

GENERAL PLAN COMMITTEE

Council of the County of Maui

MINUTES

June 19, 2012

Council Chamber

RECONVENE: 9:05 a.m.

PRESENT: Councilmember Gladys C. Baisa, Chair
Councilmember Robert Carroll
Councilmember Danny A. Mateo
Councilmember Joseph Pontanilla
Councilmember Mike White

EXCUSED: Councilmember Elle Cochran
Councilmember Donald G. Couch, Jr., Vice-Chair
Councilmember G. Riki Hokama
Councilmember Michael P. Victorino

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

ADMIN.: Michele McLean, Deputy Director, Department of Planning (out 9:30 a.m.)
John Summers, Administrator, Long Range Planning Division,
Department of Planning
Simone Bosco, Senior Planner, Long Range Planning Division,
Department of Planning
Mark King, GIS Analyst, Department of Planning
Peter Graves, GIS Analyst, Department of Planning
Constance Tucker, GIS Technician, Department of Planning
Paul Meyer, Deputy Director, Department of Water Supply
James A. Giroux, Deputy Corporation Counsel, Department of the
Corporation Counsel

OTHERS: Dick Mayer
Bill Frampton
Zack Franks
Mercer "Chubby" Vicens
Warren Suzuki
Chris Hart, Chris Hart & Partners, Inc.
Warren Watanabe, Executive Director, Maui County Farm Bureau
(14) additional attendees

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PRESS: *Akaku: Maui Community Television, Inc.*
Melissa Tanji, The Maui News

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*). . . Will the meeting of the General Plan Committee please come to order. Today is June 19th and this Committee is reconvening from its recessed meeting of June 12th and June 14th. Before we begin, would you please put your cell phones and other things that might make noise on the silent mode, please. Chair appreciates that. I am Councilmember Gladys Baisa, Chair of the Committee. At our meeting on June 12th and June 14th, we received public testimony about the Makawao-Pukalani-Kula region. Today we will start working on the text and maps for the region and I am confident that we will be able to get through our work. I don't think we're gonna finish today but we certainly will try to make the best use of our time. Our next meeting will be the regular meeting of July 5, 2012 and we should be ready then to complete this region if we don't finish it today. The Committee-voting Members that are here today are Bob Carroll.

COUNCILMEMBER CARROLL: Good morning.

CHAIR BAISA: Good morning. We have Chair Mateo.

COUNCILMEMBER MATEO: Good morning, Madam Chair.

CHAIR BAISA: Good morning. And we have Member White.

COUNCILMEMBER WHITE: Good morning, Chair.

CHAIR BAISA: Good morning. And Member Pontanilla.

COUNCILMEMBER PONTANILLA: Good morning.

CHAIR BAISA: Good morning. And excused today are Members Cochran, Members Hokama, and Members Victorino, and also my Vice-Chair Don Couch. Mr. Couch unfortunately is handling a family medical emergency and so he will not be with us today. With us from Administration we have Michele McLean, the Deputy Planning Director.

MS. MCLEAN: Aloha.

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CHAIR BAISA: Good morning. And we have John Summers the Administrative Planning Officer from Planning.

MR. SUMMERS: Aloha.

CHAIR BAISA: Simone Bosco, the Senior Planner from Planning.

MS. BOSCO: Good morning, Chair.

CHAIR BAISA: We have Constance Tucker, GIS Technician from Planning.

MS. TUCKER: Good morning, Chair.

CHAIR BAISA: We have Mark King, GIS Analyst from Planning.

MR. KING: Good morning, Madam Chair.

CHAIR BAISA: Good morning. And we have Dan McNulty-Huffman, GIS Analyst from Planning. Good morning. And...I'm sorry, he's not here. Okay. And so we have Peter Graves.

MR. GRAVES: Good morning.

CHAIR BAISA: Good morning. Thank you very much. We're missing one GIS person today. We have a puka. It looks funny. I'm used to having this whole layout over here. Okay. We also have with us our Deputy Corporation Counsel, James Giroux.

MR. GIROUX: Aloha, Madam Chair.

CHAIR BAISA: Good morning, James. And also you'll be meeting in a little while, Paul Meyer, who is the Deputy Water Director. And thank you very much, Paul, for coming this morning. We also have our Committee Staff, our Legislative Attorney Kirstin Hamman, our Legislative Analyst Josiah Nishita and our Committee Secretary Clarita Balala. And again I want to express my thanks to my Staff. I don't know how I could do this without them. They are the ones who make everything happen. We do not, we will not be taking public testimony this morning because we completed that and closed testimony at our last meeting. And because this is a recessed meeting, we will just continue. We have one item on our agenda today and that is GP-2(2), the General Plan Update, (Maui Island Plan: Chapter 8 (Directed Growth Plan) - (Makawao-Pukalani-Kula Region)). This morning, we will have a presentation by the Planning Department. They're going to do a PowerPoint presentation of the region and we'll be discussing related issues. And we will also have some remarks from the Deputy Planning

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Director who's with us this morning. And because she needs to be excused, she needs to be at another meeting, everybody trying to be everywhere, I'd like to have her make a few remarks and then I will ask the Water Department to do their presentation. And I've asked Mr. Meyers to come for a specific reason. And then we will get into a PowerPoint presentation by the Planning Department. So Ms. McLean, if you'd like to make your remarks.

MS. MCLEAN: Thank you, Chair. Planning Director Will Spence started a much needed and well-deserved vacation today and he impressed upon me to try to maintain his perspective for the one or two meetings that he will miss. This morning though, as the Chair indicated, I need to leave at 9:30 to attend a Kahoolawe Island Reserve Commission meeting, but I should be back again after lunch. As you know, I haven't attended most of these Committee meetings. I've listed, I've listened to many of them and been briefed by Will and staff. Last week, though, I did attend the meeting and saw Will's PowerPoint about Ag versus Rural. He and I had a few long discussions and there is a little background that might be of interest and assistance to the Committee. If I may share a few of these thoughts with you to further illustrate Will's perspective then I won't feel like I'm deserting my post this morning. In 1997, the Council adopted the County's first Rural zoning ordinance and in 1998, the County revised the County's meager Ag zoning ordinance. Until then we had State and community plan Rural and Ag, but no Rural zoning restrictions and standards and only limited Ag standards. Both of these bills also had an automatic comprehensive zoning provision that zoned hundreds of parcels that had Rural or Ag community plan or State designations. Council Chair Mateo was with the Council office at the time and I believe Councilmember Hokama was on the Council as was the Mayor. Just a year or so before these bills were enacted, two Corp. Counsel opinions put pressure on the Council, not only to establish Rural and Ag zoning standards, but also to comprehensively zone as well. These two opinions are fully accepted and unquestioned today, but at the time they were game changers. One of those opinions stated that if a property was not lawfully zoned by ordinance, then it was considered Interim zoned. Now up until that opinion came about, we would look at a parcel zoning and it, zoning would be State Ag. Okay. So, all of these parcels were Interim zoned for all this time and until that opinion came out, it wasn't fully understood that these parcels were Interim. The second Corp. Counsel opinion stated that Interim-zoned lands could not be subdivided, that specific zoning would have to be established first. So these two opinions put together were game changers, because most of the Rural and Ag lands were Interim zoned and suddenly could not be subdivided. We also didn't have a Rural zoning district and we had, didn't have much of an Ag zoning district. So the two opinions together were a de facto moratorium on Ag subdivisions, right around the time that the term, gentleman's estates, was being commonly and disparagingly used. So the Council was put in a very difficult position, how to create Rural and Ag zoning standards and comprehensively zone Rural and Ag

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lands for the right reasons, but not have unintended negative consequences, such as rampant development and non-ag uses. For Ag lands, the solution to this was the Ag bill sliding scale. It essentially allows the handful of two-acre lots, no more than 14 total, while creating a variety of larger lots, 15, 25 and 40 acres. These larger lots are what were intended to preserve and promote legitimate and commercial Ag. That's what the Ag community told us all through the bills process. The two-acre lots were essentially the gimmes. People want to live on one- and two-acre lots, which is really nice and it's fine. It's generally not Ag, but it's fine. You won't find many tracks of non-Ag lands that are large enough to subdivide into two-acre lots, so these subdivisions will come from Ag land. They remained Ag in order to get the Ag zoning ordinance enacted, but the understanding was that these were probably gonna be gentleman's estates and would be allowed to continue; however, they would be subject to the limitations of the sliding scale and they would be subject to the Ag zoning restrictions. We would create and preserve large tracts of Ag land in a variety of parcel sizes while conceding only some degree of development. One of the important lessons of this is that the development potential of these lands prior to the two Corp. Counsel's opinions was less restrictive than after those bills were adopted. So in up until the early '90's, there was not much restriction at all on the subdivision of Ag and Rural land. After the Corp. Counsel opinions and the Ag and Rural bill were adopted, the development potential for Ag lands was limited by the sliding scale, which is more restrictive than what it was before. But there were still concerns that those bills were gonna lead to uncontrolled development. That wasn't true then and you're facing a similar crossroads now. There seems to be a concern that all these parcels should remain in Ag, the ones that are proposed to be put in the Rural boundaries. You can't use the term, gentleman's estates, to describe them while at the same time insist that changing them to Rural would destroy Ag. These pockets are not the parcels that protect and promote Ag. Putting these pockets into Rural will not make it easier for these parcels to develop versus their development potential today. Today if the owners of those lands wanted to develop, they'd have to get a Change in Zoning, Community Plan Amendment, District Boundary Amendment. If you put them into the Rural boundaries in the Maui Island Plan, what would they have to do in the future? They'd have to get a Change in Zoning, a Community Plan Amendment and a District Boundary Amendment, same thing that they have to do today. What it will do is make it harder for the parcels that are not put into the Rural Boundaries. They would still have to get Change in Zoning, Community Plan Amendment, District Boundary Amendment, plus they'd also have to get an Amendment to the Maui Island Plan. So again, the MIP Rural designation won't make it easier for Ag properties to change to Rural than it is for them today. So that perspective from what Council faced and deliberated during the Ag bill you see is really a parallel to what you're facing today. So just wanted to share some of that perspective. There aren't all that many of us still involved in the process who participated in that, as I mentioned, Council Chair Mateo...John Summers and I were staff at the time.

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Councilmember Hokama and the Mayor were all involved. I don't know...I don't think --

COUNCILMEMBER PONTANILLA: No.

MS. MCLEAN: --Councilmember Pontanilla was on the Council just yet. So, these challenges aren't new. It's, you know, ten, fifteen years ago, Council grappled with very, very similar issues and the arguments haven't changed. But what we saw from the Ag bill wasn't, in my opinion and in Will Spence's opinion, was not rampant development of ag land. So thank you for the opportunity to share those, that background with you.

CHAIR BAISA: Thank you very much, Director. Members, any questions for the Director at this time?

COUNCILMEMBER PONTANILLA: Yeah.

CHAIR BAISA: Ah, Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Yeah, so I get it clear. You know towards the end you mentioned about Ag land not being considered for Rural? Can you explain that?

MS. MCLEAN: Well what the PowerPoint that Will did last week and some of the things you're gonna be looking at today is lands that are gonna be considered to be put in the Rural Growth Boundaries, and what we're saying is that by putting these in the Rural Growth Boundaries is not going to lead to the subdivision and development of those lands to Rural. It's just a more appropriate designation for them.

COUNCILMEMBER PONTANILLA: Strictly designation?

MS. MCLEAN: The Rural designation is a more appropriate designation for these certain Ag lands than not putting them in the Rural Growth Boundaries.

COUNCILMEMBER PONTANILLA: It doesn't change the density?

MS. MCLEAN: It doesn't change the density. It doesn't make it easier for those lands to develop in a rural fashion than it is for those lands to develop in a rural fashion today.

COUNCILMEMBER PONTANILLA: So they still need to come through the process then?

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MS. MCLEAN: They would still need to get a Change in Zoning, a Community Plan Amendment and a District Boundary Amendment. They just wouldn't have to amend the Maui Island Plan.

COUNCILMEMBER PONTANILLA: Okay. Thank you.

CHAIR BAISA: Any other questions for Deputy? Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. Thank you for that question, Councilmember Pontanilla. I think there is a sense that just by drawing these new lines that we're already entitling the properties. So my understanding--just let me know if I'm correct--is that by making, if we were to make them Rural, it doesn't convey any specific type of Rural designation, whether it be half acre, acre, two acre, five acre or ten because they would have to come back for that. This just simply puts it in a position where they don't have to come back and do the Maui Island Plan Amendment if they, if a group wants to go Rural. It just simply makes it, takes one step out of four or five away?

MS. MCLEAN: Exactly. That's exactly right.

COUNCILMEMBER WHITE: And I think that's a misconception that I've been sensing from the public that they think that us drawing this line on the Maui Island Plan is the end and people can just simply go and build a half-acre lot or half acre home site on a two-acre parcel. That's, they still have to come back to us for that.

MS. MCLEAN: Exactly.

COUNCILMEMBER WHITE: Correct?

MS. MCLEAN: Exactly.

COUNCILMEMBER WHITE: Okay. Thank you.

CHAIR BAISA: Thank you, Mr. White and Ms. McLean. I think that is a very important difference that's been discussed this morning, because there has been this idea that once you're, you know, we put you in the Rural Growth Boundaries that it's a free-for-all after that, and what I'm hearing from you is that is not true. And it's only the additional need to amend the Maui Island Plan that is really important because we understand that that's gonna be a very difficult process once it's done.

MS. MCLEAN: That's absolutely right. Some of the earlier discussions the Department actually considered proposing more Rural Boundaries because they're growth boundaries. It's where you, where we would anticipate rural development

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happening and some of these areas that are already in more or less rural use, it, that would be appropriate to put them in the boundaries. Areas that aren't developed as you've articulated, yeah, this would give one of four maybe more entitlements. The other entitlements that are requirements today and have been requirements all along would still remain in place.

