

**MAUI PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 12, 2010**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Jonathan Starr at approximately 9:03 a.m., Tuesday, October 12, 2010, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

Mr. Jonathan Starr: Welcome. Thank you for joining us. This is the Maui Planning Commission meeting of October 12<sup>th</sup>, 2010. I'd like to introduce the Commissioners: Commissioner Kent Hiranaga; Commissioner Jack Freitas. Commissioner Ward Mardfin is here. He'll be back in the room in a moment. James Giroux is our lawyer, Corp. Counsel. I'm Jonathan Starr. I'm Chair. This is Clayton Yoshida who runs the Current Division, and keeps us going with our agendas, and schedule, and keeps the program working for us. Commissioner Donna Domingo, Commissioner Warren Shibuya, Commissioner Lori Sablas, and Commissioner Penny Wakida. Carolyn Takayama-Corden is the secretary for the Commission. She does our minutes. She does our day-to-day work. Danny Dias is one of our Planners. I know we have some other– I see Joe Prutch, another of our fantastic, hardworking Current Planners. Mike Miyamoto, Deputy Director of Public Works walking in the door.

We'll proceed with our agenda. The first thing I'd like to do is to allow the public to give us testimony, oral testimony, on any item on our agenda. When we have an item that will likely have action by this Commission, we allow testimony either before the meeting on it or – which would be now, or when we're in discussion on that item, but before we do action on it. So you have your choice, but anyone wishing to give public testimony on any item is welcome to do it now. We ask it be kept as short as possible. Three minutes. Less is great. Anyone wanting to give testimony? Not seeing any, the initial public testimony portion is closed. We'll move on to our agenda. And we'll ask Mr. Yoshida to introduce the first item.

**B. RESOLUTION THANKING JEFFREY S. HUNT FOR HIS SERVICE AS PLANNING DIRECTOR**

Mr. Clayton Yoshida: Thank you, Mr. Chairman. The first item is a resolution thanking Jeffrey S. Hunt for his service as Planning Director. As you may or may not know, it takes a lot of time and effort to be Planning Director. And Jeff will be leaving us at the end of next week. He'll become the head of Long Range Planning Section for Santa Barbara County in California. So with that, we have a resolution of the Maui Planning Commission thanking Jeffrey S. Hunt for his service as Planning Director:

Whereas, Mr. Jeffrey S. Hunt served the County of Maui with distinction and with a high degree of professionalism as Director of Planning for the County of Maui from January 2, 2007 to April 30, 2010; and

\_\_\_\_\_ Whereas, Mr. Jeffrey S. Hunt has been a professional planner with more than 25 years of experience in locations in Oregon, Colorado, and Maui; and

\_\_\_\_\_ Whereas, Mr. Jeffrey S. Hunt has contributed greatly to the profession of land use planning of the County of Maui; and

\_\_\_\_\_ Whereas, during Jeffrey S. Hunt's tenure as Director of Planning, the Department of Planning's accomplishments include the following:

1. The adoption of the 2030 Countywide Policy Plan by the Maui County Council in March 2010 after review by the three (3) General Plan Advisory Committees (GPACs) and the three (3) Planning Commissions.
2. The transmittal of the Draft Maui Island Plan to the County Council in October 2009 after review by the Maui General Plan Advisory Committee and the Maui Planning Commission.
3. Introduction and passage of a streamlined Bed and Breakfast Ordinance in January 2009.
4. Introduction and review by the three planning commissions of proposed legislation regarding regulating transient vacation rentals;
5. Passage of the following legislation including:
  - a. Overhaul of the Offstreet Parking and Loading Ordinance.
  - b. Revisions to the Interim District Ordinance.
  - c. Creation of a Service Business Residential (SBR) District.
  - d. Revisions to the Rural District Ordinance.
6. Introduction or co-sponsorship of the following legislation:
  - a. Amendments to the Residential District section of the County Code.
  - b. Amendments to the Business District sections of the County Code.
  - c. Streamlining measures to delegate decision making authority down.
  - d. Amendments to the Subdivision Ordinance to eliminate conflicts between consistency and conformity.
7. Introduced various streamlining measures within the Department.
8. Placed emphasis on the Dead Sea Scroll Replacement Team (DSSRT) to digitize and update the County's zoning maps.
9. Participation in the Hawaii 2050 Sustainability Plan.
10. Hosted 2008 Hawaii Congress of Planning Officials Conference at Wailea, Maui.

\_\_\_\_\_ Whereas, Jeffrey S. Hunt will be leaving the County of Maui after October 22, 2010 to take a position as Division Chief of the Long Range Planning Division of Santa Barbara County, California;

\_\_\_\_\_ Now, therefore, be it resolved that the Maui Planning Commission hereby commends Mr. Jeffrey S. Hunt for his dedication and service to the people of the County of Maui; and

\_\_\_\_\_ Be it further resolved that the Maui Planning Commission does hereby express its deepest gratitude and appreciation to Mr. Jeffrey S. Hunt for his service and does hereby extend its best wishes in his future endeavors; and

\_\_\_\_\_ Be it further resolved that copies of this resolution be transmitted to the Honorable

Charmaine Tavares, Mayor of the County of Maui and the Honorable Danny Mateo,  
Chairman of the Maui County Council.

Mr. Starr: Mr. Hunt, I'd like to ask you to come step up to the podium, please. I wish to make a short comment which is that I really appreciated working with you. And I learned an awful lot from you. And it was always about proper process and fairness. I really thought you did a great job and really wish you well in future endeavors. And I'm sure a lot of us – I certainly will miss you here on Maui. And I think you've done a great job for our community, and thank you for your service. Any other Commissioners have a comment? Mr. Hunt, if you'd like, to take a moment and–

Mr. Jeffrey Hunt: I'll take the liberty. Thanks. When my wife first got a job offer and moved us here, our thoughts were, well, what a beautiful, natural setting to move to. But what we learned when we got here was the rich culture and the people that were really beautiful, and I think that's what I'm gonna miss the most. I'll be honest, I'm gonna miss the warm water, but we do a lot of standup paddle surfing anyway, so we can accommodate that.

But one part of the culture that is challenging is the extreme polarization in Maui's community. And as Director, I tried to find common ground in order to find resolutions to some of our problems. And I would encourage the Planning Commission to continue finding common ground. And you will be criticized from the extremes like the vocal minorities. But I think the majority of people believe that finding compromise and finding solutions and common ground is a good way to go. So I would encourage you to do that.

I would also encourage you to continue on with streamlining. The planning process is not a good process. And by streamlining, I don't mean got it and let developments go through without review. I'm saying ignore the manini stuff. Delegate that down to the Department so that you folks can concentrate more on the bigger projects, and spend more time on those. And the B&B bill's a really good example. I don't think delegating down the B&B approvals down to the Department has resulted in any problems at all. So I would encourage you to do those two things.

And with that, I wanna thank you folks. Being a Planning Commissioner is a hard job. It's a lot of work, a lot of reading. You're making decisions in a politically-charged environment. And so I know a lot of respect for the time and efforts that you guys make. I just wanna thank everyone. I wanna thank the Mayor, and I wanna thank Council, and I wanna thank you folks for giving me the opportunity to serve such a wonderful community. So mahalo.

Mr. Starr: Thank you and good luck. Come shake our hands one last time. Thank you, Mr. Hunt, and good luck to you. Mr. Yoshida?

## **C. DIRECTOR'S REPORT**

- 1. EA/EIS Report**
- 2. SMA Minor Permit Report**
- 3. SMA Exemptions Report**

Mr. Yoshida: Our next item is the Director's report, the EA/EIS report, SMA minor permit, and SMA exemption report. I did circulate a memo dated October 11<sup>th</sup> regarding the three SMA assessments that Commissioner Wakida had called in, and the responses from the Planners regarding the status.

Mr. Starr: Members, any items? Well, first of all, let's start with the comments, the responses from the last one just to know if anyone needed – needs any further information on these, or we can take the time of the meeting to examine it as well because it's on our agenda later. Nothing right now on those? Okay. Anything – any items on the current list, or the exemption list, or the minor list? Commissioner Shibuya?

Mr. Warren Shibuya: I just have the same old question relating to two subdivisions, subdividing property into three lots. The first one would be on page 5 of 9, Betsill Brothers Construction, RDD, LLC, three-lot subdivision. And on page 7 of 9, Nacua Subdivision, subdivide property into three lots, Kihei. The same question applies to them: where are they getting the water meters for the two remaining lots?

Mr. Starr: Okay. Any others? I had a couple here. First of all, one regarding process. I noticed there's a little mark on the bottom corner here with an asterisk that says "shoreline projects." Does that mean that now if an item has an asterisk, it's shoreline? If it doesn't, it isn't on those pages?

Mr. Yoshida: I believe we do have a report, open permits in shoreline/geo area. Those are the projects which abut the shoreline. But on the first page, yeah, I believe if it does have an asterisk under the SMA minor reports, then it would be a shoreline property.

Mr. Starr: Yeah, I think that's something we have asked for. And I guess that's starting to be added. So I thank you for that. I would want the information on this minor: agricultural berms and gates.

Mr. Yoshida: That was withdrawn by the applicant.

Mr. Starr: Okay. Then I had two on the open SMA assessments on 8 of 9. One is repair and demolition of a raised dock, Kahului. And the second one is Papanui Subdivision, construct a gate across Uweloa Place. I'm curious about that especially, whether pedestrian and bicycle access is going to be constructed. Anyone else? Okay, we'll come back to this later in the meeting. So I guess we're ready to proceed to our public hearings. Mr. Yoshida?

Additional information was asked for SMX 2010/0367, SMX 2010/0368, SMX 2010/0377, and SMX 2010/0378 at the beginning of the meeting and also for applications SMX 2010/0117, SMX 2010/0130 and SMX 2010/0246 which was requested via email by Commissioner Wakida.

**It was moved by Mr. Mardfin, seconded by Mr. Shibuya, then**

**VOTED: To Accept the Items on the October 11, 2010 and October 12, 2010 Memos.  
(Assenting - W. Mardfin, W. Shibuya, L. Sablas, P. Wakida, J. Starr)  
(Excused - O. Tagorda, K. Hiranaga, J. Freitas, D. Domingo)**

**D. PUBLIC HEARINGS** (Action to be taken after each public hearing item.)

- 1. STATE DEPARTMENT OF EDUCATION requesting a Phase II Project District Approval and Project District Phase II Map Amendment for the construction of the Wailuku II Elementary School (grades K-5) and related improvements in the Wailuku-Kahului Project District 3 (Kehalani) on approximately 14.0 acres of land at TMK: 3-5-001: 077 (por.) and TMK: 3-5-001: 078 (por.), Wailuku, Island of Maui. (PH2 2010/0002) (D. Dias) (Commission conducted a site inspection on September 14, 2010)**

Mr. Yoshida read the agenda item into the record.

Mr. Starr: Mr. Dias, please take it away.

Mr. Danny Dias: Good morning, Chairman Starr and Members of the Maui Planning Commission. I'll try to keep my presentation as brief as possible, and let the applicant do the bulk of it.

As mentioned by Clayton, this project involves both an amendment to the existing project district II map, and the project district phase II approval for the proposed Wailuku II Elementary School. With respect to the phase II map amendment, that portion is pretty simple. If you look at Exhibits 5-A and 5-B, you can see the changes proposed. 5-A is basically what the Commission approved in 2002, and 5-B is what is proposed today. The existing map, Exhibit 5-A, is very conceptually similar to a lot of projects when you actually start putting pen to paper, and get all the stakeholders involved, and the community, and so forth. Some tweaking occurred. So ultimately, the changes to the map are – a lot of it is just pushing open space in front of the school, so fairly minor.

The bulk of this project and the second part of this application is phase II approval of the school itself. This is a typical elementary school with classes ranging from kindergarten through the 5<sup>th</sup> grade. The school will be able to accommodate approximately, 550 students. And the Department of Education anticipates that that enrollment will be reached in 2015. So that's not too far from now. It indicates the need for this school.

This school consists of eight structures: an administration building, library, cafeteria, covered play court, and of course, classroom buildings. The design of the school itself is quite impressive, in my opinion. There's a lot of thought that went into the features of this project. To the extent possible, architectural elements of Wailuku Town were factored in. They tried to incorporate that. The demographics of the student body was a consideration, synergy within the school itself, and incorporation of sustainable design strategies and concepts.

Before I hand it over to the applicant, there's a couple of things I wanna point out. I believe last Wednesday we sent the Commission Members an e-mail with two letters that came in after we sent out the report to you. One was from Mayor Charmaine Tavares. And her letter indicated her support for the project and that the Department of Water Supply is on board. And they anticipate that there will be a water source available for this project before it's ready to be built. Keep in mind this project still needs project district phase III approval and the building permit. And these approvals will occur months in the future.

We also received a revised letter from the State Department of Transportation. The original comment letter from State DOT indicated that they would not sign a certificate of occupancy for the school unless lane and signal improvements were completed at the Honoapiilani Highway and Kuhikahi Drive intersection. Since then, State DOT met with the developer of Kehalani, Stanford Carr Development. And DOT has now changed their requirements or their expectations. They've agreed that for now, all that's required is road surface improvements along Honoapiilani Highway in between Kuhikahi Drive and Kehalani Mauka Parkway. And Stanford Carr has indicated that they expect that will be done in the next few months or so, or at least prior to the school being completed.

So in closing, I think it's fairly obvious that this project is a good project and well needed especially, for the Central Maui area. A lot of the State and County agencies are doing their best to keep things moving along as smoothly as possible, and there's a lot of support. So with that, I'd like to hand it over to, I believe, Jeff Overton from Group 70.

Mr. Kent Hiranaga: Mr. Chair?

Mr. Starr: Yeah, Commissioner Hiranaga?

Mr. Hiranaga: With your indulgence, I'm gonna have a question regarding the water meter issue. And if staff's not prepared to answer that question, maybe we could give notice to the Department of Water Supply if they could have someone available.

Mr. Starr: Okay. Could we request that a call be placed to the Department of Water and see if we could get someone—the Director or someone else who can answer questions on that? I appreciate that. Thank you for thinking ahead. Are you gonna proceed with a power point?

Mr. Jeff Overton: Yes.

Mr. Starr: About how long will it run?

Mr. Overton: I'll try to keep it 15 minutes.

Mr. Starr: Okay. It can go longer. I just always like to ask.

Mr. Overton: . . . (inaudible) . . .

Mr. Starr: No, it can take up to half an hour. It'll be fine.

Mr. Overton: Good morning. I'm Jeff Overton. I'm a planner with Group 70 International. Thank you very much, Commissioners. And, Clayton, always great to see you. With me here today is my partner, Charles Kaneshiro. He's an architect with Group 70. I'm a planner. Robert Purdy from the State Department of Education is the project manager for the Wailuku II Elementary School. Also, attending here is Derrick Tokuoku. He's a civil engineer with Austin, Tsutsumi on the project. And Jay Nakamura representing Stanford Carr Development is here. So we'll walk through a quick presentation. Met everybody onsite September 14<sup>th</sup> during the site visit, and appreciate you attending that.

The location of the school just briefly, Dan, you did a great job with the presentation, is 14 acres within the Kehalani Mauka Subdivision. And I'm gonna just kinda walk you through it. There's a nice aerial photograph here that shows the proposed school site central to the property there. This is an older photograph. There's been some more increments of the community built in, 2,400 hundred homes in the surrounding community, and the school's located central to it right off of Kehalani Mauka Parkway. Here's another image of the plans for Kehalani and the proposed school site. If you go back to – also, just for references, there's a park site off to the right-hand side of the image. And that was a question at the site visit. We'll speak to that issue here later on.

Here's an aerial photo. It's a bit dated from '05. . . . (inaudible) . . . hasn't updated their imagery yet for this, but it shows some more build-out in here, and the project site of roughly 14 acres and the surrounding increments that have been built out in there. Not shown on this photo, too, is some additional—the Cottages, where we met for the site visit. We were adjacent to the site and the parking lot. So that increment has been built out, as well as some other – the extension of the roadway.

Danny mentioned 1992, the original approval for this area, and the school site, which is one of the land use areas that's actually closer to Honoapiilani Highway in that area. There was a subsequent amendment in 2002, and it shows – the school site was relocated further mauka adjacent to the community center and some open space in there with a realignment of the parkway. So there's been a pattern of decisions going back 18 years on this school. And really we're kinda bringing it to light now in the sequence of approval. Our current approval and it's shown on this next slide is an amendment. Again, these are land use reconfigurations. There's no land use allocation changes in here—whatever. We're dealing with 14 acres for the school site. And a portion is open space. There's also a driveway coming up on one side of it. So that composes the major uses that are described in the amendment before you.

I just wanted to chat briefly. Again, these are just reconfigurations. We prepared an environmental assessment that was completed in May of 2010. So you may have had a chance to review this in all your homework. We're now seeking this phase II amendment approval. We've also gone before your Urban Design Review Board. That was back on August 3<sup>rd</sup>. And addressed some of their questions in a subsequent response letter back to them. On the 14<sup>th</sup> of September, we met in the field with the Planning Commission, the site visit. You had a series of questions. And hopefully, you've seen the letter back to you that addressed specifically some of those questions. And then Danny mentioned the two letters that are now in the file regarding water and roadways.

I'm gonna have Charles walk through just some of the basic planning that's gone before on the development of the design of the school.

Mr. Charles Kaneshiro: Good morning, Commission. This is a presentation. I know you have a lot of material before you, but one of the things we wanted to do is share with you some of the – sort of the intent and history behind the development of project design. This presentation has been done to a couple community groups—the Wailuku PTA, as well as the Kehalani Community Association. And we've received a lot of positive input about the project design.

As Jeff showed you this image before, one of the things that the design team did early on is just try to understand better how this school should fit, and the desire to make this school fit within the

whole Maui community. That it should reflect Maui. It should reflect specifically, Wailuku. And I guess one of the questions that the design team asked, "Well, what defines Wailuku character in terms of architecturally?" And one of the things I think is quite impressive is that probably per capita, Wailuku has the most historically, registered buildings anywhere in the State of Hawaii, which is a real credit to your community in wanting to preserve that history. The Kaahumanu Church, the Bailey House Museum, the Wailuku Courthouse, the Territorial Building, the Wailuku Library, and even the existing Wailuku Elementary Administration Building are all registered, some nationally, some in the State as historical properties. And what's really interesting is that they come from a wide variety of eras. So it's not just territorial buildings, but you have buildings from a plantation style. You've got this – I think the courthouse is considered sort of a new gothic style of building. And of course, the more traditional territorial buildings that I think a lot of people are familiar with. So the rich heritage is something that the design team wanted to try to capture some of that in the school, not try to replicate it, necessarily, but reflect that. We respect that you have value here.

The other interesting thing is that you might have these historic buildings, but then you turn the corner, and you find these plantation style homes, single wall construction kinda interwoven or intermixed between the historic buildings, which really also is a wonderful aspect of the character of your community. And that, too, we wanted to try to see if that could be incorporated somehow in the project design.

As Jeff has indicated, the school is right dead smack center in this Kehalani Development right near the highway, and pretty close to the existing elementary school, which is right here. There was a question I think on the site walk about parks and ballfields. We have a large play field on the campus, but we don't have any ballfields, softball or baseball. However, it has been planned in this community by Stanford Carr. And they have a fairly significant park area that will have two softball, two baseball fields, a youth soccer field, as well as tennis courts. And this is the actual design that's in progress that they're working on to develop that. And I know it's a little hard to read, but it does show that they are thinking of grading and incorporating these ballfields. These are the softball here. I believe this and this are the baseball, the football, and then the tennis courts. And then parking is located up there. So that is in the works. It's only like a block away from the school, and will service this community.

One of the things we did early on is had a – what we call, a charrette, like a brainstorming session. And we had people from Maui community, people from the school, people from Kehalani Development there. And we asked the question, "What should be the major themes that get captured and reflected in this school?" These are the three major ideas that came out of that is that one, there was a real desire that it be a gathering place. That we have multiple types for small gathering as well as large gathering even where the whole community potentially, could gather at the school since it is at the center of this Kehalani Development. Secondly, that it be the center of the community, a place where people would not only gather, but feel like they had some ownership that they could come for after-school activities. Other outside groups could come and use it. And third, let it be child-friendly. There'll be a welcoming place since it is for kindergarten keikis to 5<sup>th</sup> grade.

Some supporting ideas that weren't like the top, but also wanted to capture was this thing that it reflects the historical character of Wailuku. So this value definitely came out. The Dickey style of



architecture, the large canopy trees that are so beautiful that you have on your streets. That it be pedestrian-friendly, safe, multi ethnic, which reflects your community. That it be green in terms of sustainable, and we'll talk briefly about some of these ideas.

I think a lot of you have been to the site and know that it has a fabulous view. This is – you can see all the way up to Haleakala, but on this day, there was a cruise ship in the harbor, but a fantastic view from the plateau of the site. And what we tried to do was try to balance the cut and fill to make it respectful of the land use, and not try to gouge the land. So we were working towards the balance. I don't think we quite got the balance, but trying to create these terraces on the site, which has a pretty significant slope of about 10 to 12%.

This is a really early site analysis that was done, but the whole concept was that at the plateau area where you have that fantastic view, there'd be a gathering place, and large enough that the whole community could gather. And this would also serve as the large play field for the campus. And then these purple indicate buildings. And that the three major buildings—the administration building, the library, and the cafeteria would all be sort of more iconic, like your historic architecture. And then interwoven – the red blobs indicate classrooms that would appear more like houses or plantation style houses that are kind of like Wailuku so they're interwoven in between the historic architecture. And then this purple line here indicates a pedestrian – what we call a street that would connect up all these elements together so the kids would transverse between all these elements and going to classrooms that are sort of interwoven in between. And then supporting this would be a parking system here that would allow vehicular drop-off of kids, a large parking lot that would service the community and the cafeteria, and also provide bus pickup, and then a connecting driveway and parking system in the back that would provide parking for faculty and staff.

As you saw, there's a neighboring community center. So we had discussions about finding synergies between supporting events on either side. And we can talk a little bit more about that, if you'd like.

And then this is the concept design that came out of that early sort of . . . (inaudible) . . . idea that drove the project. And it pretty much has stayed true to form with the administration building, the library, and the cafeteria serving as the anchors, classrooms that are interwoven in between, and then this pedestrian tree-lined street that comes down and connects all these elements together with the large play field, gathering place, and then parking supporting all around.

This is sort of the final construction documents that were developed. So again, it pretty much stayed true to form the whole way through.

And what I wanted to do just briefly is walk through some of these areas because even in some of the detail, there's thoughts of trying to make it reflect Wailuku. For instance, the administration building is sort of designed to sort of mimic the courthouse in its appearance. It's very symmetrical. It's a very formal type of architecture that has a cupola on the top that brings in light. It's generally a symmetrical design. But the entry of the school is actually this – gonna be this trellis landscaped area that's right over here that has benches. And one of the reasons that was done was when we talked to the people at the existing Wailuku School, they said, "You know, in this community, it's pretty much grandma and grandpa that comes to pick up the children." And they come about 12 noon. And there's nowhere to sit. So they're waiting for their five-year-old to get out of class and

take them home. So we thought, well, it would probably be great to have a trellised area where they could sit outside, they could wait for their grandchild, and the kindergarten gate is right there. So they could pick up their keiki and then come out to the car and go. So we're trying to reflect that value, the demographics of Wailuku that this does exist.

The cafeteria, again, it's gonna be more iconic in its architecture. It's adjacent to the play field, and then provides a lot of opportunity for shared use with other functions.

The classrooms, again, we were trying to incorporate this more residential style architecture. And while these buildings are connected, we've broken up the architecture where there's two different colors of roof that are interchanged so it sort of breaks down from a big building into kind of residential type buildings where there's large lanais that interconnect these classrooms together. And so it appears something more like this rather than a big institutional building.

The first one you saw was for kindergarten and 1<sup>st</sup> grade. This is the 2<sup>nd</sup> grade classes, 3<sup>rd</sup> grade classes, and then those sort of help sort of frame the large play field, which we're expecting to be used for a variety of functions. And there's two plateaus. So this upper plateau, that forms a plaza, and then that large lower plateau. And then there's a tree-lined street that does connect them through. The library's here. It was sort of more inspired by your Wailuku Library. And that kind of summarizes what the concept design is.

The project will be the first elementary school that the DOE is Leed certifying. At minimum, we're gonna hit the silver, but we're actually submitting for Leed gold. So it's like doing your taxes. We're not sure we're gonna get it, but right now, we have enough points to at least propose gold, and we'll see what happens.

We've dedicated 5% of the parking capacity for low emitting or fuel efficient vehicles. All the roofs on this project reflect heat so that they don't contain, which reduces the heat signature of the campus. All of our light fixtures are cut off so that there will be no light fixture shining up into the sky, and – you know, the concern about the birds. So that's been addressed. A lot of the light fixtures, like we have a lot of light fixtures that are all LED, so they're very energy efficient light fixtures on very sort of low poles and short poles to provide lighting to the campus on the exterior.

The site has been master-planned to accommodate some future expansion that also fits within the sustainability as well as within the project design ideas. And we've incorporated these principles here in red into the overall site master plan.

There are a number of facilities, the cafeteria, a few classrooms, the play field, parking and play court that will be allowed for bond school use, after hour use. It sort of represents this area here, as well as thinking about sharing it with the future community center, particularly, the parking. We are sharing a driveway. So there is gonna be a lot of shared uses planned into the planning of the project.

We're using a variety of – it's a mixture of native, as well as tropical plants. But one of the things that has been designed is to reduce the water usage. And right now, we're estimating about – over 58% savings in potable water by – a lot by primary use of naupaka, which once it's planted doesn't really need irrigation, as well as some control systems that help reduce the water use.

We're reducing water use in the buildings by 36% by using a variety of low water use fixtures. And we are – right now, we're modeling about 39% savings on energy use by the use of a very energy efficient air-conditioning system, and using daylight by bringing daylight into the classrooms. We have light pipes as well as sky lights, the cupola that bring in daylight into the interior spaces that reduce energy use in these buildings and provide more of a – sort of day-lighting in classrooms like this.

We have hot water renewable, hot water systems here, as well as we are now planning to incorporate several wind turbines on the buildings. And that's in process.

This building is gonna be enhance-commissioned. We have a third party enhanced commissioning agent. And we are incorporating a lot of recycled content, regional materials, as well as at least 50% certified wood.

Finally, the project will have a tremendous amount of – well, all the materials from sealants to paints, the carpets, will be low emitting in terms of toxic fumes. So this should be a very healthy environment for the kids.

And that's sort of it. We're open to questions, comments.

Mr. Starr: Thank you very much. Members, questions? I do believe that we have a representative from Water Supply here as well. First, for the applicant or for Mr. Dias, who would like to lead it off? Commissioner Hiranaga?

Mr. Hiranaga: I'll ask my water question now so we don't have to keep the–

Mr. Starr: Okay. Yeah, I saw someone come in. I think that's Water Department. Please come up and introduce yourself. And thank you for coming down under such short notice. Stay on the podium, and use the mike, and introduce yourself.

Mr. Jase Miyabuchi: Hi, my name is Jase Miyabuchi. I work for the Department of Water Supply, permit reviews.

Mr. Starr: What do you do? What is your job description?

Mr. Miyabuchi: Building permit reviews in the Engineering Section.

Mr. Starr: Commissioner Hiranaga?

Mr. Hiranaga: Yeah, I'm just kinda curious why this statement that water is not currently available, but they're hoping to have it available by the time a building permit is applied for. So is the Department of Water currently not issuing water meters for the Central Maui?

Mr. Miyabuchi: According to this letter I have dated October 5<sup>th</sup> from the Office of the Mayor, it says, "The Department of Water Supply anticipates that there will be sufficient water." Yes, so–

Mr. Hiranaga: Right now, there isn't?

Mr. Miyabuchi: There is.

Mr. Hiranaga: Oh, there is? So they're just saying that the capacity will be there? They anticipate the capacity to be there to issue a meter for this project?

Mr. Miyabuchi: Yes. At this point in Central Maui, there are no meter moratoriums.

Mr. Hiranaga: Alright. I was kind of confused, I guess, by that statement. So the Mayor's not guaranteeing that source will be – the capacity will be available, but they anticipate it will.

Mr. Miyabuchi: That's correct.

Mr. Hiranaga: The Kehalani Project, do they have their own water source with credits? Or is the DOE not part of that agreement? Because I know that they own the Wailuku Tunnel, right?

Mr. Miyabuchi: Yeah, I wasn't part of those discussions. My supervisor was, though. He's not available right now.

Mr. Hiranaga: Okay. Thank you.

Mr. Starr: Members, any other questions? Commissioner Freitas?

Mr. Jack Freitas: Not about water.

Mr. Starr: Commission Wakida?

Ms. Penny Wakida: Oh, I'm sorry, not for this gentleman.

Mr. Starr: Is it okay if we let them go back and do some work? This is work, too, but– Commissioner Mardfin, go ahead.

Mr. Ward Mardfin: I don't recall exactly, but if they were using – are they using potable water for everything? Or are they using non potable water for some things?

Mr. Miyabuchi: My understanding it's all potable water for irrigation, domestic, fire, the private fire protection systems.

Mr. Mardfin: They're all potable?

Mr. Miyabuchi: Yes.

Mr. Mardfin: Thank you.

