

1 VICE-CHAIRMAN GUARD: Okay. All those in favor  
2 to defer this agenda item until October 14th, 2008, let's  
3 see a raise of the hands.

4 Any opposed?

5 PLANNING DIRECTOR HUNT: We will mark that as  
6 unanimous in favor.

7 VICE-CHAIRMAN GUARD: Why don't we take a  
8 ten-minute recess now? The next one might be a longer  
9 item.

10 (Recess, 2:17 p.m. to 2:31 p.m.)

11 VICE-CHAIRMAN GUARD: Maui Planning Commission  
12 of August 26th is now back in session.

13 PLANNING DIRECTOR HUNT: Your next item --  
14 actually, your next agenda items are all similar and they  
15 are by the same applicant. And we talked to the Chair  
16 about combining them. I will read them individually for  
17 the record, and then we can talk about process.

18 The first one is Maui Blue, LLC requesting a  
19 Conditional Permit in order to operate Plumeria Surf, a  
20 short-term rental of a single family residence in the R-3  
21 Residential District at 3254 South Kihei Road, TMK  
22 2-1-010, Lot 16, Kihei. Paul Fasi is the Project Manager.

23 The next one is Maui Blue, LLC requesting a  
24 Conditional Permit in order to operate the Sandy Surf, a  
25 short-term rental of a single family residence in the R-3

1 Residential District at 3244 South Kihei Road, TMK 2-1-10  
2 Lot 15 in Kihei.

3 And the third one is Maui Blue, LLC requesting a  
4 Conditional Permit to operate the Mango Surf, a short-term  
5 rental of a single family residence in the R-3 Residential  
6 District at 1490 Halama Street, TMK 3-9-010, Lot 17, in  
7 Kihei.

8 As I mentioned earlier, we have talked to the  
9 Chair about combining these. They are very similar  
10 applications.

11 Paul will talk about the zoning and community  
12 plans, state designations.

13 In combining them, there's efficiency. At the  
14 same time, we need to be careful to address specific  
15 differences. For instance, the letters of application may  
16 be different, the site plan may be -- pardon me -- the  
17 letters from neighbors may be different. The site plan  
18 may be a little bit different. And then your actual  
19 motion at the end needs to be specific to each  
20 application.

21 MR. FASI: Thank you, Director Hunt.

22 I have a typo on the Plumeria Surf cover sheet.  
23 The actual street address is 3244. It is listed as 3254.  
24 That is for Plumeria Surf, Conditional Permit 2002/0022.

25 COMMISSIONER HIRANAGA: Excuse me. Was there a

1 decision made to look at 'em all at the same time or not?

2 VICE-CHAIRMAN GUARD: Is there any problem with  
3 looking at all three at the same time?

4 I guess I would also address Corp Counsel on  
5 that.

6 MR. GIROUX: I've got a little bit of a problem.  
7 If these properties are in, you know, unique  
8 circumstances, if there's going to be findings that need  
9 to be individualized --

10 MR. FASI: The -- all of the zoning for all  
11 three --

12 VICE-CHAIRMAN GUARD: Hold on. We're in  
13 discussion right now.

14 Did you have anything, Commissioner Hiranaga?

15 COMMISSIONER HIRANAGA: Yeah, I have a concern.  
16 I would be agreeable to reviewing the three applications  
17 together if there was no objection from the applicant.  
18 But if the applicant objects, I would not be agreeable to  
19 reviewing them together.

20 MR. FASI: The Department got concurrence from  
21 the applicant.

22 VICE-CHAIRMAN GUARD: Let's hear it.

23 MR. HIRANO: Yes. Mich Hirano with Munekiyo &  
24 Hiraga. We represent the applicant. And we have agreed  
25 that we would hear them together for expediency and

1 economy, efficiency.

2 VICE-CHAIRMAN GUARD: The Commission is  
3 agreeable to that? Okay.

4 MR. FASI: I would suggest to the applicant's  
5 representative, if they feel that something needs to be  
6 singled out, then feel free to come and do so.

7 The matter arises from an application for  
8 Conditional Permits filed, basically, in the year 2002 for  
9 all three properties. The applicant is requesting a  
10 Conditional Permit to operate single family residences,  
11 short-term vacation rentals, and they are all located in  
12 the County R-3 Single Family Residential Districts in  
13 Kihei.

14 In the Department's report, on page four, are  
15 descriptions of each property. I will go through brief  
16 descriptions of each property just to separate them out.

17 Before we begin, I would just like to point out  
18 to the Commission that all three properties are owned by  
19 the same individual corporation. This is -- Maui Blue,  
20 LLC is an LLC based in San Francisco, and all owned by the  
21 same person.

22 The first property is Mango Surf. It is located  
23 on Halama Street. It is 18,056 square feet, R-3  
24 Residential, with shoreline property. It has a  
25 three-bedroom, two-bath house, 1716-square-foot home.

1           The second property is referred to as Sandy  
2 Surf. It is 22,902-square-foot shoreline property in R-3  
3 Residential zone. It includes 15,000-square-foot,  
4 two-story, ten-bedroom, single-family residence with a  
5 two-car carport.

6           The applicant's application states that a total  
7 of 16 guests can be accommodated at this particular  
8 location.

9           The property is generally rented to corporate  
10 clients and for vacation retreat facility for  
11 corporations.

12           The third property, Plumeria Surf. Which, by  
13 the way, is immediately next door to Sandy Surf. These  
14 are two shoreline properties next door to each other. It  
15 is 23,958 square feet in the R-3 Residential zone. It  
16 includes a 1,953-square-foot three-bedroom house and a  
17 921-square-foot ohana unit. The ohana unit at this  
18 particular location has been described in the application  
19 as being used for storage purposes only.

20           I can go into the Department's analysis right  
21 now if the Chairman would want me to do that, or would  
22 they want to hear from the applicant first?

23           VICE-CHAIRMAN GUARD: Maybe we will go with the  
24 applicant first, their presentation.

25           MR. FASI: Thank you.

1 MR. HIRANO: Good afternoon, Vice-Chair Guard  
2 and Commissioners. My name is Mich Hirano with Munekiyo &  
3 Hiraga. We're a planning consulting firm.

4 And it's one of the few occasions that I don't  
5 have a Powerpoint presentation for you this afternoon.

6 And I think the reason for that is I believe  
7 that the information that we're portraying to support this  
8 application, I think, can be best understood just by the  
9 information and the material that we are going to present  
10 verbally. As well, there are photographs and a property  
11 location map in the application. And those are the --  
12 those are the tools that, actually, I will be referring to  
13 in my presentation.

14 The Maui Blue are three applications that are  
15 before you for a Conditional Permit. And we had agreed to  
16 hear them together, because I think there are some  
17 similarities for each of these properties. Although,  
18 Mango Surf is located on Halama Street, in the northern  
19 area of Kihei, while Sandy Surf and Plumeria Surf are  
20 located on South Kihei Road on the border of Wailea. I  
21 think the clientele and our rationale for the support for  
22 these applications for Conditional Permit are very  
23 similar.

24 I think it's important to note that the intent  
25 of the Conditional Permit, as provided in the Maui County

1 Code, Chapter 19.40, is to provide the opportunity to  
2 consider establishing uses not specifically permitted  
3 within a given zone. Where the proposed use is similar,  
4 related or compatible to those permitted uses, and which  
5 has some special impact or uniqueness, such that its  
6 effect on the surrounding environment cannot be determined  
7 in advance of being proposed for a particular location.

8 I would like to just draw your attention to the  
9 Staff Report for both the Sandy Surf and Plumeria Surf.

10 Because that's the project I am talking about first.

11 On page -- there is a property location map, as  
12 you can see, which is figure one. And it's on the second  
13 -- it's on the third page of that application.

14 The subject property -- and this is -- for Sandy  
15 Surf is Lot Number 15. And Plumeria Surf is just adjacent  
16 to this. They are side-by-side properties. They are  
17 located on South Kihei Road and they are very close to the  
18 Wailea community.

19 Specifically, Sandy Surf and Plumeria Surf  
20 provide a unique vacation rental opportunity that one  
21 cannot find in the existing resort areas of Maui, such as  
22 Wailea, Makena, Kaanapali or Kapalua.

23 Maui is a world-renowned vacation retreat  
24 destination. There are very many unique groups of  
25 visitors to Maui where privacy and security are very

1 important considerations in deciding where one vacations.

2           If these strict requirements for privacy and  
3 security are not available on Maui, then these clients  
4 will go to other areas of the world where their privacy  
5 and security can be assured.

6           These clients of Maui Blue properties are  
7 well-known public figures, celebrities and business  
8 people. For example, to name a few, (inaudible), Cher,  
9 Mel Gibson, Mike Myers, Michael Jackson and Prince have  
10 stayed at one of these properties owned by Maui Blue.

11           These guests chose the Maui Blue properties,  
12 namely the Sandy Surf and Plumeria Surf, because they  
13 offer privacy and security and enough rooms to accommodate  
14 their needs. And these guests do not always want to nor  
15 desire to stay in the resort areas.

16           There are very few places on Maui which can  
17 accommodate eight to 12 people in one unit and where  
18 privacy and security can be provided. And, yet, these are  
19 the very accommodations that Maui -- the Sandy Surf and  
20 the Plumeria Surf offer.

21           The question is can Maui afford to turn these  
22 guests away by not recommending approval for the subject  
23 Conditional Permits which provide the type of  
24 accommodations for this unique market niche.

25           The Planning Department's Report recommends



1 denial based on its own policy of opposing any vacant --  
2 vacation residential -- rental -- any vacation rental in  
3 the Residential District.

4           The Staff Report, as you may have read, gives  
5 examples where transient vacation rentals support or do  
6 not support the goals and objectives of the General and  
7 Community Plans.

8           However, it does not address the particulars of  
9 the transient vacation rental application in the context  
10 of the residential neighborhood in which these properties  
11 are located.

12           Yet, it is the very specific use, the adjacent  
13 uses and the character of the neighborhood by which the  
14 compatibility of the transient vacation use must be  
15 measured for the Conditional Permit evaluation.

16           And as Director Hunt said, they are made on a  
17 case-by-case basis.

18           In the situation of Sandy Surf and Plumeria  
19 Surf, these properties are located in an area that is as  
20 close to Wailea as you can get without actually being in  
21 Wailea. Kilohana Drive is considered the northern  
22 boundary of Wailea. And, yet, the subject properties are  
23 south of Kilohana Drive and south of the South Kihei  
24 Road/Okolani Drive intersection. So they are well in sort  
25 of the heart of Wailea area.

