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PLANNING COMMITTEE
Council of the County of Maui
MINUTES
September 26, 2001
Council Chamber

1 CONVENE: 2:03 p.m.

2 PRESENT: Councilmember Charmaine Tavares, Chair
Chair Councilmember Michael J. Molina, Vice-

3 Councilmember Alan M. Arakawa, Member
4 Councilmember Robert Carroll, Member
5 Councilmember G. Riki Hokama, Member
6 Councilmember Jo Anne Johnson, Member
7 Councilmember Dain P. Kane, Member
8 Councilmember Wayne K. Nishiki, Member

9 EXCUSED: Councilmember Patrick S. Kawano, Member

10 STAFF: Wayne A. Boteilho, Legislative Analyst
11 Camille Sakamoto, Committee Secretary

12 Michelle Anderson, Executive Assistant to
13 Councilmember Wayne K. Nishiki
14 Jock Yamaguchi, Executive Assistant to
15 Councilmember Dain P. Kane

16 ADMIN.: Clayton I. Yoshida, Deputy Director,
17 Department of Planning
18 William Medeiros, GIS Coordinator, Office
of Management

19 Edward S. Kushi, Jr., Deputy Corporation
Corporation Counsel, Department of the
Richard Counsel (Substituting for Deputy
A&B K. Minatoya)

20 OTHERS: Mercer "Chubby" Vicens, Vice President,
21 Properties, Inc.
22 Tom Witten
23 Scott Matsuura, A&B Properties, Inc.
24 Robert Parsons, President, Haiku
Community Association

25 John Rapacz

20 Glenn Shepherd
Patti Cadiz, Spreckelsville V Homeowners
Association
21 Virginia Karpovich
Additional attendees (5)
22
23 PRESS: Daniel Grantham with video camera
Brian Perry, The Maui News
24
25 CHAIR TAVARES: (Gavel.) Planning Committee please

3

1 reconvene. We have been in recess since Monday.
2 And I'm glad that everyone was able to make it
here
3 except Mr. Kawano is excused. So let the record
4 show we have Mr. Kane, Mr. Arakawa, Mr. Carroll,
Mr.
5 Hokama, Ms. Johnson, Mr. Molina, Mr. Nishiki --
6 Welcome back, Mr. Nishiki.
7 COUNCILMEMBER NISHIKI: Thank you.
8 CHAIR TAVARES: -- and myself.
9 From the Planning Department we have the
10 Deputy Director of Planning, Clayton Yoshida.
We
11 will be I think still awaiting Corporation
Counsel's
12 appearance. From our staff, Wayne Boteilho, the
13 Legislative Analyst, and Camille Sakamoto, the

14 secretary.
15 Also from Administration we have the
16 Wonderboy of the 21st Century, Mr. Bill
Medeiros,
17 and his GIS dog-and-pony show, which I think you
18 helpful members will all agree has been extremely
19 responses in -- in our deliberation and in getting
20 weeks, to questions that would have otherwise taken
21 way if not longer to get answers for under the old
22 Not we used to do things. I remember the old way.
23 because I'm so old, but it was not that long ago
24 maps, that we were doing things on the hand-colored
25 which just made it a challenge.

4

Counsel 1 And we see Mr. Kushi from Corporation
2 who joins us. Thank you for coming.
3 ITEM NO. 3: WAILUKU-KAHULUI COMMUNITY PLAN (Misc.)
4 ITEM NO. 5: TECHNICAL STUDIES (C.C. 93-510)
5 MATRIX ITEM NO. 38, MAUI COUNTRY CLUB EXPANSION
6 CHAIR TAVARES: All right. Members, at our recess we
had

Matrix 7 gone through all of the matrix items except
8 Item No. 38, which is the Maui Country Club
9 Expansion. I believe, Mr. Carroll, before we
recall, 10 recessed, you had the floor. And if you can
11 you were going to ask I think it was the
Planning 12 Department a question. I don't know if you
recall 13 what you were going to ask at that time.
14 COUNCILMEMBER CARROLL: It's been a while, but I was
15 asking if any -- was going to ask the applicant
if 16 any studies have been made or -- of the area.
17 CHAIR TAVARES: Any?
18 COUNCILMEMBER CARROLL: Any impact statements.
19 CHAIR TAVARES: Impact statements.
20 COUNCILMEMBER CARROLL: Yeah.
21 CHAIR TAVARES: I don't believe any of it has, but
maybe 22 we can bring a representative down. I know they
had 23 to go through some things for the State Land Use
24 Commission meetings and maybe they can share
that 25 with -- with this membership.

1 And some of this information did come up
last
2 term and I don't -- you know, I can barely
remember
3 and I don't claim to remember a lot, so I think
we
4 should hear what exactly was -- what that
process
5 was that they went through.

6 Mr. Witten, if you will address Mr.
Carroll's
7 question, I would appreciate it.

8 MR. WITTEN: Good afternoon. Tom Witten with PBR
Hawaii,
9 Planning Consultant for A&B Properties.
10 Yes, Councilman Carroll, in 1998 an
11 Environmental Assessment was done on the
property in
12 relation to a land use -- a land petition before
the
13 State Land Use Commission. In -- I think in
late
14 '99 we came before the -- the planning -- yeah,
the
15 Planning Committee and presented a summary of
those
16 findings and provided a relatively voluminous
copy
17 of all the technical studies.

18 I'll quickly recap the environment -- the
19 components of the Environmental Assessment --
excuse
20 me, environmental assessment. There's a
Planning,

21 Engineering and Environmental Report and Market
22 Assessment that assessed the island-wide and
23 regional housing demands for the North Shore --
for
24 the island and the North Shore region; an
economic
25 and Fiscal Impact Assessment; a Traffic Impact

6

1 Analysis Report; an engineer report that
addressed
2 the adequacy of the infrastructure needs for the
3 project and how these needs would be met by
existing
4 and planned improvements; an Archaeological
5 Inventory Study; a Hawaiian Traditional Customs
and
6 Practices Impact Assessment; a Biological
Survey; an
7 Environmental Noise Assessment; Air Quality
Impact
8 Assessment; various correspondence with the
9 Department of Education related to educational
10 facilities that would serve the project.

11 And also in that submittal we provided to
the
12 Committee was the Findings of Fact, Decision and
13 Order of the Land Use Commission in 1999. I
think

14 it was July 1999 the Land Use Commission acted
upon
15 the request to redistrict the subject
Spreckelsville
16 Mauka, now referred to as Spreckelsville
Plantation
17 or Village to -- from Agriculture to Urban.
18 So that was all provided to the Committee
and
19 I don't know if -- Chair, if those documents are
20 still available for the new -- new Council
people,
21 but there were numerous environmental work --
22 environmental studies done for the project.
23 CHAIR TAVARES: Okay. Does that answer your question?
24 COUNCILMEMBER CARROLL: It answers more than I even
asked
25 for. It -- I don't think we have all of that

7

1 documentation, do we?
2 CHAIR TAVARES: It wasn't presented during this
Council
3 time. It would have been during the last term
last
4 year.
5 COUNCILMEMBER CARROLL: All right. That's all for
now,

6 then.

7 CHAIR TAVARES: Okay. Thank you.

8 Ms. Johnson and then Mr. Nishiki.

9 COUNCILMEMBER JOHNSON: Yes, Madam Chair. I know that

--

10 I think there were two members of this Committee

11 that were not here the other day when we were

12 deliberating, and I think it also might be helpful

13 because I noticed that the Maui News the other

day

14 also missed quite a few of the matrix items that

15 were acted on the other day. Could we just have a

a

16 summary either from staff or, you know,

according to

17 your recollection of the disposition of the

matrix

18 items so far?

19 CHAIR TAVARES: Sure. I was taking notes during that

20 part.

21 COUNCILMEMBER JOHNSON: Thank you.

22 CHAIR TAVARES: On matrix No. 1, which was the

boundary

23 change, the Spreckelsville -- request to move

24 Spreckelsville to the Paia-Haiku Plan was

referred

25 to the General Plan process.

1 The Kuihelani Highway boundary change was
2 approved as it would leave a portion of the plan
in
3 limbo because the South Maui or Kihei-Makena has
4 already changed their boundary. So if we didn't
act
5 on changing that boundary, we would have a piece
6 that didn't belong to any community plan. And
it
7 was pointed out that there was no proposed
8 developments in this area, so the body at that
time
9 moved to approve that boundary change.

10 Any of the members -- Wayne, are you
familiar
11 what we are talking about?

12 COUNCILMEMBER NISHIKI: Yes.

13 CHAIR TAVARES: Okay. Alan, you're very familiar with
14 that one, I'm sure.

15 Okay. On the Dairy Road Light
Industrial,
16 the Committee moved to disapprove the No. 33.

17 On 34, the decision was to make no
changes at
18 this time and to wait for more information
regarding
19 the airport and the corridors.

20 No. 39, the Spreckelsville Beach or
21 Spreckelsville Makai Project, it was moved to
leave
22 in Open Space.

took 23 So that's the actions that the Committee
24 on Monday. Any questions about those actions or
25 qualification needed?

9

1 COUNCILMEMBER JOHNSON: Thank you, Madam Chair.
2 CHAIR TAVARES: Okay. Thank you. Anything else, Ms.
3 Johnson?
4 COUNCILMEMBER JOHNSON: No, not at this time.
5 CHAIR TAVARES: Not at this time. Okay.
6 Okay. Mr. Nishiki.
7 COUNCILMEMBER NISHIKI: Yeah. Questions for our legal
8 person.
9 CHAIR TAVARES: Mr. Kushi.
10 COUNCILMEMBER NISHIKI: If we require the applicant to
11 come in for a Community Plan Amendment, that
would
12 trigger them to perform an Environmental
Assessment
13 which would provide to us more information in
14 regards to environmental concerns and the impact
15 this project would have compared to if it -- if
we
16 just designate now there would be no
requirement.

17 Is that true?

18 MR. KUSHI: Madam Chair, Councilman Nishiki, I believe
19 that's correct. In reading Section 2.808.060
20 entitled Revisions and Amendments of Community
Plan,
21 specifically Subsection I believe D as in dog,
22 Subsection 8, that requires a draft
Environmental
23 Assessment to be produced. That's -- so your
24 question is correct in terms of a Community Plan
25 Amendment.

10

1 COUNCILMEMBER NISHIKI: Thank you.

2 And can I get some clarification with the
3 Planning Department? The project that is before
us
4 today, when it went before the CAC, there were
only
5 200 units planned. With the new development,
does
6 this mean that there are now 380 units planned,
7 which would be approximately doubling of the
units?
8 I guess it's because these impacts to me are big
and
9 then because of the water question that has been

one. 10 raised in Kihei, I think that that's another
when 11 But these kind of impacts I am concerned about
Madam 12 I look at the project then, back then when,
and 13 Chairman, and what it is now. So some
14 clarification. 200 units initially to the CAC
15 now 180 more to be more than double --
approximately 16 doubling?
17 CHAIR TAVARES: 330.
18 COUNCILMEMBER NISHIKI: Is that the right person to
ask? 19 CHAIR TAVARES: Yes.
20 COUNCILMEMBER NISHIKI: Okay.
21 CHAIR TAVARES: 330 units are proposed now.
22 COUNCILMEMBER NISHIKI: 330, not 380.
23 ?: I think 380.
24 COUNCILMEMBER KANE: Madam Chair --
25 CHAIR TAVARES: Yes.