Mr. Starr: Okay. Thank you very much for coming down. I appreciate your presence. Commissioner Wakida, you have another? Begin with regular questioning on this.

Ms. Wakida: Thank you. And this question would be for the developer or–

Unidentified Speaker: . . . (inaudible) . . .

Ms. Wakida: No. No. I mean one of–

Mr. Starr: It's a whole team. So why don't you ask the question and they can figure out who can give you the answer?

Ms. Wakida: Okay. I'm a little bit more on the parking issue and the drop-off issue. According to – first of all, did you – what do you figure is the staff faculty parking need? In other words, how many of those 133 parking stalls are for staff and faculty?

Unidentified Speaker: Staff is about 69.

Mr. Kaneshiro: Yeah, we have 69 staff.

Mr. Starr: Please introduce yourself. The meetings are recorded, so they'll create a record. Whenever anything is said, we need to know who's saying it and have it clearly said into the mike.

Mr. Kaneshiro: Alright. Charles Kaneshiro from Group 70.

Ms. Wakida: Thank you. So 69–

Mr. Starr: Why don't you give the answer and then–?

Mr. Kaneshiro: So I think approximately, there is 69 staff that are planned for this school. And so those would be the – of the 133 parking, we would probably use around 69.

Ms. Wakida: That includes not faculty and staff, right?

Mr. Kaneshiro: Faculty and staff.

Ms. Wakida: I'm looking at this Exhibit 7, and I would like some clarification, being a grandmother, a pickup grandmother of a kindergartner. In our presentation when we were onsite, this plan was so – was really devised, I thought, so that people didn't park. They'd just drop their child off and kept going.

Mr. Kaneshiro: Well, there's two options. One is you – there's this – this is the entry driveway that also serves as queuing for cars coming to drop off. And then they turn in up here. Either one, as they come back down, they could drop off, the door could open, and it's on the passenger side. And the child could get out and enters the campus this way. Or if they wanted to park, there a couple different parking areas. There's this area here, as well as these parking stalls along here which you could actually park and get out. One of the thoughts was that this – some of these parking stalls could – would be useful to kindergarten because this is the kindergarten area. So if people wanted to walk in with their children, then they would be allowed to park here and enter. There's an entrance to the kindergarten complex right there.

Ms. Wakida: I think this is a very important need that there needs to be sufficient, temporary

parking, because having seen this in action, I mean, all of the kindergarten parents, or at least 90% of them want to walk their child. At least the first month of school, walk their child to their class. And if you don't have enough just temporary places for them to leave their car, that can be a real mess.

My other question on parking was, you say you're gonna be sharing with the community center for parking, the upcoming community center?

Mr. Kaneshiro: If there are major events that occur. We're not relying on their parking to be our parking count, but in the event there's some major event that requires additional parking on either side—on the community center side or on the school side, they're both gonna have their own parking lot. So the thought was that there could be some sharing of facilities in that way.

Ms. Wakida: Right, because elementary activities like May Day, and those other things are very highly attended, and they need a lot of parking, and they need it as soon as there's school. They can't wait around for the community center.

Mr. Kaneshiro: Yeah, I can totally relate. I'm a father of a six-year-old, first day of school, you know, so I would imagine that because we have — our parking lots are connected, like first day of school, they may just allow — coordinate to allow additional parking. We have planned— I think the requirement is 111 parking, so we're providing approximately, 22 additional stalls just within our site. And so you're exactly correct. In the future, when the community center comes into play, maybe on the first day of school, there's some negotiation to allow parents to also park there so that there's not — there's sufficient parking for events.

Ms. Wakida: Okay, but what I'm getting at is that until that community center is built out, there's gonna be a need for community activity parking for these events that take place at school.

Mr. Kaneshiro: Yes.

Ms. Wakida: And they don't allow any parking on this parkway so—

Mr. Kaneshiro: Well, one potential in this area is currently just a grass area, you know, the community center site. You can see that our driveways do come to it, so I guess there could be a potential where if we're overwhelmed, there may be some negotiation with the community center to allow some potential grass parking, I would imagine.

Ms. Wakida: Good. Hopefully.

Mr. Freitas: You said there's room for further expansion. In the past, all the expansions has been trailers or mobile portable buildings moved in. How will you maintain the architectural style if you bring in trailers? Have there been any — what do you call? Consideration given to how the expansion is gonna be set in?

Mr. Kaneshiro: That's a very good question. And what we have done is dedicated an area where — and it would be portable, so you're correct. So we've dedicated an area between the play court and this Building H where at least three portables can be accommodated. That would probably be

the first area of expansion that the school would have to consider. So while it is on campus, it's in an area that is not necessarily the front and center. It's not in the play field which is sort of the real – basically, the piko of the site. We thought long and hard about that wanting to put it in a place that could easily be brought in, and also serve the need while not detracting from the architectural idea.

Mr. Freitas: Yeah, I'm glad that at least you dedicated an area because these schools, their play areas have been taken away by these portables because there was no room for expansion.

Mr. Kaneshiro: Yeah, exactly.

Mr. Warren Shibuya: Taking off from Commissioner Freitas' question relating with the portable classrooms, I'm more concerned now in terms of having enough capacity for the electrical vaults. And where are they located to serve these portable classrooms?

Mr. Kaneshiro: Well, you wanna know the exact location of the vaults?

Mr. Shibuya: What I don't want is a band-aid type of situation where you add one more classroom, then you have another transformer added on, and then I'm gonna add another one, and I have to add one. We're not looking ahead.

Mr. Kaneshiro: No, no, no, that's a very good point. When we planned the school, we planned for the capacity to handle the future portables, if they're added. And so they'll probably be a line that has to be added in, but we have the major transformers here, so the main trunk line does come down right through sort of this part of the campus. So to tap off of that for the portables will be a really minor change to the overall plan.

Mr. Shibuya: And the trunk line is actually buried?

Mr. Kaneshiro: These are buried, yeah, but we have handholds located so that we can make these connections.

Mr. Shibuya: Okay. I like your presentation in terms of the – using natural ventilation and using the regular, natural light. And I like those good initiatives. I also was concerned in terms of using a dual use air-conditioning, central air-conditioning and ventilation. How does this work?

Mr. Kaneshiro: That's a very good question. The temperature in this area is at times during the day and certain times a year, very comfortable. So what the system has been designed to do is that it has an overall sensor that senses temperature and humidity. And when the temperature and humidity are above a certain threshold, the A.C. is always on. But when that temperature and humidity are within a real comfort zone, then the air-conditioning system basically, will shut off. It's not an optional thing where each person can tweak at. What we've done is we have, in fact, in the design of the A.C., an indicator light, I'll show it to you, that is in every classroom. And it basically will say – you know, when the light is red, that means the A.C. system is on. And when the light turns green, the A.C. is turned off. So what we're hoping to do is the kids will start training their teachers, which will happen, we've seen this happen in other schools, and say, "Mrs. Smith, the green light is on, so open the windows." And all the classrooms have been designed for cross

ventilation so the kids and teachers can open the windows, and they should be able to enjoy the wonderful fresh air. And there's a nice breeze, particularly, that comes in that area that you're blessed with. So in that way, that's one of the reasons why this project will be saving a lot on energy and sort of reducing its carbon footprint because of that mixture of – it's called, mixed mode, yeah, A.C. system. A very good question.

Ms. Lori Sablas: Mr. Kaneshiro, I really wanna commend you and the group for the wonderful effort in having a sense of place in the school. I think it's really cool that you did all of that, and I'm sure it's gonna be appreciated by the community. I especially enjoyed the cultural background section of your environmental assessment because ili`ahi was known to grown there. So is that gonna be incorporated into like the trees, the sandalwood? Is that part of the plan? Or is that too premature at this point?

Mr. Kaneshiro: Well, we have a very detailed – and thank you for your comment. It's been a tremendous team effort, actually, with everybody involved, everybody's input.

Ms. Sablas: Wonderful.

Mr. Kaneshiro: We talked about sandalwood briefly, but there actually is a lot of significant history involving landscape in that area. There were taro. There were lo`i fields, obviously, sugarcane. And so we tried to incorporate a variety of things. So we have in front of the library, taro, and then some of the motifs for the gates of the library are based on a taro theme. We were looking at possibly, sugarcane. I'm not sure we got into the final design, but we're trying to reflect a whole variety of things. I don't believe we ended up putting in sandalwood, but there were a lot of other things. Because the one other thing we tried to reflect is landscape that we see in Wailuku, like jacaranda, the monkeypods. So we're really trying to have a broad reach in reflecting different periods of landscape in the project.

Ms. Sablas: Thank you. I also noticed in reading that there was reference to the Waihe`e Stream, but could you point out where the stream is in relationship to the project?

Mr. Kaneshiro: That's a good question. Okay. So it's along the mauka part of the property. So you see this line here? This represents the existing ditch and what was maybe before the stream that went through there. And obviously, when sugarcane came in, they created a way to – they put it in a culvert.

Ms. Sablas: But my understanding is it still has free-flowing water in that stream.

Mr. Kaneshiro: They do, yes.

Ms. Sablas: So for safety measures, what is being done to protect the children from a stream close to the school?

Mr. Kaneshiro: Well, the stream itself is being relocated outside of the property. And when–

Mr. Starr: Could we ask the civil engineer to come? Introduce yourself, please.



Mr. Garret Tokuoka: Good morning, Members. My name is Garret Tokuoka, civil engineer for the project. In regards to the Waihe`e Ditch, basically, we're gonna be relocating it out of the site as Charles mentioned. There are plans to put an underground 60-inch drainline right above that. And that'll serve as kind of like the diversion away from the school. So basically, that'll remedy that issue.

Ms. Sablas: Thank you.

Mr. Starr: While you're up here, why don't you talk about runoff and what will happen? I'm curious whether as part of the LEED thinking that you're finding ways to reuse some of the – some rainfall.

Mr. Tokuoka: Okay, sure. So basically, what we're – for the design concept, what we tried to do was drain everything into the provided stub-outs. You can see it– Those are fire hydrants. Actually, we have three stub-outs. One is by this entrance right here. Another one is in this area. And the third one is by the north entrance. Two of the three entrances have – or tie-ins have storm filter vaults, which we're incorporating to get rid of . . . (inaudible) . . . suspended solids, and things like that to help with the filtering of the storm water. Basically, everything from this site drains into the Waikapu retention basin which is – you guys may know it's by Spencer Homes, that big one down that side. So that kind of serves as our retention. And that system is already existing. It has been designed and constructed by the master developers of the project. So in a nutshell, that's the design. It's pretty straightforward.

Mr. Starr: So there's no retention onsite, then?

Mr. Tokuoka: Yes, that's correct, no retention onsite.

Mr. Starr: And no storage or reuse of rainwater?

Mr. Tokuoka: No, not for this project.

Mr. Shibuya: We'll stay with this item, then. What size of drainage pipe are you anticipating to take off all of this roof runoff as well as some of the impermeable drain-offs?

Mr. Tokuoka: Basically, our branch lines to the building down-spouts are eight inches, but entering the Kehalani Parkway System, it's a 24-inch, or actually, I take that back, 30-inch. And then it kinda distributes and starts to shrink to 24 or 18 inches.

Mr. Shibuya: Thank you. I don't know whether a C.E. is involved in this, but there are some hazardous gas concerns that I have. And this deals with formaldehyde. And in the 1980s, urea formaldehyde, foam formaldehyde, was an issue. And it had a lot of emissions, the gas emissions. Today we have what is called fennel formaldehyde. There's less emissions, but it's used in particle boards and all of these natural materials, so to speak, laminates and things of this nature. And unless we have this ventilation within the building, then we have a concentration of these small amounts of– Today, the EPA considers it a carcinogen. Before it was a probable carcinogen, but now it is a carcinogen. What kind of steps are we taking to have some of these cabinets, desks, carpets? How are we mitigating some of these effects?

Mr. Starr: I think we're out of the civil area into architectural.

Mr. Tokuoka: I mean, as far as if runoff of the roof is coming, all that – if it does affect – you know, there's particles from the roof and stuff like that, all that runoff is still going through the majority of our storm filter apparatuses. So that'll help clean, get rid of these toxic emissions and stuff like that.

Mr. Starr: I think he's talking VOCs in the – inside the envelope.

Mr. Tokuoka: I'll turn it over to Charles. Thank you.

Mr. Starr: Thank you.

Mr. Kaneshiro: Do I need to introduce myself again?

Mr. Starr: Yeah, just so when she transcribes the tape, she knows–

Mr. Kaneshiro: Okay. Charles Kaneshiro with Group 70 again. All of the cabinets on the project are specified that they – well, cabinets, laminates, plastic laminate, anything that is on the interior of the building has to have no formaldehyde in its composition. That's a requirement of the project. So again, we're expecting the interior environment of the project to be extremely healthy and without those toxic chemicals you're referring to.

Mr. Shibuya: Okay. Thank you very much.

Mr. Mardfin: Let me ask an economic's question first. Just kinda curious. In going for the LEED certification, you've talked about all the kinds of things you're gonna put in that will save energy, and save water down the road. Is there up-front cost to this? Is the cost of construction higher than it would be if you didn't go for this? And by roughly, what percent?

Mr. Kaneshiro: That's a very good question. And it's a question that's often asked, "What does green cost us?" All of the national studies that have been done have shown about an average of 2% additional cost is incurred by going sustainable. Actually, one of the – and that was – one of the more current studies that has come out recently called, the Langdon Davis Study, actually showed 0% increase of cost for going green. They took dozens and dozens of buildings from various different projects of various different values, and going for various different levels of LEED certification. I think what you're seeing now is that green is going mainstream. A good example is like this low toxic paints. Before we would pay a premium for them. And now we ask for low VOC paint, and they usually propose to give us zero VOC paint at no additional cost. So the manufacturing industries, building industries, in America have really dived in head first, and are producing now products, market products, that comply with the LEED requirements at no additional cost. So there are things that we are putting in that do cost some additional money, but again, I don't – I would say that it's probably at that 2% additional given the scope of this project.

Mr. Mardfin: And so it's 2% additional up-front, and then you make a savings in energy and everything down below. So it's an investment.

Mr. Kaneshiro: It's an investment.

Mr. Mardfin: It's a capital investment, in a sense, where you get an annual return.

Mr. Kaneshiro: Very much so. It's like buying a Prius. You pay a little bit more for it, but you know that it'll conserve on your gas use.

Mr. Starr: I have a question which is related to this. The presentations I've seen such as at Urban Land and APA, when they talk about highly – the higher realms of LEED, especially, when you're getting into the gold kind of numbers, initially, it was very expensive because people were trying to take a project that wasn't thought out that way, initially, and tried to just add features that were efficient or green. And I understand that the reason why it's become not very more expensive or even not any more expensive is because it's created a different type of design philosophy, which is a – basically, from the very earliest steps, it has to be a consortium of the different types of design crafts. And the whole thing has to be thought out: how does air flow integrate with the air-conditioning, with the daylighting, will all of that. And it looks like you're doing it. This is frankly, the first project I've seen on Maui where it looks like this kind of early thought process has been put into play. And I like it. I'm very happy. But I would love it if you could talk about it a little bit about that design philosophy, and how you worked it. And also, I'd like to know how you're going to use this since it is an elementary school, as an educational mechanism so that we can all – and the youth as well, learn about this type of thinking.

Mr. Kaneshiro: Okay, that's a tall order. Well, I think you're exactly right. I mean, in the old days, architects used to just – here's the idea, and they give it to the engineers, and they expect them, okay, provide me an A.C. system, provide me the power, do the structure. You can do green buildings that way, but you're exactly right, I think it tends to cost a lot more money because you're just adding stuff to it to make it work. The better way to go is what we call, integrated design, where you bring the entire design team in early, and you ask them for their opinions on various systems, does it make sense, you do tradeoffs, you find what makes the best sense for the project. So for instance, this project, even before we were in schematic design, we had a concept design charrette about the energy efficiency, about all the sustainable things. We looked at things, a whole variety of different options, and made decisions that were best for the project and were cost-efficient. And I think you'll see more of that. I think more of the design industry is getting behind that type of philosophy in their approach to projects. At least I think the better projects you'll see that integrated design approach.

As it relates to education, there are number of opportunities here. One is like the A.C. system. We fully expect it's gonna be the kids telling the teacher she's gotta open the windows for the project because the A.C. system's off. I used to teach high school before I became an architect, and from a teacher's mentality, I would just keep the A.C. system on all day, if I had to, or even all night. In some cases, there's that going on. So we're really controlling that and trying to involve the kids in helping to make those energy-efficiency ideas. Another area that we're looking at right now is these wind turbines. We're talking about incorporating a dashboard in a classroom in that building that's gonna have the wind turbines that has a web cam that shows the turbines in operation, shows the wind velocity, and what kind of energy use is being produced. So there's gonna be a lot of opportunities in this school to be a tremendous sustainable education example for the whole State. So we're – And part of this, we can't answer some of the curriculum things because the Principal hasn't been selected yet, but we're trying to provide enough opportunities here that they can grab hold some of these things and incorporate them into the curriculum.

Mr. Starr: Okay, well, thank you for putting all that thought into it.

Mr. Shibuya: Yeah, I wanna compliment you for separating the ballfields from the actual location of the academic areas or classroom areas. I went to Kaunoa School where just about 60 feet or so was the ballfield. And it was pretty tough as an 8<sup>th</sup> grader trying to study and listen to the teacher when 4<sup>th</sup> graders were playing outside in the playground area.

I do have another situation here. We asked the question and you answered it here. That would be in terms of exterior fencing, gates, providing perimeter security. And then you say they have interior communications for evacuations and lockdown situations. Now that we have the ballfield that's gonna be used jointly with the community, you now have a group separated. How would you get them to know that there is a lockdown, don't come back to school, or come back to school immediately, or time for lunch, and that sort of thing?

Mr. Kaneshiro: That's a good question. First, about the ballfield, the credit should go to Stanford Carr. They're the master community planners here. Regarding – there is a P.A. system that connects all of the occupied spaces to the brain, which is at the administration building. But the primary physical education will happen all on campus. It's up to 5<sup>th</sup> grade so they don't play baseball or softball. They might play kick ball. There's a covered play court for basketball and court-type events. So we don't expect kids to be using the ballfields unless it's after school for like sports teams which is not under the purview of the DOE.

Mr. Shibuya: Okay. So in terms of exterior communications, normally, the communications or warning come through some speaker within the classroom. And that may or may not be heard by those outside of that area. And you do have a lot of nice walking areas, sitting areas, and I was just wondering if the verbal communications would be heard at that point.

Mr. Kaneshiro: That's a good question.

Mr. Shibuya: Okay, let me just leave it to you and–

Mr. Kaneshiro: I'm gonna ask Bob Purdy, who's with the DOE to respond to that.

Mr. Starr: Yeah, come, and introduce yourself.

Mr. Bob Purdy: Commissioners, my name is Bob Purdy. I'm the project coordinator for this from the DOE. We have a program, bell system, at the school that provides alarm bells and other kinds of exterior enunciations necessary to coordinate help, or lockdown, or evacuation kinds of actions by the administration. When we go off campus, we are in communication by walkie-talkie. That is the standard practice of our schools. That's a school-provided element. It's not a part of the capital improvement, per se, but it is an integral part of their operation. So our administration and our staff are always in communication with one another. So there's not a question of a come back, stay behind, hunker down. I mean, all those things are regularly coordinated and communicated. So it is incorporated into our project.

Mr. Shibuya: Thank you.

Ms. Wakida: My question is for Mr. Yoshida. I would like some clarification. The Department of Transportation letter in our packet dated July 13<sup>th</sup> stating that Kehalani has defaulted in providing for their share of improvements. And it goes on to say that the DOE shall be responsible and should schedule for the improvements. And then we got another letter today that appears to say that these improvements are now going to be completed by Kehalani. Is that correct?

Mr. Yoshida: I guess I would refer it to the staff planner.

Mr. Dias: Thank you, Commissioner, yeah, that is correct. The letter that came in July I believe had stated that the DOT wanted I believe DOE to do improvements to the Kuhikahi/Honoapiilani Highway intersection or they wouldn't sign the certificate of occupancy for the school. From what I understand, Stanford Carr Development, and the DOT, and perhaps, maybe even the Department of Education met maybe a few weeks ago. And the Department of Transportation has since then revised their comments and requirements to state that for the school, they just want Stanford Carr to do road improvements on the highway in between Kuhikahi Drive and Kehalani Parkway rather than redo the Kuhikahi/Honoapiilani intersection.

Ms. Wakida: So is that intersection – are those improvements sort of out the window? Or are they–?

Mr. Dias: Looking at the letter, no, it's not. If you give me a second here–

Ms. Wakida: Well, what I'm asking is, are the original improvements that Stanford Carr – the original improvements, are they going back now and doing those original improvements?

Mr. Dias: I think the DOT is still going to require them to do it, but rather than having them do it before the opening of the school, the DOT is gonna have Stanford Carr do it before the occupancy of the proposed Kehalani Commercial Development. And according to this letter, the design phase of that commercial development is currently in progress. So they're basically pushing the intersection improvements forward a little in order to allow the school to be able to open.

Mr. Starr: Do we have a representative of Stanford Carr here that can give us a definitive answer on this?

Mr. Yoshida: Yes, I think they have Jay Nakamura.

Mr. Starr: Please introduce yourself.

Mr. Jay Nakamura: Jay Nakamura with Stanford Carr Development. We're the master developers for Kehalani.

Mr. Starr: I think you've heard the discussion. There are some improvements, and I think what Commissioner Wakida is getting at, we wanna be sure that there's a mechanism that they'll be done.

Ms. Wakida: Correct. Yes. You originally supposed to have these done with the current – the Kehalani Mauka, but then it says here that Stanford Carr defaulted on that. However, they are now

going to have all the original improvements completed along with this commercial development. Is that correct?

Mr. Nakamura: Just to correct the default, there was never an agreement signed with DOT to install any of these improvements. What had been completed was a traffic impact analysis report, which outlined what improvements were needed to be done with the Kehalani Development. So we had attempted to enter into some agreement with DOT, but that was never finalized with the timing of all the improvements were not – were unknown at that time. So when this requirement came down, we met with them and tried to bring more clarity to when things would occur. So we have a working plan at this point, which we're gonna execute, which contemplates repaving a portion of the highway prior to the school, and then completing some intersectional improvements at a latter date preferably in concurrence with the development of a commercial center that we have planned there.

Ms. Wakida: Thank you. Thank you for that clarification.

Mr. Mardfin: This is not for the speaker now. It's either gonna be for the consultant or perhaps, Mr. Purdy. In looking at the environmental assessment on page 2-2, it refers to the overview of needs. And it talks about the residential development about Baldwin. And they're expecting something in the order of – total count of plan, but not yet built units is almost 4,000, 3,918 single family units, and 3,071 multi family units. For the Maui High Complex, they're up to 3,200 single family and 1,447 multi family. And the conclusion from that is that based on the projected total number of units in both complexes at build-out, the project would generate approximately, 3,200 elementary students. This would translate into a need for four to eight additional elementary schools in Central Maui. This is one elementary school. It might be DOE that would need to answer this, but what's happening with the other three to seven?

Mr. Overton: Hi, Jeff Overton, planner with Group 70. Bob is actually project manager for this specific project. We don't have a facilities planning representative here at this project to speak to regional plans of the DOE. Typically what happens is if there's another major development planned in the area, each of these developments has to plan for increments. In this case, a 12-acre – it was a 10-acre, now a 14-acre school site planned within it for dedication. So each of the new planned components in the community are going to have to have supporting elements and negotiate out really, how they provide the land and support these facilities as those projects come on line. So we're really just satisfying what was planned out 18 years ago for this one development.

Mr. Mardfin: So for this development, the projection is it'll produce how many students, elementary students?

Mr. Overton: We're programmed at 550 for this school with that additional overflow piece that was talked about.

Mr. Mardfin: So the 550 is considered sufficient for this entire project? At full build-out, 550 should be sufficient?

Mr. Overton: That's what the programming worked out. Since I'm not the DOE facilities expert, I can't really speak to how they're – adequacy, but the planning for this – programming for this facility is based on that. So I give you a qualified yes answer.

Mr. Starr: As a suggestion, if there's a desire to look at this, and perhaps, look at it for all of Maui, we could ask at a future meeting to have DOE come and tell us what their future plans are.

Mr. Overton: And, Clayton, we're typically working with Heidi Meeker or those folks in terms of facility planning for DOE?

Mr. Yoshida: Yes.

Mr. Starr: Would we like to see that sometime?

Mr. Mardfin: At this time, that sounds like a good thing to do.

Mr. Starr: Okay, maybe we can look at doing that at some future meeting.

Mr. Mardfin: Can I continue with kind of a chain of thought here?

Mr. Starr: Yeah.

Mr. Mardfin: So as I understand it, what the project – what the developers are doing is just providing the land. And then DOE is providing the funds to build the school?

Mr. Overton: Correct. And it goes through an appropriation's exercise for prioritization of some of these projects. So it's typically, the land that's the developer's side of the share.

Mr. Mardfin: My recollection, and it might be faulty, is that when there was various developments in Kihei and every place else, they paid money for educational impact fees.

Mr. Overton: Well, it factors into this. In this case, typically, it's tied into the land component. As I understand it, there's not an additional impact fee tied on top of it. That it's negotiated into the land delivery. Jay works with this in terms of Stanford's projects and many of the projects that Group 70's worked on across the State. This has typically, been the provision. Where you have a situation where you don't have the land, then you're gonna have to pay a per student, per capita, impact fee that's tied to the types of dwellings that you're constructing—demand creation.

Mr. Mardfin: So in – explain to me if my reasoning is incorrect. Basically, developers propose this project in which they're gonna make a few dollars, I would expect, overall. And they're providing the land. And they're expecting the taxpayers of this State to kick in 60 million dollars to pay for a school. Is that—? So they get a 60 million-dollar subsidy from the State taxpayers?

Mr. Overton: I really can't agree with that logic.

Mr. Mardfin: Okay.

Mr. Overton: First of all, developers is in a speculative position based on the market assessment at the planning stage of a project. So there are many developers who haven't actually made money on their projects. It's been the opposite. In this case, this project's been delayed for a while, and I don't really know the economic aspects of it. Price per acre at 14 acres is a sizable sum. And if

that was devoted towards a market product, for example, there would be a return on that. In this case, it's not. So again, it is an economic balancing question. And part of what the State's responsibility in terms of delivering educational facilities, that's all programmed into the budgets that you and I pay on our taxes. So we're sharing in this. The developer is sharing in it. And we meet in the middle, and hopefully, come up with a great school like this one.

Mr. Mardfin: I'm not quibbling about the school. The school looks great and the design looks fine. I like your LEED certification. There are a lot of positive things. I'm just thinking sort of in the big picture about a fairly significant subsidy to the developer. Thank you.

Mr. Hiranaga: Not to go off the agenda, but ever since I attended public school, it's always been my understanding that it is the State of Hawaii's responsibility to provide education for its residents and their children, and not private entities. So I don't know where this discussion was going.

Mr. Starr: I have a question. I think it's to DOE, project management. This is really a very well thought out design. And it looks like it's heading toward building a really effective and efficient school. The idea that – you know, part of the plan will be to bring in portables as part of its build-out is a little bit disturbing because it seems that they will likely not be as efficient or as good in many, many different ways. Is there – is this the standard mechanism in school design? And is there any other way of creating a better path towards expansion? I don't want to put you on the spot, but it just seems like everything else is being done so nicely.

Mr. Purdy: Bob Purdy, Department of Education, Facilities Development Branch, Project Management Section. Well, portables are a bailout for us. We intend to have student population around 550. How we adjust that is a function of the geographical boundaries which are incorporated in that particular school. So we try to balance these populations amongst our schools to keep at their – not to exceed their maximum design. Where we have periodic and occasional overflows is where we would utilize our portables. Our portable buildings are meant to be portable. We need them. We have a given year whose population is in excess of our 550, for a limited period of time, that portable's put to use. When the need for that portable is complete, hopefully, we'll take it away. And so it gives us a little bit of a belt stretching room on our campus. And again, the alternative that we utilize is the geographical boundary. We actually carve up Maui to establish which geographical areas are contributing to that particular school. So between the – And that's a function of the complex area superintendent. Between his determination of populations, it should be at a given school, and the actual enrollment that occurs at that school, at times there's need for a little bit of stretching here or there. And hopefully, portables are not the way we wanna go. We know that portables are not as efficient either in the carbon footprint sense, or in their architectural views, or whatnot. We don't intend to use portables as a substitute for regular classroom facilities, but they give us this belt stretching or breathing space that we need, the flexibility that we need to operate our schools.

Mr. Starr: What's the maximum student load without the portables for this?

Mr. Purdy: Well, the design student load is 550.

Mr. Starr: In other words, at 550, you would not need portables?



Mr. Purdy: Correct. We can handle 550 students without portables whatsoever.

Mr. Starr: Oh, okay. I'm sorry. I thought I heard that you needed the portables to run the 550.

Mr. Purdy: No, the 550 number is the basic design, and then portables are in excess to that. And generally, portables handle between – can handle up to 30 children per portable unit. So that would give us expansion capability, but that isn't our goal.

And to your comment about the efficiency of portables or the imprint of portables on the school landscape, we are actually looking at more efficient and energy-neutral portables within the DOE. There's another program, not my program, and not this particular project in concept, which are developing more efficient portables. So we recognize that we need a better portable building at times, so we're pursuing that as a separate task and not integral with this particular project at this time.

