

MAUI PLANNING COMMISSION
COUNTY OF MAUI
Monday, September 28, 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 9:00 a.m., on Monday,
September 28, 2009.

REPORTED BY: CAMMIE GILLET, RPR, CSR #438

ATTENDANCE

COMMISSION MEMBERS PRESENT:

- Wayne Hedani, Chair
- Jonathan Starr, Commissioner
- Kent Hiranaga, Commissioner
- Ward Mardfin, Commissioner
- Donna Domino, Commissioner
- Lori Sablas, Commissioner
- Warren Shibuya, Commissioner

STAFF PRESENT:

- Jeffrey Hunt, Planning Director
- James Giroux, Deputy Corporation Counsel
- John Summers, Long Range Division Administrator
- Dave Michaelson, Planner, Long Range Division
- Kathleen Kern, Planner, Long Range Division
- Julia Staley, Planner, Long Range Division
- Joy Parades, Department Secretary
- Agnes Nolan, Department Secretary

TRANSCRIPT OF PROCEEDINGS

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CHAIR HEDANI: The Planning Commission meeting of Monday, September 28th, will come to order.

The first item on our agenda is approval of the minutes of the August 18th meeting.

Is there a motion to approve?

COMMISSIONER SHIBUYA: I move to accept.

COMMISSIONER SABLAS: Second.

CHAIR HEDANI: Moved by Commissioner Shibuya, seconded my Commissioner Sablas.

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

(Round of ayes.)

CHAIR HEDANI: Opposed, "nay."

(Silence.)

CHAIR HEDANI: Carried. Thank you.

Director.

DIRECTOR HUNT: The next item involves a Staff presentation on the Draft Maui Island Plan's Long Range Implementation Plan and Monitoring and Evaluation Element.

For the sake of the audience, what we've been doing is giving a presentation on each element of the Draft Maui Island Plan prior to the Planning Commission reviewing it and making recommendations. It doesn't mean that they do it immediately. In this case, we'll have public testimony

after the Staff presentation, and then we'll go into the discussion by the Planning Commission of those elements.

So at this point, Dave Michaelson.

MR. MICHAELSON: Thank you, Jeff.

Good morning, Commissioners, members the public.

My name is Dave Michaelson. I'm with the Long Range Planning Division. I'm going to make a very short presentation on the Capital Improvement Plan and the Coordinated Infrastructure Planning Strategy.

First of all, this is probably the least inspirational element of the plan, but at the same time, it's one of the most important. There's two pieces to both the chapter that you've received and the presentation itself. In true planning style, we've invented another acronym. I've never even heard of this one. It's called the Coordinated Infrastructure Planning Strategy, CIPS. That's really the gear shift that we're proposing in terms of how Maui County deals with the long-term capital improvement. It's the planning frame work, if you will. And then finally, the Capital Improvement Plan, which is both the funding sources of projects that we know that are out there and important. And we'll walk through that.

First of all, this is prosing a different way of looking at infrastructure planning that we've done in the past. These are the three pieces of infrastructure planning

traditionally that we deal with. The first one is project development; what do we need to build and where. The second piece is long-term planning, which you are in the midst of and, thankfully, almost finished with, which is where is development going to go; what it's going to look like; and finally, maintaining facilities we have in the ground.

Quite frankly, over the last 20 years, we've been really maintaining facilities and not constructing them, all right. And that's all fine and good. But if there's a disconnect between these three elements of infrastructure planning, we've got trouble. And we do, in fact, have trouble. Facility maintenance is certainly important. It's sort of like deferred maintenance. The longer you go with infrastructure in decline, the more it costs every day. So I certainly don't want to suggest that that's not an important element.

We have some challenges here in the County of Maui, and I think we're all aware of them. And it's not just coordination with the State. We hear that a lot when we talk about infrastructure; oh, it's the State's responsibility; oh, it's the State's fault. I think that is changing. I think Kihei High School is a great example where the County of Maui proactively integrated our planning and our data and our information with the State, and something happened. So I'm hoping that that trend will

1 continue.

2 The other issue is an intragovernment coordination.
3 It's something that often times, the departments that need
4 to talk together and work together are not. For example,
5 the Department of Water, the County Department of
6 Transportation, the Planning Department. A lot of times, we
7 are not all on the same page. And what this planning
8 strategy is suggesting is that there are ways to change
9 that. Finally, we all know that infrastructure demand is
10 outpacing revenues. And, in fact, every day that we don't
11 do something, it gets more and more expensive. And in an
12 environment of declining revenues, that's a train wreck
13 waiting to happen.

14 We have a lot of very aging infrastructure. In
15 fact, the chapter discusses by infrastructure element, what
16 needs to be improved, what it's going to cost. And the
17 numbers, quite frankly, are a bit daunting. And finally,
18 we've never had this coordinated planning process that's
19 being proposed as part of this plan. And I think that's a
20 really important gear shift. So we've got some changes and
21 we've got some emerging challenges.

22 One is shifting funding responsibilities. There's
23 a lot of creative funding mechanisms that are described in
24 the implementation program. Page 10 is a great one-stop
25 shopping to understand how those alternative funding sources

1 maintaining systems and plan for future systems. And also,
2 there's a copy of this Power Point up on the desk if you
3 would like to take a copy.

4 The first and most important thing is coordinating
5 what we're doing with General Plans and Community Plans and
6 tying that with the budget. That's sort of the connective
7 length between long-term planning and what happens out there
8 every day with work crews, and that sort of thing.

9 And finally, it's developing a long-term CIP plan,
10 which is actually where the money goes with this planning
11 program. This is a chart that's in your form -- or I'm
12 sorry, in your document. And the idea is that this is an
13 ongoing process. CIP planning is ongoing. When we get to
14 the Community Plans and we're refining what we're doing in
15 terms of Land Use, that needs to be plugged into this
16 system.

17 So you see these arrows -- first of all, we have
18 the Countywide Policy Plan. It's in front of Council. The
19 Maui Island Plan, hopefully, will be soon be before Council.
20 And then we'll go out and start working with the Community
21 Plans. And those decisions, those Land Use decisions and
22 Policy decisions feed into the CIP. Now, the key is that
23 every department has a different sort of set of
24 responsibilities, yeah. And so we need to plug in these
25 departments and not leave them out in the cold as the

1 might work. We've heavily relied on property tax. And the
2 problem with that is that the market we're in now, suddenly
3 you don't have the revenue streams that you had even four
4 years ago. So by relying on a single funding source that's
5 highly dependent on the market is dangerous, and it makes it
6 very difficult to plan out.

7 We're in the process now of developing some impact
8 fees. We have an impact fee study that's going on right now
9 that may provide us some more funding sources. And finally,
10 we just have infrastructure that is breaking down. So the
11 strategy, in a sense, is developing an integrated planning
12 model that doesn't do infrastructure planning by an annual
13 budget. Frankly, that's how it's occurring right now. We
14 have an annual. We define what's being worked on, what
15 needs to be fixed, what needs to be maintained. If the
16 money is there, it's allocated to that source.

17 What we're suggesting is that with one-year
18 infrastructure planning, we're losing ground every day. So
19 the plan is recommending a five-year, a ten-year and a
20 20-year planning cycle, so we can start looking at
21 alternative sources and putting them into projects that
22 don't just last one year, but could last several decades.

23 The first of it is this planning strategy, if you
24 will. And the idea is that we have to merge what we do here
25 in this room with what Public Works does every day

1 process continues. And I think we've done a pretty good job
2 with the document you have in front of you with working with
3 the existing agencies.

4 Next it goes to the Mayor's Office. And that's the
5 office that will essentially oversee the CIP Planning and
6 the CIPS program. It requires coordination with Council, it
7 requires an approval process, it requires buy-off from
8 departments. And finally and most importantly, it requires
9 an update as things change.

10 I won't take you through this chart in detail. But
11 this is essentially a structure of how the Planning
12 Department and our decisions, particularly our Long Range
13 Division gets funneled through the agencies, gets funneled
14 through the Administration, and finally comes back to the
15 Planning Department to update these projections as we go
16 along.

17 This is sort of the underpinning of the whole idea.
18 We have a General Plan. It makes Land Use decisions. It
19 has infrastructure implications. We need to, one, track the
20 progress of that; identify major expenditures; find a way to
21 fund them beyond how we have done in the past; smooth the
22 ability of those projects to come online; make sure that we
23 have the staffing to deal with that; and finally,
24 communicate what happens between these departments.

25 There's a planning and finance policy that's the

1 underpinning of this whole plan. And if you look at those
 2 four points, this is the foundation for this whole effort.
 3 There's an infrastructure services policy; an expansion
 4 policy; a concurrency policy; and finally, one that deals
 5 with deficiencies that are on the ground now.

6 The Infrastructure Expansion Policy is based on the
 7 idea the developers will be responsible for the
 8 infrastructure costs associated with their project. The
 9 first, obviously, we've done to a certain point. And our
 10 impact fee mitigation study will tell us how good we're
 11 doing. But there's subdivision exactions, right, there's
 12 on-site needs with these projects that will be funded by the
 13 development community.

14 Then there are regional impacts, right. The one
 15 advantage of having a directed growth strategy is up until
 16 this point, we've never really understood the communal
 17 impacts or our decisions; how all these projects fit
 18 together and place restrictions on existing infrastructure.
 19 It's very important to note that as projects come online and
 20 they go through the approval process, they are only
 21 responsible for their incremental impact on the system.

22 In other words, you can't hang the responsibility
 23 of new development on infrastructure that is already
 24 deficient. They can only be responsible for theirs.
 25 There's always references to special tax districts. And

1 essentially creates the trigger points where, let's say, a
 2 particular roadway has dropped below a level of service
 3 that's acceptable. That's triggers a CIP process, where you
 4 try to figure out how you're going to catch up.

5 There's a strong concurrency policy in the
 6 document. And you folks approved those policies. GPAC
 7 approved those policies. And it's an idea we are the
 8 responsible to ensure the regional public facility and
 9 capacity improvements are constructed either prior to or at
 10 the same time the development occurs in these planned areas.
 11 This has been sort of the disconnect, to a certain extent,
 12 in the past, where areas have significantly developed, but
 13 the regional impact of that project wasn't considered either
 14 before or during the construction, but was left to existing
 15 taxpayers to figure out after it was in the ground.

16 We've got all these deficiencies. We know they're
 17 out there. They've been out there for 20 years. I think
 18 both the work we've done in terms transportation of
 19 planning, as well as water and sewer, has illuminated for
 20 everybody. So we have to figure out a way to do that. One
 21 way is to raise revenues. Right? And obviously, in a
 22 down-turn economy, to hang your hats simply on property
 23 taxes is probably a questionable strategy. There's a whole
 24 set of alternative funding sources that I think we're going
 25 to have to go there. There's no way we will dig ourselves

1 again, I'll turn to page 10 of the document that describes
 2 how those work. There's also an Infrastructure Service
 3 Policy. And that's really the responsibilities to the
 4 County.

5 We're responsible for designating new growth areas.
 6 That's the Directed Growth Strategy. And we have to
 7 identify the associated infrastructure and public facilities
 8 that need to be provided that make that happen. We had a
 9 discussion about infill, I believe last week, where we had
 10 members of the community saying we wanted infill, but the
 11 infrastructure is not there. Well, that shifts the
 12 responsibility to the County. Where if we're going to
 13 identify those infill areas and promote them, we're going to
 14 have to do some pretty significant infrastructure work to
 15 make that happen.

16 We have Urban Service Areas. Right now, they're
 17 really defined as the existing service areas that are in
 18 your background mapping. We haven't done a lot of what I
 19 would consider detailed needs assessment studies over time.
 20 We did one as part of this plan. You received that
 21 document. I think both on a CD. It's an assessment of all
 22 our services. But we need to continue to update that as
 23 things change and Land Use patterns change.

24 And finally, we have to identify -- they're often
 25 called LOS Standards, Level of Service Standards, which

1 out of the hole with what we have coming in every month.

2 Then there's a specific funding strategy. This is
 3 a process where we have to constantly figure out what our
 4 revenue and expense stream is and adjust that accordingly.
 5 That's something I don't think we have done very well in the
 6 past. Develop funding strategies for each system. If you
 7 look in your chapter as it discusses each infrastructure
 8 element, if you will, it describes appropriate alternative
 9 sources that we should pursue.

10 Now, this is how we traditionally funded these
 11 elements. And again, this chart is in your document. It's
 12 in the copy of the Power Point. Obviously, this has not
 13 worked as well as it should. But there are other ways to
 14 look at it. Strategic Budget Allocations would essentially
 15 feed into this 10 and 20-year plan, where when we knew we
 16 were going to have this significant infrastructure
 17 improvements, we would set up a fund specifically for that.
 18 The Maui Open Space Preservation Fund is a good example.

19 Special Districts Financing. It's been used all
 20 over the country. We've never really pursued many of these.
 21 Particularly, tax increment financing and redevelopment
 22 districts and things like that. There are State and Federal
 23 funding sources that are out there. We need to find a way
 24 to pursue them a little more aggressively than we have in
 25 the past.

1 Some of these are a little controversial.
 2 Congestion Pricing, for example, is very popular on the west
 3 coast. Where if you have a toll road. You pay more for
 4 driving at peak period, you pay less for at non-peak
 5 periods. And finally, there's a real estate excise tax.
 6 It's also often referred to as a RET, a Real Estate Transfer
 7 Tax. It's pretty popular in the Rocky Mountain West, where
 8 homes over a certain value are incrementally taxed at a
 9 higher rate to finance infrastructure improvements.

10 There's a chart that we provided you where we tried
 11 to prioritize these items. And this is really important.
 12 This is the key to making sure this happens. We divided
 13 them up currently in three tiers. Tier 1 are CIP actions
 14 that are just required for public health and safety.
 15 Transportation Improvements, for example, typically fall
 16 under these. They are required by legal mandate, either by
 17 the State or the Feds. Water Quality is probably a good
 18 example.

19 There's a Tier 2 that sort of fits in actually both
 20 with Tier 1 and Tier 3. And these are items that don't cost
 21 the taxpayer a dime. It's essentially changing how we do
 22 business. It's rewriting code. The Erosion Sedimentation
 23 Standards that you folks are looking at are is part of this.
 24 It's essentially just changing how we do business. That's
 25 all it is.

1 And then finally, there's a Tier 3, which either
 2 increases quality of life. Some of you are open space.
 3 Suggestions, I think, fall under this. Efficiency upgrades,
 4 which are just investments that allow the County to do
 5 business more efficiently than it has in the past or other
 6 public benefits, like some of your housing standards relate
 7 to that.

8 We built a pretty significant database in the fall
 9 of 2007. And what it allows us to do is put all these
 10 capital improvement programs into a database and be able to
 11 sort them in different ways, because there's a lot of
 12 different agencies that are impacted by these plans. This
 13 is just an example. It's done in Access, which is a great
 14 database. The County has it. Every department has it.
 15 This just sorts the capital improvement programs by year,
 16 2008 to 2015. There's three breakdown time frames. There's
 17 2008 to 2015, 2015 to 2020, and then 2020 to 2030.

18 This is a sort of just by programs. It's another
 19 sort by actions in the same time frame. And the idea of
 20 this database -- and this gives you an example of what is in
 21 the CIP that deals only with wastewater. We can sort this
 22 and give it to the agent. They don't have to sort through
 23 200 action items to find out what is expected of them over
 24 the window of the plan.

25 So with that, I'll take questions. John is very

1 familiar with this infrastructure element, probably a little
 2 more than myself. So I always deflect things to Summers if
 3 I can. But needless to say, what we're proposing is
 4 essentially rewiring Maui County's brain as it relates to
 5 linking Land Use with infrastructure. And it's a gear shift
 6 for sure.

7 CHAIR HEDANI: Questions from the Commission?
 8 Commissioner Mardfin.

9 COMMISSIONER MARDFIN: Dave, I just want to make
 10 one comment. I agree with your concern that the County not
 11 be totally dependent on basically one major revenue source;
 12 property tax. The one advantage of the property tax is,
 13 however, that it gives the County some flexibility which is
 14 under their -- Council flexibility which is under their
 15 control. I mean, if assessments go down by ten percent in
 16 any given year, they can raise the rates -- politically, it
 17 can be difficult. But they can raise the rates by ten
 18 percent to totally offset it.

19 The State doesn't have that option when it comes to
 20 excise tax or income tax. I mean, it's a real process to
 21 change rates. So it does give the County maybe more
 22 flexibility than the State to adjust revenues. It's
 23 politically difficult, but it can be done, and it would
 24 result in some inequalities. I mean, in theory, you can get
 25 the average, agricultural, single-family residents to pay

1 the same taxes as before. But individual properties would
 2 vary because they're assessment would go down by different
 3 amounts so that if you raise the rate to be balanced there,
 4 some residences would pay more than they have the year
 5 before, some would pay less.

6 I think it's a good revenue source for the County
 7 because at least they can -- if they're willing to make
 8 tough choices, get done what they need to get done.

9 MR. MICHAELSON: I think the property tax -- the
 10 reliance of property tax will never go away. We all know
 11 that. I think our perspective and what the CIPS is
 12 suggesting is it's similar to housing, where it's really
 13 about having the biggest toolbox you can get and be able to
 14 shift what tools you pull out of there based on the
 15 environment you're in, economic situation you're in, what
 16 may be a certain infrastructure element, what's happening
 17 with that. So the idea, I think, is just to sort of broaden
 18 our horizon as opposed to depending on a single leg, if you
 19 will.

20 CHAIR HEDANI: Commissioner Starr.

21 COMMISSIONER STARR: Yeah, could you show us
 22 document -- is that a separate -- oh, okay.

23 MR. MICHAELSON: It's entitled Chapter 1: Long
 24 Range Implementation Plan.

25 COMMISSIONER STARR: Okay. But it's not just

1 directly addressing infrastructure only, it's the entire
 2 implementation section?
 3 MR. MICHAELSON: That's correct.
 4 COMMISSIONER STARR: Okay.
 5 CHAIR HEDANI: Commissioner Mardfin.
 6 COMMISSIONER MARDFIN: Dave, I agree with you. I
 7 was just trying to point out the flexibility of the real
 8 property tax. I'm not against -- in fact, I'm actively for
 9 diversifying the way we do things, particularly things that
 10 may be targeted.
 11 I used to teach a course in public finance. And
 12 there is two taxation principles that are generally
 13 recognized. One is the ability to pay. And the State
 14 Income Tax is a good example of that. Wealthier people pay
 15 at somewhat higher rates. The other is benefits received.
 16 And a lot of the additional kind of taxes meet the principle
 17 of benefits received. Certain kinds of development should
 18 pay the taxes because they're getting certain kinds of --
 19 certain taxes can be imposed because the recipient -- the
 20 payer of the tax is a recipient of certain benefits.
 21 I particularly like ideas like the Congestion
 22 Pricing or Tolls and the Real Estate Excise Tax. But I
 23 think any of these may need concurrence by the State
 24 legislature because the Counties are a creature of the
 25 State, and almost all taxing power has to come from them.

1 accomplish. You know, they were doable. And a lot of the
 2 parts of the system were just getting older and older and
 3 leakier and leakier because there was no one pushing for
 4 them and they were hard to achieve or probably they should
 5 have been identified as higher on the list.
 6 I like the fact that there's an empirical process
 7 being created to try to make sense of it and prioritize it.
 8 And I could probably go and, you know, say this item should
 9 be higher up. Like I feel that efficiency projects should
 10 probably be higher because they tend to, you know, pay for
 11 themselves, and so on. But I don't think that -- I don't
 12 feel a need to do that at this point. I feel a need to try
 13 to get a process in place that will be evolutionary. And
 14 one of the things I like about this is it does feel like
 15 it's something that can improve as we learn.
 16 And so I think I want to compliment the Staff for
 17 working through this far and know that rather than try to
 18 make it perfect, which is probably not -- doesn't make any
 19 sense to try to do. It's a start. It's something that will
 20 be evolutionary as it functions. And hopefully, by the time
 21 we get to the next cycle in ten years, we'll have something
 22 that's working really, really well.
 23 So I like what I'm seeing and think that it's --
 24 it's well-conceived and I look forward later in this meeting
 25 to moving along with it.

1 You might remember the ability of Oahu to pay the extra half
 2 percent excise to fund mass transit.
 3 CHAIR HEDANI: Additional questions? Commissioner
 4 Shibuya.
 5 COMMISSIONER SHIBUYA: Dave, can you tell us
 6 whether the Chris Hart database and CIP was actually
 7 included or provided to other Commissioners?
 8 MR. MICHAELSON: The full CIP database with their
 9 data set was not. We are in the process now of taking that
 10 database structure and, based on your recommendations,
 11 essentially rebuilding that to reflect your recommendations.
 12 The problem with just using the CIP is that in some
 13 cases, the IRC, the GPAC, and the Planning Commission are in
 14 agreement. In some cases, they're not. Action plans
 15 changed. Even some of the actual CIP recommendations
 16 changed. So we're going to have to -- we will rebuild the
 17 database based on your recommendations.
 18 CHAIR HEDANI: Commissioner Starr.
 19 COMMISSIONER STARR: Yeah. To a certain extent up
 20 until now, our prioritization has been kind of -- somewhat
 21 random and a bit reactive. I know serving some years on the
 22 Water Board, where we were reviewing the CIP for that. And
 23 the projects we were doing seemed to be, to a large extent,
 24 those that were a squeaky wheel. There was someone who was
 25 loudly pushing for it or they were deemed easy to

1 CHAIR HEDANI: Commissioner Shibuya.
 2 COMMISSIONER SHIBUYA: Dave, I know you didn't
 3 provide this data. Because actually, I got the -- Chris
 4 Hart provided it in both Access and Excel to you folks. So
 5 I'm well-aware of the data in this. But the other Members
 6 in this Commission are not.
 7 What I wanted to do is ensure that we tie all of
 8 our Goals and Objectives and Actions, Implementing Actions,
 9 directly with some statements in terms of the Maui
 10 accomplishments. How do we assess these things? One of
 11 them was Economic Development. How can we depend on
 12 economics being developed here on Maui when our fuel barges
 13 have to come in partially filled because we can't dredge the
 14 pier with adequate amounts so that the barge can come in
 15 fully loaded. You're talking about a cost thing here.
 16 Yes, on one hand, we're talking about renewable
 17 energy. We'd like to pursue that. The population is
 18 growing. There is still going to be a need, an immediate
 19 need in the future here for petroleum products as much as we
 20 would not like to have that. How do we see this? Because
 21 this County does not control the State. The harbors are a
 22 state kuleana. How do we go about it to show that this
 23 effort is being pursued and done?
 24 CHAIR HEDANI: Mr. Michaelson.
 25 MR. MICHAELSON: I think there's two answers to

1 several questions. The first is that there's another piece
2 to this puzzle that you're going to look at this afternoon,
3 I hope. If not, early tomorrow. It's called Monitoring and
4 Evaluation. And what it establishes is a connection between
5 your decisions, right, your recommendations and empirical
6 ways to measure are we getting there or not.

7 We started with, I think, 84 indicators. We got it
8 down to, I believe, in the neighborhood of 40. We typically
9 tie them to your Objectives. Which, in some cases, we're
10 quantitative, which is great from our end because we can
11 measure something. We can measure exactly what you're
12 talking about.

13 The second answer to your question about the State
14 is that if you remember when the GPAC started getting into
15 harbors and airports, Staff was a little leery of that. And
16 we voiced our concern of, you know, are you creating a
17 playing field for us that we just can't win on. And after
18 the dialog between Staff and GPAC, we agreed that those
19 communication lines are open, and maybe we haven't taken
20 advantage of them as well as we should. Again, the Kihei
21 High School is a good example.

22 So as long as we stay on that track of not just
23 essentially hanging up the phone, saying it's the State's
24 kuleana, which is not the right answer, but we open up those
25 avenues in terms of data sharing and policy sharing. I

1 plans actually have the elements that are intended. So
2 knowing where we are helps us better understand our choices
3 for getting to where we want to be.

4 We do this by using indicators for the most part.
5 An indicator is information about the direction of change
6 and observable phenomenon. We use indicators to tell us
7 what changes are taking place, what direction those changes
8 are going in, and to measure our programs towards our goals.

9 A sample indicator would be vehicle miles traveled.
10 Vehicle miles traveled is an indicator that documents the
11 total miles traveled by all vehicles indicating, in a way,
12 the kind of reliance an automobile travels within the
13 island.

14 There are also quality of life indicators. These
15 are standard or common measurements used to examine key
16 aspects of community well-being; poverty, income, health,
17 education, the status of the economy. And they include
18 things like poverty rate, the cost of living index, median
19 family income, housing affordability, et cetera. And these
20 are used so that we can easily compare the state of Maui's
21 quality of life to other jurisdictions.

22 Which indicators did we choose? As Dave recently
23 said, we had an original list of about 84 indicators, some
24 of which are easily -- the data is easy to find, some of
25 which isn't. We have narrowed that list down to 36

1 think that's a positive way of looking at that relationship.

2 CHAIR HEDANI: Any additional questions for Staff?
3 I'd like to hold off and actually debating the
4 Implementation Plan until we actually get into the substance
5 of it and, at this point, direct questions to the Staff and
6 direct questions on the presentation that was done.

7 Any further questions? Okay. We have a total of
8 14 people that have signed up for public testimony at this
9 time. You'll be limited to three minutes in testimony.
10 That will consume our time for the next 84 minutes.

11 Mr. Summers.

12 MR. SUMMERS: Thank you, Mr. Chairman. On your
13 Agenda Item C, we do have a short presentation on the
14 Monitoring and Evaluation as well.

15 CHAIR HEDANI: Yeah, I was wondering when you're
16 going to go ahead and do that. You want to do it now?

17 MR. SUMMERS: That would be helpful.

18 CHAIR HEDANI: Okay. Why don't we proceed.

19 MS. KERN: Thank you Commissioners. My name is
20 Kathleen Kern. I'm a Long Range Planner in the Planning
21 Division in the County of Maui. I'm going to give a brief
22 presentation on Monitoring and Evaluation.

23 Why monitor and evaluate? Comprehensive planning
24 isn't just about making plans. It's also about making sure
25 they're actually implemented and that the actions in the

1 indicators. The ones that we chose, we chose them because
2 they have a direct relationship to plan goals, data is
3 readily available. They also represent a range of
4 indicators across the various elements of the plan. They're
5 indicators that are easily understood. And to some extent,
6 some of the indicators we chose, we chose quite deliberately
7 because they're very commonly used in other jurisdictions,
8 and we can easily compare Maui to other places.

9 So the range of indicators we tried to capture
10 indicators sort of equally in the each of these arenas of
11 the social environment, the natural environment, as well as
12 the built environment. And this is actually a chart I
13 borrowed from Sustainable Seattle that just tries to show
14 how those realms of concerns -- social, built, natural. And
15 in Seattle's and Puget Sound's jurisdiction, they are also
16 concerned with these personal indicators and how those areas
17 of concern create goals, the goals lead to strategies, and
18 indicators can describe how those strategies are actually
19 working or not.

20 So in the realm of the built environment, these are
21 the indicators we chose. We tried to choose four each from
22 the realms of Land Use, Transportation and Infrastructure.
23 I'm not going to read them all out. I'm sure you can read
24 them.

25 And the realm of the Social Environment, we also

1 chose four each from the realms of Economic Development, the
2 Population in the community, and the realm of Cultural
3 Heritage.

4 And in the realm of the Natural Environment, we
5 also chose three areas to focus on. Watershed Systems, the
6 Ocean and Marine Environment, and Wildlife and Natural
7 Areas.

8 The Planning Department will develop a Monitoring
9 and Evaluation Report yearly that will go to Council. And
10 it goes to Council in advance of the budgeting system. But
11 every five years, we'll author a larger major report. And
12 we hope and expect that we can work with partner agencies as
13 well as nonprofit groups to develop a larger report that may
14 include more indicators than the core 36 that we'll be
15 monitoring.

16 And just to sort of say that in a larger report, it
17 may also be possible to go from not just indicators, but
18 also to look at Actions. That is to say Actions that aren't
19 already in the plan. Some regions, such as Seattle and
20 Puget Sound and Vancouver and Portland have nonprofit and
21 cooperative agencies that not only track indicators on a
22 yearly basis, but also develop Actions in a kind of resource
23 center for individuals. So that Be Sustainable in Seattle
24 tracks number -- has quite an interesting website. It
25 tracks indicators, but it also suggests what individuals can

1 another family in Waikoloa, Hana Bay area. We have six kids
2 combined. We bought the property together with plans to
3 build two or more homes for our family based on the current
4 Rural designation. My concern is that the way I understand
5 it, the proposed Plan will create inconsistencies with the
6 Community Plan.

7 Because we are in the SMA area, the whole
8 communities in that area, we will no longer be able to get a
9 permit to build any new or remodel anything or even to
10 rebuild in the event of a disaster. This will create a
11 hardship for our family hui. I did talk to other neighbors
12 in the area regarding this. And they had no knowledge of
13 how this plan would affect their family hui in that area.
14 They're concerned.

