

MAUI PLANNING COMMISSION

COUNTY OF MAUI

JUNE 16, 2009

REGULAR MEETING

Held at the Department of Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku Maui, Hawaii, commencing at 9:00 a.m. on June 16, 2009.

REPORTED BY: JEANNETTE W. IWADO, RPR/CSR #135

1 ATTENDANCE
 2 MAUI PLANNING COMMISSION
 3 REGULAR MEETING
 4 JUNE 16, 2009
 5
 6
 7 CHAIRMAN: WAYNE HEDANI
 8 COMMISSION MEMBERS: KENT HIRANAGA
 9 BRUCE U'U
 10 LORI SABLAS
 11 WARD MARDFIN
 12 JOHN GUARD IV
 13 EXCUSED: DONNA DOMINGO
 14
 15 PLANNING DEPARTMENT: JEFFREY HUNT
 16 JOHN SUMMERS
 17 DAVID MICHAELSON
 18 JULIA STALEY
 19 SIMONE BOSCO
 20
 21 DEPUTY CORPORATION COUNSEL: JAMES GIROUX
 22
 23 SECRETARY: JOY PAREDES
 24
 25

1 MAUI PLANNING COMMISSION
 2 REGULAR MEETING
 3 JUNE 16, 2009
 4 TRANSCRIPT OF PROCEEDINGS
 5
 6 CHAIRMAN HEDANI: The Planning Commission meeting
 7 of June 16 will come to order. I'd like to welcome everyone
 8 to today's meeting, and the first item of business is the
 9 approval of our minutes of the May 5th meeting.
 10 COMMISSIONER U'U: Motion to approve.
 11 CHAIRMAN HEDANI: Motion to approve by
 12 Commissioner U'u.
 13 COMMISSIONER SHIBUYA: Second.
 14 CHAIRMAN HEDANI: Seconded by Commissioner
 15 Shibuya. All those in favor signify by saying "aye."
 16 (A chorus of ayes)
 17 Opposed "nay."
 18 (None)
 19 Carried. Thank you.
 20 We'd like to open it up to the public at this
 21 point to accept public testimony from any members of the
 22 public that would like to testify at this time.
 23 Do we have a sign-up sheet, Joy?
 24 MS. PAREDES: Yes.
 25 CHAIRMAN HEDANI: The first person that we have to

1 testify is Leslie Bruce. Three minutes, Leslie.
 2 MS. BRUCE: Thank you very much. Good morning,
 3 Commissioners. My name is Leslie Ann Bruce, and I
 4 appreciate the opportunity to share my mana'o with you this
 5 morning. I am going to talk about housing and
 6 infrastructure.
 7 I was a member of the GPAC from Hana, and the
 8 housing crisis in Hana is profound. There's a very fragile
 9 nature of the East Maui culture, and it's been very highly
 10 impacted by the effect of 50 percent of the housing being
 11 currently owned by offshore owners. What we need now in
 12 Hana is an up-to-date study of the housing crisis that gives
 13 us actual facts on numbers of persons per household, and the
 14 actual need in Hana for housing for the people that were
 15 born and raised there. Their needs have not been served
 16 recently.
 17 We need to get data on the hundred acres that has
 18 been proposed to be offered by the ranch for free to the
 19 people, because there's lots of indications that it's in a
 20 flooding zone. So that needs to be carefully studied before
 21 people are put in harm's way.
 22 Regarding infrastructure, the county needs a study
 23 of mass transit. I'm sharing with you a map you did not
 24 get. When I was a child I had the opportunity to ride the
 25 trains on Maui, and I was on the last train that went from

1 the Kahului train station to the Pauwela Cannery. And after
 2 that, the bridge across Maliko Gulch was blown up,
 3 unfortunately.
 4 We need multi-modul transit for Maui. We need
 5 corridors that will go many places more than are presented
 6 on your Director's recommendation for transit corridors. We
 7 need non-automobile type of transportation for the future.
 8 We need to acquire the corridors now while this land is less
 9 affordable than it will be in the future.
 10 In Hana in particular, to change the subject, we
 11 need a sewage treatment plant. I moved to Hana in 1994, and
 12 I swim a lot, snorkel and fish in Hana Bay, and I've noticed
 13 in that short time a degradation of the number of fish and
 14 the quality of the water and the coral. Many things seem
 15 impacted by what I would assume is the leakage of the sewage
 16 from the residences that have only cesspools. And we also
 17 need to study and analyze the leakage from the dump. We
 18 need to stop the degradation. Thank you very much.
 19 CHAIRMAN HEDANI: Thank you very much, Leslie.
 20 The next person that we have to testify is Angie Hofmann.
 21 MS. HOFMANN: Aloha. My name is Angie Hofmann.
 22 I'm passing out a map I'm going to refer to later. I just
 23 wanted to say a bit about infrastructure and housing.
 24 Because I grew up in Kihei, I have a bit to say about
 25 infrastructure. I happened to grow up in a time of immense

1 population growth there, and the infrastructure still hasn't
2 caught up.

3 About housing, there are more houses for sale on
4 this island for over \$10 million than under \$300,000, and
5 needless to say, none of my high school friends live here
6 any more. Friends of Hawaiian ancestry can't call Maui
7 home. So I'm here to support some of the well thought out
8 policies adopted by the GPAC for housing and infrastructure.

9 For housing, I support the promoting of
10 liveable/walkable communities, mixed use and mixed income
11 towns, prohibiting new gated communities, prioritizing the
12 CIP process for 100 percent affordable projects, promoting
13 resident housing, and minimizing offshore sales impact.

14 For infrastructure, I support making Maui County a
15 model for zero waste. I support programs for keeping
16 watersheds healthy and removing alien plants. I like all
17 the park recommendations that GPAC made: Integrating mauka
18 to makai landscapes in park plans; to identify areas for
19 cultural-historical parks in each plan district;
20 incorporating resident input for park location, planning and
21 care; using the development approval process to acquire
22 shoreline parks and additional parking. All of these are
23 really great recommendations that the GPAC made.

24 The last time I spoke I didn't have a map with me,
25 so I thought I'd bring one with me this time. I said that I

1 commercial activity is prohibited, and now has some of the
2 only coral reefs on Maui that's growing back, which is
3 nearly unheard of.

4 And then "D" is Pu'u Olai, which is pretty much
5 where the UGB is recommended. So I support that. Thank
6 you.

7 CHAIRMAN HEDANI: Thank you very much, Angie.
8 The next person to testify is Jocelyn Perreira.

9 MS. PERREIRA: Good morning Chair, members of the
10 Maui Planning Commission. My name is Jocelyn Perreira. I'm
11 the Executive Director and the Tri-Isle Main Street
12 Coordinator for Wailuku Main Street Association
13 Inc./Tri-Isle Main Street Resource Center.

14 I'm here today to let all of you know that in
15 keeping with what we have done for the past three years in
16 following the GPAC process, we are continuing to follow this
17 process. Many of our communities still have areas that they
18 either need to get clarification or information and maybe
19 get to the heart of some very pointed questions.

20 What we thought we wanted to do was give the
21 Planning Department an opportunity at this forum that you
22 have before you to highlight some of the unique aspects of
23 this new plan that they're really proud of, give them a
24 chance to show how it's very different from the current plan
25 that we have right now. And at that point if you take a

1 agreed with the GPAC recommendation for the Urban Growth
2 Boundary north of Makena State Park. I don't have it drawn
3 on the map. I'm pretty sure it's like right above the big
4 red hill, Pu'u Olai, but I've noted some important areas on
5 the map, and I feel like if that UGB was adopted that a lot
6 of these park policies would be implemented just naturally.

7 "A" on the map is Oneloa Beach, aka Big Beach, in
8 the Makena State Park where many visitors and residents come
9 to this beach regularly, especially the young locals, who
10 use the beach for recreational activities. Both the
11 visitors and residents come to enjoy the natural setting
12 with not much visible development. This park has the mauka
13 to makai landscape that the policy talks of, and the UGB
14 would ensure that it's kept that way. Oneloa is also a
15 habitat for many native species.

16 "B" that I've noted on the map is across the
17 street where the golf course is, and there's a very high
18 density of archeological sites in the undeveloped parts.
19 Like I said last time, it's got some of the highest density
20 of archeological sites in the Wailea/Makena area. So if
21 this urban growth boundary was adopted and upheld by trading
22 development rights, there would be a possibility for a
23 cultural-historical place, as the policy suggests.

24 I'm just going to finish up real quick. "C" is the
25 Ahihi Kina'u Natural Area Reserve, where fishing and

1 look at the Whose Who from the small towns, there's a
2 listing of people who are very knowledgeable, very connected
3 with the community, they've been leaders in their own right,
4 that are going to be asking questions, fielding and giving
5 very pointed questions.

6 We've also asked the community to send us
7 questions for consideration, so the committee is hard at
8 work trying to get that information together. We will
9 provide you with the questions and the responses in our
10 report after this, but we urge as many of you to come as
11 possible.

12 Three minutes is great, but oftentimes you cannot
13 get all that you need to express in three minutes, and it's
14 really hard for people to keep coming out during the workday
15 and so on and so forth. So we are trying to facilitate this
16 matter so that every voice is not left without an
17 opportunity to express themselves.

18 We are following and tracking this process. I
19 note that you are on infrastructure, housing and
20 infrastructure. I also note that we have people like Bob
21 Monden, who is very in tune with ag, Rick Medina, who has
22 been very involved with housing, and different people, so we
23 look for balance in all areas.

24 Gender, we look for youthful and young at heart,
25 we look for business persons, we look for long-time

1 residents, we look for community leadership, and people who
2 are very involved with issues that are very important and
3 will be presented in this plan.

4 So it's an effort, a labor of love in many
5 respects, because of the time and effort put forth by the
6 team of professionals and volunteers, and we encourage and
7 invite all of you to come, if you can possibly.

8 Thank you for this opportunity, and we will be
9 continuing to discuss issues with you as this process goes
10 along. Thank you.

11 CHAIRMAN HEDANI: Thank you, Jocelyn. The next
12 person that we have to testify is Dick Meyer.

13 MR. MEYER: Thank you members of the Planning
14 Commission. My name is Dick Meyer, and I was Vice-Chair of
15 the GPAC. I can't represent obviously the whole GPAC today,
16 I don't have that authority, but I can speak on some of the
17 issues that we did discuss and also offer a bit of a caution
18 and a warning to all of you.

19 I am not going to speak about the items,
20 particularly in the infrastructure section. I think the
21 document speaks for itself. Most of them I voted for,
22 although not all of them. There are some that I disagree
23 with, but that isn't my point today.

24 My main point is I like to think of this plan as
25 like a business plan that a business might do, except this

1 effort to try to get that to us, other than a long, long
2 list of various projects, some realistic, some unrealistic.
3 We never got them. We wanted it by five year periods from
4 2010 to 2015 and 2015 to 2020, so five year groups, so we
5 could see whether this plan in any way was realistic.

6 And that's the point I want to ask you. Please
7 make sure that when you make your recommendations to the
8 County Council that you will do what we were unable to do.
9 Please get from the department -- and that's why I'm saying
10 this now, because in a few months, in August probably, you
11 will actually be taking a look at that implementation
12 section, and if it's only the way it is right now in the
13 document you will not be able to make good decisions. There
14 will be no ability to prioritize, there will be very little
15 information there to give you the exact numbers you need.

16 Get a financial plan, not only the cost, but also
17 the revenues. You will see over and over again in the
18 implementation section that you will be going through today
19 that they talk about revenues will have to be increased,
20 revenues will have to be increased, revenues will have to be
21 increased. What they don't say, is it county revenues, is
22 it state revenues, is it the private sector impact fees?
23 Who is going to pay for those fees? That should be part of
24 your plan, otherwise you have no plan. All you have are
25 wishes, desires and goals, without any realistic

1 is the county's plan, and what the county will be doing over
2 the next 20 years. If Wal*Mart or Costco or some other
3 store came in here and wanted to decide where are we going
4 to put a new store, how much is it going to cost, where is
5 it going to be located, et cetera, et cetera, they will put
6 together a plan, see whether the costs and the revenues
7 mesh, and whether it's going to be a worthwhile project.

8 This project has the same constituents in it. You
9 have before you a whole bunch of policies on infrastructure.
10 Many, many of them on solid waste and water and parks and
11 transit and roads, et cetera, et cetera. You will go
12 through those, as we did, without any cost figures. How
13 much are those going to cost.

14 And so what I'm asking you is to look also, as you
15 go today through this infrastructure go back to the back of
16 your binder on page 129, and on the implementation section
17 where you will see a discussion of some of the costs of CIP
18 projects that the county would be putting in or the state
19 might be putting in, and I would like you to feel if you
20 have the information there that you need to make good
21 decisions.

22 We asked, I asked over and over again -- Mr.
23 Shibuya and I sat on the infrastructure committee, and we
24 tried to get a handle on the cost of the infrastructure
25 that's being proposed in this plan. The department made no

1 implementation process available to you.

2 So I urge you, please ask the department today, so
3 that when you're ready to discuss the infrastructure in
4 reality that you'll have the cost figures that you will need
5 to make those recommendations.

6 CHAIRMAN HEDANI: Thank very much, Dick.
7 Commissioner Mardfin?

8 COMMISSIONER MARDFIN: Not surprisingly, you talk
9 as an economist. I had the same kind of comment in my notes
10 here for today's talk on infrastructure. What are the
11 trade-offs and prioritizations? This looks like a Christmas
12 list of everything we want, without consideration for what
13 it's going to cost, what we have to give up, what comes
14 first, what comes second, what do we delete when the crunch
15 comes. And I totally agree with your suggestions that we
16 are going to need more information to be able to do it.

17 You know, it seems to me this Christmas gift list
18 was put together if anybody had an idea we stuck it in. And
19 I don't know if that's the actual case or not, but --

20 MR. MEYER: Yes, all of these things.

21 COMMISSIONER MARDFIN: My question was, I want to
22 know how this was done. Was this done the way it appears to
23 have been done, where anybody who had an idea it got put in,
24 or whether there was a win-in, win-out of these sorts of
25 things.

1 MR. MEYER: The Planning Department gave us an
 2 initial draft of a bunch of goals and things like that with
 3 no numbers attached to them. We then took that and
 4 essentially said that's such a bare bones skeleton, it was
 5 really totally inadequate for what the county would need
 6 over the next 20 years. And so the GPAC went through and
 7 they set up the infrastructure IRC committee, which Warren
 8 was on and I was on, and we had very good people on there,
 9 who went through each of these areas, solid waste, water,
 10 and whatever. And we went through and we got some reports
 11 from the departments concerned.

12 In other cases we knew, having listened to public
 13 testimony, what things should be included, and we put
 14 together what we think is a fairly good list of the areas
 15 where we should improve our infrastructure over the 20 year
 16 period.

17 I note that the Planning Director made almost no
 18 changes in that section in his recommendations to what we
 19 had recommended. But when we asked how much is this going
 20 to cost and is this realistic or whatever, we got no help
 21 from the department at all on this area. They gave us no
 22 support on that. We asked for it on several occasions.

23 CHAIRMAN HEDANI: Thank very much, Dick. I think
 24 you've answered his question.

25 MR. MEYER: I think the Director is trying to cut

1 road will be eventually moved mauka of the pond also. So
 2 that makai side of Kealia Pond, that whole area be added
 3 into that Special Management Area consideration.

4 And the area around Honolulu Bay, that entire
 5 ahupua'a is crucially important and should be added into the
 6 map as well. And maybe if there's a way to add in a few
 7 other areas that some of the community groups have
 8 identified, that haven't been considered.

9 I'd also like to just add in the points that for
 10 our solid waste and wastewater policies, if Maui were to
 11 become a model for zero waste and we also were a model for
 12 reusing and treating our wastewater, and permitting our grey
 13 water usage in such a way that we aren't promoting the
 14 injection well usage any more, and that that's phased out.

15 But this can also be a way of promoting green
 16 jobs, and with that infrastructural change we could actually
 17 be providing a tremendous number of jobs, green jobs, for
 18 our community. So not only will it protect our resources,
 19 support recovering waters that are currently being lost,
 20 support the recovery of stream flow, because potable water
 21 won't be wasted as much, but it will also provide jobs.

22 I'd also like to see that we require bonding of
 23 private multi-user wastewater systems and require regular
 24 reports from private infrastructure systems, and locate new
 25 wastewater plants outside of the tsunami zone. And not

1 me off.

2 COMMISSIONER U'U: No, the Chair is.

3 CHAIRMAN HEDANI: Thank you very much, Dick.

4 The next person that we have to testify is Hannah
 5 Bernard.

6 MS. BERNARD: Aloha. I'm Hannah Bernard,
 7 President of the Hawai'i Wildlife Fund, and I'm speaking
 8 representing that non-profit organization dedicated to the
 9 protection of our native wildlife, in addition to myself as
 10 an 18 year resident, and mother of two children I've raised
 11 here.

12 I'm very pleased with the progress that's been
 13 made with the GPAC process and the way that the Planning
 14 Department has weighed in favorably in so many ways. I'd
 15 just like to add my voice in agreement to the previous
 16 speakers. In particular, with what Angie Hofmann said in
 17 regards to the housing policies and the multi-modal
 18 transportation, and Leslie Bruce with housing and
 19 development in Hana, and Dick Meyer with economic concerns
 20 and costs.

21 And I'd also like to add a couple of things. With
 22 the maps in the way that they're currently proposed, and
 23 adding some special management areas status for our reef
 24 protection, I'd like to suggest that the area mauka of
 25 Kealia Pond be added in, because I do understand that that

1 necessarily depending on industry or private development to
 2 support that relocation, but looking at other options for
 3 the county to be able to be responsible for that. I'd also
 4 like to see us develop site selection studies for water
 5 storage facilities in each planning region.

6 And to sum up, just in general supporting the
 7 programs that keep our watersheds healthy, and remove alien
 8 plants both on land and in the water. Mahalo.

9 CHAIRMAN HEDANI: Thank you, Hannah. The next
 10 person that we have to testify is David Goode.

11 MR. GOODE: Good morning, Chairman, members of the
 12 Commission, Director. I'm David Goode, president of KSD
 13 Hawai'i here this morning, and I want to talk about housing
 14 a little bit. First, I want to commend the Commission
 15 because I understand that you're on schedule. I hope you
 16 make it. Congratulations so far.

17 Housing. I think one of the speakers earlier
 18 talked about the liveable communities. I say great, I mean
 19 that's absolutely what we need. Liveable communities means
 20 people will live there. It means people will buy there.

21 Community for residents is extremely important. I
 22 know there's a lot of policies and goals within that
 23 category. I totally support that, and I have a good feeling
 24 that's going to move through.

25 As it relates to affordable housing in general,

1 affordable housing or workforce housing, there's two key
2 ingredients that need to be done, rather than the laundry
3 list that you see in front of you, which is almost like a
4 Housing and Human Concerns To Do List.

5 Two main things: Expedite permits. I'll say it
6 again, expedite permits. It's in the there, it's in the
7 back section. It's got to be everywhere, and that's how we
8 will get things done more than anything. Any kind of
9 permit.

10 We did a workforce housing project in Makawao. We
11 had to get an appeal from the Board of Variance and Appeals.
12 There's no expedited permit process within that, you know,
13 they had time limits from the BVA. There's nothing outside
14 of that that makes it go quicker. So that's just one
15 example out of many. But expedited permits.

16 The second thing is to have reasonable supportable
17 requirements for workforce housing. The current workforce
18 housing requirements are 40 percent, 50 percent. It doesn't
19 work. I think you all know that. And I think the Council
20 knows that, and they're going to try to address that, but
21 I'm not sure what they're going to end up with.

22 But what we really need to do is just simply have
23 a study that can be updated on an annual basis so that we
24 know what the current requirements should be that's
25 supportable, and have that as the mechanism. And again, it

1 a year from now or two years from now? Okay, I don't think
2 so either. So I would suggest you just can that whole
3 section. That's not something that government should be
4 doing. Expedite permits and have reasonable workforce
5 housing percentages that are justifiable. Thank you.

6 CHAIRMAN HEDANI: Thank you. Question from
7 Commissioner U'u.

8 COMMISSIONER U'U: Good morning, Dave.

9 MR. GOODE: Good morning.

10 COMMISSIONER U'U: I know there's a process for
11 the affordable housing policy we have, and the state process
12 mainly, if I'm not mistaken, 51 percent affordable is fast
13 tracked, supposedly fast tracked. I don't know much about
14 the two, maybe you do, but what would be the major
15 difference between going through the state process and going
16 through the county process?

17 MR. GOODE: Commissioner U'u, the main difference
18 on the state side, which is still a county approval, a
19 201-H, is that it's essentially got a change in zoning. So
20 you're taking generally an agriculturally zoned piece of
21 property and changing the zoning.

22 Jesse Spencer is a good example. Within the
23 county process you can have the 40 or 50 percent levied at
24 any time. It could be a building permit if it's a
25 multi-family, it could be a subdivision, or it potentially

1 will be built if we can follow those two things, expedited
2 permits and reasonable, supportable, affordable housing
3 percentages.

4 I wanted to comment again, I just ran through the
5 whole housing matrix. I think there was something in there
6 about time limits on permits. Current SMA permits, which
7 you folks grant. Have time limits for start construction
8 and complete construction. We're used to it within the
9 development community in dealing with that. We are not used
10 to -- and I am not sure where this is going for what's in
11 the report, whether you are looking at a change in zoning,
12 say you had a change in zoning that's only good for five
13 years, or you're looking at subdivisions.

14 Currently in this current economic environment you
15 wouldn't want to have these types of time limits, because it
16 will just further kill things from happening. So I'm a
17 little unclear as to what exactly the Commission might be
18 looking at or the GPAC was looking at, but I am not in favor
19 of time limits on changes in zoning in particular. I'll
20 wrap up in a minute.

21 And finally, there's a fair amount of verbiage in
22 here talking about the government should predict economic
23 cycles and adjust accordingly. Do you think anyone could
24 have predicted two years ago what we have today? Do you
25 think anyone in government will know what's going to happen

1 could be a change in zoning. So I look at the state 201-H
2 process really as like a change in zoning.

3 CHAIRMAN HEDANI: Thank you very much, Mr. Goode.

4 MR. GOODE: You're welcome. Thank you.

5 CHAIRMAN HEDANI: Are there any other members of
6 the public that would like to offer testimony at this time?
7 Please step to the microphone and identify yourself for the
8 record.

9 MS. DeNAIE: Good morning Planning Commission
10 members. Lucienne DeNaie testifying as a concerned ex-GPAC
11 member. I served on both the housing committee and the
12 infrastructure committee, and I just want to comment on a
13 few of the policies that you would be reviewing today.

14 First of all, I do support the expedite permit.
15 All of us have to get permits for things, and the process
16 could be made a lot better for every homeowner and every
17 developer. However, to think that that will solve
18 everything, I am not sure I would agree with Mr. Goode. I
19 think that we need checks and balances, as in all things.
20 When you're raising your kids you want to give them checks
21 and balances, and I think if you are building a community
22 you want to do the same thing.

23 As to the idea of getting more information, this
24 was a very important concept that came out, whether it is
25 the government's responsibility or not. We are operating on

1 information that is often three, four, five years behind.
 2 There must be a way, with all of our great state research
 3 facilities, the Office of Economic Development and so forth
 4 and so on, that we can track trends. We are not saying look
 5 in a crystal ball and see what's happening five years from
 6 now, we're saying let's get some current information about
 7 what the figures are for this year, for last year. A lot of
 8 times these studies we're basing things on are like four or
 9 five years old.

10 And Susan Moikeha, I don't know if she spoke to
 11 this earlier, but she was the one that brought up this
 12 language. And it's very important that we base decisions on
 13 the latest information that we can possibly get, and that's
 14 what that's about. So I hope you respect the fact that
 15 that's where we're going with this language.

16 Also, the idea that there should be reasonable
 17 numbers set. I think one of the reasons we have the
 18 affordable housing policy and the workforce housing policy
 19 we have now is because reasonable limits were set in the
 20 past. Maui Lani was required, I believe, to build 15 or 20
 21 percent affordable housing. It didn't happen. It's being
 22 built now, 20 years later. Next to the dump, I might add.

23 You know, I think that the market doesn't always
 24 deal with these things as we might imagine it would.
 25 Government does need to step in, have a firm hand. Yes, the

1 respond to your testifiers, I want to hear what your
 2 concerns are. So if this is the only opportunity, I'll take
 3 this.

4 CHAIRMAN HEDANI: We all know you, but can you
 5 identify yourself for the record?

6 MS. MOIKEHA: Susan Moikeha. I was a previous
 7 GPAC member. I guess we're still in existence out there in
 8 the world. I do have some concerns about some of the things
 9 I heard. Again, I'm trying not to respond to their
 10 concerns, but if they put it out on the table I want to make
 11 sure you understand.

12 This whole concept of understanding an economic
 13 cycle is important to housing, and one of the resource
 14 materials that you gave or were given was the John Knox
 15 report. And I hope you took the time to read that, because
 16 a lot of what came out of there appeared in this document on
 17 the housing element.

18 My concern is if we haven't articulated it to the
 19 point where people are misunderstanding and thinking we're
 20 trying to predict an economic cycle, then I would say go
 21 back and try and do something about that. You need to
 22 understand that housing has to be looked at in the context
 23 of what economic cycle we're in. We enacted an ordinance in
 24 this county at the peak of the cycle, and how much
 25 affordable housing is in play today?

1 numbers can be adjusted, but I think when people quote the
 2 40 to 50 percent requirement, that they need to realize that
 3 that includes the gap housing, not just the affordable
 4 housing. It's a broad spectrum, and that's why the
 5 percentage is high. The percentage of actually affordable
 6 housing 100 percent or less of the median income by HUD is
 7 around 20, 25 percent of what that requirement puts in
 8 place.

9 There are some other very good policies that were
 10 embraced in the infrastructure section, and I think one of
 11 the most important ones is to try to give some
 12 accountability to private water and wastewater systems. We
 13 don't want a repeat of Molokai Ranch. We need to think
 14 ahead. Thank you.

15 CHAIRMAN HEDANI: Thank you very much, Lucienne.
 16 Are there any other members of the public that
 17 would like to offer testimony?

18 MS. MOIKEHA: I had a question. Just for
 19 clarification, will there be testimony later after your
 20 discussions and before you vote on these items, or is this
 21 the only opportunity?

22 CHAIRMAN HEDANI: I would take the opportunity at
 23 this point. I am not sure if we are going to have testimony
 24 again.

25 MS. MOIKEHA: I mean I really didn't want to

1 I think Dave Goode mentioned he was the first
 2 under that ordinance, and I think his project sold three
 3 houses. And yet don't get that confused with other zoning
 4 requirements out there on some other major projects where
 5 they weren't subject to the ordinance. So it's important
 6 that you look at that. And if we haven't done a good job of
 7 doing that, go back and try and work that. But we need to
 8 gather data.

9 For instance, in the original draft that came out
 10 in the department they wanted to reduce offshore by 25
 11 percent. Well, where did that number come from? There was
 12 no basis for that anywhere. And one of the things we called
 13 out here is get the data, because how do you know when an
 14 offshore buyer buys a home here that they're not renting it
 15 to a local resident? You don't know that, and there was no
 16 data to support that number. So I would encourage you to
 17 look at that in that context.

18 The other thing that I wanted to mention is, there
 19 is a section on what we would want to have in any housing
 20 ordinance, and we have a current housing ordinance.
 21 However, my understanding is that that's being challenged in
 22 a court of law. There were some key things that we called
 23 out in here, and we would like you to give that
 24 consideration also in any kind of ordinance that we might
 25 have.

1 We stayed away from discussion on the percentages,
 2 and I think personally I have my feelings about that. I do
 3 feel that we came into this, again, at a high top of the
 4 market, and we're calling out 40 to 50 percent affordable
 5 housing. What did we get from that? Nothing, or very
 6 little. So that needs to be looked at, but I am not sure
 7 this is the document to do it. Maybe that needs to stay
 8 where it is right now, and that's at the Council.

9 We called out some other important things that
 10 pertained to housing in Section 3-B. I think it's on page
 11 6. Please look at those. We support those. We also
 12 support the importance of pricing, and that's part of the
 13 current ordinance today too. It's left up to the Director
 14 to determine the pricing of the sale of an affordable home
 15 within certain brackets of the HUD guidelines, and each
 16 developer has to give so much of each category.

17 My time is up, but I would ask you to consider
 18 those things. Thank you.

19 CHAIRMAN HEDANI: Thank you very much, Susan.

20 Are there any other members of the public that
 21 would like to offer testimony at this time?

22 Seeing none, public testimony is closed.

23 Director?

24 DIRECTOR HUNT: Your next agenda item involves a
 25 staff presentation on the Draft Maui Island Plan's

1 particularly with infrastructure, don't go up in a linear
 2 fashion, they go up in an expedient fashion. And that's
 3 sort of one of the financial challenges that Dick has
 4 pointed out, and I think it's very warranted.

5 The second is that we've historically on Maui not
 6 taken into consideration the cumulative impacts of project
 7 approvals. Angie mentioned this in terms of her experience
 8 growing up in Kihei during the seventies and eighties, an
 9 explosion of development. Infrastructure never kept up with
 10 that. And at the same time we weren't looking at all of
 11 these approvals cumulatively in terms of impacts to water,
 12 sewer, roads, parks, schools, the whole gamut. A lot of the
 13 policies that are proposed in the GPAC draft and the
 14 Director's draft get to that. It talks about concurrency
 15 planning and things like that.

16 So first of all, infrastructure is not a very sexy
 17 planning topic, and I apologize for that, but I want to take
 18 you just through the backbone of what's out there and where
 19 we're at in terms of water systems. You will see, I won't
 20 take you through each and every one of these, but look at
 21 the status, and there's a pattern. Everything is either
 22 approaching capacity or we're not improving systems, we're
 23 simply maintaining them. And what happens is, the longer
 24 you maintain them, instead of figuring out systematically
 25 what's wrong with them, you fall further and further behind.

1 infrastructure element. So again, what we're doing is we're
 2 giving you a presentation regarding each element, and then
 3 that allows you to discuss that element later on when time
 4 allows.

5 Just to jump ahead a little bit on the agenda, we
 6 will be going back to housing, because you were given your
 7 staff presentation on housing at a previous meeting. So
 8 this is just setting the table. Should you get through
 9 housing, then we would have time to go through the
 10 infrastructure element today. With that, I will turn it
 11 over to Dave Michaelson.

12 MR. MICHAELSON: Thank you, Jeff. Mr. Chairman,
 13 Commission, good morning. My name is Dave Michaelson. I'm
 14 with long-range planning. I'd like to give you a very short
 15 presentation on infrastructure. Also, I have great respect
 16 for Dick Meyer and his work with GPAC, his dedication, but I
 17 think I've got to respond to a couple of his points in terms
 18 of staff's support of GPAC, and I'll do that at the tail
 19 end. So with that, Susan, could you get one of those
 20 switches? I think it's the back lights.

21 First of all, infrastructure on Maui has two
 22 realities to it. The first is just basic deferred
 23 maintenance. It's like going to the dentist, it's like
 24 painting your house, it's like changing the oil in your car.
 25 The longer you don't take care of those things, the costs,

1 The same thing with wastewater. In terms of the
 2 Wailuku-Kahului wastewater plant, not only is it approaching
 3 capacity but it's in a tsunami zone, and there's a
 4 recommendation coming from GPAC to start long-term planning
 5 of relocate that system. Lahaina it's essentially off line.
 6 Kihei capacity remaining. But the regional transmission
 7 lines, same thing. We know there's problems, but we're
 8 simply maintaining them and we are not dealing with some of
 9 the long-term issues associated with those lines.

10 School systems same thing, over capacity, over
 11 capacity. Capacity remaining over capacity. The things
 12 with the school system, it's kind of funny when you look at
 13 the demographics of school. It comes and goes, it goes up
 14 and down, but this is essentially a long-term trend, and I
 15 personally don't see that changing.

16 The same thing with the roadway system, and this
 17 is also a pattern. We've seen little or no significant
 18 infrastructure financial contribution for 20 years, with the
 19 exception of some of the state systems that have come on
 20 line recently.

21 Harbor facilities and hospitals. One thing that's
 22 very important, our draft, the department draft didn't
 23 really talk about hospitals or harbors or airports. GPAC
 24 did. And I'll talk a little bit about those elements that
 25 are in the plan. But the same scenario, it's either over

1 capacity or we're just kind of sort of patching it up as we
2 go.

3 Parks and Recreation, this is kind of a difficult
4 thing to get your hands on, because these are based on
5 national standards, and in some cases they don't apply to
6 Maui. I mean we recreate island style. Dave's favorite
7 surf break is not calculated in this relationship between
8 population and parks. Aunty and uncle's barbecue pit in the
9 back yard does not compute in terms of how the mainland
10 figures out standards. Needless to say, we're behind. And
11 we hear that wherever we go in the public that talks about
12 not only the condition of existing recreational facilities,
13 but the fact that they are at capacity.

14 This is where the rub is, and this is where I go
15 back to the sort of deferred dentist visit, if you will.
16 And this data is a little old, it's about three to four
17 years old. And I wanted to also talk in reference to some
18 of Mr. Meyer's comments about data acquisition for the
19 county.

20 But our revenues in this period, it was about a
21 ten year period, were increasing about 1.3 percent. A
22 little less than inflation. The Consumer Price Index, which
23 is what you and I buy our groceries, was a little bit higher
24 than that. Construction costs on Maui in that window, and
25 it's still occurring right now, is essentially tracking

1 didn't have a process to really reflect the impact of those
2 developments on infrastructure and help fund it.

3 The problem is that there are a multitude of court
4 cases that highlight the idea that when a developer comes on
5 line, the only thing he or she is responsible for is their
6 incremental impact on infrastructure. In other words, let's
7 say they're going to put a thousand trips on a highway
8 that's carrying 32,000 cars a day. They're only accountable
9 for their contributions. So if you're already behind, you
10 have to find other funding sources than just relying on the
11 development community.

12 That's one reason why the directed growth strategy
13 was developed, was to ensure that future growth occurs in
14 areas that puts the least burden on tax dollar funds to
15 provide the services associated with that development.

16 This is kind of -- first of all, I'm very
17 graphically oriented, all right, and I was thinking when I
18 went through the infrastructure, if you will notice, I went
19 through housing and tried to sort of get my hands around it,
20 and I went through and I deleted policies where policies
21 were duplicative in another element.

22 With infrastructure it was like a ball of hair for
23 me, to be quite frank. That's not to say that the policies
24 aren't good, but to try to do what I did with housing, which
25 is sort of a strategic insertion, if you will, was very

1 about three times county revenue. So in other words, every
2 day we don't fix something it's going to cost us more.

3 The other unique thing about Maui which you don't
4 really see that much on the mainland is we've got all these
5 multiple layers of government doing different things. And
6 one difference between the GPAC draft and the department
7 draft is if it was the state's kuleana we didn't deal with
8 it at nearly the level of detail that GPAC went into. And
9 you'll notice that when you go through the draft.

10 Then we've got county responsibilities which we
11 can in fact fund and improve, all right, without going
12 through a really exhaustive process. Then you've got these
13 shared relationships, which are very complicated. And GPAC
14 took the tone that even if it was the state's kuleana, the
15 county can insert itself in that decision-making process to
16 a certain extent and put pressure on funding sources and
17 things like that, so you will see. That is a pretty
18 distinct difference.

19 So this idea of a clear county policy has not
20 really occurred, at least in my mind, over the last 15 or 20
21 years, and probably represents the most fundamental policy
22 shift suggested by GPAC. And that's that, first of all, we
23 are going to put development in the most efficient place we
24 can, and here is why. Remember what I said, in 1970 and
25 1980 we didn't see this development coming on line. We

1 difficult, so I tried to put it in something that Dave's
2 mind could understand. And when the April 2008 draft came
3 out, which is in your binder, there was a perception on the
4 part of the GPAC, and I think on the part of the public to a
5 certain extent, that some of the policies were light, if you
6 will. That it took sort of the easiest sort of direction.

7 When GPAC started going through it they
8 essentially took it in a completely different direction in
9 terms of specificity, which in some cases is perfectly
10 appropriate. But I think in reality there's a place in
11 between the 2008 draft and the GPAC draft that we're really
12 trying to get to, and I did my best with housing, and we
13 will see how infrastructure goes. So I think that we're
14 getting there.

15 I think when I look at what you guys have done
16 with the four other elements, we have done that. Now
17 infrastructure, I've got to tell you, is going to be a
18 challenge. In my experience doing this for 30 years, I've
19 seen plans that have less policies for similar jurisdictions
20 in terms of population and land mass, that their entire
21 document has less policies in what's in infrastructure. I
22 believe there's 61 pages. So I would suggest that we do our
23 best to try to get our hands around that, and I will
24 certainly help you as staff in terms of what I can do.

25 In terms of Dick's comments, first of all in

1 defense of my staff, we spent hundreds and hundreds of hours
2 responding to specific data requests from GPAC members. In
3 a lot of cases my staff members were not compensated for
4 that time. They came in on the weekends, they worked
5 nights. Somehow my cell number got out there, all right.
6 My wife would like to talk to you about that sometime.

7 But generally with infrastructure planning, and
8 again, this is coming from doing this for a very long time
9 in a lot of different places, generally you get down to the
10 financial specificity after policies are adopted. In other
11 words, okay, we are going to establish a mag lev system for
12 Maui. Well, I am not going to spend thousands of hours of
13 staffing consultant time to figure out what that's going to
14 cost until political powers that be say, "Tell us what a mag
15 lev system is going to cost."

16 Also, the numbers are very hard to get to from in
17 Maui and Hawai'i in general just because we do CIP planning,
18 quite frankly, through the annual budget process. There's
19 not a 20 year CIP plan for Maui County. There never has
20 been. We would like to see that happen. But you don't
21 create that within a two year process, all right, you
22 establish that as a policy directive in a plan, all right,
23 and I think that we've done the best we could.

24 So with that, like I said, I think you are going
25 to have to be very careful with this element. There's a lot

1 of great policies in it, I will not dispute that. And in
2 fact, as Dick recognized, the Director's draft didn't
3 deviate a whole lot from that. But the first idea is
4 prioritize, the second idea is develop sort of the spread
5 sheet that Dick is requesting. And when we get to that
6 point we'll throw everything we have at it.

