

**MAUI PLANNING COMMISSION
REGULAR MINUTES
JUNE 13, 2023**

A. CALL TO ORDER AND ROLL CALL

The regular meeting of the Maui Planning Commission was called to order by Chairperson Kellie Pali at approximately 9:02 a.m., Tuesday, June 13, 2023, in the Planning Conference Room, 250 South High Street, Wailuku, Maui, Hawaii 96768 and online via BlueJeans; **Meeting ID: 334 619 157**

Ms. Pali: All right. Good morning, everyone, welcome to the Maui Planning Commission. Today's June 13th, 2023, and we will start at 9:02 a.m.

I want to thank everyone for being here. If you are online or here in the room, sorry, we're going to do some testing of some audio real quick. Make sure all the mikes are off. Seems like there's an echo. Oh, I'll just keep talking. Yeah, off, off and off. All right, you want me to keep talking or shall we give a few minutes.

Ms. Aoki: It's on the T.V.

Ms. Pali: One second folks. Good morning, Commissioners online. I see you. One, two, three. Commissioner Apo, if you're here and can hear my voice, I do not see you. Oh, that looks like that worked, Carolyn. Carolyn, Carolyn it worked, yeah. Okay. Okay, Commissioner Apo, if you're there, unmute your video. Good morning, and welcome to the Maui Planning Commission for June 13th. If you are online or in the room, we will take public testimony, and so we will call you if you're online and you want to testify and you can see the chat box, then go ahead and put your name, and Carolyn will call for you when it's time to for you to testify. If you're calling in and don't have a video, then at the very end I'm going to go ahead and allow others who cannot see the chat function to unmute themselves, and you'll be able to join the discussion. Also, if you're here in the room, we'll call your name. Just keep in mind that testimony is only three minutes, and that's it. I know in the past we've gotten really relaxed and allowed people to go further, but I do not plan on having had an extensive meeting today, so I will be firm on the three minutes. So, make sure you get out what you want to say within that three minutes. And if it means shortening your hellos in the front, go ahead and do that. Also, please keep in mind that you cannot use the chat function to testify. So please do not put additional comments there. Okay, I will let Director Aoki do roll call.

Ms. Aoki: All right. Good morning, everyone. Chair Kellie Pali.

Ms. Pali: Good morning.

Ms. Aoki: Commissioner Mr. Thompson.

Mr. Thompson: Aloha and good morning.

Ms. Aoki: Commissioner Hipolito.

Mr. Hipolito: Good morning, Chair, fellow commissioners, Director. Aloha.

Ms. Aoki: And if the members who are here can just state where they're at and if anyone is in the room with them.

Mr. Hipolito: I'm in my office, alone, in Kahului. Thank you.

Ms. Aoki: Mahalo. Commissioner Lindsey.

Ms. Lindsey: Aloha kakahiaka kakou, la au ma makua hale, by myself. Here I am at my house in Wailuku alone. Good morning, all.

Ms. Aoki: Good morning. Commissioner Deakos.

Dr. Deakos: Yes, good morning, everyone. I am in at my wife's home on Oahu and in an office. She's in and out of the room as well.

Ms. Aoki: Mahalo. Commissioner Apo.

Mr. Apo: Aloha, good morning, everyone. I am at home in my office and have my children here with me. Aloha.

Ms. Aoki: Mahalo.

Ms. Pali: Summer break.

Ms. Aoki: And Vice-Chair Thayer.

Ms. Thayer: Aloha kakahiaka kakou. Hi everybody.

Ms. Pali: All right, great. So, we're just gonna get to it. The first agenda item under public hearings is Will Spence on behalf of Christopher and Candice Hayes, who are requesting a District Boundary Amendment and Change of Zoning for Ohukai Light Industrial Park. Before we go into testimony and anything like that we'll go ahead and allow the staff planner, which is Tara Furukawa. If you want to give a brief overview,

B. PUBLIC HEARINGS

- 1. WILLIAM SPENCE on behalf of CHRISTOPHER AND CANDICE HAYES are requesting a District Boundary Amendment and Change of Zoning for the Ohukai Light Industrial Park, consisting of 21 lots for use as storage base yards, a central paved roadway and related improvements. The project will be located on approximately 14.626 acres of land at 454 Ohukai Road, Kihei, Maui, Hawaii at TMK: (2) 3-9-001:034 (ZPA2022-00002) (T. Furukawa)**

Ms. Furukawa: Okay. Good Commissioners. This item is under your review because the applicant is seeking a District Boundary Amendment and Change of Zoning for a portion of TMK: (2) 3-9-001:034. A district boundary amendment is being sought from Agricultural to Urban. A change of zoning is being sought from Rural to M-1 Light Industrial. The matter is

being referred to you because the planning commission must make a recommendation to the Maui County Council for approval.

Will Spence is the project consultant who will present you with the proposed land use entitlement changes, and I will return with the department's recommendation.

Ms. Pali: Okay, great. Mr. Will Spence.

Mr. William Spence: Okay, good morning, Madam Chair, Planning Director, Commissioners. My name is William Spence. I am here with Christopher and Candice Hayes. They're the applicants for the project this morning, and with that, I'll just go ahead and go right into the PowerPoint. I'm...there's a number of things, but I'll try to be cognizant of the commissioner's time.

Ms. Pali: Actually, I'm going to interrupt you real quick. I was going to do it after the review, but I think I should do it now. I do want to disclose that I know Candice and her husband. We don't hang out. We don't have personal calls, but being South Maui resident for 20 plus years, we know of each other. We have chatted about business, but we've not actually done business. And so, I do want to do a full disclosure. So, I want to know that you're comfortable that I'm sitting here today listening on this, and I can be fair and objective and I'm actually deciding not to vote today. As the Chair, I'd like to just continue to mitigate. I will only vote if there's a tiebreaker.

Mr. Spence: Okay, and with that Commissioners, I'll go ahead and share my screen.

Ms. Pali: I'm sorry. One more thing. I also have to disclose, I got, I got a lot to disclose that this parcel actually is adjacent, adjacent and touches a parcel in which I own a property. I own a business property in 320 Ohukai Road. The project is called Kihei Commercial Plaza, and I'm one of 74 owners, so this property touches that property. That's a vicinity. And then I also own a residence in the neighborhood of Hale Piilani Subdivision. So, I'm in the, the radius. I don't live in that address any longer, but I do still own the property, and that's all the skeletons in my closet. Okay, go ahead, Mr. Spence.

Mr. Spence: Okay, thank you for all that. Okay, as said, move it. Okay, I'm here representing Chris...Christopher and Candice Hayes, the Ohukai Light Industrial Park District Boundary Amendment, Change of Zoning. I'm the planning consultant. Our civil engineer, Jake is sitting in the back. Our traffic engineer is Randall Okaneku, archaeology, Michael Dega. He is not here today, but I'll touch on archaeology. Cultural with Katherine Kamaeai Smith, flora and fauna with Mr. Bob Hobdy and neither of those are with us today either, but we'll cover what their studies came...showed up with.

The Hayes purchased the property, the Hashimoto mango farm in 2017. It's a 28.7-acre property, but the project site is only 14.67 acres. During...after they purchased it, they looked at a number of different projects and including affordable housing but it turned out to not be feasible. There was some regulatory things, and you know, some think it's not a desirable property for housing.

The Kihei-Makena Community Plan says Light Industrial. So, lo and behold, we're going to follow the community plan. And in brief, what they want to do is they want to create 21 leasable open storage spaces that's open storage, you know, with no buildings, except maybe some shipping containers and make it available to contractors, landscapers, state and county agencies, vehicle storage, those kinds of things.

The applicant, Chris Hayes, is a local contractor, so he is very, very aware of the need for this kind of storage. If you go around Kihei in the evening, you'll see lots of landscaping vehicles, boom trucks, you'll see, you know, concrete pumps being towed on the back of trucks, et cetera. So, there's a real need for a secure and storage space and get some of these vehicles out of the residential areas and into where they should belong.

So as said, District Boundary Amendment, Change of Zoning, what we're requesting for the change of zoning is to eliminate the B-1, B-2 and B-3 uses that are normally allowed in Light Industrial areas, and there's reasons for that. For one, it's a mitigation measure. The Hayes recognized the development, just makai of them, the Kihei Business Plaza. It's very intense and it's very busy, and they...there's nothing wrong with that per se, you know, it performs a very necessary function in our community, but they don't want that kind of intensity on their property. They think it's better to have, you know, like light industrial light, you know, something less intense.

The second reason to ask for conditions is it follows the Kihei-Makena Community Plan, where it talks about light industrial areas above Piilani Highway and south of Ohukai Road, where it says these areas should limit retail, business and commercial activities to the extent that your accessory or provide service to the predominant light industrial use. So again, we're going back to the community plan and following that.

And then the third reason for conditions is it provides true light industrial space. The...there's a longstanding discussion in the community about light industrial. Right now, you have light industrial space that's pretty bad. Where you have light industrial space is actually used for shopping centers like where Target is or the new Safeway is all that is actually zoned Light Industrial, Wal-Mart, but they turn into commercial space, and there's a longstanding discussion that, you know, there should be more land available just for purely light industrial uses, and that's what the Hayes' intend to provide.

Here's a regional location map. The subject property is outlined in Blue. The project area is shaded. As you can see, there's development, either development all the way around or proposed. The existing light industrial makai side you have on the southern portion is the proposed Piilani Promenade project that's proposed for business and some residential. And then even a little further south of that is the high school. So, this whole area is proposed for some kind of development.

Real quickly, because the questions will come up, it's way outside the flood zone. It's way outside the sea level rise exposure area. So, it's, you know, it's just not subject to some of those environmental concerns.

State District is Agriculture. County zoning is Rural. We...I'm not quite sure how that came up, but it is, and like many of the residences above it. This is the current Kihei-Makena Community Plan. The...this property and the properties around it are designated for light industrial. So, the plan says this is going to be an employment center. This is going to be...this is the right place to put these kinds of uses. And then since we're updating the community plan, the proposed designation as of April of this year is employment center. And if you look at the definition of that, it includes light industrial uses.

Little bit closer aerial view, you can see Piilani Highway, Ohukai Road, the...it's only the lower part the makai side of the property that's the project area. Upper side is going to remain Rural Zoned and I'm pointing out the Hayes residence right there. When all this is said and done, the Hayes are still going to live right next to their own project.

Mr. Spence: So, they're going to have full control of what's going on. They're not developers, they're not people that, you know, come into our community, develop and then split. They're going to stay not just on island, they're going to stay very close to their own project.

This is the site plan. Twenty-one fenced spaces, half to half acre to one acre. This is not a subdivision. These are going to be leased spaces. Again, open yard storage. The idea is to gravel the site, not to pave the whole thing. So, there's you know, it's going to help with infiltration. It's just a lot easier for everything. Down the center is going to be a county standard 20-foot pavement roadway and then up towards the top of the, the project, you can see a landscape buffer and we'll get into why that's there. But it's intended to buffer this project from the surrounding residential uses. They're not planning any buildings so long as the Hayes on this project, they're not going to allow any structures that's not intended as a condition, but so long as they own it, they don't want all the structures in front of them. They want something very simple.

And then, as said, they're going to remain in the house. This is how the, the leased spaces would be laid out on the property. And then I have some photos of the property. The first one on the left is going up Ohukai Road just past Kihei Commercial Plaza. The Hayes property is just beyond that. Second one is looking up Ohukai. The subject property is off to the right. This, the one on the left is looking down Ohukai with the project site on the left. And then Ohukai, just looking onto the property. You can see it's flat, undeveloped. And I thought I would point out the existing gate that's on the property. The one on the left is from Ohukai. The one on the right is from the property, looking towards Ohukai. And this comes up as a comment when we did public outreach, and we'll get to that. A couple of views on the property backed up to the light industrial just makai. I include these two shots because it gives a good description of the property. The one on the left, those are push piles from the former agricultural use from decades ago. These are six, seven, eight feet high. This site has been bulldozed many, many times. And then the one on the right, I'm standing on top of the push pile, looking makai. You can see it's just wide open space.

Bordering the property on the south side is a MECO substation. And this photo doesn't do it justice. This thing is huge. And this is one of the reasons why it's not, in my opinion, it's not a suitable site for residential. People are not going to want to live next to either the MECO

substation or even on the right, you know, I can't imagine my backyard backing up to the commercial buildings on the makai side.

Getting into the project impacts. We did a 60 field survey and document review that was done by Dr. Michael Dega. He...we sent that into SHPD, and I'm sorry to say it took almost two years to get a response out of SHPD. You know, that's a fairly common kinda complaint. But they concluded that no historic properties would be affected. We did a cultural impact assessment. The lady reached out to, Katherine reached out to practitioners, to cultural groups, advertised in the paper, reached out to local churches, anywhere where there would be people who would have knowledge of the site. They ultimately, she ultimately conducted eight interviews and the result was there is no historic or recent use of the property for cultural practices. We did a flora and fauna study. No native mammals, which would be the Hori bat, that there was a special, special study done at night. There's no native insects, including Blackburn Spinks Moth, no larva or even the host plants were observed, and the vegetation, 94 percent is non-native, and those species that are there are not considered to be of conservation...(inaudible)...

Drainage for the property after, you know, after the property's established or the project is established, and Jake Freeman our civil engineer is here, the project site will have to detention basins, one, along Ohukai Road which right now we do take some runoff from Ohukai, from the public right of way, and the over on the south side, they'll be a 17,000 cubic foot basin and...and so that allow for infiltration, but there's also 42-foot, excuse me, 42-inch storm drain.

We had Randall Okaneku do a traffic study as he's an engineer from Oahu. The project will generate some traffic. I'll say it's roughly the same or less than what a residential project would generate. His conclusions are the intersection at Piilani Highway will operate about the same with or without the project so no significant impact to that intersection. It will also not significantly impact the local residential streets. The one thing that he recommends is that the intersection at Pukulii Street be improved with left hand turn lane on Ohukai with a median refuge lane. And that will improve the future conditions from LOC CE to LOC C. So, that's level of service. And Randall's online if you questions about traffic as well. Traffic notes, the, you know, Randall is a very experienced professional traffic engineer. He's been doing this, I can't tell you how many decades. When he did this study, he noted to us there is no such thing as a traffic generation rate for open storage. So, he used the next closest thing would be Light Industrial Park, and that includes a mix of uses, things that are not going to apply to what the Hayes want to do. So, and it assumes a density buildout similar to Kihei Business Plaza. The result of the study is, in my opinion, it's, it's likely an overestimation of the kind of traffic that's going to be generated.

Community outreach. We sent courtesy letters to the neighbors a number of times. I hate getting those, just those formal forms in the, in the mail. I think there needs to be some explanation, so I did that. And this was all done even before applying for...submitting the application. We held a virtual community meeting where 27 persons attended and we received 32 comments or questions.

Things we changed about the project as a result from community outreach. The KCA's main recommendation is that there be a green buffer of trees and vegetation 20 feet deep along Ohukai Road, and the purpose is visual screen to cut dirt and noise. And they were supportive

of the purely light industrial concept. Leases will require best management practices, and then there's a major modification to the site plan that I'll point out. It's the entrance to the project. Right now, getting in and out of the project, there's a gate, and so when a truck leaves the property, they go into the median, they park, they get back out, they close the gate and go back over, climb in the truck and leave. And we've heard several objections by members of the community over this. And so, in the final analysis for the project, there's going to be a regular intersection there. So, there won't be a gate, there won't be, you know, any radio controlled anything. It's going to be just a regular intersection. So, when somebody leaves the site, they're going to pull up to the stop sign, look both ways like my at least, my mom taught me, and then turned into traffic, so there won't be any stopping on the road at all.

You've been presented with a petition of 120, excuse me, 165 persons saying they have no objections. These come from both area residents and business people in the area. You have a number of letters outline...outlining the need of the project, but also saying how Chris is, how community minded he is. Whenever there's a fire in the area, you know, he's out there on his bulldozer, you know, cutting fire breaks to protect the nearby homes and business. And then I'll just go ahead and skip this. Thank you, and I'm available for questions as are Chris and Candy.

Ms. Pali: Great. So, Commissioners, I do want to just remind you that we are not the final authority on this today. We are simply just hearing it, and making a recommendation to Council. So, please keep that in mind as we move forward. I'm going to go to public testimony now. I'm hoping that you took notes and jotted down any questions that you might have had as you heard presentation. Again, the purpose of public testimony is so that the community can voice their opinions. However, they are not going to get answers to their questions if they have them. But testifiers, if you're listening and you think that a commissioner should ask a certain question, then pose your question. Commissioner, if you feel like that's a valid question, you're going to write it down and then you can ask that question of the applicant yourself. That is the best use of public testimony as we're hearing their opinions about this project and also interacting with the applicant but it has to be through a commissioner. So, I just want to remind you about those things, and we will first go to...I've got currently four people signed up, two in house and one, two online, so I'll go online first and keep in mind, you have three minutes. Carolyn will start the timer and she will announce when the three minutes is up and I would ask you at that point to finish your sentence, not your paragraph, your sentence. And I will interrupt if it goes further than that. Thank you so much. Okay, so we're going to go to Brett Fahnestock. I'm sorry, the handwriting is a little –

Mr. Brett Fahnestock: Okay, Fahnestock.

Ms. Pali: Okay, so for the record, just state your name. So, Carolyn can get that on line. And then you have...also promise to tell the truth and you have three minutes.

Mr. Fahnestock: I promise to tell the truth. My name is Brett Fahnestock. I live in that area in North Kihei, I'll put it that way, and I speak highly in favor of this project. And it's just one because it seems to fit there more than anything. The other thing is, I've had very positive experiences with Chris. A few...I manage a condominium in North Kihei. It's one of those that floods when, when the rains happen, the parking lot gets full of mud and water. And a few years ago, someone said, why don't you call Chris, and they gave me his number and I called

him and he came down with his equipment and he cleaned the mud out. And he's done that several times. We've had those a few times recently and he's done it several times. He hardly charges anything. He's been very kind. It's, you know, it's a time when you're vulnerable that you need be able to move the cars in and out of the parking lot, the tourists are here. And he comes down with his trucks and cleans it out very nicely. And again, the fees have been under \$2,000 and, and it's just been very helpful if you live in an association or whatever, you know, the maintenance fees, the bills are always a concern. So, that's all I really have. I didn't know Chris before a couple of years ago when I called him and he's been there several times since then. And I just...he's always just really helpful and kind, and I just I support what he's wanting to do here. Thank you so much.

Ms. Pali: Great. Thank you. Stay there. Applicant, do you have any questions for him?

Mr. Spence: No questions.

Ms. Pali: Commissioners, any questions? Okay, seeing none, thank you.

Mr. Fahnestock: Thank you.

Ms. Pali: Okay, next Miss Zandra Amaral Crouse: ...(inaudible - speaking from audience)...

Ms. Pali: Okay, we'll come back to you. All right, we're gonna go online. We have Mr. Mike Moran. Oh, shoots, never mind, sorry Mike hold on. There's like about ten other people in front of you. Okay, you know what, Mike are you there? There's only two, let's just go to Mike. Mike Moran are you there?

Mr. Mike Moran: I'm here.

Ms. Pali: Okay, go for it. State your name and that confirm that you will tell the truth and your three minutes will start.

Mr. Moran: Aloha Chair Pali, and volunteer commissioners. I am Mike Moran and I swear I will tell the truth. I am speaking for the Kihei Community Association. For total transparency, I am a member of the CPAC and the SMAC, but I am not speaking for either one this morning, and of course, this is on Item B.1.

As some of you may not be familiar with this location. It is on the south side of the dead end portion of Ohukai mauka of the Piilani Highway. The entire north side of that roadway and going several blocks north are all single family homes that have been there since the prior century. So, it's in close...these...let me try this again. These in close residents will definitely be impacted. We have advocate that the request be postponed until the current South Maui Community Plan is finalized. The plan should be in the hands of you next month. We appreciate that the landowners came to us in 2021 to present their project, their project. We offered a number of suggestions, suggested conditions in the event they received the needed approval and proceed. We present those now, even though Dr. Spence listed, I believe he listed all of them. So, we're asking for consideration of these. We did, as Dr. Spence said, we did say, a 20-foot natural buffer, which they seem to agree to. In the past couple of years, we

had more input. Some of us are leaning to make it a minimum of 20 feet, perhaps larger, but it should contain large trees and vegetation on the north and west parameters. Large trees are necessary, and of course, that's the challenge. If you plant manini trees, it will take decades for them to become large trees.

A required system of monitoring and controlling dust and noise from the trucks and heavy equipment and storage of gravel and other materials. Security lights and other security measures should be designated to not disturb the neighbors. Pedestrian safety for keiki and kupuna, as there is no sidewalks on this portion of Ohukai.

This is a challenging location, as it is on the border of commercial and residential, with no open space buffer between them. In general, we like to see heavy equipment situated closer to industrial area areas rather than residential. Mahalo for the opportunity to testify.

Ms. Pali: Great. Thank you. Mike, one second. Applicant, any questions?

Mr. Spence: No, ma'am.

Ms. Pali: Commissioner, any questions? Mr. Moran, I've got a question for you. In your request for a 20-foot buffer on Ohukai Road, would you yield three feet for them to put in a sidewalk in front of their property? If that is the requirement or request of the commission?

Mr. Moran: Yes, we would.

Ms. Pali: Okay, thank you. Any other questions? I see none. Okay, great. If you're online and you want to testify, please use the chat function and we'll come right back to you. Okay, let's see in house. I guess this public testimony here, we have Michael de Haas? H-A-A-E? You know who you are. Come on up, I can't read your writing, sorry. De Haas? Is that two a's and s?

Mr. Michael de Haas: Correct.

Ms. Pali: Come on, and so you're gonna say your name for the record and then you're going to promise to tell the truth and then your three minutes will start.

Mr. de Haas: My name is Michael de Haas, and I promise to tell the truth this morning. I'm here to support this proposal for the Hayes. I am a marine mechanic. I know Chris through boating projects. He's a supporter of the local boating community as well, and I work on many of the commercial boats out of Maalaea, as well as the Kihei boat ramp for charters and many, many private personal pleasure craft, fishing boats in the area. And a concern that comes up often is placed to store those boats. In recent, recent developments of other properties in the Kihei area, have made space less available than it has had in the past. And so, this proposal offers to alleviate some of the stress that I see on a daily basis boat owners asking me about places that they can store their boats. And so, when Chris mentioned this to me the other day when I was working on a--on his dinghy, I was pleased to say, hey, I can, I can vouch for the need of this in the community, right in Kihei for places to park, to park boats. So, short and sweet that's, that's what I have to offer.

Ms. Pali: That's great. Okay, thank you Michael. Applicant, any questions?

Mr. Spence: No, Madam Chair, no questions.

Ms. Pali: Okay, great. Commission, any questions? Vice-Chair Thayer.

Ms. Thayer: Thank you. I'm curious. Where do people store their boats now?

Mr. de Haas: When can, they store them in their yards. Oftentimes, the HOA opposes that, if there is one. Neighbors sometimes oppose, oppose that. I know that many of the commercial vessels are struggling to find places. I know recently there's be a lot developed further south on a Goodfellow's piece of property down there, but I still run into the question all the time, is there a place I can put my boat. I know some have, have even gone as far as Lahaina to park, park boats in lots up there because of a lack of availability close by.

Ms. Thayer: And it's a mix of commercial and personal?

Mr. de Haas: Yes. I've...I work on both and get, get questions regarding both.

Ms. Thayer: Okay, thank you.

Ms. Pali: Great. Any other questions, Commissioners? Wonderful, seeing none, thank you Michael. Okay, Kelly Yoshida.

Mr. Kelly Yoshida: Good morning, Commissioners. My name is Kelly Yoshida, and I promise to say the truth. As for myself, and speak from a lot of truckers on the island, I support Chris and Candy on this. There is a great need for places to park these trucks and the cost to park these trucks, you know, construction with this Covid thing, you know, it's really high for us to park the trucks. I know, I know we pay for a small piece of land, you know, it's, it's really expensive and a lot of times the trucks are parked at home like how, he said the boats. And personally, I don't, we don't do that because it becomes dangerous. You got trailers parked on the road, and I had a friend years ago in Kahului Industrial get his...part of his arm and everything taken off, hit a trailer. So, it's a safety thing, I think, and there is a great need for parking spaces.

