

MAUI PLANNING COMMISSION

TUESDAY, JULY 7, 2009 AT 2:00 P.M.

KIHEI COMMUNITY CENTER

303 LIPOA STREET

KIHEI, MAUI, HAWAII 96753

MAUI ISLAND PLAN MINUTES

1 COMMISSIONERS:  
 2 Wayne Hedani (Chair)  
 3 Bruce U'u (Vice Chair)  
 4 Jonathan Starr  
 5 John Guard, IV  
 6 Kent Hiranaga  
 7 Ward Mardfin  
 8 Donna Domingo  
 9 Lori Sablas  
 10 Warren Shibuya

11 STAFF:  
 12 Jeff Hunt, Director  
 13 David Michaelson  
 14 John Summers  
 15 James Giroux, Corp Counsel  
 16 Kathleen Kern  
 17 Julia Staley  
 18 Mark King  
 19 Dylan Payne

20 TESTIFIERS:  
 21 L. Doug Maccleur  
 22 Pam Daoust  
 23 George R. Harker  
 24 Bryan Sarasin  
 25 Colin McCormick  
 Hannah Bernard  
 Gary Smith  
 Gordon C. Cockett  
 Michael Duberstein  
 Roy Figueiroa  
 Jesse Spencer  
 Elle Cochran  
 Angie Hoffman  
 Katie Douglas  
 Mark Hyde  
 Robin Neubold  
 Karlynn Fukuda  
 Daniel Kanahela  
 Robin Knox  
 Jan Y. Buen  
 Lucienne de Naie  
 Tom Witten  
 Lesley Bruce  
 Irene Bowie  
 Jeanne Skog  
 Susan Moikeha  
 Rory Frampton

1 into the microphone and state your name for the record.  
 2 MR. MACCLEUR: Thank you.  
 3 Chair Hedani and members of this committee, my name  
 4 is Doug Maccleur. And as a former member of GPAC, I commend  
 5 you for reviewing a lot of our plan. That's a hard job, as I  
 6 know.

7 There are three areas that I would like to address  
 8 today, and one of them is important ag. land. The one thing  
 9 that GPAC did agree on was that of protecting the ag. land.  
 10 If it's good ag. land -- If good ag. land goes into  
 11 development, it is gone forever. And if we're ever going to  
 12 feed ourselves, we should do it on good, important ag. land.

13 The second is that --  
 14 Or on good ag. land. I farmed Haliimaile land for  
 15 35 years. I grew a diversified crop and they grew well. That  
 16 land should be protected.

17 Second, I don't think we did a very good job with  
 18 the Kihei Community Plan. We rushed through it too fast. I  
 19 don't think we did an adequate job around the high school or  
 20 tying that all together, and I think that there are better  
 21 plans. The Planning Department did a better plan that we did,  
 22 in my opinion, and so I think that you need to take at that.

23 The third thing is I think Ma'alaea Mauka should be  
 24 protected. And when we look at the gateway to the Pali or  
 25 coming from Lahaina to the gateway to Wailuku, that really

1 PROCEEDINGS:

2 CHAIR HEDANI: (Gavel.) The Planning Commission  
 3 meeting of Tuesday, July 7th will come to order. At this time  
 4 we'd like to open it up for public testimony from the public.  
 5 And I, first of all, would like to apologize for the public  
 6 that I have my back faced towards you, but it's just the way  
 7 that they set it up so that we can view all of the  
 8 presentations that are done as the meeting progresses. If you  
 9 don't like what I say, you can always throw something at me  
 10 from behind and I won't know who you are. Okay?

11 Public testimony is limited to three minutes and  
 12 this is the designated chair for public testimony for  
 13 addressing the commissioners. If you exceed three minutes, we  
 14 have a penalty box out here in the corner. And Julia over  
 15 here has a timer that will signal you when your three minutes  
 16 are up. Okay?

17 Do we have a sign-up sheet?

18 MS. STALEY: They're signing it right now.

19 CHAIR HEDANI: Okay. The Planning Commission has  
 20 held a series of workshops or meetings in various general plan  
 21 community areas in order to get public testimony and public  
 22 input on the plan itself. And I am very happy that we have an  
 23 outstanding participation from the Kihei community.

24 The first person that we'd like to call up to  
 25 testify is Mr. Doug Maccleur. Doug. Please speak directly

1 shouldn't be in housing. It should be open space. Right now  
 2 when the tourist flies into Maui, what do they meet? Costco,  
 3 Kmart and Dairy Road. And if we're going to be a tourist  
 4 economy, we can't muddy our water.

5 Thank you.

6 CHAIR HEDANI: Thank you very much.

7 Questions? Commissioner Mardfin.

8 COMMISSIONER MARDFIN: I want -- You referred to the  
 9 Kihei Community Plan as being not so good. Did you look at  
 10 the Director's road portion of the -- 'Cause the community  
 11 plans were done a long time ago and will be done in the  
 12 future, but were you referring to the Kihei directed growth  
 13 portion of the plan, of the Maui Island Plan?

14 MR. MACCLEUR: Yes. The directed growth where we  
 15 drew boundaries around development areas, I don't think we did  
 16 a very good job.

17 CHAIR HEDANI: Any other questions? Commissioner  
 18 Starr.

19 COMMISSIONER STARR: Yes. Mr. Maccleur, first of  
 20 all, thank you for the work you put into this effort. I have  
 21 a question. What mechanisms do you think would work to really  
 22 light a fire under food production? Because although we  
 23 definitely have plenty of agribusiness, it doesn't seem to be  
 24 making a lot of food that gives us the security of knowing  
 25 that our food supply will not be interrupted. Can you suggest

1 some mechanisms?

2 MR. MACCLEUR: Well, Jonathan, I think that first we  
3 need to provide good ag. land to young farmers. We've -- We  
4 who are in the agribusiness are makule already and we really  
5 need to stimulate the young people. And the Farm Bureau is  
6 doing a bunch of that with ag. in the classroom. We're trying  
7 to stimulate farmers, young farmers with the program at Maui  
8 Community College.

9 But we need to have long-term leases and low cost  
10 water. The problem that we have now is that you can't get  
11 good land on a long-term lease, with few exceptions, with  
12 reasonably priced water. And when we are competing with Oahu  
13 for the major marketplace, which is Oahu, Honolulu; they've  
14 got a lot of cheap land and cheap water on Oahu and they don't  
15 have the transportation costs that we do. So I think that we  
16 need long-term leases, reasonably priced water, and good  
17 transportation and farmers.

18 CHAIR HEDANI: Thank you very much.

19 The next person that we have to testify is Pam  
20 Daoust, to be followed by George Harker.

21 MS. DAOUST: Aloha. My name is Pam Daoust and I'm  
22 speaking on behalf of the Ma'alaea Community Association  
23 regarding the Draft Maui Island Plan's Land Use and Directed  
24 Growth Elements.

25 We have testified many times during the GPAC process

1 Ma'alaea, so what will recharge the Waikapu Aquifer? What is  
2 its sustainable yield?

3 Will this project not be a raid on the Iao Aquifer?  
4 There's no barrier through the two, so this is a distinct  
5 possibility. We all know that the Iao Aquifer is severely  
6 strained. Where will projects already approved, but not yet  
7 built in South Maui get their water? From the same overworked  
8 aquifers? Just because a developer owns a system that taps  
9 into an underground resource does not mean that he owns the  
10 resource itself and can demand first right of use, possibly  
11 depriving others of water. So those are questions that need  
12 to be answered just on the water issue.

13 Planning must ensure sensitivity to the needs of  
14 communities already in place and approved to be built that  
15 already have the go-ahead. And we all know there are some,  
16 what, almost 40,000 units within the urban growth districts  
17 that are proposed. So what are we going to do adding some  
18 outside of it.

19 Ag. lands and open space must be protected for the  
20 future. Traffic problems solved, not worsened. And, indeed,  
21 we are asking you to adopt strict growth boundaries and keep  
22 Ma'alaea rural and open. Mahalo.

23 CHAIR HEDANI: Thank you very much, Pam.

24 Question from Commissioner Starr.

25 COMMISSIONER STARR: Yeah.

1 that Ma'alaea should be excluded as a major growth area and  
2 that our agricultural lands be preserved in agriculture. Both  
3 the Planning Department and GPAC agreed with this.

4 We oppose the newly proposed Ohana Kai Affordable  
5 Housing Project for the exact same reasons that we oppose  
6 Ma'alaea Mauka. We've actually identified eight different  
7 areas of concern, but due to time constraints I'm really only  
8 going to discuss one today and I will leave you a short  
9 summary of the others.

10 Our main concern to discuss today is the lack of  
11 sustainable water for this project. This has not been  
12 discussed. There are two wells drawing from the Waikapu  
13 Aquifer that appear to be designated to serve the Ohana Kai  
14 Project. Each produces a half million gallons per day,  
15 according to a Water Commission bulletin dated July 2006.  
16 Households in Central Maui typically use 800 gallons per day.  
17 At a similar rate of usage, 1,100 new homes there could  
18 consume 880,000 gallons per day. The proposed commercial  
19 center and school, if built, will draw even more, easily  
20 exceeding the long-term capacity of these two routes.

21 We know that the -- there is a third well on the  
22 property. We don't know much about it. We don't know if it's  
23 good water. We don't know what it taps into. But the Waikapu  
24 Aquifer is unproven. It has never supplied continuous water  
25 to a subdivision. And there's very little rainfall in

1 First of all, I believe I heard you say that that's  
2 testimony from the community association.

3 MS. DAOUST: Yes.

4 COMMISSIONER STARR: And so you support the  
5 currently drawn boundaries, which I believe do not include  
6 that project?

7 MS. DAOUST: Yes, we do. Yes. And all of our  
8 testimony to GPAC has been along those lines, that we do  
9 support that. And we have attended many of those meetings  
10 and -- in support of that.

11 So I will leave some of the additional written  
12 comments that we have that are problems that we foresee, but I  
13 did want to talk about water because I don't believe that has  
14 been discussed very much in connection with this location.  
15 Thank you.

16 CHAIR HEDANI: Thank you very much, Pam.

17 Next person to testify is Mr. George Harker,  
18 followed by Bryan Sarasin.

19 MR. HARKER: Here's 15 copies of my remarks.

20 Hello. I'm George Harker aka Dr. Leisure. I'm  
21 going to presume --

22 CHAIR HEDANI: Microphone.

23 MR. HARKER: I'm Dr. George Harker aka Dr. Leisure.  
24 I am going to presume you know who I am since I've spoken to  
25 you on this and other issues many times.

1 The title of my entry is that The South Boundary of  
2 Kihei I Should Be North to Edge of GPAC Directed Growth Map  
3 Makena S3, and that's attached as an exhibit to testimony.

4 The Prince Hotel and surrounding development was far  
5 ahead of its time in 1986. Much was preserved when the more  
6 grandiose aspects of the original plan were not executed.  
7 Now, some 30 years later when the guy who bought those saved  
8 and has been seen and enjoyed by so many, it makes no sense to  
9 totally destroy it.

10 Drive by and look at the Maluaka Project today.  
11 Barren gravel hills where wooded bluffs existed a few short  
12 years ago. Countless endangered species obliterated. And  
13 what is the plan for this area? Irrigate with brackish water  
14 and create an extremely hash environment for selected plants,  
15 create a runoff that will destroy the offshore reef, an area  
16 that is part of a unique marine whale sanctuary like none  
17 other.

18 This area has little to no value as urban town. It  
19 is priceless as land use as preservation or regional park.  
20 Earlier plans saw this value. Indeed, if earlier plans had  
21 the force of law, we would not be having this discussion.

22 Much damage has been done to this area of South  
23 Kihei I and it cannot be corrected easily. But if it is not  
24 stopped, it will be like an unchecked cancer and devour the  
25 land use dash preservation and land use dash regional park to

1 the south.

2 I believe that these truths are self-evident and  
3 support a change in the land use boundary of Kihei I.

4 That concludes my testimony. Thank you.

5 CHAIR HEDANI: Thank you very much.

6 Next person to -- Sorry. Question from Commissioner  
7 Mardfin.

8 COMMISSIONER MARDFIN: I just want a clarification.  
9 You do support the GPAC-directed growth boundary; is that  
10 correct?

11 MR. HARKER: In general, yes.

12 CHAIR HEDANI: Microphone.

13 MR. HARKER: Yes, I do support the boundary.

14 COMMISSIONER MARDFIN: As it is on the map, but not  
15 the Director's recommendation.

16 MR. HARKER: Well, whatever this document shows,  
17 that's what I'm objecting to and I suggest that it be moved  
18 over. The boundary on the printout which I took off the  
19 website shows the boundary right above Makena State Park. I'm  
20 saying it should be extended to the north on the other side of  
21 the Prince Hotel somewhere.

22 COMMISSIONER MARDFIN: Okay. I think -- I was  
23 looking at the map earlier on the wall and I think the red is  
24 the GPAC boundary. The Director's recommendation went further  
25 to the south. So you don't find this acceptable, you want it

1 moved even further to the north; is that correct?

2 MR. HARKER: That's correct. What's presented  
3 there -- What was presented on the website which I reproduced  
4 in here is not good. It should be moved north.

5 COMMISSIONER MARDFIN: Thank you.

6 CHAIR HEDANI: Thank you very much.

7 MR. HARKER: Thank you.

8 CHAIR HEDANI: Mr. Bryan Sarasin, followed by Mr.  
9 Colin McCormick.

10 MR. SARASIN: Good afternoon. I testified before  
11 you the last time you had a meeting. I appreciate the  
12 opportunity of being here.

13 I watched the 6/29 meeting on Akaku and I was very  
14 upset at what was said. First of all, public participation?  
15 The answer is no, not Waihee. Historical/cultural analysis?  
16 Not Waihee. Nobody was consulted. Zoning, land use permits,  
17 land use regulations, agriculture, housing, transportation  
18 system, economic, social, environmental, schools, cultural  
19 resources, water, water, water, kuleanas, cultural resources,  
20 where were we, the Waihee community?

21 GPAC, the same thing. I don't have to go over the  
22 same thing. Public engagement for the Waihee community,  
23 public community outreach? None. Infrastructure, water,  
24 protecting the natural environment, preserving cultural and  
25 traditional practices? Not even close. And, of course, I'm

1 not really going to go over this again when you folks were  
2 asked to come to the community, but we were turned down.

3 Just a reminder: The Waihee Community Association  
4 is actively seeking input from Kahakuloa; Kupuna; Waihee;  
5 Waiehu Kou I, II, III and IV; also Upper Waiehu -- Upper and  
6 Lower Waiehu; as well as possibly public participation in our  
7 Waihee General Plan. A plan that the community wants, not  
8 what the developers want. Waihee is a farming community, not  
9 a gentlemen's estate community.

10 We are saying you need to listen to us. Enough is  
11 enough. And water, again, is a major issue. And we don't  
12 even have enough water right now with the wupas for all of  
13 kuleanas as well as everybody else. Thank you.

14 CHAIR HEDANI: Thank you very much, Mr. Sarasin.

15 Question from Commissioner Starr.

16 COMMISSIONER STARR: Yes.

17 Mr. Sarasin, I would like to suggest that the  
18 community examine the directed growth map as it stands now,  
19 the latest iteration, in light of the built environment. I  
20 believe that -- I'm sure that the department would help with  
21 that so you have an understanding of what's existing and what,  
22 you know, is just being made to conform with what exists. And  
23 look at those areas that are not built now that the community  
24 may have a problem with, and then come back to us with a more  
25 specific recommendation over where those lines be.

1 Because you can't -- It doesn't really make sense to  
 2 say there should not be any lines because a lot of it's built.  
 3 And where it's built, you know, it's hard to justify not --  
 4 MR. SARASIN: Yes.

5 COMMISSIONER STARR: -- making that conform. But in  
 6 the -- there are some areas that are not built, and that would  
 7 be useful for the members to understand where the community  
 8 has a difference of opinion with what is currently on the map.  
 9 Can you do that for us?

10 MR. SARASIN: Yeah. Actually, we're having a  
 11 community meeting Thursday night and we're also dealing with  
 12 the planning. And what we're in the process of right now, Mr.  
 13 Starr, is actually trying to draw up our own plan that we can  
 14 bring to you folks and show you what the community wants, what  
 15 the community does not want. And it's just been frustrating  
 16 for us because of everything that's been happening and we're  
 17 very upset, but we know that we have to submit a plan to you  
 18 folks so that at least you can see where we're coming from,  
 19 where the community wants to go. And I really appreciate that  
 20 comment. Thank you.

21 COMMISSIONER STARR: And I ask you, please, not be  
 22 upset because you're in the loop and you're in the discussion  
 23 and that's what it's supposed to be. So as far as I'm  
 24 concerned, it's working.

25 MR. SARASIN: Okay. Well thank you very much. I

1 appreciate that comment.

2 CHAIR HEDANI: Thank you very much.

3 MR. SARASIN: And I'm not a public speaker, so bear  
 4 with me. Thank you.

5 CHAIR HEDANI: That's okay. You did very well.  
 6 Commissioner Mardfin.

7 COMMISSIONER MARDFIN: I don't know if it's quite  
 8 appropriate or not, but I'd like to ask the Director a  
 9 question that might relate to this testimony.

10 CHAIR HEDANI: Can we hold that thought and then  
 11 just get through all of --

12 COMMISSIONER MARDFIN: All right. Fine.

13 CHAIR HEDANI: We have 26 people that have signed  
 14 up, so I'd like to get through all the testifiers before the  
 15 sunset.

16 Next person to testify is Mr. Colin McCormick, to be  
 17 followed by Hannah Bernard. Mr. McCormick.

18 MR. McCORMICK: Aloha, Planning Commissioners. I'm  
 19 here to testify today in support of an urban growth boundary  
 20 above Puu Olai. I think this is where the line needs to be  
 21 finally drawn. It's gone on -- Sprawl has gone on for so long  
 22 South Maui, there's so many good reasons why this last -- that  
 23 spot down there is critically important. I can go on and on.  
 24 And you guys probably know a lot of this stuff. You've heard  
 25 it over and over again, but I feel have to say it over again

1 because I've seen so much of it.

2 The first thing, archaeology is huge down there. I  
 3 know there's a lot of people that are interested in Hawaiian  
 4 history and stuff. And, you know, I've been a student of aina  
 5 now for about 12, 14 years, 13 years, and this is one of the  
 6 gems on Maui that I truly have to stand up for in terms of  
 7 archaeology. Some of the most intact archaeological sites  
 8 left.

9 And it just kind of makes me sad when I go down and  
 10 see the accessible sites being camped on and people walking  
 11 over them, you know. It seems like there's already too many  
 12 people there already and not enough management going on to  
 13 keep people educated about these ancient sites. So I worry,  
 14 you know, if this land beyond Puu Olai area is going to be  
 15 urbanized, you know, what's going to happen to those sites,  
 16 you know. Some dating as far back with carbon dating to 700  
 17 AD. Ancient sites that I really love. Sites that -- sites  
 18 that are truly precious.

19 Okay. Ahihi-Kinau Natural Area Reserve, that's  
 20 another huge one right there. Probably mentioned by so many  
 21 marine biologists as the best spot to go snorkeling to really  
 22 see what a marine ecosystem looks like. I don't know if any  
 23 of you guys have been in the waters out there, but it's  
 24 incredible. This place is going to be -- It's already had too  
 25 many people visit in the past, that's why they had to shut it

1 down, because it's such a fragile place.

2 There's all kinds of ecosystems out there. The  
 3 alkaline ponds that house, you know, unique shrimp only found  
 4 there, nowhere else in the world. And, unfortunately, there's  
 5 a Blue Book that tells people to go there, so they're going to  
 6 keep going there. And the more people that are in that area  
 7 directly, it's going to be more direct impacts, you know,  
 8 things like that.

9 And endangered animals is another thing I've become  
 10 very concerned about. I've been, you know, studying the  
 11 animals down there and teaching my friends about the plants  
 12 and animals down there and all throughout Hawaii. And it is  
 13 pretty significant as well what's down there. It's amazing to  
 14 go down into one spot and see five different types of an  
 15 endangered animal from the Hawaiian bat, the Hawaiian monk  
 16 seal -- not just swimming, but actually coming on the rocks --  
 17 the Hawaiian monk seal, the critically endangered hawksbill  
 18 turtle which is born out of the sand at Oneloa, the Hawaiian  
 19 Coots --

20 CHAIR HEDANI: Three minutes, Mr. McCormick. If you  
 21 can finish up, please.

22 MR. McCORMICK: And another -- another one that's  
 23 really not been mentioned is the (Inaudible) Blackbirds,  
 24 another endangered hummingbird moth that's found all  
 25 throughout those lands. Go down to Keoneoio, anywhere Makena

1 where the Nicotiana plant's growing and there's still habitat  
2 area. So we've got a lot of endangered animals that we've got  
3 to look out for down there. And there's many biologists that  
4 feel this, you know, and they can't speak because they work  
5 for agencies, but --

6 And the last thing, the people -- I think we all  
7 know how important this place is not just for the South Maui  
8 community, but it's a place where my friends go, a lot of  
9 local construction workers, you know, that work nearby.

10 CHAIR HEDANI: Thank you very much, Mr. McCormick,  
11 your time is up.

12 Questions from the Commission? Commissioner  
13 Mardfin.

14 COMMISSIONER MARDFIN: This is going to be real  
15 quick. You referred to a lot of places. I would give you the  
16 same advice that Commissioner Starr gave the previous speaker.  
17 If you can identify exactly where you would put the boundary,  
18 that would be very helpful. I don't -- I can't tell from your  
19 testimony whether you like the Director's boundary, whether  
20 you like the GPAC boundary, or whether you're like Dr. Harker  
21 and you want it moved further north than that. But if you can  
22 somehow get a map and show us where -- later submit it so that  
23 the Commission knows where it is that you're talking about.

24 MR. McCORMICK: I can gladly do that.

25 COMMISSIONER MARDFIN: Thank you.

1 nighttime reading about the history of the hawksbill sea  
2 turtles. We've research doing research on hawksbill sea  
3 turtles, the 'Ea or Honu'ea in Hawaiian, for the last 13 years  
4 here. And there have been four different years where the  
5 hawksbill has nested there at Oneloa, on Big Beach, Makena.

6 And so I am supportive of the currently proposed  
7 GPAC boundary for urban growth on the Kihei side of Puu Olai,  
8 not pushing that boundary past Puu Olai as the Director's  
9 recommended boundary currently states. The reason for this is  
10 because the Ahihi-Kinau Natural Area Reserve is so significant  
11 and my testimony summarizes its significance. It was  
12 designated 30 years ago because of geological, cultural,  
13 biological, historical -- There's so many things about it that  
14 are unique. It's a reserve. It's not a park.

15 In our research there for six years we recorded the  
16 human impact of that area and recorded an average of 721  
17 people per day on average coming to that area. This was  
18 before any development pushed past Puu Olai. So my fear is --  
19 and many of us who work down there and care about this place  
20 is that allowing additional urban growth down that way will  
21 then also bring additional human impact.

22 And as Collin mentioned previously in the last  
23 testimony, a large part of the reserve is now closed. We  
24 cannot even access it, us who live here, those of us who have  
25 been going there for years. It's closed. It needs to rest.

1 CHAIR HEDANI: Any other questions from the  
2 Commission? Commissioner Starr.

3 COMMISSIONER STARR: I was going to ask that last  
4 question, but good to see you, Mr. McCormick.

5 MR. McCORMICK: You, too.

6 CHAIR HEDANI: Okay. Thank you very much, Mr.  
7 McCormick.

8 Next person to testify is Hannah Bernard, to be  
9 followed by Gary Smith. If you could just state your name for  
10 the record, please.

11 MS. BERNARD: Aloha. Mahalo for coming to Kihei.  
12 We really appreciate you coming out to the communities. As I  
13 mentioned at the last meeting, you know how important that is.  
14 My name is Hannah Bernard. I'm president of Hawaii Wildlife  
15 Fund.

16 Can you hear me okay?

17 And we've been working down in the Ahihi-Kinau  
18 Natural Area Reserve and beyond it to Keoneoio and the  
19 La Perouse Bay area for the last 12 years. And I want to  
20 speak directly to this area since you are in Kihei. And we've  
21 spoken about the urban growth boundaries previously and will  
22 continue to speak about them, but focus in South Maui today.

23 What I have is seven pages of testimony. I'll  
24 summarize and then pass it around. And I have some additional  
25 background documentation for those of you who want to do some

1 That was the recommendation based on our research and the  
2 research of the Natural Area Reserves Commission and the  
3 biologists who work down there.

4 So in the face of this very special place, we need a  
5 Greenbelt. We need a Greenbelt which will stop the  
6 urbanization on the Kihei side of Puu Olai. Add in a  
7 Greenbelt. And a Greenbelt means just leaving it open space,  
8 for one thing. And allowing the existing houses to remain  
9 there, but not allowing additional development, certainly not  
10 urban zoning. That's completely inappropriate for the water  
11 issues, for the potential problems with sewage treatment which  
12 we still currently have major problems with now. They're not  
13 resolved for Kihei as they are today. And for all of the  
14 wildlife down there, for the cultural sites, for the view  
15 plains, the integrity of that area; it needs to remain so.

