

**MAUI PLANNING COMMISSION
REGULAR MINUTES
MARCH 10, 2009**

APPROVED: 4/28/09

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Jonathan Starr at approximately 8:34 a.m., Tuesday, March 10, 2009, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

A quorum of the Commission was present. (See Record of Attendance.)

Mr. Jonathan Starr: It's good to be here. We have with us so far, and I know we'll have some more, Commissioner Kent Hiranaga. We have our Corporation Counsel extraordinary, James Giroux. I'm Chair Jonathan Starr. We have Jeffrey Hunt, our Director of Planning. We have Commissioner Donna Domingo, Commissioner Dr. William Iaconetti, Commissioner Wayne Hedani. We have Carolyn Takayama-Corden who is our Secretary for the Commission, and keeps us on schedule, and takes care of our minutes. We have Mike Miyamoto who's Deputy Director of the Department of Public Works, and will be giving us a presentation on roadway standards later. We have our hardworking Planners are represented by Livit Callentine, and we'll have more working hard today, and Commissioner Ward Mardfin walking in the door. And thank you, Ward. Drove all the way from Hana to serve today. And I wanna thank Kenny Hultquist who is on the job filming for I believe Maui Tomorrow to where these meetings on public access T.V.

Members of the public will have the opportunity to avail themselves of either one of two opportunities to offer testimony on any item that's on our agenda for which we'll be doing decision-making. Either members of the public can testify at the beginning of the meeting on any item, and we'll open that testimony in just a couple of meetings, or they can wait 'til the item is presented before us at which time we'll have the presentation on the item and a description, and then before decision-making, we'll accept public testimony. So you can testify either before the entire meeting, or wait and testify before the item. We ask people testify only once, and that testimony be kept as short as possible, and no case longer than three minutes. We would like to begin public testimony. And we do have one person who signed up so far. And I'd like to welcome Susan Moikeha, a former Chair of this Body. And welcome, and thank you for coming before us today.

The following person testified at the beginning of the meeting:

Ms. Susan Moikeha - Item B-2, State Land Use Commission Special Use Permit for the Puunene Baseyard Project

Her testimony can be found under the item on which she testified on.

Mr. Starr: Good morning. Commissioner Guard is with us as well. Any other members of the public wishing to offer testimony? Please stand up, or come forward, or make yourself known. Not seeing any, initial public testimony portion of the meeting is now closed. I turn it over to Director Hunt to introduce the first item.

B. PUBLIC HEARINGS (Action to be taken after each public hearing item.)

- 1. UNITED PARCEL SERVICE (UPS) requesting a Special Management Area Use Permit for the relocation of the United Parcel Service Facility at Kahului Airport due to the construction of the new Kahului Airport Access Road at TMK: 3-8-001: 019 (portion) and 239, Keolani Place, Island of Maui. Relocated facilities include the parcel distribution building, a canopy building for parcel loading and unloading, a vehicle maintenance building, and an office building. (SM1 20080023) (L. Callentine)**

Mr. Jeffrey Hunt read the agenda item into the record.

Ms. Livit Callentine: Good morning, Mr. Chair, and Members of the Commission. The project before you, as Jeff said, is the relocation of the existing United Parcel Service Facilities at Kahului Airport to a location approximately, 500 feet southeast of the present location. On your desks this morning, I placed a report and recommendation addendum. The Commission may wish to take a short recess at this time just to have a chance to read those two documents. They're very short.

Mr. Starr: Members, does anyone want to recess for that, or can we--? Looks like consensus is we can read them as we proceed. So, please, go ahead, Ms. Callentine.

Ms. Callentine: Okay, very good. Thank you then, Mr. Chair. Okay, so the relocation will take place to an area next to the newly completed air cargo facility. This project is necessary to make way for the Department of Transportation Airports Division's new access road, and airport parking lot expansion project. And this was approved by you just a meeting or so I believe. The proposed site improvements include grading, utility installation, parking for employees and customers, and landscaping. And the relocated facilities would include all of the existing facilities and have been enumerated previously so I won't go through those again. In addition, United Parcel Service will be providing continuity of service by relocating a temporary trailer on either the existing site or the proposed relocation site. And there is no anticipated expansion and handling capacity associated with this proposed action.

Initially, the project was filed without any planned drainage improvements to the relocation site. And the project as proposed would've increased runoff to the – by 5.4 cubic feet per second. And the Department of Land and Natural Resources in their comment to us state that an increase in runoff of this amount would be unacceptable. And they suggested that mitigation measures should be implemented, and they had several suggestions such as retention basins, pervious asphalt or concrete, vegetation, or holding areas to be implemented to reduce runoff impacts. The applicant's agent has responded at that time that plans had been revised to provide perimeter landscaping, and additional improvements would be made to retain storm water runoff, and provide natural percolation of the site. And this was shown in your Exhibit 6 of the original Department report. The Department of Planning requested clarification on what the more specific details of the runoff mitigation were. And the applicant's agent stated that the civil engineer had contacted the Department of Transportation's Office, and was told that there was an existing retention basin on the runway side of the site. That would be the southeast side. And that the retention area on the southwest side of the site had existing capacity to handle the runoff from the proposed UPS site. And that was shown as Exhibit 17 in your original Department report. Following discussions that the Planning Department had with the applicant's agent, a drainage and pollution control plan was prepared and submitted, and is shown as Exhibit D in your addendum report. The drainage plan indicates that all runoff from proposed improvements will be retained onsite at this time.

And I'd like to introduce Karlyn Fukuda of Munekiyo and Hiraga. She is representing the applicant, and she will introduce the project team here today, and make a brief presentation, after which time I will give you my recommendations.

Mr. Starr: Okay, about how long will her presentation be?

Ms. Callentine: No more than ten minutes. Thank you, Mr. Chair.

Mr. Starr: We'll take a short recess so the projector warms up.

(A recess was taken at 8:46 a.m. and the meeting reconvened at 8:48 a.m.)

Mr. Starr: Okay, the meeting of March 10th is back in order. Take it away, Ms. Kawahara.

Ms. Karlyn Fukuda: Thank you very much for that recess. Good morning, Chair, and Members of the Maui Planning Commission. My name is Karlyn Fukuda, and I'm with Munekiyo and Hiraga, Inc. We are before you today to present the proposed United Parcel Service or UPS relocation project at the Kahului Airport. Joining me today are Eddie Preciado and Ed Shinoda of UPS, the applicant; Durwin Kiyabu of Nishikawa Architects, Inc.; Linda Taylor of Linda Taylor Engineering, Inc.; Brian Maxwell of Maxwell Design Group; and myself.

This is a location map to give you some orientation. I'm sure all of you know where the airport is, but United Parcel Service has an existing location here off of Hemaloa Street. This is Keolani Street which enters into the Kahului Airport. As previously noted, this site will have to be relocated because it's within the proposed airport parking lot expansion that the State Department of Transportation came in for approval for. This is the proposed relocation site which would be located next to the Air Cargo Facility at the airport.

Again, this aerial photo is to give you perspective. This is the layout of the new airport access road, as well as that proposed parking area. The existing United Parcel Service facility is located approximately here and the new relocation site is here again, to give you perspective.

This is a photo of the proposed relocation site. This building here is the State DOT's air cargo facility. And the UPS facility would be located adjacent here. Again, this is just another photo of the relocation site looking further southeast. This is the driveway access that was put in by State DOT for access to the alien species building which is located further towards the airport terminal buildings, that air cargo building that I showed you a few slides earlier, as well as what will be the new UPS relocation site. This is the access off of the Old Haleakala Highway.

The project scope involves the relocation of the existing structures from the current UPS site at the Kahului Airport. As Planner Callentine noted, since the SMA application submittal, the applicant is proposing retention of the – a hundred percent of the increase in runoff volume onsite as well as landscaping. And the relocation is being required by the State DOT as the current site will be part of the airport access parking lot project. I would like to note that the landscaping is proposed because when the project was initially prepared, there was a discussion with State DOT that there may be – the landscaping may not have been allowed because due to the proximity of the alien species building to the UPS relocation site, it would've been a – within about a 500-foot buffer area,

and that the alien species building may have needed a sterile buffer to prevent species from, I guess, making house on the landscaping that may have been provided. Following the Urban Design Review Board meeting, we were able to get confirmation from the State Department of Agriculture which staffs and basically runs the alien species program that there is no formal requirement for a landscaping buffer. So as such, the applicant went ahead and proposed landscaping. So that's why there's landscaping now as opposed to in the beginning. I would also like to note that UPS is on a month-to-month lease with the State Department of Transportation. So within 30 days, the State Department of Transportation could tell UPS that they would have to move so—

This is the site plan for the relocation site. I would also like to point out that there was a revision to the site plan. Following comments from the Fire Department that they wanted the site – originally, the access point was here, and the Fire Department had commented that they would prefer the access to be here to give them greater access or easier access, I guess, in the event of an emergency. This is the airport access road – I'm sorry, not access road, but the access driveway that I showed a photo of earlier, and this is the existing air cargo facility. All of these facilities that are shown here on the site plan currently exist at the UPS site.

This is just the floor plan of the office building that they have, customer counter, as well as they have this modular distribution center, and a canopy for the air cargo containers.

This is just elevations of the existing auto shop that will be relocated. Exterior elevations: again, this is the office building; the canopy for the protection of the air cargo containers, and the modular distribution center.

And this is a photo of the existing UPS facility at the Kahului Airport. Again, you see the auto shop building here. This is the modular distribution center, and the canopy, as well as the office building.

This is just photos to show you what the existing site looks like. This is frontage off of Hemaloa Street, as well as the office structure. Photos of the existing modular distribution center. As you see, the trucks pull up to the various roll-up doors. And the UPS employees are able to group their deliveries together to make for more efficient deliveries throughout the island. Again, just a photo of the existing auto shop building and the canopy structure.

This is the landscape plan that has been put together for the UPS site. We are providing for trees. And I would like to note that there are drought-tolerant plants that are proposed for the site. Trees are proposed in the employee and customer parking areas. And then around the perimeter, we do have shrubs. At this time, I'd like to turn the presentation over to Linda Taylor, the project civil engineer, to talk about the drainage plan.

Ms. Linda Taylor: Good morning, Mr. Chair, and Commission Members. My name is Linda Taylor with Linda Taylor Engineering. Just to give you a little drainage overview of the project, presently the site drains in this direction parallel to the access driveway. And as you saw from previous pictures, it's covered with existing grass. And there is an existing retention area at the intersection of this access driveway and the Old Haleakala Highway. And there's a culvert that joins into the master drainage plan at the airport. We have proposed changes to our original drainage plan due to the site changing. In order to keep the site level, we have had to add drainage inlets throughout the site. And in these drainage inlets, we are also including pollution control filter media devices to

filter out the potential hydro carbons, and silt, and debris from the parking lot. We then are using a small planter area here as the aboveground retention area. And most of the inlets do drain into this underground larger retention area which is a cross section of it here. We are retaining one hundred percent of the increase in runoff from the existing site. And another thing I wanted to point out also is that the carwash pad right here, there is zero discharge from that that will be contained in this drain inlet and go through an oil/water separator. That's where they wash the trucks at night. That's it.

Ms. Fukuda: Thank you, Linda. The proposed project again will allow for the relocation of the UPS facility to – the existing UPS facility at the Kahului Airport. The relocation is needed in order to allow the State Department of Transportation's Kahului Airport access road and parking lot improvement project to proceed. There is no expansion to the UPS operation proposed. And UPS is currently on a month-to-month lease with the State Department of Transportation. This concludes our presentation. And we are available to answer any questions you may have. Thank you.

Mr. Starr: Thank you very much. Members, questions for the applicant? Dr. Iaconetti?

Mr. William Iaconetti: What is the monetary expenditure that UPS is putting into this?

Ms. Fukuda: For the lease itself? The monthly lease cost or the improvements?

Mr. Iaconetti: No, the construction, the change, its location, etc.

Ms. Fukuda: I believe we were looking at a cost of approximately, 1.6 million dollars. And it may actually be more now because that cost was without the underground retention basins. So there is additional costs for that.

Mr. Iaconetti: Is there a reason why this is on a month-to-month basis? For that expenditure, it seems a little weird.

Ms. Fukuda: Unfortunately, that's what DOT would commit to, is my understanding. They would not commit to a long term lease. And I guess it's to allow the DOT to have flexibility, you know, with whatever plans they may have for Kahului Airport at a future date so–

Mr. Iaconetti: Thank you.

Mr. Ward Mardfin: Hi. On page 9 of the first report we got, it referred to – this is the second paragraph. It says, "The project involves the use of State lands which trigger HR Chapter 343, HRS, related to Environmental Assessments. DOTA, however, has determined that the project is exempt from these requirements. A copy of the exemption determination is provided in Section 8 of this SMA application document." Where is Section 8? I was looking for it and couldn't find it.

Ms. Fukuda: I believe that that is actually a reference that was in our original SMA application. There is – within the original SMA application, there is a letter from State DOT in Section 8 of the application.

Mr. Mardfin: And we didn't get that?

Ms. Fukuda: I'm guessing not. It wasn't included in your packet so—

Mr. Mardfin: Once again. Okay, let me go into my—

Mr. Starr: Can we see that? I noticed we've not been supplied with the application, but can at least you pass around the application so we can—?

Ms. Callentine: Yes, Mr. Chair, I will locate it in the file.

Mr. Mardfin: I mean, I'm not — I don't think that's not — the greatest of all things. I understand there's a time constraint. Maybe that's why you decided not to do it.

I wanna ask about the alien species building. When you spoke to us five minutes ago, you said there's no formal buffer, and I think you stressed that word. Did they prefer a buffer?

Ms. Fukuda: I will defer to Eddie Preciado from UPS who spoke with the Department of Agriculture. We did explain to them. I believe that we were planning to propose landscaping because it is a requirement under the code for the parking lot. And I'm assuming at this point that they had no concerns with that, but I will let Eddie respond.

Mr. Eddie Preciado: Good morning, Mr. Chair, Members of the Committee. My name is Eddie Preciado and I'm the project engineer for the project for UPS. Yes, I did speak to a representative from the Department of Agriculture. And they had stated that there was no buffer zone, nor did they recommend any specific plants for the area for the site.

Mr. Mardfin: What made you think there was a buffer plan to begin with?

Mr. Preciado: During the Urban Board Committee and our investigation, we had heard rumors that there could be a 500-foot buffer zone in the area, so we investigated it but we couldn't confirm it.

Mr. Mardfin: And so there is none or there—?

Mr. Preciado: There's none that I could . . . (inaudible) . . .

Ms. Fukuda: Sorry. Karlyn Fukuda. I would also like to point out that because the air cargo building is located directly adjacent to the alien species building, that building has no landscaping. So that was our — another one of the reasons why we assumed that there may be a landscaping buffer so—

Mr. Mardfin: So it's alien species building, then—

Ms. Fukuda: The air cargo facility.

Mr. Mardfin: The air cargo facility.

Ms. Fukuda: And then it would be the UPS site.

Mr. Mardfin: So any escaping ground tree snakes have to cross their building to get to your trees?

Ms. Fukuda: Yes. That would be the scenario, I guess, so—

Mr. Mardfin: Thank you.

Mr. Wayne Hedani: Karlyn, I think you pointed out to us the location of the future airport access road in relation to the site. Is the landscaping that's being proposed sufficient to screen the facility from view from that access road?

Ms. Fukuda: If I may pull up that slide? So the UPS relocation site is here, and the access road is here. We know that the distance between the existing driveway or the driveway access road that's been put in to Old Haleakala Highway is approximately, 600 feet away. So we will be, you know, fairly significant distance, I think, from that intersection to the UPS site.

Mr. Hedani: Thank you. Just a followup question: the number of trees that are specified— I'm glad that you added the trees to the landscaping because otherwise, it would've been pretty harsh I think. Does the number of trees comply with the County Code in relation to the one tree per five stall requirement?

Ms. Fukuda: Yes, it does.

Mr. Hedani: It does? Okay, thank you.

Ms. Fukuda: I would like to note that UPS does have to submit a building permit in order to relocate the facility, so they would, you know, be required to meet—

Mr. Hedani: Last question: the shrubs are intended to screen the chainlink fence around the facility, or is there a chainlink fence around the facility? I guess the question would be are the shrubs on the outside or the inside of the chainlink fence to screen it from view?

