
23 two-and-a-half-inch pipe so that's something that's
24 a big task that the Water Department's going to, I'm
25 sure, handle in the future.

1 COUNCILMEMBER MEDEIROS: Uh-huh. And, you know, the basic
2 reason why I question you on -- on this, and I think
3 it's important because, you know, I was in the Fire
4 Department and have seen some major fires but -- so
5 there's no difference if a property is used for
6 commercial purposes, as compared to a residence,
7 that there's no difference in the requirements of
8 the Fire Department for fire operations?

9 MR. MARTIN: You know, in this particular case, maybe I
10 used the term commercial kind of loosely, but it's
11 an R-3 single-family dwelling where you have
12 residents in there.

13 To me, the numbers, you know, whether it's a
14 local family or if it's short-term rental, whether
15 it's three, four, five or six people living in a
16 home, you know, it doesn't really make a difference
17 on our strategy, whether it's being rented out for
18 short term or long term.

19 You know, the -- the -- the bottom line is
20 there's people in the house if it's on fire and we
21 got to get there and do something about it. So as
22 far as the commercial part, you know, if -- if it's
23 not a short-term rental and it's a regular house and
24 it catches on fire, the heat release rate and the
25 BTUs that are going to be given off, that's the heat

1 measured from the fire of the house, is going to be
2 the exact same BTUs that's given off if it's being
3 used as a Bed and Breakfast or a TVR so it doesn't
4 increase the fire rating.

5 So it's hard for me to say that you know what,
6 give -- let's get a bigger fire hydrant here. It's
7 almost like saying the rest of you on the street
8 that are long-term renters or owners, you guys got
9 to keep the two-and-a-halves. You guys not safe.
10 We -- we -- we're going to give a bigger hydrant
11 here, you know? It's -- it doesn't make sense.

12 COUNCILMEMBER MEDEIROS: Yeah. My question was more -- was
13 directed to is there a difference in the Uniform
14 Fire Code that requires differences between a
15 regular residence and something used for commercial
16 operations?

17 MR. MARTIN: Yes, there -- there are differences for
18 commercial --

19 COUNCILMEMBER MEDEIROS: And those -- and that Code doesn't
20 apply in this instance?

21 MR. MARTIN: In this instance, it doesn't because the water
22 system is enforced by the County Water Department.

23 COUNCILMEMBER MEDEIROS: Okay. And then, Chair, if I may,
24 I just have a question for the Planning Department.

25 CHAIR MOLINA: Proceed, Mr. Medeiros.

1 COUNCILMEMBER MEDEIROS: Thank you for your answers.

2 Planning Department, as was read by the Chair, the
3 request is for a one-year permit. What happens
4 after the one year and the permit expires?

5 CHAIR MOLINA: Mr. Director?

6 MR. HUNT: They'd have to get a renewal, depending on what
7 kind of conditions of approval were attached to
8 the --

9 COUNCILMEMBER MEDEIROS: And what's involved in the
10 renewal, from step one, the whole process again?

11 MR. HUNT: The Conditional Permit process doesn't speak
12 directly to that. Past practice has been to require
13 that it go to the Council for -- for that, so it
14 would start out with a hearing at the Planning
15 Commission and recommendation.

16 COUNCILMEMBER MEDEIROS: And then to the Council?

17 MR. HUNT: But my reading of it, and I'm not that familiar
18 with the past practice, so -- but my reading is
19 that's not mandated. That has just been the
20 practice.

21 COUNCILMEMBER MEDEIROS: I see. Thank you, Director.

22 Thank you, Mr. Chair.

23 CHAIR MOLINA: Thank -- thank you, Mr. Medeiros. Committee
24 Members, any questions -- additional questions for
25 the Department or -- both Departments, Fire

1 Department and Planning? Mr. Victorino?

2 COUNCILMEMBER VICTORINO: Yes, for the Fire Department.

3 Thank you, Val, for being here.

4 Going back to all this discussion, I guess the
5 bottom line in this is response time is always
6 being, and it still is, the pivotal issue in this --
7 this whole -- this whole question about the area for
8 which Mr. Dantes and his operation is being held in,
9 right?

10 CHAIR MOLINA: Department?

11 MR. MARTIN: I don't know if it's the issue, but yeah, it
12 is a -- quite a response from Paia Fire Station.

13 COUNCILMEMBER VICTORINO: So -- and when I say issue, I'm
14 saying whether you had standpipe or full-on fire
15 hydrants, the response time to get there, like
16 anybody else in the area, would be the same?

17 MR. MARTIN: That is correct.

18 COUNCILMEMBER VICTORINO: Okay. And so no matter what the
19 Fire Department did, once they got there, wherever
20 the fire was at that point, it was there.

21 And the fire flow has always been an issue
22 with the Department of Water -- not so much you
23 folks. The Department of Water is the one that has
24 been mandating the fire flow, the issue as far as
25 the water available for the fire?

1 MR. MARTIN: That is correct. If the water is a County
2 system --

3 COUNCILMEMBER VICTORINO: Right.

4 MR. MARTIN: -- then it's the Water Department, yes.

5 COUNCILMEMBER VICTORINO: Okay. Thank you. Back to the --
6 the Department. To add -- to add one more question
7 on that one-year conditional that you're referring
8 to, if the general practice is the same as what we
9 going through right now, does that mean it comes
10 back to Council again and we got to consider this
11 next year the same way?

12 MR. HUNT: If that's what the Council chooses. As -- as I
13 understand it -- and Robyn, nod your head wrong if
14 I'm stating it wrong -- you would have the ability
15 to say -- to dictate a different renewal process,
16 perhaps administrative. I believe the -- the Code
17 actually speaks to administrative approval or
18 Planning Commission.