1           The subject properties are located across the  
2 street from the Wailea Ekahi Condominiums in Wailea. The  
3 properties are adjacent to Wailea Resort where the  
4 Department and the Planning Commission have recommended  
5 that transient vacation rentals could be allowed.

6           In the context of the character of the  
7 neighborhood, the use of the properties for transient  
8 vacation rental are not out of character in this  
9 particular neighborhood.

10           Similarly, for Mango Surf, which is on Halama  
11 Street, we had submitted earlier four letters of support  
12 from the neighbors of Mango Surf on Halama Street. And I  
13 would like to just review a few of the comments that were  
14 made in those letters, because I think they are very  
15 pertinent to the application before you.

16           This is from a -- this is from Mr. John Lucia.  
17 He says, in my opinion, it is a good thing to have  
18 short-term renters in the neighborhood. It's good for  
19 Maui's reputation and it's good for business in Maui.

20           Another letter from Vernon and Mary Lee Altmann.  
21 We are writing to ask you to recommend approval of the  
22 above application. We lived next door to Mango Surf  
23 vacation rental on Halama Street for four years. It has  
24 been a pleasure to be their neighbor. We have no  
25 complaints whatsoever, nor have we ever heard complaints

1 from any other neighbors. We offer our full support for  
2 the application.

3           And this is from the immediate neighbor to Mango  
4 Surf.

5           And, again, there is another letter from Jay  
6 Sundorf (phonetic). I am a full-time resident of Kihei,  
7 and I live two doors south of this property in question.  
8 And the property being Mango Surf.

9           I want you to know that I am fully supportive of  
10 this application. I hope we can continue to have visitors  
11 to this house in the future. I enjoy it.

12           Those are just a few of the comments of the  
13 letters of support from the immediate neighbors of Mango  
14 Surf.

15           So I think with that, the Commissioners can  
16 understand and also have evidence that this operation is  
17 not out of character. It doesn't have an impact in the  
18 neighborhood. And in fact, the neighbors enjoy having  
19 this transient vacation rental next to their home.

20           Another point I would like to make is that the  
21 Planning Department's Report indicates that transient  
22 vacation use is prohibited in any district but the Hotel  
23 District. However, Conditional Permit is a process by  
24 which a particular use is allowed as an exception if it  
25 meets the intent and requirements established by the

1 Conditional Permit. And this evaluation must be viewed on  
2 a case-by-case basis.

3           If transient vacation rentals were prohibited in  
4 the Residential District, then approval of a Conditional  
5 Permit for a transient vacation rental would be against  
6 the Maui County Code.

7           However, the Planning Commission has recommended  
8 approval for a number of Conditional Permits for transient  
9 vacation rentals which have been located in the  
10 Residential District.

11           For example, as listed in the Planning  
12 Department's website, Conditional Permits have been  
13 approved for the transient -- for the following transient  
14 vacation rentals. Maui Ocean Breezes in Haiku, Ewa Villa  
15 in Kihei, Maui by the Sea in Paia, and Old Wailuku Inn in  
16 Wailuku, to name a few.

17           In closing, the application before the  
18 Commission do meet the criteria for approval for  
19 Conditional Permit. The uses are not substantially  
20 different from the permitted uses in the neighborhood.  
21 The uses will not substantially alter the existing  
22 character of the neighborhood. The neighbors of Mango  
23 Surf are very much in support of the Conditional Permit  
24 Application. And no complaints have been recorded on file  
25 at the Planning Department indicating that the uses are

1 not compatible with the neighborhood.

2 In the case of Sandy Surf and Plumeria Surf,  
3 which are located on South Kihei Road, the properties are  
4 adjacent to Wailea Resort, where the Department and the  
5 Planning Commission have recommended that transient  
6 vacation rentals should be allowed.

7 The applications for transient vacation rentals  
8 before the Commission offer an accommodation sought by a  
9 specific worldly clientele that cannot always be met at  
10 the existing resort properties on Maui.

11 And if such facilities are not available, these  
12 visitors will go to other destinations where their needs  
13 can be met. Denying this application will be turning  
14 these future visitors away.

15 The question is will this be good for the -- for  
16 Maui's economy and Maui's worldly allure.

17 Providing this market niche on Maui is essential  
18 to regain Maui's position as the best island in the world  
19 for vacation destinations. Providing this market niche on  
20 Maui requires the Planning Commission to recommend  
21 approval for the Maui Blue Conditional Permit  
22 Applications.

23 We have members of the project team available to  
24 answer any questions that the Commission may have.

25 And I thank you for your time.

1 VICE-CHAIRMAN GUARD: Thank you.

2 Any questions for the applicant?

3 Commissioner Mardfin.

4 COMMISSIONER MARDFIN: You started off by giving  
5 us a list of celebrities that have stayed in these. Can  
6 you tell me which one they stayed in or --

7 MR. HIRANO: Sandy Surf.

8 COMMISSIONER MARDFIN: They were all at Sandy?

9 MR. HIRANO: Well, Sandy Surf and Plumeria Surf  
10 often get rented together because they are side by side.  
11 And the clientele that rents these properties look for  
12 large properties with, you know, many rooms. They travel,  
13 you know, with an entourage or they travel with large  
14 families.

15 So it has been convenient for them to rent --  
16 and it has, on occasion, rented both.

17 COMMISSIONER MARDFIN: And the four letters in  
18 support were all for -- not for that place?

19 MR. HIRANO: Not for that -- but for Mango --

20 COMMISSIONER MARDFIN: But were for the other  
21 one -- one of the other ones?

22 MR. HIRANO: Yes, the other one, which is just  
23 west of the Azeka Marketplace, in that area.

24 COMMISSIONER MARDFIN: But there are no letters  
25 of support for Sandy Surf or Plumeria?

1 MR. HIRANO: There are no letters of support for  
2 those operations, but --

3 COMMISSIONER MARDFIN: And there were letters of  
4 opposition to those two?

5 MR. HIRANO: Those letters of opposition came  
6 during the noticing period of the application. I don't  
7 think that they were very specific with respect to  
8 operations themselves.

9 Although the facilities, Sandy and Plumeria,  
10 have not been rented since January, based on the  
11 Department's position of having these vacation rentals not  
12 operate after that period, there were no complaints that I  
13 was aware of where -- that were lodged during the time  
14 that they were in operation, both Sandy and Plumeria.

15 VICE-CHAIRMAN GUARD: Commission Mardfin.

16 COMMISSIONER MARDFIN: The one where you had the  
17 four letters of support --

18 MR. HIRANO: Yes.

19 COMMISSIONER MARDFIN: -- for the one on Halama  
20 Street.

21 MR. HIRANO: Halama, yes.

22 COMMISSIONER MARDFIN: There is one letter of  
23 opposition we have. Douglas Field says, "Our family  
24 opposes the application. It changes the character of the  
25 neighborhood from Single Family Residential to an abuse of

1 use of its" illegally -- "of it's legally operating  
2 neighbors. Previous owners of 1984 Halama Street were  
3 driven out by the disturbances at this location. We have  
4 a number of illegally operating TVRs on the street to the  
5 detriment and discomfort of the other legal residents.  
6 The application should be denied."

7 Have you seen that?

8 MR. HIRANO: I've seen that letter. And I just  
9 saw that this morning, Commissioner Mardfin.

10 But when you look at that property, it's a  
11 fairly large property with a home that the neighbor --  
12 it's not very close to the neighbors. And I am not sure  
13 if that letter was specifically with respect to the Mango.

14 COMMISSIONER MARDFIN: I'm inferring that it was  
15 because they referred to he lives on 1681 Halama Street  
16 and he refers to owners at 1484 Halama Street. So I am  
17 assuming that it's referring to the Halama Street property  
18 rather than the Kihei Street.

19 MR. HIRANO: No. My question was, I am not sure  
20 whether it was specifically in relation to the Mango Surf  
21 operation or others that he had mentioned that are  
22 operating illegally on Halama Street. That was my  
23 comment.

24 COMMISSIONER MARDFIN: Since they said it with  
25 respect to this application, I am --



1 MR. HIRANO: Uh-huh.

2 COMMISSIONER MARDFIN: I mean, you might be  
3 making a small assumption, but it looks like it.

4 VICE-CHAIRMAN GUARD: Any other questions?

5 Commissioner Hedani, followed by Commissioner  
6 Hiranaga.

7 COMMISSIONER HEDANI: Mich, does Maui Blue, LLC  
8 own other property on Maui?

9 MR. HIRANO: Yes. They own -- well, it's --  
10 it's owned by Mr. Kip Therot. And he owns property on the  
11 Island Surf Condominium, and he has a vacant lot on  
12 Kaanapali, and another -- another residential property on  
13 South Kihei Road. And we are working on an application  
14 for a Conditional Permit on that property.

15 VICE-CHAIRMAN GUARD: Commissioner Hiranaga.

16 COMMISSIONER HIRANAGA: Actually, this is a  
17 question for Staff. Have you figured out the percentages  
18 as far as the 500-foot radius, the number of letters of  
19 opposition are in favor versus number of lots in the  
20 500-foot radiuses?

21 MR. FASI: The letters of opposition have been  
22 received within the past week. So they are fairly brand  
23 new and recent.

24 Regarding Mango Surf, as Commissioner Mardfin  
25 said, there were four in favor, favorable to Mango Surf,

1 there were two opposed.

2 In regards to Sandy Surf, there were none in  
3 favor and four opposed.

4 COMMISSIONER HIRANAGA: I am looking for the  
5 percentage.

6 MR. FASI: I don't have the percentages. I just  
7 have the number.

8 Well, in the case of Sandy Surf, it will be 100  
9 percent opposed in regard to just that particular  
10 property.

11 MR. HIRANO: I think that we sent out over 200  
12 notices for the Sandy Surf and Plumeria Surf.

13 COMMISSIONER HIRANAGA: Only lot owners in the  
14 -- within the 500-foot radius?

15 MR. FASI: There is the Ekahi Condominiums. So  
16 there were, you know, multifamily --

17 COMMISSIONER HIRANAGA: Okay. In the future,  
18 the Staff may be sensitive to that.

19 MR. FASI: Percentages?

20 COMMISSIONER HIRANAGA: Right. In the 500-foot  
21 radius.

22 VICE-CHAIRMAN GUARD: Any other questions?

23 Commissioner Mardfin.

24 COMMISSIONER MARDFIN: Have any of these been  
25 paying GET and TAT?

1 MR. HIRANO: Yes. I think that is in -- they  
2 all have.

3 COMMISSIONER MARDFIN: On page nine, it says the  
4 Department has requested copies of the last two years of  
5 TAT filing with the State to verify tax payments. Has  
6 this been done?

