

LAND USE COMMITTEE
Council of the County of Maui

MINUTES

Council Chamber

September 14, 2011

CONVENE: 1:37 p.m.

PRESENT: Councilmember Robert Carroll, Chair
Councilmember Mike White, Vice-Chair
Councilmember Gladys C. Baisa, Member
Councilmember Elle Cochran, Member
Councilmember Donald G. Couch, Jr., Member
Councilmember G. Riki Hokama, Member (arr. at 3:25 p.m.)

EXCUSED: Councilmember Danny A. Mateo, Member
Councilmember Joseph Pontanilla, Member
Councilmember Michael P. Victorino, Member

STAFF: Kirstin Hamman, Legislative Attorney
Pauline Martins, Committee Secretary

ADMIN.: James Giroux, Deputy Corporation Counsel, Department of the Corporation
Counsel
William Spence, Director, Department of Planning
Ann Cua, Planner, Department of Planning
David Goode, Director, Department of Public Works
Scott English, Lieutenant, Department of Fire and Public Safety
Captain Clarence Kenui, Lahaina District Commander, Department of Police
Lieutenant Jason Rego, Lahaina District, Department of Police

OTHERS: Gordon Cockett
Ryan Kirkham
Charles Hirata, former Lahaina District Commander, Department of Police
Nell Woods
Marvin Tevaga, Police Officer, Lahaina District, Department of Police
Mike Foley, former Planning Director
Bruce U`u, Apprentice Coordinator, Carpenters Union
Lucienne de Naie
Patricia Nishiyama, Na Kupuna O Maui
Dick Mayer
Leilani Pulmano, Project Manager, Munekiyo & Hiraga, Inc.
Ryan Churchill, President and COO, Maui Land and Pineapple Company, Inc.
Jadine Urasaki, Deputy Director, Projects Division, Department of Transportation,
State of Hawaii

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David Shimokawa, Planner-Head, Airports Division, Statewide Transportation
Land Use Section, Department of Transportation, State of Hawaii
Marvin Moniz, Airports District Manager, Airports Division, Maui District,
Department of Transportation, State of Hawaii
Charlene Shibuya, Assistant District Engineer/Construction Engineer, Highways
Division, Maui District, Department of Transportation, State of Hawaii
Plus (7) other people

PRESS: *Akaku Maui Community Television, Inc.*
Chris Hamilton, The Maui News
Matthew Thayer, The Maui News

**LU-65 DISTRICT COMMUNITY PLAN AMENDMENT, PROJECT DISTRICT PHASE I
APPROVAL, AND CHANGE IN ZONING FOR THE PULELEHUA PROJECT
(LAHAINA) (C.C. No. 06-236)**

CHAIR CARROLL: . . . (*gavel*) . . . Land Use Committee meeting of September 14, 2011, is now in session. Good afternoon and we have a request first, please, if you have cell phones or anything that makes noise, please turn it off. With us as Committee members this morning, we have our Vice-Chair Mike White, Don Couch, Elle Cochran, --

COUNCILMEMBER COCHRAN: Aloha.

