

1 Commissioners.

2           And my name, for the record, is Susan Moikeha.

3 And I am here to give testimony.

4           I am not necessarily here to support or deny the  
5 permit that's before you, that the applicant has  
6 submitted. But I am more so here in support of the  
7 concept that has been represented to you in the  
8 application.

9           The concept that has been represented is  
10 providing a campground that would not only provide a place  
11 for travelers to find lodging, but it would also provide a  
12 place of refuge for those who are homeless.

13           For some reason -- and I've seen an example of  
14 that here today -- the minute we say the word "homeless"  
15 out loud, we all conjure up a vision of what and who that  
16 homeless person is.

17           I can assure you that when we're born into this  
18 world, we do not say to ourselves that we're going to grow  
19 up as homeless people. It is usually circumstances of our  
20 life that lead us to homelessness. It is certainly not a  
21 desire to want to be homeless.

22           In my experience -- and I am no longer with  
23 Legal Aid Society of Hawaii, which is a nonprofit law firm  
24 which provides free legal services to those that are of  
25 the very low to low income individuals. And during my

1 three years there, I was a paralegal, but I oversaw the  
2 Disability Advocacy Program with Social Security. And,  
3 basically, what I did is I assisted clients in their  
4 claims to seek permanent disability under Social Security.

5 And as I worked with these individuals, because  
6 of their -- their disabilities of either mental or  
7 physical, I had an opportunity to meet many people. And I  
8 will assure you that I met many homeless people.

9 And during that time -- I just want to share a  
10 couple of those people with you. This one young woman  
11 that I met was probably in her late twenties. She had  
12 work history. She had worked all her life. But a certain  
13 point in her life, the normal day-to-day ritual of living  
14 was increasingly becoming a challenge for her. She was  
15 eventually diagnosed with a bipolar disorder. And as she  
16 described in her own words, what it was like to have  
17 bipolar, it was constant noise and talking in her mind.  
18 She referred to it -- she referred to it as an unquiet  
19 mind.

20 Eventually, this disorder led to her to becoming  
21 -- not having the ability to work. And when you don't  
22 have money to work, then you don't have money to live.  
23 And it affected her life substantially. She lived off the  
24 grid in Waihee.

25 Another individual that I had met and assisted

1 was a man who was homeless. Believe it or not, he was an  
2 engineer and had been in that work field for quite some  
3 time. It was unfortunate that he lost his wife and his  
4 child, only child, in a car accident. Eventually, he  
5 ended up working in a sporting store, obviously, maybe,  
6 because he couldn't cope. And as a result of that, he was  
7 let go. He believes he was let go because he started to  
8 have sores on his skin that was evident and appeared to  
9 others. And he tried to cover it up, but he was diagnosed  
10 with staph. Once his job was gone, his shelter was gone,  
11 and he began to live homeless. And he did, for a number  
12 of years, as we went through the disability process.

13           The conditions of his physical impairment  
14 eventually led from staph to MRSA. If you know anything  
15 about MRSA, it's very highly contagious and very resistant  
16 to antibiotics. It not only -- it does not appear on the  
17 skin. It attacks the organs.

18           This man was camping out at Baldwin Beach,  
19 homeless. And three days after suffering a major heart  
20 attack, someone found him. He was admitted to the  
21 hospital. As a result of his heart attack and the  
22 complications of MRSA, he died. The only people that knew  
23 of his demise was the Salvation Army case worker, a DHS  
24 case worker and myself.

25           These are the visions I conjure up when I think

1 about the word "homeless." And it comes from my frame of  
2 reference.

3 And so we all have different references of what  
4 we think the homeless are. And you would be surprised how  
5 many of them are just like you, at some point in their  
6 time in their life, they are self-sustaining and some  
7 circumstance in their life leads to them being out on the  
8 street.

9 VICE-CHAIRMAN GUARD: Try to wrap up.

10 MS. MOIKEHA: Excuse me?

11 VICE-CHAIRMAN GUARD: We're going to run out of  
12 time on everyone if you go long.

13 MS. MOIKEHA: I'll wrap up.

14 I just want to let you know that there are human  
15 rights that the United States has adopted.

16 There's also something even more important than  
17 that, and that is your Policy Plan. I don't know how many  
18 of you paid closely attention, and I don't know where this  
19 particular policy went when you reviewed it, but in the  
20 draft plan that you recently received, there was a policy.  
21 "Maui County shall recognize housing as a basic human  
22 right along with the obligation to protect that right." I  
23 don't know if that stayed in the policy, went on to the  
24 Council or not, but I want you to know that, to me, that  
25 kind of a policy is a beginning of responsibility for all

1 of us.

2           There are many tent cities in the mainland that  
3 have very strict codes of conduct. And you have heard  
4 some of a small sample of that from the young lady that  
5 talked about the camp out in Olowalu.

6           But I would encourage you to look beyond the "H"  
7 word and see that these people -- that this individual,  
8 Mr. Martin, is providing an alternative.

9           VICE-CHAIRMAN GUARD: Thank you.

10          MS. MOIKEHA: So thank you.

11          VICE-CHAIRMAN GUARD: Okay. Any questions for  
12 the testifier?

13          Seeing none, thank you.

14          Next we have Tom Welch.

15          Try to limit it to three minutes.

16          MR. WELCH: Mr. Chairman, I'm Pete Martin's  
17 lawyer. And if there is a member of the public that would  
18 be better to testify, I will yield to them.

19          VICE-CHAIRMAN GUARD: Okay.

20          MR. WELCH: But I do want to make some points  
21 before --

22          VICE-CHAIRMAN GUARD: Perfect.

23          Any other members of the public that would like  
24 to testify at this time?

25          Oh, I'm sorry. I didn't see you.

1 UNIDENTIFIED SPEAKER: Want to go first, Frank?

2 MR. BRUNO: Good afternoon. I'm Frank Bruno.

3 I was over at Kanaha Beach for two months -- no,  
4 three months, before I found Olowalu. I thought all the  
5 campgrounds were ran like it is over there, with the State  
6 running it and Pat as the boss over there, I guess. And I  
7 kept complaining to her about the problems there was over  
8 at Kanaha Beach, the homeless and all this other stuff.

9 I was homeless, too. I didn't have any place to  
10 go. I needed surgery on my knees. And then my priest  
11 suggested that I would go to Olowalu.

12 Well, I met Noelani. I told her the situation.  
13 I could hardly walk. I was 482 pounds at that point.  
14 Dr. Livide (phonetic) is my doctor here now. And Susan is  
15 with Quest, has helped me a lot.

16 But I am saying we all aren't like these people,  
17 drinking, gambling. When I have been there for 14 months  
18 at Olowalu, I never saw anything ran -- and I am not  
19 saying that because they have helped me -- ran so  
20 perfectly, that the city couldn't -- or the State couldn't  
21 run Olowalu with crap when they had their own, what do you  
22 call them, park rangers and everything else. It didn't  
23 make sense to me.

24 I go to a place where everybody loves each  
25 other. I mean, we have a great community there.

1           But I was fortunate. I had Susan as my attorney  
2 at Legal Aid to help me find shelter and help me find  
3 Disability, which I am in housing now over in Lahaina.  
4 But this isn't -- I think you people are looking at it the  
5 wrong way. You are looking at it as these people on the  
6 streets.

7           I went there because I needed something. I  
8 couldn't go to the shelter because I was on Morphine  
9 because of my pain in my knees. I had to have both knees  
10 replaced. One is replaced. The other one has to be  
11 replaced.

12           But this isn't what you people think it is.  
13 What we have over there and -- had over there was the  
14 greatest thing. We had parties. I gave -- dinner things,  
15 we had pot luck. It was just like everybody was a  
16 community there.

17           And everybody did have a story to tell. Some of  
18 them wasn't good, like Noelani said, some of them were  
19 good. But we're trying the best we can.

20           And if you people don't allow this, I don't know  
21 where you're going to put the homeless. And the mayor  
22 doesn't want to do anything about it.

23           And Pat is in charge of the -- that district  
24 over there. I went with her three times, gave her  
25 letters, stating the people was getting their throats cut

1 if they stayed there. They came back to Olowalu because  
2 they knew it was safe. I gave her letters. And Pat said,  
3 "Oh, Frank, please just let us have the letters." I said,  
4 "I think the Mayor should." "Oh, Frank, I'll take care of  
5 it." She didn't want me to bring them letters to the  
6 Mayor's office to show that these people that were over  
7 there, that were homeless, that didn't work, that didn't  
8 want to do anything, were -- threatened haole people. And  
9 that's what it was. They never bothered me because I was  
10 old and crippled. But they would bother the rest of them.

11 But when I go down to Olowalu, no. It's not --

12 MS. TAKAYAMA-CORDEN: Three minutes.

13 MR. BRUNO: -- like what you people think the  
14 homeless is. Yes, there is dirt floors, but we have  
15 showers to clean our feet.