16 I'd also like to add that I also support adding  
17 Kealia, the Kealia Pond area in the middle of the island,  
18 North Kihei, into the Special Management Area Zoning District.  
19 Did -- I think we've already talked about this before and I  
20 wasn't sure if you actually did that or you have -- you can't  
21 do that already. It wasn't on one of the maps; right?  
22 Anyway, I recommend and support that being added into the  
23 Special Marine Managed Area District. And I think it's really  
24 great so much of the urban growth boundaries that both the  
25 Director and the GPAC have designated have been really good

1 ones for the most part.  
 2 Thank you. Mahalo.  
 3 CHAIR HEDANI: Thank you very much, Hannah.  
 4 Any questions from the Commission?  
 5 Thank you very much.  
 6 Next person to testify is Mr. Gary Smith, to be  
 7 followed by Gordon Cockett.  
 8 MR. SMITH: Aloha. My name is Gary Smith. And this  
 9 is kind of weird. I just testified three or four weeks ago in  
 10 front of you for the zoning. I have never done this before,  
 11 so I'm always -- I'm just very nervous.  
 12 I wear many hats in the Ma'alaea area. I'm a  
 13 business owner. I'm the owner of the Waterfront Restaurant.  
 14 We've been there for 19 -- 30 years now the restaurant has  
 15 been there. We've owned it for 19. One of my other hats, I'm  
 16 president of the Ma'alaea Community Association. I've been on  
 17 the community association for 19 years. And one of my other  
 18 hats, I'm president of our condominium association in Milowai.  
 19 I'm real familiar with the Ma'alaea area.  
 20 And I'm speaking on behalf of all the people I know  
 21 in Ma'alaea. We are not against affordable housing at all.  
 22 As a matter of fact, we're all for affordable housing. I  
 23 actually have employees who are on the wait list to get  
 24 affordable housing, so I understand how important that is.  
 25 Our main concern, if you -- just in a common sense area to

1 about putting 1,100 homes at that spot and people all trying  
 2 to get home at dinner time and having something like accident  
 3 stop the road. It's just not a good spot. Thank you.  
 4 CHAIR HEDANI: Thank you very much, Mr. Smith.  
 5 Question from Commissioner Starr.  
 6 COMMISSIONER STARR: Yeah. Just for clarification,  
 7 does that mean that you're in favor of the current Director's  
 8 map which does not include that project?  
 9 MR. SMITH: That is correct.  
 10 COMMISSIONER STARR: Okay.  
 11 CHAIR HEDANI: Thank you very much, Mr. Smith.  
 12 Next person to testify is Mr. Gordon C. Cockett, to  
 13 be followed by Mr. Michael Duberstein.  
 14 MR. COCKETT: Aloha. My name is Gordon C. Cockett  
 15 and although I have now lived in Lahaina for the past 25  
 16 years, I come from Waikapu and have much aloha for this side  
 17 of the island. I would like to thank the members of GPAC for  
 18 the dedicated services that they have provided us these past  
 19 many months. What an outstanding job they have done. Now  
 20 it's your turn and I like what you're doing.  
 21 My first comment today is about the growth  
 22 boundaries established at Makena. I would like to commend  
 23 those responsible for their work in this area where the  
 24 boundary is established before encroaching on to the Makena  
 25 Golf Course with their reportedly 150 cultural sites that

1 put -- to change this area into an urban area and have that  
 2 many homes there, if you're familiar with just the geographics  
 3 of the area, this is a funnel to get to the other side of the  
 4 island. And every time there is a car accident on the highway  
 5 or a fire on the highway, the highway shuts down. Creates  
 6 situations like it did last week where we had to close the  
 7 Waterfront Restaurant. Employees can't get there. I have  
 8 people that live in our buildings. They can't get home. They  
 9 had to get overnight accommodations in Kihei because they  
 10 could not get home for the evening. I just can't picture it  
 11 in common sense.  
 12 And I'm not against adding more affordable housing  
 13 to Maui. And I don't want to say it's not my back yard, but  
 14 geographically to put it in an area that's kind of a funnel to  
 15 get to the other side where for people who live in that -- in  
 16 the -- in one of the houses there, who lives in Kaanapali to  
 17 get home, any small accident, any fire on that highway will  
 18 shut it down. People can't get home. And to add that many  
 19 people trying to get home at 5, 6, 7 o'clock, I think it would  
 20 be a mistake and I think that it would be just something you  
 21 don't want to see happen.  
 22 And I feel very strongly about it. I didn't know I  
 23 was going to be here today to tell you about this, but just on  
 24 a common sense basis it doesn't make sense. I'm all for the  
 25 affordable housing, the community is for it, but just think

1 should never be disturbed.  
 2 But my main -- my main concern here is for Ma'alaea.  
 3 I announced -- The announced plan for development of some  
 4 1,100 homes mauka of the highway is not pono. First of all,  
 5 there are no employment opportunities anywhere nearby. There  
 6 are no schools in the area. It is in the middle of nowhere  
 7 bordering two traffic-lighted major intersections which are  
 8 heavily used now. There is a potential for at least 2,200  
 9 cars from this proposed development to be added to the already  
 10 busy highways. What's next? A plan for a six-lane highway  
 11 like Honolulu had to do? I say no.  
 12 This developer did a huge amount of good in Wailuku  
 13 and they have made millions in the process. Why does he want  
 14 to ruin this quiet place? Build these homes first that make  
 15 up Waikapoki Road? Not pono, ladies and gentlemen. I  
 16 understand that the developer plans a private water system for  
 17 this. Is he willing to underwrite several million dollars of  
 18 insurance coverage if it fails? Or how about if he puts up  
 19 several million dollars as an endowment?  
 20 I also understand that he plans a private wastewater  
 21 treatment system. Just what we need on this island, another  
 22 private wastewater system. How deep will it have to be to  
 23 protect the already badly damaged reefs at Ma'alaea? Too far  
 24 inland? Not on your life. Is he willing to underwrite  
 25 several million dollars of insurance coverage in case it

1 fails?

2 These are necessary thoughts for our future, ladies  
3 and gentlemen. Remember what Molokai Ranch did. Remember,  
4 too, the proposed area is outside of the recommended growth  
5 area. Mahalo for your attention.

6 CHAIR HEDANI: Thank you very much, Mr. Cockett.

7 Next person to testify is Mr. Michael Duberstein, to  
8 be followed by Ray (sic) Figueiroa.

9 MR. DUBERSTEIN: Aloha kakau. I want to start off  
10 by commending the extremely valuable work done by GPAC and by  
11 your planning staff. No one would have gotten anywhere this  
12 far without an immense amount of dedication and hard work by  
13 the staff and I think they really need to be commended. And I  
14 think we need to also deal with what the staff has recommended  
15 as well as what's coming now from the Director.

16 My one recommendation is that you hold fast to the  
17 GPAC-recommended border at Makena. Don't go past it. Now,  
18 why? Let me go back to three quarters of a year ago at the  
19 GPAC meeting that was held at MCC and at that meeting I asked  
20 David Michaelson: What have you built into these plans to  
21 account for gasoline at \$250 a barrel? And at that point  
22 there really wasn't an answer. Then after that the price of  
23 oil dropped, but now it's going right back up again. And  
24 these parameters are going to have an immense effect on where  
25 you and me and my daughter, all our grandchildren, the seven

1 generations are going to be dealing with until 2020 and 2030.

2 I'm an economist and I will tell you that after all  
3 my very expensive education, the one answer you get in  
4 economics to any issue is: It all depends. Listen to the  
5 economists. That's what they'll tell you. Now, we don't know  
6 here what things are going to be like in the coming years, but  
7 I as an economist can tell you that unless Maui moves away as  
8 quickly as possible from a tourist-based economy over which we  
9 have no control and you have no control to one which is more  
10 sustainable, one which follows these GPAC guidelines, that  
11 we're never going to accomplish the type of growth that a  
12 fully self-fulfilling community needs. And we do need that.

13 We don't have any of the farmers' markets that we  
14 need. We don't have the growth of small farms yet. We need  
15 small businesses, small green businesses. And so I urge you  
16 to take a look at this now in the light of how the economy is  
17 changing, because it's certainly changed since the beginning  
18 of this process. And where is it going to be when you get to  
19 your votes and to the council votes?

20 Mahalo and I appreciate being here -- able to be  
21 here.

22 CHAIR HEDANI: Thank you, Mr. Duberstein.  
23 Any questions from the Commission?

24 Next person to testify is Mr. Ray (sic) Figueiroa.  
25 I'm sorry. Commissioner Mardfin.

1 COMMISSIONER MARDFIN: Can I see -- He brought  
2 testimony. I think if you give that to the staff they can  
3 (inaudible).

4 MR. COCKETT: This is GPAC's own Directed Growth  
5 Guideline Use Principles, which I think you have.

6 CHAIR HEDANI: Thank you very much.

7 MR. COCKETT: Thanks.

8 CHAIR HEDANI: Mr. Ray (sic) Figueiroa, to be  
9 followed by Mr. Jesse Spencer.

10 Ray (sic), please state your name for the record.

11 MR. FIGUEIROA: Roy Figueiroa. Sorry about the  
12 handwriting.

13 I've been associated with Makena Resort for about 26  
14 years with the former owners and now with the present owners.  
15 And so what I would like to give is some background as to why  
16 we -- and I believe we've handed out the maps that we made  
17 along with written testimony. If I could just summarize some  
18 of that.

19 She's -- This is Tia Ferguson. She's holding up the  
20 map.

21 And the left edge of the map looking at it right now  
22 is the north side of the property. The right edge is the  
23 south side. Now, we've asked that you consider expanding the  
24 boundary, the urban growth boundary as shown on the maps. If  
25 you look to the immediate north of our property, that's the

1 Wailea 670 or Honuaula Project, which is designated as urban  
2 growth. So we are asking that the commission consider keeping  
3 the urban growth boundary consistent with the community plan.  
4 And that's what these show. The entire area is consistent  
5 with the community plan.

6 If you look at the boundary up there that's drawn  
7 by -- First of all, I think on your map it's blue. It comes  
8 out purple on that one that she's holding. If you look at the  
9 urban growth boundary from the GPAC, it goes from mauka to  
10 makai, top to bottom at the south edge right through the golf  
11 course property. So what it does is it eliminates 10 holes --  
12 excuse me, 12 holes of the golf course. It seems kind of an  
13 unusual way of breaking up the urban area.

14 Also, that golf course along with the properties  
15 immediately above the GPAC's urban growth boundary and the  
16 golf course above that and then also to the south of the urban  
17 growth boundary shown by the GPAC, that was just zoned --  
18 rezoned in January of 2009. Now, we know that that went  
19 through almost 10 years of review and discussion before it was  
20 finally approved to be consistent with the community plan.

21 The Director's or the Planning Department's that  
22 she's holding to your right there did extend the boundary to  
23 the south edge there of the golf course. However, the  
24 additional area we're asking for is consistent with the  
25 community plan and the zoning. And that zoning to the south



1 of that line was made in 1969 with the Land Zoning Map No. 5.  
 2 So we're asking that you consider what was done  
 3 before. We know that, you know, we can always look back and  
 4 say, well, you know, we don't want to make the same mistakes;  
 5 but sometimes we concentrate on thinking that's all that was  
 6 made was mistakes, but really all the good and discussion that  
 7 went into it, you should consider that, too. And there was a  
 8 lot of discussion. For example, the 1998 Community Plan  
 9 started discussion in 1992 and was adopted in 1998.

10 So we would like you to consider -- we know it's a  
 11 difficult thing, but we would like you to consider the  
 12 extending the boundaries as shown on the maps.

13 CHAIR HEDANI: Thank you very much, Mr. Figueiroa.  
 14 Sorry I said Ray. It's Roy. Maka piapia, sorry.

15 Okay. Question from Commissioner U'u.

16 COMMISSIONER U'U: Yeah. Question, Roy. What is  
 17 the difference in acreage between the two?

18 MR. FIGUEIROA: Between ours and GPAC's?

19 COMMISSIONER U'U: What was -- What did you guys  
 20 rezone again and GPAC, what was the difference in acreage?

21 MR. FIGUEIROA: Well, if we look at what was in the  
 22 community plan and what GPAC has, I think --

23 Can you bring up that map?

24 It shows about one-third of the acreage only in  
 25 GPAC's, so that would leave about 350 on the north side that

1 I don't see a single person from Ma'alaea that's  
 2 going to provide a job or provide affordable housing. They're  
 3 concerned about -- One of them approached me right before we  
 4 came up here about the fires. Okay. We're going to take 257  
 5 acres that's not going to catch fire.

6 And so I'm just kind of disgusted, you know. I've  
 7 listened to affordable housing -- I've talked about -- heard  
 8 the thing for three or four years now and I don't see anything  
 9 that is going to help the situation right now. Right now I'm  
 10 proposing to do 1,000 affordable housing, 100-percent  
 11 affordable, starting at the 80th percentile. Starting at  
 12 260,000 for a three bedroom, two bath, solid front yard,  
 13 fenced in yards, solar hot water on the roof. \$260,000. If  
 14 any of these other people want to testify and can do that, I  
 15 would like for them to come up.

16 I'm in a position to make a difference. And so I've  
 17 got a bunch of my brochures up here so I guess I'm working the  
 18 room, too, but I want you to take a look at it. We talk about  
 19 infrastructure, I have answered every infrastructure question  
 20 that has been asked. And I would welcome any question that  
 21 any of you might have because I have taken everything that I  
 22 can -- anyone has given me into consideration.

23 And so, again, I would like to answer any questions.  
 24 I'm ready to go work and solve some of these problems. And so  
 25 I don't -- I haven't heard anything else come up here that

1 we -- they left out, and I would say about maybe 200 on the  
 2 south side or 250. And that includes the existing golf  
 3 course.

4 COMMISSIONER U'U: Thank you.

5 CHAIR HEDANI: Thank you very much, Mr. Figueiroa.

6 MR. FIGUEIROA: Thank you.

7 CHAIR HEDANI: Next person to testify is Mr. Jesse  
 8 Spencer, to be followed by Elle Cochran.

9 MR. SPENCER: Good evening. I'm Jesse Spencer and  
 10 this is my wife Joyce. And she's up here for moral support  
 11 and my ears are bad and so if there's something that I don't  
 12 understand, she can tell me and I'll try to answer it.

13 First of all, now I've been watching all the  
 14 testifiers come up here. I don't see a single one that looks  
 15 like he needs a job. Now, then, I'm in the construction  
 16 industry. Over 50 percent of the local people on Maui are out  
 17 of work right now.

18 Yeah, okay.

19 Anyway, right now if we follow the direction that  
 20 we're getting right now there's nothing that I can see that  
 21 will become available within the next two or three years. I  
 22 had a display at the -- oh, the home show just a week ago and  
 23 we still had -- we had 800 new people sign up for affordable  
 24 housing. We still have 3,000 people from a lottery that we  
 25 had four years ago.

1 looked like they were even close to solving the problem.  
 2 That's all I have to say.

3 CHAIR HEDANI: Thank you very much, Mr. Spencer.  
 4 Any questions from the commission?

5 Thank you very much.

6 MR. SPENCER: Yeah. It's really surprising that  
 7 there's no questions. Thank you.

8 CHAIR HEDANI: Thank you.

9 Next person to testify is Elle Cochran, to be  
 10 followed by Angie Hoffman.

11 MS. COCHRAN: Thank you, everyone, for being here.  
 12 My name is Elle Cochran. And first I just want to say I do  
 13 support the Ma'alaea UGB that's being proposed now. And no  
 14 disrespect to Mr. Spencer for what I'm going to testify on  
 15 now.

16 I don't agree with urbanization in the Ma'alaea  
 17 area. I believe there will be a lot of negative impacts  
 18 there, especially the impacts on our traffic to and from West  
 19 Maui where I do live and commute practically daily. Doug  
 20 Macclieur touched on it also about keeping the place open  
 21 space. It's a scenic corridor, you know. Our visitors when  
 22 they first come off the plane, like you said, you got a  
 23 Costco, you got a Krispy Kreme, Kmart. I mean, how Hawaiian  
 24 is that, you know? They can see that back home.

25 And it's such a large scale development that will

1 put that much more traffic in this bottleneck area. It is the  
 2 neck of our island right there. And, again, I'm not against  
 3 affordable housing. Like others have expressed, it's just not  
 4 right location. It is a good development. It's just in the  
 5 wrong area, I believe. Such a thing needs to be in an  
 6 existing -- where infrastructure is already such as police,  
 7 schools, fire department. This is a very fire prone area, as  
 8 we all know from recent events. And, you know, I'd rather see  
 9 food grown there that's more -- you know, that would feed  
 10 ourselves. And this is prime ag. land.

11 Private water wells I believe will not be very  
 12 reliable. It's not a sustainable source. It'll further  
 13 deplete our existing -- minimal existing stream flows. And,  
 14 you know, you can't forget what happened at Molokai Ranch, you  
 15 know. That incident was horrible. So (inaudible), erosion,  
 16 runoff, you know, drainage into the ocean will further damage  
 17 the marine environment in the Ma'alaea area.

18 And, you know, this point ties in with me speaking  
 19 about supporting approving the GPAC UGB in the Makena area,  
 20 also, the Kihei and Puu Olai, around Makena State Park.  
 21 Hannah Bernard mentioned this. Urbanization in this area also  
 22 will put a lot of negative impacts on this already stressed,  
 23 overrun conservation NAR.

24 I do have over a thousand plus signatures here on a  
 25 petition that was gathered by many people out of our community

1 and it states that it wants to protect lands in the Makena  
 2 area.

3 I just wanted to briefly touch, too, that, you know,  
 4 in the Honuaula area where I live, Kapalua, there's some urban  
 5 growth boundary lines there and, lo and behold, we still have  
 6 gated communities and golf courses outside of those lines. So  
 7 where is the enforcement on these lines that we're talking  
 8 about? These lines that we want to see on these maps to help  
 9 protect, you know, special, culturally sensitive areas when,  
 10 you know, with my own eyes I drive past it every single day  
 11 going home. It didn't matter. These lines are drawn on the  
 12 map, but yet there's still development outside of it. So, you  
 13 know, I just want to know how can we guarantee these lines  
 14 will be enforced.

15 And I -- you know, it's just -- Let's preserve what  
 16 we have. Mahalo.

17 CHAIR HEDANI: Thank you very much, Elle.

18 Questions from the Commission? Commissioner U'u.

19 COMMISSIONER U'U: Just a question. Being that  
 20 you're for affordable housing, where do you propose to put  
 21 affordable housing? Being we have someone in the audience who  
 22 will go above and beyond -- just a question now -- what's  
 23 recommended in the Workforce Housing Ordinance, which is 50  
 24 percent. They're say there's 30,000 homeless, homeless kids  
 25 living with parents that haven't signed up on this. So as a

1 problem solver, as a solution, where do you propose to put  
 2 affordable housing within the County of Maui? And, also, does  
 3 the owners know that you propose such a thing? Because you  
 4 have to find the land, you have to find the developer to  
 5 propose that. And I'm asking you where do you propose to put  
 6 affordable housing?

7 MS. COCHRAN: Well, I -- with another group I'm  
 8 involved with we're looking at 40 acres in the Maui Lani  
 9 section, you know, that ties in with the schools and more  
 10 infrastructure directly near it in that area.

11 COMMISSIONER U'U: How much is proposed there of  
 12 affordable housing?

13 MS. COCHRAN: Well, it's 40 acres, all affordable.

14 COMMISSIONER U'U: Being we've got at least 4,000  
 15 people looking for affordable homes.

16 MS. COCHRAN: Well, I think a lot of developers, you  
 17 know, they -- that's one of their -- they need to be  
 18 accountable for providing that. You know, me, not being a  
 19 developer, I can't say where I would put it.

20 COMMISSIONER U'U: But you're saying where you don't  
 21 want it, so I'm just asking where would you want it?

22 MS. COCHRAN: I don't have all the answers, that's  
 23 for sure, but I'm just stating what I -- the negative impacts  
 24 I see in such a -- you know, if it's in this corridor.

25 COMMISSIONER U'U: And I agree with negative

1 impacts, but at some point we have to be looking at some of  
 2 the positive impacts.

3 MS. COCHRAN: I mean, you know, 10,000 units being  
 4 proposed in West Maui, I would not be for 10,000 affordable  
 5 units in West Maui. That would be way too much development  
 6 for my taste, you know. So a certain amount, great; but  
 7 10,000 units of affordable I think is over doing it, too,  
 8 although we do need it.

9 CHAIR HEDANI: Thank you very much, Elle.

10 Any other questions from the Commission?

11 Thank you very much.

12 Okay. The next person to testify is Angie Hoffman,  
 13 and following Angie there's someone that signed up here by the  
 14 name of Katie. If I can have you come up and give me your  
 15 last name. And after Angie testifies, we're going to go ahead  
 16 and take a five-minute recess for our stenographer.

17 So the next person is Angie Hoffman.

18 MS. HOFFMAN: Hello. I'm Angie Hoffman. I grew up  
 19 here in South Maui and I work for the Hawaii Wildlife Fund.

20 I'm here before the Planning Commission once again to support  
 21 the GPAC's recommendation of the urban growth boundary near  
 22 Puu Olai and the Makena State Park. Not the Planning  
 23 Department recommendation, the GPAC one. I've shared with you  
 24 at other meetings some of the reasons I support this and  
 25 out -- I have outlined these on the papers -- one of the

1 papers I'm handing out.

2 I just wanted to comment on what the Makena Resort  
3 project had come up and said earlier about the ten existing  
4 golf holes that the UGB would be cutting out. I just want to  
5 note that those golf holes are surrounded by many, many un- --  
6 at present undisturbed archaeological sites and most of that  
7 area is very undeveloped. And so, you know, basically saying  
8 that it's already golf course I don't think is a good  
9 argument. And I think it would be fine to keep the  
10 surrounding around those holes as it is.

11 Nothing personal to the project or the developer or  
12 anyone involved, but I really think the UGB is a really good  
13 idea where the GPAC had designed it. I also wanted to mention  
14 that, you know, the idea that this UGB would not be stopping  
15 jobs. The project has many, many acres to build on. So I  
16 think that, you know, the -- again, a very good boundary for  
17 limiting urbanization.

18 Today I wanted to talk about the one meter sea-level  
19 rise that we have been warned about in this area. The hazard  
20 map that I am passing around shows that all of Makena State  
21 Park is in a tsunami zone. That is what the crosshatching is  
22 on the map. The blue parts indicate where we have been warned  
23 of a one meter sea-level rise. There are three wetlands or  
24 loko in the park that could overflow in that scenario. As I  
25 said before, a buffer around the park would make sense. We

1 will need a park that my generation's kids and grandkids will  
2 enjoy.

3 Sea-level rise is already affecting other Pacific  
4 islands. In Banawatu rising sea levels have forced the  
5 relocation of an entire village. The UN Climate Conference in  
6 Montreal was told that this is the beginning of a trend in the  
7 area, that several other coastal communities in the world are  
8 vulnerable to sea-level rise, but Pacific islanders are most  
9 at risk. The conference was told that 2,000 people off of New  
10 Guinea are preparing to move to a nearby island as a result of  
11 rising sea levels. These are extreme cases of a trend that  
12 hopefully won't happen here for a long time, but my point is  
13 we need to think about future generations and if they will be  
14 able to enjoy the same parks we do or those parks that have  
15 been surrounded by urbanization will even exist because of  
16 sea-level rise.

17 I'm just going to wrap up by saying, you know, I  
18 know some people argue that luxury development is an economic  
19 engine of Maui; therefore, it's not practical to say don't  
20 build anywhere near the coast. But we need to think about key  
21 places on the island that make sense to set aside for future  
22 generations. Thank you very much.

23 CHAIR HEDANI: Thank you very much, Angie. Question  
24 from Commissioner Starr.

25 COMMISSIONER STARR: Ms. Hoffman, just for

1 clarification, where do you feel the southern boundary of that  
2 Kihei I should be in relation to Puu Olai.

3 MS. HOFFMAN: I agree with the GPAC recommendation.  
4 I think that is better than the Planning Department  
5 recommendation. Thank you.

6 CHAIR HEDANI: Thank you very much, Angie.

7 At this time we're going to go ahead and take a  
8 five-minute recess. And when we come back the first person to  
9 testify will be Katie Douglas, followed by Mark Hyde. We're  
10 in recess. Thank you very much.

11 (Pause in Proceedings: 3:07-3:18)

12 CHAIR HEDANI: Okay. If we could have the  
13 commissioners seated, please. The next person we will have to  
14 testify will be Katie Douglas, to be followed by Mark Hyde.

15 If I can call Katie Douglas up to testify, please.

16 MS. DOUGLAS: Okay. Aloha. I'm Katie Douglas. And  
17 I just recently graduated from Baldwin High School, class of  
18 '09. So I'm here to present to you a youth petition some  
19 students at my school, Baldwin, wrote to support the urban  
20 growth at Makena State Park. We have here 147 student  
21 signatures collected.

22 Basically, we, the future voters of Maui, agree with  
23 the GPAC's position to preserve the lands around Makena State  
24 Park. It is the beauty and culture of these islands that  
25 makes our home unique and protecting these lands from any

1 further development will benefit Maui's future generations by  
2 preserving open spaces, protecting and restoring natural and  
3 cultural resources for education and ecological purposes. We  
4 support all efforts by the County to protect these important  
5 lands.

6 I know I speak for the youth when I ask that you  
7 please think of future generations when you make your vote.  
8 Thank you.

9 CHAIR HEDANI: Thank you very much. Question from  
10 Commissioner Starr.

11 COMMISSIONER STARR: Yeah. And it's great to hear  
12 the voice of Maui's youth. As far as where the boundary  
13 should be, can you give us a definition? Are you  
14 supporting --

15 MS. DOUGLAS: We are in support of the GPAC  
16 boundary.

17 COMMISSIONER STARR: Okay. In other words, nothing  
18 south of Puu Olai.

19 MS. DOUGLAS: Yeah.

20 COMMISSIONER STARR: Thank you.

21 CHAIR HEDANI: Thank you very much, Katie.

22 The next person to testify is Mark Hyde, to be  
23 followed by Robin Neubold.

24 MR. HYDE: Thank you. My name is Mark Hyde and I'm  
25 a five-year resident of Wailea, permanent resident.

1 I support the GPAC's proposed urban boundary in  
 2 Makena and not the Director's boundary as shown on the map up  
 3 there. Makena really makes my heart sink. It is a place that  
 4 is blessed with, among other things, a rich cultural heritage  
 5 and magnificent view plains from the ocean to the slopes of  
 6 Haleakala. It's one of the last best places on Maui that has  
 7 largely escaped full-scale development. And it is a sanctuary  
 8 for many of us from youth who flock to Big Beach and claim it  
 9 as their own as other area beaches have been colonized by  
 10 hotel guests and tourists -- which is fine, but you don't feel  
 11 necessarily feel welcome at Wailea Beach as you do at Makena  
 12 Beach on a Sunday or Saturday afternoon -- to hikers and  
 13 Hawaiian cultural enthusiasts who revere the area for its  
 14 natural beauty and rich history complete with significant  
 15 cultural sites that are in jeopardy without protection.

16 There is a window, I believe, into the future that  
 17 exists in Makena currently if the urban boundary proposed by  
 18 GPAC is not honored, at least in terms of preservation of  
 19 Hawaiian cultural sites. Take, for instance, the Hawaiian  
 20 heiau that is now trapped in the midst of the Maluaka  
 21 development. It stands isolated. It is inaccessible to the  
 22 public. Soon to be surrounded by multimillion dollar estates.  
 23 It's cut off from public view and appreciation. It is  
 24 relegated to insecurity and cultural discontinuity. It's  
 25 perched atop a newly created drainage ditch and water

1 catchment basin for the developer. It stands in moot  
 2 testimony to the cultural travesty that awaits Makena, I  
 3 believe, in the absence of urban boundary limits as proposed  
 4 by GPAC.

5 The same is true of the heiau located between  
 6 fairways on the Makena Golf Course. It's off limits to you  
 7 and me. It's off limits to all the golfers, who likely have  
 8 no interest in the site or the cultural history that exists  
 9 there.

10 And besides this, Makena is completely lacking in  
 11 infrastructure on any scale on which you want to measure it;  
 12 whether it's roads, water, sewage treatment, public  
 13 transportation, of which there's none there. Medical, none.  
 14 Police, none. Fire, none, or other emergency services. So  
 15 permitting further development beyond the GPAC boundary will  
 16 stretch already thin public resources beyond existing  
 17 capacity.

18 Do we believe that the ability to provide public  
 19 infrastructure is inexhaustible, or do we need to set  
 20 geographic limits beyond which the public will not provide  
 21 basic services?

22 Finally, a defined urban boundary at Puu Olai would  
 23 align the area with GPAC's Maui Island Plan's stated goals and  
 24 core values and objectives; thereby encouraging more  
 25 efficient, proper and (inaudible) development existing in

1 urban settings while leveraging existing public resources that  
 2 are in short supply and are likely to remain in that way for  
 3 years to come given current economic conditions.

4 Thank you.

5 CHAIR HEDANI: Thank you very much, Mr. Hyde.  
 6 Next person to testify is Robin Neubold, to be  
 7 followed by Karlynn Fukuda.

8 MS. NEUBOLD: Hello. My name is Robin Neubold.  
 9 Thank you for giving me the opportunity to testify today. I'm  
 10 speaking today on behalf of the Maui Nui Marine Resource  
 11 Council.

12 We appreciate very much all the work that both the  
 13 GPAC and the Planning Department has done to protect Maui's  
 14 marine resources. At our June meeting we reviewed and  
 15 discussed the maps and voted to support four of the five  
 16 Planning Director's maps and four of the five GPAC maps. And  
 17 I would just like to present the vote, the results of the  
 18 vote. The vote was unanimous.

19 The GPAC and Planning Director's maps, their Special  
 20 Area Management Zone Maps we like very much and support those  
 21 because we feel that they'll be -- they'll do the best job of  
 22 protecting the marine resources, of course.

23 We support the Planning Director's map for the urban  
 24 growth boundary around Olowalu. I spoke extensively on that  
 25 during the GPAC meeting and also have testified before this

1 committee when you were at Paia. We really feel that the  
 2 Olowalu area is a unique and critically important reef for  
 3 Maui. It's an extensive reef and it's certainly a large  
 4 watershed area and development in that area would be -- would  
 5 create a lot of damage for the reef.

6 We support the GPAC and Planning Director's map for  
 7 Honolua. We would like to see more discussion about the ridge  
 8 area of Honolua and more preservation land in Honolua Bay, but  
 9 basically we support both of those maps.

10 We support the GPAC and Planning Director's maps for  
 11 the north shore and Spreckelsville in particular because of  
 12 the floodplain there.

