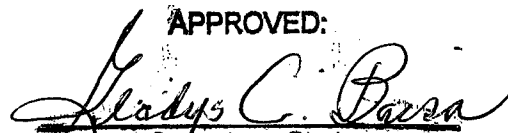


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M I N U T E S
GENERAL PLAN COMMITTEE
COUNCIL OF THE COUNTY OF MAUI
COUNCIL CHAMBER, 8TH FLOOR
WAILUKU, MAUI, HAWAII
MAY 29, 2012

APPROVED:

Committee Chair

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1 Daniel Ornellas, Department of Land and
Natural Resources
2 Julie Ann Cachola, Department of Hawaiian Home
Lands
3 Steve Perkins, Project Manager, Maui Research
and Technology Park
4 Doug Spencer, Spencer Homes
Mark Hyde, South Maui Citizens for Responsible
5 Growth
Blanca Lafolette, Project Coordinator, CMBY
6 2011 Investment
Greg Stratton, Board Member, Kihei Community
7 Association
Netra Halperin
8 Blossom Feiteira, President, Association of
Hawaiians for Homestead Lands
9 Dr. Lee Altenburg
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10 Janet Six, Ph.D., Conservation Committee, The
Sierra Club
11 Marcy Traynor
Michael Duberstein
12 Bill Greanleaf
Courtney Bruch
13 Unmani Cynthia Groves
Brian Naeole, Hewa Hewa Hapakuka
14 Dick Mayer, Vice-Chair, General Plan Advisory
Committee (GPAC)
15 Mike Foley
Keoki Medeiros
16 Gylan Solay
Florence K. Lani
17 Keith Chun, Planning and Department Manager,
Department of Land and Natural Resources
18 Rory Frampton, Kihei Mauka (Haleakala Ranch
and Ka Ono Ulu Ranch)
19 (15) additional attendees

20 PRESS: Akaku, Maui Community Television, Inc.

21 -----
22 ITEM NO. 2(2): GENERAL PLAN UPDATE (MAUI ISLAND PLAN:
CHAPTER 8 (DIRECTED GROWTH PLAN) -
23 (KIHEI-MAKENA REGION)) (CC 07-54)

24 CHAIR BAISA: ...(gavel)... Will the meeting
25 of the General Plan Committee please come to order.

1 Chair will note that it's approximately seven minutes
2 after 9:00. And that -- that before we should begin
3 here, would you please turn all cell phones and anything
4 else that might squeak on the silent mode or turn it off
5 so that we won't be interrupted?

6 I am Councilmember Gladys Baisa, Chair of the
7 Committee. And today is Tuesday, May 29th. I'd like to
8 welcome all of you to the meeting.

9 We met last week, and completed our review of
10 the portion of the Directed Growth Plan related to the
11 Wailuku-Kahului region. I wanna thank you, Members, for
12 your diligence and hard work.

13 Today, we will begin our discussion and act on
14 the growth boundaries and related maps for the
15 Kihei-Makena region. If we are unable to complete our
16 review today, we may consider a recess until tomorrow,
17 May 30th, 2012, at 9:00 a.m., to continue.

18 After the Kihei-Makena region, we still have
19 the regions of Makawao-Pukalani-Kula, Paia-Haiku, West
20 Maui, and Hana to review as part of Chapter 8 of the
21 Maui Island Plan. So we have much work to do. We have
22 only done one little piece of it.

23 I'd like to introduce the Voting Members of
24 the Committee that are here today. Actually, the entire
25 Council is -- are Voting Members of this Committee. But

1 with us here today, we have my Vice-Chair, Don Couch.

2 VICE-CHAIR COUCH: Good morning and aloha.

3 CHAIR BAISA: Good morning, aloha, and happy
4 birthday. Let's all give Don a round of applause for
5 coming in on his birthday.

6 (Applause.)

7 CHAIR BAISA: You know, this is a special
8 meeting. And I really appreciate the Members that are
9 here today, who have made the effort to be here so that
10 we can get ahead on this Plan. And, Members, I really
11 personally wanna say thank you very, very much for the
12 sacrifice. I know how it is, we all have millions of
13 things going on.

14 I'd also like to introduce Member Elle
15 Cochran.

16 COUNCILMEMBER COCHRAN: Aloha, good morning,
17 Chair.

18 CHAIR BAISA: Good morning. Member Mike
19 Victorino.

20 COUNCILMEMBER VICTORINO: Good morning, Madam
21 Chair.

22 CHAIR BAISA: Member Mike White.

23 COUNCILMEMBER WHITE: Good morning, Chair.

24 CHAIR BAISA: And Member Joe Pontanilla.

25 COUNCILMEMBER PONTANILLA: Morning.

1 CHAIR BAISA: Thank you very much, Members.
2 Excused today are Members Bob Carroll, Riki Hokama,
3 Danny Mateo. And the rest of us are here. Thank you
4 very much.

5 From the Administration, we have Will Spence,
6 our Planning Director.

7 MR. SPENCE: Good morning, Chair.

8 CHAIR BAISA: Good morning. We have John
9 Summers, the Administrative Planning Officer with the
10 Planning Department.

11 MR. SUMMERS: Good morning, aloha, Chair.

12 CHAIR BAISA: Good morning. Simone Bosco, our
13 Senior Planner from the Planning Department.

14 MS. BOSCO: Good morning, Chair.

15 CHAIR BAISA: We have Mike Napier, GIS
16 Analyst. And these folks are all from Planning
17 Department, I'll quit saying that. Mark King who's a
18 GIS Analyst. Good morning. Dan McNulty-Huffman, GIS
19 Analyst. Good morning. And we have Peter Graves, a GIS
20 Analyst.

21 And we have our Deputy Corporation Counsel,
22 Mr. James Giroux.

23 MR. GIROUX: Aloha, Madam Chair.

24 CHAIR BAISA: We also have with us my faithful
25 Staff. I have my Legislative Attorney, Kirstin Hamman.

1 Good morning. And we have our Committee Secretary,
2 Clarita Balala.

3 You know, our Staff tries to be invisible,
4 but, let me tell you, without them, we'd be in a mess.
5 They keep -- they keep us straight and do a lot of
6 things for us. Oh, and we had the wrong person. Yeah,
7 Clarita is on vacation, right? I've been following her
8 on Facebook. So we have Yvette Bouthiller. Thank you
9 very much for taking -- for coming in this morning and
10 helping us out. Goes to show you, I should look before
11 I open my mouth, right? Oh, well.

12 Guys, this morning, we will be taking
13 testimony. We have a tremendous amount of testifiers
14 that have signed up here to testify.

15 And, Testifiers, I think, you all know the
16 drill. It's three minutes, and one minute to conclude,
17 if you need it. Please state your name, and, if you are
18 representing a group, we'd like to know that, too.
19 We'll start with a green light when you start, and
20 about -- just getting towards the end of it, there will
21 be a yellow light, and then it gets red. And if you
22 need another minute, we'll try to accommodate you. We
23 want to hear from you. It is really important that the
24 Committee hear from you. And we will be paying close
25 attention to what you talk about. And we'll try to

1 address it, if not at the time, later on, when we get to
2 looking at the maps and actually doing the
3 deliberations. So hang with us. If you have time to
4 stay with us, it'll be wonderful because there may be an
5 opportunity, as we discuss the particular area you're
6 interested in, Members may want to call you up, or a
7 representative, to discuss it. So if you can stay with
8 us, it might be helpful. If you can't, we certainly
9 understand.

10 But I'd like to, Members, without objections,
11 we'll start our public testimony.

12 COUNCIL MEMBERS: No objections.

13 CHAIR BAISA: Thank you very much. Our first
14 testifier this morning is Pam Daoust. And Pam will be
15 followed by Rob Riebling. And if I say that wrong,
16 please correct me. Good morning, Pam.

17 ...BEGIN PUBLIC TESTIMONY...

18 MS. DAOUST: Good morning. Good morning,
19 Committee Members. My name is Pam Daoust. And I'm
20 testifying as President of the Maalaea Community
21 Association or MCA. Two co-testifiers, Gary Smith and
22 Lynn Britton, former MCA presidents, were unable to
23 attend this morning. Another former president, and
24 current Vice President, Rob Riebling is here and will
25 also speak.

1 A number of our Members wanted to testify
2 today in support of the recommended boundaries for
3 Maalaea. Some are here and some were unable to attend,
4 but would like to go on record as supporting no change
5 to the proposed Maalaea growth boundaries. I have
6 attached to my testimony copies of testimony from 16
7 other people. And I understand some other additional
8 has come in.

9 Since Mr. Spence hasn't proposed any changes
10 for Maalaea -- thank you, Mr. Spence -- these testifiers
11 are willing to forego speaking this morning in
12 consideration of the Committee's time constraints. If,
13 however, Council Members make any motions involving
14 changes for Maalaea, we would appreciate being allowed
15 to address them at that time.

16 All of us support the tightly drawn Urban
17 Growth Boundaries for Maalaea that have been recommended
18 by the GPAC, the Planning Commission, and all four
19 Planning Directors involved in the process. We thank
20 them for their time and expertise.

21 MCA supports keeping Maalaea's surrounding
22 prime agricultural lands intact for agricultural
23 purposes. We oppose massive urbanization at Maalaea.

24 Maalaea encompasses a vitally important
25 transportation corridor. We are the gateway to West

1 Maui. Adding thousands more vehicles trying to access
2 huge residential projects in the area would slow traffic
3 even more and add to the backups we already experience
4 on a fairly regular basis due to fires and accidents on
5 the Pali.

6 Increased traffic in this location could prove
7 catastrophic during tsunamis, hurricanes or major fires,
8 hampering evacuation efforts and the movement of people
9 and supplies across the entire island.

10 Our current open space corridor also provides
11 scenic vistas for all Maui residents and visitors
12 passing through the area. Development at this critical
13 crossroads will destroy these scenic vistas and mean the
14 end of tranquil seaside Maalaea as we know it.

15 The need for additional housing is already
16 being addressed elsewhere without adding thousands more
17 new units in such a bad location for development.
18 Somewhere between 35 and 40,000 new homes -- we hope you
19 are keeping track of just how many -- are being planned
20 for Central, South and West Maui. Infrastructure
21 already exists, or can more easily be provided, in those
22 areas while Maalaea lacks such infrastructure entirely.

23 Please adopt the proposed Urban Growth
24 Boundaries for Maalaea and exclude Project Districts 11
25 and 12 from the Maui Island Plan.

1 In a controversial five-four split vote, those
2 districts were slated for development for our community
3 -- in our community plan long before current traffic
4 issues became a problem. We've been requesting the
5 removal of those projects ever since.

6 Mahalo for your consideration.

7 CHAIR BAISA: Thank you very much. Members,
8 any questions for our testifier? Seeing none, thank you
9 very much. Our next testifier, of course, is Rob
10 Riebling. And Rob will be followed by Mike Trotto.

11 MR. RIEBLING: Good morning, Chair --

12 CHAIR BAISA: Good morning.

13 MR. RIEBLING: -- Members. I'd like to echo
14 the -- the comments of my previous speaker here and say,
15 once again, thank you to the GPAC, the Planning
16 Commission and four -- count 'em, four -- Planning
17 Directors for their collective wisdom in retaining
18 Maalaea's tightly drawn Urban Growth Boundary. All of
19 them recognized that expanding the Urban Growth Boundary
20 to include the old and ill-conceived Project Districts
21 11 and 12 would violate good planning practice and most
22 of the directed growth criteria that you have already
23 approved in the Maui Island Plan.

24 Further urbanization would only overstress
25 schools, police, fire facilities, none of which are

1 located nearby, and would overwhelm our major highway,
2 creating massive evacuation problems in the event of
3 fire and tsunami disasters. And, also, our one small
4 County park, Haycraft Park.

5 Needed infrastructure for these projects
6 cannot be cost-effectively provided to those sites, and
7 there are no employment centers nearby. Prime ag land
8 would be irreversibly converted to urban use and
9 exacerbate leapfrogging urban sprawl.

10 Significant amounts of treated wastewater now
11 won't have to be disposed of via massive injection wells
12 close to the shoreline. And the Waikapu and other
13 aquifers now won't have to be compromised or turned
14 saline.

15 This keeps all options open for future
16 transportation corridors, maybe even, at some point in
17 the future, light rail, if we come to that. All passing
18 through the transportation hub at Maalaea, which is
19 already used as a hub by the bus system and, very soon,
20 will also interface with the new Lanai ferry that's
21 gonna work out of the harbor.

22 So, in conclusion, we find that the maps and
23 the text that you have before you are fine just the way
24 you are. And we -- we ask please, please don't change a
25 thing. They're working. Don't fix them. Thank you.

1 CHAIR BAISA: Thank you very much. Members,
2 any questions for our testifier? Seeing none, thank you
3 very much, Rob. Next testifier is Mike Trotto. And
4 he'll be followed by Lesley Bruce. Good morning.

5 MR. TROTTO: Good morning, Chair Baisa and
6 Committee Members. Thank you for the opportunity to
7 address you this morning. In the interest of time, I
8 didn't bring my long speech so I'm gonna come at you
9 with bullet points. Not real bullets, but just some
10 bullet point items.

11 CHAIR BAISA: Thank you.

12 MR. TROTTO: Number one, I would like to ask
13 you to please respect the GPAC and the Planning
14 Commission's recommendations. I know you have to make a
15 few changes as you look at the Plan, but I hate to see
16 real wholesale, or have these recommendations just get
17 thrown away.

18 Kihei desires a more walkable and a convenient
19 sense of place for all the residents who live there, not
20 just build-out scenarios that maximize the growth
21 potentials. The preservation of our open space and
22 important agricultural lands must be maintained.

23 I remember one of our residents, who's now
24 gone, and how he described these important agricultural
25 lands. They were not just delineated lines on a map.

1 He talked about what is contained in these agricultural
2 lands. I think he brought a -- a sample of the dirt.
3 And he said, "You cannot reproduce this. You cannot get
4 it from any place else. Once these agricultural lands
5 have been covered with mortar, bricks and cement and
6 asphalt and homes, it's gone forever." So keep
7 important agricultural lands.

8 This is our home. Open spaces are very
9 important to us. Oftentimes we hear that the open
10 spaces and the vistas are for our visitors. We hold
11 these vistas and open spaces in high regard. We are the
12 residents, we live here. Please keep that in mind as
13 you go forward with this Plan.

14 There's an area in Kihei that was zoned 15
15 years ago or so as Light Industrial. In my opinion,
16 Light Industrial does not mean megamall or the largest
17 outlet mall in the Pacific. The residents of Kihei do
18 not want to see this happen.

19 Any Urban Growth Boundaries must contain real
20 numbers. I know there's probably at least 4,000 units
21 that already have their entitlements for this area.
22 Let's see the numbers.

23 That's really my last comment on this Plan,
24 but I'd be very remiss if I didn't mention and thank
25 this Committee, especially Chairman Don Couch, for the

1 recent passage of the short-term rental bill. Thank you
2 all that worked on that. It was a -- had a lot of speed
3 bumps that you had to overcome and you did a great job.
4 Thank you.

5 And, also, in all the years I've been coming
6 to this Council, Chair, I find that this sitting Council
7 is head and shoulders above any that I can remember. I
8 think the way you work with the present Administration
9 and the way you just get the job done for the people of
10 Maui County is commendable. And I do commend you. And
11 I hope, after November, I see the same faces here in
12 this Council. You've done a great job.

13 Thank you. And thank you again for the time
14 you've given me to talk this morning. Thank you, Chair.

15 CHAIR BAISA: Thank you very much, Mr. Trotto.
16 Any questions of our testifier? Thank you. Ms. Bruce,
17 Lesley Bruce. And she'll be followed by Patricia
18 Stillwell. Good morning, Lesley.

19 MS. BRUCE: Good morning, Madam Chair. Good
20 morning, Councilmembers. Good morning, (inaudible). My
21 name is Lesley Ann Bruce. I represent myself today. I
22 was on the General Plan Advisory Committee for three
23 years, representing Hana.

24 I'm disturbed by some of the recommendations
25 by the current Planning Director. Please refer to the

1 South Maui map on Page A, Map 29 -- no. On Page --
2 Chapter 8, Page 29, the Kihei Mauka and Research &
3 Technology Park is scratched out in orange, has a very
4 large urban boundary. This urban boundary in North
5 Kihei, Ka Ono Ulu ahupuaa, is much too large. It's much
6 larger than the one recommended by the GPAC. The Urban
7 Growth Boundary should be lowered toward Piilani Highway
8 to just above the proposed Kihei High School and the
9 industrial site. The housing units proposed in Ka Ono
10 Ulu should be transferred to the Research & Technology
11 Park where there will be more jobs.

12 The next map I'm looking at includes Puu O
13 Lai, and is Map S-3. You can see Puu O Lai down at the
14 bottom, and the large Urban Growth Boundary's here.

15 The 390 acres being proposed in the north
16 Makena Golf Course should not be included in any Urban
17 or Rural Growth Boundary. This idea has already been
18 reviewed by the General Plan Advisory Committee, by the
19 Long Range Planning Division, by the Planning
20 Commission, and several Planning Directors. The Makena
21 Resort land is already entitled to over 2,000 units.
22 Having this extension was turned down by all the
23 previous reviews.

24 Just one last word about Maalaea. One of the
25 problems, as we all know, for all of the reefs on Maui

1 is runoff. My mother came in '28. She said that
2 landscape, which is ceded lands, above Maalaea used to
3 be all green pili grass. I want to leave with you a
4 gift of some pili grass seeds. Because the Community
5 Workday will be cleaning out the culverts at Maalaea,
6 but, until we reforest the mountainscape with pili
7 grass, which has many uses -- and that area should not
8 be grazed, it should be left as a resource to absorb the
9 water on the mountain, and with the pili grass taking
10 care the runoff. Then we wouldn't have such a damage to
11 the reef down in the south shore of Maui.

12 Thank you.

13 CHAIR BAISA: Thank you very much, Ms. Bruce.
14 Members, questions for Ms. Bruce? Seeing none, thank
15 you. Our next testifier is Patricia Stillwell. And
16 she'll be followed by Irene Bowie. Good morning.

17 MS. STILLWELL: Good morning. Aloha,
18 Committee Members. Thank you for the opportunity. My
19 name is Patricia Stillwell. I live in Kihei. And I am
20 a member of the Kihei Community Association and serve on
21 the Board; however, I am speaking on my own behalf
22 today. Although, I do support the testimony that you
23 will be hearing that will be presented by the Kihei
24 Communication Association.

25 I don't know how you felt last week when you

1 heard the news that Honolulu was determined to have the
2 worst traffic in the nation. Quite frankly, I was
3 stunned and shocked. The idea that a tiny island in the
4 middle of an -- the most remote archipelago in the -- on
5 the planet has more traffic than a megatropolis like Los
6 Angeles, Washington, D.C., New York. It was just
7 stunning to me. You have to ask, how does this happen?
8 I think you start with poor planning, urban sprawl,
9 vehicular dependency.

10 The Planning Department's proposed Urban
11 Growth Boundary with the inclusion of D035 in Makena and
12 the North Kihei Mauka area is an example of urban
13 sprawl. Growth areas that segregate people by income
14 levels are away from existing infrastructure and rely
15 upon the automobile and fossil fuel consumption to get
16 from home to anywhere else. This is wasteful, costly,
17 and degrades [sic] the natural -- and degrades the
18 natural environment that is the backbone of our island
19 economy.

20 The study done by SMS for the Planning
21 Department projected that 1,482 new housing units will
22 be needed by 2030. This can be achieved by 1,200 units
23 mauka of Piilani, and, based on a survey by the Planning
24 Department, the potential for 400 infill units makai of
25 Piilani. The mauka units can be satisfied by the

1 build-out of the R&T Park, proposed for 1,250 units.
2 This is the only development proposed for South Maui
3 that has elements of smart growth. Employment is within
4 the neighborhood, schools are nearby, it is close to
5 shopping and commercial centers, the community park, and
6 will -- will contain open space and greenbelts. As
7 proposed by the developers, it would be a walkable,
8 pedestrian-friendly community.

9 Using the Urban Growth Boundary proposed by
10 the Kihei Communication -- Community Association, there
11 will be enough space allocated to build what we need for
12 the next 18 years, taking us to 2030, without adding an
13 alarming amount of sprawl, traffic and degradation of
14 our quality of life. I believe that amendments can be
15 made to the plan if need be.

16 And in just 18 years, the process is
17 revisited. If it's determined then that more
18 development is needed to meet housing needs, there are
19 opportunities ahead at that time to allow for that.

20 On be -- in the meantime, on behalf of those
21 of us who have chosen to make South Maui our home,
22 please respect the extensive work done by GPAC, the
23 quality of life we want to preserve now, and plan for
24 smart growth only in the future. Thank you for your
25 consideration.

1 CHAIR BAISA: Thank you very much. Members,
2 questions for the testifier? Seeing none, thank you
3 very much. Next testifier is Irene Bowie. And she'll
4 be followed by Mike Moran. Good morning.

5 MS. BOWIE: Good morning, Chair Baisa and
6 Committee Members. I'm Irene Bowie, Executive Director
7 of Maui Tomorrow Foundation.

8 Maui Tomorrow asks for reasonable growth in
9 South Maui. 4,000 new units have been approved, but are
10 not yet built in Kihei-Makena. All previous matrices of
11 proposed directed growth areas were based upon a
12 forecasted demand of 1,482 units for the next 20 years.
13 Yet, the Director's new version assumes a large increase
14 in the number of new units to be required beyond those
15 already approved.

16 Where is the infrastructure planned for such a
17 massive increase? Where would the water come from?
18 What about the traffic? And why has the number of units
19 increased so dramatically under the current Planning
20 Director's version?

21 We ask for no new growth areas in Makena.
22 Makena Resort already has 1,000 acres of -- with urban
23 entitlements. Now they ask the Planning Department to
24 add 390 acres around their north golf course to the
25 Urban Growth Boundary. GPAC, the Maui Planning

1 Commission, and the former Planning Director, all
2 reviewed and rejected this request over the last five
3 years. It's not needed, and we ask you not to add it.

4 Maui Tomorrow supports the protection of
5 natural gulches and native forests in Kihei. The latest
6 Planning Department maps released in May of this year
7 don't show most of Kihei and Makena's gulches, and don't
8 indicate that native forests exist in the southern
9 portion of Wailea 670. Please show all the gulches in
10 Kihei-Makena as sensitive lands and place the native
11 dryland forest areas of Palauea and Kamaole on the
12 Kihei-Makena protection area maps in the plan.

13 We also support protection areas shown in
14 green on the maps for Kealia Pond and Makena-La
15 Perouse-Kanaio.

16 Maui Tomorrow, lastly, supports the Kihei
17 Community Association's request to designate a mauka
18 portion of the 50-acre County site along Kamaole Gulch
19 mauka of the new police station as a passive park. We
20 support requests from the community for significant
21 designated greenbelt open space areas between existing
22 and planned developments in South Maui.

23 These greenbelts are an important aspect of
24 walkable communities. They act as retention buffers
25 during storm events. And that's a various serious -- a

1 very serious issue for South Maui. And they help to
2 protect cultural sites. They create an important sense
3 of place for the community. And as you can hear from
4 the previous testifiers, they are -- they are asking you
5 to please help them provide that as -- as South Maui
6 grows in the future.

7 Some of these have been shown on past versions
8 of the Directed Growth Maps. And we ask you that they
9 be included in the protective lands narrative.

10 Thank you for your consideration.

11 CHAIR BAISA: Thank you very much, Ms. Bowie.
12 Any questions for our testifier? Seeing none, thank
13 you. Next testifier is Mike Moran. And Mr. Moran will
14 be followed by Gwen Hiraga. Good morning.

15 MR. MORAN: Good morning, Chair and Committee
16 Members. My name is Mike Moran. I'm a member of the
17 Kihei Community Association, and I, too, serve on the
18 board, but, this morning, I am testifying as a simple
19 resident of Kihei and someone who loves Kihei.

20 I attended a presentation by Chris Hart &
21 Partners Friday evening concerning Kahului and Wailuku
22 walkable/bikeable community. In -- in discussing this
23 afterwards with a few guys, I mentioned that the small
24 towns' support of the four designated areas gets so much
25 attention regarding preserving the quality of life

1 there, and was glad to see Kahului included in this
2 presentation this time, but then I rarely see South Maui
3 or Kihei included in concerns for quality of life or
4 preserving it for its residents.

5 One guy offered, "That's because it's too late
6 for that area, it's already gone." He said, "That's the
7 perception on the island and in the government, so just
8 go ahead and develop everything. Kihei is already
9 gone."

10 We discussed how, years back, there were four
11 distinct towns or areas, each centered around an
12 existing entity, such as Suda Store in North Kihei. But
13 because of rampant, seemingly uncontrolled development,
14 this concept is dissolving year by year to where we are
15 now.

16 This morning, I am here asking that this
17 Committee making planning decisions for the future of
18 South Maui to join with our concerned community that, in
19 fact, it is not too late for Kihei. Kihei is not gone.
20 Please listen and respond to the testimony provided by
21 the people who live in Kihei to put reasonable limits on
22 development in our community. Keep ag land ag, not
23 industrial and commercial. And please listen to when
24 KCA's formal testimony is offered. I'm in full support
25 of that.

1 Mahalo.

2 CHAIR BAISA: Thank you. Members, questions
3 for Mr. Moran? Seeing none, thank you. Our next
4 testifier is Gwen Hiraga. And she'll be followed by Tom
5 Leuteneker. Good morning.

6 MS. HIRAGA: Good morning. Good morning,
7 Chair Baisa and Members of the General Plan Committee.
8 My name is Gwen Hiraga, from Munekiyo & Hiraga. And
9 this morning, I will be speaking to two items with
10 regard to the Kihei-Makena Community Plan area.

11 The first deals with Makena. And in this
12 regard, I'm representing ATC Makena Holdings, LLC. We
13 did submit a letter with our request that was dated May
14 25th. And I brought additional copies for this
15 morning's meeting.

16 ATC Makena requests your consideration of the
17 following: And that is that the Urban Growth Boundary
18 reflect the existing land use entitlements as currently
19 designated in the 1999 Kihei-Makena Community Plan and
20 current zoning for its parcels in Makena Resort. These
21 parcels are identified as parcels S1 through S4, which
22 have Community Plan designation of Single-Family; Parcel
23 S6, which has Community Plan designation of
24 Single-Family, and is zoned R-3 Residential; and Parcel
25 M1, which has Community Plan designation as

1 Multi-Family.

2 I will now go to the next item.

3 CHAIR BAISA: Yes, please.

4 MS. HIRAGA: Okay. I would like to now speak
5 on the Department of Hawaiian Home Lands' and Department
6 of Land and Natural Resources' requests for Puunene.
7 Three letters have been submitted to this Committee and
8 copies -- additional copies were provided again this
9 morning.

10 The State of Hawaii, Departments of Land and
11 Natural Resources and Department of Hawaiian Home Lands
12 respectfully request your consideration of including the
13 State lands in Puunene within the proposed Urban Growth
14 Boundaries for the region as well as some narrative
15 revisions to Chapter 8 to reflect the intended use
16 consistent with the requests for designation.

17 The departmental representatives are in
18 attendance this morning. And they will also be
19 providing testimony for your review and consideration.

20 Thank you.

21 CHAIR BAISA: Thank you very much. Members,
22 questions for testifier? Seeing none, thank you very
23 much. The next testifier is Tom Leuteneker. And he'll
24 be followed by Russell Tsuji.

25 Members, I understand that there has been a

1 deluge of testimony. And I think Staff is continuing to
2 work on getting all that together for us. We'll have
3 time to take a look at it. Chair will make sure you
4 have time.

5 COUNCILMEMBER VICTORINO: Thank you, Chair.

6 CHAIR BAISA: Okay. Go right ahead,
7 Mr. Leuteneker. Good morning.

8 MR. LEUTENEKER: Good morning and aloha, Chair
9 Baisa and Committee Members. My name is Tom Leuteneker.
10 I'm with Carlsmith Ball. Normally, my partner, Martin
11 Luna, would give this testimony, but he is presently
12 unavailable. I am, therefore, testifying on behalf of
13 ATC Makena, Limited Liability Companies, which owns
14 property designated S6. And I have my testimony and a
15 copy of that map attached, which I will leave.

16 S6 is depicted on the map attached to the
17 testimony. This property is approximately 99 acres and
18 is identified as Tax Key, Zone 2, 2-1-5108. And I thank
19 you for the opportunity to speak on this matter.

20 ATC Makena has serious reservations regarding
21 the Draft Maui Island Plan that is before you with
22 respect to this S6 property. Specifically, the Draft
23 Plan omits S6 from the Urban Growth Boundary and
24 designates the property Preservation in contravention of
25 the current zoning of the property, and, secondly, the

1 Kihei-Makena Community Plan. In short, there is no
2 reasonable justification for omitting the property from
3 the Urban Growth Boundary for the Kihei-Makena area.
4 And doing so would not only be irresponsible and
5 inappropriate, but could also lead to unnecessary legal
6 issues for the County of Maui as well as ACT [sic]
7 Makena.

8 First, designating a property Preservation
9 would be entirely unappropriate. The property is
10 located within the Kihei-Makena area and is currently
11 zoned R-3 by the County and it is designated
12 Single-Family under the Kihei-Makena Community Plan.
13 Omitting the property from the Urban Growth Boundary and
14 designating it Preservation will -- will lead to an
15 incongruous result whereby a property that is zoned R-3
16 under the County zoning and is designated Single-Family
17 in the Kihei-Makena Community Plan would be designated
18 Preservation under the Maui Island Plan.

19 Designating the property Preservation
20 essentially permanently prohibits all development on the
21 property. The Preservation designation would be in
22 direct conflict with County zoning and with the
23 Community Plan.

24 The Maui Island Plan is not just a plan; it
25 will be the law. When the Council finalizes the Plan

1 and adopts it, the -- following a public hearing, the
2 Plan will be law. The Kihei-Makena Community Plan is
3 another plan that has the force and effect of law, as
4 does the County zoning R-3.

5 These conflicts between the Community Plan,
6 County zoning and the Plan would most definitely lead to
7 unnecessary and avoidable legal issues for the County of
8 Maui in the future, including the question of whether or
9 not an unconstitutional regulatory taking of private
10 property has occurred.

11 So I urge you to reconsider and include this
12 99 acres of property, which is presently zoned for
13 Single-Family Residential dwelling, to be in the Urban
14 Growth Boundary. Thank you very much.