19 COUNCILMEMBER VICTORINO: Okay. Okay, thank you. Thank
20 you, Mr. Chair.

21 CHAIR MOLINA: Okay. Thank you, Member Victorino. Member
22 Pontanilla?

23 VICE-CHAIR PONTANILLA: Thank you. For Captain Martin,
24 when do you require sprinklers in the building? Or
25 is it a matter of the owner of the property to do

1 that?

2 CHAIR MOLINA: Captain Martin?

3 MR. MARTIN: Mr. Pontanilla, in this case, I didn't see any
4 paperwork as far as requiring the sprinklers.

5 VICE-CHAIR PONTANILLA: So -- so for the Fire Department,
6 though, when do you require sprinklers be installed?

7 MR. MARTIN: Well, that's really a tough question. We do
8 require sprinklers on certain -- see, basically, the
9 Fire Department, we don't get involved with R-3
10 single-family dwellings.

11 Now, there's a couple of exceptions to that.
12 And an exception is if you have no water fire
13 protection. If you're building your home off of the
14 County water fire protection system and you need to
15 come up with a suitable fire protection plan, then
16 you would come in and see us, and we could work with
17 you on that, and we can come up with many different
18 ways on how we can -- how we can do this.

19 So the fire sprinklers, it's generally not
20 something that we require if you're on the County
21 water system, you know, unless you decide to build
22 your home a great distance in the back because of
23 terrain, topography, we can't get there or
24 something, you know, we can talk about it. But
25 generally, single-family dwellings, we do not deal

1 with it, we do not inspect, we do not get involved
2 with.

3 VICE-CHAIR PONTANILLA: Same thing with smoke detectors,
4 then, too, you don't get involved?

5 MR. MARTIN: That is correct on the single-family
6 dwellings. When they're built brand-new and they're
7 required by the Code, those are inspected by the
8 building inspectors when they go in for the
9 facility.

10 But Fire Department, once the -- a new home is
11 built, no one goes inside the home to make sure that
12 everyone has smoke detectors. You know, we really
13 depend on the homeowners to be responsible.

14 VICE-CHAIR PONTANILLA: Okay. Okay, thank you, Captain
15 Martin. Thank you, Chair.

16 CHAIR MOLINA: Thank you, Member Pontanilla. Just refer --
17 Chair recognizes Mr. Hokama. Members, there's an
18 e-mail, I believe, from Mr. Dantes dated October
19 11th related to the sprinkler system, and I'll just
20 read verbatim what it says.

21 Number four, bullet point four, both dwellings
22 have been retrofitted with an automatic sprinkler
23 system which meets NFPA standards and which has been
24 inspected and approved by the Fire Prevention
25 Captain, Neal Bal, so I just wanted to add that as

1 well, Members. Chairman Hokama?

2 COUNCILMEMBER HOKAMA: Thank you, Chairman. Planning
3 Department, what caught my eye, and I would ask for
4 your comments, please, is that in this application,
5 my understanding of what has been provided in the
6 documentation is we're dealing with two dwelling
7 units.

8 We're not dealing with the primary residence
9 and an accessory farm dwelling unit or accessory
10 building that is to be converted for a dwelling unit
11 under -- under my understanding of the agricultural
12 laws.

13 So obviously, the applicant had to come in for
14 a second dwelling unit on agriculture land prior to
15 this submittal. So can you tell this Committee this
16 afternoon how that unit was approved and what was
17 the justification of that approval?

18 CHAIR MOLINA: Planning Department?

19 COUNCILMEMBER HOKAMA: Unless I have a misunderstanding of
20 the law.

21 MR. DACK: There's information in the Staff report to the
22 Planning Commission that in -- in February 2000, a
23 building permit was obtained by the applicant to
24 construct a thousand square foot second farm
25 dwelling comprising two bedrooms, a bath, a kitchen,

1 living, dining room area. It was completed in
2 December 2000 and then the -- and then it follows
3 the applicant seeking permission to rent that for
4 transient vacation rentals, but it was permitted as
5 a -- as a second dwelling in 2000.

6 COUNCILMEMBER HOKAMA: So how did that -- what
7 determined -- was -- so -- yeah, but there was a
8 determination made that that satisfied an
9 agricultural use? Because that's my understanding
10 what it takes to have a second -- an accessory
11 building on an agriculture-zoned land.

12 You're allowed your primary domicile, I guess
13 that's the legal term, Mr. Hopper, so correct me if
14 I'm using the wrong terms, and that you're allowed
15 an accessory building, provided it satisfies the
16 agriculture requirements.

17 And -- and that is why I find it interesting
18 that, again, Mr. Dantes is very up front and
19 noteworthy that he tells us he has two dwellings and
20 so I'm -- I'm trying to understand how you have two
21 dwellings on agriculture land, and he's coming
22 through a, you know, permit process requesting the
23 authorized use, but I'm just wondering how he got
24 the permit to build a second dwelling and convinced
25 the Departments that it was an accessory

1 agricultural use?

2 CHAIR MOLINA: Mr. Director?

3 COUNCILMEMBER HOKAMA: Or is that not necessary?

4 MR. HUNT: Under 19.30, there's permitted uses. And as I
5 understand it, or as I interpret it, two farm
6 dwellings per lot, one of which shall not exceed
7 1,000 square feet, are -- are allowed.

8 COUNCILMEMBER HOKAMA: There's no need to tie it into an
9 agricultural use?

10 MR. HUNT: Well, it -- the --

11 COUNCILMEMBER HOKAMA: I mean, I'm (inaudible) the
12 question.

13 MR. HUNT: No, it's a good question. The Code goes on --
14 prefaces what I just read you, that uses which are
15 incidental or subordinate to, customarily used in
16 conjunction with a permitted principal use.

17 So that's how it describes the two farm
18 dwellings. The permitted principal use is
19 agriculture or agricultural land conservation, those
20 types of uses.

