

**MAUI PLANNING COMMISSION  
REGULAR MEETING  
JUNE 26, 2012**

**ACCEPTED 08-28-2012**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Kent Hiranaga at approximately 9:02 a.m., Tuesday, June 26, 2012, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

A quorum of the Commission was present. (See Record of Attendance.)

Mr. Kent Hiranaga: This is the Maui Planning Commission. Today is June 26<sup>th</sup> 2012. I'd like to call the meeting to order. At this time I'll open to the floor to testimony on any agenda item. Is there anyone here? Paul, do we have a list, a sign up list? We have some individuals signed up. You can testify now or testify at the time the agenda item comes up. First individual is Colleen Suyama. Please state your name and limit your testimony to three minutes.

Ms. Colleen Suyama: Good morning Commissioners. My name is Colleen Suyama and I'm here to testify on Resolution 12-29 which is the Change in Zoning request for the three churches located along Puunene Avenue. I'm a board member with the Kahului Hongwanji Mission. And what we found out, you know, when I went on the board, is the board was not aware that the church property had multiple zoning. One was R3 Residential in which where all of the church facilities where the church, the kitchen, social hall, their preschool and their meeting room was located on the R3 Residential side. And the minister's residence was also located on the back portion which is also residential. And then they also had Light-Industrial Use where their overflow parking lot was, the grass overflow parking.

One of the things that resulted when we found out that the church property was actually R3 Residential is that a church is not an outright permitted use. And these churches have been there for over 50 years, you know, from the 1950's when they bought the property the church has been there. They got all the necessary permits at that time to build the church and at that time they were permitted. But somewhere along the line, the County Code was amended, and now churches are not outright permitted. One of the things that results from that is that our church facility now is what they call existing non-conforming. And one of the problems with an existing non-conforming use is that if by any misfortune our church should be damaged, like it should, you know, there could be a fire and that we have to rebuild, a non-conforming use, to reestablish that use and the building is you need to do everything within one-year, and to actually occupy the church within that one-year time. And for most churches that would be almost an impossible endeavor because you need to get someone to provide plans for you, you need to get, go through the permitting process and do the construction. And if you're like our church we have a small capital improvement program which is mostly for the maintenance of the facility. It's not really to build new facility. So you know, you need to do fundraising to even get to that point and we realize that within a one-year time it's impossible for us as a church to reestablish that use. And fortunately Joe Pontanilla, Council Member Pontanilla, was willing to take this avenue which is the resolution of proposing the change in zoning through resolution to protect our church. And you know that's all the church is really requesting is that we get the zoning to protect the facilities that are already existing. We don't currently have any plans to do any expansions.

Okay. Sorry. To close my point is that we didn't want to bring 100 church members here, so all of

the churches got together. We have a petition with about 266 names on the petition to show that they are in support of this change in zoning, and I just want to circulate it. And I'm available for any questions if the Commission has questions.

Mr. Hiranaga: Thank you. Questions Commissioners? Seeing none, next individual is Diane Lee. Do you wish to testify now or wait for the agenda item?

Ms. Diane Lee: Good morning Chairperson Hiranaga and members of the Planning Commission. My name is Diane Lee. I'm a vice-president of the Kahului Hongwanji Mission located at 291 South Puunene Avenue. Our church celebrated its 100<sup>th</sup> anniversary in November of 2011, and we hope to still be here for another 100 years. Last year the church found, as Colleen mentioned, that the property was zoned for residential use, and churches are not identified as a permitted principal use. Although allowed when the church was built, somehow our church, which it's been in this location since the 1950's is now an existing non-conforming use. This places a stressful burden on our congregation should by some mishap we lose our church buildings. We became aware that as a non-conforming use by Council Code we are required to rebuild and occupy the church within one-year of losing the church building. As a church we would find it very difficult to accomplish this enormous task. The need to design, obtain permits, and construct within such a short time frame appears to be an impossible undertaking by our 238 member family. Like many churches we rely on our members to provide services and funding. Many of our members are elderly and on fixed incomes, and would find it difficult to participate in such an enormous financial undertaking. We are fortunate that Councilman Joe Pontanilla agreed to sponsor a resolution to change the zoning of our property to the Public/Quasi-Public designation that would be consistent with the Wailuku-Kahului Community Plan. This change in zoning would not, would be not only for our church but also for the Kahului Seventh Day Adventist Church and the Kahului Baptist Church. Rather than have our members individually provide you with testimony we have members of our congregation here to show their support for the resolution. And as Colleen said we circulated a petition on which we have more than 200 signatures. We ask you for your support for this zoning request, and thank you for your consideration and support of this resolution.

Mr. Hiranaga: Questions Commissioners? Seeing none, thank you. Next individual is Pastor Mike Komatsu.

Pastor Mike Komatsu: Good morning. My name is Mike Komatsu. I'm the pastor of Kahului Baptist Church and I am in favor of the passage of Resolution 12-29. Under the present zoning, if our church was destroyed by some unforeseen catastrophe we would have a year in which to rebuild and occupy. This is a time constraint that would be impossible for us to fulfill. In addition, any new construction to our present building is limited to the existing footprint of our facility. The passage of Resolution 12-29 would free us from such limitations. I therefore request that you pass Resolution 12-29. Thank you. Any questions?

Mr. Hiranaga: Questions Commissioners? Seeing none, thank you. Next individual is Henry Lindsey.

Mr. Henry Lindsey: Good morning. I'm in support of the resolution, and I represent –

Mr. Hiranaga: Please state your name.

Mr. Lindsey: My name is Henry Lindsey and I represent the Kahului Seventh Day Adventist Church. And the Kahului Seventh Day Adventist Church supports all the testimony that we've heard this morning. We've occupied the property since 1953. But there is one additional note that I would like to mention. When A&B sold the properties to these churches including the Kahului Seventh Day Adventist Church they put a deed restriction on the properties, that the properties are only to be used for the church, or for church services. We can't use it for any other use. So even though our zoning now is different, our deed restriction specifies specifically the way it's used. Thank you.

Mr. Hiranaga: Questions Commissioners? Seeing none, thank you. Next individual is Robert Glass.

Mr. Robert Glass: Good morning Council. Thank you very much. My name is Robert Glass and I'm here to support the Council Resolution 12-29 – I apologize for that – and I am from the Kahului Baptist Church. I'm the Treasurer. And I believe that the passing of this Council, or the passing of this Resolution would benefit and help the three churches along that property. Thank you for your time. If there are any questions.

Mr. Hiranaga: Questions Commissioners? Seeing none, thank you. Next testifier is Michael Souza.

Mr. Michael Souza: Good morning Commissioners. Mike Souza. Just supplying in support of Ameron's request for a Special Use Permit and County Conditional Permit. As a resident of Kihei for about 30 years, I have lived specifically down wind of the plant and I have never encountered any kind of problems with dust or anything like that so –. I've lived at two residences, both of them down wind of the plant and I never have had any problems. I've also, I'm a retiree of the County of Maui. I also work down wind of Ameron, their main plant, and never had any, have had any problems with that as well, so I would like you to approve their extension.

Mr. Hiranaga: Thank you. Questions Commissioners? Seeing none, thank you. Any one else in the audience wishes to testify on any agenda item at this time please come forward. Seeing none, public testimony is now closed. We'll move on to the agenda. Deputy Director?

**B. PUBLIC HEARING (Action to be taken after public hearing.)**

1. **MR. WILLIAM SPENCE, Planning Director, transmitting Council Resolution 12-29 referring to the Maui Planning Commission a proposed bill to change zoning from R-3 Residential District to P-1 Public/Quasi-Public District for the following properties located in Kahului, Island of Maui (CIZ 2012/0002) (D. Dias):**

- a. **TMK: 3-8-066: 078 (Kahului Baptist Church) - 132,080 square feet**
- b. **TMK: 3-8-066: 079 (por.) (Kahului Hongwanji Mission) - 57,000 square feet**
- c. **TMK: 3-8-066: 080 (Seventh Day Adventist Church) - 75,512 square feet**

- a. **Public Hearing**
- b. **Action**

Ms. Michele Chouteau McLean: Thank you Chair. You have two public hearing items before you this morning. Both were initiated by the County Council. The first one transmits Council Resolution 12-29 and a proposed bill to change zoning from R3 Residential to P1 Public/Quasi-Public for three properties located in Kahului that are each occupied by a church. Those are TMK numbers 3-8-66-parcel 78, portion of 79 and 80 occupied respectively by Kahului Baptist Church, Kahului Hongwanji Mission and Seventh Day Adventist Church. Danny Dias is the staff planner.

Mr. Danny Dias: Thanks Michele. Good morning Chair Hiranaga and members of the Maui Planning Commission. I have a quick power point presentation and it will last about five minutes. As you heard this project is, or this application is pretty straight forward. The churches involved has been there, as Colleen said, for about 40 or 50 years so with that let me just –.

As stated this is Council Resolution 12-29. The application number is CIZ 2012/0002. The purpose of the application is to obtain a Change in Zoning from R3 Residential to P1 Public/Quasi-Public for three existing properties that are currently being used for church operations. The TMKs included in this Change in Zoning application are 2-3-8-066:78. That's owned by the Hawaii Baptist Convention and that's where the Kahului Baptist Church and Preschool is located. Parcel 79 is owned by the Honpa Hongwanji Mission Hawaii and that's where the Kahului Hongwanji Church is located. And lastly, parcel 80 is owned by the Hawaiian Association of Seventh Day Adventist and that's where the Kahului Seventh Day Adventist Church is located.

As you can see the project location here, here is Wakea Avenue that runs east to west. Here is Puunene Avenue. This is where the Seventh Day Adventist Church is located. Kahului Hongwanji and the Kahului Baptist Church. With respect to the community plan designation, this entire area here is community plan for Public/Quasi-Public use. This portion here is owned by the Kahului Hongwanji Church. This is community planned as Light-Industrial and therefore this is the portion that is not included in this Change in Zoning application. I know this line kind of makes it confusing, but essentially this whole parcel here is what's owned by the Kahului Hongwanji. It's sort of like a L-shaped piece of property. The existing zoning, the majority of this is zoned R3 Residential with the exception of a small portion of the Kahului Hongwanji parcel which is zoned M1 Light-Industrial. And this is the area that's not included in this Change in Zoning application.

Here's an aerial image. Here's Puunene Avenue running north to south. This is Wakea Avenue. Seventh Day Adventist Church property here. This is the Kahului Hongwanji Church property here. This is the area that's not included in this application. And lastly, the Kahului Baptist Church property. As you can see it's across Puunene Avenue, you have residential housing. To the south of these properties, you have more residential. To the east, Light-Industrial. And then across Wakea, it's more commercials, car dealership here, gas station here.

Some photographs of the area. This is standing along Puunene Avenue looking north. This is the Kahului Baptist Church property, the play ground area here. And Kahului Hongwanji is here. And then, you can't really see it, but Seventh Day Adventist Church is behind here. This is standing along Wakea Avenue looking west. This is the Seventh Day Adventist Church property, and this is their driveway. They only have one driveway and it's located on Wakea.

This is a site plan here. Kahului Baptist Church sanctuary area. They have a U-shaped building

and pretty much the only building on the property. Sanctuary area here and then classrooms, playground on the side of the property along with the basketball courts, and there's storage building in the rear. Here's some photographs of the area as you can see. And then here's the playground and parking lot, so there's ample parking lot of each of these church properties.

Kahului Hongwanji Mission site plan. Here's the temple, office, column barium, kitchen, social hall, and then classroom area here. You have more photos in your report, but this just kinds of gives you a whole view of the property here.

And lastly the Kahului Seventh Day Adventist Church site plan. We have the existing church, classrooms that are located adjacent to Wakea Avenue and then the school building here. Playground and ample parking on the entire property. And this is kind of hard to see, but this kind of gives you an idea.