CHAIR CARROLL: --and Gladys Baisa. Joining us later, will be Riki Hokama. Excused, we have Danny Mateo, Mike Victorino, and Joseph Pontanilla. Members, we also have with us this morning, James Giroux, Deputy Corporation Counsel; Executive Branch representatives, Will Spence, Planning Director; Ann Cua, Planning, Department of Planning; David Goode, Director of Public Works; Lieutenant Scott English, Department of Fire and Public Safety; Clarence Kenui, Lahaina District Commander, Department of Police. State Department of Transportation, we have Jadine Urasaki, Deputy Director, Projects and CIP; David Shimokawa, Planner-Head, Planning Staff; Marvin Moniz, Airports District Manager, Maui District; Charlene Shibuya, Assistant District Engineer. We have Leilani Pulmano, Project Manager, Munekiyo & Hiraga, Incorporated; Ryan Churchill, President and COO of Maui Land and Pineapple Company; Pauline Martins, our Committee Secretary, and Kristine [*sic*] Hamman, our Legislative Attorney. We have two items on the agenda today, LU-10 CHANGE IN ZONING FOR THE MAKAWAO CONGREGATION OF JEHOVAH'S WITNESSES (HAIKU) and COMMUNITY PLAN AMENDMENT, PROJECT DISTRICT PHASE I APPROVAL, AND CHANGE OF ZONING FOR THE PULELEHUA PROJECT (LAHAINA). Public testimony on these items will be accepted now. Those wishing to testify should sign up at the desk in the lobby. Testimony will be limited to three minutes with one minute to conclude, if necessary. Testifiers are requested to state their name for the record and indicate who they are representing, if appropriate. We will now open public testimony. Ms. Hamman?

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... BEGIN PUBLIC TESTIMONY ...

MS. HAMMAN: Mr. Chair, the first person signed up to testify is Gordon C. Cockett.

MR. COCKETT: Aloha, Mr. Chair, ladies and gentlemen of the Committee. Thank you for allowing me to speak. I speak on the Pulelehua project. This project has been made pretty with perfume and cosmetics. I beg all of us to look back at the work done by the GPAC on the Maui Island Plan. Isn't this Council body still working on our Urban Growth Boundaries? Shouldn't this project be made to wait until that is completed? This is prime agricultural land. Don't we already have projects approved for more than 1,500 units? Why do we need to add this to that? I question the need to build more market-priced homes for people coming here from somewhere else. We have a dire need for affordable housing for people already in the workforce here. Isn't there a new school offered for this project? A school next to an airport? I don't think so. With the already approved projects in the wings, population growth is obvious. Wouldn't this thought indicate that the airport will get busier? No need to draw a bigger picture on that thought. How many more vehicles will this bring to the West side? Our highways are already overcrowded and I'm told by qualified people that widening the Pali road will cost something like \$800 million. That's million with an "m". Will developers be made to contribute to this? Remember we still have a Maalaea project and an Olowalu project to face soon. These are things which are obvious to me. I'll leave more of them for more intelligent people yet to speak. Thank you.

CHAIR CARROLL: Thank you. Members, any questions for the testifier? Hearing none, thank you.

MS. HAMMAN: The next person to testify is Ryan Kirkham.

MR. KIRKHAM: Aloha. My name is Ryan Kirkham and I'm here representing myself. I'm an educator on the West side. I am here to voice my support of Pulelehua. As an educator in the West side community, I feel that it is important to have an affordable housing development for local educators, including myself. A community of learning is more effective if the teachers actually live within the community in which they teach. They are better able to relate to the children within the classroom. We are all aware of the struggles both public and independent schools within the State of Hawaii face. This is only compounded by the fact that so many of the educators, unable to afford their own home in, on Maui, move to the mainland to explore further options there. We can all probably think of teachers who have been on Maui seemingly forever, but we can probably think of many more who are forced to move off island. An affordable housing community targeted towards West Maui working professionals will allow teachers already living on the west, on, on West Maui, the opportunity to, to secure property for the long term. A less-transient, more-established teaching community will only yield more positive results for West Maui's children. I love living and working within the West Maui community. My children, my wife and I truly feel as though we've found a home there. Now all we need is a house to call our home. Without Pulelehua, the chances of this are quite a bit slimmer. Thank you.

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CHAIR CARROLL: Thank you. Questions for the testifier? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you for being here. As an educator and part of a school in West Maui, what's your thoughts about a school being so close to an airport?