16 And Jesus, I think, walked on dirt floors, too.

17 VICE-CHAIRMAN GUARD: Great. Thank you.

18 MR. BRUNO: Thank you.

19 VICE-CHAIRMAN GUARD: Any questions for the  
20 testifier?

21 Thank you.

22 Seeing none, next testifier.

23 MS. TABER: Aloha. My name is Teresa Taber.

24 And, actually, just a little background on  
25 myself and my husband who will be testifying.



1           We actually were both self-employed. We're  
2 doing very well until, unfortunately, as a mortgage  
3 broker, my industry went south. And so times got hard,  
4 had to close up offices, had to pay off bills, had rent  
5 right around the corner in an office right down the  
6 street. And, unfortunately, doing it on your own, you  
7 don't have any backups. And that's the risk I took to  
8 move back home here to my island.

9           And I have been home in Hawaii seven years. And  
10 to be honest with you, I am now working with a nonprofit  
11 organization in Lahaina. I am out of mortgages.

12           Although, I am very proud to be here and  
13 represent this -- for me, it's a very hard thing to be  
14 living in a campground because it's not what I was raised  
15 to be, raised to do. And so I have to pick myself up, get  
16 a little pride, move on. And I have been able to do that  
17 with the help of Noelani them at Olowalu.

18           I am going on 30 days. Unfortunately, your  
19 checks don't come quick enough. And people are not  
20 accommodatable on down payments.

21           Out here in Hawaii, as a mortgage broker, I've  
22 learned how difficult it really is to own a house.

23           And I understand how a lot of the residents in  
24 Spreckelsville may feel. They have beautiful homes. They  
25 have been really blessed.

1           And I can really understand, but I am here to  
2 say that I am not a drug addict, I'm not an alcoholic, I  
3 am not mentally ill. I am very capable. I go to work  
4 every day. I rinse the dirt off my shoes and change in my  
5 slippers when I go to my office. My hair is clean. My  
6 face is clean. I speak well. I am educated. And, yeah,  
7 I help a lot of the people there and we talk to a lot of  
8 people that come there.

9           Half of the people that do come to visit come on  
10 the Superferry from Oahu. They bring their ohanas. They  
11 barbecue, they camp all weekend, and they go.

12           A lot of people that come from foreign lands  
13 that come, they actually get to meet some local people.  
14 And they understand how rough it is.

15           Some of them, actually, that come from Canada or  
16 Germany, can't afford to actually even afford the plane  
17 fare to get here, but they do it, and they are grateful  
18 they have a campground they can stay at, that they can  
19 actually experience Hawaii for two weeks. Because, you  
20 know, it's rough all over.

21           And all I would like to say is as a  
22 professional, business professional, I am grateful, I have  
23 been humbled by this experience.

24           I will actually be working with a lot of you  
25 folks. You will be seeing me in the next couple months

1 with the group that I am working with.

2           And so -- just so you folks know that, you know,  
3 it takes a lot of aloha and a lot of caring to really make  
4 a situation like Olowalu work.

5           And, yeah, we're in the dirt. I mean, you know,  
6 but I've also -- I grew up in California. I didn't have  
7 the privilege of actually growing here on my aina, I was  
8 only born here.

9           And in California, there's lots of great camping  
10 spots all over the place. Some are concrete, they have  
11 RVs, great hookups.

12           I've lived in Utah. They have excellent  
13 campground sites there. They have on-site rangers.

14           Olowalu Camp, just so you guys know, two great  
15 outside showers. If you guys have never taken a shower  
16 outside and looked at the stars, who is more blessed? If  
17 you have never been out in the middle of the night to take  
18 a walk because you have to use the restroom, and you get  
19 to see the stars at 11:00 at night instead of being on the  
20 computer, or watching TV, and looking at the full moon,  
21 then who is more blessed?

22           So I have had to really humble myself.

23           And I think that if we all humble ourselves a  
24 little bit and we understand that, you know,  
25 classifications have just got to go. You have to look at

1 the people that you are dealing with and you're addressing  
2 with, you know, and really understand where they are  
3 coming from.

4 Frankly, I am not homeless. I am in a temporary  
5 transitional situation. And I am thankful to Noelani for  
6 understanding that situation. And I really hope that you  
7 folks really kind of look at this and at least give it an  
8 opportunity. Because right now --

9 VICE-CHAIRMAN GUARD: Thank you.

10 MS. TABER: -- to be honest with you, I would  
11 not want this place to turn into Oahu.

12 VICE-CHAIRMAN GUARD: Yeah.

13 MS. TABER: So mahalo.

14 VICE-CHAIRMAN GUARD: Thank you for your time.  
15 Next testifier.

16 MR. TABER: Hi. My name is Gerald Taber.

17 And I am also a licensed mortgage broker for the  
18 year 2008. And I own my own computer company.

19 With the economic situations that have happened  
20 in our life recently, we are completely without brick and  
21 mortar home for 30 days, as my wife stated.

22 I am 100 percent behind this permit for this  
23 proposed campsite based on the availability of Olowalu for  
24 us. If it hadn't been for that camp, we would have been  
25 another statistic of professionals moving back to the

1 mainland because of no affordable housing. And it's  
2 just -- you know, we're real grateful.

3           And we just hope that you guys can seem to push  
4 this through.

5           Thank you.

6           VICE-CHAIRMAN GUARD: Thank you.

7           COMMISSIONER MARDFIN: May I ask a question?

8           VICE-CHAIRMAN GUARD: Commissioner Mardfin.

9           COMMISSIONER MARDFIN: If this proposed  
10 campground opens up, would you shift over there or would  
11 you stay at Olowalu?

12           MR. TABER: I would -- I would like to --

13           VICE-CHAIRMAN GUARD: Come back to the  
14 microphone, please.

15           COMMISSIONER MARDFIN: Sorry about that.

16           MR. TABER: I hope to be out of the campground  
17 before too long, you know, with everything the way it's  
18 going. But I would like to propose to apply for the camp  
19 manager position, actually. Because I think this is such  
20 a great opportunity to not only help the tourism industry,  
21 which it does -- and I've seen the testimonies of many  
22 tourists that have totally enjoyed their experience.

23           But, you know, you don't want this place to look  
24 like Oahu. And you can see what that looks like. We know  
25 what is going on over there.

1           If we have the infrastructure, at least some  
2 infrastructure, of any kind, things like this -- these  
3 types of campsites will really help to -- to placate the  
4 homeless situation and homeless problems that are  
5 affecting every state in this nation.

6           So I am, you know -- certainly, you know,  
7 wouldn't make that transition unless I had to. But I  
8 would certainly take a position as a manager and help --  
9 help push a good thing and help it make a better  
10 experience for everyone.

11           So thank you.

12           VICE-CHAIRMAN GUARD: Thank you very much.  
13 Thank you.

14           MR. TABER: Any other questions?

15           VICE-CHAIRMAN GUARD: That's it. Thank you.

16           Any other members of the public wish to testify  
17 at this time?

18           MR. DEAN: Aloha. My name is Joshua Dean.

19           I have been working closely with Camp Olowalu.  
20 I've worked for Peter Martin and, actually, Camp Pecusa,  
21 which was what it was before Camp Olowalu was in operation  
22 for 50 years almost.

23           And then, you know, about three years ago, the  
24 church, which is the Episcopal Church, who was running it,  
25 decided they couldn't afford to do it anymore. And so I

1 went down there and walked around with Norm Nelson who  
2 used to run the camp for the church. And he told me all  
3 his problems and why they are losing money every year.  
4 And they -- they had all kinds of problems with homeless  
5 people and -- oh, not homeless people, but people who are,  
6 you know, creating disturbances. And they had the cops  
7 down there all the time and until eventually he said,  
8 "Forget about it, no more camping."

9           And then -- then I found Noe, because Noe was a  
10 good friend, and thought she would be perfect for the job.  
11 And, you know, we walked around and looked at it, and  
12 looked at, you know, what we could do and if we could  
13 accommodate campers. And we decided to give it a go.

14           And one reason is because I looked at, you know,  
15 County campgrounds. One is right off the Pali, you know,  
16 where my family has camped before. But that was -- it's a  
17 really bad place, you know, it's tough. And you got -- I  
18 know they got a lot of problems over there. And my family  
19 didn't want to camp there anymore because the issues they  
20 got. And I would meet other people who have said that  
21 that place was really tough. And figured out the reason  
22 why the place was so -- was having all this trouble is  
23 because they didn't have any manager on-site.

24           So since then, we got Noe. And you heard her  
25 success story.

1           And, you know, the Camp Olowalu has provided a  
2 safe place for people who are camping and, you know, some  
3 people who are just on vacation, but a safe place for  
4 people who are just down on their luck, you know, and have  
5 a chance to get on their feet.

6           Imagine trying to come up with rent -- go into a  
7 place and rent a house, you got to come up with your first  
8 and last month's rent. Hey, that takes a long time to  
9 build up to that, to be able to do that.

10           And it's a blessing. It's been a blessing for  
11 me to see that side of things through this camp.

12           And I would fully endorse this campsite here  
13 because of the potential that it has to help as many  
14 people as Camp Olowalu.

