

# GENERAL PLAN COMMITTEE

Council of the County of Maui

## MINUTES

June 14, 2012

Council Chamber

**RECONVENE:** 1:34 p.m.

**PRESENT:** Councilmember Gladys C. Baisa, Chair  
Councilmember Donald G. Couch, Jr., Vice-Chair  
Councilmember Robert Carroll  
Councilmember Elle Cochran  
Councilmember Danny A. Mateo  
Councilmember Joseph Pontanilla (in 2:00 p.m.)  
Councilmember Mike White

**EXCUSED:** Councilmember G. Riki Hokama  
Councilmember Michael P. Victorino

**STAFF:** Kirstin Hamman, Legislative Attorney  
Josiah Nishita, Legislative Analyst  
Clarita Balala, Committee Secretary

**ADMIN.:** William Spence, Director, Department of Planning  
John Summers, Administrator, Long Range Planning Division, Department of Planning  
Simone Bosco, Senior Planner, Long Range Planning Division, Department of Planning  
Daniel McNulty-Huffman, GIS Analyst, Department of Planning  
Constance Tucker, GIS Technician, Department of Planning  
James A. Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel

*Seated in the gallery:*

Michele McLean, Deputy Director, Department of Planning  
Mark King, GIS Analyst, Department of Planning

**OTHERS:** Dick Mayer  
Robert Poulson  
Kim Jenkins  
John Cabral  
Casey Foster  
Chris Baker  
Thom Foster  
Bill Frampton  
Zack Franks

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Peter Horovitz, Esq., for Giampaolo Boschetti  
Brian Naeole  
Jennifer Maydan, for Barbara Behrmann  
James M.F. Chung  
Elliott Luke  
Fumio Tsuji, DDS  
Charles Jencks, Seabury Hall  
Sharon Wright, Pukalani Associates  
Warren Watanabe, Executive Director, Maui County Farm Bureau  
Daniel Kanahale, Kihei Community Association  
Janet Quinton  
Julie Bridle  
Lucienne de Naie  
Daniel Oliveira, Pastor, Hale O Kaula Church  
Torey N. Jenkins  
Leanne Dunn  
Mae Nakahata, Government Affairs Co-Chair, Hawaii Farm Bureau Federation  
(22) additional attendees

**PRESS:** *Akaku: Maui Community Television, Inc.*

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**ITEM NO. 2(2): GENERAL PLAN UPDATE (MAUI ISLAND PLAN: CHAPTER 8 (DIRECTED GROWTH PLAN) – (MAKAWAO-PUKALANI-KULA REGION)) (CC 07-54)**

CHAIR BAISA: *... (gavel) ...* The General Plan Committee will now come back to order. The Committee is reconvening from its recessed meeting of June 12, 2012. Before we begin, Chair would ask if everyone would put their cell phones or communication devices on the silent mode please? I'd appreciate that very much. I am Councilmember Gladys Baisa, Chair of this Committee. This afternoon we will continue our review of Chapter 8 of the Maui Island Plan and focus on the Makawao-Pukalani-Kula Region. Public testimony is still open and we will continue to hear from those members of the public who did not testify on this matter on June 12<sup>th</sup>. In accordance with Sunshine Law and Rule 17 of the Rules of the Council, those who testified on Tuesday will not be permitted to testify again, and the Chair personally would like to thank all of the testifiers who were unable to testify for being here and thank you very much for having to wait. I'm sorry; we're doing the best to accommodate everybody. Obviously, this is a very popular issue and it's wonderful to have all of you here and I thank you for your patience. I'd like to introduce the Committee members that are here today. I have Don Couch, the Vice-Chair of this Committee.

VICE-CHAIR COUCH: Good afternoon, Madam Chair.

CHAIR BAISA: Good afternoon. And starting here, I have Bob Carroll. Good afternoon, Bob. I have Chair Mateo.

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COUNCILMEMBER MATEO: Good afternoon.

CHAIR BAISA: Good afternoon. Ms. Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR BAISA: Good afternoon. And I also have Member White.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR BAISA: Thank you very much. And excused this afternoon at this time are Members Hokama, Victorino, and Pontanilla. From Administration, we have our Planning Director, Will Spence.

MR. SPENCE: Afternoon, Chair.

CHAIR BAISA: Good afternoon. We have John Summers, Administrative Planning Officer.

MR. SUMMERS: Aloha, Chair.

CHAIR BAISA: Simone Bosco, Senior Planner with the Planning Department.

MS. BOSCO: Good afternoon, Chair.

CHAIR BAISA: And we have Constance Tucker, GIS Technician.

MS. TUCKER: Good afternoon, Chair.

CHAIR BAISA: Thank you. We have Dan McNulty-Huffman, GIS Analyst.

MR. MCNULTY-HUFFMAN: Good afternoon.

CHAIR BAISA: And we have James Giroux, our Deputy Corporation Counsel.

MR. GIROUX: Aloha, Chair.

CHAIR BAISA: Good afternoon. And I also have my Committee Staff Person Hamman or my Legislative Attorney, and we have Josiah Nishita, our Legislative Analyst, and our Committee Secretary, Clarita Balala. Folks, testimony will be limited to the item on our agenda today. If you haven't already, please sign up at the desk located outside the door there. You'll be limited to three minutes per person with one minute to conclude if requested. And when you testify, would you please state your name and if you are representing a group we'd like to learn that too. So Members, the Chair will begin to resume public testimony without objection.

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COUNCIL MEMBERS: No objection.

CHAIR BAISA: Thank you very much. Our first testifier as we announced at our last meeting will be Mr. Dick Mayer, and Mr. Mayer will be followed by Robert Poulson. Mr. Mayer? Good afternoon.

*...BEGIN PUBLIC TESTIMONY...*

MR. MAYER: Good afternoon, Chair Baisa and Members of the Council. Several items on the Upcountry list. One of the concerns I hope you keep in mind as you go through all those recommendations of the Planning Director is the large number of water meters on the water meter list. There are 3,000 plus, 3,033 is what I've heard from the Water Department, who awaiting water will be able to develop their lots and build houses. That's a very large number and so the need for additional lands to be put in, people who will be added to that water meter list is not as great as you might think. Two developers have come in with regard to Haliimaile, A&B and Maui Land and Pine. Both of them were rejected by the Planning Commission, by the GPAC, by previous Planning Directors for any expansion. With regard to A&B and Maui--and Maui Land and Pine, both of those companies have very large areas which they have been entitled to. A&B in particular has since 1996, been given entitlement to build houses in Haliimaile and they have not done that. And in their annual report it states that the reason they haven't done it is they have lack of water in that area. So I urge you not to add the A&B parcel to the Growth Boundary nor the large Maui Land and Pine--I feel that's just merely a purchase to get some entitlements that they can sell off. They have enormous parcels out in West Maui in both Pulelehua and Kapalua Mauka, very, very large parcels out there that they could develop and I'd like to see the good faith made on their part to start developing those prior to Haliimaile. And I don't think there's a need because of the large amount of people waiting on the water meter list. With regard to the Pukalani Triangle and the Piiholo South, I urge you that if you go ahead and add those in, that you put a very strict restriction on that those be senior only units. I notice in the Pukalani Triangle parcel they have a hodgepodge of things, everything from a theatre to a library to a business district to senior homes to everything else thrown in there all of which the--particularly the commercial addition would add enormous amounts of traffic to that Triangle, and the GPAC and the Planning Commission rejected the development of that area except for a short strip along the Makawao Avenue. And I also would urge you if you were to allow anything beyond that that it be restricted very specifically to senior housing only and much stricter than what was given at Kulamalu to Mr. Dowling several years ago. With regard to the Ag subdivisions and the Rural Growth Boundaries, I urge you not to include--not to put the Rural Growth Boundaries. You've heard testimony on both sides of that particularly from Anuhea. They, as you saw that there are 15 lots there. Only 6 out of the 15 are owned by the people that strongly advocating for it. The other 9 people have said that indirectly or directly that they do not want that Growth Boundary and the other subdivisions also do not want it. I don't think there's any advantage to putting that into a Rural Growth Boundary. If anything, were done in that area there should be a very strict requirement that no subdividing be allowed within that Rural Growth Boundary. And finally, I would like you to tighten any restrictions. This is not in the Plan, but one thing that I think should be added on there, it's much too easy

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right now to convert Ag land into subdivisions, and I think we need and throughout Maui as not just Upcountry to have a much stronger statement in there that there's a much more thorough review that we have adequate infrastructure both water and roads and wastewater, et cetera, et cetera in those areas. Otherwise, they will try to convert to Ag and then down the road say well, that area got a Rural Growth Boundary, we want one. I don't want those precedents set and I would urge you to find language, get the Department to help you with it, that would restrict or make it much more difficult to get Ag subdivisions 'cause right now they're uncontrolled. Thank you very much.

CHAIR BAISA: Thank you, Mr. Mayer. Members, questions for the testifier? Mr. Mayer, just a real quick question?

MR. MAYER: Yes?

CHAIR BAISA: I heard you kinda speak in support of the Piiholo South thing and say that you'd like that restricted only to senior housing. Do you have any comments? We've been hearing about the traffic in Makawao Town. Any thoughts on that?

MR. MAYER: Yeah, Ernie Rezens spoke strongly against the road that I suggested might be a possibility or that the Kula Community Association even suggested as a possibility to go in from Piiholo Road over to Olinda Road not down where the gentleman who spoke against it--in the middle of that area, but up to the road above Seabury Hall that would cut across. And I think people then from Haiku and east, eastern parts of Maui there would be able to cut across, enter that road and get up towards King K and Upcountry. I don't think as Ernie Rezens feared that they would just come across there and go down Kealoha [*sic*] Road. I think that most of those people would go...the people going, wanting to get back down to Makawao Avenue would go through Makawao Town. And this would help split that traffic if that condition were put in there. The other part of Piiholo South is that it's really only 100 units of this senior. The other 100 are market units, and I don't think that 100-unit market is really warranted given the fact that--that landowner has already subdivided several hundred acres of Ag land just above it. It was all originally one large parcel, so it cut out already a whole bunch of Ag lots for market prices, at very high prices and now wanna get another 100 units in this thing. So I...it should be entirely a senior citizen, ideally even an assisted living situation which I think we're desperately short of Upcountry.

CHAIR BAISA: Thank you. So that outlet that you're talking about is that little winding road that winds through Haleakala Ranch and then comes out on the highway?

MR. MAYER: Yes, well yeah coming from Olinda Road, the road winds through--

CHAIR BAISA: Right, right.

MR. MAYER: --and that road probably will have to be to some degree upgraded, but it would then put a connection between East Maui and the high school area by coming across that area. And it

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would mean coming through pretty much close to where the rodeo grounds are, but you know the rodeo grounds are not heavily used except on those days and on those days the traffic could be monitored. But I think that's the route it should take from the upper part of the Piipolo South development.

CHAIR BAISA: Well, you know, the Chair is very familiar with that four-way stop in Makawao and there really are no--not a whole lot of alternatives.

MR. MAYER: Yeah. Right.

CHAIR BAISA: You know Kee Road is already substandard and Makawao Town is crazy with the four-way stop.

MR. MAYER: Exactly.

CHAIR BAISA: And it's too tight with people backing up into the road. So unless we can find an alternative, I have a lot of concerns myself.

MR. MAYER: I couldn't agree more with you. And that's--I mean, that might be the tradeoff. I mean, you may give them, the developer, the right to develop that Piipolo South. The tradeoff would be the Makawao traffic may be to some degree, and I think perhaps significantly reduced.

CHAIR BAISA: Okay, thank you. Members, any further questions for Mr. Mayer? If not, thank you very much, Mr. Mayer.

MR. MAYER: Thank you.

CHAIR BAISA: Our next testifier is Robert Poulson, and he'll be followed by Kim Jenkins. Good afternoon.

MR. POULSON: Good afternoon, Chair and Council members. I have a handout here that I'd like to pass out to everyone. Is there someone who could do it?

CHAIR BAISA: Staff. Staff will take care of it. Okay, we'll start the clock once everybody gets a copy. If you can just hang on for a minute.

MR. POULSON: Sure.

CHAIR BAISA: If anybody else has something, Chair would suggest that you give it to us so the Members will have it when you begin. Trying to make the best use of our time here. As you know, it's evaporating. Okay, Members. Staff, if we can start the clock for Mr. Poulson? Go ahead, sir.

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MR. POULSON: Thank you. I'd like to talk today to you about Anahea [*sic*] Place, and this is a 15-lot subdivision that you've been spoken to about before. And I am an owner of Lot 35 which is a parcel at the bottom. I'm also a member and overseer of the church, Hale O Kaula that is opposite that Lot 32. And I've lived in the subdivision since 1999, and I have been a part of the fellowship that owns the church parcel since 1990. And if you look at that little map that I've given you, it has two long borders. One back long border is actually Kalialinui Gulch and that separates Kula from Makawao, that gulch does. The bottom border is Kamehameha Schools. The side border is Kulamalu, the commercial area with commercial build out, public/quasi-public area and then the top area is Kula Highway. So we're like a little notch out of the pie there. And so, this parcel in my experience has the best agriculture that it can support is maybe some horses, some cows, some goats. There has not been much else that can happen down there. Half of the year is very dry. And so agriculturally it's a pretty tough area to really do anything in. I would call it sort of marginal. We've tried many things and nothing has been very successful. So you know, ag takes water and without water it's pretty difficult to do all that much. As far as I understand, right now we're only requesting to be added to the Rural Growth Boundary. We're not really asking for a Rural designation at this time although that's a future possibility. And what I've been told about that is that Rural the property taxes are treated the same as Ag, and agriculture is still a permitted use of Rural property, and that you can still get, you can still get Ag exemptions. Ag is, although it's permitted, on ag land you need now to get a, what do you call it, a Farm Plan. So you wouldn't need to get a Farm Plan if it was Rural in the future. And the Ag water rates are the same. So there's really not too many differences. And I'm looking at this property personally for my children, and to be able to pass parcels down. And I'm looking out into the future and trying to see if this would be advantageous to be in a Rural Growth Boundary and I'm feeling that it would. And so, as an owner there I'm asking you to include us in that Rural Growth Boundary. And lastly, you know, about growth, I know it sometimes seems like everybody's very polarized about growth, and my day job is a building contractor and I've built in Hawaii for over 30 years and I've built over 1,000 projects across the State and I've seen good things and bad things. But the one thing I know is that growth is going to happen whether we like it or not. And I know what you guys are trying to do is plan for growth and I think that that's a very necessary step and a very admirable step. And I believe that including this property is really not going to adversely affect anyone so I encourage you to do that. Thank you for your time.

CHAIR BAISA: Thank you very much, Mr. Poulson. Members, questions for the testifier? Seeing none, Mr. Poulson, thank you. Our next testifier is Kim Jenkins, and she'll be followed by John Cabral. Good afternoon.

MS. JENKINS: Good afternoon, Chairman or Chairperson Baisa and Council members. My name is Kim Jenkins. I'm here to testify --

UNIDENTIFIED SPEAKER: Madam Chair?

MS. JENKINS: --in favor of Rural zoning for the Anuhea Subdivision.

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CHAIR BAISA: If you can get closer to your...yeah, thank you.