15 I hope that you guys can find a simple solution
16 that will be able to protect our family in the communities
17 and the families in that area to be able to continue to
18 raise the next generation on the property in this area.
19 Thank you.

20 CHAIR HEDANI: You bet.

21 Questions from the Commission? Commissioner
22 Mardfin.

23 COMMISSIONER MARDFIN: How many TMKs do you own
24 down there?

25 MR. WAYLAND: One.

1 do to help further some of the goals of the plan. And same
2 as One Day Vancouver. One Day Vancouver tries to get
3 individual citizens to try to do their part to make sure
4 that Vancouver is becoming a more sustainable society.

5 And I believe that's the end of the show.

6 CHAIR HEDANI: Questions for Staff? Okay.
7 Excellent job, no questions.

8 Let's move on to public testimony. I'll call the
9 first person, then the next person to follow that person.
10 You have three minutes. You'll get an indicator that buzzes
11 at the two-minute mark, then you'll have 60 seconds to wrap
12 up your testimony. After three minutes, then the electrical
13 thing on the podium is going to deactivate.

14 First person is Ben Wayland, to be followed by
15 Brennan Morioka.

16 MR. WAYLAND: Good morning, Planning Commission.
17 I'm going to try --

18 CHAIR HEDANI: Can you pull up the microphone,
19 please.

20 MR. WAYLAND: Sure. I'm going to try to shift
21 gears from this huge task that you guys have in front of
22 you, the global picture of Maui, down to a very small level.
23 And basically, a small rural community in Hana.

24 I'm here to request that some amendments be
25 considered for the proposed plan. I own property with

1 COMMISSIONER MARDFIN: And how much acreage is it?

2 MR. WAYLAND: 1.6.

3 COMMISSIONER MARDFIN: I think you have the ability
4 to put up at least one house, and maybe two.

5 MR. WAYLAND: I have one house. But the problem is
6 will I be able to get a building permit two years from now
7 or next week or next year if there's inconsistencies? Will
8 I be able to rebuild? Will I be able to expand on that
9 existing house? Will the County be able to issue a permit
10 based on the inconsistencies created?

11 CHAIR HEDANI: Additional questions for the
12 testifier?

13 COMMISSIONER MARDFIN: This is a statement with the
14 intent to ask a question of the Director so that they can be
15 ready. When testimony is closed, I'll ask the Director what
16 the -- if there is an inconsistency here and if there's
17 expected to be any difficulties.

18 CHAIR HEDANI: Any further questions for the
19 testifier?

20 Commissioner Hiranaga.

21 COMMISSIONER HIRANAGA: Not really a question, Ben.
22 But what the Planning Commission is doing is a
23 recommendation to Council. And they have the final say.
24 And I did have some concerns regarding what's happening in
25 Hana, changing of the designations, which creates

1 inconsistencies. But we are almost at the end of our
2 process. We're not going to go backwards. So you should
3 start opening your lines of communication with the Council,
4 and especially with Bill Medeiros because that's his
5 district.

6 MR. WAYLAND: I appreciate that. Yeah, I don't
7 know the process. And I do understand that you guys have
8 had this huge -- and I congratulate you guys along this
9 process. I don't know if it's a simple sentence saying that
10 inconsistencies in this areas should not cause any permits
11 to not happen, if it's as simple as that. It's a small
12 area. Anyway, thank you guys.

13 CHAIR HEDANI: Thank you very much.

14 Next person to testify is Brennan Morioka, to be
15 followed by Russ K. Sato.

16 MR. MORIOKA: Good morning, Chair Hedani, Members
17 of the Commission. My name is Brennan Morioka. I'm the
18 Director for the State Department of Transportation. First
19 of all, I do want to commend the County for embarking on
20 such a wide-ranging effort and looking outside the box, much
21 of which the State and especially the DOT is doing at the
22 State level. But we do have severe concerns and opposition
23 to one specific aspect. And that is in Section E of the
24 Implementation Plan related to Environmental Review, where
25 the County would select and manage the Environmental Review

1 CHAIR HEDANI: Questions for the testifier?
2 Commissioner Starr.

3 COMMISSIONER STARR: Yes. Mr. Morioka, first of
4 all, thank you for your threats to cut us off from Federal
5 funding.

6 MR. MORIOKA: Sure.

7 COMMISSIONER STARR: There is an ongoing problem
8 with the EA and EIS process as done by both the State and
9 also County agencies. We have documents that come before us
10 where the same agency is the applicant, is the entity that
11 prepares it, and is the accepting agency. Sometimes when
12 that happens, no one sees the thing. And it ends up getting
13 pushed through. I'll give you an example.

14 A project came before this body several months ago
15 regarding the new airport access road for Kahului Airport.
16 This was not prepared by Highways, it was prepared by DOT
17 Airports. Among other things that had been put through in
18 that and in the study was that, you know, it was a design
19 for a big divider highway with clover leafs and fountains,
20 and all kinds of plantings. There was no pedestrian access
21 or bicycle access.

22 Now, my understanding -- and I was at the Hawaii
23 Conference of Planning Officials this weekend. And people
24 from your own Department were presenting walkable
25 communities and how it's DOT Highway's policy to make sure

1 effort on behalf of the State.

2 Both the Attorney General's Office and the
3 Department of Economic Business Development and Tourism has
4 submitted testimony as well in opposition to this, number
5 one, because it's deemed to be inconsistent and contrary to
6 State law, but also the concerns that this would create
7 delays in many of our projects, especially the energy realm
8 for DBEDT. But on the State DOT side, we do have severe
9 concerns as well.

10 Number one, we do receive Federal funds, which
11 requires the State DOT to be the accepting agency for all
12 Federal highway funded road projects. Also, if the County
13 were to be doing the Environmental Reviews on behalf of the
14 State, State DOT is also stressed as it is in doing our own
15 Environmental Reviews. We do not see how the County will be
16 able to with they're limited resources handle capacity that
17 the DOT performs on an annual basis.

18 So this would significantly delay projects. We
19 would not be able to put out the kinds of road projects that
20 we have been over the last few years. Not to mention the
21 aspect of the Federal monies. We would probably have to
22 start cutting off Maui County on Federal funds both at the
23 State level and County level if this measure were to pass.

24 So we do not support this specific component in the
25 implementation plan. Thank you.

1 every new road gets built is multimobile, yet when airport
2 came before us, they had an EA that didn't show any need, no
3 one had commented that there was any need. And even when
4 asked, they said, well, no one asked for it in the
5 environmental document and we don't want to encourage
6 pedestrians or bicyclists from coming to the airport, nor do
7 we want to encourage people who work there, so we don't
8 think it's suitable to have that access.

9 Now, we were then told it was too late because it
10 had not gone through the environmental document that they
11 were the applicant for, they prepared, and then they
12 approved. So something is broken. You know, to me, this
13 smells of corruption, where the same agency is doing all
14 three functions. I'm not sure if this is the mechanism to
15 get passed it, but I really thing the current process is
16 wrong. Thank you. And thank you for coming, by the way. I
17 know I'm being a bit harsh. But we do appreciate you coming
18 and talking to us.

19 MR. MORIOKA: I'm used to it.

20 CHAIR HEDANI: Are there any other questions?
21 Thank you very much Mr. Morioka.

22 MR. MORIOKA: Thank you.

23 CHAIR HEDANI: And thank you for the threat also.
24 Russel K. Sato, to be followed by Will Spence.

25 MR. SATO: Good morning, Chair Hedani and Members.

1 My name's Russ, not Russel officially. I'm here -- I'm the
 2 State Controller and Director of the Department of
 3 Accounting and General Services. And I'm here to testify on
 4 one aspect, the same thing Brennan Morioka testified on.
 5 And that's the requirement that environmental assessments,
 6 EIS documents should be prepared by a consultant selected by
 7 and under the direction of the Planning Department.

8 As Brennan Morioka mentioned, DAGS believes this
 9 proposal is inconsistent with Chapter 343 of the Hawaii
 10 Revised Statutes. And I'll read the pertinent parts for
 11 you.

12 It says that relative to these kinds of actions,
 13 whenever an agency proposes an action in Subsection A, the
 14 agency shall prepare an environmental assessment for such
 15 actions that there is a possible time, et cetera. So the
 16 "shall" is the mandatory requirement. It's under the Hawaii
 17 Law. The Administrative Rules that implement the law also
 18 specify the agency proposing the action shall prepare the
 19 EIS.

20 But besides that, the concerns that DAGS has is
 21 that the State agencies are the most familiar with all the
 22 actions it's proposing to do. And for the Maui Planning
 23 Council to hire a consultant would create a lot of
 24 bureaucratic delays, et cetera. And one of the reasons is
 25 that you don't start the environmental assessment process

1 after you're done with the project, you're doing it as
 2 you're designing the project. The environmental assessment
 3 might involve several specialty areas. So you have a
 4 project, it's not been designed yet. Or if you're going
 5 into the design, you're discovering all of the environmental
 6 issues you have to deal with. The proposal be required that
 7 Maui County Council somehow hire -- know all those areas
 8 that have conflicts and hire consultants to do the
 9 environmental assessment.

10 MS. STALEY: Two minutes.

11 MR. SATO: Sometimes in a major project, we might
 12 have several subconsultants just to do the environmental
 13 assessment. So again, to have the Maui Council be doing the
 14 hiring of all these consultants just doesn't make sense.
 15 It's going to involve a lot of delays, and it's going to
 16 take a lot of the projects that we have that we could be
 17 putting money into the economy and delaying them for years.

18 The bottom line is that having the Council do this
 19 would create a lot of delays, a lot of inefficiencies. And
 20 in the end, these are projects -- or these are actions that
 21 the State Department's proposing they should be allowed to
 22 state their case. Thank you.

23 CHAIR HEDANI: Thank you very much. Questions for
 24 Mr. Sato?

25 Commissioner Mardfin.

1 COMMISSIONER MARDFIN: I have two. The first one
 2 would be, you're basically testifying -- I hear you're
 3 testifying that you want the State, and I presume the
 4 Counties -- Governmental agencies not to be -- not to have
 5 the outside consultant. Would you have an objection to
 6 private departments having an outside consultant?

7 MR. SATO: I think you would have the problems as
 8 well. Especially, when you have large design projects,
 9 there are a lot of environmental issues. There's water
 10 issues, there's land issues, there's hazardous waste issues,
 11 there's social issues, there's archival issues, there's
 12 historical preservation issues. And all of those may
 13 require specialty areas.

14 So I think even the private developers, they're
 15 projects will be much less efficient if the Maui Planning
 16 Council were to hire an outside consultant.

17 CHAIR HEDANI: Commissioner Mardfin.

18 COMMISSIONER MARDFIN: My second question deals
 19 with the -- sort of process. My understanding is you
 20 usually hire the EA -- you hire the consultant to do the EA
 21 or the EIS?

22 MR. SATO: Sometimes we hire the consultant to do
 23 the design. And the consultant that does the design can do
 24 some assessments. But there are some that require very
 25 specialty areas. So the consultant will, in turn, hire

1 subconsultants to do all the different aspects.

2 COMMISSIONER MARDFIN: Right. And after this is
 3 all over, isn't your agency the one that becomes the
 4 accepting agency?

5 MR. SATO: Not necessarily. It depends on who is
 6 responsible for the action being proposed.

7 COMMISSIONER MARDFIN: Because that always struck
 8 me as a strange problem. We've had it come many times
 9 before us that an agency does the hiring, in effect, either
 10 through a consultant or not, but that it is the accepting
 11 agency. And that strikes me as very narrow kind of
 12 oversight.

13 MR. SATO: But that's not the general case. The
 14 general case is that it goes to the Environmental Council.

15 CHAIR HEDANI: Commissioner Shibuya.

16 COMMISSIONER SHIBUYA: Thank you, Mr. Sato, for
 17 coming. But I just wanted to clear up some items here. And
 18 it comes out with questions like the Superferry. I know it
 19 may not be your kuleana, but Act 1 does says that you do
 20 have an EA that is supposed to be prepared, or EIS to be
 21 prepared.

22 MR. SATO: I think there was a determination that
 23 was made that one wasn't required for the Superferry.

24 COMMISSIONER SHIBUYA: So there's an acceptance?

25 MR. SATO: It's not an exception. It was a

1 determination looking at the laws that one was not required
2 based on the impact it was going to have on the environment.

3 COMMISSIONER SHIBUYA: So you're aware there's
4 public transparency and involvement and interest in all of
5 these large projects? So it begs almost that we become more
6 transparent in our processes.

7 MR. SATO: Right. But in the application process
8 for the project, this would be disclosed. It would either
9 be an environmental assessment with a finding of no
10 significant impact. In which case, the public would also be
11 allowed to comment on it, as well as the Council that rules
12 on it. And it's the Council that rules on it that makes a
13 final decision whether or not a FONSI exists. And if
14 there's an environmental assessment, an impact statement is
15 required. Same thing, it would require public disclosure,
16 public comment, and decision by the Council.

17 CHAIR HEDANI: Commissioner Starr.

18 COMMISSIONER STARR: Yes. Thank you for coming
19 here, Mr. Sato. Before I start, I want to thank you for
20 your work with the update of the Energy Code, the 2006. I
21 know you're working on 2009, and a rolling process for an
22 update of all the codes on a regular basis. And I really
23 want to thank you for your leadership on that. It is
24 appreciated over here.

25 MR. SATO: Thank you.

1 transparency will come out. Because everything that's done
2 in the environmental assessment, including the FONSI, is
3 subject to public comment. So that's your transparency
4 there.

5 CHAIR HEDANI: Any further questions?

6 Thank you very much, Mr. Sato.

7 Will Spence, to be followed by Kealii Blaisdell.

8 MR. SPENCE: Good morning, Commissioners. My name
9 is Will Spence. I'm one of the consultants here on Maui.

10 I'm looking through the Implementation and Monitoring Plan.

11 I have a couple of -- well, I have a number of concerns that
12 I think are really better left to the legislative process
13 than legislating through this document.

14 The first one, of course, which you'll hear a lot
15 about is consultant selection. If the belief is somehow the
16 County selecting the consultants will take a bias out of the
17 environmental review process, I talked with a friend of mine
18 in Los Angeles, vice-president in a firm of 15 offices in
19 three states. She says -- she had a lot of experience with
20 this. She says it doesn't really work. In some cases, it
21 does. In a lot of cases, it just does not.

22 Some cities have even gone so far as to hire
23 another consultant to review the first consultant's work.
24 So it's, you know, a mixed bag. And then when you start
25 getting into Maui, which is a lot different than

1 COMMISSIONER STARR: And I would like -- I really
2 do believe there is a perception of -- that something is
3 wrong with this process. The Environmental Council is not
4 able to meet. They've had their funds cut to the point
5 where they can't travel to meetings, nor is there Staff to
6 take minutes. So the Environmental Council, as you say,
7 should be the one responsible for seeing if there's a
8 problem. They've been completely defanged and taken out of
9 the picture for the last year or so, ever since they made
10 negative comments about the Superferry. You know, that was
11 supposed to be the recourse. They're now out of the
12 picture.

13 I mean, I really do think that when an entity is an
14 applicant and controls the selection of who's going to
15 prepare the document, that preparer is being paid by them
16 and it's under their thumb to find no significant impact or
17 to push things under the rug when that same agency is the
18 approving agency, which it is in many cases, at least it
19 leads to the perception that something is not right.

20 So if this is not the mechanism, I can understand
21 that because State Law is not really dependent on our Maui
22 General Plan. But can you suggest a better way, because I
23 know you are a process guy, that we can accomplish the type
24 of transparency that we really want?

25 MR. SATO: I think the review process is where the

1 Los Angeles, you have a handful of consultants. You don't
2 have a big pool to choose from. So basically, you're going
3 to get the same people anyway.

4 The second thing I was very concerned about is the
5 statement on entitlements.

6 MS. STALEY: Two minutes.

7 MR. SPENCE: That is only good for six years. I
8 would say there's a lot of conflicts with that between Title
9 19, the Rules of this Commission with SMAs, and probably
10 with subdivision law. I mean, you're creating a whole can
11 of worms -- not you, but this document creates a whole can
12 of worms where all of a sudden things are thrown into very
13 questionable status with legal ramifications. If there's a
14 need to limit certain entitlements, even special uses or
15 SMAs, that's better left for other processes rather than
16 legislating through this document. Thank you.

17 CHAIR HEDANI: Thank you very much, Mr. Spence.
18 Question from Commissioner Mardfin.

19 COMMISSIONER MARDFIN: Yeah, I take your point a
20 little bit, I think, about the consultants, the limited
21 number of consultants. The issue is, however, if they're
22 being paid from the -- if money from the developer is going
23 to the County, then the County is doing the hiring, it seems
24 to break a nexus where, you know -- then the consultant has
25 the reputation with the County to be concerned with not

1 whether or not the developer will hire them again in the
2 future. And it would seem to me it would lead to more open
3 EISs and EAs.

4 MR. SPENCE: My response to that would be --

5 CHAIR HEDANI: It's not a question.

6 COMMISSIONER MARDFIN: Yeah, it's an implied
7 question.

8 MR. SPENCE: Implied question. I would agree that
9 there may -- you know, the processes that we have are not
10 perfect. I don't think a sweeping two paragraphs in this
11 document is the way to go on this. I think it should -- if
12 there are issues with our environmental review process or
13 permitting process, whatever, those should go through the
14 legislative process, not just, you know, with all the
15 ramifications examined. You know, there's just a better way
16 to do it than putting two paragraphs in a document.

17 CHAIR HEDANI: Commissioner Mardfin.

18 COMMISSIONER MARDFIN: Follow up. Let's suppose it
19 wasn't the Maui Island Plan was doing it or County Council
20 was doing it, but suppose it was being done legislatively.
21 Would you still have an objection to breaking the direct
22 connection between the consultant and the person paying --
23 the developer who's paying the bills to the consultant?

24 MR. SPENCE: I'm going to give you an obfuscated
25 answer. It depends on how that legislative is written. I

1 selection. You know, you're adding more paperwork into the
2 bureaucracy that doesn't need to be there.

3 COMMISSIONER HIRANAGA: Thank you.

4 CHAIR HEDANI: Thank you very much, Will.

5 MR. SPENCE: Thank you.

6 CHAIR HEDANI: Next person to testify is Kealii
7 Blaisdell, to be followed by Howard Honzawa.

8 MR. BLAISDELL: Good morning. I'm actually here
9 in -- as a friend in support of Mr. David Singer. And I
10 believe he submitted a plan to you, I believe, on September
11 24th. So everyone should have a copy.

12 My concern with this, why I'm supporting this --
13 and for me, it's the Draft Maui Island Long Range
14 Information Plan would add quality of life, benefiting Maui
15 County residents if there's additional affordable housing,
16 which is something that is very important here. Because the
17 population of Maui has just grown.

18 I myself am Native Hawaiian. And when I see as far
19 as Native Hawaiian issues and concerns going on, especially
20 not just in Maui County alone, but as well as throughout the
21 State, the only thing that I have seen that really helps
22 out -- and not too much to a certain degree -- the Native
23 Hawaiians would be Hawaiian Homes. But even that is not
24 enough because you have to go on a waiting list. And I'm
25 still on the waiting list, and I'm 40. And I've been on

1 mean, the way this is addressed, I think is very wrong and
2 has some very serious problems. Future legislation on how
3 it is to be done, how it is to break the connection that we
4 could deal with that in that legislation.

5 CHAIR HEDANI: Thank you very much. Mr. Spence.
6 Question from Commissioner Hiranaga.

7 COMMISSIONER HIRANAGA: Will, since you're from the
8 private consulting profession -- and I'll probably be asking
9 this of the Planning Director. Is there credentials that
10 you must acquire before you're recognized in preparing one
11 of these EAs or EISs, or can anyone pretty much do it? I
12 mean, with CPAs, they're certificate with the State, or
13 attorneys are licensed by the State. I'm just wondering in
14 your industry, is there a certain level of special
15 accreditation that's you must obtain in order to prepare one
16 of these documents?

17 MR. SPENCE: No, there are no specific credentials
18 or licensing requirements, those kinds of things. I think
19 that this was going to be another part of my point, but I
20 ran out of time. Then the burden rests on staff then to
21 qualify the consultants. You know, do you have experience
22 in this field; do you have experience in that field; do you
23 have this or that; do you have the resources necessary?

24 That even narrows the field further down. And it
25 creates a burden on staff then to do the consultant

1 since I was 19 years old. It's a lot of families.

2 The reason I'm going to support affordable housing
3 of what Mr. Singer wants to propose that he owns a 250-acre
4 lot in Waiehu. Native Hawaiians nowadays, as everyone
5 knows, in the State of Hawaii are the -- is one of the
6 people that has the hardest time to afford their own homes,
7 okay, with the exception of Hawaiian Homes. Like I said,
8 there's a waiting list and everybody likes to be --
9 everybody's dream is to own their own home.

10 I myself lived on the mainland for many, many, many
11 years. I just got by two years ago. My wife and I always
12 owned a home. This is the first time I'm renting. Because
13 when we speak of affordable homes and I see the commercials
14 and all the Realtors, we're looking at \$400,000, \$500,000 to
15 \$600,000 for a single-family home. And that's just
16 something that -- affording homes. I'm looking at the plan
17 Mr. Singer has also shared with me and he had proposed to
18 you. And I read his proposal and his plan. And I'm
19 actually totally for it.

20 MS. STALEY: Two minutes.

21 MR. BLAISDELL: I'm actually totally for it. And
22 the reason why I'm for it is because not only is it going to
23 be affordable housing, but it's going to be connected as
24 some sort of agricultural lot. Meaning, whoever gets into
25 this place, you can also farm. And this is something that

1 ag lots have been misleading for many, many years in Hawaii.
2 It's like, okay, you can buy ag lots, but grow one papaya
3 tree, and you can build your million-dollar homes.
4 Launiupoko is a good example of that.

5 So when I read his proposal and what he's trying to
6 propose in his proposed area plan is to provide affordable
7 housing in perpetuity, meaning it will never change. And
8 the proposed growth area, it will positively affirm almost
9 every aspect of the long range planning for Maui County,
10 which is why I'm in support of that.

11 CHAIR HEDANI: Questions for Mr. Blaisdell?
12 Which project were you referring to again?

13 MR. BLAISDELL: This is a project that was
14 submitted by Mr. Singer. He actually -- from what I
15 understand, he attended the Native Hawaiian Chamber of
16 Commerce. And he submitted the plan September 24. I
17 believe I spoke to that woman over there, and she said
18 copies were already given to you folks.

19 CHAIR HEDANI: Thank you.

20 MR. BLAISDELL: Thank you.

21 CHAIR HEDANI: Next person to testify is Howard
22 Honzawa, to be followed by Doug Poseley.

23 MR. HONZAWA: Good morning, Chairman,
24 Commissioners, Staff Members, my name is Howard Honzawa with
25 Kaanapali Land Management Corp. I'm here to speak about the

1 struggling with the cost of housing. We need to look at
2 ways to really bring down the cost of housing --

3 MS. STALEY: Two minutes.

4 MR. HONZAWA: -- and not to add to the process that
5 will add additional costs. Thank you.

6 CHAIR HEDANI: Questions for Mr. Honzawa?
7 Commissioner Mardfin.

8 COMMISSIONER STARR: Yeah. Mr. Honzawa, I mean,
9 your project is a model of an attempt to keep a project
10 through its evolution before the community and the community
11 involved and open it up for comments about not only
12 environmental and social, but every kind of concern. You
13 know, I look at it as a real powerful model.

14 The problem that we face is that there are a lot of
15 things that are done in the opposite fashion, where noticing
16 is made to the very minimal extent legally possible, and the
17 reviewing agency is, say, the applicant. And that is what
18 we're trying to deal with. And I'm sure you can understand
19 the problem. How do we deal with that and make sure that
20 the community does have a right to interact?

21 You know, the County did an EA for the Hana
22 Landfill. No one in Hana saw it or even knew it was
23 happening. You know, there is such egregious things as the
24 fact that the monitoring of wells that were put in are
25 upslope instead of downslope of the leaching, which heads

1 implementation section regarding the choosing of
2 consultants, selection of consultants by the County. I see
3 on the surface, it sounds good. But I think when you review
4 it deeper, there are going to be maybe some big problems
5 with it. I can only speak about my experiences with our
6 projects; Kaanapali 2020 and Wainee. You know, these
7 projects, as you probably know, are community-based
8 projects. In the case of Kaanapali 2020, the process has
9 been going on for 10 years. For Wainee, almost 7 years.

10 And in that process, the community has been
11 involved thoroughly. In fact, the LEED consultants and even
12 the attorneys were chosen by community groups. Resumes were
13 submitted, interviews were done of the consultants, and
14 choices were made. And the consultants that were chosen
15 have been in the community meetings, monthly meetings over
16 the years.

17 And I think as Mr. Sato had spoken about, you know,
18 environmental issues are identified during the design
19 process. And it would be a major hardship if a new team of
20 consultants had to be hired after all this time and costs
21 that have been involved in the planning of these projects if
22 a new team of consultants had to be hired to do the EIS. In
23 the case of Kaanapali 2020, a preliminary EIS has already
24 been done.

25 So, you know, we, here on Maui, have been

1 towards Hana Bay. You know, but the community wasn't able
2 to comment. By the time they found out about it, the County
3 had already approved its own prepared EA.

4 I mean, how -- you've been in this game a long
5 time. How can we make sure that there is a process where
6 there isn't, and not penalize those that are doing the right
7 thing?

8 MR. HONZAWA: Well, my opinion is I think the
9 general process, you know, is a sound. However, as you
10 point out, Mr. Starr, if the community that's affected does
11 not know about it, then that needs to be fixed somehow.
12 There needs to be better publications, a better way of
13 publicizing it to the community so everyone knows about it,
14 and then they will have a say in the process.

15 CHAIR HEDANI: Thank you very much, Howard.

16 Next person to testify is Doug Poseley, to be
17 followed by Tom Welch.

18 MR. POSELEY: Good morning Commission -- Director
19 and Commissioners. My name is Doug Poseley. I was here
20 about a month and a half ago complaining that the GPAC
21 Committee had drawn an Urban Growth Boundary right through
22 the middle of my half-acre lot in Olowalu. And I came here
23 to ask if the line could be redrawn so that I would be
24 within the Urban Growth Boundary. And I subsequently found
25 out that more than likely, my lot will be outside the Urban

1 Growth Boundary because the Planning Commission Map that is
2 probably going to be utilized is going to exclude
3 development on makai side of the highway in Olowalu.

4 So now I'm wondering what recourse I would have
5 in -- to obtain a building permit on my lot. So is my lot
6 going to be zoned Ag or Rural or left in limbo, or what's
7 going to happen to it if it's outside of these boundaries?

8 My understanding is that the boundary areas are
9 going to be dealt with at a later date. So maybe by some
10 miracle, the GPAC Map which allows Urban Growth on the makai
11 side of Olowalu will be adopted. And the Planning Director
12 is saying that if this -- if there's a boundary conflict on
13 lots like mine, that will be handled at the Community Plan
14 level, when those are revised. But that doesn't give me
15 much confidence because it took six years to implement the
16 last Community Plan. So it could be another six to ten
17 years before I could get a building permit.

18 But the real reason I'm here is I feel I speak for
19 many small parcel owners like myself that is trying to
20 obtain a building permit for a home --

21 MS. STALEY: Two minutes.

22 MR. POSELEY: -- that they would like to build a
23 property on, but stopped at every turn in the road by the
24 Planning Department. I believe that these small parcel
25 owners who are outside the Urban Boundary are doomed. I

1 followed by Sherrie Datsun.

2 MR. WELCH: Thank you very much, Mr. Chairman.
3 Good morning Board. I'm here today not representing
4 developers, I'm speaking for a lot of individual existing
5 lot owners, similar to Doug Poseley. There are several
6 others that I've identified and some of them are my clients
7 and some of them aren't. But I thought the really important
8 issue that is being raised here that I would like to propose
9 that the Commission consider at this point.

10 One of the problems with this very worthy
11 long-term, well-done plan is that it is law. It is a
12 legislative act. And it says so on its face. It says, for
13 example, on Page 156, it says the plan will be enforced as a
14 matter of law. It says the Urban Growth Boundaries and
15 Rural Growth Boundaries are implemented at the time the
16 County Council adopts this Plan as an ordinance. It also
17 says building permits and certificates of occupancy may be
18 denied if a project has not satisfied the requirements of
19 the Maui Island Plan.

20 Now, why is this important? What happens is that
21 in several cases, properties that will be swept into a
22 situation where there is unintended consequences, they're
23 outside of the Rural Growth Boundary or Urban Growth
24 Boundary, they may not even be able to get a building
25 permit. Or even worse, if you're in the SMA, the

1 think in my case, I've been denied a SMA exemption for a
2 single-family permit. The Planning Department refuses to
3 even process my SMA application. I mean, I've got this
4 half-acre lot that is the middle of the cane field that was
5 a house lot since the Great Mahele.

