

**URBAN DESIGN REVIEW BOARD
REGULAR MEETING
JUNE 1, 2010**

APPROVED 08-03-2010

A. CALL TO ORDER

The regular meeting of the Urban Design Review Board (Board) was called to order by Ms. Linda Kay Okamoto, Chair, at approximately 10:02 a.m., Tuesday, June 1, 2010, in the Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

B. ADMINISTRATIVE APPROVAL OF THE MAY 4, 2010 MEETING MINUTES

Ms. Linda Kay Okamoto: The June meeting of the Urban Design Review Board will come to order. And we will start with the approval of the minutes of the last meeting, and we just do an administrative approval as long as there are – did anyone have corrections, additions, changes to the minutes? If not, they will be approved and we will pass them over to Leilani.

The May 4, 2010 Urban Design Review Board meeting minutes were approved as presented.

C. PUBLIC HEARING (The Board may take action after the public hearing.)

- 1. FIVE-O SIGN COMPANY representing OFFICEMAX NORTH AMERICA, INC. requesting a variance from Maui County Code, Section 15.13.070 to allow one (1) additional business identification sign to face the Keawe Street entrance whereby only one (1) sign is allowed per business establishment for OfficeMax at the Lahaina Gateway Center located at 355 Keawe Street, TMK: 4-5-011: 008, Lahaina, Island of Maui. (SPV 2010/0002) (Trisha Kapuaala)**

- a. Public Hearing**
- b. Action**

Ms. Okamoto: Our next item is public hearing, Five-O Sign Company representing Officemax North America, requesting a variance from Maui County Code, Section 15.13.70 to allow one additional business identification sign to face the Keawe Street entrance whereby only one sign is allowed for business establishment for Officemax at the Lahaina Gateway Center, located at 355 Keawe Street, TMK: 4-5-011:008, Lahaina, Island of Maui. Trisha, would you like to proceed?

Ms. Trisha Kapua`ala: Thank you. Trisha Kapua`ala with the Zoning Administration and Enforcement Division. I'm going to turn off the lights just so you can see a little better.

APPROVED 08-03-2010

Now you all got copies of the staff report and recommendation. Variances are land based and so for this reason I'm going to show you the land and the surrounding area. This is the subject property and you should have some maps with your staff report. That's Lahaina Gateway Center. So here we have the Lahaina Canary Mall, some residential, a residential subdivision, and you cannot tell from this map, but here we have condos and another business center, also light industrial. So there is a new feature called straight views. This is Keawe Street. Honoapiilani Highway would be oriented this way, from left to right. So I'm going to try my best to give you a view. So this Keawe Street again, and this would be the Lahaina Gateway Center's entrance. And unfortunately there is not other picture/view that we can see, but upon entering, you would be able to see Officemax around here. Now I'm going to exit.

Let's try to get a better view from Honoapiilani Highway. Now again, variances are land base, and we're calling this a sign because you can view it from Keawe Street as well Honoapiilani Highway. So here is Honoapiilani Highway, this is Lahaina Canary Mall, and this is the Gateway Shopping Center. Let's see if you can see it. It's blocked by this tree, but right here is the Office Max building. Let me give you a copy of the CSP, the comprehensive signage plan, which was approved by the Department. It's administratively approved. This would be Honoapiilani Highway here, and Keawe Street. This would be the entrance, and this is the Officemax, the one of two anchor tenants, or is it three. Is this the anchor tenant? Ron, do you know?

Mr. Ron Smith: No. The anchor tenant is on the corner.

Ms. Kapuaala: So this would be Barnes and Nobles and Outback Steakhouse, and this would be the Officemax. And this is where the current, the existing, sign is located. The variance being requested today is being requested for this location, this elevation. So when you drive into here is when you can see the sign from Keawe Street as well as when you're driving on Honoapiilani Highway. So, let's see, here's that first anchor tenant with Outback with one sign, and here would be Officemax. It's a little difficult to see from this picture, but it is viewable from the street. And again, if you're coming from this location, in this direction, you'd be able to see Officemax. So if the board doesn't have any questions, I'll hand it over to the applicant, Mr. Ron, from Five-O Signs is here. Thank you.

Ms. Okamoto: Thank you Trisha.

Mr. Smith: Good morning, I'm Ron Smith, Five-O Sign Company. I think the presentation is pretty clear. I'm sure, do you have the handouts that I submitted? If you'll look, I think on one of the photographs, it does show the entrance as you're coming in. It's one, two, three, four – I believe it looks like the third photograph that I have. You can see as you drive in, you can't even see the existing sign that faces Honoapiilani Highway. And as another reference, on the highway, you've got to remember we've got traffic flow that's

APPROVED 08-03-2010

going, you know, whatever the speed limit is out there. And to look that way, you might see a glimpse of the second sign that we're petitioning for. It's going to be really tough. You know, I'm not sure if that factors into your evaluation. But you are driving. You are going to see the one sign that is already permitted and up, but the other sign that faces the parking lot side and the entrance, you're only going to get a slight diagonal view of that as you're driving and only a short window of opportunity, so I'm not sure if that will be considered as part of your consideration.

Ms. Okamoto: Is that your presentation?

Mr. Smith: I have no idea. It's my first time out. If you have questions for me.

Ms. Okamoto: Okay, we will go around. Trisha, did you have any additional – did you want to mention about your staff report?

Ms. Kapuaala: If the applicant and the board is agreeable, we'd like to waive the reading of the staff report and just admit it into the record of the department's recommended approval because they qualify under all three criteria for the granting of the sign variance. And if the board decides that the department's facts are good, then we can go ahead and adopt the department's staff and recommendation reports.

Ms. Okamoto: Board, you have two different documents. One is the report, and one is the recommendation, and they are asking to waive the reading so we don't have to read it into the record. If there are no objections, we will waive the reading of the staff report. At this time we will go around the board. If you have any questions, not comments, just questions for either the planner or the Five-O Sign Company, then you may ask those at this time. Michael, we'll start with you. Any questions?

Mr. Michael Silva: No questions.

Ms. Okamoto: Susan?

Ms. Susan Liscombe: One question. I'm assuming that the requested sign will be basically the same size as the existing one?

Mr. Smith: Yes. Yes it will be.

Ms. Liscombe: Okay, thank you.

Ms. Okamoto: Darryl?

Mr. Darryl Canady: No questions.

APPROVED 08-03-2010

Ms. Linda Berry: Is there a directory sign on the Honoapiilani Highway that shows what all the businesses in the mall are?

Mr. Smith: No there's not.

Ms. Berry: It seems to me that would be safer than trying to get people to see from the highway what's in there. And then turn the sign to the other side so when you actually come in the driveway you could see it. Then you wouldn't require a second business sign.

Ms. Okamoto: Was there a question? No, there is not. Okay, thank you. Jane?

Ms. Jane Marshall: No questions.

Ms. Okamoto: Bryan?

Mr. Bryan Maxwell: None.

Ms. Okamoto: At this time, we'll open it for any public testimony on this issue. Is there any public who wishes to testify? Seeing none, we will move along. At this time, we will have comments that you may want to make in regards to this. Before we move on, can – I don't know, if Trisha or if you would like to remind the board that on sign issues that we do actually vote to approve or disapprove. We are not making recommendations this time. Is that correct?

Ms. Kapuaala: Yes that's correct.

Ms. Okamoto: Okay, it's a little different than what we normally do, so we are voting to either approve the Planning Department's recommendation, or to disapprove. At this time we'll go back, Bryan, any comments that you wish to make?

Mr. Maxwell: None.

Ms. Okamoto: Jane?

Ms. Marshall: No.

Ms. Okamoto: Linda?

Ms. Berry: No.

Ms. Okamoto: Darryl?

APPROVED 08-03-2010

Mr. Canady: I plan on voting for it, the County's recommendation.

Ms. Okamoto: Susan?

Ms. Liscombe: The only comment I would make is because the uniqueness of this building as it is placed in the shopping center, it would make sense to have additional sign on there.

Ms. Okamoto: Michael?

Mr. Silva: No comments.

Ms. Okamoto: If no further comments, can I have a motion?

Mr. Canady: I so move that we accept the planner's recommendations on this Five-O Sign Company's recommendation.

Mr. Maxwell: I second.

Ms. Okamoto: Okay, it's been moved and seconded that we accept the recommendation of the Planning Department, which is to approve the variance. Everyone understands. Any discussions? All in favor say aye.

Board Members: "Aye."

Ms. Okamoto: Opposed? Thank you. That was amazing.

Ms. Kapuaala: Thank you.

Mr. Smith: Thank you very much.

Mr. Canady: Amen.

**It was moved by Mr. Darryl Canady, seconded by Mr. Bryan Maxwell,
then unanimously**

VOTED: to approve the sign variance request as presented.

D. COMMUNICATIONS

- 1. MR. CHARLES JENCKS on behalf of Honua`ula PARTNERS, LLC requesting review and approval of the Phase II Project District plans**

APPROVED 08-03-2010

and accompanying design guidelines for the Honua`ula Project District (formerly known as Wailea 670) at TMK: 2-1-008: 56 and 71, Wailea, Island of Maui. (PH2 2010/0001) (Ann Cua)

The Board may act to provide recommendations to the Maui Planning Commission and the applicant relative to the design aspects of the Phase II Project District Plans and proposed design guidelines.

Ms. Okamoto: The next item on the agenda is Communications. Mr. Charles Jencks on behalf of Honua`ula Partners requesting review and approval of the Phase II Project District plan and accompanying design guidelines for the Honua`ula Project District, formerly known as Wailea 670, at TMK: 2-1-008:056 and 71, Wailea, Island of Maui. Ann Cua is the planner.

Ms. Ann Cua: Good morning Chair, members of the Board. Before I turn this over to the applicant, I want to explain why we are here, which I usually do that with an application. You have reviewed a number of project district applications recently, and normally the Planning Department brings project district applications before you to get your comments on design review to assist us, and to assist the Planning Commission with their review and action on project district phase II application. In this particular case, for the Honua`ula project, they have a project district ordinance, so a zoning ordinance. And in their zoning ordinance, there's actually a requirement under design and I will read that to you. Under design there's reference to plans that are required to come before this body for review. And so under design, the first thing that you need to consider is conceptual, architectural and landscape architectural plans including lighting and mechanical plans shall be reviewed by the Maui Urban Design Review Board for purposes of Phase II approval, and that's Phase II Project District Approval. And most of you are familiar with the three phase process for project districts. The phase I process is the creation of the ordinance. It goes through the Planning Commission, and through the County Council. It's actually a zoning ordinance. It has standards in it, permitted uses. And then the second phase is approval by the Planning Commission, and it's of the preliminary site plan. And then the third phase is the administrative review of the final site plans and design plans for a project, and that is done by the Planning Department.

The second item that the ordinance calls for is the conceptual design guidelines shall be reviewed by the Maui County Urban Design Review Board for purposes of Phase II approval. So that's why we're here today, and we're going to have the applicant go through their power point presentation. And then we'll come back at some point, and get any question or comments from this body. And the department will use that and forward those to the Planning Commission, together with our staff report on the Project District Phase II application.

APPROVED 08-03-2010

Ms. Okamoto: Before the presentation, can I ask that anyone who does want to do public testimony, be sure you sign up. I believe – is there a paper to sign if you do want to do public testimony. Thank you.

Ms. Cua: Thank you. So with that, I guess we'll –. I'm sorry, you read the matter already? The application?

Ms. Okamoto: Yes.

Ms. Cua: Okay. I guess we'll call up Mr. Jencks.

Ms. Okamoto: Okay, thank you.

Mr. Charles Jencks: Well done Ann. Good morning. My name is Charlie Jencks. I am the owner's representative for Honua`ula Partners, LLC, formerly known as Wailea 670. I am authorized to act on behalf of the partnership, and make any commitments that need to be made. I have been doing that since I first started on this project in February of 2001. In October of 2001, we received Maui Planning Commission approval. And then in April of 2008, we finally received Maui County Council approval with the Mayor signing into law the Project District Zoning Ordinance and the unilateral agreement for the conditions of approval for the project.

I'm going to introduce some folks that are here today. I think Ann did a terrific job explaining why we're here. We do have requirements under the zoning ordinance and also the standard processing of project district phase II applications. There are a series of people here today that could be helpful in your discussion, highlighting or addressing any specific points you have in the context of your roles and responsibilities as the Urban Design Review Board. First of all I'd like to introduce Ms. Gwen Hiraga who I am sure you know from Munekiyo & Hiraga. Gwen has been with me since day one, helping me understand the process and work my way through the Planning Commission and the Council process. Tommy Witten is here from PBR Hawaii. Tommy has been involved in this project since 1986 when my family initially purchased the property back in 1986. PBR Hawaii did the original land planning. And his guidance through today has been very helpful. Mr. Tom Schnell is here. Tom is also working with PBR Hawaii. Tom has been the lead guy in the effort to produce the environmental impact statement that's been submitted for review and comment by the County of Maui and other agencies in the public, as well as the Phase II application, so his work – he's been working very hard for us. I also have Mr. John Ford today. John is a principal with SWCA Environmental Consultants. John's role has been pivotal in the context of the biologic and wildlife assessments that have been done on the project and the project area, and also all of the off-site projects that we've been involved in. So John is here to address any specific questions you might have on the context of your review today. I also have Mr. Barry Toyota and Lance Oyama from

APPROVED 08-03-2010

Wilson Okamoto Corporation in the back. Wilson Okamoto Corporation is the civil engineering company that's been involved from day one as well. If you have any questions on the civil side, in the context, please feel free to ask for their assistance. I also have Mr. Aki Sonodo. Aki is an archaeologist who has been working on the project since my involvement or before. Aki is here in the back, once again, to answer any questions. And last but not least, Mr. Khoi Le. Khoi is here from HKS Hill Glazier Architects on the mainland. Khoi has been before this board before. He's very familiar with Maui County. And as one of the practicing architects, has been involved in helping to define some of the things that you're going to be looking at today in the context of this presentation.