So in summary, this Change in Zoning was initiated via Council Resolution by Council Member Joe Pontanilla. This involves three separate parcels. As mentioned earlier a portion of parcel 79 won't be re-zoned until a later date. The plan is that the church will wait until the Kahului-Wailuku Community Plan is updated and at that point request that that portion be designated for Public/Quasi-Public. And then after that happens, come back in for a Change in Zoning for that remaining portion. As Colleen mentioned, no construction work or substantial alternations are proposed at this time. Everything that's there, you know, essentially what you're going to see for years to come. And lastly, the proposed Change in Zoning meets the criteria listed in Chapter 19.510.40 of the Maui County Code. It's consistent with the General Plan, Community Plan, it will not affect existing infrastructure, be detrimental to the environment, or adversely impact the character or quality of the surrounding area. And that concludes our short presentation. Thank you.

Mr. Hiranaga: Thank you Danny. At this time I'll open the public hearing. Is there anyone here that wishes to provide public testimony regarding this agenda please come forward? Seeing none, the public hearing is now close. I'll open the floor to questions from Commissioners. Commissioner Hedani?

Mr. Wayne Hedani: Danny, what was the reason behind not changing the Light-Industrial portion to Quasi Public/Quasi-Public along with everything else?

Mr. Dias: Well, a lot of it has to do with expediency and keeping cost down. In order to change the entire parcel 79, that rear portion would need a Community Plan Amendment. And whenever you have a Community Plan Amendment, as you know, you need an Environmental Assessment, so you know, having to do that, it sort of defeats the purpose of, you know, moving this along quickly.

Mr. Hedani: It wasn't a consolidated parcel into parcel 79, and the zoning wasn't consolidated at that time?

Mr. Dias: Not that I know of. I do know that that portion, or at least a part of it was originally owned by Kahului Baptist Church and then they sold it to Kahului Hongwanji. As far as the zoning and what occurred at that time, I assume it was Light-Industrial and just stayed that way, from that time.

Mr. Hedani: And it is the church's desire to keep it in Light-Industrial at this point?

Mr. Dias: At, at this point the ultimate goal is to, of course, change the entire parcel to Public/Quasi-Public. But as I've said, you know, now you're adding a CP and then an EA so their goal is to just wait until the Community Plan Amendment is done since that's coming up in the near future, I hope, and then come in later.

Mr. Hedani: Thank you.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Warren Shibuya: Danny, I know that you don't have enough gray hair like me, but you can remind me or tell me the history behind this. In terms of long time ago, this use to be a Kahului Fairground area, and how did this use now become into this?

Mr. Dias: I thought the fairground was across the street where the Tesoro and Jim Falk's car dealership is. As far as the history, I don't know –

Mr. Hiranaga: Briefly. Brief history.

Ms. Suyama: Yeah. Colleen Suyama. And as you notice I have gray hair like yourself so I probably know more than Danny does to the history. The three parcels were always church parcels. It was never part of the fairground because they bought it directly from Kahului Town Development, Development Company at that time, and that was the predecessor of A&B Properties. And from the time that they bought it, you know, there is that restriction that the properties remain in its uses, so they can't use it for anything else. They did go through all the permitting requirements. The Kahului Hongwanji property was originally three separate parcels that over the years, they bought the first, the parcel that was in front of Puunene Avenue first. Then they bought the back portion where the resident minister's house is located. And then they bought the last parcel which is behind the Kahului Baptist Church. The parcel that was behind the Kahului Baptist Church was never owned by the Baptist Church. It was always with A&B Properties that they bought it originally from. And at some point in time of the church history, the whole three parcels were consolidated into one parcel, you know, for ownership parcel. So there is no parcel boundaries between any of the buildings or the structures that are within the Kahului Hongwanji property itself.

Mr. Shibuya: Okay. Thank you.

Mr. Hiranaga: Thank you. Any other questions Commissioners? Seeing none, we'll have the staff recommendation.

Mr. Dias: Thank you Chair. The Department of Planning recommends that the Commission recommend approval of the Change in Zoning to the Maui County Council and change the zoning of the property from R3 Residential to P1 Public/Quasi-Public.

Mr. Hiranaga: I open the floor to a motion.

Mr. Hedani: So move.

Mr. Hiranaga: I'm sorry. Commissioner Hedani?

Mr. Hedani: I so move.

Mr. Jack Freitas: Second.

Mr. Hiranaga: Moved by Commissioner Hedani, seconded by Commissioner Freitas. Any discussion? Seeing none. If the Deputy Director could restate the motion.

Ms. McLean: The motion is to approve the staff's recommendation to recommend to Council the Change in Zoning from R3 Residential to P1 Public/Quasi-Public.

Mr. Hiranaga: All in favor so indicate by raising your hand.

Ms. McLean: Six ayes.

Mr. Hiranaga: Motion carries. Thank you. Moving on to agenda Item B2. Deputy Director?

**It was moved by Commissioner Wayne Hedani, seconded by Commissioner Jack Freitas, then unanimously**

**VOTED: to recommend approval to County Council the proposed bill to change zoning from R3 Residential to P1 Public/Quasi Public.**  
**(Assenting: K. Ball, D. Domingo, J. Freitas, W. Hedani, W. Shibuya, M. Tsai**  
**Excused: I. Lay, P. Wakida)**

2. **MR. WILLIAM SPENCE, Planning Director transmitting Council Resolution No. 12-1 referring to the Maui Planning Commission proposed bills to enact a Community Plan Amendment and a Change in Zoning for property consisting of approximately 0.375 acres of land situated at 116 Kuau Beach Road, Tax Map Key Number 2-6-009: 017, Kuau, Paia, Island of Maui (P. Fasi):**
  - a. **A Bill for an Ordinance to amend the Paia-Haiku Community Plan and Land Use Map from Public/Quasi-Public to Single-Family for TMK: 2-6-009: 017, Paia, Island of Maui. (CPA 2012/0001)**
  - b. **A Bill for an Ordinance to Change Zoning from P-1 Public/Quasi-Public District to R-3 Residential District for TMK: 2-6-009: 017, Paia, Island of Maui. (CIZ 2012/0001)**
    - a. **Public Hearing**
    - b. **Action**

Ms. McLean: Thank you Chair. This is your second public hearing item, also initiated by the Council. Resolution No. 12-1, referring proposed bills to amend the Community Plan and Change in Zoning for a property at 116 Kuau Beach Road, TMK 2-6-9-17 in Kuau. The designations would

be – excuse me – Community Plan Amendment from Public/Quasi-Public to Single Family, and a Change in Zoning from P1 Public/Quasi-Public to R3 Residential. And Paul Fasi is the staff planner.

Mr. Paul Fasi: Thank you. Again we have another Council initiated action here. And as the Deputy Director just pointed out it does involve a Change in Zoning and Community Plan Amendment. And as Planner Dias previously said, normally, under normal circumstances a Community Plan Amendment triggers an EA. But under this circumstance, since it's Council initiated or County initiated and it's only to correct the mapping error, the Planning Department conferred with the State OEQC, the Office of Environmental Quality Control, and they concurred with us that an EA is not required. And so we also conferred with Corp Counsel, and they concurred with that decision as well, so therefore it does not trigger an EA as it would under normal circumstances.

The purpose of the Change in Zoning and the Community Plan Amendment is to basically to correct the mapping error that's been on the books for 30 years. And we do have the neighbor Mr. Mike Newbro here who is acting as the owner's consultant representative here in the audience as well. I understand the owner is here as well. The property just sold about a year ago. Previous to that it was a project brought before this Commission as a B&B with a lot of questionable like activities going on and not being permitted. Basically that permit was denied by this body for a B&B just to give a little background on the property.

The property has since sold through a single-family. It is being used as a single-family residence by the new owners. So the B&B and the TVR issues goes away. The property is about 16,335 square feet. It's on the shoreline in Kuau. You can look at Exhibit-2 and look at the aerial shot and see that it is indeed pretty close to the ocean. State Land Use District is Urban. The Paia-Haiku Community Plan lists it as Public/Quasi-Public. The County Zoning is P1 Public/Quasi-Public. It is in the SMA. It is a shoreline parcel. So before you today is a Community Plan Amendment and a Change in Zoning. This body will be making a recommendation to Council on both permits, and the requested change is again in the Community Plan from Public/Quasi-Public to Single-Family. And they also want to do the County Zoning Change from P1 Public/Quasi-Public to R3 Residential. In short, without getting into too much detail the amendment is before this Planning Commission for findings and recommendations for the Council. The Change in Zoning is also reviewed by this body. It does meet the requirements of both the Community Plan Amendment and the Change in Zoning ordinance requirements. If there's no further questions for me I could bring the applicant's representative or the owner for questions. Thank you.

Mr. Hiranaga: The Deputy Director would like to say something.

Ms. McLean: Thank you Chair. Just a little bit of background that I wanted to add because I do have some familiarity with this from years ago when I worked for Council Services. And it's important to point out that Council initiated this, this action because they were two clear errors. We certainly have lots of properties out there where the use doesn't match the zoning, and that would be a huge effort for Council to initiate an action to correct all of those. This one however were mapping errors that the County, the County is responsible for. What happened, not with the existing Paia-Haiku Community Plan, but the one prior to that, in the 80's, the properties located next to appropriately designated Public/Quasi-Public land. And when the map was updated, that line somehow drifted over to incorporate this property too. It wasn't as specific action by the CAC



or the Council to change this designation. It just went from Single-Family before, to Public/Quasi-Public, from one map to the next, because the line migrated over. Then years later, the County took the initiative to establish zoning for these areas where the use was consistent with the Community Plan. And because the use was not consistent with the Community Plan which was now Public/Quasi-Public this parcel was not specifically zoned. However sometime later when a Comprehensive Zoning Map was adopted for this area, it zoned it Public/Quasi-Public. So these were just two steps in these big comprehensive community plan and mapping, zoning mapping, efforts that the County initiated that just included this parcel when it shouldn't have been included in either one. So just to make clear that, you know, we can't we can't – we should but we can't correct all of these situations where the use doesn't match. But in this case, Council Member Mike White recognized these mistakes and said, you know, we really need to correct it. So that's why it's, that's why he initiated it and that's why it really is an error that is proposing to be corrected. Thank you Chair.

Mr. Hiranaga: We're going to hold questions for the moment. Does the applicant's representative have a statement to make? The answer is no. Okay, so no power point?

Mr. Fasi: I didn't have time for a power point.

Mr. Hiranaga: Cost of government savings? At this point I'll open the floor to questions from the Commissioners. Commissioner Shibuya?

Mr. Shibuya: Maybe this is for staff, maybe Paul or Michele. Where on this map can you show me where Montana Beach is?

Ms. McLean: Montana Beach is quite a distance, on the other side of Paia Town from this location.

Mr. Hiranaga: I would estimate it about three miles.

Mr. Shibuya: Okay. So this is not an issue or similar type of issue.

Ms. McLean: No. No. Not at all. This property has a residence on it that has been there for a long, long time. Yeah, this doesn't have any of those related problems with it.

Mr. Shibuya: Yeah, I'm just concerned that I don't want to repeat that.

Ms. McLean: Neither do we.

Mr. Shibuya: Thank you.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: Paul, has the property – the property has been zoned Public/Quasi-Public – have they been exempted from property taxes all these years?

Mr. Fasi: No it hasn't.

Mr. Hedani: It has been assessed at residential rate?

Mr. Fasi: I would assume so. Yes.

Mr. Hedani: Okay. And the second question that I have was on the transient vacation rental, the illegal transient vacation rental that was on the property, has that been resolved?

Mr. Fasi: Yes it has. There's a single-family living on the property now. They are the new owners, and so they are living on the property as property owners.

Mr. Hedani: Okay. Thank you.

Mr. Hiranaga: Any other questions Commissioners? So reviewing the staff report I noticed there were some outstanding Request For Service (RFS). What is the status of that?

Mr. Fasi: I think Deputy Director wants to address that.

Mr. Hiranaga: Deputy Director?

