

1 permit 2004/002, as well as recommended approval for
2 a conditional permit within the agricultural
3 district.

4 During that time of your review, you had a
5 number of conditions as well as some comments
6 regarding the site plan and asking the applicant to
7 try to, one, look at relocating some of the parking
8 lots. Primarily there was concern over the bus
9 parking. You also had some concern with downhill
10 bikers coming down and pulling into this parking lot
11 and sharing driveway space with active cars as well
12 as how they would leave and exit the site.

13 Since that time, as part of the applicant's
14 refinement of its project site plan as well as
15 trying to address some of the conditions and some of
16 the more comments that the commission had, he did
17 revise his plan, he reduced the acreage that was
18 previously approved for just over 14 acres for the
19 site, he has reduced that to about just under
20 12 acres. He has limited some of the site area.
21 But the main reason we're back is because he has
22 reconfigured the metes and bounds because the site
23 area has changed.

24 And I think it's a better project because it
25 fully addresses the conditions and comments that

1 came out of the commission at its meeting.

2 I will note I did have one error in my staff
3 report in my description of project. As some of you
4 may have remembered, it was an issue of whether or
5 not alcohol could be served or drinking on the
6 property. I still have that in my description.
7 Sorry, I cut and paste from my last report and I
8 failed to eliminate that from their proposal.

9 So there is no changes at all to what was being
10 proposed as far as uses to the property. The
11 condition of no alcohol being served or consumed on
12 the property is still there. They have agreed and
13 removed that from the request.

14 As far as commercial ventures or commercial
15 square footages, there hasn't been any significant
16 change as far as a square footage of the buildings.

17 The overall look of the buildings as far as
18 when it went to Urban Design Review Board has not
19 changed. We're just looking at pretty much they
20 reconfigured some of the buildings as well as the
21 rest of the site plan to meet the -- and as I said,
22 primary just to meet your conditions and your
23 concerns.

24 But we did feel that rather than have the
25 planning staff or myself say yeah, that looks fine,

1 go ahead, we felt that they should come back to this
2 body and get a formal approval because we did have a
3 change in the metes and bounds of the property and
4 also just to show you what came about as some of
5 your conditions.

6 We did send it out to agency comments. The two
7 primary agency comments that we got were from Public
8 Works and DOT. And so we are -- we do have some
9 amendments to our conditions to incorporate some of
10 the DOT's comments that were not incorporated during
11 the first round of the thing.

12 So once again, what they're seeking today is
13 basically a site plan amendment, okay. And there is
14 two permits they're dealing with. One is the
15 previously approved state special use permit, as
16 well as the one you recommended going up to. So if
17 you make then -- if you do grant approval, you're
18 taking action on both permits and the CP I'll send
19 an updated letter from this body to the council
20 because it's currently sitting at the council
21 waiting to be taken up.

22 If I missed anything, I will let the
23 consultant, Tom Schnell, cover it at this point.
24 Unless you have any specific questions of staff at
25 this point.

1 CHAIRPERSON HEDANI: Questions for staff?

2 Seeing none, go ahead.

3 DIRECTOR FOLEY: Chairman, I just wanted to add
4 that Exhibit 8 in your packet is the old plan and
5 Exhibit 3 is the new plan or the one next to Joe,
6 which is even easier to read.

7 MR. ALUETA: That is correct. And as well as
8 -- yeah, Exhibit 3 is the new plan, but also
9 Exhibit 2 and 1 is basically their compliance
10 report, so -- and how they address all of the
11 conditions.

12 CHAIRPERSON HEDANI: So the staff -- the staff
13 analysis is that the majority of concerns that were
14 raised by the commission have been addressed.

15 MR. ALUETA: That is correct, yes.

16 CHAIRPERSON HEDANI: Okay. Can we hear from
17 Mr. Schnell?

18 MR. SCHNELL: Hi, commission members, Tom
19 Schnell with PBR Hawaii. We are the consultants
20 that prepared this new site plan and also prepared
21 the application that was before you a year ago.
22 Thank you for approving that.

23 We're back to address your changes that you
24 requested and the conditions -- actually, there were
25 28 conditions that you had imposed on the project.