I guess the best thing to do is to get on with this. The presentation will focus on the architectural aspects, the landscape aspects, the civil aspects of the project per the requirements in the Maui County Code for you. And I guess the best thing to do is to just to kick this off. Mr. Witten will take it from the beginning and introduce you to the project and give you the general parameters and some of the things you need to understand about the project. Mr. Khoi Le will take the architectural design guidelines. Tommy will come back and handle the landscape design guidelines and wrap it up for, and then we will be happy to answer any questions you may have. So without any further adieu, I'll introduce Mr. Tommy Witten.

Mr. Thomas Witten: Good morning. You should have all received a – what we put together for the Urban Design Review Board purposes and it includes the design guidelines in more detail. Our presentation today we'll kind of give you a quick overview of the substance of what's in the design guidelines. And from the get go, I think it's important to note that we formulated the design guidelines so they are consistent with the project district zoning standards that were adopted under the project district ordinance. So in step II we really are basically getting down to the final grain detail design – specify more specifically what the conceptual design elements are both architecture, landscape architecture, overall community design. So I will be going through that in this presentation.

Quickly, as far as the overview – turn the lights down – we'll cover the background, talk about the conceptual master plan from the land use allocation standpoint, get into the design guidelines which Khoi Le will join me on as far as architecture, focus on the landscape master plan that you have a copy of, look at some of the plant palette we put together as far as the native plant plans, look at the trail plans and the roadway details because those are a large component of what would make up the community character.

Honua`ula, if you're not familiar where this is located, basically, it's directly mauka of Wailea Resort. It borders to the north, Maui Meadows, and to the south, primarily undeveloped portions of Makena. It's two parcels, approximately 670 acres. The elevations run from 320 to 710 feet above mean sea level. And it's relatively generally sloping, but it does have a pronounced topographic characteristics of 10 to 12 percent, and bisected by various

APPROVED 08-03-2010

gulches. They come through the property. Its State Land Use was redistricted some time ago to the Urban Land Use district. Kihei-Makena Community Plan provides for it as Project District Nine. And as Charlie mentioned it was zoned for Project District Nine.

Some quick orientation as far as the views. To the north of the property, it's generally grass lands that extends from Maui Meadows. And on the southern portion of the property, it gets a little more rugged as an old a`a flow that comes through that area. As far as the conceptual master plan, the plan provides for a mix of land uses, and trying to create a true community using a lot of the smart growth principles that you're probably familiar with as far as trying to create compact, walkable neighborhood within the project area. There's an 18-hole golf course. Up to 1,150 homes will be provided onsite, including single-family and multi-family. There is a provision that the project would comply with the workforce requirement, the workforce housing requirements of the County. We have a component of village mixed use and commercial uses which would allow for a mix of residential and commercial uses. And as I mentioned, the smart growth principles. And a projected build out of approximately 13-years. The 18-hole homeowner's golf course, clubhouse, and other recreational amenities. There's an extensive bicycle and pedestrian network that I will go over in the presentation, and it includes various parks and open space elements. There's an extensive area of native plant preservation and enhancement areas that we'll speak to a little further in the presentation. And specific requirements in the zoning ordinance for various buffer zones along the highway. And there's also a provision for a land for public facilities which is anticipated to be a fire station.

I'll go through the various land use subdistricts to give you a better feel of where the various land use elements are included on the project master plan. These are the single-family residential, generally the higher elevation areas of the site. Multi-family, the higher density, closer in to the activity areas and higher density components that would be included in the village mixed use district, so you can see these pulling in closer to those concentric circles. Those concentric circles are a quarter and a half mile, so it's sort of a five and a 10 minute walking distant to give you some scale. It is a large site. These are the village mixed use districts, including the clubhouse area and higher density housing, and sort of a village commercial area that we will speak to a little further. These are the recreation and open space elements. I think with the open space elements, I think, over 40% of the site will be in some sort of open space, landscaped open space use. And as far as the overall land use allocation, it's consistent with the project district ordinance. These are the distribution of the various land use elements.

The design guidelines. As I mentioned, you've gotten a copy of the design guidelines and we'll give you a quick overview, and Khoi Le will join me to give an overview of the architectural. Basically, Honua`ula's design guidelines establishes a consistent framework of common community elements that reflects the context of the surrounding areas. So we went to quite an extent to understand and be responsive to what we feel are the unique

APPROVED 08-03-2010

elements of Honua`ula's site and then developed a design guideline that we feel would be consistent with those.

Community design standards. We wanted to create a distinct Honua`ula design character and identity. So when you're in the community you will sense and feel that uniqueness. Establish a hierarchy of roadways and project features which we'll speak to a little later. Establish significant landmark features and appropriate locations. Again, this is part of way finding and understanding the site to have a clear sense of where you are on the property. And promote a sense of place. And just as you know you've arrived at Wailea, there's going to be a desire to create a sense of place distinct from Wailea, but unique to Honua`ula. Provide recreational opportunities and activities with a full range of parks and recreational facilities are provided onsite, and we've also supported regional improvements related to recreational uses. Preserve and enhance botanical and cultural resources, and preserve Honua`ula's unique topography as I mentioned earlier.

Architecture design guidelines I'll turn over to Khoi to give you a quick overview.

Mr. Khoi Le: Good morning. My name is Khoi Le from HKS Architects Hill Glazier Studios. I'm the architect for this project here. I just want to thank you in advance for your time today. I'm just going to go quickly over the architectural design guidelines for this project that we have established. What we want to do is maintain the unique landscape character of each individual development area. We want to de-emphasize the scale and the size of some of these structures. We want to design buildings appropriate to the climate – this beautiful Maui climate here. Very different from where I just came from – San Francisco. Preserve views and view corridors from other residences. We also want to use materials, textures, and finishes that exist naturally in the environment. Encourage building designs that are simple, timeless and permanent in execution. We also want to respect the local traditions, cultures and history. And the last point we want to go over is encourage sustainable building design strategies.

So this is a perspective view of a hale unit, a one-story hale unit. In this perspective it should show you how we create pavilion elements for these units here which breaks down the mass and scale of these units. And each one of these pavilions they can step from – for example, the garage can be two-feet above the living quarters, and then the bedrooms can be another two-feet below the living area. What that does is it gives us a lot of flexibility to design within the site. The site itself is very – there's a lot of grade change from top to bottom, so this is one of the approaches that we have to design these elements as pavilions so that it works with the grades. This is a typical elevation of the hale unit here. It shows you how we break up the mass again with the pavilion's roof forms. If we had done this in just one roof form, it would be a big massive building. Again, this is duplex units here, two-story elements here. In this element here we tried to break up any two-story elements by either a material change or plain change. Here's a three-story multi-

APPROVED 08-03-2010

family units here. As you can see in the upper image there, there's a material change from what is below there. Multi-family units, three-story units here. Again, you have a base, a level change, and then also a material change just to break down the mass and scale of these elevations here.

Here is a perspective view of the town center. And here is a site plan of what the town center could be with the village green gathering place for the community, the residents and the public. These are elevations of the town center. A little bit flat. It's better to look at the perspective view. Everything we do we model it so it looks good. Again, other interior elevations of the town square. And this is the clubhouse and amenities building, a perspective of it. And this is a great example of how we broke up these massive buildings into small little pavilions so that it doesn't – it feels like it's part of the land. And by using materials that's part of the land, thin groves, integral color stucco, these wood louvers and windows, it feels like as if it's part of the landscape. It doesn't dominate the landscape. This is a roof plan of that amenities building. Again, you can see the pavilions and how they work with each other. And right in the center there's a dry river bed there and how we work with the landscape or the topography and bridged over that. Elevations of the amenities building here. More elevations of the amenities building.

Again, these are material boards. This is slightly outdated. I have a physical material's board that I would like to show you folks here. So up on this corner here, this is a cedar, naturally stained. This is used for the residential units. And then down in the right hand corner there, we have the mahogany. Clear glass. We're proposing a tinned roof for the public buildings and also for the residential units. It weathers pretty well. It's great. And then we're thinking about this kind of texture for the concrete and the stucco. I have a better example of that right here. It's more of smooth finish here, versus what they usually have here, which is more of a sand finish. It traps a lot of dust. And then with that, I'll hand it over to Tommy.

Mr. Witten: Thank you Khoi. I'll continue on with the various other elements included within the design guidelines. The design guidelines addressed the exterior lighting. Again, these would be – all the exterior lighting designs would be in compliance with the County's Code for basically achieving dark skies. Minimum exterior lighting, no up-lighting permitted, low intensity indirect light sources are what we're calling for. And the finishes of the light fixture is shown here, would be subtle (phonetics) lighting finishes. So generally, a down lighting, or what's called in the lighting field, moonlighting of some of the accent trees and so forth within the community. But, generally a very subtle and understated lighting plan.

The entry feature, this would be across from the Wailea Ike Drive, coming off of Piilani Highway. But the concept for the entry feature and signage is to utilize sort of the vocabulary of the site including the dry stacked lava rock walls, and having it sited in a relatively informal way, with a setting of a grove of WiliWili to accent and provide some

APPROVED 08-03-2010

canopy at the entry. Again, working with the natural terrain of the site, these features would typically be terraced. Ultimately there will be a comprehensive signage program that will be established for the project, and that would be brought back to the Urban Design Review Board at a later date as we get probably in the phase III approval process as those details are worked out. But this is just a character sketch of how that entry would be at the parkway.

Drainage has been extensively studied and engineered. We have a whole series of detention basins to retain it's – to retain the required amount of water onsite. No increase in the rate of storm runoff for off-site impacts, and no adverse effect on ground water down stream properties on marine water. So you'll see in this diagram the extent of the detention areas that have been integrated primarily in the golf course since that's a good receiving area.

Energy efficiency. It's provisions – specific provisions within the Code the project will be complying with. In addition, water efficiency looking at using a non-potable water for all irrigation, utilizing the on-site waste water treated water for irrigation of the golf course. Having a computer monitor golf course irrigation system, and selected plant materials that are adapted to this relatively dry semi-arid area. And low flow fixtures.

As far as the landscape master plan, that was also included in your handout. I'll quickly go over the overall concept. And basically we see the landscape as sort of the element that will tie the whole project together with the built facilities. As Khoi mentioned, landscape is very important even within the architecture to provide scale and set these buildings within a natural setting, and be respectful of the cultural aspects of the site.

Informal, naturalistic landscape is sort of the general theme. It's not going to be the formal street lined boulevard but more groupings of trees and massing of trees in appropriate locations. The overall concept is very much driven by the Honua`ula Conservation Stewardship Plan that was included, that has been prepared and it's part of the environmental impact statement. But it basically respects the site's natural and cultural resources, preserves and enhances and protects the native landscape and habitat areas that have been identified, and concentrates the ornamental landscapes around the key amenity areas. So in general, it will be a very strongly driven plan that focuses it's plant palette on the native plants that would naturally be occurring in this area. Also the plan rehabilitates existing degraded landscapes. Large portions of the site has been grazed for generations, so bringing back some of those gulch and gully areas that could sustain some of the native plants. Conserve water by use of appropriate plants as I've mentioned. The planting plan is consistent with the Maui County planting plan, and basically the landscape design would be controlled by design guidelines and the code, covenant and restrictions, the CC&Rs.

APPROVED 08-03-2010

The key design elements. As I mentioned the native plant palette, WiliWili trees are existing on site, and we see them as a primary element of the landscape. Other natives such as Pikake could be included. Lava rock as a material, is abundant on the site, both north and south, and we see that using the on-site materials as a way to give, to kind of continue that sort of a rustic character. This is the existing dry stack wall, ranch wall, that runs through the property and would be preserved and integrated into the overall design of the project.

The gulches, again, as I mentioned, there are a series of gulches that move through the property, basically in a mauka-makai direction, from top to bottom. And some of them are intercepted by the golf course, and others are independent. But in all cases, we're trying to maintain their character and not channelize or modify them, but basically keep them in their natural state and if anything, enhance some of the native planting within those environments. The plant palette as I mentioned is a whole series of native plants that are appropriate within this climatic zone that we will be utilizing. And this is just an illustration of the potential plants that would be used for ground covers, the shrubs, and the trees. Again, I mentioned the WiliWili would probably be the most dominate tree used within the community. But there's a whole variety of other natives and tropical trees that would be appropriate including monkey pods.

The native plant plan is a very important part of the overall project. In total we set aside approximately 143 acres to ensure the long term genetic viability and survival of native plants. This includes a native plant preservation area, and then a whole hierarchy of different conditions from native plant conservation areas and we naturalize landscapes, the natural gulches and the out planting areas for native plants that would be included primarily in the golf course but could also be included within some of the site development areas. So this illustrates the overall areas where native plants would be the primary plant palette. It also includes the archaeological and cultural sites that have been identified for preservation including the ranch rock wall that runs mauka-makai which is where that reddish line to the right – on the right side of the property.

Trails plan. As I mentioned there's an extensive network of trails planned and this system would be – goes along the primary roadway network. But then also it has a hierarchy of other recreational or scenic attributes that would be available through the public and the community. Over 12-miles of trails used to connect the residential areas to the shops and parks, and hopefully we'll provide an alternative to driving within the community. The scenic trail system along portions of the golf course. And there's a cultural natural trail area, natural trail, that would go through the native plant preservation area, in or around the native plant preservation. Then the gulches provide opportunities for mauka-makai trails along those open space elements.

Roadways as I mentioned will really define a lot of the character of the community and I'll

APPROVED 08-03-2010

quickly go through sort of the hierarchy of the road system that's proposed and the related treatments. You'll note on all of the details, there's a residential – there's a pedestrian and/or bike facility included within most of the roadway sections. This would be the primary parkway, near the entry. Within the village mixed use district, a configuration of a two-lane roadway with parking on one side, and then the same configuration where you have parallel parking on both sides. Again, the pedestrian – the separation of the pedestrian element with landscaping. The collector road, the primary loop would include approximately a 10-foot sidewalk, multi-modal sidewalk bikeway element with a two-lane road. We're trying to keep the road relatively narrow and in a rural character so we have swales, bio-swales, that would help mitigate some of the runoffs and provide more a rural character in contrast to sort of the Wailea curb and gutter configuration. So you'll notice in all of these, except for within the village core area, there would be curbs there. But once we get out into the residential components, we're looking at a swale solution versus curb and gutters. And this is all worked into that drainage master plan I showed earlier.

