

**MAUI PLANNING COMMISSION
REGULAR MINUTES
FEBRUARY 8, 2011**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Jonathan Starr at approximately 9:01 a.m., Tuesday, February 8, 2011, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

Chair Starr: ...Welcome to everyone who's here to join us today. This is the February 8, 2011 regular meeting of the Maui Planning Commission. We have an interesting and full agenda today. Quite a few very diverse items, and we'll try to move through as efficiently as we can.

We have with us Commissioner Kent Hiranaga, Commissioner Orlando Tagorda, Commissioner, Vice-Chair Ward Mardfin, James Giroux is our attorney, Deputy Corporation Counsel who represents the Commission. I'm Jonathan Starr. I'm the Chairman of the Commission. We have Will Spence, our Director of Planning, Commissioner Warren Shibuya, Commissioner Lori Sablas, Commissioner Penny Wakida, Carolyn Takayama-Corden is the Secretary for the Commission. Rowena Dagdag-Andaya is Deputy Directory of Public Works. Mr. Joe Aluete [sic] is a Senior Planner who handles our legislation, rules changes and so on. Jeffrey Dack is heads one of branches of Current Division, and he's here. We have Candace Thackerson and I'm sure we have – We have Ann Cua along with us, and our former Director of Planning, also just walked in. So we will proceed with our agenda and see how it goes. We possibly we may be looking to shift some items in our agenda if time allows because we have some people who work for the State of Hawaii who can be here for part of the day but not all of it and we had a request from Commissioner for them to give us information on the Poseley item. So we may move that up and some other items further back if times allows before the break. Moving right along, I turn to Director Spence to introduce our first item.

Mr. Will Spence: Thank you, Mr. Chairman. Commission Members, your first item on your agenda this morning is the Director's Report with an EA/EIS Report, SMA Minor Permit, SMA Exemptions.

B. DIRECTOR'S REPORT

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

Mr. Spence: Do the Commissioners have any questions regarding what's been handed out in your package?

Chair Starr: Yeah, I know Commissioner Shibuya had some questions. I believe there's a response to those Commissioner Shibuya?

Mr. Shibuya: They were all responded to, thank you and I'm satisfied. Thank you.

Chair Starr: Okay, Members is there any interest in gaining more information on any of the other items? I noted two and I'd be happy later on to just have a verbal answer for question on them if that works. One is about Hololani Association of Apartment Owners, temporary repair to seawall. I forgot, I think we may have had that explained to us, but I forgot where that is and if we could get a really brief verbal description. In fact, maybe Mr. Dack may even know that, I don't know.

Mr. Jeffrey Dack: No, but we'll get it for you.

Chair Starr: And the other one is a Harbor Lights, sewer forced main. I just want to know if that's mauka or makai of the, of Kahului Beach Road. And also, the main farm dwelling and lanais SM5 where is that located, is that – if that's in the shoreline?

Mr. Dack: Which number is that, sir?

Chair Starr: SM5 2011/0019.

Mr. Dack: Okay, we'll work on the answer to those.

Chair Starr: And once again, I don't ...(inaudible)... for an in-depth report, just a big more info. Okay, any other info, Commissioners? Not seeing any, we'll move along. Director?

Mr. Spence: Okay. The next item on the Commission's agenda is a request, actually notifying the Commission of our intent to process a time extension for the Nisei Veterans Memorial Center to give an additional two years to extend the time to complete construction. We have with us Ms. Candace Thackerson to give the staff report.

4. **Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of his intent to process the time extension request administratively on the following:**
 - a. **MS. WENDY FUJINAKA, AIA of RIECKE SUNNLAND KONO ARCHITECTS on behalf of the NISEI VETERANS MEMORIAL CENTER requesting a Special Management Area Use Permit 2-year time extension on the period to complete construction of the Nisei Veterans Memorial Center at TMK: 3-8-007: 123, Wailuku, Island of Maui. (SM1 93/0023) (C. Thackerson)**

Chair Starr: Okay, Ms. Thackerson, please proceed.

Ms. Candace Thackerson: Good morning Commission. Before you we have a request for a waiver of review of the Special Management Area Use Permit, two-year time extension, the Nisei Veterans Memorial Center to complete construction located at Kahului Beach Road, Wailuku, Maui, Hawaii, TMK: (2) 3-8-007: 123, and this was originally SM1 93/0023 and this would be the third time extension request.

Chair Starr: Commissioner Hiranaga?

Mr. Hiranaga: Mr. Chair, I just want to disclose that my father is a member of the Maui 442nd Veterans Association and also a member of the Maui AJA Veterans Association which is affiliated with this project, but I do not plan to recuse myself.

Chair Starr: Okay, thank you, Commissioner Hiranaga. I'll also disclose that I contribute to this organization on a regular basis and I do not intend to recuse. Please proceed.

Ms. Thackerson: Do we have any questions regarding the request? The applicant is not here unfortunately, but I will do my best to answer your questions.

Chair Starr: Could you give us a little more background?

Ms. Thackerson: Sure.

Chair Starr: And what – the reason for the request.

Ms. Thackerson: Yes. It's the third time extension request. Their reason was not as we've seen so many with the economy or water, but actually they acquired the parcel next door and due to that they had to go through SHPD, the State Historic Preservation District Approval for that parcel. It's on a very sensitive area as well as go to the Maui Lanai Burial Council and get their approval which is why you have so much information in your packet. I wanted to include their approval, their complete minutes of the approval, the SHPD letter approval saying that the inventory and the monitoring plan has been approved by them and the applicant looks forward that they can complete the construction, the last phase of it by June 30, 2012. That would be how we would extend it to for Condition No. 2. And I also included the drainage report, and the drainage report concludes that the existing subsurface drainage system has adequate storage volume to accommodate the post development runoff generated by the project site.

Chair Starr: Okay, thank you. Members, any questions on this? Commissioner Mardfin?

Mr. Mardfin: I'm not sure this is a question. I notice there's a Burial Council report in here as Exhibit 4.

Ms. Thackerson: Yes.

Mr. Mardfin: And it looks like they approved this without a problem.

Ms. Thackerson: Yes.

Mr. Mardfin: So that takes care of what my concerns would have been.

Chair Starr: Okay, Commissioner Tagorda?

Mr. Tagorda: I want to follow up with that statement by Commissioner Ward. I had read that there are some ...(inaudible)... that they have with Maui Lanai Burial Council and I like to know what are

those and if it can be resolved? What are the steps taken to resolve those things?

Ms. Thackerson: As far as I know it's been resolved already. They were – reason for the time extension request was because they did have to stop and hold off for a long time. This has actually been processing on my desk for probably about five or six months because they were going before the Burial Council. But in the minutes, they had discussions with them and they concluded that they granted approval for the extra parcel. They acquired a small parcel next door to their lot and that's where they're doing the second phase right there. So to make sure everything was fine they went before the Burial Council and got their approval as well as SHPD which approved a monitoring plan.

Mr. Tagorda: Thank you very much. That's all I'm concerned about.

Chair Starr: I just want to comment that I know this process, and this project has been going on for a long, long time. I believe over a decade and, you know, they were given the land. It's kind of like the Binhi at Ani project where they were given the land but it was a very difficult project because of the archaeological. I believe that they've done everything right but it's just been taking forever. So we are not being asked to approve the time extension. We're being asked to decide whether we shall allow the Director to process and decide whether to approve it or we would want to take it on ourselves at a future meeting. So if, you know, when it comes time for us to do decision making it's not on the actual time extension but rather we're going to take it on ourselves or allow the Director, Ms. Thackerson, is that correct?

Ms. Thackerson: Yes, that's correct. It's just a waive of review.

Chair Starr: Do you have a motion that you have – before we have a motion, I want to allow testimony on this. And any – I know I kind of moved over testimony on any item today. But, I will allow testimony on any item at this point because we did not allow that opportunity at the beginning of the meeting. But before I do that I want to ask if there's testimony on this item from anyone in the audience? I'm not seeing any, so I'm going to allow testimony on any time at this time, if any of the people present do not wish to wait for later on through our agenda, and we do have two sign ups I see, and I'll call the two people who signed up first and then allow testimony on any item before we proceed with decision making on this. The first name is Lori Bitler I believe. Please come forward and welcome and thanks for joining us today.

The following individuals presented testimony for other times on the agenda:

Ms. Lori Bitler - Item F, MPC 2nd Special Session on Protecting, Developing, and Conserving Coastal Resources: Recent flooding impacts to Kihei and South Maui with focus on reducing future impacts to flood-prone areas of South Maui.

Dr. Virginia Cantorna - Item D2, Unity Church of Maui, County Special Use Permit Amendment
Mr. Dave Fukuoka - Item D2, Unity Church of Maui, County Special Use Permit Amendment

Their testimony can be found under the item on which they testified on.

Chair Starr: Any other members of the public wishing to give testimony please make yourself known? Not seeing any, public testimony is closed. We're moving back to the item for at this

point, deliberation, possible motion. The item is regarding the time extension request of the Nisei Veteran's Memorial Center. Our potential action is to either decide to waive the review or to review the time extension request. Commissioner Mardfin?

Mr. Mardfin: I move we acknowledge receipt of the request and that we waive review.

Chair Starr: Is there a second?

Mr. Freitas: Second.

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

Mr. Spence: The motion is to accept, acknowledge receipt of the request to grant, to allow the Planning Director to process the time extension and as well allow the Director to process the time extension.

Chair Starr: To waive our –

Mr. Spence: To waive your review.

Chair Starr: – our review. Okay, could you restate that? You gotta write it down Will.

Mr. Spence: I don't write that fast.

Chair Starr: Just write it down.

Mr. Spence: Okay, the motion is to acknowledge receipt of the request and to waive review the Commission's review of the time extension.

Chair Starr: Did good. Okay, any discussion, amendments? Commissioner Shibuya?

Mr. Shibuya: I'll be supporting this amendment because I feel that they – I reviewed the entire documents and the exhibits and I'm satisfied that I would have approved it. Thank you.

Chair Starr: Okay, all in favor please raise a hand. All opposed. Director?

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

VOTED: To Acknowledge Receipt of the Request and Waive Its Review of the Time Extension.
(Assenting - W. Mardfin, J. Freitas, K. Hiranaga, O. Tagorda, W. Shibuya,
L. Sablas, P. Wakida)
(Excused - D. Domingo)

Mr. Spence: Seven ayes and zero nays. The motion passes.

Ms. Thackerson: Thank you.

Chair Starr: Thank you very much. We will move to –

Mr. Spence: Item C, Communications from Mr. Isaac Hall on behalf of Mr. Shep Gordon submitting Notice of Appeal of the Issuance of the Special Management Area Exemption – improvements by Mr. Bud Pikrone.

C. COMMUNICATIONS

1. **MR. ISAAC HALL on behalf of MR. SHEP GORDON submitting a Notice of Appeal on December 14, 2010 on the issuance of the Special Management Area Exemption for the roadway improvements by MR. FRANK BUD PIKRONE on South Kihei Road in the Keawakapu area, Kihei, Island of Maui. (APPL 2010/0005) (SM5 2010/0281) (T. Kapuaala)**

The parties thus far are:

1. **Isaac Hall on behalf of Shep Gordon - Appellant**
 2. **Department of Planning - Appellee**
 3. **Frank “Bud” Pikrone of the Wailea Community Association - Applicant**
- a. **January 24, 2011 letter from FRANK BUD PIKRONE withdrawing the Special Management Area Assessment No. SMX 2010/0393.**
 - b. **January 24, 2011 letter from WILLIAM SPENCE, Planning Director acknowledging the withdrawal of the SMA Assessment rendering the SMA exemption no. SM5 2010/0281 moot.**

Mr. Spence: The items handed out in the Commission’s package, Mr. Pikrone withdrew the application for the Special Management Area Assessment and I acknowledged the withdrawal for that and rendering the SMA Exemption moot. So Commissioners are there any questions on this?

Chair Starr: First of all, is there any action that we should be taking on this one way or another?

Mr. Spence: I don’t believe there’s any action that the Commission needs to take. You know, it’s going to, you know, this – the topic was was there any effect on the Grand Wailea contested case and this item has been moot in relation to the Grand Wailea so that will continue on its own track.

Chair Starr: Thank you. Commissioner Shibuya?

Mr. Shibuya: No, I just wanted to have some kind of brief explanation on why the withdrawal because Mr. Pikrone was quite animated and intense about having this improvement completed. And the County had already committed its planning efforts towards this and I just wanted to know

why the change?

Mr. Spence: I can't say, you know, all the reasons. I know that, you know, going to court is a very expensive thing to do. It may just have been the cost, you know, maybe better to mediate than to litigate. I'm not sure. But that was the request.

Chair Starr: Commissioner Mardfin?

Mr. Mardfin: Does this mean that – this is for the parking that was– where they were going and wiping out the parking does that mean that that whole effort is at least temporarily ceased?

Mr. Spence: At least temporarily. Whether there's another application filed in the future or not I don't know, but for the moment, pau.

Chair Starr: Okay, thank you. So we'll, we'll move along to our next item. Director?

Mr. Spence: Item D, Public Hearings, the Commission your first public hearing item is Mr. Peter Martin of Olowalu Elua Associates requesting a Special Management Area Use Permit in order to relocate the proposed Driveway in Olowalu Mauka. The staff planner for this is Mr. Kurt Wollenhaupt and he has a brief presentation and we can follow with, with testimony and action by the Commission.

Chair Starr: Okay, thank you. Please proceed Mr. Wollenhaupt.

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

- 1. MR. PETER K. MARTIN of OLOWALU ELUA ASSOCIATES, LLC requesting a Special Management Area Use Permit in order to relocate the proposed Driveway "D" identified in the Olowalu Mauka Subdivision from its original location east of Kapaiki Village to Luawai Street, roadway intersection improvements, realignment of the old cane haul road intersection with Luawai Street, drainage improvements, subdivision for additional right-of-way, waterline upgrades and improvements to the fire/emergency access road at TMK: 4-8-003: 084 (por.), 101(por.), 102 (por.), and 118 (por.), Olowalu, Island of Maui. (SM1 2010/0008) (K. Wollenhaupt)**

Mr. Kurt Wollenhaupt: Good afternoon Member of the Planning Commission. The item before you today is a Special Management Area Use Permit for a proposed relocation of a highway intersection improvement hereto after known as Driveway D for the Olowalu Mauka Subdivision with related improvements at the intersection of the Honoapiilani Highway and Luawai Street. This matter was filed on July 22, 2010 pursuant to the Special Management Area Rules of the Maui Planning Commission. And it encompasses an area of approximately 4.3 acres out of a total TMK area of approximately 117.863 acres. So it's a relatively small area of land that the Commissioners were on the field trip noted upon their inspection last week. There will be a presentation given by the consulting firm of Munekiyo and Hiraga, Mr. Michael Munekiyo along with Mr. Frampton and Mr. Ward who are presenting the applicant, Olowalu Elua Associates.

Just to give a brief history of the project. The subdivision out there, the Olowalu Mauka and the Makai Subdivisions were actually approved by the Planning Commission in the year 2000. This was noted as SM1 99/0021. And along with that approval, there were 36 conditions of approval that were attached to the original SMA. The Department issued a final compliance report on April 9, 2002 for this project. As the Members of the Planning Commission are aware, a final compliance report means that the project was in sufficient compliance with that project at that time. However, as in many projects, compliance doesn't just close the book as of that day. Many projects have continuing requirements, the move on through time, that being the case, the Department looked into this project upon numerous times over the past couple of years and did note with special review, Condition No. 32 that relates to what we are looking at here today which is the requirement for the construction of a safe ingress and egress to the Olowalu Mauka project off of the Honoapiilani Highway. It's important to note, however that the wording of that condition which I'm sure we'll go into great detail as this discussion goes on today that it indicates, and I quote, "The roadway improvements shall be reviewed and approved by the Department of Transportation. Construction of the improvements shall be completed prior to occupancy of the agricultural lots unless a phasing plan for the improvements is reviewed and approved by the Department of Transportation."

That being the case, the Department Senior Management looked at this and as the applicant has brought in the plans for this approval it was determined that a new SMA should be presented as this is a relocation of the original location of the Driveway D. Originally it was to be located east of the village, now it's to be located where the Commissioners saw. So that being the case, it was thought to be more properly reviewed as a new SMA.

Importantly, this did trigger an Environmental Assessment at the time in the year 2000, and by a high degree of caution, the State Department of Transportation required and requested to DLNR to look as to whether the original Environmental Assessment would be sufficient for this project and the letter is in your packet, the DLNR did indicate that they felt that the Environmental Assessment would be sufficient for this review. Consequently, the Department understood that to be the case. I believe that Mr. Munekiyo does have a presentation that will go into this at far greater length and depth than I will. There are numerous people here today to answer your questions from the perspective transportation, drainage, environmental review and of course, the development.

I also did give just to note to the Commissioners, there were four pieces of communication that came in after the report was written which you can review at your leisure and I believe there also will be public testimony. Thank you.

Chair Starr: Okay, Mr. Munekiyo, how long will your presentation take before you begin?

Mr. Mike Munekiyo: Mr. Chair, the presentation will be about ten minutes.

Chair Starr: That's fine.

Mr. Munekiyo: Thank you, Mr. Chair and Commissioners. My name is Mike Munekiyo. I'm here this morning on behalf of Olowalu Elua Associates. If I may just spend a few minutes to talk about the background for this project and some of the details of the projects and of course, we'd be

happy to answer any questions the Commissioners may have following the presentation.

So we'll go to the first slide. The applicant, again, Olowalu Elua Associates. There are four tax parcels indicated on the screen there, parcel 84, 101, 102, 118, and again, the project is the proposed Driveway D intersection improvements as well as related improvements which I'll get into as well as we progress through the presentation. Next slide please.

We do have representatives of the project team here. Mr. Peter Martin of Olowalu Elua Associates. Frampton and Ward are the project managers, Dave Ward and Dean Frampton. Kirk Tanaka is our civil engineer and we assisted Olowalu Elua in preparing and processing the SMA application.

As Kurt mentioned, the original Driveway D was proposed in connection with the 2000 SMA approval for the Olowalu Subdivision. That was located east of Papaiki at milepost marker 14. If you go to the next slide, it shows roughly where that original or preliminary location of Driveway D is. You can see it in the top right corner of the exhibit there. A little circle indicating the preliminary location. Also shown on the map for reference purposes, the historic Olowalu Church location, Camp Olowalu, Olowalu Store towards your lower left corner of the graphic, and of course, Honoapiilani Highway running along the course of the graphic, and we can go to the next slide, Kurt if you don't mind.

Driveway D in its original location as shown was not completed and that is the reason for this new SMA application. And there were a number of technical reasons for that. Number one, at the original location, near the top of that previous graphic there was a limited sight distance. So there's of course, the traffic operations and safety concerns. And back then in the early 2000's the State Department of Transportation was actually proposing to implement passing lanes along Honoapiilani Highway in various segments so that it would allow for a smoother flow of traffic. That proposal is no longer, proposal is no longer on table, but where the original Driveway D location was at was at a taper location for one of those passing lanes so there would have been again a traffic operation conflict. In addition, there would have been right of way acquisition requirements which would have caused some I guess more of a paperwork type of limitation and I think very importantly there's the fact that that location was in very close proximity to the shoreline. And I can get Kurt get to the next photo, this is where the Driveway D location is at. As you all of you are familiar with this area where a lot of beach goers do park, enjoy the calm waters at Olowalu and of course, if there was an intersection to be placed at this location, again, more from a traffic operations standpoint, again, the conflicts and safety issues were of concern. So for those reasons, over the past few years, the applicant and the DOT has been working together to identify a new location and alternative design for that new location.

We can go to the next slide. Again, just recap what I just said. Also, of what recapping at the second bullet point what Kurt had mentioned is that the Maui Planning Department determined that given the new location, a new SMA permit probably would be the best way to do it and that is why we are before the Commission this morning. So, in this graphic you can see at the upper right-hand corner in somewhat half tone labeling, the original location of Driveway D. And further down to the midpoint of the graphic there is the proposed location of Driveway D and those, and those Commissioners who were out at the field visit last week are quite familiar with the surroundings. But again, just to show the difference in location for both original concept versus where it is that

is being proposed today. We'll go to the next slide Kurt.

So here's a photo. What we're looking at, we're across on the makai side of Honoapiilani Highway looking mauka to Luawai Street and this is the location of the proposed Driveway D intersection. Next photo please. This is a photo looking towards Maalaea standing along Honoapiilani Highway and you can see from the broad grass shoulders that there is substantially more space to provide the pavement widening improvements to accommodate the intersection improvements at this location. Next slide.

Here's a location, standing at the canehaul road, mauka of the Honoapiilani Highway which you see on the left. And looking towards Lahaina, you can see where it is that the acceleration lane will be placed. And for those of you who were on the site visit we did note that the first two monkey pod trees, at this point goes out very quickly, right here, there are two monkey pod trees which would need to be removed because they are within the design and construction, I guess, limits of the acceleration lane which would be proposed or constructed in connection with this intersection improvements. So again, just a reference point for Commissioners as you discussed the matter further. Next slide.

So, the actually, four different elements which I'd like to speak to with respect to the improvements. The Olowalu intersection improvements, those relating to the driveway access itself. There's also a related eight-inch water line improvement. There is an existing two and a half-inch water line which will be upgraded to an eight-inch water line along the cane haul road. A portion of that cane haul road is within the SMA. And so that action is being covered by this application as well. There's also an existing emergency access road, a portion of that emergency access road falls within the SMA as well and over time, improvements, maintenance of that access road will be required so again, this element was included as part of this application. And finally, with respect to drainage, I think that this is something that is always of concern to the Commission. There are drainage improvements associated with the intersection improvements and we'll go through those as well as a separate project element.

So I know you can't read the wording, but basically this is a graphic of what the intersection would look like. The bottom road here is Honoapiilani Highway. This is Luawai Street going up mauka. The red characters or labels on this graphic basically identifies the key turning point design elements of the intersection improvements. At the top left side of the element there's – it's actually calling out the acceleration lane here. So about 690 feet long, and would allow vehicles exiting Luawai Street heading to Lahaina to merge in a smooth and safe manner with traffic already moving along Honoapiilani Highway. At the bottom of the graphic is actually a left-turn lane here. This is a deceleration lane about 450 feet in length for those individuals wishing to turn left onto Luawai Street heading from Lahaina to Maalaea that turning movement will be accommodated by the deceleration lane. We also have a refuge lane here approximately 50 feet in length – that accommodating vehicles exiting Luawai Street wishing to head to Maalaea. That movement can be accommodated by crossing the Lahaina bound traffic, taking refuge in the refuge lane and when opportunity arises, merge into the Maalaea bound lane. And finally, at the top of the screen here, just calling out the fact that we do have deceleration lane about 400 feet in length to accommodate right turning movements onto Luawai Street. Next slide.

I've kind of broken it up because there's so many different labels here. I just wanted to make sure that I hit the main points for the Commission. Here, I wanted to call out the fact that there's gonna be a bike lane on both sides of the road, actually five-foot wide. There's a striped median involved, there's a tapered element of the left turn movement from the Lahaina to Maalaea bound traffic. And as I mentioned earlier, two monkey pod trees, you can see them right here, actually fall within the construction limits of the acceleration lane. And that acceleration lane, requirement was developed in coordination with the DOT, again, with the aim of making sure that we do have a safe merge condition at this location. I know there were some concerns in respect to the removal of those monkey pod trees. The applicant has indicated its willingness to replace those with large, larger type of trees perhaps up to 15-inch diameter so that we can actually have some continuity in landscaping over the next few years as those replacement trees are maturing. So again, unfortunately there's a design requirement. There is that conflict but again, the applicant is willing to mitigate that action by including replacement trees in or around that location out of the acceleration lane right of way. And Kurt if you go to the next slide?

Finally, Commissioners, there is a cane haul road which parallels Honoapiilani Highway. Those of you at the site visit saw it, but that a portion of that cane haul road would need to be relocated mauka and that is indicated by this sweeping, arching roadway configuration here labeled Road and Road B. The – the reason for swinging the cane haul road up mauka is to provide some separation at the intersection, again, to reduce conflicts at that point, and again, more of a safety concern. So again, that's the other element of the intersection improvements.

I spoke of the water line that dark purple line at the bottom actually is the water line which extends in the vicinity of the Olowalu Store towards the church lot, and again, it upgrades at least for that area within the SMA a two and a half-inch line to an eight-inch line. Again, that improves service capabilities for Kapaiki residences going down to the church. Also, you can see the emergency access road here, right here which ...(inaudible)... that road that serves as an emergency access. A portion of that road on a makai extent falls within the SMA and over the course of time, improvements in terms of maintaining utility of that road will be required and for that reason, this has been noted as part of the action of the SMA as well. Next slide Kurt?

Finally Commissioners, just speak a little bit about drainage. You can see where the cane haul road swings mauka as I spoke earlier. At the bottom of the page, the graphic Honoapiilani Highway, we have three retention basins, Basin A, Basin B, Basin C. And these basins are specifically designed to accommodate drainage flows in this area along the intersection area. And the civil engineer has conducted his analysis of those basins and the conclusion is that the basins will be able to accommodate 100 percent of the pre and post development flows associated with the intersection improvements just in this location. So, increasing flows attributed to new pavement that type of thing but again, they have the capacity to accommodate 100 percent of the post and pre development flows. Next slide.

This is just a note that we've met with the community out at Olowalu on two occasions last year and recently about three weeks ago, and found that the interaction to be quite helpful in terms of receiving input from community members. Next slide Kurt.

And finally Commissioners, just a quick recap of what we see as a schedule. We seek your

favorable consideration today of course, for the SMA permit. Construction plans approval is ongoing with DOT. We hope to start condition in third quarter of this year with completion early next year. So again, Commissioners that is the rough schedule. We understand from comments received there is an urgency in the part of the residents to have a safe intersection installed and this is certainly the intent of the applicant. And with that, Mr. Chair, we're happy to answer any questions.

Chair Starr: Okay, thank you, Mr. Munekiyo. I see we have quite a few people with us today as resources. I would like to welcome Mr. Daniel Ornellas, I believe he's the Maui Land Agent for the DLNR, State of Hawaii and Hinano Rodrigues, I assume he's here in professional capacity, oh no, he's here private capacity. I'd like to welcome him anyway. He does a great job with the burials. And could you identify who else you have with you as part of your team?

Mr. Munekiyo: Available to answer questions Mr. Chair, is Kirk Tanaka, civil engineer. We have Dave Ward and Dean Frampton from Frampton and Ward, and they are quite familiar with the history of the project as well as design elements as well. So any questions the Commissioners may have, happy to answer those.

Chair Starr: Okay, Members, I know we had a really good site inspection of this location. Who has a question here? I have one to, to lead off, and this is for Mr. Tanaka. Reading the drainage report it seemed to say that there was an increase in the runoff, but then in the presentation it says that the, the retention will actually take care of 100 percent of pre and post. So where I read about the increase in, in the CFS runoff was that referring – is that runoff going to be real runoff or is that before the retention basins were added in?

Mr. Kirk Tanaka: Good morning Members of the Maui Planning Commission. My name is Kirk Tanaka, we're the civil engineers for the project. To answer Chairperson Starr's question, there will be increase in flow due to the additional impervious surfaces that will be added namely the highway widening to accommodate the accel and decel lanes and the relocation of the canehaul road, but with the implementation of the three drainage basins that we're proposing, the drainage basins will accommodate 100 percent of the pre and post development flow.

Chair Starr: Okay, and how – how does this project tie in if at all with, I, I think it's called drainage A or drainage B on your charts which is the culvert that goes under the road and, and to – makes a dogleg and then onto the reef at Olowalu. Yeah, I can see it kind of – could you point that out?

Mr. Tanaka: I believe, I believe Chairman Starr you're talking about this double 36-inch culvert that crosses under Honoapiilani Highway that drains mauka to makai? Okay, the concept here, well as you probably know and as you probably saw on the site inspection there is a, there is a drainageway that runs behind, the behind the homes, yeah. Presently what happens is the drainage collects in here and goes underneath the highway and then goes, goes this way. There is a swale on the makai side of Honoapiilani Highway that takes, that takes the runoff out to the ocean here. The concept in the drainage scheme is, is that these three basins working together will, will pick up flows coming from, coming from off site as well as on site and will pond in these three areas. There's a culvert that's proposed that connects basins A and B which will equalize the level of the water. These basins are basically only four feet deep. They're, they're relatively

shallow basins. I believe that the total area of the three basins are in the neighborhood of 24,000 square feet and so, conceptually the basins pick up the, the runoff, settle out, settle out the sediment and then in occasions where you get high, high flows there is a spillway that will take overflow from the basins, from basin B down here and from basin C over here. And right now there's standing water in here, yeah. This is a, as you guys probably saw in the site inspection. What we'll do is we'll put a, we'll put a culvert across the relocated canehaul road to facilitate the flow.

Chair Starr: So what you're saying is that the overflow will go into the, into those two, those two culverts and onto, onto the reef through the channel across the beach?

Mr. Tanaka: In period of very high intensity rainfall that is a possibility. What the concept, the concept for these three basins is during lower frequency rainfall events, and design frequency rainfall events these three basins works in conjunction with each other will pond 100 percent of the post and pre development flow based on, based on County design standards.

Chair Starr: That drainageway A which will be your overflow, that was put in about a year ago by the State of Hawaii where I believe it went from one smaller culvert to two, 36-inch culverts and my understanding is that that was done by the State of Hawaii without an SMA or without an EA or any document and that they've now agreed to do a after-the-fact SMA. What I'm trying to understand is was that work that was done by the State that is the State is now preparing an EA for was that triggered by the need for a place to put your overflow for this project?

Mr. Tanaka: We worked with the existing conditions as it was, as it stands now.

Chair Starr: After, after that was built illegally.

Mr. Tanaka: Well, I'm not familiar, I'm not familiar with what had transpired previously, but we're tying in, basically what we're doing is we're tying in our drainage concept to the, to the two, 36-inch pipes that existed under Honoapiilani Highway, I imagine for, for decades.

Chair Starr: I watched them putting it in about a year ago, but anyway, Mr. Munekiyo? I'm just trying to understand if your impact is – relates to that drainage A or not?

Mr. Munekiyo: That's right, and I think that's a very important Mr. Starr that we clarify the relationship between the drainage system for this project and what was there already. If we considered a mauka drainage portion, that portion of drainage A that borders the houses I believe historically that has been there. What was as I understand it and perhaps Mr. Ornellas can elaborate is that for drainage function purposes the makai portion of the drainageway was improved and so – but we're taking the overflow would actually fall into what was there historically. It crosses Honoapiilani Highway through those existing culverts and then gets into the makai segment which I think we had discussed at the site visit.

Chair Starr: Okay, could we get a comment from Mr. Ornellas?

Mr. Daniel Ornellas: Good morning. Daniel Ornellas, District Land Agent for the State Department

of Land and Natural Resources.

Chair Starr: Thank you, Mr. Ornellas. I'd like to understand the status and the background behind that, the improvements to drainage. I believe it's drainage A, is that what it's called, yeah, drainage, drainage ditch A.

Mr. Ornellas: In regards to the culvert that you mentioned under the highway, I have no information related to that. If there was improvements that would have been done by the State Department of Transportation. I'm not aware of any recent improvements. What we took part in, the State Department of Land and Natural Resources was a shoreline cleanup. I have some pictures that I could pass around for your folks information showing before and after. I don't know if – who wants –

Chair Starr: Yeah ...

Mr. Ornellas: – but basically there were fallen kiawe trees that probably fell over ten plus years ago, and there was a rock revetment that I did a historical analysis to find out the purpose of the rock revetment. Nobody knew who put it in and for what purpose. So in the process of dealing with these encroachments, I consulted with our Office of Conservation and Coastal and Lands. Our coastal geologist suggested that we if we remove these fallen kiawe trees and this unpermitted rock revetment that it would restore the coral beach processes in the area and actually bring the beach back. Because as everybody knows, a lot of that area is being eroded and the pictures show what I'm talking about. So we did remove the kiawe trees. We did remove that pile of rocks which is in one of the pictures and that was it. We did not touch the drainageway, we did not touch the culvert, periodically State DOT will go in to remove the sand embankment during high flow periods to allow the water to be released and I also understand that there's a working relationship with West Maui Land Company when DOT can't get there in time, West Maui Land will get in there to open up the embankment to prevent flood waters from building up. Anything beyond that is, is I don't – I'm not aware of.

Chair Starr: There were two very large excavators operating their track excavators for several, several weeks at least. And it was a fairly major project. I did watch some of it occur. I assume that that was State DOT doing that and not DLNR, but they left a big pile of boulders and a big pile of dead trees there. When I went there and I, I photographed them the – there was a contractor working for the landowner who was asked by the State people, and he didn't know whether they were DOT or DLNR to remove, to move those rocks and to move those trees that were left as debris by those – the people operating those excavators. I understand that DOT is not at all in your purview, but do you have any further knowledge about that and also about who cut the ditch right across the beach so that this runoff now goes into the reef?

Mr. Ornellas: The ditch that exists was a preexisting drainageway. We didn't create anything new or expand on its capacity and again, as far as the removal of the rock revetment and the trees that was permitted by us, the State Department of Land and Natural Resources. That was our contractor that was in there pulling out that material and we did have problems with one of the contractors. There were two, it was a two-phase project and we did have problems with one of the contractors leaving debris on the shoreline and allowing it to get into the water which creates

navigable hazards. It was a lengthy process to get them to rectify but it did get rectified.

Chair Starr: Okay, thank you. Members, any questions for Mr. Ornellas on this while he's up?
Commissioner –

Ms. Wakida: ...(inaudible)...

Chair Starr: Oh, okay. Commissioner Shibuya – oh, Commissioner Tagorda?

Mr. Tagorda: Where is this rock revetment that you folks took care in that area of Honoapiilani Highway?

Mr. Ornellas: I shows up in one of the photos that's being passed around and if I can see, this is that drainageway, right, we're talking about. At the seaward toe of that drainageway was a rock revetment which was basically large boulders that were mortared together. The only indication of use that I found out was maybe there was an old coastal road that ran what is today the water and then that was part of a bridge crossing.