Ms. McLean: Thank you Chair. As the discussion has indicated the violation which was the operation of a vacation rental without proper permits was resolved more than a year ago. The use discontinued so the violation has been cured. The reason that the RFS's are open is because we only recently found out that there was an outstanding fine that was levied against the prior owner and operator that was never paid. So that's something that I actually spoke with the owner's representative yesterday and will work to resolve the satisfaction of that fine. But to us that's – because the violation has been cured, we can resolve the fine without it having a bearing on the land use designation.

Mr. Hiranaga: If the property is zoned to R3, the accessory dwelling is 936 square feet, and R3 zoning allows a 600 square foot accessory dwelling. So how is that going to be handled?

Mr. Fasi: I believe the two existing structures are existing non-conforming, so they were built prior to the restrictions.

Ms. McLean: Excuse me, the size of the accessory dwelling is restricted by the lot size rather than the zoning. I believe the lot size is –

Mr. Fasi: About 16,000 square feet.

Ms. McLean: So I need to double check the Code to see what size ohana lot that size would allow.

Mr. Hiranaga: 600 square feet.

Ms. McLean: Is it?

Mr. Hiranaga: If it was 20,001 foot then they could have a larger –

Ms. McLean: Okay.

Mr. Fasi: One structure was built in 1965, and the second structure was built in 1975.

Mr. Hiranaga: So is this an opportunity to have them be conforming or you just allow it to continue?

Mr. Fasi: Well, they aren't proposing any constructions or modifications to the existing structures.

Mr. Hiranaga: Yeah I'm not concerned about the primary dwelling. I'm more concerned about the size of the secondary dwelling.

Mr. Fasi: I'm sorry, so what you –

Mr. Hiranaga: So did you want to bring that into conformity?

Mr. Fasi: I don't really want to bring that issue in conformity. When they come for any kind of changes or construction it will come before the Planning Department again as an SMA issue and then we will review plans and basically their request has to go through the building permit process. And I guess if there are corrections to be made to the structures it will happen at that time. But this matter is just to simply correct the mapping error on the maps.

Mr. Hiranaga: Thank you. Any other questions Commissioners? Seeing none, we'll have the staff recommendation.

Mr. Fasi: The proposed action complies with the applicable standards for a Community Plan Amendment and Change in Zoning. The Maui Planning Department recommends to the Maui Planning Commission that it recommends to Maui County Council approval of Resolution 12-1 as it is written in its entirety and without modification. Thank you.

Mr. Hiranaga: The floor is open to a motion. Commissioner Shibuya?

Mr. Shibuya: I move to recommend approval of this resolution, Council Resolution No. 12-1, as written.

Mr. Hiranaga: Is there a second?

Mr. Hedani: Second.

Mr. Hiranaga: Moved by Commissioner Shibuya, seconded by Commissioner Hedani. Any discussion? Commissioner Hedani?

Mr. Hedani: I'm not usually in the boat to make a recommendation for approval of a Council Resolution. They can approve anything that they want, yeah. The Resolution contains the Change in Zoning, the Change in Zoning that they're requesting, and a Community Plan Amendment.

Mr. Fasi: Correct.

Mr. Hedani: Right.

Mr. Hedani: So our motion actually should it be for approval of the Resolution or recommendation of the Resolution or for Change in Zoning and Community Plan Amendment?

Ms. McLean: Recommending approval of the proposed bills would be the appropriate motion.

Mr. Hedani: Okay. And that's what the Resolution states?

Ms. McLean: No, you are correct that the Resolution transmitted the bills to the Commission so as you indicated the action of the Commission today would be to recommend approval of the Change in Zoning and Community Plan Amendment bills to the Council.

Mr. Hedani: Right.

Mr. Hiranaga: So are we okay as the motion as stated?

Mr. Hedani: You want to make that a friendly amendment Warren?

Mr. Shibuya: No. When I made the motion I was aware of that it was a Community Plan Amendment and a Change in Zoning, and it was part of the Council Resolution 12-1. So the question here or the discussion we have is really procedural and definition, so I have no problem with it.

Mr. Hiranaga: Any other discussion? Seeing none, for clarity we'll have the Deputy Director restate the motion.

Ms. McLean: Thank you Chair. The motion is pursuant to Council Resolution 12-1 to recommend to the Council that they approve the Change in Zoning and Community Plan Amendment Bills from Public/Quasi-Public to R3 Residential.

Mr. Hiranaga: All favor of the motion so indicate by raising your hand.

Ms. McLean: Six ayes.

Mr. Hiranaga: Motion carries. Thank you.

Mr. Fasi: Thank you.

**It was moved by Commissioner Warren Shibuya, seconded by Commissioner Wayne Hedani, then unanimously**

**VOTED: to recommend approval to County Council the Community Plan Amendment and Change in Zoning Bills as presented.**

**(Assenting: K. Ball, D. Domingo, J. Freitas, W. Hedani, W. Shibuya, M. Tsai  
Excused: I. Lay, P. Wakida)**

**C. NEW BUSINESS**

- 1. CMBY 2011 INVESTMENT, LLC requesting comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment from Agricultural District to the Heavy Industrial District for the proposed Puunene Heavy Industrial Subdivision located on approximately 86 acres approximately 1 mile southeast of the intersection of Mokulele Highway, Mehameha Loop, and Kamaaina Road, TMK: 3-8-008: 019, Puunene, Island of Maui. (EA 2012/0001) (CPA 2012/0002) (CIZ 2012/0005) (K. Wollenhaupt)**

**The accepting authority of the Environmental Assessment is the Maui Planning Commission.**

**The EA triggers are the Community Plan Amendment and the use of State lands(proposed access easements across State property).**

**The project needs a Community Plan Amendment (CPA) and a Change in Zoning (CIZ) from the Maui County Council. The applicant will also have to file for a district boundary amendment to the State Urban District with the State Land Use Commission. The public hearing on the CPA and CIZ applications will be conducted by the Maui Planning Commission after the Chapter 343 process has been completed.**

**The Commission may provide its comments on the draft EA.**

Mr. Hiranaga: Moving on to New Business, C-1. Deputy Director?

Ms. McLean: Thank you Chair. Before you is a Draft Environmental Assessment prepared by applicant CMBY 2011 Investment LLC in support of a Community Plan Amendment from Agriculture to Heavy Industrial for the proposed Puunene Heavy Industrial Subdivision located on approximately 86 acres off of Mokulele Highway at TMK: 3-8-8-19. Kurt Wollenhaupt is the staff planner. Again, the action for the Commission today is commenting on the Draft EA. And it looks like Kurt has a, Kurt or the applicant has a power point.

Mr. Hiranaga: Kurt, before you begin, could you just briefly explain why we have a Draft EA for the benefit of our newer Commissioners and what, what is our purpose today?

Mr. Kurt Wollenhaupt: Good morning members of the Maui Planning Commission. The item before you is a request for three different permits, all of which sort of runs simultaneously – a Community Plan Amendment, a District Boundary Amendment, and a Change in Zoning. We are here today to talk about an Environmental Assessment. The reason that we need to look at an Environmental Assessment is two triggers. The first being that there's a Community Plan Amendment application. So by law that triggers the need for an Environmental Assessment. In addition, if the project is going to use State land, so that's the second trigger. Additionally, there's a Change of Zoning and a District Boundary Amendment.

Just to give you some background, this lot is over 15 acres, so the District Boundary Amendment application which is proposing to change this land use from Agriculture to Urban will be heard by the State Land Use Commission. This body would be hearing it if it was 15 acres or less. However because this parcel is greater than 15, it's State Land Use Commission that's going to be hearing it. And in communications with the State Land Use Commission, they agreed that this body could be the accepting authority for the EA which is required because of the Community Plan Amendment.

So today we'll get your discussion. Today, we're to get your questions for this Draft EA that can be given to the applicant. And then they'll be coming back to this body for the Final Environmental Assessment. So today is mostly a question, ask some questions, get the answers. If you believe you need further information, then we'll draft a letter with formal questions.

Mr. Hiranaga: And just for clarity we're not here to discuss the merits of the application. This is primarily the completeness of the Environmental Assessment as far as providing information regarding the application.

Mr. Wollenhaupt: That's correct.

Mr. Hiranaga: Alright. Great. Thank you. Continue.

Mr. Wollenhaupt: As the Deputy Director indicated this is a request for a three-part process, a draft Environmental Assessment for the Community Plan Amendment, District Boundary Amendment, and a Change in Zoning for the proposed Puunene Heavy Industrial Subdivision located approximately one mile southeast of the intersection of Mokulele Highway, Kamehameha Loop and Kamaaina Road on the Island of Maui. Today's review will be eliciting comments from this body. The applicant's representative, Glenn Tadaki, from Christopher Hart and Partners will be giving a presentation that will outline this project in depth.

But just to give you a background, the proposed changes, first of all, the State Land Use District, is to be change from Agricultural to Urban. That application is to be reviewed by the State Land Use Commission. The second is the change in the Community Plan Amendment. The applicable community plan being the Kihei-Makena Community Plan, changing from Agriculture to Heavy Industrial. And the third land use designation change would be a Change in Zoning from existing Agricultural to right now M2 Heavy Industrial. There's a caveat to that, that the applicant wishes to apply for M3. M3 is currently not part of the zoning. However, it is at the County Council to be reviewed. And it is the hope of the applicant that during the time it takes to go to the Land Use Commission which could be some months that the Council will have adopted and approved the new zoning designation called M3, Heavy Industrial. And that the applicant at that time will then come back to this body, having modified their application for a Change of Zoning then to M3. However, today, we have to look at it as a Change in Zoning to M2.

As I've said before the trigger is the Community Plan Amendment and use of State lands. And the procedural matters where that the Draft EA was submitted to the Department on April 16<sup>th</sup>, the Office of Environmental Quality Control publication date was June 8<sup>th</sup>, and the 30-day public comment period is currently in effect until July 9<sup>th</sup>. If there's no further questions, I'll have Mr. Tadaki and Blanca Lafalette give the power point presentation.

Mr. Glenn Tadaki: Good morning Chairman Hiranaga and members of the Maui Planning Commission. My name is Glenn Tadaki with Chris Hart and Partners. With me today are the applicant land owner's representative Blanca Lajolette. Also with me are several consultants from our project team including Stacy Otomo, Project Civil Engineer; Phil Rowell, the Project's Traffic Engineer; Glenn Kunihisa and Shane Fukuda, the Project's Economic and Market Consultants and Agricultural Impact Consultant; Mike Vega, the Project's Archaeological Consultant; and Amy Mathis of Malama Environmental who conducted environmental reviews on behalf of the applicant for the Puunene property. In addition we have Tom Nance, of Tom Nance Water Resource Management, who is our ground water resources consultant.

As Blanca – I'm sorry – as Kurt pointed out the project site is located approximately mid way between Kahului and Kihei. It's in the State Agricultural District, and it's also designated for agricultural uses by Community Plan and County Zoning. The site is also located within the limits of the proposed urban growth boundaries as set forth by the Draft Maui Island Plan. This figure and the following figures show the location of the project site. It also shows the location of the limits of the proposed Urban Growth Boundaries which are outlined in red. The proposed Urban Growth Boundaries for the DHHL commercial lands on the west side of Mokulele Highway was recently dropped from the proposed Urban Growth Boundaries pursuant to the Council General Plan Committee meeting on May 31<sup>st</sup>. What remains is the Urban Growth Boundaries shown here on the right side of Mokulele Highway which encompasses Project District 10 as well as our subject property.

This is an aerial photograph of the project area. This is Mokulele Highway running in a north-south direction. The Hawaii National Guard Armory, Maui Raceway Park, the 86 acre subject parcel, and the Hawaiian Cement Quarry. There's also an HC&S irrigation reservoir across the street and to the north of the subject parcel. Access to the site from Mokulele Highway is provided by Kamaaina Road which runs east-west, and then south fire break road which runs in a north-south direction. And then from this point on is Lower Kihei Road.