15 CHAIR BAISA: Thank you very much,
16 Mr. Leuteneker. Questions for testifier?
17 Mr. Pontanilla?

18 COUNCILMEMBER PONTANILLA: Thank you. You
19 know, I listened intently on your testimony. And what
20 caught my ear is that, you know, this County has been
21 sued many times in regards to takings. So that's a
22 question I'll be asking Corporation Counsel as well as
23 the Planning Director in regards to takings of property
24 -- properties that are already zoned in the Community
25 Plan that we have currently. So I'll take up that issue

1 because I -- I think all of us are pretty aware in
2 regards to legal action taken by the -- legal action
3 taken by owners against the County in previous years.

4 So thank you for your testimony.

5 MR. LEUTENEKER: Thank you, sir.

6 CHAIR BAISA: Thank you, Mr. Pontanilla. Any
7 other questions for our testifier? I'm sure we'll be
8 looking very closely at this later on. Thank you.

9 MR. LEUTENEKER: Okay, Chair Baisa. Thank
10 you.

11 CHAIR BAISA: And our next testifier is
12 Russell Tsuji. And Mr. Tsuji will be followed by Daniel
13 Ornellas. Good morning.

14 MR. TSUJI: Good morning, Madam Chair, Members
15 of the Committee. My name is Russell Tsuji. I'm the
16 Administrator from the Land Division of the Department
17 of Land and Natural Resources. With me this morning is,
18 also, Keith Chun, our Project and Development Manager,
19 and, also, Daniel Ornellas, who you'll be hearing from
20 later this morning.

21 We're here to ask that you consider adding
22 into the Urban Growth Boundary approximately 692 acres
23 in an area we call the Pulehu Hui area, which is across
24 the highway from Puunene.

25 This area, I think, is little unique for us in

1 that one of the few times we have multiple agencies,
2 DLNR, DHHL, PSD, Public Safety Department, who is also
3 interested in this area, and the County of Maui has --
4 also has interest in these -- in this area. And
5 typically, oftentimes, we have just pockets and we're on
6 our own, or these individuals are on their own. Here,
7 these lands, by -- by the various County and State
8 agencies, I think, affords us the opportunity to get
9 into a master plan, that I think Gwen has talked about,
10 that would -- would allow us to coordinate and,
11 hopefully, together, jointly develop the infrastructure
12 needed for -- for future development in this area for --
13 such as sewer, water, roads, yeah, as compared to
14 piecemeal or, if you were on your own and you had this
15 little pocket of land by yourself.

16 And for the -- probably the last year, the
17 State agencies -- again, to name a few, we have the --
18 the National Guard Army out there, DHHL. Public Safety
19 is looking to move in this area for the Maui regional
20 public safety complex. And I believe the County also
21 has a Governor's Executive Order for future public
22 recreational facilities, as a drag strip, model
23 airplane, et cetera, out there.

24 DHHL and DLNR, especially DLNR, is looking at
25 these lands as -- as a potential for future income

1 production. Probably more so since 2008, you know, when
2 the economy started going down, the rest of the
3 Department has looked to Land Division in hopes to
4 generate revenue to help support its programs.

5 Examples of programs we support, other than
6 the Land Division itself, for the management of the
7 lands is the Office of Conservation and Coastal Lands,
8 we fund the entire program, Commission on Water Resource
9 Management, for the streams, et cetera, we fund three
10 positions; lifeguard services at State parks, dam -- the
11 Dam Safety Program, which, really, is not a
12 income-generator, so we would have to generate the
13 revenue.

14 I think these lands are important. And I
15 think the overall benefit of supporting the master plan
16 that Gwen has assisted us with the various agencies,
17 will assist every agency to meet their goals and
18 objectives respectively. It provides a central location
19 for new business opportunities as well as for public
20 recreational facilities. Perhaps allows the County to
21 generate more tax revenues. And, as a result, I -- I
22 respectfully ask that you consider adding the 692 acres
23 that we've requested into the Urban Growth Boundary.

24 CHAIR BAISA: Thank you very much. Mr. Tsuji,
25 I missed it, what's your title?

1 MR. TSUJI: I'm the Land Division
2 Administrator.

3 CHAIR BAISA: Land Division Administrator.
4 Thank you very much for being here today. Let's see if
5 the Members -- Members, any questions? We have a whole
6 bunch. We'll start from Mr. Couch and we'll go right
7 down the line.

8 VICE-CHAIR COUCH: Thank you, Madam Chair.
9 And thank you, Mr. Tsuji, for being here.

10 I'm -- I'm not sure if you've been involved
11 with listening to a lot of the text and whatnot, but one
12 of the things that everybody is concerned about is
13 sprawl, causing Kihei to merge into Puunene to merge
14 into Kahului. And one of the -- the things that I have
15 heard from this Council is we don't want to have that
16 happen. For -- for that -- those areas to be included
17 essentially leaves very little open space between Kihei
18 and Puunene. So I -- I know I'm concerned quite a bit
19 about the proposed development over there. I know the
20 racetrack and across the street, on Mehameha Avenue,
21 that area is -- is pretty much set for DHHL doing their
22 commercial activities. But anything beyond that, how do
23 you propose to mitigate the -- the essential sprawl
24 there? I mean, if you look on the map, there's --
25 there's gonna be no space between -- very little space

1 between North Kihei and -- and that area, and then
2 extremely little space between the baseyard and that
3 area. And that -- that's just -- on top of that,
4 there's a lot of traffic issues there, a ton, that even
5 the existing Mokulele Highway probably wouldn't be able
6 to handle. So what kind of mitigation do you have for
7 those concerns?

8 MR. TSUJI: As far as the mitigation, we'd
9 probably -- you know, we'd probably be working with Gwen
10 a lot in -- in dealing with any objections that we would
11 receive. We haven't -- again, this is at the Urban
12 Growth Boundary area. We haven't gotten into specifics
13 of zoning, et cetera.

14 Location-wise, Daniel is gonna speak a little
15 bit about that this morning. But I wanted to say that,
16 you know, already there is the armory, already planned
17 to be there is the new Maui jail, already there is the
18 racetrack, already there is already the model airplane
19 facility, and then planning now for DHHL's development
20 across the street. So I'm not sure if you're -- you
21 know, my -- when I drove out there, it looked -- our
22 area, as far as our lands, are -- tends to be more
23 towards the -- the boundary on -- in my view, anyway, my
24 layman's view, of more towards Wailuku area as compared
25 to the farther down by Kihei area. But, you know,

1 Daniel will be speaking a little bit about the location
2 side.

3 VICE-CHAIR COUCH: Okay.

4 MR. TSUJI: We do plan to work with the
5 community as we go forward in mitigation, that's for
6 sure.

7 VICE-CHAIR COUCH: And -- and that's the
8 question I have. You were invited and, apparently,
9 were -- said you were gonna come to a KCA meeting, the
10 last KCA meeting, and then, at the last minute, didn't
11 come, when that exact area was supposed to be discussed.
12 And so, therefore, it couldn't be discussed in front of
13 the community. I'm a little concerned about that.

14 And you also mentioned real property tax. As
15 far as I know, DHHL is exempt from property tax. And I
16 believe you guys are, too, D -- DLNR.

17 MR. TSUJI: Not our lessees. The -- the State
18 is, but not the lessees. If we enter into leases for --
19 for -- yeah, the lessees pay property tax.

20 VICE-CHAIR COUCH: Okay. I'll have to
21 double-check that.

22 And the other issue is you guys are somewhat
23 exempt from the -- the full review and processing by the
24 County. Are you willing to go through that process if
25 -- if this boundary was in? Because --

1 MR. TSUJI: I'm not familiar what -- what you
2 mean by exempt. We've -- as far as when --

3 VICE-CHAIR COUCH: Planning Commission and --
4 going through the Planning Commission and through the
5 Council for your change in zoning.

6 MR. TSUJI: For DLNR Land Division, our
7 projects have gone through the various respective County
8 agencies. I'm not sure what project you're referring
9 to, but just to give you an example, the Maui wind farm
10 Project Number 1 and 2, that went through extensive
11 permitting.

12 VICE-CHAIR COUCH: State permitting.

13 MR. TSUJI: In the Conservation District. But
14 other than that, all of our other projects, we --
15 actually, by law, we require 'em to comply with the
16 County ordinances.

17 VICE-CHAIR COUCH: Okay.

18 MR. TSUJI: Other agencies, now, you may be
19 referring to other agencies that have exempt --

20 VICE-CHAIR COUCH: Uh-huh.

21 MR. TSUJI: But our Division is not.

22 VICE-CHAIR COUCH: Okay. Thank you.

23 MR. TSUJI: And I just wanted to -- just if I
24 may say, 'cause you did raise it, we are -- the various
25 agencies, with respect to this community meeting that

1 you're referring to, we are planning to attend, we just
2 thought it'd be better if together we prepared and made
3 a joint presentation, yeah. And that's -- I think we're
4 planning, at least, roughly in August to attend this
5 meeting.

6 VICE-CHAIR COUCH: Okay. Thank you. Thank
7 you, Chair.

8 CHAIR BAISA: Thank you, Mr. Tsuji. Thank
9 you, Mr. Couch. We have a question by Member White, and
10 then Member Pontanilla.

11 COUNCILMEMBER WHITE: Thank you, Chair.
12 Mr. Couch asked two of my questions. But the -- the
13 other question that I had was that the -- the area that
14 is shown on our maps -- I -- I'm not sure if you have
15 it, but the recommendation, D028, makes the recommended
16 area look somewhat like a ninja star. And I'm just
17 wondering if -- if that's the best -- or what the reason
18 was for -- for those rather disparate star shape -- or
19 making it a star-shape parcel, what was the reason for
20 that?

21 MR. TSUJI: I'm sorry, I don't -- Keith, can
22 you bring the map up? Past our -- you're referring the
23 Departmental testimony on the map?

24 COUNCILMEMBER WHITE: No. I'm looking at
25 our -- our maps. I don't -- we don't have your

1 testimony yet.

2 MR. TSUJI: Which --

3 CHAIR BAISA: Staff, can someone share a map
4 with him so he knows what we're talking about?

5 VICE-CHAIR COUCH: This one right here.

6 MR. TSUJI: Keith Chun, our Development
7 Manager.

8 MR. CHUN: Good morning. Keith Chun,
9 Development Manager.

10 CHAIR BAISA: Hold on, Mr. Chun. We're gonna
11 get a copy of the map so that he -- he knows what the
12 question's about.

13 VICE-CHAIR COUCH: Madam Chair, short recess,
14 please.

15 CHAIR BAISA: I would imagine we probably need
16 one while we find what we need. Just a minute,
17 everybody. Please do not get out of your seats. The
18 meeting will now be in recess. ...(gavel)...

19 RECESS: 9:53 a.m.

20 RECONVENE: 9:54 a.m.

21 CHAIR BAISA: ...(gavel)... Meeting will
22 please come back to order.

23 Do you have the map, sir?

24 MR. TSUJI: Yes, I believe so.

25 CHAIR BAISA: So you can respond to the

1 question?

2 MR. TSUJI: It looks like the map that the
3 Council Person is referring to is -- is -- was proposed
4 by the Planning Department.

5 CHAIR BAISA: Correct.

6 MR. TSUJI: Our request includes the items to
7 the left and right as I look at this map. So it's,
8 actually, more square or rectangular rather than a star,
9 yeah.

10 CHAIR BAISA: Mr. White?

11 COUNCILMEMBER WHITE: Yeah. I -- I thank you
12 for that. The maps are very different. And now I see
13 why Mr. Couch was concerned about the -- the breadth of
14 the request. So I guess I -- I don't really have any
15 further questions now that I can see what the -- what
16 the map looks like. That's -- we're creating a -- a
17 whole new Wailuku or Kahului out in the middle of the
18 plains. So -- okay. Thank you. Thank you, Chair.

19 CHAIR BAISA: Okay, Mr. White.

20 Mr. Pontanilla?

21 COUNCILMEMBER PONTANILLA: Yeah. Just a fast
22 question. The 690 acres, it doesn't include the parcel
23 that is EO'd to the County?

24 MR. TSUJI: I believe it's already -- that
25 area -- that parcel is already in the urban growth, I

1 believe.

2 COUNCILMEMBER PONTANILLA: Okay. Fine. So
3 this 690 acres is something else?

4 MR. TSUJI: The DLNR lands, yes.

5 COUNCILMEMBER PONTANILLA: Okay. Thank you.

6 CHAIR BAISA: Thank you, Mr. Pontanilla. And
7 any further questions for the testifier? Seeing none,
8 again, thank you very much for being here. I hope you
9 can stay with us because we will get into the details of
10 each of these areas as we go along. Thank you.

11 Our next testifier is Daniel Ornellas. And
12 Mr. Ornellas will be followed by Julie Ann Cachola.
13 Good morning, Daniel. Mahalo.

14 MR. ORNELLAS: Good morning, Chair. Good
15 morning, Committee Members. My name is Daniel Ornellas.
16 I am the District Land Agent for the State Department of
17 Land and Natural Resources, Maui District Land Office.
18 I been with the District Office for eight years now.
19 And I'll be testifying today on the Urban Growth
20 Boundary recommendations for the Puunene area, which we
21 refer to, in its place name, actual place name, Pulehu
22 Nui, which -- which is -- like everybody knows, a pulehu
23 is a large cauldron or a boiling area, which is
24 indicative of what the uses we wanna see develop in that
25 region. We see Pulehu Nui defined as the animal shelter

1 area, where we have that four-way intersection, all the
2 way to the entrance of the racetrack as being Pulehu
3 Nui, Tax Map Key Parcels -- 3-8-8, Parcels 1 and 80 --
4 38 -- 1 and 38 constitute 692 acres that we're
5 recommending to be included into the Urban Growth
6 Boundary.

7 Former uses were the NASPU, Naval Air Station
8 Puunene, back in World War II. That was the -- the
9 airport, basically, which evolved into a commercial
10 airport which eventually was moved to Kahului. But the
11 remnants of that airport today serves those types of
12 uses which are real noxious, you know, uses you don't
13 want near the housing areas, noisy kind of stuff, like
14 the drag strip, the motor bike racetrack, different
15 types of recreational uses that are there on the lands
16 that are not agriculturally important. It's the former
17 air base. And we wanna expand opportunities out there
18 to support a lot of the activities that we are charged
19 with.

20 The State Constitution designates five uses
21 for Government lands, one of which is public purposes.
22 And this is where we wanna situate a lot of the services
23 that we need for our community.

24 And we are working closely with the County for
25 the recreational uses of those areas. We wanna work

1 with other State agencies and other private interests
2 that need the large-scale type plots, you know, 20, 30,
3 40 acres, for alternative energy opportunities. We're
4 looking at solar farms, things that use biodiversity in
5 developing energy, and just providing space for those
6 projects that are a little more risky. Being a
7 Government agency, we can take that risk that is gonna
8 benefit the long-term community.

9 From a planning perspective, Councilman Couch
10 talked about sprawl. Really, we wanna mitigate that by
11 concentrating uses on a large area that gives us
12 flexibility. Flexibility for traffic. Right now, the
13 main intersections are at the Central Maui Baseyard and
14 the one heading up to Hawaiian Cement. But if we could
15 not add a third intersection, but maintain just two
16 intersections, one near the drag strip and one near
17 Hawaiian Cement, and plan within that area and keep the
18 ag lands that are important, which is outside of that
19 area, contained.

20 The topography of the area lends itself for
21 efficient use of offsite infrastructure, non-potable,
22 potable and drainage areas. It's close, central
23 located, close to the deep-draft harbor at Kahului,
24 close to the airport. So as a hub of economic growth,
25 that is an ideal location.

1 And, finally, working together on a master
2 plan process provides cost sharing opportunities. By
3 limiting the growth potential, you're limiting cost
4 sharing opportunities for those Government lands.

5 That's it. And I appreciate your folks'
6 attention and any questions.

7 CHAIR BAISA: Thank you very much. Members,
8 questions? Mr. Victorino?

9 COUNCILMEMBER VICTORINO: Thank you. And
10 thank you, Mr. Ornellas, for being here. And I've
11 listened to the other testifier and my colleagues.

12 Approximately, you know, from where your lines
13 are being drawn on your map, now, you know, this map
14 that the Director has, and to the baseyard and to
15 Kahului, there's approximately six miles from the
16 junction to the junction at North Kihei. How many miles
17 away is this area that you're referring from the North
18 Kihei junction, approximately?

19 MR. ORNELLAS: To the intersection, going up
20 to the drag strip?

21 COUNCILMEMBER VICTORINO: Yeah.

22 MR. ORNELLAS: It's about three miles.

23 COUNCILMEMBER VICTORINO: About three miles.
24 So it's about the halfway point --

25 MR. ORNELLAS: Correct.

1 COUNCILMEMBER VICTORINO: -- in between the
2 two areas?

3 MR. ORNELLAS: Correct.

4 COUNCILMEMBER VICTORINO: Okay. And,
5 secondly, these lands already are under either DHHL or
6 DLNR control already? Most of this is State land?

7 MR. ORNELLAS: The way it is on the Hana side
8 of Mokulele Highway is all State lands, the area on
9 Lahaina side is DHHL properties.

10 COUNCILMEMBER VICTORINO: DH -- but, yeah.
11 Yeah. All controlled by either -- either agency?

12 MR. ORNELLAS: Correct.

13 COUNCILMEMBER VICTORINO: Okay. Okay. Thank
14 you for that clarification. I appreciate that. Thank
15 you.

16 CHAIR BAISA: Other questions for the
17 testifier? Seeing none, Mr. Ornellas, thank you very
18 much. Our next testifier is Julie Ann Cachola. And
19 she'll be followed by Blanca Lafolette.

20 MS. CACHOLA: Aloha, Chair Baisa --

21 CHAIR BAISA: Aloha.

22 MS. CACHOLA: -- Members of the Committee, my
23 fellow planners in the Planning Division. My name is
24 Julie Ann Cachola, I'm the Senior Planner at Hawaiian
25 Home Lands. And I have the honor to present our

1 Department's testimony today.

2 Mahalo for this opportunity.

3 The Hawaiian Home Lands trust in Puunene area
4 encompasses approximately 830 acres in the Pulehu Nui
5 ahupuaa which is split into two large parcels by
6 Mokulele Highway. The parcel on the west side of the
7 highway encompasses 185 acres, and the parcel on the
8 east side of the highway encompasses 646 acres.

9 By the Land Use authorities conferred by the
10 Hawaiian Homes Commission Act, the Hawaiian Homes
11 Commission adopted our Maui Island Plan in 2004. The
12 Island Plan and subsequent amendments to the Island Plan
13 designated the following land uses for our Puunene
14 lands: The 185 acres west of Mokulele for commercial
15 and mixed industrial use; and 646 acres east Mokulele,
16 546 acres would be for general agricultural use and 100
17 acres for industrial use.

18 The recommended Urban Growth Boundary includes
19 all of our 185 acres; however, it does not include the
20 100-acre industrial parcel east of Mokulele Highway.
21 For consistency purposes, we would encourage the
22 inclusion of the 100 acres in the recommended Urban
23 Growth Boundary.

24 In addition, we support the inclusion of the
25 adjacent 692 acres of land owned by the Department of

1 Land and Natural Resources, also in the Urban Growth
2 Boundary.

3 Recognizing our common interests in the region
4 for over one year now, the Department of Hawaiian Home
5 Lands, DLNR, Department of Public Safety, DAGS, have
6 been meeting to promote cooperative and complementary
7 land use planning. Also, fiscal coordination and timely
8 project implementation. This interagency working group
9 provides the framework for joint financing of public
10 infrastructure and for successful public/private
11 partnerships to develop the necessary infrastructure to
12 service the land uses and proposed projects.

13 It ensures effective and efficient use of
14 limited public funds, focused on the development of
15 revenue-generating land use activities which, in turn,
16 will contribute significantly to the County's property
17 tax revenue base. Including the recommended additions
18 in the Urban Growth Boundary will allow continued master
19 planning of State lands in the region.

20 We understand concerns that including more
21 lands in the Urban Growth Boundary would promote urban
22 sprawl among Mokulele Highway. The interagency working
23 group, as public trust agencies, are equally concerned
24 with potential for un -- are equally concerned with the
25 potential for unsightly urban sprawl. By including the

1 recommended acreage in the Urban Growth Boundary, lands
2 would be available for generous buffers and the
3 implementation of design guidelines in order to mitigate
4 view plane issues.

5 What we envision is a well-designed urban node
6 that is bound on the east, north and west by A&B
7 important agricultural lands, and is bound on the south
8 by the Department of Hawaiian Home Lands 540 acres of
9 agriculture land. These boundary land uses ensure
10 against urban sprawl along Mokulele Highway.

11 We, therefore, urge the General Plan Committee
12 to include DLNR lands and our 100-acre industrial parcel
13 in the Urban Growth Boundary. Inclusion will allow the
14 interagency working group to more efficiently plan
15 facilities and services and to realize a compact
16 well-designed urban node.

17 Mahalo.

18 CHAIR BAISA: Thank you very much. Members,
19 questions? Mr. Couch?

20 VICE-CHAIR COUCH: Thank you. And thank you
21 for being here. The question I have for you, on any of
22 these parcels that you're -- inside these Urban Growth
23 Boundaries, are there any plans now or do you foresee
24 any in the future of any kind of residence in -- in
25 those areas?

1 MS. CACHOLA: No, we don't have any plans for
2 residence in the areas.

3 VICE-CHAIR COUCH: If that restriction was
4 made on that, would that be something acceptable to --

5 MS. CACHOLA: Within the Urban Growth
6 Boundary, yeah. We are looking for revenue-generating
7 land uses. This -- so these parcels are strategically
8 located. I think they're the best in -- all over the
9 State. When we look at our public lands, you know,
10 these -- these parcels pop out as high potential for
11 revenue generating activities.

12 VICE-CHAIR COUCH: Okay. Thank you, Chair.

13 CHAIR BAISA: Mr. Victorino?

14 COUNCILMEMBER VICTORINO: Thank you. Thank
15 you for being here. Good morning.

16 So to follow up with what Mr. Couch is saying,
17 strictly commercial/light industrial is what the process
18 -- or what you're looking to lease these lands
19 specifically for?

20 MS. CACHOLA: Yes.

21 COUNCILMEMBER VICTORINO: Okay. And then as
22 far as any dual usage -- and, again, the question comes
23 up a lot of times is you start out with something and
24 then they come up with these ideas of, you know, like we
25 have in the past, Madam Chair, remember, we had, you

1 know, where you could build, you know, commercial on the
2 bottom, residential on top. So you would say, if we
3 restricted any of these types of uses and leave it in --
4 completely in strictly commercial and light industrial,
5 that kind of restriction, you guys would have no
6 objection to that?

7 MS. CACHOLA: Right. And within the Urban
8 Growth Boundary.

9 COUNCILMEMBER VICTORINO: Within the Urban
10 Growth -- yeah, I understood that, you know, but I --
11 just so that there is no way that they can get anything
12 else through that?

13 MS. CACHOLA: Yes.

14 COUNCILMEMBER VICTORINO: So any industrial,
15 commercial that kind of -- okay. Thank you. Thank you,
16 Madam Chair, for the clarification.

17 CHAIR BAISA: Mr. Pontanilla?

18 COUNCILMEMBER PONTANILLA: Thank you. Thank
19 you for being here. So the area that we talking about
20 in regards to inclusion is at the old Puunene area?

21 MS. CACHOLA: Yes.

22 COUNCILMEMBER PONTANILLA: Do you have any
23 lands that you own north of Kihei, outside the Kihei
24 boundary, Urban Growth Boundary? In other words, as you
25 come from the old Puunene site, coming towards Kihei --

1 MS. CACHOLA: Uh-huh.

2 COUNCILMEMBER PONTANILLA: -- do you have any
3 more lands that you own in between?

4 MS. CACHOLA: Just the 646-acre parcel to --
5 as you're going down to Kihei on the left. Right? And
6 what we're saying is that of that 646 acres, there's
7 100-acre parcel there that we've already designated for
8 industrial uses. And so we're asking for inclusion in
9 that. This is adjacent to the DLNR piece.

10 COUNCILMEMBER PONTANILLA: Okay. So it will
11 be confined only to the Puunene old airport area --

12 MS. CACHOLA: Yeah.

13 COUNCILMEMBER PONTANILLA: -- from what I'm
14 hearing?

15 MS. CACHOLA: Right.

16 COUNCILMEMBER PONTANILLA: So no urbanization
17 closer to Kihei?

18 MS. CACHOLA: Yeah. So our 545 acres of ag
19 lands would be that buffer on the south side. You know,
20 we're -- we're very concerned that we don't see that
21 urban sprawl as well and that we contain this. You
22 know, we need the area so that we can do appropriately
23 designed development, urban node. And that's why we're
24 looking at the expansion of the acreage, not necessarily
25 for urbanization, but to consider that in the Project

1 District, for instance, so that we can do proper
2 planning and implement design guidelines that would
3 address the view plane issues that we're very acutely
4 aware of and concerned about.

5 COUNCILMEMBER PONTANILLA: Okay. Thank you.
6 Thank you, Chairman.

7 CHAIR BAISA: Any further questions for the
8 testifier? Seeing none, thank you very much for being
9 here. We appreciate and hope you can stay with us for a
10 while.

11 MS. CACHOLA: Yes. Thank you.

12 CHAIR BAISA: Okay. Thank you. Our next
13 testifier is Steve Perkins. And Steve will be followed
14 by Doug Spencer. Good morning.

15 MR. PERKINS: Good morning, Madam Chair,
16 Members of the Committee. Thank you for the opportunity
17 to testify today. My name is Steve Perkins. I'm the
18 Project Manager for the Maui Research & Technology Park.
19 And we are in support of the Planning Director's most
20 recent amendment to Chapter 8 of the Draft Maui Island
21 Plan as it relates to the Maui Research & Technology
22 Park.

23 The project description in the most recent
24 draft, on 8-31, works very well with the master plan
25 update we are working on. And we request that it remain

1 as currently written. In previous versions of the
2 chapter, no project description was provided for the R&T
3 Park. And this version corrects that omission and
4 provides parameters that align well with the smart
5 growth goals and concepts detailed in other portions of
6 the Plan.

7 I'm gonna make myself available over the next
8 couple days while you folks deliberate, if you have any
9 questions.

10 CHAIR BAISA: Thank you very much. Members,
11 questions? Thank you very much. The Chair would like
12 to make a clarification before we move on. Earlier in
13 the meeting, a testifier suggested that other testifiers
14 would refrain from testifying as long as there are no
15 changes to the maps for Maalaea; however, they would
16 want to be called to testify if any of the Members make
17 motions to change those proposed boundaries. Because
18 the Sunshine Law will not permit this, you will need to
19 testify now. What will happen, and what we have been
20 doing, is when we get to the area that we are
21 discussing -- and we'll be discussing all of the areas
22 that have been pointed out -- we will -- or may, the
23 Members may wish to have a representative of that area
24 or a representative of the folks, like a community
25 association or whatever, come up and provide additional

1 information at the request of the Members, but not
2 necessarily to present testimony. So if you have
3 something to testify, my advice is that you sign up and
4 do it now because you may not have the opportunity to
5 produce -- to say that later on. So please don't think
6 that we're gonna have a second round of testimony,
7 'cause we're not. What we will be doing is taking the
8 areas one by one, reviewing them. And if the Members
9 have questions, we will call the representative up to
10 help us.

11 Okay. Moving on. Our next testifier here is
12 Doug Spencer. And he'll be followed by Mark Hyde.

13 MR. SPENCER: Good morning, Chair. Good
14 morning, Councilmembers. My name is Doug Spencer. I'm
15 here on behalf of Spencer Homes, the developer of the
16 Ohana Kai project in Maalaea. I'm coming here today to
17 ask you to keep that project in the current Urban Growth
18 Boundaries.

19 And any project that we propose is gonna be an
20 affordable housing project, anyway, which is going to
21 come before this Council. So this Council will have the
22 final say. And we're not here to make a final
23 presentation on the project today, but I do want to let
24 you know that we have taken a step back, we've listened
25 to the community, we've listened to some of the Council

1 Members, we've listened to the Administration. We've
2 made some major changes to this project to accommodate
3 everyone's concerns.

4 Many times, we all think that what we think is
5 best is what everybody else thinks is best. And we've
6 learned that maybe not everybody thinks like us. And
7 whether or not this is the best place for this project
8 or not is a matter of opinion. And I can argue it both
9 ways, to be honest with you.

10 But we went to A&B, we went to Haleakala
11 Ranch, before we bought this property and says, "Hey, do
12 you guys have some property? We can provide affordable
13 housing to our working class families." And they says,
14 "No, we're not gonna give you any." So we're kind of
15 limited. We're not a big landowner. This is the only
16 parcel we have. We don't have another parcel we can
17 swap off somewhere and give you some benefit in return
18 for some benefit somewhere else. This is it for us.

19 And we are a small family company. In fact,
20 we had all of our employees meeting this morning as a
21 matter of fact. And present at that meeting was myself,
22 my father, my brother Mark, my brother Allen, and my
23 brother-in-law Charlie. That's it. We have no other
24 employees right now. They've all been laid off, waiting
25 for work.

1 Now, some of the changes we've made to this
2 project are:

3 People said it was too big. Fine, we
4 listened. We've now cut the project in half by 50
5 percent.

6 People say they don't like the injection
7 wells. We don't like 'em, either, but the State
8 requires us to put those in. So now we're using
9 additional land that we would have built houses on to
10 use to spread our effluent, and we have eliminated
11 injection wells 100 percent. No injection wells.

12 Judge August said that the water in our wells
13 was too salty, even though we met the County standards.
14 So we've hired a company now to come and desalinate the
15 water that comes from the wells. So we've dealt with
16 Judge August's issues that he had in a ruling against
17 our project.

18 Our project will probably be -- if approved by
19 this Council, will be the most self-sufficient,
20 sustainable community on the Island of Maui. We'll have
21 our own water system. We'll have our own sewage
22 treatment plant, we'll have our own parks, we'll have a
23 fire station, a small shopping complex. We will provide
24 agricultural land for some of the community members out
25 there, if they wish to, to grow their own food. And,

1 more importantly, we're gonna provide affordable tag
2 systems on every home, subject to MECO's approval, so
3 there'll be no use of resources.

4 And when people talk about sustainable and
5 self-sufficient, a lot of times it's a lot of talk. But
6 we like to be people of action. And we plan on doing
7 all of these things to make this a self-sufficient,
8 sustainable community.

9 And we're planning on scheduling meetings with
10 different community groups, and different members of the
11 Administration, and other people concerned in the
12 community, to see what else can we do to meet your
13 concerns. We're here to listen. And we're here to
14 accommodate those requests.