15           Thanks.

16           VICE-CHAIRMAN GUARD: Any other testifiers?

17           MR. WELCH: Mr. Chairman, my name is Tom Welch.  
18 I am with the firm Mancini, Welch and Geiger. And I am  
19 Pete Martin's lawyer.

20           I have not really been involved in the planning  
21 part of this. I have been involved in some of the  
22 underlying legal parts of it.

23           I arrived this morning and was struck by the  
24 strength of the community opposition. And it suddenly  
25 dawned on me that I was standing with Peter at



1 considerable personal risk of losing a lot of friends,  
2 because I live in Spreckelsville, too.

3           And I went back to the office for lunch -- my  
4 wife works at the office -- and found out that I have -- I  
5 am at risk of having trouble at home, too, over this  
6 issue. Hopefully, it will all work out.

7           But -- but I've represented Pete, I don't know,  
8 pretty close to 20 years, through thick and thin. And so  
9 I am happy and proud to be involved in it, notwithstanding  
10 all the -- all the noise on it.

11           I do want to cover a couple of factual things  
12 for -- to fill in the blanks here.

13           First of all, with respect to this seven -- the  
14 seven lots, I think it was said earlier it was pending  
15 subdivision approval. It is finally approved. So it does  
16 exist as a separate lot.

17           Number two: Pete owns, personally -- or his  
18 trust owns the next three lots. One of them is being  
19 transferred to somebody else, but the next two lots are  
20 investment property for Pete.

21           So he does have, besides -- besides his  
22 involvement in the -- in the operation itself, it does  
23 certainly affect his investment picture with respect to  
24 those properties. And I am not sure what his plans are  
25 for them.

1           But most important, my involvement has been here  
2 in putting together, with Pete and for Pete, the  
3 organization that will own and operate this campground.

4 We've created a nonprofit Hawaii corporation that will be  
5 tax qualified as a 501(c)(3) private operating foundation.

6           As part of that qualification, we put together a  
7 four-year operating budget in order to determine what the  
8 operating shortfalls are going to be and to -- and to  
9 determine and predict and plan for how they are going to  
10 be covered and how the economics of the campground will be  
11 handled and how it will be self-sustaining.

12           And without getting into detail on confidential  
13 matters, I can say that Peter has made a substantial  
14 personal commitment, charitable contribution to not only  
15 establish this initially, but to run it and keep it viable  
16 and to keep it going for the future.

17           It's -- we call it a commercial campground, but  
18 the underlying principle of it is that it really is  
19 dedicated to the concept of need along the lines that has  
20 been represented to you by --

21           MS. TAKAYAMA-CORDEN: Three minutes.

22           MR. WELCH: -- Noelani and so forth. And -- and  
23 Pete is very gratified with the results of the Olowalu  
24 experiment. And I think based on the success of that, his  
25 personal commitment to this -- you know, to this next

1 stage, I think, is admirable.

2 And I think, in the end, when the neighbors  
3 really do sit down and stop worrying and understand what's  
4 going on and how successful it's been in Olowalu, that it  
5 will -- it will turn out well for everybody.

6 Thank you.

7 VICE-CHAIRMAN GUARD: Great. Thank you.

8 Question?

9 COMMISSIONER MARDFIN: In view of the lateness  
10 of the hour, I think the decision of up or down probably  
11 will not occur today. And it seems to me, based on this  
12 morning's testimony from people, that you have a little  
13 public relations situation you need to deal with. And it  
14 seems to me that -- I am going to -- in a few minutes, I  
15 am going to move to defer this to some other date because  
16 I think you probably want to have some meetings with the  
17 people that have spoken here this afternoon, with the  
18 people that spoke this morning, and try to have a greater  
19 understanding.

20 I think part of this morning was because people  
21 were caught flatfooted and unaware. And I am still not  
22 sure that it's been answered, how much of this is because  
23 of the "H" word and how much of it is because they don't  
24 want campgrounds in general.

25 And I would hope that you guys would hold

1 community meetings and get everybody kind of on board.  
2 So, you know, if the people that were here this morning  
3 come in the next time we deal with this, and say, wow,  
4 we've -- we really think this is a great idea, it makes  
5 our job a whole lot easier.

6 MR. WELCH: If I could make a comment on that.

7 If I were to guess, knowing all my friends and  
8 neighbors, I think it is the "H" word, to a substantial  
9 degree.

10 And number two, I am not sure that -- that with  
11 those meetings, and with the disclosure, and -- and, you  
12 know, meetings and interaction with the neighbors that  
13 we're going to get much more support. I just have a  
14 feeling that's the way it's going to be.

15 I didn't realize that. I mean, I hadn't thought  
16 that through.

17 And I hadn't been dealing with Pete on the  
18 strategy on the meeting, anyway.

19 I think, frankly, Pete thought this is such a  
20 good idea, everybody is going to like it. It's  
21 regulated -- I mean, I honestly think that's -- because I  
22 know my Pete Martin. And maybe it's naive, but the heart  
23 is in the right place.

24 Whether it's going to -- whether we're going to  
25 come to the next meeting with a groundswell of community

1 support I think is probably doubtful.

2 COMMISSIONER MARDFIN: Can I ask, how much of  
3 this is -- is key to homeless as opposed to key to  
4 camping, campground, commercial campground?

5 MR. WELCH: It is -- it is -- it is keyed to, I  
6 would say, need. If you want to use the "H" word, fine,  
7 but I think it's along the lines of the way the -- along  
8 the lines of the way Olowalu has developed in its best  
9 part.

10 As far as having, you know, Europeans,  
11 windsurfers come and camp there and so forth, that may  
12 happen. But under the tax rules, this -- this has to be a  
13 minor incidental part of what it is. This is essentially  
14 a -- a nonprofit tax-qualified operation designed  
15 primarily to --

16 COMMISSIONER MARDFIN: To --

17 MR. WELCH: -- to serve the kind of social needs  
18 that we have successfully been able to serve at Olowalu.

19 COMMISSIONER MARDFIN: Is Olowalu organized the  
20 same way?

21 MR. WELCH: No. Olowalu has just grown that  
22 way. You've heard Noelani speak about it.

23 COMMISSIONER MARDFIN: You may want to organize  
24 some field trips for the Spreckelsville people.

25 MR. WELCH: Maybe so, if they will go.

1           VICE-CHAIRMAN GUARD: Any other questions for  
2 the testifier?

3           Seeing none --

4           MR. WELCH: Thank you.

5           VICE-CHAIRMAN GUARD: Thank you.

6           New information?

7           MR. MARTIN: Well, I don't know if it's new. I  
8 would like to testify.

9           Hi. My name is Pete Martin, Peter Martin.

10          Yeah. I would actually -- first, I wanted  
11 everybody to know I live right close to this on Stable  
12 Road. So it's not -- it is in my back yard. I like Peter  
13 Merriman. He called me the other day. And I go, "Oh, not  
14 another call about" -- and I am trying to get out of the  
15 house, I am staring. His wife calls, and I go, "Oh,  
16 another somebody that is just going to jump on me for this  
17 idea."

18          And Peter goes, "Hey, you know, I would like to  
19 come and support you, but I can't. Can I write a letter?"  
20 I go, "You want to support it?" I said, "This is great."  
21 Because I had heard -- although Tom said that I thought  
22 everybody supported it, I did hear, about three weeks ago,  
23 that emails were going all around Spreckelsville. And I  
24 was actually on the mainland.

25          But Olowalu is not under my control. I am

1 president of Olowalu. I, you know, got the partnership  
2 together. But I can't offer -- tell Noelani or ask her to  
3 let in a majority of people that aren't paying and lose a  
4 lot of money there. It's just not -- I represent other  
5 people.

6           It's a totally -- it motivated me to see the  
7 possibilities. And I would like to encourage Noelani to  
8 work with -- and Mason to work with other people. But I  
9 -- that's -- you know, my partners didn't vote -- they  
10 can't donate their money to charity.

11           This is owned by me and my wife. It's in my  
12 trust.

13           And so this one is set up on a different deal.  
14 But I believe the key is to make it wonderfully  
15 landscaped, it's very important, and very important is  
16 safety and security. I feel the management is the -- what  
17 will make this thing go.

18           And I am only asking for one-year permit. It  
19 takes seven months to build a cottage, and four months to  
20 get the -- you know, to get the thing going. It will be  
21 three or four months of running and they will be back  
22 here. That's when I think the decision should be made.

23           I ask you to vote for it now and not defer.

24           I've had people have to run around to get  
25 everybody -- you know how it is. And you got many

1 important things. Give me a chance or give our chance.

2 And I don't want to fail in front of all my neighbors.

3 And I would only be running for four months,  
4 come back here, you get to view it in action instead of  
5 all this.

6 And I feel -- I -- I put the application in a  
7 year ago. Took a year just to get here.

8 And I kind of agree with Tom Welch. I think I  
9 will have to prove by the way it's run, like Olowalu is  
10 run, and find another Noelani and Mason and that type of  
11 people.