These slides show the location of the subject parcel in relation to the various land use designations for the site. This is the site location in the State Agricultural District. Its location in the Kahului and Makena Community Plan, and then its location based on County zoning. Its Community Plan designation is Agricultural, County Zoning is also Agricultural. The Community Plan – I'm sorry – the proposed Urban Growth Boundaries include the subject parcel within its limits.

The subject parcel is located in an area that's predominately characterized by agricultural use. The sugar cane fields, cane haul roads, and an irrigation and reservoir on the northeast and south side of the parcel, and Project District 10 which is the old Puunene Airport area which borders the side on the west. As a point of information, Project District 10 was established by the Community Plan to provide a Master Plan, Recreational and Industrial expansion area to meet future recreational needs and to provide areas for industrial activities including government facilities whose locations are better suited away from urban areas. Existing land uses within Project District 10 include Maui Raceway Park and other recreational motor sport activities and facilities as well as the Hawaii National Guard Armory. Existing heavy industrial land uses in the area are at the Hawaiian Cement Quarry which is about two-tenths of a mile to the east, and at the Central Maui Baseyard which is about 1.3 miles to the north. The Maui Humane Society about one mile to the northeast of the site comprises the other existing land use in the area. And areas of potential future development are

located in the vicinity.

These slides give you an idea of what's in the project area. This is the view taken from the intersection of Mokulele Highway and Kamaaina Road looking in the general direction of the subject parcel which is way back here in the background in the upper right. This slide depicts the street front view for the subject parcel. There's an existing two acre antenna site whose lease expires in December of – this year Blanca? June 30<sup>th</sup> – and whose lease will not be renewed by the lessee.

This is the view of the site and it's typical of existing onsite conditions. This is a view of the sugar cane field to the east of the subject parcel with the Hawaiian Cement Quarry in the background. Here's a photo of the existing HC&S reservoir which is across the street from the property. Into the north, it's built up and surrounded by a dam which was approved by the Commission on Water Resource Management and is an approved reservoir. Here's a photo of the Hawaiian Cement Quarry which is two-tenths of a mile to the east of the site. And this panoramic view shows the portion of Project District 10 which lies to the west of the parcel. Maui Raceway Park is right here in the background.

As Kurt mentioned the Draft EA was prepared because the proposed action will trigger a Community Plan Amendment and require the use of access easements across State land. The applicant of CMBY Investment LLC submitted a request for use of State lands with the State Department of Land and Natural Resources. The availability of the Draft EA was recently published as mentioned by Kurt. Copies of the Draft EA was sent to a number of government agencies as well as organizations and individuals for their review and comment. The 30-day public comment period on the Draft EA expires next month, July 9<sup>th</sup>.

This slide shows the access to the site and the access easements that are being requested. Currently access from Mokulele Highway to the site is provided by an existing 30-foot wide access easement that lies within the Kamaaina Road and south fire break road right-of-way. The applicant has use of this existing 30-foot wide access easement up to this point. From this point to the subject property which is shown as Lot-2, the applicant has submitted a request to the State for an access easement which could be 56-feet wide in width and would provide for access to the subject property. The applicant had also requested an alternate access easement in the unlikely event that the primary access easement which is shown as Easement-A is not granted. This alternate access easement would encompass 50-foot wide right-of-way and include a portion of the Hawaiian Cement Quarry access road.

This basically recaptures the DBA, CPA, CIZ processing that Kurt had already discussed with you. We're seeking just Land Use District Boundary Amendment to the State Urban District, Community Plan Amendment to Heavy Industrial, and County Zoning to M2 Heavy Industrial. The Land Use Commission will process the petition for District Boundary Amendment after the publication of the Final EA. And as Kurt mentioned the consolidated application for the CPA and CIZ was filed with the Planning Department in April of this year. The Planning Commission meeting to review and comment on the CPA and CIZ will be scheduled after the DBA has been approved by the Land Use Commission.

The proposed bill for M3 Industrial Zoning was recently transmitted to the Maui County Council for their review. In the applicant's discussions with the Council Planning Committee, the Council



Committee Chair has indicated that the proposed bill for M3 Heavy Industrial Zoning will likely be taken up by the Planning Committee sometime during the month of July. The proposed bill includes five permitted uses that are not currently included under existing M2 Zoning. These uses are outlined here. One of the uses of particular interest to the land owner is that use which would provide for land fill, solid waste processing and disposal. Currently the Maui Construction and Demolition land fill near Maalaea has about two-years of remaining capacity left. The applicant has been engaged in discussions with the Department of Environmental Management to discuss the feasibility of creating a new C&D land fill within the proposed Puunene Heavy Industrial Subdivision. This type of land fill is essential, you know, for the continued growth of our island, and is a critical component in Solid Waste Management stream. If the proposed bill for M3 Zoning is adopted which we hopefully anticipate, the request for Change in Zoning will be amended to be M3 Industrial Zoning District instead of M2.

Generally speaking the proposed action will involve the establishment of a heavy industrial subdivision. The 86-acre parcel would be subdivided to create separate areas for different uses including 66-acres for developable lots, 11-acres of internal roadways, and nine acres for a series of drainage retention basins. In 2011 dollars the preliminary construction costs are projected to be about \$20 million while the estimated construction period is about 30-months.

This slide captures the proposed subdivision improvements that are intended to be or proposed to be built by the applicant. These improvements will be owned and maintained by the subdivision lot owners association. These improvements include a private water system which is in fact the dual water system for domestic as well as irrigation and fire flow use, and would include wells, pumps, purification systems, water lines, manholes and laterals. Similarly we will have a private wastewater system which would include enhanced septic tank systems which would also go to central leech field for the collection of the wastewater, as well as sewer lines, manholes and laterals. Again we would have a private drainage system with a series of retention basins, drain lines, manholes and laterals; an internal roadway system and underground utilities; as well as common area landscaping with underground irrigation lines and laterals. The lot owners will be fully responsible for all improvements on and to their lots. These types of improvements would be site work to prepare their lots for construction and use on the construction of any buildings, the provisions of parking areas according County Code requirements, the installation of onsite septic tank and connection to the laterals. Similarly, installation of waterlines and drain lines and connection to the respective laterals. Any landscape and irrigation would also be each lot owner's responsibility. And any other types of improvements that are specific to the development of each lot.

This is a land development plan that is preliminary in nature. The reason why I say preliminary is because the actual number of lots and the lot sizes will be largely driven heavily influenced by market conditions in the future, and, as well as by any proposed uses that are undertaken by subdivision lot owners. This plan shows that smaller lots are along the periphery of the parcel, where the larger lots are within the area encompassed by the subdivision's internal roadway system. This plan also shows the primary access route which would provide access from Mokulele Highway to the site. It also shows the alignment of the alternate access route if we need to proceed them that road.

This is a conceptual landscape site plan which shows the street tree planting, as well as the grass,

the drain swale, and trees within the drainage retention areas. Okay, this slide depicts the major water system components for the subdivision's private water system. As I mentioned previously, we have a dual system which would provide for domestic use, and then a separate system which would provide for irrigation and fire flow use. The key improvements of this system include three wells which would include one standby well, three reverse osmosis trains. The RO trains are for water treatment purposes. A 250,000-gallon storage tank for portable use, a 300,000 gallon storage tank for non-potable use, as well as the related booster pumps and a backup generator for fire protection purpose.

This slide shows our preliminary grading and drainage plan. As lots in the subdivision are developed, lot owners are responsible for installing their own onsite drainage systems and connecting to the master system for the subdivision. The master drainage system will consist of a series of drainage retention basins located along the western edge of the property. The owners would be responsible for extending their onsite drainage lines to connect to the drainage laterals on their property which would then convey the runoff to the drainage retention basins.

This slide is our assessment of the proposed action. There are no wetlands, streams or other water bodies on the subject parcels. The HC&S irrigation reservoir to the north will not be affected by the project. We recently received a letter from the U. S. Army Corp of Engineers commenting on the Draft EA. That letter, the Corp of Engineers indicated that the proposed project will not require any Department of Army permits because it does not involve the placement of any fill, wedge materials, into waters of the U. S., nor does it involve any actions that would involve waters of the U. S. There are no threatened or endangered species of plant or animal life that were observed during the flora and fauna studies that were undertaken for this project. No noise impacts that are adverse are anticipated because of the subject property's distance from Mokulele Highway, as well as its distance and location from residential areas in Kahului and Kihei.

I'd like to point out that because heavy industrial uses that are allowed by County zoning have the potential of creating air pollution. If any type of pollutant generating use is proposed by one of the lot owners, they will be required to submit an application to the State Department of Health for review and approval. Whether it be for any, you know, activity that produces loud, extraordinary volume of noise or air pollutants, et cetera, they'll be required to submit the appropriate application with the Department of Health for their review and approval.

The archaeology inventory survey was recently approved by the State Historic Preservation Division, and the Archaeological Monitoring Plan is currently pending their approval. The Cultural Impact Assessment also noted that the project area has not been used for traditional or historic cultural purposes. The portion of the site was previously used for un-permitted solid waste storage use when it was previously subleased to an individual by the former land owner which is A&B. In January of this year the State Department of Health has indicated that subsequent clean up efforts on behalf of A&B have resulted in the satisfactory removal of all solid waste matter and residual contaminants to the satisfaction of the Department of Health. In essence the site has, quote-on-quote, a clean bill of health from DOH.

One of the key economic beneficial impacts to be derived from this project is job creation. The proposed project is expected to have an annual average of 65 direct and indirect jobs here on Maui during the 30-month period to construct the subdivision. During the subdivision's ten-year build out

period for the lots within the subdivision, approximately 142 direct and indirect jobs are estimated. The subject parcel is not classified. It's un-rated or residual as indicated by the agricultural lands of importance to the State of Hawaii. It also has a land study bureau rating of E which is the lowest that can be given for any form of agricultural productivity. And it represents just . . . (inaudible) . . . percentage of all lands in the State Agricultural District.

Based on our assessment the project will not impact surface water sources. It's not expected to adversely affect ground water resources or down stream properties. The design and operation of the private water and wastewater systems will comply with all State Department of Health requirements and will be subject to their review and approval. In that same vein, the design and construction of the private drainage system for the subdivision will be built in accordance with all applicable State and County requirements.

In terms of traffic, the project is not expected to have an adverse impact upon traffic. It should be noted the recommended improvements to the intersection of Mokulele Highway and Kamaaina Road will help achieve that effect of no adverse impacts on traffic. These recommendations include modifying the west bound approach to provide a separate right-turn lane, provide an acceleration lane for west to north bound right-turns, and lengthening the south bound left-turn deceleration lane from 60 feet to 350 feet. The new electrical and phone lines will be extended from existing overhead facilities and installed underground. And all exterior lighting will be shielded and downward directed to minimize fall out from sea birds traversing the area. Lot owners will also be encouraged to utilize energy conservation measures when developing their lots.

This slide reflects the intersection improvements to the Kamaaina Road and Mokulele Highway intersection . . . (inaudible) . . . It includes the separate right-turn lane for west to north bound traffic from Kamaaina Road onto Mokulele Highway, includes an acceleration lane for north bound traffic on to Mokulele Highway, and it includes lengthening the left-turn storage lane on south to east bound Mokulele to Kamaaina Road.

In terms of the proposed action, the reclassification of the subject parcel will not adversely affect surrounding or neighboring land uses as the present character of the area will be maintained. It's also not expected to have an adverse impact on agriculture, nor is it expected to negatively impact the inventory of agricultural lands that are currently available for either large scale or diversified agricultural use. The project is not expected to result in any adverse environmental and social economic impacts, and will not adversely affect existing public services or service area limits since the water, sewer, drainage, and roadway systems for the subdivision will be privately owned and maintained, and will not have an adverse effect upon public infrastructure systems.