7 MR. HIRANO: Yes. We've submitted that --

8 MR. FASI: They have submitted the required  
9 paperwork?

10 COMMISSIONER MARDFIN: They have.

11 VICE-CHAIRMAN GUARD: Commissioner Hiranaga.

12 COMMISSIONER HIRANAGA: Mich, I am sure you  
13 understand the definitions of B&B, TVR, and the so-called  
14 hybrid.

15 MR. HIRANO: I think so.

16 COMMISSIONER HIRANAGA: So the applicant has no  
17 interest in becoming a hybrid?

18 MR. HIRANO: We talked to him about it  
19 extensively. And we -- I think one of the properties he  
20 feels he can. But, at the same time, he also mentioned  
21 that the clientele that he serves, you know, with these  
22 properties, that they really want their privacy, they  
23 don't want anyone else in the property or on the property.

24 So he felt that may be a disadvantage to it.

25 VICE-CHAIRMAN GUARD: Who does a neighbor call

1 on Keawakapu Beach, which are mostly -- most of them sit  
2 empty, some people are still living there. And that's  
3 part of the opposition, is who do you call besides the  
4 police?

5 MR. HIRANO: Well, you know, now, of course,  
6 there is no one to call because they are not being rented.  
7 But he does have a full-time property manager who lives  
8 within a block's radius of those properties, on South  
9 Kihei Road.

10 And when Maui Blue was operating, it was  
11 operating as a business. And it had, you know, a Staff of  
12 property -- a property manager, maintenance people, and  
13 gardeners, landscape, pool attendants. So there were  
14 always people available.

15 And that is why Mr. Therot had actually  
16 purchased the Island Surf Condominium, because it was --  
17 you know, he was using it as a -- as a sort of a base for  
18 the staff.

19 But now, of course, he had to lay them off and  
20 is not operating. So --

21 VICE-CHAIRMAN GUARD: Was Island Surf the one  
22 block?

23 MR. HIRANO: No. No. This -- no.

24 VICE-CHAIRMAN GUARD: Okay.

25 MR. HIRANO: That is just one of the properties

1 that he owns.

2 I think it's a unique situation that in -- you  
3 know, there are times when you think it's at a  
4 disadvantage to have multiple -- individual or company  
5 owning multiple homes and renting them out. But in this  
6 particular situation, Mr. Therot is of the situation where  
7 he can do that. And in order to provide that service, you  
8 know, he hired a full-time staff to do that.

9 So in this particular case, there was -- it was  
10 a business. It wasn't set out to be a business. He  
11 bought these properties for his family. But they were --  
12 when he bought them, they were being rented out. So he  
13 continued that.

14 VICE-CHAIRMAN GUARD: Commissioner Iaconetti.

15 COMMISSIONER IACONETTI: Just a comment.

16 Mich, you made a comment about the fact that  
17 Maui can't afford not to attract the type of clientele  
18 that frequents these places. My comment is I don't think  
19 Maui can afford to leave this area for that purpose only  
20 when there are Maui residents who would like to live in  
21 areas like that, who can afford it and stay there.

22 So why should the Maui residents give this up so  
23 that some individual who neither lives here, outside of  
24 the property taxes, probably doesn't pay much in the way  
25 of taxes here -- why should we allow that to happen

1 instead of having people who want these residences as a  
2 permanent residence to live here?

3 I have a hard time believing that Maui can't  
4 afford not to attract the celebrity clientele that you  
5 mentioned. That's just a comment.

6 VICE-CHAIRMAN GUARD: Okay.

7 Commissioner Hiranaga.

8 COMMISSIONER HIRANAGA: You made some argument  
9 regarding the two properties in the Wailea area being  
10 close to Wailea Resort.

11 MR. HIRANO: Yes.

12 COMMISSIONER HIRANAGA: So how do you justify  
13 Halama Street, which is several miles away?

14 MR. HIRANO: No. And I say that, yes, it is a  
15 different situation, Halama is a different situation.  
16 However, Halama, as I mentioned, had neighborhood support.  
17 There was a -- the -- you know, strong letters of support  
18 from the adjacent neighbor to Halama, where they felt that  
19 they were in full support of this application.

20 So I think on a case-by-case-basis -- and each  
21 one is different.

22 The argument for Sandy Surf and Plumeria Surf is  
23 that it is within the resort setting, it does offer a very  
24 unique accommodation which is not typically found in the  
25 area.

1           And for the Halama Street, I think those letters  
2 of support from the neighbors are very strong testaments  
3 of their support for the application. And the fact that  
4 they don't feel that impacts the neighborhood or deters  
5 from the character of the neighborhood.

6           VICE-CHAIRMAN GUARD: This is for the Director,  
7 then. If one got through, wouldn't the second one go  
8 through more scrutiny, or is that just for the bed and  
9 breakfast?

10          PLANNING DIRECTOR HUNT: I don't understand the  
11 question.

12          VICE-CHAIRMAN GUARD: Well, like the previous  
13 applications for a Type 2 B&B, and the second one would go  
14 to a higher level of scrutiny at the Planning Department  
15 stage, in the 500-foot radius?

16          PLANNING DIRECTOR HUNT: The 500-foot radius is  
17 triggered strictly for B&B applications.

18          VICE-CHAIRMAN GUARD: Okay.

19          PLANNING DIRECTOR HUNT: For information, it  
20 could be valuable.

21          Commissioner Hiranaga said that he appreciates  
22 that kind of percentages and stuff. But there is no  
23 trigger on this one. It would just be information for  
24 your decision-making.

25          VICE-CHAIRMAN GUARD: Uh-huh.

1           Any other questions, or shall we open it up for  
2 public testimony at this time? Okay.

3           Seeing none, any public testimony on these  
4 agenda items? Okay.

5           MR. DRESSLER: Hi. My name is Brad Dressler. I  
6 am a resident of the Florida Keys.

7           And I'm sorry, but I'm not Cher or Michael  
8 Jackson, nor do I have an entourage. But I have stayed in  
9 the Plumeria house.

10          Four years ago, we decided to come to Hawaii, my  
11 family. And we looked around where to come in Hawaii. We  
12 found an oceanfront house here in Maui, and we came. We  
13 had a great time. And we came back the next year and we  
14 rented Plumeria. And then we came back again and rented  
15 another house on Keawakapu Beach.

16          And this year, we did not come back. And the  
17 reason we didn't come back is that, because of the TVR  
18 problem, there were no appropriate single-family  
19 oceanfront homes available.

20          Now, we don't really have a desire, when we  
21 travel as a family, to stay in a hotel or a condominium.  
22 So we look for single-family houses.

23          And, you know, there are a lot of places in the  
24 world you can go. Maui is a great place, but there are a  
25 lot of great places in the world. And depending on where



1 you live, Maui can be -- in my case, it's easier for me to  
2 go to Europe than it is to come to Maui.

3 We would like to come back to Maui. And I hope  
4 that you -- that you all can figure out a way to make this  
5 work, certainly in the Keawakapu Beach area.

6 You know, when we come, versus a family that  
7 goes to a hotel, we don't spend our money in the hotel,  
8 one specific place. We go around the island, to a variety  
9 of restaurants, we go to your shops, we support your local  
10 businesses. And we probably spend a great deal more money  
11 than the typical people staying in a hotel.

12 So I think these kind of properties are  
13 important for your mix of tourists that come here. And I  
14 think they are very economically supportive of your local  
15 businesses.

16 And in answer to your question, I actually made  
17 my money building houses for rich people. I kind of made  
18 my money off the crumbs of others.

19 And in the Florida Keys, the resort I built at,  
20 most of these people, it was their second, third, fourth,  
21 fifth homes. And in this community, these people perhaps  
22 used their home one to three months a year.

23 So, yeah, if Maui Blue didn't operate these  
24 houses, then someone bought the house, the odds are the  
25 people would use the house one, two, three months a year.

1 I don't see how that particularly helps your economy,  
2 someone who is here one or two months, versus a steady  
3 stream of people who would come and spend a great deal of  
4 money around the community.

5 So thank you.

6 VICE-CHAIRMAN GUARD: Thank you.

7 Any questions for the testifier?

8 Seeing none --

9 COMMISSIONER MARDFIN: Sir, I don't want this to  
10 sound rude, but where are you staying now?

11 MR. DRESSLER: My wife has, actually, a small  
12 house Upcountry, which is a two-bedroom house. So if I  
13 come with my family -- and my children are actually in  
14 school starting today. So --

15 COMMISSIONER MARDFIN: So when you come out --  
16 so it's not that you are staying away from Maui, it's that  
17 you are staying in a different accommodation?

18 MR. DRESSLER: No. It's that I am not bringing  
19 my family. If I come out here by myself, you know, if I  
20 come out here with my wife, that's where we stay.

21 COMMISSIONER MARDFIN: I see. Thank you very  
22 much.

23 VICE-CHAIRMAN GUARD: Any other members of the  
24 public wish to testify?

25 MR. DOLPHIN: Yes.

1 VICE-CHAIRMAN GUARD: New information?

2 MR. DOLPHIN: My name is Samuel Dolphin. And I  
3 live in Halama Street.

4 I was part of homeowner association. And the  
5 four letters in favor of Mango -- whatever it's called --  
6 Mango Surf, they are sent from people that we actually --  
7 we don't want them in the homeowner association anymore.

8 These people that protesting short rental  
9 situation is people that does that illegally in Halama  
10 Street. Lucia is one of them. Literally, I found out  
11 that he was taking care of properties and renting them in  
12 a short-term situation by, you know, hiding it.

13 And me and my wife, we call the County many  
14 times. I talk to Charlie. You guys know Charlie? You  
15 can ask me -- you can ask him how many times I called  
16 because of this short rental situation.

17 It literally disrupts our peace.

18 We work all our life to come to Maui, to buy a  
19 property and try to live in peace.

20 These people is renting shortly and they -- a  
21 lot of tourists, like I told you before, they come, they  
22 want to have fun, they wake us at night, they disturb the  
23 beach. These are property along the beach, yeah. They go  
24 on the beach. They leave garbage. They don't respect it.  
25 They don't care, because they are going to leave

1 eventually.

2           But we that -- we are people that live here are  
3 the one that they get -- you know, they disturb us. They  
4 really disturb our quiet.

5           Halama Street used to be a very nice street.  
6 And now everybody want to do these short rental situation.

7           I will -- this guy, namedroppers, you know, they  
8 using big name, Michael Jackson, all these -- well, you  
9 know, that doesn't mean anything. These people, they  
10 don't need money. This is just extra that they come in.