6 It's like County designated -- or State designated
7 Ag. It's zoned Apartment. It's Community Planned Park.
8 It's surrounded by Ag land. So I spent like \$100,000 in
9 like five years trying to get a building permit on it, and I
10 got nowhere. Right where I was. So I'm hoping that the
11 Planning Commission can do something about these
12 inconsistency issues and these boundary issues for myself
13 and for others. Thank you.

14 CHAIR HEDANI: Thank you very much Doug.

15 Question from Director Hunt.

16 DIRECTOR HUNT: Mr. Poseley, when did you buy your
17 land?

18 MR. POSELEY: Five years.

19 DIRECTOR HUNT: And at the time when you purchased
20 your land, what was the Community Plan Designation?

21 MR. POSELEY: Park.

22 DIRECTOR HUNT: Thank you.

23 MR. POSELEY: Thank you.

24 CHAIR HEDANI: Any further questions?

25 Okay. Next person to testify is Tom Welch, to be

1 designation in this Plan of your property may make it
2 inconsistent. I've testified before this Board about the
3 legal effect of inconsistency, which means you can't even be
4 considered for an SMA. You're just stopped. The County
5 refuses to process an application. You're stuck.

6 I don't suggest that you shouldn't adopt the Plan
7 because of this, but I strongly employ you, implore you to
8 include, at this point in the process, a savings clause that
9 says, okay, we're doing all this, but this Plan will not be
10 implemented in a way that will create these kinds of
11 problems.

12 MS. STALEY: Two minutes.

13 MR. WELCH: And I've presented written testimony
14 and included a suggested clause. And I'll talk about -- I
15 can go through the clause in a minute if I still have time.
16 But I do want to make this point. Where you're affecting
17 individual property owners -- forget developers and
18 subdividers. I'm not talking about them. I'm talking about
19 individual regular people that have properties, like Ben and
20 Doug and others.

21 This Plan has got to go through County Council.
22 And I don't think that you want or that it helps the process
23 to go through County Council where people are parading
24 through with their individual problems saying it's unfair,
25 this plan is unfair, it's not right, I'm being badly

1 affected, you're taking my property rights and so forth. It
2 seems to me it's easily solved.

3 If somebody wants to ask me a question, I'll go
4 through the example. I've given it to you in writing and
5 I'd be happy to work with you.

6 CHAIR HEDANI: Give an example, Tom.

7 MR. WELCH: Okay. What I've suggested is that on
8 page -- I think it's 156, where it says it is the intent of
9 Maui County to implement and enforce the Maui Island Plan
10 and its elements as a matter of law, I'd like to add a
11 sentence which says, "However, the Maui Island Plan
12 shall" -- and then there's three things. One, "It will not
13 be construed or implemented to prohibit existing uses or
14 structures or to convert the status of an existing use or
15 structures from conforming status to nonconforming status
16 under Maui County Section 19.500.110." That's the problem
17 where somebody's house burns down and they can't build it
18 again.

19 Number two, "It will not be deemed to create as to
20 any existing parcel of land any inconsistency between any
21 use permitted by Zoning and the uses defined by Community
22 Plan, General Plan, or Maui Island Plan if the inconsistency
23 would prevent the processing of an SMA assessment
24 application and the SMA exemption or any SMA permit in
25 accordance with the Coastal Zone Management Act, Hawaii

1 Commissioner Mardfin.

2 COMMISSIONER MARDFIN: Were you here when the first
3 speaker -- I think his name was Bob Wayland --

4 MR. WELCH: Ben.

5 COMMISSIONER MARDFIN: Ben Wayland.

6 MR. WELCH: Uh-huh.

7 COMMISSIONER MARDFIN: Would this language cover
8 him?

9 MR. WELCH: I think so.

10 COMMISSIONER MARDFIN: There was -- I think the
11 speaker just before you had an issue. Would that cover his
12 situation?

13 MR. WELCH: It would and it wouldn't. It would
14 cover his situation, but not the situation as he described
15 it. His problem he has an inconsistency between the
16 Community Plan and what he wants to do. So his application
17 stopped at the door. He can't even get into the SMA. But
18 yes, it would cover that. But the split zone and Urban
19 Growth Boundary going to Ag, I'm not sure whether it would
20 be inconsistent.

21 COMMISSIONER MARDFIN: The third thing is I'm
22 confused as to whether it was a few weeks or a few months
23 ago. But we had a recommendation to the Council of a thing
24 where it had to do with inconsistencies. And my
25 understanding of it was that basically in the past, if

1 Revised Statutes Chapter 205(a)."

2 Now, what I'm saying there is -- I'm not trying to
3 open the flood gates for development here. What I'm saying
4 is where the mere inconsistency even prevents you from
5 coming to this Board and having this Board deliberate the
6 environmental affects of a particular residence or
7 something. Instead of just stopping it at the application
8 stage, at least let it go through the process. Let this
9 Board -- you've got wonderful tools and a very broad
10 discretion under the Coastal Zone Management Act. And
11 that's what should be in fairness -- the process should be
12 allowed to go forward. And C, "Shall not be construed or
13 implemented to prohibit the construction of a single-family
14 residence on any existing parcel or otherwise permitted by
15 Zoning."

16 Now, when I first drafted that, I was going to say
17 not be construed or implemented to deny somebody the
18 reasonable use of their property as permitted by the
19 constitution. But I thought this might be simpler -- I'm
20 happy to work on it with Corp. Counsel if this --

21 CHAIR HEDANI: Thank you, Tom.

22 MR. WELCH: Thank you.

23 CHAIR HEDANI: I personally concur with your
24 comments.

25 MR. WELCH: Thank you.

1 there's been an inconsistency in the name of the -- either
2 the Zoning, the State Zoning or the County Designation or
3 the Community Plan and the names were wrong, it was stopped,
4 and the Building Department wouldn't issue building permits.

5 My understanding -- and the Director will correct
6 me if I'm wrong -- is that the proposal, if enacted, would
7 result in looking at not what the title of the Zoning was,
8 but what the usage was. And if the usage was consistent in
9 the three things, it could go through. And if the Director
10 thinks that I got that right, then my question is would that
11 help with some of these issues?

12 CHAIR HEDANI: Director.

13 DIRECTOR HUNT: I believe what you're referring to
14 is the Subdivision Consistency Bill. So that's intended to
15 alleviate the issue of consistency for the subdivision of
16 land. But there is still the issue of consistency in our
17 existing SMA rules.

18 COMMISSIONER MARDFIN: Thank you.

19 CHAIR HEDANI: Thank you, Tom.

20 MR. WELCH: Thank you.

21 CHAIR HEDANI: And thank you for your recommended
22 language also.

23 We're going to go ahead and take a ten-minute
24 recess for Cammie, our court reporter today. So we'll
25 reconvene in ten minutes. Thank you.

1 (At which time, a recess was taken.)
 2 CHAIR HEDANI: Planning Commission meeting of
 3 September 28th, is back in session. We are continuing
 4 public testimony. I have one, two, three, four, five people
 5 on this sheet. There may be several more on the next sheet
 6 waiting to testify.

7 Also for the public's information. In accordance
 8 with our agenda, our meeting, if we don't finish our work
 9 today, may be recessed. And if we recess, tomorrow we won't
 10 be taking public testimony tomorrow. So today is your last
 11 chance to get your licks in, unless the Commission makes a
 12 dispensation for tomorrow's meeting.

13 Okay, next person that we have to testify is
 14 Sherrie Datsun, to be followed by Irene Bowie.

15 MS. DATSUN: Good morning. I'm Sherrie Datsun.
 16 I'm the executive director for Habitat for Humanity. We are
 17 a nonprofit housing development here on Maui.

18 I'm testifying today with regard to the section on
 19 the environmental assessment. Many of our funding sources
 20 are Federal, State and County funding sources that require
 21 us to do an environmental assessment. With that
 22 requirement, we have to abide by all the administrative
 23 rules that come along with that funding source. Those
 24 funding sources require us to do procurement under both
 25 Federal and State laws. They require us to do reporting.

1 So we want the best consultant. We're paying for it.

2 MS. STALEY: Two minutes.

3 MS. DATSUN: I'm not sure where the conflict would
 4 be with nonprofits anyway as far as having a consultant who
 5 might be biased towards us.

6 CHAIR HEDANI: Thank you very much, Sherrie.

7 Next person to testify is Irene Bowie, to be

8 followed by Pam English.

9 MS. BOWIE: Good morning Chair and Commissioners.

10 I'm Irene Bowie, Maui Tomorrow Foundation. I'd like to say
 11 first off, that Maui Tomorrow applauds and supports the
 12 Planning Department's Coordinated Infrastructure Planning
 13 Strategy and the Capital Improvement Plan. I think it's
 14 great to be using successful models from other places in the
 15 country and implementing them here on Maui. And we do
 16 applaud you for that. And then I did have a couple of
 17 comments on the Long Range Implementation Plan.

18 We do support the provision for the Community Plan,
 19 each Community Plan shall have its own permanent planning
 20 advisory board. I think that makes a lot of sense. The
 21 provision for timeliness and all studies completed more than
 22 five years prior to a decision should be considered
 23 out-of-date. Also, the provision for the Water Use and
 24 Development Plan shall comply with the General Plan and the
 25 provision on impact fees.

1 And I'm not sure how this -- if it's given to the Planning
 2 Department will affect us. I don't think we'll be able to
 3 do the proper procurement. And we're the ones who have to
 4 answer to the Federal Government and to the State Government
 5 and sometimes the County and County sources on our
 6 procurement. And if the County is doing it and not us and
 7 if all we're doing is paying for it, we may be in trouble
 8 with reporting.

9 The other issue is that a lot of times, we're in a
 10 catch 22. Because in order to get our projects started, we
 11 have to do an EA, but we don't have the funding yet for it
 12 because we have to get it through one of the funding
 13 sources, like the Federal Government. So what we do is work
 14 with a consultant basically for free until we get our
 15 funding. We've been very fortunate in this County and
 16 working with consultants over on Oahu that they are able to
 17 work with us because we are a nonprofit, knowing that our
 18 funding source may be in six months down the line.

19 When we work with a consultant, if we choose a
 20 consultant who's going to do an environmental assessment
 21 that is bias to our project, that only hurts us because we
 22 still have to go to Council, we still have to perhaps go to
 23 the Planning Commission, we still have to go to public
 24 testimony. So if we're using a consultant that is bias,
 25 somewhere along the line, we're going to get caught with it.

1 On the provision for environmental review, I think
 2 that it definitely is something that should be looked at and
 3 discussed. I do question the legality of any implementation
 4 by this body on anything in Chapter 343. But I would say in
 5 particular, as Commissioner Starr pointed out, the
 6 applicant, being the accepting agency, is certainly
 7 questionable. We need more oversight and transparency in
 8 that.

9 I would also point out that just last week, I was
 10 at a meeting when the State Historic Preservation Division
 11 stated that they're Department is broken. The Coastal Zone
 12 Management Office is being gutted at this point. The State
 13 Environmental Council, there's no money to fund it. So many
 14 of these support services are not there. And we really need
 15 to look again at the whole process of EAs and EISs.

16 The Hana Landfill case, as Commissioner Starr
 17 mentioned is one that's very suspect. It needs to be looked
 18 at. And also in the case of the Hawaii Superferry --

19 MS. STALEY: Two minutes?

20 MS. BOWIE: -- the Department of Transportation,
 21 there was an exemption given. There were changes made in
 22 that operation that Department of Transportation didn't
 23 notify the Office of Environmental Quality Control of the
 24 change. So again, more transparency and oversight is
 25 certainly required. And any comments and that you can do

1 and Corp. Counsel's feedback in what can be done, I think
2 this is going in the right direction. And again, I just
3 question what can legally be done.

4 Lastly, I would just mention that this Long Range
5 Implementation Plan is an undated version. I only received
6 it just this weekend. And I question that as far as a
7 disservice to the public, that this wasn't put out for more
8 of the public to come and be able to review this. Thank
9 you.

10 CHAIR HEDANI: Thank you, Irene.

11 Next person to testify is Pam English, to be
12 followed by Charlie Jenks.

13 MS. ENGLISH: Aloha Chair, Director and Members of
14 the Commission. My name is Pam English of Maui Land &
15 Pineapple Company. Thank you for the continued opportunity
16 to give testimony.

17 CHAIR HEDANI: Pam, can you speak directly into the
18 microphone.

19 MS. ENGLISH: Sorry. Today we started to look at
20 the Implementation section of the document, which I believe
21 has far-reaching implications to our community. In Section
22 2, Entitlement Time Limit, I do understand the thought
23 process to have more understanding and control of our
24 future -- of the future of our island's growth patterns, yet
25 none of us has control of where the world economy, financial

1 or bikeways.

2 Thinking comprehensively and long range, these
3 critical neighborhood necessities can be planned. Schools
4 planned independently or parks, we end up with backyard
5 fences blocking the only walkable route to the school.

6 MS. STALEY: Two minutes.

7 MS. ENGLISH: Parents need to go drive their kids
8 around to the collector street for miles to get them safely
9 to school, which would have just been a two-block walk.
10 These larger project entitlements allow for the
11 contributions for needed infrastructure, regional highways,
12 schools.

13 We've been working on Kapalua now for 30 years, and
14 we'll continue for another 30. We wouldn't be able to do
15 that if our entitlements had expired. These are some of the
16 factors that lead me to thinking comprehensively, much like
17 our Maui Island Plan itself. But they lead to very long
18 horizon build-outs, and the fact that an expiration to the
19 entitlement would be devastating.

20 I hope you think comprehensively as you review
21 these extremely important implementation policies and
22 realize the potential for unintended consequences. Thank
23 you.

24 CHAIR HEDANI: Thank you, Pam.

25 Next person to testify is Charlie Jenks, to be

1 markets, populations, epidemics, transportation, inventions,
2 and initiatives may lead us.

3 One of the reasons we have such scrutiny during our
4 Land Use Entitlement processes -- and they are lengthy -- is
5 to try to understand the value to the community, of the
6 potential that a particular project may bring, and to act
7 accordingly. It takes upwards of ten years or more to get
8 through the process of entitlement to just start to get
9 ready to build. Then we may find ourselves in a market such
10 as the one we are experiencing now, and have to stall our
11 business plan. Sometimes our investments just don't produce
12 in the forecast time period.

13 What was the basis for the number of years assigned
14 for the completion of projects? Was it based on the actual
15 number of years it takes to complete a project? Do you have
16 data on the average number of years it takes to fully
17 entitle projects?

18 My comments do come from the bias of larger
19 projects. I've been involved in larger projects for much of
20 my career. One of the reasons for my involvement is that I
21 feel a better project can be achieved if you think long
22 range. A good example of this is processing single
23 neighborhoods on a piecemeal base, where we end up with
24 dead-end cul-de-sacs and no continuity between our
25 neighborhoods or roadways, let alone no continuous pathways

1 followed by Gerald Hokowana.

2 MR. JENKS: Good morning, Members. My name is
3 Charlie Jenks. I'm here representing the south. Just a few
4 words on the Implementation Strategy. Being the Director of
5 Public Works for -- let's see, six years -- I used the
6 Community Plan quite a bit, referenced the Community Plan in
7 operation, subdivision, the operations of the Department. I
8 can tell you that if you compare the existing Community Plan
9 for Kihei, which was adopted in 1998, it's now ten years
10 old, you look at the Implementation Strategy in the
11 Kihei-Makena Community Plan and look at the programs that
12 were identified as being needed, the studies, the policies,
13 the community groups, virtually none of it has been done.
14 And if you try to implement those things, the cost you'd
15 have to incorporate to do those things would be mind
16 boggling, probably close to maybe \$100 million for all the
17 Community Plans in the County.

18 What I'm telling you to do is -- or what I'm asking
19 to you do is to look at those plans that are now before you,
20 this Implementation Plan, and compare this plan to the prior
21 Community Plans and see if these Implementation Strategies
22 you're proposing really relate to the Goals, Objectives and
23 Policies of the plan. And in many areas, you're dealing
24 with -- I heard a number of people testify about ordinances
25 and subdivision requirements that are in this Plan that

1 shouldn't be in here.
 2 What you're going to do if you adopt this the way
 3 it's written is you're going to adopt a document that is
 4 going to create expectations from the public. And those
 5 will be unfulfilled expectations because you won't be able
 6 to achieve them for reasons that you can't fund it, you
 7 don't have the authority to do it, or other reasons. So
 8 carefully look at these implementation strategies compared
 9 to prior -- to history to see what actually has been
 10 achieved to see if you're on base or off base. And make
 11 sure your strategies closely tie into the Goals, Objectives
 12 and Policies of the Plan.

13 With regard to the section on Environmental
 14 Assessments, there's been a lot of testimony already this
 15 morning. Being a person who managed projects in Public
 16 Works sometimes on the order of \$50 million a year in Public
 17 Works --

18 MS. STALEY: Two minutes.

19 MR. JENKS: -- we had a constant every other week
 20 program where we sat down and looked at every project, asked
 21 its status. If you enter into this process of environmental
 22 assessments or EISs being done by the County of Maui, you're
 23 going to have to follow the procurement law, which means
 24 that you'll have advertise, review, award, do the
 25 contracts -- and by the way, the consultant you're going to

1 don't hire consultants that will do the work on the cheap.
 2 I hire the best people I can find because I know that I'm
 3 obligated to achieve a time line and a cost structure that
 4 has been and agreed to by the financial institutions that I
 5 work with.

6 So there's no incentive for me to hire people who
 7 will provide an insufficient report that will then create a
 8 problem for the Planning Staff to review that report.
 9 There's no incentive for me to do that at all. I hire the
 10 best people I can find in the State to do the work and make
 11 sure it's complete. I manage that project constantly on a
 12 daily basis.

13 So I would say to you the real process and the real
 14 transparency comes when that document is submitted to the
 15 Planning Department for review and comment. There's
 16 numerous meetings, numerous discussion on the issues, and
 17 the Planning Department can tell me to go back and redo the
 18 studies and modify the studies. They have the authority.
 19 So in my mind, there's plenty of transparency, there's
 20 plenty of opportunity to make sure that you don't have that
 21 conflict.

22 And I can tell you, I'm acutely aware of the fact
 23 that I don't want to have anybody creating a problem for me
 24 when I get before the Planning Commission. I want it to be
 25 clean. I want it to be full disclosure. Disclose the

1 have to select will be the lowest bidder. It has to be, by
 2 law, the lowest bidder, which questions in my mind the
 3 quality of the reports you'll get.

4 Who decides the scope of work, the Staff? What if
 5 there's an error in the scope of work? The report is
 6 completed and is deemed deficient by some body. Who's going
 7 to pay for it? Will it be the land owner, the State agency?
 8 Who manages the process and the cost, the County?

9 Like I was saying, in Public Works, every other
 10 week, hours were spent reviewing every project, it's status,
 11 making sure the contracts were awarded. That's it on the EA
 12 process. I just urge you to be very careful on the
 13 Implementation Strategy and consider the time and the cost
 14 and responsibility that goes with this EA process you're
 15 proposing.

16 CHAIR HEDANI: Thank you very much, Mr. Jenks.
 17 Question from Commissioner Mardfin.

18 COMMISSIONER MARDFIN: Can you think of a better
 19 way than what is in here for insurance of independence of
 20 the person developing the EA and independence between that
 21 and the developer so it's not a potential conflict where --
 22 you know, I don't want to see he who pays the piper calls
 23 the tune is a problem that I conceptually see.

24 MR. JENKS: Well, from my perspective and the
 25 projects I'm dealing with and have dealt with in the past, I

1 facts. If there's an issue, we'll deal with it. But my
 2 intent is to provide you a full disclosure document that's
 3 accurate and truthful.

4 CHAIR HEDANI: Thank you very much, Mr. Jenks.
 5 Mr. Gerald Hokowana, to be followed by Jocelyn
 6 Perreira.

7 MR. HOKOWANA: Mr. Chairman, fellow Commissioners,
 8 my name is Gerald Hokowana. I'm the owner of a property
 9 located 1980 Hana Highway in Maliko. Tax Map Key is
 10 2-5-4-18.

11 As I stated in my testimony before the Commission
 12 on August 25th, my property is State classified Ag,
 13 Paia-Haiku Community Plan Ag and County Zoned Ag.
 14 Subsequent to the Commission meeting, I sent a certified
 15 letter to Director Hunt on September 2nd, which copies I
 16 asked to have provided, expressing my objections to the
 17 proposed Regional Park Designation of my property. As in my
 18 opinion, it raises entitlement issues for rebuilding my
 19 existing farm dwellings, and I'm already subject to SMA
 20 regulations.

21 Also, I again requested a definition of the new
 22 Land Use Element Sensitive Lands and what impacts it will
 23 have on lands located in such areas. To date, I have not
 24 received a response from Mr. Hunt or his Staff. Therefore,
 25 I would like to request the Commission to act on removing

1 the Regional Park Designation from my property and also
2 defer adoption of the New Element Sensitive Lands until it's
3 clearly defined and notice given to all those who are
4 affected. Thank you.

5 CHAIR HEDANI: Questions from the Commission.
6 Where is your property located?

7 MR. HOKOWANA: It's just mauka the belt highway in
8 Maliko. And you would have to turn right there at the
9 bottom of -- like if you were going down to the boat ramp.
10 And that roadway is the old Hana Highway. And I'm on a
11 mauka side on the Paia end.

12 CHAIR HEDANI: Mauka side of the bridge?

13 MR. HOKOWANA: Yes.

14 CHAIR HEDANI: Okay. Thank you.
15 Commissioner Hiranaga.

16 COMMISSIONER HIRANAGA: Gerald, during our last
17 session reviewing the Urban Growth Boundary Maps and Rural
18 Growth Boundary Maps, we did identify a handful of items
19 that we considered housekeeping. And most of these were in
20 the Haiku Community Plan area. And Long Range Planning
21 Staff assured us that they would be addressing those. So we
22 did not forget you -- or I did not forget you. So you can
23 talk to John Summers and find out where they're at.

24 MR. HOKOWANA: Well, the reason I'm here is because
25 I didn't get any response, and I was told this was going to

1 to review and discuss this very important section. Not one
2 word from the general public has been heard regarding this
3 crucial important section of the Plan.

4 Our concerns deepen when we review pages 156
5 through 159. It is where the rubber hits the road. Actions
6 in this section must be justifiable, entirely defensible and
7 held to account. It is important to hear from people in the
8 communities impacted by the decisions so we can confidently
9 say the General Plan was community driven, not government or
10 developer driven.

11 We have attached an important outline of important
12 considerations needed to make sound decisions impacting the
13 communities. We strongly believe Urban Growth Boundary will
14 impact both those inside and outside the areas and fill many
15 more unsuspecting property owners like Mr. Hokowana and the
16 Balthazar, Marciel families, the Von Tempskys in Kula,
17 Celina Makimoto, and a consortium of doctors in Wailuku that
18 have apparently had planning of their properties made for
19 them without them. The infill numbers on the matrix and
20 actual acreage don't match whose property is part of the
21 Land Use matrix.

22 We urge you to request all property owners along
23 the boundaries be contacted immediately.

24 MS. STALEY: Two minutes.

25 MS. PERREIRA: We've tried our best to fortify the

1 be my last opportunity, you know, to make my presentation
2 before the Planning Commission. I realize that the next
3 level is the Council. But, yeah, I was to nip this thing in
4 the bud now.

5 COMMISSIONER HIRANAGA: Our reliance on the
6 Department, they have not forgotten you because they gave us
7 the assurance they have not.

8 MR. HOKOWANA: Okay. Thank you.

9 CHAIR HEDANI: Jocelyn Perreira, to be followed by
10 Ed Thompson.

11 MS. PERREIRA: Good morning Mr. Hedani, Maui
12 Planning Commission. We commend you and thank you for your
13 dedication and service. We shared over the past four years
14 information with the County Planners comprehensive reports
15 providing specific comments, maps and recommendations in
16 support of preservation of revitalization of traditional
17 small towns, new towns that are appropriate and infill
18 development.

19 Direct Hunt noted Planning Staff was condensing and
20 reformatting with no editing on substance. And we are
21 grateful for the attempts to make the Plan more user
22 friendly. Today we have two concerns, Implementation of
23 Monitoring and Evaluation Elements and Introduction Elements
24 on Goals, Objectives and Policies. We are concerned that
25 the GPAC, having ran out of time, never had the opportunity

1 process. Operating under a time frame, positions were
2 taken, maps drawn without complete or current information,
3 and community bias from a majority of our citizens.

4 Large land owners begin to realize how plans start
5 hitting home, how good intentions carry unintended
6 consequences. They want and need options. This is why we
7 stress the importance of the Community Plan process where
8 specifics can be researched, explored, and have integrity in
9 the process.

10 In closing, your decisions will carry long-term,
11 lifelong impacts. Implementing Actions must be finalized
12 based on the process of integrity and fairness, a blueprint
13 on where we decide to live, lifestyle changes affecting how
14 we live, resources we preserve and protect, opportunities
15 remaining for meaningful employment, and upward mobility of
16 our families as we learn to share and appreciate the
17 precious resources of our aina and our people.

18 Also, there shouldn't be any concerns about using
19 local expertise. They have been very cost effective and
20 have produced good results.

21 CHAIR HEDANI: Thank you very much, Jocelyn.
22 Mr. Ed Thompson, to be followed by Michael
23 Munekiyo.

24 MR. THOMPSON: Good morning Chair Hedani and
25 Members of the Planning Commission. My name is Ed Thompson,

1 representing the American Resort Development Association of
2 Hawaii, the local chapter of the National Timeshare Trade
3 Association. Hopefully, this will be the last time you see
4 me on this issue.

5 And I'd like to thank the Planning Commission for
6 the proposed language change concerning timeshare from
7 discouraged to monitor. We hope the Planning Director will
8 also support the Commission's language change. Timeshare
9 and timeshare conversions are a valuable tool for resort
10 properties that should not be discouraged or eliminated and
11 actually satisfies a need for visitors who seek this type of
12 accommodation. Maui County's 2006 study on timeshare
13 conversions showed no negative impact to Maui's visitor
14 industry.

15 Again, thank you to the Commissioners for your
16 offering to change the language. And hopefully, again, the
17 Planning Director will follow in the same way. Thank you.

18 CHAIR HEDANI: Thank you, Mr. Thompson. Question
19 from Commissioner Mardfin.

20 COMMISSIONER MARDFIN: You know, I keep -- you and
21 several other people are saying we've been negative toward
22 the timeshare industry. We definitely softened that
23 language. What in particular are you talking about?

24 MR. THOMPSON: Oh, no. This time I'm thanking you
25 for softening the language. There's still one portion,

1 advance the interest of the general public in the EA and EIS
2 process is disturbing at best. Implications of unethical
3 conduct in the EA/EIS process is an extremely serious matter
4 and warrants full study before drawing conclusions and
5 policies which dictate how one segment of our profession
6 conducts its work.

7 Each study should include at a minimum, input from
8 the OEQC, the various County planning departments, and the
9 State Office of Planning. In addition, input from private
10 sector planning professions statewide for their established
11 reputations here in Hawaii should be consulted to make sure
12 all points of view are shared equally and fairly. It may
13 also be helpful to solicit the input of the American
14 Planning Association Hawaii Chapter and the American
15 Institute of Certified Planners, the latter being the
16 organization overseeing the AICP Code of Ethics.

17 It is important for all professionals, whether they
18 be teachers, accountants, lawyers, doctors, engineering,
19 planners to encourage and promote competency, trust,
20 integrity for their respected professions. And if any
21 profession fails to do so, then yes, let's study and
22 understand the causes for the deficiencies and, if needed,
23 create a regulatory framework to ensure the public trust is
24 established and maintained.

25 MS. STALEY: Two minutes.

1 though, and that for the conversions where you still say to
2 discourage conversions.

3 CHAIR HEDANI: The proper response is "you're
4 welcome."

5 COMMISSIONER MARDFIN: I wasn't paying much
6 attention.

7 MR. THOMPSON: Thank you.

8 CHAIR HEDANI: Any other questions?

9 MR. THOMPSON: Thanks.

10 CHAIR HEDANI: Next person to testify is Michael
11 Munekiyo, to be followed by Dave Arakawa.

12 MR. MUNEKIYO: Good morning, Mr. Chair, Members of
13 the Commission. My name is Mike Munekiyo. I'm here as a
14 member of the American Institute of Certified Planners. Not
15 representing, but as a member of that organization. Some of
16 you may know that the AICP is the national certifying entity
17 of the American Planning Association, which certifies
18 professional planners. I have a few comments I'd like to
19 offer for consideration by the Commission this morning, and
20 I'll just read them very briefly.

21 As written, the environmental reviews provision
22 implies there are ethical issues as to how private sector
23 planners perform their work. With respect to the
24 preparation process in Chapter 343 HRS EAs and EISs, the
25 notion that the private sector planning professions do not

1 MR. MUNEKIYO: The fact that the environmental
2 review provision has been inserted into the implementation
3 plan as previously stated implies that there is a perception
4 which exist that the EA, EIS process lacks transparency and
5 integrity. If this is the case, let's understand what the
6 source of the problem is and let's make the leading
7 modifications to the process. I can say confidently that
8 all private sector profession will be quite happy to be a
9 part of the process.