MR. KIRKHAM: You know, I was, I was thinking about that as I was sitting here before. The elementary school I actually grew up going to is right across the street from an airport, and I remember my fifth grade teacher constantly stopping class and identifying the new planes that would come in. It, it never really was an issue, as a child, it never was an issue for, for me growing up or, or my parents. It, it was an airport that probably was just a little bit smaller than the Kapalua Airport, but, so, so a little bit less traffic, but, you know, the, the daily, the daily grind of things and, and it would... I never gave it second thought. For this particular project, is it, is it an issue as an educator, I don't, I don't see it being one, no.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

CHAIR CARROLL: Any further questions for the testifier? Hearing none, thank you.

MR. KIRKHAM: Thank you.

MS. HAMMAN: The next person to testify is Charles Hirata.

MR. HIRATA: Good afternoon, Mr. Chair and Members. My name is Charles Hirata. I'm testifying as an individual. I was the former Commander of the Lahaina Police District and we were generally in favor of this project, primarily because of the housing it would provide for our employees, majority of whom have to come across the Pali every day. The other, the other consideration that we had was the fact that, that during times of an emergency it was difficult to call back people because they all lived on the other side. So, you know, these, these are some of the issues that, you know, I spoke about last time, and I was right when I said that this, this project wasn't going to be built before I retired.

And so, here we are, I'm retired now. I've been retired for about year and one month. So, we had generally been supportive of this project and, and for the reasons that it would provide housing for, for people who would be working in the district as, for first responders, educators, and as well as people working in the service industry, who wouldn't have to make the, the commute and therefore, keeping traffic more on that side of the island versus having to go across from the Central area.

CHAIR CARROLL: Thank you. Any questions for the testifier? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Hi, nice to see you, Mr. Hirata. Curious as a retired police and, and public safety, in regards to such a project in that area where the airport is actually an evacuation spot, did you contemplate or see any hindrance in such a community being built on that one-way, kind of in and out right now, you know, as an evacuation area, would it hinder the public safety of people getting in and out?

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MR. HIRATA: From, from our exercises and our planning, we well know that the highway itself in that area is, is above the high-water mark so, so long as you on the highway, you're pretty much safe. And I believe the, the plan originally called for two, two entrances and exits and I think they're up to three now for the subdivision. and we're also suggesting that they look at interconnectivity with other the subdivisions so that people wouldn't have to actually go on the highway to make their trips into that subdivision or to the school. So that's, that's basically what we recommended before. What Captain Kenui would testify to is maybe different from what, what I am talking about now but I'll leave that to him.

COUNCILMEMBER COCHRAN: Thank you, Mr. Hirata. Good to see you. Mahalo.

CHAIR CARROLL: Any further questions for the testifier? Hearing none, I'm glad you didn't wait on us for retire. Thank you. Ms. Hamman?

MS. HAMMAN: The next person to testify is Nell Woods.

MS. WOODS: Aloha, Chairman Carroll and Members of the Committee. My name is Nell Woods and I'm here speaking as an individual. Thank you again for the opportunity to speak to the matters on today's agenda. Two weeks ago, I addressed what I've referred to as the deception, the viability, the dangers and the lack of need for Pulelehua, not to mention the isolation of West Maui. Today, I'd like to address a different perspective and that is whether or not the applicant has the resources necessary to pursue this project to completion. Two weeks ago, Councilmember Hokama asked Planning staff if this project would have gotten its 2006 positive recommendation from the Planning Department in today's economy. A better question is, would the company that is before you now, in its current reduced circumstances even attempt this project? The Maui Land and Pineapple Company of today is a mere shadow of the company who originally proposed this project. When David Cole came to Maui Land and Pineapple, the company was a vibrant, economic engine for agriculture, resort operations and development. Decisions made from that point forward, when coupled with the economic downturn have decimated the company. They closed and tore down the Kapalua Bay Hotel, tried to replace it with a mega-luxury condo development and lost their entire investment. They've lost their investment in the Ritz Carlton Hotel, have sold the two golf courses, and leased out the rest of their interests including the Honolua Store in the resort. They've sold much of their Upcountry land and closed their pineapple operations. Their West Maui pineapple workers as well as their golf course and other resort employees were one of the primary justifications for Pulelehua. This application for a Community Plan Amendment, rezoning, and Project District Phase I approval is nothing more than an attempt to greatly inflate the current value of the land to make it more attractive for sale to a better capitalized developer. The thought of thousands of people living, working and going to school within a quarter mile of an airport quite frankly gives me the heebie-jeebies. As the guy from the State Airports Division testified to the Planning Commission a number of years ago, if he had his druthers, residential development wouldn't be allowed within five miles of an airport. I'd like to believe that you have it in your hearts, but especially in your heads to just say no to the applications before you today. However, if you can't find it in