11           Like I told you before, I would appreciate it if  
12 you guys give opportunity to people that need short  
13 rental, they need money to support their family, their  
14 children. But I am not supportive of millionaires that  
15 they just buy property to disrupt the local people life,  
16 just to get extra money from their short rental.

17           Yeah, they disturb our privacy.

18           These are not even bed and breakfast. These are  
19 TRV -- what do you call it? Yeah. There is nobody on  
20 these properties.

21           I go, when I see rental people, they show -- you  
22 know, they rent for a short time. I go there and check it  
23 out. When there is nobody, nobody is living in there. So  
24 I don't understand. Is that legal in a residential place  
25 to have nobody in the property?

1 Douglas, I know Douglas. I talked to him many  
2 times. And I help him many times in Halama Street with  
3 these short rental situation. And I really hope we  
4 realize, we pay a lot of taxes, we are for peace and for  
5 quiet. And this short rental is really disrupt our  
6 privacy.

7 MS. TAKAYAMA-CORDEN: Three minutes.

8 MR. DOLPHIN: My wife is a very professional,  
9 very well-known, in Europe, painter. And, you know, we  
10 need our privacy.

11 And when we have some people that come over for  
12 a short rental, they literally disturb us. If they are  
13 there one week, two weeks, that is the problem that we  
14 want -- we going to have for that time.

15 And, you know, the beach is very -- is very  
16 small in Halama Street. If you put two people there in  
17 the middle of the night, 1:00, 2:00, they are drunk,  
18 yelling or screaming, they are going to wake everybody up.

19 VICE-CHAIRMAN GUARD: Thank you.

20 MR. DOLPHIN: So I am not supportive of those  
21 four people. Like I told you, they wanted to send their  
22 letter in favor of it, these are people that they do  
23 illegal rental.

24 VICE-CHAIRMAN GUARD: You submitted something  
25 earlier, correct?

1 MR. DOLPHIN: No. I am just saying now, because  
2 I hear that name.

3 VICE-CHAIRMAN GUARD: Oh, okay.

4 MR. DOLPHIN: Lucia is one -- Lucia was one of  
5 the homeowner association, he was president. He make  
6 himself president, actually. And we told we don't want  
7 it. Because's that's what he does --

8 VICE-CHAIRMAN GUARD: Thank you.

9 MR. DOLPHIN: -- short rental.

10 VICE-CHAIRMAN GUARD: Any questions for the  
11 testifier?

12 Appreciate your time today.

13 MR. DOLPHIN: And I left some extra numbers of  
14 illegal short rental.

15 VICE-CHAIRMAN GUARD: So if we need a  
16 reservation?

17 MR. DOLPHIN: I talking in name Greg Perreira,  
18 he is the one. So against short-term rental, yeah.

19 UNIDENTIFIED SPEAKER: He was here first.

20 MR. DOLPHIN: Yeah, he live in Halama Street.

21 VICE-CHAIRMAN GUARD: Perfect. Thank you.

22 MR. DOLPHIN: I left the number there.

23 VICE-CHAIRMAN GUARD: Okay.

24 MR. DOLPHIN: Thank you for listening.

25 VICE-CHAIRMAN GUARD: Yeah. Any other members

1 of the public wish to testify at this time?

2 One more.

3 On this agenda item?

4 MR. NEWBRO: My name is Mike Newbro.

5 I am not here to testify on this subject today,  
6 but I need to speak up because it does bring up a point  
7 and the TVR issue in general.

8 I live in a neighborhood where pretty much  
9 everybody has done TVRs in the past.

10 VICE-CHAIRMAN GUARD: Not part of the agenda.

11 MR. NEWBRO: I'm sorry? I am speaking on the  
12 TVR issue, if that's not appropriate.

13 VICE-CHAIRMAN GUARD: On this item.

14 MR. NEWBRO: Specific to this item?

15 VICE-CHAIRMAN GUARD: Yeah.

16 MR. NEWBRO: Then I will have to pass.

17 VICE-CHAIRMAN GUARD: Okay. Sorry.

18 Any other members of the public wish to testify  
19 on this agenda item at this time?

20 Seeing none, public testimony is now closed.

21 Staff Recommendation.

22 MR. FASI: The Department hasn't given its  
23 analysis yet. Would you like --

24 VICE-CHAIRMAN GUARD: Analysis?

25 MR. FASI: -- recommendation without the

1 analysis?

2 VICE-CHAIRMAN GUARD: Analysis first.

3 MR. FASI: Notwithstanding what Mr. Hirano said,  
4 I have to -- the Department has to disagree a little bit  
5 with the setting description of the two -- Sandy Surf and  
6 Plumeria Surf. I personally went out there and did a site  
7 visit. It is a heavily dense neighborhood. I could throw  
8 a rock over one house and hit the other one. It is not  
9 anywhere near a resort-type, spread-out setting.

10 And that goes as well for Mango Surf, the TVR on  
11 Halama. It is a very densely populated neighborhood.

12 The Department's analysis is this:

13 The General Plan has five major themes from the  
14 General Plan. Themes Two, Three and Five are relevant.

15 I will try and make this as brief as I can.

16 Theme Number Two from the General Plan is  
17 prepare a directed and managed growth plan.

18 The General Plan specifically states to restrict  
19 transient rental use in single-family housing in  
20 Residential zones.

21 The intent of the General Plan is to prevent  
22 encroachment of transient visitor accommodations into the  
23 residential areas of communities by restricting such use  
24 in the Residential Zone Districts.

25 Theme Number Three, protect Maui County's



1 shoreline and limit the visitor industry growth.

2           The subject property is on the shoreline. The  
3 intent of the above statement is inclusive of regulating  
4 and directing the visitor industry to certain specific  
5 areas that have been determined would be more suitable for  
6 such activities. Clearly, these Single Family Residential  
7 areas are not suitable for TVR use.

8           Theme Number Five, provide a -- for needed  
9 resident housing. The cumulative effect of the  
10 proliferation of numerous individually-owned TVRs has  
11 immediate threefold -- twofold negative impact on the  
12 community at large, is a contributing factor to the  
13 housing shortage on Maui County, and it increases the cost  
14 of residential housing.

15           This is further verified by the Department of  
16 Housing and Human Concerns, which is an exhibit letter in  
17 the Department's Report as Exhibit 2, wherein the  
18 Department of Housing and Human Concerns -- and I quote a  
19 little bit here, the systematic loss of long-term  
20 owner-occupied and residential housing due to the  
21 conversion of single-family dwellings to short-term  
22 rentals is severely impacting the very nature of what a  
23 neighborhood -- it should be a safe environment.

24           The applicant's consultant did mention many  
25 celebrities that do visit these properties. In no

1 uncertain terms should -- you know, the neighborhood's  
2 long-term residents, should their safety and harmony of  
3 what a neighborhood is should be sacrificed for the sake  
4 of having celebrities and generating a little bit of  
5 business.

6           These are long-term residences that have -- pay  
7 their taxes. They do live in the community. They do also  
8 contribute to the community. And this is the neighborhood  
9 which they chose to live in.

10           The General Plan goes on to say, The proposed  
11 TVR is inconsistent with the following General Plan  
12 objectives and policies, in population, land use,  
13 environment, and cultural resources. One of the  
14 objectives is to plan a growth of resident and visitor  
15 population through a directed and managed growth plan so  
16 as to avoid social and economic and environmental  
17 disruptions.

18           This is what the Maui County Code 19.7 -- 37  
19 tries to do, is to limit the areas in which the TVRs can  
20 be located.

21           The policy is to maintain a balance between  
22 resident and visitor population by controlling and  
23 regulating the growth of visitor facilities.

24           Again, it's accomplished by the TVR  
25 accommodations -- restricting the TVR accommodations to

1 districts where they currently are allowed by zoning  
2 ordinance 19.37.010 in the geographic restrictions.

3 I am going to go -- skip over a few more  
4 policies in the General Plan. There are numerous policies  
5 in here wherein this -- these particular applications are  
6 severely inconsistent with.

7 I am going to go into the Maui County Code now.  
8 And in Chapter 19.37 time sharing plans, 19.37.10  
9 addresses the TVR issue, where it says, in Item A, "Except  
10 as provided in this section, time share units, time share  
11 plans and TVR rentals are prohibited."

12 The above quoted zoning ordinance specifically  
13 prohibits TVRs outside of the Hotel District. We are  
14 talking about an R-3 Single Family Residential District.  
15 It is improperly located.

16 In Chapter 19.08, as far as Residential  
17 Districts are concerned, 19.08.010 says, "Areas for single  
18 family dwellings are established to provide for harmonious  
19 residential neighborhood without the detracting of  
20 commercial and industrial activities."

21 Clearly, TVRs are commercial and business  
22 activity.

23 In the Kihei/Makena Community Plan, it says, to  
24 limit hotel uses to those areas presently planned for  
25 Hotel use. TVRs are limited to the Hotel District and not

1 the R-3 Residential District.

2 This area is not planned for Hotel use.

3 In summary, the proposal is subject to competing  
4 goals, providing for long-term permanent housing versus  
5 providing for financial profit.

6 In all three of these properties, there is no  
7 on-site manager. I am not sure how effective a telephone  
8 call at 2:00 AM in the morning is to the so-called manager  
9 on call.

10 These are pure TVRs for business purposes. And  
11 the Planning Department is opposed to these three  
12 applications.

13 Thank you.

14 VICE-CHAIRMAN GUARD: Thank you.

15 Commissioner Iaconetti.

16 COMMISSIONER IACONETTI: I would like to move  
17 denial of the Request for Conditional Permit. We can do  
18 it individually or on all three of them, the Maui Blue  
19 Plumeria Surf, Sandy Surf, Mango Surf. I move denial.

20 VICE-CHAIRMAN GUARD: Why don't we do one at a  
21 time?

22 COMMISSIONER HIRANAGA: Point of order.

23 VICE-CHAIRMAN GUARD: We need to hear the  
24 recommendation first.

25 COMMISSIONER IACONETTI: I thought he just gave

1 it.

2 VICE-CHAIRMAN GUARD: He gave us his Staff  
3 Analysis, which is fairly similar to the Staff  
4 Recommendation.

5 COMMISSIONER IACONETTI: I will have to do it  
6 again.

7 MR. FASI: The Maui Planning Department  
8 recommends that the Planning Commission recommend denial  
9 of the applicant's proposed use to the Maui County Council  
10 based on the above conclusions of law and the Department's  
11 Report and Recommendations.