CHAIR BAISA: So the people who have this concern about changing from Ag to Rural, if somebody actually wanted to do that and they wanted to build something in this Rural Growth would have to go through the entire process and would still have the opportunity to appear at all the hearings and when you're amending the community plan and the zoning and when you're doing the District Boundary Amendments, they would still have the opportunities to appear and express their concerns?

MS. MCLEAN: Absolutely.

CHAIR BAISA: Nothing would be automatic?

MS. MCLEAN: And those would go first to the Maui Planning Commission or the Lanai or Molokai Planning Commission and then would come to Council for final approval. If the parcel is larger than 15 acres, for the State District Boundary Amendment, they'd also go to the State Land Use Commission.

CHAIR BAISA: I think...

MS. MCLEAN: So there are a number of steps.

CHAIR BAISA: I think this is really vital information that we're discussing this morning. Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. And I think one of the, possibly one of the reasons for the confusion was that when we were in some of our discussions, one of the Members was saying, you know, would you be comfortable if we made this --

UNIDENTIFIED SPEAKER: Two acres.

CHAIR BAISA: Two, half acres. Yeah.

COUNCILMEMBER WHITE: --Rural two or Rural five or whatever. But in fact, we aren't doing that at this level because that's another step in the process. So I think that has added to the concern that this is the final stage and I mean, you know, we've heard the term, closing the barn door after the horses are out of the barn. Well, we haven't even found the broodmare or the stallion yet to, you know, to

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start filling the barn. So I think this has been a good discussion because I've been under the same understanding that maybe we are changing it and I was a little uncomfortable with it. But then this is just one of five and it's not even one of five steps because as you mentioned, you gotta go to the Planning Commission for each of these steps before you come to us. So it may be four steps, but there's maybe eight times that you're exposed to testimony and discussion about what the neighbors want. So this is simply not even close to being the end game.

MS. MCLEAN: Yeah. The level of specificity would happen at zoning. There could even be some descriptions in community plans, so when we get to...we're talking about Makawao-Pukalani-Kula, when we get to updating that community plan and we look at some of these areas, maybe you will want to change the community plan to Rural at that time with development criteria. You could start getting specific at that time.

COUNCILMEMBER WHITE: Right.

MS. MCLEAN: That wouldn't satisfy State District Boundary Amendment. That wouldn't satisfy zoning. Those would still be outstanding entitlements, but if the Council wanted to take one more step, you know, taking it from four down to three down to only two steps remaining, the community plan process, the comprehensive update would be an opportunity to look at those or leave them as Agriculture and let landowners come in with their own proposals.

CHAIR BAISA: Thank you. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Yeah. When the Planning Department decided to have some of the areas designated from Ag to Rural, had the...did the Planning Department ever went to those areas to find out from residents, because we hear it in public testimony that, you know, we don't want to be considered as Rural. So it's almost like, you know, you putting a designation without even going through the, to the community to get their input in regards to what they want. So here you are making those decisions and specifically I'm talking about Kula 200, because most of the testifiers, in fact, 100 percent of the testifiers that came out providing testimony didn't want to go to Rural. So what give you folks the powers to change it from Ag to Rural?

MS. MCLEAN: We don't have the power to change it from Ag to Rural. That's a proposed use.

COUNCILMEMBER PONTANILLA: It is...yeah.

MS. MCLEAN: You folks have that power. But I defer to Staff on how...I do know that in determining what areas to place in the boundaries, there was a number of

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criteria that were used in terms of community and resident or owner interaction. I'd have to defer to Staff to see...

COUNCILMEMBER PONTANILLA: Yeah, one of the comments we heard from the Planning Department is that I think it was, once we approve, then you going let the property owner know, which I think is backwards.

CHAIR BAISA: Mr. Summers, if you could help?

MR. SUMMERS: Thank you. Very early on in the process at about the time we were working with the General Plan Advisory Committee, we didn't go into say, Kula 200, which was the specific question and notify all the property owners. We did have a resident of Kula 200 on the GPAC who participated actively throughout the process. So that particular project was one of the first proposals that the GPAC considered for a Rural Growth Boundary. Kula Glen, we were approached by a property owner in that neighborhood as well. So no comprehensive notification to every property owner in the subdivision but for a handful of these proposals, we did have some resident input.

COUNCILMEMBER PONTANILLA: Yeah. Don't get me wrong, though, but you know, when you do have individuals that sit in the GPAC, sometimes they have this different, I guess, ideas about the place that they live, so I thought I'd ask that question because it seems unfair. Thank you, Chairman.

CHAIR BAISA: Thank you, Mr. Pontanilla. Members, further questions? Chair Mateo?

COUNCILMEMBER MATEO: Thank you, Madam Chair. And I think just to continue on where Mr. Pontanilla left off, you know, if I was to return back to my soap box, I would continuously say we're doing this ass backwards, because my intention or my interest has always been the community plan should be the driver and this incident, it's the Maui Island Plan. And to me, the irony of it all is the next step after this is to go to the communities and say, you tell us what you want? Knock yourself out, as long as it fits these cubbyholes. And that is wrong. And Mr. Pontanilla's comments about getting the grassroots interest is, you know, I guess the focus of my feelings with the Island Plan driving us in a different direction. So Ms. McLean, I would ask you, you know, just recognizing the Growth Boundary areas, the next phase is the community plans. So the community will tell you, we don't want this recognized as a Growth Boundary area. We want this to be Ag. What happens because it is already inconsistent?

MS. MCLEAN: It would still be in the Maui Island Plan, it would still be mapped as a Rural Growth area. On the community plan we would leave it as Ag and then the State designation presumably would be Ag and would stay Ag and the zoning would stay Ag.

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COUNCILMEMBER MATEO: So it wouldn't matter, you know, that both island plan and community plan would be inconsistent? Which would have precedent?

MS. MCLEAN: Well, they would all factor into any development or subdivision potential of the property. If it were Rural, in the Rural Growth Boundaries in the Maui Island Plan and then the other designations were Ag, the property would be restricted by its Ag zoning, which is a two-acre minimum lot size, the Ag uses. The Ag standards would still apply.

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

CHAIR BAISA: Thank you very much. Any further questions for the Director? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Not the Director, but for Corporation Counsel.

CHAIR BAISA: Okay. Corp. Counsel?

COUNCILMEMBER PONTANILLA: As we go through the process, we putting all these lines, can we be challenged in court?

MR. GIROUX: Well, I think that's really broad, but I'm gonna say a few words to just try to bring a little bit of clarity to the decision-making process, because what you are doing is you are doing a General Plan, and I know that there's been a lot of criticism that why are we being so specific in our General Plan. But that's the path we've taken. If a development comes in, they have to look at all of the layers. And if some of the layers are inconsistent, then there's a legislative fix. If their plan doesn't match their General Plan, then they do a proposal. It goes through Council, Planning Commission, comes back, gets reviewed and then the Legislature has an opportunity to correct that, to make everything consistent. And so the courts, if a developer doesn't take advantage of that process, the courts will tell the litigant that you haven't exhausted your remedy. And that's part of the process, is that part of your planning process, you guys cannot be genies and make everything perfect. It's that when you're starting from the highest level of planning, which is your General Plan, that you're getting your general policy out. This is where we want growth. This is where we want to limit growth. This is where we don't want growth. This is where we want preservation. That's the broadest policy brushes. So when you're doing that, there are gonna be inconsistencies lower down. So it's, it becomes a matter of do you clean from the bottom up or do you clean from the top down? And our system and I'm gonna tell you, it's probably one of the most complicated in the world because we are on an island ecosystem. It is a fragile ecosystem. And the people, every time something gets built, people are impacted visually, environmentally. So every

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developer who does decide to develop on this island knows that, but what they are looking for is guidance in these documents so they know where to, you know, do, they gonna turn left or they gonna turn right. Do they want to go Rural, do they want to go Ag. Do they need to go Urban, do they need to, you know, so what you're doing is you're putting those flag posts so that if there is inconsistencies then the developer can choose. Do I want to, you know, do I want to ask the Council for a more intensive district or do I want to start going down. And those are tough choices because sometimes there's moving targets, you know. There's people out there right now who have shovels in the ground and they're looking at us making these decisions at the high level and going oh, oh, what's that gonna do to us, you know. And that's where it's very difficult to, you know, to, as the attorney to say, okay, you know, don't do this, do this. But it is gonna be your prerogative to look at the broad picture at this point and say, are these the areas that we want to see on Maui as being considered Rural. And then in the future when we make decisions, we will look at that and say, well, this Urban development doesn't seem to match our Rural understanding of what we're looking at. And then the developer has to decide, how much is he gonna push and how much is he gonna give in order to conform or be consistent with the Plan. And he can always come and ask you to change the Plan and that's, you know, that's where the controversy and the tension and everything really piles up. And the courts are hoping that we can figure most of it out here for the most part. And they know that we're not gonna, it's not gonna be perfect because our legislative process allows us to amend all of these plans either on, in a decennial fashion or at an applicant-based fashion. And that's where, you know, that's where the kinks get worked out.

COUNCILMEMBER PONTANILLA: So the applicant process would be, I guess, contacting one of us to bring forward a change?

MR. GIROUX: Well, that...again, you bring up a good point. There's more than one way to skin the cat once you get to that point, because you can file an application as a developer or you can try to get the Council member to see this as a, you know, a benefit to the community in order to try to move that forward.

COUNCILMEMBER PONTANILLA: So when you mention developer, I look at family, family subdivisions. They can be small-time developers as well?

MR. GIROUX: Right. And I think we had that discussion of if you're building a house, the Planning Department considers you a developer.

COUNCILMEMBER PONTANILLA: Developer.

MR. GIROUX: You know, I think eyes on the ground, I think we do have a sense that it's different. We think of 200 units as being a developer, and a house and ohana

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is not, but that's not the way the law distinguishes between...it looks at, you know, when you looking at your subdivision laws and you're looking at your zoning, it really doesn't distinguish between the owner. It distinguishes in what are you doing and how is that going to impact that surrounding area and the environment.

COUNCILMEMBER PONTANILLA: Good. Thank you. Thank you, Chairman.

CHAIR BAISA: Thank you for the question, Mr. Pontanilla, excellent information. Any further questions on this in this part? Okay. I thought that was very excellent information we had this morning, Members. And now, I'm going to ask Mr. Paul Meyer from the Water Department if you would please join us. There's been a lot of discussion and questions about the water situation on one of the projects that we're discussing, one of the areas and that's Anuheha Place. And I've asked the Water Department if they would please come and explain the history of that subdivision and its water. And then you'll have the opportunity to ask them questions so that we can have this very clear as to exactly what is the water situation there. Mr. Meyers [sic] thank you very much. Paul Meyer. Thank you.

MR. MEYER: Madam Chair, thank you. Mr. Chair and Council mens [sic] pleasure to be here. Sorry the Director couldn't be here today. You've got the second string.

CHAIR BAISA: I don't think so. I think you'll do just fine, thank you.

MR. MEYER: Just to be clear, the Department has no comment on the issue of Agriculture versus Rural as far as the Growth Boundaries are concerned. We're simply the water utility. It's my understanding that some question arose with respect to water service in a currently Ag subdivision of 15 lots on a street called Anuheha Place. That's a, I believe, a subdivision of five-acre Agricultural parcels, 15 lots again below Kula 200, below the, I believe, the mauka portion of Kula 200 right across from Hoopalua Drive. This was a subdivision that's, my understanding, was developed almost 40 years ago. It's been in place there in effect without service by the Water Department from the County of Maui since its inception. The Department for many years maintained a point of adequacy for supply of water to that subdivision at Omaopio Road, which was quite some distance mauka up Kula Highway. In about June of last year based upon contact with a number of the lot owners in Anuheha Place with our Engineering Division, the Engineering Division brought to our attention that really, the point of adequacy was more appropriately just across the highway at Hoopalua Drive where the Department maintains a six-inch waterline with adequate storage to serve those 15 lots with one 5/8 meter each. That determination on point of adequacy was made and the lot owners were informed that the point of adequacy was no longer determined to be Omaopio, which was quite far away. It was in effect just across the highway. The nine of the fifteen lot owners filed an appeal

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before the Board of Water Supply stating various allegations and making the case that they, it was inappropriate that they be denied access to water meters because they had been waiting for many, many years. And the Board of Water Supply appointed a hearings officer, Senior Judge John McConnell heard that case and a settlement was reached with the authority and under the guidance of John McConnell. And that settlement provided a number of things and specifically I could go through the settlement agreement. It's a matter of public record, but if you'll bear with me in your interest that I could go through that.

CHAIR BAISA: Absolutely, please. I think it's really important everyone understands this. Thank you.

