

MAUI PLANNING COMMISSION
COUNTY OF MAUI
Tuesday, September 15, 2009

MAUI ISLAND PLAN REVIEW

Held at the Planning Department Conference Room,
First Floor, Kalana Pakui Building, 250 South High Street,
Wailuku, Maui, Hawaii, commencing at 9:05 a.m., on Tuesday,
September 15, 2009.

REPORTED BY: CAMMIE GILLET, RPR, CSR #438

ATTENDANCE

COMMISSION MEMBERS PRESENT:

- Wayne Hedani, Chair
- Bruce U'u, Vice-Chair
- Jonathan Starr, Commissioner
- Kent Hiranaga, Commissioner
- Ward Mardfin, Commissioner
- Lori Sablas, Commissioner
- Warren Shibuya, Commissioner

STAFF PRESENT:

- Jeffrey Hunt, Planning Director
- James Giroux, Deputy Corporation Counsel
- John Summers, Staff Planner
- Dave Michaelson, Staff Planner
- Mike Napier, Staff Planner
- Mark King, Staff Planner
- Dan McNulty-Huffman, Staff Planner
- Agnes Nolan, Secretary

Island Plan. We understand that this is because of the Planning Department's misimpression and their communication of that misimpression to the GPAC, that this is a DHHL project. And as such, the County has no jurisdiction over this project.

There are two basis for a relief. Number one, it's in the GPAC minutes, which we've highlighted and attached to our written comments to this Commission. Number two, a reputable member of the GPAC informed me that this is the reason the GPAC did not include the Leiali'i project in the Maui Island Plan. She, for one, thought it should be included, but the Planning Department Staff told them that it couldn't be included because the County had no jurisdiction over this project.

This is not a DHHL project. We are not exempt from the General Plan. Yesterday, the Department made another serious misstatement about the Leiali'i project when Commissioner Hiranaga asked whether the Director's proposal included all the projects with approvals, and Director Hunt stated that it did. This is not true, because the Leiali'i project has approvals and is not being included in the Director's proposal.

MS. NOLAN: One minute.

MR. FUJIMOTO: We order this Commission to correct any misstatements that the Planning Department may have made

TRANSCRIPT OF PROCEEDINGS

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CHAIR HEDANI: Planning Commission Meeting of September 14th that was recessed to September 15th will come to order.

At this point, although the Commission is not obligated to take testimony on a recessed meeting, by consensus of the Commission yesterday, we have agreed to take testimony from anyone who had not testified on the 14th. So if there's anyone here that would like to offer public testimony at this time that had not spoken yesterday, please step to the microphone and state your name for the record.

MR. FUJIMOTO: Good morning, Mr. Chairman, Planning Commissioners, my name is Stan Fujimoto. I'm with the State of Hawaii, Hawaii Housing Finance and Development Corporation. I want to speak in favor of including the Villages of Leiali'i, Master Plan Affordable Housing Project in Lahaina. We've been working on this project since 1989. We have an EIS approved. The LUC designation has been approved. And the project is the West Maui Community Development Plan.

We've made substantial improvements for the project. We have over \$30 million still outstanding. And this project is not proposed to be included in the Maui

with the GPAC and include the Leiali'i project within the Maui Island Plan. Thank you very much.

CHAIR HEDANI: Thank you very much, Mr. Fujimoto. Question from Commissioner Starr.

COMMISSIONER STARR: Yeah. Thank you for sharing that testimony. There was some questioning yesterday regarding Hawaiian Home projects. And there are a number of them that are not included in the Plan. And my understanding is that the Villages of Leiali'i -- well, I had thought that it came under that category.

MR. FUJIMOTO: No, we would not have the same zoning exemption presumption that the DHHL projects have.

COMMISSIONER STARR: And the underlying land, is it still agricultural, or has it been urbanized?

MR. FUJIMOTO: It has the LUC Urban, but still the zoning is Agricultural.

COMMISSIONER STARR: And the Community Plan?

MR. FUJIMOTO: It's on the Community Plan.

COMMISSIONER STARR: So -- okay, I think we should take this up, not during questioning, with the Department. I know I, for one, feel very strongly about that project, that it's a benefit to the community. So we will, I'm sure, have a spirited discussion when we get back to West Maui.

MR. FUJIMOTO: Thank you.

COMMISSIONER STARR: Oh, one more question. How

1 many units is it?
 2 MR. FUJIMOTO: On the present Community Plan, it's
 3 4,000 units.
 4 COMMISSIONER STARR: Thank you.
 5 CHAIR HEDANI: Stan, are there any other projects
 6 that you have on the island that have not been picked up?
 7 MR. FUJIMOTO: No, that's the only one I'm aware
 8 of. And this one in particular is my project.
 9 CHAIR HEDANI: Two demerits for not being here
 10 yesterday.
 11 MR. FUJIMOTO: I was here yesterday.
 12 CHAIR HEDANI: Commissioner Shibuya.
 13 COMMISSIONER SHIBUYA: Can you tell me an estimate
 14 in terms of time when you folks are ready if, let's say,
 15 this Commission approves it to proceed with development.
 16 MR. FUJIMOTO: It will be a while. We will need
 17 to -- we are in the process of reevaluating the Master Plan,
 18 and we will need to gather a new EIS. And we will have to
 19 go out to do an RFP with the developer. We would need to
 20 select a developer and he would need to come back and get
 21 the entitlements. So I would say another five years at
 22 least before we can start.
 23 CHAIR HEDANI: Commissioner U'u.
 24 COMMISSIONER U'U: What would be the estimated
 25 build-out for the Master Plan?

1 MR. FUJIMOTO: Build-out totally? We're working on
 2 the Master Plan right now. I think the upside is 4,000
 3 units if we can get the entire project area designated and
 4 entitled.
 5 COMMISSIONER U'U: The estimated time, one time
 6 line when you foresee this coming to fruition?
 7 MR. FUJIMOTO: In total, maybe 40 years.
 8 COMMISSIONER U'U: Thank you.
 9 CHAIR HEDANI: Commissioner Hiranaga.
 10 COMMISSIONER HIRANAGA: 40 years, 4,000 units. A
 11 year, assuming 100 units a year?
 12 MR. FUJIMOTO: Yes, 200 units maybe on the average.
 13 COMMISSIONER HIRANAGA: Okay. Thank you.
 14 CHAIR HEDANI: Stan, is that 100 percent affordable
 15 in Maui County's criteria?
 16 MR. FUJIMOTO: We will be doing an RFP, and we will
 17 select set developers based on the proposal for the number
 18 of affording units. Selection criteria will be based upon
 19 the most affordable units. The minimum will be the 50
 20 percent.
 21 CHAIR HEDANI: Commissioner U'u.
 22 COMMISSIONER U'U: If you don't mind, what was the
 23 cost of the most recent houses for sale in Leiali'i, price
 24 range roughly?
 25 MR. FUJIMOTO: I think it was a DHHL project, which

1 I'm not too familiar with the price. DHHL projects are
 2 subsidized.
 3 COMMISSIONER U'U: Thank you.
 4 CHAIR HEDANI: Commissioner Starr.
 5 COMMISSIONER STARR: What are the criteria for
 6 residency and ownership in the planned project?
 7 MR. FUJIMOTO: We have residence requirements,
 8 statutory residence requirements. You have to be a Hawaii
 9 residence, 18 years. You cannot have ownership in another
 10 property. We have the ten-year buy back and the share
 11 appreciation. And even the market units, I think the
 12 developer needs to on the first offering offer it to
 13 residents of Hawaii.
 14 COMMISSIONER STARR: But there's no blood
 15 requirement?
 16 MR. FUJIMOTO: No, no. Because we're not DHHL. We
 17 sell to the general public.
 18 CHAIR HEDANI: Okay. Thank you very much, Stan.
 19 If you could reduce the 40 years to 10 years, we'd
 20 appreciate it.
 21 Next person to testify is Pam Doust, to be followed
 22 by Colleen Suyama.
 23 MS. DOUST: Aloha. My name is Pam Doust, and I'm
 24 representing the Maalaea Community Association. And we
 25 would just like to remind the Planning Commission of our

1 opposition to the Maalaea corridor. This heavily traveled
 2 corridor is a bottle neck for traffic leading to and from
 3 West Maui. Shut downs, slow downs, gridlock, they
 4 frequently occur. Maalaea residents often cannot get home
 5 in an accident or a fire, and the Pali ties up traffic for
 6 hours. It makes no sense to add thousands of vehicles to
 7 this bottleneck with even more residence struggling to get
 8 to and from work, play, medical facilities, churches and
 9 shopping.
 10 The Planning Department has opposed development in
 11 the area, and GPAC has likewise refused to endorse
 12 urbanization in Maalaea. Infrastructure is sadly lacking.
 13 Schools, police and a fire station, parks, they will all
 14 have to be provide. Not just the sites for them, but the
 15 structures and the personnel to run them.
 16 The affordable housing project offered by Jessie
 17 Spencer involves 1100 homes intended for folks already
 18 living on Maui. Revenues to provide infrastructure will not
 19 be increased in the often usual manner by having
 20 off-islanders move here and broaden the tax base. So in
 21 these tough economic times, you have to ask the question of
 22 where will the infrastructure come from. And what about
 23 water? The sited water source, the Waikapu aquifer has not
 24 done much more than sprinkle the pastures. It abuts the
 25 stressed Iao aquifer and presumably will draw from it when

1 water runs short.
 2 Thousands of new units of housing already located
 3 in the proposed Urban Growth Boundaries, many with approvals
 4 in hand, are waiting in the wings. How many units in total
 5 will be tapping the same resource? Who gets first priority?
 6 The water questions must be answered before any new units of
 7 housing are added to what's already in the works.

8 MS. NOLAN: One minute.

9 MS. DOUST: Thank you. And we do ask that you do
 10 not contribute to the further urbanization of Maalaea.

11 Just as a side note. There's 732 homes right now
 12 for sale on MLS below \$400,000. We need new housing, but it
 13 has to be with better planning that doesn't add to the
 14 traffic problems, take ag lands, and create traffic
 15 nightmares. Thank you.

16 CHAIR HEDANI: Thank you very much.

17 Colleen Suyama, to be followed by Rory Frampton.

18 MS. SUYAMA: Good morning. On behalf of our
 19 clients, Association of II Wai Hui, LP and Endurance
 20 Investors and Towne Development of Hawaii, Inc., we
 21 respectfully request your consideration of the proposed
 22 Pu'unani Subdivision for inclusion into the Urban Growth
 23 Boundary for the Wailuku-Kahului region.

24 Pu'unani Subdivision is a resident housing project
 25 that will provide affordable housing to working families as

1 a viable project that will provide needed resident housing
 2 for Maui residents.

3 Thank you. I'm open to questions that the
 4 Commission may have.

5 CHAIR HEDANI: Commissioner Hiranaga.

6 COMMISSIONER HIRANAGA: Colleen, earlier your
 7 clients came to the Planning Commission for, I guess, a Land
 8 Use Boundary Amendment?

9 MS. SUYAMA: It was earlier this year that they
 10 prepared the Draft EIS. And the Commission commented on the
 11 Draft EIS. But because this Maui Island Plan, the General
 12 Plan update is going on, they have not proceeded with the
 13 EIS, hoping to get a positive recommendation by the
 14 Commission dealing with the Urban Growth Boundaries.

15 COMMISSIONER HIRANAGA: Was it an EA or EIS?

16 MS. SUYAMA: EIS.

17 COMMISSIONER HIRANAGA: During that meeting, I
 18 suggested creating a green belt, where you were proposing
 19 Rural Use and to consider Ag Use to create more of a green
 20 separation. Has that been given any consideration?

21 MS. SUYAMA: They have been looking at different
 22 site developments for project to try to provide that green
 23 belt, or that separation between Waikapu and Wailuku. And
 24 what they're looking at is, depending on what the decision
 25 of the Commission, I think will dictate how they ultimately

1 well as special needs housing for the elderly and veterans
 2 group. No other project proposes to provide housing for our
 3 veterans. This project is immediately adjacent to the
 4 urbanized areas of Wailuku and Kahului and in close
 5 proximity to existing urban services, which makes it an
 6 ideal area for future urban expansion.

7 Developers are in discussion with the County of
 8 Maui to provide necessary connections to public services,
 9 such as development of its own water source. This is a
 10 project that the owners are ready to proceed once the Maui
 11 Planning Commission makes its recommendation on the Maui
 12 Island Plan. The owners of the Pu'unani Subdivision is
 13 cognizant of the desire to maintain the separation between
 14 the towns of Wailuku and Waikapu and are willing to work
 15 with the Waikapu community in providing the desired
 16 separation in the site design for the project.

17 Although the Maui Planning Department has proposed
 18 to include a portion of the project within the Urban Growth
 19 Boundary, the linear configuration of the Department's
 20 proposal makes it difficult to develop the site. The linear
 21 configuration makes it difficult to provide an internal
 22 roadway system and lends itself to cul-de-sac roadways from
 23 Kuikahi Drive.

24 We request your consideration of the Pu'unani
 25 Subdivision in the Wailuku-Kahului Urban Growth Boundary as

1 redesign the project in terms of the Land Use.

2 COMMISSIONER HIRANAGA: So you haven't come up with
 3 a new proposed site?

4 MS. SUYAMA: No. We have been looking at
 5 alternative proposals, maybe along Honoapiilani Highway
 6 between Waikapu and the housing project, maybe having some
 7 agricultural-type lots, larger lots. So at least from the
 8 roadway, you would have the swatch of visually the ag lands
 9 towards the other agricultural subdivision that's on the
 10 Waikapu side of the project.

11 COMMISSIONER HIRANAGA: Thank you.

12 CHAIR HEDANI: Thank you very much.

13 Rory Frampton, to be followed by Reid Kowabata.

14 MR. FRAMPTON: Good morning, Planning
 15 Commissioners. I want to thank you for the opportunity to
 16 appear before you this morning. I just wanted to provide
 17 some clarifying comments on the Makila Project in West Maui.

18 Makila has proposed a rural community within the
 19 existing footprint of Launiupoko, so it wouldn't expand the
 20 existing developed area of Launiupoko. It would provide a
 21 sense of place, community gathering areas, parks, and some
 22 very limited commercial, which the plans have changed.
 23 Originally, there was a lot more commercial proposed. But
 24 as Commissioner Hiranaga observed yesterday and the input we
 25 heard from the community is that commercial is nearby in

1 Lahaina. So the limited commercial might make sense, but it
2 should be limited.

3 The main point was to provide an opportunity for a
4 rural lifestyle in West Maui. And this would be an
5 alternative to large ag lots, which we have the right to do
6 large ag lots, but it would be very few. We'd like the
7 opportunity to provide up to 200 rural lots, which would
8 provide rural lifestyle opportunities in West Maui.

9 On the map, they had a circle that the Planning
10 Department has drawn. And that was within a large red area.
11 The large red area was a parcel that we've been looking at.
12 And we've committed to preserving half of that area in ag.
13 When we say half of that area would be in ag, it would be
14 dedicated for permanent ag use. It wouldn't be part of ag
15 lots. The lots would be in the Rural Center in the middle,
16 the rural clusters. The permanent ag area would be on the
17 side, and we would provide for farming opportunities. It's
18 a different concept than what I've heard presented before
19 this Commission.

20 Along the shoreline area, everyone that I've talked
21 to, including my owners, were all committed to creating a
22 coastal preservation corridor along the shoreline. Now,
23 it's very complicated. There's a regional highway that
24 needs to be relocated. There's coastal access. There's
25 recreational use areas. But all these matters are going to

1 MR. FRAMPTON: So we would like the opportunity to
2 create that win/win situation. Thank you.

3 CHAIR HEDANI: Question from Commissioner U'u.

4 COMMISSIONER U'U: Rory, I remember seeing the
5 circle area. Where is it located exactly the downside,
6 you're saying you might create a coastal buffer?

7 MR. FRAMPTON: All along the shoreline --

8 COMMISSIONER U'U: From what beach are we talking
9 about?

10 MR. FRAMPTON: It would start at Puamana Beach
11 Park, which is just when you leave Lahaina Town, and go all
12 the way to Launiupoko, and all the way to the Olowalu
13 Landfill. So it's two and a half miles. Makila owns the
14 land which abuts the highway, for two and a half miles which
15 abuts that shoreline.

16 We've already set aside, a minimum in our
17 preliminary plans, 70 acres which abuts the highway in order
18 to move the highway, meander the highway, or create a bike
19 lane or whatever. And that's kind of a starting point. And
20 that averages from the shoreline, about 400 feet along the
21 entire frontage. And it's basically dedicated to coastal
22 access, recreation.

23 As Commissioner Hiranaga noted, there's different
24 viewpoints on how close or how the cars should access that
25 area. I think how we put the cars in, whether it's through

1 come before the Commission because it's in the SMA. And
2 anything that happens along that lower area is basically
3 going to be before this Commission.

4 So the statements that I wanted to clarify was --

5 MS. NOLAN: One minute.

6 MR. FRAMPTON: The GPAC's position on this was --
7 it's stated in the motion by Dick Mayor, was that he wanted
8 to see a win/win situation, whereby we'd have enough units
9 up above in the rural area where the County would work with
10 us to find the appropriate number of units in the rural area
11 and to preserve as much areas as we can down below on the
12 highway for coastal recreational use.

13 The statement said there might be some room for ag
14 lots down below the highway, but the GPAC's really wanted to
15 leave it up to further working it out with the County
16 Council. And that vote was a 20-to-2 vote. It was one of
17 the most positive votes that was before the GPAC. I think
18 it's probably because it was somewhat vague, and it called
19 for this win/win situation.

20 The Planning Department has since drawn a very
21 tight circle that would cover about 20 acres and it would
22 allow for four units, which is not much more than what we
23 can do right now. Under that configuration, it probably
24 wouldn't happen. It would probably remain in large ag lots.

25 CHAIR HEDANI: Thank you, Rory.

1 finger access or continue the lateral access along the
2 shoreline -- I've heard the Planning Department suggest the
3 finger access. I've heard people in the community say we
4 want lateral access the whole way.

5 Anyway, my point is, it would be along the entire
6 frontage, starting from the ocean in, at a minimum of 400
7 feet from the shoreline. Not from the highway, from the
8 shoreline.

9 CHAIR HEDANI: Commissioner Hiranaga.

10 COMMISSIONER HIRANAGA: I'm looking at the GPAC
11 Map, that would be three. And they just have a circle with
12 Makila. It doesn't show your red --

13 MR. FRAMPTON: It doesn't. And it was left very
14 loose. And I did provide the minutes, I think in my
15 previous transmittal, to this body. But it was a concept
16 that the GPAC voted on. And the concept was to allow for
17 the Rural Center. And everybody seems to suggest that this
18 area is appropriate for rural. And they also want to have
19 the preservation along the coastline, but they did leave it
20 fairly loose.

21 What we'd like is not to have the words TDR on
22 there, but just to designate that area rural and to
23 designate a swath along the coastline, I think is fine, and
24 then allow us to work out the details as we move forward
25 with the Planning Commission and the County Council.

1 COMMISSIONER HIRANAGA: Thank you.
 2 CHAIR HEDANI: Thank you very much, Rory.
 3 MR. FRAMPTON: Thank you.
 4 CHAIR HEDANI: Next person to testify is Reid
 5 Kowabata.
 6 MR. KOWABATA: Good morning Commissioners and
 7 Chairperson Hedani. I just came this morning because I want
 8 to thank you guys for letting our community yesterday -- you
 9 know, you guys took the time to listen to them. I'm from
 10 Waikapu Community Association. And that's really the only
 11 reason I came here. But I'm glad Commissioner Hiranaga
 12 brought up the green belt around the Waikapu, because we are
 13 very strongly for that, you know.
 14 Last night we just had a meeting with Mike
 15 Atherton. And he put on a good presentation for us. He's
 16 willing to give us a lot of land to keep green. And we do
 17 have a lot to work with him. But I think the process that
 18 he's going through now is very helpful, I think for
 19 everyone, so everyone can have a say. And our community
 20 felt kind of comfortable.
 21 But I had a question whereas one thing where I
 22 think from the past, I think our community -- and this was a
 23 big concern. I had a lot of e-mails last night. They felt
 24 comfortable with them, but they're not sure if he's going to
 25 do what he says or it's going to be like almost all these

1 anything. So what we're asking is any decision on this
 2 Lot 7 be deferred to the Community Plan, at the Community
 3 Plan process time. Okay, that's all I wanted to state.
 4 CHAIR HEDANI: How do you spell your last name?
 5 MR. SPARKE: S-p-a-r-k-e. And by any means, we're
 6 just in the early process of looking at what he's proposing.
 7 It may remain ag. So we don't want an Urban Growth Boundary
 8 put up there as of yet because we're not to our community
 9 with this as of yet. Thank you.
 10 CHAIR HEDANI: Commissioner Hiranaga.
 11 COMMISSIONER HIRANAGA: The quandary we have is the
 12 Council does not place a certain area within the Urban
 13 Growth Boundary. It doesn't matter what happens at the CAC.
 14 If it's outside the boundary, you can't come back in.
 15 That's the quandary. But if you're in, you can restrict it
 16 or reduce it. But if it's not in, it's out.
 17 MR. SPARKE: If it's out, then it remains ag.
 18 Correct?
 19 COMMISSIONER HIRANAGA: Correct.
 20 MR. SPARKE: Okay. If it's in, it cannot be
 21 corrected back to ag. Is that what you're saying?
 22 COMMISSIONER HIRANAGA: No, you can't put it back
 23 to urban. If it's designated urban, you can control the
 24 use, reduce the use.
 25 MR. SPARKE: Okay. We will be able as a community

1 other developers; once they get their permits, they just do
 2 what they want. And that's all. But he seems very genuine.
 3 He seems willing to work with us. And that's about it. And
 4 thank you very much.
 5 CHAIR HEDANI: Question from Commissioner Mardfin.
 6 COMMISSIONER MARDFIN: Is this -- the one that
 7 you're talking about that you met last night, is that the
 8 same person Colleen was talking about today, the same group?
 9 MR. KOWABATA: No, this was at Maui Tropical
 10 Plantation last night.
 11 CHAIR HEDANI: Thank you very much, Reid.
 12 Are there any other members of the public that
 13 would like to offer testimony at this time that did not
 14 speak yesterday, please step to the microphone and identify
 15 yourself for the record.
 16 MR. SPARKE: Aloha, Commissioners. I'm James
 17 Sparke, president of Waihee Community Association. I had
 18 written a letter to two of you, Mr. Michaelson and
 19 Mr. Summers, stating that we were looking at a proposal from
 20 KSD Hawaii, David Good. He also wrote one stating his
 21 intention.
 22 We are just looking at it. It's at the executive
 23 board level. It's not to the community yet. So what we're
 24 asking is anything, any decision-making on this -- because
 25 we have to get with our community before we approve

1 to control that use?
 2 COMMISSIONER HIRANAGA: The CAC. The CAC has
 3 input. But if you're outside of the Urban Growth Boundary,
 4 you can't come back in later on through the CAC process.
 5 MR. SPARKE: Like you say, this is the quandary
 6 we're in. We, as an executive board, have to present this
 7 to our community, okay. And we don't want to go, well, it's
 8 Urban Growth Boundary. Because our community may just say
 9 no, we don't want any of it. We may want some over here in
 10 another area as growth rather than that particular area as
 11 growth. So that's the quandary, I guess, we're in. But we
 12 would rather defer to that the community.
 13 CHAIR HEDANI: Commissioner Hiranaga.
 14 COMMISSIONER HIRANAGA: You know, the Council has
 15 the final say. So you will have to time to present your
 16 formal position to the Council.
 17 MR. SPARKE: So you're just going to present it to
 18 the Council?
 19 COMMISSIONER HIRANAGA: We're doing a
 20 recommendation.
 21 MR. SPARKE: Recommendation to the Council.
 22 CHAIR HEDANI: Commissioner Mardfin.
 23 COMMISSIONER MARDFIN: My question is less for you
 24 than to the Director. What Commissioner Hiranaga said was
 25 not what my understanding was. I thought the understanding

1 was that we would recommend boundaries, among other things,
2 to the Council. The Council would pass it. Then we would
3 go through a Community Plan process. At the Community Plan
4 level, if they somehow came up with something new, that they
5 could amend the Maui Island Plan simultaneously with
6 accepting the Community Plans.

7 So Commissioner Hiranaga's statement that if it's
8 out, it's out was not my understanding of what at least
9 could potentially happen. That's to the Director more
10 than --

11 CHAIR HEDANI: Do you have a question for the
12 testifier?

13 COMMISSIONER HIRANAGA: You should bring that up
14 during discussion, not public testimony.

15 COMMISSIONER MARDFIN: What is it -- i'll let it
16 go.

17 MR. SPARKE: We don't want to run into a lot of red
18 tape trying to fight something that's already been set in
19 stone, and then come back and have to fight it again.

20 CHAIR HEDANI: Thank you very much, Jim.

21 MR. SPARKE: You're welcome.

22 CHAIR HEDANI: Are there any other members of the
23 public, please step to the microphone.

24 MR. ORNELLAS: Good morning. Daniel Ornellas,
25 speaking on the behalf of the Department of Land and Natural

1 the new prison?

2 MR. ORNELLAS: I believe at the County level, a
3 centralized baseyard for Public Works was one of the ideas.
4 For Fire and Police, a coordinated training facility with a
5 dormitory and fields for practicing would be recommended.
6 From the DLNR's perspective, we're looking for
7 income-generating opportunities. We're looking at M2 light
8 industrial type opportunities. Same with Hawaiian
9 Homelands. They already have 80 acres that they have gone
10 on RFP to try to find a developer to move forward with that.
11 And that's right south of the animal shelter off Mokulele.

12 Then you've got all the large recreational users,
13 like the race track, circle track guys want to get in there.
14 The motorcross guys want to expand. The airplane guys are
15 there. I understand there's other opportunities for archery
16 and maybe a rifle range. So there's a very broad mix of use
17 and users.

18 CHAIR HEDANI: Commissioner Starr.

19 COMMISSIONER STARR: Yeah. I wanted to ask you to
20 change hats for a moment and put on an older hat, which
21 is -- because I have some questions, if you could, about
22 some of the Hawaiian Homes projects.

23 My understanding is there's quite a considerably
24 large residential Hawaiian Homes project plan that would
25 actually be adjacent to the site where the prison is going

1 Resources. I'm a District Land Agent, and I was just
2 inspired by the gentleman from Hawaii Housing and Financing
3 Development Corporation and wanted to speak more
4 specifically towards Puunene.

5 You might have seen on the front page of the Sunday
6 paper the prison, 30-acre prison that's proposed to go in
7 there. I wanted to bring to your attention that the Urban
8 Growth Boundary doesn't include a larger portion of the
9 1,000-acre piece that is Government owned, the large portion
10 by the Department of Land and Natural Resources, about
11 six -- almost 700 acres by the Department of Hawaiian
12 Homelands, and then 222-acres, which is State-owned, but
13 under executive order to the County of Maui.

14 And we are working with Dave Yamashita in the
15 Planning Department to try to do a Master Plan to coordinate
16 the large users in the area so we can coordinate
17 ingress/egress off of Mokulele, sewer treatment, water
18 facilities. But I just noticed that the Urban Growth
19 Boundary doesn't reflect what the big picture is. So you
20 might want to take a closer look at that boundary before you
21 make firm decisions on the growth pattern for that region.
22 So just FYI.

23 CHAIR HEDANI: Commissioner Starr.

24 COMMISSIONER STARR: Yes. First question, what
25 other facilities are contemplated in that area along with

1 and extend towards Kihei and then across Mokulele in that
2 loop. And I'm sorry, but I forget the name of that loop,
3 that there's a large commercial, kind of big box parking lot
4 with a big box around it, commercial project that's DHHL.

5 I know you're not with that organization, but could
6 you share a little mana'o about that.

7 MR. ORNELLAS: Yes. That's Mehamaha Loop. The
8 total acreage is 180 acres. 100 is still under the
9 Department of Land and Natural Resources. 80 is under
10 Department of Hawaiian Homelands. We want to coordinate
11 with Hawaiian Homelands infrastructure ingress/egress to
12 develop an entire 180 acres over time, obviously. But the
13 Hawaiian Homes, because they have these authorities to make
14 development a lot quicker, they already have moved ahead on
15 that 80 acres to, again, RFP out to a developer to do the
16 basic infrastructure for ground rents. So that's within
17 Mehamaha Loop.

18 The second parcel that you referred to is south of
19 the race track area. It's a 658-acre parcel, again, owned
20 by the Department of Hawaiian Homelands. I don't see
21 residential opportunities except for the areas kind of
22 adjacent to where North Kihei it growing out northward.
23 Maybe sometime in the future, Hawaiian Homes can tap into
24 the infrastructure on that portion of 658-acre parcel. As
25 long as we have noise generators like the race track, I

1 think it would be really be prohibitive to have affordable
2 housing in that vicinity.

3 We did some studies on the contours of the noise
4 and this and that. Being that we use a lot of FHA backed
5 loans, I don't think Federal standards would allow for
6 affordable housing in that close proximity to the industrial
7 area.

8 CHAIR HEDANI: Commissioner Hiranaga.

9 COMMISSIONER HIRANAGA: It's my suspicion that the
10 County does not have jurisdiction over State lands. And
11 I'll ask the Director that. But I think the area you're
12 talking about there, the Puunene Naval Station area, is all
13 State land.

14 MR. ORNELLAS: Correct.

15 COMMISSIONER HIRANAGA: Maybe that's why it's not
16 included in our Urban Growth Boundary, because I don't
17 believe we have jurisdiction over State land.

18 MR. ORNELLAS: And I believe we -- or the State
19 chooses to respect the Land Use authority of the County.
20 Even though they could always pull the trump card with the
21 State from the County, I think in a spirit of cooperation
22 and consideration, they would want to go through the
23 procedure and process. "They" meaning the State.

24 COMMISSIONER HIRANAGA: They'd like to.

25 MR. ORNELLAS: And we try to.

1 CHAIR HEDANI: Commissioner U'u.

2 COMMISSIONER U'U: So Mr. Ornellas, you're looking
3 at 658 acres and also to include the 180 acres --

4 MR. ORNELLAS: I wouldn't include the whole 658.
5 But I would definitely include the 100 that's in Mehamaha
6 Loop, along with the 80. So that's a total of 180. And I
7 would also include out by Hawaiian Cement. For some reason,
8 Hawaiian Cement is not even identified as a urban area. But
9 adjacent to that is another 50-acre parcel which is State
10 owned that we almost guarantee we'll move first on that
11 parcel. So you might as well include them in the plan.

12 CHAIR HEDANI: Commissioner U'u.

13 COMMISSIONER U'U: I know there's talk between
14 cooperation between the State and County agency. And this
15 might be the first step of cooperating. Thank you for
16 testifying, your public testimony.

17 CHAIR HEDANI: Thank you very much, Mr. Ornellas.

18 Are there any other members of the public that
19 would like to testify, please step to the microphone and
20 identify yourself.

21 MR. HART: Good morning, Mr. Chairperson and
22 Members of the Maui Planning Commission. My name is Chris
23 Hart, president of Chris Hart & Partners. I'm speaking on
24 behalf this morning of the Waikapu Country Town. And I'd
25 just like to follow up on the testimony of Mr. Reid

1 CHAIR HEDANI: Commissioner Shibuya.

2 COMMISSIONER SHIBUYA: So I take it, Mr. Ornellas,
3 that if this body decides to come out with a draft or plan
4 or outline or use of the properties, the State would be
5 willing to listen to it, review it, and may have their own
6 takes to it?

7 MR. ORNELLAS: When you say a draft of the plan,
8 you mean a boundary of the Urban Growth Boundary?

9 COMMISSIONER SHIBUYA: Yes.

10 MR. ORNELLAS: Yes, guarantee we'd take it into
11 consideration. I think the whole purpose of me speaking
12 this morning is that we coordinate and we work together and
13 we have a big picture view. Because right now, the Urban
14 Growth Boundary only includes like maybe a fifth of the
15 entire area.

16 COMMISSIONER SHIBUYA: Right. And we are an
17 expression of our desires, not necessarily a prescription.

18 MR. ORNELLAS: Okay.

19 COMMISSIONER SHIBUYA: Is that okay?

20 MR. ORNELLAS: I don't think it's realistic, what's
21 existing right now. And I think you should just recognize
22 the reality of community's needs. I mean, we're not talking
23 housing. We're talking income -- jobs, basically, and other
24 public amenities that we need as a community.

25 COMMISSIONER SHIBUYA: I understand. Thank you.

1 Kowabata, who is actually a member of the Waikapu Community
2 Association.

3 Last evening, we held a community meeting, an
4 advertised community meeting, which we notified each
5 member -- each resident in the Waikapu area of the meeting.
6 That was -- we sent out over 1,000 notices. There were
7 actually 150 -- approximately, 150 people present. And we
8 had a very good presentation of our project. And, you know,
9 the issues that Mr. Kowabata brought up in terms of open
10 space, essentially there has been a commitment on behalf of
11 our client to actually dedicate approximately 1200 acres of
12 agricultural land, this is prime agricultural land, as an
13 open-space buffer between Waikapu Town and Maalaea.

14 In addition, a concern that Mr. Kowabata had in
15 terms of follow-up and working with the consultants and our
16 client, Mr. Atherton, basically it was brought up Walette
17 Pellegrino, who, you know, was a member of the General Plan
18 Advisory Committee and also a resident of Waikapu. And a
19 commitment was made publicly that there will be a steering
20 committee of the Waikapu Community Association appointed.
21 And that during the process of entitlements, which could
22 take five years and planning, there will be close contact
23 and cooperation with the community in all stages of that
24 evolving process. And that was a firm commitment that was
25 made.

1 MS. NOLAN: One minute.
 2 MR. HART: I think there are concerns within the
 3 community that what we're proposing at this time will not
 4 actually come to fruition. And that could be. But in
 5 reality, working together with the community, we are going
 6 to see to it that it actually does come to fruition.

7 Also, I passed out to you a letter. Basically, I
 8 have a concern about how we're defining the resort
 9 destination areas on the island. It was distributed to you
 10 this morning. It's dated September 15th. I would ask you
 11 to read that and to really recall the vision of Maui back in
 12 the 1960s. 1968 and '69 specifically, that the resort
 13 destination areas are defined in South Maui and West Maui,
 14 and not to restrict the defined development of resort
 15 destination to the large land holder resort destination
 16 areas, the four of them; Makena, Wailea, Kaanapali and
 17 Kapalua, but to include a broader range. Thank you.

18 CHAIR HEDANI: Thank you very much.
 19 Question from Commissioner Hiranaga.
 20 COMMISSIONER HIRANAGA: So, Chris, your proposed
 21 Waikapu Country Town, is that reflected in the Department's
 22 Recommendation?

23 MR. HART: For the most part, it is, that's
 24 correct.
 25 COMMISSIONER HIRANAGA: Most part?

1 MR. HART: Well, we want to define it specifically.
 2 COMMISSIONER HIRANAGA: But your satisfied?
 3 MR. HART: We're pretty much satisfied as its
 4 identified by the Department.
 5 COMMISSIONER HIRANAGA: Okay. Thank you.
 6 MR. HART: Yes.
 7 CHAIR HEDANI: Thank you very much, Chris.
 8 MR. HART: Thank you.
 9 CHAIR HEDANI: Any other members of the public,
 10 please step to the microphone and identify yourselves for
 11 the record.
 12 MR. GRANTHAM: Hello. My name is Daniel Grantham.
 13 And some of you know me in other contexts. One of the
 14 things that I do is make maps. Here's a map that I made.
 15 It's a commercial map. I made it in 2002. 80,000 copies
 16 were printed. I brought a couple of them here to leave in
 17 case any of you are interested.
 18 And the reason I'm doing that is because I worked
 19 on a book on Makena called Project Ka'eo at the beginning of
 20 2008. And one of the things I did was made some maps of the
 21 archeological sites. And to do this, I took maps from over
 22 a dozen different archeological surveys and overlaid them on
 23 a map of the area. And I'm going to pass this around too.
 24 Each one of those dots represents a site. Some
 25 areas represent multiple sites. There's -- it's estimated

1 there's at least 600 documented sites in this area. And I
 2 understand there was a concern expressed that these aren't
 3 on the Cultural Resources Map so maybe they don't exist.
 4 And that is a problem. And I'd like to address that here.
 5 The Staff can elaborate on this, but the Cultural Resources
 6 Map was based on one set of data that is cultural and
 7 historical sites that have been nominated and listed to the
 8 State or Federal Register of Historic Places.

9 Now, normally, this nomination is initiated by the
 10 land owner. And after 30 years of research, Makena Resort
 11 has yet to nominate any of their 600 cultural sites.

12 MS. NOLAN: One minute.
 13 MR. GRANTHAM: -- so not including several heiaus
 14 and shrines. So therefore, in some context, apparently
 15 these don't exist.

16 Now, these sites all have a State Inventory of
 17 Historic Places numbered. And each one of those dots you
 18 see on there has a number, has a description, is on a map.
 19 And I just wanted you to know that these things exist.
 20 There's new sites being discovered all the time, reports not
 21 yet published. There's plenty of areas that have not been
 22 drawn in yet. Many these areas are slated for housing,
 23 among other things.