21 So there is that caveat that it's supposed to
22 be incidental and subordinate to. And I -- I wasn't
23 with the Department back when that permit was
24 issued.

25 COUNCILMEMBER HOKAMA: Uh-huh.

1 MR. HUNT: I understand since then, there's -- there's been
2 concern about the justification for allowing farm
3 dwellings, and there has been the farm plan
4 implementation, the two-step process.

5 But at the time, I -- as I understand it, that
6 farm plan implementation, the two-step process, came
7 in after this.

8 COUNCILMEMBER HOKAMA: Okay. I thank you for your response
9 to the question, Director. My -- my next question
10 is something related to what my colleague,
11 Mr. Medeiros, brought up.

12 When -- and -- and this is how I view this
13 request. Now they're asking for a commercial use of
14 the agricultural property that is not agriculturally
15 permitted.

16 So saying that, are there additional things we
17 require from a public safety standpoint or just --
18 regarding standards of -- of property or where the
19 facility, the -- the building, whatnot, is required
20 to be taken into consideration to comply with a
21 commercial use?

22 CHAIR MOLINA: Mr. Director?

23 MR. HUNT: The -- the two permits that they are applying
24 for both have standards that have to be met. And
25 some of the wording's fairly broad, and that would

1 give the Council the latitude to address those.

2 Now -- now, the SUP has already been approved
3 by the Planning Commission. But under 19.40, you do
4 have some criteria on which to base your decision
5 on -- on the Conditional Permit.

6 COUNCILMEMBER HOKAMA: Okay. And I thank you for that
7 comment again. I -- I would just note that I -- I
8 have been looking for because as we have been
9 provided in responses to Mr. Dantes' queries to the
10 Office of State Planning and the administrative side
11 of the Land Use Commission, I take note that in
12 their responses that have been shared with us this
13 afternoon, that there -- that I guess for the
14 Commission also, there -- there -- there had to be
15 one demonstration, and the Commission was convinced
16 by the applicant's demonstration that this unusual
17 and reasonable use should be allowed in agriculture
18 that is currently nonpermitted.

19 And I would ask you if you could assist me and
20 -- and my colleagues on this Committee what is, to
21 your understanding, the demonstrated justification
22 for this unusual and reasonable use?

23 CHAIR MOLINA: Department?

24 MR. HUNT: Yeah, Jeffrey Dack will cite the Staff report
25 that was written at that time. The Department

1 doesn't necessarily agree with the Staff report that
2 was written at that time, but it -- what's done is
3 done, and -- and we're here to report on the -- on
4 the record before you.

5 COUNCILMEMBER HOKAMA: Thank you.

6 MR. DACK: There's five criteria that are -- have --
7 provide an opportunity to be met under HRS 205,
8 205(a) to -- with any -- the satisfaction of any of
9 those criteria can provide the opportunity for
10 the -- the Maui Planning Commission, in -- in this
11 particular application, to make the necessary
12 findings to grant the State Special Use Permit,
13 which they did.

14 There are four which -- which were found to be
15 met. I'll just speak to those four. One -- one of
16 the criteria is that the desired use may not
17 adversely affect surrounding property.

18 Each of these criteria -- I have a whole
19 paragraph answering them so I'm not going to go into
20 them in detail but -- but summarizing at the end,
21 the -- there was information that was -- was in the
22 Staff report that the -- that the effects of the
23 uses would not -- on this particular site, would not
24 cause problems for nonagricultural uses, land
25 prices, the -- the -- the (inaudible).

1 There would be monitoring of the permit in
2 that there was not, in this particular location,
3 information that the -- that the -- that the use
4 would adversely affect surrounding property, and
5 you've heard support of that in -- in substantial
6 testimony.

7 Another criteria is that the use doesn't
8 burden public agencies, provide roads and streets,
9 sewers, water drainage, school improvements, police
10 and fire protection.

11 There was citation of -- of various comments
12 that those -- those basic criteria were -- were --
13 were being met that -- with -- that -- or could be
14 met with conditions of approval.

15 For example, we've mentioned water, and -- and
16 they indicated that they can through a condition
17 that could be -- that could be satisfied if they
18 were to meet the Fire Department -- excuse me, Water
19 Department requirements, so that is one of the
20 conditions of the -- of the -- the State Special Use
21 Permit.

22 Another criteria is unusual conditions,
23 trends, and needs have arisen since the district
24 boundaries and rules were established. There's
25 reference to the lack, I guess, of -- of awareness

1 and expectation at the time the district boundaries
2 and -- and rules were established of the demand that
3 would occur for transient vacation rentals, that
4 that particular kind of -- of visitor accommodation
5 was not -- was not evident, at least in any
6 significant way at the time the -- the rules and
7 boundaries were established, and so there were
8 changed circumstances.

9 And then the last criteria is the land upon
10 which the proposed uses sought is unsuited for uses
11 permitted within the district. There's been
12 testimony today and -- and certainly information
13 about the -- the -- the special topography of the
14 site, the -- the difficulty of the soil conditions
15 and wind conditions allowing for -- for agricultural
16 activities, and -- and the conclusion that it would
17 be a significant challenge to retain the property
18 for -- for primarily agriculture purposes.

19 So again, those were the -- those were the
20 four criteria of unusual and reasonable that at the
21 time, the Planning Department recommended and the --
22 the Planning Commission accepted in granting the
23 State Special Use Permit.

24 COUNCILMEMBER HOKAMA: Well, I appreciate the Director's
25 comments prior to your statement, Senior Planner.

1 Chairman, thank you very much for my
2 opportunity to ask questions.

3 CHAIR MOLINA: Okay. Thank you very much, Member Hokama.
4 Committee Members, any other questions for the
5 Planning Department or the Fire Department at this
6 point before the Chair offers a recommendation?