Mr. Starr: Okay.

Mr. Freitas: Yes, I have a question. Do you ever know if a portable's been taken out of a school on Maui? Because I don't know of any that has ever been removed.

Mr. Purdy: I don't know myself, but I do know, for example, on the Big Island, quite a few portables have been removed and taken out of the program. And we have replaced – where the need has been continuous, we have replaced portables with fixed structures. That's a fairly typical thing. We've done that on Molokai as well.

Mr. Freitas: Well, Baldwin High . . . (inaudible) . . .

Mr. Purdy: I mean, that is the progression where the geographical boundaries, for whatever reason, are not reasonable to be adjusted and the population stays high, then we construct more infrastructure on that particular campus to support the populations.

Mr. Freitas: And I understand the cost is way down from there to putting up a fixed building. And the time is – you can do it in two months have it all set up.

Mr. Purdy: Yeah, we have various uses for portables. If we have fires or we lose infrastructure, then that's sort of a fast band-aid approach in those facilities where they're required. But generally speaking, our infrastructure development plans are for fixed buildings because those are the kinds of buildings that we can build. The technology, the infrastructure, the energy-efficiency, the water conservation, all the facets that we want to enhance our schools can be built into those. Portables are sort of the, you know, the cheap-out. And like I said, we are working on a more energy-efficient and a better portable, but at present, they are temporary structures. They're intended to be temporary structures. And hopefully, and I don't know, personally, the experience here on Maui with regard to portables, but hopefully, we're planning to replace portables with fixed structures because that is really our goal.

Mr. Freitas: Yeah, I'm not against it. You know what I mean? I know they serve a purpose.

Mr. Mardfin: Is there any educational research on what the optimum size for an elementary school is?

Mr. Purdy: I'm not part of the curriculum side of the house. I'm more with infrastructure and schools. But we have schools and classrooms that range from 20 to 30.

Mr. Starr: Group 70 done any work on that?

Mr. Mardfin: Let me continue with this gentleman. I will ask them again. I'm sorry. I think you answered the question I was gonna ask. What is the class sizes gonna be in this building?

Mr. Kaneshiro: The total?

Mr. Mardfin: What the average class size will be.

Mr. Kaneshiro: Between 20 and 30. It depends on— Charles Kaneshiro again from Group 70. It depends on the grade level. You know, kindergarten and 1<sup>st</sup> grade have to have a smaller class size.

Mr. Mardfin: So kindergarten and 1<sup>st</sup> grade are gonna be—?

Mr. Kaneshiro: Twenty-four, somewhere around there is the maximum amount of seating. And then it goes a little higher as—

Mr. Mardfin: And the 5<sup>th</sup> grade would be?

Mr. Kaneshiro: It's probably more like 30. That's about the number they're looking at.

Mr. Mardfin: And is that optimum sizes for educational purposes according to educational research? Or that wasn't considered?

Mr. Kaneshiro: Well, I mean, if money wasn't an option, sure, we could be like at some of the private schools that can get down to 17. I've seen as low as 17 or 15 on children per class. But it's — it's not an expertise that I think is in my realm in terms of what is the expert — what is the most optimum size for a class in a public school. That would probably be someone in your planning design branch that would probably be better able to answer that.

Mr. Purdy: I can speak to how our classrooms were sized. And that is the 20 to 30 range is the size which we require on our education specifications. So that is our design practice at present. I don't know from a curriculum standpoint what the optimum ratio might be, but in terms of our standard practice and what we feel is a flexible and useful size, that's the number that we are designing to.

Mr. Mardfin: Thank you.

Mr. Starr: Okay, we're gonna take a ten-minute recess.

(A recess was then taken at 10:40 a.m., and the meeting reconvened at 10:50 a.m.)

Mr. Starr: Okay, Maui Planning Commission meeting of October 12<sup>th</sup> is back in session. We'd like to wrap up our questions, and move on to public testimony, and then action on this. We have a full program this afternoon, so whatever we can't finish up from our regular agenda this morning, we'll have to defer. Anyway, Members? Commissioner Shibuya?

Mr. Shibuya: This deals with property protection and security, and looking at the fire breaks, and/or fire grubbing, or knocking down some of the dry brush here. In that area generally, you have that cane brush that grows very quickly, and it becomes a very hazardous, fire hazard issue. I don't know whether the developer is responsible for this or the DOE is responsible for this, but I would like to have some understanding as to who is gonna cut it down and insure that it is fire safety.

Mr. Nakamura: Jay Nakamura with Stanford Carr's Office. The school site is still currently owned by Stanford Carr. So it's under our purview to keep it maintained. And more recently, there was quite a fire up at our community. And interestingly, just a month prior to that, we had worked with the Fire Department to establish fire breaks throughout the undeveloped areas within Kehalani. And apparently, that's what helped keep the fires away from the homes in the developed areas. So we'll continue to monitor these undeveloped areas. Once the site gets turned over to the DOE, they'll be taking care of the property, but my understanding is they'll immediately go into construction very soon after. So the site will probably be graded and cleared. So I don't think it would be a fire hazard at that point.

Mr. Shibuya: Okay. Now, I'm more concerned in terms of the perimeter. Once you turn this property over, the perimeter now becomes a hazard. And now they're gonna be putting this nice investment in, and I'd hate to have it destroyed. Who maintains this perimeter?

Mr. Nakamura: So that would be the landowners.

Mr. Shibuya: That would be Stanford Carr?

Mr. Nakamura: Well, if the lands are owned by us. Some of them have been sold to other developers that are building in the area, but as a whole, we try to periodically go back and take a look at the vegetation to see if fire breaks are warranted.

Mr. Shibuya: Yes, we do have County ordinances to insure fire breaks and things of this nature, but it's the application that's important. And it's the who does it. So we have to fully understand it before the fire happens so that we can protect the good work that Group 70 has done.

I have a followup question relating with the security of the facilities. And it deals again with the high value classroom or library. If you're gonna put electronic books, you're gonna put electronic work stations, or telecommunication systems, I would like to see some kind of exterior security cameras so that whoever perpetrates some of these problems have their pictures taken in the process.

Mr. Kaneshiro: Charles Kaneshiro, Group 70. There is a security system planned for the project. So we are putting like door contacts, and there's gonna be alarm service to each of the spaces particularly, the library, because you're right, we have computer equipment in there. But in addition to that, what is being installed on this project are in some of the main entry areas on the library, in particular, we have some gates that fold over the entry doors so that you can't pry them open. And

in addition, all of the glass for the project has a film in it that serves two purposes, and it's laminated between two panes of glass. But the film is— On one hand it— Well, three purposes, actually. On one hand it's a deterrent to vandalism because it — you can smash it with a hammer and you're not gonna get through it. It's an anti-vandalism film so it won't — the glass will not give when you start smashing with a hammer. It also provides protection against projectiles in case of a hurricane. And then lastly, it reduces the amount of heat gain coming into the classroom. So again, it reduces this energy you need to use. So we have all these variety of different measures that have been installed in the project to help protect the precious contents in these rooms.

Mr. Shibuya: I see there's two different types of security systems. And one would be the delay the type of mischief. When you're putting gates up, it delays the perpetrator from actually doing — committing the crime. And then you have the camera system which is really something that gives you on-scene activity, and records it, and especially, in the library and/or administration building where the grades are kept or finances are kept.

Mr. Kaneshiro: Okay, thank you.

Mr. Starr: Thank you. Commissioner Mardfin?

Mr. Mardfin: Yeah, I'd like to follow up. There was no response. Is there any hope for design where you'd put external cameras in so that—? I mean, I can see a safety issue where you have it focused on the field, and if somebody goes down, then the office would know about it.

Mr. Kaneshiro: Yeah, I didn't bring my full set of construction documents. I don't call. You remember, Bob?

Mr. Purdy: Bob Purdy, DOE. With regard to closed circuitry television systems, that's not a capital improvement element of the school. That's something the school themselves can choose to install with the project, but it's not an element that we're providing at this time. It doesn't have the duration of life requirement to meet the capital improvement component. So we have our schools — Maui High, for example, has quite a few T.V. cameras and so forth at their facility for security purposes. So that's a function that the school itself, once it's created, they can choose to implement.

Mr. Mardfin: Thank you very much.

Mr. Starr: Okay, can we move along to public testimony? Okay. Any members of the public wishing to give testimony on that, please let us know. Not seeing any, last call. Public testimony portion is closed. Commissioner Mardfin?

Mr. Mardfin: Can I ask one more question? And this is probably to the consultants. In reading the EA, there was a reference to Hoepoe Camp. And I'm not very familiar with the history on this side of the island, particularly, in that area. But in the report it said, there had been no — they had sort of searched for Hoepoe Camp and found no evidence of it. Is that accurate as of today? I mean, have any traces of it shown up since? It's on page 313, I believe. It sounds like nothing new has shown up.

Mr. Overton: As I understand this— Jeff Overton, Group 70, planner. As I understand this, this was

part of the plantation camp that was not really discovered, but some of the historic maps had some evidence that it may be located somewhere overlapping the school site. On 313, we talked about mitigation. In the course of construction when there's site grading and the preparation of site, if there is some evidence of this site that occurred, we would immediately have to notify the State Historic Preservation Division then. There'd be followup by the archaeologist, but from – SCS conducted the survey of the property, and there was no direct evidence of it here.

Mr. Mardfin: Thank you.

Mr. Hiranaga: Just to provide clarification, because this is a project district and you're resizing the various parcels, does the Show Me the Water Bill apply to your project? Or have you already satisfied the source requirements for water?

Mr. Overton: Okay, I may bring the engineers up for this question as well because we've had a review and gone through your Department of Water on this, and so I can't answer the specifics on it in terms of the source application.

Mr. Hiranaga: The reason I asked that question is because Exhibit 22 which is a letter from the Department of Water Supply dated December 30<sup>th</sup> 2009, the second paragraph, second sentence, they state:

There is currently no additional source available to accommodate new customers according to system standards on the Central Maui system. A new source to meet demand for the proposed school project as well as continued build-out of the Kehalani Mauka master-planned area should be identified.

That was the reason I asked the representative from the Department to appear. And he said currently, there is no moratorium on issuing new water meters in the Central Maui system. This sort of contradicts that.

Mr. Overton: Well, this letter's from the State CWRM, correct? Exhibit 32 is not from the County.

Mr. Hiranaga: No, 22.

Mr. Overton: Twenty-two, okay.

Mr. Hiranaga: Department of Water Supply.

Mr. Overton: Yeah. And that's an older letter, so there has been discussion on this subject with the Department of Water. And that was the reason for the letter that was issued from the Mayor's Office.

Mr. Hiranaga: Oh, on June 7<sup>th</sup>?

Mr. Overton: Yeah, as a followup. So this precedes that. There's been subsequent discussions, and that letter hopefully, clarifies – may address some of your concerns, yeah.

Mr. Hiranaga: But you do not know if the Show Me the Water Ordinance applies to this project or not?

Mr. Overton: I can't. Maybe our civil engineers can speak to that any further or no? You see, this land's been re-designated going back 18 years as we walk through all the project district approvals here. And so, this is one component of the overall community that's tied together. And they're having to fulfill all the pieces of it.

Mr. Hiranaga: What about Public Works?

Mr. Starr: Go ahead, Mr. Miyamoto.

Mr. Mike Miyamoto: My understanding is this won't be coming through the subdivision process as it's not – they're not subdividing the land, or have any fourth dwelling, or . . . (inaudible) . . . I don't think it's gonna come through us. It's gonna be something that the Water Department's gonna have to work out with the applicant at that point.

Mr. Hiranaga: Because it's a project district?

Mr. Miyamoto: Yes.

Mr. Hiranaga: Okay, thank you.

Mr. Starr: Commissioner Mardfin? Let's try to wrap this–

Mr. Mardfin: If the Planning Department's ready to make a recommendation, I'm ready to make a motion.

Mr. Starr: Okay, are we ready for that? Mr. Dias, please, recommendation.

Mr. Dias: Thank you, Mr. Starr. A couple changes we'd like to point out in the recommendation. If you turn to the last page of the recommendation, page no. 4, there's an issue with the numbering. No. 11 should be 12. No. 12 should be 13. And also, because of the revised letter from the State Department of Transportation, we wanna tweak Condition no. 13. We wanna take away the words in the second sentence – I'm sorry, in the first sentence, second line, "the Honoapiilani Highway and Kuikahi Drive intersection." We wanna strike that and replace it with, "road resurfacing along Honoapiilani Highway in between Kuikahi Drive and Kehalani Parkway." And also the second sentence, take away the words, "issue has been resolved," and replace it with "road resurfacing has been completed." And therefore, Condition no. 13 will read:

That the applicant shall continue to work with the State Department of Transportation, and resolve the DOT's concerns regarding road resurfacing along Honoapiilani Highway in between Kuikahi Drive and Kehalani Parkway. A confirmation letter from the State DOT indicating that the road resurfacing has been completed shall be submitted with the application for project district phase III approval.

And that's, like I said, to reflect the new comments from State DOT. So with that being said, the Maui County Department of Planning recommends that the Maui Planning Commission grant approval of the amendment to the 2002 project district phase II map, and grant project district phase II approval for construction of the Wailuku II Elementary School subject to 11 standard conditions and four project specific conditions.

Mr. Starr: Thank you. Commissioner Mardfin?

Mr. Mardfin: I move that the Maui Planning Commission grant approval for – recommend that we approve the recommendations of the Maui Department of Planning as revised to grant approval for the amendment to the 2002 project district phase II map, and grant project district phase II approval for construction of the Wailuku II Elementary School.

Mr. Freitas: Second.

Mr. Starr: We have a motion by Commissioner Mardfin, seconded by Commissioner Freitas. That motion is—?

Mr. Yoshida: To approve the phase II – amendment to the 2002 phase II project district map, and grant phase II project district approval for construction of the Wailuku II Elementary School subject to the conditions as enumerated by the Department of Planning.

Mr. Starr: Any discussion? Amendments? Commissioner Hiranaga?

Mr. Hiranaga: I have a concern about Project Specific Condition no. 12, or renumbered no. 12 that requires the applicant to have a source of water available prior to submitting for project district III phase III approval. Does the Department still make that recommendation based upon what the letter from the Mayor—? Because that's a pretty onerous condition. It's really the responsibility of the Department of Education to find a source of water. That's the responsibility of the Department of Water Supply to provide a source of water, so I have a concern.

Mr. Starr: Commissioner Hiranaga, would you like to offer an amendment to strike that?

Mr. Hiranaga: Well, I wanted to get feedback from him as far as how strong the Department position is on this condition.

Mr. Dias: Given the comments from the Mayor, I mean, yeah, we're not as strict about it. When we first recommended this condition, it was because Water Supply's comment said there was no water. Well, today we've heard it's not an issue at all, so it's kind of confusing. So we could definitely – we're okay with striking that, if that's the Commission's wishes.

Mr. Hiranaga: Okay, I'll make an amendment to the motion to strike the renumbered 12 project specific condition relating to the source of water availability.

Mr. Mardfin: Second.

Mr. Starr: So we have an amendment offered by Commissioner Hiranaga, seconded by Mr. Mardfin.

That amendment is--?

Mr. Yoshida: To strike proposed Condition no. 12 regarding providing a source of water.

Mr. Starr: Okay, are we ready to vote on that? We're voting on the amendment regarding the striking the wording on water. All in favor, please raise your hand. All opposed?

**It was moved by Mr. Hiranaga, seconded by Mr. Mardfin, then**

**VOTED: To Strike Proposed Condition no. 12 Regarding Providing a Source of Water.**  
**(Assenting - K. Hiranaga, W. Mardfin, J. Freitas, D. Domingo,**  
**W. Shibuya, L. Sablas, P. Wakida)**  
**(Excused - O. Tagorda)**

Mr. Yoshida: Seven in favor. Motion carries.

Mr. Starr: Okay, are we ready for the main motion? Okay, the main motion which is to approve as recommended and as amended. All in favor, please raise your hand. All opposed?

**It was moved by Mr. Mardfin, seconded by Mr. Freitas, then**

**VOTED: To Grant the Phase II Project District Approval and Project District Phase II Map Amendment as Recommended as Amended.**  
**(Assenting - W. Mardfin, J. Freitas, K. Hiranaga, D. Domingo,**  
**W. Shibuya, L. Sablas, P. Wakida)**  
**(Excused - O. Tagorda)**

Mr. Yoshida: Seven in favor. Motion passes.

Mr. Starr: Thank you. Please build a great school. Looks like you're really going to. I'd like to compliment you on the process so far.

Mr. Overton: Thank you very much.

Mr. Kaneshiro: Thank you very much.

Mr. Starr: Okay, let's keep moving right along. Joe, do you need setup time?

Mr. Joe Prutch: Just a minute or two.

Mr. Starr: Okay, we'll have a one-minute recess.

(A recess was then taken at 11:10 a.m., and the meeting reconvened at 11:11 a.m.)

Mr. Starr: We'll come back to order. Maui Planning Commission meeting of October 12<sup>th</sup> 2010 is



back in order. We look to Mr. Clayton Yoshida to introduce our next item.

**2. WILLIAM R. and MACHIKO HEYDE requesting a State Land Use Commission Special Use Permit to operate the Piliialoha Cottage Bed & Breakfast in the State Agricultural District at 2512 Kaupakalua Road, TMK: 2-7-002: 064, Haiku, Island of Maui. (SUP2 2009/0002)(J. Prutch)**

Mr. Yoshida read the agenda item into the record.

Mr. Starr: And before you proceed, I wanna disclose I'm an old friend of the applicant. I appreciate what they do, but I've never had any business dealings with them, so I don't need to recuse. Thank you, Mr. Prutch.

Mr. Prutch: Thank you. Good morning, everybody. I've got before you this application for the Piliialoha Cottage Bed and Breakfast home on State agricultural land. The property in question is located at 2512 Kaupakalua Road. It's a two-acre lot, flag lot. And it's located approximately – maybe a little less than two miles north of Makawao Town. The State land use designation is agricultural. The Pa`ia-Haiku Community Plan is rural designation. And the zoning for this property is interim. I don't think you guys have seen an interim district bed and breakfast before you. The interim zoning rules were amended in June of 2009 to allow bed and breakfast homes. So this is the first one to come forward since that approval was given for the interim district.

The property contains – the main dwelling is the house in the middle. The owners reside in this dwelling. The bottom unit is the cottage. That is where the proposed B&B is. It's actually a one-bedroom cottage. And the third unit on the top is a studio unit that the applicant actually uses as a kind of a craft storage area. She actually has a weaving loom, and a spinning wheel, and a pottery wheel in that. So she uses that more of a – more as a craft room. Nobody lives in that unit.

As far as building permits are concerned, I know that she's been working diligently on getting everything permitted. And the main house is permitted except for the lanai. She's working on getting the lanai permitted, the uncovered deck. So that's in process. The cottage itself is completely permitted. Everything's been completed recently. So she's up to speed on the bed and breakfast home. And the third dwelling, the studio, that's pending as well right now. She's working diligently in getting that permit, and is close to getting that one done as well. So building permits are established for the B&B, and close to being established for the other two units.

Agriculture on the property, there was a farm plan approved for this property back in April of 2009. The property does contain– You can see up on the top part of the property, there's a huge eucalyptus grove, approximately about a hundred trees that are kind of as a windbreak and soil erosion to maintain the soil erosion of the property. However, of course as you know with eucalyptus, the root systems can be pretty destructive to other plants, pretty acidic to other plants. So there is some difficulty in growing some other agricultural products because of the root system of the eucalyptus trees. However, she has been successful in growing different flowers, and actual cottons, some fruits, and uses this product to create some haku leis, some wedding bouquets, and actually with the loom and stuff, actually does some spun cotton products that she sells to people on-island.

As far as improvements, I'd like to tell you what they've done to the property. It used to be on a cesspool. The cesspool has been removed. Two new septic tanks have been installed recently to accommodate all the bedrooms on the site. You can see where the septic tanks are located, the little circles. There's two of them: one above the cottage, one just above and to the right of the main house. I guess when they put the septic tanks in, the leach field and all that stuff, they had to tear out a lot of ground to put this in. So right now, some of the agriculture's been a little decimated, I guess, because of the installation of the septic tanks, but that will come back in time.

As far as the Department of Water for – they've got low flow fixtures installed in the bed and breakfast units. And they've actually already done their water calculations. They've had those performed and found out through the Water Department, there's a letter in your staff report, that the water meter is adequate for the full flow amount of the property. So they've done that.

I'd like to show, too, that there are public testimony letters in your staff report. I've got six letters of support. I don't have any letters of opposition. And as you can see, the site there in the middle, there's three letters that are adjacent neighbors. And I know one of the adjacent neighbors is here and will provide testimony in support. And then there's three other properties that supplied support that are within the 500-foot distance of the property itself. I'd like to also note, maybe it's hard to see on here, but there is one more bed and breakfast. The closest one is located approximately, about 4,000 feet away. It's the Wild Ginger. And I know the owner of that property is here to speak on support of the Piliialoha Cottage B&B as well.

Machiko and William are in the audience, if there's any questions to them they can supply. If not, I'll be happy to answer any questions for you as well.

Mr. Starr: Okay, Members, any questions? Commissioner Wakida?

Ms. Wakida: Being relatively new to the Planning Commission, I'm still learning the language. A cesspool and a septic tank are two different systems? A septic system and a – Because I – in here I see these terms: one, they talk about a cesspool, and then they talk about septic.

Mr. Prutch: Yes, a cesspool seems to me like it's the older way of doing things. Septic tanks are newer systems. My understanding is a cesspool is basically, a hole in a ground. Septic tanks actually treat. And I believe it was the Department of Health that wanted the upgrade, to remove the old cesspool system, because it wasn't adequate for the number of bedrooms or for having a third unit, and put in a septic tank as an upgrade. So they've already performed that, to do the septic tanks in order to satisfy the Department of Health.

Ms. Wakida: Okay, thank you. So they've removed the cesspool and they've put in two septic tanks?

Mr. Prutch: Yes.

Ms. Wakida: Okay, thank you.

Mr. Hiranaga: Joe, since this is zoned interim, do they still – are they still required to have a farm plan? I thought that was an ag zoning ordinance.

Mr. Prutch: They're still on State ag. They did get the farm plan back in 2009. And for us, at least on this end, for the bed and breakfast, we still require the farm plan for the State ag land. You're right, because it is interim zoning, it is a little different. You usually have State ag and State – or County ag. It seems to be the norm for the B&Bs that have come forward. But in this case, she has interim. As far as building permits and that stuff is concerned, they go by zoning district. So they will go by the interim zoning, which is why she would be allowed to have that third dwelling as opposed to County ag, which would not allow a third dwelling. So, yeah, my understanding is they still require the farm plan because of the State agricultural district.

Mr. Hiranaga: You may wanna double check that. I don't know the answer, but I thought it was a County ag ordinance.

Mr. Prutch: Yeah, I'll double check on that.

Mr. Freitas: Yes, they have a farm plan. They have been growing stuff. They have been supplying stuff. This is my understanding. How – what was the revenue that they did last year on their ag plan? A dollar or ten dollars? If you are farming on ag land, you should generate some income.

Mr. Prutch: I know she has – they have generated some income. And actually, I will bring Machiko Heyde up here to speak to that, because I believe she actually has some of her forms that showed the amounts of money that have been generated from the ag use.

Mr. Freitas: . . . (inaudible) . . . four percent tax. Thank you.

Mr. Starr: Okay, come and introduce yourself. Welcome.

Ms. Machiko Heyde: Hello. My name is Machiko Heyde. My husband and I lived here 30 years. Okay, in order to answer your question, my 2008 Schedule F and 2009 . . . (inaudible) . . . which indicates a modest but some income.

Mr. Starr: Try to use the mike so we can hear you.

Ms. Heyde: Oh, I'm sorry.

Mr. Starr: Thank you.

Ms. Heyde: Your question is amount?

Mr. Hiranaga: Are you looking at me or Jack?

Ms. Heyde: Oh, I'm sorry. I didn't see who answered because I'm short. I brought the Schedule F of 2008 and 2009. And I make haku leis, and using different– All the plants are growing in my yard. And if you need to see the figure, I have a copy.

Mr. Freitas: No. I just was wondering if you were filing taxes because there's a lot of people on the ag where I live right now. And they're on the ag land, but they grow nothing just so they can put attractive buildings on the land. That was my question. I don't doubt your figures. Thank you.

Mr. Starr: Okay, thank you. I think the answer is we appreciate that you're actually adding value and growing things.

Mr. Mardfin: I wanted to ask the applicant, is there any reason that you--? Hello?

Ms. Heyde: Me?

Mr. Mardfin: Yes, please. Hi. Is there any reason you wouldn't have a -- you mentioned some of your neighbors have long term tenants, is there any reason you wouldn't want a long term tenant there?

Ms. Heyde: For my husband and I-- Okay, I'm 62 years old. He's 63. We just like to live quietly. So for our lifestyle, just having a part-time tenant who comes only with one car. If it's a one-bedroom cottage rented to a long term rental, it's gonna be two cars, and their friends will be in and out. So for our purpose to live quietly, we prefer B&B.

Mr. Mardfin: Can I do a followup?

Mr. Starr: Okay.

Mr. Mardfin: I have 16 questions that I typically ask, but I've been able to review your thing, and I don't have to ask most of them. But there is one, and it's actually in your favor that I'm asking this. Well, two things, but the main one is, you're currently getting a home tax exemption, are you not?

Ms. Heyde: Yes.

Mr. Mardfin: Do you know that -- I think you're gonna be having to give that up? Are you aware of that?

Ms. Heyde: Yes. We are fully aware of that and we have to make sure we can pay for it.

Mr. Mardfin: Because I think that's quite valuable, and if you only have a few people a year, that might not pay off for you.

Ms. Heyde: Well, for us, I cannot speak for other people, but for me, and for my husband, it's not to maximize the money. We just wanna live quietly on the property we have.

Mr. Mardfin: It might be very expensive to give up your home tax exemption.

Ms. Heyde: We'll make sure we'll pay for it.

Mr. Mardfin: Okay. And in the past when you ran it as a B&B beforehand, I presume you were paying general excise tax and transient accommodation taxes?

Ms. Heyde: Yes.

Mr. Mardfin: Okay. Thank you very much.

Mr. Starr: Commissioner Shibuya?

Mr. Shibuya: This is for Joe Prutch, primarily. On page 2 of some memo to Jeff Hunt, Item D as in delta, "Carport sides may have been enclosed to create the existing garage without proper permits."

Mr. Prutch: The Department of Public Works' letter, is that what you're on?

Mr. Shibuya: No. Let's see.

Mr. Prutch: Exhibit 5?

Mr. Shibuya: Yes, yes, Public Works Committee – I mean, Public Works' letter, Item D as in delta, 2-D.

Mr. Prutch: Okay. "Carport sides may have been enclosed to create the existing garage without proper permits. Please resolve the conflict." Like I said, the accessory dwelling is the bed and breakfast home, and she has obtained all the permits necessary for the B&B. And I see that Miyamoto's shaking his head back there. So this was the letter that came in when we asked for comments. Since this letter's come in, she's been working with Public Works to get permits from DSA, and she's got her permits for the B&B home. So all that stuff has been resolved and has been permitted legally.

Mr. Shibuya: Okay. And so the farm shed is – no record of the building, but is that – where is this shed located?

Mr. Prutch: The farm shed, if you look at the map I have up on the wall, see on the bottom right corner, there's a little square there. It says "ag shed." It's a little tiny ag shed, and I actually, when I went out on the site visit, I can see that they took this building, it was over 200 square feet, they literally took a saw, and chopped off a portion of the building. When I was there, I could see it. So that the building is now 200 square feet. So they went ahead and remedied the issue by bringing it down to 200 square feet or less so it didn't need building permits and all that kinda stuff. It's just an ag shed. So they remedied the issue, and they had to cut it down, and make it smaller in order to do so.

Mr. Shibuya: Okay, thank you.

Mr. Starr: Public testimony? Anyone wants to give public testimony? I do ask that you do try to keep it as short as possible because we have a lot of agenda items.

Mr. Prutch: Yeah, we have some people that wanna give testimony.

Mr. Starr: Okay. Please. Please, welcome, and introduce yourself.

Ms. Edna Sakamoto: You want my name?

Mr. Starr: Yes, please. Welcome.

Ms. Sakamoto: I'm her – their neighbor. And I live there–what do you call? Sixty years now. I moved up in 1950 and I've been there all– So they've been there for about 20 years now. And they do a wonderful job over there because when I went up there, 1950, it was just bare land, just only my home. And some people came to build right next door, but I guess they're not farmers. They didn't know anything to do with the property, so they just stayed there. They stayed probably a couple of years or so. They left. They sold the place. Finally, in 1989, the Heydes moved in. Ever since then, you should see that property. I guess they like to work outdoors, make everything green. They have guava trees, eucalyptus, and everything. They chopped all that down. They cleared the land. And since you know up there is eucalyptus, the root is all down below, so you cannot plant too many trees. So what they did was they planted flowers like that in pots. That all orchids and . . . (inaudible) . . . And all what they did on the ground was mock oranges, and gardenias, hibiscus. That place is completely different now from the time I moved up there. And I really appreciate that, you know. So I hope that – I'm 84 years old now, so I'm hoping that they stay there for the rest of my life. I'm praying for that because these are good neighbors, you know. And they're like my children now because I have children their age. Of course, both of them live there, but they're not neighbors. So they're different, you know. They really took care of me. And even with– Like they have cell phones and I don't carry cell phone. So anybody – somebody wants to call me, they call me at home. I'm outdoors. I don't hear them. So they call her. She comes looking for me. So you see how? So I feel like they're my family. That's wonderful, you know, to see at my age already, yeah? So, please, please consider that. Okay? Thank you.