24 So I just wanted to let you know there is a part of
 25 the picture that maybe you were not aware of. Okay. Thank

1 you. I have other maps here.
 2 CHAIR HEDANI: Question from Commissioner Mardfin.
 3 COMMISSIONER MARDFIN: With respect to the maps and
 4 Project Ka'eo, you said there's 600 spots. And I want to
 5 make sure I'm clear. Is it all of Makena, there's 600? Or
 6 is it 600 in the area that's a difference between the GPAC
 7 Boundary and Director's Boundary?
 8 MR. GRANTHAM: I'm talking about the 1,000 acres
 9 that Makena Resort includes.
 10 COMMISSIONER MARDFIN: And that's --
 11 MR. GRANTHAM: Let me see.
 12 COMMISSIONER MARDFIN: Is that the difference
 13 between the GPAC Boundary and the Director's Boundary?
 14 MR. GRANTHAM: Here's -- sorry this is so small.
 15 But this is a map by archeologist Theresa Dunham. But this
 16 line here is the Urban Growth Boundary. And I can pass that
 17 over to you.
 18 I'm sorry. These aren't my maps so I can't leave
 19 them with you, but I can get you copies, digital copies if
 20 that will work for if you want to give me an e-mail to send
 21 them to.
 22 COMMISSIONER MARDFIN: What I want to know is when
 23 we're talking about the 600, are we talking about 600 that
 24 would be affected by our decision whether it goes to GPAC
 25 Boundary or Director's Boundary, or is it a more limited

1 subset?

2 MR. GRANTHAM: You know, I've tried to track --

3 COMMISSIONER MARDFIN: Are all of these the 600
4 you're referring to?

5 MR. GRANTHAM: There's not all the 600 that are
6 listed there. There's probably only maybe a couple hundred
7 on that. There are many that -- I mean, I could just cover
8 the whole map.

9 COMMISSIONER MARDFIN: Because the area that we're
10 concerned that's in dispute sort of is this area here, not
11 up here. I mean, it could potentially be in dispute, but
12 it's not at this stage.

13 MR. GRANTHAM: Yeah.

14 COMMISSIONER MARDFIN: Thank you.

15 CHAIR HEDANI: Commissioner Shibuya.

16 COMMISSIONER SHIBUYA: Thank you very much, Daniel.

17 Yesterday, I mentioned several times the culturally
18 sensitive area that we did not have the data actually
19 identified, the sites were not identified. But now this
20 gives me more confidence in the pursuing what I'd been
21 mentioning yesterday to this group. It's very enlightening.

22 I knew that historically there was a group that
23 used to live in that area and also the landing area too. So
24 those are just prime sites for us take a look at. And if we
25 do a little bit more effort in identifying it, researching

1 it, we could probably come up and eliminate some of the
2 pilikia that comes in afterward. Thank you.

3 MR. GRANTHAM: I'd be glad to be of help. There is
4 one other map that you might be interested in. This came
5 out of the Kihei-Makena Community Plan process.

6 CHAIR HEDANI: You have to speak into the mic.

7 MR. GRANTHAM: This came out of the Kihei-Makena
8 Community Plan process. You can see a few sites up here.
9 These are actually -- for instance, two of these little
10 yellow marks represent -- each one represents 50 sites. So
11 this is largely an issue of thorough surveying and making
12 sure that we get all the surveys on the same page.

13 CHAIR HEDANI: Thank you very much.

14 Commissioner Starr.

15 COMMISSIONER STARR: Yeah. To go back to what
16 Commissioner Mardfin was saying, there's a specific area
17 that's been under discussion, which is really the area mauka
18 of Puuolai. And that area was included in the Department's
19 Recommendation, but it was excluded by the GPAC. And it
20 looked like there were a lot of dots in there on your map.

21 I mean, compared to other areas that are rich in
22 antiquity, I mean, is that kind of typical? Or is this a
23 place where there is really a lot, a lot, a lot of sites?

24 MR. GRANTHAM: There's a lot of sites. There are
25 other areas there that have not even been survived. And

1 just cursory examination, there's sites that have been
2 found. But there are definitely a lot of sites. There's a
3 lot of history in that particular area. It's really
4 something.

5 CHAIR HEDANI: Thank you very much, Dan.

6 MR. GRANTHAM: Sure. Thank you.

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

11 MR. STONER: My name is Rob Stoner. I'm with S&F
12 Land Company. We're the owners of Central Maui Baseyard.
13 We previously expressed an interest in expanding about 100
14 acres of the Central Maui Baseyard, which is currently 50
15 acres, over the next 20 years.

16 As you know, we operate as one lot and have met the
17 needs of many Maui contractors and other businesses, both
18 small and large. We feel it's a reasonable request at this
19 time. Over 20 years, looking at our previous growth, and
20 feel we can fulfill the needs of some of the smaller
21 businesses of Maui and mid-sized businesses of Maui that
22 sometimes have more difficulty finding property and cheaper
23 property needs.

24 Further, we would require no further access to
25 Mokulele Highway than we currently have, nor would we be

1 impacting highway access on Mokulele. I just wanted to see
2 if there's any questions regarding our expansion.

3 CHAIR HEDANI: Are you folks currently included or
4 excluded from Urban --

5 MR. STONER: My understanding is the 50 acres are
6 included. We are looking to expand it to a total of 150
7 acres.

8 CHAIR HEDANI: I see.

9 Director Hunt.

10 DIRECTOR HUNT: My question was answered.

11 CHAIR HEDANI: Thank you very much. Any other
12 members of the public, please step to the microphone,
13 identify yourself.

14 MS. BERNARD: Aloha. Hannah Bernard, Hawaii
15 Wildlife Fund. Thank you once again for the opportunity to
16 testify. I'm going to apologize in advance for not having
17 handouts for all of you because I just found out about this
18 opportunity last night. So I do have a document that I will
19 be referring to, and I will be able to provide copies of it
20 for those who want it perhaps at the next meeting.

21 First of all, I just want to ask if any of you have
22 seen this document? It's called Coral Reefs of Maui,
23 Status, Stresses and Suggestions. And it's already two
24 years old. And it was produced by Mark Ramey, who is with
25 the UH Hawaii Botany Department. It contains 18 scientific

1 document studies of Maui reefs. It's produced by UH Botany
2 professors, Alan Friedlander, who was the one who worked
3 with Uncle Mac Poepoe on Molokai to study the fish
4 populations there to show the subsistence fishery protection
5 management area is working just as well as a complete
6 closure for bringing back the populations of fish.

7 Dr. Eric Brown who was here on Maui who now works
8 for the National Park Service on Molokai -- to make a long
9 story short, in this document, which is over 60-pages
10 long -- and you can get it online. And I can also provide a
11 PDF copy or I can give you a weblink at some point or you
12 can purchase it for over \$60. These people make the case
13 for the importance of putting the brakes on. What we're
14 doing on Maui, the urbanization of Maui is destroying our
15 reefs.

16 And as we all know, you are all from here who know
17 this, things have changed. You don't have to be a marine
18 biologist. You know it. You've seen it yourself. They
19 talk about this in this document. They talk about how it's
20 fruitless for us to point fingers anymore. It's time to
21 start the healing. Like our president said during his
22 campaign, let this be the time that we go back and say this
23 is when started recovering our reefs.

24 MS. NOLAN: One minute.

25 MS. BERNARD: So in summary, this one chart I think

1 is important because it shows the change in this trophic
2 structure of our reefs. And then this brochure, which shows
3 the future of marketing for coming to Maui and how it will
4 be all about the algae, not the coral reef. Not that I'm a
5 big proponent of tourism because I'm more interested in our
6 sustainable way of life, but if we continue to urbanize and
7 allow development near the shore, we're not going to have
8 our way of life, our quality of life, and maybe even our
9 lives because tsunamies will come through.

10 The North Shore of Maui is a place I would like to
11 look forward to where you can hold the Urban Boundaries to
12 both the Director's and the GPAC's Recommendations,
13 especially in the Spreckelsville/Paia area. Please do not
14 expand the urbanization of Maui. At least hold the ground
15 in that area that those two bodies have recommended.

16 I'll leave these copies for anybody who would like
17 them, and I will be happy to provide more if anybody wants
18 to contact me. Mahalo.

19 CHAIR HEDANI: Commissioner Starr.

20 COMMISSIONER STARR: Yes. Dr. Bernard, there's
21 been a lot of discussion and desire to urbanize in Olowalu,
22 and there's been also presentations that it can be done in a
23 new way to protect the reef. What model can we use where an
24 area of shoreline that has been developed that we've seen
25 where urbanization has not harmed the reef in Maui Nui?

1 MS. BERNARD: I can't think of one. Urbanization
2 will destroy our reefs. We cannot allow urbanization. It's
3 got to be a kind of management practice that is smaller in
4 scale, whether it's a small country town or rural unit or
5 ahupua'a style management. And that's an overlay that was
6 suggested by Lucienne at one of the meetings previously. We
7 cannot urbanize.

8 Even if we go upslope, everything we do on land
9 affects the ocean eventually. Our injection wells are
10 seeping out into the ocean. And they're not that far from
11 the ocean. But if you put them upslope, eventually they
12 will make it down into the ocean unless we radically change
13 the way we do things. And continuing the way we're doing,
14 we're not using our brains. We're not being proactive and
15 creative and getting together and thinking and planning and
16 visioning for ways that we can continue to support the green
17 jobs that we want.

18 We don't have to do things status quo. We don't
19 have to have the developments the way that they're proposed
20 today. There are new models. And they're out there, but
21 they're not here. They're not present on Hawaii to my
22 knowledge. There are other places that we can look to. And
23 I really support to take the time to do that so we do it
24 right.

25 CHAIR HEDANI: Thank you very much, Hannah.

1 Commissioner Shibuya.

2 COMMISSIONER SHIBUYA: You are aware that this
3 problem of coral endangerment is a multivariable type of
4 situation, and it's not only urbanization. It's also
5 tourism too and activities in the water, as well as
6 sea-level rise and temperature changes. So these are some
7 elements that our community may not have the ability to
8 minimize or mitigate.

9 What are your priorities if you had three of them?
10 What would you track first? Which would you do first?

11 MS. BERNARD: I agree with you that tourism is a
12 problem. It can be a problem. And I consider what you're
13 talking about divided into anthropogenic, or human-based
14 impacts versus natural. Although, global warming is not
15 natural. It's definitely human induced.

16 But there are some very large-scale factors that we
17 might not have such ability to influence. We can do some
18 localized things for global warming. But what we can do
19 that's going to have a much faster impact and greater value
20 for our reefs is reducing our impacts right here near shore.

21 So land use practices. Top three priorities, we
22 really need to change our land use practices. And
23 land-based pollution, the run-off, the seepage. All of the
24 run-off practices that we weren't keeping in mind that we
25 are an island. We can't live this way. And then, of

1 course, overfishing is one the top three concerns.
 2 We're working with our communities to have
 3 community-based management. I think that's much more
 4 effective than sweeping Draconian rules. But these kinds of
 5 things have been identified by numerous task forces.
 6 Overfishing, land-based pollution, and global climate
 7 change. The top three concerns.

8 The first two are ones that we, in Hawaii,
 9 especially on Maui, have the most influence over in our
 10 policies that we're creating and setting right now and
 11 approvals that we're making for development near shore. And
 12 those will have a dramatic effect. We've seen it already.
 13 I wish I could think of a place where it's been urbanized
 14 and it hasn't affected the reefs, and I can't.

15 CHAIR HEDANI: Thank you very much, Hannah.

16 MS. BERNARD: Thank you very much.

17 CHAIR HEDANI: And other members of the public who
 18 wish to offer testimony, please step to the microphone and
 19 identify yourself for the record.

20 MR. GOOD: Good morning, Commissioners. My name is
 21 David Good, KSD Hawaii. As Mr. Sparke testified earlier, we
 22 did meet with the community association again a month ago.
 23 And at that meeting, they asked us could you present us with
 24 just some basic concepts that could take place on the land
 25 at a future time. And we did that. We submitted a letter

1 it's close to existing uses, almost urban infill. It has a
 2 sidewalk that goes almost all the way to the school. It's
 3 in limited production for agricultural due to the fact that
 4 Wailuku water has significantly changed the delivery
 5 systems, not to mention the contested case hearing that's
 6 involved with the State. And so it has options.

7 MS. NOLAN: One minute.

8 MR. GOOD: And we look forward to working with the
 9 community over the next several months to refine those
 10 options, as they testified earlier, to take it out to their
 11 general membership. Thank you.

12 CHAIR HEDANI: Thank you very much.

13 Question from Commissioner Mardfin.

14 COMMISSIONER MARDFIN: I would have felt better
 15 when the tens of people came out to object to this if some
 16 of them were here saying, you know, we've changed our mind.
 17 I haven't heard that particularly.

18 If we did not include it in an Urban Boundary in
 19 this body -- we are only a recommending body to the Council.
 20 You have time to work with the community before the Council
 21 acts on it. And since they're the final deciding authority,
 22 it wouldn't do any harm to get them to include it. For us
 23 to include it, it has the potential, at least, to change the
 24 community in ways that they wouldn't want, assuming you
 25 don't come to some meeting of the minds with that.

1 to the executive board that said, here's some options, you
 2 can leave it the way it is; you can go small ag lots, rural
 3 lots, urban lots. And here's what opportunities come about
 4 in those particular scenarios.

5 Late last week, we saw a reply back from the
 6 executive board saying, well, we're interested; that sounds
 7 kind of neat; could you provide us some site plans, engage
 8 in consultants, and came up with some ideas. And we said
 9 sure, we'd love to. Because we've said from day one, we
 10 want to continue to engage in a community-based planning
 11 process.

12 It appears that we've now started that. We need,
 13 however, to make sure the properties in the Urban Growth
 14 Boundary give us the options to go through this process. If
 15 it's not in the Urban Growth Boundary, we're basically
 16 precluded from doing anything and there won't be any future
 17 options.

18 So our position basically is give Waihee some
 19 options. Give them ag opportunities, which they've
 20 expressed a desire for. Give them rural opportunities,
 21 which they've expressed a desire for. And give them urban
 22 opportunities, which I think you should be hearing some
 23 opportunities of people saying give us urban opportunities
 24 so this small town can thrive in the future.

25 I do want to point out for planning perspectives,

1 Do you think that's a reasonable position for us to
 2 take?

3 MR. GOOD: I think a better position to take would
 4 be to just look at it. As you talked about in your previous
 5 meetings, is this a reasonable place for growth; does the
 6 community need some growth here. And then let the process
 7 continue from that point forward.

8 CHAIR HEDANI: David, which parcels do you
 9 represent? Are you in Waihee 1 or Waihee 2 at this point?

10 MR. GOOD: Thank you, Chair. Waihee 3 is, I
 11 believe, on the current planning -- I'm not sure if it's the
 12 current plan. The map that was transmitted to you folks,
 13 the Planning Department and GPAC's Map. Waihee 3 includes
 14 31 acres and had in the matrix 152 units. We have direct
 15 control over what we call Lot 7 in our subdivision. That's
 16 12.8 acres.

17 So I'm testifying today solely on the 12.8 acres,
 18 not the entire 31. And that's why when we talk broad brush,
 19 50 to 60 units in our communication, that's kind of like a
 20 pro rata share, if you will. And while that unit count may
 21 never be reached, I know you guys were focusing on unit
 22 count. Or will be. But I'm testifying just today on the
 23 12.8 acres.

24 CHAIR HEDANI: My only comment -- and it's a
 25 comment, not a question. My only comment is that somebody

1 has got the community of Waihee totally up in arms, and
2 somebody needs to do something in terms of communication.

3 MR. GOOD: Point well-taken.

4 CHAIR HEDANI: Commissioner Mardfin.

5 COMMISSIONER MARDFIN: On the 12.8, is that where
6 they're talking about the community center, or the community
7 center that we've gotten letters on very recently outside
8 the 12.8 acres?

9 MR. GOOD: That would be within. We have a small
10 meeting place for the community. And the options that are
11 out there are numerous. But we need to have the ability to
12 make options, which is in the growth boundary.

13 CHAIR HEDANI: Thank you very much.

14 Are there any other members of the public that
15 would like to offer testimony, please step to the
16 microphone.

17 MR. KA'AHUI: Good morning, Mr. Chairman, general
18 public. I have sat --

19 CHAIR HEDANI: Can you state identify yourself.

20 MR. KA'AHUI: My name is Ed Ka'ahui. I'm speaking
21 on behalf of myself. I'm not a scientist, but I know how to
22 read.

23 For the past eight to nine months in the Honolulu
24 Advertiser, there's numerous articles on the reef. And the
25 major causes of the reef by top scientists is a worldwide

1 haven't seen anything.

2 MS. NOLAN: One minute.

3 MR. KA'AHUI: They say they send it to the botany
4 department. I went there. They don't have it.

5 So maybe you folks should really question the
6 people that come up here and make public statements about
7 the endangerment of the reef. It would be a really
8 educational process for this whole island, and even for
9 developers. Thank you very much.

10 CHAIR HEDANI: Thank you very much, Ed. I
11 personally agree with you. From my perspective, any person
12 that drove their car here today is contributing to the
13 degradation of the reefs through carbon dioxide emissions,
14 which alters climates and affects the temperatures of the
15 sea. And that's just my perspective. And I appreciate the
16 fact that you came out and testified.

17 Commissioner Starr.

18 COMMISSIONER STARR: Yeah, I'd like to rebut that
19 statement by the Chair, which is completely erroneous.

20 CHAIR HEDANI: That was an opinion, Commissioner
21 Starr.

22 COMMISSIONER STARR: Thank you. Although, yes,
23 global warming and climate and carbon dioxide does have an
24 effect, we've seen countless studies, you know, in the last
25 year, at least a half a dozen, that were peer-review studies

1 problem. It's caused by carbon dioxide and ocean warming
2 temperature. So listening to these people come here and
3 speak about the reefs, I mean the top scientists live on
4 Oahu. All those guys, they give you all the information
5 that you ever want.

6 In fact, if you guys are really interested, I have
7 all the articles for the past nine months. I've been doing
8 my homework. But I come here and I listen to every person
9 that comes in here and talk about, oh, the reefs; we've got
10 to protect the reefs; developments, you cannot develop the
11 island anymore. That's not what the scientists said. So
12 somehow, these guys are passing false information or
13 misinformation.

14 I want to set the record straight. I mean, these
15 guys are the stop scientist. I mean, they're from the
16 University of Hawaii Manoa, HPU, the Botany Department, the
17 head is (unintelligible) Smith and Isabelle Abbott. I've
18 talked to them. In fact, I wanted to bring them here to set
19 some of the record straight on it. But, you know, they're
20 kind of busy. Isabelle is old. Almost 90, I think.

21 But I was sitting in here. I wasn't going to talk.
22 I wasn't going to say anything. But listening to this last
23 testimony about the reef, that's a lot of misinformation.
24 I asked these people, I want to see your survey that you've
25 been doing for months on Maui. For years, in fact. I

1 that most of the damage is being done by run-off and
2 injection wells. And that is being caused by our activities
3 on the land. And I'll be happy if you want to share some of
4 the papers on that with you. But I think this is something
5 we all have to pitch into if we're not going to see the
6 continued loss of our marine resources, which is already sad
7 or will be sad if we lose more. Thank you for coming.

8 CHAIR HEDANI: Commissioner Hiranaga.

9 COMMISSIONER HIRANAGA: Yeah, I'd like to just
10 suggest we stick to the agenda item, which is Public
11 Testimony. And if we have questions for the testifier, we
12 ask the testifier questions. We have time later in this day
13 for discussion.

14 CHAIR HEDANI: Thank you very much.

15 Any other members of the public that would like to
16 offer testimony? Seeing none, public testimony is closed.

17 Commissioner Mardfin.

18 COMMISSIONER MARDFIN: I'd like to now ask the
19 Director the question that you asked me not to ask until
20 after public testimony was closed. Namely, my understanding
21 was that we are the recommending body to the Council. The
22 Council is the deciding body. They could take a
23 recommendation. They could reject a recommendation. They
24 could do whatever they please. And they would pass this
25 into law, and that would establish the Maui Island Plan. We

1 would then go to a process where community plans were
2 developed.

3 At the community plan level, the community could
4 say, well, these guys kind of missed the boat. You know, 90
5 percent, 95 percent good, but they missed the boat on this
6 five percent; this is not what we wanted in our community;
7 or we wanted something in our community that they didn't
8 include.

9 The community plans would then go to the Council
10 and be adopted. If there was a discrepancy between the
11 Community Plan and the Maui Island Plan. At that time, that
12 could be resolved, either by revising the Community Plan
13 that they adopted or adopting the Community Plan and
14 simultaneously making a revision to the Maui Island Plan.
15 That's what I thought the process was. If I'm incorrect,
16 please correct me.

17 CHAIR HEDANI: What was the question, Ward?

18 COMMISSIONER MARDFIN: Please correct me.

19 DIRECTOR HUNT: The process has several
20 opportunities for revision. Again, you folks will make a
21 recommendation to the Council. And the Department actually
22 interprets that as you make a recommendation to us, and we
23 will try and honor those recommendations as much as we can.
24 We would have an opportunity to make further revisions based
25 on more recent input. And that may step on some toes, but

1 necessarily so; that they -- if we did not vote for Urban
2 Boundary today, if your Department didn't recommend to the
3 Council an Urban Boundary in two weeks, or whenever you're
4 doing it, if the Council didn't adopt it, it's out, sort of,
5 but it can be brought back in at the Community Plan level or
6 later revisions?

7 DIRECTOR HUNT: Well, again, it's not out at this
8 stage because all you're doing is make a recommendation. As
9 I said earlier, we try and the Department is going to try
10 very hard to honor your recommendations. There's strengths
11 and consensus. We value your opinions, et cetera. So I
12 would not take it lightly that you're only making a
13 recommendation. Make the best recommendation that you think
14 you should and take into consideration these comments. Take
15 into consideration my comments.

16 COMMISSIONER MARDFIN: Thank you very much.

17 CHAIR HEDANI: Commissioner Hiranaga.

18 COMMISSIONER HIRANAGA: Follow-up question. So the
19 Council does not see the GPAC product or the Planning
20 Commission product, they will only see the Director's final
21 product. Is that correct?

22 DIRECTOR HUNT: That's incorrect.

23 COMMISSIONER HIRANAGA: What is correct?

24 DIRECTOR HUNT: We will forward the GPAC's
25 Recommendations, the Planning Commission's Recommendations,

1 it's actually a good process. The GPAC made
2 recommendations. And with further information, we refine
3 that process and change our recommendations. So that's one
4 opportunity right there.

5 Once the Council adopts an Urban Growth Boundary,
6 the law says that the Planning Director or the Council may
7 make revisions to the General Plan. We would have to talk
8 to legal counsel. We're all venturing into a new territory
9 here. One possible interpretation would be is that we can
10 make that immediately. Another interpretation would be,
11 well, you have to wait until the entire General Plan is
12 updated, which would include Community Plans.

13 So there's an opportunity there -- depending on the
14 interpretation -- for the Council or the Planning Director
15 to make further revisions. There's also an opportunity for
16 individual property owners to make a proposed revision to
17 the General Plan. But the law -- in my interpretation, the
18 law says they have to wait a year until after the update of
19 the General Plan.

20 Does that mean they have to wait until the
21 Community Plans are updated to amend the Maui Island Plan?
22 My interpretation would be no. But that's just my
23 interpretation at this moment.

24 COMMISSIONER MARDFIN: So the advice to the person
25 that was speaking that if it's out, it's out isn't

1 the original Planning Department's Recommendations, and our
2 Final Recommendations, and a whole host of background
3 information, technical studies, et cetera.

4 CHAIR HEDANI: Commissioner Hiranaga.

5 COMMISSIONER HIRANAGA: You mentioned that in the
6 future through Council Action or Action by the Director of
7 Planning that these plans can be revised. Is that a
8 unilateral right of the Director of Planning, or is that
9 going to have to ultimately have to be Council Action?

10 You can initiate the Action, but to have the plans
11 changed once they're adopted, does that take Council Action?

12 DIRECTOR HUNT: Oh, yes, definitely. I was
13 referring to -- and if I misspoke, I'm sorry. But I was
14 referring to the fact that there's two avenues to initiate
15 revision. And that's the Planning Director or the Council.
16 And then there's a third avenue, individual citizen. But
17 that's in a different clause in your law. And that's the
18 one-year waiting period.

19 COMMISSIONER HIRANAGA: But any change to the
20 adoption would have to take Council Action?

21 DIRECTOR HUNT: Any change requires the ultimate
22 decision by Council.

23 COMMISSIONER HIRANAGA: You think there might be
24 any time or money involved in that process?

25 DIRECTOR HUNT: Which process?

1 COMMISSIONER HIRANAGA: Getting Council Action to
2 amend the Countywide Plan or Maui Island Plan or Community
3 Plan, you think there's any time or money involved with
4 Council Action?

5 DIRECTOR HUNT: I think there will be time and
6 money involved. I also think we shouldn't take it lightly
7 that we can simply have the Planning Director initiate or
8 Council to initiate any Council to do an amendment.

9 One of the most important tenants of this process
10 is to have a predictive planning process where inside these
11 growth areas, Urban and Rural, the community has said this
12 is where development should occur; and outside, it shouldn't
13 occur as easily or as much. And if we simply have a
14 cavalier attitude about these Urban Growth or Rural Growth
15 Boundaries, it destroys that certainty. And we simply go
16 back to the existing system that we've been operating under
17 with all the contention and the loud debates and the
18 animosity. And the Department argues there's a better way
19 to do it than the way we've been doing it.

20 CHAIR HEDANI: Commissioner Hiranaga.

21 COMMISSIONER HIRANAGA: So that ability to revise
22 the plan, it's primarily, in my opinion, an appeal process.
23 If you feel you got left out, they give you that avenue as a
24 private land owner. Sort of an appeal, the decision,
25 although you would have to go through the process of trying

1 reviewed that. And that's up at the Planning Committee now
2 being reviewed. The second step is the Maui Island Plan.
3 And that's this process that you're undergoing right now.

4 Within the Maui Island Plan, the law states that we
5 should or we shall -- or it speaks to establishing Rural and
6 Urban Growth Areas. It also speaks to having desired
7 population. And it speaks to a lot of studies and analysis.

8 My interpretation is that it does not specifically
9 say that we have to set out a population supply and demand
10 that the Department has been proposing or arguing. I don't
11 think that's technically required by law. I believe it's a
12 good argument. I believe it provides you with some sound
13 basis in which to make your decisions or recommendations,
14 but I don't think it's absolutely required by law.

15 John, feel free to correct me if you have a
16 different opinion.

17 COMMISSIONER STARR: Yeah. The question is what's
18 the legal basis for what we're doing and what we're set out
19 to do by the ordinance passed by Council?

20 MR. SUMMERS: Thank you, Mr. Chairman. As Director
21 Hunt noted, by ordinance, as part of this effort, we are
22 required to do a socioeconomic forecast. That is to be
23 updated every two years. We do high and low scenarios. As
24 a practice, we've also done a baseline scenario.

25 Those forecasts are intended to guide

1 to obtain Council Action on this request because they just
2 may deny his request, right, or take it out?

3 So it's kind of a -- I'm looking for the right
4 word -- an opportunity to appeal the plan if a certain land
5 owner feels his lot has not been properly treated.

6 DIRECTOR HUNT: I wouldn't use the word appeal. It
7 doesn't -- to the best of my knowledge, it doesn't show up
8 in the law that spells out the process. It's more of a
9 revision, an amendment. Amendments in the future, if
10 they're warranted, it shouldn't be viewed as an appeal.
11 It's just more of a revision and update to the Plan.

12 CHAIR HEDANI: Commissioner Starr.

13 COMMISSIONER STARR: Yeah. While we're kind of on
14 this subject, I'd like the Director and Long Range Staff to
15 give us a little bit of a primer on the legislative basis
16 for what we're doing. My understanding is that a bill was
17 passed and it actually created the framework for the numbers
18 for the Growth Boundaries and was fairly specific in some
19 ways to the process. That is, it's not just a process that
20 was created out of thin air, that it is backed by law.

21 So could you give us a little bit on the underlying
22 ordinance.

23 DIRECTOR HUNT: My interpretation is that the
24 ordinance spells out a process, a three-tiered process. And
25 the first one is the Countywide Policy Plan. And this body

1 deliberations. It's not a mandate. We don't have to
2 necessarily plan to do the forecast. Historically, as we've
3 indicated numerous times, DBEDT is very accurate. In terms
4 of infrastructure planning, we feel it's best practice to
5 take those forecasts very seriously.

6 CHAIR HEDANI: Ladies and gentlemen, we are on Item
7 E on the agenda. What's your pleasure? Commissioner Starr.

8 COMMISSIONER STARR: Did the director have a
9 suggestion?

10 CHAIR HEDANI: Director.

11 DIRECTOR HUNT: I was going to give an intro to get
12 us on the same page.

13 Yesterday you got through -- according to my notes,
14 we're finished with the Paia-Haiku area. We're finished
15 with Hana. We got through the Upcountry Maps. We got
16 through South Maui, except for the third map, S3. We got
17 through West Maui. And there were some motions made, and
18 the motions were approved -- pardon me. Motions to amend.
19 But the main motion was deadlocked at 3/3. So my
20 interpretation is you're almost there on West Maui, but we
21 really don't have an actual decision at this time.

22 We went then to an overview of Central Maui to kind
23 of highlight some issues to give you some things to think
24 about or talk to people about or research. That's where
25 we're at now.

1 From my perspective, we need to get some decisions
2 on Central Maui, go to back to West Maui and get some
3 decisions there, and go to the South Maui area and get some
4 decisions there. We recommend that you start with Central
5 Maui, and then we can go back after that to West Maui and
6 South Maui. But it's up to you folks.

7 CHAIR HEDANI: Director, when we get passed these
8 three remaining plans that are on our agenda, how many more
9 remaining maps do we need to review?

10 DIRECTOR HUNT: John, are all the maps in this
11 packet? Correct me if I'm wrong.

12 MR. SUMMERS: Thank you, Mr. Chairman.
13 The Directed Growth Maps are in the packet. We do
14 have some maps that are related to the policies that --

15 CHAIR HEDANI: So it's only these three items
16 that --

17 MR. SUMMERS: That's correct, for the Directed
18 Growth Maps.

19 CHAIR HEDANI: Commissioner Starr.

20 COMMISSIONER STARR: Yeah. I'm one that believes
21 that successfully to do a project, you start from one end
22 and try to work your way through it. So I'd like to go
23 back, if I can, to South Maui and deal with the -- what was
24 it, S3. But I know we got stopped at S3 because there was
25 some questions regarding the County Zoning on -- I think it

1 were here last night.

2 CHAIR HEDANI: Commissioner Mardfin.

3 COMMISSIONER MARDFIN: Given that the information
4 isn't yet available, but we've been assured it would be
5 available in the afternoon, I would think we would not want
6 to go along those three right now.

7 CHAIR HEDANI: Floor is open for motions.

8 Commissioner Starr.

9 COMMISSIONER STARR: Yeah. My motion is for
10 approval the Director's Plan B for growth areas in maps
11 whiskey one, whiskey two, whiskey three and whiskey four.

12 CHAIR HEDANI: Is there a second?

13 COMMISSIONER MARDFIN: I'll second it. But I'd
14 like to ask a question. Is there any information we needed
15 to get for those that we would need before we proceed with
16 this?

17 CHAIR HEDANI: It's been moved by Commissioner
18 Starr, seconded by Commissioner Mardfin to approve the
19 Director's version of the West Maui Plans B, W1, Plans B and
20 C. Plan W2 B, Plan W3 B. And W4 B and C. Is that correct?

21 COMMISSIONER STARR: Yes.

22 CHAIR HEDANI: Discussion.

23 Commissioner Mardfin.

24 COMMISSIONER MARDFIN: What status are we on, say,
25 Number 4? Since the main motion failed because it didn't

1 was Makena One through Four, and also the area mauka of
2 Puuolai. So before I make my motion, can we get some
3 background on that, and then I'll make a motion accordingly
4 if we're ready.

5 CHAIR HEDANI: Is that a question?

6 COMMISSIONER STARR: Yeah. What did they find out
7 about the County Zoning?

8 COMMISSIONER HIRANAGA: Mr. Chairperson, point of
9 order. I think we need to have a consensus. Not that I
10 disagree. But from a procedural standpoint, you need to
11 poll the positions.

12 CHAIR HEDANI: What's your pleasure?

13 Director.

14 DIRECTOR HUNT: I asked our Staff to get the zoning
15 for Makena One through Four, and they said they could do it
16 by early afternoon.

17 John, did you guys get any research you can
18 clarify?

19 CHAIR HEDANI: Mr. Summers.

20 MR. SUMMERS: Thank you, Mr. Chair.

21 Not as of yet. We didn't get back to the office
22 until 6:00 last night. We have to consult with the Zoning
23 Division.

24 CHAIR HEDANI: You didn't work last night?

25 MR. SUMMERS: I don't think the folks at Zoning

1 have enough, are we back to square zero? Do we vote on
2 Olowalu again?

3 COMMISSIONER SHIBUYA: I thought it was passed.

4 COMMISSIONER MARDFIN: No the motion was passed.
5 But the motion to which the amendment was made failed
6 because it was a 3/3 vote. So I think we're back to zero.

7 CHAIR HEDANI: I agree.

8 Commissioner Hiranaga.

9 COMMISSIONER HIRANAGA: I'd just like a comment
10 from Corporation Counsel. The motion failed, so there's no
11 action. So does that mean that motion is dead, the main
12 motion, not being an expert of the rules?

13 MR. GIROUX: Not being a real parliamentarian, I've
14 got to go with the Chair on this. And I don't think I was
15 here when the motions were being made either. So it's kind
16 of hard for me to comment.

17 As far as procedural, if you had a main motion on
18 the floor and there were no amendments, and so if you --

19 CHAIR HEDANI: There was amendments.

20 COMMISSIONER STARR: Yeah, there were numerous
21 amendments.

22 MR. GIROUX: There were numerous amendments. So
23 there was numerous amendments that were made to the main
24 motion.

25 COMMISSIONER STARR: And then the whole thing --

1 MR. GIROUX: And then when you resolved all of the
 2 amendments, when the final question came to the main motion,
 3 the main motion failed for lack of --
 4 COMMISSIONER HIRANAGA: Either way. No action.
 5 MR. GIROUX: No action. There needs to be a
 6 subsequent motion.
 7 COMMISSIONER STARR: Which is on the floor.
 8 COMMISSIONER MARDFIN: And which was seconded.
 9 CHAIR HEDANI: Commissioner U'u.
 10 COMMISSIONER U'U: For clarity. Where are we? And
 11 the reason I'm asking is we took a recess. I don't know if
 12 that comes into play. I don't know if the recess comes into
 13 play.
 14 CHAIR HEDANI: It's the same meeting. It's the
 15 same meeting. The original motion lost. We actually have a
 16 new motion -- well, actually, we have the identical motion.
 17 COMMISSIONER STARR: No, because the motion that
 18 failed encompassed several amendments. So that's why it did
 19 not need a motion to reconsider, but a --
 20 CHAIR HEDANI: A reintroduction of the original
 21 motion.
 22 COMMISSIONER STARR: Yeah, without the amendments.
 23 COMMISSIONER U'U: So for clarity, no -- so we're
 24 starting fresh with no amendments?
 25 CHAIR HEDANI: That's correct.

1 to that motion until it's been dealt with or defeated.
 2 CHAIR HEDANI: Right. This is in terms of
 3 discussing any amendments that come up, so we cover them
 4 sequentially.
 5 Any discussion? Commissioner Starr.
 6 COMMISSIONER STARR: Yeah. I move to amend by
 7 adding in the Villages of Leiali'i, with the expectation
 8 that they'll be a 50 percent build-out, to give it 2,000
 9 units.
 10 COMMISSIONER MARDFIN: Second.
 11 CHAIR HEDANI: Which map are you referring to?
 12 COMMISSIONER STARR: I think that's on 2, W2. Am I
 13 correct?
 14 CHAIR HEDANI: Can we display that on the map,
 15 John.
 16 MR. SUMMERS: It's being projected. This
 17 particular project is unique in that it straddles two maps,
 18 W2 and W3.
 19 CHAIR HEDANI: The Villages of Leiali'i, is that in
 20 yellow or red?
 21 MR. SUMMERS: That's the area in yellow.
 22 CHAIR HEDANI: Discussion? Commissioner Starr.
 23 COMMISSIONER STARR: Yeah, I'd like to have a
 24 little bit of a description about the background of this
 25 project since it's kind of an unusual situation.

1 COMMISSIONER U'U: Hana hou.
 2 CHAIR HEDANI: Just because we enjoy doing this
 3 again and again.
 4 COMMISSIONER U'U: James, you have to be more clear
 5 on this. Yeah, no hana hou.
 6 CHAIR HEDANI: Okay. It's 10:30. We've gone for
 7 an hour and a half. And I'd like to go ahead and take a
 8 ten-minute recess at this time.
 9 (At which time, a recess was taken.)
 10 CHAIR HEDANI: The Planning Commission is back in
 11 session.
 12 Commissioner Shibuya.
 13 COMMISSIONER SHIBUYA: I'd like to address this
 14 concern here. We have four maps in the West Maui area that
 15 we're going to be considering now in one motion. I'd like
 16 to ask the Commissioners for a reconsideration for
 17 considering two maps at a time rather than all four. It's
 18 probably easier and probably quicker that way. But it's
 19 your call.
 20 CHAIR HEDANI: How about if we go one at a time for
 21 all -- through all four of them, and then have an overall
 22 vote on the all four of them at one time.
 23 Commissioner Starr.
 24 COMMISSIONER STARR: There's a motion on the floor
 25 that's been seconded. I would assume we're going to stick

1 CHAIR HEDANI: Who are you asking, Mr. Summers?
 2 MR. SUMMERS: Thank you, Mr. Chairman.
 3 This was an area that was in the current West Maui
 4 Community Plan. It's been in the plan for a number of
 5 years, and the project was moving forward. There was a
 6 significant investment of State monies to provide
 7 infrastructure in the area. The area was then subject to
 8 lawsuits over ceded land issues. So that's -- there's been
 9 and ongoing legal process to try to resolve that.
 10 Essentially, the question was whether or not the
 11 State could sell ceded lands. I do believe there's been
 12 some recent progress at the legislature to address that
 13 issue. The project encompasses -- what's the acreage on
 14 that, Mark?
 15 Roughly 1,000 acres, and 4,000 proposed units
 16 maximum build-out.
 17 CHAIR HEDANI: Any further questions? Commissioner
 18 Hiranaga.
 19 COMMISSIONER HIRANAGA: I'm looking at this letter
 20 dated May 1st, 2009, Karen Seddon, Executive Director of
 21 Department of Business Economic Development and Tourism.
 22 CHAIR HEDANI: Can you pull the microphone closer,
 23 Kent.
 24 COMMISSIONER HIRANAGA: Hawaii Housing Finance and
 25 Development Corporation. And basically, it says that the

1 ceded lands lawsuit was sent to the Supreme Court. It was
2 overturned and sent back to the Hawaii Supreme Court and is
3 pending action. So the litigation is still ongoing.