7 With that, are there any questions? There are
8 several studies. You have an infrastructure assessment that
9 was done I believe in 2004 that was in your technical
10 studies, it's also on the web. It's quite detailed.
11 There's also a transportation infrastructure analysis that
12 was done as part of the plan as well. And John is probably
13 the best staff person to address some of those specifics. I
14 will do what I can.

15 Also, in terms of housing I brought Susan in to
16 help with this. At my advanced age I've finally faced the
17 fact that I can't remember the genesis of 900 policies over
18 three-and-a-half years. Susan was on the housing IRC and
19 she can answer those questions. In addition, both Dick and
20 Warren were very instrumental in the infrastructure section,
21 and whenever it's convenient I am going to defer to them to
22 clarify where any specific policy came from.

23 CHAIRMAN HEDANI: Questions for Dave?
24 Commissioner Starr.

25 COMMISSIONER STARR: Yes, regarding trying to keep

1 up with infrastructure, I served on the Board of Water
2 Supply and also with the Operations Committee involved with
3 the budget, and it was impossible for the department to
4 spend even as much as 50 percent of the CIP money each year
5 because the process, the procurement process was so
6 difficult and keeping the staffing, you know, with an
7 annualized budget, keeping the staffing to be able to get
8 the projects designed and get them out was just impossible.

9 So that, you know, and that continues to this day,
10 what where our pipelines are aging faster than we're
11 replacing them, so the average age of the system gets older
12 each year, the leakage increases.

13 I'm trying to figure out how we can create a
14 process that does business in a different way. And you
15 mentioned something that kind of struck my mind, you know,
16 talking about a 20 year CIP process, where you get rid of
17 the dips and you staff up to, you know, for the long run.
18 How can we kind of change our way of doing business? I know
19 we don't quite want to sovietize the thing.

20 MR. MICHAELSON: I would have used a different
21 parallel. I think the point is it's a systematic shift. In
22 other words, as I mentioned earlier, when you do CIP
23 planning within single budgetary cycles, a sewer line is not
24 nearly as intriguing as a park or affordable housing, or
25 things like that. So I think what you have to do is sort of

1 de-politicize, to a certain extent, infrastructure. Put it
2 by itself and say this is what we are going to do over the
3 next ten years, and we are not going to tear it apart every
4 budget cycle.

5 The problem that we're facing -- and Dick is right
6 in this -- the numbers are absolutely daunting, all right.
7 I mean if you want to get to a level of service, and I don't
8 want to get real mathematical about it, but to get to a
9 level of service that a lot of communities would expect for
10 roads, for example, on Maui, it would blow the doors off
11 every single budget cycle.

12 And that's one of our concerns as staff when we
13 looked at the infrastructure section. Dick is right that
14 there's no concrete numbers, but intuitively as staff we
15 looked at it and went, my God, this is all the county is
16 going to do, is build roads, water, schools, hospitals,
17 harbors, airports, mass transit systems. So without that 10
18 or 20 year sort of focus it's very difficult. So that's the
19 shift that's got to occur.

20 HEARINGS OFFICER: Any additional questions for
21 Dave? Commissioner Mardfin.

22 COMMISSIONER MARDFIN: I'm trying get my hands
23 around this whole thing. Is it possible -- this is one big
24 infrastructure thing, but you have broken it down into
25 subsets of things. I can imagine that we could do it one of

1 two ways. We could sort of prioritize among these things,
2 but that doesn't strike me as the way to do it. I don't
3 think we should prioritize solid waste as opposed to
4 schools. I think you treat each one sort of independently,
5 and down the line it will be the political process and the
6 County Council and the Mayor that will determine this one
7 gets this funding and this one gets the other funding.

8 What we ought to be doing, I think, and correct me
9 if you don't think this is the right way to go, we look at
10 these sort of independently of each other and get guidance
11 policies. Some of the things that upset me in here were
12 that particular buildings practically were being suggested,
13 and that I don't think should be in this kind of a plan.
14 But if it is, I want to put in my own little cherries.

15 MR. MICHAELSON: First of all, cherries? I like
16 that. That makes infrastructure a little more interesting.
17 Your strategy is correct, and when I said prioritize I
18 didn't suggest that you prioritize the elements, you
19 prioritize the policy directions that are within those
20 elements and then let the political process unfold.

21 Keep in mind that how it occurred with GPAC,
22 particularly in this element, was that -- and Dick has
23 pointed this out -- that the perception was that the 2008
24 draft was missing so many elements that it almost turned
25 into a policy free for all, literally. And as staff we felt

1 through this plan or is that something that has to be done
2 outside of this through separate ordinance?

3 MR. MICHAELSON: John, if you want to jump in
4 here, feel free. But it seems to me that at this point in
5 time what you're really looking for is an order of
6 magnitude. I don't know if anyone has ever been involved in
7 real feasibility studies. I have. Often times you spend
8 more money doing a real feasibility plan than you would
9 doing a comprehensive plan. You're talking millions of
10 dollars.

11 So I think that's where you stay at a little
12 higher altitude, order of magnitude. Then if you select an
13 alternative, let's say relocating the Wailuku-Kahului
14 treatment plant, well then obviously you are going to get it
15 down to dollars and cents. But I just don't think that's
16 appropriate at an island plan level, I just don't.

17 CHAIRMAN HEDANI: Commissioner Shibuya.

18 COMMISSIONER SHIBUYA: Dave, I just wanted to get
19 your feedback on this. This is on the division inputs.
20 They're very familiar with what's going on in terms of
21 maintenance and they're looking over the horizon too.
22 That's part of the budgeting process. What's your feel in
23 terms of having them work with us, the decision-making
24 versus the planners, and what do you see in terms of
25 benefits coming out with this type of working relationship?

1 that we had an obligation in terms of transparency to
2 provide all that to the GPAC as a whole, and they adopted
3 it. That's how it went down, and that's how GPAC chose to
4 do it, and the IRC as well.

5 So I think if I was drafting it I probably would
6 have done it a little differently. But again, it's GPAC's
7 draft and we felt that we had to bring that forward through
8 the process.

9 CHAIRMAN HEDANI: Additional questions?
10 Commissioner Starr.

11 COMMISSIONER STARR: Yes, to follow up on that
12 infrastructure discussion, I really think we need to change,
13 radically change the way we do business. When I travel
14 throughout the mainland or through Europe or Japan I see a
15 lot of investment being made in infrastructure, whether it's
16 waste to energy plans or efficient sewage plans or light
17 rail and other multi-modal types of stuff. And we are not
18 -- we can't even really consider those kind of large scale
19 projects here, we're more kind of on a third world level
20 with the way we deal with it. Even what we propose doing,
21 only a portion of it actually gets implemented each year,
22 and a lot of it gets stretched out.

23 If we want to go to a longer term way of looking
24 at it and looking at it more overall in terms of cost and in
25 terms of what we need to do, is that something we can do

1 MR. MICHAELSON: That's the only way it's going to
2 work. I mean planning divorced from the folks, the boots on
3 the ground, I mean that's a huge mistake. The way we
4 approached it with the April draft, as I think we explained
5 it to you, we met with all the agencies, got their feedback.
6 And I think now our position is GPAC has made the
7 recommendations, and you folks had their testimony prior to
8 making your decisions.

9 I think following the Planning Commission's
10 recommendation, we are going to have to go back to those
11 agencies just like we did before, sit in a room and talk
12 about the implications of this in terms of not only their
13 day-to-day functions but their long-term planning process.
14 Because if we're not on the same page none of that is going
15 to work. Does that answer your question, Warren?

16 COMMISSIONER SHIBUYA: Yes.

17 CHAIRMAN HEDANI: Additional questions for Dave?
18 Commissioner Mardfin.

19 COMMISSIONER MARDFIN: In looking over the
20 document on infrastructure there's a lot of things where the
21 Director has said in the Director's recommendation "Delete,
22 this is covered under watershed" or "Delete, this is covered
23 under something else."

24 I think that's good, but I think at some point we
25 need a system of cross tabs. I don't mind having a place

1 where it shows up once, but then when we get to
2 infrastructure there ought to be a note at the end of a
3 section saying "and see also watershed Objective 2, Action
4 Policy 3." So that if I'm not concerned with watersheds per
5 se but I am concerned with infrastructure I can find that
6 all out.

7 And this shouldn't be an impossible job sort of at
8 the end as a cleanup. And if that's the case, where there
9 will be some sort of cross tabulation, then I'm okay with
10 deleting a lot of stuff. If it's not going to happen then I
11 am not content with deleting a lot of this stuff.

12 MR. MICHAELSON: Our intent would be to, either
13 through the footnotes or some other method, doing that at
14 the end of the day. And when I did go through that and
15 noted those, I actually physically went and said, "It's
16 there." So it was pretty strategic for sure.

17 CHAIRMAN HEDANI: Commissioner Starr.

18 COMMISSIONER STARR: I wanted to hear from Mr.
19 Summers. I think you were going to speak about changing the
20 way we do business on infrastructure.

21 CHAIRMAN HEDANI: John?

22 MR. SUMMERS: Thank you, Mr. Chairman. Just a
23 couple of quick things. Dave kind of covered it fairly
24 well, but there are basically two systemic structural
25 problems with the system as it exists. The first is,

1 asked them to incorporate in one of our first meetings. So
2 with that, let's go to housing.

3 COMMISSIONER MARDFIN: Mr. Chairman?
4 CHAIRMAN HEDANI: Commissioner Mardfin.

5 COMMISSIONER MARDFIN: I'd just like to say that I
6 had spent a lot of time putting notes on the one that we got
7 for the April issue and didn't until this morning quite
8 realize that the June one was substantially, at least
9 somewhat different. So I am going to be kind of slow on
10 this because I'm going to go back and forth.

11 CHAIRMAN HEDANI: Take as much time as you need,
12 Commissioner Mardfin.

13 COMMISSIONER MARDFIN: Thank you.

14 COMMISSIONER STARR: Mr. Chair?

15 CHAIRMAN HEDANI: Commissioner Starr.

16 COMMISSIONER STARR: Yes, I have a question. I'm
17 actually going off the one that was emailed to us last week,
18 but that's April.

19 MR. MICHAELSON: Are you referring to housing or
20 infrastructure?

21 COMMISSIONER STARR: Housing.

22 MR. MICHAELSON: Housing was actually delivered to
23 you at the meeting last Tuesday. It was physically given to
24 you in an envelope.

25 COMMISSIONER MARDFIN: Jonathan, I'm in the same

1 there's a real lack of comprehensive planning at the agency
2 level for infrastructure systems. A good example of that is
3 the state functional plan for roadways. Water has been
4 making important strides in terms of updating their
5 functional plan, but across the board we just have
6 significant gaps. And without a real investment in those
7 planning processes we are not going to really see any
8 important change. That's the first major point.

9 The other is on the revenue side the federal
10 government really got out of infrastructure in the '70's,
11 and state and local governments just haven't stepped in. So
12 there's going to have to be a pretty substantial increase in
13 revenues at this level if we are going to reverse some of
14 these trends.

15 CHAIRMAN HEDANI: Thank you very much, John.

16 Any additional questions for staff? Seeing none,
17 let's move ahead with the next item on our agenda, which is
18 to cover the Maui Island Plan's housing and infrastructure
19 elements, which were revised to reflect the comments of the
20 Maui General Plan Advisory Committee.

21 Now, you folks have at this point three different
22 sets of these documents. You actually have more than three
23 different sets of these documents. What I am working off of
24 is the latest set that came from staff that has the
25 consolidations and the eliminations of redundancies which we

1 boat. I didn't discover it in my folder until last night.

2 I thought it was the same as we had gotten at the meeting,
3 the April one, and it turned out not to be.

4 CHAIRMAN HEDANI: Hold on, everybody. Stop
5 talking all at once. You have the original draft that was
6 in your document. You have one that was passed out to you
7 the meeting before, which is what staff indicated that they
8 would do. And in response to our request for consolidation
9 comments, they came up with a revised draft.

10 Now it's up to you guys where you want to go,
11 which draft you want to work with. The latest draft is the
12 draft that Dave just talked about that has consolidations in
13 it, which eliminates a lot of the redundancies that we asked
14 them to accommodate, and I'm suggesting that that's the
15 draft that we work with.

16 COMMISSIONER MARDFIN: It's dated June 2009 at the
17 bottom.

18 CHAIRMAN HEDANI: The housing. So we're all on
19 the same page, that's where we are going to start. The
20 first item is --

21 COMMISSIONER STARR: Mr. Chair, I have a question.

22 CHAIRMAN HEDANI: Commissioner Starr.

23 COMMISSIONER STARR: Thank you very much. The one
24 that was emailed a couple of weeks ago, was that consistent
25 with the latest draft?

1 MR. MICHAELSON: No. Actually, it was a specific
2 request by the Planning Commission for staff to go through
3 that draft, find redundancies, simplify where appropriate
4 without sacrificing policy intent. That was given to you
5 last Tuesday at the meeting, and then it was also emailed.

6 CHAIRMAN HEDANI: Commissioner Shibuya.

7 COMMISSIONER SHIBUYA: This comment is primarily
8 for our legal counsel, and this deals with housing, and it's
9 an over-arching type of policy or assumption here. I'd like
10 to find out the legal basis, or is it assumed public premise
11 or established process or practice or precedence in which a
12 county provides for affordable homes. Is that an
13 entitlement or is it a social remediation? What kind of a
14 program is this?

15 MR. GIROUX: I think I'm going to just make this a
16 nutshell. I won't get into all the legal stuff. Just
17 kidding.

18 The premise is that housing is a basic human need.
19 Now whether or not affordable rental versus affordable
20 ownership, you get into a different legal analysis.
21 However, the litigation that's gone through the
22 municipalities is when the local government tries to --
23 basically it sees a need, therefore this need is a lot of
24 times impacted by development.

25 You see different types of litigation, you see

1 COMMISSIONER MARDFIN: I move the adoption of the
2 -- I don't know if there's more than one, but the housing
3 goal on page one, the Objective 1 and the associated
4 policies and actions.

5 CHAIRMAN HEDANI: Is that the Director's
6 recommendation?

7 COMMISSIONER MARDFIN: The Director's
8 recommendation in the April version.

9 CHAIRMAN HEDANI: We're looking at the June 2009
10 version.

11 COMMISSIONER MARDFIN: Let somebody else make the
12 motion then. I want to work with the April version.

13 CHAIRMAN HEDANI: Commissioners, what's your
14 pleasure? Commissioner Shibuya.

15 COMMISSIONER SHIBUYA: I'd like to move that we
16 adopt just the goal here with the following change. That we
17 adopt the Director's recommendation, to read, "Maui will
18 have an affordable housing for all residents." I've taken
19 out the word "appropriate."

20 CHAIRMAN HEDANI: Okay. Staff, can you guys
21 comment on this for me? The note on the side says, "Delete
22 appropriate," but appropriate is still in there. Was the
23 recommendation to delete the word "appropriate"?

24 MR. MICHAELSON: That's correct.

25 CHAIRMAN HEDANI: So the Director's recommendation

1 litigation where communities are actually trying to exclude
2 affordable housing, and then you see litigation where
3 communities are trying to get developers to help in reducing
4 that need.

5 There's a lot of takings litigation that goes on
6 in that area, and the real five second analysis is, is there
7 a rational basis and is there a proportionality to that.
8 There's hundreds and thousands of pages of just pedantic
9 insanity in this area, but when you boil it down, that's
10 really the basic for this level. Is there a rational basis,
11 is there is somebody causing that, this need. If you're
12 asking somebody to give you something, is it proportional to
13 what they're causing. And so that's kind of the framework.

14 So a lot of this has to be based on some type of
15 study. There's got to be some type of study that tells you
16 what your needs are and whether or not the people who are
17 actually getting, being forced to give housing, are they
18 being treated fairly. So that's kind of your framework.

19 And right now I think as far as rationality, I
20 don't think there's any courts that I can recall right now
21 that haven't seen it as within the municipality's purview.
22 Most of the litigation is whether or not it's proportional.
23 So that's where most of the litigation is.

24 CHAIRMAN HEDANI: Thank you, James.

25 Okay, housing goal. Commissioner Mardfin.

1 actually reads, "Maui will have affordable housing for all
2 residents"?

3 MR. MICHAELSON: That's correct.

4 CHAIRMAN HEDANI: Is that what you meant, Warren?

5 COMMISSIONER SHIBUYA: Yes.

6 CHAIRMAN HEDANI: So the goal would read, "Maui
7 would have affordable housing for all residents." Is there
8 a second?

9 COMMISSIONER U'U: Second.

10 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
11 Discussion? No discussion. All those in favor signify by
12 saying "aye."

13 (A chorus of ayes)

14 Opposed "nay."

15 (A chorus of nays)

16 All those in favor of adopting the goal of the
17 Director's recommendation signify by raising your hand.
18 One, two, three, four, five.

19 (Five)

20 Opposed same sign.

21 (Two)

22 Motion passes.

23 Objective number 1. Commissioner Shibuya.

24 COMMISSIONER SHIBUYA: I'd like to make a motion
25 to accept the objective 1 to read as follows, "Investigate

1 and seek home community designs, land uses, constructing and
 2 financing opportunities, increasing development of
 3 affordable houses."
 4 CHAIRMAN HEDANI: Hold on, Warren. Can you back
 5 up please for us? Objective number 1.
 6 COMMISSIONER SHIBUYA: Objective number 1.
 7 CHAIRMAN HEDANI: And what I have is the
 8 Director's recommendation, "Better monitoring, evaluation,
 9 and refinement of current affordable housing, in conjunction
 10 with the economic cycle."
 11 COMMISSIONER SHIBUYA: Right. I didn't like it,
 12 so I scratched it out.
 13 CHAIRMAN HEDANI: Go very slowly so we can put it
 14 up on the board.
 15 COMMISSIONER SHIBUYA: Okay. "Investigate and
 16 seek home community designs, land uses, and constructing and
 17 financing opportunities to increase development of
 18 affordable houses or homes."
 19 CHAIRMAN HEDANI: Is there a second? Any other
 20 discussion? There's no second. Is there any other
 21 discussion?
 22 COMMISSIONER HIRANAGA: I'm still reading it.
 23 CHAIRMAN HEDANI: Okay, take your time.
 24 Investigate and seek. Thank you for my aged eyes.
 25 "Investigate and seek home community designs, land uses, and

1 constructing and financing opportunities to increase
 2 development of affordable homes." That's the motion. Is
 3 there a second?
 4 COMMISSIONER HIRANAGA: Second.
 5 CHAIRMAN HEDANI: Seconded by Commissioner
 6 Hiranaga. Discussion? Commissioner Hiranaga.
 7 COMMISSIONER HIRANAGA: Should the word
 8 "constructing" be "construction"? I hate to wordsmith.
 9 COMMISSIONER SHIBUYA: Sure, we can modify it, we
 10 can change it.
 11 CHAIRMAN HEDANI: So the change would be
 12 "construction and financing opportunities." Okay, the only
 13 caution I would offer is that in Objective number 1 what
 14 we're talking about is all housing, not necessarily just
 15 affordable housing.
 16 COMMISSIONER SHIBUYA: That is correct. And this
 17 deals with the question I started out with asking James,
 18 because I didn't want to have an entitlement to a specific
 19 stratified group. That I'd have it equally available to all
 20 members of the community, and that way we keep ourselves
 21 clear of favoring one group or the other. We also get into
 22 the state and county kuleana in terms of who takes care of
 23 homeless.
 24 CHAIRMAN HEDANI: Additional discussion? Director
 25 Hunt.

1 DIRECTOR HUNT: The objective speaks to the
 2 economic cycle and analysis of that, and you heard some
 3 testimony this morning on both sides of that issue. And I
 4 guess my question is, by rewriting the objective are we
 5 changing the objective to the policies and actions that were
 6 crafted to address economic cycle analysis? Do those now --
 7 are they consistent with the new objective?
 8 CHAIRMAN HEDANI: Commissioner Hiranaga.
 9 COMMISSIONER HIRANAGA: I'm just wondering if this
 10 might be better located somewhere else. If we're looking at
 11 the goal, the goal is to have affordable housing. This
 12 isn't really addressing affordable housing, so it may be
 13 more appropriate somewhere else. I don't know where, but it
 14 could be a new objective somewhere else. Maybe we can put
 15 it on the side.
 16 COMMISSIONER SHIBUYA: We can table it.
 17 CHAIRMAN HEDANI: Additional discussion? Do you
 18 want to move to table it? Do you want to withdraw it and
 19 reintroduce it at an appropriate point?
 20 COMMISSIONER SHIBUYA: Let's withdraw it. Is it
 21 okay with the seconder?
 22 COMMISSIONER HIRANAGA: Yes.
 23 CHAIRMAN HEDANI: The motion is withdrawn. What
 24 is your pleasure on Objective number 1?
 25 COMMISSIONER U'U: Motion to approve Director's

1 recommendation.
 2 CHAIRMAN HEDANI: Motion to approve Director's
 3 recommendation?
 4 COMMISSIONER U'U: Yes.
 5 CHAIRMAN HEDANI: By Commissioner U'u. Is there a
 6 second?
 7 COMMISSIONER SABLAS: Second.
 8 CHAIRMAN HEDANI: Seconded by Commissioner Sablas.
 9 Discussion?
 10 The Director's recommendation at this point,
 11 correct me if I'm wrong, is better monitoring, evaluation,
 12 and refinement of current affordable housing in conjunction
 13 with the economic cycle. Commissioner Hiranaga?
 14 COMMISSIONER HIRANAGA: I'm just wondering if
 15 there's a word missing after the words affordable housing.
 16 Should it be "policy" or "supply" or "inventory"? It seems
 17 like there's something missing.
 18 CHAIRMAN HEDANI: Director?
 19 DIRECTOR HUNT: Perhaps "inventory." John, do you
 20 have a comment?
 21 MR. SUMMERS: Thank you, Mr. Chairman. I would
 22 think "policy" I think better covers it. If you look at
 23 most of the policies below, they focus on county policy as
 24 it relates to taxation, the location of new development, the
 25 type of development that's built. I think "policy" really

1 clarifies that sentence.
 2 CHAIRMAN HEDANI: So the staff recommendation
 3 would be to insert a word?
 4 MR. SUMMERS: That's correct, after "affordable
 5 housing" insert the word "policy."
 6 CHAIRMAN HEDANI: Okay. So it would read, "Better
 7 monitoring, evaluation, and refinement of current affordable
 8 housing policy in conjunction with the economic cycle."
 9 Correct?
 10 MR. SUMMERS: That's correct.
 11 CHAIRMAN HEDANI: Commissioner Mardfin?
 12 COMMISSIONER MARDFIN: I intend to vote against
 13 this because it's not monitoring the policy or evaluation
 14 refinement of the policy, it's housing. So I think that
 15 totally changes the meaning of it.
 16 CHAIRMAN HEDANI: Additional discussion? I have a
 17 question. Is the sentence supposed to have a verb? Like
 18 "Develop better monitoring, evaluation and refinement of
 19 current affordable housing policy." Staff?
 20 MR. SUMMERS: Thank you, Mr. Chairman. For
 21 objectives that's not really necessary because you are
 22 trying to measure something off of a baseline. If you did
 23 add a verb at the beginning then you're basically creating
 24 policy, which does tend to start with an action verb.
 25 CHAIRMAN HEDANI: So you're saying that the

1 objective is. Basically the objective is better monitoring.
 2 MR. SUMMERS: That is correct.
 3 CHAIRMAN HEDANI: Okay, additional discussion?
 4 Are you ready for the question? All those in favor of
 5 adopting the Director's recommendation as amended signify by
 6 saying "aye."
 7 COMMISSIONER MARDFIN: It hasn't been amended yet.
 8 CHAIRMAN HEDANI: It has been amended by the
 9 addition of the word "policy" after "housing."
 10 COMMISSIONER MARDFIN: We didn't get to vote on
 11 that?
 12 CHAIRMAN HEDANI: We are voting on it right now.
 13 COMMISSIONER MARDFIN: Oh, okay.
 14 CHAIRMAN HEDANI: Okay. Are we all on the same
 15 page. Here is what we're voting on. Objective number 1,
 16 "Better monitoring, evaluation, and refinement of current
 17 affordable housing policy in conjunction with the economic
 18 cycle."
 19 All those in favor signify by saying "aye."
 20 (A chorus of ayes)
 21 Opposed same sign.
 22 (A chorus of nays)
 23 All those in favor signify by raising your hand.
 24 (Five)
 25 Opposed same sign.

1 (Two)
 2 Motion passes.
 3 Policies. Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: I move the deletion of all
 5 policies and actions under that, because they don't have to
 6 do with the housing policy, they have to do with the housing
 7 stock.
 8 CHAIRMAN HEDANI: So your motion is to delete all
 9 policies?
 10 COMMISSIONER MARDFIN: All policies and actions
 11 under that objective, because they don't deal with the
 12 housing policy, they deal with the housing stock.
 13 CHAIRMAN HEDANI: Okay, is there a second?
 14 Motion dies for lack of a second.
 15 Additional discussion? What's your pleasure?
 16 Commissioner Hiranaga.
 17 COMMISSIONER HIRANAGA: I guess, well, the
 18 Director's recommendation is to delete Action item 2. So
 19 what happens to action item one, is that still in, or Policy
 20 number 1, is that still in or is it deleted? Are you
 21 deleting Policy 1 and leaving Policies 2 and 3 in, is that
 22 the Director's recommendation?
 23 CHAIRMAN HEDANI: I think the Director's
 24 recommendation follows the GPAC recommendation unless
 25 there's something inserted into the Director's

1 recommendation column. So in this particular case Policy
 2 number 2 would read, "Improve data on resident and not
 3 resident housing."
 4 COMMISSIONER HIRANAGA: And then there would be
 5 Policy 3?
 6 CHAIRMAN HEDANI: The numbers would be renumbered.
 7 COMMISSIONER HIRANAGA: I make a motion to approve
 8 the Director's recommendation except for the bold-faced
 9 language in Policy 3.
 10 CHAIRMAN HEDANI: Okay, is there a second?
 11 COMMISSIONER SHIBUYA: I'll second.
 12 CHAIRMAN HEDANI: Seconded by Commissioner
 13 Shibuya. Discussion? Commissioner Hiranaga.
 14 COMMISSIONER HIRANAGA: I have a real concern
 15 about this progressive taxation. I believe the homeowners
 16 exemption is the vehicle that the Council and the County has
 17 in place to protect owner/occupants with regards to real
 18 property tax liability. Because someone has a relatively
 19 expensive home and he's a full-time resident born and raised
 20 here, are you going to tax him?
 21 You know, some of us who purchased our homes 20
 22 years ago have reaped the benefits of this housing boom that
 23 has made our homes two or three times more valuable than
 24 when we built it, but we had no foresight to see that
 25 happening, and now to be taxed out of our homes. When you

1 have got a relatively expensive home your insurance cost is
2 more, your maintenance costs, and now you are going to put a
3 heavier burden of real property tax on residents? That's
4 not affordable housing, that's unaffordable housing.

5 To me, the homeowners exemption, make it larger if
6 you want to protect residents, but don't start taxing us
7 just because we have a house that's higher than the median
8 price of homes on Maui.

9 CHAIRMAN HEDANI: Additional discussion?
10 Commissioner U'u.

11 COMMISSIONER U'U: Just add to that the permitting
12 process, and then you've got chaos. To add to that,
13 everybody is moving around my mom in Kuau, retired off the
14 state. I don't care what Linda Lingle said, she's hardly
15 making anything, not a dime. She's barely making it. And
16 shit, the land property must be about a million bucks. But
17 she shouldn't be punished for something you hold onto your
18 whole life and cherish and look forward to passing it down
19 to someone else.

20 And I think people on Front Street are facing the
21 same problems, holding their piece of property. And I think
22 it would be unfair to punish the people who had the local
23 mentality of to keep what you own and not sell. So I think
24 it would be unfair to those residents.

25 CHAIRMAN HEDANI: Additional discussion?

1 Commissioner Mardfin.

2 COMMISSIONER MARDFIN: I move the deletion of
3 Policy 2, because it doesn't deal with the objective.
4 Policy 2 says, "Improve data on resident and nonresident
5 housing," but Objective 1 deals with housing policy.

6 COMMISSIONER HIRANAGA: We have a motion on the
7 floor.

8 CHAIRMAN HEDANI: Is that an amendment?

9 COMMISSIONER MARDFIN: The amendment is to delete
10 Policy 2.

11 CHAIRMAN HEDANI: Is there a second?

12 Motion dies for lack of a second.

13 Any additional discussion on the motion, which is
14 to adopt the Director's recommendations under policies with
15 the exception of the bold-faced print. Commissioner Starr.

16 COMMISSIONER STARR: I'd like to amend by adding,
17 and this is in 3-C where it says, "Encourage new housing"
18 and then I want to add the words "in proximity to jobs and
19 services." After the word "housing," it would be "in
20 proximity to jobs and services," and then the rest will stay
21 in.

22 CHAIRMAN HEDANI: Is there a second?

23 COMMISSIONER SABLAS: Second.

24 CHAIRMAN HEDANI: Seconded by Commissioner Sablas.
25 Discussion? Director.

1 DIRECTOR HUNT: I believe technically you are
2 amending 3-B, just to keep the record clear.

3 COMMISSIONER STARR: Yes. And Mr. Chair?

4 CHAIRMAN HEDANI: Commissioner Starr.

5 COMMISSIONER STARR: Yeah, just a basis for this
6 wording is that more and more at the APA national conference
7 where at the sessions on affordable and workforce housing,
8 more and more the definition of workforce housing is in
9 proximity to jobs and services as well as price point.

10 CHAIRMAN HEDANI: Okay. Additional discussion?
11 Commissioner Shibuya.

12 COMMISSIONER SHIBUYA: I have the same thoughts
13 with both Bruce and Commissioner Kent in terms of the
14 pricing of the taxing, taxing methodology being used, and
15 that's why my objection is to 3-C. Perhaps maybe we can
16 say, "develop some progressive taxing methods" rather than
17 just say "progressive taxation."

18 CHAIRMAN HEDANI: Warren, let's deal with the
19 amendment before we go on to further discussion on the main
20 motion. The amendment is to add the words "in proximity to
21 jobs and services" into what will be policy 3-B, "Encourage
22 new housing in places that are conducive/affordable to
23 island residents." We have it up on the board. Any further
24 discussion on the amendment?

25 Ready for the question? All those in favor

1 signify by saying "aye."

2 (A chorus of ayes).

3 Opposed "nay."

4 (None)

5 Carried, thank you.

6 Discussion on the main motion. Commissioner
7 Shibuya.

8 COMMISSIONER SHIBUYA: I just would like to make a
9 friendly amendment here on 3-C to start it off and say,
10 "Develop some progressive taxing methods and building fee
11 structures."

12 COMMISSIONER STARR: Second.

13 CHAIRMAN HEDANI: Okay. Can we put that up on the
14 board since that would be basically a replacement of what we
15 have there? Can you repeat that Commissioner Shibuya?

16 COMMISSIONER SHIBUYA: To "Develop a progressive
17 taxing method and building fee structures."

18 CHAIRMAN HEDANI: Okay. The only question that I
19 would have on that is the word "progressive" means that it
20 escalates I think is what the GPAC had in mind.

21 COMMISSIONER SHIBUYA: Okay, then I amend --

22 CHAIRMAN HEDANI: Mr. Summers?

23 MR. SUMMERS: Thank you, Mr. Chairman. The
24 current property tax system has a circuit breaker to deal
25 with individuals who might otherwise lose their property due

1 to escalations in property values. So the circuit breaker
2 addresses that issue. And then we have the homeowner's
3 exemption, which is a progressive tool to help residents and
4 others acquire affordable housing.

5 What this policy really aims to do is to make that
6 system more progressive than what it currently is today,
7 whether it's through the homeowner's exemption or through a
8 tiered rate structure, which would be more effective than
9 the homeowners exemption in addressing offshore market
10 demand, which is currently driving up housing prices on the
11 island.

12 CHAIRMAN HEDANI: Okay. So Commissioner Shibuya's
13 proposed amendment would read, "Develop progressive taxing
14 methods and building-fee structures," period. Is there a
15 second?

16 COMMISSIONER STARR: Second.

17 CHAIRMAN HEDANI: Seconded by Commissioner Starr.
18 Discussion?

19 COMMISSIONER HIRANAGA: I have a question.

20 CHAIRMAN HEDANI: Commissioner Hiranaga.

21 COMMISSIONER HIRANAGA: My motion was to delete
22 that section. Now you are putting it back in. So if you
23 are opposed to my motion shouldn't you just vote against my
24 motion, instead of turning my motion around? From a point
25 of order, my motion was to delete C and now you are putting

1 COMMISSIONER MARDFIN: I think that Commissioner
2 Hiranaga is correct, that parliamentarily this amendment is
3 totally against his. I think in fact what we should do is
4 vote down the main, Kent's motion, and then --

5 COMMISSIONER HIRANAGA: Vote on the motion, not
6 vote down.

7 COMMISSIONER MARDFIN: I think what we ought to do
8 is vote down the motion and then introduce a new motion that
9 would conclude this.

10 CHAIRMAN HEDANI: Further discussion?
11 Commissioner Starr.

12 COMMISSIONER STARR: Yeah, we were following a
13 practice at our previous meetings where we would first go
14 with a motion to approve the Director's recommendation on
15 objective and policies, and then we would utilize amendments
16 to change specific items. And frankly, I think we should
17 move back to that if we want to get through, have any chance
18 of getting through this.

19 But having said that, I mean I do think the new
20 amendment is in order, it's been made and seconded. I would
21 like to ask staff whether the amendment as it's been made
22 would function to help us deal with the offshore market, or
23 would there be a better way of doing it short of the wording
24 that was in the recommendation.

25 CHAIRMAN HEDANI: Hold that thought. Our Corp

1 C back in with an amendment.

2 COMMISSIONER SHIBUYA: I'd just make an amendment.

3 COMMISSIONER HIRANAGA: But you're reversing my
4 motion basically, you're putting it back in. So you should
5 vote against my motion and put a new motion on the floor if
6 it fails.

7 CHAIRMAN HEDANI: Okay, let me restate the main
8 motion. Hold that thought. Let me restate the main motion.
9 The main motion was to adopt the Director's recommendation
10 for policies with the exception of the section in bold
11 print.

12 Commissioner Hiranaga, was your intent to delete
13 item C completely?

14 COMMISSIONER HIRANAGA: Right.

15 CHAIRMAN HEDANI: Okay. So it would be policies
16 3-A, 3-B -- well, 1, 2, 3, A and B is what the motion is. C
17 would be deleted.

18 COMMISSIONER HIRANAGA: Right.

19 CHAIRMAN HEDANI: Okay. Commissioner Shibuya, are
20 you still offering an amendment at this point?

21 COMMISSIONER SHIBUYA: I'll offer the amendment
22 and see where it goes. If it doesn't fly, then I guess we
23 will go back to the basic motion.

24 CHAIRMAN HEDANI: Discussion? Commissioner
25 Mardfin.

1 Counsel needs to get a word in edgewise.

2 MR. GIROUX: Just to throw a couple of cents in
3 here, when there's a motion to amend there's two questions
4 that the Chair has to analyze, is it germane and is it
5 hostile. If it's not germane the Chair can deny the motion.
6 And if it's hostile the motion to amend should probably be
7 deferred until the main motion is disposed of. And not
8 rejected, disposed of, meaning up or down.

9 CHAIRMAN HEDANI: You're making my life difficult
10 here. Okay, why don't we defer the amendment. I don't
11 really know if it's hostile or germane at this point. Why
12 don't we defer that and vote on the main motion as it is
13 before we move on with an amendment.

14 COMMISSIONER STARR: Mr. Chair.

15 CHAIRMAN HEDANI: Commissioner Starr?

16 COMMISSIONER STARR: This puts us in a Catch-22
17 situation, because if we approve the main motion then it's
18 gone and we can't go back and amend it. We would have to
19 reconsider it.

20 MR. GIROUX: You would propose a new motion and
21 that would it would be a motion to add a new policy. You
22 would basically take it on as a new motion.

23 CHAIRMAN HEDANI: Okay, it would be a motion for a
24 new policy at that point. Commissioner Guard?

25 COMMISSIONER GUARD: I'm wondering if there's a

1 way to create it into a friendly amendment. I think
 2 Commissioner U'u and Commissioner Hiranaga were more against
 3 the side of the taxation. While I agree that the building
 4 fee structure should be a little more progressive, I think
 5 we've had Planning come in here and say that the general
 6 public pays for SMA permits on a pretty good amount of it,
 7 and that the fee structure doesn't even cover the cost of an
 8 SMA fee review process. So possibly remove the taxation
 9 portion of the amendment and just go with the building fee
 10 structure. I don't know if that would help out at all.

11 CHAIRMAN HEDANI: Additional discussion?
 12 Commissioner Hiranaga.

13 COMMISSIONER HIRANAGA: I'm not sure how familiar
 14 the Commissioners are about real property assessments. If
 15 you pay attention, if you own a home and you pay attention
 16 and actually look at your assessment that I believe you
 17 receive sometime in February, you will notice that most of
 18 you, your assessments currently are much higher than what
 19 you think your home is worth. And the real property tax
 20 office has limited staff, they do broad brush assessments on
 21 certain sections of the island, certain ones each year.
 22 They do not do the entire island every year. They may do
 23 standard three percent adjustments.

24 But our family owns a rental home in Wailuku that
 25 we rent, and the assessed value is probably 50 percent of

1 home value is higher. And to add on top of that a tiered
 2 system where a single-family residence at a higher value is
 3 taxed at a higher tier, does not translate to the county
 4 providing more roads, sewers, highways, trash removal or
 5 whatever to the person, beyond what is being provided to the
 6 normal person. So from the standpoint of fairness to all
 7 people I felt that progressive taxation from that
 8 perspective was something that I would oppose.

9 Commissioner Mardfin.

10 COMMISSIONER MARDFIN: In response to that, I
 11 would suggest that in fact very high valued property homes
 12 do in fact get better services. The value of police
 13 protection to a high valued home is better than to a low
 14 valued home. The value of fire protection to a high valued
 15 home is greater than to a lowered valued home. So it seems
 16 to me that it's appropriate to have higher tax rates on very
 17 high valued homes. And it does, by generating more revenue,
 18 it does offer the potential for greater county services to
 19 all of us.