This is another road section option for the collector road. Minor streets – again, we're trying to keep the streets as narrow as possible while still meeting all of the County requirements and having generous shoulder areas to handle drainage and landscaping and some separation from the pedestrian. This would be sort of a dead end or cul-de-sac street where it gets even narrower and you lose, at this scale, with a low traffic, there wouldn't be a need for a sidewalk. And that pretty much wraps up our presentation and I guess we'll open it up for any questions or comments you may have.

Ms. Okamoto: Thank you.

Mr. Witten: Thank you.

Ms. Okamoto: We're going to go a little bit out of our usual order and take public testimony and then we will do our questions. We have three people who are signed up for public testimony. Since it's such a large project, I'm going to allow five minutes for public testimony if there's no objections by the board. First person to testify is Lee Altenberg.

Dr. Lee Altenberg: Good morning board members, Chair. I basically want to address one aspect of the proposal before you. Since this is a phase II planning approval request and this is, I understand, the last point at which discretionary decision may be made. After that it's all administrative, the phase III approvals. This is where decision is about whether the conditions of the rezoning that were agreed to in the unilateral agreement are being met. And I had been involved with condition #27, and I gave a little handout there. So it includes a reference to a –

Ms. Okamoto: Excuse me? This is the handout?

APPROVED 08-03-2010

Dr. Altenberg: Yes. And that was a graphic prepared by Lucienne de Naie who has a larger version that she can handout. And this graphic shows John Ford's survey, botanical survey, of the area. And all of those little circles are native plants. And the green line is this latitude line that's referred to in condition #27. And the language there say that "the Honua`ula Partners shall establish in perpetuity a conservation easement entitled native plant preservation area. The easement shall comprise the portion of the property south of latitude 20 degrees et cetera, excluding any portions that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit preservation, but shall not be less than 18 acres and shall not exceed 130 acres." 130-acres is approximately that area of the entire, south of that latitude line.

Now if you look in the proposed plan, you can see that the conservation easement is that green circle in the center which is approximately 17% of the area south of that latitude line. So 83% that is marked being in the conservation easement is not in their plan. So in order for them to do that, according to my reading for the condition, they have to have a finding from these three agencies that the rest of the 83% do not merit preservation. So in my mind, for you to approve it, they would have to #1 have established the easement, and #2, have a finding from each of those agencies for any areas that they have removed from the 130 acres. And I'm not aware of any findings being provided by any of those three agencies that 83% of the area does not merit preservation. And as you can see just by looking at it I don't expect to be, to look at from the eyes of conservation biologists but you can see the native plants are scattered throughout the area and even a little bit north of that latitude line. That latitude line is already something of a political compromise. But once you get above that, the brown line, that marks the lava flow, none of those native plants are to be found whatsoever and so the argument for using this 22-acre area which again is 17% of the area demarked for conservation easement is that it has the highest density. But that is not in terms of any kind of conservation biology is not how you define what merits preservation. Basically all of that lava habitat has regions in it that these native plants can survive and are living. And I mean, the two principals of conservation biology are #1 when you design a reserve, it should be the largest possible area. That's how you preserve the most number of species. And #2, you shouldn't fragment it. And they've violated both of those principals here and they fragmented it into these little plant enhancement areas. By the way, that's not a part of any conservation biology book you'll ever read in native plant enhancement area. That's something they created that sounds like they're helping native plants when they in fact they're only going to – only proposing to put a conservation easement on 16% of the area designated for that purpose. So in my mind –

Ms. Ramoran-Quemado: Five minutes.

Ms. Okamoto: Give you one minute to wrap up.

APPROVED 08-03-2010

Dr. Altenberg: The appropriate response in my mind would be to say you have to come back with findings from those three agencies, DLNR, Fish and Wildlife Service and Corps of Engineers, that justifies excluding any of that area from the conservation easement that you want to do. And then you have to have – the conservation easement has to be established prior to phase II approval, which means it's a legal action that they do, which is to confer the easement. So that would be my perspective on this.

Ms. Okamoto: Thank you. Does the board have any questions for the speaker? Anyone have questions for the speaker?

Ms. Berry: Yes. Could you clarify where this point 27 comes from?

Dr. Altenberg: Where which comes from? That's the – in the re-zoning ordinance and the unilateral agreement, that is condition #27. So above it is conditions #26 and #25.

Ms. Berry: This is an agreement between the County and the developers?

Dr. Altenberg: This is an agreement that the developer unilaterally agreed to which is the way it works here. So the developer said I'm going to follow this, and that is what they signed to complete the re-zoning approval process.

Ms. Berry: Thank you.

Ms. Okamoto: Any other questions by the board?

Ms. Marshall: Are we going to be able to hear from John?

Ms. Okamoto: We will. Yes, we will do follow up. Thank you.

Dr. Altenberg: Thank you for your time.

Ms. Okamoto: Next speaker – next public testifier is Gene Weaver.

Mr. Gene Weaver: Aloha. Aloha everybody this morning and thank you for allowing me to come and share my feelings, needs and concerns with you. I am a Maui Meadows resident and I do live on the edge of this development. And for a number of years, this has been a great concern for our community that things are done well and pono here, and so I thank you for hearing me. And at this time, with this phase II, I believe it's only fair that to my needs and concerns are not only heard but that I'm given the information to know what this project looks like in my foreground. A little bit of history since I have a little bit of time here. Through the years I've heard such things as, from Charlie on Akaku show, that there would be a road in what was the proposed buffer zone, going along our subdivision. And I really

APPROVED 08-03-2010

don't know what's going along there, and I do not know how big or what the plant life or other aspects of the buffer zone includes. And even though it was a nice presentation, so far my questions haven't asked. They did not show me the roadways along there, or the collective roads, or what the plant life buffer zone would look like.

And also my other concern is for the multi-family use along that buffer zone. In Maui Meadows, I believe we're ag zoning, ag zoned, and a lot of us enjoy our gardens, our farming environment there where we live. And in the scale of things, your job is to help us with the proportions and how things are laid out. And to put multi-family right next to single-family dwellings of another subdivision, to me, is not stepping down in a considerate way. I would believe all along the border of Maui Meadows should be single-family dwellings at the most because it does impact the numbers of peoples and activities that would be going on along there. So at this point, I feel very lost and concerned and not knowing what's really happening out there and how our lives will be affected by this very large subdivision that needs much help in defining what will happen, before it happens, because after that it will be there and we won't be able to change it. So at this point, I really thank you for your help in making this go pono. What's my time look like? Two more minutes? So I can just –.

Imagine that – there's this circle – you've looked at the same map up here before – and there's a circle right along here with multi-family dwellings in it. Now I saw on Charlie's proposal that three-story buildings were shown in the multi-family dwelling representation and that really does concern me. We do look over that area for our views, and it does affect our piece of mind. It is our environment there that I'm concerned with. And off the top of my head I think that's mostly my concerns. So just to go over a couple of things. I do not know how wide that buffer zone is, how it will be planted. It is our south side which affects our sunlight, and I do grow my vegetables along that area and without more information, I really don't know, and I'm quite concerned with what's going to happen out there. So thank you very much.

Ms. Okamoto: Thank you. Are there any questions from the board for the testifier? Thank you. And our third testifier is Lucienne.

Ms. Lucienne de Naie: Aloha. My name is Lucienne de Naie and I welcome this chance to talk a little bit about this project. What the previous testifier talked about, the buffer zone, is an important consideration I think for the Urban Design Review Board. I don't think you've been forwarded any correspondence from the Maui Meadows Homeowners Association and Neighborhoods Association, but over the years they have requested a much larger buffer zone, 200-feet would be preferred, in part because Maui Meadows was designed a long time ago and has no park. So it would be kind of nice if, you know, we fix that with a development that has 100's and 100's of acres. What has been discussed is a 50-foot buffer zone. You know, that's kind of like a road out here – Hana Highway or

APPROVED 08-03-2010

something – and is that enough to really – and that will include the setback of houses and it will also include a road in the middle of it. So I'm not sure how much of that is going to be planted either. We're all in the dark.

What I've been passing out to you, I want to go back to Dr. Altenberg's comments and the sense of a sense of place here. These are pictures of trees and these trees are trees that won't make it in the preservation areas. They are exceptional trees. Some of them are old, some of them are young. With WiliWilis it's important that you have both because the trees have been attacked over the years, and the viable habitat for WiliWili has really shrunk down over the years. The map that I pointed out, that I passed out to you, the large version of it, shows how these plants have chosen a large area to ensure their survival. The plan to decide that they're going to move over to the south where many of them live, this mythical 143-acres on the sides of golf courses, is not their choice. This is what's being enforced upon them. And we all know with native plants, if they're given enough room and enough choices, they can tend to stabilize and survive. If they're confined and not given contiguous areas, they lose the choice of where their preferred habitat would be and they're assigned a habitat. I don't think it would be the intention of this group to see a design element here that would assign these plants a habitat. They deserve to live where they've been if we're talking about a sense of place. This is the land of Palauea, a legendary land. This a land of Paiahu. We need these places to remain. We need the cultural sites that are there. The stepping stone trails that are very rare of which only several segments have been documented, but many more segments exists. They're in land that's slated for building and destruction. It's very nice that the building will take advantage of the very extreme topography here.

Picture yourself in the Haleakala Crater and then you're going to build a subdivision there. This is what this land looks like in the south. It's very recent lava flow with dramatic rock formations. I'm sure the design is the best that someone could come up with. But, really, the best plan would be to honor the condition #27 that the County Council put forward and said, look at this land that is in the most rugged and most difficult to build in section that has the highest concentration on native plants. Not on just this land, but in most areas of south Maui. There's not another place like this except very remote preserves like Puukale, and Auahi. This is right in the neighborhood. Somehow these plants have survived. They survived drought. They've survived cattle. They've survived World War II. And they've survived the wasp. These are pictures of living beings and they really deserve a place to live. So I would suggest that, you know, if you had some drubbers that you suggest that condition #27 be really taken seriously, and that an alternative plan for the southern part of this project be submitted. This project is in a draft EIS process. The law says that under a draft EIS, you're suppose to consider alternatives. None are presented in the draft EIS. There's one plan presented. Really, it's time for two or three plans to look at what would be the best preservation of a rare and unique habitat. This is also a habitat for an endangered species of moth. Possibly for an endangered bat. This is where creatures are

APPROVED 08-03-2010

choosing to live because it has what they need. To just take it and turn it into pretty house when you have 400-acres that's grass lands that's not going to disturb native plants to the northern part of the project really doesn't make any sense. The project would save more water and would save money –

Ms. Ramoran-Quemado: Five minutes.

Ms. de Naie: – if it could be moved and consolidated in the northern part.

I would also like to speak briefly for the rock walls. You're not being informed that the rock wall that's going to be preserved, the orange line, actually continues all the way to the boundary of the property. Actually continues, it still managed to survive in the golf course below this, and it continue through One Palauea Bay. It's an important historic feature. It's not just a ranching wall. It has it's basis far beyond that, and it should be allowed to continue to the end of the property and just summarily truncated. So stand up for the walls. Please preserve the entirety of the land south of the green line. And please consider some of the trail aspects here too. You're losing some ancient trails, and they're being replaced by modern bike paths. Thank you.

Ms. Okamoto: Thank you. Any questions for the testifier?

Mr. Canady: Yeah, I have one.

Ms. Okamoto: Darryl?

Mr. Canady: Could we have your testimony in writing please?

Ms. de Naie: I'd be happy to do that. I'm sorry.

Mr. Canady: I'd like to see it.

Ms. de Naie: Yes.

Mr. Canady: And I would like to make that with all of the presenters if they could have something in writing presented to us.

Ms. Okamoto: Thank you Darryl.

Ms. de Naie: I'd be happy to submit those comments in writing.

Ms. Okamoto: I have one question. The trees that were passed around.

Ms. de Naie: Yes?

Ms. Okamoto: Are those located throughout the property?

Ms. de Naie: No.

Ms. Okamoto: Are they located –? It doesn't say where they're located.

Ms. de Naie: They're located in the south. They are some of those little orange circles you see on your map. And you see many of these orange circles are not in any preserved area. The dark green areas are the areas they're proposed to be preserved. The other areas are proposed for houses. Now maybe they'll be left with a landscape feature or something, but is that their preferred existence? So they're all in the south, and they are some of those orange circles that you're seeing on your map.

Ms. Okamoto: Thank you. Any –? Michael?

Mr. Silva: The rock wall, I'm sorry, I see on the plan they do have a rock wall.

Ms. de Naie: That's right, and you see it kind of like bends over. It joins another rock wall which was a separate rock wall. Both of these rock walls, if you look in maps from the 1960's, you'll see this rock wall goes all they up through Ulupalakua Ranch virtually all the way to Kahikili Highway, upper Ulupalakua. And it goes all the way down to almost the ocean in the One Palauea property. However, it's being truncated and added to another wall and called a feature. And historically it deserves its integrity. It goes all the way to the boundary of the property. I don't see how that could hurt any design allowing it to just continue and exist.

Mr. Silva: Could you show me on the map where you're saying it's truncated? I'm not following.

Ms. de Naie: This map doesn't show it very well. If you look at the thing that you have, you'll see an orange line. And see that orange line bends to the right, and there's a gap there. Where that bend happens, the wall actually continues down to the border of the property. And that other line on the right is a separate wall and there's other walls off of it and so forth and so on.

Mr. Silva: And is it correct that it does not continue on the makai property? It looks like –

Ms. de Naie: It does. It actually continues in a section of the Wailea Golf Course. A section was preserved there if you look at the archaeological study. Yeah.