4 They do say that they can proceed with the
5 development if they sell the lots in leasehold, which I'm
6 not a very big advocate of leasehold residential lots unless
7 it's a dollar a year for 100 years. So I guess that's your
8 basis for excluding it is the pending litigation?

9 MR. SUMMERS: Thank you, Mr. Chairman.

10 At the time that we were looking at the project, it
11 was before the Supreme Court. And so we did have some major
12 concerns about whether or not that project would move
13 forward.

14 COMMISSIONER HIRANAGA: U.S. Supreme Court or
15 Hawaii Supreme Court?

16 MR. SUMMERS: I believe it was the U.S. Supreme
17 Court.

18 COMMISSIONER HIRANAGA: They made a decision on
19 March 31st, 2009, reversing the Hawaii Supreme Court's
20 ruling that ceded lands cannot be alienated and sent it back
21 to the Hawaii Supreme Court for further action. Whatever
22 that means.

23 CHAIR HEDANI: It's just like our Commission
24 hearings, we're doing a redo. We have to do a redo.

25 Additional discussion? Ready for the question?

1 at whatever the outcome, if it gets out of the quagmire, if
2 and when, I hope, that would this be a suitable area for
3 urbanization I think would have to be your baseline
4 analysis.

5 COMMISSIONER SHIBUYA: Thank you.

6 CHAIR HEDANI: Commissioner Hiranaga.

7 COMMISSIONER HIRANAGA: Yeah, I'll be voting
8 against the motion primarily because of the ceded land
9 question. My personal opinion is if the indigenous Hawaiian

10 people have any rights to any lands on this island that
11 we're previously under control of -- controlled by the
12 Kingdom, it should be ceded lands. And I will not be a
13 party to an action to promote the taking of these ceded
14 lands that are in question and creating a situation where
15 the State is selling it at this point. I feel the ceded
16 land question really needs to be resolved before I would
17 include it within the Urban Growth Boundaries.

18 CHAIR HEDANI: Commissioner Mardfin.

19 COMMISSIONER MARDFIN: I'd like to ask whoever can
20 inform me -- by the way, I thank you Justice Giroux on the
21 issue on the Supreme Court.

22 I'd like to have more information on this project.

23 Is it a Hawaiian Homeland project that would only be
24 severing Hawaiians, or is it some kind of a deal --

25 CHAIR HEDANI: It's HFDC, Housing Finance and

1 All those --

2 COMMISSIONER HIRANAGA: What is the question?

3 CHAIR HEDANI: The amendment on the floor is to add
4 that section shown in yellow on W2 and W3 for the HFDC
5 Villages of Alii.

6 Commissioner Shibuya.

7 COMMISSIONER SHIBUYA: I like the inclusion of this
8 project. However, if legal counsel would give us some
9 parameters on this matter because it has a contested type of
10 situation. Can you give us some idea as to the probability
11 of being resolved in a way that would help facilitate this
12 decision that we're about to make.

13 CHAIR HEDANI: Jim.

14 MR. GIROUX: I don't know if I can enlighten this
15 situation. Yeah, I haven't been involved in that
16 litigation. I've been following it, you know, on its
17 fringes just as far as where it's tacking and jibing. But I
18 really can't tell you what's going to -- how this is going
19 to resolve because there's so many levels that can affect
20 the resolution here.

21 I mean, we've got a political solution. We've got
22 legislative solutions. We've got even microsolutions as far
23 as how they can tweak the parameters to fit into the law.
24 So it's way beyond my expertise to advise you on what the
25 possible outcome is. But I think, again, you have to look

1 Development Corporation, separate from Hawaiian Homelands.
2 Am I correct? Commissioner U'u.

3 COMMISSIONER U'U: I know the Villages of Leiali'i,
4 the Hawaiian Homes project was held up at one point in time.
5 It was slated for homes, and it was stopped. I don't know
6 if it was in the '80s or the '90s. Now we've got Hawaiian
7 Homes on that as of now, Villages of Leiali'i. And I too
8 feel the same way Commissioner Hiranaga, where I will be
9 taking a no on this matter due to the likelihood of it
10 coming back to Hawaiian Homes or selling it to Hawaiian
11 Homes because it's that phasing, Villages of Leiali'i, as it
12 is right now is Hawaiian Homes, as it exists right now.

13 CHAIR HEDANI: Commissioner Shibuya.

14 COMMISSIONER SHIBUYA: I feel that if this
15 Committee or this Commission should take any action for it,
16 it would be a presumption here of the County owning it and
17 the ownership is much in question. And I think first that
18 issue has to be resolved. And I'm going to be in favor of
19 what appears like the Native Hawaiian ownership. So I'll
20 respect that. Thank you.

21 CHAIR HEDANI: Commissioner Hiranaga.

22 COMMISSIONER HIRANAGA: Yeah, just to clarify some
23 of the confusion. You know, this letter, May 1st, 2009,
24 from Karen Seddon, who is from the Hawaiian Housing Finance
25 and Development Corporation, that they did convey 75 acres

1 to the Department of Hawaiian Homelands. But HFDC is not
2 part of Hawaiian Homelands. It's part of the State of
3 Hawaii DBEDT, and it's Hawaii Housing Finance and
4 Development Corporation.

5 So it's supposed to provide affordable housing to
6 the citizens or residents of Hawaii. There's no quantum
7 blood qualification at all. I think it's a financial
8 qualification. But the people that are challenging the
9 State's rights to sell this are questioning whether they
10 have the right to sell ceded lands. Until that question is
11 resolved, I cannot support the motion.

12 CHAIR HEDANI: Any further discussion?
13 Commissioner Starr.

14 COMMISSIONER STARR: Yeah, I don't think that our
15 purview is exactly who the person is who's selling it and
16 what the ramifications of that are. You know, this is
17 something that's been community planned for 20, 30 years.
18 It's something which has been already urbanized. It's
19 something which is contiguous to Lahaina. And it's
20 something that is most likely going to be developed during
21 this plan period one way or another.

22 I'm certainly someone who feels very strongly about
23 the issues of ceded lands and Hawaiian Sovereignty. But
24 those are not the issues before us, but rather the
25 suitability of an area for utilization. And this is

1 would like to have a softer approach to it is we don't own
2 the land. It's just the same thing in the Central Maui
3 Baseyard area, where the State owns the land. And we're
4 just providing some inputs to it and asking the State to
5 take our suggestions of use of lands. And that's all we're
6 trying to do.

7 If we use this softer approach, I would think that
8 I would be able to support something like this. And with
9 the understanding that the ceded land issue is not resolved
10 and the other side, the State owns the property, and that we
11 can at least adjust to the owner's rights to develop.

12 CHAIR HEDANI: Commissioner Hiranaga.

13 COMMISSIONER HIRANAGA: I agree with one of the
14 assumptions the Planning Department is making that when it
15 really comes down to it, the County does not have
16 jurisdiction over State lands, as the State does not have
17 jurisdiction over Federal lands. So if the ceded land
18 question is resolved in favor of the State, I will believe
19 they will proceed with their development plan with or
20 without Urban Growth Boundaries. So again, I cannot support
21 the motion.

22 CHAIR HEDANI: Further discussion? Commissioner
23 Starr.

24 COMMISSIONER STARR: Yeah, I'd like to ask the
25 Department for a little bit of wisdom on this, particularly

1 certainly the area that's close in and around the side of
2 Lahaina, kind of should be the future growth for Lahaina.
3 And it is. This was a proper planning situation when it was
4 created. And I'm supporting it because I believe that one
5 way or another, there will be a resolution, which I hope is
6 equitable. And that in reality, I'd like to see it built
7 out. It's also going to be all, to a certain extent,
8 affordable.

9 CHAIR HEDANI: Commissioner Mardfin.

10 COMMISSIONER MARDFIN: I think Commissioner Starr's
11 position is a good position. I respect the fact that it's
12 been community planned for 30 years. But a lot has changed
13 in 30 years. And the ceded land issue is one that troubles
14 me a lot, so I'll probably vote against it. But before I
15 can know for sure, I need to see -- can the Planning, Long
16 Range Planning people put up a map of Maui and show me all
17 the ceded lands on it. Because I don't think we should
18 approve ceded lands on any project. If it's ceded lands, it
19 all needs to come out.

20 CHAIR HEDANI: In a short order, Mr. Summers.
21 Commissioner Shibuya.

22 COMMISSIONER SHIBUYA: While they're getting the
23 map, I would like to suggest to the maker of the motion that
24 we come up with some kind of advisory or some kind of
25 opinion rather than a recommendation. The reason why I

1 in two areas. And one is that in testimony, it was
2 mentioned that the development of the Villages of Leialii
3 is under County process and purview within. And in that
4 regard, it's completely different from the Hawaiian Homes
5 process.

6 And second of all, is there a mechanism that we can
7 use, as Commissioner Shibuya suggested, that, one,
8 acknowledges that this is something that's planned and is
9 likely to be developed, but would certainly make a statement
10 that we're not condoning a development on ceded lands?

11 And just on a side comment. Unfortunately, there's
12 never been an inventory of ceded lands. I don't know if
13 we're all aware of that. But there's never actually been a
14 total list of them, and no one knows where they are. And as
15 time gets -- goes on, you know, a lot of them just kind of
16 get quiet titled into private ownership, which is a very sad
17 thing.

18 CHAIR HEDANI: Mr. Summers, were you folks able to
19 locate any maps of any kind? No.
20 Director.

21 DIRECTOR HUNT: Let me try and address at least the
22 ceded lands issues. And I think John and his staff knows
23 the particulars of this project.

24 The ceded lands issue was raised at GPAC. And GPAC
25 did have three members who were representatives of the

1 Native Hawaiian community. And the argument was raised
2 whether we should be planning for lands -- or should we be
3 doing planning on lands that may involve ceded lands.

4 And the argument that finally went out -- and I
5 believe the Native Hawaiian representatives fell on the side
6 of the argument that it's better to plan for these lands
7 that may be affected in the future by some ceded lands
8 decision. Because if they're not affected by a ceded lands
9 decision, then we planned for them. If we don't plan for
10 them and then they fall out of the ceded lands, then they're
11 not planned, and then there's no regulation on them at all.

12 So I think the argument went out, it's better to
13 plan for them; if they happen to be ceded lands, then they
14 fall out anyway; no harm. And I believe that was the Native
15 Hawaiians' argument.

16 John, you want to talk about the particulars of
17 this project.

18 CHAIR HEDANI: Mr. Summers.

19 MR. SUMMERS: Sure. Thank you. And just to
20 confirm what Mr. Starr stated. There are two very distinct
21 processes for DHHL lands and HFDC lands. The Department of
22 Hawaiian Homelands, lands are exempt from County processes,
23 if you will. Whereas, HFDC, as was stated in the testimony,
24 do have to comply. So this growth boundary would affect the
25 movement of that project.

1 looking at. Are they -- if you hadn't told us Lahaina Town
2 North is Leiali'i, how we would have known that? I'm glad
3 you disclosed that.

4 CHAIR HEDANI: Commissioner Shibuya.

5 COMMISSIONER SHIBUYA: I am actually proposing a
6 softer approach. And that is actually recognizing and
7 recommending versus suggesting. And whenever we don't have
8 any jurisdiction over that property, I think we can just
9 suggest something rather than create boundaries in which it
10 prescribes. I don't know how -- what the correct words are,
11 but that's my approach. And in terms of expressing our
12 desires, not so much as expressing our boundaries for
13 compliance.

14 CHAIR HEDANI: Commissioner Starr.

15 COMMISSIONER STARR: Yeah. I'd like to put on the
16 table if the seconder would be interested in considering it,
17 a change in my motion since there are a lot of concerns.
18 But that part of what my motion stated is kind of already
19 included in the main motion in the original maps. That
20 instead of adding all of that territory, we add just
21 another -- we square the line.

22 There's a kind of a dip in there. And we just
23 square that area across there, which will give a firm
24 boundary to the Lahaina Urban Growth Boundary. If there's
25 already 800 units, maybe that will take that up to 1200

1 This little area down here was part of that
2 project. But through a collaborative effort with DHHL, they
3 were able to move forward to develop that part of the
4 Villages of Leiali'i. With respect to this HFDC project,
5 after significant deliberation with the GPAC, we did include
6 a portion of it here in Lahaina Town North, roughly 181
7 acres, 800 units; and after having a pretty extensive debate
8 of this particular issue, felt that that was sort of an
9 appropriate use of land. In the event there was some
10 movement with this project, we would at least allow them to
11 move forward with some of them.

12 Geographically, the area is proximate to a lot of
13 the jobs in Lahaina. They're great opportunities for it in
14 terms of creating a Smart Growth type of community. So that
15 was the approach. We do have a portion of it in Plan B,
16 which is represented on the spreadsheet here under Line 5.

17 CHAIR HEDANI: So the section outlined and dotted
18 red has already been picked up as part of the Director's
19 Recommendation?

20 MR. SUMMERS: That's correct.

21 CHAIR HEDANI: Commissioner Hiranaga.

22 COMMISSIONER HIRANAGA: I just want to echo
23 Mr. U'u's comment from yesterday. When we're looking at
24 these names on this matrix, that does not coincide with --
25 or is not consistent with the names on these maps that we're

1 units. And I don't know exactly what, maybe 250 acres from
2 181. And that would certainly give them plenty to start on
3 in the next 20 years if they do resolve the issues.

4 COMMISSIONER MARDFIN: As seconder, I'll accept
5 that change.

6 CHAIR HEDANI: This is an amendment to the
7 amendment?

8 COMMISSIONER MARDFIN: No, it's a friendly
9 amendment to change the amendment.

10 CHAIR HEDANI: A restatement of the amendment to
11 include a portion of the area that was identified as the
12 Villages of Leiali'i.

13 Discussion? Commissioner Hiranaga.

14 COMMISSIONER HIRANAGA: I would like to know the
15 Department's reasoning for excluding that area in their
16 proposal?

17 CHAIR HEDANI: Director.

18 DIRECTOR HUNT: John, can you help us out.

19 CHAIR HEDANI: Mr. Summers.

20 MR. SUMMERS: Thank you, Mr. Chairman.

21 I think originally, looking at the area, we thought
22 that maybe it could be left outside of the boundary to help
23 maintain some separation between Kaanapali 2020 and that
24 particular project. We had originally, in early
25 discussions, included a larger portion of this project, but

1 became quite concerned with the legal issues, so we scaled
2 it back.

3 CHAIR HEDANI: Mr. Summers, was there any
4 discussion in the GPAC relative to areas that were not
5 involved in ceded land issues?

6 MR. SUMMERS: I don't recall any discussion beyond
7 this project.

8 CHAIR HEDANI: My question is within the project
9 itself, are there lands that are not ceded lands?

10 MR. SUMMERS: I'm not aware of lands that are not
11 ceded lands within that area. I'd have to confirm that.

12 CHAIR HEDANI: Commissioner Starr.

13 COMMISSIONER STARR: Yeah. The one small green
14 hatched area on the left right above the -- or right
15 adjacent to the civic center, Commissioners may remember
16 that a number of residents from a small Hawaiian Homes area
17 came before us. And they were concerned that that land
18 which had been turned over from the Villages of Leiali'i to
19 Hawaiian Homes was developed without any parks or
20 playgrounds or other amenities. And, you know, there was
21 kind of a feeling that in future developments into that and
22 the presentation that was before us that was for the
23 Villages of Leiali'i. We had kind of a Master Plan shown
24 with all kinds of parks and different amenities on it.

25 Since that is right in proximity right above like

1 be very careful with the ceded land issue.

2 And I have business advice. This isn't part of the
3 motion. This is part of my explaining why I'm going to vote
4 a certain way. But if we approve projects on what are
5 already ceded lands in our earlier maps or our future maps,
6 I'd like to be informed of it. Because I'd have some
7 serious concerns about anything if it was in ceded land
8 area. Thank you.

9 CHAIR HEDANI: Commissioner Hiranaga.

10 COMMISSIONER HIRANAGA: The motion is to recognize
11 2,000 units, did you say?

12 COMMISSIONER STARR: 1200, including the 800 that's
13 already in there.

14 COMMISSIONER HIRANAGA: 2,000 units?

15 COMMISSIONER STARR: No, 1,200.

16 COMMISSIONER HIRANAGA: Plus 800?

17 COMMISSIONER STARR: No. The motion was changed.

18 So it's only going to take the 800 already in, and add
19 another 400 to that other --

20 COMMISSIONER HIRANAGA: To make it -- the line
21 straighter?

22 COMMISSIONER STARR: Yeah.

23 COMMISSIONER HIRANAGA: So GPAC agreed with the
24 Planning Department with the inclusion of this 800 units?

25 DIRECTOR HUNT: That's correct.

1 where the civic center is, I do feel that's a suitable place
2 for development. It's adjacent to that small section of
3 Hawaiian Homes that was already developed. Maybe somehow it
4 could be developed as Hawaiian Homes. I don't know.

5 CHAIR HEDANI: Any further discussion?
6 Commissioner Mardfin.

7 COMMISSIONER MARDFIN: I'm rather torn on this.
8 You know, whether it's 1,000 acres or 10 acres, if it's
9 ceded land, I'm a little troubled on this. On the other
10 hand, on the Director's comments that we're not going to
11 overthrow either the State nor the Federal Supreme Court.
12 So the argument that he says was adopted by the Hawaiians in
13 the area that were involved in the ceded lands is that it's
14 better to plan it in than not plan it in. So that's
15 persuading me that I should vote in favor of this, despite
16 the fact that there might be ceded lands involved. So I
17 think I'm voting in a manner that will be consistent with --
18 at least a few representatives from the Hawaiian community
19 thinks is appropriate.

20 I do think -- and I apologize to the Long Range
21 Planning for asking for something that is impossible to
22 produce; namely, a map of ceded lands for Maui. But I do
23 encourage over the next five to ten years, maybe sooner,
24 some mechanism to identify ceded lands to go into this. I
25 know it's a long-term commitment. But I think we ought to

1 COMMISSIONER HIRANAGA: And the three members who
2 are a part of the Hawaiian culture are part of that GPAC
3 Recommendation to include 800 units?

4 DIRECTOR HUNT: To the best of my recollection. I
5 mean, there was lengthy debates over several meetings. I'm
6 not sure all three of them were there at every meeting to
7 the best of my recollection. I remember one Native Hawaiian
8 representative specifically articulating the argument that I
9 tried to articulate this morning.

10 COMMISSIONER HIRANAGA: I really have no basis to
11 increase it to more than double the recommendation from GPAC
12 and the Director. So I'll be voting against the motion.
13 And I'll be satisfied with the unit count of 800 for Lahaina
14 Town North, a.k.a. Leiali'i.

15 CHAIR HEDANI: Commissioner Shibuya.

16 COMMISSIONER SHIBUYA: I was just thinking in terms
17 of coming out with a disclaimer. A footnote, if you will.
18 That this body has been planning for the public benefits for
19 all of Maui. And it does not intentionally try to usurp or
20 override the rights of Native Hawaiians and/or other owners.
21 It is for the public benefit that we are planning this. And
22 that in this particular case, if it's the land ownership is
23 in dispute, then we will provide a suggestion. Our
24 designation will be a suggestion for the public view, not so
25 much as a prescription of a boundary. I just wanted to take

1 a softer approach on this.
 2 CHAIR HEDANI: Commissioner U'u.
 3 COMMISSIONER U'U: For me, I will be voting
 4 against. I'll let the court decide, one. Second, you say
 5 it was one 40-year build-out. So I can wait until the next
 6 General Plan. And we can propose to put it in the General
 7 Plan at that time. And hopefully, it will be resolved at
 8 that time. And the person who follows in our footsteps in
 9 the Planning Commission will have a firmer grasp on whether
 10 to pass it or not, being it's a 40-year build-out. So
 11 that's my thinking.

12 CHAIR HEDANI: Commissioner Starr.
 13 COMMISSIONER STARR: Yeah. I'd like to just add to
 14 something Commissioner Shibuya said, which is I also feel we
 15 should make a statement that we really need moving forward
 16 and identification and an inventory of all of the ceded
 17 lands on Maui Nui.

18 As a bit of history. Several years, our now
 19 Councilman Sol Kaho'ohalahala was in the legislature. He
 20 and Senator Kalani English tried to put forward legislation
 21 that would have caused an inventory of ceded lands in the
 22 State. And there was a lot of support from the Hawaiian
 23 community. There was a lot of opposition from some of the
 24 large land owning interests. And it did not move forward in
 25 the legislature. And I feel by that not coming forward, the

1 that I respect the ceded land process. I know which way I
 2 would like to see the ceded lands decision to go. But given
 3 that the representatives of the Hawaiian community, as the
 4 Director reports, were in favor of including these lands, I
 5 can vote for it. I particularly like the fact that Jonathan
 6 drew a -- Commissioner Starr drew a straight line there. I
 7 like nice, clean boundaries. These in and outs drive me
 8 nuts a little bit. But it's a nice, smooth line. It makes
 9 sense for development purposes.

10 One of the things that bothered me with a lot of
 11 the projects that have come forward is that they're
 12 projects, and we're not approving projects. We're approving
 13 Growth Boundaries. And down the road, who knows what
 14 happens to those project. All the promises about affordable
 15 housing and senior housing and veteran housing can all just
 16 evaporate. But what we're approving is boundaries. And
 17 this, to me, makes a sensible boundary. But I think we
 18 won't trump the ceded lands issue so that it will still be
 19 there. I don't think we're taking anything from the
 20 Hawaiian community.

21 CHAIR HEDANI: Commissioner Hiranaga.
 22 COMMISSIONER HIRANAGA: Just to clarify. GPAC and
 23 the Planning Department has allotted 800 units for Leiali'i.
 24 So they are not excluding the project. The motion on the
 25 floor is to increase the unit count by 150 percent -- or 50

1 Hawaiian people are being consistently wronged.
 2 So I would like to make a statement that an
 3 inventory should move forward. And until it does, sometimes
 4 we're acting the in dark.

5 CHAIR HEDANI: Any further discussion?
 6 Commissioner Sablas.

7 COMMISSIONER SABLAS: I'm a member of the Maui
 8 Hawaiian Agencies and Organizations. And I remember at one
 9 of our meetings, we had a representative of the Department
 10 of Hawaiian Homelands. And I remember distinctly that this
 11 representative showed an inventory of all the ceded land of
 12 Maui. So my question to Staff is, have you communicated
 13 with the Department of Hawaiian Homelands to find out about
 14 the ceded lands on Maui?

15 CHAIR HEDANI: Mr. Summers.

16 COMMISSIONER SABLAS: I'm sorry. Hawaiian
 17 Homelands. I meant the Hawaiian Homelands.

18 MR. SUMMERS: The Department of Hawaiian Homelands?

19 COMMISSIONER SABLAS: Yes.

20 MR. SUMMERS: We have communicated with them about
 21 DHHL lands, but not ceded lands, which are far more
 22 complicated, if you will.

23 CHAIR HEDANI: Any further discussion?
 24 Commissioner Mardfin.

25 COMMISSIONER MARDFIN: I want to reiterate the fact

1 percent. I'm sorry. That's the motion. So it's not zero
 2 or this. There's already 800 units in that section that's
 3 been provided within the Urban Growth. I just wanted to
 4 clarify that.

5 CHAIR HEDANI: Director Hunt.

6 DIRECTOR HUNT: Mark, can you give us an estimate
 7 of the units would be in that area so we're giving a little
 8 more factual information.

9 CHAIR HEDANI: Anybody.

10 DIRECTOR HUNT: Long Range Staff.

11 CHAIR HEDANI: Any further discussion while they
 12 are contemplating that?

13 COMMISSIONER MARDFIN: While we're waiting --

14 CHAIR HEDANI: Commissioner Mardfin.

15 COMMISSIONER MARDFIN: You know, I thought of
 16 another reason for doing this. It could be in part that the
 17 negotiations in this area that we have in red could be
 18 donated conceivably for Hawaiian Homelands, and then it
 19 would be for Hawaiians. But it's got to be planned for
 20 development, or they won't be able to do that. So I think
 21 it's a good reason for approving this particular amendment.

22 CHAIR HEDANI: Any further discussion?

23 Mr. Summers, you understand that each Commissioner
 24 is charging the County \$250 an hour for their time on this
 25 Commission.

1 MR. SUMMERS: It's 118 acres with the equivalent
 2 density for the rest of the project area of 522 units.
 3 CHAIR HEDANI: 522 units?
 4 MR. SUMMERS: That's correct.
 5 CHAIR HEDANI: Thank you very much. That was
 6 impressive.
 7 Commissioner Hiranaga.
 8 COMMISSIONER HIRANAGA: Just to confirm. Lahaina
 9 Town North, 800 units, is that totally within the Leiali'i
 10 project, or are there home counts outside of that project?
 11 CHAIR HEDANI: Mr. Summers.
 12 MR. SUMMERS: Thank you, Mr. Chairman. I didn't
 13 hear the question. Can it be repeated.
 14 COMMISSIONER HIRANAGA: Lahaina Town North, 800
 15 units, is that solely within the Leiali'i development
 16 boundaries, or does that count include lots outside of the
 17 Leiali'i? Since you didn't call it Leiali'i, you called it
 18 Lahaina Town North.
 19 MR. SUMMERS: Mike, can we zoom up on that map.
 20 You can see that we drew the growth boundary to
 21 include that project. There is a little area here that I
 22 believe is kind of no land that's included, within that
 23 boundary. Because we've taken the hard edge of Lahaina and
 24 just extended it west to include that portion, but there is
 25 a small area here, which is already entitled. It is land

1 it dissect his lot?
 2 MR. SUMMERS: Absolutely.
 3 CHAIR HEDANI: Any further questions?
 4 COMMISSIONER HIRANAGA: TMK 4-8-3-47. I'm not sure
 5 if that needs a vote or not.
 6 You want to pull that lot up.
 7 MR. SUMMERS: Sure.
 8 Mike, can we zoom in on that area.
 9 CHAIR HEDANI: Commissioner Hiranaga.
 10 MR. SUMMERS: Let's put the parcel up with the
 11 Community Plan Designation.
 12 CHAIR HEDANI: You want to clarify the problem
 13 again.
 14 COMMISSIONER HIRANAGA: I'll have Staff explain.
 15 CHAIR HEDANI: Mr. Summers.
 16 MR. SUMMERS: We're going to put up the Community
 17 Plan Designation. I think Jeff may have a better feel for
 18 that particular area. It's an interesting situation because
 19 it's split designated in the Community Plan.
 20 CHAIR HEDANI: I'm sorry. What are we looking at
 21 and what is the problem? Because right now, my map shows
 22 that all of Olowalu is outside of the growth boundary.
 23 Mr. Summers.
 24 MR. SUMMERS: That's correct. We're getting the
 25 information for you.

1 that's outside of that project area.
 2 CHAIR HEDANI: Director Hunt.
 3 DIRECTOR HUNT: John, was the 118 acres, was that
 4 gross, or did you take out 20 percent plus for
 5 infrastructure?
 6 MR. SUMMERS: That was gross. But the net
 7 densities will include that.
 8 DIRECTOR HUNT: The net density is already
 9 calculated on that?
 10 MR. SUMMERS: Yes.
 11 DIRECTOR HUNT: Thank you.
 12 CHAIR HEDANI: Any further discussion on the
 13 amendment? Ready for the question?
 14 All those in favor of the amendment to add the
 15 section that was identified on the map, signify by raising
 16 your hand.
 17 Opposed, same sign.
 18 Motion fails.
 19 Further discussion? Commissioner Hiranaga.
 20 COMMISSIONER HIRANAGA: This is more of a
 21 housekeeping item. I'm not sure if you remember, Doug
 22 Poseley provided his letter, July 31st, 2009, regarding his
 23 lot in Olowalu that, I guess, the boundary line dissected.
 24 He brought that up to us. And I just wanted to remind
 25 Staff, you said you were going to take care of that. Does

1 COMMISSIONER HIRANAGA: It's like a split
 2 designation.
 3 MR. SUMMERS: It's a split designation with part of
 4 it being open space and park, and there's also some
 5 conservation running along the shoreline.
 6 CHAIR HEDANI: Commissioner Mardfin.
 7 COMMISSIONER MARDFIN: Is it split because of the
 8 existing community plan, or is it split because of what
 9 we're prosing in Growth Boundaries?
 10 MR. SUMMERS: No, it's existing community plan.
 11 COMMISSIONER MARDFIN: Then we don't have any
 12 control over this, it seems to me. We're not recommending
 13 for the community plan. We're recommending for Growth
 14 Boundaries.
 15 CHAIR HEDANI: Okay. I'm unclear as to what the
 16 problem is relative to the current discussion of W4.
 17 COMMISSIONER HIRANAGA: We can come back to it.
 18 It's just he did come before us. And I think we had
 19 represented to him that we would take care of this
 20 housekeeping issue.
 21 CHAIR HEDANI: Part of his property was designated
 22 park.
 23 COMMISSIONER HIRANAGA: It was a split designation.
 24 I don't know what exactly, but it created a problem for him
 25 because the community planned maps did not take into

1 consideration parcel boundaries. This is a preexisting lot
2 with a big broad brush because his lot --

3 CHAIR HEDANI: Director.

4 DIRECTOR HUNT: If a lot is split by a proposed
5 Urban or Rural Growth Boundary, we can take care of it now.
6 If it's split by a Community Plan Designation, Commissioner
7 Mardfin is correct that we can take care of that at a later
8 date.

9 COMMISSIONER HIRANAGA: We can come back to it.

10 CHAIR HEDANI: Any further discussion on W1 through
11 W4? Commissioner Hiranaga.

12 COMMISSIONER HIRANAGA: Yeah. I'd like to make a
13 motion to include the Olowalu project on W4, exclusive of
14 what's proposed makai of the Honoapiilani Highway.

15 CHAIR HEDANI: Is there a second?

16 COMMISSIONER SHIBUYA: Second.

17 CHAIR HEDANI: Seconded by Commissioner Shibuya.

18 Discussion? Commissioner Mardfin.

19 COMMISSIONER MARDFIN: When they get that on and
20 mapped, I would like them to superimpose the SMA map on
21 that. Because I believe all the area they're talking about
22 is outside the SMA. And therefore, there would be only
23 limited controls on the kinds of things that could destroy
24 this treasure trove of a reef.

25 CHAIR HEDANI: Any further discussion?

1 Commissioner Hiranaga.

2 COMMISSIONER HIRANAGA: If -- and this is getting
3 to project specific. But if this project were to move
4 forward and they were planning to use the SMA area for
5 retention basins, that would come under the jurisdiction of
6 the Planning Commission?

7 DIRECTOR HUNT: In all likelihood if it's a major
8 permit. So over \$125,000, it would have to come before this
9 Commission. Also, it could conceivably trigger the whole
10 development coming under the SMA. There's certain case law
11 and decisions that have said if a portion of a project is
12 within the SMA, the entire project must be reviewed. So
13 there's a lot of unknowns.

14 CHAIR HEDANI: Commissioner Hiranaga.

15 COMMISSIONER HIRANAGA: Just looking at that green
16 SMA area -- I know it's not a hard line -- does it stay
17 makai of Honoapiilani Highway, middle of the road? It looks
18 like some sections actually cross Honoapiilani to the south.
19 And is that part of the project? Or I see a line up there
20 that's --

21 CHAIR HEDANI: Mr. Summers.

22 MR. SUMMERS: Thank you, Mr. Chairman. We're going
23 to drop the development proposed line. You can see that
24 there's small areas of overlap.

25 COMMISSIONER HIRANAGA: Can you show us the entire

1 Commissioner Hiranaga.

2 COMMISSIONER HIRANAGA: Either the Director or
3 Corporation Counsel can comment. But if and when they go
4 through the zoning process, does the Council have an
5 opportunity to place conditions upon the granting of zoning?

6 DIRECTOR HUNT: The Maui County Code has
7 conditional zoning. So the answer to your question is yes.
8 The Planning Department will be proposing that the Council
9 do comprehensive rezoning of a number of these properties in
10 order to expedite the development within the growth areas.

11 So there's a potential it can slip through the cracks. But
12 at the same time, we can flag certain properties that have
13 been raised of interest or have been noted to have special
14 issues and try to address those and maybe pulls those out of
15 that comprehensive --

16 COMMISSIONER HIRANAGA: So there's oversight?

17 DIRECTOR HUNT: Yes. Potentially, yes.

18 CHAIR HEDANI: Commissioner Starr.

19 COMMISSIONER STARR: I'd like to remind the Members
20 that this body, the Maui Planning Commission is the final
21 authority as far as the shoreline. We are the guardians of
22 the reef. We are the guardians of the coastal waters.
23 That's in our charter. If we allow something to occur which
24 will destroy these resources, let it be upon us forever.

25 CHAIR HEDANI: Any further discussion?

1 stretch of Honoapiilani Highway.

2 CHAIR HEDANI: Commissioner Mardfin.

3 COMMISSIONER MARDFIN: There's a lot of real
4 concerns here. One of the things that we were asked to do
5 was to find places suitable for growth. I would argue that
6 this place is unsuitable for growth because of the reefs. I
7 think there are other issues. Commissioner Hiranaga seems
8 to be finding ways to bring it under an SMA. But if the
9 developer chooses to make the boundaries that they're going
10 to develop just outside that boundary, then they could avoid
11 doing it. We are not supposed to be approving projects.
12 Any promises -- this will be for Hawaiians, this will be for
13 the local residents, this will be this, this will be that is
14 beyond our ability to do it. We are tasked with finding
15 growth areas.

16 I look at this area and I do not believe that is an
17 appropriate growth area.

18 COMMISSIONER HIRANAGA: Mr. Chair, I would like to
19 caution Commissioners from putting words in my mouth. I was
20 asking for information, okay. I'm not trying to put any
21 project anywhere. I'm asking for information. So please do
22 not speak for me again.

23 CHAIR HEDANI: Commissioner Starr.

24 COMMISSIONER STARR: What do those light blue areas
25 signify?

1 MR. SUMMERS: Thank you, Mr. Chairman. Those are
 2 coral reef habitats as mapped by NOAA.
 3 COMMISSIONER STARR: Healthy coral, yeah?
 4 MR. SUMMERS: That's correct.
 5 CHAIR HEDANI: Any further discussion?
 6 Commissioner Hiranaga.
 7 COMMISSIONER HIRANAGA: The reason I made this
 8 motion is, yes, we are planning for growth population,
 9 growth on Maui. I think the key word is planning. We're
 10 planning for this.
 11 But there was testimony from the people that have
 12 lived here and have had generations here that they want to
 13 return to an area where they were brought up. And we need
 14 to find a balance between preserving nature and taking care
 15 of people. That's who lives on this island, people.
 16 They're not counts, number counts. These are people. And
 17 that's why I feel that there is a right to allow these
 18 people to return.
 19 I know there is a gap and there's a leap of faith
 20 that the developer will mitigate whatever adverse effects
 21 may occur to the ocean. And, yes, I will die on this
 22 island. So hopefully, I will see some of this built. And
 23 it will be sad if it does not occur as they are proposing.
 24 But I'm willing to give, with a leap of faith, an
 25 opportunity for these people to return to Olowalu. And

1 that's my reasoning.
 2 CHAIR HEDANI: Thank you for the discussion.
 3 Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: I'd just like to remind the
 5 Commissioners that we also had a lot -- in the Lahaina
 6 meeting in particular, a lot of testimony from Hawaiians in
 7 the community against this project. And some testimony also
 8 that -- while I don't think we should be looking at
 9 particular projects, there was testimony that the people
 10 involved in this project -- there was allegations, at least,
 11 that they have not fulfilled the responsibilities on similar
 12 projects.
 13 CHAIR HEDANI: Any further discussion?
 14 Commissioner Starr.
 15 COMMISSIONER STARR: Yeah. Although they're -- you
 16 know, hopefully, there will be the ability of a few people
 17 who were born on Maui to live in this. My guess is that by
 18 far, the large majority of it will be for offshore people,
 19 that the main crop here will be wealth. And it will really
 20 destroy one of the last remaining beautiful unspoiled,
 21 really important, filled with cultural heritage, shoreline
 22 places. It's a sad thing to see it being thrown away.
 23 CHAIR HEDANI: Any further discussion? Ready for
 24 the question?
 25 Director.