11

1 ?: That's for the project district now.
2 COUNCILMEMBER KANE: Can we just a clarification from
the
3 applicant what is the proposed?

4 CHAIR TAVARES: Yes. Let's get that. Maybe I'm not
5 reading my notes correctly.

6 COUNCILMEMBER KANE: Although we're just looking at a
land
7 area.

8 CHAIR TAVARES: Oh, no (inaudible). I'm sorry.

9 COUNCILMEMBER KANE: We're not talking about units, so
--

10 CHAIR TAVARES: Yeah.

11 COUNCILMEMBER KANE: We're about land area.

12 CHAIR TAVARES: Yeah. Erase my 330 because I was
reading
13 the wrong notes.

14 MR. WITTEN: Yeah. The current proposal is for 380
units.
15 When the CAC recommended approval of the
project, it
16 was for 200 acres and 400 units. And the
17 environmental assessments that were done in
relation
18 to the State land use petition were assessed
based
19 on the impact of 400 units. So we're actually
20 reducing the density from the previous approved
--

21 previously planning -- CAC and Planning
Commission
22 approved plans.

23 COUNCILMEMBER NISHIKI: Which was 400?

24 MR. WITTEN: 400, right.

25 COUNCILMEMBER NISHIKI: Yeah. But the initial one was

1 200 --

2 MR. WITTEN: No.

3 COUNCILMEMBER NISHIKI: -- to the CAC?

4 MR. WITTEN: No. It was 200 acres, 400 units.

5 COUNCILMEMBER NISHIKI: Okay. Now, being that you're

6 here, that frontage on Haleakala Highway --

excuse

7 me, not Haleakala Highway, Hana Highway, that

8 frontage there in blue that I am looking at, is

that

9 close to 5,000 feet that would be impacted, or

about

10 5 football fields long that are going to be

11 inundated with development? There to the edge

of

12 Paia Town. Is that about 5 football fields

long?

13 Staff?

14 ?: According to Mr. Medeiros --

15 ?: It's 15.

16 ?: According to Bill, his quantification of it is .92

17 miles, so probably about 4,000 some, 4,000 some

18 feet. And along that frontage is -- other than

19 right near Nonohe, that entire frontage is

planned

20 as golf course.

football 21 COUNCILMEMBER NISHIKI: Yeah. But it is about 5
22 fields long in length along Hana Highway?
23 Approximately.
24 ?: Approximately 4,000 feet.
25 COUNCILMEMBER NISHIKI: Yeah. How big is a football

13

1 field?
2 ?: 300 feet.
3 COUNCILMEMBER NISHIKI: 300 feet plus the end zones.
4 Yeah. 300 -- I'm pretty good at this one. Is
that 5 right, Madam Chairman?
6 (Laughter.)
7 CHAIR TAVARES: It sounds about right.
8 CHAIR TAVARES: Okay. Yeah.
9 ?: 12 or 13 football fields.
10 CHAIR TAVARES: Yeah.
11 COUNCILMEMBER NISHIKI: 13 football fields. Okay.
Thank 12 you.
13 CHAIR TAVARES: Thank you.
14 COUNCILMEMBER KANE: Madam Chair.
15 CHAIR TAVARES: Yes.

16 COUNCILMEMBER KANE: Just to get a clarification of
what
17 Mr. Witten just said, regarding the vote by the
18 CAC -- and this is coming off of what Mr.
Nishiki
19 was asking earlier. At the mauka side of the
20 highway related to the golf course there was a
count
21 from 200 to 250 lots depending on lot sizes, and
22 that's what was voted on by the CAC to approve
A&B's
23 proposal. I just heard him say that the CAC
were
24 talking about 400. Can we get clarification on
25 which one it is, 200 to 250 or was it 400?

14

1 Because I'm just reading from a document
2 talking about Ms. Bowen making the motion, Ms.
3 Audrey Rocha Reed seconding the motion, and the
4 motion being approved unanimously. And it talks
5 about Mr. Witten confirming that they have done
6 preliminary plotting schemes of the acreage on
the
7 makai side as well as the mauka side. And the
mauka
8 side of the related to the golf course there was
a

9 count from 200 to 250 lots depending on the lot
10 sizes. So I'm just trying to check that with
what
11 he just said about the CAC approving 400 lots.
12 CHAIR TAVARES: They didn't approve 400 lots. I mean,
you
13 talk about 250 lots and if each lot is allowed
an
14 ohana, you know, that's where you get the living
--
15 dwelling units, perhaps. And usually the -- you
16 know, the specific level of detail is normally
or
17 usually not done at the community plan
designation
18 portion of the process.
19 COUNCILMEMBER KANE: Then just for my understanding,
Madam
20 Chair, if I may, back at the CAC time, the
21 discussion was about lots, today we're talking
about
22 units. Obviously there's a difference. So I
just
23 wanted to understand that what was back then and
24 what is now is being translated to us in
different
25 terms.

1 CHAIR TAVARES: Right. Thank you.

2 Mr. Arakawa.

3 COUNCILMEMBER ARAKAWA: Madam Chair, thank you. Just
for

4 a little bit of clarification, I was on the
5 Kahului-Wailuku CAC. When we discussed this
6 project, originally it started off as a golf
course

7 and we were looking at it more in relation to a
8 project district. The actual schematics and
number

9 the buildings and lots and things of that nature
10 were not the major concern at the time. It was
an

11 arbitrary thing that A&B drew up very quickly to
12 give us a perspective of what they were -- we
could

13 be looking at. And all of us knew that it was
not

14 something that was going to be set in stone,
they

15 were not going to end up as they originally had
16 perceived it. It was just to give us a visual

17 because we asked for a visual. So we weren't

18 looking at specifically, we were looking at an

19 approximate area built around the golf course,
if

20 that clarifies matters for you.

21 CHAIR TAVARES: Okay. Thank you.

22 Any other questions? Mr. Nishiki.

23 COUNCILMEMBER NISHIKI: Mr. Corporation Counsel or

24 Planning Department, I asked that question about
a

I

16

1 heard the legal opinion given that a -- it would
2 require an Environmental Assessment. When an
3 Environmental Assessment is done because a
project
4 such as this would have definite impact in an
area
5 now that is cane field, prime Ag. land, serves
as I
6 think one public testimony said that it -- an
area
7 where all the water comes down and then goes
across
8 into Baldwin Park. I think the concern has to
be
9 will, then, the public have a chance to comment
on
10 such a document and thereby look at what has
been
11 gathered by the applicant? Would this be a
12 requirement that there is public input based on
13 facts done by a developer if we require a
Community
14 Plan Amendment? Which I think a lot of the
people
15 see as being very important.

16 CHAIR TAVARES: Mr. Yoshida.

17
(inaudible).

COUNCILMEMBER NISHIKI: Does anyone want to

18 CHAIR TAVARES: (Inaudible) to respond to that.

19 MR. YOSHIDA: Councilmember Nishiki, members of the
20 Council, if the community plan is passed and
this

21 project is incorporated, I guess the next step
would

22 be the change in zoning. And they will have to
23 provide, you know, various documents. There
will be

24 a public hearing with the Planning Commission
and

25 then it will go to Council.

17

know,
standards

1 Because it is a project district, you

2 there are three phases to the project district

3 process. Phase 1 where the performance

and

4 are created and established as part of the Code

there

5 that requires Council approval. Phase 2 where

the

6 is a preliminary site plan that's approved by

a

7 Planning Commission. And phase 3 where there's

8 more revised site plan that's approved
9 administratively.

10 COUNCILMEMBER NISHIKI: Clayton.

11 MR. YOSHIDA: Yes.

12 COUNCILMEMBER NISHIKI: Clayton, can -- can you listen
13 with your ears this time, okay? My question is,
14 okay -- See, I don't know if you listen. Can

you

15 listen? I said, if there is a requirement for a
16 Community Plan Amendment, will that trigger an
17 Environmental Assessment? Okay? You were

asked.

18 Yes, it would. Okay.

19 My follow-up question, Mr. Yoshida, is:

Will

20 then the general public be able to look at this
21 assessment and thereby comment on it? That is

the

22 question. I didn't -- nowhere talked about a
23 project district. So can you answer that

question,

24 please?

25 MR. YOSHIDA: Well, if there were an independent

Community

18

through

1 Plan Amendment, then they would have to go

2 the Chapter 343 process where there would be a
3 public comment period, that's correct.

4 COUNCILMEMBER NISHIKI: And there would be a document
5 provided by the developer that shows the impact
of
6 this subject property and thereby the Council
and
7 the general public could be able to comment on
8 whether we really want to see this as an
amendment
9 or not, whether we want to see this actually put
in
10 the community plan?

11 MR. YOSHIDA: Well, they could comment on this
disclosure
12 document.

13 COUNCILMEMBER NISHIKI: Yes. Right.

14 MR. YOSHIDA: Yeah.

15 COUNCILMEMBER NISHIKI: Thank you very much to answer
the
16 question.

17 Thank you. I am done.

18 CHAIR TAVARES: Okay. Any other questions about this
part
19 of it?

20 We're speaking about an Environmental
21 Assessment. We as a Council can make that a
22 requirement as part of the text in this plan if
the
23 desire is to subject them to an Environmental
24 Assessment.

25 COUNCILMEMBER NISHIKI: You are right. If that's the

1 direction that we want to see. However, when I
see
2 a project like this, Madam Chairman, that has
3 impacts, I don't know, it's just a -- I have
seen
4 the Council act in the past in this way where
they
5 see that we indeed have the ability to require
an
6 EA, thereby giving this community firsthand --
in
7 other words, giving the community firsthand to
make
8 a decision whether we want to see this. The
other
9 way, we are already telling the developer I'll
give
10 you first base already and let him land there
with
11 the development there. That's the choice that
we
12 have.

13 And then personally, as I see this
project
14 and the impact and what we have heard from the
15 community, it is -- seems -- I don't know, as a
16 concept of -- We have been talking about Smart

given 17 Growth so much and yet not all of us have been
the 18 some information about this. But I think one of
that 19 concepts that comes along with Smart Growth is
know, 20 there is some community involvement. And, you
been 21 I applaud you and Jo Anne and Mr. Carroll has
read 22 the proponents of this. And so, you know, if I
one 23 the elementaries of Smart Growth, when it talks
24 about this, I want to make sure that my one and
25 plus two is addressed in getting the community

20

this 1 involved. And that's the reason why I look at
the 2 as going, well, you know, an EA would seem like
3 logical way to do it.
4 CHAIR TAVARES: Well, I --
5 COUNCILMEMBER NISHIKI: At any rate --
this 6 CHAIR TAVARES: I agree that an EA has to be done on
7 project.
8 COUNCILMEMBER NISHIKI: Yeah. Yeah. And thereby
letting

you 9 them go through a Community Plan Amendment. As
it 10 said, they have got to do it anyway, let them do
to 11 before they get on first base. That way we get
as 12 hear from the community as -- you know, as far
know 13 Smart Growth. You know, I am not -- I don't
and 14 that much, but my staff and you guys all talk it
much 15 then I listen well. So, anyway, thank you so
16 for making that available, Smart Growth.
17 CHAIR TAVARES: Okay. Any other comments about the
18 project or about this topic?
19 Well, here are the choices, members, the
its 20 choices are to revert this whole thing back to
21 original land use designation which is
Agriculture.
22 The other choice is to approve it as has been
23 recommended by the CAC and the Planning
Department
24 and the Planning Commission. Another is to make
25 conditions on its approval for designation such
that

through

1 EAs are kicked in at the onset as they go

2 the process for a project district.

years

3 The concerns that are raised or have been
4 raised over the past year and a half or two

valid

5 are, you know, valid concerns. They're always

do we

6 concerns. And I guess the question is: Where

even

7 address those concerns? At this point in the

8 community plan designation are the overriding

9 objections to the point where this should not

of

10 be considered, or is a project like this worthy

11 being considered?

to

12 And that boils -- that's what boils down

dealt

13 it. You heard a lot of talk, a lot of testimony

14 about traffic impacts. Traffic impacts are

you

15 with at zoning normally. Or if they're so huge,

in

16 put them in the community plan, such as what was

be

17 the Kihei Community Plan which said there should

Kilohana

18 no construction south of, what was that,

Mokulele.