MS. JENKINS: Testify again I should say. Thirty years ago I lived in Haiku, got married and moved to Honokowai where my husband and I rented a little one-bedroom apartment. That wasn't where we wanted to raise our family so a couple years later we moved back Upcountry to Makawao where we bought our first home for \$112,000. It was right on Makawao Avenue mauka of the round houses with a little gulch. Our parents helped us get into that house. It was about a third an acre and we had my husband's homing pigeons, we raised a little heifer, had lilikois, strawberry guava, star fruit, and bananas. Fifteen years ago, we moved to Anuheia Place. There was no Kulamalu development at that time. Both our little house in Makawao and our home on Anuheia are about four times the cost they were back then, but of course, wages have not increased fourfold for most of us, let alone our children. Like our parents helped us, we wanna help our kids. We have two sons, 20 and 24 years old. The older one just graduated from UH in International Business and Spanish. He lives and works on Oahu and his job brings him to Maui once a month. The other son lives with us and works while he's going to UH Maui Campus. They say Hawaii's biggest export is our youth. We all want opportunities in the way of jobs and housing for our children and adult children so they have a real choice whether to leave or stay in the islands. There's so much talk about affordable housing. We're not talking high density, Maui Lani tract homes on our currently Ag zoned subdivision. We're not talking about Urban or Rural sprawl. We simply want the freedom down the road to help provide potential affordable housing for our kids. We're talking an Anuheia Place community with Rural zoning which allows a smaller than five to nine-acre lots and still yet the agricultural lifestyle we currently and in reality practice and will continue to practice and which our kids have grown up with. We personally raise our own grass-fed beef. We have homing pigeons and always have a surplus of bananas. My younger son's senior project was an organic gardening--was on organic gardening at King K and he did a research paper on GMO foods, not in favor. He built a 4x12 raised garden bed with his dad. Our neighbors from Island Plants supplied the soil and we still have that garden box. You have to know us. You have to visit our properties. You have to drive down the street. You have to come visit our church at the bottom of the road. See our great greenhouse and its production and what we've done with the limited infrastructure resources we have. We're good stewards of our properties. I appreciate Tom Cook's testimony on Tuesday. We're not developers, we're families. In addition, Rural zoning and the reality of building and having the appropriate infrastructure to do so are two different things. We know it's a long arduous process and in all honesty if we're even granted Rural zoning, we're probably looking years down the road. There will be growth. All we're doing now is defining the areas where that growth can happen, still keep Upcountry, country and have the least effects on infrastructure. How can we have built Kalama Intermediate and King K High School serving Upcountry needs and educating thousands of children, not think about where those kids are going to go or end up or raise their families? Those are all of our kids. Our subdivision--whoops, I'm sorry--our subdivision neighbors, Kulamalu and Kamehameha School from Kula Highway all the way to the bottom of the road, I believe that's Business, Country Town and down at the bottom, Public/Quasi Public zoning. For other subdivisions Rural zoning may not be appropriate but for ours in this Pukalani Upcountry area, and if provisions for growth need to be made, I think this one makes sense. And just to add, of those nine opposing

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Rural--Anuheha Place being included in Rural Boundary, of those nine, I believe only three actually live on the street. So, thank you very much.

CHAIR BAISA: Thank you very much, Ms. Jenkins. Members, questions for the testifier? Seeing none, thank you very much. Our next testifier, John Cabral; and he'll be followed by Debbie Oliveira. Good afternoon.

MR. CABRAL: Good afternoon, Chair and Council members. My name is John Cabral and I'm here just representing myself and I'm just deeply concerned and I took off work here to speak here today. It's very affecting to me and my future. And I'm just concerned about if we don't have any homes. Like for me, I'm not a millionaire. I can't afford to buy. I mean, who really can unless you have good, proper business. Anyways I'm just--I'm concerned about living next to my family and I can't do that if this isn't set in place the Rural Boundary and I'm, I just am deeply concerned about being able to be next to my family; otherwise, I can't afford it. But I just wanna--I support your guy's decision. I know it's a big one and I just wanna thank you for your time.

CHAIR BAISA: Thank you, Mr. Cabral. You're talking about Anuheha Place?

MR. CABRAL: Yes, Anuheha Place.

CHAIR BAISA: Okay, just wanna be sure that we got it on the record. Members, questions for Mr. Cabral? Seeing none, thank you for coming, and thank you for taking time off to be here. Our next testifier is Debbie Oliveira, and she'll be followed by Casey Foster.

UNIDENTIFIED SPEAKER: She's not here.

CHAIR BAISA: Ms. Oliveira is not here. Okay, Casey Foster, please? And the person to follow is Chris Baker.

MR. FOSTER: Madam Chair, Council.

CHAIR BAISA: Good afternoon.

UNIDENTIFIED SPEAKER: Put the microphone up.

MR. FOSTER: This little better?

CHAIR BAISA: Yeah.

MR. FOSTER: And, you guys, I just wanna apologize first off, I'm a little bit nervous.

CHAIR BAISA: Relax. It's okay.

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MR. FOSTER: First of all, I'd just like to say, thank you guys for allowing me to speak today. And I really do appreciate you guys taking the time to like listen to people and to get a perspective on the Growth Boundaries for Upcountry Maui, and I just wanna say thank you again for allowing me to speak. My name is Casey Foster and I took off work today to speak about an issue that is really dear to me. I'm here to testify in favor of the Planning--Department of Planning recommendation regarding DO64 and Map U2 which includes which includes Anuheha Place. I was born and raised on Maui and I graduated from King Kekaulike High School and I grew up on Anuheha Place. My parents owns property and I've been a member of Hale O Kaula Church my entire life. I recently bought a property in Maui since, Makawao since home prices are kind of expensive and I did it with three other people so that I could afford to live on Upcountry Maui. It's the only way I know I can get into the property there. And I did it with the intent of one day helping to build on my family's property and to raise my kids there. But I'm in support of what they're--these Growth Boundaries are being presented, because I really feel it reflects upon opportunities for me and my generation. I know so many people that I've grown up with that moved away because of lack of opportunities. And when I see the Growth Boundaries, I see an opportunity for people my age to have a chance of life in a place, in a community that they grew up and love, and I hope to have that opportunity too to be able to raise my family in a community and area that I truly cherish. But thank you again, for allowing me to speak today, and I truly appreciate the opportunity.

CHAIR BAISA: Thank you, Mr. Foster. Members, questions for the testifier? Seeing none, thank you. And thanks again for taking time off to be here.

MR. FOSTER: Thank you.

CHAIR BAISA: Our next testifier is Chris Baker, and he'll be followed by Thom Foster.

MR. BAKER: Madam Chair, Council.

CHAIR BAISA: Good afternoon.

MR. BAKER: My name is Chris Baker. I am a member of Hale O Kaula Church and I presently rent on Anuheha Place, and I have done so several times with my wife. And when I first moved over in 2003, I lived on Anuheha Place. So I've lived there quite a bit during my ten years here. And I'm very much in favor of the Rural Boundary change. I think it's gonna benefit us greatly. As Robert Poulson said earlier, if you were to drive down Anuheha Place you would not see a lush green place that's ripe for agriculture. We don't have water. We have to truck in our own water. And I have a couple banana trees, and a papaya tree, and a chili pepper plant, but I don't even water them very much because my family needs the water. So I don't see this place as being ripe for agriculture without water. I just, I think small diversified farming could work excellently there. But it is my dream to live there anyhow. Not because I think it's the most prime land in the place, but that's where my heart is, that's where my family is, I mow the road there whenever the grass is actually green enough to grow and that's really all I have to say. I want my family

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living on Anuheha Place. We're going to buy elsewhere so we can afford to move, move there eventually.

CHAIR BAISA: Thank you very much, Mr. Baker. Members, questions for the testifier? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Madam Chair, and thank you, Mr. Baker, for being here. You say you live down there now?

MR. BAKER: Yes, I do. I rent from the Murray's.

VICE-CHAIR COUCH: Okay. Are the--the Murray's live there as well or are they off island and, or --

MR. BAKER: No, they live in Pukalani.

VICE-CHAIR COUCH: They live in Pukalani?

MR. BAKER: Yes.

VICE-CHAIR COUCH: Okay, and do you know if they support or going from Ag to Rural?

MR. BAKER: Yes, they very much support that.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR BAISA: Any other questions for the testifier? Seeing none, thank you again for being here. Our next testifier is Thom Foster, and Mr. Foster will be followed by Bill Frampton. Good afternoon.

MR. FOSTER: Madam Chair, Council, thank you for letting me speak today. The first thing I wanted to address is just the changing scene on Anuheha Place. And I am here to speak in favor of the extension of the Rural Growth Boundary around that Agricultural subdivision. As other people have mentioned, it's a brown area now. I think there's less than 15 inches of rainfall in the recent history. The drought, Upcountry drought has been making everything brown for a least a decade now. I do have a nursery there. We have a meter at the top of the street, a public meter, a County meter. The rest of the subdivision for decades, the subdivision itself is probably over 30 to 35 years old, has never had meters provided by the County and I applaud DWS recently as they have granted nine meters to various lot owners on the street and they've actually offered meters to everyone on the street. I appreciate that very much. One other thing regarding water because there are the, there is the concern regarding 3,000 meter requests, a group of the owners on Anuheha Place have gone together to create a water system. We're probably in our--beginning of our fourth year of developing that. We are within one to two months of being able to lower our pump into the well. The transmission system is complete. We have a tremendous, at least for us, it's a tremendous investment there. But the reason we did that is because the County of Maui was just unable to provide the meters, unable to provide water for over 30 years. But we

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have a large investment there. In hearing lots of discussion about agriculture, I looked up the definition of agriculture, and was surprised that it said the art or the science or the occupation of growing livestock or crops on the land. And I, myself, have generations of agriculture. My family first bought land in Iowa on the mainland in the 1850s. I saw that family, first family farm be sold in the 1970s. I saw my father not be able to purchase that. We, my wife and I, farmed in the mainland up until 1980 or so. We moved here in 1982. We still grow things. We grow nursery plants. We grow fruit trees. We're still involved with agriculture and will be for a long time. We hope that our daughter and son can continue to work in our agricultural business. I know it's kind of an urban agricultural business I guess, but we grow what we can, and do what we can with that kind of agriculture to sustain our family. One thing I would remind--would like to remind the Council of is the testimony regarding the Ferreira property and Mr. Balthazar, this Rural Growth Boundary is a long-term planning device and so these families that testified had I think Urban or a dense kind of zoning. My question is how long has it existed like that without development of any kind or family development? And these are not short-term things, these are long-term planning and so I really ask that we think like that. I hear many principles being stated about open areas and agriculture, but the agricultural lifestyle and open spaces aren't necessarily gonna be taken away. It's not--we don't have developers on Anuhea Place, we have families. Thank you very much for your time.

CHAIR BAISA: Thank you. Members, questions for the testifier? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Mr. Foster, right?

MR. FOSTER: Yeah.

COUNCILMEMBER COCHRAN: So you said you folks built an onsite kind of private water system?

MR. FOSTER: Yes.

COUNCILMEMBER COCHRAN: But yet Department of Water Supply is now willing to issue you meters?

MR. FOSTER: Yeah.

COUNCILMEMBER COCHRAN: From County water?

MR. FOSTER: Not necessarily good timing, huh?

COUNCILMEMBER COCHRAN: Yeah. So--and I understand there's quite a few million dollars put into this project, your own private water system?

MR. FOSTER: There's many hundreds of thousands, I don't know about many millions.

COUNCILMEMBER COCHRAN: I was told 3.5, but perhaps that's not the right figure.

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MR. FOSTER: Probably wasn't said by anybody from the...

COUNCILMEMBER COCHRAN: Anyways, okay, so now you got your source pretty much completed and now County also at the same time. So --

MR. FOSTER: Yeah.

COUNCILMEMBER COCHRAN: All right. And you, so in investing in this back in the day --

MR. FOSTER: I'm personally not gonna--am not taking a County meter, no.

COUNCILMEMBER COCHRAN: Okay. Anyway, Chair, that's all.

COUNCILMEMBER PONTANILLA: Chair?

COUNCILMEMBER COCHRAN: Just curious about the double water. Thanks.

CHAIR BAISA: Thank you, Ms. Cochran. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Thank you for being here providing your testimony. You say that because you have your waterline on that roadway --

MR. FOSTER: Yes.

COUNCILMEMBER PONTANILLA: --that the Water Department of this County, you know, is gonna be providing you with water meters?

MR. FOSTER: Right, so the Water Department has offered meters to all the lot owners on the street. And I believe they have granted or gone into an agreement with nine owners that will be following through and receiving those meters from the County, from the Department of Water.

COUNCILMEMBER PONTANILLA: So the line that goes in along that roadway...that's not a County roadway by any chance?

MR. FOSTER: No, it's a private road.

COUNCILMEMBER PONTANILLA: Private road. The infrastructure that was placed in there is a size that would provide adequate water for not only, well, both sides of the road or just the ones that put in money for the waterline?

MR. FOSTER: Say your question one more time?

COUNCILMEMBER PONTANILLA: Yeah, I know there's 15 of you or 15 properties.

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MR. FOSTER: Yes.

COUNCILMEMBER PONTANILLA: So the water line is sufficient to provide water for 15 properties?

MR. FOSTER: It has a good volume. So it probably could do that, yes.

COUNCILMEMBER PONTANILLA: It could?

MR. FOSTER: Yes.

COUNCILMEMBER PONTANILLA: Okay, maybe I gotta ask questions to the Water Department in this case here. So, thank you.

MR. FOSTER: Okay.

CHAIR BAISA: I understand, Mr. Pontanilla. This is confusing. So I'm trying to just get really to the bottom of this matter. So, you are in support of the rezoning to Rural?

MR. FOSTER: Yes ma'am.

CHAIR BAISA: Okay, just wanna be very clear.

MR. FOSTER: Item D64.

CHAIR BAISA: We get into so many factors that sometimes, you know, we just gotta cut the chase here. We're trying to keep a for and against. Thank you very much.

MR. FOSTER: Okay, thank you.

CHAIR BAISA: Thank you for being here. Okay, our next testifier is Bill Frampton, and Mr. Frampton will be followed by Zack Franks. Good afternoon, Bill.

MR. FRAMPTON: Good afternoon. Chair, I have handouts I'd like --

CHAIR BAISA: If you'd give them to Josiah, he'll take care of it. Go ahead.

MR. FRAMPTON: If I could wait for the--I'll continue on. No problem.

CHAIR BAISA: If anybody else has handouts --

MR. FRAMPTON: Do 'em early.

CHAIR BAISA: --would you please bring 'em to the Staff before you testify?

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MR. FRAMPTON: No problem.

CHAIR BAISA: So we can put them on the Members' desks and avoid this.

MR. FRAMPTON: We'll keep going. Don't worry about it.

CHAIR BAISA: If you can go, Bill? Thank you.