And about Chris and Candy, they are really about the community. I mean, so much so they help me a lot. Yeah, Chris is one, he mentioned about the fire and he was out there with his water truck. When he brought his water truck, he made it where it can hook up to the...for the fire department and he was a great in the Lahaina fire. I was in a water truck, not his, but he was out there, yeah, and know for one fact, he did not charge them anything. So, as far as a community Chris, is a community guy, you know, and I know him. I mean, if your truck is leaking oil, he's going to be on your butt, you know? You know, making sure that it's...it doesn't contaminate the ground, yeah. He's told me when I helped him, when they moved in, you know, the community, the people, you know, so I know that him and Candy will do what they need to do to make this good for the people. And just bottom line when, excuse my language, but the shit hits the fan, they're gonna be there for the community I don't care what anybody tells me. I, I have learned that from them. And I try to be more like them, yeah. But, that's what I have to

say, the trucking...us, in trucking we would, we could really use somewhere to park our trucks for it to be safe. Thank you.

Ms. Pali: Okay, one second. Any questions, applicant?

Mr. Spence: No, but thank you.

Mr. Yoshida: Thank you.

Ms. Pali: Okay, and Commissioners, any questions? Seeing none, I have one.

Mr. Hopper: Chair?

Ms. Pali: Yes.

Mr. Hopper: Chair, you don't need to ask for questions from the applicant because it's not a contested case hearing just as a reminder.

Ms. Pali: Contested case.

Mr. Hopper: Yeah.

Ms. Pali: Okay, thank you.

Mr. Hopper: So, you're okay.

Ms. Pali: But it's not wrong though, I just don't have to, right?

Mr. Hopper: I suppose. I mean, on, on recommendations to Council generally we don't have questions from the applicant to the testifiers. It's a requirement for essentially cross examination in actual contested case hearings, but since you're only making a recommendation, yeah.

Ms. Pali: So, in other words, you're going to see me about five minutes at the end of day. Thank, thank you, Mr. Hopper, I appreciate it. Okay, so I have a question for you. Since you chose to explain something about someone's arm separating, you know that this is adjacent to a very local residential neighborhood. These aren't transient families. These are...we have an affordable housing neighborhood right across that was built like almost 30 years ago, 25 years ago. And so, and actually, yeah, you're talking children, babies, so as a trucker does that concern you at all that you would be bringing these big trucks into now a residential zone in a sense that the other side of the street are residents and kids and babies?

Mr. Yoshida: Yeah, it is, it is a concern. My personal thing when I started driving, I see that baby on board is like a big thing and we've drove clearly up Ohukai on that other project, that was going...we went there for months, yeah, through the gate, go through the pasture land, and we always...the kids, yeah. Truckers have kids.

Ms. Pali: Yeah, yeah, yeah.

Mr. Yoshida: And we know how those truck stop.

Ms. Pali: Yeah.

Mr. Yoshida: You know, not good, you know? So, we are very aware of that of the kids, you know. And as far as that, if it's an unsafe load and stuff, I know Chris would be on our back because I've got yells from him where, you're not going to bring that, you know. You know, it's safety first, yeah.

Ms. Pali: That's right, okay.

Mr. Yoshida: My nephew, I don't have kids, I have a lot of Godchildren and nephews and nieces. I would have no problem honestly, my kids being there and I have family and friends that live in that area. I would have no problem having my nephew and niece there with the trucks coming knowing that. And he's not going to have renegade truckers coming through there. You know what I mean, yeah? You know?

Ms. Pali: Yeah.

Mr. Yoshida: 'Cause we know if we mess it up, he's going to ask us to leave. He's just like that, yeah.

Ms. Pali: Yeah. I think my purpose of the question was just an awareness that big trucks in a residential area and then just mitigating the safety factors to avoid because we also know that it's never our intent to, yeah, knock off a kid, but it happens, unfortunately. So, yeah, just mitigating it.

Mr. Yoshida: And it's dump trucks, yeah.

Ms. Pali: Yeah.

Mr. Yoshida: Not like—

Ms. Pali: Not like the—

Mr. Yoshida: --huge—

Ms. Pali: --okay, not like the rigs and stuff?

Mr. Yoshida: It's rigs, yeah.

Ms. Pali: Oh, it is rigs, okay.

Mr. Yoshida: It's trade trucks most of the time, yeah. It's not long—

Ms. Pali: I see. That's the one that pack—

Mr. Yoshida: --you know, crazy kind loads, yeah. It's the trucks that go to construction sites that do drive through residential areas, you know, through Kaanapali where there's kids even on golf carts going up and down road. You know, that is a constant, constant thing where, you know, I mean, I mean the state is right now on the bypass road doing truck inspections. You know, and those trucks that's how houses are built, yeah, you know?

Ms. Pali: Sure.

Mr. Yoshida: I mean, we're in industrial...I mean, we're in residential areas every day, you know, yeah.

Ms. Pali: Yeah.

Mr. Yoshida: But people, the families are—

Ms. Pali: Well, they're there while they're building and then they're out, but they're not coming every day and dropping off, picking up, so there is a big difference between what this is and that.

Mr. Yoshida: You're right, you're right.

Ms. Pali: But anyway, yeah, thank you, thank you for the...okay.

Mr. Yoshida: Yeah, thank you very much. Thank you.

Ms. Pali: All right, next up we have Laura Beavers. Hi, Laura. So, just state your name, promise to tell the truth, and your three minutes will start.

Ms. Laura Beavers: Thank you, my name is Laura Beavers and I do promise to tell the truth. Today, I am here in support of the proposal. My husband and I run a small charter boat business in Kihei, and this is one of the biggest challenges of our business is where to safely store our vessel. It is a trailered vessel which comes with a need for security, but also proximity to the Kihei boat ramp where we launch out of. We reside in Haiku, and it's not exactly feasible for us to transport our business to and from each day, which a lot of what we do, whether it comes to maintenance or storage, we do use our personal residence for. So, this is something that would permit us to actually function more together. Right now, the available options for vessel storage are quite prohibitive in terms of cost, availability, and then also their proximity to where the businesses operate. So, where this location is on Ohukai, is great that it is proximal to the boat ramp as well as other harbors for other vessels, whether it's personal or commercial. I think it's no secret that there's a lot of traffic in Kihei and getting deep into Kihei and then trying to exit. So, speaking from a boat owner perspective, that is one challenge. But I do know we have calls almost daily from other boat owners, landscaping companies, friends that are trying to start a business and they are unable to do so or they do, and they just sort of figure out where to place their trailers, which is in driveways and a lot of which do reside in Haiku with us as well. And that's just not necessarily where all of the work is that is available to able to people to

sustain a living. So, that is really something that we do see as a value add and would be excited to see for the boating community.

Ms. Pali: Wonderful. Thank you. Commissioners, any questions? Seeing none, thank you, Laura.

Ms. Beaver: Thank you.

Ms. Pali: Okay, Dave Weaver.

Mr. Dave Weaver: My name is Dave Weaver, and I promise to tell the truth, and I'm happy to be here today to support Chris and Candy in their application. I'm a contractor, small businessman, aluminum fabricator, and recently we did work for Andaz. Did all their façade work. Also, did work for Westin, all their shade structures and that kind of thing. We're always desperate trying to find a yard where we can store material and we can do like fabrication. Central Maui Baseyard is a joke. It's, it's Third World. We need places where we can work. On the Andaz job, we actually fabricate all of our stuff over in Oahu and shipped it Young Brothers to get here. By the time it got here, it was so encrusted with salt, we had to do a lot of rework on the job site. It's just really hard to find places to store material and to fabricate. And so, from my perspective, it would be great to have a facility like that. Actually, I've personally known Chris for about seven years. He's worked on job sites with me and found to be a great guy, and I just think this is a no brainer. Our community needs this sort of facility. Small businesses are the lifeblood of our communities. It employs local talent, local people. The money stays in our community. So, yeah, I'm really in favor of this project.

Ms. Pali: Okay, Commissioners, any questions? I see none, but I do have one—

Mr. Weaver: Yes.

Ms. Pali: --because you said some things I'm learning as you're testifying. So, I've been hearing, storing, storing, storing, but you did use the word, fabricating. Can you just define what that means?

Mr. Weaver: Correct. Okay, fabricating aluminum would be drop saw cut and fit, screwing things together. So, it's not like heavy industrial fabricating. It's more on, you know, like carpentry work.

Ms. Pali: Okay, so we're not talking, storing and working, construction work.

Mr. Weaver: Correct, correct.

Ms. Pali: And that would be probably what we would talk to the applicant about mitigate and stuff. Okay, so good. Thank you. I just wanted you to clarify that. Appreciate it. Okay, thank you.

Mr. Weaver: Thanks.

Ms. Pali: Okay we have a Brian...Brian, you know who you are. I'll have you state your legal name for the record and promise to tell the truth.

Mr. Brian Smith: My name is Brian Smith, and I promise to tell the truth. There's a tremendous need for ...(inaudible)...on Maui. We don't have nearly enough. People are parking equipment in residential areas and empty fields where they're really not supposed to be parking their equipment because we don't have available baseyards. Central Maui Baseyard is usually chock full. It's very expensive. The lots are small, so there is, there is definitely an enormous demand and need for more baseyards, especially in Kihei, where we don't have any baseyard facilities at all. With a...addressing the concern of safety and running big rig trucks and heavy equipment close to a residential area, I would use, I believe it's Omaopio Road and Hansen Road as an example. I saw several very bad accidents there and the county or the state, one of the governmental agencies installed blinking stop signs and everybody has to stop and it ceased and desisted all of the accidents as far as I can tell. I'm going through that intersection almost every day. I would suggest possibly a three-way blinking stop sign intersection for ingress and egress from this proposed baseyard. And again, the need for a baseyard especially in South Maui is great. The demand is far higher than the supply for baseyards not on...not just on Maui, but especially in Kihei. There's there are no baseyards in Kihei. So, people will not be driving from Haiku or Lahaina to do their jobs in South Maui. They'll be able to store their equipment in South Maui. It'll cut down on traffic, better for the environment and the list goes on and on. So, we do need baseyards, but we need them to be safe. Thank you.

Ms. Pali: Appreciate that, Brian. Commissioners, any questions? Any questions? Seeing none, thank you, Brian. Okay, Jacob Freeman. Hello, Jake, if you can just state your legal name and promise to tell the truth and your three minutes will start.

Mr. Jacob Freeman: Thank you. My name is Jacob Freeman, and I promise to tell the truth. I am a licensed civil engineer and general contractor on Maui, and I'm also a resident of Kihei. Additionally, I am a proud owner at the Kihei Commercial Center of a office space and a warehouse, and find this project and property to be extremely complimentary to everything that we would be doing there as well as all of my neighbors at that location. We're constantly bouncing between jobs sites for material and equipment storage. Security of those items has been a constant nightmare. We, we always try to factor in five to 10 percent on every job for losing stuff off of the job site or some type of vandalism, things like that. So, to be able to have something in North Kihei and not having to commute through the entire Kihei/Wailea area to get to park somewhere would be something that would greatly benefit not just our operation, but we feel a lot of people in the community. Worked with Chris and Candy over the years. I respect them with my utmost heart. I can't say enough good things about them, just like everybody else here. And full disclosure, I am the civil engineer for the project and, and I'm just greatly in favor of it.

Ms. Pali: Great. Thank you. Commissioners, any questions? Seeing none, thank you, Jacob. Okay, Nick. You can say your legal name and promise to tell the truth and your three minutes will start.

Mr. Nicholas Loondakis: Good morning, my name is Nicholas Loondakis, and I promise to tell the truth. I've worked for Chris and Candy the past three years. I feel fortunate to have met them. They're very nice, caring, hardworking people. So, as far as that goes, I'm in support of the storage lot area. I've been asked many times over the years if I knew of any place to store a variety of things. I'm sure we all have this problem here. I see this as an asset to the community, which has a low intensity use of the land. So, versus such as like a retail store or something like that, you know, you're going to get a lot of traffic and, and people. I think that also creates a partial buffer as you...because you know, you're in the country, and then all of a sudden there's cars and everything, but when you get into that store area. So, I think it's a really good idea. I think it's appropriate use for the site and I'm looking forward to its approval.

Ms. Pali: Stay there. Commissioners, any questions for Nick? Okay, seeing none, let's see, Brandon Riley.

Mr. Brandon Riley: Hi, I'm Brandon Riley and I promise to tell the truth. I've known Chris for like, I don't know, 10 or 15 years. He's been a mentor in the construction game with me. He's taught me a lot. He's a standup guy. I think everyone's heard about his involvement in all of the fires. He's been on the west side for a lot of those fires without being called out, and we all know that there is a huge need for this. There's nothing around, there's no availability and this is going to help hardworking local families. This is supporting local. It's going to help us get more affordable yard space, and I think there's nothing but good things that could come from this project. That's all I got.

Ms. Pali: Okay, stay there. Any questions for Brandon? Seeing none, thank you Brandon.

Mr. Riley: Thank you.

Ms. Pali: Okay, we have Kevin, Kevin de Francia. Oh, he had to leave, okay, shucks. Okay, so, all right, we're going to go back online. Do we have Keith Zielinski? Keith Zielinski, are you online? Can you hear my voice? If so, unmute yourself. Keith Zielinski. Sorry, Keith Zielinski, don't hold it against me. Okay, well if Keith, you come back on, we'll come back to you and then the last testifier unless there's more in the chat function, Carolyn? Okay, so we'll go to Zandra Amaral Crouse. Okay, please just state your legal name and promise to tell the truth and you've got three minutes.

Ms. Zandra Amaral Crouse: Thank you, Zandra Amaral Crouse and I promise to tell the truth. I would like to suggest, and I appreciate you bringing the thought out of not voting on this and Mike Moran, who represents our community, not in business or whatever, just the citizens, us, the nobodies that not I shouldn't say nobodies, I should say those that can't afford boats. And if as I listen to the testimony I kept reflecting on the Central Maui Baseyard, and I humbly ask all of you whether it be cumulatively or individually probably would have to be for Sunshine reasons visit the Central Maui Baseyard. That will give you an idea of what a baseyard blooms and blossoms into. I did. I took a tour there with the blessings of the owner, and as I drove through there by myself, there were trucks coming in and out. I went there seven in the morning, five in the morning, four in the afternoon, five in the afternoon, six o'clock in the evening and seven. Every time I needed to wait because they were trucks coming in and out, in and out, in and out. This presents a really, really unsafe place in a community that's already existed.

Regarding housing. Mr. Hart had stipulated that it's an unsafe place for housing. However, when they decided not to put housing, I was told as a residence it was too...it was cost prohibitive. They needed to enhance the community by putting a road, houses. That's too much money to give away to people, but still making a profit. I am really grateful to the Hayes family. I really am for thinking of the community, but are we looking at money before we're looking for the welfare of our people. As I read to the CPAC organization, the Environmental Impact Study that was taken throughout the United States that boarded, residential boarding storage places, the diesel, the fuel and the devastation it did to the citizens around and causing lung disease. And they were not just next door like we are. They were some distance away, but it was bought up by these professionals.

Ms. Takayama-Corden: Three minutes.

Ms. Amaral Crouse: That it just goes, those, those fumes and those particulates just goes. I thank you all, but I humbly ask you in closing, please postpone this and visit Central Maui Baseyard.

Ms. Pali: Stay there, though. Any questions for Miss Amaral Crouse? Commissioner Deakos.

Dr. Deakos: Thank you, Chair, and thank you so much for your testimony. Yeah, as this was wrapping up, I was, you know, I figured there was nobody talking from the community, so it seems like everyone's in favor. So, I just want to try to get a gauge on I guess the main impact would be on the local community there. The...It sounds like the, the existing community plan had a, had put in there that this would become light industrial. I don't know, as Mr. Moran said, there...the new plan should be coming out shortly. I'm just curious that that has changed or if there's any indication that that area would be changed. And I assume when it was decided to do light industrial was that community in support of that or was it sort of--could you if you have knowledge on that, do you know...(inaudible)...discussions took place?

Ms. Amaral Crouse: I do Commissioner. And I thank you for the question. The first one, does the neighborhood approve? No. Everyone I spoke to does not, and I often...I also need to apologize Commissioner for them not being here because you see, they can't afford boats, they're working two, three, four jobs with children. And the unsafe part, there was child that nearly got runned over by a big truck from the Hayes' gate where the driver pulled up in the middle roadway like Mr. Hart had shown on the...his slides, but the guys gets out, he opens the gate, stopping traffic on both sides including, including school buses. And the child goes behind, he's in his truck, out of sight, and I yelled because I was waiting to drive down. We also know that there was one complaint that was made when we were building Kaiwahine Villages that heavy trucks cause danger to the kupuna and the children. Also, I do not know why we cannot or these individuals and really appreciate them, you know, these are small business owners, but they should really be in discussion with Central Maui Baseyard. They should really be in conversation with getting, buying, maybe in a hui land at the Veterans Highway...Veterans Highway, where you see the Central Maui Baseyard is. It is so easy.

Ms. Pali: Sandra, I'm going to interrupt you and I'm going to have you finish the second part of the question so we don't go too far off the trail.

Ms. Amaral Crouse: Okay, what was, what was the—

Ms. Pali: The second question is, do you have knowledge about them stating that this is currently being discussed? As we all know, South Maui has been meeting for six months plus in developing the new proposals for the community plans. Commissioner Deakos we are going to see that and ultimately, we're going to put our manao—

Unidentified Speaker: She's on CPAC.

Ms. Pali: --on that and then we're gonna send it up for Council for approval. So, it's gonna come here before it goes there. They're in discussions now and his question was do you have knowledge that that is the case that this area is currently being targeted to be light industrial anyway. That was the question. Yeah, do you know, have information about that? And if you don't it's okay.

Ms. Amaral Crouse: No, I do, I do, but I need to answer it this way if I may?

Ms. Pali: Okay, sure.

Ms. Amaral Crouse: The knowledge that I have is that, no, because the light industrial that they have in mind is not light industrial. This is bordering truly light industrial. We have business owners. I walked that. You've got mom and pop small business, no cars, no trucks and I heard some testimony from the other side that there was a lot of havoc in the Kihei commercial area that goes down by the gas station. There is none, there is none. That's false. That's false. But yes, yes, Commissioner it creates danger because this will expand. You've heard fabrication come up in the testimony today. These are trucks and construction people who testified for it, totally in need and I go out...my heart goes out to them but—

Ms. Pali: Okay Zandra, I'm gonna have to cut you off, I apologize.

Ms. Amaral Crouse: I'm sorry, I'm sorry.

Ms. Pali: No worries, no worries. Commissioner Deakos, do you have any other questions?

Dr. Deakos: No. Thank you, I appreciate that.

Ms. Pali: Okay, we appreciate your passion towards this projecting the community. Thank you. Any other questions? Okay, seeing none, thank you so much. Okay, I think Keith Zielinski is back on the line. Keith, can you hear me? If so, unmute your phone.

Mr. Keith Zielinski: Yes, I can hear you.

Ms. Pali: Great. If you can state your legal name and promise to tell the truth and we will have you...give you three minutes to testify.

Mr. Zielinski: Keith Zielinski and I promise to tell the truth. The number one thing we should be concerned about is the safety of our keiki. And we've all driven through Kihei and seen boats and pool trucks and excavators and trailers and yard equipment parking in little two-lane roads on both sides, so you can only drive a bicycle down the middle. Kids are running inside and outside of these boats because there's no place else to store them. And when a car's coming one way, and a kid's coming the other way on a blind corner with a boat, it's a bad thing. We need some place to park these things to keep our keiki and kupuna safe. And this yard is not gonna endanger people, it's gonna save lives, it's gonna save children. That's all I have to say.

Ms. Pali: Great. Okay, let me...stay on the line and let me see if any of the commissioners have questions? Any questions, Commissioners? Seeing none, Keith I got one for me. Can you just confirm if you're for or against the project? I was a little confused.

Mr. Zielinski: I am for the project, extremely for the project.

Ms. Pali: Okay. Okay, why don't you just...it's easier when you just say it. So, that's great. Thank you, Keith. Thank you for your testimony. Oh, wait a second, I got one more question, Commissioner Vice-Chair Thayer.

Ms. Thayer: Thank you, Chair, and thank you, Keith. I have a question. Are you a boat owner yourself or a truck driver or are you somebody that just lives in the neighbor and knows ...(inaudible)...

Mr. Zielinski: I've been a Kihei resident for 18 years and just driving through Kihei, we've seen the numbers of people who live in Kihei, the amount of small businesses that have started. There's no place to park them. I actually own a vacant lot in Kihei as well. And I get probably two or three phone calls a month from people asking me to rent space to them, but I don't because I'm not in the business of, you know, storing boats and things or equipment or lawn equipment. You know, if you drive even through the community just to the north that the lady was just saying it's creating a safety hazard, there's boats and there's equipment on trailers and there's lawn equipment parked in the road instead of in their yards. And it's, you know, scattered all over the neighborhoods and it just creates an unsafe driving environment and an unsafe place for children to walk and ride bikes.

Ms. Thayer: Okay, and so just to confirm this is just your observations as a Kihei resident for the past 18 years.

Mr. Zielinski: Yes.

Ms. Thayer: Okay, thank you.

Ms. Pali: Stay on the line, Keith. Commissioner Apo, you've got questions?

Mr. Apo: Hi, thank you. I just had a quick question for Keith. How do you feel about say maybe five or six semi-trucks starting up at 2:30 in the morning right outside of your house? Would you...have you ever experienced that or what's your thoughts on that?

Mr. Zielinski: Oh yeah, I live in Kihei. I hear chickens every morning. I hear roosters. I hear semi-trucks driving down my road. I hear neighbors yelling. Yeah, there is noise in Kihei. You know, I don't, I don't think their plan is, you know, I've I've known the Hayes for a few years and they've always been very respectful of other people's lives, lifestyles, and I don't think their intention is to have to semi-trucks starting up at 2:30 or three o'clock in the morning. You know, I'm sure there will be restrictions on that because they live just above it. And I don't think they want to semi-trucks starting at 2:00 or 3:00 in the morning, either.

Mr. Apo: Okay, cool. Yeah, I drove truck in the past, and I know there's not a pleasant sound in the morning when I would have to start it up for like a early morning shift and whatnot. So, I just wanted to know if you knew what community's input or feel would be as far as hearing those trucks start up early in the morning. Thank you.

Ms. Pali: Okay, great, Commissioner Apo. Any other questions? I've got one Keith. So, to...I'd like to repeat back what I think I heard you say in your testimony, 'cause the reason why I got confused earlier is because at the end you said, you know, this baseyard would actually, which I can see, but would make the other neighborhood safe because now these vehicles, these construction vehicles, they have a place to go. So, we're actually then taking them out of the current neighborhoods. Was that the tie in there?

Mr. Zielinski: Yes.

Ms. Pali: And that's what makes the other neighborhood safe because we're now taking it off of residential, you know, side street parking, front yard and we're gonna put it to a light industrial location where it would belong.

Mr. Zielinski: It's not other neighborhoods, it's all neighborhoods.

Ms. Pali: Right.

Mr. Zielinski: Even the community just to the north because people are illegally parking vehicles with trailers and trucks and boats on the road--

Ms. Pali: Right. Oh, yeah, I'm not arguing with you--

Mr. Zielinski: --where they shouldn't be parked.

Ms. Pali: --I just wanted to make sure I understood it.

Mr. Zielinski: Yeah.

Ms. Pali: Okay, and the reason why I said other neighborhoods because you are failing to recognize that this is a neighborhood.

Mr. Zielinski: Yes, yes.

Ms. Pali: So, when I say, other, I just mean the other neighborhoods because now we're just going to centralize it. So, while the other neighborhoods I agree will have the freedom, we will then just increase the risk but it will be in one central area. I just wanted to clarify that was the message. So, I want to understand it.

Mr. Zielinski: Yes.

Ms. Pali: Okay, thank you, Keith. I appreciate it.

Mr. Zielinski: It will also make this neighborhood has vehicles and trucks and boats and stuff. There are boats in that neighborhood. Maybe not everybody has a boat, but there are boats parked on the side of the road in that neighborhood along all those streets.

Ms. Pali: Okay. Sure, sure, got it. All right, I appreciate your testimony, Keith. Appreciate you being here. Okay, this is the time where we're gonna do another last round of any other testimony. Someone that was here that didn't get a chance or anyone on line that wants to join in on the conversation. I'm gonna give about 30 seconds. If you are listening and you can't access the chat function, go ahead and unmute yourself with your phone and you can go ahead and chime in here please. So, this is public testimony on the District Boundary Amendment and Zoning Change for Ohukai Light Industrial Park with Christopher and Candice Hayes, and we are open to public testimony, anyone on the line? Going once, going twice, okay, Carolyn let the record show we are closing public testimony. Okay, so before we get into the rest of commissioner's questions and any other presentation, I'd like to take a five-minute break. All right, so we'll be back in five minutes. Thank you.