MR. MEYER: Thank you. The settlement had a number of recitals going back into the history of the case and the situation. Basically, the settlement said that the Director and the Department Water Supply founds that waiver of the provisions of the Upcountry meter rule were not contrary to the public health, safety or welfare, that strict application of the provisions of the Chapter of the Upcountry meter rule would cause an absurd, unfair or unreasonably harsh result. Thirdly, that circumstances and conditions of this case are unique, exceptional and the Director would grant a request made upon the same facts if this case were made _____ similarly situated applicant and number four, the action of the director would be without detriment to existing users. Based on those findings and opinions, the owners of each of the original nine appellant lots were judged to be entitled to one 5/8 water meter upon payment of the meter reservation fees and water service development fees. The point of adequacy would be the six-inch waterline on Hoopalua Drive and the owners who submit reservation applications and pay the appropriate fees would be responsible for paying for all the design and construction cost to extend a minimum six-inch waterline from the point of adequacy to the subdivision and they would be responsible for obtaining approval from the State Highways Department and assuming all other costs pertinent to the delivery of water service. They'd be responsible for installing a pressure-reducing valve if appropriate and paying the cost of water service laterals and meters and all the other costs associated with this. That's basically it. There was one existing meter at the top of that subdivision that had been in place for quite a number of years. That meter would be in effect, cancelled and this new meter, assuming that applicant would want a new meter, would be put in place. Because that meter pre-existed, there would be no fee associated with that replacement meter. That's really about it. There are a number of other provisions, but they're more boilerplate than anything else. That settlement was agreed to. One of the provisions that the Judge recommended and the Department accepted was that those same terms be offered to, in addition to being offered to the nine appellants in this case, that the same terms be offered to the five non-appealing lot owners so that the subdivision, everyone would be treated uniformly. And if indeed those five non-appealing lot owners wanted to join in, that they would have to suffer

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and pay for the same share, if you will, of the costs of these improvements of bringing water service to the subdivision. The nine lot owners all accepted and reserved, paid their fees. Initially, the five lot owners who were not appellants, asked for an extension of a few days, which we granted for them to consider, and they hired an attorney to represent them all as a group. The attorney came back to us and said, yes, of course, we want to participate and delivered to us initially copies of the reservation forms. And I believe it was a day or two before the offer was due to expire for those non-appellant five lot owners, the attorney called us and said, no, they had elected not to participate in the settlement offer and not to take the offer of a 5/8 meter. That's really a quick summary of the settlement.

CHAIR BAISA: Thank you, Mr. Meyer. The other part of this that if you can comment we'd appreciate it, we've heard that there's a well that the folks who are not participating have a well and does that well work? Are they okay with it? We need to know. Because the concern here is, if we make them Rural and there is a lot of development with the well, is it sufficient? Can it take care of them?

MR. MEYER: Thank you. I have to say I don't have any firsthand knowledge of that well. I've spoken other Upcountry engineers and they don't have any firsthand knowledge of the well. I believe we've seen a copy of the well permit. My understanding is that a well was developed by a church that is owned, that owns one of the parcels, the non-appellant parcels, one of the five parcels and that a well was developed there. I don't know the size of the well. My understanding is it's not powered up and in-service yet, but the plans are to power that up and provide private water service to those five lots. Again, that's...the Department really doesn't have any regulatory authority or any say-so, one way or the other, over private water systems. If somebody wants to develop and install a private water system, that's really a matter for the Department of Public Health and the State Commission on Water Resources. That's outside our serving area.

CHAIR BAISA: Thank you very much. Members, any questions for Mr. Meyer? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: What I heard last week was that some of the nine lot owners had indicated that they wanted to join in but was told they couldn't. So, you know, what you just read to us is that only five of the lot owners had gone through and paid for this construction to be done to provide water to those five lots, but one testifier specifically had indicated that he tried to, you know, join in but was told he couldn't.

MR. MEYER: Thank you. I don't have any personal knowledge of that. But I guess there's been some back and forth over the years.

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COUNCILMEMBER PONTANILLA: So in order for these nine lot owners to join in, they need to pay a proration, I guess, of the construction cost of that existing waterline if they joined in?

MR. MEYER: I'm sorry?

COUNCILMEMBER PONTANILLA: If they wanted to join in?

MR. MEYER: Yeah. The five lot owners that are now, either don't have water service from the County or are on a private system, they were given the opportunity to participate, to actually get County water service and they would have to pay a portion or share of the cost.

COUNCILMEMBER PONTANILLA: Oh, okay. That's County water service?

MR. MEYER: Correct. Basically the cost of the service would be the cost to connect to the County waterline at Hoopalua Drive and bring it, bring that waterline down Anuheha Place. The top of Anuheha Place, it's only a couple a 100 feet from Hoopalua Drive. So that's not very far. You do have to cross the highway.

COUNCILMEMBER PONTANILLA: The highway. Yeah. Right.

MR. MEYER: And that would have to be a six inch ductile iron line and the cost of installing that would be oh, somewhere between say \$120, \$150 a foot and ideally, you'd want to run that all the way down Anuheha Place so that it fronted all of the lots that we service, so it's not an insignificant capital cost, but, and that would be shared equally by the number of people that actually had water meters tied in to that, to that line.

COUNCILMEMBER PONTANILLA: May I ask you this question, the first lot as you're going into the subdivision on the left, he brought in his own water from across the highway?

MR. MEYER: No, I believe that lot has an old meter that pre-existed the subdivision. And I believe it was --

COUNCILMEMBER PONTANILLA: ...*(Inaudible)*...

MR. MEYER: --brought in originally before the subdivision and Winston Watanabe I believe had a waterline and a meter there. It was relocated to be closer to the lot, but I believe that pre-existed the Anuheha Place subdivision.

COUNCILMEMBER PONTANILLA: Okay. I just was wondering because when I used to work for the phone company, I did the piece for the utilities, yeah, and we had

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cut that road to bring in services. The other question that I have for you is in regards to D063, which is Kula 200. Should we move forward from going to Ag to Rural, the existing water system serving that area, would it, I guess, accommodate should there be growth in that area?

MR. MEYER: That's a very good question. Currently the County ordinances and these are the...County law provides that water service in a subdivision that is Agricultural must be a minimum six-inch waterline. Rural, however, has a different requirement and I suspect it's because Rural is normally higher density. The requirement for a Rural Subdivision is a minimum eight-inch waterline. And that's significantly larger. There're also additional requirements in terms of good engineering standards for the amount of storage capacity you have backing up those lines. And the storage capacity in terms of our Department's estimation right now serving up to fifteen 5/8 inch water meters on Anuheha Place, the storage capacity of the existing system is adequate and the six-inch line is adequate. If there were a Rural subdivision on Anuheha Place, that line would have to be up-sized and it would likely, it's possibly that additional tankers could be required. If there were additional subdivision or additional lots developed on Anuheha Place, for example, if somebody wanted to further subdivide their five-acre lot into say half-acre lots or something like that, it's likely that a substantial level of improvements would be required. First of all, because of the County Code requirement that the line be up-sized to eight inches and secondly, because of likely additional storage requirements.

COUNCILMEMBER PONTANILLA: But in an established subdivision like Kula 200, if we designate it to Rural, what is our responsibility of this County?

MR. MEYER: I think the status quo would remain.

COUNCILMEMBER PONTANILLA: So whoever subdivide from Ag to Rural would need to pay for --

MR. MEYER: Correct.

COUNCILMEMBER PONTANILLA: --construction cost.

MR. MEYER: Potentially, there would be significant level of improvements there, yes, sir.

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

CHAIR BAISA: Any other questions? I want to try to get this really straight. Okay. We're talking about 15 lots. Okay. My understanding is nine people are going to be switched over to County meters and County service?

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MR. MEYER: That's correct.

CHAIR BAISA: Now we talking about five or six others?

MR. MEYER: Five lots.

CHAIR BAISA: What about the sixth guy?

MR. MEYER: The sixth one, I believe, already has a meter. That's at the top.

CHAIR BAISA: So he's not in issue. He has water service from the County and he's okay?

MR. MEYER: Correct.

CHAIR BAISA: So there's five others that are not gonna receive County service. They have chosen to do their own thing?

MR. MEYER: Correct.

CHAIR BAISA: And there is a well that has been dug, but this well is not connected and not functioning?

MR. MEYER: I don't believe it's functioning right now, yes.

CHAIR BAISA: That's my understanding that it's not. Okay. Now if they become Rural, at the present time, where do they get their water? They go across to Kula to Hoopalua or right there and they get water, that's the point of adequate...you mentioned a point of adequacy, what does that mean?

MR. MEYER: Point of adequacy is a place at which you can connect to the County system.

CHAIR BAISA: Okay. So where do they get their water since they're not connected? They don't have a well and they're not connected. They must be doing something 'cause they live there.

MR. MEYER: I believe that some water gets delivered by truck and there may be a connection or a sharing which is not pursuant currently to County Department rules.

CHAIR BAISA: Okay. If they connect their well and we allow them to...I mean, they do their own thing 'cause we have no control over it. Like you said, we have

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nothing to do with private things. If something goes wrong and their pump fails or something happens, what is the general way we handle this because I've heard this before. We have private systems that go down and when they go down, what does the Department get, have to do?

MR. MEYER: That's a good question as well. There's a number of private water systems Upcountry. The County and the Department have no responsibility for providing water service to that subdivision or to those people, and normally what happens is they have water trucked in and to fill their storage tanks that way. That's an expensive alternative. In some cases where its deemed to be an emergency situation, the County and the Department has strung some pipe and actually connected temporarily and allowed people to use County water, but normally, they're on their own.

CHAIR BAISA: And I think this is really important because, you know, when people come and say, well, I don't need you guys because I have a private well and I'm on a private system, those things do fail. Pumps fail and things happen. And when a pump fails, it's my understanding, it's quite a big deal 'cause you gotta get another one and you can't get one immediately and we're talking about a lot of money.

MR. MEYER: That's exactly right, Madam Chair. Delivery time on a submersible pump can be a month, two months, even three months. And it can be a difficult situation.

CHAIR BAISA: Any further questions about the situation?

COUNCILMEMBER PONTANILLA: Chairman, I got one.

CHAIR BAISA: Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Hopefully, it's my last question.

CHAIR BAISA: It doesn't matter. This is important.

COUNCILMEMBER PONTANILLA: In regards to fire safety, how do we address that?

MR. MEYER: In a private water system like this or other private water systems, the fire services are normally provided on a private basis as well. In other words, the subdivision is responsible for meeting the Fire Department's requirements for amount of water stored in the tank and available to put out a fire. There are a couple of instances where there was a County system in place with fire hydrants fronting a subdivision, but the developer chose to put in a private water system for potable purposes. So we do have a couple of hybrid situations, particularly in

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Upcountry area, where you have the public system, the County of Maui system providing fire protection through fire hydrants or standpipes and you have a private water system providing potable, but those are few and far between. Most of the time if you have a private system providing potable, you also have a private system providing the fire protection as well.

COUNCILMEMBER PONTANILLA: Okay. So in this case here when the subdivision was approved then, I'm hoping that the County, you know, is indemnified [*sic*] in regards to any of the liabilities that may occur that's not in County standards.

MR. MEYER: That's exactly correct. In this case, in Anuheha Place, they do have a private fire protection system as well. There are tanks at the top and I think hydrants run down the street, although it's not a conforming system as far as County standards are concerned. And we do have, whenever we are asked to allow a private water system in connection with a subdivision, we always obtain a private water system agreement which does contain indemnities for shortages or lack of supply or non-conformance or anything like that.

COUNCILMEMBER PONTANILLA: Good. Thank you. Thank you, Chairman.

CHAIR BAISA: Okay. Any further questions from the Members? If not, one last thing that I just want to be sure we all have very correct, and that is for a Agricultural Subdivision, a six-inch waterline is deemed to be okay. If they go to Rural, then it needs to be eight inch?

MR. MEYER: That's correct.

CHAIR BAISA: So if they...when does this change in requirement kick in? Remember we're talking about drawing boundaries and not really doing anything but just drawing boundaries at this point. That requirement would kick in when somebody decides to do something under the Rural designation?

MR. MEYER: Yes. Anytime they would want a further subdivision, the County Code would require that those improvements be made.

CHAIR BAISA: And that would be made at the expense of the person that wants to do it not the Department?

MR. MEYER: Correct.

CHAIR BAISA: Okay. I just want to make sure that we're all very clear about what, you know, changing these designations could trigger. It's really important. Anything else that you folks have to discuss about the Water Department while

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we have Mr. Meyer here? If not, Mr. Meyer, I want to thank you really very much for coming on short notice. We appreciate it.

MR. MEYER: Thank you, Madam Chair.

CHAIR BAISA: All righty. Thank you. Okay. Members, that was really important stuff we discussed this morning. We now have a PowerPoint that's going to be done by the Planning Department. Do we need to take a little break to set that up or are we okay? Ready to go? Ready to go, excellent. We're gonna do something with the lights and then we'll be ready to go. We don't need it quite that dark. That's good. Yeah. Thank you. Okay. Planning Department, all yours.

MR. SUMMERS: Okay. Thank you. Just a real quick presentation on the Upcountry region. Again, these presentations are intended to provide the Members and the community with a general overview of the rationale for how the Department proposed and developed our Urban Growth Boundaries. It's intended to also look at some of the challenges and opportunities facing our different regions and to look specifically at some of the key differences between GPAC, Planning Commission and the different director versions of the Growth Boundaries.

CHAIR BAISA: Mr. Summers --

MR. SUMMERS: Sure.

CHAIR BAISA: --I'm assuming everybody got a copy of the slides?

MR. SUMMERS: Yes, that's correct.

CHAIR BAISA: Members, if you want to make notes on them, you can and we'll discuss the questions after Mr. Summers is pau. Okay. Go ahead.

MR. SUMMERS: Okay. Great. This slide shows the six community plan regions that make up Maui island. You'll see the big star on the Makawao-Pukalani-Kula region, the topic of today's discussion. The Committee has already done an initial review of the Wailuku-Kahului region, the Kihei-Makena region. This region would be followed by the Paia-Haiku region and then West Maui and onto Hana. The Upcountry region is very unique. The landscape in the area is really a patchwork of large plantation agriculture, cattle ranches, small diversified truck farming operations, rural residential uses, very unique country towns, small little communities dot the landscape. So very unique and I think that's one of the reasons we've had so much testimony is that people really enjoy the lifestyle, the bucolic lifestyle that the region has to offer. We do have four distinct sub-regions in the Makawao-Pukalani-Kula area: Pukalani, Makawao, Kula and Haliimaile.