Mr. Tagorda: 'Cause when we had a site visit few days ago, I don't know if that's the right place that we were standing there was a diversion ditch that was dug by who knows who else – who knows, DLNR or DOT, and they cut off that cement drainageway so it follows that L-shape diversion ditch and I was talking to someone there and when there's a big storm that temporary diversion ditch overflows. The reason why is the ocean water is higher than the ditch.

Mr. Ornellas: Right.

Mr. Tagorda: The ditch is lower actually.

Mr. Ornellas: Right.

Mr. Tagorda: Overflow on the road embankment.

Mr. Ornellas: Yeah, it's natural for the shoreline to build up sand it takes somebody getting down there and removing the sand when we need to release the water. It's a natural occurrence.

Mr. Tagorda: Yeah, I know, and I notice that they break, I don't know what size of a culvert is this, 36-inches or more but it was broken into pieces that's why the outlet of the drainageway doesn't go into the right portion of the, of the beach, of the shoreline.

Mr. Ornellas: Right, right. As far as the culvert under the highway, you would need to consult with State DOT to understand if there was any changes and for what purpose.

Mr. Tagorda: Yeah, that's what I notice, on my site inspection.

Mr. Ornellas: Yeah, yeah. I'm , I'm not familiar with the DOT right of way in that vicinity.

Chair Starr: Okay, thank you, Mr. Ornellas. Members, questions for any of the resource people? Commissioner Shibuya?

Mr. Shibuya: I might be with Mr. Kirk Tanaka, and this deals with the drainage A area and also, the level in which you would put that culvert under the canehaul road. Is it something that you would – the level of that convert would be higher than the bottom level of that basin because you're using that basin as a catch basin, right? I'm just trying to understand it so that whether it's a flow access which is a level of the bottom of the basin or at a level higher than that so that you have the catch basement allowing the water to pond and soak in and at – when it overflows it comes through that culvert and passes through underneath the highway. I just wanted your clarification on that.

Mr. Tanaka: Again, Kirk Tanaka. Commissioner Shibuya, in response to your question, the invert of the drainline that runs under the canehaul road is at the same elevation as the ditch on both sides. So what – so the purpose of the drainline, in this case it's called drainline A1 is to facilitate – well, it's to facilitate the placement of the, of the relocation of the canehaul road. It's not, it's not to try to dam the water up mauka of the canehaul road because what, what's happening now is that the – well, again, it's just to facilitate placement of the canehaul road. We have put a culvert under the canehaul road to be able to drive over, over what, what is now an open channel.

Mr. Shibuya: Right. I'm, I'm concerned about the, the flooding impact close to the Olowalu Church. That's my concern. If you place that culvert too high then Olowalu Church is gonna flood. If you put it too low, then you're gonna use a faster flow and more greater flow of water. Okay, so that's, that's a point I'm trying to make. If we do it wrong then there's going to be a lot of pilikia either way, too high or too low.

Mr. Tanaka: Certainly, I understand.

Mr. Shibuya: Okay.

Chair Starr: Commissioner Tagorda?

Mr. Tagorda: Drainage improvement. Those basins that I see here, A, B, and C, I heard that it will take care only the post, the pre development project. Okay, and the sizes there will be a tendency but when you have a storm, big enough, it will overflow and this will go into the highway. Is that calculation right?

Mr. Tanaka: The purpose Commissioner Tagorda, of drainage basins A, B, and C is to mitigate the adverse drainage impacts of the additional impervious surfaces that will be installed at this intersection. Therefore, the basins were sized to take care of 100 percent of the pre and post development flow thereby creating a better drainage situation at this intersection than occurs now.

Mr. Tagorda: Yeah, okay. So there is no assurance that this is adequate basins that it will retain all the water in those, in those basins?

Mr. Tanaka: Based on the Department of Public Works standards, yes.

Mr. Tagorda: Is there a way that we can take care all that storm overflow from those basins and it doesn't go to the highway? Another design alternative?

Mr. Tanaka: If I understand your question correctly, Commissioner Tagorda, is your question all of the water – can we take care of all of the water –

Mr. Tagorda: Yes.

Mr. Tanaka: – that comes through this area that, that feeds the mauka watershed?

Mr. Tagorda: Yeah.

Mr. Tanaka: The, the answer is, is yes, but the size of the basins will have to be substantially larger.

Mr. Tagorda: Okay, so that's what I'm looking at. There are diversion ditch or drainage ditches along side the old canehauler road, right before the highway but those are all unmaintained by who I don't know. And if you're gonna relocate that old canehauler road what's going to happen to those old ditches that catch water from, from the mountainside when there's an overflow?

Mr. Tanaka: Other than the area that we're proposing to improve to facilitate the placement of the canehaul road, nothing.

Chair Starr: Commissioner Shibuya and then Commissioner Hiranaga?

Mr. Shibuya: Okay, the point that I'm trying to make too is that the Honoapiilani Highway was raised, and it's above grade at this point. In so doing that you have the mauka waters coming down it creates this damming or body of water that needs to somehow get to the ocean. And you can't go over the highway. So this is one way, the drainage A as well as the small 20-inch I believe drainage culvert under the highway is supposed to handle. It won't handle because I see the volume is too great. The last storm it appears that the church as well as some of the property owners were inundated, were under water. I understand the scope of work that you're doing. You're doing just for the intersection but the concern that I have is for the total project which includes these property owners that's gonna be impacted by this backlog of water. And that was not a 100-year or 50-year type storm. It was a storm that was large enough to cause some property damage. That's what I want to mitigate. Okay, thank you.

Chair Starr: Commissioner Hiranaga?

Mr. Hiranaga: Kirk, if you could just clarify what the County requirements are regarding, is it a 10-year storm for what period or?

Mr. Tanaka: Okay, certainly Commissioner Hiranaga. The County Public Works requirements requires to take care of the 50-year, one-hour storm.

Mr. Hiranaga: Okay, thank you.

Chair Starr: I would like to just state my, my concerns here and it is really with this drainageway A, and drainageway A is somewhat incidental to this portion of the, of the project because it will handle overflow beyond, beyond a massive storm. However, drainageway A was improved by State DOT within the last two years. And it does two very negative things on a daily basis which is that there are, is ponding both above the highway and it sounds like it will, that will remain so and there is what to me even worse is that there's ponding below the highway between the beach berm and the highway which we saw in our site inspection. Those both are breeding grounds for mosquitos and most of those pondings collect, collect mud and collect debris and even a very slight rain coming down washes this mud and debris right across the channel that 's been bulldozed through the beach and right onto the reef. That reef is a – was a very pristine reef, in the last year it has suffered. I snorkel out there. I have recently and I have over the last year and it's the last – since that was increased that reef is – you can see the coral is going from colorful to monotone and then having holes in it. Now although this drainage A is only incidental to these roadway improvements it was increased by State DOT to move water coming from mauka and coming from other portions of this project down onto the reef without retention. And I don't quite know the mechanism to tie that in. I know DOT is gonna come before us with an SMA, but I do feel that I need to express my concern that something very bad is happening here and it's, it's going to affect that Olowalu reef which is, which is critical, and you know, I would like to ask one more time whether there's any option for the developer here to do the right thing because it's ultimately water that's coming from their project up above through that drainageway A. Mr. Tanaka?

Mr. Tanaka: Chairperson Starr, I think that's a better question for the, the owners. I can speak to the, the concept again on the drainageway and I can tell you that the drainage, proposed drainage improvements for this intersection will make the intersection transparent and even better to the drainage scheme. I'm sorry, that's about all I can speak to.

Chair Starr: Is there any way you can deal with the standing water both above and below the highway as well as create some kind of filtration as part of this and maybe, yeah, yeah, Mr. Munekiyo might, might have a comment?

Mr. Munekiyo: Thank you, Chairman. Just a note that I think what the Chair is referring to is the Olowalu Mauka Subdivision. There are 14 lots that have been created mauka. I think those of you on the site visit noted those from the highway looking up, and for that subdivision itself there was a separate drainage mitigation plan implemented at the time of the subdivision. I think what might be also noteworthy here is that the other lots are still in I guess, fallow, fallow conditions and as those lots are implemented, again, incrementally they would need to be – have their own mitigation measures. And also not, I don't want to speak ...(inaudible)... but some of you may know that there is an ongoing effort to create an Olowalu Village in that location. If that project moves forward then, of course, a master drainage plan would need to be addressed, would need to be implemented and that I think would really address, directly concern, the concerns of the Chair. However at this point, as Mr. Tanaka indicated, you know, we're trying to focus the project on the intersection improvements. We recognize that there are existing conditions which may not be ideal in terms of what the Chair has spoken to, but again, what we're really seeking is a – your consideration that we be able to provide a safe ingress and egress for this location. And again, as projects move forward in this location, they would need to be responsible for mitigating broader drainage concerns.

Chair Starr: Okay, thank you. Commissioner Hiranaga?

Mr. Hiranaga: I believe there is a representative from State DOT in the audience. You may want to query that person regarding alleged improvements along Honoapiilani Highway.

Chair Starr: Okay, thank you. I did not realize that State DOT was here. Oh, okay. Welcome, please introduce yourself and give us your comments.

Ms. Charlene Shibuya: Yes, my name is Charlene Shibuya, I'm the Assistant District Engineer and Construction Engineer and I'm here to answer any questions and I know you're talking about State DOT doing some activity. I've actually been in charge of the Construction Section since 2004, and I know for a fact we had no project to touch this culvert, you know, on a routine basis, our Maintenance Section does do clearing of the culverts but typically the work is within the right of way, and you know, I can double check with that section because I don't oversee that section but that's usually the responsibility that they are not allowed to get outside of the right of way because it starts to get into, you know, different lands that might end up with permitting issues. But I can, I can verify that and I'm sorry, I cannot verify that, you know, offhand right now.

Chair Starr: Okay, I'd like to ask you to verify that and maybe touch base with Ms. Flammer or one of the other Current people. I do recollect two very large track excavators.

Ms. Shibuya: And did it have, did it have State seals on it?

Chair Starr: I don't believe they did. I know the only person I was able to talk to when I went there a year or so ago, and I have pictures was someone working for the property owner with a – trying to clean up after them because the property owner was left with huge pile of rocks and with trees that they had moved when the excavators had dug the channel across the beach and that channel that runs lateral to the highway and is now a pond with mosquitos and fish and debris in it. So if you could report back to us, I'd like to know.

Ms. Shibuya: Yes, and if you could kind of give Gina the, the, the dates so, you know, I can actually query our maintenance supervisor in that area?

Chair Starr: Okay, I – Okay, I'll try, I'll try to get –

Ms. Shibuya: Yeah, I mean, not a specific date but at least rough date so we can zero in, you know, on his activities for that time period.

Chair Starr: Okay, I, I have the dates when I took the picture which was shortly after they had left.

Ms. Shibuya: Oh, which is good, yeah.

Chair Starr: And also, the Commission – the first time I saw it was when the Commission was meeting in Lahaina on some other issues and we, we, I drove by it twice.

Ms. Shibuya: Oh, okay, that's good then at least we'll have a good window to research.

Chair Starr: Yeah, Director?

Mr. Spence: Would it be helpful if we got you the pictures that Chair Starr is talking about?

Ms. Shibuya: Yes it would 'cause I basically would ask the maintenance supervisor for that west side area, and you know, as, as everybody knows a picture is worth a thousand words so it should trigger anything, and he would probably know who was there too, if it wasn't their crew.

Chair Starr: Yeah, Ms. Flammer are you still here? Oh, she's got the pictures.

Ms. Shibuya: Okay, thank you.

Chair Starr: Okay, thank you very much. Commissioner Shibuya.

Mr. Shibuya: I just want to clarify and insure that there's no conflict of interest. Charlene Shibuya is my sister-in-law, and I am not employed by her or nor she employed by me.

Ms. Shibuya: Yes, he's a retired independent.

Mr. Shibuya: We're also gonna go skiing together but that's how we are. But after this question that I have, I'm gonna, since she's up there, I'm going to ask her this question. After this question, she may try to run me into a tree. But, on Honoapiilani Highway as proposed, one of the acceleration lanes is 600 feet, and when you take a left turn going toward Maalaea, that acceleration lane is only 400 feet. Why the difference in acceleration rates and lanes?

Ms. Shibuya: Yeah, on the first acceleration lane, can you point on the map which one it is? Yes, sorry I don't have all things off the top of my head.

Mr. Shibuya: It's more of a how come, how come you make one side 600 and how come you make the other side 400?

Ms. Shibuya: Yeah, it, it sort of depends on the acceleration lengths usually depends on the assumption of what is your starting speed whether it's from a stop or rolling or – so that's why I just needed to see. And then what assumptions the designer is using for the design speed. The 600 – oh, I see, the 600 feet you're saying that's going to Lahaina?

Mr. Shibuya: That's correct.

Ms. Shibuya: Yeah, if you see that acceleration lane, usually when you figure out the effective length it's the full width, but that 690 feet includes the taper, so, so we don't – typically we're looking at – so it's not, you know, the actual how you say effective acceleration lane is in that full width. So I don't know, that drawing it doesn't separate what portion is a taper, and that's why there might be some difference.

Mr. Shibuya: Yeah, even the one that's headed towards Maalaea, that taper is included and it – I would think you would –

Ms. Shibuya: – you're talking about for, for this left turn?

Mr. Shibuya: Yes, the left turn.

Ms. Shibuya: Pocket.

Mr. Shibuya: That's a holding, that's a holding area. That's no problem.

Ms. Shibuya: Yeah, and it's, it's, probably Kirk you had some storage in there? Yeah, usually the – I think the way you guys had it was like acceleration lane. What is this width, this width?

Mr. Tanaka: ...(inaudible - speaking from audience)...

Ms. Shibuya: The full, the full width this way? Yeah, just, just excluding this taper, what did you have?

Chair Starr: Mr. Tanaka, why don't you come up to the mike and introduce yourself, otherwise it makes the record somewhat confused?

Mr. Tanaka: Hi, again Members of the Commission my name is Kirk Tanaka. If I understand Commissioner Shibuya's question is he wants to know what the length of the full width acceleration lane is?

Ms. Shibuya: ...(inaudible - not speaking into the microphone.)...

Chair Starr: Ms. Shibuya, why don't you come back to the mike so otherwise, it gets really confusing when they try to transcribe this?

Ms. Shibuya: Yes, so I'm just trying to have him isolate, you know, what is the effective acceleration length for the lane coming out of the driveway going toward Lahaina as well as the accel – actually you're talking the deceleration lane into, right, the driveway?

Mr. Shibuya: No, no –

Chair Starr: I'm going, I'm going to call a ten-minute recess. And then you can work this out and come back with a report on this.

Ms. Shibuya: Yeah, yeah, sorry.

A recess was called at 10:35 a.m., and the meeting was reconvened at 10:45 a.m.

Chair Starr: ... February 8, 2011, the item before us is the Driveway D for Olowalu Mauka Subdivision. While – before our break we were waiting for a response from Mr. Tanaka and Ms. Shibuya on, on a question and the questioner is not here but lets proceed. We've gotta get this done.

Mr. Tanaka: Again, good morning. Kirk Tanaka. In response to Commissioner Shibuya's question the acceleration lane headed towards Lahaina, the approximate length of the full width acceleration lane is approximately 450 feet. So out of the seven – 690 feet, approximately 450 feet of that is full width and the balance is taken up in the taper.

Chair Starr: Okay, thank you. Ms. Shibuya?

Ms. Shibuya: Yeah, and, and then I sort of misunderstood his question, but Warren's question, Commissioner Warren was basically asking in that refuge lane that, that, what we call our refuge accel lane why is that one short which is typically used for acceleration also as compared to the right that the lane that Kirk was describing and, you know, I kind of explained that typically on the right turn accel lanes that we allow coming out of driveways or side roads because, you know, if you can kind of picture this when the guy comes out, he's actually looking in his left rear view mirror which is on his side and he's negotiating to adjust his speed to get into that traffic. It's, it's a little easier when you're in a longer lane, you know, trying, trying to go up to speed. Unfortunately, Maui drivers don't know how to use those accel lanes and they go to the end. But, but, you know, that's kind of what we try and hopefully, you know, they can kind a learn. On the refuge lane, accel lanes we don't like to go too long because basically the intent of that, that accel lane is, is so that they can do one move at a time. They cross, one, one lane of traffic and then they can either wait or they can just kind of go in if they kind of time themselves right. But on that lane, once they get in, what happens is they're trying to look this side to adjust their speed and when they stay too long in that lane it gets harder, so we kind of purposely not make too long to kind of make them be mindful of how they're gonna make their move and then be at that certain vantage point to see better and adjust themselves, but – so I know that's not very scientific but that's kind a how we've been treating these accel refuge lanes and it's not used all over the place and you know, we find that when it's shorter it works a little bit better for just the driver judgement.

Chair Starr: Okay, thank you. Commissioner Tagorda?

Mr. Tagorda: Thank you, Ms. Shibuya. You looking at that road intersection improvement do you think that that the traffic going through Honoapiilani Highway will not be – will be addressed adequately by those, by the concept?

Ms. Shibuya: If I understand your question correctly –

Mr. Tagorda: What I mean to say if they driving 45 miles they won't stop in that intersection.

Ms. Shibuya: Oh yes, what happened is, you know, all these lengths, the decel, accel lanes is actually based on not necessarily the posted speed which is 45 over there, but it's actually designed – we asked the consultants to actually capture what we call the 85th percentile speed which turned out to be 50 miles an hour. So, so all that lengths are designed according to a 50-mile-an-hour design speed, and that, you know, when I mentioned the 85th percentile speed, studies show that regardless of what you post that highway is at, the drivers will just drive as to what they feel comfortable with, and so that's why we wanted them to base their design on 50-miles-per-hour and not 45.

Mr. Tagorda: Well, one more Mr. Chair, since you there. Okay, another one I like to know is with this intersection improvement at Olowalu, where is that relocation of Honoapiilani Highway was undertaken to accommodate those water lines, those drainage, it was taken into account. I don't know when is this expansion of Honoapiilani Highway will be, you know, but –

Ms. Shibuya: Yes, it's still, it's still in the we call it very preliminary planning Stages so what we did was originally it was kind a possibly taken as this lower highway might be, a , a, lesser traveled road, but we was since that's uncertain, yeah –

Mr. Tagorda: Yea.

Ms. Shibuya: – Whether it's gonna be the existing highway widening or another new highway mauka, we actually asked the consultant to design it as if it will be the highway for a while. You know, just to be on the safe side because we don't wanna redesign it for something that's only gonna be like a maybe a local road or collector road and then we find our realignment planning effort takes too long and all of a sudden this is still our main highway for the next ten years. So they have designed as if it's gonna be the still the highway for the ...(inaudible)...

Mr. Tagorda: Yeah, because I read that the future – they said that the relocation of the Honoapiilani Highway or expansion of it will happen but we don't know when. I just wanna make sure that they not doing this and all of a sudden it's out of, you know, way and all that, it's gonna conflict with that place where that highway is gonna be in the future.

Ms. Shibuya: Yeah, so actually, you know, it's basically we don't want to guess, you know, and so, you know, we're, we're making them actually design it so that it will function, you know, until that decision made.

Mr. Tagorda: Okay, thank you.

Ms. Shibuya: And it's gonna take a while because it's still in the planning stages.

Chair Starr: Okay, Commissioner Wakida then Commissioner Shibuya.

Ms. Wakida: What is the posted speed limit just past that driveway?

Ms. Shibuya: I believe, when you say past the driveway you mean on like the Lahaina side?

Ms. Wakida: On the Lahaina side, yes.

Ms. Shibuya: Yeah, going, going towards Lahaina was 40, 45 right? I believe it was 45 and that's why we made them design it for not the posted speed limit but the actual captured 85th percentile speed which was 50 miles an hour.

Ms. Wakida: But doesn't the speed limit then reduce at that Olowalu Store down to 35?

Ms. Shibuya: Yeah, it does reduce at the store, but we feel that this driveway is still, you know, still

how you say like Maalaea side of the village so they're still coming in fast. So we didn't wanna, how you say, assume a design speed of 35 when the, you know, the actual 85th percentile is 50 actually coming in through this, this area. They might be coming out slower the other way, but you know, they are coming in faster this way.

Ms. Wakida: So, you have this acceleration lane coming towards Lahaina, and then it's four-tenths of a mile from that intersection Driveway D to Olowalu Store.

Ms. Shibuya: Okay.

Ms. Wakida, I, I live in that area so I, I'm real familiar with this, and so you've got people accelerating to get in there and then you've got people slowing down to turn into the store from both directions, I see a difficulty here in how approximate this driveway is to the Olowalu area, the Olowalu Store area.

Ms. Shibuya: Yeah, actually, actually it's, it's actually quite far. I don't know the exact footage, but I'm, I'm familiar with the area too and you know, I don't see a problem with what you're talking is probably about the influences of the two movements affecting each other. You know, we feel, we still feel more comfortable because knowing that the traffic is coming into this driveway, you know, at this 85th percentile speed, we would rather have the acceleration lane be designed for that and then between there and Olowalu, everybody will adjust their speed because they do come in fast from Maalaea.

Ms. Wakida: Well, I still see this as a difficulty that, that you've got an acceleration lane and then it's going into an area that is slowing down and people making – there's a lot of in and out traffic in that intersection, that Olowalu Store area.

Ms. Shibuya: Yeah, I know traffic turns in, but you know, like for the bulk of the traffic that's running through, they still do – I mean, you know, I hate to say it, but, you know, unless the police is there they're still speeding above the 35 posted.

Chair Starr: Okay, Commissioner Shibuya?

Mr. Shibuya: Just to clarify. I guess Commissioner Wakida's concern, the merging and the 35-mile zone area, the distance between that is long enough so that the drivers can accommodate, but I just wanted to make a point on the acceleration lane or the holding lane and acceleration lane headed towards Maalaea. The problem here is that the people exiting the subdivision would have to somehow cross over one lane and then wait for the traffic on the following lane. So that's why you would probably need a longer acceleration lane because you have to accommodate for the holding. So you have possibly two cars holding or held in that lane and then the third accelerating to merge in. That's all I'm going to say, thanks.

Ms. Shibuya: Yeah, yeah, I can comment. As I think Mike mentioned that we're still in the process of how you say refining the plans to get it to approval. Kirk and I can, you know, look, look at that and see what kind of a stacking is anticipated and, and try to kinda find a balance, you know, between what our concern would be to make that lane too long and then, you know, to take care

Commissioner Shibuya's concern about perhaps the stacking, taking some ability to accel.

Chair Starr: I – when this was planned and designed, we know that there's a much larger project that is being considered for the Olowalu area. Is this road at all in the plan for that much larger Olowalu project or is this solely to service the 18-unit subdivision?

Ms. Shibuya: Can I leave, can I leave that to?

Chair Starr: Okay, I was asking from in your own, in your own, in your own knowledge and then I'll ask the same thing to the applicant.

Ms. Shibuya: Yeah, from what I understand, is the other project has, you know, some of their primary access is a little bit different but it is part of the larger picture, and I don't have all the exhibits that I've seen. So I would rather have the consultant for that development to perhaps answer some of the specifics.

Chair Starr: Okay, Mr. Munekiyo? Does that larger project figure into this planning at all?

Mr. Munekiyo: Thank you, Mr. Chair, Mike Munekiyo. The intent of this action is to service the subdivision. However, in the event the Olowalu Town Master Plan is approved in the future, there will be a opportunity for integrating this intersection with that larger master plan, but at this point, it's somewhat early to say.

Chair Starr: So is this designed oversized to be a part of that later?

Mr. Munekiyo: Not from a capacity standpoint Mr. Chair. I think once they get in – that the Olowalu Master Plan gets into the traffic study phase they'll need to look at the overall flows, ingress and egress points so they'll probably be multiple points of ingress, egress which need to be considered from a broader regional standpoint.

Chair Starr: Thank you. Commissioner Wakida?

Ms. Wakida: Excuse me. Mr. Munekiyo, were you part of the – were you the planner on the original subdivision and the original driveway?

Mr. Munekiyo: I was.

Ms. Wakida: And I assume that the Department of Transportation approved the original location of the original driveway? Is that correct?

Mr. Munekiyo: You know, I'm not sure. I think the, the subdivision as it was processed back in 2000 reflected an easement location at that original Driveway D, remember in one of the earlier photos that I showed, but that was move identified as a preliminary or conceptual location. Oftentimes what happens as you go through the design process and, and engineering design process things kind of get shifted around and this is the case in this particular case that the easement location identified on the subdivision map really didn't turn out to be something's that

workable.

Ms. Wakida: So the Department of Transportation didn't really do a study on that other, on that other location?

Mr. Munekiyo: Not at that point. I think it was something that was conceptually done from a subdivision platting standpoint, but not from a design standpoint.

Ms. Wakida: I see. And, one more question, the street, what's it called, Luawi, Luawai Street, is that a County road or a private road?

Mr. Munekiyo: It's a private road.

Ms. Wakida: Thank you.

Mr. Starr: Okay, Commissioner Sablas?

Ms. Sablas: I have a question for Mrs. Shibuya. I want to say I appreciate what you've done Charlene for beautifying our roadways especially with the widening of the Lahaina road. So having said that, my question to you is, my concern about the proposal to remove those two huge monkey pod trees that have been there way before us and will be there long after us if ti's not removed. My question to you as a professional in your area, is there any mitigation suggestions you may have for the consultants to prevent removing those threes?

Ms. Shibuya: Let me kind of explain it this way. You know, what, what we're trying to do is – we realize that, you know, there was a that comment to preserve the trees and, you know, we're kind of like balancing, you know, the, the safety dimensions of the geometry of the intersection with constraints. You know, we got makai, you know, we got the right of way and the ocean on that side, then of course, we got the trees. So, you know, honestly we felt that we did the best we can. This is about the I don't know, ... thing iteration, you know, to, to try to squeeze in all our safety things and then try to minimize the trees and we came down to these, these two trees. So, you know, we kind of feel we did the best we can and then as far as the mitigation that they're proposing to so call replace these trees with mature monkey – not, not fully mature, but at least mature monkey trees, monkey pod trees would address our concern as well as the Commissioner's concern and then we actually like when the trees are a little bit – if you have opportunities to put it a little bit more away from the highway, it creates less of a maintenance issue for us because on windy days these branches keep falling off and then – and they actually cause property damage on vehicles and they drop pods on the road that has to be, you know, swept up and also the branches have to be trimmed occasionally. So having it actually, an opportunity to move some of the trees further away from the highway actually makes it sort of like easier to maintain and safer travelway.

Ms. Sablas: A follow up?

Chair Starr: Yeah, go ahead.

Ms. Sablas: But my understanding is that they'll be removing the trees, that means destroying those old trees and replanting new trees, smaller ones?

Ms. Sablas: Yes, I'm not sure if they've consulted with an arborist yet because I'm not sure if the tree suitable for relocation which I'm not sure because we've done that before on Hana Highway where they actually trim the tree and the arborist says, you know, you can kind of take it and not shock and then relocate it. But it depends on what the arborist rules on the tree whether it is relocatable or whether it might be more prudent to put in a brand new tree.

Chair Starr: Mr. Munekiyo, do you have an answer about those two trees?

Mr. Munekiyo: Mr. Chair and Commissioners, I think Ms. Shibuya had noted is that after looking at the size of those trees, it's probably best that we remove the trees and replace them with as large trees as we can in terms of replacement kinds of trees. And so, that's the direction that this project is taking.

Chair Starr: Okay –

Mr. Hiranaga: ... (inaudible)... a question?

Chair Starr: Yeah, go ahead.

Mr. Hiranaga: Are you, are you going to have an arborist make that determination whether to relocate or to destroy?

Mr. Munekiyo: We can certainly do that.

Chair Starr: Okay, next is Commissioner Freitas who's been waiting patiently.

Mr. Freitas: Yeah, Mr. Munekiyo, this canehaul road, they don't haul cane no more, is this canehaul road really needed? It looks like some extension what do you call development to put this canehaul road that goes nowhere. I understand it stops at the village, but after the village it goes nowhere and then you got a liability problem on the, on the road. I've, I've, I've taken that road myself from the store to cut back on the highway because of the traffic and they, they, fly, they fly through that road.

Mr. Munekiyo: Right.

Mr. Freitas: So is it, is it needed?

Mr. Munekiyo: It, it is, Commissioner. There's still residences at Kapaiki further towards Maalaea and I think behind Olowalu Store. So there's quite utility and value to that canehaul road as it is today. And that is the reason we, we wish to realign it and keep it.

Mr. Freitas: So that will be a private road?

Mr. Munekiyo: Yes.

Chair Starr: Okay, Director Spence had a question for Ms. Shibuya first.

Mr. Spence: Hi Charlene.

Ms. Shibuya: Yes, do I need to say my name again, no, yeah?

Mr. Spence: No.

Ms. Shibuya: Okay. I was just wondering, yeah.

Mr. Spence: It just, it just strikes me the – this is such a preferred location for this intersection, I mean, just with especially in regards to proximity to the ocean for the original one, you know, with the up, with the chance of runoff straight into the ocean.

Ms. Shibuya: Yes, yes.

Mr. Spence: It seems like this one there's room to create all the acceleration, deceleration, turning lane, there's room for the drainage basins. Is that, and so what in asking this, I guess what I'm asking is bottom line in the DOT's point of view is this a better location for this intersection rather than the previous one?

Ms. Shibuya: Yes, I think, I think if you can see the photos, you can see the difference, yeah, in the amount of space we have to create, you know, this geometric intersection so that, you know, the, the cars can get in and out with, with some level of safety, yeah. And you know, at this point, you know, it's been quite a while since, since they've worked on the first iteration, on that previous location and I, I think we just need to move forward and get this intersection. Because I think it would benefit not only the drivers that's on the highway but at least the residents that need to get in and out.

Chair Starr: Thank you. Commissioner Wakida, then Commissioner Sablas?

Ms. Wakida: I'm not sure that you can answer this question, but this is a – the Olowalu Subdivision that this intersection is serving has how many units? It was different –

Ms. Shibuya: It was 14.

Ms. Wakida: Fourteen?

Ms. Shibuya: Fourteen lots.

Ms. Wakida: Then what is the 48-unit count that's referred to? Am I on something else?

Ms. Shibuya: Yeah, maybe I can have the applicant.

Chair Starr: Yeah, Mr. Munekiyo?

Ms. Shibuya: The applicant answer that.

Mr. Munekiyo: Mr. Chair, I think the number that Commissioner Wakida is referring to is a total number of lots in the entire subdivision. What has been developed up to date or what is developable up to date is 14 lots of which, I believe, seven has been developed. So the number of units which functionally we'll be utilizing at least for now would be those 14 lots mauka of the intersection.

Ms. Wakida: But it's – but there are 48? I'm, I'm still not clear.

Mr. Munekiyo: This was actually the subdivision that occurred back in 2000, Commissioner. You can see that these are the 14 lots that we speak of at up here and there are other larger agricultural lots that were created as part of that subdivision and I think it also includes the lots at the Kapaiki down in this area here. So what we're looking at is, I think number refers to the totality of lots mauka of the highway.

Ms. Wakida: Kapaiki is part of the Olowalu Mauka properties?

Mr. Munekiyo: I think, is that the traffic study that you're looking at?

Ms. Wakida: No, just page – what is it – yes, it is. Page 2 of the traffic study and updated January 3rd.

Mr. Munekiyo: So I think what the traffic – what the traffic engineer does is it looks at – he looks at the potential total trip generation that could occur out of the subdivision. The reality would be though that residents of Kapaiki as well as these 14 lots would be the primary trip generators at this point. And, but I think from a conservative traffic engineering standpoint, they would look at trip generation from the totality of lots that are mauka of the highway.

Ms. Wakida: Okay, because it does say that for the purpose of this study it was assumed the 48 units of the Olowalu Mauka properties would be completed by the year 2012. So there must be 48 units in the Olowalu properties.

Mr. Munekiyo: Correct, and I think that includes Kapaiki as well.

Ms. Wakida: I see. Well, my concern is, we've got 48 units and you've got a very – a, a big intersection going in for this and I appreciate the effort to give safe ingress and egress to these people living up there, but in fact, it is not a huge, it's not like a hundred-unit subdivision going in. And I would like to also state that I am very concerned about the removal of these trees. This Olowalu corner is arguably one of the most beautiful corridors in all of West Maui. And if not, the whole northern part of the island from Hana up. And I think it's, we'd need to take a good hard look at justifying removing those trees and if there are any other options to either move this intersection further south or to make some adjustments. I would certainly support that.

Chair Starr: Commissioner Shibuya.

Mr. Shibuya: I just wanted to explain to Commissioner Wakida that when you do these traffic impact studies, you have to look at the area in terms of land areas and the subdivided properties can also be family subdivided which means you now increase it by three. That each property owner can subdivide it one more time into three lots. So now you're loading is not 14 lots, it's 14 times three, so I just want to point that out. Also, there's many adjoining lots, the huge lots much larger than the 14 lots that we're talking about that connects to this Luawai Road. This is your load that is not fully calculated and that's why you need adequate intersection so that you don't have this traffic and public safety risk. Also, if you want to save the trees, then you can mitigate by putting a stop sign if you take a right and you want to merge, you tell the people stop and you don't have this acceleration lane or you have a shorter acceleration lane to Lahaina.

Chair Starr: Mr. Munekiyo, it seems that what, what is before us is an access for 14 lots, but in reality we have at least 48 lots many of which are larger and could be further subdivided and so there's a potential for hundreds of lots that really utilize this. Am I, am I correct in that, in that view?

Mr. Munekiyo: I think from, from just ...(inaudible)... you're correct. I think what we need to look at is what is going on in terms of parallel effort for the Olowalu Master Plan project. These other lots are really a part of that project area and as we've talked about earlier, the idea is to look at how it is that we can master plan Olowalu as a larger community and see what other improvements might be needed to accommodate the traffic for that larger community.