Due to the limited supply of heavy industrial land that is currently available here on the island of Maui, the project is expected to alleviate the pent up demand for purely heavy industrial land. Currently, M2 Heavy Industrial Zoning is pyramid like in its structure in that it also allow uses permitted under M1 Industrial Zoning as well as uses allowed under B3, B2, and B1 Business District Zoning. So the range of uses allowed by existing M2 Zoning is vast and there currently is very, very limited supply of land that is currently available for purely heavy industrial use. The use of the subject parcel for heavy industrial purposes is consistent with existing heavy industrial uses in the area such as the Hawaiian Cement Quarry, the Central Maui Baseyard. And it's also compatible with the uses set forth for Project District 10 by the Kihei-Makena Community Plan since

PD-10 allows for recreational public uses as well as promotes industrial activity. And last but not least, the parcel is located within the proposed Urban Growth Boundaries set forth by the Draft Maui Island Plan.

That's it. At this point we're, we'll entertain any questions that the Commission may have or any request for clarification. Thank you for your attention.

Mr. Hiranaga: At this time I will open the floor to public testimony. Is there anyone here that wishes to provide testimony on this agenda item please come forward and identify yourself? Seeing someone, please identify yourself and limit your testimony to three minutes.

Ms. Irene Bowie: Irene Bowie, Executive Director for Maui Tomorrow Foundation. I just have a couple of questions I would put out watching the presentation. If the Department of Health does have to approve this because of possible heavy industrial air pollution, I'm wondering how that's going to impact the proposed jail, and also what that will do to the animal shelter. I'm wondering if there are any mitigation measures in there for that, so that would really be my only comment on it. Thank you.

Mr. Hiranaga: Thank you. Questions for the testifier? Seeing none. Anyone else wishes to provide public testimony at this time regarding this agenda item please come forward. Seeing none, public testimony is now closed. Why don't we take a 10 minute recess before we start opening up the floor to questions for Commissioners, so we'll reconvene at 10:30 a.m.

*(The Maui Planning Commission recessed at approximately 10:17 a.m. and reconvened at approximately 10:31 a.m.)*

Mr. Hiranaga: At this time I'll open the floor to questions from Commissioners. Seeing –. Commissioner Hedani?

Mr. Hedani: I just had a couple of questions. Although I would never want to ask a question of Kurt since he comes – he's the only guy that I know of that comes dressed in a pin-striped suit like that. I hesitate to ask, but I'm a . . . (inaudible) . . .

Mr. Wollenhaupt: . . . (inaudible) . . .

Mr. Hedani: The water for this particular project is coming from wells onsite, and the disposal of stuff from the subdivision is going to be allowed to percolate into the ground. And I'm wondering how do you keep the two from getting mixed up. Are you going to be drinking the stuff that you end up sending down into the ground?

Mr. Tadaki: Thanks Wayne. Those are good questions. We do have Tom Nance of Tom Nance Water Resource Management, our ground water resources engineer as well as Stacy Otomo, so I'll turn it over to these gentlemen so that they can respond to your questions.

Mr. Tom Nance: It's a reasonable question. I'm Tom Nance by the way. The Department of Health

will require a certain spacing between a well that's used for drinking water supply even though it will go through a treatment process before it's drained into the drinking water system. They require at least 1,000 foot setback from the nearest wastewater, individual wastewater disposal system such as a leech field or to dispose of what comes from a septic tank. So you do have that spacing. The other thing is that we will put the wells, they're located in the up gradient side of the project, ground water movement going towards the south or southeast. So the disposal of wastewater percolating, it will get into the ground water for sure, but will also be a substantial distance down stream. So that's the physical separation.

There also will be in the RO treatment process, to produce the drinking water, there will be a concentrate, a euphemism for the wastewater of that process. It's just collecting of salt from the raw water supply, separating it from drinking water. And the concentrate that will be disposed of in a disposal well, but that will inject the water down into the ground water zone of equal or greater salinity so that we won't be recycling that water either.

Mr. Freitas: I have a question for him.

Mr. Hiranaga: Commissioner Freitas, do you have a –?

Mr. Freitas: Tom, there is an existing well on the property, so you folks have a good idea of the water that is produced, am I right?

Mr. Nance: That's correct. For a lack of a better term I refer to it as Elmer's pig farm well. I believe done in the early '40's or mid-'40's. You have some knowledge of this as well? Okay. It actually –. I don't know when it went out of service, but a couple of years back we went out there, found where it was, pulled the old pump out of a hole, video log the well, stuck our own pump back into the hole, and did a pump test and also grabbed samples for the complete sweet of regulated drinking water constituents. So that well produces water that the chlorides are about 250. That's kind of the upper end of the recommended limit of chlorides. The secondary, not primary, regulatory limits, but not really acceptable to drink straight away. That's why we're thinking that in our slightly up radiant location, chlorides are probably that or impossibly still lower, still needing treatment to make it palatable for potable use. Kind of amazingly given that the casing was galvanized pipe, every single joint of which had corroded and separated. In addition there were linear lengths of holes in the casing that ran the full length, allowing the angular space of . . . (inaudible) . . . hole to be a passage way for locally derived contaminants to get into the ground water and yet some constituents were found. Everything was very substantially below the drinking water limits. And to be honest, given the condition of the casing and what the property had been used for, surprisingly good water.

Mr. Freitas: Thank you.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: A question. Thank you for coming and answering our questions. I was looking at the sewage treatment facility. Is that close by and the water being reused or fed back into the ground water?

Mr. Nance: The wastewater parts are being handled by somebody else. I could have them talk. There's not gonna be a sewer treatment plant per se.

Mr. Shibuya: It's more like a septic type of system, a leech field?

Mr. Nance: Individual septic tank systems in the lots, and at least, for the setback required away from the raw water supply wells, lots that don't have property beyond that setback will have disposal in the leech field, separate from their lots. So the septic tank would be on the lot, and the leech field, or the disposal actually occurs would be further than 1,000 foot makai. Other lots which are already outside that 1,000-foot setback radius can have individual disposals within their lots themselves.

Mr. Shibuya: Thank you.

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: Maybe some comments or concerns or more comments on the reservoir to the north of the project, you know, that the project –

Mr. Hiranaga: Can you speak into the mic?

Mr. Ball: How the project might affect the reservoir to the north, and how the 1,000 foot boundary may affect the lots across the street, if you will, for that?

Mr. Nance: Well, the reservoir won't have any effects. It won't affect us unless it leaks and provides recharge to the wells which is welcomed. And certainly the project won't have any impacts on that. But if there are other lots outside of the project bounds within this 1,000 foot setback, individual wastewater disposal systems would not be allowed. Once that drinking water source of raw water supply for the treatment is recognized by DOH as a source of drinking water, then the lot owners outside, within that radius, but not within the project, would not be able to put, dispose there. And there is a process that goes through that other land owners that have to alerted to that effect. And maybe more information I might confuse you, but when we put also drinking water wells that are on the makai side of what's called the UIC line, Underground Injection Control line, when the lines were drawn somewhere arbitrarily, somewhat lacking information, they basically assume that all the ground water makai of the UIC line wasn't suitable as drinking water, directly or as a source of raw water for treatment. Kahului aquifer, the entire aquifer is makai of the UIC line. So once we start putting drinking water wells in a makai area of the UIC line, there's another DOH process that we have to go through that alerts other owners that, within that radius, they will also not be able to put disposal wells which prior to establishing drinking water wells, they would have been able to.

Mr. Hiranaga: Questions Commissioners? I guess for expediency maybe we should limit or focus our questions on Mr. Nance right now since he's up here. So any more water related questions? I have a question. I'm aware of private water systems for residential/agricultural subdivisions, but are there any other private water systems for industrial subdivisions on this island?

Mr. Nance: Consolidated Baseyard has such a system. It's very similar in lots of ways because they also don't have the elevation for gravity delivery from a storage tank, so they've got pump

delivery of water. Their wells will also be, also draw from the Kahului aquifer. But in that particular location the water actually meets drinking water standards without the RO de-sal. But every other respect that system is essentially in concept identical to what's being proposed for the Puunene subdivision.

Mr. Hiranaga: Approximately how far below the surface is the water cable?

Mr. Nance: In that area, it probably sits four feet plus or minus a couple tenths a foot above sea level. So from ground elevation down, 140-feet, 150-feet, something in that order. That's, it's a relatively thin base of lens with actually, surprisingly low salinity.

Mr. Hiranaga: I guess my primary concern is because of the proposed M3 Zoning, and you're gonna have a fairly obnoxious uses there, industrial uses, and what happens if that table becomes contaminated with toxic chemicals and you can no longer meet DOH's levels for potable water? What happens to the subdivision?

Mr. Nance: Well, depending on the chemical, but the RO treatment itself will remove a lot of that. And if that's not removing everything then you'd also have to put either . . . (inaudible) . . . or carbon filtration or an aeration process in addition to the de-sal process. But you need to institute controls on what goes on on the lots and if it has the potential contamination what mitigation measures are imposed so that you don't get into that situation in the first place.

Mr. Hiranaga: So there is technology available to pretty much address any type of toxic situation, toxic chemical situation?

Mr. Nance: Yes, anything that's happened here in Hawaii, yes. I'm really not familiar with the mainland kind of stuff.

Mr. Hiranaga: Okay. Thank you. Commissioner Shibuya?

Mr. Shibuya: Coming back to this RO, reverse osmosis. I'm more concerned not only the quality of what you see in the glass that you're going to drink, but what happens to the other parts of the water that is contaminants filled. How are treating it? That's what I would like to see later. How are you treating this contaminant?

Mr. Nance: Well first let's use the word constituent rather than contaminant just because if we go to for example the Elmer's well that we tested, really, we're not talking about, quote on quote, contaminants. But the RO process is a high pressure filtration that separates the raw water supply into two wastewater streams. The wastewater stream referred to as the concentrate is simply saltier than the incoming raw water supply. And it's not loaded with contaminants. It does have dissolved constituents, and it will be disposed of, in a disposal well. And in the ground water you've got a thin lense of brackish to almost fresh ground water, probably for the first 100 feet or so, into the ground water. And then you have a transition zone where the salinity increases finally at a depth of several hundred feet, it will be salt water salinity. Injection wells will inject that concentrate into the transition zone at and below where the salinity of their seating ground water is greater than the concentrate being delivered to it.

Mr. Shibuya: Yeah, I'm concerned about how we treat that concentrate. And if we can reduce the concentrate then that will be more satisfying to me.

Mr. Nance: It does not need treatment. It's just brackish ground water. Now the periodic back flow on the RO filters and stuff produces the wastewater product, but that doesn't go through the disposal well. That does get treated and hauled off site. But this concentrate stream doesn't need treatment. We put it directly in the ground simply looking for a zone where the salinity of the receding ground water is equal to or greater than the salinity of the concentrate being delivered.

Mr. Shibuya: Okay so there's gonna be two exhausted water sources there?

Mr. Nance: In effect. If periodic rinsing of the filter that gets neutralized and hauled off, the more continuous concentrate stream, that goes into this older one.

Mr. Shibuya: Thank you.

Mr. Hiranaga: Any more questions Commissioners? Commissioner Shibuya?

Mr. Shibuya: Just a comment really and not for Mr. Nance, so if others want to talk about water I can wait.

Mr. Hiranaga: Questions Commissioners for Mr. Nance? Comments? Question? Commissioner Hedani?

Mr. Hedani: I was wondering, you know, you mentioned controlling the activities of what goes on on the lot owner's property. Would you have the opportunity to provide input to the developers of the subdivision so that they can insert into their CC&R's whatever concerns you have so that they would be addressed?

Mr. Nance: Yeah, I think both in terms of location of where they are in a project, up gradient, down gradient, cross gradient, and yeah, definitely.

Mr. Hedani: Okay. Because I would appreciate it.

Mr. Hiranaga: Anymore questions for Mr. Nance? You can always recall him if you want. Thank you. Other questions Commissioner Shibuya?