10 So I think what we're talking about, just to sum
11 up, really is an issue of process as opposed to who it is
12 that does it. And if we can work together in partnership to
13 improve the process, I think it will go a long way to
14 eliminate some of the misconceptions about how it is we, as
15 private sectors, conduct our business.

16 CHAIR HEDANI: Good timing, Mike. Thank you very
17 much.

18 Question from Commissioner Hiranaga.

19 COMMISSIONER HIRANAGA: Yeah, Mike. So the AICP, I
20 guess, they have a process for you to obtain this
21 certification; they also have a Code of Ethics and a
22 sanctioning body?

23 MR. MUNEKIYO: That's correct. There are
24 experience requirements, examination requirements to become
25 certified as AICP. And there are procedures for addressing

1 Code of Ethic violations that are established by AICP.
 2 COMMISSIONER HIRANAGA: And you have a sanctioned
 3 body?
 4 MR. MUNEKIYO: Yes.
 5 COMMISSIONER HIRANAGA: Thank you.
 6 CHAIR HEDANI: Commissioner Starr.
 7 COMMISSIONER STARR: Yeah. Thank you for that
 8 testimony. I was at the HCPO conference last week. And on
 9 Friday, I attended the conference session on ethics put on
 10 by the AICP. And it was taught by -- oh, I'm trying to --
 11 MR. MUNEKIYO: Tom Denell.
 12 COMMISSIONER STARR: Thank you, Tom Denell, who's
 13 the president of the Hawaii Chapter of HCPO and AICP.
 14 CHAIR HEDANI: Jonathan, can you pull your
 15 microphone up.
 16 COMMISSIONER STARR: Yeah, okay. It was a really
 17 interesting session with some really good exercises. And
 18 afterwards, I spoke with Mr. Denell and discussed this very
 19 issue with him about the process, whereby particularly
 20 governmental agencies are the applicant, the producer of a
 21 environmental document, and then the accepting agency. You
 22 know, his comments -- well, they were his own personal
 23 comments to me and not an official comment were that he
 24 feels that this is something that certainly creates the
 25 wrong perception and is something that should be looked at

1 and over time studied and found to -- for a mechanism to
 2 enable more clarity.
 3 So, you know, I don't really know if the -- what
 4 we're doing now is really in the spirit of the AICP Ethics
 5 Code. And it is my belief that Mr. Denell does not either.
 6 MR. MUNEKIYO: I think there are a number of
 7 opportunities that all of us need to look at in terms of how
 8 do we improve transparency and the integrity of the process.
 9 You know, earlier we spoke about how is it that we
 10 can maybe -- well, just to speak to that point,
 11 Commissioner. That's certainly something that should be
 12 looked at. It is allowed for right now under 343 in its
 13 implementing rules. And I think there is perceptions that
 14 might be problematic, and we need to look at it. And what
 15 I'm suggesting is not the fact that -- not who it is that's
 16 doing it, it's how do we manage the process. And this is
 17 one area that can be looked at seriously.
 18 There are other points of intervention or
 19 modification to the law that can be considered to improve
 20 the process. And perhaps before embarking on identifying a
 21 specific segment of the planning profession, I think this is
 22 what we should do.
 23 CHAIR HEDANI: Mike, I have a question. You know,
 24 previously we heard that there's no standard for -- our
 25 requirement for evaluating the people that produce EAs and

1 EISs. Do you have an opinion on that? Do you think there
 2 should be a some kind of a standard, like AICP or through
 3 APA or somebody?
 4 MR. MUNEKIYO: I'm speaking more as a member of
 5 AICP and the literature and discussion that I engage with
 6 fellow AICP members. And really, our desire is to increase
 7 or raise the threshold for professionalism in the industry.
 8 And I think AICP certification seeks to do that.
 9 Now, it's not a mandatory certification at this
 10 point. But I think more planners, as they are -- begin to
 11 be part of the process, realize that there are benefits to
 12 being an AICP member; that really, it does raise the
 13 threshold for professionalism. And that's something that I
 14 think every professional planner can consider.
 15 CHAIR HEDANI: Thank you.
 16 Next person to testify is David Arakawa, to be
 17 followed by Cindy Warner.
 18 MR. ARAKAWA: Okay. Good morning Chair Hedani,
 19 Commission Members, and Director Hunt. My name is Dave
 20 Arakawa. I'm the executive director of the Land Use
 21 Research Foundation of Hawaii. At the outset, we commend
 22 the Maui County Planning Department for their hard work and
 23 researching in preparing the Draft of the Maui Island Plan,
 24 the GPAC for their comments, advice and recommendations, the
 25 residents of Maui for engaging in the public planning

1 participation process. And we also commend this Planning
 2 Commission for its diligence in holding all of these many
 3 meetings for public testimony.
 4 LURF generally supports the core vision and values
 5 and broad guiding principles contained in the Maui Island
 6 Plan. However, we have a number of important comments and
 7 concerns. Actually, there are twelve of them, and they're
 8 listed in our testimony. Today we're just going to talk
 9 about three of thousands issues.
 10 First -- it's on page 2 of our testimony. The Maui
 11 Island Plan proposals and proposed Urban Growth Boundary
 12 Maps radically change the Land Use designations and rights
 13 of land owners and automatically terminate previous County
 14 commitments, project districts, Community Plan Designations,
 15 et cetera, which will result in lawsuits based on
 16 unconstitutional taking.
 17 As former Corp. Counsel for the City and County of
 18 Honolulu and having gone through these issues several times,
 19 I would recommend or suggest that you seek, or the County
 20 seek an opinion for Corp. Counsel. And, you know,
 21 Mr. Welch's proposed language, that goes a long way in
 22 addressing this problem too. So perhaps you can take a look
 23 at that. That was a good suggestion.
 24 Secondly, the Maui Island proposal that the Maui
 25 County hire consultants to prepare private and State

1 environmental assessments and EISs is based on erroneous
2 assumptions without any factual basis, is outside the scope
3 of Maui County's powers, and violates the legal authority of
4 the State under Chapter 343 and Federal regulations, and
5 again, will result in Maui County's selection of EA and EIS
6 consultants who lack technical knowledge, professional
7 expertise and familiarity with the proposed projects.

8 This is because for large major projects and
9 technical projects --

10 MS. STALEY: Two minutes.

11 MR. ARAKAWA: -- there are only a few consultants
12 in the whole state that can do this. For airports, for
13 instance, or for large drainage or sewage projects, there's
14 just a handful of these consultants. I sat on the
15 procurement committee to hire these in Honolulu. There are
16 five, maybe seven in the whole state. And to tell them you
17 cannot represent the State in similar cases, you cannot
18 represent private developers, that's going to be a tough
19 sell.

20 But we do agree that this is an issue, and we're
21 glad that you folks are looking at it. The EIS study is
22 also looking at this very issue right now and looking at
23 these issues. I have other things to say about that, but
24 I'll go on. We have to recognize there are hundreds of EISs
25 and EAs that are done, and how many of them actually does

1 they have their procedures. And I wanted to at least let
2 you know that was underway, and their statement will be
3 forthcoming.

4 I want to just go over a couple points as summary
5 and reminder. We have a huge need for senior housing. Hale
6 Mahaolu, who is our proposed partner for this project., has
7 a seven-year waiting list for their small facility next to
8 the Makawao Post Office. That waiting list will get longer
9 and longer as we get further and further into the tsunami of
10 the older people that are coming on board as the baby
11 boomers age.

12 And our plan -- I don't know if this has been said,
13 but I wanted to say it in case it hasn't. Our plan is to
14 donate the land to Hale Mahaolu that they need for the
15 portion of the facilities. So that would be for 110 units.
16 I know Roy Katsuda testified supporting the project and
17 saying the need was very significant. And I want to remind
18 you that there's so many people Upcountry that would like to
19 be able to have their elders stay Upcountry --

20 MS. STALEY: Two minutes.

21 MS. WARNER: -- and not have to go down to Kihei or
22 Kahului or Central Maui for their last years of being part
23 of our community. And they still want to stay where they
24 grew up and were born and raised. And taking them away is
25 kind of like taking a fish out of water.

1 the public suspect that there's wrongdoing.

2 CHAIR HEDANI: Time's up, Dave. But we do have
3 your recommendations in writing. So we appreciate your
4 comments.

5 MR. ARAKAWA: Thank you.

6 CHAIR HEDANI: Next person that we have to testify
7 is Cindy Warner.

8 MS. WARNER: Good morning, Chairman Hedani,
9 Commissioners and Planning Staff. I'm here on behalf of
10 Piiholo South in terms of the retirement housing. And I
11 wanted to give updates. Chairperson Hiranaga requested that
12 I communicate with the St. Joseph's Church. And I wanted to
13 let you know the status of that in addition to just going
14 over a couple points to summarize things.

15 Since our last meeting where I testified, I have
16 reinitiated communications with the church. I've contacted
17 the diocese in Honolulu. I've spoken with Father Mark
18 Alexander and Marlene DeCosta. I've also met with Zach
19 Franks and Father Castro, the priest at St. Joseph's Church.
20 They've called for a pastoral committee meeting, which was
21 held last week, and then will be calling for a parish
22 meeting at the gym in the near future. And once that
23 process is complete, they will give us a formal statement of
24 position. I wish I could give it to you now. But I think
25 the church is similar to -- it's a large institution, and

1 I wanted to also go over the fact that -- let's
2 see. I don't know if there's a vehicle or process in place
3 to provide for a special project like this. And you guys
4 are the ones that would know that. Or Mr. Hunt probably
5 knows if there's a way to facilitate this moving forward
6 with special provisions. We're totally open to having it
7 mandated that we will do is senior housing and have that be
8 a restriction. If there's any questions, I'm open to
9 answering those.

10 CHAIR HEDANI: Thank you very much.

11 That concludes the list of people that we have
12 signed up to testify. Are there any other members of the
13 public that would like to offer testimony at this time. If
14 so, please step to the microphone and state your name for
15 the record. There's an unfamiliar face.

16 MR. MAYOR: Thank you Commissioners. And I do want
17 to thank you for all the time and effort you put into
18 developing this Maui Island Plan. At two meetings ago, Kula
19 Ridge Project came up. And I know they said in the meeting
20 last Thursday that I attended that there are burials
21 apparently on that project. And it was in the Sunday
22 newspaper yesterday. And you may want to revisit that or
23 advise Staff to perhaps give you input into that.

24 Second item. With regard to the EIS statements
25 that were made by Mr. Morioka and Mr. Sato and others

1 regarding the State, I would urge you to take out the last
2 sentence of that section on EISs with regard to the State.
3 I realize it would be difficult to take out. But I urge you
4 to keep the rest of it in there.

5 I, for 25 years, reviewed EIS statements for the
6 Environmental Center of Manoa and dozens, if not hundreds,
7 of EISs. And I've never seen an EIS -- they ask for factual
8 information. I've never seen an EIS that really criticized
9 the project or put in such mitigating measures that would
10 foreclose a project. And that's why I asked and I was on
11 the IRC that helped draft this. We think it would be
12 helpful not to have the developer drawing up the applicant.
13 And I would urge you to keep that portion in there.

14 It's not a question of their ethics, it's a
15 question of transparency. You would not want the governor
16 of the state or a mayor of a place to select who's going to
17 run your next election if they're running for office again.
18 You want to make sure it looks totally open and totally
19 transparent.

20 The financial plan that's put forth in that
21 Implementation section, I think is weak. It mentions all
22 kinds of revenue sources without mentioning what they would
23 be and how much could really be raised in each of those
24 areas. There's a tremendously long list of EIS projects.
25 And I urge you, at some point perhaps, to take a look at the

1 out-of-date or not out-of-date.

2 Impact fees I think should be looked at and
3 adopted. I have two other items here. One very critical
4 one is the Water Use and Development Plan. Right now, it
5 runs a parallel path to this one. And it should be
6 incorporated. It should be required that it follow the
7 General Plan and the Island Plan. That is not in any of the
8 documents.

9 CHAIR HEDANI: Thank you very much, Dick. Your
10 time is up.

11 MR. MAYOR: Thank you.

12 CHAIR HEDANI: Question from Commissioner Shibuya.

13 COMMISSIONER SHIBUYA: Dick, you said there was a
14 couple items that you had. What were the items?

15 MR. MAYOR: The last one was entitlements. And I
16 do think there should be time limits on entitlements.
17 Because you're preparing infrastructure. The whole idea of
18 the Urban Growth Boundary is that the County would be able
19 to know where infrastructure should be put in. When you
20 give entitlement to a large project, the County may go ahead
21 and start planning schools and other facilities in that
22 areas or roads and sewer plants, or what have you. If that
23 project doesn't go through, the County will have wasted
24 money.

25 So this puts pressure on the developers not to

1 study that was done for this Plan by Chris Hart, which lists
2 many of the projects.

3 It was mentioned in Mr. Michaelson's opening
4 testimony that they have an Access spreadsheet and database
5 that gives all the projects. You have not seen that list.
6 It's an enormous list. Very expensive. And I would like to
7 see -- I, even on the GPAC, did not really see where the
8 revenues would be. There was several statements that
9 revenues will have to be raised, revenues have to be raised
10 with no indication what those revenues will be.

11 MS. STALEY: Two minutes.

12 MR. MAYOR: With regard to the statement that was
13 put at the end of your document that was given out today
14 regarding implementation, there are several things I'd like
15 to urge you to adopt. I would urge to you adopt the
16 advisory boards for each of the six districts. Hana was
17 one. It would be, I think, very helpful to this Planning
18 Commission to have projects first reviewed in South Maui,
19 West Maui, or whatever, by an advisory body giving you
20 recommendations.

21 I would urge you to continue with the idea of time
22 limits on outdated documents. And if a document is more
23 than five years old, the traffic study is probably
24 out-of-date. It doesn't mean the whole document has to be
25 redone, but they would have to come to you and say is it

1 over-step and ask for these enormous projects when, in fact,
2 they really only can accomplish a small portion or maybe
3 just a land banking the entitlement 20, 30 years, and the
4 County has put in infrastructure. So this will ensure that.
5 And I think this is a legitimate reason for it.

6 CHAIR HEDANI: Question from Commissioner Starr.

7 COMMISSIONER STARR: My question was answered.

8 CHAIR HEDANI: Thank you very much, Dick.

9 MR. MAYOR: Thank you. And good luck.

10 CHAIR HEDANI: Are there any other members of the
11 public that would like to offer testimony at this time?

12 Seeing none, public testimony is closed.

13 Director.

14 DIRECTOR HUNT: Commission's next item is Item E on
15 your agenda, discussions of and recommendations of Draft
16 Maui Island Plan's Long Range Implementation Plan and
17 Monitoring and Evaluation Elements which were revised to
18 reflect the comments of the Maui GPAC. I believe John
19 Summers is going to take us through this.

20 CHAIR HEDANI: Mr. Summers.

21 MR. SUMMERS: Thank you, Mr. Chairman. All the
22 members should have the document in question, the Long Range
23 Implementation Plan. It was delivered at your previous
24 meeting and also e-mailed to you.

25 I would like to note that in that document that we

Page 90

1 delivered, we did highlight some issues at the back of the
2 document. Just some background that was covered in the
3 presentation. The Infrastructure Plan the Long Range
4 Implementation Plan was reviewed and developed by the GPAC
5 Investigative Review Committee, the Infrastructure
6 Committee. It was not formerly approved by the GPAC due to
7 time constraints.

8 The Department did go through the document and
9 pulled out some of these issues that have been subject of a
10 fair amount of discussion this morning. And we put those in
11 the back of the paper and highlighted them for you. The
12 Department has some concerns with some of the language as
13 it's proposed, but also does support some of the concepts in
14 general. So we are looking for specific direction from
15 the -- this Commission prior to formulating our position for
16 the County Council.

17 As Dave noted in the presentation, the real
18 highlights of this chapter would include the Coordinated
19 Infrastructure Planning Strategy, which we believe as a
20 concept is one of the most fortified important things in the
21 document in terms of really taking our infrastructure
22 planning system to a higher level. There's an additional
23 policy related to the provision of infrastructure
24 clarification of the County's role, private developer's
25 roles, and how we as a community handle existing

Page 91

1 deficiencies. That is also a very, very important concept
2 that really to date has not been defined in the County. So
3 those are the two areas that this plan really lays out this
4 particular chapter, lays those policies out in a very
5 significant way.

6 Towards the back half of the chapter, we look at
7 some of our specific infrastructure systems, wastewater,
8 water, transit, and identify some of the regions serving
9 improvements that would be needed in this planning. Our
10 horizon doesn't include every proposed CIP. We're really
11 looking at the big stuff that would have multiregional
12 impacts.

13 So with that, if the Commissioners have any
14 questions.

15 CHAIR HEDANI: Commissioner Starr.

16 COMMISSIONER STARR: Yeah. To start the discussion
17 rolling -- and I do have some discussion and concerns. But
18 I would like to make a motion to adopt and include the Long
19 Range Implementation Plan as presented in the October 2009
20 draft.

21 COMMISSIONER SHIBUYA: Second.

22 CHAIR HEDANI: Motion by Commissioner Starr,
23 seconded by Commissioner Shibuya to accept the Long Range
24 Implementation Plan as drafted in the October 2009 Draft.
25 Discussion? Commissioner Starr.

Page 92

1 COMMISSIONER STARR: Yeah. Just to start things
2 rolling. I'm wondering whether in looking at page 29, under
3 Item A, Community Plans, and where it calls for everything
4 not inside the boundary to revert to Agriculture, I know
5 there's a lot of concerns out there. And in some cases,
6 rightfully so; and in some cases, less so. But ultimately,
7 this process is going to lead to the Community Plans. And
8 then over time, the Community Plans are going to lead back
9 toward another General Plan process. It's a cycle. But
10 where do you start? It's a chicken-and-egg type of
11 situation. And because of where we're at, we started with
12 the General Plan.

13 So I'm wondering whether it would help ease this
14 situation if there were wording included. And I think we
15 all know that the change -- the change in the Community Plan
16 will occur at the Community Plan level. It's not going to
17 be -- I don't believe there's an intent to mandate it to
18 happen before the next Community Plan updates occurs.

19 So maybe some wording could make that clear, and
20 then it could bring that discussion into the Community Plan
21 process and people won't think that anything is being taken
22 away by them automatically by this, but rather that there
23 will be a discussion at the Community Plan level. So I'd
24 like to ask for direction in this area.

25 CHAIR HEDANI: Mr. Summers.

Page 93

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

2 There were two issues that we had some concerns
3 with in terms of the way this language is worded. The first
4 is this very broad statement that all land excluded from
5 Urban and Rural Growth Boundary would automatically revert
6 to Agriculture. There are some areas that would not be
7 included -- or are not included within the UGB and the RGB
8 and that, quite frankly, should not revert to Agriculture.
9 They may be natural resources that would be more appropriate
10 in a different designation.

11 There should be, in terms of the mechanics how this
12 would occur, a separate ordinance changing the Community
13 Plan Designation. It shouldn't necessarily -- this isn't
14 really the proper vehicle to do that. A more appropriate
15 method to do that would be to have a separate ordinance
16 identifying the particular area in question. And that
17 separate ordinance would change the designation of it could
18 occur during the Community Plan process, it could occur
19 simultaneously with this process, but it should be done
20 through a separate more specific ordinance.

21 COMMISSIONER STARR: Should there be a process? Or
22 I mean, were you envisioning that it would happen more as an
23 automatic function when the Maui Island Plan becomes law?

24 MR. SUMMERS: That's a possibility. Again, it
25 should be done, however, through a separate ordinance. It

1 shouldn't be injected into this chapter. The policies --
2 the Urban and Rural Growth Boundary policies are very
3 specific with how lands outside of the UGB and RGB are
4 treated; i.e., with infrastructure, what kind of development
5 should occur. So we have those policies in place. Those
6 are appropriate for this document. And the Department will
7 be looking at that and perhaps considering parallel changes
8 that would happen concurrently with this document but in a
9 different ordinance, or perhaps looking at doing that at the
10 Community Plan Update.

11 CHAIR HEDANI: John, how do you want to proceed at
12 this point? Do you want us to wordsmith all 29 pages of
13 this thing for one section, or do you want us to provide you
14 with comments from the Commission?

15 MR. SUMMERS: Thank you, Mr. Chairman. I think the
16 most effective and efficient process, because this chapter
17 is different than anything we've reviewed to date, would be
18 if the Commissioners see substantive issues, real concerns,
19 that they just raise those issues. And then that way, we
20 can go back and address them. We wouldn't suggest that we
21 go through it line-by-line. That would be very inefficient,
22 probably nonproductive.

23 CHAIR HEDANI: So we just take it on faith that
24 you'll do the right thing?

25 MR. SUMMERS: If the Commission has a major concern

1 with a provision, then it would be good to pull that out and
2 provide direction it to Staff through a motion or some other
3 means.

4 CHAIR HEDANI: Okay. Any other comments from the
5 Commission? Commissioner Mardfin.

6 COMMISSIONER MARDFIN: I'd like to have some
7 clarification of what the motion is that's on the floor.
8 Was it this entire document? Was it a chapter, you know, a
9 section of this document? And if it's the entire document,
10 does it include the stuff on the back of pages 29 through
11 32?

12 COMMISSIONER STARR: The intent was as it came to
13 us -- kind of my uncited intent, you know, it will include
14 the sense of what discussion is taking today. And I do have
15 a lot of confidence in the Long Range Department to deal
16 with that properly.

17 CHAIR HEDANI: I think the motion on the floor
18 basically was for the implementation portion of the
19 recommendation of the October 2009 draft.

20 COMMISSIONER MARDFIN: Is that inclusive of 29
21 through 32 or exclusive?

22 COMMISSIONER STARR: Yes, inclusive.

23 CHAIR HEDANI: Incidentally, John, you guys have
24 two Chapter Ones. You have a Chapter One for Monitoring and
25 Evaluation and a Chapter One for Implementation. So one of

1 those has to be changed to Chapter Two.

2 Julia, did you have a comment? Sorry.

3 COMMISSIONER MARDFIN: As a way to proceed so we're
4 not constantly jumping back and forth, and most of the
5 testimony this morning dealt with pages 29 through 32, I
6 sort of suggest we start with that, tackle the hard stuff,
7 and then go back to Page 1 through 28, if this is an
8 operational method.

9 CHAIR HEDANI: Any further comments on page 29?
10 Commissioner Starr.

11 COMMISSIONER STARR: Yeah. I'd like to ask about
12 the Department's feelings about the permanent planning
13 advisory boards. And I'll disclose that I served a term on
14 the Hana Advisory to the Maui Planning Commission. I used
15 to refer to it privately as the committee from hell. And
16 many times did I travel from Kaupo to Hana or Keanae to find
17 there was no quorum.

18 And it was -- although it was good when there was a
19 controversial issue, having an operation on a regular basis
20 was kind of too much. And it was, you know -- it tended to
21 be dysfunctional. But Hana is such a unique place, I feel
22 that it probably deserves to remain. But whether I want to
23 extend that throughout the County, I think it might be just
24 creating another level of government that in some areas will
25 be functional and in other areas it will be really hard to

1 get people to participate. And it might be -- I know how
2 expensive it is to staff the Hana one. You have to fly five
3 people out to Hana, and then there's no quorum. I believe
4 it creates a budgetary hole for the Department.

5 You know, for one, I prefer a mechanism utilizing
6 community associations, planning committees under that as a
7 way of getting input. When community associations are
8 functional such as Kula and Kihei is in some years, I think
9 it actually creates a better function. And it may be a
10 better way to actually help empower those already grass-root
11 organizations rather than to create them.

12 And I'd like to hear from the Department.

13 CHAIR HEDANI: Director Hunt.

14 DIRECTOR HUNT: I share a lot of your comments or
15 concerns. Costs is one issue. Staffing these things can be
16 a challenge. There's also language in the Plan as it's
17 worded that really should be more in the implementation
18 ordinance; the number of members, the terms, et cetera. So
19 I think perhaps softening of the language so it's not so
20 explicit and, if this Commission still supports the concept,
21 put a conceptual support in. There are alternatives, such
22 as you mentioned, relying on the community associations, as
23 an alternative.

24 CHAIR HEDANI: Commissioner Mardfin.

25 COMMISSIONER MARDFIN: I read this. And since I've

1 been on this Commission, I've attended the Hana Advisory
 2 Committee meetings. And I find this terribly helpful to me.
 3 I think they are a good idea, although several of them have
 4 been cancelled for lack of a quorum. Hana Advisory
 5 Committee has five people, I believe. And they have trouble
 6 getting a quorum for that. If it's 11, I think the problems
 7 will be more difficult. Although from the way they're
 8 selected, I can see why 11 was sort of chosen.

9 I think they work excellently for Hana, even given
 10 the problems. Whether every community would want one is
 11 another issue, and whether it's appropriate to mix Waihee
 12 with Wailuku, you know, if you're doing it -- the way we
 13 have our Community Plans, it's really sort of regional
 14 plans. And that may not be appropriate. But I think it is
 15 a good way of getting local community input. And I stress
 16 community, not in the six community's context, but in a
 17 really local community context. If it were something to do
 18 with Keanae or Kipahulu, the Hana Advisory Commission would
 19 be almost useless because they're not well-represented on
 20 that.

21 A couple weeks ago -- maybe a month ago -- I went
 22 to a meeting down in Nahiku, where the Nahiku Community
 23 Association, not connected with the Planning Commission, was
 24 concerned about development. If it had a Nahiku concern,
 25 that would have been the proper venue for it. So

1 representations of those areas. So creating another
 2 layer -- again, staffing, quorum. Who wants to be on these
 3 boards when they're just advisory and really have no power
 4 to do anything is a question of mine.

5 CHAIR HEDANI: Additional comments? Commissioner
 6 Shibuya.

7 COMMISSIONER SHIBUYA: I like the concept of the
 8 advisory boards, planning advisory boards. However, in
 9 terms of the jurisdiction or the kuleana in which they would
 10 be operating or interested in is of concern. Are we
 11 thinking in terms of a regional areas such as Upcountry,
 12 just using that as an example? We have Keokea coming up.
 13 We have Waiakoa developing. Farmers out in the Kula area,
 14 Lower Kula. We have concerns about the natural conservation
 15 lands in the upper Kula area, as well as reservoirs. We
 16 also have in Makawao, their concerns are different, as well
 17 as Haiku and Pukalani all have interests.

18 And so I'm kind of wondering maybe advisory boards
 19 for each of the communities might not be a bad idea, where
 20 the numbers could be possibly maybe five, small icons. And
 21 perhaps -- I don't know the mechanism of how these
 22 individuals would be selected. But then somebody has to
 23 have a perspective of the Upcountry region. And so these
 24 advisory boards would probably get together and somehow
 25 create the Upcountry Community Plan. Maybe that's how they

1 conceptually, I really like the idea of having advisory
 2 boards. The exact configuration, I think, needs to be kind
 3 of worked out. And please don't change the Hana one.

4 CHAIR HEDANI: Any additional comments?
 5 Commissioner Hiranaga.

6 COMMISSIONER HIRANAGA: Having served on the Board
 7 of Water Supply prior to the charter change taking
 8 semiautonomy away from the Board and placing it under the
 9 control of the Mayor, or the Department under the control of
 10 the Mayor, having had both had some, being semiautonomous,
 11 and then the advisory board. I think the interest level
 12 decreased because, first of all, we really didn't know what
 13 was happening with the Department. We'd kind of pick and
 14 choose what was sent to us for advisory opinions. And
 15 whether they paid any attention to our opinions or not was a
 16 question.

17 So unless there is some type of -- how would I
 18 say -- empowerment, you know, beyond just being advisory,
 19 I'm not sure how useful establishing five more advisory
 20 boards will be for this island.

21 Myself, I'm fairly familiar with almost all our
 22 regions except for Hana because I don't go to Hana very
 23 often. But I do find myself in South Maui, West Maui,
 24 Upcountry, you know, often enough that I feel confident that
 25 the Planning Commission, through its process, has fair

1 can get integrated. I'm not sure. I'm just playing with
 2 this. I like the idea of having community advisory boards.

3 CHAIR HEDANI: Additional comments? Commissioner
 4 Starr.

5 COMMISSIONER STARR: Yeah. My preference would be,
 6 you know, in areas beyond Hana to empower community
 7 associations and other community groups to have a process of
 8 creating advice to planning and to help empower -- to help
 9 empower them and to help structure that planning committee
 10 for each of those bodies would be more effective than
 11 creating advisory boards that have to operate under Sunshine
 12 Law and with the Governmental staffing.

13 CHAIR HEDANI: Additional comments?

14 I had a couple comments on this page. My first
 15 comment on the top of page 29 is forget this. And it
 16 applied to all four pages. On Paragraph A, where you're
 17 talking about everything reverting to Agriculture, my
 18 comment was not necessarily. You know, I don't think you
 19 want to just blanket everybody and force them to become
 20 farmers all of a sudden just because perhaps we missed them
 21 on a line we designated on the General Plan.