Chair Starr: And so why isn't this being taken up as a part of that master plan for the area since this will, I assume this is not going to be just a temporary road. This is something that's gonna be permanent as part of whatever occurs at Olowalu?

Mr. Munekiyo: That is, that is correct. It is a permanent feature of this mauka subdivision access at Honoapiilani Highway. I think the question you pose Chair is one which, you know, we need to look at what outcomes will result from the Maui Island Plan process and subsequently the master planning process for Olowalu Town Master Plan – for the Olowalu Town Master Plan ...(inaudible)... Again, there's still a long ways to go on that project, but the immediate need right now is provide safe access for residents in this location.

Chair Starr: And you don't have any concerns that this may be seen as a segmentation?

Mr. Munekiyo: No, no Mr. Chair. I think we see this as a needed project stand alone and something that's going to be needed to insure that there's safe movement in and out that mauka subdivision area.

Chair Starr: Okay, thank you. If I may, I want to call as a resource up, Mr. Hinano Rodrigues. And the hat he's wearing is historian of Olowalu and long-time resident and family member and I want to ask him to give us some historical background on drainageway A.

Mr. Hinano Rodrigues: Thank you Mr. Chair again, Hinano Rodrigues. I'm speaking on behalf, I'm speaking as a representative of the State of Hawaii. I'm the Cultural Historian and my job on Maui

is to know the history of almost any – everywhere. It just so happens that it is a coincidence that my family has been in Olowalu for hundreds of years. There were a lot of questions asked from everybody and the questions have to do with the drainage and I think, I pretty much know the history of the drainage. Basically you have three culverts from the subject intersection to Olowalu Church. And the culverts actually serve different areas. The culverts that serve – the private home subdivision commonly referred to Kapaiki is served by the culvert that is directly in front of it. It's referred to as the Rodrigues culvert and the reason for that is, my parents had saved for 17 years, built a home in 1966, and the day that we were going to move in, the home flooded. And the reason why the home flooded was because of what, not because of what Mr. Shibuya said, but refers back to Mr. Shibuya's fact that when they raised that highway, I believe in '50 or '51 they raised it about five feet. What it did was it created a basin. And so there was this small culvert like this that was supposed to drain. So in '66, Hawaii suffered from a major storm. It flooded the area. We tried to settle, the State said no, and I think in 1968, my parents went to court and sued the Department of Transportation because it was their job to clean out the culvert. So while the lawsuit was going on, the Legislature appropriated \$50 thousand and built that culvert known as the Rodrigues culvert. Now you go onto the – at the same time that our home flooded, Mr. Rodrigues, my name, same last name but my neighbor, Stanley Rodrigues which is the second to last house on the Lahaina side Kapaiki Subdivision home also flooded. His drainage is the drainage that everybody's talking about. My understanding is that there was the same situation as us. He has this small little culvert. When they looked at wow, the Rodrigues sued us, the second Rodrigues going sue us next, they went and built what you guys are calling the revetment. My understanding is and I was pretty young at that time, but my understanding is, there is or there was a culvert that went underneath what you call a revetment but was really the top of culvert. Same problem, it broke, it cracked, the water backed up and I think maybe someone else here can testify, and I think is right that eventually in order to save the Rodrigues, Stanley Rodrigues' house from flooding over and over and over again, that thing was broken so that the water can actually flow out. That drainage ditch was here a very long time and the reason why I can say that is, I remember as a kid we actually went fishing on the railroad track portion of that roadway. Now if I'm not mistaken, railroading went out of Olowalu in the 1930's when turner haulers were introduced to Hawaii. So at least I can say at least for a fact that that drainage going underneath the highway was there in the 1930's. Now Olowalu Church, in our last rain a few weeks ago, Olowalu Church property flooded again. Olowalu Church property flooded four times since I came home. So since 2005, Olowalu Church property flooded four times. It has its own culvert but it suffers the same problem in that when it's high tide the sand on the ocean side blocks up the culvert and it, it floods. So that's the history of the drainage there.

Mr. Starr: Okay, thank you very much. Commissioner Mardfin?

Mr. Mardfin: I think I want to ask the developer, not Mr. Rodrigues because I'm still concerned about the issue with a number of lots and the number of lots it's planned for. And I wonder if the developer could talk to me and answer the question about, we're talking about 14 lots and I wanted to know if those can be subdivided?

Mr. Munekiyo: I'll have Mr. Ward respond, Commissioner.

Mr. David Ward: Hi, Dave Ward with Frampton and Ward. So, as far as the lots and their ability

to be resubdivided I'd like to address that because I think that's a portion of the heart of the concern. So the lots that Mr. Munekiyo pointed out, the 14 agricultural lots at the top of this area, those lots have been sold, individuals own those lots. The remainder lots within that subdivision, these large lots mauka are typically between 15 and 25 acres. Both the 14 lots at the top and the lot – the remaining lots are all in Ag, Ag zoning. They've all been subdivided to their maximum potential. A allocation agreement has been recorded on those lots, and thus, in order for those lots to be resubdivided they must come through a change in zoning process or the Agricultural Ordinance will have to be modified. So, so in order for any resubdivision of, of the lands that are mauka of Honoapiilani Highway, those lots in order for them to be resubdivided they must come in front of this body as the law stands today.

Mr. Mardfin: You say they're, they're been recorded. Where have they been recorded?

Mr. Ward: During the subdivision. After the 1998 Ag Ordinance was adopted, part of the process in the subdivision is the recordation of what's a lot allocation agreement. And in that allocation agreement there's a table that you write the number of the lot, the specific lot, and then how many allocations it is assigned to it. You can only subdivide the number of allocations that are there. In this case, all of these lots would have an allocation of one which means they cannot be resubdivided.

Mr. Mardfin: So if I were to go up and buy one of those 14 lots –

Mr. Ward: Correct.

Mr. Mardfin: And wanted to subdivide, I wouldn't be allowed to unless I came for –

Mr. Ward: You would, you would be required to get a change in zoning. It would be the only way that you could resubdivide it.

Mr. Mardfin: And if, if I were to go up and to try to buy it, would I be informed of that?

Mr. Ward: Yes. It's in the Ag Ordinance. Of course, it depends on who the seller is and other things, the disclosure.

Mr. Mardfin: Is it in the deed?

Mr. Ward: Yes, it will be on title, correct. I will be on your ... title if you – when you look at your preliminary title report, it will be one of the items on your preliminary title report.

Mr. Mardfin: Now, Commissioner Shibuya earlier said, suggested that they could be divided into three. That means, he might not have known about this situation. But his idea of it being divided into three would not be possible without coming to the – I mean, normally you can do a three-lot subdivision without coming to the Commission. But in this case, to do a two or even three-lot – a three or even two-lot subdivision you would have to come before the commission is that correct?

Mr. Ward: Correct, there'll be no future subdivision of these lots under the current zoning

ordinance.

Mr. Mardfin: Thank you very much.

Chair Starr: Okay, next is Commissioner Freitas, before he goes though, I do want to just have a quick mention about our time constraints today and we're have a good and in depth discussion of this which is good, and I, for one, don't want to stop that discussion but we will be breaking for lunch at noon. At one o'clock we have a two workshops scheduled. You know, whether we get through this or whether we get through other items today, I don't know. You know, we'll have to see how it goes. I do want to try to allow for public testimony on this before we break for lunch because I would assume that there's some members of the public who, who want to testify. We also have a further complication that we're fortunate to have Mr. Daniel Ornellas here today. And when we were on the site inspection and we were looking forward to another item further down on the agenda which is I believe it's Poseley, some of the Members had asked for Mr. Ornellas to be available to testify for that. Whether we'll even get to that today, I don't know, but I know, I don't believe Mr. Ornellas can stay past lunch. So, you now, where is this heading, I don't know. Commissioner Freitas, it's your turn.

Mr. Freitas: Yes, Mr. Ward real quick can it be condominiumized?

Mr. Ward: Under the Ag Ordinance you allowed two dwellings, a main farm dwelling and a secondary farm dwelling that must be a thousand feet or less. My understanding is is that you can condominiumize those two units and possibly other units but you wouldn't be allowed to get building permits for those. So again, not increasing, not, not subdivisions but condominiumizing...(inaudible)... it's not increasing the density.

Chair Starr: If it's okay, I'd like to take our public testimony on this item at this time. So members of the public who wish to testify on this item, now would be the time. Please make yourself known. Okay, Mr. Rodrigues, why don't you lead off in a different capacity I believe. Welcome.

a) Public Hearing

Mr. Hinano Rodrigues: Thank you, Mr. Chair, and you're right, State employees don't have lunch. Again, Hinano Rodrigues testifying privately. Aloha kakou. My name is Hinano Rodrigues and I'm speaking on behalf of myself and my parents who live at Kapaiki located four-tenths of a mile on the Wailuku side of the Olowalu Store. We are in favor of the proposed intersection improvements at Luawai Street for two reasons, location and necessity. First, the proposed location is where the road is the straightest in Olowalu, thus, eliminating or mitigating any blind spots. More importantly though there is a need for the improvement. At present, residents mauka of Honoapiilani Highway find it difficult to access the Wailuku bound lane because they have to wait sometimes for 20 minutes for an opening both the Lahaina and Wailuku bound lanes. But with the improvements there will be a stacking lane for those wishing to join the Wailuku bound traffic. I currently have a loi kuleana in Ukumehame Ahupuaa adjacent of course to the Olowalu ahupuaa. Before the same kind of intersection improvements were made in Ukumehame access to Honoapiilani Highway in

both directions was also a problem, but since the improvements were made, the wait time for access to the highway is almost nonexistent. Thus I know that this proposed improvement can be very beneficial to the residents of Olowalu it will probably save lives. Thank you.

Chair Starr: Okay, thank you, Mr. Rodrigues. There was a gentleman in the back. Please come forward, introduce yourself and thank you for your patience.

Mr. Richard Von Ehrenkrook: Hello to the Commissioners, my name is Richard Von Ehrenkrook. I live there on Lot 13, and I just want to make something clear is that we have already allowed condominiumization of our lots so currently you can, if you wish to do this, and I believe six of the owners have at present, so there is the potential 28 independent homes there by independent owners, number one.

Number two, I completely agree Hinano's testimony there in regards to we can sit there for upwards of, I don't think I've ever been there 20 minutes, but probably close to that. It is very dangerous especially if you're gonna make a left turn and merge into traffic that is extremely dangerous. It almost reaches the point where you tend do stupid things because you're running late.

And secondly, I would like to bring to the point that down at the intersection for Launiupoko, there is a stop light there but there is a merge lane which is a right-hand turn lane. It's very short. It's not 600 and something feet. I used to live in Launiupoko to stop during a red light and merge into traffic. You never sat there for 20 minutes. I don't believe we need 670 feet if the concern is the monkey pod trees. I think they could stay there all day long and still easily get into traffic. If the amount of people that currently do live up in our subdivision, it's not like we're backed up honking at each other common make a right turn. There's just not that many people up in there at the moment. How that changes as things progress, I don't know.

Finally, I would like to state that after living up there "x" amount of time and seeing no progress going on, I just would like to make sure that this Commission does make the developer bond a complete, completion bond potentially at 150 percent of the value if you do allow this that guarantees to us as the homeowners that we got what we paid for and we will get this intersection completed as soon as possible, and my neighbors, myself, my family will all be safe in the future. Thank you.

Chair Starr: Are there any questions? Excuse me, sir, I have a question for you? In asking for that bonding is there any history with the developer not completing that you're basing that request on?

Mr. Von Ehrenkrook: Oh yeah, I think it was just testified too constantly here. I believe this was all originally set up in 2000, it's now 11 years later. These improvements haven't been completed. We also do not have our secondary way out in case of a fire which you've seen just this past year in May. A very dangerous fire burnt right up to our property. My blessings go out to the Fire Department who saved my home as well as the others in our neighborhood. They did a great job, but there was no other way out.

Chair Starr: Commissioner Mardfin?

Mr. Mardfin: I'm sorry, your name, sir was?

Mr. Von Ehrenkrook: Richard Von Ehrenkrook.

Mr. Mardfin: I believe we have a two-page letter from you that got distributed earlier.

Mr. Von Ehrenkrook: Also, correct.

Mr. Mardfin: Thank you very much.

Mr. Von Ehrenkrook: You bet.

Chair Starr: Okay, thank you for coming today.

Mr. Von Ehrenkrook: You're welcome.

Chair Starr: Are there members of the public wishing to testify? Please come forward sir? Welcome. Thanks for being patient.

Mr. Robert Santos: Hi, I'm Robert Santos. I've live in Olowalu for over 50 years and seen much of the same history that Mr. – you know, Hinano has. I just wanted maybe to ...(inaudible)... out that you know, I think the, the drainage behind my house, and I've fished there since I was little kid too, but don't go into any because of hazardous wastes and things like that that I think might be in there. You know, I think originally it was really there because of the irrigation system that the plantation used to use which was flooding, flooding the sugar cane fields, and so, you know, the excess runoff would come right back by back all of our houses and that's what would run out. I do know for a fact though that that water is standing water and it feeds as ground water. I mean, you go right up to the edges and see clean water coming and seeping in continuously. The water level goes up and down during the tides, you know, it's – my, my hedges border exactly right over this so I'm watching it every single day. I, I think what, what I haven't heard addressed is really what the actual ground water is in, – ground water level in Olowalu is 'cause I know for a fact that I can go into my yard and dig down about two and a half feet and I'm gonna hit water already. And so I'm wondering on these retention basins, you know, if they're gonna go down four feet is it going to be something that's really gonna drain or is gonna be something that's gonna hold the water and actually create a pond? And so, I haven't really heard that that's been checked or addressed or looked at or studied in any way at all.

My other comment really is as I made when the sight inspection was there is that, if you really look and kind of stand in this Olowalu area it just doesn't feel right to me in terms of where this intersection is planned, and yet I feel at the same that, we, as residents in the area need an intersection for the same reasons that were already stated in terms of waiting on the highway and for our own safety. I'm just not sure that that's really the right spot, you know. In terms of the trees, as I stated that day too, I mean, no trees should be removed, if, if, if at all possible, and to me, the replacement of 15-inch twigs just don't really match. It's, it's not a substitute. Maybe a hundred trees planted might take care of two trees coming out if it absolutely has to come out. It seems to be that on the makai side of the road it's fairly open and I don't see why the road couldn't

go further makai to allow for those lanes if in fact they're really needed at that length to still leave the trees in place.

I've seen flooding before. The same floods that were mentioned before have come up right, not into my house, but right up at the level of coming into the threshold of coming into the house. So I'm definitely concerned about the drainage in that particular area. I don't really see a solution because as was stated already the ocean is higher than – I mean, it's just I don't see the solution.

Ms. Takayama-Corden: Three minutes.

Mr. Santos: Other than I don't know, extending culverts out into the ocean, I mean, because as was mentioned too, the three culverts that really are supposed to be servicing our areas have not been maintained over the years and other than the one he refers to as the Rodrigues culvert which is built out into the ocean, of course, that's, that's like I think that's what's needed and that's what's in light of, of basically the, the island seems to be sinking. I mean, right across the street and where you looked at where that ditch goes out, I mean, when I was young there used to be multiple canoes stored out there and that ocean, that land and sand was extended much, much, much further out. I mean, it was a, it was a whole storage area for the Hawaiians that lived there in terms of keeping their canoes there, and now it's all gone. So if that's happening on a yearly basis, that ocean's only gonna get closer and closer and closer to the road in that particular area, and I just don't feel like putting in an intersection there is gonna be a long term solution because the I think ocean – the waves are gonna encroach. I've seen the waves come up onto that highway in that particular area in a high storm. So I, I propose that the – we look at the original site for the original driveway even though it was stated that it's close to the ocean, it's close to the ocean there was even closer where they're looking at now. Sight distance can be fixed through realignment of the roads, and the other solution would be to utilize the intersections that already exist at store.

So I guess my last statement is really to try to preserve the, the feel of Olowalu and I agree that corridor and that, that old feel is something that we need to preserve in that particular area. It's not right for an intersection. Thank you.

Chair Starr: Okay, Mr. Santos, Commissioner Shibuya has a question for you.

Mr. Shibuya: Yes, Mr. Santos, you live in the Kapaiki --

Mr. Santos: Yes.

Mr. Shibuya: – area and in the last rains where you flooded?

Mr. Santos: Like last week?

Mr. Shibuya: Yes, week before.

Mr. Santos: No, I wasn't flooded then.

Mr. Shibuya: You were not flooded? But your neighbor was?

Mr. Santos: No, it was definitely flooded down by the church. Our areas had quite a bit of water but that rain was just not that big a rain in that particular area where it came down and flooded our area

Mr. Shibuya: Okay, and a contradiction here that I hear and I just want to clarify. I thought I heard you say that you wanted to move the highway more makai which would be closer to the ocean and yet you're saying there was erosion along the shoreline?

Mr. Santos: Right, no, I'm not saying I'd like to move the intersection further makai, just that storage lane closest to where they're proposing for the trees because as you know, you was in that area too, at that point the ocean is not close at all. I mean, that's that's Camp Pecusa, that whole area goes further out. So where I'm proposing to go further makai is further down towards the store not directly across from where I live which is right – as close to the ocean as you can get.

Mr. Shibuya: Okay, thank you.

Mr. Santos: It's the other storage lane, not the one that you're looking – not the one going to Kahului, the one going to Lahaina.

Mr. Shibuya: Okay.

Chair Starr: Commissioner Sablas?

Ms. Sablas: Hi Robert. I, I read the minutes that they had on March 21, 2010 it was held on a Sunday for the community. I didn't notice that you were in attendance, but there was also another meeting held in January on the 20th, were you in attendance at that meeting?

Mr. Santos: I, I was ill at that point, and I couldn't attend. I was at the other one though, the March one.

Ms. Sablas: Okay, I may have been wrong, I thought I read the, reviewed the attendance. I guess my question from you being a long-time resident there, and I don't know if you can answer it, but from being at the meetings and I would like to ask the developer to provide us with minutes of that last meeting in January, by the way, because I'm concern about community sentiments especially those like you who've been there a long time. And I'd like to know if there are others in the community because I know several families from there also if they feel like you do about, you, know preserving the feel of Olowalu.

Mr. Santos: Well, I can't speak for others but I do know that many of my neighbors are quite aged at this point and probably like to come and not able to really come and testify at this point. It's sad to see too, that over the years, houses are being rented out and so, you know, all of the original residents are now it's changing but I guess that's part of life.

Ms. Sablas: I would like to encourage you to have, you know, others in the neighborhood normally don't come out and speak to have their say because this is really gonna have an impact on the community and I'd really as a Commissioner like to hear the voice of the community and especially

respect those who've been there for a long time. So thank you.

Mr. Santos: I thank you for giving me the opportunity to express my feelings. Thank you.

Chair Starr: Okay, thank you very much, Mr. Santos. Any other members of the public wishing to testify make yourself known. Please come forward, introduce yourself, ma'am. Excuse me, I saw a woman back there with glasses who raised her hand. Do you want to testify? Okay, whoever wants to come please. Please introduce yourself.

Ms. Cindy Denny: Good morning, my name is Cindy Denny, I'm a landscape architect. And, you know, this is a sort of a difficult, complicated project and there's been a lot of history and everything going on, and I do know a lot of the people that are testifying and understand why they're all concerned but just in looking at the drawing or the plan that's on the screen here today, one thing I notice is that we don't have topography. We don't see the natural drainage pattern and I think that, you know, that would be one thing that would be really helpful. The other thing is that I concur with one of the previous testifiers about the trees. I'm really concerned about the trees. The problem is we just can't grow trees that look like that again. It's going to be hard. And all those trees form a barrier that's there. It's like a natural barrier for the ocean, the erosion potential that could occur over a period of time as a result of climate change. I mean, we're just not sure. I'm wondering if a better location might in fact be at the store. I mean, I don't know if you've looked at that at all. But there's conflict already existing at the store with traffic, and people pulling in and out, the roadway edge is really difficult to maneuver over. So I just wanted to offer that as constructive criticism.

Chair Starr: Okay, thank you, Ms. Denny. Next testifier please, come forward sir? Welcome.

Mr. Ed Kaahui: My name is Ed Kaahui. I've lived in Olowalu almost my whole life, about 70 years. If you're trying to solve the problem with the drainage with Olowalu then you gotta take the highway away from there. There's no way you going let the water go uphill into the ocean. 'Cause the land mauka is lower than the ocean, so you not going solve that problem. And plus if you wanna save the monkey pod trees then leave it alone. You don't need a acceleration lane. Our problem is not going to Lahaina, our problem is going to Wailuku. That's the real problem. Because you have to watch both ways, the traffic goes both ways. If you're trying to come out and make a left turn, you're gonna have to watch the traffic coming from Wailuku and the one coming from Lahaina. And if you can solve that problem like they have at the intersection that's all about – that's all you need. There's no need to take out the monkey pod trees. There's no need for the acceleration lane, if you go to Launiupoko, you see the guys at the traffic light, they don't stop, they just run the corner and go to Lahaina. They just look in the back, go – I pass there every day. So you want to save the trees, save the tree, but as for the drainage problem, take that highway out of there. Because if you go down a thousand feet toward Wailuku the highway is falling in the ocean already, I know that. That's you guys problem, solve 'em.

Commission Members: ...(Laughter)...

Chair Starr: It's all our problem, sir. Members? Are there other members of the public who wish to testify on this? Please make yourself known. Now is the time. Mr. Ragon, please?

Mr. Randy Ragon: Before I start, you've been given a copy of Gabija McLauchlan's testimony, I'm not gonna take your time. Gabija ask that I give it to you. She gave it for the January 12th hearing. So if it's okay with the Mr. Chairman, we'll just, we'll just let you guys read that?

Chair Starr: Yeah, we received that.

Mr. Ragon: My name is Randy Ragon. I'm an owner in the Olowalu Mauka Subdivision. In 2009, I was the President of our HOA. At the beginning of our annual meeting I asked Peter Martin what his plans were to complete the highway improvements? Peter got up, walked out of the meeting stating he wasn't going to do anything. According to his employees, Martin made comments that his intention was to run out of the statute of limitations and pass the cost and liability of the highway improvements as well as the other uncompleted subdivision improvements out of the homeowners and the taxpayers of Maui. At that point, I decided to go to the County and the DOT and check the records to see what the permits required. I found that the developer done next to nothing. I also found out that the SMA permit expired in 2005, and was not renewed.

In March of 2010, I received a letter from Hawaii DOT Director Brennon Morioka, stating that the subdivision should not have been occupied until the improvements were completed unless there was phasing plan which there were none on record. Brennon also noted it was the County's responsibility to enforce the permit conditions. A complaint was filed with the Planning Department, a year and a half later the Department ruled that the developer was not compliant on nine of the 36 SMA conditions. A few months after the ruling they informed me that it was not their responsibility to enforce the rules. In December, the Planning Department notified Peter Martin that their previous concerns were adequately addressed indicating they were unaware of a verbal agreement between Martin and Maui DOT Engineer, Fred Cajigal for a phasing plan.

As part of the original Environmental Assessment, a traffic analysis was done in 1999. The proposed relocation site of Driveway D was discouraged in the study. The relocation of Driveway D was not part of the approved permit or plans, Luawai Street with the proposed entryways located is not in the subdivision map, it is unsafe, it's not properly engineered and it creates additional liability for our homeowners. The original four driveway locations approved in the SMA are attached to my testimony. Construction of those improvements was to be completed several years ago.

The subdivision falls under Chapter 19.30A as an Ag District of the Maui Code with the purpose and intent to discourage developing or subdividing. The subdivision – the lots have been sold and attorney, Thomas Welch, amended the Bylaws for further division via condominium regime of each lot which doubled the density of the subdivision. This further division was not approved to the Planning Commission or the legislative process. Attorney, Tom Welch, did not notify the homeowners association that the Olowalu Mauka Subdivision had a SMA Major Permit that was expired or the SMA Permit and subdivision conditions had not been fulfilled by his client, Peter Martin. The County of Maui, Planning Department did not follow Title 12, for enforcement.

You've been given a copy of a lawsuit filed against the developers, the planners, Frampton and Ward and the government agencies at the site last week. You were also given a copy of the letter from the Director of the DOT. Neither the developer nor the County of Maui has followed the SMA

Rules. It's been over 12 years and the improvements has still not been completed. The health, safety and welfare of our homeowners and the citizens of Maui have been put at risk and our reef has been damaged. There's several problems surfacing with our lenders, our title insurance companies, our brokers and our contractors especially after the recent fires and multiple accidents. We're asking the Planning Commission to reject the Driveway D proposal, to go back and look at the original plans that were thoroughly reviewed and approved by the DOT.

Ms. Takayama-Corden: Three minutes.

Mr. Ragon: And for the developer to complete the project according to the original plans and the SMA Rules. We've given you lots of fact. The facts are in the documents. Thank you.

Chair Starr: Mr. Ragon, is your request, is that on behalf of the Olowalu Homeowners Association or is that on your own behalf only?

Mr. Ragon: Presently today, I'm not the President of the homeowner's association although I can tell you that the attorney for the homeowner's association is the same as my attorney, is the same as the attorney for some other homeowners that have filed complaints and what I'm asking is consistent with what, with what is in the lawsuit and what our attorneys are recommending.

Chair Starr: Thank you. Commissioner Mardfin?

Mr. Mardfin: You live in one of the 14 lots?

Mr. Ragon: Yes, I do.

Mr. Mardfin: Is your lot condominiumized?

Mr. Ragon: Yes it is.

Mr. Mardfin: Were you the original purchaser?

Mr. Ragon: No, I wasn't.

Mr. Mardfin: So the original purchaser condominiumized it and you bought one of them?

Mr. Ragon: No, I bought it and then I condominiumized it.

Mr. Mardfin: And, and do you believe that was a legal condominium?

Mr. Ragon: Well, it was based on, on Tom Welch's letter to the homeowner's association that we could condominiumize it.

Mr. Mardfin: Thank you very much.

Chair Starr: Commissioner Hiranaga?

Mr. Hiranaga: A statement and then a question. Condominiumization does not increase the allowable density. You're allowed two dwellings per Ag lot and condominiumization does not allow you to have more than two dwellings per Ag lot. It's just an ownership vehicle. My question is, you prefer that the, I believe there's four existing driveways?

Mr. Ragon: Correct.

Mr. Hiranaga: That there's like some improvements to it. You prefer that layout plus the previous location for Driveway D is that you're –

Mr. Ragon: Yes, sir. What I'm saying is there is a thorough study that has already been done. A traffic impact analysis was done. DOT approved it. Developer is suppose to build it. They didn't build it. It's been over 12 years and what I believe, this is my personal opinion and this whole thing is just a stall because of Olowalu Town they've saved millions of dollars. Look at the interest alone on 12, 14, \$15 million whatever it cost. I think we're just stalling here and, and we've all been put at risk because of it.

Mr. Hiranaga: Just to clarify again. So you want the driveway to be placed where it was originally proposed and then these four existing driveways to remain?

Mr. Ragon: Yeah, I'd like the commission to go back and take a look at the original plans and the original traffic study and consult with the DOT what they, what they proposed back then and take a good hard look at that. I mean, this process was already done, ten, ten or eleven years ago. It just wasn't followed by the developer.

Mr. Hiranaga: Thank you.

Chair Starr: Okay, thank you very much, Mr. Ragon.

Mr. Ragon: Thank you.

Chair Starr: Oh, Commissioner Wakida do you have a question?

Ms. Wakida: No, not for you. Thank you.

Mr. Ragon: Okay.

Chair Starr: Okay, thank you.

Ms. Wakida: I'm confused because the planner said there was not a, a DOT study done and then this gentleman says there was one done. So can we find out, get more information on that?

Chair Starr: Chair is going to suggest for time constraints and also because there are, have been a number of questions raised that we consider possibly deferring this till our next meeting. I want to be sure that public testimony is complete before that's – public – official public hearing and it's notice requirements are taken care of. So wait one moment. Any other members of the public

wishing to give testimony on this item? Now is your last chance at least for today. Not seeing any, the public hearing opportunity to give public testimony is closed.

b) Action

Chair Starr: To continue Chair would suggest we consider deferring this till our next meeting. I understand from Mr. Yoshida that we have time on our agenda to handle it. If we do that, I'll ask Members to try to either right now, you know, either before the end of today or by email in the next two days or so submit areas where they would want further information when we come back. Mr. Hiranaga?

Mr. Hiranaga: I'd like the applicant to look at, you know, reducing the length of the acceleration lane towards Lahaina and even explore possibly reducing the posted speed limit because I know people, at that point, you're pretty much entering or nearing the large curve into Olowalu near the General Store, so maybe reducing the posted speed limit would then reduce the required length of the acceleration lane thereby preserving the existing monkey pod trees.

Chair Starr: Okay, Commissioner Sablas?

Ms. Sablas: I'd to ask for us to be provided with the original plans ...(inaudible)... because although they said the reasons why it's not going to work, I really would like to look at the reasons for and have more detail on that original and it's about 12 years delay and I'd like to see the original plans.

Chair Starr: Okay, who's keeping track of these? Okay. Mr. Wollenhaupt and Mr. Ward. Okay. Commissioner Mardfin?

Mr. Mardfin: I was going ask Kurt a question and maybe he wants to answer now, maybe he wants to get it for next time?

Chair Starr: Why don't we put them toward next time?

Mr. Mardfin: Okay, what I wanted to be real clear on is which of the – about the Notice of Violation and –

Mr. Wollenhaupt: There was never a Notice of Violation. It was a Notice of Warning.

Mr. Mardfin: Notice of Warning and which of the items were problem items, how were they resolved and what the current status of that warning would be? I don't need an answer now, we're short of time.

Chair Starr: Yeah, we're gonna take till next time. I'd like to slightly broaden that by having all items that – all the conditions that were originally part of this project listed and notation on any that have not been, that have not been completed. Commissioner Mardfin?

Mr. Mardfin: This might be a fun job for our Corp. Counsel but I'd like to –

Chair Starr: More fun than a barrel of monkeys.

Mr. Mardfin: I, you know, we were just told – I'm concerned about the condominiumization and that you can condominiumize into more than two units or can you?

Mr. Spence: No, and I can address that for Mr. Mardfin.

Chair Starr: Okay, go ahead Will.

Mr. Spence: As previously, as, as Commissioner Hiranaga noted on agricultural land you are allowed one farm dwelling and one accessory farm dwelling, a second farm dwelling no larger than a thousand square feet. When you condominiumize a lot, it's still one lot. You are allowed no more than those two units on that lot. It's just, condominiumizing is just a form of ownership. If your, your cousin or you know, whoever to own that other property, that other house, you know, you can offer that for sale to them. It, it doesn't, it – condominiumization does not increase density or the number of units that would normally be allowed in a subdivision anyway.

Chair Starr: We'll have this discussion at the next meeting. Members? I'd like – Commissioner Mardfin.

Mr. Mardfin: I presume you want a motion to defer?

Chair Starr: Not yet, we're adding areas of concern and discussion. I'd like the applicant to see if they can find a way to alleviate the chronic standing water issues surrounding drainage A. I understand they can't take all the water that will run down there in a big storm, but perhaps they can nab some of the chronic small daily flows. Commissioner Wakida?

Ms. Wakida: In addition to what Commissioner Sablas said, or maybe as an amplification, none of the maps that were given show the original driveway and how it's connected up to the subdivision. So if we can have in that history of that original proposal if we could have better maps?

Chair Starr: Okay, Members any, any additional? Okay, I know there's been a lot of discussion about the trees and I think we'd like to see some other possible ways of making up for those trees if they're to be removed. Perhaps they can be put somewhere else or if they cannot be saved, maybe a larger number of trees should – could be placed in a place to do some public good so that everyone can feel like something is not being lost without, without a thing made up. Commissioner Mardfin?

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

Chair Starr: Yes.

Mr. Mardfin: I move that we defer this item to the next Planning Commission meeting.

Chair Starr: Commissioner Wakida had the second.

Mr. Spence: And the motion is to defer this item until the next Maui Planning Commission meeting.

Chair Starr: And if there are some additional things that come to your mind within the next day or two please email them to the Department or Mr. Wollenhaupt and they will get them. All in favor of the motion which is for deferral to the next meeting, please raise a hand? All opposed? Director?

It was moved by Mr. Mardfin, seconded by Ms. Wakida, then

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

Mr. Spence: And there are six ayes and zero nays.

Chair Starr: Okay, before we break, I, I just want to deal with the rest of the agenda very quickly. We have two workshops, one of which is the FEMA Flood District. The second is shoreline and Kihei flooding with Public Works and also some State people are involved with that. We, the Unity Church people were committed to come back after that, it looks to me as though we should probably defer Poseley as well, and that way the applicant and, and their resource people don't have to stand around and that when we come back we come back to the workshops which is Item, Item E and then we finish the rest of the agenda after the workshops. Commissioner Mardfin?

Mr. Mardfin: I move we defer Item G, New Business, Douglas Poseley until a future meeting.

Chair Starr: Is there a second? Okay, moved by Commissioner Mardfin, seconded by Commissioner Sablas, the motion is?

Mr. Spence: The motion is to defer Item G-1 under New Business, Mr. Douglas Poseley requesting Environmental Assessment determination to a future undetermined meeting.

Chair Starr: I would ask that Mr. Yoshida be in contact with Mr. Ornellas. Mr. Ornellas, Lucienne, Daniel, I'm asking that Mr. Yoshida touch base with you and when he reschedules Poseley as soon as possible it's, it's a time that convenient for you. Okay, Commissioner Hiranaga?

Mr. Hiranaga: Just to clarify at one o'clock we are going to agenda Item E and F?

Chair Starr: Yeah, but that's not the motion before us.

Mr. Hiranaga: I know, I know, before I vote on the motion I need to understand what you are proposing previously. This is clarification.

Chair Starr: Yeah.

Mr. Hiranaga: And then after E and F, you're saying we're going to Unity Church, B-2?

Chair Starr: Unity Church and then Mr. William Spence and Joe Aluete [sic].

Mr. Hiranaga: Can we ask Mr. Poseley to comment on this request because you're saying you're doing it for his convenience that he doesn't have to hang round but maybe he wants to hang around?