Mr. Silva: Thanks.

Ms. Okamoto: Thank you. Any other questions for Lucienne? Thank you.

Ms. de Naie: Thank you very much.

Ms. Okamoto: We now we'll go to – I think we'll give Ann –. We'll take just a second. Ann, would you like to respond to any of the testifiers?

Ms. Cua: Well, I'd like to respond to the board if I could. Just a couple of comments for you to keep in mind based on some of the testimonies I heard. And I'm sure the testifiers are aware of the process. But what I heard was that something about your approval of the phase II. And I'm not sure that's not what was meant. But I just want to go over the process again. The phase II Project District application will be reviewed by the Maui Planning Commission at a much later date. The applicant is required to go through the environmental impact statement process first, and so that's going happen. This project will actually go to the Maui Planning Commission three times. The draft environmental impact statement, the final environmental impact statement, and the project district phase II application process. This project is being brought before you to get comments that will go to the Planning Department and ultimately to the Planning Commission all for the Project District Phase II application. So you're not in charge of reviewing, or you don't have the authority to approve the Phase II Project District application. We're just getting your comments because you have architects, landscape architects and engineers on this board.

The condition #27. Well, let me talk about the conditions first of all. When I talked to you first about the project district process, how there's a phase I process and it involves the creation of an ordinance. And the ordinance is approved by the Maui County Council. Along with that, and normally, is a Change in Zoning application which this project went through. And again, normally, part of a Change in Zoning application will include conditions of approval. And this particular Change in Zoning application has a total of 30 conditions that were attached to it. And the applicant, by unilateral agreement, agreed to the 30 conditions. Now condition #27 which Mr. Altenberg referred to talks about the conservation area. And I'll go ahead and read that condition:

“That Honua`ula Partners, LLC, it's successors and permitted assigns, shall provide the report Remnant WiliWili Forest Habitat at Wailea 670 by Dr. Lee Altenberg, along with the preservation/mitigation plan to the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the US Corps of Engineers for review and recommendations prior to Project District Phase II approval. The Planning Commission shall consider adoption of the plan prior to Project District Phase II approval.

APPROVED 08-03-2010

Such plan shall include a minimum preservation standard as follows: That Honua`ula Partners, LLC, its successors and permitted assigns, shall establish in perpetuity a Conservation Easement entitled Native Plan Preservation Area, for the conservation of native Hawaiian plants and significant cultural sites in Kihei-Makena Project District 9 as shown on the attached map.”

And then it goes to talk about the easement and the latitude reference that was cited:

“Excluding any portions – and this is important – that the State Department of Land and Natural Resources, the United States Fish and Wildlife Service, and the United States Corps of Engineers find do not merit preservation, but shall not be less than 18 acres, and shall not exceed 130-acres.”

Now the area that’s identified in the plan, presently, is approximately 22-acres. It is within the 18 to 130 acres that’s designated in this condition. The Project District Phase II application and a draft environmental impact statement is currently being reviewed by various County, State and Federal agencies. It’s also being reviewed by the public. The comment deadline was suppose to be June 8th – June 7th or June 8th? – June 7th, however, the applicant has agreed to extend that deadline as was requested by a member of the public. And that deadline has been extended. That comment period deadline has been extended to June 30th of this month as we’re now in June. So as I mentioned this project is presently being reviewed by a number of governmental agencies. Well, three of those agencies are the agencies that’s referenced in this condition, and they are the agencies that are going to determine the appropriateness and the adequacy of this preservation area. We have not received confirmation on that and this has to be resolved prior to Phase II Project District approval, and I’ve kind of outlined the process. The Planning Commission is going to review it three times, and the third time is when they review the Project District application. And so, where you come in and how this all works with you is you’re being asked right now to provide comments on a site plan. If through the process this site plan is going to change significantly, it’s going to have to come before you. And this is quite similar to anything else that you review. You review it a conceptual state. And same thing, usually when you review it, it’s out for agency comments. We give normally agencies for a typically application 30-days to comment. And we bring an application to you usually during that 30-day comment period. If when we go through the comment period an agency makes a comment that requires the applicant to significantly change its site plan or maybe if through public meetings with the community there’s something that comes forward that requires a change to the site plan that is significant, it would be brought back to this body. So does that kind of explains the process a little bit? Explains your role. Do you have any additional questions?

Ms. Okamoto: Anyone have a question for Ann?

APPROVED 08-03-2010

Ms. Cua: On process.

Ms. Okamoto: On the process?

Ms. Cua: And I believe you're going to talk to the applicant and he can explain some of the comments that were made by our testifiers.

Ms. Okamoto: Thank you. At this time we would normally go to questions by the board members, but I'd like to take a five minute recess. We will be back here at 11:20 a.m. – hopefully five minutes is enough – and then we will start with board questions first and then board comments. Okay? So five minute break.

(The Urban Design Review Board recessed at approximately 11:15 a.m. and reconvened at approximately 11:22 a.m.)

Ms. Okamoto: Is Mr. Jencks going to be coming back in? We will wait a second for him then. Alright, we are back in order. And we are going to start with questions, and I think I would like to direct our questions to Mr. Jencks, then he can in turn field them to whichever of his group needs to answer them if that's okay. Bryan would you like to start? Questions.

Mr. Maxwell: With this information that was given to you, do you guys find it useful when looking at your plan at all?

Mr. Jencks: I haven't seen that information, but I have a feeling that that information that you're looking at is a part of the work that was done by Mr. Ford in our request to analyze the native plants in the southern part of the property.

Mr. Maxwell: Okay. That's still something that's being reviewed.

Mr. Jencks: Actually, that's correct. As Ann pointed out, in the condition #27 – is it 27? – it required us to submit these reports to a number of agencies, US Fish and Wildlife Service, the Department of Land and Natural Resources, the Army Corps of Engineers and USGS for review and comment. And they've had those documents for, I would say close to two months. We submitted Mr. Altenberg's document as requested, as required. We also submitted all of the reports done by Mr. Ford's office on behalf of Honua`ala Partners including the botanical surveys and their analyses, the Wildlife surveys and their analyses and also the Conservation Stewardship Plan. Two of those agencies have responded to our request for review. USGS and the Corps of Engineers both didn't have any comments at this point. We are now waiting for – we're waiting for comments from DLNR and US Fish and Wildlife Service. I might add that in both cases, both of those agencies we work directly with in the development of our proposal and our analyses on it. We had them out

APPROVED 08-03-2010

on the property. We took on tours of the property to show them the resource that we're looking at. We gave them the methodology. We also sat down with them individually and gave them a presentation as to our approach. And Mr. Ford's approach to analyzing the property, I'm sure he'd be happy to explain that to you, but that's basically where we are at right now.

Mr. Maxwell: In lieu of that just with where we have these exceptional trees so we could – the landscape architect being able to make the pockets or something, try to incorporate that into the designs I would imagine, if there is something that's nice.

Ms. Okamoto: Excuse me Bryan, can you be sure you speak into the microphone.

Mr. Maxwell: I'm sorry. But other best practice stuff with newer technologies that are coming out all the time, is the plan and design guidelines more flexible where you can incorporate LED lighting and all that stuff. Is the CC&Rs going to be updated as development happens?

Mr. Jencks: Sure. Yeah.

Mr. Maxwell: And as you know South Kihei water is always a concern and other projects you've seen where you tried to use – I don't know if it's hard scape, but like cinder and you know natural, instead of watering everywhere. Is that something that's going on?

Mr. Jencks: Yes. I would just add with regard to the water issue. This is the first project I've even been involved in that actually has a water budget. We're all familiar with the water issues in Maui County. The project site, within the 670 acres, there are currently two wells that were dug in the early 90s under previous ownership. Those two wells will pump a million gallons a day. And the wells are at the northern end, close to Maui Meadows. The water is not brackish. The water is now potable. It's expected that through pumping that it would turn a little brackish. The intent is to use those wells for irrigation. As Mr. Witten mentioned the project will have it's own waste water treatment plant. And all of the water generated in that plant will also be used for irrigation. At build out, maximum occupancy you're looking at maybe 400,000 gallons per day of treated water that would go back into the site for irrigation of golf course, common area, buffer areas, et cetera. The domestic supply for the project is being delivered from a series of wells off site in a well development area that we have agreed to with Haleakala Ranch. We've already dug two wells, and those two wells will deliver a million gallons a day of very good potable water. So we have finite amount of water. The amount of water we're allowed to take from Haleakala Ranch is a million and a half gallons a day period. So we have a limited amount of water for both irrigation and also domestic use. So within that framework, that's what we're using a lot of the native plants and keeping it appropriate, the landscape and location of south Maui.

APPROVED 08-03-2010

Mr. Maxwell: Just to let you know, you know, working with other projects where we're using the R1 water, the salt is a lot more concentrated because it is kind of "shi-shi" water basically. But one of thing as a landscaper that's trying to use salt tolerant plants on top of the native plants, I think, that's something we've learned along the way also just to be aware of that.

Mr. Jencks: The project has a – by requirement the Department of Health required an integrated golf course management plan be done. It was done originally in the early 90s. It was updated for the current submittal. And one of the things that's occurred since the early 90s and today is a recognition relative to chlorides and the ability to irrigate. The golf course turf will be sea shore paspalum. It's a very hardy drought tolerant, and also insect tolerant grass that a lot of the courses are going to, so that will help us in that regard. The good thing about the system that we're proposing is that unlike pumping or taking water from the Kihei treatment plant directly to an irrigation system that's reclaimed R1 water, this water will be going to a series of ponds. So we'll have dilution and we'll have mixing with the reclaimed water and the non-potable irrigation water together. So we'll be able to handle that very effectively.

Mr. Maxwell: Well, I just wanted to let you know I really do like the plan. I know it's been under the works for years, so it's had a lot of input and I think it's going to be a benefit to the area.

Mr. Jencks: Thank you.

Ms. Okamoto: Remember, we're on questions. Jane, do you have questions?

Ms. Marshall: I was curious if perhaps John might want to answer this, how the size of the preservation area was determined. I was glad to see it on the site plan, but I too, and I'm uncertain about what size really is viable eco-system in that area.

Mr. Jencks: How about if I have John answer that directly?

Ms. Marshall: That would be terrific. I mean Dr. Altenberg does this for a living and it gives me pause to hear him so concerned.

Mr. John Ford: Hi board members.

Ms. Okamoto: Your name.

Mr. Ford: John Ford, Office Director for SWCA Environmental Consultants. Could you rephrase your question again?

APPROVED 08-03-2010

Ms. Marshall: How did you determine that 22 acres would be a viable eco-system in Makena? I don't know anything about it, and I hear Dr. Altenberg's concern.

Mr. Ford: Sure. I think if I can take a step back a little bit and retrace some of the history of the project it might help a little bit. When the area was first surveyed back in 1988 by a botanist for the first EIS that came out for a previous development in the same 670 acres. In the old days basically botanist would look for individual species of concern. And so if there was an endangered species, if there was a very rare species, they would note it. And generally, the level of surveys that were done in the old days were' simply someone would walk through the area, get a characterization of it and look for these rare plants.

Well the botanist that did that study is no longer with us sadly, but she studied the area in 1988 and again in the late 1990s and again in, I think, 2004. She didn't see anything really different between those periods, and there was only one area that she identified as being maybe of some significance that should be preserved and it was a little area that was down in the south western corner of the property where the proposed, or potential location for a sewage treatment plant would be. That's down – yeah, right down in that area. And sometime, I think, before Charlie's group actually acquired the property, that area had been bulldozed by a prior developer or land manager. Some how that area got bulldozed. In more recent years however, both the resource agencies and botanist that do these studies are looking not so much at individual species as they are in trying to characterize eco-systems and remnant eco-systems. And so when I went out and first looked at the property, and our botanist came out with us, we were kind of concerned because we could tell, well, there seem to be some native plants here. There's one that's a candidate endangered species, the WikiWiki. But everything else with the exception of one plant, you know, occurred pretty much elsewhere on Maui, and even elsewhere within the island. There weren't anything that was really, really rare on the property. So there was really no handle, no legal or legislative handle to say well we've got set this much area aside. Really there was nothing to prevent development of the property. But we looked at it more carefully. There were concerns of course by Dr. Altenberg and others that came from the community and even within our own colleagues and the agencies. We took another look and we decided we really need to study this carefully. So we did something that really hasn't been done before and we did a very, very thorough botanical survey. We walked trans-x that were 20 meters apart over the entire southern portion with three teams each fanning out so that we basically identified every native plant we could find. Usually that's not done. And over the buffo grass kiawe area to the north, we spaced those trans-x every 50 meters because the area is pretty wasted. Both areas have been subjected to problems with a goat and deer grazing, just totally unrestricted, so they're pretty hammered with that regard. The plants are under a lot of stress.

So we found maybe 130 some odd species of plants there, of which, 109 were non-native species, and about 20% of them were native species to Hawaii. There is a Nehe there that

APPROVED 08-03-2010

has a very unique leaf form. It used to be called – it was a subspecies – it used to Makena Emsus, but it doesn't seem to be found elsewhere. And yet today the best botanist in the business say well it's a form but it really doesn't deserve to be a subspecies. We can't call it a subspecies. We can't even call it a variation because it will inter breed with others of the same genes very easily. But nevertheless we recognize it's unique to the area. We also found five individual WikiWiki plants within the area. And so we talked to Charlie. Charlie has always – he's impressed me – he's always one to do what's right in this project, not just for natural resources but for many different things. And so, you know, we tried to come up with alternatives. You know how can we protect the best of this area? And so one of the way that we came up with was to develop a way to identify where the highest density of the most unusual or the rarest plant species are located within the property and that's where we came up with this area in the center.