1 Four of them directly related to the site plan. And
2 actually, I was prepared to walk you through the
3 visitor center for those of you that didn't remember
4 or weren't on the commission, but -- okay, I can
5 walk you through what the changes were if you would
6 like that, or we also prepared --

7 CHAIRPERSON HEDANI: I think if you can
8 highlight the changes.

9 MR. SCHNELL: Sure.

10 CHAIRPERSON HEDANI: I like the access for the
11 bike paths that you guys added; that's a nice
12 transition.

13 MR. SCHNELL: There were four primary
14 conditions that affected the site plan. One was
15 that the bus parking be relocated to behind the
16 building. So previously we had a parking lot here
17 with bus parking. We relocated the bus parking to
18 behind the building to provide visual shielding and
19 also to address comments from the neighbors about
20 noise.

21 And we really worked a lot on this and we
22 contacted the bus companies, we found out that their
23 turning radiuses were and what their parking
24 requirements were, and the solution we came up with
25 -- here's the entrance. The buses will come in this

1 way. There is a loop system whereby the buses will
2 come around here and they will pull in this way.
3 And when they exit, they will pull out this way. So
4 that eliminates backing and that annoying back-up
5 beeper sound.

6 CHAIRPERSON HEDANI: Commissioner Freitas.

7 COMMISSIONER FREITAS: Wasn't there something
8 said about that they have to turn then off?

9 MR. SCHNELL: Right, there is a condition that
10 the engines will have to be turned off, no idling.
11 There will also be an employee on-site to manage the
12 bus parking.

13 The other nice feature about this is when the
14 buses pull in, the exit door for the passengers are
15 on this side so you can see it's kind of cut so that
16 the passengers come out. And we have reorientated
17 the entrance so that this will be the primary
18 entrance to come down into the visitor center. So
19 efficiently, space wise and flow wise, it works much
20 better than before.

21 Another one of the conditions was that adequate
22 bus turn around and parking be developed on the
23 site, which I've just addressed.

24 Another major condition was that we meet with
25 the downhill bike industry and consult with them how

1 best to get the bikes in and out. And we had
2 meetings with Maui Downhill and Maui Mountain
3 Cruisers and they both came up with a similar
4 solution. As you know, Crater Road comes around
5 this way and it switchbacks up to Haleakala. Rich
6 Goodenough actually suggested this from Maui
7 Downhill. They do this all the time. But at the
8 switchback above the visitor center, they are going
9 to stop their tour and they are going to load all
10 their bikes on to their trailers and put the people
11 in the van and then the bikes -- they will ride into
12 the visitor center and park in one of these spaces
13 and then the people will get out of the van and come
14 into the center. This solves a lot of problems. It
15 solves cross traffic here with this intersection.

16 It also solves the problem of bicycle parking
17 because all the bikes are going to be parked on the
18 bike trailers. And when the tour resumes, they will
19 come down this way and they will walk their bikes
20 down here and we provided a gravel pathway for them
21 to come out to the roadway here and the van will
22 pull around this way and what follow up behind them
23 here. So we eliminated this kind of bicycle/vehicle
24 conflict issue.

25 There may be some independent bikers that are

1 just coming down Haleakala and we have a bike path
2 for then where they can ride up into the center and
3 they can park their bikes independently up here by
4 -- that was the best solution that the bike
5 companies came up with and we were agreeable to
6 that.

7 Another issue that affected the site plan was
8 parking and landscaping, so we went through and we
9 did a detailed parking analysis based on the Maui
10 County Code. And we actually have a few more
11 parking spaces than required by code. And we do
12 have all the required landscaping. It was a real
13 balance between providing enough parking and not
14 providing a huge parking lot. So we think we solved
15 that with what we have here. We've also provided
16 employee parking over on this side.

17 Those are the four primary conditions relating
18 to the site plan and how we've addressed them.

19 CHAIRPERSON HEDANI: Questions for the
20 applicant? What happened to your lavender gardens?

21 MR. SCHNELL: Well, we still have our
22 demonstration gardens down in here. We didn't color
23 it lavender.

24 CHAIRPERSON HEDANI: Any other questions for
25 the applicant? Mr. Starr.

1 COMMISSIONER STARR: I was not here when this
2 initially went through and I just -- I don't know if
3 any language on any of the conditions regarding
4 energy efficient design, but I just want to comment
5 that I'm hoping that that's being implemented as far
6 as possible.

7 MR. SCHNELL: We're in architectural design now
8 and we're talking about with the architect on that.
9 And especially with low flow fixtures for water and
10 xeriscaping for landscaping also.