12 And, you know, give me a chance. That is all I  
13 am asking.

14 Thank you.

15 VICE-CHAIRMAN GUARD: Thank you.

16 Any questions for the testifier?

17 Seeing none -- no. Dr. Iaconetti. Sorry.

18 COMMISSIONER IACONETTI: Mr. Martin, why haven't  
19 you gotten the community together before this meeting?

20 MR. MARTIN: That's a great point. I would say  
21 I made a mistake. Which I -- by the way, if you watch my  
22 operation, that's not unusual.

23 I -- my daughter always asks me, why don't  
24 you -- another thing, we learn from our mistakes. She  
25 says, "Well, why don't you just think ahead and not make



1 the mistake?" And I go, "That is a good idea." But  
2 that's not what happened.

3 And I also -- you know, Livit saw it and other  
4 people. And we weren't really -- I don't know. I am not  
5 blaming anybody. We really didn't challenge that. And  
6 kind of the word got around.

7 I thought it's a small neighborhood. It wasn't  
8 a trying to trick or avoid anybody. It was just a  
9 screw-up.

10 I actually -- you know, we did plan on it being  
11 around the 26 -- I think it wasn't -- it was tentatively  
12 set -- I don't know when it was actually officially set.  
13 I will have to tell you, I was on the mainland, trying to  
14 figure out how to get to be good enough biker to do Bike  
15 for the Sun. So I kind of -- anyway, I don't have a real  
16 good excuse. I screwed up.

17 And I apologize.

18 COMMISSIONER IACONETTI: Thank you.

19 VICE-CHAIRMAN GUARD: Any other questions for --  
20 Commissioner Hiranaga.

21 COMMISSIONER HIRANAGA: I guess one of the  
22 issues I have is the fact that you are calling this a  
23 campground. And with the presentation of Olowalu -- you  
24 know, I thought that was a great presentation -- now we  
25 just find out it's not really a campground. You're using

1 a certain type of tax entity to create a nonprofit  
2 organization. So I think you -- if you are going to call  
3 it a homeless shelter, transition shelter, you should call  
4 it that. Don't call it a campground.

5 MR. MARTIN: I understand.

6 COMMISSIONER HIRANAGA: I know there's certain  
7 permitting processes. And you found out that under State  
8 Land Use, if you call it a campground, this is the permit  
9 you need.

10 MR. MARTIN: Well, let me -- I will try to  
11 answer that.

12 When I decided -- I feel it's very important  
13 that it is a campground. And that's what it is. I think  
14 there needs to be a mixture.

15 I do not want this -- I do not think it's the  
16 best idea. I think you should try to call a spade a  
17 spade. And this -- what -- let's not get stuck in  
18 semantics. This is going to be a campground where I would  
19 like to have a mixture of people.

20 I think it's important that you don't go, oh, I  
21 am going to this like "Olowalu." I think it's important  
22 that there is a mixture and that it isn't just -- and,  
23 again, there's all -- people get labeled. I like what you  
24 folks said, that labeling is wrong. I understand that.

25 I want to come up with the right word, but what

1 is this word that defines this thing that people are going  
2 to camp? And I am aiming it at this one group, but, also,  
3 there will be other groups.

4           And I think that is healthy to have a couple of  
5 possibly Europeans or a couple possibly local folks.  
6 Bruce might want to camp there, or, I don't know, Livit,  
7 somebody else. All kinds of people might want to camp  
8 there.

9           And so I don't have the right word. And I  
10 wasn't -- and it was -- my cousin comes to me and he goes,  
11 "If you just called it a campground, you would have no  
12 opposition." I go, "Then all my friends would say I lied  
13 to them."

14           And if I just called it a homeless camp, then,  
15 you -- you know, so I don't have this word. I don't want  
16 to get lost by that.

17           I want the permit to try it. You can call it  
18 camp X, but it is what it is.

19           VICE-CHAIRMAN GUARD: Commissioner Hedani.

20           COMMISSIONER HEDANI: Pete, I think it's  
21 important that, you know, if it's going to be a  
22 campground, that it be a successful campground from the  
23 standpoint of a financially successful campground, which  
24 can, incidentally, provide a safety net for some people in  
25 certain circumstances. But I think it's the dollars that

1 can drive a commercial campground, that can make it work.

2 MR. MARTIN: I understand that. Maybe Tom can  
3 answer. That we did -- we have -- I believe we've set  
4 this up to get --

5 VICE-CHAIRMAN GUARD: Mike.

6 MR. MARTIN: -- financially solid for four  
7 years.

8 I'm sorry. Can maybe Tom express that?

9 VICE-CHAIRMAN GUARD: Let's also try to keep it  
10 to the public testimony. We can bring him back up as the  
11 applicant as well.

12 MR. MARTIN: It is --

13 VICE-CHAIRMAN GUARD: It's not fair to other  
14 members.

15 MR. MARTIN: First, I own the land outright. I  
16 am not -- people -- (inaudible) a pineapple picker. My  
17 parents had nothing. I'm not -- I'm not -- I wish I was  
18 as wealthy as everybody thinks I am.

19 Anyway, I am fine. I own it outright.

20 I have it set up with something I am going to  
21 put in the foundation which will financially -- and what's  
22 the end of the world if the thing goes bankrupt? So?

23 All the people that testified, it's my problem.  
24 I lose out and, you know, it -- it -- it's -- you know, I  
25 will have to fund more money, hopefully I would be able

1 to, or I will get help or it will go out. But if it  
2 doesn't have a shot, you know -- it's a temporary permit,  
3 it's one year.

4 VICE-CHAIRMAN GUARD: Director.

5 PLANNING DIRECTOR HUNT: Pete, I appreciate your  
6 struggle with not putting a label on it. But from an  
7 analysis perspective, we need to know what it is, and if  
8 it is a campground, or if it is a homeless shelter, or  
9 what is the percentage. And I believe your attorney spoke  
10 about a business plan. Perhaps you can bring that  
11 forward, within reason, to give us some -- some factual  
12 information on the percentages of how much would it be at  
13 helping the needy, how much of it would be a commercial  
14 campground. Does the 501(3)(c) allow commercial camping,  
15 to what extent would it allow that.

16 Because regardless of labeling, we need to have  
17 some facts to analyze and to actually look at the  
18 permitting. Is it a campground or is it a homeless  
19 shelter, and is a homeless shelter allowed in the ag zone.

20 MR. MARTIN: It is not. It's a campground.  
21 Whether I charge \$1, and you want to call that person  
22 homeless, then I don't think -- I think I can charge you  
23 \$1 and I can say, you got a good deal and, you know, it's  
24 a campground. That's what it is. I might not charge as  
25 much as you think I could charge.

1 VICE-CHAIRMAN GUARD: Okay.

2 MR. MARTIN: It's a campground.

3 PLANNING DIRECTOR HUNT: Would you be willing at  
4 the next -- assuming there's another meeting, bring back  
5 some more information to help what I just described as my  
6 struggle?

7 MR. MARTIN: Yeah. I understand. I -- I -- I  
8 still request -- there can be all that to satisfy, and we  
9 can do this. We've already spent a day. You know, these  
10 people came over, people -- we spent -- if that's the  
11 issue, I believe I would like to get a shot, get -- my  
12 building permit's almost ready, get it started, you guys  
13 watch it for four months, if you don't like it, shut it  
14 down. I am taking a big risk. What --

15 I mean, you know it takes me -- I bet I don't  
16 get the building permit for another month. It's been in a  
17 month. And let me build the thing. Let me try it. Wait  
18 a year, and go, "You're out."

19 I mean, I don't -- I don't see the huge risk to  
20 go checking all my little paperwork, which I have -- I  
21 don't see it. You know, I'll go along, I'll do whatever  
22 you want. I just -- I don't agree.

23 I wish we had -- one member says, I'll vote for  
24 it, I make a motion to approve this campground, I second  
25 it, and I vote for it. I would like to see that.

1           VICE-CHAIRMAN GUARD: Are you going for it,  
2 Commissioner Hiranaga?

3           COMMISSIONER HIRANAGA: No. I have more  
4 questions.

5           VICE-CHAIRMAN GUARD: I would like to keep it to  
6 public testimony.

7           And for the applicant, without Corp Counsel,  
8 after all the testimony that we had this morning, I don't  
9 think it's in our best interest to move forward without  
10 any decisions with Corp Counsel here. So, hopefully, you  
11 can appreciate that on our end of the deal.

12           Commissioner Hiranaga.

13           COMMISSIONER HIRANAGA: Once we close public  
14 testimony, I do have a fairly short list of items that I  
15 would like applicant to prepare when they come back,  
16 prepare for, so I can go down that list so that they can  
17 -- they know what I am looking for.

18           VICE-CHAIRMAN GUARD: Okay.

19           Anything else before we see if there is any  
20 other public testimony?

21           Commissioner U'u.

22           COMMISSIONER U'U: Peter, I would just like to  
23 thank you for stepping up. I think in today's world, had  
24 we gone back 20 years, and we live in a expensive place  
25 like we do, a lot more people will be out of a house.