There are other resources there. There's a moth that was mentioned. There is an endangered moth that has been found, as a caterpillar, in the property. That species is confounding the experts because it has taken a great fondness for a nonnative weed, and so it will lay it's eggs on the leaves of the nonnative tobacco tree, tobacco plant which is a weedy species that will come up anytime you scar the land. And so we've found evidence of the species to exist within the project area. We had entomologist from the Bishop Museum come out and help us, as well as DLNR. We didn't find any adults. There are plants there that are identified as suitable, you know, plants for the adults, but we haven't found any adults. And so we have this conundrum now where we want to have a native plant preserved, but the State is telling us we have to protect the nonnative weed inside of the native plant preserve because they want to keep the area, you know, open to the moth. So it's kind of an unusual situation. Basically it boils down to, you know, we don't really call the shots as to where the final alignment is going to be. But what we tried to do is come up with a scientifically defensible alternative.

Ms. Marshall: But do the people that you consult with, the experts that you consult with, believe that 22 acres will be a viable eco-system in Makena?

Mr. Ford: Right now you have to look at the existing. You'd have to look at the existing area as a remnant of what was before. It's a fragment of what was before. It's been hammered by so many impacts. It's also smaller than it was originally, and so, you know, we're dealing with something that maybe smaller than the original fragment was. But we've looked at many other areas throughout south Maui, and we found other areas where the density of WiliWili, for example, is actually greater than it is on this property. It's on State land. And areas like that may never get studied until there's some crisis that arises and then suddenly it's the best of the last. And a lot of the attention has been focused on this area, when in fact, there are areas not too far, you know, outside this area that are, that represent essentially this very similar kind of habitat. It's not the same habitat and the same species that are present. So it's not say this area is going to be wiped out.

APPROVED 08-03-2010

Now another thing we did is we looked at other developments throughout Hawaii where remnant dry eco-systems have been affected and what those areas are doing to try and preserve them as well. And there's been a pretty concerted effort to set those areas aside. There's a lot on the Big Island and there is hope based on current research that smaller areas can be successfully protected. But the trouble is you're going to have to manage it. You can't just put a fence around it and leave it alone because with the deer gone the potential for invasive weeds to come in, fountain grass, buff grass, other species to come in and start growing belligerently in that area if they're not kept out, they can crowd out the native plants that are there. So it does have to be managed. Even the nature conservancy knows if you take the best of the rest and put a fence around it, you still have to intensively manage it. And that's what's going to have to happen no matter what size is ultimately protected because there's going to have to be extensive management, and that comes out of cost. So –

Ms. Marshall: Well I do appreciate your ability, or your desire, to incorporate that.

Ms. Okamoto: Jane, can you be sure you speak into the microphone?

Ms. Marshall: Thank you.

Mr. Ford: Sure.

Ms. Marshall: It's a tough one I'm sure.

Mr. Ford: It is. It's frustrating.

Ms. Okamoto: Did you have further questions for a different –?

Ms. Marshall: I do have a question about water. I know you say that you're definitely using treated waste water for irrigating lawns and the golf course.

Mr. Jencks: Actually, it's a condition. We have to use non-potable and reclaimed water for irrigation purposes in the project.

Ms. Marshall: The reason I bring it up is that there's a Maui News article quiet recently that used words like likely and probably. I just wanted to –. I know your proposal says that it's definitely.

Mr. Jencks: By condition with the Maui County Council we have to use reclaimed water for irrigation purposes. We can't use domestic water. We cannot. So, absolutely.

Ms. Marshall: I understand you're not going to gate any of the entries.

Mr. Jencks: That's correct.

Ms. Marshall: Even later?

Mr. Jencks: My position on the project has been from the beginning when I first came on board that I was –. When I first came on board, there was an idea that then-mayor Apana wanted to gate the entrance of Piilani Highway. He wanted to gate off 670. That was his suggestion, and I said that simply is not going to happen for good reason. My position publically before the Council and the Planning Commission has always been we're not going to gate. Yet, if there's a neighborhood that wants to gate, they should have that right. But we're not going to be gating.

Ms. Marshall: I'm thinking about your upper mauka streets. I'm sorry I'm thinking about your mauka streets, those are single-family homes and they probably get lived in for part of the year and I think you might want to – I'm just wondering if you might come in a sneak a gate in there.

Mr. Jencks: My position has been clear. We're not gating. But if a neighborhood, a builder parcel, a five or 10 acre piece is purchased by a builder and subdivides that land and he chooses, then he sure has that right, but we're not going to be gating. I might add that all the streets in the project are privately built and maintained. And that's why when you looked at the street sections, you didn't see a lot of curb, gutters and sidewalks. That's just not something that we support. It should be a softer implant on the environment, so we're supporting the idea of grass swales everywhere. So we don't have an urban road section anywhere in the project.

Ms. Marshall: Who is going to ensure that you're admirable design guidelines are kept as the years go by, 13 years go by? Who's going to police that?

Mr. Jencks: Well, we're going to have to submit the design guidelines. They will have to be finalized and recorded with the State, as well as the CC&Rs. And whenever you do a subdivision, it's going to require a submittal of those documents. So those will be continually evaluated and reviewed by – the Department of Planning is part of the subdivision process. And we have our own desire as well if we're going to spend this much time and money to create something of value, we'll want it to endure. So the idea is to develop these guidelines that make sense that create at least some direction but also flexibility for creativity, but also something that will be recorded and adopted and – what's the word – enforced.

Ms. Marshall: But it will be by you and your employees or will it be by homeowners or the County?

APPROVED 08-03-2010

Mr. Jencks: As soon as a parcel is sold to someone and then they would have the responsibility for enforcing those guidelines. We'll have a master association, just similar to Wailea Resort or Kapalua for example. But within that we'll have subsets regulations. But there will be an overall design, a CC&R design guideline for the entire project just like Wailea Resort, and that's been pretty effective.

Ms. Marshall: Thank you.

Ms. Okamoto: Any further questions Jane?

Ms. Marshall: Actually one more. Do you have a maximum square footage for commercial tenant?

Mr. Jencks: Yes. The maximum square footage is 100,000 square feet for the entire project.

Ms. Okamoto: For the entire one or –

Ms. Marshall: I mean a single tenant.

Ms. Okamoto: – for a single tenant?

Mr. Jencks: No, not at this point.

Ms. Marshall: You don't have a maximum square footage that a single tenant could occupy. Okay. What are your feeling about that?

Mr. Jencks: Well, you know, we've talked about, when we first started talking about the VMX district, what it was intended to be, I recall looking at the initial submittal that we made in 2000 and it included everything from heavy equipment leasing yards to whatever you could image. And we took that list and paired it down to a neighborhood level, commercial description. And if you go to the zoning ordinance you'll see that. You know, we're struggling with what will fit here. We feel as a team that there's a real demand for commercial to serve this project, to keep people off of Piilani Highway which I think is a very important thing. So to that end, a small – I don't know if you're familiar with like something like Pukalani Superette. That's 10,000 square foot place. That's a very effective small grocery store. Something of that size and this project would be very effective not only for those that live here, but the folks at Maui Meadows because they have no where to go. They can go down to Whalers at the Shops of Wailea and buy a five dollar can of beans or a ten dollar loaf of bread, or they can go to a store in a project that would be more open to everyone. So that's kind of the idea.

APPROVED 08-03-2010

Ms. Marshall: That's what you're thinking.

Mr. Jencks: That's right. And the uses reflect everything from medical, to professional services, to retail of various types, and even possibly a gas station. At this end of south Maui has nothing. There's nothing down there to serve the people who live there. So the idea of creating something that serves not only the folks in the project, in this town core area, and the project as a whole, but also that live around, I think is very attractive.

Ms. Okamoto: Any further questions?

Ms. Marshall: Thank you. I'm done.

Ms. Okamoto: Linda?

Ms. Berry: I think Ann wants to make a comment.

Ms. Cua: Excuse me, yeah, if I could just add to your question and the review process. Again, talking process. We talked quite a bit about the phase I process, the ordinance, the phase II process which we're working towards which the Planning Commission has authority over reviewing the preliminary site plan. The phase III process we didn't talk quite as much about. It's an administrative process whereby the Planning Department is the authority. And during that process, when we review a phase III project district application which has to be approved by the Planning Department prior to an applicant getting a building permit, we are going to look at the design guidelines and that is when the Planning Department has to assure that the buildings that are being built are in accordance with the approved design guidelines. Does that answer your question?

Ms. Marshall: Yeah. It's good to know.

Ms. Cua: Okay.

Ms. Marshall: Thank you.

Ms. Okamoto: Thank you Ann. Linda?

Ms. Berry: A couple of your design guidelines seem to be in conflict to me. One of them is to respect local traditions, and the other is to be distinct and unique, and I'd like to know how, in your minds, you reconcile those two values.

Mr. Jencks: I will defer to Mr. Tommy Witten and Khoi Le.

Ms. Berry: Thank you.

APPROVED 08-03-2010

Mr. Le: Can you rephrase that? This is Khoi Le from Hill Glazier Studios. Can you rephrase that question?

Ms. Berry: Yeah, I'd like to know how you reconcile respecting local tradition and making the development distinct and unique.

Mr. Le: What we meant by respecting local traditions is that we didn't want to take a literal translation of a dicky roof or a Hawaiian traditional architecture of palawa, so we didn't want to go that route. And by choosing the route that we chose, we created a more distinct type of architecture with the metal roofs, again, the double pitched roofs, and the foundation walls that spatter up that makes this project a little more distinct. I hope that answer your question.

Ms. Berry: Not exactly, but let's drop that.

Mr. Le: Okay.

Ms. Berry: I'd also like to ask what are the plans for the buffer zone and why are the neighbors so uninformed about this?

Mr. Jencks: Well, I will tell you, the buffer zone –. Lucienne was correct. From my beginning involvement, the buffer zone went from 500-feet into the project, to some folks in Maui Meadows wanting the golf course on their boundary and nothing else on their boundary. After a number of years, we took this whole thing apart and had a number of meetings over time with the Maui Meadows. Two associations that existed at the time, and the consensus at the end of that was a 100-foot buffer which by the way is required in the zoning ordinance which includes a 50-foot wide landscape buffer. And just so I can be clear, the boundary of Maui Meadows, you can see the line on the far left. That's a 100-foot wide buffer from the boundary with Maui Meadows. And this was described ad nauseam with the Council, in the Land Use Committee meetings, and also the Full Council meetings. It buffer is 100-feet wide, from the Maui Meadow's boundary into the project, there's a 50-foot wide landscape buffer that would be maintained by the project. And it is not our intent to plant trees that will block views. It is our intent, as defined in the ordinance that there could be a road, a single-loaded road within the buffer zone, but in the project side. So between the project and Maui Meadows there would be a 50-foot wide landscape buffer on their boundary maintained by the project.

Mr. Witten: . . . (Inaudible. Did not speak into the microphone) . . .

Mr. Jencks: The road would be within the setback, the 100-foot, by buffer. The ordinance also states that no structures except rear and side boundary walls or fences shall be permitted in the buffer. So the idea is not to clutter the buffer up, provide some use to

APPROVED 08-03-2010

create this distance in this buffer between the two project.

Ms. Berry: And that buffer will continue down into the multi-family area as well.

Mr. Jencks: Yes. Top to bottom.

Ms. Berry: Okay, thank you.

Mr. Jencks: You're welcome.

Ms. Berry: Have there been any attempts to meet with the Maui Meadow people and keep them informed of what's going on. There seems to be some conflict there.

Mr. Jencks: Well, I get calls on a regular basis, and we've had a number of meetings. In the recent past, we had wanted to talk about the off site roadway improvements and no one showed up. So we reach out, we try to communicate, whenever I get a call from anyone in Maui Meadows I respond directly.

Ms. Berry: Thank you.

Mr. Jencks: You're welcome.

Mr. Silva: Linda, do you think I can just jump in real quick with the road? I'm sorry, I'm not seeing a road. Is it crossing the buffer? Is that what you're saying? The emergency access?

Mr. Jencks: No. There could be roads in that buffer that go mauka/makai – possible.

Mr. Silva: Okay. Thanks.

Ms. Okamoto: Okay Linda.

Ms. Berry: Okay. On the pedestrian and bike trails, will there be an effort to separate those or will that be the same thing throughout the project?

Mr. Jencks: Yes, and some of the roads –. On the collector road system is basically a roadway system that provides access throughout the project, it will be off-road. So they will be separated by traffic.

Ms. Berry: But will they be separate from each other? Will bikes and pedestrians be on the same trail?

APPROVED 08-03-2010

Mr. Jencks: It's a combined mottle pathway, and I think we're looking at 10-feet? We're looking at 10-feet.

Ms. Berry: Thank you.

Mr. Jencks: Sure.

Ms. Okamoto: Is that it?

Ms. Berry: That's it. Thank you.

Mr. Jencks: You're welcome.

Ms. Okamoto: Darryl, questions?

Mr. Canady: I have no questions at this point. It's a tad bit over my head at this point, and I'll just sit back and listen and we'll go from there.

Mr. Jencks: That's not a problem.

Ms. Okamoto: Susan?

Ms. Liscombe: No questions.

Ms. Okamoto: Michael?

Mr. Silva: Yeah, I did have a couple of questions. I didn't want to jump in on Linda again, but I did have a question on our last one. The bike path, I thought there was a section where the bike were actually on the road?

Mr. Jencks: There's a roadway hierarchy system in the project. And if we could get to those. Go to the parkway. Go to the first on Tommy. Here's a collector road. This has got – it's got – I'm sorry – it's got a four-foot wide bikeway and an off road four-foot six-inch wide sidewalk on the collector road. This is a minor street that you'd find in a residential area with an off road four-foot six-inch wide sidewalk, two lanes of traffic.

Cul-de-sac, limited section, and you'll note on the far left, eight-foot parking at locations designated on plan. We didn't want to show parking every where and that's not really what we wanted to do. We want to provide pockets of parking on the cul-de-sac road. The other collector road, option one, which is the one I was talking about, the 10-foot wide sidewalk and bikeway. You have the bio-swale and then the two lanes of traffic. Now this is, the collector, is that system that goes throughout the project, and the idea was to provide off

APPROVED 08-03-2010

road access for bicycles and pedestrians so they could get anywhere they wanted to in this project.

