

LAND USE COMMITTEE
Council of the County of Maui

MINUTES

November 30, 2016

Council Chamber, 8th Floor

CONVENE: 1:32 p.m.

PRESENT: VOTING MEMBERS:
Councilmember Robert Carroll, Chair
Councilmember Elle Cochran
Councilmember Stacy Crivello
Councilmember Don S. Guzman

EXCUSED: VOTING MEMBERS:
Councilmember Michael P. Victorino, Vice-Chair
Councilmember Gladys C. Baisa
Councilmember Don Couch

STAFF: Scott Jensen, Legislative Analyst
Raynette Yap, Committee Secretary

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

ADMIN.: Michele McLean, Deputy Directory, Department of Planning
Jeffrey Dack, Planner VI, Department of Planning
Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: James Fahnestock
Rory Frampton, Rory Frampton Consulting, Inc.
Heidi Bigelow
Plus (6) Others

PRESS: *Akaku Maui County Community Television, Inc.*

CHAIR CARROLL: . . .*(gavel)*. . . This Land Use Committee meeting of November 30, 2016 will come to order. I'm Councilmember Robert Carroll, Chair of the Council's Land Use Committee. First of all, my request, if anybody has any cell phones or anything that makes noise, please turn it off or put it on the silent mode. This morning, we have with us, Members, Mr. Guzman.

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COUNCILMEMBER GUZMAN: Good afternoon.

CHAIR CARROLL: Good afternoon. Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha.

CHAIR CARROLL: And Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good afternoon, Chair.

CHAIR CARROLL: And excused are the Vice-Chair of the Committee, Michael Victorino; Gladys Baisa; and Don Couch. Executive Branch, we have Michele McLean, Deputy Planning Director; Jeffrey Dack, Department of Planning; Tara Furukawa, Department of Planning. Department of the Corporation Counsel, Jennifer Oana, Deputy Corporation Counsel. Others, we have Rory Frampton, consultant, LU-34; Jordan Hart, Chris Hart and Partners, Incorporated, LU-24; and Raymond Cabebe, Chris Hart and Partners, LU-24. Committee-- . . . *(sneezed)*. . . excuse me--Committee staff, we have Raynette Yap, Committee Secretary; and Scott Jensen, our Legislative Analyst. Today, we have two items on the agenda. The first, the referral of bills regarding land use entitlements for Seabury Hall to the Maui Planning Commission. And the second is a request from AAAAA Rent-A-Space for Lahaina Conditional Permit. We will have no calls from Lahaina--ah, Lahaina, looking at Elle over there so I said, Lahaina--from Lanai, Molokai, or Hana. We cannot get transmissions from them this morning. However, we have notified them that they can e-mail the staff if anything comes inside and then we will bring it forward for public testimony. And we will accept testimony on both items, but I will announce first that there's a request for deferral for item number two. Request from AAAAA Rent-A-Space in Lahaina for Conditional Permit. However, we will still be accepting public testimony on both items. For individuals who will be testifying in the Chamber, please sign at the desk located at the eighth-floor lobby just outside the Chamber door. If you are testifying from a remote testimony location specified on the meeting agenda, please sign up with the Council staff at that location. Testimony will be limited to the items on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes. When testifying, please state your name and the name of any organization you're representing. Mr. Jensen?

. . . BEGIN PUBLIC TESTIMONY . . .

MR. JENSEN: Mr. Chair, the first testifier is Jay Wright. Mr. Wright will be testifying on LU-24. He'll be followed by Larry Gilbert. Mr. Wright and Mr. Gilbert, no longer wish to testify. The next testifier is Bill Gresham. While Mr. Gresham is being sought, the next testifier signed up is Art Ford followed by Amberlynn Duarte. Mr. Chair, apparently, the first five testifiers signed up are no longer wishing to testify. The sixth testifier is James Fahnestock, and Mr. Fahnestock is here.

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CHAIR CARROLL: Please come down and identify yourself and any organization that you'll be representing.