A recess was called at approximately 10:14 a.m., and the meeting was reconvened at approximately 10:20 a.m.

Ms. Pali: All right. It is 10 20 a.m. and it is June 13th, and we are back in session. Maui Planning Commission. Okay, so commissioners, before I let you guys have your questions with the applicant, I would like the applicant to maybe comment or do a follow up summary of some of the things they heard that might help us with some of the questions we have, and then we'll go into our direct questions. So, Mr. Spence, would you like to maybe about five minutes?

Mr. Spence: Sure.

Ms. Pali: Okay.

Mr. Spence: No, I know I'm going to forget. Yes, okay, I know I'm going to forget something. Commissioner Deakos had a question about what...what's the CPAC doing with this area? And what I'd like to do is share again the screen, there...this is, this is what the CPAC just reviewed and has moved on since...isn't doing what...

Ms. Pali: And Mr. Spence, if I may, since Commissioner Deakos is a very new commissioner and he has not reviewed a plan yet, the process Commissioner Deakos is we're in the public phase, which is an amazing phase and there is a board that's established called the CPAC, and they go into the community and they have multiple meetings where they start to shape and

mold, what do we want this area to look like in regards to usage? And then they start mapping and identifying those parcels. And also, they review the urban growth boundary line. Do we want to allow sprawl here? Do we want to protect this area and keep it open space? So, they're working through this and they usually take about a year to two years to do that. And then when they're done, they come back to us and we either agree or don't agree, we make more changes, and then it goes to Council for approval. So, just so you know that this is just the beginning phases of what the county is saying, they may or may not like...the community, excuse me. But keep in mind when we say the words community, it may be 30 people, it may be 100 people, but there might be like 15,000 people in the community that may or may not participate. So, I do want to open, like have that loosely the word, "community." So anyway, so this is the very first phase of it. And Mr. Spence, go ahead and share with us what you've learned in the recent meetings.

Mr. Spence: Okay, thank you. And...but to answer Mr. Deakos' question, as, as the Chair is saying, the Citizens...Community Plan Citizens Advisory Committee is at the beginning stages. Actually, they're fairly well into the process already, and they've been reviewing section by section of the community plan. This was the last section that they reviewed. They're headed on now to Wailea. And this property, the Hayes' property, is designated employment center. So, that has already passed through the CPAC process and their support for this designation employment center, it includes light industrial uses. It includes all kinds of businesses. So, what's going to be coming to this body is, is that very designation that this should continue to be designated for these kinds of uses.

I have to comment on I know Mike Moran well, I appreciate his comments. But if this is delayed until the County Council and ultimately the Mayor signs, you know, an ordinance adopting this community plan, it's, it's going to be, I think, more than two years because the planning commission, I think, has six months. County Council, at least in the past community plans, have delayed and delayed and taken two years more to adopt a plan. So, my clients are small business owners and they're paying a mortgage on this property, paying a mortgage on a property that you can't use for another two and a half, three years is very difficult. County Code the way that it is right now says, until a new community plan is adopted, the old community plan is in place, in full force and effect. The community plan we have now says, light industrial. That's, you know, that's the law. That's what's going forward.

With all due respect to the to the testifier the...I'm very aware of Central Maui Baseyard, and I know the owners very well, I know Rob Stoner. I sit on a board with him. The roads within Central Maui Baseyard are substandard. They're, they're very narrow. They were never built to County Code. They were built at a time when that was not required. So, it is a very busy area. It is very crowded. I, just driving my vehicle in and out of there, I have to stop. This project, what the Hayes want to do is not that situation. It is not that situation. We're building a roadway that's to county standards whereas Central Maui is not. What the Hayes want to do is...the...and I know that there's the concern, the concern over ingress and egress to this site. It's really what the Hayes did with their project is change the project as a result of the test...of what the testifier earlier comments as well as a couple of others within the community. Right now, there's a gate. Like I said, when somebody leaves the site, they have to open the gate, pull out into the middle of the road, stop, go back close the gate, get back into their vehicle and continue on. What we're proposing to do is put in a full intersection just like every other

intersection in the area. So, the concern about people pulling into the middle of Ohukai Road, that will be completely eliminated and that is as a result of community input.

I would also remind the commissioners that my clients are not aware of any incidents that have gone on the road, but they are, you know, they are going to live right there, and be paying attention. They're very receptive to the community as you've heard. They did have a petition. Candice, God bless her heart went up and down the residential streets. I mean, all of the residential streets and got people to sign the petitions. So, it's not just the businesses on the makai side, but these are the area residents that are saying, I have no, I have no problem with what's the Hayes want. Commissioners, I'm happy to answer questions.

Ms. Pali: Great. Okay, so if you can stop screen sharing and then I can see the other commissioners and I think I'll do two rounds with the commissioners, so I give everyone a chance to ask whatever questions they have and I can start with Commissioner Thompson since he's right to my left.

Mr. Thompson: Thank you, Chair, and thank you, Mr. Spence. So, clearly, I do see that there is a need. Also, we have to, you know, be respectful of the neighbors there. Is it...is there restricted hours for doing business there?

Mr. Spence: We haven't discussed that. I think, you know, normally contractors, they...I'm a former construction guy myself. I was up by five o'clock out to the job site by six. We haven't discussed that at all. But they can, you know, that's certainly a consideration they could put in there in their lease documents.

Mr. Thompson: Sure. And one other would be, is it possible--there's no sidewalks on either side of the street there, correct?

Mr. Spence: There's no sidewalks...I believe that's correct.

Ms. Pali: That is correct.

Mr. Thompson: Would it be possible to put one on the residential side of the street, and that would keep all pedestrians. Because there's nothing else pedestrian on...

Ms. Pali: So, you would have to...they don't control that land on the other side. So, they would have to do it on their fronting which actually would match because the gas station, the old...used to be a video rental store, but I don't know what it is now. And then Kihei Commercial Plaza, they all have sidewalks.

Mr. Thompson: Oh, they do.

Ms. Pali: So, if they were amicable and if that's something that you feel strongly about, it would continue to maintain the same consistency with the industrial uses of a sidewalk and fronting.

Mr. Thompson: Yeah, I can see that alleviating some of the, the issues there. That's all I have for questions. I have a question for you and your questions. We're going to be making a

recommendation. So, it's something that we all have to agree on. So, when you asked about hours of operation, are you going to require that as a condition or were you just curious?

Mr. Thompson: I thought it would be a condition, but—

Ms. Pali: Okay.

Mr. Thompson: --I'm not sure—

Ms. Pali: Okay, and then the sidewalk, do you want to—

Mr. Thompson: Same way.

Ms. Pali: --make that a condition?

Mr. Thompson: Same way.

Ms. Pali: Okay. Okay, do you want to make comment on either of those two? What's your concern if they were to be conditions, recommendation? We're not the authority here. It would just be a note saying, here these are some conditions we think should go along with the approval. But I do want to have this working group here, so...

Mr. Spence: I've, I've not spoken to my clients about hours of operation. I know for the construction industry that's...I can see late at night. That be kind of humbug. But we are going to have that buffer that shields that vegetative tree buffer that shields the community. As far as sidewalks go, I suspect Public Works is going to require that at some point anyway.

Ms. Pali: Okay.

Mr. Spence: But, so, I think they're amicable to providing that on our side of the road. I'm agreeable to putting it on our side of the road. The other side of the road, that's private property, and it's going to take Public Works requiring some kind of dedication.

Ms. Pali: Yeah, yeah. Okay. And talk to them about the hours of operation. It could be long hours, but, but, consideration of a potential like when the baseyard's open, hours of operation. Okay, we'll go over to Commissioner Hipolito. Any questions, Mr. Hipolito?

Mr. Hipolito: Thank you, Chair. Mr. Spence, it was never spoken about, but my question is regards to electrical power, water, water use, sewer. Is the clients that is awarded their leases would they be responsible to bring in their own porta potties for example?

Mr. Spence: Thank you for that question. Yes...well, overall, the utilities are in place. There's electrical to the site, there's water to the site, with regards to wastewater, during construction he's going to put in I think it's an eight-inch line, but it's not immediately going to be tied into the, to the municipal system. What they're going to do is have porta potties and each tenant will be responsible to...for their own maintenance. And that's...I ran that by Department of

Environmental Management, also ran that by the State Department of Health, and they had no objections to that.

Mr. Hipolito: Okay, and as far as water and power, would that be run up to each of the 21 parcels?

Mr. Spence: Yes, there will be water made available to each one of the leased spaces.

Mr. Hipolito: Okay. Based on that 21, do you know or just roughly, can you tell me what's your use going to be per day?

Mr. Spence: For, for which?

Mr. Hipolito: For this when you got 21 parcels leased out? Can you give me an idea of what your estimated water use will be per day?

Mr. Spence: So, Mr. Hipolito, Commissioner Hipolito, we're gonna have our civil engineer respond to that question.

Mr. Hipolito: Thank you.

Mr. Jacob Freeman: Jacob Freeman answering the question. Mr. Hipolito, the, the current plan shows an 8-inch water main being brought in. So, it will remain private. So, there will be a double check detector assembly at the intersection and that section of, of the water line will remain private for fire protection purposes. Separately, there will be a 1-inch water meter that will service all of the units, you know, not anticipating an excessive amount of additional water use, but that 1-inch water meter will be able to provide quite a few gallons per day if it was necessary. But I believe when we talked about it a couple of hundred gallons a day per unit for for washing vehicles, those types of things. But it's not, not like we're having a nursery or anything like that at this point. Mr. Hayes is here to answer any of those other questions that you might have.

Mr. Hipolito: No, continue, Mr. Freeman. You mentioned washing of vehicles, so you are calculating part of the operations to wash vehicles on that property.

Mr. Freeman: We have not factored in any of those for washing of vehicles. It will depend on who leases those properties. That would be a case by case basis. When I think of that...as a former member of Central Maui Baseyard, and what we, what we used our water for was to wash off the dust coming from a job site or something like that. We did have silt socks around our vehicles in case of any contamination or anything like that and had our vehicles on filter fabric, things like that. That's what I envision is every once in a while, spraying off some dust on a vehicle, not necessarily using a bunch of simple green or something like that.

Mr. Hipolito: So, basically...okay, thank you. Based on...and that was going be my next question. So, we talked more about boats and construction, but technically anyone can apply for this lease or you got 21 people waiting or 50 people waiting for those 21 parcels. You know, so based on that, and again to answer Chair Pali's question to Commissioner Thompson.

When you get into that, I would like to see some conditions be placed also to ensure that I we washing vehicles, that those vehicles is captured those wash waters because of residual oils gonna be coming off those units, yeah? So, the next question I have, and it's kind of segway from what Commissioner Thompson brought up. And I think a lot of people mentioned about the sound for our residents there. Again, being a former truck driver, it's like a lot of us here, the engine brakes, they make a lot of noise and sometimes truck drivers use those engine brakes to shift their trucks to match the engine speed with the ground speed and it triggers a lot of noise, I used to do that. So, would the client be opposed in putting up signs in designated certain areas of no engine brakes to be used?

Mr. Freeman: The client has no objection to that, at least on the private property side. I'm not sure what we can do as soon as we get to the county right of way.

Ms. Pali: That's right. Commissioner Hipolito, what we can do is we can maybe require that this is in their rules and regulations to each of their tenants.

Mr. Hipolito: Thank you, Chair.

Ms. Pali: That as they approach the neighborhood that they commit to not using...I gotta look because I don't know what you're talking about, engine brakes.

Mr. Hipolito: Engine brakes, yeah. It slows the engine down.

Ms. Pali: Okay.

Mr. Hipolito: Okay, thank you, Chair.

Ms. Pali: Okay, so yeah, we can have that requirement in their rules and regulations for the leases.

Mr. Hipolito: Okay, thank you, Chair. That's all the questions I have.

Ms. Pali: Awesome. Thank you, Commissioner Hipolito. Okay, Commissioner Apo.

Mr. Apo: Thank you. I just had...I forgot who the traffic study was done by. Was there a recommendation—this question is for Mr. Spence, sorry. Was there a recommendation to—I heard something about a left lane. Is that at the bottom intersection with the highway coming from Ohukai down?

Mr. Spence: Yes.

Mr. Apo: And what was the recommendation?

Mr. Spence: The recommendation was from the traffic engineer was to put in a left turn lane and a median refuge at Ohukai Road and Hukulii Street.

Mr. Apo: Okay.

Mr. Spence: And I see Randall Okaneku on the...I believe, yeah.

Ms. Pali: Commissioner Apo, Randall is on the line, I believe he's in charge of the traffic study if you've got direct questions for him.

Mr. Apo: Okay, thank you. So, Randall my question was just looking at the traffic flow coming out from those baseyards, I'm not sure what kind of vehicles or amount of traffic be coming down there until they have it set. Do you recommend...did you look at the left-hand turn lane headed towards Wailea onto the highway coming from Ohukai. Is that sufficient enough to sustain the neighborhood people traffic coming out when there's the new high school built also headed to work with the traffic flow there.

Mr. Randall Okaneku: The left turn...the left turn lane from Ohukai Road is what you're talking about?

Mr. Apo: Correct.

Mr. Okaneku: Yes, that's sufficient.

Mr. Apo: Okay, perfect. That was my only question. Thank you.

Ms. Pali: Great. Thank you, Commissioner Apo. Thank you, Randall. Commissioner Lindsey, do you have any questions?

Ms. Lindsey: Good morning. So, along with boat parking comes boat fixing. Are there plans for dry dock tenants potentially there?

Ms. Pali: I think under light industrial that would be allowed, but I'll let the applicant answer.

Mr. Spence: The question was, are dry docks allowed?

Ms. Lindsey: Yeah, well there's a need for boat parking but there's also a need for dry dock places to do dry dock, and with boats come fixing them. And my concern is the drainage and the, you know, kind of similar to Mr. Hipolito's concerns about washing like all of...washing the trucks and stuff, all of that extra stuff that comes down when you do dry dock in that area. Another concern I had was about the water use in the area. It's a dry place. And putting an 8-inch main which is required for fire and needed is a concern having a place with no water have so much availability of water. I just was listing my concerns for you. And something we might, I would be interested in putting on our suggestions.

Ms. Pali: Okay, Commissioner Lindsey, we have to sort of formulate the concerns into either something that could resolve or assist in avoiding the issue or creating a rule that would mitigate the problem. So, going back, and I'm glad you brought it up 'cause I needed to go back to Commissioner Hipolito. He had concerns about washing potential oil and other chemicals that might be going down and draining into the land. I didn't know how to formulate that into a condition. So, now that you've brought it up, we do need to sort of, what, what's the solution

here. I don't know if Tara or Director Aoki has a... Commissioner Hipolito were you concerned maybe within like what's the resolution there like prohibiting drainage...oh, maybe, maybe Mr. Spence can help us there.

Mr. Spence: Thank you, Madam Chair. One of the, the recommendations by the Kihei Community Association was to include best management practices. You know, BMPs into the lease documents. And I think that's an...instead of making those...these different things outright conditions that, you know, about washing whatever, have the lease documents include best management practices, including with all due respect to our civil engineer, no Jake brakes, using filter fabric when you're washing. A suggestion also came up if you're servicing a vehicle, you have a concrete slab to serve it when you're surfacing, excuse me, servicing, and that would catch any drips as a result of doing the service on site.

Ms. Pali: Good point. Yeah.

Mr. Spence: Those things could go in the least documents.

Ms. Pali: Yeah.

Mr. Spence: And then, you know, of course, because Chris and Candy are...I don't know how you would ever put this in documents, but Chris and Candy are very cognizant of what they want going in next door to them.

Ms. Pali: Sure.

Mr. Spence: And next door to the, to the area residents, they can just say, no, no, kind of uses like Commissioner Lindsey was concerned about dry docks, you know, some of the things that go on with that. They can monitor. They can prohibit. They can just say, no, we're not gonna lease to you.

Ms. Pali: Sure.

Mr. Spence: If it's...if there's going to be those you know, really obnoxious uses.

Ms. Pali: So, so since we're on this and if I may Commissioner Lindsey, I think unfortunately at least for the five years I've been sitting here, in my opinion the worst thing we can do is leave it to someone's...yeah, like what they...everyone has a different level of what they think is okay, what's not. And when we've done that in the past with these, which I'm sure you've seen, and then it doesn't get mitigated because they've failed or they've now sold and gone to Acapulco or whatever. And now the new owner comes in, there's no way for us to say, hey, did you do what you promised? And now we're all suffering. And so, I think we're most comfortable to have...we want to work with them because this is their, their kuleana, so we want to work with them. And but, I think we would feel safer to recommend saying, hey, what can...is amicable to them that still offers this very huge need for the community, but on things that we can follow through to say, hey, you promise to make sure this oil and this chemical wasn't going into the soil. We've got two years of this stuff draining into our soil. You've not done your job and now there's consequences. And it's not personal, it's just the right thing to do to just make sure that

people who make promises that get development, that they are, they're mitigating and managing as they promised. There's no doubt in my mind this couple is going to manage it the way they should. But in the event they decide to change course in life or move, we want to just make sure that the next owner would take care of it properly. So, if you could talk with them on what that would...We don't want to put something that doesn't make sense or it would kill the opportunity to serve the community, but we would probably want something in the condition. There's still going to be BMPs inside the rules. I think that's great. We appreciate that. And maybe before the approval, we can get a copy of that when it goes to Council, but maybe just...is that what you're looking for Commissioner Hipolito and Commissioner Lindsey? I might, I might have been out of line, but I believe that's what you're looking for when you say you want it in a condition versus just managing.

Mr. Hipolito: I'll go first, Chair. You're in line. There's many methods out there in how you can capture...Mr. Freeman kind of mentioned about absorbent pads, mats. More construction companies are doing that at night. They're parking it. They've got, I call them absorbent sausages that's around there. You know that provides us that we're as the commission, planning commission is looking after our concerns for the community, which is again, what can go into the ground? And so, yes, you're in line. I'm...that's what I'm looking for Chair to look at the methods. Whether you call it best management practices. You know, but having something that we can feel comfortable that it's going to be followed through. That's it. Thank you.

Ms. Pali: Great. Commissioner Lindsey, you want to chime in?

Ms. Lindsey: Yeah, I agree with Commissioner Hipolito. I kind of just wanted to add the dry dock to his, whatever his concerns were, because I don't know the exact things that come off of it, but I know there's a need. So, I don't want to exclude the use, but I do want to make sure that it's taking care of properly.

Ms. Pali: So, when a boat is in dry dock, they're basically stripping it and fixing it and doing all these things to get it seaworthy again from my understanding. And so, it sounds like that kind of work, including mechanic, draining oil, and doing oil changes or whatever, it sounds like the mitigation would be very similar that we're protecting the ground so that those things aren't leaking into the soil. And so, unless I'm too wrong, that might be the same answer that any kind of usage that would allow, that could allow these kind of toxic chemicals to go into the soil, that this mitigation would be taken. Kind of a generic, but I think it'll encompass all of the items.

Mr. Spence: Would you please?

Ms. Pali: Yes, I could be totally off the wall because I know nothing about this, but I'm assuming anything that would allow hazard material or chemicals to go into the soil would all need to be mitigated the same way, some kind of concrete base or pad, whether you're doing dry, dry dock or changing the oil to your, to your car. So, it sounds like the mitigation measure would be the same. Does that sound about right?

Mr. Spence: It sounds about right.

Ms. Pali: Okay, and so did you, do they want, do we, should we be listing that if these things are done, it will be, it will be something that the owner could agree to, to say, hey, we would confirm, and we would agree that if these things are going to be allowed with any of our tenants that we would require this BMP.

Mr. Spence: Yes.

Ms. Pali: Okay.

Mr. Spence: And, and that's pretty much what we were talking about. Drydocks, and I'll just comment, drydocks, we're not going to be applying paints.

Ms. Pali: Okay.

Mr. Spence: Because the boats are going to be on trailers. You can't paint the hull while it's on a trailer. Other repairs could take place. What we were, what we were talking of doing is, is conferring with the civil engineer, coming up with a list of BMPS, and we will at least provide that to the County Council. I think that this is a good step forward to be able to do that and it'll be made a part of every lease to every tenant.

Ms. Pali: Okay, but as far as a condition that they're going to write there, what are you comfortable saying? I think Mr. Hipolito wanted you to name the actual practice like the best management practice since there is several. Or are you okay to just reference best practice management, commissioner?

Mr. Hipolito: Yes, correct.

Ms. Pali: Okay, you're okay to just name best management practice.

Mr. Hipolito: Yes.

Ms. Pali: Okay, wonderful.

Mr. Hipolito: That is correct.

Ms. Pali: Okay, great. All right, back to Commissioner Lindsey. Anything else?

Ms. Lindsey: No, that's it. Thank you.

Ms. Pali: Okay, so Tara and Director Aoki and I are doing our best to jot down these things, so we can repeat it back after. Okay, Commissioner Deakos, you're ready?

Dr. Deakos: Yes, thank you, Chair. So, yeah, a lot of the lines of question were right up my alley as well. Just to go back to the community concern and correct me if I'm wrong, so it sounds like the community has been there prior to the existing community plan. So, when that process went through the CPAC that was flagged, I guess it's currently Ag zone, but it was flagged for light industrial, and it sounded like they've already gone through that section under

the existing CPAC, and it looks like it's still a light industrial. I think you called it something else employment center or something, but it sounds like through that whole process, the community there either was outvoiced by other folks, or they were in line with the, the zoning that it's undertaken to this point. Is that about right?

Ms. Pali: I would say that the zoning today reflects the last authority action, but as we've evolved and updated these plans as we're supposed to every ten years, the last time they updated it, the community at that point said, hey, we're okay with these things, this area to be light industrial. So, at that point, it's then the owner's responsibility if they want to apply for that use to then come here, which is what we're hearing today. They're saying, hey, the last community plan says that we could go light industrial. So, we think we want to do that and now they're coming here for that zoning change. Is that about right?

Mr. Spence: Yes, that's correct. This was...this light industrial designation was on...it's on the current community plan, and I would say, just add that those community plans go through, again, years of community input, community review. When it comes to the planning commission, there's lots of still community input, and when it gets to the County Council, the same, there's lots of testimony, lots of discussion back and forth. So, it is a reflection of years of input.

Ms. Pali: Yeah, so the fact that the current community plan that was done, I don't know how long ago, it already sort of allowed for this use in this area. And so, it's allowed, even though right now, currently the zoning does not reflect that.

Dr. Deakos: Sure. Thank you. Yeah, I'm familiar with the CPAC process. So, I just trying to gauge because we had one testifier saying that the community was not in support. I'm just trying to gauge the history of those discussions that led to the current plans. Okay, I appreciate that.

Ms. Pali: Well, what we don't know, Commissioner Deakos is the community today, the community at large today if they agree with what was done 10, 15 years ago and if they don't, they have the opportunity today now, since CPAC is meeting now, we're in the process now on phase one, they do have an opportunity to say, hey, I think I don't like that designation, I think we want to change it, and that could very well happen. But I think based off of the applicant's representation here, they've been watching the CPAC and what they've done and he didn't seem to see any change to that area so far.

Mr. Spence: Right. That's correct. They've moved from this area--

Dr. Deakos: Okay.

Mr. Spence: --further south into Maui.

Ms. Pali: Yeah, but we don't know how many people testifier against or for, we don't, we don't have that information.

Dr. Deakos: Sure, but Mr. Spence, Mr. Spence you said that they have kind of gone past this section in the existing discussions. I know it's a long process. It could come back there again and change, but as what you've...(inaudible)...so far, it seems like it's consistent with the previous plan.

Mr. Spence: That's what I've witnessed so far. The advisory committee has been taking section by section. They went with North Kihei first...well, with Maalaea, North Kihei, so they're dividing the community plan area into sections. They've gone section by section headed south. So, they've already covered this section. And the map I showed you is, I'm certainly not aware of any changes to it. And they've moved on to South Kihei—

Ms. Pali: Different section.

Mr. Spence: --Wailea, and then Makena.

Ms. Pali: And if it's okay guys, I'm going to let the Director chime in on this.