19 until there are four lanes on Piilani and

have

20 So there are already examples where conditions

the 21 been put in to control and to assure and I think
22 main thing is concurrency in infrastructure.
this 23 So it's possible to do it whichever way
That's 24 body feels that they want to go about it.
25 basically it.

22

the 1 The -- all of the -- the other concerns,
2 Environmental Assessment process was designed to
3 address those concerns. You know, we -- I feel
we're 4 we're in a really bad spot right now because
5 in between the old system and what's coming as
the 6 new system. And because we're in this limbo
area,
7 we have to make some kind of difficult
decisions.
8 And hopefully we can implement things that are
more 9 workable.
10 I mean, through every day that we meet in
the 11 Planning and even in Land Use Committees, we see
12 result of a process that hasn't been applied in
such

we're 13 a way that it is an effective process. What
it's 14 doing is replanning a zone -- an area because
we do 15 eight years down the road. So we -- you know,
16 have those challenges in front of us.
17 So I would like to open the floor for
direction 18 comments from the members regarding which
19 they want to go in. Alan.
you 20 COUNCILMEMBER ARAKAWA: Madam Chairman, this process,
is 21 know, I have said from the time I was on the CAC
looked 22 a flawed process. In a lot of areas when we
CAC 23 at what we were -- at all these projects at the
didn't 24 level, they were very, very preliminary. We
25 have a perspective of what was happening in the

23

large 1 overall districts and the overall County to a
2 degree. We were using the old paper maps of
3 information that we were given given to us in
4 sketches. So we couldn't put together the

5 information well. And this has been improving a
6 little bit. But it's been about ten years now
since
7 we met as a CAC and the planning process was
8 supposed to be for a ten-year plan. When we met
on
9 it, we were anticipating that by now this would
be a
10 project that would be on board or actually
working
11 on it.

12 In looking at what you're trying to do
with
13 the process and trying to understand, whether or
not
14 this project is being approved for a ten-year
life
15 span or is being approved for a life span that's
16 already expired -- and I say it kind of tongue
in
17 cheek, but if we're going to start the new
process
18 and we're going to start redoing all these
community
19 plans almost immediately after this because
we're
20 already on schedule for that, then we would be
21 redoing this whole thing and we could consider
it in
22 a lot different perspective. If we're going to
be
23 waiting another ten years before we open up the
24 community plan process again, because of the
late
25 duration of this one, then we should really be

the 1 considering this -- these very carefully because
2 impacts are going to be a lot longer range.
we 3 So there's a big area there that I think
4 need to reconcile ourselves as to how the
process is 5 going to work. And in working with this
particular 6 project, I know that when we started in the CAC
7 process there was a request, as I remember it,
from 8 the Country Club to create another nine holes
9 this area. And when we were -- when we were
around 10 discussing it, there was very brief discussion
on 11 it. There wasn't any kind of detail that we
have 12 now. There was no real public input. Not
because 13 it wasn't open, just because nobody really knew
what 14 was going on and the process allowed that the
15 developers come up with programs and packages
that 16 we look at and make decisions on it.

17 So from the CAC level when we looked at
this
18 project, it was, well, the golf course that's
being
19 requested sounded like a good idea. It makes
sense
20 to put something along the golf course, that
normal
21 process. And that's basically how we looked at
this
22 particular project and it got to this -- to the
23 point of being approved.
24 We did ask that Mr. Kuriyama, who
attended
25 all our meetings representing A&B, put some kind
of

25

1 substance around it so we could actually just
have a
2 visual to see more or less what we would be
looking
3 at if something were to transpire.
4 So I'm kind of torn on this particular
5 project. I have heard that there is -- there
are
6 archaeological sites that we may need to
consider
7 very strongly here, having two, possibly three

8 heiaus in this area. Not necessarily
particularly

9 on this project, but in this area. There is a
10 battle that was fought here. That we have those
11 kinds of considerations. The EA would solve a
lot

12 of that problem. And I don't know if we can
make it

13 a requirement of the developer to do an EA, but
I

14 know that they will voluntarily do one if -- if
they

15 would do that.

16 So if the intent would be fulfilled by
doing

17 the EA so we can find out whether or not there
is

18 anything significant there, that would resolve a
lot

19 of the questions in my mind. But I do think
that in

20 the overall planning prospectus there's a lot of
21 other things that need to be considered for this
22 particular region and for how we're going to
develop

23 out the communities in general.

24 Now, we have taken the time to say, well,
25 let's look at the land use. Is this an
appropriate

1 use for this particular property? Is the time
2 appropriate? And during the planning process
when I 3 was Chair of the Planning Committee we also went
4 through all of the different projects and tried
to 5 say, well, will this company be able to survive?
6 What projects will they bring on line? Which
will 7 they bring on first, second, third? How will
they 8 do this within this time period? And, again,
we're 9 looking at a time period that has expired. Now,
how 10 do you do this kind of thing?

11 And we don't want to have the boom-and-
bust 12 type of cycles where we approve all the projects
at 13 one time and say, well, we have got all these
jobs 14 right now, we have got to bring in people, and
then 15 we don't have any jobs, so starve. So that
timing 16 is also critical in how we're doing this.

17 In my Land Use Committee we're looking at
18 Haliimaile. I know that we also had put in
19 consideration for a Maalaea project. And I say
this 20 because I'm trying to make a point that we have
to

is
21 stage some of these things and the time schedule
22 very critical in how we're going to be staging
them.
23 If this is an appropriate project for this area,
the
24 timing for it, whether it should come in on this
25 particular CAC or community plan or the next

27

wavering
1 community plan is something that I am also
2 on. And it really depends on whether or not in
your
3 recommendations for the next cycle we're going
to be
4 doing it quickly or long term.
5 CHAIR TAVARES: Well, I sure hope the next cycles are
6 going to be done quickly, because this is too
7 excruciating to go through.
8 Ms. Johnson.
9 COUNCILMEMBER JOHNSON: Yes. Just a couple points of
10 clarification. This is currently zoned Ag.,
it's
11 not reverting back to Ag.; is that correct?
12 CHAIR TAVARES: It's currently designated agriculture.
13 COUNCILMEMBER JOHNSON: Agriculture, okay. Because --

14 agriculture.

CHAIR TAVARES: And the zoning likewise is

15 because

COUNCILMEMBER JOHNSON: I just wanted to make sure

16 Ag.

at one point you said it could revert back to

17 and I just wanted to make sure I didn't

18 misunderstand something.

19 the

CHAIR TAVARES: Yeah. No, what the Commission and --

20 be

CAC and the Commission are recommending that it

21 changed to Single Family and Park. That's the

22 us.

request. That's what they're recommending to

23 So if we're not going to go with their

24 recommendation

recommendation, we have to deny that

25 and keep it in Ag. if that's the case.

28

-

1 COUNCILMEMBER JOHNSON: Okay. Okay. And the second -

2 said

the second thing that -- I guess it would be a

3 comment about what we're going through. As I

4 something

the other day, it's difficult to look at

5 usually

and -- I think I heard you say earlier that

in 6 we don't respond to specific plans at this point
7 time. I still think it's -- I don't feel
8 comfortable looking at something when I don't
have 9 all of the data in front of me to see if we can
even 10 accommodate more growth. And particularly when
we 11 have unresolved issues of water, level of
service in 12 traffic, all the things that if some of the
people 13 read the article that I wrote in the paper the
other 14 day, those are all my basic questions. And so
for 15 me to look at this in that context, I feel it's
16 just -- it's not the right place. I don't feel
don't 17 comfortable even looking at something when I
me. 18 have that fundamental information in front of
things 19 My other concern is that many times
they're 20 just go back to the Planning Department and
scrutiny 21 not giving, I believe, the same degree of
I 22 that we're giving here at the Council. And when
coming 23 look at decisions that absolutely puzzle me
24 out of the Planning Commission and the Planning
25 Department counter to departmental

was
in
absolutely
growth.
have
it
everything, I
that we
has
plan

1 recommendations -- Actually, when -- I think it
2 something I read in the paper yesterday that was
3 regard to I guess the Police Department made a
4 specific comment about something saying
5 we can't accommodate any more, we just can't
6 stand -- you know, we can't stand any more
7 And then not looking at that and having that
8 some weight, I'm really concerned about that.
9 But even if you put all that aside, if we
10 don't know which district this should go in, if
11 should be in Paia-Haiku or if it should be in
12 Wailuku-Kahului and if you cut through
13 liken this to what I mentioned the other day
14 went through and that was Ka Ono Ulu Estates.
15 Ultimately if it's going to be Smart Growth, it
16 to have the support of all the people in that
17 community, whether it's part of that community
18 or another district. When that comes before the

19 community, they need to be listened to. And
from
20 everything I have been able to read, gather, all
the
21 volumes of testimony that have been given in
22 opposition to this project, I think it -- for
me,
23 ultimately we have to be responsive to the
people
24 that are in the surrounding area. So I just
believe
25 it -- at this point in time, maybe at some time

30

1 future when this comes around again as part of a
new
2 community plan, perhaps we will have
infrastructure
3 and we will have a different feeling. But I
just
4 feel at this point we cannot -- at least for me
5 personally, I don't have the support of the
6 community that is in the closest proximity to
this.
7 So I would not be supporting it.
8 I would prefer that it remain in
Agriculture.
9 And then if there is some determination made
later

10 on, that it come back in the form of a Community
11 Plan Amendment with all of the things that go
with
12 it and with the support of the community. So
13 that's -- that's basically my feeling.
14 CHAIR TAVARES: Okay. Thank you, Ms. Johnson.
15 Mr. Molina.
16 VICE-CHAIR MOLINA: Thank you, Madam Chair. And for
me,
17 the bigger issue is including Spreckelsville in
18 Paia-Haiku Plan. It's just my belief that the
19 affected communities by a project like this
should
20 be -- the people that are being affected should
21 determine the fate of their community, you know,
22 based on projected growth forecasts for the
area.
23 And, you know, I know of -- at least two of the
24 community associations have recommended that
this --
25 that Spreckelsville go into Paia-Haiku Community

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1 Plan. And the Paia Strategic Plan of which many
2 people put in countless of hours which took I
think

that. 3 approximately 18 months, this has all ties to
4 For me it's the process of the people making the
5 decision for any type of future projects along
that 6 North Shore area. And that's where I'm really
hang 7 up on. And, you know, I know this is a
difficult 8 one, but which -- where do we go, but I just
don't 9 believe we can act until we know the fate of
10 Spreckelsville as far as community plans go.
11 And I commend A&B for putting out a much
12 improved project than what we have seen in the
past, 13 but I -- again, I would feel really
uncomfortable if 14 I left the people in the affected communities
out of 15 the process. So that's -- I just wanted to
share 16 that with you.