Chair Starr: Yeah, I honestly, I don't think we'll have time to do it anyway, but I mean –

Mr. Hiranaga: Can we ask him for his comment?

Chair Starr: Is, I would, we ask for a comment from, from Poseley whether it's acceptable for them or convenient for them to be deferred to the next meeting?

Mr. Rory Frampton: Thank you, Mr. Chair. Rory Frampton speaking on behalf of Doug Poseley. We would, we would not mind sitting around today to see if there is time if for some reason you go through the agenda. Mr. Poseley's not here, he's running around doing errands and he's able to come up at a moments notice. So we do not mind if waiting to the end of the day to determine whether or not we need to be deferred, we'll defer to the Commission's choice.

Chair Starr: Well, we could put it at the end, but I don't believe that Mr. Ornellas can be there, there are questions for him and I don't – I doubt we'll get to it. I mean, if that's the desire of the body, that's fine, but I don't think we'll get to it. Commissioner Mardfin?

Mr. Mardfin: I was just going to say that it's at the end of the agenda anyway, it doesn't do any harm expect that if Mr. Ornellas isn't here, I would move for a deferral at that point anyway.

Chair Starr: Yeah.

Mr. Frampton: I'm sorry, Mr. Chair. Mr. Ornellas just indicated that he is available if we called him on his cell phone he could be over here. So just –

Chair Starr: Okay, we have a motion on the floor to defer it till the next meeting. We might possibly get to it, I doubt we will, if that's your desire to stack it at the end vote against the motion. If your desire is to defer it till the next meeting then or, or not till the next meeting till as soon as we can then you should vote for the motion. All in favor of the motion which would be to defer Poseley – Commissioner Mardfin?

Mr. Mardfin: You were calling for the vote –

Chair Starr: Oh, okay, I'm sorry. All in favor of the motion to defer please raise a hand?

Mr. Spence: There are two ayes in favor of deferring.

Chair Starr: All opposed?

Mr. Spence: And there are four nays in favor –

Chair Starr: The Chair will vote in favor of the motion.

Mr. Spence: Okay.

It was moved by Mr. Mardfin, seconded by Ms. Sablas, and

The Motion to Defer Item G-1, Douglas Poseley, Environmental Assessment Determination, Failed.

(Assenting - W. Mardfin, P. Wakida, J. Starr)

(Dissenting - K. Hiranaga, O. Tagorda, W. Shibuya, L. Sablas)

(Excused - D. Domingo, J. Freitas)

Chair Starr: So the motion neither passes nor fails.

Mr. Mardfin: Mr. Chairman?

Chair Starr: Yes?

Mr. Mardfin: Lacking five votes I think the motion fails.

Mr. Spence: Yes, that's –

Mr. Shibuya: So it stand, unchanged.

Mr. Mardfin: So the motion to defer fails. We, we go on.

Mr. Shibuya: We continue.

Chair Starr: That's correct. Okay, is anyone willing to offer a motion that we proceed with our workshop after, after lunch? Commissioner Mardfin? The motion would be that at one o'clock as per our agenda we proceed with Items E and F.

Mr. Mardfin: My motion is that after lunch we proceed with E and F and then revert back to Unity Church and, and the Planning Director.

Chair Starr: Okay, is there a second?

Mr. Spence: The motion is to after lunch proceed with Items E and F on your agenda, the two workshops, and then after that go back and hold the public hearing for Unity Church and for Planning Director.

Chair Starr: Okay, all in favor, please raise a hand? Opposed?

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

VOTED: To Take Up Items E and F at 1:00 p.m., After Which Revert Back to

Unity Church.

(Assenting - W. Mardfin, W. Shibuya, K. Hiranaga, O. Tagorda, L.

Sablas,

P. Wakida)

(Excused - D. Domingo, J. Freitas)

Mr. Spence: There was six ayes and zero nays. The motion is carried.

Chair Starr: Okay, thank you. We will resume at approximately one o'clock.

A recess was called at 12:05 p.m., and the meeting was reconvened at 1:04 p.m.

Chair Starr: ... the continuation after our lunch break of the February 8, 2011 Maui Planning Commission meeting. We now have two really interesting and timely workshops before us and I see Mr. Cerizo's raring and ready to go, so I'll ask Director Spence to introduce our next item.

Mr. Spence: Thank you, Chairman Starr, Members this is Item E on your agenda for the today. This is a workshop on the proposed flood maps for Maui County, the Federal Emergency Management Agency Maps.

E. Workshop on the proposed flood maps for Maui County - Federal Emergency Management Agency (FEMA) and the Department of Land and Natural Resources (DLNR) (To begin at approximately 1:00 p.m. or soon thereafter.)

Mr. Spence: I understand we are, Francis can go ahead and proceed. I understand we are waiting for somebody from FEMA who will be here to speak as well.

Mr. Francis Cerizo: That's correct, one of our guest speakers is on his way over, but I can start on the overview perhaps on the, the Flood Insurance Program. The County entered into the National Flood Insurance Program in 1981, and that's when our first flood maps came in. And that was based on mapping that was created in 1975 and '76. Lately in 2009, we had a comprehensive changing – change from actual paper maps to a digital and a lot of the maps were fine tuned. We have excellent imagery where the maps are, you can place it over and you can actually with very good degree of accuracy determine if you're in or outside of a flood zone. So that's in 2009.

Today's map change is a result, and we'll have a speaker from FEMA having a little more, explain a little bit more on the – there's three – well, there's two major events that resulting in this change in the maps. One is the decertification of, of the streams, two streams, two major streams on Maui, I'm sorry, Maui and Molokai. Iao Stream is protected by levee on the south side and that levee has, in fact the levee system has been decertified so they're going to be failing. So that the maps, the levee's are being failed and on your handout, this is just a, you see in the top photos it shows what it is now and if you look on the right side of that same photo it's the proposed map. So this is a major change. Iao Stream looks like it's gonna – it's actually gonna jump out of the streambed and it's gonna be near the post office and it's gonna be going through Iao Parkside and the residential neighborhoods above the Wailuku Community Center and proceed down to Lower Main Street. So this is one area in our last – we had a preliminary mapping presentation several years ago on

this, on this island and we had over a thousand property owners that may be affected. Also, in Iao Stream up in Happy Valley there's another area that's being affected.

The other area that we're having a change in is, is on Molokai, Kaunakakai will be also affected. The majority of the town is going to get flooded, the commercial areas.

This week, we're fortunate to have FEMA and the State joining us in an outreach to inform the public of the changes in the map, and, and how does it affect the public, affect the community, I know Kihei has been a hot spot and we don't have too many changes in Kihei. Mr. Starr asked us, you know, asked me if this – you know, how can this effect, how can these maps affect us and how – and just maybe give a little overview on the correlation between the flood maps and general planning.

You know we, we promote that, you know, whenever you have flooding, you know, one of the best things to do is to avoid that area. And in Kihei, we haven't done that well, but you know, we still have open areas that are undeveloped and many of those areas tend to be in a flood zone because you know, that's probably the hardest place to build. So how can, you know, how can you affect the community as far as protecting it from flooding, and one of the things is through your community plan process or your SMA process. Those are two avenues that, that you have under your jurisdiction where when you review your community plans, not only in Kihei, but you know, all across the island, check to see where the flood zones are, and in some areas, you know, like in the coastal areas we have the flooding. You know, there's gonna be always coastal flooding along the coast and it's just, you know, it's like those people that live there, you know, they realize that it's going to be, you're gonna have certain amount of flooding. Where we should be, where, you know, ...(inaudible)... where you look at, it's areas where they have extreme flooding. So it's stream beds, open streams. There's some coastal areas where we have reviewed the maps and received flooding up to 50 feet, 38 feet, I mean, it's along certain areas along the coast and just think about, you know, the Big Island, Hilo, you know, they had to learn the hard way to actually create open space so you could move construction out of harms way. So that's something, you know, perhaps we could do as far as the planning process.

I have here from FEMA, Jana Critchfield, she is a insurance specialist. One of the major impacts for the public is increased insurance. We've seen from the last change in the maps in 2009 the remaining areas that were added to the flood plain. As the result of this map, we may have over a thousand or more property owners and there's two items that's going to affect them directly. One is that there's going to be increased cost of, of construction. Construction standards are a little different than normal construction. You have to elevate the structure. You have to make sure the footings are strong enough to withstand streams and hurricane and tsunami events. The other major cost to a homeowner is insurance. So perhaps I think, have Jana come up and just give a little background on the impacts on insurance on these new areas.

Chair Starr: Okay, thank you. Welcome, and thanks for joining us today.

Ms. Jana Critchfield: Oh, it's my pleasure. Thanks for having us here and thank you, Francis. My name is Jana Critchfield and I am the FEMA, Region 9, Flood Insurance Specialist and so I handle California, Arizona, Nevada and Hawaii. So should you encounter insurance questions going

forward and you can't get them answered at your local level, please feel free to contact our office and Oakland, and I'll be happy to give you any, any answers that I can. We are waiting on my colleague Eric Simons, he's on his way from the airport here. He is the FEMA Engineer and so just so you have a little bit better understanding of after the maps are changed people do have homes that have mortgages that have Federally backed loans which are primarily most loans. They will be required by the lender to carry a flood policy. We are going to have a public meeting this afternoon at 5:30, I think at the community center. Hopefully a number of the local residents will attend and they can see kind of how they'll be affected by the map change and I will be there to answer questions and give them some direction on how they can purchase insurance prior to map change that would be the most effective for them financially, and then they'll have options going forward. But if there is a Federal mortgage on that property, they will be required to insure it for either the amount of the loan depending on that amount. The amount of hazard insurance they carry from a homeowner's policy what their lender does require. The lender is the person that will make that determination. So that being said, that's kind of the nuts and bolts of what the, the National Flood Program is. Because the community belongs then all the residents are eligible to purchase flood insurance as long as the community participates then it can be purchased. Do you all have any questions about how the flood insurance because aside from the fact that the maps are changing that always seems to be the hottest button is why do I have to buy it and how much is it going to cost me and when do I have to get it? And I will cover all of that with your local citizens tonight and I will be available for the duration of the period prior to the maps going into effect to be able to – to assist either your insurance agents or any of your community folks.

Chair Starr: Yeah, Commissioner Hiranaga first?

Mr. Hiranaga: Are there different rates for different flood zone classifications?

Ms. Critchfield: There are, sir. The rates are all standardized and they're set by the Federal Government and this is a national program. But if a property goes into an AE Zone, it doesn't matter if it's an AE Zone in Hawaii or New Mexico or New Jersey or Vermont, the rate is the same. They're all the same based on what the level of expose is for that zone. So anybody here in Maui going into a high hazard zone would pay the same rate of the same type of risk in a different state.

Mr. Hiranaga: But say the V Zone?

Ms. Critchfield: V Zones are the same throughout the country but V Zones are higher rates than A Zones because they're coastal and V stands for velocity. So that's the reason for the high rate.

Chair Starr: I understand this as kind of two issues. One is that there is a– if you have a Federal mortgage there's a mandate you have to buy the flood insurance. But if you are in a zone or you're not in a zone and if you have damage by a flood and you don't have the flood insurance, then what –

Ms. Critchfield: What help do you get?

Chair Starr: Yeah, what, what, what help do you get if you're in the zone or you're not in the zone.

Ms. Critchfield: Okay, because the perception is out there that well, I don't need it, I'm not going to buy it because FEMA will come to the rescue or someone will come to the rescue. And if the flood insurance is available and it is not chosen and they have to get some type of individual assistance or a loan, if that is an option for them after the loss has been determined, then they will at that point be required to carry flood insurance on that property for the duration of the life of that property. So, say they don't have flood insurance, they're in a high hazard zone but they don't owe any money so they elect to not get it, then they go to SBA and they are granted a \$50,000 loan and they refix their house and they pay that \$50,000 off in say five years. They're very aggressive with their repayment. That's fine, but they will have to continue to continue to carry flood insurance always at that address, and if they sell it to the next owner will also be required even if there's no money loaned because once the property is damaged and we've helped you out with some assistance, we are going to require that there flood insurance to protect it going forward.

And I'd also like to say that all properties in the United States are in a flood zone, some are higher hazard than others. So there are rates available for people that are in the low hazard zone. That are really actually very affordable. In a low hazard zone, people could insure their home and their contents for about a dollar ten a day, at the max it would be 3.95 for a year, so it's very reasonable insurance in the low hazard zone.

Chair Starr: And then if they're in a – if they have that insurance and their house gets damaged does that make them whole?

Ms. Critchfield: It will make them as whole as possible with the amount of coverage that they have. You know, our plan is always to put them back as whole as possible, but it's much different than like a homeowner's policy where would be where you would say well, okay, now I'm going to get granite counter top because I have allowance for increase or something. You know, we're gonna get you back to the same type of counter top or the same type of cupboards that you have. But it is designed to put you back into a habitable state based on the maximum of the coverage that you have.

Chair Starr: Members? Commissioner Mardfin?

Mr. Mardfin: I vaguely recall from an earlier presentation we had months or years ago that there were changes in the height level – I'm thinking about coastal property.

Ms. Critchfield: Right.

Mr. Mardfin: Weren't there changes in the rules for how high you had to build?

Ms. Critchfield: Well, there are requirements, compliance requirements that have to do with the base flood elevation and over the left-hand side and out of the corner my eye I was that the engineer is here so I'm going to defer that to him, but I wanted to, you know, Francis and I talked about it. I always like to speak to the Planning Commission or the Board of Supervisors or whomever my audience is so that you have a little bit of a comfort level for what's going to be passed on to your property owners and I would encourage any of you that can to attend the meeting tonight.

Mr. Mardfin: Is there anything you would advise us as Planning Commissioners to do to facilitate the goals that are being proposed by FEMA?

Ms. Critchfield: Well, I try to always suggest to communities that you notify the public early and often. So we're having a public meeting tonight. There's gonna be a little bit of time yet before these maps become effective and I recommend that the constituents know that they have to purchase by a certain date based on when the maps will become effective. They need to purchase prior to the map becoming effective. Do we have an effective date for Maui County yet? Not yet, okay. So when the determination is reached and we know what date is they would need to purchase their insurance at the latest the day before that map change and that would then allow them as long as they were currently in the low risk zone to buy the low risk policy for the first year and that would then allow them to maintain that for two additional years. So although the news is often not pleasant, it's not as staggering as it once was because about eight months ago, ...(inaudible)... granted a two-year extension on those low risk policies.

Chair Starr: Last question, then we're gonna have our presentation.

Mr. Mardfin: We often are asked to approve Special Management Area requests, assessments, and we have a bunch of standard conditions, should one of our standard conditions, shall we add a standard condition about flood insurance?

Ms. Critchfield: Again, that's not my, my expertise, but I'm an insurance person and so, you know, I believe that they should have it whether they're in a low risk or a high risk because about 25% of the losses do occur in the low risk zones. Thank you, sir.

Chair Starr: Okay, I'll put it back to Mr. Cerizo to introduce our next presenter and we will have ample questions after.

Mr. Cerizo: Okay, I'd like to introduce Eric Simmons. He's an engineer with the FEMA, Region 9. He is in charge of flood mapping and map changes. So he'll explain the changes in the maps and there's also an appeal process that I'd like him to, to go over with you and go through in case that you feel that perhaps I shouldn't be or you should be ...(inaudible)...

Chair Starr: Thank you. Mr. Simmons, welcome. Thank you for joining us today.

Mr. Eric Simmons: Thank you for have me very much and I appreciate the opportunity to talk about flood mapping and that's what I primarily do as an engineer for my office in FEMA is ...(inaudible)... flood hazard and mapping projects and we work closely with community officials to let citizens know what risk they're at and so that wiser decisions can be made. And so FEMA has distributed draft preliminary flood insurance rate maps for Maui County and those new draft maps look like a variety of updated information and it's similar mapping. We're actually doing across the nation and my office ...(inaudible)... mapping here for Hawaii but also California and couple other states. And much of our focus right now that our maps tend to be in digital format. That is, ten years ago most of the maps were just paper sheets. And a Congress supported a map modernization initiative to get those flood maps into digital format and use it so you can view it on line on the web or have that information easily accessible for County Officials to pull it into their own digital systems. And for

Maui County, that digital map went in effect in 2009, but we have this new updated map that has new information, updated information for both coastal areas and areas behind ...(inaudible)... and that's similar to other Hawaii counties or really communities throughout the nation and that the focus really the flood risk is often highest along the coastline and areas behind levees. And so about five years ago, FEMA started a statewide study to understand the coastal flood risk due to hurricanes. And that primarily impacts the southern shores of all the coastal islands as you may know that typically, not always but typically hurricanes do come from the south that do impact the Hawaiian Islands. And so updated flood elevations are available statewide. But that for Maui County impacts the southern shorelines of the Island of Maui but also Lanai and Molokai. So that's a big part of the new information that's being proposed. We also have flood elevations for all of Lanai. We had an outreach meeting yesterday. So there's portions of Lanai similar to the Islands of Maui or Molokai where on the northern shorelines the flooding that FEMA uses it's based on the 1 percent ...(inaudible)... storm and that's a long for what you may have heard is a 100-year flood. It's a major flood. It's not necessarily the worst case scenario but it's based on a – it's an area that has a 1 percent chance of occurring each and every year. So bigger floods can happen or less severe flood, but the standard nationwide is that 1 percent annual chance.

So we have the updated coastal information for the southern shorelines, all of Lanai, but we also as part of a nationwide effort of really examining our flood risk in areas behind levees. And so where do we have levees in Maui County? Well that's along Iao Stream, this island, but also along Kaunakakai in Molokai. And unfortunately for FEMA to show the protection afforded by those levees, an engineer must, it's recertified and must show that that levee in fact does provide a high level of protection and that has not been done for the levees along Iao Stream or Kaunakakai and so new high hazard areas are being proposed in those areas.

So that in general is a summary of, of the proposed change. We go through a very deliberate some of would time consuming process to, to make sure that information is good so that it's not only used for insurance purposes but local land use decisions. Right now we're in a 90-day appeal, appeal period where we're taking any comments, any concerns, any questions on these proposed changes. That appeal period I believe started January 19th, so it ends about April 19th. There are citizens that have concerns or questions or have better technical data on the proposed changes we ask that they submit them first to the County and then have the County forward to FEMA or they can submit it straight to FEMA, but we wanted to make sure that the County is aware of any comments or concerns since these are your maps also. FEMA will resolve any comments, questions, concerns, and then we go through the process of finalizing. And we don't have a definitive time exactly when these maps will be finalized because we don't know necessarily how many comments we'll receive but it's about a year from now when they'll go in effect. That is, we'll have to have this 90-day appeal period, FEMA will have to resolve any comments and then if we have to issue any kind of revised map, we'll do that, and then the maps are actually finalized through a letter. A letter from FEMA to the County saying that the ...(inaudible)... maps are final and they'll go in effect for flood insurance purposes six months after that letter. So there's still a number of steps to go. That's the standard nationwide process. FEMA goes through to make new flood insurance rates. So that's just an overview of the mapping process. An overview of what's being proposed to change for the County and I'd be happy to answer any questions.

Chair Starr: Commissioner Shibuya?

Mr. Shibuya: Thank you for your information Mr. Simmons. I'm looking at the tool, your map as a tool, and I know it's composed of many data sets and variables. And for my information does it include some of NOAA sea level rises, does it also include the geologic tectonic plate rise or falling and movement and does it also include some of the erosion rates on the shoreline?

Mr. Simmons: Okay. So FEMA's map is a flood insurance rate map, and therefore, the hazards shown on that map are based on today's conditions. These maps, the zones on the map are used to assess rates today, and so, no it does not show a future condition. It does not show what the sea level rises someday in the future may be. It does not show what subsidence or uplift may occur in the future. So the new studies, the proposed information is based on today's condition.

Mr. Shibuya: Okay, so it's not really a predictable tool. It's what is assessed as of today to establish the insurance rates and the hazards that we should be aware of?

Mr. Simmons: Yes. And it's also used not just for insurance, but also local building decisions. But we also feel that, you know, wise decisions made on today's hazards will help in the future considering, you know, the hazards today will be there tomorrow. They could get, you know, they could change. Sea level rise, subsidence, uplift, subsidence, will change those hazards. We know that, and that's why these maps are always updated. As long as funding's available, but FEMA works very closely with the State, with counties to have the most accurate up to date information on these maps and it's a continuous process of analyzing the hazards, updating the maps, taking comments, requests on how the maps should be made better.

Mr. Shibuya: And does it include bathymetric type of data because if you have velocity then we now know that there is a force factor coming in by tsunami or waves and if you have a very deep shoreline edge it reacts differently than you have a level Kaunakakai type of situation. Energy is not absorbed, it's just comes across.

Mr. Simmons: Yeah, it's – no, it's a very good question and good point in that the coastal flood hazard information that's on these maps, there's coastal and river but the coastal information is the dependent on a number of, of different factors. In some areas, a tsunami hazard is the governing for this 1 percent chance ...(inaudible)... but in general on the southern shorelines, the hurricane hazard governs and yes, the information that FEMA used to update the map include bathymetric depths and the geometry as well as information of the land, the flood plain and, and, you know, the good thing about today, we have technology that allow us to obtain that date much more efficiently, more cost effectively and do these studies more efficiently, less expensive.

Mr. Shibuya: And what is the update cycle or a scheduled cycle for updating these FEMA maps?

Mr. Simmons: Well, right now we don't have a update schedule because it's very much driven by funding. For the last six, seven years FEMA has been funded to do this type of mapping. But before then for about 15 years did not receive any tax payer dollars to do any map.

Chair Starr: Before we go on, do you have the Maui Island maps by chance on a layer, on a RQ layer that we could fly in real time? I don't know if ...(inaudible)... over there is set up for that?

Mr. Cerizo: We do have – all information is available on line and in fact this ...(inaudible)... Iao Stream and the flooding that ...(inaudible - not speaking into a microphone)... the maps are, we have actual photography, aerial photography that shows ...(inaudible - not speaking into a microphone)... layer that's provided. So on – the mapping itself can be, you can choose any parcel on the island, you just need a tax key number and you plug it in and you'll get your flood zone. And there's a tool that's available where you can actually see the existing effective map and the future preliminary map. So you can a difference, you know, are you going to be affected by the flooding. Most, most of the changes are in the coastal areas like the hurricane. The new, the new data is as Eric said, comes on the southern coast due to the hurricanes. So, we have an example of the changes in, in Kihei, and this is a very good example of the changes in Kihei and this is a very good example. This is the existing effective map. As you can see here this is Auhana Road, Ala Hele Street, the flood zone in this area here is a seven – seven feet mean sea level. This is below South Kihei Road and in the same area it has increased up to nine feet. So the coastal flooding has, you know, has increased by two feet. It goes inland. So right now all our regulations is based on the effective map, the map on the right, our current map. We are now providing information in our comments that that gives out the future or the preliminary base flood elevations and our recommendation even though it's not effective is, is to comply or construct at or above the new elevations. It's based on the latest information. And, it's something that if, as a as a Commission that you would like to require that to be met, that is, it's in your authority to do. So that's something you can think about whenever there's a, you know, a project within the flood zone.

Looking at the existing maps, and looking at the preliminary maps, right now, we require that all structures are built one-foot above the base flood elevation. So in this case here, the existing requirement is to build it at eight feet based on the current. However, if you go on the preliminary maps, you would have to go up to ten feet to be compliant with the current code. So there's a big difference. So, you know, it's, it's in some areas, you know, in evaluation, you know, in some areas where the maps are really changed, like you know, let's say it was 58 feet, and then previously it was just ten feet, you know, you might want to question that or verify that, that, those heights. But in these areas, in this area we don't see any type of that drastic of a change in, in Kihei, but we've seen some areas in Makena, in Hana, Molokai and Lanai.

Chair Starr: Do these changes take, and your process take into account what we see on the ground like say the recent flooding in Kihei or in Kahului, the fact that Amala Place is under water a lot of the time? How does that, you know, ground, ground information that, you know, it, it occurs after a storm make its way into these maps?

Mr. Simmons: Okay, for the whole County the majority of flood zones are not being proposed to change. I just wanted to highlight, you know, the areas that are being proposed for change are the southern shorelines of the island of Maui, Molokai, the entire coastline for Lanai and then the, the areas around the levees, around Iao Stream and Kaunakakai. So no, we're not at this proposing any changes in Kihei. We have – FEMA has started a new study that you would look forward to in Maui about two years of two streams in Kihei. But that's not what's being proposed to change now.

Chair Starr: Commissioner Shibuya?

Mr. Shibuya: It seems like the assumption here is from makai and the sea levels from the shoreline areas. However, the last storm and during most of the rain storms it's the mauka, the mountain side down to the ocean and that's where the water flows. You know, from higher to the lower. And these are just topical, topographical types of overlays with the assumption that the lowest parts are gonna be the flooded areas. Is that the assumption?

Mr. Simmons: Well, yes, low laying areas are prone to flooding as common sense says. With, with the resources FEMA has now we prioritize our new studies, our new engineering analysis to look at what the flood hazard is. And for this proposed change we're just looking at the coastal areas and the areas behind levees. Other, other drainages, gulches, riverine flooding, we're not at this time looking. Realizing there are hazards there FEMA's maps may reflect that hazard, you know, as it currently today, it also could be a 20-year-old study is not reflective of the conditions today due to development or topographic changes and that's something we would definitely welcome to work together on updating in the future.

Mr. Shibuya: Okay.

Chair Starr: Commissioner Hiranaga?

Mr. Hiranaga: More specifically to Lao Stream, I heard the word, "decertified" used. I just wanted to understand in a little bit more detail as to why Lao Stream channelization is being decertified say in comparison to Kahoma Stream in Lahaina? I know that was channelized much later but maybe you could give us more information as to why you feel the Lao Stream levee needs to be decertified?

Mr. Simmons: Okay. So in FEMA mapping much like in real world conditions, mapping around levees. Levees are great until they don't work, so they're overtopped or fail and now ...(inaudible).. and so Lao Stream has a levee ...(inaudible)... channelized stream and so FEMA's policy nationwide was to not reflect that protection afforded by a levee unless an engineer says yes, that levee in fact provide the high level of protection. And Lao Stream even with the channelization, those levees don't provide a high level of protection and so the study that was initiated by FEMA and we worked with the Corp. of Engineers on, proposes a much wider high hazard area because those levees are not recognized as providing protection but the channelization, the channel geometry and, and conditions there are reflected on that map.

Chair Starr: Commissioner Hiranaga first then Director.

Mr. Hiranaga: I see only portions of Lao Stream as you cross the stream on Market Street and as you cross it on, I forgot the name of it, near down by Paukukalo, so that's channelized sections of the stream. When you say levees, is that earthen levees or is concrete levees? Are you saying that there's sections above Market Street that has not been channelized by concrete that has levees constructed out of earth?

Mr. Simmons: There are, and there are, you know, the channel in places is concreted and there are earthen embankments along Lao Stream. There's also concrete whatever you want to call them flood wall, levee, people call these same things, different things. And so, you know, for FEMA

mapping for the National Flood Insurance Program, FEMA cannot recognize those, whatever you want to call them, earthen embankments, levees, floodwalls unless an engineer certifies that in fact those structures provide high level of protection.

Mr. Hiranaga: You're saying there's sections along the stream that have points of weakness that may breach and create flooding downstream, it's not the entire length of the stream, it's just certain sections are considered weak in construction?

Mr. Simmons: Yeah, right. It's not –and that's why we use mapping to try to communicate what are those high hazard areas. It's not, all areas are at high hazard, but the proposed change is a, I would call, significant widening of that map high hazard area, something we don't take lightly. We realize there are economic impacts to that that's why we're happy to be here talk about flood insurance, talk about ...(inaudible)...

Chair Starr: Director?

Mr. Spence: Decertifying particularly Iao Stream or decertifying the levees at Iao Stream is that a design issue or has the – and I'm talking about original Army Corp. design or is that a, you know, have the levees degraded over time or, you know, what brings this about that, you know, it's provided protection for decades and now it was just discovered that there's a hazard?

Mr. Simmons: Okay, yeah, I'm, I'm not an expert on levees itself and I believe, somebody else is here to talk about that, but from the FEMA mapping perspective with the National Flood Insurance Program where we try to promote public safety and safer building it's, it's really an issue if, if an engineer or an agency has determined, those engineers have determined those levees in fact do provide a high level of protection and, and they don't. I can't tell you specifically whether it's a stability issue or a ...(inaudible)... or those types of specifics.

Chair Starr: You know, I'm seeing a very radical change, where you get to Wailuku and what it looks like to me is that at some point this streambed, you know, if the stream rises to a certain level it's likely that a major change in the dynamics will occur where the water flow out of the stream and I'm not exactly sure at what level, whether that's a market street or, or below, and then at point, Lower Main Street becomes the primary streambed all the way down and it dumps out into the ocean at Kahului Beach Road. Am I seeing that right? Am I looking at that right?

Mr. Simmons: I would confirm your generalization, yes. And there's models that substantiate the hydraulic models of how much flow a channel can carry versus how much flow during major flood will be out of the channel and into the flood plain and where that water would go.

Chair Starr: So this would include all of Iao Parkside and virtually everything along Lower Main Street all the way, all the way down?

Mr. Simmons: I mean, I mean, I'm not intimately familiar with the neighborhood.

Chair Starr: Similarly Lahaina area is greatly expanded as well. It seems to be taking most of – kind of Central Lahaina including the Historic District and saying that that has a likelihood of

inundation, am I correct in that reading as well?

Mr. Simmons: That's correct.

Chair Starr: Okay, Commissioner Shibuya?

Mr. Shibuya: No, I see this as good tool so that we can examine and see where you've identified the possible weak point by Lower Main Street or something or by Market Street that we need to reassess it perhaps will this tool identify or help us identify the weakness like the sides of the levee is too low or possibly we need to dredge that area or whatever.

Mr. Simmons: Yeah, yeah, I think that's a great classification of what this is a tool, we're here to promote awareness of flooding, of flood risk and really encourage, you know, smarter development and, and – but it's as simple. Unfortunately I've had to work with literally communities on these type of levee issues and there's no one silver bullet. There's no – says if we just build this reach of levee higher everything's good, but realize when you live with levees, you always deal with levee ...(inaudible)... and no levee is built to protect against every flood, and realize that you have that risk, but what's, what's wise? Some communities are accepting the flood risk they have now, realize it's just too costly or damaging to make a change to that levee. Other communities are spending literally hundreds of millions of dollars to make improvements and strengthen that levee to lower the risk to their community. It's, it's a tool to evaluate what is the best step ...(inaudible)...

Mr. Cerizo: Mr. Chair, if you'd like to have any specific questions on the Lao Stream levee, we do have a representative from the Corp of Engineers? He's going to make a --

Chair Starr: Yes, absolutely.

Mr. Cerizo: He could say a few words on where we are on the levees, the Lao Stream levee.

Chair Starr: Yeah, we'd like to. We'd definitely like to hear from the, the Army Corp. and, you know, I know one thing, I, I know I'd like to hear is, I'd like to hear your scenario that, you know, mechanical scenario that justify, that justifies this. It seems to be a pretty bad day for Maui if that happens. So please introduce yourself, and thanks for being here. We do appreciate your work in this. It's good science.

Mr. Lincoln Guy August: Good afternoon, my name is Lincoln Guy August and I'm an engineer based out of Honolulu office and I'm the Levee Safety Program Manager, and thank you. I'd like to thank you for inviting all of us here. Great group of folks that I get to work with. Specifically your question about, it seems extreme as far as the area it shows as flooding. Typically in the Corps analysis it's an all or nothing scenario. So downstream you might break almost at the outlet to the ocean and very little area would flood. Typically they just say it is without levee conditions. So depending on where it breaks it could be less, but they go worst case scenario and just say without project condition.

Chair Starr: I mean, could you describe a worst case scenario for us? Particularly in regards to Lao Stream?

Mr. August: I don't, I, I apologize, I didn't bring the study. I'm not the Study Manager, there I believe tomorrow or Thursday, actually there's gonna be a meeting here on Maui with the Project Manager. She's gonna describe the study process, and, and I can have her bring maps to share. But there are series of levees and revetments and channelization right there Eric was describing and I don't know what they evaluated as far as was it channel degradation, the slide slopes of the levees. They evaluate a number of criteria or model those, those changed conditions. So I'm not particular – as specifically familiar with the failure modes, but just talking in general terms that it's an all or nothing proposition when we provide that data to FEMA.

Chair Starr: I know the Army Corp built the hardening and the levees in Iao Stream. Is there an ongoing effort to either maintain their viability or to review them? I also know that there's been a lot of discussion over the last several years here on Maui of trying to unhardened them and bring back recharge and so on. I don't know what's that process as far as the Army Corp goes?

Mr. August: Right now there's what they call a Section 203 Study ongoing. It's called a Design Deficiency Study. It looks at the original project, changed conditions and ways to mitigate that. So whether it's a levee raise, changing the roughness of the channel or going through a nonstructural method like evacuating the flood plain, elevating structures, all sorts of things, that, that takes place during the study process. Right now, I – the next big step is an EIS. I'm not sure where they are in actual delineation of options or courses of action, but I think Thursday is that meeting to talk with the County about ongoing study, study process.

Chair Starr: Okay, I'm gonna open up questions not only to the Members but also we have a lot of staff here and other kind of agency people and I also want to include our Council member Mr. Couch is here as well, if anyone in that capacity has, has a question now would be, or comment now would be a good time. Not seeing any back there, Commissioner Wakida?

Ms. Wakida: Mr. Cerizo, do you have these pictures digital that you can put up on the screen, the ones that you have in this handout?

Mr. Cerizo: Sure, one second.

Ms. Wakida: On the, on the top two pictures, the area, I guess it's all in black, I can't really make it out, is that all black?

Mr. Cerizo: On the left here?

Ms. Wakida: Yeah. Is that –

Mr. Cerizo: That's blue.

Ms. Wakida: Oh, it's blue. Okay.

Mr. Cerizo: Yeah.

Ms. Wakida: And that's flood plain area?