1 DIRECTOR HUNT: Just trying to clarify the motion.
 2 I believe it was add Olowalu to W4, except for makai of the
 3 highway?
 4 COMMISSIONER HIRANAGA: Correct. All lands makai
 5 of the highway.
 6 DIRECTOR HUNT: Would you be acceptable to say per
 7 the GPAC Map?
 8 COMMISSIONER HIRANAGA: The GPAC map crosses the
 9 highway.
 10 DIRECTOR HUNT: Except for that portion. I guess
 11 what I'm getting at is the GPAC has Olowalu 1 and 2 as urban
 12 areas, and Olowalu 3, 4 and 5 as rural areas. I'm just
 13 trying to get some clear direction, I guess.
 14 CHAIR HEDANI: Commissioner Hiranaga.
 15 COMMISSIONER HIRANAGA: -- versus a motion, which I
 16 guess I didn't clarify whether it's all Urban Growth or
 17 Rural Growth.
 18 DIRECTOR HUNT: Yeah. Your motion was fairly
 19 vague. Not to be critical. But add Olowalu to the W4 Map?
 20 COMMISSIONER HIRANAGA: Right. My quandary is I
 21 don't know the basis for the GPAC Recommendations. Maybe
 22 you could describe it. Because, you know, if we arbitrarily
 23 start chopping up the projects, sometimes it defeats the
 24 feasibility of it.
 25 DIRECTOR HUNT: John, can you pull up the Master

1 Plan for Olowalu. I believe -- and correct me if I'm wrong,
 2 John. I believe the GPAC mirrored the development proposal,
 3 though they did delineate Rural from Urban.
 4 MR. SUMMERS: That's correct.
 5 DIRECTOR HUNT: To the best of my recollection,
 6 they didn't exclude anything.
 7 COMMISSIONER HIRANAGA: I've got the map here --
 8 oh, you've got the map there.
 9 DIRECTOR HUNT: John, is --
 10 MR. SUMMERS: That's correct.
 11 CHAIR HEDANI: I have a question for Staff.
 12 How does the Olowalu plan fit into the
 13 Pali-to-Puamana Parkway? Is there a green belt going from
 14 the Pali to Puamana and preserving the greenway through
 15 Olowalu, or the entire makai side of Olowalu? Or how does
 16 that relate to what we're seeing up on the map?
 17 Mr. Summers.
 18 MR. SUMMERS: We do have some proposed preservation
 19 areas as part of that project on the makai side of the road,
 20 as you can see here, which are outside of the project
 21 boundary.
 22 CHAIR HEDANI: Commissioner Hiranaga.
 23 COMMISSIONER HIRANAGA: Yeah. It appears the GPAC
 24 Map is consistent with the developer's proposal. So I would
 25 be agreeable to the GPAC Map, exclusive of the lands makai

1 of Honoapiilani Highway.
 2 CHAIR HEDANI: Any further discussion? Ready for
 3 the question? Question on the floor is to amend the Olowalu
 4 Map to include the GPAC Recommendation for property mauka of
 5 Honoapiilani Highway.
 6 All those in favor, signify by raising your hand.
 7 Opposed, same sign.
 8 Motion is carried.
 9 Any further discussion on W1 through W4?
 10 Commissioner Hiranaga.
 11 COMMISSIONER HIRANAGA: I'd like to make a motion
 12 to include Pulelehua as recommended by the Department's
 13 original recommendation.
 14 CHAIR HEDANI: Is there a second?
 15 COMMISSIONER U'U: Second.
 16 CHAIR HEDANI: Moved by Commissioner Hiranaga,
 17 seconded by Commissioner U'u to include Pulelehua based on
 18 the Director's Recommendation.
 19 COMMISSIONER HIRANAGA: Original, because they
 20 revised it. It's the original.
 21 CHAIR HEDANI: You're talking about Plan C, right?
 22 COMMISSIONER SHIBUYA: C, right.
 23 COMMISSIONER HIRANAGA: I think C was abbreviated.
 24 CHAIR HEDANI: C was the abbreviated portion makai
 25 of the airport?

1 Committee is now reviewing this project. They've met with
 2 the Department of Education regarding a design of an
 3 elementary school, which the DOE apparently has already
 4 spent \$300,000 in design efforts. You know, they're on
 5 their way.
 6 And all of a sudden, you want to either exclude or
 7 reduce their Master Plan. And I think if you look at their
 8 Master Plan, there is a lot of green area surrounding the
 9 airport. Maybe you could show us their Master Plan.
 10 And the testifiers noted that there's seven or
 11 eight flights a day. No night flights. No helicopters. I
 12 mean, if you're talking about seven or eight flights a day,
 13 that's one an hour with a prop plane. So I think we need to
 14 allow the planning process to proceed through Zoning and
 15 Community Plan as they define what's going to be there. But
 16 to just say we arbitrarily want to reduce the land area, I
 17 think is not a good idea.
 18 CHAIR HEDANI: Commissioner Starr.
 19 COMMISSIONER STARR: Yeah, this area is community
 20 planned park. It was intended to be the regional park for
 21 the west side. It was intended to be the green space buffer
 22 between Lahaina and communities further north and west. The
 23 airport is a vital piece of our infrastructure. And as that
 24 road around the Pali becomes less and less tenable, we
 25 should be able to fly tourists into that airport instead of

1 COMMISSIONER HIRANAGA: No, the original proposal
 2 by the Department.
 3 CHAIR HEDANI: The original proposal for Pulelehua?
 4 COMMISSIONER HIRANAGA: Before they reduced the
 5 unit count into the DBEDT update.
 6 CHAIR HEDANI: Okay. So the motion is for the
 7 original Pulelehua proposal?
 8 COMMISSIONER HIRANAGA: Which is not shown there.
 9 CHAIR HEDANI: It's the project proposal.
 10 Director.
 11 DIRECTOR HUNT: Just for clarification, the
 12 original proposal is for the entire Pulelehua as originally
 13 proposed.
 14 COMMISSIONER HIRANAGA: By the owner?
 15 DIRECTOR HUNT: By the owner, yes. And on your
 16 spread sheets, that's Mahinahina.
 17 CHAIR HEDANI: That's just to keep you on your
 18 toes.
 19 Commissioner Hiranaga.
 20 COMMISSIONER HIRANAGA: You know, one of the
 21 reasons I'm making this motion is the land owner has started
 22 the entitlement process. They have an approved
 23 Environmental Impact Statement. They have already
 24 redesignated this Land Use from Ag to Urban. They received
 25 Planning Commission approval. County Council Land Use

1 trying to fly them into Kahului and drive them around if we
 2 want to support the resort areas of West and North Maui.
 3 The underlying land was quiet titled in 1987 by an
 4 action Maui Land & Pine versus a list of 500 Hawaiian names.
 5 I cannot support this.
 6 CHAIR HEDANI: Any further discussion?
 7 Commissioner U'u.
 8 COMMISSIONER U'U: For the Director.
 9 Correct me if I'm wrong. Is an expansion, airport
 10 expansion possible in that area? I remember reviewing this
 11 project, and it was restricted from any size, period. That
 12 was part of the questions brought up. And that was by the
 13 FAA, if I'm not mistaken.
 14 DIRECTOR HUNT: I know there are restrictions on
 15 the operation right now. I don't know the basis of those
 16 restrictions and what the process would be to amend them.
 17 You do have policies in your plan that speak to actually
 18 enhancing our regional airports. That doesn't mean that
 19 this one would necessarily get enhanced. I really can't
 20 answer your question other than I know there are
 21 restrictions on that right now.
 22 CHAIR HEDANI: Just a point of information,
 23 Commissioner U'u. At the time Mahinahina airport was going
 24 through the approval process, there was a large part of the
 25 community opposed to it because of the fear of traffic going

1 into West Maui. It's because of that process that the
2 restriction was enabled by the developer of the airport to
3 run with the land so that it would be expanded for jet
4 traffic.

5 Commissioner Hiranaga.

6 COMMISSIONER HIRANAGA: One of the buzz words I've
7 learned sense the start of this process is called infill. I
8 think this is a classic example of infill. And the airport
9 being in that area is a good thing. You're creating
10 transportation access. It's located between Kaanapali and
11 Kapalua. If you could show the proposed Lahaina bypass
12 location.

13 CHAIR HEDANI: Further discussion?

14 Commissioner Starr.

15 COMMISSIONER STARR: Yeah, I speak as a commercial
16 pilot who has flown in and out of the Kapalua Airport.
17 Right now, it could be expanded. And in my own view, it
18 should be expanded and utilized. But with this project, it
19 will lead to not only it not being expanded, but it will
20 lead to communities wanting to shut it down. This is the
21 story all over the United States when communities are built
22 close to an airport envelope.

23 CHAIR HEDANI: Further discussion?

24 Commissioner Hiranaga.

25 COMMISSIONER HIRANAGA: Yeah. Regarding population

1 commitments. So as I indicated earlier, I'm very supportive
2 of Pulelehua as a Smart Growth community as a preferred
3 development.

4 Any further discussion? Commissioner Hiranaga.

5 COMMISSIONER HIRANAGA: I brought this up
6 yesterday. You know, when we look at the unit counts of
7 3600 and we're placing 3500 of these future unit counts in
8 the hands of one company, it makes me concerned that if this
9 one company decides not to move forward with those projects,
10 then we have a massive housing shortage in Lahaina. And I
11 think we need to not put all our eggs in one basket. I'm
12 not saying anything bad with Kaanapali 2020 or Wainee
13 Village, but let's not put all our eggs in one basket
14 because those eggs may not hatch.

15 CHAIR HEDANI: Ready for the question?

16 All those in favor of the amendment to add
17 Pulelehua to the W2 Map, signify by raising your hand.

18 Opposed, same sign.

19 Motion is carried.

20 Any further discussion on W1 through W4?

21 Commissioner Hiranaga.

22 COMMISSIONER HIRANAGA: You know, I'm still
23 confused about Makila. It's like Makila -- it's like GPAC
24 gave a conceptual recommendation, and then you have that
25 circle there with Makila as a Rural Service Center. So does

1 being settled near an airport, typically the State DOT
2 requires a -- I believe they call it an aviation easement,
3 before they'll agree to such a development. All property
4 owners purchasing must sign this aviation easement agreeing
5 not to challenge the use of the airport. And I think that's
6 a pretty standard practice by DOT.

7 CHAIR HEDANI: Any further discussion? Ready for
8 the question?

9 Commissioner Hiranaga.

10 COMMISSIONER HIRANAGA: I happen to know that
11 because I live in Spreckelsville, and right near the clear
12 zone.

13 CHAIR HEDANI: So you have a right to complain.

14 Okay. My only comments is that I think in terms of
15 regional park, if you look at W1, there's a huge swath of
16 green north of Kapalua that hopefully will, you know, cover
17 the requirement for a regional park for West Maui as
18 advocated by the Save Honolua Coalition and all those
19 people.

20 Personally, if we didn't support Pulelehua for the
21 Workforce Housing requirements for Kapalua and West Maui, I
22 would have a difficult time supporting any of the
23 development within W1, inclusive of the Kapalua Mauka
24 project, which I believe was tied to the Pulelehua project
25 in terms of meeting some of their employee housing

1 the -- is the Department asking us to express an opinion
2 regarding that? Or it seems odd to have a circle Rural
3 Service Center here.

4 DIRECTOR HUNT: I think the circle was the just a
5 concept that in that area, the Department would -- well, let
6 me back up.

7 Our recommendation is with Transferable Development
8 Rights to transfer development from near the shore away from
9 the shore. In exchange for that was to create a Rural
10 Center to give them extra density to make up for the
11 difference. It's also somewhat consistent with the
12 developer's proposal. Not completely, by any means,
13 particularly in terms of density. I think the developer and
14 I think you heard testimony this morning, the developer
15 requested a lot more density.

16 So it was looked at as a compromise that we could
17 support some density there and a Rural Center on a small
18 scale in exchange for transferring the density off. We
19 didn't have an exact site, and so the circle is just in this
20 area. And that would be fine-tuned as we move along.
21 Hopefully between now and the Council deliberations, we can
22 get more exact.

23 CHAIR HEDANI: As a follow-up to that, what I would
24 suggest is consideration of incorporation of green space and
25 open space as part of the original Pali-to-Puamana Parkway

1 concept to include the area, and Makila to include the area
 2 makai of Honoapiilani Highway and Olowalu for consideration.
 3 I think the County already owns a huge swath through
 4 Ukumehame which they acquired from the property owner along
 5 the shoreline mauka of the existing Honoapiilani Highway.
 6 Commissioner Starr.
 7 COMMISSIONER STARR: Yeah, is there a map that we
 8 will deal with that kind of open space, more preservation
 9 shoreline areas?
 10 CHAIR HEDANI: Was there an overlay with the
 11 Pali-to-Puamana Parkway?
 12 MR. SUMMERS: This shows areas that are mapped in
 13 that planning document. We have included them here as the
 14 green areas along the shoreline.
 15 CHAIR HEDANI: Does that extend to the width of 400
 16 feet?
 17 MR. SUMMERS: I'd have to check.
 18 Jeff, do you know the exact width?
 19 DIRECTOR HUNT: No, not off the top of my head.
 20 MR. SUMMERS: And it's going to vary, obviously.
 21 CHAIR HEDANI: Any further discussion? Director.
 22 DIRECTOR HUNT: The original Department Map that's
 23 in your binder indicates Makila TDR sending Area One and
 24 perhaps Two on these maps. The working maps that you have
 25 before you don't include that. Again, the Department's

1 COMMISSIONER STARR: I know that part of my intent
 2 was to help encourage the mauka relocation of the highway at
 3 least 400 feet.
 4 CHAIR HEDANI: So the intent basically is if the
 5 highway were to be relocated mauka, everything makai of it
 6 would be open space?
 7 COMMISSIONER STARR: Yeah. I don't mean we should
 8 close the highway or anything drastic.
 9 CHAIR HEDANI: Right. And the highway would have
 10 to be paved green instead of black?
 11 COMMISSIONER STARR: Correct.
 12 CHAIR HEDANI: Any further discussion?
 13 Commissioner Hiranaga.
 14 COMMISSIONER HIRANAGA: Could you repeat the motion
 15 again, please.
 16 CHAIR HEDANI: Commissioner Starr.
 17 COMMISSIONER STARR: Director, do you have it
 18 written down?
 19 DIRECTOR HUNT: I'll try. To include on Maps W3
 20 and W4 -- I assume that's Plan B.
 21 COMMISSIONER STARR: From the edge of Lahaina,
 22 really.
 23 DIRECTOR HUNT: Include shoreline green space --
 24 include a shoreline green space buffer with a minimum 400
 25 feet from the shoreline wherever the shoreline is not

1 Recommendation includes that, so they're not on your working
 2 maps.
 3 CHAIR HEDANI: Can we display those maps.
 4 DIRECTOR HUNT: They're own the electronic board
 5 now.
 6 CHAIR HEDANI: I was suggesting something other
 7 than the blue circle.
 8 Commissioner Starr.
 9 COMMISSIONER STARR: I'd like to offer an amendment
 10 that Maps W3 and W4 to include a shoreline green space
 11 buffer and preservation area of a minimum of 400 feet from
 12 the shore -- from the shoreline wherever the shoreline has
 13 not been developed.
 14 CHAIR HEDANI: Is there a second?
 15 COMMISSIONER MARDFIN: Second.
 16 CHAIR HEDANI: Seconded by Commissioner Mardfin.
 17 Discussion? Commissioner Shibuya.
 18 COMMISSIONER SHIBUYA: I was just wondering if a
 19 highway relocation or realignment would be involved in this
 20 400 feet, would that be a permissible use? Because there's
 21 a lot of shoreline erosion at this point where there's
 22 consideration of either hardening the shoreline or
 23 relocating it more mauka than Honoapiilani Highway,
 24 relocating mauka of where it's currently located.
 25 CHAIR HEDANI: Commissioner Starr.

1 developed.
 2 CHAIR HEDANI: Additional discussion?
 3 Commissioner Hiranaga.
 4 COMMISSIONER HIRANAGA: How are you going to
 5 display that, as a UGB OR RGB? You're adding verbiage now.
 6 CHAIR HEDANI: It would be green space, a green
 7 line.
 8 Mr. Summers.
 9 MR. SUMMERS: Thank you, Mr. Chairman.
 10 Those areas identified on the Pali-to-Puamana Plan
 11 are on maps. If you look at Maps W3 and W4, we've included
 12 most of those areas. If the Commission would like to expand
 13 those areas, it's certainly at your discretion. But I just
 14 want to clarify, we've got those areas identified. The
 15 conversation recently has been to keep the road along the
 16 shoreline open as sort of a recreational access road.
 17 CHAIR HEDANI: Can you show how a 400-foot setback
 18 would look through Olowalu.
 19 MR. NAPIER: Approximately.
 20 MR. SUMMERS: So that's 393 feet.
 21 CHAIR HEDANI: God, you guys are so impressive, I
 22 tell you.
 23 Okay. Any further discussion? Can you change the
 24 color to green.
 25 Commissioner Hiranaga.

1 COMMISSIONER HIRANAGA: I would like the Department
2 to comment on this motion. My question, I guess, is the
3 Makila developers are proposing this in exchange for
4 something. And we're doing this without coming to an
5 agreement what that exchange is. So I just want your
6 opinion if this is something new.

7 CHAIR HEDANI: Director.

8 DIRECTOR HUNT: The situation with Makila and the
9 shoreline is somewhat complex. And I wouldn't recommend
10 that this body try to wrestle that. We can live with that
11 recommendation. And like I said earlier, we will try and
12 honor all your recommendations, some of them we may not be
13 able to, or we may think otherwise. We would take that as
14 direction and then work with the developer of the
15 Pali-to-Puamana plan and fine-tune it.

16 CHAIR HEDANI: Commissioner Starr.

17 COMMISSIONER STARR: Yeah. Just a comment that it
18 probably should be not green, but blue. Because there is a
19 pretty hefty berm through a lot of Olowalu. And I will
20 admit -- and I hope it doesn't make me culpable of
21 anything -- of helping build it with many, many, many
22 truckloads of carpet from hotel renovations in Kaanapali,
23 mixed with many loads of berm holding in that berm, which is
24 like a dike holding it out the sea.

25 And if the last 20 years or so, if that hadn't been

1 information. It's kind of a unique thing, and I'm trying to
2 digest it. So I'll just vote against it and leave it up to
3 the Planning Department to work it out with the land owner.

4 CHAIR HEDANI: Further discussion? Commissioner
5 Sablas.

6 COMMISSIONER SABLAS: I feel comfortable voting for
7 it. I've been traveling that road for 35-plus years. And
8 that's the beauty of the drive is the open space. And to be
9 able to increase the open space, I think it's going to be
10 great for generations to come. So I'm totally in favor of
11 this motion.

12 CHAIR HEDANI: Commissioner Shibuya.

13 COMMISSIONER SHIBUYA: I'm also in favor of in
14 buffer open-space area. I like it. I've driven it several
15 times. And I've always looked mauka, and I've also looks at
16 the ocean side where my eyes really should be on the
17 highway. But I've enjoyed this view. And I think we need
18 to preserve this open space. And this will be a public
19 benefit. And we sorely need it. I endorse it. Thank you.

20 CHAIR HEDANI: Further discussion? Ready for the
21 question?

22 All those in favor, signify by raising your hand.

23 Opposed, same sign.

24 Motion is carried.

25 Further discussion on W1 through W4?

1 there, a lot of it would have been reclaimed on its own. I
2 was not doing it for my own good. I was helping a friend.
3 But I kind of feel guilty for it now.

4 CHAIR HEDANI: Any further discussion?
5 Director.

6 DIRECTOR HUNT: I just want to be sure -- and
7 correct me if I'm wrong. But the Planning Department's
8 maps -- which as I understand it, you're recommending the
9 Director's Map. The actual Director's Map has a TDR sending
10 area on that, even though it's not on your working map. So
11 we're going to assume that's part of the motion unless
12 corrected otherwise.

13 CHAIR HEDANI: Okay. I'd like to speak in favor of
14 the motion only from the perspective that between now and
15 the year 2030, with the projected populations, there's going
16 to be increased pressure on recreational space. Launiupoko
17 is tapped-out. I mean, it's double tapped-out right now in
18 terms of the people who utilize it. And it shows the
19 benefit of park and open space value to the people of Maui.
20 And we need to provide for areas that accommodate that in
21 the future. And I think the Pali-to-Puamana Plan is a good
22 way to do it. And I'm supportive of the concept.

23 Further discussion? Commissioner Hiranaga.

24 COMMISSIONER HIRANAGA: I don't feel comfortable
25 voting on this item. I don't feel I have enough

1 Commissioner Hiranaga.

2 COMMISSIONER HIRANAGA: Has the Staff had time to
3 clarify that issue with Parcel 47?

4 CHAIR HEDANI: Mr. Summers.

5 MR. SUMMERS: Thank you, Mr. Chairman. We're going
6 to drop the different entitlements on that parcel.

7 CHAIR HEDANI: Commissioner Hiranaga.

8 COMMISSIONER HIRANAGA: I guess the question that
9 Commissioner Mardfin brought up is can we remedy the
10 situation with the UGB, or does that have to be done through
11 the Community Plan Update?

12 MR. SUMMERS: The UGB would not necessarily remedy
13 the situation. This parcel is split into Ag District and
14 Conservation District. The County has no jurisdiction in
15 the conservation district as of know.

16 COMMISSIONER HIRANAGA: So we wouldn't want to
17 include it in the UGB?

18 MR. SUMMERS: That's why we didn't include it.

19 CHAIR HEDANI: Any further discussion?

20 Was your question answer answered, Kent?

21 COMMISSIONER HIRANAGA: Yes.

22 CHAIR HEDANI: Any further discussion on W1 through
23 W4? Ready for the question?

24 All those in favor of --

25 COMMISSIONER HIRANAGA: Mr. Chair, I have a

1 question.

2 CHAIR HEDANI: Commissioner Hiranaga.

3 COMMISSIONER HIRANAGA: We lost Commissioner U'u.

4 Is he planning to return?

5 CHAIR HEDANI: Yes.

6 COMMISSIONER HIRANAGA: Where the votes have been

7 going, you're going to put the motion on the floor. In the

8 likelihood it fails, we would have to start all over again

9 making all these amendments. May I suggest we recess for

10 lunch.

11 CHAIR HEDANI: Commissioners? Commissioner

12 Mardfin.

13 COMMISSIONER MARDFIN: I'd just like to comment

14 you're putting words in my mouth or putting votes in my arm,

15 but probably accurately.

16 CHAIR HEDANI: Commissioner Starr.

17 COMMISSIONER STARR: Yeah, I prefer we deal with it

18 before we break for lunch.

19 CHAIR HEDANI: Commissioner Shibuya.

20 COMMISSIONER SHIBUYA: As I mentioned before we

21 started this procession, let's try and take a couple maps at

22 a time, not taking a big gulp here, but take a small little

23 sip. And a couple sips would be fine.

24 CHAIR HEDANI: It's like being half pregnant.

25 Commissioner Hiranaga.

1 Any further discussion? Commissioner U'u.

2 COMMISSIONER U'U: Yeah, I left early. Well,

3 actually, I left on time, I should say. What was -- what

4 happened to --

5 CHAIR HEDANI: Director.

6 DIRECTOR HUNT: I'm not sure when you left. But

7 there was a motion to on Maps W3 and W4 to include a

8 shoreline green space buffer, minimum 400 feet from the

9 shoreline wherever the shoreline is not developed. Also,

10 Staff noted that these maps include the TDR sending site,

11 even though it's not listed on this map. It's in your map

12 in your packet. That motion passed five-to-one. Olowalu.

13 Were you here for that?

14 COMMISSIONER U'U: Yes.

15 DIRECTOR HUNT: Pulelehua. Were you here for that?

16 COMMISSIONER U'U: Yes.

17 DIRECTOR HUNT: You're caught up.

18 COMMISSIONER U'U: The green space, what did we

19 approve?

20 DIRECTOR HUNT: The motion was to include on maps

21 W3 and W4, include a shoreline green space buffer, minimum

22 400 feet from the shoreline wherever the shoreline's not

23 developed.

24 COMMISSIONER U'U: That was a two and a half

25 mile -- that was -- it encompasses two and a half miles. Is

1 COMMISSIONER HIRANAGA: So if the motion fails,

2 you're going to start over again lunch time. Spend another

3 two and a half hours going over Pulelehua, Olowalu, blah,

4 blah, blah, and then so on and so forth. I think it's a

5 call for Chair if he wants to call recess for lunch.

6 If we want to go through this exercise again, I'm

7 here. I'm looking for efficient time management at this

8 point.

9 CHAIR HEDANI: Okay. Any other comments from

10 Commissioners? Any indication of which way the wind is

11 blowing. Hello.

12 Commissioner Sablas.

13 COMMISSIONER SABLAS: It's after 12:00, I'd like to

14 recommend that we break for lunch.

15 CHAIR HEDANI: Right. We've also gone over an hour

16 and a half for our stenographer. Why don't we go ahead and

17 break for lunch. Why don't we take any further motions on

18 W1 through W4 after lunch. Thank you.

19 (At which time, a lunch recess was taken

20 from 12:15 p.m. to 1:20 p.m.)

21 CHAIR HEDANI: The Planning Commission meeting of

22 September 15th, recessed from September 14th, will

23 reconvene.

24 Where we last left our discussions, we were

25 discussing potential approval of W1 through W4 as amended.

1 that the one you're talking about, Makila?

2 DIRECTOR HUNT: Well, essentially, the motion was

3 for Maps W3 and W4. But because the motion speaks to

4 wherever the shorelines isn't developed, essentially it

5 would go from Puamana Park to Olowalu. Then there would be

6 a break, and it would go to the south edge of the Map W4.

7 CHAIR HEDANI: Basically, Bruce, the intent was to

8 kind of like follow up on the Puamana-to-Pali Greenway

9 concept, with open space on the makai side of the highway.

10 COMMISSIONER U'U: Okay. Question. The Makila dot

11 stays the same.

12 DIRECTOR HUNT: Staff explained that was

13 conceptual, and we will work with the developer to try and

14 get it more to-scale. Our recommendation is 40 units, and

15 we would work with the developer. The developer has been

16 talking about a park and some limited commercial. So we

17 would then scale it out. Before we go to Council, we'll

18 make that more geographically correct.

19 COMMISSIONER U'U: Just for clarity. When we set

20 that easement for the green belt on the shoreline, who is

21 the property owners for that easement?

22 DIRECTOR HUNT: I would imagine it would affect

23 several property owners.

24 COMMISSIONER U'U: Because we had a testifier from

25 one of the developers saying there was -- and this will be

1 for clarity, when to give up the two-and-a-half-mile stretch
 2 of open space.
 3 DIRECTOR HUNT: It would involve the Makila Lands,
 4 but also some lands south of Makila as well.
 5 CHAIR HEDANI: 400 feet came from the Makila
 6 discussion because they were talking about 400 feet
 7 basically from the shoreline being set aside for open space.
 8 COMMISSIONER U'U: Okay. And the Makila lot --
 9 CHAIR HEDANI: I think the Makila circle bothers
 10 everybody.
 11 COMMISSIONER SHIBUYA: It's a concept.
 12 COMMISSIONER U'U: And the concept again was?
 13 DIRECTOR HUNT: It would be a Rural Center based on
 14 transferring the development away from the shore. There's
 15 lots that are along the shore. The density on those lots
 16 would be transferred to the Rural Center. In exchange for
 17 doing that, the Department would support adding density. So
 18 there's 20 lots along the shore where density would be
 19 transferred off. We would add 20 lots of density. So they
 20 would end up with 40 lots, plus some limited commercial and
 21 perhaps some other public amendments like a park.
 22 And again, we'll scale that off and do some site
 23 planning and make it more realistic rather than just a
 24 circle.
 25 CHAIR HEDANI: Can we see that on a map.

1 COMMISSIONER U'U: What they're proposing. So we
 2 can break it up and then take it from there to see what part
 3 they're giving, what they're asking for, for the dedication
 4 of the shoreline. Which I'm all for, by the way.
 5 DIRECTOR HUNT: Can you pull up a site plan.
 6 So the lots along the shore. This is the Lahaina
 7 Bypass right-of-way. That's approved right now. There's, I
 8 believe, 20 lots -- pardon me. Twelve lots on this side.
 9 And this is the street, the streetlight Kaiheleku, going up.
 10 And I believe there's eight on the south side of Kaiheleku.
 11 So that would be a total of 20 lots in this area here.
 12 COMMISSIONER U'U: I'm just asking the part that we
 13 voted five-to-one on. You said separate owners. I wanted
 14 to see what part of that dedicated open space, or green
 15 space, is part of that project?
 16 DIRECTOR HUNT: Can you scroll the map up a little
 17 bit, and then do a 400-foot buffer along the shore.
 18 COMMISSIONER U'U: And 400 is from the shoreline.
 19 Correct? So it goes beyond the road, or it stays inside of
 20 the road? It goes beyond the road?
 21 DIRECTOR HUNT: The motion didn't mention the road.
 22 It mentioned minimum 400 feet from the shoreline wherever
 23 the shoreline's not developed.
 24 COMMISSIONER U'U: Can we look at that, if
 25 possible.

1 COMMISSIONER U'U: How big is that parcel, the
 2 total parcel, including the lot?
 3 DIRECTOR HUNT: John, you got something?
 4 MR. SUMMERS: These guys will get the gross area of
 5 the lot in question.
 6 Right, 274 acres. The small little circle, which
 7 as Commissioner Shibuya indicated, this is really more
 8 conceptual. The geographic boundaries of this will likely
 9 change in the negotiations. But that area is located here.
 10 And that's 20 acres with 40 units. You can see it on the
 11 spreadsheet here.
 12 COMMISSIONER U'U: Can I have it in its entirety,
 13 including the shoreline area, if possible.
 14 MR. SUMMERS: So you were asking for the gross area
 15 of this?
 16 COMMISSIONER U'U: Highlighted, including the
 17 shoreline area. I'd like to see what they're potentially
 18 giving up on the shoreline and in the entire area.
 19 DIRECTOR HUNT: Are you referring to the TDR part
 20 of it, or the 400-foot buffer that the Commission just
 21 passed?
 22 COMMISSIONER U'U: Well, actually, I'm more
 23 concerned -- not concerned. I want to have a view of the
 24 project in its entirety, the Makila project.
 25 CHAIR HEDANI: Proposing --

1 DIRECTOR HUNT: They're working on that.
 2 COMMISSIONER U'U: Okay. And my next question
 3 would be that dot or that spot -- it's bigger than a dot.
 4 It's a spot. And it's 20 acres. Is it feasible to build 20
 5 acres? And granted, we've been flexible. Would it be
 6 feasible for anyone to develop 20 acres? I'm just
 7 wondering. I'm not sure. It seems not likely still
 8 feasible, kind of like swapping the 20 for that green space.
 9 I don't know. What was the GPACs theory on that? I have no
 10 idea. If you could --
 11 CHAIR HEDANI: That's the 400 feet, Bruce.
 12 COMMISSIONER U'U: And where is the road?
 13 DIRECTOR HUNT: The existing roads along the
 14 highway in that section -- pardon me. Along the shoreline
 15 in that section. The proposed road, you can kind of make it
 16 out in gold.
 17 COMMISSIONER U'U: So at one point, we go over the
 18 road, then, with the dedication?
 19 CHAIR HEDANI: The existing highway is right on the
 20 edge.
 21 DIRECTOR HUNT: Right on the shore. So the 400
 22 feet goes passed the existing highway on the whole length of
 23 that property or project.
 24 CHAIR HEDANI: Jeff, what is the proposed use of
 25 the area between the blue and the green?

1 DIRECTOR HUNT: That area?
 2 CHAIR HEDANI: Right.
 3 DIRECTOR HUNT: The proposed -- well, one of the --
 4 the developer's been working with the Department, or at
 5 least discussing with the Department several options. And
 6 one is to have an ag subdivision, ag lots in that area. So
 7 that is -- at this point, that is the most current proposal,
 8 I suppose. They made a proposal. And you can see the blue,
 9 the Rural Center.
 10 COMMISSIONER U'U: How big is that area, the Rural
 11 Growth Boundary from Makila?
 12 MR. SUMMERS: It's roughly 250 acres.
 13 COMMISSIONER U'U: 250.
 14 DIRECTOR HUNT: And is that the most recent site
 15 plan that we have from them.
 16 MR. SUMMERS: It's from the stakeholders' meeting.
 17 CHAIR HEDANI: Commissioner U'u.
 18 COMMISSIONER U'U: So that dot is -- it's a spot
 19 open to movement or is stays there? And what -- again, if
 20 we're going to take from something, which is that shoreline
 21 which I agree on, I want to make it feasible. Not to just
 22 take -- which I'm all for taking -- but can it actually be
 23 done to build on 20 acres? I doubt it.
 24 And I know you said it's flexible. But I'm having
 25 a hard time seeing the balance on -- because we take the

1 discussion.
 2 CHAIR HEDANI: Use the mic, Kent.
 3 COMMISSIONER HIRANAGA: I'll second it for
 4 discussion. But I believe the amendment that was approved
 5 was for green space area of 400 feet. And Commissioner U'u
 6 is talking about the blue area up above Honoapiilani
 7 Highway.
 8 CHAIR HEDANI: Right.
 9 COMMISSIONER HIRANAGA: It's two different
 10 locations.
 11 COMMISSIONER U'U: And I'm willing to leave it
 12 flexible with the Planning Director for working with the
 13 Council. I just don't see 20 acres -- I see the concept of
 14 what the Planning Director said; we'll give you 20 acres to
 15 play with. And the dedication, which is the shoreline,
 16 which I think will benefit the whole island, myself
 17 included. But there's no -- I doubt that it's going to be
 18 feasible to build on 20 acres.
 19 So I'm saying the amendment will be we'll grant
 20 Rural Growth area for 100 acres, and you guys can keep it
 21 flexible and work with it so it's more feasible for the
 22 developer. That's my amendment.
 23 CHAIR HEDANI: John, you have a comment on it?
 24 MR. SUMMERS: Well, my only comment, Mr. Chair, was
 25 this was really subject to a negotiation with the developer.

1 best part of the property, which is the shoreline. And I
 2 agree we take that. But to have it dedicated 20 acres for
 3 that two-and-a-half-mile stretch, I see it being hard. I'd
 4 like to make an amendment to split that in half somehow.
 5 COMMISSIONER STARR: Excuse me, Mr. Chair. We had
 6 an amendment that was voted on. Someone who was not present
 7 at the time we --
 8 CHAIR HEDANI: Commissioner Starr.
 9 COMMISSIONER STARR: -- is asking to change that
 10 amendment that was already voted on. Please keep order
 11 here.
 12 COMMISSIONER U'U: No, if that's the word, I'll
 13 keep away from the argument.
 14 CHAIR HEDANI: I think Commissioner U'u is asking
 15 for information on discussions that took place when he
 16 wasn't here.
 17 COMMISSIONER STARR: And that's fine.
 18 CHAIR HEDANI: And he's bringing up a possibility
 19 of a subsequent amendment, which is appropriate.
 20 COMMISSIONER U'U: I'm asking if it's appropriate.
 21 If it's not, I'll withdraw my motion. But the motion -- I
 22 will make a motion to say give 100 acres to Rural Growth.
 23 And if there's no second, that's fine.
 24 CHAIR HEDANI: Commissioner Hiranaga.
 25 COMMISSIONER HIRANAGA: I'll second it for

1 Because of the financial feasibility of developing a 20-acre
 2 area here for homes probably would be feasible to do that.
 3 But the question is really whether or not the trade-off of
 4 the these shoreline areas would be enough for the number of
 5 units that could be accommodated in that area. And that
 6 would be the subject of negotiation that would have to be
 7 done further. When that conversation is completed, this
 8 area may be larger than this. But it's really more of a
 9 concept at this point.
 10 CHAIR HEDANI: Are you asking the Commission to
 11 just go on faith that the Department will negotiate
 12 something with them between now and whenever? What are we
 13 asking?
 14 MR. SUMMERS: Well, as I recall -- and Commissioner
 15 Shibuya can jump in. He was part of the discussion. The
 16 way it was phrased is we would work towards a win/win
 17 solution for both parties and try to reach an agreement. Of
 18 course, the Council would ultimately have to decide whether
 19 to include the agreement or not. I wouldn't get too hung up
 20 on the area of this little dot. It's a rather complicated
 21 issue and it will have to be a number of negotiations and
 22 meetings with the developer.
 23 CHAIR HEDANI: Commissioner U'u.
 24 COMMISSIONER U'U: I'm not hung up, and that's why
 25 I asked for an amendment. The reason I'm asking, how much

1 acres are we asking for, two and a half miles by, I guess,
2 300 feet?

3 CHAIR HEDANI: 400.

4 COMMISSIONER U'U: 400 feet. Can I have that?

5 MR. SUMMERS: I believe the original concept --
6 and, Jeff, jump in, and Warren -- was that these 18 or so
7 lots, the idea was that this area -- well, basically, the
8 development potential of those ag lots, the developer is
9 proposing large ag lots would be shifted from up in this
10 area to this circle area. Whether the circle is 20 acres or
11 40 acres, that was the concept. The shoreline preservation
12 area affects more than just this particular land owner.
13 It's an eight-mile stretch of coastline.

14 CHAIR HEDANI: Commissioner Mardfin.

15 COMMISSIONER MARDFIN: I'm just -- for clarity. Is
16 the Makila within the Rural Growth Boundary, light blue, or
17 within the Rural Service Center, dark blue?

18 CHAIR HEDANI: Mr. Summers.

19 MR. SUMMERS: This little circle here is within the
20 Rural Growth Boundary. This area is currently agriculture.

21 COMMISSIONER MARDFIN: But I mean as proposed, is
22 Makila proposed for Rural Growth or for Rural Service
23 Center?

24 MR. SUMMERS: Rural Service Center.

25 CHAIR HEDANI: Commissioner U'u.

1 think it's feasible. How do you take a loss off that? And
2 that's why the amendment was for Rural Growth area, 400
3 acres?

4 CHAIR HEDANI: Yeah. I think the 20 acres isn't
5 set at this point.

6 Director.

7 DIRECTOR HUNT: In Transferable Development Rights,
8 you never look at acres versus acres. Because what happens
9 invariably is you're transferring density off of large
10 resource sensitive lands into denser urban or growth areas.
11 So acreage-to-acreage isn't how it's normally looked at.