17 CHAIR TAVARES: Thank you.

18 Any other comments? Mr. Hokama.

19 COUNCILMEMBER HOKAMA: I am able to agree with you,
you 20 know, Chair, that we are in a difficult
situation 21 between the ending of the current cycle and
being 22 close to the start of a new review plan process,
23 but, you know, whether we like the situation or
not, 24 we are in the situation. So, you know, for me,
I

at 25 am -- again, as I voted for it in the past, I am

32

part 1 this point still willing to consider it to be
2 of a plan.

3 And I understand the comments of my
4 colleagues regarding certain amenities and
5 infrastructure requirements, but I would remind
6 members to remember that that was -- as a
7 that was brought up in discussion, that was the
8 zoning request where the actual land use and the
9 specifics of a project details are presented for
10 approval or disapproval. At this point as part
11 of a planning process, I would say for me I would
12 still consider it as a proposal of future residential
13 development from a planning standpoint.

14 And I -- Let me just give you some of my
15 reasons why I think it's still a valid proposal
16 for consideration whether it's approved or not. As
17 I stated in other discussions, for me, life has

to 18 changed permanently. I never see us going back
19 where we were two weeks ago. I am looking at a
20 picture of seeing already in next budget a
for 21 substantial decrease in revenues, cash revenues
22 this County. I am looking at a picture of
23 everything being impacted in this County:
24 Nonprofits, for profits, government, businesses,
25 retirees. And I am trying to figure out what is

33

long 1 going to help to pay for County services on the
inventory 2 run. What's going to come on board on our
3 that will continue to, if anything, in the short
4 term provide the shortfalls?
5 I think this project provides us with an
6 opportunity if it does move forward as one area
7 that, one, brings revenue to the County under
real 8 property taxation; two, for me, I like the
component 9 that addresses affordable housing because I have
10 been an advocate and speak for affordable
housing

11 throughout the County. And I find this to be a
12 project that can address some of the other
social
13 symptoms or problems that we deal with in other
14 areas of the County.
15 I -- Again, I would say from a big
picture,
16 it is still worthy of a planning consideration,
17 Chairman. I am not asking for people to support
it
18 for a zoning consideration. I think from a
planning
19 standpoint, it still has merits, and, again,
like
20 any other process, the community's involvement
that
21 I think Mr. Molina brings up is going to be
vital.
22 It's going to be solicited. And I think at that
23 point in time if it progresses, I would say that
a
24 lot of the concerns if it's not addressed
between
25 now and that point, if it should ever get to
that

34

1 point, that everything that my colleague next
door

obvious 2 to me brought up is going to make it very
point 3 that that project is going to be denied, in my
4 of view.
I 5 You know, and one thing I think about and
Island 6 guess maybe one of my counterparts on the Big
of 7 brought it up regarding the Ag. categories, some
8 the most money-making land categories on the Big
9 Island right now are keeping category E, because
category 10 that's the best to grow flowers, necessary
do 11 E. So, again, the -- you know, what you want to
what 12 with Ag. land is -- determines on two things,
13 the owner of the land wants to do with good Ag.
farm 14 land, and, second, is there a willingness to
15 that Ag. land?
sufficient, 16 We can speak up about being self-
know, 17 we can speak about buying Maui only, but, you
do? 18 if people don't want to farm, what we going to
the 19 You know, if they still want the best price from
of 20 California combines for iceberg lettuce instead
21 buying Hawaii-grown lettuce that's going to cost
can 22 four times the price per pound -- You know, we

many 23 do the rhetoric and we can do the talk, but how
24 people willing to do the walk? I'm not certain.
at 25 But, again, I think for me, Madam Chair,

35

1 this point it's still worthy to consider this
2 project from a planning point of view. And I
don't 3 know if you would agree, maybe one way to force
4 another community plan requirement or review is
by 5 designating this portion under Future Growth
Reserve 6 instead of Single Family Residential whereby you
7 would still require the developer to come in
with an 8 appropriate phasing of infrastructure
development 9 and more about the concerns that have been
brought 10 up and how it's going mitigate traffic, how it's
11 going to work with the water issue, and how we
12 to deal with some of our other infrastructure
13 capacity increase that we would need, whether it
be 14 in sewer or solid waste capacity because of this

15 location to use Central Landfill.

possibly 16 I'm not too sure, but I would think

Committee 17 that there may be another option for the

that 18 to consider so I would ask if you would take

19 into deliberations.

20 CHAIR TAVARES: Thank you, Mr. Hokama.

21 Any comments on that? Ms. Johnson.

good 22 COUNCILMEMBER JOHNSON: You know, Riki brings up some

need 23 points. And one of the things that we really

24 to do before we continue on the path that we're

25 continuing on in this County is do what American

36

cost 1 Farm Land Trust has done and actually do the

in 2 analysis on what the actual cost of services are
3 relationship to various kinds of development.

4 Basically in the studies that I have seen
5 that they have produced for every dollar in tax
6 revenues that is taken in, let's say, on Ag.

land, 7 you're talking 53 cents on the average going for

On 8 services and things that are associated with Ag.
is 9 urbanized lands, developed lands, roughly \$1.63
taken 10 spent in goods and services for every dollar
I 11 in. So Agriculture land in all the places that
rest of 12 have seen studies done on subsidizes all the
13 the urbanization.
to 14 Now, if that's the direction that we want
15 go, then we need to do the studies specific to
here 16 Hawaii to see if those same numbers hold true
to 17 in our County. And the cost is roughly \$12,000
18 do that in a specific jurisdiction, for American
19 Farm Land Trust to come in and do that study. I
to 20 have proposed it. I have given the information
received 21 the Planning Department and as yet have not
22 a reply.
if 23 But I think it's really important because
making 24 I use the same assumption that Mr. Hokama is
use 25 that we're actually benefitting from it, but I

1 the statistical information that's already been
2 conducted elsewhere throughout the mainland,
that
3 does not hold true. And we're actually
worsening
4 our situation because of the other costs
associated
5 with urbanization.

6 So I think these are things that we have
to
7 really address before we can make intelligent
8 decisions. And I really think that before we do
9 that, before we make commitments, we should know
10 what those bottom line figures are.

11 Thank you.

12 CHAIR TAVARES: Thank you, Ms. Johnson.

13 COUNCILMEMBER KANE: Madam Chair.

14 CHAIR TAVARES: Yes, Mr. Kane.

15 COUNCILMEMBER KANE: Just a clarification perhaps from
our
16 Planning Department or Mr. Medeiros. Mr. Hokama
17 brought up Future Growth Reserves, and is that
18 another way of saying let's look at it in the
next
19 cycle? I mean, designating it as a spot where,
20 okay, this is something that on the next round
we're
21 definitely going to be looking at as far as its
22 potential for whatever the proposal may be? I
know

plan 23 we looked at it from -- in the same community
FGR, 24 with Wailuku Ag. across in Waihee area as an
as 25 but I think there were some discussion last term

38

it's 1 that that term is no longer going to be used or
2 no longer applicable. So if we can get a
3 clarification on F -- the FGR designation.

and 4 I think it's kind of like the open spaces
we 5 we don't have anything about Open Space and yet
6 have these -- these designations of Open Space,
but 7 we don't have an ordinance dealing with Open
Space. 8

9 So, again, clarification on the FGR designation.

10 CHAIR TAVARES: Thank you.

11 Mr. Yoshida, could you address that?

Plan, 12 MR. YOSHIDA: According to the West Maui Community

13 Future Growth Reserve is defined as "This
growth 14 designation recognizes possible uses of urban

for 15 that would occur beyond the ten-year time frame

community 15 the conference of review and update of the
would 16 plan. The Future Growth Reserve designation
development 17 encourage planning for infrastructure
18 and use allocations."
19 I guess Councilmember Kane is correct, we
20 don't have a zoning designation FGR. We have
adopted 21 Urban -- Urban Reserve that was -- which was
holding 22 about ten years ago which is sort of like a
23 district.
24 CHAIR TAVARES: What does it say about Urban Reserve?
25 MR. YOSHIDA: In the community plan?

39

1 CHAIR TAVARES: Yes.
land 2 MR. YOSHIDA: There's no Urban Reserve category or
3 use category.
4 CHAIR TAVARES: Okay. Thank you.
5 COUNCILMEMBER KANE: Madam Chair.
6 CHAIR TAVARES: Mr. Kane.
7 COUNCILMEMBER KANE: So in other words, an FGR
designation

8 is just -- I don't know if to simplify it and
this
9 is just in my opinion simplifying FGR would be
that
10 it's on the radar, that it's something that next
11 time around it kind of sends the flag up that
we're
12 going to be discussing this area and the
13 possibilities that may incur -- be incurred from
14 that designation of this area?
15 Or are we even going to consider that? I
16 know my colleague, Mr. Hokama, has brought
forward
17 to the table of that being a possible option for
us
18 to consider today. I think Mr. Arakawa, I
think,
19 also brought it up in a different way. But I
think
20 that the end result is after we do some refining
to
21 the process which some feel it's broke and
others
22 may have a different opinion of process. It may
not
23 be the process, but the people who are
implementing
24 or supposedly supposed to implement aspects of
the
25 process that's broken. Anyway, there's
different

1 versions of it. We all have our opinions.

2 So there's a couple of the members that
have

3 already stated that this seems like that would
be a

4 consideration for us today. Is that something
that

5 you can speak to, Madam Chair?

6 CHAIR TAVARES: Yeah. I -- The Future Growth Reserve
is

7 an interesting concept and I know I keep doing
it to

8 Mr. Hokama so now he's doing it to me (laughing)

9 when our seats are -- he's the other way. I
think

10 the Future Growth Reserve, as you talked about,

is

11 an indication for consideration in the next

planning

12 round.

13 Now, when the next planning round is
going to

14 be for this plan -- actually we don't know yet

until

15 we finish that community plan process and until

this

16 Council adopts a process if it's different from

the

17 one that we have now. I don't know if it's -- I

18 would ask Mr. Yoshida: If we give it an FGR

19 designation, would the applicant or the -- yeah,

the

in 20 applicant, the developer, still be able to come
would 21 for a Community Plan Amendment at any time, or
22 this automatically lock them out until the next
23 review cycle?
Community 24 MR. YOSHIDA: I believe they could come in for a
25 Plan Amendment, but I think the Department would

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adoption 1 look at, you know, how close it was to the
2 of the Community Plan Update. I mean, if it was
know, 3 like a year later, you know, we would say, you
4 maybe that's too soon unless, you know, there's
5 extenuating circumstances.
6 CHAIR TAVARES: So if the developer wanted to pursue a
7 Community Plan Amendment, it would actually be
8 better that the designation, you know, stays as
9 Agriculture?
10 ?: That's right.
11 COUNCILMEMBER KANE: Madam Chair.
12 CHAIR TAVARES: Yes.
13 COUNCILMEMBER KANE: Before we get the answer to that
14 question, just to follow up on the response that

pinning 15 just was given, so -- And this is kind of
on 16 you, Mr. Yoshida. I'm going to try to pin you
discretionary 17 this one because now you're putting in
long 18 authority into the view of, well, how long is
19 enough before there is a consideration by your
20 Department? I mean, you said, well, if it's too
know, 21 close to the formal adoption of a plan -- You
Two 22 how long is long enough? A year? 18 months?
23 years? You know, is there something that you
24 could -- would be able to respond to that
25 specifically, what is enough?