Mr. Starr: Please come up to the mic. and introduce yourself.

Mr. Brian Maxwell: Hi. I'm Brian Maxwell from Maxwell Design Group. And I believe it's to the outside of the property to the — of the chainlink fence—the screen. Is there any other questions?

Mr. Starr: Members, any questions? Commissioner Mardfin?

Mr. Mardfin: How much will be — of this will be paved? How many square feet?

Ms. Fukuda: The project architect is saying about 54,000 square feet.

Mr. Mardfin: And how much is paved in the existing one?

Ms. Fukuda: We'll get that answer for you. So it's approximately, the same because on the existing site, the entire lot is paved so—

Mr. Mardfin: That's smaller than the new lot, though, isn't it?

Ms. Fukuda: It is slightly smaller than the new lot, yes.

Mr. Mardfin: What's gonna happen to the old lot? That's gonna be part of the parking lot?

Ms. Fukuda: Correct. The airport—

Mr. Mardfin: So that'll remain paved. And so what you're doing is you're taking land that is currently vacant, and can absorb water, and turning it into an impermeable surface. Is that correct?

Ms. Fukuda: Correct, but we are providing for the underground drainage retention for the hundred percent of the increase in the runoff.

Mr. Mardfin: How much runoff is there now?

Ms. Fukuda: I will defer to Linda Taylor, the civil engineer.

Ms. Taylor: Linda Taylor. Existing conditions: the flow is 1.5 cubic feet per second; the volume is 1,650 cubic feet.

Mr. Mardfin: And where does that go now?

Ms. Taylor: It goes down the access road. There is — right here, there's a depressed area, an existing retention area, with a culvert underneath it. The culvert goes underneath the access driveway road, and then flows through a series of different retention areas within the airport drainage plant.

Mr. Mardfin: And then eventually into the ocean?

Ms. Taylor: It goes into the big, box culverts that run underneath the runway, and that does go into the ocean up here.

Mr. Mardfin: Thank you.

Mr. Starr: I have a question which is, the number of the industrial-type carwash facilities we've seen recently that were closed loop systems so that the water is reused. This looks like all they're doing is separating out the oil, and then putting — and then disposing of the water. Where is that going and how much water will that be using?

Ms. Fukuda: I thank you for that question, Chairman Starr. I did forget to add that they are planning to use the carwash — what you consider wastewater, the dirty water, for the irrigation onsite so — of the landscaping. They are planning to reuse that. I believe it's approximately, 500 gallons per day.

Mr. Starr: And that's — that'll all be used for—

Ms. Fukuda: Irrigation.

Mr. Starr: Gray water irrigation.

Ms. Fukuda: Yes, yes, that is the intention of the applicant.

Mr. Starr: And what is the separator system? You described how that water will be filtered?

Ms. Fukuda: I'll defer to Durwin Kiyabu, the architect.

Mr. Durwin Kiyabu: Good morning, Chairman, Board Members. The – our mechanical engineer, who's not here actually, they've designed a system where they have a combination of the oil/water separator and a system of filtration prior to getting the water to the storage tanks, basically. And there's another condition where there's some special soaps that we use in the carwash to insure the water will be usable for irrigation.

Mr. Starr: Members, any other questions? Commissioner Hiranaga?

Mr. Kent Hiranaga: Just trying to understand the drainage control plan, so the increase in surface runoff is 5.4 cfs in a 50-year, one hour storm?

Ms. Fukuda: I'll have – I'll defer to Linda Taylor, the civil engineer.

Mr. Hiranaga: So looking at the drainage plan that was provided in the addendum report, how does that equate to you got a retention area planter, 500 cf, and then you've got underground retention, 6,500 cf? I guess you calculate the – so that will retain all the post runoff for at least one hour based upon that holding capacity?

Ms. Taylor: The volumes that you have mentioned is the volumetric calculation based on the 50-year, one hour design storm. So the runoff for that storm is 8,483 cubic feet. Of that, 1,650 is the pre-development. The difference is those two volumes is what we are going to retain onsite one hundred percent. Five hundred cubic feet will be retained in the landscape planter area. And then the remaining will be retained in the underground storm water retention area.

Mr. Hiranaga: So theoretically, in the 50-year, one hour storm, these retention basins would not overflow with the post development runoff?

Ms. Taylor: No, there should be zero runoff because they're designed to retain one hundred percent of that volume. I'm sorry. I misunderstood your question. Yes, they will discharge the pre-development runoff.

Mr. Hiranaga: So you have these new drain inlets. Those are for the pre-development runoff?

Ms. Taylor: The new drain inlets are to gather the runoff from the site, and direct them into the retention area.

Mr. Hiranaga: So there's pipes from those inlets?

Ms. Taylor: Correct, yes.

Mr. Hiranaga: So worst case scenario, you're retaining the post retention runoff, and we've got this 50-year storm that's going for one hour. And actually, there is an overflow because you're not – your design is unable to contain the pre-development runoff. That's flowing into the retention basin off-site.

Ms. Taylor: Correct.

Mr. Hiranaga: And would that pre-development runoff be treated going off-site, or is it just an overflow over the design of the capacity of the drainage system?

Ms. Taylor: There is an outlet pipe right here part of the underground retention system. So what happens to the storm water is it goes into all the inlets. The inlets have the storm water pollution filter in them. They will make their way into this underground retention area, and when this retention area reaches capacity, it will bubble up and go out through this overflow pipe here, which there's two discharge points here, and it will sheet flow across this property into the existing retention area and down to the culvert where it was going before.

Mr. Hiranaga: So no water will leave the property site untreated?

Ms. Taylor: Correct.

Mr. Hiranaga: Even the pre-development?

Ms. Taylor: Correct, it will all be going through this filtration system.

Mr. Hiranaga: Right, 'cause you have – it's like an overflow–?

Ms. Taylor: Right.

Mr. Hiranaga: Mechanism so that–

Ms. Taylor: Well, once this fills up, it will start bubbling out through the inlets, and it can go out this way once this capacity is reached.

Mr. Hiranaga: Okay. All right, thank you.

Mr. Mardfin: Please stay there, Linda. Would it be possible to retain a hundred percent of the post development water? You're proposing to take – cover the increase. Could you cover a hundred percent of the whole thing, including the pre-development?

Ms. Taylor: I need to defer that to Karlyn.

Ms. Fukuda: There, you know, there is – there was discussion about that. I guess the concern is, you know, whether it would require UPS to acquire additional lands from State DOT in order to achieve that. The site that you see there is basically, what they've been leased. And if they need additional lands to accommodate the drainage, they would have to go back and renegotiate the contract. I guess one thing would be–

Mr. Mardfin: Is it additional land or is it additional capacity of the system?

Ms. Fukuda: It would probably be – you know, we need to look at both, because that really hadn't been studied to that exact detail. Another option that we could consider is the permeable asphalt perhaps in the parking lot area. And, you know, maybe that would provide for additional retention of the storm runoff so–

Mr. Mardfin: Does your consultant have a–?

Ms. Fukuda: I don't know that we could tell you that the capacity of what that would provide but, yeah, we wouldn't be able to tell you exactly what the capacity would be if we were to incorporate that feature into the project so–

Mr. Hiranaga: Just a followup question: could the capacity of the underground retention system be expanded for the pre-development? It seems like it just needs to be a bigger system.

Ms. Fukuda: I mean, I think that's probably possible, you know, the pipe was sized again, based on the requirements for the need, but please understand also that UPS is on a month-to-month lease, you know, and again, within 30 days, State DOT could say you need to vacate the site.

Mr. Hiranaga: I know, but realistically, it's pretty unlikely they're gonna do that in near term.

Ms. Fukuda: You know, it's hard to say.

Mr. Hiranaga: I know it's hard to say, but the likelihood of them terminating that agreement is pretty unlikely because they have a Kahului Airport Master Plan.

Ms. Fukuda: Right.

Mr. Hiranaga: And they're not gonna make UPS spend over a million dollars and say, oh, we changed our mind 90 days later.

Ms. Fukuda: Well, we'd hope not.

Mr. Starr: Okay, Members, we ready for–

Mr. Hiranaga: I'm not sure if we got an answer to my question. Maybe the civil engineer could answer my question. Can that underground system be expanded to handle the pre-development drainage?

Mr. Starr: Yeah, Ms. Taylor, I guess that's a question of the feasibility of expanding the underground system.

Ms. Taylor: We could potentially expand it in this direction.

Mr. Hiranaga: Right. So if you were instructed to, you could design possibly, an expanded system

to contain the pre-development runoff?

Ms. Taylor: Right. Right now, it's designed according to the County Code.

Mr. Hiranaga: That wasn't my question. If instructed—?

Ms. Taylor: Yes.

Mr. Hiranaga: Okay. Thank you.

Mr. Starr: Move on to public testimony and then— Okay, any members of the public wishing to offer testimony on this, please make yourself known. Okay, not seeing any, public testimony portion is over. We ready for recommendation. Please, Ms. Callentine, make your recommendation.

Ms. Callentine: Thank you, Mr. Chair, the addendum recommendation that you have before you includes all conditions that were shown in the original recommendations. So you may just refer to that one document. The Department recommends that you make a change to two separate conditions: first of all to Condition No. 4, and this will reflect the addition of the drainage and pollution control plan dated March 5, 2009; and also, to project specific Condition No. 15 to change the Department of Public Works to the Department of Health. The Department recommends approval of the special management area permit subject to these 14 standard and three project specific conditions.

Mr. Starr: And just for clarification, the recommendation includes the two minor changes that you just mentioned?

Ms. Callentine: The recommendation before you does not reflect the change from the Department of Public Works—

Mr. Starr: No, not the one before. The one – you're making a recommendation now. Does that include the two changes you just mentioned?

Ms. Callentine: Yes, it does.

Mr. Starr: So if we took action based on—?

Ms. Callentine: I'm sorry, as amended.

Mr. Starr: So if we were to action based on your recommendation, it would include those two?

Ms. Callentine: It would include those two changes to Condition 4 and Condition 15.

Mr. Starr: Okay, thank you. Members, discussion, questions, or possible motion? Commissioner Hedani?

Mr. Hedani: Move to approve as recommended.

Mr. Starr: Is there a second?

Mr. Iaconetti: Second.

Mr. Starr: Okay, we have a motion by Commissioner Hedani, seconded by Commissioner Dr. Iaconetti. That motion is, Director?

Mr. Hunt: The motion is to approve as recommended. That would include the revisions discussed this morning by staff.

Mr. Starr: Okay, so we have a motion on the floor. We can have discussion. We could have a possible amendment. I know there was some discussion on different stuff. What is the pleasure of the Body? Commissioner Hiranaga?

Mr. Hiranaga: I guess the challenge I have is when you have surface runoff draining into the ocean in this close proximity, I know that you're meeting County Code, but we also know that whenever treated or untreated water enters the ocean, it's not a good thing. I think in the past, we've probably felt that the Pacific Ocean was just a big toilet bowl, and we could flush everything into it, and it would dissipate, or dilute, and wouldn't really impact habitats, but now we know that's not true. And so when we have these opportunities to try and reduce the amount of treated or untreated fresh water from entering the near shore habitats like Naska where we all know there's fish and tako, and we all know that there's less of it than there was 40 or 50 years ago, it presents me with a personal challenge as to whether I should place or try to place a condition to retain the pre-development surface runoff onsite, if it's fiscally – physically possibly, not fiscally, but physically possible. So I'm just kinda tossing that out to the other Commissioners if they have any interest in trying to craft an additional condition not necessarily mandating that they retain the pre-development, but at least if it's physically possible that they should make a good faith effort to do so.

Mr. Starr: Commissioner Hiranaga, would it be in line with your thinking that we ask the applicant if they're willing to offer some wording in terms of using best efforts to increase the retention to – you know, as far as possible retain additional runoff, you know, pre-development? Would that be something?

Mr. Hiranaga: Sure.

Mr. Starr: Can we ask the applicant if there's – something they would be willing to do in that regard—you know, a best efforts type of thing?

Ms. Fukuda: Yes, Mr. Chair, in speaking with the applicant, they are willing to go back and look and see if permeable asphalt, you know, or other drainage measures could be incorporated into the project to retain additional runoff on the site.

Mr. Starr: If it's okay, I would make a very short recess while wording is crafted to that effect, or Commissioner Hiranaga?

Mr. Hiranaga: Also, they should look at expanding the underground retention system.

Ms. Fukuda: Right, I mean, you know, we'd like to know at whatever options are available to – and not just, you know, limit the applicant to one type of drainage measure.

Mr. Starr: Okay, we'll take a short recess 'til the call of the Chair while the applicant and Ms. Callentine craft wording.

(A recess was taken at 9:22 a.m., and the meeting reconvened at 9:27 a.m.)

Mr. Starr: . . . Planning Commission, March 10th. We're back in order. Turn it to Planner Livit Callentine to offer wording on an additional possible condition.

Ms. Callentine: So this would be an additional project specific condition. And here's the wording that has been proposed: That the applicant shall incorporate drainage measures such as permeable asphalt or an increase in size of the underground retention basin to retain one hundred percent of the post development runoff onsite.

Mr. Mardfin: Could you read the first clause of that?

Ms. Callentine: That the applicant shall incorporate drainage measures such as–

Mr. Mardfin: Okay, thank you. Shall incorporate.

Mr. Hiranaga: Just clarification: is it hundred percent of post development that – does that – so that include the pre or–?

Ms. Callentine: That includes the pre and the post. That was my assumption. Yeah, thank you for the question.

Mr. Hiranaga: Just confirmation of the industry lingo.

Ms. Callentine: Yes.

Mr. Starr: Okay, Commissioner Hiranaga, would you be interested in offering an amendment to include that?

Mr. Hiranaga: Sure.

Mr. Starr: Okay.

Mr. Hiranaga: As proposed by the staff.

Mr. Starr: So we have a amendment offered by Commissioner Hiranaga, seconded by Commissioner Mardfin. That amendment reads, Director?

Mr. Hunt: The applicant shall incorporate drainage measures to retain a hundred percent of the post development runoff? I think I missed a few words in there.

Ms. Callentine: Would you like me to repeat?

Mr. Starr: Yeah, why don't you repeat it and then Commissioner Guard after it's repeated. Until it's repeated, it's not the Body – it's not the property of the Body.

Ms. Callentine: That the applicant shall incorporate drainage measures such as permeable asphalt or an increase in size of the underground retention basin to retain one hundred percent of the post development runoff onsite.

Mr. Starr: Okay, is that the correct wording for the amendment, Commissioner Hiranaga?

Mr. Hiranaga: You don't want to quantify – I mean, qualify that with a 50-year, one hour storm?

Ms. Callentine: Do you want me to do that?

Mr. Hiranaga; I think that's the – because if you don't, there's kind of a – how would you know what to design it for? You'd design it for a hundred-year, three-hour storm?

Ms. Callentine: We could include language such as that.

Ms. Fukuda: Karlyn Fukuda, Munekiyo & Hiraga. To address Commissioner Hiranaga's comment, we would propose then an amendment to the condition that says – to the proposed amended condition: That the applicant shall incorporate drainage measures such as permeable asphalt or an increase in size of the underground retention basin to retain a hundred percent of the post development runoff for the 50-year, one hour design storm onsite.

Mr. Starr: Okay, so that is the – is that acceptable as the wording for the amendment, and Commissioner Mardfin? Okay, so that is the amendment that's on the floor. Commissioner Guard?

Mr. J. B. Guard: I'm just trying to clarify that that is significantly different than the County Code requirement, either Public Works or Jeff. Maybe my laymen terms, it sounds the same, if it included pre-development. It sounded a little stronger.

Mr. Starr: Mr. Miyamoto?

Mr. Miyamoto: Thank you, Mr. Chair. Our current rules require them to cause no harm to adjacent property downstream of the proposal. And so typically, we ask them to only mitigate the incremental amount, the increase.

Mr. Guard: So this sounds like an addition to the incremental amount of increase?

Mr. Miyamoto: Yes, yes, it is.

Mr. Guard: Okay.

Mr. Starr: Okay, are we ready to vote on the amendment? Okay, we have an amendment that's on the floor. We'll be voting on that amendment. All in favor of that amendment, please raise your

hand. All opposed? Director?

Mr. Hunt: I have that six in favor and one against.