Mr. Shibuya: It's a comment that I like the subdivision plan. I like the idea that hopefully we'll have some policies for best management practices to be placed. I do have, as we start drilling down into the different, more detailed letters of peeling the onion sort of speak, I'd like to understand that you'll be grading that subdivision area to place an infrastructure such as your water, your power, communications, is it not?

Mr. Tadaki: Thanks Mr. Shibuya. I'll call on Stacy Otomo to speak to any infrastructure development questions that come up.

Mr. Stacy Otomo: Good morning Chair Hiranaga and members of the Planning Commission. My



name is Stacy Otomo. To answer your question Commission Shibuya, yes, there will be grading for the infrastructure for the subdivision.

Mr. Shibuya: Yes, and they'll be putting in like communications, water lines, laterals that were mentioned, as well as for roadways. These roadways would not be standard roadways would they not because they're actually hauling heavier equipment and material so they'd have a greater weight capacity would they not?

Mr. Otomo: Yeah, so what normally happens on the pavement section is as we get into the design we would retain a . . . (inaudible) . . . engineer that would test the soils of the capacity of the, the varying capacity of the soil and tell us, you know, how much thickness of asphalt and the base course that we needed. And our design would be predicated on those recommendations.

Mr. Shibuya: Okay. So all of these infrastructure that you're grading and placing in before the lots are outlined for sale, they would be protected with some kind of material? What kind of material would you possibly think of? I'm looking at dust hazard, that sort of a thing.

Mr. Otomo: Yes, the intent is to use the onsite wells, number one, for dust control. As far as the infrastructure for the subdivision, it's not the intent to grade the whole 88 acres of the subdivision, rather than just grading for the roadway prism and the utilities that need to go in. So maybe we might end up grading 20% or 25% of the total lot area.

Mr. Shibuya: Are you planning to put in some kind of security system that the subdivision is responsible for to ensure that the properties are somehow protected? The reason why is I just don't want open land to be used for mischievous activities.

Mr. Otomo: I'll defer that to the owner, but I'm assuming that something would be in place.

Mr. Shibuya: Okay. Thank you.

Mr. Otomo: Anybody has any more civil related questions I'd be more than happy.

Mr. Hiranaga: Why don't we have someone answer Commissioner Shibuya's question.

Ms. Blanca Lafolette: Blanca Lafolette, representative for the owner.

Mr. Hiranaga: Can you pull the mic closer, please?

Ms. Lafolette: Blanca Lafolette, representative for the owner. Regarding your question regarding security –

Mr. Shibuya: It's actually resource protection. Protecting the properties of your subdivision because you don't have any facilities there. You would have grading. You would probably have a roadway and I don't know what else you have. Drainage swales and things of this nature.

Ms. Lafolette: So once it's developed?

Mr. Shibuya: Yes, once it's in process of being developed or developed.

Ms. Lafolette: Right.

Mr. Shibuya: How will, or will there be some security? Or will there be some surveillance? Or will there be some protection so that you don't have mischievous activities going on?

Ms. Lafolette: Correct. Yes, I believe once the subdivision is developed, the lot owner's association would obtain a security company.

Mr. Shibuya: Well, this is before the lots are sold. Okay, this is the developer is doing this. Will the developer do this?

Ms. Lafolette: I can look into that. I'm sure we'll have some kind of security to oversee –

Mr. Shibuya: I'm not saying that you should have it. I'm saying some way of ensuring that you don't have somebody doing pakalolo and growing stuff that you're not suppose to.

Ms. Lafolette: Currently we even have locked gates to prevent any kind of vandalism within the 86 acres.

Mr. Shibuya: Right.

Ms. Lafolette: Yeah.

Mr. Shibuya: It's simple kind of question. Yes, thank you.

Ms. Lafolette: You're welcome.

Mr. Hiranaga: Blanca since you're up there, I'm just curious, who are the principals for CMBY, LLC?

Ms. Lafolette: Steve Goodfellow, and I believe Chad Goodfellow, and Dan Goodfellow.

Mr. Hiranaga: Great. Thank you.

Mr. Freitas: I've got a question.

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: Yes, I've got a question. Is the lots gonna be sold or are they gonna be leased out on the project?

Ms. Lafolette: Sold. They'll be sold.

Mr. Freitas: They'll be sold. Thank you.

Ms. Lafolette: You're welcome.

Mr. Hiranaga: Okay, any other questions Commissioners? Commissioner Hedani?

Mr. Hedani: I think this is a question for Glenn. Glenn, you mentioned a reference to a landfill on the site. Is that something that's seriously being considered, or are you looking at like an alternative to a landfill?

Mr. Tadaki: From what I understand Wayne, the applicant, CMBY Investment LLC, has been working with Kyle Ginoza, the Director of the Environmental Management, to look into the feasibility of creating a construction and demolition landfill within the 86-acre parcel. The existing Maui C&D Landfill at Maalaea is mentioned is nearing capacity. It has approximately two years of remaining capacity. And if that facility closes there will be no place on the island where people can legally dispose of construction waste or demolition materials. So the applicant has been in discussions with the County and from what I understand they have engaged a private landfill consultant to come up with a proposal for their review. Blanca can provide you with any additional information, but that is my understanding of where they are relative to C&D landfill proposal.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: Thank you. I was hoping that the project would entertain something that would be alternative to landfills. I was aware of technology that exists that can take not everything including the kitchen sink from the sanitary landfill, but most of the material from a landfill into like a gas plasma incinerator that would only produce glass as an out product that could be used for road building. And to me this particular location, this particular type of facility is located away from residential areas would be the perfect testing bid for something like that either on a small scale or even a large scale to try to help mitigate the County's problem we're trying to bury stuff into the ground which is not the brightest thing to do.

Mr. Hiranaga: Glenn, maybe you can clarify what a construction landfill is because it is not designed to receive everything. It's designed to receive specific waste that typically is not contaminant. Because I know the one in Maalaea they control very carefully what is accepted.

Mr. Tadaki: Yes you're correct Mr. Hiranaga. The C&D landfill in terms of the materials it accepts, its waste treatment is primarily related towards materials that are used during the construction of buildings or infrastructure, as well as any demolished materials from facilities that have been dismantled or taken apart. So anytime there's any type of building construction, whether it be new construction, or reconstruction or demolition, the waste streams that result because of these activities are delivered to the Maui C&D landfill for their disposal.

Mr. Hiranaga: There's a specific list of what's acceptable and these items the County prefers not be deposited at their County landfill, and so they direct it towards construction disposal.

Mr. Tadaki: The applicant will work with DEM, Department of Environmental Management, to, you know, establish a protocol for the disposal of these types of materials to ensure compatibility with the County's own landfill disposal plans, yeah.

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: Yeah, I'd like to make a comment on the landfill because I have some knowledge of, what do you call, the construction landfill, they're all aligned and they're controlled by the Health Department very, very strictly. And the materials that they basically take is a lot of demolition products, but they will not take like carpet because it has, what do you call, chemicals in it. It's very well controlled. And to Mr. Hedani, the problem with having stuff burned, and what have you, to make glass for roads which they do in the mainland, the problem is we do not have enough material to sustain the use that would be required.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I'm – since there's no other comments, I'm just going to want to ask about renewable energy conversion types of systems that may be considered for the various lots that whoever buys the lot that they could consider installing some kind of energy generating system, and energy conserving systems. These are two different systems. Generating would be like photo voltaic and wind turbines or some other heat coal generation type of systems. Where as conservation would be using sky light, using existing trade winds, this types of things, and low wattage type of light, lighting. And if you do have lighting around the perimeter such as the roadways for resource protection, you may want to have it downward lighting or some different types of less energy using consuming type of items.

Mr. Tadaki: Thank you Commissioner Shibuya. Your comments are noted and that we will encourage all lot owners to utilize energy conservation measures as well as encourage them also to use energy generating type of measures in the future development of their properties. We'll also have appropriate guidelines set forth in CC&Rs or design guidelines for the subdivision.

Mr. Hiranaga: Commission Shibuya? I mean, Commissioner Hedani.

Mr. Hedani: On an unrelated subject Glenn, what is the difference between the proposed M3 and M2 zoning? What would be the change?

Mr. Tadaki: The basic change would be that there are five new permissible uses that will be allowed under the M3 zoning that are currently not allowed under existing M2 zoning. In addition, there are some uses that are identified as, you know, noxious type uses under current M2 zoning that requires special permit approval. Under the proposed M3 zoning, there are no special permit requirements, so all the M3 uses are permissible outright.

Kurt reminded me of one very important feature and that is under existing M2 zoning, you know, as I mentioned previously we have a pyramidal type of structure where M2 encompasses all permitted uses under M1, B3, B2, and B1. With the new M3, the uses are limited to only what is allowed under M3 zoning. There's no M2, M1, B3, B2, B1 uses allowed, so no tiering of those uses which is very important and you know it basically recognizes that, you know, M3 zoning, heavy industrial type zoning is critical to land use and that there should be, you know, this type of zoning district for purely heavy industrial use.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: This is just a comment Glenn. I think every community needs heavy industrial zoning

in order to handle those things that need to be handled under heavy industrial zoning. And I think, from my personal perspective, I like the fact that we are creating heavy industrial zoning in a property that's not – the existing supply of heavy industrial zoning is rather controlled by only a few land owners. And I think breaking that up and having an alternative is a good thing and I couldn't think of anybody better to do something like that than the Goodfellow Brothers family.

Mr. Tadaki: Thank you Wayne. We do have our market study consultants here who if there's any questions about the availability of the heavy industrial inventory, we'll be glad to answer any questions.

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: Question on the future with the DHHL parcel to the south. Was there any discussion with them about this proposed M3 zoning and how that would affect them and some of their lots, in their proposed development in the future?

Mr. Tadaki: Commissioner Ball, yes, we did consult with the Department of Hawaiian Homelands. I spoke with a gentleman by the name of Kaleo Manuel who is one of their planners. DHHL has about 400 somewhat acres to the south of the subject parcel. These lands are designated not for homestead use or, you know, residential use, but for agricultural type uses. DHHL has had meetings with their stakeholders. In other words, individuals who are eligible or who have signed up for DHHL lands to discuss possible future developments for those lands. They're residential development or agricultural development with a residential component like a farm dwelling was considered. But given the conditions in the area, primarily the heat, and the dust, and you know, at times it can get really windy and the wind kicks up the dust from sugarcane fields when after the fields have been burned, you know, they decided that, you know, residential type component as part of their agricultural uses is not really feasible. So during the process of trying to come up with some kind of plan for those 400 somewhat acres, it was my understanding that there's about 100 acres that I think is in the area, the northern most part of that larger parcel that was being considered for possible private wastewater treatment plant. But that's, you know, that's just brainstorming. I understand that the State has been working with large landowners in the area including Pacific Rim Land to come up with a Master Plan for the use of the State lands in that area. There's large acreage that are owned by both the DLNR and the DHHL that could be developed but cannot be developed because there's no infrastructure. There's no water. There's no means of treating wastewater. There's no roads. Without any kind of infrastructure systems in place or where funds have been targeted for infrastructure development, it's not going to happen. In fact the Planning Department, as recent as May had proposed an amendment to the Urban Growth Boundaries which will include some State owned lands in the vicinity of the Puunene Airport. The request to include these lands was initiated by the State. The Council General Plan Committee at this time denied their request because there was not enough information in terms of the State's plans for those lands. So those lands that had been requested to be included in the UGB, the Urban Growth Boundaries, were taken off the table and are not included in the current Urban Growth Boundary proposal for the Maui Island Plan.

Mr. Hiranaga: Any other questions Commissioners? Seeing none, Glenn did you want to restate, or Kurt restate specific questions of Commissioners had that may not have been adequately answered if any?