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Next slide. Okay. The challenges and opportunities we've heard a lot in the public testimony about these things. We've heard this for the last few years. One of the biggies, one of the major challenges is making sure that we protect our agricultural lands and that we maintain separation between some of our communities. And the Members will note that this has become a real theme throughout the Maui Island Plan is our communities have grown over time. This issue is prominent as you'll see later on in this region as well. We're also looking at trying to provide for efficiency in terms of our development patterns. You'll see in, that when we've proposed our Growth Boundaries, we're trying to do it in a way that comports with that second principle of maintaining separation. One of the things that is prominent is the need to enhance and strengthen walkability in some of our communities. This is a big issue in Makawao as well as some of our other communities. And in terms of the housing units if--when we did our land use forecast, only 2 percent of the units Upcountry were multi-family, so 98 percent of the units are single-family and that has limited some of the housing options Upcountry. Next slide. I just, this slide captures just a portion of Upcountry. It also captures the Paia-Haiku area. If the Members could kinda focus here, this is a 1933 shot and we're depicting the change in land use patterns Upcountry over time. The dark tan area is development in 1933 and the sort of the lighter areas are development patterns in 2004. So it's interesting to see how things have evolved over time. If we can go to the next slide. You'll see that in the mid-1900's, the Pukalani area began to develop and by the late 1970's, it actually outgrew Makawao. You can't see all of Pukalani in the slide and I apologize for that, but you see significant expansion through here and the birth of Pukalani. Next slide. 1978, we began to see some pretty rapid growth in the Upcountry area. Kula started to see some significant settlement expansion. You can't see it in this area. Most of it was in the form of Ag Subdivisions, some Rural Subdivisions as well. Kula and most of Upcountry were, has been a very desirable place to live due to the climate and again, that bucolic lifestyle. Still significant separation between Makawao and Pukalani, very distinct, defined communities. Next slide. 2004, fairly substantial growth between '78 and 2004. We're really down to our last two parcels that are separating Makawao and Pukalani. Those communities still have a very distinct feel, very different development patterns, but we are at a critical juncture here with this plan in terms of trying to maintain separation between those two communities. You'll also see some expansion in Haliimaile. And we have seen--it is not on that previous slide--continued Ag Subdivisions, which did slow after the adoption of the Ag bill. This slide shows sort of a historical evolution of Makawao town over time. The dark red area displays sort of a historic town site with the intersection of Makawao and Baldwin Avenue being the, really the core of the community. And then the light, sort of the orange-ish-colored area depicts areas that developed in the 1970's and 1980's and the yellow area depicts areas that developed primarily in the '80's and '90's. And this is a very interesting slide because it shows all four settlement patterns that we'll be talking about today. The historic town site

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developed in a tight grid style, both along a grid roadway network with fairly high densities, because people had to walk to the services, and I mean single-family dwelling units but on small lots. In the '70's and '80's as the community developed, you started to see a looser development pattern primarily shaped by changes in commuter habits. Rural residential came into play, we saw the development of a, one of our early Rural areas in the half-acre lots. This was done around like sort of a curved linear street network. This community is more auto dependent, so you get more trip generation up Makawao Avenue. And then we have an Ag Subdivision on the makai side of town on two-acre lots, which again is fairly auto dependent further from services. So generally if you look historically over time at our community plans and some of the regulatory work the Department has done in the last few years, we're trying to encourage efficiency in our land use patterns. But this is again, an interesting snapshot. Go to the next slide. You'll see and it's a little hard, I apologize, it's a little hard to see the roadway network, but again we've got the tight grid here which works very well because there are many alternative ways to get from point A to point B, followed by the Maui Uplands Subdivision, these Rural half-acre lots and then the two-acre Ag lots. Next slide. Haliimaile is a community that is very, very unique and is one of the remaining plantation towns in the State. Small lot size, extremely efficient development pattern, yet it still maintains a very rural character. So despite a little higher densities, it's still a rural feeling community. I would note that the boundaries...Haliimaile has a very hard edge and that was intended primarily to promote walkability so workers could get up to the employment opportunities around the cannery. This community was built around the economic base, plantation agriculture, and when you look at many communities where resources are constrained in Hawaii and throughout many parts of the world, this is actually a fairly typical development pattern. Next slide. Keokea really developed in a more of an organic pattern with a small town center and community services that were followed by sort of some historic residential development patterns. And so this is one of the unique aspects of our Upcountry area. Going back before we get into the Directed Growth Strategy, we'd just like to harp, hark back to our themes in the Maui Island Plan and make sure that we stay true to those. Theme one, again to limit development North, West and East Maui; Theme two is particularly important for the Upcountry region to protect Maui's agricultural resource lands, especially prime or productive ag lands in Central, West and Upcountry Maui; Theme three, to direct growth to areas approximate existing employment centers where infrastructure and public facility capacity can be cost effectively provided and where housing can be affordably constructed, and this goes all the way back to the Hawaii State Plan. You'll see policies that are set forth in that document that then come into our community plans and in this Plan. Theme four, within the Urban Growth Boundaries, and this will provide some direction in the community plans, within the UGB promote livable, mixed-use communities defined by a high quality of life. And prominent throughout the entire discussion has been to keep the country, country. This slide

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articulates the overall general strategy for the update, well, for the demarcation of our Rural and Urban Growth Boundaries Upcountry. The first concept was try to look for areas to accommodate our growth where it's a logical expansion of our existing communities as well as, as opposed to dropping new urban nodes out in the middle of agricultural land. Theme two, to protect the existing separation in hard edges between our communities, you'll see that we haven't, there has been no proposal to develop through here and in other areas that might compromise the integrity of our existing communities. Theme three, utilize or maximize infrastructure in nearby goods and services, focus on the protection of ag lands and again keep the country, country. Looking at supply and demand in the Upcountry region, this slide depicts the gap between lands that are currently entitled for development and projected demand over the 20-year planning horizon. Everything from 2010 out to 2030, the planning horizon is a projection. The gold line demarcates existing supply, entitled supply Upcountry, and you'll see this area here is the gap between supply and demand, roughly 824 units arrogated in the area according to the 2006 forecast which is adjusted in 2008 and 2009. Next slide. We do have some existing approved projects in the area and if we can, I think if you go one more slide. Yeah, there we go. We've got, yeah, yeah, Haliimaile. One more slide Simone. Yeah, Haliimaile, we do have a fully entitled project here, 148 units with...really it hasn't broken ground yet, but we do have some capacity at Haliimaile to accommodate some additional projects. We have another, a fair amount of entitled smaller projects in the region. We had roughly 1,567 units of supply, but we've seen a fair amount of that developed over the last several years. So on existing vacant lands where we have roughly 860 units that can yet be developed. Further in the Kula, we've got the Kula Ridge affordable project, 116 units hasn't broken ground yet, and we've got the Keokea DHHL projects. This project has the capacity for over 3,000 units, but that's a very long planning horizon, so just a small portion of that would be developed over this 20-year planning horizon. And it serves areas throughout the island in a targeted community. Next slide. Right there. Okay. If you look at some of our planned growth area projects in the document, we've got the Pukalani Makai project proposed which is, could be roughly 250 units as an expansion area. We've got Makawao Makai at about 90 units on the makai boundary of the town; the Piiholo South project, roughly 200 units, targeted towards, to meet the needs of our elderly community. Seabury Hall, this was a topic of a lot of conversation during testimony. We had anticipated 80 units. Based on that testimony, we may want to rethink that, how we couch that in the story for Seabury Hall, may need to make an adjustment there. And the Pukalani Triangle project, 225 units, an infill project on the edge of Pukalani. This table depicts buildout capacity over the planning horizon. Total units, both existing entitled plus planned if they are included in the Directed Growth Strategy, could yield up to 5,800 units, but it's important to note that over 3,000 of those units would be DHHL lands. So it's important to consider those lands for infrastructure planning purposes, but certainly that's not gonna develop, the DHHL lands won't develop

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out during the planning horizon. So the remaining yield is roughly 5,000 units, 12 percent buildout at this point. Next slide. We do have a Plan protected area in the Makawao-Pukalani region. The goal of the Upcountry Greenway project, which is getting a lot of traction these days, I think in the community, is to provide an integrated system of non-motorized transportation facilities and multi-user routes, trails, paths that are compatible with land uses in the region. The Upcountry Greenway is envisioned as a regional network of bikeways and pedestrian paths. And the very interesting thing and important thing about this project is it provides mobility to the Paia-Haiku Community Plan region, which then connects with mobility to Central Maui. So it's part of an island-wide system. Okay. We do have...again, if you look at the four maps that are in the document maps, U1 to U4, all things considered we have a lot more similarities between the different versions than differences. This slide depicts some of the differences between the different proposals made by GPAC through Planning Commission 2010, Planning Director in 2012. One of the first changes on map U1, gets back to this conversation about how we treat our Ag Subdivisions. So we do have a proposal in the 2012 draft to put the Haiku Mauka and Maunaolu Ag Subdivisions in the Rural Growth Boundaries. The Piiholo South project was discussed throughout the planning process and we do have a proposal to include that project in this 2012 version of the draft Maui Island Plan as well as the Pukalani Triangle project. Piiholo South and Pukalani Triangle are both requests that have come in from the development community. Next slide. We've got on the makai side of Makawao, an Ag Subdivision that's existed for many years that was one of the original proposals that the Department made to demarcate as Rural during the planning process. That project has actually remained or that area has remained within a Rural Growth Boundary and was supported by GPAC Planning Commission and both Planning Directors. Kula 200, the Department and the GPAC originally proposed this project to be in a Rural Growth Boundary. The Planning Commission and the 2010 Planning Department did not support that. The 2012 Planning Department does support it. We looked at, in response to some input, the Anuheha Place Ag Subdivision and have recommended that that go into a Rural Growth Boundary as well to reflect the character of the area. Next slide. Map U3, Kula Glen subdivision, this was one of the original subdivisions that the Department did propose in a Rural Growth Boundary, was supported by GPAC. Planning Commission and Planning Department 2010, took a different position. 2012 Planning Department supports it. U4, no major differences on map U4 although we do have a proposal for a Rural Growth Boundary in the area of Ulupalakua Ranch. Next slide. I would just, usually I have a slide that depicts some of the major pitfalls and one of the things I would remind Members as we move forward and this is the issue of paper subdivisions has come up over and over again. We've had several questions about projects that have sat on the books for many, many years without action and the implications of that, and it has, that situation does create a lot of problems, you know, for the Planning Department, for different agencies that are trying to service and plan for infrastructure, so as

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we move forward with this project, it's important as we get these proposals to also consider whether there's really a true opportunity for the project to move forward and provide housing for residents. So thank you very much and we'd be happy to answer any questions that you might have.

CHAIR BAISA: Members, questions for Mr. Summers at this point or we can discuss them later, let's go. Mr. Pontanilla and then Mr. White.

COUNCILMEMBER PONTANILLA: Thank you. You know, one of the slides you mention about providing housing close to jobs, but most of the jobs are in Central Maui and West Maui, along with South Maui. And when I see some of the areas that are being, including the Urban Growth Boundary, I can agree to some of 'em, but in my mind, you know, I look at Makawao especially, in regards to congestion, congestion within the town area as well as not so much Pukalani, but, you know, if we gonna say that we gonna provide jobs close to housing, then we need to make sure that there are ample opportunities to create some, I guess, economic development type facilities in the Upcountry area. Otherwise, you know, no sense talk about jobs and housing in the same manner. I look at the proposal as far as the Upcountry-South Maui Bypass. I know we've talked about that for, I don't know, 10-15 years now and hopefully it's on somebody's radar. So once that is completed, you know, not everybody want to live in Central Maui or West or South Maui, you know, some people like to live in Upcountry. Just to, you know, get the feel of Upcountry living, so some of the areas that, you know, is being planned for urban growth, included in the Urban Growth Boundaries, I can agree, but some of the other areas I, you know, maybe some discussion need to be held. Thank you.

CHAIR BAISA: Thank you very much, Mr. Pontanilla. Good thing to think about. You know, it's interesting, but when people are coming to Maui looking for places to build their facilities or their stores or whatever, they tend to look in Central Maui because that's where the population is. And yet, you know, if we move some stuff up the hill, it might help solve the transportation issues. I joked with the Target people and said, "Why don't you put it Upcountry?" And they thought it was a joke. Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. Mr. Summers, what, do you feel that the text of the plan adequately supports the Upcountry Greenway Plan or do you think, do you feel there's any additional text that we need to add to provide the necessary support for that plan?

MR. SUMMERS: Thank you. We do have this plan identified as a specific protection area in the Upcountry region so, and we'll have a chance to look at it. I think it's adequate. We also have policies and various elements of the plan supporting it, so I'm comfortable, I'm comfortable that it's a strong statement for the community.

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COUNCILMEMBER WHITE: Okay, good. Thank you, Madam Chair.

CHAIR BAISA: Other questions for Mr. Summers at this point? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Yeah. When you look at separation, what is the deciding factor in regards to separating like say Makawao and Pukalani, because we had a testifier, you know, where you have that shaded green with yellow lines coming down, you know, the owners of that particular property had concern, do have concerns in regards now having that thing to be designated as open, not open space, but Greenway?

MR. SUMMERS: I think in this case, we're down to the deciding factor, we're down to just a few parcels left that are separating this area, so it's a very prominent area and warrants some real discussion. Really it's a fact...in terms of whether or not these community merges together, it'll come down to density, how it's developed and certainly ag, an Ag Subdivision is gonna be less intensive and less of an intrusion on the separation than say an up-zoning to Residential or some other land use category. From a pure land use perspective, the Department is suggesting a Greenbelt. That would provide the most separation.