MR. FAHNESTOCK: Good afternoon. My name is Jim Fahnestock, and I am the Co-Founder and past President of the Rotary Club of Lahaina Sunset. I'm here to support the application of AAAAA Rent-A-Space. West Maui is blessed with so many companies that demonstrate a sincere commitment to the community. In my opinion, none stands taller than AAAAA Rent-A-Space. AAAAA isn't the biggest company in West Maui, but it may have the biggest heart. Every month AAAAA co-sponsors the Go Green 3rd Saturday Recycling at the Lahaina Cannery Mall along with the County of Maui, Malama Maui Nui, Lahaina Cannery Mall, and the Rotary Club of Lahaina Sunset. AAAAA handles the recycling of all electronic devices every month. By this, I mean AAAAA provides the truck to collect electronics, and the AAAAA staff delivers the electronics to Habitat for Humanity in Wailuku each month. All of this is done at no expense to the 3rd Saturday recycling event budget. AAAAA also develops and pays for all 3rd Saturday event advertising in *Lahaina News*. This, too, is done at no cost to the event budget. Third Saturday Recycling is just one example of AAAAA's commitment to the community. The company is an active supporter of so many community organizations including Women Helping Women, the West Maui Rotary Clubs, and all the West Maui schools. AAAAA General Manager Liz May has personally managed fundraising programs for these organizations and others. She does this with the active support of AAAAA ownership, not for business gain, but to benefit the community. One of AAAAA's ongoing programs is the collection, storage, and transport of items donated to Women Helping Women. In my opinion, AAAAA Rent-A-Space provides, through its active, effective, and ongoing community involvement, a wonderful model for other Maui companies to follow. Maui is a stronger community because of AAAAA. I ask the Council to support AAAAA's application and I thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you. Mr. Jensen?

MR. JENSEN: Mr. Chair, there are no further testifiers in the Chamber.

CHAIR CARROLL: Is there anyone in the gallery that has not signed up that wishes to come down and give public testimony? Seeing none, and having no further communication from the satellite offices, if there's no objection, public testimony is now closed.

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: Public testimony is now closed.

. . . END OF PUBLIC TESTIMONY . . .

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**ITEM NO. 34: LAND USE ENTITLEMENTS FOR SEABURY HALL
(MAKAWAO) (CC 16-296)**

CHAIR CARROLL: Our first agenda item, LU-34, a proposed resolution entitled, Referring to the Maui Planning Commission Proposed Bills to Amend the State Land Use District Classification, Enact a Community Plan Amendment, and Change the Zoning for 14.950 Acres at 305 Meha Road, 480 Olinda Road, Makawao, Hawaii. And a Bill for an Ordinance to Amend the State Land Use District Classification from Agricultural District to Urban District for 14.950 Acres at 305 Meha Road (Portion) and 480 Olinda Road, Makawao, Hawaii. And a proposed bill entitled A Bill for an Ordinance to Amend the Makawao-Pukalani-Kula Community Plan and Land Use Map from Agricultural to Public/Quasi-Public for 14.950 Acres at 305 Meha Road (Portion) and 480 Olinda Road, Makawao, Hawaii. A Bill for an Ordinance to Change the Zoning from Agricultural District to P-1 Public/Quasi-Public District for 14.950 Acres at 305 Meha Road (Portion) and 480 Olinda Road, Makawao, Hawaii. And to send these to the Maui Planning Commission. I'd now like to turn the time over to the applicant's consultant, Rory Frampton, to provide a brief presentation to the Committee. Planning, before...you have any comments before we do the presentation?

MS. McLEAN: No comments. Thank you, Chair.

CHAIR CARROLL: Thank you. Rory?

MR. FRAMPTON: Thank you, Chair and Committee Members. Again, my name is Rory Frampton. I'm a Land Use Planning Consultant here on behalf of Seabury Hall Board of Trustees, and we do have one Trustee here in the audience, Heidi Bigelow, who's the Chair of the Facilities Committee. I'll just...well, I just wanted to thank the Chair for scheduling this item in an expeditious manner. I'll just go over a little bit of background. And we did provide written testimony as well as some maps that would provide some background information for the Committee Members. The main portion of the Seabury Hall campus, which includes the middle school and upper school campuses, the gymnasium and all the play fields currently have appropriate Land Use designations. This 22.5-acre area is designated Urban by the State, and it's zoned in Community Plan for Quasi-Public...Public/Quasi-Public use. These entitlements were established and expanded in the mid-1990s as part of the construction of the gym and expansion of the playfield areas. So since the 1990s, they've had this 22-acre area appropriately zoned and community planned. In 2003, as part of the upgrades to the campus, to the middle school, and the upper school campus, this Council approved uses outside of the main area via Conditional Permit. In 2003, the Conditional Permit allowed for a parking lot expansion that was, again, built as part of the middle and upper school improvements. In 2011, there was a Conditional Permit for the Creative Arts Center and additional parking. The Creative Arts Center and the parking lot expansions, again, were on Agricultural lands via Conditional Permit. One of the conditions of the 2011 permit was for the school to submit applications for Community Plan Amendment, District Boundary Amendment, and Change in Zoning in order to establish appropriate Land Use designations for this expanded campus area, which were allowed via the Conditional Permits. So what's before you today is a

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resolution that would refer to the Maui Planning Commission, three bills to establish appropriate designations for these previously approved campus improvements. The bills would also establish consistency with the existing Land Use designations for the main campus area. The majority of the area under consideration includes these previously approved parking lots and the Creative Arts Center. And I have figures which actually show...they kind of provide an outline of the improvements within the area that are proposed to be changed. The entire area that we're talking about is within the Seabury Hall Urban Growth Boundary within the Maui Island Plan. And there are no immediate plans for additional improvements in these areas that are proposed for redesignation. Passage of the resolution would allow the Maui Planning Commission to conduct a detailed review and analysis of the three bills. Planning Commissions on these three bills will come back to the Council for further review. That's the sum of my presentation. I'm available for any questions or clarification.