It was moved by Mr. Hiranaga, seconded by Mr. Mardfin, then

VOTED: To approve the following amended condition:

That the applicant shall incorporate drainage measures such as permeable asphalt or an increase in size of the underground retention basin to retain a hundred percent of the post development runoff for the 50-year, one hour design storm onsite.

**(Assenting - W. Iaconetti, K. Hiranaga, J. Guard, W. Mardfin,
D. Domingo, J. Starr)**

(Dissenting - W. Hedani)

(Excused - B. U'u)

Mr. Starr: So the amendment passes. Now, we're ready to vote on the main motion, unless anyone wants to offer additional amendments. Seeing none, we'll vote on the main motion as amended. All in favor, please raise your hand. All opposed? Director?

Mr. Hunt: I have that seven in favor, zero against. The motion carries.

It was moved by Mr. Hedani, seconded by Mr. Iaconetti, then

VOTED: To Approve the Special Management Area Use Permit as Recommended with Conditions as Amended.

(Assenting - W. Hedani, W. Iaconetti, K. Hiranaga, J. Guard, W. Mardfin,

D. Domingo, J. Starr)

(Excused - B. U'u)

Mr. Starr: Okay, thank you very much. Good presentation and thank you for being cooperative.

Ms. Fukuda: Thank you very much.

Mr. Starr: Good luck with the project. Do we need a recess to set up, or can we--? Who is the Planner on the next--?

Ms. Robyn Loudermilk: Yes, we need a recess to set up. Thank you.

Mr. Starr: Okay, we'll be a recess until a quarter of 10:00.

(A recess was then taken at 9:33 a.m., and the meeting reconvened at 9:44 a.m.)

Mr. Starr: Maui Planning Commission, March 10th. We're back. Ready for our next agenda item. Director, please introduce.

2. MR. JACK FREITAS requesting a State Land Use Commission Special Use Permit for the Puunene Baseyard Project in order to operate a trucking, towing, and automobile vehicle storage and processing on 12.778 acres of land in the County Agricultural District at 301 Hansen Road, TMK: 3-8-001: portion of 002, Puunene, Island of Maui. (SUP2 2008/0002) (R. Loudermilk)

Mr. Hunt read the agenda item into the record.

Ms. Loudermilk: Good morning, Chair, Members. Before we start with our presentation, I'd like to identify a correction in the report. The correction is for the tax map key number. The tax map key number in the report should read, "3-8." I believe we have it as "3-3." So throughout the report, it should be "3-8-001: portion of 2."

Mr. Starr: Can – before we proceed, was this agended correctly? I just wanna be sure that we–?

Ms. Loudermilk: Yes, it was. On the agenda, it had the correct tax map key number.

Mr. Starr: And public notice?

Ms. Loudermilk: And the public notice had the correct number. It was just in the report that it was incorrect.

Mr. Starr: And I just wanna turn to Corp. Counsel. My thinking is that that means that it's okay for us to proceed. Could you comment?

Mr. James Giroux: Yeah, as long as the notice and the agenda shows the right property. And also, it's identified as 301 Hansen Road, which is accurate, so that identifies the property that we're going to be discussing. Also, Robyn, in your report, you have to obtain a Land Use Commission Special Permit. Was that suppose to be State – was that suppose to be State?

Ms. Loudermilk: State Land Use? Is that what you want me to put in?

Mr. Giroux: I'm just – because on the agenda, it says "State Land Use Commission."

Ms. Loudermilk: Same permit.

Mr. Giroux: Same? Okay.

Ms. Loudermilk: Okay, thank you.

Mr. Starr: I believe there is only one Land Use Commission, but thank you for bringing it to our attention, and please proceed.

Ms. Loudermilk: Yeah, thank you. Since the report was completed and signed by the Director, two events have occurred that affect the report. First of all, the property was recently incorporated by the GPAC into the urban growth boundary. And secondly, the traffic report has been changed due to the relocation of the entrance of the property. The report, the traffic report, indicated that Hansen Road was going to be the primary access point to and from the property. That is no longer the case. The primary access will be from Pulehu Road. And as part of the presentation, the applicant's representative will go through that. And hence, some of our proposed conditions for traffic improvements are no longer required. And when we get to that section, I can relay some proposed language that was developed in consultation with the Department of Public Works to address any future requirements that may occur. With that, I'd like to turn it over to Chris Hart. They will be doing the power point presentation for this project.

Mr. Starr: Okay, about how long will their presentation be?

Ms. Loudermilk: Ten minutes.

Mr. Chris Hart: Good morning, Commissioners, Chairman Starr. My name is Chris Hart of Chris Hart and Partners. And we're the consultants, planning consultants, for this particular project.

This is the Puunene Baseyard Project. We're actually asking for a State Land Use Commission Special Use Permit in the State agricultural district. This is a parcel less than 15 acres.

Our project team: our applicant is Mr. Jack Freitas. And Chris Hart and Partners: we're doing the permitting and the landscape architecture for the project. Otomo Engineering: Stacy Otomo is present as the preliminary subdivision layout, and the engineering and drainage reports. Phillip Rowell is also present. He's our traffic engineer. Xamanek Researches is the archaeology. Erik Fredericksen is not present today.

The project objective: to obtain a special use permit for the relocation and continued operation of a tow and trucking baseyard while permanent land use entitlements for the parcel are processed. As Robyn indicated, this is proposed as an urban property, parcel, in the – within the urban growth boundary of the general plan. The access to the property is going to be from Pulehu Road, and the land area is 12.778 acres, which is less than 15 acres and actually can – is a determination that can be made by the Planning Commission.

Project location: this gives you an idea. This is Pulehu Road as it intersects Hana Highway. And this is Hansen Road as it comes around and actually comes back toward Puunene. This is our project site. Again, this is Pulehu Road, and this is Hansen Road, and this is the Old Puunene Hospital, which we'll talk about a little more from the point of view of its history. Actually, it was built originally back in 1912, 1913, added onto it during the war years or after the war—1948, 1949. This is a composting site that's existing. And we're gonna talk about some of the other industrial-type uses that exist in the area. The intention here is to essentially, fence the whole site so essentially, it will not be visible from traffic going along Hansen Road, or along Pulehu Road. And this is the access that's being proposed. This is Pulehu Road intersection with Hansen Road. This is the mauka portion of Pulehu Road which actually goes up Haleakala and has access to the County landfill site and the Ameron Quarry, and also the Maui Electric Company Waena Power Plant site. And A&B is allowing Mr. Freitas in the context of the purchase of the property to use this driveway

as the access. So it's basically gonna be much more obscure in terms of essentially, interaction with public traffic.

This gives us a sense again, of the proximity of the site. This is Puunene, Hansen Road, and the continuation of Hansen Road out to Hana Highway, and Pulehu Road as its intersection with Hana Highway. It shows its proximity to the harbor. It shows its proximity of the site to the airport. Also, it shows the proximity of the site to basically, the Ameron Puunene Quarry, and the Central Maui Landfill, and also the Maui Electric Company Waena Power Plant, which is already within the urban district. This area actually is an area that basically is kind of out of sight as far as the primary urban activities of Kahului. And basically, it's well suited for the use that's being proposed.

This gives us a sense of basically, the community plan. This is the Wailuku-Kahului Community Plan, which identified the site as light industrial. The plan was approved by the Council in 2002. And again, this shows the Central Maui Landfill and the relationship to the Maui Electric Company Waena Power Plant Site. Another point that I'd like to make is that in the context of Maui Business Park Phase II which is an A&B Project, Pulehu Road actually at its intersection with Hana Highway is going to actually be closed so that Pulehu Road and this makai segment actually will become a dead-end road and actually facilitates itself well for the access of tow trucks and so on to this particular site.

The existing State land use designation: State land use classification currently is agricultural district; the Wailuku-Kahului Community Plan is light industrial; the County zoning is ag, agricultural district; and the flood zone designation is C, area of minimal flood hazard.

This actually is a master plan for the site. This being Hansen Road and the Puunene Hospital Facilities, the existing facilities, and the access from Hansen Road. In this particular case, for the use that's being proposed, it's been our decision that we would close this access. It would not be available for access. And the access instead would be from Hansen turned on to Pulehu going makai toward Hana Highway and basically, a service drive to the access in this location. So this would become the new access for the project.

Now, Mr. Freitas has had the – basically, the towing business, the trucking and towing business, for 12 years. And he's currently located – his operation is currently located at the Central Maui Landfill. And this site became available–

Mr. Starr: Excuse me. I think you made a mistake. Central Maui Baseyard.

Mr. Hart: Central Maui Baseyard. I'm sorry. Thank you. Central Maui Baseyard. That's exactly. All right. Sorry about that. And this site became available, and it provides the opportunity for expansion, and to basically, service the need that currently exists in our community – present and future need.

In terms of the special use permit criteria, the use is not contrary to the objectives of Chapter 205 and the rules of the Commission. The proposed baseyard use is not contrary to the objective sought to be accomplished by Chapter 205 and 205A. The use would not adversely affect surrounding properties. Again, they're in agriculture or in – like for instance, the composting site and other industrial-type uses. The surrounding uses include intensive sugar cultivation, and large-scale

composting operation. No residential uses within 500 feet of the project site. The nearest residence is in the vicinity of Dairy Road. The fire station is approximately, 1.2 miles northeast of the project site. The applicant is proposing to install a 5'-9" fence and landscape planting to visually and physically separate the baseyard activities from surrounding uses. The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and school improvements, police and fire protection. Analysis: the Puunene Baseyard special use permit application has undergone agency review, comment and response process. It has been concluded that an unreasonably burden will not – an unreasonable burden will not be placed on the public agencies to provide roads and streets, sewers, water, drainage, and school improvements, police and fire protection as a result of the proposed project.

Unusual conditions, trends, and needs have arisen since the district boundary and rules were established. The need for heavy industrial services has increased as island population has grown. In 2006, Maui County Data Book, there were 120,818 vehicles registered in 1998, and 160,277 vehicles registered in 2005, 1,254 major automobile crashes in 2005. The increasing prevalence of the automobile requires an increase in peripheral automobile services including disposal. The project will be the only licensed used vehicle part vendor on the island. The demand for used parts has grown during the current economic recession.

The land upon which the proposed use is sought is unsuited for the uses permitted within the district. Analysis: the project site has been used for non agricultural purposes since the construction of the Puunene Hospital in approximately, 1913. I might add that there was also a period of time in the '70s when the . . . (inaudible) . . . Research Facility was basically, housed in that location as well.

Again, this is the project site. And it shows how the site is actually gonna be essentially, identified in terms of use areas. And these areas will be graveled. They will have to actually be designed in accordance with the Department of Health's standards—essentially, bermed. And more can be talked about or discussed in the context of issues related to drainage. And Stacy Otomo is present here to discuss those issues. But in this particular case, we're asking for a use permit. And the development of the actual facility does require approval by the Department of Health in terms of the permitting process. Now, Jordan is gonna take over and talk about some of the photographs and some of the buildings onsite.

Mr. Jordan Hart: Good morning, Mr. Chair. My name is Jordan Hart. I'm just gonna be going over the site photos for the project. This is Hansen Road looking west along the project frontage. This photo here is the project entrance looking west at Pulehu Road. This is the front area, the west portion of the project site. This will be used for Maui Police Department vehicle storage and County of Maui abandon vehicle storage. This is looking along the irrigation access road at the east end of the project site. This area here will be scrap storage, baseyard, vehicle storage, and automobile parts storage. Again, this is Hansen Road looking west along the project frontage. This is Hansen Road looking east along the project frontage. This is looking west from the intersection of Pulehu Road and Hansen Road. And this is looking south from the project entrance on Pulehu Road at the intersection of Hansen and Pulehu.

I'd like to go over some of the buildings because obviously, the Puunene Hospital is a historic site. The project site: three structures were identified as a State Inventory of Historic Places. And so this is the kitchen facility that's mentioned. This is the remaining wing of the Puunene Hospital. This is

the zoomed out view of the remaining wing. This is the interior photograph along the long hallway of the existing hospital. This structure here is where automobile fluid removal will occur. This structure is not part of the SHPD site. This is looking at the structure from Hansen Road looking northwest. This is the front of the structure. This is obviously the interior. This is one of the SHPD sites. This is the remaining electrical utility structure that was associated with the original hospital. This is gonna be unused and unchanged. This building here was also a SHPD site. This is a wood building. The archaeologist wasn't sure if this structure was relocated to the site or not, but this is also part of the SHPD designation, and it's gonna basically, be unchanged. It is going to be unchanged as part of the proposed use. This structure is near the kitchen on the hospital site. It is not one of the original structures. It was added on at some point in the use in the past. So that was this structure here, excuse me, E, that is near the hospital, but not part of the hospital structure.

This is the proposed landscape master plan. There's gonna be perimeter landscape planting in oleander or . . . (inaudible) . . . all along the project perimeter to screen the project from public view. And that's the conclusion of the presentation.

Mr. Starr: Okay, thank you very much. Members, questions for the applicant?

Mr. Mardfin: You answered one of my questions. So it's being relocated. Where's Central Maui Baseyard?

Mr. Hart: Central Maui Baseyard is actually on Mokulele Highway past the HC&S Sugar Mill going toward Kihei. If you're driving—

Mr. Mardfin: Oh, is that on the lefthand side?

Mr. Hart: Yes, it is. And Mr. Freitas leases land in that baseyard. It's not a landfill. It's a baseyard. Sorry about that.

Mr. Mardfin: And why is he moving?

Mr. Hart: Excuse me?

Mr. Mardfin: Why does he want to move?

Mr. Hart: Well, basically, because there is a need in terms of additional storage space, and he has an opportunity to essentially, in the context of negotiation with A&B to actually purchase the site so he basically, can grow on the site, and basically, fulfill the need.

Mr. Mardfin: So basically, he doesn't have enough room where he is?

Mr. Hart: That's correct, yeah, but he's been in operation again, for about ten to 12 years.

Mr. Mardfin: And what'll happen to the old place that he has?

Mr. Hart: It's essentially, zoned industrial, heavy industrial. And it's going to be – it'll basically be available to the developer, the owner, Mr. Stoner, actually to lease it someone else. And it doesn't

have to be for that use. It could be some other industrial use.

Mr. Mardfin: I noticed that the landfill is real near there. Is there any connection between this and the landfill? Will there be any transportation of stuff from one to the other?

Mr. Hart: Mr. Freitas? He says no. There won't be.

Mr. Mardfin: Okay. On page 4, it mentions crop experiments on a portion of the property. Can you show me where that is?

Mr. Hart: It's in the old kitchen. Is that--? This one, yeah.

Mr. Mardfin: Oh, the crop experiments are inside?

Mr. Starr: Mr. Freitas, please come to the mic. Identify yourself. Good to hear you, but you gotta identify yourself in the mic.

Mr. Hart: This is Mr. Jack Freitas, the applicant, and certainly, knowledgeable of the site.

Mr. Jack Freitas: My name is Jack Freitas. In the old kitchen, they were doing plant enhancement. What they were doing they were taking like molass, and fruit juju, and fungus from the eucalyptus trees. And they were creating a plant enhancement product that would enhance the growth. It would speed up the growth. And what you would do you would get a uniformed growth of a product. So you plant a field of cabbage, and they would all mature at the same time. Instead of harvesting three times, instead of getting two crops get in, you get three crops in. And that's what they were doing there.

Mr. Mardfin: And your use of this for your--

Mr. Freitas: That is not mine. When I took the property, they were in there, and they're looking to relocate now.

Mr. Mardfin: They're gonna relocate?

Mr. Freitas: Yes, sir.

Mr. Mardfin: Willingly?

Mr. Freitas: Yes, sir.

Mr. Mardfin: Okay, thank you.

Mr. Starr: Mr. Freitas, I have a question for you. The last time I was there, it was a few years, Civil Air Patrol was in there, a few other groups, are they still in there, or they've all gone?

Mr. Freitas: Negative. They all left. They all left the property. The only people that are still in there is just that research group. They're looking for a bigger area, 'cause what they have found is that

some foreign countries, in fact, one of them is China, is looking to purchase their property, and they have to get some place where they can now go full force, and produce their product. It's quite a deal.

Mr. Starr: Okay. Members, other questions? Commissioner Hedani?