COUNCILMEMBER PONTANILLA: Okay. As far as transportation roadways, how do we plan to eliminate congestion? I, you know, thinking out loud to have a, I guess, some kind highway that goes directly into Haleakala Highway, you know, maybe bisecting between Makawao and Haliimaile so that rather than coming towards, utilizing Makawao Avenue all the time just to come out to Haleakala Highway, you know, you do have a collector road--I think that's what they call 'em--that goes, go down to the collector road and then head off towards Haleakala Highway. That way you take out the congestion on most of the, I call 'em _____ roads, you know, especially Makawao Avenue coming towards Haleakala Highway during the mornings and afternoons.

MR. SUMMERS: Yes. We would concur with that as a long-term transportation objective. The Plan does suggest an alternative route through this area to provide some of that relief on Makawao Avenue and open up some alternative routes. So this concept was also something that was discussed in the Makawao-Pukalani-Kula Community Plan and so we do feel it's an important thing to pursue.

COUNCILMEMBER PONTANILLA: Okay. Thank you.

CHAIR BAISA: Further questions? Chair Mateo?

COUNCILMEMBER MATEO: Thank you, Madam Chair. Mr. Summers, in addition to looking at just growth in itself and I'm...growth as I'm seeing is predominately

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structures, yeah. At what point do we address infrastructure? Because somewhere along the line, this growth ain't gonna happen if there's no adequate roads, water, sewer, et cetera, so at what point do we reach that discussion?

MR. SUMMERS: I think it's something that...of course, the two larger issues are roadways, transportation and water. And we had early testimony about the water issues and some of the bigger decisions that have to be made in terms of where we're gonna source long term, not only for the Upcountry region, but for all of Central Maui. So that is some, that is a big, broader issue that needs consideration. In terms of transportation infrastructure, we think we can do a lot with improvements to our sidewalks and some small improvements to our streets to increase pedestrian and bicycle use. This particular bypass road, which is not gonna happen overnight, but long term, I think it provides a significant opportunity to relieve congestion in the Makawao area.

COUNCILMEMBER MATEO: Okay. So, what about in the smaller communities like the Makawaos and I reference just the town itself because the immediate area, the roadways already is inadequate.

MR. SUMMERS: Right. I think generally we can achieve a lot through how we do our land use planning, so if we can plan future development patterns to really be reflective of our historic town core in Makawao, which has slightly higher densities than some of the things we've seen in past, in more recent decades. That's gonna help a lot, so land use planning is probably the most efficient and effective approach followed by some infrastructure investment.

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

CHAIR BAISA: Further questions? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Yeah, just one last comment.

CHAIR BAISA: Sure.

COUNCILMEMBER PONTANILLA: Yeah. You know, what is so interesting, we talk about, you know, infrastructure, we talk about...couple weeks ago we talk about schools, and only now the Department of Education is really taking a look at the school infrastructure throughout the State of Hawaii. I find it, you know, coincidental here we are talking about the Island Plan and now, you know, Department of Education taking a look at all of their infrastructure and needs. Thank you.

CHAIR BAISA: Yes, Mr. Summers?

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MR. SUMMERS: Just one point on the land use planning side. When Upcountry originally...it evolved as a more of an agricultural ranching community and there were jobs, plenty of jobs Upcountry and people lived close to employment. With the mechanization of agriculture and changes in that, we've had some structural changes and the community has grown along with that, so now we have a situation where a lot of folks have to commute to South Maui and Central Maui for employment as well as basic services. So the other thing to look at is we don't have, we have a jobs housing imbalance Upcountry, but it's more with services and employment. So although it may be difficult to move a Costco or a Target up there and that would certainly meet significant resistance, for instance, there may be some opportunities for very small sensitive employment opportunities that could alleviate congestion, sort of the commuter congestion to and from work.

CHAIR BAISA: Thank you. Member White?

COUNCILMEMBER WHITE: Yeah, just thought maybe we could move the Planning Department up there.

CHAIR BAISA: That would be significant employment Upcountry.

COUNCILMEMBER WHITE: On a more serious note, one of the questions I have for Corp. Counsel, is this project here that we were discussing, if we were to leave that as is, would that be considered a taking in which case we would basically...if we're saying that's preserved, from our earlier discussions, my understanding is that means we essentially are saying we're gonna eventually buy it. Is that correct?

CHAIR BAISA: Mr. Giroux?

MR. GIROUX: Thank you, Madam Chair. I think that we have to use the same analysis, but as far as, again, the underlying what's there now, what's the entitlements, I'm not totally privy to, but I think that we do have to do the same analysis that if it's going to be an important corridor that we are going to, you know, have to look at how we are either going to be over-regulating it or we're gonna be taking it and in order to make it, you know, usable. I think, you know, the same with our sidewalks, our roads and those types of infrastructure that if we run into private lands that the people aren't in agreement with that, then we have to use the various mechanisms in order to acquire it.

COUNCILMEMBER WHITE: And if we were to...see, we have Greenway coming up on this side and it stops here, even though this area here is all currently open, this area here is currently open. And it seems to me that we may be able to avoid a taking if we trim it down to possibly...this here is about 300 feet and this is about 900 if I'm not mistaken. I saw the...one of the GIS guys was doing at the same

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time I was. So would it reduce our exposure if we left something there but maintained a Greenway by moving this line back over to here and then moving this line back somewhat. I don't know what the magic is there, but to what, how much of an analysis do you need to do of that to identify whether we have to buy it or not?

MR. GIROUX: Yeah. At this level, I think, it would be difficult, I mean, to...because there's so many options of acquisition. There's, you know, there...again, if we don't have the actual landowners here today, you know, to see what are their plans for that area, it's pretty difficult. Also, again, as part of your planning process, you, there's ordinances subsequent to this General Plan that the Council could actually enact that would encourage people to actually participate in the plan, you know, tax incentives, you know, transfer of development rights. These are all options that we don't currently have in our current ordinances, but once the plan is developed, we can look at those things and avoid, you know, takings, because then the developer would actually get, receive a benefit from giving the Greenway. And that's...I think the most difficult part is where somebody's absolutely not gonna do anything with their property and they just don't want the government to have it. And that's where we have to go to condemnation. And that's, you know, like I said, we have so many options and so many levels of negotiation, lawsuits, incentives, and we haven't explored 'em all. So it's really hard to do, you know, that takings analysis, but I think the raw analysis is, is that if somebody does have an ability to develop that property, build a house on it and that Greenway takes away that basic, you know, understanding of the use of that property, then we will have to look at all of those options.

COUNCILMEMBER WHITE: And if I'm understanding you correctly, that means that if that's the only piece of property that they own and there's no place to transfer any benefits, then our options become more limited?

MR. GIROUX: Yeah. Yeah.

COUNCILMEMBER WHITE: Okay, thank you. Thank you, Madam Chair.

CHAIR BAISA: Any other questions at the moment? Seeing none, the Chair would like us to take our morning recess. And if we could try to be back here in about 15 minutes, which is about ten minutes to 11:00, the Chair would appreciate that. So the meeting will now be in recess. . . .(gavel) . . .

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RECESS: 10:37 a.m.

RECONVENE: 10:57 a.m.

CHAIR BAISA: . . .(*gavel*). . . Will the meeting please come back to order. Members, we can now get into some of our deliberations for today and the first thing that we're going to do is the Chair will accept a motion to approve the revised Table 8-2, which we received.

COUNCILMEMBER WHITE: So move, Madam Chair.

COUNCILMEMBER CARROLL: Second

CHAIR BAISA: Thank you very much. We have a motion by Member White, seconded by Member Carroll. And I'd like to fill that date in, Staff, on the date that we received this revision.

MS. HAMMAN: The Committee received the revised Table 8-2 at the June 12th meeting.

CHAIR BAISA: Alright. And Members, makers of the motion, that's the version that we're . . .

COUNCILMEMBER WHITE: Yes. That's the version that I've made the motion on.

CHAIR BAISA: Okay. I just want to make sure that, you know, we're all on the same page. Is there any discussion on this motion? We've had this awhile. It incorporates changes that we have discussed, and I don't think that there's anything in it that we, is new at this point, but if there's any questions, Chair will entertain them. Otherwise, we will vote. Seeing no questions, all those in favor, say aye.

COUNCIL MEMBERS: Aye.

CHAIR BAISA: Opposed, say no? Motion carries. We have five ayes and no noes and we have four Members excused, Member Cochran, Member Hokama, Member Victorino, and Member . . .

COUNCILMEMBER MATEO: Couch.

CHAIR BAISA: Member Couch.

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VOTE: AYES: Chair Baisa, and Councilmembers Carroll, Mateo, Pontanilla, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Couch, and Councilmembers Cochran, Hokama, and Victorino.

MOTION CARRIED.

ACTION: APPROVED.

CHAIR BAISA: Okay. So we can move on. The next item that the Chair will get us going on, the Chair will accept a motion to approve the text at Pages 8-30 to 8-31, Pages 8-32 to 8-33 on the Planning Director's marked-up version including the background narrative in the Section entitled "Challenges and Opportunities" all the way up to Makawao-Pukalani-Kula Planned Growth Areas.

COUNCILMEMBER WHITE: So moved, Madam Chair.

COUNCILMEMBER CARROLL: Second.

CHAIR BAISA: I have a motion by Member White, seconded by Member Carroll and we have the text before us, so Chair would like to ask Mr. White if you can help us highlight some of the changes that are in here. They're posted in blue. I hope everybody has a copy that's easy to read. Any parts of it that you'd like to discuss, Members? Other Members, please feel free to jump in if you'd like. Let's start at the beginning and then go down. Well maybe Planning Department, if you could help us highlight some of the changes that you think we would need to discuss?

COUNCILMEMBER WHITE: Madam Chair?

CHAIR BAISA: Yes? Yes, Mr. White?

COUNCILMEMBER WHITE: My motion was focused on the Ramseyered version.

CHAIR BAISA: Correct.

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COUNCILMEMBER WHITE: And so it, the motion includes all the blue highlights and underlines.

CHAIR BAISA: Correct. If there's any discussion on any of those blue highlights, Chair will be more than happy to give the opportunity. If there are none, then we are ready to vote. Members, questions on any of the Ramseyered blue, blue things that you want to talk about?

UNIDENTIFIED MEMBER: No.

CHAIR BAISA: Seeing none, all those in favor, say aye.

COUNCIL MEMBERS: Aye.

CHAIR BAISA: Opposed, say no? Motion carries. We have five ayes and four Members that are excused, Member Couch, Member Cochran, Member Hokama, and Member Victorino. And I'm not going to say that anymore because we know who's excused. I think that's enough for the record. So the motion carries.

VOTE: AYES: Chair Baisa, and Councilmembers Carroll, Mateo, Pontanilla, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Couch, and Councilmembers Cochran, Hokama, and Victorino.

MOTION CARRIED.

ACTION: APPROVED.

CHAIR BAISA: The next item for business today is the Chair will entertain a motion to approve the 2010 version of maps U1 through U4, and we also want to remind you the Director provided a corrected version of map U1 and we will discuss the proposed amendments and we will go through the table that was given to us and Planning will help us go through that. It is the Chair's feeling and I hope that the Committee will support my recommendation that we go through the table of all of the items that are on this list, but that we postpone voting on it until our July 5th meeting. And the reason the Chair would like to recommend that is because we

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have a bare quorum today and I'd like to give more of the Members the opportunity to participate in making the decision. Any objections, Members?

COUNCIL MEMBERS: No objections.

COUNCILMEMBER WHITE: Madam Chair, would you like me to make a shorter motion than that?

CHAIR BAISA: You can make a short motion if you can find one.

COUNCILMEMBER WHITE: Madam Chair, I move to approve the 2010 version of the maps U1 through U4, including the Director's corrected version of map U1.

COUNCILMEMBER CARROLL: Second.

CHAIR BAISA: Thank you very much. We have a motion by Member White, seconded by Member Carroll.

MS. HAMMAN: Um. . .

CHAIR BAISA: Staff?

MS. HAMMAN: Just for clarification, I, because the approval of the 2010 maps doesn't include the 2012 Director's proposed revisions, I don't think the motion should include the corrected version of map U1, but that could be an amendment at a later time.

COUNCILMEMBER WHITE: Unless the correction is the 2010 map, it's not?

MS. HAMMAN: No, my understanding is it's correcting the 2012 version that was submitted to the Committee on May 23rd.

COUNCILMEMBER WHITE: Okay. Madam Chair, then, I would adjust my motion to move for the approval of the 2010 version of maps U1 through U4.

CHAIR BAISA: Mr. Carroll?

COUNCILMEMBER CARROLL: Second.

CHAIR BAISA: Okay. You've heard the motion by Mr. White, seconded by Mr. Carroll. And now we are going to get into the discussion of the maps and Chair would like to ask the Planning Department if they could assist us in going through proposed amendments.

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COUNCILMEMBER PONTANILLA: Chair?

CHAIR BAISA: Yes?

COUNCILMEMBER PONTANILLA: Can I have a short recess? I want to retrieve my 2010 version.

CHAIR BAISA: Absolutely, Mr. Pontanilla. We will take a very short recess and I'm not gonna say how many minutes 'cause you'll have to find it. Chair...meeting is in recess. . . .(gavel). . .

RECESS: 11:04 a.m.

RECONVENE: 11:06 a.m.

CHAIR BAISA: . . .(gavel). . . Will the meeting please come back to order. Mr. Summers, if you could please help us go through the items that we're going to be discussing. The Chair would ask the Members and everybody who's, you know, concerned please make really good notes today. We have recommendations from the Planning Department and we have concerns and issues and testimony that we've received from the community. Chair would like us to fully discuss all of this, make good notes so that at our next meeting, hopefully, we will be ready to fairly quickly move through these approvals with the presence of a greater group of Council members here. So that's what we're gonna do today, so Mr. Summers if you...for the rest of the day. Mr. Summers?