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your hearts and in your heads to just say no, I leave you with one request. If you say yes, please find a way to make the first condition you impose be that these entitlements are immediately null and void upon sale or transfer of the land to any other entity. Thank you.

CHAIR CARROLL: Thank you. Any questions for the testifier? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you, Ms. Woods for being here. In your testimony, the part that says as the guy from State Airports Division testified and then you have a quote, you don't recall the guy?

MS. WOODS: I didn't make a note of that at the time, this is five years ago, but he testified as the representative from the Airports Division back in 2005, 2006 when the Planning Commission was hearing this matter.

COUNCILMEMBER COCHRAN: Thank you, Ms. Woods. Thank you, Chair.

CHAIR CARROLL: Thank you. Any further questions for the testifier? Hearing none, thank you. Ms. Hamman?

MS. HAMMAN: The next person to testify is Marvin Tevaga.

MR. TEVAGA: Aloha, everyone. Thank you for this time to, given to testify of the Pulelehua project. My name is Marvin Tevaga. I live in Lahaina. My wife and I have three kids and currently, I renting, paying for a three-bedroom place and it's kinda small, but we are grateful for that. Currently at this time, we, we've been trying to buy a home, can't afford to, to buy the home at the prices that they are today. We've been on the support with the Pulelehua, I think the late of 2004. I'm currently employed with the Maui Police Department and I work in Lahaina. I can testify to what Captain Hirata said that when we do have accidents or times of emergency, it's hard to get our fellow officers from the other side to help us and assist us and, currently, right now, I think there's about four of us that live inside district. I think there's about 25 that live outside of district so, if, if need be, there's, there's the four of us that need to be there. As far as trying to get a home, we...you know, I know there's a lot of, there's oppositions with, with a lot of things, but right now, we...there's nothing else we have. My wife is Hawaiian, native Hawaiian. She speaks Hawaiian language, but she doesn't have enough koko, she doesn't have enough blood to have a Hawaiian Home. So what else is left for us? We don't have a home for us from our parents, so there's Pulelehua for us. So, hopefully with Pulelehua, it can move forward. There is time for change in all things, there's going to be a change 20 years from now, everything's going change. There's going to be homes, beginning every single day, but what about for us people who live there, work here, who call Hawaii our home for the, our entire life and we can't afford to pay for our own home when I'm paying for my landlord's third house, you know? They can have three homes; I can't have one, something that I can leave for my kids and my kids' kids, you know, something small, so that's it. Thank you.

CHAIR CARROLL: Thank you. Any questions for the testifier? Ms. Cochran?

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COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you, Mr. Tevaga for being here. Just want a little bit clarification, you said 4 live in district, 25 live outside, --

MR. TEVAGA: Yeah.

COUNCILMEMBER COCHRAN: --is that strictly for Lahaina Police force? You have 29 people on the force?

MR. TEVAGA: Well, we...I think, just roughly speaking, I think we have around 30 or so officers but the 4 that I know of, the Lahaina, Lahaina officers that live in district are patrol officers.

COUNCILMEMBER COCHRAN: Thank you. I was just getting some numbers. Thank you. Thank you, Chair.

CHAIR CARROLL: Thank you. Any further questions? If not, thank you.

MR. TEVAGA: Mahalo.