11 CHAIRPERSON HEDANI: Other questions?
12 Commissioner Freitas.

13 COMMISSIONER FREITAS: Where did you say you
14 were going to load the bikers on to that -- the cart
15 or whatever that is?

16 MR. SCHNELL: It would be as this switchback
17 comes around, so up at the next highest switchback
18 before they come around this big curve.

19 COMMISSIONER FREITAS: So it's just on the side
20 of the road?

21 MR. SCHNELL: On the side of the road, right.

22 COMMISSIONER FREITAS: They do that on the side
23 of the road?

24 MR. SCHNELL: They do that on the side of the
25 road.

1 COMMISSIONER FREITAS: You know, you did a
2 very, very nice job. But I've got to tell you, I
3 hate those downhill bikers. And to provide a
4 beautiful place like that for then really, really
5 gets me. I mean, I hate then that much. I would
6 actually form a committee to get rid of then. I
7 think they're a bad deal. And you made a beautiful
8 place for then. I commend you on that. I just wish
9 I didn't hate it so much. I just do. And so it's
10 hard because I want to vote because it's a beautiful
11 project, but I hate to do anything that would
12 encourage such a thing.

13 MR. SCHNELL: We hope other people visit the
14 site besides the bikers.

15 CHAIRPERSON HEDANI: Other questions for the
16 applicant? Thank you. Staff recommendation.

17 COMMISSIONER SHEPHERD: Public testimony.

18 CHAIRPERSON HEDANI: Any members of the public
19 that would like to offer testimony? Seeing none,
20 public testimony is closed. Thank you. Staff
21 recommendation.

22 MR. ALUETA: Thank you, Mr. Chair. The
23 department is recommending the commission accept the
24 revised site plans as presented and amended.

25 CHAIRPERSON HEDANI: Commissioner Shepherd?

1 COMMISSIONER SHEPHERD: Move to approve.

2 COMMISSIONER U'U: Second.

3 CHAIRPERSON HEDANI: Seconded by Commissioner
4 U'u. Discussion?

5 COMMISSIONER SHEPHERD: Call the question.

6 CHAIRPERSON HEDANI: All those in favor,
7 signify by saying aye. Opposed, nay. Carried.
8 Thank you.

9 DIRECTOR FOLEY: I would just like to recognize
10 Don Young who's in the audience as the new president
11 of Haleakala Ranch.

12 CHAIRPERSON HEDANI: Congratulations.

13 DIRECTOR FOLEY: Okay. Moving on. Minutes of
14 August 8th.

15 CHAIRPERSON HEDANI: Minutes of August 8th will
16 be accepted as circulated.

17 COMMISSIONER STARR: So moved.

18 CHAIRPERSON HEDANI: By consensus. Director's
19 report.

20 DIRECTOR FOLEY: I just wanted to put the HCPO
21 conference on here as an item just in case anybody
22 had anything to say about their attendance. But I
23 thought the conference was very good this year and I
24 appreciate the commissioners who went and I think
25 those of you who went enjoyed it. And the houses

1 didn't get hit by Bruce's golf balls. It's probably
2 good, too.

3 CHAIRPERSON HEDANI: Before we leave that, on
4 the table over there is a bunch of handouts that I
5 picked up from the display sessions that were
6 presented for the geographic information systems and
7 the other technological presentations that were
8 made. So help yourself to take a look at that
9 stuff. It was quite an impressive conference
10 compared to the one we attended the year before, I
11 think.

12 DIRECTOR FOLEY: This year was much better than
13 last year. The food was excellent.

14 COMMISSIONER U'U: Not on the tour.

15 DIRECTOR FOLEY: Bread and water by the Navy.

16 COMMISSIONER STARR: I had a comment. I
17 enjoyed it very much and especially the technical
18 side, the GIS stuff and the transit stuff was
19 especially good. But I hadn't gone for several
20 years and I had gone a number of years in a row
21 maybe four or five or six years ago. And there was
22 a lot -- a considerable difference in that back then
23 there were a lot of more I would say kind of
24 controversial planning concepts, a lot more smart
25 growth type of thing, a lot more new urbanism, a lot

1 more control -- growth control type concepts.
2 Whereas this time it was kind of more -- I wouldn't
3 say quite corporate or kind of smooth, but, you
4 know, it was kind of like smooth jazz instead of
5 rock and roll.