7 UNIDENTIFIED SPEAKER: Recommendation.

8 CHAIR MOLINA: Okay. All right, Members, the Chair would
9 like to confer with Staff on one particular item and
10 call for a five-minute recess.

11 But before that, I'd like to let you know you
12 did -- we did receive a -- I believe a document
13 from -- it just says here from Mr. Dantes. I don't
14 know if this really is from Mr. Dantes, but I just
15 wanted confirmation from Staff.

16 It says -- it's related to the State Land Use
17 Commission on permitting overnight accommodations.
18 The State Land Use Commission, in a phone call with
19 the Director of the State Land Use Commission on
20 October 1st, 2007.

21 His office states that Act 250 did not
22 prohibit overnight accommodations from being
23 established via the State Special Use Permit process
24 of 205-6.

25 For the record, can we confirm who is his or

1 the name of the Director of the State Land Use
2 Commission, and was it himself, or was it a Staff
3 person? Staff or whoever transmitted this to the
4 Committee, can we have a clarification on it for the
5 record?

6 Was this from you, Mr. Dantes? Can I -- can
7 you come up to the podium just to clarify who, I
8 presume, you spoke with and -- just so we can
9 document this on the record who the -- the
10 principals are. Members, you all have that
11 document, I believe, in -- okay. Dr. Dantes?

12 MR. DANTES: Thank you, Chair and Committee and Staff.

13 This was an excerpt from the Planning Department
14 report that was presented to the Planning
15 Commission.

16 I think the report is dated October 10th, and
17 I believe that the conversation occurred between --
18 and correct me if I'm wrong, Mr. Director -- I
19 believe it was between the Administration Planning
20 Officer of the Planning Department and the Executive
21 Director of the Land Use Committee, which would be
22 Anthony Ching.

23 CHAIR MOLINA: Okay. And do you have the name of that
24 Administrative Planning Officer?

25 MR. DANTES: Mr. Alueta, Joseph Alueta.

1 CHAIR MOLINA: Joseph Alueta, okay. Thank you. Thank you
2 for help --

3 MR. DANTES: The -- the Director is shaking his head no, so
4 I may be wrong about this. Mr. Alueta reported the
5 conversation, but he may have not had the
6 conversation.

7 CHAIR MOLINA: Mr. Director?

8 MR. HUNT: That's correct. As best as I know it, I was
9 informed via e-mail that this conversation took
10 place and that e-mail came from a Staff person.

11 So we -- we don't have any verification beyond
12 that, but the Staff person reported that they had a
13 phone conversation with Anthony Ching that is
14 consistent with what Mr. Dantes just said.

15 CHAIR MOLINA: The Staff person of the Planning Department?

16 MR. HUNT: That's correct.

17 CHAIR MOLINA: All right. Okay, thank you very much for
18 that clarification.

19 MR. DANTES: Yes, sir.

20 CHAIR MOLINA: Okay, Members, before the Chair offers a
21 recommendation, I call for a three-minute recess.
22 ...(gavel)...

23 **RECESS: 3:58 p.m.**

24 **RECONVENE: 4:01 p.m.**

25 CHAIR MOLINA: ...(gavel)... The Land Use Committee meeting

1 of October 31st, 2007, is now back in session. It
2 is one minute after the hour of 4 o'clock.

3 Members, the Chair's going to offer you a
4 recommendation for Land Use Item 43 related to the
5 Conditional Permit request for Maui Tradewinds.

6 Upon hearing the discussions, the Chair is
7 comfortable at taking action at this point on the
8 proposed bill and Conditional Permit recommendation,
9 so therefore, Chair will entertain a motion to
10 support.

11 COUNCILMEMBER ANDERSON: So moved.

12 COUNCILMEMBER VICTORINO: Second.

13 CHAIR MOLINA: Okay. It's been moved by Member Anderson,
14 seconded by Mr. Victorino.

15 Member Anderson, as the maker of the motion,
16 any discussion?

17 COUNCILMEMBER ANDERSON: Just briefly, Mr. Chairman. I
18 think the applicant has met all of the concerns that
19 were brought forward at the last meeting.

20 They seem to have no opposition in their
21 community, which is certainly to their favor, and
22 any -- any question that we might have had regarding
23 the permitted use within the State HRS 205-6, I
24 think we've gotten a fair amount of documentation
25 from the State to allow us to feel comfortable in

1 that regard.

2 CHAIR MOLINA: Okay. Thank you very much, Member Anderson.

3 COUNCILMEMBER VICTORINO: Chair?

4 CHAIR MOLINA: Mr. Victorino?

5 COUNCILMEMBER VICTORINO: And I would concur with my
6 colleague. And Mr. Dantes has, in all what I've
7 read, worked very diligently to comply with most and
8 if not all of our requirements, both on the County
9 and the State level, and I think that's the kind of
10 businesses that we want here on Maui, you know, in
11 that respect, yeah. They -- they -- they're working
12 hard to make sure that they do what is right.

13 And I appreciate the Departments, both Fire,
14 Planning, and all the rest, working hard to make
15 sure that these things are done, and -- and you guys
16 -- really, I do appreciate what you do. So I will
17 support this, Mr. Chair. Thank you.

18 CHAIR MOLINA: Thank you, Mr. Victorino. Mr. Pontanilla?

19 VICE-CHAIR PONTANILLA: Thank you, Chair. I also will be
20 supporting your recommendation. Just to let you
21 know, I was on the Planning Commission when this
22 permit came about; and at the time, I felt that
23 Mr. Dantes met the requirements as far as the State
24 Land Use Special Permit, as well as the Conditional
25 Permit that we allowed to go forward to the County

1 Council at that time.

2 I know it took since 2002 to, you know, take
3 up this matter here, but I'm happy to support your
4 recommendation, Chair.