15 And all we're asking at this point is to keep
16 this project, in its reduced form, within the Urban
17 Growth Boundaries. And then, when we come before this
18 Council again, to (inaudible) a 201H project, we can get
19 into the finer details of it.

20 And if there's any questions, I'd be glad to
21 take those now.

22 I have a couple other engagements to go to
23 later on today, but I can be here after lunch.

24 CHAIR BAISA: I have a feeling we'll all be
25 here after lunch, and maybe later. Members, questions

1 for Mr. Spencer? Seeing none at this time, Mr. Spencer,
2 thank you very much.

3 MR. SPENCER: Thank you, Council Members.

4 CHAIR BAISA: Our next testifier will be Mark
5 Hyde. And Mr. Hyde will be followed by Blanca
6 Lafolette. Apparently, Chair messed up -- mixed up the
7 order here. Thank you, Mark.

8 MR. HYDE: Thank you. Good morning. I'm
9 appearing on behalf of South Maui Citizens for
10 Responsible Growth.

11 I joined the KCA Planning Committee last
12 August in anticipation of today's discussion. And as a
13 member of the Built Environment Committee of the Maui
14 Nutritional and Physical Activity Coalition, I've come
15 to appreciate and understand how community design
16 affects public health and obesity rates that we are
17 suffering here on Maui and elsewhere.

18 Kihei is a community that can be described as
19 sprawling. It should be one of the premier beach
20 communities in the world.

21 Where the Council draws the Urban Boundary
22 mauka of the Piilani Highway will likely determine
23 Kihei's future. Either it will be able to consolidate
24 and heal from the mistakes of the past or sprawl mauka
25 of the Piilani Highway, turning the highway into the

1 next Dairy Road.

2 Given this choice, South Maui Citizens for
3 Responsible Growth supports the Urban Boundary
4 identified by KCA. Unless growth mauka of Piilani
5 Highway is narrowly defined, developers will prefer to
6 build there, outside the SMA, denying the community the
7 benefit of infill, which is a smart growth concept.

8 One proposal before you is to extend the Urban
9 Boundary to include acres of ranch land between the R&T
10 Park in North Kihei. The pitch is that this area will
11 be developed into desirable villages with a sense of
12 place. I believe recent history counsels otherwise.

13 In 1994, the Ka Ono Ulu Ranch petitioned the
14 Land Use Commission for reclassification of 88 acres of
15 land along Piilani Highway from Agricultural to Urban
16 use on the representation that the land would be
17 developed into a needed light industrial park. The
18 petition was approved conditioned upon development of
19 the land as represented.

20 The Kihei-Makena Community Plan was thereafter
21 amended to designate the land specifically as Light
22 Industrial. And it also spoke to limiting commercial
23 development within the project to that ancillary to the
24 light industrial park.

25 17 years later, and after a change in

1 ownership, we are faced with a 700,000-square-foot
2 massive retail complex, with the blessing of the County,
3 bearing no resemblance to a light industrial park,
4 posing significant negative impact to South Maui traffic
5 that's never been studied, all without public comment or
6 input, and representing a classic example of urban
7 sprawl decried in the Countywide Policy Plan.

8 Given this demonstrated lack of control over
9 urban lands by the County, I urge you to adopt the KCA
10 Urban Boundary line which will create an environment
11 supportive of infill while simultaneously permitting
12 growth mauka of the Piilani Highway within the planned
13 R&T Park which is a project that aligns nicely with what
14 could be the heart of Kihei in the future.

15 Thank you.

16 CHAIR BAISA: Thank you very much, Mr. Hyde.
17 Members, questions for testifier? Seeing none, thank
18 you very much. Our next testifier will be Blanca
19 Lafolette. Blanca, I'm sorry. I don't know, I got
20 mixed up and -- appreciate it. Thank you.

21 MS. LAFOLETTE: (Inaudible).

22 CHAIR BAISA: Go ahead.

23 MS. LAFOLETTE: Good morning, Madam Chair
24 Baisa and Council Members. My name is Blanca Lafolette,
25 and I'm here as the owner's representative for the

1 86-acre parcel in Puunene. And I wanna thank you for
2 including this parcel in the Maui Island Plan as it
3 relates to the Puunene planned growth. We are in
4 support of the Planning Director's most recent amendment
5 to the Chapter 8 of the Draft Maui Island Plan, and it
6 relates to the Puunene planned growth area, and request
7 that it remain as written.

8 This parcel is very appropriately and ideally
9 located for heavy industrial land use needs. If this M3
10 Heavy Industrial bill is passed, our vision could
11 include a construction and demolition facility within
12 this 86-acre parcel. And this would accommodate most of
13 the needs of the County of Maui.

14 Thank you.

15 CHAIR BAISA: Thank you very much. Members,
16 questions? Seeing none, thank you very much.

17 MS. LAFOLETTE: Thank you.

18 CHAIR BAISA: Our -- our next testifier will
19 be Greg Stratton. And Mr. Stratton will be followed by
20 Netra Halperin. Good morning.

21 MR. STRATTON: Good morning, Madam Chair and
22 Members of the Council, or Committee, or both. My name
23 is Greg Stratton. I am a Board Member of the Kihei
24 Community Association and Co-Chair of the Planning
25 Committee. And I am the official representative here

1 today to provide our inputs on the latest revisions to
2 the Maui Island Plan.

3 It's been a long trek to get here. And we're
4 very close to the end. And I was somewhat surprised by
5 the size and scope of the latest revisions to the Plan.
6 Some of these issues are very new, very new.

7 In my 20 years that I spent as a councilman in
8 California, I learned to be very wary of last-minute
9 changes. And some of the discussions I've heard today
10 have really very clearly shown that we really don't
11 understand yet what we're doing with a lot of these
12 changes.

13 So there's some questions you need to ask as
14 you make these decisions. Do these really -- do these
15 properties really have to be added to the Urban Growth
16 Boundary at this time? Do they need to be developed
17 before your 10-year review? Will they divert growth
18 from other more compact development creating urban
19 sprawl?

20 The first of these items is the Puunene area,
21 D027 -- D028, 400, 500, 600, 100, I've heard about four
22 different numbers today on how much to be added. And --
23 and the big question that we have is will this growth do
24 something good for this area or will the additions of
25 these particular developments cause the existing

1 recreational users to be driven out.

2 As somebody pointed out, those are not things
3 you want in your -- in your neighborhood. And it's very
4 unclear whether the kinds of commercial and -- and
5 industrial users are gonna look at that.

6 We specifically recommend in our letter that
7 you fail -- you reject D028, and you re-designate the
8 whole area as a park.

9 Another item was the Kihei -- Urban Growth was
10 the Makena area, D035, lot of questions on whether
11 that's part of Makena, not part of Makena. Do you -- is
12 this just a thing to show that the golf course is
13 existing and, therefore, is urban growth, or are there
14 some growth areas and boundaries and -- and development
15 and -- and units that are gonna go with it? There's no
16 section in the text to talk what goes there. We -- we
17 recommend that you reject that as well.

18 The third area that we really started out to
19 do is the Kihei-Makena growth area. Kihei Mauka was
20 part of the plans throughout the entire development,
21 from GPAC on the way up. GPAC said 1,000 units. The
22 Director has now said 1,500 units, and the last
23 Director. And this is more than the 1,482 units that
24 are goals in our -- in our assignment for how much
25 growth we need to supply.

1 We disagreed with the Director on that. We
2 suggested to go back to the 1,000 units. And when we
3 looked at the new thing with the three different areas,
4 we picked the -- the development from the -- from the --
5 from the -- the technology center as being the one that
6 fit what we did. And that's on the map that we have.

7 Now, we understand that there is concern about
8 that mobility corridor. The mobility corridor is a nice
9 word, I think, for a road. And we understand that that
10 was why that whole area was put on there. And so if
11 that's something that you think is going to happen in
12 the next 10 years, then that whole area needs to be part
13 of that thing, but we would ask that you restrict the
14 growth to the 100 -- to the 1,000 units that are -- that
15 are planned by the GPAC, and -- and limit it to that, at
16 least in the next 18 years.

17 And, finally, we were concerned, as many
18 people have been, about the fact that the protected
19 lands were removed from the maps. We see that they're
20 coming back to the maps. That's a good thing. And with
21 three GIS guys, I'm sure you can get the maps right.
22 And we would recommend that you put it in. And we
23 submitted a new map to try to identify as many areas as
24 we think should be put in the protected area.

25 And our hope here is that we keep this thing

1 as clean as possible so that, when we get to the
2 Community Plans, we don't go back through all the
3 discussions again, and we can get them done on a
4 reasonably timely manner.

5 Thank you very much.

6 CHAIR BAISA: Thank you, Mr. Stratton.
7 Members, questions for the testifier? Mr. Couch?

8 VICE-CHAIR COUCH: Thank you, Madam Chair.
9 And thank you, Mr. Stratton, for being here.

10 So what I'm hearing is, in order to get proper
11 planning done, you're suggesting that all three of the
12 projects on Kihei Mauka, in that area, in the North
13 Kihei border there, get together and come up with one
14 big comprehensive plan so that there is proper roadways
15 through? Is that what you're saying?

16 MR. STRATTON: Yeah. What -- what the -- the
17 key is, is that all three of the -- first of all, I
18 don't know quite why there's three areas now. They seem
19 to be all contiguous. And they all have a requirement
20 to be along the road. So, therefore, I don't know why
21 they broke it up into three of 'em. We -- we think you
22 ought to go back to the one plan. If you're gonna do
23 anything in that area, if you really feel that road is
24 something that's gonna show up before we -- we get to
25 the next review, then you have to plan it as a cohesive

1 thing.

2 We do believe that the -- that the number of
3 units allocated to that property be limited. Now, my
4 experience with big -- with big projects like that, it's
5 just gonna take them more than 20 years to -- to get it
6 approved and build it out. And I -- I don't know how
7 you can control it, but maybe there's a way of saying,
8 you know, no more than 1,500 units before -- or 1,000
9 thousand units before 2030 and -- and staging and things
10 like that. But, you know, that's -- that's -- that's, I
11 think, what the GPAC and why the GPAC did that. We
12 didn't have 3,300 units proposed for there until this
13 issue. And going from 1,500 to 3,300 is a big jump.
14 When we really think there should be 1,000.

15 VICE-CHAIR COUCH: Okay. Thank you, Madam
16 Chair.

17 CHAIR BAISA: Further questions for the
18 testifier? Seeing none, thank you, Mr. Stratton.

19 MR. STRATTON: Thank you.

20 CHAIR BAISA: Our next testifier is Netra
21 Halperin. And she'll be followed by Blossom Feiteira.

22 MS. HALPERIN: Aloha. I'm Netra Halperin.
23 Thanks for listening to us today.

24 First, I want to say that I am against the
25 outlet mall. I agree with everything Mark Hyde said,

1 with everything KCA said. And, in addition, it will
2 really harm our small businesses. There's a lot of
3 vacant commercial space and retail space in Kihei
4 already. So we don't need to be adding more retail.

5 Also, I wanna talk about the jail. I
6 definitely am against that. And I think what I talked
7 about, I've talked to your Committee several times about
8 this, is Justice Reinvestment is a data-driven analysis.
9 They did an analysis of our criminal justice system, and
10 they were paid by the State, Department of Public
11 Safety. And they came to their conclusions. And
12 building a new jail was not what was recommended. What
13 is recommended is substance abuse treatment.

14 85 percent of all the people that are in jail
15 are either -- meet the medical criteria for substance
16 abuser or drugs or alcohol were involved in their crime.
17 So building a new jail, it's like if -- if we -- if
18 people in their personal lives want to be into revenge
19 and emotions, they're free to, but, as a state, we need
20 to use sound scientific public policy. And there is no
21 actual studies, there's no science, there's no criminal
22 justice science that says that locking people up will
23 make them better citizens.

24 What a gentleman before said is that that area
25 is designated as Pulehu Nui, boiling cauldron. Several

1 people said heavy industrial. The woman from Hawaiian
2 Home Lands said there would be no residential use. A
3 prison is, actually, a residential use. People,
4 actually, live there.

5 And we -- we've discussed at the KCA meeting
6 that the State was -- promised the County, oh, there
7 will be no complaints about noise from the raceway park
8 or noise from all these other uses that are being
9 recommended. And, yes, the State cannot make any
10 complaints, but the thing is, is that prisoners do not
11 have to sign something when they get incarcerated, "I
12 will not make a complaint." And they can very easily
13 enlist the ACLU to make a complaint against the County.

14 And so the County is, actually, setting itself
15 up for a huge lawsuit. So I -- I think this is a big
16 vulnerability. And I -- I recommend that, you know,
17 you're putting yourself very vulnerable.

18 Also, I just wanna talk about some of the
19 facts, which is this is a nationwide problem,
20 over-incarceration. The United States has 25 percent of
21 the world's prisoners and only 5 percent of the world's
22 people. And we incarcerate more people per capita than
23 any country in the world. So you think of any corrupt
24 government that you can think of, and we incarcerate
25 more people.

1 Private prisons are for profit. A resort has
2 the business model, we want the most guests for the
3 longest stays and the most repeat customers. And that's
4 fine. But the private prisons have the exact same
5 business model. And then we get into a moral issue.

6 DHHL told me that they were going to be
7 looking at putting out a bid for the large prison
8 builders to do this project. And there's, basically,
9 two; Corrections Corporation of America and GEO Group,
10 also Wackenhut. And they said, but we're not gonna
11 allow them to run it; just build it. But, to me, that's
12 a slippery slope. And where are we gonna get all that
13 money? And why would they build it if they're not gonna
14 get their -- their profit from it?

15 So I think that's going down the wrong road.
16 And I highly recommend that the Council look more
17 clearly before allowing this use.

18 Thank you.

19 CHAIR BAISA: Thank you. Questions for our
20 testifier? Seeing none, thank you very much.

21 Next testifier is Blossom Feiteira, and she'll
22 be followed by Dr. Lee Altenberg. Good morning.

23 MS. FEITEIRA: Good morning, Madam Chair.
24 Members of the Committee, aloha.

25 CHAIR BAISA: Aloha.

1 MS. FEITEIRA: My name is Blossom Feiteira,
2 and I'm here today as the President of the Association
3 of Hawaiians for Homestead Lands. We are a statewide
4 organization that serves the needs of our fellow
5 beneficiaries that are currently waiting for an award
6 for Hawaiian Home Lands.

7 I'd like to thank you for this opportunity to
8 testify on your General Plan.

9 The Association of Hawaiians for Homestead
10 Lands, or AHHL, is here to request a simple amendment to
11 the Directed Growth Plan, particularly the Kihei-Makena
12 region. And that is, is that we support the request
13 made by both DHHL and DLNR in the inclusion of their
14 lands in your Urban Growth Boundary.

15 We have been, actually, actively participating
16 in the planning process for the Hawaiian Home Lands
17 parcels, both the 185 acres west of the highway as well
18 as five hundred -- 646 acres that are east of the
19 Mokulele Highway. And including those in the Urban
20 Growth Boundary, actually, from a beneficiary
21 perspective, you need to understand, the Department of
22 Hawaiian Home Lands generates revenue to pay for the
23 programs that we benefit from. Maui has zero revenue
24 being generated for Hawaiian Home Lands. Yet, we have
25 one of the highest costs in developments. On average,

1 for Maui Island, the cost to develop one lot on Hawaiian
2 Home Lands is about \$150,000 per lot. And so when we
3 look at the opportunity presented to us by having these
4 commercial entities and these industrial use lands
5 available to us, we are looking at an opportunity to
6 generate revenue to be able to benefit our beneficiaries
7 both here and statewide.

8 And so as a result of that, once again, I'd
9 like to ask that you make that amendment for us, include
10 DHHL and DLNR lands into those -- into that boundary.

11 And thank you very much for this opportunity.

12 CHAIR BAISA: Thank you very much. Members,
13 questions for our testifier? Mr. Pontanilla?

14 COUNCILMEMBER PONTANILLA: Thank you. Thank
15 you, Blossom. What was that organization name again?

16 MS. FEITEIRA: The Association of Hawaiians
17 for Homestead Lands. We are statewide, our members are,
18 actually, beneficiaries that are on the wait list.

19 COUNCILMEMBER PONTANILLA: Thank you. And
20 what you just mentioned about DLNR and DHHL looking at,
21 you know, getting funding to create more housing for the
22 Hawaiian community, and -- and this is one of the plans
23 that they do have in creating revenues, because I
24 understand that the revenues for building homes for
25 Hawaiians is almost depleted. So this is going forward,

1 trying to get additional funding to support the --

2 MS. FEITEIRA: Yeah, that is correct. There
3 have been several activities happening statewide in
4 regards to Hawaiian Home Lands, one which was a recent
5 court decision saying that the State is obligated, under
6 the Constitution to fund the administrative costs of the
7 Department. What has yet to be determined, though, is
8 how much that is.

9 And you have to know that, on average, the
10 Department -- the cost the Departments incur, just under
11 administrative cost, runs about \$40 million. To do an
12 actual project itself of 100-unit subdivision on Oahu,
13 which is the cheapest, runs about 40 million. So -- and
14 for the Island of Maui, just to give you an example,
15 Maui's wait list right now is almost 7,500 people.
16 That's residential, ag and pastoral. So just on the ag
17 side alone, we've got almost 1,600. And we've got
18 almost 2,000 for residential wait list. So --

19 COUNCILMEMBER PONTANILLA: Thank you. Thank
20 you, Chairman.

21 COUNCILMEMBER VICTORINO: Chair?

22 CHAIR BAISA: Mr. Victorino?

23 COUNCILMEMBER VICTORINO: Thank you, Madam
24 Chair. Thank you, Blossom, for being here. So just so
25 that the public thoroughly understands what you're

1 saying here, basically, these monies that the
2 leaseholders pay to you folks go directly for the
3 opportunity to build or develop residential
4 subdivisions.

5 MS. FEITEIRA: It goes to offset the cost the
6 Department incurs, correct, both for development as well
7 as administrative costs.

8 COUNCILMEMBER VICTORINO: Administrative
9 costs. But if the ruling is upheld by what has just
10 been presented, that administrative cost should be
11 absorbed by the State itself?

12 MS. FEITEIRA: Oh, don't we hope?

13 COUNCILMEMBER VICTORINO: Yeah. Okay. Okay.
14 Just --

15 MS. FEITEIRA: Yes, actually.

16 COUNCILMEMBER VICTORINO: Just wanted
17 clarification. Oh, thank you, Blossom. I know I
18 shouldn't have asked that question. That's a hot topic.

19 And lastly, lastly, you said there was 1,600
20 people waiting for agriculture?

21 MS. FEITEIRA: Correct.

22 COUNCILMEMBER VICTORINO: Okay. These areas
23 that we're talking about right now, none of that will be
24 developed into ag?

25 MS. FEITEIRA: Actually, one of the plans that

1 we beneficiaries have, we are working in conjunction
2 with the Department, is for the 546 acres to be
3 designated ag lots. We are looking at two, three and
4 five-acre lots for agricultural development.

5 COUNCILMEMBER VICTORINO: In this particular
6 area?

7 MS. FEITEIRA: Correct.

8 COUNCILMEMBER VICTORINO: Okay. So -- so, you
9 know, I'm glad you clarified that because I think that
10 was one of the questions, I think, all of us had, is,
11 this is a lot of ag land in that area, say maybe not the
12 most prime ag land, but some very good ag land. And if
13 it all just developed, that would kinda be poho. So --

14 MS. FEITEIRA: You know, back in 2004, when
15 the Department came to Maui Island to start our Island
16 Plan, we were very adamant, when looking at those lands,
17 we realized that housing development was not an option
18 in that area, period.

19 COUNCILMEMBER VICTORINO: Yeah.

20 MS. FEITEIRA: And so -- but we do also
21 realize that the last ag lot that was -- ag award that
22 was made was in 1985. And we have people that have been
23 chomping at the bits looking for a way to grow their own
24 food. And so we, in the planning group, decided that --
25 determined that that land should be saved for

1 agricultural development. So --

2 COUNCILMEMBER VICTORINO: Thank you, Blossom.
3 Your group has got great foresight. Thank you, Madam
4 Chair.

5 CHAIR BAISA: Any further questions for
6 Ms. Feiteira? Seeing none, thank you very much.

7 Chair would like to give the Members a
8 10-minute break. And also inform everyone that we will
9 break for lunch between 12:00 and 1:30. This will give
10 us all time for lunch, and the Members some time to take
11 a look at -- we have tons of testimony rolling in, which
12 we cannot read and pay attention at the same time. It's
13 very difficult. So we will take that noon break. If we
14 have not finished testimony, we'll start again after
15 lunch. Just so that everybody knows where we're at.

16 The meeting is now in recess. And I'd like to
17 adjourn -- reconvene in 10 minutes. ...(gavel)...

18 RECESS: 10:40 a.m.

19 RECONVENE: 10:55 a.m.

20 CHAIR BAISA: ...(gavel)... General Plan
21 Committee, please come back to order. Our testifier is
22 Dr. Lee Altenberg. Thank you, Lee, for being so prompt.
23 And he'll be followed by Michael Reed Gach. Go ahead.

24 MR. ALTENBERG: Good morning, Committee. I'm
25 Dr. Lee Altenberg. I'm Associate Editor of the Journal

1 BioSystems. I'm a population biologist. I've lived in
2 Kihei for 18 years. And I'm speaking today as an
3 individual. I've provided a written testimony that's
4 graphic, which I'll be referring to. If everybody can
5 bring up that little piece of paper.

6 So, basically, I want to support the -- the
7 Kihei Community Association's urban boundary. And I
8 wanna talk a little in detail about the areas they have
9 designated as Sensitive Lands. And there's two -- two
10 little striped purple areas on there, on the map they
11 provided. And one is, actually, on the County land.
12 And it's a wiliwili grove. And it's there because the
13 -- the lava flow that went to Puu O Kali, where Red Hill
14 is, dipped down into the very -- the very tip of it is
15 that area in County land. And it's on those lava flows
16 where the last remnants -- the last of the last remnants
17 of lowland dry forest live, which is primarily wiliwili
18 habitat. So this habitat is among the 21 most
19 endangered ecosystems in the United States. And what
20 it's -- it's the remnant of ancient -- really ancient
21 Hawaii that we have in the -- in the South Maui area.

22 But I wanna point to this other area, the
23 Wailea 670, where they have a stippled mark. And that's
24 what I have in large in this -- in this map, is this
25 area here. Now -- so in 2008, when the County rezoned

1 it, they designated 130 acres to be protected. And --
2 but two years later, the -- the developer had SWCA
3 Associates do a detailed botanical survey. And they
4 found that the dryland habitat actually goes to about
5 200 acres. And you can see that is the -- this blue
6 colored area outside of that line.

7 Now, that -- so that is produced by the
8 developer's own environmental impact statement.

9 Now, what -- this -- the thing was, as I
10 understand the procedure for rezoning, they have to do
11 -- the applicant has to have a botanical survey done
12 beforehand with comments from Fish and Wildlife and
13 DLNR. But in the case of Wailea 670, the habitat study
14 was done two years after the approval. And as -- as a
15 result, much of the area of the habitat is outside of
16 any protection area.

17 And now this line that they -- that -- for the
18 protected area was based on a guess on data that I had
19 collected as a volunteer walking around that area. And,
20 you know, as it was shown out to be, this -- that data
21 was -- was not thorough enough.

22 Very interestingly, if you look on the
23 boundary of this habitat, there's a yellow line. That
24 yellow line is an ancient Hawaiian rock wall. The
25 ancient Hawaiians knew exactly the extent of this

1 wiliwili habitat. And they designated it by building a
2 wall on the end. They knew a lot more than I certainly
3 did hundreds of years ago.

4 And so, basically, I think the County -- the
5 problem is, this habitat extends into Makena Resort, off
6 the map here. I don't have that data. I've never been
7 able to walk through that area. And I don't think the
8 County does, either. And, you know, I think just having
9 me walk around and getting data as a volunteer is not
10 the proper way that the County should be deciding what
11 areas were worthy of protection and preservation in --
12 in this South Maui area.

13 So I urge that the County get a database so
14 that it know where the endangered ecosystem remnants are
15 within its map plans. And that in -- if -- if you're
16 going to -- before you turn the surgeons loose cutting
17 up the land that, as a precautionary measure, you take
18 out any uncertain areas and -- and give them protection
19 until you know -- have better data. And all of the
20 undeveloped area of Makena Resort has scattered remnants
21 of this habitat through it. And -- and you have to find
22 out what it is before you can decide what to do with it.

23 Thank you very much for your attention.

24 CHAIR BAISA: Thank you very much. Members,
25 questions for Dr. Altenberg? Seeing none, thank you

1 very much.

2 MR. ALTENBERG: Thank you.

3 CHAIR BAISA: Our next testifier is Michael
4 Reed Gach. And he'll be followed by Janet Six.

5 MR. GACH: Hello. I'm Michael Gach. I'm a
6 resident of --

7 CHAIR BAISA: Sorry, Michael, for the
8 pronunciation. Thank you. Gach.

9 MR. GACH: Gach, G-A-C-H.

10 CHAIR BAISA: Thank you.

11 MR. GACH: I'm a resident of South Kihei, a
12 homeowner, and South Kihei condo owner, a businessman
13 who believes in protecting Maui's natural resources.
14 I'm against the new proposed overdevelopment of South
15 Kihei for many reasons. I'm against the Kihei -- the
16 megamall in Kihei that's -- that I think is gonna be a
17 very big mistake.

18 Once Maui is polluted, it will never be the
19 same. Development must be controlled. And the
20 protection of our natural gulches and rugged Native
21 Hawaiian forests in the Kihei-Makena area is extremely
22 vital. I request that -- no growth areas in Makena,
23 which is -- which would lead to urban sprawl.

24 One new area that I would support would be
25 Maui Tech Park, a new -- a nearby high school, and a

1 Kihei hospital for further growth would be acceptable to
2 me.

3 As a Kihei -- as a Kihei Maui condo owner in
4 South Kihei, I've seen destructive flooding due to
5 overgrowth, poor planning and lack of wetlands.

6 As a business owner, I know that South Kihei
7 has plenty sustainable business opportunities without
8 adding excessive -- the excessive development that's
9 proposed.

10 Now, I -- I believe that this expansion of
11 development in Kihei is not acceptable for five reasons:
12 One, increased traffic; two, depleted water supply;
13 three, sewage; four, runoff into our oceans; and, five,
14 urban sprawl, which is going to increase pollution.
15 Thus, I urge the Council to support and protect Maui's
16 natural resources from overdeveloping South Maui.

17 Thank you so much.

18 CHAIR BAISA: Thank you very much. Members,
19 questions for our testifier? Seeing none, thank you
20 very much. Our next testifier is Janet Six. And she'll
21 be followed by Lucienne deNaie. Good morning.

22 MS. SIX: Good morning. Greetings, General
23 Plan Committee Members and Chair Baisa. My name is
24 Dr. Janet Six. I'm speaking on behalf of the Sierra
25 Club Conservation Committee, although I am an

1 archaeologist by training.

2 Sierra Club Maui has offered comments on the
3 MIP throughout the review process. Like others, we are
4 concerned to see the proposed growth areas that have
5 been previously reviewed and found unneeded being
6 brought up again at the 11th hour. The public respects
7 your hard work. We ask you respect the public review
8 process.

9 Sierra -- Sierra Club Maui would like to go on
10 record in support of most of the Kihei Community
11 Association's recommendations with the exception is that
12 we would like to see the inclusion of the Department of
13 Hawaiian Home Lands ag land that they've been
14 requesting.

15 The Kihei Community Association has devoted
16 four separate meetings to the MIP process over the last
17 four years. And we hope that their remarks will be
18 given considerable weight in your decision-making.

19 Our comments on proposed Directed Growth
20 Boundaries: We join with many who request that your
21 discussions for population growth centers in
22 Kihei-Makena include actual proposed unit counts for the
23 growth boundaries. State planning laws specify that
24 general plans should manage growth and discuss desirable
25 population levels. Please do not accept carte blanche

1 the current Director's proposed growth areas totaling
2 3,750 possible new South Maui units, plus Makena Resort
3 expansion, plus 4,000 additional units already approved
4 and not built in this region.

5 Approving one main growth area of around 1,200
6 units around the Maui High Tech Park would create a
7 compact urban core recommended by smart growth
8 advocates. We ask that you please support this.

9 Does anyone on this Council believe roads,
10 water, sewage treatment and other infrastructure would
11 be available for these three new mauka growth areas
12 proposed in new South Maui maps over the next 17 years?
13 Please do not overburden the resources our existing
14 residents depend on. This is not a 50-year plan.

15 Please delete the proposed Makena Resort
16 residential growth area, D035, on Map S-2. It's
17 completely unneeded and has been reviewed by GPAC, Maui
18 PC and previous Planning Department staff, and left out
19 of the UGB. It should not be reinserted now.

20 Parcel D035 is a rugged area with cultural and
21 biological resources that should be planned very
22 carefully.

23 Makena Resort already has 260 acres of
24 undeveloped A-2 Multi-Family designated land as well as
25 business and commercial areas. To use that could yield

1 almost 2,000 future units.

2 Thank you.

3 CHAIR BAISA: Thank you very much. Members,
4 questions for our testifier? Seeing none, Ms. Six,
5 thank you. Next testifier is Lucienne deNaie. And
6 Lucienne will be followed by Mary Traynor. Good
7 morning.

8 MS. deNAIE: Good morning, Chair Baisa. Good
9 morning, Committee Members. I'm doing -- I'm testifying
10 on behalf of Sierra Club, Maui Group, like Dr. Six, only
11 our testimony is on that green sheet of paper, and it's
12 two pages, so there's two of us.

13 I'm commenting on the protection areas in the
14 Kihei-Makena Directed Growth path. And as you can
15 recall, there's two things that this Plan is supposed to
16 do; it's supposed to tell us where we want to grow and
17 what areas are not appropriate for growth.

18 One of the things that we ask is that -- and
19 we've asked this all along, from GPAC on down, is that
20 the lands that are mauka of Puu O Lai, of the Big Hill,
21 Makena State Park, are so rich in cultural sites, they
22 include a heiau complex, a very large precontact
23 settlement covering many acres with 200 features, the
24 largest intact segment of a very, very important wall to
25 our history, Kamehameha III's Aupuni Wall, numerous

1 other habitation and agricultural field systems, and the
2 largest number of known burials. So in -- in this area
3 that is in your Urban Growth Boundary, if you really
4 follow the -- the precepts that are in the Maui Island
5 Plan of looking at places on the basis of their actual
6 characteristics, this should be some sort of a protected
7 area within the Urban Growth Boundary.