CHAIR CARROLL: Thank you. Before I open-- . . .*(clears throat)*. . . excuse me again-- before I open the floor, Corporation Counsel, do you have any comment?

MS. OANA: No comment.

CHAIR CARROLL: The floor is now open to the Members for discussion. Mr. Guzman?

COUNCILMEMBER GUZMAN: Thank you, Chair. When you...when it's done, via let's say independent party and you change the zoning, is there a tax consequence that you have to pay back at certain...retroactively pay back the change in use versus when you do a reso or you change the zoning via Council, is there a difference between the two systems?

CHAIR CARROLL: Planning Department?

MS. McLEAN: Thank you, Chair. My understanding is that how the change comes about wouldn't have...wouldn't be any difference, wouldn't make any difference on how taxes are assessed, but it would be better for that to be confirmed with Real Property Tax.

COUNCILMEMBER GUZMAN: Okay.

MR. FRAMPTON: Mr. Chair, could I respond to that question?

CHAIR CARROLL: Would you like the applicant to respond?

COUNCILMEMBER GUZMAN: Sure.

CHAIR CARROLL: Proceed.

MR. FRAMPTON: The school is a non-profit entity; so they don't pay taxes, they're exempt from property taxes.

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COUNCILMEMBER GUZMAN: Okay. That answers it. But normally there would be, right, a change of zoning, it would be a retro...back tax.

MR. FRAMPTON: Potentially a back tax depending on the circumstances. And mine are standing...I would echo the Deputy Planning Department that the method of...the change would not matter. Once it's changed, they would look at the zoning and the method would not matter, then you could have that confirmed with Real Property, that's my understanding.

COUNCILMEMBER GUZMAN: Okay. Very good. Well, thank you, Chair. My question has been answered. I just was worried about whether...

CHAIR CARROLL: Thank you, Mr. Guzman.

CHAIR GUZMAN: Yeah, thank you.

CHAIR CARROLL: Any further discussion before I give my recommendation?

COUNCILMEMBERS: Recommendation?

CHAIR CARROLL: The Chair will entertain a motion to recommend adoption of the proposed resolution entitled, "Referring to the Maui Planning Commission Proposed Bills to Amend the State Land Use District Classification, Enact a Community Plan Amendment, and Change the Zoning for 14.950 Acres at 305 Meha Road (Portion) and 480 Olinda Road, Makawao, Hawaii, incorporating any revisions made at today's meeting and any non-substantive revisions and filing of County Communication 16-296.

COUNCILMEMBER CRIVELLO: So move, Chair.

COUNCILMEMBER COCHRAN: Second.

CHAIR CARROLL: It's been moved by Ms. Crivello, seconded by Ms. Cochran. Further discussion? All in favor of the motion, signify by saying, "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, four "ayes," no "noes," three excused.

VOTE: AYES: Chair Carroll, Councilmembers Cochran, Crivello, and Guzman.

NOES: None.

ABSTAIN: None.

ABSENT: None.

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EXC.: Vice-Chair Victorino, Members Baisa and Couch.

MOTION CARRIED.

ACTION: ADOPTION of resolution and FILING of communication.

ITEM NO. 24: CONDITIONAL PERMIT FOR AAAAA RENT-A-SPACE (LAHAINA) (CC 16-247)

CHAIR CARROLL: The next item on the agenda-- . . . *(clears throat)*. . . excuse me--the next item on our agenda today is LU-24, Conditional Permit for AAAAA Rent-A-Space, Lahaina, Maui. And there has been a request for deferral. And if there is no objection, I would defer this item.

COUNCILMEMBERS: No objections.

COUNCILMEMBERS VOICED NO OBJECTIONS. (excused: MV, GB, DC)

ACTION: DEFER pending further discussion.

CHAIR CARROLL: This item is now deferred. Members, that was a nice twenty-minute meeting. And since this is our last meeting of the year, I would like to thank you, especially for all that you've brought to the Committee. In the past two years we've passed out a lot of housing, we've done a lot of good work, and that's all due to the Members of this Committee. And to our staff, Raynette Yap, thank you so much; Scott Jensen; and, not with us, is our backup, Carla Nakata. Thank you so much. And along with the Planning Department and Corporation Counsel, thank you. What you send us is easy to work with because you've done an excellent job, mahalo. As there being nothing further, this Land Use Committee meeting stands adjourned. . . . *(gavel)*. . .

RECESS: 1:48 p.m.

APPROVED:



ROBERT CARROLL, Chair
Land Use Committee