MR. FRAMPTON: Yep. My name is Bill Frampton. I'm a life-long resident of Kula, Upcountry Maui for more than 40 years, and I'm here to talk specifically about an area on the Upcountry map that's within the sort of central Kula area. I live in Kulamanu Subdivision. That's off of Lower Kimo Drive. I grew up playing with many friends in Kula Kai, and I'm really grateful to have an opportunity to purchase a lot up there. The State Land Use designation of my subdivision as well as Kula Kai is just like in near the Kula Lodge, it's Urban. The Single-Family designation in this area operates under--I'm sorry, the community plan designation for this area operates under Single-Family and the zoning operates under R-3, very much Urban across the board. However, my concern is with the designation of Kula 1. It is going to redesignate it looks like those two subdivisions, those two communities downzoning into Rural and we're anything but Rural. We have 10,000 minimum. Our lot sizes are 10,000 minimum square feet. They are Urban, built to Urban standards, zoning subdivision standards. We operate--our buildings are built using the R-3 designations, and so what I would like to offer are some questions that I'm hoping you could ask the Department. Why are the lots up near Kula Lodge which I've identified, it's identified in blue. The two subdivisions I'm talking about are identified in the green boundaries. Those areas appear to be within an Urban designation. I'm not sure of that, but it looks like they're in Urban. Why are our two communities not--if we do go forward with the Planning Director's map and convert this to R-1 or Kula 1 which is Rural, what does that do to my existing State Land Use designation, my existing Urban Designation Standards? I have--there are many vacant lots or several vacant lots in my community. When they go forward to seek a building permit, they have to go for a zoning designation, they need to provide a zoning consistency and conformity. That's not gonna happen with this if we go forward with that designation or at least I don't think it will, and I'd like to make sure we follow through with the purpose of the General Plan was to provide clarity and I'm nervous that that will not happen with this designation. Thank for being able to testify.

CHAIR BAISA: Thank you, Mr. Frampton. Members, questions for our testifier? Seeing none, Mr. Frampton, we'll make sure we, we discuss that.

MR. FRAMPTON: Okay, thank you.

CHAIR BAISA: Thank you. Our next testifier is Zack Franks, and Mr. Franks will be followed by Peter Horovitz. You brought your own Vanna, huh?

MR. FRANKS: I don't know about Vanna.

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CHAIR BAISA: Vanna. Vanna.

MR. FRANKS: Yes, my own Vanna. That's a good line. I wish I could bring my own Vanna. Good afternoon --

CHAIR BAISA: Good afternoon.

MR. FRANKS: --Members of the Committee, and good afternoon, Chairwoman Baisa. Thanks for letting me testify before you once again on Piiholo South. I wanted to address couple of things that have been said about the traffic. First of all, we welcome a senior housing condition being put on our property. That's what we always wanted. With respect to the road that might go through to Olinda and onto Haleakala Highway, I think that's really a question for a traffic engineer to work with the community in the process that will take several years to undertake rather than our trying to solve that today in these Chambers. We believe that the most likely road, if one was needed, would be Hanamu which goes directly through to Haleakala Highway just above King K and would have very little impact on Kealoha [*sic*] because going down Kealoha [*sic*] as Mr. Rezens fears would really actually cause problems for the people trying to get out to Haleakala Highway 'cause they have to get out through Makawao. In fact, the actual traffic on Kealoha [*sic*] will probably be reduced as a result of a, of an alternative road, not increased. In terms of our property, it's true that we do have 265 acres above the property that we are talking about today. However, that property was not subdivided by us. It's always been an additional ten lots, and we've sold a grand total of two of those lots, one 40 acres and one 25 acres in the seven years that we've owned the property. Without, without Piiholo South getting the zoning to do the development of market rate housing, there will be no Hale Mahaolu on the property because we're giving the property to Hale Mahaolu for free. I wanna go to a sheet that I gave you earlier with respect to traffic. National studies show that active adult communities for those over 55, and ours will be older than that, generate about one-fifth to one-third as much traffic during peak hours as regular communities the same size. These are national studies done for various departments of transportation. I think it's very important to remember that. The other very important thing to remember is that the average annual miles driven between age 20 and 54 is over 15,000 miles. The average miles driven after 65 is one-half of that approximately 7,500 miles. Seniors do go out into peak traffic. Here's the important stuff though. The important thing is to remember that Maui County population will grow by approximately 52,000 between 2010 and 2030. Twenty-six thousand of those will be under 65 years old, 26,000 will be above 65. Where are those people gonna move to, to be with their peers, to be in places that are appropriate for them? The population of over 65 will grow at a rate of 4.4 times the rate of the general population over the next 20 years. Again, we have to ask the question, how do we properly house this, how do we begin to get, you know, to start to take care of this, in our case Upcountry? We think we have the answer, a beginning of an answer with our project. And finally, approximately one-eighth of the population is currently over 65. In 2030, between one-fifth and one-quarter of the population will be over 65 years old. So I believe it's incumbent on all of us to take the initial steps, and we're very far away from building our community, but to

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take the initial steps to building what might be a model for future communities on our island and in our County. Thanks very much for your time.

CHAIR BAISA: Thank you, Mr. Franks. Members, questions? Mr. Couch?

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

MR. FRANKS: Thank you, Mr. Couch.

VICE-CHAIR COUCH: I just want to clarify some of your testimony. You said you welcomed the senior restriction?

MR. FRANKS: Yes.

VICE-CHAIR COUCH: Senior home housing only?

MR. FRANKS: It's absolutely been our intention for at least five years.

VICE-CHAIR COUCH: 'Cause I heard you say further that without market value--

MR. FRANKS: Without the market senior housing, excuse me for not making that clear.

VICE-CHAIR COUCH: Oh, okay.

MR. FRANKS: In other words, half of the project will be Hale Mahaolu which by the way, as Mr. Katsuda said, the average age is 80. I would expect ours to be maybe a little bit younger, probably about 75 at average age, but that you know, we need market, we need market price housing in order to build a development. Developments are, you know, are very costly to build.

VICE-CHAIR COUCH: Got you. Okay, that's what I just wanted to make sure.

MR. FRANKS: Yeah.

VICE-CHAIR COUCH: That all of it's senior.

MR. FRANKS: All of it's senior, yes.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR BAISA: Further questions for the testifier? I just wanna clarify something, Mr. Franks?

MR. FRANKS: Sure.

CHAIR BAISA: You mentioned that you were gonna give the land to Hale Mahaolu?

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MR. FRANKS: Yes, ma'am.

CHAIR BAISA: How much of the land?

MR. FRANKS: Approximately ten acres.

CHAIR BAISA: And you give that to them with the caveat that they're gonna build the affordable senior housing?

MR. FRANKS: That's right.

CHAIR BAISA: I think that that's really important.

MR. FRANKS: Oh yeah. Yeah, I mean, that's--we went to them because they're the premier developer of senior housing on the island.

CHAIR BAISA: Further questions for the testifier? Seeing none, Mr. Franks, thank you very much.

MR. FRANKS: Thank you so much.

CHAIR BAISA: Our next testifier is Peter Horovitz, and Mr. Horovitz will be followed by Brian Naeole. Good afternoon.

MR. HOROVITZ: Thank you, Madam Chair, Members of the Committee. My name is Peter Horovitz. I'm an attorney in town. I represent Giampaolo Boschetti. I was here on the 4<sup>th</sup> of June when the Committee was more focused on Kihei and Makena, and so I'd like to take this opportunity to reiterate what I had said that point. I also provided to the Committee a letter that I put together today that sort of summarizes what our concerns were. My--our concern is simply that one of the parcels of land that my client owns which is a 58-acre piece of land Upcountry, Tax Map Key No. 2-3-9-13. It's on the Makawao side of the highway bordered by Makani Road and Makawao Avenue. In the previous maps that had been produced by GPAC and by the Planning Commission, this parcel of land which is Agriculturally zoned had been simply left alone. It's not included in any Expanded Growth Boundaries. We're not seeking that it be included in any Expanded Growth Boundaries. It was simply left alone. That was fine with us. In the latest Planning Department map that was produced on May 23<sup>rd</sup>, it's labeled as green--greenway or not greenway but Green Space, I should say. I do note that there was a 2010 map from the Planning Department that had that as well, but I can't at this point find where that that was publicly discussed. The other concern is simply that in the definition or what Green Space is defined to be, it's--just talks about how that's, the zoning of that is more compatible with Park and Open Space which in effect takes away any, any beneficial use of the land for my client. That ultimately may be an appropriate thing that the County wants to look at for this parcel of land, but I don't think the process was followed in this case, particularly in that the my client received notice of this three nights before the February 4<sup>th</sup> or June 4<sup>th</sup> hearing before this Committee.

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Again, I just wanted to bring that to the attention of the Committee. Our request at this point is as you're deliberating this, to simply go back to what GPAC had recommended and what the Planning Commission had recommended and that leaving, leaving this parcel of land untouched. Again, not within any Expanded Growth Boundaries, but just simply how it's been, and if the Committee or any other department wishes to revisit that in the future, we're always available to discuss it. But again, I think at this point, the appropriate remedy is to leave it alone. Thank you.

CHAIR BAISA: Thank you very much. Members, questions for the testifier? Seeing none, Mr. Horovitz, thank you.

MR. HOROVITZ: Thank you.

CHAIR BAISA: Our next testifier is Brian Naeole, and he'll be followed by Jennifer Maydan. Good afternoon.

MR. NAEOLE: Maika'i ...*(spoke in Hawaiian)*... Naeole Na'auao. Good afternoon, ladies and gentlemen, Council members, and Members. My name is Brian Daniel Naeole Na'auao. I come here today as true and correct. I come here today as honesty is the best policy. I also come here today with the law, not against the law. I come here also I don't know who you are. I know who I am. I also come here because I might be standing here by taking one identity. But my main purpose here is because Ahihi Kinau in Makena. That has been my birthplace from when I was a little boy. And today, I'm just so nervous. I'm confused. I have no idea what the situation, but this is my birthplace. This is all I have in my life to show the people where we come from, who we are, and where we live. These are areas, I think everyone in here know this area, its very value. This is my history. I need to take care of it. This is all I have is that area. These are places that you would never find in the world. They only live in these areas. What are we doing? You know, I'm upset, angry. I was going to say a simple answer, but I'm concerned. I'm really concerned. I didn't come here. I'm here to protect my ohana. I'm not here to cause any hassles or any situation. I'm confused like everybody here, confused. What are we doing? What are we trying to accomplish? Who are we trying to be? This island is just enough for, for our ohana to provide, to give, to give what we can so we can all live comfortable not angry. You know, I'm, I'm sad, I'm angry. I don't know if I'm here for all the wrong reasons. I don't know if I'm here for all the right reasons. I know I'm here for all the reasons. But this is who I am and this is where I live. And I have one more, one more question. When Governor Neil Abercrombie signed that settlement to OHA, Office of Hawaiian Affairs, he not only signed it, but he recognized that Land Commission Award 7713 Victoria Kamamalu. Thank you. Aloha. God Bless. I love each and every one of you. Thank you.

CHAIR BAISA: Thank you, Mr. Naeole. Questions for our testifier? Seeing none, thank you very much. Our next testifier is Jennifer Maydan, and she'll be followed by James Chung. If there's any of you who would like to sign up to testify, Chair would ask you to please do that and not wait until we get to the end because then it's very difficult for us to judge our time. Good afternoon, Jennifer. If you'd please go?

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MS. MAYDAN: Aloha, Chair and Members of the General Plan Committee. My name is Jennifer Maydan. I'm a Senior Associate at Chris Hart and Partners. However today, I'm providing testimony on behalf of Barbara Behrmann in support of the Pukalani Triangle. Barbara Behrmann is a lifelong Upcountry resident and daughter of Dr. Behrmann, who owns the Pukalani Square commercial development on Makawao Avenue. Barbara cares for her father full-time and as such was unable to attend today's meeting. Here is her testimony. I was born and raised here as was my mother and her father before her. We knew the plantation style of living where kids could stay in their neighborhoods and go to the park and library and market as well as catch a movie without having to get in a car to do it. Does that style of living have to remain a thing of the past? Are Kahului and Wailuku, Kihei and Lahaina the only areas allowed to have well-rounded community activities and trade? Gasoline has been north of \$3 per gallon for the last five years at least. I would love not to have to always go downtown to see a movie. I would think members of the community would be grateful to have senior living, assisted and independent, Upcountry where it is cool and comfortable. Additionally, it would be in close proximity to pharmacies, doctors, banking, their grandchildren and all within walking distance or scooter distance as so many seniors lose their driving, driver's licenses. After the big development boom of the '70s I understand the need to be sure before zoning is changed and plans are approved. I don't want Upcountry to look like Kihei or Lahaina, but I sure would like other services available to me without having to go downtown. I love that it is close, so close to the Superette as that is one of the old and established businesses that truly will add to the well-roundedness of the area as it has its own niche in Pukalani. Finally I have to mention that there is nowhere to develop in Makawao. The traffic in that little town is just a mess and there is seldom ever adequate parking. Therefore, Pukalani is the obvious and best choice for all of our Upcountry community. The Pukalani Triangle would be a good--would be good for the community, for other community businesses as well as our tourists on their way to Haleakala or the vineyards in Ulupalakua not to mention the rodeos and the polo matches. My dad, Dr. Behrmann happens to have a development just across the street called Pukalani Square, and he welcomes there being other development in the area. We have also seen many of the drawings of the proposed development and find it to be well thought out and that is something that didn't take place much in other communities. Aloha, Barbara Behrmann.

CHAIR BAISA: Thank you very much for her testimony. Members, I'm assuming we can't ask Ms. Behrmann questions since we have a stand-in? So thank you very much.

MS. MAYDAN: Thank you.

CHAIR BAISA: And our next testifier will be James Chung, and Mr. Chung will be followed by Elliott Luke. Good afternoon.

MR. CHUNG: Good afternoon, Chairman Baisa. You know as I stand here before you, my wife noticed the few night, I had a sleepless night due to what are you folks doing with our subdivision. In 1972, June, the subdivision was open to the public. My wife, I and children, my son, James, seven, my daughter Darice, ten. I took them upon the lots. They enjoyed the

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two-acre very, very much. They run. They play. It was not cleared yet, but they loved the two-acre land. I was born here on Maui and raised on a farm. My mother had ten of us children. My father died when I was seven--six-years-old and she struggled but we had a big farm to take care of all the family. So we bought that land. My wife and I and children in June. And in August, I took five months off from work to build a home for my wife and children. They also work hard for the land. So they asked me why are you doing this? We enjoy the two-acres, it's a farm land. And I'm glad I bought that land because my son, James, wife and grandchildren, my granddaughter, Cynthia and Wendy, they love the farm, and for the past 23 years this is how he makes his living. Right now he has over a thousand plants of protea. The farm of the name is Ohana Protea Farm and they do not wish to change this to a half-acre, you know. We had a smaller lot. We sold it to get this two-acre that we love and we love. I've been living on the land for the past 40 years. I born and raised here on Maui. I retired for the past 18 years and I'm working on the farm with my family to help them in their living. Above all I speak also for all those who bought land and lots, the lots in Kula 200. Whether they farm or do not farm, you know, most of them are retired. They enjoy the land. As for the water situation, it's pretty hard. We water just by drip system, one hour which provide each plant one gallon. That's how the plants survive. And as we continue life, we continue life. I like to thank each and every one of you here yes, we do not desire or wish to change our farm. We enjoy it and love it very much, okay. And too, I like to thank Chairman Baisa and all the Members that are here. Please let us live of our life. We don't have much life. It's so precious. I be 80 this year and I enjoy my life with my children and my great-grandchildren. I thank each and every one of you; please do not change what we work so hard. In life, I was poor. After the service I took a trade before I came home. I used to work on a ranch for dollar a day, likewise my brothers because we born early, but everything was reasonable. Gas was eight cents a gallon, \$4 a drum. Today you pay \$4.86 a gallon which it's more than a drum. Times are hard and our children cannot afford to buy a place. They love the place that we make for them. I'd like to thank each and every one of you, please let us live our life for what we bought. There are other lands that are open. If you look into the books that they are selling land, I think Maui Pine has 633 acres for up for sale. You can create half-acre, quarter-acre, 10,000 square feet, 8,000 square feet. Please do not destroy us. I would like to have a good night's sleep, likewise my family. Thank you very much for accepting me here.