20 CHAIRMAN HEDANI: Additional discussion? Ready
 21 for the question?

22 COMMISSIONER STARR: What are we voting on?

23 CHAIRMAN HEDANI: What we're voting on is the
 24 adoption of the Director's recommendation under policies for
 25 policies 1, 2 and 3-A and 3-B, and the deletion of policy

1 the current market value. And if anyone wants to buy that
 2 home for the assessed value, write me a contract and it's
 3 yours. So I caution you to rely on real property
 4 assessments. That does not reflect market value, it
 5 reflects a method to provide revenue generation for the
 6 County of Maui.

7 Typically in a sliding market the assessments are
 8 high, in a rising market the assessments are low because
 9 there's typically a two to three year lag. And some of us
 10 right now are looking at our assessed values and saying,
 11 "Where is this coming from?" Then you do a progressive tax
 12 rate, and I get my tax bill and I'm going, "This is crazy."
 13 So I'll just caution you don't use real property tax
 14 assessments as a measure of market value, because it is not.

15 CHAIRMAN HEDANI: Additional discussion? Okay,
 16 I'd like to offer one comment, because I ask have a comment
 17 on this item. My comment was just for the section that's in
 18 bold, oppose increase in tax rates does not provide
 19 increased county services. In other words, this proposal in
 20 bold basically has a tiered property tax aspect to it where
 21 the higher the value of your home, the higher taxes you pay
 22 per thousand dollars of value. I think that was the intent
 23 of the progressive taxation.

24 From my perspective, that's not fair because you
 25 already pay higher taxes if your assessment is higher, your

1 3-C. Okay, all those in favor signify by raising your hand.

2 (A show of hands)

3 One, two, three, four. Chair votes in favor.

4 (Five)

5 Opposed same sign.

6 (Three).

7 The motion is carried.

8 COMMISSIONER STARR: Mr. Chair?

9 CHAIRMAN HEDANI: Commissioner Starr.

10 COMMISSIONER STARR: Just for clarification, there
 11 was an amendment that was approved that was part of that.

12 CHAIRMAN HEDANI: Right. The amendment was to add
 13 the words "in proximity to jobs and services." Additional
 14 discussion? Commissioner Mardfin.

15 COMMISSIONER MARDFIN: I'd like to move to amend
 16 to add a policy 3-C to "Develop some progressive taxing
 17 methods and building-fee structures."

18 COMMISSIONER STARR: Second.

19 CHAIRMAN HEDANI: Moved by Commissioner Mardfin,
 20 seconded by Commissioner Starr to add policy 3-C, which
 21 would read, "Develop progressive taxation" --

22 COMMISSIONER MARDFIN: "Taxing methods and
 23 building-fee structures." I believe that was the wording of
 24 my colleague.

25 CHAIRMAN HEDANI: "Develop taxing methods and

1 building fee structures." Is there a second?
 2 COMMISSIONER STARR: Yes.
 3 CHAIRMAN HEDANI: Seconded by Commissioner Starr.
 4 Discussion?
 5 COMMISSIONER HIRANAGA: Is there a period so that
 6 everything else -- that's it.
 7 CHAIRMAN HEDANI: Discussion? Commissioner Guard.
 8 COMMISSIONER GUARD: I'll bring it up again. You
 9 may get more votes in favor if you don't play around with
 10 the taxation, but just at least have people pay for their
 11 building fee permits for the value of the time that the
 12 office has to review plans going through an SMA permit.
 13 I believe it might have been in our orientation
 14 saying I don't know what the cost of general taxpayer money
 15 goes into an SMA permit, but there's quite a few offshore
 16 houses in that area that they may be able to foot a larger
 17 portion of their own bill.
 18 CHAIRMAN HEDANI: Discussion? Commissioner
 19 Shibuya.
 20 COMMISSIONER SHIBUYA: On this it says to develop
 21 progressive taxing methods, it doesn't mean that it's going
 22 to be a progressive method that is actually adopted. It's
 23 just proposing to develop these things. I think that's what
 24 we need to hear and review, and I think that's really
 25 needed. We already have home exemptions, and that structure

1 CHAIRMAN HEDANI: Additional discussion?
 2 Commissioner Hiranaga.
 3 COMMISSIONER HIRANAGA: I'd like a clarification.
 4 Just using my parents as an example, they built their house
 5 in 1960 for \$30,000. They build a family room extension for
 6 \$15,000 around 1970, and now their house is worth \$600,000.
 7 So on this progressive taxing are you saying you are going
 8 to tax someone up to \$500,000, \$5 per thousand? Beyond
 9 \$500,000, \$10 per thousand.
 10 So with the homeowner's exemption, the homeowners
 11 is \$300,000. So they're going to pay \$200,000 at the \$5
 12 rate and \$100,000 at the \$10 rate. Is that what progressive
 13 taxing means? Just because they've lived there for almost
 14 50 years they're going to be paying this higher rate?
 15 CHAIRMAN HEDANI: Commissioner Mardfin?
 16 COMMISSIONER MARDFIN: The principle as you
 17 enunciate it is correct. The particular numbers you use
 18 might be distorting.
 19 COMMISSIONER HIRANAGA: No, I beg to differ.
 20 That's an actual bill.
 21 COMMISSIONER MARDFIN: What I'm suggesting is the
 22 increase might occur at \$1 million homes or \$5 million
 23 homes, it doesn't necessarily have to start at \$500,000
 24 homes. Secondly, there are circuit breaker considerations
 25 that are under current law so that it shouldn't provoke or

1 can be adjusted too. So I'm in favor of this because it
 2 does provide for the opportunity to develop some kind of
 3 taxing methods, and also to ensure that we have a building
 4 fee structure.
 5 CHAIRMAN HEDANI: Commissioner Starr.
 6 COMMISSIONER STARR: Yeah, I just want to say this
 7 amendment puts us back into consistency with the
 8 recommendation of the GPAC that I do believe spent some time
 9 in consideration of this.
 10 CHAIRMAN HEDANI: Commissioner Hiranaga.
 11 COMMISSIONER HIRANAGA: Just for clarification,
 12 progressive taxing methods, are we talking about real
 13 property taxing or general excise taxing or what taxes are
 14 you -- just income taxes or state taxes, federal taxes?
 15 CHAIRMAN HEDANI: Commissioner Mardfin?
 16 COMMISSIONER MARDFIN: Are you asking what my
 17 intent was? My intent was for real property taxation.
 18 COMMISSIONER HIRANAGA: Should we include that
 19 then so we don't start talking about general excise tax?
 20 COMMISSIONER SHIBUYA: If it's an amendment I
 21 think I would consider it favorably.
 22 COMMISSIONER MARDFIN: I'd accept it as a
 23 clarifying friendly amendment, "Develop progressive real
 24 property taxing methods."
 25 COMMISSIONER STARR: The second will go with that.

1 do hardship to those that have been living in their homes
 2 and intend to continue to live in their homes. It's develop
 3 a system, it's not implement at this stage.
 4 CHAIRMAN HEDANI: Commissioner Starr.
 5 COMMISSIONER STARR: I know if I were on the body
 6 that were developing this, my recommendation would be to
 7 start at say \$2 million and then go up from there, so that
 8 it's not causing a hardship to local families who have built
 9 their own place but rather to aim at the really high-end
 10 offshore market.
 11 CHAIRMAN HEDANI: Additional discussion? Director
 12 Hunt.
 13 DIRECTOR HUNT: I think there's other taxation
 14 methods that jurisdictions use. Some jurisdictions actually
 15 have a higher fee if you're a second homeowner, and some
 16 jurisdictions freeze taxation until you sell it. So there's
 17 a number of methods that the county can use. And I forget
 18 which Commissioner said it, but all you're doing at this
 19 point is saying that the county should develop a policy or
 20 program based on this, and the details would then be worked
 21 out during the adoption of that ordinance and that program.
 22 CHAIRMAN HEDANI: Okay, any additional comments?
 23 Let me offer one comment from a true case that involves one
 24 of my employees. He purchased a lot for \$80,000 from the
 25 Hawaii Housing Authority. He built a house by himself as an

1 owner/builder on it for \$200,000. He went to the Real
2 Property Tax Division and got an assessment from the Real
3 Property Tax Division that his house was worth over \$1
4 million. He said, "I can show you the bills that I just
5 paid to assess my house to show you what I paid to build it.
6 Every single bill that went into the construction of the
7 house."

8 And they went, "It doesn't matter, you know. You
9 have three neighbors in this area, their houses are all
10 worth \$1.2 to \$2 million. Your assessment stands. If you
11 want to appeal, appeal, but that's where it is."

12 But that's how the system work. I think that's
13 what Commissioner Hiranaga is talking about in terms of
14 sweeping up a whole bunch of people into something where
15 they have no idea that this is coming. And it will
16 blindside them and essentially put them out of their houses.
17 It's not the intent. If you want a luxury tax on a luxury
18 second home, then call it a luxury tax on a luxury second
19 home. But as this is worded, it will sweep everybody into
20 that same bucket. Commissioner Shibuya.

21 COMMISSIONER SHIBUYA: The intent when I
22 originally made this motion here or amendment, the intent
23 was to look for methods in which we could be fairer and to
24 consider better alternatives than extending or expanding on
25 the current methods. So all this is is actually asking for

1 from the staff over here. Do you folks want to add any
2 comments on this?

3 COMMISSIONER STARR: As the seconder I would be
4 willing to go with "equitable" rather than "progressive," if
5 that satisfies more members.

6 CHAIRMAN HEDANI: Commissioner Mardfin.

7 COMMISSIONER MARDFIN: I'd really like to get this
8 passed, but "equitable" isn't quite the right word.
9 "Progressive" means something in economics. It doesn't
10 quite mean what I want it to mean. What it means is higher
11 income people pay higher rates per unit, and that's not
12 quite what I want because it's not income that I'm working
13 on but it's the value of the housing.

14 But I think "progressive" at least in context has
15 the right content to it. People can argue that "equitable"
16 means equal, and that's opposed to a progressive type
17 system. That amendment is not acceptable to me at this
18 point.

19 CHAIRMAN HEDANI: Director Hunt, share some light
20 with us.

21 DIRECTOR HUNT: I'm following up on Commissioner
22 Hiranaga's comment. Perhaps if you just deleted the word
23 "progressive." The statement by itself would be pretty
24 bland, however when you read it with the opening intro, it
25 does give you policy direction. So it would be, "Develop

1 another group to identify various methods and present it to
2 the public.

3 CHAIRMAN HEDANI: Commissioner Starr?

4 COMMISSIONER STARR: Yes, while I do agree that
5 the examples cited are, you know, are things that need to be
6 protected against, they're examples of what happens under a
7 system that is not progressive, and that a truly progressive
8 system would find ways so that the local resident who builds
9 his place and has a little bit of lifetime windfall is not
10 punished for it.

11 CHAIRMAN HEDANI: Commissioner Hiranaga.

12 COMMISSIONER HIRANAGA: Maybe the word
13 "progressive" is not the best word. Maybe we can find a
14 better word that is more definitive as to what the intent of
15 the motion is.

16 COMMISSIONER STARR: Any suggestions?

17 COMMISSIONER HIRANAGA: "Develop sophisticated."

18 CHAIRMAN HEDANI: As opposed to unsophisticated.

19 COMMISSIONER STARR: How about --

20 CHAIRMAN HEDANI: Commissioner Starr.

21 COMMISSIONER STARR: How about --

22 CHAIRMAN HEDANI: "Fair"?

23 COMMISSIONER STARR: I was thinking of the word
24 "just." Or "equitable" sounds like a good term.

25 CHAIRMAN HEDANI: I'm getting very frowning faces

1 taxing methods and building-fee structures in order to
2 promote resident housing and minimize offshore market
3 impacts." I think staff could live with that in hopes of
4 trying to get some consensus with that motion.

5 COMMISSIONER MARDFIN: I could live with that as
6 maker of the motion.

7 CHAIRMAN HEDANI: Repeat that for us very slowly,
8 Jeff.

9 DIRECTOR HUNT: Simply remove the word
10 "progressive."

11 CHAIRMAN HEDANI: So "Develop real property taxing
12 methods and building-fee structures."

13 DIRECTOR HUNT: You can that to the promote, but
14 it's already up above in your introductory statement on the
15 policy in 3. But you could add it at the end. It's
16 redundant.

17 COMMISSIONER STARR: Mr. Chair?

18 CHAIRMAN HEDANI: Commissioner Starr.

19 COMMISSIONER STARR: How about instead of
20 "develop" it would be "improve."

21 CHAIRMAN HEDANI: Maker of the motion?

22 COMMISSIONER HIRANAGA: Yes.

23 CHAIRMAN HEDANI: "Improve real property taxing
24 methods and building-fee structures," period.

25 COMMISSIONER MARDFIN: I can live with that.

1 CHAIRMAN HEDANI: We can insert a period because
 2 it's redundant actually. It's actually part of number 3, so
 3 this would be 3-C. Are we all on the same page?
 4 Item C as proposed is, "Improve real property
 5 taxing methods and building-fee structures," period. Good
 6 enough? Any further discussion?
 7 All those in favor signify by saying "aye."
 8 (A chorus of ayes)
 9 Opposed "nay."
 10 (None)
 11 Carried, thank you.
 12 We are going to go ahead and take a break, because
 13 we have gone one hour and 55 minutes and we've tortured our
 14 stenographer immensely with our rapid talk. So we'll take a
 15 break for 15 minutes, and we will reconvene at 11:10.
 16 (Whereupon a brief recess was had)
 17 CHAIRMAN HEDANI: The Planning Commission is back
 18 in session. I was going to say let's go ahead and approve
 19 everything before Director Hunt gets back, but he's already
 20 back. (Laughter)
 21 DIRECTOR HUNT: Nice try.
 22 CHAIRMAN HEDANI: Okay, ladies and gentlemen, we
 23 finally made it to page 2. Action items under housing.
 24 Goal and objective 1. What's your pleasure? Commissioner
 25 Starr.

1 COMMISSIONER STARR: I move to approve Action
 2 items 1, 2 and 3 and 4 and 5. That's all of them under
 3 objective 1.
 4 COMMISSIONER MARDFIN: Which version?
 5 COMMISSIONER STARR: Director's.
 6 CHAIRMAN HEDANI: I have only 1, 2 and 3.
 7 COMMISSIONER STARR: Next page.
 8 COMMISSIONER MARDFIN: On a lot of yours the pages
 9 are duplicative of the first page, at least I found it
 10 duplicated in mine. It's a duplicate.
 11 CHAIRMAN HEDANI: Okay, I've got it. The motion
 12 is to approve Director's recommendation on Action items 1
 13 through 5. Is there a second?
 14 COMMISSIONER MARDFIN: Second.
 15 CHAIRMAN HEDANI: Seconded by Commissioner
 16 Mardfin. Discussion? Commissioner Hiranaga.
 17 COMMISSIONER HIRANAGA: I'd like to make an
 18 amendment to delete action item 2.
 19 CHAIRMAN HEDANI: To delete item what?
 20 COMMISSIONER HIRANAGA: Action item 2.
 21 CHAIRMAN HEDANI: Action item 2 which reads,
 22 "Develop a housing reporting system to identify the stages
 23 in economic and housing cycles and track indicators for
 24 housing supply, affordability and quality." Is there a
 25 second?

1 COMMISSIONER GUARD: Second.
 2 CHAIRMAN HEDANI: Seconded by Commissioner Guard.
 3 Discussion? Commissioner Hiranaga.
 4 COMMISSIONER HIRANAGA: I just can't see the
 5 county doing this.
 6 CHAIRMAN HEDANI: Additional discussion? Ready
 7 for the question? The question is to delete action item 2.
 8 All those in favor signify by raising your hand.
 9 (Two)
 10 Opposed same sign.
 11 One, two, three, four. Chair votes nay.
 12 (Five)
 13 So the motion is lost.
 14 Any additional discussion on Action items 1
 15 through 5? Commissioner Starr.
 16 COMMISSIONER STARR: Yeah, I'd like to create a
 17 new action item, action item 6, which shall read, "Develop
 18 incentives for locating new workforce housing in proximity
 19 to jobs and services."
 20 COMMISSIONER MARDFIN: Second.
 21 CHAIRMAN HEDANI: Moved by Commissioner Starr,
 22 seconded by Commissioner Mardfin to add action item number
 23 6, which would read, "Develop incentives for locating new
 24 workforce housing in proximity to jobs and services."
 25 Discussion? Commissioner Hiranaga.

1 COMMISSIONER HIRANAGA: I'm just wondering, I
 2 can't remember what section we approved an amendment, how
 3 similar they are, because I didn't write down that new
 4 language.
 5 CHAIRMAN HEDANI: Commissioner Starr.
 6 COMMISSIONER STARR: Yes, this is just an action
 7 to meet the objective that we've already approved, the
 8 policy.
 9 CHAIRMAN HEDANI: And the intent is to create
 10 incentives. Additional discussion? Commissioner Guard.
 11 COMMISSIONER GUARD: I agree with it, but it
 12 appears to go with action item one. And I would think when
 13 you're looking to produce affordable housing, having it
 14 close to those areas would help sway a development to move
 15 forward anyway.
 16 CHAIRMAN HEDANI: Additional discussion?
 17 Commissioner Shibuya.
 18 COMMISSIONER SHIBUYA: I thought the planning
 19 long-range planning people would be re-editing it and
 20 placing it in the appropriate location, to have the action
 21 item correspond with the policy.
 22 CHAIRMAN HEDANI: Additional discussion? Ready
 23 for the question?
 24 All those in favor signify by saying "aye."
 25 (A chorus of ayes)

1 Opposed "nay."
 2 (None)
 3 Carried, thank you.
 4 Any other discussion on Action items 1 through 5?
 5 Commissioner Hiranaga.
 6 COMMISSIONER HIRANAGA: Motion to amend 3-B by
 7 deleting it.
 8 CHAIRMAN HEDANI: So the motion is to delete 3-B.
 9 COMMISSIONER HIRANAGA: Yes.
 10 CHAIRMAN HEDANI: 3-B reads, "The location and
 11 quantity of housing that is used by visitors/second home
 12 and." Is that an acting thought or what? Is there a
 13 second?
 14 COMMISSIONER SHIBUYA: Second.
 15 CHAIRMAN HEDANI: Seconded by Commissioner
 16 Shibuya. Discussion? Commissioner Hiranaga.
 17 COMMISSIONER HIRANAGA: I just don't see how
 18 they're going to be able to do it.
 19 CHAIRMAN HEDANI: So the intent is to locate.
 20 Item 3 reads, "Develop and main a database and related maps
 21 for the following:" And this would not read, "The location
 22 and quantity of housing that is used by visitors/second
 23 home."
 24 COMMISSIONER HIRANAGA: If you are going to use
 25 the mailing address for real property tax bills, I think

1 CHAIRMAN HEDANI: Commissioner Hiranaga.
 2 COMMISSIONER HIRANAGA: I have a question for
 3 staff. Defining second home, my wife inherited a wife from
 4 her parents on Maui. We don't live in it because we have
 5 our own home. She rents it out. Is that a second home?
 6 MR. SUMMERS: Thank you, Mr. Chairman. I think
 7 that would be considered a second home. And that's
 8 precisely why we need this data to determine if it's being
 9 rented out in the secondary market. And there are
 10 methodologies for tracking this. SMS has developed a
 11 methodology to do this. But it's a fundamental gap in our
 12 data systems that we need to fill.
 13 COMMISSIONER HIRANAGA: I don't want you to know
 14 because you're going to progressively tax it. (Laughter)
 15 CHAIRMAN HEDANI: Additional discussion? Ready
 16 for the question? Okay, the question on the floor is for
 17 the deletion of item 3-B.
 18 All those in favor signify by raising your hand.
 19 (One)
 20 Opposed same sign.
 21 (A show of hands)
 22 Okay, the motion is defeated. The motion is lost.
 23 Any additional discussion on Action items 1
 24 through 5? Commissioner Hiranaga.
 25 COMMISSIONER HIRANAGA: Move to delete 3-C.

1 that's a poor base, because people can have their real
 2 property tax bills sent to PO boxes on Maui. So I don't
 3 know how you are going to, I mean.
 4 CHAIRMAN HEDANI: So you're saying it's physically
 5 impossible.
 6 COMMISSIONER HIRANAGA: I think it's impractical,
 7 and I don't know how accurate the information will be, and I
 8 don't know what you are going to do it with it.
 9 CHAIRMAN HEDANI: Commissioner Mardfin.
 10 COMMISSIONER MARDFIN: I'm going to vote against
 11 the motion to delete because I think it is just a database.
 12 I think we do the best we can do. It's probably not going
 13 to be perfect, but I think it's worth trying.
 14 CHAIRMAN HEDANI: Commissioner Starr.
 15 COMMISSIONER STARR: I will be voting against it.
 16 I think it is important to develop information on the
 17 offshore housing, having read the underlying report that a
 18 lot of this work was based on. It seems that a lot of our
 19 problem in the housing sector is that half of our housing is
 20 being built for the offshore market, and it's creating a lot
 21 of the problems in local residents in finding housing. The
 22 more we're able to know about it the next go round of our
 23 general plan and our community plans, we will be able to
 24 make better informed decisions and create better mechanisms
 25 for dealing with it.

1 CHAIRMAN HEDANI: 3-C reads, "Property tax
 2 information including property land use designations, tax
 3 rates," et cetera. Well, you all have it. Is there a
 4 second?
 5 COMMISSIONER U'U: Second.
 6 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
 7 Discussion? Commissioner Hiranaga.
 8 COMMISSIONER HIRANAGA: They already have this at
 9 the Real Property Tax Office. Just because you have it
 10 doesn't mean the information is accurate, timely. I don't
 11 know why you would want to create another database. They
 12 should just work on what they already have, make it more
 13 accurate and timely.
 14 CHAIRMAN HEDANI: Commissioner Mardfin.
 15 COMMISSIONER MARDFIN: This was an addition by the
 16 Director. Would he care to comment on why he included it?
 17 It strikes me as a good idea.
 18 CHAIRMAN HEDANI: Director?
 19 DIRECTOR HUNT: I'll defer to my staff.
 20 CHAIRMAN HEDANI: Mr. Summers?
 21 MR. SUMMERS: Thank you, Mr. Chairman. If you
 22 look at action number 5, this was actually consolidated. So
 23 it did come from GPAC.
 24 CHAIRMAN HEDANI: Additional discussion?
 25 Commissioner Hiranaga.

1 COMMISSIONER HIRANAGA: I don't know if this is
 2 parliamentarily correct, but add the word "improve" property
 3 tax information.
 4 CHAIRMAN HEDANI: Add the word "improve." So it
 5 would be "Improve property tax information."
 6 COMMISSIONER MARDFIN: Is he rescinding his motion
 7 to delete?
 8 CHAIRMAN HEDANI: He's suggesting I guess at this
 9 point the substitution of the word or insertion of the word
 10 "improve." Property tax information would allow him to
 11 withdraw the motion.
 12 COMMISSIONER STARR: I second.
 13 CHAIRMAN HEDANI: Is that your intent, Kent?
 14 COMMISSIONER HIRANAGA: I guess.
 15 CHAIRMAN HEDANI: So the amendment would now read,
 16 "Improve property tax information," et cetera.
 17 COMMISSIONER U'U: Second.
 18 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
 19 Discussion?
 20 All those in favor signify by saying "aye."
 21 (A chorus of ayes)
 22 Opposed "nay."
 23 (None)
 24 Carried, thank you.
 25 Any other discussion on Action items 1 through 5,

1 island state, it's like you're trying to prevent people from
 2 other states crossing the line. We are still part of the
 3 United States. Someone needs to educate me why the visitor
 4 is a boogie man.
 5 CHAIRMAN HEDANI: Anybody?
 6 DIRECTOR HUNT: Mr. Knox's report addressed that,
 7 I believe. Can you give a Reader's Digest summation?
 8 CHAIRMAN HEDANI: Mr. Summers.
 9 MR. SUMMERS: Thank you, Mr. Chairman. The Knox
 10 report did address this issue, and I think it's less about
 11 looking at it as a boogie man but more as an opportunity to
 12 actually use this as a way to subsidize affordable housing,
 13 or address infrastructure inadequacies, or a number of other
 14 areas that are in need of attention.
 15 CHAIRMAN HEDANI: Commissioner Hiranaga.
 16 COMMISSIONER HIRANAGA: I guess I have friends who
 17 have bought second homes, and a lot of them are baby boomers
 18 who are looking to a retirement home. And they're buying it
 19 now or previously to secure their place on Maui, not knowing
 20 what the future holds as far as prices of real estate. And
 21 they intend at some point to sell their current primary home
 22 on the mainland and become full-time residents on Maui. And
 23 they're struggling do this right now.
 24 So I don't necessarily agree that this is an
 25 untapped resource, because a lot of people are not

1 objective number 1? Commissioner Hiranaga.
 2 COMMISSIONER HIRANAGA: Action item 4 with the
 3 Director's recommendation. I'd like to make a motion to
 4 replace the word "progressive" with "equitable."
 5 CHAIRMAN HEDANI: Is there a second?
 6 COMMISSIONER U'U: Second.
 7 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
 8 Discussion? Commissioner Hiranaga.
 9 COMMISSIONER HIRANAGA: For equitable I guess
 10 there are several meanings, and one of them I guess could be
 11 a fair share. You want to check that, Google that?
 12 CHAIRMAN HEDANI: Additional discussion?
 13 Commissioner Mardfin.
 14 COMMISSIONER MARDFIN: I am going vote against
 15 this motion. I like the way it currently reads.
 16 CHAIRMAN HEDANI: Additional discussion? Director
 17 Hunt.
 18 DIRECTOR HUNT: To be consistent with the previous
 19 policy amendment, perhaps just as an option would be to
 20 reword it to say, "Revise the county's property tax rates to
 21 mitigate the impact of offshore demand." That's really what
 22 it's intended to do.
 23 CHAIRMAN HEDANI: Commissioner Hiranaga.
 24 COMMISSIONER HIRANAGA: I guess I fail to see why
 25 offshore demand is such a boogie man. If we weren't an

1 multi-millionaires. They're just saying, "Hey, we're trying
 2 to make sure we can find a place to live on Maui now, so
 3 that's why we're carrying two mortgages." So I don't
 4 understand the philosophy.
 5 CHAIRMAN HEDANI: Mr. Summers?
 6 MR. SUMMERS: Thank you, Mr. Chair. I don't think
 7 the intent was ever to apply this rate structure to
 8 affordable and gap group housing. It was really housing
 9 that is way beyond the means of perhaps 99 percent of the
 10 residents living on the island.
 11 COMMISSIONER HIRANAGA: Maybe we should say that,
 12 then. The top 10 percent of real estate sales, or
 13 something.
 14 MR. SUMMERS: Well, one way of addressing that
 15 would be to add at the end of that sentence in parenthesis,
 16 "With the intent to minimize any impact on affordable and
 17 gap group housing." We can then go and clean that up, but
 18 it does clarify the intent. I think any way that we can be
 19 more specific with regard to intent is very important for
 20 this type of policy language.
 21 CHAIRMAN HEDANI: Okay. What we have up on the
 22 board right now reflects the latest thought, I guess,
 23 "Revise the county's property tax rates to mitigate the
 24 impact of off-shore demand (with the intent to minimize any
 25 adverse affect to affordable housing)."

1 MR. SUMMERS: Right. I would expand that to
 2 include "gap group," which will need to be defined elsewhere
 3 in the document, but at least it gives us some intent.
 4 CHAIRMAN HEDANI: Does that work for you, Kent?
 5 COMMISSIONER HIRANAGA: Well, I guess, you know,
 6 if you look back two or three years ago or four years ago at
 7 the peak of the market in 2005, you could not really buy
 8 much for a million dollars in Kihei. And so when you're
 9 talking about gap group affordable housing, someone who is
 10 say just upper middle income class in the West Coast moving
 11 here and buying a million dollars home does not mean they're
 12 multi-million dollar people. They're still two wage earners
 13 in the home and they happened to invest wisely the previous
 14 40 years and now they want to move to Maui to retire.
 15 They're not, I mean multi-millionaire people to me
 16 is like \$5 million-plus. So if you're trying to impact
 17 those types of sales, then I think you should say somehow
 18 mitigate the impact of high-end off-shore demand, extremely
 19 high-end.
 20 COMMISSIONER MARDFIN: Mr. Chair.
 21 CHAIRMAN HEDANI: Commissioner Mardfin.
 22 COMMISSIONER MARDFIN: I think the motion on the
 23 floor is a motion to amend to delete this by Commissioner
 24 Hiranaga. If he wants to withdraw that motion --
 25 COMMISSIONER HIRANAGA: It was to change the word

1 floor is to substitute the word "equitable" for
 2 "progressive" on item 4. Any further discussion?
 3 All those in favor of the motion signify by saying
 4 "aye."
 5 (Two)
 6 Opposed "nay."
 7 (A chorus of nays)
 8 Okay, motion dies.
 9 Any other amendments? Ready for the main motion?
 10 All those in favor of adopting Action items 1
 11 through 5 as amended signify by saying "aye."
 12 (A chorus of ayes)
 13 Opposed "nay."
 14 (One)
 15 Commissioner Starr.
 16 COMMISSIONER STARR: Move to approve Objective 2
 17 and all underlying policies and actions.
 18 CHAIRMAN HEDANI: Is there a second?
 19 COMMISSIONER U'U: Second.
 20 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
 21 Discussion? Commissioner Mardfin.
 22 COMMISSIONER MARDFIN: I'd like to ask the
 23 Director or his representatives why in Policy number 1 the A
 24 and B portion was deleted.
 25 MR. MICHAELSON: Mr. Chair, A and B still remain.

1 "progressive" to "equitable." We're having a discussion.
 2 COMMISSIONER MARDFIN: We haven't voted on that
 3 yet.
 4 COMMISSIONER HIRANAGA: No.
 5 COMMISSIONER MARDFIN: Unless you're accepting
 6 this.
 7 CHAIRMAN HEDANI: You're making the stenographer
 8 crazy.
 9 COMMISSIONER HIRANAGA: No, we're discussing the
 10 proposed amendment, I am not amending it.
 11 CHAIRMAN HEDANI: So the question on the floor is,
 12 is the revised language as suggested by Director Hunt
 13 something that's acceptable to you as an amendment as the
 14 maker of the motion?
 15 COMMISSIONER HIRANAGA: Well, there's something in
 16 parens there. Is that part of it?
 17 CHAIRMAN HEDANI: It says, Revise the county's
 18 property tax rates to mitigate the impact of high-end
 19 off-shore demand parenthesis -- do you want to delete
 20 everything in the parenthesis? Period. Does that work for
 21 you?
 22 COMMISSIONER HIRANAGA: Not for me, but maybe for
 23 someone else. I think I'll just stick with the word
 24 "equitable" and you can vote it down.
 25 CHAIRMAN HEDANI: Okay. So the motion on the

1 COMMISSIONER MARDFIN: Not in the June version.
 2 MR. MICHAELSON: It just didn't get transferred to
 3 the column, but the intent is to retain A and B.
 4 COMMISSIONER MARDFIN: Okay. Because on the side
 5 it says "deleted."
 6 CHAIRMAN HEDANI: As for Policy number 1, A and B
 7 are still retained. Any additional discussion?
 8 Commissioner Starr, your motion was for Objective
 9 2, policies and actions. Commissioner Starr? Your motion
 10 was for Objective 2, policies and actions?
 11 COMMISSIONER STARR: And actions, and that's per
 12 Director.
 13 CHAIRMAN HEDANI: Per the Director's
 14 recommendation. Any further discussion? Commissioner
 15 Hiranaga.
 16 COMMISSIONER HIRANAGA: On Policy number 1 I'd
 17 like to insert a time limit. Within ten years of purchase
 18 require that affordable for-sale housing be subject to
 19 repurchase.
 20 CHAIRMAN HEDANI: An amendment to insert the words
 21 "within ten years of purchase."
 22 COMMISSIONER HIRANAGA: Yes.
 23 CHAIRMAN HEDANI: And that would be inserted after
 24 the word "require."
 25 COMMISSIONER HIRANAGA: Before.

1 CHAIRMAN HEDANI: Before?
2 COMMISSIONER HIRANAGA: "Within ten years of
3 purchase, require that affordable for-sale housing be
4 subject to repurchase."

5 MR. MICHAELSON: Mr. Chair, just a point of
6 clarification.

7 CHAIRMAN HEDANI: Mr. Michaelson.

8 MR. MICHAELSON: The purpose in the objective is
9 pretty clear, and that is to perpetuity. I think where
10 you're going, Kent, and correct me if I am wrong, is that if
11 there's no market for those units at any specific time that
12 they should go back into the free market. Is that what
13 you're suggesting?

14 COMMISSIONER HIRANAGA: No.

15 MR. MICHAELSON: Because if do you that, what
16 you're essentially doing is you're creating an affordable
17 unit and then you're essentially taking it out of the pool
18 when the demand for it may in fact come back.

19 CHAIRMAN HEDANI: Commissioner Hiranaga.

20 COMMISSIONER HIRANAGA: Well no, my intent is to
21 allow someone who when they purchase an affordable housing
22 unit which they qualify for, that if they're able to live in
23 that house for ten years, and for whatever reason, lifestyle
24 change, they've got kids, they get divorced or whatever,
25 that if they do decide to sell their home after ten years

1 Condition 1-B says each owner is still allowed a
2 shared appreciation so they can benefit if it goes up. But
3 it says perpetuity as affordable. Land trusts are one way
4 of doing this or methods. I just don't think we ought to be
5 pouring money down a rat hole and then if you just stay in
6 it for ten years you get to convert it to market value and
7 reap the benefits.

8 CHAIRMAN HEDANI: Commissioner U'u?

9 COMMISSIONER U'U: Question for staff. Maybe I am
10 not familiar with the subject or the total understanding of
11 the subject, and that's why questions will arise. Is there
12 any examples on Maui or Oahu of affordable housing in
13 perpetuity? Because the one that stands out to me is KPT on
14 Oahu, Kalihi Park Terrace. It is in perpetuity, and it's
15 not the best affordable housing that you want to be in. I
16 mean we get people in there for generations. So at times
17 you actually might be creating a slum.

18 So I'm hoping for a better example than that
19 initial example, and maybe there is, and I'm hoping there
20 is. You have got two that comes to mind in my head on Maui,
21 and one is in Lahaina and one is in Happy Valley, and I'm
22 looking for better examples right now.

23 CHAIRMAN HEDANI: Director Hunt.

24 DIRECTOR HUNT: I can't give you examples in
25 Hawai'i, but in Colorado --

1 that they sell it for whatever the market bears, and either
2 they'll reap a gain or reap a loss.

3 I don't want to shackle them to this affordable
4 project, because the county should be building more
5 affordable projects. This is, to me, entry level. Get them
6 into a home ownership equity position, and if they do it
7 right they can sell it and move on to something bigger and
8 better.

9 MR. MICHAELSON: My point is that it's not to
10 perpetuity.

11 COMMISSIONER HIRANAGA: I know, I should have
12 actually made a motion to change Objective 2. I can do that
13 after we vote on this.

14 COMMISSIONER STARR: Mr. Chair, until we have a
15 second we probably shouldn't be debating.

16 COMMISSIONER U'U: Second.

17 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
18 Discussion? Commissioner Mardfin.

19 COMMISSIONER MARDFIN: Well, I understand what
20 Commissioner Hiranaga is suggesting, I'm in rather strong
21 opposition to it. I don't think that every ten years we
22 have to -- if his motion succeeds then what happens is we
23 put money into affordable housing, and every ten years we
24 have got to renew that because it's lost back to market
25 value.

1 COMMISSIONER U'U: I want it in Hawai'i. This is
2 not Colorado.

3 DIRECTOR HUNT: Can I just answer? Whether it
4 answers your question, I can at least provide some
5 information.

6 COMMISSIONER U'U: I think it's a big difference
7 between Colorado and Hawai'i.

8 DIRECTOR HUNT: Let me just give some examples of
9 how affordable housing programs can work. You don't
10 necessarily have to say there's no appreciation. And as
11 Ward noted, there's a policy here that says people would get
12 a share of appreciation of that home. So that provides an
13 incentive for these people to keep the home up, because they
14 get a share of whatever increased value of that home occurs
15 at the resale level. So that tends to counter the slumming
16 affect. So as just a tool, that's one way we can address
17 that.

18 CHAIRMAN HEDANI: Commissioner Starr.

19 COMMISSIONER STARR: Yeah, I think Commissioner
20 U'u brought up a good point that we don't have examples of
21 it here because we've never done it this way. And this is
22 something that the Knox report was very strong about, that a
23 lot of the problem with some of the affordable housing that
24 was done in the past is that it becomes, you know, a kind
25 of, you know, like a lottery game or a financial instrument

1 instead of a housing unit, a place where a family can live.
 2 The idea of putting it in perpetuity and that if
 3 it's not going to be utilized by the applicant as it goes
 4 back to the pool, and then it basically enables another
 5 family to move into it, it doesn't go out of the affordable
 6 pool. Because, you know, everyone who is building is kind
 7 of getting taxed to create this affordable housing. You
 8 know, if you build or develop a project you are being taxed
 9 to create this. It's something that should be sort of in
 10 the public trust, it should be there in perpetuity. This is
 11 the way of managing it and keeping that pool of affordable
 12 housing going year after year, decade after decade.

13 CHAIRMAN HEDANI: Additional comments?
 14 Discussion? Commissioner U'u.

15 COMMISSIONER U'U: Good examples. I mean the
 16 Director brought up a good example. But some of the
 17 examples, like I'm living in a low income neighborhood and
 18 times change, so kids grew up and they moved out. Parents
 19 sold their house at the market rate to buy a condo that
 20 could they could afford with extra income of money made off
 21 that house. So they could live off the retirement money
 22 they made, which is minimal, and the profit they made off
 23 the gain of their house.

24 And now they've got a little maintenance in their
 25 front yard, they're living in a condo, but that one

1 reality is that I had to go outside of that jurisdiction to
 2 do that. So I knew it going in.