12 And I am referring to the Maui Blue TMK  
13 (2)3-9-010:017, Conditional Permit 2002/0023.

14 COMMISSIONER IACONETTI: Now may I move?

15 VICE-CHAIRMAN GUARD: Sure.

16 COMMISSIONER IACONETTI: So moved.

17 VICE-CHAIRMAN GUARD: So moved.

18 COMMISSIONER MARDFIN: Is this for the Mango  
19 Surf?

20 COMMISSIONER IACONETTI: For the one he just  
21 gave, that's the Mango Surf.

22 COMMISSIONER HEDANI: Second.

23 VICE-CHAIRMAN GUARD: Second, Commissioner  
24 Hedani.

25 Any discussion?

1 Commissioner Hedani.

2 COMMISSIONER HEDANI: Actually, this is a  
3 question for Staff. Not necessarily on the Mango Surf, on  
4 the Sandy and the Plumeria Surf, when the maps were drawn  
5 for Wailea, were those specifically excluded from the  
6 Wailea area?

7 MR. FASI: I can't answer that. I'm sorry. I  
8 don't know.

9 VICE-CHAIRMAN GUARD: Director.

10 PLANNING DIRECTOR HUNT: The maps that were part  
11 of the TVR, B&B bills, the maps were drawn specifically  
12 for the resort areas that were originally proposed during  
13 the planning processes in the past.

14 COMMISSIONER HEDANI: So it did exclude those?

15 PLANNING DIRECTOR HUNT: Correct.

16 VICE-CHAIRMAN GUARD: So on the map -- because  
17 the Palms goes outside of that and this wraps in, is that  
18 correct? If you would be able to review your -- jog your  
19 memory.

20 PLANNING DIRECTOR HUNT: Let me -- let me -- let  
21 me retract my answer to Commissioner Hedani.

22 I am not sure if they are within them or not. I  
23 understood that the -- from the testimony, that they are  
24 outside of those maps.

25 COMMISSIONER HEDANI: Okay.

1 VICE-CHAIRMAN GUARD: Thank you.

2 I have a question.

3 Regarding the on-site management, that wasn't  
4 really an option when they discussed that coming forward  
5 with these three applications, to try to get someone to go  
6 to more of a hybrid TVR?

7 MR. FASI: It was not discussed with the  
8 applicant. I don't know if they want to consider that.  
9 But considering that there were letters in opposition from  
10 the neighbors, it seems unlikely that the Department may  
11 or may not support that alternative.

12 We do support it being a long-term rental.

13 VICE-CHAIRMAN GUARD: What if someone wanted to  
14 live there full-time and own it?

15 MR. FASI: Yes.

16 VICE-CHAIRMAN GUARD: Okay. Director.

17 PLANNING DIRECTOR HUNT: I always appreciate an  
18 attempt to compromise and find a solution. We do have  
19 problems with these pure TVRs coming before you, where we  
20 sent them out for agency comments, notice to neighbors,  
21 we've done our analysis, and then, at the podium or at the  
22 last minute, there's a, well, how about an on-site  
23 manager. If it had been part of the package at the  
24 beginning, maybe, maybe, we could have been accepting of  
25 it.

1           It also sends a message to the people, come in  
2 with a pure TVR and, at the last minute, you can always  
3 negotiate and just throw in a manager if it starts going  
4 south on you. And we don't think that is a good message.

5           Send a clear message to the community on what  
6 kind of TVRs our community will support.

7           VICE-CHAIRMAN GUARD: I have a concern on the --  
8 I don't feel the hotels -- and so maybe some of the hotel  
9 industry people would be able to follow up on that -- that  
10 they have actually had most guests stay at a hotel and  
11 they have rented homes nearby for smaller, I guess, more  
12 intimate setting meetings. And I just want to make sure  
13 that's not going to be an impact on a lot of the hotel  
14 groups that come in and they try to get a smaller place  
15 for more private setting functions. Have you been  
16 involved with any of those?

17           COMMISSIONER DOMINGO: No.

18           VICE-CHAIRMAN GUARD: Really? Okay.

19           Commissioner Mardfin.

20           COMMISSIONER MARDFIN: Are we getting close to a  
21 vote?

22           VICE-CHAIRMAN GUARD: We have a motion on the  
23 floor and a second. Any more discussion, or we can vote?

24           COMMISSIONER MARDFIN: I am going to vote to  
25 approve the -- with Dr. Iaconetti, to approve the



1 recommendations of the Department of Planning to deny the  
2 application for the Mango Surf.

3           Some of the things that are of most concern to  
4 me are the letters, the testimony we had in opposition,  
5 the letter we had from Mr. Field, and the at least  
6 suggestion that at least one of the letters in support was  
7 from a person who had a similar interest and tried to make  
8 it work for himself.

9           VICE-CHAIRMAN GUARD: So I clarify this in my  
10 head, we are going to go with Mango Surf first, which is  
11 actually Item Number 4, or C4, is that correct, Paul?

12           MR. FASI: That is correct.

13           VICE-CHAIRMAN GUARD: Any more discussion? Are  
14 we ready to vote?

15           Call for the question. Move to approve the  
16 Staff Recommendation of recommending denial on the  
17 Conditional Permit to the Maui County Council for Mango  
18 Surf.

19           All those in favor of the motion signify by  
20 raising their hand.

21           Any opposed?

22           Motion carries.

23           PLANNING DIRECTOR HUNT: We will mark that as  
24 unanimous.

25           VICE-CHAIRMAN GUARD: So we have either Plumeria

1 or Sandy Surf left.

2 COMMISSIONER IACONETTI: I will make a similar  
3 motion for Plumeria, that we accept the Planning  
4 Department's recommendation and deny a Conditional Permit.

5 COMMISSIONER HEDANI: Second.

6 VICE-CHAIRMAN GUARD: Motion by Commissioner  
7 Iaconetti, seconded by Commissioner Hedani.

8 Any further discussion?

9 Director.

10 PLANNING DIRECTOR HUNT: Just to be very careful  
11 with our words. You are recommending that Council deny  
12 it?

13 COMMISSIONER IACONETTI: Whatever.

14 VICE-CHAIRMAN GUARD: Is that correct,  
15 recommending denial to the County Council?

16 COMMISSIONER IACONETTI: Yes.

17 VICE-CHAIRMAN GUARD: Okay.

18 Commissioner Mardfin.

19 COMMISSIONER MARDFIN: If this is the Plumeria  
20 Surf, I would ask planner to turn to page 10 of the  
21 report, about halfway down, it says, property is 22,902  
22 square feet. I believe that should be 23,958 square feet.

23 MR. FASI: You are correct. So noted.

24 VICE-CHAIRMAN GUARD: Any further discussion?

25 Commissioner Hedani.

1           COMMISSIONER HEDANI: It's actually a question  
2 for Mich Hirano.

3           I don't know if it's appropriate to ask it at  
4 this point, but since Staff didn't know whether or not --

5           VICE-CHAIRMAN GUARD: Give it a shot.

6           COMMISSIONER HEDANI: Since Staff didn't know  
7 whether or not it was included within the map for the  
8 Wailea Resort area, the question to Mich was whether or  
9 not he would know the answer to that question.

10          MR. HIRANO: I believe that it's -- the Wailea  
11 Resort Area follows the Wailea Resort, which the  
12 boundaries are just on South Kihei Road, in that area. It  
13 does not include these lots.

14          COMMISSIONER HEDANI: So it would be -- include  
15 the Ekahi, above the roadway, but not below?

16          MR. HIRANO: Yes. Yeah.

17          COMMISSIONER HEDANI: Thank you.

18          VICE-CHAIRMAN GUARD: Okay. Any further  
19 discussion? Okay.

20          All those in favor of the recommendation of  
21 denial signify with a raise of the hand.

22          Any opposed?

23          6-0.

24          Now we're on to Item C3 for Sandy Surf.

25          COMMISSIONER IACONETTI: I would like to

1 recommend acceptance of the Planning Department's  
2 Recommendation and denial of the Conditional Permit for  
3 the Sandy Surf.

4 COMMISSIONER HEDANI: Second.

5 VICE-CHAIRMAN GUARD: Okay. Motion by  
6 Commissioner Iaconetti, seconded by Commissioner Hedani.

7 COMMISSIONER IACONETTI: I have a question,  
8 though.

9 It seems highly unlikely to me that these homes  
10 will be torn down for any other purpose than to use it as  
11 a permanent residence, either by the owner or by someone  
12 renting the house. And it seems to me that we are now  
13 increasing the homes that are available for -- for  
14 permanent residents by denying these three requests.

15 And for that reason, I strongly recommend that  
16 we deny it.

17 VICE-CHAIRMAN GUARD: Recommend denial.

18 Commissioner Mardfin.

19 COMMISSIONER MARDFIN: Let me just -- I think  
20 you may be right. The alternative may be they will just  
21 be empty, so -- and not be used for any long-term housing.  
22 So it's a little uncertain what will become of these. But  
23 it seems that the short-term rental is not in keeping with  
24 the neighborhood.

25 VICE-CHAIRMAN GUARD: Any further discussion?

1           Seeing none, call for the question.

2           This is voting in favor of the motion to go with  
3 the Staff Recommendation to recommend denial to the County  
4 Council for Conditional Permit for the Sandy Surf vacation  
5 rental.

6           All those in favor of the motion signify by  
7 raising their hand.

8           Any oppose?

9           PLANNING DIRECTOR HUNT: We will mark that  
10 unanimous, unanimous in favor of the motion.

11           VICE-CHAIRMAN GUARD: Let's limit this to an  
12 eight-minute break while the next group sets up.

13           (Recess, 3:32 p.m. to 3:38 p.m.)

14           VICE-CHAIRMAN GUARD: Planning Commission of  
15 August 26, 2008, is now back in session.

16           PLANNING DIRECTOR HUNT: Your next item involves  
17 Mr. Peter Klint Martin requesting a State Land Use  
18 Commission Special Use Permit for the proposed Hoomoana  
19 Campground in the State Agricultural District, TMK  
20 3-8-001, portion of Lot 3, Spreckelsville. The  
21 Application File Number is SUP2 2007/0007. And Livit  
22 Callentine is the planner assigned to this project.

23           MS. CALLENTINE: Thank you once again,  
24 Commissioners, and Director.

25           Okay. I handed you, just before you came back,

1 an additional letter of testimony which was received by  
2 the Department sometime this morning while I was over here  
3 for another item. So at the top, it says, Sugar Cove  
4 Condominiums AOA.

5 I also handed you a color copy of one of the two  
6 copies that was handed out to you -- handed out to some of  
7 you this morning.

8 And then I also handed you a copy of a printout  
9 from our records as far as where the SMA boundary is for  
10 your review.