CHAIR BAISA: Thank you very much, Mr. Chung. Thank you for coming. Members...hang on. Stay, stay, some of the Members may have questions. Mr., Mr. Couch?

VICE-CHAIR COUCH: Thank you, and thank you very much, Mr. Chung for being here. Just wanted to be clear, you're in Kula 200, is that the area you're speaking about?

MR. CHUNG: Yes, 169 Aulii Drive.

VICE-CHAIR COUCH: Okay. All right, thank you.

CHAIR BAISA: Any further questions for the testifier? Seeing none, Mr. Chung, thank you.

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MR. CHUNG: Thank you.

CHAIR BAISA: Our next testifier will be Elliott Luke, and Mr. Luke will be followed by Dr. Fumio Tsuji. Good afternoon.

MR. LUKE: Good afternoon, Chairperson Baisa and Members of the Maui County Council. My name is Elliott Luke and I am a homeowner in Kula 200 `ohana. I also own a farm, ag lot in Anuheha Place. I raise Boer goats, and we have planted dry land taro, tangerine, lemons, bananas, koa trees, and other trees on the property. It is difficult because we have to haul in water. We've owned the property since the '80s and we're finally, finally almost gonna get water. But I think the land will provide really good crops there. I strongly oppose the recommendation of the current Planning Director to include Kula 200 and Anuheha Place in the Rural Growth Boundaries. I do not oppose change, growth, and development per se, but define the areas where the growth will take place so people can choose where they want to live and the lifestyle they want. My family and I chose Upcountry Maui because we like the wide open spaces, the clean air, the privacy, and the ability to farm. This will change with the change proposed of the Rural Growth Boundaries. I have done my due diligence on this recommendation and know that this is not the right action to take. Kula is a special place with unique soils. University of Hawaii, College of Tropical Agriculture and Human Resources has written on volcanic ash soil or Andisol and I quote, "the Kula Series is a prime example of moderately weathered volcanic soil on Maui that this fertile. Not all volcanic soil is fertile, but in Kula it is." We should encourage and support diversified agriculture and treasure this unique gift that we have. You know they say the devil is in the details, and a change like this will have so many details. A change like this will have so many ramifications, many of which we have not even thought about yet. This recommendation will cause collateral damage to the character of Upcountry Maui and affect the lives and lifestyle of thousands of Upcountry residents. It will also negatively affect the integrity of Maui's Upcountry landscape. We have to say no to this calculated move to urbanize our country areas. You give them an inch, they take a foot. You set a precedent and I guarantee you others will follow. In my opinion, you have to preserve the character of Upcountry Maui as a farming, ranching community. You have to preserve this precious resource that we have. I thank you all for your time, and I will accept any questions concerning the waterline down Anuheha Place if I'm asked.

CHAIR BAISA: Thank you very much, Mr. Luke. Questions for Mr. Luke? Mr. Couch?

VICE-CHAIR COUCH: Thank you. And thank you, Mr. Luke, for being here. You say you live in Kula 200 or Anuheha Place?

MR. LUKE: I live in Kula 200.

VICE-CHAIR COUCH: Live in Kula 200. And so you're opposing the Ag to Rural in both?

MR. LUKE: Both.

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VICE-CHAIR COUCH: Both.

MR. LUKE: I have a home in Anuheia Place as well.

VICE-CHAIR COUCH: Okay. And lastly, you say that--I guess I'm not--

MR. LUKE: Clear?

VICE-CHAIR COUCH: --I'm not clear as to what your concern is, how this will change things, because there's a lot of things that have to go through before you even coming close to--I mean there's community plan, then there's zoning.

MR. LUKE: Well, I think the first step is the action that's currently being taken or recommended. Once that step is taken and this would be included in the Rural Growth Boundaries, it will give people the opportunity to, even though the infrastructure is not in there now, it will give the people if they have the financial wherewithal the opportunity start to create change. Once you change and you go to half-acre lots and you have eight houses in a lot, it will start to change the traffic, it will start to change how other people around you--my son has a dog, and the dog barks. When people are attending church they don't like that. They've written letters complaining.

VICE-CHAIR COUCH: Okay. Thank you. The other question I had or I mean, have you been--I don't know if you were here at the last meeting.

MR. LUKE: I was here Tuesday.

VICE-CHAIR COUCH: But--yeah, and one of the things that we're talking about potentially is if this goes to Rural to have a restriction on it as to half-acre lots. So therefore--or not half-acre, five-acre lots. Two or five-acre lots, I'm not sure yet. But there's a discussion in my head anyway about putting a restriction on it to five-acre or possibly two-acre lots.

MR. LUKE: I'm not sure, you know, there's State laws and there's County regulations and I'm certainly not an expert concerning that. And I don't--you know, I really can't comment concerning, you know, where it will go. All I know is we gotta prevent this first step from happening. We gotta correct the recommendation.

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

CHAIR BAISA: Any further comments, questions? Ms. Cochran, go ahead?

COUNCILMEMBER COCHRAN: Thank you, Chair. Thank you, Mr. Luke, for being here. So been hearing a lot of testimony from this particular area and I guess nine against, six or so in favor, and I guess the majority of the nine, the people are claiming don't actually live there. So you're one of the nine? You own property, but you're not currently living there?

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MR. LUKE: Well, my son lives there, and I go there every single day, maybe twice a day. And so, we actually have a home in Kula 200. But I take care of all the animals that are there, I haul all the water. So I live there part-time I guess.

COUNCILMEMBER COCHRAN: Okay. And so you're--and your testimony is conflicting with the others that claim it's not, unproductive land. You cannot grow and, and things of that nature. But it sounds like your area is actually pretty productive with trees and animals and --

MR. LUKE: I think if you plant, excuse me, I'm sorry, go ahead.

COUNCILMEMBER COCHRAN: So yeah, I'm just trying to gather. I personally have not been there. After all this I would like to take a drive and take a look at it for myself but--because I'm just hearing very conflicting messages of this area.

MR. LUKE: It's not that we planted, you know, hundreds of trees because water is a problem. But we have lemon trees and they produce beautiful lemons, tangerines, koa trees. I mean, it's just unbelievable the koa trees that growing there.

COUNCILMEMBER COCHRAN: Thank you.

MR. LUKE: Dry land taro. Some people come and get the leaves for making laulau from the dry land taro. So if you give the plants the water, we have a number of Hawaiian plants that are growing there as well and they do very, very well.

COUNCILMEMBER COCHRAN: Thank you.

MR. LUKE: It's not scrub land.

COUNCILMEMBER COCHRAN: Okay.

MR. LUKE: I raise goats there because I don't have water.

COUNCILMEMBER COCHRAN: And speaking of water soon to get though at this point, is that what's going on? You're part of the private source development operations?

MR. LUKE: No, we're not part of the private source development operation. The well is, was drilled and built down by the church, Hale O Kaula Church. The waterline is on that road, but it's only for church members or the six lot owners. We've asked if we could share in the cost, but we--they're limiting it to just their lot owners. So none of the other lot owners besides the six will ever as far as I know at this time, participate with the water that or from the private water system.

COUNCILMEMBER COCHRAN: Okay, thank you, Mr. Luke, for being here. Thank you, Chair.

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CHAIR BAISA: Any other questions? Mr. Couch?

VICE-CHAIR COUCH: Thank you. Brought up another question. Mr. Luke, are you--you said you're saving this for your family, is that correct?

MR. LUKE: I'm sorry would you repeat that?

VICE-CHAIR COUCH: You're saving this for your family to subdivide? Were you planning to subdivide your lot?

MR. LUKE: I'm saving this--we bought it for our, for our family, yes.

VICE-CHAIR COUCH: And to eventually subdivide?

MR. LUKE: We hope to at some point.

VICE-CHAIR COUCH: The Anuhea side?

MR. LUKE: Into two-acre lots, yes possibly.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR BAISA: Further questions for testifier? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Mr. Luke, for being here. I know the Planning Director's recommendation is for Rural. Are you opposed to two acres, two-acre lots rather than the Rural designation to just leave it at two-acre lots?

MR. LUKE: I don't know that it would require any change from what is presently there now to go to two-acres 'cause I think it's two acres right now.

COUNCILMEMBER PONTANILLA: Okay, so it's not larger than two. I thought it was larger than two, we'd put it into two-acre Ag lots.

MR. LUKE: I may be misinformed, but I don't think so.

COUNCILMEMBER PONTANILLA: Okay, we'll check.

CHAIR BAISA: Any further questions for the testifier? Seeing none, Mr. Luke, thank you very much for being here.

MR. LUKE: Thank you, all, for your time.

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CHAIR BAISA: And our next testifier is Dr. Tsuji, and he'll be followed by Charles Jencks. Good afternoon.

MR. TSUJI: Good afternoon, Madam Chairman, Chairwoman and Members of the Council and members of the Planning Department. I'd like to speak in generalities more. This is an impromptu appearance. I just found out this morning that this was being held. So let me start with the long range plans. After doing a 20-year plan for Cameron Center, I feel that 30-year is not really a long range plan, yeah. A long range plan should have a vision, a goal, a utopia, something that you would like to have regardless of cost or lack of material or population. You want to create an image where our children, the future generations would like to return and be functional inhabitants, you know, this is their home. I was born on the Big Island, but I grew up on Maui. I was born in 1918, and I stopped the World War I, you know. I came to H'poko and I grew up and it took me 90 years to get here. What a travel. But the long range plan should have a vision, a utopia, something that is a goal. You know, it may not be feasible at any time, but it's something that you strive for and have periodical evaluations of what is doable at this present time. You know, do we have the funds, is it necessary? The plan--Planning Department should be a permanent structure, it should not be within the reach of the Mayor, the Administration to be changing at their own whim. It should be permanent and should be only changed by legal procedures by the Council. As far as the water is concerned, I think there is science developments where we can improve muddy water into potable, drinkable water. There's one firm in California that will do this. There's another one in India that does it, and China is beginning to utilize that procedure. So the aquifer is a standard thing, we need it. But private wells, we're stepping into a public domain I think when they put down a deep well to take water. Gosh, there's many other things that I would like to talk to you, but I think I'm running out of time.

CHAIR BAISA: I'm sorry, Doc, I think you've done it.

MR. TSUJI: Yes. Are there any questions?

CHAIR BAISA: Members, questions?

MR. TSUJI: Talk about the changing Maui. You know, we're supposed to be--we're supposed to have a greenbelt law. What the heck happened to it?

CHAIR BAISA: Dr. Tsuji, the Members turn to ask questions. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Dr. Tsuji, for being here this afternoon. You know, I hear you loud and clear that, you know, a long-term plan should be a long-term plan and in between, you should have like short-term goals. So you know, I really appreciate your comments that you made this afternoon, you know. I've known you for many years and that's what you talk about for many years, long-term.

MR. TSUJI: I know, yes, sure.

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COUNCILMEMBER PONTANILLA: Thank you.

MR. TSUJI: Yeah, coming down to this particular request for changing two-acre Ag lot into Ruralizing it, I think that's ridiculous, you know? The person who bought a two-acre land already knew what he was buying, otherwise he was a dummy, you know. He should be required to abide by those rules, you know.

CHAIR BAISA: Thank you very much, Dr. Tsuji. I think we got the message.

MR. TSUJI: Thank you very much.

CHAIR BAISA: We are not often privileged to have such expert testimony.

MR. TSUJI: Any other questions?

CHAIR BAISA: Thank you very much. Mr. Tsuji is, Dr. Tsuji is a long-time planner and he's been doing this for a very long time. Thank you. Our next testifier is Charles Jencks, and Mr. Jencks will be followed by Sharon Wright. Good afternoon.

MR. JENCKS: Good afternoon, Madam Chair. Just two things. On the Seabury Hall provision in the plan, I mentioned the last time I testified that the school is required to initiate a Change in Zoning request and a Community Plan Amendment which is the result of a recent State Special Use Permit and a Conditional Permit for the creative arts building that's now under construction on the campus, and the school intends to initiate those changes that will be processed by the Council. The provision in the Maui Island Plan for Seabury accounts for the gross acreage which is approximately 68 acres of all the parcels. It talks about 80 dwelling units on the property, single-family. The school has no intention whatsoever of doing that. I would suggest to you that in that description of the property, you delete any reference to dwelling units and discuss that in the context of a future Change in Zoning request. The school right now has I think six units on the property to house teachers as a, as an incentive to get good quality instructors for the school. They're duplex units. They're not single-family. So going to a, you know, subsequent Change in Zoning request for a de minimis number of units would be the proper way to discuss the unit count, eliminate it out of the Maui Island Plan, because it's a--it really would, should be a subject for future discussion in the context of the school. But we do appreciate the Rural Small Town Boundary that you've put around the property, allowing for the school to expand its educational facilities. Second issue is Bill Frampton touched on this, there are two areas in the Island Plan for Upcountry that have taken Urban areas, my community, I live in Kula Kai. And there's another community Kulamanu I believe it is, it's Urban, paying Urban property taxes for land that's zoned R-3 and they want to change it into Rural, doesn't make any sense to me. You're losing property tax base in my opinion. It also creates, and in the handout I just provided, that conversion from Urban to Rural will create eventually if the follow-up is to change the zoning to Rural, we'll create a whole host of nonconforming, nonconforming conflicts with setbacks, minimum lot widths, lot size for the folks who have homes in those

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properties. So you're setting up yourselves for future conflict in the long run of discussion with regard to those conflicts if it ever does get to the point where you wanna change the zoning. The other question I have is, what happens with the State Land Use Designation for the property? If you look at that description of the uses which I also handed out, those are quite different than the uses that exist today in those properties, both Kula Kai which are Urban and Kulamanu. So we have a whole host of issues you're creating. Will the County go back to the State Land Use Commission eventually and say, gee we think this is Rural and not Urban and change it back? Who's gonna do that, the County or the landowners? I mean, I have no incentive to do that. I think generally it's a bad idea for those areas specifically to take Urban land and its property tax based on Rural back to Rural doesn't make any sense to me. And finally I would say to you that I support the Department's recommendations on taking some of the areas of Maui County that Ag and converting them to Rural.

CHAIR BAISA: Thank you, Mr. Jencks. Members, questions for the testifier? Looks like none, Mr. Jencks. Thank you very much.

MR. JENCKS: Thank you.

CHAIR BAISA: Oh, Mr. Couch, sorry. Spoke too soon.

VICE-CHAIR COUCH: That's all right. I'm just trying to write things down at the same time.

CHAIR BAISA: Mr. Couch?

VICE-CHAIR COUCH: Can you talk to me a little bit more about what you're discussing on your Seabury comments? You were saying that you would be allowed to put 80 units but not, you weren't going to.