3 And to your question, Mr. Chair, about creating a
 4 class, I think you have got to be careful with that, because
 5 the people that were living in my unit were planners,
 6 nurses, school teachers, but they were in a geographic area
 7 where even though they were making good money, they could
 8 not afford a free market home, but they wanted to live in
 9 their community where they worked. And in some cases they
 10 were able to go outside.

11 No, I did not make free market money off my unit,
 12 but I knew that, all right. I made a conscientious decision
 13 that I wanted to live and work in the same community. So
 14 you always have that choice if you want, if something
 15 happens and you can go out and buy free market. But the
 16 important thing is that that community that I lived in was
 17 made up of a variety of classes. Some of them were waiters
 18 and waitresses, but others were making very good money doing
 19 other professions.

20 CHAIRMAN HEDANI: Commissioner Guard.

21 COMMISSIONER GUARD: Thank you. I think the
 22 biggest difference that we're looking at is like a KPT or
 23 some of those other guys. It's a lot of people that are
 24 living off of welfare, maybe some HUD assistance, versus
 25 what Dave is saying is based on people being able to afford

1 sustained them into their retirement life. And it's just an
 2 example. I don't know how it works or how it wouldn't work,
 3 but they had that option to make money.

4 My in-laws sold their house up Kula which they
 5 bought in 1960, sold it, and moved to the mainland. And if
 6 they wouldn't be able to sell it and live the comfortable
 7 life they're living right now had it remained at that level
 8 of affordability. So it's just question and conversation.
 9 I'm not against it, definitely not against it, I'll tell you
 10 that.

11 CHAIRMAN HEDANI: Maybe staff can answer this
 12 question. Hold on, I have a question. Maybe staff can
 13 answer this question, because the question that I have is by
 14 this policy are we creating a class of people that will
 15 never, ever be able to attain the American dream?

16 MR. MICHAELSON: Bruce, your questions are really
 17 good and I appreciate them. I will give you a real world
 18 example. I lived in affordable housing for seven years, all
 19 right. When I moved into that unit I wanted to live close
 20 to my job. And when I went into that unit I fully realized
 21 the appreciation cap that was on my deed restriction. I
 22 mean I knew that. I was not moving into the unit to make
 23 money, all right.

24 Now, seven years later my financial situation was
 25 such that I could go out and buy a free market unit. The

1 what may be cheaper than rent potentially right now.

2 You read letters to the editor about teachers
 3 having to move and the state furlough. The impact of that
 4 is that they will have to leave the state.

5 So would it be better to have a cap on the amount
 6 of money you can make and be able to survive here with one
 7 job, or have to buy something that might be above your means
 8 and never even enjoy Maui. And so to have that in
 9 perpetuity versus the ten year lottery ticket I think we
 10 discussed previously.

11 They wanted to maybe do that outside of Lahaina.
 12 So here you are going to have 50 people own right outside of
 13 Lahaina, ocean views, and in ten years they're going to be
 14 multi-millionaires. So there is a huge thing. If you are
 15 one of those 50 people, is that what the tool 1-H process is
 16 meant to be for? I don't think it is. I think the
 17 perpetuity, there's all types of methods for affordable
 18 housing, this is just one of them, and some affordable
 19 housing has to be in perpetuity.

20 We're talking about home ownership, not only Happy
 21 Valley apartment rentals or one big box with 10 to 20 units
 22 in it that might be for HUD assistance to help people get on
 23 their feet in between jobs. So just to kind of keep our
 24 perspective of what we're looking at.

25 CHAIRMAN HEDANI: Okay. Remember, the question

1 that we have on the floor right now is to insert the words
2 "within ten years of purchase." Commissioner Shibuya.

3 COMMISSIONER SHIBUYA: I'm just wondering, with
4 these restrictions is this part of public housing? Is the
5 county funding something like this because they're making
6 conditions on the applicant or the resident?

7 The other part is, are we considering stratifying
8 the affordabilities, the homes that are available, some that
9 are probably single rooms, some are dual homes, some are for
10 multi-generational families. If we have this kind of
11 variety and the ability to have the residents move from one
12 type of unit to the next, as well as downgrade themselves
13 when they retire to a single room, this would be acceptable
14 by me. Can the staff respond?

15 CHAIRMAN HEDANI: Mr. Michaelson?

16 MR. MICHAELSON: Mr. Chair, your point is right
17 on. If you don't target your affordable housing for all of
18 those sort of markets that you described you are probably
19 not going to have a very efficient housing program. What
20 you often see with -- well, in my scenario I was in a studio
21 until my dog got too big, so then I qualified for a one
22 bedroom. And then I got married and I qualified for a two
23 bedroom. And what happened that program did was every year
24 it would assess where the gaps were, and it would base it on
25 people calling the housing authority saying, "I need a two

1 Summers.

2 MR. SUMMERS: Thank you, Mr. Chair. I'd just like
3 to point out that I-B is pretty specific that there would be
4 shared appreciation allowed. And during the structuring of
5 the specifics those kinds of issues are ironed out. So this
6 does allow an opportunity for people to get their foot in
7 the door and gain some advantages during a rising market and
8 get out into the free market.

9 CHAIRMAN HEDANI: Any additional discussion on the
10 amendment on the floor? Commissioner Mardfin.

11 COMMISSIONER MARDFIN: Even revised, I continue to
12 be in opposition to this. I think we're putting county
13 resources into a windfall for these people. They're going
14 into it with their eyes open. They know what the conditions
15 are. And I don't think that they, the lucky winners,
16 shouldn't be allowed to profit on it to the extent that it
17 takes out a future affordable housing.

18 CHAIRMAN HEDANI: I'm sorry, Susan, the discussion
19 is restricted to the Commissioners at this point. Director
20 Hunt.

21 DIRECTOR HUNT: Normally we let you guys kind of
22 go down any path you want, and we will give you some advice.
23 But in this case we are going to come out and strongly
24 oppose this amendment. This is one of the most critical
25 issues that our community is facing, and the perpetuity of

1 bedroom." Well, suddenly we don't have enough two bedrooms,
2 so we would change our program. It was elastic and it would
3 reflect changing demographics, changing demand, changing
4 income and wages, the whole program.

5 CHAIRMAN HEDANI: Commissioner Hiranaga.

6 COMMISSIONER HIRANAGA: I'm not sure what the
7 procedural process is, but let's assume that the useful life
8 of a house is 50 years. I'd be willing to change that to 25
9 years, thereby at least providing a window for people to get
10 out.

11 CHAIRMAN HEDANI: So it's an amendment to the
12 amendment. Well, it's restating the amendment to 25 instead
13 of ten years, with the consent of the second.

14 COMMISSIONER U'U: Yes.

15 COMMISSIONER HIRANAGA: I challenge anyone to
16 predict where the real estate market is going to be 25 years
17 from now.

18 CHAIRMAN HEDANI: Commissioner Starr.

19 COMMISSIONER STARR: Even 20 or 25 years is too
20 short. We recently had affordable housing in Napili that
21 was 20 years, and it just kicked over and went into the
22 market based area. And I just it doesn't seem right that it
23 went out, you know, it went out of the affordable pool in a
24 lifetime.

25 CHAIRMAN HEDANI: Additional discussion? Mr.

1 affordable housing is one of the best ways to address that
2 critical issue.

3 CHAIRMAN HEDANI: Okay. Additional comments?
4 Discussion? Commissioner Hiranaga.

5 COMMISSIONER HIRANAGA: Just clarification. This
6 is not county subsidized affordable housing, right, this is
7 affordable housing. The county is an agency that would
8 administer the resale or the sale of the project, but this
9 is not a county subsidized affordable housing. This is
10 affordable housing, private or public.

11 CHAIRMAN HEDANI: Right. That was any comment.
12 Under Objective 2 we're talking about build housing that
13 remains affordable in perpetuity, and that applies to all
14 housing, private as well as public. Commissioner U'u.

15 COMMISSIONER U'U: It applies to all housing. As
16 of what date is it to be implemented in?

17 CHAIRMAN HEDANI: It's open ended, Commissioner
18 U'u.

19 COMMISSIONER U'U: And it is nice, it sounds very
20 nice, and I understand the concept. But to be flexible, if
21 I wanted to move right now and leave and go to the mainland
22 and enjoy my retirement life so my dollar can stretch out
23 further, I have the option right now to join my in-laws.
24 And the buyer would probably be an off-shore investor, but
25 that's the option I have to looking at after my working

1 life. And I feel that I should have total control, total
2 control of my after life, after work life, to move out and
3 live where I want to live and not be restrained by you, by
4 telling us what is good for me and not good for me.

5 CHAIRMAN HEDANI: Commissioner Starr.

6 COMMISSIONER STARR: It wouldn't affect you,
7 though, Commissioner U'u, and it wouldn't in the future.
8 This is specifically for that which comes under affordable
9 housing programs, which are subsidized. Either they're
10 subsidized by developers who are building market priced and
11 luxury housing, or they're subsidized by the county through
12 different programs or through the state program, like the
13 Spencer stuff.

14 And in those, you know, on one hand, yes, it would
15 be nice for the family that gets it and then all of a sudden
16 10 or 20 years elapse and now they've got something worth
17 \$10 million and they can go and live in Biarritz, but I
18 don't think that's really as good as that housing unit
19 remaining available for the working people of Maui.

20 CHAIRMAN HEDANI: Commissioner U'u.

21 COMMISSIONER U'U: To add to that, you're right,
22 it wouldn't affect me. But the house my mom bought was low
23 income, so in essence if this was implemented back then I'm
24 sure you, you know, I would get the money and value, but it
25 wouldn't be to where it is right now. And I'm just bringing

1 resident I think a lot of the problems we have today because
2 of housing this policy addresses. And I'm sorry, but it has
3 benefitted few people in certain professions at the expense
4 of many people who want now to have a housing opportunity.
5 I understand this, I support it, because I think here it's
6 let the buyer beware.

7 As it was said, when you buy a place, you know
8 what you're buying. If you have intent of doubling your
9 money then you have no business buying an affordable home.
10 Leave it for those who need to have a home here. Because
11 our islands, people are coming -- I know, I'm in the visitor
12 industry. I hear it every day from people who come here and
13 they want to move here, they want to live here. I'm not
14 against that.

15 But what about those who are here generations and
16 generations. How are we going to have them afford a home in
17 their own homeland. And I think this is what this
18 addresses, is to prevent the things that have been happening
19 on our island.

20 So I'm in full support of this policy. Again,
21 it's giving our Planning Department the tools to right the
22 wrong that's been going on for so long. So the quiet one
23 spoke. Thank you.

24 CHAIRMAN HEDANI: Okay, additional discussion?
25 Commissioner Shibuya.

1 this up. I seconded it just for debate now. I'm not
2 opposing it, this is opening it up for questions, and I
3 think it needs to be brought up and that's why I second it.
4 I'm not saying I'm voting for it now. I'm not saying
5 anything yet. I don't want Moikeha to give me the eye.

6 CHAIRMAN HEDANI: Director Hunt?

7 DIRECTOR HUNT: One clarification is how these
8 affordable housing programs work in some places is it's a
9 transition, so it's kind of a third market. You have a
10 rental market and you have a market market. And in between,
11 these affordable housing units are available, and people use
12 them. They're better than rentals because you have
13 ownership, you have pride, you can write off taxation, et
14 cetera, and you do reap some of the appreciation. But most
15 people, as soon as they can they'll get out of it and get
16 into a market house just for those reasons that you
17 mentioned.

18 So it's not intended, though I suppose there's
19 instances, but it's not intended to be, okay, when you're in
20 an affordable housing unit you're in that unit for life.

21 CHAIRMAN HEDANI: Additional discussion? Have we
22 beaten this to death yet? Commissioner Sablas.

23 COMMISSIONER SABLAS: Well, I'm the quiet one.

24 CHAIRMAN HEDANI: We'll listen to you.

25 COMMISSIONER SABLAS: You know, being an island

1 COMMISSIONER SHIBUYA: I just have an additional
2 question here, and the question is related to what if the
3 resident owner cannot make payments because he lost his job,
4 or there's some problem in divorce. What happens, does the
5 county buy it back?

6 MR. MICHAELSON: Mr. Chair, under the program that
7 I was involved with, that's exactly what would happen. The
8 county, the housing authority, if you will, would purchase
9 it back consistent with the deed restrictions that were in
10 place when it was purchased. Then it would go back into the
11 pool and someone else has an opportunity to live in that
12 unit.

13 COMMISSIONER SHIBUYA: And the individual is SOL?

14 MR. MICHAELSON: No -- which individual? The one
15 who can't afford to make the payments?

16 COMMISSIONER SHIBUYA: That's correct.

17 MR. MICHAELSON: If you can't afford to make the
18 payments, it's just like not being able to pay your rent.

19 COMMISSIONER SHIBUYA: I understand. So he's
20 homeless, basically.

21 MR. MICHAELSON: Yes, but that's true under either
22 a free market scenario or -- I mean it's life.

23 COMMISSIONER SHIBUYA: Okay, I understand.

24 CHAIRMAN HEDANI: Commissioner Guard.

25 COMMISSIONER GUARD: I was just bringing up that

1 he's still better off if someone is in that position than if
 2 he was in a free market house having to do a fire sale and
 3 possibly lose everything and more. This way he might still
 4 come out with some small gain. But I mean it's happening
 5 right now, people that have come in front of us that have
 6 had to go through divorces, losing a potential permit they
 7 were hoping for, and now their whole life is upside down.
 8 CHAIRMAN HEDANI: Commissioner Mardfin.
 9 COMMISSIONER MARDFIN: Yeah, presumably if they
 10 couldn't make the payments it would go back. If the house
 11 had appreciated they'd get their share of appreciation, and
 12 then they'd go back into the rental market or some other
 13 market.
 14 CHAIRMAN HEDANI: Okay, I think we've beat this
 15 one to death. The motion on the floor is to amend Objective
 16 number 2, item 1, Policy number 1, to insert the words
 17 "within 25 years of purchase," and the rest would remain the
 18 same.
 19 All those in favor signify by raising your hand.
 20 (Two)
 21 All those opposed, same sign.
 22 (A show of hands)
 23 Motion fails. Is there any additional discussion?
 24 Are you ready for the -- Commissioner Mardfin.
 25 COMMISSIONER MARDFIN: If we can go down to action

1 action item 3-A in the Director's recommendation?
 2 MR. MICHAELSON: That's correct.
 3 CHAIRMAN HEDANI: And the Director concurs?
 4 DIRECTOR HUNT: I have no problem with the
 5 proposed amendment.
 6 CHAIRMAN HEDANI: Commissioner Mardfin?
 7 COMMISSIONER MARDFIN: May I slightly reword that?
 8 I meant "community land trusts," to clarify what I'm talking
 9 about.
 10 CHAIRMAN HEDANI: Ready for the question?
 11 All those in favor signify by saying "aye."
 12 (A chorus of ayes)
 13 Opposed "nay."
 14 (None)
 15 Carried.
 16 Thank you. Any other amendments or discussion on
 17 Objective 2? Nobody gets lunch until we finish Objective 2.
 18 (Laughter) Commissioner Hiranaga.
 19 COMMISSIONER HIRANAGA: Just an explanation on
 20 Policy 4.
 21 CHAIRMAN HEDANI: Staff? Mr. Summers?
 22 MR. SUMMERS: Thank you, Mr. Chairman. We have a
 23 separate objective that deals specifically with
 24 infrastructure issues as those relate, so this is better
 25 suited under that objective.

1 item 3-A, the comment was to delete it because it's
 2 redundant with action item 3-B, and I don't quite see it as
 3 being totally redundant. Could somebody -- 3-A seems to be
 4 getting people together to talk about policies, and 3-B
 5 seems to be putting in housing related codes, and so it
 6 seems to me that 3-A is not redundant and ought to be left
 7 in.
 8 CHAIRMAN HEDANI: Staff comment?
 9 MR. MICHAELSON: I think I agree with you.
 10 COMMISSIONER MARDFIN: Does that mean that you are
 11 removing the redundancy?
 12 MR. MICHAELSON: That's correct.
 13 CHAIRMAN HEDANI: Commissioner Mardfin?
 14 COMMISSIONER MARDFIN: Given that we're working
 15 from 3-A wording, I would add to that and here is how I
 16 would change it. It now says, "Work with a range of
 17 landowners, developers and non-profit housing agencies."
 18 After "developers" I would add, "and land trusts." So it's
 19 "Work with a range of landowners, developers, land trusts,
 20 and non-profit housing agencies."
 21 COMMISSIONER STARR: I second.
 22 CHAIRMAN HEDANI: Moved and seconded by
 23 Commissioner Mardfin, seconded by Commissioner Starr to
 24 insert the words "and land trusts" into action item 3-A.
 25 Staff, the staff recommendation was to include

1 COMMISSIONER HIRANAGA: Could you tell me what it
 2 means though?
 3 CHAIRMAN HEDANI: This would be Policy 4 under
 4 Objective 2. Currently it reads, "Taylor infrastructure
 5 requirements to correspond with appropriate level-of-service
 6 standards to help control housing costs."
 7 COMMISSIONER MARDFIN: No, it isn't, it's under
 8 objective 4 under the Director's recommendation.
 9 COMMISSIONER HIRANAGA: No, but I'm asking --
 10 CHAIRMAN HEDANI: Hold it. Are we on the same
 11 page?
 12 MR. SUMMERS: I believe so, yes.
 13 COMMISSIONER HIRANAGA: Is it repeated in
 14 Objective 4?
 15 CHAIRMAN HEDANI: Mr. Summers?
 16 MR. SUMMERS: Yes, we are on the same page. And
 17 this was addressed in the Knox report where their research
 18 indicated that the cost of providing infrastructure is very
 19 high and has a detrimental impact on the production of
 20 affordable housing. Oftentimes levels of infrastructures
 21 are required by the county that exceed what may be
 22 necessary. So the thought was that we be more precise in
 23 our infrastructure requirements and scale back those
 24 requirements when we can do so without compromising health
 25 and safety.

1 COMMISSIONER HIRANAGA: Mr. Chair?
 2 CHAIRMAN HEDANI: Commissioner Hiranaga.
 3 COMMISSIONER HIRANAGA: You are talking about
 4 curbs and gutters, underground utilities?
 5 MR. SUMMERS: That's correct.
 6 COMMISSIONER HIRANAGA: So why don't we just
 7 eliminate that requirement for all development and bring the
 8 entire housing cost down, and leave it up to developers if
 9 they want to put in curbs and gutters and sidewalks and
 10 underground utilities. Just make the standard no curbs and
 11 gutters, no sidewalks, and no underground utilities, and
 12 make that optional, so that way you can bring the cost of
 13 housing down on the entire island.
 14 CHAIRMAN HEDANI: Mr. Summers.
 15 MR. SUMMERS: I think the recommendations were
 16 that it be looked at. It's more location specific. For
 17 instance, in rural areas it would be addressed a little bit
 18 differently than in urban areas. So it really depends on
 19 the location or the general region within which the
 20 development is being proposed. I think this was really more
 21 specific to affordable housing, but we do have similar
 22 language as it relates to development of housing and other
 23 types of construction in rural areas.
 24 COMMISSIONER HIRANAGA: So this does not apply to
 25 urban areas, like the project in Waiehu Terrace, which was a

1 state affordable housing project, or Skill Village in Pai'a.
 2 MR. SUMMERS: I believe it would apply to those
 3 areas as well. I mean what it's essentially directing the
 4 county to do is look at its infrastructure requirements,
 5 analyze those requirements to see if they're excessive, so
 6 that we can reduce the cost of housing. And that will be
 7 addressed differently depending on the type of development
 8 and the region.
 9 CHAIRMAN HEDANI: So the action item is not being
 10 deleted, it's being moved to Objective number 4.
 11 MR. SUMMERS: That's correct.
 12 CHAIRMAN HEDANI: Any other discussion on
 13 Objective 2? Commissioner Mardfin.
 14 COMMISSIONER MARDFIN: I'd like to move the
 15 addition of an Action item number 7, and I would have this
 16 new Action item number 7 read, "Seek to acquire lands
 17 suitable for development into community land trusts."
 18 COMMISSIONER SHIBUYA: Second.
 19 CHAIRMAN HEDANI: Okay, the motion -- are you
 20 talking about the county seeking to acquire land?
 21 COMMISSIONER MARDFIN: I'm not specifying.
 22 CHAIRMAN HEDANI: The amendment would be to add a
 23 new Action item 7, "Seek to acquire land suitable for
 24 development into community land trusts." Commissioner
 25 Mardfin.

1 COMMISSIONER MARDFIN: I'm doing this because
 2 we're planning to adopt Policy number 3, which talks about
 3 community land trusts, and I just want a corresponding
 4 action item so that we will do something with the policy.
 5 CHAIRMAN HEDANI: Additional discussion? Ready
 6 for the question?
 7 All those in favor signify by saying "aye."
 8 (A chorus of ayes)
 9 Opposed "nay."
 10 (None)
 11 Carried, thank you.
 12 Any other discussion on Policy or Objective number
 13 2, policies or actions? Commissioner Hiranaga.
 14 COMMISSIONER HIRANAGA: This is action 3-B(e) to
 15 "Include a rent stabilization program to ensure that" -- I
 16 wonder if we should put the word "affordable." "Rental
 17 housing remains affordable" versus just rental housing,
 18 because it infers that any a rental housing must remain
 19 affordable. So is it proposing a rent cap on this island?
 20 CHAIRMAN HEDANI: Could you restate your question,
 21 Kent?
 22 COMMISSIONER HIRANAGA: I'm wondering if the word
 23 "affordable" should be inserted in front of "rental
 24 housing," because the way it's worded now it seems to be
 25 proposing a rental cap for the island of Maui.

1 COMMISSIONER SHIBUYA: Is that an amendment?
 2 COMMISSIONER HIRANAGA: A proposed amendment,
 3 motion to amend.
 4 COMMISSIONER SHIBUYA: I second.
 5 CHAIRMAN HEDANI: Okay, the statement currently
 6 reads, 3-B(e) -- I guess it should be 3-B a number instead
 7 of a letter. Well, that doesn't matter. "Include a rent
 8 stabilization program to ensure that rental housing remains
 9 affordable" is the way it currently reads. It would be
 10 amended to read, "Include a rent stabilization program to
 11 ensure that affordable housing remains" -- "affordable
 12 rental housing remains affordable." Okay, discussion?
 13 Commissioner Starr.
 14 COMMISSIONER STARR: Yeah, I would have trouble
 15 supporting it with the word "affordable." I would be able
 16 to support it with the word "workforce housing" because I
 17 think part of the problem is that when we do have a market
 18 fluctuation all of a sudden working people who are in Kihei
 19 and they're paying, you know, a thousand dollars a month
 20 rent, and all of a sudden rents jump from \$1,000 to \$2,000,
 21 it makes it really difficult for them, and then we go to
 22 bust and those rents go down.
 23 I think the idea is that for housing for people
 24 who are in the working pool, which really means workforce
 25 housing, stays not necessarily locked down at an un-market

1 rate, but stabilized. So if the words were "workforce
2 housing" instead of "affordable housing," I could support
3 it.

4 CHAIRMAN HEDANI: Commissioner Hiranaga.

5 COMMISSIONER HIRANAGA: Well, the intent is that
6 if you created affordable housing, affordable rental housing
7 by subsidizing it, either public or private, that remains
8 affordable. But don't impact people who have their own real
9 property and try to implement some type of a rent
10 stabilization program on them, because there is a lot of
11 underlying cost in owning a rental property. People think
12 they put the entire rent in their pocket. They do not.

13 There is insurance, real property taxes, maintenance. So
14 maybe the word should be "subsidize" rental housing.
15 "Ensure that subsidized rental housing remains affordable."

16 CHAIRMAN HEDANI: The amendment would read,
17 "Include a rent stabilization program to ensure that
18 subsidized affordable rental housing remains" -- instead of
19 "affordable" do you want to say "available"?

20 COMMISSIONER STARR: Could we ask staff? I don't
21 know if this came originally from the department or from
22 GPAC.

23 MR. MICHAELSON: Mr. Chairman, it came from GPAC.
24 And I believe the intent -- and Susan, correct me if I am
25 wrong -- but I believe the intent was right where Kent was

1 The motion is carried. Thank you.

2 Any additional amendments to Objective 2 or its
3 policies or actions? Ready for the question?

4 All those in favor of Objective number 2 and its
5 policies and actions as amended signify by saying "aye."

6 (A chorus of ayes)

7 Opposed "nay."

8 (None)

9 Carried. Thank you.

10 We are going to go ahead and take our break for
11 lunch right now. We will be reconvening at 1:15.

12 (Whereupon the lunch recess was taken)

13 CHAIRMAN HEDANI: The Planning Commission is back
14 in session. Objective 3. Commissioner Shibuya?

15 COMMISSIONER SHIBUYA: Since we have Objective 3
16 already listed and they want to delete it, I have a
17 question. What happens to Policy number 3 and 4 on page 8?

18 If we delete the other portions, then these stand alone.

19 CHAIRMAN HEDANI: Mr. Michaelson?

20 MR. MICHAELSON: I have a suggestion. When I went
21 through them, these were 3 and 4 and Action 4 were not in
22 land use. I would suggest moving them to land use, as
23 opposed to building a whole other objective, because those
24 are very land use specific policies and actions.

25 CHAIRMAN HEDANI: I'm sorry, can you repeat that,

1 going.

2 CHAIRMAN HEDANI: So the amendment currently
3 reads, "Include a rent stabilization program to ensure that
4 subsidized affordable rental housing remains affordable."

5 Oh, you're substituting the word "subsidized" for
6 "affordable." Okay, the amendment is to read, to have E
7 read, "Include a rent stabilization program to ensure that
8 subsidized rental housing remains affordable."

9 COMMISSIONER U'U: Second.

10 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
11 Discussion? Commissioner Mardfin.

12 COMMISSIONER MARDFIN: I'm not in favor, in
13 general in favor of rent controls. They usually turn out
14 very poorly. But limiting this to the subsidized ones, I
15 don't think we do very much subsidized ones. And I agree
16 that some word needs to be in there. I agree that we are
17 not trying to have rent controls for everything. I kind of
18 like Jonathan's "workforce." So I am going vote this one
19 down and hope to have one where we put "workforce" in there.

20 CHAIRMAN HEDANI: Any additional discussion? All
21 those in favor of the amendment, which reads as displayed up
22 on the board, signify by raising your hand.

23 (Five)

24 Opposed same sign.

25 (Two)

1 please?

2 MR. MICHAELSON: Sure. I would suggest that you
3 take Policies 3 and 4 as well as Action item number 4 on the
4 top of page 9 and transfer them to the land use element, as
5 opposed to having to build a whole new objective, because
6 those are very land use specific policies.

7 CHAIRMAN HEDANI: Okay. If there's no objection
8 the Commission, can you go ahead and do that?

9 MR. MICHAELSON: Consider it done.

10 COMMISSIONER MARDFIN: Mr. Chair?

11 CHAIRMAN HEDANI: Commissioner Mardfin.

12 COMMISSIONER MARDFIN: I don't have a huge problem
13 with Policy 4 being moved in that way, because it's
14 promoting mixed area, mixed income communities. I would
15 mention though that it would make it -- this could conflict
16 with the idea of using land trusts. So it may or may not
17 work out all that well.

18 CHAIRMAN HEDANI: Maybe you can wrestle with that
19 in land use then. Okay, is there a motion to accept the
20 Director's recommendation?

21 COMMISSIONER U'U: Motion to accept Director's
22 recommendation.

23 CHAIRMAN HEDANI: On Objective 3 and its policies
24 and actions. Is there a second?

25 COMMISSIONER SHIBUYA: Second.

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1 CHAIRMAN HEDANI: Seconded by Commissioner
 2 Shibuya. Any discussion?
 3 All those in favor signify by saying "aye."
 4 (A chorus of ayes)
 5 Opposed "nay."
 6 (None)
 7 Carried, thank you.
 8 Objective 4.
 9 COMMISSIONER STARR: Mr. Chair?
 10 CHAIRMAN HEDANI: Commissioner Starr.
 11 COMMISSIONER STARR: Move to approve Objective 4
 12 and underlying policies and actions.
 13 CHAIRMAN HEDANI: Is there a second?
 14 COMMISSIONER SABLAS: Second.
 15 CHAIRMAN HEDANI: Seconded by Commissioner Sablas.
 16 Is there any discussion? Is that Director's recommendation?
 17 COMMISSIONER STARR: Yes.
 18 CHAIRMAN HEDANI: Commissioner Starr, Director's
 19 recommendation?
 20 COMMISSIONER STARR: Yes.
 21 CHAIRMAN HEDANI: Discussion? Commissioner
 22 Mardfin.
 23 COMMISSIONER MARDFIN: Could somebody explain to
 24 me why Policy 2 is to be deleted?
 25 CHAIRMAN HEDANI: Mr. Michaelson or Mr. Summers.

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1 The question is why is Policy 2 deleted.
 2 MR. MICHAELSON: Oh, I'm sorry. 2 is literally
 3 word-for-word of a policy that's already within your
 4 infrastructure section.
 5 CHAIRMAN HEDANI: Thank you. Any other
 6 discussion?
 7 All those in favor of Objective 4 and policies and
 8 actions as recommended by the Director, signify by saying
 9 "aye."
 10 (A chorus of ayes)
 11 Opposed "nay."
 12 (None)
 13 Carried, thank you.
 14 Objective 5. Commissioner Starr.
 15 COMMISSIONER STARR: Move to approve Objective 5
 16 with underlying policies and actions per Director.
 17 CHAIRMAN HEDANI: Is there a second?
 18 COMMISSIONER SABLAS: Second.
 19 CHAIRMAN HEDANI: Seconded by Commissioner Sablas.
 20 Is there any discussion? Commissioner Mardfin.
 21 COMMISSIONER MARDFIN: There are a bunch of things
 22 that the Director recommended delete because it's not our
 23 kuleana. Even though it's not, some of these things strike
 24 me as admirable and can be supported. For instance, Policy
 25 2, "Encourage partnerships to provide minor home repairs and

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1 rehabilitation/accessibility enhancements to senior and
 2 disabled homeowners." I think that's a wonderful policy.
 3 We are not doing it, we're just encouraging it, and I would
 4 move that we leave Policy 2 in.
 5 CHAIRMAN HEDANI: Is there a second?
 6 COMMISSIONER SHIBUYA: Second.
 7 CHAIRMAN HEDANI: Seconded by Commissioner
 8 Shibuya. Discussion?
 9 All those in favor significant any saying "aye."
 10 (A chorus of ayes)
 11 Opposed "nay."
 12 (None)
 13 Carried. Thank you.
 14 Any other discussion? Commissioner Mardfin.
 15 COMMISSIONER MARDFIN: Action item 3, same thing.
 16 To "Develop year-round volunteer home improvement
 17 initiatives for low-income elderly and disabled homeowners."
 18 Here it's develop, but if I either leave it as "develop" or
 19 put it as "encourage," but I think it's a good thing and I'd
 20 prefer to not have it deleted. So I move that Action 3 we
 21 follow the GPAC recommendation.
 22 CHAIRMAN HEDANI: Any second, is there a second?
 23 COMMISSIONER SHIBUYA: Second.
 24 CHAIRMAN HEDANI: Seconded by Commissioner
 25 Shibuya. Discussion?

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1 All those in favor signify by saying "aye."
 2 (A chorus of ayes)
 3 Opposed "nay."
 4 (None)
 5 Carried. Thank you.
 6 Any other discussion on Objective 5 in policies
 7 and actions? Commissioner Mardfin.
 8 COMMISSIONER MARDFIN: Yes, I'd like to -- my
 9 numbering is getting messed up here. But there is Action
 10 item 7, which currently says to "Amend the
 11 Zoning/Subdivision Codes to streamline and facilitate the
 12 development of eldercare/assisted living facilities, as well
 13 as housing/facilities that are American with Disabilities
 14 Act compliant."
 15 I would like a 7, call that a 7-A. I'd like to
 16 add a 7-B, that would read, "Encourage services providers,
 17 for example, meal delivery, periodic check-ins, other
 18 services to allow the elderly to remain in their own home."
 19 CHAIRMAN HEDANI: Is there a second?
 20 Any other discussion on Objective 5? Okay, seeing
 21 none, are you ready for the question?
 22 All those in favor of adopting Objective 5 and its
 23 policies and actions as amended signify by saying "aye."
 24 (A chorus of ayes)
 25 Opposed "nay."

1 (None)
 2 Carried. Thank you.
 3 Objective 6. Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: I was going to comment, but
 5 I'll wait until somebody makes a motion. Sorry.
 6 CHAIRMAN HEDANI: Commissioner Starr.
 7 COMMISSIONER STARR: Yes, I move to accept
 8 Objective 6 underlying policies and actions per the
 9 Director.
 10 CHAIRMAN HEDANI: Is there a second?
 11 COMMISSIONER U'U: Second.
 12 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
 13 Discussion? Commissioner Mardfin.
 14 COMMISSIONER MARDFIN: Can somebody explain to me
 15 160 percent of what in objective 6? Under the objective it
 16 says, "Reduce the cost to developers of providing housing
 17 that is affordable to families with household incomes 160
 18 percent and below."
 19 MR. MICHAELSON: That would be AMI, average
 20 monthly income.
 21 CHAIRMAN HEDANI: "Reduce the cost to developers
 22 of providing housing that is affordable to families with
 23 household incomes 160 percent and below of average monthly
 24 income?"
 25 MR. MICHAELSON: That's correct.

1 lower costs be passed onto the purchasers, not that they
 2 pocket it as extra profits for them, and I don't quite know
 3 how to phrase that. The objective says, "Reduce the cost to
 4 developers" and I don't think that goes far enough.
 5 MR. MICHAELSON: Suggestion.
 6 CHAIRMAN HEDANI: Mr. Michaelson?
 7 MR. MICHAELSON: If you strike "to developers" so
 8 it just reads "reduce the cost of providing housing."
 9 COMMISSIONER MARDFIN: I so move that we delete
 10 the words "to developers."
 11 COMMISSIONER STARR: Second.
 12 CHAIRMAN HEDANI: Moved by Commissioner Mardfin,
 13 seconded by Commissioner Starr to delete the words "to
 14 developers" from the Objective 6. Any discussion?
 15 All those in favor signified by saying "aye."
 16 (A chorus of ayes)
 17 Opposed "nay."
 18 (None)
 19 Carried. Thank you.
 20 Any other discussion on Objective 6? Commissioner
 21 Starr.
 22 COMMISSIONER STARR: I'd like to add a new policy.
 23 Policy 5 will read, "Locate affordables in proximity to
 24 jobs, services, and transit to the maximum extent possible"
 25 or "feasible." "Maximum extent feasible."

1 CHAIRMAN HEDANI: Average median income?
 2 MR. MICHAELSON: I'm sorry, I stand corrected, I'm
 3 sorry.
 4 COMMISSIONER MARDFIN: Median monthly income.
 5 CHAIRMAN HEDANI: 160 percent and below of median
 6 monthly income?
 7 MR. MICHAELSON: It's annual.
 8 CHAIRMAN HEDANI: Median annual income?
 9 MR. MICHAELSON: It would frankly be the same
 10 thing, only a different group of data, right.
 11 CHAIRMAN HEDANI: So 160 percent and below of
 12 annual median income. Commissioner Mardfin?
 13 COMMISSIONER MARDFIN: I don't quite know how to
 14 deal with this, but I have a concern about this because it's
 15 not just we want to cut the cost to the developers, because
 16 they can pocket the difference as profits to them.
 17 Basically I want these lower costs to be passed on in full
 18 to the low income purchaser and subsequent purchasers, and I
 19 don't quite know how to phrase that.
 20 CHAIRMAN HEDANI: Can you hold that thought? Is
 21 there any objection from the Commission to adding "annual
 22 median income" to the objective so it's clear that the 160
 23 percent and below refers to that? So we will go ahead and
 24 include that. I'm sorry, Commissioner Mardfin.
 25 COMMISSIONER MARDFIN: My concern is that these

1 CHAIRMAN HEDANI: Is there a second?
 2 COMMISSIONER SHIBUYA: Second.
 3 CHAIRMAN HEDANI: Seconded by Commissioner
 4 Shibuya. We haven't covered that already, Jonathan?
 5 COMMISSIONER STARR: Not in affordables. APA
 6 numbers show that proximity to jobs and services and a
 7 compact development save a working couple about a thousand
 8 dollars a month, so it really should be part of the
 9 equation.
 10 CHAIRMAN HEDANI: I'm asking didn't we cover it
 11 previously?
 12 COMMISSIONER STARR: Not as far as affordables.
 13 CHAIRMAN HEDANI: Okay, discussion? If you could
 14 repeat that.
 15 COMMISSIONER STARR: I'm sorry, Simone. "Jobs,
 16 services and transit to the maximum extent feasible." Is
 17 that the right wording for a policy, Dave?
 18 MR. MICHAELSON: It will work.
 19 CHAIRMAN HEDANI: Okay, the wording is displayed
 20 up on the screen for proposed Policy 5, to "Locate
 21 affordable housing in proximity to jobs, services and mass
 22 transit to the maximum extent feasible." Discussion?
 23 Commissioner Guard.
 24 COMMISSIONER GUARD: Don't we have that same
 25 language in two other spots right now, or very similar?

1 COMMISSIONER STARR: I think it's similar but not
2 specifically to affordable.
3 COMMISSIONER GUARD: I'm just trying to streamline
4 the document instead of keep making it larger and larger.
5 CHAIRMAN HEDANI: Any further discussion?
6 All those in favor signify by saying "aye."
7 (A chorus of ayes)
8 Opposed "nay."
9 (None)
10 Carried. Thank you.
11 Commissioner Mardfin?
12 COMMISSIONER MARDFIN: Action number 2 needs to be
13 changed to eliminate the last two words in the action,
14 because it says, "Amend county regulations to implement
15 policies 2 and 4," but Policy 4 the Director is recommending
16 deletion.
17 CHAIRMAN HEDANI: So those will be edited out by
18 staff in final editing. Any additional amendments or
19 discussion on Objective 6? Director.
20 DIRECTOR HUNT: Not to split hairs, but I'm
21 pulling up "area median income" is what AMI stands for.
22 CHAIRMAN HEDANI: See what happens when you use an
23 acronym?
24 MR. MICHAELSON: Actually, I think HUD in fact
25 uses annual median income, I believe.