42

1 MR. YOSHIDA: I would -- I would say at least several
2 years. I mean, we have had instances where, you
3 know, maybe the next year they came in for the
same 4 request that wasn't part of the plan and we had
5 discouraged the applicant from applying for a
6 Community Plan Amendment at that time because it
was

update 7 too soon after the Council had adopted the
8 and I believe the Council has spoken as to, you
9 know, what the -- what they wanted to see the
10 future -- for the future of the area.

you 11 COUNCILMEMBER KANE: Thank you, Madam Chair. I know
12 had a question, so I apologize for interrupting,
13 but --

14 CHAIR TAVARES: No, that's okay.

15 COUNCILMEMBER KANE: And I do have a few more
questions 16 after the response to your question.

17 CHAIR TAVARES: Yeah. I just want to follow up on --
on 18 the answer that you gave. So, Mr. Yoshida, if
19 this -- if we were to overturn what the CAC and
the 20 Planning Commission recommended and leave it in
Ag. 21 and A&B decided to come in with a Community Plan
22 Amendment, your Department would be looking at
one 23 year or two years as too close to this plan
adoption 24 for them to start that process?

25 MR. YOSHIDA: Well, yes, I -- because I guess the --
our

I
get
was
to
too
a

1 thought was that the Council had looked at the
2 document in a comprehensive manner for the area.
3 mean, we have had instances, say on Haleakala
4 Highway, where some of the landowners wanted to
5 a commercial designation, but the Council in the
6 Up-Country Community Plan did not feel that that
7 advisable. And maybe a year later they wanted
8 come in for a Community Plan Amendment for that
9 same -- same proposal. We just thought it was
10 soon after the Council had looked at the plan in
11 comprehensive manner for it to consider such an
12 amendment.

13 COUNCILMEMBER KANE: Madam Chair.

14 CHAIR TAVARES: Mr. Kane, continue.

Madam

15 COUNCILMEMBER KANE: Yeah. And thank you very much,
16 Chair.

next

17 Although there's a lot of unknowns on our
18 part as far as what lies ahead for us on our
19 round, what we do know or at least what we have
20 narrowed it down to in our discussions with you,
21 Madam Chair, on the workshops and we do know
that
in

22 there are certain things we're trying to achieve

or 23 streamlining the process so we have a time frame
that 24 a calendar that we look at. So that we know
current 25 the next process will not be the same as the

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down 1 process and we won't be eight years, you know,
2 the road from looking at a CAC.
3 Another comment I wanted to make, Madam
who 4 Chair, is that from hearing from Mr. Arakawa,
5 was a former CAC member, and hearing that the
it 6 discussion was rather general in nature, was --
7 didn't get into -- it didn't delve into
specifics,
8 specifics of this particular area, it almost
9 diminishes the weight of the CAC in their
taking 10 deliberations of this project as far as we
11 into consideration their recommendation overall
12 because of the fact that the type of time and
13 questionings that they had at their meetings
at 14 regarding this specific proposal was very sparse

from 15 best. And, again, I'm just taking that from --
16 one of the members here.
you 17 So that makes it difficult now, because,
from a 18 know, what weight do we give a recommendation
19 CAC? You know, so, again, that's something --
when 20 that's like a little note, yeah, Chair, because
21 we going into talking about how much weight, how
22 much time we give the CAC in our future
23 deliberations, we need to also be mindful of the
doing 24 fact that they only look at so much and we're
The 25 a lot more comprehensive work here, which is --

45

They 1 Planning Department just said the same thing.
scope 2 look at us pretty much in the comprehensive
3 and that's where the weight is.
information 4 I think it's important that this
need 5 that was just shared with us is -- you know, we
time 6 to follow up on that and understand so the next

Dr. 7 we don't go down -- I think Lee, Captain Una and
8 same Shepherd passed on information going down the
9 (Laughter.) road and falling into the same hole.
10 it, You know, this is just another way of looking at
11 too.
12 We got to take note of things that aren't
13 move working, maybe, and we need to look at that and
14 I'm forward, so -- But I apologize, Chair, because
15 getting off your question regarding this. My
16 question was originally the FGR designation, if
17 that's something that you would be willing to
18 further consider. And I am not ready to make any
19 committing comments --
20 CHAIR TAVARES: (Laughing.) Thank you.
21 from my COUNCILMEMBER KANE: -- until I hear more comments
22 colleagues.
23 relative CHAIR TAVARES: I think your comments were very
24 to the subject.
25 COUNCILMEMBER KANE: Thank you.

1 CHAIR TAVARES: Because now I have got a big question
mark
2 in my mind based on the answer that we just
received
3 from the Planning Department.
4 Mr. Arakawa.
5 COUNCILMEMBER ARAKAWA: Yeah. I had a question for
6 Clayton. Clayton, in the rules that we have
right
7 now, if somebody were to want to apply for a
8 Community Plan Amendment, couldn't they do it
under
9 any designation any time? Is there a rule that
10 specifically says there is a time frame that
they
11 have to wait?
12 MR. YOSHIDA: There's no specific rule.
13 COUNCILMEMBER ARAKAWA: So they could start the
process,
14 if they wanted to. It would be up to us as
Council
15 members whether or not we would want to honor
that
16 or not, wouldn't it?
17 MR. YOSHIDA: That's correct, but I'm thinking that we
--
18 you know, have at the tail end of a --
19 COUNCILMEMBER ARAKAWA: I can understand -- I
understand
20 what your logic was, because we're in this
process,
21 but also I think the process is that the Council

we
it,
it,
22 members make that decision. It's our call. If
23 feel it is too soon, we have already reviewed
24 then we would delay it or we would not approve
25 but it would be a Council call. I don't think

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Mr.
if
1 there's any rule that says that you can't do it.
2 And I -- this is very specific because of what
3 Nishiki was asking for later on to try and see
4 you could get in and do an EA, force it that way
5 through an amendment process. So I think from a
6 process standpoint, that's critical.

question
be a
supposed
what
7 But Mr. Kushi I would like to ask a
8 having to do with this planning process to begin
9 with. Now, the planning process is supposed to
10 ten-year process and according to the way the
11 Charter is written, the way this system is
12 to work, if we're beyond the ten-year process in
13 approving the plan from when it started, to --

14 weight do we given the planning process?
15 In other words, we're supposed to already
be
16 starting the second round, according to the
rules as
17 I understand it. This was supposed to be
already be
18 done. Are we supposed to give this the same
weight
19 as a brand-new plan coming out that's going to
be
20 good for another --
21 CHAIR TAVARES: You know, Mr. Arakawa, this plan is
not
22 retroactive to back when it should have been
passed.
23 I think the past plans, none of them were done
24 within the ten-year -- you know, at the ten-year
25 period. So I believe the practice has been from
the

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1 time that the plan is adopted kicks in the
clock, so
2 to speak.
3 COUNCILMEMBER ARAKAWA: Well, I wanted to -- I wanted
to
4 clarify because I thought the way you were
thinking

5 when I was Chair of the Planning Committee and
we
6 were doing a lot of the plan. But I would --
I'd
7 really like to find out legally, technically,
what
8 is the -- what is the reading as far as the
rules go
9 on this?
10 MR. KUSHI: I think the Community Plan Updates follow
the
11 General Plan Updates, which are supposed to be
12 updated once every ten years. So typically --
In
13 1980 we had a General Plan adopted and then we
14 started to develop the community plans. And I
15 believe that the Commissions dealt with the
16 community plans -- the Planning Commission dealt
17 with the community plans in '81, transmitted it
to
18 the Council, and the nine plans were adopted
19 somewhere between 1982 to 1987. I think
probably
20 Wailuku-Kahului was the last plan adopted in
that
21 cycle. Then in 1990 we started the ten-year
update
22 of the General Plan that was adopted in the mid
23 1980. And that was adopted by the Council --
the
24 update was adopted by the Council in '91, and
from
25 that we started the ten-year updates of the

1 community plans in 1992.

2 COUNCILMEMBER ARAKAWA: And the significance of it
3 being -- The General Plan was adopted in '91,
about.

4 We're supposed to do a new General Plan. If the
5 community plan is supposed to follow the General
6 Plan and the General Plan is already outdated
and

7 we're passing a community plan for an outdated
8 General Plan that's supposed to be redone, how
9 significant is that in application to the
General
10 Plan?

11 (Inaudible) because the community plan is
12 supposed to be sort of supplementing the General
13 Plan and saying we have this big plan, these are
how

14 these portions fit. When the big plan is
already

15 obsolete, how then do you go and put in all
these

16 small pieces into the big plan that's already

17 obsolete? And that's why I'm asking the
technical

18 question as to whether or not what we are doing
--

19 you know, we're looking at better information,
but

the 20 all of the components that were put into this,
21 CAC was over ten years ago when we were looking
at 22 the information and we put in the
recommendations,
23 all of those -- that information is old, of the
24 decision-making information is old on that. And
25 that's still part of the basis of what this

50

1 information and this decision-making is based
on.
2 So technically how does that fit in as
far as
3 the legal requirements?
4 MR. KUSHI: Well, I think at the time that the CAC
started
5 that information was current. I mean, we had --
6 COUNCILMEMBER ARAKAWA: Ten years ago it was current.
7 MR. KUSHI: Yeah. We had population projections, we
had
8 infrastructure assessments and the like. There
are
9 various studies that were done in 1991, 1992
that
10 were provided to the CACs. But we're like eight
11 years down the road, you know.
12 COUNCILMEMBER ARAKAWA: But technically, legally,

13 according to the law, that's what I want to
14 understand.

15 COUNCILMEMBER KANE: Madam Chair.

16 CHAIR TAVARES: Hold on.

17 Clayton, did you -- were you finished?

18 COUNCILMEMBER ARAKAWA: Did you have a ruling on -- a
19 legal document that specifically charts it out
and
20 explains what the legal ramifications are of the
21 rule to the law, or do you have to research it
and
22 look at it? Because, again, everything is in
23 perspective to the General Plan, as I understand
it.

24 CHAIR TAVARES: Yeah. And, Mr. Arakawa, that may all
25 change. I mean, hopefully that will change as
we do

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change
1 the review of that whole planning process and
at,
2 the ordinance. Because if we're going to look
3 you know, the applicability to the last General
4 Plan, that's why we're in the mess that we're in
5 right now, is because we do realize that

6 information, you know, may be outdated. We
don't
7 know for -- we don't know yet if the 1990
General
8 Plan adopted in '91 is obsolete yet, because we
9 haven't started the review. I mean, we can
guess
10 that it's obsolete and out of date, but we don't
11 have any factual information at this point to
12 determine -- or for us to say, yeah, it's out of
13 date.
14 COUNCILMEMBER ARAKAWA: And I understand that, but
that's
15 why I wanted to have the legal interpretation of
how
16 the law reads to put this planning process into
17 place and what those ramifications are. The --
18 again, the justification is, since the basis for
it
19 is over ten years old and we're required to look
at
20 it every ten years, what we're putting into
place
21 would already be obsolete according to the
system
22 unless it allows that flexibility, which we're
23 assuming we have.
24 CHAIR TAVARES: Yeah. And that -- those questions we
need
25 to have answers to when we're doing this
process.