MR. JENCKS: Council member, the plan shows in the matrix, it's on--it's in the current plan that's proposed, it talks about, and I didn't bring my reading glasses, but it talks about 80 units. The gross acreage is 68 acres, 80 units single-family in this gross acreage for the school and right now, in reality if you take out all of the developed land on these parcels that are total of that 68, there's only 23 acres left that's vacant. You can't get the 80 units unless you go to a multi-family product. So what I'm saying to you is with 23 acres really left to be developed, the rest is either school facilities or soccer fields or what have you, you're not going to get the 80 units, and I think the appropriate time to discuss any unit count in the context of Conditional Zoning would be at that point in time.

VICE-CHAIR COUCH: Okay, and even though we should discuss it at a different time, are you planning on putting any kind of housing building?

MR. JENCKS: At present, the school has I think six duplex units that have been there for decades.

VICE-CHAIR COUCH: On those 23 acres or on the --

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MR. JENCKS: It's on the, it's on the 68 acres that's currently actually Public/Quasi-Public zoned properly. We've got to zone by condition the rest of the property, we would ask for some housing, but certainly not what we're talking about in this plan.

VICE-CHAIR COUCH: And would this be student housing or...

MR. JENCKS: No, this would be housing for teachers.

VICE-CHAIR COUCH: For teachers, okay.

MR. JENCKS: Yes. No--there's no dormitories, nothing like that. It's housing for instructors.

VICE-CHAIR COUCH: It's housing to do with the school?

MR. JENCKS: That's correct.

VICE-CHAIR COUCH: As opposed to...

MR. JENCKS: Owned and maintained and operated by the school.

VICE-CHAIR COUCH: Okay, great. Thank you.

CHAIR BAISA: Any further questions? Seeing none, Mr. Jencks, thank you.

MR. JENCKS: Thank you.

CHAIR BAISA: Our testifier, next testifier will be Sharon Wright, and following Ms. Bright, Wright, I'm sorry, we'll take our afternoon break.

MS. WRIGHT: Good afternoon, everyone.

CHAIR BAISA: Good afternoon.

MS. WRIGHT: Honorable Chairperson and Members of the General Plan Committee. My name is Sharon Wright and I'm here as a representative of Pukalani Associates on the Pukalani Triangle project. I'm one of the local Maui consultants that are working with the owners on this project. Over the past three years, since the Pukalani area doesn't have an organized community association, Pukalani Associates has been working with the adjoining community groups of Kula Community Association and Makawao to listen and learn what is desired for this parcel. We have spoken to Pukalani Superette on several occasions about the possibility of their expansion. We have received the support of Dr. Behrmann and his family, who are the owners of Pukalani Square which is directly across the street from the Triangle on Makawao Avenue. Some of the common themes and requests that have emerged from some of the meetings include the

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following: creation of a main street to unify Pukalani, including a senior housing component within the site, the restoration of the Corn Mill Camp barns, the addition of commercial and retail services to enhance the opposite side of Makawao Avenue, addition of satellite/transfer stations for public transportation, a farmer's market site, an internal central park/bandstand area, safe accessibility to and from King Kekaulike High School, incorporation of the proposed greenway corridor and expansion of the Pukalani Superette. All this information was incorporated into a concept master plan that was presented and reviewed with many of you. The concept follows the Country Town Business District Guidelines that many of us are familiar with. Obviously this is just the starting point. As Chris Hart testified earlier this past week, this plan will need to be further reviewed with the community as we work through the various stages of entitlement required for the parcel including a Community Plan Amendment. As everyone knows, each one of the entitlement steps will require substantial community involvement. Our hope is that the community involvement will yield a dynamic and exciting plan for the site and provide the Upcountry community with the much needed services especially for our seniors. We all recognize that there are mainstays to Upcountry and corners--or rather cornerstones which keep the charm of Upcountry country. Pukalani Associates has acknowledged these features and they're committed to working with the existing and future business owners of Pukalani to ensure the success and incorporation of the historic and established features. As you deliberate, I would respectfully request that you please remember that the owners of this parcel, Pukalani Associates, will listen sincerely to the community and work together to provide additional opportunities and much needed facilities for the Upcountry residents. This is a great opportunity for everyone to work together and to create a gateway or a gathering place for all Upcountry. And one other thing I wanted to add, the action for this proposed development really supports the existing community plan land use, land uses in the Pukalani-Makawao Community Plan. There's a couple specifically that I'd like to read. Recognize Pukalani as the geographic, public service and commercial hub of the region. Support land use spatial patterns which enhance the functionality, viability of pedestrian-oriented towns and village centers, and ensure and encourage that the long-term viability of mom and pop's stores throughout the establishment and availability of the appropriate land use designations. That's all. Thank you.

CHAIR BAISA: Thank you, Ms. Wright. Members, questions for the testifier? Seeing none...oh, there we go, Chair Mateo?

COUNCILMEMBER MATEO: Thanks, Madam Chair. Thank you for your testimony. I just wanted a little more information. Your reference to expansion of Pukalani Superette. Can you tell me what that includes?

MS. WRIGHT: Well, everyone loves Pukalani Superette, all of us. The owners recognize that they're a mainstay in the community and they need to be there. At one point when we spoke to Superette, they wanted to expand across the street. That's a business decision for them. Obviously, we want them because we feel it's a great place, it's a great added expansion, but that has to be continued to be fostered with them and to what works for their business plan. So it's not--we're not looking to anybody else. I mean, we all shop at Superette. So, it's the natural selection.

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COUNCILMEMBER MATEO: So if we're interested in having a larger facility built in the Triangle area then you're kind of working --

MS. WRIGHT: Absolutely.

COUNCILMEMBER MATEO: --in designating a specific site for them?

MS. WRIGHT: Yeah, when we first began to speak with them it was the site right across the street, the corner. That makes the most sense; they could use their existing facility as a back of house facility. But that--I can't speak for them because that's their business and their business plan.

COUNCILMEMBER MATEO: Yeah, so have you continued the discussion with them or...

MS. WRIGHT: No, because the--we will continue to resume but the first step is to get into the General Plan and to work with the community. We know, we know they're a mainstay. The Behrmanns want the development on the other side because it will bring more business for them. The traffic will be pulled into the Triangle. The streets will be curb and gutter and sidewalk down the old highway. So really the site affords itself to pull the traffic off which everybody is concerned about, you can pull it in. I mean, think about shopping at Superette right now, how many of us are scared to back out, right, and go into the parking lot?

COUNCILMEMBER MATEO: Well, my only concern was whether or not you're sure that they actually wanna be there.

MS. WRIGHT: Well, I can't--like I said, I can't speak for them.

COUNCILMEMBER MATEO: Yeah, that's what I'm saying. I'm saying you're representing the fact that you're offering an expansion of Pukalani Superette based on your testimony, and that is not actually correct because you don't even know if they wanna, they wanna be part of your development project.

MS. WRIGHT: You're right. We don't --

COUNCILMEMBER MATEO: Thank you. That's all I needed. Thank you, Madam Chair.

CHAIR BAISA: Further comments on the testimony? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. Thank you, Ms. Wright for being here. One of the things that we do have and maybe you should talk to Pukalani Superette is transferred development rights where, you know, you transfer properties or you exchange properties so that they move across the street and you get the piece of property on the other side. You know, it could be a win-win situation because when you look at Makawao Avenue, you know, especially in that corner, it's pretty congested. You have a service station, I don't know if the post office is

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still there, and you have the Superette. So you know, when you have your discussion with the owners, maybe you can, you know, interest them in a transferred development?

MS. WRIGHT: Yeah, that's a very good, good option.

CHAIR BAISA: Any further comments? Chair would just like to ask you, were you here and did you hear the testimony of the Pukalani Superette people?

MS. WRIGHT: I was not here for those two hours, but I understood their concerns.

CHAIR BAISA: All right. So, of course, when this comes up, we're hoping that they'll be here to answer questions. Thank you very much. Any further questions? Seeing none, thank you very much, Ms. Wright.

MS. WRIGHT: Thank you.

CHAIR BAISA: We are going to take our break now. The Chair would like us to be back, if possible, by 20 minutes after 3:00. The meeting is now in recess. . . .(gavel). . .

**RECESS:                    3:09 p.m.**

**RECONVENE:            3:28 p.m.**

CHAIR BAISA: . . .(gavel). . . Will the meeting please come back to order. Thank you for that break. Our next testifier will be Warren Watanabe, and Mr. Watanabe will be followed by Daniel Kanahale. Good afternoon, Mr. Watanabe.

MR. WATANABE: Good afternoon, Chair Baisa, Members of the Committee. My name is Warren Watanabe, Executive Director of the Maui County Farm Bureau. You have my copies of my written testimony and handout that I also provided. During the last hearing, I heard various testimonies concerning the proposed changes associated with the Rural designation. Maui County Farm Bureau strongly believes that the Rural designation is an important component to enhance the viability of commercial farms and ranches on Maui. We support the Director's recommendation for the Rural District. I just found out recently that Rural designation was not in the original land use classifications identified in 1961. The original categories were Urban and Conservation with everything else in Agriculture. In 1963, the law was amended to include the Rural District which was defined as lands composed primarily of small farms mixed with low density residential lots with a minimum lot size of one-half acre. As described, agriculture is a choice not a requirement. Ag is part of--Ag is part of Rural. USDA often uses Rural and Ag interchangeably, and you have Rural development within which there is ag. The 1970 land classification map shows that much of what is currently Rural is part of the original designation. Times have changed and it makes sense to update the maps and meet our current and future needs. We strongly agree with the proposed range of minimum lot sizes to limit future development and to maintain the rural intent of the district and contain the need for all

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community services to the area. One of the papers I read stated, "Rural zoning can be used as an active agricultural preservation tool if you choose. In other words, rather than impose a new regulations on agriculture, you can map all or most of your township, county or village as an Agricultural zoning district that basically requires that all activities be agricultural." This is key. Our farmers and ranchers already have lots of regulations. Mixed uses within an Agricultural zone will create problems. We need large continuous acres of just farm land to provide the expected level of higher self-sufficiency. Some have said that--have said conditions could be imposed to disallow farming. This should not happen as it would be contrary to the intent of the Rural District. If the concern needs to be addressed, definitions could be, could be included clarifying that agriculture is a choice, but cannot be prohibited in the Rural District. Currently some of our commercial farms are in the Rural District. I have attached two pictures of active farms in the Rural District in Kula. Many talk of goals of having X percent of local production by 2030. These goals mean nothing without pragmatic implementation plans. Separating production agriculture from agriculture conducted to maintain a certain property tax status is one of the key steps. This will allow the County to focus resources on farmers and ranchers that will increase our level of self-sufficiency and strengthen our local economy. Profit is not a dirty word. It is a requirement of sustainability. As Maui County Farm Bureau places our strong support behind Rural, some may think that it means we do not support small farmers. This is not true. Maui County Farm Bureau supports all types and sizes of farms. The mix is critical for the health of Maui's sustainability. Rural provides a mechanism to have this diversity. I have attached definitions of Rural from different parts of the country. In many areas, agriculture is a subset of Rural, and terms such as exclusive agriculture and nonexclusive agriculture are used as categories. The first is from a county in Virginia where agriculture was the backbone of the economy, but has since become a tourist area and Maricopa County in Arizona with small farms. Both include definitions of Rural that include agriculture as a choice but focus on protecting farms that are in the district. Thank you.

CHAIR BAISA: Thank you very much, Mr. Watanabe. Members, questions for Mr. Watanabe?

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: Yes, Ms. Cochran? Just a moment please, Staff, would you please quiet the lobby? I'd really appreciate it. We don't need competition. Go ahead, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And thank you, Mr. Watanabe for being here and your--handing your testimony out though, you know, early. So, you know, I like how you mention, you know, agriculture is a choice but cannot be prohibited or shouldn't be prohibited in Rural Districts. I see there is a conflict though even with that statement in areas where perhaps they have homeowner's associations so there's half that, you know, want to and the other half completely are against, against it, period. And they never wanna to farm. They don't intend to farm. And, and they don't like livestock. They don't like noises and smells that come with it and this and that. So it's such a, you know, it's been a struggle in some areas where you've got the true, you know, farmers such as yourself who wanna do ag, and the others are like, hey,

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that's fine, but you know, I don't and I don't want it next to me. So I don't know how--how would you feel that can be addressed in a, you know, fair manner I suppose somehow?

MR. WATANABE: Well, I mean, I'm not an attorney so you know, it's kind of hard for me to--I mean, but based on the principle of the Rural, again, the definition of a Rural District, it does permit agriculture and that is why I think, you know, across the nation they use that standards. So I don't see--I mean, hopefully, you know, like I say attorneys can develop, you know, a way to address that, but you know, we're not saying that--the prohibition should not take place. I think if you look, again, if you look at the strict definition of what a Rural District really encompasses, and it is, you know, in--if implemented properly I think it can be addressed.

COUNCILMEMBER COCHRAN: Thank you. It's a work in a progress at this point.

MR. WATANABE: Yeah, right.

COUNCILMEMBER COCHRAN: Thank you, Mr. Watanabe. Thank you, Chair.

CHAIR BAISA: Any further questions for Mr. Watanabe? Mr. Couch?

VICE-CHAIR COUCH: Thank you. And thank you, Mr. Watanabe, for being here. I did skim through this, and most of what you said, except where you've got a bunch of really nice charts and graphs--question I have if you can put it into a couple of sentences is how changing some land from Ag to Rural helps protect ag?

MR. WATANABE: Again, you know, it provides a separation. I mean if you're in a...you know, if you have--I feel that if you have the Ag District and say it's a commercial operation, and you know, hopefully, you know, we plan correctly again, you won't have an urban area right next, right next to that agricultural operation and that's what the Rural District can provide.

VICE-CHAIR COUCH: Okay. Alright, thank you. Thank you, Madam Chair.

CHAIR BAISA: Any further questions for Mr. Watanabe? If not, Mr. Watanabe, thank you.

MR. WATANABE: Thank you.

CHAIR BAISA: Our next testifier will be Daniel Kanahele, and Mr. Kanahele will be followed by Janet Quinton. Good afternoon.

MR. KANAHELE: Aloha mai kakou. My name is Daniel Kanahele. I'm a board member of the Kihei Community Association. I'm testifying for, in behalf of that board. I'd like to preface my remarks, Chair, by saying that might consider when you do the final go-around of these meeting to hold a night meeting. You know, a lot of people here today took off from work to be here including myself, and there's a demographic missing here which is the working class man and

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woman. So it would be nice to include them in the conversation and I know many people would come if they had the opportunity to come outside of working hours.

CHAIR BAISA: Thank you.

MR. KANAHELE: On behalf of the Kihei Community Association, we have submitted written testimony, and I'm offering public testimony in support of the Kula Community Association's board recommendations for the growth map for Upcountry Maui. The board reviewed the recommendations from Kula Community Association and we have voted in support it and we endorse it. Kihei Community Association shares many things in common with KCA mauka, if I may call it that. We share the same border, we share the same natural and cultural resources, and we share the same concerns. We are concerned about the growth plan which directs where growth can and cannot take place, actually providing the basis for smart growth in our own regions. And we're concerned that approving more growth than is needed is going to make the community plan process that much harder for us. We hope that you will show more support to the Kula Community Association's Board recommendations than you showed to the Kihei Community Association Board recommendations. We are still stinging a little bit from the results of your votes. Many hundreds of acres of land were moved, well, Ag land was moved into the Growth Boundaries approved or recommended by this body. We value our ag lands. We value the Kula ag lands. Historically the Kula ag lands had been the bread basket of this island. My ancestors, the Kanaka Maoli gathered and farmed on those lands and depended on it for their sustenance. And the day may come where we, too, might depend upon those lands for our sustenance. So we should value, as the Hawaiians would say malama, cherish our ag lands. I don't believe in marginal lands. I believe that land can produce when it's taken care of. I urge you to support the Kula Community Association's recommendations and would be happy to entertain any questions from this body. Thank you very much.