5 CHAIR MOLINA: Thank you, Mr. Pontanilla. Members, any
6 other discussion? Chairman Hokama?

7 COUNCILMEMBER HOKAMA: Chairman, thank you. I will not be
8 supporting the motion. I -- it is my belief,
9 Mr. Chairman, with all respect to you and -- and --
10 and my colleagues of this Committee, that I view HRS
11 205 to be very clear regarding overnight
12 accommodations.

13 And while I can see how the administrative
14 components of Office of State Planning and the Land
15 Use Commission can reach a conclusion that the
16 statute did not specifically disallow the use of a
17 State Special Use Permit for a consideration,
18 nonetheless, I believe the Legislature was very
19 precise and clear in its policy statement regarding
20 overnight accommodations as written in the statute.

21 I also believe that it does have an impact on
22 valuation of our real property parcels. I also
23 believe that a true residential use cannot compete
24 with a commercial use when it comes to how we view
25 value of the land.

1 And, you know, at this time, Chairman, it is
2 unfortunate, but I do know one thing. This is not
3 about the individual or the applicant. This is
4 about consideration of a nonpermitted use in a
5 specific land use category request for a special --
6 specific activity that is not permitted by Code or
7 law to come through, through a permit process.

8 And I say that because I believe it has been
9 shown that it's not about the individual and that
10 the individual does have, you know, obviously his
11 affidavits of support and of the man's personality
12 and integrity, but that is not what is at question
13 this afternoon. It's about the consideration of a
14 nonpermitted use in a specific land use category,
15 and that is what I am making a decision on. Thank
16 you, Mr. Chairman.

17 CHAIR MOLINA: Okay. Thank you, Mr. Chairman. Members,
18 any other discussion before the Chair calls for the
19 vote?

20 MS. NAKATA: Mr. Chair?

21 CHAIR MOLINA: Staff?

22 MS. NAKATA: Could Staff just clarify? The motion is to
23 pass the revised proposed bill transmitted by the
24 Department of the Corporation Counsel on April 3rd,
25 2007?

1 CHAIR MOLINA: That is correct. Members, that would be
2 number two on the agenda under LU-43. That's what
3 we're considering passing. And this would include
4 the filing of County Communication 02-199.
5 Mr. Medeiros?

6 MR. HOPPER: Mr. Chair?

7 CHAIR MOLINA: Excuse me. Mr. Hopper?

8 MR. HOPPER: I just wanted to clarify. So that would
9 include all of the conditions that were in that
10 proposed resolution [sic] as well?

11 CHAIR MOLINA: Corporation, that is correct.

12 MR. HOPPER: Okay.

13 CHAIR MOLINA: Mr. Medeiros?

14 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. You know, I
15 had my concerns, and Council Chair Hokama brings up
16 some very valid points about HRS 205.

17 For me, I -- I -- I'm going to support your
18 recommendation. And for me, the balance would be
19 that this is a one-year permit, and we'll see what
20 happens within the one year, and it will give us an
21 opportunity to review that.

22 And so for me, I think the efforts on the part
23 of the applicant to try and comply with the
24 requirements that was set forth for them, I think
25 they -- you know, they did an honest job of trying

1 to meet that compliance and requirement.

2 So I will support your recommendation, and I
3 look forward to, you know, after a year what will
4 happen. Thank you, Mr. Chairman.

5 CHAIR MOLINA: Okay. Thank you, Mr. Medeiros. Member
6 Anderson, for a second time on the motion?

7 COUNCILMEMBER ANDERSON: I just wanted to question the
8 purpose of revising the bill. Were there any
9 substantive changes made to the revision?

10 CHAIR MOLINA: Corporation Counsel or Planning Department,
11 you care to respond to Member Anderson's inquiry
12 regarding the revised --

13 MR. HOPPER: I'm very sorry, Mr. Chair. I would -- I did
14 not revise the proposed bill, so I'm not at liberty
15 to say what was -- what was changed.

16 COUNCILMEMBER ANDERSON: Maybe -- excuse me.

17 MR. HOPPER: Maybe Staff could elaborate?

18 COUNCILMEMBER ANDERSON: Maybe Staff because I think it was
19 probably a request from -- from your Committee for a
20 revision to the bill.

21 CHAIR MOLINA: Okay. Ms. Nakata?

22 MS. NAKATA: Members, there was a request from then
23 Committee Chair Bob Carroll dated August 25, 2006,
24 to Corporation Counsel, requesting some technical
25 revisions.

- 1 COUNCILMEMBER ANDERSON: I see the letter.
- 2 CHAIR MOLINA: What is the date again? August 25, 2006?
- 3 MS. NAKATA: August 25, 2006.
- 4 CHAIR MOLINA: Okay. So these were some minor revisions?
- 5 MS. NAKATA: Largely, they were to address changes in
- 6 formatting for the Conditional Permit bills that the
- 7 Department had instituted since this original bill
- 8 was drafted in 2002 and also to address the fact
- 9 that the property is owned by David Dantes.
- 10 CHAIR MOLINA: Okay. Members --
- 11 MS. NAKATA: And -- excuse me.
- 12 CHAIR MOLINA: Go ahead.
- 13 MS. NAKATA: David Dantes, as Trustee of the Revocable
- 14 David Dantes Trust dated April 11, 1994, and Beverly
- 15 Livingston. There were a couple of conditions in
- 16 the permit that addressed ownership, such as
- 17 Condition number 10.
- 18 CHAIR MOLINA: Okay. Thank you, Staff. So, Members, if
- 19 you -- you'll get more further clarification by
- 20 looking at the August 25th, 2006, letter, which is
- 21 the rationale for the revised proposed bill.
- 22 COUNCILMEMBER ANDERSON: Yes. Thank you, Chair.
- 23 CHAIR MOLINA: Okay, Members? All right, seeing no other
- 24 questions, the Chair will call for the vote. All
- 25 those in favor, signify by saying "aye."