6 CHAIRPERSON HEDANI: Orchestrated.

7 COMMISSIONER STARR: Yeah. But it was great
8 anyway.

9 CHAIRPERSON HEDANI: I found it interesting.
10 The Waihee tunnel tour was excellent. We actually
11 marched 1,500 feet into the middle of the mountain.
12 We had flashlights. And got to drink unchlorinated
13 water, which was nice. Director.

14 DIRECTOR FOLEY: The next item is the
15 scheduling for October 23rd. This is scheduling the
16 site inspection for Central Maui Baseyard and the
17 county's metal processing site. And Robyn is here
18 in case you have any questions or -- I don't know --

19 MS. LOUDERMILK: We finalized the proposed
20 schedule. We would like to leave here the county
21 building at 1:00. For those of you who need rides,
22 please let me know. Our first site will be the
23 abandoned vehicle facility. That would -- so that
24 would be located directly across the armory, the
25 National Guard Armory in the old Puunene airport.

1 We were talking afternoon traffic, easier to make
2 right-hand turns than left-hand turns. We'll start
3 there at 1:30 and then we'll be at the Central Maui
4 Baseyard site at 2:30. We would all be meeting at
5 the SOS site and we'll start from there because the
6 largest portion of the change in zoning is that
7 lower part against Mokulele Highway and then we'll
8 go throughout the remainder of the project because
9 there is other areas.

10 CHAIRPERSON HEDANI: Are we going by one bus or
11 is this a car train or something?

12 MS. LOUDERMILK: Me and Clayton can drive.
13 Those who need rides, just let us know. We'll leave
14 here at 1:00. Those who are going to go on their
15 own, I guess just let me know also so we have an
16 idea of who will be -- the count who will be
17 attending.

18 COMMISSIONER STARR: Where is the location at
19 the armory at 1:30?

20 MS. LOUDERMILK: No, that's the abandoned
21 vehicle. So if we're going down Mokulele --

22 CHAIRPERSON HEDANI: Take a left at the Maui
23 Raceway.

24 MS. LOUDERMILK: Yes, take a left like you're
25 going to Maui Raceway Park. And then the abandoned

1 vehicle facility will be near the front part of that
2 driveway going in. On your left-hand side will be
3 the armory and on the right-hand side is the
4 starting points for the county abandoned vehicle
5 facility.

6 CHAIRPERSON HEDANI: Commissioner Frietas.

7 COMMISSIONER FREITAS: We're going to go in
8 more car and we'll be here at 1:00, so that's us.

9 I have just have a question. Maybe it's not
10 the right time for it, but that SAS lot, isn't there
11 supposed to be a building there? I thought --

12 MS. LOUDERMILK: A building will be coming. A
13 building will be coming.

14 DIRECTOR FOLEY: Your approval allowed then to
15 start before they built -- before they built the
16 building. They had a temporary approval to operate
17 outside until the building is built.

18 MS. LOUDERMILK: That was part of the three
19 phases of the construction.

20 COMMISSIONER FREITAS: And is there a time on
21 that? Is it just whenever?

22 DIRECTOR FOLEY: No, the condition of approval
23 specified when they had to start the building.

24 COMMISSIONER FREITAS: Because the only date I
25 could find was August. So if you could give me

1 another date, that would be nice. Because
2 everything that I read said that the building had to
3 be constructed by August of this year. And it's
4 not. So I just -- if we gave then another date, I
5 would like to see that. That's what I wanted to
6 know what the date was.

7 MS. LOUDERMILK: I thought we gave then
8 two years. We gave then two years, not one year.
9 And as part of the description, we specifically
10 stated that the construction will be done in three
11 phases and that the operations would occur at that
12 time and everything had to be completed by the end
13 of the two years.

14 COMMISSIONER FREITAS: So that would be in the
15 minutes then of that meeting.

16 MS. LOUDERMILK: Yeah.

17 COMMISSIONER FREITAS: I have to get that.

18 MS. LOUDERMILK: I guess by show of hands, who
19 knows?

20 COMMISSIONER FREITAS: That we're going?

21 MS. LOUDERMILK: Yeah. Okay. And again, for
22 those who need a ride, 1:00 up in the front. And if
23 you need to contact me, 270-7180 is the bat line.

24 COMMISSIONER STARR: Will you have a cell with
25 you that day?

1 MS. LOUDERMILK: I'll have a cell. I'll give
2 it to you later. And then just to let you know that
3 we had intended to try to get you folks the final
4 accepted EA by today, but it didn't work out on this
5 particular project site, so we'll probably pass it
6 out at the site visit. And that would be a
7 supplement to the department's report since this
8 commission was not the accepting authority for the
9 final EA. Thank you. Any other questions?