8 We were also saddened to hear the
9 representative from Makena Resort talk about the 99
10 acres that's been -- that's been proposed by the County,
11 by GPAC, by the Maui Planning Commission at the south
12 end, south of the golf course, that long tail of land,
13 as -- as they would be willing to sue if it was
14 designated as some sort of a preservation zone.

15 Once again, the County and others saw this as
16 fit for preservation because impacts of development of
17 that much land across from sensitive ocean resources,
18 across from Ahihi-Kinau, which is a natural area
19 preserve, across from the State park at Makena, across
20 from areas where endangered species use the ocean. And
21 in itself, these lands have archaeological and
22 biological resources. We call on Makena Resort to be a
23 good corporate citizen and figure out a way that they
24 could include preserving more of that land in their plan
25 and not be threatening the County with lawsuits.

1 We would also support the protected area in
2 Kealia. That is a very, very valuable resource, both
3 for wildlife and in general, just to have as part of our
4 -- our natural heritage. And, of course, a draw for our
5 visitors.

6 We support, as many have brought up, the
7 gulches of South Maui, the major gulches, should be all
8 shown in purple as sensitive lands. We're sure that
9 that correction can be made on the map. It's -- all the
10 information is available in GIS. They qualify for the
11 Sensitive Land designation. They are major drainage
12 features. They are areas where we should be sensitive
13 to development pressures, and they should just be
14 clearly shown.

15 We also support the 22-acre preserve at
16 Palauea, which is preserved, it's in the Community Plan,
17 be shown as our map in green. And it -- I believe it
18 could be pulled up on GIS. And the -- the southern
19 lands of Palauea that are part of the Wailea 670
20 development that Dr. Altenberg referred to, those should
21 be shown as sensitive lands. They are very steep and
22 rugged. They have an intact native forest there. And
23 they qualify under that definition. And there's
24 biological reports that do support their significance.

25 And, last, we support greenbelts being shown

1 between existing neighborhoods. It would be too late to
2 wait for these to be shown in the Community Plan. And
3 some of them have been shown in previous Community
4 Plans. So we need to move forward. We have greenbelts
5 being shown in the Central Maui maps, South Maui
6 deserves no less, and those greenbelts should be
7 reflected on these plans. As well as the mauka area of
8 the State parcel -- the County parcel, the 50 acres
9 where the police station is, is a very rugged habitat
10 area that should be like a passive park and not be
11 considered an urban -- urban development area.

12 So we hope you will take these under
13 consideration. They're on that green sheet, if you need
14 the details. And it is important that we protect our
15 heritage, resources as well as decide where we're gonna
16 have good, clean, comfortable communities. Thank you.

17 CHAIR BAISA: Thank you. Members, questions
18 for Ms. deNaie? Seeing none, thank you. Our next
19 testifier is Mary Traynor. And she'll be followed by
20 Michael Duberstein. Good morning.

21 MS. TRAYNOR: Good morning, everyone. I'm
22 concerned about urban sprawl in the Puunene planned
23 growth area. And I do not support the Director's
24 proposed revisions to add 433 acres into the Urban
25 Growth Boundary, nor do I support the additional

1 692-acre request this morning made to add that to the
2 Mokulele Highway proposed development as well.

3 In regards to the Puunene Master Plan, it is
4 my hope that the State, County and community can come
5 together to shape the overall vision for Puunene. I
6 encourage the State and County agencies to utilize an
7 inclusive and transparent process and schedule public
8 meetings.

9 The proposed jail site clearly presents a
10 conflict with existing users. It is in a high
11 visibility location and will be an inescapable eyesore.
12 I urge the State and County to work together to find a
13 location for the jail that is more appropriate. At the
14 very least, it should be pushed back away from the
15 highway.

16 I also implore the Council to consider whether
17 a potential commercial development on the west side of
18 Mokulele Highway is appropriate. Will it oversaturate
19 the market considering there are already huge commercial
20 developments planned for the Kihei-Makena region, like
21 Piilani, Promenade and Maui Outlets?

22 Okay. In regard to the three planned
23 residential growth areas, I implore the Committee to
24 please pay attention to supply versus demand when making
25 decisions on the planned growth areas. And since the

1 2010 Maui Island Plan unit recommendations are 28
2 percent over demand, I urge the Council to reduce the
3 recommended number of housing units and adopt a more
4 compact growth boundary.

5 I urge the Committee to discuss the real
6 number of units associated with development projects,
7 not just vague shapes on the map.

8 Please support good connectivity in new
9 subdivisions, such as roadway networks that provide more
10 linkages in the roadway systems for pedestrians,
11 bicycles and automobiles.

12 And thank you for considering changing the
13 laws to require an urban design review to areas mauka of
14 Piilani Highway and along the Mokulele Highway.

15 There is more than ample growth included
16 within the planned growth areas for South Maui. I do
17 not support any new growth areas in Makena.

18 I do not support the Planning Director's
19 proposal to add approximately 390 acres of land to the
20 Makena Resort. And a very important detail seems to be
21 missing from his proposal. He has not articulated how
22 many number of units this additional 390 acres would
23 entail. I implore the General Plan Committee to find
24 out the real number of units associated with his
25 request.

1 I'm concerned about the impact of runoff as
2 well as the protection of archaeological resources in
3 this area.

4 In regards to the Kihei-Makena protected
5 areas, mahalo to the General Plan Committee and Planning
6 Director for including Makena, La Perouse and Kanaio as
7 well as the Kealia Pond in the protected areas.

8 I urge the General Plan Committee to protect
9 our natural gulches and rugged native forests in Kihei
10 by showing all gulches as sensitive lands and including
11 the native dryland forest areas of Palauea Cultural
12 Preserve and Kamaole Gulch in Preservation.

13 Thank you.

14 CHAIR BAISA: Thank you very much. Members,
15 questions for our testifier? Seeing none, thank you
16 very much.

17 MS. TRAYNOR: You're welcome.

18 CHAIR BAISA: Our next testifier is Michael
19 Duberstein. And he'll be followed by Bill Greenleaf.
20 Good morning.

21 MR. DUBERSTEIN: Aloha kakou.

22 CHAIR BAISA: Aloha.

23 MR. DUBERSTEIN: First, I'd like to thank and
24 acknowledge the presence and participation of Chair
25 Baisa and Member Carroll at the Democratic State

1 Convention this weekend.

2 I'm a member of the KCA Planning Committee as
3 well as the boards of Maui -- Maui Sierra Club group and
4 Maui Tomorrow. My testimony reflects my views, not
5 theirs, but I endorse theirs as a minimum.

6 I watched on Akaku last week this Committee
7 act on the Central Maui portion of the Plan. And I
8 praised the extraordinary Akaku Staff, Steven Clark and
9 Linda Dorsett, following this difficult process.

10 I'm not a novice in terms of the Plan's slow
11 progress. I've testified numerous times in varying
12 venues. And, indeed, I've created a very good, if I say
13 so myself, PowerPoint presentation, "South Maui at the
14 Tipping Point". And I've given it to your clerk in a
15 flash drive so that it can be reproduced and all of you
16 have a copy of it.

17 Well, mahalo for restoring the maps. Had you
18 proceeded without them, the community would have been
19 truly, even depressingly, shocked. What the maps
20 indicate is that all the time and expense prior to
21 Council examination was wasted. Developments never
22 considered by GPAC, previous Planning Directors and
23 Commissioners suddenly are all over West Oahu -- oh, I
24 mean, South Maui, and it's appendices.

25 A staggering number of additional housing

1 units are tacked on, units and developments far beyond
2 the infrastructure required to support them.
3 (Inaudible) -- we should be grateful for some slivers of
4 green spaces. Mahalo.

5 My recommendations: What happened to infill,
6 to real new towns, to going back to GPAC and previous
7 South Maui community planned objectives? Build, as the
8 Governor told the Maui delegation last weekend, as his
9 highest priority, affordable and worker housing, and
10 deny everything mauka of Piilani Highway except the
11 horribly sited high school, which is on the wrong side
12 of a road that students are never gonna be able to get
13 to, and maybe, just maybe, the real new town in the tech
14 park. Eliminate any developments west of the raceway
15 revisions.

16 Well, my time is up. I leave with this
17 desire: God forbid South Maui becoming another
18 Honolulu. Maui no ka oi.

19 CHAIR BAISA: Thank you very much,
20 Mr. Duberstein. Any questions for our testifier?
21 Seeing none, thank you very much. Our next testifier is
22 Bill Greenleaf. And Mr. Greenleaf will be followed by
23 Courtney Bruch.

24 MR. GREENLEAF: Chairman Baisa, Council
25 Members, Planning Staff and Director. Well, I represent

1 myself and some of the farming community on Maui.

2 I oppose the Planning Director's approval --
3 proposal to add 390 acres to the Makena plan, D035.
4 There are sufficiently enough development approvals.
5 Makena's an important historical area. And in my time
6 in Hawaii, the community has demonstrated repeatedly a
7 commitment to fight for protecting the archaeological
8 sites and cultural value of these lands. This proposal
9 is opposed by Hawaiians, Maui citizens and historical
10 experts.

11 We've heard many times that the amount of
12 housing planned far exceeds the amount of demand that is
13 projected. And I'm not really quite sure how all these
14 numbers come up, but do I hear consistently that the
15 amount planned exceeds what is projected as far as the
16 need.

17 What really strikes me -- and I -- I take off
18 from work to come down here. And that means that I work
19 later and harder to catch up. So this is very important
20 to me. And what continually surprises me is we're down
21 here talking about housing developments, commercial land
22 being developed. And as long as I've been on Maui, I've
23 heard the reason for that is for jobs. And I think
24 that's shortsighted. These jobs do not have a long
25 future. When the projects are built, the jobs are

1 finished, then we approve more projects and more
2 projects. But this is an island, just -- just like the
3 Earth is an island. And we're -- we are exceeding our
4 capabilities. So this is not a wise course for
5 considering creating jobs. It just defeats the whole
6 idea.

7 What I'd like to come down here someday to
8 testify about would be about planning for agricultural
9 lands, planning for growing more farmers, having the
10 wisdom of the Council and the experience of the Council
11 and the Planning Director, put forward some vision about
12 where that land is, how we're gonna develop the children
13 to be the farmers. And -- and, you know, when that
14 vision comes through, we're going to have jobs that are
15 gonna last lifetimes, just like they did for the
16 thousand years before we were here. And then we won't
17 have to wonder and we won't have to see in the paper
18 repeatedly and heard discussed until we're just sick of
19 it, where is the food gonna come from.

20 You know, there was a time during World War II
21 when the ships didn't come for 180 days. That's a long
22 time. So I think we ought to be planning for that. I'd
23 really like to see that in the future.

24 Thank you very much.

25 CHAIR BAISA: Thank you. Members, questions

1 for Mr. Greenleaf? Seeing none, thank you very much,
2 Bill. And I lived through that World War II, I was a
3 child, but I remember the victory gardens. Thank you.

4 MR. GREENLEAF: Yeah, we need some victory
5 gardens.

6 CHAIR BAISA: Yeah, thank you.

7 MR. GREENLEAF: Thank you.

8 CHAIR BAISA: Our next testifier is Courtney
9 Bruch. And Courtney will be followed by Unmani Cynthia
10 Groves.

11 MS. BRUCH: Good morning, everyone.

12 CHAIR BAISA: Good morning.

13 MS. BRUCH: I'm Courtney Bruch. I'm really
14 grateful to be here, and thank everyone for their
15 testimony.

16 I'd like to see the whole island as a victory
17 garden.

18 I don't support the Director's proposed
19 revisions in the Puunene planned growth area for the
20 additional 433 acres. And from what I'm hearing today,
21 there's an additional -- potentially additional nine --
22 I mean -- excuse me -- 692 in addition to that. I'm
23 very alarmed by this. I really think trying to slip
24 this in at the last minute is -- is a deep concern.

25 It is my hope that the State, County and

1 community can come together to shape this overall vision
2 so that it benefits everyone in Maui, you know, the
3 whole.

4 And I certainly want, you know, Hawaiians to
5 -- to get homes, they've had a lot taken away from them,
6 but not at the expense of creating industrial complexes
7 outside of the boundaries that volunteers spend hundreds
8 of hours creating.

9 I'm concerned that the -- the Department of
10 Natural Land and Resources now is -- has a facet that's
11 a public land development corporation, thanks to Neil
12 Abercrombie, so it's like the DL -- DLNR is now a
13 corporate entity that is for profit. That really
14 disturbs me.

15 I agree with Netra. I really appreciate her
16 testimony on the prisons. I support preventative and --
17 and to rehabilitate people that are in prison instead of
18 creating a four-story industrial prison complex on top
19 of a four-story mound, you know, with Haleakala behind
20 it. I mean, I see that in my mind's eye, and this is
21 not for Maui. This is desecrating this land, and the
22 people that would be residing in that prison.

23 To be amongst the raceway and the sugarcane
24 burning, and whatever industrial uses, and there's the
25 armory, and have, you know, prisoners. These are

1 people, too, you know. And so I don't think that that's
2 appropriate.

3 As far as the three planned residential growth
4 areas, there is the unit -- there's recommendations for
5 over 28 percent are in demand. I urge the Council to
6 reduce the recommended number of housing units and adopt
7 more compact growth boundary. I also urge the Committee
8 to discuss real numbers of the units associated with the
9 development projects instead of just having these vague
10 shapes and -- and we -- we need more definition here.

11 I do not support the Planning Director's
12 proposal to add approximately 390 acres to Makena. And
13 I appreciate Lee's testimony and -- and taking the time
14 to go and research those areas and -- and wanting to
15 protect these -- these sites. We've had so much
16 overdevelopment already, you know, it's like, let's
17 really nurture the land here.

18 And I certainly agree with Bill Greenleaf. I
19 mean, these jobs, they're just a glimpse in our history.
20 And I know they help provide people with food on the
21 table, you know, potentially GMO food, when they could
22 be really growing their own food, you know, in their --
23 in their own back yards.

24 I -- I hope that we as an island and -- and
25 you Council Members will really start to plan for

1 sustainable living, organic agriculture on a wide scale.
2 And my vision is that Maui County will grow 70 percent
3 of its own food organically. And I hope that
4 organizations will -- will come together to support that
5 vision.

6 And I want to thank the Planning Director for
7 including Makena, La Perouse and Kanaio and Kealia Pond
8 in protected areas. I really appreciate that. And --
9 and to please keep all the gulches as sensitive lands,
10 including native dryland forests.

11 Thank you very much.

12 CHAIR BAISA: Thank you very much. Members,
13 questions for our testifier? Seeing none, thank you
14 very much.

15 Chair would like to remind the people that are
16 in the gallery, if you have already not signed up to
17 testify, would you please do so? It will really help me
18 in planning how this morning is gonna be handled. We
19 only have four or five people more that have signed up.
20 And if that's it, maybe we can complete before noon.
21 But if there's a bunch of you, please sign up so we'll
22 know.

23 If you would please go ahead. Thank you very
24 much.

25 MS. GROVES: Thank you, Chairman Baisa and

1 Council Members. I'm here -- I am part of the Planning
2 Committee with KCA, but I'm here testifying as an
3 individual. I've been a resident here, mostly, since
4 1997, and watched Maui go through incredible changes.
5 So I'm gonna read a lot of this just to stay focused.

6 Mike Foley, former Planning Director of 38
7 years, remarked, in January 2012, that we should focus
8 on putting development Central Maui, not West and South
9 Maui. And I hope he's here because I wanna know why,
10 you know, with 38 years of experience. So I hope that
11 you -- you have that testimony and that you've had the
12 discussions with him.

13 My request is to take a precautionary approach
14 of the mauka development in South Kihei. The plan now
15 for South Maui appears aggressive to me. I -- I looked
16 at a 53-page study of five communities on -- on land,
17 urban growth boundaries, smart growth and housing
18 affordability. And I -- I put a -- the website address
19 in there. And I -- I recognize how complex it is. And
20 even with the best of intentions, there can be
21 unintended side effects. So we need to -- that's why I
22 really promote a precautionary approach with it. Why
23 not -- let's just see how we -- we do with Honuauula and
24 -- and look at it as a test case to see how it's
25 impacting what is below it, how it's impacting drainage,

1 how it's impacting the reefs, how it's impacting the
2 parrotfish and its ability to make sand, how it's
3 affecting the swimmability of -- of the ocean. It's a
4 really good test case.

5 I do support the Tech Park development.

6 I discovered something absolutely incredible.
7 I discovered that the ag land in -- that is mauka of
8 Kihei is -- with all its kiawe trees is actually prime
9 for bee production and kiawe honey production. And that
10 is an incredible ag resource right there.

11 I had some statistics from 2008.

12 See, I kind of changed things around a little
13 bit here.

14 In 2008, more than 10,000 honey-producing
15 colonies in Hawaii produced approximately 900 -- 900,000
16 pounds of honey worth more than 1,330,000 U.S. dollars.
17 To this day, bees who frequent Hawaiian kiawe trees
18 produce one of the finest varieties of single-source
19 honey produced from the nectar of a single plant species
20 in the world. And I can see more of this kind of
21 production.

22 The -- in the Plan, at Pages 29 to 30, there
23 was a premise in there that I think should be
24 reassessed. It states, "Although the proposed
25 development is within the County Ag District, the land

1 has low agricultural suitability." And I just showed
2 you where that's not true. Here's -- here's a very
3 viable thing. Who would have thought, from looking at
4 the land, that it would be that viable? But with very
5 low cost, it could be very viable. And I think we need
6 to be very -- take the precautionary stance to preserve
7 that land.

8 It's, also, potential for solar farming. And
9 so I think we should be careful about going in there and
10 doing more urban development right away.

11 We also don't have the silt basins through
12 the -- you know, kind of before you get to the Piilani
13 Highway, the State hasn't provided those silt basins,
14 you know, to be able to handle --

15 CHAIR BAISA: Ms. Groves, if you could please
16 conclude.

17 MS. GROVES: Okay. To be able to handle the
18 -- the kind of development that's being talked about in
19 terms of this massive development.

20 My other -- my other concern is with a --

21 CHAIR BAISA: Ms. Groves, you need to -- to
22 wrap it up.

23 MS. GROVES: Okay. I'll leave it there.

24 CHAIR BAISA: Thank you very much. Members --

25 MS. GROVES: Okay.

1 CHAIR BAISA: -- further questions?

2 Mr. Victorino?

3 COUNCILMEMBER VICTORINO: Yeah. Quick
4 question for you, Ms. Groves. What was that honey --
5 you said something, honey production for that land over
6 there.

7 MS. GROVES: Yeah, kiawe. It's kiawe honey
8 and bee production. It's both.

9 COUNCILMEMBER VICTORINO: Bee production.
10 Okay.

11 MS. GROVES: Yeah.

12 COUNCILMEMBER VICTORINO: You said kiawe
13 honey, and I start going, I had heard of that one
14 before, so I just wanted to clarify --

15 MS. GROVES: Yeah.

16 COUNCILMEMBER VICTORINO: -- bee production.

17 CHAIR BAISA: Gotta have the bees.

18 MS. GROVES: There's actually a grant --

19 COUNCILMEMBER VICTORINO: Okay.

20 MS. GROVES: -- for production there, but it
21 hasn't been -- it hasn't been actuated.

22 COUNCILMEMBER VICTORINO: Okay. No. That's
23 the clarification, Madam Chair. I had heard that and I
24 just -- I thought it meant bees, but I didn't --

25 CHAIR BAISA: Need the bees with the honey.

1 COUNCILMEMBER VICTORINO: Yeah, with --

2 CHAIR BAISA: Okay.

3 COUNCILMEMBER VICTORINO: -- honey. Okay. We
4 needed the two, right?

5 MS. GROVES: Yeah, yeah. Right, right.

6 COUNCILMEMBER VICTORINO: Okay. Thank you.

7 MS. GROVES: Okay.

8 CHAIR BAISA: Further questions?

9 COUNCILMEMBER VICTORINO: No. Thank you,
10 Madam Chair.

11 MS. GROVES: Thank you.

12 CHAIR BAISA: If not, thank you very much.

13 Our next testifier will be Brian Naeole. And Brian will
14 be followed by Dick Mayer.

15 MR. NAEOLE: (Hawaiian language.) I'm
16 representing myself as a lineal descendant to Hewa Hewa
17 Hapakuka and Ka Ono Ulu. And I -- I -- as a boy, being
18 raised in Maui all my life, I was part of a worker for
19 Oskie Rice. And he was in Ka Ono Ulu. And I know the
20 values of the area, how sensitive it is, how many
21 burials are there, how many iwis, how many heiaus are
22 there. I'm here to protect the values that was given to
23 me before.

24 And, you know, we -- we don't explain
25 ourselves or try to present what's there. We try to

1 malama our ohana. But being that we are violating the
2 laws that we don't have that protection. But I, as a
3 person that been there before -- and I see a lot of
4 things that are there that is very value to us --
5 because it's pretty much of a tool that I think the
6 concern of everybody here, we are trying to find out the
7 reality part about it.

8 I come from, also, a lineal descendent to
9 (Hawaiian) genealogy, another bloodline descendant to
10 Kamehameha I. And I know the values in these areas.

11 But in reality today, we are so trying to get
12 (inaudible) and trying to explain -- you know, I'm kinda
13 nervous right now. You know, my -- my reality is trying
14 to protect what was given to me, but, today, we -- we
15 have to stay within the law, not against the law. And
16 I'm trying to work with -- with everyone, you know. We
17 know Maui is growing, we need to work together to
18 provide jobs, to -- to keep our family in order, because
19 we have obligations, we have taxes to pay, we have -- we
20 have -- we have a month of things to do.

21 You know, I'm kinda nervous right now, I'm not
22 a speaker, but I'm here because I need to step up to the
23 plate, to recognize myself, who I am from. And I have
24 vested rights in these areas. And I have -- well, I
25 need information because you guys got the information.

1 I don't have the information. All I know that is that I
2 been there, I seen it with my own eye, I worked on these
3 lands. My family came from these -- paniolos, they all
4 worked for Oskie Rice. And we living a life to survive.
5 And I think we as a community need to work together. We
6 need to put our manaos together and realize what we are
7 facing, not only here in Hawaii, but the world. And
8 there's a problem.

9 Thank you.

10 CHAIR BAISA: Thank you very much, Mr. Naeole.
11 Members, questions? Mr. Victorino, and then
12 Ms. Cochran.

13 COUNCILMEMBER VICTORINO: Thank you. And
14 thank you, Brian, for being here.

15 MR. NAEOLE: Aloha.

16 COUNCILMEMBER VICTORINO: Aloha, bruddah.
17 These lands that you're referring to, are these the
18 lands toward Makena? Is this the area you're referring
19 to?

20 MR. NAEOLE: Yes. Yes.

21 COUNCILMEMBER VICTORINO: Yeah, 'cause -- you
22 know, 'cause we're talking like one side of Kihei, which
23 would be north (inaudible) and then the mauka lands and
24 then Makena. So which lands are you referring to your
25 lineal --

1 MR. NAEOLE: Well, right now, I'm just working
2 on Ka Ono Ulu itself.

3 COUNCILMEMBER VICTORINO: Okay.

4 MR. NAEOLE: In that --

5 COUNCILMEMBER VICTORINO: All right.

6 MR. NAEOLE: In that Hewa Hewa.

7 COUNCILMEMBER VICTORINO: Hewa Hewa area.

8 MR. NAEOLE: In that -- yes, in that parcel.
9 Because there is so many sensitive value there that we
10 need to, as of growing -- I mean, you born to society of
11 what was there before, what was actually there. And how
12 can we protect that? Maybe it might give us more
13 answers where we, as a whole, should work together.

14 COUNCILMEMBER VICTORINO: Right.

15 MR. NAEOLE: And, you know, we, as being
16 hidden on the side forever, it's not making it. I mean,
17 we have a situation so bad today that I'm here because
18 I'm protecting my -- my king, Kamehameha I. He gave me
19 that vested opportunity to speak in behalf of what's
20 happening. I mean, you know, I'm -- again, I'm not a
21 professional talker; I just -- I'm a hands-on person,
22 I'm a reality guy and --

23 COUNCILMEMBER VICTORINO: Brian and I go back
24 a long way and -- some 30 years I've known you, and
25 you've always been up and up with -- with people. So I

1 thank you for your testimony. And I, also like, Madam
2 Chair, as we go on, Brian, if you're available to help
3 us in these areas, I would really appreciate your manao
4 in that area.

5 MR. NAEOLE: Thank you. Thank you so much.
6 Aloha.

7 COUNCILMEMBER VICTORINO: Thank you. Thank
8 you, bruddah.

9 CHAIR BAISA: Hang on, Brian. Ms. --
10 Ms. Cochran?

11 COUNCILMEMBER COCHRAN: Thank you.

12 MR. NAEOLE: Hi.

13 COUNCILMEMBER COCHRAN: Thank you, Chair. And
14 thank you for being here. And you're, actually, very
15 refreshing and a breath of fresh air to come here and
16 share your manao like you have. And I'm just curious if
17 you're aware of the Aha Moku Council?

18 MR. NAEOLE: Yes, I am.

19 COUNCILMEMBER COCHRAN: And you're part of it?

20 MR. NAEOLE: No, I'm not.

21 COUNCILMEMBER COCHRAN: I would --

22 MR. NAEOLE: Well, I'm kind of -- you know,
23 today, we have to be true and correct. We have to make
24 sure, are we doing the right decisions, are we sure
25 we're not violating the laws, are we sure, you know,

1 down the line. It's that list that we follow. And it's
2 that laws that we follow. We wanna be with the law; not
3 against the law. We wanna be fair and true, and we need
4 to work together. There's a solution how it's gonna
5 happen, it comes from this office here and it comes from
6 all over, it comes from the believers, the people that
7 live here, that has been fighting for this opportunity.
8 And I think if we don't voice this opportunity, it's
9 gonna be gone forever.

10 And is that where it's gonna go? We trying to
11 go to the 21st Century, the 21st generation that we, as
12 a community, can see what's the value here because we
13 have the resources, we have the technology. We just
14 need to be involved. And, you know, I think this is the
15 time. This is the opportunity that we need to sit down
16 as human beings and talk it over and see where's the
17 reality.

18 COUNCILMEMBER COCHRAN: Mahalo. Yeah. And I
19 see generational knowledge here. And I believe it's so
20 important in our decision-making, Chair. So I just
21 wanna thank you for being here. And please stay in
22 touch. And, yes, we would love to use you as a resource
23 person.

24 MR. NAEOLE: Thank you.

25 COUNCILMEMBER COCHRAN: Thank you.

1 MR. NAEOLE: Aloha.

2 CHAIR BAISA: Any further questions for
3 Mr. Naeole? Seeing none, thank you. Our next testifier
4 is Dick Mayer. And Mr. Mayer will be followed by Mike
5 Foley. Good morning.

6 MR. MAYER: Good morning, Chair. Good
7 morning, Council Members.

8 I'm gonna speak first as a member of GPAC. I
9 can't represent them as a body, but I can indicate some
10 of the discussions that went on during our
11 deliberations. There are certain principles that we
12 tried to use to guide us as we made the Directed Growth
13 Boundaries. I was Chair of the Investigative Review
14 Committee, IRC, for the GPAC on these boundaries. One
15 was we, obviously, want to reduce infrastructure costs
16 for the County, we want to try to keep housing close to
17 jobs, we try to match supply and demands, where there
18 was -- would be demand for housing in areas of Maui,
19 that's where we try to matched the supply. We try to
20 separate communities so they wouldn't all sprawl
21 together. And, finally, we try to take a look, close
22 look at traffic and water limits, are there going to be
23 any limitations.

24 With that in mind, these are some of the
25 decisions we made with regard to South Maui: We tried

1 to balance the supply and demand. We were told that
2 there would be roughly 1,400 homes needed in that area.
3 We made a decision to put in housing in what was called
4 then Kihei Mauka. Given the large number of other units
5 already in South Maui, in Wailea 670, Makena Resort, and
6 Wailea itself, and thousands of other units, we came up
7 with the decision to increase the growth boundary.

8 What we did was we put a community not down
9 near Piilani Highway, but up above as a rural community
10 which we thought would be tied to the jobs that were
11 available at the R&T Park.

12 We also recognized that there would be
13 considerable infill within Wailea that was already
14 entitled.

15 We also thought it was very important to
16 separate the various neighborhoods of Kihei. Kihei had
17 become one long sprawl, all the way from Kealia, all the
18 way down towards Wailea, down towards Makena, without
19 any breaks in the community. And we thought that the
20 streams coming down would be natural greenbelts. And so
21 what was said earlier today about protecting these
22 drainage ways had a dual function. One was to protect
23 the green -- those drainage ways, and they should be
24 indicated on the map, and also indicate them as
25 greenbelts to separate neighborhoods in South Maui. And

1 we had separated them into four separate communities.

2 And, lastly, we looked at the R&T Park. And
3 we recognized that that should be within the Urban
4 Growth Boundary as it is, but there was no proposal to
5 put any housing in that project.

6 The recommendations now coming before you from
7 the Planning Director, I believe, are ill-advised on
8 several counts. And I'll try to indicate those.

9 I've given you a handout, which you'll
10 eventually, hopefully, have time to look at, which shows
11 the number of units being recommended by GPAC, the
12 Planning Commission, et cetera. And they all are well
13 under 2,000, between 1,000 and 2,000 units. The
14 Planning Director now has added an enormous number of
15 additional units which are not needed and certainly are
16 not needed in the South Maui area.

17 And I'm going through these, there are four of
18 them that I want to particularly mention. These are now
19 my opinion, not necessarily GPAC's. But I think they
20 reflect GPAC.

21 One is Puunene. I believe that HHL has come
22 in and said they want some land, but they want the land
23 south of it, the 545 acres, to be agriculture. I would
24 put in as a condition of -- within the Plan that that ag
25 land be made into important ag lands, because you have

1 less control overall on that land. If they were to
2 dedicate that as important ag lands, that would
3 perpetuate the use of that land for that purpose.

4 Number 2: In North Kihei, the Kihei Mauka
5 area, which we designated in GPAC, my opinion is that
6 it's even better served by the proposal now before you
7 for the R&T Park to have the 1,200, 1,250 units in the
8 R&T Park rather than that mauka area that placed the
9 jobs even closer to the housing and be a much more
10 self-contained planned community.

11 So I would urge you to delete the big bubble
12 that you'll see in North Kihei of Kihei Mauka. Those
13 houses would not be needed if the housing is put into
14 the R&T Park.