12 What's looked at is units-to-units. And what we're
13 doing here in the proposal is we're moving, transferring 20
14 units, 20 housing units that are along the shoreline and
15 putting those into a Rural Center. And to make up for the
16 difference, we recognize there would be a less value in the
17 lots that are not along the shoreline, we would add density.
18 So they're actually getting a two-to-one density. It's not
19 acreage, it's density. So with 40 units, the argument is
20 that that would make up for the exchange of the
21 higher-priced values along the shoreline.

22 There's another concept. The idea of the green
23 belt that was part of the motion, that really doesn't affect
24 the developability of all these lots necessarily, perhaps
25 some of the smaller ones. But they could still be

1 COMMISSIONER U'U: Sorry for asking another
2 question. On the Makila side, again, what we getting?
3 They're saying that they're two and a half miles by 400 feet
4 of shoreline they planning on dedicating to the County,
5 which I like. In fact, we all love that. We can come to an
6 agreement that five-to-one -- to be honest, I was amazed it
7 was five-to-one, but hey.

8 What is the acreage? And I'm just looking at being
9 fair. That's all I'm asking. If you're going to take a lot
10 of chunk from someone and promise we'll work on something
11 down the line, I mean essentially, what we voting on? I
12 have no idea what I'm voting on.

13 CHAIR HEDANI: 121 acres.

14 COMMISSIONER U'U: Hey, thank you. He was the
15 president of Baldwin High School. So 121 acres?

16 CHAIR HEDANI: There's 5,280 feet in a mile, times
17 two and a half miles, times 400 feet, divided by 43,560 feet
18 per square --

19 COMMISSIONER U'U: You got to slow down and speak
20 clearly into the mic.

21 So having said that -- say that again. 120-plus
22 acres.

23 CHAIR HEDANI: 121.

24 COMMISSIONER U'U: And we're giving them 20 acres?
25 That's a great deal for the County. Like I said, I don't

1 developed. Not right along the shore, not right along the
2 road perhaps, but they could still be developable.

3 So there's two concepts going on here
4 simultaneously. One is the green belt that's marked in red,
5 conveniently. And then the transfer of all the development
6 rights off of these 20 lots into the Rural Center. And in
7 addition to the 20 lots, the Department would support some
8 commercial. That's why it's Rural Center, so that they can
9 have some commercial. Between the commercial uses and the
10 20 extra lots, we believe conceptually at this point, it's a
11 starting point.

12 CHAIR HEDANI: Does that mean the area remains
13 perpetually an open space, Jeff?

14 DIRECTOR HUNT: Which area?

15 CHAIR HEDANI: The gray area between the blue and
16 red.

17 DIRECTOR HUNT: That would be part the deal that's
18 worked out. A representative today said -- I believe they
19 said it would be ag uses.

20 CHAIR HEDANI: So it could be pastures?

21 DIRECTOR HUNT: It could be pasture. It could be
22 actively -- I mean, that would be part of the deal that's
23 worked out.

24 COMMISSIONER U'U: So we're not comparing apples to
25 apples. Having that open space is priceless. So the end

1 benefit is the public.
 2 DIRECTOR HUNT: Correct.
 3 COMMISSIONER U'U: We cannot compare 20 to 40. You
 4 say you get 20 to 40. But now they get open space for life.
 5 You're saying there's no price tag, but I'm saying that's
 6 priceless. And if you got people talking about saving the
 7 reef, this is one way to save them. But I'm still saying, I
 8 don't see the feasibility of 20 acres -- even if you flex it
 9 all you want, I don't see it -- and up the density to 40
 10 units may be all perspective, but we don't put a price tag
 11 on it.
 12 DIRECTOR HUNT: There's rural centers that are
 13 developed on the island that are a lot smaller than 20
 14 acres.
 15 COMMISSIONER U'U: Well, I understand that. But
 16 you're giving up that to make a swap is what you do. Having
 17 heard what you said, you swapping the 20 and giving them 40.
 18 But the end benefit is the public. And I see it as the
 19 developer not being benefited as much, but the public is.
 20 DIRECTOR HUNT: Well, the developer's value is the
 21 land as developed. And we're trying to compensate that by
 22 adding density and adding commercial uses. We're not trying
 23 to compensate them for what the benefit of that land is to
 24 the public if they don't develop it. We're not compensating
 25 that. We're compensating them if they do develop it.

1 CHAIR HEDANI: Commissioner Mardfin.
 2 COMMISSIONER MARDFIN: Could I have the planners
 3 put up the reefs along this area. Or is that already on
 4 there? Is that the little blue -- this is not protecting
 5 the reef we were talking about at Olowalu. This looks to me
 6 like a very small reef. So I don't think you're protecting
 7 the reefs by doing that because you're not. The reefs are
 8 further south than that.
 9 CHAIR HEDANI: Commissioner U'u.
 10 COMMISSIONER U'U: And I agree. And the current
 11 goes down, so it's not still water. It may be affected
 12 whether you have reef or not, it doesn't stay in one area.
 13 It's the ocean.
 14 CHAIR HEDANI: Commissioner Starr.
 15 COMMISSIONER STARR: Yeah, it won't stop us from
 16 trashing Olowalu the way we're headed.
 17 But do we have another amendment on the floor? Is
 18 this a motion to reconsider that was put forward by someone
 19 who wasn't here at the time the last amendment went through?
 20 What's going on? Could you please give us some clarity.
 21 CHAIR HEDANI: At this point, I don't know -- do
 22 you want to go ahead with an amendment, Bruce?
 23 COMMISSIONER U'U: I made one it was seconded by
 24 Kent.
 25 COMMISSIONER STARR: Is this a motion to

1 reconsider? And if so, it's out of order.
 2 CHAIR HEDANI: Commissioner Starr, I did recognize
 3 you.
 4 So the motion that you're making is for 100 acres
 5 at Makila?
 6 COMMISSIONER U'U: Yes.
 7 COMMISSIONER STARR: Is this just a gift that
 8 the --
 9 CHAIR HEDANI: Commissioner Starr, you're asking me
 10 to keep order and you're constantly interrupting without
 11 being recognized. I'm trying to clarify what the amendment
 12 is. And we can vote on the amendment like we've considered
 13 every other amendment, like W1 through W4. Do you have an
 14 objection to that?
 15 COMMISSIONER STARR: If it's a motion to reconsider
 16 and change the last amendment, I do.
 17 CHAIR HEDANI: It's not a motion to reconsider. We
 18 haven't put Makila to bed.
 19 COMMISSIONER STARR: So it's just an outright gift?
 20 CHAIR HEDANI: It's not a motion to reconsider
 21 because we haven't had an amendment on Makila to date.
 22 COMMISSIONER STARR: We had an amendment on the
 23 green space.
 24 COMMISSIONER U'U: Correct.
 25 CHAIR HEDANI: The amendment on the green space

1 affected W2 and W3. It had no mention of Makila.
 2 COMMISSIONER STARR: Uh-huh.
 3 COMMISSIONER MARDFIN: Mr. Chairman.
 4 CHAIR HEDANI: Commissioner Mardfin.
 5 COMMISSIONER MARDFIN: Could I have the Director to
 6 read the amendment on the floor.
 7 CHAIR HEDANI: Director.
 8 DIRECTOR HUNT: My notes have -- and they're
 9 somewhat cryptic. Motion to add 100 acres to the Rural
 10 Growth Boundary and keeping it flexible. There's a
 11 reference to keeping it flexible.
 12 CHAIR HEDANI: Discussion? Commissioner Starr.
 13 COMMISSIONER STARR: Yeah, it's just an outright
 14 gift to a developer for some reason. I don't get it.
 15 CHAIR HEDANI: Commissioner U'u.
 16 COMMISSIONER U'U: If that's your take, fine, you
 17 can vote. And I will respect your vote. But it's not the
 18 intention of what I'm trying to do.
 19 CHAIR HEDANI: Any further discussion?
 20 Commissioner Hiranaga.
 21 COMMISSIONER HIRANAGA: I'm having a really hard
 22 time understanding this. I guess GPAC made a recommendation
 23 conceptually to do some TDRs for this Makila circle and the
 24 six months that we've been deliberating on this. And since
 25 GPAC adjourned, you are not able to come up with an

1 agreement with the Makila developers. Is that correct?
 2 MR. SUMMERS: That's correct.
 3 COMMISSIONER HIRANAGA: And how long has that been?
 4 MR. SUMMERS: Well, we haven't had extensive
 5 discussions. We've had preliminary meetings. We haven't
 6 really moved beyond that. There's still a willingness, I
 7 think, on both parties to continue negotiations.
 8 COMMISSIONER HIRANAGA: I would have thought there
 9 would have been some sense of urgency to try to provide us
 10 by a recommendation besides a 20-acre circle before we came
 11 to these maps. It's just -- are there other circles on
 12 other maps that we're going to encounter, or is this the
 13 only circle?
 14 MR. SUMMERS: This is the only situation like this.
 15 COMMISSIONER HIRANAGA: I'm having difficulty
 16 deciding which way to vote. It's kind of weird.
 17 CHAIR HEDANI: Commissioner Mardfin.
 18 COMMISSIONER MARDFIN: Regardless of whether this
 19 has been negotiated or not, I think the Long Range Planning
 20 Staff have been rather busy the last several weeks, at least
 21 with us. So I understand why they might not have -- why
 22 people might not have had meetings to further this.
 23 I'm going to vote no on this because I don't think
 24 it's necessary. I think it's the sort of thing that the
 25 GPAC had talked about. The Department seems -- on the

1 representations made by the Director, seems to be in a
 2 negotiating mode. I would not want to weaken the
 3 negotiations by trying to increase the amount that we're
 4 proposing to give. This is a Rural Service Center. So
 5 there's great value in having the service center part. So
 6 as the Director said, you don't compare acres to acres, you
 7 compare value to value. And the value they're giving up, to
 8 me at this point without the amendment, seems to be the
 9 appropriate evaluation.
 10 And I trust the Department to negotiate in good
 11 faith. And I think we would be undercutting them if we
 12 voting in favor of the amendment.
 13 CHAIR HEDANI: Any further discussion?
 14 Commissioner Hiranaga.
 15 COMMISSIONER HIRANAGA: Yeah. I'll be voting
 16 against the amendment because we've got this existing
 17 Launiupoko community. And I think there needs to be some
 18 green space separating the Launiupoko community from
 19 Launiupoko Park. And I'm not if sure providing rural-sized
 20 lots all the way up to Honoapiilani Highway above Launiupoko
 21 is a great idea.
 22 I vote the against the amendment regarding the
 23 400-foot greenway space because I again felt that it wasn't
 24 properly informed to make a decision. And at this point,
 25 unfortunately, again, I feel not properly informed. So I'll

1 have to rely on the Planning Department to work with the
 2 developer to come out with an equitable agreement. But at
 3 this time, I'm not ready to vote in favor of the motion.
 4 CHAIR HEDANI: Okay. I am getting a request from
 5 our secretary to both Commissioners, as well as Staff, to
 6 speak directly into the microphone because people are not
 7 able to make out the discussion which is being monitored on
 8 the internet.
 9 Any further discussion? Commissioner U'u.
 10 COMMISSIONER U'U: No.
 11 CHAIR HEDANI: Any further discussion? Anybody?
 12 Okay. Ready for the question?
 13 The question on the floor is amend the Makila Map
 14 to include 100 acres of rural with some flexibility for the
 15 Department to --
 16 DIRECTOR HUNT: 100 acres to the Rural Growth
 17 Boundary.
 18 CHAIR HEDANI: To the Rural Growth Boundary.
 19 Commissioner U'u.
 20 COMMISSIONER U'U: You know what, I'll withdraw my
 21 motion. If it's up to the second, withdraw. I don't see a
 22 chance of having to pass it. But good discussion. Thank
 23 you.
 24 CHAIR HEDANI: Thank you.
 25 Any further discussion on W1 through W4?

1 Commissioner Mardfin. Commissioner U'u.
 2 COMMISSIONER U'U: Just for clarity. And the only
 3 reason I brought it up is I thought it was a gift for the
 4 public, not a gift for the developer. And I don't want to
 5 give gifts to the developer. I'll take the gift, though.
 6 I'll stay in favor. And if I was here, I would have voted
 7 for open space. We take that as a gift to the community and
 8 to the public. So I will take that gift and I will smile.
 9 And that's the only clarity.
 10 Because there was no clarity on the GPAC's side.
 11 There wasn't clarity on exactly what we're going to do with
 12 that bubble. So we essentially voting on something that,
 13 yeah, we've got to have faith in the Planning Department.
 14 But we're talking about feasibility of 20 acres. I don't
 15 see it happening. So I wish you guys the best.
 16 CHAIR HEDANI: Commissioner Mardfin. Commissioner
 17 Starr.
 18 COMMISSIONER STARR: I just want to say I think
 19 this is somewhat something that we're all together on. For
 20 the last three Administrations, it's been a real heartfelt
 21 belief all throughout the community to create a shoreline
 22 from Pali to Puamana that is open to the people of Maui in
 23 perpetuity is something we all really believe it. And I
 24 have absolute confidence in the Department and in the
 25 Administration that they're going to do everything they can

1 to make it happen. And I feel good that this is part of our
 2 process here today.
 3 CHAIR HEDANI: Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: I would like to add that I
 5 think we have done a very good job with a lot of this area.
 6 I like the green belt. There are a few things I'm not
 7 pleased with. There's one thing I'm absolutely against.
 8 And that is any development at Olowalu. I am so adamantly
 9 in favor of keeping that reef. I am fearful that one way or
 10 another, that reef's going to be destroyed. And I think
 11 it's a treasure. So I'm going to be voting against the
 12 motion.
 13 CHAIR HEDANI: Any further discussion? Ready for
 14 the question? Question on the floor is to approve W1
 15 through W4 as previously designated and amended.
 16 All those in favor, signify by raising your hand.
 17 All those opposed, same sign.
 18 Motion is carried. Thank you.
 19 Commissioner Mardfin.
 20 COMMISSIONER MARDFIN: Can you note for the record
 21 that I was one of those that voted against this.
 22 DIRECTOR HUNT: So noted.
 23 CHAIR HEDANI: Absolutely.
 24 Any further discussion on any maps?
 25 Commissioner Starr.

1 CHAIR HEDANI: Moved and seconded to delete Makena
 2 1, 2, 3 and 4 from the GPAC Map.
 3 Discussion? Commissioner Starr.
 4 COMMISSIONER STARR: So what did the people from
 5 above tell us about these portions?
 6 CHAIR HEDANI: Mr. Summers.
 7 MR. SUMMERS: The State Land Use Designation, which
 8 is depicted here on the screen, is primarily Agriculture.
 9 There are a few areas where we have Urban. The Community
 10 Plan Designation -- if we can go to that.
 11 The Community Plan Designation in these areas --
 12 CHAIR HEDANI: John, can you speak louder and into
 13 the microphone.
 14 MR. SUMMERS: Sure. Community Plan Rural.
 15 Let's move down to Makena 4.
 16 CHAIR HEDANI: It's Community Plan Rural for all
 17 four parcels?
 18 MR. SUMMERS: That's correct. And the zoning
 19 determination from upstairs, these parcels are
 20 split-designated. The majority of the parcels are
 21 single-family residential. And then there's a small pocket
 22 of open zoned land right through here.
 23 So we've got primarily State Ag, Community Planned
 24 Rural, and zoning of Single Family.
 25 CHAIR HEDANI: Director has a map that I'll

1 COMMISSIONER STARR: Yeah. Are we ready to deal
 2 with S3, Makena? Where did they get that from, Rosetta
 3 Stone?
 4 MR. SUMMERS: Yes, we are.
 5 CHAIR HEDANI: Commissioner Starr.
 6 COMMISSIONER STARR: Yeah. Move for the acceptance
 7 of the boundaries on Makena S3.
 8 CHAIR HEDANI: Director's Recommendation.
 9 COMMISSIONER STARR: Well, we only have one map.
 10 And I will make an amendment or somebody else make an
 11 amendment.
 12 CHAIR HEDANI: Is there a second? Is there a
 13 second? Seconded by Commissioner Mardfin.
 14 COMMISSIONER MARDFIN: No, no. I'm ready to make a
 15 new motion.
 16 CHAIR HEDANI: Okay. Commissioner Mardfin.
 17 COMMISSIONER MARDFIN: I move for the adoption of
 18 map S3, as recommended by GPAC.
 19 COMMISSIONER STARR: I'll second it.
 20 CHAIR HEDANI: Motion to approve S3 as recommended
 21 by GPAC.
 22 Discussion? Commissioner Starr.
 23 COMMISSIONER STARR: I move for the deletion of
 24 Rural Growth Boundaries Makena 1, 2, 3, and 4.
 25 COMMISSIONER MARDFIN: Second.

1 circulate.
 2 MR. SUMMERS: The map that you're looking at
 3 depicts the County Zoning.
 4 CHAIR HEDANI: I'm sorry?
 5 MR. SUMMERS: The hard copy map that's been
 6 distributed depicts the County Zoning.
 7 CHAIR HEDANI: Commissioner Starr.
 8 COMMISSIONER STARR: I'd like to comment that this
 9 is one of the very few areas that has the light blue which
 10 is a healthy coral right in close to shore. And the Ahii
 11 Preserve is the only preserve where the hunting of fish is
 12 illegal where there's still healthy coral. Honolua and
 13 Slaughter House were that way once, but the coral has been
 14 destroyed. So here it's still healthy. Development will
 15 kill it. We just nailed the other location where there's --
 16 CHAIR HEDANI: Commissioner Starr, can you speak
 17 into the microphone.
 18 COMMISSIONER STARR: Yeah. We just nailed the
 19 other location where there's healthy coral located at
 20 Olowalu. Let's do what we can to save this one.
 21 CHAIR HEDANI: Further discussion?
 22 Commissioner U'u.
 23 COMMISSIONER U'U: Is there existing homes on the
 24 site, any one of these?
 25 CHAIR HEDANI: Mr. Summers.

1 MR. SUMMERS: Mike, can we go down on the
2 imaginary. You can see some home sites. A little bit more,
3 Mike.

4 CHAIR HEDANI: But the answer is yes?

5 MR. SUMMERS: That's correct. We're just trying to
6 check all four.

7 CHAIR HEDANI: Commissioner Mardfin.

8 COMMISSIONER MARDFIN: I think it's interesting to
9 ask whether there are homes on these sites. But taking out
10 the Rural Growth Boundary is for expansion of housing. If
11 we remove the Rural Growth Boundary, it wouldn't affect the
12 houses that are already there. It will just say you're not
13 going to put a whole lot more there.

14 CHAIR HEDANI: Additional discussion?
15 Director Hunt.

16 DIRECTOR HUNT: This is similar to the discussion
17 that we had in Hana. And with a Community Plan Designation
18 of Rural, if you take them out of the Rural Growth Boundary,
19 the Department will interpret that as direction to revert it
20 to Agricultural. Any lot that has two homes or more, the
21 second homes, there's a potential that some of the homes may
22 become nonconforming. Because of the new ag laws, there's
23 restrictions on the size of the second home and even
24 approval of a third home.

25 Now, I'm not saying that's going to happen because

1 I don't know all the facts of that area. But there's a
2 potential that could happen. If that does happen, then
3 those homes become nonconforming. And there's problems with
4 expansion of those homes and replacement if they're burnt
5 down, et cetera. The positive side to it is that the
6 existing Rural Growth Boundary would indicate to Staff that
7 we should then change the zoning. The Community Plan is
8 already there. The we would change the zoning to implement
9 that. And they could develop the land into smaller lots.

10 There is a bill that is being discussed right now
11 to add a larger minimum lot size to the Rural Zones. Right
12 now, our Rural Zone is a half acre and a one acre are our
13 only two tools. The bill would add a two acre and, I
14 believe, a five and even a ten. If that bill passes, then
15 conceivably we could zone these Rural, but put a five-acre
16 or a ten-acre minimum lot size so that there wouldn't be
17 further development, but you would get out from underneath
18 that fear of nonconformity.

19 So there's a lot of uncertainties in there. I was
20 just trying to provide you folks with information.

21 CHAIR HEDANI: Additional discussion?
22 Commissioner Hiranaga.

23 COMMISSIONER HIRANAGA: I would like the Department
24 to explain individually why Makena 1, 2, 3 and 4 were --

25 CHAIR HEDANI: Can you pull the microphone real

1 close.

2 COMMISSIONER HIRANAGA: I'd like the Department to
3 explain why Makena 1, 2, 3 and 4 were identified as RGBs,
4 starting with Makena 1.

5 CHAIR HEDANI: Director or Mr. Summers.

6 MR. SUMMERS: Thank you, Mr. Chairman. We looked
7 at the Community Plan Designation of Rural and decided to
8 follow that designation within a Rural Residential Growth
9 Boundary.

10 CHAIR HEDANI: Mr. Summers, didn't the Commission
11 approve a project immediately adjacent to this?

12 Does that answer your question, Kent?

13 COMMISSIONER HIRANAGA: I believe there was an
14 application for a Land Use Boundary Amendment that failed.
15 It had R3 Zoning, Community Planned Single Family. And it
16 was trying to get consistency by having a Land Use Boundary
17 Amendment that failed.

18 CHAIR HEDANI: You want to go through all four
19 parcels.

20 COMMISSIONER HIRANAGA: Only once.

21 CHAIR HEDANI: Mr. Summers.

22 MR. SUMMERS: That methodology would hold for all
23 four if you look at the Community Plan Designation and drew
24 the boundaries accordingly as a rule.

25 CHAIR HEDANI: Commissioner Hiranaga.

1 COMMISSIONER HIRANAGA: I'm going to have
2 difficulty voting for the motion for those lots to have
3 houses on them. Because you're going to create problems for
4 these people if you're going to make those existing homes
5 nonconforming. So I'd like the Department to isolate those
6 lots that have existing homes on them.

7 CHAIR HEDANI: Commissioner U'u.

8 COMMISSIONER U'U: I agree with that. And I will
9 be in favor of the motion if you're going -- if you can
10 separate them somehow.

11 CHAIR HEDANI: Commissioner Starr.

12 COMMISSIONER STARR: Is there a way to change the
13 delineation for nonbuilt -- you know, nonbuilt lots? I'm
14 especially concerned with the large one that's right against
15 Ahii Preserve. That's a place that's undergoing a lot of
16 scientific experimentation that's kind of the benchmark for
17 coral growth on Maui. And, you know, what's built is built.
18 We're not going to try to take that down. But I'd hate to
19 see more getting built.

20 CHAIR HEDANI: Commissioner Starr, you need to
21 speak into the microphone.

22 COMMISSIONER STARR: Yeah. How can we do that?
23 Maybe Mr. Summers can advise us.

24 MR. SUMMERS: Mike, can you zoom in on that a
25 little bit more.

1 COMMISSIONER STARR: Is that one TMK?
 2 MR. SUMMERS: Yeah. The imagery is a few years
 3 old. So we'd have to go in and identify if there's been
 4 additional construction activity since this area was flown.
 5 CHAIR HEDANI: I'm sorry. I can't hear you, John.
 6 MR. SUMMERS: The imagery that we're using is a few
 7 years old. So we would have to do a site visit to see if
 8 there's been additional construction out here since we flew
 9 the site. And if Commissioner Starr could repeat his
 10 question.
 11 CHAIR HEDANI: His question was if you could
 12 isolate the areas that don't have existing homes on them.
 13 MR. SUMMERS: That may be possible. You're talking
 14 about potentially not following the parcel boundaries with
 15 the growth boundary and doing sort of a split designation.
 16 That may be possible. We'd probably need to do a site visit
 17 to confirm.
 18 CHAIR HEDANI: Commissioner Mardfin.
 19 COMMISSIONER MARDFIN: Is it possible to show the
 20 TMKs? There might be light black lines. Maybe you could
 21 make that some other color, like polka dots so we can see
 22 where they are.
 23 CHAIR HEDANI: Commissioner Mardfin.
 24 COMMISSIONER MARDFIN: Perhaps the maker of the
 25 motion would be willing to include the particular lots that

1 already have a house on them. Jonathan.
 2 CHAIR HEDANI: Commissioner Starr.
 3 COMMISSIONER STARR: I am willing to -- I'm
 4 thinking of changing the motion. The only thing is some of
 5 them -- some of those lots have a little shed on them. And
 6 they will likely be put up for sale and subdivided if
 7 it's made consistent Rural. Some of them have already been
 8 sold and turned into a millionaire palaces that are now
 9 mostly for sale. When you drive down there, you see a for
 10 sale sign on most of the big houses that have already been
 11 built.
 12 I'd hate to see more of the ones that were small
 13 local beach houses getting turned into that. That's why I
 14 have a little bit of reluctance in just doing those lots
 15 that have not gotten built. And I don't know if there is
 16 any additional mechanism to not make anything nonconforming.
 17 Because I don't want to make anything that's built
 18 nonconforming, but at the same time to not put these in a
 19 Rural Growth Boundary.
 20 CHAIR HEDANI: Additional discussion?
 21 Commissioner U'u.
 22 COMMISSIONER U'U: Can we have a comment from the
 23 Director.
 24 CHAIR HEDANI: Director Hunt.
 25 DIRECTOR HUNT: Regarding?

1 COMMISSIONER U'U: What's your take on what we're
 2 trying to achieve here? Some direction. Some clue.
 3 CHAIR HEDANI: We're stealing from on up high.
 4 Jeff.
 5 DIRECTOR HUNT: There's so many variables. It's
 6 really hard to say. You could have one house on there. And
 7 even if you change it to Agriculture, that one house,
 8 there's no limit on the first house. The second house has a
 9 limit on it. So, you know, you could have one small beach
 10 house on there now, and if we exclude that lot or don't
 11 exclude it, that house could still be increased.
 12 If you only have one house on the property, then
 13 there's not an issue -- to the best of my knowledge, there's
 14 not an issue with nonconformity because the first house on a
 15 Farm Zone doesn't have size reinstruction. There may be
 16 Farm Plan issues, and things like that. Again, there's a
 17 lot of variables.
 18 We could -- Staff could probably work with
 19 direction to exclude -- to try and do an analysis and
 20 exclude properties where it looks like there would be a
 21 nonconformity arising.
 22 CHAIR HEDANI: Commissioner Starr.
 23 COMMISSIONER STARR: Yeah. I'd like to add wording
 24 to my amendment such that no existing structures are made
 25 nonconforming.

1 COMMISSIONER MARDFIN: Second. That's a friendly
 2 amendment anyway. But the seconder concurs with that
 3 friendly amendment.
 4 CHAIR HEDANI: You want to restate that.
 5 COMMISSIONER STARR: Yeah. There will be
 6 additional wording to the amendment. And that wording shall
 7 be with a provision that no existing structure shall be made
 8 nonconforming.
 9 CHAIR HEDANI: So the amendment -- it's a
 10 restatement of the amendment. So the amendment would be for
 11 elimination of Makena 1, 2, 3 and 4, with the provision that
 12 no additional structure -- existing structure will be made
 13 nonconforming?
 14 COMMISSIONER STARR: Yes.
 15 CHAIR HEDANI: Commissioner Hiranaga.
 16 COMMISSIONER HIRANAGA: I have a concern regarding
 17 the word existing structure. I would prefer an active
 18 building permit. What is an existing structure, after the
 19 certificate of occupancy is granted? So you could have a
 20 house that's 98-percent complete. Is that an existing
 21 structure or not?
 22 You can go to the Building Department and determine
 23 if there's active building permits on any of the parcels.
 24 I'd prefer that. But if somebody has already started
 25 breaking ground, started building their house, are we going

1 to stop them?
 2 CHAIR HEDANI: Commissioner Starr.
 3 COMMISSIONER STARR: I'd be willing to add
 4 additional wording that existing structures or permitted
 5 structures -- or structures for which permits have been
 6 issued shall be -- shall not be made nonconforming.
 7 COMMISSIONER HIRANAGA: Active building permits
 8 that have been issued. Because they could become inactive.
 9 CHAIR HEDANI: Is that agreeable to the seconder?
 10 COMMISSIONER MARDFIN: Yes.
 11 CHAIR HEDANI: Discussion?
 12 I have a question, Mr. Summers. How come Makena 1,
 13 2, 3 and 4 are green on the map, which is Regional Park?
 14 MR. SUMMERS: Yeah, I do see that. I don't think
 15 that was the Department's intent. It shouldn't be both,
 16 obviously.
 17 CHAIR HEDANI: Commissioner Hiranaga.
 18 COMMISSIONER HIRANAGA: Just so clarify. So the
 19 Department is going to go to the Building Department,
 20 confirm that any of the parcels have active, open building
 21 permits, and continue to include them in the Rural Growth
 22 Boundary. Is that correct? And the ones that have no
 23 active permits on them will be taken out of the Rural Growth
 24 Boundary and will revert to Ag. Is that what we're voting
 25 on?

1 specific zoning for specific sites or specific parcels.
 2 CHAIR HEDANI: Commissioner Mardfin.
 3 COMMISSIONER MARDFIN: The problem with that,
 4 Director, is that if they're left in the Rural Growth
 5 Boundary, that not only can they keep they're existing
 6 structures, but they could quadruple the existing structures
 7 if it's left in the Rural Growth. And that was the intent
 8 of the maker, and I know the seconder, that that not occur.
 9 CHAIR HEDANI: Director.
 10 DIRECTOR HUNT: The concern is that the house could
 11 be increased in size? I didn't understand the quadruple.
 12 COMMISSIONER MARDFIN: If their lot is in Rural
 13 Growth, couldn't they move to subdivide and put in for eight
 14 more houses.
 15 DIRECTOR HUNT: The subdivision -- could we have
 16 the audience be quiet. This is intense conversation. We
 17 don't need editorializing.
 18 So the concern is subdivision, then?
 19 COMMISSIONER MARDFIN: Yeah. If it's in the Rural
 20 Growth, they could subdivide three, four houses on the
 21 existing lot.
 22 DIRECTOR HUNT: Conceivably.
 23 COMMISSIONER MARDFIN: What we want to do is take
 24 it out to avoid that. Not to penalize them for what they
 25 already have in place or are actively working on, but to

1 CHAIR HEDANI: I'm not sure.
 2 Director.
 3 DIRECTOR HUNT: We'll implement whatever your
 4 direction is. Is it any building permit, or is it a second
 5 building permit? You can argue, again, that the first one
 6 probably won't be that nonconforming. There's not a size
 7 limit on the first one. There's Farm Plan requirements.
 8 COMMISSIONER HIRANAGA: I'm trying to avoid
 9 possible future litigation. And if someone has already
 10 started building on their house, I hate to all of a sudden
 11 change the rules under their feet. But if the lot's been
 12 laying vacant, then not as bad.
 13 CHAIR HEDANI: Commissioner Mardfin.
 14 COMMISSIONER MARDFIN: The way Commissioner
 15 Hiranaga stated it, I think, is not the way the motion was
 16 made. I think the motion was made to remove Makena 1, 2, 3
 17 and 4 from Rural Growth Boundary; take the Rural Growth
 18 Boundaries off that; but to have the Department work on
 19 language so that people with active building permits on
 20 their second home not be made nonconforming.
 21 CHAIR HEDANI: Director.
 22 DIRECTOR HUNT: I understand that direction. The
 23 Department would prefer Commissioner Hiranaga's approach,
 24 where we would leave those Rural. Again, the exercise
 25 before you folks is more Regional Growth Areas as opposed to

1 prevent that additional density going forward.
 2 DIRECTOR HUNT: The other fallback on keeping it
 3 Rural -- again, there are bills that are going through the
 4 process where there would be additional tools and larger
 5 minimum lot sizes; that at the Community Plan level, we
 6 could, as a community, apply that larger minimum lot size.
 7 And so it would stay Rural, but they wouldn't be able to
 8 subdivide. There's no guarantee that's going to happen, I
 9 admit.
 10 CHAIR HEDANI: Commissioner Starr.
 11 COMMISSIONER STARR: Yeah. My intent when I made
 12 the amendment was that with the knowledge, there's no -- the
 13 rubber will hit the road until the Community Plan process;
 14 that at that time, the Department will utilize whatever
 15 mechanism is necessary to make sure that no one who either
 16 has a house or -- existing house or a permit at this date is
 17 penalized. And the mechanism for that I would leave up to
 18 the Department.
 19 I would rather not have these lots remain in the
 20 Rural Growth Boundary in such a pristine place because it
 21 leaves it open for quite a bit of subdivision and, you know,
 22 the ability to take the shack and turn it into the palace.
 23 CHAIR HEDANI: Additional discussion? Are we ready
 24 for the question?
 25 Question is to remove Makena 1, 2, 3 and 4 from the

1 Rural Growth Boundary, with the proviso that -- whatever
 2 that language was relative to structures -- not becoming
 3 nonconforming and permits applicable.
 4 All those in favor -- additional discussion,
 5 Commissioner Hiranaga.
 6 COMMISSIONER HIRANAGA: Yeah. I'm going to be
 7 voting against the motion primarily because it's not worded
 8 to my liking. I mean, I think we're getting close to it,
 9 but that's not the wording I'm going to be approving.
 10 CHAIR HEDANI: All those in favor, signify by
 11 raising their hand. One, two, three, four, five.
 12 Opposed, same sign.
 13 Motion is carried.
 14 Additional discussion on S3? Ready for the
 15 question?
 16 Commissioner Hiranaga.
 17 COMMISSIONER HIRANAGA: I would like to see the
 18 difference between the Director's Recommendation and the
 19 GPAC Recommendation that's on the floor.
 20 CHAIR HEDANI: Commissioner Hiranaga.
 21 COMMISSIONER HIRANAGA: Is it possible to overlay
 22 the current plan on that map?
 23 CHAIR HEDANI: What does that show us, John? If
 24 you could point it out with your fuzzy laser.
 25 MR. SUMMERS: This area here is multifamily in the

1 Community Plan. And then -- there we go.
 2 We've got a multifamily section here. That's
 3 within that area that's excluded. We also have a portion of
 4 multifamily on the mauka side, and then park/golf course
 5 around that.
 6 CHAIR HEDANI: Commissioner Mardfin.
 7 COMMISSIONER MARDFIN: Two things. One, I'd ask
 8 the Department if you can remove Makena 1, 2, 3 and 4 from
 9 the maps because we just amended the maps so that they
 10 wouldn't be part of the Rural Growth.
 11 The second point I'd like to make is -- I know you
 12 don't have it on there, the cultural overlay that would be
 13 appropriate. I would just remind all the Commissioners that
 14 there were hundreds of sites in that area that are of
 15 historical and cultural significance.
 16 CHAIR HEDANI: Commissioner Hiranaga.
 17 COMMISSIONER HIRANAGA: What are those Ps with
 18 circles around it? Is that another circle?
 19 CHAIR HEDANI: Public/quasi-public.
 20 MR. SUMMERS: Yeah, it's not park. We're zooming
 21 up on the legend.
 22 CHAIR HEDANI: Any further discussion?
 23 Commissioner Hiranaga.
 24 COMMISSIONER HIRANAGA: Did they answer my
 25 question?

1 MR. SUMMERS: It's public/quasi-public.
 2 CHAIR HEDANI: Sewage treatment plants.
 3 COMMISSIONER STARR: It's sewage parks.
 4 CHAIR HEDANI: Sewage parks.
 5 Commissioner Hiranaga.
 6 COMMISSIONER HIRANAGA: One of the correspondence
 7 that Makena provided us was their concern that the
 8 wastewater treatment plant was not within the Urban Growth
 9 Boundary. And it also made reference to five-acre solar
 10 farm. Are you familiar with that?
 11 MR. SUMMERS: Dan, can we pan out a little bit and
 12 drop the --
 13 CHAIR HEDANI: Mr. Summers.
 14 MR. SUMMERS: Those areas, I believe, are right up
 15 in here.
 16 COMMISSIONER HIRANAGA: There's a five megawatt --
 17 MR. SUMMERS: Mike, can you turn on the map for
 18 that area.
 19 CHAIR HEDANI: Commissioner Starr.
 20 COMMISSIONER STARR: I move to amend to add the
 21 sewage solar farm park complex to the UGB.
 22 COMMISSIONER MARDFIN: Second.
 23 CHAIR HEDANI: Moved and seconded to include the
 24 sewage and solar park parcels into the UGB.
 25 Discussion? Commissioner Mardfin.

1 COMMISSIONER MARDFIN: Just, that's the
 2 appropriate -- I think that's the appropriate boundary for
 3 those sorts of things if the Hana Airport and Hana Landfill
 4 are in the UGB. It should be, I think.
 5 CHAIR HEDANI: Additional discussion? Ready for
 6 the question?
 7 All those if favor, signify by saying "aye."
 8 (Round of ayes.)
 9 CHAIR HEDANI: Opposed, "nay."
 10 (Silence.)
 11 CHAIR HEDANI: Carried.
 12 COMMISSIONER HIRANAGA: On the amendment -- was
 13 that the amendment we're voting on?
 14 CHAIR HEDANI: Right.
 15 Any further discussion on S3?
 16 Commissioner Hiranaga.
 17 COMMISSIONER HIRANAGA: Yeah. I will be voting
 18 against the motion. I cannot vote to exclude lands that are
 19 fully entitled. That is the process we have here in place.
 20 You obtain consistency between Land Use, Community Plan and
 21 Zoning, which they have accomplished very recently, and now
 22 you want to pull the rug from under their feet. Why have a
 23 plan or process if you're not going to follow it? Let's
 24 make it all up again starting from now.
 25 CHAIR HEDANI: Commissioner U'u.