22 And on the advisory boards, my comment is we should
 23 delete the advisory boards because it's self-serving and it
 24 would be another layer of government. And if you think our
 25 permit process is slow now, if you add another layer on top

1 of that, rather than helping the system, we'd be totally
 2 clogging it up with so much cholesterol that nothing would
 3 ever get done.
 4 Commissioner Mardfin.
 5 COMMISSIONER MARDFIN: I share the Chairman's
 6 concern with the reversion of Agriculture. Although, in
 7 many cases, if they're actually doing agriculture, they
 8 prefer that because it will keep them agriculture real
 9 property rates. And maybe that should be on a TMK-by-TMK
 10 basis, where people sort of let the Department know what
 11 they want. But then we'd need a default if they don't
 12 choose, or something else. I don't know quite where that
 13 would be.
 14 Again, back to the advisory committees. I see if
 15 it's a Nahiku or Keanae problem, there would be some
 16 difficulty with people making the decision. On the other
 17 hand, people that live in Kaupo know the people in Keanae
 18 and Nahiku. So it would almost be a good sounding board.
 19 They can come in and make their pitches. They've done that
 20 in the past. They did that when we went out to Hana for the
 21 Maui Island Plan. There were people that came in from
 22 Nahiku that were concerned down there.
 23 At least for Hana, I think it works. Again, I
 24 think five is much better than 11. Whether other
 25 communities find it helpful or useful or not, I don't know.

1 Plans, then it would open to them that final review of what
 2 changes happen in the Community Plan process. I know
 3 that -- you know, that will delay the change of Community
 4 Plan Designation for those areas, but I do kind of feel that
 5 out of fairness, that that's the best way to take care of it
 6 is at the Community Plan level during that revision process.
 7 CHAIR HEDANI: Additional comments? Commissioner
 8 Hiranaga.
 9 COMMISSIONER HIRANAGA: Another question is why
 10 would it revert to Ag instead of Rural? I hate to have a
 11 blanket statement like that because they might be just
 12 outside of the Urban area, and it may be more appropriate to
 13 be designated Rural than Ag. I always have a big major
 14 concern when you're going with a very large brush as you
 15 paint over areas.
 16 CHAIR HEDANI: I share Commissioner Hiranaga's
 17 concern on that. Unless the County has a machine hidden
 18 somewhere in the basement that prints money, this is going
 19 to end up with so many lawsuits that you're going to end up
 20 buying so much property that you've converted to Agriculture
 21 where it's previously entitled to something else. Because
 22 we took a very cursory look at the maps, in large part,
 23 hoping that the Community Plans would be able to take a much
 24 more detailed look at some of those areas. But this is
 25 troubling to me.

1 Jonathan said in using community associations strikes me as
 2 an excellent idea. And particularly, if it can be done
 3 legally on an ad hoc basis. I mean, we're not getting
 4 things every week. But when you do get something in
 5 Pukalani, maybe the Pukalani Community Association is the
 6 turn for input on an ad hoc basis. And if they don't have
 7 anything, then it doesn't work.
 8 So at least, my recommendation would be keep Hana
 9 the way it is, the Hana Advisory Committee, the designated
 10 organization. And for the other areas of the island,
 11 perhaps use on an ad hoc basis, the community association
 12 would be the appropriate way to go.
 13 CHAIR HEDANI: Commissioner Starr.
 14 COMMISSIONER STARR: Yeah. And just -- for Ward,
 15 when I was on the Hana Advisory, we had one from Keanae, one
 16 from Wailua Nui, one from Kaupo, and two from Hana.
 17 COMMISSIONER MARDFIN: Good.
 18 COMMISSIONER STARR: I don't know if that was
 19 better or worse. But I wanted to talk about some wording
 20 that I had put in on the Community Plan paragraph.
 21 And I had written Urban shall revert to Agriculture
 22 within the subject Community Plan, comma, subject to
 23 concurrence by the relevant CAC, since the community -- I
 24 assume the Community Plan process will have these citizen
 25 advisory committees involved in drafting the Community

1 Any additional comments?
 2 COMMISSIONER MARDFIN: Mr. Chairman.
 3 CHAIR HEDANI: Commissioner Mardfin.
 4 COMMISSIONER MARDFIN: So my understanding is we're
 5 not going to take a formal vote on this, we're just
 6 providing additional input, and the Department --
 7 CHAIR HEDANI: John, you want a consensus vote on
 8 issues, or what do you want?
 9 When everything is gray, black and white is hard to
 10 do.
 11 MR. SUMMERS: Well, for the purposes of the
 12 Department's Recommendation, we're considering the comments
 13 that the Commission is providing. If the Commission wants a
 14 more formal vote process for its Recommendation, that would
 15 be at the discretion of the body.
 16 CHAIR HEDANI: I think if we try to go formal, it's
 17 going to take us all of five weeks.
 18 Commissioner Starr.
 19 COMMISSIONER STARR: Yeah, I'm happy with the
 20 process that we're proceeding with.
 21 CHAIR HEDANI: So we'll basically provide you with
 22 comments, as much as we can.
 23 Commissioner Hiranaga.
 24 COMMISSIONER HIRANAGA: Just to understand this
 25 document. So page 29 through 32, the areas highlighted,

1 that's language provided by the IRSC?
 2 MR. SUMMERS: Thank you, Mr. Chairman.
 3 That's correct, that's language provide by the IRSC
 4 in their transmittal. The Department's Recommendation, as
 5 it stands right now, would end at the bottom of 28. And
 6 these pieces that we've highlighted, we would consider the
 7 comments of the Commission when we transmit our updated
 8 Recommendation to the Council. So we could bring some of
 9 this stuff back in. But as of right now, our Recommendation
 10 stops at the end of page 28.

11 CHAIR HEDANI: Commissioner Hiranaga.
 12 COMMISSIONER HIRANAGA: Okay. How many members on
 13 the IRSC and how were they selected?

14 MR. SUMMERS: There's a very formal process for
 15 selection. I can't remember exactly how many members were
 16 on this infrastructure IRSC Committee. I'd have to go back
 17 to the office and do the research. But it was a body that
 18 was selected by the GPAC to provide comments to the larger
 19 body, and each IRSC had different members and a different
 20 number of participants.

21 CHAIR HEDANI: Commissioner Shibuya.
 22 COMMISSIONER SHIBUYA: I recall myself being a
 23 member of this IRSC. Mr. Dick Mayor was another member.
 24 But I'm trying to recall other faces. I believe there was
 25 Susan Moikeha was another one.

1 COMMISSIONER HIRANAGA: So out of 25 GPAC members,
 2 there were three of you on the IRSC for infrastructure?

3 COMMISSIONER SHIBUYA: Well, three of us, I know,
 4 were very active. We met. And the others, I believe were a
 5 total of five. But we three met regularly.

6 CHAIR HEDANI: Commissioner Hiranaga.
 7 COMMISSIONER HIRANAGA: Just a comment. And it's
 8 not a criticism of GPAC. But, you know, we're basically
 9 being presented this document that was not formerly reviewed
 10 or approved by the full GPAC, and it does concern me. And
 11 not to criticize the members of the IRSC, but it doesn't
 12 seem like that was the intent when GPAC was created, to have
 13 a smaller group provide product for review.

14 CHAIR HEDANI: Okay. The only other comment that I
 15 had, and I think we heard a lot of it this morning from the
 16 people that testified, was in Section C on page 30 on the
 17 environmental reviews. My comment on Section C was forget
 18 this.

19 I agreed with what a lot of speakers said this
 20 morning about the legality of selecting consultants for the
 21 County and having them paid for by the State. From my
 22 perspective, if I'm the State and I'm paying for the
 23 consultant, I select the consultant from a principle point
 24 of view. I think on the flip side, if you're concerned
 25 about ethics or manipulation of the document, that's

1 something that can happen at the County level as well as at
 2 the State level. So I think there's no gain necessarily in
 3 doing it one way over the other.

4 And the only thing that would change my mind is for
 5 people to come up here and to threaten us with taking away
 6 Federal funds like they did this morning, which makes me
 7 totally see red. And it doesn't even matter about the
 8 timing delays that they're talking about since everything
 9 takes 40 years in the time frame, and all we're dealing with
 10 is the next century at this point.

11 Commissioner Shibuya.
 12 COMMISSIONER SHIBUYA: I agree with Chairman
 13 Hedani. In this respect, I'd like to soften the language
 14 perhaps. And then maybe the intent is to have certified
 15 types of EIS consultants rather than just have consultants.
 16 Because as Commissioner Hiranaga pointed out that many of
 17 these consultants are not certified and they lack some kind
 18 of a credential, if you will. Or perhaps maybe we can start
 19 the process of having a certified individuals or a pool of
 20 these certified individuals from which to choose from.

21 CHAIR HEDANI: Commissioner Starr.
 22 COMMISSIONER STARR: Yeah. I don't think from a
 23 practical point of view we can really change the process in
 24 this document. I wish we could, but I don't think we can.

25 We have a situation, though, that is not -- that

1 does not give the appearance of transparency. And we've
 2 seen EA documents that were actually prepared by the
 3 applicant. Not by an AICP consultant, but by a County or
 4 State Department who is the applicant, has actually prepared
 5 the document themselves, and then was the reviewing agency
 6 themselves. And it certainly does not give the appearance
 7 of the type of process that's envisioned in 343.

8 So I do feel that it would be good to have some
 9 language pointing toward the need for some kind of
 10 transparency or arm's length process between the three
 11 entities. I don't mean to make it more difficult except
 12 where corners are being cut. But I do feel that the current
 13 process leaves something to be desired, and we need to find
 14 some mechanism of dealing with it. But it's not in this
 15 document because we can't go out and tell the State what to
 16 do or change 343 within the document.

17 CHAIR HEDANI: Commissioner Mardfin.
 18 COMMISSIONER MARDFIN: In preparation for today's
 19 meeting, I read this Item C -- actually, I read it as E in
 20 the old thing that we had. And I thought it was a great
 21 idea. But in light of the testimony today, I'm thinking
 22 that it maybe isn't such a great idea.

23 I don't like the he who pays the piper calls the
 24 tune way of doing things. But I think there was testimony
 25 that at least most developers aren't doing it that way.

1 Unless I had a really, really great idea for ensuring that
2 the separation -- if it was a really great idea, I'd change
3 my mind. But at this time, I am willing to recommend that
4 we not endorse Item C.

5 CHAIR HEDANI: Additional discussion?
6 Commissioner Hiranaga.

7 COMMISSIONER HIRANAGA: Yeah. Again, this is not a
8 direct criticism of the existing Administration or
9 Department. But to assume that placing the EA or EIS under
10 the direction of the Planning Department, there's a better
11 solution. You know, with the change of Mayors and Planning
12 Directors, also there is change in their agenda, what their
13 pushing for. And not to say the nonappointed Planning Staff
14 would be influenced, there are good Administrations and
15 there are bad Administrations. And it changes. The economy
16 is down, they want someone that's more growth oriented. If
17 the economy is expanding too quickly, then they want someone
18 who wants to control growth.

19 But to assume that the Planning Department is the
20 entity that would be the best to place this responsibility
21 under I think is a fairly large assumption to be making as
22 I've seen the County change in the past 50 years since
23 Statehood.

24 CHAIR HEDANI: Commissioner Mardfin.

25 COMMISSIONER MARDFIN: Would it be worth a motion

1 extinguished if they're not begun, that creates a different
2 expectation than when you're granted without that. And when
3 they're granted without that, it means that if it's not
4 acted upon for 20, 30, 40 years, and then it's no longer
5 considered suitable, I'm taken away, then there's a vested
6 right that the applicant has to sue. Whereas, if it does
7 have some sort of time periods and it sunsets, then they
8 don't have that vested right, or less of a vested right.

9 So I like that in principle. I don't think it
10 should be such a short period that it doesn't allow for the
11 lengthy process that it takes. However, you know, looking,
12 say -- the egregious example is Turtle Bay, where 25, 30
13 years later, an environmental document that does not look at
14 all like a current environmental document is being utilized
15 to construct a number of hotels. It probably is a suitable
16 place to start from scratch and to extinguish those rights.

17 I'd like to hear what the Department's concerns are
18 because this wording seem sufficiently vague. So why was
19 this -- what is the concern that the Department has?

20 CHAIR HEDANI: Mr. Summers.

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

22 With respect to the validity period, I question
23 whether it should be in this section of the document. If
24 there was to be a more specific policy related to this, it
25 would probably be better suited in the Land Use Element or

1 that we, the Commission, not endorse Item C? I'll make the
2 motion.

3 CHAIR HEDANI: I think they got the word.

4 COMMISSIONER MARDFIN: We don't need it, okay.
5 Mr. Chair.

6 CHAIR HEDANI: Commissioner Mardfin.

7 COMMISSIONER MARDFIN: We skipped Item D. And
8 there's some shaded wording under the second paragraph about
9 additional required revisions include, but are not limited
10 to the following provisions. Establishing a specific
11 validity period for developmental controls.

12 Is this the idea that -- well, I'm not real clear
13 what this is about. Can somebody help me.

14 CHAIR HEDANI: I'm on the wrong page.

15 COMMISSIONER MARDFIN: Page 29, under B, there are
16 four paragraphs, at least, on that page. The second
17 paragraph has some shaded language, where it says additional
18 required revisions include.

19 CHAIR HEDANI: Sorry. My copy doesn't have
20 shading.

21 Commissioner Starr.

22 COMMISSIONER STARR: Yeah. I think what is being
23 talked about here is use it or lose it. And what that does
24 when developmental improvements and entitlements have a
25 special -- a specified time period, and then they're

1 the Directed Growth Element. With respect to the second
2 half of that sentence, where it talks about essentially
3 concurrency, this concept is addressed in the front end of
4 the chapter, so we don't really need to repeat it. And it's
5 addressed more comprehensively and more specifically.

6 COMMISSIONER STARR: How about the sunseting
7 issue, was that addressed earlier in the plan?

8 MR. SUMMERS: I don't think there's a specific
9 provision that delineates when sunseting occurs. But it
10 speaks to the overall concept, which should really be done
11 through a separate ordinance when we start getting into the
12 details. And there's a little bit of redundancy at the top
13 of Page 31, where it speaks to entitlements where those kind
14 of details are flushed out. Again, the question is whether
15 or not this Plan is the proper place for that type of
16 language.

17 And Staff had some concerns with that kind of
18 specificity in the document. The concept itself could be
19 articulated through a policy in the Land Use Element or the
20 Directed Growth Element effectively. But the details and
21 time lines for sunseting should occur in a separate
22 ordinance.

23 COMMISSIONER STARR: Can --

24 CHAIR HEDANI: Commissioner Starr.

25 COMMISSIONER STARR: Yeah. Can we perhaps leave

1 you with a comment that somewhere in the plan, there should
2 be wording to the effect that these entitlements should
3 definitely sunset unless utilized in a reasonable time and
4 not try to put in language that's too specific or redundant
5 or in the wrong place, but we do share the concept that
6 forever -- it's better to sunset entitlements when not used?

7 MR. SUMMERS: That would be helpful.

8 CHAIR HEDANI: I disagree. From my perspective an
9 entitlement, once it's granted, should be permanent. If a
10 person goes through ten years and a million dollars in order
11 to achieve an entitlement in a Community Plan and all of the
12 different Zoning, Urbanization, all of the other hurdles, it
13 shouldn't be something that automatically terminates after a
14 specific period of time.

15 I think in EISs, that's another point. You know,
16 that's a totally different ball game. Because in an EIS
17 things change, and an original report may not be relevant
18 anymore. But I think if you want to encourage investment in
19 the island, the process has to be clear and the
20 entitlements, once they're obtained, need to be something
21 they can count on in the future. Otherwise, why bother.

22 Commissioner Mardfin.

23 COMMISSIONER MARDFIN: From our discussion, it
24 appears we've left Item B without -- the change in Item B.
25 That sentence starts "additional required provisions." It

1 time limits, I believe, has to be put in. And that doesn't
2 mean that this Commission or any advisory group or review
3 group will not agree to extending it.

4 So I'm more for the sunseting, having this time
5 limit placed in, allowing for the developer time to go ahead
6 and develop, perhaps maybe a longer period of time. But ten
7 years -- I'm just taking an arbitrary point -- I think
8 that's a reasonable point in which you get off dead center,
9 and start rolling one way or the other.

10 CHAIR HEDANI: Commissioner Hiranaga.

11 COMMISSIONER HIRANAGA: Maybe time limit is not the
12 right word. Periodic review. Because I think time limit is
13 too cut and dry. I think you need to look at the merits of
14 each project. You know, there are many ways that you can
15 prevent development either through the Council's action or
16 inaction, from the Mayor's action or inaction, or from
17 public action or inaction, you can influence the project of
18 the so called developer.

19 So I think each project -- and I'm not opposed to
20 periodic review. If something's been granted 30 years ago
21 and it's just been sitting idle for 30 years, then maybe
22 this every ten years or every 20-year periodic review, you
23 look at what has been holding up this project. Is it really
24 the fault of the land owner, or has there been outside
25 entities which have been slowing this process down. Because

1 sounds like we sort of left that --

2 COMMISSIONER STARR: No, we're discussing it.

3 COMMISSIONER MARDFIN: Now we're dealing with item
4 H, Entitlements. Did I miss something?

5 CHAIR HEDANI: It's connected at the end.

6 COMMISSIONER MARDFIN: Then I'm going to refer to
7 Item H, Entitlements. I kind of like Commissioner Starr's
8 approach. I do think things should be a use it or lose it
9 thing. I'm not sure six years is the right number, by any
10 means.

11 And our Chairman has indicated that he thinks that
12 these should be considered permanent. I would point out
13 that when we give SMA approvals and lots of other things,
14 under the conditions, there is a -- you begin process within
15 a certain period of time. Failing to do that -- you can get
16 some time extensions. And I would allow some time
17 extensions. But if you get time extension after time
18 extension for a couple times, then it's, sorry, you've lost
19 it. And I think we ought to use the same concept here under
20 entitlements.

21 CHAIR HEDANI: Commissioner Shibuya.

22 COMMISSIONER SHIBUYA: I agree with my other
23 colleagues. The problem here is that if we do have the
24 entitlements go on in perpetuity, the conditions that are of
25 concern by the community are not really addressed. And so

1 if, you know, the politics -- if a Mayor is against your
2 project, there's way she can provide direction to her
3 department heads to not facilitate this process. And this
4 is all hearsay, of course.

5 The same thing with the Council. It goes into
6 Committee. It can disappear in Committee for years until
7 that Committee Chair changes. So, you know, I think I would
8 be more in favor of words similar to periodic review to
9 determine the merits.

10 CHAIR HEDANI: And from my perspective, I think
11 that's why you have General Plan reviews, that's why you
12 have Community Plan reviews is to go over that process.

13 Commissioner Starr.

14 COMMISSIONER STARR: I think this gets to a very
15 important point, which is the commodization of land, water
16 and goodwill. Because once -- you know, a lot of times
17 there will be a project that it's needed for jobs, it's
18 needed to provide housing, people like the developer, you
19 know, it's the right time and the right thing and it gets a
20 lot of support and it's approved.

21 And then infrastructure may be started or funds put
22 aside with the expectation. And then what really happens is
23 it creates a package that then, for whatever reason, becomes
24 a saleable commodity with that goodwill attached. And then
25 nothing happens to it until 20 years down the road, and it's

1 no longer something that's desirous. You know, there's been
2 other things built in its place. There's, you know,
3 different dynamics. And it no longer fits the desires of
4 the community. Because we do want what gets built to be
5 tailored to what the community's needs and wants are.

6 You know, so I trust the Department is much better
7 at wordsmithing this than we are. But I think we need to
8 have the concept that none of this is -- none of this is
9 forever, and entitlements are not granted to increase the
10 value of land and water so that they can just be sold to the
11 highest bidder, but rather those entitlements are given for
12 the benefit our community.

13 CHAIR HEDANI: Okay. Commissioner Mardfin.

14 COMMISSIONER MARDFIN: Yeah. I actually do believe
15 in the idea of sunseting things that aren't actually done
16 for a number of reasons. But I do agree with Commissioner
17 Hiranaga. If it's not being done because of something that
18 the governments have gotten in the way of, I think that
19 should be grounds for getting extensions fairly liberally.

20 You know, when we get time extensions on projects
21 coming here, I often ask why didn't you do it. And if it's
22 the government saying, well, they haven't given the building
23 permit; okay, we'll give you the extension. On the other
24 hand, I guess to some of the external financial markets now
25 become an excuse for people not having been doing stuff.

1 at this point. I wanted to get one word in on
2 Implementation that I actually drafted.

3 My comment generally was that the General Plan
4 should be implemented through enabling zoning, automatically
5 granted, and done uniformly for all areas included in
6 appropriate growth boundaries. If you zone an
7 infrastructure, investments will follow. If you don't, then
8 you have merely created another layer of bureaucratic red
9 tape to plug up the life plug of Maui's future generations.
10 Plan the zone and zone land was my comment. I know it was
11 at a moment that was late in the day, so take it for what
12 it's worth.

13 We've actually gone an hour and 40 minutes. So at
14 this point, we'd like to take a break for an hour and have
15 our lunch, and then reconvene at 1:15.

16 (At which time, a lunch recess was taken
17 from 12:18 p.m. to 1:20 p.m.)

18 CHAIR HEDANI: The Planning Commission is back in
19 session. We were discussing comments on the Implementation
20 section of the October 2009 draft.

21 Are there any additional comments for the good of
22 the order? I believe that the Department got crystal clear
23 instructions from us this morning.

24 Commissioner Mardfin.

25 COMMISSIONER MARDFIN: Item D on page 30 deals with

1 And I'm a little less sympathetic with that because they
2 could have done it before the downturn hit. But if it's
3 purely just they didn't go forward on it, I think those
4 things should evaporate.

5 In Hana we have a golf course that the hotel wanted
6 to have that totally split the community maybe 20 years ago.
7 It's not doing anything. That should evaporate. That
8 should have evaporated 10 years ago because it was then sold
9 and the new owners didn't want to go through with it. And
10 people in Hana are still concerned that may just appear.

11 So I think a lot of this stuff should disappear,
12 there should be an ability to get time extensions. If the
13 government is part of the cause of the delay, then they
14 should be fairly liberally given. If it's just wave or
15 whimsy or, you know, I didn't get around to it on the part
16 of the developer, I think we ought to have it evaporate. If
17 nothing else, this will provide incentive to go ahead with
18 projects which provide the employment sort of things that
19 might have been part of the justification for improving it
20 in the first place.

21 CHAIR HEDANI: Okay. The Director felt our
22 discussion was pointless, and so he left. Just kidding. He
23 has to catch a flight for the Lanai Island Plan, so he
24 excused himself.

25 Yeah, we're going to have to take a break for lunch

1 timeliness, suggesting that some things become out-of-date.
2 And I agree with that principle. And, I don't know, some
3 things become out-of-date more than others. I don't know a
4 good way to -- I mean, this suggests five years prior. It
5 may sort of depend on what it is and where it is. A traffic
6 study on Hana Town probably would have been good 20 years
7 ago. But maybe some places two years ago may be far
8 out-of-date, like Kihei, Lahaina.

9 There ought to be somewhere we can get a principle
10 in there -- there ought to be some way of looking at things
11 to determine whether they've hit their expiration date and
12 need to be redone.

13 CHAIR HEDANI: Any additional comments?
14 Commissioner Hiranaga.

15 COMMISSIONER HIRANAGA: Just curious as to the
16 basis for selecting five years instead of three years or
17 eight years or six years or four years, nine years?

18 CHAIR HEDANI: 165 years.

19 Mr. Summers.

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

21 With the discussions with the IRSC, I don't recall
22 specific deliberations related to the time line that's
23 mentioned. I would concur that it will depend on the study,
24 on the region, on the specific project. This has been an
25 issue historically that really should be addressed in some

1 manner, whether we want to get to this level and specificity
2 in this document, I'm not sure. I would suggest if this is
3 a concern, that it would be addressed as more of a policy
4 statement as part of this section. It could then be
5 followed up with an ordinance that would specify in more
6 detail how this issue would be addressed.

7 CHAIR HEDANI: Commissioner Mardfin.

8 COMMISSIONER MARDFIN: Do you have any idea how --
9 you suggested a legislation. Is there an administrative way
10 for perhaps the Director to determine whether it's something
11 out-of-date or not?

12 MR. SUMMERS: It may be possible to do it through
13 administrative rule making, to provide that authority to the
14 Planning Director or to the Commission as the case may be.
15 Clearly, the Commission has probably encountered these types
16 of issues or similar issues. It's just that in this
17 document to have a specific -- say, a period of five years,
18 in this instance, or six years is a little problematic and
19 probably requires some more research.

20 CHAIR HEDANI: Additional discussion?
21 Commissioner Starr.

22 COMMISSIONER STARR: Yeah. I agree there should be
23 some work done. But I also do believe that this matter
24 regarding timeliness, the aging of studies and documents and
25 sunseting, that some kind of policy should be -- should be

1 commitments, I did make that comment, that there should be
2 periodic review versus just some type of benchmark.

3 Moving onto Water. The Water Use and Development
4 Plan. Has that been adopted? I mean, I know that as my
5 first year on the Board of Water Supply, which was nine
6 years ago, they assigned me to the task of working on the
7 use of Water and Development Plan. I'm not sure what that
8 was. I guess nine years ago, we still haven't documented it
9 yet.

10 MR. SUMMERS: That's correct, that's my
11 understanding.

12 COMMISSIONER HIRANAGA: I'm just wondering if it's
13 going to be adopted or when it's going to be adopted.

14 CHAIR HEDANI: Additional comments?
15 Commissioner Mardfin.

16 COMMISSIONER MARDFIN: On E, the previous
17 commitments, I agree with the principle. I guess I'm torn
18 between -- I'm concerned about the gap between when the Maui
19 Island Plan is adopted and when the Community Plans are
20 written and adopted. And, you know, I can conceive of that
21 being a fairly lengthy time period. And I guess -- and we
22 have existing Community Plans. So I guess my -- the way I
23 would deal with this is if it's in the previous Community
24 Plan, it's good until the new Community Plan is adopted. If
25 it's not there, there ought to be -- there ought to be some

1 eventually brought forward after a public process.

2 CHAIR HEDANI: Commissioner Mardfin.

3 COMMISSIONER MARDFIN: John, do you think that --
4 I'd like to see something in the document that deals with
5 that issue, even if it's in terms of policies to be
6 developed, or something like that, so that it's not
7 forgotten and disposed of.

8 CHAIR HEDANI: I think one of the things that the
9 Planning Commission can take into consideration that was
10 brought up this morning is that if an EA or EIS has been
11 brought up, you can always reject it if you feel the
12 information is not there or it's not adequate or up-to-date,
13 that is the within our purview.

14 Additional comments on Implementation? One comment
15 I would like to make is I would like to see somehow in the
16 General Plan process, we heard a couple people testify this
17 morning about being caught up in everything and swept into
18 the General Plan process, but somehow that those individuals
19 need to be afforded a reasonable degree of protection and
20 consideration and adjudication in some cases. If it's the
21 taking of land or if it's condemning their property or
22 whatever, that there be some form of fairness in the
23 process.

24 Commissioner Hiranaga.

25 COMMISSIONER HIRANAGA: I guess previous

1 way of dealing with this on a systematic basis.

2 But I do agree with the general concept, the
3 previous commitments disappear if things aren't in the right
4 place at the right time and they don't make any effort to
5 build it. So I mean, I'm just expressing my point of view
6 on the things.

7 CHAIR HEDANI: Commissioner Hiranaga.

8 COMMISSIONER HIRANAGA: I guess the key comment is
9 if they don't make any effort to build it, then how do you
10 quantify that? What is enough effort? Is there a need to
11 have a specific review if we're talking about Project
12 Districts? Because there aren't that many to review anyway.

13 One example is the Project District between North
14 Kihei Road, Honoapiilani Highway and Maalaea Boat Harbor.
15 A&B has a Project District there to plan -- they're
16 proposing a golf course, homes and a marina. Apparently,
17 they feel that golf courses aren't the thing to build
18 anymore, nor marinas. And so they're not opposing the
19 elimination of that Project District in this new plan. So
20 there are times when values, or whatever, shifted and makes
21 it no longer desirable. But I still think you need to go
22 case-by-case instead of wiping things off the map. Because
23 typically Project Districts are pretty substantial areas of
24 land. This is a substantial amount vested.

25 CHAIR HEDANI: Additional comments?

1 Commissioner Hiranaga.
2 COMMISSIONER HIRANAGA: G, Impact Fee. It seems
3 redundant to me. I mean, isn't that already in place? Am I
4 missing something?

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

6 We do have Impact Fee language woven throughout the
7 document, but more specifically in the beginning of this
8 chapter, where we with talk about the adoption of Impact
9 Fees. We do have fee structures in place for parks and some
10 other public facility programs. We feel that the intent
11 here is already addressed in other parts of the document.