MR. SUMMERS: Thank you. If the Committees could refer to Exhibit C, we've organized this to address those items that involve the change of a boundary from say, Small Town or Country Town to Small Town or from Rural Service Center to Rural. So we've collapsed those items upfront because they're fairly straightforward. Items D045 to D070, the first 12 items do this. Again as the Committee members know, but the public may not, early on we used terms like Country Town and we essentially just changed the name of that to Small Town. And we at one point in the process with the 2010 draft, we had a term called, Rural Service Center, a boundary-type that reflected that, that the Committees, the Committee decided to collapse that into the Rural Growth Boundary. So this simply implements that direction provided by the Committee. Again, that would be the first 12 items from D045 to D070. D045 on map U1 seeks to convert approximately ten acres of land identified as D045 near Baldwin Avenue from a Rural Service Center Boundary to a Rural Growth Boundary.

CHAIR BAISA: Any questions from the Members on them? Members, just stop and ask your question as we go. If I hear nothing, then we're just gonna move on to the next one. Okay. Seeing none, Mr. Summers?

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MR. SUMMERS: Thank you. The next one of these is D049, which reads to convert approximately 23 acres of land identified as D049 near Baldwin Avenue from the Haiku Rural Service Center Boundary to a Rural Growth Boundary.

CHAIR BAISA: Move on.

MR. SUMMERS: D052 reads to convert approximately six acres of land identified as D052 near Baldwin Avenue from the Haiku 10 Rural Service Center Boundary to a Rural Growth Boundary.

CHAIR BAISA: Seeing none, move on.

MR. SUMMERS: D053 reads to convert approximately five acres of land identified as D053 near Baldwin Avenue from the Haiku 7 Rural Service Center Boundary to a Rural Growth Boundary.

CHAIR BAISA: Next?

MR. SUMMERS: D055 convert approximately eight acres of land identified as D055 from a Rural Service Center Boundary to a Rural Growth Boundary.

CHAIR BAISA: Next?

MR. SUMMERS: D057 convert the Haliimaile Country Town Growth Boundary identified as D057 to a Small Town Growth Boundary.

CHAIR BAISA: Members, questions? Moving on.

MR. SUMMERS: D059 convert the Makawao Country Town Growth Boundary identified as D059 to a Small Town Growth Boundary.

COUNCILMEMBER MATEO: Madam Chair?

CHAIR BAISA: Yes, Mr. Mateo?

COUNCILMEMBER MATEO: I'm not sure if we address this now or at a later time, but in that, on that same parcel, D059 relative to Makawao town, questions regarding the Figueroa [*sic*] properties, do you want us to address it at a later time?

CHAIR BAISA: Chair, well, let's have the discussion. We're gonna have it now or later, so go right ahead.

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COUNCILMEMBER MATEO: Thank you. The Figueroa [*sic*] family have communicated with all of the Members regarding their parcel. Their parcel is in Makawao and it was under the Makawao Town Boundaries and it had moved into the Kee Road Rural area. And they were concerned about that change, so perhaps the Department can tell us how to address this particular issue regarding the Figueroa property in Makawao?

CHAIR BAISA: Thank you very much, Chair. Planning?

MR. SUMMERS: Yes, there are two options for this. One option the Committee could consider would be to change the Rural Growth Boundary proposed to a Small Town Boundary, so it would be an expansion of the Growth Boundary around Kee Road from Rural to Small Town. The second option would be to at the community plan level if it's a Rural Growth Boundary with the way the new definition is structured, one can have single-family uses and smaller lots and that would be determined at the community plan level by identifying that as a Rural village. So those are two options available for the Committee to address this.

COUNCILMEMBER MATEO: The easiest options, Mr. Summer, would be the first option, right? Because if we wait for the community plan process, it'll be too cumbersome at that point because now they're gonna have to take a look at the line already drawn and it becomes a little more technical for the family to deal with reverting the property back to current zoning or current...yeah.

MR. SUMMERS: Yes, that's correct. In this particular case, that would be sort of the more immediate solution to the issue.

COUNCILMEMBER MATEO: Okay. So that was just a nine-acre parcel, Madam Chair, so to me when, you know, when we continue the discussion and taking a look at the specific boundaries, perhaps at that time we can try to see how to iron out the Figueroa [*sic*], yeah the Figueroa [*sic*] property, Figueira property and just make it, keep it as it's currently recognized instead of adding it to the Kee Road Rural area. I think it'll meet the family's request to this body.

CHAIR BAISA: Chair heard that very clearly. Mr. Carroll and then Mr. Pontanilla.

COUNCILMEMBER CARROLL: Thank you, Chair. I, too, was looking at this and I would hope that bringing this up, I think we could take action on things like this at this time by motion and do the correction now. I see no reason in order to delay any action on what Mr. Mateo has proposed.

CHAIR BAISA: Chair, we can...hang on a second, Mr. Carroll. Let me see what Mr. Pontanilla has to say. Mr. Pontanilla?

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COUNCILMEMBER PONTANILLA: Thank you. You know, because most, some of the Members are not here, you know, and we're gonna review each of the different area numbers, then I kinda hesitate of taking action today. But you know, Members, please don't forget about the 59 and the Figueira property on Kee Road that it should be included in the Small Town Growth Boundary. At that time, you know, we can take action. Thank you.

CHAIR BAISA: Thank you very much, Mr. Carroll. I understand, you know, what you trying to do, but I think we'll postpone the voting, but I will instruct the Planning Department if they could please make a note on this matrix so that we do not let that fall through the cracks. That is very important. This Council wants to be very responsive to the input that we have received from the public. I think that is the whole reason why we're doing this the way we're doing this and so we want to have full discussion and we want to listen to the people and then we'll vote and see, you know, where it goes. But we do want to address the concerns that have been made, otherwise, why bother. So if you would please take care of that for us. Thank you.

COUNCILMEMBER MATEO: Thank you, Madam Chair.

CHAIR BAISA: Any further discussion on this piece? Otherwise, Mr. Summers, moving on.

MR. SUMMERS: Thank you. Item D066 convert approximately 73 acres of land identified as D066 Kula Lodge Rural Area from a Rural Service Center Boundary to a Rural Growth Boundary.

CHAIR BAISA: Any discussion? Seeing none, moving on.

MR. SUMMERS: D067 convert approximately six acres of land identified as D067 Kula Hardware Rural Area from a Rural Service Center Boundary to a Rural Growth Boundary.

CHAIR BAISA: Discussion? Questions? Seeing none, Mr. Summers, move on.

MR. SUMMERS: D068 convert approximately 205 acres of land identified as D068 Waiakoa Kula Ridge Rural from a Rural Service Center Boundary to a Rural Growth Boundary.

CHAIR BAISA: Comments? Questions? Moving on.

MR. SUMMERS: D069 convert approximately 1.2 acres of land identified as D069 Kula 5 Rural Area from a Rural Service Center Boundary to a Rural Growth Boundary.

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CHAIR BAISA: Next.

MR. SUMMERS: D070 convert approximately 71 acres of land identified as D0, D70, D070 Keokea Rural from a Rural Service Center Boundary to a Rural Growth Boundary.

CHAIR BAISA: Next, Mr. Summers.

MR. SUMMERS: Okay. Now we're getting into items that essentially involve new proposals for Urban or Rural Growth. The first item, D046 add approximately five acres of land identified as D046 near Baldwin Avenue to the Haiku 9 Rural Growth Boundary. So this is an Ag to Rural. D047 add approximately seven acres of land identified as D047 near Baldwin Avenue to the Haiku 9 Rural Growth Boundary.

CHAIR BAISA: Okay. Mr. Summers, let's back up to the other, the first change, adding approximately five acres of land identified as D046 near Baldwin Avenue to Haiku. Can you explain little bit more about what this is?

MR. SUMMERS: Okay. GIS staff, if you could zoom up on that area. We have a number of small Ag lots in this area so as part of the Department's effort to identify areas where there had been a significant subdivision of Ag land into small lots, this area was identified as an area that would be appropriate for Rural Growth Boundary. And there are a string of these if you look at the map, you'll see it, a handful of these in this area.

CHAIR BAISA: And these were not identified in GPAC or Planning Commission?

MR. SUMMERS: That's correct.

CHAIR BAISA: Okay.

COUNCILMEMBER WHITE: Madam Chair.

CHAIR BAISA: Yes, Mr. White?

COUNCILMEMBER WHITE: It would be helpful if Mr. Summers could identify what is there now --

CHAIR BAISA: Okay. Sure.

COUNCILMEMBER WHITE: --and to, so we have...

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CHAIR BAISA: You know, please ask away because we want to be very clear on these things.

MR. SUMMERS: Okay. Could we expand upon D046, please, will you blow that up a little bit? So that would be this area up in here. It's a little bit hard to see. We've got a line running through it. Peter, can you zoom up on that a little bit more? I guess there's probably no...you can see this area, yeah. Could we have a short recess, please?

CHAIR BAISA: Absolutely. We'll take a short recess. Meeting's now in recess. . . .(gavel) . . .

RECESS: 11:19 a.m.

RECONVENE: 11:24 a.m.

CHAIR BAISA: . . .(gavel) . . . Will the meeting please come back to order. We needed to do a switch of a computer and so now we're ready to go ahead. We were trying to focus in on the area that we were talking about. Mr. White, does that help? Is that better?

COUNCILMEMBER WHITE: It would be helpful if we had the Google--I can pull it up on my computer--but if I'm...so what the recommendation 46 is, is to extend that, the area that's already blue makai. It looks like it's...isn't that Rainbow Park?

CHAIR BAISA: Mr. Summers?

MR. SUMMERS: Yes, the recommendation is to extend this Rural Growth Boundary to include this area here, roughly five acres. I don't know that that is Rainbow Park. We can zoom in on that and see.

COUNCILMEMBER WHITE: Actually, it may not be, but my question is, you currently have a private residence there, Soul Space Ranch there and then County of Maui on the mauka side. But what's incorporated there? Why is that addition necessary?

MR. SUMMERS: These were, this is a, an area where you have a, have had a number of Ag subdivisions and we had a couple lots here that had been subdivided down into smaller sizes so the Department felt it was appropriate to extend that Rural Growth Boundary to include those areas.

COUNCILMEMBER WHITE: Those are --

CHAIR BAISA: Mr. White?

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COUNCILMEMBER WHITE: --two-acre --

CHAIR BAISA: Go ahead.

COUNCILMEMBER WHITE: --two-acre parcels. I don't...and the other question I had, Madam Chair, is we're in the Makawao District, but these are all termed Haiku 7, Haiku 8, Haiku 9, and Haiku 10 even though we're supposed to be in the Makawao-Pukalani-Kula District.

CHAIR BAISA: Excellent question. Maybe Planning can help us.

MR. SUMMERS: Yes, these names were simply used for us by the staff to identify areas as we went through the process, and our intent is not to keep to those names as I stated in the early...I think it was our first presentation on the Directed Growth Strategy. Although the boundaries in the Maui Island Plan closely follow the community plan boundaries, it's not an exact replication. We do have some spillover between the different maps and that's the case here.

COUNCILMEMBER WHITE: I think we might find people offended that --

MR. SUMMERS: Yes.

COUNCILMEMBER WHITE: --district name is being used --

MR. SUMMERS: Right.

COUNCILMEMBER WHITE: --in some other district.

MR. SUMMERS: Yeah. That's right.

COUNCILMEMBER WHITE: Okay. Okay. I have my answer. Thank you

CHAIR BAISA: Okay. Any further discussion of D046 or are we all clear as to what's there? Okay. Let's go on, Mr. Summers.

MR. SUMMERS: Thank you. D047 very similar situation, approximately seven acres, small ag lots proposed to be included within a Rural Growth Boundary.

CHAIR BAISA: Can you kinda tell us a little bit more description?

MR. SUMMERS: Well, if you can zoom up on it, you'll see that we've got some structures on the parcels, the lots. We can pull up the lot sizes if the Committee

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members are interested. Again we have an area where we've got Ag Subdivisions and Rural designations in close proximity.

CHAIR BAISA: Members? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: So, Mr. Summers, all of the lots that you indicate are Rural lots at this time or Ag lots?

MR. SUMMERS: Well, we have...if you can pull up the community plan there, we have areas that have already, different areas that are near these proposals that are Rural in the community plan.

COUNCILMEMBER PONTANILLA: What's the size of the lots?

MR. SUMMERS: Let's do a quick take on some of the lots on D047, staff.

COUNCILMEMBER PONTANILLA: For instance, that two big ones right here, that one and that one.

MR. SUMMERS: GIS staff, can you read that? It's a little hard for me to see the numbers up there. 3.69 acres on this parcel here.

UNIDENTIFIED SPEAKER: This one's 2.

UNIDENTIFIED SPEAKER: 1.99 and 1.02.

COUNCILMEMBER PONTANILLA: Thank you.

CHAIR BAISA: Okay. Mr. White?

COUNCILMEMBER WHITE: I understand possibly the change here because that's Maui County land that's being used for—I can't remember what it is--whether it be an Aloha House or similar...

CHAIR BAISA: Can you get little closer to your microphone --

COUNCILMEMBER WHITE: I'm sorry.

CHAIR BAISA: --please.

COUNCILMEMBER WHITE: I believe that's a treatment center, but the land is owned by Maui County. Again, I, I'm a little less excited about changing these two parcels. These are private owners and again, you know, we run into the same question of have we notified them of what our plans are, so I don't know if the

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Department wants to comment on that. But that question there is similar to the one for 46 where it's two other private landowners.

CHAIR BAISA: You know, we may be back to the same situation we had in Kihei-Makena when we're looking at those preservation things. Maybe...I realize that Planning is extremely busy, but if you all could make a phone call in the event, you know, just before our next meeting. They'll be time because it's not until July 5th, if we could just let these people know--so that if they have serious concerns that they'll be here--that this is happening. I think it's important. We want people to know. We don't want any surprises.