1 I would be willing to make a motion and approve,  
2 but I don't think I would have the backing. And I think  
3 the people would hate me. So I give you a lot of credit.  
4 I give you a lot of credit, Pete. So --

5 MR. MARTIN: Thank you.

6 COMMISSIONER U'U: We probably going to defer  
7 and come back, but I wish you well.

8 MR. MARTIN: Thank you.

9 VICE-CHAIRMAN GUARD: Any other questions, or do  
10 we have any other members of the public who wish to  
11 testify at this time?

12 Okay. Seeing none, public testimony is now  
13 closed.

14 Commissioner Hedani.

15 COMMISSIONER HEDANI: I know there's a lot of  
16 discussion about deferral. The concern that I have with  
17 deferring everything that comes onto our agenda is that,  
18 you know, we establish a reputation for studying  
19 everything to death and then not making a decision on  
20 anything.

21 For this particular case, for cases that we have  
22 had in the past, I feel that approving it or disapproving  
23 it are both good answers if you can back 'em up. But  
24 deferring everything forever is just not a good thing.

25 And if we had a backlog of 28 projects that the



1 Department was backlogged on, I would venture to guess  
2 that is a lot higher now.

3           So I think we need to move projects along or  
4 shoot 'em down and make a decision one way or another.

5           VICE-CHAIRMAN GUARD: Well, I appreciate that.

6           Just without Corp Counsel here, and I've now  
7 stayed about 45 minutes longer than I wanted to, just to  
8 be able to get through public testimony -- I have major  
9 aspects of my life that I got to take care of as well this  
10 week, and other people also had to leave.

11           Commissioner Hiranaga.

12           COMMISSIONER HIRANAGA: You know, I am prepared  
13 to make a determination today, if I can go through my list  
14 of items and have them answered. But I think we're going  
15 to lose quorum before that occurs.

16           So there is no motion on the floor currently.  
17 And I do have some items I would like to provide to the  
18 applicant so they can prepare or they can -- we can go  
19 through the answers, but I think we're going to lose our  
20 quorum. So they should maybe prepare -- if you're going  
21 allow me to do that.

22           VICE-CHAIRMAN GUARD: You can do that.

23           COMMISSIONER HIRANAGA: Okay. First of all, I  
24 would like to see a list of proposed house rules of how  
25 this project would be managed by the on-site manager.

1 I would like to know if there would be perimeter  
2 fencing around the boundary line.

3 Also, are you intending to just have a dirt  
4 surface, are you going to have a gravel surface, within  
5 the pods, to help control dust and erosion?

6 You know, I guess cooking is a concern. Are you  
7 going to provide cooking facilities or will the campers  
8 bring their own facilities to cook?

9 Also, if you would not allow open fires or open  
10 campfires.

11 I guess looking at the presentation, saying how  
12 everything is 2,000 feet away, I guess when you gave  
13 notice to the 500-foot radius, it was primarily to the  
14 Department of Transportation and A&B. I guess they are  
15 the only people that are landowners within the 500-foot  
16 radius. So that is probably why none of the residents of  
17 Spreckelsville received official notice regarding this  
18 application.

19 And, again, like the Director, I would like to  
20 know more about this nonprofit foundation you're creating,  
21 limitation of income production.

22 I feel there needs to be some incentive to move  
23 on. I mean, if you're going to make it so attractive  
24 economically, you may end up with people who are going to  
25 stay there for, you know, undefined term. And if you are

1 proposing this to be a transitional opportunity, there has  
2 to be some type of incentive to move on.

3 So those are some of the questions that I will  
4 be -- I would like answered when this comes up again.

5 And, again, there is one way to put this on top  
6 of the agenda if we lose quorum.

7 VICE-CHAIRMAN GUARD: Uh-huh. Well, there's  
8 still six of us here. It is a one-year permit, if you  
9 want to move forward.

10 Commissioner Mardfin.

11 COMMISSIONER MARDFIN: I will add to the list of  
12 questions, at least the ones that I had. I would be  
13 asking questions about how did they get -- how are people  
14 going to get to the beach?

15 There was an issue of arsenic contamination in  
16 Exhibit 5-N, I believe. And has anybody done testing for  
17 arsenic?

18 5 -- Exhibit 5-U dealt with some issues like  
19 barbecue and fire.

20 I want to know whether the restrooms count as  
21 buildings by the Planning Department, and whether that --  
22 along with other things.

23 How big is the manager's cottage going to be?

24 Whether or not -- it goes to the rules, but if  
25 you would allow pets or not.

1           Those were the ones that I had offhand.

2           VICE-CHAIRMAN GUARD: Any other items?

3           Then I am going to have to -- then we will have  
4 to point out a new chair for the remainder of the meeting.  
5           Commissioner Iaconetti.

6           COMMISSIONER IACONETTI: Would it be appropriate  
7 to move for deferral to a definite date at this point?

8           VICE-CHAIRMAN GUARD: I think if we just do it  
9 as unfinished business, it will come up on the first  
10 agenda item next meeting.

11           COMMISSIONER IACONETTI: Fine. I so suggest  
12 that we do, then.

13           PLANNING DIRECTOR HUNT: As I understand it, you  
14 need to defer to a specific date. Otherwise, there's  
15 notification issues.

16           VICE-CHAIRMAN GUARD: Not as long --

17           MS. CUA: Excuse me. Ann Cua from the Planning  
18 Department.

19           I believe you concluded the public hearing, so  
20 -- but you should defer to a date certain.

21           COMMISSIONER IACONETTI: I would like to defer  
22 to a date certain, hopefully the next meeting.

23           VICE-CHAIRMAN GUARD: September 9th, 2008.

24           COMMISSIONER IACONETTI: That was the motion.

25           COMMISSIONER HEDANI: Second.

1 VICE-CHAIRMAN GUARD: Seconded by Hedani.

2 COMMISSIONER HIRANAGA: Question?

3 VICE-CHAIRMAN GUARD: Commissioner Hiranaga.

4 COMMISSIONER HIRANAGA: Also, I, too, am a  
5 resident of Spreckelsville for 14 years. And I guess I am  
6 not in total agreement with Mr. Welch's statement that if  
7 you had informational meetings that some of the residents  
8 might change their position. I think there are -- I think  
9 you should make an effort to have informational meetings  
10 with the residents. And I think you may be pleasantly  
11 surprised once they fully understand what the proposed use  
12 is.

13 I think a lot of people were caught off guard  
14 without notice. And from the public testimony presented,  
15 it seemed like they didn't really know what was proposed.

16 So I would urge you to meet with the residents  
17 of Spreckelsville.

18 VICE-CHAIRMAN GUARD: Commissioner U'u.

19 COMMISSIONER U'U: Having -- having heard what  
20 the fellow Commissioners said, would it be appropriate to  
21 put it on the next -- well --

22 VICE-CHAIRMAN GUARD: September 9th.

23 COMMISSIONER U'U: Would that be enough time for  
24 the applicant?

25 PLANNING DIRECTOR HUNT: I was going to suggest

1 you ask the applicant if he believes that is enough time  
2 in order to address these issues that have been raised.

3 MR. MARTIN: Yes. Sooner the better is fine.

4 Oh, sorry.

5 VICE-CHAIRMAN GUARD: It appears he is saying  
6 yes.

7 MR. MARTIN: Yes. I would like to be first on  
8 the agenda at the next meeting. Then it would be easier  
9 for me to have Noelani and other people get her.

10 VICE-CHAIRMAN GUARD: Okay. Thank you.

11 MR. MARTIN: Thank you.

12 VICE-CHAIRMAN GUARD: Any other discussion or  
13 are we ready to call the question?

14 All those in favor of the motion to defer until  
15 September 9th, 2008, signify by raising your hand. Okay.

16 PLANNING DIRECTOR HUNT: We will mark that five  
17 in favor and zero against.

18 VICE-CHAIRMAN GUARD: Commissioner U'u.

19 COMMISSIONER U'U: Motion to appoint  
20 Dr. Iaconetti as Chair for the remainder of the meeting.

21 VICE-CHAIRMAN GUARD: Motion, or should we just  
22 discuss this?

23 COMMISSIONER IACONETTI: I don't think that  
24 requires a motion. And I think it does require my  
25 approval.

1 VICE-CHAIRMAN GUARD: I was going to ask  
2 Commissioner Hedani who has been here before, probably  
3 more often.

4 COMMISSIONER HEDANI: I second the motion.

5 VICE-CHAIRMAN GUARD: Well, could we take a  
6 break and talk about that off the record? We can't do  
7 that until then, huh?

8 PLANNING DIRECTOR HUNT: You can take a break,  
9 but you'll have to come back, and then there won't be a  
10 Chair to run the meeting. So you should --

11 VICE-CHAIRMAN GUARD: Figure that out. Okay.  
12 All those in favor of Doc Iaconetti running the  
13 remainder of the meeting?