Mr. Cerizo: Yes, anything that's colored, the darker colors are in a flood plain. These are riverine flooding. That's floodway. This is called a x shaded area which is a flood fringe, a 50-year flood occurrence and the red, is the coastal flooding due to, in this case here would be tsunami. And this would be, the light blue, the run up which is lesser velocity.

Ms. Wakida: So the red is in the water?

Mr. Cerizo: The red is, this is Paukukalo, and all this area is flooded by a tsunami, tsunami flooding.

Ms. Wakida: Well, my question is, on the picture on the left, the blue, there's some area that's blue that is no longer blue and the picture on the right. So there is not seem to be flooding when you compare the two pictures.

Mr. Cerizo: Yeah, this is the existing flood map.

Ms. Wakida: Right.

Mr. Cerizo: Then on the other side, we have – You're saying that in this area here is flooded but now it's not flooded anymore?

Ms. Wakida: Right.

Mr. Cerizo: Yeah.

Ms. Wakida: How does that work?

Mr. Cerizo: Maybe Eric wanna explain it a little better but you know, on this here is where most of the flood waters would overflow on the right, over the right bank. So there would be less flow going down stream. So –

Ms. Wakida: Yeah, but I don't understand, why has that changed?

Chair Starr: Why don't we ask Eric to?

Mr. Simmons: We can look at the area in more specifically but the reason why most of those changes occur is because today we have better information on the ground and topography, topographic information. And so that information allows us to more precisely draw the zones.

Ms. Wakida: Okay, I have one more question?

Chair Starr: Yeah, please.

Ms. Wakida: On the bottom two maps that you said the red is coastal but this Lahaina area the red is out to sea. So I'm not sure what the red refers to.

Mr. Simmons: Yes, the red is that high hazard area. Previously when FEMA made maps we typically only would map that zone to the shoreline. Today's standard and the standard really for the last over ten years is to map what we call an apparent limit is about a thousand feet from the shoreline and so, yes, when you see these two graphics it might seem completely like a change but most of that change according to the colors is actually in the open ocean which obviously is wet, but of course, there are significant changes where that blue is where Francis is showing that with the cursor, that's areas of proposed Zone AE, that's a high hazard area but the flood heights there are actually going to be less than either in the open ocean or right next to the shoreline. And that there's a national standard to map these either velocity zones or flood plains without out a high velocity component. And the reason why we do that, why FEMA does that is communities adopt different building criteria in those two zones. If you could imagine a structure being built close or on the ocean, it would have to withstand much higher wave velocities and be built in a different manner than if it was just in a riverine flood plain or in kind of a bay off the shoreline.

Ms. Wakida: Yeah, I'm surprised though because that area has been through two hurricanes in the last, oh, 20 years I guess, 15 years, and I – and there hasn't been change in the flood – in the flood maps because of the, you know, lanai protection and so on. It's interesting that that now is considered flood plain when we'd had two hurricanes and that was not a flood area.

Mr. Simmons: And what FEMA did to develop these new coastal zones is we looked at all the hurricanes that either impacted the Hawaiian Islands like Iniki or came close and we modeled those scenarios and did statistical analysis of how likely those hurricanes or similar type of storms would come and during those analysis, again, the National Flood Insurance Program is based on the one percentile chance flood. So it's to rate that risk and that hazard. So we looked at those storms. Looked at close call storms to come up with these zones and flood elevations.

Ms. Wakida: And lastly, you know, I'm not real clear on this red area, you said that in in a flood time that's higher than the land? Did I hear you say that?

Mr. Simmons: No, what I meant is that this red signifies what's in a VE Zone. There are many flood zones, FEMA's Flood Insurance Rate Maps depict. The two most common, the ones that get most interest start with either V or A. Because those are the high hazard areas. The areas within the one percentile chance flood. So those that start with a V, like VE or V, are actually not only in that high hazard area, but they're also subject to large waves. Waves of three feet or greater. So that's why that V notes that higher – that wave action that's even riskier, and that impacts not only how any new structures are built but the rating of insurance in that zone. The areas in lighter blue are proposed Zone AE. You can see Zone AE, elevation nine or Zone AE elevation seven, and those elevations as Francis mentioned are based on local tidal data. You can see how the wave and elevation heights are closer or higher near the ocean and then because the wave would dissipate as it goes over land it becomes less, it goes from 12 to 9 to 7.

Chair Starr: What do the numbers signify? The 12, 9, 7, et cetera?

Mr. Simmons: That indicates the elevation of the one percentile chance flood. In this area that's impacted very much by the wave heights. And those wave heights are gonna be higher either right next to the shoreline or close to the shoreline, but they'll dissipate or get smaller as you go further

inland.

Chair Starr: Does that tie into design standards utilizing say breakaway construction for 7 feet or 9 feet or 12 feet?

Mr. Simmons: ...(inaudible)... you know, the County can speak to their criteria and their local ordinance.

Mr. Cerizo: Yeah, on the V Zones that we consider those as high velocity flood area and those are the design criteria that utilizes breakaway standards, breakaway walls, elevation requirements, a foot higher than the BFE, and we are trying to limit the construction that's below the base flood elevation. Many times people tend to enclose the entire bottom and convert, and further convert them to some kind of other use than storage, access and parking which are the only allowed activities. So our current – our new ordinance requires a nonconversion clause if there's, you know, any kind of construction below that the base flood elevation in this case here 12 feet, they would enter into an agreement that said they would not convert. Now an option would be the Commission would say no storage or access or parking on the bottom floor up to a certain amount. You know, that's something that's, you could, you could consider, but you know, I'm just throwing that out as, as a comment.

Chair Starr: That's only in the V Zone though not – where there's velocity, not in the A and E where it would be a slower process of filling up?

Mr. Cerizo: That's correct, that's correct.

Chair Starr: Commissioner Mardfin?

Mr. Mardfin: Are you working with the Director and the Current Planners on developing a standard condition for construction in these areas, now that what's in the area will automatically have a condition on no enclosure and that sort of thing?

Mr. Cerizo: No, I have not.

Mr. Spence: If I could address that Commissioner Mardfin? This is already, Flood Hazard Zone construction already exists. I mean, it's not necessary to be adding something to the SMA Permit. You have a standard condition that the applicants will comply all applicable rules and regulations that were meant – rules and regulations. This would be one of them. That if somebody wants to build in a flood zone, one we're gonna check their, their elevations, the type of zone that's there, and appropriate – if they have to build there, you know, there are certain standards they have to meet in and above everybody else that, you know, wants to build.

Mr. Mardfin: So it's built in already?

Mr. Spence: It's built in already.

Mr. Mardfin: Okay, thank you.

Chair Starr: Okay, Mr. Couch, why don't you come on up, Council Member Don Couch?

Council Member Don Couch: Thank you, Mr. Chair. I wanted to ask, I guess it's either Francis or possibly the engineer, the Iao Stream, 1 percent, you're talking about the 1 percent, that that's a 1 percent flood occurrence because does that 1 percent take in, taking into account the hardening of the concrete stream beyond – because I've never seen or heard of it getting as high as the levees before.

Mr. Spence: Yeah.

Council Member Couch: It's kind of putting a lot of people's homes or insurance policies into a much higher range for something that that – has it ever happened before and, and you say it will happen within 1 percent but we're taking a lot of water about 25 million gallons a day which isn't a lot compared to ...(inaudible)... floods but still enough that we might never see that come ...(inaudible)... since the hardening of the channel further down. Thank you.

Mr. Simmons: I think there's a couple questions there. One is the FEMA study taking into account the channel and the concrete and the smoothing that has occurred and that's, yes. Yes, it does. And then the second question was really about this 1 percent chance what I call the 1 percent annual chance, each and every year there's 1 percent chance that that storm happen. So that a long term average that has a 26 percent chance of occurring over a 30-year mortgage. So if you're gonna have a house there, if you're going to have a 30-year mortgage, about one and a quarter of that kind of storm, that kind of flood could happen. Can't tell you if it's going to be this year or over the five years or when that is going to occur but that's based on historical information. The best available information that's available for that stream. So it's, it's a rare event. It doesn't happen every year, every decade, but these large floods do happen whether it's in Hawaii or anywhere else in the U. S.

Chair Starr: Who does the modeling? Is that Army Corp, is that FEMA, is that USGS?

Mr. Simmons: On this case, FEMA did the modeling. FEMA hired a consultant to do the modeling. Actually the Corp of Engineers is modeling and studying this area and we have shared data and we have very similar results as you would expect for a new, new study. So they, they say the same thing that there's a high hazard area here.

Chair Starr: So just to kind of rephrase my understanding is that over the course of a hundred years, there's a greater than 50 percent chance that one of those years this, this will occur?

Mr. Simmons: Yes, it's actually much greater than 50 percent. It's about 86 or so percent. So over a long term average, let's say over a thousand years we would expect this type of flood about ten times. So that's that's –

Chair Starr: Wait, what was the last number you gave?

Mr. Simmons: About 86 percent over a hundred-year period. So if you look at the uncertainty and statistics, the term, hundred-year flood which has been used for a long time in characterizing these

types of events, it's really over the long term these types of events happen once every hundred years, but we try to avoid that terminology because people think they had a really, really bad event, you know, last year or five years ago, and I'm safe for 95 years which is not true.

Chair Starr: Don, Mr. Couch did you get your answer pretty much?

Council Member Couch: Pretty much, thanks.

Chair Starr: Okay, Commissioner Freitas?

Mr. Freitas: Yes, you said historically data, where did you historically get the data, I'm an old man and I've never seen that stream over the bank?

Mr. Simmons: So there's in select sites stream gauges that actually record information on that watershed and, and have discharge that is what the flow rate along the stream? And that's how these studies are, are – the foundation of the studies, understanding how much the flow rate during these major flood occur going down these streams and in the watershed. And then with that hydrology information, in this case, FEMA developed what's called a Hydraulic Model, and that model has information on the stream channel, and the flood plain and the ground elevations and how rough that is and within that model it, it models and analyzes where the water will go. How high will those flood heights be, and you can see on this map here, it has those estimates of how high according to local tidal datum those flood elevations are and then FEMA uses information, topographic information to map those flood zone boundaries based on those flood elevations and the information on the ground and flood plain to map those flood zones.

Mr. Freitas: So my understanding is that you have these flow gauges so you may have a real heavy rain and you got a real fast flow of water and this is how you determine your, your flood assessment because I don't, I don't remember ever that area flooding.

Mr. Simmons: Okay, it's based on historical information, unfortunately we don't have gauges on every stream, it's very expensive so there's a whole science of hydrology to understand those kinds of characteristics of watersheds to determine those flow discharges, and with this set of maps, FEMA has done a report, called a Flood Insurance Study, it's a report of the flood hazards and describe in more detail what, what FEMA did to map these zones and flood elevations.

Mr. Freitas: Yeah, I understand that you have these gauges in some of the streams and what have you, but this impact for the people that live there for their insurance is going to be very high and when you say historical data, and you say, we don't put gauges on every stream, it – I want to know where this historical data came from, six years ago, 20 years ago, historic means a long time.

Mr. Simmons: Yeah, I don't have the information of the period of record, we can find that out for you, understand the exact date of that would –

Mr. Freitas: Yes, would you please?

Chair Starr: You will be holding another, a series of meetings on this week. I don't know if

Commissioner Freitas, you know, might be able to make any of them and if you could, you know, have additional info at, at those. It sounds like you're going to have additional personnel. When are those meetings and what's the possibility of getting it more, more of an idea of what the historical context that this data is taken out at those meetings?

Mr. Cerizo: We have meetings tonight at the Wailuku Community Center and that starts at 5:30 to 8:00 and we'll have the assistance of FEMA, the Department of Land and Natural Resources will have the Statewide Flood Plain Coordinator here and their staff, the Planning Staff will also be there so we'll have slue of computers there that can actually bring down the specific information on individual lots and we'll have that data. The rainfall data that we have in our Flood Insurance Study that is also available. If there's more detail study that that, is needed, you know, required we can actually request for that information from FEMA also. So tonight's meeting is at 5:30. Tomorrow, we're meeting the Molokai Planning Commission at 12:00 and we'll be open, an open house session for public coming in to answer or ask any questions on the flooding not only in Kaunakakai but along the coastal areas of, of Molokai. There's a lot of areas on the coast that are going to be affected like, like here. And we'll be providing information on individual flood mapping changes and potential – well, insurance costs and also, you know, how can you build in those areas. One of the things that people can do to help themselves is actually go on line. We have this tool that's provided on each of your handouts and if someone comes tonight we'll have handouts to give to you the actual website. And there are search layers where you can actually look at, look for your property. There's also in some areas there's topography that's used for individual – for certain areas, and a person could actually find out, you know, how high your property is approximately on their house lot. And one – a good way to check their parcel if they're being flooded is you compare lets say this is a 148 feet that's the height of your base flood elevation and if you look at your topo and if you're at 150, you know, or you have some topo was previously made that's 160 you can actually submit that to FEMA and say, you know, I think my lot's a little higher than the flood map then we take a look at it. So, you know, that's like a self-help way of learning, your, your flood zone and also, maybe perhaps take yourself out of the flood zone.

Chair Starr: Okay, thank you. I think we're going to be kind of broadening the discussion at this point unless anyone has any pressing further question to wrap this up. We're going to go to the County discussion. Mr. Buika's put together a great discussion for us, but first Council Member Couch, you had one last question?

Council Member Couch: Thank you. I, I share Commissioner Freitas concern. Just want to ask, what do you have – you said you don't have gauges on rivers, streams. Do you have one on lao Stream, and if you do, is before or after the intake?

Unidentified Speaker from Audience: ...(inaudible due to speaking from the audience)...

Chair Starr: Okay, they, they – we'll get that information later, the actual data on lao. Okay, Mr. Buika, do you, do you need time to change over the computer or anything and I want to ask if Mr. Cerizo and our friends from NOAA and Army Corp if they, they have time, if they could join us for this next discussion it would be appreciated. Jim are you good to go or you need a break?

Mr. Buika: We'll just load it right on if you don't mind, one minute?

Chair Starr: Okay, we're gonna take a two-minute recess and be right –

A recess was called at 2:19 p.m., and the meeting was reconvened at 2:25 p.m.

Chair Starr: Okay, please everyone let's call back to order. Please, I'm asking everyone to quiet it down or if you want to converse go outside, we're going to proceed with our agenda. Once again, this is the Maui Planning Commission meeting of when is it?

Unidentified Speaker: February 8.

Chair Starr: February 8, 2011. We're proceeding with our workshops. That segment certainly raised a lot of interesting discussion. I want to thank Mr. Cerizo, I want to thank everyone who put that together. Before we proceed with our second workshop, I just want to ask for a little bit of an update from Department of Public Works, Deputy Director Andaya had a comment and it's actually, as far as I'm concerned, some good news that there is a process going forward to try to improve the situation as far as lao goes.

Ms. Rowena Dagdag-Andaya: Thank you, Mr. Chair. Commissioners, just as a follow up to Lincoln's part of the presentation, the Public Works Department is working with the U. S. Army Corp of Engineers on those issues regarding the decertification. And to my understanding there is that study being done right now by R.M. Towell, Lincoln, if you know about that?

Mr. August: ...(inaudible - speaking from the audience)...

Ms. Dagdag-Andaya: Right.

Chair Starr: Please go back to the mike and reintroduce yourself because otherwise it destroys our ability to make a record of this.

Mr. Lincoln Guy August: I'm Lincoln Guy August out of the Corp of Engineers. You're correct, there is an ongoing study by the County because they're the owner of the project to provide some of the technical data to certify the structure. So I'm not sure what, what the status of providing that data to the Corp, I know initially the County was going to gather all the data and certify themselves. If that agreement is made that Corp will do the evaluation, we'll go ahead and take all that data and then provide a report and that evaluates the data so that FEMA can accredit those, those levees.

Ms. Dagdag-Andaya: So in addition to that there is a process in place right now and it's also my understanding at the same time that our Highways Division is currently going in and doing maintenance work with the levees. In fact, you know, going in and clearing the brush and the trees that could potentially fall into the streambed. So there are measures being taken right now from our Department to number one, try to get those levees certified; and number two, doing that regular maintenance of the existing levees.

Chair Starr: Well, thank you. It's good to know that we're trying to improvements moving forward. Commissioner Mardfin, we're kind of past this –

Mr. Mardfin: Well, is there is a timing issue on this? Will there be sufficient time for you to do this before the FEMA flood maps come in to?

Ms. Dagdag-Andaya: To my understanding, I am not quite – well, I'm not quite sure. I can get more information for you, but I understand there's that 90-day period. Well, I don't think it's going to be within that time period, but –

Mr. August: If you're talking for the levee evaluation and accreditation by FEMA, depending on when the work comes into the Corp or if a consultant is doing it, it could take six months to evaluate all that data. That said, they may look at all that data and say, okay, it does not provide the protection that it's supposed to, and so there would have to be some sort of either nonstructural or structural fix to provide that protection again and that could take a long time if you're talking the Corps regular planning process for projects you could ... it could be ten years. If there was a possibility of an earmark, it might take ...(inaudible)...

Chair Starr: If anyone wants to continue this discussion today, they should do it at 5:30 at Wailuku Community Center. The presentation we've had so far is, is excellent and we've all learned a lot and thank you very much. We now want to move onto our next workshop discussion and before we begin, I want to thank Director Spence. I want to thank Jim Buika, Jeffrey Dack, everyone from the Department, from Sea Grant from the State who's working on our shoreline programs and is – been working very hard behind the scenes to try to improve our process and also to educate us and allow us to do our, our duty of being the guardians of Maui's shoreline better than we have been able to. I turn it over to Mr. Spence to introduce this workshop.

F. Maui Planning Commission 2nd Special Session on Protecting, Developing, and Conserving Coastal Resources: Recent flooding impacts to Kihei and South Maui with focus on reducing future impacts to flood-prone areas of South Maui. (J. Buika)

The following testimony was received at the beginning of the meeting:

Ms. Lori Bitler: I have some pictures, can I open them in front of you?

Chair Starr: Sure and maybe someone could help you hold that up?

Ms. Bitler: Hi, good morning. My name is Lori Bitler and I've lived in North Kihei over 22 years and I'm here to talk about the recent floods that we've had especially along the gulch at Hoonani Street. I've lived on Hoonani Street for 11 years. The flood on 12/26 was caused by a dammed up bridge full of debris. I can show you that area I'm talking about. This is right behind Hoonani Street. It's a little culvert where the rainwater runs through. There was no rain at all in Kihei that night. It was all Upcountry and we awoke to middle of the night with a raging river flowing right down the gulch. This is the same exact spot.

Part of the problem was all the debris like this is in the gulch. And, there's more pictures up there. This was removed in the middle of the night by the County backhoes and as soon as they removed it, the water was able to disburse from the areas where the houses are. The water level receded.

When the water was raging through it broke through a retaining wall and started to flood the houses. Residents with small children couldn't even evacuate because the road was blocked. We're kind of locked in in that area. Then just a few weeks later, Kihei Road was flooded again. This time, the County blocked water flow to protect the houses in Kamalii Elena which is the new subdivision behind us. They built a retaining wall during the day when the rain started and by the night time it was another major flood. It seems like the water was diverted and it created more area to go through this little tiny base. The culvert south of Piilani Highway is a 130 feet wide and it all leads to a 15-foot opening. Adding to that is that the developer left piles of debris and trees, broken limbs right along the gulch and as the water level rose a lot of that was grabbed and brought into the water and helped dam it up.

It seems like the infrastructure was never addressed when a new development was built in an obvious flood zone. I'm wondering if there's environmental impact studies for future subdivisions in that area? It seems like there's too much land being developed to handle all these small culverts. And I know the whole area is in a low laying flood plain and, you know, I have been told none of that should have ever been built but it's there, and I'm here to ask for that there not be permitted granted for more building until some of these issues are, you know, worked on.

I feel like it's kind of like a danger to public safety when we see small children playing in there. The few days after all the flooding, the Kihei Road flood, the kids were in there playing, floating, swimming, and we found out later that the contaminants in the water were extremely high. I know it's a big problem and a hard solution but I think if anything at all, if the gulches were cleared out it would be way better. So we see, you know, with our eyes as it dams up and then it's taken away and it's smooth. I guess that's all.

Chair Starr: Okay, thank you. I think a lot of the Commissioners share your concerns and the Department too. That's why today we have some items on our agenda relating to this that will be after lunch I believe the Director of Public Works will be here and will be addressing us on this. Members, any questions? Commissioner Wakida?

Ms. Wakida: Well, I just want to thank you again for coming in and expressing your concern and showing us this visuals. We know this is a very serious problem and something we have to tackle now.

Ms. Bitler: Thank you.

Chair Starr: Okay, and thank you. We hope you can be here for the discussion after lunch on this because we know it's not just a localized problem but all the channelization all the way uphill. Thank you.

Ms. Bitler: Thanks.

This concludes the testimony received at the beginning of the meeting.

Mr. Spence: Thank you, Mr. Chairman. Members we're reaching Item F on your agenda today with the Maui Planning Commission's second special session on protecting, developing, and

conserving coastal resources and we have a number of staff planners and other County staff here with me today to assist in the presentation. Jim Buika is to start off.

Chair Starr: Yeah, Mr. Buika, why don't you start off?

Mr. Jim Buika: Thank you, Director Spence and Chairman Starr, Members of the Maui Planning Commission, my name is Jim Buika with the Planning Department and I, I do appreciate your time on the agenda today and your support for Maui County's Coastal Zone Management Program.

We have, kind of the topic we're going to be discussing today is our looking more at the recent flooding impacts to the Special Management Area with a focus on reducing flood impacts to the flood prone areas of South Maui. We'll have some brief remarks from Director William Spence, Director David Goode, myself, Anna Benesovska, CMZ Planner, Tara Owens with the UH Sea Grant here on Maui, and also, if Rob Parsons is in the audience also.

Chair Starr: Yeah, he's here.

Mr. Buika: Okay, Executive Assistant for Environmental Concerns, Office of the Mayor.

Four objectives today. We have four objectives. To examine the recent flood impacts to the Special Management Area with a focus on reducing flood impact – future flood impacts for flood prone areas for South Maui and to examine just very briefly some of the mitigation strategies that the County is considering. Prioritize changes to the SMA Rules. We'll present to you today five areas of the SMA Rules and the Shoreline Rules that require modifications in order to minimize impacts to coastal flooding and also to streamline the existing SMA permit process. It is a subset of various issues that we had discussed in the previous special session. And the third is to propose setting in place a process for undertaking number one and two to minimizing the flood impacts especially for South Maui and looking at the SMA Rules, some of the changes over this next year. We'll also work with the, the Planning Department will work closely with Public Works and also University of Hawaii, Sea Grant Program on this. So the outcome today is to if we have time to have some discussion and input from the Maui Planning Commissioners on both of these topics.

So our agenda is, I'll give a little bit of a background and update on our past session, recent flooding then I'll turn it over to Tara Owens with the Sea Grant Program to talk about update on various projects we have going on here in Maui and also some project grants. Then we'll turn it over to Rob Parsons and Will Spence for some comments. And then we'll conclude with two key sessions on comments by Director David Goode, Public Works regarding the flooding impacts and runoff to Kihei and South Maui with our discussion period and then also, comments by the Planning Department on priority changes to the SMA Rules followed by discussion again led by Anna Benesovska.

So looking at how we got here today. We had our first special session on July 27th. Just to recap, we had eight presentations that we had four folks, science experts from Oahu come and we had four others here from the island to discuss – our, our objections then were to, to educate the Commissioners on the impacts and available mitigation tool sets. Lay the groundwork for our discussions and our approaches that have led up to today. Look at prioritizing changes to the SMA

Rules. We did get a an affirmative vote from the Commissioners to move in that direction. They asked us at that Commission meeting to prioritize a subset of those SMA Rules and we're here today to report out on that, and to being a collaboration with the University of Hawaii regarding changing these SMA Rules. And also at that session, we captured 19 issues that the Commissioners had identified during the eight presentations. We were unable to fully discuss them, but what we did is we created a parking lot, we captured the issues and I'll show you some of those issues that we are hopefully looking at over this next year, a subset of your concerns and issues on the SMA area.

July 27th at Christmas time we had our flooding events in South Maui including Maalaea on December 21st through the 26th, then we had our second event on January 12th and 13th, hitting basically the same area and increasing the impacts to some new areas between these two storms and right in between on January 11th, right before the second storm we did have a short presentation on the impact of flooding to South Kihei at Christmas time and had a very nice presentation by Director David Goode on some of the, the projects and strategies that Public Works is putting in place and I think Director Goode will address some of those today also. So that's where we were. So the goal of both our sessions is really this is one sentence with kind of five sentence fragments here so I broke it up. Really our goal is to improve Maui island Special Management Area Rules and Regulations, to further protect, develop, and conserve our coastal resources for future generations. We want to do that within a framework of sea level rise, climate change, climate adaptation strategies relative to what makes sense here in the Hawaiian Islands while at the same time streamlining and simplifying our SMA permit process in order to minimize those impacts with a focus on South Maui. So that's kind of the goal of all of this special work we've been doing.

So again, at the July 27th session what we did is we had some parking lot issues that were identified. I have them all listed here and they are in the handout that you have. We're looking at the one in, in yellow here. The six are all identified. We are, what we did is we captured the language in that session and captured who had, whose idea that was of the Commissioners and these are the one that through our SMA and our, our mitigation strategies will be addressing. So I don't want to spend too much time on these because we have long agenda, but let's go back a little bit there. So we are tackling these first six legal and procedural issues looking at how do we change these, how do we revise the SMA Rules number one? Which ones should we change? Which ones are desirable for change? So we're addressing that. We have multi jurisdictional issues between the State and the County. At the shoreline, on January 24th, we met with the Director of DLNR, Office of Conservation Coastal Lands and Chairman Starr was there, we had about 25 people to deal with the, the multi jurisdictional issue at the shoreline. We're proceeding in that direction. Looking at insurance issues for project valuation for projects with coastal damages we'll, we'll tackle that. Number five, looking at Lanai and Molokai Rules. We certainly will incorporate some of the new initiatives from Molokai. Look at those and bring them here into the Maui SMA Rule changes. And six, explore a working group for the SMA rule revision project and that's what we hope to do.

The second set, we're dealing with reef and sand issues. These are more research oriented, long term data collection. They are less rule oriented so we're not taking these on as our low hanging fruit over the next year, but certainly they are on our radar screen to minimize damage and impacts

on the coral reef which is extremely to the coastal zone for sure. Next slide.

Enforcement issues. We're not directly planning on tackling these but, you know, again enforcement for degradation of the reef, creating a – looking at how we can improve our enforcement. We're not directly going to address those in this session here. Next.

Runoff, erosion these are both Title 15 and 16 with under the purview of Public Works. These three topics we do hope to look at and address. The sea level rise is not reflected in our new Shoreline Atlas Erosion ...(inaudible)... maps prepared by U of H. And some of our erosion may be underestimated. We, we will be addressing that, looking at that, we're looking at that right now through Tara Owens and our team. The scope of Title 15 and 16 are not well understood. Looking at nutrient loads, non point source pollution, can we control some of that. I think that will be some of our discussion today in collaboration between Planning and Public Works and there's no, currently no mechanism for interaction with Title 15 and 16 revisions to the update of the drainage regulations and we do – there is a subcommittee dealing with some of that, and so there is a, a process in place.

Next, and then the SMA changes to the really these are Coastal Zone Management oriented issues. Changing exemptions for single family dwellings, shoreline access and then SMA boundaries, we're not directly dealing with them today, but we are dealing with five of those. So we have a subset of what we're doing. Certainly, a lot of those are important.

I'll just take three or four more minutes just to orient you to the flood event of December 21st through the 26th and January 12th through 13th. Credit goes to Mike Napier of our GIS Section for taking the

DFIRM showing some of the, some of the inset maps, photographs by Anna Benesovska, Tara Owens, Bob Richardson and Kevin Olsen. So these are none of my photos.

This is Kulanihakoi Gulch and Kaunалу Stream makai by Maui Lu. Next slide, I'll go through these quickly. This is going from south to north, Kamaole Beach Park II, this is far south as we're gonna get. There are two arrows there showing where the flood impacts were and this was, this is from the recent storm, the January storm not the, the first storm. Anna, next slide. This shows the DFIRM and then this was all mauka flooding this is Kamaole Beach II that shows the, the scour out of the dune at the lifeguard tower at Kamaole II. In the background here is Moose McGillycuddy's I do believe if you know where this small shopping center is. Next slide, maybe you want to hit the lights right over there, I just wanna just dim it a little bit. This is similar the scour, it gets maybe 10, 12 feet deep right there. We have an emergency permit with some good beach quality sand Planning and Public Works with the Kihei Community Association are working to fill in this, this hazardous situation right here. This is our poster child slide from that first event here of Kamaole II, the runoff in the waves.

Moving up to Kamaole I, this shows the DFIRM, the flood hazard area. This is by Maui Coast Hotel, Kamaole Beach Park I and it shows you some of the runoff that we experienced again during the second storm events that we did not look at the first one. Anna, next. This is the gulch that runs through, through some of these property here, properties here, you can see where the dune was compromised and washed out. This big concrete slab has always been here. This is

a World War II road that came through here. We think we – well, definitely know, we've, we've uncovered some of the other World War II artifacts, part of the road in here in this dune and keep an eye on this palm tree right here, it has a checkered past history. It's a bad angle here but I'll show you. So we had a lot of debris blow out, the whole dune blew out here. Next slide, Anna.

So here you can see the kink in that palm tree and this is the area where we'll look at the part of this road. So at some point in the past, maybe the 100-year storm, I'm speculating but this road was there in World War II, a big slab got blown out to this point. It's always been here on the beach. And were uncovered other slab here. But you can see this kink right here, well at some point, you know, if we plant – any geologist will tell you if you plant a coconut palm or any local will tell you, it will grow straight up, right? Well, at some point, it got compromised right here at the center of the circle, it fell to the side and it has this kink. So probably the last same event that occurred through this gulch was at that, was at that kink in time. So if we can estimate how long it took to grow this upper two-thirds of that palm tree right there, that gives us an indication of this repeat event coming through this, this channel right here. So this palm tree has been compromised a little bit again, so over the next three, four years right at the gulch, let's see if this thing has another kink in it up at the top, a minor kink but it should have another...(inaudible)... So that's kind of a little index fossil kind of indicator there. And then this is the part of the road that actually has been undermined and is quite exposed from World War II.

Up to the Maui Lu area, we looked at this last time. This is the large, the DFIRM, large 100-year flood plain in this area. Go ahead, Anna. This is back in July when we had this beautiful dune system with the wetlands right in front of it. To the left is South Kihei Road. Zoom in on the dune, the next slide here, and then this dune was entirely taken out by this, these events. That's the old dune right here, everything was taken out. Just flip through a few more slides here. This is looking mauka. This, what you can see we have an emergency permit, we're working with Public Works to reinforce, reconstruct across Kaunalu Stream here. It's a very old culvert. You can see the, the riprap underneath the road has been washed out, the Jersey barriers were washed out. It was – and there's quite a bit of mud and debris from upcountry, and then the next couple slides here this is looking into the ocean same spot and this is before it gets across South Kihei Road, the clogging of the culverts. Next slide, this is the debris left on the beach from the second storm. Looking a little farther to the south, go ahead, on the same beach. This is within the fishpond. You can see the muck and the debris that was deposited in the fishpond right by the Humpback Whale Sanctuary area. So that's, that's the introduction.

We'll get on – Tara has just a couple slides on the update of projects. We'll have comments by Rob Parsons, Will Spence and then get onto comments by David Goode and Anna Benesovska. May I move on with the agenda, Chairman?

Chair Starr: Yeah, please proceed.

Mr. Buika: Thank you. Tara Owens with the U.H. Sea Grant Program here on Maui supporting the Planning Department and other, Parks and Rec, Public Works and Environmental Management.

Chair Starr: Welcome, Tara.

Ms. Tara Owens: Thank you, Jim. Thank you, Commissioners. Good afternoon. So as Jim mentioned we've, we've been working together to chart the way forward on some of the priority issues that surfaced at our meeting in July with this Commission. So I have just a few updates that will go pretty quickly hopefully.

So most of my updates are, are focused on a granted funded initiatives and obviously we seek opportunities that are appropriate or fit in with some of these priority areas where we want to be working. So this is, this is one grant proposal that we have submitted. It's a small grant. It would be a one to two-year project. It would be through the, through funding from the NOAA Coastal Storms Program and the idea here was last year when we had the tsunami scare, we had Jim, we had Mike Napier from the Planning Department sitting down in the EOC, they were our Department of Planning points of contact for the Emergency Operations Center, and they were going through this exercise of thinking about what will happen, what will be the Planning Department's role and responsibility after this event. Not in terms of the immediate emergency response but the post disaster recovery period. Where in theory could have to do some redevelopment activity. And so we started thinking about there might be a little bit of a gap here in terms of a formal planning process. And so, we, we talked about that at the last Commission special session and decided that it might be a good idea to work on putting some formal plans in place. So we've put in some funding, the idea here just kind of staying at a high level as to maybe create a working group of key County partners and stakeholders to look at post disaster recovery planning, understand and scope the responsibilities of different departments, Planning, Parks, Public Works and then identify policies, plans, procedures and even permitting rules that we might want to have in place prior to a disaster specific to post disaster recovery, rebuilding, and protection of coastal resources.

One of the other grant opportunities we've been pursuing relates to planning for future conditions like sea level rise. We put in a grant proposal for another, a small grant, for a one-year project to the Sea Grant Law Center. We're hoping to hear back on this, this grant proposal any day whether we got funded or not. The idea here is to look at adaptive management. Maybe create a framework where we can acknowledge the scientific uncertainty about the future but also continually incorporate the new scientific research that becomes available to us. So the idea is to understand the capabilities and limitations of our existing regulatory framework in the context of sea level rise or climate adaptation and explore the feasibility of implementing adaptation strategies for sea level rise. Adaptation strategies could be anything like water retention and removal. Talking about, you know, the flooding events, we've, we've recently experienced and how occurrences like that might be more frequent in the future. You know, looking at our setbacks and assessing whether they're sufficient or, or not. Building design, things like that.