13 And we support the GPAC map, but not the Director's  
 14 map for Makena for the reasons that Hannah Bernard and Angie  
 15 Hoffman and others have already expressed at this meeting.

16 And I thank you very much for the opportunity to  
 17 testify.

18 CHAIR HEDANI: Thank you very much, Robin. Question  
 19 from Commissioner Mardfin.

20 COMMISSIONER MARDFIN: I lost one of the -- You  
 21 spoke about five areas. I've got Olowalu, Honolua, North  
 22 Shore and Makena. What was the first one?

23 MS. NEUBOLD: The first one is the Special  
 24 Management Area Zone Map.

25 CHAIR HEDANI: Is your Mike on?

1 COMMISSIONER MARDFIN: It's on.  
2 COMMISSIONER HIRANAGA: It's on the wall right  
3 there.

4 COMMISSIONER MARDFIN: Oh. Thank you.  
5 CHAIR HEDANI: Thank you very much, Robin.

6 Next person to testify is Karlynn Fukuda, to be  
7 followed by Daniel Kanahele.

8 MS. FUKUDA: Good afternoon, Chair Hedani and  
9 members of the new Planning Commission. My name is Karlynn  
10 Fukuda and I'm with Munekiyo & Hiraga. And I'm here today on  
11 behalf of Haleakala Ranch and Kaonoulu Ranch.

12 The general plan process -- update process began  
13 years ago with the community outreach efforts of Focus Maui  
14 Nui. The subsequent Walk Story and Plan Story initiatives  
15 engaged with Maui residents to facilitate crucial  
16 decision-making issues on key -- on key issues, excuse me,  
17 which our community will face over the next 20 years and  
18 beyond. Challenges which came to light during these processes  
19 involve balancing the need for future development with the  
20 limited lands and resources that we have. Discussion topics  
21 addressed where families would live, where residents would  
22 work and how we would continue to appreciate and respect this  
23 island. Along with other areas, North Kihei was designated a  
24 preferred location for centering future growth.

25 In recognition of these foundational planning

1 Kihei Master Plan is meant to be a long-term project for the  
2 ranches similar to the Maui Island Plan which covers a span of  
3 20 years. Additionally, the North Kihei Master Plan will  
4 require additional reviews and approvals by the Planning  
5 Commission, the County Council, as well as the State Land Use  
6 Commission in order to proceed. The master plan would be  
7 implemented over several years and certainly not all at once.

8 The North Kihei Master Plan provides the ranches and  
9 the island of Maui with a great opportunity to plan for a  
10 master planned community for our future taking into account  
11 major infrastructure improvements, schools, public facilities,  
12 parks and open spaces and above all embraces the policies,  
13 goals, objectives of the Kihei-Makena Community Plan and many  
14 of the smart growth planning principles included in the draft  
15 Maui Island Plan.

16 We thank you for your time and consideration.

17 CHAIR HEDANI: Thank you very much, Karlynn.

18 Question from Commissioner Mardfin.

19 COMMISSIONER MARDFIN: Two quick questions.

20 MS. FUKUDA: Yes.

21 COMMISSIONER MARDFIN: Does the GPAC and/or the  
22 Director's growth boundary plan support this project, or do  
23 you need something beyond that?

24 MS. FUKUDA: Both the GPAC map and the Planning  
25 Director's map do include portions of the proposed North Kihei

1 efforts, Kaonoulu Ranch and Haleakala Ranch are working  
2 together to create a well-planned community that addresses the  
3 unique needs of our island community. Together they seek to  
4 establish the North Kihei area as a master planned community  
5 designed with the principle of live, work, learn and play in  
6 mind. The ranches have lands earmarked for the new Kihei High  
7 School and have surrounding the school -- I'm sorry, and  
8 surrounding the school there are plans for housing stock of  
9 approximately 1,700 units. Integrated within this residential  
10 area would be mixed use village centers including public  
11 facilities, places of employment and places of entertainment.

12 The North Kihei Master Plan also allocates lands for  
13 a new elementary school as well as parks and open spaces  
14 disbursed throughout the villages. A roadway network will  
15 provide connectivity to nearby employment centers like the  
16 Maui Research and Technology Park and to other parts of the  
17 island. Key links include the propose Mauka Bypass Highway  
18 and the Kihei-Upcountry Highway, both of which border the  
19 village -- I'm sorry, villages and will greatly facilitate  
20 regional travel. Meanwhile, bicycle and pedestrian pathway  
21 networks will provide for alternative modes of transportation  
22 to destinations within and beyond the villages.

23 We hope that you have had the opportunity to review  
24 the North Kihei Master Plan Summary booklet that was  
25 distributed to the commission in May. Please note the North

1 village, but we are requesting additional lands for  
2 consideration. And part of that is because of the portion of  
3 the Kihei High School that's included in both draft maps does  
4 not include the entire high school site.

5 CHAIR HEDANI: Commissioner Mardfin.

6 COMMISSIONER MARDFIN: Earlier we had a -- Mr.  
7 Spencer appear that talked about the providing housing at the  
8 \$260,000 level for 1,000 families. Do you have any idea what  
9 your housing would be priced at?

10 MS. FUKUDA: At this point the developers would be  
11 required to meet the Residential Workforce Housing Ordinance,  
12 so there would be affordable housing requirements, but we have  
13 not gotten that far into developing, you know, the number of  
14 affordable units and the types of units and that extent.

15 COMMISSIONER MARDFIN: The number of units.

16 MS. FUKUDA: Exactly. We have approximately 1,700  
17 that they're proposing.

18 CHAIR HEDANI: Any other questions?

19 Thank you very much, Karlynn.

20 MS. FUKUDA: Thank you.

21 CHAIR HEDANI: The next person is to testify Mr.  
22 Daniel Kanahele, to be followed by Robin Knox.

23 MR. KANAHELE: Aloha kakau, Planning Commissioners  
24 and Planning Department. My name is Daniel Kanahele. I'm  
25 here on behalf of myself and my ohana. And I would like to

1 officially welcome you to my neck of the woods. I hope you  
2 folks, whenever you come out to different districts across the  
3 island, that you will take the time either before, during or  
4 after to become ma'a with the area that you're at: Take your  
5 shoes off, walk the beaches of the area, jump in the ocean,  
6 walk one of the trails. I think it's really important that  
7 you become connected with the aina and in the area so you have  
8 a sense of place.

9 I'm here in support of the direct growth urban  
10 boundaries for Makena that has been recommended by the GPAC,  
11 at least the intent. I'm holding in my hand, maybe some of  
12 you are familiar, the first general plan for Kihei, the Kihei  
13 Specific Development Plan - 1970. The plan you're working on  
14 now is the most recent incarnation of this general plan.

15 I would like to quote an excerpt from this overview.  
16 Beginning quote: "Adjoining Wailea is Makena. Once a  
17 thriving Hawaiian community, now largely vacant. The plan  
18 places strict development controls in Makena with special  
19 emphasis on conservation of Makena's historic sites. The  
20 planners believe that Makena can become a most valued asset in  
21 this planning area if emphasis on its development is placed on  
22 conservation and prevention of unwanted development so that  
23 when maximum urbanization is reached in the area -- the  
24 planned area, that Makena will remain, as it is now, a quiet  
25 place of natural beauty and historic interest," unquote.

1 this?

2 MR. KANAHELE: I am.

3 COMMISSIONER MARDFIN: Do you support, basically,  
4 the ideas in here where they're supporting keeping historical  
5 sites, investigating, doing archaeological surveys, that sort  
6 of thing.

7 MR. KANAHELE: I am absolutely in support that  
8 because I believe, speaking of Makena, there is just a  
9 treasure chest of historical and cultural information there.  
10 And we are far from even beginning the study what that means  
11 and what significance it has to us as a people living on the  
12 land now and those who come in the future. So to end, there  
13 are books yet to be read. And I am afraid if areas are  
14 develop, that we will never read the stories that were left by  
15 our kupuna, by our ancestors. And I for myself would like to  
16 read them.

17 CHAIR HEDANI: Thank you very much, Mr. Kanahele.  
18 The next person to testify is Robin Knox, to be  
19 followed by Jan Y. Buen.

20 MS. KNOX: Aloha. Good afternoon and thank you for  
21 coming to Kihei. My name is Robin Knox. I am a water quality  
22 scientist and also an agricultural scientist. I am speaking  
23 today on behalf of myself and also a group of citizens, an  
24 organization that is Aquanimity Now. Aquanimity is the idea  
25 of deciding how to use water in the way that benefits all

1 The planners back in the '60s and the '70s I believe  
2 had this vision where they saw a tidal wave of development  
3 sweeping across the south coast from North Kihei to South  
4 Kihei. And as you know, a tidal wave is not one wave. It's  
5 many waves. We just happen to be in a trough right now. But  
6 I think they had a vision of what Makena should be. I think  
7 they realized that it's not enough to provide a place to live  
8 or a place to work, but you also need to provide a place for  
9 the people to get away from it all, a place to rest, a place  
10 where they can rejuvenate their spirits. And I think this is  
11 the vision that they had for Makena and it is a vision that I  
12 share, too, and I believe it's a vision that most people that  
13 live in South Maui share, also. And I hope that you folks  
14 will be bold enough to support that same vision.

15 So having said that, I am in support of the intent  
16 of the recommended direct growth urban boundaries for Makena.  
17 I prefer where it's at rather than going further south. If I  
18 had my way, I would push it further north. Thank you very  
19 much.

20 CHAIR HEDANI: Thank you very much, Mr. Kanahele.  
21 Question from Commissioner Mardfin.

22 COMMISSIONER MARDFIN: I find it very interesting  
23 that you have a planning document from 1970. I admire that.

24 I was recently reading a Project Kahaio that was  
25 developed a few years ago, and are you at all familiar with

1 beings. Now is fairly self-explanatory. Now is the time.

2 We'd like to share our philosophy. I thank you for  
3 your time on this Commission and the GPAC and the Planning  
4 Department for all the time they've put into this. After  
5 giving it some study, I can say I can't begin to comprehend  
6 all the decisions that you have to make and the complexity of  
7 the issues behind them.

8 So I would ask you that you keep this philosophy and  
9 this vision at the forefront of all your decision-making. I  
10 think it's one that you can share. It is that this is it.  
11 The time is now. The choices that we make today shape our  
12 future. And together we can do anything. And if we make  
13 those choices where they do the least harm and the most  
14 benefit to all beings, including human beings, then we will  
15 get the greatest benefit for ourselves and for all those other  
16 beings. Our vision is clean air and water, a nutritious local  
17 food supply and healthy, functioning natural systems and  
18 natural settings.

19 I want to echo what Daniel said. We need these  
20 natural systems for environmental health and public health,  
21 those are the things that make our planet work, but we also  
22 need them for our spiritual and our cultural health. And like  
23 Daniel, I believe the book is yet to be read in the cultural  
24 sites and archeological remains actually have a lot of the  
25 answers to our modern problems of development and with the

1 environment.

2 In terms of specifics, I'm happy to say that there  
3 are things in the GPAC and in these plans that I believe are  
4 going to help in meeting these goals and visions that I have  
5 outlined. The plan includes the concept that -- of the  
6 ahupuaa and that the coastal areas are connected to the upland  
7 areas. And it includes the idea of a watershed zone map that  
8 outlines the watershed areas upland of our coastal special  
9 management areas. The special management areas are where the  
10 County has special responsibility for making decisions in  
11 keeping with coastal zone management policy. One of those  
12 enforceable policies is to prevent point source and non-point  
13 source pollution and to manage it.

14 The only way that I know of after 25, 30 years of  
15 doing this kind of work as a water quality planner and looking  
16 at things like agricultural runoff and urban runoff, is to  
17 plan for water quality on a watershed basis. So I encourage  
18 you to expand the areas shown on that watershed zone map. I  
19 specifically believe it should include Ma'alaea and Kealia  
20 Pond and even Kahului Harbor. My personal opinion is that  
21 every coastal area deserves watershed management in order to  
22 protect those -- not only those coastal waters, but the  
23 groundwater, the streams and all the other waters.

24 So -- I also support the GPAC boundary at Kihei  
25 limiting development further south. Mahalo.

1 CHAIR HEDANI: Thank you very much, Robin.  
2 Any questions from the Commission? Commissioner  
3 Shibuya.

4 COMMISSIONER SHIBUYA: Thank you very much, Robin,  
5 for coming and testifying. You mentioned something about the  
6 upland watershed areas. In your priorities, which would you  
7 identify as top priorities in the upland areas?

8 MS. KNOX: The top priority areas that I would put  
9 for planning are twofold: One would be the West Maui area,  
10 the watershed that contains the Kahekili area, because that is  
11 a reef that the scientists believe we have a high possibility  
12 of saving. And they're already putting some fisheries  
13 management -- You know, it's complex. You have to manage the  
14 land-based pollution, but also the fisheries. So that area  
15 already has some fisheries management going on. We need the  
16 land-based pollution there, the injection wells and the runoff  
17 to be managed. That would be one high area. The other is  
18 South Maui just because there is no -- there are reefs there  
19 that are not under protection and it's a rapidly developing  
20 area. That being said, I would say closely followed by large  
21 agricultural areas as the next priority for planning.

22 COMMISSIONER SHIBUYA: Thank you.

23 CHAIR HEDANI: Thank you very much, Robin.

24 The next person to testify is Jan Y. Buen, to be  
25 followed by Lucienne deNaie.

1 MS. BUEN: Good afternoon.

2 CHAIR HEDANI: I think we used up our battery.

3 MS. BUEN: Good afternoon, Chair Hedani, Members of  
4 the Planning Commission. Thank you for letting me testify  
5 this afternoon. My name is Jan Yanaki Buen and I'm a resident  
6 of Waihee.

7 My family have lived in Waihee for nearly 60 years  
8 and I would like to say that when we first moved to Waihee  
9 from Upper Waiehu, Waihee was a quiet farming community.  
10 Today it is no longer that quiet community. We have seen the  
11 rapid growth in the last ten years. It's most unfortunate  
12 that and we are deeply saddened that with the development of  
13 the DHH lands, we no longer have the distinct identity of  
14 being called Waihee. We have no borders. We are now  
15 conjoined.

16 The Waihee residents were never given the  
17 opportunity to give input in planning for our community and we  
18 hope that this time we will be given the opportunity to help  
19 plan for our Waihee. I say that because we have been a  
20 reactive community for a long time. When DHH built -- DH Land  
21 built the homes, we were never approached to give input. Of  
22 course, that's the State, but we still were not given the  
23 opportunity. The trees, the -- If you remember, some of you  
24 remember the pine trees that were -- I think they were about  
25 100 pine trees on Kahekili Highway if you ever went to Waihee,

1 they were all cut down, removed. Those trees were there for  
2 I'd say about 200 years, but they were removed and they were  
3 gone when they were really close to home.

4 I would like to ask that we be given the opportunity  
5 to give input to the planning of our Waihee community. When  
6 the Coastal Land -- Maui Coastal Land Trust bought the land  
7 below the village, we were so grateful. After the fact,  
8 though, we were so grateful that William Kamai, who is on the  
9 board, came to our community association, met with the members  
10 of Waihee and asked us for input. We were very pleasantly  
11 surprised and we were appreciative of the Maui Coastal Land  
12 Trust for giving that opportunity to us. And so today we have  
13 residents in our community working with the Maui Coastal Land  
14 Trust in managing their lands.

15 I would like to say, also, that just because we have  
16 had additional growth and with the last phase of Waiehu Kou,  
17 should not mean that GPAC or the Planning Department can  
18 impose urban zoning and allow for commercial growth so that we  
19 can walk to the store to buy bread. This is, I would say --  
20 I'm not going to use the word "upset." It's offensive to the  
21 residents of Waihee when we were never asked for input to plan  
22 for our area. I'm referring to the May 30th article in "The  
23 Maui News." I'm going to finish up by saying that on  
24 Thursday, July 9th.

25 We have organized key representatives from Waihee,

1 Waiehu Kou II, III and IV, Upper and Lower Waihee and on to  
2 Kahakuloa to meet to discuss the GPAC and Planning  
3 Department's plans for Waihee. And we'll come up with a plan  
4 and informally present it to you later.

5 The last I want to say is that in the Haiku meeting,  
6 I never sent a representative to speak for me at that meeting,  
7 so I just want to make it clear for the record.

8 Thank you for this opportunity.

9 CHAIR HEDANI: Thank you very much, Jan. Question  
10 from Commissioner Starr.

11 COMMISSIONER STARR: Yeah, Senator, a question for  
12 you. You know, it's funny, I was -- last night I was looking  
13 at the stumps of those trees and lamenting them. And I was  
14 also down at the old dairy site and the preserve and it's so  
15 nice now that they have cleared it out and the birds are back.  
16 I have never heard so many native birds as are down there now.

17 But as far as the boundaries down there, I want to  
18 make a request that you help and put together a real clear map  
19 showing those parcels which are currently in the Director's  
20 recommended area for business country town down there that  
21 should not be. You know, take out those that are already  
22 built because, you know, that -- to make them consistent with  
23 what's already there, that kind of makes sense. But those  
24 that are not built that the community feels should be not  
25 inside the new boundary, could you help us to gain that

1 non-Western way. And I think that somewhere between now and  
2 when this goes to the Council, the concept of traditional  
3 settlement areas needs to be worked into our equation. I see  
4 that as much more fitting for places like Keanae, Waiohuli,  
5 Huelo, Koloa, because places like this may not want to have  
6 the 7-Eleven move in. They may rather have a Farmers Market  
7 or an area for community-based economic opportunity just like  
8 they've had for hundreds of years.

9 My second point is that I think our planning  
10 decisions -- you know, you're going to be looking at your  
11 criteria today, you know, the things that are going to guide  
12 you for how you would want to interact with the maps. And  
13 there's some good values and some sound principles in there.  
14 Looking at a place like the Ma'alaea Mauka, I think it's  
15 important that this body knows that that did not just kind of  
16 come into the community plan because it was a good idea. In  
17 fact, Mayor Lingle vetoed the community plan because both  
18 Ma'alaea Project Districts were in there and she felt it was  
19 an inappropriate area for growth. But it was a trade-off to  
20 get sewage treatment plan upgrades for the Ma'alaea Condos. I  
21 don't see that happening with this proposal, so, really, the  
22 original trade-off has been abandoned. So I hope you support  
23 the Director's recommendation.

24 My third point is about Makena. I passed out  
25 another -- each of you a document. This is from 2004. Marcea

1 understanding? And because that's what we need to try to do  
2 the community's will.

3 MS. BUEN: We -- The association has a map drawn up  
4 and which has the boundaries for Waihee District. With the  
5 DHHL Waiehu Kou IV built, it's right smack -- right there in  
6 the Waihee District boundary, so how can we -- are you asking  
7 us to carve them out to include -- to not include them in the  
8 Waihee District?

9 COMMISSIONER STARR: Perhaps the Long Rang  
10 Department can work with you to give you a map showing the  
11 current boundaries and kind of take out or mark in a different  
12 color on that what's built now so that you understand what's  
13 built and what's new.

14 MS. BUEN: Yes.

15 COMMISSIONER STARR: And then you can deal with it.

16 MS. BUEN: Thank you.

17 CHAIR HEDANI: Thank you very much, Jan.

18 Next person to testify is Lucienne deNaie, to be  
19 followed by Tom Witten.

20 MS. deNAIE: Thank you. My name is Lucienne deNaie.  
21 And I'm testifying today on three quick points, just like Mr.  
22 Maccleur before me.

23 First, the idea of many of these places that are  
24 being proposed as country towns or rural service centers. I  
25 think we need to look at a third way of looking at things, a

1 Guennes published this at her own expense in "The Maui News,"  
2 a petition saying, "Is there a better plan for Makena?" And  
3 around 70 people took the time to clip this out and mail it in  
4 and many of them had dozens and dozens of their friends signed  
5 it. Several hundred people signed this, many people that  
6 you'd recognize. People like Mazzie Sanford, people like  
7 members of the Baldwin and Lyons family, people like Randy J.  
8 Braun. And they signed it not because they're against Seibu  
9 or against what Mr. Dowling eventually is doing, but because  
10 they really think there needs to be a choice with Makena.

11 And I feel that the GPAC boundary gives us a choice.  
12 We didn't just draw this line and say, oh, leave out half the  
13 golf course. First of all, a golf course is Park 4. It's not  
14 an urban use, it's a Park 4 use and the golf course can remain  
15 in this. But the idea would be that the development rights  
16 that currently exist for this land could be transferred  
17 elsewhere within the 1,800 acres that is owned by Makena  
18 Resort. It's not taking away someone's property right, it's  
19 being bold as we were encouraged to do. We were an advisory  
20 group, you are an advisory group, the Planning Department has  
21 to support what is already entitled. You can be bold and  
22 support what would be actually best if we looked at our values  
23 and our criteria. Thank you.

24 CHAIR HEDANI: Thank you very much, Lucienne. We  
25 have a question from Commissioner Starr.



1 COMMISSIONER STARR: Yes. Ms. DeNaie, as far as  
2 Makena goes, my understanding is right now there are three  
3 different map versions that are sort of on the table or in  
4 play.

5 There's the GPAC's recommendation, which stops right  
6 about the middle of Puu Olai and goes mauka from there.

7 There's the Director's recommendation, which kind of  
8 follows the edge of the golf course, that's kind of two  
9 fingers of golf course and follows that and then there's two  
10 other little segments of undeveloped land kind of between the  
11 two slivers of golf course and then above, above the golf  
12 course.

13 And then there's a third map, which we were handed  
14 today by one -- Mr. Figueiroa that actually shows an extension  
15 that goes kind of above the road all the way -- extending the  
16 urban boundary all the way to Ahihi Preserve.

17 So I'm trying to get an understanding of your  
18 comments regarding all three of the -- all three of those,  
19 because the discussion seems to be so far among everyone  
20 except Mr. Figueiroa those -- whether it should be right at  
21 Puu Olai or slightly over where the golf course ends, but then  
22 we have this other thing that extends it all the way out to  
23 Ahihi.

24 MS. deNAIE: While I appreciate that opportunity to  
25 clarify, I want to say the GPAC and the Director and the

1 need a tomato to finish your -- you know, your recipe, instead  
2 of having to drive into Sack N Save, you walk across the  
3 street to a little store like that and pick up your tomato.  
4 Or if you run out of suji when you're fishing and they happen  
5 to carry it. So there's, you know, other alternatives to  
6 7-Eleven, so I just wanted to clarify.

7 MS. deNAIE: Yeah. I hear what you're saying. And,  
8 you know, the Kuau Mart, the -- those kind of places are great  
9 to have in your community nearby. But a lot of times when you  
10 do the country town type of zoning you're encouraging kind of  
11 a wave of franchised operations, and I think that's what  
12 people in these rural areas would like to avoid. They would  
13 like to have more the mom and pop, and that's, like, harder to  
14 control. So I'm not going to speak for the folks of Waihee,  
15 they need to speak for themselves, but I'll say, you know, in  
16 Huelo, we'd rather have right there a space for, like, a good  
17 Farmers Market and exchange of produce, you know, rather than  
18 a commercial store per se.

19 COMMISSIONER HIRANAGA: So just to clarify, you're  
20 not against all commercial activity?

21 MS. deNAIE: No, not at all. But I think we need to  
22 look at how our communities can be more self-sufficient from  
23 the people who live within the community. And, you know, the  
24 Kuau Mart is an example of that. It's a local family that are  
25 serving the local community.

1 Planning staff all agreed that the area that's the north of  
2 the golf course that's the funny shape up above did not belong  
3 in this urban growth boundary. It has some community plan  
4 entitlements, but it does -- it does not have complete zoning,  
5 and so it was left out. And the same with the area that's  
6 immediately south, that kind of long flag-shaped area. It's  
7 about 130, 140 acres. The Director's version left that out,  
8 the GPAC left that out. So if you agree on nothing else, you  
9 could agree with both the GPAC and the Director that both  
10 those areas should be left out. Neither one has complete  
11 zoning. They both have community plan designation. The lands  
12 to the south have some County zoning, but they don't have  
13 their ag. and the LUC.

14 So I hope that clarifies a little bit. I think your  
15 choice is whether to support the Director's version that  
16 leaves out both of those other areas, or to support the GPAC  
17 version that leaves the golf course as a golf course and  
18 undeveloped around it with the transfer of development rights.

19 CHAIR HEDANI: Thank you very much. Commissioner  
20 Hiranaga has a question.

21 COMMISSIONER HIRANAGA: You were talking about these  
22 little settlements, these town settlements, and you mentioned  
23 7-Eleven as an undesirable commercial operation. My question  
24 is: Are you opposed to, say, like the Ma'alaea Store, which  
25 is closed down, or a Kuau Mart or a Kaohu Store where if you

1 COMMISSIONER HIRANAGA: Okay. Thank you.

2 CHAIR HEDANI: Thank you very much.

3 Next person to testify is Tom Witten, to be followed  
4 by Lesley Bruce.

5 MR. WITTEN: Good afternoon, Commissioners. I'm Tom  
6 Witten of PBR Hawaii. We're a community planning, land  
7 (inaudible) and environmental planning firm. We've been  
8 assisting Haleakala Ranch and Kaounolu Ranch for a little over  
9 a year now in the planning of North Kihei. As Karlynn  
10 mentioned earlier, it was identified early in the process as a  
11 settlement, desirable settlement area. And working with the  
12 Planning Department and through the process, we've been  
13 putting together our recommendations.

14 And in May we put together a booklet called  
15 "Directed Growth Master Plan For North Kihei" that I think all  
16 of you got. And what we did in this, this analysis was to  
17 compare the -- basically the four plans that have been -- or  
18 three plans that have been put on the table from the original  
19 County's policy plan that pretty much captured the majority of  
20 the areas that we're planning for, the plan by the  
21 infrastructure of the bypass road both -- and then also  
22 evaluated against the goals and the policies of the Maui  
23 Island Plan over which there's been tremendous work done by  
24 the Planning Department and the GPAC. And then measured --  
25 measured those plans against those policies and then did a

1 ranking system of that.  
 2 The conclusion, as you'll see in this document,  
 3 comes up with a recommended plan that engages the community  
 4 planning process to focus its attention on the planned Kihei  
 5 High School and the surrounding lands in a three village  
 6 concept from Ohukai to Kanaolu and all the way over to  
 7 Waiohuli above the Tech Park.

8 So we wanted to -- Last week I think I focused on  
 9 infrastructure elements. Today I would just like to highlight  
 10 some of the key elements that we feel support an adjustment to  
 11 the urban growth boundary as proposed to allow for a well  
 12 planned community expansion in this area. As Karlynn  
 13 mentioned earlier, the community preference for growth in this  
 14 area was key in instigating the process for both of these  
 15 ranches to cooperatively work on a master plan that respected  
 16 and looked at the key elements of a well planned community.

17 The incorporation of the Kihei High School -- Both  
 18 of the recent boundaries -- proposed urban growth boundaries  
 19 do not include the entire high school and we feel it's --  
 20 would be an error to not include the high school. And we also  
 21 feel -- We strongly recommend that the areas immediately  
 22 surrounding the high school, as shown in our preferred plan,  
 23 be incorporated in the urban growth boundary to provide that  
 24 opportunity to have a connected community, the roadway  
 25 networks and infrastructure to support a well planned

1 community, walkable community, neighborhood commercial centers  
 2 provided for in the villages.

3 The -- As it went through the process, the GPAC, I  
 4 think, recommended a thousand units and recommended a rural  
 5 settlement pattern, a lower density settlement pattern. And  
 6 the subsequent plan recommendation from the Planning  
 7 Department included both the north and south village, but left  
 8 out the main central portion of the area that is contiguous to  
 9 the high school. And they recommended a reduced development  
 10 of 1,700 units.

