

LU Committee

From: Robert Carroll
Sent: Friday, March 24, 2017 7:46 AM
To: LU Committee
Subject: FW: SWrightNotes3.23.17
Attachments: SWrightNotes3.23.17.docx

Robert Carroll

*Vice Chair Maui County Council
Chair Land Use Committee
Office #: (808) 270-7246
Fax#: (808) 270-7246*

From: Sharon Wright [mailto:sharmwa@maui.net]
Sent: Thursday, March 23, 2017 3:43 PM
To: Robert Carroll <Robert.Carroll@mauicounty.us>
Subject: SWrightNotes3.23.17

Hi Bob – thanks for your time today!

SW

MICHAEL WRIGHT & ASSOCIATES, INC.
Project & Construction Management

Sharon Wright
2145 Wells Street, Suite 305
Wailuku, HI 96793
Phone No. (808) 244-1600
Fax No. (808) 244-3600

Bob – thanks for your time today. Here are some of my additional concerns with the proposed bill amending Chapter 19.03 and 19.04

1. Commercial filming and photography activity, subject to the following limitations:

a. If on County property, the activity shall be authorized by a valid film permit from the County throughout the duration of the activity.

b. If on State property, the activity shall be authorized by a valid film permit from the State throughout the duration of the activity.

c. If on private property, notice of the activity shall be provided to owners of all adjacent properties and potentially impacted properties. The requirement to notice must be expanded for filming as the impacts go way beyond a 500 ft boundary with noise, lights and traffic. Also, in our case, the landowner's property was at the end of a flag driveway where he only had 2 -3 neighbors directly adjacent to him. This flag driveway connected to the main subdivision road which is the one he blocked at the top and posted body guards at. He never bothered to notice any of those neighbors. They then forced everyone whose vehicle was not essential to the actually filming to park on the main subdivision road outside all our homes. During the rain, their cars trashed the neighbor's frontages and restricted their use of this area. It became dangerous to walk your dog or for your kids to ride bikes because of the constant stream of cars- Such notice shall be provided no less than fourteen days prior to the initiation of the activity, shall describe the activity and its duration, and shall provide contact information for a responsible party. This Person needs to be an on-island, accessible representative who can take the complaint call when it's generated and come out the site to investigate, while its happening. In our instance, it was a mainland producer in Los Angeles who we were referred to communicate with and was 3,000 miles away. Most of the communications were generated via email which didn't solve anything and only exasperated the lack of care who shall respond to questions and concerns from property owners. Evidence and documentation of such notice shall be provided to the director upon request.

d. If on private property, the activity shall not result in material annoyance, inconvenience, or discomfort to the neighborhood or to the public, such as from excessive noise, lighting, and traffic, beyond such impacts that would ordinarily occur with any use permitted on the property. What is the result on the filming if there are these impacts?

In our case, the production crew didn't care and said they'd just take the fines as the filming was more important than a measly fine of \$1,000/day. The comment was made to me that they would just refer it to their insurance and it would be buried. I was also told to expect that they would be filming her again. At that point, we were stuck.

e. If on private property, the activity shall involve no outdoor activities before 8:00 a.m. and after 10:00 p.m., including setup and breakdown.

f. The activity shall not cause permanent change in the use of the subject property, unless such change is lawful or properly permitted.

g. All other required permits and approvals shall be obtained.

2. A temporary commercial event (is this for money, I am assuming?) such as a bazaar, fair, reception, or festival, subject to the following limitations:

- a. The event is related, incidental, customary, or compatible with an existing principal or accessory use.
- b. Notice of the event shall be provided to owners of all adjacent properties. Again, this should be expanded encompass a large area for the larger 2 –acre lot subdivisions. for an event not sponsored by the County. Such notice shall be provided no less than fourteen days prior to the initiation of such event, shall describe the event and its duration, and shall provide contact information for a responsible party who shall respond to questions and concerns from property owners. See comments above Evidence and documentation of such notice shall be provided to the director upon request.
- c. The event shall not result in material annoyance, inconvenience, or discomfort to the neighborhood or to the public, such as from excessive noise, lighting, and traffic, beyond such impacts that would ordinarily occur with any use permitted on the property. See comments above
- d. The activity shall involve no outdoor activities before 8:00 a.m. and after 10:00 p.m., including setup and breakdown.
- e. The event shall not cause permanent change in the use of the subject property, unless such change is lawful or properly permitted.
- f. Events shall be limited to no more than twelve days in a twelve-month period per parcel for 4 County-sponsored events and four days in a twelve month period per parcel for events that are not sponsored by the County. I am assuming this means a private landowner can rent their property out for money, 4 times a year? If this is the case then all parking for these events must be onsite, within the property, and not in the county right of ways or on frontages. Who is responsible for damage to and within County right of ways as a result of these commercial activities? (i.e. property damage like mailboxes run over, trash, gates or fences damaged).
- g. All other required permits and approvals shall be obtained.

3. Temporary sales offices for new projects when located in the same project area.

4. Restricted use lots and the uses allowed thereon. Limitations listed above shall not apply to any use that is expressly permitted elsewhere in this title.”