Mr. Hedani: Jack, you know, the Police vehicle storage that's part of the proposed plan, is that gonna give them the ability to remove all of the vehicles that's currently in the Police Station parking lot?

Mr. Freitas: We're in negotiation to set up a secured area for that because a lot of these what you call vehicles are evidence vehicles that was involved in drugs and different— So we're looking to build them a secured area where they can empty their lot out so that they can use it. And they would be the only people that would have access to that area.

Mr. Hedani: I appreciate that actually because the existing situation on Kaahumanu Avenue is pretty unsightly.

Mr. Starr: Mr. Hart, could you show us where the new highway is gonna go on the map? I assume you have knowledge of that.

Mr. Hart: You're talking about the relocated Hansen Road?

Mr. Starr: Well, no, the Airport Access Road. I know we just saw the airport's portion of it, but we haven't seen the State portion of it, but I assume that it's gonna—

Mr. Hart: Go back to the community plan, then. I think it actually does come right through here like this.

Mr. Starr: Is that why the end of Pulehu will be closed because it'll be blocked by the new—?

Mr. Hart: Actually, in the context of I think the development of Kahului Business Park Phase II, that's why it would be closed. Obviously, it's in the context of the build-out or the development of that portion. So it's not something that's gonna happen right away, but in the context of the future. There won't be— The point was that Pulehu Road in terms of its proximity and use for access will not become a busier street. That's what I wanted to point out. That eventually it will become even less traffic than what exists today. And that intersection is kind of a difficult intersection, if you've ever negotiated it in terms of the intersection at Hana Highway. So it doesn't get a lot of traffic. And most of the people that use it actually come down and make their turn onto Hana Highway.

Mr. Mardfin: On Exhibit 5 where you show the uses, I don't know what it — I know you had something very similar up there. That one. Thank you. The light brown in the left shows abandoned vehicles. Directly — I don't know where north is on this, but directly below that, the light green shows Maui Police Department, accident vehicle storage. The top green shows 2,000 tons of heavy melting scrap. What is that—heavy melting scrap?

Mr. Freitas: Jack Freitas. Scrap is defined in four different categories: non . . . (inaudible). . . And then you have light metal, and then you have car bodies, and then you have heavy metal scrap.

Heavy metal scrap would be – say if you would take apart a D-8 tractor. That would be heavy metal scrap. That would be something that cannot go through the shredder. It's something that will have to go into the smelter to de-smelt it.

Mr. Mardfin: It says – in my map it says “heavy melting.” Is it melting?

Mr. Freitas: Yeah, HMS, heavy melting metal.

Mr. Mardfin: Not heavy melting metal, m-e-t-a-l?

Mr. Freitas: It's supposed to be heavy metal, HMS, heavy melting metal.

Mr. Mardfin: And then the purple one is truck and equipment storage.

Mr. Freitas: Those are my tractor trailers, my equipment, and my tow equipment, and stuff.

Mr. Mardfin: Okay, and then the sort of yellow on the far right is car storage for parts? Is that to recycle?

Mr. Freitas: That would be when we go through the process of say taking – let's say you have a car on your property. We tow the car. We go through the process of sending the notification, and holding it, putting it in the paper, holding for ten days. And after the vehicle is deemed ours, then we'll bring it there, and we would do – my intent is to use it as recycling, sell the parts off of it, but I'm setting up a little different than most people. These cars will not stay there like years. They will have six months. No parts gets sold, they go, and they go to the . . . (inaudible) . . . , or they get scraped, and they're out. I don't wanna end up with 5,000 cars like where we have an illegal yard right now with 5,000 cars. And I don't want that. I wanna just in and out. Space is very valuable.

Mr. Mardfin: And what happens to the ones – you ship them out by Matson?

Mr. Freitas: No, sir. Schnitzer Steel brings barges in about four times a year. And the scrap gets hauled to the harbor and it goes out to Honolulu. It gets shredded. And then they sell it to foreign countries, and even some end up back in the Mainland to the smelters.

Mr. Mardfin: Sounds like good business.

Mr. Freitas: It'll be for sale if you want to buy it.

Mr. Mardfin: I live in Hana. Thanks, anyway. Oh, just out of curiosity, what's gonna happen to cars that are abandoned in Hana?

Mr. Freitas: We are towing them out right now. We have the contract. And those, you cannot blame us for those cars not getting out because there is a procedure that is done. And the police puts a sticker on. Then they issue a police report. Then it goes to the abandon section. Then they issue it to us. Then we can pick it up. And we have 24 hours after we get that sticker in our hands.

Mr. Mardfin: So they may sit on the road for three months or something like that?

Mr. Freitas: They have. They really have.

Mr. Mardfin: Let me get to the last part of this map, if I may? The central area on my sheet says "auto processing area paved." That's the area that is where the hospital is? Is that correct?

Mr. Freitas: Yes, but it's a big courtyard in-between those buildings. And there is that building there, and that building is concreted. And in fact, it has a berm all the way around. And that's where I would drain the fluids, and then take the cars out.

Mr. Mardfin: So everything goes into— So you're not— The buildings, the historic buildings, you're not touching at all.

Mr. Freitas: They will stay just as they sit right now.

Mr. Mardfin: You bring the vehicle into that processing area which is paved, drain it, and then it goes either to car storage, heaving melting, abandoned vehicles, whatever?

Mr. Freitas: Right, yes, sir.

Mr. Mardfin: Thank you very much.

Mr. Freitas: You're welcome.

Mr. Guard: Jack, on the — where you do the auto processing, that concrete, I mean, it's gotta be pretty old, so if there's any cracks, you guys lining that at all to make it totally impervious?

Mr. Freitas: Before I can process one car, the Health Department will have to approve the area. And they are not very kind sometimes.

Mr. Guard: Well, this is almost a green project with the recycling the parts again.

Mr. Starr: Could we have Mr. Otomo show us how the drainage is gonna be handled on the different portions, and, you know, what filtration that will be?

Mr. Stacy Otomo: Good morning, Chair Starr, Members of the Commission. My name is Stacy Otomo. Right now what's happening on the site is there's a high point on the site roughly in this area right here. The eastern side drains towards this property line. There's an existing irrigation ditch. So the runoff actually has some value to HC&S there. The western— Two-thirds of the site basically, drains down toward this area. What we wanna do is allow the existing runoff in this area to continue where it's going right now. And on the western two-thirds of the site right in this corner, we wanna do a detention basin. And what we're proposing is to take care of the increase in runoff, plus an additional 20% of the existing runoff. And we want some flexibility here because when Mr. Freitas ultimately comes in with these various uses here, he's gonna have to meet the different Department of Health requirements like he just mentioned to you. So the ground may change. The drainage patterns may change. What he has to do to meet the Department of Health requirement would be within each particular master planned area. So the proposal would be to do a detention basin right in this corner to handle the existing plus an additional 20% of the — the increase, plus an additional

20% of the existing flow.

Mr. Starr: My concern primarily is with the, you know, like the impoundment area and where, you know, the place where cars usually get towed. I think I understand that they would get put there with the fluids still in them. And what would happen say if a car gets put into that impoundment area and all the oil leaks out, or if there's, you know—? Or will it end up, you know, in the ground and into the aquifer? Or where does it go?

Mr. Otomo: My understanding and part of the drainage plan is that, like I said, each individual master planned area has different uses. And Mr. Freitas has to go into the Department of Health to get their approval to do that particular function on that property, I mean, on that section of the property. And there are Department of Health requirements. At this point, I'm not familiar with the specifics of it. Maybe Mr. Freitas can – detail on that.

Mr. Freitas: Jack Freitas. When we bring an automobile in, if they have any leaking fluids, we must drain it. We cannot just put it in. One of their greatest concerns is like antifreeze, brake fluids, 'cause those have hydrocarbons in it, and they're concerned about those things. So before we put them on the ground, they have to be no fluids. We have to berm the area that we store vehicles as we speak right now. If you would go down to our yard, I've been there now ten years, you don't see no fluids on the ground even though we're a graveled area because when they come in off the truck, if they're draining, the Health Department wants that out otherwise, they'll nail us with a big fine. So it's basically, you're gonna get – yes, you will get runoff. We just had a substantial rainfall. We had no water running off of that property at all, you know, either way.

Mr. Starr: I know I'm a little torn because on one hand I like to see gravel and other pervious surfaces because it allows infiltration. It goes – recharge the aquifer instead of runs off to the ocean. On the other hand, you know, when it comes to stuff coming off cars, I'm nervous. But, you know, I don't know if that's our purview. We're not doing an SMA here, you know, or that's the State Department of Health. I really don't know. I just do have a concern there.

Mr. Freitas: Well, you know, as it stands now, every six months they come down and they what you call, they inspect us, you know. And I have yet to have a complaint filed against me.

Mr. Starr: Yeah. I know, I have seen your yard, and it looks pretty clean. Members? Commissioner Hiranaga?

Mr. Hiranaga: Just to clarify, so every automobile that's brought to site is processed before it's taken to one of the storage areas?

Mr. Freitas: Negative.

Mr. Hiranaga: Negative?

Mr. Freitas: Negative. I said if there is leaking fluids off of the vehicle, we are – it's our responsibility to take the fluids off of the car before we put it out. We cannot have leaking fluids on the ground.

Mr. Hiranaga: But if it's not leaking, you don't drain it?

Mr. Freitas: If it's not leaking fluids, it would be just like parking your car in your driveway. There's no fluids leaking.

Mr. Hiranaga: How do you determine whether it's leaking or not? Do you put in on like rice paper or something? A visual inspection?

Mr. Freitas: When we bring it in, sir, they're on . . . (inaudible) . . . and you can see right immediately if there's any fluids leaking, sir.

Mr. Hiranaga: Another question, kinda followup.

Mr. Starr: Yeah, and then Commissioner Mardfin.

Mr. Hiranaga: The surface runoff that's not contained onsite, where does that flow to? Is that to existing cane fields or—?

Mr. Freitas: The back of the property, it runs into an irrigation ditch. And the front of the property just goes right into the ground. We have not – like I said, we just had a big rain and there was no water running off in the road.

Mr. Hiranaga: Well, your civil engineer says he's gonna contain 20% of the pre-development runoff. So 80% of the 50-year, one hour storm goes somewhere. Does it go into the cane fields or into—?

Mr. Otomo: Stacy Otomo, again. To answer your question, Commissioner Hiranaga, the area makai of the project site, if you remember the previous photo that was shown, there was an old – it's an existing composting site. So that's where technically all the runoff gets down to.

Mr. Hiranaga: Okay, thank you.

Mr. Mardfin: I don't know whether this is for Mr. Hart or for you, Mr. Freitas, but on page 11, it says under historic resources, "The former Old Puunene Hospital is located on the property meets the criterion for inclusion in the State of Hawaii Inventory of Historic Places." Then there's the thing about archaeological monitoring. Then it says, "Also, any proposed renovations to the existing structures will be reviewed by both State Historic Preservation and Maui County Cultural Resources Commission." What is reviewed – first, I guess, ask if there are any plans, and secondly, what is "reviewed by" mean?

Mr. Freitas: I don't know "reviewed by" means, but I know I will comply with whatever the Historical Society asks me to do. And there is absolutely no plans to do anything with the historical buildings.

Mr. Mardfin: Okay, that– Then it says– Then I will interpret "reviewed by" to mean you will comply with whatever they say?

Mr. Freitas: Yes, sir.

Mr. Mardfin: Thank you very much.

Mr. Hiranaga: I'm a little surprised by the Department of Health's comment regarding the existing cesspool that it only recommends replacement with a septic system. I thought it was a Federal EPA requirement that all commercial operations that are being serviced by cesspools have to be converted into a . . .

Ms. Loudermilk: . . . maybe; however, this Department of Health comments are what they are.

Mr. Hiranaga: Can we ask for a followup with the Environmental Protection Agency, and get their concurrence that the existing cesspool meets Federal standards for this proposed use 'cause I know they're making all these--?

Ms. Loudermilk: I'm a bit confused because the State Department of Health is acting on behalf of the EPA when they provide the comments. Hawaii is one of the few states in which the EPA has provided the Department of Health a higher level of jurisdiction to implement the EPA requirements.

Mr. Hiranaga: Can we just a followup because my understanding of the Federal laws by the EPA is that all commercial operations being serviced by cesspools must convert to septic systems? So I just want confirmation that this cesspool is allowable by Federal EPA standards.

Ms. Loudermilk: We can get that.

Mr. Hiranaga: That's what I'm asking you to do is just to follow up.

Ms. Loudermilk: Today?

Mr. Hiranaga: No.

Ms. Loudermilk: Okay, just in terms of the larger -- the project--?

Mr. Hiranaga: Not today, but--

Ms. Loudermilk: Okay, yeah, we'll follow up and -- we'll follow up with that, yes.

Mr. Starr: Could we ask Mr. Freitas whether he's going to change it over to a septic system?

Mr. Freitas: Jack Freitas. There is no cesspool being in use right now. We're bringing in what you call, portable toilets. There is no cesspools being used right now.

Mr. Starr: So the cesspool is not in use?

Mr. Freitas: No.

Mr. Starr: And will that be sealed up?

Mr. Freitas: Well, I gotta find them first. No, seriously.

Mr. Starr: But I mean, if you find them, will you seal them up?

Mr. Freitas: Oh, yeah, we'll seal them up.

Mr. Hiranaga: Because I saw a comment in the staff report saying that sewer disposal would be utilizing the existing cesspools. Correct me if I'm wrong.

Mr. Hart: Actually, we did receive – there's a letter, Exhibit 19, from – it's our comment letter to Mr. Herbert Matsubiyashi who is District Health Program Chief. And in the context of his letter, he basically, recommended that the existing cesspools be abandoned, and rendered safe, and wastewater disposal be accomplished through a septic tank-type system. Do you see that?

Mr. Hiranaga: No, I saw that. The word that perturbs me is the word "recommend."

Mr. Hart: Well, our comment, though, is that in the context of the applicant, we'll abandon the existing cesspools and render them safe. Wastewater disposal will be accomplished through a septic tank-type system prior to final subdivision approval. There has to be a subdivision in the context of this.

Mr. Starr: Would there be a willingness to add that as a condition? And if so, could you get wording so there's no ambiguity, Mr. Hart?

Mr. Hart: Actually, we've already made a commitment to that. And you could basically, use the wording that's in the comment that we sent back to the Department of Health back in November of 2008. That's fine. I mean, I just read the comment.

Mr. Starr: Okay. Ms. Loudermilk, since it's in there, is that—?

Ms. Loudermilk: If the Commission so chooses, we can include that as a condition of approval.

Mr. Starr: Commissioner Hiranaga, is that okay?

Mr. Hiranaga: Yes.

Ms. Loudermilk: Thank you.

Mr. Starr: Members? Commissioner Mardfin?

Mr. Mardfin: I'm hoping this is my last one. Chris, I think it's probably you that needs to talk to this. You have an Exhibit 14 – well, Exhibit 13 is from the Department of Water Supply. And their comment – the Board of Water Supply's comment on pollution prevention talks about prevent hazardous materials from leaching and keep runoff off-site. The following page shows best – summary of best management practices for trucking and towing baseyard. Your letter in response of December 16 which is Exhibit 15, the third comment, which is on page 2, you say the applicant will conduct all vehicle fluid removal. Basically, you agreed to what the Department of Water Supply said. Is that correct?

Mr. Hart: Yes.

Mr. Mardfin: But the rest of the best management practices wasn't really addressed. Does Mr. Freitas intend to follow all of the best management practices for trucking and towing baseyards? Or does he already do this? Basically, I'm asking about Exhibit 14. Are all of those items gonna be covered or just the two that the Board of Water Supply highlighted?

Mr. Hart: Yeah, it will be incorporated as a condition.

Mr. Mardfin: Every single one of them?

Mr. Hart: Yeah, yeah.

Mr. Starr: Okay, and is that already in the—

Mr. Hart: Recommendation.

Mr. Starr: Ms. Loudermilk? Okay.

Mr. Mardfin: Oh, it's in there. I'm sorry.

Mr. Hart: No, that's fine.

Mr. Mardfin: Thank you very much.

Mr. Hart: Okay.

Mr. Starr: Okay, Members, we go to public testimony? Okay, any member of the public who would like to offer testimony on this, now would be a very good time. Please make yourself known.