15 Number 3: With regard to Makena, the 390
16 acres being added now are totally out of line. Every
17 group, the community, the GPAC, the Planning Commission,
18 the previous Directors all recommended against this. It
19 is in the Community Plan, and maybe someday it will be
20 built out, but, right now, Makena has -- and this is the
21 numbers that I give you, it's a sheet that they handed
22 out to a committee that I was on for Makena Resort --
23 they had it that they could build on the existing land
24 uses 3,758 units. This is their numbers; not mine.
25 With that number that they are allowed now to build, you

1 do not have to add 390 acres.

2 The statement was made that this is -- there's
3 a golf course in there that would take up much of that
4 land. In fact, the golf course is 95 acres out of the
5 390. This would be an enormous urban increase that is
6 absolutely not needed as Urban or Rural.

7 And, finally: With regard to Maalaea, I
8 concur with the recommendations of the GPAC and all the
9 other bodies that we do not need those two very large
10 designations in the Maalaea area for a variety of
11 reasons which I don't have time to go into right now.

12 CHAIR BAISA: Thank you very much, Mr. Mayer.
13 Any questions for Mr. Mayer? Mr. Couch?

14 VICE-CHAIR COUCH: Thank you. And thank you,
15 Mr. Mayer, for being here. Just out of curiosity, on
16 the 390 acres, we've heard testimony that it's already
17 zoned for Residential and Multi-Family. Just out of
18 curiosity, did the GPAC take that into consideration
19 when they were discussing that? And -- and what was the
20 -- I guess what was the thinking of, essentially,
21 restricting something that's already zoned?

22 MR. MAYER: It's not -- I don't believe it's
23 zoned. I believe it has Community Plan designation, as
24 -- as you've indicated. I don't believe it has -- it
25 certainly has -- does not have State Land Use. And I

1 don't believe it has the zoning on that land.

2 VICE-CHAIR COUCH: Unfortunately, I checked,
3 and it does --

4 MR. MAYER: It does have the zoning? Okay.
5 It does not have State Land Use. It does not have all
6 the entitle -- similarly, the land south of Makena also
7 does -- you were threatened with a lawsuit earlier.
8 That land is not fully entitled, by any means. It does
9 not have State Land Use designation.

10 Our thinking was that -- that given all the
11 development -- and we had the benefit of having heard
12 the -- the decision of the Council with regard to
13 Makena, to put in the units there. They had, as I said,
14 roughly 3,000. And I was surprised when they actually
15 said they had -- they could build 3,700 units --

16 VICE-CHAIR COUCH: I'm sorry. My -- my
17 thought was just the -- if it was zoning, you said it
18 wasn't zoned, it was under your guys' impression that it
19 wasn't zoned.

20 MR. MAYER: No. Well, I thought it was. But
21 I knew it did not have all the land entitlements.

22 VICE-CHAIR COUCH: Okay. No. That -- that's
23 good. That's good to know. I was just curious why --

24 MR. MAYER: Because of the large number of --

25 VICE-CHAIR COUCH: -- (inaudible).

1 MR. MAYER: -- units --

2 VICE-CHAIR COUCH: Oh, yeah. Oh, I -- I know
3 the -- the large number of units. That's -- I'm just
4 concerned about a taking if there is indeed. If there
5 isn't, then --

6 MR. MAYER: I don't believe they have Land Use
7 designation, State Land Use.

8 VICE-CHAIR COUCH: Okay.

9 MR. MAYER: And that would not be a taking.

10 VICE-CHAIR COUCH: Thank you. Thank you,
11 Madam Chair.

12 COUNCILMEMBER VICTORINO: Madam Chair?

13 CHAIR BAISA: Mr. Victorino?

14 COUNCILMEMBER VICTORINO: Thank you. And --
15 and thank you, Mr. Mayer, again, for being here. And
16 your chart, you know, that you gave us, it showed that,
17 under the GPAC, you guys were looking, by 2030, 1,482.
18 Is that what you were looking total for South Maui?

19 MR. MAYER: 1,482 is what we were told by the
20 Department was the demand overall. And -- and the
21 decision, after going back, the group put the 1,000
22 units in what was called Kihei Mauka.

23 COUNCILMEMBER VICTORINO: Okay. Kihei Mauka,
24 okay. And then the other side -- and then the Planning
25 Commission added -- now has 2,100.

1 MR. MAYER: Correct. And then the --

2 COUNCILMEMBER VICTORINO: Then we move over to
3 the Department, they have 19.

4 MR. MAYER: Right. The 19 again.

5 COUNCILMEMBER VICTORINO: 19 again. So
6 their -- theirs has been consistent. The inconsistency
7 is between what you guys recommended and what the
8 Planning Commission recommended.

9 MR. MAYER: We were under -- as it says there,
10 67 -- we were 67 percent of the demand. They were over
11 by, about an equal amount, 40 percent roughly.

12 COUNCILMEMBER VICTORINO: About 40.

13 MR. MAYER: 40, 30 percent. So we were a
14 little bit under, they were a little bit over.

15 COUNCILMEMBER VICTORINO: Okay.

16 MR. MAYER: But the demand in that area is
17 roughly 1,482.

18 COUNCILMEMBER VICTORINO: Okay. Okay. I
19 just -- just so I was reading this correctly.

20 MR. MAYER: You are. And that's why I
21 recommend that the -- the R&T Park with 1,250 is
22 probably the right amount and that should be the only
23 area. That's my opinion.

24 COUNCILMEMBER VICTORINO: Okay. All right.
25 Thank you, Madam Chair. At least I'm clarified.

1 CHAIR BAISA: Mr. Pontanilla?

2 COUNCILMEMBER PONTANILLA: Thank you. Excuse
3 me. Thank you, Mr. Mayer, for your testimony.

4 In regards to the demand of 1,400 units, is
5 that the demand for the next 20 years excluding the
6 4,000 units that already approved?

7 MR. MAYER: No. That -- the -- that's the
8 demand in addition. The four -- roughly four or five
9 thousand units already entitled in South Maui because --
10 besides the -- the 3,700 at Makena, that's all the --
11 the other one. So it's well over 5,000, probably, total
12 units that are totally zoned and -- and all these
13 things. And this would be an additional 1,400 above
14 that. So that would bring it up to 6,500 or 7,000,
15 depending what numbers are used.

16 COUNCILMEMBER PONTANILLA: Okay. Any
17 discussion regarding the 4,000 units, when it's gonna
18 come up?

19 MR. MAYER: We -- we -- you know, that,
20 obviously, depends on the market and on the developer's
21 interest in putting it on the market. And we -- we
22 certainly, just as you, have no idea when that will come
23 aboard. But when the demand is there, in other words,
24 when the -- the developers think that there are people
25 who can get the financing and they themselves can get

1 the financing, I'm sure they would come aboard.

2 COUNCILMEMBER PONTANILLA: Okay. Thank you.

3 Thank you, Chairman.

4 CHAIR BAISA: Further questions for Mr. Mayer?

5 Seeing none, Mr. Mayer, thank you very much.

6 MR. MAYER: Thank you.

7 CHAIR BAISA: Our next testifier is Mike

8 Foley. Mr. Foley?

9 Chair will, once again, ask anyone in the
10 gallery, if you are considering testifying, would you
11 please sign up? Because this keeps growing, and we need
12 to know. If you --

13 Go ahead, Mr. Foley. Thank you.

14 MR. FOLEY: Good morning, Chair Baisa and
15 Members of the Council. Before I -- oh, I'm Mike Foley.
16 I'm a member of the board of four nonprofits, but I'm
17 speaking as an individual with more than 40 years of
18 experience as a land use planner.

19 To answer the question that was asked by the
20 lady from Kihei as to why I recommended that Central
21 Maui was the best, most appropriate location for future
22 growth, the reason for that is that, from a traffic
23 standpoint, South Maui and West Maui are, basically,
24 cul-de-sacs. And the -- Central Maui has a lot of
25 infrastructure, such as schools, water, supplies, sewage

1 treatment and fire stations. So it's primarily an
2 economic reason, for infrastructure.

3 I wanted to address just a couple of parcels.
4 First of all, the -- the infamous 390 acres that you've
5 heard about above the golf course in Makena. You've
6 heard opposition from numerous people. I was gonna name
7 them, but now there's too many to name. This is a very
8 surprising new recommendation from the Planning
9 Director. The property is inappropriate for inclusion
10 in the Urban Growth Boundary. It's unnecessary. And it
11 is, also, unjustified.

12 The GPAC and the Maui Planning Commission
13 recommended against this 390 acres being included. And
14 that was before they were aware of the -- the megamalls
15 proposed on Piilani Highway. So there's a long history
16 of opposition to this 390 acres.

17 The -- the other parcel I wanted to address is
18 the 92 acres adjacent to Makena State Park. It's
19 unfortunate that the attorney representing the property
20 owner threatened you with litigation because there's
21 already been discussion about this parcel being
22 appropriate for an addition to Makena State Park. And I
23 think it would be much more appropriate as a -- as an
24 addition to the park than -- than for residential
25 development.

1 Thank you.

2 CHAIR BAISA: Thank you very much, Mr. Foley.
3 Members, questions for Mr. Foley? Mr. Pontanilla?

4 COUNCILMEMBER PONTANILLA: Thank you. Thank
5 you, Mike, for being here. You know, you mentioned
6 schools. And, you know, as we go through the Maui
7 Island Plan and looking at all this Urban Growth
8 Boundaries, one of the issues that I have in Central
9 Maui is, basically, schools. You know, we've grown in
10 population, but the State hasn't, you know, keep up with
11 the -- the young population that we have here in Maui
12 County, especially Central Maui. 'Cause when I look at
13 the schools, they are bursting at the seams on the
14 elementary level, intermediate level and high school
15 level.

16 As a former Planning Director for the County
17 of Maui, how do -- or how did you interface the
18 Department of Education so that, you know, as we review
19 this 20-year growth that they become part of the 20-year
20 growth to meet the demands?

21 MR. FOLEY: Mr. Pontanilla, the -- Mayor
22 Arakawa and I went to -- went to Honolulu and met with
23 the Department of Education. We took with us maps that
24 we had of potential future growth throughout the island.
25 And the DOE was so impressed with our maps and our

1 numbers that they said that they would, in the future,
2 meet with us -- meet with the -- the Administration,
3 whoever it was, much more seriously in terms of locating
4 schools.

5 Since that time, we've had a high school
6 approved for South -- for Kihei. And that will take a
7 lot of students away from Central Maui high schools,
8 which is a big improvement. That high school in Kihei,
9 of course, is 10 years overdue.

10 We also have a school under construction in --
11 in Kehalani. That school is overdue. And that will
12 also relieve, to some extent, the -- the pressure on
13 elementary schools in Central Maui.

14 So I think we're making some progress. We
15 have a school tentatively approved at Pulelehua in West
16 Maui, because all four public schools in West Maui are
17 already overcapacity. So I -- I think there has been
18 some -- some good progress made between DOE and the --
19 and the County in terms of recognizing where growth is
20 likely to occur.

21 COUNCILMEMBER PONTANILLA: Thank you. Thank
22 you for that information because I -- I know, you know,
23 building schools in, especially, Maui County takes, like
24 you say, Kihei, 10 years. And, you know, it's kinda 10
25 years too late. So I -- I look at it in Central Maui

1 in, basically, the same way. So, hopefully, with, you
2 know, our new Planning Director here, there's a lot of
3 interface in regards to building State infrastructure
4 for the County of Maui.

5 So thank you.

6 CHAIR BAISA: Thank you, Mr. Pontanilla. Any
7 further questions for Mr. Foley? Seeing none, Mike,
8 thank you very much. Mr. Keoki Medeiros.

9 MR. MEDEIROS: Aloha.

10 CHAIR BAISA: Aloha.

11 MR. MEDEIROS: First off, my name is Keoki
12 Medeiros. I'm a registered nurse working in mental
13 health.

14 To be honest with you, I'm new to this whole
15 deal. I've never -- I've done one testimony before
16 regarding GMOs. This is my second time. I'm not
17 familiar with the system.

18 You know, coming here as somebody who -- who
19 moved from Oahu -- I just recently moved from Oahu. And
20 I lived in West Oahu. And a gentleman mentioned earlier
21 about not wanting, you know, Maui to become West Oahu.
22 Living in West Oahu, I was there in Ewa, we lived in Ewa
23 Beach, where suddenly, you know, they just started --
24 development just boomed. And infrastructure wasn't
25 created to handle that. So, suddenly, we've got this

1 one road going into Ewa Beach that just was terrible.
2 Like just to get home after work, you know, you get off
3 at 5:00, you get home at 7:00, you know. And I see
4 this -- now that I've moved here, I see this
5 development. And to be honest -- luckily, I had a
6 friend named Mary Traynor that brought this to my
7 attention. Because, honestly, I go to work, I pay my
8 taxes, I hope my Government will take care of me, I hope
9 they'll do what they need to do. But then when it comes
10 -- when she brings this to me and she says, you know,
11 initially, there's a plan for 223 acres, then, suddenly,
12 it jumped to 433, then now it's at 692 that they're --
13 that they're, you know, discussing to do. So for me, to
14 see that this development is just not controlled, that
15 it's just going wild -- you know, I have -- another
16 gentleman who mentioned about, you know, our Hawaiian
17 sacred lands and our heiaus are being threatened, you
18 know. And to see and hear that it's even threatened, to
19 me, as a Hawaiian, now growing up -- I come from that
20 generation where I was blinded, you know, I was told,
21 you know, MTV and all this other things. And only now
22 I'm being awakened to what's going on in our world.
23 Only now am I coming here and saying, I need to learn
24 about what's going on in our Government. Because,
25 obviously, you know, from what we're seeing, is it

1 representing the people? I don't know. You know,
2 that's yet to be seen. But from what we see now, you
3 know, people are coming forward saying, hey, slow it
4 down. So as a person of -- that's under you guys as
5 your constituents, all I can ask is that the public is
6 involved. You know, my understanding that was told to
7 me was that the State supersedes the County. So
8 whatever's decided, it will happen. But the community
9 isn't being allowed in this process, you know. And I
10 think, for me, and all these other people -- I mean, I'm
11 looking in the crowd. And for us to just come from work
12 and to come over here to even give testimony, you
13 know -- I'm hoping I'll be able to come next time,
14 but -- luckily, my schedule today worked out that I
15 could come. You know, I got off at 3:00 in the morning
16 at the hospital. A friend told me about this stuff. I
17 needed to come do this. I got to go work at 3:00, so,
18 to me, it's just I hope that you guys hear the testimony
19 of the people and do the right thing, you know. Because
20 like I said, I gotta go back, go work, pay taxes, pay my
21 rent. Hopefully, things are being controlled. But
22 looking at the Oahu went, it didn't go the way -- our
23 council said, oh, yeah, you know, everything is being
24 planned, but it was terrible. And they're only now,
25 just recently, in the past year or two, they ended up

1 creating another road that goes. But, I mean, when they
2 first were doing development in Ewa Beach, it was just
3 through the roof. And everybody said that they'd be
4 able to handle it, and it just went bad.

5 So -- just so you guys, coming from Oahu, you
6 know, to hear somebody say, don't let Maui become West
7 Oahu, oh, that just rang in my mind because Maui's
8 headed that way, you know. So, hopefully, you guys can
9 stop that, you know, and don't let developers come and
10 just take over our island. You know, they've already
11 taken over enough. So, hopefully, you guys keep that in
12 mind.

13 And, you know, hey, thank you for letting me
14 speak. Aloha.

15 CHAIR BAISA: Thank you very much,
16 Mr. Medeiros. Members, questions for our testifier?

17 Chair would like to decide how we're going to
18 go forward here. We have four more testifiers who have
19 signed up. I'd like to ask those four testifiers, would
20 you be able to return at 1:30, or is it urgent that you
21 speak now? You can return? Mr. Frampton?

22 MR. FRAMPTON: Yes.

23 CHAIR BAISA: You're okay, you can come back?
24 We have -- Gylan, will you be able to return? No.
25 Okay. Well, then we need to handle you. And Florence

1 Lani, is she here? Okay.

2 Okay. What the Chair is going to have to do
3 is I'm going to call a very brief recess, don't move,
4 and I am going to turn the meeting over to Vice-Chair
5 Couch, who will complete all of the testimony, if he
6 chooses to, but I understand he, also, has an
7 appointment. Take care of the person that needs to be
8 heard from before you adjourn. So the Chair -- the
9 meeting will be in recess. And I will see you again at
10 1:30. I'm sorry, but I have a very urgent meeting
11 during the noon hour. So the meeting is in recess for a
12 second. ...(gavel)...

13 RECESS: 11:50 a.m.

14 RECONVENE: 12:02 p.m.

15 VICE-CHAIR COUCH: ...(gavel)... The General
16 Plan Committee meeting is back in order.

17 First up -- we're gonna hear from two and then
18 break because some Members have to go. First up is
19 gonna be --

20 MS. SOLAY: Gylan.

21 VICE-CHAIR COUCH: Gylan Solay.

22 MS. SOLAY: Yes. Thank you.

23 VICE-CHAIR COUCH: Thank you.

24 MS. SOLAY: Aloha, everybody. Thank you.

25 Thank you for allowing me as a citizen to come here and

1 speak. It's the first time I've ever done this, so bear
2 with.

3 I live in Kihei. And I'm representing myself.
4 And I feel others who I've spoken to who came to Maui to
5 leave the mainland urbanization behind only to wake up
6 one morning and hear a megamall of 70 acres and 700,000
7 square feet of retail space is being developed on the
8 Piilani, two streets from my home. I was appalled, not
9 only by the size and the sound of this, but that it was
10 snuck in under the radar, the lack of concern by the
11 developer.

12 VICE-CHAIR COUCH: Ms. Solay --

13 MS. SOLAY: Yes.

14 VICE-CHAIR COUCH: Are you talking about the
15 --

16 MS. SOLAY: Megamall on the Piilani.

17 VICE-CHAIR COUCH: That's not on the schedule
18 right now --

19 MS. SOLAY: Oh.

20 VICE-CHAIR COUCH: -- unfortunately. This is
21 the -- the Director -- Planning Director's map.

22 MS. SOLAY: Okay. I've seen it.

23 VICE-CHAIR COUCH: Okay.

24 MS. SOLAY: And I think this is representative
25 because all I've heard this morning is how much cement

1 is being poured over Maui. Every -- every development
2 is about getting money in or developers just pouring
3 cement here. I don't feel the citizenry is being heard.
4 And I'm against more sprawl, more development in the
5 form that it is right now.

6 I feel that we need to move ahead; however,
7 sustainability and self-sustaining economy will provide
8 more perpetuity in jobs, not just bandaids, as well as
9 preserving the environment of Maui, the soul of Maui,
10 the aloha spirit. I feel somewhere along the line we're
11 selling Maui's soul out to greed, and that we need to
12 come together as a ohana, everyone, new residents, old
13 residents, people, and the board, the councils, the
14 environmental agencies, all the community, need to come
15 together and say what is best for its citizens, for Maui
16 and a healthy way. We have all the resources we need;
17 land, water, wind, solar, things that everybody knows
18 about. We need to bring those resources together to
19 develop Maui in a healthy way for the future.

20 So now is the time for the future. And I
21 think we really need to take some time and step back and
22 really take a full picture of what we're doing here.
23 And I hope that everybody does feel that sense of aloha
24 spirit needs to be preserved in this wonderful oasis we
25 have.

1 Thank you.

2 VICE-CHAIR COUCH: Thank you, Ms. Solay.
3 Members, any questions for the testifiers? Seeing none,
4 thank you. And then we have Florence Lani. And
5 Ms. Lani will be the last one before we take our break.

6 MS. LANI: Aloha kakou, Council Members,
7 Committee. My name's Florence K. Lani. And I'm also
8 here to testify that I am a kupuna saying, mentioning
9 that I'm also a direct lineage to (Hawaiian). I was
10 born in Ulupalakua and my -- all of my parents and
11 ancestors were all paniolos.

12 I live in Kanaio. And I was born in
13 Ulupalakua, in (inaudible) up on the mountain, because
14 my mom was a rider, too. And I was raised the old ways
15 going back. So I know the history from -- our family
16 comes from Honuaula all the way to Kahikinui, going
17 all -- so we have my ancestors that comes from all
18 Makena, around the areas.

19 I didn't have the chance -- in all my years,
20 and I'm a kupuna right now, I haven't had this chance to
21 come out and give this testimony, which I'm so happy to
22 do today. But I'm just here to let everyone know
23 that -- since I'm getting old and might not have the
24 chance, I just want to let everybody know that you work
25 together. And I'm fine. And I'm, also, in the Aha Moku

1 Council. So I love everybody. And that's how we were,
2 share things with one another. Our family was always
3 raised to not hate or -- just as a -- any -- anybody
4 that -- from outer islands.

5 I just wanna say a short testimony. And I'm
6 happy today. I said I'm not gonna speak, but when my
7 nephew came up and started talking -- I'm the only
8 oldest one, and the first one that is not afraid to come
9 up, because I was asked to do this, because maybe it'll
10 never be known that I'm glad -- that I'm one of the
11 direct descendant from Maui.

12 Thank you so much for listening to my
13 testimony. Aloha.

14 VICE-CHAIR COUCH: Thank you, Ms. Lani.
15 Members, any questions of the testifier? Seeing none,
16 thank you very much for coming up and speaking.

17 All right. Members, we will be going on a
18 lunch break. I told Ms. Baisa 'til 1:45. So this
19 meeting is in recess until 1:45. ...(gavel)...

20 RECESS: 12:07 p.m.

21 RECONVENE: 2:05 p.m.

22 CHAIR BAISA: ...(gavel)... Will the General
23 Plan Committee please come back to order.

24 Chair would like to express her sincere
25 appreciation to the Members that are here this

1 afternoon. Thank you very much for making arrangements
2 to be here, Chair really appreciates it, so we can kinda
3 get into the work this afternoon.

4 We have two more testifiers. And I'd like to
5 thank Vice-Chair Couch for handling the rest of the
6 testimony this morning. Our next testifier -- we have
7 two people signed up to complete testimony. If anybody
8 else would like to sign up, would you please do so
9 immediately? First testifier will be Keith Chun. And
10 he'll be followed by Rory Frampton. Thank you so much,
11 Mr. Chun, for waiting.

12 MR. CHUN: Thank you. Good afternoon, Chair,
13 Members of the Council. I wanted to bring up three
14 points. I'm Keith Chun, Planning and Development
15 Manager for DLNR. Three points real quick.

16 I wanted to clarify our request for the lands
17 to be included in the Urban Growth Boundary; number two,
18 why we want to do this; and, number three, a little
19 explanation of the State's leasing program and how it
20 works. And, hopefully, it'll allay some of the fears
21 people have.

22 The first one is, I think there was some
23 confusion raised earlier on what we're asking for. And
24 we have a map here that was the Planning Director's
25 recommendation. I think the question was why is this

1 weird star configuration. But our consultant, Munekiyo
2 & Hiraga, submitted what DLNR's really asking for. And
3 it's for the acreage on both sides of the County's
4 recreational EO land. And I think it's important to us
5 because we wanted land along the frontage of the
6 highway.

7 CHAIR BAISA: Mr. Chun, this map that points
8 out DO28 is the one you actually want?

9 MR. CHUN: No. The DO28, I believe, is what
10 the Planning Director --

11 CHAIR BAISA: Okay. So it's the other one?

12 MR. CHUN: It's the other one.

13 CHAIR BAISA: Okay.

14 MR. CHUN: And you can see the outline in red
15 is the areas we are asking for, which includes DLNR
16 lands and, I think a little bit of DHHL land.

17 COUNCILMEMBER VICTORINO: Madam Chair?

18 CHAIR BAISA: Yes, Mr. Victorino.

19 COUNCILMEMBER VICTORINO: Just for
20 clarification.

21 CHAIR BAISA: I just want to be sure we're all
22 looking --

23 COUNCILMEMBER VICTORINO: Yeah.

24 CHAIR BAISA: -- at the same map. Go ahead.

25 COUNCILMEMBER VICTORINO: This -- this is

1 the -- I think this is the one that has your name at the
2 bottom, Keith Chun, right?

3 MR. CHUN: Yeah.

4 COUNCILMEMBER VICTORINO: I guess --

5 CHAIR BAISA: Right. And if you're wondering
6 about the color, it's Baisa fuchsia pink that it's
7 outlined in.

8 COUNCILMEMBER VICTORINO: And then the red --
9 the red -- okay. All right. No. All joking aside,
10 Madam Chair, does the public have a copy of this, too?
11 Because I think as we talk, the people out there are
12 asking for the same. So do you know if they have copies
13 of this?

14 CHAIR BAISA: Chair will ask. Staff, anybody
15 else have this besides us? No. Only the Members have
16 it.

17 COUNCILMEMBER VICTORINO: Okay.

18 CHAIR BAISA: We will -- we will try to get
19 some --

20 COUNCILMEMBER VICTORINO: Okay.

21 CHAIR BAISA: -- or share some. Maybe we
22 don't each need our own. If we could just share a
23 couple with the folks, that would be helpful. Yeah,
24 from the people that are not at their desks, that might
25 be helpful.

1 COUNCILMEMBER VICTORINO: We can replace
2 theirs.

3 CHAIR BAISA: They can get theirs later.

4 COUNCILMEMBER VICTORINO: Yeah.

5 CHAIR BAISA: Why don't we do that? She said
6 no? Thank you. I just want them to have it. And we
7 can collect it afterwards, if -- if you wouldn't mind,
8 Staff.

9 Anybody out there who's -- who's a
10 representative like of the Kihei Community Association,
11 or somebody that speaks for a bunch of people, you might
12 wanna share it. Unfortunately, we don't have enough
13 copies, but Chair would like you to be able to see it.
14 We'll just borrow.

15 COUNCILMEMBER VICTORINO: Yeah.

16 CHAIR BAISA: Okay. I'm sorry, sir. We're
17 gonna have to start over, and --

18 MR. CHUN: Thank you.

19 CHAIR BAISA: -- maybe give you back your time
20 since we got into a map. Staff, if we could please do
21 that. Thank you.

22 COUNCILMEMBER VICTORINO: I'm sorry, Keith.

23 MR. CHUN: And -- and so the maps, I think, we
24 can answer questions later, but I wanted to make sure,
25 there was a point of confusion.

1 The other thing I wanted to raise was, you
2 know, just to -- people understand, you know, the
3 Department manages 1.3 million acres of public lands.
4 We're also charged with managing all of the State's
5 historical, cultural, archaeological and recreational
6 facilities. So these include your State harbors, your
7 State parks, hiking trails, beaches. Probably a lot of
8 the archaeological sites people have raised in earlier
9 testimony. And as the manager of this public land
10 trust, we have a fiduciary duty to manage these
11 resources and use our assets as best as we can to -- the
12 best we can for the trust beneficiaries, which is the
13 general public.

14 So a lot of the concerns here, hopefully, we
15 can explain, that we've identified some lands that have
16 income potential. We are trying to use these lands to
17 generate revenue so that we can support and fulfill our
18 fiduciary duties. So I -- I wanted to explain, you
19 know, the beneficiaries include the general public.

20 The second point is, in our leasing process,
21 hopefully, you'll understand there's a lot of public
22 process built into it. Why we're here today, and why we
23 are asking for your help in including these lands in the
24 Urban Growth Boundary, is this is a very first step for
25 us in our overall process. And the reason we're here is

1 because it just so happens you guys are undertaking the
2 General Plan now. You know, we're -- and we're doing it
3 in conjunction with some of the other stakeholders,
4 coming up with an overall master plan in coordination
5 with the agencies working with the Planning Department.
6 But because you are undertaking the General Plan now, we
7 wanted to see if we could get it in there.

8 And, you know, real estate market is cyclical.
9 When we try and bring lessees in, if they have to start
10 and go wait for your next General Plan, we're gonna miss
11 the boat. So we're asking for your help now, but, also,
12 explaining that our leasing process, the reason we need
13 it is our -- our State leasing process, by law, is a
14 lengthy one. For example, if you approve this General
15 Plan amendment and include our lands, we will not have
16 the ability tomorrow to talk to somebody and negotiate a
17 lease and issue it to 'em. Our process generally
18 requires us to go through a public request for proposals
19 process. When we select the lessee, we need our Land
20 Board to approve them, which is a open process that
21 allows for public testimony. We require our proposed
22 tenants to go through the Chapter 343, which is a
23 environmental assessment or EIS. Again, another public
24 process. And then if we agree to move forward after our
25 Land Board has a chance to evaluate the impacts and

1 proposed mitigation, then we do go back to our Land
2 Board again.

3 What we probably -- and what we usually end up
4 doing is entering a development agreement. And the
5 development agreement will give this proposed lessee the
6 right to go seek all of the rest of approvals that they
7 need. And in our case, we would have a Land Use
8 Boundary Amendment, Community Plan, zoning, and
9 what-have-you.

10 So I wanted to just make sure people
11 understand that the Council's approval of this will not
12 result in us walking out tomorrow and issuing a lease to
13 anybody. It's just the start of our very long and
14 lengthy process. So, hopefully, that kind of addresses
15 some of the things that were raised today.

16 CHAIR BAISA: Thank you very much, Mr. Chun.
17 Members, questions? We'll start with Mr. Couch, we'll
18 get to Mr. Victorino. I'm sure everybody has a
19 question. If you would, Mr. Couch.

20 VICE-CHAIR COUCH: Thank you, Mr. Chun. I
21 believe -- I can't remember his name now.

22 COUNCILMEMBER VICTORINO: Ornellas.

23 VICE-CHAIR COUCH: No, the one before.

24 COUNCILMEMBER COCHRAN: Daniel?

25 VICE-CHAIR COUCH: One of your representatives

1 said that your lessees will pay property tax. Do you
2 pay property tax on that land now?

3 MR. CHUN: The State does not. When we have a
4 tenant, we actually will forward the leases over to the
5 respective counties and they will start to collect or
6 assess the tenants for the property taxes.

7 VICE-CHAIR COUCH: So you assess them, but --

8 MR. CHUN: No. We inform the County that
9 we're now leasing this property --

10 VICE-CHAIR COUCH: Okay.

11 MR. CHUN: -- these 100 acres, we inform the
12 various counties, they start the assessment process and
13 send out the bills.