What's the next one? Village Street. This is what you would find typically in the – we want to call it the urban core, where we have some of the commercial uses located. We have sidewalks on both sides, another village street section with parking on one side, and then the parkway. This is the one that Tommy was describing coming up from as you drive down Piilani Highway and it ends and it stops abruptly, you turn right down into Wailea Resort. If you turn to your immediate left, that would be the entrance into the project. So that section that you have on Wailea Ike Drive will be duplicated if you go into 670 or Honua`ula, showing two lanes of traffic in each direction, as well as, the off road 10-foot bikeway pedestrian on one side and the sidewalk on the other.

Mr. Silva: So my question is, I guess, the very first one when you had the bikes with the vehicles, is there any reason for that and why it's not the 10-foot separated path?

Mr. Jencks: Was that the minor road Tommy? Was that the collector road?

Mr. Silva: That one there with the bikes on – is there any reason why it's not – the bikes are separated?

Mr. Jencks: Yeah we have –. As Tommy was saying parts of this site are fairly easy to work with. And some of the conditions we have and some of the provisions in the zoning ordinance restrict us from modification of land. We've got to provide the circulation system throughout the project. So what we came up with was two collector road options that will have to fit in different locations depending upon topography and ease of construction. So some of these will have – a portion of option two will have a bikeway perhaps on road, and then option one has it completely off road where we can make that work.

Mr. Silva: Okay. I'd prefer option one, as you can guess.

Mr. Jencks: And that's been in the plan from day one. But as we got into further design and with various folks at Wilson Okamoto really laying out what it would take to grade the road and create the roadway given its grade and topography, we have to have some options to look at.

Mr. Silva: Okay. Next question. I know that you did say that there will be private roads. I do like the bio-swale to help with the runoff qualify, the storm runoff quality. Is there, I guess in these collector roads, that's going to be maintained by the community?

Mr. Jencks: The master association.

APPROVED 08-03-2010

Mr. Silva: And is that correct, even the Piilani extension? Is that State? It says State on some of these maps. That's still State right-of-way?

Mr. Jencks: We are required by – if you could go to a concept plan – we are –. As a condition of approval, we had a series of offsite infrastructure requirements we had to comply with. One was to widening Piilani from Kilohana to it's current terminus to four lanes. But the other one was to extend the highway from its current terminus into the property using that State right-of-way, and also some right-of-way that we've secured from Ulupalakua Ranch to an intersection of Kaukahi. Tommy, could you show them where Kaukahi is?

Mr. Silva: Above that water.

Mr. Jencks: There you go. So as it goes up into the project, we'll extend the highway to that location for a couple of reason. Number one, to provide extent access into the property down the road, make it more convenient. And on that road, by the way, we'll locate – show them the two acre fire station site – right there, there's a two acre fire station site that's going to be dedicated to the County. But also because we have access down Kaukahi into Wailea Resort we can provide some alternate access out of that area in the event of an emergency. So folks could come up Kaukahi by Diamond Resort, get on the road, and then come back down Piilani Highway if they have to. So we had a couple of reasons to do that. And so, yes, we're going to extend the highway. That road section and the State portion will be a much more structured because they are every engineering oriented. In a private section, it will be a simple two-lane with bio-swale shoulders.

Mr. Witten: . . . (Inaudible. Did not speak into the microphone) . . .

Ms. Okamoto: I'm sorry, you won't be picked up if you don't speak into the microphone.

Mr. Jencks: He was just pointing out the terminus of the State portion which is right where the light is right now. The balance is owned by Ulupalakua Ranch and we have an easement for accessing utility and roadway improvements in that easement.

Mr. Silva: So the State will be maintaining their section?

Mr. Jencks: No actually the State, they told us very bluntly, if you want to improve it, have at it, but we don't want to take care of it. If you want to improve it, we'll have to do a license agreement, you will be responsible. So we will be responsible for that.

Mr. Silva: Okay. Next question. Maybe it was a graphical representation, but the gulch trails, are those maybe on the top of the banks of the gulches? It look like they were going through the middle. I don't know if that's –?

APPROVED 08-03-2010

Mr. Jencks: No. They will be on the tops of the gulches.

Mr. Silva: Okay. And the last question would be about the wall, I guess, that's being truncated. It looks like it's possibly in the landscaped area that you have at the makai side of the property.

Mr. Jencks: Yeah, Lucienne mentioned the wall that runs mauka/makai through the property. That wall is a cattle wall. It's been repaired by our team over the years. It gets knocked down a lot by the deer. It does, I think, peter out at the very bottom of the project, but it gets picked up again in Wailea Resort. Tommy, is that correct? It does peter out in the golf course right-of-way, and Tommy is going to show you right now where it stops. It comes back down, and then turn south, and then crooks. There are some portions in that area that are in very poor condition, but our intent is to maintain that wall, restore it where we can. And if we do have a conflict with the golf course, work out through the Cultural Resources Preservation Plan, have the wall be there as much as possible. If we have to go through the wall we can, but also, you know, restore the wall where ever we can as well.

Mr. Silva: So the portion that branches off I guess to the left, is that – there's no consideration for keeping that wall?

Mr. Jencks: Right there?

Mr. Silva: No. Right there, down at the left, there's that planting that goes diagonal down. Yeah, right there. I believe that's what she was saying maybe.

Mr. Jencks: There are some current breaks in the wall. There are some current existing breaks in the wall.

Mr. Silva: So it looks like that was the other alignment that was testified about?

Mr. Jencks: No. It's the drainage ditch.

Mr. Silva: I guess what we had handed out showed that that wall kind of went along that landscaped gulch.

Mr. Jencks: Don't believe so. No. What you see on this graphic that Tommy is highlighting is the actually alignment of the wall.

Mr. Silva: Thank you.

Ms. Okamoto: Michael, any further questions?

APPROVED 08-03-2010

Mr. Silva: That's it. Thank you.

Mr. Jencks: I would just add, you know, with regard to the cultural aspects of the project, one of our conditions was to do a cultural resource preservation plan for the project, and that plan has been done. Part of that process was to reach out to the community and get the input from the community on prior residents of the land, what they knew about the land. We published an advertisement in statewide newspapers for, I think, 60-days. Got some input back. Developed a questionnaire to solicit information from these folks that were interested in the resource preservation plan. Sent them out – I think we sent out about 30, we got maybe 10 back. The resource preservation plan was completed. That plan allows for the preservation of, I think it's 15 sites that are on some of the graphics you have that are located. They will be preserved with easements around them. Many of them are located actually in the preservation area of the conservation easement area with access, and we are now waiting for comments from State agencies, and then we have to go to the Cultural Resources Commission of Maui County for their review and comment on that plan as well. But as a part, it's not a separate entity. It's part of this overall land plan and conservation and native plant preservation plan. A lot of the sites are in the context of native plants where they should be and we think that's a good way to go.

Ms. Okamoto: Michael, any further questions?

Mr. Silva: No.

Ms. Okamoto: Well unfortunately I have quite a few. I want to go back to the big picture to be sure that we all understand. This overall plan, you as far as your group would build any part of it or are you saying it would be sold off in parcels to other developers.

Mr. Jencks: It's a three phase project, and the first phase will include a lot of on-site and off-site infrastructure work, roads, utilities, the Piilani Highway, the golf course, the club house and the subdivision of the land of the 670 acres into a series of large lots. The large lot by definition is any lot that can be re-subdivided into four more lots. The golf course would be a lot for example. The partnership would create the value by building the infrastructure – water, sewer, electrical – putting that in place, getting the subdivision done, building the golf course, and the partnership will probably subdivide some of the single family and sell those lots in a lot sale program. We'll perhaps build some of the single-family that you saw, the hale unit, the duplex product. The multi-family component would probably, we would establish the prototypical product, what it would look like, do the design guidelines. We would sell those parcels that we would designate for multi-family and ask someone to come in and build on our time frame. But we would establish the product design based upon what you have seen here today, the design parameters, it's location, it's size, and number of units, keeping in mind that this project has a limit of 1,150 units on-site. 1,150 units on-site. So we have to closely control who builds what, and how many

APPROVED 08-03-2010

they are building. I hope you understand that. And there aren't – because there's a limit on the number of dwelling units in the project, the infrastructure is designed for that specific level of units, that yield. Infrastructure is land driven so there won't be 1,150 units plus 1,150 ohanas. It's 1,150 dwelling units. So if Bryan buys a lot and he wants to build an ohana, that's going to take away from my 1,150. There is no incentive for me to do that. I think you can understand that. So, we have a fixed number of units, a fixed number of square feet for commercial, and we know exactly what the yield would be in terms of infrastructure demand and it has to stay that way.

Ms. Okamoto: As far as the commercial, would your partnership build that or would you be selling that off to be built?

Mr. Jencks: Once again we've looked at it two ways, building it as an initial element of the project to kick it off, to create the infrastructure, once you have the demand on-site. And we've also analyzed designing it and have someone come in and build it.

Ms. Okamoto: One item that I noticed it talked about your design guidelines. If there was a conflict with the CC&R, that the CC&R rule. Is there any conflict because we have not seen the CC&R obviously? Is there any conflict?

Mr. Jencks: There shouldn't be.

Ms. Okamoto: Okay.

Mr. Jencks: There shouldn't be. Once we get to the CC&R level, we'll back check these to make sure there is no conflict.

Ms. Okamoto: Now you're talking about multi-family. I'm assuming this is more the workforce level housing. What is to prevent all of the sales being the large lots and nobody comes in to build the multi-family?

Mr. Jencks: That's a really good question. The zoning requires me to build 1,150 units on-site. The zoning requires me to build 40% single-family and 60% multi-family. Okay? I've got 450 affordable units on-site that I have to build on-site. The balance of that, the 700, will be market rate units. So some of those are going to be single-family and some of those are going to be multi-family. So it will be a mix of product both market and affordable.

Ms. Okamoto: But that doesn't answer my question. What would prevent all of the higher end being sold and the – you know, you don't find a developer to build the –

Mr. Jencks: The affordable?

APPROVED 08-03-2010

Ms. Okamoto: – the affordable.

Mr. Jencks: I have to build – it's an interesting point – I think this will answer your question directly. The workforce has an ordinance, requires me to build if I build one market rate unit, I've got to build an affordable unit, so they've got to be built at the same time.

Ms. Okamoto: So if you don't find a developer, you in fact, your partnership has to do that. Okay. One of the items in the design guidelines, I found a little bit conflicting from what we had. It talked about shake roofs, cedar or shake roofs, and then I believe it came out is they would be tin roofs. Is that a change in what you folks had decided to do or is that just one option?

Mr. Jencks: Khoi?

Mr. Le: I think by having various roof materials it makes the project a lot more interesting. I think it's great to have shake roofs, wood roofs, not so much comp-shingles or anything like that, but I think we chose for the public buildings and also some of the products that we will be building to have a zinc roof.

Ms. Okamoto: It would just be an option within the guideline.

Mr. Le: Yes. Yes.

Ms. Okamoto: Okay, let's see, during construction, your drainage, I know you say that the drainage plan will take use of the golf course a lot of the water retention. But during construction what's going to prevent the water – the soil running off?

Mr. Jencks: Part of the zoning ordinance requires that we comply with the standard County's BMP's. The grading ordinance of Maui County limits your exposure to 12 acres at a time. So we would be grading, and covering, and securing, and then moving on. We cannot just masquerade the entire property. The number of – I think there's maybe a half dozen different drainage ways that traverse mauka/makai through the property. Whatever grading work is done, we have been declared categorically exempted by the Army Corp of Engineers, so we're exempted from their control. There are no blue line streams on the property. Nevertheless, given the fact that we've got Wailea Resort below us and near shore ocean environment, whenever we grade, whatever we do, strong BMP's to keep in place and retain whatever we can and make sure that if there is any rain or drainage issues, we're staying out of those drainage ways.

Ms. Okamoto: Okay. I just have a couple more questions. How do you fit in with the overall Wailea design guidelines, and will they center in the same – are you in their same area and do their guidelines any way (inaudible)?

APPROVED 08-03-2010

Mr. Jencks: Well, what we tried to do, as Tommy and Khoi said was create something that is different. I think everybody has seen how Wailea, over the years, has evolved. The architecture has evolved. The design of the community has evolved. And I think everyone would agree that in many ways, there is no there-there in Wailea Resort. What we're trying to create here is a place that has a sense of community like with the town center area and the commercial component. We're different, we're neighbors, we have different products, but, yet there will be some similarities. We are not affiliated in any way. We have looked at their design guidelines, and took what we liked, left what we didn't like, left what didn't work in the past, keep the things that did work. So we're trying to work together, although we are separate communities, trying to create a different identity and a different sense of place.

Ms. Okamoto: Okay. I have just two more questions. On the buffer zone, I believe there was, you're talking 100-feet, 50-foot would be landscaped. But you're saying that a wall or a fence from that property that's right along there could go into the buffer zone?

Mr. Jencks: It says – if this is in the zoning – I'll read the entire condition. "A minimum 100-foot wide fire buffer area with a minimum 50-foot wide landscape buffer area within in shall be provided between the southern boundary of the Maui Meadows subdivision and the Kihei-Makena Project District 9, Wailea 670. No structures except rear and side boundary walls or fences shall be permitted in the buffer area."

Ms. Okamoto: So are you intending to sell a parcel that would go into that so that their rear walls would actually be within that, at 51-feet?

Mr. Jencks: Actually the buffer area will be a separate lot.

Ms. Okamoto: The whole 100-feet?

Mr. Jencks: It would be a separate lot. It will have to be – for maintenance purposes lots –

Mr. Witten: The buffer is built into it.

Mr. Jencks: I stand corrected.

Ms. Okamoto: Can you repeat what he's saying?