10 CHAIRPERSON HEDANI: Okay. EA/EIS report. Any
11 questions? No questions? It will be accepted as
12 circulated.

13 DIRECTOR FOLEY: SMA report?

14 CHAIRPERSON HEDANI: Commissioner Freitas.

15 DIRECTOR FOLEY: We're working on these reports
16 being changed substantially, but they haven't been
17 done yet.

18 COMMISSIONER FREITAS: I just have a question
19 that's kind of like general, but I keep seeing it so
20 it bothers me. On the open SMAs, how can somebody
21 get a second farm dwelling?

22 DIRECTOR FOLEY: They have to prove that
23 they're implementing their approved farm plan in
24 order to get an accessory farm dwelling. And
25 they're limited in size to 1,000 square feet.

1 COMMISSIONER FREITAS: So does that mean that
2 both the first -- not the first dwelling, but the
3 first cottage or whatever you want to call it, and
4 then the second like cottage, both of those
5 dwellings are supposed to be like farm help? Or
6 they can rent then out?

7 DIRECTOR FOLEY: One of those dwellings doesn't
8 have a size limit. The second one, the accessory
9 farm dwelling, has a 1,000 square foot size limit.
10 But the other one doesn't. And no, there is no
11 requirement as to who lives in either house. I
12 mean, the intent is that the agriculture be done by
13 the people who live in the farm dwelling, but -- and
14 the intent I think originally was that the accessory
15 farm dwelling be for a farm laborer, but there isn't
16 any specific requirement in state or county law.

17 COMMISSIONER FREITAS: So in reality, if you
18 have two acres and you're farming let's say even a
19 lot on that two acres, you could get two more houses
20 on that so you could have three?

21 DIRECTOR FOLEY: No. You get two houses, one
22 farm dwelling and one accessory farm dwelling.

23 COMMISSIONER FREITAS: Why does it say second
24 farm dwelling?

25 DIRECTOR FOLEY: Yeah, that's the accessory

1 farm dwelling.

2 (Discussion off the record.)

3 CHAIRPERSON HEDANI: Any other questions on the
4 SMA Minor Permit Report or the SMA Exemptions
5 Report? Everybody received their 2007 meeting
6 schedule?

7 For the commission's information, the five-lot
8 subdivision in Kaanapali was approved through the
9 SMA minor report. So you will not get to see that
10 again. It's done. Lucky you.

11 DIRECTOR FOLEY: But there hasn't been any
12 proposal to do anything.

13 CHAIRPERSON HEDANI: Right.

14 COMMISSIONER GUARD: But the SMA was under
15 \$125,000 in improvements --

16 CHAIRPERSON HEDANI: The SMA was only for sewer
17 and utility hookups --

18 (Discussion off the record.)

19 CHAIRPERSON HEDANI: Commissioner Starr.

20 COMMISSIONER STARR: I have something relating
21 to our meeting schedule which is -- an agenda of two
22 meetings ago, we had an item about examining a
23 committee to look at infrastructure and to try to
24 look forward as a commission. It was getting very,
25 very late in the day, we were all tired, we deferred

1 it. I would like to request that that be put on an
2 agenda when we do get an agenda package that's a
3 short meeting, that it be added on to such a meeting
4 for discussion.

5 CHAIRPERSON HEDANI: Mike? Take care of that?

6 DIRECTOR FOLEY: Yeah.

7 CHAIRPERSON HEDANI: Okay. Next regular
8 meeting date, October 24th. If there is no
9 objection, we're adjourned. Thank you.

10 (Concluded at 1:17 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

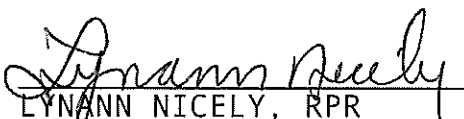
C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, LYNANN NICELY, C.S.R., do hereby certify:

That on the 10thth of October, 2006, the meeting minutes were taken by me in machine shorthand and were thereafter reduced to print under my supervision by means of computer-assisted transcription; that the foregoing represents, to my best ability, a true and accurate transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption. Dated on 10/23/2006.


LYNANN NICELY, RPR
Notary Public, State of Hawaii
My commission expires: 1/24/10