Mr. Starr: Yes, thank you. Good testimony. Anyone else giving testimony? Okay, seeing none, public testimony portion is closed. Members, we ready for a recommendation?

Mr. Freitas: I move that we accept.

Mr. Starr: Oh, wait. Let's let him just give a quick– Really, the short version, Joe.

Mr. Prutch: I appreciate your enthusiasm. Yes, the application for this Land Use Commission special use permit, it does comply with the applicable standards for an unusual and reasonable use within a State agricultural district as outlined in the staff report and the recommendation report. Therefore, the Maui Planning Department recommends to the Maui Planning Commission approval of the Land Use Commission special use permit subject to these seven standard conditions that are listed in your staff report.

Mr. Starr: Okay, thank you. Commissioner Freitas?

Mr. Freitas: So moved.

Mr. Shibuya: Second.

Mr. Starr: Moved by Commissioner Freitas, seconded by Commissioner Shibuya. The motion is–?

Mr. Yoshida: To approve the special use permit request subject to the seven conditions as enumerated by staff.

Mr. Starr: Okay, Commissioner Mardfin?

Mr. Mardfin: Joe, as I understand it, the motion was to approve the special use permit, and then the Department would administratively grant the B&B permit?

Mr. Prutch: Yes, yes.

Mr. Mardfin: And when you do the B&B, you'll have the standard 19 conditions?

Mr. Prutch: Yes, I will, including building permits being obtained prior to renewal.

Mr. Mardfin: House rules?

Mr. Prutch: House rules, water calcs.

Mr. Mardfin: That they give up their home tax exemption?

Mr. Prutch: Yeah, all the standard conditions that are in the B&B.

Mr. Mardfin: Okay, so we don't have to worry about that as conditions on this?

Mr. Prutch: Nope.

Mr. Mardfin: Thank you very much.

Mr. Prutch: But thank you for asking, definitely.

Mr. Starr: Okay, ready to vote? All in favor, please raise your hand. All opposed?

**It was moved by Mr. Freitas, seconded by Mr. Shibuya, then**

**VOTED: To Approve the Land Use Commission Special Use Permit, as Recommended with Conditions.  
(Assenting - J. Freitas, W. Shibuya, K. Hiranaga, W. Mardfin,  
D. Domingo, L. Sablas, P. Wakida)  
(Excused - O. Tagorda)**

Mr. Yoshida: Seven in favor. Motion passed.

Mr. Starr: Congratulations. And this is the first time Commission Shibuya voted for a— Okay, let's keep moving right along. Maybe there's hope for this agenda yet.

#### **E. UNFINISHED BUSINESS**

- 1. MAUI MEMORIAL PARK, LLC requesting a County Special Use Permit and County Accessory Use Permit in order to expand the existing Maui Memorial Park on 10.936 acres of land in the County Agricultural District and the M-1 Light Industrial District at Waiinu Road, TMK: 3-8-046: 043, Wailuku, Island of**

**Maui. (CUP 2010/0003) (ACC 2010/0001) (P. Fasi) (Public hearing conducted on May 11, 2010. Site inspection conducted on September 14, 2010)**

**The County Special Use Permit is for the lands on the property zoned County Agricultural District. The Accessory Use Permit is for the lands on the property zoned M-1 Light Industrial District.**

Mr. Yoshida read the agenda item into the record.

Mr. Starr: Mr. Fasi, take it away.

Mr. Paul Fasi: Good afternoon. Let me just bring you up to date on – with the chronology of what's happened so far. As you know, the applicant's requesting a County special use permit and an accessory use permit to expand their existing park. On May 11, 2010, the Maui Planning Commission conducted the public hearing, but deferred the matter to June 8<sup>th</sup> due to clarification on some further items. On May 27, 2010, the Maui/Lanai Islands Burial Council reviewed the proposed project, and expressed some concerns, and scheduled a site visit for June 24, 2010. On June 8, 2010, this item came before the Maui Planning Commission, and the Department requested a deferral in order to give the Burial Council time to do their site visit. The site visit happened on July 28, 2010. And as a result, they had some further deliberations, and expressed a couple of concerns that were raised by them, and we have since incorporated them as recommended conditions in their approval for the permit.

And on September 14, 2010, this Body did a site visit. Several observations were made at the site visit. It appeared that the site's further away from the reservoir than was originally thought. The site's in severe disrepair. It's basically kinda trashed with rubbish, and dry weeds, and kinda desolate. The angle of the road from the direction coming behind the electrical substation is kinda steep. And water to the site for irrigation would be underground from across the street at their other location. And drainage issues were briefly mentioned at the site visit.

In the addendum report, the second addendum report that you have, there are one, two, three new exhibits. I hope you've had a chance to review them. The first new exhibit is just an e-mail from Hinano Rodrigues of the SHPD expressing some of the concerns that the Burial Council had. And these are the two items that we've since incorporated as recommendations for conditions of approval. The second exhibit are the minutes from the Burial Council meeting of June 24<sup>th</sup>. And the third is the draft site plan for the proposed project.

So that brings us up to date. I know we have some representatives here for the applicant, as well as the civil engineer, Wayne Arakaki. Thank you.

Mr. Starr: Members, any questions? I know we spent a lot of the time at the site inspection. Commissioner Shibuya?

Mr. Shibuya: I just wanted to confirm, if Public Works can confirm, when that roadway, Waiinu, was constructed, what happened to all of that soil or sand that – was it shoved down towards the reservoir area?



Mr. Starr: Mike? You know?

Mr. Shibuya: No, they don't know. When we went on the site visit, I noticed that it seemed like that soil was pushed over. And it's hard to fathom that they would have the Waiinu Road that's already constructed that way. And so I just suspected that steepness from the property line down to the reservoir was very steep, and it looks like pushed dirt. Any thoughts? Any--?

Mr. Fasi: I would concur with that analysis. Based on where the cut is . . . (inaudible) . . . it would be logical and easy for the Department of Public Works to just take that cut and just push it to the side. Because as you saw on that site visit, that's really the only flat area in the immediate vicinity that's kind of a plateau right there. And if you look right adjacent across the street, that's where they have the retaining wall, and that's where all the cut happened. So that would be a very logical assumption to make.

Mr. Shibuya: Well, I came to the same conclusion as you did, too, because I looked at the grading area of that substation, the MECO substation, and it's much lower. And it does appear that some of the sand was pushed down below as well as pushed above. Most of it was actually pushed from above pushed over.

Mr. Fasi: I would agree with that a hundred percent.

Mr. Hiranaga: Paul, do you know of any burial remains were encountered when they improved Waiinu Road or Street?

Mr. Fasi: I am-- I can't answer that. I'm not aware of anything. I know DPW didn't make any comments towards reference to that.

Mr. Hiranaga: I cheated. I looked ahead at your recommendation. You're recommending that additional testing and excavation be done for each grave site?

Mr. Fasi: You're talking about Condition no. 7?

Mr. Hiranaga: Yeah.

Mr. Fasi: Yeah, that was a concern from the Burial Council that they wanted to do excavation per grave down to nine feet or lithified sand, whichever occurred first. However, that would be impractical for the Memorial Park to do during the actual grave-- And so what they've come up with is an alternative plan of basically, mass grading the entire area at one time to look for archaeological remains with an archaeological monitor onsite at that time. They would do it sections, big sections, but it would be under a controlled environment with SHPD guidelines.

Mr. Hiranaga: It's more of a survey?

Mr. Fasi: They would actually have an archaeological monitor there.

Mr. Hiranaga: Right, but they wouldn't excavate the entire site.

Mr. Fasi: No, no, no, they would do it sections.

Mr. Hiranaga: They'd do trenches, exploratory trenches?

Mr. Fasi: I'm gonna have to defer to Wayne Arakaki for the exact trenching that they would be doing.

Mr. Starr: Mr. Arakaki?

Mr. Wayne Arakaki: Wayne Arakaki, engineer. I have Steve from Maui Memorial Park. Correct me if I'm wrong, but as I understand burials is that we're gonna do a mass grading, and after everything is cleared, we're gonna be putting on tombs, concrete tombs. And they're spaced about – is it two feet apart? Yeah, it's two feet apart. So it would be a mass grading. It wouldn't be just trenches, isolated excavation. It would be the whole area. And it's gonna be done in sections. It's not gonna be the whole property at once.

Mr. Hiranaga: As you utilize the area, then?

Mr. Arakaki: Yes.

Mr. Hiranaga: That section?

Mr. Arakaki: That's right.

Mr. Starr: Commissioner Shibuya, then Commissioner Mardfin, and we are time challenged.

Mr. Shibuya: At the site you mentioned that you're gonna put concrete crypts in that area. And so what you're doing is as I suspected, this is actually filled dirt. And so the opportunity for you to get into any archaeological site would be minimized actually, because of the depth of the fill that has been pushed from the Waiinu Road.

Mr. Fasi: That would be correct. That would be a pretty good assumption.

Mr. Shibuya: Yeah, that's my assumption on it. And you mentioned that you will have burial crypts which are made out of concrete, and you're probably gonna be stacking them too high. Is that correct?

Mr. Fasi: In some instances, they will be stacked too high. I don't think all of them will be.

Mr. Shibuya: I understand. And so the total depth would be probably eight feet at the max, maybe.

Mr. Fasi: That is correct.

Mr. Shibuya: Yes. Okay. So that mitigates some of the problems that I have in terms of the formaldehyde. Now, that – you can't – this minimizes actually, the contamination of the water table with these concrete things, but it's not really the only way to handle it. The World Health Organization has declared that formaldehyde is a carcinogen, and that all of Europe actually bans

the use of formaldehyde. It's only in the United States that we have it incorporated into construction materials, incorporated into our furniture, and even our home furnishings. And this is problematic for me especially, if you're gonna put it above some water table. The biggest problem in Europe is not so much formaldehyde because they bury the deceased three or four days later. In America, they bury it two to three weeks later. So that's why you have this embalming practice. The biggest problem in Europe is that they have human leshay because it's a different type of landfill. Thank you.

Mr. Starr: So no questions? Okay, Commissioner Mardfin?

Mr. Mardfin: What does "wither 9 feet" mean? In condition—

Mr. Fasi: That should be "either."

Mr. Mardfin: Oh, it goes down to either nine feet or lithified sand. Okay.

Mr. Starr: Doesn't a horse have withers?

Mr. Mardfin: I'm willing to admit ignorance.

Mr. Fasi: That is a word, though, isn't it?

Mr. Mardfin: That is a word, but I'm willing to admit ignorance. I didn't know what it meant. What's "lithified sand?"

Mr. Fasi: I can't answer what lithified sand is.

Mr. Mardfin: Okay. Now, I think you answered this earlier. I just wanna make sure I fully understand it. Basically, in sections, what they're gonna do is go down to nine feet with an archaeological monitor. Do a hundred, two hundred graves, put fill back in to raise it – a foot of fill to raise it to eight feet below, then put in double-tiered concrete tombs, then cover it over with earth. When it comes time for a burial, you uncover a gravesite, lower the body down, fill it back in, good to go. And so under Condition 7, it says per grave site, but it's really per grave area you're doing the whole thing. Is that—? Thank you very much.

Mr. Starr: Okay, are we ready for public testimony? Okay, any members of the public wishing to give testimony on this item before possible decision-making? Not seeing any, public testimony is closed. Members, anything else before we get the recommendation? Mr. Fasi, the Department's recommendation on this?

Mr. Fasi: Thank you. I will make the adjustments to Condition no. 7. That would be "per grave area," and that "wither" be changed to "either."

Mr. Starr: Yeah, we're not burying horses, so we don't need withers.

Mr. Fasi: In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's second addendum report and

recommendation prepared for the October 12, 2010 meeting as its findings of facts, conclusions of law, decision and order. And authorize the Director of Planning to transmit said decision and order on behalf of the Planning Commission.

Mr. Starr: Okay. Members, discussion, possible motion? Commissioner Mardfin?

Mr. Mardfin: First, a quick question. Condition 6 implies that there's going to be an archaeologist there?

Mr. Fasi: That is correct.

Mr. Mardfin: I move that we recommend approval for the County special use permit and accessory use permit subject to the conditions as recommended by the Planning Department.

Mr. Starr: Is that correct in form, Paul?

Mr. Fasi: Yes, it is.

Mr. Starr: Okay, is there a second?

Mr. Freitas: Second.

Mr. Starr: Moved by Commissioner Mardfin, seconded by Commissioner Freitas. The motion is—?

Mr. Yoshida: To approve the County special use permit and accessory use permit with conditions as proposed by the Planning Department.

Mr. Starr: Discussion? Possible amendments? Not seeing any, all in favor, please raise a hand. All opposed?

**It was moved by Mr. Mardfin, seconded by Mr. Freitas, then**

**VOTED: To Recommend Approval of the County Special Use Permit and County Accessory Use Permit with Conditions as Recommended.  
(Assenting - W. Mardfin, J. Freitas, K. Hiranaga, D. Domingo,  
W. Shibuya, L. Sablas, P. Wakida)  
(Excused - O. Tagorda)**

Mr. Yoshida: Seven in favor. Motion carries.

Mr. Fasi: Thank you.

Mr. Starr: Okay. Members, we have a full afternoon session. I would prefer not to make anyone wait around till the end of it to find that they're probably not gonna have time for their item. We do have 15 minutes. Should we try to go with both of them, or should we—? Just go? Okay. Ann. I'm gonna ask Deputy Director Cua to introduce our next item.

**F. COMMUNICATIONS**

- 1. MR. DENNIS BOEHLJE for BETSILL BROTHERS CONSTRUCTION, INC. requesting a 5-year time extension on the Special Management Area Use Permit condition to complete construction of the Kalama Heights Phase II project, a 36-unit multi-family project with related on and off-site infrastructure improvements located at 101 Kanani Road, TMK: 3-9-017:002, Kihei, Island of Maui. (SM1 970012) (P. Fasi)**

Ms. Ann Cua read the agenda item into the record.

Mr. Fasi: Thank you. Good afternoon, again. We do have the applicant's representative here. They are requesting a five-year time extension on their SMA permit in order to start construction and complete construction. I would just like to remind this Body that they do have a County special use permit. That is valid right now, and it won't expire until March 31 of 2015. So a five-year time extension request is a reasonable request in this regard. The Department has nothing else to add to that.

Mr. Starr: Thank you. Members, does anyone have any questions on this? Commissioner Hiranaga?

Mr. Hiranaga: If you could just explain to us the drainage plan with regards to post and – pre and post development because the reduction and scale of the project changed and the drainage.

Mr. Stacy Otomo: Good morning, Chair Starr, and Members of the Commission. My name is Stacy Otomo. To answer Commissioner Hiranaga's question, I wanna state that these plans have been submitted to the Department of Public Works and received approval back in March of 2008. The approvals are no longer valid because it's good for one year. So we need to get in there for re-approval. But the approvals that were granted for the drainage system was that their system was designed to accommodate 6,647 cubic feet of storage. The requirement for the incremental increase was 5,177. So there was a substantial excess capacity in the system. And what that amounted to was basically, 100% of the incremental increase, plus about 79% of the existing flow. So it was almost 100% of the total development runoff. We did a study to see what would it take to accommodate the additional 21% of the existing flow. And that would've involved increasing the perforated drainage system on the site, and the client is amenable in doing that. So we can expand the system to accommodate 100% of the developed flow.

Mr. Hiranaga: So that pipe has not been installed yet?

Mr. Otomo: It has not.

Mr. Hiranaga: And that takes into consideration the reduction in scale of the project?

Mr. Otomo: Yes.

Mr. Mardfin: Can you explain to me why you're reducing the plan from 80 units down to 36 units?

Mr. Otomo: I'll have Dennis Boehlje answer that.

Mr. Dennis Boehlje: Dennis Boehlje for Betsill Brothers. The units were reduced – the number of units were reduced because of the size of the units. Originally, I believe they were intended to be either a studio – primarily, studio sized when phase I was approved. And when the concept came out that these would be offered as market units, not rental units, they went to two-bedroom, primarily, units. So it was reduced in size to accommodate that.

Ms. Wakida: I'm confused by what you're building. Originally, this was a retirement community, a two-phased retirement community?

Mr. Boehlje: Yes. And it's still.

Ms. Wakida: And it says on your application here that this is a multi family project.

Mr. Boehlje: Yes.

Ms. Wakida: So what is a multi family project?

Mr. Boehlje: It is a condo style, apartment style unit.

Ms. Wakida: And is it still senior housing?

Mr. Boehlje: Yes.

Ms. Wakida: How does that – how does this condo style housing – what makes it a senior housing as opposed to just a condo project?

Mr. Boehlje: There'll be restrictions on ownership, age of ownership, 55 and older.

Ms. Wakida: Don't we – and this is a question for the Planning Director, don't we usually when projects change, then get a plan of that change?

Ms. Cua: We either get a plan or a description. I don't know that – Is there a site plan?

Mr. Fasi: We have the site plans on file in the Planning Department. If there were – and the reason they were not reproduced is because it's a reduction, and it would have less of an impact. This has been before this Body many times. And if you wanna see the reduced plans, I can procure them for you.

Ms. Wakida: Well, I wasn't here when all of this started when this original project came before this group, but I assume because it's a senior project, it had special conditions and certain things built into the project to make it senior-friendly and so on. Now that the project's changed, I don't know. I'm asking this as the Planning Director, are those concerns still – I mean, wouldn't those concerns still be valid?

Ms. Cua: In the approval letter, which is attached as Exhibit 9, it's valid for the project until you – and all the conditions would still be valid. I believe we're just asking for an extension of the permit. But I do apologize. You should have been – there should've been a site plan of the project as it is. And Paul can go run upstairs, and have it copied, and bring it right back down.

Ms. Wakida: Okay, because I – to me, it was confusing to see it was a senior project and then it was a multi family. And I don't see how that– I would like to see the senior–

Mr. Fasi: If I could clarify? It's still a senior project. It hasn't changed. The only thing that's changed is the scope of the project from 80 units to 36. Everything else remains the same. All of the SM1 conditions that were originally approved remained the same, just that the number of units went from 80 to 36. It is still a senior residential project.

Ms. Wakida: Okay.

Mr. Hiranaga: Just kind of a followup project. The project is reduced from 80 units to 36 units, but is the footprint the same? You're just going from studio to two bedrooms? Is that what's happening?

Mr. Boehlje: Let me just clarify. This project has not changed in five years. This was – I believe it was the transfer of ownership and the new project– The change in the project was approved in I believe 2006. So nothing has changed from that point. Yes, from the original project approved in '97 I think was when phase I and II were approved. Then we reduced from 80 to 36 units, but there's no change in the footprint or anything with this request before you today.

Mr. Hiranaga: From the exterior, it's transparent. You can't tell that it's– It's the same building.

Mr. Boehlje: Yes. And this is not a change in the project from what has been approved prior by the Commission. It's simply a time extension of the same project.

Mr. Hiranaga: And these are rental units?

Mr. Boehlje: These will not be rental units. These units are for sale.

Mr. Hiranaga: So once the person wants to transfer it, the deed restriction on age would go along with it?

Mr. Boehlje: Correct.

Mr. Starr: I do think that there was a very major change. And I voted against the change in this one. It came before us before because both phase I and phase II of Kalama Heights was intended as assisted living. It was given some very good entitlements based on aging in place policy to enable people, when they needed to move into a small, efficient place with dining and nursing if they need it or want it to be able to get that on a rental basis. When it came before this Commission the first time, we were told that Betsill didn't wanna do that. They wanted to build these condos which are really kinda fairly luxurious, much larger condos. And the reason was because Kalama Heights Phase I was – you know, had – was not filled up yet. And so there was not a market for more of

that type of thing, and they wanted to change it. Now, they're coming back for an extension, and what's changed with these larger for sale condo units is that Kalama Heights Phase I is full, and there's no more inventory for aging in place. And I for one certainly have some concerns about that, and it's kind of unfortunate. Yes, Mr. Yoshida?

Mr. Yoshida: If you look at Exhibit 9, the docket number for the SMA is a '97 number, so originally, there were plans that were approved in the late '90s. But if you look at Condition no. 3, it says, "That final construction shall be in accordance with plans reviewed by the Urban Design Review Board on January 17, 2006." So there was an amendment to the plan in 2006, which the Commission reviewed in April of 2006 and approved in April of 2006.

Mr. Starr: And that's what's back. That's what's before us—the extension from that April 2006?

Mr. Yoshida: Yeah, the amendment – the SMA amendment came before the Commission in April of 2006. That was approved by the Commission.

Mr. Starr: Okay. Members? Commissioner Mardfin?

Mr. Mardfin: I'd like to ask either Paul, or Clayton, or Ann, what happens if we denied the time extension?

Ms. Cua: As I understand it, this is a time extension to complete construction. They started construction already. But if they don't have a time extension and the permit currently expires August 31<sup>st</sup> 2010, they would have to obtain a new permit.

Mr. Hiranaga: So on page 1 of this memo, the note near the bottom, it says that the senior residential project is considered a special use in the apartment district thus, the CUP is required. So if they took that senior designation off of it, they would still require a conditional use permit?

Mr. Fasi: I'm gonna defer that to Clayton.

Ms. Cua: I don't think so.

Mr. Yoshida: Could you briefly restate the question?

Mr. Hiranaga: On the first page of the staff report, down near the bottom there's a note. It says, "Per County zoning ordinance, a senior residential project is considered a special use in the apartment district, and hence, requires a CUP." So if you took the senior designation off of it, would it still require a CUP?

Mr. Yoshida: Yes, I believe that originally, for the senior project, as it was presented to the Commission in '97 was not a permitted use, outright permitted use, in the apartment district. So it required a County special use permit. And if there was any – well, I guess, inadvertently, there wasn't a time extension on a County special use permit until 2006.

Ms. Cua: To answer your question, no. If it was just for residential use, residential use is permitted in the apartment district. As I understand it, the senior residential use is what requires the County



special use permit.

Mr. Hiranaga: I'll reserve my comments for later.

Ms. Wakida: If I'm correct, this item came before us in August. And at that time, they requested a two-year extension. And now they're requiring a five-year extension.

Mr. Fasi: Yeah, they changed – they amended their request from two to five years because if it's gonna go through this process, they would prefer to make it five years. If this Commission was gonna waive its review, then it would be at two years. Preferably, the Planning Department prefers five years just to streamline our processes and lengthen the time before it comes back before this Commission.

Ms. Wakida: But you said they've already broken ground.

Mr. Fasi: Phase I is complete. I believe they're not in the serious construction on phase II yet.

Mr. Starr: Members, it's actually lunchtime and we have a program to start at 1:00.

Mr. Mardfin: Would you like a motion to defer?

Mr. Starr: The Chair would entertain that. We do have a very short agenda for our short meeting.

Mr. Mardfin: I'd like to – I move to defer this to some future meeting.

Mr. Starr: Is there a second?

Ms. Sablas: . . . (inaudible) . . .

Mr. Starr: We have a motion by Commissioner Mardfin, seconded by Commissioner Sablas to defer to a future meeting. Commissioner Hiranaga?

Mr. Hiranaga: I'm not an expert on *Robert's Rules*, but if we have room on the next agenda, would you rather recess this agenda item so it doesn't have to be re-posted?

Mr. Starr: It's a communication.

Ms. Cua: I could comment on that. This is just a communication item on the agenda, and so there wouldn't have to – there wasn't a public notice, per se, so we don't have that problem. I'm not sure how you feel. Obviously, we would love this to be able to move on today, answer any questions that you have, and try and get a decision from you. It is – they've completed one phase of the project. We would love the other phase to be able to be completed. So I'm not sure what is still outstanding. You didn't waive your right to have us approve the extension. That's why it's before you today. The applicant had decided that since it's gonna have to come before you, they would request the five years, and we do support the five years to get this project, the senior project, completed.

Mr. Starr: Mr. Yoshida, is there a problem putting it on the agenda in two weeks?

Mr. Yoshida: No.

Mr. Mardfin: I'd support a deferral for a second reason. And my second reason is I think there are a lot of legal kind of issues that are brought up here. You said phase I has been completed, but phase II is entirely different from what phase I was. And I think we need to have some analysis of what happens if their time extension is declined, what kind of conditions can be put on a time extension, if any. I think there are just a lot of serious issues that need to be discussed, and a deferral will allow for people to investigate those issues.

Mr. Starr: Okay. We have a motion to defer. There's not usually a lot of discussion allowed on a motion to defer. If it's okay, let's vote on the motion to defer. Commissioner Shibuya?

Mr. Shibuya: Just a point of clarification from our Legal Counsel Giroux, if he can tell us if there's any time limit in which we must make a decision since this application was heard before and now we still haven't come to a decision. Is there a time limit?

Mr. James Giroux: I don't believe so. I don't believe there's a-

Mr. Starr: Okay.

Mr. Shibuya: Okay, thank you.

Mr. Starr: Let's vote on the motion on the floor. All in favor, please raise your hand. All opposed?

Ms. Cua: Can I see a show of hands again? I only saw four.

**It was moved by Mr. Mardfin, seconded by Ms. Sablas, then**

**VOTED: To Defer the Matter to a Future Date.**  
**(Assenting - W. Mardfin, L. Sablas, K. Hiranaga, J. Freitas, D. Domingo,**  
**W. Shibuya, P. Wakida)**  
**(Excused - O. Tagorda)**

Ms. Cua: Unanimous.

Mr. Starr: We'll try to put it on the next agenda.

## **G. SETTLEMENT AGREEMENT**

- 1. Settlement agreement for a notice of violation (NOV 20090004) for operating a commercial kiosk within the special management area for property located at 75 Hana Highway, TMK: 2-6-002: 005, Paia, Island of Maui. (RFS No. 08-0002928) (T. Kapuaala)**

- \* **An Executive Session may be called by the Commission in order to discuss their duties, powers, and liabilities as it relates to the subject settlement agreement.**

Mr. Starr: We have one more item, and I would also request that that be deferred. We've checked that legally – Ms. Kapua`ala is here, and there's no problem with deferring that for two weeks either, and we do have room on that agenda. So the Chair would invite a motion to defer that item G as well.

Mr. Freitas: So moved.

Mr. Shibuya: Second.

Mr. Starr: Moved by Commissioner Freitas, seconded by Mr. Shibuya to defer item—?

Ms. Cua: To defer Item G-1 on the settlement agreement.

Mr. Starr: Okay. All in favor, please raise your hand. All opposed?

**It was moved by Mr. Freitas, seconded by Mr. Shibuya, then**

**VOTED: To Defer the Matter Due to Time Constraints.  
(Assenting - J. Freitas, W. Shibuya, K. Hiranaga, W. Mardfin,  
D. Domingo, L. Sablas, P. Wakida)  
(Excused - O. Tagorda)**

Mr. Starr: Okay. Thank you, everyone. And sorry to have to defer these. We will be back at five minutes after one o'clock for a very special presentation that Ms. Cua and staff has worked really hard to put together. It's gonna be great.

(A lunch recess was then taken at 12:05 p.m., and the meeting reconvened at 1:07 p.m.)

Mr. Starr: This is the October 12<sup>th</sup> pre-Halloween meeting of the Maui Planning Commission meeting. We have a special workshop this afternoon. It's something I know we've been looking forward to, and it's something that I know that our Current Division staff has worked really hard to put together. And I really wanna in advance thank everyone who has come here to participate, and especially, to our Deputy Director Ann Cua who put this together for us, and help us all learn something about the process today.

**H. WORKSHOP ON THE BUILDING PERMIT PROCESS** (To begin at 1:00 p.m. or soon thereafter) (Approximate times for each presenter.)

**1:00 - 1:10 Overview of Workshop - Ann Cua**  
**1:10 - 1:30 Building Permit Coordination - Public Works, DSA, Public Permits Section - Renee Segundo**  
**1:30 - 1:45 Zoning Administration and Enforcement Administration, Dept. of**

|                    |  |
|--------------------|--|
|                    | <b>Planning - Avelina Cabais</b>   |
| <b>1:45 - 2:00</b> | <b>Department of Water Supply - Herb Chang</b>   |
| <b>2:00 - 2:15</b> | <b>Department of Fire Safety - Lt. Richard English</b>   |
| <b>2:15 - 2:30</b> | <b>Wastewater Reclamation Division, Department of Environmental Management - Scott Rollins</b>     |
| <b>2:30 - 2:45</b> | <b>Break</b>   |
| <b>2:45 - 3:00</b> | <b>Department of Health - Gina Flammer</b>   |
| <b>3:00 - 3:15</b> | <b>State Historic Preservation Division - Hinano Rodrigues, Morgan Davis</b>                       |
| <b>3:15 - 3:30</b> | <b>Streamlining Bills by the Planning Department - Joe Alueta, Administrative Planning Officer</b> |

Ms. Cua: Thank you, Mr. Chair. Actually, I just started the ball rolling, and Gina is the Planner from Current Division that really and truly followed up with all the agencies to get them here. They were all set up and ready to go for your last meeting, and you know at the last minute we had to push this off. So we, too, thank the agencies for accommodating the change in schedule, and especially, Gina for putting this all together for you. So I have about two minutes left based on the agenda to tell you what we're gonna do today.