11 As Karlynn mentioned, the 1,700 units were going  
 12 sort of going along with that recommendation. We think in the  
 13 long term at build out we can accomplish more efficient and  
 14 higher density in there, but within the directed growth policy  
 15 we're agreeable to going with that number. But we feel the  
 16 land -- it's important to have the land area designated to  
 17 make sure the infrastructure works and you can get the  
 18 connectivity with north-south roads, mauka-makai roads. So  
 19 generally we're recommending a boundary that basically goes up  
 20 and follows the proposed Piilani Highway bypass road that  
 21 would relieve the expansion of Piilani Highway.

22 CHAIR HEDANI: Commissioner Mardfin.

23 COMMISSIONER MARDFIN: One of -- You answered part  
 24 of the question. The rest of the question was on pricing.  
 25 Are these million dollar homes, half million dollar homes, 5

1 community, a walkable community for that area.

2 The live, work, learn and play opportunity is really  
 3 presented -- presents itself here. The land topographically  
 4 is very suitable and it's -- it's not prime ag. land. It's at  
 5 best marginal to poor grazing land. And we feel that it's a  
 6 real opportunity to plan for and achieve in the framework of a  
 7 Maui Island Plan an area that can be taken to the community  
 8 and master planned at a detailed level to get -- to achieve  
 9 the vision and the policies that the Maui Island Plan puts  
 10 forward. Thank you.

11 CHAIR HEDANI: Thank you very much, Mr. Witten.  
 12 Question from Commissioner Mardfin.

13 COMMISSIONER MARDFIN: Since you're talking  
 14 essentially about the same plan that Karlynn spoke about  
 15 earlier, I asked her a question and I'll ask you the same  
 16 question. We had earlier testimony by a gentleman who wanted  
 17 to propose a thousand homes for \$260,000 each. Can you tell  
 18 how many houses you're proposing to provide and at what price  
 19 they would be?

20 MR. WITTEN: Yes. The original plan back in March  
 21 of 2008 that was put forward by the Planning Department, which  
 22 encumbered and is summarized in our analysis, provided for  
 23 approximately 3,800 units. Of which was, you know, consistent  
 24 with the principles and the densities that the community plan  
 25 and the policy plan was directed at; you know, mixed use

1 million dollar homes or \$260,000 homes?

2 MR. WITTEN: Yeah, I'm sorry. I'm sorry. As far as  
 3 affordable, that -- we haven't got to that level of detail,  
 4 but in consistency and compliance with the workforce --  
 5 Residential Workforce Housing Policy, we would be compliant  
 6 with that, which would be 40 to 50 percent of the units would  
 7 be affordable. And there's a whole range of affordability  
 8 levels.

9 As far as the location and the opportunity to plan  
 10 for this area, we see this as a primary residential area.  
 11 It's not a second home area. It's really directed at the  
 12 Maui -- the growing residents -- residential population of  
 13 Maui. It has the schools, the parks, the open space systems,  
 14 the new high school. It really provides an opportunity to  
 15 provide a -- in Maui a well planned community in contrast to  
 16 other areas.

17 CHAIR HEDANI: Thank you very much, Mr. Witten.  
 18 Any further questions?

19 Thank you.

20 The next person to testify is Lesley Bruce, followed  
 21 by Irene Bowie.

22 MS. BRUCE: Aloha, Mr. Chairman and Commissioners.  
 23 My name is Lesley Ann Bruce. I served as a GPAC member.  
 24 Today I'm representing myself.

25 I want to cover some issues at the Ma'alaea area;

1 the ag. land, the rainfall, the bay, the ancient trail, Mr.  
2 Spencer's proposals, and the basic land use recommendations by  
3 the Department Chair Hunt, Mr. Hunt.

4 The ag. land at Ma'alaea is ALISH prime land. The  
5 rainfall there averages about ten inches a year, which is  
6 hardly enough to recharge the aquifer. Those ten inches  
7 usually fall in one or two Kona storms. The green grass which  
8 used to cover the mountains nearby was pili grass and other  
9 native plants and it has been all devoured by overgrazing  
10 animals when it was leased -- that ceded land was leased by  
11 the State. Ma'alaea Bay is a fragile marine environment which  
12 has been harmed by the 1952 development of the harbor and the  
13 1970s construction of ten condominiums too close to the ocean.  
14 The fish are now gone and the reef is dead.

15 Mr. Spencer's proposal for affordable housing is an  
16 excellent idea in the wrong place. People need to live near  
17 work, and jobs are very limited in the Ma'alaea community.  
18 Presently the cattle are grazing on the land where he is  
19 proposing his development. The land use goal on agricultural  
20 land uses today says, "Maui Island shall have a prosperous  
21 agricultural industry, protection of agricultural lands and  
22 viable agricultural activities."

23 Thank you for your kind attention.  
24 CHAIR HEDANI: Thank you very much, Lesley.  
25 The next person to testify is Irene Bowie, to be

1 1,100 to 1,600 foot elevation, the people down below it are at  
2 approximately 950 feet, and it really seems to be unsafe.  
3 There's quantities of, say, 12,000 cubic yards being taken out  
4 of these mountain tops and we believe it really leaves --  
5 leaves it unstable. So, again, I'm just asking you to  
6 consider that as you look at these sensitive lands on the  
7 slopes. Thank you.

8 CHAIR HEDANI: Thank you very much, Irene. Question  
9 from Commissioner Starr.

10 COMMISSIONER STARR: Ms. Bowie, are you talking  
11 about like the areas where -- I know there's one new house up  
12 there that really stands out.

13 MS. BOWIE: Right.

14 COMMISSIONER STARR: And I think there are some  
15 others. Is that what you're talking about?

16 MS. BOWIE: There is -- Excuse me. There is one  
17 that is built now. There's another one looking to be  
18 developed. And that land is all available for purchase right  
19 now under the agricultural zoning. So, again, we are  
20 requesting from the Land Use Commission to look at that and  
21 possibly say that it was a mistaken zoning and return it to  
22 conservation.

23 CHAIR HEDANI: Thank you very much.  
24 Next person to testify is Jeanne Skog.

25 MS. SKOG: Aloha, Members. I'm Jeanne Skog.

1 followed by Jeanne Skog.

2 MS. BOWIE: Good afternoon, Chair and Commissioners,  
3 and Planning Department members. My name is Irene Bowie and  
4 I'm with Maui Tomorrow Foundation. And I just wanted to speak  
5 briefly this afternoon on the GPAC Sensitive Lands Map and  
6 bring to your attention an area above Wailuku Heights that is  
7 currently zoned for agriculture. Maui Tomorrow has requested  
8 from the State Land Use Commission a boundary interpretation  
9 for approximately 500 acres in this area. We feel that this  
10 area is mistakenly zoned agricultural as there's never been  
11 any cultivation of crops in the area. And we've done quite a  
12 bit of research and talked to a lot of old-timers to try to  
13 determine that. We're working with the Wailuku Forest  
14 Preservation Coalition on this.

15 And I would just like to ask that as you look at  
16 sensitive lands, particularly these slope side areas, you  
17 consider the fact that if Maui County is determined to build  
18 on our mountain slopes, that you would recommend to the  
19 Planning -- to, excuse me, the County Council that a  
20 development of a slope side grubbing and grading ordinance  
21 would be put into place. Honolulu County has this type of an  
22 ordinance, as do a lot of other places on the mainland, and we  
23 feel that it's really a matter of safety for the residents  
24 below these areas.

25 The particular area above Wailuku Heights is at the

1 president and CEO of the Maui Economic Development Board. I'm  
2 here to testify on the area closest to the R & T park.

3 MEDB, as some of you may know, was founded with the  
4 mission of diversifying the economy on Maui. And as such, we  
5 were part of the founding group of the R & T park. Education  
6 and workforce development is pretty key to our goals for  
7 success in diversifying the economy, so the development of the  
8 Kihei High School finally is a really welcome addition and an  
9 asset to us realizing the goals for diversification.

10 As well, the juxtaposition of the high school to the  
11 R & T park is -- just offers tremendous potential for  
12 expanding the linkages that MEDB has fostered between  
13 businesses in the park and education. So, basically, we're  
14 really excited about the high school and it can't go up fast  
15 enough, as far as we're concerned.

16 That being said, we are concerned about the  
17 department's recommendation concerning the school and the  
18 surrounding area. We're not quite sure why half of it is in  
19 and half of it is out, for one thing. And that would seem to  
20 be -- to create some problems as they try to move toward  
21 construction and so forth, but it just didn't make any sense.

22 The other thing is that given where the urban growth  
23 boundary is currently drawn by the department, it seems to be  
24 isolating the school when, in fact, I think the school has the  
25 potential of being the core part of a community if it's -- if

1 it's treated as such. The willingness of Haleakala Ranch and  
2 Kaonoulu to really, basically, ignore their boundaries for the  
3 sake of creating a much better community up there would seem  
4 to be offering just a tremendous opportunity for the  
5 community -- for the developers and the community to work  
6 together to create a truly liveable community that supports  
7 the life at the school and, as I said, the juxtaposition of  
8 the opportunities in the R & T park.

9 As I was writing those, I was just thinking that the  
10 way it is right now, basically, you have a high school and I  
11 know kids go, you know, to after-school activities and so  
12 forth, but to go to the high school you have to go to Piilani  
13 Highway. I mean, you know, it seems like it would be nice to  
14 create a neighborhood around that high school so assuming that  
15 the prices are right for the homes around the neighborhood,  
16 you could just, you know, go home, change, come back to  
17 school, play at the courts or whatever it is. But to force  
18 the neighbor -- the community of Kihei to have to cross  
19 Piilani to go to the high school and not provide the  
20 surrounding neighborhood just doesn't make sense. I think  
21 this is a great opportunity. So thank you.

22 CHAIR HEDANI: Thank you very much, Jeanne. That  
23 concludes the list of people that we have signed up for  
24 testimony. Are there any other members of the public that  
25 would like to offer testimony at this time?

1 this, and I was a member of the IRC, that we set out. And I  
2 would ask that you look at those criteria because we actually  
3 ranked those. And I will tell you right now that number 13 as  
4 of importance, least importance was proximity to employment  
5 and transportation corridors. And I would ask that you have  
6 the department provide that to you on how we ranked those.  
7 And it was most important start with cultural and  
8 environmental and resources. Next was impact on prime ag.  
9 resource lands. And I don't have time to read through this  
10 list, but take a look at that because that's the criteria you  
11 should be looking at.

12 And what's going to become very difficult for you as  
13 an entitlement body is you're going to get real site specific  
14 and you can't do that. You've got to step back. And that's  
15 why we caution you to look at the -- do not let the numbers  
16 drive you.

17 I do not support the department's recommendation for  
18 the directed growth map for the mauka side of Piilani at the  
19 north end of Kihei. And one of the reasons I don't support  
20 that is one of the things that you're charged to do and have  
21 purview to do underneath the ordinance is to change settlement  
22 patterns. And what the GPAC did was suggest rural growth.  
23 You have to see that we are growing up the mountain and all of  
24 those urban growth lines stop and keep your development within  
25 those growth lines. If there's the need to expand, those

1 If so, please step to the microphone and state your  
2 name for the record.

3 MS. MOIKEHA: Good afternoon and thank you for the  
4 opportunity to testify. My name is Susan Moikeha, for the  
5 record. I was a participant of the GPAC process as a member.  
6 And, more importantly, I'm a community resident. I've lived  
7 in this area for over 32 years and raised my family here. As  
8 far as my -- the Moikeha name, they have lived here a long  
9 time, way before I did, and so there's a lot of history here  
10 in this community and things that through my family I am tied  
11 to.

12 I would begin by saying do not let the numbers  
13 dictate how this all turns out. And by that I mean there is a  
14 certain number of units that have to be met to supply housing  
15 to community residents on this island. And as far as I'm  
16 concerned, having been through this process and established  
17 goals and objectives and policies and actions, it always seems  
18 like all of these things are segregated and they're not  
19 working in conjunction with each other. Because what it comes  
20 down to at the end of the day is how many units you have to  
21 distribute around this island. And when that begins to drive  
22 this process, everything else is set aside. And that's just  
23 my own personal observation. Again, I am speaking on -- as an  
24 individual, not as a member representing the GPAC.

25 There were certain criteria that as the IRC reviewed

1 growth boundaries will expand. But introducing something like  
2 rural gives an alternative to urban high density area. And it  
3 also could be a cap so it's not allowing any more urban to  
4 grow up the mountain.

5 My time's up? Yes. Okay. I have a lot more to  
6 say, but I guess that's it.

7 CHAIR HEDANI: I guess we killed the battery of the  
8 timer, too.

9 Are there any -- Are there any questions for Susan?  
10 Thank you very much.

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

13 Please state your name for the record.

14 MR. FRAMPTON: Good afternoon, Commissioners. My  
15 name is Rory Frampton. And I'm just going to make some  
16 comments about the sections that you're going to be going over  
17 today, the land use and the directed growth strategy. And I  
18 handed out just some comments that I put in the far right  
19 column, just more questions on some of these policies. And  
20 I'll just go over them real quickly.

21 On ag. land policies, I'm not sure why some of the  
22 policies were restricted only to prime or productive ag.  
23 lands. For instance, there's suggestions to use innovative  
24 subdivision techniques such as clustering or conservation  
25 subdivision design. These techniques can be used to protect

1 prime ag. lands, but they also can be used to protect open  
2 space areas, sensitive habitats and areas that might not be in  
3 prime or productive land. So I'm not sure why the department  
4 restricted -- has suggested to restrict those new techniques  
5 to only prime or productive ag. lands.

6 Similarly, there's another comment lower down where  
7 there's a suggestion to provide incentives to ag. operations,  
8 but, again, it's ag. operations on prime or productive ag.  
9 lands. I don't know why you need to limit those incentive  
10 packages to just prime or productive ag. lands. And I have  
11 some other comments there and some questions that you can see  
12 in my handout.

13 In terms of the directed growth strategy, there's  
14 some statements in there that was the suggested policies of  
15 placing limitations on the types of infrastructure that can be  
16 used outside of the growth boundaries. The GPAC took those  
17 languages out regarding base water systems and water systems  
18 Planning has put those back in and I'm not really sure why.  
19 The restriction on multi-user water systems would be --  
20 essentially be a moratorium on subdivisions in the ag.  
21 district, but in the land use sections they're suggesting that  
22 you do these new innovative subdivision designs. So I'm  
23 not -- There seems to be a big conflict there.

24 And the -- There's also language in there which  
25 basically would establish any existing land use that's outside

1 to break for dinner?

2 UNIDENTIFIED SPEAKER: I think your dinner just  
3 arrived.

4 CHAIR HEDANI: What's your pleasure? You guys want  
5 to take a break for dinner now or --

6 COMMISSIONER U'U: While it's hot.

7 CHAIR HEDANI: Okay. We're going to go ahead and  
8 take a break for dinner and then we'll reconvene at 5:20.

9 (Pause in Proceedings: 4:24-5:23)

10 CHAIR HEDANI: (Gavel.) The Planning Commission  
11 meeting of July 7th will come to order. The next item that we  
12 have on our agenda is Item C, Staff Presentation on the Maui  
13 Island Plan's Land Use Element. Director.

14 DIRECTOR HUNT: Just as an intro, this item is  
15 intended to brief the Commission and the audience on the  
16 directed growth maps for the South Maui area. And then we'll  
17 take that up later on in the review of the Maui Island Plan  
18 and you can ask questions and clarifications, but it's not  
19 intended to be a debate or decision making tonight on that  
20 particular element.

21 Then we'll go into a presentation on the Land Use  
22 Element. And hopefully there's time to start going through  
23 the goals and policies and objectives after that. So just to  
24 kind of set the expectations for everybody.

25 And with that, I'll turn it over to Dave Michaelson.

1 of the growth boundaries as a nonconforming use that couldn't  
2 expand. I think that would have a big impact on the thousands  
3 and thousands of people who live outside of the growth  
4 boundaries. I'd suggest that that language be taken out in  
5 its entirety.

6 Lastly, just sitting here and hearing a lot of the  
7 comments about Ma'alaea, you know, and they talked about  
8 protecting Ma'alaea Bay. There's a lot of development, all  
9 those condominiums on Hauoli Street that basically have  
10 glorified cesspools. They're not on a wastewater treatment  
11 system. I think that those people who live in those areas  
12 should step up to the plate and figure out how they can get  
13 all of those units on a modern day wastewater collection  
14 system and treatment system. If they really are that serious  
15 about trying to protect the water quality in their bay, they  
16 should take care of their own stuff first.

17 That concludes my statements.

18 CHAIR HEDANI: Thank you very much.

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

21 Seeing none, public testimony is closed. It's 4:20.

22 We've gone an hour and ten minutes, roughly, so we're going to  
23 go ahead and take a ten-minute recess and reconvene at 4:30.

24 Commissioner Starr?

25 COMMISSIONER STARR: Yeah. What time are we going

1 MR. MICHAELSON: Thank you, Mr. Chairman, Members of  
2 the Commission. My name is Dave Michaelson. I'm with the  
3 Long-Range Planning Division.

4 What I am going to do is briefly describe for you  
5 the differences between the GPAC maps and the Director's maps  
6 and the logic that went into them. And one thing that's  
7 always nice about coming to Kihei, these folks always do their  
8 homework, so you -- I think you've got a very good description  
9 of some of their concerns with some of these maps.

10 First of all, that the Director's maps and the  
11 GPAC's maps differ really only significantly in two places  
12 geographically. And part of it is the logic that was inherent  
13 in the process that the staff went through, which was very  
14 iterative, if you will, and GPAC was a little bit more fluid.  
15 The first biggest difference is Kihei Mauka. All right?  
16 North Kihei you've heard quite a bit about, about North Kihei.  
17 We based our boundaries primarily on population projections  
18 that I described to you I think in detail in the DBED forecast  
19 as part of the business economic development tours and was  
20 promulgated by the State. We disaggregated those to community  
21 plan level and we used those numbers to essentially -- from a  
22 geographic standpoint to define our boundaries. And there was  
23 a density assumption inherent in those.

24 So you'll notice our maps -- and it's a little hard

25 to see, but if anyone -- I would encourage anyone to take a

1 look at these maps. You can grab me at the break if you want  
 2 a little more detail on how they were developed. But our  
 3 boundaries, the Department boundaries went quite a bit farther  
 4 mauka of the highway and GPAC pushed those back. Now, the  
 5 important distinction of why they that is they didn't hold to  
 6 those community plan boundary control totals that we did. In  
 7 other words, they shifted a significant amount of density to  
 8 West Maui, and specifically Olowalu, that we did not do in our  
 9 maps. So they were able to constrain our boundaries. And  
 10 you'll see the really bright red is -- are the GPAC boundaries  
 11 and the red line that you see going quite a bit farther mauka,  
 12 those are our boundaries. So that was the most significant  
 13 difference in North Kihei.

14 In South Kihei you've heard a lot of testimony about  
 15 Makena down by the golf course. And the Department's position  
 16 was that that project was entitled. And when I say  
 17 "entitled," that means it had State land use, it had CP, it  
 18 had zoning. So we included that entire portion that was  
 19 entitled within our boundaries. GPAC pulled those back and  
 20 you heard a lot of testimony about that. And I think that the  
 21 logic -- and I -- frankly, I'm a little sympathetic to this --  
 22 is that the land that's encompassed in the differences between  
 23 the two boundaries is not traditionally rural -- I mean, urban  
 24 in nature. All right? I personally don't consider a golf  
 25 course urban in nature, although they occur in urban

1 boundaries all over the place, yeah.

2 So GPAC's position was because the golf course was  
 3 not a rural land use and if the project didn't intend on  
 4 creating rural boundaries, that we should push that back. So  
 5 that was the constraint. I think from staff's perspective, at  
 6 least my personal perspective is that the golf course isn't  
 7 rural. I mean, I'm sorry, it's not urban. It's more of a  
 8 rural passive land use. There's not a great deal of  
 9 residential uses that are planned to occur there.

10 The other GPAC perspective, and I think -- I don't  
 11 know if there's any -- Lucienne has left, but Lesley Bruce is  
 12 here and she may want to testify about this as well, is that  
 13 there are a lot of incredibly culturally sensitive sites  
 14 through there. And there are two pockets, one sort of between  
 15 the golf course, there's one to the east, there's one to the  
 16 west. And I think that was another driving force for GPAC in  
 17 terms of why they constrained those boundaries like they did.

18 So I think the most important elements -- And with  
 19 the exception of that -- And I'll add one more point that  
 20 we'll bring to you. We'll bring you this work on the 21st.  
 21 When the boundaries were originally established by the  
 22 Department in April of '08, the potential for in-fill was not  
 23 really factored in to the geographic area that we had to try  
 24 to absorb this growth to 2030. Subsequently, we've gone back  
 25 and myself and Kathleen Kern, who I'll introduce to you in a

1 moment, are looking -- using digital imagery, we're going  
 2 through Kihei -- and we're also going to do Wailuku and  
 3 Kahului as well -- and we're looking at areas that could  
 4 expect to see significant in-fill potential between now and  
 5 the forecast when it reaches 2030. What that may do,  
 6 depending on how -- And we're going to make some density  
 7 assumptions. We're actually going to kind of -- We're going  
 8 to ground treatment. We're going to look at what kind of  
 9 footprint that can occur on these parcels and things like  
 10 that. That may be another opportunity to move those  
 11 boundaries a bit. And we'll bring that to you on the 21st.  
 12 But that was something that we had not done to this point.

13 And if you remember with the GPAC, and I'm sure  
 14 Warren Shibuya remembers this, when we gave them the final  
 15 spreadsheets that are included in the back of both the  
 16 Director's boundary mapping as well as GPAC's boundary  
 17 mapping, we inserted a density -- an in-fill assumption. And  
 18 that's one reason why we were able to constrain our boundaries  
 19 a little bit from the draft from a year ago. But we'll bring  
 20 that information back to you.

21 So I think that primarily identifies the two -- the  
 22 two most significant differences. Now, there's one more that  
 23 GPAC added -- If you see on the map on the left, North Kihei,  
 24 you'll see a yellow polygon, and that represented a country  
 25 town. And if you remember -- I think Susan sort of touched on

1 this as well -- we had not identified a country town up there,  
 2 although in a lot of our discussions at the staff level we had  
 3 recognized that there was a drive to bring back some of the  
 4 historic -- I guess I wouldn't call them towns per se, but  
 5 town centers in Kihei. There is an historic precedence for  
 6 that.

7 Our perspective was that when you get down to what  
 8 goes in those polygons, the place to have that conversation is  
 9 not at the island plan level, but more at the community plan  
 10 level. So we certainly recognize that there's a precedence  
 11 within both the previous community plan processes as well as  
 12 what you've heard tonight and in the charrettes that we did.  
 13 In fact, we did one charrette here that was probably the most  
 14 well attended that we had on the island, which is not a  
 15 surprise to me. So they identified the country town there.

16 As you remember, I've given you several  
 17 presentations about what a country town is. I think the best  
 18 example is think about Makawao, think about Paia. They have  
 19 most services that people need, but they don't have a major  
 20 employment site, they don't have big box retail. And I think  
 21 that that was an important point that you brought up, Kent,  
 22 about the distinction between a small neighborhood store and a  
 23 7-Eleven. And that's -- When I think of Makawao, I don't see  
 24 a 7-Eleven in Makawao. Right? They've got a scale of  
 25 elements that they're comfortable with.

1 So I think that describes the most significant  
 2 differences between ours. Again, they're not radical. And  
 3 some of them are based on a little different philosophy on  
 4 supply and demand between community planning regions.  
 5 So with that, I'll take any questions.  
 6 DIRECTOR HUNT: Are you going to go into Ma'alaea  
 7 Mauka?  
 8 MR. MICHAELSON: Ma'alaea Mauka, too.  
 9 DIRECTOR HUNT: It's important.  
 10 MR. MICHAELSON: It is important. As you've heard  
 11 before, the project that was originally called Ma'alaea Mauka  
 12 which Jesse Spencer brought a proposal to you tonight that  
 13 right now he's just embarking on his environmental,  
 14 environmental process. That property originally was included  
 15 in the previous Kihei Community Plan. Now, I don't believe  
 16 it -- I don't know if it identified density per se. In both  
 17 the GPAC deliberations as well as the staff deliberations, we  
 18 had not included that property within our boundaries.  
 19 Some of the reasons you've already heard. You've  
 20 heard a lot of testimony today about agricultural impacts.  
 21 You heard testimony regarding water supply, physical water  
 22 supply. Our perspective was that -- And, also, if you  
 23 remember the technical reports, there was a view corridor  
 24 analysis that was very detailed and it included both a  
 25 comprehensive photo inventory and then they applied a

1 have represented why GPAC didn't include it.  
 2 CHAIR HEDANI: Mr. Mardfin.  
 3 COMMISSIONER MARDFIN: I guess I want to know in the  
 4 context of how this was put together, first by the Planning --  
 5 Long Range Planning and secondly by GPAC, what status was  
 6 given to the existing community plans? Were they assumed to  
 7 continue? Was it assumed that you start with there and add to  
 8 it? Was it assumed you start with there and subtract from it?  
 9 Was it assumed that you're going to redo the whole thing, so  
 10 don't worry about it at all?  
 11 MR. MICHAELSON: It was the second and third. It  
 12 was let's -- We know they're there. We'll start with that  
 13 definition and then we'll filter that prior community plan,  
 14 those designations, through what we heard through the whole  
 15 Maui Island process.  
 16 In terms of the rural areas, I think we're  
 17 remarkably consistent with the prior CP's. Where it differs  
 18 is when you get into the more urban areas. I think the  
 19 Ma'alaea Mauka area is probably the largest exception. And  
 20 I'm doing this off the top of my head, but I'll spend a little  
 21 more time with the maps before we get into the maps. But I  
 22 believe Ma'alaea Mauka was probably the largest project that  
 23 appeared in the community plan that did not appear on either  
 24 two sets of those maps.  
 25 So essentially there was discussion that said, okay,

1 nationally recognized methodology to assign value to  
 2 corridors. And that view corridor was identified as an  
 3 important one within the islands. So that also played into  
 4 our perspective.  
 5 I think it is important to note that there was  
 6 testimony about -- I believe it was -- it was your question,  
 7 Bruce, about, Well, if not there, where? Which I think is a  
 8 good question. I think that the in-fill analysis that we're  
 9 doing right now might provide the answer to where. That  
 10 doesn't mean that every in-fill property in Kihei will be  
 11 developed as affordable housing, but that also kind of  
 12 factored into perspective in light of also the Wailuku-Kahului  
 13 Urban Growth Boundary. There's quite a bit of land mass in  
 14 that urban growth boundary and we always assumed that some  
 15 portion of that would, in fact, be accommodated by affordable  
 16 housing. But that was the underlying logic of why it's not  
 17 there.  
 18 And, again, GPAC -- GPAC didn't discuss it in light  
 19 of the specific proposal, I think that's important to note.  
 20 They looked at it from the perspective of it is on the CP.  
 21 There was a member of the GPAC that was on that Community Plan  
 22 Advisory Committee that developed that plan, but the debate  
 23 centered around the factors that I just described as well as  
 24 there may be other places to put it. But that's the logic,  
 25 just a few reasons why we didn't include it. And I think I

1 that community plan was done, let's say, in 1990, are we under  
 2 the same situation, the same constraints that we were -- we  
 3 are now in 2008? I mean, that was the -- how the logic played  
 4 out with GPAC.  
 5 CHAIR HEDANI: Commissioner Hiranaga.  
 6 COMMISSIONER HIRANAGA: I'm not sure that this is  
 7 the appropriate time to start talking about maps, but was  
 8 there a community plan district below Ma'alaea Mauka, a  
 9 triangular pink deal?  
 10 MR. MICHAELSON: It is on those maps, correct. And  
 11 the CP designations are the lower maps right below the GPAC.  
 12 COMMISSIONER HIRANAGA: So you're carrying that --  
 13 You're keeping them?  
 14 MR. MICHAELSON: No. Both of those are not on your  
 15 sets of maps.  
 16 COMMISSIONER HIRANAGA: So that's another large  
 17 district you're removing?  
 18 MR. MICHAELSON: Yes.  
 19 CHAIR HEDANI: Commissioner Mardfin.  
 20 COMMISSIONER MARDFIN: There's another kind of  
 21 generalized question I want to ask, and that is -- I wish  
 22 James were here, because I think it's a question we need to  
 23 hear partially, at least, from our corp counsel. But if we  
 24 develop plans that are more restrictive than the existing  
 25 community plans and other kinds of designations, County/State;

1 are we endanger of getting the -- being accused of a taking?