CHAIR BAISA: Thank you, Mr. Kanahale. Members, questions for the testifier? Thank you very much.

MR. KANAHELE: Thank you.

CHAIR BAISA: Our next testifier, of course, will be Janet Quinton, and she'll be followed Julie Bridle, it looks like?

MS. QUINTON: Thank you. Thank you for allowing me to try to speak. I'm gonna read.

CHAIR BAISA: Good afternoon.

MS. QUINTON: Janet Quinton. I've lived on Maui for about 30 years, I'm a caregiver. I live Upcountry in Lower Kula. I've worked with a lot of seniors in Kula area and a lot of them wanted to move down closer. They were in Upper Kula. It was a long way to go anywhere. And they would have been so happy if, if this project had been built and Piiholo South was there for them. They really would have because Makawao is just such a wonderful little town. They

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could even walk into Makawao. Everyone knows what Makawao has to offer. And I just, I think it's an excellent location for Upcountry seniors from Pukalani, Kula, Haiku, Pukalani. I can see a--it's got country. They're gonna have gardens and I just see it as, you know, it's a community. It's not, it's not structures being built. It's a community, you know, for seniors and I think they deserve that choice. They really do. 'Cause they really don't have much of a choice. You know, my clients thought about, well, Kalama Heights, but that's way down in Kihei. And it's not bad there at all. I like--I worked there. It was nice. It was a community in there, but they didn't have gardens and they weren't--didn't have the country that Upcountry seniors would really like to have, you know, I think. Hence, I didn't have anyone move down there that I worked with, but I'm certain that, you know, they would have loved this spot. I just think it's really needed. Housing for seniors, you know, it's--they're growing. The population is growing on Maui. It's growing all over the country and the need for senior housing is...it should have been done years ago. You know, I've worked with seniors. What I like about this is that it--I feel like it will be a community for them. They'll have friends they can communicate with, that they'll have something in common with, you know. I worked with seniors who were very isolated. Not much family who cared. Friends who just couldn't make the effort to visit. They would have loved to be living in a senior neighborhood making new friends. So--and I just think that this is a great project. They would be close to the only library Upcountry and I think seniors use libraries. There's pharmacies, doctors, hairdressers, restaurants. Ann's House of Beauty caters to seniors, it really does because I used to take my clients there. What else can I say? I've got my notes here. I think that that's really about it. I just feel like we need to provide for our seniors and give them a choice. Thank you.

CHAIR BAISA: Thank you, Ms. Quinton. Members, questions? Ms. Quinton, just wanna clarify. We have a couple of senior projects that are being talked about. One is Piiholo South, the other is in the Pukalani Triangle. Are you speaking about one or both?

MS. QUINTON: Well, Piiholo South, I don't know enough about the Triangle. I, you know, I really don't. I just read the paper, in fact, I found out about this meeting, calling, asking questions about that, and I talked with the office and they told me about this meeting today.

CHAIR BAISA: Thank you. I just wanted to be sure we got the right thing.

MS. QUINTON: Right.

CHAIR BAISA: Thank you.

MS. QUINTON: Okay, thank you.

CHAIR BAISA: Any other questions, Members? Seeing none, thank you for coming. Next testifier is Julie Bridle, and she'll be followed by Lucienne de Naie.

MS. BRIDLE: Aloha, and --

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CHAIR BAISA: Good afternoon.

MS. BRIDLE: --I am Julie Bridle, and I live at Hale Mahaolu, and I'm a little nervous. I haven't ever spoke before. And I just want to say how much we need the senior housing with the baby boomers all reaching that age, and how important and valuable it is to me and to so many other people. There is not a lot of traffic. The majority--the people there really don't work. If they did have jobs then they wouldn't need to live there. And there's very, very little traffic. This morning, there is basically only one person who leaves in the morning and I suspect that she goes for a swim every morning, but most of the people, a lot of them do not drive. They walk to town, if they do walk. A lot of them are in walkers and don't even go that far. When you look in at the property, you see a lot of empty spaces and that is visitor parking. And unfortunately, there isn't a lot of visitors either so it looks like there's not a lot of cars there. And just I'm really promoting the senior housing wherever it could be. Piiholo would be fabulous 'cause it is so close to Makawao. And thank you for letting me speak. I hope I said everything I wanted to.

CHAIR BAISA: Thank you, and you too, are speaking in, on behalf of Piiholo South?

MS. BRIDLE: Yes.

CHAIR BAISA: Okay, thank you. Members, questions? That's all. Thank you very much.

MS. BRIDLE: Okay, thank you.

CHAIR BAISA: Our next testifier is Lucienne de Naie, and Ms. de Naie will be followed by Daniel Oliveira. Good afternoon.

MS. DE NAIE: Good afternoon, Chair Baisa and Members of the Committee. My name is Lucienne de Naie testifying on my own behalf as a resident of Huelo. As we talk about the conversion of Rural lands from Ag lands, I think it's important that we keep a couple of clear concepts in mind. And I hope this Council will take it seriously that changing a line on the map is not just some little line, it means money. You wouldn't have all these people down here if it didn't mean money to somebody. So you need to look at that part too. Who gets the money and why and is it a good idea for them--that money to, to be added to the value of the property? We've heard about the unintended consequences of downzoning land, of taking land that may have Single-Family or Urban designation in Kula for example, and making it Rural. Even though, you know, you might say, well, gee the road standards are kinda rural in some of these places and maybe there's no sewage system and so maybe it's half rural and half urban. We don't hear much about the unintended consequences of going the other way. That seems to be perfectly fine to take a bunch of people's land, even if they come down here like from Kula 200 and say, you know, we want it Ag, why should it be made into Rural if that's what they want? With all due respect to the Farm Bureau, I don't think you have the right to say that people should be in Rural when they want to be left in Ag. What does it mean to have Rural instead of Ag? There's been a little bit of reference to the ideas of these CC&Rs, these covenants. And since you're mostly changing subdivisions, you're not changing big chunks of raw land that

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don't have covenants or subdivision standards attached to them, what it means is that under our State law right now, if you live in a subdivision that is Rural under its community plan designation or State land designation, you can have a meeting of your subdivision owners and you can decide to prohibit farming activities. There's nothing to stop you. So if Mr. Chung's been farming for many, many years and some new people move in and they, they say, well we're Rural now, we don't, we don't like his proteas [*sic*]. They make dust. Or we don't like So and So's chickens or the dog that barks. We're gonna prohibit it. You can prohibit anything. You guys have seen some of these CC&Rs. You can prohibit someone parking a boat in their front yard in a Rural subdivision. Is this where we wanna go? Is this an unintended consequence that we're not talking about? So it's not about the size of the units. It's about what this Rural zoning allows. Also, the percentage of lot size, under Ag you're limited to 10 percent of your lot size that you can have dwellings on. Rural, sky's the limit. You know, if you wanna build one big mansion that fills more than 10 percent of your lot size, as long as it's one thing, you can do it. So just you know, there are some things to think about here. The folks on Anuheia Place, this is such déjà vu. I remember back when the County spent a lot of money trying to get the church there to do a proper zoning procedure. Some of you may remember that. Some of you may have been on the Council at that time, maybe Councilmember Carroll. And a person called me who lived there and said, can't the Sierra Club do something? We're afraid this church is gonna take over our neighborhood. First they wanna build on Ag land. The next thing, we don't know. They're gonna wanna just take over and change the zoning and do everything. I'm sorry to say that it appears that's coming to past. They have their own water system that only they can have. They're nice people, and you know, Mr. Spence is familiar with this. He was the consultant for the church when it was trying to get the church built on Ag land. So I'm sure he's very familiar with it. Maybe that church should be on public land. Maybe it should be rezoned to Public/Quasi-Public like many churches are and maybe people should just live at peace with their neighbors. It seems it's kind of dividing the neighborhood. So you have a lot of tough decisions to make. Just wanted to bring those two things to your attention that Rural and Ag are not exactly the same because there are different requirements for both of them. It may be a perfect fit to change some Ag subdivisions to Rural, but it may not be. So please, listen to the people and make the decision carefully. Thank you.

CHAIR BAISA: Thank you very much, Ms. de Naie. Members, questions for the testifier?  
Mr. Couch?

VICE-CHAIR COUCH: Thank you, and thank you, Ms. de Naie, for being here. Very interested in your last couple of sentences that, that it's some may be worth moving to Rural and some may not?

MS. DE NAIE: Yeah, there may be some small subdivisions that are Ag subdivisions now like Spreckelsville has an Ag subdivision for instance right by the Kaunoa Center. I don't know how much ag is going on there. I don't know how much people are really interested to ag. It, you know, it's an area where ag may annoy people in the neighborhood. Maybe it's a good idea to change that to Rural, but you know, these places that have a substantial number of ag uses maybe they're not super commercial, maybe they're subsistence, maybe they're just people who like to

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live on Ag land. Those are not a good fit, and you folks should just listen, you know, to the residents' dialog.

VICE-CHAIR COUCH: Well, typically we do and I know if you've been hearing I'm getting mixed, half-half kind stuff, so...

MS. DE NAIE: Yeah.

VICE-CHAIR COUCH: The other thing you'd mentioned was on Ag they're only allowed to build on 10 percent?

MS. DE NAIE: Yes, your Ag Subdivision Code, it limits your size of your buildings.

VICE-CHAIR COUCH: Including on these, for instance, like Kula 200 where they're all two-acre lots?

MS. DE NAIE: Yeah, yeah, yeah. They all, they all fall under Ag Subdivision. So if you look up Title 18, it will say that it's limited to 10 percent of the entire area of the lot where Rural has no stipulations on it. The reason people want Rural, let's face it, is that you can have smaller lot sizes and you may put a prescription on this, ten years down the road, you're not here and somebody goes, why do we have this silly prescription? Families need places, let's get rid of this and allow half-acre lots or one-acre lots. So your intentions may be good, it may not be what happens further down the line.

VICE-CHAIR COUCH: Okay, and that 10 percent for instance on a two-acre lot so that's essentially 8,000 square feet, and is that just the home site or is that including any yard?

MS. DE NAIE: As I recall the ordinance, and I am not an attorney, I'll be like Mr. Watanabe here, it's the combined nonagricultural use. In other words, if you have a barn or something I don't think it be counted in that, but it would be--if you're building a dwelling and that would include its decks and it's, you know, lanais and, you know, anything else that was part of a dwelling use. I don't think it, you know, would refer to your storage shed for your tractor or things like that.

VICE-CHAIR COUCH: Right. So then if there was a subdivision--and I'm not saying Kula, we're just simply --

MS. DE NAIE: Yeah.

VICE-CHAIR COUCH: --talking about Kula 200 that has a bunch of two-acre lots and if you look at the bird's eye view or whatever, certainly the houses are at least covering half the lots. So they've somehow gotten around that requirement. How do you suppose we should handle it? Do we say, okay, somehow they got around that requirement so let's just make 'em Rural or keep 'em as Ag and being nonconforming all the way around? I mean...

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MS. DE NAIE: I'm surprised, so you saying that there's a lot of 8,000 square foot houses in a subdivision --

VICE-CHAIR COUCH: Oh, no, no, I'm just saying if there are...

MS. DE NAIE: Oh, this is a theory?

VICE-CHAIR COUCH: Theory, yeah.

MS. DE NAIE: That if you saw it.

VICE-CHAIR COUCH: I know when we looked at the Kahakuloa ones, just in the quick overview we saw, there were certainly several of them that half the lot was, was certainly big, big houses.

MS. DE NAIE: Well, then the question is, is part of it permitted as a barn and part of it permitted as a house and there's a walkway in between or something? I mean, you know, I don't know if you're gonna get down to that micro managing.

VICE-CHAIR COUCH: And that is exactly where our, kind of our issue is that is it really a farm or is it really a Rural subdivision now? We made a--the County made a mistake, however many years back, when they allowed these two-acre subdivisions to go in and pretend to be ag. Now, there are quite a few and I agree that can do stuff on two-acre lots and they can do stuff on the other bigger lots, but we're trying to, we're trying to weigh and figure out well, is this really an Ag Subdivision or is this really a Rural Subdivision? Now there is one of the subdivisions that we're discussing, 27 percent of them are getting Ag rates and Ag taxes. The other 63 percent--did I get those numbers right?--73 percent, I'm sorry are not getting Ag taxes so they're getting regular Residential. So a subdivision like that, you know, it's mainly residential and not ag. I don't know how to --

MS. DE NAIE: I think you need to go--

VICE-CHAIR COUCH: --and with the Sierra Club...

MS. DE NAIE: --well, go back to the roots. The roots are traditional agriculture was not about commercial. It was about feeding your family and feeding your neighbors. And I just wanna say that many of us who live on two-acres that is our goal. Our goal is to feed our families and feed our neighbors, and we don't want to be restricted by other people who, if there's covenants, who don't like chickens, who don't like goats, who don't like this, who don't like that. And right now that is something you're going to condemn those folks to if you just blanket change it to Rural because it doesn't meet the commercial definition of farmers. So think if subsistence farming is important to this County, I believe it is, many people believe it is, maybe we should, you know, soften our look at what's ag ag.

VICE-CHAIR COUCH: Okay, thank you.

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CHAIR BAISA: Thank you. Members, any further questions for our testifier? Seeing none, Ms. de Naie, thank you very much. Our next testifier will be Daniel Oliveira, and he'll be followed by Torey Jenkins.

MR. OLIVEIRA: Good afternoon, everybody.

CHAIR BAISA: Good afternoon.

MR. OLIVEIRA: It's really good to be here. My name is Daniel Oliveira. I am here to support the Planning Department recommendation. I represent Hale O Kaula Church. I'm glad she said we are nice people and we are. And we--I really appreciate those recommendations, because I think it will benefit the church and it will benefit some of the families there. One other thing that I really wanna tell you Council members is I'm really glad I don't have your job and I mean it. You have a big problem. Because it's not just about zoning, it's about the future of Maui. You know, we are hearing a lot of important information this last three days that I've been here, and it is a big concern. We heard today about the growth of the population. And I've been, you know, youth pastor for \_\_\_\_\_ years, and what are you gonna do with the youth? What opportunities with schools, jobs, you know, how, how are we gonna feed all these people if in 20 years we have 50 more people, 50,000 more people here? And that's not just how I'm gonna live and how my street's gonna look like, growth will happen...only if you stop babies being born and people moving here. And that's a huge problem. We're not--this is not about us in this room today. This is about Maui 5 years from now, 10 years from now, 20 years from now. And all this growth, the elderly will need support. We will need more schools. We'll need opportunities and jobs. To avoid a problem is a not a solution of the problem. We have the world as a sign for all of us that to avoid the growth, avoid to face the growth of the population is not solving any problems. And you have the separation of classes and that's not what we want for Maui. We want the best for Maui. It's not just what it's best for us, it's not what's best for Upcountry, what is best for Wailuku? What is the best for Kihei? What is the best for the West Side? What is the best for the kids and for our kupunas? You have been chosen Council members by the population of Maui to best represent their concerns and needs. I look at you as the fathers and mothers of Maui. I am a father myself, and my daughter is asking me for her own private room and I'm going, okay, how am I going to do that? And you as a fathers, you being chosen, voted in to represent all the kids of Maui not just the loud ones, not the ones that cry more. I look at you as the fathers and mothers--one more minute to finish this, please?