We've brought a number of agencies here as requested, and we're gonna go through and have them come up and talk about their involvement in the building permit process. We're gonna start where it all starts—in Public Works. And we have Rene Segundo from Public Works here to speak with you. Then we're gonna talk about the Planning Department, and have our Zoning Division come in and talk about their involvement. They review pretty much all of the building permits that come through. They check for zoning and standards. And then we have – hopefully, we'll have the Water Department that will be here to speak with you. The Department of Fire and Public Safety, Scott English. We do have Waste Management in the house, Scott Rollins and Dave Taylor. Then we plan to take a break at around 2:35. Then the Department of Health, we'll have a presentation. They're not able to make it, so Gina's gonna be doing the presentation for them. We have some slides. And then we have the State Historic Preservation Division. We're very fortunate, we will be having both Hinano Rodrigues and Morgan Davis. So that is awesome. And then we're gonna close with Joe Alueta just bringing you up to date on where we are at with all the streamlining bills that have been proposed through the Administration, the Planning Department, and either reviewed by this Body on its way to Council, or gonna be reviewed by this Body. So with that I'd like to start off by calling up Renee Segundo from the Department of Public Works.

Mr. Starr: Okay, thank you, and welcome, Renee.

Ms. Renee Segundo: Good afternoon, Chair, and the Members of the Committee. My name is Renee Segundo. I work for the Development Services Administration. I am the Building Permit Supervisor. We're gonna talk about the building permit process. I have five clerks under me and one on Molokai, so we do have a Molokai office. We do not have a Lanai office. I'm having Ann pass out handouts, and I'm going through this really quickly because we don't have much time. And then you ask any questions.

So when is a building permit required? The first page that you have is right out of the code, the Maui County Code, 16.26.106.1. Any time you're doing construction, a building permit requires,

okay? When you're doing a construction; a large alter, repair; move, even moving a building; repairing or demolishing a building, a building permit is required.

Work exempt from a permit. If you notice on that handout, it has 27 items that are exempt from a building permit. And I'm just gonna highlight the few that most people are interested in. One-story detached accessory building used as storage shed. So 120 square feet in a residential exempt from a building permit. It does have to meet your setbacks, though, okay?

So agriculture land, ag building less than a 200 square foot in floor area. So ag buildings, anything that, you know, can store your tools. Not a 200 square feet living. So it's non habitable.

Movable cases, counters, and partitions not over 5'9". A lot of people think by putting a wall, a partition, up 6'3" or whatever in their office like a partition is exempt from a building permit. That is not true. It's 5'9", okay?

Retaining walls, retaining walls more than three feet of retainage between the finished grade and each side. So if you have a retaining wall coming from zero to eight feet, a portion of that retaining wall requires a building permit. So when we look at your plans, we're gonna ask you, what portion is retaining? That is the portion that will require a building permit. So if you have a zero to eight, and it's all the way down your property line, we're gonna ask you tell us which areas are retaining more than three feet.

Okay, fences, this is a freestanding fence, including walls not over six feet. So this is freestanding. So there's a difference between retaining wall and freestanding. So you can have a retaining wall with a freestanding fence. If it's over six feet and over retaining, that whole wall or fence requires a building permit. Also to mention gates, gates more than six feet, so— Go back. Fences, so you have a regular fence, and you have the balusters, or you have anything over six feet, that will count as over six feet when a retaining – I mean, a freestanding wall requires a building permit, okay? Some people think if any part of the wall – I mean, the majority part of the wall is less than six feet, they don't need a permit, and that is not true. It reads in the code, fences, including walls not over six feet. So any component over the six feet mark requires a building permit.

Okay, this is a good one. When you're doing repairs to your home, replacing windows, replacing doors, it's over a period of 12 months and less than \$2,000, you don't need a building permit. And commercial is \$5,000. So if you're going window to – you know, replacing the window to a same type of window, and if it's less than \$2,000 in the 12-month period, a building permit is not required. Let me point out, and I don't think I put this in, if you're doing painting, carpeting, a building permit is not required. However, we will let you know if you're in an SMA area, you need to call the Planning Department, because if it does require a building permit, and these items don't require a building permit, even though you're in an SMA area, that would trigger an SMA permit. So we let people know. Sometimes they call and give us generic information. And then when they say, oh, are you in the SMA area, they don't give us that information. So we're only giving out or answering the questions to what the public asks us.

Okay, playground equipment including, but not limited to swings, merry-go-rounds, slides, chainlink fences, base boards, those are pretty much exempt from a building permit.

Work performed for any Federal or State government agency, so DOT Airport can exempt themselves as long as they provide us with a letter saying that they wanna be exempt from a building permit. So as long as they have that letter, we'll exempt them. So sometimes Federal or State agencies don't come. A lot of the schools come in for a building permit. So you can go back to your handout for the rest of the items.

What's the difference between residential and commercial? Basically, less stringent requirements, less reviewing agencies. Okay? So we will look when they come in whether it's a building permit for a residence versus commercial.

So how do I apply for a building permit? If you look, the green form that you have, the green application, legal size, the second page, is your building permit. And you need to determine whether it's – you know. Use your checklist, and we have one for residential, one for new commercial and additions, one for commercial, and one for demolition. So as long as you follow these checklists, you can come in and apply for a building permit.

What happens when you submit a building permit application? Well, the clerk will let you know if you have anything missing from the items, the no. 1 through 9 items, whether we can process it or whether we cannot. So of course, your application needs to be complete. You have to have the correct TMK number. Is there any easements like water line easements, sewer line easements? It must be shown because of course, you can't build in any of the easements. Property ownership, if you just bought the property, we'll still take in your application; however, in the end, when we issue the permit, you need to provide us with the deed. Of course, completion of plans, we have standards that you need, elevation, site plan, floor plan, cross sections. So you must provide an adequate set of plans for us #to route to the other agencies. We're gonna need to ask you whether there's private and County sewer – I mean, County or private water, or County and private sewer. So that will make us determine where we're gonna route it to. Okay.

So this is our routing schedule. If you look in your packet, this is what the girls will determine whatever you are coming to apply for, and this of course is subject to change at any time where we will send your application to. First, the top half is residential. The bottom half is commercial. Majority of the time, if it's commercial, we will send it to all the agencies. Residential, like a retaining wall, if it's in a private water system, we'll send it to Fire Department. If it's an ag flood zone, SMA, MRA, or project district, we will send it the Planning Department. So the girls really count on this routing schedule to determine where it goes. And again, this is subject to change at any time.

So after the girls have determined – the permit clerks have determined what agency it goes to, if you look at the screen and you have a copy of this, this is a flow chart. So initial review of the applicant and plans is the building permit clerk. We route it to the agencies concurrently to the agencies on that list, and it goes into each of the agency's boxes. Then if they actually can approve it, they ask us for the application or plans. If they cannot approve it, it goes on the pending shelf, and it goes around and around until all the agencies have signed off, which we checkmarked, and then we do approve/ notify. So I just wanted to stick this in your packet because that's the flow chart that we will use. So as long as all the agencies have signed off, we can issue.

So that million-dollar question, why does it take so long for the application to be approved? Okay? So things for you to keep in mind, an agency that is delinquent in reviewing the application will

delay the approval. So if, and I'm not picking on anybody in the back here, but if they're here, I'm sorry, Water Department, if they take 30 days for their initial review, it'll be 30 days until you get their approval. If Wastewater takes 60 days, it'll take 60 days for your approval and so on. So after the building permit is – well, the building permit is also issued only after all the signatures – I mean, we get the sign-off.

Things to know: so we have not set the standards for every agency. They set their standards. So each agency has their own processing system for reviewing building permit applications, and responses can vary between 30 and 80 working days. So I guess back when, when the whole building permit process started, they asked each agency, what's your initial review time. So some agencies said 30 days. Some agency said, give me 80 days. But of course, we're doing it faster because it's slower. But when we were busy, I think it took longer.

So after the initial review from the agency is completed, the agency will either approve or contact the applicant. So they will not contact the applicant. So they will not contact the Building Permits Office. We've given them all the contact numbers. They, the agency, Water, Health, Plans Examiners, Planning, will contact them by either a letter or a phone call. This is what I need to approve your building permit. And of course, now after an agency's given an applicant those conditions, it depends on how fast the applicant can satisfy the conditions and give it back to the agency. So if Water Department took 30 days to do an initial review, that applicant took 30 days to send it back, then that's already two months. But that's only one department. They have to deal with either three to at least seven, eight departments. And of course, each agency has their own regulation and must enforce during the building permit process. So if Water Department says that they need a backflow preventer, they need a backflow preventer unless they do, you know, an agreement.

And also the last one, review may require DLNR. So we have two agencies in DLNR: architectural for anything that is over 50 years or older, the structure; or archaeological, which is ground-altering activities. So we know in the computer there's something what we call a "flag." And when the parcel is flagged and they have a note, "DLNR/SHPD for ground-altering," we need to send it to DLNR. So that's another added agency that your permit has to go through.

So after everyone has signed off, we do a final review, what we call "approve and notify." We make sure that we have all the paperwork required for a – to issue the building permit. We call the applicant, let them know what the fees are. And they come back to us and we issue the building permit. And after we issue the building permit, they of course go through the construction, and there's your beautiful home. Any questions?

And by the way, this is our office. This is our plan routing room. So I needed to show you folks that because it's a mess with all the building permits that we have. So we have actually thousands of building permits. And they can be approved, but a lot of people don't pick it up because they don't have the money to build it. So we do have a lot on the left-hand side of the screen that is waiting to be issued. So just wanted to let you know that. Any questions?

Mr. Starr: Yeah, I'm gonna – I will allow some questions, but we do have a lot of people waiting to present, so I'm gonna ask let's try to keep it as minimal as possible. And then if we have time at the end, we can have comments, though no real decision-making and more questions later.

Commissioner Mardfin?

Mr. Mardfin: Are the agencies notified in sequence or in parallel?

Ms. Segundo: It's concurrent, parallel. So what we do is if – when you go into your checklist, we ask you to provide us seven or eight copies of your building permit plans. So what we'll do is make a copy of the application and send it to each agency concurrently.

Mr. Mardfin: So assuming there's no hangup, it ought to be 80, 90 days from application to approval.

Ms. Segundo: Yes, it could be as fast as that. Retaining walls outside the SMA area or outside the project district, and if we have all the paperwork and your plans are clear, your structural engineer has provided us with all the paperwork, it can go in within a week. So it really depends on where your location of your property is and what you are constructing.

Mr. Mardfin: Is there a timeframe for DLNR?

Ms. Segundo: No, there is not. We will not issue a building permit unless we have their approval, if one is required.

Mr. Mardfin: And they're not required to do it in 80 days or anything like that?

Ms. Segundo: No.

Mr. Starr: I just have one question. If something is per the exclusion list, say, under 120 square feet for residential storage, or 200, I think it was for commercial, then for a playground and so on, there's no process required at all?

Ms. Segundo: No.

Mr. Starr: Unless it's in SMA.

Ms. Segundo: Right. We'll let them know that even though it does not require a building permit and you're in an SMA area, to contact the Planning Department. However, if they don't use it in what – you know, like a storage shed and they're living in it, and there's a complaint, then it's complaint-driven, and the Building Inspectors will go out.

Ms. Cua: Back on that exemption list again, so if somebody wanted to change the windows in their home that was under \$2,000, but let's say it's been 15 years since they built the home, and now they wanna change it, technically, based on what I thought you said, they'd need a building permit for that? Because even though it's under \$2,000, it's been more than – did you say ten years?

Ms. Segundo: No, the \$2,000 is within a 12-month period. But of course if you have this window and you wanna enlarge it or put a slider, you know, one of those glass sliding doors, then you're gonna require a building permit because you're changing the whole facade of it.

Ms. Cua: But if you have – if you're just taking out that window and you're putting either the exact



same wood window, or you're putting in a vinyl window, and you're not in a historic district or something like that–

Ms. Segundo: You can do it.

Ms. Cua: As long as it's up to \$2,000, you don't need a building permit or \$5,000 for commercial.

Ms. Segundo: Correct.

Mr. Starr: And that \$2,000 or \$5,000, that's the amount you can do in a one-year period? Say you have ten windows and they're each \$2,000? You can do one each year, and then the next year, they can do another one.

Ms. Segundo: So come in for a building permit. It's gonna be faster. Yes, that's how the code reads.

Ms. Sablas: Renee, how long have you been in your position as a Supervisor?

Ms. Segundo: Going on four years, but with DSA for 12.

Ms. Sablas: Okay, I'm not sure you can answer this question, but I have to ask it. In your opinion – I mean, I don't know if you can answer it, is this system that you just presented to us efficient, or are there many ways for improvement? And if so, have you been asked about how you can improve the process?

Ms. Segundo: We've always been asked how we can approve the process. One thing our Administrator, Ralph Nagamine, really wants is for every department to have a triage, a person that can take the application within one day. Let's say it's a no brainer or it needs further approval, they get the application, they look through the plans. If it can be approved, that person has the authorization to approve it, send it back down to us, and do it electronically. Right now everything is routing this green paper to each department one-by-one and getting the signatures. But the triage will then, I guess, sort – you can just sort it out between the easy ones and the hard ones instead of sitting on someone's desk and taking it by number. So if we take in a hundred in a month, the fast ones, the easy ones, can be approved within that agency faster instead of waiting in line. Because like I said, every agency has their own process, and that's our wish list. Don't think it's ever gonna happen because of all the agencies that we deal with. And it's up to them to agree to this triage. And that was one of the recommendations to the permitting task force that Mayor Tavares had.

Ms. Sablas: Thank you.

Ms. Segundo: You're welcome.

Mr. Starr: Thank you very much.

Ms. Segundo: You're welcome. Do I have to stay, or you're gonna call me if there's any questions?

Ms. Cua: I think, actually, I don't think we have any more questions of you, so thank you very much.

Mr. Starr: I think we'd rather you be going and process—

Ms. Cua: The next person we'd like to call up from the Planning Department is Avelina, and she's from the Zoning and Enforcement Division. And they have done a triage as was recommended by the Administration. And so I'm sure Avie will be talking about that.

Ms. Avelina Cabais: Hello. Good afternoon, Planning Commissioners. My name is Avelina. And the last time I spoke to you was about the flood presentation. Okay, now I'm gonna talk to you about Planning Department's role in the building permit review.

Most people that I spoke to, they have a wrong perception. They thought that the Planning Department handles building permits. They thought that we issue and approves it. So most of the time, when I talk to them, I explain that the Planning Department's only part of it. We only sign part of it because we review only zoning and other permit requirements, and actually, it's the Department of Public Works, and that's Renee.

Before it goes the Planning Department, the permit clerks will put the plans and a copy of the application in the box at the Permits Section. Then one of our permit clerks will go down there and pick up these plans. And then our permit clerks will confirm the zoning, sort the copy of the application plans into three categories: residential, commercial, and agricultural. We have three plans examiners. Residential is handled by Russell Higa, commercial by me, and agricultural is Rulan Waikiki. The easy residential and easy commercial goes to Gerry Azbill so we can expedite and approve it right away. And then our permit clerk will distribute it to each plan examiner.

So this is how we review the residential permit. First, we check for environmental assessment triggers, and then SMA. If they need an EA or if they can be exempt, then we tell them to provide us an exemption letter from the managing agency. And if they're in the SMA area, they need to either give us an SMA major approval or a minor permit or exemption. So when they submit the SMA assessment, we'll process that at the same time, too, and give them an exemption. After that, we review for zoning standards where we check the flood, if they're in the flood zone, use, what is permitted, height, does it exceed or within the limit, lot coverage, and setbacks. If all these are compliant, then we can move forward. Over here, we can recommend approval, but if it's not compliant, it goes down here, and we send them a letter or call them up to let them know what they needed. Sometimes, some permits, they need additional permits. Like if they are 50 years old, a building, they need to get a CRC approval letter. Then if they're in the MRA, planned development, cluster housing, shoreline setback, they need— So one copy of the plans goes to Current Division for their review. And once they get some of the permits or all of the permits that's required, they submit it to us for a resubmittal review. It goes down here for final review, and we recommend approval, change KIVA, clearance checklist to "ready" to sign off.

We have a building permit review checklist, too, where we use and write down what we review, what's required, so we can keep in mind what is in that plans, and whether it's compliant and consistent to zoning standards. I have attached a copy of this in the back of the handout, a bigger size, so you can see it.

This is a commercial permit review chart. It's almost similar with a residential except for this part where it gets more extensive because we need to do lot coverage, floor area ratio, parking analysis, and they need an SMA major approval especially, if this is a big project. And we need to check and ask for a preliminary compliance report, and whether they're compliant with the requirements. And then they also need some additional permit approvals especially, if they're in the country town business district. They need a CTB permit. They need a phase III approval, planned development. Then for parking, they need landscaping. There's a lot of permits that's required. So it depends on where they are. It depends what type of project. And also, some of the permits that's getting held up is when they need parking and they need to provide landscaping. So that's another one that they need to deal with—landscaping plans approval, and then also, a flood permit. So once the applicant completes all these requirements, they will submit it, and we finalize the review, and then recommend approval in our KIVA checklist. And this is another checklist that I have. It's also attached in your handout.

The ag review chart is similar with residential and commercial. The difference is that they have – we need to verify the ag activity, and also that they need to submit a farm plan. And a unilateral agreement needs to be submitted and recorded for Planning Department's review. And on the second farm dwelling, once they submit the building permit for a second farm dwelling, our Inspector goes there to verify if they have the farm implemented. If they're noncompliant, we again inform the applicant what they need to do. And once they submit what's all required, we do the final review and recommend approval. So over here, once it's completed, we inform the Permits Section by sending them an e-mail or writing a note, "ready," in the copy of the application. And then the permit clerks puts it again in the box down there in the Building Sections – oh, not, down there, same level, sorry. And then our permit clerks will pick it up and bring it up for our signature, stamp approval, and then we route it back to the Permits Section. Okay. That's all. Thank you.

Mr. Starr: Any questions?

Ms. Wakida: On the ag– On the bottom of the column under "Zoning Standards," you said the second farm dwelling needs inspection and verification of the farm plan implementation. Is that the only time there is an inspection?

Ms. Cabais: Unless there's an RFS. If there's a request for service, then an inspector will go there.

Ms. Wakida: Okay.

Mr. Starr: What is KIVA?

Ms. Cabais: It's the system that we–

Ms. Cua: I can comment on that. The KIVA system is the County's permit tracking system. And that is how we track permits through the County. And all departments is supposed to use KIVA. Not all do, but it is a very efficient way to know where the plans are, who's approved it, who hasn't approved it yet, what are the outstanding issues. There's a comment section where an agency can indicate why they have not been able to sign off, what they're still waiting for.

Mr. Starr: And just for clarification, the process you just outlined, that's in a sense completely

independent of the one we just heard that was done by DSA, which is a separate department under Public Works. And this process is the Planning Department, right?

Ms. Cabais: Yes, sir.

Ms. Cua: And if I could add to that? When Renee mentioned that each department has their process, that's pretty much what you're gonna hear today. Every department has developed a system whereby they're gonna handle intake of building permits. And this is our system where it starts at our Zoning Division, and then they forward to the Current Division what is under the Current Division's jurisdiction. You will hear from each department how they are involved in the building permit process. And we're all gonna eventually answer to DSA. We're gonna all respond to DSA, to Renee. And once we do our approvals, only then can she give approval of the overall building permit.

Mr. Mardfin: You said you do a triage system so that the easy ones go through quickly, don't have to wait in line?

Ms. Cua: Right. And that's what Avie talked about. You have one person that just takes care of the easy commercial and residential that they can just get out right away. And the more difficult ones go to another person. And we didn't have that system in place before. That has just happened within the last – what? Six months to a year where we've actually separated out. Because what Renee had talked about was you have a pile of permits, and you just take them as they come in. Then there might be a really, really easy one at the bottom of the pile that's gonna have to wait until the huge commercial project gets through. So our Zoning Division has developed a way where— That was part of our streamlining efforts which came down to us from the Mayor's Office that they really wanted us to develop a system of streamlining our permits. And so, through the Administration's Office, introduced legislation, taken care of systems within our Department, to make things go faster.

Mr. Mardfin: And do you have a minimum time – a maximum time that you – assuming there are no problems, do you have a maximum time for completion or minimum time for completion?

Ms. Cua: Well, minimum time can be the same day. There's no hard and fast requirement. If it's just ready to go, it can be signed off that day or the next day. A lot of it is in the hands of the permit holder. If there's any outstanding issues that we need before we can sign off, well, that's what adds to the time.

Mr. Mardfin: Assuming no outstanding issue, what is the sort of expected time for turnaround for completion?

Ms. Cabais: If there's no issue, then Planning, for me, I can sign off right away at that moment. So if you are carrying your application, and I already reviewed it, and I called you, so you came back to my office, I can sign it, and you can take it back downstairs at the Permits Section. But the Permits Section might not be ready because other departments are not ready to sign off. So your building permit will not be issued.

Mr. Mardfin: But it will go from Zoning to Current Planning and back in the same day?

Ms. Cabais: No, only if they need additional permits that it will go to Current.

Ms. Cua: Right. So if I could add to that? As you saw from the flow chart, there are some building permits that because of location or type of work has to be forwarded to the Current Division. So if that is the case, obviously, that's gonna take additional time. But for those permits that are, let's say, not within an SMA area or not with the historic district, or a special design district, the Zoning Division may have the ability to just sign off on that permit either that day or within a week, or as they can get to it. As soon as it's complete and ready to go, if they ability to sign off, they sign off.

Ms. Cabais: Like interior renovations.

Mr. Starr: If there's a project that's in a building that's over 50 years old, and say it's also in the MRA, what happens then?

Ms. Cabais: Then I send one copy to Current Planning for their CRC review and MRA.

Mr. Starr: So everything over 50 years old goes to the – has to have a hearing by the CRC?

Ms. Cua: Or be reviewed by the Cultural Resource Planner, Stan Solamillo, in the Long Range Division.

Mr. Starr: What are the Divisions of the Planning Department? I haven't heard what they are.

Ms. Cua: We have the Zoning and Enforcement Division, which Avie is a part of. We have the Current Division, which Clayton heads the Current Division, and you see most of the planners here at your meeting. They process land use development permits. We have the Long Range Division, which is in charge of our General Plan review process, amongst other things. And then we have the Administration, which is myself, Kathleen, and Avis, and several others.

Mr. Starr: How about Enforcement?

Ms. Cua: Enforcement comes under Zoning and Enforcement Division. And they're run by – Aaron Shinmoto heads that Division, and John Summers heads our Long Range Division.

Ms. Wakida: In the Planning Department, among the planners, are all planners given all sorts of projects?

Ms. Cua: Yes and no. We have – we do have a shoreline team now, and they kind of handle all the shoreline permits. We have a Small Town Planner that handles projects within our small towns or within the historic district.

Ms. Wakida: It seems like it would be more efficient, or would it, to have – to specialize.

Ms. Cua: Yes and no. We've gone back and forth on that. The problem with specializing is if you have one person specializing and that person is gone, that person is out, then you have a problem. So we do have somewhat specialization. We have like a team that pretty much does all the B&B permits. We have people that work on shoreline stuff, but it's not just one person, because like I

said, if one person is out, then you're gonna delay the permit process.

Ms. Wakida: No, a team is good, yeah.

Ms. Cua: Yeah, we have teams. And then it all depends on the volume. Clayton calls it "mango season." When there is an influx of permits, it's gonna get distributed to whoever we have. And depending on their permit load, it may not necessarily go to the person who would've gotten it if it wasn't mango season.

Mr. Starr: Well, thank you.

Ms. Cabais: Thank you.

Mr. Starr: Good presentation. Next?

Ms. Cua: Okay, we are staying on time. Our next people to come up to the mike is the Department of Water Supply, and we have Herb Chang here.

Mr. Starr: Welcome, Mr. Chang. Good afternoon.

Mr. Herb Chang: Good afternoon. I believe I'm here just to describe our building permit application process. In general, whenever we review permits, there's two main things that we look out for. One is fire protection and the other is adequate water service meaning, if the water meter that's currently serving the property has adequate service, capacity. So generally, the permits we receive is commercial/residential permits.

The commercial permits are a little bit more – I guess, we would say complex. In terms of fire protection, we normally ask for a fireflow calculations which is something that the engineer of that project would submit. It's based on the insurance service office's guide determining fireflow. And it's pretty much a cookbook type of formula. And the engineer would submit that to the department, and the department would compare the information in those – that is used in the formula like size of building, type of materials. We would – what the department does is – that insurance service office, it determines what we call the required fireflow for each building. That means in the event of a fire, the water distribution system would have to provide a certain amount of fireflow. Like a small building would be maybe 500 gallons a minute. A large structure could be like 3,000 gallons a minute.

So the ISO guide would tell us what the fireflow is needed. So in our building permit review, we would double-check that the engineer properly put the building size, type of materials, verify that the calculations was done correctly. Once that is done, we would – given the fireflow, we would check the existing system whether the water tanks can hold– Our standards require whatever the fireflow is. Say, for instance, say it's 1,000 gallons per minute that's required, the storage tank that serves that particular property has to have at least two hours duration of storage. So 1,000 gallons a minute, that means the tank has to be a minimum size, 120,000 gallons. So we check all those things.

And also, from the tank to the site, we have to make sure that the waterlines have adequate

capacity to provide the fireflow. So for instance, like 1,000 gpm, if there's an existing six-inch pipe, which would be inadequate, eight-inch is the normal size for the 1,000 gallons a minute, so we would respond back to the applicant saying the existing water system is inadequate. You need to upgrade whatever the six-inch sections to eight-inch. So if that's the case, they need to have the engineers submit construction plans. We would review the plans. That takes several months sometimes back and forth. And once that is completed, we would sign off on the building permit, and the construction would then commence to replace the six to eight. And then when that is done, the new line is dedicated to the department for maintenance and operations. And then if there is a certificate of occupancy, then we would sign off at that point on the C.O.

Residential permits are a little bit simpler. We would – in not very many cases, the fire – the situation is where the – unless it's Upcountry, Kahului, Wailuku, generally, the distribution, storage are relatively good. So they usually don't have to do any improvements so we generally concentrate on making sure the water meter is at adequate capacity. So for instance, a 5/8th -inch meter which is the normal size meter, generally, it can serve one main house and a cottage. But once someone wants to do like maybe two main dwellings, a cottage, then we would ask them to upsize the meter. And then they would have to pay the water system development fees, and have the meter installed, and then we would at that point, sign off on the building permit. So that's in a nutshell as far as what we do when we get permits.

Mr. Starr: I have a question, Mr. Chang. Like what triggers a review for fireflow like if someone is gonna replace a window on an old home?

Mr. Chang: That type of building permits for minor alterations doesn't trigger anything. It's just – generally, we just approve it, unless it's – yeah, I'll just say I think that's what happens.

Mr. Starr: But I mean what kind of things would trigger – you're looking at fireflow?

Mr. Chang: For residential type permits?

Mr. Starr: Yeah.

Mr. Chang: For like dwellings, if the – let's backtrack. In our rules and regs, there is an exemption for fire protection for the first and second dwelling. What that means is if anyone applies for permits for that type of structures, the third dwelling would trigger fire protection checks by the department.

Mr. Starr: One more question. What's your normal approval time and do you have a triage system?

Mr. Chang: What's a triage system?

Mr. Starr: A way of weeding out really simple stuff and getting it done right now?

Mr. Chang: We generally take it first-come, first-serve. We feel it's the most fair process.

Mr. Starr: And how long do you take to process?

Mr. Chang: Depends. On the simple ones, it could be from the start of the permit to signature could

be just two days. The more complex ones, ones that would require infrastructure improvements, those can take a few months. Sometimes if the applicant is in an argumentative mode, it could take a long time, a year, till we can hash out that – if we make requirements, and they refuse, it can get all kind of hierarchy meetings, and it takes a while to hash things out.

Mr. Mardfin: Let me just follow up. You say you don't do a triage. You just take them as they come in. And if you've got a hundred in one day, you might not get through the hundred in that day. So even though there's a real simple one, if there's a couple complex ones in line in front of that, that would hold up the simple one, is that the way I understand it?

Mr. Chang: Yes.

Mr. Mardfin: Thank you.

Ms. Wakida: Just a followup. Has anybody considered revising that system so that you could process the simple ones and get them off your desk?

Mr. Chang: This has come up many times, but we feel that if there's a certain case where there's a matter of urgency, we can always accommodate, but in general, first-come, first-serve is our policy, procedure.

Mr. Starr: I'm a little unclear about that. I mean, you said some stuff may only take a day or two, and other stuff may take years. So in other words, if the people working on it are doing something that takes years, then the one that would only take a day will actually take years?

Mr. Chang: Actually what happens is the ones that may take years, we don't – it doesn't take 100% of the 40 hours a week. There's gaps between – The person may spend one hour determining requirements, and then respond back to the applicant saying you need to do this, this, and that. And one week later we hear from them that they don't wanna do it. But in the meantime between the one week, we still get to do permits. So it's like – it's not like spending eight hours a day doing one permit. There's so much flow going into the department that the one that may be smaller than the other eventually will get done. Things flow. It just does not stop.

Ms. Cua: Do you have different people that work like say on residential, or commercial, or –?