2 MR. MICHAELSON: The perspective that was delivered  
3 to GPAC by corp counsel both in writing quite some time ago  
4 and then several times in subsequent meetings was that if you  
5 have a community plan designation, that is not full  
6 entitlement. You still have one more step. You have to get  
7 zoning. So by -- If a property was fully entitled and zoned,  
8 there is a takings issue because that person or persons have  
9 rights that they have acquired through a full public approval  
10 process. But the CP process is only -- It's like if a  
11 baseball diamond was three bases, that's only two of the  
12 three.

13 CHAIR HEDANI: Commissioner U'u.

14 COMMISSIONER U'U: Two questions come to mind. When  
15 you say fully entitled, that Makena -- the Makena, the  
16 difference in, I guess, urban growth boundaries between the  
17 two, was Makena fully entitled?

18 MR. MICHAELSON: Yes. And that's why we kept it  
19 within our urban growth boundaries.

20 I think there's another distinction that is  
21 important to point out at this point that an urban growth  
22 boundary is not zoning and it's not entitlement. All right?  
23 It's completely separate and independent of State land use,  
24 community plan, zoning or environmental requirements, so --  
25 But our position at the staff level was it was fully entitled

1 IRC had done and she said number 13 was proximity to work.  
2 Work location was at the lower, I guess, numbering.

3 MR. MICHAELSON: Right.

4 COMMISSIONER U'U: I guess the higher numbering on  
5 the priority process. I was wondering if we have that  
6 available also to the Planning Commission.

7 MR. MICHAELSON: The answer to your first question  
8 is there was rarely an instance that I can remember over three  
9 years where GPAC approved anything, including the weather, at  
10 a vote of 25 to zero. All right? And that's just inherent in  
11 the dynamic of how human species operates in large groups,  
12 yeah? So I think I -- It would be totally fair to represent  
13 which issues were most contentious.

14 When I say GPAC, I mean what was approved consistent  
15 with the Roberts Rules of Order by that body. But as you can  
16 imagine, there were several votes that were 13-12, 12-11. I  
17 mean, it just -- That's just the way the process worked.

18 The answer to your second question -- And this is an  
19 important distinction, too. The IRC, for those of you that  
20 don't know, the IRC was a separate small group broken out to  
21 try to make some progress before we brought things to the full  
22 GPAC. They did, in fact, prioritize those criteria, those 13  
23 criteria. And I can provide that to you. I'd be happy to. I  
24 have -- We ran -- we (inaudible) for all of them.

25 When the criteria got to GPAC, they did not, in

1 and that's why it appeared in our boundary.

2 We told GPAC that both from the Planning staff as  
3 well as corp counsel that, you know, you were -- you were  
4 getting into unchartered waters. And I think the perspective  
5 from GPAC -- And, again, Lesley is here and Warren is here. I  
6 don't want to misspeak their intent. But theirs was more of a  
7 message associated with: Is it urban or not? And are there  
8 cultural and heritage resources that are of such importance  
9 that a philosophical message was getting -- was being told by  
10 pushing the line?

11 CHAIR HEDANI: Commissioner U'u.

12 COMMISSIONER U'U: Two follow-up questions. The  
13 second would be: When you say GPAC, it's in my mind that the  
14 whole body voted in favor of a specific item. So when you use  
15 the term GPAC, that's the sense I have.

16 MR. MICHAELSON: Okay.

17 COMMISSIONER U'U: But I know there's a split on  
18 votes, so I would like to know the split so we have the mind  
19 set of what they were thinking at the time.

20 MR. MICHAELSON: Right.

21 COMMISSIONER U'U: And not the mind set that you  
22 bring to the table when you say GPAC.

23 My second one would be -- and then you can answer  
24 that question -- one of the testifiers came up and spoke,  
25 Susan Moikeha, and said there was a prior checklist that the

1 fact, rank it as a full body. They felt that that was too  
2 empirically aggressive way of looking at it. So they used  
3 those criteria in a very qualitative way. They were  
4 guideposts with them, but at no time did the full GPAC do what  
5 the IRC did, which was rank them.

6 Also, once the IRC ranked them, they were reluctant  
7 to filter areas through that for reasons I think you can all  
8 imagine. Again, human nature sort of defines that sometimes.  
9 But the original rankings that Susan is referring to, which  
10 was the IRC ranking, I'll be happy to provide them to you.  
11 And I'll also -- And all staff, when issues come up that were  
12 very contentious, Olowalu, for example, will certainly let you  
13 know was it a wash, did everybody say, okay, fine; or was it a  
14 very, very contentious one.

15 CHAIR HEDANI: Additional questions at this time?  
16 Mr. Mardfin.

17 COMMISSIONER MARDFIN: I want to thank you for your  
18 earlier comment. You talked about the -- and I think it's a  
19 good principle, in fact, that they pulled back in Kihei and  
20 sort of gave in Olowalu. Is that because they had to --  
21 That's a tradeoff and I believe in tradeoffs as an economist.  
22 Were they given some numbers and said, Well, if you're going  
23 to do this and it's going to cost a thousand houses here,  
24 we're going to have to give a thousand houses somewhere else  
25 and then they picked a particular place?



1 MR. MICHAELSON: That's exactly how we did it. In  
 2 fact, we had a spreadsheet running at the same time. First of  
 3 all, we explained to them like we explained to you what the  
 4 underlying logic of a proportional share of impact means. In  
 5 other words, no community plan should absorb more of the ratio  
 6 of the total population of the island than the another.  
 7 That's where we started.

8 Then when we did start shifting, we did provide them  
 9 spreadsheets in real time saying, Okay, you're 1,400 units  
 10 below what our projections say for a certain community plan  
 11 area. So that it was very transparent if they were  
 12 transferring densities from here to there and what that meant.  
 13 And, in fact, they I believe provided less total dwelling  
 14 units for 2030, in other words, supply, than we did at the end  
 15 of the day.

16 CHAIR HEDANI: Director Hunt.

17 DIRECTOR HUNT: Just to follow up, I don't think  
 18 there was a conscious decision to, okay, we're going to take  
 19 density in Kihei and shift it to West Maui, but, in essence,  
 20 that's what happened. And we were tracking it like Dave said.  
 21 But there wasn't a discussion, you know, in that comprehensive  
 22 nature, Okay, let's take some here and move it over there.  
 23 It's just that that was the result of their decision-making  
 24 process at the GPAC level.

25 CHAIR HEDANI: Commissioner Starr.

1 COMMISSIONER STARR: Yeah. Dave, you mentioned that  
 2 the business country town that's kind of floating in space  
 3 above Kihei there, that that's something that would make more  
 4 sense to discuss on the community plan level, which makes a  
 5 lot of sense, but I'm just wondering what would the process be  
 6 at that point to add that in?

7 MR. MICHAELSON: At this stage or at the community  
 8 plan?

9 COMMISSIONER STARR: No. At the community plan.

10 MR. MICHAELSON: This is a philosophical discussion  
 11 that we're going to have collectively have with you and the  
 12 Council. And the question is: When we draw these lines now  
 13 at an island plan level and we get into the community plans  
 14 and they recommend changes -- Personally I think that that's  
 15 inevitable to a certain extent, because, you know, we're  
 16 flying at this altitude and when you get down to the community  
 17 plan, we're going to be walking on the sidewalk, literally.  
 18 So there may -- I don't think the changes would be dramatic.  
 19 I don't think they should because there's too much time and  
 20 analysis put into these. But I think there will be  
 21 circumstances where things might move around a little bit.  
 22 Again, that's not really written in stone, but that's  
 23 personally how I feel about it.

24 Also, keep in mind that a country town is not  
 25 zoning. We're not defining specific usages and acreages and

1 parcels that would fall under those land use designations with  
 2 country town. Country town is more of a philosophy, which is  
 3 essentially perpetuating what I think everyone has told us is  
 4 a land use pattern that's sustainable and a lot of people  
 5 would like to retain it and some people would like to create  
 6 new ones. All right? So I know that's a really fuzzy way to  
 7 answer your question, Jon, but I think that's the best I could  
 8 do.

9 CHAIR HEDANI: Commissioner Starr?

10 COMMISSIONER STARR: Yeah. And I have another  
 11 question. And this also kind of relates to community plans.  
 12 I know we're not up to that, but are there several different  
 13 types of ways of doing a community plan. Since we're kind of  
 14 changing the whole structure by doing this, you know, this  
 15 comprehensive plan with the growth -- growth boundaries, what  
 16 becomes processes for community plans? I think I read the  
 17 term "form based" and there's -- I don't know what was the  
 18 last one we did. I guess it's kind of a mishmash, but --

19 MR. MICHAELSON: I think the first -- the most  
 20 important concept to keep in mind with the way the community  
 21 plans will happen now as opposed to the way they happened  
 22 before is we've talked about a lot more form-based community  
 23 plan process. In other words, what's on the ground? What do  
 24 you see? What is the place going to feel like? As opposed to  
 25 25 pages of policies.

1 And the reason I say that -- Kathleen's  
 2 presentation, I think, will really hit on it -- is that  
 3 policies have their place, but when it gets down to what a  
 4 community is really going to look like and feel like, it  
 5 suggested different planning process, much more physical --  
 6 physically oriented than the community plans in the past.

7 With that said, these are community plan updates.  
 8 All right? For example, the Molokai Plan, they made it loud  
 9 and clear when I was over there about a month ago that: We  
 10 like our community plan, but we're really, really disappointed  
 11 that it was never implemented. And one of the reasons it was  
 12 not implemented is: You can walk around and talk around and  
 13 jump over policies, but if it appears in a much more physical,  
 14 graphic design form -- And I'll give you examples because I  
 15 know this probably sounds a little nebulous. But I'll give  
 16 you examples, real world examples of community plans that have  
 17 taken a form-based approach. What communities often find is  
 18 they get to where they want to go because it's clear to  
 19 development community what is expected of them by the people  
 20 who live there as opposed to 32 pages of policies.

21 Does that --

22 COMMISSIONER STARR: Part of it.

23 CHAIR HEDANI: Commissioner Mardfin?

24 MR. MICHAELSON: I got part.

25 COMMISSIONER MARDFIN: I want to follow up with

1 this. It was something I was going to do at a later point,  
2 but now is a good time to do it. We had a great deal of  
3 testimony a couple -- last week and today about Waihee. And  
4 at least to me, part of the problem seems to be their  
5 perception of not having control. And I think in part that  
6 may be because Central Maui is Wailuku and Waihee and  
7 Kahakuloa. And to me and I think probably to them, that makes  
8 very little sense. And I know you want to have a relatively  
9 small number of community plans, but I -- it strikes me that  
10 Wailuku and Kahului should be doing one plan and people in  
11 Waihee and Kahakuloa should be doing their own, or at least  
12 have a separate section. Because what works for Wailuku  
13 probably doesn't work for Kahakuloa.

14 In Hana we don't quite have the problem. From Kaupo  
15 to Keanae, we're all real similar. So even though we're a  
16 whole lot larger land area -- There are differences. I'm not  
17 saying there are no differences, but we can work them out  
18 easier, I think. It's not that we have something really odd  
19 in the center of it. And so it seems to me drawing different  
20 boundaries for community plans might make some sense.

21 MR. MICHAELSON: One of the failures of the previous  
22 community plan process, when you try to isolate everything --  
23 I mean, they did some subarea planning, but not very much.  
24 And one of the advantages of a form-based approach is that you  
25 can recognize the physical, cultural and geographic

1 differences within these community plans and try to isolate  
2 those a little more.

3 So I think our vision of the community plan is a lot  
4 more on the boots work which didn't really occur with Waihee  
5 'til we all collectively heard their perspective. Again, I  
6 think that's something we do take to a community plan level.  
7 That was kind of, you know, the best laid plans of mice and  
8 planners where we thought with the development of the Hawaiian  
9 Homelands property and the other rural development they've  
10 seen, maybe they'd like some services. I think we got a  
11 pretty clear perspective on how close we were.

12 But that's the intent of our approach this time, to  
13 be much more on the ground, not treat these places as  
14 homogenous, recognize those differences, recognize those  
15 communities are different, and plan according with them as  
16 opposed to maybe there's a perception we did it around them,  
17 which I think is something we can fix.

18 CHAIR HEDANI: Okay. Any other questions for the  
19 staff on the Kihei maps we're talking about? Commissioner  
20 Shibuya.

21 COMMISSIONER SHIBUYA: It's more of a comment. And  
22 maybe Dave can address this, too. When we say land use,  
23 there's many uses for the lands: Economic development,  
24 agriculture, housing, energy production, watershed protection  
25 and development. We seem to have taken in the GPAC certain

1 areas that were predefined for us -- land use, agriculture was  
2 one of them, another one housing -- but we never really talked  
3 about the economic development and how that integrated with  
4 land use. We never talked about watershed and how that  
5 integrated with the surviving -- well, how do we sustain the  
6 people of Maui?

7 What's your thoughts on this, Dave?

8 MR. MICHAELSON: I don't think we necessarily  
9 isolated ourselves, but I do agree with you that in some cases  
10 sometimes not all of those issues connected. Right? We have  
11 what I consider a really very innovative watershed protection  
12 approach, which I don't think any of the other islands have  
13 done, but we didn't really talk about that in the context of  
14 like small agriculture activities, for example.

15 One idea that has come up is a lot more respect for  
16 moku planning, thinking about those lines defined naturally,  
17 right, or culturally. Ahupuaa is the same example. That we  
18 should be thinking more along those lines than the boundaries  
19 that we have, which are basically either hard geographic or  
20 infrastructure. You'll see that the community plans lines run  
21 along a road, for example. Well, that doesn't really connect  
22 with I think what -- the whole moralistic approach is that  
23 Warren is suggesting. I think the community plan will give us  
24 an opportunity to maybe adjust how we look at our boundaries  
25 and see if we can tie those things together a little more than

1 we have now.

2 CHAIR HEDANI: Okay. Staff Presentation on Land Use  
3 Element, Directed Growth Element and Proposed Growth  
4 Boundaries for the Kihei Region.

5 Oh. One more question. Commissioner Hiranaga?

6 COMMISSIONER HIRANAGA: Oh. Are we entering Agenda  
7 Item C now?

8 CHAIR HEDANI: Right.

9 MR. MICHAELSON: Yes.

10 COMMISSIONER HIRANAGA: Oh, okay.

11 CHAIR HEDANI: You were wondering when we were going  
12 to do that?

13 COMMISSIONER HIRANAGA: I thought we were in it. It  
14 seemed like we were, but --

15 CHAIR HEDANI: I thought we were in that, too.

16 MR. MICHAELSON: Let me describe what's about ready  
17 to occur. First of all, I want to congratulate all of you  
18 folks on finally being here. This is where the rubber meets  
19 the road. All right? This is where we define what we're  
20 going to see in 22 years on Maui.

21 Very early in the process with you folks you asked  
22 us to provide a presentation that sort of elaborated on some  
23 of the physical design principles that permeate through all  
24 these policies, and we've got about a 25-, 20-minute  
25 presentation, maybe, to walk you through. The idea is that

1 this is a departure from how we've done business on Maui over  
2 the last 40 years in terms of how we look at the quality of  
3 the land use, the components that make it up, what makes a  
4 livable project.

5 And we're very fortunate to have just brought a very  
6 talented planner into our department. She's behind me. Her  
7 name is Kathleen Kern. She's actually going to give this  
8 presentation. She comes from the two most important -- Her  
9 background has the two most important skills we need to do  
10 what we need to do with you from now on and with the community  
11 plans, and that's community engagement and urban design. And,  
12 also, rural design as well.

13 So Kathleen has put together a presentation that I  
14 think is a perfect jumping off point as we start talking about  
15 these policies. And just as a bit of a background, tonight  
16 you have three sets of policies: Urban, rural and  
17 agriculture. Right? And then we have the directed growth  
18 policies. I think the directed growth policies, frankly, we  
19 can get through relatively quickly, but these that are in  
20 front of you tonight are really important because they do, in  
21 fact, serve as the basis for a lot of what will occur in those  
22 urban growth boundaries, how they'll occur.

23 So with that, I'm going to turn it over to Kathleen.  
24 It looks like I need to fire up your laptop. Yeah? But  
25 please welcome her. We're very lucky to have her here. Her

1 streets that have trees, different forms of housing within a  
2 relatively small area, and good landscaping.

3 Well, so what is density by design? Density by  
4 design is deliberately planning and designing housing at an  
5 appropriate density in order to create a complete neighborhood  
6 or a complete community that will support local retail, jobs  
7 and commercial services, and support transportation and public  
8 amenities such as parks, schools and community centers.

9 I want to try and define density first. Or, rather,  
10 that is to say, in the world of planning there's no singular  
11 method of measuring density. However, as planners we tend to  
12 use about three primary measurements. At the building scale  
13 when we're talking about a building on a site, we'll talk  
14 about floor area ratio or floor space ratio. And that's  
15 generally how much area of a -- of building in relation to the  
16 area of the site. At the neighborhoods scale we talk about  
17 dwelling units per acre. And then at the much larger city and  
18 urban area scale -- For example, if we're comparing two  
19 different urban areas, we want to compare Honolulu to Tokyo,  
20 we might want to talk about population per square mile.

21 In the presentation tonight I'm really going to  
22 focus on that neighborhood scale, dwellings, dwelling units  
23 per acre. And there's -- I'm sorry. It's going to be hard to  
24 read the red lettering here. But dwelling units per acre,  
25 there's -- it's essentially two forms of measurement.

1 background is she's worked in Seattle, Vancouver, several  
2 other places. And she's a whole lot smarter than I am, I  
3 promise.

4 MS. KERN: Thank you, Dave. And thank you for  
5 letting me do this presentation. Dave and John asked me to  
6 give you a little presentation on urban design and density.  
7 You might call it Density By Design.

8 So as Dave fires up the PowerPoint.

9 MR. MICHAELSON: Twelve seconds.

10 MS. KERN: And I believe there's a remote control  
11 somewhere.

12 MR. MICHAELSON: It's right next to Wayne.

13 MS. KERN: Are we going to need lights off a little  
14 bit?

15 So I want to talk a little bit tonight about urban  
16 design and about density, specifically residential density and  
17 community density and community design. Our presentation  
18 tonight is called Density By Design. And do we have examples  
19 of, first of all, on the upper right-hand side, sort of the  
20 typical example of urban sprawl where you see nothing but  
21 houses, nothing but houses and roads. There's not really any  
22 parks. The houses are -- all kind of look the same. And  
23 there's a lot of cul-de-sacs, so it's not a very connected  
24 community. And we just wanted to contrast that to other forms  
25 of community design where you have roads that are connected,

1 One is the gross density. Gross density includes  
2 measuring the land area that's taken up by roads, recreational  
3 space, civic space, commercial space and nonresidential uses.  
4 Whereas net density is strictly only counting the area that's  
5 taken up by residential. And to just sort of illustrate that,  
6 here in the gross density example the area includes all the  
7 roads, the lane ways and what's a park. And so what you have  
8 here is about 160 houses on about 30 -- you know, this was  
9 sort of a calculation I did, but on 33.66 acres you end up  
10 with a gross density of 4.75 dwelling units an acre.

11 If you take the same dwelling units, but subtract  
12 and you don't count the roadways and the park, you get 160  
13 houses on 18.36 acres, which is 8.7 dwelling units an acre.  
14 So you can see it can make quite a bit of difference whether  
15 you're talking about net or gross.

16 Ultimately as planners when we're thinking about  
17 communities, we do want to think about gross densities because  
18 it's those gross densities which help us understand what kind  
19 of densities are going to support transit and retail.

20 I want to walk you through here sort of what are  
21 some typical ranges of densities for different types of  
22 development from rural low density up to sort of mixed use and  
23 apartment densities. So you can sort of see there there's --  
24 a rural density can be very low, houses on 2-acre lots where  
25 you really only have half a dwelling unit per acre, up to a

1 higher density of mixed use apartments that can be anywhere  
 2 from 22 to 50 dwelling units an acre. So what is -- And  
 3 that's just sort of to remind us in general in the world of  
 4 smart growth if we want to try and create livable, walkable  
 5 communities that support transit, we're really trying to aim  
 6 towards a mixed housing neighborhood that has 10 to 14  
 7 dwelling units per acre at minimum.

8 So what does it look like? The following  
 9 illustrations are sort of examples both from Maui and from  
 10 elsewhere to sort of walk you through these different ranges  
 11 of density. So rural residential, such as in Haiku, you find  
 12 houses on 2-acre lots. And here on one house is the plot map.  
 13 And these are a bunch of 2-acre lots. Some of them are flag  
 14 lots. And here's the aerial photograph.

15 Large lot suburban. Large lot suburban is houses on  
 16 about half-acre lots, such as in Maui Meadows, where you can  
 17 get anywhere from one to four dwelling units per acre. A lot  
 18 of houses on Maui have ohanas, so you'll get about two units  
 19 on a half acre, hence four units an acre.

20 An alternative to these forms of large lot  
 21 developments is conservation site design or conservation  
 22 subdivision design, which tries to work with the land features  
 23 to preserve open space, to preserve sensitive areas and  
 24 sensitive habitat. And this example shows a conventional  
 25 suburban or rural design where you have housing -- individual

1 photographs to remind us what these areas typically look like.  
 2 Often areas such as this don't have extensive pedestrian  
 3 facilities. That's to say what you might notice is that  
 4 there's -- there may be a sidewalk on the one side of the  
 5 street, but there often isn't on the other side, or sometimes  
 6 no sidewalks at all.

7 Moving up in scale a little bit, in some areas you  
 8 can find some planned unit suburban lots where the lot sizes  
 9 are a little smaller, more like 4 to 5,000 square feet. This  
 10 can be found around Napili, Napilihau, where there's -- I'm  
 11 sorry you can't see it very well, but these houses have shared  
 12 parking courts and then, also, a shared open space in between  
 13 them. So a little tighter density than a typical standard  
 14 suburban area.

15 What you can also find here on the island are  
 16 cottages on small lots. And they'll have a density of about  
 17 11 to 12 dwelling units per acre. You can find this in Haiku.  
 18 You can find this in Paia. So these are little houses, about  
 19 800 -- 600 to 900 square feet each, and they're on about  
 20 3,000, 3,500 to 4,000 square foot lots.

21 As a kind of alternative where -- a similar range of  
 22 densities to the previous examples, just sort of want to show  
 23 what a smart growth suburban neighborhood might look like.  
 24 And this is an example for from Seattle. This is a  
 25 neighborhood called High Point that has recently been

1 houses on very large lots and sort of a minimal preservation  
 2 of open space.

3 This example has the same number of houses with the  
 4 same number of dwelling lots, but the lots are smaller and a  
 5 lot more open space is preserved. Usually what happens is an  
 6 analysis of where are the sensitive areas, where are the areas  
 7 of riparian corridors or meadowlands or wetlands that need to  
 8 be -- that would ideally be preserved. And what happens is in  
 9 preserving that kind of open space, it becomes available as  
 10 public lands for people as opposed to being restricted in  
 11 private lots.

12 Conservation site design can also be done on a  
 13 little more suburban scale as opposed to quite a rural scale.  
 14 And here you sort of decide or walk through an analysis of the  
 15 land features, then trying to figure out where -- what places  
 16 to save, how to work with the watershed system. And this kind  
 17 of just shows an example of what conventional site design  
 18 would be with a bunch of cul-de-sacs, versus a conservation  
 19 site design, which tries to create more public space as well  
 20 as more open area.

21 Here we move to sort of an example of fairly  
 22 standard suburban lots, such as here in Kihei or in Keonekai,  
 23 where you get about five to eight dwelling units per acre.  
 24 The lots tend to be about 7,800 square feet. And there's an  
 25 aerial shot along with the plot plan. And just a couple of

1 redeveloped. It was originally some workers' housing built  
 2 during World War II. And then after World War II, the site  
 3 was turned into social housing. Then in the -- over the  
 4 past -- about five years ago it became a Hope VI Project with  
 5 HUD, HUD financing. And the project's -- The site is this  
 6 area right here. And it's being redeveloped into a denser  
 7 urban neighborhood that has a variety of housing from  
 8 apartments to Tam houses and duplexes to single-family houses  
 9 and little coach houses. There's public park areas. There's  
 10 a library and a community center. And there's also a little  
 11 tiny corner of retail development.

12 This is the site plan again. You can see that what  
 13 they've done here is it's a regular sort of grid of streets.  
 14 There's no cul-de-sacs. There's a connected street network.  
 15 The streets are also extremely green.

16 What's innovative about High Point is it's utilizing  
 17 a lot of watershed management systems; that is to say, natural  
 18 systems in terms of its drainage. As you may know, it rains a  
 19 lot up in the Pacific Northwest and especially in the winter  
 20 we have to worry about where all the water goes. And the  
 21 conventional way of dealing with storm water in the 20th  
 22 Century has been to put it into big huge pipes and pipe it  
 23 into the ocean. That causes a lot of damage both to the ocean  
 24 as well as to the existing watershed systems or natural  
 25 systems of the land.

1 So what High Point does is actually try and deal  
2 with most of its storm water on site through large retention  
3 ponds, but also through drainage swales along most of the  
4 streets, as well as through they're doing some experiments  
5 with course pavement and course cement. Course pavement for  
6 an experimental street and porous cements for experimental  
7 sideways.

8 As you can see, too, there's a variety of housing  
9 or, rather, there's duplexes, there's little townhouses, some  
10 single-family houses and there's apartments. There's also a  
11 community garden. And here are some of the drainage swales  
12 that help take -- infiltrate some of the rainwater.

13 Moving up in scale, we have townhouses in Kihei here  
14 on Walaka Street. There's a bunch of little townhouse  
15 buildings here that sort of turn their side to the -- side of  
16 the buildings, turn their side to the street. And there's  
17 about six to ten units in each of those little buildings.  
18 They're about two-bedroom units with the two bedrooms  
19 upstairs.

20 Just to sort of show some different ideas of what  
21 townhouses can look like, this is an example from Vancouver.  
22 These are townhouses that were inserted into a single-family  
23 housing area. And what you have here is not just a townhouse  
24 so there's one unit there, one unit there, but there's also  
25 two units on the ground floor, if you will. So in a way this

1 that hasn't been built or may be built in the future at  
2 Kahului Town Center.

3 And just to show you some built examples of  
4 contemporary mixed use from the mainland, this is an example  
5 from Boulder, Colorado and from Vancouver, BC. This project  
6 in Vancouver has a grocery store and cafes and book stores on  
7 the ground level, offices on the second level, and then three  
8 stories of residential.

9 And here's sort of conventional big box as we all  
10 know it. Home Depot and Wal-Mart are single-story buildings  
11 surrounded by seas of parking lots. But I'm here to argue  
12 that big box doesn't have to look like a big box. Big box  
13 doesn't have to look like this. You can, in fact, do mixed  
14 use big box.

15 This is a fairly new project in Vancouver that just  
16 finished about a year ago and it includes a Home Depot sort of  
17 in the middle of the project and on one corner. There's also  
18 a grocery store, Save-on-Foods, which is a fairly large  
19 grocery store about the size of a Safeway. There's a bank  
20 around one side and there's a couple of other smaller units  
21 including a Starbucks. There is, of course, lots of parking.  
22 There's a couple-level parking up -- parking hidden in there  
23 where you can't really see it.

24 And then there's some rental apartments and  
25 condominiums up above, three stories of residential. There's

1 little building you could think of it as a six-plex. No,  
2 four-plex. There we go. But it tries to sort of mimic the  
3 look of single-family houses in the surrounding neighborhood.  
4 And the parking rather than being in front is in the rear.  
5 There's an entrance to an underground garage right here in the  
6 back lane.