Mr. Wollenhaupt: I think I got the impression that most of the questions that were asked were, had answers that seemed to be convincing to the Commissioners. There was one if the applicant could look more into the resource protection security post, during development and post development. That seemed to be an outstanding question. Other than that when we talked about, you know, you talked about the possibility of alternative disposal and glass plasma incinerators, that was a discussion, but it seemed we ended that one. We talked about the lands to the south and the DHHL. That was concluded. So normally what this is is if there's outstanding issues that you couldn't or you didn't feel could be resolved during discussions with the experts, that the applicant needs to go to other resources, other experts to more fully vet your questions. So I really only felt that it was about the security system that Mr. Shibuya would like to have perhaps a little bit more in depth as to what development security questions might be answered. If there are any others, of course, the applicant is here to take further questions which we might not be able to answer today.

Mr. Hiranaga: I guess one lingering concern I have is with the proposed private water system and if there is contamination in the future whereby additional processes have to be implemented to treat the water is, you know, where would the money come from to build these facilities? Because you're going to create an association of 28 lot owners. You know, some of them may be successful, some may not. And in some point in time if a situation does occur where monies need to be generated to create additional treatment facilities you basically gonna do a special assessment on these lot owners. And if they're unable to afford these assessments, my concern is they're going to look to the County of Maui and say help us out here, we need a source of water or our development is gonna go down the tubes. This has happened in residential projects. So that's my concern. You're out there on an island with a private water system, and if that water system goes down or is unuseable what happens? So do you need to create some type of a bond by the developer?

Mr. Tadaki: Well, what I'd like to say is that in terms of developing this private water system is that these systems will be, you know, the proposed dual water system which will be privately owned and maintained will be subject to DOH review and approval. DOH review process is very stringent and they're very exacting about what must be provided in order for them to grant their approval. And DOH's mandate is to, you know, basically to look out for public safety and health. They will not allow any type of system or improvements to go forth that would contravene public safety and health. So, you know, it is in the applicant's best interest to design and build this private water system, you know, in accordance with the DOH rules for these types of private water systems. Given the financial or fiscal commitment to this project, the landowner is, we would make very sure that – to allay your concerns – that lot owners implement measures to address or prevent any impacts to our ground water resources. You know, whether they be surface or subsurface resources so that the underlying ground water is not going to be impacted by any pollutants or contaminant runoffs. It's in their best interest to do so given their commitment that they're making up front to develop the subdivision as well as in the best interest of all lot owners within the subdivision.

Mr. Hiranaga: Okay. Let me restate my question because I don't think you answered it. My concern is in the future after this project is fully developed and you have 28 lot owners. There's an event that contaminates the water and I've been told that there's technology that can address all of these events of contamination, but where is the money going to come from to build the facility to treat, additional treatment facilities, if that's needed? That's my concern because you're creating

a private water system out there in the middle of no where and if that source goes bad, either you have to treat it but you need money to treat it or those lot become unuseable because they no longer have potable water.

Mr. Tadaki: Okay, I understand.

Mr. Hiranaga: And I don't want to liability exposure to be on the County and these lot owners come and say, help us out here, we need you guys to come and bring water to us because our system just went down. So, do you create a bond? Because I've seen agricultural subdivisions go bad if privatize water, if the source goes bad, now they come to the County saying help us out here.

Mr. Tadaki: Yeah. Well, that's something that the landowner or the applicant is gonna have to take into consideration and really take a look at it to see what should be done in case something like this comes up and it's a –

Mr. Hiranaga: Yeah, so perhaps you need, when you put that down as a comment to be researched that if other municipalities on the mainland that may have encountered a situation.

Mr. Tadaki: What I'd like to do is call Tom back and see if, you know, during his many years of practice and experience whether he's encountered any type of situation where a private water system has, you know, basically created impacts to ground water resources and resulted in the need to be bailed out sort of speak.

Mr. Nance: To try to answer that, I haven't run into that on my own experience which goes back 40 years, but I still think you're raising a valid concern and something that whether that's a bond or if insurance or whatever is possible. The process of getting approval from the Department of Health will scrutinize, but they're limited exclusively to the information we provide to them. So we do tests on the wells, we say what the water quality is, we come up with a treatment process, we give them what the product water is, and they say that's great. On the other hand there's a parallel approval that you have to create a water entity in which presumably is going to be the lot owner's, as that owner of that water company, and they have to demonstrate financial, technical and managerial capabilities to run the system. They're required to create a sinking fund, but the reality is the sinking fund is primarily somebody like me says, I think you're going to have to replace this pump once every five years and et cetera, and doesn't envision a whole layer of treatment that is an order of magnitude more expensive than some kind of a replacement . . . (inaudible) . . . So I think it's a valid concern to raise in this particular area given that we've got a whole lot of surrounding land uses plus our own and a relatively small vertical travel to the . . . (inaudible) . . . zone to reach the ground water. So I think it's something that the owner developer needs to look at and provide.

Mr. Hiranaga: Thank you. Commissioner Shibuya?

Mr. Shibuya: I think that we can probably mitigate this one. You mentioned that there's a mitigation to this by the well head capacity. And I think Mr. Nance can probably address that because the example would be if we have a fire, a large fire, and you consume a lot of water that is pumped out, then the capacity becomes an issue. Because the well head is not able to regenerate itself and all of a sudden you go oops, now it's very salty for the next two weeks because of the capacity of whatever the well is. I don't think we've really talked about it, but you can address it later.

Mr. Nance: Well, I can address it now if you'd like.

Mr. Shibuya: Okay, go ahead.

Mr. Nance: We primarily fight fires with storage and the reservoir. In this case, the non potable system is several times larger in terms of required capacity than a potable system is. It's just what happens in an industrial area that –. The actual . . . (inaudible) . . . requirements is relatively small compared to the total water use. So the fire protection will be on the non potable, slightly brackish water, and fire protection primarily has a draw from storage. Now we do take credit for well inflow to do that, but basically we go through in the process of developing the wells, we do extended pump test that establish, okay I can pump this well at 300 gallons a minute, 24/7, in perpetuity, I'm not going to have a salinity problem as a result. Fire happens and I need to fill the reservoir back that fought the fire. I'm not pumping more than the 300 g.p.m. limit of that pump. And so hydraulic capacity, long term salinity stability are built into whoever the consultant is to come up with the right pump capacity. And if he doesn't then nobody is going to call anymore.

Mr. Shibuya: Okay, thank you.

Mr. Hiranaga: Any questions? More questions regarding the applicant's Draft EA? So maybe you could restate my request for additional information.

Mr. Wollenhaupt: A couple of things. One is the Department is writing a letter in addition to this Commission and in discussions with my colleagues. I had come up come up with some, a similar, concern that will be transmitted to the applicant regarding a possible steady and a worse case scenario that would reflect the intensity of use in the M3. Then with regards to this body's questions to the applicant, the question would be in light of the potential for a, well, a significant water impact event that –

Mr. Hiranaga: Contamination.

Mr. Wollenhaupt: Contamination. What does the applicant propose in terms of a financial consideration, in terms of liability, in terms of insurance, in terms of bonding, to protect both the water source, the lot owners and the County, in order to restore the water system to a pre-catastrophic event level of clarity or purity? So we can work on the language but it has to do with have the applicant explore potential means in order to ensure the continued water availability and financial viability of the subdivision.

Mr. Hiranaga: Yeah, I think it's just primarily some type of a bond or insurance policy to provide a source of funding that if additional treatments are required because of a certain contamination event. Just don't depend on the 28 lot owners to all of a sudden pony up, you know, \$100,000 each because they may be able to do that or they won't. And the concern is, you know, if it's an agricultural subdivision or a residential subdivision the uses are less noxious as an M3 zone, so the exposure is there when you have M3 use. I think it's greater.

Mr. Wollenhaupt: I would agree. That's the challenge of M3.

Mr. Hiranaga: Commissioner Tsai?



Mr. Max Tsai: You're getting closer. Yeah, I'd like to see more emphasis put on the renewable energy needs because I'm, depending on the category we talked more heavy industry type of potential tenants that go in there, they might have heavy utility or electrical needs. So I'd like to explore that area as part of the plan.

Mr. Hiranaga: Okay, last chance. If not, thank you very much.

Mr. Tadaki: Thank you very much Chairman Hiranaga and members of the Commission. We appreciate the time and your comments. And we look forward to –. You get to use it as a door stop Kent. We look forward to appearing before you again, later when come before you with the Final EA for your review.

**The Maui Planning Commission posed their questions and concerns on the draft EA. The applicant/consultants responded to the Commission's questions and concerns to their satisfaction. Commissioners requested the applicant to provide additional information/clarification to ensure water is available in the event of contamination and to look further into the resource protection security, post development and during development.**

#### **D. COMMUNICATIONS**

- 1. AMERON HAWAII requesting 15-year time extension on its State Land Use Commission Special Use Permit and Conditional Permit for the operation of a concrete batching plant and related improvements on approximately 2.0 acres of land located within the State Agricultural District at TMK: 3-8-004: 002 (por.), Kihei, Island of Maui. (SUP2 2005/0001) (CP 2005/0001) (P. Fasi)**

**The Commission may take action on these requests.**

Mr. Hiranaga: Okay Deputy Director, agenda Item D-1.

Ms. McLean: Thank you Chair. Next we have a communication item from Ameron Hawaii requesting a 15-year time extension on its State Land Use Commission Special Use Permit and Conditional Permit for the operation of a concrete batching plant and related improvements in the State Ag District at TMK: 3-8-4-parcel 2 in Kihei. Paul Fasi is the staff planner.

Mr. Paul Fasi: Thank you. I'm going to be very brief. I'm just basically going to introduce the project. Mike Munekiyo of Munekiyo & Hiraga has a power point presentation which pretty much covers basically what I was I going to say. But what's before you today is a time extension request on a State Special Use Permit and a Conditional Permit. You will be making the decision on the Special Use Permit and you will be making a recommendation to Council on the Conditional Permit, so this bill must go to Council. Ideally we want to have the dates coincide together. So normally the State Special Use Permit expiration date that you're going to decide on will normally coincide with the expiration date of the Conditional Permit when it gets to Council. The, the report was printed prior to receiving all of the opposition letters. We did receive three opposition letters. The

applicant mailed out notifications to 128 addresses. We had three letters in opposition, so therefore procedurally it changes a little bit. And the change is that this has to go before Council. Otherwise we could have, make a decision here, by the Director. So let me have Mike do the presentation. It's about 10 minutes and it's probably gonna answer many of your questions.

Mr. Michael Munekiyo: Good morning Commissioners. My name is Mike Munekiyo. We are the planning consultants for Ameron Hawaii. And what I'd like to do is give the Commissioners a brief overview of the, some history of the project and the operations of the project as it relates to the Kihei Concrete Batching Plant.

So we do have today from Ameron, Eric Yoshizawa and Linda Goldstein representing Ameron. Kirk Tanaka is our civil engineer, and again, we are the planning consultants for Ameron. The request, as Paul mentioned, is a request for a time extension to the existing State Land Use Commission Special Use Permit, and existing County Conditional Permit. And this is for a site in Kihei, approximately two acres in size. The project site is at the entrance of Kihei, North Kihei. Here's Mokulele Highway. This is an old figure, but Mokulele Highway now sweeps, merging with Piilani Highway. The site is just mauka, on the mauka side of the Piilani Highway alignment.

This is an aerial photo of the location. Now this aerial photo was taken before the Mokulele Highway and Piilani Highway construction was completed. And today – and I'll show you a slide later – today Mokulele Highway sweeps this way, and joins Piilani Highway. And just for reference purposes, this is the old, the former, concrete batching site, which Ameron was previously permitted for. And again, this white outline area is the current site. This, by the way, these homes, are part of the Hale Piilani Subdivision. And the three letters which Paul referred to were from residents of this subdivision here.

So just a brief history. Actually the concrete batching facility that Ameron has operated goes back to 1974. And when the Piilani Highway was constructed that batching plant was relocated to the previous site, this one right here, the old site. And in 1978, that site was permitted with a concrete, or State Land Use Commission Special Use Permit. As some of you may recall in 1998, the County adopted its Agricultural Zoning District Ordinance. And that adoption then required a Conditional Permit as well. So with that adoption of the County Agricultural Zoning Ordinance, both a Special Use Permit and a Conditional Permit is required. In 2005 or thereabout, Mokulele Highway and Piilani Highway actually was about to be constructed. And with the construction of the Mokulele Highway, Piilani Highway project – I'm just going back here – this old site here, the former site, needed to be relocated because, again, it was right in the path actually of the highway itself. That's just a brief background.