Ms. Aoki: Thank you. Commissioner Deakos, I also wanted to just let you know that the recommendation for employment center was made on the onset, so that was in the draft plan. So, the South Maui CPAC has, I mean, basically approved or agreed with what was recommended by the Department in the draft. So, in that area.

Dr. Deakos: Okay, and they called it an employment center. But the uses we're talking about today fall under that category per se.

Ms. Aoki: Yes.

Dr. Deakos: Okay. Okay, I appreciate that. My other question, just in line, obviously my, you know, I think the fact that there's impervious surfaces here normally would be great that they're circulating and trying to address some of the drainage issues by, you know, the sediment basins can be an issue, as you would see them, they're not maintained. So, I always prefer to see the percolation happen throughout the property. But given the uses we're talking about, you know, I was a previous boat owner, you know, we're changing leg oil and gear oil and there's obviously going to be significant toxins that are going to be landing on this gravel surface. So, I agree with the intent to try to mitigate that, whether it's in the lease agreement. I'm not sure BMPs often abused, that I think they're overused. We don't see a lot of success with just say they're going to revert to BMPs. So, Mr. Freeman certainly talked about those...referred to them, the absorption fabrics, and things like that, I don't know if everyone would be using those types of things or maybe there's a dedicated area if they're doing some potential hazardous work that those equipment be moved in that area and it be captured there. I don't, I don't know the answer, but I do like the idea of mitigating that some type, somehow in the language of the lease agreement.

I, I do know also, I don't know if this addresses anything that there is pollution or liability insurance that the property owner can get. Now that's just protecting them in the future if there's...it's shown as contamination, but it would require a soil test baseline. So, you could get some baseline, so if you actually, you know, found that there was abuse or there was some

toxic leakage, there would be a way to measure that from the base, from the existing baseline or if the property is sold, the next property owner is not liable for what went on during that process. So, I don't know if that's...I...that that certainly protects the landowner, and maybe it provides more incentive to have the lease tenants lease follow the rules. I don't know, but I guess I don't have a strict recommendation, but I would like to get the language in the lease agreement pretty solid that we can prevent, you know, we know there's going to be significant toxins coming off the water use, the spray downs, the washing, any of the work that's being done in this property. So, if we can mitigate that the best, we know how that that would be my biggest recommendation.

Ms. Pali: Okay, thank you Commissioner Deakos.

Dr. Deakos: And that's all I have, thank you.

Ms. Pali: Appreciate it. Okay, so, I think your last comment would just sort of be in line with Commissioner Lindsey and Commissioner Hipolito. And so, we'll figure out a wording for that so that we're...yeah, on same page there. Commissioner and Vice-Chair Thayer, last, but certainly not least.

Ms. Thayer: Thank you, Chair. I do have a couple of questions. One is, I recall from your presentation that your intent for the change in zoning is to be M-1 only and to exclude B-1, B-2, and B-3 uses. I don't see that written anywhere. Would you be open to us including that as a condition?

Mr. Spence: Yes, we would be open to that.

Ms. Thayer: Okay, and along the same lines, I'm hearing and reading that like for the, the uses that would occur within each leased site, there would be no building of any structures.

Mr. Spence: At least for this owner.

Ms. Thayer: Okay.

Mr. Spence: I mean, they, they, they don't want any structures so long as they own this. That's going to be for decades. They can't vouch for, you know, a future owner. But just the way that, that it's being proposed with no B-1, B-2, B-3 that that guarantees that in the future, there's not going to be McDonald's, there's not going to be any of those really intensive uses on this property. It's always going to be a lower intensity use.

Ms. Thayer: Okay, and kind of speaking to that, so, the permitted uses in light industrial allow for more than what you're talking about. Like, there's, like poultry or rabbit slaughter. There's mortuaries and morgues, milk bottling and central distribution, manufacturing of some things, small boat building. So, like more intensive than what's being talked about.

Mr. Spence: Yes, at some point in the future, when these folks don't own it anymore.

Ms. Thayer: Okay, would there be any openness to condition to further limit the use? Because I'm thinking about, you know, everything that we've heard today, everything that the community has heard today, everything that's been discussed, everything that we are assessing is based on this being like you say, very low intensity use limited to only like no buildings and basically storage and very light other use like washing things, maybe aluminum fabrication, like all of the impacts that we're talking about and try to mitigate are for these kinds of uses. And if that's all we're approving, it becomes problematic if in the future somebody buys the property and they're like, Oh great, it's light industrial. I can do all sorts of things here, and we today are not like mitigating or addressing or discussing those higher intensity uses. And so, I think if that is a...like zoning is, you know, zoning can be changed, but for all intents and purposes, it's like relatively permanent. And so, if we are opening up this site to light industrial use, then we either need to like talk about those potential uses in the future or we restrict this to only what is being discussed and put forth now. Because I like I, I appreciate the intent, but I think in our due diligence, in us being, you know, a reviewing body for this and ensuring that all potential impacts are being mitigated that I think we are...it is like our kuleana to look at this.

Mr. Spence: ...(inaudible)...two people talking.

Ms. Thayer: Oh, okay.

Ms. Pali: We'll give you a minute.

Mr. Spence: So...thank you for letting me talk to my client. If I understand what you're referring to is...okay, these folks want to do something really low key, really lightweight, but what about of a future owner that would allow all these things? I think by and large when you're talking about real light industrial, not Safeway Shopping Center, not, you know, no offense, but the Kihei Business Plaza, you know, it's, it's never going to be anything like that. It's always going to be a lower intensity use than what we see in other light industrial areas. The...in the future sometime when somebody puts up a building and they are doing some kind of fabrication indoors, it's actually pretty low intensity as well, it's a warehouse, you have people park outside, all the activity takes place inside. You're not going to be hearing noise too much from the outside. We'd rather not put a deed restriction on it. The way that it's being conditioned is, for a zoning condition, the way that it's being proposed now, it's always going to be less intense. I think the other thing to consider is as we go forward 20 years, 30 years into the future, the need for light industrial space is only going to grow because the population's going to grow. The area all mauka, mostly Haleakala Ranch land, that's all slated for development. There's gonna be a lot of homes up there, a lot more businesses. There's going to be a need for a centralized business area that's part of the thought of a community plan is need a place for businesses to grow. So, for those kinds of reasons we would rather not have a condition on there further limiting the uses.

Ms. Thayer: Okay, appreciate that. Um, let's see, okay, so I guess for now, a question I have is for while these are the owners for restricting the uses to what is being intended, we are trusting that they are going to choose their tenants based on, you know, following BMPs, being low impact type of activity that would happen, is that the case?

Mr. Spence: Correct.

Ms. Thayer: Okay.

Mr. Spence: And that's why the condition is proposed to make those best management practices required.

Ms. Thayer: Okay, and then to like ensure and monitor for compliance with BMPs, the applicants will take on that responsibility.

Mr. Spence: That's correct.

Ms. Thayer: Okay, and so they're going to be making sure that like oil changes are happening on concrete pads, and dust is being mitigated and things like that. Okay. One other question I have is plans for the vegetated buffer. What are you envisioning?

Mr. Spence: The preference is for Native Hawaiian plants, but we're gonna...we've already engaged a landscape architect. We have a preliminary plan. The idea is for native species, but we're also, we have to weigh that against the intent of the buffer to provide dust and noise mitigation, visual mitigation.

Ms. Thayer: Okay. And I did want to mention that Bob Hobdy, who did the flora and fauna, he passed away a few days ago.

Mr. Spence: Nooo.

Ms. Thayer: It's very sad. Yes, yeah, so that's a loss to our—

Mr. Spence: It's a loss to everybody.

Ms. Thayer: Yes.

Mr. Spence: Just so everybody knows, he has endangered species named after him. He discovered species on Kahoolawe that never been seen before. This is a quality, the kind of guy that he was, and a gentleman.

Ms. Thayer: Mm hmm.

Mr. Spence: All the way through.

Ms. Thayer: Mm hmm. He spoke for the trees. He did. Yes.

Mr. Spence: Yeah.

Ms. Thayer: Yeah, yeah. Sorry, that was a side note.

Mr. Spence: No, I'm sorry. I appreciate the news.

Ms. Thayer: Mm-Hmm. Mm-Hmm. Um, but yes, that would be good. And if you, you know, one note on that is seeing as there is ilima on site, if you ilima could be incorporated into the landscaping, that would be really good because it's, you know, already there and obviously can survive in extremely harsh conditions, and it does just fine. And it might not be a conservation concern, but there is a lot less of it than there used to be and every little bit of project like this that takes away a little bit, you know, it's cumulative impacts that are happening and if we keep saying, Oh, it's just a little bit, it's just a little bit, just a little bit eventually, that's going to be a lot. So, to—

Mr. Spence: I think I think we can commit to doing that.

Ms. Thayer: Okay. And there's all shapes and sizes of native plants as well—

Mr. Spence: That's true.

Ms. Thayer: --so you can probably, I hope, figure out the buffer with those. I think that's all my questions for now. Thank you.

Mr. Spence: Thank you.

Ms. Pali: Okay, that was round one. I'll go, and then I'll go back one more time for any other questions that you guys might have, and most of my questions may have already been answered, we'll see. Okay, so we've talked about the best management practices. So, I think we would want to probably consider seeing what a future lease would look like and the requirements and the mitigation. It wouldn't be something today, but maybe we might ask Council to have that as like prior to approval or maybe I don't know how we would do that prior to starting. We would want to see that...the representations of those things kind of come into a fruition of actual document so we can mitigate those things. So, that would probably be on a condition, a requirement to produce that.

The second thing is, did you get anywhere with the potential business hours of the park? I'm calling it a park, it's an industrial park, light industrial park.

Mr. Spence: No. And the reason why is my clients telling me, he'll get calls at midnight because of a broken water main.

Ms. Pali: Sure. No, that's a good point, emergencies.

Mr. Spence: Yeah.

Ms. Pali: Yeah.

Mr. Spence: Those kinds of things come up.

Ms. Pali: Yeah.

Mr. Spence: So, you have to be able to go and—

Ms. Pali: Sure.

Mr. Spence: --...(inaudible)...your vehicle and go.

Ms. Pali: Yeah, yeah. So, I think outside of emergencies, though, would they have standard work hours? Would they have standard, you know, I think emergencies are okay, but I don't know that 21 lessees are going to have...be working at midnight. Yeah, so, I think the emergencies are fine, but I think in general. Okay, well just consider that, I'll come back to that.

I wanted you to name actually a couple of other baseyards that we could visualize, but one of the testifiers named one. I was going to have you name other baseyards on Maui so we can visualize what we're looking at. And one of the testifiers named one, Central Maui Baseyard. Can you, can you identify things that they're doing wrong and something that you're committing to not do? Because my biggest concern here is I don't need another junkyard in our neighborhood. I don't need that junkyard, and I'm going to be frank, like to hurt our business next door, and then also like hurt the values of the neighborhood there because you got the junkyard. And so, it sounds like the hands are going to do a lovely job to not get the junkyard going, but if we're not having a lot of these limitations and anything goes, then we all have different ideas of what a junkyard starts to look like and the fact that there's not going to be structures, it means the junk is out in the open. We can all see it. And I do like the buffer, which is great. But can you just name a few things that you know we're not going to do it like they are in these categories? I heard the roads was one. You're going to have wider road, the wider road to standard.

Mr. Spence: Well, we're going to have county standard roads.

Ms. Pali: Okay.

Mr. Spence: And I again, I wouldn't compare this at all to Central Maui Baseyards. It's—

Ms. Pali: Well, give me some details.

Mr. Spence: It's not apples and oranges, it's like—

Ms. Pali: Yeah.

Mr. Spence: It's like apples and tomatoes.

Ms. Pali: Well, that's music to my ears, but how is it a tomato?

Mr. Spence: We have no heavy industrial.

Ms. Pali: Okay.

Mr. Spence: There you have, you know, Hammerhead Metal, you have a lot of manufacturing. It's not just storage.

Ms. Pali: Okay.

Mr. Spence: That's very different. I also think of the light industrial on Waiko Road.

Ms. Pali: Okay.

Mr. Spence: That's...I forget the exact name of the yard, but that's where I get my vehicle serviced.

Ms. Pali: Okay.

Mr. Spence: It's very orderly. I mean, there's...(inaudible)...it's a light industrial area, they have material and stuff piled up, but it's generally pretty darn clean. Back by Costco, that area is building up, again, those are orderly buildings.

Ms. Pali: Yeah, so they'll hid their junk, I mean, I'm just being honest, like it will be inside so we don't have to see it.

Mr. Spence: That, well you're asking me for comparable.

Ms. Pali: Yes, yes, thank you.

Mr. Spence: Back by the old Lowe's building, I don't know what that—

Ms. Pali: Oh, yeah, yeah, yeah, uh-huh, between that Norms.

Mr. Spence: ...(inaudible)...they've done a lot of remodel in there.

Ms. Pali: Okay.

Mr. Spence: But that whole, that whole loop back in there, Realtors Association is...that's pretty orderly as well. It's not...I don't see a lot of junk. I see...I do see materials being stored, but it's not...they're not storing junk.

Ms. Pali: Right, right. Well, and so, to be fair, if depending on Vice-Chair Thayer's decision on where she falls with a condition, I did pull up which I have in my hand the 32 items that are under light industrial. So, if we're not going to put a limit on it, I'm not sure, I think she's still thinking through that, then it's only fair that we review all these uses now. And so, light and heavy equipment, product display, machine shop, metalworking shop that's under, that is allowed under light industrial, plumbing shops, having more than five employees, poultry rabbit slaughter, radio transmitter and television stations, small boating, a soda water, drink water bottling distribution, tire repair. I mean, warehouse storage, whole businesses. I mean, there's a lot that's much bigger than what's being represented here today. And so, we would have to have that discussion to mitigate all these things if we're going to keep that on the table.

Mr. Spence: I think by the fact that most of those are indoors—

Ms. Pali: So, without the structure, then you can't do it.

Mr. Spence: Pretty much.

Ms. Pali: Okay. Well, the fabricating is that cutting—

Mr. Spence: Indoors.

Ms. Pali: Okay, so then he can't fabricate the guy that testified.

Mr. Spence: Indoors. I mean, I—

Ms. Pali: But if there's no indoors, how is he going to fabricate? Does he know that?

Mr. Spence: What he's proposing is really lightweight, drilling holes.

Ms. Pali: Okay, like outside, okay, okay, okay.

Mr. Spence: Welding seams

Ms. Pali: Okay, okay cool. I wanna go to road improvements. So, I wanted to ask Randal, but you might know, and if Randal's on the line. I love the traffic surveys, I love, but I wonder, does Randal consider the size of the vehicle and the type of the vehicle? Is he considering the turning ratio of the bigger vehicles when he's...he talked about traffic study and flow, but are we...are you talking about...did you also incorporate the size and types of vehicles for this particular project? Hi, Randal.

Mr. Okaneku: Hi, generally, the design vehicles, are the field of the civil engineer, the design engineer who will be designing the driveways, the improvements, so forth. I do take into account as far as, you know, the percentage of trucks within the flow which affects the traffic flow. But other than, yes, yeah, as far as —

Ms. Pali: Are you talking about like a Tundra or are you talking about like a dump truck, they're different size, yeah?

Mr. Okaneku: No, well it doesn't really...yeah...(inaudible)...by length rather than the actual type of truck. ...(inaudible)...whether it's a tractor trailer, it's a 60-footer or 80-footer, that kind of thing that I will take into account. And basically, I just use what's on Piilani Highway right now that I, that I observed as far as the percentage of trucks. But like I said, as far as turning movements, that's something that the design engineer would take into account and the county as well.

Ms. Pali: So, to recap, in your traffic study, you didn't include the type of tenants and the type of vehicles specifically they would have in your traffic study? You just used current...(inaudible)...—

Mr. Okaneku: Correct.

Ms. Pali: --now.

Mr. Okaneku: More of a generic type of a vehicle.

Ms. Pali: Yeah. Got it. Okay. And so, as the traffic person, you don't believe that these more unique styles and sizes would impact the flow of traffic?

Mr. Okaneku: It's hard to say because you never know what's going to come down the pike. You have these entrepreneurs coming through that—

Ms. Pali: But we're talking about boats and dump trucks and —

Mr. Okaneku: Yeah, but those—

Ms. Pali: --trailers, and I mean—

Mr. Okaneku: --pretty much trailers type of vehicles. Yeah, those are relatively common. I'm talking about the other things that we have never ever seen before. But—

Ms. Pali: Okay.

Mr. Okaneku: --yeah, I mean, those kind of things, the more common vehicles are, you know, already, already there on the road.

Ms. Pali: Right. So, if somebody wanted you to do a traffic study and include the specialty type, just so if we need to mitigate something, it'd be better to know that now instead of after the fact is that something you can do or you just always doing sort of a standard look.

Mr. Okaneku: Well, it depends. If it's a...if it's known, the use is known, it's a known use, yeah, we can do a closer analysis of a type of number of trucks, basically being generated you know by any particular use. It's just like what you were saying earlier, general light industrial is such a broad scheme. It's just like almost everything under the sun can be placed there so that it's hard to, you know, narrow it down. But yeah, I mean, if you can tell me what, who the users are, you know, we could actually take a closer look at how many trucks are being generated, so forth.

Ms. Pali: Okay, and one more question, Randal. There was a testify, I think his name was Brian that mentioned maybe I heard lights, blinking lights. Hold on. Yeah, I take really bad notes—

Mr. Okaneku: Flashing stop signs. Yeah, I think...I heard that.

Ms. Pali: yeah, so what's your opinion about putting something like that at the entrance.

Mr. Okaneku: I believe he was talking about an all way stop where Ohukai Road stops as well as the driveway. Those kinds of installations require a specific warrant to be installed. We don't just put them up, you know, wherever you feel like it. It's basically the number of cars being generated by this project and number of cars on Ohukai Road whether or not an all-way stop is you know, you know, warranted. So, there's, you know, like I said, there's specific rules that we need to follow—

Ms. Pali: Got it.

Mr. Okaneku: --before we start putting those kinds of controls.

Ms. Pali: So, you're gonna defer to Public Works on that one is that what you're saying?

Mr. Okaneku: Yeah, if they ask—

Ms. Pali: They were the one that do the warrants, yeah. They would warrant—

Mr. Okaneku: Yeah. Well, they may ask just to take a look at a certain warrant, to take a look at our, you know, traffic data to see if it is warranted.

Ms. Pali: Yeah, well again, we're talking about normal traffic data and then specialty vehicles which is different. So, if already you're kind of missing a specialty vehicle—

Mr. Okaneku: Yeah, well—

Ms. Pali: Report.

Mr. Okaneku: --that wouldn't come into play a much because it's more on the volume. Basically, an all-way stop warrant...basically that Ohukai has to, I mean, this baseyard...I'm sorry, the project needs to generate almost as much traffic as Ohukai Road is to warrant the all way stop.

Ms. Pali: Got it.

Mr. Okaneku: That's what...(inaudible)...come to play, so I don't that's gonna happen.

Ms. Pali: I see.

Mr. Okaneku: But you know...

Ms. Pali: Okay. I wonder though, working with Public Works, if they realize the type of businesses, it might change it instead of like the standard. So, I'll follow up with them. Thank you, Randal. You've been super helpful.

Mr. Okaneku: Sure.

Ms. Pali: Okay, Mr. Spence, we did that one, we did that one, okay, we did that one. Oh, okay yeah, so we kinda addressed that one already. Okay, I think really that's all the other questions. Everything else was answered. Yeah, I think as you represent the client today saying, Hey, we know that Central Maui Baseyard has a lot of improvement and things that they can do better, and we don't want to be like that. Like, that's that representation is very huge. You use the word, clean, you use the word, organized, right? You used the word like, low, low impact.

Mr. Spence: Correct.

Ms. Pali: And so, that's sort of what we're reviewing and those things we feel are great. I think the danger is that if that changed one day and that wasn't the case, we just didn't have an opportunity to mitigate properly. I think that's our biggest concern here.

Mr. Spence: If I may?

Ms. Pali: Yeah.

Mr. Spence: The...when I think of light industrial, and I think of really light industrial uses, I mean, they really are light. Okay, if you compare it to County Code, what the heavy industrial uses are, we can't have any of those.

Ms. Pali: Sure.

Mr. Spence: So, when you get into heavy industrial uses, then you're talking about like blast furnaces, boiler and steel works, canneries, chemical manufacturer, concrete manufacture, none of those kinds. Those are truly heavy industrial, and I think those would be very inappropriate for this neighborhood.

Ms. Pali: Sure.

Mr. Spence: What we're talking about for some time in the future are really small businesses going in.

Ms. Pali: Yeah.

Mr. Spence: You know—

Ms. Pali: I don't think I disagree with you. I think that whatever really is presented for the future, we just want to be able to have an honest conversation now about it. And we just want to make sure the representation is as accurate as possible and that whatever intention in the future, it just comes out today so we can just look at it properly. And so, we're just taking what is represented today. I also just want to comment that it's clear that this is...there's a need. I know a lot of these...another disclosure, I know a lot of people that testified today. So, I'm very aware that there's a need and the location as far as being North Kihei is also probably really great. I think it's our duty if we're going to allow this or recommend that we want to support it, it is just that we've done everything we can to just try to find a balance between the residents, the other families, safety and then mitigating the other properties. So, that's all.

Mr. Spence: I appreciate that.

Ms. Pali: Yeah. All right. Last round, going to Commissioner Hipolito. Any last questions?

Mr. Hipolito: Yes, I have a question for Director. So, Director, when I put a 40-foot, 20-foot container on the ground it's permissible. If I got to two containers side by side and I put a canopy over it, is that canopy also permitted?

Ms. Aoki: Thank you, Commissioner Hipolito, you know, there's certain things that trigger building permits, and I'm afraid, I don't know enough to know specially within the Building Code, Title 16, what's gonna trigger a building permit or not. I know these spaces that are, that are converted shipping containers, that are converted and get windows and get doors, I believe that building permit is triggered. For zoning, for us, it would be where are they located, are they located outside of the setback, are the uses that they're being used for allowed? So, two different things we're talking about here if that makes sense. There's gonna be the Building Code under Title 16 that's gonna get triggered and then there's zoning which is what we would look at as far as setback and uses. So, in this case, if you have a use like you want this container to be used for storage, for construction supplies and that is allowed in heavy industrial, that would be okay. But is the actual structure permitted if, if that makes sense. Hopefully, that's making sense. That would trigger them to apply for a building permit.

Mr. Hipolito: Okay, it, it...yes, thank you, Director. I'm just looking at potentially some of these lease lessees may want to put containers there as storage.

Ms. Aoki: Right, right, absolutely. So, and I do think it's important and all of you have been really akamai on this is that while we can be totally respectful of what the applicant is trying to do on this property, you have to look at what your recommendations are for this district in its entirety. So, unless you're willing to or are going to make a recommendation to do conditional zoning, which this will probably already be with the conditions that are being recommended. But as far as the users are concerned, you, you do have that, I guess authority, if you will, to make recommendations to the County Council that you would only like this use, this use, this use and, you know, be very specific on what those uses are that are listed in heavy or sorry light industrial.

Mr. Hipolito: Thank you, Director.

Ms. Aoki: You're welcome.

Mr. Hipolito: Yeah, my...Chair, my question was more behind that a lot of the lessees, you know, everyone, they use storage containers today to store their materials, their landscaping supplies. I do it, you know, and for me, it's just I ask the question because more for aesthetics. I know we're going to have that vegetative buffer that you can see from the road, but that's the only reason why I ask that question. But other than that, Chair no more questions for me. Thank you.

Ms. Pali: Yeah, I only know for personal use on a residential lot that if the footpad is more than 120 square feet then gotta get permit. So, I learned that when I had to put a pergola up. I'm like, it's just a pergola, and I ended up doing two, 10 by 10s trying to get around it, but they counted it as one, even though they're two separate and they're side by side. So, I don't know if it's different on industrial light. Will Spence probably would know because he used to be in the position, and that might be a good, you know, we're saying the word, structures, but as like a 10 as a one of those little storage rooms in Lowes that's like 10 or does that...that's not considered a structure, right? Those are exempt, right?

Mr. Spence: A Pod?

Ms. Pali: Yeah, or a Pod, yeah.

Mr. Spence: Or Rubbermaid...