1 indigenous Hawaiian housing forms and architecture. And I
2 think it's really good. And I don't know why it was moved
3 to cultural resources, but I think it could be here.
4 CHAIRMAN HEDANI: Discussion? Commissioner
5 Mardfin.
6 COMMISSIONER MARDFIN: I would like to amend
7 Action 1 to add the words at the end, "consistent with
8 community plans."
9 CHAIRMAN HEDANI: After the period?
10 COMMISSIONER MARDFIN: I'd erase the period and
11 put "consistent with community plans."
12 CHAIRMAN HEDANI: All right. So is there a
13 second?
14 COMMISSIONER SHIBUYA: Second.
15 CHAIRMAN HEDANI: Seconded by Commissioner
16 Shibuya. So the paragraph would read after HRS 46, "and
17 consistent with community plans" on the amendment.
18 COMMISSIONER MARDFIN: Where are you? Where did
19 you read?
20 CHAIRMAN HEDANI: Action item number 1 at the end
21 of HRS 46 add the words "and consistent with community
22 plans."
23 COMMISSIONER MARDFIN: After in accordance with
24 HRS 46, all right, yes.
25 CHAIRMAN HEDANI: All those in favor signify by

1 CHAIRMAN HEDANI: You guys can fight over that.
2 DIRECTOR HUNT: As our former president said, I
3 used the Google and this is what I came up with.
4 CHAIRMAN HEDANI: You can edit that to your
5 satisfaction.
6 MR. MICHAELSON: We will do a double-check Google
7 on that.
8 CHAIRMAN HEDANI: Any additional amendments,
9 discussion on Objective 6?
10 All those in favor of Objective 6, its policies
11 and actions as amended signify by saying "aye."
12 (A chorus of ayes)
13 Opposed "nay."
14 (None)
15 Carried. Thank you.
16 Objective 7. Commissioner Mardfin.
17 COMMISSIONER MARDFIN: I move the adoption of
18 Objective 7 and the accompanying policies and actions by the
19 GPAC recommendations.
20 CHAIRMAN HEDANI: Is there a second?
21 COMMISSIONER SABLAS: Second.
22 CHAIRMAN HEDANI: Seconded by Commissioner Sablas.
23 Discussion? Commissioner Mardfin.
24 COMMISSIONER MARDFIN: I just want to say I love
25 this one. Preservation, enhancement or promotion of

1 saying "aye."
2 (A chorus of ayes)
3 Opposed "nay."
4 (None)
5 Carried. Thank you.
6 Any other discussion on Objective 7? Director
7 Hunt.
8 DIRECTOR HUNT: I just had a question. So the
9 recommendation is to leave these in?
10 CHAIRMAN HEDANI: Yes. Simone?
11 MS. BOSCO: Not to accept the Director's
12 recommendation, right?
13 CHAIRMAN HEDANI: That's right. Additional
14 discussion? Commissioner Mardfin.
15 COMMISSIONER MARDFIN: I'd add an additional
16 Action number 2 to "Encourage the use of alternative
17 building materials, e.g., bamboo."
18 CHAIRMAN HEDANI: Is there a second?
19 COMMISSIONER SABLAS: Second.
20 CHAIRMAN HEDANI: Seconded by Commissioner Sablas.
21 Discussion? You guys are crossing into radical territory
22 here, you know.
23 COMMISSIONER MARDFIN: We have growers on this
24 island of bamboo.
25 CHAIRMAN HEDANI: Any further discussion? The

1 motion is to add Action item number 2, "Encourage the use of
 2 indigenous building materials, e.g., bamboo."
 3 COMMISSIONER MARDFIN: I had said "alternative"
 4 not "indigenous."
 5 CHAIRMAN HEDANI: "The use much alternative
 6 building materials." Change the "indigenous" to
 7 "alternative," otherwise we would have to destroy the
 8 endemic species in order to build a house.
 9 Okay, all those in favor signify by saying "aye."
 10 (A chorus of ayes)
 11 Opposed "nay."
 12 (None)
 13 Carried. Thank you.
 14 Any other discussion on Objective 7? Commissioner
 15 Mardfin.
 16 COMMISSIONER MARDFIN: I'm not sure it belongs
 17 here, but I would move to add an Action number 3 to be,
 18 "Encourage the use of green buildings that are energy
 19 efficient and water efficient."
 20 CHAIRMAN HEDANI: Is this under the concept of
 21 indigenous Hawaiian housing?
 22 COMMISSIONER GUARD: We've used that one before on
 23 Objective 7.
 24 CHAIRMAN HEDANI: Is there a second?
 25 COMMISSIONER MARDFIN: I'm sorry, where did you

1 Carried, thank you.
 2 Congratulations, we completed the housing section.
 3 Now for the gorilla, 61 pages of fun.
 4 "Infrastructure, Solid Waste. Goal: Maui will minimize the
 5 volume of solid waste that enters the regional landfills."
 6 Director's recommendation: "Maui will minimize
 7 the volume of solid waste that enters landfills." What's
 8 your pleasure? Commissioner Starr.
 9 COMMISSIONER STARR: I move to approve the goal
 10 and underlying Objective 1 and policies and actions under
 11 Objective 1 per the Director's recommendation.
 12 CHAIRMAN HEDANI: Is there a second?
 13 COMMISSIONER HIRANAGA: Second.
 14 COMMISSIONER U'U: Second.
 15 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
 16 Discussion? Director Hunt.
 17 DIRECTOR HUNT: Just to clarify, we're all going
 18 off the June 2009 copy?
 19 CHAIRMAN HEDANI: Right. Any further discussion?
 20 Commissioner Shibuya.
 21 COMMISSIONER SHIBUYA: I'd like to make an
 22 amendment to the goal by adding after it says, "Maui will
 23 minimize the volume of solid waste that enters the regional
 24 landfills" there's a period. I'd strike the period and say,
 25 "by transforming waste into product." I mean "transform

1 say it was already?
 2 COMMISSIONER SHIBUYA: Second.
 3 CHAIRMAN HEDANI: Seconded by Commissioner
 4 Shibuya. You'd better make it Hawaiian LEED certified now.
 5 COMMISSIONER MARDFIN: With bamboo. Commissioner
 6 Guard?
 7 COMMISSIONER GUARD: I was just going to say to
 8 try to keep it in line with Objective 7. I think it came in
 9 somewhere else with sustainable building practices. I feel
 10 like we've seen this before.
 11 CHAIRMAN HEDANI: Discussion? Director Hunt.
 12 DIRECTOR HUNT: I believe staff wants to comment
 13 on this one, that it is somewhere else in the document.
 14 MR. MICHAELSON: Actually, it is. It's in your
 15 energy sub-element in infrastructure. It's Objective 1,
 16 Policy 1 almost word-for-word.
 17 CHAIRMAN HEDANI: Commissioner Mardfin?
 18 COMMISSIONER MARDFIN: I'll withdraw it.
 19 CHAIRMAN HEDANI: Any additional discussion on
 20 Objective 7?
 21 All those in favor of Objective 7 as proposed by
 22 the GPAC as amended signify by saying "aye."
 23 (A chorus of ayes)
 24 Opposed "nay."
 25 (None)

1 waste into productive products and minimizing land for land
 2 filling."
 3 CHAIRMAN HEDANI: I'm sorry, can you repeat that
 4 slowly for staff?
 5 COMMISSIONER SHIBUYA: The goal, after the period
 6 just add, "by transforming waste into productive products
 7 and minimizing land for land filling."
 8 CHAIRMAN HEDANI: Is there a second?
 9 Any other discussion on the Goal or Objective 1
 10 and its policies and actions? Commissioner Hiranaga.
 11 COMMISSIONER HIRANAGA: Objective 1, item 2, why
 12 is there a need for the Planning Department to coordinate
 13 with the Environmental Management in solid waste?
 14 CHAIRMAN HEDANI: Anyone? Because we handle all
 15 the rubbish. Mr. Summers.
 16 MR. SUMMERS: Thank you, Mr. Chairman. My
 17 recommendation would be that you strike the Planning
 18 Department. There really should be coordination among all
 19 agencies. I just think it narrows it in a way that's
 20 unnecessary.
 21 CHAIRMAN HEDANI: So your recommendation would be
 22 to have it be strengthened into agency coordination.
 23 MR. SUMMERS: Just put a period there.
 24 CHAIRMAN HEDANI: Period. Commissioner Guard.
 25 COMMISSIONER GUARD: Is this only for minimizing

1 solid waste that enters regional landfills as the goal, or
2 should this be higher up as a county objective on any issue,
3 whether it be parks, coordinating between DOE and parks and
4 a school facility. I don't think it really has to do with
5 only solid waste in a regional landfill.

6 CHAIRMAN HEDANI: Any other discussion? What's
7 your pleasure? Commissioner Starr.

8 COMMISSIONER STARR: Yeah, I have an amendment,
9 The amendment is to add a Policy 7, and that would be to
10 "Eliminate active unlined landfills."

11 CHAIRMAN HEDANI: Hold that thought. Can we
12 dispense with Policy 2?

13 COMMISSIONER STARR: Oh, I'm sorry.

14 CHAIRMAN HEDANI: Any objection to "strengthen
15 inter-agency coordination" period? Can we adopt the staff
16 recommendation by consensus? Okay, no objection.

17 So we will just adopt it and change it to,
18 "Strengthen inter-agency coordination," period on Policy 2.

19 MR. SUMMERS: Thank you, Mr. Chairman. My
20 recommendation would be to delete it.

21 CHAIRMAN HEDANI: Delete it?

22 MR. SUMMERS: That's correct.

23 CHAIRMAN HEDANI: Based on Commissioner Guard's
24 comment?

25 MR. SUMMERS: That's correct.

1 CHAIRMAN HEDANI: Commissioner Shibuya.

2 COMMISSIONER SHIBUYA: I take the contrary on
3 that, because when we start transforming waste into
4 productive product, some of these productive products can be
5 use in other areas, and I would like to encourage that. If
6 we have the tertiary type of treatments here, the solid
7 waste can be used as compost and they can be utilized in
8 landscaping as well as other things, and having inter-agency
9 coordination would be helpful.

10 CHAIRMAN HEDANI: Okay. So if there's no
11 objection, we will just keep it as "Strengthen inter-agency
12 coordination," period. Okay, Mr. Summers?

13 MR. SUMMERS: That's fine.

14 CHAIRMAN HEDANI: Thank you. Commissioner Starr,
15 you had an amendment?

16 COMMISSIONER STARR: Yes, I wanted to add Policy
17 number 7, which is, "Eliminate active unlined landfills."

18 CHAIRMAN HEDANI: Policy number 7 would read,
19 "Eliminate active unlined landfills." Is there a second?

20 COMMISSIONER SHIBUYA: Second.

21 CHAIRMAN HEDANI: Seconded by Commissioner
22 Shibuya. Discussion? Commissioner Guard.

23 COMMISSIONER GUARD: Can I ask how that goes along
24 with the goal to minimize the volume of solid waster that
25 enters the landfills?

1 COMMISSIONER STARR: Well, it underlies Objective
2 1, the holistic approach to solid waste management, because
3 it doesn't -- it precludes the adding of leachate into the
4 water table.

5 CHAIRMAN HEDANI: Additional discussion?
6 Commissioner Mardfin.

7 COMMISSIONER MARDFIN: I'm of two minds on this.
8 The one that I know this would apply to would be the Hana
9 landfill. And given that we may or may not have a hard time
10 getting them to dig a fourth well just to determine what's
11 happening, I think trying to get them to dig out the
12 existing landfill, line it, and then refill it in is
13 unlikely to occur. Am I misunderstanding?

14 COMMISSIONER STARR: I think so, because if --
15 I'm talking about the word "active" means the ones that
16 we're using, and new cells could be lined, added and lined.
17 Instead, we're adding new cells which are unlined, in other
18 words, they're basically dumps.

19 CHAIRMAN HEDANI: Staff, do you have any comments
20 on this?

21 MR. MICHAELSON: No.

22 CHAIRMAN HEDANI: Any other discussion?
23 Commissioner Guard.

24 COMMISSIONER GUARD: I wonder if that should go
25 under the goal under the water infrastructure to protect our

1 groundwater.

2 CHAIRMAN HEDANI: Additional discussion?
3 Commissioner Mardfin.

4 COMMISSIONER MARDFIN: I think it's appropriate to
5 have it here, but I want to make sure I understand my
6 colleague. You're not requiring extraordinary efforts to
7 dig up, but any new areas would get lined.

8 COMMISSIONER STARR: Yes. "Active" means ones
9 that they're putting stuff in should be lined.

10 COMMISSIONER MARDFIN: Well, they're putting stuff
11 into the existing one right now.

12 COMMISSIONER STARR: Well, then they should stop.

13 CHAIRMAN HEDANI: Hold it, guys, one at a time.
14 Commissioner Shibuya.

15 COMMISSIONER SHIBUYA: There's a merit in terms of
16 if you are pursuing and filling these landfills without
17 lining, then perhaps an alternate site can be located so we
18 can stop filling it in unlined. It has tremendous hazardous
19 effects on your aquifers.

20 CHAIRMAN HEDANI: Director Hunt?

21 DIRECTOR HUNT: I don't think staff has concerns
22 conceptually, but as stated earlier, I think this is one of
23 those policies that we definitely want to run back through
24 the agencies and maybe they would have a concern with the
25 wording or the implementation or something. Just as a word

1 of warning.
 2 CHAIRMAN HEDANI: Okay. Any additional
 3 discussion? Ready for the question?
 4 All those in favor of adding Policy number 7 as
 5 written on the board, "Eliminate active, unlined landfills,"
 6 signify by saying "aye."
 7 (A chorus of ayes)
 8 Opposed "nay."
 9 (Two)
 10 Carried. Thank you.
 11 Any additional comments?
 12 DIRECTOR HUNT: Why don't you do a hand count on
 13 that one.
 14 CHAIRMAN HEDANI: Sorry?
 15 DIRECTOR HUNT: I would ask for a hand count on
 16 that last one.
 17 CHAIRMAN HEDANI: All right. All those in favor
 18 of the amendment signify by raising your hand.
 19 (Four)
 20 Opposed same sign.
 21 (Three)
 22 The Chair votes nay. The motion is lost.
 23 Any additional discussion on Solid Waste Goal and
 24 Objective 1, policies and actions? I'm sorry, Objective 1,
 25 policies and actions? Commissioner Hiranaga.

1 CHAIRMAN HEDANI: Seconded by Commissioner
 2 Shibuya. Discussion? Commissioner Hiranaga.
 3 COMMISSIONER HIRANAGA: As long as landfill cells
 4 is an industry standard that's recognized by the people in
 5 solid waste disposal. I'm not sure it is.
 6 CHAIRMAN HEDANI: Staff? Mr. Summers.
 7 MR. SUMMERS: Thank you, Mr. Chair. I believe it
 8 is.
 9 CHAIRMAN HEDANI: Additional discussion?
 10 Commissioner Guard.
 11 COMMISSIONER GUARD: Thank you. I agree with the
 12 practice that Commissioner Starr is bringing up. It's more
 13 of just the policy and which goal it falls under, and then
 14 the initial discussion between he and Commissioner Mardfin
 15 regarding a specific landfill. I think we should leave that
 16 for the community plan, which is on one of the initial pages
 17 of this document.
 18 We're trying to deal with a general Maui Island
 19 Plan. "The community plans will reflect the unique
 20 characteristics of each community plan area and enable
 21 residents and stakeholders within those areas to address
 22 location-specific challenges." And that's becoming an issue
 23 every step of the way.
 24 I mean when it comes to noise abatement and
 25 infrastructure, maybe I can get the siren tower across the

1 COMMISSIONER HIRANAGA: On the previous vote I am
 2 not opposed to the philosophy, but I think the wording had
 3 to be worked on a little bit more. Maybe "Eliminate future
 4 unlined landfills."
 5 COMMISSIONER GUARD: Second.
 6 CHAIRMAN HEDANI: Motion to amend by adding Policy
 7 7 with the previous motion adding the word "future."
 8 Commissioner Starr.
 9 COMMISSIONER STARR: Yeah, would it be okay to put
 10 "future landfill cells."
 11 CHAIRMAN HEDANI: I think we're basically
 12 splitting hairs.
 13 COMMISSIONER STARR: No, because a new landfill is
 14 like a new dump, where a new cell is when they start a new
 15 area of a dump.
 16 CHAIRMAN HEDANI: Commissioner Hiranaga.
 17 COMMISSIONER HIRANAGA: Well, I guess since this
 18 is a policy in the Maui Island Plan that hopefully will be
 19 adopted in the next three or five years, and Public Works
 20 has advance notice that this is coming so, yeah, I don't
 21 have a problem with that.
 22 CHAIRMAN HEDANI: So the wording would read,
 23 "Eliminate future active, unlined landfill cells," period.
 24 Is there a second?
 25 COMMISSIONER SHIBUYA: Second.

1 street from me removed. So I don't know if I should bring
 2 that up in the general plan or in the community plan. But
 3 we are starting to split hairs, and we are not even halfway
 4 done with the pages that we've come to. We are not going to
 5 get through this stuff.
 6 CHAIRMAN HEDANI: Additional discussion? All
 7 those in favor of the amendment as displayed on the board
 8 signify by saying "aye."
 9 (A chorus of ayes)
 10 Opposed "nay."
 11 (None)
 12 Carried. Thank you.
 13 Any additional amendments to Objective 1 or its
 14 policies and actions? Commissioner Shibuya.
 15 COMMISSIONER SHIBUYA: On number 6, Policy number
 16 6, I'd like to add a couple of words here, "Include a
 17 funding and implementing plan in the ISWMP to address solid
 18 waste disposal capacity." Just adding the word "and
 19 implementing" because this document does not have it.
 20 COMMISSIONER STARR: Second.
 21 CHAIRMAN HEDANI: Moved by Commissioner Shibuya,
 22 seconded by Commissioner Starr to include the words "and
 23 implementing." So Policy 6 would read, "Include a funding
 24 and implementing plan in the Integrated Solid Waste Master
 25 Plan to address solid waste disposal capacity." Discussion?

1 Commissioner Guard.
 2 COMMISSIONER GUARD: Is that different from Action
 3 item 1 that says, "Implement the ISWMP"?
 4 CHAIRMAN HEDANI: Right. Commissioner Shibuya?
 5 COMMISSIONER GUARD: I didn't go through the whole
 6 document.
 7 CHAIRMAN HEDANI: Do you want to withdraw that
 8 motion?
 9 COMMISSIONER GUARD: I didn't go through the
 10 document.
 11 COMMISSIONER SHIBUYA: Yes, I will withdraw.
 12 Action number 6 does cover it. Thank you.
 13 CHAIRMAN HEDANI: Any additional discussion?
 14 Commissioner Mardfin.
 15 COMMISSIONER MARDFIN: I only want to have to say
 16 this once so I'll say it for this whole document. I said
 17 this earlier, I have a real problem with this whole section
 18 because it's a Christmas gift list of things that we want.
 19 There are no trade-offs or real prioritization done here.
 20 It seems to be a grab bag of wants with little or no
 21 consideration of the cost of doing it, and I think it's
 22 going to tend to make it unworkable at the end.
 23 The other thing I wanted to say is that I do think
 24 that in a lot of these we're deleting -- later on deleting
 25 portions that are other elements, and I really think we need

1 a way -- Dave suggested having footnotes and things like
 2 that.
 3 But I think if I were living in Hana and I went to
 4 an implementation and infrastructure plan I'd like to find
 5 out all the stuff and not have to dig through other parts.
 6 Or if I dig through other parts, at least it's highlighted
 7 to me which parts I have to dig through.
 8 CHAIRMAN HEDANI: Additional discussion? Ready
 9 for the question?
 10 All those in favor of Objective number 1, its
 11 policies and actions as amended, signify by saying "aye."
 12 (A chorus of ayes)
 13 Opposed "nay."
 14 (None)
 15 Carried, thank you.
 16 Objective 2. Commissioner Starr.
 17 COMMISSIONER STARR: Move for approval of
 18 Objective 2, underlying policies and actions per Director.
 19 CHAIRMAN HEDANI: Is there a second?
 20 COMMISSIONER SHIBUYA: Second.
 21 CHAIRMAN HEDANI: Seconded by Commissioner
 22 Shibuya. Discussion? Commissioner Mardfin.
 23 COMMISSIONER MARDFIN: You under Action number 1,
 24 "Implement a comprehensive, color-coded curbside recycling
 25 program." That seems great for Kahului and Wailuku, but I

1 think it might be a little impractical for Hana. How do we
 2 deal with things like this? Do we add "consistent with the
 3 community plan"?
 4 CHAIRMAN HEDANI: It would be to offer a
 5 color-coded recycling program for Hana.
 6 COMMISSIONER MARDFIN: Okay, I won't say anything.
 7 CHAIRMAN HEDANI: Commissioner Shibuya.
 8 COMMISSIONER SHIBUYA: I think the color-coded
 9 refers to the color-coded colored bins that collect the
 10 specific recycled material. So whether you place this
 11 recycled materials at the curbside or in front of your yard,
 12 or you take it to a disposal area, that's where it would be.
 13 CHAIRMAN HEDANI: Like blue is for paper, green
 14 is for plastic?
 15 COMMISSIONER MARDFIN: But that's not the way it
 16 works in Hana. We have garbage cans and we take our bottles
 17 to Hasegawa's where we get our money back. We don't have
 18 multiple bins on each property. You know, it's a strange
 19 concept I think for us.
 20 CHAIRMAN HEDANI: Commissioner Guard.
 21 COMMISSIONER GUARD: Maybe it would be
 22 encompassing the county if we just took out "color-coded
 23 curbside."
 24 CHAIRMAN HEDANI: Is that a motion?
 25 COMMISSIONER MARDFIN: I second the motion.

1 CHAIRMAN HEDANI: Okay, the motion is to eliminate
 2 the words "color-coded curbside." So number 1 would read,
 3 "Implement a comprehensive recycling program." Commissioner
 4 Starr.
 5 COMMISSIONER STARR: I feel that we should keep
 6 the wording as it is, because it will probably take decades
 7 for it to reach certain areas of the county. I don't think
 8 they're going to do this at Kalepa, where I live, for quite
 9 awhile. But it would be good to implement it starting in
 10 the urban areas and realizing that it's going to take
 11 probably generations before it hits everywhere.
 12 CHAIRMAN HEDANI: Discussion? Commissioner Guard.
 13 COMMISSIONER GUARD: We don't have curbs in half
 14 of the island, so that's a very difficult one to maintain if
 15 you don't have curbside on lower Makena Road. So I think we
 16 should try to keep it very broad strokes for the general
 17 plan and let the community plans dictate what they want to
 18 do in the specific areas.
 19 CHAIRMAN HEDANI: Additional discussion? Director
 20 Hunt.
 21 DIRECTOR HUNT: I believe the term "curbside"
 22 just refers to recycling at your house as opposed to going
 23 to a central area to drop it off. It doesn't mean that you
 24 have to have a curb in order to participate.
 25 CHAIRMAN HEDANI: Additional discussion? Ready

1 for the question?
 2 The amendment on the floor is to delete the words
 3 color-coded curbside from Action item number 1. All those
 4 in favor raise your hand.
 5 (A show of hands)
 6 Again? All those in favor of the amendment raise
 7 your hand.
 8 (Two)
 9 Opposed same sign.
 10 (Five).
 11 Motion is lost.
 12 Any other discussion? Commissioner Hiranaga.
 13 COMMISSIONER HIRANAGA: Action item E, 2-E, I
 14 propose replacing the word "prohibit" with "discourage."
 15 CHAIRMAN HEDANI: Is there a second?
 16 COMMISSIONER MARDFIN: Second.
 17 CHAIRMAN HEDANI: Seconded by Commissioner
 18 Mardfin. Discussion? Commissioner Hiranaga.
 19 COMMISSIONER HIRANAGA: If you prohibit it does
 20 that mean that you are going to stop people at the gate with
 21 their non-biodegradable trash bags? And whatever does not
 22 degrade you're saying, "You can't bring it in here, dump it
 23 across the street."
 24 CHAIRMAN HEDANI: Commissioner Shibuya.
 25 COMMISSIONER SHIBUYA: I'd like to make a friendly

1 treatment plants," which I believe is the current practice.
 2 COMMISSIONER HIRANAGA: Is that lychee or
 3 leachate?
 4 COMMISSIONER STARR: Lychees are okay.
 5 CHAIRMAN HEDANI: Lychees are biodegradable and
 6 delicious.
 7 COMMISSIONER STARR: Leachate is spelled
 8 L-E-A-C-H-A-T-E. That's the liquid from the bottom of the
 9 landfill. It should not be disposed of through diversion to
 10 wastewater treatment plants.
 11 CHAIRMAN HEDANI: Is there a second?
 12 COMMISSIONER MARDFIN: Second.
 13 CHAIRMAN HEDANI: Seconded by Commissioner
 14 Mardfin. Discussion? Commissioner Hiranaga.
 15 COMMISSIONER HIRANAGA: I'm glad that we have a
 16 representative from Public Works. I wanted to ask him if it
 17 cannot go into the wastewater treatment plants, what does
 18 the EPA require disposal of it, do we have to ship it off
 19 island? Before we vote on this we have to know. We have
 20 the expert in the audience.
 21 CHAIRMAN HEDANI: Commissioner Starr.
 22 COMMISSIONER STARR: Standard procedure is to
 23 reapply it to the lined landfill.
 24 CHAIRMAN HEDANI: Public Works, do you folks want
 25 to chime in on this one before we anoint you with holy oil?

1 amendment to that. If they're going to not prohibit it or
 2 you're just going to discourage it, then after the word
 3 "Styrofoam" I say comma, "until a waste-to-energy or reuse
 4 and recycling system is operating."
 5 CHAIRMAN HEDANI: Is there a second to the
 6 amendment to the amendment?
 7 Okay, the amendment on the floor is to eliminate
 8 the word or change the word "prohibit" to "discourage." Any
 9 further discussion?
 10 All those in favor signify by saying "aye."
 11 (A chorus of ayes).
 12 Opposed "nay."
 13 (One)
 14 Motion passes. Any additional discussion on
 15 Objective 2? Commissioner Starr.
 16 COMMISSIONER STARR: I actually have a little
 17 indecision about whether this should go here or under
 18 wastewater, but I would like to have a policy, this will be
 19 Policy number 4, which will -- I'm sorry, Policy number 6
 20 that will be, "Do not defer landfill leachate to wastewater
 21 treatment plants."
 22 CHAIRMAN HEDANI: So the amendment would be to add
 23 a Policy number 6 which would read -- can you repeat that?
 24 COMMISSIONER STARR: Yes. "Landfill leachate
 25 should not be diverted and disposed of in wastewater

1 COMMISSIONER HIRANAGA: Come forward and speak.
 2 CHAIRMAN HEDANI: The amendment being proposed is
 3 to eliminate your ability to deposit leachate at the sewage
 4 treatment plant.
 5 MR. TAYLOR: Thank you. I was just in the
 6 audience, I actually didn't come to testify.
 7 CHAIRMAN HEDANI: Would you identify yourself for
 8 the record?
 9 MR. TAYLOR: I'm Dave Taylor, I'm the wastewater
 10 division chief in the Department of Environmental
 11 Management. Landfills and wastewater are in Environmental
 12 Management now, not in Public Works anymore. We split about
 13 a year and a half ago.
 14 As far as the question, first of all, in general I
 15 would encourage the Commission not to try to put engineering
 16 and legislative standards into a general plan. These things
 17 are really complicated, they're dealt with by EPA, by the
 18 Department of Health. They take into account specific
 19 operations of different landfills and treatment plants,
 20 available technology. And I think for a general Commission
 21 doing such a big picture planning document such as yours, to
 22 try to put scientific regulatory language into the general
 23 plan I think is going to be very difficult for the community
 24 for decades to come.
 25 CHAIRMAN HEDANI: Do you have a problem with the

1 language being proposed?
 2 MR. TAYLOR: Yes. There's no where else to put
 3 it. I mean the leachate is commonly disposed of in the
 4 wastewater system. That is approved by the EPA and the
 5 Department of Health. Everything that goes into the
 6 wastewater system is approved of. That's what the
 7 Department of Health wants us to do with it.

8 My job, I'm not actually involved with the
 9 management of the landfills, but I believe that using
 10 leachate as dust control for landfills, I don't think the
 11 Department of Health even allows that. I think that's why
 12 we take it to the treatment plants. So I think that's where
 13 this problem comes in. If the Planning Commission kind of
 14 puts in the general plan that you can't do it, but yet
 15 that's what the Department of Health and EPA want us to do,
 16 it creates a real conundrum.

17 CHAIRMAN HEDANI: Commissioner Shibuya.

18 COMMISSIONER SHIBUYA: Dave, what happens if you
 19 use a leachate on the landfill that already has lining and
 20 is in use for methane conversion to electricity?

21 MR. TAYLOR: I don't know.

22 CHAIRMAN HEDANI: Commissioner Starr.

23 COMMISSIONER STARR: When we had the Central Maui
 24 landfill on our tour we were told that half of the leachate
 25 is returned to the lined areas. All of it could be lined.

1 It's sent to the wastewater treatment plant simply as an
 2 expedient, but they could return all of it to the lined
 3 areas if they wanted to. I, for one, have a problem with
 4 the toxins in that leachate going into the wastewater
 5 treatment plant, especially when it's going to continue to
 6 end up in the injection wells.

7 Now, the area that we're talking about is
 8 diversion of waste from the landfills, and this is a
 9 diversion of waste from the landfills but it's one that I
 10 feel is toxic to the near shore waters and the water table.
 11 And it's a practice that maybe saves a few man-hours at the
 12 landfill, but it is doing us irreparable harm.

13 CHAIRMAN HEDANI: Additional discussion?
 14 Commissioner Shibuya.

15 COMMISSIONER SHIBUYA: I fully support what
 16 Commissioner Starr has mentioned. We need to control that,
 17 and the sewage treatment plant is not configured to handle
 18 this leachate. So the best way would be to take it to the
 19 lined landfills. And we are currently, under RFP, I guess,
 20 developing RFP to have the methane production converted to
 21 electricity. So that would fit in with anaerobic type of
 22 digesting systems there producing this gas for Maui County,
 23 and concentrating the hazardous material in that one area.

24 CHAIRMAN HEDANI: Any additional discussion?
 25 Commissioner Hiranaga.

1 COMMISSIONER HIRANAGA: Just as a friendly
 2 amendment, I would suggest adding the word "discourage" in
 3 front of the word "landfill" so it's not absolute.

4 COMMISSIONER STARR: I can accept that.

5 CHAIRMAN HEDANI: So the amendment would read,
 6 Policy number 6, "Discourage the disposal of leachate." I'm
 7 sorry, "Discourage the disposal of leachate by diversion to
 8 wastewater treatment plants." Any further discussion?
 9 Commissioner Hiranaga.

10 COMMISSIONER HIRANAGA: I don't know if you need
 11 to say, "Discourage the disposal of landfill leachate by
 12 diversion to wastewater treatment plants."

13 CHAIRMAN HEDANI: Right, add the word "landfill"
 14 in there. Any further discussion? Commissioner Mardfin.

15 COMMISSIONER MARDFIN: I'm going to vote for this,
 16 but I'm cognizant of what our audience told us about this.
 17 And I'm voting for it on the assumption that the Department
 18 of Planning will look that this carefully, and if it needs
 19 to be modified we will so modify.

20 CHAIRMAN HEDANI: Any further discussion? Ready
 21 for the question?

22 All those in favor of approval of Policy number 6
 23 as displayed on the board signify by saying "aye."

24 (A chorus of ayes)

25 Opposed "nay."

1 (One)

2 One nay. Motion is approved. Any further
 3 discussion on Objective 2 under Solid Waste? All those in
 4 favor of Objective 2, its policies and actions as amended,
 5 signify by saying "aye."

6 (A chorus of ayes)

7 Opposed "nay."

8 (None)

9 Carried, thank you.

10 Infrastructure wastewater. Commissioner Mardfin.

11 COMMISSIONER MARDFIN: I move adoption of the
 12 wastewater goal, Objective 1 and its attendant policies and
 13 actions.

14 CHAIRMAN HEDANI: Director's recommendation?

15 COMMISSIONER MARDFIN: Director's recommendation.

16 CHAIRMAN HEDANI: Is there a second?

17 COMMISSIONER SHIBUYA: Second.

18 CHAIRMAN HEDANI: Seconded by Commissioner
 19 Shibuya. Discussion? Commissioner Mardfin.

20 COMMISSIONER MARDFIN: Aside from the misspelling
 21 under Policy 2, Director. Under Policy 3, "Plan to
 22 establish new wastewater treatment plants outside the
 23 tsunami zone." Why this rather than -- I mean I would be
 24 more concerned with sea level rise than I would be with
 25 tsunamis at this stage. Could somebody give me the

1 reasoning on this?
2 CHAIRMAN HEDANI: Tsunamis ride on top of rising
3 sea levels. Mr. Summers?

4 MR. SUMMERS: Thank you, Mr. Chairman. I think
5 the focus in the discussion at GPAC was primarily on the
6 tsunami inundation, but I think sea level rise is an
7 important consideration. I think it's important to note
8 that this relates to the new facilities rather than existing
9 facilities.

10 CHAIRMAN HEDANI: Director Hunt?

11 DIRECTOR HUNT: I believe, I could be wrong, but
12 I believe most of your tsunami zones are going to cover more
13 ground than the sea level rise that's anticipated over the
14 next hundred years. But as John said, we share the concern
15 with sea level rise. If this body wanted to insert "sea
16 level rise" in there, we wouldn't see any harm in that.

17 CHAIRMAN HEDANI: Any further discussion?
18 Commissioner Mardfin.

19 COMMISSIONER MARDFIN: I move that we amend the
20 policy to read, "Plan to establish new wastewater treatment
21 plants outside the tsunami zone and well above levels where
22 sea level rise would affect them."

23 CHAIRMAN HEDANI: Is there a second?

24 Okay, so we will just retain the existing
25 language. And we will assume that they will plan for

1 COMMISSIONER STARR: Correct.

2 COMMISSIONER MARDFIN: I'll second it.

3 CHAIRMAN HEDANI: Seconded by Commissioner
4 Mardfin. Discussion? Commissioner Shibuya.

5 COMMISSIONER SHIBUYA: On Policy number 2, I would
6 like to say that this tertiary treatment not be implemented
7 on existing sewage treatment plants, but this tertiary
8 treatment be implemented in new treatment plants. Tertiary
9 is an expensive process here that we don't have today.
10 After the tertiary treatment you get what is called R-1
11 water, which can be used safely.

12 CHAIRMAN HEDANI: Commissioner Starr?

13 COMMISSIONER STARR: Yes, we do have quite a bit
14 of tertiary treatment. It consists of a UV system to remove
15 bacteria to create R-1. A lot of the flow from the Kihei
16 plant and Lahaina plant is tertiary treated. And it's not,
17 you know, it is an additional cost, but we are doing quite a
18 bit of it and most of the package plants are also doing
19 this.

20 CHAIRMAN HEDANI: Any further discussion?
21 Commissioner Hiranaga.

22 COMMISSIONER HIRANAGA: I guess I'm a little
23 concerned about when you say "require" tertiary treatment.
24 So if you are unable to meet that requirement, what do you
25 do with the wastewater, do you shut that treatment plant

1 tsunami inundation zones in the future, and that will take
2 into account sea level rise over time. Any further
3 discussion?

4 All those in favor of adopting the Goal and
5 Objective 1 and policies and actions as recommended by the
6 Director signify by saying "aye."

7 (A chorus of ayes)

8 Opposed "nay."

9 (None).

10 Carried, thank you.

11 Commissioner Mardfin.

12 COMMISSIONER MARDFIN: I move the adoption of
13 Objective 2 and its policies and actions with using the
14 Director's recommendations.

15 CHAIRMAN HEDANI: Is there a second?

16 COMMISSIONER SHIBUYA: Second.

17 CHAIRMAN HEDANI: Seconded by Commissioner
18 Shibuya. Discussion? Commissioner Starr.

19 COMMISSIONER STARR: Yeah, on Policy number 2, I
20 want to eliminate everything after the word "wastewater" and
21 I'll be creating a new policy dealing with the disposal of
22 the water after this amendment.

23 CHAIRMAN HEDANI: So the proposed amendment would
24 delete the words "that is disposed through deep injection
25 wells" after Policy number 2.

1 down until it comes into compliance?

2 CHAIRMAN HEDANI: Money is no object, right, Dave?
3 Commissioner Starr.

4 COMMISSIONER STARR: Yeah, the goal is to reuse
5 that water. It's an asset, it's a resource, and the way to
6 be able to utilize it is to give it tertiary treatment, and
7 then utilize it by putting it out for irrigation purposes.
8 So this is just the first half of an attempt.

9 If it makes you happier, I'd be willing to
10 exchange the word "require" to "implement." Frankly, I
11 don't see the benefit of the way it was originally stated,
12 where they're requiring tertiary treatment, if it's going to
13 be disposed of in injection wells. If it's going to be
14 disposed of in injection wells, even if it's treated to
15 tertiary treatment, A, it's not getting reused, and B, it
16 virtually is damaging to the reef.

17 CHAIRMAN HEDANI: Mr. Summers?

18 MR. SUMMERS: Thank you, Mr. Chairman. Just a
19 quick note. In conversations with the Wastewater Division
20 Chief, the current systems use tertiary treatment. So
21 that's currently being done on the island for our municipal
22 wastewater treatment. So this may be a moot issue. It
23 doesn't hurt to have a backfill policy, but it's my
24 understanding, based on this new information, that this is
25 currently being done.

1 CHAIRMAN HEDANI: So the department currently
2 treats through tertiary treatment all wastewater on the
3 island? Mr. Taylor?

4 MR. TAYLOR: Dave Taylor again. Tertiary
5 treatment is considered anything beyond secondary.
6 Secondary is biological treatment. Anything in addition to
7 that, whether it be nitrogen removal, advanced sand
8 filtration, ultraviolet disinfection. These are all methods
9 of tertiary treatment.