1 COUNCIL MEMBERS: Aye.

2 CHAIR MOLINA: All those opposed?

3 **VOTE: AYES:** Councilmembers Anderson, Johnson, Mateo,
4 Medeiros, Victorino, Vice-Chair
Pontanilla, and Chair Molina.

5 **NOES:** Councilmember Hokama.

6 **ABSTAIN:** None.

7 **ABSENT:** None.

8 **EXC.:** Councilmember Baisa.

9 **MOTION CARRIED.**

10 **ACTION:** Recommending FIRST READING of revised
11 Proposed bill, and FILING of
communication.

12 CHAIR MOLINA: Okay, we have, one, two, three, five --
13 seven ayes and one no, Member Hokama. The matter
14 passes on to the County Council and is, I guess,
15 released from the Land Use Committee. And I want to
16 thank the applicant for their patience on this
17 matter.

18 **ITEM NO. 35: CONDITIONAL PERMIT FOR "HAIKU RECREATION AND**
19 **MAUI DREAM COTTAGES: (C.C. No. 02-98)**

20 CHAIR MOLINA: Okay, Members, we have time to address one
21 last item, that is Land Use Item 35, Conditional
22 Permit for Haiku Recreation and Maui Dream Cottages.
23 The Committee is in receipt of County
24 Communication No. 02-98 from the Planning Director,
25 transmitting a proposed bill to grant a request from

1 Gregg Blue, doing business as Haiku Recreation and
2 Maui Dream Cottages, for a one-year Conditional
3 Permit to operate a transient vacation rental in a
4 one-bedroom cottage on approximately 2 acres located
5 at 265 West Kuiaha Road, Haiku, Maui.

6 And in addition, a correspondence dated
7 September 25th, 2007, from the Corporation Counsel's
8 office, transmitting a revised proposed bill
9 entitled A BILL FOR AN ORDINANCE GRANTING GREGG
10 BLUE, DOING BUSINESS AS HAIKU RECREATION AND MAUI
11 DREAM COTTAGES, A CONDITIONAL PERMIT FOR A
12 ONE-BEDROOM TRANSIENT VACATION RENTAL WITHIN THE
13 COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED
14 AT 265 WEST KUIAHA ROAD, HAIKU, MAUI, HAWAII.

15 The purpose of the revised proposed bill was
16 to grant Mr. Blue's request for a one-year
17 Conditional Permit to operate a one-bedroom
18 transient vacation rental on his property.

19 Now, Members, at this time, the Chair will
20 turn matters over to the Planning Department. But
21 before that, Committee Secretary, did we have any
22 request for sign-ups for public testimony on this
23 item?

24 MS. FRIAS: No, Mr. Chair.

25 CHAIR MOLINA: Okay. Thank you, Committee Secretary.

1 Seeing no one approaching from the gallery, if
2 there's no objections, the Chair will close public
3 testimony for Land Use Item 35.

4 COUNCIL MEMBERS: No objections.

5 CHAIR MOLINA: Okay. Thank you very much, Members.

6 Director Hunt, and I believe you have also Planner
7 Robyn Loudermilk present as well related to LU-35.
8 You may have the mike and proceed.

9 MR. HUNT: Thank you, Chair. I'll defer to the Senior
10 Planner, Robyn Loudermilk.

11 MS. LOUDERMILK: Thank you. The -- as indicated, the
12 applicant is requesting a County Conditional Permit
13 for the transient vacation rental use, where
14 transient vacation rental use are not permitted.

15 The applicant is proposing to use the second
16 farm dwelling, which has one bedroom, one bath, and
17 enclosed patio for transient vacation rental. The
18 applicant lives in the main farm dwelling.

19 The public hearing on this application was
20 held on both February 12th and February 26th, 2002.
21 Regarding testimony, there was no testimony in
22 support or in opposition; and in the end, the Maui
23 Planning Commission recommended approval of the
24 Conditional Use Permit, subject to 14 conditions.
25 And that concludes the Department's summary on the

1 request.

2 CHAIR MOLINA: Okay. Thank you, Ms. Loudermilk.

3 Ms. Loudermilk, it's been brought to my attention
4 there has been a concern that's been brought up
5 about this application. Can you elaborate further
6 on this matter? It's been something that is recent.

7 MS. LOUDERMILK: Are we referring to the Department's
8 October 31st response?

9 CHAIR MOLINA: I believe there was some -- I believe one of
10 the inspectors related to this matter.

11 MS. LOUDERMILK: Oh, yes.

12 CHAIR MOLINA: Can you cover that for the Committee,
13 please?

14 MS. LOUDERMILK: Yes. On October 10th, 2007, a complaint
15 from the community was registered with the Zoning
16 Administration and Enforcement Division within the
17 Department. The complaint referred to the illegal
18 operation of a transient vacation rental.

19 The Department inspector has not been able to
20 verify the -- the complaint, nor myself, as we have
21 not been given permission to go onto the property.

22 CHAIR MOLINA: Okay. Thank you, Ms. Loudermilk. Members,
23 if there are no objections, I'd like to call the
24 applicant up to give -- give a response related to
25 the application and the concern that was just shared

1 with us by the Planner. Good afternoon, Mr. Blue.

2 MR. BLUE: My name's Gregg Blue. I testified at the
3 Planning Commission on October 8th very strongly
4 against the new vacation rental ordinance.

5 The next day, I got a call from Zoning
6 Enforcement, saying that they had a complaint I was
7 running an illegal TVR and that I should take my --
8 all my Internet advertising down and cease
9 operations within 14 days.

10 I responded to that by saying that the
11 County's position was that if I had applied for a
12 permit for my vacation rental, that I was allowed to
13 run it till the end of the year, till December 31st.