Ms. Pali: Yeah, what about Matson containers? Is that going to be an allowed—

Mr. Spence: ...that's what we're talking about shipping containers—

Ms. Pali: Yeah, shipping concerns, okay—

Mr. Spence: --as any number of people have already mentioned, there's a need to put equipment inside—

Ms. Pali: Okay, so we know that shipping containers will be a good and an allowed to use as long as no one's living in them, right? Because it does say that nobody can live in there.

Mr. Spence: Right. Never going to be residences.

Ms. Pali: I mean, I'm just saying. Okay, Commissioner Lindsey. Okay, Commissioner Deakos.

Dr. Deakos: Yeah, thank you, Chair. Just a few things. And as far as the...go back to the talks, an issue would, would the applicant be willing to do a baseline soil testing just, just so that in the future, if there's any concern that there's some abuse that can be reexamined and that there's somebody, there's some accountability.

Mr. Spence: My client's reminding me that there was a phase one environmental assessment done on the property already. As far as accountability, anybody who purchases land for this kind of use, they're also going to do at least a phase one, possibly a phase two environmental study. Nobody is just going to outright blindly purchase a piece of property like this so that accountability is there. If there's anything found, they can require a seller to clean it up. There's also a plethora of regulations by Department of Health already in place that covers this kind of thing.

Ms. Pali: So that a no.

Dr. Deakos: So, yeah, it sounds like a no to me.

Ms. Pali: That's a no. Yeah, Commissioner Deakos, Director did mention that the Department of Health does have their list of requirements that whether we catch it or not, they're going to catch it and impose those things onto the applicant.

Mr. Spence: Yeah, I'm not, I'm not, I'm trying not trying to discount the concern, but I'm saying is there's already a ton of regulations in place that cover this kind of thing.

Dr. Deakos: Sure, I understand there's behaviors you're supposed to engage. Everybody engages them. It's just, it's just the accountability. So, if you're going to get pollution liability insurance, They're going to say, Well, wait, we want you to show us there's nothing there now before we cover your liability. So, I just you know, doing a soil, you know, environmental requirements don't require a soil testing. So, if there's no baseline, it gets very challenging to hold someone accountable. So, but I understand that's a no. So, I'll move on.

Ms. Pali: I'm with you. I like that idea, and I appreciate you bringing it up, Commissioner.

Dr. Deakos: I guess just the other...to go on the trees, I certainly I echo Commissioner Thayer's ...you can never have a shortage of trees. The larger the trees are there, they're buffers to noise, to, to the drainage, they're filtering dirt. So, I strongly encourage I don't know how to put that in a recommendation language, but you're never going to have too little vegetation on the property to mitigate all of these hazards. So, I do encourage that. The water use is definitely going to be a huge issue. You know, even just the boats, I know there's wash stations down at the ramps, but when you have a place to wash down privately, I know it, you see it at Mala all of the time you go right past that rather than waiting in line, get up to your spot, then hose the whole boat down in that. So, I'm sure there will be a tremendous water use there. That's a bit of a concern for me. And then just I, I think, you know, when, when I first read this, you know, it was sold as ...(inaudible)...area. It certainly seems very benign. But as we've gone through this discussion, we certainly can see what the applicant's intent is, which sounds great, but of course, what the...the realistic possibility that can happen here, which is what we're trying to address. So, I think that might apply as well to that does...the CPAC where they envision this an employment center, I'm not sure all the things we've been discussing were in people's minds when this came up in discussion. But it will be interesting how that plays out. But that probably will not negate if there is a decision made on this process. Whatever happens in the CPAC is after the fact of what is done with this application, is that, is that correct?

Ms. Pali: Uh huh. Yep.

Dr. Deakos: Okay. So, I guess that's it. Yeah, I hope that we do mitigate the...what's the potential for the worst case scenario, but I do appreciate the applicant's attempt to, to, to mitigate and keep it light, light industrial as much as possible. That's all I have, Chair. Thank you.

Ms. Pali: I like that light, light. Commissioner Apo.

Mr. Apo: Yes, thank you. So, I have a couple of things. Vice-Chair Thayer that brought up a great, great point as far as if we approving one light industrial under the M-1, what is the

possibilities like you said, echoing, I mean, everyone else, the intent is there to keep it light, light, but talking about how messy the...or the uses at the Central Maui Baseyard, jut refer to this picture that they, they provided us. No buckets, no containments, and we trying to put BMPs without them having it already established. I mean, I just think they're...we should take a deeper look and, and really go through it all because how they currently operating, willing to rent it out to another baseyard without their plan already on their own. That is under this section, it is Figure 9 under Mango Estate Affordable Homes Project. I'm not sure if they used old pictures prior, but that looks like a fairly new truck and if you take a look at the environmental impact that is huge right there. And that is pretty much all I had. I just would like us to review it deeper like Commissioner Thayer said. It's, it's I actually have a question for the Director. Is there a possibility to like do we have to follow a light zoning or could we do like a conditional temporary permit style approval? How would that work like?

Ms. Aoki: Thank you, Commissioner Apo. So, you, you can make a recommendation to limit the property to specific uses within the light industrial zoning. So, you do...you, you can make that recommendation that it be conditional zoning and you would list out the specific uses within Chapter 19.24, which is light industrial zoning. And you know, what you would recommend to be allowed permissible.

Mr. Apo: And that would go—

Ms. Aoki: They're not—

Mr. Apo: Sorry, go ahead.

Ms. Aoki: Yeah, sorry. I was just going to say, the applicant is not here today for conditional...what would be called conditional zoning which is where you kinda spot zone an area and say, okay this is Rural but we will allow, you know, "X." I wouldn't go there. I would look at what is, what are the listed permitted uses within light industrial, if this you know, what, you know, the commission wants to do, and choose.

Ms. Pali: I'm gonna clarify. I think what...am I hearing that you're saying that if you want to limit the 32 conditions that are currently under the light industrial then you would do that by way of condition and say that we would recommend allowing just these types of uses. So, when you do that you actually then exclude all the other regular uses that might be allowed. I think that's...is that what you're saying? Okay, and I do want to be fair...hold on a second Commissioner Apo, to the applicant, do you have the staff planning report? I think if you can comment on Figure 9 and Figure 12. It looks like these are picture taken on the property. I'm assuming those things have been moved out if they're developed.

Mr. Spence: Those things are gone.

Ms. Pali: Okay, and so, this is likely not a good representation of what the baseyard future is gonna look like. Although, there's gonna be trucks, so there's probably gonna be tires.

Mr. Spence: Yeah, no this is, this was something that's been...was done. The report was published in 2020...in 2019. This is not what—

Ms. Pali: Okay, Commissioner Apo, I'll go back to you since—

Mr. Apo: Okay, so yeah, I just—

Ms. Pali: So, if you do want to limit, you'll have to just tell us the condition and what you would like to limit its uses to.

Mr. Apo: I don't want to limit to...not limit baseyards. I wouldn't mind...I mean, we can have baseyards in there, but I'm just saying they should have some type of a plan already in place if they're looking into renting out or changing the zone that would show not only what how they operate. I just want the other commissioners to look deeply into that, and make sure we're taking care of our aina because that is all going down into underground. But yeah, other than that, I mean, there's a lot of conditions that's been brought up and I agree with them all, and I just think we need a little more time to review or go over all the changes and whatnot we would like to propose to the County Council. Thank you.

Ms. Pali: Okay, all right, I'll make a note for that. Yeah, I'm gonna defer to the Director and I'll let her go over what the uses are currently going to be allowed with this proposed zoning change.

Ms. Aoki: Thank you. So, in Chapter 19.24, under Light Industrial right now, the uses...these are the uses that are permitted outright. So, any use permitted in B-1, B-2, and B-3, except single family dwellings, duplexes, bungalow court, short-term rental homes and transient vacation rentals. So, that could be something that maybe the applicant have--They've already said they wouldn't do B-1, B-2 and B-3, but I would let you know if you don't want this use you, you would strike that. Animal kennels, dwelling units located in the same building as any non-dwelling permitted use, assembly of electrical appliances, radios, phonographs including the manufacture of small parts such as coils, condenser crystal holders and the like, carpet cleaning plants, cold storage plants, commercial laundries, craft cabinet and furniture manufacturing, education specialized, farm implement, sales and service, general food, fruit, vegetable processing and manufacturing plants, harbor facilities, ice cream and milk producing, manufacturing and storage, laboratories, experimental photo or motion picture film or testing, light and heavy equipment and product display room, storage and service, machine shop and other metal working shop, manufacturing, compounding or treatment of articles or merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber for glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, shell, tobacco and wood, manufacture, compounding, processing, packaging or treatment of such products as candy, cosmetic, drugs, perfumes, pharmaceuticals, toiletries and food products, manufacturing, dyeing and printing of cloth fabrics and wearing apparel, manufacturing of musical instruments, toys, novelties and rubber and metal stamps, manufacturing of pottery and figurines or other similar ceramic products, milk bottling or central distribution stations, mortuaries and morgues, plumbing shops, poultry or rabbit slaughter, incidental to a retail business on the same premises, production facility, multimedia, radio transmitting and television stations provided that towers are of the self-sustaining type without guys, replanting shop, retail lumber yard, including mill and sash work. And it says, that mill and sash work shall be conducted within a completely enclosed building, small boat building, soda

water and soft drink bottling and distribution plants, tire repair operations including recapping and retreading, utility facilities minor and substations up to and including 69 kilovolt transmission, warehouse storage and loft buildings, wearing apparel manufacturing, wholesale business, storage buildings, non-explosive goods and warehouses. There are also accessory uses and structures.

Ms. Pali: Well, if we're going to say no to structures then anything that needs a structure would be not—it would be excluded from the list, right?

Ms. Aoki: Well, they include things like fences, walls, patios, decks, garages, mailboxes, ground signs.

Ms. Pali: Okay. Okay, thank you, Director. Yes, thank you. Tara.

Ms. Furukawa: I have an idea, what if instead of, you know, listing the specific types of light industrial uses, what if we just say that, you know, if the property is ever sold or something because these conditions will run with the land, what if we just so happened to say something like the property shall be sold? You know, if the properties sold, then it shall be utilized for the same industrial type use as is currently approved or something like that so that you, you know, just stick with the—

Ms. Pali: Or like they would just come back in and update the permit and come back.

Ms. Furukawa: You can do that, too.

Mr. Hopper: Chair?

Ms. Furukawa: Yeah, I mean, well—

Mr. Hopper: Chair?

Ms. Furukawa: --it's a zone change, yeah, so...

Ms. Pali: Mr. Hopper.

Mr. Hopper: Yeah, Chair, generally with a change in zoning, you wouldn't have that owner specific type of language.

Ms. Pali: Okay.

Mr. Hopper: Director is correct that the...you're zoning the property light industrial. So, any of the uses allowed in that district are allowed unless you restrict them by condition. Any conditions are going to be recorded on the property in what's called a unilateral agreement if they're approved by Council. Those conditions run with the land and exists in perpetuity. And so generally, you wouldn't have—So, a couple of things, one, it doesn't matter who's owning it now or in the future, they'd be subject to the same conditions. And if you don't restrict them this

current owner or future owner could do any of the allowed uses in the in the zoning district. So, just to keep in mind.

Mr. Hopper: Okay, thank you, sir. Okay. I forgot where we were. We were with Commissioner Apo, right? So, did that answer your question?

Mr. Apo: Yeah, I'm good. Thank you. Can move onto the next.

Ms. Pali: We're good, okay. Commissioner Lindsey. I did already. Okay, so everyone on the screen got their second chance. Okay, it looks like Commissioner Thompson, go for it.

Mr. Thompson: Thank you, Chair. So, yeah, I have a couple of things. One, I oppose having anything in tenant's leases. It should be just held to the owners of the property because the lessee could spill his plutonium and then defect back to Ukraine or whatever. So, yeah, sorry the number's not working, right. So, it should be under the owner. All those things should be conditioned to the owner not to any of the lessees.

Ms. Pali: I see, okay.

Mr. Thompson: And then, we hold the owner's feet to fire. He can hold his tenant's feet to the fire

Ms. Pali: Okay. So, the only way you do that is list the condition, and then if the regulation, its that you're saying you get this approval based off of these conditions being met. The minute you don't meet these conditions, you can be in trouble of losing the—

Mr. Thompson: Right, so—

Ms. Pali: Violating zoning, be in violation.

Mr. Thompson: Right, so yeah, all those BMPs should all be—

Ms. Pali: Listed as a condition.

Mr. Thompson: To the owner, not to the tenants.

Ms. Pali: Yeah, so the only way we can do that is on this.

Mr. Thompson: ...(inaudible)...

Ms. Pali: Okay.

Mr. Thompson: So, it won't be to any of the leases, and—

Ms. Pali: But they still should put things in the leases so that way they can mitigate and then—

Mr. Thompson: Sure, absolutely.

Ms. Pali: --cause then they can have a legal—

Mr. Thompson: Yeah, they don't want to be in trouble.

Ms. Pali: Okay.

Mr. Thompson: But we don't want to try to police a bunch of tenants that we have, you know, especially they're if uncollectible or...you know, they're gone—

Ms. Pali: Right, right, right, right. Okay.

Mr. Thompson: We want it tied to the property. And second is, and I...one of my condition or one of the ones I proposed earlier was about hours. And yeah, I like fish too, and guess what, you got to wake up before the fish do so you're leaving before the sun's up. Mostly these kind of properties, though they're all to sleep early, so at nine o'clock at night there's the landscapers around, you know, they want to go out in the mornings. But for those that do take off early to try to mitigate that, that maybe perhaps a four-foot wall, a solid wall, because as much trees and bushes you can put in really don't deflect any, very little sound. So, if you could put a four-foot wall up front. All those guys fired...would take their boats out that that'll deflect off a tons of it. I think probably just the front wall because the rest of the property is, you know, goes out...it'll just—

Ms. Pali: Okay, so your suggestion is saying, forget trying to manage operational hours.

Mr. Thompson: Right.

Ms. Pali: If they would be open to putting a four-foot wall behind the sidewalk—

Mr. Thompson: Yeah.

Ms. Pali: --and then still have the rest of the 20-foot buffer—

Mr. Thompson: Yes.

Ms. Pali: --and then their park, and then we won't have to worry too much about the operational hours.

Mr. Thompson: There you go.

Ms. Pali: Very nice recommendation. Okay, we'll let them chat for a minute.

Ms. Aoki: Chair, if I may?

Ms. Pali: Yes, go ahead, Director.

Ms. Aoki: I also wanted to share that one of the requirements for light industrial is that all uses are to be conducted wholly within a completely enclosed building or within an area enclosed on all sides, except the front of the light by a solid fence or wall or cyclone fence at least six feet in height. So, on the side and rear yard area, they're going to be required to do a six-foot fence or wall. But, you know, your suggestion to do one on the front, that would be a condition because that is not required for development standards. So—

Mr. Thompson: Yeah, 'cause that faces the neighborhoods.

Ms. Aoki: Correct. Right.

Mr. Thompson: So, yeah, that faces the neighborhoods, so they'll getting—

Ms. Aoki: Yeah.

Mr. Thompson: That would mitigate their noise.

Ms. Aoki: Yeah.

Ms. Pali: So, you're saying don't worry about holding them to business hours, throw the wall behind the sidewalk, and that'll mitigate the noise as best as possible. and it is what it is.

Mr. Thompson: Best we can do, I think.

Ms. Pali: All right.

Mr. Spence: One, one comment on that is, you know, walls do reflect, do reflect noise, and that's a concept that inside the property, it would reflect the noise inside, and that would work. When vehicles are pulling into the property, ...(inaudible)...as where the trees are absorbing—

Ms. Pali: Mm-Hmm.

Mr. Spence: --they're providing that buffer and the sound waves will...

Ms. Pali: That's right. So, I'm wondering if it should be sidewalk, trees, and then that's the 20-foot buffer, then the wall.

Mr. Spence: Yeah.

Ms. Pali: Yeah.

Mr. Spence: That was the concept with the KCA.

Ms. Pali: Yeah, yeah. Is that...are you okay with that?

Mr. Thompson: Yeah, I like that.

Ms. Pali: Okay.

Mr. Spence: Okay.

Ms. Pali: All right.

Mr. Thompson: And most of those trucks and vehicles being coming back in the afternoon and are going to leave in the morning, and all the landscapers and those type people, you know, they're out early, you know a 7:00 a.m. they're cutting the lawns and stuff.

Mr. Spence: Right.

Mr. Thompson: So, they come back in the afternoon so they won't be as much a problem for noise then.

Ms. Pali: Okay. Are you okay that it's listed as a solid wall? I think that's the recommendation.

Mr. Spence: I'm just, I'm wondering if there would be noise impacts to the wall reflecting to the residential areas.

Ms. Pali: Yeah, I—

Mr. Spence: As opposed to—

Ms. Pali: Yeah, I think if we got the buffer, the 20-foot buffer and the trees between the wall and the sidewalk, and then we still have the actual road and then we then we have the—I think it'll be okay.

Mr. Spence: Oh, you mean a wall behind the—

Ms. Thayer: Sidewalk.

Ms. Pali: Behind...yes, sidewalk, buffer and then wall.

Ms. Thayer: Right.

Ms. Pali: But all within 20 feet. So, they're not...we're not taking from their parcels. Is that, is that what you said? Okay. Sorry, I want to make sure I'm representing you properly.

Mr. Spence: Okay.

Ms. Pali: Yeah, so the wall would be set back 20 feet.

Mr. Spence: Right.

Ms. Pali: Yeah. Okay, Ms. Thayer, last person, and then we'll try to summarize.

Ms. Thayer: I think I don't have any more questions. I think we have lots to discuss.

Ms. Pali: Okay. Very good.

Ms. Thayer: Thank you.

Ms. Pali: Okay. Okay, so technically, since we're not the final authority on this, we still have to come together in agreement and we have to then send a recommendation to Council. So, because of that, I don't necessarily know that we need, and Michael Hopper, you can jump in like a motion to have discussion, but we've heard all of the different things that people wanted to see listed as a condition. Tara, I'm going to point out to you, if you think you did a good record of writing those things down. We'll have Tara start off with all the things that she captured. I did a list as well, and so we'll see if there was anything missed. And once we hear as a recap what we've all decided, then we need to discuss it as a group. So, go ahead, Tara.

Mr. Hopper: And then just—

Ms. Pali: Oh, Mr. Hopper is here.

Mr. Hopper: Yeah, just quick. You are also considering recommendations on two different actions. One's a District Boundary Amendment from Agricultural to Urban. The other is a Change in Zoning. And so, either one of those can be conditioned. So, you may want to consider if you want conditions on both or one and not the other. As I read the staff report, there's currently no recommended conditions, so you need to go over what the conditions recommended conditions would be, and basically, once they're clear make a motion if you're ready to approve one or both of those to add those as conditions. So, you'd be approving...if you do approve otherwise subject to the, the staff report, you'd say, motion to approve the staff report with the additional, however many conditions, if that's, if that's your will or otherwise.

Ms. Pali: Okay.

Mr. Hopper: So, that's I think the guidance at this time.

Ms. Pali: Thank you, Mr. Hopper. And I think to help out, I think talking with Director throwing all these conditions probably on the zoning is probably going to do what you guys want to do. I don't necessarily think we have to do both. Yeah, Tara is also agreeing. We're all agreeing. Applicant's agreeing. So, just to help commissioners. So, before we discuss further, well we might just open up the floor with even just...okay, well, let's, let's have Tara name all the different conditions and then we'll discuss if this is something you guys even want to do. And then, if so, what does that look like?

Ms. Furukawa: Because the proposed project is consistent with the community plan. the Department's recommending approval subject to the conditions as follows: The applicant shall include standard hours of operation with an exception for emergency calls.

Ms. Pali: Oh, we're going to go ahead and delete that one and replace it—

Ms. Furukawa: Okay.

Ms. Pali: --sorry, if I interrupt.

Ms. Furukawa: Okay.

Ms. Pali: We're going to replace it with they agreed to build a solid four-foot wall behind the 20 or within, but in the back of the 20-foot setback from the front of the other property. And so, we'll delete...that'll take place of the hours of operation.

Ms. Furukawa: Okay, and then the applicant shall provide a left turn lane and median refuge lane at Okukai Road and Hukulii Place. The applicant shall post signs restricting the use of engine breaks.

Ms. Pali: Yeah, I'll give you...I'm going to put you on hold. We'll go back to the signs.

Ms. Furukawa: Okay.

Ms. Aoki: Back to the turn, turning lane—

Ms. Pali: Yes, yeah.

Ms. Furukawa: Yeah.

Ms. Aoki: Was that something that DPW recommended or—

Ms. Furukawa: DOT.

Ms. Aoki: Okay.

Ms. Furukawa: Yeah, State DOT.

Ms. Pali: Perfect.

Ms. Aoki: So, okay, as long as we have a agency that supports that. It—

Ms. Furukawa: Yeah.

Ms. Aoki: Okay.

Ms. Furukawa: Okay, so about the signs?

Ms. Pali: Yeah, go ahead.

Ms. Furukawa: The applicant shall post signs restricting the use of engine brakes.

Ms. Pali: Oh yeah, we're going to delete that and that's going to be in the requirements and rules for... Oh, but then we had a late BMP, it's your call, do you want it in as a condition? Yeah, he said he wanted it in.

Ms. Furukawa: Okay.

Ms. Pali: So, you're good.

Ms. Furukawa: In the lease documents, okay. A sidewalk shall be installed along Ohukai Road fronting the project area.

Ms. Pali: Yeah, running through, left and right. So, it will just be consistent with the rest of the commercial properties there.

Ms. Furukawa: Okay. BMPs shall be developed by the project engineer and the applicant, and incorporated into the lease documents including the use of filter fabric when washing and maintaining boats and vehicles to capture hazardous material and toxic waste from entering the soil.

Ms. Pali: Oh, good one.

Ms. Furukawa: The applicant shall allow for M-1, light industrial uses, B-1, B-2, and B-3 uses will be restricted even though allowed, per Maui County Code.

Ms. Pali: Correct.

Ms. Furukawa: Okay.

Ms. Aoki: Okay, may I add though that it also...so, under B-1, B-2, B-3, it...uses, so it allows right now, it says any use is permitted in B-1, B-2, B-3 Business except single family dwellings, duplexes, bungalow court, short-term rental homes, and transient vacation rentals. Would the commission like to exclude that entire language or just B-1 B-2 B-3 which would allow...see, if you don't strike the whole thing, you could possibly be allowing the other.

Ms. Pali: Yeah, I think they represented they don't want to build homes so—

Ms. Aoki: Strike the whole thing.

Ms. Furukawa: Okay, I'll strike the whole thing.

Ms. Pali: Thank you.

Ms. Aoki: Want to be clear.

Ms. Furukawa: The applicant shall incorporate native trees to the extent possible into the landscape buffer and include ilima because that was, was what was previously grown on site. A lease document shall be provided to Council prior to their approval is that—

Ms. Pali: Mm hmm.

Ms. Furukawa: Okay, the applicant shall work with DPW to determine whether a three-way intersection with blinking lights shall be incorporated at the project driveway if warranted. And then it was just, I just had the wall—

Ms. Pali: Okay. I think we have to put in the no page...yeah, so they represented that they weren't going to put structures. I don't know, I didn't know if that was included in B-1, 2, and 3 or not, but—

Ms. Aoki: It would be.

Ms. Pali: Yeah, it's included already.

Ms. Aoki: I mean, it's, it's a...anything, any kind of structure would be, so I don't know if the applicant wants to be specific about what kind of structures, if containers would be okay or if you...so if you were specific to what kind of structures would be amenable to.

Mr. Spence: Right now, what was...(Inaudible)...just if there's a need. I would also say—

Ms. Pali: So, containers.

Mr. Spence: I would also say, see there's no structures planned right now. There's...so yes, shipping containers is, would be fine for right now. If you're going to place those, you're gonna get a...require...I think you're gonna get a requirement for a building permit. I'm not a hundred percent sure, but that's the concept right now. When you start getting into occupied buildings, and maybe we should specify it like that. Like a warehouse or a manufacturing plant or something like that, those aren't planned at all for right now. But of course, those are gonna require a building permit somewhere 20 years from now. So,

Ms. Pali: Okay, so I think that's the list. We've heard those. Discussion, Commissioners? Ready, set, go.

Ms. Thayer: Question real fast.

Ms. Pali: Yes.

Ms. Thayer: Can we get clarification from Public Works about shipping containers needing building permits?

Ms. Pali: Yeah, I think we can ask. I don't know how fast they can turn that around.