CHAIR CARROLL: Ms. Cochran? I mean, excuse me, Ms. Haneman [*sic*]?

MS. HAMMAN: The next person to testify is Mike Foley.

MR. FOLEY: Chairman Carroll and Members of the Council, my name is Mike Foley. I'm a retired land use planner. I live in Makawao, but I lived previously for 9, actually 11 years in, in Napili and Lahaina, near the Pulelehua site. I'm not representing any, any organization or landowner, I'm speaking strictly as an individual. I'm here to support Pulelehua as I have consistently done for too many years. While serving as Maui County's Planning Director, I attended a lot of community meetings and reviewed several master plans for large, multi-use development projects. Pulelehua had the best design of those projects and one of the best locations. It has an excellent mix of housing types, a school, which is much needed in West Maui, a compact commercial area, and lots of open space. It's an excellent design. Unlike other large projects, Pulelehua is close to existing jobs, it's adjacent to existing water and sewer lines owned by the County, and it's near an existing fire station. Other projects that you will review, especially Olowalu, has none of these attributes. It's not near any jobs, it's, it doesn't have water or sewer system, isn't near a fire station, isn't near a school. Pulelehua has a lot of significant advantages over these other master plan projects. I wanted to comment on the airport because it was a significant issue when it was discussed by the Planning Commission five or six years ago. It came up repeatedly. We had the same two people oppose the project on the airport because of the airport. One of them you heard from today. When we met with the people from the Federal Aviation Administration, and the State Division of Airports in the Highway Department, they explained that there are a lot of limitations on that airport. It allows no private planes. They've never had an accident. They had...they are not allowed to have night flights, there are no lights on the runways. And the runway lengths are severely limited because they have deep gulches on

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each end of the runways. That was one of the reasons why the Pulelehua project above the airport was discontinued because of the difficult access to the area above the, above the airport. So the, the Staff and the Planning Commission supported this project, it did not feel that the airport was a significant problem and I wish to continue that support today.

CHAIR CARROLL: Thank you. Any questions for the testifier? I'll start with Mr. White, followed by Ms. Cochran, --

VICE-CHAIR WHITE: Thank you, Chair.

CHAIR CARROLL: --followed by ... *(inaudible)*...

VICE-CHAIR WHITE: While you were Planning Director, did you get numbers as to how many employees that worked on the West side lived in Central or other areas outside of West Maui?

MR. FOLEY: Mr. White, we did have those statistics and I have to confess, I don't remember what the numbers were. Ann Cua might remember the numbers, but I, I remember we were amazed at the number of people that commuted into West Maui and out of West Maui every day from Central Maui and from South Maui, and we also were amazed at the number of times that the Pali Highway was closed either because of accidents or because of fires. And I was one of those people that was living on the West side but I was supposed to respond to emergencies in Wailuku, and only if the emergency was appropriately timed would I have been in Wailuku instead of Napili. So I don't remember the numbers. There, there are an amazing number of people that commute into West Maui, and we had a lot of people from the tourism industry testify that they would love to live in Pulelehua instead of Wailuku or, or Kihei, but I don't remember the numbers specifically.

VICE-CHAIR WHITE: Well, maybe we can get those from the Department later, Chair, but our, our ratio is about 50 percent live outside and 50 percent in, but I think because we've got a much, I don't want use the word "older" --employee group but, you know, our, because our hotel's older, we've got a much higher ratio, I think, of people that live in Lahaina than the other properties. So, I think the, I think the demand is certainly there for units that come in at the right price points, so . . . *(inaudible)* . . .

MR. FOLEY: I remember that we had specific testimony from a number of teachers, as you've had today and also from the Police Department and the Fire Department, both of whom said that it was really significant that, it was really necessary that more police and fire personnel live in West Maui instead of having to, to commute in, as you have heard previously.

VICE-CHAIR WHITE: Thank you. Thank you, Chair.

CHAIR CARROLL: Thank you, Mr. White. Ms. Cochran?