CHAIR BAISA: Yes, go ahead. Go ahead.

MR. OLIVEIRA: And it is a great responsibility to be in your place. It is easy to come before this Council and voice opinions and express concerns. It actually is a right that everyone one in this island have and everyone should be exercising it. But a great majority cannot take time from work to be here. All the hard working people are working. I'm not saying that we are not working. We are all working here also, but are we representing 120,000 people? But it is the responsibility of you, that you have agreed to take when you were chosen by each one of your

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voters. In one family, it is not the kid's responsibility to make a budget and to plan for the growing of the family. It is the responsibility of the parents in authority to make sure that they are looking for the interest not only of the kids that are more vocal and demanding. And because of their interest, they never think of the other kids' needs. They can only think about what they think is the best for them. The world is facing serious problems. Take a break here, Tuesday or last Monday, somebody talked about, you know, food and we talk about ag land. I think that one of the biggest concerns to me is how are we gonna actually use the land that we have here and really produce food so we don't depend on importing food every week? And that's a big planning for the future. The population is growing faster than the supplies of opportunities, jobs, housing, health and education. This same applies to Maui. Not to plan for the growth is the worst mistake we can make. The reality is that we need to plan the growth. And we need to plan the solutions for the problems we will be facing the next few years. If we don't plan now, the problems will become bigger and greater. I am more concerned about the organic growth of Maui. The kids deserve a better life, living conditions, the schools and health. We do need to think about the agricultural becoming sustainable and providing jobs and generating income.

CHAIR BAISA: Pastor, could you please wrap it up? Thank you.

MR. OLIVEIRA: Okay, limiting growth will not stop growth. And when you have unplanned growth you start having problems. I see a lot of a--I'm not gonna finish reading--I know I'm beyond my time here. But it is, I, in a sense I share your responsibility with you because it concerns me and we just need to plan for the future and we pray for you guys. We extend our prayers and may God bless Maui.

CHAIR BAISA: Thank you very much. Any questions for the testifier? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Madam Chair, and thank you, Mr. Oliveira, for being here. A couple questions for you. You mentioned that you're concerned about growing food and whatnot, yet the concern is that if we subdivide lots, ag lots into smaller lots then we're growing houses instead of food. So how do you, how do you propose to be able to grow food without--with subdividing the lots?

MR. OLIVEIRA: I think that my concern is when you first start your life, you don't start in a big house on a two-acre lot. So I think that--what my concern with the growth is planning the growth and planning affordable subdivisions is important to give young families to have a chance to start their lives. To stay here, to have jobs and to generate income, we're in the middle of a economical crisis in the world right now and we are very vulnerable here.

VICE-CHAIR COUCH: Yeah. The question I have is that if you do subdivide...and I understand that you wanna be able to provide housing for your children on the same land that they grew up on. The issue is if you do that then you can't grow on that land. So I'm trying to balance your testimony from do you want to have places to grow our own food or do you want places for affordable housing for your children? 'Cause we're looking at the same piece of land.

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MR. OLIVEIRA: I think you can do both. I think you can do both. You know, like we heard this morning this mister--you know, he has a farm in two acres and with his family.

VICE-CHAIR COUCH: Okay. And then more importantly is we've heard several testifiers say that there's a private water line going up the street or down the street from your well. Is that correct?

MR. OLIVEIRA: Uh huh.

VICE-CHAIR COUCH: And that only church members are allowed to take off of that or buy into that line?

MR. OLIVEIRA: It is a hui that we still cannot accept or deny or anything because we still have to finalize the system.

VICE-CHAIR COUCH: So are non-church members allowed to buy in and get in on that line?

MR. OLIVEIRA: That's not true. The truth is that we as friends, we got together and we planned that together.

VICE-CHAIR COUCH: Right, but if somebody else on the street wanted to get in on it, could they?

MR. OLIVEIRA: Well, once we have the system tested, we could consider it.

VICE-CHAIR COUCH: Okay, and do you know what the output is of that, of your well?

MR. OLIVEIRA: I don't have that information yet.

VICE-CHAIR COUCH: Okay, thank you.

CHAIR BAISA: Any other questions for the testifier? Seeing none, Pastor, thank you very much.

MR. OLIVEIRA: Okay.

CHAIR BAISA: Our next testifier is Torey Jenkins, and Torey will be followed by Leanne Dunn.

MR. JENKINS: Hello, good afternoon, my name is Torey Jenkins. Thanks for taking the time to listen. I'm in support of the Rural rezoning for Anuheia Place. When I was 12, me and my family moved from Makawao to 1500B Lower Kula Road which is technically in Pukalani, and we currently farm cattle there as well as bananas and fruit trees. And I wouldn't say that we're gentlemen farmers or gentrified farmers, it's actually part of our subsistence and it alleviates the cost of living and the cost of food. So one day I dream about living in a tiny shack down at the bottom of the gulch. I don't need a mansion. I just like the opportunity to raise my family nearby my parents as they grow older. So I don't think that necessarily Ag zoning even protects the land in the case of Kahakuloa which you mentioned as well as places like Huelo and deep

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Haiku where there's very, very wealthy people that can buy a huge Ag parcel and then sit on it and there's no ag actually going on. But we'd like to actually farm on a Rural zoning which, as Mr. Watanabe explained, does protect the land and does give you the opportunity to farm. That's all I have.

CHAIR BAISA: Thank you very much.

MR. JENKINS: Thank you.

CHAIR BAISA: Members, questions for the testifier? Seeing none, thank you for being here.

MR. JENKINS: Thank you.

CHAIR BAISA: Our next testifier is Leanne Dunn, and she'll be followed by Mae Nakahata. Ms. Nakahata is the last person to have signed up to testify today. If anyone else is wishing to testify, would you please do so right away? Good afternoon.

MS. DUNN: Good afternoon. I appreciate being here and having your ...*(inaudible)*... and I also appreciate the opportunity of summer vacation. I'm a elementary school teacher and I wouldn't be here if there wasn't the opportunity. So as a working class, thank you. Thank you for the opportunity to provide testimony on the Committee's review of the Department of Planning's recommendation for the Upcountry area. More specifically, I would like to talk about the region of Anuheia Place. I moved to the islands in 2008, and I became the lead volunteer teacher for the children's program there. And there are opportunities for me to move away as I completed my studies in Elementary Education, but as my role at the church with the family and then also with my roles at Makawao School, I decided to stay. And now as a young graduate and a teacher at Makawao School, I have been looking at my teacher's salary and there's no way I can afford housing on Maui. We all know how hard teachers work and how much of that money goes out to their students. So I would like for you to think not only of the young professionals and the children of the Maui community, but also of the future children that will come up, the keiki that we have to think of, the ones that are on island and both to be born in the future. Thank you for your time and I, as Mr. Oliveira said, I bless you in all of your deliberations. I know it's not a easy job, but the right decisions will be made.

CHAIR BAISA: Thank you, Ms. Dunn. Members, questions?

COUNCILMEMBER PONTANILLA: Yeah, I got one.

CHAIR BAISA: Yes, Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you, Ms. Dunn for your testimony. When you say you cannot afford a house, so you're looking for an affordable housing type of component?

MS. DUNN: Uh huh.

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COUNCILMEMBER PONTANILLA: Okay, and how long can you wait?

MS. DUNN: How long can I wait?

COUNCILMEMBER PONTANILLA: Yeah.

MS. DUNN: I have a goal to own property by the time I'm 30, and right now I'm 24. I rent currently, but as a renter it's hard to even save money to buy land in the future. I'd like to say that by the time I'm 30 I would own land, but who knows.

COUNCILMEMBER PONTANILLA: Okay, thank you. Thank you, Chairman.

CHAIR BAISA: Thank you. Mr. Couch?

VICE-CHAIR COUCH: Thank you, and thank you, Ms. Dunn, for being here. And thank you for being a teacher for our young kids too. You mentioned that you're looking for affordable housing but do you live on Anuheia Road now? Do you have family?

MS. DUNN: I don't. I wouldn't be able to.

VICE-CHAIR COUCH: Okay, and do you realize that even, even if we go Rural half-acre, it's unlikely that that can be considered an affordable housing unless you happen to be a member of a family that subdivides and gives you the land. 'Cause that's--I mean, even a half-acre on a place like that is gonna be extremely--it won't be an affordable home.

MS. DUNN: I would like to own property there in the future. I'm not by any means willing now or able, but I would like to in the future. I wouldn't like to rent for the rest of my life.

VICE-CHAIR COUCH: Okay, thank you. Thank you.

MS. DUNN: Thank you.

CHAIR BAISA: Any further questions? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. Hi, Ms. Dunn.

MS. DUNN: Hi.

COUNCILMEMBER COCHRAN: Thank you for being here. And so in reference to Anuheia Place, are you being offered a lot there?

MS. DUNN: I'm not, not currently.

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COUNCILMEMBER COCHRAN: I was just curious. I mean, I know you're with the church so, of course, you wanna support your church members.

MS. DUNN: Uh huh.

COUNCILMEMBER COCHRAN: But just was curious if one of the reasons is because you'll be able to get this, you know, lot hopefully affordable and all that in a place that you seem to favor and, you know, are fond of.

MS. DUNN: I have family that could possibly help buy a lot, but at this time, not by myself independently, I couldn't do that.

COUNCILMEMBER COCHRAN: Thank you. Thank you, Chair.

CHAIR BAISA: Any further questions? Ms. Dunn, thank you very much for being here. I certainly understand the plight of our young professionals. Our last testifier to sign up today is Mae Nakahata. If anybody else has signed up and wants to testify would you please let us know? Otherwise, she'll be our last testifier for today. Good afternoon, Ms. Nakahata.

MS. NAKAHATA: Good afternoon, Chair, Members of the Committee. I'm here before you today just to clarify some points that I heard earlier in the hearing--discussions that happened. During this past year at the Legislature, one of the things that we were asked...and I happen to be the Co-Chair for the Hawaii Farm Bureau of Government Affairs Committee. And was what is ag? To come up with a very clear and concise definition of agriculture. And this was tied into a bill that we were pushing to be passed which had to do with agricultural building permits. And this is a real need for farmers and ranchers to get access to building permits in a very timely manner. So these are greenhouses, not residential units. Greenhouses, storage sheds and so forth without having to go through an extensive building permit process. However, the Legislators weren't willing to provide this without a very clear definition of who was going to use the process and we struggled. And part of it is because we're trying to cover a wide range of people that are currently defined as agriculture. Currently across the state it's very vague. And Warren Watanabe mentioned it earlier and I want to reemphasize this that as Farm Bureau we strongly believe that there is room for all types of agriculture, whether it be from the small garden, small farmer to you know, larger farmers up to corporate agriculture and it's this mix that is needed in every location to be successful. However, once it comes down to building permit exemptions, property taxes, water rates, government has to decide, as the provider of these privileges, who are you providing this to and that is a huge decision that needs to be made. So as we look at Rural and Agriculture, in other areas this has been a way to separate the two. Where in Rural, agriculture is a choice. So if you go to Commercial, you can, and we have our commercial farmers in Rural lands right now. Some of the lands that were identified as Rural in 1963 have some of our larger commercial farmers successfully farming, third generation farmers. So it can be done. There were concerns earlier raised about prohibitions, and I sympathize with that because it is a real concern. Earlier, many years ago when there were--in fact there still are Ag Subdivisions, there were community associations that started to restrict what could be done

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in an Ag Subdivision. So in other words, they didn't want people planting bananas because it interrupted with their view planes and yet they were in an Ag Subdivision. As a result, in 19--in 2003, the State Legislature passed 205-4.6, and you can look this up, and it's private restrictions on agricultural uses and activities not allowed. So in other words, the law prohibits that you cannot disallow agricultural activity in an Ag Subdivision. You could do a similar type of language when you adopt the Rural Code. So it's something that within your Zoning Code that you could adopt. So again, you know, like some of your other--the other testifiers had said, it's in your hands, I don't envy you, but these are options. But I think again, to protect the core agriculture, Rural can be used as a buffer zone, as a choice zone and it does provide opportunities for people that are not in ag. Thank you.

CHAIR BAISA: Thank you. Members, questions for Ms. Nakahata? Mr. Couch?

VICE-CHAIR COUCH: Thank you, and thank you, Ms. Nakahata, for being here. Just for some clarification on 205-4.6 that you mentioned. Haven't had a chance to drill way down to it, but it says right away, agricultural uses and activities as defined in 205-2d. So if the activity is an agricultural activity but it's on a Rural lot, is that fall under this as well?

MS. NAKAHATA: It does not right now. This is specifically Ag Subdivisions, for this.

VICE-CHAIR COUCH: So it's only for Ag?

MS. NAKAHATA: Right.

VICE-CHAIR COUCH: Okay.

MS. NAKAHATA: But what I'm suggesting is that there's precedence of the mechanisms that could be put into place to protect because Rural is supposed to include agriculture.

VICE-CHAIR COUCH: Right. Thank you.

CHAIR BAISA: So what I'm hearing you say, Ms. Nakahata, is even if we went to Rural, we could put some restrictions or requirements in there so that we could protect the ag?

MS. NAKAHATA: Right.

CHAIR BAISA: But there's this fear that if we went to Rural people would not be able to do it.

MS. NAKAHATA: Right. Make it very clear that ag is a vital component of Rural because that's the point of Rural, you're supposed to have more open space, less delivery of community services. In fact, if you're on the mainland and live in a Rural area, many states like Colorado have the Code of the West which tells you don't expect paved roads, don't expect postal delivery on a regular basis, don't expect emergency services. You know, that's the image of Rural. Wide open space and so forth. And not--and a lot of places they have density limits and I know in the

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proposal that's what's being suggested, you know, not go into the half-acre, but limit it, certain places to five acres, certain places two-acre and so forth. So you--and limit the amount of buildings that you can have.

CHAIR BAISA: Well, I tell you, thank you very much for being here because, you know, we really are going to have to consider this very carefully. We have some very heavy duty issues in front of us.

MS. NAKAHATA: No, and you know, as Farm Bureau, I'd like to say we appreciate your help 'cause I know I came to you during session when we were stuck on the passage of some bills and you guys were instrumental in getting it through. The building permit did pass.

CHAIR BAISA: Thank you very much.

VICE-CHAIR COUCH: Madam Chair?

CHAIR BAISA: Any further questions? Mr. Couch--

VICE-CHAIR COUCH: Thank you.

CHAIR BAISA: --let me let Mr. Mateo go and I'll get back to you.

VICE-CHAIR COUCH: Okay, yeah.

CHAIR BAISA: Mr. Mateo?

COUNCILMEMBER MATEO: Thank you, Mae. The State Committee that you're a part of, your efforts in trying to establish or create a clear definition of ag, is this something that's still ongoing and is there a deadline for you guys to actually come up with that so-called clear definition?