Ms. Thayer: Do you know? Ask somebody? 'Cause the other question that came up about shipping containers is you know, you have two containers and then you put a roof over it and then all of a sudden you have like a small building.

Mr. Spence: That certainly, that certainly requires a building permit. I don't think we're thinking of that, just—

Ms. Pali: You just don't really know how your lessees are gonna evolve. They gonna evolve you know. They're...you don't...their needs will change. Things will come up, so...

Mr. Spence: The needs will change but they have to get client's approval as well.

Ms. Pali: Okay, okay. Okay, well, it's been a few hours since the last break, so I'm going to give us a 10-minute break.

Mr. Spence: Okay.

Ms. Pali: And we'll take a ten-minute and then we'll come back. So, it is 12:06 p.m., and we'll back in ten minutes.

A recess was called at approximately 12:06 p.m., and the meeting was reconvened at approximately 12:20 p.m.

Ms. Pali: All right, thank you. Welcome back to the Maui Planning Commission. It's June 13th. It is 12:20, and we are back in session. We do have a Jordan Molina on the line with Public Works, so I will have Jordan unmute his video and his microphone, and we have some questions for you, sir.

Ms. Furukawa: Commissioner Lindsey.

Ms. Pali: Oh, you know what, I apologize. Thanks. We'll wait for, we'll just wait a minute for Commissioner Lindsey. It looks like I don't see her video. I think that's her, but it's a black screen, so...oh, not let, okay. She had her little baby, it was so cute. I know, so cute, hapa. We'll just wait a minute for Commissioner Lindsey.

Ms. Furukawa: Kellie, can I correct something?

Ms. Pali: Yes, Tara, go ahead.

Ms. Furukawa: I made a mistake. So, I had said DOT recommended providing an exclusive left-turn lane and median refuge lane at Ohukai Road and Hukulii Place that was actually the recommendation by the project engineer instead. So, I think Will is proposing something. Hang on.

Ms. Pali: Okay.

Mr. Spence: Instead of saying it's required, let's say, as, as reviewed by Public Works, as reviewed or—

Ms. Aoki: Yeah, approved.

Mr. Spence: Approved. The...I mean, these kinds of projects, they're going to make recommendations, they're going to make requirements all along the way that the commission hasn't heard of anyway. So, let's leave it to Public Works to do that.

Ms. Pali: All right. So, we'll wait a few more minutes for Ashley, but since I think we're in discussion, I think it's okay that...it wouldn't be terrible that she miss it. Yeah, since it's not like a contested case...(inaudible)...but, I don't want her to miss it. But okay, so we'll give another minute for Ashley. Yes, Mr. Hopper.

Mr. Hopper: Just a clarification. If there's traffic mitigation being discussed, unless those are proposed in a condition, I'm not sure where a traffic mitigation would come in. It could be part of a subdivision process or something else. But you may want to get clarification on that because if there's a traffic study with specific improvements that are required to be done, oftentimes there are conditions that state shall do improvements in a, you know, road agreement, you know, shall mitigate all traffic generated by the project to the satisfaction of the state and the county or something along those lines. I don't know if, in this case, there's an independent basis that Public Works or State DOT would be using to require traffic mitigation. Usually that is done by a condition. If there's some other method, such as through the, you know, the building, building permit process for street improvements or other things like that that might be okay, but I just don't want the commission to...those, those...any traffic mitigation to be not implemented if it's not a condition of either the zoning or the district boundary amendment. So, I don't know if Public Works or the Planning Department has thoughts on that. But that's important I think if you want to see traffic mitigation to include that at least as a general condition, if that's something you want.

Ms. Pali: Thank you, Mr. Hopper. Okay, so I think we're going to go ahead and get started. It's been about, we left at 12:07, it's 12:22, so we're kind of on our ten-minute break for about 20 minutes. So, we're double time. So, we're going to go ahead and get started and hopefully Miss...Commissioner Lindsey will jump in or she might be listening in here. Okay, so Jordan Molina, are you on the call?

Mr. Jordan Molina: Hi, good afternoon.

Ms. Pali: Great. Um, so we have a few questions for you. Were they Commissioner Lindsey's questions? Whose questions, were they? Okay, well, I can ask you the questions, by you actually, sorry, Vice-Chair Thayer.

Ms. Thayer: Thank you Mr. Molina for making time for us it's very helpful. We have some questions about, for one, building permit requirements are not for shipping containers.

Mr. Molina: Thank you, Member Thayer. For the record, Jordan Molina, Director with Public Works. So, shipping containers that are intended to be used as a permanent structure do require building permits.

Ms. Pali: So, how does, how does Public Works, sorry about that, how does Public Works determine if they're going to be used or are being used for as a permanent structure? Do you guys do an inspection or do you wait for an RFS to come in and then someone goes out and

looks? I mean, unless the person sort of applies because they intend to, how do you mitigate that or how do you even manage that, I should say.

Mr. Molina: Thank you. Yeah, so as you point out, it's...the enforcement is complaint driven. And so, upon receipt of the complaint, we'll go out and assess how the containers are being used. And so, just for example of what I mean by temporary use, so operations like the harbor, for example, that unload and offload shipping containers regularly, we understand that those containers are not being permanently placed at those locations that they're always in transit being either loaded or offloaded, bringing to and from the site. Another example is like the metals recycling operation in which they have containers staged that their yard while they're being filled up to be shipped out. And so, in those settings, the containers are part of the operation, whereas--and they're not being used as a accessory unit for storage. So, they're just being used simply as an accessory type structure, in that case, we would require building permit.

Ms. Pali: Okay, great.

Ms. Thayer: And just to confirm, if you have, you know, how people have two shipping containers and you put a roof over the middle that would require a building permit also?

Mr. Molina: That is correct.

Ms. Thayer: Okay. Other questions?

Ms. Pali: I have a couple.

Ms. Thayer: Okay, yeah.

Ms. Pali: You want...the Director, okay. Okay, so I was talking to Randall, who did the traffic study, and he, based off my understanding, he mentioned that he sort of just did...I don't want to downplay it, but he did a good study, but he didn't incorporate maybe the type of tenants that would be leasing these 21 lots. And we've been talking about boats and trailers and Matson containers, so the Matson containers has to get there probably on a truck. So, vehicles of the...that are not average vehicles, and so, he mentioned that he did not incorporate that he just was doing flow and sort of typical traffic that's there now. He also said that he could do a more detailed look if he had a better idea. And then we talked about safety measures for the egress and ingress of the property for the children and neighbors on the other side and maybe considering like traffic lights or blinking lights or three-way stops, I might, I might be butchering that, but that would probably be the under your department and your jurisdictions, and he mentioned it had to be warranted. And it sounded like the warranting was based off of flow and volume and not specific to like an exception basis that hey, we have this base yard now that's, you know, several hundred feet into an existing neighborhood outside of the flow and the number of people going, maybe it might be wise to do these things. What's your take on that? And let me give you a better question are there ways and avenues where there is exceptions to allowing a more safer visual warning for the community at large in that area outside of the normal process that you guys require for warranting?

Mr. Molina: It will depend on the nature of the concern. So, if I'm hearing you correctly, the concern is the larger vehicles.

Ms. Pali: They just have bigger blind spots. The visual abilities are just very different from a regular car, and then they're also taller and larger in nature, so they might not have a full visual down to the ground. And so, that, that's my personal take, and I'm just...I'm just wanting to make sure that I've explored everything I possibly could to potentially avoid something that may or may not happen. But knowing that there are smaller kids that are in that area that we, you know, we looked at it. And if there's not a place in your department that allows for these kind of specialty exceptions or provisions, I just want to make sure I'm having a conversation about it. But if you do have one, I'd like to explore it because I hear the word, oh, it has to be warranted, the flashing light or the stop light that's flashing, it has to be warranted and you have a standard in warranting those. But let's say we're outside of the standard because of the nature and the type of businesses and the location of it, would that, would there be an exception avenue to still warrant something like this?

Mr. Molina: There could be. But again, it's very specific to the issue trying to be mitigated. So, it's just larger vehicles generally you can accommodate a larger driveway to allow those vehicles to make the ingress and egress movements safer. You can situate it in a way that they have further sight distance as they're exiting. I mean, I'm sure...I'm assuming the concern is about the vehicles exiting the property onto Ohukai and being able to see—

Ms. Pali: Yeah, entering or exiting.

Mr. Molina: Yeah, so, again, being able to see more or less pedestrian and bicycle traffic potentially—

Ms. Pali: Correct, right.

Mr. Molina: --in conflict.

Ms. Pali: That's right. So, Jordan, could we put a condition to where you look into this, specifically when it comes to your review? Just knowing that this is not a...this is a little bit more unique than the standard. I think we just want a more specific, detailed look to make sure that we just did everything we're supposed to. Is that something we could do that you would be able to do? Or what does that look like?

Mr. Molina: Yeah, I mean, you can. I think it would be appropriate to acknowledge that, you know, the use, proposed use and the types of vehicles frequently...that will frequent the project do ask for traffic improvements that are more appropriate for that type of traffic.

Ms. Pali: Okay.

Mr. Molina: Sorry, I can't speak to what would distinguish, you know—

Ms. Pali: Yeah.

Mr. Molina: --in this particular instance.

Ms. Pali: --I think that's all we're asking for. Yeah, I think that's what we're asking for. Okay, and I think there was one more question, I just don't remember it. Anyone else have a question for Jordan Molina, Public Works? Okay, Director.

Ms. Aoki: Jordan, if you could just let them know what the exemption is as far as the size of a structure for a building permit?

Mr. Molina: Yeah, so the current building code exempts storage sheds up to 120 square feet.

Ms. Aoki: Thank you.

Ms. Pali: Great. And if I may, Mr. Spence, your relationship with the applicants, these are all things that they know, so when they do the leases, they're letting their tenants know like, hey, if you're going to put something up, anything over 120 would need a permit. And so, they're passing that information. Or is it here's your lease and you got to know the Code, you got to figure it out.

Mr. Spence: No, they, they...of course they will inform their, their lessees. I mean, that's part of the process. And then them being there, they're going to be overseeing everything.

Ms. Pali: Sure.

Mr. Spence: So, yeah, they're going to know what goes on, on their own property.

Ms. Pali: Of course. But I'm just saying like, I guess, getting ahead of it instead of saying, oh, that person erected this and maybe they didn't.

Mr. Spence: Yeah—

Ms. Pali: Yeah, I can speak to the applicant. He raised his hand. Go for it. You could come to mic so we can get you on record.

Ms. Aoki: Come to the mic and state your name.

Mr. Christopher Hayes: I don't think the lessee would be able to apply for a permit anyway because being the property owner, we would have to sign the permit.

Ms. Pali: Good point. So, then you would know who's doing it and who's not.

Mr. Hayes: Yes, because we would have to apply for the permit on behalf of the lessee because the lessee can't apply for the permit because they're not the landowner.

Ms. Pali: Well, I have seen non owners absolutely have a case right now and the guy applied to build this whole thing, and he was never the owner and it went through the whole process.

Mr. Hayes: I can't attest to how the county system...(inaudible)...

Ms. Pali: Yeah, so I think that might not be an accurate statement. I think the county allows anyone to—

Mr. Hayes: When I apply for a permit as a contractor, I have to have the owner—

Ms. Pali: Sign.

Mr. Hayes: --sign.

Mr. Spence: Yeah.

Ms. Pali: Okay, okay.

Mr. Hayes: So, I'm only going by what—

Ms. Pali: Okay.

Mr. Hayes: --by me being a being a licensed contractor when I'm pulling a permit.

Ms. Pali: Okay, all right, thank you for that.

Ms. Aoki: Um, could you state your name please?

Ms. Pali: Oh, yeah, sorry.

Ms. Aoki: Just for the record.

Ms. Pali: Thank you.

Mr. Hayes: Chris Hayes.

Ms. Aoki: Thank you.

Ms. Pali: So, we...we do the dictation after.

Ms. Aoki: Thank you, so we know, yeah.

Ms. Pali: Yeah, yeah, okay, thanks Chris.

Ms. Aoki: Could I ask Jordan Molina? Jordan, if someone files for a building permit can a lessee file for the building permit and not the owner?

Mr. Molina: They would have to get...provide the owner's authorization.

Ms. Pali: Okay, wonderful.

Ms. Aoki: Thank you.

Ms. Pali: Okay, wonderful. Okay, yes, Commissioner Deakos.

Dr. Deakos: Thank you, Chair. Just clarification, because I don't think that most containers are greater than 120 square feet. So, if you put a storage container just to store stuff in and it's less than 120, that's allowed. That doesn't require a permit. It has to be greater than 120 square feet.

Ms. Pali: Correct.

Mr. Molina: That's correct.

Dr. Deakos: So, most containers, if you just had one put on your property that...you wouldn't need a permit for that even if it was for permanent storage.

Mr. Molina: Most containers are larger than—

Dr. Deakos: They are, okay.

Mr. Molina: 120. So, your short container is a 20-foot container, 8 x 20 is a 160 square feet.

Dr. Deakos: Ah, okay.

Mr. Molina: ...(inaudible)...

Dr. Deakos: Got it. Thank you.

Ms. Pali: Yes, Commissioner Apo.

Mr. Apo: Question for Jordan. With wheels under a container, would that require a permit?

Mr. Molina: If it's trailer, then we generally consider that a vehicle. And so, that would not be requiring a permit because we understand that being that it's on a trailer it is intended to be moved. Now, if they start building additions onto that, then that can trigger building permits.

Mr. Apo: Okay, thank you.

Mr. Thompson: Can I ask one too?

Ms. Pali: Yes, Commissioner Thompson.

Mr. Thompson: So, it doesn't look like it's here, but it is a pertinent question. Can a tiny home on a trailer, do they need a permit? Someone backs one on their lot.

Ms. Pali: They...(inaudible)...

Ms. Aoki: Don't want to go there.

Mr. Thompson: Okay. Yeah, sorry it's not this case, but—

Ms. Pali: Stop taking us off course Mr. Thompson.

Ms. Thayer: Related to this if I may ask a question?

Ms. Pali: Well, let me go to Mr. Hopper first, 'cause that means we're in trouble. Oh, he's disappeared we're good now.

Mr. Hopper: Yeah, it's just...I think you got it on track Chair.

Ms. Pali: Yes.

Mr. Hopper: Just, you know, theoretical questions might be interesting but this is about a specific zoning issue and a zoning designation. So, I'd just advise to work on those issues to the extent that relevant to this project.

Ms. Pali: Thank you, I appreciate that. Vice-Chair.

Ms. Thayer: Yeah, office trailers would, would tenants be allowed to bring in a small office trailer?

Mr. Molina: Generally, no, not if it's meant to be basically a permanent office. Office trailers are allowed when they're tied to active construction, and is issued under valid permits, but not as a standalone structure.

Ms. Thayer: So, if it becomes a permanent non-construction related, then they would need a building permit?

Mr. Molina: That's correct.

Ms. Thayer: Okay, thank you.

Ms. Pali: Unless they're just storing it there.

Ms. Thayer: Yeah, yeah, yeah.

Ms. Pali: Yeah, they're storing...if they're just storing it.

Mr. Hayes: I would think anybody that has a office trailer, if they're doing something on the job site or sorry, on the, on their leased area then they would get a building permit for it, the same as having a shipping container.

Ms. Pali: Great. Thanks, Chris. That was Chris Hayes.

Ms. Thayer: Thank you.

Ms. Pali: Okay, great.

Mr. Hopper: Chair, Chair?

Ms. Pali: Yes, sir.

Mr. Hopper: Chair, just as a reminder, if we're going to have during discussion input from other people, they should ask the Chair for permission to speak or raise their hand. You give permission and have them speak just because it's a little back and forth at this point.

Ms. Pali: It's my fault. It's my fault.

Mr. Hopper: So, no, no, yeah, I understand you want to get answers to questions. That's fine. But that would just be a reminder.

Ms. Pali: I appreciate it. Thank you, sir. Okay, thank you. Okay, so any other questions by way of raise your hand for Jordan Molina while we have him? Okay, seeing none, thank you Jordan. Appreciate your time. Okay, we will start the discussion. I guess I think we should just take this each. There's two items, one is the boundary amendment, the district boundary amendment and one is zoning. And so, I think we should have the discussion if there's a majority here that wants or does not want it? Assuming we have a majority that wants it then we'll go into then the discussion of the conditions. I just don't want to work on the conditions if we find that there's not a majority. So, by raise of hands or does somebody want to...yeah, yeah raise your hand and tell me if you want to go ahead and agree with these or disagree with this and then we can take vote that way? So, these meaning district boundary amendment that you're for it and zoning that you're for it 'cause obviously we're taking these two together. Is that okay Mr. Hopper that I take these two together because no sense give one and not the other?

Mr. Hopper: If you like, they both have very significantly different criteria and standards though, I mean, so it's up to you.

Ms. Pali: Okay.

Mr. Hopper: Oftentimes they're taken as separate motions, but I think you're correct that it would make no sense to approve one and not the other.

Ms. Pali: Okay. And just for formality, Tara, usually we would have the planner kind of present like what we're agreeing to, but I believe we've already had enough sort of discussion on it and it's listed in our packet. So, you guys, if you want to, yeah, if you want to look on Page 22 and 23, you'll see what the staff and the Department's recommending. So, does anybody want to speak up first and share where they're where...they're at with this? Yes, Commissioner Deakos.

Dr. Deakos: Chair, just for the new guy if you could mind me what we're voting on for the district amendment. That would be helpful. Thank you.

Ms. Pali: Yes, I'll have...yes, absolutely. I will have you look at Page...I think it starts on Page 21, and it outlines the Land Use Commission District Boundary Amendment to Urban and it gives one, two, three, four, five, six, seven, eight requirements. So, I love pulling up the rules when we make decisions like this, so we know exactly what we're looking at and we have to ask ourselves does this applicant meet these eight criteria listed on Page 21 and 22 of your staff planning packet. That's the first one.

And then the Change in...Change in Zoning, which is the second item we're going to review today, there's six criteria listed on Page 23 and that pages, if you have the physical package in front of you, that's the green page, and that gives you six criteria. I'm going to not read them if that's okay with you, Commissioner Deakos. But if you don't have them in front of you because I know you're traveling, then I can read them out for you.

Dr. Deakos: Yeah, unfortunately, I didn't get back to Maui today where my packet exists physically, my bad.

Ms. Pali: Okay, well, maybe I'll let Director read them for me.

Ms. Thayer: You can pull it up online.

Ms. Pali: Or do you...or can you access the online or...

Dr. Deakos: I think I have...I think I have it.

Ms. Pali: Okay, so you on Page 21 and then half way through the page you'll see one, two, three, four, and then on Page 22, five, six, seven and eight. That's for your Urban District Rules, there's eight of them. Shall include lands characterized by city like concentrations of people, it shall take into consideration the following specific factors, proximity to city centers of trading and employment, availability of basic services, sufficient reserve areas for foreseeable urban growth. Number three, it shall include lands and satisfactory topography. Do you see those? Land continuous with existing urban areas. It shall include lands in appropriate locations for new urban concentrations. It may include lands which do not conform to the standards in paragraphs one five, which is when surrounded by adjacent to this existing urban development and only when those lands represent a minor portion of the district. Number seven, it shall not include lands, the urbanization of which will contribute towards scattered spot urban development. And Number eight, it may include lands with general slope of 20 percent or more if the commission finds that those lands are desirable, and I'm only reading like the first little snippet of each, there's like a little paragraph for each one.

Dr. Deakos: Okay, I'm good. Thank you, Chair. Appreciate it.

Ms. Pali: Okay, so that was for the Urban Boundary Amendment, and they need that one and they need the zoning change to move forward with their project. Zoning is six of them. Proposed requests meets the intent of the general plan and the objective objectives. Number

two, the proposed request is consistent with the applicable community plan and land use map of the county. Number three, the proposed request meets the intent and purposes of the district being requested. Number four, the application, if granted, would not adversely affect or interfere with the public or private schools, parking, playgrounds, water systems, yada, yada, yada. The application, if granted, would not adversely impact the social, cultural, economic, environmental, ecological character and quality of the surrounding area. And finally, Number six, the application change in zoning involves the establishment of an agricultural district with the minimum lot size of two acres, which this does. This is right under 15. So, those are all the conditions for both of the items.

And if you feel like this applicant did not meet any of those conditions, then I would try to point to the condition and then explain why that's the best way to proceed on a no. If you believe they did meet these conditions, then you would point to the ones you feel specifically stand out to you as to why you're going to vote for. Yes, any questions? All right. And if you don't want to show yourself now on where you stand, then we can just openly discuss it. I think because again, we're not the authority. So, are there any areas of concern? Let's start there. Any areas of concerns, I mean, we did list about ten conditions, so I'm assuming those are areas of concerns. Does anyone here feel that those ten conditions did not mitigate enough whatever other concerns you might have, or that those conditions would not mitigate? Yes, Commissioner Deakos.

Dr. Deakos: Yeah, I still have a couple of concerns. I think addressing the cultural, social aspect. You know, I'm, I'm still a little bothered by the one testifier that was representative of the community, and then, and even Mr. Moran. I understand there are several representatives of the community who would benefit from this, but the two that represented concerns and Mr. Moran didn't go into any concerns, just a recommendation to delay. So, I don't think that has been settled with me on what the, you know, I always picture if these were million-dollar homes surrounding this project, what kind of outcry you would get from the neighboring communities. So, so yeah, I don't think that I'm not saying that the community, you know, is represented in the community plan as we discussed with Mr. Spence. It looks like they have similar proposals for the plan they're working on now through the CPAC. So, it's hard to know what is going on exactly with the community and their concerns. Probably a bigger issue is, is the environmental concerns because there's going to be heavy use of water here. And I think there'll be some significant environmental impacts. Doing a soil test, which it seems...I mean, I would recommend that be part of the recommendations. Just helps protect the applicant if there's any lawsuits for violations, because he can show that when he acquired the property that, you know, none of that pre-existed. But also, it helps with liability. So, I would certainly recommend if the commission also agreed with it that a basic soil test for baseline purposes be done given the, the proposed use of this area. So, those are those are my two main concerns.

Ms. Pali: Okay, great. Thanks Commissioner Deakos. Commissioner Thompson.

Mr. Thompson: Chair, maybe I can chime in that will help. In the packet there, they actually did in 1994 have they had a oil spill there and then EPA came in and they mitigated it, took out all the soil and replaced the soil in there. So, it's in our package. So, in 1994 was the last.

Ms. Pali: If it's okay, Commissioner Deakos, I'll let Spence chime in. Did you...was there a soil...you mentioned there was an environmental report, but did they actual do soil testing as well?

Mr. Spence: Right. Okay, yes that's correct. Commissioner Thompson's correct. There was a study done. There was a small leak left from the...from previous uses that was mitigated, the contaminated soil taken out, new soil put in. But in this general area of this project, the soil's completely clean. And we do have that baseline test.

Ms. Pali: You have a baseline test already?

Mr. Spence: Yes.

Ms. Pali: Okay.

Mr. Spence: With that study.

Ms. Pali: With that study. Okay. Commissioner Deakos?

Dr. Deakos: Yeah, that's great. Okay, I didn't know that. I appreciate that.

Mr. Spence: Sorry, I should have been clear.

Ms. Pali: Okay. Yeah, well you said that you had done things, but you didn't actually say that thing. Okay. Okay, thank you. Anybody want to chime in with their thoughts? Okay, well, we do need to get this moving along. So...

Ms. Thayer: I want to bring up something.

Ms. Pali: Oh okay, Vice-Chair.

Ms. Thayer: So, thank you. We talked about the uses, do we want to go over uses to keep or not keep?

Ms. Pali: Yeah, I think so.

Ms. Thayer: Yeah.

Ms. Pali: Yeah. Okay, so do you want to start off with what you're thinking and then everyone can chime in?

Ms. Thayer: Sure.

Ms. Pali: And so, you guys, we have one other item on the agenda and in my mind, I was like, yeah, we can get out by 2:00. So, I do like the pockets of silence, but we do have to jump in so we can get this resolved. So, our Vice-Chair, being the leader that she is, is going to jump in with some stuff, and then just let me know if you agree or disagree, okay.

Ms. Thayer: It's in our, it's in our packet.

Ms. Pali: Yeah, just let us know what page you're gonna be on.

Ms. Thayer: Yeah. Page 12 to 13 of the staff report.

Ms. Pali: If you guys can turn to Page 12 and 13 of the staff report.