10 All of the treatment plants on Maui, the three
11 municipal treatment plants, all do tertiary treatment for
12 all of the water. They all have slightly different systems,
13 but they're all considered tertiary treatment.

14 CHAIRMAN HEDANI: Thank you. Commissioner
15 Hiranaga?

16 COMMISSIONER HIRANAGA: I guess the question
17 becomes why do you want to limit it to municipal wastewater?
18 Because there are private systems. When you say "municipal"
19 you're just talking about county systems.

20 CHAIRMAN HEDANI: Additional discussion?

21 COMMISSIONER HIRANAGA: Could I have clarification
22 of what "municipal" means?

23 CHAIRMAN HEDANI: I'm sorry, can you repeat that?

24 COMMISSIONER HIRANAGA: I wanted clarification of
25 what "municipal" means.

1 that be used in some other way, like for irrigation water or
2 something like that?

3 MR. TAYLOR: All the water generated from the
4 treatment plants could be used for something if it's treated
5 appropriately and if there are distribution systems. So
6 from a physics standpoint, yes, it's just water with stuff
7 in it. You can always remove the stuff and get the water to
8 where you want it. It's a matter of economics, need, et
9 cetera.

10 COMMISSIONER MARDFIN: Thank you.

11 CHAIRMAN HEDANI: Commissioner Starr?

12 COMMISSIONER STARR: I would like to remove the
13 word "municipal" from that as well, if that's okay with the
14 seconder. I forget who that was.

15 COMMISSIONER MARDFIN: That was me.

16 CHAIRMAN HEDANI: It was Commissioner Mardfin.

17 COMMISSIONER MARDFIN: That's accepted.

18 CHAIRMAN HEDANI: So the amendment would read,
19 "Require tertiary treatment for all wastewater," period.

20 COMMISSIONER STARR: Yes.

21 COMMISSIONER HIRANAGA: "Implement," not
22 "require."

23 CHAIRMAN HEDANI: I'm sorry. "Implement tertiary
24 treatment for all wastewater."

25 COMMISSIONER STARR: That's okay with me.

1 CHAIRMAN HEDANI: Commissioner Starr?

2 COMMISSIONER STARR: I know with water systems
3 municipal basically means serving the public or the
4 community, which would include not only governmental but
5 private.

6 COMMISSIONER HIRANAGA: Do you concur with that?

7 CHAIRMAN HEDANI: Mr. Summers? Mr. Taylor?

8 MR. TAYLOR: Dave Taylor again. I believe that in
9 water treatment I think the rule is any water system serving
10 I think it's more than 25 or 50 homes is considered a public
11 water system. In wastewater the term "municipal" really
12 means government owned. Meaning on Maui the three plants
13 that my division owns and operates. So the term "municipal"
14 really just means the county's three plants.

15 CHAIRMAN HEDANI: Any further discussion?

16 COMMISSIONER HIRANAGA: So did you want to
17 eliminate the word "municipal"?

18 COMMISSIONER GUARD: Does anybody else have the
19 ability to use injection wells besides the county?

20 MR. TAYLOR: Yes. Everyone has the ability to use
21 an injection well, and those are regulated by the Department
22 of Health.

23 CHAIRMAN HEDANI: Commissioner Mardfin.

24 COMMISSIONER MARDFIN: I'd like to ask Mr. Taylor
25 if the water that's put into the deep injection wells, could

1 CHAIRMAN HEDANI: Discussion? A septic system
2 with a leach field. You're going to require tertiary
3 treatment for septic systems? That's everybody in Hana
4 pretty much. Commissioner Mardfin.

5 COMMISSIONER MARDFIN: I wouldn't interpret -- I
6 was looking for the word "system" in there, and I take your
7 point.

8 CHAIRMAN HEDANI: Additional discussion?
9 Commissioner Hiranaga.

10 COMMISSIONER HIRANAGA: No.

11 COMMISSIONER STARR: Mr. Chair?

12 CHAIRMAN HEDANI: Commissioner Starr.

13 COMMISSIONER STARR: To deal with your concern I
14 would add the words "for all wastewater treatment plants."

15 CHAIRMAN HEDANI: So the amendment would read,
16 "Implement tertiary treatment for all wastewater treatment
17 plants." A septic system is a wastewater treatment plant.

18 COMMISSIONER HIRANAGA: Excluding Hana.

19 CHAIRMAN HEDANI: Okay. Are you ready for the
20 question? Let's move on one way or another.

21 COMMISSIONER GUARD: I think we need that read to
22 us, because we were talking about wastewater and we replaced
23 wastewater with a plant now. So we want to make sure we're
24 talking about the bi-product, right. I don't know what that
25 term would be.

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1 CHAIRMAN HEDANI: The amendment reads, "Implement
 2 tertiary treatment for all wastewater treatment plants."
 3 Any further discussion?
 4 All those in favor signify by raising your hand.
 5 (Four)
 6 Opposed same sign.
 7 (Three)
 8 Motion dies. Director Hunt.
 9 DIRECTOR HUNT: I believe you only had seven
 10 votes, so there would be a no vote, which would count as an
 11 affirmative.
 12 CHAIRMAN HEDANI: Could we have a recount? All
 13 those in favor of the amendment.
 14 COMMISSIONER GUARD: The deep injection wells is
 15 off the table now, is that it? But what does it read, for
 16 all?
 17 CHAIRMAN HEDANI: "Implement tertiary treatment
 18 for all wastewater treatment plants."
 19 COMMISSIONER GUARD: Whether it goes into the
 20 ground or anywhere.
 21 CHAIRMAN HEDANI: All those in favor signify by
 22 raising your hand.
 23 (Four)
 24 Opposed same sign.
 25 (Three)

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1 Motion dies.
 2 Any further amendments to Objective 2?
 3 Commissioner Starr.
 4 COMMISSIONER STARR: Yes, a new policy.
 5 "Implement reuse, reclamation and reuse of all wastewater,
 6 of all treated wastewater."
 7 CHAIRMAN HEDANI: Is there a second?
 8 COMMISSIONER MARDFIN: Second.
 9 CHAIRMAN HEDANI: Seconded by Commissioner
 10 Mardfin. Discussion?
 11 Just for your information, for the Lahaina system
 12 this is a very worthy goal. It would just cost \$47 million
 13 to do that, which the department I don't think has right
 14 now. Commissioner Starr.
 15 COMMISSIONER STARR: I know it will take time and
 16 it will take dedication. However, the value of our reefs
 17 and the value of many million gallons a day of usable water
 18 is great, and I feel that we should embark on this path.
 19 CHAIRMAN HEDANI: Okay. Additional discussion?
 20 Simone, could you blow that up for my tired eyes,
 21 please? So it would be Policy 7, "Implement reclamation and
 22 reuse of all treated wastewater." Discussion? Commissioner
 23 Hiranaga.
 24 COMMISSIONER HIRANAGA: I guess when you make this
 25 all-encompassing statement, so treated water coming out of a

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1 private septic system has to be reclaimed and reused?
 2 Because all treated wastewater.
 3 CHAIRMAN HEDANI: Commissioner Starr.
 4 COMMISSIONER STARR: My own opinion is that water
 5 coming out of a septic system would not be considered
 6 treated, and I think we're talking about treatment plants.
 7 I would leave the department to fine tune it. But the
 8 intent is certainly that that would either go through the
 9 municipal plants or private package plants would come under
 10 this.
 11 COMMISSIONER HIRANAGA: I would suggest making it
 12 more specific.
 13 CHAIRMAN HEDANI: Mr. Summers?
 14 MR. SUMMERS: Thank you, Mr. Chairman. We have
 15 under Objective number 3 that might be a more appropriate
 16 place for this policy. Objective 3 deals specifically with
 17 reuse of wastewater.
 18 CHAIRMAN HEDANI: Okay, can we table this until we
 19 get to Objective 3 then, and reintroduce it at Objective 3,
 20 Commissioner Starr?
 21 COMMISSIONER STARR: Yes, that's okay.
 22 CHAIRMAN HEDANI: So it will be reconsidered under
 23 Objective 3. Commissioner Guard.
 24 COMMISSIONER GUARD: Thank you. Just maybe I need
 25 some help on what we're trying to talk about with

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1 infrastructure, because what Commissioner Starr brought up
 2 is almost verbatim in Heritage Resources about protecting
 3 the reef on transition from the use of wastewater injection
 4 wells to appropriate environmentally sound methods, and
 5 promote the beneficial reuse of wastewater effluent. That
 6 seemed to be a more appropriate spot, if that's what we're
 7 discussing.
 8 Infrastructure to me, when I looked at it, was
 9 capital improvements. So I mean it's there. I think that's
 10 where it should be if we are talking about protecting the
 11 reefs versus building infrastructure. And maybe I'm just
 12 totally misreading this plan and what I'm here for, so maybe
 13 I will have to step out if I'm doing it all wrong. Thank
 14 you.
 15 CHAIRMAN HEDANI: Additional discussion?
 16 Commissioner Mardfin.
 17 COMMISSIONER MARDFIN: Can somebody explain Policy
 18 6 to me, "Require a sinking fund to adequately
 19 maintain/replace aging wastewater system components." How
 20 would this be funded and that sort of thing?
 21 CHAIRMAN HEDANI: Okay, we're done on the prior
 22 one. We are going to move that to Objective 3, and staff
 23 will pick that up under Objective 3. So can you repeat
 24 that, Commissioner Mardfin?
 25 COMMISSIONER MARDFIN: Yes. I would like somebody

1 to explain to me what Policy 6 means, how that sinking fund
2 would be financed, who does it apply to, what it's intended
3 to do. I guess it's intended to replace things as they wear
4 out, but would it be funded out of like current real
5 property taxes or what?

6 CHAIRMAN HEDANI: The sinking fund refers to the
7 injection wells. (Laughter) I couldn't resist that, sorry.

8 Mr. Michaelson?

9 MR. MICHAELSON: Actually, I would defer that to
10 Mr. Shibuya, because I have no idea what a sinking fund is.

11 COMMISSIONER SHIBUYA: I defer that to Dave
12 Taylor.

13 MR. TAYLOR: This language didn't come from our
14 department, but I think sinking fund usually means revolving
15 fund. It usually means money goes in, and when you need
16 something you take it out. Kind of like how a condo reserve
17 fund works, where you put in it all the time, and when you
18 need money you take it out. I think that's what sinking
19 fund in our industry usually means.

20 CHAIRMAN HEDANI: Since the words are italicized,
21 I take it there's a definition somewhere. Commissioner
22 Hiranaga.

23 COMMISSIONER HIRANAGA: It is an accounting term.
24 Unfortunately, I graduated from college about 30 years ago.
25 But it's sort of a reserve account. The danger about it is

1 any property tax money to run our systems. So I think the
2 concept of this is already done from the sense that there is
3 an existing practice.

4 CHAIRMAN HEDANI: So there's no harm in deleting
5 this item then?

6 MR. TAYLOR: I don't know if there's harm in
7 deleting it or keeping it. It seems like whatever it says
8 we're probably going to keep doing the same thing.

9 CHAIRMAN HEDANI: Commissioner Hiranaga.

10 COMMISSIONER HIRANAGA: I don't want to argue with
11 what Mr. Taylor just said, but I believe with the charter
12 change the water department is administered differently now
13 because of the charter change. I think their funds go into
14 the general fund and it's controlled by the Council. If the
15 Council doesn't approve the Department of Water Supply's
16 budget, it doesn't get implemented, whereas before it did
17 not need Council approval.

18 MR. TAYLOR: I think what I said earlier is
19 correct, they're both special funds or enterprise funds
20 where those monies don't mingle with property tax funds.
21 All the fees go in just to our funds. We're the only ones
22 who can spend them. We still need Council approval to spend
23 them, But if we don't, they stay there. And there's no
24 mingling of funds between property taxes, sewer rates, water
25 rates, they all stay separate and they are all approved by

1 if you are limiting the use of general funds and identifying
2 it for this specific use, my concern is in economic times
3 when our general fund or capital fund is limited, all of a
4 sudden you have got all this money sitting here that you
5 can't use for something else because it's been identified as
6 a sinking fund for wastewater. So that's my concern.

7 CHAIRMAN HEDANI: Any additional questions?
8 Commissioner Shibuya.

9 COMMISSIONER SHIBUYA: Normally the sinking fund
10 is actually created by revenue gained from the sewage funds
11 or fees, is it not?

12 COMMISSIONER HIRANAGA: Not necessarily.

13 CHAIRMAN HEDANI: Mr. Taylor?

14 MR. TAYLOR: Just for the Commission's knowledge,
15 water and sewer are unique in the county, as they were both
16 completely self funded from fees. Both water, Department of
17 Water Supply and the Wastewater Reclamation Division, we do
18 not get any funds from the general fund. Both of us are
19 completely operated out of funds from our individual
20 billings.

21 So conceptually this is already what both water
22 and wastewater do. We charge you your sewer fee, it goes
23 into a sewer fund. That money is only available to us. If
24 we have extra it rolls over to the next year. They don't
25 pull money out of that to pay for police cars; we don't get

1 Council.

2 CHAIRMAN HEDANI: Commissioner Hiranaga?

3 COMMISSIONER HIRANAGA: I make a motion to delete
4 number 6.

5 COMMISSIONER U'U: Second.

6 CHAIRMAN HEDANI: Moved by Commissioner Hiranaga,
7 seconded by Commissioner U'u to delete Policy number 6. Any
8 discussion?

9 All those in favor signify by raising your hand.

10 (Five)

11 All those opposed same sign.

12 (Three)

13 Motion passes.

14 Any further items of discussion under Objective 2,
15 policies and actions? Commissioner Mardfin.

16 COMMISSIONER MARDFIN: Under Action 1 I think I
17 understand what the intent is, and it's fine. I just think I
18 that the level of wastewater treatment sort of depends on
19 the density of the population, the volume of the wastewater.
20 And maybe in East Maui outside of urban Hana it's not a
21 problem, and you don't need to do anything. I won't make
22 any motion on the assumption that the people implementing
23 this won't do it in a foolish manner.

24 CHAIRMAN HEDANI: Has that ever happened?

25 COMMISSIONER MARDFIN: Yes it has, unfortunately.

1 CHAIRMAN HEDANI: Any other discussion? Okay, are
 2 you ready for Objective number 2, policies and actions as
 3 amended?
 4 All those in favor signify by saying "aye."
 5 (A chorus of ayes)
 6 Opposed "nay."
 7 (None).
 8 Carried. Thank you.
 9 Objective 3. Commissioner Starr.
 10 COMMISSIONER STARR: Move for approval of
 11 Objective 3 underlying policies and actions per the
 12 Director's recommendation.
 13 CHAIRMAN HEDANI: Is there a second?
 14 COMMISSIONER SABLAS: Second.
 15 CHAIRMAN HEDANI: Seconded by Commissioner Sablas.
 16 Discussion? Commissioner Starr.
 17 COMMISSIONER STARR: Yeah, I'd like to add a
 18 policy with the wording that we had before regarding the
 19 reuse of all wastewater, and move existing Policy number 2
 20 down to become an action.
 21 CHAIRMAN HEDANI: Can we pull up that prior
 22 language, please?
 23 COMMISSIONER STARR: No, that's the wrong one. It
 24 was "Reclaim, implement reclamation and reuse." That's the
 25 one. So then "Implement reclamation and reuse." That

1 COMMISSIONER HIRANAGA: Right.
 2 CHAIRMAN HEDANI: Discussion? Commissioner Starr.
 3 COMMISSIONER STARR: I think since it does say
 4 "and other wastewater systems," I would prefer to keep it a
 5 statement that those three big plants should have the
 6 expanded use of wastewater. I think that that does tie in
 7 with the other plants that are referenced.
 8 CHAIRMAN HEDANI: Additional discussion on the
 9 amendment? Ready for the question?
 10 All those in favor of the amendment --
 11 Commissioner U'u.
 12 COMMISSIONER U'U: Can we ask the Director of
 13 Wastewater how he feels about this, and that would swing my
 14 vote either way.
 15 CHAIRMAN HEDANI: Mr. Taylor?
 16 MR. TAYLOR: As an engineer, when I see the word
 17 "all" the hair on the back of my neck stands up. All is
 18 all. The way the reuse systems work, I think what most
 19 people are imagining is irrigation. Well, in the winter
 20 nobody wants the water. We generate the same amount almost
 21 every day. So we can go months where almost nobody wants
 22 the water. So now you're talking about not only building a
 23 massive distribution system, increasing the plants to
 24 actually be able to process all this, now you have got to
 25 store it for weeks or months until it's dry again.

1 becomes a policy. And then the existing Policy 2 to "Expand
 2 the reuse of wastewater from the Central," et cetera, that
 3 becomes an action. Yes, that becomes an action, former
 4 Policy number 2.
 5 CHAIRMAN HEDANI: Okay. So the policy addition
 6 would be Policy number 4 that would read, "Implement
 7 reduction and reuse of all treated wastewater." Is that the
 8 amendment, Jonathan?
 9 COMMISSIONER STARR: "Reclamation and reuse."
 10 CHAIRMAN HEDANI: Is that the amended, Jonathan?
 11 COMMISSIONER STARR: Yes. Well, that's half of
 12 it. The other is moving the existing Policy 2 to an action.
 13 CHAIRMAN HEDANI: That's moving Policy number 2 to
 14 an action item?
 15 COMMISSIONER STARR: Right.
 16 CHAIRMAN HEDANI: Is there a second?
 17 COMMISSIONER SHIBUYA: Second.
 18 CHAIRMAN HEDANI: Seconded by Commissioner
 19 Shibuya. Discussion? Commissioner Hiranaga.
 20 COMMISSIONER HIRANAGA: I'd like to offer a
 21 friendly amendment as far as the action, proposed action
 22 item. Eliminate all those locations, Central Maui, Kihei,
 23 Lahaina.
 24 CHAIRMAN HEDANI: That's on former Policy number 2
 25 and now action item?

1 The concept of reusing all the water sounds great.
 2 From an engineering implementation standpoint I find it hard
 3 to believe that that will ever be possible.
 4 CHAIRMAN HEDANI: Commissioner Starr.
 5 COMMISSIONER STARR: First of all, I don't really
 6 like the process of having the department that is supposed
 7 to implement telling us what we should do in the plan. And
 8 here we have two departments involved, because we have Steve
 9 Parabolicoli, who is in charge of the wastewater reuse, who is
 10 not here. So, you know, basically we have the wastewater
 11 division, which likes the injection wells, and has not
 12 worked in the past to try to divert it for reuse.
 13 And frankly, some of us feel that they've really
 14 been dragging their heels in not in not going out for
 15 funding for this. And then we have another department which
 16 is desperately trying to do it, but is not getting the
 17 support that it needs, and they're not in the room.
 18 So if we are to be listening to what Mr. Taylor
 19 says as our resource, we should have Mr. Parabolicoli here and
 20 probably other resources. I feel that, you know, we
 21 shouldn't be stopped from trying to do the right thing
 22 because it's difficult or expensive. The longer we drag our
 23 heels the more we are going to destroy our reefs and not
 24 re-utilize this water.
 25 MR. TAYLOR: Can I make one comment, Mr. Chair?

1 CHAIRMAN HEDANI: Additional discussion?
2 Commissioner U'u.

3 COMMISSIONER U'U: I believe I brought it up, and
4 I think Commissioner Shibuya brought it up prior to the
5 meeting. I brought it up in Hana, and Commissioner Shibuya
6 brought it up today, where some of us would like some of the
7 input from some of the directors prior to taking up certain
8 I guess policies and objectives and actions.

9 So I for one like what the Director is saying. It
10 doesn't make me vote a certain way or it maybe does, but
11 he's the expert. We don't have to listen to him really,
12 obviously, but we can vote on how we feel after.

13 CHAIRMAN HEDANI: Additional discussion? My only
14 comment is that I know that the Wastewater Division has been
15 working actively to try to implement a reuse system for
16 Lahaina. It will cost \$47 million, including storage
17 systems and everything else, and a distribution system.
18 There are users that eventually will come on line within the
19 next 25 years, including the Hawaii Housing Authority and
20 others, but it's a goal.

21 If that's what you want to pursue, then multiply
22 that by at least three. Actually, five, to include Central
23 and Kihei, because they're much larger users than Lahaina.
24 So you're talk about a \$250 million system basically. But
25 if what you're saying is that it's important enough, then go

1 (Four)
2 The motion is lost.
3 The action item, would that follow that particular
4 policy?

5 COMMISSIONER STARR: It was all one motion,
6 Mr. Chair.

7 CHAIRMAN HEDANI: The second part of the motion
8 was the action item. Do you want a re-vote on that
9 combined?

10 COMMISSIONER STARR: Yes. That was my motion.

11 CHAIRMAN HEDANI: Why don't we re-vote on the
12 policy and the action as the amendment.

13 Simone, can you move down to the action item? The
14 action item would read, Expand the reuse of wastewater from
15 the Central Maui, Kihei, Lahaina, and other wastewater
16 systems in accordance with the County's wastewater reuse
17 plans/policies and the Water Use and Development Plan.

18 That's the added action item which was a former
19 policy, okay, and it's being moved to an action item. So
20 we're voting on the policy on reuse and this action item.

21 COMMISSIONER STARR: And moving the former policy
22 to an action.

23 CHAIRMAN HEDANI: Right, right. Combined with the
24 addition of the policy that we just saw. So we all know
25 what we're voting on, the combined amendment.

1 for it. Commissioner Starr.

2 COMMISSIONER STARR: I think our reefs are worth
3 it. And I think that since we're really up against a wall
4 in developing the water sources, it's probably cheap in the
5 end.

6 CHAIRMAN HEDANI: The Council is going be the
7 final arbiter of this, and they're going to have to finance
8 it anyway.

9 COMMISSIONER STARR: I think we should at least
10 try.

11 CHAIRMAN HEDANI: Any further discussion?
12 Commissioner Hiranaga.

13 COMMISSIONER HIRANAGA: I'm just wondering, that
14 concise sentence there, is that really a policy?

15 CHAIRMAN HEDANI: Do you want to have it reread,
16 the policy?

17 Simone, can you blow that up for me a little bit?
18 Okay, just so we know what we're voting on, let's do this in
19 two parts, the policy first and the action later. The
20 policy would be, "Implement reclamation and reuse of all
21 treated wastewater." Are we all set? Are you ready for
22 the question?

23 All those in favor signify by raising your hand.

24 (Three)

25 Opposed same sign.

1 All those in favor signify by raising your hand.

2 (Four)

3 Opposed same sign.

4 (Four)

5 The motion is lost.

6 Any further discussion? Commissioner Mardfin.

7 COMMISSIONER MARDFIN: I'd just like to ask
8 somebody that might have a better memory than I. When I
9 first got on the Commission a year and a half ago or so I'm
10 looking at Action 3, "Develop public/private partnerships to
11 create education, marketing and incentive programs that
12 promote the use/recycling of wastewater."

13 Wasn't there a project, I forget exactly where,
14 north of Kaanapali where they had -- where the developer
15 agreed to develop a wastewater treatment and treat it and
16 then use it for irrigation of their property?

17 CHAIRMAN HEDANI: Yes, I think it was a small
18 portion of the flow coming from the sewage treatment plant
19 would go to irrigation across the street at Honoa Kai, or
20 one of those projects.

21 COMMISSIONER MARDFIN: So this is consistent with
22 that policy, with what we approved back then?

23 CHAIRMAN HEDANI: Right. I think they contributed
24 over a million dollars in that case. Commissioner Hiranaga.

25 COMMISSIONER HIRANAGA: The previous motion that

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1 failed, I don't have a philosophical problem with it, I
2 think the wording needed to be worked on. I'm not sure if
3 the maker of that motion wants to work on that language. It
4 might change the vote.
5 COMMISSIONER STARR: I would be happy to.
6 CHAIRMAN HEDANI: Any suggested language?
7 COMMISSIONER HIRANAGA: Can we bring that back? I
8 guess eliminating the word "all."
9 CHAIRMAN HEDANI: So it would read, "Implement
10 reclamation and reuse of treated wastewater."
11 COMMISSIONER HIRANAGA: Although that's being done
12 now, right?
13 COMMISSIONER STARR: How about "maximize"?
14 COMMISSIONER HIRANAGA: Mr. Summers is going
15 "yes."
16 COMMISSIONER STARR: So "Maximize reclamation and
17 reuse of treated wastewater."
18 COMMISSIONER HIRANAGA: Well, when you say
19 maximize you say within reason or as practical.
20 MR. SUMMERS: I think it's more aspirational in
21 nature. Another approach would be "Strive to reclaim and
22 reuse."
23 CHAIRMAN HEDANI: How about "encourage"?
24 Commissioner Hiranaga, is what you see up on the board
25 acceptable, "Strive to reclaim and reuse all treated

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1 wastewater."
2 COMMISSIONER HIRANAGA: I'm not overjoyed but --
3 CHAIRMAN HEDANI: Is that an amendment?
4 COMMISSIONER HIRANAGA: No, actually I'm not
5 making an amendment.
6 CHAIRMAN HEDANI: Let's move on then.
7 COMMISSIONER STARR: I'll make that as an
8 amendment along with the movement of the policy, former
9 policy to action.
10 COMMISSIONER MARDFIN: Second.
11 CHAIRMAN HEDANI: Moved by Commissioner Starr,
12 seconded by Commissioner Mardfin to include -- is that a
13 policy or an action?
14 COMMISSIONER STARR: That's a policy.
15 CHAIRMAN HEDANI: That's restatement of Policy 2?
16 COMMISSIONER STARR: It's a new policy, and the
17 former Policy 2 becomes an action.
18 CHAIRMAN HEDANI: This is essentially
19 reconsideration of the prior motion.
20 COMMISSIONER STARR: No, it's different wording.
21 CHAIRMAN HEDANI: Can we split it into two parts
22 and go part by part, or do you want to take it together?
23 COMMISSIONER STARR: Take it together, because I
24 don't want to lose the Policy 2 if it fails.
25 CHAIRMAN HEDANI: Okay. Are we all on the same

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1 page, we know what the policy is. "Strive to reclaim and
2 reuse all treated wastewater," period.
3 All those in favor signify by raising your hand.
4 (Six)
5 Opposed same sign.
6 (One)
7 Motion carries.
8 COMMISSIONER STARR: Mahalo.
9 CHAIRMAN HEDANI: Any further discussion on
10 Objective 3? Commissioner Mardfin.
11 COMMISSIONER MARDFIN: I'm not sure whether this
12 is appropriate or not. On page 8 there's an item, it's not
13 labeled or numbered as Action 4, I don't quite know what
14 this is, but it's a general infrastructure policy under
15 Director's recommendation. I don't know whether we vote on
16 this or what. I think it's a wonderful statement of policy,
17 and I think it applies to the whole 61 pages.
18 It says, "Require a regular reporting mechanism
19 for the status of private infrastructure and financial
20 assurance to ensure enforcement of needed corrective actions
21 or uninterrupted operation in case of bankruptcy,
22 abandonment, or any other default on financial obligation."
23 Because it's not numbered I don't know quite where it
24 belongs, but I love it.
25 CHAIRMAN HEDANI: Staff, any comments? Is that

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1 part of wastewater?
2 COMMISSIONER MARDFIN: It's supposed to be for
3 everything.
4 COMMISSIONER SHIBUYA: It's not limited to.
5 MR. SUMMERS: Thank you, Mr. Chairman. This was
6 generic to all the different sections of infrastructure, so
7 staff can find an appropriate place for it later on. But I
8 think, as you all know, water systems are developed
9 privately. Wastewater there are a number of systems where
10 this could apply.
11 CHAIRMAN HEDANI: So this would create a reporting
12 mechanism for private wastewater systems?
13 MR. SUMMERS: That was the intent.
14 CHAIRMAN HEDANI: Any further discussion on
15 Objective 3? Simone.
16 MS. BOSCO: Since the policy was approved that was
17 brought down, can I delete it from the former section?
18 Here, I will go up and show you.
19 CHAIRMAN HEDANI: Yes, the policy was moved to an
20 action.
21 MS. BOSCO: So this can be deleted here? This was
22 reintroduced, so I can delete it from the former. Remember
23 this?
24 CHAIRMAN HEDANI: Right.
25 MS. BOSCO: Thank you.

1 CHAIRMAN HEDANI: Okay, any further discussion on
 2 Objective 3? Objective 3 doesn't include the general
 3 infrastructure statement, right?
 4 MR. SUMMERS: That's correct.
 5 CHAIRMAN HEDANI: Commissioner Shibuya?
 6 Commissioner Mardfin?
 7 COMMISSIONER MARDFIN: That's okay with me. We
 8 will pass Objective 3, and then I'll make a motion about
 9 this infrastructure policy.
 10 CHAIRMAN HEDANI: Any further discussion on
 11 Objective 3?
 12 All those in favor of Objective 3 as amended, all
 13 those in favor signify by saying "aye."
 14 (A chorus of ayes)
 15 Opposed "nay."
 16 (None)
 17 Carried, thank you.
 18 Commissioner Mardfin.
 19 COMMISSIONER MARDFIN: I move the adoption of the
 20 general infrastructure policy. That probably should be at
 21 the very beginning in terms of location, but I will leave it
 22 to the staff to figure out where that is. But I move the
 23 adoption of the general infrastructure policy as wisely
 24 recommended by the Planning Department.
 25 COMMISSIONER STARR: Second.

1 CHAIRMAN HEDANI: The Planning Commission is back
 2 in session. Okay, gang, we're on page 9. We only have to
 3 get to page 61. Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: On the understanding that
 5 this water is referring to fresh water, I move the adoption
 6 of the goal Objective 1 and the related Policies and Action
 7 items.
 8 CHAIRMAN HEDANI: Is there a second?
 9 COMMISSIONER SHIBUYA: Second.
 10 CHAIRMAN HEDANI: Seconded by Commissioner
 11 Shibuya. Discussion? Commissioner Starr.
 12 COMMISSIONER STARR: Yeah, I assume that you are
 13 talking about the Director's recommendation.
 14 COMMISSIONER MARDFIN: Director's recommendation.
 15 COMMISSIONER STARR: In which case I'd like to
 16 make an amendment that Policy 1 not be deleted, because the
 17 watershed sub-element only deals with surface water, it
 18 doesn't deal with groundwater, and I feel it's imperative
 19 for that reason that Policy 1 stay in this section.
 20 COMMISSIONER MARDFIN: Second.
 21 CHAIRMAN HEDANI: Moved and seconded to retain, as
 22 an amendment to retain Policy number 1. Discussion?
 23 My only comment on Policy number 1 was in the
 24 "Delete - watershed sub-element" was agree, so I agreed to
 25 the deletion. Discussion?

1 CHAIRMAN HEDANI: Seconded by Commissioner Starr.
 2 Discussion? I'm not sure what this means, but I'm not that
 3 bright to begin with so -- Commissioner Mardfin?
 4 COMMISSIONER MARDFIN: I think what it means is we
 5 are going to get some accountability by people who run
 6 different operations, and that particularly in the case of
 7 the fact that it's private, bonds would have to be posted or
 8 some other mechanism to make sure that they don't run out on
 9 their responsibilities. I think it's a wonderful policy.
 10 CHAIRMAN HEDANI: Commissioner Shibuya.
 11 COMMISSIONER SHIBUYA: The case in point would be
 12 Molokai Ranch. When they come up with their private water
 13 system and sewer system and then they go and default, and
 14 the county is now inheriting that problem.
 15 CHAIRMAN HEDANI: Okay, any further discussion?
 16 All those in favor signify by saying "aye."
 17 (A chorus of ayes).
 18 Opposed "nay."
 19 (None).
 20 Carried. Thank you.
 21 We are on page 8 of 61, ladies and gentlemen.
 22 Simone? Mr. Michaelson?
 23 Okay, why don't we go ahead and take a break. We
 24 will come back at 3:15.
 25 (Whereupon a brief recess was had)

1 My comment was I agree with the Director's
 2 recommendation to delete because it's already included in
 3 the watershed sub-element. Further discussion? Ready for
 4 the question? The amendment is to retain Policy number 1.
 5 All those in favor signify by raising your hand.
 6 (Five)
 7 Opposed same sign.
 8 (None)
 9 Motion is carried.
 10 Additional discussion? Commissioner Mardfin.
 11 COMMISSIONER MARDFIN: I'd like to ask about
 12 Policy 5, "Ensure that all source development, improvements,
 13 and upgrades are consistent with the MIP policies." And I
 14 just, I guess I wanted to ask whether what would this -- two
 15 things. What would this do about wells that people are
 16 drilling all over, such as Nahiku? If we put more straws in
 17 the aquifer, what happens?
 18 And I guess if somebody can tell me what happened
 19 to Dain Kane's bill where all water taking would get
 20 reported to the county, did that pass or is that being
 21 implemented?
 22 CHAIRMAN HEDANI: Any further discussion?
 23 Commissioner Starr.
 24 COMMISSIONER STARR: The reporting is to the State
 25 Commission on Water Resource Management, who do

1 theoretically currently have a record of all water use.
 2 COMMISSIONER MARDFIN: So it did pass?
 3 COMMISSIONER STARR: Well, it's a state policy,
 4 and this was just to back up the state policy.
 5 CHAIRMAN HEDANI: Any additional discussion?
 6 Commissioner Starr.
 7 COMMISSIONER STARR: Yeah, I'd like to add an
 8 action that would read, "Development of new water sources
 9 should be done by the county for the benefit of all the
 10 people of Maui County to the maximum extent possible."
 11 CHAIRMAN HEDANI: Simone, did you get that?
 12 COMMISSIONER SHIBUYA: Second.
 13 CHAIRMAN HEDANI: Seconded by Commissioner
 14 Shibuya. Discussion? Does that mean you're discouraging
 15 private water source development?
 16 COMMISSIONER STARR: Yes. Since the resource --
 17 this is backing up the policy in support of the Public Trust
 18 Doctrine, which says that the water belongs to all of the
 19 people of Maui. And by having it developed by the county
 20 rather than private individuals, it means that everyone gets
 21 an equal and fair ability to utilize it.
 22 CHAIRMAN HEDANI: Discussion? Commissioner
 23 Hiranaga.
 24 COMMISSIONER HIRANAGA: I guess I have a concern
 25 with that, because the current practice of the Department of

1 "The development of new water sources should be done by the
 2 county with or without private participation."
 3 CHAIRMAN HEDANI: Commissioner Starr?
 4 COMMISSIONER STARR: I feel strongly that the
 5 model where private developers develop the public trust
 6 resource and then they get the ability to use it has been
 7 leading us in a wrong direction.
 8 You know, a current example is the fact that 10
 9 million gallons a day of new source, which will provide the
 10 next ten years of water meters for Central and South Maui,
 11 is being developed by A&B under a joint venture, an EA
 12 that's just been published, which means that A&B will decide
 13 who gets most of those water meters. And just about
 14 everyone else will either have to go to A&B for their meters
 15 or suck air.
 16 CHAIRMAN HEDANI: Commissioner U'u?
 17 COMMISSIONER U'U: This is one of the times that I
 18 would like a department head to be present. I know people
 19 who have developed their own water source in certain areas
 20 that wasn't obtainable by the county standards, but they
 21 still had to go through the proper process to acquire the
 22 water, the Department of Health, and they will be affected
 23 by this. And also when was the last time the county drilled
 24 for water? I mean I think they relied on partnerships.
 25 COMMISSIONER STARR: The last several wells that

1 Water Supply is to develop these joint ventures with private
 2 developers where the private developers drill the wells and
 3 then they do a cost sharing if the well is successful. So
 4 if you are going to eliminate this type of arrangement,
 5 which is what the Department of Water Supply is involved in,
 6 and only rely on county sponsored drilling, you are going to
 7 reduce the amount of source tremendously.
 8 CHAIRMAN HEDANI: Additional discussion?
 9 Commissioner Starr.
 10 COMMISSIONER STARR: I feel that it's far
 11 preferable for the county to do it where it can. But
 12 understanding the realities, that's why I did add "to the
 13 maximum extent possible," knowing that it won't be complete.
 14 But I think the county should be encouraged to be the source
 15 developer.
 16 CHAIRMAN HEDANI: Commissioner Shibuya?
 17 COMMISSIONER SHIBUYA: I see the county as the
 18 lead on this effort, and it can subcontract or even issue
 19 contracts for private developers to perform the functions
 20 for the county. The way it's written I think it allows for
 21 that.
 22 CHAIRMAN HEDANI: Additional discussion?
 23 Commissioner Mardfin.
 24 COMMISSIONER MARDFIN: I'm wondering if
 25 Commissioner Starr would consider as a friendly amendment,

1 were added to the county, Kupoa, Kanoa, the whole series out
 2 in North Waihee were drilled by the county, and where
 3 everyone is getting the benefit equally. That's why we were
 4 able to get water meters.
 5 CHAIRMAN HEDANI: Commissioner U'u?
 6 COMMISSIONER U'U: Also, I wouldn't want to limit
 7 and be dependent on the county for drilling. I think we
 8 would have a variety of resources. I think the end benefit
 9 would be for the people of Maui who gets that water. So
 10 where it says to the benefit of all people of Maui, well,
 11 the beneficiary is the guy at the end of the hose, the end
 12 of the line.
 13 CHAIRMAN HEDANI: Additional discussion? Director
 14 Hunt.
 15 DIRECTOR HUNT: John, isn't this somewhat contrary
 16 to one of the major themes in the Draft Maui Island Plan
 17 where the county is responsible for maintenance of existing
 18 infrastructure, and new developers are responsible for new
 19 infrastructure?
 20 CHAIRMAN HEDANI: Mr. Summers?
 21 MR. SUMMERS: Thank you, Mr. Chairman. They are
 22 responsible for the costs related to infrastructure
 23 development to support their projects. I think the main
 24 thing here is that the development of the infrastructure be
 25 done in accordance with the Water Use and Development Plan,

1 whether it's developed by the county itself or by a private
 2 developer.
 3 CHAIRMAN HEDANI: Additional discussion?
 4 Commissioner Shibuya.
 5 COMMISSIONER SHIBUYA: I believe that, just sort
 6 of straying from that, I believe the kuleana is actually
 7 with the state in terms of our water use, and then it allows
 8 the county to manage its own water uses. Then the problem
 9 here comes if you are going to drill then you need some kind
 10 of permitting. And I think at this point as it's stated or
 11 as written or proposed it will allow the county to be the
 12 managing agency for any drilling and/or monitoring of well
 13 heads as well as the capacity, determine the capacity and
 14 inventory of all water takes.
 15 CHAIRMAN HEDANI: Additional discussion?
 16 Commissioner Hiranaga.
 17 COMMISSIONER HIRANAGA: That's why I'm concerned.
 18 When you place that responsibility or authority with the
 19 Department of Water Supply, whose Director is appointed by
 20 the Mayor of the County of Maui, water can become a
 21 political tool based upon the agenda of the Mayor. I'm not
 22 saying of this Mayor, but future Mayors.
 23 I'm having a problem with this language. If your
 24 intent is for the county to find new water sources for the
 25 benefit of all the people, I would think that it should say,

1 "The county shall develop new water sources for the benefit
 2 of all the people."
 3 COMMISSIONER STARR: That works for me.
 4 COMMISSIONER HIRANAGA: Because you are giving the
 5 county a mandate, but it doesn't give them the exclusive
 6 right to develop water. Which is what their mission should
 7 be, is to provide water where it's needed if it's available.
 8 COMMISSIONER STARR: As long as the wording is in
 9 there that the county should be developing water sources for
 10 everyone, I'm good with that. So I'm willing to accept that
 11 change in wording.
 12 CHAIRMAN HEDANI: Why don't we take a look at
 13 what's up on the board.
 14 COMMISSIONER STARR: And can we strike the last
 15 few words there, "The County shall develop new water sources
 16 for the benefit of all the people of Maui County."
 17 CHAIRMAN HEDANI: So the amendment would be
 18 restated to read, "The County shall develop new water
 19 sources for the benefit of all of the people of Maui
 20 County." Is that acceptable to the maker of the motion?
 21 COMMISSIONER HIRANAGA: If you want to make it
 22 more concise, you could just say, "for the benefit of the
 23 people of Maui."
 24 COMMISSIONER STARR: I'd prefer leaving "all" in
 25 there.