1 COMMISSIONER U'U: I agree with Commissioner
 2 Hiranaga. And them not be fully entitled, I'll be voting to
 3 exclude them. But being they got their entitlement, I'll be
 4 going against the motion.
 5 CHAIR HEDANI: Additional discussion?
 6 Commissioner Mardfin.
 7 COMMISSIONER MARDFIN: I'm going to be voting for
 8 the motion -- against the motion.
 9 I'm sorry. I'm going to be voting for the motion
 10 because I believe had we had appropriate information at the
 11 time, which was unavailable, that the decision wouldn't have
 12 been in there. The Council will make their own decisions.
 13 I think we should be sending them a message that we value
 14 the cultural and historical heritage that the past
 15 generations have left us, and that we wish to leave to the
 16 next generations -- I think we ought to be sending them a
 17 message.
 18 I know they're entitled. I know the Council will
 19 make a decision. But I think we, as a body, should show
 20 that we care about our cultural heritage and our cultural
 21 future.
 22 CHAIR HEDANI: Commissioner Starr.
 23 COMMISSIONER STARR: Yeah. This is one area that a
 24 lot of soul searching and back-and-forth was done at the
 25 GPAC. And I, for one, am honoring their decision-making

1 I know Corp. Counsel doesn't want me to use the
 2 word litigate.
 3 CHAIR HEDANI: Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: We heard testimony earlier
 5 today about people testifying about the cultural sites that
 6 are there. And the testimony was that most of the cultural
 7 sites and historical sites and prehistorical sites need to
 8 be nominated, and it's normally by the land owners. The
 9 fact that the land owners didn't do this, at least in many
 10 cases, it would appear is affecting -- is positively
 11 affecting their situation. I don't think that failure to
 12 report historical sites appropriately should be awarded, so
 13 I'm going to be voting in favor of the motion.
 14 CHAIR HEDANI: Any further discussion?
 15 Commissioner Shibuya.
 16 COMMISSIONER SHIBUYA: Real fast. I'm voting for
 17 it. I've already supported some preservation of historical
 18 and cultural sites. In fact, if I had my way, all the way
 19 along Makena along the coast would be preserved.
 20 Owners must provide due diligence. And that's the
 21 way I look at it. These are properties of the public. And
 22 the historical cultural sites are important, and these
 23 belong to the people. Thank you.
 24 CHAIR HEDANI: Additional discussion?
 25 Director.

1 process.
 2 CHAIR HEDANI: Commissioner U'u.
 3 COMMISSIONER U'U: Just to let the Planning
 4 Commissioners know that I do care. So it's not that I don't
 5 care. So you're putting words again in people's mouth. I
 6 do care. And I do understand the sensitivity of the area.
 7 But I also have to agree that they went through a lot of
 8 work to get it designated, and that's why we vote. And we
 9 can agree or disagree. We do even married, as married
 10 people.
 11 CHAIR HEDANI: I never disagree with my wife.
 12 COMMISSIONER U'U: In front of her.
 13 CHAIR HEDANI: And I always have the last say,
 14 "yes, ma'am."
 15 Commissioner Hiranaga.
 16 COMMISSIONER HIRANAGA: Yeah. I'd like to just
 17 say, I recognize that there are historical significant sites
 18 there. It's unfortunate, but I just cannot agree when this
 19 is our democratic process. The ordinance sets up this
 20 process. These private land owners complied with the
 21 process. And now you want to change the rules of the game
 22 and when they're ready to play ball. I cannot -- I think
 23 you can mitigate. There's ways of mitigating instead of
 24 litigating. And I think mitigating is cheaper and faster
 25 than litigating.

1 DIRECTOR HUNT: I think the Commission knows, but
 2 just for the public. We understand the sensitivity of the
 3 area, and we appreciate those comments and concerns.
 4 From our perspective, it's already entitled, the
 5 Council made that decision, and now we need to go forward.
 6 And we have to support that decision whether we agree with
 7 it or not. And so the Department, in all likelihood, will
 8 be recommending our existing Urban Growth Boundary for that
 9 area. And that's not to be belligerent or anything, that's
 10 just to explain our position.
 11 CHAIR HEDANI: You mean we're just spinning our
 12 wheels here?
 13 Commissioner Mardfin.
 14 COMMISSIONER MARDFIN: I thank you for saying that,
 15 Director. Knowing that should make it even easier to vote a
 16 symbolic vote against the destruction of the historical and
 17 archeological sites, that makes it even easier to vote for
 18 because then we can be speaking that we value these places.
 19 CHAIR HEDANI: Commissioner Starr.
 20 COMMISSIONER STARR: And having done that
 21 successfully, we are finished with South Maui and we can
 22 move along.
 23 CHAIR HEDANI: Any further discussion? All those
 24 in favor -- are you ready for the question?
 25 All those in favor of the motion to adopt the GPAC

1 version of S3 as amended, signify by raising your hand.
 2 One, two, three, four.
 3 Opposed, same sign.
 4 Motion is lost.
 5 Further discussion? Would you like to move on to
 6 Wailuku-Kahului?
 7 Director.
 8 DIRECTOR HUNT: Some of the voters -- and you might
 9 want to just think it about. Right now, the direction from
 10 this body is no direction. The amendment to remove Makena
 11 1, 2, 3 and 4 died as a result of the main motion dying. So
 12 I'm not trying to persuade or twist anyone's arms, but
 13 sometimes you might want to give from one issue in order to
 14 gain them all.
 15 CHAIR HEDANI: Commissioner Mardfin.
 16 COMMISSIONER MARDFIN: I'm not going to move for
 17 approval of either the Director's or the Department's --
 18 Director's or GPAC Directed Growth Map. I do move that
 19 the -- our recommendation on S3 be such that we remove
 20 Makena 1, 2, 3 and 4, except for that work be done so
 21 that -- the wording we had before, that no existing house be
 22 made nonconforming.
 23 COMMISSIONER STARR: Second.
 24 CHAIR HEDANI: I'm sorry. Was that a motion?
 25 COMMISSIONER MARDFIN: The motion is to remove 1,

1 2, 3 and 4. There's no underlying motion to approve any of
 2 the maps. But on S3, to remove Makena 1, 2, 3 and 4.
 3 COMMISSIONER STARR: Second.
 4 CHAIR HEDANI: So it's a motion to advance an
 5 amendment to a map without the motion for the map?
 6 COMMISSIONER MARDFIN: It's not an amendment. It's
 7 a motion.
 8 CHAIR HEDANI: Okay. Now we're in the twilight
 9 zone.
 10 Discussion?
 11 Moved by Commissioner Mardfin, seconded by
 12 Commissioner Starr. Discussion?
 13 COMMISSIONER MARDFIN: I don't think we are in the
 14 twilight zone. I think if this passes, the Director can say
 15 they did not agree on the distinction between the Department
 16 and the GPAC's Boundary, but they did speak to removing
 17 Makena 1, 2, 3 and 4. I think it's a very clear motion.
 18 CHAIR HEDANI: Commissioner Mardfin, can you
 19 explain to me where Makena 1 is without referring to S3.
 20 COMMISSIONER MARDFIN: Yes.
 21 Would you please show me on the maps that are up
 22 there on the spreadsheet, where Makena 1, 2, 3 and 4 are.
 23 Can you show me on the spreadsheet. Does it have a name,
 24 Kihei Mauka or --
 25 MR. SUMMERS: They're not on the spreadsheet

1 because they're part the existing supply. So they're not
 2 planned as new growth areas.
 3 CHAIR HEDANI: Okay. My only problem with the
 4 motion is that in this particular case, out of all of S3,
 5 out of that entire area, we're essentially picking on a
 6 handful of land owners that already have houses. And from
 7 the perspective of doing regional planning for the area, it
 8 doesn't seem like we're beginning to focus on what's
 9 important.
 10 In the case of elimination of 1, 2, 3 and 4,
 11 essentially, we would have allowed all of the existing
 12 houses and picked on only one land owner, which is the one
 13 at the end of Makena 4 that doesn't have his house built on
 14 it and has it in open space right now. So he gets penalized
 15 for that. That's just a personal comment.
 16 Commissioner Starr.
 17 COMMISSIONER STARR: Yeah. From my standpoint,
 18 we're removing Rural Growth Areas from the most sensitive
 19 spot in South Maui from the place where we have a preserve,
 20 where fishing and taking of anything from the reef is
 21 prohibited, where the reef is actually showing health and
 22 growth. That's the one spot on Maui where the reef has
 23 actually gotten better. And we're trying to prohibit
 24 additional subdivision and development right above that
 25 spot.

1 You know, if there's nothing more clear-cut in
 2 terms of what we're trying to do, especially in a body that
 3 is the final authority on the health of our shorelines, I
 4 don't know what is. I mean, to me, if nothing else, we're
 5 doing our job here.
 6 CHAIR HEDANI: Discussion? Commissioner Hiranaga.
 7 COMMISSIONER HIRANAGA: A friendly amendment, are
 8 you going to include the two circle Ps in the UGB? Or is
 9 your motion just for the Rural Growth?
 10 COMMISSIONER MARDFIN: For now, it's just for the
 11 Rural Growth. There will be a second motion later.
 12 CHAIR HEDANI: Commissioner Starr.
 13 COMMISSIONER STARR: Yeah. If this passes, I'll be
 14 happy to make and support a motion for that.
 15 CHAIR HEDANI: Additional discussion? Ready for
 16 the question?
 17 The question on the floor is to approve the
 18 deletion of Makena 1, 2, 3 and 4.
 19 COMMISSIONER MARDFIN: That occur on Map S3.
 20 COMMISSIONER STARR: And there is a proviso that no
 21 existing houses or permitted or existing permits shall be
 22 made nonconforming later in the process.
 23 CHAIR HEDANI: Thank you for completing my
 24 sentence.
 25 All those in favor, signify by raising your hand.

1 One, two, three, four, five.
 2 Opposed, same sign.
 3 Motion is carried.
 4 Further discussion on the nonexistent S3.
 5 Commissioner Starr.
 6 COMMISSIONER STARR: Move to make the sewage park
 7 an addition to the UGB in S3.
 8 COMMISSIONER SHIBUYA: Second.
 9 CHAIR HEDANI: Discussion.
 10 COMMISSIONER SHIBUYA: It's a friendly amendment.
 11 Does that include the solar?
 12 COMMISSIONER STARR: Yeah, I believe it's one lot.
 13 And that's a power source for the sewage park.
 14 CHAIR HEDANI: Commissioner Hiranaga.
 15 COMMISSIONER HIRANAGA: Actually, I'm reading the
 16 literature from Makena. The future five megawatt solar farm
 17 is 100 acres.
 18 CHAIR HEDANI: Commissioner Starr.
 19 COMMISSIONER STARR: Yeah. My motion is for the
 20 lot with the sewage plant and the existing solar. If there
 21 is a large-scale solar project, either it can happen on Ag,
 22 okay, or it can be dealt with later.
 23 CHAIR HEDANI: Mr. Summers, you're looking
 24 confused.
 25 Discussion. Ready for the question?

1 COMMISSIONER HIRANAGA: Department's
 2 Recommendation?
 3 CHAIR HEDANI: Department's Recommendation.
 4 Commissioner Starr.
 5 COMMISSIONER STARR: Yeah, move to the amendment
 6 the deletion of Waihee 1 Rural Growth Boundary.
 7 CHAIR HEDANI: Motion to delete Waihee 1 Rural
 8 Growth Boundary. Is there a second?
 9 COMMISSIONER SHIBUYA: Second.
 10 CHAIR HEDANI: Seconded by Commissioner Shibuya.
 11 Discussion? Commissioner Hiranaga.
 12 COMMISSIONER HIRANAGA: Can we have a larger scale
 13 displayed and explain to us what exactly is it that -- is it
 14 B-CT or Rural Growth Boundary? Was it yellow, B-CT.
 15 MR. SUMMERS: No, that's Rural Residential. That
 16 particular growth boundary is Rural Residential.
 17 COMMISSIONER HIRANAGA: Can you provide us some
 18 landmarks.
 19 COMMISSIONER STARR: C1 or expansive C2.
 20 CHAIR HEDANI: I'm sorry. What was the question,
 21 Kent?
 22 COMMISSIONER HIRANAGA: I was hoping for some
 23 landmarks so we can figure out where this is.
 24 CHAIR HEDANI: Is that the school?
 25 COMMISSIONER HIRANAGA: Is that the Yoga, Yogi

1 All those in favor, signify by raising your hand.
 2 One, two, three, four, five.
 3 Opposed, same sign.
 4 Motion is carried.
 5 Any further discussion on S3?
 6 Commissioner Starr.
 7 COMMISSIONER STARR: And I assume that's not like
 8 some 5,000-acre TMK that we just added to the UGB. I think
 9 it's a small little --
 10 CHAIR HEDANI: Commissioner Hiranaga.
 11 COMMISSIONER HIRANAGA: Please note that I did vote
 12 against those two motions. So hopefully, I won't be deposed
 13 in the future.
 14 CHAIR HEDANI: Any further discussion?
 15 Commissioner Mardfin.
 16 COMMISSIONER MARDFIN: Are you ready for a motion
 17 on C1, 2, 3, 4 and 5?
 18 CHAIR HEDANI: I'm ready for any motion that makes
 19 sense.
 20 COMMISSIONER MARDFIN: I move for the adoption of
 21 C1, C2, C3, C4 and C5. And there aren't double maps,
 22 there's only one map. And I'll be for the Department's
 23 Recommendation.
 24 CHAIR HEDANI: Motion to approve C1 through C5
 25 discussion.

1 Subdivision maybe?
 2 COMMISSIONER STARR: Yeah.
 3 CHAIR HEDANI: Did we get that answered, John?
 4 If you pull your mic and make it go like this,
 5 you'll be speaking directly into the mic while you face the
 6 wall.
 7 MR. SUMMERS: If you look at the map, we've dropped
 8 some place names, it's right along Waihee Road.
 9 Mike, can you pan out just a little bit and then
 10 scroll a little bit mauka side.
 11 CHAIR HEDANI: Is this Waihee River?
 12 MR. SUMMERS: That's correct. We've got the Waihee
 13 River, the mouth of the river, Waihee Point. And if we can
 14 go a little further mauka, keep going.
 15 Waihee River Road. Some of you may be familiar
 16 with that. And the valley road through here.
 17 CHAIR HEDANI: Commissioner U'u.
 18 COMMISSIONER U'U: What was the motion on the
 19 floor?
 20 CHAIR HEDANI: To delete Waihee 1.
 21 Commissioner Hiranaga.
 22 COMMISSIONER HIRANAGA: I'd like to know why the
 23 Staff recommends Waihee 1 be within the Rural Growth
 24 Boundary.
 25 CHAIR HEDANI: Mr. Summers.

1 MR. SUMMERS: Thank you, Mr. Chairman.
 2 Mike, can you put the Community Plan Designation
 3 on.
 4 There are a number of homes that have been
 5 constructed in this area. The current Community Plan
 6 Designation is Rural. Can we zoom in on that.
 7 CHAIR HEDANI: I don't know that we can hear you.
 8 MR. SUMMERS: Can we zoom in a little bit more on
 9 that, Mike.
 10 CHAIR HEDANI: Commissioner Hiranaga.
 11 COMMISSIONER HIRANAGA: Similar concern with Kula
 12 200, Kula Glen. If there are people engaged in agriculture
 13 activity and they're getting an agriculture exemption for
 14 property taxes as well as ag water rate, I would hate to
 15 complicate their life. We note there's ag activities
 16 occurring probably.
 17 MR. SUMMERS: Yes, there is.
 18 CHAIR HEDANI: Okay. This might be an appropriate
 19 time to take a break for our stenographer. We'll take a
 20 ten-minute recess and reconvene.
 21 (At which time, a recess was taken.)
 22 CHAIR HEDANI: The Planning Commission meeting of
 23 September 15th, recessed from the 14th, is reconvened. We
 24 are on C1 through C5, with an amendment on the floor for
 25 Waihee 1.

1 CHAIR HEDANI: Mr. Summers.
 2 MR. SUMMERS: Thank you, Mr. Chairman. For the
 3 areas that are Community Planned Rural, we have State Land
 4 Use Rural. They're zoned Rural. And the Community Planned
 5 Designation is Rural. So those areas are fully entitled on
 6 both sides of the stream. There is some open space areas.
 7 But for the most part, we've got a match of all three
 8 zonings.
 9 CHAIR HEDANI: So Mr. Summers, this particular
 10 parcel was not something that was applied for, it was
 11 something the Department picked up from existing maps?
 12 MR. SUMMERS: Right. It was one of those areas
 13 that was fully entitled that we picked up.
 14 CHAIR HEDANI: Commissioner Hiranaga.
 15 COMMISSIONER HIRANAGA: Yeah, I would be opposed to
 16 taking away the RGB designation since it appears most of the
 17 properties are fully entitled Rural. And by removing that,
 18 it could cause problems for them in the future.
 19 I do note that there seems to be some areas that
 20 are in green that are in the RGB. So maybe you could refine
 21 the boundaries and make sure you don't accidentally include Ag
 22 areas within the RGB.
 23 CHAIR HEDANI: Mr. Summers.
 24 MR. SUMMERS: Sure, we can do that.
 25 CHAIR HEDANI: Any further discussion?

1 Discussion? Commissioner Starr.
 2 COMMISSIONER STARR: Yeah, this Waihee 1 is a
 3 really varied parcel. There's really different kinds of
 4 agriculture on it. There's substantial cultivation of taro.
 5 There's cattle on it, and I believe some other agricultural
 6 activities. There are some small areas which are developed
 7 with houses on them. But they were developed in ag land.
 8 And with that expectation, the community has come before us
 9 with grave concerns over this.
 10 There's also, I believe --
 11 CHAIR HEDANI: Commissioner Hiranaga.
 12 COMMISSIONER HIRANAGA: Can we ask the audience to
 13 be quiet, please, so I can hear the speaker.
 14 CHAIR HEDANI: Request to the audience to please
 15 refrain from talking while the discussions run away.
 16 Commissioner Starr.
 17 COMMISSIONER STARR: Yeah, so there is considerable
 18 ag. And yeah, we have heard quite a bit of community
 19 opposition to this. And what development has occurred there
 20 was done under ag conditions. So I feel we should remove
 21 this Waihee 1.
 22 CHAIR HEDANI: Commissioner Hiranaga.
 23 COMMISSIONER HIRANAGA: May I have the State Land
 24 Use Designation, Community Plan Designation and County
 25 Zoning Designation for these areas.

1 Does anybody know how far up the valley that
 2 particular map goes? Does it refer to the first swinging
 3 bridge or the second swinging bridge, does anybody know?
 4 MR. SUMMERS: I don't know. The swinging bridges,
 5 I believe, are further mauka.
 6 CHAIR HEDANI: Okay. Because I just went hiking
 7 all the way up to the intake, and it's a really pristine
 8 area that really nothing should happen.
 9 MR. SUMMERS: Right. That would be up above.
 10 CHAIR HEDANI: Commissioner Starr.
 11 COMMISSIONER STARR: We've had testimony at a
 12 number of our meetings by the Waihee Community. And it
 13 seemed to me they were really against some of the rather
 14 large and dense subdivisions that are likely to occur in
 15 this Waihee 1.
 16 I know some members of the Department Staff have
 17 attended some of the community meetings over there more
 18 recently, and I'm wondering what they heard from the
 19 community in terms of the subdivision. I think the Betsill
 20 Subdivision, et cetera, in the Waihee 1.
 21 CHAIR HEDANI: Mr. Michaelson.
 22 MR. MICHAELSON: Jonathan's right. I attended two
 23 community workshops. And I think as they clearly
 24 represented to you, they are in the process of actually
 25 making comments on these boundaries. I do not remember a

1 specific discussion with them on Waihee 1. It was mostly
2 the KDS property that I believe they're most concerned
3 about. But my understanding is they're going to get you
4 comments before the end of your process.

5 CHAIR HEDANI: Our process right now?

6 MR. MICHAELSON: Actually, they were given
7 direction by the Planning Commission, I believe during
8 testimony of David Good, to do this community planning
9 process. And I believe you told them that the conclusion of
10 your process was the end of September. So I think they're
11 pretty consistent with the direction that was given to them
12 by the Commission.

13 CHAIR HEDANI: Commissioner Mardfin.

14 COMMISSIONER MARDFIN: I intend to vote for this
15 motion in large part because if the widespread community
16 opposition to being put into this sort of without their
17 knowledge or consent. I do recognize that today and
18 yesterday we got some testimony, and that maybe something is
19 being worked out. I think we're faced with having to make a
20 decision today on this map, and I'm prepared to take it out.

21 I know what the process is that we will pass things
22 today. It is basically recommendations that will go to the
23 Department and ultimately get forwarded. I trust the
24 Department will keep in touch with the Waihee Community.
25 And whatever they propose would probably be acceptable to

1 DIRECTOR HUNT: Could you repeat the scenario. I'm
2 sorry.

3 COMMISSIONER HIRANAGA: We remove the RGB.
4 Community Plan is adopted removing these Community Plan
5 Designation of Rural. So does the County Zoning revert to
6 Interim until Land Use Designation is amended from Rural to
7 Ag?

8 DIRECTOR HUNT: The County zoning would be what's
9 effective on the books right now until there's an action to
10 actually change it.

11 CHAIR HEDANI: And that zoning is?

12 DIRECTOR HUNT: I thought you said Rural.

13 MR. SUMMERS: That's correct, it's Rural.

14 DIRECTOR HUNT: I guess my answer should be more
15 comprehensive. It does muddy that the situation where the
16 direction seems to be to not to provide for Rural densities
17 in that area, and people may come in and ask for
18 subdivisions or a third dwelling on their property. So the
19 Planning Department will have to wrestle with that
20 situation.

21 CHAIR HEDANI: Commissioner Hiranaga.

22 COMMISSIONER HIRANAGA: At this point in time, I'm
23 not prepared to vote in favor of the motion. Hopefully,
24 they'll -- Waihee will have a chance and organize and
25 present their case to the Council. When something is fully

1 us. But I think as a matter of principle, we ought to be
2 removing it today with the understanding that we know that
3 the Department, as things progress, can either put it back
4 in or the Council can put it back in. But I think in view
5 of the massive testimony against this being voiced upon
6 them, we should be removing it.

7 CHAIR HEDANI: Commissioner Starr.

8 COMMISSIONER STARR: Yeah, my understanding is the
9 property that the community is having discussions about
10 might reach a relationship with the developer is not inside
11 the Waihee 1, but it is in another separate area. But that
12 the projects inside Waihee 1 are contentious and are
13 specifically the cause for when you drive into Waihee,
14 there's a great big sign on the ball field that's been there
15 for several weeks that is n-o G-P-A-C. It's quite striking.
16 And I think it kind of delineates community intent, or it
17 would not have lasted so long.

18 CHAIR HEDANI: Additional discussion?
19 Commissioner Hiranaga.

20 COMMISSIONER HIRANAGA: So if the RGB is removed
21 and the Community Plan is revised to reflect Agriculture
22 instead of Rural Community Plan Designation, does the
23 property revert to Interim Zoning if someone goes along and
24 changes the State Land Use Designation?

25 CHAIR HEDANI: Director.

1 entitled, I have a very difficult time starting to remove
2 entitlements.

3 CHAIR HEDANI: Commissioner U'u.

4 COMMISSIONER U'U: Same deal.

5 CHAIR HEDANI: Ditto.

6 COMMISSIONER U'U: I understand the testimony, but
7 I'm not sure on what parts they were pertaining to in their
8 testimony. I would like to wipe it all out, to be honest,
9 and just flat -- I understand it. But I wouldn't feel
10 comfortable doing that because I don't know the full -- what
11 would happen in full when we do that and who would be
12 affected.

13 And like Commissioner Hiranaga said, I'll wait for
14 the Planning or the Community Plan process. I know they're
15 going to be working with the Planning Department at some
16 time going to Council, if I'm not mistaken. What was said
17 between the Community of Waihee. And I'll give them the
18 opportunity to say on their own. But for now, I'll be
19 voting against the motion.

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

22 Question on the floor is to remove Waihee 1.
23 Commissioner Mardfin.

24 COMMISSIONER MARDFIN: Yeah I respect my fellow
25 Commissioner. I would just say the people in Waihee didn't

1 ask for this boundary to put around them.
 2 COMMISSIONER U'U: I agree.
 3 COMMISSIONER MARDFIN: That was put around by GPAC,
 4 I guess, or maybe the Director. But I don't think GPAC
 5 changed it. We had a great deal of testimony from the
 6 community that they were not interested in that. So it
 7 seems to me the smart thing to do is remove it. The motion
 8 is to remove the boundary. Remove the boundary and let them
 9 proceed on a parallel track with the Planning Department
 10 and/or the Council. So I would -- I plan to vote in favor
 11 of the motion.
 12 CHAIR HEDANI: Commissioner Hiranaga.
 13 COMMISSIONER HIRANAGA: And let your belief guide
 14 your boat.
 15 CHAIR HEDANI: Any more discussion for the good of
 16 the order? Ready for the question?
 17 All those in favor of the motion to remove Waihee
 18 I, signify by raising your hand. One, two, three, four.
 19 Opposed, same sign. One, two, three.
 20 Motion is lost.
 21 Further discussion? Commissioner Hiranaga.
 22 COMMISSIONER HIRANAGA: Kahakuloa, is that
 23 Kahakuloa Village that you're proposing to put into RGB?
 24 CHAIR HEDANI: Mr. Summers. John, put the
 25 microphone on your left side.

1 cleaned up.
 2 MR. SUMMERS: Yeah.
 3 Additional discussion? Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: I'd like to ask the
 5 Department if we've had -- or anybody that remembers if
 6 we've had any input from anybody in Kahakuloa whether they
 7 liked this, didn't like it, didn't know about it, nobody
 8 lives there any more. You know, whatever.
 9 CHAIR HEDANI: Mr. Summers.
 10 MR. SUMMERS: I don't recall specifically testimony
 11 from members of that community. They may have testified.
 12 They may have, at some point, participated in one of our
 13 Community Plan Outreach events. But I wouldn't know
 14 specifically if we've had testimony.
 15 COMMISSIONER MARDFIN: Did you have an outreach in
 16 the community, that community?
 17 MR. SUMMERS: Not in that community.
 18 COMMISSIONER MARDFIN: Did GPAC at all?
 19 MR. SUMMERS: No.
 20 COMMISSIONER MARDFIN: Thank you.
 21 CHAIR HEDANI: Director.
 22 DIRECTOR HUNT: I appreciate the comments. But at
 23 the same time, we need to remember what your task right now
 24 is. And all you're doing is drawing a Rural Growth
 25 Boundary. There's no change by that Rural Growth Boundary

1 MR. SUMMERS: That's correct.
 2 COMMISSIONER HIRANAGA: Did you do an outreach to
 3 Kahakuloa to let them know what's happening?
 4 MR. SUMMERS: Not at this point.
 5 CHAIR HEDANI: Commissioner Mardfin.
 6 COMMISSIONER MARDFIN: This is a point of personal
 7 privilege I'd like the record to reflect on the vote for
 8 Waihee, that I voted in favor of the removing the Rural
 9 Growth Boundary for them.
 10 CHAIR HEDANI: Any further discussion?
 11 Commissioner Hiranaga.
 12 COMMISSIONER HIRANAGA: If there's any activity out
 13 there, it's happening in Kahakuloa. So I'm concerned about
 14 this RGB Designation that may impact their Real Property Tax
 15 Ag Exemption. I know they're on a private water system.
 16 The County doesn't reach out that far. Can you provide us
 17 the underlying designations.
 18 MR. SUMMERS: The Community Plan Designation is
 19 shown as Rural. State Land Use Designation is also Rural.
 20 CHAIR HEDANI: So it's the identical situation to
 21 Waihee 1?
 22 MR. SUMMERS: That's correct.
 23 Mike, can we check the zoning on that.
 24 Yeah, it's an identical situation to Waihee 1.
 25 CHAIR HEDANI: And the green sections will be

1 being drawn around there because, again, as the Staff noted,
 2 you have Rural, Rural, Rural for all three layers. So the
 3 result of that Rural Growth Boundary is no impact, in
 4 essence. I do appreciate the fact that there wasn't
 5 outreach.
 6 CHAIR HEDANI: The result of that is that there
 7 would be no growth outside of those boundaries.
 8 DIRECTOR HUNT: But again, outside of those -- the
 9 boundary mimics the existing Community Plan, the State and
 10 the Zoning.
 11 CHAIR HEDANI: Right.
 12 DIRECTOR HUNT: So there's virtually no change to
 13 that community based on this map.
 14 CHAIR HEDANI: Right, I got your point. But the
 15 idea is that no growth will occur that impacts that
 16 community from the outside surrounding areas on step
 17 boundaries as a step?
 18 DIRECTOR HUNT: That's correct. And depending on
 19 your outlook, that may be a good thing or a bad thing.
 20 CHAIR HEDANI: Commissioner Hiranaga.
 21 COMMISSIONER HIRANAGA: Well, I'm not sure who owns
 22 the land. But ag activity is allowed outside the Rural
 23 Growth Boundaries. So don't say no to it.
 24 CHAIR HEDANI: I can see from the map that there's
 25 a whole slew of houses that are on the road that leads to

1 Kahakuloa that are outside all of the Rural Growth
 2 Boundaries right now, and that I presume those are all ag
 3 activity subdivisions.
 4 Commissioner Hiranaga.
 5 COMMISSIONER HIRANAGA: I make a motion to exclude
 6 Wailuku Country Estates from the Rural Growth Boundaries.
 7 COMMISSIONER STARR: Second.
 8 CHAIR HEDANI: What map is that on, Kent?
 9 COMMISSIONER HIRANAGA: C2.
 10 CHAIR HEDANI: Moved by Commissioner Hiranaga,
 11 seconded by Commissioner Starr.
 12 Discussion? Commissioner Hiranaga.
 13 COMMISSIONER HIRANAGA: Same reasoning as Kula 200
 14 and Kula Glen; Real Property Tax and Ag Water concerns.
 15 Same terms, although I think they are a dual system water.
 16 CHAIR HEDANI: Further discussion?
 17 Commissioner Mardfin.
 18 COMMISSIONER MARDFIN: Would somebody refresh my
 19 memory. My recollection was that people from that area came
 20 and asked to have it removed. Is that correct?
 21 COMMISSIONER HIRANAGA: Some did. Some people did.
 22 CHAIR HEDANI: Commissioner Starr.
 23 COMMISSIONER STARR: Yeah. The association was
 24 represented. There with a request to remove it as well.
 25 CHAIR HEDANI: Director Hunt.

1 DIRECTOR HUNT: John, can you give us a rundown on
 2 the three layers.
 3 MR. SUMMERS: For that particular area?
 4 DIRECTOR HUNT: Please.
 5 MR. SUMMERS: It would be Ag, Ag, Ag.
 6 CHAIR HEDANI: Further discussion?
 7 What is the difference between Rural and what
 8 exists right now?
 9 MR. SUMMERS: Well, I think under the current
 10 Zoning Ordinance, the major difference is the minimum lot
 11 size of half acre and one acre in the Rural Districts,
 12 although there is a bill to provide additional categories
 13 with larger minimum lots sizes. Agricultural is permitted
 14 use in the Rural District. Farm Plans aren't required.
 15 CHAIR HEDANI: So right now it's two acre, and the
 16 rural would mean it could go to half acre?
 17 MR. SUMMERS: Well, I think the thought was for
 18 these Rural areas that are included, we would apply a Zoning
 19 Designation consistent with the current minimum lot size of
 20 two acres. So it would not increase the subdivision
 21 potential of that area.
 22 CHAIR HEDANI: Additional discussion?
 23 Commissioner Hiranaga.
 24 COMMISSIONER HIRANAGA: Just to refresh the
 25 Commission's memory. Real Property Taxes have implication.

1 If you're a Rural Zoned, you must dedicate at least half an
 2 acre to 20 years of Ag Use with the State in order to get an
 3 Ag Exemption. Whereas, if you're Zoned County, you have to
 4 do it basically on an annual basis. And if you fail to meet
 5 your obligations for a 20-year dedication, then you're
 6 susceptible to roll-back taxes, interest and penalties.
 7 CHAIR HEDANI: Additional discussion?
 8 Director.
 9 DIRECTOR HUNT: John, what was the original
 10 thinking on putting a Rural Growth Boundary around it if
 11 it's Ag, Ag, Ag? Is there small lot sizes?
 12 MR. SUMMERS: We had a lot of testimony that the
 13 Department should look at those areas that have been
 14 fragmented in the Ag District where there's limited farming
 15 activities, simply commercial farming activities.
 16 So we went through and analyzed those instances and
 17 found four areas specifically where we had a large track of
 18 Ag land that had been fragmented into small lots of two and
 19 three acres that were adjacent to an Urban area or a Country
 20 Town. And thought we would start with sort of low-hanging
 21 fruit under that scenario. And this is one of those cases.
 22 I would note that there is a village in here that's
 23 currently Single Family. So if we do remove that
 24 designation, we would suggest that we put maybe a Service
 25 Center around that existing settlement, plantation camp.

1 CHAIR HEDANI: Additional discussion?
 2 Commissioner Hiranaga.
 3 COMMISSIONER HIRANAGA: I guess I'll amend my
 4 motion to exclude the existing camp there -- I forgot the
 5 name of it.
 6 MR. SUMMERS: Puuohala.
 7 COMMISSIONER HIRANAGA: Puuohala, and designate
 8 that as a Rural Service Center.
 9 CHAIR HEDANI: Is that acceptable to the seconder
 10 of the motion?
 11 Discussion? Ready for the question?
 12 The question on the floor is to remove Wailuku
 13 Country Estates with the exception of the Rural Service
 14 Center Designation at the center of the subdivision. Any
 15 further discussion?
 16 All those in favor, signify by raising your hand.
 17 Opposed, same sign.
 18 Motion is carried.
 19 Commissioner Mardfin.
 20 COMMISSIONER MARDFIN: I'd like to ask a question
 21 about Waihee 2. Is this the area in the area that people
 22 were complaining about being put into?
 23 CHAIR HEDANI: Mr. Summers?
 24 MR. SUMMERS: That's correct.
 25 CHAIR HEDANI: That's correct that they were

1 complaining about it, or that's correct that it's a Country
 2 Town?
 3 MR. SUMMERS: I think both.
 4 COMMISSIONER MARDFIN: I move the deletion of it
 5 from the Country Town.
 6 COMMISSIONER STARR: Second.
 7 CHAIR HEDANI: Moved and seconded to delete Waihee
 8 2 from Country Town.
 9 COMMISSIONER HIRANAGA: Can we have a larger scale
 10 picture of that.
 11 CHAIR HEDANI: Discussion.
 12 COMMISSIONER MARDFIN: I'm just trying to respond
 13 to the desires of the community. And let me add, if this is
 14 what the earlier testimony was about today, I encourage them
 15 to continue to negotiate with the community, involve the
 16 Planning Department. And going forward, they can make
 17 whatever changes they need to do at the Council level. I
 18 don't want to preclude that. I think it's fine if the
 19 community is going along with it, but I don't think they
 20 should be enforcing it upon these guys.
 21 CHAIR HEDANI: Mr. Summers.
 22 MR. SUMMERS: Thank you, Mr. Chairman. Waihee 2,
 23 as it's currently drawn, includes the existing Country Town
 24 area of Waihee. It does not include that specific parcel.
 25 But this is the area where that controversy was. But the

1 Is that Waihee School 2.
 2 MR. SUMMERS: I'm not sure.
 3 CHAIR HEDANI: That's where they bury all of the
 4 students that don't perform.
 5 Commissioner Starr.
 6 COMMISSIONER STARR: That is -- I believe it's
 7 public/quasi-public. And I know it's -- although it may be
 8 outdated, it was or is Wailuku Agribusiness. I'm not sure
 9 if it still is.
 10 CHAIR HEDANI: Jonathan, can you use the
 11 microphone.
 12 COMMISSIONER STARR: Yeah. It was Wailuku
 13 Agribusiness. It's public/quasi-public. And I don't know
 14 if it's still in that status.
 15 CHAIR HEDANI: Commissioner Shibuya.
 16 COMMISSIONER SHIBUYA: I believe that property
 17 right where the ball field is for the school is under
 18 contention because you have the State taking possession of
 19 land that has not been determined to be State Land. These
 20 are private lands. And that has not been resolved.
 21 CHAIR HEDANI: Any further discussion on the motion
 22 on the floor?
 23 Commissioner Hiranaga.
 24 COMMISSIONER HIRANAGA: The ball field you're
 25 talking about is at the intersection where you turn off to

1 existing area that's mapped is currently, for the most part,
 2 built out.
 3 CHAIR HEDANI: Commissioner Hiranaga.
 4 COMMISSIONER HIRANAGA: Yeah I'd like to also say
 5 it appears Waihee 2 is fully built out except for the area
 6 above the church. I'm not sure what that is above the
 7 church.
 8 CHAIR HEDANI: Is that the school?
 9 COMMISSIONER HIRANAGA: Oh, is that the school.
 10 Where's the school? What's that above the school?
 11 CHAIR HEDANI: Commissioner Shibuya.
 12 COMMISSIONER HIRANAGA: There's a question on the
 13 floor, what is that space above the school. I didn't get an
 14 answer, I'm sorry. I might have missed it.
 15 CHAIR HEDANI: You folks have to speak directly
 16 into the microphone. Is there anybody that knows what that
 17 space is?
 18 MR. SUMMERS: Is this the space in question?
 19 COMMISSIONER HIRANAGA: No.
 20 COMMISSIONER STARR: The 2-3-2-007-025.
 21 CHAIR HEDANI: Commissioner Shibuya.
 22 COMMISSIONER SHIBUYA: It has nothing to do with
 23 this question here. But I did want to have the natural
 24 streams data overlay activated, please.
 25 CHAIR HEDANI: Is that an adjunct to the school?