1 COUNCILMEMBER ARAKAWA: Right.

2 CHAIR TAVARES: Item No. 8 in our Committee agenda.

3 COUNCILMEMBER ARAKAWA: Right.

4 CHAIR TAVARES: The planning process.

5 COUNCILMEMBER ARAKAWA: And I --

6 CHAIR TAVARES: We need to address those. I mean,
that is

7 a very critical --

8 COUNCILMEMBER ARAKAWA: Yeah.

9 CHAIR TAVARES: -- question.

10 COUNCILMEMBER ARAKAWA: I'm perfectly happy to have

11 Clayton and you guys come back on this, but I
think

12 it needs to be answered. If they can't answer

it

13 right now, I think we really do need to

understand

14 that.

15 The other -- the other reason that I'm
asking

16 this question is for the applicability as to

those

17 people that try to get into the planning

process.

18 Now, all these projects that we put into the

19 planning process, there was an understanding

that

20 we're looking at a ten-year plan. So those

people

were 21 that applied for it and put it in when the CACs
on a 22 meeting, the time period is pretty much expired
allowed 23 lot of it. And the new applications to be
24 to be reviewed for the planning process have not
25 really been allowed because we haven't even

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get 1 completed the plans. So anyone who wanted to
been 2 involved in this process now, we're -- we've
up 3 saying, well, wait until we have the -- we open
4 the CAC and have all this discussion again.
have 5 So it's a big mess. And, you know, we
opinion is 6 said it time and time again. My personal
application of 7 that it is very much broken. And the
doing 8 the information that we have and to how we're
the 9 the process was put together as a package when
looking 10 CAC -- when we were discussing, when we were
-- 11 at a lot of the different projects and they were

12 When you change the particulars on each of the
13 projects, the entire package changes. So when
you
14 take out the light industrial area, the Kahului
15 light industrial area, you take out the
16 Spreckelsville subdivision that A&B has
withdrawn,
17 you take out a lot of these things, the projects
18 change. And what's built and isn't built within
the
19 time frame from when we started, I think, puts a
lot
20 of different perspective to how you have to
evaluate
21 these particular projects as we're trying to
approve
22 them.
23 That's where my quandary is on a lot of
these
24 projects. So, you know, just in the -- the
totality
25 of the entire plan, I'm not willing to vote in
favor

1 of the entire plan until I know that it means
2 something. And a lot of the planning process
3 because of the age of this information -- to me,

4 it's old information, needs to be revisited.

5 CHAIR TAVARES: Mr. Kane. Thank you.

6 COUNCILMEMBER KANE: So point of -- point of

7 clarification, then, is it being suggested that
this

8 plan be completely invalidated at this point?
Is

9 that something that's being put on the table,
Madam

10 Chair? And is that the direction that you're

11 willing to consider? Because from what I'm
hearing,

12 I'm hearing an opinion of invalidating this
whole

13 process that we're participating in right now or

14 taking us into a position where we're at a dead
end

15 and it becomes all null and void and let's just
stop

16 everything where we stand and let's go start
new.

17 I mean, is that what's being stated?
Because

18 I sure would like to hear us get to the crux of
it.

19 Let's cut away all the fat and let's get right
to

20 the point. And I would ask Mr. Arakawa to state
his

21 point. I mean, is that what he's looking at,
trying

22 to invalidate this process at this point because
of

23 the flaws that he sees in it?

24 And -- Because you asked us the questions
of

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1 today.

2 CHAIR TAVARES: Right.

3 COUNCILMEMBER KANE: Okay. And that's not what's
being

4 put back on your table. What's being put back
is,

5 well, we need these questions answered before we

6 even look at this process as being valid at all

7 because of outdated information and so on and so

8 forth.

9 And these are good points. I'm not

10 criticizing the points that are being brought
up,

11 but I'm -- I'm questioning our -- our action
today.

12 What are we going to be looking at and as Chair
are

13 you willing to take a look at that as one of the

14 options that we're going to be considering
today?

15 Because that's what's being suggested, in my
mind.

16 CHAIR TAVARES: Well, let me make a comment before Mr.

17 Arakawa responds or if he wishes to respond.
The

18 frustration, as I keep saying, about these plans
19 that are coming to us after such a long period
of
20 time has made us look at the whole process. So,
21 therefore, we are looking at the community plan
22 process. However, we don't know what the
outcome of
23 that review is going to bring us, what changes
are
24 going to be made and how those changes are going
to
25 be implemented.

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1 I don't believe that it's fair to keep
all of
2 these things hanging around or just saying,
let's
3 just forget it. I mean, I -- maybe I thought at
one
4 time, yeah, let's not even worry about Wailuku
and
5 Molokai because we're so close to the next
cycle.
6 Let's just let them start over. But I think
that is
7 an insult to the system.
figure
8 If the process didn't work, we need to
9 out why it didn't work and to make it better. I

at 10 don't think we should abandon the process. And
11 this point I think we need to have some sort of
remaining 12 action on this particular item, the last
finish up 13 item, and also to get the process going to
14 the community plan adoption for Wailuku-Kahului.
hope 15 We're going to Molokai tomorrow and I
there. 16 we'll be able to accomplish the same thing
17 We need to bring some kind of closure to this
ten 18 process which started in 1992 and it's almost
out 19 years later that we're still, you know, figuring
- 20 what to do with it. So I know that all of the -
21 all of the conditions, the changing climates and
22 environments and the economy and everything else
all 23 has direct bearing on what the plan is as we see
it 24 today, and we have to realize that it's
different 25 than what they -- "they," the CAC and "they"
that

I
at
Does
the
from
for a
when
that
members
what
the
the
this
Plan
back

1 Planning Commission saw when they looked at it.
2 think that's why we spent so much time looking
3 all the different items.
4 The question now to me is very basic.
5 this project deserve to be reviewed further by
6 citizens, by the Planning Commission, by the
7 Planning Department, and by the Council? To me,
8 that's the question. The answer that I heard
9 Clayton is that if we put it back in Ag., that
10 they're not going to consider the application
11 period, time period, because it's so close to
12 we end.
13 But my question now is, Clayton, knowing
14 the feeling of the Council -- I think all
15 feel that what I heard the community saying and
16 was continually brought up was the lack of or
17 so-called circumventing the process of an
18 Environmental Assessment, and that people saw
19 way to get the Environmental Assessment done on
20 project was to make them go through a Community
21 Amendment. If this is not -- if this reverts

the 22 to Ag., will your Department accept and process
this 23 application for a Community Plan Amendment on
24 particular project, you know, knowing what the
25 discussions have been here, and not apply those

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other 1 general rules that you have been applying to
for 2 community plans or in the past? Can you speak
you a 3 the Department at this time? Or shall we send
4 resolution? Maybe we can do that, send you a
this 5 resolution and say that it is the intention of
to 6 Council that this doesn't -- if this goes back
pursue 7 Ag., that we are encouraging the developer to
8 the Community Plan process -- Amendment process?
that 9 I mean, however it is, we need to get
10 message across. Because if you can't say that
have 11 you're going to take that up, then I think we
12 got to look at another -- a different tact.

of
look
will
No.

13 MR. YOSHIDA: Well, I guess if that's the clear intent
14 the Council, that we -- again, we're trying to
15 at the planning document as a whole.
16 CHAIR TAVARES: Right.
17 MR. YOSHIDA: But if that's the clear intent of the
18 Council, then the -- you know, the Department
19 honor that intent.
20 CHAIR TAVARES: Okay. Does that answer some of the
21 questions in people's minds? Mr. Kane.
22 COUNCILMEMBER KANE: So do we come back to FGR --
23 CHAIR TAVARES: No.
24 COUNCILMEMBER KANE: -- designation for that? No.
25 CHAIR TAVARES: No. I'm not going to recommend FGR.

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1 COUNCILMEMBER KANE: Okay.
2 CHAIR TAVARES: Mr. Nishiki.
3 COUNCILMEMBER NISHIKI: Yeah, Madam Chair, and I think
4 this is good for the developer and the direction
5 that they have got to be headed towards,
listening
6 to the comments from the Planning Department.
And I

7 think that it is a win-win situation. I think
that
8 when I read some of the things that the
developer
9 was going to do, he was going to do an underpass
10 under the road so that the golf carts can go
11 underneath, that would trigger an EA anyway.
12 CHAIR TAVARES: Right.
13 COUNCILMEMBER NISHIKI: So I agree with you that that
14 direction -- based on comments from Clayton and
what
15 you are recommending, that that would be the
16 direction that we head towards. In view or
knowing
17 now that I have got -- you know, the Council
wants
18 us to go through this EA, we're going to have to
do
19 one anyway and pursue it in that way. Giving,
20 again, the community the ability after the EA is
21 done to comment on it. It's clean.
22 And I think that the developer as well as
the
23 community will see that this Council does have
the
24 integrity to be fair and yet take into
consideration
25 that these community plans are based on what a

on
there
community
dead
would, I
we
the
he
would

1 community wants to see. And I think Mike hit it
2 the nose where he said -- or you did, where
3 was a petition of 5,000 people within the
4 that were concerned about this project. Not
5 against it, but I think concerned about it. And
6 doing an EA and a Community Plan Amendment
7 think, assure the integrity of this Council that
8 don't want to, again, as Dain said, eliminate
9 process, but give the developer a direction that
10 or she or they will pursue. And that's what I
11 like for this Council to look at.

12 CHAIR TAVARES: Okay.

13 COUNCILMEMBER NISHIKI: If that's your recommendation.

14 CHAIR TAVARES: Mr. Carroll.

15 COUNCILMEMBER CARROLL: Ask for a short recess,
please.

16 CHAIR TAVARES: Short recess. Five minutes. (Gavel.)

17 RECESS: 3:22 p.m.

18 RECONVENE: 3:29 p.m.

19 CHAIR TAVARES: The Planning Committee is now back in
20 session. Thank you, members.

21 Mr. Carroll.

22 COUNCILMEMBER CARROLL: Thank you, Chair. There's
been

and 23 much discussion about what we would like to see
especially 24 the possible actions that we could take,
25 concerning the -- this property and what the

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do 1 applicant could or could not do or when he could
what 2 it. I would like to hear from the applicant
do, 3 they are able to do, what they are prepared to
4 and any commitment they would make along these
5 lines.

them 6 CHAIR TAVARES: Yeah. I'm very reluctant to bring
come 7 back up unless the members really want them to
them 8 back up. Are the members in favor of bringing
make 9 back up? I think we have enough information to
10 our decision now.

11 COUNCILMEMBER KANE: Madam Chair.

12 CHAIR TAVARES: Yes.

13 COUNCILMEMBER KANE: Perhaps we can ask Mr. Carroll to
14 clarify what he needs to get from the applicant,

15 because we have already had that chance, but, I
16 mean, I'm open to hearing what --

17 CHAIR TAVARES: Okay.

18 COUNCILMEMBER KANE: And if it's something that can
help
19 us, then I'm more than happy to listen.

20 CHAIR TAVARES: Okay. Thank you.

21 Go ahead, Mr. Carroll.

22 COUNCILMEMBER CARROLL: Thank you, Chair, and thank
you,
23 Mr. Kane. We've been talking about having the
EIS
24 before anything is done. This has never been
done
25 before. We're talking about possibly doing

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1 something that no applicant has ever been
required
2 to do at this point in the process. And that is
why
3 I would like the applicant to come back and just
see
4 if it's even possible for them or for their
company
5 to pursue, to follow this line, and if they
could
6 give us an idea where they think it will lead.