14 COMMISSIONER HEDANI: It's a majority.

15 VICE-CHAIRMAN GUARD: Unless you have to leave,  
16 Doc. That would be the easier way out.

17 COMMISSIONER U'U: Congratulations.

18 COMMISSIONER IACONETTI: Thanks a lot.

19 COMMISSIONER HIRANAGA: Administration stuff.  
20 We went through the minutes. We can defer those minutes.

21 COMMISSIONER IACONETTI: All my stuff is here.  
22 Do you mind if I do it from this point?

23 COMMISSIONER HIRANAGA: You got more authority  
24 up there. Take the seat.

25 COMMISSIONER MARDFIN: Doc, you want to call a

1 short recess?

2 COMMISSIONER IACONETTI: Yes.

3 Anyone else planning on leaving? Are you sure?

4 COMMISSIONER HEDANI: I think we're still in  
5 session, Doc. You can call a recess.

6 COMMISSIONER IACONETTI: All right. I would  
7 like to call a five-minutes recess, please.

8 (Recess, 5:09 p.m. to 5:14 p.m.)

9 COMMISSIONER IACONETTI: We just called  
10 ourselves back in session. We are about to discuss the  
11 minutes.

12 PLANNING DIRECTOR HUNT: The first item is  
13 Minutes of May 27, 2008, June 24th, 2008, and July 8th,  
14 2008 minutes -- pardon me -- meetings and Action Minutes  
15 of the August 12th, 2008 meeting.

16 COMMISSIONER MARDFIN: Move approval.

17 COMMISSIONER HEDANI: Second.

18 COMMISSIONER IACONETTI: Any discussion? None.

19 All those in favor of approving the minutes  
20 please raise your hand.

21 PLANNING DIRECTOR HUNT: We will mark that  
22 five-zero in favor.

23 COMMISSIONER IACONETTI: Please.

24 PLANNING DIRECTOR HUNT: The next item involves  
25 minutes of the June 10th, 2008 meeting, and Action Minutes



1 of the July 22nd, 2008 meeting.

2 COMMISSIONER HEDANI: Move to approve.

3 COMMISSIONER MARDFIN: Second.

4 COMMISSIONER IACONETTI: All those in favor?

5 Opposed?

6 PLANNING DIRECTOR HUNT: We will mark that as

7 five-zero in favor.

8 The next item is the Communication Item, it  
9 involves 3900 WA Associates, LLC requesting a Step 2  
10 Planned Development Approval for the proposed adult pool,  
11 cabana, and trellis improvements at the Four Seasons  
12 Resort at TMK:2-1-023, Lot 7, in Wailea, the file number  
13 is PD3 2008/0003. And Paul Fasi is the planner assigned  
14 to this.

15 MR. FASI: Thank you, Mr. Director.

16 This matter --

17 COMMISSIONER HIRANAGA: Mr. Chair.

18 You said Step 2. I believe it says Step 3.

19 MR. FASI: That's a typo. It is a Step 3.

20 COMMISSIONER HIRANAGA: It's a Step 3?

21 MR. FASI: Correct.

22 This matter came before the Planning Commission.  
23 It was granted a Special Management Area Step 1 and 2 on  
24 February 27th, 2007.

25 On August 13, 2008, the Planning Department

1 approved the Preliminary Compliance Report. On May 23rd,  
2 the applicant submitted request for a Step 3 Planned  
3 Development Approval.

4 The site plan, grading plan, elevations, floor  
5 plans, landscaping are in significant accord with the plan  
6 approved by the Commission on February 27th, 2007.

7 There was a minor plan modification due to the  
8 shape of the pool, decking and planter relocation.

9 The Department has concluded that the  
10 alterations submitted are slight and do not present a  
11 significant change or impact the overall plan. And the  
12 intent remains true to the SMA Permit granted on February  
13 27th, 2007.

14 Thank you.

15 I can go right into the Department's  
16 Recommendation.

17 COMMISSIONER IACONETTI: Let's find out if there  
18 is any public testimony to be offered.

19 Seeing none, yes, you may.

20 MR. FASI: Pursuant to the foregoing, the Maui  
21 Planning Department recommends approval of the Step 3  
22 Planned Development Application.

23 The proposed project meets the requirements for  
24 Step 3 Planned Development approval, as the above listed  
25 intent of the SMA Permit conditions have been met.

1 And the Planning Department does recommend  
2 approval.

3 COMMISSIONER HEDANI: So moved.

4 COMMISSIONER U'U: Second.

5 COMMISSIONER IACONETTI: Any discussion?

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

8 Opposed.

9 MR. FASI: Thank you.

10 PLANNING DIRECTOR HUNT: The Department will  
11 mark that as five in favor and zero against.

12 The next item involves the Director's Report.  
13 Item 1 is scheduling of the date and time for two site  
14 inspections.

15 And I will just let Ann Cua and Robin explain  
16 these site inspections.

17 MS. LOUDERMILK: Good afternoon, Commissioners.

18 Robin Loudermilk, the planner on the Central  
19 Maui Landfill.

20 We have received a request from the Director of  
21 Environmental Management to offer an invitation to the  
22 Commission to do a site visit.

23 A Land Use Commission Special Use Permit and  
24 County Special Use Permit will be forthcoming on the  
25 project, as well as on the adjacent property. Ameron will

1 also be coming in for some permits.

2 And we thought that, due to the complexity, the  
3 large size, a lot of different things occurring, it would  
4 be wise to do that.

5 COMMISSIONER IACONETTI: Yes.

6 COMMISSIONER U'U: What date?

7 MS. CUA: Well, can I just mention about what  
8 mine is? Then we wanted to ask you some questions.

9 COMMISSIONER U'U: Okay.

10 MS. CUA: Item B is Maui Lani 100LLC. They're a  
11 Project District Phase II application. And the  
12 Commission, actually, requested a site visit.

13 And what we need to ask you -- we don't have --  
14 we don't have a specific date in mind because we need  
15 direction.

16 And our questions are, number one, do you want  
17 to meet on the week of a scheduled meeting where we can  
18 bring Commissioner Mardfin in on the Monday, you know,  
19 have him do the site visit on Monday, and then, you know,  
20 he stays over, and, Tuesday, we have your regular meeting,  
21 or do you want it on an off week?

22 And once we get that direction from you, we can  
23 look at available dates.

24 The second thing is, do we do this all in one  
25 day? I think Robin has indicated two separate site

1 visits.

2 MS. LOUDERMILK: No. It's -- we would be  
3 covering two separate sites that are adjacent to each  
4 other. And that would take anywhere from two to four  
5 hours, depending on the types of questions that emerge,  
6 just because of the nature of the operations.

7 MS. CUA: And my inspection for this project I  
8 don't think should take longer than an hour.

9 Commissioner Starr, though, did call me and  
10 request that when we do go out to Maui Lani, while we are  
11 still in Maui Lani, he would like to see the Safeway site.

12 Do you remember that project? That is still on  
13 your burner, it's just not coming any time soon, that we  
14 know of. It's not scheduled.

15 So, you know, that's potentially four sites.  
16 That could take a full day. So, you know, the other  
17 question we need, and direction from you, is, are you  
18 willing to go the whole day or do you want to split it up?

19 COMMISSIONER IACONETTI: What is your desire?

20 COMMISSIONER MARDFIN: I have commitments on  
21 Monday and Wednesday morning from 7:50 to about 9:30. I  
22 teach economics at Hana School. So -- now, if 9:30 would  
23 -- I could be here by 11:30 or so, if you wanted to do it  
24 on a Monday.

25 MS. CUA: The other option is Wednesday. The

1 other option would be a Wednesday. So you would meet --

2 MS. LOUDERMILK: No. Wednesday.

3 COMMISSIONER MARDFIN: Wednesday morning, I am  
4 tied up. But the alternative would be an off Tuesday,  
5 which is just as good. But if it's only going to take  
6 half a day, I could be here by 11:30 or noon.

7 MS. CUA: That's assuming you want to split it  
8 up. So maybe we should decide if you want to split it up,  
9 or you want to take it in a full day, and then go from  
10 there.

11 COMMISSIONER IACONETTI: Do any of the other  
12 Commissioners have any preference?

13 Wayne.

14 COMMISSIONER HEDANI: I have a preference for no  
15 site visits for either project.

16 COMMISSIONER IACONETTI: Kent, please.

17 COMMISSIONER HIRANAGA: I grew up at Halekua, so  
18 I kind of know where the landfill is and the Waialae  
19 project location. So if I am unable to attend the date  
20 that you select, maybe you could take video. Just a  
21 suggestion.

22 MS. LOUDERMILK: Taking advantage of our good  
23 nature, see.

24 COMMISSIONER HIRANAGA: You can just walk  
25 around. It doesn't have to be professional. Just --

1 MS. LOUDERMILK: We are not going to bring  
2 Dramamine when we show it.

3 COMMISSIONER IACONETTI: Any other request as to  
4 when? Yes.

5 COMMISSIONER U'U: I like to do it in a day, I  
6 will be honest. That's me, but, you know, no one is here  
7 right now, so -- but that is what I would want. I would  
8 want one day, bing, bang, boom, get out and vote on it  
9 same day. Okay. No. But just -- just I would want to do  
10 it in a day.