COUNCILMEMBER PONTANILLA: Chairman?

CHAIR BAISA: Yeah? Yes?

COUNCILMEMBER PONTANILLA: You know, Mr. White brings out a really good point because when I look at that, you know, just looking at the area itself, you know, I don't know if it's two lots, three lots. So if there are other property, many property owners in that one cell then, you know, it should be identified on the map.

CHAIR BAISA: Planning? Comments?

MR. SUMMERS: No comment.

CHAIR BAISA: Okay. I think you hear where we're coming from. We certainly would not want these owners to have something changed and they not know about it. At least we'll try to notify them. Please. Okay.

UNIDENTIFIED SPEAKER: There you go.

CHAIR BAISA: Okay. There you go. There you can see it now.

COUNCILMEMBER PONTANILLA: That's good. Yeah.

MR. SUMMERS: Okay. D048 again similar situation, we have a little cluster of these. Roughly two acres of land identified as D048 from an Ag to Rural, to include a Rural Growth Boundary.

CHAIR BAISA: Questions, Members?

UNIDENTIFIED SPEAKER: It's good.

CHAIR BAISA: Next, Mr. Summers.

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MR. SUMMERS: Okay. D050, unfortunately, I apologize, the number on your map is missing. This is a very small area. On the printed map it's not depicted although we do have it here on the screen for you. This is a roughly 1.5-acre parcel that we're suggesting a Rural Growth Boundary.

CHAIR BAISA: Can you show us one more time?

MR. SUMMERS: I would note that, you know, this is a substandard lot. We've had a few of these that are less than two acres. We've got small lots that are substandard.

CHAIR BAISA: Anybody have your thing so it would be down there.

MR. SUMMERS: Okay. Just mauka of this area, D051 is the Maunaolu Ag Subdivision and this is one of the subdivisions that came in under the Ag bill back in 1998, so it's one of the last small lot Ag Subdivisions that was done in the community. And the recommendation of the Department is to move that into a Rural Growth Boundary. And if we could get a couple of takes on lot sizes for the Members, just a, maybe two or three to give the Members an idea of --

CHAIR BAISA: And this is existing Rural already?

MR. SUMMERS: These are existing Ag lots.

CHAIR BAISA: Ag lots. Okay.

COUNCILMEMBER WHITE: Yeah. It's almost all two acres.

MR. SUMMERS: Yeah.

COUNCILMEMBER WHITE: So this is basically the same concept as you're applying to Kula 200, Wailuku Country Estates, Anuhea, et cetera?

MR. SUMMERS: Yes, that's correct.

COUNCILMEMBER PONTANILLA: So, Mr. Summers, I guess...oh, I'm sorry, Chair.

CHAIR BAISA: No, go ahead, Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: The property owner, if it's all two-acre lots, so we don't know if they're agreeable to the Rural designation, then?

CHAIR BAISA: I have to say we have not heard from them.

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COUNCILMEMBER PONTANILLA: Yeah.

MR. SUMMERS: Yeah, in this particular case...

CHAIR BAISA: If they're gonna make the calls --

MR. SUMMERS: Yeah.

CHAIR BAISA: They will know and they may --

COUNCILMEMBER PONTANILLA: Okay.

CHAIR BAISA: --show up at our next meeting.

MR. SUMMERS: Right.

COUNCILMEMBER PONTANILLA: Yeah, I would think, you know, similarly like Kula 200.

MR. SUMMERS: And we'll do our best.

CHAIR BAISA: Yeah. Anything you can do to help get that word out. It's really, really important. We would much prefer to know about it before than afterwards. In fact, as we go ahead if that could be kind of a standard protocol if you guys could try, when you put these lists together, to see if you could make those calls. And if you have trouble and you need help, then let's split it up and, you know, maybe Staff can help you guys do it, but I think it's really important that we get to the folks.

MR. SUMMERS: Yeah. No worries.

CHAIR BAISA: Okay.

MR. SUMMERS: Okay. D054, it's a 125- [sic] acre area and it does include a portion of a Jehovah's Witness Church, which was recently considered by the Council. Again it's another one of these areas that, Ag areas that's been subdivided down into small Ag lots, typical lot sizes of two acres.

CHAIR BAISA: Questions on this particular piece? Mr. White?

COUNCILMEMBER WHITE: You know, I'm just...we're on the Makawao-Pukalani-Haiku, I mean, Makawao-Pukalani-Kula maps.

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CHAIR BAISA: Correct.

COUNCILMEMBER WHITE: We seem to be getting fairly deep into Haiku. What's left when we get to Haiku and Paia?

CHAIR BAISA: Planning?

MR. SUMMERS: Believe it or not, there's still plenty to chew on --

CHAIR BAISA: I'm sure there is.

MR. SUMMERS: --in that region. Again there is some overlap...

COUNCILMEMBER WHITE: I don't think there's anyone that lives in that subdivision that thinks they live in Makawao.

MR. SUMMERS: Yes, that's a fair, absolutely fair statement. There's some overlap. And then the Department, whichever way the Committee goes with this recommendation, again, the Church is a unique property, and we'd just like to point that out given the current decisions that were made on that property in terms of the consideration for...

CHAIR BAISA: The Church, yeah.

UNIDENTIFIED SPEAKER: The church proposal.

CHAIR BAISA: Further questions on this one? Mr. White?

COUNCILMEMBER WHITE: Well, the question I have or one question that I have is if we're this far into Haiku, is this the appropriate time to ask what we're able to do with Giggle Hill or does that happen when we get to the Haiku maps?

CHAIR BAISA: We'll let you answer, Planning?

MR. SUMMERS: That would happen when we get to the Paia-Haiku maps. And that...

COUNCILMEMBER WHITE: Because it's right across the street?

MR. SUMMERS: Hold on, just a minute. Excuse me.

COUNCILMEMBER WHITE: It just strikes me that we're getting way down into Haiku.

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CHAIR BAISA: I totally understand, Mr. White. I've always questioned the way that the lines are drawn, but that's how they're drawn. Any further...yes, Simone.

MS. BOSCO: Yes. Members, Councilmember White, we could discuss the Giggie Hill property in the context of the protected area, because the Upcountry Greenway Master Plan does cross over into two community plan areas, which includes the Upcountry region. It would be appropriate to discuss it if you would like. We could also...

COUNCILMEMBER WHITE: My, I guess my concern is that when we're talking about this, basically what's on the agenda is not inclusive of Haiku. So when, if somebody's looking at our agendas and say, well, I don't need to show up yet because we're in, you know, we live in Haiku and yet we're discussing Haiku. So I have a problem with getting too far off of Baldwin Avenue and into Haiku with our discussions when we haven't put it on the agenda.

CHAIR BAISA: Maybe that's a good question for Corp. Counsel. I see Mr. Giroux looking like he's ready to tell us something.

COUNCILMEMBER WHITE: He's always ready to tell us something.

CHAIR BAISA: Yes. Come on, Mr. Giroux.

MR. GIROUX: Yeah. We did have this discussion with Counsel Services and we do have a concern. I don't think we're violating the Sunshine Law, but I think the spirit of the law is that we don't cause any confusion or be misleading. And I think if that is a concern of Council then I think it's a valid point.

COUNCILMEMBER WHITE: So with that, Madam Chair, I would prefer that we hold off on any of these Haiku, Kokomo, Hanzawa Center, D054, but I'd like those transferred to the Haiku subject matter when we get...

CHAIR BAISA: Absolutely. And that's the next section we're going to do. Planning, can we just do that and we'll just delete these guys and we'll move to the next section for discussion when we get there. Would that work?

MR. SUMMERS: Chair, the next region is the Paia-Haiku region so.

CHAIR BAISA: Right. Right. So it's a matter of delaying them 'til the next piece.

MR. SUMMERS: Yes.

CHAIR BAISA: We can handle that?

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MR. SUMMERS: Absolutely.

CHAIR BAISA: Mr. White, done. Thank you.

COUNCILMEMBER WHITE: Thank you, Chair.

CHAIR BAISA: Thank you.

COUNCILMEMBER PONTANILLA: Chair, just a fast question --

CHAIR BAISA: Yes, Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: On this one here, again, it's all two-acre lots?

CHAIR BAISA: Planning?

MR. SUMMERS: GIS staff, could we take a random sample?

UNIDENTIFIED SPEAKER: Yeah. It is.

COUNCILMEMBER PONTANILLA: All two acre?

UNIDENTIFIED SPEAKER: Yeah.

COUNCILMEMBER PONTANILLA: It says, "Ag lots" right now.

CHAIR BAISA: Yeah.

MR. SUMMERS: Yeah. That's correct.

CHAIR BAISA: Okay. So we'll refrain from discussing these Haiku things and we'll discuss them in the next section, which will be the Paia-Haiku Planned Growth Areas. Okay. So let's continue on, Mr. Summers, with the ones that we can talk about.

MR. SUMMERS: Okay. That gets us down to D058 --

CHAIR BAISA: Okay.

MR. SUMMERS: --which is the 59-acre parcel, Small Town Growth Boundary around the area identified as Piiholo South.

CHAIR BAISA: Members, comments, questions? Seeing none, Mr. Summers?

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MR. SUMMERS: Thank you. D060 is the area that would include the Seabury Hall parcel, parcels.

COUNCILMEMBER WHITE: Does it...

CHAIR BAISA: Questions, Mr. White?

COUNCILMEMBER WHITE: I'm sorry, Madam Chair. Does it include parcels that are not owned by Seabury Hall?

MR. SUMMERS: It currently does, but the Department in D061 is recommending that those come out. So in the 2010 draft, we did have some parcels that were not owned by Seabury Hall, and the Department is recommending that those parcels be removed in the following D061.

COUNCILMEMBER WHITE: Okay. So when we finally come around to taking a vote, it will be based on the boundary being changed only to incorporate parcels owned by Seabury Hall?

MR. SUMMERS: That would be our recommendation.

COUNCILMEMBER WHITE: Okay. Thank you. Thank you, Chair.

CHAIR BAISA: Any further questions about this area? Okay. Moving on.

MR. SUMMERS: D062 would be the, an expansion of Pukalani Urban Growth Boundary by approximately 42 acres.

CHAIR BAISA: Can we...

MR. SUMMERS: That would be the, what was known as the Pukalani Triangle project, the Upcountry Town Center project.

CHAIR BAISA: Members, questions about this parcel?

COUNCILMEMBER WHITE: No.

CHAIR BAISA: Seeing none, Mr. Summers?

MR. SUMMERS: Thank you. D063 would include the Kula 200 Ag Subdivision that the Department's recommending be included within a Rural Growth Boundary. It's approximately 261 acres.

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CHAIR BAISA: Any questions in regards to this? We've heard quite a bit about this. Okay. Mr. Summers, moving on.

MR. SUMMERS: D065 would be the Kula Glen Ag Subdivision, approximately 197 acres and the recommendation is to include that within a Rural Growth Boundary.

CHAIR BAISA: Further questions? Okay, again, a lot of testimony in regard to this. Next.

MR. SUMMERS: Thank you. D036, it's a similar situation where that item was actually on the South Maui maps, but staff felt it was important to discuss it in the context of the Upcountry area, so it's a proposal to include a Rural Growth Boundary around an area in Ulupalakua that currently includes a number of ranch structures and residences. So it's a 105-acre area, if the GIS staff could pull that up. And that was D036 on the South Maui maps.

CHAIR BAISA: Members, questions? Yes, Mr. White?

COUNCILMEMBER WHITE: I'm just waiting for them to bring it up so we can --

CHAIR BAISA: Okay.

COUNCILMEMBER WHITE: --see the extent of the expansion. Because I think in testimony, very few people had a concern about it other than they didn't want it to include a whole lot of thing, a whole lot of area that's not already engaged in the, in that village.

CHAIR BAISA: Right.

COUNCILMEMBER WHITE: So I'd like to see the...

CHAIR BAISA: The lines?

COUNCILMEMBER WHITE: Well, the parcel --

CHAIR BAISA: Yeah.

COUNCILMEMBER WHITE: --lines and the view that we had for the other parcels.

MR. SUMMERS: Maybe if we could...Mark, if we could blow up on that a little bit with the imagery. Blow up on D036...perhaps a little bit more. The Committee members will note that there are a number of structures scattered throughout the area primarily used to house ranch employees.

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MS. BOSCO: Members, the red lines are the parcel lines. I don't know if that's hard for you to see, but there are parcel lines showing on the left side, on the left extent.

CHAIR BAISA: Over there...yeah. The testimony we received was in support of this change. I don't remember getting any non-support. Right?

MR. SUMMERS: That's, yeah. That's correct.

CHAIR BAISA: Okay. Mr. White? Clear?

COUNCILMEMBER WHITE: Yeah.

CHAIR BAISA: Okay. All right. Seeing no further questions, the, let's go to the next one.

MR. SUMMERS: D064 would be 111-acre area identified as the Anuhea Place Ag lots.

CHAIR BAISA: Wow, that's a busy map. Kinda too busy to really pull it apart.

MR. SUMMERS: Yeah. We'll zoom in on that for the Members.

CHAIR BAISA: Yeah.

MS. BOSCO: This requires a little patience as this screen refreshes so. We have no control over that.

COUNCILMEMBER WHITE: We're very patient people. We sit in here day after day.

CHAIR BAISA: This is a exercise in patience. So one, two, three, four, five, six, seven, eight, nine, ten, eleven...there's those 15 lots. Members, questions? Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. You know, one of the things I think I'm having a bit of a challenge getting my head around is, you know, we just looked at Ulupalakua, so a large landowner and we just gave them 103 acres of Rural in which to build stuff up in which they can come in and apply for things, so, and, you know, we've done other things like Waiale and lots of things for the big landowners, but when we have a situation where...and I realize that there's two sides to all of this, but when we have an owner of a lot in here that comes in and says I'd like to do something for my family, we back up and go, oh, my God, we just can't do that kind of thing. So I, my concern is that we readily do things for large landowners that allow them to further subdivide or develop their properties, but we have a very difficult time doing that for our families. And so that's just, I think, one of the challenges that we need to get a little more

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comfortable with before we vote on things like Anuheia and these other Ag subdivisions.