14 So that's the message I left with the zoning
15 inspector on his answering machine. And so I
16 basically told him I didn't think I should be
17 written up because I've applied for the permit.

18 The next day, I got the warning in the mail,
19 based on the complaint, and I got it. The next day,
20 I got a call again from the zoning inspector, saying
21 he didn't have a complaint, but he wanted to come on
22 the property.

23 And I said, why do you want to come on the
24 property if you don't have a complaint? Well, we
25 have information that there's an illegal dwelling on

1 the property. And I said well, there's not.
2 There's -- there's the cottage, there's the storage
3 shed, and there's my house and so if you don't have
4 a complaint, I don't want you to come on the
5 property. That was the end of the conversation.

6 So in one case, he said he had a complaint
7 against an illegal TVR; two days later, he said he
8 didn't have a complaint, and he wanted to come and
9 inspect my property. I was very uncomfortable with
10 that.

11 So I responded, and I said after today -- I
12 don't know what's going to happen today -- he's
13 welcomed to come to the property.

14 CHAIR MOLINA: Okay. Thank you, Mr. Blue. Committee
15 Members, questions for the Planning Department or
16 the applicant? Mr. Victorino.

17 COUNCILMEMBER VICTORINO: Yeah. Well, to the applicant
18 first of all. When the inspector said they wanted
19 to come on your property but also said there was no
20 complaint filed?

21 MR. BLUE: The second time he called me?

22 COUNCILMEMBER VICTORINO: Yes.

23 MR. BLUE: He said there was no complaint filed, but he
24 wanted to come on the property and inspect it,
25 that's correct.

1 COUNCILMEMBER VICTORINO: So the information I'm reading
2 here, and correct me if I'm wrong, on the -- this
3 October 31st, 2007, memo we got which shows a notice
4 of warning, which I guess is a complaint?

5 MR. BLUE: Yes.

6 COUNCILMEMBER VICTORINO: It's handwritten.

7 MR. BLUE: Yes.

8 COUNCILMEMBER VICTORINO: And were you not delivered this?

9 MR. BLUE: Yes, I was delivered it by mail.

10 COUNCILMEMBER VICTORINO: Okay. So you have this -- this
11 complaint?

12 MR. BLUE: Yes.

13 COUNCILMEMBER VICTORINO: Okay.

14 MR. BLUE: But that would -- that complaint was for the
15 fact that I was having a vacation rental on my
16 property, and I should cease and desist having a
17 vacation rental.

18 COUNCILMEMBER VICTORINO: I -- I can read that. Thank you.

19 MR. BLUE: Yeah.

20 COUNCILMEMBER VICTORINO: But -- so when this -- and is it
21 the same inspector as listed down here at the
22 bottom?

23 MR. BLUE: Yes.

24 COUNCILMEMBER VICTORINO: Okay. So he calls you two days
25 later --

1 MR. BLUE: Correct.

2 COUNCILMEMBER VICTORINO: -- and says I want to come and
3 inspect, but I -- it's not -- not because you have a
4 complaint, but he wants to see --

5 MR. BLUE: Yes.

6 COUNCILMEMBER VICTORINO: -- an illegal dwelling?

7 MR. BLUE: Yes.

8 COUNCILMEMBER VICTORINO: Then I guess I have to ask the
9 Department, then, why would this guy say that when
10 you actually have a written complaint? I -- I mean,
11 if -- and if -- if and then it's been said.

12 I mean, see, again, no offense to you,
13 Mr. Blue, you can say what you said, and they can
14 say what they -- because there's nothing in writing.
15 See, this is in writing. I can follow this.

16 And not to say I discount what you saying or
17 not believe what you just said but also just to be
18 fair to the Department, did this gentleman indicate
19 he called to make an inspection?

20 Because you just mentioned that one inspection
21 was requested and that they said no. Okay, so
22 answer me how -- did they request for the inspection
23 based upon this violation?

24 MS. LOUDERMILK: My understanding, in talking with the
25 inspector --

1 COUNCILMEMBER VICTORINO: Yes.

2 MS. LOUDERMILK: -- is that the notice of warning was based
3 upon the TVR violation --

4 COUNCILMEMBER VICTORINO: Okay.

5 MS. LOUDERMILK: -- that was sent out on -- regarding the
6 October 16th request. I cannot speak on behalf of
7 the zoning inspector in terms of what he indicated
8 or the -- the conversation that transpired between
9 him and Mr. Blue.

10 In our departmental records, it just -- it
11 indicates that on October 16th, the inspector made
12 contact with the applicant requesting to go on
13 property, and -- and that was denied.

14 That's -- that's all that I have on the
15 record. I do not want to speak for the -- for the
16 zoning inspector, so that's where I got that
17 particular -- those -- those particular dates.

18 COUNCILMEMBER VICTORINO: No, I -- and I appreciate that
19 because I -- I think, you know, you don't want to
20 speak for somebody else. And again, he says -- he
21 says, she says, you know, that kind of situation
22 makes it real difficult.

23 MS. LOUDERMILK: Yeah, yeah.

24 COUNCILMEMBER VICTORINO: But, Mr. Blue, let me go back to
25 the question I really wanted to ask you, is if this

1 inspector was to come and to check on this
2 particular warning, would you allow them on the
3 property?

4 MR. BLUE: It's obvious I'm running an illegal TVR because
5 I don't have a permit for it.

6 COUNCILMEMBER VICTORINO: Okay.

7 MR. BLUE: Yeah.

8 COUNCILMEMBER VICTORINO: Okay. I just -- just want to
9 clear that -- you know, clear the air on that one --

10 MR. BLUE: Yeah.

11 COUNCILMEMBER VICTORINO: -- you know.

12 MR. BLUE: Yeah, yeah.

13 COUNCILMEMBER VICTORINO: And I'm sorry about the
14 conversation and --

15 MR. BLUE: That's fine.

16 COUNCILMEMBER VICTORINO: Yeah. And I -- I can't attest
17 for that. But -- okay, thank you. I -- I
18 appreciate it. Thank you, Mr. Chair.