11 So this project is on a portion of a large  
12 parcel of land. It's on 5.4 -- approximately 5.4 acres of  
13 land. The overall parcel is over 67 acres. And it's in  
14 the process of being subdivided currently.

15 The applicant has presented its application that  
16 he is proposing to develop a commercial campground.

17 It would contain 30 camping pods. And that is  
18 shown in your Exhibit 3 of your report.

19 He also would like to develop a manager's  
20 cottage, a future farm dwelling, and an agricultural  
21 cultivation area.

22 Commercial Campground is a special use in the Ag  
23 District, in the zoned Ag District, and as well as in the  
24 State Land Use Ag District. It's considered a special use  
25 and requires a Special Use Permit, which is what you are

1 referring today.

2           The property is Agriculture. The Community Plan  
3 is -- is a mixture of Agriculture and Open Space. The  
4 portion of the property you are looking at today is zoned  
5 -- is Community Plan Agriculture, as is the County zoning.  
6 And the portion of the property that is being considered  
7 today is not located in the SMA.

8           It's surrounded by the Kahului Airport lands  
9 onto the north, a private agricultural lot to the east,  
10 Paia Spur Road and agriculture lands to the south, and,  
11 again, Kahului Airport lands to the west.

12           The property is currently vacant and  
13 undeveloped.

14           The project -- I won't say that again.

15           We transmitted the application out to agencies  
16 for comment. And those comments are provided in Exhibit  
17 5A through W. So -- Y. 5A through 5Y.

18           And I would like to turn the podium over to the  
19 applicant -- the consultant, applicant's representative,  
20 now for further delineation on the project, if you please.

21           MR. GINOZA: Good afternoon, Vice-Chair Guard  
22 and Commission Members. My name is Kyle Ginoza. And I  
23 work for Munekiyo & Hiraga. We're assisting the applicant  
24 with the Special Use Permit Application for the proposed  
25 commercial campground called the Hoomoana Campground.

1 This is located in Spreckelsville, Maui, on the north  
2 shore of Maui.

3 The applicant is Mr. Peter Martin.

4 And, again, my name is Kyle Ginoza. And I have  
5 Mike Munekiyo here of Munekiyo & Hiraga. And we're  
6 assisting Mr. Martin.

7 The location of the project is along Paia Spur  
8 Road, which is off of Stable Road in Spreckelsville.

9 This is a site location map of the project site.  
10 So this is Hana Highway -- oh, first off, this is the  
11 approximate location of what this map is.

12 And this is Hana Highway. And then Stable Road  
13 kind of comes along this alignment. And Paia Spur Road  
14 goes this way.

15 So right here is the project site.

16 Right here is where Kaunoa Senior Center is.

17 And then the Maui Country Club is in this  
18 location.

19 From the project site to the Paia Spur/Stable  
20 Road intersection is approximately 2,000 feet, to give you  
21 a point of reference. So similarly to this area, it's  
22 about 2,000 feet from the project site.

23 Next slide, please.

24 So this is looking closer in at the previous  
25 slide.



1 Can you go back to the previous slide?

2 So the TMK that Ms. Callentine was talking about  
3 is a bigger TMK that has been subdivided. And then  
4 there's a -- there's another agricultural subdivision that  
5 is currently in process. And that's what is shown on the  
6 next slide.

7 So this is a seven-lot agricultural subdivision,  
8 of which the westernmost lot is the proposed location for  
9 the Hoomoana Campground.

10 So, again, this is Hana Highway and where it  
11 intersects Stable Road here, and then Paia Spur roadway is  
12 along this orientation.

13 Next slide. Let's go up to the previous one.

14 So I have two pictures. One is from this  
15 location. And I took it looking -- pointing toward the  
16 northeast. And then the second picture is from this  
17 location, going toward the west.

18 So right here is -- basically before -- when I  
19 took this picture last year, I believe, HC&S had recently  
20 cultivated the last sugarcane planting. And so this is  
21 the project site. This is that Paia Spur roadway. And  
22 then the balance of the seven-lot agricultural subdivision  
23 is located right here.

24 And along this tree-lined area,  
25 coconut-tree-lined area is where Stable Road is. So you

1 can see it's a considerable distance away from the project  
2 site, approximately 2,000 feet away.

3 This is Stable Road. And, again, this is  
4 looking kind of to the west, where this is Paia Spur  
5 roadway, which is currently in the process of being  
6 improved to agricultural road standards. And the project  
7 site is somewhat beyond the bushes here in -- somewhere in  
8 this area.

9 So as far as the composition of the campground,  
10 the applicant is proposing 30 campsites or 30 camping pods  
11 which may be rented out, which is why we are requesting a  
12 Special Use Permit for the commercial aspect of this  
13 campground.

14 The campground will also consist of eight  
15 community showers and eight toilets, as well as 32 parking  
16 stalls.

17 There will also be one common trash collection  
18 area which is located near the access of the property.

19 In addition to the commercial campground, there  
20 will be a number of other facets of the property. There  
21 will be a campground manager's cottage which is located  
22 adjacent to the camping pods. And this is where we're  
23 proposing a full-time manager who lives on-site and would  
24 be managing the site basically 24 hours a day, seven days  
25 a week. So it will be actively managed on-site.

1           In addition, about a third of the parcel will be  
2 dedicated to an agricultural planting area, an area of  
3 approximately 1.8 acres.

4           And then there's also a site for a future farm  
5 dwelling that would be reserved for that purpose.

6           And after this slide, I have a site plan that is  
7 also in your application that I will go over.

8           Regarding infrastructure, there is water and  
9 electrical service which will be provided to the parcel as  
10 part of the agricultural subdivision improvement for that  
11 seven-lot agricultural subdivision.

12           And sewage. The County wastewater lines are  
13 quite far away, so sewage will be handled by an individual  
14 wastewater system.

15           So this is the site plan of the parcel. To give  
16 you an orientation, here is Paia Spur Road, Hana Highway  
17 would be coming along like this, then Stable Road like  
18 this, maybe more up here, and the ocean is somewhere over  
19 here, maybe like 3,000 feet away. So as you can see the  
20 kind of northwestern part of the parcel is in  
21 agricultural -- that's that agricultural planting area  
22 that comprises approximately a third of the parcel. There  
23 are the 30 camping pods here. The 32 parking stalls would  
24 be here. And then shower and restroom facilities located  
25 here, here and here.

1           The manager's cottage, which -- the manager who  
2 would oversee the campground would be located here, right  
3 at the entrance of the campground facility, off of Paia  
4 Spur Road.

5           And in this bottom right-hand quadrant is that  
6 future farm dwelling area.

7           Next slide.

8           So the reason why we are before you today is  
9 because a Special Use Permit is required for certain open  
10 land recreational uses, including commercial camping, in  
11 the Agricultural District. And whereas just  
12 non-commercial camping is an accessory use in the Ag  
13 District, the applicant would like to charge and make it a  
14 commercial campground so he may receive consideration for  
15 the use of the campground pods.

16           So in contrary to a lot of the testimony that  
17 you had received earlier in the day, this is primarily a  
18 commercial camping facility where -- one of the testifiers  
19 that will come up is a -- the manager of the Camp Olowalu  
20 commercial campground. And she will kind of explain the  
21 operation.

22           But this would follow along like that. Where,  
23 right now, at Camp Olowalu, they charge like \$10 per  
24 person per night. And the applicant is considering a  
25 similar arrangement in terms of charging. But he is also

1 considering -- consideration being not necessarily \$10 per  
2 night, but, also, like a work share where they may help  
3 with the upkeep of the facility.

4 But we will get into that later.

5 The application for the Special Use Permit was  
6 filed last year, September of last year.

7 So as far as the campground, the campground  
8 manager will be on -- there will be a full-time campground  
9 manager to ensure the sound operation of the campground.

10 The applicant also owns land which has --  
11 currently houses that Camp Olowalu commercial campground.  
12 And they will model this campground after that successful  
13 Camp Olowalu.

14 We feel that the camping and agricultural uses  
15 that are proposed are consistent and compatible with the  
16 surrounding agricultural fields. And that agricultural  
17 demands, such as for water, electricity and so forth, will  
18 be fulfilled and are provided by the applicant.

19 So that sums up our presentation of the project.

20 Do you have any questions?

21 VICE-CHAIRMAN GUARD: Any questions for the  
22 applicant?

23 Dr. Iaconetti.

24 COMMISSIONER IACONETTI: I'm sorry if I missed  
25 this when I went out to answer the phone, but could you

1 give us a little more description of the pods, the  
2 campsite pods? What are they made up of? Is it a  
3 concrete pad? Is it --

4 MR. GINOZA: It will, basically, just be dirt.  
5 And it would have landscaping around it, like hedges  
6 around it for -- to create kind of a privacy type area.  
7 And so it would just be kind of grass -- I mean --  
8 sorry -- like dirt or grass area.

9 And, for instance, like water and electricity  
10 won't be provided to each pod, it will be -- you know,  
11 it's a camping facility. So like there would be sinks and  
12 such by the toilets.

13 VICE-CHAIRMAN GUARD: Commissioner Iaconetti.

14 COMMISSIONER IACONETTI: Is there any way that  
15 this -- these pods would be amenable to mobile housing?

16 MR. GINOZA: No. You mean like a mobile home?

17 COMMISSIONER IACONETTI: Yeah.

18 MR. GINOZA: No. I mean, basically --

19 MS. CALLENTINE: Like an RV park, you mean?

20 COMMISSIONER IACONETTI: Yeah.

21 MR. GINOZA: No, not as currently configured.

22 COMMISSIONER IACONETTI: So people are going to  
23 be staying in tents?

24 MR. GINOZA: Yes.

25 COMMISSIONER IACONETTI: Is that the idea?

1 MR. GINOZA: They will provide their own  
2 accommodation via tents and so forth.

3 COMMISSIONER IACONETTI: Thank you.

4 VICE-CHAIRMAN GUARD: Commissioner U'u.

5 COMMISSIONER U'U: Yeah, question.

6 You got any pictures of the Olowalu one you guys  
7 molding this after?

8 MR. GINOZA: I don't have any offhand. Maybe --  
9 is there a particular facet of that campground that you  
10 would like to know more about?

11 Basically, as one of the testifiers, the manager  
12 of that campground will be testifying in, she can kind of  
13 -- if you have a certain concern.