MS. NAKAHATA: There is no deadline, but we are going to be discussing it during intersession because I expect it to come up again. As we move forward to some of these measures, like for example, transportation "subsidies", in other words, we're trying to work with Young Brothers on transport of agricultural product between islands to try and keep those rates low. They want to understand who a bona fide farmer is because they don't wanna give the reduced rate to anybody. So we have to tighten these restrictions as we try to provide the services that's needed to, you know, to have production agriculture.

COUNCILMEMBER MATEO: Thank you. Thank you, Madam Chair.

CHAIR BAISA: Mr. Couch?

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VICE-CHAIR COUCH: Thank you. Along those lines you mentioned bona fide agriculture and that's a separate whole story, but you did mention, you're trying to define Ag. And my question to you is, you know, we have Residential, but we have Residential broken down into many different categories R-1, R-2, R-3, Apartment is Residential and then the same with Business, Business 1, 2, 3, Business/Town Country, and even Light--I mean, Industrial, Heavy Industrial, Light Industrial, but we don't for Ag. Would you and your group or you in general as a commercial farmer be satisfied or be willing to support something like Ag-1, Ag-2, Ag-3 and define different types of Ag because you're right, we don't have just one big Ag. We have several different layers of Ag.

MS. NAKAHATA: Right. Yeah, I think it makes sense and the same for Rural, I think...

VICE-CHAIR COUCH: We have Rural all the way up to RU-10.

MS. NAKAHATA: Right. So anyway within Ag, it may make sense. But right now, our priority is with the IAL to designate IAL. And you know, I strongly beg the County Council to start the process for the mapping, because the voluntary time period lapsed in July of this year. And identifying of the IAL is important because number one, you know, yes, you have agricultural easement processes and these other things, but in State law to get the incentives that we're trying to establish, you know, enlarge that package, it has to be IAL. And the beauty about IAL unlike designation like right now if somebody is in Rural and they want to be in Ag so they designate their lands back to you. You have to do paperwork on a regular basis. If it's IAL, it's done. You guys have nothing to do hereafter. 'Cause the only way that land can go out of Ag is through a legislative action. Okay, so in other words, it's very strict. So there's no question what the use on that land has to be. So for us right now, our primary goal is to try and get these designations. I kinda like the idea that the Planning Department is considering where they allow cluster developments and try and get the large areas, contiguous areas to stay in Ag and those should be designated as IAL. Getting the County Ag Parks designated as IAL I think will be a huge step.

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

CHAIR BAISA: Any further questions for Ms. Nakahata?

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Mae, for being, very informative, thank you. These IALs though you can see our own County, you know, ones that makes sense, but for private owners, we can't draw IAL lines on their land. They're gonna have to step up and want to designate IALs.

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MS. NAKAHATA: The Law states that as of July 1st of 2012 [*sic*], the County has a right to map it. And then it goes before the Planning, local County Planning Commission, the local County Council for approvals. And then finally, to LUC, and then it becomes official.

COUNCILMEMBER COCHRAN: Thank you. I'm sorry what was...

MS. NAKAHATA: So this is why the incentive process is so important because we don't want this to be a taking. So in other words, in exchange for IAL designation you have a package of incentives that you get to keep viable farmers and ranchers on the land.

COUNCILMEMBER COCHRAN: Sorry, what was that date? The July--what did you say?

MS. NAKAHATA: This year, July 2012. The voluntary period--oh no, last year, I'm sorry, 2011.

COUNCILMEMBER COCHRAN: Oh, expired already.

MS. NAKAHATA: It's been expired.

CHAIR BAISA: Past already.

COUNCILMEMBER COCHRAN: But it's not too late for us to--

MS. NAKAHATA: Yeah, right now it's in your court. It's for mapping.

COUNCILMEMBER COCHRAN: Okay, got it.

MS. NAKAHATA: The mapping is supposed to happen at the County level.

COUNCILMEMBER COCHRAN: Alrighty, this is the time. Thank you, Mae. Thank you, Chair.

CHAIR BAISA: Any further questions for Ms. Nakahata? Mae, thank you very much for your input. We appreciate it.

MS. NAKAHATA: Thank you.

CHAIR BAISA: Is there anyone else in the gallery who would like to provide testimony this afternoon? Last chance. Seeing nobody, Members, rushing to the front, without objection, the Chair would like to close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR BAISA: Public testimony is now closed.

**...END OF PUBLIC TESTIMONY...**

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CHAIR BAISA: Members, we're going to take a minute recess, please do not leave your chairs . The meeting is now in recess. . . .(gavel). . .

**RECESS:                   4:25 p.m.**

**RECONVENE:           4:26 p.m.**

CHAIR BAISA: . . .(gavel). . . Will the meeting please come back to order. We're trying to decide how to proceed here. Mr. Spence needs about 15 to 20 minutes at the most to complete some things that he'd like to do this afternoon, because he will not be able to be with us our next meeting. Also, we just have a--like I said--something--few things important we'd like to finish. It will take us at the most 15 or 20 minutes. I need the agreement of the Members so we have a quorum. Can we do that, Members? Anybody have to leave? You have to leave?

COUNCILMEMBER PONTANILLA: Yeah, before 5:00.

CHAIR BAISA: Oh, we'll be out of here by then. Definitely. I told him 15 or 20 minutes and no more. And at that point, our intent is to recess this meeting and the meeting will be recessed and I wanna be very specific so that we don't have confusion. The recess will be to Thursday, June--no, no, Tuesday, I'm sorry. I have the wrong notes. But this is what happens when you have a recessed meeting. Will you please state that for the record, Staff, so we don't mess it--I don't mess it up?

MS. HAMMAN: Madam Chair, I believe the intent is to recess until Tuesday, June 19<sup>th</sup> at 9:00 a.m. here in the Council Chambers.

CHAIR BAISA: Okay, just so that everybody knows when we'll be back here again. We have completed testimony so at our next meeting we can go ahead with the review and the deliberations. So, Mr. Spence?

MR. SPENCE: Thank you, Madam Chair. And I'll try not to take too much of the Committee's time. I wanted to discussed just a couple of things with you since I won't be here. Okay, first of all, by way of disclosure, I am a member of the Hale O Kaula Church. I think that's important to disclose. I am quite proud to be a member of that church, by the way. A couple of things. I have never been a director, and I have also never been its consultant. So just to straighten out a couple of the statements that have been stated. I treat this in the same manner as I would anybody who comes to the Planning Director to request advice on the Maui Island Plan. I've talked to developers that requested 500 acres, couple hundred acres, small land owners like Mr. Balthazar, who wants to take his Agricultural property into more of an Urban kind of thing. I work closely with the State agencies on their Puunene thing. I've also worked with community groups. I treat all these things, and I consider it all the same. Somebody wants to know about what's happening with the Maui Island Plan. I consult with them on that basis. And I'm consistent in what I tell them. You need to approach your County Council Members because this

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is the decision making body. This is how it's done. If don't request, you no get. So that's by way of my disclosure. Okay, so now there's been so much talk about this, you know, Agricultural and Rural and why are you designating it, and so I pulled together a little slide show. I will go through this quickly. I will say that I--since being a planner on this island for 20 years, this is the one of the very consistent controversies is what is Agriculture and what is Rural? What is really Ag and what is more of a Residential use? Okay, and I can go down court cases, I can go down appeals that have happened. I remember Jo Anne Johnson wanting a moratorium on Ag Subdivisions, et cetera, et cetera. And really the argument for all of this time has been Ag Subdivisions take agriculture--take away from the agricultural productivity of land, because they get subdivided and they're turned into more of a residential use than an agricultural use. In light of this controversy for--I mean, it was here before I was and Kula 200 was actually--no offense to anybody but it was the genesis of the modern day Ag Subdivision that we're all so aware of. I believe it's time to start differentiating between what's more residential and what's agricultural. Designating Rural would be one of those means. Okay now, disclaimers before anybody just, you know, gets totally mad at me, there's nothing wrong with having a couple of acres and living a more of a rural lifestyle. There's then--I know there are going to be people that stand up and say, well, I make a ton of money on my two-acre lot. I agree. There are those and, but they are in the minority. One is a business and one is a hobby and I don't mean that in an offensive manner, that's just--I'm trying to slice, you know, between the two. There's absolutely nothing wrong with subsistence farming, gardening, sharing your food and selling it or selling it. Okay, now this is what everybody thinks of agriculture. This is down Omaopio Road. Here you have large tracts of land. This is about 14 acres. There's like six or seven in here. The house is a little part of this farm, same here. Hiding--this is actually the barn. The house for this larger lot is up here. This is the quintessential ag. If we're gonna talk about sustainability and we're gonna talk about feeding large amounts of people, this is what we're talking about preserving. In contrast, this is what everybody refers to as gentlemen's estates. According to our Code, this--all these homes with the pools and with the tennis courts, et cetera, these are supposed to be accessory to the farm. In the previous slide you saw small homes or I should say small in comparison to the area that was in agriculture. Here you see really quite lovely homes, but not a whole lot of agriculture. I looked carefully at this, I, there's some ag going on in here with some trees. I also saw in the slide that there's some shade houses there. Okay, this is down Calasa Road. You know, you can see a couple of homes here, one here. I don't think that's a home. But then this is Kula 200 and again, I'm not being disparaging towards them, but I counted the swimming pools, I think I can see six within this picture. This is just much more a rural lifestyle. You do have some agriculture going on here. You see rows in here. It's hard to see here, but--oh, we got over here. We have some I'm not sure from the photo what that is. I couldn't zoom in that closely. But in this case, the predominant use is the residence and the minor use is the agriculture. Again, Omaopio, you have greenhouses, little farms with, I mean, the residential use is the minor use. The farm is the primary use. Again, Kula 200, I'm not trying to pick on them but it just provides such a good example. So now what is Rural? The big discussion here is that everybody's afraid that Rural is gonna break up into two-acre lots or excuse me, into half-acre lots. This area here and the dividing line, this area here is all within the State Rural District. This is out in Keokea. This is Polipoli Road. We're already past Cross Road, but all these fields here, the greenhouse is here and there's

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other--there's more fields back here, these are all within the State Rural District. So while everybody may go, oh, half-acre, half-acre and that's what they're afraid of, the reality is, is that there's a whole lot of farming that goes on in Rural. And then you have a little subdivision over here that's also consistent with the Rural theme. Again, larger lots. You do see agriculture here. You know, there's rows of trees. There's some stuff back here too, behind this residence. But it's not the predominant use of the property. And so to me, that seems to be more consistent with the definition of Rural. Copp Road, I wish it would show up better, this whole area here is in Rural. These are cabbage farms up at the very top of the road. I believe this is Teena Rasmussen's flower farm. There's over 30 greenhouses in there. Again, this is within the State Rural District, this is County zoned Rural. On the contrary, this is Agriculture. All of these homes, this is down Baldwin Avenue, Maunaolu Estates, all these homes are supposed to be accessory to the agricultural use. Now, I don't know what's taken place since this photo was taken probably two or three years ago. This subdivision was part of an appeal where many people and--where many people said, this is actually an Urban use. I believe Mr. Mayer testified to that effect that this is actually an Urban use and it should go in--it should go through a Change in Zoning because it's not Agriculture. So again, this is gonna be one of the subdivisions I propose for the Rural designation. Haiku Mauka, you'll also see that on the maps. Haiku Hill. This is where Dave DeLeon lives, not in one of these larger ones, I assure you. I've seen his house. It's--he does...not in the house with--yes, it's next to it, this one has both the tennis court and the swimming pool. So it's, this is really a predominant, predominately Residential use, not an Agricultural one as everybody--this is what people are being concerned about that we're gonna take agriculture out of Agriculture. I'm not, you know, my opinion, this is much more fits the description of Rural than it does Agriculture. Haiku Makai. Wailuku Country Estates we visited this in a previous meeting and I was really pleased when I looked through it, there's a lot of row crops going in. There's a lot of effort taking place on--people are genuinely putting a concerted effort into doing agriculture in Wailuku Country Estates. Launiupoko, now this was the subject of a State Land Use Commission hearing with Keeaumoku Kapu and his organization saying this is not really Agriculture, this is more Residential. This is, I'm sure this was taken during the construction phase, but really you have these little islands of lawn and bear in mind somehow they--all of these lots meet Maui County's definition of Agriculture and I think that should change. I remember when Director Foley had to defend the County's practices of saying, okay, we require a farm plan and you know, then they can build their farm dwelling. So these are farm dwellings. I'm guessing on this lot this is the ag in there. This is where ohana units go for a million and a half dollars. The residences can go for, you know, I've seen three, four million dollars. This is, I was hoping this would show up. This is an example of Rural. Everything mauka, on the mauka side, this is Haleakala Highway, everything up here is Rural. Everything below is, this is Kula Lodge, this is actually within the Urban District. These little dots, you can barely see them. People were concerned that you can't have chickens and you can't have livestock and all that in the Rural areas. All these little dots, there's probably 30 or 40 of them, those are all fighting roosters. Those are the little, the little houses set up for it.

CHAIR BAISA: Condos.

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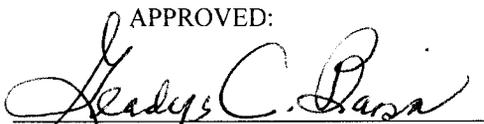
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MR. SPENCE: So--chicken condos, there we go. Okay, so I, I'm--you know, I bring that up because I'm hoping it quells some of the concern that you can't have, you know, there's gonna be automatically people are gonna say that you can't have livestock in the Rural areas. This is Waihee. This is pretty remarkable, it's zooming in. There's a lot of kalo being be grown in here and in here along with Residential uses. So this all is within the State and County Rural Districts. So quite a bit of farming, quite a bit of traditional farming. Hapapa Road up by Crater Road, this is probably a 50-acre piece, this is all within the Rural District. There's a--it's a hard to see, but there's a lot of ag going in here as well. And then over here is Crater Road where there's also active cultivation within the State Rural District. So again, the whole purpose of this was to be able to show the Council, okay, yeah, everybody is afraid of this half-acre thing. I understand that, but there's also a whole lot of agriculture that goes on within the State Districts, within the State Rural Districts, a lot of...and I see a lot more ag going on in the Rural District than in some of the Agricultural areas. So I won't be here next week. I, you know--but I hope the Council has successful deliberations in deciding on what goes on Upcountry. Thank you.

CHAIR BAISA: Thank you very much, Mr. Spence. Chair would like to thank you and would like to thank the Members for your attendance this afternoon. I'd like to thank the public for your participation. Thank you very much for being patient. This is a long, slow process, but we're making important decisions and we wanna make the right ones, and we wanna thank you for investing the time and in working with us. I'd like to thank the Staff also for all the good work, thank Administrative Staff, and as you already heard, I'm not gonna screw it up again, we are going to recess this meeting and we are going to reconvene it on Tuesday, June 19<sup>th</sup> at 9 o'clock here in the Chamber. The meeting is now in recess. . . .(gavel). . .

**RECESS:** 4:42 p.m.

APPROVED:  
  
GLADYS C. BAISA, CHAIR  
Planning Committee

gp:min:120614

Transcribed by: Carolyn Takayama-Corden

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CERTIFICATE

I, Carolyn Takayama-Corden, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED the 6<sup>th</sup> day of July, 2012, in Makawao, Hawaii



Carolyn Takayama-Corden