Mr. Jencks: Right. The buffer, the 50-foot wide landscaped area would be a separate lot. The buffer would be a 100-feet wide. On those lots that back, that would be an easement. It's 50, then 50. That would be an easement on those lots, most probably. They would be able to put a fence or a wall but no structures in that area.

APPROVED 08-03-2010

Ms. Okamoto: So in effect, the private part that you are maintaining is really only 50-feet.

Mr. Jencks: That's correct.

Ms. Okamoto: And then you're saying there might be a road in that 50-feet?

Mr. Jencks: It's possible. At this point, if you wanted to put – when I made my presentation to the Council and the Planning Commission, I didn't rule out the possibility that along that boundary, if it worked, you might want to put a single-loaded road that would access the houses inside the project, to the right of the buffer area. That could be a possibility.

Ms. Okamoto: Okay. And my last question has to do with water usage. Your non-potable water, how are you limited in getting that – what's only created on your site?

Mr. Jencks: Non-potable?

Ms. Okamoto: Right.

Mr. Jencks: Well, we have two wells on-site what we will use for irrigation. The potable water is coming from off-site.

Ms. Okamoto: Right.

Mr. Jencks: That would be treated and added to that non-potable inventory, if you will.

Ms. Okamoto: So the two wells on-site are considered non-potable.

Mr. Jencks: Today, they're considered potable because of the readings, the chlorides. They're less than 250 milligrams per liter. It's expected that once you pump those wells like any other wells in this island, as you pump them, the chlorides will increase. It's expected. They're very close. They're maybe a 180 to 200 milligrams per liter now. It will increase over time, and then it will be used for non-potable irrigation.

Ms. Okamoto: Okay, but to start with, you're required to use non-potable on your golf course?

Mr. Jencks: Yes.

Ms. Okamoto: If the wells on-site are right now considered potable, then where are you going to get the water for the golf course to start with? Let's say the first five years?

Mr. Jencks: Like I was saying, you went out today and pumped those wells, to pump a

APPROVED 08-03-2010

million gallons a day out of those wells, to irrigate the golf course, to get it going, it would surely, giving the level it is today, it would surely turn brackish, and that will happen.

Ms. Okamoto: So you are allowed to pump from it to get it started?

Mr. Jencks: Yes. It will turn brackish. Every other well that we've tested, what we've had to do is drill wells in other locations, we test those over an extended period of time, the chlorides do increase, some of them stop at a lower level. These wells however are already at a high level. They're not brackish by definition, but they will go brackish.

Ms. Okamoto: Thank you.

Mr. Jencks: You're welcome.

Ms. Okamoto: Any further questions by board members? Bryan?

Mr. Maxwell: Go ahead.

Ms. Okamoto: Darryl?

Mr. Canady: I only have one. All the roads you have indicated are going to be private roads and maintained privately within the project.

Mr. Jencks: That's correct.

Mr. Canady: What type of law enforcement and what have you done with the police and the fire in your project?

Mr. Jencks: So far comments have been more people to serve. Fire wanted a station so we provided the station, but no comments with regard to the building that serves the project itself by using the roads.

Mr. Canady: That means you're not going to provide those services in the project?

Mr. Jencks: No. It would be provided by the County of Maui.

Ms. Okamoto: Bryan, any questions?

Mr. Maxwell: Charlie, regarding the lighting, will there be like street lights and how is that going to be part of your design?

Mr. Jencks: You all may be aware of the fact that the Department of Public Works, years

APPROVED 08-03-2010

ago, passed an ordinance that restructured street lighting in Maui County and lowered the height of the standards to, I think, 20-feet. I think it was 20-feet. From 30 to 20 feet. These will be private roads. We will install lighting to address intersections, liability and safety. But what you will not see in this project is a typical subdivision. For example, an urbanized subdivision, for example, in Kehalani where you have street lights every so many feet. On a public road, you will not see that in that in this project. But we will have to comply with a minimum standards that the County requires which is at every corner at a minimum.

Mr. Maxwell: That's great.

Ms. Okamoto: Any other questions? I have one last question. Do you have a minimum or maximum size in your design guidelines for the actual home?

Mr. Jencks: I don't believe there's a minimum or maximum.

Ms. Okamoto: It would be based on the size of the lot and the building number.

Mr. Jencks: Right.

Ms. Okamoto: Thank you. No further questions? I did forget to ask was there any additional public testimony other than the three people that already testified? Okay, seeing none, we'll move on to board comments, and they can be comments amongst ourselves, if you still have further comments to the developer. Let's start this time with Michael. Excuse me, Ann, you will be keeping track.

Ms. Cua: Yeah. I'm assuming that the comments that we're taking now is what you would like – what we're going to be complying for you that would ultimately go to the Planning Commission. And it would go to the applicant so they are able to respond in writing and that would go to the Planning Commission as well.

Ms. Okamoto: Okay, before we start the comments, are there any questions for Ann specifically for the Planning Department? Did anything come up you need to ask of the Planning Department?

Mr. Canady: Madame Chair?

Ms. Okamoto: Yes Darryl?

Mr. Canady: At this point our comments are going to be what we want to present to the Planning Commission. Are we going to then, once we get through here, get our motion and going and all of that now, or is that going to come at a later date?

APPROVED 08-03-2010

Ms. Cua: Well, you're going to move to recommend comments that would be from this body that would come to the Planning Department. It would go to the applicant. It will be in a letter form. It would get – it would be written actually – or it would go to the Planning Commission. They would consider what you have –. It's actually very similar to what you do on any other project that make comments on.

Mr. Canady: Thank you very much.

Ms. Cua: The applicant will have to respond as well, and the Commission will –. A lot of times, the Department – I'm sorry – the Department would incorporate comments as conditions of our approval possibly.

Ms. Okamoto: I think one of the question maybe be because of the time. It's about 12:20 p.m. My suggestion is we start with comments. We see. They may not be that much. If we find that we can't handle it in one, then we'll take that up at that time, if that works with everyone. Okay, Michael, comments.

Mr. Silva: I don't have any comments. I'd just like to say it looks like a well thought out plan with the access, the loop roads, and using the basins on the golf course for drainage. You know, everything looks good to me.

Ms. Okamoto: Susan?

Ms. Liscombe: I don't have any comments at this time, but I'm assuming that we will again take a look at this when they get to the point where we actually have elevations and some idea of what some of these structures are going to be for this project.

Ms. Okamoto: Ann?

Ms. Cua: This is that opportunity. They've presented you elevations, typical elevations, of residential, multi-family and commercial, and that was specifically requested by the Department. They are part of the design guidelines, which you are asked to comment on now.

Ms. Liscombe: Okay, so in the case where like some of this multi-family was three-story multi-family units, but we have no idea of knowing where within this development some of this building is planned.

Ms. Cua: You do in the context of the site plan where I think they – if you flip back to the slide. You know, they had several slides that showed you, you know, this is where the single-family residential is going to be, this is where the multi-family is going to be, this is where the recreation. You know, the yellow is the single-family. So you do know that. So

APPROVED 08-03-2010

we typically we ask them, full residential, give us a typical vertical construction of what you're anticipating. And in the design guidelines shows, you know, scale massing, heights, materials, colors.

Ms. Liscombe: Well, assuming that it's all within code, I guess the only question I would have and especially if you look at maybe that north west corner of the property, I don't know what is directly adjacent to that in Maui Meadows. But if you have single-story, single-family homes, and now you're going to put three-story apartments next to it.

Ms. Cua: Well, first of all, I think one of the testifiers mentioned that Maui Meadows is an agricultural – is agriculturally zoned. It's actually rural. And the current plan – are we getting to the site plan? Okay. The current plan – you have a number of them, a number of plans in your booklet – it looks like about half of the – about half the site is designated for single-family and the other half would be multi-family, and there are different height. I believe single-family is 30-feet, two-stories; multi-family can go up to 50-feet, four-stories. Charlie wants to add to that.

Mr. Jencks: This plan you're looking at on the wall here was attached to the conditions of zoning for the project, and the zoning ordinance. They wanted a map that they could tie the zoning and the conditions to. This map has been modified nominally and approved by the Planning Department. We had some, in the context of the conditions, we had to modify the map to address the conditions to be in compliance with the conditions. So an example would be the conservation easement area. We had to add that in. But this map, the plan that you're looking at, it's really close to what the Council actually approved and attached to the zoning ordinance, so we can't really modify that map to any large extent. I just want to make that point.

Ms. Liscombe: Okay.

Mr. Silva: So if there are concerns, maybe there's some height limitations we could recommend?

Ms. Okamoto: We can put it in as one of our recommendations, yes.

Mr. Jencks: Sure. And I would add as well, the multi-family product profiles we provided to you are both two-stories and three-stories. And I idea is to place the three-story ideally in the lower end of the project down where you don't have any view issues or constraints, and use the two-story product which could also be, you know, single-family two-story, and this is where you can accomplish that. So we're trying to place the product in areas where we don't create these conflicts.

Ms. Okamoto: But we do not have any map that would show where you're placing. Susan,

APPROVED 08-03-2010

do you have more you want to comment?

Ms. Liscombe: No because without having that, I don't feel like I could make a comment without knowing.

Ms. Okamoto: Okay.

Ms. Liscombe: Inadequate information for me.

Ms. Okamoto: Okay, very good Susan. Darryl, comments?

Mr. Canady: After sitting through this for an hour and a half or so, I find that, I see a lot of work and time and effort put into this project. It looks fabulous to me as to what they are proposing. It looks like they have done their homework, working with the County, the State and all agencies, and I'm 100% for it the way it has been outlined to us. Thank you.

Ms. Okamoto: Thank you Darryl. Linda?

Ms. Berry: I'd like to applaud your attempt to make a community that is a community rather than just a development. And I like the idea that you have mixed use and the walkable factors governing the design. Those are two small things that I think don't quite live up to that that could be done better, and one is the cul-de-sacs where you don't have sidewalks. I think that people with strollers and old people will have a hard time getting of their homes onto the walkable areas, and you should consider making that something that's accessible to everybody. I think that the designs of the buildings that we've seen looks good. I am skeptical that the multi-family and affordable housing can be built to those design economically. And I hope the County will hold you to it when it comes to that.

As far as respecting local traditions and trying to build something that's unique, it sounds to me like you have a gift with the stepping stone trails and the rock walls that that is a piece of history and that you should be making more of that then you are. The only thing that gives something a sense of place is that connection to the people that have lived there before. And your walking trails and the siding of your homes should make that an advantage, not something you have to work around. So if I were you, I would really focus on that. Thank you.

Ms. Okamoto: Jane?

Ms. Marshall: To address Susan's concern it's just that lower third of that – this area here – (Inaudible. Did not speak into the microphone.)

Ms. Okamoto: Jane, none of your comments are going to pick up without a microphone.

APPROVED 08-03-2010

Ms. Marshall: That could still be multi-family. There could be a 30-foot height limit instead of a 50 . . . (inaudible) . . .

Ms. Okamoto: Jane, you need to talk into the microphone.

Ms. Marshall: Perhaps, you know, some of these areas could be traded back and forth.

Ms. Okamoto: So Jane, are you saying that we would be recommending that the area closest to the Maui Meadows, we would say should be –

Ms. Marshall: 30 foot.

Ms. Okamoto: The two-story multi-family.

Ms. Marshall: It doesn't have to be single-family, but it could have a height limit that is single-family.

Ms. Okamoto: Right.

Ms. Marshall: That would address the general concern of view corridors. If I lived in Maui Meadows I'd want to live along that border. That's going to be a nice forested backyard.

Ms. Okamoto: Other comments Jane?

Ms. Marshall: No, that's it.

Ms. Okamoto: Bryan?

Mr. Maxwell: Just a couple. Just for the applicant and all, just making sure that you use the best practice like LEED. There's energy star. There's all these new technologies that are happening and being able to go with the recycle and reuse kind of thing. The parks, we didn't really talk about the parks at all. But down in this area I know as a basketball coach there's no courts down there. So that might be something that they put in some courts down in that area that would be really great. I know there's dog parks nearby. Talking with the local nurseries of what kind of plants to put in I think it would be great. Other than that, I kind of like the plan. I just think if they worked with the different people, I think, you know, they can preserve some of the trees if possible within the different areas. And the multi-family and the single family, working with those guys if they can protect some of those if it warrants that that would be great. That's all.

Ms. Okamoto: I have a couple of comments. I would have definitely agreed that for that one area by Maui Meadows we should limit the multi-family height. I'm concerned about

APPROVED 08-03-2010

the bike paths and they're being so different all around. So if I'm pedestrian, I'm walking with a bike in one area, the next area, the bike is on the road. I'm concerned with the bikers because do I go on the road, do I go on the sidewalk. I think it needs to have some consistency, and I don't see that. I also think you have to have sidewalks even in the cul-de-sacs. If someone is walking just to be walking, they're out exercising, and all of a sudden they come to the end of a sidewalk and then they've got to walk on the road. I just think in a well planned area, you need some consistency of sidewalks and the way your bike paths are working. And then with the buffer zone. My other one is with the water limits. Because I come from Lana'i where they're having a big problem watering their golf courses because of the non-potable use, when you're first starting out, if you don't have a whole lot of water going into the recycle, you may have a real problem. And I think that the developer needs to look at that. I'm not sure how they work with the County of that, but from the beginning you may need to have some sort leeway in using other sources of water. I believe that's most of my comments.

Ms. Marshall: Can I ask one question of Ann?

Ms. Okamoto: Yes.

Ms. Marshall: If US Fish and Wildlife Service and the other outstanding agency decides that there are some issues that we need to be concerned with, what happens?

Ms. Cua: You're talking about the review of that easement?

Ms. Marshall: Yes.

Ms. Cua: If they find that the 22, plus or minus, acres that are proposed is not adequate and it needs to be larger or small or whatever, depending on how that affects the site plan, it may need to come back to you. If it's one acre, and you know the site plan isn't significantly affected, it may not need to come back to you. If it needs to be 80 acres, I think that's a significant change in the site plan, so we're going to need to see what the final outcome is. I believe Mr. Jencks mentioned that two of the three agencies had no comments. So we're just going to need to see what the final comments are by all agencies, and take the step at that time.