(The following testimony was given at the beginning of the meeting.)

Ms. Susan Moikeha: Thank you, Chair, and good morning to you, and also the Committee Members and staff. My name is Susan Moikeha for the record. And I am testifying as an individual. And it's on your item public hearing no. 2, the Puunene Baseyard Project Site. I'm gonna reference a letter of January 29th, 2009 that was sent by the consultant to Mr. Jeff Hunt requesting inclusion in the urban growth boundary. As you know, the GPAC has completed their work on review of urban growth boundaries. We did that on February 28th. And I just wanted to bring that information to this Body that we have incorporated this particular site in the urban growth boundary. There was discussion that I brought to the floor at the time, and it dealt with that this is a logical place for urban growth. A lot of time in our review we're looking at urban growth through residential use and not so much commercial. As it was proposed in our draft of that map – of the maps, we had already – it was already outlined that there was urban growth surrounding a commercial project on Puunene – I mean, I'm sorry, Mokulele Highway, and you know that is the Puunene Baseyard.

Just briefly, I'd just like to share with this why it should it be within the urban growth boundaries. Urban use was established at the project site when the Puunene Hospital was constructed in approximately, 1913. Hawaii became a State in 1959, and the first Hawaii Land Use Law Act 187 was enacted in 1961. While the land use designation the project site may have been agriculture in

the past, the project site has been in urban use for approximately, 96 years. I think that's an important thing. Also, in the broader perspective that when you folks do have these urban growth boundaries and the maps before you that you also look at the commercial particularly that is those that are existing, and make sure that they too have taken into account. And don't make it— And I say this because one of the reasons is these urban growth boundaries should not make it more difficult for those that are already existing and their particular businesses. And be aware of also not just focusing on residential but also the commercial uses. So as an individual, I support this. And from the GPAC, again, I'm not speaking for the GPAC, but this is what took place at our February 28th meeting. Thank you.

Mr. Starr: Okay, thank you for making us aware of that. Members, any questions for the testifier? I actually have one 'cause I was not at the meeting when that was finally decided. Where does that boundary go in Puunene? Does it go out to where the old school and all of that along Hansen Road?

Ms. Moikeha: Okay, in relationship to this particular project, it outlines the entire parcel, not just the 12 acres. You should also note down a little further down on the road is the landfill which was also – we designated urban growth as well. And I think the parcel across the street as well, that's Maui Electric. And I'm sure Mr. Hunt could fill you in on that. He was there when that conversation took place.

Mr. Starr: Okay, thank you very much for coming forward today.

Ms. Moikeha: Okay. Thank you.

(This concludes testimony given at the beginning of the meeting.)

Mr. Starr: Again, anyone wishing to give testimony, please come forward. Seeing none, public testimony is closed. Members, are we ready for a recommendation? Okay, please proceed, Ms. Loudermilk.

Ms. Loudermilk: The Department has determined that the proposed request does meet the unusual and reasonableness criteria for a special use permit, and that the Department does recommend approval of the special use permit with the following amendments.

First of all, Condition No. 10, that the applicant shall provide a separate left-turn lane. That Condition No. 10 be replaced with the following condition: That the applicant shall submit a revised TIAR to the Department of Public Works for review and approval. Identified improvements in the revised TIAR shall be to the satisfaction of the Department of Public Works. And the replacement has to do with the new information regarding the relocation of the access to the project, and that the identified improvements in the existing TIAR may not be the appropriate improvements. And in discussion with Public Works, they would like to see the revised TIAR with the – any revised proposed improvements, and that it will be those improvements that should be implemented by the applicant.

Mr. Starr: I'm a little confused. Is that a – that's a condition?

Ms. Loudermilk: That would be a condition—a replacement for the wording for Condition 10 with the

new wording for the revised TIAR.

And then the Condition No. 11, that also had to do with a specific improvement. In lieu again of the revised TIAR, we would like to take out that language and replace it with the cesspool condition that we recently talked about. And that basically that the applicant shall abandon the cesspool and do the improvements to the satisfaction of the Department of Health. The wording will come from the applicant's response letter to the Department of Health that we all were nodding our heads with earlier.

And that concludes the Department's recommendation. And just to highlight for Commissioner Mardfin, Condition No. 12 is the proposed condition to include both the items that were identified by the Department of Water Supply to be included as part of the best management practices. So we did identify the specifics and included it as a condition.

Mr. Hedani: Robyn, I noticed that the conditions don't include the standard condition for low level downlighting. Can that be added?

Ms. Loudermilk: You folks gonna be open at night?

Mr. Starr: Mr. Freitas, please come to the microphone.

Mr. Hedani: Jack, the requirement is just that if you have lighting on the site, night lighting, security lighting, or whatever that it be down lit so that it doesn't shine up toward Haleakala.

Mr. Freitas: No problem, but we not going be open at night.

Mr. Starr: Okay, so that's an acceptable . . . (inaudible) . . . ?

Mr. Freitas: Yeah, sure.

Mr. Hedani: Thank you.

Mr. Starr: So that gets added there. Okay, Commissioner Hedani, do you have one more?

Mr. Hedani: Motion to approve as amended.

Mr. Starr: Commissioner Mardfin had a question first. He had his hand up first. So, Commissioner Mardfin?

Mr. Mardfin: Robyn, 12, it says the applicant shall utilize best management practices to prevent hazardous materials. It's very specific.

Ms. Loudermilk: That was what the Department of Water Supply asked us to include as a condition. That language is taken directly from them.

Mr. Mardfin: But it doesn't include – necessarily include all of the best management practices for the baseyard.

Ms. Loudermilk: There's multiple types of BMPs. No. 12 covers those substances that the Department of Water Supply is concerned that will impact groundwater. Department of Health BMPs covers that as well as some additional areas which is then also different than the County of Maui Department of Public Works' BMPs.

Mr. Mardfin: So you're arguing that Item 12 basically incorporates – one way or another, basically incorporates the whole thing?

Ms. Loudermilk: Yes, because that wording was provided to us specifically by the Department of Water Supply. That is the condition they had asked the Department to impose.

Mr. Mardfin: I'm just looking at 5, "Assign at least one person be specifically be responsible for pollution prevention and clean up, provide training for staff regarding the importance of pollution prevention." That doesn't seem to be included in here. I'm not suggesting Mr. Freitas won't do it, but it doesn't seem to be part of the condition. Would it be possible to reference this exhibit?

Ms. Loudermilk: I'm a little bit uncomfortable again because that proposed condition word-for-word was provided to us from the Department of Water Supply, and I do not want to be in the position to second guess.

Mr. Mardfin: I'm not suggesting that we change 12. I'm suggesting we add another condition.

Ms. Loudermilk: Regarding?

Mr. Mardfin: Incorporating all the best management practices for tracking and towing baseyards.

Mr. Starr: Mr. Freitas, is that something that—?

Mr. Freitas: Jack Freitas. The Health Department's regulations supercedes that. They're way stricter than all of that. They make us do that right now, you know. So then it would be just redundant.

Mr. Starr: Do you mind that being added then since it was recommended? Commissioner Hedani, do you have a comment?

Mr. Hedani: You know, I think in the interest of being expeditious and concise, everything that's in the document, every commitment that they've made, every response that they've made to every department is a commitment and obligation basically that's being made to comply with whatever the requirements of each particular department is. And for us to try to enumerate every single thing and repeat it all again in the approval letter I think would be a little redundant.

Mr. Starr: Corp. Counsel had a comment here. James?

Mr. Giroux: Condition No. 5, that full compliance with all applicable government requirements shall be rendered pretty much covers all of that. If the DOH covers all of the best management practices, then it'll be followed. And if it's not, then it would be a violation of the permit.

Mr. Starr: Okay, Commissioner Mardfin?

Mr. Mardfin: I'm just – I understand what Commissioner Hedani said that all the commitments they've made, they'll follow through on. The problem is, this Exhibit 14 was not provided by the applicant. The Exhibit 14 was provided by the Department of Water Supply that they got from a national source. And because the letter from Chris Hart was narrowly written to address the two issues raised by the Department of Water Supply, they could skirt – if they chose, they could skirt around some of the Exhibit 14 things. Now, Mr. Freitas has said they don't plan to do that, and I trust him. They also said that the Department of Health has other things that cover this, but since they haven't specifically addressed this document, I would like to see it included. And if it's redundant – if it's either redundant or there are stricter things beyond it, that's fine.

Mr. Starr: Okay, let's figure a way to move along. The applicant seems to be willing to do it. You know, if we all agree, we could just have the Department add that. If there's a problem with it, then it could be introduced as an amendment after-the-fact. I don't really care. I just wanna move along.

Ms. Loudermilk: We can – the Department can do that, but I just would like to relay that again, we have no qualms, but that's not what the Department of Water Supply wanted us to include. And just make that note. The Department of Water Supply did provide us with the condition incorporating those BMPs provided to us. So we'll add it as a Condition No. 14, but I would just like the Commission to – reiterate to the Commission that times like this, we do defer to the agencies. We can go back to them next time to see if they want a separate condition. And if they do, then we can act accordingly. If not, we'll continue to have the same discussion in the future.

Mr. Starr: Okay, I think we're hairsplitting, you know. It seems to be there no matter what. So if we can move along.

Ms. Loudermilk: Yeah, so that'll be Condition No. 14.

Mr. Starr: Commissioner Hedani?

Mr. Hedani: Move to approve as amended.

Mr. Guard: Second.

Mr. Starr: Okay, Commissioner Hedani with the motion. I think Commissioner Guard narrowly beat Doc Iaconetti with the second. It was really close. Director, what's the motion?

Mr. Hunt: Moved to approve as revised.

Mr. Starr: Okay, any questions, amendments, whatever? Not seeing – Commissioner Mardfin?

Mr. Mardfin: I just wanna clarify. "As revised" means you included one that specifically addresses the Exhibit 14?

Ms. Loudermilk: Yes.

Mr. Mardfin: Thank you.

Mr. Starr: Okay, all in favor, please raise your hand. All opposed?

Mr. Hunt: That's seven in favor, zero against. The motion passes.

It was moved by Mr. Hedani, seconded by Mr. Guard, then

**VOTED: To Approve the State Land Use Commission Special Use Permit as Recommended with Conditions as Amended.
(Assenting - W. Hedani, J. Guard, K. Hiranaga, W. Mardfin, D. Domingo,
W. Iaconetti, J. Starr)
(Excused - B. U'u)**

Ms. Loudermilk: Thank you.

Mr. Starr: We will take a short recess 'til ten minutes of.

(A recess was then taken at 10:43 a.m., and the meeting reconvened at 10:52 a.m.)

Mr. Starr: . . . 2009 is back in order. I will now call on James Giroux to introduce the next item in place of the Director.

C. COMMUNICATIONS

- 1. FONG CONSTRUCTION CO., LTD. requesting time extensions to the State Land Use Commission Special Use Permit and to the Conditional Permit in order to continue operating a material and equipment storage baseyard on approximately 4 acres of land in the County Agricultural District at Waiko Road, TMK: 3-8-007: 102 (por.), Waikapu, Island of Maui. (SUP 950006) (CP 980008) (P. Fasi)**

Mr. Giroux read the agenda item into the record.

Mr. Paul Fasi: Thank you, Counselor. This matter arises from letters of requests for a time extension filed on July 19th 2004 and August 25th 2008 for a conditional permit and State Land Use Commission special use permit, respectively. The applicant is requesting two time extensions: one for a special use permit; and a recommendation of approval for a second conditional permit time extension. The land use designations: it's a – the State land use district is ag. It's in the Wailuku-Kahului Community Plan as ag. Chapter 19 County zoning is ag. It is not in the special management area. There were three County agencies that did respond and three State agencies that also responded. There were no substantive comments on all six comment letters. The applicant has been in this location since 1989, approximately, 20 years, and has been in compliance with all State and County conditions and requirements. The applicant has diligently met all requirements for time extensions in a timely manner. In fact, this would be his third extension on this particular piece of property. The Department has no issue with this time extension. And so what

the Department is requesting from this Commission is to grant the special use permit time extension for five years, and make a recommendation to the County Council to also approve the conditional permit time extension for five years. And we would like to have both dates coincide with each other. So the special use permit would begin upon approval of the conditional permit by the County Council. There has been no change in the use of the property. And the applicant is here to answer any questions that you may have regarding this particular use of the property. Thank you.

Mr. Starr: Okay, thank you, Mr. Fasi. Members, do we have any questions? Commissioner Mardfin?

Mr. Mardfin: You've just said there's no change in the use, but Exhibit 4 says – oh, maybe this was 2004. This might already be taken care of. I was reading Exhibit 4 and it said "Ask to have Callentine-Pacific Hawaii, Inc., a vehicle recycling company, set up their operation." That was in 2004, is that correct? I just spotted that.

Mr. Fasi: Yes, that's correct.

Mr. Mardfin: Okay. And that's worked okay.

Mr. Fasi: Yes, it has. The applicant is very diligent in all of his – the operation as well as his paperwork submitted to the County.

Mr. Mardfin: I'm sorry. I missed the date on that letter. I thought it was current.

Mr. Fasi: Perfectly fine.

Mr. Starr: Mr. Fasi, has there been any complaints or objections from the public?

Mr. Fasi: No, sir, there hasn't.

Mr. Starr: Okay, Members? Commissioner Hiranaga?

Mr. Hiranaga: There's no pictures?

Mr. Fasi: He's been on the location for 20 years. And I figured for 20 years, all the Commission Members are probably familiar with the area.

Mr. Starr: I seen Mr. Bagoyo going through his files there. Are you representing the applicant, and do you have any photos that the Commissioners could see? Why don't you come forward and present, Mr. Vince Bagoyo?

Mr. Vince Bagoyo: Thank you, Paul. Chairman Starr and Commission Members, I did actually prepare just a brief few photos.

Mr. Starr: Thank you for that. Mr. Fong is here, so if you have any specific questions, we'd be more than happy to respond.

Mr. Hiranaga: I guess, can you provide more detail as to the use of material and equipment storage baseyard?

Mr. Bagoyo: It's mainly his construction equipment storage. And I don't know about materials. Roger?

Mr. Starr: Please come up and introduce yourself, and welcome.

Mr. Roderick Fong: Mr. Chairman and Members of the Commission, my name is Roderick Fong, Fong Construction Company. And it's been a – just a storage yard for our equipment, heavy equipment, that we use for construction projects and materials whether it's incoming materials for projects, new projects, or leftover materials from previous projects.

Mr. Starr: I have a question. And this really relates to the discussion we've been having on the previous two projects, which is what kind of care do you give that equipment doesn't leak fluids into the ground?

Mr. Fong: We've been having inspections made by not so much the Department of Health, but the landowner. Alexander & Baldwin comes by maybe every four to six months. And they put out a report, and we end up doing some BMPs on that, as well as we have been from the beginning of our use on the project been using BMP, best management practices, to keep the oils out and so forth. You know, we do repairs on the project. Most of the project is just gravel and not paved areas. There is a cement slab that we use and a paved slab that we use in our repairing.

Mr. Starr: What do you do – like how can you describe what those BMPs are, or what your procedures are to, you know, make sure that – because equipment does leak, I mean–?

Mr. Fong: Yeah, it does. Most of it has been absorbents, you know, those absorbent things that we've worked with from – you know– We've been buying it, and just using – absorbents and trays. We have pans for the oils and we collect. And we have the storage oils that we – waste oils that we put in. And it's picked up by – what's that firm that's down by the harbor? They come by every so often, and pick up our waste oil, and dispose of that oil. We – that's been about the practices that we've . . . (inaudible) . . .

Mr. Mardfin: When– Cal-Pacific Hawaii still operating on your property?

Mr. Fong: Was that on the recycling one?

Mr. Mardfin: Yeah.

Mr. Fong: There was never a – there was a – at one of the extensions, they were wanting to come in to the property. And one of the Planners mentioned that I would need to introduce them to this project, but they were never – they never became part of the property.

Mr. Mardfin: So you don't do any vehicle recycling?

Mr. Fong: No, no. In fact, that was – I was telling him to – or that company to go and initiate it. And

if they don't get the approvals, then they don't end up being on the property. It wasn't even in my hands.

Mr. Hiranaga: One last question: how do you dispose of your wastewater, sewer?