And another thing that we have in the very near future is the NOAA Pacific Services Center which is located on Oahu is, has just finished developing a Coastal Climate Adaptation Training and they're going to come to this island and offer that training to us and it will be focused on local resource managers and planners. So if any of you in this room are interested, and it would seem appropriate, Jim and I will be putting together a list of potential attendees for that ... soon and that will be in April.

Okay, so one of the projects we mentioned in the last meeting in July was the Shoreline Change Atlas that exists here in Maui and we talked about the updates that are coming. The – according

to the SMA Rules, the County is, is to acquire a base for the Shoreline Change Maps every ten years if funding is available. And the U. H. Coastal Geology group who developed the initial maps has been commissioned this past year to update the maps for Maui County. And I'm gonna quickly go through just quickly the methods for creating or arriving at the shoreline change rates that are available on those maps and the reason is because – I have some animations here, but the method has some implications for what might be some changes we might see on the maps that are, are being made available to us right now.

Okay, so the way the maps are created. First the plane flies along the coast. It collects both aerial photography and LIDAR-based elevation data. We take the aerial photographs, the red cross hairs are essentially GPS control points so we can georeference those photographs, tie them together into a mosaic and then use the elevation data to further orthorectify the photos. So now they're corrected in X, Y, and Z positions.

Once we have the modern data, georeferenced, orthorectified, and mosaic, we can tie past historical photos to those modern photos so now we can georeference those as well. So we're, we're taking those photos and assigning real global space to them. And then at that point, we georeference the shoreline. So in our case, in Hawaii, we're using the toe of the beach as the shoreline change reference feature. So this is a portion of a aerial photo mosaic. The red line is the modern shoreline. And then we also identify the historic shoreline. Our last map series was completed in 1997 and we have a photo set from 2007 now that we're using to update that map series. So we could have historical shorelines anywhere from the early 1900's up to 2007 depending on which specific area we're looking at. Transects are drawn every 20 meters along the coast and that's the positions where we determine the shoreline change rate based on the movement of the shoreline over time. And essentially this is, this is an example of what would be done at a single transect. So you look at the X axis is the time, the Y axis is the position of the shoreline, so you can look at the change and the position of the shoreline over time, the red cross hairs are the shoreline position. We also have uncertainties associated with the shoreline position. Those uncertainties are based on factors that go into the mapping process. Can also be based on the seasonality, the seasonal changes of the shoreline and those uncertainties are used to weight the positions of the shoreline when we do the linear regression and we then apply a linear regression to these shoreline positions and the slope of that line is what determines the shoreline change rate. In this case, we have an erosion rate of 1.2 plus or minus .3 feet per year.

Now we're getting updated maps for, for the three areas where we formerly had maps, south shore, west side and north shore. The difference in the new maps versus the old ones it lies in the methodology. They're – in the, in the other, the former maps, there was a process of eliminating shoreline positions that were viewed as outliers and those are no longer being eliminated and so what can happen because of that is there are areas where potentially the setback, the effective shoreline setback is based on the erosion rate may be moving either mauka or makai based on, based on the changes in the methodology. So these maps are in draft format. We only have them in the Planning Department available for Kihei at this time and eventually, they will be brought before the Commission to vote on I believe, before they go into effect and for public use. So we can talk about this in much greater detail later.

So just, just based on the updated maps for Kihei here's some quick statistics. We have a

thousand, over a thousand transects which equates to about 20 kilometers or somewhere around 12 miles for Kihei. Beach loss since the earliest time period has been about 11 percent or 2.1 kilometers. We see a long term average erosion rate of .13 plus or minus .01 meters per year with 83 percent of the shoreline being erosional and 16 percent being stable. And on the short term, looking at the 1940's data onward, we see an erosion rate of .12 very similar to the long term rate, meters per year with 77 percent erosional area and 20 percent stable.

In addition to that, everywhere we're receiving shoreline maps we're also getting sea level rise vulnerability maps. So this is an example of one for the Halama Street area. And this particular map here, I know you can't read the scale and see what the colors indicate but the light green is a sea level of rise of plus 25 centimeters up to the red representing plus one meter of sea level rise, one meter being about three, just over three feet. So we're gonna have similar maps for everywhere we have shoreline change maps, so south shore, west side, north shore and hopefully this will lead us to being able to look at some of the areas that might be most at risk in the future.

Those are the updates I have, any questions?

Chair Starr: Commissioner Mardfin?

Mr. Mardfin: Are you, are you measuring the shoreline based on the water's edge or are you measuring the shoreline based, I think we saw one thing where you were actually measuring out in the water at a certain depth where the beach went down – I'm describing this wrong.

Ms. Owens: That's right. Here in Hawaii – well, I know exactly what you're asking. I mentioned the shoreline change reference feature is the beach toe. So that's a feature that's really just at sea level. Can be below water. When you walk out down the beach and you walk into the water, there's usually a little scarp right when you get into the water, that's the toe of the beach, and that's what we digitized because it's easy to identify for Hawaiian beaches on aerial photos.

Mr. Mardfin: So you're measuring the toe not where the beach is which would depend on high tide or low tide?

Ms. Owens: That's right.

Mr. Mardfin: And the toe is constant --

Ms. Owens: That's right.

Mr. Mardfin: – regardless of the tide?

Ms. Owens: The toe approximates sea level.

Mr. Mardfin: More or less.

Ms. Owens: More or less.

Mr. Mardfin: Thank you.

Chair Starr: Could explain how the adding the outliers in – on the transects, what, what effect it's having?

Ms. Owens: Sure. I didn't bring a very good example to show here because in this particular case there really are no outliers, but you can imagine if any one of those red cross hairs was well outside of the envelope of the others it would create a change in the slope of that blue line and that blue line is the effective rate of erosion and so, whether you keep those outliers or eliminate them will effectively change the slope of that line and when you change the slope of the line, you change the erosion rate. When you change the erosion rate, you change the setback distance.

Chair Starr: Commissioner Mardfin.

Mr. Mardfin: I'd like to follow up on that. In your first study – the original study you eliminated the outliers and now you're not. Are you looking at the outliers and trying – you're not really looking at the outliers and trying to decide whether they really are outliers or whether they're –you're treating them as real data at this point which increases your sample size and therefore, should narrow the thing but if they're outliers they're actually going to increase the error.

Ms. Owens: Right.

Mr. Mardfin: Measured error.

Ms. Owens: That's true. The, the error – well, we can talk about the error of the individual points and then we can talk about the uncertainty related – the ...(inaudible)... around the regression itself. The reason, the reason the methodology has changed is that the scientists, I mean, this has basically become over time and there's been an evolution of accepted practices in the scientific community related to looking at shoreline change rates. I don't really want to get too far into the ...(inaudible)... of this today because we can come back and talk to you about this and the reasons behind it. But, it, it basically within the Federal government, the USGS is the Federal agency that's most responsible for this. There's been agreement that including all the points possible in the linear aggression produces the best results for various reasons. So, that is the reason that the U. H. Coastal Geology group has chosen to go forward with this new methodology.

Mr. Mardfin: When you find outliers do they all tend to be from the same year or are they scattered across years?

Ms. Owens: It, it depends on the area. Sometimes the outliers can be related to the use of the early 1900 shorelines which come from NOAA T-sheets which are very historical maps and can sometimes be georeferenced with very little accuracy but sometimes have problems based on historical datums. It can also be related to seasons. You know, if your aerial photo is one snapshot in time and you happen to capture that snapshot in time where there was big erosional event that can create a situation where you have an outlier. So there are various reasons for that.

Mr. Mardfin: Thank you.

Chair Starr: One other question. I understand that there was a, that a lot of Maui was flown about a year and a half ago or so. What's the latest data that's being used and is the latest data that was flown not being excluded for some reason?

Ms. Owens: That's a question I can't answer. I know that it is 2007 is the most recent data that is being used. I'm not sure if the Coastal Geology group knew about the most recent data or –

Chair Starr: That may be – it may be 2007 come to think about it. Okay, thank you.

Mr. Buika: And now we have, I'd like to introduce Rob Parsons to – from the Mayor's Office to present a couple, and it's on some of their initiatives and his role in protecting the environment. Rob Parsons. Rob?

Chair Starr: Rob? Mr. Parsons? Welcome Rob, please? We'll do that. We'll probably take a break after the next module.

Mr. Rob Parson: Aloha, Chair, Commissioners. I'm grateful for the opportunity to address you today and I also thank you for your greater service to the Maui community and thanks to Jim for making a few minutes here on the agenda for me to share my role and they Mayor's Office role as it relates to the topic at hand, coastal issues and SMA planning. I'm, I'm on for five weeks into the position of Maui County Environmental Coordinator here. However, I have a previous stint from 2003 to 2007 to draw upon and I'd like to share just a, perhaps a few minutes to acquaint you as much as I can with role that I expect to be undertaking this year and how it relates to the topic today.

I, I did work quite a bit with Jim's predecessor, the SMA Coastal Planner and also with Tara's predecessor on a number of coastal issues. And I really envision my role from the Mayor's Office as one that is just connecting the dots and facilitating better communication and collaboration with a number of groups and agencies within the County and with State and Federal agencies as well. So it's kind of a connect, connect the dots and then you see the big picture type of scenario is how I envision how we can be most effective here.

Last time around I worked with watershed partnerships which obviously ultimately end up in the ocean, with alien invasive groups, both on land and in the water, conservation groups, Sierra Club, Maui Tomorrow, Kahea, Maui Coastal Land Trust, with a number of Maui County agencies and groups, I would say Parks and Public Works and Planning and our Public Information Officer are among those that we work with the most, and also some kind of satellite groups, everything from community workday on beach cleanups to Pacific Biodiesel, the Maui Outdoor Circle, so a wide cross section, and then also State agencies.

We met on a monthly basis the Maui Division Chiefs with DLNR. That was very fruitful and productive relationship in sharing State and County agencies and making sure that we could be on the same page well in advance of issues rather than when, when things reach crisis. Also have worked with Federal agencies everything from EPA to the Whale Sanctuary at the – the NOAA folks, who were among those most impacted by the recent floods and I had, I had just visited there before the last January event and so I got a real before and after, the kinds of impacts that they

were subjected to and also parks, the adjacent park, Kalepolepo Park has a rather large sink hole in it and I don't know to what detail those matters will be discussed to here, but I, I bring that up because as Tara mentioned there are efforts underway with Emergency SMA Permits and with coordination with Planning and Public Works and Parks to bring some beach quality sand to improve two parks that suffered quite a bit from the storm, Kalepolepo and Kamaole II.

Now back around 2004, the County launched into an effort to identify beach quality sand and this culminated in the Maui Inland Sand Resource Quantification Study which was published and transmitted to Council in 2006. This report estimated that after studying the inland reserves on Maui that are not already impacted by development that there, there could be in the neighborhood of five to seven years of sand to be utilized at the present rates of excavation and exportation to neighbor islands. With this knowledge that we had perhaps a limited number of years, one of the things that happened is we, we looked to stockpile some sand for exactly this type of situation. And as a result of an SMA penalty that came before this planning commission for a coastal, for a structure in the coastal area, the fine went to a purchase order of sand through Ameron and so we found that when we had this emergency need to repair Kamaole II and Kalepolepo we had essentially sand in the bank for this purposes, so we're going through the paperwork and hope, hope to make those repairs very shortly. I can't tell you if it's what day or what week, but it's, it's eminent. So this is the kind of forward looking project that I, that I hope our office can help facilitate in collaboration with you and, and as you identify some of the potential concerns or questions that Jim showed you earlier if there are ways that the Mayor's Office can assist and direct the administration to assist you, please let us know how, how we can serve.

I also anticipate that we will be taking a close look at the coastal issue relating to Public Works – or pardon me, the Department of Environmental Management has just released or published a Environmental Assessment Prep Notice for the Wailuku-Kahului Wastewater Reclamation Shoreline Protection Extension. Essentially what they're proposing is at the Kahului wastewater facility extending the existing rock revetment because of high erosion in that area and this is kind of a temporary fix but a necessary fix and this study, I think we all need to look at it together to look at the implications. It sort of has two components proposed. One would be to add rocks, and the other would be to add sand. And we know that coastal processes tell us that usually when you put a hardened structure like rocks on a shoreline it will hold the shoreline but at the expense of adjacent beaches sometimes. So it's looking – with that understanding to incorporate the possibility of adding some sand as well. So unless you have any questions, we'll leave it at that. I know we've got a ambitious agenda for you, and thank you again for the time.

Chair Starr: Okay, Members, questions for Mr. Parsons? I, I have two, Mr. Parsons. First of all, is there going to be any attempt to update the Sand Quantification Study and to try to limit the export of sand and stockpile more sand for replenishment uses?

Mr. Parsons: I hope so. There are no current plans. We had to identify funds to, to do so last time. It wasn't a lot of funds, but I, I will work with, with Jim and Tara and others to, to see if we can answer that question with a yes.

Chair Starr: Maybe ...(inaudible)... for the Administration to look at, and you also mentioned the, the prep notice for the hardening at the wastewater treatment plant. Will you be, will, will that be

transmitted to the Commission and the Commission asked for comments? I understand this is one of those 343 documents where the Department of Environmental Management is the applicant, is preparing the document and is the accepting agency. It would be perhaps not a bad idea for this body as well as other bodies to be asked for input.

Mr. Parsons: Great. I can ask the Director to transmit a copy to the Commission for that purpose.

Chair Starr: Thank you.

Mr. Parsons: Be happy to.

Chair Starr: Commissioner Mardfin.

Mr. Mardfin: I heard your answer to the Chairman's question, but I didn't hear the part about are we doing anything to deter the exportation of sand from Maui.

Mr. Parsons: Well, I, I can tell you that when this was transmitted to the Council back in 2006, the transmittal included a request by the Mayor that the Council consider a moratorium on exports at that time given the gravity of a limited number of years and the high rate of exportation went anywhere from 60 to 90 barges a year leaving Maui. So sand, so the sand could be utilized for concrete making on Oahu. Council did not choose to enact a moratorium at that time. The Planning Commission subsequent to that had a SUP approval for Hawaiian Cement which is one of two companies that is mining sand for this purpose and passed it with some conditions. So we haven't really enacted any slowdown measures, and I think it's a excellent suggestion from your Chair that we reassess what we have and see if what we estimated six years – or five and a half years ago is on track now. Thank you.

Chair Starr: Okay, thank you very much, Mr. Parsons, appreciate it and appreciate the good work. We're gonna take a recess. We'll be back at 25 after.

A recess was called at 3:15 p.m., and the meeting was reconvened at 3:27 p.m.

Chair Starr: Okay everyone. Like to thank everyone for their perseverance here. We are going to proceed with our workshop portion of the Maui Planning Commission meeting. Mr. Jim Buika, please introduce our next module here?

Mr. Buika: This is a reversal huh? I'd like to introduce our Director of Planning Department, Will Spence to, I have one slide here, Directives to Streamline SMA Rules and to Partner with Public Works. Turn it over to Will.

Chair Starr: Director. Why don't you go switch with Jim?

Mr. Spence: Oh, I can speak from here.

Chair Starr: Okay.

Mr. Spence: Thank you, Jim for introducing me. That is novel. So Commissioners just, in, in the context of this workshop where we're discussing flooding items and stuff, we will be looking at streamlining your SMA Rules and permitting I think and it will – okay, staff has listed four items here. Independently we're going to be looking at streamlining priority, prioritizing changes to the SMA Rules. We're also going to be receiving some assistance from the U. H. Sea Grant Program.

We'll be working with Public Works with regards to permitting and, you know, how we treat drainage issues and whatnot. And then it's, you know, the rest of the permitting process that within the SMA. I think the thing for the Commission is to understand is we – this Department takes the Coastal Zone Management Area very seriously and when we talk about streamlining, we're talking about making the permitting process more sure, reducing the amount of the time that it takes for an applicant to come in and obtain permits, but I think like I previously answered Commissioner Mardfin's comment on do we need – and as a for instance, do we need standard conditions to assure that everybody is, you know, paying their flood zone insurance? You know, do we need to add conditions for these kinds of things? So many of the things that we do are already built into the Code. I think so many of the, so many of things that this Commission discusses with regard to drainage with regard to, I don't know, visuals, whatever, we can, we can build those things into the Code so they are perhaps more automatic as, as a project proceeds through the process it would definitely – if instead of negotiating here and having contested cases here with the Commission and what takes all that time are those uncertainties. We can make those things more ... (inaudible) ... build the environmental protections into the permitting process, I think that it benefits everybody on the island as far as, you know, streamlining permitting, getting product onto the market whether it's affordable housing or improving our economy all while not, certainly while not sacrificing any environmental protection. So it will be – you know, the Planning Department and Public Works will be coming forward to the Commission with various measures and amendments to rules reaching towards this kind of goal.

Chair Starr: Thank you, Director. I'd like to speak to that really briefly too because there's been some discussions among staff and with the Staff. I think that, you know, it's a good thing if we can not have to deal with the same discussion every time. And where it's pretty much standardized, I know, for one, have been appreciating the process where we instead of us looking at every item that the Director may be able to deal with, instead in certain areas for us to look at whether we pass it onto the Director or whether, whether we review it the way we have in a number of areas like we did earlier today with a – you know, whether it's a time extension or on. You know, those are kind of the mundane things. Drainage is something we've spent a lot of time on and it's important, but I think we spent a lot of time on it because we don't feel that, that Title 13, 16, 19 Rules are sufficient to protect the shoreline since we're the guardians of the shoreline we have to strengthen something that is in the rules and I understand Public Works is working on, on those titles and perhaps if their standard is, is the type of thing that we want to, we want to see in making sure that the runoff is retained to a much larger extent on site and what does not get retained gets filtered then we don't have to deal with and the Staff doesn't have to deal with it and it's a lot easier. So I, I applaud those efforts and hope that we end up with a process that's more transparent, that's simpler for people to, to plan for and abide by and simplifies us to where we can deal more with process rather than day to day approvals. Commissioner Mardfin?

Mr. Mardfin: I, I support what you have just said. I also support what the Director said about I'd

have no problem with streamlining to make it more certain for the developer, less time consuming, more automatic, but I also like what you said at the end, it should not weaken the environmental protections. If anything, it should strengthen the environmental protections.

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

Mr. Mardfin: And as long as that's the concern, I'm fine with it. The particulars I was raising about the – when I talking about making a standard condition that they not enclose, has to do with enforcement in effect because we, we were faced with a couple of things. We had an issue a couple of weeks ago where somebody was supposed to have recorded a deed restriction and it didn't seem to have happened. That's an enforcement issue in a sense, and those are the kinds of things that make at least me, I'm only speaking for myself, but makes me want to look at things and make sure things are done right. Now if those kinds of recordations are automatically taken care in some fashion then, then I feel better about it. If I know that they're going to adhere to no subdividing rules and I'm feeling better about it, dealing with an issue we had earlier today, it's when it looks like people are coming in here, and I'm not referring to a particular case now, but if it looks like people are coming in here with, well, we'll say this now and later on we're going to do something else, that – and sometimes we spot them. I can think of a couple of cases, no mention today, that's when we, we have to be – hold their feet to the fire I think and make sure things are done right.

Mr. Spence: And, and just for the comment for the Department, a lot of the things that you deal were in reference, you know, something wasn't recorded, that was almost a decade ago. The current practices of this Department are a lot more stringent with regards to the preliminary compliance report and the final compliance report. If, if we were to go ten years from now, at a very similar commission meeting, you wouldn't be seeing any of the things that you're seeing today.

Mr. Mardfin: Thank you. And I hope that ten years from now when I'm reading the newspaper from my place in Hana, I can look and see that those things were taken care of. Thank you.

Chair Starr: And I think everyone is, is feeling that we need to look forward and not go hunt the sins of the past. But I would like to invite all, all Commission Members as well as Staff and even people outside the department to participate in this process. If you have an idea, if you have an area where you feel that that we can improve our process and the best one to where we can both streamline and improve the quality, the environmental quality that results for it, please bring it forward. I know Jim's the keeper of the parking lot, you know, let's, let's all try to get the best ideas we can. Mr. Buika, please proceed.

Mr. Buika: Thank you, Chairman Starr. Just before I introduce Director David Goode from Public Works for this next session to talk about Kihei flooding and mitigation strategies, I know speaking for the Coastal Zone Management Program we're very, very happy to have Director Spence and also Rob Parsons on board because of their extreme detailed knowledge of the SMA process, their past experience and both of them are focused on this so it's a great advantage to the Commission, and, and to all of us to have their experience and expertise and emphasis on this topic. So we have two final, final sessions where we'd like to have some discussion with the Commissioners. I'd like to introduce Director David Goode from Public Works for this next session.

Chair Starr: Thank you very much, Mr. Goode and Ms. Andaya for being here with us today.

Mr. David Goode: Thank you, Mr. Buika. Chair Starr, Members of the Commission, my name is David Goode. I'm the Director of the Department of Public Works. Thanks for inviting me, inviting our department to participate today. Had an opportunity to talk to the Commission my first week on the job about a month ago, and basically said, let's do this and so I'm glad we've had the opportunity to do that. Didn't realize at the time I spoke, the next day would flood so let's hope that wasn't a precedent, but that was just a, an outlying event.

I did have a handout of the presentation today, so I expect everyone should have a copy of that handout. And next slide. And so this actually from Mr. Buika's handout, we want to talk about specific impacts that happen and runoff to Kihei. We're not focused on Lahaina today or Central Maui, but specifically Kihei. Want to talk about some of the solutions that we're looking at. As you know, the Department of Public Works is charged with drainage, and the protection of building, maintaining of drainageways throughout the County of Maui. We'll look at some possible solutions and ideas within the Planning Commission that you can utilize through your SMA permits or change in zoning review that you do.

The worst hit areas obviously were the north portion of Kihei, basically from Suda Store down through Lipoa. Obviously there were impacts south of there but the majority of the impacts that we had to deal within our department were in the area I just described as well as Maalaea. In fact, on that note I want to thank the Department, thank Will, Michele for working with us to immediately rectify those problems. Hauole Street, the flood happened on the 13th, it was done, it was done on the 22nd I think it was. We just finished the shoulder improvements at Kulanihakoi, some of the areas you saw earlier which I'm mostly going to talk about, we finished that yesterday. So I want to thank the Department for working with us on that repair.

And obviously there was a lot more silt than I think everyone's seen in the past. That was basically the overriding comment I heard the most, and I think a lot of you folks heard that as well. I think clearly there's impacts to the ocean, on the near shore environment. We don't know yet about any long term impacts, but we know that the near shore environment always has silt. I mean, that's a regularly occurring geological event. But this time, we had way more silt, and so what those impacts are yet, we don't totally know, but of course, we hope they're not significant. Next slide.

So looking at the, you know, let's look at the big picture, okay, where's all this water coming from? If you don't know where the water's coming from, where it's going, it's hard to make, you know, the necessary improvements. We have a drainage master plan, actually there was a master plan for Kihei that was done about 20 years ago identified a series of improvements and the type of system that's going to be needed to be installed in Kihei. As I mentioned, it's 20 years ago, it's in need of updating. Council appropriated funds to the department probably two years ago, those funds were encumbered with a contract to RM Towell, and they've started a draft drainage master plan that's not even 50 percent done I'd say at this point but I am going to be referencing some numbers and figures from that, from that document, but it does incorporate, you know, everything that's in the ground now. It's also taking a lot at what's coming down so that we can make recommendations and plan for improvements. There's a Corp of Engineers study which I'll, I'll touch on and then some specific projects that have already been identified that need to, that need to happen, some

of which were going to be impacting these areas that were really flooded.

This is a, a map of the south side of Maui heading up to the ridge of Haleakala. These are the drainage basins that flood down to Kihei and when I first saw this map as part of the drainage master plan I said, this is the map that I need to get my hands on and show you folks because these – like this ridge right here is the southwest ridge of Haleakala and this drainage area is a Waiakoa. So it starts on the ridge of the mountain and goes all the way down to Suda Store. This one is Kulanihakoi. Starts at the same ridge and goes down to Kalepolepo and Kaonoulu Stream. That is about 10,000 acres. That's the largest of them all. This is Waipuilani and we know some of the impacts down at the condos, in fact I'm meeting with these folks afterwards down at the Luana Kai and Villa by the Sea, I think that one's about 7,000 acres. Goes out through that little bridge under the road, under the highway and empties down here. This one I think was called Keokea and again, it's rather large and then they get smaller as you get farther south and ...(inaudible)... surprised that we had less impacts here whether it was less rain or just smaller drainage basins or the fact that when you get to South Kihei Road generally there's ...(inaudible).. and the water doesn't spread out as far.

So we're going to talk about Kulanihakoi, and you've already seen some slides today, and it's just coincidental, we didn't coordinate this, but that's where the majority of the impacts were. And right here is actually a protea farm that a friend of mine owns. And I saw him the other day and he showed me his I Phone and he said, oh you gotta see these slides or these videos I got from the storm, and said, great. I'm doing a presentation – I've been able to piece together some videos, it's wonderful being able to have access to this type of media quickly. He's in the same drainage area as Kulanihakoi. As you looker deeper into this particular area of Kulanihakoi you can see that the drainage basins are actually subdivided into even smaller basins and so while the majority of the stream flow comes through here, there's other areas that are smaller but still contribute a fair amount of water. Next. And so you can see that in this one here, there's 263 cubic feet per second, this is the 100-year storm estimate, but the major one here is 14,148 cubic feet per second, it comes down Kaonoulu Stream and empties out at Kulanihakoi, whatever you want to call it, same thing, it comes out down here, and then there's another one here at 483 cubic feet per second. So part of this drainage master plan is to identify each one of these basins, sub basin, the amount of flow and what's currently there and is it adequate or not. Go to the next one.

So looking at Kulanihakoi, actually there was another little event on December 10th and it flowed under nicely. There's not much capacity under this road as we all know, but that particular event it was flowing, it was a good enough day to take the bus over it. On the 4th, after this event and after the one around Christmas, day after Christmas I think it was, we had a much bigger area, road was still intact, you can see our little culverts under here, and then of course, by the 13th, that's when we had our big storm, if you can click just on that slide itself? Yeah, this is, this was the river that was going through that area. ...(inaudible)... second clip on here, but that gives you an idea and that was taken maybe seven or eight in the morning, so that wasn't the worst time. That was after the peak. And the of course, by the 14th, the next day, that's what we had to deal with and this is the area just to the south of that particular stream. It took us a few days to clean it all up, and obviously there was a lot of silt. Next slide. Can you click on each one of these? One then the other?

This is the protea farm, this is up by Kula Highway, and he's been on this property for a long time. He's seen a number of floods and he said, Dave what happened here was really unusual. I heard it happening all night, I got up in the morning, I checked my rain gauge, I got six inches in nine hours. So that's when he went to sleep, the time he checked it, in nine hours he got six inches of rain and said, what was really unusual was when went out and took these videos it just smelled like there dirt. He's a farmer, he knows what dirt smells like, the whole air smelled like dirt. It was because there was so much silt in this. And I said, what was going on? And he said, well he goes we're directly the burn area, the area of the burn at Polipoli a few years ago isn't fully revegetated yet and there's a lot of effort that's been going on there but it's thousands of acres and he said, that's Polipoli going through my fields there. I said, oh that's really interesting because that continue to come down. So if you had six inches and I don't know what that whole basin had, but it probably had between three and six inches over 10,000 acres. Okay, it's only place for that water to come down especially because the ground was somewhat wet already from a couple weeks earlier having a pretty decent rain.

So with again, back to our drainage master plan we'll be identifying projects such as basins, culvert upgrades, bridges where possible, basins such as the Hauole Street area which in Maalaea, is a project we've already designed. It's ready to go out for construction. I will be trying to get into this FY -'12 budget and moving it up a year. And so, I assume the Mayor's going to put that in the budget and it will be before the Council. So if any of you area so inclined to testify in favor of that project, we'd appreciate it. But that would include a basin in front of that area, in the current – taking out a portion of HC&S's fields there and there's also a row of kiawes. But by having the basin there, it will have an opportunity for the flows to start to settle out a little bit, you know, release some of the silts, then go through a culvert that's adequately sized, even bigger than the temporary one we put in, and move that water out.

And then, another project that we've already identified is that Kulanihakoi bridge –not a bridge now, is to make it more like bridge like structure and that's the one we saw where the flooding happened. We're fortunate in that area because there's really structures mauka and makai of there. So if you put it in, you're not disrupting someone's access, and basically it can be done. We'll be able to make the road slightly higher, et cetera. We do have Federal funding for that. It's been identified in the Statewide Transportation Improvement Plan for FY-'14. We just got the design funds last year and the contract's been let out. So that's a project that's just been initiated. Will eventually come before you folks, well those of you that are here because it will take a year till it gets here, and we'll need an SMA Permit. That project will help significantly in that, that particular area and will alleviate a lot of the flooding, but I don't think it can eliminate all of the flooding.

The other possibility here of course is where we can is to stabilize our soil. So whether it's in these burn areas or it's in, obviously two years of drought made it really difficult on some of the drier portions to keep any vegetation. The Corp of Engineers study as I understand it, and I'm not fully versed in it has two important aspects. One is to look at these types of efforts, but secondly, is to by involving the Corp. my understanding is we have a much better chance of when we do major retention basins, of getting Federal funding. Again, obviously you guys are talking about earmarks earlier, but if you look at West Maui, in West Maui we currently maintain eight different basins up there and we're building a couple more as part of the Lahaina flood control project. ...(inaudible)... you know those basins, I mean, they work. They were an effort of the community, the Soil and

Water Conservation District many ago to address the flooding concerns, and you know, the red dirt that got in the ocean there, it doesn't prevent all of that dirt from getting into the ocean, but they work. We're up there maintaining them constantly. There's no reason that South Maui can't start to have some of that. The difference is, if you look at the basin size of West Maui compared to the basin size here, is we're dealing with a lot more water in South Maui. And so potentially the cost of those basins could be really, really expensive. So if you build basins, you try to build dams, you try to – maybe it takes a series of small ones, those are questions that will be answered by the drainage master plan.

So the Corp of Engineers Study is actually was funded a year and a half ago, unfortunately those monies lapsed due to not necessarily lack of effort but there was questions as to whether bond funds could be used. So we submitted, Rowena submitted yesterday a request to the Budget Director to a, pay us back for the stuff we've been fixing and the overtime occurred, but get the \$100,000 back. So that is going to go to the Budget Committee hopefully before budget to get it in our budget immediately then we can start funding that study. But again, if any of you are inclined to testify on behalf of that, we'd appreciate it.

Another solution is remove structures in the flood plain. Well, you know, you don't have a flooding problem really if you don't have a structure and that is not a particularly popular solution, but it's obviously a potential solution. Wetlands enhancement is another idea that's been brought forth, and you know, of course, has a series of wetlands, had more wetlands in the past. The capacity of those wetlands to hand 14,000 cubic feet per second is not very long, but certainly has a possibility of helping to incorporate as part of our drainage solutions.

So some possible solutions that we were thinking about that you might want to incorporate is to get – protect and enlarge those wetlands. You know there is federal law if you tamper – if you do tamper, if you plan to utilize wetlands you have to mitigate that loss usually on a two to one or three to one ratio. You take out an acre, you put back two to three acres. You might want to look at something like that. What I've seen is a lot of the wetlands, the mitigated wetlands are actually better than the other wetlands because they're managed and they're utilized. The ones beside Longs in Kihei for example, is a mitigated wetland and it almost always has bird life and water levels vary. The wetlands they get overgrown with kiawe and everything else.

Consider language on the maintenance of the onsite retention areas. Discussed that a little bit already. That's currently an area that we've been discussing with our staff. It's not really covered very well in our existing ordinances. We require onsite retention. We require that, you know, have basically no net gain in runoff. The reality is, the engineers always overbuild it so you're getting at least 20 percent gain if you will of, of retaining, but how well that's maintained and how it's maintained is something that I think the Commission could take a look at.

And then some of them are more hazardous flood areas and I understand these maps are getting revised, but some of them are more hazardous areas, you know, maybe we ought to just say, you know, that's really not a smart place to put a structure because, you know, not only do we have the impacts to that particular owner but we also have, you know, the inevitable calls, say you know, cries for help, et cetera and that our concludes our presentation.

Chair Starr: Thank you very much, Mr. Goode. I think we're happy that the department is taking a proactive role in this, and you know, I think that's the best thing government can do is to try to improve things incrementally. I'd like to ask if you could get to our staff information about that line item for the Maalaea basin? And so that Commissioners, if any of them wish to go out, they'll know exactly what to, what to testify for in the budget?

Mr. Goode: Sure, as soon as the budget is published and out there, we'll do that.

Chair Starr: Yeah, make sure to let us know, and you know, I know one thing that we discussed endlessly on large projects that channelize the gulches in South Maui is – is it okay to channelize this gulch or are we building ourselves into a corner? And I'm hoping the drainage master plan will help us define that so that we don't have to try to figure it out each time but we can have a map that basically says, – tells us what areas are really sensitive in that regard. Commissioner Sablas?

Ms. Sablas: As a Kihei resident, I want to thank you for the prompt, prompt action after the flooding and minimal disruption for the community. But my question is, and it wasn't addressed is the area by the Suda, Suda Store is always a flood area and for whatever reason it wasn't badly hit this time as it normally is in the past. Is that going to be addressed? Or what happened that we didn't get that, you know, – if you look at that that's where it kind of flows, you know, the area what I'm talking about, that's usually my first concern when there's major storm like this, well don't even go there because that road usually just – you know, there's no road, but you haven't addressed that particular area. Any comments on that?

Mr. Goode: Commissioner Sablas, that area did have some impacts. We received a lot of calls actually from the Maalaea Surf is which is the condominium right there. And they thought that maybe some of the work that had been done the last few where Piilani got realigned may have changed some of the flood patterns there. We don't know yet, but clearly the master plan will look at that specific area. That Waiakoa Stream there, Waiakoa Gulch area is a prime candidate just like those other areas of South Kihei to get their culverts increase or bridge area, but that one's really difficult because you've got these condos on the makai side. And if I raise the road or try to span an area of drainage, then how are they going to get to the road? You know, going to have a elevation difference in the road. So that's going to be a tougher nut to crack to be quite honest. I'm not sure what we're gonna do there. Now it's possible that particular, in fact your concern about or noticing that it wasn't so bad maybe that particular drainage basin didn't get as much water as it had in the past. It's really hard to say.