Mr. Chang: At one point we did, but we consolidated the permitting section into one main section. So they handle all commercial and all residential at this point. Before we used to have different people doing different – but we find that if we do a section that does strictly all permits versus – maybe a year ago, we had individuals doing subdivisions, permits, water service, we felt jumping on one train, jumping on another train is kind of – we get the train moving with the momentum. We figured one person does – one division does one certain type of work like water service, subdivision, building permits separately, you get the momentum going. And once you start blasting, you blast, instead of changing gears. We found that to be very efficient.

Mr. Starr: It seems like every permit comes to you. And the process in DSA will stop until you send it back. What happens if there's an application that goes to you for someone that's doing something that's not even water-related, and wanna build a wall, or wanna build something that's



not – wanna change out their stuff that's not creating new use for water? I mean, could it potentially sit with you for many months even though there's no change of water use?

Mr. Chang: No, it doesn't happen. Currently, the volume of permits are very small compared to maybe three, four years ago when it was – if we get like, so much permits coming through. Like going back to what we were explaining earlier, an individual may get a stack of permits a week. He goes through that stack in one week to see – he just doesn't work on one permit and stop. He has the whole stack. He just starts – he just does his preliminary checklist. He can go through maybe five to ten permits a day. The easy ones, he'll get to it really quickly.

Mr. Starr: Okay, shall we move along? Thank you very much.

Mr. Chang: You're welcome.

Ms. Cua: We are right on time. At 2:05, we would like to call up the Fire Department. I see Scott English in the audience.

Mr. Starr: Welcome, Mr. English.

Mr. Scott English: Good afternoon. Lt. Scott English with the Fire Department. Basically, I do the commercial plans review for the Fire Department. Basically, our role is we receive the plans from DSA as one of the sign-off agencies. I enforce the minimum requirement of the – right now, the Uniform – 1997 Uniform Fire Code. Basically, we check for fire truck access, water supply for fire protection, fire sprinklers requirement, fire alarm, and exiting. And then there's – in our code, we have speciality buildings like heliports, gas stations, and other things that are a little more complex. On the residential side– Let me back track a little. Basically, all commercial building permits are routed through the Fire Department. On the residential side, only the permits on private water. Anything on the County water goes to the Water Department. Anything on the private water sector will come to us for review. And basically, we just check – make sure the building to be built is within 500 feet of a fire hydrant. If it's not, then they have options of bringing a water supply in or putting fire sprinklers in their house.

Right now in this time, permits are slow, probably a week turnaround for most permits. On the larger permits, I pretty much put them off like two or three weeks. I can open up two or three days just to concentrate on one permit. So those permits are put on the side for a while. And I open up my calendar to kind of concentrate on that permit so I can go through it one time. If the permit doesn't meet our requirement, a letter is sent out to the applicant asking for more information or details on certain projects. Normally, the architect will respond back to me with my comments and give me my corrections. Once our sheets are all changed out and upgraded, then the permits are signed off.

I basically, come up to DSA every day, pick up permits, and I sign off the applications. I stamp the plans up here. All of five minutes.

Ms. Wakida: I should know the answer to this, but I don't. Are fire hydrants plugged into the public water system, the drinking water system, the regular water system?

Mr. English: Most of the systems, yes, the domestic and fire protection are tied into together.

Ms. Wakida: Do we ever use non-potable water for that – for fire?

Mr. English: We have a couple areas on Maui, on South Maui, that we use the reclaim water for fire protection.

Ms. Wakida: Like, do you know where?

Mr. English: We have the South Maui Regional Park using the R-1 water. We have Goodfellow Brothers' baseyard, Mansanto, all their fire protection is coming off the R-1 water.

Ms. Wakida: And what about these areas that are private water? I think like Launiupoko, aren't they private water?

Mr. English: Yes, Launiupoko, Kaanapali, Kapalua, it's all private water. Basically, they have their own water source. The systems are chlorinated to meet Health Department standards. And the domestic water and fire water comes off the same system.

Ms. Wakida: So they don't use non-potable. They use their drinking water system?

Mr. English: Yes, the non-potable water is mostly used for irrigation so they don't have to treat it.

Mr. Starr: In some place where there's not hydrants and so on, what – does every structure require sprinklers?

Mr. English: Right now our code is if you build out in Kaupo, any building over 700 square feet requires some kind of fire protection. You can put an onsite water tank that we can draft the water out from. The size of the tank is based on the construction type and the size of the house, or you can install fire sprinklers in your house.

Mr. Starr: So basically, under 700 square feet does not require?

Mr. English: Correct.

Mr. Mardfin: My wife mentioned to me the other day that there was something in the news that after some date coming up sometime soon every house will require—new house—will require internal sprinklers?

Mr. English: The code that we're about to get into . . . (inaudible) . . . 2006 edition, requires all residential buildings to be – with fire sprinklers. We have to go in front of the Council to get the code approval and it would be up to the Council to enforce the sprinkler requirements.

Mr. Mardfin: So it hasn't come up yet or it hasn't been passed yet?

Mr. English: No, it hasn't been passed. It's still in the process of going in front of Council.

Mr. Mardfin: Thank you very much.

Mr. Starr: Would that be new houses or would that be if you have an old house, but you're just gonna make some change to it?

Mr. English: That would be the language that we'd have to put into the code as far as how much renovation are you allowed to do on an existing house before we enforce the sprinklers. And we have to put language in the code to really cover that really good because it's gonna come up.

Mr. Mardfin: I just want to thank the Fire Department. I live in Hana. And one time I saw them going out and checking the hydrants in our area. And I went and saw the person doing it. And I said, "Is it adequate? I'm concerned about my house." And he went and he did some checking, and they tested it, and I was very happy with the response I got from the Fire Department. So your department deserves congratulations.

Mr. English: Thank you.

Mr. Starr: Any other questions for Fire? Okay, thank you very much, Lieutenant.

Ms. Cua: Thanks, Scott. Now we're actually ahead, but we do have Scott Rollins in the audience from the Department of Waste Management.

Mr. Scott Rollins: Good afternoon, Planning Commission. I'm from Wastewater Reclamation Division. I'm a Civil Engineer. I'm in charge of permitting, and planning, and reuse, and construction, and pretreatment, and GIS for our division. I do a lot of different things with our people. We get a lot of plans to review every year. We review all kinds of documents. What we do is we keep a log of all the documents that come into our office. One of those is building permit applications. As you see on here, I won't go through the list, but there are many things we have to look at.

This is over the last decade what type of – the number of documents we've had to review on a monthly basis. As you can see, we've varied from 100 ten years ago to around 400 a month now – a couple years ago. Now, we're down to around 250, 280 per month. So we do a lot of different things with our people.

Documents per month, this is another graph that shows basically, what we've been doing for the ten years. We have about 200 documents a month now in 2010. Of those – that green line, you can see our building permit applications. So about 40% of those right now are building permit applications.

This is the plan check time we've gone through the last six, seven years.

We have a triage system we implemented in 2006. 65% of the documents are ...(inaudible)...They are done in a day. It takes – 85% of the plans are done in less than 15 days, 94% less than 45 days. So I think we have a pretty good handle on our document flow through the office.

Why does WWRD review plans? Well, we operate both the sewer and a reclaim water utility. We

have to make sure our treatment plants are operating properly. We have to protect them. We have to follow the Maui County Code design standards and so, and we have to check plans to make sure everyone's in compliance. Like I said our treatment plants are biological so everything needs to operate. We upset the bugs that are working for us in the treatment plant, we upset everything and we need to guard the integrity of the sewer system. Those are the pipes in the ground, the pump station ...(inaudible). We need to meet Permit Water Quality Discharge requirements. We have permits with the State and sometimes Federal agencies on what can be discharged in the end after the water is treated. So we have to know what goes in on the front end. We need to meet reuse water quality standards for our customers so they can use the water that we're requiring them to use.

I'll just talk a little bit about our process now. Day one what happens, a plan comes in from DSA, it's entered into our review log. We have a review log so we know what comes in on what day, then it comes to our Planning Section and we do a triage. If it's an easy review we do it that day and get it out. We make sure that all the documents are there and then we pass it on and we put it in our queue. What happens after that is where people sometimes get stuck. We try to do things after that on first come, first serve basis. If it wasn't simple then we want to be fair. We'll pull a document, we'll look at it, and we'll say, "is everything here we need, do we have the civil plans, do we have the mechanical plans, do we have wastewater calculations, do we have grease interceptor sizing calculations, is everything here that we can continue to process?" If that's true, we'll go onto review. If not, we'll say, "well maybe we can review without that one thing and that will just be a comment when we're done." If we really need something, it will go back, we'll send a letter to the applicant, he can resubmit and we'll put back in the queue when we receive his resubmittal. He meets review, like I say we have a lot of things to look at because we have to protect our system. We have a pretreatment section that looks at what goes down the drain and we're sure what we're getting at the treatment plant doesn't upset our process.

We have reclaimed water. If you have a business that is going to use reclaimed water we're going to look at that and make sure your piping is adequate and you're using proper materials for specification are correct.

Construction inspection, if there's something special that needs to be involved and then it will come to our engineers and they'll do a final review.

Like I said, pretreatment review, first thing we're going to look at is what's being connected to the waste piping, a lot of like food establishments should have two waste systems. You have one for grease waste in the kitchen. You have one for sanitary waste which is what goes down the drain in a bathroom or regular hand sink or something like that. So we look at all those connections to make sure those are correct. Do we have any pretreatment devices that are required? Do we need a grease interceptor? Do we need an oil interceptor, chemical neutralization tanks for like science labs, things like that or medical connections. There's other devices. And you can look at sizing calculations. How did your engineer decide that was a 400-gallon grease interceptor you needed and not a 1,500 gallons. So we need calculations on that. Hair/lint sand traps, if you're a beauty salon, you need a hair trap. If you get hair in the sewer it combines with other things and can cause blockages. Lint, same thing. Laundry sand traps keep the sand and the grit out of the sewer system. Non-contact cooling water. We want to make sure we're not getting clean water to process at the plant. Our pipes only handle so much water, our treatment plant only handle so

much water. So if you have AC condensate we don't really want it to go to the sewer. You can use that to irrigate your planter or something like that.

Now what chemicals are going to be used in the facility, a lot of times depending on the type of the facility we'll ask that MSDS sheets so we know what's going down the drains and we can look and see if it will affect our process at the plant at all. Hazardous waste same thing. If you have heavy metals, do you have other things that we need to take out before it gets into the County sewer system.

Are you going to need a discharge permit in the end? Usually this is just the food establishments. If they're going to need discharge permit because we're going to have to go and inspect them once a year and make sure their connections are the same, they haven't changed anything or added anything. And what inspections will be required in the end so we can get that ball rolling with our construction inspector for a preconstruction inspections or dye test, whatever we need to do for their facility.

Reclaimed water review, like I said before if you're connect to our reclaim system for irrigation make sure that you can do that, that you're an entity that's allowed to do that, make sure you're using proper materials, things like that.

We do have a permit if you're going to use reclaim water so we get the ball rolling at building permit stage. It's not required to be completed before you get your building permit but we want to make sure you're on board and rolling with that before you get too far along your process.

Construction inspection review, sometimes we'll bring in our construction inspector and ask him about a certain area. Is the ground water high in this area, do you know anything special about the pipes we need to know to do a connection, things like that. Site specific spill prevention plans, if you have to connect to our sewer because of your building, we need to make sure you're not going to cause a spill while you're doing that. If you need to a bypass operation or what equipment or materials we need on site when you do the connection in case something goes wrong.

...(inaudible)... inspections, like I said, sometimes we need to go see our or see the grease interceptor ahead of time, we want to make sure the tank is an approved type. Construction inspection requirements, anything else special we think we might need to know.

Once all that is done, it's compiled and given to one of our engineers and he'll go through the plans and he'll look at the connection to sewer, the actual details, does it conform to standards, does the connection exist, how are they going to do the connection. Commercial establishments they typically need a service manhole instead of just a clean out like most residences have. A service manhole allows them to clean their lines onsite and have a place they can collect anything that's accumulated in there instead of just pushing it into the County system and giving us the problem.

Waste water discharge calculations, we have to know what volumes to expect at our treatment plants and in our pipes. So for any new establishment we have them look at standard numbers and kind of come up with an estimated discharge account. A restaurant might be 4,000 gallons a day, a book store could be, you know, 300 gallons a day. So we kind of take that into account. We kind of keep a tabulated allocation so we know what's coming to our plants in the future based on what

we have now.

Assessment fees required in South Maui and Central Maui there are assessment fees the first time you connect based on how much sewage you're going to discharge to that and that helps to pay back money the County has already paid to expand our plants in those areas. And we make it a point that our engineers compile all these and understand all the comments so people can call and they just need to talk to one person if they have questions on our comments. And then he'll contact the applicant, usually it's a letter if it's really extensive, and if it's a few things it may be an email if they're real familiar with the person and sometimes it's a phone call.

Things that can cause delays in our plan check include, increases in work load like we had a consent decree so that changed the work load for individuals. One call center came on a few years ago which required us to answer another 10 questions a day on locating sewers, furlough days, we have fewer days to do reviews. Increases in document volume. A few years ago we had a construction boom we really bogged down, preconsultation that wasn't needed, a lot of times people will come in and they'll spend 15 minutes with us talking about things that we really didn't need to talk about because their engineers understand all that and it will be included in the plans. Incomplete designs, a lot of times we'll get a plan that include the mechanical plan but not the civil plan or we get the plans but not the calculations that just kind of slows things down when we have to request more documents. Vacant positions, we have a vacant position that kind of ...(inaudible)... things up a little bit. We didn't have a pretreatment inspector for eight months this year so our pretreatment review guys was out doing inspections in the field and everything got shuffled around so that slowed things down a little bit.

Changes we've done in the last few years. First thing, 2004 we added another engineer for the position to do plan check. In 2006, we started the triage where we look at the first day it came in to make sure we didn't need to add things or we could just pass them on and get them out. 2007-08, we hired two new engineers to help run construction projects. We were doing construction projects, our own CIP projects as well as trying to do plan review. 2007, we put all our standard notes on the website so engineers could find them more easily, what forms also. 2008, we hired a GIS Tech for our GIS, GPS and ...(inaudible)... one call center so we could dedicate more people to plan check and just have one guys handle all that.

Things applicants can do to speed up the process. If you have really unique circumstance they should come to us ahead of time and talk to us. We're happy to meet with them and go over those issues. They can request any information we have prior to completing the plans so if they questions please call us, make sure they make complete submittals instead of partial submittals, alert WWRD if there's nothing to do with sewer, we try to catch it in that one day, but we don't always get it, if you call us after a few weeks, if you haven't heard from us, we'll put it out and take and take a look and see if we can help you out and call and ask a question if you don't understand our comments.

Conclusion, we need to guard the sewer system for illegal and improper connections. We need to know what's going in the sewer so we can maintain water quality that's coming out of our treatment plants. WWRD is here to help people and get their approved so people should call us if they have questions. You have any other questions?

Mr. Starr: Commissioner Shibuya.

Mr. Shibuya: When we start using special uses for the sewer such as hospitals and mortuaries and pharmaceuticals, how do we test or do we test for the output? And I'm looking at human hazardous stuff like carcinogens, bacteria, virus, heavy metals.

Mr. Rollins: Yeah, typically a lot of that goes to hazardous waste at the hospital. You know, we do testing at our treatment plants every month to see what the final effluent is like and if we find things that are out of kilter then we have to go back to the system and try and figure out where those things came from, but for the most part, most of the hazardous wastes at those hospitals is taken out and disposed of by private disposal companies before it enters the sewer system.

Mr. Shibuya: And where do the private disposal companies take it to? Back to you guys?

Mr. Rollins: No, they don't. Typically it's shipped to Oahu and processed there or sometimes to the mainland.

Mr. Shibuya: I'm concerned, how do they filter out the carcinogens and formaldehyde?

Mr. Rollins: That I can't answer for, I'm not an expert on that but we can get info for you if you need it.

Mr. Shibuya: Okay, thank you.

Mr. Starr: Commissioner Mardfin.

Mr. Mardfin: I'm pretty sure you don't operate in Hana.

Mr. Rollins: No, we don't.

Mr. Mardfin: Are there any other areas of Maui that you don't operate in?

Mr. Rollins: Our major treatment plants are our central area here, Kihei, Lahaina. We don't operate Upcountry at all, Haiku area, Makena has a private treatment plant. Pukalani has a private treatment plant. We do have a treatment plant on Molokai and Lanai also just for the central Kaunakakai area on Molokai.

Mr. Mardfin: I'd like to also make a comment. I love, you seemed to have made your whole, done a great systems analysis of the entire process and I think that's really commendable and it shows up in that you've reduced your turn around time from an average of a little over a month to about a week and a half.

Mr. Rollins: Yeah, we're pretty proud of being customer oriented.

Mr. Mardfin: And you've gone from 50% dealt in one day to 65% dealing in one day and that's very responsive government, congratulations.

Mr. Rollins: Thank you.

Mr. Starr: Commissioner Wakida.

Ms. Wakida: This whole system, does it apply to private systems as well?

Mr. Rollins: No, we only look at pretty much commercial building permits and only things connected to the County sewer. So some areas are private water that they connect to the private sewer or the County sewers and we do look at those.

Ms. Wakida: Okay, and I have another question. Many communities on the mainland are requiring the elimination of I think it's phosphates that's in detergents you're not allowed, does anybody know? Phosphates. Why isn't that a problem here also? Do you know anything about that?

Mr. Rollins: Oh, they've reduced a lot of the phosphates in the detergents period. Maui doesn't have a lot of industrial type businesses here. I mean it's basically the hotels, residences, that's the majority of our waste so we don't get a lot of phosphate, but we do measure it and we do test the influent that comes into the plant, effluent that goes out and I believe it comes in about 14 parts per million and leaves about two or four parts per million.

Ms. Wakida: So it doesn't, I guess the problem on the mainland is it enters the public water system somehow. I don't know whether it's just casually or what, I mean, they've taken it out of laundry, dishwasher detergent.

Mr. Rollins: Yeah.

Ms. Wakida: So that's not an issue here.

Mr. Rollins: Well a lot of places on the mainland take their water sources from rivers and things like that so it's reused over and over again, so it's introduced into the river, taken out by another community, cleaned up and used as a water source where here we're not, that's not typical water source we have.

Ms. Wakida: Thank you.

Mr. Starr: Yeah, Commissioner Sablas.

Ms. Sablas: Just short comment. I've noticed that my sewer charges have been climbing but now that I know where it goes to I'm okay with it. And if I were a teacher I'd give you an A plus for your presentation, well done.

Mr. Rollins: Thank you very much.

Mr. Starr: I have a question which is what are the triggers for grease interceptors?

Mr. Rollins: As far as triggers, well, we're basically looking at food establishments so any time we see a commercial kitchen we're looking at that. So that's basically –



Mr. Starr: But some food establishments don't need them and some do.

Mr. Rollins: Well, we look at the menus for the different establishments. Like a sandwich place that's using pre-processed meat and bread that they're just slapping together they're not going to need a grease interceptor. IF they're cooking meals, washing dishes, things like that then we're really looking at grease interceptors.

Mr. Starr: So it's usually like cooking, baking?

Mr. Rollins: Cooking, baking, washing dishes, things that use fats, oil and grease, yeah.

Mr. Starr: Commissioner Shibuya.

Mr. Shibuya: Is there a problem relating with the pumping out and cleaning out of private septic tanks because I see the business enlarging, Suck 'Em Up and Valley Isle Pumping and it seems like those that don't take care of their septic tanks transfer their problem over to the waste water. Is that a problem?

Mr. Rollins: We haven't really noticed a problem with that. You know, EPA made people get rid of cesspools and install septic tanks, that's part of the increase you've seen in those businesses lately. We have assisted DOH in like businesses that aren't on County sewer systems that have septic systems where they're requiring grease interceptors. We're reviewing those grease interceptors for them even though they're not coming directly to our sewer. So we're making sure they're sized properly and their connections are correct in those areas.

Mr. Shibuya: Are you looking ahead in terms of putting in plans or designing plans for a Makawao/Upcountry area where the population is increasing, the density is increasing and now we get to a point where cesspools are coming into septic tanks and septic tanks are going to have to go some place.

Mr. Rollins: It would be very difficult to put in a system in existing areas like that. Septic systems have come a long way in the last few years. Most of those lots are greater than 10,000 square foot or larger that can handle a septic system. All that's really up to DOH and what they want to do about it. If the people are mandated to put in another treatment plant up there, we have in the back of our CIP plans to take a look at that and see what it may entail.

Mr. Shibuya: Okay, so there's no real plans to ...

Mr. Rollins: No real plan right now, no.

Mr. Starr: And just ask the same question about Hana because there was some discussion several years ago about Hana Bay being impacted and a previous Administration had had some discussion about putting in a small plant in Hana.

Mr. Rollins: Yeah, similar to Upcountry and I think it's 2017 we have a CIP project to look at Hana and study and see if there's something we could do to put in some sort of a treatment facility. I'm not saying it's going to happen that will be up to Council but it's in the back our mind.

Mr. Starr: Okay, any other questions? Okay, thank you very much, good presentation. We're going to take a 15-minute recess.

A recess was called at 2:30 p.m., and the meeting was reconvened at 2:48 p.m.

Mr. Starr: ... October 12, 2010 is back in order. We're in our workshop on the building permit and review process and Deputy Director Cua will introduce our next module.

Ms. Cua: Thank you Chair. The next section of our building permit workshop today is with the Department of Health. They were not able to be with us but Planner Gina Flammer from the Current Division of the Planning Department has sat down and met with them for several hours I believe and she's put a power point together and will go through it and if there's any questions that she's not able to answer, she'll be able to take the questions back to the Department of Health and then email the Commission with the answers. Gina.

Ms. Gina Flammer: I was feeling very brave when I took on this assignment but after hearing everybody else, I'm going to give a very broad overview. The Department of Health, there you can see their general mission statement and I'm sure you all know what a large agency they are and how many areas they cover. So what I did I just because this workshop is on the building permit process I focused on just the division that does that here on Maui and that is the Environmental Management Division, Patty Kitkowski couldn't be here today. They have a staff of three when they have a department that should have six people. So they're really doing as much as they can as quickly as they can and it's great they took so much time with me for today's presentation.

So when it comes to building permits they do the same that everybody else does, they do the commercial and residential. They go down, they pick them up everyday and they do have a triage system where they go through and look and see what can be done quickly and then they parcel them out to the two other people that they have. They'll also answer questions right there at the counter especially for some of the smaller permits that they have and did notice when I first came in that Patty was at the counter helping people with some of those small permits.

I thought what you would be most interested in would be the individual wastewater systems and we can talk about that in a minute. I also wanted you to know that they do review for sanitation some of these, you know, the barber shop, beauty parlors, massage establishments, laundries, livestock, they use to when we had dairies here they would be the ones that would go out and look for sanitation. They also look at food establishments, public swimming pools, mortuaries. They look at ventilation for commercial buildings that takes up a lot of what they do. And then they also look at for every building permit that comes in for commercial they'll look at water closets and lavatories and make sure that that's all the way it should be.

So they have Hawaii Administrative Rules different chapters for each of these, so I did bring some of them so you could see really what they go through. I have extras if anybody would get interested specifically massage parlors or the tattoos or the individual wastewater systems, I did bring two copies. There's a lot to it so you just let me know afterwards.

Okay, so for individual wastewater systems, Roland Tahano is the Environmental Engineer. The comment I've heard most about him is that he's extremely thorough. So you know when you're

sending a building permit over there we know as a department that he's really looking at it to make sure that it's in the right place. Generally, and they did remind me many times that every case is really specific but generally residential systems they're allowed on parcels over 10,000 square feet, you can have one that will serve both your main house and also your ohana but it can't have more than five bedrooms otherwise you would be required to put two systems in and there are, you know, I just showed you the thick packet those are the construction, the material, design requirements.

Like the other agencies we have heard today the biggest problem they have are the incomplete applications and it's not always so much for the new homes as it is for the people that are doing remodels. They're going to come in to put a new bedroom on and they don't have the paperwork from when they did their original septic system and that could be because they didn't buy the house. The Department of Health doesn't keep all of that so then they'll really work with the applicant. Often times the applicant will have to hire an engineer who can then map out the system. And then they need to do a site plan and make sure that there's been no structures that have been built on a leach field. Things like that do come up. They'll make sure that the actual number of bedrooms in the existing structure do not exceed what the current septic system can take. So that's often where a lot of the time is, is them really pulling together that kind of information.

The other thing that I thought I'd let you know about is the NPDES Permit and that is because you guys see that on every SMA application that you get. DOH regularly comments on the requirement for these so I thought I'd tell you a little bit about that and it's designed prevent pollutants from contaminating water sources. It's generally if you're doing any kind of grading or clearing of one acre or more and what DOH asks our Department to do, the Planning Department, is we need to see in the preliminary compliance report the actual permit itself. So that's how we do the enforcement on that, and that really all I have for you today. But any kind of questions, I can go ahead and take those down and I can email answers back to you.

Mr. Starr: Commissioner Wakida.

Ms. Wakida: On that previous, could you go back to the previous one? I missed, what does NPDES stand for?

Ms. Flammer: It's a – oh, I didn't put it up there. Hold on a second and I'll give you –

Ms. Cua: Go Jeffrey.

Mr. Starr: Mr. Dack.

Mr. Dack: National Pollution Discharge Elimination System.

Ms. Flammer: Thank you for that. And that's to really to protect the waters. So if you're doing grading you have some best management practices and they really do look at site plans when they're reviewing those permits.

Mr. Starr: So this is, we're not talking about a County agency, we're talking about a State agency and that's State Department of Health and what is the division under the State Department of Health?

Ms. Flammer: This would be under the Environmental Management Division is who looks at the building permits. On Maui we also do have an Environmental Health Services Division and they do look at community noise control but generally that comes in after the building permit or at least that's how it was explained to me. I mean, the Maui does do other, you know, preventative, they do have another wing here, but in terms of building permits, they do the public health type related activities. Loren Pang I'm sure you're familiar with, they don't have anything to do with building permits.

Mr. Starr: Commissioner Mardfin.

Mr. Mardfin: You have any idea how long their average turn around is?

Ms. Flammer: Again, it depends. I think I had a couple weeks in my notes when I asked and that's if it's complete and they have engineer construction plans.

Mr. Mardfin: But you said they do triage so there might be something that are a day and a half or?

Ms. Flammer: There could be, you know, because they're doing for mobile food service vans, you know, for them that could be something that they can work out right at the counter.

Mr. Mardfin: Okay, thank you very much.

Mr. Starr: Commissioner Shibuya.

Mr. Shibuya: Gina, do you know if any of those three that we have on Maui are they veterinarians? Anybody with veterinary degree?

Ms. Flammer: That would be a different division so I don't know if under Loren Pang's division, the Public Health if they do. I can find out though.

Mr. Shibuya: The reason why I'm asking is because that's who normally inspects the food establishments. Veterinarians because they are more informed about viruses and infectious diseases than the regular medical doctor.

Ms. Flammer: Right.

Mr. Shibuya: Okay, and they are more attuned to the different types of hazardous material.

Ms. Flammer: Right.

Mr. Shibuya: There's the other part too, what kind of tests do they have available for Maui County and I'm talking about water, I'm talking about land. Land is for hazardous materials such as formaldehyde. We embalm people, we put them in the ground and then we have human lich and we have also the embalming fluids. What are we doing about this?

Ms. Flammer: Okay, this is not the Maui Division that looks at building permits and I know this was for some of my permits. This is a Honolulu Division that is called the Hazardous Evaluation and

Emergency Response.

Mr. Shibuya: That's correct.

Ms. Flammer: Yes, and they often, it's after the fact, but they do read the environmental, what's called a Phase 1 Environmental Report and in that they – that report is required to show if there has been hazardous materials found in any documents it will be in there and then that division is the one who does review that. They're especially concerned with when they look at ag land with chemical mixing sites.

Mr. Shibuya: And I asked a question in terms of how do you detect them and do you actually detect them and the answer is now.

Ms. Flammer: And when.

Mr. Shibuya: ...(inaudible)...

Ms. Flammer: And when does that come into play.

Mr. Shibuya: That's right.

Ms. Flammer: Yeah.

Mr. Shibuya: So it seems like they're receiving complaints but they can't do anything.

Ms. Flammer: Yeah, I talked to them about that. They do have some constraints.

Mr. Starr: I have a question. When a project is initiated we almost always have wording in our conditions regarding best management practices which very often boils down to things like silt fences and keeping construction site runoff from going into streams and going into the ocean. But a lot of times we see though it may be installed when it starts to rain a lot of, you know, the fences fall down or someone doesn't maintain them or there's problems. Sometimes it's on a larger scale like recently happened in Kihei with those rains two weeks ago where, you know, the beaches were, the beaches were closed for several days because of all the stuff washing down. Who is, you know, there's one body that you're talking about which is in the review process of the State but does that same entity also kind of follow it as a project goes along?

Ms. Flammer: If they're required to do the NPDES Permit, yes, they do. They do site inspections. They will follow the project along. If it's a project that does not require this, what we do is we send those, we require the applicant to send the best management practices to the Department of Public Works and we'll ask them to review it and I wish Mike were here to talk a little bit about that. Generally what they will do is they will review it to their department's own standards regardless of what the conditions says. That's all they're really able to do.