Mr. Fong: Right now, we have portable toilets. We don't have a bathroom there. We don't – there's only water for washing of the hands and irrigation that I have surrounding the property.

Mr. Hiranaga: Okay, thank you.

Mr. Starr: Okay, ready for public testimony? Okay, are there any members of the public here who would like to offer testimony on this? Please come forward. Not seeing any, public testimony portion is closed. Mr. Fasi, do you have a recommendation on this?

Mr. Fasi: Yes, we do. The Planning Department recommends approval of the special use permit, and would ask this Commission to recommend approval to the County Council for approval on the conditional permit. There would be one change to the condition that would basically be the expiration dates of the special use permit. And we would word it such that this Land Use Commission special use permit shall be valid until March 1, 2014 or five years from the granting of the conditional permit because we don't know how long this one will take at Council. And that way, the dates will coincide with each other.

Mr. Starr: And that is – that wording is part of your recommendation?

Mr. Fasi: Yes, sir.

Mr. Starr: Okay. Commissioner Hedani?

Mr. Hedani: Move to approve as recommended.

Mr. Starr: Is there a second?

Mr. Iaconetti: I'll second it.

Mr. Starr: Okay, moved by Commissioner Hedani, seconded by Commissioner Doctor Iaconetti. Director?

Mr. Hunt: The motion is to approve as recommended including the revision.

Mr. Starr: Okay, questions, comments, amendments? Seeing none, all in favor? Oh, I'm sorry. Director?

Mr. Hunt: Just an issue that I thought I'd raise for the Body here. These types of permits have to come back according to the conditions that you put in there to the Planning Commission, and the Department is constantly besieged to find streamlining methods. And this could be one opportunity where the Planning Commission could say if there's no substantial change in the existing permit or conditions, then the Planning Department would be provided with the authority to recommend, or

pardon me, to extend the time period. I believe that it could be done under the State special use permit. There's some concerns at the conditional permit language, but you could recommend that to the Council. And then we could work that out with Council. I believe you did this on a different conditional permit recently. So it's just an idea for streamlining.

Mr. Mardfin: Mr. Director, do you have a specific wording for a condition that would accomplish that?

Mr. Hunt: Well, as the conditions are worded now, further extensions may be granted upon a favorable review and approval by the Planning Commission. You could say further extensions may be granted by the Planning Director upon a determination that no significant – or the permit is still significantly the same, or circumstances have not significantly changed, something like that.

Mr. Starr: Mr. Giroux, do you have any comment on that?

Mr. Giroux: I'm sure the Director ran through this his legal counsel before he recommended it. Yeah, I haven't been able to look through that as far as what kind of powers of delegation you have with a State permit, but from what the Director's telling us is that he remembers us doing this before – is that accurate?

Mr. Hunt: I believe it was a conditional permit, but we can look at 19.510 which addresses special use permits.

Mr. Giroux: I'm looking at the State special – I mean, the State Land Use Commission special use permit. So I'm looking at 15-15 as far as some guidance here.

Mr. Starr: Before we dig into it, is there a desire to do this?

Mr. Guard: I'd be willing to go along with that at either a five or ten-year increments if every time it's been favorable with no problem. I don't know, ten might get a little long for people, but at five-year increments without having to come back here should be fine. Did either, I guess, Paul or the Director remember the last time we used that, or bring an example where we already had language used?

Mr. Starr: Yeah, I think it was used on something different.

Mr. Guard: Oh, did we? Okay, but I mean to have that standard language for this one and possibly the next agenda item as well. It might be good to get some standard language to start including.

Mr. Fasi: I just submitted some language to the Director that he could possibly maybe read back to you.

Mr. Hunt: Paul's suggesting that Condition 1 read that the Land Use Commission special use permit shall be valid until March 1, 2014 or five years from the granting of the conditional permit subject to further extensions by the Planning Director upon a timely request for extension filed at least 90 days prior to its expiration. The Director may forward the time extension request to the Planning Commission for review and approval, and may require public hearing on the time extension by the Commission.

Mr. Fasi: And what that would do was if there are no substantive changes or any changes at all, we could just – the Director could just grant the time extension administratively. And if there are some changes that we feel need to be brought up, then we could – we also have the option of bringing it back before the Commission.

Mr. Starr: That's just on the State special permit, not on the conditional use permit.

Mr. Fasi: That's correct.

Mr. Starr: And is there any wording on the – recommend to the Council on conditional permit?

Mr. Fasi: We could substitute the word – just take out the word “State special use permit” and substitute it with “conditional permit” in that paragraph, if that's acceptable to you.

Mr. Starr: Mr. Giroux, would that – is that workable, if there's a desire to make an amendment?

Mr. Giroux: I'm just really hesitant right now. I'm looking at the section. It doesn't – it's silent as far as allowing delegation of these powers. From what I'm reading in Section 15-15-95, you know, it says “Commission.” And it also says with the concurrence of the Commission – it says, “The County Planning Commission with the concurrence of the Commission.” And I really would have to research to find out if the State is willing – they've already delegated the power to the Counties to be administrative through the Commission. Now, the question would be, can the Commission then delegate that power of giving time extensions to the Director?

Mr. Starr: So what I'm hearing is perhaps it would be best to research it, and then apply it on future ones, and not on this one because we don't want to endanger our actions.

Mr. Mardfin: I would concur with that. The one thing I would add is that Mr. Fasi suggested that it could be done administratively if there were no substantive changes. I would also add that there have been no complaints. So when you think about the wording for the next time this comes about, we could do it. I mean, if there are obviously complaints, then we ought to be dealing with it. And if – but if there's no changes, and there's no substantive complaints, then I'd be – in the future, I'd be willing to delegate.

Mr. Starr: So that'll be a research project, and we have a motion on the floor. We ready to deal with the motion? All in favor– What? Yeah, we had a motion, right? Okay. All in favor of the motion that's on the floor, and that motion is to approve as recommended, correct?

Mr. Hunt: With the revision for the five years from the date of the conditional permit.

Mr. Starr: Yeah, all – please raise your hand. All opposed?

Mr. Hunt: I have that seven in favor, zero against. The motion carries.

It was moved by Mr. Hedani, seconded by Mr. Iaconetti, then

**VOTED: To Approve the Time Extensions to the State Land use Commission Special Use Permit and Conditional Permit.
(Assenting - W. Hedani, W. Iaconetti, K. Hiranaga, J. Guard, W. Mardfin, D. Domingo, J. Starr)
(Excused - B. U'u)**

Mr. Starr: Thank you very much.

Mr. Fasi: Thank you.

Mr. Starr: Danny, Gwen, we ready for the next one?

- 2. MR. JOSEPH SCHMIDT on behalf of SEABURY HALL requesting 10-year time extensions on the State Land Use Commission Special Use Permit, Conditional Permit, and Off-Site Parking Approval for the continued use of a paved parking lot on a portion of land adjacent to Seabury Hall, approximately 5.466 acres in size located in the State and County Agricultural Districts, TMK: 2-4-008: 041, Makawao, Island of Maui. (SUP2 2002/0014) (CP 2002/0024) (OSP 2002/0006) (D. Dias)**

Mr. Hunt read the agenda item into the record.

Mr. Danny Dias: Good morning, Chairman Starr, Members of the Commission. Given the nature of this project, I'll keep this very brief. What you have before you is a ten-year time extension to a conditional permit, State Land Use Commission special use permit, and off-site parking approval for the Seabury Hall off-site parking lot. The parking lot has been in existence for about five years now. And the Department thus far has received no complaints. The time extension was sent out for comments to five agencies: Public Works, the Police Department, County DOT, State DLNR, and State Office of Planning, and none of these agencies had any comments. So with that, I'll hand over the mic. to Gwen Hiraga of Munekiyo and Hiraga for a brief two to three-minute power point presentation.

Mr. Starr: Okay, thank you, Gwen. Please take it away.

Ms. Gwen Hiraga: It will be very brief. Good morning, Chair and Members of the Planning Commission. My name is Gwen Hiraga and we are representing Seabury Hall this morning. In attendance is Mr. Joe Schmidt, the Headmaster for Seabury Hall; Erin Mukai and myself of Munekiyo and Hiraga; and Kirk Tanaka, the project engineer, is expected here very shortly. As I mentioned, we're gonna have a very short power point presentation.

And basically, in terms of permit history, the Maui Planning Commission did grant approval of the special use permit, and off-site parking approval, as well as a recommendation for approval of the conditional permit for this off-site parking. In September of 2003, the Maui County Council did grant the approval of the conditional permit. And in June of this year, we did file a time extension request, and we are requesting for ten years.

The school has been on the site – at this site for the past – since 1964. The campus – the Seabury Hall Campus pretty much goes this way. This area is vacant pasture land. This is their ballfield. And this is the main campus area. And this is the location of the off-site parking, just to give you some perspective. This is a more detailed as-built drawing of the parking area right here. And the remaining slides are photos. The first photo is taken facing south looking into the parking lot from the driveway. This photo is taken facing northwest looking into the parking lot from Hanamu Road. This is a photo of the parking lot facing southwest. A photo taken facing northeast looking into the grassed parking. A photo taken from Olinda Road looking into the driveway and parking lot. And that concludes our presentation this morning. We are open to any questions the Commissioners may have. And as I mentioned, Mr. Schmidt is here if you have any questions.

Mr. Starr: Okay, Members, any questions?

Mr. Mardfin: Exhibit 7 shows the U-shaped parking area. And the right upward portion of the U says “existing pasture to remain.” That – on the right-hand side, yeah, right over there, that’s pasture right now, is that correct?

Ms. Hiraga: Yes.

Mr. Mardfin: And that’s gonna stay that way?

Ms. Hiraga: For right now, yes.

Mr. Mardfin: If they were gonna change that, would they have to come back to the Commission?

Ms. Hiraga: If they were going to – it is agricultural, so if they need to change the use, they would need either a special use permit, conditional use permit, what they’re going through right now.

Mr. Mardfin: So if they were going to do parking there, they would have to do that?

Ms. Hiraga: Yes. I’m sorry, you know, the Exhibit 7 was an exhibit from the original application that was filed back in 2003, but it – you know, consistent – the development of the parking lot is consistent with the conceptual.

Mr. Hedani: Is the parking lot unlit? Is it unlit? Is there any lighting on the parking lot?

Ms. Hiraga: There was one main light, I think. The location of the lighting is right about here in the entrance. So it’s like sporadic. It’s not like a fully, lighted parking lot.

Mr. Hedani: Okay, thank you.

Mr. Mardfin: I don’t think this is for – well, maybe this is for the Planner. Why are we looking at a ten-year time extension as opposed to–? Like for Fong Construction, we looked at a five-year time extension. Do we have any rule of thumb for when we do five years and when we do ten years?

Mr. Dias: It sort of depends on exactly what you’re looking at. For Fong Construction, it’s sort of an active use whereas this, it’s just a parking lot, and it’s already built, and it’s not really going

anywhere. So the advantage of giving it five years is – there's no really no reason to just give it five. We'll just be back here in five years asking for another time extension.

Mr. Mardfin: But if we had a similar condition that we would – you know, we don't have it yet, but if we did a similar condition where it would be in the Director's hands, basically, assuming there were no complaints and no change of usage, then the five-year wouldn't do us any harm. Now, we don't have that yet, but–

Mr. Guard: But it also has to go up to Council as well, so that's probably the limiting factor, possibly.

Mr. Starr: The other one did as well, but I believe that by being industrial, that one is more, I guess, susceptible to problems where this is a very passive use.

Mr. Dias: Correct, with this parking lot, you know, like I said, we had no complaints. We don't really anticipate anybody to have a problem with it five years down the road whereas other uses, it's ongoing, things may change, whereas this, it's there, it's really not gonna change. So ten years seemed appropriate.

Mr. Hedani: Danny, what would be the alternative, I mean, if they wanted to make a permanent change so that they don't have to come in constantly for extensions?

Mr. Dias: They would have to get a district boundary amendment and a change in zoning, I believe.

Mr. Hedani: That would be the permanent solution?

Mr. Dias: That would be the permanent solution.

Mr. Hedani: Thank you.

Mr. Mardfin: Last one. I think this is minor. Page 5, you referred to the Maui County Code, Chapter 19.36, Off-street Parking and Loading, "Every required off-street parking space, or area, or–" blah, blah, blah, blah, "shall be located on the same lot it serves or within a distance of 400 feet." This directly adjoins, right?

Mr. Dias: Correct.

Mr. Mardfin: So it's within the 400 feet. Thank you.

Mr. Starr: Members, we ready for public testimony? Any members of the public wishing to offer public testimony on this, please come forward. Not seeing any, public testimony portion is closed.
Mr. Dias, your recommendation.

Mr. Dias: Okay, before I get into the recommendation, there's one little typo. If you could turn to page 15, it's the green pages here, the last sentence all the way on the bottom it says "one year period." If you could strike "one" and change that to "ten." Having said that, the Maui Planning Department – I'm going to separate the State Land Use Commission permit, and the off-site parking,

and then— So the Maui Planning Department recommends approval of a time extension to the State Land Use Commission special use permit and off-site parking application subject to six conditions, the most important obviously being that the permit shall be valid until February 28, 2019, or until the expiration date of the conditional permit whichever occurs later.

Mr. Starr: Okay, you wanna give the recommendation on the CP as well?

Mr. Dias: Okay, the Planning Department recommends that the Maui Planning Commission recommend approval of the conditional permit subject to three conditions. And recommends that the Maui Planning Commission authorize the Director to transmit the recommendation and record to the Maui County Council on behalf of the Maui Planning Commission.

Mr. Starr: Okay, Members? Commissioner Hedani?

Mr. Hedani: Move to approve as recommended.

Mr. Starr: For both of them, is that correct?

Mr. Hedani: Right.

Mr. Starr: Is there a second?

Mr. Iaconetti: I'll second that.

Mr. Starr: Okay, moved by Commissioner Hedani, seconded by Doctor Iaconetti in terms of both items. Director?

Mr. Hunt: The motion is to approve as recommended for the off-site parking and the State special use permit. And the conditional permit would be recommended for approval to the Council. The conditional permit did include one revision under Condition 1 as noted by staff.

Mr. Starr: Okay. Members? Commissioner Mardfin?

Mr. Mardfin: I have a question. I guess it's for the administrator from Seabury. At – what's – any idea what percent of the capacity – parking capacity you use at various times of day?

Mr. Joseph Schmidt: On a daily basis, probably about a third.

Mr. Mardfin: A third of it's used?

Mr. Schmidt: A third to a half, yeah.

Mr. Mardfin: So you could do a fairly good expansion of Seabury enrollment and this would still be sufficient?

Mr. Schmidt: We could, but we don't plan on it.

Mr. Mardfin: Oh, you don't plan to expand?

Mr. Schmidt: We're not planning on expanding enrollment, no.

Mr. Mardfin: How many students do you have?

Mr. Schmidt: About 421.

Mr. Mardfin: All high school?

Mr. Schmidt: No, high school and middle school.

Mr. Mardfin: Okay, thank you.

Mr. Starr: Okay, we ready to vote on the motion on the floor? Okay, all in favor, please raise your hand. All opposed? Mr. Director?

Mr. Hunt: I have that as seven in favor, zero against. The motion carries.

It was moved by Mr. Hedani, seconded by Mr. Iaconetti, then

**VOTED: To Approve the Time Extensions to the State Land use Commission
Special Use Permit, Conditional Permit and Off-Site Parking Approval.
(Assenting - W. Hedani, W. Iaconetti, K. Hiranaga, J. Guard, W. Mardfin,
D. Domingo, J. Starr)
(Excused - B. U'u)**

Mr. Starr: Okay.

Ms. Hiraga: Thank you.

Mr. Starr: Congratulations. And please continue to do the great work you've been doing in educating our youth. Okay. Our next item is-- Okay, do we need a recess? We ready to go? Yeah, let's go.

D. Workshop led by Department of Public Works on County Roadway Width Standards.

Mr. Starr: Our next item -- we've kind of put our Deputy Director of Public Works in the hot seat today. And I think this stemmed from at least my own ignorance in understanding about roadway standards, and which roadways are County, and which are State, and when do they have to do what, and what amenities. So I had asked that Public Works make a presentation. We had also requested that State Highways, if they could, have a representative here. And we invited, I believe, Fred Cajigal, who was not able to make it. And so before we begin, I'll turn it over to Commissioner Hiranaga.