11 MS. CUA: Would everybody be okay to the off  
12 week on a Tuesday?

13 COMMISSIONER MARDFIN: That would be great.

14 MS. CUA: An off week. We are not sure which  
15 Tuesday, but --

16 COMMISSIONER IACONETTI: Do we need a motion for  
17 that or can we take consensus?

18 MS. CUA: I don't know.

19 COMMISSIONER IACONETTI: Consensus on an off day  
20 Tuesday for the whole -- all of the site visits?

21 Good.

22 So you will give us the date, then, on an off  
23 date Tuesday?

24 MS. LOUDERMILK: Yes.

25 COMMISSIONER MARDFIN: So defer to fifth

1 Tuesday.

2 COMMISSIONER HIRANAGA: I am busy. Sorry.

3 MS. CUA: Okay. Thank you.

4 MS. LOUDERMILK: Thank you.

5 COMMISSIONER IACONETTI: Thank you.

6 PLANNING DIRECTOR HUNT: Your next item involves  
7 notification to the Planning Commission of the transfer of  
8 the following SMA Permit pursuant to your SMA rules.  
9 Transfer of the Special Management Area Use Permit from  
10 Parts Plus, formerly known as Car Quest/Federated Auto  
11 Parts, to Mr. Lloyd Kimura doing business as Parts Plus  
12 Maui for an auto parts store and related improvements in  
13 the Kihei Business Park Subdivision at 81 Halekuai Street,  
14 Number 5G, TMK is 3-9-051, Lot 7 in Kihei.

15 COMMISSIONER IACONETTI: We don't have Mr. Fasi  
16 present.

17 Does anyone feel that we need him since we have  
18 gone over this before?

19 I am open to a motion, then.

20 COMMISSIONER MARDFIN: Do we need to take any  
21 action?

22 PLANNING DIRECTOR HUNT: I don't believe so. I  
23 think we just notify you.

24 COMMISSIONER HEDANI: Move to file.

25 COMMISSIONER IACONETTI: Second.



1 All those in favor of filing?

2 Opposed?

3 PLANNING DIRECTOR HUNT: We will mark that as  
4 five-zero that you file the Communication.

5 The next item involves Planning Commission  
6 Projects and Issues.

7 If I could, I would like to jump ahead to SMA  
8 Exemptions Report.

9 I believe Commissioner Mardfin has an issue he  
10 would like to raise regarding that.

11 COMMISSIONER IACONETTI: Commissioner Mardfin.

12 COMMISSIONER MARDFIN: This is Item F-8 on the  
13 last page of the agenda. It's SMA Exemptions Report from  
14 the August 12, 2008 meeting. It was deferred due to loss  
15 of quorum.

16 And there is an -- if you have that -- I will  
17 show you what item I am concerned about. And I would like  
18 to be -- have it referred to the Hana Advisory Committee.  
19 It's on page 20 of 22 from the August 12th. It's on page  
20 19 of 22.

21 COMMISSIONER IACONETTI: Ward, I don't think any  
22 of us have the material here now.

23 COMMISSIONER MARDFIN: Okay.

24 COMMISSIONER IACONETTI: Would you like to  
25 make --

1 COMMISSIONER MARDFIN: It's Hana Beachfront  
2 Association. There's a plan to build a -- an abode  
3 right -- if you are familiar with Hana and Hamoa, there is  
4 Koki Beach, there's Alau Island, there's a fishpond. And  
5 on the makai side of the road, there's a plan to build a  
6 residence. And that is the tsunami inundation zone.

7 And I would like -- very much like to have this  
8 referred to the Hana Advisory Committee for their input.

9 I would like to move that this item -- it's SMX  
10 2008-0321, Hana Beachfront Association, under planner  
11 Thorne Abbott, entry date 7-9-2008, status open.  
12 TMK:2-14-0080010000, be referred to the Hana Advisory  
13 Committee for their input.

14 COMMISSIONER IACONETTI: Second, Bruce?

15 COMMISSIONER U'U: Question.

16 They are proposing to build a house?

17 COMMISSIONER MARDFIN: Yes.

18 COMMISSIONER U'U: Is that standard procedure  
19 that we kick it to the Hana Commission, or this will be  
20 setting the precedence?

21 PLANNING DIRECTOR HUNT: It's not standard  
22 procedure. The SMA rules and laws state there's three  
23 options. One is to issue an exemption, and that is done  
24 administratively. The second one is to require a minor  
25 permit for up to 125,000, so I doubt this would make that.

1 And the third one would be to require a major permit. And  
2 we have to do that based on the laws which state that if  
3 there is an individual or cumulative environment --  
4 significant environmental impact, then we can regulate it  
5 as a major permit. Otherwise, we have to exempt it.

6 We can take into consideration your comments. I  
7 am not going to guarantee anything in response to those  
8 comments. We always listen to your comments, and we want  
9 a good working relationship, but we have to administer the  
10 law as it's written. And we will certainly take any of  
11 your comments into consideration.

12 I will talk with my staff. We will analyze it  
13 and act appropriately.

14 COMMISSIONER MARDFIN: I've --

15 COMMISSIONER IACONETTI: Please.

16 COMMISSIONER MARDFIN: I've written a rather  
17 longish memo to Thorne Abbott, James Giroux, with copies  
18 to the Director, about this issue.

19 I think there's tsunami inundation problems.

20 This will be a total eyesore. It will be able  
21 to be seen from the highway. It blocks Alau Island  
22 visually. It's right by Koki Beach.

23 There's concerns about sewage going into the  
24 adjacent fishpond.

25 There's a -- this is an area where the '46

1 tsunami killed nine people in Hamoa area, right here.

2 There is gravesites on the property.

3 It's -- it's going to drive the Hana people  
4 ballistic.

5 COMMISSIONER IACONETTI: Before we have any  
6 further discussion, is there a second to his motion?

7 COMMISSIONER HEDANI: Second.

8 COMMISSIONER MARDFIN: Thank you.

9 COMMISSIONER IACONETTI: Thank you.

10 Seconded by Wayne Hedani.

11 Any further discussion?

12 Yes.

13 COMMISSIONER HIRANAGA: Me?

14 COMMISSIONER IACONETTI: Yeah, Commissioner  
15 Hiranaga.

16 COMMISSIONER HIRANAGA: I am not sure if I, as a  
17 Planning Commissioner, want to be involved in something  
18 where I think it really is in the jurisdiction of the  
19 Planning Department. It is the initial proposed  
20 single-family dwelling for this property?

21 PLANNING DIRECTOR HUNT: As I understand it,  
22 it's not part of a larger development.

23 COMMISSIONER HIRANAGA: It's the first  
24 single-family dwelling proposed? There's no other  
25 structures on it?

1 PLANNING DIRECTOR HUNT: I believe it's a vacant  
2 lot.

3 I'm getting a head nod from my planner.

4 COMMISSIONER HIRANAGA: Right. So he is  
5 applying for single-family dwelling exception?

6 PLANNING DIRECTOR HUNT: Correct.

7 COMMISSIONER HIRANAGA: And so that's, to me, an  
8 administrative process by the Planning Department. And if  
9 they determine that it is part of a larger development  
10 then it does need a major SMA, then they hate to recommend  
11 that to us. Until that time, I am not willing to become  
12 involved.

13 PLANNING DIRECTOR HUNT: And just to be clear,  
14 there's several criteria where it could become a major --  
15 not just part of a -- of a larger development. But if we  
16 believe there is individual or cumulative environmental --  
17 significant environmental impacts -- correct me if I am  
18 wrong, Mr. Abbott.

19 MR. ABBOTT: Correct.

20 COMMISSIONER IACONETTI: Yes.

21 COMMISSIONER U'U: I would like for it to go --  
22 you know, I would like it to go to a Hana cultural --

23 COMMISSIONER MARDFIN: Hana Advisory --

24 COMMISSIONER U'U: Hana Advisory Commission.

25 But I will not be the one wanting to push it there, you

1 know.

2           It goes against what we have been doing, by  
3 setting new precedences. I wouldn't want that to happen,  
4 me being on the Planning Commission saying, hey, you know,  
5 this in Paia can't happen, you know, based on my call.

6           But I will support it. I wouldn't want to vote  
7 on it, but I will leave it up to the Department how it's  
8 been done in the past and not circumvent the system.

9           COMMISSIONER IACONETTI: Kent.

10          COMMISSIONER HIRANAGA: Yeah. I think there's  
11 other options by private citizens that would be opposed to  
12 this development. And they should start with the Planning  
13 Department.

14          COMMISSIONER IACONETTI: Yes, Wayne.

15          COMMISSIONER HEDANI: My comment -- I seconded  
16 the motion for purposes of discussion. My comment would  
17 be that if it's an administrative function that should be  
18 handled by the Department, then the Department should  
19 handle it in the normal course of its administrative  
20 function, taking into consideration the comments that have  
21 been offered.