19 CHAIR MOLINA: Thank you, Mr. Victorino. Committee
20 Members, any other questions?

21 In light of -- well, the Chair would just like
22 to state at this point, it would seem that this
23 matter has not been resolved yet. The Chair's just
24 going to throw it out at this point.

25 The Chair would not be comfortable in moving

1 on this at this point until this issue is worked
2 out. So, Members, this is just the Chair's opinion
3 at this point. Are there any other questions or
4 comments as to the Chair's recommendation at this
5 point?

6 COUNCILMEMBER VICTORINO: Recommendation.

7 CHAIR MOLINA: Okay. Any other comments? Okay. The
8 Chair, in light of this situation that's been
9 brought about by the inspection and the situation
10 involving the applicant, I would prefer that this
11 matter be resolved first before we consider any
12 action on the application. So the Chair's
13 recommendation is to defer.

14 COUNCILMEMBER VICTORINO: So moved.

15 CHAIR MOLINA: Well, actually, I don't know if we need a
16 motion, but any objections to the deferral,
17 comments?

18 COUNCILMEMBER ANDERSON: Chair, I have a comment.

19 CHAIR MOLINA: Member Anderson?

20 COUNCILMEMBER ANDERSON: You know, Mr. Blue has, since
21 April of '02, applied for this permit for one
22 cottage, and he's received a Special Use Permit.

23 And it appears, when you read the -- the
24 October 31st letter, as well as the attachment to
25 it, what's it -- which is an advertisement for

1 Mr. Blue's Maui Dream Cottages, it looks like it's
2 more than one cottage that's being advertised, and
3 maybe that's where the problem is.

4 So I would just like to ask Mr. Blue if it's
5 only one cottage that he is renting for transient
6 vacation rental?

7 CHAIR MOLINA: Mr. Blue?

8 MR. BLUE: Yes, I have about 15 ads on the Internet that
9 all say Maui Dream Cottage, okay. That is a really
10 old ad, and I don't know how the Zoning Enforcement
11 even found it, but all of my ads, including my home
12 page, is for one cottage.

13 COUNCILMEMBER ANDERSON: For one cottage?

14 MR. BLUE: Yes.

15 COUNCILMEMBER ANDERSON: And then the rest of your cottages
16 I've heard you say in the past in testimony at
17 various meetings that you long term rent them, is
18 that correct?

19 MR. BLUE: I have other homes in Haiku. They're all long
20 term. The only vacation rental I have is on my
21 property because I want to be there.

22 COUNCILMEMBER ANDERSON: Right. And that's the one in
23 question --

24 MR. BLUE: Yes.

25 COUNCILMEMBER ANDERSON: -- that you're asking for the

1 permit for?

2 MR. BLUE: Yeah.

3 COUNCILMEMBER ANDERSON: Which you've already received a
4 Special Use Permit for?

5 MR. BLUE: I've already received permission for the Special
6 Use Permit, yes.

7 COUNCILMEMBER ANDERSON: Okay, thank you.

8 CHAIR MOLINA: Thank you, Member Anderson. Members, any
9 last comments or questions related to the Chair's
10 recommendation for this particular application?
11 Seeing none, okay, for the record we will defer Land
12 Use Item 35.

13 COUNCIL MEMBERS: No objections.

14 **COUNCIL MEMBERS VOICED NO OBJECTIONS (excused: GB, JJ).**

15 **ACTION: DEFER pending further discussion.**

16 CHAIR MOLINA: Okay. All right, Members, this completes
17 our agenda for today. Any announcements?

18 The Chair has one announcement. Tomorrow, we
19 have a recessed Land Use Committee meeting at 1:30,
20 and I believe Member Mateo has a recessed Policy
21 Committee meeting at 9:00 a.m., November 1st.

22 COUNCILMEMBER VICTORINO: Mr. Chair?

23 CHAIR MOLINA: Mr. Victorino?

24 COUNCILMEMBER VICTORINO: As a quick announcement, and we
25 did this morning, and I just want to remind

1 everybody today is Halloween, and a lot of our
2 children, our keiki, are going to be on the streets.
3 So I ask drivers to be particularly aware that
4 they're going to be out there tonight.

5 Whatever neighborhood they live in, just be
6 aware. These kids are out there, they're excited,
7 they're looking for candy and to have a great time.
8 They're not watching out for the cars. It's up to
9 us, the drivers of Maui, to really be careful. So
10 Maui County, I ask you, please, be extra cautious
11 tonight because there's a lot of things happening.

12 Those going out to Lahaina, have a great time,
13 but please don't drink and drive. Please, we got a
14 lot of public transportation. We've worked real
15 hard to put the bus system, the County has put out
16 extra buses for tonight. Don't drink and drive.
17 Stay off the roads. Enjoy yourself, and let's have
18 a safe Halloween. Thank you, Mr. Chair.

19 CHAIR MOLINA: Thank you, Mr. Victorino. I think that
20 message can be expressed to our revelers out there
21 in Lahaina tonight, of course the well-known Lahaina
22 Halloween Parade as well, so thank you for that
23 announcement.

24 So, Members, with that being said, we shall
25 adjourn this Land Use meeting for October 31st,

1 2007. It is 4:25. Thank you very much, Members,
2 for your dedication towards public service. This
3 meeting is adjourned. ...(gavel)...

4 **ADJOURNED: 4:25 p.m.**

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C E R T I F I C A T E

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF MAUI)

I, Wendy M. Watanabe, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the proceedings were taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 26th day of November, 2007, in Honolulu, Hawaii.


Wendy M. Watanabe, Notary Public, State of Hawaii
My Commission Expires: 04/07/2010