Mr. Hiranaga: Just a question, I'm wondering how long the presentation will be?

Mr. Starr: Good question. Mike, what do you have in mind?

Mr. Miyamoto: Mr. Chair, the presentation is probably about anywhere from ten to 15 minutes at the most depending on if you have any questions, and want any discussions of any the–

Mr. Hiranaga: Okay, thank you.

Mr. Starr: And I do wanna thank you for putting something together. Understand it was on short notice.

Mr. Miyamoto: Extremely short notice.

Mr. Starr: Whatever you've got for us is appreciated.

Mr. Miyamoto: I guess, you know, in our conversation, Mr. Chair, you had mentioned also that you wanted more of a short discussion on the different responsibilities on these roadways. For example, basically State highways are those roadways that allow traffic to travel regionally. For example, like Lower Honoapiilani Highway here allows you to go from the Wailuku area through Maalaea to Lahaina. You have Mokulele Highway where it allows you to go from Kihei down to South Maui, Haleakala Highway, Hana Highway. Generally, those very regional roadways are the types of roadways that are the responsibility of the State Highway Administration. The more localized streets, the streets that serve abutting properties such as Kaohu Street here, Kiele, and some of the residential streets are more the County roadways. There's another classification of roadways called "private roads." A lot of times, the developers wanna modify the standards so they'll build a private roadway, and that is their responsibility, the homeowners' association's responsibility to maintain. Those roadways, they can go ahead and gate if they feel so inclined. And the fourth category are these old government roads. Those are roadways that the State says, "County, you can have these roadways." And the County has not gone through Council and accepted those roadways. So they are roadways in limbo, basically. And you find a lot of those roadways out in East Maui side. You know, there's a lot of these old roads that used to be used way back. The State used to use them, and then they just decided that they wanted to abandon them and burden the County by giving it to the County to maintain. You know, there's no documentation of who owns the roadway or the Council hasn't accepted those roadways. Generally, they don't meet the County – current County standards. So it becomes a real maintenance challenge for us. And the Council, through the County Code, has put in some monies in there for old government road maintenance. So we've done some of those types of roadways.

So I guess now I'll sort of get into the presentation. The first handout I'm gonna be pretty much reading basically, what you'll see in front of you. It talks about what the scope of this presentation is gonna be about. I guess the first thing we wanna do is go ahead and define– You know, when Clayton asked me to do this presentation, the title was, "Roadway Width," "What is a Roadway Width?" So basically, I said, "Okay, fine." We'll talk about the definition of a roadway width, what is the formal definition as identified in the County Code, what are the standards that are associated with roadway widths, and what are the elements of that standard that, you know, determine those roadway widths?

So first let's go with the – what is the definition of a roadway width? In the Maui County Code, Title

18.04.340, it reads as follows: "Roadway width or pavement width means the paved portion of the street available for vehicular traffic and where curbs are laid,"– the portion between the curbs. Basically, between the faces of the curb is also considered roadway width or pavement width. This is not to be confused with the right-of-way width. In the County Code, 18.04.330, it reads as follows: "Right-of-way width means the area between the property lines for use as a street or as drainage or utility easement." So basically, what do we own? That's gonna be considered the right-of-way.

So now you're wondering, well, what are the standards? In Maui County Code, Title 18.616.050 is the Minimum right-of-way and pavement width section. Attached, you'll see – which is the second attachment is a copy of that portion of the County Code. So if you look at this table, you know, you look, what are the elements of the standards? What are the basis when we determine pavement widths? So if you look at the table, there are two primary elements that determine the applicable pavement width standard. The first type – for the first is the type of street that it is. Obviously, the functionality of that street plays a big part as to how do you classify that roadway. You know, in the chart you see ranges from parkway on down to a private street. So you can imagine a parkway that says something like Kaahumanu versus a private street in Maui Lani? You can see there's a wide range of roadway utilization from a divided highway to a simple single lane, very narrow roadway. For example, in Title 18.04.400, it defines a collective street means any street supplementary to the arterial street system which is a means of intercommunication between the arterial and small areas used to some extent to – for through traffic, and for some extent for access to abutting street – abutting properties. So basically, what you're seeing is collectives are a little bit heavier duty-type roadways that not only wanna process traffic movement from Point A to Point B, but it also provides some access to some of the adjacent properties. So it's slightly – it's one of our higher functioning roadways. There's – if you look at the table, you can see that, you know, there's different classifications. There's a collector in the rural area, the ag area, and in the urban area.

So now if you look at 18.04.430, it defines a minor street. A minor street means a street intended exclusively for access to abutting properties, for example, like Kiele Street here. Its intent is primarily to give access to the adjacent properties. It's not really that big of an intent to provide through traffic movement, but to provide to access to the adjacent property owners.

So now we look at the second element of this table. The second element is the area or zone, you know, what's the surrounding area like? You know, what is that State land use designation of the surrounding area like? Obviously, if you go from agriculture to rural to urban, you can see the level of development and activity increases. So if you look at, for example, let's look at the collective streets. You can see at the urban level, you have a very wide right-of-way and a lot of pavement you need because there's a lot of activity going on. But when you get down towards a collective street under agriculture, the right-of-ways are a little bit narrower, and the pavement width doesn't have to be as much because you're basically providing a lot of through – you mainly wanna get the cars through the area.

So now that we've defined what the standard is, the next question is, what are the options for developers when they come in? But before we go there, I have to let you know that we are looking to update these standards. We are working with our Engineering Department. This is always changing things. You know, we have people with – like the term "smart growth," or "road diets," or what have you out there. We're always looking to update this, you know. We had a meeting with Mr. Fenton. He had some good ideas. So we're always looking to try and update these things.

So now let's go into what are the options to building roadways to this standard. The first option is in Title 18.32 which discusses variances and exceptions. A variance to the requirement would be obtained through the County's Board of Variances and Appeals—BVA, as we call it. The criteria for the variances are identified in Title 18.32, which I've included a copy in here for your information. Basically, it's the Planning Department that pretty much shepherds the project through that's trying to get some kind of a variance.

The second option is the exception part of that title of the County Code. It allows for flexible design standards. You know, if you wanna deviate from these – our requirements, you can through flexible design standards. And basically, they – an applicant will meet with the Department of Public Works to try and come up with a design standard that still meets the certain levels of safety. And as we look at it, we always look at it from a – parking, and we look at it from maintenance. We always wanna make sure that whatever they're building, you know, it can provide for parking, and it is easy to maintain. We don't want something out there that's very difficult. And if maintenance isn't kept up, these roadways can become a real burden. And the other thing that we're also looking to always protect ourselves on is that as the development goes on, a lot of times these private streets become a financial burden on the community associations. And they always look to try and get those roads dedicated to the County. So when we look at it, we also have that in the back of our mind that, you know, this roadway could someday be dedicated to us. So we still want it to meet certain levels of safety and ease of maintenance when we go through it.

The third option is that basically in the first paragraph of Title 18.16.050, which is the chart, when you look at this table, you look at the very top, the very first paragraph, it reads:

Unless otherwise indicated in the Maui County General Plan and community plans, or as approved by the Department of Public Works and Waste Management pursuant to Section 18.20.105 of this Code and consistent with the Maui County General Plan and community plans, the widths of streets and pavements in feet shall not be less than the minimum shown in the following table.

So it basically refers to this table. So the third option is also regarding community plans. For right-of-ways and pavement widths, the community plan, should they be specific, can also alter from this table. I'll give you an example of one that we recently had: Makena-Keoneoio Road. We had the – one project come in near the Landing that they were sort of stuck in the middle because they couldn't go to BVA because they didn't have all of their entitlements. They couldn't get their entitlements because they couldn't meet the standard. So basically, you know, the community plan indicated that the roadway was to be maintained as rural, similar to the area in front Keawalai Church. Unfortunately, that area in front Keawalai Church varies. There's some portions that are just regular a rural roadway with pavement and some shoulder. There's a portion that has parking in it. There's a portion as you get further south that has curb, gutters, and sidewalk because it leads to a parking lot. And there's a stone wall adjacent to the edge of roadway. So the community plan wasn't very specific as to what they wanted to see. They gave us a general area and said this is something like what we wanted to see. So we had a hard time dealing with it – and the Council, because through the entitlement process, defined for us what the rural standard they wanted to see. And for us that was great because we felt, you know, now we have a definition. This is the standard we will hold all the development along this roadway to.

Along came another project for the multi family, single family, that had an existing sidewalk, and curb and gutter in along their frontage along Makena-Keoneoio Road. And so you can see right away this sort of violates the intent of keeping it rural. It was already curb, gutters, and sidewalks in front, but the Council chose to allow them to remain with curbs, gutters, and sidewalks. So you can see that standard now has somewhat been modified slightly.

And here comes the third project down the road closer to the turnaround. Just – I think it's one or two parcels down the turnaround. They currently had a no parking sign restrictions along their frontage. And it was for a good reason because, you know, there was a nice parking lot that was built. The intent was there was a little drop-off area. You could drop your materials off, your food, whatever, and then go into the parking lot, and then walk back. But the Council chose to – they made a proposal. And I think they made it a requirement of the development to reinstate parking along their frontage. So now they've changed the standard again.

So from our side, from Public Works' side, you know, the GPAC is coming up, the community plans will be rewritten. And so when we ask – what we're asking is that – for specifics when you look at these areas. If you had an idea what you wanna see in a community, we ask for specific standards so that way we have a clear idea of what we need to require in those areas. 'Cause to say, you know, you want it to be looked like whatever it looks like in front of Keawalai Church was too vague. And we didn't want the Director making that interpretation. So right away, we said, you know, either you need a variance or you need somebody to define it, a body that allowed the public to have input. So that's why we sort of gave them a hard time in trying to get that modification.

And so I guess that's the thought I wanna leave you with is that, you know, when the GPAC and the community plans come in for your review, please keep these thoughts in mind that we're looking for a specific design guideline, because the Director and I don't feel comfortable being the ones who are setting these guidelines without the public's input, whereas through the GPAC and community plans, public input can help define those. That's it.

Mr. Starr: Members, questions? Yeah, go ahead there, Mr. Giroux.

Mr. Giroux: Mike, you know, when we had to work through these issues, I mean, we tried to go through all the community plans and see what was being stated. And usually it was tucked in somewhere that had either Public Works, depending on what community plan you were, or Planning was the agency that was supposed to be spearheading the rural guidelines. But, I mean, some of these community plans are over ten years old, and we couldn't find any spearheading of any rural standards anywhere. So, I mean, is there gonna be a concerted effort to put this at the forefront so we're not in that position again? I mean, because some of these community plans aren't gonna be updated for another ten years. So we're gonna be – we're gonna have community plans that are like 20, 30 years old that still says rural standards, and some of these areas are gonna be urbanized already. And this is Haiku, Hana, Makawao, Kula, Makena, you know. These areas are rapidly being urbanized. And people are coming to us asking us to redistrict their properties to urban. And as soon as we do that, it contradicts the community plan that says we gotta keep the roads at a rural nature because Title 18 doesn't allow it. So, I mean, it really puts this Commission at a really funky place when you're recommending changes in zoning and district boundary amendments to Council, you gotta be looking at the community plan and saying, well, if the community plan says that we should keep the road rural, why aren't we keeping the area rural? You know, that's a huge problem.

Mr. Miyamoto: Yeah, and to answer that, generally, if you look at the table, it already has to some degree, generic rural standards. Unfortunately, in other parts of the improvements of Title 18, for example, like curb and gutters, there's no provision within that part of the code to allow it to be based on what the community plan says. It just basically says if you're urban, you need curbs and gutters. And so that's why we're looking at – you know, our primary way to get out of a lot of this is through these design standards that'll be implemented with the community plan. And we have no problems working with the Planning Department because as they're the ones that are conducting these meetings, they have a better idea as to what the community is looking for. And we can look at it and say whether it's safe or it meets the minimum requirement. That's not a problem, but we're sort of – rural is very different from – in the different communities like in Hana and Lanai. Lanai City is very different and portions of Molokai. So we're looking for those community plans to help set up those guidelines, and we're willing to review them, and see if those guidelines meet safety requirements. For example, one of the things that has come up that's really been a challenge is through this "smart growth," they want narrow roadways, but the Fire Department says we need wider roadways for safety. So we're trying to work with that. You know, hey, we gotta meet the Fire Code. I mean, that's safety. Safety has to override these narrow roadways that give the better sense of community. So those types of things we're willing work with the Department in getting those reviewed as soon as possible.

Mr. Starr: How about drainage? Say there's a hypothetical road that's gonna start in the most urban area, and it's gonna be a busy road there, and the other end of it's gonna be in the most distant, ag area, where is there gonna be drainage because drainage, of course, you have I guess curbs and gutters, which is kind of a social thing, but, you know, we're also dealing with runoff and retention and so on? I guess curb and gutters means that there's – you have to deal with the drainage.

Mr. Miyamoto: Yes, and that's one of the things we're trying to address with our modification of these standards because what we're started running into was, you know, a lot of these standards work nicely if you have the same type of land use designation on both sides of the roadway. What if you have urban on one side, rural on the other? For example, we ran into that in Hana. The project in Hana had rural on one side, and I think it was urban on the other. So the standard really didn't address that. And we're working to try to come up with those types of scenarios. With drainage, basically with curbs and gutters, you're expecting the water to run along the curb and go into some kind of a facility. What we're looking at is, for example, we'll look at Halemua. Halemua has a requirement along their frontage to go ahead and build curb and gutters. But what we're gonna allow them to do is the water will run along the curb and gutters, and at some point, they will run – they'll come off of the curb and gutters. When it stops, go into some kind of a drainage swale alongside the roadway. And then it'll end up going into a basin. And that basin will probably be the primary facility to help provide quality control. You know, like for example, a grass swale is great for catching a lot of the petroleum products through the first flush. And then a lot of times, the basins allow a lot of the solids to settle out. And then that way, when the – eventually when the water slows down, drops its solids, it can flow out in a better condition than it was before.

Mr. Starr: You know, I know I bicycle a lot in different places. And it seems that we've had almost an inversion take place where, you know, the ideal was to create a rural standard that would be slow and where people could feel comfortable to walk and bicycle along the road and – you know, as opposed to an urban setting. But what tends to be happening is that it's very dangerous to walk or bicycle in a lot of rural places 'cause, you know, you do have cars moving along. There's no place

to go. And meanwhile – you know, so I know I tend to bicycle in urban places simply because I'm gonna be on the road. You know, there's some refuge there. Is there any ways of dealing with that where we can have rural standards but we can make it safe to walk and bicycle?

Mr. Miyamoto: I guess the best example I can think of is like what's happening in South Maui along the North-South Collector. You know, we had two bodies of cyclists pulling at us at one time. We had the long range bikers, the people who wanna ride on the roadway. They don't want a separate path because they're going fast. They don't wanna be obstructed with pedestrians. And then we had the community who lived in the area that wanted the wider path for their kids and pedestrians to be walking along. So what we did there was we went ahead and provided both. Our current typical section for like the North-South Collector includes a bike lane in the urban situation, and also a separate combined bike lane and path. And we are looking at other areas. We're trying to get – work with the Planning Department. They had I think a document for Upcountry that you were looking for approval on. And we're looking with the Statewide Bike Plan as to what areas– You know, the recent project that – I think it was phase two of the – along Kanani, you know, we're looking at that opportunity. Well, the reconstruction that was done by that phase two of Kalama Heights was really – I mean, it really widened the road, and it provides a nice area for, like you say, for bicycles. And we're looking for opportunities on further on down that roadway at the corner, for example. We're looking at them as to what kind of frontage improvements they can provide to accommodate the cyclists in that area and pedestrians because it is an older roadway. It was built to the old rural standards. And as the developments has come through, we're looking at trying to get those amenities put in.

Mr. Hedani: Mike, I think one of the things that's important for the future is to kinda like have some flexibility. And I'm glad that you brought up the idea of like the general plans and the community plans because from my perspective, I think a lot of times we design the roads so that they end up so straight, so wide, so fast that people end up killing themselves on the road. You put a 40-mile per hour sign on a road that's designed for 75, and they go 75, and they– And we, as a community, have reached the point where 24 people a year is an acceptable death rate for Maui because 24 people will die every year because the roads are so fast. So we need to keep some flexibility in terms of maybe one-way streets with on-street parking, which makes everybody go way slower, and enough to accommodate the Fire Department. Maybe the Fire Department needs smaller trucks, but that would create situations where pedestrians can actually get from the curb to the other curb without being killed, yeah, like on Oahu where they killed 80 people a year trying to cross the street.