Mr. Starr: Any other questions on this? Well thank you so much Ms. Flammer for filling on this. I know it's not, you're wearing someone else's shoes, but you did a very good job.

Ms. Flammer: Oh, thanks. I gained a lot of respect for the department let me tell you that. They do a lot.

Mr. Starr: Okay, moving right along.

Ms. Cua: Okay, now we go to another State agency, State Historic Preservation Division and I believe we have with us today from the Department of Land and Natural Resources SHPD, both Hinano Rodrigues and Morgan Davis and I believe, Hinano you're going to go first?

Mr. Starr: And thank you for taking time to join us today. We really appreciate when you come and share with us.

Mr. Hinano Rodrigues: Sure. Aloha mai kakou. I am Hinano Rodrigues with the Department of Land and Natural Resources, State Historic Preservation Division. Our division is made up of three branches. The branches are architecture, archaeology and culture and history. What I'm going to do this morning, this afternoon is let my archaeologist do the first part and the reason for that is most of the items that come in front of you are archaeology based. I'd like to introduce, actually I'm really happy to come in front of this Commission with an archaeologist on this island, as you guys all know. So I'm really happy to introduce our lead archaeologist for the island of Maui, Morgan Davis.

Mr. Starr: And welcome and thank you for being with us here.

Ms. Morgan Davis: Thanks very much. Did you guys get the handouts? Okay, they're coming around. The flowchart in color is something that I printed off for you guys at Ann's request. It's found somewhere within our very messy website. I think you probably have URL on the bottom I hope since I printed it directly from there because that also provides electronic links. Is it? No. Okay, well, we can get that separately that provides links to some of the different rules and regulations that we're required to follow.

Basically we are responsible for reviewing anything that you guys send us, anything that any other State or County agency sends us or it's potential for an effect on historic properties. What that means is mostly the reviews that we're doing in those situations fall under Chapter 60, Historic Preservation Rules and that follows both private and publicly State or County owned properties. We also do reviews under Section 106 for Federal projects whether they're wholly Federal, something the Army or the Navy is doing or whether it's something that is Federally funded sometimes under a Federal grant. At that point, it immediately triggers the Section 106 process, but the review from our perspective is pretty much the same. Whether or not we make the determination or we are agreeing with somebody else's determination we're still responsible for identifying whether or not we know of historic properties and that, that whether or not we know is often why we will come back to you guys with a letter and say, well we've looked at our records, we don't have any information, this is where we're requiring an archaeological inventory survey to occur. The reason you don't always see that is we have an awful lot of information in our office and if we've seen a project before, we already know it's there or we've had archaeologists go out and they tell us there's nothing there. We can then proceed to whether or not there's a no effect or that we require archaeological monitoring. The monitoring comes in either because the area has been disturbed prior to the introduction of Historic Preservation Rules so we never had an opportunity

to look at it before and we think there might be something there or if it was – there has been an archaeological inventory survey with historic properties and monitoring is then part of the mitigation to make sure that they are not damaged in any way during future construction on that same parcel. So that's why that chart looks a little bit busy. It can, somebody had asked earlier what's the turn around time for another department, ours can be very quick or it can be protracted depending on what we have in front of us. If I have just reviewed a monitoring plan and somebody comes in with a building permit, and I go, "okay, I know exactly what this one needs, I can refer to something I looked at last week." That can get turned around in a day or two. If it's in some way messy or complicated and requires consultation particularly in any kind of road project that has Federal funding we're also required to do extensive consultation with cultural groups with the Burial Council then those things are automatically going to take longer because there's more people and more perspectives coming into it.

One of the reasons that it's good that Hinano and I are both here at the same time is that it sounds a little more straightforward than it is, you know, okay, we can check off what we need and stuff. Earlier today, we were called out to a project where human remains were found and it wasn't the first time anything had been constructed on this property. So somebody did ask me to review a building permit, the location is known to have contained human remains in the general vicinity not at that property and we did ask for precautionary monitoring just to be safe and that's where we just were before we came here. And that is something that Hinano and I work on together. He has the ultimate responsibility for anything to do with burials and I have it for historical properties that are not burials. So obviously there's going to be times when there's a crossover with those things.

That's about all I had prepared to say, so what else can I help with you guys?

Mr. Starr: Explain some of these non burial items or conditions that you would be concerned with?

Ms. Davis: Okay, we are concerned with both above and below ground surface cultural and historic properties. That could be anything from an ahupua`a wall to a heiau to buried cultural deposits. A lot of times particularly in areas where they've had past sugar cane or pineapple cultivation people will come to me and they go, it's already been cultivated. That's a pretty shallow layer that is actually required to be dug to grow something. I mean, things grow all over the place really, really well. They're growing in my backyard and I've never had a garden that actually responded so well to my lack of care, but when you go below that, you can still find evidence of past habitation. And as we start doing more of that because that hasn't always been done going even below the plow zone, we are finding evidence of large areas that have been occupied and, you know, that's a pretty interesting thing to know. The purpose also, not just of identifying those areas but of making sure that we're not going to be disrupting human burials. So there is that crossover when we're first asking for an archaeological inventory survey. Going to the stuff that it doesn't really look like much, we're interested in charcoal. If they can get charcoal from an area that has not already been exposed to air, and they can get a good sample in, then we start getting an idea of what the dates are of these occupations and the different areas of what you can see above ground.

Mr. Starr: Is there a cut off age or date of stuff like, you know, say, you know, there might be World War II artifacts or there may be turn of the 19<sup>th</sup> to the 20<sup>th</sup> Century artifacts or there may be, you know, artifacts from 1800. At what point do you consider them interesting?

Ms. Davis: From our perspective 50 years old or older. So it's a rolling day.

Mr. Starr: Fifty years old.

Ms. Davis: Yes.

Mr. Starr: So 1960.

Ms. Davis: 1960, starting next year 1961.

Mr. Starr: Wow.

Ms. Davis: Yes.

Mr. Starr: Commissioner Wakida.

Ms. Wakida: Yeah, I have a real concern about that because why are you fixated on that 50-year rather than a point in time? What is the history?

Ms. Davis: I couldn't tell you exactly what they were thinking of when it was created but that's what under our rules. So ...

Ms. Wakida: Is that State or County?

Ms. Davis: That's State.

Ms. Wakida: Can I follow up on that?

Mr. Starr: Yes.

Ms. Wakida: So if it's a State rule then the County can't, I mean, they're bound by that for all things as well?

Ms. Davis: Yes. As it's written now. It doesn't mean it can't be changed at some point in the future, but nobody – to my knowledge nobody's gone back and suggested a change to that.

Ms. Wakida: Because for example, Lahaina District and the Lahaina Historic Landmark, the historic values are for the plantation era and before not in the 1960's. That's not the area that is of interest for preservation. So it seems like a tedious restriction. Doesn't have any merit preserve something that was built, lets say we're getting into houses now it was built in 1959 it's not ...

Ms. Davis: There can be if it has a historic reference to it and I'm speaking outside of my comfort zone here because this generally falls under our Architecture Branch where there may be something that historically important that's an architectural, you know, a building of some sort and I don't review those. So if, for example, if you're looking at a building permit for modifications, I think it's even listed in your permits is it a modification to a building 50 years old or older, that's the trigger to go to our Architecture Branch and then they determine whether or not – it's not just the



age, it's whether or not it's significant for its age. Generally though, no, you're right, we're not going to see something, I'll never say never, we're unlikely to see something like a new road that was constructed in 1970 coming through as historic, but again, it depends on what happened during the time. Some of our roads that are considered historic now were only historic because at the time that they were linked to construction under Kamehameha III for example. So over time, I mean, I know it seems silly to us now, but some of the things that are being preserved now from the 1920's and the 1930's that might have seemed silly in 1960 because everybody's looking at it as a much more recent thing.

Mr. Starr: Commissioner Shibuya.

Mr. Shibuya: I'm troubled with the idea on how do we test for significance and the reason why I say that is because at one site in Kula, there was a pile of rocks and in between there, stored in there were human remains. Is that the way they were buried before and if they buried there like that what's the significance of it? And now, I'm not trying to deminimize it, I'm just trying to figure out what is significant versus what is not significant?

Ms. Davis: Well, and that's a good question because you're right, in a way it's a judgement call. We're required, I don't know Hinano, do they have copies of this or no?

Mr. Rodrigues: Of what?

Ms. Davis: Of the significance? Okay, and I should have gotten a copy of that for you but I didn't anticipate the question. There's significance A, B, C, D and E.

Mr. Shibuya: ...(Laughter)...

Ms. Davis: Well, that's what I'm saying, it's not exactly what you expect, you're right. It sounds like I'm kind of, you know, pulling it out of my hat or something like that right now. We're required to go the A, B, C and D are links to the quality of the item, of the construction, in this case it could be whether it was associated with a certain person important in historic times, whether it is an example of, you know, of really good artistic use of whatever the construction is whether it is simply significant because it could be useful for information purposes. E is specific to Hawaii only and that is it's specifically important to a culture or to a native Hawaiian group. So both human remains can be under that, an area that has a cultural value to any particular group can be under there. We have a broader range here of what we consider significant than is true nationwide, but the first four are based on national criteria. So we're not just making it up. It is my short answer. We do have guidelines to follow but again it's really taking a view based on what we know already and building on that. So obviously if I'm making the claim that something is significant because it's especially well built or a unique version of its type. I'm basing that on what I already know on what we've already researched what archaeological surveys have already found in the past. In 10 years they may have found something amazing that I don't know about and this no longer looks like something great. So it is something where it has to be continually reevaluated.

Mr. Starr: Commissioner Mardfin.

Mr. Mardfin: This is going to be somewhat specific, but I live in Hana and we, the Hana Cultural

Center we recently produced a poster showing 47 images of the various bridges both in the north which is a State highway and to the south which is County and I know on the County side, they've just replaced Paihi Bridge, they're currently working on Papaahawahawa. They plan in the next year or two to work on Waiohonu and Kaholopo'o Bridges and when they do this, we've gotten some exceptions from some Federal standards. We don't have to build them four lanes wide and so there's already been some work so that when they do replace it they don't totally botch it up. But what for instance would your office do or have, expect to have done in documenting a particular bridge. These were all built between 1908 and 1970 and usually 1960, so what's going to happen, I hear there are two bridges that are up for work on them.

Ms. Davis: Right, I can speak generally to that, and I say generally only because bridges fall under architecture.

Mr. Mardfin: Okay.

Ms. Davis: And it crosses over. Usually if it's something like it changes to a roadway, Architecture will review and so will I. So it depends on what is, what the construction extent is necessary for replacing that bridge. If they're going to go into ground, if they're going to be creating a separate roadway while they replace that bridge so it's probably been a combination review where Architecture reviews the impact to the bridge and Archaeology, myself, would review the impact to the surrounding area. Did that answer your question?

Mr. Mardfin: Well, what kind of records would, I know some of your A, B, C, D has to do with do you keep it in place and not change it at all, you just record it for the future. So, and maybe, I'm sure it's Architecture again, but do they take, you know, a hundred photos of thing from different angles and as they're – they basically pull it apart and rebuild it, they do that or they're looking at what the internal structures were and try to figure out how it was built and, you know, come up with a 30-page document on each bridge by the time they're finished that's stored away somewhere or ...

Ms. Davis: In this example, I'm not really sure. I'm not that familiar with, with what they require for bridges. I know that there are separate surveys. They also can require an architectural inventory survey which requires I think it's HABS document, I wish I could remember what that stood for right now, but it's basically the national requirement for recording architectural things to the national standards. They have the authority to request that there be monitoring during the removal of the bridge. I don't know if they do or not. I do know when we're working on roads like that I do require to have archaeology monitors on site just because you're right, we don't know how long ago this was built, we don't know really what's underneath all of it until you go there and also the modern bridges are usually built to a different standard so they're going to have to have deeper pilings.

Mr. Mardfin: If I may continue?

Mr. Starr: We need to finish up.

Mr. Mardfin: I was just going to say, I Okamoto did a study maybe a decade or so ago where they inventoried all the bridges, not all, most of the bridges in the County portion that is south of Hana and they have each of them, they have photographs, they made some spreadsheets and, but that was done prior to making the – it was in the anticipation of doing construction studies but prior to

and I was just wondering what they do while they're doing the construction because new things will come up once you pull a bridge apart, you'll see some things and I just wondered whether that gets recorded or not anywhere.

Ms. Davis: Again, I'm not sure with bridges, I can say if we have monitoring going on for archaeology and new things are uncovered they are required to record them. They're required to notify us, record them and then there is a final document called a "Monitoring Report," that has to be submitted to us for review and approval within a 180 days of the end of any construction plan that's covered by the Monitoring Report. So we do have copies of all of those in our library. Architectural materials would be on file at the Kapolei Library there because we don't have an Architecture Branch here on this island.

Mr. Mardfin: And what if you found an – there are a lot of heiaus in Hana in East Maui, of course, what would happen when those are found? Are they also reported, recorded?

Ms. Davis: Yes, they're also put on the State Inventory of Historic Places.

Mr. Mardfin: So they couldn't be changed – I mean, are they protected forever or?

Ms. Davis: It depends on what the determination – it depends on two things. Whoever is doing the monitoring makes recommendations to us on what the significance is. If we agree with them then that will also trigger, you know, whether we agree or not, eventually we'll agree, that will then trigger either one of three things, data recovery, preservation or the determination that no further work is required and that's usually for something that we feel is, it was significant enough but you've recorded it completely in this report and there's really nothing more we could get by going back.

Mr. Mardfin: Thank you very much.

Ms. Davis: You're welcome.

Mr. Starr: Thank you very much and it's good to know you're on the job here on Maui.

Ms. Davis: Thank you. I'm glad to be here.

Mr. Starr: Mr. Rodrigues we're all waiting for you now. Thank you again for joining us.

Mr. Hinano Rodrigues: Again, Hinano Rodrigues, Cultural Historian for State Historic Preservation Division for the most part I'm in charge of burials. I think, there are two handouts that are in front of you but let me talk about what I didn't give you, and I didn't give you a flowchart because the flowchart looks like this and it's a three-day workshop for me to explain the process for dealing with a burial.

So what I did for you is, I guess all of you know through your esteemed Corporation Counsel that the State Laws are written in Hawaii Revised Statutes but the laws are implemented through Hawaii Administrative Rules. So what you have in front of you are the face pages for Hawaii Revised Statutes just, and what is relevant is 6E, that's Historic Preservation and then you can look at that and if you got any questions then you ask staff to copy the relevant portions. In terms of burials the

relevant portion is 43, 43.5 and I think 43.6; and then, I copied for you the Hawaii Administrative Rules.

In a nutshell, when it comes to burials there are two people that have, there are two entities that have jurisdiction either, not both, either the Burial Council or Historic Preservation Division. So how do you figure out who has jurisdiction? If the burial is found as a result of a archaeological inventory survey the Burial Council has full jurisdiction. In all other instances, jurisdiction is with Historic Preservation.

And I'm not glad that I found a burial this morning but it's just so coincidental that we're coming to you guys and then we get a call at 12:40 that we have a burial up at Sandhills. Just to illustrate to you what happens. First of all, if at all possible we go to the scene as we did this morning. If it was in Hana, we probably wouldn't go it's too late in the day to go to Hana, sorry Ward. So we go out there, the law says, the law says I only have 48 hours, 48 hours to decide whether or not the burial is to remain in place or be relocated. Within that 48 hours, I must take my Wailuku representative to the site, I must inform OHA, I must try to look for any cultural lineal descendants to that burial all within 48 hours. Now we know that's an impossible task. The good thing about Maui, Maui being Maui no ka oi, is that the people on Maui don't hold me to that 48-hour rule. Everything is done with a handshake. We go out there, we talk to the landowner, I tell him I can make a decision within 48 hours and he said okay, Hinano. Yeah, we sit down, we talk, we figure out what we're going to do and that's a good thing but by law only 48 hours. On Oahu, they only have 24 hours. So that being said, do you have any questions with respect to burials?

Mr. Starr: Commissioner Wakida.

Ms. Wakida: Just an easy one. I assume that this is on line?

Mr. Rodrigues: Yes, Hawaii Administrative Rules and Hawaii Revised Statutes are on line.

Ms. Wakida: Under DLNR.

Mr. Rodrigues: Google State Historic Preservation Division, the menu will appear on page and you just go to the left side and you can click whatever you want.

Ms. Wakida: Okay, thank you.

Mr. Rodrigues: I would have copied, made copies for you guys, but one is 45 pages and my budget does not have enough money to make copies for everybody.

Mr. Starr: Could you explain what happens after you make a determination because you have 48 hours to make a determination whether it remains in place or it's going to get moved, then what happens typically I know it's ...

Mr. Rodrigues: Yeah, it depends. If it's a previously identified meaning it resulted because of an archaeological inventory survey we have to write what is known as a burial treatment plan. So the contracted archaeologist for that applicant or landowner writes this thing called a burial treatment plan and the plan does two things. The plan states the decision whether to remain in place or be

relocated and the plan does a second thing, it has provisions with respect to the protection of the burials. Now if the burial was found as result of a, what we call an inadvertent burial, almost the same thing happens but we change the names of the plans. The plans become a burial component of an archaeological data recovery plan. Those words imply the burial is going to be moved, but if they write a burial component of a preservation plan, that language implies the burial will be preserved in place. It's important to know the difference because if you have a previously identified burial which is a result of the result of an archaeological inventory survey theoretically that burial was found long before the construction plans are completed. So you have more time to work with determining what's going to happen. In all other instances, we have inadvertent burials, the D-9 or the excavator went in and hit the burial, that's when the law says, "well, Hinano you got 48 hours to figure out what to do," and that's a little bit more difficult to do.

I'd like to add that on this island, we really have not had much problems with, we haven't had many disagreements with the landowner as to what needs to be done. For the most part, most of the landowners here will say yes, we'll do what you think is the right thing to do.

Mr. Starr: Yeah, Mr. Giroux.

Mr. Giroux: I just want since we have Hinano here, you know, we've had a lot of people come in and threaten lawsuits and stuff about what we, what documents we may or may not have as part of the archaeological survey or, can you explain to this group what are the different types of reports that you, your department reviews as far as they all have these similar sounding names.

Mr. Rodrigues: Sure.

Mr. Giroux: And what is the difference between each report and why would you produce one report but not another and yet not another?

Mr. Rodrigues: And those reports are a matter of chronology. Okay, so let's take a sample case, someone wants to build a hotel let's say over at Makena. So he sends in some kind of, some kind of permit asking for some kind of entitlement permission. He sends it to the Planning Department. The Planning Department sends that over to us and say, under a 6E, you, SHPD, has a right to comment. So we look at that permit and we go, oh my God, next door we have 388 burials, we need to be very careful about this one. So what we do is we say, do an AIS. An AIS, Archaeological Inventory Survey. So they hire a contracted archaeologists who spends six months to a year, it all depends on the size, does an Archaeological Inventory Survey and finds stuff. What that firm needs to do is now write a number 2, Preservation Plan. So he writes a preservation plan and then the time goes by and the project is going through and then now we say, all right, the D-9s are going to go, the excavators are going to go in, we want a monitor on site when that machinery goes in. So they have to write us, write for us a Monitoring Plan. The plan will tell us how they plan on monitoring that area. So they write a monitoring plan and then when the project is over, they have to write a monitoring report what had happened. They need to report what had happened while they were monitoring following the monitoring plan. So basically, it's really four, four reports depending upon the phase of the project itself.

Mr. Giroux: So Hinano, if the project hasn't gone through the phase where the D-9s are there but they have an Archaeological Inventory Survey already, is there any other report that they would

have to do because the area is known to possibly have burials or?

Mr. Rodrigues: Once an, I'll say AIS from now on, once an AIS is submitted to SHPD and it is reviewed by SHPD that is pretty much the end of it. We cannot open up that AIS. And Morgan might in terms of whether or not we can open it up, Morgan is a little bit more kamaaina with those provisions than I am.

Mr. Giroux: But Hinano, that AIS when you say open it up, do you guys comment on its thoroughness or its procedural or is there something that you tell us that it's accepted? Sometimes people say that oh, we sent it, we've made one and we've sent it, but is there something else that you want because we're really have a high responsibility in that area. I mean, what is it that we need to know that we're on solid ground with this law. I mean, do you guys send a letter back to us saying yes, we've reviewed that AIS and it's solid or?

Mr. Rodrigues: Yes, we send a letter back to the person who, we send a letter back to, including the person who submits the AIS as the contracted archaeological firm in addition to the landowner or the applicant so everyone is, and the County of Maui. So everyone is pretty much on notice that we have an accepted AIS. Morgan.

Ms. Davis: Almost exactly right. When we're reviewing an AIS if it hasn't been triggered by a request from us to you then the review is going to be going strictly to whoever submitted it to us which is usually the archaeological firm unless they've requested that they send it somewhere else, it's often their preference that it simply go back to them and that may be because we often request revisions before it's accepted as final.

At the point that we receive a request from you for comment on any kind of permitted related activity or anything that you're reviewing, then we come back and we will give you the exact citation for the letter that accepted the report or we will tell you, no, they fibbed there's no report or there is a report but it's still in the review process. It has not been accepted as final. That's important to know because if we did not accept it as final yet, we can't tell you that there's definitely sites or what their significance is or if they're being preserved or if there's going to be data recovery.

As far as once we've accepted things, all of that's public documentation.

Mr. Giroux: So we should be very cautious if we're, if we're in the middle of a hearing and somebody says, yeah, we did it and then we looked into our report and there's no letter back from SHPD saying that we've reviewed an AIS.

Ms. Davis: Yes, and in particular something else that came up with Hinano and I think the first week I was here, somebody had told a group well, we did the work, we did an archaeological survey. They may have done work but they never submitted to us. So at that point it is not a public record issue and we couldn't produce it for somebody who came in and asked.

Mr. Starr: I have a question to the department which is when we are forwarded an AIS as part of a packet do we typically – does the planner typically look and see if there's an acceptance letter and if not, is that something maybe we should put on a checklist?

Ms. Cua: We send every application document that comes before this commission for the most part to State Historic Preservation Division. And definitely if there's an AIS within a document, most definitely. We send projects that even don't have an AIS. We're required to send everything to SHPD, and we wait for a response letter from SHPD before we schedule it with you and they, as was mentioned will point if the report has been accepted, it has not been accepted if there's problems with it and then, you know, we make sure that the Commission is aware of that.

Ms. Davis: I think what we see most common that I believe would address both your points, we often review EAs or EISs that have reports in them that we've never seen before either because they were never submitted to us or because the EA or EIS is considered the submittal. That's problematic because there's a 30-day window in which comments have to be received in those reports and we have 45 days to review something like a report and then that's just, that's just the initial review. That's like, if there's still problems and we need to have other things done it can take longer because you're going back forth with the firm asking for clarifications, asking for different maps, things like that. I just wanted to point that out as a problem. I don't have solution to it at this point, but that's something that over the past few years I have seen as a consistent problem in the process.

Mr. Starr: Would it possibly make more sense to only, you know, include an AIS that has had a review letter and then it doesn't need to go back to SHPD?

Ms. Cua: Well, in terms of an EA document or? Because an EA document that's a disclosure document and that's very, very early on in the process and that's when an EA is supposed to done at the earliest practicable time. And so, you know, while there may be on some projects be preconsultation with agencies including SHPD, that preconsultation, you know, may not occur. I mean, normally they do send out, you know, some kind of preconsultation letter but it's very general. I think it definitely would help if applicants were able to, you know, submit reports ahead of time but – to SHPD and, you know, get their, give them a little bit more time to review but I understand that, you know, an archaeological report is not the only report they're waiting for. There's a whole bunch of other reports, traffic reports and engineering reports dealing with water and wastewater and drainage and so, you know, when they get all that reports, all of those reports together they want to get it into the County and if it's through an EA they're gonna just bundle it all together and submit it. Even though we give agencies 30 days, you know, there are projects that we will not bring before you until we have those agency comments and we ask the applicants to followup with the agencies. We rarely do the followup because we have so many projects that we put that burden back on the applicant to say, you know, we've gotten, you know, seven comments but we still need these other three agencies to comment and so, you know, the applicant is charged with the responsibility of following up with the agencies to make sure that their issues have been adequately addressed.

Mr. Starr: Okay, well, we should probably, you have one more Ward or can we –

Mr. Mardfin: I actually wanted two, but ...

Mr. Starr: Okay.

Mr. Mardfin: If I may, what I wanted to do two things. My understanding is that if it's a burial, you're

not allowed to study it really. If it's an archaeological artifact you study the heck out of it. Is that pretty much correct?

Mr. Davis: That is pretty much correct.

Mr. Mardfin: The second thing is ...

Mr. Rodrigues: The problem is that when a burial is found we have to determine jurisdiction and jurisdiction is between us and the Police Department. So we need to figure out whether or not, it could be a homicide, so we have to figure out whether or not number one, is it 50, number one is it human, because not all burials, 35% of burials are not human. So we have figure out whether or not it's human; and number two, whether or not it's 50 years or older. Sometimes you need to go in and look at the burial a little bit closer to figure out those two things.

Another thing we gotta figure out is ethnicity because the Burial Council has jurisdiction only over Native Hawaiian burials. So again, it's jurisdiction problem. So we have to figure out. So I will allow an archaeologist to go in and to do further, and I don't like to use the word, "testing," to further review of that burial to determine the answers to those questions. Once those questions are answered, we pretty much, as you said, say, stop. Because there is a concept in the Hawaiian culture which is maha`oi. Maha`oi is go where you not supposed to go, and burials is one place we're not supposed to go unless absolutely necessary.

Mr. Mardfin: So if it's a say a Japanese burial then you can continue to study and ...

Mr. Rodrigues: No, I will not allow that either. As far as I'm concerned, a burial is a burial no matter what the ethnicity. I'm only interested in the ethnicity because I need to know whether or not jurisdiction is going to go to the Council or it's going to stay with me, but with the same kind of respect. If we can answer those three questions, stop.

Mr. Mardfin: And, I think the last one Jonathan, there are, I won't be specific about the places but I think you probably know them. There are places in Hana where erosion from the ocean is exposing skulls of native kanaka maole regularly. There's another place where a Japanese graveyard is eroding into the ocean and the grave stones and I've got to presume at some point bones are eroding into the ocean.

Mr. Rodrigues: Yes.

Mr. Mardfin: What happens with those because we've tried to notify people and they keep eroding out and I'm not sure they're all recovered.

Mr. Rodrigues: Yes. And that's, that is probably my most difficult job. That is the most difficult element of my job and that is to determine what happens to a burial that is falling off the cliff. In the past, I've been with Historic Preservation only for five years. Prior to that, in the past, our archaeologists went out and collected the iwi and brought it back to the office. Once I came into SHPD, I said, no and the reason why I said no is, I don't want part of the person in the ocean, part of the person on the beach and part of the person still on the land where it's collapsing and the other part of the person in a cardboard box in my office. So it was a decision that I had to make to



decide what I think might be the most pono thing to do and I think the most pono thing to do is to let the whole person go and that can be corroborated a little bit, or not corroborated validated in the culture itself because we all know that for one thing, Hawaiians the burial practices were varied depending upon the family and the location. Number two, Hawaiians took parts of the iwi, mainly the four long bones and the skull, they stripped the body of the flesh, kept the four long bones and the skull took it home dug a hole in the floor of the sleeping house and wrapped the iwi in the tapa and they slept on it every night. So what happened to the rest of the body because they only took the four long bones? They took it out on a canoe, took it out into the ocean and let it go. That's number one. Number two, if you read the Hawaiian chants they always talk about going home to Tahiti. It's always there. When you read a kanikau which is a Hawaiian funeral chant they always talk about going to Bora Bora, everything is Bora Bora going back to Kahiki, not Kahiki, Society Islands I should say. So I think, and I know I put my neck out on the line by making that decision five years ago, but I think culturally speaking, I think I have justification for making that decision that we gotta let em go. We cannot have one-fourth here, one-fourth here, one-fourth there and one-fourth there.

Mr. Mardfin: And what would stop ...

Mr. Starr: We gotta move on.

Mr. Mardfin: I'll talk to you later.

Mr. Starr: Okay, we really have to move along and we've been really fortunate to have so much time from everyone. But I really want to thank for the work you do and for talking to us today.

Ms. Cua: And the last part of our workshop today is we have Joe Alueta from our Planning Department, Administrative Division. Joe, handles all the legislation for the department and there has been a number of streamlining bills proposed by the Administration to just shorten the permit process to make things easier, clearer. A lot of our ordinances are very outdated and trying to go through them and bring them up to date to take care of uses that we have now that aren't even reflected in the Code. So we asked Joe to end today with just bringing you up to date with, you know, what we have done thus far, what you reviewed and maybe what you are going to continue to review, Joe.

Mr. Starr: Just, we do have one last thing after Mr. Alueta is finished and that is, we've asked DSA to be available just for a couple of questions at the end and kind of to wrap because it goes out to all these different departments then it goes back to DSA and then they act on it. So if we're going to get the complete picture we need to allow them to finish up because it comes, it all kind of folds in and comes back. Mr. Alueta, please.

Mr. Joe Alueta: I have no formal presentation for you so I'll be relatively quick. So, again, I'm the Administrative Planning Officer and my job is basically to review bills or to draft ordinances relating primarily to Title 19, and some with the Sign Ordinance dealing with Title 16.