1 go to Waihee Golf Course?
 2 COMMISSIONER SHIBUYA: No, on the backside of the
 3 school. Mountain side.
 4 COMMISSIONER HIRANAGA: So it was C. Brewer Land
 5 that has clouded title?
 6 COMMISSIONER SHIBUYA: That's correct, as well
 7 adjacent property or the single property, individual owner.
 8 COMMISSIONER HIRANAGA: But the underlying zoning
 9 is public/quasi-public?
 10 COMMISSIONER SHIBUYA: That's correct.
 11 MR. SUMMERS: The community plan is -- Mike, can
 12 you drop the zoning down on it.
 13 It looks like it's Ag.
 14 COMMISSIONER HIRANAGA: Where did the
 15 public/quasi-public come from?
 16 CHAIR HEDANI: Commissioner Starr.
 17 COMMISSIONER STARR: Actually, we have an amendment
 18 to remove all the Waihee 2. Is there --
 19 CHAIR HEDANI: That's the motion on the floor.
 20 COMMISSIONER STARR: Yeah. Is there a desire by
 21 the maker to remove all of it, or to start to take parts out
 22 of it?
 23 COMMISSIONER MARDFIN: I had --
 24 CHAIR HEDANI: Commissioner Mardfin.
 25 COMMISSIONER MARDFIN: Thank you. My intent was to

1 remove it all because that's what I thought the community
2 intent was. If this body would prefer to do this piecemeal,
3 pick and choose, I can live with that. If you're telling me
4 it's all built out, my question to the Director or the Staff
5 would be, if it's already built out, what's the impact -- in
6 fact, let me ask that.

7 If it's already built out already, what's the
8 impact or removing the boundary, or is there any?

9 CHAIR HEDANI: Director.

10 DIRECTOR HUNT: It would be the existing zoning
11 would be affected until we went through the Community Plan
12 Process. If the Community Plan Process -- well, it would be
13 hard to put zoning other than Agricultural in there if we
14 didn't replace it with some kind of boundary.

15 CHAIR HEDANI: Mr. Summers.

16 MR. SUMMERS: Thank you, Mr. Chair.

17 You know, the Waihee area that was the subject of
18 great debate has been removed from these Growth Boundaries.
19 So we've already removed the parcel in question. What we've
20 tried to do here is include areas within the existing
21 Community Plan.

22 COMMISSIONER MARDFIN: Oh, I didn't realize that.
23 I wish you would have let us know that a little bit earlier.

24 CHAIR HEDANI: You changed the maps without our
25 consent?

1 COMMISSIONER MARDFIN: In that instance, I guess
2 I'll withdraw my motion if the seconder would concur.

3 COMMISSIONER STARR: I'll concur.

4 COMMISSIONER MARDFIN: And then somebody can make a
5 new motion.

6 CHAIR HEDANI: Motion is withdrawn. Secunder
7 concurs.

8 COMMISSIONER STARR: Yes.

9 CHAIR HEDANI: Additional discussion on C1 through
10 C5?

11 COMMISSIONER HIRANAGA: I did not receive a copy of
12 that September 15th matrix. The last one I have is
13 September 14th. I'm not sure if other Commissioners
14 received a copy.

15 CHAIR HEDANI: That's the secret update that the
16 Department is working on.

17 Commissioner Starr.

18 COMMISSIONER STARR: Yeah. This four and a half
19 acres of public/quasi-public, will having it in a Rural
20 Growth area -- I guess public/quasi-public can stay
21 public/quasi-public. Is that correct?

22 MR. SUMMERS: That's correct. Remember the
23 Community Plans will delineate more specifically what
24 happens within these Growth Boundaries.

25 CHAIR HEDANI: Commissioner Hiranaga.

1 COMMISSIONER HIRANAGA: Can the Department show us
2 what land they removed.

3 CHAIR HEDANI: Mr. Summers.

4 MR. SUMMERS: Sure. We'll put the GPAC Urban
5 Growth Boundary back on.

6 These two areas here.

7 COMMISSIONER HIRANAGA: Did they have names?

8 CHAIR HEDANI: Is that the 4.9 acres?

9 MR. SUMMERS: That's -- I don't believe it was 4.9
10 acres. I think one of them was about 10 acres.

11 CHAIR HEDANI: So that's density per acre?

12 MR. SUMMERS: That's correct.

13 This spreadsheet -- just for the Commission's
14 benefit. This is a spreadsheet that you received a few days
15 ago, and we're updating it live as the votes are taken.

16 CHAIR HEDANI: Commissioner Starr.

17 COMMISSIONER STARR: I have one that I'm sure will
18 lead to great fun and frolic. I move to remove the pink
19 bunny rabbit, I believe alternately known as Hale Mua.

20 CHAIR HEDANI: I can see the pink bunny rabbit.
21 It's actually a red bunny rabbit.

22 Is there a second to the red bunny rabbit motion?

23 COMMISSIONER MARDFIN: For the sake of argument
24 I'll second it.

25 CHAIR HEDANI: Discussion? If we can pull that up

1 on the map, please. What was the Department's logic in
2 including it, Mr. Summers?

3 MR. SUMMERS: Thank you, Mr. Chairman.

4 That's another situation where the property is
5 fully entitled.

6 CHAIR HEDANI: Commissioner Starr.

7 COMMISSIONER STARR: Yeah. Can I ask how much of
8 that entitlement has actually occurred? Because I believe
9 it's been subject to controversy with certain groups
10 protesting out in the street saying one thing and
11 Administration saying something else.

12 CHAIR HEDANI: Mr. Summers. Director.

13 DIRECTOR HUNT: To clarify a little bit. The
14 project went through 201, either G or H process. The State
15 Land Use Commission changed a portion of it to Urban. The
16 remainder on the outside was kept Agriculture. The Zoning
17 was modified under the 201 G or H process. So it is
18 entitled, but in an unusual way.

19 And what was your question, Jonathan? I'm sorry.

20 COMMISSIONER STARR: Is it community planned -- is
21 it still Community Planned Ag?

22 DIRECTOR HUNT: Can you pull up the community plan.

23 So technically, the Zoning is still Ag, but there
24 was exceptions to that zoning granted by the Council. It
25 does have State Land Use Urban for a portion. And there's

1 some small lots on the inside. And that's very loose, don't
2 hold me to this exactly. And there's large agricultural
3 lots on the outside.

4 CHAIR HEDANI: So from the Department's
5 perspective, it's received all of the approvals that it
6 needs to proceed?

7 DIRECTOR HUNT: It's entitled -- it's fully
8 entitled in an unusual way, yes.

9 CHAIR HEDANI: Commissioner Starr.

10 COMMISSIONER STARR: I don't understand how it's
11 entitled. If it's Community Planned Ag and part of it is
12 still State Urban Ag. I mean, State Ag.

13 DIRECTOR HUNT: And to clarify, the outer part is
14 only entitled as Agricultural, large lots. So I guess,
15 again, this is a 201 G or H process. It's got an Urban area
16 somewhere on the interior -- do you happen to have a site
17 plan, John? That would be helpful.

18 So you're right, Mr. Starr, it's not fully
19 entitled. There's a portion of it that we would consider
20 fully entitled through the 201 G or H process.

21 CHAIR HEDANI: Commissioner Starr.

22 COMMISSIONER STARR: Yeah. If it would make more
23 sense, I would be willing to limit my motion to the portions
24 of it that haven't been urbanized.

25 CHAIR HEDANI: Commissioner Mardfin.

1 COMMISSIONER MARDFIN: I just wanted to know more
2 things about it. I looked at them. I couldn't see any
3 houses on it. So if there are no houses on it, that's one
4 thing.

5 The other thing we have to remember, this is the
6 Central District. The Central District is where everyone
7 was agreeing we needed more housing. So I'm apt to be a bit
8 more liberal in my interpretations of things. If it's near
9 the Urban area, if we're not displacing active agriculture
10 and forcing families off the land, I'll tend to be a bit
11 more liberal in looking at these things. But we just need
12 information.

13 CHAIR HEDANI: Commissioner Hiranaga.

14 COMMISSIONER HIRANAGA: I'm not that familiar with
15 the Hale Mua Project, but I believe it was affordable
16 housing units and an ag unit. And the bunny is the
17 Affordable Housing unit. And the ag section that goes all
18 the way to Wailuku Country Estate is I believe what's
19 happened. So the ag lots were going to subsidize the
20 affordable housing units. I may be wrong.

21 If you can show -- pan down a little bit, you'll
22 show Wailuku Country Estates. And I think the land between
23 the bunny and the Wailuku Country Estates is the ag section
24 of Hale Mua. I may be wrong.

25 CHAIR HEDANI: Commissioner U'u.

1 COMMISSIONER U'U: I believe at one point, it was
2 projected to be 100-percent affordable. I think it was in
3 Arakawa's time. And the reason for getting the ag lots and
4 separating them from the affordables was the subsidize the
5 money to fix the bridge in the Wailuku area. And I could be
6 wrong. But it was a proposal of 100-percent affordables.
7 It was actually going to through the 201 H, G, and subsidize
8 the road, the infrastructure road. That way we pick up the
9 (inaudible).

10 CHAIR HEDANI: Director.

11 DIRECTOR HUNT: And just to add more information.
12 There are some conditions of approval that have been
13 challenging, I think would be fair to say. So I'll just
14 leave it at that.

15 CHAIR HEDANI: Any further discussion?

16 Motion is to remove -- Commissioner Starr, any more
17 modifications at this point?

18 DIRECTOR HUNT: John, the site plan's on the right?

19 MR. SUMMERS: That's correct.

20 DIRECTOR HUNT: So the so-called bunny rabbit is
21 actually the Urban area?

22 MR. SUMMERS: That's correct.

23 DIRECTOR HUNT: And the large agricultural lots are
24 outside of that. So the Urban Growth Boundary follows the
25 dense area that's already been changed to Urban by the Land

1 Use Commission.

2 CHAIR HEDANI: And the bunny field around it is Ag?

3 MR. SUMMERS: That's correct.

4 CHAIR HEDANI: Which is as it should be for bunny
5 rabbits.

6 Commissioner Mardfin.

7 COMMISSIONER MARDFIN: One quick question of Long
8 Range Planning. How many homes would be in there?

9 MR. SUMMERS: 466 units, that would include ohana
10 units.

11 COMMISSIONER MARDFIN: Given that we need to
12 support housing, particularly in the Central District, even
13 though I seconded the motion, I'm going to be voting against
14 the motion.

15 CHAIR HEDANI: Any further discussion?

16 My own personal comment is I'm surprised that the
17 subdivision has no provision for open space or parks or --
18 it's pretty rural.

19 Commissioner Starr.

20 COMMISSIONER STARR: Yeah. I don't want to belabor
21 the point, and I'm on probably on the losing side of this.
22 But it may look like a bunny rabbit, but it's really a
23 dinosaur.

24 CHAIR HEDANI: Commissioner Shibuya.

25 COMMISSIONER SHIBUYA: There's a park adjoining

1 just below the bunny's jaw.
 2 CHAIR HEDANI: Oh, okay. Right at the bunny's
 3 throat.
 4 Discussion? Ready for the question? Motion on the
 5 floor is to delete Hale Mua.
 6 All those in favor, signify by raising your hand.
 7 Opposed, same sign.
 8 Motion is lost.
 9 Any further discussion on C1 through C5?
 10 Commissioner Hiranaga.
 11 COMMISSIONER HIRANAGA: Yeah. I'd like to revisit
 12 Waihee. I'm a little troubled that Waihee 3 and 4 were
 13 removed. And really, when I asked if those two areas had
 14 names, I did not receive a response from the Department.
 15 And now I look at GPAC, and it's called Waihee 3 and 4. I
 16 know there was testimony by KSD, KDS -- KSD, that they were
 17 working towards some type of an agreement.
 18 I would be in favor of removing Waihee 4 and
 19 leaving Waihee 3 as an option. It does not entitle any
 20 land, but it provides an opportunity for the Waihee people
 21 to figure out what they want in an area. I think a lot of
 22 people when they say no growth, no new homes don't realize
 23 that if they have children, those children can't live in
 24 Waihee until the parents pass away unless they're going to
 25 have four or five people in each household. I mean, it's

1 residents of that community in this room. And they were
 2 speaking with one voice. And that voice was they did not
 3 want the projects and subdivisions in Waihee 3, Waihee 4 and
 4 also in a portion of Waihee 1.
 5 And if this is really a community-based planning,
 6 then we're really wrong to push forward developer-based
 7 projects when the community speaking with one voice is
 8 passionately against it. That really smells of a kind of
 9 process that we've hopefully left far, far behind. And I,
 10 for one, don't see putting 3 or 4 back in. I think we
 11 should remove Waihee 1 as well.
 12 CHAIR HEDANI: I think there's no motions on the
 13 floor at this point.
 14 Commissioner Hiranaga.
 15 COMMISSIONER HIRANAGA: I make a motion to include
 16 Waihee 3 in Map C2. Waihee is located in Map C2.
 17 CHAIR HEDANI: Is there a second?
 18 COMMISSIONER U'U: Second.
 19 CHAIR HEDANI: Seconded by Commissioner U'u.
 20 Discussion? Commissioner Hiranaga.
 21 COMMISSIONER HIRANAGA: I made my case. I think
 22 the town of Waihee needs some options. This is just step
 23 one. If they don't want options, then they can, during the
 24 Community Plan Process, not approve anything. But I don't
 25 want them to regret doing something ten years from now and

1 part of nature that the population multiplies. So I think
 2 they need an option.
 3 CHAIR HEDANI: Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: I don't want to suggest that
 5 the people in that area that testified didn't know what they
 6 were testifying about, number one. But number two, the
 7 motion on the floor is to adopt the diagrams in C2. And
 8 C3 -- Wailuku Three and Wailuku Four are not in that. So if
 9 Commissioner Hiranaga wants those in, he'd have to actively
 10 make an amendment to include them. Because right now,
 11 they're excluded.
 12 CHAIR HEDANI: Commissioner Shibuya.
 13 COMMISSIONER SHIBUYA: I just wanted to ask the
 14 County to please put in the database for -- I mean, overlay
 15 for the streams, the natural streams.
 16 MR. SUMMERS: We've got them on.
 17 COMMISSIONER SHIBUYA: Can you color it maybe blue.
 18 CHAIR HEDANI: There we go. Can you pan out a
 19 little bit. Wow.
 20 Commissioner Starr.
 21 COMMISSIONER STARR: In this process, there was one
 22 moment when I really felt good about it, I felt there was a
 23 community trying to express its wishes and trying to be very
 24 expressive. And it was a process that unified that
 25 community. We had a very large percentage of the long-time

1 try to do an amendment.
 2 CHAIR HEDANI: Additional discussion?
 3 Commissioner Shibuya.
 4 COMMISSIONER SHIBUYA: I'm just going to be voting
 5 against it because this is prime ag area. There's also
 6 natural stream in that area. And to place housing in that
 7 area over productive -- possibly even more productive type
 8 of farming is a problem. You have endangering the public
 9 with these overflowing streams that naturally will be
 10 flowing. And if you redivert or divert these streams
 11 around, then you need to accommodate for this. I don't see
 12 any accommodation.
 13 CHAIR HEDANI: Commissioner U'u.
 14 COMMISSIONER U'U: You know, originally, I wasn't
 15 going to give it a second thought. It was just a second. I
 16 mean, it's workable. We heard from the developer saying he
 17 was talking to the community, some of the community members
 18 in there. It's kind of like that spot where we leave it
 19 flexible. Like the dot in Launiupoko. I mean, Makila. And
 20 I'm willing to leave it to be flexible and actually let the
 21 community decide on this particular area.
 22 CHAIR HEDANI: Additional discussion? Ready for
 23 the question?
 24 Question on the floor is to add Waihee 3 to the
 25 Country Town Designation. All those in favor, signify by

1 raising your hand.
 2 Opposed, same sign.
 3 Motion is lost.
 4 Discussion? Any further amendments?
 5 Commissioner Hiranaga.
 6 COMMISSIONER HIRANAGA: What is Wailuku 3?
 7 CHAIR HEDANI: Mr. Summers. Is that Waihee 3 or is
 8 that Wailuku 3?
 9 COMMISSIONER HIRANAGA: I know we're -- Waihee 3,
 10 it's not there anymore. Wailuku 3, next to the rabbit.
 11 CHAIR HEDANI: Oh, okay. My map doesn't have a
 12 number on it. You're talking about the leaping fox above
 13 the bunny rabbit?
 14 COMMISSIONER STARR: Yeah, leaping fox.
 15 CHAIR HEDANI: And you have a question on that?
 16 COMMISSIONER HIRANAGA: I'd like to know what that
 17 is.
 18 CHAIR HEDANI: Mr. Summers.
 19 MR. SUMMERS: Thank you, Mr. Chair.
 20 Again, this is an area that's currently Community
 21 Planned Rural, so we did include it within the Rural Growth
 22 Boundary.
 23 COMMISSIONER HIRANAGA: It's above the Chinese
 24 cemetery, near the intersection of Kahekili and -- what road
 25 is that?

1 DIRECTOR HUNT: As you recall on the GPAC's Map,
 2 they suggested an Urban Growth Boundary to separate Kahului
 3 from Wailuku. And we understood that the concept -- we just
 4 felt that was trying to pound a nail with a wrench. And it
 5 would be better to put a community line there somehow rather
 6 than an Urban Growth Boundary.
 7 COMMISSIONER MARDFIN: Thank you.
 8 CHAIR HEDANI: That's the Wailuku 1 line.
 9 Commissioner Starr.
 10 COMMISSIONER STARR: Yeah. I was going move that
 11 we rename it Kahuluku, but you beat me to it.
 12 CHAIR HEDANI: Kahuluku/Waikului Land.
 13 Any further discussion on C1 through C5?
 14 Commissioner U'u.
 15 COMMISSIONER U'U: Are we adopting the GPAC or the
 16 Planning Department?
 17 CHAIR HEDANI: Director's Recommendation.
 18 COMMISSIONER U'U: Okay. Director's
 19 Recommendation, just for clarity. The community line
 20 doesn't affect the YMCA, I would assume, in any way?
 21 DIRECTOR HUNT: The community line's just community
 22 lines, intended to distinguish Kahului from Wailuku, not
 23 have any affect on Land Use.
 24 CHAIR HEDANI: Commissioner U'u.
 25 COMMISSIONER U'U: Totally different subject. The

1 MR. SUMMERS: It's in that general vicinity.
 2 Mike, can you zoom in on that a little bit.
 3 COMMISSIONER HIRANAGA: What's the name of the
 4 primary street there? Yeah, Malaihi.
 5 CHAIR HEDANI: Any further discussion?
 6 COMMISSIONER HIRANAGA: Same scenario.
 7 CHAIR HEDANI: Commissioner Hiranaga.
 8 COMMISSIONER HIRANAGA: As far as underlying
 9 designations --
 10 MR. SUMMERS: Mike, can you put the State Land Use
 11 Designation on.
 12 The State Land Use is Rural. And the Community
 13 Plan is Rural. Sometimes there are inconsistencies between
 14 the two. And in that case, we'll follow the Community Plan.
 15 And the Zoning would be Rural as well.
 16 Mike, can you throw that on.
 17 CHAIR HEDANI: This was a Department initiated
 18 Action?
 19 MR. SUMMERS: That's correct.
 20 CHAIR HEDANI: You cut off his rear legs.
 21 Commissioner Mardfin.
 22 COMMISSIONER MARDFIN: There's no amendment on the
 23 floor. Can I ask what -- on C2, in the middle of the page,
 24 right at the bottom, it says Community Line. What does that
 25 mean? Is that separating Kahului from Wailuku?

1 Valley Isle fellowship, which was -- had a change in Zoning,
 2 which is part of the Wailuku area, I don't see it being
 3 designated on the map. Or am I wrong?
 4 COMMISSIONER STARR: It's all there.
 5 COMMISSIONER U'U: It's all there?
 6 COMMISSIONER STARR: Yeah, the whole thing.
 7 CHAIR HEDANI: I believe that's in C3.
 8 COMMISSIONER U'U: I've got no concerns other than
 9 that.
 10 CHAIR HEDANI: Commissioner Hiranaga.
 11 COMMISSIONER HIRANAGA: I'd like to propose a
 12 friendly amendment to the list of maps. Because actually, a
 13 portion of N1 is part of the Kahului Community Plan?
 14 COMMISSIONER MARDFIN: I would accept that as a
 15 friendly amendment in the spirit of being comprehensive in
 16 the way we're looking at this thing. It makes sense.
 17 CHAIR HEDANI: Who is the seconder?
 18 COMMISSIONER STARR: I think I was.
 19 CHAIR HEDANI: Any further discussion C1 through C5
 20 and N1?
 21 Commissioner Hiranaga.
 22 COMMISSIONER HIRANAGA: Airport Beach, N1, I
 23 believe that's Zoned R3, fully entitled. It may be causing
 24 a problem for those people if they want to make them Rural.
 25 CHAIR HEDANI: Mr. Summers, can you explain what

1 the red indicates on that map.
 2 MR. SUMMERS: Thank you, Mr. Chairman.
 3 That would be Interim Zoning. Interim it's a
 4 classification that was established several decades ago.
 5 CHAIR HEDANI: I see. It's not R3?
 6 MR. SUMMERS: There's a portion of it up here
 7 that's R3.
 8 CHAIR HEDANI: Director Hunt.
 9 DIRECTOR HUNT: Some of the Interim Zoning that's
 10 on our GIS layer is outdated based on a recent court
 11 decision that we refer to as Hanohano. I don't know if this
 12 is actually Zoned R3 based on that court decision on not,
 13 but there's a possibility that it could be. We could verify
 14 that.
 15 CHAIR HEDANI: Any further discussion?
 16 Mr. Summers.
 17 MR. SUMMERS: Thank you, Mr. Chairman.
 18 I think Commissioner Hiranaga raised an important
 19 point. If you look at the Community Plan Designation and
 20 the size of the lots, it may be more appropriate to include
 21 it within a UGB, this portion that's currently within a
 22 Rural Growth Boundary.
 23 CHAIR HEDANI: You're suggesting red instead of
 24 blue.
 25 Commissioners? Commissioner Hiranaga.

1 Growth Boundary. Maybe I misunderstood him.
 2 CHAIR HEDANI: Commissioner Hiranaga.
 3 COMMISSIONER HIRANAGA: I believe all of those lots
 4 have dwellings on them. I do not believe there's a vacant
 5 lot on Stable Road between the end of the road and --
 6 there's a house there. All the way to the State Clear Zone.
 7 State Airport Clear Zone. There's homes on every single
 8 lot. So I don't think there's any question that it's part
 9 of Urban area. It's part of the Kahului Community Plan,
 10 Stable Road. Some of those houses have been there for 50,
 11 60 years.
 12 CHAIR HEDANI: What's your pleasure?
 13 COMMISSIONER HIRANAGA: I'll make a motion to
 14 change that to the -- include it in the Urban Growth
 15 Boundary.
 16 COMMISSIONER SHIBUYA: Second.
 17 CHAIR HEDANI: Moved by Commissioner Hiranaga,
 18 seconded by Commissioner Shibuya to reclassify Airport Beach
 19 to Urban Growth Boundary.
 20 For specific lots, Kent, or -- because it wraps all
 21 the way around.
 22 COMMISSIONER HIRANAGA: Well, lots not owned by the
 23 State of Hawaii or the Maui Land Trust.
 24 CHAIR HEDANI: Lots not owned by the State of
 25 Hawaii or the Maui Coastal Land Trust.

1 COMMISSIONER HIRANAGA: Yeah, I think you just need
 2 to be careful. Because a lot of those lots either belong to
 3 the State, which is part of the Clear Zone for the airport,
 4 and some of those lots were designated part of the Spencer
 5 Subdivision that was, I guess, donated to the Maui Land
 6 Trust.
 7 MR. SUMMERS: Right, it is a very complex
 8 situation. So we'd have to go in and look specifically at
 9 the appropriateness of the line. These are lots in
 10 particular we'll take a second look at to make sure that
 11 we've got the proper Growth Boundary.
 12 CHAIR HEDANI: Commissioner Starr.
 13 COMMISSIONER STARR: Yeah my feeling is we should
 14 just leave it out. And if it needs to be an Action at the
 15 Community Plan Level so that nothing is made nonconforming,
 16 that can be done then. But my feeling is we should just
 17 leave it out.
 18 CHAIR HEDANI: Commissioner Mardfin.
 19 COMMISSIONER MARDFIN: Commissioner Starr, by
 20 leaving it out, you mean remove the Rural Growth Boundary or
 21 just not to any change?
 22 COMMISSIONER STARR: Yeah. Remove the Rural Growth
 23 Boundary.
 24 COMMISSIONER MARDFIN: Because I thought
 25 Commissioner Hiranaga was suggesting it should be an Urban

1 COMMISSIONER HIRANAGA: Right.
 2 CHAIR HEDANI: Commissioner Mardfin.
 3 COMMISSIONER MARDFIN: I have two questions. One
 4 question would be for Planning Staff. What would that do to
 5 the number -- where on the spreadsheet is Airport Beach?
 6 And what will that do to the number of units at Airport
 7 Beach in terms of our demand/supply considerations?
 8 As they're working on that question, my second
 9 thing would be why are we doing this for private property
 10 owners when the underlying Zoning seems to be appropriate
 11 for a Rural Growth Boundary?
 12 CHAIR HEDANI: Further discussion?
 13 Commissioner Starr.
 14 COMMISSIONER MARDFIN: Can I get an answer to my
 15 question before we move along.
 16 CHAIR HEDANI: Is that directed to Staff?
 17 COMMISSIONER MARDFIN: The one about what would be
 18 the change in units was.
 19 CHAIR HEDANI: Mr. Summers.
 20 MR. SUMMERS: Thank you, Mr. Chairman.
 21 If we could start -- we have parcels that are
 22 ranging in size from, I believe, about three to four acres
 23 to just above an acre. So with a Residential Designation or
 24 an Urban Growth Boundary, it may potentially increase
 25 density in the area.

1 Mike, could you highlight a few of these.
 2 CHAIR HEDANI: Commissioner Hiranaga.
 3 COMMISSIONER HIRANAGA: I believe the smallest lots
 4 there are under half an acre.
 5 MR. SUMMERS: Yeah. The computer is still trying
 6 to pull up the information.
 7 There we are. Okay. That particular parcel is
 8 half an acre. Point seven acres, okay. Then 5.4 acres, 3.6
 9 acres, 2.0, two acres.
 10 COMMISSIONER HIRANAGA: So .7 was the smallest.
 11 Actually, .5.
 12 COMMISSIONER MARDFIN: My question still hasn't
 13 been answered, Mr. Chairman.
 14 CHAIR HEDANI: You want to restate your question.
 15 COMMISSIONER MARDFIN: Well, my question is I want
 16 to know, given that it's in a Rural Growth Boundary as
 17 proposed now, how many units it would have? I presume
 18 that's already on your spreadsheet, although it might not
 19 be. And if it goes to Urban Growth Boundary, what would the
 20 number of units be?
 21 MR. SUMMERS: Well, if the assumption was full
 22 build-out, you're looking at two to three times the density.
 23 If we have a half-acre minimum lot size for most of these,
 24 anything less than an acre would not be able to be
 25 subdivided. If we're looking an R1 to R3 situation, the

1 there is already hardening the shoreline there; some legal;
 2 some illegal; some permits for previously illegally amoring.
 3 Urbanization makes that a whole lot easier. I think this is
 4 all wrong.
 5 CHAIR HEDANI: Commissioner Hiranaga.
 6 COMMISSIONER HIRANAGA: I would suggest we defer
 7 this until the Staff can determine if, in fact, the
 8 underlying zoning is R3, which would make this fully
 9 entitled as Urban area.
 10 CHAIR HEDANI: I have a question for Staff.
 11 Makai lines runs to the reef. Is there a reason
 12 for that? It actually traverses the shoreline on this map.
 13 Can that be corrected?
 14 MR. SUMMERS: Yes, we can look into that. It's the
 15 way the TMK --
 16 CHAIR HEDANI: On the upper right-hand corner.
 17 Commissioner Hiranaga.
 18 COMMISSIONER HIRANAGA: Do I need to make a motion
 19 to defer this? Because I think there's a question as to
 20 what the underlying zoning is.
 21 CHAIR HEDANI: Okay. Is there any objection to
 22 deferring this item? Any further discussion on C1 through
 23 C5 or N1?
 24 Director.
 25 DIRECTOR HUNT: There's a possibility that those

1 minimum lot size could be as high as 10,000 square feet or
 2 as low as 6,000 square feet. So it's really the larger
 3 parcels where you're likely to have additional development
 4 or subdivision. And we would have to take a few minutes to
 5 do the math.
 6 COMMISSIONER MARDFIN: Let me ask you some
 7 ballpark -- would it be 1,000 units?
 8 MR. SUMMERS: We're talking about maybe a few dozen
 9 units.
 10 COMMISSIONER MARDFIN: That's fine. That's good
 11 enough. That's close enough for my work.
 12 CHAIR HEDANI: Commissioner Starr.
 13 COMMISSIONER STARR: Yes. This is a sensitive
 14 area. There was coral reef that was quite a ways offshore.
 15 It's surrounded by a sensitive lands. I know this will be a
 16 great windfall to some very, very wealthy people by allowing
 17 them to subdivide these lots into many, many smaller lots
 18 and make subdivisions along the shoreline there.
 19 I don't think this is suitable for a sensitive
 20 shoreline, so I really can't support urbanization on a
 21 sensitive shoreline in that space. I don't want to take
 22 away any rights for houses that have been built or are
 23 permitted now, but I don't want to see that get subdivided
 24 up into little tiny lots. And also, I don't want to see the
 25 urbanization cause more problems with the shoreline because

1 are actually lots going out into the ocean. As the
 2 shoreline erodes, the parcel line actually is out into the
 3 water. So we can take a look at it. But if that's where
 4 the lots --
 5 CHAIR HEDANI: That's based on Land Court?
 6 DIRECTOR HUNT: Based on the legal description of
 7 the parcels. We'll take a look at it. I don't want to make
 8 a promise that we may not be able to keep.
 9 CHAIR HEDANI: Okay. Any further discussion on C1
 10 through C5 or N1?
 11 Commissioner Hiranaga.
 12 COMMISSIONER HIRANAGA: C3, Puunene Baseyard. I
 13 believe that's the S&F Land Company parcel. Is that
 14 correct? They made a request for an additional 100 acres.
 15 I believe this is what we would call pure industrial land,
 16 and commercial activities do not really occur there. It's a
 17 baseyard. And I think we need to provide for
 18 Industrial-Zoned Land.
 19 So I know they're asking for 100 acres for a
 20 20-year absorption. So I'll make the motion to include --
 21 or increase the UGB around the Puunene Baseyard by 100
 22 acres.
 23 COMMISSIONER SHIBUYA: Second.
 24 CHAIR HEDANI: Moved by Commissioner Hiranaga,
 25 second by Commissioner Shibuya.

1 Is there a way to display that on the map?
 2 Commissioner Starr.
 3 COMMISSIONER STARR: My understanding is that this
 4 is or was ceded lands. Can we get an answer on whether this
 5 is ceded lands or was, until fairly recently, ceded lands.
 6 CHAIR HEDANI: Anybody?
 7 MR. SUMMERS: Thank you, Mr. Chairman.
 8 That would take some research, and it's open
 9 interpretation.
 10 CHAIR HEDANI: Commissioner Hiranaga.
 11 COMMISSIONER HIRANAGA: I believe the land owner is
 12 A&B. And it's my understanding that a vast majority of
 13 A&B's Lands are not ceded lands. They do not have the same
 14 issues as C. Brewer and the old Amfac.
 15 CHAIR HEDANI: Additional discussion?
 16 Director.
 17 DIRECTOR HUNT: If this is the land that Mr. Stoner
 18 was referring to this morning, my notes indicate he said we
 19 have 50 acres now and we want 50 acres more.
 20 CHAIR HEDANI: Can we display what the request
 21 looks like.
 22 MR. SUMMERS: Yeah. This is the only information
 23 we have. It's very difficult to read. It's from the
 24 stakeholders' meeting. On the right-hand side --
 25 CHAIR HEDANI: How would that relate to the other

1 Further discussion on C1 through C5, N1? Ready for
 2 the question? Motion on the floor is for approval of C1
 3 through C5 and N1 as approved and amended.
 4 Any further discussion?
 5 COMMISSIONER HIRANAGA: Can you just give me a
 6 second.
 7 CHAIR HEDANI: Why don't we go ahead and take a
 8 ten-minute recess.
 9 (At which time, a recess was taken.)
 10 CHAIR HEDANI: Planning Commission is back in
 11 session.
 12 We're reviewing C1 through C5, plus N1. We have
 13 one deferred item on Airport Beach.
 14 Commissioner Hiranaga.
 15 COMMISSIONER HIRANAGA: Spreckelsville, Kai Holu
 16 Subdivision on N1, it's in the UGB. I'm wondering if you
 17 would consider making that a Residential. Those are the
 18 two-acre lots in Spreckelsville. If you could just comment
 19 on that.
 20 MR. SUMMERS: Thank you, Mr. Chair.
 21 Mike, could you zoom in on this area of
 22 Spreckelsville and take the proposed layer project off. And
 23 then put the Community Plan Designation on.
 24 The Community Plan Designation is Single Family.
 25 Staff went and back and forth on that. As you know, these

1 map, John?
 2 MR. SUMMERS: This area right through here.
 3 CHAIR HEDANI: I see.
 4 Commissioner Hiranaga.
 5 COMMISSIONER HIRANAGA: I have a letter here dated
 6 September 11th, 2009. Hopefully, you all have copies of.
 7 And the second paragraph, it says we are proposing a
 8 two-phase expansion, totaling 108 acres, comprised of
 9 Expansion Area One, 62 acres; and Expansion Area Two, 46
 10 acres. So it's 108 acres, is what they're asking for.
 11 CHAIR HEDANI: And your amendment is to include
 12 which portion?
 13 COMMISSIONER HIRANAGA: Both, 108 acres.
 14 CHAIR HEDANI: Okay. Discussion?
 15 Commissioner Starr.
 16 COMMISSIONER STARR: Yeah, I believe this is
 17 currently under cultivation. It's prime Ag land.
 18 CHAIR HEDANI: Further discussion? Ready for the
 19 question? Question on the floor is to add 108 acres to the
 20 Puunene -- the Baseyard at Puunene for Industrial Use.
 21 COMMISSIONER HIRANAGA: UGB.
 22 CHAIR HEDANI: Within the Urban Growth Boundary.
 23 All those in favor, signify by raising your hand.
 24 Opposed, same sign.
 25 Motion is carried.

1 are two-acre lots in here. But we've also got small single
 2 family lots around it. And Staff felt it was appropriate to
 3 have it include as part of the UGB.
 4 COMMISSIONER HIRANAGA: Even though they're
 5 two-acre lots?
 6 MR. SUMMERS: Yes.
 7 CHAIR HEDANI: Director Hunt.
 8 DIRECTOR HUNT: I believe it's also served by a
 9 sewer. So that was a consideration as well.
 10 COMMISSIONER HIRANAGA: County Sewer.
 11 CHAIR HEDANI: Okay. One question that I'd like
 12 the Commissioners to consider is that there is limited
 13 lateral access along the beach for this entire stretch of
 14 property, which is something that I'm hoping in some way we
 15 can accommodate lateral access. That's up to you.
 16 Commissioner Starr.
 17 COMMISSIONER STARR: I like that idea. But I have
 18 another question in the meantime, which is putting this in
 19 the UGB. How will that affect the possibility of further
 20 subdivision of these two-acre lots? Does that all of a
 21 sudden open them all -- would that all of a sudden open them
 22 all up to be subdivided down?
 23 CHAIR HEDANI: Mr. Summers.
 24 COMMISSIONER HIRANAGA: Maybe you can put the State
 25 Land Use Designation under the two-acre lots. Not speaking

1 for the Department, but it's not fully entitled. So the UGB
2 could open the door for subdivision if they were able to
3 amend the State Land Use Designation. Because right now,
4 it's Ag.

5 COMMISSIONER STARR: Is there any harm making it
6 RGB?

7 MR. SUMMERS: I don't know that there would be a
8 harm per se. As Director Hunt noted, typically areas that
9 are sewerred will include within a UGB. This area with the
10 State Land Use Designation and the CC&Rs that are in place,
11 it will be difficult to develop beyond what's currently
12 there.

13 CHAIR HEDANI: Commissioner Hiranaga.

14 COMMISSIONER HIRANAGA: One of the concerns I had
15 was isn't is there a new State Statute that if land is
16 designated Ag, CC&Rs cannot prevent Ag Use. So if someone
17 really wanted start raising pigs there, they probably could.

18 MR. SUMMERS: I know that is the case in the County
19 Ag Zoning District. I'm not sure if that applies to the
20 State District as well.

21 CHAIR HEDANI: Commissioner Shibuya.

22 COMMISSIONER SHIBUYA: I just have a comment
23 related to what the Chairman Hedani mentioned in terms of
24 public access along the shoreline. I was thinking if we
25 make a grand type of policy here, that all of the properties

1 converted to an RGB, and that it shall have lateral
2 shoreline access.

3 CHAIR HEDANI: Is there a second?

4 COMMISSIONER MARDFIN: Second.

5 CHAIR HEDANI: Seconded by Commissioner Mardfin.
6 Discussion? Commissioner Hiranaga.

7 COMMISSIONER HIRANAGA: Are you saying the entire
8 Spreckelsville District that has 10,000 square foot lots, or
9 are you talking about those 13, two-acre lots?

10 COMMISSIONER STARR: I was talking about that whole
11 area. I didn't think that would impact any existing lot
12 sizes.