Mr. Miyamoto: Yeah, we did have our own meeting with Mark Fenton. I know he did a presentation. And I bugged out when he presented to the Commission, but we had our own session with Mark Fenton. And he being an engineer could really relate with a lot of the specific situations that we came up with. And for example, Waipuilani was being discussed in front of this – the new proposed subdivision, Sunset Subdivision. And, you know, he understood. He went out and he really did a great job. He saw what our concerns were, and he admitted to us it may not be the best situation. We asked him, well, how have you handled something like that up in the northwest? And they came up with special traffic rules. For example, you saw the regular intersection. You saw this really small mini roundabout. And it just looked inviting to go counterclockwise and make the quick left turn. And so we asked him, "How do you prevent that?" And his response was, they actually enacted a traffic rule that allowed you to do it so long as it was safe to be done. And that was sort of confusing. For me, I felt that was rather confusing. And wouldn't want to see that happen here because the

tendency would be to always wait, because you're always waiting anyway to get into the intersection. You're always gonna do that. But it did – but what it does do it does deflect the through traffic. Like you're saying, it makes them go around this island, gently around the island to slow down.

The real concern we had on Waipuilani, for example, was the proliferation on driveways all along that one side of the street. We didn't have control over access like we do on this proposed development side. So we were trying to see how, you know, we could get people in and out of their driveways. But it ended up being that people would have to back up into this mini roundabout to get out which really wasn't the really favorable thing to do. And they could back out, and then they'd have to go around it, try to make it around it to go back to go in the mauka direction. So it was problematic in that sense, but we're also looking in other alternatives with existing Waipuilani because we did propose a wide corridor. So maybe like you're saying doing maybe some islands maybe, doing small split of islands just to try and slow the traffic down, deflect it a little bit, but we also have to remain concerned about those driveways. Those driveways are the biggest problem that we have. And he – Mark really – did a great job. He looked at it, and he related to a lot of our current situation.

But new developments, like when you look at some of the things, I think in proposed plans, we've seen more roundabouts now than we've seen in a long time. And there's a lot of developments that are starting to look at it. And so long as it's done, you know, with safety in mind also. And maintenance is our challenge. For example, the roundabout that we're doing in South Maui, we're creating a lot of green space. Who's gonna maintain that green space? That's the challenge. And so we'll be meeting with the community association, Kihei Community Association, to see how we can work out the maintenance of those green spaces. Because if you leave it up to us, they'll be brown spaces, not green spaces. That's sort of what Kihei is. It's sort of a desert area, so it'll be brown.

Mr. Starr: And if you go to Arizona, you see roundabouts, and they're interesting rock – colored rocks and stuff.

Mr. Mardfin: Mike? Mr. Miyamoto, where do we find maps that'll tell us when it's a County road and when it's a State road?

Mr. Miyamoto: Generally, if you look at a lot of the State – any roadway map you have, generally, when you look at it, if you see a roadway number on it, it's a State highway. Generally, the State numbers all–

Mr. Mardfin: Hana Highway is a State road.

Mr. Miyamoto: Yes.

Mr. Mardfin: When it goes through Keanae, is it still a State road?

Mr. Miyamoto: Yes.

Mr. Mardfin: When does it turn into a County road?

Mr. Miyamoto: As you pass Hasegawa General Store as you're leaving Hana.

Mr. Mardfin: Are you familiar with Uakea Road? When you split at the police station, Hana Highway goes mauka, Uakea Road goes makai.

Mr. Miyamoto: Right, the mauka highway is the—

Mr. Mardfin: The State road?

Mr. Miyamoto: Yes.

Mr. Mardfin: And Uakea then, would be a County road?

Mr. Miyamoto: A County facility, yes.

Mr. Mardfin: And you put pavement width, State highway standards. Was Hana Highway for most of that, is that secondary arterial? I mean, it's not a parkway.

Mr. Miyamoto: Hana Highway is somewhat of a very special roadway. For them, it'll probably be a primary arterial, but their agricultural standards will probably be what's really gonna take over. And obviously, the physical conditions out there is gonna limit what Hana Highway can be done, too.

Mr. Mardfin: Okay. So now we have a— Were you here when we did Paanimai Park a week or two ago — a meeting or two ago?

Mr. Miyamoto: Yes.

Mr. Mardfin: Okay. You have Hana Highway on the mauka side of the park which is gonna be State. You turn into Kauiki Street which I'm presuming is a minor street, urban.

Mr. Miyamoto: Yes.

Mr. Mardfin: Turning into an old government road, Noenoe. How do you figure out what do? Within the space of 50 yards, you got — well, maybe more than 50 yards, a hundred yards, you got three different categories.

Mr. Miyamoto: Yeah, when the subdivision was developed, you know, basically, they built everything to that minor street standards as urban. And there's a culvert, I guess, on Noenoe that's — from there on, it really is where the government road would take over. And because it's gonna be part of the park, it's gonna be a park facility. The Parks Department can determine their roadway cross section, which would generally be about 20 feet for — to allow two vehicles pass through it. So a lot of these standards, once it goes into a park, Parks Department has jurisdiction and not Public Works.

Mr. Mardfin: Okay, 'cause some of us in Hana were hoping actually the access could be from the old government road down to Uakea Street, which would avoid all the problem through Kauiki and the subdivision.

On minor streets, are there parking rules that – is it two sides of the street parking, in general? Is it one side of the street parking, in general? Or there's no general?

Mr. Miyamoto: In general, we're – you allow the parking on both sides of the street so long as it's physically possible and it doesn't impact driveways. You know, you don't want them to impact sight lines. For example, the subdivision that's just mauka of the proposed Sunset Subdivision on Waipuilani, you know, we required them to widen the roadway, but the plan was not fully implemented to identify the parking. So there were people that were parking very close to the intersection, which became – which interfered with the safety of people getting in and out of the subdivision. So we had to go ahead and modify – identify the sight lines that we had to restrict parking. So for safety reasons, that's when we generally try to restrict the parking.

Mr. Starr: I wanna try to wrap it up. So if you do have any more pressing questions–

Mr. Mardfin: Can I ask a quick one?

Mr. Starr: Yeah, okay.

Mr. Mardfin: Two quick ones. What do you use for the width of a car when you park?

Mr. Miyamoto: Generally, the typical parking stall, the minimum is eight and a half feet.

Mr. Mardfin: So if you have parking on both sides, you're talking about 17 feet?

Mr. Miyamoto: Yeah, you know, you wanna be – actually, you can allow it in less. The reason we do it parking stalls is because obviously, when you open the doors, then it's more. Generally, on-street, actually I think it limits it to about eight feet because you're not worried about the passenger side because that opens to the shoulder. It can vary, but generally, we like about eight feet.

Mr. Mardfin: Okay, thank you.

Mr. Starr: Okay. And I wanna thank you. And I also wanna– Oh, Doctor Iaconetti gets the last shot.

Mr. Iaconetti: Can I ask you other specific questions? And quite honestly, the one I'm very interested in is Lower Honoapiilani Road. Where does that fit into the type of street?

Mr. Miyamoto: For us, that's somewhat of a collector roadway because you're connecting from Honokowai all the way to the Napili area. So generally, it's a collector roadway, but given the constraints that we have along that corridor, we are trying to acquire a lot of that right-of-way, which we're having a very difficult time doing. But that's what slowed that project down is a lot of the right-of-way acquisition that we're being bogged down with.

Mr. Iaconetti: Who sets the limits as to speed on the road that's allowed? Is that the Police Department?

Mr. Miyamoto: The police can override a lot of– We generally try to do it based on engineering principles, you know, curvature, and sight of the road clearance, and everything, and how many

access points, and driveways, and things like that. We try to set it based on that. And the State – not the State, but the police, Maui Police Department, you know, can make recommendations, or if they feel something isn't safe, they can discuss it with us, and we can adjust it for safety reasons to bring it down. But generally, on collector roadways, we don't like to see these speed humps, because generally, collector roads are primarily to get traffic, to process traffic. And when you try to slow it down, then you start reducing that ability to process traffic.

Mr. Iaconetti: And there's no way of limiting the weight of vehicles that go on these collector roads?

Mr. Miyamoto: That would have to go in front of Council. We tried – we had proposed weight limitations through various areas, and it does impact a lot of businesses that do a lot of deliveries. So we had made accommodations. For example, if you're doing something locally, you're allowed to go ahead and be in the area. But if you weren't doing something locally, for example, like Front Street, from Shaw Street on down to Puamana, we did do the truck weight restriction in that area. And the only heavy trucks that are generally allowed are those that are doing business locally within the residential area. But we did do a weight restriction and that had to go through Council.

Mr. Starr: Okay, I'd like to wrap it up. And I do hope we can continue it some time when we can get someone from State DOT here as well. And Mike is always here with us. And I do wanna compliment you on a good presentation. I think we've learned a lot. And I also want to compliment the Department on the openness and flexibility and willingness to look for new and constructive solutions. So thank you very much, Mike.

Mr. Miyamoto: Thank you.

E. ACTION MINUTES OF THE FEBRUARY 10, 2009 AND FEBRUARY 24, 2009 MEETINGS

Mr. Starr: Okay, we will move along in our agenda and action minutes. And I did notice one of them had a typo. And I believe Commissioner Guard and Hedani were excused, and were not – did not vote against something, but I forget what it was. Did anyone else – has anyone made note of that?

Mr. Guard: There was the vacation rental. That was the only one. Oh, the–

Mr. Starr: I think it was on the February 24th, yeah. Oh, here, on the Communications under F.

Mr. Mardfin: What page?

Mr. Starr: Page 4.

Mr. Guard: Oh, change in zoning says "dissenting" instead of "excused."

Mr. Starr: Yeah, so it was just a typo, just those three items. So if someone wants to make a motion, that would be in order.

Mr. Mardfin: So they should be excused rather than dissenting?

Mr. Starr: Yeah.

Mr. Iaconetti: So moved.

Mr. Starr: Is there a second?

Ms. Donna Domingo: Second.

Mr. Starr: Okay, moved by Doctor Iaconetti, seconded by Commissioner Domingo. And I guess that's for both of these—February 10th and February 24th action minutes as corrected? Director, got that?

Mr. Hunt: Yes, we understand. There's several items where they had—

Mr. Starr: Yeah, there were three.

Mr. Hunt: Dissented as opposed to excused.

Mr. Starr: Okay, anything else on this? Okay, all in favor please raise your hand. All opposed? Okay.

Mr. Hunt: Count that as unanimous.

It was moved by Mr. Iaconetti, seconded by Ms. Domingo, then

VOTED: To Approve the Action Minutes of February 10, 2009 and February 24, 2009, as Corrected.
(Assenting - W. Iaconetti, D. Domingo, K. Hiranaga, J. Guard, W. Mardfin, W. Hedani, J. Starr)
(Excused - B. U'u)

F. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues

Mr. Starr: Okay, next is Planning Commission Projects and Issues. And I think at the next meeting we'll have – I'll be asking Long Range to just come with a couple of recommendations on process to begin the General Plan. So if anyone has any ideas or suggestions not about any actual specifics, 'cause we're not actually starting on the process, but just about, you know, how we'll handle meetings and so on, we can begin that discussion next time. And anyone have anything else for that? Director?

Mr. Hunt: I can talk to Long Range. I'm not sure they'll be ready on the 24th, but perhaps the first meeting in April, if they're not. So we'll talk to them and see when they're available. At this point, we were intending on holding the public hearing the second meeting in April, and then that sets your clock ticking, but we could do, as the Chair mentioned, a process meeting just to kind of lay out what's gonna happen without actually holding the public hearing.

Mr. Starr: Yeah, Commissioner Hedani?

Mr. Hedani: I'd like to also make sure that we take an opportunity to recognize the Doc for his five years of service to the Commission at our next meeting.

Mr. Starr: Yeah, at the next meeting, we certainly will. Gonna miss him.

- 2. Discussion of Future Maui Planning Commission Agendas**
 - a. March 24, 2009 agenda**
- 3. EA/EIS Report**
- 4. SMA Minor Permit Report**
- 5. SMA Exemptions Report**

Mr. Starr: Okay, there's an agenda for main items on the next meeting, EA/EIS, SMA reports, anyone have anything on those? Commissioner Hiranaga?

Mr. Hiranaga: Have we received these draft environmental assessments . . . (inaudible) . . . ? I don't recall seeing them.

Mr. Starr: Carolyn says no. Okay, so there's a question about what the status is on that. Anything else? Commissioner Hedani?

Mr. Hedani: Do we know what the status is of the replacement Commissioner for Commissioner Pawsat?

Mr. Starr: She was approved by the Council last Friday. I actually thought she would be here because she's a Commissioner now. Hopefully next meeting we can welcome her. Next meeting, Carolyn says she'll be here.

Mr. Hedani: Who is that?

Mr. Hunt: Lori Sablas.

Mr. Hedani: Oh, okay.

Mr. Starr: I believe that the person who's gonna replace Doc is Warren Shibuya who has passed the Committee, the Committee of the Whole, and it'll go before the Full Council at the next Full Council meeting. Commissioner Hiranaga?

Mr. Hiranaga: I was just noting, I guess, today we had a fairly light agenda. And it looks like next meeting is a fairly light agenda 'cause these are all old business. I'm just wondering—are we all caught up?

Mr. Starr: Yes. This is everything that the Planners have ready. And I've even pushed them and challenged them to get more projects, tried to get more, and this is, you know, as far as we can go. So I wanna compliment the Commission on being good at moving stuff forward and getting our job done. We're not the problem.

Mr. Hiranaga: Has the number of applications been reduced? Or is there--?

Mr. Hunt: Actually, the number of private applications have been reduced, but we are receiving a number of public applications. So I wouldn't anticipate this to be a long term trend. I think it's just a temporary position on your agenda that you're not gonna have that many for a while. Some things to think about like I mentioned, you have the public infrastructure projects that the public now is starting to gear up . . . to beware of this that B&Bs are going to start generating a number of reviews by you. There are certain triggers for those B&Bs to go to the Planning Commission.

Mr. Starr: Any idea of the dynamics of that--the numbers?

Mr. Hunt: We're up to 41 applications, and I believe maybe a third of those are on ag land. So the ag lands all have to come to you for the SUP. And then the other thing that's becoming interesting is there's a number that are getting within that 500-foot. If there's another one within 500-foot that's already been approved, it triggers a public hearing before you folks. And that's actually starting to come up a lot. Maui Meadows and also in the Paia-Haiku area, there seems to be concentrations of these.

Mr. Mardfin: Is there any opportunity -- if we have like an afternoon like we're gonna have to work on GPAC, or would that have to be noted in an agenda beforehand?

Mr. Starr: That's what -- that was what we were looking to have a brief discussion with either next time or the meeting after just to see what the feeling is of the Body and of the Long Rangers on how to handle that kind of stuff.

Mr. Mardfin: I was just thinking if there'd be any legal requirements of notification if -- when we happen to come up light that we can use the time to deal with it, or whether we can--

Mr. Starr: We'll discuss that at either the next meeting or the meeting after when it is on our agenda to discuss it.

Mr. Hunt: But it has to be on your agenda before you can discuss it. So we would've had to have known ahead of time. We can't just say, hey, we're done early today, let's take advantage of the time.

Mr. Starr: Or we might create a catchall that doesn't involve decision-making or something, or we can discuss that when we have that discussion. Okay.

G. NEXT REGULAR MEETING DATE: March 24, 2009

Mr. Starr: Okay, the next meeting is March 24th and it will be Doc's last meeting, and we're gonna miss him. He's been great to work with. Anyway, everyone, aloha 'til then.

H. ADJOURNMENT

The meeting was adjourned at 12:10 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Jonathan Starr, Chairperson
John J. B. Guard IV, Vice Chairperson
Donna Domingo
Wayne Hedani
Kent Hiranaga
William Iaconetti
Ward Mardfin

Excused

Bruce U'u

Others

Jeff Hunt, Planning Department
James Giroux, Department of the Corporation Counsel
Mike Miyamoto, Department of Public Works