Ms. Thayer: It's all in italics. The list of permitted uses in M-1, Light Industrial. So, I guess going down the list, maybe everybody want to say, thumbs up or thumbs down or something, it's the easy way to do this.

Ms. Pali: And is it my assumption, just for the record and to be clear, you want to go through the list because you're not feeling like you want to just keep it wide open?

Ms. Thayer: Well, just based on the discussion we had, it seems like that was the direction we were going in.

Ms. Pali: Okay.

Ms. Thayer: Okay, from the top, any use permitted and B-1, B-2, B-3, Business District except single family dwellings, et cetera.

Ms. Pali: I think that was canceled already.

Ms. Thayer: ...(inaudible)...striking this whole thing.

Ms. Pali: Yep.

Ms. Thayer: Okay, animal kennels, everybody okay with that? Feel like that's pretty low intensity.

Ms. Pali: Anybody got a problem with animal kennels?

Ms. Thayer: Or is there...seeing the list, since this has been already been read, is there anyone...anything that anyone think should be here?

Ms. Pali: So, Vice-Chair is opening up the conversation to allow people to say, hey if there's a use on here that you're not comfortable with, this is the time to talk about it. And if we don't hear from you we're just gonna assume that you're okay, with all the uses, and that's okay, too. Yep, Mister...Commissioner Hipolito.

Mr. Hipolito: As outlined or mentioned earlier by the Director is that and stated by the applicant that no building structures. We've narrowed the building structures to shipping containers, Pods and so forth. So, looking at a lot of these in here, it strikes itself out because when you look at cold storage plant, that's a major structure. So, there's...if we follow that statement by Director

it eliminates practically anything manufacturing, cold storage plants, small boat building, distribution bottling plant, it eliminates all of that.

Ms. Pali: You can build a boat outside.

Ms. Aoki: Chair?

Ms. Pali: Director.

Ms. Aoki: If I could ask for Corporation Counsel's input on this. If there was a condition to just limit structures to shipping containers which I don't know if the applicant is supportive of that. They're shaking their head no. But that would negate the uses. I, I'm not quite comfortable with that and I don't...thank you, Mike.

Ms. Pali: Mr. Hopper.

Mr. Hopper: I would just go over the uses that you like or don't like and strike out the ones you don't want them doing, in discussing with them. I think that's the easiest way to do it. No need to have guess work involved if it's, if it's really that simple. I don't know if the applicant has a suggestion that you want to go over as far as what they plan to do, and you know, what's feasible. I know that they had talked about eliminating all the stacked uses, B-1, B-2, B-3, and I presume apartments will also be eliminated. But as far as other uses that are already allowed, yeah, I think you would want to go over those and if there's any you don't want to allow because generally a change in zoning you're establishing a zoning district, and if that district's appropriate it's for those uses. And if you don't want certain uses used, then I would just recommend to Council that when they pass the ordinance, they restrict those uses which has been done before.

Ms. Pali: So, then you're back to the list again.

Ms. Thayer: Back to the list then.

Ms. Pali: Okay.

Ms. Thayer: Okay.

Ms. Aoki: And if I could also Chair?

Ms. Pali: Yes, please.

Ms. Aoki: To suggest that we list what you will allow.

Ms. Pali: To be clear.

Ms. Aoki: To be clear. We've had situations where you list what you don't want, but then in the future the ordinance gets changed and uses get added so those uses get added. So, be very specific on the uses that...these uses only.

Ms. Thayer: Well, so one question is, you know, one way to break down this list would be to allow or not allow like retail sales is 'cause would involve parking, additional traffic, more people coming to the area. I don't know. Just putting this out there.

Ms. Pali: Yeah.

Ms. Thayer: For discussion.

Ms. Pali: Yeah.

Mr. Spence: ...(inaudible-not speaking into mic)...saying no.

Ms. Thayer: Yeah. Okay.

Mr. Spence: ...(inaudible)...

Ms. Thayer: But the...some, some of these—

Ms. Pali: But it's still listed on the other—

Ms. Thayer: Yeah.

Ms. Pali: --yeah, still listed in the—

Ms. Thayer: --there's still some allowed.

Ms. Pali: Outside of...(inaudible)...

Ms. Thayer: Sales.

Ms. Pali: I don't know how that works. Okay, so retail lumber yard including mill and sash work are you striking that? Is that an issue? Commissioner Apo.

Mr. Apo: Hi, thanks. But if you guys say retail sales, so it going back to like boats, boat repairs, somebody gotta buy parts, are you gonna be restricting those as well, right? Doing sales on property? Or am I confused on that?

Ms. Pali: It doesn't sound like the representation was that people were gonna be using it to sell stuff. It's more like storage and equipment and boats and automobiles and trucks. I don't see people doing sales out of a container, but I did buy lychee from a container in somebody's yard last week, so anything goes.

Mr. Apo: Right, ...(inaudible)...restrict them...(inaudible)...

Ms. Pali: Yeah, so...

Mr. Thompson: Chair, would it be easier if we got a list from the applicant of things they want to put on and eliminate everything else?

Ms. Pali: Well, I think –

Mr. Thompson: Their list might be shorter than ours.

Ms. Pali: So, so here...I'm gonna just pull the reins back for a minute. I'm really trying not to like, do this. I really want you guys to do it. And I know you're capable, but I don't want to go back and forth with the applicant because they have been really great. They've already represented that they would prefer not to limit this list if I do understand you correctly. So, they've already asked not to limit the list. And so, based off of what you've seen, what you know, what you've heard and what's been represented by them and the testimony and then what you know of the neighborhood, your guys, you guys are going to just have to grasp, like what you are believing in this. If you believe the project, then we'll work together to, to mitigate it, to find a balance. And, and that's what we, we want to do right now, okay. But I do want to...I don't know if there's a fear of man right now or what's happening, but let's just, yeah, let's just get through this. I think we can do it. Let me just have you show a raise your hands. Does anybody want to go through and eliminate some of these uses? If it's a yes, please raise your hand. So, at least I know where the majority is. Okay, one two three four, okay, so five. So, five want to go through the list. So, then if it's okay, Commissioner Thayer, I can just do this. I can go through the list. May I take this from you? Is that okay?

Ms. Thayer: Yeah, go ahead.

Ms. Pali: Okay, you were doing well, but I think everyone was like I don't know what to say.

Ms. Thayer: That's fine.

Ms. Pali: All right, we're just gonna do the show of hands and we're gonna go down the list. The first one is carpet cleaning plants. If you want to keep it in, raise your hand.

Ms. Thayer: Skipped some.

Ms. Pali: Oh, animal kennels, sorry. Okay, so you're only raising your hand when you want to keep it. If we don't have a majority, we're scratching it from the list. Animal kennels if you want to keep it in. Raise of hands. One, two, three, four, okay majority we're keeping it in, animal kennels.

This is dwelling units located in the same building, but I believe we've scratched dwelling units. So, we're scratching. Raise of hand to scratch dwelling units. One, two, three, four, okay, that's a majority. So, we're scratching that.

Carpet cleaning plants.

Ms. Thayer: You skipped one.

Ms. Aoki: You skipped.

Ms. Pali: Oh, assembly of electrical appliances, radios, phonographs including the manufacture of small parts such as coils, condensers, crystal holders and a like. Is that something that...maybe, right? It might be on there. So, if you want to keep that in, oh, I need the share screen to stop. Oh, thank you sweetheart. Okay, I can't see their hands though.

Ms. Aoki: Oh, okay.

Ms. Pali: If you want to keep in assembly of electrical appliance, radios, raise your hand please. I mean, I feel like that's kind of part of a baseyard, but I'm not...is your applicant going...they'll want that in, right? Go ahead, Spence.

Mr. Spence: Yeah, I mean, I think we're...I went down this...The purpose of conditions on zoning if you look at the County Code, it's to mitigate impacts.

Ms. Pali: Right.

Mr. Spence: But then you also have to look at...I mean, you look at the impacts of assembly of electrical appliances sometime in the future, in a building some time in the future, you need space for this.

Ms. Pali: Yeah.

Mr. Spence: The county will need space, that's the purpose of light industrial zoning—

Ms. Pali: Sure.

Mr. Spence: --is to provide space for small businesses for people to better their lives to open up these kinds of things.

Ms. Pali: Sure, sure. But you agree on the plan that you have light industrial behind these that are not adjacent to a neighborhood. So, the question is are there gonna be better locations in the future for those, those opportunities to grow. Does it have to be this one right here, and what we're just really trying to do, is like we want to help with this project, but we can't give an all or nothing. So, we're just trying to find that place that lets the Hayes offer this owner opportunity for the need, but in a way that we consciously can say, like hey, because of this being adjacent to this neighborhood we've done the best we can, and that's why we're kind of going like eek, eek, eek, you know, so tell me, yeah.

Mr. Spence: I...personally I don't—

Ms. Pali: Okay.

Mr. Spence: --see problems with assembly of electrical appliances—

Ms. Pali: Yeah, me neither, I actually don't.

Mr. Spence: --there's not going to be an impact.

Ms. Pali: No, I'm with you. I agree. Yeah. I think that's minor, but I need hands. If you want to keep that in, I need hands, and if not, then...yeah, one—

Ms. Thayer: Seems okay.

Ms. Pali: And that's one, two, okay, three, okay, so that's a tie breaker.

Ms. Thayer: ...raising your hand to keep it in.

Ms. Pali: So, if you want, if you think assembly of electrical appliances, radios, phonographs including the manufacture of small parts such as coils, condensers, crystal holders and a like, if you think that's a non-issue for something like this, a baseyard and you don't mind it being kept in, raise your hand please. And then, that's it. Okay, one, two, okay, so that's just two now. Okay, so it's out.

Cleaning...carpet cleaning plants? Staying in, I need a raise of hands. Carpet cleaning plants, you don't want that. Oh, a plant like a...okay, got it. Okay, nobody wants that in.

Cold storage plants? No hands.

Commercial laundries? No hands.

Craft, cabinet and furniture manufacturing? Okay, one, two. Okay, it's out.

Education specialized? ...(inaudible)...know what that means?

Ms. Thayer: I don't know. Seems like it would bring a lot of people. I don't know.

Ms. Pali: Well, would people want it in. So, keep education specialized in.

Farm implement sales and service.

Ms. Thayer: Tractor equipment and stuff, huh?

Ms. Pali: Yeah, and that's a sales and a service. Two, that's out.

General food, fruit, vegetable processing, manufacture plants? Out.

Harbor facilities?

Ms. Thayer: Sorry, I'm okay with that.

Ms. Pali: Okay, I'm gonna do it again. Guys I don't want to be here all day. So, you know, you have like three seconds to raise your hand.

Ms. Thayer: Okay, we're raising our hand to keep it in.

Ms. Pali: To keep it in. Just consistent, keeping it in, general food, fruit and vegetable processing and manufacturing plants. You know, we can modify and get rid of the word, plant if you don't like the word, plant. You know what I mean? Okay, so who wants to keep that in? One, two, three, so we have three on, three off. I'm gonna do a tie breaker and keep it in.

Harbor facilities?

Ms. Thayer: I don't think that—

Ms. Pali: Do you want to keep it in? It doesn't matter 'cause there's no harbor. Okay, so let's go ahead and keep it out then. Take it out.

Ice cream and milk producing, manufacturing and storage? One, one, two, okay, it's out.

Laboratories, experimental, photo, motion picture film or testing laboratory. One, two, three, laboratories, experimental, photo or motion picture filming or testing. I don't...I'm not comfortable with that. I don't even...yeah, I'm not going to break that. I'll break the tie and I'm taking that one out. That's weird.

Light and heavy equipment and product display room, storage and service.

Ms. Thayer: Storage and...storage, we I think are saying is, okay.

Ms. Pali: Yeah, I think that's fine. Yeah. So, raise your hand if you wanna keep that in, one, two, three, four. Yeah, that's in. Okay.

Machine shop or other metal working shop. This is what they're representing, right? Yeah. Mm-Hmm. Mm-Hmm. So, that's in.

Manufacture, compounding or treatment of articles or merchandise from the following previously prepared metals, aluminum, bone, all that stuff off. The manufacture, compounding or treatment of the articles or merchandise from any of these type of materials wood, shell, tobacco. You want to keep it in? Raise your hand. One, two, three. I mean, I don't even know how you manufacture these things, so I—

Ms. Thayer: Putting them together.

Ms. Pali: Yeah, so—

Mr. Apo: Can I jump...that would be like a recycling HI-5 redemption center or like a baling operation on recycled materials.

Ms. Pali: Yeah. So, that's...yeah, so if you want to keep that in raise your hand. Thank you, Apo. Okay, so that's out.

Ms. Pali: Manufacturer, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfume, pharmaceutical, food products, except the rendering or refining of fats and oils. You want to keep that in raise your hand. Okay, that's out.

Manufacture, dyeing and printing of cloth fabrics and wearing apparel. Okay, that's out.

Manufacture of musical instruments, toys, novelties and rubber and metal stamps. One. That's out.

Milk bottling or central distribution—

Ms. Thayer: ...(inaudible)...

Ms. Pali: Oh, manufacture of pottery and figurines or other similar ceramic products. Okay, there's only two. So, that's out.

Milk bottling or central distribution stations. One. Okay, here's the good news, it's just a recommendation like you guys get to talk to the big dogs, you know what I mean?

Like mortuaries and morgues. Okay, nobody wants that in.

Plumbing shops. I mean, I'm okay, I'm okay with plumbing shops. Tie breaker, it's in.

Poultry or rabbit slaughter, incidental to the retail business on the same premises. And it is farming. Farming, one.

Mr. Hopper: Chair, just for clarity purpose, I think for each of these you should say, show of hands with the numbers were, just so you can be clear on that because that will be...

Ms. Pali: ...(inaudible)...

Mr. Hopper: Because that will be...so it's recorded for the record.

Ms. Pali: Okay, I will.

Mr. Hopper: Because this is a record going to the Council.

Ms. Pali: Okay, I will.

Mr. Hopper: It may assist.

Ms. Pali: Okay, thank you.

Mr. Hopper: There's a video of it obviously, but that would be helpful.

Ms. Pali: Okay, okay. So, poultry or rabbit slaughter, incidental to retail business on the same premises? A show of hands that are for that. We've got one. Commissioner Lindsey and Commissioner Thompson. All right. So, that's not included, unfortunately.

Production facility multimedia, production facility, multimedia. We've got Hipolito yes, Apo yes, Lindsey yes, Thayer yes. Okay, it's all five so that stays in.

Radio transmitting and television stations, provided that towers are the self-sustaining type without guys. I love that, without guys.

Ms. Thayer: Self-sustaining.

Ms. Pali: Without the guys. Without the braddas. Okay, if you want to keep that in, please raise your hand. We got Lindsey as a keep in, Commissioner Thayer is a keep in, Commissioner Thompson. We have four?

Mr. Thompson: Yes.

Ms. Pali: Okay, who's the forth? I have one, two...oh, I forgot, yeah I got four. Okay, thank you. That's in.

Replating shop. I don't know what a replating shop is.

Ms. Thayer: Is that like for metal?

Mr. Thompson: ...(inaudible)...

Ms. Thayer: Yeah, it's a lot of chemical. Chrome.

Mr. Thompson: ...(inaudible)...

Ms. Pali: All right. So, any show of hands for that? I see none. So, that's out.

Retail lumber yard including mill and sash work, mill and sash work shall be conducted within a completely enclosed building. But were we going to get rid of the structures on the other side or no? You have this one or the other. I'll vote on that next. I'll vote on that last.

Ms. Thayer: Would a, would a shipping container...(inaudible)...

Ms. Pali: Well, except for with storage and I think we had a shipping and pods and storage.

Ms. Thayer: Yeah, but like could that be done—

Ms. Pali: Oh, out of—

Ms. Thayer: --a container?

Ms. Pali: Oh, okay, okay, okay, fine, yeah, maybe.

Ms. Thayer: I feel like that would be okay.

Ms. Pali: This is retail lumber yard. The retail lumber yard including mill and sash work. I only two though. I think need three. One, two, three, four. Okay, are you in, were you in Thayer? Okay, so Thayer, Lindsey, Hipolito and...so that's in, Dale Thompson. The retail lumber yard is in.

Small boating building. I mean, yeah, that's what they want to do with the boats. Yeah, one, two, three, four. So that's in.

Soda water and soft drink bottling and distribution plants. I see no hands. Okay, I see none. That's out.

Tire repair operation including recapping and retreading. I mean, if they're going to have vehicles. Okay, we've got Apo, we got Thayer, we got Thompson. I'm going to come back to that one because I don't want to...I don't know how I feel about that. Feel like they have automobiles, so, I'm going to put that on the side.

Facility, utility facilities, minor and substations up to and including 69 KV transmission. Utility facilities?

Ms. Thayer: Substation.

Ms. Pali: Okay, so yeah. So, no hands. Okay, so that's out, the utility facilities.

I'm gonna go back and...I go ahead and approve the tire repair operation. I'm gonna approve that Tara.

Warehouse, storage and loft buildings. Warehouse, storage and loft buildings. Okay, I see...

Ms. Thayer: Is a storage container, a shipping container a storage building?

Ms. Pali: Okay, so...we, we are approving for storage. That's what they...yeah, so we need this in guys. Sorry, I'm not ...(inaudible)...okay, one second. One, two, three. Okay, so, warehouse, storage or loft building. We can go back...I'm gonna...when I'm done with this, Spence, I'm gonna come back to you and we'll talk through some things, okay.

Wearing apparel, manufacturing. So, manufacturing clothes? Okay, I see none. Oh, go ahead. Did you want to discuss?

Ms. Thayer: Oh, just that there was the one above that was manufacture, dyeing and printing of cloth fabrics and wearing apparel.

Ms. Pali: Yeah, you deleted that though.

Ms. Thayer: I know.

Ms. Pali: Oh.

Ms. Thayer: It's redundant.

Ms. Pali: Same thing. Okay. But this one's wearing, so they don't get to dye. They just bring it, store it and then sell it or maybe print maybe. There's no dyeing and stuff I think. But I didn't see any hands, so...

Okay, so wholesale businesses, storage buildings, non-explosive goods, and warehouses.

Ms. Thayer: Storage buildings.

Ms. Pali: Yeah, yeah, yeah, yeah. Okay. Now, I'm gonna go back now and I'm gonna let, let, if there's something that we took out, I would like the applicant an opportunity to tell us why they need something back in or if it's just...if you're like oh, we still want all of it back in, then that's I guess another story. But, I'm gonna read the list that you guys voted, and then if somebody made a mistake, if we wanted to revote on something we can.

We kept in animal kennels. We kept in education, specialized. We kept in general food, fruit and vegetable processing and manufacturing plants. We kept in laboratories. Oh no, sorry, we did not. We kept in light and heavy equipment and product display room storage and service. We kept in machine shop and other metal working shop. Okay, I think we went all the way down to the radio transmitting and television stations, provided that towers are of self-sustaining type without guys.

Ms. Aoki: I have plumbing shop.

Ms. Pali: Oh, yeah, I did plumbing shop, sorry. Yeah, we marked it off, but then I did the tie breaker. Oh, thank you. Okay, thank you. So, we have plumbing shops, production facility, multi-media, radio transmitting and television stations, retail lumber yard including mill and sash work, small boat building, tire repair operation including recapping and retreading, warehouse storage and loft buildings, and wholesale business storage buildings, non-explosive goods and warehouses. Did I miss anything? Okay, now based off the representations today, Will, if this is a happy medium for them at least to just recommend, was there something that substantially like you know that you wanted to include now that we missed?

Mr. Spence: Do you want to testify? Are you going to defer to your...okay, Chris Hayes. Go ahead.

Mr. Hayes: Chris Hayes. We've been approached by a developer that's trying to do a large solar system, and they would need to put in a substation in order to better tie into the new MECO substation that's there. So, to delete a substation out of the...out of an approved thing would mean that the solar system would not be able to happen. And we're right beside a MECO substation.

Ms. Aoki: Chair?

Ms. Pali: Yes, please.

Ms. Aoki: If I could clarify, is this the utility facilities minor? Yes. Okay. He's correct in what he's saying, so you may want to consider putting it back in.

Ms. Thayer: Yeah, I think the substation...(inaudible)...

Ms. Pali: Okay—

Mr. Spence: It's kind of the idea of light industrial, you want to put all these kind of uses that have noises and smells and things, you want to put those all together in one place including utilities.

Ms. Pali: Yeah, I think it's okay. I don't think we're disagreeing. I think just hearing that maybe earlier on might have been more helpful. I think when we are hearing that we want to do these things and we don't have a different use for the future but then this is something that you guys already knew it just didn't come out till now, so I think that we just didn't know. We weren't able to mitigate it because we just didn't know. So, I agree with you, I agree with you. Okay, discussion.

Ms. Thayer: Yeah, I would say on that note, so, like I presume it would be one of the lots that's closest to the MECO substation, right? Because my concern would just be that it's not anywhere that is, you know, visible to the residents who are on the other side of Ohukai Road, which is going to be taken care of on its own. But I just wanted to speak that concern.

Ms. Pali: So, on your map of the 21 lots that we have here, can you give us an idea of what space that you're considering? I think they're all numbered spaces 1 through 21.

Mr. Spence: It would be on the south side closest to one of the, the spaces closer to the MECO substation.

Ms. Thayer: It would be like seven, eight or nine.

Mr. Spence: I mean, and with all fairness, a MECO substation is visible from Ohukai, from Piilani Highway, from many, many places.

Ms. Thayer: Yeah, I'm just saying not to put any more stuff that would be like right on Ohukai Road.

Mr. Spence: No.

Ms. Thayer: Yeah.

Ms. Pali: Director, please.

Ms. Aoki: Thank you. If I could...so, let me find it again. Sorry, I'd like to read out what utilities facilities minor in the definition because I don't want anybody to be confused. To me, it doesn't matter where it's located because utility facilities minor is minor utility facilities means transmission lines basically, used directly in the distribution of utility services that have a minor impact on adjacent land uses which include, but which are not limited to 23 kilovolt transmission substations, vault, water wells, tanks, distribution equipment, sewage pump stations and other similar type uses. So, it's essentially the transmission lines. If we go back to 19.24, accessory uses for light industrial include energy systems, small scale. So, there's a nexus between the two. That would be an accessory use, and what they're asking for is to not get rid of that utility minor use which makes sense in my opinion.

Ms. Pali: Which line is it?

Ms. Thayer: It's the fourth to the last from the bottom.

Ms. Pali: Oh, got it. Utilities facility minor and substations up to and including...so, this one says 69 KB transmission. Is that in direct conflict with what you just read?

Ms. Aoki: Uh, I have to go back.

Ms. Pali: Because it didn't sound like you said 69. You said like—

Ms. Aoki: Well, that's utility facilities minor.

Ms. Pali: Okay.

Ms. Aoki: And substations up to—

Ms. Pali: Up to...

Ms. Aoki: So, it's they're all in one.

Ms. Pali: Okay, so we're good. There's no conflict there.

Ms. Aoki: No.

Ms. Pali: All right, so you're asking to put that back in? Okay, show of hands that you guys agree that you would promote solar off grid emissions—

Ms. Thayer: It would be a substation for solar. Like they're not putting a solar here, right? You're providing a connection for the solar power—

Ms. Pali: To, to further solar...(inaudible)...Okay, so all in favor of adding back in utility facilities minor and substations to and including 69 KV transmission. Show of hands, one, two, three...okay, we've got a majority. So, thank for...we'll put that back in. I'll just put it back in. Okay. All right, so was everything else okay, Spence?

Mr. Spence: I've never...with all due respect to the Commission, I've never seen anybody go down the list--

Ms. Pali: I know.

Mr. Spence: --like this before. Some uses that I'm very familiar with that are very benign have been eliminated from the list of permitted uses. I'm not quite sure what to say.

Ms. Pali: Okay. Well, in the five years I've sat here, unfortunately, we've done this often and we're just trying to hit a compromise between the commissioners. Okay, so I want to open the floor for further discussion with commissioners. Is there anything additional that you guys wanted to add for conditions? Is there anything else we've missed? And is there any condition that Tara read earlier that you guys don't agreed with. We've not officially made a comment or added anything about the no structures. A few of you brought that up, I don't know how you're feeling about this now that we've gone done the list. But I do want to start to wrap this up here. So, I'll just go around one time and give everybody opportunity. Commissioner Hipolito, you got any other additional questions or input about what we've talked about?

Mr. Hipolito: No, Chair.

Ms. Pali: Okay, Commissioner Deakos.