I'm 7 Because we're breaking new ground here as far as
8 concerned, and I would like to get their opinion
9 because they're the ones eventually that will
have 10 to live with this, with the decision we come up
11 with.
12 ?: Sounds reasonable to me.
13 CHAIR TAVARES: Is that clear? Yeah. Actually, I
think 14 the question goes to the Planning Department.
You 15 know, you have already told us that in -- in a
16 Community Plan Amendment -- as part of the
17 application process for a Community Plan
Amendment, 18 an EA, EIS is required; is that correct?
19 MR. YOSHIDA: Yes. Pursuant to Chapter 343 and
Section 20 2.808 of the code.
21 CHAIR TAVARES: Okay.
22 MR. YOSHIDA: That's correct.
23 CHAIR TAVARES: That's correct. Okay. And if they
were 24 given approvals to -- to be in the community
plan 25 now, they wouldn't necessarily need an EIS until

they're
EIS?
triggers
under
triggered is
district
just
I'm
existing
not

1 they actually presented the project because

2 going to go on to the road that triggers the

3 MR. YOSHIDA: Yeah. I believe there are other

4 besides a General Plan or a Community Plan

5 Amendment, such as work within the public

6 right-of-way somewhere, whether it's State or

7 County, such as maybe a golf cart underpass

8 Hana Highway. That may trigger Chapter 343

9 compliance.

10 CHAIR TAVARES: And the other way it could be

11 if we made it a condition under the project

12 description in the text of the community plan?

13 MR. YOSHIDA: That's -- that's correct.

14 CHAIR TAVARES: All right. Okay. So those are the

15 three -- the kind of three scenarios. Does that

16 answer your question?

17 COUNCILMEMBER CARROLL: Thank you, Chair.

18 CHAIR TAVARES: Okay. Mr. Hokama.

19 COUNCILMEMBER HOKAMA: Thank you. And, you know, I'm

20 going to verbalize because I think it's going to

21 help me with some things for myself. Then what

22 thinking, Chair, you know, let's say take

23 Spreckelsville, you add existing Paia, and --

24 that it's going to -- you know, these people are
25 going to do it, but all these single-family

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in, 1 residents currently built out and being lived
provided 2 could come in, doing an ohana dwelling, and
3 they get the appropriate approvals and more than
in 4 likely they're going to try to get a minor SMA
more 5 the SMA region, you're looking at you could add
road 6 than 500 units, more than 500 cars on the same
7 with less review the way the process allows
8 currently.

9 CHAIR TAVARES: That's correct.

what we 10 COUNCILMEMBER HOKAMA: So if the concern is -- and
everything 11 have heard is the water, the traffic, and
12 else, isn't what the region really want is a
13 moratorium on single-family development? And if
should 14 that's the case, then maybe that's what we
owners 15 consider. Let's be fair to all the property

satisfied 16 and ban all ohana for a while until we are
to 17 that infrastructure is up to speed. It's harder
18 do 500 individual owners instead of one big
19 landowner, but I think if what we are saying is
20 accurate and the concern is as real as everybody
who 21 travels that road every day, then we should look
at 22 being fair to everybody.
23 CHAIR TAVARES: I would certainly agree with that, Mr.
24 Hokama.
bring 25 COUNCILMEMBER HOKAMA: And so I -- you know, I just

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about 1 it up because on the other hand the concern
the 2 the amount of units that's going to be built and
the 3 amount of traffic that's going to be placed on
if 4 system can happen with no other Council review
5 individual property owners want to do ohana
that 6 dwellings. So you're not stopping the problem
project. 7 people say exists only with this one large

it's a 8 Yeah, it's, to me, a lot more focused because
of 9 large project, Council has more control because
this 10 conditions of approval we can place legally on
Mr. 11 item, but like for other regions of this County,
allow 12 Yoshida and my fellow members, we continue to
13 every day building permits to get processed and
14 approved, we allow SMA applications to go before
the 15 Planning Commission for approval, and yet we
treat 16 them differently because we feel the scale or
the 17 impact individually not cumulatively is not
worthy 18 for it to be addressed in the same manner. I
think 19 the total impact of all those small projects add
up 20 to the same impact that one big project does.
21 So what is the issue before Committee,
22 really? The County of Maui wants to stop growth
capacity 23 until we are satisfied with infrastructure
issue, 24 building? I don't know. If that's the real
25 though, then let's discuss that real issue,

1 Chairman, and stop dancing around the Makena,
2 dancing around a Spreckelsville.

3 All I know is stopping an engine, takes a
lot
4 longer to crank it up again. And so is that
part of
5 the risk we're willing to take? I'm not sure if
6 it's a risk well taken if we do choose it.

Thank
7 you.

8 CHAIR TAVARES: Those are good points, Mr. Hokama.

9 Any other comments? Okay. Shall we move
on?

10 All right. It's open for a motion, if anybody
wants
11 to give one.

12 COUNCILMEMBER CARROLL: What is the Chair's
13 recommendation?

14 CHAIR TAVARES: My recommendation at this time is to
leave
15 the Country Club Expansion Request No. 38 in
16 Agriculture.

17 COUNCILMEMBER NISHIKI: So moved.

18 VICE-CHAIR MOLINA: Second.

19 CHAIR TAVARES: Okay. Moved and seconded by Jo Anne -
-
20 oh, Mike -- Wayne.

21?: Wayne.

22 CHAIR TAVARES: Moved by Wayne, seconded by Mike
Molina.

on 23 Okay. For discussion, members, there's a motion
24 the floor. Mr. Nishiki.
earlier, 25 COUNCILMEMBER NISHIKI: Yeah, as I -- as I stated

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1 some comments have been made about this County
is 2 wanting to put everything to a dead end. That
3 not my intention. I think when I look at this
4 project, it is in the middle of prime
agriculture,
5 there will be additional infrastructure needed.
The
6 concern, again, is for the developer as well as
the
7 community to have an equal shot as -- at
addressing
8 this issue.

9 I think another concern is the fact that
this
10 would probably be the most fairest for the
community
11 that has come out and had some concerns as well
as
12 the developer to work together and work for a
13 project in this area. When I look at -- As one

and 14 member has pointed out about projects that are
out 15 have been approved, I think that Alan brought
developer 16 that there are other projects that this
17 happens to be embarking on, also, the Haliimaile
18 project that is in front of this Council, the
19 Maalaea project, I think they're doing an
not 20 agriculture project Up-Country. And so we're
21 killing an engine as far as I believe, but we're
they 22 giving again the developer a process in which
23 can follow.
brought 24 I think that all Council members have
we 25 up good reasons for, against the concerns that

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1 have today. And I am glad that these have been
2 addressed. And, again, supporting the Chair's
3 recommendation. Thank you.
4 CHAIR TAVARES: Mr. Molina.
5 VICE-CHAIR MOLINA: Yeah. Thank you, Madam Chair.
Just 6 adding into what my colleague from South Maui

7 stated, I think it's a much fairer process and
it is
8 inclusive -- it doesn't -- it doesn't close the
9 door, so to speak. The developer has a chance
to
10 come back to the Planning Department, which I
11 appreciate Mr. Yoshida stating earlier that they
12 would consider the application for a Community
Plan
13 Amendment.
14 And because of the sensitive nature of
this
15 project and so much concerns brought about with
16 regards to the EA and the EIS and so forth, I
think
17 this -- this is a good process that maintains
our
18 integrity as a Council that is fair to both the
19 community's concerns and a developer with the
hope
20 that both can come together and find something
that
21 can work well in the North Shore area. Because,
22 realistically, looking at growth projections for
the
23 future, affordable housing is going to have to
be
24 addressed and will be needed. It's a question
of
25 where and when. But looking at the overall
scope of

1 things, it -- inclusion of the community in this
2 process is, to me, far above all else the most
3 important as far as I'm concerned. Thank you.

4 CHAIR TAVARES: Ms. Johnson.

5 COUNCILMEMBER JOHNSON: Yes. I thank you, Madam
Chair,

6 for at least considering all of the comments
that

7 you have heard from so many different people.
And I

8 really think this on its face is a really
wonderful

9 project. I have no problem with how it looks.
But

10 as I have said before, before we come up with
all

11 these concepts and these ideas, there is certain

12 fundamental information that in order to make
good

13 decisions we have to have.

14 I will keep harping on it. I'll probably

15 become like Mr. Bikeways. I'll be known as Ms.

16 Carrying Capacity. And, you know, that, to me,
is

17 just where I am kind of at in terms of trying to

18 make intelligent decisions with having
fundamental

19 information. And I will continue to move in
that

20 direction because I think that there is growth
that

21 we can accommodate. I believe that affordable
22 housing is something that we need to really move
in
23 that area absolutely and come up with an
affordable
24 housing ordinance.
25 But I really think that everything the

70

1 developer has done is wonderful and I just
support
2 them coming through the process that will allow
us
3 to get that information. And if they can help
us
4 obtain that information, if we're not able to
get it
5 on our own and they would be willing as well as
6 other developers and individuals who are
building
7 their homes, help us to answer those fundamental
8 questions, I think it will make our job a lot
easier
9 and then we can all move in the same direction
10 instead of dividing or polarizing communities
one
11 against the other. And that really will be
Smart
12 Growth. So I thank you for doing this.
Appreciate

13 it.

14 CHAIR TAVARES: Any other comments? Mr. Carroll.

15 COUNCILMEMBER CARROLL: Thank you, Chair. It's been a
16 very interesting and enlightening discussion
today.

17 We and previous Councils have obviously
addressed

18 this project and other projects over many, many
19 years. We have seen far too many things that
have

20 been discussed for far too long. And I would
hope

21 that this Council we can expedite our ten-year
22 housing plan, which parts are in my Committee
and

23 parts in Mr. Hokama's Budget Committee, that we
can
24 work on making sure that the process for the
CACs

25 and everything else is done in a timely manner
and

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1 that information can be delivered in a timely
way.

2 This is not only unfair to this Council,
it's

3 unfair to the developer and it's unfair
especially

hours 4 to the community that it had to spend untold
has 5 coming back and back and back again because this
all 6 stretched out so long. I would hope that we can
have 7 work together to make this process better. We
8 discussed many things that can improve it, and I
Planning 9 would hope this Council, working with the
won't 10 Department, can come up with a process that we
11 have these problems again. Thank you.

12 CHAIR TAVARES: Thank you.

13 Any other comments? Mr. Arakawa.

14 COUNCILMEMBER ARAKAWA: In looking at this particular
at 15 project, now I have had the opportunity to look
16 it from the very beginning, the criteria for the
17 project I think was good in the original start
18 looking at the expansion of the golf course.

And I 19 think that's something that still needs to be
20 considered. The fact that the direction that we
21 seem to be going is to have it virtually start
again 22 I think will allow for a lot more input and a
lot 23 more consideration and a little bit better
process.