One of the first rule of thumb is like when you're trying to determine a forgery of handwriting, handwriting experts would turn the thing, the handwriting upside down because then they stop looking at what is being said or what is written and then looking individually at the characters of the

handwriting. That's kind of what I've done with the County Code with Title 19. A lot of times it is just has to do with the format. So my main job is going through the format and that is to create an outline, basic outline, we all learned it in highschool hopefully and that is you start with an introduction, you know, you tell them what it's going to be, you write the body and you conclude, and that's kind of how I've taken each chapter of the Maui County Code of Title 19, and had create a standardized format or an outline for each chapter and that is what's the purpose and intent of that section of the code, what are your allowed uses, what uses are considered an accessory use to that, what uses are we going to consider special uses and then what are your development standard for that section.

Our Code as Ann alluded to has been written and piecemeal over literally 50 years. It is a state historic document, no, just kidding. It is 50, it goes back to '58 and it has been piecemealed together and so a lot of times the permitting process or the nomenclature changed so what was considered an accessory permit or what they meant by a special permit, they used different names for the same permit. So my job primarily has been one to reformat the Code so that all the chapters look the same, the organized in the same fashion so everybody can understand them and then they try and simplify and streamline the permit process.

One of the first things you do with that is look at all the different processes that you process a permit and do they make sense. And so we try to one is take the permit process so instead of everybody needs to notify 500 feet then that should be the standard, everybody notifies in the 500-foot radius. Some of our permits were adjacent properties, I mean, so the measurements was very different. Some was who do you notify, how many people do you notify, do you publish in the paper, how long do you publish in the paper and so some was like a month in advance, some was three times, you know, in a month, every week. So that was, that's part of the process, just to identify, turn it upside down, take a good fresh look at all the requirements and what is required and try to standardize them so that everybody understands what they are and make it easier for everybody.

And then you get into the nitty gritty of what uses do we need to regulate, what do we want to review administratively, what do we want to review by the planning commission and what still needs to be reviewed by Council, and that's where we're at as far as the streamlining goes and that is, when I reformat each section we take a look at trying to, what we call move things down. If it's being handled by the Council, we try to convince Council maybe you should delegate that authority to the planning commission. If it makes sense that if something is being handled by the planning commission maybe it should be, and it's something that planning commission we kind of have fared it out over the last several years and the commission feels that we've solidified the processing in what we're going to accept maybe it should be passed down to the Planning Director or the Administration.

We did that with the B&B, okay, from early-on, from '98 it used to be Administration for up to two bedrooms, Planning Commission up to four bedrooms, Council up to six bedrooms. Now it's basically if it meets the criteria the Administration can do it. If there's a question it goes to Planning Commission. So that's one of the major streamlining areas that we had.

In the latest bills that we've set up what is being called the streamlining package is basically again, things that were done, off-street parking. Somebody needed parking, they didn't have enough

parking, they leased the property next door that had extra parking, it's within 500 feet and they want to use the next door property, they have two extra stalls. We had to come before the Planning Commission. That's, you know, that's one of those things where now we've, our proposal in going, and you've already reviewed this and we're going to Council is, the Director can do that. And you may not find out you're short for parking until you actually get to DSA with your building permit and Planning Department calculates you need "x" stalls and you say, oh, I don't have "x" stalls, I need to open next week. You know, I'm only doing, I have a restaurant. I converted a retail space to restaurant and I need extra stalls because restaurants require more parking and he finds a neighbor who has extra stalls and that's something that will hopefully be approved by Council, and you know, from the Department's standpoint we'll be able to sign off as long as that guy shows where he's going to have his parking.

Other things is amendments we talked about with the Planned Unit Developments as well as Project Districts is moving that authority for minor changes and/or review of the building permits for the Step 3's to make it consistent and you again, this Commission as well as some other commissions have voted to move that authority from the commission down to the Director.

But there's a number of bills again, the residential bills which have just recently been transmitted to Council dealing with home-based businesses and home occupation. We had the Home Occupation Bill come through which allowed people to do what we consider normal functions of the home, you got no employees, it's just you, maybe your wife helping you, have an accounting firm or you do most of your stuff on line. That's done as an outright permitted use.

Now we had other stuff what we call home-based businesses where you had to go to Council. Our proposal that was, again, is going to be where it comes to the Planning Commission as a County Special Use Permit so that's going to save people who are looking for a quick answer a yea or nay or something with conditions to get an answer and could either get their permit or to say no, you don't qualify you need to look for a commercial space and I think that's going to help a lot of the people who are looking for streamline. And like I say, I'm more the holistic, you know, on the Code side and not so much the nitty gritty with the building permit. But again, I'm trying to simplify it so people can, one of the first things is they gotta be able to use, this is for the people to be able to read it. A lot of lay people and you don't need to hire a consultant or an attorney, sorry, sorry. But yeah, we want to be able to, the Code can be clearly written so that, you know, it's made for everybody so that they can read it without having to spend anymore money than they need to, but that's pretty much all I have. Any questions before I turn it over to DSA?

Mr. Starr: Yeah, I do. I mean, it seems like there's gotta be a lot more areas where we can, where we can do this where either it can be delegated down or it, you know, or loops can be taken out of it. Is there a process that could be acted upon in the future that would help define these areas. I would guess that the best people to figure that out are the people working inside the system, inside Planning, inside DSA, inside the other agencies. Is there a way to create a process where they could give feedback or is that already in place?

Ms. Cua: I think from what you've heard today, there's a number of things happening through the Administration. I think there's a number of departments that you heard speak today that have taken the process that they're charged with and streamlined it and done triage. And then, there's the legislative side, you know, departments' can only do what they can do in terms of process that

doesn't go outside of the law, but there are changes that just through working with the law and through experience over time that you see where improvements could be made and that's why a number of legislative bills have come before you. You know, Joe mentioned the B&B, the SMA time extensions that's another one that came before you. You supported it not exactly how we would have liked it but – because we just wanted to just, you know, completely relieve you of it and take care of that and there was discomfort with that and we can appreciate that. So now the process is we bring it before you and you have to waive your review. If you do not waive your review then it comes before you. But previous to that amendment to the SMA Rules you saw every single permit time extension. And in the scheme of everything that you review, there's so many larger items that really needs to take up your time that we're always looking for those opportunities. The challenge honestly that we find with any commission and with the Council is that ability to relinquish your authority and we understand that, but that is actually, that's a big struggle because, you know, nobody wants to give up the authority and streamlining requires that. People have to say okay, I'm going to trust somebody else to take care of this and that is a huge challenge.

Mr. Starr: I want to make a quick comment and then Commissioner Wakida. I think the areas where we have delegated it, but with a safety valve has worked really well. So that the one out of five or one of ten incidents where there was something that we felt should have a public process we're able to look at. And I think that's working good. You know, I know, I for one would love to hear more suggestions about other ways we can do that type of things and you know, particularly I'd love to hear it, you know, from the people working in the trenches, you know, the planners, the people working, you know, in different agencies. You know, I'm sure there is some mechanism for that but I just want to encourage that process of being, you know, of having the people who are doing it day after day if they have an idea to, you know, maybe we can help implement is open and is available.

Ms. Cua: Well, I know in the Planning Department Joe is very involved with the Current Division and with the Zoning Division and when I was part of the Current Division I remember him saying, you know, jot down things, if you as the planner is taking on a project and you think of something that's either outdated in the Code or something that you think can be better shoot me an email and we're going to put it on our list. And so, you know, that's how his list just grows and grows and grows because as, and we totally with agree with that, you know, as each planner is starting to work through things they're the one that's finding out this is a problem and same thing for the Zoning Division when they're reviewing plans or inspectors when they're going out there and finding something that maybe isn't clear. Joe is in direct contact with everyone pretty much. Everyone has direct access to him and so at least, I can't speak for other departments, but I know for the Planning Department, just having Joe in this dedicated position has been huge for us because for years and years and years, we didn't have a person that just did this type of work and there is so much work to do in this area because our Codes are so outdated and so we need to bring them up to speed where we're at right now and look at areas where we can make them clearer for everybody to utilize, user-friendly and just make them work for us.

Mr. Starr: Good. Commissioner Wakida. Members? Commissioner Mardfin.

Mr. Mardfin: Joe, I remember, I appreciate what you do and I remember a year or two ago you were working on simplifying and standardizing what B-1, B-2, B-3 all mean and I thought that was really good and remember sending you some emails and one of the things I had suggested and you said well, not now, I don't want to fight two battles at the same time was in a lot of Codes as to what you

could do, it would say, it was very, very explicit, it was haberdashery and tennis shop and really specific things and then we had sort of retail establishments and I was urging that you cut out all the ones that are really, really specific and group them into more general categories and if you have to say, well, all retail establishments except a tattoo parlor or something like that you could pull it out, is there any, and you said, you didn't want to fight that battle at the same time and I understand that. Are we at all going forward in trying to simplify the description of the various kinds of businesses?

Mr. Alueta: Well, we did do that. We did transmit it up and as I – we did consolidate a lot of the definitions because we had what we called general retail, personal and business services and as part of that staff report there was on the back page, there was consolidation where we removed about 20 specific listings and so we did consolidate them down into general retail or personal and business service. What we did was we introduced definitions that were already in the Code, we stuck that more generalized definition into those uses, into the B-2 uses. The reason, going back to the B-1 District because it was a neighborhood business, had more of a residential character so we had to be very specific on the types of uses and the same thing went along with the service business residential as well as the country town business.

Mr. Mardfin: Right.

Mr. Alueta: But with B-2 District, right, and the B-3 District it was pretty easy. We could really consolidate down so you didn't have a laundry list of uses and so, and that's kind of what we, we're doing, again, as we go through each of these Codes. But it's kind of funny, when like I say, when you turn it upside down and it seems pretty silly, you know, like we have phonograph manufacturing, we're coming back with you for M-1, M-2 and we're going to create a new district called the M-3 District is going to be pure industrial, but at the same time, like I say, once – it's easy to tell Council all we did was put it into a table format, all these uses exist in the Code already and if we want to consolidate, but once you start taking stuff out or rename, then they get a little more antsy on what exactly is and then you lose that whole purpose or you lose just that change and get bogged down. And again, Council's been busy. We haven't even heard the B-1, I mean, the Business District has been sitting up there for quite some time now and we haven't, it has not been scheduled. And I don't think it's going to, a lot of the bills are going to sit up there for a while before Council finally takes action. I try to, I believe that you need to at least look at each ordinance that you have, each code and say, does this still work every year? And if it doesn't or is there any changes? And if we continue to have like small little changes that people are comfortable with and you do it on a annual or biannual, every two years then it makes it easy to get those changes through so the bill doesn't get stagnant.

Mr. Mardfin: Good. And I also like the way you use tables and diagrams to simplify. Thank you.

Mr. Starr: Thank you very much and keep up the good work with this. So we want to end with a little bit more from DSA and thanks for staying around and ... presentation. So, you know, the original application came in, it's gone all these, I forget how many different directions and then they one by one approve it now what happens?

Ms. Segundo: Well, after we receive all signatures on that green application like DLNR doesn't sign on that green application as long as we have their approval letter, we'll say approved on this date

per that letter, then we will do a final review. The final review to make sure all our t's are crossed, our i's are dotted, we have the deed to check on the proper ownership, we have special inspection forms that building inspector needs, we have the architectural stamped letter of authorization. We also even check for DCCA that the architectural or structural engineer that stamped the plans, the correct verbiage is there, so we're doing State agencies regulations as well.

So once we do a final review, we notify the applicant that their permit is ready to be issued, we give them what we need, maybe fees and maybe some paperwork leftover to submit to us, and they have a 180 days to pick that up. Within that 180 days if they don't pick it up, they can ask for a time extension, and we'll give them another 180 days. However, if they do decide to issue, get the permit issued to them, they have a 180 days to get the first inspection. So then the building permit ...

Mr. Starr: Excuse me, we need to recess for a couple of minutes because we just lost quorum.

Ms. Segundo: Oh.

Mr. Mardfin: I'm sorry.

Mr. Starr: I'm sorry, we're back in session.

Ms. Segundo: They have a 180 days after we issue the permit to get an inspection. So then our job is done, then it goes to the building inspectors, but I just want to go back and say that the building permit clerks, our job is basically is the routing agency. So we take their application in and their plans, we concurrently give it to all the other agencies. So we depend on the outside agencies, Water, Fire, Wastewater, DLNR, Health Department, Planning, sometimes MIS, who else am I missing, oh, within the DSA we have Plans Examiners and Engineering Division. For their cooperation in reviewing the permit in a timely manner, so once they initially review and approve then it comes to us, we route the application in that flowchart, once all the agencies approve it, then that's when we have five working days to do final review. So if that went all smoothly it can get your, they can get their permit in 30 days, but again, each agency has a triage system that might work and might not work and each agency takes their time to review and then of course, agencies or applicants have to get back to their requirements. So again, we are the, we can issue the permit only until the last agency signs off. And you asked me earlier if DLNR had a time limit, they might have a State law that gives them a time limit, but we will not issue unless we have their approval letter that says that it is no effect. If we don't have it, they have to go through that whole process with the archaeological monitoring plan, the report is accepted, so it can take a year and that's why it takes, you know, a long time if you're in a sensitive area. Any other questions for me?

Mr. Starr: Okay, members?

Ms. Sablas: I have a question, and I don't know if there's an answer for it, but having heard all of this and which I really appreciate and maybe this is for you Ann, how would you rate Maui's permitting process as compared to the other Counties?

Ms. Cua: That's a very tough question. I don't, I'm not familiar with the time that it takes for a permit to go through another County. All I know in, I've been with the County for 28 years and I have

definitely seen a lot of changes to our permit process and you heard a lot of it today. We just used to do things differently before and sometimes, well, one thing we've realized in the Planning Department is you know, first come, first served, doesn't necessarily work because we were having problems with that. And so, for us, we've learned by what we've done and, you know, mistakes that have, not necessarily mistakes just how you had operated and we found better ways to do things and we continue to look for better ways to do things with, especially now with the furlough days, you know, we have less time to do the same amount of work and so, we are always open to ideas of how to do things better and like said, in the length of time that I've been with the County I have definitely seen changes but I don't know how other Counties work. Renee has something.

Ms. Segundo: I have a comment to that. Honolulu or City and County of Honolulu, they have Planning and Permitting all in one department and what they do in Oahu is they apply for the building permit in the Building Permits Office. In that same office, they have the different agencies. They hand carry their own permit application and they go to the Water Department, to the Wastewater, to the Fire Department, but they're all in that same building. Where for us, we're scattered, Fire Department is Waiko Road, you know, Planning Department is upstairs, but Water Department is on the fifth floor, Wastewater is One Main Plaza. And so, and we don't have the space for that but I do know in Oahu, from Big Island and Kauai, everyone does it the same way, except Oahu because they have the space for it and the agencies are all in one area. But, I still don't know the time period it takes for them to approve, you know, fast residential they can walk through, I know solar, solar water systems, retaining walls, minor types of permit, building permits can be done on line. We haven't come to that point yet. So yeah, they are quite ahead of us and we'll get there one day.

Mr. Starr: All right, I have a question someone asked me today at lunch. They're someone who is retiring and they live in a house that's built in the '20's and their dream was to fix it up, now that they're going to have time because they're retired and so they went to look into it, and you know, apparently, there was never any permits or anything back then and then they wanted to, you know, do some improvements to it, and then they found that they had to make everything meet current Code, and how does that, you know, how does that work and what happens in that case where you have house that's ...

Ms. Segundo: We starting taking building – well, a building permit was required in 1951. We adopted the UBC Code in 1949. So if it was built in the 1920's we assume that it would have required a building permit. If they came into our office today, of course, it's over 50 years old, we would send it to DLNR. However, if they draw the plans up to today's Codes or if they just want to replace windows or doors, we will send it to the agencies. Now you gotta remember, we're the building permit person, clerks, that would take the plans and send it to the agencies to review. So that's a plans examiner's job to review that if they are going to do it to today's standards or back then when it applied, when the first 1949 Code was adopted. It's something that the plans examiners you need to ask them and how they redo it. But we would definitely route the application to that agency and of course, DLNR because it's over 50.

Mr. Starr: Okay, but the plans examiners might look at it in the 1949 or whatever year?

Ms. Segundo: Yeah, something that you need to ask the plans examiners that question, but we will take the application in. We won't deny it. But of course, the plans have to show the elevation, the

cross-section for whatever alterations they're doing. And of course, it has to get DLNR approval because it's over 50.

Mr. Starr: Okay, Members any other questions or comments? Commissioner Mardfin.

Mr. Mardfin: How much of this is due to the law requiring certain things. I mean, you were talking earlier about some small things could be done rather quickly particularly in other counties. How much of that is due to the law being different on the different counties versus the way that the departments in the different counties operate?

Ms. Segundo: Well in 19- well, I'm sorry, in 2005, Council passed the Affordable Housing so it affected the building permit that way because it said that they need to review all building permits. So from 2005, we started including the Department of Human Concerns and Housing Division. So when they pass laws it always will ...

Mr. Mardfin: It complicates the lengthens the system.

Ms. Segundo: Right, and like Fire Lieutenant Scott English had said, if they adopt the fire sprinklers in all new construction, all applications will go to their department. So you know, the laws doesn't help the building permit process, it makes it more complicated or it has to go all the different agencies.

Mr. Starr: Okay, I have one last question. Is there anything that you would think would improve the process?

Ms. Segundo: Like I said earlier the triage system.

Mr. Starr: In all the departments?

Ms. Segundo: In all the departments. But even though they have a triage system, it's like the Planning Department has a triage system, we wanted to take it to another notch, having the clerks that touch the application, pick up the application and plans from our office when they go through it all they're doing is taking commercial versus residential and then splitting it up into cubicles for their department to review. Now we want to take it one step more than that and have that clerk put an N/A, not applicable to Planning Department if it's not a, you know, a requirement. Like for say, Water Department because water is always the hot topic, if there is no added fixtures, why can't that clerk that did the initial review approve that building permit. Why does it have to be a civil engineer? So that's our complaint in the building permit office because, you know, you gotta have the supervisor or the engineer to approve and put their signature in. If it's a no fixture, added figure count to that structure, a permit clerk can calculate the water meter sizing worksheet and say that doesn't affect your water meter. Therefore, why can't that person put a N/A and that will go in faster.

Mr. Starr: To dream a little bit and take that one step further ...

Ms. Segundo: Yes.



Mr. Starr: I know that's a slippery slope.

Ms. Segundo: Yes.

Mr. Starr: It's a dangerous road but why wouldn't it be possible to have the people who examine these for all the different agencies sitting in one place even if the Fire Department is over there and the Water Department is over there, I mean, basically they all work for the County, you know, maybe they didn't even, wouldn't even have to be employed by Fire or Water but they could have that knowledge and that communication with the agency. Is that a possible path?

Ms. Segundo: I think it's up to the Administration, you know, the Mayor's Office that comes down to the Directors. Because even our wish list is for Water Department to have that ability for the clerk to review things, we can't make them, you know, change their process, so it comes from their Director. So we can only make suggestions. I mean, we're just clerks pushing the paperwork and we hear all the complaints, but we can make their suggestions but it's not going to ever, you know, change unless the Deputy Director, the Director gets involved to the Mayor or the Mayor to make that change. That had that Permitting Task Force which was great that recommended all these departments or agencies to do a triage, but you know, it's streamlining their own process in each agency that will help our permitting process. So it just depends on the Administration.

Mr. Starr: Okay, thank you. This was a really great presentation today.

Ms. Segundo: You're welcome and if you have any questions, I think our number, our number is on the application on the top and I'll be more than happy to answer more questions.

Mr. Starr: Well thank you. I certainly learned a lot and, you know, thankfully we have Kenny Hultquist here filming the show on Akaku so I'm sure a lot of people will learn from this. So thank you very much.

Ms. Segundo: Thank you for having us.

Mr. Starr: Ms. Cua, you want to wrap it up?

Ms. Cua: I would love to wrap this up.

Mr. Starr: And maybe a comment from Gina Flammer too. No?

Ms. Cua: Wrap up the meeting or wrap up the workshop?

Mr. Starr: Wrap up the workshop.

Ms. Cua: Oh, okay. Well, from the Department's standpoint I do want to thank Gina for really taking this on and coordinating with the agencies to make this happen today and following up to make sure everybody showed up. And then, Jonathan for having the idea in the first place getting on our back to say, you know, lets put this together. I was a little worried about the aggressive schedule and I called him and I said, you know, I don't know if we're going to be able to get through this because there was so much to cover, but I think the agencies were definitely on point. I learned

a lot and I've been with the County for a long time and I sat here and I heard some things that I didn't know. So for me, it was educational as well. And we do look for opportunities to provide you and the community through Akaku, you know, more training, more training opportunities just about what we do within the County. So that's all I have to say.

Mr. Starr: Thank you very much for putting it together. I also want to thank Mr. Yoshida too, who helped in that and Ms. Flammer, this is the first time I believe ever that all of this has been discussed in one room, that actually all the different departments have come and said what they do. So it's very good to start having this type of discussion and communication. Thanks everyone for putting up with it. We have just a couple of quick housekeeping items and then we'll be done.

Ms. Cua: I believe next on your agenda if you haven't covered it already is the acceptance of the Action Minutes of the September 28, 2010 meeting.

**I. ACCEPTANCE OF THE ACTION MINUTES OF THE SEPTEMBER 28, 2010 MEETING**

Mr. Starr: Anyone have any questions or anything?

Mr. Mardfin: I was just going to move adoption.

Mr. Starr: Oh okay, acceptance.

Mr. Mardfin: Acceptance, excuse me.

Mr. Shibuya: Second.

Mr. Starr: Okay, moved by Commissioner Mardfin, seconded by Commissioner Shibuya that ...

Ms. Cua: Shall accept the Action Minutes of the September 28, 2010 meeting.

Mr. Starr: Okay, all in favor. All opposed. Oh wait, I have to vote.

Ms. Cua: Yes you do.

**It was moved by Mr. Mardfin, seconded by Mr. Shibuya, then**

**VOTED: To Accept the Action Minutes of the September 28, 2010 Meeting.  
(Assenting - W. Mardfin, W. Shibuya, L. Sablas, P. Wakida, J. Starr)  
(Excused - O. Tagorda, K. Hiranaga, J. Freitas, D. Domingo)**

Ms. Cua: Motion passes unanimously.

Mr. Starr: Okay, and then Director's Report.

**J. DIRECTOR'S REPORT**

- 1. Planning Commission Projects/Issues**
- 2. Discussion of Future Maui Planning Commission Agendas**
  - a. October 26, 2010 meeting agenda items**

Ms. Cua: We've passed out a memo dated October 11, 2010, an outline of the items scheduled for the October 26<sup>th</sup> meeting that's coming up and I won't go through it, but that's for your information.

Mr. Mardfin: And we'll add two items to it that we deferred.

Ms. Cua: Yeah, and we did have, obviously what was deferred from today's meeting will be added to that meeting, and that's it.

Mr. Starr: Let's just take two more minutes. You know that is a thin agenda and I wanted to ask and we don't, I don't need to have an answer today, but what other programs whether they're educational or site inspections would we like to see, you know, at least, you know, I can only speak for the next four or five months, but whatever other things that we'd like to do lets think about that and as long as we can do them along with carrying our Current Division load it would be good. I think these educational programs it really do help to improve our own knowledge and the public's knowledge and the process as well. I know I heard already a couple of things today and one was a request from one of the commissioners for a presentation on the inventory of entitled land and projects on the shelf with permits and so on. I know we had a, some of us on the Maui Island Plan actually looked at those numbers, some of us never saw them, some of us like me, don't have the capacity to retain that knowledge and need to hear it again. But I think a presentation by Long Range on that, and also, I'd love to see an update on the Maui Island Plan. Maybe a site inspections, you know, I think possibly Paia, Haiku, maybe even up to Makawao on projects that are coming up, and then we also talked about a Lahaina site inspection and a Lahaina meeting maybe some time in the next few months. Commissioner Wakida.

Ms. Wakida: Yes, and something I don't, maybe this is too specific because I did call one of the planners and the information was fuzzy about the laws regarding beach access. Where are they allowed, how many are on the island. I was given one map, but it was very general. There were a lot of them missing. I mean, I had two within six blocks of my house marked beach accesses. So I just would like information on that so that when we're looking at beach properties we know what are the rules governing what the public's right to the beaches are and where those.

Mr. Starr: Yeah, maybe that's something that I don't know if Long Range has a map with the beach accesses on them.

Ms. Wakida: Well, they sent me one. It seemed to be the only one they had but it was very, it just had some major spots, parks and things. It didn't have all those accesses that we see marked along the highway.

Mr. Starr: I think that that's something that we should look at and talk about and see if anyone has that or if there's a way to generate it. If the Department doesn't have the resources, it might be possible to get, you know, like Maui Tomorrow or someone like that to do some of the legwork if

that's useful. I know there's an allied area that I'd ask for an inventory of something else a while back which was beach parking of all the places where there's committed beach parking and, you know, that would be – that's kind of a personal buggaboo for me because I go to a lot of the beaches and go snorkeling and a lot of times there's not parking and it's obviously being used either as part of construction or for something else.

Ms. Wakida: Yeah, and my concern came up because we were looking at a piece of beach property recently and we're going to revisit it again and I didn't know what the guidelines were. There wasn't any beach access in the near vicinity so I was, I'd like to know the rules on that.

Mr. Starr: So maybe we can put these in what is Mr. Buika call it, the parking lot.

Ms. Cua: Yeah, we can do that. We can, you know, when we see opportunity for maybe some room on the agenda, we can try and put something together to fill in the time on some of these issues.

Mr. Starr: Okay, and lets all be thoughtful on what we can do to do our job better as, you know, as the planning stewards of Maui and we come back to our yellow sheets. Mr. Yoshida, ever diligent, and thanks for getting this to us.

**2. SMA Minor Permit Report**

**3. SMA Exemptions Report**

Mr. Yoshida: I guess the first item is Office Max loading dock. This is the old former Hopaco site at the corner of Kamehameha Avenue and Hana Highway. I guess now it's a Office Max warehouse and they want to just do some repairs to the dock and add a dock canopy.

We've provided some more descriptive information on the Papanui entry gate improvements at the Hotel Hana Maui. We weren't able to answer I guess Commissioner Shibuya's questions about water meters for three-lot subdivisions. It was assigned to Livit, she's on vacation and that emphasizes the point that if you submit it early before the meeting like Commissioner Wakida did ...(inaudible)...

Mr. Shibuya: I will do a email.

Mr. Starr: Okay, is everyone happy?

Mr. Mardfin: I'd like to particularly thank Clayton because I was out of the meeting when these got raised and I saw I think during lunch and he was still able to do it so I'm very impressed, thank you very much.

Mr. Starr: Yeah, I appreciate it and I think this process is certainly working better for us. So with that, would someone like to make a motion to accept everything we've received up to date on these combined reports?

Mr. Mardfin: I move we accept the things that we've received.

Mr. Shibuya: Second.

Mr. Starr: It's been moved by Commissioner Mardfin, seconded by Commissioner Shibuya.

Ms. Cua: To accept the items on the October 11 and October 12, 2010 memos regarding various SMX permits.

Mr. Starr: And there were couple from the previous meeting as well.

Ms. Cua: Right.

Mr. Starr: That's why I said everything up to date.

Ms. Cua: Right, and that's reflected in both of those memos.

Mr. Starr: Okay, all in favor raise a hand. All opposed and I get to vote today.

**It was moved by Mr. Mardfin, seconded by Mr. Shibuya, then**

**VOTED: To Accept the Combined Reports as Received Up to Date.  
(Assenting - W. Mardfin, W. Shibuya, L. Sablas, P. Wakida, J. Starr)  
(Excused - O. Tagorda, K. Hiranaga, J. Freitas, D. Domingo)**

Mr. Starr: Okay, we will ...

Mr. Mardfin: Mr. Chairman?

Mr. Starr: Yes.

Mr. Mardfin: I'd like to thank you for your leadership and working with the department on this workshop this afternoon, you've made your own comments on it but I would also like to echo them. I think it was extremely informative, extremely valuable and I commend you and the Department and all the other departments for everything they did to make it possible. Thank you.

Mr. Shibuya: ... thank you very much for putting it together it was quite a task.

Ms. Sablas: I would also like to add that this is very good timing because that's a hot issue with a lot of the candidates so people should watch.

Mr. Starr: And we've even generated some ideas that could help move it along at next step. Well, thank you everyone till next meeting. We are now adjourned.

**K. NEXT MEETING DATE: October 26, 2010**

**L. ADJOURNMENT**

The meeting was adjourned at 4:32 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN  
Secretary to Boards and Commissions II

#### RECORD OF ATTENDANCE

##### Present

Jonathan Starr, Chairperson  
Donna Domingo (excused at 12:05 p.m.)  
Jack Freitas (excused at 12:05 p.m.)  
Kent Hiranaga (excused at 12:05 p.m.)  
Ward Mardfin, Vice-Chair  
Lori Sablas  
Warren Shibuya  
Penny Wakida

##### Excused

Orlando Tagorda

##### Others

Ann Cua, Planning Department (11:30 a.m. - 4:32 p.m.)  
Clayton Yoshida, Planning Department (9:00 a.m. - 4:32 p.m.)  
James Giroux, Department of the Corporation Counsel  
Mike Miyamoto, Department of Public Works (excused at 12:05 p.m.)