7 Here's just some other sort of design paradigms for  
8 townhouses. You can have tall skinny townhouses as you have  
9 here with three stories. Again, parking is in the rear and  
10 they have a big large patio in the back. There's also  
11 townhouses that have a much more modernist look, these ones.  
12 And they also have quite a large lanai/patio on the roof as  
13 well as little patio on the back. And, again, this project  
14 has underground parking and you can go from the underground  
15 parking directly into your own unit.

16 Coming up in density a little bit more, there's  
17 low-rise apartments such as Keonekai Villages. And I believe  
18 that project has a density of about 22 units an acre. Of  
19 course, there's a whole variety of ways that apartments can  
20 look, whether it's in a large project or a small project such  
21 as this one. Whether it's a traditional look or whether it's  
22 a more contemporary look.

23 Moving up in density, there's mixed use. Mixed use  
24 being ground floor retail or commercial with residential and  
25 offices above. This is an example of, I guess, a proposal

1 double-high units as well as single-story units that are all  
2 facing a courtyard of a green roof. This project has a  
3 density, a site density of about 3.3 floor area ratio. I  
4 haven't been able to quite figure out yet what the actual  
5 density in dwelling units per acre would be, but I'm pretty  
6 sure it would be in the range of probably 22 to 20 -- to 30  
7 units per acre.

8 So what are some of the benefits of higher  
9 densities? The benefits include that transit networks are  
10 more feasible. With more people living in areas where they  
11 can actually walk to take transit, transit becomes feasible  
12 for people and less expensive for transit to run because it  
13 doesn't have to travel so far. Infrastructure costs are less  
14 and there's a critical mass of population to support local  
15 retail, which all results in a smaller ecological footprint.

16 Just to continue, communities that have densities  
17 that support transit, that is to say, in the range of 12 to 20  
18 dwelling units per acre, result in: More efficient use of  
19 land, energy and resources; conservation of open space; less  
20 oil and gas consumption. Resulting in cleaner air, a  
21 minimization of traffic congestion. More people end up  
22 walking, which leads to healthier lifestyles and safer  
23 neighborhoods, because there's more people on the street and  
24 more eyes on the street.

25 Density and transportation. Just to give you some

1 figures, it takes about eight dwelling units per acre to  
2 support minimum service. And that's sort of one bus every 30  
3 minutes. It takes about 20 dwelling units per acre to support  
4 a transit station. And it takes about 30 dwelling units an  
5 acre to support rapid, high frequency transit. That's  
6 something, say, every ten minutes.

7 With retail, it takes about seven dwelling units an  
8 acre to support a small corner store. And it takes about 18  
9 dwelling units an acre to support a small supermarket or  
10 grocery store. And then if you have about 1,000 to 2,000  
11 dwelling units within a 10- to 15-minute walking distance,  
12 that is to say about a quarter mile radius, that will support  
13 a small, local retail shopping area.

14 What's the benefit of density, but also design is a  
15 compact shopping area as opposed to a long, sprawling shopping  
16 area. So what do I mean by a compact shopping area? This is  
17 an example that shows, you know, multiple shopping streets  
18 around a central public square.

19 This is an example that shows a typical strip  
20 development with big box retail and large parking lots  
21 transformed into a more compact retail development.

22 Almost done. Excuse me.

23 Density and walkability. Density and design also  
24 work together to create walkable neighborhoods. And what's  
25 required is:

1 Compact residential development with a variety of  
2 housing types.

3 Compact retail development, one that's not dominated  
4 by large parking lots where people aren't going to walk.

5 A mix of land uses; living, working and shopping  
6 activities all within a similar walking area.

7 And a well connected street network.

8 So what we're striving for is complete communities,  
9 communities that at their heart have an array of shops and  
10 services, entertainment, local cultural events, offices, cafes  
11 or restaurants, but also multi-family housing, parks, schools,  
12 and all surrounded by housing types that support a range of  
13 choices for people in all stages and ages of their life.

14 What that can look like is something like this,  
15 which is a proposal by Calthorpe Associates. So there's  
16 retail development at the core surrounded by multi-family,  
17 surrounded by a variety of probably single- or low-density  
18 housing types. And the whole area is connected not only  
19 through a grid of streets, but also through a network of  
20 public spaces and public amenities.

21 This is also called new urbanism. I tend to call it  
22 traditional urbanism because it's not necessarily really new.  
23 But this kind of design philosophy is also sometimes known as  
24 transit-oriented development, traditional neighborhood  
25 development, Smart Growth, and also recently the Council For

1 the Leadership in Energy and Environmental Design, LEED, has  
2 come up with new manual rating system on neighborhood design  
3 which tries to codify some of these ideas.

4 So in a way it's Back to the Future. I think  
5 traditional settlement patterns not only here on Maui, but  
6 over on the mainland or other places in the world provide a  
7 kind of model for how to make compact communities. And this  
8 is just showing, you know, the lot patterns of Lahaina and  
9 Paia. And what do we see? We see small lots, we see a  
10 relatively connected street network and we see compact  
11 communities.

12 So, once again, Lahaina has small blocks, a  
13 connected network and (inaudible) development and has mixed  
14 use. And up in Makawao, too, there are also small lots and  
15 concentrated retail development.

16 So it's not just about density, it's also about good  
17 urban design. Good urban design can make a significant  
18 difference in functionality and the perceived density and the  
19 walkability and the livability of the community. And just  
20 some of the fundamental elements of urban design includes  
21 streetscape and street design not only to make streets more  
22 pleasing, but to make streets public space instead of just  
23 like sewers for cars. Streets that are functional also for  
24 pedestrians as well as bicyclists as well as automobiles.

25 Urban design is also about the lot patterns and

1 sizes, about using the appropriate lot sizes and lot patterns  
2 for the different type -- different types of communities that  
3 one may want to build. Carefully designing buildings so that  
4 there's usable outdoor space, so that there's good entrances,  
5 so that there's privacy.

6 Urban design is also about landscape design, again,  
7 so that you can create green communities, privacy and beauty.  
8 Taking advantage of green design and natural systems rather  
9 than relying on mechanical systems to deal with drainage or  
10 air-conditioning.

11 Urban design is also about thinking about amenities  
12 and public spaces, about making sure that there are public  
13 spaces within each community, about making those public spaces  
14 functional. And here we're just trying to illustrate the  
15 importance of streets as public space. If you build wide  
16 enough sidewalks, you can have sidewalk cafes. And about  
17 appropriate land use mix and diversity of housing types. Not  
18 just creating a monoculture of single-family houses or only  
19 apartments or only townhouses, but mixing all those different  
20 types in together.

21 So, in other words, when we -- And it's also call  
22 this smart urban design. So just to end up, there's actually  
23 a couple of tests one can do to see whether you really have  
24 good urban design. And one is called the ice cream test, and  
25 the ice cream test is: Can you walk to a store and buy an ice

1 cream store and walk home again before it melts?  
 2 And another one is the Halloween test. Is it a good  
 3 area for kids to go trick-or-treating? Because, of course,  
 4 good areas for trick-or-treating have small blocks, small  
 5 driveways and lots of doors you can knock on and safe streets  
 6 for kids to walk on.  
 7 The parade test. Is it a good place to have a  
 8 parade? Will people actually come out and watch the parade?  
 9 If it's a really low density area, there may just not be  
 10 anybody -- nobody may actually know if you're having a parade  
 11 or not.  
 12 Finally, the date test. Is it a place where you're  
 13 going to want to take your date out to a restaurant and then  
 14 go for a nice stroll afterwards?  
 15 If all of you can say yes to all of those things,  
 16 then you probably have a good, compact, smart, traditional  
 17 urban design community.  
 18 So that's the end of my presentation, so thank you  
 19 very much.  
 20 CHAIR HEDANI: Okay. Any questions on the  
 21 presentation?  
 22 COMMISSIONER U'U: Chair.  
 23 CHAIR HEDANI: Commissioner U'u.  
 24 COMMISSIONER U'U: Paia passed the test. I went on  
 25 a date last night with my wife, so -- I never eat the ice

1 dreams?  
 2 MS. KERN: Well, I hope not.  
 3 COMMISSIONER U'U: I hope not, too, to be honest.  
 4 MS. KERN: Yeah. I would hope that through the  
 5 community plan updates we can provide much more specificity as  
 6 to what could be permitted and what could be allowed. By  
 7 developing design guidelines, sub area plans, form-based codes  
 8 it becomes much more predictable and in a way almost  
 9 prescriptive as to what can and cannot be built. As opposed  
 10 to a set of loose policies or words on paper and that sort  
 11 of -- that really provide only a general outline of what may  
 12 be done.  
 13 So if we can through the community plans be much  
 14 more directive -- In other words, sort of say this is what we  
 15 want to see and this is how we want to see it, this is what  
 16 this community wants to become. That's one way to get -- to  
 17 hopefully let the permitting process then become much more  
 18 predictable and hopefully take less time.  
 19 CHAIR HEDANI: Commissioner U'u.  
 20 COMMISSIONER U'U: So the answer is no. I just  
 21 being honest. I mean, is the answer no? And I'm asking you  
 22 in a sincere way. And maybe you need to understand the  
 23 process before you -- for me before you bring a plan. I could  
 24 be wrong, granted. I've been wrong a lot of times. You can  
 25 ask my wife. But the process we go through is timely and

1 cream, so I bypassed the desert.  
 2 But I've got some questions regarding -- I like the  
 3 concept, I like the local, I like the walkability, I like  
 4 everything about it; but to be distinct between the truth and  
 5 one dream for me is the cost of doing construction, the zoning  
 6 prior to entering -- We've had projects on Maui that go  
 7 through the process for 20 years. And time is money, as you  
 8 know.  
 9 What was the cost of the homes? Do they allocate  
 10 money for school fees? Parks fees in Lahaina after four  
 11 lots -- units is 20,000, 20 plus thousand. We've got the Show  
 12 Me the Water Bill. We've got without the Workforce Housing  
 13 Ordinance. We've got to capture 100 percent of the runoff.  
 14 We get one SMA permit that ends here. We're looking at  
 15 possibly a SEP permit. Do -- Are we partnering with  
 16 developers? How restrict are the restrictions? We still need  
 17 infrastructure costs for roads, everything is shipping on to  
 18 an island and the land cost is outrageous.  
 19 So I want to know: How do we develop something that  
 20 is affordable for this community that isn't a dream? And I  
 21 want you to share that with me. Because you can show me all  
 22 the pictures in the world, but if you haven't been through the  
 23 process on Maui, it's different, I can assure you, than  
 24 Seattle or Vancouver. So what are the hurdles are we looking  
 25 at to make this a reality? Or is this just a catch bag of

1 costly, land is --  
 2 How much was the houses you were showing there?  
 3 What was the cost per house?  
 4 MS. KERN: Well, Vancouver --  
 5 COMMISSIONER U'U: Is it high end? Moderate?  
 6 Middle?  
 7 MS. KERN: There's a mix of things. Some of them  
 8 were subsidized. Some of them were, I would say, middle end,  
 9 middle high. Vancouver has extremely high land cost, too.  
 10 Actually, Vancouver is more expensive than here. So, for  
 11 example, those townhouses that I showed, I think when they  
 12 were originally built they may have sold for 250, 350, in  
 13 today's market -- Or let me say this: In 2007's market, the  
 14 height of the market, those townhouses in Vancouver would have  
 15 been about 650 to 700, \$850,000. The market's come down, of  
 16 course, but those on the west side of Vancouver, that's the  
 17 chichi side of Vancouver. But there's also townhouses that I  
 18 could have shown that are in the range of \$300,000.  
 19 CHAIR HEDANI: Commissioner Hiranaga.  
 20 COMMISSIONER HIRANAGA: I visited Vancouver three  
 21 years ago and the thing that struck me about Vancouver, 'cause  
 22 it is fairly high density, is that they have a fantastic mass  
 23 transit system; overhead rail, electric buses. And so when  
 24 you have high density and you go to these mixed-used areas  
 25 where there's shops and bars on the lower level and

1 residential above, you don't take your car there because  
2 you'll never find parking. And that's -- It works because  
3 they have a fantastic mass transit system.

4 Maui doesn't have that, so my concern is if you're  
5 going to start creating all this high-density designated areas  
6 and the mass transit never comes for the next 40 or 50 years.  
7 Because Honolulu doesn't have an overhead rail system yet.  
8 I'm concerned that we're going to create this area where  
9 there's no place to park their cars. And, you know, a prime  
10 example is like Napilihau. You go there in the early evening,  
11 those cars are parked out to the side streets and all over the  
12 place because there's no place to park their cars and there is  
13 no mass transit in Napilihau, so everybody goes in theirs  
14 cars.

15 In Vancouver, did the mass transit come first or was  
16 it high density was there, which then justified the mass  
17 transit? How did that work?

18 MS. KERN: In a way, the density came first and the  
19 transit has come along as people have moved into areas in  
20 order to support the density -- support the transit. And, in  
21 fact, they're kind of lagging behind in terms of really  
22 providing adequate amounts of transit for work where they're  
23 really living. There's a huge metropolitan area, so there's  
24 lots of people living out in the Eastern Frazer Valley that  
25 would love to have a transit line, but, you know, they haven't

1 rewire that.

2 CHAIR HEDANI: Okay. We're going to go ahead and  
3 take -- Let me make one comment before we go ahead and take a  
4 break. I liked what I saw. I believe in neo traditional town  
5 development. I like smart design. I like all of the concepts  
6 that we're talking about. And when we talk about making  
7 things easier for the future, it's the implementation of  
8 things like the general plan, yeah, where you take what  
9 everybody conceives as what you want to see in the future and  
10 you make it happen by creating the zoning that approves it  
11 before the guys ask for it, ahead of time, and implement it  
12 into the plan so they don't have to wait 20 years.

13 Commissioner U'u.

14 COMMISSIONER U'U: And to add to that, we all know  
15 that agriculture -- everything was zoned ag. or cultivation,  
16 so almost everybody needed a change in zoning to get anything  
17 moving forward unless you go into a rural area, but not the  
18 urban.

19 CHAIR HEDANI: Commissioner Starr.

20 COMMISSIONER STARR: Yeah. I do think that it --  
21 this kind of transition that we're talking about and hopefully  
22 will be able to achieve through a consensus is -- it takes  
23 discipline and it's probably going to be painful during the  
24 transition. But if you travel around and look at those  
25 communities that are thriving both, you know, inside the US

1 been able to afford to build it yet.

2 You know, one of the rules about this kind of  
3 urbanism is to, you know, first of all, put the density where  
4 the transit is. So instead of building new communities in new  
5 areas, you know, rule number one is do in-fill, put people  
6 where there's already infrastructure, where there's already a  
7 bus line and where there's already commercial services for  
8 them to walk to. So that -- you know, that's sort of the  
9 place to start before, you know, leapfrogging out to -- into  
10 barren areas where there's nothing.

11 CHAIR HEDANI: Okay. Any other questions?

12 Thank you very much.

13 David, you had a comment?

14 MR. MICHAELSON: Just one about Bruce's comment  
15 because I think it was really important. And my experience  
16 from my work on the dark side is that when the process is  
17 ambiguous and it's unpredictable and it's lengthy, you take  
18 the path of least resistance. All right? The path of least  
19 resistance on Maui has been rural lots out in the hinterland,  
20 because that is the path of least resistance. So to make this  
21 happen, we have to overcome the ambiguity, the uncertainty,  
22 and the time it takes to get projects approved. Because, I  
23 mean, with my clients, time was money. And, in fact,  
24 oftentimes the time was more -- there was more money spent on  
25 the time than there was on the design. So we would have to

1 and also in Europe and Australia, they're ones who've kind of  
2 done this and are trying to figure out ways of being more  
3 efficient, you know.

4 I think we're going to be looking at very expensive  
5 fuel and transportation costs and people are not going to be  
6 able to have five cars per family. And if we're going to be  
7 able to survive in that era, you know, not only survive, but  
8 thrive, I really think it's something that we've got to have  
9 the discipline to do.

10 And I really want to thank the Long Range people,  
11 because I think they're serving us well. And I don't think  
12 it's easy for them. I think the course of least resistance  
13 would have been to take the easy way out, but I don't think  
14 they're doing that. I think they're really trying and I  
15 appreciate it and want to thank them for that. And I hope we  
16 can listen to what they're saying because I think they're  
17 trying to lead us to a place where, you know, our kids and our  
18 grandkids are going to be able to afford to live here and have  
19 good lives.

20 CHAIR HEDANI: Okay. With that, let's go ahead and  
21 take a ten-minute recess. Okay. Be back in ten minutes.

22 (Pause in Proceedings: 6:37-6:50)

23 CHAIR HEDANI: (Gavel.) The Planning Commission  
24 meeting of July 7th will reconvene. Okay. I think we're  
25 actually at the point where we can get some work done tonight.



1 I believe we're on Agenda Item D; right?  
 2 DIRECTOR HUNT: We're on Agenda Item D, but because  
 3 the Commission is so efficient and businesslike, you've  
 4 already finished your infrastructure element. That was just a  
 5 place holder, so we'll go straight into the Land Use Element.  
 6 And I think Julia will fire up the computer and we'll get it  
 7 up on the wall and you guys know the routine from there.  
 8 CHAIR HEDANI: Okay. We have 20 pages, according to  
 9 my set of stuff. We have 20 pages of material that will take  
 10 us through Land Use. Commissioner Mardfin.  
 11 COMMISSIONER MARDFIN: Mr. Chairman, under  
 12 Agricultural Land Uses I move the adoption of Goal 1,  
 13 Objective 1 and its attendant Policies and Actions.  
 14 CHAIR HEDANI: The Director's Recommendation?  
 15 COMMISSIONER MARDFIN: The Director's  
 16 Recommendations, yes.  
 17 CHAIR HEDANI: Is there a second?  
 18 COMMISSIONER STARR: I second.  
 19 CHAIR HEDANI: Second by Commissioner Starr.  
 20 Discussion? Commissioner Hiranaga.  
 21 COMMISSIONER HIRANAGA: More of a question. On  
 22 Policy No. 1, Director's Recommendation, the last line, "When  
 23 approved as a conservation site design," who approves the CSD?  
 24 CHAIR HEDANI: Director.  
 25 DIRECTOR HUNT: That would be established in the

1 instance. That would be determined through the adoption of  
 2 the actual clustering ordinance.  
 3 CHAIR HEDANI: Is there a motion for an amendment  
 4 that --  
 5 COMMISSIONER U'U: Motion to amend.  
 6 CHAIR HEDANI: Commissioner U'u. Is there a second?  
 7 COMMISSIONER DOMINGO: Second.  
 8 CHAIR HEDANI: Seconded by Commissioner Domingo.  
 9 This would be amend Policy No. 1 to read, "Allow where  
 10 appropriate the limited use of clustering of development"  
 11 under the GPAC final recommendation. Discussion?  
 12 All in favor signify by saying aye.  
 13 COMMISSIONERS: Aye.  
 14 CHAIR HEDANI: Opposed, nay.  
 15 Carried. Thank you.  
 16 Commissioner Mardfin.  
 17 COMMISSIONER MARDFIN: I would propose a new policy  
 18 to read some -- to read "determine and map actual commercial  
 19 ag. production for Maui" as opposed to "casual ag.  
 20 production."  
 21 CHAIR HEDANI: Would you repeat that slowly, please,  
 22 for Julia.  
 23 COMMISSIONER MARDFIN: Sure. Julie, "determine and  
 24 map actual commercial agricultural production for Maui" as  
 25 opposed to "casual agricultural production."

1 process, the ordinance that is adopted. In theory it could be  
 2 the Planning Commission, particularly on larger scale  
 3 developments, but perhaps you could get some administrative  
 4 approval to streamline. So that would be set out in the  
 5 ordinance through the public process.  
 6 CHAIR HEDANI: Commissioner U'u.  
 7 COMMISSIONER U'U: Yeah. Also, where it says  
 8 "development of prime and productive agricultural lands  
 9 identified on Maui Island Plan map," what's the blank? What's  
 10 that? What we looking at there?  
 11 CHAIR HEDANI: Director Hunt.  
 12 DIRECTOR HUNT: You had some testimony that  
 13 suggested that it not be limited to prime and productive  
 14 agricultural lands, so the Department -- in discussing that,  
 15 we can support the GPAC's wording in this particular policy.  
 16 The "identified on Maui Island Plan Map No.," that  
 17 would just to give a -- that was a place holder for the map.  
 18 But if we go to the GPAC's version, then we don't need it,  
 19 because all the agricultural lands. But we would like to  
 20 insert or we would ask that somebody insert the clause  
 21 "limited use of" right before the first word clustering. So  
 22 it would read, "Allow where appropriate the limited use of  
 23 clustering of development on agricultural lands." The idea  
 24 being that we can support clustering, but we don't want to  
 25 send the message that it should be used liberally or in every

1 MS. STALEY: I apologize. I was having another  
 2 conversation, but you're more important, Board.  
 3 COMMISSIONER MARDFIN: "Determine and map actual  
 4 commercial agricultural production for Maui" compared to  
 5 "casual agricultural production."  
 6 CHAIR HEDANI: Is there a second?  
 7 COMMISSIONER STARR: I'll second that for  
 8 discussion.  
 9 CHAIR HEDANI: Seconded by Commissioner Starr.  
 10 Commissioner Mardfin.  
 11 COMMISSIONER MARDFIN: I think this is important  
 12 because if we're really going to support agriculture, we have  
 13 to know what agriculture really occurs. And there's  
 14 commercial agriculture where people produce stuff, they really  
 15 sell it, they pay GET, general excise taxes on it, and you  
 16 know it's real production. A lot of ag. lands are being used  
 17 for casual agricultural production. My wife grows papayas and  
 18 mangos and stuff like that and we give it to friends or  
 19 something like that. That's very different. And if we're  
 20 really to support agriculture, we at least have to have the  
 21 knowledge base of what's being done, and this is a way to  
 22 accomplish that.  
 23 CHAIR HEDANI: Commissioner Starr.  
 24 COMMISSIONER STARR: Yeah. I seconded that to get  
 25 the discussion going; however, I think it may fit better under

1 Objective 2 than under Objective 1. I think maybe that's why  
2 we're scratching our heads a bit.

3 CHAIR HEDANI: Additional discussion?

4 COMMISSIONER STARR: I ask if we could switch that  
5 to 2.

6 COMMISSIONER MARDFIN: I'd be willing to switch that  
7 to 2. That means, though, that we should probably not vote on  
8 it now. I should probably withdraw the motion, have Julia not  
9 erase it and then I'll remake the motion when we get to  
10 Objective 2.

11 COMMISSIONER STARR: Okay.

12 CHAIR HEDANI: Okay. Any additional discussion on  
13 Agricultural Land Uses, Goal, Objective 1, Policies and  
14 Actions? Commissioner Mardfin.

15 COMMISSIONER MARDFIN: Question. On Policy 3, the  
16 Director's Recommendation, "Prohibit developing or subdividing  
17 Prime, Productive Or Important agriculture lands." Is this  
18 going forward or would this be retroactively?

19 CHAIR HEDANI: Staff? Mr. Summers.

20 MR. SUMMERS: Thank you, Mr. Chairman. This would  
21 be looking forward and it would be in the -- consistent with  
22 this map, which is in your binders, but you have a map that  
23 identifies prime and productive agricultural lands.

24 COMMISSIONER MARDFIN: What's the label of that map?

25 MR. SUMMERS: It's titled the "Agriculture Land

1 designating prime and productive lands to urban and rural  
2 growth areas. So there is some overlap, but they're a little  
3 bit different technically and staff -- These are coming from  
4 GPAC. The Department may have originally suggested them, but,  
5 again, GPAC is recommending them at this point and the  
6 Department supports them as well.

7 CHAIR HEDANI: Additional discussion? Commissioner  
8 U'u.

9 COMMISSIONER U'U: Well, then shouldn't be it done  
10 through an ordinance? Or are we the policymakers for  
11 something as strong as this? Also, it does conflict with your  
12 clustering and CSD policies, or am I wrong, coming up on what  
13 Rory Frampton gave us?

14 CHAIR HEDANI: Director Hunt.

15 DIRECTOR HUNT: Yeah, I agree with you. It would be  
16 through an ordinance and that's one of the things we need to  
17 be careful about the wording in these policies. So we agree  
18 with that. It would be adopted through an ordinance. That's  
19 where we would take a look at the actual language.

20 And the second idea is that it conflicts. We look  
21 at it as they kind of compliment each other, so we would allow  
22 some limited use of clustering, but then, on the other hand,  
23 we don't want to allow these gentleman farms to proliferate.  
24 So we don't see the policies as necessarily conflicting.

25 CHAIR HEDANI: Commissioner Hiranaga.

1 Protection Overlay Map."

2 CHAIR HEDANI: Commissioner Hiranaga.

3 COMMISSIONER HIRANAGA: Is there a motion on the  
4 floor?

5 CHAIR HEDANI: The only motion on the floor is for  
6 the adoption of Goal 1, Objective 1, Policies and Actions as  
7 amended.

8 COMMISSIONER HIRANAGA: Okay. I would like to make  
9 a motion to delete Policy No. 3. I feel it's a duplication of  
10 Policy No. 6.

11 COMMISSIONER U'U: Second.

12 CHAIR HEDANI: Motion by Commissioner Hiranaga,  
13 seconded by Commissioner U'u to delete Policy No. 3 because  
14 it's duplicative with Policy No. 6.

15 Right. I have the thing in reverse. I had Policy  
16 No. 6 as being redundant.

17 COMMISSIONER HIRANAGA: I like the language in 6  
18 better than 3.

19 CHAIR HEDANI: Additional discussion? Director  
20 Hunt.

21 DIRECTOR HUNT: Policy 3 speaks to subdivisions and  
22 particularly the gentleman estates that we've heard so much  
23 concern expressed about. No. 6 speaks to more of during the  
24 general plan update, similar to what you're doing now, we  
25 wouldn't designate -- or we would be discouraged from

1 COMMISSIONER HIRANAGA: Well, I see a total conflict  
2 when you say "allow clustering of developments" if you have a  
3 CSD, and you say "prohibit developing or subdividing." So  
4 one's allowing, one's prohibiting. I mean, it seems like a  
5 total conflict to me. Maybe the word "prohibit" should be  
6 changed to something other than prohibit.

7 CHAIR HEDANI: Director Hunt.

8 DIRECTOR HUNT: We could be happy with a synonym. I  
9 mean, "discourage" or whatever. But, again, we're comfortable  
10 with the two policies, but I think you make a good point. The  
11 word "prohibit" is a pretty strong word.

12 COMMISSIONER HIRANAGA: Yeah, not allow. So I guess  
13 I would make a motion to make the word "prohibit" -- Well, I  
14 have a motion on the floor, I guess, I need to withdraw. So I  
15 can withdraw that motion to delete 3. And the second?

16 COMMISSIONER U'U: I agree.

17 CHAIR HEDANI: Okay. The motion is withdrawn to  
18 delete No. 3.

19 Any further discussion? Commissioner Hiranaga.

20 COMMISSIONER HIRANAGA: I would like to make a  
21 motion to change Policy 3, the word "prohibit" to  
22 "discourage."

23 CHAIR HEDANI: Is there a second?

24 COMMISSIONER U'U: Second.

25 CHAIR HEDANI: Seconded by Commissioner U'u.

1 Discussion? Commissioner Starr.  
2 COMMISSIONER STARR: Yeah. I cannot support this  
3 motion. We've heard over and over again how important it is  
4 to really protect our agriculture -- prime, productive,  
5 important agriculture lands. We're going to need them for  
6 food production and we have plenty of in-fill to develop. I  
7 think this is the time to really take a stand and say that  
8 that's not -- not our future.