Chair Starr: Commissioner Wakida?

Ms. Wakida: Yes, thank you, Mr. Goode for your information that you brought today. I'm, I'm interested in this flooding that occurred when there was no rain in Kihei and I'm wondering if all of your mitigation efforts are looking down in the Kihei area or are you looking up in the mountain like up where your friend's farm is for any other mitigation efforts?

Mr. Goode: Well, Ms. Wakida the plan isn't far enough along yet to identify all those, but more than likely they're going to happen. Any significant capturing of the water would more than likely happen just mauka of Kihei because you want to – if there's opportunities, up on the mountain say, yeah,

we can look at that. Most of the time what happens upcountry and I live in that area is you can have a one-inch storm, two-inch storm but it's brief enough that you get some water in the gulches but if you had the bird's eye view you'd see it go down a couple miles down the mountain and it just disappear. There's just not enough volume around the whole area to push everything down. And sometimes what happens is over the years it will build up a little pockets of silt, as these flows come down, they just peter out, they peter out so you kind of build up these silt areas. So when you ...(inaudible)... event like the Christmas Day one where it didn't rain in Kihei, it was raining like crazy upcountry. I mean, Mr. Shibuya doesn't live from me, we were probably up all night, it was pounding for hours. And so, in case in Kihei, you're at the receiving end because you're at the low point of what's happening above you. I hope I answered some of your questions, but I would expect most of the improvements would happen down towards the Kihei area.

Chair Starr: Members? Commissioner Shibuya?

Mr. Shibuya: On the master, thanks, Dave for your briefing, I really enjoyed that. Nice video, nice pictures. I did want to ask that you consider a higher elevation like Commissioner Wakida mentioned of some basins or maybe dual use type of catchment areas such as recreational areas where you could slow in basins and then overflow into a ballfields or soccer fields and things of this nature before it got into another gulch. I mean it sort of divert, change maybe that's some way in which we can disburse some of that force and that way we don't have a concentrated amount of water coming down one stream unless some alternatives are considered when you master plan. Thanks.

Mr. Goode: Yeah, thank you. We'll do that.

Chair Starr: Okay, thank you very much, Mr. Goode and Ms. Andaya. I, I feel that you've really jumped into the ...(inaudible)... and taken some good steps.

Mr. Goode: Yep, al right.

Chair Starr: I'm going to ask Mr. Buika, I know we have some more slides regarding the SMA and some recommended actions and discussion on that, and I kind of set a line at 4:00 as the time when we should get back and finish our public hearing items because we do want to take care of the public hearings which have been noticed and which people have been waiting for. So I'm going to ask and the other Members if it would okay, if we continued this on another day and take it from here next time and finish it up and move along to our public hearings, Mr. Buika?

Mr. Buika: Of course. We appreciate the time that you allotted us on this agenda and we're willing to work with you to do the final discussion on the SMA changes next time and have a discussion. Thank you.

Chair Starr: I think this was a really good, a really good process and just want to thank you for the excellence and also, Director Spence, and everyone who worked on this. Thank you.

Mr. Buika: Thank you very much.

Chair Starr: So are we ready, Director to move onto our agenda, our next agenda item which is Unity Church?

Mr. Spence: Okay, Commissioners we're going back to Item D, Public Hearings, and Number 2, under Item B is Unity Church of Maui. They are requesting a County Special Use Permit Amendment to conduct Sunday Services located in the R-3 Residential District 483 South High Street, and Gina Flammer is the staff planner.

2. UNITY CHURCH OF MAUI requesting a County Special Use Permit Amendment to conduct Sunday Services located in the R-3 Residential District at 483 South High Street, TMK: 3-5-009: 007, Wailuku, Island of Maui. (CUP 2005/0009) (G. Flammer)

Chair Starr: Ms. Flammer, please take it away.

Ms. Gina Flammer: Good afternoon. I want to thank our applicant who's been here for seven hours now. He's been very patient and kind of enthralled with the whole system here. So the property that we're talking about is Unity Church which is on High Street, most of you probably pass, many of you probably pass it on the way, it's about a quarter of a mile down on the right-hand side. The particular parcel is, has a State designation of Urban, Community Plan of Single Family Residential and it's zoned, R-2 Residential, and it's that zoning that requires us to be here today. Churches are allowed as a special use which means you guys need to approve that. So we're dealing with a permit that was issued previously. This is an amendment.

Going back to the beginning, the parcel was bought by the church in 1997, they found out that they needed a permit in 1998 and they did get a County Special Use Permit at that time. That permit did not have restrictions on when they held services. That permit did inadvertently expire in 2004. They came into the Department, the Department explained they needed to come in for a brand new permit. At that point in time they were holding services somewhere else so they didn't put it in the original request. They did come in later during the, this processing of that permit and did ask if they could do Sunday services. It was then transmitted out to agencies. So as you all know, regulations can change over time. They can either become more regulation or less. In this case, it became a little bit more. They found out when it was transmitted to agencies that they needed to meet additional requirements. Specifically they needed to get a Certificate of Occupancy for being a church and they also needed to meet parking requirements. So they also had – the neighbors also had some concerns about parking at that time. They didn't have the system that they have in place now. So the applicant withdrew their request for Sunday services. It came to Commission it was approved without the Sunday services. When they were done, they hired a consultant to help them with the Certificate of Occupancy. In 2007, they submitted the application for that. It was sent out to agencies, anybody that's interested in that process, Exhibit 8 and 9, shows where it was. It did go to Fire, Planning, Water and Health as well as some other agencies. 2009, it was granted.

The church came back into the Department and said, okay, what do we need to do. We told them you need to file an amendment which they did in 2010. Now our Code doesn't have any specific rules on how to process an amendment. So this application was treated like a new application. It was sent out to agencies for review again, as I mentioned, rules and regulations can change over

time, State DOT during this process commented that they've had drainage problems in that area of High Street, it does dip kind of low and they've had litigation in that area. They asked the applicant to capture all drainage. They had discussions later, they realized maybe they, they didn't want to do that, however, the applicant did agree to capture all drainage. They hired Stacy Otomo who will be here in a little bit if you have any questions. He did a report. He's come up with a plan, that plan, there is a condition that they do need to run it by State DOT for review and approval.

I also want to let you know that I've done multiple site visits. I came, one of them is written about in the report in June. I came on a Saturday and observed their service. At that time, you know, everything was in place, they'd implemented the monitor, they had the shuttle, didn't see any cars on the road, any traffic disruptions. I went back two weeks ago, unannounced again and observed the service. Looked the same, they had a security guard, they had a church member right there at the entrance. They were passing out little sheets of paper which I think they must do every time. I didn't see them have to actually hand it to anybody but it said we have a shuttle service please park at the County lot we will shuttle you back over. I do know they have special provisions for people with small kids or disabled, they can actually park in one of their parking stalls.

I do want to let you know, if you have any questions about any of the public or the community meetings, I was at the meeting where they did meet with the neighbor that came this morning, David Fukuoka. I was at the meeting that they held for the community where nobody came. I do want to let you know that the applicant has agreed to notify the neighbor next door. I have crafted some kind of condition which we can talk about when we get to that point.

I also want to remind you this permit's going to expire in a year from August. It's going to come back to you to review. We could have asked for more time, but I thought it would be a good opportunity to see how they were doing so I didn't put that in there. So I'm going to turn it over to Jordan Hart now who's going to do a five-minute power point presentation so you'll see photos.

Chair Starr: Mr. Hart, welcome. Take it away, it's yours.

Mr. Jordan Hart: Thank you Commissioner Starr and Members. I'm Jordan Hart from Chris Hart and Partners. I'm here to present Unity Church of Maui. So this is an amendment to an existing Special Use Permit for church uses to include Sunday worship services, and so again, the objective is to amend the existing Special Use Permit to add Sunday services.

The land area is .57 acres. It's located on High Street. There are two existing structures. The primary church structure and then a detached classroom structure constructed in 1938 and 1937. State Land Use District is Urban, Community Plan is Single Family, the zoning is R-3. This is an aerial photograph, the red square is the project location. The street to the right of the red square is High Street. This is a location map, the yellow shaded parcel is the project site. This is a tax map, it shows the Unity Church of Maui and the Hawaii Baptist Convention which is to the north of it, it's greenish but it's hard to see here. The State Land Use District Boundary Map, the red square is the parcel location it's in the Urban District. This is a Community Plan Map, Single Family. This is the project site. Unfortunately the orientation of this map is different from all the others. High Street is on the left side here. The church is in the center with the office area which is part of the same structure on the south side, the top of this map, and then the classroom structure is in the

back there in red.

Okay, so the chronology of the project site in 1998, a Special Use Permit was issued for the church. In '95, a Special Use Permit oh, sorry, in 2005, a Special Use Permit was issued for the church. In that application as we've been discussing quite a bit, Sunday services were occurring offsite so Sunday services were not permitted. In, in 2009, – well, actually sorry, in 2007, Certificate of Occupancy issued for a church and classroom, and then 2009 and 10 basically economic conditions require – that's incorrect. I believe the Certificate of Occupancy was issued in 2009. It was started in 2009 and issued in 2010, so I'm sorry about that. Basically the church was being conducted offsite and because of economic issues they need to relocate back to the High Street location.

In August – On August 21, 2009, we initially met with the Planning Department and let them know that we were planning to amend or, or we're basically doing a test run to see what they thought of an amendment. And so, that was received positively, so we completed the application and submitted in December 2009. And also, the church members walked the community and basically notified people that they were applying. And then in January of 2010, they Saturday church services were initiated. Now, January 13, 2010, Special Use Permit amendment was submitted. June 24, 2010, the Notice of Application was transmitted to the neighboring property owners with a invitation to a public meeting for neighboring owners. On July 1, 2010, a special meeting was held with neighboring property owner, David Fukuoka, who was here this morning. On July 8th, the primary – basically we, we mailed out a invitation to the public meeting with the Notice of Application. So it went to everybody within 500 feet. On July 8, 2010, the neighbor meeting held at Unity Church, after approximately seven months of operating Saturday service resulted in zero attendance from neighbors so basically there wasn't, there wasn't a big showing with any opposition. February 8, 2010 [sic], which is today, since the initiation of Saturday worship services in December of 2009, no complaints have been made to the Planning Department regarding parking or traffic issues relating to Saturday services.

On site there's 22 parking stalls. Currently approximately 75 people are attending Saturday services. This is the existing condition on the current Special Use Permit, it basically says, "that should attendance at any event be anticipated to exceed 40 persons, the applicant shall provide monitoring and shuttle services to the County parking lot in Wailuku in order to minimize the impact on surrounding residential neighborhood". So this is a photograph taken of a Saturday service and basically it's the shuttle service in action. So there's a sign and there's a van from the church. This is the sign. This is the van. These are parking monitors and I actually borrowed these photographs from the staff planner. This was part of her surprise site visit and since they were, you know, relevant and, and an unannounced site visit I thought they were perfect to add. This is the entrance to the project site. This is the rear portion of the project site that encompasses some of the back parking lot. That is the classroom structure there, and on the right, you can barely see the church structure. On the left here is the church structure and then you're looking the exit and that's in the east direction, northeast. This is the front of the church structure. The offices are on the left side, the main sanctuary is on the right, two-thirds of the structure. This is the interior of the church. This is the office facility. This is the classroom exterior and it's basically like a kindergarten preschool-ish, I mean, you can see the size of the chairs, and that's the conclusion of our presentation.

Chair Starr: Okay, thank you, Mr. Hart. Members, questions related to this project? Commissioner Shibuya?

Mr. Shibuya: I'm just wondering Mr. Hart, thank you for the presentation, I just wanted to know where the front entrance to the chapel is located and how it's related with Mr. Fukuoka's residence?

Mr. Hart: Okay. If you look on the left side, you'll see the church. On the right side, is Mr. Fukuoka's residence. There's the wall that was discussed this morning that extended part of the way of the property. Now this is looking at the church from the front. In the middle there, to the right of the portion of the structure that comes forward, there's, there's a entryway there. And then there's also a back entryway. But this is the front.

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

Mr. Hart: Basically the way, if you look at the staff report also, this is, this is functionally the front entrance. It's in the rear of the structure, but it's functionally the front entrance because basically it's where the vehicles and people can offload.

Mr. Shibuya: And then that's the image that Mr. Fukuoka would see from his house?

Mr. Hart: No. So this faces, I didn't take a photo from Mr. Fukuoka's property. This is, this is Mr. Fukuoka's house so if he is standing, you know, beyond these people here, he'd be looking at the front lawn area and a portion of the structure. Basically the structure is oriented – the old front of the residence was oriented to the east and the back was to the west, but the way the church functions, they enter through the west side which is on the back of the parcel and the front entrance of the residence still exist but it doesn't function as the entrance to the church any more.

Mr. Shibuya: Still confused. So the people would be walking down the driveway into the chapel?

Mr. Hart: One second. Okay, so now, if you look at the north arrow on the bottom there, basically this, this – anyway, so that the church is in the center there –

Chair Starr: Where, where's High Street?

Mr. Hart: High Street is on your left side. Okay, so Mr. Fukuoka's residence is basically directly to the north of the church structure, below the church structure on the next parcel. And the back entrance – the functional front entrance of the church is on the right side of the central structure and the old residence entrance is on the left side of this map.

Mr. Shibuya: He mentioned something about a doorway that should be closed or could be closed to minimize –

Mr. Hart: Yeah, I believe he referenced the doorway that's – or these are openings that are facing his residence. So those would any of the openings that would be on the north side of the structure, the bottom portion of this site plan.

Mr. Shibuya: What entrance is that?

Mr. Hart: Well, that's basically what I saying is that entrances are oriented to the west, like the west and the east and so they don't, they don't – the entrances don't directly, they're not oriented at his property but if you look at the site photos and things like that.

Ms. Flammer: One side door.

Mr. Hart: Oh, is there a side door?

Ms. Flammer: One side door.

Mr. Hart: There's a one side, sorry. Oh you know what, okay, Exhibit 11 actually shows a side door on the right side about three quarters of the way up on the right side wall. So that could be the door that he's talking about. But the double doors at the top of that diagram are the primary entrance. Exhibit 11, it's a site, it's like a structure plan. That's it. So Mr. Fukuoka's residence would be at the right side of this figure, if, if you're holding it to say exhibit, his residence would be here.

Chair Starr: Okay, Members? Commissioner Freitas?

Mr. Freitas: Yeah, I'm gonna support this amendment because they have been holding services on Saturday and there's no major problems and services should be held on Sunday.

Chair Starr: Okay, Commissioner Hiranaga?

Mr. Hiranaga: Could you just clarify the reason for the ban on Sunday services in the previous permit?

Ms. Flammer: It started by the applicant, originally didn't have that – you probably remember better than I did, read the minutes, so the best I could put together it was, it was not requested originally in the scope of the application. Request came in to add it, it became a revised application at that point. And then it was withdrawn by the applicant. That's the technical legal term. The reason I understood from reading through the file had to do with they didn't have a C.O. That came up during the review process. They had neighbor complaints that they needed to address and work with their neighbors and they needed to meet County parking requirements.

Mr. Hiranaga: No, why was services banned on Sundays?

Ms. Flammer: Oh, why not regular just – I'm not sure why the wording said regular versus Sunday. The amendment was actually changed on the floor.

Mr. Hiranaga: No, why was services not allowed on Sundays originally?

Ms. Flammer: I wasn't there, I couldn't tell you. The original amendment, I'm not sure. I mean, the original condition, I'm not sure if it said Sunday or regular. It was amended on the floor by this

body to say Sunday.

Mr. Hiranaga: How about the applicant?

Ms. Flammer: He wasn't –

Chair Starr: Please come and introduce yourself?

Mr. Bob Offermann: Yes, my name is Bob Offermann and I'm a member of the board at Unity Church and it's been my responsibility to help to process this. And unfortunately I was not involved in the application back in 2007, so I can't say for sure why the wording was put in the way it was. As understand it, the restriction itself was added by the Commission during the public hearing in response to Mr. Fukuoka's comments requesting that we not be allowed to be a church in that location. But as far as why the wording is the way it is, I don't know. The record shows that it was a suggestion from a Member of the Commission that it be put in.

Chair Starr: I recall a lot of discussion about parking that that was the issue and at that point they had not resolved it. Commissioner Sablas.

Ms. Sablas: I was just wondering because there is another church I understand and it could be that if there's two Sunday services then it would have an impact on the neighborhood and parking and that's just a guess on my end. I had a question because there is 264 listed individuals who are members, and now you have about 75 individuals. Say if we grant the approval to do Sundays and that increases to maximum then you have the Sunday service going at the neighboring church what would – what kind of impact would that have on the neighborhood?

Mr. Hart: Well, the maximum occupancy of the structure is a 134 people. So that wouldn't be possible to basically accommodate the entire membership in one service. The membership these are basically people that are one their ...(inaudible)..., they're not people that are participating every weekend. So, there's, there's ample parking in the lot here where they can do shuttling, but they couldn't do a service that fits more than – or they couldn't serve more than a 134 people just by Fire Code. So that would be the limit. Could I just add one other thing? What the staff planner said about the way the application was presented? The church did come into the Planning Commission the last time not requesting Sunday services. So the staff planner at the time was Livit Callentine, she proposed the condition to exclude Sunday services and then there was further discussion on how it was going to be worded, but basically they came to Planning Commission not requesting Sunday and there was conflict with the neighbors at the time and so on. Anyway, I just wanted to reiterate that.

Chair Starr: Commissioner Hiranaga then Commissioner Mardfin?

Mr. Hiranaga: Do you know if the other church utilizes the County parking lot on Sundays for their services parking?

Mr. Offermann: Bob Offermann again. I do not know for a fact. I do know or it's my understanding that they hold their services at the Wailuku Elementary School and not on their site. My

observation has been that they still park on their site, I mean, some of their members park on their site on High Street. I can tell you from back when we used to hold services on Sunday before we moved off site, they were not using the County parking lot at that time. We were using it and there was no other group using it at that point.

Chair Starr: Commissioner Mardfin?

Mr. Mardfin: Gina, first I want to commend you. I really think unannounced site visits give you a true picture of what's going on and I appreciate you doing that wish we could do more of that. But the particular question I have is on Page 4, of the report, under Background, Item 1, the second sentence says, "the special use permit included Sunday worship services." I read Exhibit 3, and I, maybe I missed it, but I don't see where it said it?

Ms. Flammer: I probably should have worded it, it didn't exclude Sunday services.

Mr. Mardfin: It didn't refer to.

Ms. Flammer: It was assumed that that Sunday services are part of a church service back then.

Mr. Mardfin: Okay, thank you.

Ms. Flammer: I and do want to let you know the minutes from that meeting are in the, your staff report from when it was approved in 2005. It's Exhibit 7a, so if you're curious how the condition, you can read kind of towards the end, you can see what was happening on the floor and how it ended up the way it did.

Mr. Mardfin: While we're on that, let me just make – we don't have a motion on the floor yet, but let me make the comment that I think that they violated the, the adhered to the letter of the condition, by holding them on Saturday, but I sure don't think they adhered to the spirit of the condition. But on the other hand, it gave them a one-year experiment and that's – there's some value in that, but I don't think they met the spirit of the condition.

Ms. Flammer: Understood.

Chair Starr: Commissioner Shibuya?

Mr. Shibuya: I just want to ask counsel to define or maybe enlighten me on public notice. The letter that Mr. Fukuoka received was June 24th, that the date, and I believe they reserved July 1st as their meeting time. Is that adequate notice?

Ms. Flammer: This was an informal, this wasn't a public – part of the public notification process. I asked them to speak directly with their neighbor.

Mr. Shibuya: Okay, because on the 24th also, went out to the neighbors.

Ms. Flammer: And we ended up meeting with, we asked Mr. Fukuoka to provide the date that

worked the best for him.

Mr. Shibuya: And you have a meeting to held on July 8th, is that public notice?

Ms. Flammer: It's not a legal requirement that they meet.

Mr. Spence: This is a—working together with staff and as a courtesy to the neighbors, the applicant went to the neighborhood to discuss the item. You know, there's a – this is – it's not a formal notification or requirement. There's no formal notification requirement. This is the applicant going the extra mile to work with the neighbor. So what they did should be, you know, really construed as a positive step towards being neighborly. So, and especially, you know, formally a consultant when you ask neighbors to these kinds of meetings, I've invited as many 200 you may get two. You know, that's –

Mr. Shibuya: I understand. Understand, but I just want counsel's opinion.

Mr. Spence: Yeah, there's no formal requirement for this kind of meeting.

Mr. Shibuya: I understand.

Chair Starr: Okay, let's try –

Mr. Giroux: Not being a requirement, there's no legal requirement. So it's – not required by law.

Chair Starr: Okay, let's try to move things along here. If it's okay, I'd like to see if there's any members of the public who would like to testify? This is a public hearing. So if you're – wish to give testimony, please now is the time.

a) Public Hearing

T

he following testimony was received at the beginning of the meeting:

Chair Starr: Next, Dr. Virginia Cantorna. Please come. Welcome and thank you for coming today.

Dr. Virginia Cantorna: Good morning, Commissioners, ladies and gentlemen. My name is Dr. Virginia Cantorna. I am employed as a Mental Health Specialist with a doctorate degree in Clinical Psychology. I have been an active member of Unity Church of Maui for more than 20 years. I was a member of the Board of Trustees for six years and was Board President at the time our first Special Use Permit was granted and it was granted for five years.

Unity is a worldwide Christian organization with honors – which honors diversity, teaches a positive approach to life, seeking to accept the good in all people and events. We are a ...(inaudible)... church that generously gives time and monetary and in-kind gifts to agencies and organizations in the community including Hale Makua, Kula Hospital, the Peace Project and Outdoor Circle.

I come before the Planning Commission again to respectfully request the granting of our Special

Use Permit so that our congregants and visitors can worship on Sundays. Although extremely difficult, we have held worship services on Saturdays in keeping with the conditions set forth previously for continued occupancy of our property on South High Street. We have worked diligently having only limited finances and resources to meet these requirements which culminate now in coming before you today.

We, as Unity Church of Maui, pride ourselves in being good neighbors. We have been mindful of parking limitations announcing at every service in our church bulletins and on our website that only the disabled, guests and visitors and persons with young children park on our premises. We have devised a working shuttle service to and from parking and hired a security and parking attendant to insure that though not illegal to use designated street parking that our worshipers honor the desires of the residents in the area to keep clear the roadways and not intrude upon their driveways. In addition to celebrations of worship and prayer services our church is used for meetings, workshops, social events, musical presentations, and education for children to adults.

We have complied with the neighbor's requests to not light up our sign and we are very aware of keeping noise to a minimum at a reasonable hour. We have tried judiciously to mitigate any negative factors that would detract from the harmony and quality of life in the surrounding residential area. We hope to join the other churches on South High Street who have the privilege of worshiping on Sundays. Unfortunately, having to schedule worship on Saturdays rather than the usual Sundays has been in some ways detrimental to our church. Our attendance has decreased because many individuals work or have children with sports activities on Saturdays. A decrease in attendance has caused a significant dip in our treasury at crucial time in our church history when we are seeking to hire a new minister. We seek to continue staying at our small church whose average attendance is only 60 at this time.

Thank you for the opportunity to testify before you. We hope that you will see that our request is an opportunity to enhance the ...(inaudible)... of the community by allowing Maui citizens to come together peacefully to pray, learn, and celebrate on a safe and beautiful property. Unity Church of Maui is committed to work collaboratively with the community to align with the reasonable, attainable, and beneficial vision for all. It is for this reason that we ask you to grant our proposal allowing full use of our church including Sunday worship and to do so with urgency. Thank you very much.

Chair Starr: Okay, thank you very much for your testimony. Members, any questions for the testifier? Okay, thank you very much. Any other members of the public who wish to testify, please come forward, introduce yourself and welcome.

Mr. Dave Fukuoka: Good morning, my name is Dave Fukuoka. I'm here to testify regarding Unity Church request. As I understand it, it is an amendment that's being requested at this time and not a Special Use Permit. I believe there's a Special Use Permit already in effect, and that the term at this point is not being extended so that some time as I understand it, some time next year when they file. My property lies between Unity Church and I forget the name of the church on the other side, I intended to submit written testimony and I apologize for not doing so. A family matter interrupted my, my efforts. At this point, you know, being that it's going to be just a short term, I'm requesting only that I receive notice, written notice at the time of the next extension.

Circumstances, I've had some discussions with the church, as I understand it, circumstances, their circumstances have changed. Mine will also change because of things that have arisen. They have to be fair resolved at least the parking problem. There were problems in the past.

I, I'm not sure how things are going to work out. I'm willing to sit through it. I, I appreciate the efforts that were made the last go round to protect my interest in the property. I think drafting the last time was a little bit of a problem. I think the intent and I appreciate the intent the go round was not to allow any regular service held at the property. The way it was phrased was Sunday services. So what they did was they ...(inaudible)... a Saturday. Now I understand why they did that. Not happy with it but I, I understand it's something that may not be avoided, but I do not think and I submitted written testimony the last one, I don't think that any property in a residential area should be sandwiched between churches and that is what's happened here.

Ms. Takayama-Corden: Three minutes.

Mr. Fukuoka: And I think that some kind of a policy should be instituted where this doesn't happen in the future. Residential – you know, we're talking relatively small properties. It be different if we were talking about an agricultural zone where you have two-acre properties and a lot of space ...(inaudible)..., it's a lot of space for parking to occur. And I think it was a mistake to have allowed this kind of a development at the outset. The property was originally a residential property. In any event, I perhaps would want to submit written testimony in the future. But at this point, what I really ask for is written notice of the next, of the request to extend. I think there will be one.

Chair Starr: Okay, thank you very much. Is Planner, Gina Flammer here? I just want you to be sure to note this gentleman's information so that it stays in the record that he is getting the notice in the future that he requests. Commissioner Mardfin?

Mr. Mardfin: Has there been a problem with the Saturday? I, I take your point about – it read Sunday services and caught they switched to Saturday.

Mr. Fukuoka: ...(inaudible)...

Mr. Mardfin: But have, has there been – they've been doing the Saturday for about a year or so now? Maybe a little longer?

Mr. Fukuoka: I'm not sure how long. But they have been doing it for a while.

Mr. Mardfin: Has it been a problem?

Mr. Fukuoka: No, actually. They've done quite well I think.

Mr. Mardfin: And I thank you for your consideration. I had also noted it's at's only a year and a half more before they're up for renewal and I personally appreciate your willingness to essentially let it be a test for, for now.

Mr. Fukuoka: Yeah.

Mr. Mardfin: Thank you very much.

Chair Starr: Commissioner Shibuya.

Mr. Shibuya: Mr. Fukuoka, I just wanted to find out if this body grants the extension or use for Sunday services would that impact you because you have one side of you a Baptist Church services on Sunday and now you have this church having services on Sunday?

Mr. Fukuoka: Well, yes there will be an impact. Luckily at least at this point the Baptist Church holds their services I think at the cafeteria of Wailuku Elementary School because they're fairly big. Unity Church as you probably know, at one time did that too because their membership was relatively big. At this point, I – there hasn't been that much impact in part because the bedroom that faces the church is my fathers, was my fathers and he was deaf pretty much. I don't know how that's going to change frankly in the near future. So yes, there has been, and there will be an impact. How much of an impact I don't know. It would actually help a lot if I think, I thought about this at the last meeting, if the, the doors to the church that face my property were shut off during services. One thing about the Baptist Church, well first of all, their property is a lot bigger and their church, the building itself is substantially farther from my property than unity churches is. Secondly, that wall is completely sealed off. In other words, the entrances, any way for the sound to come out is from the front and back which faces either mauka or the street. So even when they have service, I, you know, pretty much what we hear are the kids playing outside afterwards. A kid's a kid. It's not something that, that bothers me. I'm not a ...(inaudible)... but yes, there will be an effect, but how, how much of an effect, I don't know. It hasn't bothered me frankly on Saturday. Now, you know, if, if, if the services are more frequent that may have an impact. But, you know, it hasn't been too bad.

Mr. Shibuya: Okay. I was just concerned that now they're going to switch over to Sunday and there's a possibility of them having services on Saturday as well as Sunday.

Mr. Fukuoka: Well, that's one of the things we need to test. The impression that I've gotten is that they intend to move Saturday services to Sunday. And actually when I was talking to Gina I mentioned the possibility of perhaps limiting the number of services held at the church. And hadn't frankly decided whether I should ask for that. They've been fairly reasonable, but yeah, if it becomes, you know, four or five a week, it might well become a problem.

Mr. Shibuya: Yeah, okay.

Mr. Fukuoka: ... a problem for me because my basic position is that I should never have been sandwiched between two churches. I just don't think that's good planning.

Mr. Shibuya: It's an unfortunate situation where it was allowed and although I'm not a member at the time that they had it, I apologize and I can sympathize with that, and that's why I'm asking these questions. And I just want to have some kind of a fair mediation here or some kind of resolution to this. And I'm concerned that perhaps maybe a physical barrier can be constructed to deflect some of that –

Mr. Fukuoka: There is a physical barrier actually.

Mr. Shibuya: Oh, there is one. Okay.

Mr. Fukuoka: We have a wall, cement wall, hollow tile wall, it's fairly high. So I, you know, I don't know what more could be done. The yard could be, you know, there's a front section that does not have a wall, but you know, that would really not prevent any noise.

Chair Starr: Okay, this item will be coming later today.

Mr. Shibuya: Okay, thank you.

Chair Starr: We can discuss it then.

Mr. Fukuoka: I can appear again.

Chair Starr: Commissioner Mardfin?

Mr. Mardfin: I'd just like to ask a factual question. When did you acquire your property?

Mr. Fukuoka: It's been in the family for 40 years. The house was built –

Mr. Mardfin: Thank you.

Chair Starr: Commissioner Hiranaga.

Mr. Hiranaga: Actually Commissioner Mardfin asked my question. I do know Dave, we grew up together and I just wanted to mention that there are many other families that live on High Street that have been there for 40 or 50 years and I think they've been very tolerant with this encroachment of urbanization onto their quiet street which is what it was 40 or 50 years ago. So, just hope the Commission will take note that he is not someone that's just moved there in the past five years and have been there for many decades. Thank you.

Chair Starr: Yeah, we'll discuss and we understand it is a Special Use Permit, it's not an as of right use. Okay, thank you.

Mr. Fukuoka: I would hope, I understand this is kind of built into the system, but I would hope that this use would not run with the land. In other words, if they were to sell it –

Chair Starr: Okay, thank you very much.

This concludes the testimony received at the beginning of the meeting.

Chair Starr: Come on up. Welcome, introduce yourself again.

Mr. Bob Offermann: Mr. Chairman, Members of the Commission, my name is Bob Offermann, and

again, I'm Treasurer on the board of Unity Church of Maui and I'd like to thank you all for the opportunity to come and speak to you and for you to consider our application. We did not undertake to move back to High Street lightly because when we had our permit approved the last time there was some opposition from Mr. Fukuoka. And our desire all along was to be good neighbors to the people in our community. But financially we were not able to sustain renting off site space for service. So before we did that we consulted with Mr. Hart to get his interpretation of, of what we – were we permitted even to come back and have services. And I know he's not an attorney but we knew he was very experienced in planning law and planning use. And his opinion that he gave us was that well we were prohibited from having services on Sunday, but that did not mean that we could not have them on Saturday. This wasn't something we really wanted to do as Christian church we wanted to hold services on Sunday. It's really our preference to do that, but again, we're not able to sustain renting a facility off site every week. So we decided that our best course would be to work with the neighbors, to be the best neighbors we could be to do everything we could to mitigate any impact we have and to apply to have our permit amended so that we could return to Sunday services, but in the meantime, to hold our services on Saturdays. I believe we've done a good job. We have worked, we've met with the neighbors, we've talked to Mr. Fukuoka on several occasions. We have a great deal of empathy for his position. I can understand being between two churches is not something that he'd probably choose to do nor would many of us. But we have tried to not impact him. We've asked him repeatedly to please if there's any, any impact on him, negative impact on him to please immediately notify us and we would do whatever we could to mitigate that and to eliminate it. So far, we've not heard anything from his. I believe his testimony this morning verified that we really haven't disturbed him in the over the year we've been meeting on Saturdays. Our invitation remains open to him and to all of our neighbors to please contact us at any time should there be any detrimental effect on the use of their property and enjoyment of their properties, and we'll do whatever we can to mitigate it. And as Ms. Flammer said, we are happy to make sure he is notified before we come up again to the Commission next year for renewal. So thank you again, for your consideration.

Chair Starr: Okay, Members any questions? Commissioner Shibuya?

Mr. Shibuya: Mr. Offermann, if your enrollment to the or the attendance increases on the Sunday sessions, are you planning to have it off site?

Mr. Offermann: We hope to be so lucky to be able to do that, that our membership would increase. Right now we do not foresee that happening. And our membership is 200 and whatever, but that is the number, we looked at rolls and that's – those are the number of people we have on our rolls. I can tell you that some of those people no longer live on the island. Those are just – that's our historical membership roll. Actually typically it says 75, we're more like 60 to 65 on an average Saturday since we've ...(inaudible)... We hope frankly that by going to Sunday, some of our members who are not able to attend on Saturday will be able to once again join us because they are ohana and we miss them and they miss us. So we hope to be able to have somewhat a larger attendance on Sundays. But I don't think that large. A 134 is our maximum occupancy and frankly, it's not fun having a service when the building is full. There are logical problems because before when we had more people, we've had more difficulty. We had two services and that is what caused us to move off site at point and frankly I expect if we get back to that sort of a – anywhere near that sort of attendance we will again, look to have services some place with more capacity.

Mr. Shibuya: Thank you.

Chair Starr: Commissioner Hiranaga.