12 Also, as part of the adoption of any Impact Fee
13 program, there has to be a Needs Assessment Study to
14 determine the rationale nexus between the fee of the charges
15 and the impact. So we did have some concerns with the
16 statement that called for substantially larger Impact Fees.
17 That may occur, but it should be done through the context of
18 a Needs Assessment Study and a legislation that's adopted by
19 the Council.

20 COMMISSIONER HIRANAGA: I believe you already have
21 a process and procedure in place at the State and County
22 level.

23 MR. SUMMERS: Right, we do have the enabling
24 legislation in place. It's just the County needs to move
25 forward with some of these other facility systems and

1 actually adopt the Fee Schedule.

2 CHAIR HEDANI: Any additional comments?
3 Commissioner Mardfin.

4 COMMISSIONER MARDFIN: On Page 31, they refer to
5 Implementing Enforcement Agencies. And they're suggesting
6 that there be an Implementation within the Long Range
7 Division of the Department of Planning. And it strikes me
8 as an excellent suggestion. Is there any reason you chose
9 not to directly incorporate it?

10 MR. SUMMERS: Thank you, Mr. Chairman. This really
11 does get at the basic purpose of the Long Range Division.
12 So we don't object in concept with the language that's
13 provided. We would look to insert the language. If you
14 turn to page 26 -- page 25 of the in the document, they talk
15 about the Coordinated Infrastructure Planning Strategy as
16 part of a project in Operations Management System, which is
17 on page 24.

18 So we don't have a problem with inserting the
19 concept that's outlined in this section. We do have some
20 concerns with some of the wording in here, but not the
21 concept in general. But it should really go on page --
22 somewhere on page 24, 25. And the language is going to need
23 to be reworked to some extent.

24 COMMISSIONER MARDFIN: So we have a commitment from
25 you to include that and basically adopt the concepts.

1 CHAIR HEDANI: Commissioner Hiranaga.

2 COMMISSIONER HIRANAGA: My only comment regarding
3 that, if you eliminated the words Implementation Unit and
4 Enforcement Unit and say, "The Department of Planning's Long
5 Range Division shall," isn't that your mission? So why do
6 you have to create a unit within the division?

7 MR. SUMMERS: Right. Those were some of the
8 concerns we had with the way the language was drafted.

9 COMMISSIONER HIRANAGA: Down below, "The current
10 Planning Division shall," I mean, why do you have to have
11 enforcement in this? That's what the current plan is,
12 Zoning and Enforcement.

13 MR. SUMMERS: That's correct. It really is the
14 Zoning Administration and Enforcement Division, not Planning
15 that deals with enforcement. So it was that kind of
16 clean-up that would have to occur.

17 COMMISSIONER HIRANAGA: I just don't want to have
18 to create any more stationery decals and new charts that
19 cost money to print.

20 CHAIR HEDANI: Commissioner Hiranaga.

21 COMMISSIONER HIRANAGA: H, Entitlements. I guess
22 there is a sound basis for picking six years, start project;
23 midpoint, ten years, so on. Again, are these just numbers
24 that someone thought might be nice numbers?

25 MR. SUMMERS: Again, this was discussed earlier

1 when we talked about a sunset provision or a periodic review
2 provision. This language gets to the same issue and a lot
3 more specificity. Again, Staff feels the concept is good.
4 The actual implementation of it should be spelled out in a
5 more specific ordinance. So we concur with the concerns
6 about the specificity of the language.

7 CHAIR HEDANI: My concern on this particular
8 issue -- and I'll give you an example. In Kaanapali, zoning
9 for the resort was put in place in the 1950s. The
10 development of the resort took place from 1960, all the way
11 up to -- every time I say something, the Mayor disagrees
12 with it. She makes that sound happen.

13 If somebody has a cell phone on, if you could turn
14 it off, I think that would help.

15 But anyway, in the case of Kaanapali, the zoning
16 was put in place -- it took us the better part of -- it's
17 all the fault --

18 It took us a better part of 50 years to get the
19 resort to the 50 percent development section. The zoning
20 was in place, the assessments were in place, it was taxed
21 based on the higher assessments. But the resort only grew
22 as the occupancies within the resort could sustain that
23 development. If you attach a very short fuse to a
24 development time frame, you're going to get a very fast
25 development that occurs maybe faster than you want it to

1 occur, as a comment, you know, for consideration.
 2 Commissioner Starr.
 3 COMMISSIONER STARR: Yeah. But I think that's a
 4 case in point where the development was initiated, say,
 5 within the ten years from the entitlement and it progressed
 6 steadily. I don't think there's an intent to consider that
 7 problematical. But rather, say, it had reached entitlements
 8 in the 50s. And then in the '80s, 30 years later, or 25
 9 years later, there still was nothing in the ground or no
 10 attempt at it, you know, I don't think there's -- you know,
 11 I think that there should be a slow enough fuse on a
 12 long-term Project District, but it shouldn't be open-ended.
 13 CHAIR HEDANI: And that's why my comment that
 14 periodic reviews should take place, but that should be this
 15 process that we go through. A General Plan review every 20
 16 years, or whatever time frame you set for it, together with
 17 Community Plan reviews that would reaffirm whether or not
 18 the zoning was appropriate or not.
 19 Additional discussion? Have we beat this to death?
 20 My only comment was that this particular section looked like
 21 it was not as polished as everything else that we
 22 considered, it's because the entire GPAC had not had the
 23 opportunity to participation in the discussion on it and own
 24 it to a level where it reflected the work that went into the
 25 rest of the Plan.

1 You ready for the question? Commissioner Mardfin.
 2 COMMISSIONER MARDFIN: Now that we've finished with
 3 those pages, are we ready to go back to the beginning of
 4 this document?
 5 CHAIR HEDANI: We're doing any comments on
 6 Implementation.
 7 COMMISSIONER MARDFIN: It's within Implementation.
 8 We've dealt with pages 29 through 32. And I'm ready to go
 9 back to the Performance and Quality of Life Indicators,
 10 which are the first one, two, three, four -- first four
 11 pages after John Summers's memo.
 12 CHAIR HEDANI: Which pages are you referring to?
 13 COMMISSIONER MARDFIN: Well, they're aren't pages
 14 on them, unfortunately. But it's the Quality of Life pages.
 15 I know it was in the beginning of my --
 16 COMMISSIONER STARR: Could we ask the audience to
 17 be quiet. They're being very rude by talking, Jocelyn.
 18 CHAIR HEDANI: Jocelyn.
 19 MR. SUMMERS: Thank you, Mr. Chairman. We have
 20 first the Long Range Implementation Plan, which we have been
 21 reviewing. The next element is the Monitoring and
 22 Evaluation element. I think we've jumped to the next
 23 element.
 24 COMMISSIONER MARDFIN: Okay. I'll hold off on
 25 that. I'm sorry. We're on the Monitoring and --

1 CHAIR HEDANI: We're on Implementation, starting on
 2 Page 1.
 3 COMMISSIONER MARDFIN: Hang on.
 4 CHAIR HEDANI: Same set that goes from 29 to 23.
 5 COMMISSIONER MARDFIN: This one?
 6 MR. SUMMERS: That's correct.
 7 COMMISSIONER MARDFIN: Okay. Give me --
 8 CHAIR HEDANI: Commissioner Mardfin.
 9 COMMISSIONER MARDFIN: On page 2 of this
 10 Implementation, in the very last line, it says blah, blah,
 11 blah -- to identify short meeting and long-term capital
 12 projects to address existing service deficits and projected
 13 growth for 2030 --
 14 In the April 2009 version of this, it said
 15 long-term capital projects and associated costs to address
 16 existing service deficits. And I'm wondering why you
 17 deleted it?
 18 CHAIR HEDANI: Mr. Summers.
 19 MR. SUMMERS: Thank you, Mr. Chairman.
 20 With respect to the costs of a much broader array
 21 of actions, particularly at the one-year level, that's
 22 really more of the role of the six-year CIP process and not
 23 this chapter per se.
 24 CHAIR HEDANI: Commissioner Mardfin.
 25 COMMISSIONER MARDFIN: If you're identifying short,

1 medium and long-term capital projects, don't you have to
 2 look at the cost of these things?
 3 MR. SUMMERS: And we have. If you look through the
 4 document, for those projects we've culled out, we do have
 5 costs identified.
 6 COMMISSIONER MARDFIN: Then why don't we leave
 7 associated costs in there? I mean, if we're doing it, then
 8 leave it in. If you're not, then that's fine.
 9 CHAIR HEDANI: Additional comments?
 10 Commissioner Mardfin.
 11 COMMISSIONER MARDFIN: Let me say one thing in
 12 general about the Implementation. Before I read it, it had
 13 been brought to my attention that there's been a long time
 14 to get the cost of doing these things. There was some
 15 concern that not much effort had been made into actually
 16 getting the cost. Then as a read it, I decided in my own
 17 mind -- and I just want to express this -- that this is a
 18 plan. And it seemed to me -- and I want to you tell me
 19 whether I'm perceiving this correctly when I get to the end
 20 of my statement.
 21 It seemed to me that what you were doing is setting
 22 up a future plan for doing this. And what would happen
 23 would be the Maui Island Plan would be passed with this
 24 Implementation project. Once that was done, we could go
 25 ahead with the Community Plans. Once that was done, we

1 could go ahead with figuring out the costs of doing this.
 2 And it occurred to me that if the Director had gone to the
 3 Department of Water Supply and said what is it going to cost
 4 to do that, the head of that could have said, yes, I know
 5 you want this information and on what basis are you asking
 6 for it, he might have not had too many legs to stand on.

7 So when I read it, I think I got the idea that this
 8 is a process. And so the reason you don't have specific --
 9 I mean, you have costs for particular projects. But the
 10 reason there aren't general departmental budget plans in
 11 here is because you want this as enabling legislation to
 12 then go to the departments and say you have to give it to
 13 us; see, the Council passed this. Is that sort of what is
 14 going on?

15 MR. SUMMERS: That is correct. This would set in
 16 place institutional change that would enable that kind of
 17 short- and long-term budgeting to occur. So I think you hit
 18 the nail right on the head with that statement. We have
 19 pulled out some of the costs for some of the regional
 20 systems. But really the more important part of this chapter
 21 is the framework that would basically tie planning and
 22 budgeting and the infrastructure provision together in a
 23 more reliable and effective system.

24 CHAIR HEDANI: Additional comments? Commissioner
 25 Starr.

1 COMMISSIONER STARR: Just to add to that, if this
 2 is working in a period of years and it's functional, it
 3 means that the numbers and the areas that we define here as
 4 then refined in the Community Plans will drive the number
 5 and will drive the projects. If we were to have -- you
 6 know, plan for 100,000 more people and additional housing
 7 units in a much bigger area than we're really going to need,
 8 then we'll end up budgeting and building a lot of
 9 infrastructure that won't get used, but we'll have to find
 10 funding for.

11 And conversely, if it were much too small, then we
 12 will have shortages. And there may be some deficiency in
 13 the projections, but at least it's always better to work in
 14 your best projection than to do things in a random fashion,
 15 which is how we've gotten to where we are now, which is to
 16 put a Band-Aid on it, stretch the pipe a little bit, and see
 17 if you can get someone else to pay for it. At least for the
 18 first time, we're trying to put science to the system
 19 instead of just having the chips fall as they may.

20 CHAIR HEDANI: Commissioner Hiranaga.

21 COMMISSIONER HIRANAGA: On page 11 of the newly
 22 adopted, I guess we're looking at ways to create revenue on
 23 Residential Landfill Disposal Fees, Number 11. I just have
 24 a philosophical concern about charging residents big fees.
 25 Because I think it's commonly known if you start charging

1 residence dumping fees, they tend to dump it just outside of
 2 the dump so they don't have to pay the fee.

3 COMMISSIONER STARR: No.

4 COMMISSIONER HIRANAGA: I've heard it said once or
 5 twice.

6 CHAIR HEDANI: I have the same comment on that
 7 section. My comment was at the end of all of that
 8 discussion, add more dumping in the gulches. So they'll
 9 just dump it right outside their gulch rather than bring it
 10 down to the landfill.

11 On that page also, my comment is we should expand
 12 the comment on Transfer of Development Rights so we
 13 understand what we're talking about.

14 Commissioner Mardfin.

15 COMMISSIONER MARDFIN: I'd like to go back to page
 16 7, and compliment the drafters of this. Under D, it says
 17 Level of Service Standards. I'd much prefer that over
 18 the -- as opposed to the squeaky wheel strategy, which I
 19 think has been the operative philosophy. The level of
 20 standard is very good.

21 The one catch I have in here -- and I don't think
 22 it's quite on this page. But it sounds like we're building
 23 the bare minimum. You're asking for minimal, acceptable and
 24 desired, but I see nothing this in here that gets desired.
 25 Everything in here gets a minimal, acceptable. And I'd like

1 to see it go a little higher than that. I just wanted to
 2 comment on that.

3 CHAIR HEDANI: Any additional comments?
 4 Commissioner Hiranaga.

5 COMMISSIONER HIRANAGA: On page 13, I know this is
 6 kind of wordsmithing, but Table 9-3, Major Capital
 7 Improvement Projects, that's not solid waste, right? Water
 8 systems?

9 CHAIR HEDANI: Commissioner Shibuya.

10 COMMISSIONER HIRANAGA: The other thing -- I'm
 11 sorry. What is the Waihee Water Treatment Plant? That's
 12 new to me.

13 CHAIR HEDANI: Mr. Summers.

14 Why don't we ask Mr. Michaelson that since he's
 15 been to so quiet.

16 MR. MICHAELSON: I'll defer to Summers.

17 MR. SUMMERS: Waihee Treatment Water Plant. This
 18 was a project that the Department of Water Supply had been
 19 kicking around. I don't have a lot of information on it. I
 20 just know that it was on the program list by the Department
 21 of Water supply. I can check with the infrastructure
 22 planner who helped us with this and get some more specific
 23 information.

24 COMMISSIONER HIRANAGA: I'm assuming it's surface
 25 water?

1 MR. SUMMERS: That's correct.
 2 MR. MICHAELSON: Yeah.
 3 CHAIR HEDANI: Commissioner Shibuya.
 4 COMMISSIONER SHIBUYA: Talking about Level of
 5 Service Standards, I was just wanting to add in the sentence
 6 there that County, with the appropriate or respective
 7 communities, will establish community appropriate Level of
 8 Service Standards. Is that something that is okay? It's
 9 not just the County by itself, but respective communities.

10 CHAIR HEDANI: Mr. Summers.
 11 MR. SUMMERS: Thank you, Mr. Chairman.
 12 The development of these Level of Service Standards
 13 would entail community outreach, particularly when you're
 14 talking about urban level services and rural level of
 15 services. It's sort of intrinsic into the process of
 16 developing these LOS Standards would be outreach in the
 17 communities. So we don't have a problem with the concept
 18 that Commissioner Hiranaga stated.

19 COMMISSIONER SHIBUYA: The reason why I'm saying
 20 that is because there's a cost factor related to that Level
 21 of Service Standards. The desired levels, as Commissioner
 22 Mardfin is mentioning, versus what ought to be minimally
 23 acceptable are two different things here. And sure, I like
 24 Disneyland, but I've got to be realistic about it.

25 CHAIR HEDANI: Additional comments?

1 County will require new developments to construct on-site
 2 park facilities."

3 Right now, you have a parks assessment when a
 4 subdivision is done. So if you require on-site park
 5 facilities to be built, then whack them for a park
 6 assessment for off-site park or regional park facilities,
 7 that would be double dipping in my book.

8 Commissioner Mardfin.

9 COMMISSIONER MARDFIN: A comment. On page 8, I
 10 like your Infrastructure Concurrency Policies. On page 9,
 11 you're dealing with Existing Deficiencies Policies. And
 12 there was some deletion of some words. And it was -- oh, I
 13 know. There was an upgrade of deficient projects was
 14 deleted from -- I think is what's now called A. In the
 15 April version, it said, "Identify existing service
 16 deficiencies in projects. Project future operation and
 17 maintenance fees. Using the CIPS Needs Assessment Study,
 18 the County shall identify existing service deficiencies and
 19 projected" -- no, that's not it. Sorry. B.

20 CHAIR HEDANI: Slow down, Ward.

21 COMMISSIONER MARDFIN: Sorry. It was, "Fund the
 22 upgrade" -- oh, I know. There was a whole section taken
 23 out. In the April, there was a Section B, which said, "Fund
 24 the upgrade of deficient projects. The County shall provide
 25 revenues sufficient to maintain the minimum acceptable Level

1 Commissioner Mardfin.
 2 COMMISSIONER MARDFIN: Still on page 7. You have
 3 Infrastructure Expansion Policy and a New Development
 4 Subdivision as actions for on-site improvements. And I
 5 really like that section. But I have questions about --
 6 particularly in the last sentence or two, how you'd enforce
 7 it? You'd use an enforcement lien of some sort? I was
 8 thinking about Molokai when I read this. And if there's a
 9 bankruptcy, is the County first in line for getting stuff?
 10 Because I'd hate to see commitments made and the
 11 County is on the hook for stuff, and then the guys go
 12 bankrupt, skip town and 101 other things. I'd like to know
 13 what the thinking is about making sure the thing's
 14 enforceable.

15 CHAIR HEDANI: Mr. Summers.
 16 MR. SUMMERS: Thank you, Mr. Chairman.
 17 I think the idea here was these improvements would
 18 be bonded so that in the event that the system failed or
 19 that the project failed, there would be some insurance.

20 COMMISSIONER MARDFIN: The bonding company would
 21 pay off?

22 CHAIR HEDANI: They would follow up on the project.
 23 My comment on that paragraph was double dipping in
 24 the case of park facilities in particular. It says, "As a
 25 condition of subdivision or developmental approval, the

1 of Service Standards over the 20-year planning horizon. The
 2 County will encourage the State to upgrade its facilities to
 3 meet the County LOS Standards."

4 That whole paragraph was taken out. And I was
 5 wondering if there was a reason for that?

6 CHAIR HEDANI: Mr. Summers.

7 MR. SUMMERS: Thank you, Mr. Chairman.
 8 It was actually merged with A. We didn't feel it
 9 was necessary to break it out as an A and B. So you'll see
 10 that sentence at the bottom of A in the revised draft.

11 COMMISSIONER MARDFIN: I don't see the word upgrade
 12 anywhere.

13 CHAIR HEDANI: Commissioner Shibuya.

14 COMMISSIONER SHIBUYA: I'd like to see some sort of
 15 equity, where there's some kind of comparable equality.
 16 When you start looking at the Upcountry area in Kula, these
 17 are Ag areas. And certain areas have been designated by us
 18 as Rural Growth Boundary, and they have substandard
 19 infrastructure. Whereas, when you start going to Wailuku
 20 Country Estates, this body allowed it to be Agriculture.
 21 Yet, they have curbs, wider streets, they have shoulders.
 22 They have even storm-drain type of accommodations.
 23 Somewhere along the line, it doesn't equate as equal.

24 How do we move towards that? And perhaps in the
 25 process of getting equality, is there a possibility of

1 adjusting for it or adding more priority into certain areas
2 for communities to become upgraded to be equal with the
3 others?

4 CHAIR HEDANI: Commissioner Hiranaga.

5 COMMISSIONER HIRANAGA: Are you sure Wailuku
6 Country Estates has sidewalks, curbs and gutters? I don't
7 believe they do.

8 COMMISSIONER SHIBUYA: No, they have storm drains.

9 COMMISSIONER HIRANAGA: Well, they have swales.

10 COMMISSIONER SHIBUYA: They have swales. They have
11 underground utilities.

12 COMMISSIONER HIRANAGA: Most new Ag Subdivisions
13 have underground utilities.

14 MR. SUMMERS: Not in Kula.

15 COMMISSIONER HIRANAGA: New. New.

16 COMMISSIONER SHIBUYA: That's what I'm talking
17 about, equality aspect.

18 CHAIR HEDANI: Hold on, guys. You're making Cammie
19 crazy here.

20 Commissioner Hiranaga.

21 COMMISSIONER HIRANAGA: Yeah. I guess I want to
22 caution the Commissioner from Upcountry, when you start
23 going into unit cost, you don't want to know what it costs
24 to take water Upcountry from Central Maui during a drought,
25 or the cost to deliver electricity from the Maalaea Power

1 you look at it, they may be essential the same tool,
2 capturing a percentage of the sales price, with that money
3 dedicated to a specific purpose.

4 Dave, do you know the distinction between --

5 MR. MICHAELSON: Actually, the terms are
6 interchangeable.

7 COMMISSIONER MARDFIN: Then I suggest you get rid
8 of one. But I really like the idea. I think it's an
9 excellent idea that we ought to hold onto. But maybe you
10 could combine the wording into one thing.

11 CHAIR HEDANI: Commissioner Hiranaga.

12 COMMISSIONER HIRANAGA: You know, on page 13 down
13 at the bottom, Current Revenues versus Projected
14 Expenditures. The statement, current DWS revenues will not
15 be able to keep pace with projected expenditures and
16 (inaudible) expenses increase.

17 Do you know if for a fact that is true? Because my
18 experience with the Board of Water Supply was we used to
19 allocate funds that never got expended because either there
20 was not enough staff to administer the projects, or there
21 was not enough consultants to hire to design the projects.
22 And so we kept every year, benefit of the doubt, \$8 million
23 for pipe replacement. And we spent \$3 million or
24 \$4 million. So an extra \$8 million -- the study said you
25 had to spend \$8 million in pipe replacement, or we're going

1 Plant versus Wailuku. You don't want to open that box.
2 It's going to be --

3 COMMISSIONER SHIBUYA: Well, I can open another box
4 if the Chairman will allow me.

5 CHAIR HEDANI: Commissioner Shibuya.

6 COMMISSIONER SHIBUYA: If you want to pay a little
7 higher price for Kula vegetables, then that will be a
8 problem, too.

9 CHAIR HEDANI: Any further discussion?
10 Commissioner Mardfin.

11 COMMISSIONER MARDFIN: I'm up to page 10 and 11,
12 Table 9-1. And I want to make a couple quick comments. One
13 is Trust Funds, the third one down, and just mention that
14 there's a danger that these get raided in times of distress.
15 At least they have on Oahu. Times get tough and the
16 legislature will often say, oh, we have this rainy day fund;
17 oh, let's use it now when it might not be raining. But the
18 concept is fine.

19 Would somebody explain to me the difference between
20 a Real Estate Transfer Tax and a Real Estate Excise Tax.

21 CHAIR HEDANI: Mr. Summers.

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

23 Dave, feel free to jump in if you want.

24 They're very similar. Both of them occur in the
25 sale of a property. In fact, they may be -- actually, if

1 to be in trouble. But either there's not enough staff or
2 not enough consultants. So we always seemed to have money.
3 That was before the Charter changed.

4 So are funds from the -- are water fees now being
5 commingled in the General Fund, or is it still exclusive,
6 water fees are used exclusive for water infrastructure cost?

7 CHAIR HEDANI: Mr. Summers.

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

9 It's my understanding the funds are not commingled.
10 I think we were looking at the major capital cost for
11 expansion of the systems. And revenue's -- perhaps the
12 better term would be resources, if staffing was the binding
13 constraint. But from our discussions with the Water
14 Department and the research, there simply isn't enough money
15 coming in to expand the system to address existing
16 deficiencies, as well as expected growth. So we do have, if
17 you will, a structural imbalance between revenues and
18 projected expenditures.

19 COMMISSIONER HIRANAGA: My experience has been the
20 revenues are there, we don't have the resources to utilize
21 the revenues. So maybe the resources can be -- you know, in
22 a down economy, all the CEs, civil engineers, want to work
23 for the County. And then in the up economy, they all leave
24 to go work for private industry. It goes back and forth.

25 CHAIR HEDANI: Commissioner Shibuya.

1 COMMISSIONER SHIBUYA: I would also like to add in
 2 another feature. The Water Department seems to be either
 3 maintaining the reservoirs, ditches, as well as the water
 4 meters. I think we need to start thinking outside the box
 5 and start looking in terms of how do we develop new sources.
 6 I'm not saying stealing water. I'm saying develop new
 7 sources for water.

8 Do we need to set aside some money to develop our
 9 watersheds, develop high-elevation type of collecting,
 10 moisture collecting projects. I'm in favor of that kind of
 11 stuff.

12 CHAIR HEDANI: Additional comments?
 13 Commissioner Mardfin.

14 COMMISSIONER MARDFIN: I'm back to page 10 and 11,
 15 at Table 9-1. And at the bottom of page 10, you talk about
 16 congestion pricing and tolls. On Oahu, they toy with the
 17 idea of congestion pricing on the Pali Highway. I think it
 18 probably doesn't make sense with the amount of stuff we have
 19 here in Maui, but tolls is an interesting concept. And I
 20 know people in Hana have toyed with the idea of recommending
 21 tolls, either out in Kipahulu or on Hana Highway. In
 22 general --

23 CHAIR HEDANI: Commissioner Starr, you can
 24 disconnect everybody's microphone except your own.

25 COMMISSIONER STARR: Just the unused ones.

1 Sometimes the blowers --

2 CHAIR HEDANI: Commissioner Mardfin.

3 COMMISSIONER MARDFIN: Tolls have been considered
 4 by people in Hana. The one thing we would want is some sort
 5 of annual pass, or something like that, so it didn't burden
 6 on the people that lived there and had to travel back and
 7 forth. But we think it's a great way to get revenues from
 8 the tourists who pass through to Hana, to get funds to help
 9 with bridge repair and that sort of thing.

10 So as long as there's sort of an efficient way of
 11 doing it, that's a real possibility. And on the top of the
 12 next page, it talks about Urban Road and Rural Road
 13 Maintenance Districts. And one of the possibilities would
 14 be to add a tax on rental cars, tour vans, trucks and SUVs,
 15 who put extra use on the road. So that's something that
 16 could be added to the Urban Road/Rural Road Maintenance
 17 Districts.

18 The one thing we have to be careful about, however,
 19 is we don't want to get a regressive tax where it hits the
 20 poor more than the wealthy as a portion of their income.
 21 And one way to offset that is if the State Income Tax could
 22 give a credit for people that are in that district. And
 23 that would be a low income credit. So people that are poor
 24 could get the money back and people that aren't, would pay
 25 it.

1 CHAIR HEDANI: Additional comments?
 2 Commissioner Shibuya.

3 COMMISSIONER SHIBUYA: Are we collecting some tax
 4 from all of the rental vehicles now and that is distributed
 5 amongst the various counties, maybe?

6 COMMISSIONER MARDFIN: I think it goes to the
 7 State.

8 COMMISSIONER DOMINGO: That's correct.

9 COMMISSIONER SHIBUYA: So it's not shared.

10 CHAIR HEDANI: It goes to the same people that said
 11 they're going to put us on the bottom of the list for
 12 infrastructure projects in the future.

13 COMMISSIONER SHIBUYA: That's right. And they
 14 threatened us.

15 CHAIR HEDANI: Any further comments?

16 I had one comment going back to page 5, where we're
 17 working on a 20-year CIP project. And my comment was --
 18 well, first I crossed off all the acronyms. But other than
 19 that, how realistic is that? We can't really forecast
 20 dollars beyond six months right now for all of the economist
 21 at the University of Hawaii. So how accurate is something
 22 going to be for a 20-year forecast? So to go through this
 23 over and over and over again, I think would be somewhat
 24 wasteful.

25 And my comment on page 6, under System Wide Major

1 Capital Improvement Requirements and Financing, my comment
 2 was SWMCIRF is really complicated for a title. Why don't we
 3 call it Capital Requirements, and keep it simple.

4 Commissioner Mardfin.

5 COMMISSIONER MARDFIN: Back on page 11, the last
 6 item under Table 9-1 talks about Benefit Assessment
 7 Districts. And I couldn't quite tell who this was going to
 8 be targeted to. But I do think that hotel rooms,
 9 timeshares, B&Bs are actually a good way to pay for this
 10 since basically most of the tax like this is exported, it's
 11 shifted to the people that stay there, and these are
 12 visitors from the mainland. So it's a very good way to get
 13 tax revenues for the County, with people who live in
 14 California and Texas paying for it. So that's a
 15 particularly useful concept to see this idea of tax
 16 shifting.

17 CHAIR HEDANI: Commissioner Hiranaga.

18 COMMISSIONER HIRANAGA: Just a caution. I stayed
 19 at the Sheraton last week, and I had to pay the hotel room
 20 tax also.

21 CHAIR HEDANI: Another comment that I'd like to
 22 offer is that I don't think it's within our purview to
 23 invent tax law for the County of Maui or for the State of
 24 Hawaii. And it may be exceeding the purview of the General
 25 Plan Review other than to suggest things to the County

1 Council.

2 Commissioner Hiranaga.

3 COMMISSIONER HIRANAGA: Page 17, the last sentence,

4 selling advertising space. I am totally and fully against

5 that.

6 CHAIR HEDANI: Commissioner Shibuya.

7 COMMISSIONER SHIBUYA: Still stuck on Water, I

8 guess. I would like to have some kind of inventory made on

9 all underground wells, private as well as public. Also, the

10 inventory should begin immediately and have some kind of

11 funding for this so that we can at least start assessing

12 some of these wells, particularly those that are private

13 wells. And we need to assess the capacity of these wells.