9 CHAIR HEDANI: Commissioner Shibuya.

10 COMMISSIONER SHIBUYA: I just had a question in  
11 terms of how are we going to enforce such an ordinance? If we  
12 say "prohibit," then there must be some strong penalties. If  
13 we say "discourage," then we could have some means of using  
14 maybe taxing as a different venue there to discourage the use  
15 of prime ag. lands for residences. My biggest problem here is  
16 that you have a farm that's productive and then when Papa gets  
17 too old, nobody wants to takes over, they subdivide it with  
18 the keiki and then all of a sudden you have a subdivision of  
19 three and now they're not producing anything. So how do you  
20 discourage that? I don't think we can prohibit it, can we? I  
21 just need that on the table.

22 CHAIR HEDANI: Commissioner Mardfin.

23 COMMISSIONER MARDFIN: I don't know where we're  
24 ultimately going, but today we had Mr. Spencer propose that we  
25 build a thousand --

1 COMMISSIONER STARR: Turn your mike on.

2 COMMISSIONER MARDFIN: Thank you. Sorry. I don't  
3 know where we're going, but today we had Mr. Spencer propose a  
4 thousand units of affordable housing on land which I believe  
5 is designated green, therefore, prime, productive, important  
6 agricultural lands. And so if we pass this, we really have no  
7 business giving support to his proposal. And that may or may  
8 not be where we're all going to wind up at the end, but I sort  
9 of hate to do it inadvertently now.

10 CHAIR HEDANI: Commissioner Hiranaga.

11 COMMISSIONER HIRANAGA: I guess I'm just having a  
12 problem when you say "prohibit developing or subdividing," but  
13 then up above you say, well, if you have a CSD, then we're  
14 going to allow it. Unless I -- Maybe we need to go through  
15 prohibit. What does that mean? I thought it meant not to  
16 allow under any circumstances.

17 CHAIR HEDANI: Prohibit means prohibit.

18 COMMISSIONER HIRANAGA: That's why I suggested  
19 deleting 3, because I thought 6 was strong enough language,  
20 'cause you had to be in the general plan or there had to be an  
21 overriding factor. So I just -- Somebody help me. If you  
22 say, I prohibit you from doing this, but if you get a CSD,  
23 I'll allow it.

24 CHAIR HEDANI: Commissioner Starr.

25 COMMISSIONER STARR: I want to speak to what

1 Commissioner Mardfin said, which is that it -- the path of  
2 least resistance has been to take prime, productive  
3 agricultural land and convert it because it's cheap. And that  
4 is -- you know, that does help build housing, but it's not --  
5 it means we end up with housing where it shouldn't be, which  
6 means out in the Boonies in a place that should be farmed  
7 instead of housed. And it -- you know, it's a wrong subsidy  
8 because it's taking our very limited amount of prime  
9 agricultural land out of the agriculture inventory. So if  
10 we're going to have the discipline to put our affordable  
11 housing close where people living in that can get to work, get  
12 to work easily and still have the ability to grow food and  
13 other agriculture, this is, you know, one of the things we  
14 have to do, which is make a decision that ag. land is not for  
15 housing. I mean, that's certainly the State policy and that's  
16 why, you know, the State has different classifications. And  
17 just not do it. And that's why, you know, a strong word is  
18 here. I know that GPAC spent a lot of time balancing this  
19 around and they ended up feeling that the ag. lands need to be  
20 protected.

21 CHAIR HEDANI: Mr. Summers, do you have something to  
22 offer us here?

23 MR. SUMMERS: Thank you, Mr. Chairman. I think we  
24 could resolve it on Policy No. 3 by adding at the end, "unless  
25 approved through a conservation subdivision design." That's

1 where the internal inconsistency lies, so by adding that  
2 language, we'd address that. Policy 6 is really intended for  
3 the incremental requests that the Department receives for  
4 community plan amendments or island plan amendments, once this  
5 plan is adopted. So that that Policy No. 6 would apply to our  
6 review of an application to amend the island plan boundaries  
7 in the future. We would look at our prime and productive ag.  
8 map and use that to make a determination to help us formulate  
9 a recommendation on that application. So they're two very  
10 distinct policies.

11 CHAIR HEDANI: Commissioner Hiranaga.

12 COMMISSIONER HIRANAGA: With that suggestion by  
13 staff, then, it would seem that we could delete Policy No. 1.  
14 If you're going to prohibit, but allow it through a CSD --  
15 versus allow it through a CSD, it seems like you're saying the  
16 same thing. With your proposed change aren't we saying the  
17 same thing in 1 and 3?

18 CHAIR HEDANI: Director Hunt.

19 DIRECTOR HUNT: I think what the proposed -- well, I  
20 guess accepted language at this point on No. 1 is to indicate  
21 that we -- as a County or community, we can support the use of  
22 a CSD, but it's only where appropriate and in limited  
23 instances. And that would be worked out in the ordinance. We  
24 don't think it's a good idea, and that's reflected in Policy  
25 No. 3, to be allowing subdivisions of agricultural land for

1 strictly residential uses. Now, there may be some instances  
2 where it would be appropriate to cluster the development to  
3 allow for a Greenbelt or preservation of open space or even an  
4 agricultural area, but there -- The more you study clustering,  
5 it's problematic and a lot of communities struggle with it.

6 So we don't want to send the message that, oh, yeah,  
7 clustering is just automatically supported in our community.

8 So that's why we like No. 1 as worded.

9 CHAIR HEDANI: Commissioner Mardfin.

10 COMMISSIONER MARDFIN: I don't necessarily disagree  
11 with Commissioner Starr about, you know, supporting  
12 agriculture by supporting the lands, but I was told that these  
13 lands are just like fallow at this point. And I don't know if  
14 that's true or not, but that's what I was told.

15 The second thing is the agricultural map was  
16 determined internally. Is there anybody that reviews that to  
17 see whether these really are, in fact, prime, productive and  
18 important agricultural lands. Because I don't want to have to  
19 go this process of setting urban boundaries, rural boundaries,  
20 and then have to go through and figure out whether we got the  
21 prime lands right. So the whole thing is bothersome to me. I  
22 just don't know where I'm coming out at, to be honest.

23 CHAIR HEDANI: Commissioner U'u.

24 COMMISSIONER U'U: For me to vote on passing  
25 "prohibit prime, productive, important agricultural lands," I

1 something that we aren't sure of and it's too broad for me. I  
2 know it's a general plan and we like that, but I can't vote on  
3 it not knowing who it's going to affect.

4 DIRECTOR HUNT: I suppose that's something this body  
5 needs to wrestle with. There's legitimate arguments on both  
6 sides. And if this body wants to make this a regulation,  
7 perhaps leave it as it is or even strengthen it. If this body  
8 prefers to make it a policy that provides direction, then  
9 perhaps you need to amend it and prohibit through the adoption  
10 of an ordinance the developing dot, dot, dot. So it's up to  
11 you folks where you want to go and we can hope you go in any  
12 direction. I'm not sure there's consensus at this point.

13 CHAIR HEDANI: I'll offer one comment and, actually,  
14 it's a question, actually, for the staff. Anywhere in the  
15 land use document is there a provision for countering the  
16 current course of least resistance where State agricultural  
17 lands go through the State Land Use Commission, bypass the  
18 County all together and end up subdividing lands? Was this  
19 intended to address that problem where you end up with fake  
20 farms and gentleman estates?

21 Anybody? Don't jump in there all at once. Mr.  
22 Summers.

23 MR. SUMMERS: Thank you, Mr. Chairman. I think it  
24 would be one component of that. There would be need to be  
25 several actions to address that issue. I don't think the

1 would need to know where they are, because right now we're  
2 voting in the dark. I would hate to vote on someone's --  
3 Specific landowners I would like to know, not just a map of  
4 Maui. I would hate to have Mr. Frampton from Upcountry be on  
5 prime land and he can't subdivide for his kids and be held  
6 hostage for something like this and he can't afford nowhere  
7 else. So I couldn't vote without -- Or am I missing the boat?  
8 Because is it one fits all? No is no; correct? Prohibit.

9 CHAIR HEDANI: Director Hunt.

10 DIRECTOR HUNT: Again, it depends on how you  
11 interpret this policy and we need to be careful on that. If  
12 this policy is interpreted as a development review policy that  
13 is explicit and prohibits these outright, then you're correct,  
14 it could affect that scenario you just had. If the policy is  
15 interpreted as providing direction for adoption of an  
16 ordinance where that would be worked out and perhaps in that  
17 ordinance you have a provision for a family subdivision so  
18 that that scenario we could accommodate without opening the  
19 floodgates, that's how we interpret the intent of that policy.  
20 Perhaps we need to clarify the wording.

21 CHAIR HEDANI: Commissioner U'u.

22 COMMISSIONER U'U: And that's why I agree it should  
23 be done through an ordinance so we get to read through the  
24 process before voting on it. Kind of like a stacking deal  
25 with the single family hotel. We're asked to vote on

1 State Land Use Commission is going away any time soon, so we  
2 have to work within the -- within that structure.

3 And I'd also like to point out, again, we do have a  
4 map that we have used as a basis for identifying prime and  
5 productive ag. lands. This map was developed using some  
6 extensive studies that the State of Hawaii and the Federal  
7 government used and developed in the '70s and '80s to identify  
8 prime and productive agricultural lands throughout the state  
9 of Hawaii. So there's a lot of research, there's a  
10 significant investment in that work and we've tried to  
11 leverage that in the development of this map.

12 CHAIR HEDANI: Okay. My only other comment was that  
13 originally when I read the Director's Recommendation, my  
14 comment was that I strongly agree because I thought it was  
15 intended to address the 2-acre State ag. subdivisions that  
16 we're struggling with all over the place beyond anybody's  
17 control. And maybe we can convince the State Land Use  
18 Commission.

19 The question on the floor is changing the word  
20 "prohibit" to "discourage." Any further discussion? Ready  
21 for the question?

22 All those in favor of the motion to change the word  
23 "prohibit" to "discourage" signify by saying aye.

24 COMMISSIONERS: Aye.

25 CHAIR HEDANI: Opposed, nay.

1 COMMISSIONERS: Nay.  
 2 CHAIR HEDANI: Two nays. Motion is carried.  
 3 COMMISSIONER HIRANAGA: Point of order.  
 4 CHAIR HEDANI: Commissioner Hiranaga.  
 5 COMMISSIONER HIRANAGA: Can staff provide additional  
 6 language? Didn't you add a little trailer at the end?  
 7 DIRECTOR HUNT: We can.  
 8 CHAIR HEDANI: Staff's recommendation was to leave  
 9 the word "prohibit" and to add the words "unless" --  
 10 DIRECTOR HUNT: "Unless through a CSD."  
 11 COMMISSIONER HIRANAGA: I see.  
 12 COMMISSIONER MARDFIN: Mr. Chairman.  
 13 CHAIR HEDANI: Commissioner Mardfin.  
 14 COMMISSIONER MARDFIN: We voted on the motion.  
 15 CHAIR HEDANI: The motion passed.  
 16 COMMISSIONER MARDFIN: The motion passed. So the  
 17 only change in that so far is "prohibit" has been changed to  
 18 "discourage."  
 19 CHAIR HEDANI: Correct.  
 20 COMMISSIONER MARDFIN: So if anybody wants to add a  
 21 further motion, they're able to do that.  
 22 CHAIR HEDANI: Correct.  
 23 Any additional discussion? Commissioner Starr.  
 24 COMMISSIONER STARR: Yeah. Can I hear that wording  
 25 that was recommended by staff?

1 CHAIR HEDANI: It doesn't make sense anymore with  
 2 the word "discourage."  
 3 DIRECTOR HUNT: You've already qualified the policy  
 4 with the amendment to "discourage."  
 5 COMMISSIONER STARR: Okay. So that was intended to  
 6 obviate the need to change "prohibit" to "discourage"?  
 7 DIRECTOR HUNT: It was intended to soften  
 8 "prohibit."  
 9 CHAIR HEDANI: Any other discussion on page 1?  
 10 Commissioner Mardfin. We're on page 1, guys.  
 11 COMMISSIONER MARDFIN: This isn't page 1, but it's  
 12 Objective 1. On -- It's actually at page 4, Action Item 7.  
 13 And I probably should know this by now, but it says, "Revise  
 14 existing zoning and General Plan land use policies and  
 15 regulations to clearly describe rural and agricultural uses."  
 16 And I guess I want to know: How does rural specifically  
 17 differ from agriculture?  
 18 DIRECTOR HUNT: Generally speaking, rural areas, the  
 19 major use is residential with farming allowed. In  
 20 agriculture, generally speaking, it's reversed where  
 21 agriculture is the main activity and in support of  
 22 agriculture, you're allowed farm dwellings. A lot of  
 23 communities and I believe even the State of Hawaii has a right  
 24 to farm clause where you can't file suit against somebody for  
 25 a farm activity, but that's only applicable in agricultural

1 zones, not in rural zones, even though farming is allowed in  
 2 rural zones.  
 3 COMMISSIONER MARDFIN: Thank you.  
 4 CHAIR HEDANI: Additional discussion?  
 5 One comment that I have for staff was wherever you  
 6 have initials like CSD and on the next page you have initials  
 7 like TDR/PDR, my comment was XEP XETR SBOS QPR. So if you can  
 8 please lose the acronyms. And, also, where you have specific  
 9 language like "conservation site design," if we could add an  
 10 appendix or a glossary or a specific definition for it so that  
 11 we're all speaking the same language.  
 12 Commission Mardfin.  
 13 COMMISSIONER MARDFIN: I have another question, and  
 14 this is for Policy No. 10, "Require all developments adjacent  
 15 to agricultural lands to provide an appropriate and  
 16 site-specific agricultural protection buffer as part of a  
 17 required site plan." Would somebody explain that to me?  
 18 CHAIR HEDANI: Mr. Summers.  
 19 MR. SUMMERS: Thank you, Mr. Chairman. What often  
 20 happens on -- throughout the state as well as other  
 21 communities, you'll have areas that are protected for  
 22 agricultural use, you'll often have ongoing agricultural  
 23 operations, you'll have developments come in and those  
 24 developments will oftentimes extend right up to the boundary  
 25 of the agricultural use. Oftentimes what we see is legal

1 issues, complaints and other activities that are forced upon  
 2 the agricultural operator, creating hardship and ultimately  
 3 oftentimes resulting in the decline of the agricultural  
 4 business. So to prevent that, to mitigate it up front at the  
 5 site planning level, the proposal would be to as part of the  
 6 development approval process and site planning process ensure  
 7 that there's a buffer between those oftentimes incompatible  
 8 land uses to protect the viability of the agricultural use.  
 9 COMMISSIONER MARDFIN: Thank you.  
 10 COMMISSIONER HIRANAGA: Mr. Chair.  
 11 CHAIR HEDANI: Commissioner Hiranaga.  
 12 COMMISSIONER HIRANAGA: I'd like to make a motion to  
 13 delete Action Item 1 on page 3.  
 14 CHAIR HEDANI: Is there a second?  
 15 COMMISSIONER U'U: Second.  
 16 CHAIR HEDANI: Seconded by Commissioner U'u.  
 17 Discussion? Commissioner Hiranaga.  
 18 COMMISSIONER HIRANAGA: I mean, it appears obvious  
 19 to me that if we're going to adopt a Maui Island Directed  
 20 Growth Strategy, a directed growth strategy was implemented,  
 21 so why do we have to have that in there? We're not doing this  
 22 for fun; right?  
 23 CHAIR HEDANI: Director Hunt.  
 24 DIRECTOR HUNT: We support your comments.  
 25 CHAIR HEDANI: Additional discussion?

1 COMMISSIONER MARDFIN: Is there a motion?  
 2 CHAIR HEDANI: Yes.  
 3 COMMISSIONER HIRANAGA: Motion to delete.  
 4 CHAIR HEDANI: Motion to delete Action Item No. 1.  
 5 Commissioner Starr.  
 6 COMMISSIONER STARR: Yeah. I think, you know, this  
 7 is a good statement to actually make it happen. I think if  
 8 we -- I'm not sure if this is the right place for it under  
 9 agriculture and I don't know if it's anywhere else, but I  
 10 think we do need to have a statement somewhere in this thing  
 11 to say we're actually going to do it. Is there anyplace else  
 12 that would be more suitable or is it anywhere else?  
 13 CHAIR HEDANI: Mr. Summers.  
 14 MR. SUMMERS: Thank you, Mr. Chairman. The most  
 15 appropriate place for that would be in the Directed Growth  
 16 Element, which is the following element.  
 17 CHAIR HEDANI: Any further discussion? Commissioner  
 18 Shibuya.  
 19 COMMISSIONER SHIBUYA: I just wanted to review the  
 20 No. 10 policy and say that all this policy does is establishes  
 21 the agricultural use to be dominant over --  
 22 CHAIR HEDANI: The discussion on the floor right now  
 23 is on Action Item No. 1 to delete.  
 24 COMMISSIONER SHIBUYA: Okay.  
 25 CHAIR HEDANI: Any further discussion? Ready for

1 the question?  
 2 All those in favor of deleting Action Item 1 signify  
 3 by saying aye.  
 4 COMMISSIONERS: Aye.  
 5 CHAIR HEDANI: Opposed, nay.  
 6 COMMISSIONERS: Nay.  
 7 CHAIR HEDANI: All those in favor, please raise your  
 8 hand. Four.  
 9 Opposed, same sign. One, two, three.  
 10 Chair votes aye. Motion passes.  
 11 Additional discussion? Commissioner Shibuya.  
 12 COMMISSIONER SHIBUYA: No. I just wanted to explain  
 13 the precedence created by No. 10, Policy 10, is that -- the  
 14 precedence is that agricultural lands and uses will  
 15 predominate over the residential and developed land uses for  
 16 residential uses.  
 17 CHAIR HEDANI: Any additional discussion on Goal  
 18 1 -- or Objective 1, Policies and Actions? Commissioner  
 19 Hiranaga.  
 20 COMMISSIONER HIRANAGA: Again, I see on page 4,  
 21 Action Item 6 -- I know it's like to empower the Policy No. 1  
 22 on page 1, but it just seems to be a duplication. You make a  
 23 policy and then you have to an action to implement the policy?  
 24 CHAIR HEDANI: Whoever grabs the microphone has to  
 25 answer. Director Hunt.

1 DIRECTOR HUNT: You don't have to have an action  
 2 to -- for every policy. Sometimes we think it's important in  
 3 the sense that it sends a stronger message if someone is then  
 4 held to implement it. In this case it spells it out that you  
 5 revise the ordinance. And we would suggest that you go with  
 6 the GPAC Final Recommendation because Policy 1 has been  
 7 revised.  
 8 COMMISSIONER HIRANAGA: Well, actually, I was going  
 9 to make a motion to delete, but --  
 10 CHAIR HEDANI: Commissioner Hiranaga.  
 11 COMMISSIONER HIRANAGA: See if there's a second.  
 12 COMMISSIONER U'U: You done?  
 13 COMMISSIONER HIRANAGA: Delete Action Item 6, page  
 14 4.  
 15 CHAIR HEDANI: Motion to delete Action Item 6 on  
 16 page 4. Is there a second?  
 17 COMMISSIONER MARDFIN: I'll second.  
 18 CHAIR HEDANI: Seconded by Commissioner Mardfin.  
 19 Discussion? Commissioner Hiranaga.  
 20 COMMISSIONER HIRANAGA: I'm just trying to reduce  
 21 duplication where I see it so that it doesn't take someone  
 22 forever to read this document once it's adopted.  
 23 CHAIR HEDANI: Staff, any comments on this item?  
 24 Mr. Summers.  
 25 MR. SUMMERS: Thank you, Mr. Chairman. I think when

1 we're talking about specific amendments to an ordinance, in  
 2 this case the agricultural district ordinance, it's important  
 3 to have that clear language. It makes it easier for staff  
 4 when we get up to County Council to argue for the adoption of  
 5 such changes.  
 6 CHAIR HEDANI: So the response would be you're just  
 7 acting because of the will of the people; right?  
 8 Okay. Commissioner U'u.  
 9 COMMISSIONER U'U: Why are we continuing to use the  
 10 words that "on prime and productive agriculture lands" and why  
 11 not the general lands -- say like open space.  
 12 DIRECTOR HUNT: I agree with your comments and  
 13 that's why under Policy 1, which this action item is linked  
 14 to, we suggested a change in language. So it would be  
 15 appropriate to change the language on Action 6.  
 16 CHAIR HEDANI: So that would be something that you  
 17 would do universally?  
 18 COMMISSIONER HIRANAGA: Not necessarily.  
 19 DIRECTOR HUNT: We would have to take a look at it.  
 20 I would hate to just say, yeah, we'll do it globally.  
 21 CHAIR HEDANI: Commissioner Mardfin.  
 22 COMMISSIONER MARDFIN: The motion by the  
 23 commissioner is to delete 6 and we've already amended Policy 3  
 24 by going from "prohibit" to "discourage." I think if we leave  
 25 6 in, it weakens it even more. And while I voted for the

1 motion to go to "discourage," I don't think we should weaken  
 2 it even more by explicitly talking about how we're going to do  
 3 it, how we're going to violate Policy 3. So I'm going to vote  
 4 for deletion of 6.  
 5 CHAIR HEDANI: Additional discussion? Ready for the  
 6 question?  
 7 All those in favor of deleting Action Item No. 6 by  
 8 saying aye.  
 9 COMMISSIONERS: Aye.  
 10 CHAIR HEDANI: Opposed, nay.  
 11 COMMISSIONER: Nay.  
 12 CHAIR HEDANI: Motion is carried.  
 13 Any additional discussion on Objective 1?  
 14 Commissioner Hiranaga.  
 15 COMMISSIONER HIRANAGA: Again, on page 4, Action  
 16 Item 7 and 8, I mean, I'm assuming you guys are going to do  
 17 this, so what -- I don't know why we have to state it. It  
 18 seems like -- Isn't that purpose of us going through this  
 19 exercise, is to -- Aren't we doing that, revising -- Well, we  
 20 aren't revising zoning. We're revising general plan use  
 21 policies and regulations to clearly describe rural and ag.  
 22 uses.  
 23 CHAIR HEDANI: Mr. Summers.  
 24 COMMISSIONER HIRANAGA: I feel it's inferred that  
 25 we're already doing this.

1 MR. SUMMERS: Thank you, Mr. Chairman. No. 8 is  
 2 currently written as a policy. Staff would agree with  
 3 Commissioner Hiranaga's comments. We wouldn't object to No. 7  
 4 being deleted as well.  
 5 COMMISSIONER HIRANAGA: I'll make a motion --  
 6 CHAIR HEDANI: Commissioner Hiranaga.  
 7 COMMISSIONER HIRANAGA: I'll make it one at a time.  
 8 Motion to delete 7.  
 9 COMMISSIONER U'U: Second.  
 10 CHAIR HEDANI: Seconded by Commissioner U'u.  
 11 Discussion? Commissioner Mardfin.  
 12 COMMISSIONER MARDFIN: I'm going to vote against the  
 13 motion to delete because I think that it would help to have --  
 14 I mean, it's in the plan, it's a directive to the Department  
 15 and the Council, but I think it would be very helpful to  
 16 clearly describe rural and agricultural uses so it's clear as  
 17 to what's going on. So I like this in there.  
 18 CHAIR HEDANI: Additional discussion?  
 19 Why don't we come back to 8 once we're done with 7?  
 20 Commissioner Starr.  
 21 COMMISSIONER STARR: I believe that 8 should be a  
 22 policy and then -- that 8 should be a policy and then 7 is the  
 23 action based on that policy.  
 24 CHAIR HEDANI: Staff.  
 25 DIRECTOR HUNT: Not to give you guys cross

1 direction, but we agree with Mr. Starr's statement. But,  
 2 again, as Mr. Summers said earlier, we don't oppose deleting 7  
 3 and 8. So it's pretty much up to you folks.  
 4 CHAIR HEDANI: Additional discussion? The response  
 5 was it's all good, gang. Are you ready for the question?  
 6 All those in favor of deleting Action Item No. 7  
 7 signify by saying aye.  
 8 COMMISSIONERS: Aye.  
 9 CHAIR HEDANI: Opposed, nay.  
 10 COMMISSIONERS: Nay.  
 11 CHAIR HEDANI: All those in favor, please raise your  
 12 hand. Three.  
 13 Opposed, same sign. Three, four. Chair votes nay.  
 14 Motion is lost.  
 15 Any additional discussion on Objective 1?  
 16 Commissioner Starr.  
 17 COMMISSIONER STARR: Yeah. Move to make Item 8 a  
 18 policy instead of an action. Action 8 a policy instead of an  
 19 action.  
 20 COMMISSIONER MARDFIN: Second.  
 21 CHAIR HEDANI: Moved by Commissioner Starr, seconded  
 22 by Commissioner Mardfin to move Action Item 8 to Policy 13, I  
 23 guess.  
 24 COMMISSIONER STARR: Lucky 13.  
 25 CHAIR HEDANI: The numbers will be worked out later.

1 Discussion? Commissioner Hiranaga.  
 2 COMMISSIONER HIRANAGA: I'm not opposed to the  
 3 motion, but is the Maui Island Plan a vehicle that should  
 4 clearly delineate rural land uses and productive ag. uses, or  
 5 should that be an ordinance?  
 6 CHAIR HEDANI: Anybody? Director Hunt.  
 7 DIRECTOR HUNT: I agree with Commissioner Hiranaga.  
 8 Perhaps the Maui Island Plan isn't the right document.  
 9 Perhaps the policy should just be broader and state that land  
 10 use designations should be clear. Reword it so there's not a  
 11 reference to the Maui Island Plan.  
 12 CHAIR HEDANI: Additional discussion? Commissioner  
 13 Mardfin.  
 14 (Background noise.)  
 15 CHAIR HEDANI: Julie objects.  
 16 COMMISSIONER MARDFIN: If the maker of the motion  
 17 agrees, I would as a friendly amendment kick out the words  
 18 "Maui Island Plan." So it would read as a policy, "Ensure  
 19 that land use designations clearly delineate rural land uses  
 20 and productive agricultural uses."  
 21 CHAIR HEDANI: Commissioner Starr.  
 22 COMMISSIONER STARR: It's added. Second it or  
 23 whatever.  
 24 CHAIR HEDANI: Okay. So the motion is restated to  
 25 read, "Ensure that land use designations clearly delineate

1 rural land uses and productive agricultural uses," as a  
 2 proposed policy. Additional discussion?  
 3 All those in -- Commissioner Shibuya.  
 4 COMMISSIONER SHIBUYA: I would like to leave the  
 5 word "Maui" in there. "Ensure that Maui land use designations  
 6 clearly delineate land uses and productive agricultural uses."  
 7 COMMISSIONER MARDFIN: Sure.  
 8 COMMISSIONER SHIBUYA: But that's not a -- Is that,  
 9 would that be acceptable?  
 10 CHAIR HEDANI: Commissioner Hiranaga.  
 11 COMMISSIONER HIRANAGA: Are we globally going to  
 12 insert Maui in this document wherever it's not specified what  
 13 county in this nation this applies? I don't think I can agree  
 14 with that request.  
 15 CHAIR HEDANI: Maybe it's not necessary since we're  
 16 only going to approve in our commission the Maui Island Plan.  
 17 Further discussion? Ready for the question?  
 18 All those in favor -- Julie, you're making strange  
 19 faces at me.  
 20 MS. STALEY: I just want to double-check that now  
 21 this is going to be a policy, it's going to move to a policy?  
 22 CHAIR HEDANI: Right. Move to Policy No. 13 or  
 23 whatever the number is. And it would read, "Ensure that land  
 24 use designations," et cetera.  
 25 All those in favor, signify by saying aye.