14 VICE-CHAIR COUCH: Okay.

15 MR. CHUN: Yeah.

16 VICE-CHAIR COUCH: It was Mr. Tsuji that I --
17 that I was --

18 MR. CHUN: So, you know, we've done it even
19 with some of our agricultural tenants. All of them do.

20 VICE-CHAIR COUCH: Is that the same as -- on
21 DHHL lands as well?

22 MR. CHUN: I can't speak for DHHL land. I
23 believe, if I stand correct, commercial tenants, et
24 cetera, do pay. They may have some exemptions for their
25 actual beneficiary housing people --

1 VICE-CHAIR COUCH: Right.

2 MR. CHUN: -- that lease lands, yeah.

3 CHAIR BAISA: Mr. Couch, we have a
4 representative. And we can ask him later --

5 VICE-CHAIR COUCH: Okay.

6 CHAIR BAISA: -- if you like.

7 VICE-CHAIR COUCH: Thank you.

8 COUNCILMEMBER VICTORINO: Madam Chair?

9 CHAIR BAISA: Any -- oh, Mr. Victorino? I'm
10 sorry.

11 COUNCILMEMBER VICTORINO: And thank you for
12 being here. Your map now tends to get me a little more
13 concerned than the prior map which the Department showed
14 us, because, again, the concern about the communities
15 growing together. Where it was originally showing us
16 the boundaries on the Department's map is approximately
17 three miles from the next junction or three miles away.
18 This one now would kinda bring you guys, I'm going to
19 say, within a mile, mile and-a-half of -- of the
20 junction. And then with what is planned as far as
21 housing in this area, you would then pretty much come --
22 just like what we having here in Wailuku and other --
23 Kahului, the communities growing together. And I think
24 that's something that has to be kept in your mind as
25 well as ours, because we want to make sure we have

1 definitive separation of communities. So that's very
2 important.

3 Secondly, I wanted you to make -- you know,
4 you explained to us that these lands are for the general
5 welfare of all, whereas DHHL lands go directly to
6 Hawaiian benefactors. Is that correct?

7 MR. CHUN: Correct.

8 COUNCILMEMBER VICTORINO: Okay. So the -- so
9 the public understands what the two entities mean in --
10 in the overall scheme of things.

11 MR. CHUN: Right. Hawaiian Home Lands has its
12 own beneficiaries.

13 COUNCILMEMBER VICTORINO: That's correct.

14 MR. CHUN: The State DLNR, we manage the --
15 the bulk the State's acreage, 1.3 million acres.

16 COUNCILMEMBER VICTORINO: Right.

17 MR. CHUN: And we're charged with managing the
18 lands, maintaining all of the State facilities,
19 recreational, historical, archaeological. So we would
20 use revenues like this to support DLNR's mission.

21 COUNCILMEMBER VICTORINO: Okay. So just so
22 the public is clear, we are talking two totally
23 different entities vying for the same area as far as
24 commercial and light industrial and ag. And are you the
25 ag component in this or is it D -- DHHL?

1 MR. CHUN: It's DHHL. So they have the land
2 that's --

3 COUNCILMEMBER VICTORINO: Okay.

4 MR. CHUN: -- toward Kihei.

5 COUNCILMEMBER VICTORINO: Okay. So your land
6 is, basically, commercial and light industrial?

7 MR. CHUN: Correct.

8 COUNCILMEMBER VICTORINO: Okay. Just so that
9 we had clarified, Madam Chair. Thank you very much.

10 MR. CHUN: So they're two separate public
11 trusts.

12 COUNCILMEMBER VICTORINO: Yeah.

13 MR. CHUN: Yeah.

14 COUNCILMEMBER VICTORINO: Yeah.

15 CHAIR BAISA: Right. And, Mr. Victorino, when
16 we get to this particular issue, I know that GIS will be
17 able to give us the good maps so we can see exactly the
18 differences and the closeness.

19 COUNCILMEMBER VICTORINO: Yeah. Well, thank
20 you, Madam Chair. I just want the public to understand,
21 yeah.

22 CHAIR BAISA: Mr. Chun, will you be able to
23 stay? We don't know if this will happen today or
24 tomorrow?

25 MR. CHUN: Can I stay at the Wailea?

1 CHAIR BAISA: I'm sorry? I'm sorry?

2 MR. CHUN: I can stay for today.

3 CHAIR BAISA: You can stay --

4 MR. CHUN: And we'll have a representative
5 here tomorrow.

6 CHAIR BAISA: And you'll have somebody
7 tomorrow. Okay. As long as we have somebody here at
8 that time, it'll be helpful.

9 MR. CHUN: Okay.

10 CHAIR BAISA: You know, a lot of times
11 questions come up after you guys go home and then we
12 don't have the right person to ask. Unfortunately, it's
13 very hard to -- to figure out when a specific issue will
14 be addressed. Thank you. Thank you very much.

15 Members? Ms. Cochran?

16 COUNCILMEMBER COCHRAN: Thank you, Chair. And
17 thank you, Mr. Chun, for staying. So you have both
18 maps, right?

19 MR. CHUN: Yes.

20 COUNCILMEMBER COCHRAN: The proposal by
21 Director and your own. So there's just the huge
22 discrepancy between the two boundaries. So can you
23 comment on -- I'm just kinda -- I guess I should ask
24 Director why his lines are as such and yours is as such.
25 But, yeah, if you can just comment as to the

1 differences.

2 MR. CHUN: Okay. You know, for us, again, we
3 at DLNR, most of our lands are not really suitable to
4 generate revenue. We own a lot of mountains, streams,
5 et cetera. I think this is one of the main areas that
6 we own land in Maui that have potential to generate
7 revenue. And, again, because our leasing process
8 requires us to go through a public process, for example,
9 a request for proposals, we want the flexibility of
10 having -- these are essentially two of our main
11 tracts -- to be able to put these properties out and --
12 and seek proposals from possible developers, lessees.
13 We've even had renewable energy guys that want larger
14 tracts as well. But we're responding to the market
15 as -- you know, and what they're proposing as well. And
16 we would evaluate it through our requests for -- I mean,
17 proposals, and make our selection. And in determining
18 what would be the -- the most valuable lands for
19 revenue, obviously, the ones closer to the highway would
20 generate, we believe, the biggest interest. And that's
21 why you'll see ours are on both sides on Mokulele.

22 COUNCILMEMBER COCHRAN: Right. And, Chair, a
23 follow-up?

24 CHAIR BAISA: Sure. Go right ahead.

25 COUNCILMEMBER COCHRAN: I don't know if

1 Mr. Ornellas mentioned, but to try and contain the, I
2 guess, impact onto Mokulele, your version looks like a
3 lot more. I'm not sure how many more intersections
4 would be put onto Mokulele Highway with your version
5 versus the Director's. It's more condensed --

6 MR. CHUN: Right.

7 COUNCILMEMBER COCHRAN: To the more urban
8 existing area.

9 MR. CHUN: Yeah.

10 COUNCILMEMBER COCHRAN: So I'm looking at that
11 and kinda have a little concern.

12 MR. CHUN: Well, fair question. Again, as one
13 of our co-agencies, DHHL, pointed out, by including
14 larger tracts, it gives us more flexibility, including
15 working with the County on setbacks and landscaping
16 issues.

17 Traffic intersections, et cetera, for DLNR, I
18 think that's one of the things I wanted to mention, it's
19 a little premature because we don't even have -- right
20 now, we're not even talking to potential lessees or what
21 their proposed projects are. But when we do, we're
22 gonna require them to do an environmental assessment
23 with a traffic impact study and -- and identify those
24 things.

25 COUNCILMEMBER COCHRAN: Okay.

1 MR. CHUN: Yeah. And then it's -- then it
2 gets put into, at least, our Land Board's discretion on
3 whether they want to even allow this guy to try and move
4 forward with it. And then we would also come to the
5 County through the subsequent entitlements.

6 COUNCIL MEMBER: Madam Chair?

7 COUNCILMEMBER COCHRAN: Okay. Thank you,
8 Chair.

9 CHAIR BAISA: Yes, Mr. --

10 COUNCILMEMBER COCHRAN: Thank you, Mr. Chun.

11 CHAIR BAISA: Hang on. Mr. Victorino, then
12 Mr. Pontanilla, then Mr. Couch. Go ahead.

13 COUNCILMEMBER VICTORINO: Real quickly, I -- I
14 just wanted to make a little correction to Mr. Chun.
15 Mr. Chun, these lands are owned by the people of Hawaii,
16 the State of Hawaii; not by your Department. You have
17 care, custody and control, and you are the warden --
18 ward of this. So just so that you got this correct,
19 'cause you kept saying, "These lands we own, we own." I
20 don't want the public to think you own the land. You
21 know, it's really State land which you guys take care of
22 for the betterment of the --

23 MR. CHUN: Correct.

24 COUNCILMEMBER VICTORINO: -- State.

25 MR. CHUN: We manage.

1 COUNCILMEMBER VICTORINO: You manage the land.
2 Thank you. That's all I wanted to clarify.

3 CHAIR BAISA: Thank you, Mr. Victorino.
4 Mr. Pontanilla?

5 COUNCILMEMBER PONTANILLA: Thank you,
6 Chairman. Just a fast question. When you say support
7 the general public, in what manner?

8 MR. CHUN: Well, one of the -- one of the
9 beneficial purposes in the Constitution is for public
10 purposes. But I think what we'd like to explain is that
11 lot of the facilities, the -- the public resources,
12 whether they be archaeological, historical or
13 recreational facilities, are all for the benefit of the
14 general public. And for us to -- you know, it's
15 embarrassing, but I think many people have seen the
16 state of -- the condition of our State park and our
17 harbors, et cetera. And -- and it's due to the lack of
18 funding. The more we can generate through sources like
19 this, the less reliant we'll become on General Funds.
20 And for our Land Division and, for example, our Boating
21 Division, we rely solely on Special Funds for this type
22 of thing.

23 COUNCILMEMBER PONTANILLA: Good. Thank you.
24 We do have a problem. And you guys don't have the
25 money --

1 MR. CHUN: Thank you.

2 COUNCILMEMBER PONTANILLA: -- to fix the
3 problem. Thank you. Thank you, Chairman.

4 CHAIR BAISA: Yes, Mr. Pontanilla. Amen. We
5 had Mr. Couch?

6 VICE-CHAIR COUCH: Yes. Mr. Chun, on the --
7 and maybe this is something we can ask later, but I'm
8 just gonna ask real quick. You have a -- a jog here
9 where it comes down a TMK line and then it pops out for
10 a nice little rectangular piece. Any reason for that
11 jog-out as opposed to just staying right --

12 MR. CHUN: On the north side?

13 VICE-CHAIR COUCH: On the south side.

14 MR. CHUN: That's Hawaiian Home Lands. That's
15 the --

16 VICE-CHAIR COUCH: The little jog there is
17 Hawaiian Home Lands.

18 MR. CHUN: That little square down --

19 VICE-CHAIR COUCH: Yeah.

20 MR. CHUN: Hawaiian Home Lands.

21 VICE-CHAIR COUCH: Okay.

22 MR. CHUN: So out of theirs, I believe five to
23 six hundred acres, they were asking just the 100 and
24 keeping the remainder in agriculture.

25 VICE-CHAIR COUCH: Oh, okay.

1 MR. CHUN: Yeah.

2 VICE-CHAIR COUCH: Okay. Thank you.

3 CHAIR BAISA: Any more questions for Mr. Chun?

4 Seeing none, Mr. Chun, thank you --

5 MR. CHUN: Thank you.

6 CHAIR BAISA: -- very much. Our last
7 testifier, the last person who has signed up to testify
8 this afternoon -- if there's anyone else, please let me
9 know right away -- is Rory Frampton. And, Mr. Frampton,
10 thank you for being patient.

11 MR. FRAMPTON: Thank you, Chairman. And I had
12 signed up earlier, but I don't know what happened to
13 the --

14 CHAIR BAISA: I think the menehunes missed --
15 missed -- messed you up and wanted to give you the last
16 word.

17 MR. FRAMPTON: Huh-oh. Now you -- now you got
18 me intimidated. Anyways, thank you for the opportunity
19 to speak. I'm Rory Frampton, Planning Consultant for
20 Kihei Mauka. It's an area above Piilani Highway with
21 lands owned by Haleakala Ranch and Ka Ono Ulu Ranch.
22 And we have representatives of the ranches here today.
23 And we will be able later through your deliberations, if
24 there's any questions.

25 We support the boundary that's been included

1 in the 2010 Planning Director maps as well as the recent
2 Planning Director's maps. The area has been looked at
3 as a logical expansion for urban growth in all phases of
4 this Maui Island Plan process, including the Talk Story
5 phase, which happened before the GPAC started, in which,
6 I think, all 28 maps included identified North Kihei as
7 an area identified for future urban growth.

8 The area is looked at as appropriate given its
9 proximity to the high school. It actually abuts the
10 high school property. It abuts the Maui Research &
11 Technology Park. It includes the location of the new
12 Kihei to Upcountry High School. And it's -- also abuts
13 existing residential areas in the North Kihei, near the
14 Ohukai area.

15 Inclusion of this area in the Maui Island Plan
16 now allows for long-term planning and coordinated
17 efforts with surrounding property owners. Right now, we
18 have the advantage of just very few property owners
19 being above the highway, including this area in there
20 now allows for these coordinated efforts to do the types
21 of stuff that the Planning Director has recommended in
22 the text version of the report. So it provides an
23 ability to achieve the smart growth principles and the
24 smart growth development that we've been talking about
25 in hopes of avoiding fragmented planning that has taken

1 place in the past in Kihei, when you had separate owners
2 doing projects under different timeframes.

3 So we will support the Director's recommended
4 changes to the text where he strengthens the language
5 regarding having urban design review later on throughout
6 the project phases and to -- the incorporation of
7 progressive urban -- urban planning principles, and as
8 well as the identification of how important coordinated
9 transportation -- transportation planning is in that
10 area, and the need for connectivity amongst of the
11 different property owners that abut each other.

12 Just two small requests when it comes to the
13 text. One would be to put in the correct acreage, which
14 is 583 acres, except -- rather than 553. And to change
15 the open space requirement from 40 percent to 30 percent
16 to be consistent with all of the other master planned
17 communities that the Council has previously approved and
18 the Director's recommendations. So --

19 CHAIR BAISA: Mr. Frampton, if you could
20 please repeat those numbers and where they are.

21 MR. FRAMPTON: Okay. Under the Kihei Mauka
22 project description, there's a table that says Planning
23 Guidelines.

24 CHAIR BAISA: Okay.

25 MR. FRAMPTON: And it talks about -- there's a

1 -- there's a section in there that talks about the park
2 and open space area.

3 CHAIR BAISA: Right.

4 MR. FRAMPTON: And right now, it says greater
5 than 40 percent of the project area would be open space
6 or parks.

7 CHAIR BAISA: Okay.

8 MR. FRAMPTON: And we're asking for that to be
9 30.

10 CHAIR BAISA: Okay.

11 MR. FRAMPTON: And it was 30 in the Waiale
12 project and the Waikapu Tropical Plantation. And in
13 other projects, it's actually been less than 30. So we
14 were just asking for a consistent number there.

15 CHAIR BAISA: And the number of acres was?

16 MR. FRAMPTON: Number of acres is shown as
17 553, and our acreage is 583 with that --

18 CHAIR BAISA: Five hundred and eighty --

19 MR. FRAMPTON: Eighty three, yeah. So change
20 the 553 to 538.

21 CHAIR BAISA: Okay. Just wanted to be sure we
22 got that correct.

23 MR. FRAMPTON: Thank you.

24 CHAIR BAISA: Okay. Members, questions for
25 Mr. Frampton? Seeing none, Mr. Frampton, thank you.

1 MR. FRAMPTON: Thank you.

2 CHAIR BAISA: Okay. Do we have anyone else in
3 the gallery who would like to testify? Last chance.
4 Seeing nobody speeding up to the podium, Members,
5 without objection, the Chair will close public testimony
6 for today.

7 COUNCIL MEMBERS: No objections.

8 ...END OF PUBLIC TESTIMONY...

9 CHAIR BAISA: Thank you very much. Members,
10 I'm going to take a very one -- just a one-minute recess
11 to confer with Vice-Chair Couch, and we will proceed.
12 So we'll be in recess for just a minute. ...(gavel)...

13 RECESS: 2:27 p.m.

14 RECONVENE: 2:31 p.m.

15 CHAIR BAISA: ...(gavel)... Will the meeting
16 please come back to order? We're going to begin our
17 discussion of this area now. And we'll start first with
18 a PowerPoint that is gonna -- put on by John Summers and
19 from the Planning Department. Mr. Summers?

20 MR. SUMMERS: Thank you. This -- this is
21 pretty short, similar format to our previous PowerPoint.
22 We thought it would be helpful for the Members if we
23 briefly discussed the background of the project. More
24 specifically, some of the challenges and opportunities
25 that we identified in our research on the South Maui

1 Community Plan region. We also wanted to provide an
2 oversight or an overview for the basis for how the
3 Directed Growth Boundaries were drawn for this area, and
4 highlight some of the key differences between the
5 various versions of the Directed Growth strategy.

6 Again, we're moving along. At the last
7 meeting, we discussed Wailuku-Kahului. Following this,
8 completion of Kihei-Makena, the idea is, the way the --
9 Chapter 8 is structured, it's structured according to
10 Community Plan regions. So we're on the second region
11 here with Kihei-Makena, that would be followed by the
12 Makawao-Pukalani-Kula region, Paia-Haiku, followed by
13 West Maui and Hana.

14 South Maui is very unique in terms of its
15 geography, its sense of place, its natural resources.
16 So when you look at the South Maui region, we really
17 tried to put -- utilize planning principles to best
18 approach some of these issues in the region.

19 South Maui has seen extensive growth over the
20 last few decades. In 2010, the Census Bureau came out
21 with new numbers, roughly 27,000 residents in 2010.

22 If you look at it spatially, it's a linear
23 community, basically stretching from Maalaea up to
24 Makena along the shoreline.

25 Next slide.

1 The area does have four distinct regions.
2 Actually, Simone, if we could go back.
3 We've got Maalaea, Kihei proper, Wailea and
4 Makena are the four unique areas. And we, actually,
5 have two resort destination areas in -- in this
6 Community Plan region; the Wailea area and the Makena
7 area.

8 If you look at some of the challenges and
9 opportunities -- and much of it was brought up in some
10 of the testimony -- there's really tremendous
11 opportunity yet for urban infill and mixed use
12 development in the area. We did a pretty extensive
13 analysis of parcels in the area that were vacant or
14 underutilized. And that could be brought into a more
15 mixed use dynamic concept. And this is really pushed
16 throughout the Maui Island Plan, but has tremendous
17 relevance for South Maui.

18 If you look at it -- one of the testifiers
19 noted that South Maui is, essentially, a cul-de-sac.
20 And it is. But each part of South Maui, south is very
21 different from north because you have access in and out
22 of the region that's much, much superior in -- in -- in
23 North Kihei.

24 Nonpoint source pollution was an issue that
25 was discussed at length during our -- our public review

1 process. We've seen a lot of stress in terms of the --
2 the reefs in the area, water quality issues. So that's
3 addressed both in Policy, in Chapter 2, Heritage
4 Resources, as well as in the Directed Growth chapter.

5 And sea level rise and tsunami inundation are
6 particularly relevant. Given the infill opportunities,
7 which is a real opportunity, but, also, the dynamics of
8 tsunami inundation and sea level rise, we have to
9 balance those two issues. So we do have some
10 recommendations to deal with this in a way that's
11 responsible, combining sensitive land use planning with
12 risk and vulnerability assessments.

13 South Maui is -- is very unique historically
14 if you look at how it's evolved over time. In 1933, the
15 area was largely undeveloped. We had a small node here
16 down in Maalaea where the harbor is. But the area was
17 really kiawe, used for subsistence gathering purposes,
18 recreational purposes.

19 If you look at this slide -- it's a little
20 hard to see -- you've got a dark area here which is a
21 community that existed in 1933. And then you have this
22 lighter shading which is the current footprint. So you
23 can see of -- of the community. So you can see that, in
24 1933, the area was -- was really largely undeveloped.

25 If we go to the next slide, 1955, we did see

1 some additional development in the Maalaea area, here.
2 But, really, the large expanse of shoreline throughout
3 the region was still undeveloped, used for cattle
4 operations and subsistence, subsistence purposes.

5 Next slide.

6 VICE-CHAIR COUCH: Madam Chair?

7 CHAIR BAISA: Yes.

8 VICE-CHAIR COUCH: Just wanted to point out to
9 Mr. Summers that that area you were circling was -- is
10 in Maalaea Bay, but it's North Kihei, it's not really
11 Maalaea.

12 MR. SUMMERS: Right. Right. Right. Yeah.

13 VICE-CHAIR COUCH: Yeah, that's North Kihei.

14 MR. SUMMERS: There we go. Sorry. My
15 mistake.

16 VICE-CHAIR COUCH: Yeah. Okay.

17 MR. SUMMERS: Yeah. Here we go. Thanks for
18 catching that. Thank you.

19 All right. 1978, by 1978, we really started
20 to see more -- more intensive growth in the area. This
21 was really a result of some planning that occurred in
22 the late sixties and early seventies, when the County
23 went out, using Federal funds, and did a Section 701
24 plan for the area.

25 These plans were unique in that the area was

1 -- was planned for use, but then subsequently zoned.
2 And this happened in -- in 1970. And within this area
3 and the framework, if you look back at the 1950s and
4 sixties, particularly the fifties, we had some pretty
5 significant economic problems on the island with the
6 mechanization and down -- mechanization of the sugar
7 industry, a lot of the military operations were
8 downsizing after the second World War. So we had
9 significant unemployment issues. Leaders in the
10 community started to discuss how best to address that,
11 and came up with a strategy for these resort destination
12 areas, west Maui being one area and South Maui being the
13 other. And much of that discussion culminated in the
14 adoption of this Section 701 plan with the concurrent
15 zoning. So that, along with tourism economies, the jet
16 aircraft, and other things, allowed South Maui to grow
17 very rapidly in the late sixties and seventies.

18 Next slide.

19 And then you'll see, in 2004, some of those
20 areas that were identified and zoned in South Maui
21 started to actually develop. We still had large pockets
22 of undeveloped land, and still do, in the region. But
23 we're still grappling, really, with -- with the rapid
24 growth in the South Maui area.

25 Okay. Stepping back. For every region, we

1 like to dial things back and -- and -- and stay true to
2 our -- our regional or island-wide themes. These themes
3 were developed after extensive community involvement.
4 And I'd just like to reiterate some of those as --
5 before we go into the South Maui Urban Growth Boundary
6 discussion.

7 Theme One, limit development in North, West
8 and East Maui. There has been a significant groundswell
9 of public support to keep these areas that are very,
10 very rural, to maintain character, keep the country
11 country. So that's reflected there.

12 Theme Two was to, to the extent possible,
13 protect our important agricultural lands throughout the
14 island.

15 Theme Three, to direct growth in the areas
16 where we have jobs. We have some communities that have
17 employment, but don't have enough housing for the
18 residents, so we think we can improve on an existing
19 situation by bringing jobs to those areas. And to try
20 to do it where we have infrastructure in place, public
21 facility capacity, or where it's more cost effective,
22 cheaper infrastructure.

23 And Theme Four, within the Urban Growth
24 Boundaries, to the maximum extent possible, try to make
25 sure that we design those boundaries so that we can have

1 livable communities. And we've seen a tremendous change
2 in the last 10 to 15 years in how our architects and
3 urban planners are designing communities.

4 Next slide.

5 We had a request to discuss the forecasting
6 process.

7 Simone, if you go back one slide. There you
8 go. Yeah.

9 We had a request during the break, lunch
10 break, to discuss the socioeconomic forecast. So,
11 briefly, if you look at this slide, it's sort of broken
12 into three tiers. The top tier, the middle tiers and
13 the lower tier. The top tier essentially says what's on
14 the ground now, what's the existing condition in terms
15 of our environmental resources, in terms of
16 infrastructure capacity, and in terms of our land use
17 needs.

18 So we did a -- a whole slew of studies --
19 these studies are up on the County Planning Department's
20 website, to do just this -- and we developed land use
21 projections and looked at infrastructure. And then we
22 went into this area and started -- had a pretty
23 extensive public participation process to flesh out what
24 the community felt, (inaudible) testifier talked, speak
25 to Plan Story, events that we held. And those were

1 actually preceded by some of the work that Focus Maui
2 Nui did, and, of course, the GPAC and Planning
3 Commission review process.

4 So using the community input, environmental
5 constraint information, land use data, we developed some
6 criteria to use to determine which areas were most
7 suitable for urban expansion. We mapped those areas.
8 We anticipated the yield on the property based on -- on
9 land use multipliers, did a build-out analysis. And
10 that's how the -- generally, how the Urban Growth
11 Boundaries were -- were formed.

12 Next slide.

13 The forecasting process, digging a little
14 deeper into the land use forecasting process, this
15 really starts with the State's socioeconomic forecast.
16 It's, basically, a three-step process. Forecast land
17 use demand, inventory or current supply, and compare
18 supply to demand. So we -- we went through that very
19 extensive process to come up with estimates for each
20 Community Plan region.

21 We used the State's DBEDT model to assist with
22 that, to come up with the demand side of the forecast.
23 That model provides projections to the County as a
24 whole. So we had to take those numbers, disaggregate
25 Molokai and Lanai, and that left us with Maui Island.

1 And then using current land use information and
2 historical trends, we were able to anticipate demand,
3 future -- future growth in each Community Plan region
4 and marry that to existing land use supply, and come up
5 with what's needed for each Community Plan region.

6 Next slide.

7 We've had a lot of questions about the State
8 forecasts, how -- how have they been over time. And
9 I -- I can say that if you go back and you look at the
10 State DBEDT forecasts, they're, actually, quite
11 accurate. We're talking about plus or minus a variance
12 of about 5 percent over time.

13 They did have some issues with some interim
14 forecasts following the Great Recession, but,
15 historically, their mainline forecasts have been -- have
16 been very accurate over time.

17 Simone, next slide.

18 And if you look at this slide, this slide
19 shows us population growth, both resident population and
20 visitor population, over time as well as a projection
21 out to 2030.

22 When you do these projections, there are
23 certain assumptions you have to make. Dwelling unit
24 density, when you're calculating land needs, is
25 important. Are we gonna have 10 people -- 10 -- 10

1 dwelling units per acre or four dwelling units an acre.
2 Assumptions about household size are important. And
3 then some -- there are some assumptions in your
4 build-out analysis as well.

5 The resident population of Maui County, using
6 the 2006 forecast that we did, was for about 1.4 percent
7 annual average growth rates island-wide. I would say
8 that that's slower than what we've seen in the past, but
9 what's happening is, as the population has increased --
10 we grew a lot faster in the seventies and eighties, but
11 as the population has increased, even though we have a
12 smaller growth rate, that still results in large --
13 larger numbers or fairly large numbers.

14 Next slide.

15 This slide compares the demand for housing
16 with the supply of -- of units on the island. So we
17 have a horizontal supply line, about 64,000 units, and
18 then we have a 2030 forecast depicted here. And the gap
19 is really what we need island-wide.

20 Simone, next slide.

21 So if you look specifically at South Maui,
22 we've got our demand line here, the number of units that
23 are needed over time out to 2030, and our supply of
24 units here. The gap in the 2006 forecast as updated by
25 DBEDT in 2008 and 2009, was for an additional 1,500

1 units for this Community Plan area.

2 And if we could go back one more slide.

3 So that's 1,500 units in this Community Plan
4 area. As we had noted, we are looking at their most
5 recent adjustment, DBEDT's most recent adjustment.
6 We'll be providing those numbers to the Committee when
7 we can.

8 Next slide.

9 Looking at -- at the South Maui region, we did
10 develop a strategy to accommodate the demand in the area
11 in the way that, from a planning principle perspective,
12 we thought was responsible. And one of the key
13 components of that was -- was to direct growth mauka
14 wherever possible, away from the shoreline. Many
15 opportunities are created when we do that and we avoid
16 potential costs, to our marine environment.

17 Another major issue -- or an opportunity when
18 we do that is we can start to gravity flow. There may
19 be opportunities for reuse of wastewater that you don't
20 have in other areas.

21 If you look at this slide, this bubble here is
22 the Honuaula project. And then here we have the North
23 Kihei projects that are proposed. The idea here is to
24 use the transportation corridor along with the Urban
25 Growth Boundaries to (inaudible) development in a way

1 that's compact, so that we can ensure we have walkable
2 communities.

3 We have a big job generator here at the R&T
4 Park. We've got approximately 400 current jobs in that
5 area. We have a large employment base in Kihei proper
6 and Makena, as well as Wailea. So we feel that,
7 generally, providing housing to this area can strengthen
8 the area by providing housing where we've got some jobs.

9 In North Kihei, we have better access out to
10 other parts of the island. We -- we have the expanded
11 Mokulele Highway. We've got talk of a Kihei-Upcountry
12 highway. And if we have it expanded (inaudible)
13 mobility here, it makes it easier for people to get to
14 Central Maui and elsewhere on the island.

15 Generally, compared with other areas, the
16 agricultural suitability in -- in this area is a little
17 lower than some of the alternative areas in -- in
18 Central Maui. We've got overall suitable topography as
19 well.

20 Next slide.

21 So if we look at our existing entitlements for
22 this area -- one more click there, Simone -- we've got
23 the Honuaula project, Wailea 670, 1,400 units that are
24 -- that's fully committed for development in this area.
25 Essentially, they haven't broken ground, so there's zero

1 concentrated in North Kihei.

2 Next slide, Simone. Our next -- there we go.

3 North Kihei, residential, 600 units. This is
4 the project that A&B is doing that's currently up at the
5 Council. That's this area right through here. The
6 Kihei Mauka project, 1,500 units. And the R&T Park,
7 right through here, 1,250 units.

8 If you look at -- go back one -- if you look
9 at the Community Plans, the R&T Park is currently in the
10 Community Plan as a project district, but it doesn't
11 have units affixed to it. Okay. It's primarily a
12 commercial, maybe light industrial project. But it is
13 Community Planned for urban use. We've got the high
14 school right here. So this is really the -- the Ohukai
15 Village here is currently in the Community Plan. So
16 this is the area right here that's -- that's new as well
17 as this area.

18 Next slide.

19 We also have some planned growth areas in
20 Central Maui. We've heard a lot about the Puunene
21 project.

22 I would like to note that the Project District
23 in the South Maui Community Plan here has roughly 500
24 acres in it. We've got 87 acres, roughly 90, maybe it's
25 97 acres, here that is planned for sort of a heavy

1 industrial type of use. And then we have the proposals
2 from DLNR and DHHL down in this area.