14 You mind if I -- could I call her up right now?  
15 And she could answer any concerns.

16 VICE-CHAIRMAN GUARD: Okay. Do you have a quick  
17 question for Mr. Ginoza, Commissioner Hedani? Or should  
18 we --

19 COMMISSIONER HEDANI: My questions are not that  
20 quick.

21 VICE-CHAIRMAN GUARD: Okay. Livit.

22 MS. CALLENTINE: I was just going to say --  
23 Livit Callentine here. I was just going to say that I did  
24 do a site visit to the Olowalu Camp, also. And I did -- I  
25 did take photographs, but I didn't bring any copies of

1 them with me. But I did look all through with the  
2 manager. And I was actually quite impressed with how it  
3 was run and how it seemed to be functioning. I thought it  
4 was a good model.

5 MS. WAYAS: Aloha. I am Noelani Wayas. I  
6 manage the camp down there. So I will answer any  
7 questions that you have.

8 None so far?

9 VICE-CHAIRMAN GUARD: Questions?

10 Maybe, they said, you just kind of go over  
11 about, I guess, the process on people checking in.

12 MS. WAYAS: And how it functions?

13 VICE-CHAIRMAN GUARD: Yeah.

14 MS. WAYAS: Sure.

15 So I live on-site. Basically, the setup is a  
16 lot different down in Olowalu. This one is -- this one  
17 looks more ideal to me. But we had to work with what we  
18 were given. It was an existing structure and we kind of  
19 just tried to make it better.

20 As you drive into the camp, there are six cabins  
21 that -- we have a -- separate cabin facilities that would  
22 not be included in this plan. But my house is right there  
23 as well. People will come in, check in at the check-in  
24 window which is attached to like my office. It's similar  
25 to, someone mentioned before, National Parks, even up in



1 Haleakala, where you have to stop and get your permit  
2 before you go in. They stop, check in with me. I review  
3 the rules with them, have them sign the waiver, they make  
4 payment. Then they drive from my place down a gravel  
5 road, I would say 300 yards, to the campgrounds. And they  
6 park in a separate parking lot. On the left-hand side  
7 is -- the ocean side, is the entrance, and they will walk  
8 down. They have their choice of 38 sites at that point  
9 where they can pitch their tent, set everything up.

10 We do have community showers as well. We only  
11 have two. It seems to be sufficient until big groups come  
12 in the summer.

13 And the water is right there next to the showers  
14 as well with one sink.

15 But it seems to be working with the numbers that  
16 we have. This, like I said, is a little bit more ideal.

17 VICE-CHAIRMAN GUARD: Commissioner Iaconetti.

18 COMMISSIONER IACONETTI: Do you have a time --  
19 thank you.

20 Do you have a time limit that people can stay?  
21 Do they have to check in every so often or --

22 MS. WAYAS: Well, I was going save this for my  
23 testimony, but I guess I will go ahead and start.

24 When we started the camp, I was like many of the  
25 people that spoke already, today, very I don't want the

1 homeless, keep them away from me, I want to be safe. And  
2 so I did start a two-week maximum, 14-night consecutive  
3 stay.

4           And as the time went on, I noticed that there  
5 were people coming in and they had their stories for me.  
6 And, you know, I felt really bad. And so I would listen  
7 to their stories. And one by one, I would let certain  
8 groups, certain families, certain people stay a little bit  
9 longer on the condition that they followed the rules.

10           I am really strict with the rules. And so in  
11 the condition that they break one, I kick them out  
12 immediately.

13           But essentially it started at the 14th day. And  
14 at this point, I let anyone stay. If they break a rule,  
15 they are gone. And so I do extend the 14-day maximum now.  
16 But it's -- I managed -- in November, it will be three  
17 years. And so over a three-year period of time, it's come  
18 to this. So we did start with that, but no longer.

19           VICE-CHAIRMAN GUARD: Commissioner U'u.

20           MS. WAYAS: Yes.

21           COMMISSIONER U'U: Rules, what type of rules you  
22 guys, enforcement?

23           MS. WAYAS: Okay. I have these memorized.

24           First of all, we're on conservation land. So  
25 there's a lot of things that we're not allowed to do.

1 There's no touching of the trees, no touching of the brush  
2 around the area. There are no campfires allowed.

3 We do have quiet hours. I say 10:00 p.m. to  
4 6:00 a.m. And at this point, I have been able to be very  
5 general and vague with the quiet hours, just respect your  
6 neighbors. If you come in after 10:00 or leave before  
7 6:00 -- some people go out and they have dinner, they come  
8 in after 10:00, and it's not a problem. Just be  
9 respectful of all the people around you.

10 Drugs are prohibited.

11 I do allow alcohol. Because like, I think -- I  
12 don't remember who said it. I am not pointing fingers.  
13 But when you go camping, some people do. Even the  
14 tourists that come, they want to have a good time, and  
15 they will have a beer or two.

16 I do let people know if they are drinking that  
17 if, at any point, they get out of hand, they are out of  
18 there. Because my number one concern is safety for my  
19 campers and safety for myself and safety for anyone that's  
20 staying in the cabins.

21 So another rule that we have, they are not  
22 allowed to go into certain areas of the camp. Like I  
23 said, I have a separate function that's not anything to do  
24 with this, the cabin facilities where groups can come and  
25 rent out the cabins exclusively. And so I get high school

1 groups with, you know, young females. And so when they  
2 see a -- the strange male camper walking up, they don't  
3 want them in their space. So they know their boundaries.

4 They are not allowed to camp past a certain  
5 point because we also run onto State land as we are right  
6 on the ocean.

7 They are only allowed a certain number of items  
8 outside of their tents. And this is more for my longer  
9 term campers. This is to keep the camp nice and clean,  
10 very orderly looking. Clean up after themselves,  
11 everything from cigarette butts to rubbish.

12 If they start littering and they are  
13 disrespectful to the land, they will be asked to leave.

14 Any problems that they have, they are to come  
15 and see me and not anyone else.

16 Just to be respectful, basically.

17 But they are written down. And they sign to the  
18 rules.

19 Yes.

20 COMMISSIONER MARDFIN: Do you allow animals?

21 MS. WAYAS: This one I do. But I kind of have a  
22 screening process with this.

23 I am personally a dog lover, and, at first,  
24 allowed dogs, and no matter what. And then learned the  
25 hard way.

1           We do allow dogs after I screen them and make  
2 sure that they are nice to others, they don't bark. They  
3 have to be tied up. Unfortunately, they have to be tied  
4 up. But I haven't had -- since I've implemented the rule  
5 of tying them up and making sure they clean up after, you  
6 know, their little pets, then I haven't had any problems.

7           COMMISSIONER MARDFIN: What's the longest a  
8 person has stayed there?

9           MS. WAYAS: There was a gentleman that came to  
10 me March of 2007. And he was living Upcountry. He  
11 stayed, I think, May of this year. He finally was able to  
12 save up and get enough money to get his own place back  
13 Upcountry. So I would say how many -- what is that, 15  
14 months? Year and-a-half.

15           Frank is here, he is going to testify. He can  
16 let you know. He is another -- he's another success story  
17 that we have had.

18           COMMISSIONER MARDFIN: Are there many that have  
19 stayed more than two months?

20           MS. WAYAS: I average anywhere from 29 to 50  
21 campers a night. Of the approximate 33 I have today, I  
22 would say 12 of them have stayed longer than two weeks and  
23 about eight of them have stayed longer than two months.

24           COMMISSIONER MARDFIN: Thank you.

25           VICE-CHAIRMAN GUARD: Commissioner Hedani.

1           COMMISSIONER HEDANI: Okay. Since you brought  
2 up the "H" word, we had a whole bunch of people this  
3 morning testifying about this campground being for the  
4 homeless.

5           MS. WAYAS: Yes.

6           COMMISSIONER HEDANI: And all the homeless on  
7 the island are going to move to this campground in Paia,  
8 rape and pillage the entire neighborhood, basically.

9           MS. WAYAS: Right. I heard that.

10          COMMISSIONER HEDANI: And the campground that  
11 you operate at Olowalu, does everyone pay for camping or  
12 are there some people that are allowed to not pay?

13          MS. WAYAS: Initially, everyone pays, no matter  
14 who they are.

15                 I do have a late fee. So if people are in a  
16 bind and they can't pay me, I will just charge a late fee  
17 of \$5 a night per person, so that there is some sort of  
18 consequence. Otherwise, I would be taken advantage of.

19                 However, there have been cases -- Frank is one  
20 of them -- where they have very limited funds, and I am  
21 aware of it. It's really -- it's one of those management  
22 things where you just -- like a one-on-one thing. My rule  
23 is everyone pays.

24                 There have been five people in the past three  
25 years that I have exchanged work with, helping me pick up

1 the rubbish, cleaning out the portable bathrooms on the  
2 off days, cleaning up the showers and the sink area,  
3 helping me out with landscaping, you know, pulling weeds,  
4 helping me out with computer things that I am illiterate  
5 in. And they will log their hours to me. And for so many  
6 hours, I will give them that many nights for free, like in  
7 exchange.

8           COMMISSIONER HEDANI: So it's like a service  
9 for -- service for --

10           MS. WAYAS: Yes, for staying there.

11           COMMISSIONER HEDANI: -- for space?

12           MS. WAYAS: Yeah. But in that way, they feel  
13 like some sort of ownership and they take pride in it.  
14 And so in, a lot of ways, it's a benefit to both them and  
15 I where they help to manage it as well and help me with my  
16 eyes back there at the campground.

17           VICE-CHAIRMAN GUARD: Mr. Hedani.

18           COMMISSIONER HEDANI: The campsite that was  
19 described to us was described as dirt and landscaping.

20           MS. WAYAS: Yes.

21           COMMISSIONER HEDANI: Is the Olowalu situation  
22 similar or is it grass?

23           MS. WAYAS: Yes. It's very dirty. No. It's  
24 dirt-dirt. It's dirt-dirt, which is why we are very  
25 particular with how much rubbish goes back there. Because

1 it's on conservation land, we're not allowed to -- I would  
2 love to have grass or anything like that, but we're not  
3 allowed to have that. And it seems to work fine. The  
4 campers don't seem to mind at all. It's a very natural  
5 setting.

6           The pod situation with the plants in between is  
7 wonderful. And I wish we could have that as well.

8           At our campsite -- and as you remember -- they  
9 are a little bit more open. There are some sites that are  
10 naturally secluded because of kiawe or whatever, but as  
11 far as everyone else, it's pretty like, "Aloha, good  
12 morning."

13           So it's a great idea, but as far as being on  
14 dirt, I don't have any complaints. I mean, they know they  
15 are not staying at the Ritz.