1 agricultural production.  
 2 CHAIR HEDANI: Discussion? So this would be a new  
 3 policy under Objective 2 that would read, "Determine and map  
 4 actual ag. production rather than casual ag. production."  
 5 COMMISSIONER MARDFIN: No. It's "casual" -- it's  
 6 "actual commercial agricultural production." "Agricultural."  
 7 And it's not "rather than," it's "compared with" or -- "casual  
 8 agricultural production."  
 9 CHAIR HEDANI: Additional discussion? Commissioner  
 10 Hiranaga.  
 11 COMMISSIONER HIRANAGA: I just want clarification.  
 12 If you are paying general excise taxes, is that an actual  
 13 commercial agricultural production or a casual agricultural  
 14 production? Even if you pay a dollar in GET for the year?  
 15 CHAIR HEDANI: Commissioner Mardfin.  
 16 COMMISSIONER MARDFIN: My interpretation, although,  
 17 you know, the people that put this -- do the mapping can  
 18 clarify it, my thought would be that if they're paying general  
 19 excise taxes, they're doing it commercially, even if it's a  
 20 small amount.  
 21 CHAIR HEDANI: Commissioner Hiranaga.  
 22 COMMISSIONER HIRANAGA: Just a friendly amendment.  
 23 You may want to drop the word "actual."  
 24 COMMISSIONER MARDFIN: I'd accept that. I'd accept  
 25 dropping the word "actual."

1 COMMISSIONERS: Aye.  
 2 CHAIR HEDANI: Opposed, nay.  
 3 Carried. Thank you.  
 4 Any further discussion on Objective 1? Ready for  
 5 the question?  
 6 All those in favor of Goal -- under Agricultural  
 7 Land Uses, Objective 1, Policies and Actions as amended  
 8 signify by saying aye.  
 9 COMMISSIONERS: Aye.  
 10 CHAIR HEDANI: Opposed, nay.  
 11 Carried. Thank you.  
 12 Commissioner Mardfin.  
 13 COMMISSIONER MARDFIN: Mr. Chairman, I move the  
 14 adoption of Objective 2, its policies and actions.  
 15 CHAIR HEDANI: Is there a second?  
 16 COMMISSIONER STARR: Second.  
 17 CHAIR HEDANI: Second by Commissioner U'u.  
 18 Discussion? Commissioner Starr.  
 19 COMMISSIONER STARR: I move that Commissioner  
 20 Mardfin's previous wording be added as a new policy.  
 21 Remember what it was, Julie? I forgot what it was.  
 22 CHAIR HEDANI: Commissioner Mardfin, can you restate  
 23 your motion, please?  
 24 COMMISSIONER MARDFIN: Yes. It was determine and  
 25 map actual commercial agricultural production vis-a-vis casual

1 CHAIR HEDANI: The word "actual." Expand "act" to  
 2 "agricultural." That would be --  
 3 Further discussion? Do we have the staff to do  
 4 something like this? Director Hunt.  
 5 DIRECTOR HUNT: We don't know how we would do it and  
 6 I'm not sure we would have the staff, but we could try and  
 7 figure it out.  
 8 CHAIR HEDANI: Future job security.  
 9 Additional discussion? Ready for the question?  
 10 All those in favor of the motion signify by saying  
 11 aye.  
 12 COMMISSIONERS: Aye.  
 13 CHAIR HEDANI: Opposed, nay.  
 14 COMMISSIONER: Nay.  
 15 CHAIR HEDANI: Motion is carried.  
 16 Any additional changes to Objective 2? Commissioner  
 17 U'u.  
 18 COMMISSIONER U'U: I'd like to make a comment on  
 19 Objective 2 where it says, "Foster a cooperative and  
 20 supportive rule in the reduction of the island's dependence on  
 21 off-island agricultural products," period. I would like to  
 22 make that a motion to change. I think it's -- the wording  
 23 after that is not clear.  
 24 CHAIR HEDANI: Okay. So the motion is to -- the  
 25 motion is to amend Objective 2 to place a period after



1 "agricultural products."  
 2 COMMISSIONER STARR: Second.  
 3 CHAIR HEDANI: Seconded by Commissioner Starr. So  
 4 we would delete the words "and the loss of agricultural  
 5 production/income streams from off-shore markets."  
 6 Discussion? Ready for the question?  
 7 All those in favor of the motion to insert a period  
 8 after "products" signify by saying aye.  
 9 COMMISSIONERS: Aye.  
 10 CHAIR HEDANI: Opposed, nay.  
 11 Carried. Thank you.  
 12 Any additional amendments to Objective 2?  
 13 Commissioner Hiranaga.  
 14 COMMISSIONER HIRANAGA: On page 5, Policy 5, I'd  
 15 like to make a motion to delete the word "residential" which  
 16 is the fourth sentence, fourth line. So it would say  
 17 "agricultural production with no dwellings."  
 18 CHAIR HEDANI: The motion is to delete the word  
 19 "agricultural."  
 20 COMMISSIONER HIRANAGA: "Residential."  
 21 CHAIR HEDANI: I'm sorry. It's getting late in the  
 22 day. The motion is to delete the word "residential" from  
 23 Policy No. 5.  
 24 COMMISSIONER STARR: Second.  
 25 CHAIR HEDANI: Seconded by Commissioner Starr. So

1 be many agricultural parks around.  
 2 CHAIR HEDANI: Commissioner Starr.  
 3 COMMISSIONER STARR: Yeah. I like the intent of  
 4 this because we see so many agricultural subdivisions that are  
 5 not really growing any food or crops. And on all of them, you  
 6 know, you'll see, you know, an eight-bedroom house as a farm  
 7 dwelling and it just makes no sense. So I really think we're  
 8 heading in the right direction.  
 9 CHAIR HEDANI: Commissioner Hiranaga.  
 10 COMMISSIONER HIRANAGA: Yeah. If you look at the  
 11 beginning, it says waive paved roads, utilities. If we're  
 12 going to be waiving those things, I don't think people should  
 13 be living there. It's to grow agricultural products. If you  
 14 want to live there, then meet the subdivision standards. So  
 15 it's the choice of developer and the buyer or the operator.  
 16 CHAIR HEDANI: Additional discussion? Ready for the  
 17 question?  
 18 Staff, speak now if you feel it should be one way or  
 19 the other, because we're going to go ahead forward.  
 20 Okay. Silence from the staff.  
 21 All those in favor of the motion signify by saying  
 22 aye.  
 23 COMMISSIONERS: Aye.  
 24 CHAIR HEDANI: Opposed, nay.  
 25 COMMISSIONER: Nay.

1 it would read, "where lots are limited for agricultural  
 2 production with no dwellings." Commissioner Shibuya.  
 3 COMMISSIONER SHIBUYA: I have a little problem with  
 4 that because you do have the farmer actually living on the  
 5 land that he's producing. So does that restrict him from  
 6 having residences there?  
 7 CHAIR HEDANI: Commissioner Hiranaga.  
 8 COMMISSIONER HIRANAGA: Exactly.  
 9 CHAIR HEDANI: Mr. Summers.  
 10 MR. SUMMERS: Thank you, Mr. Chairman. Well, we do  
 11 have existing ordinances for private agricultural parks in the  
 12 County and those do allow a small caretaker dwelling to  
 13 supervise the private ag. part. So this would be inconsistent  
 14 with that language that exists. And the requirements for a  
 15 caretaker dwelling are clearly spelled out in the ordinance to  
 16 ensure that it's not abused.  
 17 CHAIR HEDANI: Commissioner Mardfin.  
 18 COMMISSIONER MARDFIN: The fact that it is contrary  
 19 to existing law isn't a reason not to do it here, because a  
 20 lot of what we're doing is to change existing law. So I don't  
 21 have a problem with that part of it. I do just want to  
 22 comment that at least in Hana the agricultural parks were  
 23 created mostly for residential dwellings. They're not being  
 24 used for agriculture. And so if you take that away -- you  
 25 know, if this had been taken away 30 years ago, there wouldn't

1 CHAIR HEDANI: Motion is carried.  
 2 Any additional changes to Objective No. 2.  
 3 Commissioner Mardfin.  
 4 COMMISSIONER MARDFIN: I don't have a problem with  
 5 Policy 4, but didn't we cover this somewhere else in the plan?  
 6 Policy 4 is on support -- develop additional sources of  
 7 nonpotable water for irrigation purposes. I could have sworn  
 8 we dealt with that somewhere else.  
 9 CHAIR HEDANI: Might be under water infrastructure.  
 10 DIRECTOR HUNT: We believe you're correct, but going  
 11 off the top of our heads, we can't say absolutely. If we do  
 12 some research, then we'll delete it.  
 13 CHAIR HEDANI: Okay. Is there consensus that can be  
 14 deleted if it's redundant with policy already picked up  
 15 somewhere else.  
 16 COMMISSIONERS: Aye.  
 17 CHAIR HEDANI: Any other changes under Objective 2?  
 18 Any other discussion?  
 19 COMMISSIONER STARR: Chairman.  
 20 CHAIR HEDANI: Commissioner Starr.  
 21 COMMISSIONER STARR: I'm going to throw something  
 22 out there. This is a new policy and it would state, "Give  
 23 priority to food destined for local consumption" -- I'm  
 24 sorry, "on the growing of food for local consumption on  
 25 agricultural lands."

1 COMMISSIONER MARDFIN: Second.  
 2 CHAIR HEDANI: Moved by Commissioner Starr, seconded  
 3 by Commissioner Mardfin. The language is up on the board.  
 4 "Give priority."  
 5 COMMISSIONER STARR: "To the growing of food."  
 6 CHAIR HEDANI: "Give priority to the growing of food  
 7 for local consumption."  
 8 COMMISSIONER STARR: "On agricultural lands."  
 9 CHAIR HEDANI: Discussion? Ready for the question?  
 10 All those in favor, signify by saying aye.  
 11 COMMISSIONERS: Aye.  
 12 CHAIR HEDANI: Opposed, nay.  
 13 Carried. Thank you.  
 14 Commissioner Mardfin.  
 15 COMMISSIONER MARDFIN: Action No. 7 -- I guess it's  
 16 Action 6 if we're using Director's Recommendations. The  
 17 Director's Recommendation for 6 would say, "Encourage Farmer's  
 18 Markets and expedite" -- I guess it's "and expedite their  
 19 review and approval." And Action Item 7 says, "Allow water  
 20 and tax discounts for legitimate farming operations." And I  
 21 guess I'm not clear what we're voting on for that one.  
 22 CHAIR HEDANI: I'm sorry. We're looking at the  
 23 Director's Recommendation?  
 24 COMMISSIONER MARDFIN: I'm sorry. I see what's  
 25 bothering me. I apologize. I'm looking at -- Let me look at

1 Action Item 7. The Director's Recommendation is this be a  
 2 policy. If it's -- The policy would be, "Allow water and tax  
 3 discounts for legitimate farming operations on rural and  
 4 agricultural land." And I would like the Department to tell  
 5 me what legitimate means in this instance.  
 6 CHAIR HEDANI: I vote for Director Hunt.  
 7 DIRECTOR HUNT: It's a policy, so the policy gives  
 8 us guidance and direction. And we would likely adopt an  
 9 ordinance -- or the County would adopt an ordinance and  
 10 through that procedure we would determine what legitimate is.  
 11 COMMISSIONER MARDFIN: Okay.  
 12 CHAIR HEDANI: Commissioner Shibuya.  
 13 COMMISSIONER SHIBUYA: I'm troubled because all  
 14 you're doing here is allowing water and tax discounts, but if  
 15 you don't have the water available, then you have no discounts  
 16 to give. So I would like to encourage the development of  
 17 water sourcing or distribution to those agricultural lands in  
 18 addition to the water and tax discounts.  
 19 CHAIR HEDANI: Any further discussion on Objective  
 20 2? We don't have any motions on the floor at this point.  
 21 COMMISSIONER MARDFIN: For Action Item No. 6, the  
 22 Director's Recommendation is "Encourage Farmer's Markets and  
 23 expedite their review and approval." I move to delete -- I  
 24 move to put a period after "markets" and delete the words,  
 25 "and expedite their review and approval." This is consistent

1 with what I have tried to do all along about everything should  
 2 be expedited and we shouldn't pick and choose which ones we're  
 3 going to expedite.  
 4 CHAIR HEDANI: So the motion is to amend Action 6 to  
 5 read, "Encourage Farmer's Markets," period. Is there a  
 6 second?  
 7 Any additional discussion on Objective 2?  
 8 Commissioner Starr.  
 9 COMMISSIONER STARR: Yeah. I'd like to move for a  
 10 new action, which is "Give priority in use of agricultural  
 11 water to cultivation of food crops for local consumption."  
 12 COMMISSIONER MARDFIN: Second.  
 13 CHAIR HEDANI: Motion by Commissioner Starr,  
 14 seconded by Commissioner Mardfin to add an action item.  
 15 COMMISSIONER STARR: "In use," in instead of "and."  
 16 CHAIR HEDANI: That would read, "Give priority in  
 17 the use of agricultural water to cultivation of food crops and  
 18 for local consumption." Discussion? Commissioner Shibuya.  
 19 COMMISSIONER SHIBUYA: I don't think this is very  
 20 clear for me. I think I know what he's talking about, but I  
 21 think I would like to see the word "distribution" or "delivery  
 22 of water" in this.  
 23 COMMISSIONER STARR: How about "in delivery and  
 24 use"?  
 25 COMMISSIONER SHIBUYA: Then I second it.

1 COMMISSIONER MARDFIN: Fine with the second.  
 2 CHAIR HEDANI: Okay. Let that be a friendly  
 3 amendment so we don't have to go through an amendment.  
 4 Any additional discussion of the proposed action  
 5 item?  
 6 All those in favor signify by saying aye.  
 7 COMMISSIONERS: Aye.  
 8 CHAIR HEDANI: Opposed, nay.  
 9 Carried. Thank you.  
 10 CHAIR HEDANI: Commissioner Mardfin.  
 11 COMMISSIONER MARDFIN: For Action Item No. 5, the  
 12 Director's Recommendation is to call this a policy and he  
 13 says, "Support the recommendations, policies and actions  
 14 contained within the Maui Agricultural Development Plan of  
 15 August 2008 and when consistent with the Maui Island Plan."  
 16 One, I haven't read the Maui Agricultural Development Plan of  
 17 2008 and, more importantly, I don't know when it's  
 18 inconsistent with the Maui Island Plan. So could somebody  
 19 enlighten me?  
 20 CHAIR HEDANI: Staff? Mr. Summers.  
 21 COMMISSIONER SHIBUYA: Maui County Farm Bureau  
 22 (indicating).  
 23 CHAIR HEDANI: Mr. Summers.  
 24 MR. SUMMERS: Thank you, Mr. Chairman. This was a  
 25 plan that was developed by the Maui County Farm Bureau. They

1 spent a significant amount of time on it. Staff did review it  
2 and there are many excellent recommendations in the plan, so  
3 we've referenced that document to give it some force and  
4 effect. We can make copies of the document available to this  
5 body if you would like.

6 CHAIR HEDANI: And the policy is to support it only  
7 when it's consistent with the Maui Island Plan.

8 MR. SUMMERS: That's correct. That's the language  
9 we're using for any document that we reference.

10 CHAIR HEDANI: Any further discussion on Objective  
11 2? Commissioner Hiranaga.

12 COMMISSIONER HIRANAGA: Actually, when Commissioner  
13 Mardfin was making that motion to amend Action 6, I was going  
14 to second it, but I guess I was a little slow there.  
15 "Encourage Farmer's Markets."

16 CHAIR HEDANI: Commissioner Mardfin.

17 COMMISSIONER MARDFIN: I move that we change the  
18 Director's -- that we recommend that Action Item 6 be  
19 "Encourage Farmers Markets," period.

20 COMMISSIONER HIRANAGA: Second.

21 CHAIR HEDANI: Seconded by Commissioner Hiranaga.  
22 Discussion? Director Hunt.

23 DIRECTOR HUNT: Would it be okay to move that up to  
24 a policy?

25 CHAIR HEDANI: If there's no objection.

1 CHAIR HEDANI: Staff? Mr. Summers. If you touch  
2 the microphone, it's yours.

3 MR. SUMMERS: Thank you, Mr. Chairman. I believe  
4 that the best location for that would be the Energy sub  
5 element in the Infrastructure section.

6 CHAIR HEDANI: Commissioner Starr.

7 COMMISSIONER STARR: My recollection is we already  
8 did that.

9 COMMISSIONER SHIBUYA: Yeah. Did we do it?

10 CHAIR HEDANI: Commissioner Mardfin.

11 COMMISSIONER MARDFIN: Mr. Chairman, I don't know  
12 whether to -- We've finished agricultural land uses, we're  
13 ready for rural, but we're also approaching the witching hour.

14 CHAIR HEDANI: There is no witching hour until you  
15 say so.

16 COMMISSIONER MARDFIN: I believe on your watch we  
17 have five minutes, so I'll keep going. I move the adoption of  
18 Rural Land Use Goal, Objective 1 and it's Policies and  
19 Actions.

20 CHAIR HEDANI: Is there a second?

21 COMMISSIONER U'U: Second.

22 CHAIR HEDANI: Seconded by Commissioner U'u.  
23 Discussion?

24 COMMISSIONER HIRANAGA: Mr. Chair. We are at 7:56.  
25 We are not going to complete this section.

1 Ready for the question?

2 All those in favor signify by saying aye.

3 COMMISSIONERS: Aye.

4 CHAIR HEDANI: Opposed, nay.

5 COMMISSIONER: Nay.

6 CHAIR HEDANI: Carried.

7 You voted nay just for fun.

8 COMMISSIONER U'U: Yeah, it was.

9 CHAIR HEDANI: Any further discussion on Objective  
10 2? We're on page 6 now. All in favor of Objective No. 2, its  
11 Policies and Actions as amended signify by saying aye.

12 COMMISSIONERS: Aye.

13 CHAIR HEDANI: Opposed, nay.

14 Carried. Thank you.

15 Commissioner Shibuya.

16 COMMISSIONER SHIBUYA: Mr. Chair, I just have a  
17 little problem here. The problem relates with how do we use  
18 land. And here we just talked about agriculture. Agriculture  
19 is also a part of sustaining Maui. To sustain Maui, we also  
20 need energy. And I did not include this part because I  
21 thought it would be part of Land Use, that is to identify or  
22 study locations for renewable energy zones to encourage  
23 development of renewable energy development and things of this  
24 nature. Is this the appropriate place to insert something to  
25 this effect? Because we are dealing with land use.

1 CHAIR HEDANI: Sorry?

2 COMMISSIONER HIRANAGA: We're at 7:56. We're not  
3 going to complete this section unless we going to over run the  
4 time. And I would prefer not to start if we're not going to  
5 complete it.

6 COMMISSIONER STARR: Mr. Chair.

7 CHAIR HEDANI: Commissioner Starr.

8 COMMISSIONER STARR: In a couple of minutes we'll  
9 have been going at this for ten hours today. Considering the  
10 salaries we get, I know it's not a lot, but, frankly, it's  
11 enough for me.

12 COMMISSIONER U'U: I agree.

13 CHAIR HEDANI: Commissioner Shibuya.

14 COMMISSIONER SHIBUYA: I know we've discussed the  
15 infrastructure on energy, but the biggest problem I have is  
16 related with use of agricultural lands to produce renewable  
17 energy. Are we going to put in photovoltaic cells on  
18 agricultural lands that's productive?

19 UNIDENTIFIED SPEAKER: We can.

20 COMMISSIONER SHIBUYA: We can, but are we going  
21 allow for this? There's also methane conversion to energy.  
22 If you are raising cattle, then you can produce energy by  
23 converting to methane from the waste. So these are  
24 opportunities that we didn't talk about.

25 CHAIR HEDANI: Commissioner Mardfin.

1 COMMISSIONER MARDFIN: Mr. Chairman, in light of the  
2 hour, I will withdraw my motion. And this will also allow  
3 Commissioner Shibuya an opportunity to formulate a policy  
4 perhaps for -- if we've finished with agricultural lands,  
5 perhaps for rural lands so we can address that two weeks from  
6 now.

7 CHAIR HEDANI: Okay. Doubling your pay wouldn't  
8 change anything; right?

9 (Laughter.)

10 CHAIR HEDANI: Okay. So why don't we stop here at  
11 Land Use page 7 under Rural Land Uses and take it up again at  
12 our next meeting on the Maui Island Plan Review, which is  
13 scheduled for July 21st at 9:00 a.m.

14 So Planning Director's Report, Maui Island Plan  
15 schedule. Director?

16 DIRECTOR HUNT: We --

17 COMMISSIONER STARR: The date was wrong, Mr. Chair.

18 CHAIR HEDANI: Oh, I'm sorry.

19 COMMISSIONER STARR: Didn't we swap dates?

20 CHAIR HEDANI: I'm just reading from the agenda.

21 DIRECTOR HUNT: Staff's prepared to talk about the  
22 Island Plan Schedule that -- We've got a copy to hand out  
23 that's revised.

24 CHAIR HEDANI: Mr. Summers.

25 MR. SUMMERS: Thank you, Mr. Chairman. Pursuant to

1 before and if the testimony is done early, can we agenda to  
2 continue on this Land Use just in case we have some time?

3 CHAIR HEDANI: Sure.

4 Commissioner Hiranaga.

5 COMMISSIONER HIRANAGA: Just a comment about today.

6 After lunch and before the slide presentation we kind of went  
7 into this free-form discussion and sort of lost an hour. So  
8 I'm just wondering how that happened. Maybe we shouldn't go  
9 that direction again where we start to like discuss the  
10 process as a whole. Just a suggestion.

11 CHAIR HEDANI: Okay. I think we did end up in kind  
12 of a chitchat session and the staff doesn't have to entertain  
13 us.

14 Commissioner Starr.

15 COMMISSIONER STARR: I actually thought we were  
16 discussing the very crux of planning and the very crux of this  
17 process and thought that it was important and worth an hour.  
18 We were right at the heart of discussing what we're spending  
19 hundreds of hours doing, so I felt it was a good thing.

20 COMMISSIONER HIRANAGA: It wasn't on the agenda.

21 CHAIR HEDANI: Okay. Any further discussion on the  
22 Maui Island Plan Schedule? Director.

23 DIRECTOR HUNT: Not so much the schedule. Well,  
24 essentially, the schedule is -- all we're doing is adding a  
25 meeting, which is one of your regular meetings. So your other

1 our conversation at our last meeting, we have begun the  
2 development of our stakeholders meeting for July 21st in the  
3 Planning conference room. And on the schedule that's being  
4 handed out we've made up for that meeting with one of your  
5 regular meetings on August 25th. We received direction from  
6 this body to use that meeting to make up for the time that we  
7 would lose with the July 21st stakeholders meeting.

8 CHAIR HEDANI: So the next meeting where we take up  
9 the Maui Island Plan would be August 4th?

10 MR. SUMMERS: That's correct. The 21st would really  
11 be set aside for public testimony.

12 CHAIR HEDANI: Okay. Very good.

13 Commissioner Mardfin.

14 COMMISSIONER MARDFIN: Mr. Summers, you just said  
15 that August 25th would be a regular meeting or hearing as  
16 directed growth mapping?

17 MR. SUMMERS: This would -- This was a regular  
18 meeting, but it now would be used for Maui Island Plan review.

19 COMMISSIONER MARDFIN: Thank you. And does that  
20 August 25th date meet your deadlines for when you need this  
21 finished from us?

22 MR. SUMMERS: Yes.

23 CHAIR HEDANI: Commissioner Starr.

24 COMMISSIONER STARR: I expect we probably will have  
25 a full meeting of testimony, but I have experienced miracles

1 business is going to be pushed out a day and, frankly, we're  
2 going to get some concern from developers who are asking to  
3 get their development projects reviewed, but there's only so  
4 many hours in a day.

5 The other issue is there needs to be some kind of  
6 tacit understanding with the developers that in exchange for  
7 this full day of testimony or the five minutes each, they  
8 won't come and petition at the podium. There's Free Speech  
9 Rights, I mean, the First Amendment; they can do that. But I  
10 think if you just use your bully pulpit and say this is the  
11 expectation, most of them will abide by that. Otherwise,  
12 there's no point in having the special meeting. We just lose  
13 a day. So that should be part of the understanding with the  
14 community.

15 CHAIR HEDANI: Commissioner Starr.

16 COMMISSIONER STARR: I think that's a good thing.  
17 I'm just nervous about how that's said. If I said it, I'd  
18 probably step over the line. I'd probably end up, you know,  
19 bringing in Big Vito and, you know, throw people in the trunk  
20 of a car for a few days, you know.

21 (Laughter.)

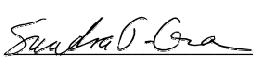
22 CHAIR HEDANI: We'll just politely say that all  
23 projects will be automatically approved if they appear before  
24 us again. Or disapproved, sorry.

25 (Laughter.)

1 CHAIR HEDANI: Commissioner U'u.  
 2 COMMISSIONER U'U: But given that developers have  
 3 their time to say what's needed to say, at times they can give  
 4 testimony as a person of nondevelopment. We also let people  
 5 re-testify at every meeting about whatever they want to  
 6 testify. So what would be the difference whether we  
 7 selectively say you can testify just for now and you can come  
 8 back every meeting, because that's basically what we're  
 9 saying.  
 10 CHAIR HEDANI: I think the difference basically is  
 11 that the opportunity would be for them to address their  
 12 specific projects at this meeting. And any comments that  
 13 they're making for the good of the general plan in general, I  
 14 think we'd always allow.  
 15 COMMISSIONER U'U: Okay.  
 16 CHAIR HEDANI: Commissioner Mardfin.  
 17 DIRECTOR HUNT: The other thing --  
 18 CHAIR HEDANI: I'm sorry. Director Hunt.  
 19 DIRECTOR HUNT: I'm sorry. The other thing we did  
 20 is we gave them extra time and, again, it -- You're right,  
 21 you're absolutely right. I think I tried to say earlier it's  
 22 the First Amendment, anyone is entitled to their three  
 23 minutes. But the last go-around most of the developers abided  
 24 by it. They said, okay, that's fair. I mean, towards the  
 25 end, the last meeting or two -- as we got into the last

1 coming and participating. We'd like to thank Donna for the  
 2 refreshments. And I'd like the staff for their hard work.  
 3 And we're adjourned. Thank you.  
 4 (The proceedings were adjourned at 8:05 p.m.)  
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1 meeting, I think it kind of fell apart a little bit. But I  
 2 think overall it saved time and was more efficient. It's not  
 3 a perfect process by any means.  
 4 CHAIR HEDANI: I think the concern is just to avoid  
 5 the situation where they bring a hundred people with them to  
 6 testify for their project specifically.  
 7 Commissioner Mardfin.  
 8 COMMISSIONER MARDFIN: I would like to point -- I  
 9 agree. And I think moral persuasion has its role. I would  
 10 like to point out, though, that we got this Kihei Ranch thing  
 11 in written form about a month ago, testimony last time, two  
 12 testimonies on it today. I think that's pushing the envelope,  
 13 in my opinion.  
 14 CHAIR HEDANI: Okay. Any other comments on the  
 15 Director's Report or the Maui Island Plan Schedule?  
 16 DIRECTOR HUNT: Can we have a motion to approve?  
 17 CHAIR HEDANI: I don't think you need a motion.  
 18 COMMISSIONER MARDFIN: I move we approve the  
 19 calendar as distributed.  
 20 CHAIR HEDANI: All those in favor signify by saying  
 21 aye.  
 22 COMMISSIONERS: Aye.  
 23 CHAIR HEDANI: Opposed, nay.  
 24 Carried. Thank you.  
 25 With that, we would like to thank everyone for

1 CERTIFICATE  
 2 STATE OF HAWAII )  
 3 ) SS.  
 4 COUNTY OF MAUI )  
 5  
 6 I, Sandra J. Gran, Certified Shorthand Reporter for the State  
 7 of Hawaii, hereby certify that the proceedings were taken  
 8 down by me in machine shorthand and was thereafter reduced to  
 9 typewritten form under my supervision; that the foregoing  
 10 represents to the best of my ability, a true and correct  
 11 transcript of the proceedings had in the foregoing matter.  
 12  
 13 I further certify that I am not an attorney for any of the  
 14 parties hereto, nor in any way concerned with the cause.  
 15  
 16 DATED this 24th day of July, 2009, in Maui, Hawaii.  
 17  
 18   
 19 Sandra J. Gran  
 20 Hawaii CSR 424  
 21 Notary Public for Hawaii  
 22 Commission No. 200-198  
 23 My Commission Expires: 5/14/12  
 24  
 25