13 COMMISSIONER HIRANAGA: Well, I happen to live on a
14 10,000 square foot lot there.

15 COMMISSIONER STARR: I didn't think it would affect
16 that. If I'm wrong, please let me understand that.

17 COMMISSIONER HIRANAGA: I think John's in the same
18 position, since he lives two doors away from me.

19 CHAIR HEDANI: Does that make it a nonconforming
20 use, Mr. Summers?

21 MR. SUMMERS: Thank you, Mr. Chairman.

22 CHAIR HEDANI: You have to declare a conflict of
23 interest before you give us your opinion.

24 MR. SUMMERS: The setback standards are different
25 between those districts. So it could potentially have an

1 besides -- other than hotel uses fronting the shoreline of
2 one 150 feet from the mean waterline would be open access to
3 the public. And this kind of a policy would really stop
4 some of that armoring and hardening efforts and issues of
5 various homeowners along the way. And yet it would open it
6 up for the public access to all of our beaches, not to just
7 some of them.

8 CHAIR HEDANI: Commissioner Mardfin.

9 COMMISSIONER MARDFIN: I like that comment very
10 much, Commissioner Shibuya.

11 COMMISSIONER SHIBUYA: Thank you.

12 COMMISSIONER MARDFIN: I like that comment very
13 much. But we're in the middle of mapping, and I think we
14 need to come back and make it policies. So I would think we
15 shouldn't deal with it at this time, but I would hope you
16 that you would bring it up the next time we meet.

17 CHAIR HEDANI: Director Hunt.

18 DIRECTOR HUNT: We agree with those comments, that
19 this is a mapping exercise. And just to give you some
20 comfort level. There's Policies that you have recommended
21 that address that situation. So those Policies hopefully
22 will be implemented, and that will be addressed.

23 CHAIR HEDANI: Commissioner Starr.

24 COMMISSIONER STARR: Yeah. I'm going to make a
25 motion to amend, which is that Spreckelsville UGB shall be

1 negative impact for anybody who wanted to build on a vacant
2 lot, or if a property burned down and wanted to rebuild.

3 CHAIR HEDANI: Commissioner Hiranaga.

4 COMMISSIONER HIRANAGA: I would be in favor of an
5 RGB around the 13, two-acre lots. But to start impacting
6 10,000 square foot lots that have been there for 20 years.

7 CHAIR HEDANI: Commissioner Starr.

8 COMMISSIONER STARR: Yeah. It was not my intent to
9 do that. And so I will modify my motion. If the seconder
10 agrees that the RGB shall reflect the two-acre lots, and
11 that there shall be a provision of lateral shoreline access
12 throughout the whole Spreckelsville area.

13 CHAIR HEDANI: Commissioner Mardfin.

14 COMMISSIONER MARDFIN: I'll agree as seconder,
15 except that one of those lots we're talking about that abuts
16 the ocean.

17 CHAIR HEDANI: Well, he's suggesting Rural for the
18 ones that are two-acres and lateral access for everything
19 else abutting the shoreline.

20 COMMISSIONER MARDFIN: So you're keeping it in the
21 Urban Growth for -- see the stuff up there in green and
22 gray. Are you suggesting the gray be kept Urban, the green
23 be made Agriculture? But lateral access makes no sense
24 because the green is not touching the ocean.

25 CHAIR HEDANI: The black.

1 COMMISSIONER MARDFIN: The black would have lateral
2 access, okay.

3 CHAIR HEDANI: And I think 150 feet is a little
4 excessive. But, you know, just lateral access.

5 COMMISSIONER STARR: Yeah, as long as you can get
6 through it.

7 CHAIR HEDANI: Commissioner Hiranaga.

8 COMMISSIONER HIRANAGA: Just clarification. There
9 are three existing public beach accesses along that section
10 that abuts the ocean. There's Baby Beach, Sugar Beach and
11 the other one they call Euro Beach, are all public beach
12 accesses.

13 Maybe, John, you can point out where those are.

14 MR. SUMMERS: Mike, could you zoom in on that area.
15 Baby Beach is right in this area.

16 COMMISSIONER HIRANAGA: Yeah, at the end of
17 Kealakai Road. That is a County Beach Access.

18 MR. SUMMERS: That's correct. Then if we move
19 towards the airport, Sugar Cove.

20 COMMISSIONER HIRANAGA: Sugar Cove.

21 MR. SUMMERS: Is right through there. That's a
22 public beach access. Euro Beach is right through here.

23 COMMISSIONER HIRANAGA: And the entire State Clear
24 Zone is open to the public. That's a beach access.

25 CHAIR HEDANI: Right. My only concern is that as

1 COMMISSIONER STARR: And I'd like to -- yeah, I'd
2 like to add one other possible Action to this since we are
3 talking about lateral access here, which is that there is
4 lateral pedestrian access from Baby Beach up to Baldwin, but
5 there's not bicycle access. And this is an area where many
6 thousands of people do come particularly to bicycle all the
7 way from Kahului -- I do it myself, say, about four times a
8 week. And you can only get up as far as the Country Club.

9 So I'd like to add wording that bicycle access
10 shall be provided from the Baby Beach to Baldwin, if the
11 seconder would agree.

12 CHAIR HEDANI: Commissioner Mardfin.

13 COMMISSIONER MARDFIN: I have no problem with it
14 except for the fact that we're dealing with mapping of
15 lands. And this sounds like it's a policy rather than a
16 land -- a Rural Growth Boundary or an Urban Growth Boundary
17 issue. But I'll -- if it's declared it's appropriate for
18 that area, I have no problem with it.

19 COMMISSIONER STARR: And to defend it, my feeling
20 is this is an area that we're making an Urban area by our
21 Action. We're putting it inside our Urban Growth Boundary.
22 So urbanizing it where certain infrastructure is deficient,
23 such as pedestrian access in the shoreline or a bicycle
24 connectivity up toward Baldwin and Paia and the Youth
25 Center, then we're trying to bring up -- bring that up to a

1 you're walking along the beach, you hit that section where
2 there's residential development. And because of revetments
3 in that area, you can't traverse the area without going
4 mauka. You can't safely have lateral access along the beach
5 front in that area.

6 Any further discussion? Director Hunt.

7 DIRECTOR HUNT: John, can you throw the overlay on
8 that shows sewer lines or sewer services.

9 MR. SUMMERS: Sure. We're trimming off some of the
10 layers so you can see the Service Areas.

11 DIRECTOR HUNT: I guess what I'm trying to get at
12 is, are those two-acre lots served by sewer?

13 MR. SUMMERS: Yes, they are.

14 DIRECTOR HUNT: The concern that the Department
15 would have with the Rural Designation is that we don't want
16 to set a precedent where sewer is put out in Rural areas.
17 There's some policies that the Commission has adopted that,
18 in certain circumstances, it's okay. We could live with
19 this particular situation if there's an acknowledgment that
20 it was preexisting; and therefore, it's not setting some
21 kind of precedent.

22 CHAIR HEDANI: Commissioner Starr.

23 COMMISSIONER STARR: Yeah. Can I make that
24 sentiment part of the motion.

25 COMMISSIONER MARDFIN: Second.

1 urban standard suitable with the fact that we're bringing
2 this into an Urban situation. I know it could be left a
3 Community Plan, but I think we should make this statement
4 now.

5 CHAIR HEDANI: Commissioner Hiranaga.

6 COMMISSIONER HIRANAGA: I agree with Commissioner
7 Mardfin that we are in a mapping exercise. And this seems
8 to be a narrative request. But also I would suggest you
9 check with the Burial Council. Because those sand dunes are
10 filled with human skeletal remains. And they do not
11 appreciate bike paths and people riding their bicycles over
12 their ancestors. I think they've discussed this area. And
13 they do not appreciate a bike path being built on those sand
14 dunes that contain their ancestral remains and people riding
15 bicycles over them.

16 CHAIR HEDANI: Director Hunt.

17 DIRECTOR HUNT: Again, we fully support bike paths.
18 But this is a better left for the Community Plan level. If
19 you're --

20 CHAIR HEDANI: One question, Director. Can we fix
21 of the makai boundary along the shoreline at, say, ten feet
22 from the edge of the vegetation line as part of the Urban
23 Growth Boundary just to complicate your life.

24 DIRECTOR HUNT: The intent would be?

25 CHAIR HEDANI: Provide for lateral access.

1 DIRECTOR HUNT: The Urban Growth Boundary doesn't
2 preclude lateral access or pedestrian access.

3 CHAIR HEDANI: Well, maybe I can rephrase that.
4 Pull the boundary -- the Urban Growth Boundary back by ten
5 feet from the edge of the vegetation line and make that ten
6 feet green.

7 DIRECTOR HUNT: I would suggest you merely add a
8 ten-foot green strip. You can have greenways within Urban
9 Growth Boundaries. For the sake of the public, there
10 shouldn't be this misconception that everything from border
11 to border of an Urban Growth area is going to be cement or
12 developed. That's not the case.

13 CHAIR HEDANI: Commissioner Hiranaga.

14 COMMISSIONER HIRANAGA: The shoreline there varies
15 from sandy beach to rocky boulder with a 15-foot drop. So
16 if you're going to put that ten-foot access ten feet above
17 the ocean, so you want them to go climb the ten-foot cliff
18 and walk along the long.

19 CHAIR HEDANI: Be actually able traverse somebody's
20 private property laterally along that section within a
21 ten-foot public.

22 COMMISSIONER HIRANAGA: We have a large homeless
23 issue there, people walking along the shoreline. And I
24 would have difficulty inviting or permitting people to walk
25 on private property, because I think you're going to have an

1 statement that this is a place where the community wants
2 that and has been trying to connect with the newly built
3 bicycle path that runs from Paia to Baldwin Beach and then
4 stops. And the bicycle that runs from Kahului all the way
5 up to Baby Beach, and then stops. Then there's a gap of a
6 mile and a half where you cannot bicycle, except by risking
7 your neck along Hana Highway. And there are narrow culverts
8 there. And it really is risking your neck, and it is
9 dangerous. It's something I feel strongly about, and I may
10 lose this battle. But I really want to at least try.

11 CHAIR HEDANI: Commissioner Hiranaga.

12 COMMISSIONER HIRANAGA: For those of you who are
13 not familiar with the stretch of sand between Baby Beach and
14 Baldwin Beach Park -- can we zoom in there. Because
15 basically, it is a very, very large sand dune. So the maker
16 of the motion is proposing building a bike path on top of a
17 sand dune.

18 I guess we have to put budgeting in to sweep the
19 bike path every day to keep the sand off of it. But you're
20 talking about sensitive lands. This is sensitive lands.
21 This is sensitive lands. There's sand dunes and burials in
22 there, and you want to build a bike path on top of it?

23 CHAIR HEDANI: Commissioner Starr.

24 COMMISSIONER STARR: Yeah. I'm not specifying the
25 mechanisms. There are mechanisms for doing it where it's

1 issue there. I mean, I agree to lateral access. But keep
2 it on State Lands. Don't start putting it on people's
3 private property.

4 CHAIR HEDANI: Commissioner Mardfin.

5 COMMISSIONER MARDFIN: For the sake of clarity. We
6 have a main motion. We now have an amendment, which is
7 to -- as I understand it, to convert the two-acre lots into
8 RGB with acknowledgment that -- in the minutes, that this
9 does not set a precedence for putting sewer to RGB lands.
10 There was another -- and that was a friendly amendment. And
11 there was supposed to be lateral access for the shoreline
12 properties.

13 Then the maker suggested that there be another
14 amendment about bike paths. And I said I'd be willing to go
15 along with it. But I would urge the maker to withdraw it
16 and that portion of it in that it's a mapping exercise.

17 CHAIR HEDANI: Commissioner Starr.

18 COMMISSIONER STARR: It's something I frankly feel
19 very strongly about because it's something that the
20 community has been working toward and fighting for, for
21 decades. But the owners between the Country Club and A&B
22 have been recalcitrant in allowing bicycle access through
23 there.

24 I understand their interests are being protected
25 here on the body. But I feel that it is important to make a

1 not reality a permanent hardening where it's basically, say,
2 treks or rubberized type of material laid on top of the
3 sand. It does not have to be a very major engineering
4 exercise.

5 A good example is on the Big Island -- well, I
6 won't go into that. But it also does not have to be on the
7 sandy portion of the beach, it can be higher up. It can
8 even be in past the Country Club, closure to the roadway.

9 CHAIR HEDANI: Mr. Summers.

10 MR. SUMMERS: Thank you, Mr. Chairman.

11 The Commission did adopt a policy that has a very
12 specific language calling for the acquisition of open space
13 in the creation of a pedestrian corridor, if you will, from
14 the Wastewater Treatment Plant to Paia Town. So I do
15 believe that the plan that is currently shaped by this body
16 would reflect that desire.

17 CHAIR HEDANI: It can be adopted. Is what you're
18 saying?

19 Commissioner Hiranaga.

20 COMMISSIONER HIRANAGA: Can you show the entire
21 length of Baldwin Beach Park all the way from Baby Beach to
22 Baldwin park and zoom in closer so we see that the entire
23 length is the sand dune.

24 CHAIR HEDANI: What does the green represent?

25 MR. SUMMERS: That would be a preservation area.

1 COMMISSIONER HIRANAGA: Can we go in closer.
 2 You've gone beyond Baldwin Park. Baldwin Park is that large
 3 area.
 4 COMMISSIONER STARR: You're talking about the left
 5 half of that?
 6 CHAIR HEDANI: Commissioner Starr.
 7 COMMISSIONER STARR: Yeah. I mean, if I were going
 8 to pick a preferential spot for it, it would follow the
 9 contour of the golf course.
 10 CHAIR HEDANI: Commissioner Hiranaga.
 11 COMMISSIONER HIRANAGA: You won't be able to see
 12 the ocean, if that's a minor consideration.
 13 COMMISSIONER STARR: No. But I won't have to get
 14 hit by cars either.
 15 CHAIR HEDANI: Actually, on this section, you could
 16 bicycle on the beach itself if the conditions are right, but
 17 you cannot get to it.
 18 COMMISSIONER STARR: You cannot.
 19 COMMISSIONER SHIBUYA: Too soft.
 20 CHAIR HEDANI: Any further discussion? Are you
 21 guys ready for the question?
 22 Commissioner Hiranaga.
 23 COMMISSIONER HIRANAGA: So the motion includes
 24 language regarding a bike path, or is that removed?
 25 CHAIR HEDANI: It's still in there.

1 COMMISSIONER HIRANAGA: Just a question regarding
 2 Pu'unani Subdivision. One of the comments -- if you can put
 3 up the proposed area.
 4 CHAIR HEDANI: What was the question?
 5 COMMISSIONER HIRANAGA: I'm just wondering, do you
 6 ever take into consideration physical characteristics when
 7 you're drawing those lines? Because there's gullies running
 8 through there. Or is that not really a relative issue?
 9 MR. SUMMERS: Thank you, Mr. Chairman.
 10 Yes, we did look at the topography of the parcel.
 11 CHAIR HEDANI: Further discussion? Okay. Any
 12 further discussion on C1 through C5 or N1?
 13 Director.
 14 DIRECTOR HUNT: I mentioned this before, but it's
 15 worthy to mention again on Map C4 down in Maalaea. And if
 16 we could get Staff to zoom in on Maalaea Mauka.
 17 Just so you're aware that the Planning Department
 18 is recommending that this not be included in the Urban or
 19 Rural Growth Boundary, the GPAC concurred. It does have a
 20 Community Plan Designation Project District, but it does
 21 have Ag and -- Ag State and Ag Zoning. And just so you're
 22 aware.
 23 CHAIR HEDANI: Commissioner Hiranaga.
 24 COMMISSIONER HIRANAGA: Any other areas currently
 25 designated in the Community Plan that you're recommending

1 COMMISSIONER HIRANAGA: And also lateral access?
 2 CHAIR HEDANI: Right.
 3 COMMISSIONER HIRANAGA: I believe we should be
 4 doing a mapping exercise. I'll be voting against the
 5 motion.
 6 CHAIR HEDANI: Any further discussion?
 7 All those in favor of the motion, signify by
 8 raising your hand.
 9 Opposed, same sign.
 10 Motion is lost.
 11 Any further discussion on C1 through C5 or N1?
 12 Commissioner Mardfin.
 13 COMMISSIONER MARDFIN: I move to amend by making
 14 the -- for Spreckelsville, taking those two agricultural
 15 lots and putting them in a Rural Growth Boundary and
 16 providing -- leaving the rest within the Urban Growth
 17 Boundary and providing for lateral access for shoreline
 18 properties.
 19 COMMISSIONER STARR: Second.
 20 CHAIR HEDANI: Discussion. Ready for the question?
 21 All those in favor, signify by raising your hand.
 22 Opposed, same sign.
 23 Motion is carried.
 24 Any further discussion on C1 through C5 or N1?
 25 Commissioner Hiranaga.

1 removal, Wailuku-Kahului Community Plan?
 2 CHAIR HEDANI: Director.
 3 DIRECTOR HUNT: John, is this in the Community
 4 Plan?
 5 MR. SUMMERS: Yes, it would be both the mauka and
 6 makai areas of that Project District. So it is in the
 7 Community Plan. It's State Ag and County Zoned Ag and not
 8 within our proposed Urban Growth Boundary.
 9 DIRECTOR HUNT: And then could we go back up to
 10 Pu'unani, because I believe there may be a small corner on
 11 that one.
 12 MR. SUMMERS: Mike, can we put the Community Plan
 13 Designation on.
 14 There is a small area that's Community Planned for
 15 Single Family. We did include this portion that's currently
 16 Ag because it's adjacent to the existing urbanized area and
 17 left this area outside of the Urban Growth Boundary with
 18 respect the language in the Wailuku-Kahului Community Plan
 19 that calls for this to remain as open space to protect the
 20 character of Wailuku and Waikapu, the separation.
 21 DIRECTOR HUNT: John, do you know the State and the
 22 Zoning for that piece?
 23 MR. SUMMERS: The State Designation is Ag. And the
 24 Zoning is Ag as well.
 25 CHAIR HEDANI: Any further discussion?

1 Commissioner Shibuya.
 2 COMMISSIONER SHIBUYA: I'd like to -- going back to
 3 Kealia Ponds. Is that map -- this has nothing to do with
 4 Zoning, but I didn't see the transportation for Mokulele
 5 Highway to Kuihelani or Honoapiilani. I don't know if
 6 there's a connector north of the Kealia Pond. I do not see
 7 any roadway that's going from Mokulele north of Kealia Ponds
 8 to Honoapiilani Highway or to Kuihelani Highway.
 9 CHAIR HEDANI: Director.
 10 DIRECTOR HUNT: The maps -- these are working maps
 11 before you. They're intended to focus on the Urban and
 12 Rural Growth Boundaries primarily. In your packet that was
 13 delivered to you several months ago, there are other maps,
 14 including a Transportation Map. So you should consult
 15 those, and we can address those at another meeting. Just so
 16 you're aware of it, they are in there.
 17 COMMISSIONER SHIBUYA: Thank you.
 18 CHAIR HEDANI: Any further discussion on C1 through
 19 C4 -- or C1 through C5? C1 through C5 and N1.
 20 All those in favor of C1 through C5 and N1 as
 21 amended, signify by say --
 22 COMMISSIONER HIRANAGA: Could you state the
 23 amendments just for clarity.
 24 CHAIR HEDANI: Okay. I'll leave that to the
 25 Director.

1 ourselves up.
 2 Commissioner Mardfin.
 3 COMMISSIONER MARDFIN: Mr. Chairman, I think there
 4 is still two pieces of business we can do in the next ten
 5 minutes. All these were provisional votes. And unless
 6 somebody needs to make a change in something we've done in
 7 the past, we ought to vote on final adoption of all the maps
 8 except for S3, of which we were deadlocked.
 9 COMMISSIONER HIRANAGA: Also, we deferred Airport
 10 Beach.
 11 CHAIR HEDANI: Right.
 12 COMMISSIONER HIRANAGA: We need to find out if it's
 13 R3 Zoning.
 14 COMMISSIONER MARDFIN: Given that, I think we
 15 should defer voting on final adoption until all the issues
 16 have been resolved.
 17 The second thing is I would like to have Planning
 18 help us. I would like to look at where the numbers are and
 19 forget the maps. Let's look at the spreadsheets for each of
 20 the areas, find out where we are in terms of demand, where
 21 we are in terms of supply, where we are in terms of supply
 22 and deficit. In ten minutes, I think we can look at that
 23 and see if we need to make any changes.
 24 CHAIR HEDANI: While you guys are looking at that,
 25 maybe the Director can go over his Director's Report on the

1 Director.
 2 DIRECTOR HUNT: Thanks. Remove Wailuku Country
 3 Estates from the RGB; add 108 acres to the Puunene Baseyard;
 4 amend the Spreckelsville growth area so that the 12,
 5 two-acre lots are in the Urban Growth Boundary; and provide
 6 for lateral access to the shore.
 7 COMMISSIONER HIRANAGA: If I could. You might just
 8 say two-acre lots. It might be 13 two-acre lots. Rural
 9 Growth, RGB.
 10 DIRECTOR HUNT: Yeah. Amend the Spreckelsville
 11 Urban Growth Boundary so the 13, two-acre lots are in a
 12 Rural Growth Boundary.
 13 COMMISSIONER HIRANAGA: Yes.
 14 CHAIR HEDANI: Were there any further amendments
 15 that were left out?
 16 COMMISSIONER MARDFIN: I would just add and provide
 17 lateral access.
 18 DIRECTOR HUNT: And provide lateral access and no
 19 precedent setting.
 20 CHAIR HEDANI: Any further discussion? Ready for
 21 the question.
 22 All those in favor, signify by raising your hand.
 23 Opposed, same sign.
 24 Congratulations. This is the first unanimous vote
 25 that we've had on all of the maps. We just kind of tuckered

1 Maui Island Plan schedule, if there's no other changes to
 2 the maps. Of course, we want to revisit S3.
 3 Director.
 4 DIRECTOR HUNT: Your next meeting is next Tuesday.
 5 And that's a Regular Planning Commission Meeting. We did an
 6 agenda item that would allow review of the Maui Island Plan
 7 if the items on that agenda go by quickly.
 8 The next meeting after that is September 28th.
 9 That's a Monday, at 9:00, right here. And the Commission
 10 previously voted to indicate that you may recess that
 11 meeting to Tuesday, the 29th, and limit public testimony on
 12 the 29th. At this point, those are your last three
 13 meetings.
 14 We need to wrap up the mapping. We need to go
 15 through monitoring and implementation -- pardon me.
 16 Implementation, Evaluation and Monitoring, and then a final
 17 clean-up regarding any loose strings.
 18 CHAIR HEDANI: So is it your opinion that we can
 19 accomplish all of that within the time frames specified?
 20 DIRECTOR HUNT: Yes.
 21 CHAIR HEDANI: Commissioner Starr.
 22 COMMISSIONER STARR: If we're really good and we
 23 are able to accomplish that between next Tuesday and the
 24 following Monday, is there any reason why on Monday, we
 25 couldn't cancel the meeting Tuesday if we don't need it?

1 CHAIR HEDANI: Right. That would be a decision
 2 that we can make then because it's a recess.
 3 COMMISSIONER STARR: So we don't have an agenda
 4 problem of having the meeting and take testimony then?
 5 DIRECTOR HUNT: Say that again. I'm sorry.
 6 COMMISSIONER STARR: Yeah. Say we finish Monday.
 7 Then at the end of Monday's meeting, we can cancel Tuesday's
 8 meeting since we're recessing to it?
 9 DIRECTOR HUNT: Correct.
 10 COMMISSIONER STARR: It's not -- okay.
 11 CHAIR HEDANI: A perpetual optimist here.
 12 DIRECTOR HUNT: The other item Staff wanted to talk
 13 about was the number of Policies in the Plan. And we talked
 14 about this earlier on. We just wanted to reconfirm that
 15 based on sentiments expressed by the public and based on
 16 what we consider or understood to be prior direction from
 17 this Commission, we have been distilling down the Policies.
 18 Not so much the Objectives and Goals, but the distilling
 19 down the Policies and Actions; looking for redundancies;
 20 looking for collapsing them.
 21 So if it said to preserve wetlands, and then it
 22 said to preserve them by additional funding, and then it
 23 said to preserve them by partnering, and then it said to
 24 preserve them by regulations, we're collapsing that into
 25 preserving wetlands. That's a simplification, but to convey

1 enough time to do that. But I have a hunch that we have
 2 approved things that are mutually exclusive, but I can't
 3 tell you which ones.
 4 CHAIR HEDANI: I think we should rescind the
 5 State's authority to do any subdivisions without County
 6 approval.
 7 Director Hunt.
 8 DIRECTOR HUNT: One last comment on condensing the
 9 document. We're considering a formating or reformatting.
 10 Some Policies would be Development Review Policies, others
 11 that speak to establishing a program or coordinating with
 12 the State would be more aspirational Policies and guidelines
 13 for decision-makers outside of the Development Review
 14 Process.
 15 CHAIR HEDANI: Commissioner Starr.
 16 COMMISSIONER STARR: I'm very supportive of
 17 eliminating redundancies. I would feel a concern if there
 18 were ideas and Policies that came through us that were just
 19 left out because someone didn't like them. As long as it's
 20 searchable, I think it's fine. You know, while we're doing
 21 it, I felt, well, it's important to have this both in
 22 Education and Economy, but really I don't think that's the
 23 case as long as it's searchable and it's there somewhere.
 24 DIRECTOR HUNT: We're trying really hard not to
 25 make substantive changes. Of course, that's always open to

1 the idea.
 2 There's also redundancies within the Plan. For
 3 instance, there may be a Policy regarding Culture that's
 4 also in Land Use. There's also refining redundancies
 5 between the Countywide Plan, which is up at Council, and the
 6 Maui Island Plan. Just so we're upfront and everyone is
 7 aware, we are working on eliminating those and making the
 8 Plan more condensed and hopefully more user friendly
 9 hopefully both for the public and developers and the
 10 planners when they have to actually sit down and administer
 11 this Plan.
 12 CHAIR HEDANI: So you're distilling that down to
 13 five Policies?
 14 Commissioner Mardfin.
 15 COMMISSIONER MARDFIN: I think the exercise is an
 16 admirable one. I would also urge that -- I presume this
 17 final document will be machine readable in some fashion that
 18 a very good cross-indexing system be devised. I think that
 19 eliminating redundancies is a good thing. I think a very,
 20 very strong keyword indexing, cross-indexing system is
 21 imperative for this to be usable.
 22 And the third thing -- second, whatever. While
 23 you're working on looking for redundancies, if anybody spots
 24 any inconsistencies, it would be kind of useful to know
 25 about it before we send it forward. I don't know if there's

1 interpretation. Somebody may criticize us. We're trying to
 2 make streamlining changes and retain the concepts.
 3 CHAIR HEDANI: Mr. Summers.
 4 MR. SUMMERS: Thank you, Mr. Chairman. In terms of
 5 Long Range's production scheduled, to get the report
 6 prepared for the Council by the 17th of October, we had
 7 expected that this week, we would be completed with Directed
 8 Growth Mapping. And that on the 28th and 29th, the focus
 9 would be the remaining two chapters, which are primarily
 10 Policy language.
 11 We had discussed recessing this meeting to Thursday
 12 or Saturday so that we could complete that mapping. But
 13 it's going to put us in a very difficult spot if we're still
 14 doing mapping on the 28th of September in terms of meeting
 15 those legal requirements.
 16 CHAIR HEDANI: How much more mapping are you
 17 talking about, John?
 18 MR. SUMMERS: Well, there was some outstanding
 19 questions. We're going into a discussion of a spreadsheet
 20 to see if there's any rebalancing that's going to occur.
 21 Those were the main features. But we just need some clear
 22 direction to move forward or not to move forward by the end
 23 of this week.
 24 CHAIR HEDANI: Commissioner Starr.
 25 COMMISSIONER STARR: In my opinion, although there

1 are things that I would love to take out or put in, I really
2 am not going to push to make any substantive changes. I
3 believe we have one or two areas that we're looking for some
4 very subtle fine-tuning. But maybe we could either take a
5 straw poll or we can take a vote that we feel it's
6 substantially complete. And that, you know, when we do look
7 at it again, we're looking at fine-tuning.

8 CHAIR HEDANI: Commissioner Mardfin.

9 COMMISSIONER MARDFIN: I concur with my colleague
10 here. There's one -- I've had some complaints in Hana of
11 somebody that wanted Hana 1 taken out. But I'm willing to
12 not do anything at this point, let the Community Plan deal
13 with it down the road.

14 And Hana Ranch had made a response, and I'm willing
15 to let that all be dealt with at the Community Plan Level.
16 At least for East Maui, I don't plan to make any amendments.
17 I'm willing to accept everything that we've done as fine.

18 CHAIR HEDANI: Commissioner Hiranaga.

19 COMMISSIONER HIRANAGA: Do you have a list of the
20 outstanding issues that you could rattle off to us.

21 MR. SUMMERS: Dave's looking for that. I've also
22 got some notes.

23 CHAIR HEDANI: I was under the impression that we
24 were done.

25 Commissioner Hiranaga.

1 going to research.

2 COMMISSIONER HIRANAGA: Near the Haiku Elementary
3 School.

4 MR. SUMMERS: That's correct.

5 CHAIR HEDANI: Can we cover those in a clean-up
6 session somehow?

7 COMMISSIONER HIRANAGA: Well, they want to move
8 forward in the map. Is Tuesday early enough if we take that
9 up at the regular meeting? It's on the agenda. Move it up
10 as an order of business.

11 MR. SUMMERS: Dan, do you have any comments?

12 CHAIR HEDANI: I think all of the maps can move
13 forward with the exception of those several parcels.
14 Commissioner Shibuya.

15 COMMISSIONER SHIBUYA: I just have a comment
16 related to the number of acres that we actually mapped out
17 up to now. They seem to be in excess of what the GPAC
18 and/or the Department actually recommended. So I just
19 wanting to propose possibly explaining that. Even though
20 the acres are large, that the density could be adjusted
21 downward, as well as the time lines for implementation would
22 probably be extended because of the economic situation that
23 we're in. So some of these factors can be discussed in our
24 documentation.

25 CHAIR HEDANI: Phase. Commissioner Mardfin.

1 COMMISSIONER HIRANAGA: Well, there's the Airport
2 Beach lot.

3 CHAIR HEDANI: Right. Are there any others that
4 are sticking out there?

5 Director Hunt.

6 DIRECTOR HUNT: The S3 Map was never officially
7 passed. I'm not sure we will get there. But just so you're
8 aware.

9 CHAIR HEDANI: Commissioner Starr.

10 COMMISSIONER STARR: My feeling is that we were
11 deadlocked and we'll continue to be deadlocked. So although
12 we have made changes, my feeling is that you should run with
13 what you got.

14 CHAIR HEDANI: Two out of three bad.

15 Mr. Summers.

16 MR. SUMMERS: We'll take that, that the Commission
17 is essentially done with their work.

18 CHAIR HEDANI: Are there any objections with the
19 Commission?

20 COMMISSIONER HIRANAGA: I was hoping for a list,
21 but you don't have a list.

22 COMMISSIONER STARR: There's one item.

23 CHAIR HEDANI: Airport Beach.

24 MR. SUMMERS: There were a couple of questions
25 related to some Single Family areas in Haiku that we were

1 COMMISSIONER MARDFIN: I generally concur with all
2 this stuff. We have about one or two or maybe three minor,
3 minor issues, which I think we are in agreement on 19 out of
4 the 20 maps. And the 20th, I think we're hopelessly
5 deadlocked on. And I think it could easily be finalized
6 on -- especially given that we can maybe do some minor
7 rebalancing, I see no reason why we can't be finalized on
8 Tuesday.

9 COMMISSIONER HIRANAGA: They're not happy with
10 that.

11 CHAIR HEDANI: We're finalized as of today except
12 for the parcels we still have questions on.

13 MR. SUMMERS: Right. If that's the direction,
14 we'll hold off on Map N1, which is the really the little bit
15 research we have to do, and just move forward with
16 everything else if the Commission has no intent to
17 rebalance.

18 CHAIR HEDANI: Commissioner Starr.

19 COMMISSIONER STARR: -- begin to chisel it in
20 stone, or whatever you guys do down that.

21 CHAIR HEDANI: Commissioner Hiranaga.

22 COMMISSIONER HIRANAGA: Yeah, if they can resolve
23 the R3 issue and Airport Beach, I'm willing to defer to your
24 judgment. And I'm sure you'll take care of that Rural
25 Residential area next to Haiku Elementary so you don't

1 create setback issues for those people with the 4,000 square
2 foot lots.

3 CHAIR HEDANI: So we're in consensus that we'll
4 leave it to the Department's discretion to resolve those
5 issues because you've demonstrated such professionalism.

6 I've got to say, I'm really impressed with the way
7 you folks handle all the questions that come in.

8 Commissioner Mardfin.

9 COMMISSIONER MARDFIN: I would also like to thank
10 you. I think all of you in Long Range Planning, Jeff, they
11 should commended. I think they've done a wonderful job.

12 On the balancing, if you could tell me the numbers
13 now, I'm willing to go another ten minutes to see how the
14 numbers work out. If not, I'll deal with it on Tuesday.

15 MR. SUMMERS: Mark, can we zoom in on that.

16 What we have for you on the spreadsheet to the
17 right is a running tab of Option B with the changes that the
18 Commission has made throughout this process.

19 The New Growth Areas are identified on the left.
20 And the acreage and unit counts are identified on the right.
21 In the column -- the second column to the right, we have the
22 2030 demand as per the latest State forecast of July 2009.

23 In the far right-hand column, we have the summation
24 of the units permitted. And then we have the surplus or
25 deficit and the percentage under for each Community Planned

1 units of 416, a projected demand of 119, over and above the
2 ag subdivision that may occur out there, and a surplus of
3 350 percent.

4 Moving you Upcountry. We did include the Makawao
5 expansion and added the Balthazar property. The Pukalani
6 expansion makai of Pukalani Town, we have that included, as
7 well as of Kula Ridge Affordable, which is a new project,
8 for a total of 966 units, against a projected demand of 824
9 units, for 117 percent of demand.

10 Moving on to Hana. We do have the provision for
11 affordable housing. As we indicated, we have a lot of land
12 supply in Hana. But most of those lots, the way they're
13 configured, would probably not do affordable for the
14 residents in the area. So we did add an area to be
15 determined through the Community Plan process of roughly 200
16 units.

17 Total island surplus of 3,809 units, 134 percent of
18 projected demand.

19 COMMISSIONER MARDFIN: Did they get anybody to take
20 out Olowalu?

21 CHAIR HEDANI: John, could you e-mail that
22 information to everybody.

23 MR. SUMMERS: Sure.

24 CHAIR HEDANI: Director, any other comments for the
25 good of the order before we call it a day?

1 area or region.

2 We've got the Mahinahina or Pulelehua Project in.
3 That's the full project. Kaanapali 2020 Project, at 1800
4 units. We also added the Olowalu Project. So the total
5 supply for West Maui is currently at 6,430 units, roughly
6 2,974 units above the projected demand.

7 For Central Maui, we're actually looking at a
8 deficit of 222 units. So we're very close to projected
9 demand. We've got the infill numbers -- the infill numbers
10 at 125 units in Wailuku, and 500 units in Kahului. We did
11 remove the Waihee area from the growth areas.

12 The Waikapu area, we've got a 263-unit area that's
13 included, as well as the Waiale area of 2,552. And the Maui
14 Tropical Plantation growth area of 1,171 units. We also
15 have a small portion of the Pu'unani Project of 240 total
16 units.

17 Moving on to South Maui. We've got the Kihei Mauka
18 Project included. We did add that small sliver above the
19 roadway, which moved this from 1500 to 1700 units. We do
20 have an estimated 400 units of infill over the 20-year
21 planning horizon, for a total of 2100 units. 618 units
22 above the projection, or 142 percent of demand.

23 Moving on to East Maui. We did expand the Paia
24 Town Project to include Kuau -- I'm sorry. North Maui. We
25 did remove the Hamakuapoko area. We have a total number of

1 DIRECTOR HUNT: Nice job.

2 CHAIR HEDANI: Thank you very much everyone for
3 your understanding, for your patience, and for your
4 participation.

5 Commissioner Mardfin.

6 COMMISSIONER MARDFIN: I did ask about the
7 balancing. Looking at these numbers, balancing is not
8 necessary. It sounds like we accomplished our mission. So
9 I don't see any reason to do anything more on Tuesday aside
10 from -- did we withdraw that airport area?

11 COMMISSIONER STARR: No, we've got to do that.

12 COMMISSIONER MARDFIN: We've got to do that. And
13 then I think we'll adopt the maps as final.

14 CHAIR HEDANI: The airport area was left to the
15 Department's discretion.

16 MR. SUMMERS: That was our understanding, that it
17 was delegated back to the Department.

18 CHAIR HEDANI: Commissioner Starr.

19 COMMISSIONER STARR: Yeah, I want to congratulate
20 Staff, and I look forward to seeing them fine-tune it.

21 CHAIR HEDANI: Commissioner Mardfin.

22 COMMISSIONER MARDFIN: If that was delegated back,
23 then I think we're ready for a motion to adopt the 19 maps
24 as final, and I will so move.

25 COMMISSIONER STARR: Second.


1 CHAIR HEDANI: Any objection?
 2 All those in favor, signify by raising your hand.
 3 Opposed, same sign.
 4 Motion is carried.
 5 Thank you. We're done.
 6 (Meeting concluded at 5:10 p.m.)
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CERTIFICATE

1
 2
 3 County of Maui)
 4) ss.
 5 State of Hawaii)
 6
 7
 8

9 I, CAMMIE GILLETT, a Certified Shorthand Reporter
 10 in and for the State of Hawaii, do hereby certify that the
 11 foregoing pages comprise a full, true and correct transcript
 12 of the proceedings had in connection with the above-entitled
 13 matter.
 14
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Dated this 16th day of October 2009.

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 21 
 CAMMIE GILLETT, RPR, SCR No. 438
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