22          COMMISSIONER IACONETTI: Any further discussion?  
23 All those -- oh, I'm sorry. Go ahead.

24          COMMISSIONER MARDFIN: Two things.

25          This is an extremely sensitive area. It would

1 be the only house in this -- on the makai side in this --  
2 there are other houses further down the road in Hamoa, but  
3 the only one on the makai side of this road. I would --  
4 if it's -- if permitted, I would like Thorne Abbott to be  
5 able to show you a picture of what this would look like.

6 I don't know if that's permissible or not.

7 PLANNING DIRECTOR HUNT: We can have Staff give  
8 you basic information.

9 I would caution you not to make any  
10 conclusionary remarks. Because if we do find that it's a  
11 major, and it comes before you, you don't want to be  
12 prejudiced in your comments.

13 So questions are fine; be careful on what you  
14 say.

15 COMMISSIONER MARDFIN: Thank you.

16 COMMISSIONER IACONETTI: Thorne.

17 MR. ABBOTT: If I can make just a very brief  
18 comment.

19 The Hana Advisory Committee is just an advisory  
20 committee. So it's much like would you want something to  
21 have urban design review board. And I think that might be  
22 the perspective to keep in mind.

23 Thank you.

24 COMMISSIONER MARDFIN: My other comment was, we  
25 get these things from the Planning Department each -- for

1 each meeting. I go through them and systematically check  
2 anything that has a TMK of 21X.

3 It seems to me there's probably a reason why we  
4 get these. It's exactly so we can find out what is going  
5 on.

6 This is not the first one I've looked at. There  
7 was one a few weeks ago dealing wit Waianapanapa Water  
8 System. I looked at it, it looked fine. There were two  
9 in this month's one. This -- for this meeting, one is  
10 putting in some utility poles. Another is a house in an  
11 area that is sort of out of sight.

12 I don't jump at these unnecessarily, but this is  
13 one that I think will be of great concern to the people of  
14 Hana. And so I think that they ought to have some input  
15 into it.

16 COMMISSIONER IACONETTI: Does it require our  
17 referral to them? Can they not just simply comment?

18 COMMISSIONER MARDFIN: Do you have James here?

19 I don't know.

20 PLANNING DIRECTOR HUNT: The usual procedure is  
21 when something comes to this Commission, you have the  
22 option to request the Hana Advisory Committee hold a  
23 hearing on your behalf, if it's in the Hana area. So if  
24 -- again, if it's -- a major is triggered, then it would  
25 come before this board and you would have the ability to



1 say, well, we want the Advisory Committee in Hana to hold  
2 a hearing.

3 Outside of that process, it's a little unusual.

4 Again, we will take your comments into  
5 consideration. We recognize that it's a sensitive site.

6 COMMISSIONER IACONETTI: We do have a motion on  
7 the floor.

8 And we have all heard the Director.

9 PLANNING DIRECTOR HUNT: Just a couple other  
10 comments, could I make?

11 COMMISSIONER IACONETTI: Sure.

12 PLANNING DIRECTOR HUNT: The notification that  
13 we give you, there's usually a couple reasons why we send  
14 those kind of notifications. Either they are required by  
15 law that we notify you, or sometimes it's just a -- it's  
16 an -- so you can comment or whatever. A lot of times it's  
17 just informational, so you can ask questions, in case  
18 someone in your community has a question. You can keep an  
19 eye on us and make sure we are not, you know, going out in  
20 left field and doing something we shouldn't be doing.

21 In this case -- Clayton, can you clarify what  
22 the specific background information on these reports are?

23 MR. YOSHIDA: Yes. For the SMA -- Clayton  
24 Yoshida with the Planning Department. For the SMA  
25 exemptions and SMA minor permits, the Department is

1 required by your SMA rules to notify the Commission of any  
2 issuance of an SMA exemption or SMA permit. And that  
3 starts the clock for any appeal that will be filed within  
4 10 business days after the meeting in which you are  
5 notified.

6 Your predecessors on this Commission asked for  
7 additional information when we started to produce these  
8 reports. One was a list of all open SMA assessments, so  
9 that they would know beforehand what is in the hopper;  
10 secondly, they wanted to know, especially, SMA assessments  
11 abutting the shoreline, because they felt that was a more  
12 sensitive area than half a mile from the ocean.

13 So that's why we've continued to produce these  
14 additional reports, besides the SMA exemption and SMA  
15 minor reports.

16 COMMISSIONER IACONETTI: Thank you, Clayton.

17 PLANNING DIRECTOR HUNT: Clayton, was the SMA  
18 exemption, the open one, was that a chance to comment on  
19 that or just informational?

20 MR. YOSHIDA: That was informational required by  
21 the rules so that the SMA -- sorry. SMA assessment --  
22 SMA -- Open SMA Assessment Report is informational because  
23 your predecessors on this Commission wanted to know  
24 beforehand what was in the hopper in case something came  
25 up in their area where they reside, whether it be Paia or

1 Hana or Lahaina or wherever, that they will be apprised  
2 beforehand, rather than just seeing it come out as an  
3 exemption or SMA minor permit. They would know the  
4 Department is processing a assessment for a house in Kuau  
5 on the shoreline.

6 COMMISSIONER IACONETTI: Thank you.

7 COMMISSIONER MARDFIN: And --

8 COMMISSIONER IACONETTI: Go ahead.

9 COMMISSIONER MARDFIN: And what would -- what is  
10 -- what are my avenues for -- what avenues are open to me  
11 if I -- if I think this could be a concern to the Hana  
12 community?

13 MR. YOSHIDA: Well, again, I believe the  
14 Commissioners, you know, have raised their concerns on  
15 specific applications, or have asked questions for  
16 additional information, so if they are questioned by the  
17 public, they can explain what the application is about  
18 from the -- you know, in talking to the planner. So they  
19 could express their concerns about, they know this  
20 property and their concerns are what their concerns are.

21 COMMISSIONER MARDFIN: You said there was a  
22 10-day notification issue. Within that 10 days, what  
23 would I have to do?

24 MR. YOSHIDA: Well, this is for if someone wants  
25 to appeal the decision of the Director and the issuance of

1 a SMA exemption or an SMA minor permit, which is a final  
2 decision, but which is a decision from the Department. If  
3 somebody wants to appeal that, they have 10 days after  
4 this meeting, 10 business days after this meeting, to file  
5 an appeal.

6 That's why you have that --

7 COMMISSIONER MARDFIN: What is the procedure --  
8 I mean, I really -- I really hate to do that.

9 COMMISSIONER HIRANAGA: Maybe you can have a  
10 private discussion with them later versus during the  
11 meeting, because I would like to call for the vote,  
12 because I know where I am voting.

13 It's not going to be to --

14 COMMISSIONER MARDFIN: I know it isn't. That's  
15 why I want to know what the appeal procedure is.

16 COMMISSIONER HIRANAGA: Maybe you can have a  
17 private discussion with the Director after the meeting.

18 I would like to call for the vote.

19 COMMISSIONER IACONETTI: All those in favor of  
20 Mr. Mardfin's motion to defer this to the Hana --

21 COMMISSIONER MARDFIN: Advisory Committee.

22 COMMISSIONER IACONETTI: -- Advisory Committee,  
23 please raise your hand.

24 Those opposed.

25 PLANNING DIRECTOR HUNT: What was your vote,

1 Doctor?

2 COMMISSIONER IACONETTI: It was opposed.

3 PLANNING DIRECTOR HUNT: Two in favor and three  
4 against. Motion dies.

5 COMMISSIONER IACONETTI: Now, to answer Ward's  
6 question, what is his next move, what should he do at this  
7 point?

8 COMMISSIONER HIRANAGA: Talk to Director in  
9 private.

10 COMMISSIONER IACONETTI: You want to talk to him  
11 in private?

12 COMMISSIONER MARDFIN: It seems to me that if  
13 Clayton can answer this --

14 COMMISSIONER HIRANAGA: I am going to leave.

15 COMMISSIONER MARDFIN: This is an issue for me,  
16 but there may be an issue for you next month.

17 COMMISSIONER HIRANAGA: I am out of here. You  
18 are losing your quorum. You can't conduct business.

19 PLANNING DIRECTOR HUNT: It's true. You have to  
20 call the meeting.

21 COMMISSIONER IACONETTI: The meeting is  
22 adjourned due to loss of quorum.

23 (Planning Commission Meeting Adjourned at 5:41  
24 p.m.)

25

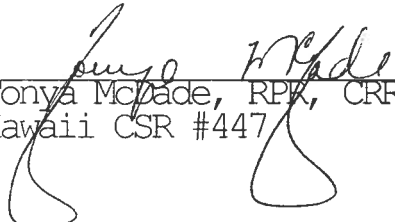
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I, TONYA MCDADE, a Court Reporter of the State of Hawaii, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

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

DATED this 30<sup>th</sup> day of September, 2008.

  
\_\_\_\_\_  
Tonya McDade, RPR, CRR, CBC  
Hawaii CSR #447