Mr. Hiranaga: What is your practice regarding number of services per week?

Mr. Offermann: Our current practice is one service per week, one worship service. We do have other, other things during the week. We have classes for our membership that typically have eight or ten people. We have occasional meeting time and Wednesday evening prayer services that require – they're most in mediation and again, there under ten people on a number basis. As far as full fledge worship service, once a week. I can't say that if attendance grows remarkably so that we're pushing the capacity of the building we might not have – ever have two services on Sunday. Assuming that this committee approves our application on a Sunday.

Mr. Hiranaga: And what time does the service normally start?

Mr. Offermann: Our service starts at 10:00 a.m. and usually ends between 11:00 and 11:15 a.m.

Chair Starr: Commissioner Mardfin?

Mr. Mardfin: Have you given any thought to what you'll do on Christmas and Easter? Those are your two big days I gather.

Mr. Offermann: They are two big days. We usually get extra people and we have traditionally rented an outside facility. For many years we rented the Castle Theater for Christmas. Our attendance has been somewhat less so the last couple of years we've been having it in the lao Theater but for large days like that we go off site.

Mr. Mardfin: Thank you very much.

Chair Starr: Commissioner Wakida?

Ms. Wakida: Do you perform weddings at this site?

Mr. Offermann: Not on a regular basis. Occasionally someone will do ask to do a wedding. So I can't say we never have weddings, but I think if you look over the last several years we've not had more than one or two a year and they're usually very small, small weddings. We haven't had any of the ten bridesmaids. We just, we don't accommodate that sort of thing.

Chair Starr: Commissioner Freitas and then –

Mr. Freitas: Let her go first.

Chair Starr: Okay, Commissioner Sablas first.\

Ms. Sablas: How about funeral services? Are they conducted there?

Mr. Offermann: Again, occasionally. I do remember when in the last two years actually. I do in the last – in the ten years I've been a member I do remember going to I believe two memorial services there. It's not, we do not have a lot of them.

Chair Starr: Commissioner Freitas?

Mr. Freitas: Yeah, I'd like to move –

Chair Starr: Please wait till we're finished with public testimony.

Mr. Freitas: You called for public testimony.

Chair Starr: Yeah, we haven't finished it. Okay, any other questions for the testifier? Thank you very much. Is there any other members of the public wishing to testify? Mr. Hart?

Mr. Chris Hart: Mr. Chairman, my name is Chris Hart and our firm was asked to apply for this amendment. I'd just like to give the Commission a little bit of background in terms of my reasoning about holding the services on Saturday if I could? Basically the permit, Maui Planning Commission approval of the County Special Use Permit to operate a church, a church related functions within the R-3 Residential District was granted by the Commission August 14, 2007. And Condition No. 9, specifically stated that Sunday worship services shall not be held at the subject property. You know, in the context of my understanding of a Special Use Permit being granted for a church for the conducting of church related services at the site, it's, it's allowable consideration in the Residential District in Maui County. I felt, you know, there was obviously a prohibition to Sunday, but there was no prohibition for services on other days and that was the reason that I suggested that Saturday would be a reasonable way to proceed without violating the Special Use Permit for a church. Thank you.

Chair Starr: Thank you, Mr. Hart. Any other members of the public wishing to give testimony? Not seeing any public testimony is closed.

b) Action

Chair Starr: Commissioner Freitas?

Mr. Freitas: I'd like to move that we amend the Special Use Permit to hold services on Sunday.

Chair Starr: Okay, is there a second?

Mr. Tagorda: I second.

Chair Starr: I want to ask Planner Flammer if there are any recommended conditions or anything else that would be suitable to go with the proposed action?

Ms. Flammer: I'll go ahead and give the Department's Recommendation. We recommend approval based upon the 12 conditions stated in the staff report. You'll see there's two new

conditions. First of all, we removed Condition 9, and the two new conditions are first, "that the proposed retention system be reviewed and approved by State Department of Transportation". And the second one, "requires a compliance report upon completion of the drainage work." So in consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the January 12, – prepared for the February 8, 2011 meeting as its Findings of Fact, Conclusions of Law, Decision and Order and to authorize the Director of Planning to transmit said written decision and order on behalf the Planning Commission.

Chair Starr: Commissioner Freitas, when you made the motion was your intent that it be consistent with the Recommendation?

Mr. Freitas: Yes sir.

Chair Starr: And the second?

Mr. Tagorda: Second.

Chair Starr: So we have a motion by Commissioner Freitas, seconded by Commissioner Tagorda, the motion is?

Mr. Mardfin: ...(inaudible)...

Chair Starr: Could you please wait till the motion is read back?

Mr. Mardfin: I think the motion is incomplete.

Chair Starr: Well, whatever it is, it's been made, it will be read back and we can deal with it.

Mr. Spence: What I understand the motion to be is that Commissioner Freitas made the motion to be consistent, intended it to be consistent with the Staff Recommendation.

Mr. Freitas: Correct.

Chair Starr: Okay, we have a motion that's been made and seconded. Commissioner Mardfin?

Mr. Mardfin: I believe the motion is – the recommendation is incomplete because I think there was an agreement to add a condition.

Ms. Flammer: Thank you. Thank you I appreciate that. I generally like to put conditions on projects even when the applicant represents they're going to do it. So I can read you what I've written. I mean, I think we all know the gist of it. "As represented by the applicant, the property owner of the parcel located at 477 High Street, Wailuku shall be notified when an application for renewal is submitted to the Department of Planning."

Chair Starr: Okay, so is that, does that remain part of the recommendation?

Ms. Flammer: That will be a new Condition No. 13.

Chair Starr: Commissioner Hiranaga?

Mr. Hiranaga: I'd like to offer an amendment --

Chair Starr: Please.

Mr. Hiranaga: -- that the worship services shall not commence before a certain time, shall cease by a certain time on Sunday. I'm willing to let the applicant propose those beginning and ending times. I guess 10:00 might be a good time if they said their services start at 10:00 and if they need to go to a second service, maybe I would need to conclude by 3:00 p.m.?

Chair Starr: Can we hear from the application whether there are hours that would be workable for you?

Mr. Offermann: I believe should we have to go to two services we might want to start earlier than 10:00. I know when we had two services in the past, we had them at 9:00 and at 11:00. So I'd prefer something more like, not before 8:30 or 9:00 so concluding by 2:00 p.m.

Chair Starr: Commissioner Hiranaga?

Mr. Hiranaga: Actually do we need a second first? Are we still in discussion?

Chair Starr: I think we're discussing what it will be.

Mr. Hiranaga: I guess for me, you know, Sunday if people are going to have a day off, Sunday is typically the day off and if your service starts at 9:00 then maybe people are going to congregate before 9:00 and you're creating traffic noise and sound before 9:00 a.m. on a Sunday morning. So I guess I'm going to have difficulty agreeing to a 9:00 a.m. start time. Because when you say start the service that's when you start the service, but people usually show up before the start of the service, right? They congregate, right?

Mr. Offermann: Some people do show up before the start of the service. I would say a lot of people are not present by the start of the service. If you'd like to come to one of our service, you'll notice that by the time the actual lecture, the lesson starts at about a half hour after the start of the service, there are probably twice as many people present as there were at the very beginning of the service. So --

Chair Starr: Can we resolve -- how about 9:30 to 2:30?

Mr. Offermann: If it has to be 10:00 I guess we can accept it, I would really -- we would prefer something earlier.

Chair Starr: So 10:00 to 3:00 is that, is that your amendment?

Mr. Hiranaga: Yes.

Mr. Starr: Is there a second to the amendment?

Mr. Shibuya: Second.

Chair Starr: So we have an amendment by Commissioner Hiranaga, seconded by Commissioner Shibuya that amendment is?

Mr. Spence. That amendment would be to start services no earlier than 10:00 and be completed by 2:00.

Mr. Hiranaga: 3:00

Mr. Spence: By 3:00.

Chair Starr: Someone got that written down? Okay, ready to vote on the amendment? All in favor of the amendment, the 10 to 3 amendment please raise your hand. All opposed?

It was moved by Mr. Hiranaga, seconded by Mr. Shibuya, then

VOTED: To Add the Amendment That the Worship Services Shall Not Commence No Earlier Than 10:00 a.m. and Shall Cease by 3:00 p.m. on Sunday.
(Assenting - K. Hiranaga, W. Shibuya, J. Freitas, O. Tagorda, W. Mardfin)
(Dissenting - L. Sablas, P. Wakida)
(Excused - D. Domingo)

Chair Starr: How many?

Mr. Spence: Six in favor, two opposed.

Chair Starr: No.

Mr. Spence: Five in favor, two opposed.

Chair Starr: Let's see your hands again.

Mr. Spence: Okay, again. In favor of the motion? One, two, three, four, – this is just the voting, okay so five in favor. One –

Chair Starr: Two against.

Mr. Spence: Two against.

Chair Starr: The amendment passes. Okay, Commissioner Mardfin?

Mr. Mardfin: Point of clarification. I didn't hear whether that additional amendment about notification is part of our main motion or whether we have –

Chair Starr: My understanding is that was part, that was part of the conditions, it was just a mistake that she didn't mention it.

Mr. Mardfin: Okay.

Chair Starr: And I have one question regarding the wording on the drainage retention. Whether the wording that's in that condition actually requires them to do the improvements to, to do the retention or just locks them into a way of doing it that they may or may not do. Ms. Flammer?

Ms. Flammer: Yeah, I'm looking it up right now. Think it only requires review and approval by State DOT. That was how they handed it down to us. We're open to an amendment, however you would like to see it.

Chair Starr: So if there's a desire to make an amendment that the drainage – what would be, what would be wording for that Ms. Flammer that to make sure they actually build the retention?

Ms. Flammer: Say, "shall be completed by the time of renewal." Is that, is that –

Mr. Hart: The only concern I had is that basically the State Department of Transportation requested to be co-approver of the, of the plans. And so currently, the County of Maui is the approver of, of drainage plans. And so if there's some disagreement between the State of Hawaii and the County of Maui and it extends into their renewal process they're pretty much caught and then they have no drainage and basically they haven't complied. So that was our concern, that is our concern.

Chair Starr: Does the wording as written compel them to do drainage, to do drainage improvements?

Ms. Flammer: In my eyes it does, however, we could put what we often do which is, the applicant shall retain all drainage on the property, post or we can come with some words. As they've offered pre and –

Unidentified Speaker: Pre and post.

Ms. Flammer: Yeah.

Chair Starr: So they're offering to do that. Is there anyone who would like to make this an amendment by chance?

Mr. Shibuya: I move to make that amendment.

Chair Starr: Okay, is there a second?

Mr. Mardfin: I second it.

Chair Starr: Okay, moved by Commissioner Shibuya, seconded by Commissioner Mardfin that the new amendment is?

Mr. Spence: The new amendment is that the applicant will retain all of the pre and post runoff on site. And just for clarity we're eliminating the review by the Department of –

Chair Starr: No, it's still there.

Mr. Spence: Still there.

Chair Starr: All in favor of that amendment and that amendment only please raise a hand –

Mr. Hiranaga: Can I have discussion?

Chair Starr: Yeah, go ahead, Commissioner Hiranaga.

Mr. Hiranaga: Yeah, I just want to state that the road that is perpendicular to High Street next to Wailuku Elementary School when it does rain there is a lot of sheet runoff coming down that street that enters High Street and High Street, actually sections of that is a, a flood zone and that's why I think this requirement is put in there because they have a lot of concrete area on the property that would add to this flooding issue. The State has created some, I forgot what you call them, those dry, dry pits or whatever. Dry wells to help alleviate the problem but I think that's the reason for this.

Chair Starr: Yeah, there was an empirical reason for it. All in favor of this amendment please raise a hand. All opposed?

Mr. Spence: I'm, I'm sorry, I did not announce it. All those in favor please raise your hands again.

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

VOTED: To Add the Condition that the Applicant will Retain All of the Pre and Post Development Runoff on Site.
(Assenting - W. Shibuya, W. Mardfin, K. Hiranaga, J. Freitas,
O. Tagorda,
L. Sablas, P. Wakida)
(Excused - D. Domingo)

Mr. Spence: Seven in favor. Zero nays. The motion is carried.

Chair Starr: Okay, Commissioner Mardfin?

Mr. Mardfin: Are we in discussion phase?

Chair Starr: We are, though we're ready to vote on the main motion.

Mr. Mardfin: I want to say that despite the fact that I think that the spirit of the condition was not met, the fact that we have an experiment where the neighborhood most affected is content with what's been going on, I won't hold that violation of the spirit against the applicant, and I'm ready to vote for it particularly in view of the fact that this is for one and a half years basically. So we'll have another experiment for a year and a half to see if it works out. I do think the church has been diligent in working with the neighbors and so I would like to give them some support.

Chair Starr: Thank you very much. Commissioner Shibuya?

Mr. Shibuya: I'd like to make a quick comment here. Privacy was not addressed at this point, but I do want to keep that opportunity available or open that the retaining wall that is existing now, who owns that wall?

Chair Starr: Commissioner Shibuya, we have another public hearing that we have to hear today.

Mr. Shibuya: Okay, okay. If there is some problem with it, then I would like to have that wall extended on so that the Fukuokas can have little bit more privacy.

Chair Starr: Okay, Commissioner Hiranaga [sic], it will be back before this Commission in little over a year. Ms. Flammer, please?

Ms. Flammer: Oh, the neighbor doesn't want a fence or a wall there where it's open.

Chair Starr: Okay, thank you. So we're going vote on the main motion now. All in favor please raise a hand. All opposed please raise a hand.

It was moved by Mr. Freitas, seconded by Mr. Tagorda, then

VOTED: To Accept the Recommendation of Approval of the Amendment to the County Special Use Permit to conduct Sunday Services with Additional Conditions.
(Assenting - J. Freitas, O. Tagorda, K. Hiranaga, W. Mardfin, W. Shibuya, L. Sablas, P. Wakida)
(Excused - D. Domingo)

Mr. Spence: Okay, we have seven in favor and zero nays. Motion is carried.

Mr. Shibuya: No, I didn't vote.

Mr. Spence: No, if you don't vote –

Mr. Shibuya: I understand. I abstain.

Mr. Spence: Okay, then we have six in favor, one abstention.

Chair Starr: Which counts as seven in favor.

Mr. Shibuya: I understand.

Mr. Spence: Yes.

Chair Starr: Okay, congratulations. Good work, Jordan.

Mr. Chris Hart: Mr. Chair, can I just say that –

Chair Starr: Quit while you're ahead Chris.

Mr. Hart: No, no, I just want to say – I want, I want to thank the Department and especially Gina Flammer because this is a complicated project. Thank you.

Chair Starr: Next item. We have another public hearing please, order, order, please take your conversation outside. ...(gavel)... Take your conversation outside, please. Director?

Mr. Spence: Mr. Chairman, Commissioners we have before you the last public hearing item today. I am the Planning Director proposing various amendments to Chapter 19.31 of the Maui County Code related to Public/Quasi-Public Districts, and we have Staff Planner Joseph Alueta to bring this item before you.

3. MR. WILLIAM SPENCE, Planning Director proposing various amendments to Chapter 19.31 of the Maui County Code relating to Public/Quasi-Public Districts. (J. Alueta)

Mr. Joseph Alueta: Good afternoon, Commissioners. Thank you for, very much for squeezing me in. I would – I know you have a 5'o clock time frame.

Chair Starr: We apologize for cutting you short. You've been patient.

Mr. Alueta: No, no problem. I just have to get my kids by 5:30 or I get fined at Waihee School. So just to be really quick. This is basically an amendment to the Public/Quasi-Public District as part of our standard update of Title 19 that we had been going through as far as modernizing. We kind of jumped ahead up to 19.31 because I was asked to do so because we had some issues with regards to one, some County facilities that are coming before you. We've also been doing a lot of variances lately for schools for heights. As you know, that steeples, the height of steeples, that gymnasiums at schools have to come in for BVA, and therefore, we feel we wanted to update this and get this corrected. We also have the redevelopment of the old Maui High School which is a – which interestingly enough in the P-1 District, Public/Quasi-Public District, quasi-public uses aren't listed. I guess it's, it's sort of implied but it's not really specifically listed in the Public/Quasi-

Public District so felt that would needed to be corrected also.

The memo report which you did get has a summary of all the changes, and it has agency comments. We do not have any major comments from anyone. Again, we're amending and updating the Code to allow some uses that exist.

I have a type – one typo, to amendments to the current bill that's on Exhibit 1. On Page 1, Line 30, where it says, "following permitted uses are allowed," and it should just say, "Public/Quasi-Public Districts." Yeah, P-1 gets scratched. Because these are the uses that will be allowed in the P-1 and what we're creating is a new, not a new district, it's just a new standard called, P-2 which will be larger lot size as well as on the development standards you will see require larger lots, have higher height limits as well. This is similar to what you have with regards to the Residential Districts. It's the Residential District but then you have a R-0, R-1, R-2, R-3 which is basically all the same uses are allowed in the district just the development standards are slightly different and the same thing with the P-1 District. We'll be creating a new P-2 District which will have a larger minimum lot size, larger lot width but will allow for maximum heights. And we are not comprehensively zoning anybody to P-1, okay. Right now when you come and you get a P-1 just like you would get an R-1 or R-2 District. There are existing P-1, you know, obviously out there but with the new P-2 District, right, which allows for higher heights, bigger lot size, hopefully we can correct some of the issues where you have on the community plan, Public/Quasi-Public for MCC yet it's in the R-3 District. And you always had – and we had to do Conditional Permits or Special Use Permits to grant ...(inaudible)... do the college. You also have churches that are in the Residential District if you feel that they need to be, but they're zoned public use, this will allow them to one, get the correct zoning as well as – also the hospital is also in the Residential District. It's zoned – Community Plan is Public/Quasi-Public but it's Residential on the map. So that's the gist of it.

We also allow for the accessory structures. We're doing freestanding poles. We also create – exemption for light poles on the height because people have lights. We also allow them within the setbacks which is pretty typical. We wanted – this is kind of the first time we'll add them to other districts. We've had them where you, between a tower and a pole because we require a setback for a tower which would be like a wind turbine or an antenna tower which does require you ...(inaudible)... setback, and so one foot for every height. But we felt that that standard should not be applied to a light pole but we did want to set the limit. Because typically on the parking lot you do have on the perimeter and that would normally be within your standard setbacks. We also did a trash enclosure and wall heights of eight feet which is something that we have talked about with the Council as well as implemented with the Residential Districts that you saw. One issue that came up, excuse me, really quickly was a lot of the public/quasi-public uses you typically think about are going to be like water tanks or sewer pump stations, you know. We normally think about hospitals, schools, fire stations, no problem on the lot size because you have – but typically have substations for MECO, a water tank up there, and they may not take – or private water tanks in private subdivisions that do not normally need, you know, 15,000 square feet. They may be only a 12 by 12 or a couple thousand square feet. So I'm going to pass out this little amendment and I'll tell you where we're going to insert it.

Commissioners: ...(Laughter)...

Chair Starr: Don't tell me where I should insert it Joe.

Commissioners: ...(Laughter)...

Chair Starr: It's late in the day.

Mr. Alueta: I'm a little pake on the paper, I didn't want to make multiple sheets.

Chair Starr: No, it's good. Get our money's worth.

Mr. Alueta: Under the budgetary constraints we try to save as much as we can. So under minimum, under Page 3, Line 8 in the table format under Developmental Standards, you will see the box, Notes and Exceptions, and that statement will be inserted there. This will allow for the Director to like, when somebody comes in with a subdivision and they need – it's going to be a public/quasi-public use or it's zoned that or if the County needs it, that way you can just say you meet the minimum lot size. This would also, for future you can have – you have a lot of residential ag areas or whatever, so where they have this utility in there and sometimes you want – and it's designated Public/Quasi-Public on the community plan, if we go through a comprehensive zoning we'll be able to create this public – P-1 Zoning District for that, for that substation or pump station or water without creating existing nonconforming use, it would be an allowed use.

This is pretty much the summary of the thing. I'll take questions.

Chair Starr: Commissioner Mardfin?

Mr. Mardfin: As usual, I think you did a great job, but I have one question. Exhibit 1, Page 3, near the bottom, you have accessory structures within the setback area, and under Notes and Exceptions, you say trash enclosures and walls should be limited to eight feet maximum height, light poles limited to 30 feet in height. Is there any shielding for those lights or is that covered by something else?

Mr. Alueta: It's covered by the County's own light standards which you can sign, directly shine a light into a neighboring property.

Mr. Mardfin: So some other regulation prevent – ensures the shielding?

Mr. Alueta: Right.

Mr. Mardfin: Thank you.

Chair Starr: Commissioner Shibuya?

Mr. Shibuya: On Page 2, Energy Systems Small Scale. There's a waffling statement here is, "provided there will no detrimental or nuisance effect upon the neighbors." What does that mean, 50 feet, 40 feet, tip of the cowling and tip of the blade?

Mr. Alueta: No, that's that's by limited by the – on tower heights, free standing antenna or wind turbine structures would be 50 feet in height, on the building itself, I mean, if it's free standing it's 50 feet maximum height with a one-foot setback for every – if it's attached to the building, you're given a 10-foot bonus onto the top of your building that's as far as height. As far as nuisance, that's a standard language that we put in that was approved by Corporation Counsel in previous drafts for energy systems, small scale.

Mr. Shibuya: Right.

Mr. Alueta: As you know, energy systems, small scale can be, you know, nuclear fusion in a Rubbermaid tub as we've seen some universities do. It's true, well, they couldn't repeat it but they did do it once. And then you also have a biomass gasification. If you grill using briquettes that's biomass where you burn in the backyard, but you may not want to live next door to that if it's in a small area. So we've limited to have a new – and there's a defined nuisance effect that's in the books, that that Corporation Counsel felt comfortable with.

Mr. Shibuya: Just the turbine blades, is that the tip of the blade or you're measuring from ...

Mr. Alueta: With regards to height, it's the tip of the blade.

Mr. Shibuya: At the tallest point?

Mr. Alueta: Correct.

Mr. Shibuya: Okay.

Chair Starr: Commissioner Hiranaga?

Mr. Hiranaga: I understand this only applies to P-1, P-2 Zoning regarding this nuisance factor are you gonna provide notice to the neighbors that this is proposed?

Mr. Alueta: This language with regards to small scale energy facilities has been added to all of the amendments that we've come before you. So you've, you've already recommended approval of this same language within the Interim District, Agricultural District and then all the Residential Districts as well as five Business Districts, SBR, B-1, B-2, B-3, BCT, as well as the BR, and, and, yeah.

Mr. Hiranaga: How would the neighbor know that a 100-foot tower is proposed next door to him?

Mr. Alueta: We're talking about two different things. There's a nuisance effect which is small scale energy facility. If the production of energy from a small scale energy facility is a nuisance, right, that's where the nuisance effect. As far as whether the height limits, the height limits are determined within the development standards. A height is not considered a "nuisance" but the height is determined by the Zoning Code and in this case, and in all of the districts we've established either maximum height for free standing antennas, but we've also required a setback requirement to establish for fall zones and this language is consistent with the – consistent with

what Council was trying to get through with their small wind energy bill that was – had come before earlier.

Mr. Hiranaga: I mean if you have a ocean view corridor and someone builds a 100-foot tower in front of it that's a nuisance to that person.

Mr. Alueta: Depending on it, the rule of thumb is that unless you own the property, do you not have a view corridor. My neighbors do not have a view corridor over my property. And if they think they have the valuation – of establishing a value over my property and I am not being compensated then we have a matter to take to court. The only way that you have a – view corridors are protected is by the Maui Coastal View Corridor Study which is used in – which was done back in the late '80s establishes view corridors from the public rights of way, so Piilani Highway, Honoapiilani Highway over the SMA. So it's only through the SMA that you can get view corridors – are protected and are regulated through the SMA permits.

Mr. Hiranaga: Or building height limitations.

Mr. Alueta: Which is what is established in each of the districts that we bring before you we establish a building height, we establish a height as well as with regards to small scale energy facilities or antennas or wind towers we establish a maximum height or as well as the setbacks. So you would have to have a very big property to establish, one, to get like the –

Chair Starr: Commissioner Shibuya?

Mr. Shibuya: Okay, just want to do a quick one. Why was well head protection strategy not included in this requirement?

Mr. Alueta: The Water Department and their well head protection that's the standard comments that they've been sending out to everyone. That is more of a, one, in overlay district that the Water Department is trying to establish with regards to the ... of individual wastewater treatment facilities as – but we are not a development. This is just a zoning change. I'm not zoning any property nor am I proposing any developments nor am I proposing any comprehensive zoning with this bill. The Water Department puts that out for me but as far as well head protection that has to do with if someone's doing a wastewater treatment to protect their wells which I fully understand.

Mr. Spence: If I could just comment? The Water Department is going to be reviewing building permits on any of the Zoning Districts. So if they, if that particular property is in a well head protection area they're going to comment on that. It doesn't need to be – that's independent of our Zoning Code.

Chair Starr: Okay, can we move along to public testimony?

a) Public Hearing

Chair Starr: Okay, any members of the public wishing to testify on this item please make yourself known? Okay, public testimony is closed. Public hearing is closed.

Unidentified Speaker: Staff recommendation.

Chair Starr: What?

Unidentified Speaker: Staff recommendation.

Chair Starr: Well, Staff is recommending this thing, I mean.

b) Action

Mr. Alueta: Correct you have four options that are listed on Page 4 of the Memo Report. Again, the only amendments that we have, that we're doing on the floor again to Exhibit 1 is, one, to delete the reference to P-1, you scratch that off. And then it will just say Public/Quasi-Public and you can put "s" at the end for Districts because there are going to be two. And then, again, adding in the insertion of that language at the end in the Notes and Exception box, under Minimum Lot Area.

Chair Starr: Commissioner Mardfin?

Mr. Mardfin: I move we approve the proposed bill to the Maui County Council as amended.

Chair Starr: Okay, that includes the –

Mr. Mardfin: That includes all the things that were just –

Mr. Shibuya: Second.

Chair Starr: Commissioner Shibuya?

Mr. Shibuya: Second.

Chair Starr: So we have a motion, a second, the motion is to?

Mr. Spence: Motion is to recommend approval of the revisions to Public/Quasi-Public to the County Council as amended.

Chair Starr: Okay, ready? All in favor, please raise a hand. All opposed.

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

VOTED: To Recommend Approval of the Amendments to Chapter 19.31 of the Maui County Code Relating to Public/Quasi-Public Districts to the County Council.
(Assenting - W. Mardfin, W. Shibuya, J. Freitas, K. Hiranaga, O. Tagorda, L. Sablas, P. Wakida)
(Excused - D. Domingo)

Mr. Spence: We have seven ayes, zero nays. The motion is carried.

Chair Starr: Good work Mr. Aluete [sic]

Mr. Alueta: Thank you very much.

G. NEW BUSINESS

- 1. MR. DOUGLAS POSELEY requesting an Environmental Assessment determination on the Final Environmental Assessment (EA) prepared in support of the Community Plan Amendment from Park to Agriculture for property situated near Milepost 15 Honoapiilani Highway at TMK: 4-8-003: 047, Olowalu, Island of Maui (EA 2010/0004) (G. Flammer) (Final EAs previously circulated at the November 9, 2010 Maui Planning Commission meeting.) (Commissioners: Please bring your copy with you.)**

The accepting authority for the Environmental Assessment is the Maui Planning Commission.

The EA trigger is the Community Plan Amendment.

The project needs a Community Plan Amendment (CPA) and a Change in Zoning (CIZ). The public hearing on the CPA and CIZ applications will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.

Chair Starr: Moving right along. We – Chair would entertain a motion to defer Poseley to the soon as possible date at which we can have – what's his name –

Mr. Mardfin: I move.

Chair Starr: You what? Yeah, go ahead.

Mr. Mardfin: I move we defer the Poseley issue under New Business, G-1, under such time as Daniel Ornellas can be here and we can schedule it.

Chair Starr: Thank you. Is there a second?

Mr. Shibuya: Second.

Chair Starr: We have a motion by Commissioner Mardfin, seconded by Commissioner Shibuya, the motion is?

Mr. Spence: The motion is to defer Item G-1, Mr. Douglas Poseley until such time as Mr. Daniel

Ornellas can assure he is going to be here.

Chair Starr: Okay, thank you. All in favor please raise a hand. All opposed.

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

**VOTED: To Defer the Matter Until Such Time that Daniel Ornellas from the Department of Land and Natural Resources Will Be Able to be Present.
(Assenting - W. Mardfin, W. Shibuya, J. Freitas, K. Hiranaga,
O. Tagorda, L. Sablas, P. Wakida)
(Excused - D. Domingo)**

Mr. Spence: Okay, that's seven ayes, zero nays. The motion is carried.

Chair Starr: Done deal.

**H. ACCEPTANCE OF ACTION MINUTES OF THE JANUARY 25, 2011 MEETING AND
REGULAR MINUTES OF OCTOBER 12, 2010 MEETING.**

Chair Starr: Anyone want to make a motion regarding minutes?

Mr. Shibuya: Move to accept.

Chair Starr: Commissioner Shibuya?

Mr. Shibuya: Move to accept all of the minutes, January 25th and the minutes of October 12th.

Chair Starr: Is there a second?

Mr. Mardfin: Second.

Chair Starr: Moved by Commissioner Shibuya, seconded by Commissioner Mardfin. The motion is?

Mr. Spence: Is to accept the January 25th and the October 12th, excuse me, January 25th, 2011 and October 12th, 2010 minutes.

Chair Starr: All in favor please raise a hand. All opposed.

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

**VOTED: To Accept the Action Minutes of January 25, 2011 and the Regular Minutes of October 12, 2010.
(Assenting - W. Mardfin, W. Shibuya, J. Freitas, K. Hiranaga,
O. Tagorda, L. Sablas, P. Wakida)
(Excused - D. Domingo)**

Mr. Spence: Okay, it's seven ayes, zero nays. Motion is carried.

I. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues

Chair Starr: Okay, Planning Commission Projects/Issues. Just want to – I want to mention that the – if anyone has any opportunity to go to the APA National, it's approximately April 8th in Boston and it's been one of the highlights of my life to attend these when I can. You really learn a lot and it really makes – help you understand what this is all about and what kind of communities can be created through good planning. Mr. Yoshida, you have something for us?

2. Discussion of Future Maui Planning Commission Agendas

a. Agenda items for the February 22, 2011 meeting

Mr. Yoshida: Very quickly, we have circulated our list of items for the February 22nd meeting. We would just add the Olowalu Driveway D item that was deferred from this morning and I guess, we'll check on the availability of Mr. Ornellas.

Chair Starr: Okay. We also had a couple of items from our workshop that we didn't get to, if we can take it then otherwise at a subsequent meeting. Members, any? Commissioner Shibuya?

Mr. Shibuya: I regret that I won't be able to attend the February 22nd meeting. I was also assigned to do refreshments but I'm being substituted by Commissioner Wakida.

Chair Starr: You better be going somewhere good.

Mr. Shibuya: Yeah, skiing.

Chair Starr: In that case, you're excused.

Mr. Shibuya: I'll be grouchy if I don't.

Chair Starr: Bring us a snowball. Commissioner Sablas?

Ms. Sablas: I also will not be able to attend the February 22nd meeting, I'll be out of state on a business trip.

Chair Starr: Okay, if anyone else is going to miss that one let us know because we might be getting close to quorum. Commissioner Mardfin?

Mr. Mardfin: I'm like to miss, I'll be here for part of the time, but I'm likely to miss the morning and I know I have to leave at about 10 to 15 minutes before 3. I'll do what I can do, but I can't promise it.

Chair Starr: Carolyn, can you – we're gonna be real bare quorum so could you like check with everyone a few days before the meeting and make sure that no one else is going to miss? Okay.

B. DIRECTOR'S REPORT

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

Mr. Starr: And we had a couple of questions on the SMA Report, you're ...(inaudible)... on that?

Mr. Spence: Yes, we did get. Requested at today's meeting there was three items. SM2 2011/0001, repairs to existing – this is at 4401 Lower Honoapiilani Road. Repairs to existing shoreline protection measures while permanent solutions are secured or being pursued. Original project described as layering ...(inaudible) so in other words, they're doing this just as a temporary measure while they can pursue something more permanent.

The second one SM5 2011/0015, I guess the question was is it adjacent the shoreline and it is not.

Then SM5 2011/0019 to construct a farm, a main farm dwelling and lanai and grading work for residence that's at 2401 Hana Highway. The project is not adjacent to the shoreline.

Chair Starr: Okay, that satisfies me. Would anyone like to move that we acknowledge receipt of all the items on the SMA report up till now?

Ms. Wakida: I so move.

Chair Starr: Is there a second?

Mr. Shibuya: Second.

Chair Starr: Moved by Commissioner Wakida, seconded by Commissioner Shibuya, the motion is?

Mr. Spence: The motion is that the Commission acknowledges receipt of the SMA Minor Report.

Chair Starr: Okay, thank you. All in favor, please raise a hand. All opposed.

It was moved by Ms. Wakida, seconded by Mr. Shibuya, then

**VOTED: To Acknowledge Receipt of All Items on the SMA Minor and SMA Exemptions Reports.
(Assenting - P. Wakida, W. Shibuya, K. Hiranaga, J. Freitas, O. Tagorda,
W. Mardfin, L. Sablas)
(Excused - D. Domingo)**

Mr. Spence: There's seven ayes, zero nays. The motion is carried.

Chair Starr: Anything, anything else?

Mr. Spence: Adjournment.

Chair Starr: We're adjourned. Good work everyone.

J. NEXT MEETING DATE: February 22, 2011

L. ADJOURNMENT

The meeting was adjourned at 5:11 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Jonathan Starr, Chairperson
Jack Freitas (in attendance at 9:25 a.m.)
Kent Hiranaga
Ward Mardfin, Vice-Chair
Orlando Tagorda
Lori Sablas
Warren Shibuya
Penny Wakida

Excused

Donna Domingo

Others

William Spence, Planning Department
Clayton Yoshida, Planning Department
James Giroux, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Department of Public Works