Ms. Okamoto: Ann, those comments, whatever comes back from those agencies really does go to the Planning Commission.

Ms. Cua: It goes to the Planning Department first, and then yes, it would be an exhibit to the Planning Commission's report.

Ms. Okamoto: Any other?

APPROVED 08-03-2010

Mr. Silva: I have one more comment.

Ms. Okamoto: Michael?

Mr. Silva: Knowing that there's possibly a road on the Maui Meadow side, I would believe that would be a pretty substantial change in the site plan. Would we see the project again then if they put a road in there? I'm really not – I don't like the road being there. I'm a landscape lover.

Ms. Okamoto: Could we put that as one of our recommendations?

Mr. Silva: From what I understand it's a 50-foot landscape buffer and then that's going to be the back of the lots, and there could be walls in the back of the lots, so it seems like that road would have to be in the landscape buffer.

Ms. Cua: What I heard –. Maybe you should clarify exactly where this road possibly could be. Which 50-foot.

Mr. Witten: Sure. Tom Witten. The 100-foot buffer area is set aside. It's basically a building setback and fire protection. But what the plan was was 50-feet adjacent to Maui Meadows would be the landscape buffer, and within that other 50-feet, you could have a roadway, you could have a roadway with shoulders, you could have a roadway outside of that with a house backing up to that 50-feet, but still, their house would still have to be that 50-feet away. So it will always be a 100-foot building setbacks other than that those rear walls or fences. If the configuration was a buffer, the 50-foot landscape buffer, building setback buffer included as part of a lot, or a single loaded road that would go along the landscape buffer with driveways and homes off the other side. That means their front yard area would be open and the house would be 50-feet from that, from Maui Meadows. So it provides the opportunity depending on the site considerations. And what the land use product was that you could have a single loaded road of 50-feet within the 100-feet. But in no case would the 50-foot landscape buffer be jeopardize by a roadway or somebody's yard or backyard.

Ms. Cua: Okay, so that's –

Ms. Okamoto: You want to make some –

Mr. Silva: Well, it just seems that would be a pretty substantial change to the site plan that we're looking at today if there's a road on the property line, or next to the 50-foot landscape buffer. I mean, it seems like that would be substantial.

Mr. Witten: Yeah. The site, the conceptual site plan doesn't show any of the secondary

APPROVED 08-03-2010

roads, so internal subdivision roads aren't illustrated. But, I mean, we have done studies of various parcels, and some of the solutions include that situation where the road was in 100-feet. It's sort of a single loaded. Because it's configured there with that drainage way, it's a relatively narrow piece of land. So a lot of the solutions were a single road with shorter roads serving the topography as a step down the hillside.

Ms. Okamoto: Well, I have one question. So are you saying that my backyard, if I were to purchase along that, my backyard could go all the way up to the 50-foot landscape buffer?

Mr. Witten: Yes, if the road wasn't – if it's served from the outside of the buffer area, my understanding, is that the rear lot, the rear yard, could go up to the 50-foot landscape buffer. But the house, you know, it would have to be a large lot and that kind of configuration.

Ms. Okamoto: Thank you. Darryl?

Mr. Canady: Question. But couldn't that also be the front of the property too in that 50-foot road and/or wall? As you explained it, then it would be a driveway coming into your units through that road.

Mr. Witten: Right. Typically, the smallest right-of-way is going to be 50-feet so you'd have a 50-foot landscape buffer, a 50-foot road-right-of-way of which 12 or 22 feet might be pavement. So you'd have road shoulder, roadway, road shoulder, and then somebody's front yard would be out side. The front yard situation would be outside the 100-foot.

Mr. Canady: Thank you I think.

Ms. Okamoto: Thank you. Ann?

Ms. Cua: I have a question. Tommy don't go away. I have a question about – this is the ordinance now. This is not condition of zoning. So, and Mr. Jencks – Mr. Jencks read this and we're still on the 100-foot wide fire buffer area. The last sentence says "no structures except rear and side boundary walls or fences shall be permitted in the buffer." So how does roads fit into that is my question when I read this?

Mr. Witten: We're not considering above grade structures. It's not a structure.

Mr. Canady: Talk into the microphone please.

Ms. Cua: Okay.

Mr. Witten: We're not considering a road a structure.

APPROVED 08-03-2010

Ms. Okamoto: My question – would this be then something that the County has to interpret, Ann?

Ms. Cua: Yeah. I see how it is. I mean, I wasn't involved with the zoning so I'm kind of at an disadvantage here, so –

Ms. Okamoto: Okay. Susan?

Mr. Canady: So am I.

Ms. Okamoto: Susan?

Ms. Liscombe: If that is not considered a structure, then what is to keep you from putting that road right on the boundary on the edge of the Maui Meadows?

Mr. Witten: Because we're –. My understanding, we're committed to the 50-foot landscape buffer along that Maui Meadows, and the 100-foot was a building setback buffer. So it's sort of two, you've got two sort of levels. A landscape buffer or the 50-feet; and then the 100-foot building set back and no structures could be, meaning houses, other than those rear walls or fences could be within – no structures could be within the 100-feet.

Ms. Liscombe: Okay: Thank you.

Ms. Okamoto: Thank you. Any further comments, questions? It is now 12:40 p.m. Are we ready to make our recommendations? Alright, Ann can you read what you have so far? And we'll see if we all agree.

Ms. Cua: I can try. You're going to have to help me on a couple of these though. I have a total of, I think, six comments that I got and two that I really need help with. So the first comment, and hopefully I can read my own writing that the applicant consider incorporation sidewalks into the project's cul-de-sacs. Secondly, to incorporate – that consideration be given to incorporating the existing the rock walls and stepping stone trails within the project's design. Third, that the multi-family area on the southern portion of the site closest to Maui Meadows should be limited to 30-feet in height.

Ms. Okamoto: I believe that's the northern side.

Ms. Cua: Oh, yeah. I'm sorry. That's right.

Mr. Canady: But you're right under 30 foot.

Ms. Cua: There was as a comment about basketball courts.

APPROVED 08-03-2010

Mr. Maxwell: I'm just saying – I don't know if it's a necessary recommendation or if it's a consideration. In the south, in that part of the area, I don't think there's any courts. It might be something that –

Ms. Cua: So, would you like me to include that consideration be given to incorporating basketball courts somewhere in the project area?

Mr. Maxwell: That would be nice.

Ms. Okamoto: I would list them as play courts.

Ms. Cua: Yeah, that's true. Fifth comment, that the applicant consult with local nurseries in the area to assist in the plant mix for the site. That bike paths and sidewalks should be consistent within the project site from area to area. And I'll have to massage this language. And then the last two comments that I have I'm going to need to have you talk about that again. Chair, you had a comment about the project's water usage. How did you want me to?

Ms. Okamoto: I would not –. I just wanted to bring that up for the developer to be aware of and work with the County. I don't think it needs to be in that.

Ms. Cua: Okay. And the final possible comment which I'm not sure what to do with that is that road issue. And now we know clearly and based on the zoning ordinance that right next to Maui Meadows that first 50-feet is to be landscaping. The next 50-feet there's a possibility that a roadway could be put there. Was your comment that if there is a roadway within that second 50-feet that you would want to see it or were you thinking the first 50-feet?

Mr. Silva: I was mistaken. I guess I was under the assumption that that major collector road might possibly shift over to the border, but now I understand it's one of the subdivision roads inside of the single family or multi-family. So it would be a less traffic road, so I don't have a problem with that.

Ms. Cua: Okay, so then that brings us to six comments. And of course, I'm going to have to massage the wording a little bit, but you kind of the get the gist or I got hopefully the gist of what you were talking about and you can correct me on any one if you'd like.

Ms. Okamoto: Okay, especially those who happened to bring those comments out, are there any clarifications, comments to Ann? Are we pretty –

Ms. Marshall: Where did the nursery comment come in?

APPROVED 08-03-2010

Mr. Maxwell: I said something. Just that they have to work with the – sorry – some of the local people in the area, just work with the plans. I don't know if – it could be, you know, anywhere in Maui obviously, but, you know, if they can use it. Because like Ann with her nursery she knows a lot about the highland plants and what have you.

Ms. Cua: Well, and I would like clarification on that because I want to make sure that, you know, the way I have it now is local nurseries in the area. So I'm thinking in the Kihei-Wailea area. If you mean that they just talk to any nursery, that's different.

Mr. Maxwell: Yeah.

Ms. Cua: And so I would like to know that.

Mr. Canady: Madame Chair?

Ms. Okamoto: Yes Darryl?

Mr. Canady: Do we have the capability of specifying individual businesses, et cetera, et cetera?

Mr. Maxwell: No.

Mr. Canady: I would kind of like to, in my thinking, to stay away from that and make it generically within the island or whatever the case may be because I think you're going to find by some of the species it maybe more economical to buy them in other areas other than next door, or on island. Thank you.

Ms. Okamoto: Bryan?

Mr. Maxwell: No, I would agree. I would say maybe just within Maui. You know, it's more or less – because sometimes they can contract these things. They can do whatever but I would agree, just say within Maui.

Ms. Cua: And then again, if I could get clarification. Is your intention to have nurseries be able to help them decide what plants are best suited for the area, or are you looking at having spreading their purchase of plants around the island?

Mr. Maxwell: I think it's more or less. And it's just like LEED or anything else. If you have it locally grown, locally available.

Ms. Cua: Okay.

APPROVED 08-03-2010

Mr. Maxwell: You know what I mean, where they don't have to ship it from another island.

Ms. Cua: So you're looking at them purchasing locally.

Mr. Maxwell: Yeah, just purchase and consult them.

Mr. Canady: I would like to, Madame Chair?

Ms. Okamoto: Yes Darryl?

Mr. Canady: I would like to disagree with that a little bit only because that way you get price gauging. Sometimes increasing in prices and these types of thing. I think we want to be competitive here, and I know as a purchaser they don't want to be raped and pillaged either. Thank you.

Mr. Silva: Maybe we should have said Maui County. Maybe that was the issue.

Mr. Maxwell: Let's just scratch it. That would be up to the landscape contractor obviously.

Ms. Cua: And we appreciate that because one of the reasons why read these comments back to you, they're normally a comment from member, and we need to know before we write it on paper that it is the comment of this body. So that's why it's good that you have the discussion and you have it full circle and decide yes we want or maybe we should stay away from it.

Ms. Okamoto: Okay, so we've taken out a couple. I think you could put the sidewalks and the cul-de-sac with the bicycle because that's a bicycle sidewalk issue. That there be a little more coordination there. If you put that into one comment.

Ms. Cua: Okay. Alright.

Ms. Okamoto: So then what do we have left?

Ms. Cua: So you'll have a total of – you'll have four comments basically.

Ms. Okamoto: Okay. So we have one comment about the rock walls. We have one comment about the multi-family being limited in height.

Ms. Cua: Yes, 30-feet.

Mr. Silva: And are we, on that whole area multi-family height restriction or is there a portion?

APPROVED 08-03-2010

Ms. Okamoto: No, just in that portion.

Mr. Silva: No exactly, but that whole portion or like bordering that line?

Ms. Okamoto: Okay, that whole portion there.

Mr. Silva: Okay.

Ms. Cua: So this whole area here.

Ms. Okamoto: Yes. And then we have one about sidewalks and bike paths. And what's the fourth one?

Ms. Cua: The play courts. The recreational courts.

Ms. Okamoto: Right. Okay. So everyone understands the four comments that we are passing on to the Planning Department. Okay, do I hear a motion to approve the comments as stated?

Mr. Canady: Madame Chair, I so make that motion that we approve those four items and we pass the motion as stated.

Ms. Okamoto: Is there a second?

Ms. Berry: Second.

Ms. Okamoto: It's been moved and seconded that we pass the four comments that we have gone over, over to the Planning Department as our recommendations. All in favor, raise you hands. We'll be different this time. Opposed? Seeing none, I believe we have —

Ms. Cua: Thank you very much for tackling that. Thank you.

E. DIRECTOR'S REPORT

1. Agenda Items for July 6, 2010 meeting

Ms. Okamoto: Wait, we're not finish yet. Clayton, Director's Report. Do you have a Director's Report?

Mr. Clayton Yoshida: Yes, good afternoon Madame Chair and members of the board.

APPROVED 08-03-2010

Ms. Okamoto: Board members, can we?

Mr. Yoshida: Our next meeting is scheduled for July 6th. We don't have any definite agenda items, but the Department is processing a number of SMA applications as well as Project District applications including the State's proposal to construct a second elementary school in Wailuku, in the Kehalani Project District, so that should be coming before you soon. Again, we have two vacancies, alternate members on the board. And I don't know what the status is of Board Member Ryan's situation. And that's all we have to report.

Ms. Okamoto: Has he already left or he still available? So John Patrick Ryan told us at one meeting that he was going to be moving away so that position will have to be filled. Thank you. Any other?

Mr. Yoshida: That is all we have to report.

Ms. Okamoto: Any other business? If not, we are adjourned.

F. NEXT MEETING DATE: July 6, 2010

G. ADJOURNMENT

There being no further business brought forward to the Board, the UDRB meeting was adjourned at approximately 12:50 p.m.

Respectfully transmitted by,

LEILANI A. RAMORAN-QUEMADO
Secretary to Boards and Commissions I

APPROVED 08-03-2010

RECORD OF ATTENDANCE:

PRESENT:

Linda Kay Okamoto, Chair
Linda Berry, Vice-Chair
Darryl Canady
Susan Liscombe
Bryan Maxwell
Jane Marshall
Michael Silva

EXCUSED:

Gary Brauner
John Patrick Ryan

OTHERS:

Clayton Yoshida, Planning Program Administrator
Ann Cua, Deputy Director
Trisha Kapua`ala, Staff Planner
James Giroux, Deputy Corporation Counsel