3 This area here reflects some early work the
4 Department did in consultation with DLNR and DHHL about
5 where the jail could go. So in some of the earlier
6 design attempts, there was a concept to locate the jail
7 here. And that discussion is still ongoing.

8 We also have 135 acres here. 113 acres of
9 industrial proposed here, which is the Central Maui
10 Baseyard. And there's some expansion up around the
11 landfill.

12 Next slide.

13 So if we look at the build-out of the major
14 projects in the area, this would be those projects that
15 are fully entitled as well as projects that are just
16 planned, we're at about 6,800 units. Currently, a
17 fairly low build-out at 2 percent of those units.

18 Next slide.

19 We do have two major planned protection areas
20 in the Draft Plan, the Makena-La Perouse area. If --
21 when we went back and we did our public participation,
22 tremendous support for additional protection in this
23 area through here. The area is rich in natural
24 resources, rich in cultural resources. So there was a
25 heavy emphasis, we tried to reflect that in the draft

1 document.

2 Next slide.

3 And the second planned protection area, Kealia
4 Pond area. Much of this is currently reflected in the
5 Kihei-Makena Community Plan, but we did extend it a bit.
6 We've got a bypass road, which was, actually, an idea
7 carried over from the previous Kihei-Makena Community
8 Plan, that would link up with this highway in North --
9 North Kihei, on the mauka side of the projects up there.
10 This area, as everybody knows, is very rich in natural
11 and recreational resources.

12 Okay. If we look at some of the differences,
13 fortunately, all things considered, with very different
14 and diverse review bodies, there's a lot more -- a lot
15 more similarities than differences, if you look at the
16 GPAC version, Planning Commission and two Planning
17 Directors. So we'll go over that a little bit.

18 Puunene was, obviously, one area of
19 difference. The GPAC and the Planning Commission had
20 not included this area beyond the Project District
21 that's currently in the Community Plan. But, in 2010,
22 the Planning Department did include this 97-acre
23 industrial expansion. So that's in there.

24 And then, in 2012, when we were apprised of
25 some of the issues or ideas that DLNR and Department of

1 Hawaiian Home Lands, the Department has been in ongoing
2 discussion with our sister agencies in terms of how to
3 plan for the area.

4 If we look at the wildlife refuge on Map C4,
5 Kealia Pond area, broad support across all review
6 bodies.

7 Next slide.

8 If we go to Map C5, we do pick up the Puunene
9 baseyard expansion. This project was not put forward at
10 the GPAC level, but it was reviewed by other -- the
11 Planning Commission, and two Planning Directors included
12 it. It seemed like a reasonable place for some
13 additional industrial.

14 Central Maui Landfill expansion, roughly 135
15 acres, was supported by all four review bodies.

16 Next slide.

17 The S maps essentially get us into the heart
18 of Kihei, Kihei proper. The first project that's
19 proposed is the North Kihei residential project, that's
20 the 600-unit project proposed by A&B. We -- this
21 project was included in all four draft documents. We
22 had support throughout the process for it.

23 The Kihei Mauka project, there was a lot of --
24 the idea of having growth in that area was supported by
25 all four review bodies, but the amount of growth

1 differed by review bodies. So, primarily, the
2 differences were at the GPAC level where the GPAC
3 supported a more mauka, sort of a rural village concept
4 of about 1,000 units, what they called a country town at
5 the time, as well as the use of Urban Growth Boundaries
6 to separate some of the different -- some of the
7 villages in the area. For the Planning Commission and
8 both Planning Directors, the idea was to go with roughly
9 1,500 units for both proposals to capture enough units
10 to effectively develop in the area.

11 The R&T Park, the boundaries were in all four
12 drafts, but the concept of a mixed use community did not
13 really come out and -- until later, until after GPAC.
14 So the Planning Department did carry that concept of a
15 more mixed use community with the residential units
16 included in the PD 2012 Draft. We also had some
17 references to it in -- in previous drafts, but not the
18 full story. So that project is right here. But the
19 planning -- the -- the boundaries, it's already
20 identified for urban use in the Community Plan.

21 Next slide.

22 Okay. As I noted, the -- and this was true
23 for Central Maui as well -- there -- the -- the general
24 idea of using Growth Boundaries as tools for micro-level
25 planning is something that was discussed in great detail

1 at the GPAC -- at the GPAC and Planning Commission
2 level. And so I'm sure we'll be looking at that as we
3 move forward.

4 We also had the "Back 9" at Makena. This is
5 the -- I think it's the 395 acres that's currently in
6 the Community Plan, but not zoned or in the State Land
7 Use for urban development. This is the area around the
8 golf course in Makena, on the mauka side. So that was
9 added in the Planning Department's 2012 Draft Plan.

10 And then in the southern part of Makena,
11 there's an area and -- there's an area that's roughly 68
12 acres, yeah. And this area is identified in a
13 Preservation area. Actually, let me -- let me correct
14 myself. There's an area immediately mauka of Makena
15 State Park, or just -- just -- just north of that, where
16 there was a great deal of discussion. And -- and when
17 we get to the maps, I'll point out the specific area,
18 but the GPAC, actually, did not include this area in the
19 Urban Growth Boundaries. The Planning Commission tried
20 to make -- take a vote on it and couldn't reach
21 consensus, so there was no vote. And it -- it was
22 included in both Planning Department's drafts because
23 it's fully entitled for development.

24 This is not the "Back 9" at Makena. This is
25 just mauka of Pu`u Ola`i.

1 Next slide.

2 Again, some general pitfalls. There are
3 mistakes that one can make when they set Urban Growth
4 Boundaries. If we veer too far away from our
5 socioeconomic projections, we do risk not -- not
6 supplying enough land to the market, and that can result
7 in gentrification and -- and generally high land prices.
8 If we load up the Urban Growth Boundaries and include a
9 lot more supply than -- than what we need, we start to
10 have some consequences as well, including a very tough
11 time doing any focused planning for infrastructure or to
12 effectively design our communities. We also have
13 intergenerational equity issues that pop up.

14 As I noted previously, we're here to do a
15 20-year plan, not a 50-year plan. When we start doing
16 plans that stretch out many generations, we start to
17 foreclose the opportunities for our children to
18 participate in the process.

19 And, again, we have general principles.
20 Resource Preservation principles. We have principles
21 related to the overall process. And if we veer too far
22 away from that is we end up with community conflict.
23 Years down the road, we end up with lots of people at
24 Council Chambers who are very, very upset. So if we can
25 stick with good planning principles, the chance of that

1 occurring are diminished.

2 Thank you very much. And we're looking
3 forward to working with you on this important area.

4 CHAIR BAISA: Thank you, Mr. Summers. If you
5 can just hold on for a minute. Members, any questions
6 for Mr. Summers that you have that are burning on what
7 you just heard, while they're fresh in your mind?
8 Mr. Pontanilla?

9 COUNCILMEMBER PONTANILLA: Yeah. I was
10 wondering if you can have a copy of what was presented
11 to us?

12 CHAIR BAISA: Mr. Summers?

13 MR. SUMMERS: Yes, absolutely. We can do that
14 for you and we'll also post it to the website.

15 CHAIR BAISA: Okay. I think a printed copy
16 might be very helpful, if someone can get that to us.

17 COUNCILMEMBER PONTANILLA: I have one more
18 question.

19 CHAIR BAISA: Yes, Mr. Pontanilla, go ahead.

20 COUNCILMEMBER PONTANILLA: Yeah. The last
21 slide in regards to high housing prices, and -- and you
22 mentioned -- you mentioned about the more land that we
23 give, it -- it probably create more problems in the end.
24 My question to you is that, we have 4,000 units that are
25 approved since, probably, 10, 15 years ago. And if we

1 don't take any action or those people don't take any
2 action, looking for a better economic condition, then
3 how do we deal with these high housing prices?

4 MR. SUMMERS: Just to clarify, these would be
5 projects that have been on the books for a number of
6 years, but there's been no progress moving it forward?
7 As you know, that in Chapter 7, we have a policy that
8 addresses this, this issue of sort of a use it or lose
9 it provision. And it was addressed at length by the
10 GPAC.

11 There's -- there are a lot of nuances to how
12 something like that could occur. I would say that, in
13 future Community Plan updates, if something is included
14 in the Island Plan and Community Plans, and nothing is
15 really happening with the property, future
16 decision-makers may look at that and say, well, maybe --
17 maybe we shouldn't include that project, if it's not
18 fully entitled, in future updates so that we can give
19 other landowners an opportunity to move a project
20 forward.

21 COUNCILMEMBER PONTANILLA: So how do we deal
22 with, probably, litigation issues?

23 MR. SUMMERS: Yeah. You know, these are --
24 when we're talking about property that's fully entitled,
25 Community Plan, Zoning, State Land Use, unless there are

1 specific provisions that are written in setting some
2 sort of a sunset or a time limit, you would likely
3 experience some -- some litigation. But I think the
4 attorneys could give you a more robust response to that
5 question.

6 COUNCILMEMBER PONTANILLA: Okay. Thank you.
7 You know, going forward, you know, this Council have
8 added conditions in regards to, you know, if you haven't
9 started your project in seven years, you start all over
10 again, but previous approvals haven't, you know, gotten
11 any type of conditions like that. So maybe Corporation
12 Counsel can provide us with some insights.

13 CHAIR BAISA: Mr. Giroux, any comments? That
14 would be helpful. We've been waiting to hear from you.

15 MR. GIROUX: I've just been chomping at the
16 bit.

17 CHAIR BAISA: Right. I know.

18 MR. GIROUX: I think, you know, we've seen
19 this discussion in the -- in the zoning arena. And
20 that -- that's probably the most appropriate place for
21 where we're looking at when -- when the land
22 entitlements come through the County, you know, you have
23 your State -- you have your General Plan, you have your
24 State Land Use designation, you have your Community
25 Plans, and then you have your zoning. And it's in the

1 zoning where these types of conditions can be made where
2 if a -- if a project comes forward, and within your
3 conditional zoning, it specifically sets out the powers
4 that the Council has in making those conditions.

5 So looking at the project where certain
6 conditions need to be done prior to construction, during
7 construction, after construction, the -- that's where
8 you would look at your time limits. And -- and where
9 there's absolutely no movement at all, then that's the
10 easiest place to put a condition, is that if -- if
11 construction is not, you know, started, and that is
12 clearly defined, then there's very little liability on
13 the County because there -- there's non-action.

14 It's just that what we see when we're doing
15 shoreline management permits is that some of these
16 projects are coming in 10 percent, 30 percent, 40
17 percent, and those -- those -- those permits have
18 deadlines. But when -- when the developer is
19 progressing, but not being able to move quick enough, I
20 think that's where the County is more exposed to -- to
21 liability. I think that's -- that's the problem. It's
22 -- the law looks at the investment being made on those
23 entitlements. And that's where you don't wanna be
24 changing course.

25 It's where there's absolutely no action, then

1 I think the County has a lot more -- I guess, a better
2 -- better case. But I think those types of decisions
3 have to be made at the policy level early on so
4 everybody knows what they're looking at.

5 COUNCILMEMBER PONTANILLA: So Chapter 7 will
6 address that?

7 CHAIR BAISA: Chapter 7?

8 MR. SUMMERS: Well, we do have -- we do have a
9 strong policy that addresses it --

10 CHAIR BAISA: (Inaudible).

11 MR. SUMMERS: -- which -- well, which would
12 likely have to be followed by some additional
13 legislation.

14 COUNCILMEMBER PONTANILLA: Yeah. And one of
15 the biggest reasons I bring up this issue is that, you
16 know, we -- we depends on those units for affordable
17 housing. And -- and, you know, sometimes we are taken
18 advantage of and -- and we don't see anything. So, you
19 know, in order for us to provide housing for, you know,
20 those people that are in that particular median income
21 category, that, you know, we need to adhere to some kind
22 policy so that, you know, we see those housing rather
23 than not. So thank you, Chairman.

24 CHAIR BAISA: Thank you, Mr. Pontanilla. You
25 know, that is a concern because, as we sit here, making

1 decisions, we keep hearing, well, all of these units are
2 entitled, so do you really need any more. The question
3 is, are they ever gonna happen, even though they are
4 entitled. And we all have sat here, waiting and waiting
5 and waiting for these things to actually happen, for
6 various reasons. Of course, some -- some very
7 legitimate. But it's something we should probably be
8 dealing with some no so legitimate. But, you know,
9 that's the nature of planning, which is never easy.

10 Any further questions? Mr. Couch?

11 VICE-CHAIR COUCH: Thank you, Madam Chair.
12 Got a few.

13 CHAIR BAISA: Well, I think this is the best
14 time to talk about it.

15 VICE-CHAIR COUCH: Yeah.

16 CHAIR BAISA: We're in general, looking
17 generally.

18 VICE-CHAIR COUCH: One of the biggest things
19 that struck me is that, you know, I heard testimony over
20 and over again about 4,000 approved units already for
21 South Maui, but I didn't see any in your map. Currently
22 entitled, 4,000 -- people were saying 4,000 units are
23 already entitled, 4,000 units.

24 CHAIR BAISA: There was a --

25 VICE-CHAIR COUCH: On the map you showed me,

1 it didn't -- I didn't add up to 4,000. Can you bring
2 that map up again that has all those entitled units,
3 please? I think it's that one, yeah. No. There you
4 go.

5 One of the biggest things I've heard several
6 testifiers say, that there are 3,700 approved in Makena,
7 and we got a piece of testimony saying that, and you
8 only have 43. That's a huge difference. What's --
9 what's the real number?

10 MR. SUMMERS: Thank you. You know, we'd have
11 to go back and look at that testimony. Makena Resort is
12 -- is very complicated with all the different conditions
13 in the zoning. And, of course, we have the new requests
14 that are being made. So we just need to take a step
15 back and analyze that before I could tell you
16 specifically what the difference is.

17 VICE-CHAIR COUCH: Okay. And the only reason
18 I bring that up, that's a significant difference in
19 number. So, I mean, hopefully, you'll take a step back
20 and be back tomorrow with the right answer because, I
21 mean, we -- I -- I don't feel we can move forward until
22 we get the right numbers.

23 MR. SUMMERS: Right. We would just need to
24 look and see exactly what they're considering in their
25 accounting of that.

1 VICE-CHAIR COUCH: Okay.

2 CHAIR BAISA: I think that's a very good
3 question, Mr. Couch. And we probably should have that
4 tomorrow as -- before we make these decisions.

5 VICE-CHAIR COUCH: Okay.

6 CHAIR BAISA: Mr. Summers, I'm sorry to ask
7 you to do night work, but such is life.

8 VICE-CHAIR COUCH: And --

9 CHAIR BAISA: Okay.

10 VICE-CHAIR COUCH: I still have a couple more.

11 CHAIR BAISA: Yes, Mr. Couch.

12 VICE-CHAIR COUCH: Mr. Summers, you talked
13 about infill in -- in the rest of the area of Kihei,
14 where you say about 400 units that -- that are possibly
15 available for infill, although you say other entitled
16 projects and vacant lands are 1,200 units. I do know
17 that several of the places that may be marked for infill
18 are pretty much wetlands or very badly -- very bad
19 topographical area. I mean, there's a -- there's a
20 14-acre chunk at the top of Foodland that a guy can't
21 sell because it's just too -- too hilly, and it's very
22 difficult to build there. And so of those infills that
23 you say are -- are possible, have you taken into account
24 the wetlands or the former wetlands, which I would
25 prefer we not build upon? There's a -- there's a

1 seven-acre parcel right down the street from McDonald's
2 that fills up every time and then spills out onto Uluniu
3 Street. If we can make that into a wetland as opposed
4 to building seven acres worth of -- I mean, it's already
5 a wetlands, but to kind of dig it down or whatever --
6 things like that, yeah, it's -- it's okay to say infill,
7 but certainly not repeat the same mistakes we've been
8 making over and over again by building on top of
9 wetlands. And then getting everybody coming and say,
10 when are you gonna help us with our flooding. So in
11 those 400 units -- or those 1,200 units, how many of
12 those are in, you know, questionable areas? Do you have
13 that information?

14 MR. SUMMERS: When we looked at the -- the
15 vacant lands, we -- we didn't only just look at the
16 entitlements, we also did an analysis to see are we
17 talking about roadway slivers, we have to pull those
18 out, are we talking about steep slopes, are we talking
19 about wetlands, and those types of things. So the
20 intent was to pull out in areas that couldn't be
21 developed, that have environmental constraints.

22 There may be an area -- you know, some areas
23 that we overlooked, but that -- that was the idea.

24 VICE-CHAIR COUCH: Sure.

25 MR. SUMMERS: Infill is a little different.

1 These -- these numbers here are essentially for the
2 development of vacant lands. Infill would be, say, a
3 shopping center that maybe currently is -- maybe it's an
4 old center with a lot of surface parking where maybe
5 there's an opportunity to go to a more intensive mixed
6 use concept. So, in Chapter 8, we have some additional
7 numbers for revitalization and infill as opposed to just
8 the vacant lands on top of what's -- what's -- what's
9 here.

10 VICE-CHAIR COUCH: All right. Well, I mean, I
11 -- I guess I can cite an exact example. And I don't
12 know if you guys can pull it up right away. Right
13 around the corner of South Kihei Road and Ka Ono Ulu,
14 where there's currently a wetland and it's being very
15 well developed, it's zoned A-1. And people -- you know,
16 there's a big sign there says, for sale, A-1 land, two
17 -- two parcels, about -- I can't remember -- 14 acres or
18 so. But do you count that as an infill or -- I talked
19 with your Department, and said it would be very unlikely
20 for any A-1 or anything to be built on there because of
21 the SMA requirements and everything. Did you take that
22 kind of stuff into -- into account when you came up with
23 these numbers? (Inaudible).

24 CHAIR BAISA: Well, it takes us a few minutes
25 here to --

1 VICE-CHAIR COUCH: Sure.

2 CHAIR BAISA: -- get the right folks in the
3 right place.

4 VICE-CHAIR COUCH: While they're doing that,
5 Mr. Summers, I guess the gist of the question is how
6 accurate are some of these numbers? Because some of
7 these, I would rather just see, okay, move 'em up, don't
8 even allow them down below, if they're in really
9 questionable areas, myself.

10 MR. SUMMERS: For -- for a 20-year plan,
11 they're pretty accurate. You are dealing with
12 uncertainty. This is a long-term plan.

13 VICE-CHAIR COUCH: Uh-huh.

14 MR. SUMMERS: And -- but, no, they're --
15 they're pretty accurate. We've never done work to this
16 degree of detail before.

17 VICE-CHAIR COUCH: Right. Right. But, I
18 guess, in the pieces of land, the two that I just
19 mentioned, that I would consider not buildable, I don't
20 know, did you guys consider those as buildable?

21 MR. SUMMERS: Again, the idea was, if we had
22 significant environmental constraints, to pull those
23 out, those lands.

24 VICE-CHAIR COUCH: Even though they're zoned,
25 for instance, those A-1 lands?

1 MR. SUMMERS: Certainly to flag it. We do end
2 up with a whole bunch of legal issues. You know -- you
3 know, it's sort of a -- we're talking about two -- we're
4 talking about land supply, potential land supply, and
5 then we're talking about the County's ability to say no
6 to a project that's fully entitled, even if there is a
7 wetlands. They're two slightly different issues, but,
8 from a land supply perspective, when developing the
9 vacant land inventory, the idea was to pull those areas
10 that we couldn't develop out of the inventory.

11 VICE-CHAIR COUCH: Okay.

12 MR. SUMMERS: Certainly, there -- there may
13 be -- it's possible we missed one or two, but we had a
14 lot of different layers to work with.

15 VICE-CHAIR COUCH: Okay. And -- and while
16 he's bringing that up, I -- if I can get to another
17 question while they're bringing that up. In the map --
18 you showed a picture of the Makena Preservation and
19 there was -- woah, the lights.

20 CHAIR BAISA: It's the big guy, whatever --

21 VICE-CHAIR COUCH: Yeah.

22 CHAIR BAISA: -- doing that.

23 VICE-CHAIR COUCH: Yeah. It's that floodlight
24 right on top of that. There you go.

25 CHAIR BAISA: Okay, Kirstin. Thank you.

1 VICE-CHAIR COUCH: Anyway, in the -- in your
2 PowerPoint presentation, further on down, you show the
3 Preservation lands in Makena with a big huge gap in
4 between -- essentially -- if you could go forward with
5 that a little bit. Keep going. Keep going. Oh, yeah,
6 you got all that. Yeah, that one. Why is there that
7 big gap in Keone`o`io? Why not make that Preservation
8 as well? It's -- and, also, the other side of Makena-La
9 Perouse protection area, you have big patches there that
10 -- that aren't in the Urban Growth Boundary and they're
11 not in Preservation. Why wouldn't they be in
12 Preservation?

13 MR. SUMMERS: You know, yeah, what we did was
14 primarily focus in that particular area on State lands
15 and, again, looking at the State Land Use District
16 Boundaries.

17 VICE-CHAIR COUCH: So it's -- like, for
18 instance, that area there, is that private?

19 MR. SUMMERS: Well, we start getting more into
20 private lands and we start getting into ag lands.

21 VICE-CHAIR COUCH: Okay. All right. Just
22 curious because that place looks like a ripe area for --

23 MR. SUMMERS: Right.

24 VICE-CHAIR COUCH: -- Preservation.

25 MR. SUMMERS: When we get to the GIS layers,

1 we can go through the different property owners and the
2 designations.

3 VICE-CHAIR COUCH: Okay.

4 MR. SUMMERS: And that -- that would help.

5 VICE-CHAIR COUCH: All right. Were you able
6 to get up the previous question yet? Okay. That's
7 right there, that area here and some of the land there.
8 I believe that's A-1 and that's A-1, both. Are those
9 listed in your -- and that's quite a number of acres.
10 Are those listed in your entitled infill?

11 MR. SUMMERS: Well, we do -- no. We do have
12 it identified as a Preservation area.

13 VICE-CHAIR COUCH: This one?

14 MR. SUMMERS: Yes. Yeah.

15 VICE-CHAIR COUCH: Okay. All right. Well,
16 that's good because I see -- we -- you know, I get all
17 the emails saying, hey, how come there's signs up there
18 saying it's zoned A-1, are we going to get apartments
19 there. So that will still be in the Preservation area?
20 Okay. So I -- I just feel a little bit more confident
21 that some of the numbers are pretty close to being
22 accurate, then, for infill. Okay. Thank you.

23 CHAIR BAISA: Anything else, Mr. Couch?

24 VICE-CHAIR COUCH: Not at this time.

25 CHAIR BAISA: Okay. Other Members, questions

1 on anything that you heard from Mr. Summers that you'd
2 like to discuss? Seeing none, the Chair thinks that
3 it'd be a good time for us to take our afternoon break.
4 We'll break until 3:30 and we'll be back. So the Chair
5 calls this meeting now in recess. ...(gavel)...

6 RECESS: 3:20 p.m.

7 RECONVENE: 3:40 p.m.

8 CHAIR BAISA: ...(gavel)... Will the General
9 Plan Committee please come back to order. We were
10 discussing the presentation by Mr. Summers when we broke
11 here. Who was -- was anybody speaking? Do we have a
12 question on the floor? Or are we done with questions on
13 Mr. Summer's presentation? Mr. Couch?

14 VICE-CHAIR COUCH: I'm gonna ask about
15 something that may or may not have been included in
16 there. Somebody, a testifier, mentioned a 22-acre
17 Palauea preserve. Is that in your slide show
18 presentation, Mr. Summers?

19 MR. SUMMERS: GIS Staff, can we zoom in on
20 that? The Palauea project will be in the -- in the
21 Growth Boundary, you know, the preserve. Whether it has
22 a Preservation area on top of it, I'm not sure. We can
23 check that right now, if you like. But we didn't -- for
24 the most part, at this level, at the Island Plan level,
25 we tried to avoid very specific Community Plan type

1 areas, for the most part because we weren't flying at
2 that -- at that level.

3 VICE-CHAIR COUCH: Okay.

4 MR. SUMMERS: So we're going with small
5 parcels. And we're trying to encompass everything, even
6 though it's more appropriate for a Community Plan.

7 MR. SPENCE: Madam Chair?

8 CHAIR BAISA: Yes, Mr. Spence.

9 MR. SPENCE: Just to add a little bit to that.
10 Just -- just because it doesn't show on the Maui Island
11 Plan, you know, it's still legally encumbered as a
12 cultural reserve, you know, under control -- I believe
13 it's under the control of UH now. It's not going
14 anywhere, just because it's not designated.

15 VICE-CHAIR COUCH: Okay. It would be nice if
16 it were put on there. Just --

17 MR. SPENCE: We're happy to do that.

18 VICE-CHAIR COUCH: Okay. And, last, for now,
19 anyway, is in -- in D035, the Makena expansion -- before
20 we get to, actually, discussing that and whatnot, is
21 there a unit count in there from the Department?

22 CHAIR BAISA: Department?

23 MR. SUMMERS: We don't have a unit count in
24 there at this time. It's not something that's difficult
25 to do.

1 VICE-CHAIR COUCH: Okay. I'd like to -- if at
2 all possible, Madam Chair, to get that before we bring
3 that up.

4 CHAIR BAISA: Planning, if you are able to do
5 that, we'd appreciate that. You think we can?

6 MR. SUMMERS: Yes, we can do that.

7 CHAIR BAISA: Thank you very much.

8 VICE-CHAIR COUCH: Not on this so much, but I
9 do have a question for Mr. Giroux that we, you know --

10 CHAIR BAISA: Is it relative to --

11 VICE-CHAIR COUCH: Yeah.

12 CHAIR BAISA: -- the --

13 VICE-CHAIR COUCH: I think so.

14 CHAIR BAISA: -- presentation? Would you go
15 ahead, then?

16 VICE-CHAIR COUCH: On Puunene, we talked about
17 all kinds of different things in Puunene. You know, I
18 know we don't have very much control on DHHL land. What
19 kind of control do we have on DLNR lands to say yes or
20 no, or are we just -- is this just an exercise 'cause
21 they can do whatever they want on that land?

22 CHAIR BAISA: Mr. Giroux, if you could,
23 please?

24 MR. GIROUX: Yeah. I don't know if I can
25 answer that fully, but I -- I would expect that we would

1 -- our -- our Planning Department would interface with
2 that agency to find out what kind of entitlements they
3 would actually have to come through the County. A lot
4 of times, even though the State, its different agencies,
5 has exemptions, there's a lot of interface between the
6 Planning Department and that agency to find out how much
7 courtesy they wanna give the County as far as going
8 forward in trying to come in conformance. So probably
9 Planning would be better able to answer that question.

10 VICE-CHAIR COUCH: In that case, for the
11 Department, you know, if, for whatever reason, we
12 decided to go with the existing boundaries in the last
13 map, not even with your suggestions, what recourse does
14 the State have if they just wanted to do that, anyway?

15 MR. SPENCE: Madam Chair --

16 CHAIR BAISA: Yes.

17 MR. SPENCE: -- Members?

18 CHAIR BAISA: Mr. Spence, go ahead.

19 MR. SPENCE: The -- the DHHL land, I know
20 there's exemptions for their homestead projects and
21 whatnot. The -- the other DLNR lands, we've been
22 working with the different agencies and trying to master
23 plan. 'Cause there's more than just DLNR that's
24 interested, there's Public Safety, DAGS is in need of
25 baseyard room. I mean, so all these different agencies

1 are looking at this area as -- you know, as a way to --
2 they need their own facilities. It's not just -- not
3 just for income generation. The -- we've been working
4 with them. We're trying to master plan with them.

5 Eventually, those properties on the east side
6 of Mokulele Highway, we're talking about doing a Project
7 District in the Community Plan. I think it's Project
8 District 10. And it's supposed to -- it's really
9 supposed to be for industrial uses, those kinds of
10 things. So there is going to be some County zoning, you
11 know, that's gonna go to the Planning Commission, and et
12 cetera, et cetera, to plan this thing out. It -- it's
13 -- we're putting in efforts to master plan it. And,
14 ultimately, it will be zoned with the County.

15 VICE-CHAIR COUCH: I do have another question
16 for the Department, if -- but I'd let the other
17 Members --

18 CHAIR BAISA: Mr. -- thank you, Mr. Couch.
19 Mr. Pontanilla?

20 COUNCILMEMBER PONTANILLA: Thank you,
21 Chairman. I don't know when the DLNR people, you know,
22 would be flying back to Oahu, but I have a question in
23 regards to what is their process in -- in reporting to
24 the County of Maui, Real Property Tax Division whenever
25 they lease land.

1 CHAIR BAISA: Mr. Pontanilla, would you like
2 me to call the representative up, if he's still here?

3 COUNCILMEMBER PONTANILLA: Yes, please.

4 CHAIR BAISA: Representative of DLNR, if
5 you're still here, would you please come forward?
6 Members, no objections?

7 COUNCIL MEMBERS: No objections.

8 CHAIR BAISA: Thank you. If you'd identify
9 yourself, please?

10 MR. TSUJI: Yeah. I'm Russell Tsuji, the
11 Administrator of the Land Division.

12 CHAIR BAISA: Mr. Pontanilla, go ahead.

13 COUNCILMEMBER PONTANILLA: Thank you,
14 Mr. Tsuji, for being here. My question is, what is your
15 process in reporting to Real Property Tax Division
16 whenever you lease land to someone else for profit? You
17 know, to date, we haven't received any -- anything in
18 regards to, you know, you folks leasing land to private
19 entities.

20 MR. TSUJI: I don't know if we have a formal
21 process that I'm aware of that we actually report the
22 leases, when we execute the leases. Because some leases
23 are recorded and some are not. Oftentimes, we don't --
24 in fact, we don't require the lessees to record unless
25 they will -- and they will on their own ask to -- for it

1 to be recorded for financing purposes.

2 I believe for those that are recorded, I know
3 that the Bureau of Conveyances, which is not part of my
4 division, forwards conveyance information over to the
5 County. I'm not sure why, if you -- if the County of
6 Maui is not collecting any lease -- real property taxes
7 on our leasehold commercial leases. It may be we don't
8 have a whole lot on Maui. And, very frankly, we don't.

9 COUNCILMEMBER PONTANILLA: Okay. So --

10 MR. TSUJI: The majority of our commercial
11 industrial resorts tends to be on -- we have a bunch in
12 Hilo, industrial area, some on Oahu, et cetera. There
13 is a Maui, Kihei hotel currently in bankruptcy that is a
14 commercial property. I'm sure you folks have been
15 receiving lease -- the -- the real property taxes at
16 least from the leasehold perspective.