24 And in light of what Mr. Kane has tried
to 25 imply with the CAC, you know, the members of the
CAC

participate 1 are average citizens, we volunteered to
through 2 in a Committee, in a panel to be able to go
3 a lot of these issues that we had never heard of
4 before, never seen before, stuck in a situation
5 where trying to make head or tails of a planning
time 6 process that was brand-new. We put a lot of
issues 7 into the process and looked at a lot of these
was 8 for what analysis we could put. And while there
items 9 not a whole lot of time put on each of these
we 10 because the process didn't allow it, you know,
the 11 spent a lot of time on it. And every member of
12 CAC was very dedicated and put in a lot of time,
sites, we 13 energy, and consideration. We went to the
based 14 looked at things. We approved these projects
were 15 on the best information we had, and the way we
information 16 look working on these projects the best

17 that the departments could give us.
18 The process absolutely needs to be
changed,
19 but the CAC members deserve a lot of credit for
20 sticking through the process for as long as they
21 did. And many of the members of the CAC are
still
22 very interested in what the outcomes are because
we
23 want to see what -- how -- what we started
actually
24 grow and become an ordinance and be passed. So,
you
25 know, I don't want anyone to think that the CAC
was

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1 not paying attention because we absolutely were.
2 And coming out on your free nights to volunteer
is
3 very -- takes a lot of dedication.
4 The project itself, I think this process,
5 going back, leaving it in agriculture is a
better
6 way to do it and I'll support that motion. And
7 we'll see what the rest of it comes out to.
8 CHAIR TAVARES: Mr. Kane, comment?
9 COUNCILMEMBER KANE: I'll support the motion, Madam
Chair.

basing 10 The one comment I have, though, is if we're
Planning 11 some justification for this motion on the
project 12 Department understanding the intent of this
considered 13 in its consideration down the road to be
sure 14 at a certain point in time -- We've got to make
Not 15 that everybody is treated the same way. Okay?
particular 16 because we had this discussion that this
discretion 17 developer will have an opportunity at the
to 18 of the Planning Department to consider an
19 application. I think the whole thing is we got
somebody 20 treat everybody equally. So, I mean, if
again, 21 else who we didn't have this talk comes in,
22 that's where it came back to at what point is it
23 long enough for us to consider your project?
24 So I have -- I have some -- I have some
25 concerns about our dependence on those
statements

1 only because it seems to me, again, it becomes
2 discretionary authority which because we're all
3 human, there's tendencies to -- or there's
4 opportunities for abuse of that because it's not
5 written out. After so much time, you know, you
can
6 do this. And we all follow the words of the
law, we
7 try to anyway, and I think that's going to
provide
8 for it.
9 My earlier comments regarding the CAC, if
--
10 if we had the luxury of playing back the
recording,
11 the words that Mr. Arakawa used were not
accurate.
12 There was never an implication that the CAC
didn't
13 do hard work. There was never any implications
that
14 the CAC is not valued. What was stated was that
the
15 CAC didn't delve into this in a comprehensive
manner
16 that we are. And my question -- it wasn't a
17 statement or a conclusion, it was a question of
what
18 weight do we give a body when we start
discussing
19 the role of the CAC in the next round? What
weight
20 do we give them and what parameters do we set up
for
21 them based on the fact that the statement was
that

22 they didn't really look at the depth of this
23 particular project? That's all it was. It was
24 questions and things for us to consider as we
move
25 forward. So --

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1 CHAIR TAVARES: Right.
2 COUNCILMEMBER KANE: -- I want to correct that because
I
3 think we can't let things like that get away and
4 make -- make misstatements and try to imply
5 something that wasn't stated in the first place.
So
6 I want to make that clarification and --
7 CHAIR TAVARES: I don't think there's been a project
8 lately that got as much review as this
particular
9 one. And I don't -- and given the time
constraints
10 the CACs have, they can't possibly go into the
11 detail or the time that we as a Council have
spent
12 on it.
13 COUNCILMEMBER KANE: Totally agree.
14 CHAIR TAVARES: You know, and, you know, I just
believe

15 Mr. Arakawa is trying to point out those kind of
16 facts. And we need to look at that as we do our
17 process.

18 COUNCILMEMBER KANE: Well, he made an attempt to
19 personalize it and so I'm just -- I think I'm
just
20 being protective, too, because there was no
21 implications of demeaning the work that they
did.

22 CHAIR TAVARES: Okay. Fine.

23 COUNCILMEMBER KANE: And I made -- I wanted to make
that
24 clear. Thank you, Madam Chair.

25 CHAIR TAVARES: I think that's clear. Everybody

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1 understands that now.

2 Any other comments? Okay. Before we
call

3 for the vote, I have 102 comments that I want to
4 make. And I have already expressed a lot of

them.

5 I am dying for the opportunity for a project
like

6 this to be implemented in Maui County somewhere,
a

7 project that shows that we are serious about

8 mixed-use housing and will bring an end to
9 gentrification of housing or segregation in our
10 community by economic class because of the way
we
11 build subdivisions. I can't wait for that to
12 happen.

13 At the same time, we're between a rock
and a
14 hard place when it comes to where we are in the
15 planning process and the number of years that it
16 takes before we act on this. So, you know,
maybe
17 this is good that it came up like this. While
it's
18 fresh in our minds, we're going to go into
revising
19 the planning process.

20 Through this and other hearings I was a
21 little bit disturbed at some of the testimony
that I
22 heard that some of it sounded a lot like "No
more
23 growth for Maui. We're against growth." Even
24 though the mouthing was "We're not against
growth,
25 we just want it managed." But our people
seriously

to
--
people
number of
kinds
and
that's
who
their
their
be
or
growth

1 think about growth is going to occur and we have
2 accommodate that growth or we're going to secede
3 secede from the United States and become our own
4 country and set up our own borders and keep
5 out or whatever, or put regulations on the
6 kids that people can have like China does.

7 I mean, I'm talking about some drastic
8 of things that have happened, but we have to get
9 into that frame of mind that because we're here
10 we love what we have here, we want to protect it
11 forever, but we don't want any growth because
12 going to destroy what we have. Every community
13 has wrestled with this problem has come to the
14 realization that they must handle and manage
15 growth well. They must do it with keeping those
16 things preserved in their community that make
17 community special.

18 At some point in time our community will
19 facing where are we going to put the next town
20 village. Okay? Makena -- I mean, Maalaea has
21 already sort of been designated as the next

Plan 22 area for Maui County. And I think the General
23 has a big job ahead of it because not only do we
about 24 talk about housing options, we have to talk
And 25 business options and transportation options.

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must 1 these aren't going to be easy to solve, but we
2 work on them and we must work on them together.
know, I 3 I'm -- in a way I'm sad because, you
is 4 love this kind of project, because I think this
5 where we need to go. I am saddened also that --
or 6 that communities start to tear each other apart
7 start to cause a divide within the community.
We 8 all have to be in this together. And I hope
that we 9 all can work together on these and put aside our
10 self-interests and think about the community at
11 large.
12 Poor Spreckelsville is going to be in a
13 tug-of-war between Paia-Haiku and Kahului or

14 whatever. I sure would like to know exactly
what
15 the Spreckelsville people think. The people
that
16 are the most impacted are who we heard from the
17 least. Okay? We had, you know, members of the
18 community come and some of them speak for the
19 community, but we haven't had every single
member
20 surveyed or every single member either
interested or
21 whatever, not interested enough to come out and
22 voice an opinion about this particular project
or
23 about the way they want to grow. So it's --
We're
24 at the time. I mean, we're past the time.
People
25 have to become involved in their communities.

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1 And while we're kind of making the
transition
2 from the so-called plantation era to a modern
era
3 and the 21st Century, the 21st Century means
people
4 have to participate. And I don't believe that
we

our 5 should be passing out candies with notices of
attention. 6 next meeting in order to get somebody's
7 Each citizen in this County needs to be aware of
one 8 what's going on and at least aware enough to buy
9 paper on Sunday or whenever the day is that the
I 10 Council meetings and the agendas are scheduled.
you 11 keep hearing this, oh, you got to post it here,
12 got to give us by word-of-mouth, you got to show
that 13 pictures, you got to do this and that. I think
And 14 the citizens have a responsibility to show up.
15 if they can't show up, we have all kinds of ways
16 that people can let us know how they feel about
17 things.
but 18 And I know I'm getting off the track now,
19 I think that the door is not closed for this
Most 20 project. I feel that it has lots of merits.
majority 21 of the things that were -- I would say the
project or 22 of the reasons why people didn't like the
23 didn't support it at this point were things that
in 24 could be handled and are appropriately handled
25 the zoning process.

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1 And, members, while we're talking about
that, 2 we really need to talk about let's get one
process, 3 not to go through this twice. Where every time
this 4 comes up we explain this is not where we make
 5 conditions for roads, this is not where we make
 6 conditions for sewer or for water or for what
zoning. 7 specific things. Those come at the time of
we 8 If we can't get that idea across to people, then
 9 need to look at our process being unclear to the
community 10 public and, you know, looking at how we do
those 11 plans in the future. Maybe we better go to
there's a 12 bubbles and maybe that will make sure that
and 13 distinction between what community planning is
 14 what zoning is.

15 Okay. And, members, I thank you for
putting 16 up with all of the meetings and for spending the
 17 number of hours to hear what people had to say
and 18 to really wrestle with this. And I think anyone
who

it 19 has been through the process with us knows that
20 is not an easy process. The easy decisions have
hard 21 already been made, all we are left with is the
those 22 ones. And I thank you for being here to make
23 hard decisions.
of 24 Okay. At this time, all those in favor
is to 25 the motion, which again I'll repeat the motion

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in 1 leave the designation in agriculture. All those
2 favor say aye.
3 MEMBERS VOICED AYE (AA, RC, JJ, DK, WN, MM, CT).
4 CHAIR TAVARES: Opposed.
5 COUNCILMEMBER HOKAMA: No.
And 6 CHAIR TAVARES: Okay. Let the record show one "no."
7 this is a recommendation to the full Council.
8 VOTE: AYES: Councilmembers Arakawa, Carroll,
9 Johnson, Kane, Nishiki, Vice-Chair
Molina, and Chair Tavares.
10 NOES: Councilmember Hokama.
11 ABSTAIN: None.
ABSENT: None.
EXC.: Councilmember Kawano.
MOTION CARRIED.

12 ACTION: Recommending APPROVAL of current
13 community plan designation (AG).
14 CHAIR TAVARES: Just to let people know that where it
goes
15 from here, it will go to the full Council. The
16 Council will schedule a public hearing. After
the
17 public hearing normally or -- it's come back to
the
18 Committee, but, Mr. Boteilho, can you help us
out on
19 that part of the process?
20 MR. BOTEILHO: After the public hearing, the Council
would
21 have the option to -- to recommit or to pass on
22 first reading.
23 COUNCIL MEMBERS VOICED NO OBJECTIONS. (AA, RC, GH,
JJ,
DK, PK, MM, WN, CT)
24 ACTION: Recommending REFERRAL of proposed bill for
public
25 hearing and FILING of communication.

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1 CHAIR TAVARES: Okay. And that will be after the
public
2 hearing at a meeting subsequent to that public
3 hearing that that will happen. It will go
through

the 4 two readings and then require the signature of
would 5 Mayor to either pass or veto or whatever he
6 like to do with it.

see 7 Okay, members, I thank you. And I will
meeting 8 you tomorrow on the island of Molokai. This
Molokai. 9 is adjourned. Don't forget your stuff for

10 (Gavel.)

11 ADJOURN: 3:59 p.m.

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1 C E R T I F I C A T E

2 STATE OF HAWAII)

3) SS.

4 CITY AND COUNTY OF MAUI)

5

6 I, Sandra J. Gran, Certified Shorthand

7 Reporter for the State of Hawaii, hereby certify

8 that the proceedings were taken down by me in

9 machine shorthand and was thereafter reduced to

10 typewritten form under my supervision; that the

11 foregoing represents to the best of my ability,

a

12 true and correct transcript of the proceedings

had

13 in the foregoing matter.

14 I further certify that I am not attorney

for

15 any of the parties hereto, nor in any way

concerned

16 with the cause.

17 DATED this 17th day of October, 2001, in

18 Maui, Hawaii.

19

20

21

Sandra J. Gran
Hawaii CSR 424
Notary Public for Hawaii
My Commission Expires: 5/14/04

24