1 COMMISSIONER HIRANAGA: Not some, all?
 2 COMMISSIONER STARR: That's really my point, is it
 3 should be for everyone.
 4 CHAIRMAN HEDANI: Additional discussion?
 5 COMMISSIONER HIRANAGA: Most.
 6 CHAIRMAN HEDANI: Okay, all those in favor signify
 7 by saying "aye."
 8 (A chorus of ayes)
 9 Opposed "nay."
 10 (None).
 11 Carried. Thank you.
 12 Any additional amendments? Commissioner Mardfin.
 13 COMMISSIONER MARDFIN: It's not a change, but in
 14 Action item 3, can someone tell me what "Develop site
 15 selection studies for water storage/supply facilities," what
 16 that means?
 17 CHAIRMAN HEDANI: Figure out where to put the
 18 facilities.
 19 COMMISSIONER MARDFIN: Who is going to do this?
 20 CHAIRMAN HEDANI: The Water Department.
 21 COMMISSIONER MARDFIN: Okay.
 22 CHAIRMAN HEDANI: Additional discussion? Ready
 23 for the question?
 24 All those in favor of the water Goal and Objective
 25 1 and Policies and Actions as amended, signify by saying

1 "aye."
 2 (A chorus of ayes)
 3 Opposed "nay."
 4 (None)
 5 Carried. Thank you.
 6 Objective 2, page 12. We're making progress.
 7 Commissioner Starr.
 8 COMMISSIONER STARR: Mr. Chair, I just realized
 9 that one of the items that was deleted and moved to
 10 watershed sub-element, that's policy number 10, doesn't deal
 11 with watersheds, it deals with aquifers.
 12 MR. MICHAELSON: Actually, I think you're right.
 13 COMMISSIONER STARR: So for that reason I'd like
 14 to keep it here. I think that staff agrees with me on this.
 15 MR. MICHAELSON: Yes, that's correct.
 16 CHAIRMAN HEDANI: Commissioner Mardfin.
 17 COMMISSIONER MARDFIN: What was the resolution of
 18 that, did we decide to keep it?
 19 COMMISSIONER STARR: I'll do that as a motion.
 20 CHAIRMAN HEDANI: Can we take it up under the
 21 watershed section?
 22 MR. MICHAELSON: Actually, you've already
 23 addressed it.
 24 CHAIRMAN HEDANI: Mr. Summers?
 25 MR. SUMMERS: Thank you, Mr. Chairman. We've

1 already completed the watershed section as part of the
 2 heritage resource element.
 3 COMMISSIONER STARR: Mr. Chair, I move that item
 4 10 be maintained where it was.
 5 CHAIRMAN HEDANI: We're going backwards now, so
 6 long as you know.
 7 COMMISSIONER STARR: Yes.
 8 COMMISSIONER MARDFIN: Second.
 9 CHAIRMAN HEDANI: Seconded by Commissioner
 10 Mardfin. Item 10 under policies or actions?
 11 COMMISSIONER MARDFIN: It's a policy under
 12 Objective 1.
 13 MR. MICHAELSON: Mr. Chair, also based on
 14 Jonathan's comments, number 8, Action number 8 should also
 15 remain. I'm sorry about that.
 16 COMMISSIONER STARR: So can I include that in my
 17 motion? They both deal with subsurface water, not surface
 18 water.
 19 CHAIRMAN HEDANI: So the amendment is to
 20 reconsider items 8 and 10 under the policies of Objective 1.
 21 COMMISSIONER STARR: 8 is an action and 10 is a
 22 policy.
 23 CHAIRMAN HEDANI: Right. So Policy 10 and Action
 24 item 8. Any discussion?
 25 All those in favor signify by saying "aye."

1 (A chorus of ayes)
 2 Opposed "nay."
 3 (None)
 4 Carried. Thank you.
 5 Any further discussion on Objective number 2?
 6 Commissioner Mardfin.
 7 COMMISSIONER MARDFIN: I move adoption of
 8 Objective number 2, the 10 policies and 11 actions.
 9 CHAIRMAN HEDANI: Is there a second?
 10 COMMISSIONER MARDFIN: The Director's
 11 recommendation.
 12 COMMISSIONER SHIBUYA: Second.
 13 CHAIRMAN HEDANI: Seconded by Commissioner Shibuya
 14 for the Director's recommendation on Objective 2, policies
 15 and actions. Discussion?
 16 All those in favor signify by saying "aye."
 17 (A chorus of ayes)
 18 Opposed "nay."
 19 (None)
 20 Carried. Thank you.
 21 Objective number 3. Commissioner Mardfin.
 22 COMMISSIONER MARDFIN: I move the adoption of
 23 Objective 3, the four policies and the five action items.
 24 CHAIRMAN HEDANI: Is there a second?
 25 COMMISSIONER U'U: Second.

1 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
 2 Discussion? Commissioner Mardfin.
 3 COMMISSIONER MARDFIN: Under Policy 1 I'm very
 4 concerned. In fact, I will move to delete Policy 1.
 5 CHAIRMAN HEDANI: Is there a second? Do you want
 6 to explain why?
 7 COMMISSIONER MARDFIN: Yes, I would love to
 8 explain why. There are private water systems on this
 9 island. I'm thinking in particular of Kipahulu where there
 10 are two water systems, one by Aina O Kipahulu and the other
 11 by the Kipahulu Waihui. They both draw from a stream, and
 12 they pipe the water to two parallel systems.
 13 There are limited number of households, but I'm
 14 not exactly sure about what the state and water quality
 15 standards are. I know the people in that community like it
 16 the way it is, they do not want to chlorinate the water, and
 17 so I'm afraid this might preclude them being able to do
 18 that. So that's why I would like this one deleted, or maybe
 19 just put, "Meet or exceed state and federal water quality
 20 standards for drinking water consistent with the community
 21 plan." But my motion was to delete.
 22 CHAIRMAN HEDANI: Mr. Summers, do you know if this
 23 was intended for municipal systems or county systems, or
 24 what was the intent?
 25 MR. SUMMERS: Objective 2, Policy 1?

1 CHAIRMAN HEDANI: Objective 3, Policy 1.
 2 MR. SUMMERS: I think it was all systems.
 3 CHAIRMAN HEDANI: Commissioner Shibuya.
 4 COMMISSIONER SHIBUYA: I would be willing to
 5 accept Commissioner Mardfin's latter suggestion that it
 6 would be consistent with the community plan.
 7 COMMISSIONER MARDFIN: I will change my motion to
 8 amend Policy 1.
 9 CHAIRMAN HEDANI: Commissioner Mardfin?
 10 COMMISSIONER MARDFIN: Thank you. I will move to
 11 amend Policy 1 to add after drinking water, "consistent with
 12 the community plan."
 13 CHAIRMAN HEDANI: Is there a second?
 14 COMMISSIONER SHIBUYA: Second.
 15 CHAIRMAN HEDANI: Seconded by Commissioner
 16 Shibuya. Discussion? Commissioner Hiranaga.
 17 COMMISSIONER HIRANAGA: I have a question for
 18 Corporation Counsel. We have the Objective 3, Improve water
 19 quality" and then this is a policy "meet or exceed." Now,
 20 as we go through this process and we actually get to the
 21 community plans, can they, when they develop their community
 22 plan, somehow exempt them from this so we don't have to
 23 address it at this level?
 24 MR. GIROUX: The lawyer answer, the way Bill 84 is
 25 written is that community plans have to be consistent with

1 the general plan. But if the general plan is silent, then
2 the community plan is going to have a lot of leeway to do
3 whatever it wants, you know, within legal bounds. But if
4 there's a general plan that says, you know, all water
5 systems must meet quality Federal EPA standards, a community
6 plan, it would be inconsistent for that community plan to
7 say they don't need to.

8 But if the general plan says, you know, we are
9 going to leave it up to the community plan areas to decide
10 what kind of standards they want, then possibly the
11 community plan can do that also. But the problem is that if
12 there is EPA standards, then they have to meet the federal
13 standards no matter what the community plan says. They may
14 have to follow the federal law anyway. So it's good to know
15 what you're dealing with in reality when you're also dealing
16 with general policy.

17 COMMISSIONER HIRANAGA: So you could qualify this
18 and say, "All public systems shall meet or exceed," because
19 I think isn't there a hook-up minimum of 25 houses or
20 something like that?

21 CHAIRMAN HEDANI: Commissioner Starr.

22 COMMISSIONER STARR: Yeah, first of all, I don't
23 think there's any real necessity for this, since basically
24 the federal and state mandates are there and they're going
25 to be there anyway. You know, most of my dear friends in

1 motion and go back maybe to the original motion or to change
2 it the way Commissioner Hiranaga suggested.

3 CHAIRMAN HEDANI: Additional discussion?
4 Commissioner Hiranaga.

5 COMMISSIONER HIRANAGA: Yes, the motion as it
6 stands is not going to get my vote, but if they're willing
7 to change it to qualify it as to public systems then most
8 probably it would receive my vote.

9 CHAIRMAN HEDANI: Commissioner Mardfin.

10 COMMISSIONER MARDFIN: I want to protect Kipahulu
11 people from drinking crummy water.

12 COMMISSIONER STARR: Those aren't public systems.

13 COMMISSIONER MARDFIN: It's not a public system.
14 We have 19 people on it, and I think the number was 20, not
15 25.

16 COMMISSIONER STARR: It's probably about -- I
17 won't say.

18 COMMISSIONER MARDFIN: With my seconder's
19 permission we will say, "Meet or exceed state and federal
20 water quality standards for public drinking water systems."

21 CHAIRMAN HEDANI: Additional discussion? Ready
22 for the question?

23 COMMISSIONER MARDFIN: Does that meet the
24 seconder's approval?

25 COMMISSIONER SHIBUYA: Yes, accepted.

1 Kipahulu drink water that I will not drink, and I'm waiting
2 for there to be a mass episode. My own system is safe, you
3 know, because I use UV, but we don't do any paperwork to
4 prove it to anyone.

5 I would prefer either to get rid of it completely,
6 because I don't think it does anyone any good, or limit it
7 to public systems where the county does do the paperwork and
8 the monitoring to make sure they're safe. I believe it's
9 above -- is it 25 or 50? 25 households.

10 CHAIRMAN HEDANI: Commissioner Shibuya.

11 COMMISSIONER SHIBUYA: The reason why I asked for
12 this is to be allowing this exception, that the exception be
13 done by the community, and each community has their own
14 conditions and level of standard that they're willing to
15 accept. And so that's why I'm putting in that little caveat
16 there, "consistent with community plan requirements."

17 CHAIRMAN HEDANI: Okay, are you ready for the
18 motion? Are you ready for the amendment? Commissioner
19 Starr.

20 COMMISSIONER STARR: You know, really as it stands
21 now, it means that someone cannot afford to live off a
22 developed system, because to show -- even if you meet the
23 standards, you have to show you meet the standards, and I
24 don't think the community plan can alter that. So I'd
25 really either prefer to change the motion or defeat the

1 CHAIRMAN HEDANI: Any discussion? All those in
2 favor signify by saying "aye."

3 (A chorus of ayes)

4 Opposed "nay."

5 (None).

6 Carried. Thank you.

7 Any further discussion under Objective 3?

8 Commissioner Mardfin.

9 COMMISSIONER MARDFIN: Under Action item 4, could
10 somebody explain to me what "DWS well head protection
11 program" means?

12 CHAIRMAN HEDANI: Mr. Summers?

13 MR. SUMMERS: Thank you, Mr. Chairman. The state
14 has requirements for development within well head protection
15 areas, and so this particular policy would ensure that the
16 plans for protection are implemented.

17 CHAIRMAN HEDANI: What is a well head protection
18 area, John? Is that an area that's designated where you
19 cannot drill a well? Commissioner Starr.

20 COMMISSIONER STARR: It's an area that is above,
21 upstream of a county or public well, and you're limited to
22 what your land use is there. Like pig farms, you can't have
23 a pig farm there or you can't put anything into the ground
24 that could affect the quality of the water that comes out of
25 those wells.

1 CHAIRMAN HEDANI: So it's the watershed system
 2 that feeds that well area?
 3 COMMISSIONER STARR: And where mandated to do that
 4 under federal law.
 5 COMMISSIONER MARDFIN: May I ask a follow-up?
 6 CHAIRMAN HEDANI: Commissioner Mardfin.
 7 COMMISSIONER MARDFIN: So if we take water from a
 8 stream then this doesn't apply because we are not taking it
 9 from a well, is that correct?
 10 COMMISSIONER STARR: Well, it's not where you are
 11 taking water from.
 12 CHAIRMAN HEDANI: Commissioner Starr.
 13 COMMISSIONER STARR: I'm sorry. It's not where
 14 you're taking water from, this is about what you're putting
 15 or allowing to be put into the ground that could contaminate
 16 the water in the well.
 17 CHAIRMAN HEDANI: Any further discussion?
 18 Commissioner Mardfin.
 19 COMMISSIONER MARDFIN: On Action item number 5 it
 20 says, "Improve the monitoring of public and private water
 21 quality/quantity and report results to consumers; report
 22 water that falls below standards immediately." I would move
 23 to delete the words "and private."
 24 CHAIRMAN HEDANI: Is there a second?
 25 COMMISSIONER MARDFIN: It's the same issue.

1 one way or the other. Commissioner Mardfin.
 2 COMMISSIONER MARDFIN: If it doesn't matter, then
 3 I would hope that you would vote for deleting the words "and
 4 private." I will mention that I know at every Kipahulu
 5 meeting we officially notify every user that the water is
 6 not to be drunk, it's of questionable quality, but people
 7 like it that way.
 8 CHAIRMAN HEDANI: Any further discussion? The
 9 amendment on the floor to delete the words "and private"
 10 from Action item 5. Any further discussion? Commissioner
 11 Starr.
 12 COMMISSIONER STARR: Would it be acceptable to
 13 add, instead of taking out "private" to add the words "small
 14 private."
 15 COMMISSIONER MARDFIN: I don't want small private
 16 to report. You could put in "large private."
 17 COMMISSIONER STARR: Yeah, that's what I mean.
 18 Exclude "small private" by putting in the words "large
 19 private."
 20 COMMISSIONER MARDFIN: That would be acceptable.
 21 COMMISSIONER STARR: So the new amendment is --
 22 CHAIRMAN HEDANI: Commissioner Mardfin, can you
 23 restate your motion?
 24 COMMISSIONER MARDFIN: The restated motion is,
 25 "Improve the monitoring of public and large private water

1 COMMISSIONER U'U: Second.
 2 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
 3 Discussion? Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: It's the same issue with
 5 Kipahulu. We went with public systems in Policy 1. It
 6 seems only appropriate that we stay with public systems in
 7 Action 5.
 8 CHAIRMAN HEDANI: Additional discussion?
 9 Commissioner Starr.
 10 COMMISSIONER STARR: I agree that it's unnecessary
 11 and detrimental when you are talking about small systems,
 12 but there are many large private systems where the community
 13 should know what's in the water. An example being perhaps
 14 Kaanapali.
 15 CHAIRMAN HEDANI: I think the private systems are
 16 also required to report in accordance with the EPA standards
 17 and publish to all of their consumers, based on the PUC
 18 guidelines.
 19 COMMISSIONER STARR: I forget what the term is,
 20 but they become a registered private system. And I wish I
 21 knew what that term is, because that differentiates the A-OK
 22 in Kipahulu from the Kaanapali Water Company or any of the
 23 large ones.
 24 CHAIRMAN HEDANI: My only comment is I think this
 25 is already required by law, so I don't think it matters much

1 quality/quantity -- " I mean the whole English of this
 2 doesn't make sense to me -- "and report results to
 3 consumers; report water that falls below standards
 4 immediately."
 5 CHAIRMAN HEDANI: Dave, you're shaking your head.
 6 Any further discussion? Do we all know what we're doing?
 7 All those in favor signify by saying "aye."
 8 (A chorus of ayes)
 9 Opposed "nay."
 10 (One)
 11 One nay. Motion carries.
 12 Simone?
 13 MS. BOSCO: I am going to digress just a bit.
 14 This is Simone Bosco. You guys passed Objective 2 very
 15 fast, is that correct?
 16 CHAIRMAN HEDANI: Yes.
 17 MS. BOSCO: No changes, no debate.
 18 CHAIRMAN HEDANI: That's right. That's because
 19 we're only on page 15 out of 61. Any further discussion on
 20 the main motion?
 21 Okay, all those in favor of Objective number 3
 22 Policies and Actions as amended signify by saying "aye."
 23 (A chorus of ayes)
 24 Opposed "nay."
 25 (None)

1 Carried, thank you.
 2 Transportation. Commissioner Mardfin.
 3 COMMISSIONER MARDFIN: I'm interpreting this as
 4 land transportation, and move the adoption of the goal
 5 Objective 1 and its 8 policies and five actions.
 6 CHAIRMAN HEDANI: Is there a second?
 7 COMMISSIONER U'U: Second.
 8 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
 9 Discussion? Commissioner Mardfin.
 10 COMMISSIONER MARDFIN: For Policy 1 I move the
 11 addition of, after the final period, "consistent with
 12 community plans."
 13 CHAIRMAN HEDANI: Is there a second?
 14 COMMISSIONER SHIBUYA: Second.
 15 CHAIRMAN HEDANI: Seconded by Commissioner
 16 Shibuya. Discussion? Commissioner Starr.
 17 COMMISSIONER STARR: I'm wondering whether that
 18 wording, you know, is necessary in a general plan which is
 19 overall, because community plans will modify it for that
 20 area. Perhaps the Director or Mr. Summers or someone could
 21 talk about that. I mean if we are going to do it, we should
 22 do it globally.
 23 CHAIRMAN HEDANI: Mr. Summers.
 24 MR. SUMMERS: Thank you, Mr. Chairman. I'm
 25 uncomfortable with adding the term "community plans" to

1 bicycle, pedestrian, automobile and other transportation
 2 modes. So if you put public transit in there, it might or
 3 might not work. So I need this consistent with community
 4 plans so that each area can handle the problem the way they
 5 need to handle the problem.
 6 MR. MICHAELSON: Mr. Chair.
 7 CHAIRMAN HEDANI: Mr. Michaelson.
 8 MR. MICHAELSON: Could you just insert the words,
 9 "which can be comprised of."
 10 CHAIRMAN HEDANI: "Which can be comprised of."
 11 Where would you insert that?
 12 MR. MICHAELSON: "Plan for an integrated
 13 multi-modal transportation system which can be comprised
 14 of."
 15 COMMISSIONER MARDFIN: I would accept that.
 16 CHAIRMAN HEDANI: So the motion would read, "which
 17 can be comprised of" and everything else would remain the
 18 same?
 19 MR. MICHAELSON: Correct.
 20 CHAIRMAN HEDANI: And we'd eliminate "in
 21 accordance with community plans." Commissioner Mardfin?
 22 COMMISSIONER MARDFIN: Yes.
 23 CHAIRMAN HEDANI: The seconder?
 24 COMMISSIONER SHIBUYA: Yes.
 25 CHAIRMAN HEDANI: Discussion? Commissioner Starr.

1 Policy number 1. I think the real question is, this policy
 2 as it's constructed, will it conflict potentially with the
 3 community plans when they're updated. Is it too specific,
 4 does it close doors, will it force things to happen that
 5 might be undesirable in specific community plan regions.
 6 If the answer is "yes," perhaps it's too specific
 7 for this document. If the answer is "no," then it might be
 8 sufficient. But I think to continually reference
 9 consistency with community plans starts to lead the question
 10 of compliance with Bill 84, which requires that community
 11 plans be consistent with the Countywide Policy Plan and the
 12 Island Plan.
 13 CHAIRMAN HEDANI: Okay, so we're the dog, not the
 14 tail. So the General Plan is the dog, and the tail should
 15 not wag the dog. Commissioner Mardfin.
 16 COMMISSIONER MARDFIN: I will continue to move
 17 that we add these consistent with community plans, because
 18 this is a document that we are trying to write so that it
 19 takes care of Lahaina, Wailuku, Kihei, Hana, Pa'ia, et
 20 cetera, et cetera. And answers for Hana are very different
 21 from answers for Lahaina and Wailuku.
 22 When you talk about -- and with respect to this
 23 particular policy, you talked about an integrated
 24 multi-modal transportation system composed of public
 25 transit. We might not have that in portions of Hana,

1 COMMISSIONER STARR: I'm trying to understand what
 2 the problem is with it, because people in Hana already use
 3 all of these modes on a regular basis. I mean public
 4 transit is in its early stages, but there is an MEO service
 5 and private service, so there is some public transit. You
 6 know, certainly bicycle and pedestrian and automobile are
 7 other modes.
 8 CHAIRMAN HEDANI: It would have to have curbs,
 9 gutters and sidewalks, bicycle paths. Commissioner
 10 Hiranaga.
 11 COMMISSIONER HIRANAGA: Are you talking about
 12 Policy 1? Where does it say any curbs, gutters and
 13 sidewalks?
 14 CHAIRMAN HEDANI: It says, "Plan for an integrated
 15 pedestrian system" basically.
 16 COMMISSIONER HIRANAGA: "Multi-modal
 17 transportation system." Am I looking at the wrong place?
 18 Am I looking at Policy 1 or Objective 1?
 19 CHAIRMAN HEDANI: Policy 1.
 20 COMMISSIONER HIRANAGA: "Integrated multi-modal
 21 transportation system." Where does it say curbs, gutters
 22 and sidewalks?
 23 CHAIRMAN HEDANI: It just addresses pedestrian, so
 24 for pedestrian you need sidewalks.
 25 COMMISSIONER HIRANAGA: No, you can walk on the

1 side of the road with care and caution.
 2 CHAIRMAN HEDANI: Commissioner Mardfin.
 3 COMMISSIONER MARDFIN: I think that people can
 4 read stuff into it. I agreed to the modifications
 5 suggested, which can be comprised of, and not must be
 6 comprised of.
 7 CHAIRMAN HEDANI: Commissioner Hiranaga.
 8 COMMISSIONER HIRANAGA: I guess my understanding
 9 of this policy is sometime in the future if the county is
 10 able to fund some type of additional public transportation
 11 in Hana, be it 20, 40, 60, 100 years from now, that's the
 12 goal. It's not like Hana has got to go up and do a special
 13 assessment on their people to all of a sudden come up with
 14 this system. It's a goal, it's a policy. We start with
 15 Kahului, Wailuku, we start with urban areas, and some day we
 16 may end up out there.
 17 CHAIRMAN HEDANI: Commissioner Starr.
 18 COMMISSIONER STARR: I can't support this. I feel
 19 that this is a really good and a really important goal that
 20 people should be able to walk, kids should be able to
 21 bicycle, and in Hana as well. Looking forward, we should
 22 find ways that kids can get around by bicycle or walking
 23 safer than they can now. You know, we are not specifically
 24 saying how to go about it, but I don't really want to see
 25 this watered down. I think this is a really good goal.

1 infrastructure into new commercial and residential projects,
 2 while enhancing community character." I would move to amend
 3 "consistent with the community plans."
 4 COMMISSIONER U'U: Second.
 5 CHAIRMAN HEDANI: Discussion? Moved by
 6 Commissioner Mardfin, seconded by Commissioner U'u to revise
 7 Action item 4 to include "in accordance with community
 8 plans." It's "consistent with community plans."
 9 Commissioner Starr.
 10 COMMISSIONER STARR: Once again, I feel the tail
 11 is wagging. We're trying to have the tail wag the dog
 12 where, you know, if a community doesn't want it, it's not
 13 going to happen.
 14 CHAIRMAN HEDANI: Commissioner Mardfin.
 15 COMMISSIONER MARDFIN: This one is not saying it
 16 that way. You are going to revise subdivision ordinances to
 17 require developers to integrate sidewalks.
 18 COMMISSIONER STARR: Where appropriate.
 19 COMMISSIONER HIRANAGA: You skipped a word here.
 20 Let's read the whole thing accurately.
 21 COMMISSIONER MARDFIN: The "where appropriate" is
 22 modified by "consistent with community plans." If you don't
 23 have that in, I'm afraid that the Public Works Department
 24 will say, "Well, it's appropriate because it's in the
 25 community plan. Therefore Hasegawa can't be built because

1 It's not going to hurt anyone, but help.
 2 CHAIRMAN HEDANI: In any additional discussion?
 3 Okay, the amendment on the floor is to amend Policy number 1
 4 to include the words "which can be" after the word system,
 5 "transportation system." And the rest would remain the
 6 same. Director Hunt.
 7 DIRECTOR HUNT: I would tend to agree with
 8 Commissioner Starr and Commissioner Hiranaga, that all this
 9 is is a policy to plan for these, and it's not mandating or
 10 requiring or specifying. It's just an overall policy, and
 11 the department thinks it's a good policy.
 12 CHAIRMAN HEDANI: And in the end nobody is going
 13 to read it anyway. Commissioner Mardfin.
 14 COMMISSIONER MARDFIN: With that understanding,
 15 I'll withdraw my motion.
 16 CHAIRMAN HEDANI: The seconder concurs?
 17 COMMISSIONER SHIBUYA: Yes.
 18 CHAIRMAN HEDANI: Any further discussion on
 19 Objective 1? All those in favor --
 20 COMMISSIONER MARDFIN: Wait, wait.
 21 CHAIRMAN HEDANI: Commissioner Mardfin.
 22 COMMISSIONER MARDFIN: Action 4, "Revise the
 23 Subdivision Ordinance to require developers, where
 24 appropriate" -- and that needs to be explained to me -- "to
 25 integrate sidewalks, pathways, bikeways, and transit

1 you need sidewalks."
 2 We had testimony on that from people in Hana, that
 3 they want to be careful of it. And if we put "consistent
 4 with community plans" in here, that will take care of the
 5 issue.
 6 CHAIRMAN HEDANI: Commissioner U'u?
 7 COMMISSIONER U'U: I agree. I think a
 8 development, in fact, a one house development in Makawao,
 9 which is a really low end, low key subdivision, one person,
 10 was required to spend \$80,000 on sidewalks, curb and gutter,
 11 and they had to go before the BVA. It's a private road. I
 12 don't know if it's required at times or what is the process.
 13 I think the process spelled it out for us in Hana,
 14 and this is one way to mitigate potential infractions I'll
 15 say against certain development. And I agree with -- for
 16 once, I agree with Commissioner Mardfin.
 17 COMMISSIONER MARDFIN: I'll take it.
 18 CHAIRMAN HEDANI: Any additional discussion? Mr.
 19 Summers.
 20 MR. SUMMERS: Thank you, Mr. Chairman. Objective
 21 3 deals specifically with a type of infrastructure and the
 22 way it's developed and assurances that it be consistent with
 23 the uniqueness of our small towns and rural areas. So I
 24 think once we get into Objective 3 and look at those
 25 policies and actions that that will allay some of the

1 concerns with this policy, which is really more germane and
 2 specific to the objective that it's intending to implement.
 3 CHAIRMAN HEDANI: Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: I understand that, but I'm
 5 afraid some future Department of Public Works head would
 6 say, "Oh, well it says that you have got do this." I just
 7 want to take away any way they can walk through here. I
 8 really, really, really want to it say, "consistent with
 9 community plans" so that we can deal with things in a rural
 10 character.
 11 CHAIRMAN HEDANI: Commissioner Hiranaga.
 12 COMMISSIONER HIRANAGA: Again, the tail is wagging
 13 the dog, and I think this is a bad precedent. We are going
 14 to spend hours and hours going over each line item talking
 15 about per the community plan. The BVA, if you have a
 16 justifiable reason to exempt certain subdivision
 17 requirements, go before Board of Variances and Appeals, let
 18 them hear your case, and they will grant you the variance.
 19 But to start doing this at the Maui Island Plan level I
 20 think is inappropriate.
 21 CHAIRMAN HEDANI: Commissioner Mardfin.
 22 COMMISSIONER MARDFIN: Hasegawa General Store has
 23 been advised to go before the Board of Variances. It's
 24 going to cost something like \$40,000 to \$60,000, and it may
 25 preclude the rebuilding of the store.

1 COMMISSIONER MARDFIN: Nay.
 2 CHAIRMAN HEDANI: One nay. Motion is carried.
 3 Objective number 2. Director Hunt.
 4 DIRECTOR HUNT: I wasn't clear whether the last
 5 motion included the Director's recommendations to delete a
 6 number of those policies.
 7 CHAIRMAN HEDANI: Yes, it did.
 8 DIRECTOR HUNT: Thank you.
 9 COMMISSIONER STARR: Mr. Chair?
 10 CHAIRMAN HEDANI: Commissioner Starr.
 11 COMMISSIONER STARR: Can we make it as an
 12 understood standard that when we move to approve a section
 13 that it's per the Director, unless we specifically say
 14 otherwise?
 15 CHAIRMAN HEDANI: Yes. Objective number 2. We're
 16 on page 18, gang. What's your pleasure? Commissioner
 17 Shibuya.
 18 COMMISSIONER SHIBUYA: Move to accept or move to
 19 approve Objective 2 and associated Policies and Actions.
 20 CHAIRMAN HEDANI: Is there a second?
 21 COMMISSIONER SABLAS: Second.
 22 CHAIRMAN HEDANI: Seconded by Commissioner Sablas.
 23 Discussion? Commissioner Mardfin.
 24 COMMISSIONER MARDFIN: I move for Policy 1 to add
 25 the words at the end "consistent with community plans."

1 CHAIRMAN HEDANI: Any additional discussion?
 2 Commissioner Hiranaga.
 3 COMMISSIONER HIRANAGA: I served on the Board of
 4 Variances and Appeals, and it does not have to cost that
 5 much money. It does if you want to hire a high powered
 6 planning consultant, but you can do it yourself. So don't
 7 throw those types of big numbers at us.
 8 CHAIRMAN HEDANI: Any further discussion on this
 9 item? Okay, the amendment on the floor is to add the words
 10 "consistent with community plans" to Action item number 4.
 11 All those in favor of the amendment signify by
 12 raising your hand.
 13 (Two)
 14 Opposed same sign.
 15 (Four)
 16 The motion is lost.
 17 You can strengthen it on the next objective.
 18 COMMISSIONER MARDFIN: I just want to announce
 19 that I'm going to vote against the main motion.
 20 CHAIRMAN HEDANI: Okay. Any further discussion on
 21 Objective number 1? Any further discussion on the Objective
 22 number 1?
 23 All those in favor signify by saying "aye."
 24 (A chorus of ayes)
 25 Opposed "nay."

1 CHAIRMAN HEDANI: The amendment is to Policy
 2 number 1 under Objective 2.
 3 COMMISSIONER MARDFIN: Objective 2, Policy 1.
 4 CHAIRMAN HEDANI: So it would read, "Ensure that
 5 the roadway and pedestrian facilities
 6 design/level-of-service standards emphasize safety,
 7 efficiency, connectivity, and pedestrian comfort consistent
 8 with community plans." Is there a second?
 9 Any additional discussion on Objective 2?
 10 Commissioner Mardfin.
 11 COMMISSIONER MARDFIN: We need a policy and an
 12 action for primarily bridge but also road repairs,
 13 particularly for Hana Highway. So I move Policy number 10
 14 that the bridges be repaired -- I had a wording here. "That
 15 bridges be repaired to maintain level of service to remote
 16 areas."
 17 COMMISSIONER SHIBUYA: Mr. Chair?
 18 CHAIRMAN HEDANI: Is there a second?
 19 COMMISSIONER SHIBUYA: I just want to make a
 20 comment.
 21 COMMISSIONER STARR: Mr. Chair?
 22 CHAIRMAN HEDANI: Is there a second?
 23 COMMISSIONER STARR: I'll be seconding it, but I'd
 24 like to suggest that it be, "Roadways and bridges be
 25 improved and widened" and then "in conformance with the

1 desires of the affected community."
 2 COMMISSIONER MARDFIN: I'll accept that wording.
 3 CHAIRMAN HEDANI: Simone, did you get all of that?
 4 Can you repeat that, please?
 5 COMMISSIONER STARR: Sure. "That roadways and
 6 bridges be improved and widened in conformance with the
 7 desires of the affected or surrounding community." I think
 8 "surrounding community."
 9 CHAIRMAN HEDANI: Can you move that to geriatric
 10 font, please? So the amendment is "Roadways and bridges
 11 shall be improved and widened in conformance with the
 12 desires of the surrounding community." Commissioner
 13 Shibuya.
 14 COMMISSIONER SHIBUYA: I'd like to make a comment
 15 relating to this. I've been working directly with the state
 16 engineer on highways and bridges, and that person has taken
 17 it to specific communities and even goes into Hana and
 18 Lahaina to discuss their specific projects, both funded and
 19 to be emergency funded. Emergency funded is that monies
 20 that were not allocated for the project but were excess from
 21 other projects, and because of the priority of it, these
 22 projects are heard or presented to the communities that are
 23 affected or impacted. And so this function here is actually
 24 addressed when the State DOT goes out to these specific
 25 communities.

1 And in response to the suggestion that we might
 2 not need this, there's nothing in Policies 1 through 7 and
 3 Actions 1 through 8 that specifically deal with bridges.
 4 CHAIRMAN HEDANI: Okay, any further discussion?
 5 All those in favor of the motion as displayed on
 6 the board signify by saying "aye."
 7 (A chorus of ayes)
 8 Opposed "nay."
 9 (A chorus of nays)
 10 All those in favor please raise your hand.
 11 (Three)
 12 Opposed same sign.
 13 (Three)
 14 The motion is lost.
 15 I think bridges from my interpretation would be
 16 included in roadway facilities under Policy number 1. That
 17 was my thinking.
 18 COMMISSIONER MARDFIN: That's not the way I read
 19 it.
 20 CHAIRMAN HEDANI: Any further discussion?
 21 Commissioner Hiranaga.
 22 COMMISSIONER HIRANAGA: I guess the reason I voted
 23 against that motion was how do you determine the desires of
 24 the community? Do you have a special election to place it
 25 on the ballot or just the 10 people that show up at the

1 CHAIRMAN HEDANI: Commissioner Starr.
 2 COMMISSIONER STARR: No, it isn't in very many
 3 cases. You know, I've been watching improvements on the
 4 back road in terms of paving, in terms of bridges, that's
 5 causing a lot of objection and concern to local communities
 6 whose wishes are not being taken into consideration. In
 7 some cases they are and in some cases they aren't. I do
 8 feel it's important to make a statement that where a
 9 community wants calming type measures on narrow bridges,
 10 they should be able to be maintained.
 11 CHAIRMAN HEDANI: Commissioner Mardfin, why don't
 12 you clarify the intent of the motion.
 13 COMMISSIONER MARDFIN: The intent is that I want
 14 the bridges repaired on the Hana Highway before I'm not
 15 able, no longer able to come to Planning Commission
 16 meetings, because our entire community would be cut off
 17 catastrophically.
 18 CHAIRMAN HEDANI: But you want to preserve the
 19 bridges to a certain standard.
 20 COMMISSIONER MARDFIN: We want to preserve the
 21 bridges. There's a precedence in Pahihi Bridge. There was
 22 a lot of community hearings and they got exceptions from
 23 some federal standards and it got community support, and
 24 that's what we'd like to see both on the south of Hana and
 25 on the north of Hana.

1 community association meeting decides? That's the concern I
 2 had.
 3 CHAIRMAN HEDANI: Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: A direct answer to that
 5 question, at least for the Hana district we have the Hana
 6 Advisory Committee, and whenever they come up with plans to
 7 work on a particular bridge or section of roadway they
 8 usually contact the Hana Advisory Committee, and they hold
 9 hearings and in effect give input as to how they want it.
 10 The general principles have been established through the
 11 Pahihi Bridge precedent.
 12 CHAIRMAN HEDANI: Any further discussion on
 13 Objective 2? Commissioner Mardfin.
 14 COMMISSIONER MARDFIN: For Policy number 5 it
 15 says, "Identify and improve hazardous and substandard
 16 sections of roadways and drainage infrastructure." I would
 17 like to insert after roadways, "and bridges," so it would
 18 read, "Identify and improve hazardous and substandard
 19 sections of roadways, bridges, and drainage infrastructure."
 20 COMMISSIONER STARR: Second.
 21 CHAIRMAN HEDANI: Moved by Commissioner Mardfin,
 22 seconded by Commissioner Starr to insert the words "and
 23 bridges" into Policy 5. After roadways. Any further
 24 discussion? You are going to get a six lane bridge over a
 25 two lane highway.