16           VICE-CHAIRMAN GUARD: Commissioner U'u.

17           COMMISSIONER U'U: Yeah. So there's visitors  
18 and you got residents there?

19           MS. WAYAS: Yes. Yes.

20           I am not going lie to you. There has been times  
21 where I get tourists that come in and say, "We don't know  
22 if we want to stay," because they get a little scared.  
23 They can tell the people that are long-term. They have a  
24 little bit more stuff. And sometimes there's families and  
25 so kids are running around. And it's dirt, so they are



1 all dirty.

2 But all in all, the combination of the tourist  
3 market and the transient traffic that we get seem to be  
4 just fine.

5 A lot of my long-term campers actually help me.  
6 Tourists come without supplies. And, you know, in the  
7 case that I am not on property, they get -- they help them  
8 and give them -- "Oh, here. Do you need a barbecue set?  
9 Do you need an air mattress pump?" So the combination,  
10 for me, has worked.

11 COMMISSIONER U'U: How much residents would you  
12 say are living there right now, all staying there right  
13 now?

14 MS. WAYAS: Twelve.

15 COMMISSIONER U'U: Twelve residents?

16 MS. WAYAS: Yeah.

17 COMMISSIONER U'U: Had it not been for this  
18 campground, where would they be?

19 MS. WAYAS: I have no idea.

20 I get pretty emotional about it.

21 I have a family there right now -- and I wish,  
22 you know, a lot of people that were here this morning  
23 could be here for this. Because I was like ready to jump  
24 out of my seat and tell them the story.

25 Like I said, two -- three years ago, when I

1 started, I went down with Josh to the camp. I was like,  
2 "You're kidding me. I am not doing this. You guys are  
3 crazy."

4 It was -- it was this big area. And just as  
5 Stuart said, the cop, he would go down there all the time.  
6 I heard, oh, yeah, they tried to -- they tried to pull a  
7 knife on me and dah, dah, dah. I was like, okay, okay we  
8 can handle this, we got this.

9 So I said, "Okay, no people that do not have  
10 homes."

11 I am not going to use the "H" word anymore.

12 But I have had so many people come to me with so  
13 many stories. And I know some of them are lying. I give  
14 everyone a chance. But the second I see a red flag, I am  
15 -- I am on it, my eyes in the back are on it. And as soon  
16 as they break a rule, they are gone.

17 But I have this family there now, they are a  
18 younger couple, but they have four children. And I think  
19 it was about seven months ago, they had -- no. Ten months  
20 ago, they had a baby girl. And she almost died at  
21 childbirth. So they had to go to Oahu.

22 Mom went to Oahu, stayed with the baby for two  
23 months. In the meantime, dad was here on Maui. Local  
24 family, both from Maui. Dad was on Maui, lost his job,  
25 and had to take care of the other three kids.

1           After that happened, they were kicked out and  
2 had been roaming Maui, trying to find a place to sleep at  
3 night without being kicked off of the beach, you know.  
4 And they finally came to the camp.

5           And we're, right now, trying to help them get  
6 into the shelter in Lahaina.

7           But in that situation, it's a good question,  
8 it's like where would they go? Where would this  
9 ten-month-old baby girl go? Where would this little  
10 three-year-old boy go, and these other two boys?

11           And they are productive people in society and in  
12 this community.

13           The two older boys are in Pop Warner Football.  
14 Dad I hardly see because he is working all day long. As  
15 soon as he is done, he goes to coach with his boys.

16           Like they ain't -- they are not the druggies,  
17 they are not the -- the -- what did she -- sex offenders,  
18 they are not the -- you know, the crazy people.

19           Are there some? Absolutely.

20           But guess what? There's some people like that,  
21 that live in Spreckelsville, in the big rich homes.  
22 There's some people like that, that live in everywhere you  
23 go. It's not just the homeless people.

24           And like I said, you know, it's just a matter of  
25 trying to -- I tried to put myself in their situation as I

1 was listening to, but, likewise, we need to put ourselves  
2 in the situation where what if that was us, what if we  
3 lost our job, what if, you know, we have -- we've all been  
4 very blessed to -- to be in a position where we can get  
5 education, to be in a position where we can fend for  
6 ourselves and use our skills to, you know, be under a roof  
7 and have food for our children and, you know, have the  
8 luxuries of life. But what if we were in their shoes?  
9 Who would help us out?

10 VICE-CHAIRMAN GUARD: I would like to get  
11 through public testimony soon because we are going to be  
12 losing quorum. We can always bring the applicants back as  
13 well.

14 COMMISSIONER IACONETTI: Can I ask a question?

15 VICE-CHAIRMAN GUARD: Okay.

16 COMMISSIONER IACONETTI: First of all, how  
17 fortunate Mr. Martin was to find you.

18 MS. WAYAS: I tell him that every day.

19 COMMISSIONER IACONETTI: Good.

20 But, also, how many times have you had to call  
21 the police to help you?

22 MS. WAYAS: I haven't had to call the police  
23 once.

24 There was one time where there was a girlfriend  
25 that wasn't registered with a camper called the cops

1 because her boyfriend acted up. He was gone the next day.  
2 And that was it.

3 I try my hardest. I've got my cop right here,  
4 my husband. He looks scary.

5 Yes.

6 COMMISSIONER MARDFIN: I think I heard different  
7 things. They are not allowed to have a fire?

8 MS. WAYAS: Right.

9 COMMISSIONER MARDFIN: How do they cook food?

10 MS. WAYAS: In a grill --

11 COMMISSIONER MARDFIN: Oh, they --

12 MS. WAYAS: -- or a Coleman stove.

13 COMMISSIONER MARDFIN: Okay. So they have fire  
14 in that sense?

15 MS. WAYAS: They have it in that -- it has to be  
16 enclosed.

17 COMMISSIONER MARDFIN: But not an open fire?

18 MS. WAYAS: Right. Exactly.

19 VICE-CHAIRMAN GUARD: Commissioner Hedani.

20 COMMISSIONER HEDANI: I was going to ask, who is  
21 your enforcer, but now I know.

22 MS. WAYAS: He looks like it. I am the bad cop,  
23 though. He is always the one they go to when they want  
24 something.

25 VICE-CHAIRMAN GUARD: Commissioner Hiranaga.

1 COMMISSIONER HIRANAGA: Are you a employee or  
2 independent contractor?

3 MS. WAYAS: I am an independent contractor.

4 VICE-CHAIRMAN GUARD: Commissioner Mardfin.

5 COMMISSIONER MARDFIN: You said -- or somebody  
6 said -- that you charge \$10 per person per day.

7 MS. WAYAS: Yes, uh-huh.

8 COMMISSIONER MARDFIN: Is that for children as  
9 well?

10 MS. WAYAS: No. Children five and under are  
11 free. And then children six to 12 years old are \$5 per  
12 person.

13 COMMISSIONER MARDFIN: Thank you.

14 VICE-CHAIRMAN GUARD: Are you going to run the  
15 one on the north shore as well?

16 MS. WAYAS: No.

17 VICE-CHAIRMAN GUARD: Okay. So it's the same  
18 thing --

19 MS. WAYAS: But I will be training.

20 VICE-CHAIRMAN GUARD: Okay. Just making sure  
21 we're asking relevant questions.

22 Commissioner Hedani.

23 COMMISSIONER HEDANI: You mentioned you have 29  
24 campsites.

25 MS. WAYAS: 38.

1           COMMISSIONER HEDANI: 38 campsites. How many  
2 people average per campsite?

3           MS. WAYAS: Two.

4           COMMISSIONER HEDANI: Well, let me --

5           MS. WAYAS: 1.97.

6           COMMISSIONER HEDANI: Let me ask the question a  
7 different way.

8           MS. WAYAS: Okay.

9           COMMISSIONER HEDANI: You mentioned \$10 per head  
10 or \$5 for children.

11          MS. WAYAS: Uh-huh.

12          COMMISSIONER HEDANI: That times how many people  
13 per night?

14          MS. WAYAS: I average anywhere from 20 -- I  
15 think my lowest has been 22 and my highest has been up to  
16 60. Yeah.

17                 It's amazing how much money running a campground  
18 is, though. For those that said commercial camping is  
19 high in profit, kinda wrong there, buddy. It's pretty  
20 expensive with the portable bathrooms and the trash  
21 collecting and, you know, other things that come up.

22          VICE-CHAIRMAN GUARD: Commissioner U'u.

23          COMMISSIONER U'U: Looking at the site plan, and  
24 your guys' operation, ongoing operation, is there any  
25 potential for problem that you see in there, or would this

1 be suited better for this type of activity?

2 MS. WAYAS: As far as the setup, it is, like I  
3 said, a lot more ideal than mine. The manager's cottage  
4 is right next to the campsite. And mine is further away.  
5 And I think just the presence of the manager being there,  
6 as long as they are an enforcer.

7 Is it gonna make it successful? I don't -- I  
8 don't -- I don't foresee it -- I foresee the normal  
9 problems that I get. I foresee those happening. But as  
10 far as a result from the setup, absolutely not. That one  
11 is more ideal.

12 COMMISSIONER U'U: Thank you.

13 VICE-CHAIRMAN GUARD: Director.

14 PLANNING DIRECTOR HUNT: The people who have  
15 stayed a couple weeks and then move on, or a couple  
16 months, is it your experience -- or have they come back  
17 and told you stories that now that they have gotten back  
18 on their feet, they are doing okay and this is a temporary  
19 help or whatever?

20 MS. WAYAS: Technically, they don't come back.  
21 It would waste there time to come and see me. But I do  
22 see them around Lahaina or other parts of Maui where they  
23 do tell me how they are doing and what they are doing.

24 Not all stories are successful. And especially  
25 for the ones that I kick out. It's quite awkward to see



1 them later.

2 But as far as the other ones, yeah. They do  
3 tell me. And they appreciate it. And that's nice to  
4 know.

5 VICE-CHAIRMAN GUARD: Hold on.

6 We're going to lose Corp Counsel at 4:30.  
7 Commissioner Domingo has mentioned the same thing. I  
8 might have to leave. I would like to get through some  
9 public testimony for the people that have been here all  
10 day. And she's going to be here. She's --

11 I am assuming you are part of the presentation,  
12 correct?

13 MS. WAYAS: Yeah.

14 VICE-CHAIRMAN GUARD: I would like to get  
15 through -- there's been a lot of people waiting all day --

16 MS. WAYAS: Okay.

17 VICE-CHAIRMAN GUARD: -- to testify. If that's  
18 okay.

19 MS. WAYAS: Yeah.

20 VICE-CHAIRMAN GUARD: Is that -- okay. We're  
21 going to lose people real quick.

22 I am going to go off this list. I am sure  
23 there's other people.

24 First up, we have Susan Moikeha.

25 MS. MOIKEHA: Good afternoon, Chair and