Dr. Deakos: Just real quick. A lot of the uses we've mentioned I'm in full support of those types of uses, just this project was sold as a storage area. We talked a lot about storing boats and vehicles that seemed very benign and other than potential toxic. So, that's why, you know, I think a lot of those uses I would love to see. But you know, next to this neighborhood, and I had concerns with the sort of a change in what the vision of this place would be. So, that's all I got. Thank you, Chair.

Ms. Pali: Okay, thanks, Commissioner Deakos. So, what you're saying is, I'm sorry, I may have lost what you meant to say. So, you were in favor originally of the representation, but you're not really necessarily opening...open to the other types of uses. Is that what you said?

Dr. Deakos: No, I just, just...I mean, I did not support the use of a lot of those in the list for this particular project. It's not that I don't support local businesses doing a lot of those. I would love to see more of that. Just some of them involve, you know, a lot of noise, a lot of, you know, local commercial. So, that's why it was not in support of that.

Ms. Pali: Absolutely. I hear what you're saying now. Okay, thank you. Commissioner Apo.

Mr. Apo: I'm going...I'm back Commissioner Deakos as well. We're changing um from one agriculture zone to one business zone, so we going from...their property value is going to increase down the road and the future, we need to look out for future and we did the right thing with going step by step. Unfortunately, came on this project, but I mean, I'm for whatever we pass so far, so yeah, thank you.

Ms. Pali: Okay, Commissioner Lindsey.

Ms. Lindsey: I do feel like we are severely limiting the options for this owner for the property, and I agree I want to see a lot of these things there. I wish we could have instead of go play by...go instance by instance, instead of been like, if you're over a certain amount of hazardous use, then you cannot be in here. But this is how it is, so it is. Thank you.

Ms. Pali: Commissioner Thompson.

Mr. Thompson: Nothing to add, thank you.

Ms. Pali: Can you see, let us know sort of where you are, are you an approval with some of these things or are you not happy with certain things?

Mr. Thompson: Yeah, I mean, I think we've departed because it was about zoning, and so now, we're nitpicking the zoning apart because we don't want to see replating or whatever, but I would support the project, what they're doing and any of those other type projects still have to get permits.

Ms. Pali: Yeah.

Mr. Thompson: If they can by us, God help them.

Ms. Pali: Commissioner Thayer.

Ms. Thayer: Thank you, Chair. I kakoo what Commissioner Deakos and Commissioner Apo brought up, and I hear Commissioner Lindsey, you know, like I feel like making cabinets is okay, and putting fruits together is okay. And I'm just...I'm not sure how to reconcile all of this because, you know, like they said, some of these are pretty benign. But at the same time, it's balancing out with the whole entire neighborhood being right across the street and being sensitive to, you know, they've been there for a long time now. And this is something new, and what, like Commissioner Apo said about, you know, this is going from agriculture and we're ramping it up to light industrial, which is a change of a lot of things. And so, balancing it this all out, you know, we got to meet somewhere in the middle, and hopefully we are doing that, maybe in a nitpicky way, but we're finding our way there and, yeah, like maybe if there's another way to allow for some of these, but to curb them so they don't get too impactful to their neighbors across the street. Maybe there's more of a middle ground we can massage, but I know we've been talking about this for a while and, yeah, all morning and into the afternoon. But you know, at the same time, I'm glad we're putting attention to this because we should be putting attention to it and we shouldn't be like, God, this is taking longer than I thought it would, you know, like we should not be approaching things that way ever.

Ms. Pali: Yeah. But as long as we're being productive.

Ms. Thayer: As long as we're being productive.

Ms. Pali: We're not staring at each other.

Ms. Thayer: Yeah, it's not like spinning our wheels and stuff. But yeah, you know, we got to do our due diligence because this is effectively permanent.

Ms. Pali: Yes.

Ms. Thayer: And so, if we are making a decision like this, we should weigh everything out.

Ms. Pali: Absolutely.

Ms. Thayer: Yeah, so that being the case, maybe when we transmit this to Council, we can put some annotations on our conditions to say, this is—

Ms. Pali: Why.

Ms. Thayer: --this is what we've arrived at, but this is the thought process, and this is what we might be open to.

Ms. Pali: Yeah.

Ms. Thayer: We can stick that in our recommendation to them.

Ms. Pali: Absolutely. Okay, so Tara, are you transmitting for us? Okay, so I think we should just go ahead and do an official motion to approve our comments. But if you...you can, you can either agree to approve the comments thus far. You can reject the comments we've come up with this far. Those are your two options or abstain, and then we'll try another motion. But I think we should do a motion to...and see if that we have the majority because I think everyone has sort of validated that, but I want to do an official vote. Go ahead.

Ms. Thayer: We are providing a recommendation, like we are providing more than just comments, right? Like we are voting on a recommendation.

Ms. Pali: Well, that's...yeah, well a recommendation is our, our—

Ms. Thayer: Approve—

Ms. Pali: --our comments.

Ms. Thayer: Yeah, yeah.

Ms. Pali: Yeah, yeah. But it's still just, yeah, what we think.

Ms. Thayer: Yeah.

Ms. Pali: And then they will—

Ms. Thayer: Like we would say, you know, recommend deny because of this or recommend approve with these—

Ms. Pali: That's right.

Ms. Thayer: --conditions.

Ms. Pali: Absolutely.

Ms. Thayer: Yeah.

Ms. Pali: Yes. So that's why I want to take a motion. So, I do need a motion. Go ahead, Director.

Ms. Aoki: I realize that you, you wanted to put these together.

Ms. Pali: Oh, okay, we can—

Ms. Aoki: But I would, I would suggest you do them separately.

Ms. Pali: Okay. So, let's do the first one District Boundary since we don't have any conditions on that. Can I get a motion please for approval or denial, I think there's another option, you can actually sort of what is it, delay. You can...where's my...

Mr. Apo: Defer.

Ms. Pali: Yeah, you defer. So, you can approve, deny or defer. And we'll do the first one first, the District Boundary Amendment. So, can I have a motion, please?

Mr. Thompson: Chair, I'd like to make a motion to approve that.

Ms. Pali: Okay, Commissioner Thompson has a motion to approve. Uh, do I have a second? Commissioner Hipolito is the second. Movant any discussion? Thank you. Commissioner Hipolito do you have any comments.

Mr. Hipolito: No comments, Chair.

Ms. Pali: Great. Can I see a show of hands? Oh, I'll let the Director take the roll call vote please.

Ms. Aoki: So, we have a motion on the floor to recommend approval of the District Boundary amendment from Agricultural to Urban. Commissioner Thompson.

Mr. Thompson: Aye.

Ms. Aoki: Commissioner Hipolito.

Mr. Hipolito: Aye.

Ms. Aoki: Commissioner Deakos.

Dr. Deakos: Defer.

Ms. Aoki: Okay, there's no defer. You either vote aye, no or you abstain. And if you abstain, it's a yes vote.

Dr. Deakos: Abstain.

Ms. Aoki: One abstention. Commissioner Apo.

Mr. Apo: Aye.

Ms. Aoki: Commissioner Lindsey.

Ms. Lindsey: Aye.

Ms. Aoki: Vice-Chair Thayer.

Ms. Thayer: Aye. And can I just make a note that this would align with the community plan designation.

Ms. Aoki: This is your—

Ms. Thayer: District Boundary Amendment.

Ms. Aoki: Yes.

Ms. Thayer: Yeah, yeah.

Ms. Aoki: Chair, the motion passes.

Ms. Pali: Thank you. And those are good for the beginning when we have discussion. Discussion is when you want to say why you're going to vote a certain way. So, then when we do the vote, you just have the vote, but thank you. I appreciate that.

District Boundary Amendment

It was moved by Mr. Thompson, seconded by Mr. Hipolito, then

VOTED: To Recommend Approval of the District Boundary Amendment from Agricultural to Urban to the County Council as Recommended by the Department.

**(Assenting – D. Thompson, M. Hipolito, A. Lindsey,
M. Deakos - Abstained, B. Apo, K. Thayer)**

Ms. Pali: Okay, so we're going to do the Change of Zoning and the next one, and we're going to...I need a motion to either approve, deny or defer our decision or recommendation to the Council on the Change of Zoning. And if the person is doing the motion, if you want to include already the conditions we've all put together and agreed or I mean, really, your motion can be whatever you want it to be. Commissioner Thompson.

Mr. Thompson: Sure, I'd like to make a motion to approve this with the conditions.

Ms. Pali: So, to be clear, the conditions that Tara read earlier that we all agreed upon, plus the list of the limitations of zoning usage.

Mr. Thompson: Affirmative.

Ms. Pali: Is there a second?

Mr. Apo: I'll second.

Ms. Pali: Apo. Movant, any discussion?

Mr. Thompson: No, thank you.

Ms. Pali: Commissioner Apo, any comments?

Mr. Apo: No, thank you.

Ms. Pali: All right any...I actually did you...discussion so that's my fault Commissioner Thayer. Man, I'm sorry. Any discussion? You're so sweet. Any discussion so you guys can...this is time where you will maybe put on record as to what you're gonna vote, why you're gonna vote. So, when you vote, they have a record of the discussion. So, if you need to position yourself as to why you're gonna vote the way you do, this would be time to do it for discussion. Okay, I see no discussion. Chair...Director, will you take the roll call vote please. Oh, sorry, Commissioner Thayer.

Ms. Thayer: So, I would just want to say that we had lengthy discussion on this, probably more than any of us thought that was going to happen, and you know, having considered the impacts of changing this into light industrial and looking at all the potential light industrial uses and addressing concerns that were brought up by neighbors in the area, Kihei residents and hearing the need for this kind of space, we've considered lots of conditions to mitigate potential impacts and to try and steer this in the direction that was represented by the applicant. And to put an eye towards the future to make sure that this property is used in the way that is intended for what we are deliberating on today. That these are the conditions that are...we are recommending to mitigate whatever concerns have been brought up. Any maybe noting that the list of permitted uses could be further modified or massaged to strike a compromise between providing for the need of the community, the desires of the landowner and mitigating concerns. Summing up thoughts.

Ms. Pali: Great.

Ms. Thayer: Thank you.

Ms. Pali: Any other discussion points? Okay, Director.

Ms. Aoki: Chair, you have a motion on the floor to recommend approval of changing the zoning from Rural to Light Industrial with the listed and discussed conditions. Commissioner Thompson.

Mr. Thompson: Aye.

Ms. Aoki: Commissioner Hipolito.

Mr. Hipolito: Aye.

Ms. Aoki: Commissioner Deakos.

Dr. Deakos: Aye.

Ms. Aoki: Commissioner Apo.

Mr. Apo: Aye.

Ms. Aoki: Commissioner Lindsey.

Ms. Lindsey: Aye.

Ms. Aoki: Vice-Chair Thayer.

Ms. Thayer: Aye.

Ms. Aoki: Chair, your motion passes unanimously.

Change of Zoning

It was moved by Mr. Thompson, seconded by Mr. Apo, then

**VOTED: To Recommend Approval of the Change of Zoning from Rural to Light Industrial to the County Council as Recommended by the Department with the Conditions and List of Allowable Uses as Discussed and Approved by the Commission.
(Assenting – D. Thompson, M. Hipolito, A. Lindsey, M. Deakos, B. Apo, K. Thayer)**

Ms. Pali: Okay, so Tara, you will transmit all of that. Good luck. Is there a way I could see a copy of that before you do that? Okay, thank you. Thank you for working that out with us. You guys, thank you for your patience and your flexibility. And good luck with the County Council.

All right, yes, okay, we have one other agenda item that we have to see today, and it's 1:30, and I always promised myself that I would give us lunch. But what you guys don't know online is we've been eating all day, okay. You have missed the butter rolls and the sour dough bagels and the cream cheese and the ham and turkey we got up in here. Do you guys want to just power through this last item? I think it would be brief, but it's...I want to be respectful of your eating habits and children and things at home. Are you guys okay to power through or do you want another break? Power through, power through, okay.

Ms. Lindsey: Can we get like three minutes real quick? Refill my water, use the bathroom and be back.

Ms. Pali: Okay, let's do a five-minute break for restroom.

Ms. Lindsey: Okay, thank you.

A recess was called at approximately 1:39 p.m., and the meeting was reconvened at approximately 1:48 p.m.

Ms. Pali: All right, thank you for your patience. This is Maui County...oops, no, this is Maui Planning Commission and it's June 13th and we're back in session. It is 1:48. All right, this next item under the Director's Report, it's a Notice of Appeal and there is no public testimony being taken on this. This is just a notification only. So, if you are online and you are hoping to testify, unfortunately, there is no testimony that's being taken. So, I will let the Director, are you going to—

Ms. Aoki: Okay, yeah.

Ms. Pali: Yeah.

C. DIRECTOR'S REPORT

- 1. Notice of Appeal of Director's Decision to require a Special Management Area Use Permit (SM1) before the Maui Planning Commission rather than a Special Management Area Assessment Application for the following project:**
 - a) "Maui's Finest Luau" in order to conduct a Luau and perform Destination Weddings and Elopements on property located at 49 and 65 Hana Highway, Paia, Maui, Hawaii, TMK: (2) 2-6-002:010 and 011 (SMX 2022-00294) (D. Dias)**

For notification purposes only. No action will be taken. No public testimony will be taken.

Ms. Aoki: Thank you, Chair. So, we have Danny Dias of the Planner Supervisor for the Current Division for this item.

Mr. Danny Dias: Thank you, Director.

Mr. Hopper: Chair, just to go into it. This is a contested case and nothing is scheduled for today. So, you could just take notice of it, but there should not be any discussion or deliberation or really, you know, questions about the details of this. This is for, as I understand it, for informational purposes only. So, just, just to be clear.

Ms. Pali: That's right. Yes, notification only. Yep. I'm with you. We're on the same page. Thank you, Mr. Hopper.

Mr. Dias: Thanks, Mr. Hopper. So, I'll keep this very brief. Your SMA Rules require the Department to notify the commission when an appeal is filed. So, we did have an appeal filed for Maui's Finest Luau and in your packet, we provided the notice of the appeal, the letter from the Department that the appellant is appealing along with the Special Management Area Assessment application that the Department's decision was based upon. So, right now, we don't have a date where this will be scheduled. This is something that's handled by Corporation Counsel and they work with the appellant's attorney. So, when they notify us that this is ready to be scheduled, we will schedule this before this commission. Thanks.

Ms. Pali: Great. Thank you so much.

2. SMA Minor Permit Report

This is for notification and review purposes. No action is anticipated.

3. SMA Exemptions Report

This is for notification and review purposes. No action is anticipated.

Okay, you guys have the Director's Report for the SMA Minor and SMA Exemptions report in yellow and white. It's looking really great as far as like the details and what's going on, the type of work. I'm really grateful for the Planning Department to have such a detailed list here. Does anybody have any questions on this report?

Mr. Hopper: Chair? Just a—

Ms. Pali: ...(inaudible)...

Mr. Hopper: Just a reminder and I know we haven't always done this, and we assume three's usually none, but for the SMA Minor Permit Report and Exemptions Report and Future Meeting Agendas we should be allowing...and for the report on the site visit there should be public testimony requested for each of those. They're each separate agenda items, so, you know, open and...open, see if there's any, and then close it for each one, but that would be important to do.

Ms. Pali: Okay, I appreciate that. Thank you. Okay, so before we go to questions which I saw a hand raised, I would like to open up for public testimony, the SMA Minor Report and also, anything in the Director's Report section, SMA Exemptions Report and any public testimony for the next scheduled meeting, June 27, 2023. So, I'll give you a few seconds if you want to go to the chat function to testify on any of those items. Carolyn will let me know have someone signed up. Okay, seeing none, public testimony closed. Commissioners, any questions about the SMA Minor Report or the SMA Exemptions Report. Commissioner Hipolito.

Mr. Hipolito: Thank you, Chair. Chair, I wanted to ask the question if some of the, the project description was cut off early, like it's not completed. Is this entire report?

Ms. Pali: I understand. Okay, go ahead. No, no, go ahead.

Mr. Hipolito: I was looking the Kihei Shores parking lot and, repair, repave 2.5 inches asphalt in an area of approximately 130,000 square feet. Recompact existing base material, concrete curb, repair and...

Ms. Pali: Right. I think that's a formatting issue maybe.

Ms. Aoki: Yes.

Ms. Pali: Thank you for that catch there. They probably just had to open the space up to let more of the words go. So, it looks like it got, yeah...--

Ms. Thayer: It's not the only one.

Ms. Pali: So, to give a little of history, we were only getting like one liners before, but we were asking more questions and we wanted to have an idea of a little bit more of the project upfront. So, then they started trying to do a better job at just filling out the description. Each one of these has its own reports that they can pull and kind of give us more information, but this is sort of a short description, so I think we can fix that.

Ms. Aoki: Yeah, I can try. I can ask. I'm not sure on the formatting.

Ms. Pali: Oh.

Ms. Aoki: And how that all works. It might be limited.

Ms. Pali: Like the spacing. Okay.

Ms. Aoki: Some are longer than others, so—

Ms. Pali: I see, I see. Okay, Mr. Hipolito, we'll try to correct that. Do you want them pull the rest of those ones or you just sort of pointing out that some of them are cut off?

Mr. Hipolito: Pointing out, just pointing out. Thank you.

Ms. Pali: Okay, thank you. Any questions?

4. Discussion of Future Maui Planning Commission Agendas

a. June 27, 2023 agenda items

Ms. Pali: Okay. Next on the agenda is a discussion for the Future Maui Planning Commission for June 27th. I'll go to the Director on this. Thanks.

Ms. Aoki: Mahalo. Thank you, Chair. So, for the June 27th meeting, we will hopefully if all goes well at the Board of Ethics, we will have two new members joining us. Andrea Kealoha and Fawn Sherie Helekahi-Burns. We will also be having an orientation workshop which will be part one. What I'd like to mention to you, which we are announcing now to all of you, is that we will be scheduling a third public hearing for July 25th for the SMA and Shoreline Rules. All of you know that you voted on these rules at the March, think it was the March 28th meeting. Due to some unforeseen circumstances with testimony, as you know, there was the scheduling issue, and when we were going to do it, then we had a meeting and we had to pull it because it hadn't been noticed properly and there were all kinds of things going on, so we found some testimony that had not been provided to you. So, just to make sure we're all good and meet all the Sunshine Law, it was advised...advisable just to have a third and final public hearing so that all public testimony can be provided to you. You will be provided the final Ramseyered version of the rules. So, you will be able to see what it was that we were going to transmit to the County Clerk's Office. So, we will be having that public hearing on July 25th. Thank you, Chair.

Ms. Pali: Thank you for that.

Ms. Aoki: Any questions?

Ms. Pali: Wonderful. Commissioner Hipolito then to Commissioner Deakos.

Mr. Hipolito: Yeah, thank you, Chair. Since this is the time that we speak about future planning commission agendas. I recall last year there was some documents that reviewed about fines, outstanding fines. When are we going to tackle that?

Ms. Pali: Thank you, Commissioner Hipolito. About two years ago, I asked Director McLean to provide a list of people who had been in violation and fines have been accumulating, and we did get a list a year ago. And then we wanted to agendize that list to see what the protocol was because we noticed that people had been rolling for years and there was no action. There was no sort of accountability, there was no follow through and the person is still...well, many people were still in violation and they had years to handle it and there was nothing happening. And so, I can forward you, the email and that you...the list we got and maybe we can just get an up to the list and then look at putting that on the agenda. Thank you, Hipolito, I appreciate that. We've tackled some big things in the last year and that definitely fell off my radar.

Mr. Hipolito: Thank you. Thank you, Chair.

Ms. Pali: Commissioner Deakos.

Dr. Deakos: Yeah, thank you, Chair. Just clarification. So, if it's on the 27th, is this...are we, are we voting again on the rules and it's open to testimony again. So, it's another full day as the last time.

Ms. Aoki: Thank you. Commissioner Deakos. So, this, this public hearing will be scheduled for July 25th, not the June 27th meeting. So, I just wanted to make that clear. It is a public hearing. You...yeah, you would be...you would be making and voting again. So, we do have to open it all up to public testimony again. But you would now have the Ramseyered version of everything that you already voted for, but you would have to vote again because you would need to consider all of the testimony that would be provided to you on that day, and also, what was not given to you inadvertently.

Dr. Deakos: Okay, thank you. And so, the rules obviously aren't in effect now, and they won't be until that process takes place and a few processes after that, correct?

Ms. Aoki: Correct. But we're still using our current rules. We would also have this public hearing and then wait for the minutes of this meeting on the 25th to transmit that all up to Corporation Counsel to review for form and legality. And then we would transmit that to the County Clerk's Office.

Dr. Deakos: Okay, thank you. I know Commissioner Apo and I did a site visit at Olowalu. I don't know if we were supposed to provide a quick summary.

Ms. Pali: Oh, it's on...it's next. It's next.

Dr. Deakos: Oh, oh okay.

Ms. Pali: I'm going to call that next. Thank you, Commissioner Deakos.

Dr. Deakos: Okay.

Ms. Pali: Okay, so if we don't have any other comments about the future agendas or the 27th, the final item our meeting schedule today is a report from the commissioners who did go to Honoapiilani Highway site visit which was held on May 31st, and that is Commissioner Deakos and Apo. So, Commissioner Deakos, do you want to start.

5. Report from Commissioners Apo and Deakos on Honoapiilani Highway Site Visit held on May 31, 2023

Dr. Deakos: Sure, I totally forgot about that. I just got reminded. But yes, so it was interesting. It was D.O.T. representatives there. They were doing. They were concerned about some pinch points. They had for routes proposed for the realignment portion. And there's these areas where those four alternatives basically turn into one tight area. And there was some concerns with the cultural findings there. So, the cultural folks were there discussing what they have found, some ceremonial sites and it was actually quite interesting to listen to them describe what probably occurred here when this was active and all the establishments next to it. So, I

learned a lot. They did have some cultural, strong cultural representatives there to give them input. So, yeah, I thought it was, it was a good educational moment for me and I was happy to be there.

Ms. Pali: Great. Thank you, Commissioner Deakos. Commissioner Apo. I can see you video kinda freezing and coming in and out. Oh, there you are. Oh, there you go. You want to try it without the video?

Mr. Apo: ...(inaudible)...

Ms. Pali: Oh, there you are. I can hear you.

Mr. Apo: ...(inaudible)...

Ms. Pali: Yeah, you're kind of fuzzy, but go ahead.

Mr. Apo: Can you hear me now?

Ms. Pali: I can hear you now, but I think you're kind of coming in and out. So, if you feel like you want to turn off your video, so it gives you more juice for the voice. You're good now actually.

Mr. Apo: How about now?

Ms. Pali: Yeah, you're great. You're great, okay.

Mr. Apo: Basically, I was able to access the first site, archaeological site which is a heiau, one of the heiaus in that pinch point. Did learn a lot there. Kind of Commissioner Deakos spoke upon pretty much what I was going to say. However, I would like to be able to...they were talking about having future get togethers and walk throughs on a bunch of other sites that was there. There is actually like 12 or 14 more. If you could keep us in the loop, I'd be happy to join those again. And also, if you could give us a copy of the, the layout of where they all are in relation to where the four routes were coming to or proposed. Um, it's very interesting. I mean, it's a lot to take in walking there, a lot of energy and yeah, thank you for the opportunity, and I'd be willing to on the next or how many they have.

Ms. Pali: Great. Thank you, Commissioner Apo. Okay, well, I appreciate you both going out there. I think site visits are really great and if we can do more of those, I think if our schedules and time allow, I think that's amazing. So, I appreciate you guys taking the time and making that a priority in your schedules.

D. NEXT REGULAR MEETING DATE: June 27, 2023

E. ADJOURNMENT

Ms. Pali: Okay, good job today. I know this was a tough one and I appreciate everybody hanging in there. And yeah, meeting adjourned.

The meeting was adjourned at 2:03 p.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Kellie Pali, Chairperson – in person
Dale Thompson – in person
Mel Hipolito, Jr. – via BlueJeans
Ashley Lindsey – via BlueJeans
Kim Thayer, Vice-Chairperson – in person
Mark Deakos – via BlueJeans
Blaine Apo – via BlueJeans

Others

Kathleen Ross Aoki, Director, Dept. of Planning – in person
Michael Hopper, Deputy Corporation Counsel, Dept. of the Corporation Counsel – via BlueJeans
Jordan Molina, Director, Dept. of Public Works – via BlueJeans (in attendance at 12:20 p.m.)