1 COMMISSIONER STARR: It's happening.
 2 CHAIRMAN HEDANI: You're going to lose all your
 3 historic bridges, you know. Big municipal monstrosity
 4 coming down the pike.
 5 All those in favor signify by saying "aye."
 6 (A chorus of ayes)
 7 Opposed "nay."
 8 (None)
 9 Carried, thank you.
 10 Commissioner Mardfin.
 11 COMMISSIONER MARDFIN: Now that we have that in a
 12 policy, we need an appropriate action. And I propose, I'd
 13 put it after Action 2 so we can worry about numbering. But
 14 I propose the action, "Rapidly proceed to repair/rebuild
 15 bridges along Hana Highway and Piilani Highway consistent
 16 with community designs to avoid the severing of
 17 transportation to and from East Maui."
 18 COMMISSIONER STARR: Second.
 19 CHAIRMAN HEDANI: Moved by Commissioner Mardfin,
 20 seconded by Commissioner Starr to add an action item as
 21 displayed up on the board. Well, not quite yet.
 22 COMMISSIONER MARDFIN: "Rapidly proceed to
 23 repair/rebuild bridges along Hana Highway and Piilani
 24 Highway consistent with community designs to avoid the
 25 severing of transportation to and from East Maui."

1 Resources Commission.
 2 COMMISSIONER SABLAS: I mean it's a really thick
 3 document. Every bridge was actually looked over by
 4 professionals, and they came up with recommendations. And I
 5 thought there was a plan that had been addressed.
 6 CHAIRMAN HEDANI: Mr. Summers?
 7 MR. SUMMERS: Thank you, Mr. Chairman.
 8 CHAIRMAN HEDANI: Miss Bosco?
 9 MS. BOSCO: Thank you. Are you asking where is
 10 the plan physically?
 11 COMMISSIONER SABLAS: Yes, where is it?
 12 MS. BOSCO: We have it in the Long Range Division.
 13 And I'm not sure of the status, but the cultural resources
 14 planner is designated to handle that.
 15 COMMISSIONER SABLAS: So why isn't that integrated
 16 into this?
 17 CHAIRMAN HEDANI: Any further discussion on the
 18 motion? Commissioner Starr.
 19 COMMISSIONER STARR: I'm in support of this,
 20 although I feel that it's localizing the thing more than I'd
 21 like to. I am one of those weird people who has crawled
 22 underneath the bridges, and I know that there's a bunch of
 23 them ready to fail. And when they fail before they're
 24 replaced it means the road gets closed for years, which
 25 disrupts peoples' lives. So I feel this is a case where to

1 CHAIRMAN HEDANI: Is that community desires or
 2 community designs?
 3 COMMISSIONER MARDFIN: "Desires" is fine. You can
 4 change the designs to desires if that's an improvement.
 5 CHAIRMAN HEDANI: Any discussion? Commissioner
 6 U'u.
 7 COMMISSIONER U'U: Just a question to Commissioner
 8 Mardfin. Where would that take the potential land slides,
 9 does it come into infrastructure also? Because that was one
 10 possibility of having a road closure in Hana. Where does
 11 that fit into infrastructure?
 12 CHAIRMAN HEDANI: Anybody?
 13 COMMISSIONER MARDFIN: It doesn't.
 14 CHAIRMAN HEDANI: Commissioner Mardfin.
 15 COMMISSIONER MARDFIN: It doesn't, but I think
 16 it's implied in some of the other stuff.
 17 CHAIRMAN HEDANI: Any further discussion?
 18 Commissioner Sablas.
 19 COMMISSIONER SABLAS: I have a question for staff.
 20 When I was a member of the Cultural Resource Commission we
 21 discussed at length the state of the bridges to Hana, and I
 22 remember prioritizing all and having thorough investigation
 23 of the condition of the bridges and prioritizing the safety
 24 issue. So where is that?
 25 CHAIRMAN HEDANI: It's still with the Cultural

1 light a fire under it a little bit may be well worth it.
 2 CHAIRMAN HEDANI: Any further discussion?
 3 Commissioner Shibuya.
 4 COMMISSIONER SHIBUYA: I'm just concerned,
 5 concerned because it's dealing with one local area. And
 6 where we have other areas going around the north end
 7 connecting Waihe'e with Kapalua is another route, and we're
 8 not even addressing that. So I'd like to see something more
 9 encompassing to be fair with everyone.
 10 CHAIRMAN HEDANI: Commissioner Starr.
 11 COMMISSIONER STARR: In answer to that, that road
 12 was built about 20 years later than the bridges on Hana
 13 Highway, so they're not quite as critical.
 14 CHAIRMAN HEDANI: The community of Kahakuloa would
 15 prefer that the road be closed probably. Commissioner
 16 Hiranaga.
 17 COMMISSIONER HIRANAGA: Yeah, at this level I
 18 think it's too localized to put such a specific mandate. I
 19 don't have the data to make that type of a decision, because
 20 there's other areas on this island that also have needs for
 21 transportation improvements.
 22 CHAIRMAN HEDANI: Any further discussion? Ready
 23 for the question?
 24 All those in favor of the amendment as displayed
 25 signify by raising your hand.

1 (Three)
 2 Opposed same sign.
 3 (Three)
 4 Motion dies.
 5 Any further discussion? Commissioner Mardfin.
 6 COMMISSIONER MARDFIN: I move to amend to add a
 7 new action, "Rapidly proceed to repair/rebuild bridges that
 8 are in danger of failing, consistent with community
 9 desires."
 10 COMMISSIONER STARR: Second.
 11 CHAIRMAN HEDANI: Any discussion? All those in
 12 favor of the amendment as -- Commissioner Hiranaga.
 13 COMMISSIONER HIRANAGA: I just want to make sure,
 14 staff, that there's no redundancy.
 15 CHAIRMAN HEDANI: To be reviewed for redundancy.
 16 Mr. Summers?
 17 MR. SUMMERS: Thank you, Mr. Chair. I think there
 18 was a significant amount of time invested in this plan that
 19 did go before the Cultural Resources Commission. It has a
 20 lot of good data on some of the maintenance issues as well
 21 as specific strategies to ensure that these bridges are
 22 preserved. It think it would be more effective to reference
 23 that document and call for the implementation of it.
 24 COMMISSIONER MARDFIN: I can live with that.
 25 CHAIRMAN HEDANI: Commissioner Mardfin?

1 Hana needs this more than Kihei or Lahaina or Kula or
 2 Wailuku or Kahului. So we're kind of going back the same
 3 way, except through the other door.
 4 CHAIRMAN HEDANI: Commissioner Starr.
 5 COMMISSIONER STARR: Can we put wording in to the
 6 effect, "consistent with bridge maintenance studies
 7 including the" whatever it is?
 8 MR. SUMMERS: We can come up with a specific
 9 language to achieve that. I think as it relates to this
 10 project, that's a highway that serves multiple community
 11 plan regions, and because of that I think it's appropriate
 12 for this document to have a policy such as this. If it was
 13 localized to a specific region then I would concur with
 14 Commissioner Hiranaga, but that's not the case with respect
 15 to the Hana Highway.
 16 CHAIRMAN HEDANI: You're saying it bridges several
 17 community plan regions?
 18 MR. SUMMERS: That's correct.
 19 CHAIRMAN HEDANI: Any further discussion? Okay,
 20 the amendment is as displayed up on the wall. Any further
 21 discussion?
 22 All those in favor of the amendment --
 23 COMMISSIONER HIRANAGA: I have a question.
 24 CHAIRMAN HEDANI: Commissioner Hiranaga.
 25 COMMISSIONER HIRANAGA: So these are all state

1 COMMISSIONER MARDFIN: I said I can live with
 2 that.
 3 COMMISSIONER STARR: Can we ask staff to suggest
 4 how to word that?
 5 MR. SUMMERS: We can come back with that language
 6 for you at the next meeting.
 7 CHAIRMAN HEDANI: You don't want to just dispense
 8 with it now, John, while our minds are still focused?
 9 COMMISSIONER STARR: Can that leave it to them to
 10 take this wording and add that into it?
 11 MR. SUMMERS: The main issue here is we need the
 12 precise language of the title of that document. So if you
 13 can delegate that to us, that's something we can use.
 14 CHAIRMAN HEDANI: "Consistent with community
 15 desires and the Cultural Resources Commission's study on the
 16 bridges of Hana."
 17 COMMISSIONER STARR: And the study XXXY.
 18 CHAIRMAN HEDANI: And then we will modify that to
 19 correct it to the correct name later.
 20 MR. SUMMERS: That's correct.
 21 CHAIRMAN HEDANI: Are you guys okay with that?
 22 Commissioner Hiranaga.
 23 COMMISSIONER HIRANAGA: Well, you're localizing it
 24 again to Hana, and the reason I voted for the previous
 25 motion is because I didn't want to make that decision to say

1 highways, this is a state highway, state owned bridges. We
 2 are not mandating the county to repair the bridges?
 3 COMMISSIONER STARR: Some.
 4 CHAIRMAN HEDANI: Commissioner Mardfin.
 5 COMMISSIONER MARDFIN: We're asking for the state
 6 to do it for state bridges, but there are many county
 7 bridges involved, particularly on Pi'ilani Highway.
 8 CHAIRMAN HEDANI: Commissioner Starr.
 9 COMMISSIONER STARR: Even the county bridges, a
 10 lot of the funding is federal and state funding. It's a
 11 mix.
 12 COMMISSIONER HIRANAGA: Pi'ilani Highway starts
 13 east of Hana or south of Hana?
 14 COMMISSIONER MARDFIN: South of Hana.
 15 CHAIRMAN HEDANI: It comes around the back side.
 16 COMMISSIONER STARR: It starts right below my
 17 gate.
 18 COMMISSIONER HIRANAGA: I would have difficulty
 19 with this localization again, because I don't know the
 20 traffic level on Pi'ilani in that area versus Honoapiilani
 21 Highway in Lahaina or Pi'ilani in Kihei. So I'm going to
 22 have difficulty voting for that.
 23 CHAIRMAN HEDANI: Commissioner Mardfin.
 24 COMMISSIONER MARDFIN: I only gave you a specific
 25 because you asked whether they were all state or not.

1 They're not all state. The way the motion is written it
 2 says, "Rapidly proceed to repair/rebuild bridges that are in
 3 danger of failing, consistent with community desires and the
 4 Cultural Resources Commission." It does not specifically
 5 say Hana in any way, shape, or form at this point.
 6 COMMISSIONER HIRANAGA: It says Hana bridges.
 7 COMMISSIONER MARDFIN: I didn't put that in.
 8 CHAIRMAN HEDANI: That's what the report subject
 9 was.
 10 COMMISSIONER MARDFIN: I didn't say on the Hana
 11 bridges with this new one.
 12 CHAIRMAN HEDANI: Take that out. Mr. Summers?
 13 MR. SUMMERS: Thank you, Mr. Chairman. Staff has
 14 a pretty good understanding of the intent of the body, and
 15 if they would provide us with the liberty to work on the
 16 language, that would be appreciated. I think it would be
 17 more effective and efficient that way, rather than trying to
 18 wordsmith it here.
 19 CHAIRMAN HEDANI: Commissioner Starr.
 20 COMMISSIONER STARR: Can we call the question with
 21 the understanding that the final wordsmithing will be done
 22 by staff, and it will be kept as general as it can but
 23 include the name of that particular plan?
 24 CHAIRMAN HEDANI: Fine. Any further discussion?
 25 All those in favor of the language as it appears

1 Kihei, Kula?
 2 COMMISSIONER SABLAS: Because Hana bridges were
 3 considered cultural resources.
 4 COMMISSIONER HIRANAGA: So it is for a localized
 5 area.
 6 COMMISSIONER SABLAS: But again, it's a region.
 7 CHAIRMAN HEDANI: Commissioner Starr.
 8 COMMISSIONER STARR: I believe there were studies
 9 of all the bridges. This particular one went through the
 10 CRC because Hana is a cultural area. But other studies for
 11 bridges that would be endangered would be included. This is
 12 just naming one study. If we knew the names of more studies
 13 we could add those in too.
 14 COMMISSIONER HIRANAGA: I would vote for the
 15 motion if it included just the upper three lines. If you
 16 include the bottom two lines I will be voting against the
 17 motion.
 18 COMMISSIONER MARDFIN: I can live with the upper
 19 three lines.
 20 COMMISSIONER STARR: Okay.
 21 CHAIRMAN HEDANI: Okay. The maker of the motion
 22 has revised the motion to include the upper three lines,
 23 deleting the last two lines. Any further discussion? Does
 24 the seconder concur?
 25 COMMISSIONER STARR: Yes.

1 up on the wall, subject to editing by staff, signify by
 2 saying "aye."
 3 (A chorus of ayes)
 4 Opposed "nay."
 5 (Two).
 6 All those in favor signify by raising your hand.
 7 (Three)
 8 Opposed same sign.
 9 We're voting on the language that's up on the wall
 10 on repairing the Hana bridges basically. All those in
 11 favor.
 12 COMMISSIONER MARDFIN: Repairing bridges, not Hana
 13 bridges.
 14 CHAIRMAN HEDANI: Repairing bridges that are ready
 15 to fail. Okay, all those in favor --
 16 COMMISSIONER HIRANAGA: Clarification. Is there
 17 another study on other bridges that the Cultural Resource
 18 Commission has done, or their study was only on Hana
 19 bridges? Because let's be specific about it. Let's not try
 20 to throw a blanket on top of what we're voting for.
 21 CHAIRMAN HEDANI: Commissioner Sablas.
 22 COMMISSIONER SABLAS: My recollection was
 23 specifically to the Hana bridges, that report.
 24 COMMISSIONER HIRANAGA: That's the only study you
 25 did, the Hana bridges. You didn't study bridges in Lahaina,

1 CHAIRMAN HEDANI: Any further discussion?
 2 All those in favor signify by raising your hand.
 3 (Five)
 4 Opposed same sign.
 5 (One)
 6 Motion is carried.
 7 Commissioner Mardfin.
 8 COMMISSIONER MARDFIN: I move to delete Action
 9 item number 3 because it says, Implement the Upcountry
 10 Greenway Master Plan, and that's a specific.
 11 CHAIRMAN HEDANI: So the motion is to delete
 12 number 3 or specific language?
 13 COMMISSIONER MARDFIN: Or to put it in general
 14 terms consistent with what we did with the bridges.
 15 CHAIRMAN HEDANI: Is there a second? Commissioner
 16 Starr.
 17 COMMISSIONER STARR: I just want to mention that
 18 it says, "and other approved greenway plans." So it isn't
 19 general.
 20 CHAIRMAN HEDANI: Commissioner Mardfin.
 21 COMMISSIONER MARDFIN: Are there any other
 22 approved greenway plans?
 23 COMMISSIONER STARR: There's the north shore one
 24 which is in the works, and there's a Kihei one that is in
 25 the works.

1 COMMISSIONER MARDFIN: Okay, fine, I withdraw my
 2 motion.
 3 CHAIRMAN HEDANI: Any further discussion on
 4 Objective number 2?
 5 All those in favor of Objective number 2, its
 6 Policies and Actions as amended, signify by saying "aye."
 7 (A chorus of ayes)
 8 Opposed "nay."
 9 (None).
 10 Carried. Thank you.
 11 Objective number 3. Commissioner U'u is going to
 12 leave at 4:40. Commissioner Mardfin.
 13 COMMISSIONER MARDFIN: I move the adoption of
 14 Objective 3, the five policies and two actions.
 15 CHAIRMAN HEDANI: Is there a second?
 16 COMMISSIONER U'U: Second.
 17 CHAIRMAN HEDANI: Seconded by Commissioner U'u.
 18 Discussion? All those in favor -- Commissioner Mardfin.
 19 COMMISSIONER MARDFIN: Action item number 1, I
 20 move to amend by adding "consistent with the community plan"
 21 because they talk about pedestrian facilities that might
 22 imply curbs, gutters, sidewalks.
 23 CHAIRMAN HEDANI: Is there a second? I think
 24 Objective number 3 talks about community character and
 25 that's kind of what they're referring to, is each

1 We're on page 21. Commissioner Mardfin.
 2 COMMISSIONER MARDFIN: I move the adoption of the
 3 Goal and Objective 4 and the relevant policies and action
 4 items that continue all the way down to page 24.
 5 COMMISSIONER SHIBUYA: Second.
 6 CHAIRMAN HEDANI: Discussion? Moved by
 7 Commissioner Mardfin, seconded by Commissioner Shibuya.
 8 Discussion? Commissioner Mardfin.
 9 COMMISSIONER MARDFIN: Can somebody explain Policy
 10 2 to me?
 11 CHAIRMAN HEDANI: Mr. Summers? Mr. Michaelson?
 12 MR. MICHAELSON: Under Objective 4?
 13 CHAIRMAN HEDANI: Objective 4, Policy 2.
 14 MR. MICHAELSON: Well, I mean it's basic transit
 15 planning. It's written in kind of plannerese. Essentially
 16 you analysis, regular analysis to ensure that the routes
 17 that are out there on the street warrant the route on that
 18 street, and if it doesn't, you relocate it. And in fact,
 19 we're doing that on Maui right now.
 20 CHAIRMAN HEDANI: Any further discussion on the
 21 Goal or Objective number 4, its policies and actions?
 22 Commissioner Mardfin.
 23 COMMISSIONER MARDFIN: Could somebody explain to
 24 me Policy 9, where it talks about water ferry service?
 25 CHAIRMAN HEDANI: Mr. Summers?

1 community's character.
 2 COMMISSIONER MARDFIN: That's what I thought, but
 3 it doesn't say that in the action.
 4 CHAIRMAN HEDANI: Any additional discussion on
 5 Objective 3? No one is ever going to get anything built
 6 that Hana doesn't like.
 7 COMMISSIONER MARDFIN: That hasn't necessarily
 8 been true in the past.
 9 CHAIRMAN HEDANI: Mr. Summers?
 10 MR. SUMMERS: Thank you, Mr. Chair. I'd just like
 11 to state that Bill 84 does require that any new ordinance or
 12 any amendment to an existing ordinance be consistent with
 13 our existing community plans and any future plan that's
 14 adopted by the Council. So it is a current legal
 15 requirement.
 16 CHAIRMAN HEDANI: Okay, so it's included. So it's
 17 already part of it, part of the instructions.
 18 MR. SUMMERS: That's correct.
 19 CHAIRMAN HEDANI: Any further discussion on
 20 Objective 3?
 21 All those in favor signify by saying "aye."
 22 (A chorus of ayes)
 23 Opposed "nay."
 24 (None)
 25 Carried, thank you.

1 MR. SUMMERS: Thank you, Mr. Chairman. I think
 2 that this basically is encouraging that a multi-modal
 3 transportation plan be prepared that may include rail, ferry
 4 service, and other modes of transportation.
 5 CHAIRMAN HEDANI: Commissioner Mardfin.
 6 COMMISSIONER MARDFIN: Are we thinking of things
 7 like a ferry to Lana'i or Moloka'i, or are we thinking about
 8 things like a SuperFerry?
 9 MR. SUMMERS: I don't think we would want to
 10 confine it at this stage. I think as part of a study all of
 11 those options should be considered.
 12 CHAIRMAN HEDANI: Commissioner Shibuya?
 13 COMMISSIONER SHIBUYA: When this was done it was
 14 providing an opportunity even for the people of Hana,
 15 because you have a harbor but it doesn't work. I believe
 16 the state is working on getting that harbor fixed. But it
 17 is to allow for the people to go from Hana or other
 18 different locations to different destinations.
 19 CHAIRMAN HEDANI: Any further discussion?
 20 Commissioner Mardfin.
 21 COMMISSIONER MARDFIN: Policy number 12.
 22 CHAIRMAN HEDANI: Nice to know somebody read all
 23 of these policies.
 24 COMMISSIONER MARDFIN: It says, "Increase
 25 inter-agency coordination between the Department of Planning

1 and the Department of Transportation." And I like that, but
2 I would also add "and the State Department of Transportation
3 and the County Department of Public Works."

4 COMMISSIONER STARR: Second.

5 CHAIRMAN HEDANI: Any discussion? So we will add,
6 "and the State Department of Transportation," since there's
7 a County Department of Transportation, "and the Department
8 of Public Works." Okay. Any discussion? Ready for the
9 question?

10 All those in favor signify by saying "aye."

11 (A chorus of ayes)

12 Opposed "nay."

13 (None)

14 Carried, thank you.

15 Any further discussion? On the Goal or Objective
16 number 4. Commissioner Mardfin.

17 COMMISSIONER MARDFIN: That's what I wanted to
18 ask. On Action number 4 can somebody explain to me why
19 Action 4 is being deleted, in some more detail than is
20 there?

21 MR. MICHAELSON: Mr. Chair, it struck me -- first
22 of all, I have to admit that my first planning job was a
23 transit planner, and I have seen this tried in several
24 jurisdictions. The only place I've ever seen it work is in
25 Los Angeles, where the project was like say 60,000 units

1 COMMISSIONER MARDFIN: May I ask Mr. Meyer to
2 comment on this?

3 MR. MEYER: I think that the plan --

4 COMMISSIONER HIRANAGA: Out of order.

5 CHAIRMAN HEDANI: I think we should keep the
6 discussion primarily within the Commission. Let me offer a
7 comment.

8 MR. MEYER: Point of order.

9 COMMISSIONER HIRANAGA: Out of order.

10 MR. MEYER: Point of order.

11 COMMISSIONER HIRANAGA: Out of order.

12 CHAIRMAN HEDANI: Mr. Meyer, I believe the
13 deliberation is amongst the Commission, and the public
14 testimony is over.

15 MR. MEYER: It's not public testimony. I've been
16 asked a question as a member of the GPAC. The GPAC is still
17 operating.

18 CHAIRMAN HEDANI: Mr. Meyer, thank you.

19 Let me offer this. Large developments like
20 Kaanapali, Wailea and Kapalua all have shuttle systems.
21 Private shuttle systems that operate outside of the
22 taxpayer's expense, it's usually operated for free to be
23 outside of the Public Utilities Commission's control, and it
24 ties into the public systems that enter into the resort
25 areas and makes specific pickups at specific points. So

1 instead of the scale of development we generally see on
2 Maui.

3 Also, I think as our transit system sort of grows,
4 if you will -- it's sort of embryonic but it's getting there
5 -- if a project is developing enough, that transit line will
6 get close enough where you don't necessarily need a shuttle.
7 I've rarely seen shuttles function from within a
8 development. If the development gets big enough, the
9 shuttle is going to be spinning its wheels a whole lot to
10 pick up not that many people and get them to the transit
11 line. That's just my personal observation.

12 CHAIRMAN HEDANI: Commissioner Mardfin.

13 COMMISSIONER MARDFIN: The reason I raised it is,
14 again, my memory is a little vague on this because it was
15 more than a year ago, but I can remember some projects
16 either in Lahaina or in Kaanapali that were providing
17 shuttles for their workers in order to lower the
18 transportation impacts so that they'd have net zero impact
19 on trips. And so this seems to be consistent with that.

20 MR. MICHAELSON: Actually, it's not. This is
21 talking about taking a shuttle within a development and
22 transferring it to a main line of a fixed route transit
23 service. That's different from a van pool, which is kind of
24 what you're describing.

25 CHAIRMAN HEDANI: Commissioner Mardfin.

1 there is a point in Kaanapali where you can catch public
2 transit, and I believe the same applies to both Kapalua and
3 Wailea.

4 COMMISSIONER MARDFIN: So are you saying that item
5 4 should not be deleted?

6 CHAIRMAN HEDANI: No, I'm saying you probably
7 should delete it because it already exists. And it's not
8 forced upon the large developments, it's done on their own,
9 which is I think what Mr. Michaelson is saying.

10 COMMISSIONER MARDFIN: Mr. Chairman, may I ask for
11 a two minute recess?

12 CHAIRMAN HEDANI: We're going to lose one
13 Commissioner in precisely five minutes, and we are not going
14 to -- we may not get through this. Is there any further
15 discussion? Commissioner Hiranaga.

16 COMMISSIONER HIRANAGA: Action item 9, I'd like to
17 make a motion to amend to eliminate the words "multi-story
18 parking structures."

19 CHAIRMAN HEDANI: Is that a motion?

20 COMMISSIONER HIRANAGA: Yes.

21 CHAIRMAN HEDANI: Motion to amend Action item
22 number 9 to delete "multi-story parking structures"?

23 COMMISSIONER HIRANAGA: Right.

24 CHAIRMAN HEDANI: Is there a second?

25 Do you want to explain that, Kent?

1 COMMISSIONER HIRANAGA: I don't have a problem
 2 with relocating public and private entities, to relocate the
 3 rental car facilities, but why mandate that they must be
 4 multi-story parking structures? If they are able to find a
 5 ground level parking structure, that wouldn't qualify? Why
 6 do you have to be so specific?
 7 COMMISSIONER U'U: Second.
 8 COMMISSIONER HIRANAGA: Just say "relocate."
 9 CHAIRMAN HEDANI: Moved by Commissioner Hiranaga,
 10 seconded by Commissioner U'u.
 11 COMMISSIONER HIRANAGA: A grass field should be
 12 fine.
 13 CHAIRMAN HEDANI: Seconded by Commissioner U'u to
 14 delete the words "multi-story parking structures." Is there
 15 any staff member that would like to offer any insight on
 16 this? You want to relocate the parking facilities from
 17 Kahului? Director Hunt.
 18 DIRECTOR HUNT: I don't think we have a problem
 19 with the suggestion. It would still allow for them to be
 20 relocated in multi-story parking structures, but it wouldn't
 21 mandate it.
 22 COMMISSIONER MARDFIN: So what is the wording?
 23 CHAIRMAN HEDANI: What is the intent of this, does
 24 anybody know?
 25 DIRECTOR HUNT: The intent is to get the rental

1 amendment. I think that the intent of trying to create
 2 density for rent-a-car parking is a good direction. We
 3 don't really need to take over ag land to spread out cars.
 4 CHAIRMAN HEDANI: Additional discussion? Ready
 5 for the question?
 6 All those in favor signify by raising your hand.
 7 (Two)
 8 Opposed same sign.
 9 (Three)
 10 Motion dies.
 11 Any further discussion? Are you ready for the
 12 question on the main motion?
 13 All those in favor of the goal and Objective 4,
 14 Policies and Actions as recommended by the Director signify
 15 by saying "aye."
 16 (A chorus of ayes)
 17 Opposed "nay."
 18 (None).
 19 Carried. Thank you.
 20 Aloha, Bruce. Thank you for the refreshments, by
 21 the way. Everybody was civilized today because of it.
 22 COMMISSIONER U'U: Especially me.
 23 CHAIRMAN HEDANI: Commissioner Mardfin.
 24 COMMISSIONER MARDFIN: I move the adoption of
 25 Objective 5, it's five policies and three actions, not

1 car facilities or have rental cars available at the hotels
 2 instead of having tourists rent their cars at the airport
 3 and then drive to the hotel. There's a lot of discussion
 4 that perhaps the people don't use the rental car every day
 5 and they would keep it for parts of their vacation, so they
 6 don't have to be shuttled over.
 7 CHAIRMAN HEDANI: Commissioner Shibuya.
 8 COMMISSIONER SHIBUYA: Basically it's because of
 9 the land available in those areas, that you want to
 10 consolidate or concentrate or increase the density of the
 11 automobiles within one area. You don't want them to occupy
 12 agricultural and conservation lands.
 13 CHAIRMAN HEDANI: Okay. Just for your
 14 information, I know that in Kaanapali we've done a lot to
 15 try to encourage people to pick up their rental car at the
 16 hotel as opposed to at the airport, and it just never works.
 17 And it's available at the hotel. We have a transportation
 18 center within spitting distance of the resort where they can
 19 actually pick up their cars, but it's not the way that the
 20 world moves, unfortunately.
 21 Any further discussion? The amendment is to
 22 delete the words "multi-story parking structures" from
 23 Action item number 9. Further discussion? Commissioner
 24 Starr.
 25 COMMISSIONER STARR: I'll be voting against the

1 counting the deletions.
 2 CHAIRMAN HEDANI: Is there a second?
 3 COMMISSIONER SHIBUYA: Second.
 4 CHAIRMAN HEDANI: Seconded by Commissioner
 5 Shibuya. Any further discussion?
 6 All those in favor signify by saying "aye."
 7 (A chorus of ayes)
 8 Opposed "nay."
 9 (None)
 10 Carried. Thank you.
 11 COMMISSIONER STARR: Mr. Chair?
 12 CHAIRMAN HEDANI: Commissioner Starr.
 13 COMMISSIONER STARR: I'd like to move to adjourn.
 14 I feel that I'm having trouble processing at this point.
 15 It's been a long day. Also, I have got to go somewhere.
 16 CHAIRMAN HEDANI: Motion to adjourn. All those in
 17 favor signify by saying "aye."
 18 COMMISSIONER HIRANAGA: Mr. Chair, could we not
 19 just go on to the other agenda items then? There's F.
 20 COMMISSIONER STARR: If you want to finish up
 21 fast, that's okay with me.
 22 CHAIRMAN HEDANI: Okay, why don't we stop on page
 23 26 with the Goal and Objective 1 under Parks, and we will
 24 take it up under Infrastructure at the next meeting, and go
 25 back to our main agenda. Planning Director's report.

1 DIRECTOR HUNT: The first item on the report is
 2 the Maui Island Plan schedule. We're just trying to get
 3 into the habit of reminding you folks where you're at.
 4 Today is the 16th. Your schedule called for you to be
 5 through housing and approximately halfway through
 6 infrastructure. You did get through housing and you're
 7 through page 25 out of 61, so you're pretty much on
 8 schedule.

9 CHAIRMAN HEDANI: We're actually on page 26. We
 10 will take every bit we can get.

11 DIRECTOR HUNT: There are a number of meetings
 12 scheduled to address land use and directed growth and the
 13 directed growth mapping, and there's also meetings on
 14 implementation. And I asked John the address, earlier I
 15 asked him if he would address the issue of implementation.
 16 And John, if you have got a minute, if you could do that.

17 CHAIRMAN HEDANI: Mr. Summers.

18 MR. SUMMERS: Thank you, Mr. Chairman. You will
 19 notice we have several meetings on long range implementation
 20 following the directed growth mapping. There's been
 21 concerns expressed about the costing of these improvements
 22 or these actions throughout the document, as well as
 23 prioritization.

24 There's a pretty significant section that deals
 25 specifically with those two items that will be reviewed as

1 technical issue papers that were done by CHP, and there are
 2 several of them that take the capacity information that was
 3 done in two previous studies.

4 The first studies that we did specifically related
 5 to here is the infrastructure on the ground today, here are
 6 growth projections, here are deficits or surpluses in
 7 different community plan regions. But the other studies
 8 that CHP did take that information and start to do a more
 9 specific analysis of some of the implications of that, as
 10 well as more specific costing of the improvements.

11 So if I were to focus, I would focus on those
 12 technical studies. Again, we are going to have to update,
 13 and in the process of updating some of the information to
 14 address additional actions that were included towards the
 15 end of the GPAC process.

16 CHAIRMAN HEDANI: Director?

17 DIRECTOR HUNT: The next item is just --

18 COMMISSIONER STARR: Mr. Chair.

19 CHAIRMAN HEDANI: Commissioner Starr.

20 COMMISSIONER STARR: I have a couple of questions.
 21 One is, when are we doing the developer presentations, and
 22 what are we doing on the fifth Tuesday of this month?

23 DIRECTOR HUNT: John, can you speak to the first
 24 item?

25 CHAIRMAN HEDANI: Mr. Summers?

1 part of the implementation element. We've kicked around
 2 some additional strategies for addressing this. It's in
 3 nobody's interest to send a wish list up to the County
 4 Council, at the same time we don't want to foreclose
 5 opportunities to receive money funding from federal sources
 6 or other means.

7 So we have kind of been brainstorming internally
 8 on a way to stratify our implementation to make it more
 9 manageable and realistic without foreclosing those
 10 opportunities.

11 I would strongly encourage the members to look at
 12 your technical reports. We did a pretty intensive job of
 13 looking at existing capacity constraints throughout the
 14 island in those technical reports and then costing
 15 improvements.

16 The GPAC did add a number of actions towards the
 17 end of their review process, so we have had to go back and
 18 re-cost some of those actions, and that will be discussed
 19 during this implementation section.

20 CHAIRMAN HEDANI: Commissioner Mardfin.

21 COMMISSIONER MARDFIN: That disk has lots of
 22 reports, technical reports. Could you be specific as to
 23 which two or three you're referring to?

24 MR. SUMMERS: I think the ones that are most
 25 interesting are the infrastructure and public facility

1 MR. SUMMERS: Thank you, Mr. Chair. Staff is
 2 still working on a specific date for the developers'
 3 meeting. As soon as we lock that up, we will communicate
 4 that date to you.

5 CHAIRMAN HEDANI: Thank you.

6 DIRECTOR HUNT: The fifth Tuesday of the month
 7 we have a special meeting that's your next meeting regarding
 8 the Maui Island Plan, and that's here. It is a regional
 9 meeting in the sense that it starts at 1:30 and goes until
 10 8:00, but it is here in this room.

11 COMMISSIONER STARR: Can I request that we get
 12 emailed and an updated schedule? I'm not sure if it changed
 13 or not.

14 CHAIRMAN HEDANI: Commissioner Shibuya.

15 COMMISSIONER SHIBUYA: I just wanted to ask Mr.
 16 Summers, I have a couple of reports here, and if these are
 17 included, the proposed roadway development project program,
 18 January 2007. It's by Farr & Peers Kaku Associates
 19 (phonetic). This is on highways and roadways. The other
 20 one is a Maui County Infrastructure Assessment Update, May
 21 2003, by Wilson Okamoto and Associates. Are those the
 22 technical reports also?

23 MR. SUMMERS: Those are two of the reports. They
 24 should all be included on your CD ROM. They're also
 25 uploaded to the website.

1 COMMISSIONER SHIBUYA: Right, that's where I got
2 these.

3 CHAIRMAN HEDANI: Commissioner Hiranaga.

4 COMMISSIONER HIRANAGA: Director Hunt, you said
5 our next Maui Island Plan meeting is July 5th, but the
6 agenda here has June 30th.

7 DIRECTOR HUNT: I thought I said the fifth
8 Tuesday. I will stand corrected if I had it wrong. But
9 your next meeting is June 30th, and it is a regional meeting
10 for Wailuku. So it's at 1:30, but it's in this conference
11 room here.

12 CHAIRMAN HEDANI: Any further items, Director?

13 DIRECTOR HUNT: No.

14 CHAIRMAN HEDANI: Commissioner Starr?

15 COMMISSIONER STARR: Yes, I just want to be sure
16 that the community of Waihe'e, that there's outreach to them
17 so they know about that and know that they're welcome to
18 comment at that meeting. They have mentioned that they do
19 want a meeting for them, and I just want to be sure that
20 they know that this is their opportunity.

21 CHAIRMAN HEDANI: Commissioner Mardfin.

22 COMMISSIONER MARDFIN: In connection with that, I
23 believe the letter requested that we visit them, and I
24 wonder if the department has considered a sort of a
25 traveling site visit, like we had in Hana, to go out there

1 COMMISSIONER STARR: One last thing before we
2 adjourn. I just want to say that I really appreciate the
3 work done by the Long Range Division. I think they're doing
4 a great job with this, and I know they're working really
5 hard. So I think we should thank them, because it may not
6 be perfect but it's really, really good.

7 COMMISSIONER MARDFIN: Second the motion.

8 CHAIRMAN HEDANI: I'd also like to acknowledge
9 their efforts in terms of consolidating the policies and
10 actions and deleting redundancies, which I know they've
11 spent a lot of time on at the Commission's request, and the
12 results have been very helpful. Director Hunt?

13 DIRECTOR HUNT: That's why we listed it as a
14 Director's report item. If there were any concerns in what
15 you're seeing materialize before you, now is the time to
16 give us direction. Unless told otherwise, we are going to
17 continue down the path we've been going on, reduction of
18 policies or condensing policies.

19 CHAIRMAN HEDANI: Thank you. Thank you very much
20 for your hard work.

21 Commissioner Shibuya, last words for the good of
22 the order?

23 COMMISSIONER SHIBUYA: I understand that we're
24 having a meeting on the Maui Island Plan review on the 30th
25 of June, but we also have a regular meeting on the 23rd,

1 and see their problems. I think there was another place
2 that asked for it too, if I'm not mistaken. When we were at
3 Haiku I think there was a community that asked that we fully
4 understand their situation too. I don't know if that was
5 the same place or not.

6 DIRECTOR HUNT: While we certainly endorse these
7 regional meetings and getting community input, I think it
8 would be challenging to get an agenda set up and then
9 noticed all before June 30th. Perhaps we can take it up at
10 another time or another meeting.

11 But John, correct me if I am wrong, but we can get
12 some kind of outreach notice to the Waiehu Community
13 Association or something?

14 MR. SUMMERS: Absolutely. We will do that
15 outreach. The site visit out there I think logistically
16 would be very challenging at this point, but we can
17 certainly notify the community of this meeting. We did try
18 to hold a meeting out there, and we were not successful in
19 finding a location.

20 CHAIRMAN HEDANI: Any further discussion? Thank
21 you very much. Thank you to Commissioner U'u for
22 refreshments for today. And our next meeting is set for
23 June 30th.

24 COMMISSIONER STARR: Mr. Chair?

25 CHAIRMAN HEDANI: Commissioner Starr.

1 right?

2 DIRECTOR HUNT: The 23rd is just your standard
3 meeting.

4 CHAIRMAN HEDANI: Standard, regular meeting.
5 Thank you very much. We are adjourned.


6
7 (The proceedings were concluded at 4:40 p.m.)
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CERTIFICATION

I, JEANNETTE W. IWADO, Notary Public for the State of Hawaii, certify:

That the proceedings contained herein were taken by me in machine shorthand and were thereafter reduced to print under my supervision by means of computer-aided transcription; that the foregoing represents, to the best of my ability, a true and accurate transcript of the proceedings had in the foregoing matter.

Dated the 1st day of July, 2009



NOTARY PUBLIC, State of Hawaii
My commission expires 2/5/12