CHAIR BAISA: Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. I kinda agree with my colleague here. What bothers me is that when we go from Ag to Rural designation, you know, we may cause some density, of course it's gonna cost whoever wanna subdivide some money, but when we do take action, you know, I would love to have the Water Department here, you know, telling us, you know, what need to be done should we do this and, you know, what is the requirements. Because whoever own lands in the particular area going have to know that, you know, it's gonna cost, cost them plenty so.

CHAIR BAISA: Chair...thank you very much, Mr. Pontanilla. I thought it was very important that we had the Water Department here this morning.

COUNCILMEMBER PONTANILLA: Yeah.

CHAIR BAISA: And maybe we can request if they could possibly, you know, be handy because it is important that people understand. It isn't just I'm gonna change my land from Rural to...from Ag to Rural and I'm gonna do it. Because there's all this cost involved in trying to have adequate water, not only for use, but also for fire protection. So it's not a simple matter.

COUNCILMEMBER PONTANILLA: Yeah.

CHAIR BAISA: Yeah. And Chair can make that request if the Members would like to have that.

COUNCILMEMBER PONTANILLA: I would.

CHAIR BAISA: You would?

COUNCILMEMBER PONTANILLA: Yeah.

CHAIR BAISA: Okay. On the 5th, you know, when we actually sit down and vote on these, I think it might be a good thing to...if the Members have questions. Staff, if you can handle that, we'd appreciate it. Okay. Members, further comments on this piece? Seeing none, that takes us through the list that was prepared by the Planning Department. Members, are there any others that you have that have not been mentioned that you'd like to kind of review today so that we're ready? This morning, we received a letter from, of testimony from President of Maui Land and Pine and that was Mr. Ryan Churchill in regards to...and we did talk about

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this very, very briefly, but we didn't discuss. In recent discussions with the Planning Department, Long Range Division, they clarified that the Greenway Zone on the map is approximately 200 feet wide, which was a surprise to us. The County states there is much work to create detailed plans for the Greenway. We do not object to the concept; however, we do object to a 200-foot wide zone that is wider than some of the widest segments of State highways on the island. A zone of approximately 20 to 30 feet is appropriate for such a use. We request that the U1 map be modified to reduce and clarify the width of the Greenway to a more appropriate width. So that's something that we might want to take a look at when we get to that parcel. Mr. White?

COUNCILMEMBER WHITE: Madam Chair, which parcel was that referring to?

CHAIR BAISA: Planning can help us identify that. There's a number somewhere. Isn't that, is it the D057? No?

MR. SUMMERS: No, it's actually, it's up on the screen.

CHAIR BAISA: It's on the screen? Okay.

MR. SUMMERS: And it would be this Greenway here.

CHAIR BAISA: That guy. And the number, is there a number for that? No number?

MR. SUMMERS: No. No number for this.

CHAIR BAISA: No number.

MR. SUMMERS: I would note that this would be...we had talked about an alternative travel route roadway through here, so the idea was to provide for both the roadway and the, a Greenbelt.

CHAIR BAISA: So it's a roadway and a Greenbelt, just not a Greenbelt and that's why the big, wide width.

MR. SUMMERS: That's why it's wider. That's the concept, yes.

CHAIR BAISA: Any further questions, comments? Mr. White?

COUNCILMEMBER WHITE: Thank you, Madam Chair. You know, we, as we look at the main thoroughfares and we wanna provide open space to either side of the, you know, the scenic roads and many of our main thoroughfares, it doesn't have anything to do with that 200-foot boundary, but it has things to do with the

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highway and going up Haleakala. When you look at a 200-foot setback like we were looking at in Puunene --

CHAIR BAISA: Right.

COUNCILMEMBER WHITE: --actually I think we were talking two or three or four hundred setback, the distance isn't very far, and I think while we have large landowners that are able to provide that kind of setback, the Department really needs to look at ways that we can provide clustering or some other way of providing a sensible tradeoff so that we're protecting our visual assets. And if you...this room is 60 feet wide, so 200 feet is just a little over three times this distance, and when you've got a two-story building or a warehouse or something of that sort, that's not much of a setback from a, to, you know, protect view planes and other things. So we don't have the SMA rules up in this area, but I think we do have to be mindful of public views. And so as we go forward, I'd like --

CHAIR BAISA: Okay.

COUNCILMEMBER WHITE: --that be kept in --

CHAIR BAISA: Okay.

COUNCILMEMBER WHITE: --our heads. The other, there were two of the other...not recommendations, but the two testifiers that provided testimony on Haliimaile, one was Maui Land and Pine requesting, I think, 390 acres, and A&B was requesting...I don't remember the additional amount, but I'd like the Department's comments on that. And I believe part of the rationale was that the, they have, this is fully entitled, but because you've got to put in a sewage treatment plant and other infrastructure, infrastructure cost make this a very difficult project to build. I'd just like the, that was the, that's what I've heard and I'd like the Department's comments on that request from A&B and the request here from Maui Land and Pine.

CHAIR BAISA: Planning?

COUNCILMEMBER WHITE: And I'd like those to be at least put on the agenda somehow ---

CHAIR BAISA: Absolutely. We'll add them to the list --

COUNCILMEMBER WHITE: --for discussion.

CHAIR BAISA: --to talk about.

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MR. SUMMERS: Yeah. Thank you. The Department looked at it in the context of the current entitled lands for the area and feels that the ML&P proposal, which is quite large, is simply too big for the area. The A&B proposal is much smaller. As the Members are probably aware, there was a large planning charrette done for this area. At the time, the proposals were quite large from both landowners. As was, as the testimony by A&B indicated, they've significantly reduced the size of their new proposal, which the Department is more comfortable with. That being said, we are quite uncomfortable with the area being proposed by ML&P, the size of it.

COUNCILMEMBER WHITE: Can you show us what the size of the ML&P project is in comparison to that...I don't recall how far uphill that came.

MS. BOSCO: Yes, we're looking for that for you.

MR. SUMMERS: So I see the existing town core here. This is the mauka portion or the mauka proposal as originally proposed by Maui Land and Pine.

COUNCILMEMBER WHITE: Okay. So this parcel here is that parcel? Is that correct?

MR. SUMMERS: Yes, that's correct. Which is...

COUNCILMEMBER WHITE: This is the extent of the MLP request? Or does it include that _____ of the parcel?

CHAIR BAISA: Mike...your mike. Please.

COUNCILMEMBER WHITE: I'm sorry. Does the MLP request, is it limited to this or does it include anything on this part of the parcel or what looks to be the same parcel?

CHAIR BAISA: Go ahead, Mr. Summers.

MR. SUMMERS: Thank you. Yeah. I don't know if you would want...Ryan Churchill is here and I know that they've have discussed this and they have an update. Is he here?

CHAIR BAISA: Okay. Chair is gonna ask the Members. We are extremely close to completing all the work we're gonna do today. Do you want to continue maybe for another 15, 20 minutes or do you want to take our lunch break and come back after lunch?

UNIDENTIFIED SPEAKER: Continue.

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COUNCILMEMBER WHITE: Continue.

COUNCILMEMBER PONTANILLA: Continue.

CHAIR BAISA: Continue? Okay. Go ahead. Mr. Churchill, if you could...Members have...not here? Gone? Oh. Anybody else? Doesn't look like it, Mr. Summers.

MR. SUMMERS: We could do some additional research on that. Again, I don't want to speak to an older proposal that we had.

CHAIR BAISA: I think that it might be a very good idea to defer.

COUNCILMEMBER WHITE: Yeah.

CHAIR BAISA: Okay. Mr. White, if you don't mind?

COUNCILMEMBER WHITE: No, I don't mind at all.

CHAIR BAISA: Okay. There is just couple of others that I wanted us to very briefly touch on, and these were brought to us by Mr. Frampton, and these were the areas that are right now Urban that are being proposed to change to Rural. Any comments about that? That was Kula Kai, Kulamanu and Kula Lodge. Planning, if you could comment?

MR. SUMMERS: Thank you. I would just note that within the Rural Boundaries, the way that Table 8-2 is structured now, we are providing for Rural villages that may have limited commercial services, smaller lot sizes and we think that that addresses situations like this. During the long and lengthy process, there were, they've been a lot of concerns about injecting Urban Growth Boundaries into areas that are really substantially Rural in character and that's why the Rural category was created with this Rural village concept to address that type of situation. In this particular case, unlike the situation in Makawao where we were adjacent to an existing small town, here we're in an area that for all practical purposes is very Rural without the, all of the services and commercial uses that we saw in Makawao so. The Department is supporting a Rural Growth Boundary for that area. We think that can work. The alternative would be to...an alternative would be to include it within a small town, but our preferred option, the Department's preferred recommendation would be Rural.

CHAIR BAISA: Okay. Members, are there any other areas or things that you really would like to have discussed now so we can be prepared for our meeting on the 5th? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Just a fast question.

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CHAIR BAISA: Sure.

COUNCILMEMBER PONTANILLA: So how do you differentiate a small town against a town like say, Paia, Makawao? Trying to get into my mind, you know, what is a small town? What is a rural town? What is the size difference between the two? Because when you say, in this case here, you say, you know, yeah, I know there's several businesses up there, and when you characterize a subdivision, you know, removing it from Urban to Rural and I notice that urban growth as designated by the GPAC as well as you folks, surrounds small towns or big towns.

CHAIR BAISA: Mr. Summers, just go ahead.

MR. SUMMERS: Thank you. I think the idea has been that these smaller communities like Makawao, like Paia have a broad range of services available, commercial uses, smaller residential lot sizes, higher average densities generally. So it's, we're talking about a scale that doesn't reach say Kahului or Wailuku, but nevertheless really provides for a much broader range of services than what we see here in this area. And that's why the Rural village concept we think works for this type of situation.

COUNCILMEMBER PONTANILLA: So basically, the services that a small town provide to the community?

MR. SUMMERS: Right. You can meet most of your needs, your daily needs in these communities like Paia or Makawao, recognizing that there is still a fair amount of commuting that happens for work purposes, but for essential services, you've really got what you need in these communities as opposed to say a much smaller area like Keokea.

CHAIR BAISA: Okay. Okay. Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Yeah. One more question.

CHAIR BAISA: Sure. Go ahead.

COUNCILMEMBER PONTANILLA: How do you give businesses going into a small community to provide those services? Should you restrict them?

MR. SUMMERS: I think the idea would be in your zoning ordinances and planning documents when you get to the community plan level if that's a desired policy direction, there are things that, there are incentives that can be built into the ordinances to provide for that. The other thing again would be infrastructure. If

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there are areas where we wanna make it easier for the small businesses, there are things on the infrastructure side that we can do.

COUNCILMEMBER PONTANILLA: Yeah. 'Cause when you say, you know, provide jobs within --

CHAIR BAISA: Right.

COUNCILMEMBER PONTANILLA: --that small community, you gotta think like that.

CHAIR BAISA: Right.

COUNCILMEMBER PONTANILLA: You just gotta think like that. Thank you.

CHAIR BAISA: Thank you, Mr. Pontanilla, something really good to be thinking about. Any further discussion, Members? If not, seeing that, you know, this is all we're able to do today, the Chair will entertain a motion to postpone the main motion to July 5, 2012 at 1:30 p.m. when this Committee will convene again.

COUNCILMEMBER WHITE: So move, Madam Chair.

COUNCILMEMBER CARROLL: Second.

CHAIR BAISA: We have a motion by Mr. White, seconded by Mr. Carroll. All those in favor, please say aye.

COUNCIL MEMBERS: Aye.

CHAIR BAISA: Opposed no? Motion carries. Chair marks it five ayes and four Members excused.

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VOTE: AYES: Chair Baisa, and Councilmembers Carroll, Mateo, Pontanilla, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Vice-Chair Couch, and Councilmembers Cochran, Hokama, and Victorino.

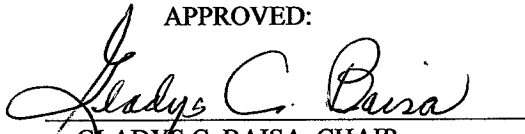
MOTION CARRIED.

ACTION: POSTPONE MAIN MOTION TO APPROVE 2010 VERSIONS OF MAPS U1 TO U4 TO JULY 5, 2012 AT 1:30 P.M.

CHAIR BAISA: There being no further business that we will take up in this Committee today, this meeting is now adjourned. The Chair would like to, before I pound the hammer, thank everyone who was here today. I'd like to thank the five stalwart Members that made it today. Thank you very much. And I'd like to thank the public again for staying with us and thank the Staff very much. And we'll see you all at our next meeting. The meeting is now adjourned. . . .(gavel). . .

ADJOURN: 12:07 p.m.

APPROVED:


GLADYS C. BAISA, CHAIR
Planning Committee

gp:min:120619r

Transcribed by: Joanne Bista

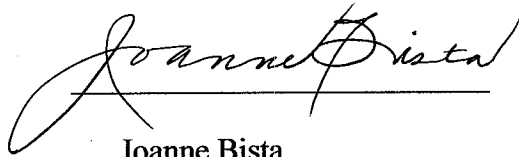
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CERTIFICATE

I, Joanne Bista, 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 10th day of July, 2012, in Kahului, Hawaii

A handwritten signature in cursive script that reads "Joanne Bista". The signature is written in black ink and is positioned above a solid horizontal line.

Joanne Bista