14 Because we are now getting to a point where I believe we

15 have too many straws, and our underground aquifers may be

16 suffering. Thank you.

17 CHAIR HEDANI: Commissioner Mardfin.

18 COMMISSIONER MARDFIN: I 100 percent concur with

19 that. We need the information. This document, as

20 implemented, could serve to get that kind of information. I

21 think it's a wonderful idea.

22 CHAIR HEDANI: Commissioner Starr.

23 COMMISSIONER STARR: Yeah. I'd like to call for

24 that data. However, it's going to be a while before we get

25 it. Because as of two days ago, all of the staff at the

1 question.

2 CHAIR HEDANI: Commissioner Mardfin.

3 COMMISSIONER MARDFIN: Just for clarification, when

4 he was saying assessing, I think he meant determining how

5 much water is being taken. When you referred to it, I think

6 you were thinking that we were going to tax it in some

7 fashion. So there might be some confusion on what that word

8 means.

9 CHAIR HEDANI: Commissioner Shibuya.

10 COMMISSIONER SHIBUYA: I was talking about

11 assessing the capacity, the well-head capacity.

12 CHAIR HEDANI: I see.

13 COMMISSIONER SHIBUYA: That's a little different.

14 Also, I believe the Planning Department, I think,

15 had four more new positions, and they're not filled. So why

16 not absorb some of these inspectors.

17 CHAIR HEDANI: Any other comments for the good of

18 the order?

19 Commissioner Mardfin.

20 COMMISSIONER MARDFIN: I'd just like to point out

21 that in Tables 9-3 and 4, where you look at particular

22 projects, East Maui is not listed on any of this. In 9-3,

23 on Water, the EMI water takings is a huge issue. On 9-4,

24 Roadways, where mostly -- there is a line in there about

25 bridge replacement. That's the thing I think we're most

1 Commission for Water Resource Management that acquire this

2 data and do research on it and prepare the tabulation on it

3 for the Water Commission have gotten permanent layoff

4 notices. That also is the case with Doug Tom, who heads

5 up -- who created the Coastal Zone Management Program for

6 the State and his assistants. So all the people who

7 actually do that work are gone.

8 CHAIR HEDANI: I think compounding that, I don't

9 think the information is out there. You know, because it

10 comes from private sources who refuses to give it to you,

11 especially if you're going to assess them. And the data

12 itself is very difficult to assimilate.

13 COMMISSIONER STARR: There is law that states it

14 has to be given to the Water Commission. They have not had

15 the resources to enforce it, but they do have -- up until

16 now, they do have a lot of data. However, there's going to

17 be a big hole in that data moving forward.

18 CHAIR HEDANI: Commissioner Hiranaga.

19 COMMISSIONER HIRANAGA: Actually, I was going to

20 say something very similar to what Commissioner Starr says.

21 From a statute point, you know, you're supposed to provide

22 all that information, and you're also supposed to obtain the

23 permit to drill a well. So there's data regarding permitted

24 wells. It's the unpermitted wells we don't know about.

25 Whether they're going to come forward or not is the big

1 concerned with in terms of roadways. In Transit, our main

2 concern would be airports. But I admit, that's a State

3 function.

4 In 9-6, Wastewater. It probably isn't necessary in

5 the near term, but it's something that should be looked at

6 the in the future. For 9-7, for Solid Waste, we know

7 they're talking about the landfill there and landfill

8 closure or recycling. And that needs to be of some concern

9 there. In 9-8, which is Parks, I know we'll be seeing a

10 thing soon on Pa'ani Mai Park. But as I pointed out earlier

11 in this effort, a swimming pool would be a nice thing for

12 Hana. And on 9-9, they're talking about Public Facilities.

13 Nothing is listed. I'm not sure if anything needs to be

14 done there. But I just wanted to point out my third of the

15 island seemed to be ignored.

16 COMMISSIONER HIRANAGA: Your third or sixth.

17 CHAIR HEDANI: Commissioner Shibuya.

18 COMMISSIONER SHIBUYA: I just mentioned that I'd

19 like to see a project with the H Power, to accommodate some

20 of this acquiring of land and construction in Phase 4 -- I

21 mean, Phase 6 and 7. We can delay some of these costs by

22 burning and converting it from waste to energy. Also, some

23 of these other aspects here, we don't have any projects for

24 methane conversion to energy. And I think these are future

25 projects that should be on the drawing board and at least

1 being worked -- at least listed here for the public to see.
 2 CHAIR HEDANI: Commissioner Mardfin.
 3 COMMISSIONER MARDFIN: On page 14, they're talking
 4 about water. And unfortunately, they're talking about the
 5 funding strategy, repair, upgrades of existing facilities
 6 and Water Service Fees. And I just wanted to ask. I think
 7 I've become aware of a problem recently, and it's one
 8 Commissioner Hiranaga referred to.
 9 We're pumping -- correct me if I'm wrong. I think
 10 we're taking water from down below at a fairly high expensed
 11 cost, pumping it way into Upcountry, and then selling it for
 12 far less than it costs us to pump it up there at agriculture
 13 rates, and that sort of thing. And since the cost of
 14 pumping is highly dependent on the cost of energy, this may
 15 rise somewhat expediently in the future.
 16 Can anybody tell me what's going on and if there's
 17 any proposals to change anything. Or is it just a way to
 18 subsidize agriculture or what?
 19 CHAIR HEDANI: Mr. Summers.
 20 MR. SUMMERS: Thank you, Mr. Chairman.
 21 I do know in the Infrastructure chapter, we have
 22 some very clear and specific policies to address that very
 23 issue in terms of developing renewable sources of power to
 24 facilitate a more efficient delivery of water Upcountry.
 25 Obviously, the most desirable approach would be for gravity

1 entry here in terms of Table 9-5, Capital Improvement
 2 Projects, for transit to include the study for transit
 3 corridors, mass transit corridors. These are part of the
 4 Maui Island Plan. And it's just to ensure that we have
 5 easements. Then when we have the money and the ability, we
 6 can put in mass transit corridors as well as multitype of
 7 transportation, pathways.
 8 CHAIR HEDANI: Commissioner Mardfin.
 9 COMMISSIONER MARDFIN: I think Commissioner
 10 Shibuya's idea is most excellent. Also, on page 16, where
 11 you had a number of things, like the Fuel Tax, Franchise
 12 Tax, you had other things in Table 9-1, but you're not using
 13 them here where it seems they belong.
 14 Specifically, the Congestion Pricing and/or Tolls,
 15 Urban Road Maintenance Districts and Street Utility Fees.
 16 And it seems to them all of three of them -- you have them
 17 in Table 9-1. Let's use them here.
 18 CHAIR HEDANI: Commissioner Hiranaga.
 19 COMMISSIONER HIRANAGA: On page 21, Table 9-8,
 20 Central Maui Parks, did the County purchase the Waiehu Beach
 21 lot? I know that Wailuku Agribusiness was leasing that,
 22 they put it up for sale. And the previous Administration
 23 didn't purchase it. Do you know if that -- did we buy that
 24 our not?
 25 CHAIR HEDANI: Mr. Summers.

1 to flow this stuff. And in some cases, that's not possible.
 2 So we addressed that in the Infrastructure chapter through
 3 Policies, as well as the H Power issues that's brought up.
 4 CHAIR HEDANI: M Power, not H Power.
 5 Commissioner Mardfin.
 6 COMMISSIONER MARDFIN: On page 16, we're talking
 7 about roadways. And on page 16, you look at funding
 8 sources. And the second one down on 16 is Franchise Tax
 9 from electric light and power companies. And I'm just kind
 10 of curious why this is being used for roads rather than for
 11 utilities? It seems like a mismatch of the benefits
 12 received principle. You're using power and light company's
 13 taxes to pay for roads rather than for utility upgrades.
 14 CHAIR HEDANI: Mr. Summers.
 15 MR. SUMMERS: Thank you, Mr. Chairman.
 16 I think you make a good point in terms of the
 17 benefits principle. Often times, the utility right-of-ways
 18 occur along roadways. So I think other communities have
 19 used this tool to address roadway expansion or the
 20 acquisition of corridors that may include room for
 21 utilities. But it's something we'll make a note on and
 22 double-check in terms of the broad applicability of this
 23 type of tax for roadway improvements.
 24 CHAIR HEDANI: Commissioner Shibuya.
 25 COMMISSIONER SHIBUYA: I'd like to see another

1 MR. SUMMERS: Thank you, Mr. Chairman.
 2 I don't know if we've actually purchased that. I
 3 remember the discussion. I'm not sure if we actually went
 4 through with it or not.
 5 COMMISSIONER HIRANAGA: So if it's still available,
 6 maybe we should put that on the list. Because whenever we
 7 can purchase beachfront property for public use --
 8 MR. SUMMERS: Yeah. It seems if we're thinking of
 9 the same parks, that there was a debate and it fell through.
 10 COMMISSIONER HIRANAGA: Yeah. It's near the Number
 11 6 Tee Box at the Waiehu Golf Course.
 12 MR. SUMMERS: Right, okay.
 13 CHAIR HEDANI: Additional comments?
 14 Commissioner Mardfin.
 15 COMMISSIONER MARDFIN: On page 17, I concur with
 16 Commissioner Hiranaga's selling advertising space to
 17 commercial operations is not a very good idea on this one.
 18 But you can do wonderful public service announcements and
 19 public service kind of things -- if it's brown, flush it
 20 down; if it's yellow, let it mellow. All kinds of stuff to
 21 promote conservation. So I wouldn't use it for commercial.
 22 On page 18, we're dealing with wastewater. And I
 23 would love to see some statement in here about ending
 24 injection wells in the future. Something for a major
 25 Capital Improvements Project so we basically can eliminate

1 the injection well problem and recycle wastewater for
2 agricultural purposes. And I don't really see much of
3 anything dealing with that. I'd like to see more.

4 CHAIR HEDANI: My comment on that is I think we
5 took it up as a policy item when we took up the Lahaina
6 Plan, we were talking about injection wells. My question at
7 the time was how are you going to handle the additional \$150
8 million to \$250 million worth the infrastructure that that
9 would require.

10 COMMISSIONER MARDFIN: And this is where it should
11 be.

12 CHAIR HEDANI: But it was passed at the policy
13 level. So reclaiming of wastewater systems based on needs
14 and costs under the Lahaina Wastewater System is not \$10
15 million, that it's \$47 million. And if you got Kahului,
16 Wailuku and Kihei, you're looking at \$200 million worth of
17 infrastructure.

18 Commissioner Shibuya.

19 COMMISSIONER SHIBUYA: On the Kahului-Wailuku
20 Wastewater System, about three years ago when I was on the
21 GPAC, I started looking in terms of a secondary wastewater
22 treatment system for Maui to relocate from Kahului next to
23 the shoreline up towards maybe Puunene or a ways from the
24 shoreline. And the secondary treatment with the primary
25 treatment exceeded \$500 million. So that was three years

1 so on and so forth? Does that information exist?

2 CHAIR HEDANI: Mr. Summers.

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

4 The Wastewater Division Reclamation keeps that type
5 of data. I can't recall if we included it in the technical
6 studies for you, but they do monitor it by use.

7 COMMISSIONER MARDFIN: I wanted to know if it was
8 available.

9 CHAIR HEDANI: Any further comments?

10 Commissioner Mardfin.

11 COMMISSIONER MARDFIN: On page 21, we're talking
12 about Solid Waste. And they have Refuse Collection Fees. I
13 want to know if there's a match-up between what it costs to
14 collect and what the charges are. And, you know, it's just
15 a question I've had. I know for Hana, we pay \$12 a month
16 for once-a-week pickup, which makes it about three bucks a
17 pickup. And I don't have any idea what it costs them. They
18 have one truck that goes around on Fridays, and I don't know
19 what the cost of that is. Or I don't know what the cost of
20 the landfill is. And it's something -- there ought to be a
21 proportionality between costs and service. And I think
22 that's true in general for all of these things, information
23 should be collected.

24 CHAIR HEDANI: It will cost you \$500 a month to get
25 rid of your rubbish.

1 ago. And that was just an estimate. So I just want to
2 share that wonderful cost item.

3 CHAIR HEDANI: So much for the 20-year CIP Plan.
4 Commissioner Hiranaga.

5 COMMISSIONER HIRANAGA: Going back to Parks, Table
6 9-8. Does the County own the Waihee Ball Park, or is that
7 also some type of a lease agreement with Wailuku Ag?

8 CHAIR HEDANI: Mr. Summers.

9 COMMISSIONER HIRANAGA: You know which part I'm
10 talking about? In Waihee town, small park.

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

12 It's always been my understanding that we own it.
13 But I can double-check that if you want.

14 COMMISSIONER HIRANAGA: My other comment would be
15 in Paia and Haiku, there's Baldwin Park expansion. But you
16 realize the County does not own Baldwin Park itself, that
17 A&B leases it to the County for \$1 a year. So maybe we
18 should look into purchasing it before expanding it. Same
19 land owner anyway.

20 CHAIR HEDANI: Commissioner Mardfin.

21 COMMISSIONER MARDFIN: On page 19, it's referring
22 to -- we're looking at wastewater. And I was wondering, do
23 we have information -- or does someone have information on
24 how much wastewater is generated from its source? How much
25 from residences, how much from hotels, agriculture industry,

1 COMMISSIONER MARDFIN: Maybe.

2 CHAIR HEDANI: Any other comments?

3 On Landfills, I think one thing we should take into
4 consideration is in 1990, the idea of wasted energy was
5 considered too expensive because of packaging plant that
6 would handle solid waste would cost \$12 million. And if you
7 look at the numbers that we're looking at now for
8 landfilling stuff, it just doesn't make sense. \$12 million
9 for a packaging plant, you couldn't even tell it was
10 operating. It would generate electricity in the process.

11 Those kinds of things should be taken into account, I think.
12 Along the newer technologies, like gas plasma incineration.

13 COMMISSIONER SHIBUYA: Plus, recycling of heavy
14 metals.

15 CHAIR HEDANI: Right. Any further comments?
16 Commissioner Mardfin.

17 COMMISSIONER MARDFIN: If you would turn to Table
18 9-9 on page 24. And if you have the similar page, 154 on
19 the April 2009 thing, I was just looking at it. A lot of
20 fire control stations have been taken out -- Haiku, South
21 Lahaina, North Kihei, Kaanapali. The Lahaina Police Station
22 was taken out. I'm just wondering is this new
23 information -- well, let me ask one another question. I do
24 know the Kihei Police Station was listed at \$33 million back
25 in April, and now it's listed in \$40 million in October.

1 And I know that figure because I asked when they were here
2 how much it was going to cost. And I notice there was a
3 discrepancy, and now the discrepancy has been fixed. But if
4 you can address that.

5 CHAIR HEDANI: Mr. Summers.

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

7 The idea here was that those facilities that
8 address more than one region of the island sort of have an
9 interregional significance that would be included. The fire
10 stations that were taken off, the really smaller stations
11 that would address a specific community plan area and not
12 multiple areas. We didn't feel it was necessarily
13 appropriate in the Island Plan to include those in this
14 document. With respect to the cost figure, we just had
15 better data.

16 CHAIR HEDANI: Additional comments?

17 Okay. Ready for the question?

18 Commissioner Hiranaga.

19 COMMISSIONER HIRANAGA: The question is to approve
20 pages 1 through 32 of this Implementation document. Okay, I
21 will be voting against the motion to approve because I
22 believe pages 29, 31 and 32 have more things that I'm
23 against than I'm for. So if we were to remove these four
24 pages and make that sort of like an amendment versus a part
25 of the main motion, then I would approve the main motion if

1 Shibuya -- that it was all in vein, that we're just throwing
2 it out because we don't have the propensity to deal it. I
3 think we have dealt with it, and I think the Department has
4 heard our voice.

5 CHAIR HEDANI: Commissioner Sablas.

6 COMMISSIONER SABLAS: We had earlier testimony from
7 legal counsel that some of the language could put up some
8 liability challenges for the County if we accept it as it
9 is. So I'd like to hear opinion from our legal counsel as
10 to what was expressed earlier, specifically about the
11 language that --

12 CHAIR HEDANI: Mr. Welch?

13 COMMISSIONER SABLAS: Yes, had proposed.

14 CHAIR HEDANI: Mr. Giroux.

15 MR. GIROUX: Thank you, Chair. Yeah, I did see --
16 I really think that's got to be -- it's really heavily
17 policy driven. You know, it depends on what the County is
18 willing to bear. I think, you know, it's like counting how
19 many children you want to have; how much pain do you want to
20 go through; can you afford it. You know what I mean. It's
21 heavily policy driven. If the County wants to completely
22 avoid this type of friction, then that is a task that it can
23 take, to try to avoid any type of litigation when
24 inconsistency arises.

25 However, in the past, this County has born a lot of

1 we excluded these four pages. But if the motion continues
2 with these four pages, I will be voting against the motion
3 because I think this documents needs a lot more work than
4 I'm willing to put my name on at this point.

5 CHAIR HEDANI: Additional discussion?

6 I personally concur with your comments on the
7 elements that were on items -- on pages 29 through 32.
8 Commissioner Hiranaga.

9 COMMISSIONER HIRANAGA: It is appropriate for us to
10 maybe defer the vote so that the Department can provide us a
11 red-lined, updated copy tomorrow morning to review all these
12 changes? I hate to vote on blind faith.

13 CHAIR HEDANI: Commissioner Starr.

14 COMMISSIONER STARR: I don't think that is
15 realistic. And I really think that the Department has
16 gotten our views very clearly. I, for one, feel in the
17 converse; if we take that out, which was -- you know, the --
18 that which was provided by the committee of the GPAC that
19 was created by that body to add additional ideas, you know,
20 if we take that out wholesale, then I, for one, would not be
21 supportive of it.

22 And I would like to be supportive because I think
23 it's excellent work. But I really don't want to send a
24 message to the IRSC that their several hundred hours of
25 work -- and this is including our fellow Commissioner

1 this friction as some type of tool. I don't think it's --
2 you know, and when I say I don't think, then I start
3 creeping into policy. It really depends on the policy
4 makers. They've heard the public speak. They know what the
5 consequences are. But as your legal counsel, I'm looking at
6 a lot of hypotheticals. I'm looking at it's really going to
7 be, you know, a TMK-by-TMK analysis of is it worth it; is it
8 worth it for the County to go this far.

9 We've seen the litigation from our last General
10 Plan, and we've seen how it's interplayed with our Zoning,
11 with our SMA issues that's falling on this Commission, and
12 also on subdivision issues that's fallen on Public Works as
13 they administrate their subdivision rules.

14 So we know that there is -- at any time you come up
15 with new plans, you're going to have friction. And that
16 friction is seen in -- you know, it ends up in the courts.
17 And it really -- all the way up to the day of a settlement,
18 it really is a policy issue. And, you know, to take one
19 tack to say, hey, we need to avoid all litigation, that's a
20 policy decision. To take another tack and say, hey, come
21 hell or high water, we're going to take all the park land we
22 can get whether we can afford it or not. That's another
23 tack. That's something that, at this level, I think it's a
24 fair discussion. But I've always advocated, you know, are
25 we using the best planning principles, or are we using fear

1 to guide our decision-making.
 2 You know, when the bull starts charging, there's
 3 still a lot of policy decisions to make. You know, do we
 4 take on this litigation; do we enter into negotiations to
 5 buy the properties; do we set money aside. You know,
 6 there's a lot of that. And I think the lawyers have brought
 7 the issue to the forefront that, yes, there are properties
 8 out there that the County should analyze as soon as it can
 9 to see is it worth it; is it fitting into their master plan;
 10 does it fall under good planning principles? And all along
 11 the way, we have to make those decisions.

12 So I mean, I can't say I disagree with Mr. Welch.
 13 But it really is a policy issue. And there are other
 14 options also within Title 19 and Title 18 which could also
 15 address the issues. So I think they've raised a valid issue
 16 for discussion. I don't think I can bring any more clarity
 17 to it as far as -- because then I'll be treading into
 18 policy.

19 CHAIR HEDANI: Is that crystal clear, Lori? That
 20 would help you with your decision.

21 Commissioner Hiranaga.

22 COMMISSIONER HIRANAGA: Yeah, at the top of page
 23 29, you know, implementation mechanisms proposed by the
 24 GPACs Infrastructure Investigative Review Committee, not
 25 reviewed by the full GPAC -- that's troubling to me. If we

1 legal consultant has said that there are other ways -- that
 2 there are other ways to achieve this besides this particular
 3 wording. I'm not convinced that this particular wording is
 4 absolutely the best. I would like the Long Range Planning
 5 people and the Director to clearly look at this. And the
 6 concerns raised are legitimate concerns and they have to be
 7 dealt with. But you folks have a little bit more time. And
 8 County Council certainly has more time to deal with that.

9 So I can vote in favor of the motion at this point
 10 without having this in with the blind hope, trust that the
 11 Planning Department and the Director will find some way to
 12 work with this.

13 Similarly, on page 29 through 32, my understanding
 14 is the reason the IRSC reviewed it but not the GPAC is they
 15 ran out of time. And now we're here on the next to last
 16 day. And I read it. I think -- we have looked at this
 17 section-by-section. We've given input to the planning --
 18 Long Range Planning people and the Planning Director. And I
 19 think they have a sense of where we are on this. I think to
 20 rip it off and lose it is the wrong thing to do. I think
 21 there's too much good in here to do that. And so I'm with
 22 Commissioner Starr, that if this is removed, I'd be voting
 23 against the entire thing. I think it has to be in there.
 24 Again, I wish we had more time, but I think the final
 25 product that we've developed up to now is adequate.

1 are going to be adopting these four pages, I would want to
 2 go through it line-by-line like we did the rest of the
 3 document, and not just assume that the Planning Department
 4 catches our drift.

5 CHAIR HEDANI: The suggestion has been made we
 6 separate pages 1 through 28 and 29 to 32 for separate votes.
 7 Is that agreeable to the body?

8 COMMISSIONER MARDFIN: It's not agreeable to me.

9 COMMISSIONER STARR: No.

10 CHAIR HEDANI: Well, in that case, why don't we
 11 just call the question.

12 Commissioner Mardfin.

13 COMMISSIONER MARDFIN: I'd like to say two things.
 14 One with respect to the issue that Commissioner Sablas
 15 raised. I think it's a very good point. I heard Tom
 16 Welch's testimony this morning. I think there's a lot of
 17 good in this. It also parallels some stuff that the Wailuku
 18 Main Street Association, Tri-Isle Main Street Resource
 19 Center said about grandfather clauses, and that sort of
 20 thing. I think there are a lot of issues about what will
 21 happen in the gap time period of this grand sweeping thing.

22 We were given six months, then cut back to five
 23 months to look at this entire document and come to the best
 24 use we can. I wish we had another month to work on it. We
 25 don't. We have, at most, one more day. I think that our

1 CHAIR HEDANI: I think what the Department is
 2 looking for is the sense where the Commission is coming
 3 from. It would be helpful for them to identify areas where
 4 we are in agreement and identify areas where we are not in
 5 agreement.

6 That being said, Commissioner Hiranaga.

7 COMMISSIONER HIRANAGA: My understanding is this
 8 will not be ripped off, it will still be included in the
 9 GPAC version. I'm not willing to endorse it as the Planning
 10 Commission, not in this rough, you get my drift. Because
 11 there has been opposing opinions. Are you going to put both
 12 options there and choose A or B. If I'm going to adopt this
 13 or approve this, I want to know the exact language. And at
 14 this point, we're not at that point.

15 CHAIR HEDANI: Commissioner Shibuya.

16 COMMISSIONER SHIBUYA: I trust that the Planning
 17 Department will do the right thing. And they've been
 18 listening to our discussion. And I think they will be
 19 picking up the drift. And I trust that they will be
 20 reflecting the best thoughts, also incorporating Mr. Welch's
 21 thoughts in terms of preventing or avoiding some of the
 22 litigation efforts.

23 I believe that we have to look ahead and if the
 24 parks are necessary, specifically in Maliko Gulch area.
 25 When we start looking in terms of permeability and

1 impermeability of water, the structures that we are going to
2 be developing for increasing population upslope, then we
3 have a possible flooding problem. And to develop these low
4 areas where the water comes out, we need to really second
5 think these things through. Having it as a park is not a
6 bad idea. It's even a better idea after it has flooded
7 because it's a visible problem. But now I think we have an
8 opportunity to avoid that. I think that's the proper way to
9 do it.

10 I might want to add that the entire package is the
11 good intent. I wish we had a couple more months to do this.
12 But it's good as it is with the improvements and refinements
13 that the Long Range Department has put into it. I fully
14 support it. Thank you.

15 CHAIR HEDANI: Additional discussion? Thank you.
16 Discussion? Commissioner Domingo.

17 COMMISSIONER DOMINGO: I'll be voting against the
18 motion. And as for myself, there was a lot of things -- a
19 lot of questions I had, but there was the Commissioners that
20 brought it up. And I'm looking at my notes, and I don't
21 understand what direction the Planning Department is going
22 to take because it was only discussion. That's why it was
23 very hard for me when I came back from lunch to understand
24 how we're going to move forward. Just take discussion and
25 say, okay. Probably two talked about it or against the EA

1 these items.

2 We would be more comfortable if the Commission made
3 a specific vote on pages 1 to 29, and took that up. And
4 then for pages 29 to 32, that be taken as a separate motion,
5 reflecting the amendments to the Planning Director's Draft.
6 That way, if there is -- if the Department does modify the
7 language and, for one reason or another, there's confusion
8 about whether or not we adequately reflected the comments of
9 the Commission, it would be -- it wouldn't muddy the water
10 with respect to the Planning Commission's proposal.

11 So we would prefer that it be taken in two steps;
12 one with the specific Recommendation, the other with a
13 Recommendation to the Planning Director as it relates to
14 their revised -- our revised Recommendation.

15 CHAIR HEDANI: Commissioner Mardfin.

16 COMMISSIONER MARDFIN: I'm a little upset about the
17 process at this point. Because in our April 2009
18 Implementation Report, the comments that are now -- have
19 been pulled out and are put at the end was incorporated into
20 it. And I had been working primarily from that until I got
21 this last week.

22 I think that at least the ideas from the last four
23 pages in the new report should be implemented. I'm not
24 willing to -- if we're not including them, I am not voting
25 for the Implementation package as a whole. I think there's

1 or certain issues.

2 So I don't believe that it's a hard thing to do in
3 working on what we discussed and what you assume what we
4 said, that you'd have the concept. I would like to see it
5 on paper. I don't think it's very hard to do and get it
6 ready for us tomorrow to take a look at. Because I think
7 what you're understanding to what we're trying to say or
8 what has been going on has been some difficult -- different
9 views in that. So I'll be voting against that, the motion.

10 CHAIR HEDANI: Mr. Summers.

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

12 Just a short overview of how the process works from
13 here. We're required by 2.80(b), to submit the GPAC's
14 Recommendation. So that would be the Recommendation in your
15 binder. Actually, this being an IRSC Recommendation, not
16 the Recommendation of the full body of the GPAC. We're then
17 required to submit the Planning Commission's Recommendation.
18 And then lastly, the revised Department's Recommendation.

19 When we began discussing pages 29 to 33, it was
20 within the context of the Planning Department's revised
21 Recommendation to the County Council. So we would take the
22 input of this body. We would amend the Planning Director's
23 Draft and submit it to the Council for review. And it
24 wouldn't necessarily be called the Planning Commission's
25 Draft because the Commission didn't vote specifically on

1 enough vote counting that it will not pass. And it's going
2 to be like South Kihei -- like South Makena. I think it's
3 going to be a deadlock. But without at least the concepts,
4 some of which we basically rejected from 29 through 32,
5 going back into the Plan, the way it was that we had been
6 reading it, I'm not willing to vote in favor of the entire
7 package, the entire Implementation Chapter of the package.

8 CHAIR HEDANI: Okay. Any other comments?

9 Generally speaking, I think when we started off
10 this morning, what the Department wanted was comments from
11 the Commission. And I think they've received comments from
12 the Commission one way or another with consensus or without
13 consensus. So at this point, I think we'll take a symbolic
14 vote on the motion that's on the floor, record the votes
15 that the Department can carry forward, together with those
16 comments, and that it doesn't have to be a unanimous
17 decision one way or the other relative to the vote, and we
18 just proceed on forward from there with the next section.

19 Okay. All those in favor of the motion to accept
20 the Long Range Plan -- or the Long Range Implementation Plan
21 as proposed, signify by raising your hand. One, two, three,
22 four.