17 COUNCILMEMBER PONTANILLA: That's something
18 that we can find out provided you provide us with that
19 information. But, you know, going forward, should we
20 say, okay, DLNR, you have the ability now to go develop
21 this area, so we -- we need to see a process so that,
22 you know, we are collecting our, you know, real property
23 tax in regards to the lands that you lease out to
24 private entities.

25 MR. TSUJI: And I wanna point out, our lease

1 provisions is standard that they pay for real property
2 tax. A real property lien, if we become aware of it, is
3 a default under the lease. If we become aware of that,
4 they will be issued a notice of default and have a
5 certain amount of time to cure.

6 We have Maui Land Board Members, currently two
7 on the Land Board.

8 COUNCILMEMBER PONTANILLA: Uh-huh.

9 CHAIR BAISA: Members, I think we have an
10 assistant, if that's okay.

11 COUNCILMEMBER PONTANILLA: Yeah.

12 CHAIR BAISA: We might as well.

13 COUNCILMEMBER PONTANILLA: Please.

14 CHAIR BAISA: If you could introduce yourself?

15 MR. CHUN: Yeah. I'm Keith Chun, Planning and
16 Development Manager. There is a process, but it's in
17 flux, from my understanding. It depends on the various
18 counties. What we've done is we -- as we've
19 computerized our land inventory and leases, our IT guy
20 has been working with whoever the County's real property
21 tax office assigns to it. And from what I gather,
22 different counties have been taking the information
23 electronically, and they're trying to make it where --
24 it used to be, periodically, we would report the new
25 leases, accrue them, and then maybe every month send a

1 report to the County. They try to do it where we can do
2 it online and electronically let them know, as soon as
3 it gets on our system, the information is transmitted to
4 the Real Property Tax Division. But we can confirm how
5 we're doing it with Maui and let you guys know.

6 COUNCILMEMBER PONTANILLA: Okay. That would
7 be good. 'Cause I got information from our Real
8 Property Tax guys, says that we haven't received
9 anything.

10 MR. CHUN: Ah.

11 COUNCILMEMBER PONTANILLA: Okay. Thank you.
12 Thank you, Chair.

13 MR. SPENCE: Madam Chair?

14 CHAIR BAISA: I would assume, really, or we
15 wouldn't be saying that. Somebody's trying to say
16 something here? Hang on, sir. Mr. -- Mr. Spence, is it
17 for Mr. Chun?

18 MR. SPENCE: Just a comment. I don't know if
19 this will generate a question by one of the Members. As
20 far as the process for -- towards entitlements of
21 Project District or whatever, there is a thing called
22 the Public Lands Development Corporation recently passed
23 by the State. I don't know. I just can't say if DLNR's
24 planning on incorporating this or not in their
25 entitlement process, but, basically, it would exempt

1 them from a lot of -- if possible, it could exempt them
2 from a lot of review.

3 COUNCILMEMBER VICTORINO: Chair?

4 CHAIR BAISA: Yes, Mr. Victorino.

5 COUNCILMEMBER VICTORINO: Yeah. And -- and
6 then this question. And that's not the question I'm
7 gonna ask, but thank you for bringing that point up,
8 because I know that is something that hasn't -- that's
9 the flux that they're talking about, because it hasn't
10 been all put together yet, you know. So -- but what I
11 wanted to ask you gentlemen is this: If, for the sake
12 of allowing both -- or you folks and the other side, and
13 I should ask the other, DHHL, separately, but if we
14 were, like we do in a lot of other stuff here, put some
15 restrictions like saying ag will stay in ag and, you
16 know, light industrial and all that, so that it would
17 not, all of a sudden, appear as housing or something
18 else, would you guys be in agreement to that? Would you
19 guys be able to execute, if not a memorandum of
20 understanding, agreement or something, so that the
21 lessors who come in understand this is all you can use
22 this land for, this is the purpose. And, still, you get
23 the income, because that's what you're trying to derive
24 right now, and it stays in ag or light industrial,
25 commercial, because that's exactly what you telling us.

1 But, in 25, 30 years, somebody doesn't walk in and say
2 oh, yeah, that was then, this is now. There's something
3 that has to come back to this Council, or to whatever
4 Administration may be here in the future, so that the --
5 the citizenry is protected.

6 I think that's what we're trying to get more
7 than anything else from you guys. Because it's been a
8 hodgepodge, yeah, this is what we gonna do, now I wanna
9 do this. And it's concerned us. It's very
10 disconcerting, actually.

11 And for a State agency, I would expect a
12 little better overall presentation. But that's another
13 story and I'll leave that -- that alone.

14 But do you guys think that something like that
15 could be worked out so that we all can feel comfortable
16 moving ahead?

17 MR. CHUN: I don't -- personally, I don't have
18 a problem with restricting, prohibiting residential.
19 We've done it in other counties at the zoning level. So
20 as a -- as a condition of the zoning, I think that was
21 alluded to before by Corp Counsel, we've agreed to
22 eliminate certain uses as a condition of the zoning.

23 COUNCILMEMBER VICTORINO: Right. Yeah.
24 'Cause -- okay. And you mentioned, Madam Chair, on the
25 Big Island -- 'cause I know all that land that you're

1 referring to behind Prince Kuhio, and all that area on
2 that -- you guys put certain restrictions that only
3 certain things could go in there, and that has been part
4 of that lease agreement, isn't that correct?

5 MR. TSUJI: Are you referring to the
6 industrial site?

7 COUNCILMEMBER VICTORINO: Yes.

8 MR. TSUJI: The --

9 CHAIR BAISA: Mr. Tsuji, can you get close to
10 the mic? You have a soft voice.

11 MR. TSUJI: If there was any restrictions, it
12 would have been in the lease.

13 COUNCILMEMBER VICTORINO: Yeah. That's what
14 I'm saying. That you guys -- when the leases were
15 provided for this various entities, that was all part of
16 the lease?

17 MR. TSUJI: Yes. Whenever we -- for all of
18 our leases --

19 COUNCILMEMBER VICTORINO: Yeah.

20 MR. TSUJI: -- we actually have a use
21 provision.

22 COUNCILMEMBER VICTORINO: Okay.

23 MR. TSUJI: Which specifies the use for the
24 lease, at least for that term.

25 COUNCILMEMBER VICTORINO: Okay.

1 MR. TSUJI: One thing I wanna caution on -- on
2 the restrictions, though. Like I said, we actually,
3 probably for years, have no plans for residential, as
4 other agencies are taking over that function.

5 COUNCILMEMBER VICTORINO: Right.

6 MR. TSUJI: But be aware, just like the
7 Administration changes, the Board of Land and Natural
8 Resources are seven appointed individuals, one from each
9 county, and one at-large. And then the Chair is the
10 only full-time employee. And they change over because
11 they're fixed for, I think, four-year appointment, can
12 be renewed for another four years and then it's over,
13 and the new -- new individual gets in. So just to keep
14 in mind, sometimes it's hard. You know, we -- we are
15 staffed. And to commit or foreclose a prior -- a
16 next -- next Board member from certain things might be a
17 little difficult. So we also gotta be thinking about
18 that as well.

19 COUNCILMEMBER VICTORINO: Well, thank you for
20 that clarification. And I think that's exactly what
21 we're talking about, is that uncertainty in the future,
22 you know. And this is why this whole Island Plan was
23 based on trying to get certainty and futuristic usage.
24 And so now you guys are saying just what I thought you'd
25 say, is I can't commit now, but, in four years or six

1 years, or whatever, these guys walk in and say, "Oh, no,
2 no, no, that's not what we want. We want this." And it
3 could be totally different. I'm not talking about
4 residential now, I'm talking about the usage of the land
5 itself, you know, going from ag to industrial, whatever.

6 MR. TSUJI: Right. But those typically would
7 be consistent with the Land Use designation and State
8 Land Use as well as County. So if you're talking about
9 in the Hilo industrial area --

10 COUNCILMEMBER VICTORINO: Yes.

11 MR. TSUJI: -- that is an industrial area.
12 It's industrial zoned.

13 COUNCILMEMBER VICTORINO: Right.

14 MR. TSUJI: Industrial State LUC. Yeah. I
15 mean, I think Keith, Mr. Chun, pointed out earlier,
16 often -- most of -- our statute requires us to go
17 through at least some form of public process when we
18 issue a RFP or a auction of a lease. It'll always be --
19 require consistency with the State Land Use designation
20 or the County zoning, as far as our stuff historically
21 through Land Division.

22 COUNCILMEMBER VICTORINO: Well --

23 MR. TSUJI: There was a question about the
24 Public Land Corporation. And Keith can answer that,
25 he's been working, sort of with them.

1 But just be aware, too, the Public Land
2 Development Corporation is not DLNR. It is -- it's
3 attached administratively to DLNR. It's a separate
4 board members appointed, separate staff, and any -- any
5 -- if our lands were to go over to PL -- the Public Land
6 Development Corp, that, obviously, still has to go
7 before the Land Board. Again, currently, with two Maui
8 Land Board Members.

9 COUNCILMEMBER VICTORINO: Okay. Okay. Again,
10 Madam Chair, I'm not getting comfort in everything I
11 hear from them. And no offense to Mr. Tsuji or
12 Mr. Chun. It's not a matter of -- you know, I just not
13 feeling comfortable in what we're trying to do and not
14 matching up with you folks. And I think the bottom line
15 in all of this is this Island Plan is to -- to take us
16 out for another 30 years. And if you guys come in and
17 do what I call to the contrary of what we had wanted to
18 do and the community wanted to do, I'm not sure if
19 that's gonna work out real well. So it's nothing
20 against you folks. It's just the process that we are
21 living with right now. So --

22 MR. TSUJI: I think if that happens, though,
23 it'll be -- you'll hit that as you go through the
24 process, again, through the County zoning or the
25 Community Plan request. And if there's opposition

1 there, then it doesn't go anywhere. Right now, we're
2 just trying to get into the GP, the General Plan, the
3 broader -- the broader inclusion.

4 COUNCILMEMBER VICTORINO: And, Madam Chair,
5 can -- can I request that Mr. Chun kinda explain a
6 little bit more on that -- that -- the public use
7 lands -- that group? Because I like -- I like to
8 understand that a little bit better, on how that plays
9 with all the stuff we're working with right now, Madam
10 Chair.

11 CHAIR BAISA: Surely. And I see Ms. Hiraga is
12 also there. And if -- Members, without objection, I'm
13 sure she has something to help with clarification.

14 COUNCIL MEMBERS: No objections.

15 CHAIR BAISA: Thank you. Ms. Hiraga?

16 MS. HIRAGA: Good afternoon. Gwen Hiraga. In
17 response to Council Members' questions about uses and
18 restrictions, as Director Spence mentioned, that he is
19 working with the State agencies, and, you know,
20 possibility of incorporating this area into Project
21 District 10. As -- as you know, project districts have
22 to come back to the Council.

23 CHAIR BAISA: Yes.

24 MS. HIRAGA: So even if it's designated,
25 there's still a Community Plan process for designation

1 as a Project District. And, after that, the Project
2 District zoning has to come back to Council for phase
3 one. And then the phase two, phase three process is
4 separate, but it comes back to Council before any
5 development can occur. And -- and in that, in coming
6 back to the Council and establishing the Project
7 District standards, the Council has that ability to
8 restrict uses, put conditions, et cetera.

9 CHAIR BAISA: Thank you very much --

10 MS. HIRAGA: Thank you.

11 CHAIR BAISA: -- Ms. Hiraga. Mr. Chun, can
12 you address Member Victorino's question?

13 MR. CHUN: And can I add just a little bit
14 more? Because we've done this in the -- in the past.

15 CHAIR BAISA: Sure.

16 MR. CHUN: It is -- we've handled it at the
17 time of zoning with -- with Honolulu as well as the Big
18 Island, not before this Council. But we've agreed to
19 conditions to our zoning, we've agreed to limit uses in
20 it, which we take back to our Land Board, as Russell
21 said, at that time for approval. But we've gone, we've
22 accepted it, we've record it as encumbrance that runs
23 with the land. So, you know, I understand your concern,
24 but, again, at the General Plan level, we're asking for
25 inclusion with the notion that we have gone through

1 these processes in the past to take ourselves before the
2 applicable county agencies and councils for more
3 detailed zoning.

4 COUNCILMEMBER VICTORINO: Okay.

5 MR. CHUN: For -- and I -- I -- I recognize
6 Director Spence's concern about the Public Land
7 Development Corporation, which is a separate corporation
8 the legislature created. It comes with exemptions. And
9 I believe that's the concern. But the law that created
10 the Corporation also does require coordination with the
11 County. Now, what that means, you know -- all I can
12 tell you is that's what it is.

13 I have worked with the Executive Director.
14 And I will make the same pitch to you folks, too, is
15 regardless of whether there's exemptions, the State has
16 powers or whatever, I don't believe we can do anything
17 without the County's cooperation. When you do
18 properties and projects of this magnitude, you're gonna
19 have issues like infrastructure, utility services.
20 We're gonna ask the County to help us either in
21 accepting dedication of roads or utilities. So I don't
22 think we -- and I will not speak for the Public Land
23 Development Corporation, but I know he has come and met
24 with various counties and said, "I need your help." And
25 that's -- I mean, that's, I believe, his approach, that

1 we're not here to ram it down your throat.

2 COUNCILMEMBER VICTORINO: Okay, Madam Chair.

3 CHAIR BAISA: Okay. Thank you very much. You
4 know, that is really important. Because we have a very
5 active, as you can tell, very involved community. And
6 they wish to be part of decision-making. And to ignore
7 them, I think, is just foolish.

8 MR. CHUN: Right. And -- and I've heard
9 comments. And, again, I know we come to you late, but,
10 you know, we probably wouldn't have even been here and
11 would have been marching forward trying to develop a
12 master plan first. It's other agencies that have been
13 ahead of us that have invited us to participate with
14 them, trying to get coordinated development, coordinated
15 infrastructure, not piecemeal. And because the General
16 Plan was being taken up now, that's why we're -- we're
17 here.

18 CHAIR BAISA: Well, we're glad the timing's
19 good. At least something worked out. Members?
20 Mr. Couch?

21 VICE-CHAIR COUCH: Thank you. Thank you,
22 Mr. Chun, for those last comments. As you heard about
23 some other areas, a coordinated plan would be much more
24 palatable. The question for you is, should this be
25 included in the -- in the General Plan, which would be

1 voted on and -- and done by the end of this year,
2 supposedly -- and I -- I'm --

3 CHAIR BAISA: Not supposedly.

4 VICE-CHAIR COUCH: I know. (Inaudible). As
5 much as we can, we're gonna get that done. The question
6 is, how long before you even think about even putting
7 out RFPs?

8 MR. CHUN: I -- again, I believe our sister
9 agency, Hawaiian Home Lands, is moving forward with
10 theirs. For us, until we get some of the issues
11 resolved, like the infrastructure, we're looking at
12 water, et cetera, I don't anticipate anything in this
13 year that --

14 VICE-CHAIR COUCH: You're talking a couple of
15 years versus 12 years or --

16 MR. CHUN: Yeah.

17 VICE-CHAIR COUCH: Because this Plan,
18 actually, for everybody, everybody says it's a 30-year
19 plan, it actually goes 18 years from now.

20 MR. CHUN: Well --

21 VICE-CHAIR COUCH: So we're --

22 MR. CHUN: You know, again, part of it is, you
23 know how the economy is and how the market is, and I
24 don't believe that putting out a RFP in and of itself is
25 gonna generate interest. You know, we need to be

1 approached by people that are interested, interested in
2 our properties. We do get various inquiries. And,
3 again, the level of seriousness or commitment, you know,
4 is -- it varies. Everybody says they're interested, a
5 lot of people think they want to lease State land
6 because it's cheap. But, again, in this case, that's
7 not the case. You know, we have a fiduciary duty to put
8 it to its highest and best use.

9 Again, we've had some people come in from --
10 with larger parcels. Well, larger, I'm meaning 20 to 30
11 acres, and those would be some renewables, you know.
12 But our ability to respond to serious inquiries by
13 putting out an RFP, that's why I think we would really
14 appreciate your help by getting some of the lands
15 included in it now. Otherwise, when they come in, we
16 take our RFP process, we eventually sign them up, which
17 is probably gonna take upwards of a year before our
18 board approval, environmental assessment, et cetera, et
19 cetera. And we'd like to have them at least be on the
20 General Plan portion, and then they can pursue. We'll
21 have them march through whatever entitlements they need.
22 And our development agreements have required our
23 developers to go through General Plan in -- in certain
24 cases, Community Plan, zoning, SMA. That one, we had to
25 start at the General Plan. They didn't make it. They

1 didn't even come close. And we had to cancel it.

2 VICE-CHAIR COUCH: Yeah. If I may?

3 CHAIR BAISA: Go ahead, Mr. Couch.

4 VICE-CHAIR COUCH: So you heard our concerns
5 about urban sprawl. I mean, this picture here is far
6 better than, you know, this being a little bit over a
7 mile away from the edge of the proposed Kihei
8 development. Some of the things we did to mitigate the
9 impacts of something like this would be to say put --
10 put a 200 to 300-foot buffer between the highway and the
11 land, if we were to say move the -- the line here and
12 let's say here, and then if you had to move that back,
13 that's whatever, if that works. But would you guys
14 be -- since you guys may be gone when we bring this up
15 for voting, would you be amenable to a -- a 300-foot
16 buffer along the highway?

17 MR. CHUN: Again, I do really believe that's
18 appropriate down the line, you know, to blanketly put a
19 setback of that magnitude. I think it's gonna depend on
20 whatever project comes in and what the proposal is and
21 exactly what type of uses are that may merit a bigger
22 buffer than a smaller buffer.

23 And, again, you know, if we do follow what's
24 been discussed with the Planning Department, it is
25 Project District 10. And that's at the Community Plan

1 level. And, really, you know, we find that -- that we
2 need to get somebody on board that has a project they
3 propose and then there's details. And then you can
4 really evaluate the impacts of it. And that's why we
5 require, you know, environmental assessment, traffic
6 study, et cetera. But that's where the details come up,
7 because each project will have different impacts.

8 VICE-CHAIR COUCH: Well, I hope you can
9 understand our dilemma. Yes, we'd like to help you in
10 some way because that's -- that might be a good
11 money-maker for Department of Hawaiian Home Lands, et
12 cetera, and DLNR, certainly we need more enforcement
13 officers and we need better harbors, et cetera, if
14 that's where that money would go to, but, without any
15 kind of even glimmer of a plan, it's kind of hard for us
16 to say oh, yeah, sure, go ahead, and we'll -- we'll go
17 -- we'll allow for this kind of expansion, when we're --
18 we're trying to avoid --

19 MR. CHUN: Yeah. Understood.

20 VICE-CHAIR COUCH: -- growing into --
21 neighborhoods growing into other neighborhoods.

22 MR. CHUN: Understood. You know, again, I
23 think -- I hope you can also understand that we are this
24 chicken egg kinda thing, you know. And -- and, again,
25 one of the down sides for our leasing project is that it

1 takes so darn long. And, you know, for somebody to come
2 in and do all of that and invest money and then have to
3 start at the General Plan level, it really takes a long
4 time.

5 On the flip side, one of the reasons our
6 process is so long is because it does incorporate more
7 public review into it. And I know that doesn't really
8 address your concern there, but I'm trying to explain
9 that we really get caught.

10 CHAIR BAISA: Thank you, Mr. Chun. You know,
11 one of the things that is -- has occurred in this
12 community, and this gives us pause, is, you know, when
13 we heard about the Public Safety development with the
14 alleged jail, it was way down the road already. And we
15 had consultants with all their plans and millions of
16 dollars spent by the time the community was (inaudible)
17 because we pushed our way into finding out what was
18 happening. And that is not a good way to work with the
19 community. So we --

20 MR. CHUN: Agreed.

21 CHAIR BAISA: -- kinda been burned. You know,
22 once burned, twice shy?

23 MR. CHUN: Yes. We've been burned, too,
24 because we found out about it late.

25 CHAIR BAISA: Yeah.

1 MR. CHUN: Yeah. And I think some of us may
2 have had that discussion.

3 CHAIR BAISA: So, you know, that's the kind of
4 thing that causes this kind of un -- uneasiness for us,
5 because we don't really like to hear about big projects
6 after they're on the way.

7 MR. CHUN: True. And, you know -- and I
8 believe that is one of the motivations of Director
9 Spence's including some of the east lands --

10 CHAIR BAISA: Correct.

11 MR. CHUN: -- in the thing.

12 CHAIR BAISA: Right.

13 MR. CHUN: Because we've taken the position
14 that we're open to making those DLNR lands available if
15 everybody can agree.

16 CHAIR BAISA: Okay. Members, any further
17 questions for these gentlemen? Mr. Pontanilla?

18 COUNCILMEMBER PONTANILLA: Yeah, just one last
19 question. So the monies derived from, you know, leasing
20 these lands, none of the monies goes to the State
21 General Fund?

22 MR. TSUJI: No. No. I mean, it would go 20
23 percent. If we were to generate revenue on these lands,
24 20 percent to OHA, and 80 percent to the Special Land
25 Development Fund. And I can answer much more detail on

1 where that money goes and how Maui benefits together
2 with the State of Hawaii, if you'll indulge me, you
3 know, a minute.

4 COUNCILMEMBER PONTANILLA: Okay. Thank you.

5 MR. TSUJI: You know, as I -- I kinda briefly
6 went over earlier, because of the time limit, the -- the
7 Land Development Fund, which is administered by the Land
8 Division which we -- most of the revenues are from
9 industrial/commercial resort type operation, some
10 renewable, (inaudible), Maui wind farm, geothermal.

11 The revenues, especially since the down
12 economy, since 2008, more and more has been relied upon
13 by the Department. Just to give you an example, and I'm
14 not sure many people in the State realizes, but when
15 there's a wildland fire -- and that's statewide, can be
16 on Maui, Kauai, Oahu, same thing -- the County responds
17 with their firefighters and they seek the assistance of
18 our Division of Forestry, the wildland firefighters who
19 are trained wildland firefighters, with the helicopters,
20 dropping the water down. We have been asked to come in
21 and support that division in the past couple years for
22 the overtime that is needed to pay for these employees
23 who risk their lives. Another program that threatened
24 an endangered species program from the State level, run
25 by the Forestry Division. Also, the invasive species

1 program. \$1 million was transferred to that -- to those
2 two programs this fiscal year to help support those
3 programs. And those are maybe not specifically only for
4 Maui, but it's statewide, an assistance, and try to, you
5 know, assist the State in that respect.

6 And so, you know, I just hope you would keep
7 that in mind and -- and not to think that we are just --
8 I think it was referenced some earlier time that we're
9 just like a private entity trying to generate revenue.
10 We're trying to generate revenue to help support our
11 program, our missions, and what we're tasked to do.

12 And when you're talking DLNR, you're,
13 basically, talking from mountain to -- to ocean. All
14 right. So -- so it's a vast responsibility. And -- and
15 the resources are just not there.

16 I mean, every time during tight economic
17 times, especially when there's only X amount of dollars
18 to go around, sure, ultimately, the Leg. gonna make some
19 tough decisions, tends -- you know, tends to go with the
20 Department of Education for the schools and the kids,
21 next is UH, and then Human Services because of the --
22 the welfare and -- and et cetera. And, unfortunately,
23 Natural Resources has been getting less and less. And
24 that's where we try to come up and step up to the plate.

25 We -- as we said earlier, we don't have a lot

1 of this kind of large acreage sites together in this,
2 what we consider to be centrally located. Oftentimes, I
3 think Keith mentioned, you know, we have a lot of
4 mountains, we have a lot of streams, we have a lot of
5 areas that really are not suited well for income
6 production. And that's why we're asking for your
7 support here today.

8 COUNCILMEMBER PONTANILLA: Thank you. And --
9 and, yeah, whenever we fight fire on the mountainside,
10 like you say, we do get reimbursed for some of the costs
11 that incurred by our firefighters. So thank you for
12 your providing us that information in regards to --

13 MR. TSUJI: Our Forestry Division goes out as
14 well, yeah.

15 COUNCILMEMBER PONTANILLA: What's that?

16 MR. TSUJI: I know our Forestry Division from
17 DLNR also goes out.

18 COUNCILMEMBER PONTANILLA: Yes, they do.
19 Thank you. Thank you, Chair.

20 CHAIR BAISA: Further questions? Ms. Cochran?

21 COUNCILMEMBER COCHRAN: Thank you, Chair. And
22 I guess I'm just -- you know, I'm looking at three
23 different maps and three different versions of the
24 Growth Boundaries presented here. Two are -- one's from
25 Director Aila, and then the other is what Mr. Chun has

1 provided. So for me -- and then I -- my question is, I
2 recall having DLNR come to all of our offices, I
3 believe, to discuss this particular area and the reasons
4 for being put into the General Plan as you're doing
5 today. So it's not like you folks haven't known about
6 it and now here you are. So I do recall the talk. So
7 in that train of thinking, did Mr. Spence, Director
8 Spence, sorta come up with his version via discussion
9 with DLNR at that time and now -- do you know?
10 Mr. Chun, were you there within those meetings? Can you
11 comment on that?

12 MR. CHUN: Well, you know, this is part of the
13 --

14 UNIDENTIFIED SPEAKER: Use the mic.

15 CHAIR BAISA: Yes, please.

16 MR. CHUN: This is part of the growing or
17 working relationship that is continuing to build with
18 the Planning Department. And, you know, we've been
19 meeting as recently as a week or two ago to discuss
20 this. And Planning Department had several ideas. This
21 was an initial -- as a result of an initial meeting with
22 the Mayor. But that was around the same time or
23 subsequent to our meetings with several of the Council
24 Members. So it's -- it's permutated. But our lands are
25 two parcels, and that -- that's the one that you're

1 seeing with Director Aila's thing. Essentially, we're
2 asking for our two parcels to be included.

3 COUNCILMEMBER COCHRAN: And just to comment in
4 regards to the baseyard next door, I guess north of your
5 parcel, the extension of the Puunene baseyard, it's
6 currently. So how -- what's your comments about that?
7 Do you have any --

8 MR. CHUN: It's not our land, but we wish we
9 had it.

10 COUNCILMEMBER COCHRAN: It's not part of your
11 land, I know, but do you feel there's a conflict? I
12 mean, into what you're wanting to -- how to utilize your
13 lands in conjunction with the expansion of that
14 Puunene --

15 MR. CHUN: You know, the market --

16 COUNCILMEMBER COCHRAN: -- baseyard?

17 MR. CHUN: It's gonna be what the market can
18 bear. And, obviously, you know, we are looking at
19 industrial, whether it be light, heavy or commercial,
20 but, you know, there's X amount of players within it.

21 Again, similarly, we're trying to be able to
22 get on equal footing. And that's why we want to at
23 least be in this Urban Growth Boundary. Otherwise,
24 anybody that's coming in proposing to lease lands from
25 us is gonna be X amount behind any of the other proposed

1 projects in the area, including --

2 COUNCILMEMBER COCHRAN: Right.

3 MR. CHUN: -- the baseyard.

4 COUNCILMEMBER COCHRAN: Understood. Okay.

5 Thank you, Mr. Chun. Thank you, Mr. Tsuji.

6 CHAIR BAISA: Mr. Couch?

7 VICE-CHAIR COUCH: Yes. Ms. Cochran brings up
8 a really good point. And I want to find out -- you
9 know, if you start doing stuff in there, won't that take
10 away from, A, the R&T Park, some of the uses in the R&T
11 Park, some of the uses in Kahului industrial area, the
12 baseyard over there? I'm a little concerned about, you
13 know, diluting the -- the market, if you will.

14 MR. CHUN: It could. You know, again, our
15 process does open it up to all potential uses. And
16 because we do have large tracts, we're asking that they
17 be included. Again, it's what the market will bear,
18 what we get in response to any RFPs we issue. I know
19 it's very preliminary, but we -- again, I'll say we
20 talked to renewables. There's also been talk -- and I
21 don't know how you -- if you folks have heard about
22 it -- about a film office, a production studio that
23 would require larger. But, again, if -- if we're
24 talking just pure light industrial, light industrial,
25 again, the market's only gonna bear so much. But we

1 would like to have our lands be available for other
2 potential uses as well.

3 VICE-CHAIR COUCH: That's the big question.
4 The last light industrial thing that got passed, all of
5 a sudden, became a megamall. So I -- we wanna avoid
6 that as well.

7 MR. CHUN: Can we deal with it at zoning?

8 VICE-CHAIR COUCH: Huh?

9 MR. CHUN: Can we deal with that at zoning?

10 VICE-CHAIR COUCH: Well, no. The zoning for
11 Light Industrial allows for --

12 MR. CHUN: That's true. But, you know, there
13 can be restrictions within a zoning district.

14 VICE-CHAIR COUCH: Okay. All right. Thank
15 you.

16 CHAIR BAISA: Further questions of the
17 gentlemen? Seeing none, Members, Mr. -- you're okay,
18 Pontanilla? One more? Okay. Everybody's done. Chair
19 would like to thank both of you very much for being
20 here.

21 MR. CHUN: Thank you.

22 CHAIR BAISA: And seeing no further questions
23 for the gentlemen, the Chair is looking at the time,
24 Members, and I'm thinking that this might be a very good
25 place to draw the line. You may both sit down. Thank

1 you.

2 Well, the reason is, we're pretty much
3 wrapping up the questions on Mr. Summers' presentation.
4 And we'd like to begin, of course, with the review of
5 the text. But I think it'd be best we start that
6 tomorrow morning rather than getting into that now and
7 trying to find a place again in the morning. We will
8 probably have some new Members here tomorrow.

9 So, Members, the Chair would like to thank,
10 again, all of you for being here today. Thank you very,
11 very much for all of your hard work. I'd like to thank
12 the Staff. I'd like to thank all the representatives
13 from Administration, thank you very much for your help.
14 And last but not least, the public, thank you very, very
15 much for coming to be with us today and for your input
16 and being patient. This is not an easy process, but we
17 wanna make it as open and as responsive as we can. And,
18 unfortunately, that takes time.

19 So, without further ado, the Chair is going to
20 recess this meeting until tomorrow morning at 9:00. So
21 the -- I'm sorry? I'm sorry?

22 MS. BOUTHILLIER: In Chamber.

23 CHAIR BAISA: In Chambers, yes. 9:00, in
24 Chambers, tomorrow morning, at 9:00. The meeting is now
25 in recess. ...(gavel)...

1 **RECESS:** 4:20 p.m.

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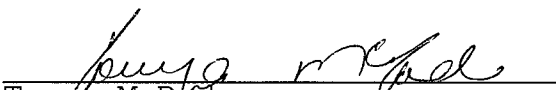
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