23 Opposed, same sign. One, two, three.

24 Motion is lost. Okay. It will be recorded, then
25 we move on from here.

1 Commissioner Hiranaga.
 2 COMMISSIONER HIRANAGA: I'd like to make a motion
 3 to accept pages 1 through 28 of the Long Range
 4 Implementation Plan.
 5 CHAIR HEDANI: Is there a second?
 6 COMMISSIONER SHIBUYA: Second.
 7 CHAIR HEDANI: Seconded by Commissioner Shibuya.
 8 Discussion? Julia.
 9 MS. STALEY: Say it again, please.
 10 CHAIR HEDANI: The motion is to accept the Long
 11 Range Implementation Plan, pages 1 through 28.
 12 MS. STALEY: Thank you.
 13 CHAIR HEDANI: Discussion?
 14 Commissioner Mardfin.
 15 COMMISSIONER MARDFIN: I'm going to vote against
 16 it. I think a lot of the work is very good. But without
 17 the last four pages, it's incomplete.
 18 CHAIR HEDANI: Any further discussion?
 19 All those in favor of the motion, signify by
 20 raising your hand. One, two, three, four, five.
 21 Opposed, same sign. One, two.
 22 Motion is carried.
 23 Any additional motions? Okay, let's move forward
 24 on Monitoring and Evaluation.
 25 Commissioner Mardfin.

1 think most of the data is fairly easily available, I think.
 2 I think you ought of keep track of the number of
 3 hotel rooms, the number of timeshare rooms, the number of
 4 B&Bs, and the number of houses occupied by full-time
 5 residents -- that might be the tough one. But doing that.
 6 I think you ought to -- you didn't even say population in
 7 there directly, I don't think. But you ought to keep track
 8 of population, obviously. And I would keep track of
 9 income-by-industry category. For instance, median income
 10 within tourism, within the agricultural industry, science
 11 and tech. You know, it shouldn't be a huge data effort. I
 12 think other people collect those numbers. It's just a
 13 matter of grabbing onto them to keeping track of people.
 14 I also, down under Water, suggest you keep track --
 15 this will be a little tougher -- of the amount of water
 16 moved outside the ahupua'a, private pumping amounts of
 17 water, public pumping amounts of water, and the number of
 18 water permits issued -- the latter particularly for
 19 Upcountry -- to see whether people are able to move down the
 20 list or not. Thank you.
 21 CHAIR HEDANI: Any other comments?
 22 Commissioner Mardfin.
 23 COMMISSIONER MARDFIN: There were a number of
 24 things. I looked at the longer list from the April memo and
 25 the shorter list. And some I understand why you took out,

1 COMMISSIONER MARDFIN: I'm willing to go on with
 2 that. I would like to -- we've got an e-mail from Warren
 3 about Kula Ridge. And I was wondering when we would be able
 4 to talk about that. It was on our desk today.
 5 CHAIR HEDANI: Hold that thought. We've gone an
 6 hour and 35 minutes. So let's go ahead and take a
 7 ten-minute recess.
 8 (At which time, a recess was taken.)
 9 CHAIR HEDANI: Planning Commission is back in
 10 session.
 11 Commissioner Mardfin.
 12 COMMISSIONER MARDFIN: Do you want to move for
 13 adoption or do like we did before, a sense of the body for
 14 the indicators, which has a list of 36 things, plus the one,
 15 two -- three pages of the spelling out what those indicators
 16 are, plus Monitoring and Evaluation, one, two, three -- four
 17 pages?
 18 CHAIR HEDANI: Go for the gusto.
 19 UNKNOWN SPEAKER: Second.
 20 CHAIR HEDANI: Discussion?
 21 Commissioner Mardfin.
 22 COMMISSIONER MARDFIN: I'd just like to suggest --
 23 I'm not going to put it in the form of a motion -- other
 24 indicators be put on. I'm going to go through a smaller
 25 list of these -- I think it would be useful to have. And I

1 but there were a couple that I would have left in. You had
 2 here on the April issue, there was one on aquifer health,
 3 status of invasive species, health of native species, median
 4 family income -- I mentioned that already -- diversified ag
 5 values, hotel occupancy rates, life expectancy -- that's a
 6 easy one to get. Somebody had percentage of developed
 7 shoreline miles, which I thought was interesting. And the
 8 average travel time to work. That's going to be a tough
 9 one. But just things to think about it.
 10 CHAIR HEDANI: Commissioner Shibuya.
 11 COMMISSIONER SHIBUYA: I just want to clear. It's
 12 under Heritage and Resources and Natural Environment, Page
 13 151. It says percentage of energy used by source. It that
 14 the use of or the generation of power? That needs to be
 15 defined somehow. If we're going to say the percentage of
 16 MECO power generated by, that makes sense from what you have
 17 there. Or if you're going to say a percentage of energy
 18 that is used on Maui to propel vehicles, as well as generate
 19 electricity, now that gets complicated here, mixing apples
 20 and oranges. So I don't know the intent there.
 21 CHAIR HEDANI: Additional comments?
 22 Commissioner Mardfin.
 23 COMMISSIONER MARDFIN: Let me just -- since I was
 24 suggesting things that had been dropped that might be left
 25 in there, I want to compliment you for adding some

1 indicators that's weren't in the original. Average density
2 of new developments, I like. Parks and open space per
3 thousand population, energy consumption, dollars spent per
4 day per visitor, excellent. Percent of fruit and vegetables
5 consumed that are grown on Maui, even more excellent.
6 Prevalence of overweight and obese adults, I think that's an
7 important thing to at least keep track of. That will be
8 tough to get numbers on, however.

9 Number of new designated, heritage and cultural
10 sites is a really good one. Drinking water quality is a
11 really good one to add. Percent of healthy coral reefs was
12 an excellent one to add. Amount of reef, fish, biomass,
13 another excellent one to add. (Unintelligible)
14 fragmentation. So I just want to compliment you on pulling
15 in a whole bunch of other indicators that weren't there that
16 I think are excellent.

17 CHAIR HEDANI: Additional comments?
18 Commissioner Shibuya.

19 COMMISSIONER SHIBUYA: On the Transportation, I'd
20 like to be a little more positive towards mass transit. And
21 so some of the indicators seem to want to use up the
22 valuable land space that we have by expanding the size of
23 our highways and roadways.

24 What I would like to state is the amount of
25 passenger miles that is available for mass transit services

1 things too. You know, an average for Maui of fish biomass
2 might be one thing. Fish biomass in Hana might be something
3 entirely different. That goes for all the indicators.

4 So I don't think every Community Plan should do
5 every indicator, but I think each Community Plan should
6 choose the appropriate indicators for itself that will help
7 them go forward. And I think this whole thing is a
8 wonderful section.

9 CHAIR HEDANI: Commissioner Sablas.

10 COMMISSIONER SABLAS: I'd like to see as we move
11 forward the number of housing units that are occupied by
12 full-time residents versus part-time residents as we grow as
13 we move forward.

14 CHAIR HEDANI: Additional discussion?

15 Okay, I have the following comments. On the first
16 page, if it's Chapter One -- I'm not sure if this is Chapter
17 One or Chapter Two, because we have two Chapter Ones. So
18 Chapter One, Monitoring and Evaluation, take out the spaces
19 on the last three lines on the last line. On page 2 --
20 that's not wordsmithing, it's space-smithing. On page 2,
21 the absence of General Plan Implementation Committee, my
22 comment was you've got to be kidding, delete, what is this.

23 It seemed like the GPIC, General Plan
24 Implementation Committee is making the General Plan an end
25 in itself. And to me, it's not needed. It's something

1 or mass transit of both passengers as well as light cargo.
2 If that factor or that ratio increases, you know, that we
3 really don't need to expand the ribbons of asphalt and
4 concrete on Maui, then we can save that land for view
5 corridors, for industries, agriculture, watersheds.

6 CHAIR HEDANI: Additional comments?
7 Commissioner Mardfin.

8 COMMISSIONER MARDFIN: I don't have a page number
9 because this chapter wasn't page numbered. But if you go
10 from the Chapter One, Monitoring and Evaluation, on the
11 backside of that, third paragraph down, it says the
12 Department may modify or add indicators as needed. I think
13 that's an excellent idea. And on the page after that,
14 there's a little table at the bottom, right above that is a
15 paragraph. And it says the majority of indicators
16 identified in the Plan have been borrowed from existing
17 plans and indicator reports based on available and reliable
18 data, very good.

19 Indicators are regional in nature. To focus on the
20 island as a whole rather than individual communities. I
21 understand the purpose of that in the Maui Island Plan. I
22 would urge that when the Community Plans are done -- it
23 doesn't have to be written in here. But when the Community
24 Plans are done, each community develops their own
25 indicators. Because I think they need to keep track of

1 that's implemented through the County Council and the Mayor
2 and all the administrative people within the departments,
3 and you don't need a committee to do that. So that was my
4 comment.

5 On the next page, I just had a hard time with the
6 entire Monitoring and Evaluation Program. From my
7 perspective, the General Plan is something that the
8 community agrees just the way the future should look. We
9 vote on it. We agree on it. We take it to the Community
10 Plan level. The Community Plans adopt it. And at that
11 point, the County Council zones it and makes it into law.
12 And then we'll reevaluate when the next period for the
13 General Plan review comes up. So a lot of the Monitoring
14 and Evaluation was just fuzzy, fuzzy,
15 make-ourselves-feel-good stuff. But that's just a personal
16 observation.

17 Then I started on Theme 1, Theme 2, Theme 3. And
18 to me, it's like Theme 1, Theme 2, Theme 3. What is a
19 theme? If it's a built environment, let's just call it a
20 Built Environment, Social Environment. Just call it Social
21 Environment.

22 Page 4, on the second paragraph of Monitoring and
23 Evaluation Program Management, it seemed to me like this was
24 extending beyond the Planning Department's kuleana. And I
25 thought the GPAC wasn't needed. So the departmental

1 planning, if they were doing it, should be doing it. The
2 departmental planning will manage and update the managerial
3 program. And on the Monitoring Report, my question was who
4 needs it.

5 Okay. On the bottom paragraph, "Every five years,
6 the Department of Planning will complete a more elaborate
7 General Plan Evaluation Report," my comment was forget it.
8 Review the General Plan every ten years. Those are just
9 personal observations for myself.

10 Commissioner Starr.

11 COMMISSIONER STARR: Those comments would certainly
12 take the community out of the process.

13 CHAIR HEDANI: You're probably right.

14 Any further discussion? Commissioner Mardfin.

15 COMMISSIONER MARDFIN: First, let me ask a quick
16 question. How come the bottom of the second page is in red?
17 Does that mean something?

18 MR. SUMMERS: No, there's no significance to that.

19 COMMISSIONER MARDFIN: My substantive response to
20 the Chairman. I understand his position. But my view is
21 we're setting a 20-year destination. And if we wait ten
22 years to see where we are, I think we could be well
23 off-course. I think five years is marginally acceptable. I
24 think annual is a good way to track where we're going to
25 help -- for making midcourse corrections. And I understand

1 here, the community, they should be involved in the process,
2 not only throughout -- not only through the GPAC and through
3 representation on commissions like this, but throughout the
4 life of it. And that is the idea of having a community body
5 that is involved with the ongoing review and reports and
6 analysis to them so that it stays something that belongs to
7 the community and isn't just, you know, more regulation for
8 those who wish to profit from the land, and so on, to thread
9 their way through the needle.

10 So I like the -- you know, this whole concept. And
11 frankly, I was really happy when I read this. I think we're
12 on the right track with trying to create something that will
13 evolve with time. And it can only really evolve if we kind
14 of train and keep in course a number of people who are
15 involved. And, you know, involved not only through the
16 initialization of the Comprehensive Plan, but through the
17 Community Plans and through the Implementation. And then
18 they're ready or their children are ready the next time the
19 Comprehensive Plan has rolled out. So I don't want to take
20 the people out of the process, it's wrong.

21 COMMISSIONER SHIBUYA: I like this section here,
22 and I'd like to improve on it with our suggestions. But it
23 actually converts or transforms aspirations to perspirations
24 to actual evaluations by the people. And we can actually
25 see some of the progress that is being made that the Maui

1 why you think it may -- I think I understand why you think
2 it may be a waste of time and fuzzy.

3 And I agree, with 36 indicators, it's like getting
4 speed and direction and altitude and 33 other things all at
5 the same time. But at least you'll get a picture of what's
6 going right, what's going wrong, and where we need to make
7 adjustments. I think it will make the five-year review and
8 certainly the ten-year update much more reasonable and
9 gradual if we know where we're going first.

10 So I'm comfortable with it, but they may hire an
11 economist to do it. So there's probably a vested interest
12 in there somewhere.

13 CHAIR HEDANI: Thank you. I feel a lot better now.

14 Commissioner Starr.

15 COMMISSIONER STARR: Yeah. The idea of this kind
16 of process is to bring the community into it and not to just
17 leave it to the business people to dictate and the
18 politicians who have their own vested interest to legislate.
19 I mean, that's the way we've been doing business so far, and
20 it tends to lead to abuse of the people who actually get to
21 live here for the sake of creating things like offshore
22 housing and, you know, extraction of capital through
23 timeshare and so on.

24 So to me -- you know, it's a decision to, you know,
25 who is our island for. And if it's for the people who live

1 Island Plan is done by the people for the people.

2 And I think like my fellow Commissioner Starr, yes,
3 we need the people involved in terms of assessing. How
4 effective was the County in all of our perspiration? Did we
5 really hit the mark? Are we missing it? Are we going
6 beyond it? These are things that we need to know. And if I
7 could have my way, it would be every year. Because you have
8 performance analysis, performance evaluations, things of
9 this nature. Maybe these are foreign words here on Maui.
10 But that's the way, when you start putting money down, I
11 want to see actual changes happen.

12 CHAIR HEDANI: Thank you.

13 Any other comments for the good of the order?

14 The only final comment I can make is that from my
15 perspective, the Planning Commission is an appointed body.
16 We're not elected by the people, we're appointed. And we're
17 not here to create legislation. Although we participate in
18 that process by making recommendations to the County
19 Council. It's the legislatures that should legislate that
20 get elected by the people and represent the people through
21 those folks.

22 The people cannot impeach any one of us from the
23 Commission during the course of our deliberations, but they
24 can impeach Council Members at every election. And so from
25 that perspective, I'm always hesitant to take a plan beyond

1 what it's intended to do and create laws on our own without
2 the insight of the people that are elected to represent the
3 people. That's my only concern, okay. I fully intend to
4 support the Monitoring and Evaluation Program as proposed
5 with those caveats.

6 Any further discussion? Ready for the question?
7 All those in favor of the Monitoring and Evaluation
8 and the attended schedules, signify by raising your hand.
9 Opposed, same sign?

10 Unanimous.

11 Mr. Summers.

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

13 Item F on your agenda is the general clean-up. If
14 there are any questions related to any of the Maui Island
15 Plan elements, this would be the time for that. And this
16 would really conclude our discussion on the Maui Island
17 Plan.

18 CHAIR HEDANI: Any items for consideration?
19 Commissioner Shibuya.

20 COMMISSIONER SHIBUYA: I would like to bring up one
21 of our maps which we had in our Rural Growth Boundaries.
22 And this deals with Map U2. It's the area above the Kula
23 Community Association -- I mean, Kula Community Center. And
24 that was proposed as the Kula Ridge Mauka Project. The
25 developer, in his testimony to us, answered me that they

1 COMMISSIONER HIRANAGA: No, you're incorrect.
2 CHAIR HEDANI: Mr. Summers.

3 MR. SUMMERS: Thank you very much.

4 Mr. Hiranaga is correct. As I recall, the Planning

5 Commission voted to include the Kula Ridge Affordable

6 Housing Project, not the Kula Ridge Mauka Project.

7 COMMISSIONER MARDFIN: Point of information.

8 CHAIR HEDANI: Commissioner Mardfin.

9 COMMISSIONER MARDFIN: I see this on U3, not on U2.

10 Am I on the wrong one somehow?

11 COMMISSIONER SHIBUYA: U3. I stand corrected.

12 CHAIR HEDANI: Commissioner Hiranaga.

13 COMMISSIONER HIRANAGA: So discovery of burial
14 remains were in Kula Ridge Mauka or Kula Ridge Affordable
15 Housing? Because again, Kula Ridge Mauka was not included
16 in the Plan.

17 COMMISSIONER SHIBUYA: I believe it's Kula Ridge
18 Mauka.

19 COMMISSIONER HIRANAGA: Okay, it's not in the plan.

20 So you can rest easy.

21 CHAIR HEDANI: Any further discussion?

22 Commissioner Hiranaga.

23 COMMISSIONER HIRANAGA: I'm wondering if Staff had
24 a chance to check the Zoning for Airport Beach, Sprecks?

25 MR. SUMMERS: Yes, we did have a chance to do that

1 were -- to his knowledge, there was no sensitive cultural
2 areas or significant areas other than in the gulch. And he
3 did not know of any other locations, except this fact was
4 contradicted by the State -- SHPD individual that says they
5 were grading and human remains were identified in that
6 grading area. And he was told -- he was advised. So he
7 knew that this grading area for a roadway was -- had
8 problems.

9 And so I have a little problem here. Not only is
10 there a water issue, not only is there an infrastructure
11 lack of roadway width, lack of sidewalk, but now we have
12 culturally significant areas in U2 that this body has
13 converted into Rural development for the kupunas for our
14 seniors. And I think this is an outrage at this point that
15 we have lost our respect for our kupunas, and we're willing
16 to put them on graveyards.

17 COMMISSIONER HIRANAGA: A point of clarification.

18 CHAIR HEDANI: Commissioner Hiranaga.

19 COMMISSIONER HIRANAGA: I believe we included the
20 Kula Ridge Affordable Housing component and not the Kula
21 Ridge Mauka, which is a much larger project. So I wanted
22 clarification from Commissioner Shibuya if he meant Kula
23 Ridge Affordable or Kula Ridge Mauka. Because Kula Ridge
24 Mauka is not in the Rural Growth Boundary.

25 COMMISSIONER SHIBUYA: I believe it was.

1 research.

2 Dave, can you give a quick overview.

3 MR. MICHAELSON: Thank you, John.

4 Actually, we're going through these maps

5 TMK-by-TMK, based on a series of questions asked by the

6 Planning Commission. Airport Beach was not -- you didn't

7 explicitly ask us to look at Zoning, you asked us to look at

8 lot size. And the lot sizes were all greater than half an

9 acre. So we left it, as recommended, in Rural Residential.

10 CHAIR HEDANI: Commissioner Hiranaga.

11 COMMISSIONER HIRANAGA: I believe my statement was
12 I believe it is Zoned R3, and I wanted to you to confirm
13 that.

14 MR. MICHAELSON: It is, in fact, Zoned R3.

15 COMMISSIONER HIRANAGA: Right. So now you've got

16 R3 Zoning, 10,000 square foot minimum lot size, and you're

17 downzoning it into rural half-acre lot sizes. I think

18 you're going to create nonconforming issues once more for

19 existing buildings.

20 CHAIR HEDANI: Okay. So you might want to mull

21 that one over before it goes to the Council.

22 MR. MICHAELSON: Sure. I mean, we're going through

23 each and every one of these maps. We're going through all

24 the Open Space designations, all the Preservation

25 designations one-by-one. And we have been excluding parcels

1 that, at one time, were included in Preservation, or like
2 the scenario we heard this morning.

3 CHAIR HEDANI: Commissioner Hiranaga.

4 COMMISSIONER HIRANAGA: Yeah. I know for a fact
5 that there are lots with multiple buildings in compliance in
6 R3 Zoning that have large lots. So you really need to take
7 a drive down there and look. Because you're going to create
8 nonconforming issues if you change that to Rural Zoning.

9 You know, you might have two, full-sized houses
10 that are both 2,000 square feet on a half-acre-plus lot.
11 You change that to Rural Zoning, and one of them is
12 nonconforming because there's only supposed to be a 700
13 square foot cottage there.

14 MR. SUMMERS: Yeah, we'll look into that. The
15 setback standard's a little different between the Rural
16 District and R3 Residential District. Lot sizes -- I think
17 the smallest lot size in there was .7 acres. So it was .7
18 acres on up. The major issue was whether we want to set up
19 a system where we have resubdivision of those lots as well
20 as the noncompliance issues. So those are the two major
21 considerations that we're looking at with respect to the
22 Airport Beach.

23 COMMISSIONER HIRANAGA: One of the major obstacles
24 to subdivision there is the substandard water line. I think
25 it might be a four-inch line at the largest. So the

1 CHAIR HEDANI: Any further discussion?

2 Commissioner Hiranaga.

3 COMMISSIONER HIRANAGA: I just want to make sure
4 you take a look at Haiku One through Six, to make sure you
5 don't create nonconformity issues. Again, when we start
6 designating them as RGBs, you've got Rice Camp and 4,000
7 square foot lots. You just got to really be careful with
8 all these little plantation towns in Haiku.

9 MR. SUMMERS: Yeah. We did go back and look at
10 those Rural Growth Boundaries in that area.

11 Maybe, Dave, you can quickly run us through that
12 one. The other one was the -- you had a research question
13 for us that was related to the Makena One to Four lots. So
14 we'll give you an update of that as well.

15 MR. MICHAELSON: In terms of Haiku, we looked at
16 the existing Community Plan designations. Those
17 designations that were community planned either Single
18 Family or Commercial, we took them out of the RGB, and we
19 put them into a Rural Service Center.

20 In terms of Makena, which was even a little more
21 complicated. If you remember, we had four down there. We
22 had One through Four. One through Three were all fully
23 entitled, Rural Residential lots, permitted. We left One
24 through Three in the Rural Residential Growth Boundary.
25 Makena Four, about three quarters of it, was either Interim

1 eight-inch line comes from the Henry Spencer project, all
2 the way down to Stable Road. They're not going to
3 subdivide. And nobody wants to step forward because of the
4 archeological issues of trenching an eight-inch line along
5 Stable Road.

6 But I'm really concerned that -- you know, you've
7 got to look at the existing density there if you're going to
8 create nonconformity for the people who are just sitting
9 there looking at the beach not knowing this is going to
10 happen to them. I could send a mass e-mail to them.

11 CHAIR HEDANI: What you're suggesting is that it
12 should remain R3 Residential rather than Rural?

13 COMMISSIONER HIRANAGA: Well, it should be in the
14 UGB. I mean, if it's got R3 Zoning, why are you downzoning
15 these people? I could send a blast e-mail to Spreckelsville
16 Homeowners Association and wake them all up.

17 CHAIR HEDANI: Any further discussion on any items
18 on the Plan?

19 Commissioner Shibuya.

20 COMMISSIONER SHIBUYA: I got informed by the public
21 that I misspoke. And I wanted to correct it. I said that
22 there was a burial found in Kula Ridge. That is correct.
23 There's also another burial site that was found in a recent
24 gardening incident. And that is in the lower portion, lower
25 project area which we did rezone.

1 Zoned and not developed. And there were parcels that did,
2 in fact, have single-family homes, were permitted. So we
3 extracted the ones out that either did not have full
4 entitlements and also had no structures on them.

5 CHAIR HEDANI: Any other comments?
6 Commissioner Mardfin.

7 COMMISSIONER MARDFIN: I think I've already
8 probably conveyed this privately to Land Use Planning. But
9 in Hana, there was a Waiapanapa piece -- I forget the
10 exact numbering -- which we left in Rural Growth Boundary.
11 And I had a woman who lives there come up to me and said
12 what are you doing to me; why didn't you take that out; we
13 do agriculture and I really want to make sure I don't lose
14 my agricultural Real Property Tax rates.

15 And so I'm going to -- I haven't actually seen her
16 since then. But I'm going to encourage her to go to -- I
17 don't want to make a change in vote now. But when the
18 Council brings it up to raise that issue and when the
19 Community Plans meet to raise that issue, and I just
20 encourage the Long Range Planning people and the Director to
21 make sure when we put people into Rural Growth Boundary and
22 they are doing agriculture that we not jeopardize their Real
23 Property Tax rates. And I don't know if that's through a
24 policy or what, or an opt out. You put the Rural Growth
25 Boundary around it, but they can opt out of that Rural

1 Growth Boundary on a TMK-by-TMK basis. I know my intention
2 is not to drive people off the land by having their tax
3 rates increase.

4 CHAIR HEDANI: Additional comments? Okay.
5 Commissioner Mardfin.

6 COMMISSIONER MARDFIN: Yeah, on a totally different
7 topic. I know Commissioner Guard was concerned about this,
8 and I have been too. We have had a number of testifiers
9 suggesting it's overly thick, overly broad, overly
10 legalistic. And there's something to that. I'm not
11 unhappy. You know, I guess the Department provided a fairly
12 thick document to GPAC. GPAC passed a thicker document to
13 us. I suspect we're passing an even thicker document on to
14 the Council. And I have some pause about it. I kind of
15 wish it could be redone from the beginning and really
16 slimmed and trimmed. But I think with good indexing and
17 other things, it can be taken care of.

18 I don't want this to be a mess. I want it to be a
19 guide. But I want good things to happen. I want it to have
20 enough teeth in it to make sure that bad things don't
21 happen. And so I don't know any way to deal with the issue
22 except to express my concern that it is very complex and
23 very large. And good indexing and good handles on ways to
24 accomplish things might go a long way to make it a usable
25 document.

1 County Council.

2 CHAIR HEDANI: Is there a second?

3 COMMISSIONER STARR: Second.

4 CHAIR HEDANI: Seconded by Commissioner Starr.

5 Discussion?

6 All those in favor, signify by saying "aye."
7 (Round of ayes.)

8 CHAIR HEDANI: Opposed, "nay."
9 (Silence.)

10 CHAIR HEDANI: Carried.

11 COMMISSIONER MARDFIN: Carried unanimously?

12 CHAIR HEDANI: Carried unanimously.

13 Anything else for the good of the order?

14 Director or Mr. Summers, are we on planned
15 schedule?

16 MR. SUMMERS: Yes. Just on behalf of the
17 Department, we'd like to thank you for holding some great
18 meetings and moving through this efficiently. It's been a
19 pleasure working with you, and we congratulate you.

20 Going forward, the Department will be packaging the
21 Recommendations from the GPAC and this body and transmitting
22 those to the County Council by the middle of October. So we
23 look forward to continuing the dialog with the Council. The
24 Council will have a year to review the product and provide
25 its Final Recommendations. So thank you very much.

1 CHAIR HEDANI: My only comment is that I think the
2 Monitoring and Evaluation and Implementation portions of the
3 Plan really need to be reviewed carefully by Staff again
4 before you transmit it to Council with your Recommendations,
5 because it wasn't as polished as the rest of the Plan.

6 I'd also like to thank all of the Commissioners for
7 their hard work on this plan. I think if everyone is not
8 satisfied that they didn't get what they wanted, you've done
9 a good job. And nobody is satisfied that they got
10 everything that they wanted. I think we cut it in half, we
11 did the best we could within the time frame that we had.
12 You met the plan, you met the time frame, and you made the
13 Recommendations to go forward. So for that, I think you
14 should be congratulated. And also for the time that you
15 spent and sacrificed, not only from your families, but from
16 your work.

17 Commissioner Mardfin.

18 COMMISSIONER MARDFIN: Mr. Chairman, would you like
19 a vote to approve the Maui Island Plan as adopted and
20 modified by this body on a global basis?

21 CHAIR HEDANI: Sure.

22 COMMISSIONER MARDFIN: I move that the work that
23 we've done on the elements and the maps and all the chapters
24 that we've passed, we adopt the entire package and recommend
25 it to the Planning Department for transmittal to the Maui

1 CHAIR HEDANI: I also negligent to compliment the
2 Staff on your preparation of the Plan because I was very
3 impressed with the professionalism and the amount of detail
4 and the capability of the Department. Contrary to
5 Mr. Morioka's understanding that we're a bunch of country
6 bumpkins out on the neighbor islands, I think you've done an
7 excellent job.

8 Commissioner Mardfin.

9 COMMISSIONER MARDFIN: I'd like to say a couple of
10 things. One, I was at the planning conference in Honolulu
11 three days last week. And I went to one on the census. And
12 I just wanted the Department to know that there was a
13 shout-out given to Mark King for developing the census
14 products, and they were extremely impressed. And they had
15 given him a basket of bad things to deal with. And they
16 particularly, by name, commended him for all the work he had
17 been doing. He wasn't there to here it, so I wanted his
18 peers to hear it.

19 Secondly, I'd like to thank the entire Long Range
20 Planning Division on their work. I know I've put particular
21 questions to Dave in particular, and he's been wonderful at
22 helping me get all the information I needed to make informed
23 decisions. And everybody that I've dealt with in the Long
24 Range Planning Division have done a wonderful job. And I'm
25 just very proud that not only did we finish under budget,

1 but under time. We're a day early.
 2 CHAIR HEDANI: Mr. Summers.
 3 MR. SUMMERS: That really concludes our review.
 4 Tomorrow's meeting, obviously, at this point, is a moot
 5 point. So we'll be focused on packaging the Recommendations
 6 and getting the transmittal letter ready for Council. Thank
 7 you.
 8 CHAIR HEDANI: With that, thank you for your
 9 participation. We thank the public for their participation.
 10 We're adjourned.
 11 (Meeting concluded at 3:45 p.m.)

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CERTIFICATE

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3 County of Maui)
4) ss.
5 State of Hawaii)
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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.
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Dated this 27th day of October 2009.

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22 CAMMIE GILLETT, RPR, CSR No. 438
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