In 2005 we did receive a County Special Use Permit and a County Conditional Permit for that new site, that site that was outlined in white. Just a little bit about what goes on at the batching plant, it is a batching facility for concrete batching. And the structure includes aggregate holding bins, water storage tanks, concrete tanks for concrete add mixture, so forth, everything that goes into mixing concrete into those concrete trucks. The access is provided via an existing signalized access at Piilani and North Kihei Road. I think most of us are familiar with that location. As we enter Piilani Highway from North Kihei Road there's that major signalized intersection. Access to the plant site is via that intersection.

This is that intersection, and again, this is Piilani Highway this way, Mokulele Highway to my right, and right across the street is the North Kihei Road connection. Those of you who approach this intersection will notice across the street there's another roadway, and that is the entry drive to the batch plant location. And this is a compacted gravel access drive to the batching plant. Here is a site which, or photo, of the site. The new site is actually beyond these trees here, just on the other side of this machine here. But this again is part of the concrete access – I'm sorry – the compacted access road driveway. The rest of it is compacted because this area actually was the former site of the concrete batching plant, the previous site. And if you measure, it's probably, the distance between the former site and new site is about 50 feet edge to edge. But now, again, the former site does serve as a driveway access. It's a continuation of a driveway access to the new site.

Here's another photo looking into the site. Again, the entire site has been stabilized with compacted gravel. Again, the purpose of doing that is to minimize wind blown erosion. There's also some equipment that's stored on the site ready for plant initiation. Right now the plant is not in operation. It has not been in operation since the 2005 permit was granted. And the reason for that is over the course of time, with the highway relocation, there has been discussion with all of the owners, Monsanto, who surrounds the property on the outside of these, on the outside of the fence line, as well as, Ameron just squaring away land uses, subdivision issues, so forth, so actually there has not been any activity since 2005. There has been preparation to get the plant going. And now that all of the land issues have been resolved, Ameron is looking to get the plant up and running probably by, before year end.

Here's another photo looking from within the plant site, looking out. And here's that machine that we show in the previous photo. Again, just barely see Piilani Highway in the background here. We're very close to the highway, behind the trees. Again just another site. It is fully enclosed. And this tree line is on the south side of the project site between – which actually provides some buffer between, visual buffer between the Hale Piilani Subdivision and the project site. So, the site plan again. From an access stand point, the intersection with North Kihei Road, is about here. There is that gravel access road that I showed in the previous photo, up to the project site here. And again, with the realignment of Piilani Highway, the old site was encumbered by the realignment project.

Just a little bit about concrete mixing and its need to be near its service location. Concrete is a perishable product. It needs to be placed within 90 minutes or we start to lose the structural integrity and the reliability of the product. And of course, having that location in Kihei is quite important to consider timely delivery of concrete to the regions. Just some things about operations – it is a use that requires water, about 1,500 to 2,000 gallons a day. There is a five-inch meter which provides that use. On average, the plant operates two to three days out of the week, or would operate two to three days out of the week. And the water uses would be for concrete mixing and wash down for equipment. Wastewater there will be a portable toilet unit on the site. With respect to traffic, we anticipate about six to eight concrete deliveries a day. And again, this regional location, again, helps to serve or minimize trips from the baseyard, base operations which is in Puunene, Ameron's base operations. And it's again, it's helpful from a perishability standpoint.

We mentioned that owners were provided notice that the application for time extension was filed. We have received three comment letters and I think you've got that in your packet. We've met with the owners that expressed concerns. We've met with two of the three property owners that

expressed concerns, and help to clarify what it is that this operation entails. Here is a project which, I'm sorry a figure, which shows the realigned Mokulele Piilani Highway. And this is the old configuration here. Here is the old site which was encumbered by the realignment project. And the new site is in this area, roughly, just for reference purposes.

Although the plant is not established or set up at Kihei we thought we'd show what the plant would look like. It will be similar to this. It is a fully enclosed system, and so there is no real cement that is exposed or released to the air. There are stock piles, of course, of aggregate and sand which needs to be managed from a dust-controlled standpoint, and Ameron has that process fairly well, I think, protected.

And as Paul mentioned, the next step, at least with respect to the Conditional Permit is for Council to act on the time extension. And that's it. If we can answer any questions that Commissioners may have, we'd be happy to do so.

Mr. Hiranaga: We're going to defer questions till after public testimony. So at this time I'll open the floor to public testimony regarding this agenda item. Is there anyone here that wishes to provide testimony please come forward? Seeing none, public testimony is now closed. I'll open the floor to Commissioners with questions. Commissioner Tsai?

Mr. Tsai: Yeah, you mentioned about dust control measures, can you guys please elaborate on that?

Mr. Munekiyo: Maybe I can have Eric Yoshizawa who's vice-president for Ameron Maui to explain it. He's quite familiar with protocols that they implement.

Mr. Eric Yoshizawa: Good morning Commissioners. I am Eric Yoshizawa representing Ameron Hawaii. And with respect to Commissioner Tsai your question on dust mitigation efforts. First of all, on the one year that we tried, we made, we wanted to stabilize going in, just the ground area, in which the operating area because we had movement expected within the sand.

Mr. Hiranaga: Could you pull the mic closer to you please? Thank you.

Mr. Yoshizawa: How's that? Okay sorry. Thank you. Okay, we expect on the approach road and within the facility we're gonna have truck movement as they go in and collect their load and go out. And so the entire site has been dressed with about a five-inch thickness of compacted base material to stabilize that. Within the plant itself, the components, a batch plant essentially is kneading and dispensing certain quantities of all of the ingredients that goes into the concrete so they're pretty much dry components. We do have water and liquid chemical add mixtures that form a part of that. But the dry components have separate compartments. The aggregate and sand components that system is necessarily open at the top. We load from ground stock piles a . . . (inaudible) . . . conveyor into folding bins, the cement. So the aggregate and sand components are brought into the plant this way, and they get trans-piled into the system. The fine . . . (inaudible) . . . in the case of cement. Cement is in an enclosed silo. It's schematically pumped into the system and discharged directly in the system. And this is a vacuum line that takes processed dust in the process. And through a hood system evacuates the fines that come out of, that could come out of the plant. And this, this is a dust collection device that operates like a very large vacuum

cleaner if you will. It's called a bag house and its filter compartments on the interior. So that's how the system is configured. Primarily we expect to have a dust collection type of device there to capture anything in movement between the plant and the truck. In the case of this plan, this plan has a wet system so the components go to the drum and then actually enters the truck dry. So the particular plant at Kihei, maybe in a second phase, we'll have that. Essentially we're talking about the equipment behind it. I can add a little bit with –. Linda Goldstein who is our Environmental Manager, is also here to, perhaps talk about what we do in way of compliance with the inner branch if you'd like to hear that.

Mr. Tsai: Knowing that typical trade winds, you have residential areas within, you know, 1,500 feet from your plant and have you guys ever used any sort of physical barriers that keep the dust or sand from blowing, you know, downwind from the trade winds, which is basically all of south, you know, Kihei area?

Mr. Yoshizawa: Every location is different. And at this location probably screen planting measure or something in the fencing could help on the windward side. So we do have a landscaping consultant working with us on that. How we do it, we're still in design on that. The foliage would, we'd be careful, the dry leaf and other plant matter have to be kept away from the aggregate, so, you know, we have to look at that as an integrated design. Oh, water sprays are, we also condition the aggregate with water sprays so that's one mitigation measure when it's in stock pile.

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: How does this plant differ from the previous plant that was in operation there?

Mr. Yoshizawa: This is a similar model, but it's a newer piece of equipment if you will.

Mr. Ball: Newer, better?

Mr. Yoshizawa: But we probably have more sophisticated dust capture system that has a bigger back house capacity. They both kind of serve the same function. It's a computerized system that's dispensing, weighing scales in there that combine aggregates. So the process itself hasn't changed. It's computer driven, but to be current in our compliance, I think the capturing systems are improved.

Mr. Ball: Thanks.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: Eric, you know, the letters that came in from the people that were opposing the time extension, they're laboring under the impression that they're within 500 feet of the plant. Can you provide us with information on how far away they are and whether or not they'll be able to hear the operation of the plant from your location?

Mr. Munekiyo: Commissioner Hedani, maybe I can just clarify how it is that the 500-foot measurement was developed. The parcel that is, on which the plant is located, it's a fairly large parcel as indicated by the shaded area here. And the dash line is the 500-foot boundary around

the parcel. So the notices were sent to homeowners within the Hale Piilani Highway – I'm sorry, Hale Piilani Subdivision along here. So this kind of shows the relationship between the 500-foot line and the distance to the residences. The actual distance physically from the point of the plant site itself to the nearest point of the subdivision is about 1,000 feet. We spoke to neighbors who submitted those letters. They are located about 1,500 to 2,700 feet away. But we did speak with them about how it is that they received the notices and maybe how others did not receive the notice.

Mr. Hedani: So Mike, you said likely that they would hear the operations of the plant when it's going?

Mr. Munekiyo: I don't –. I can't say. Maybe Eric can address it better than I can.

Mr. Hedani: I guess the question would be Eric if you can hear the sound of gravel falling five football fields away.

Mr. Yoshizawa: Probably not, and probably the sound that's associated with that would probably be with the trucks, the truck movement. And we also have a loader that's moving aggregate into the plant. But at the distance – Mike is there another? Commissioner Hedani, in the handout I believe there's a figure showing the distance of the plant to the nearest boundary of the subdivision. And –

Mr. Hedani: The nearest residence, it looks like it's, 1,250 feet.

Mr. Yoshizawa: Yeah, it's highly unlikely to hear those sounds, but –. And we have hours of operation that are more typical so essentially, it's a daylight operation. You know, it's not to say that there isn't a night paving project of such that may require concrete. But generally speaking within those hours and during the dead of night, possibly you might hear something over a part of this as I'm not sure. But we're, I guess, the residences that we, the residents that we did talk with who, we talked with two of those who had responded on the notices, and we're trying to show the direction of the plant from their home, and it was difficult to even see the plant beyond the tree line, and it was quite a distance away. I think our conversations with them were helpful. And they were appreciative that we did meet. There are mitigation measures that we discussed. You know, they weren't aware that we water stock piles and there have been closed vessels, and that we're really dispensing. One of the residence was under the impression that we would be actually producing rock at that site, so, you know, we corrected that. There was some concern that other . . . (inaudible) . . . would be on the site.

Mr. Hedani: So they were confused between a rock crushing facility and a batching plant.

Mr. Yoshizawa: A quarry, yes.

Mr. Hiranaga: Are there any other questions Commissioners? Commissioner Ball?

Mr. Ball: On the specific conditions for the project, 10, I saw in a previous document, the old Planning Director, that they wanted it to be a, I believe it was like an asphalt driveway. And 10 doesn't read to me that same way.

Mr. Hiranaga: Perhaps we should, before we skip ahead to recommendations, wait till we have a motion on the floor.

Mr. Ball: Well, it was more of a question. If they're gonna to keep it at the current crush rock type driveway or if it's gonna be, the recommendation of Public Works, to put it to a more asphalt type driveway or concrete driveway.

Mr. Yoshizawa: I think, you know, we'd want to be functionally, as satisfy the requirement that we don't generate, we don't generate dusting from truck movements, we don't track onto the roadway system. We have found that that is effective measure, but, you know, if it doesn't serve the need we can take it another notch. But we are required to . . . (inaudible) . . . We're familiar with the aggregates and their use. It's a compacted base that was intended for those type of purposes. And not everybody's materials are the same, but we chose something that we felt would be functional. If you're there now, we've taken several, we've made several attempts on that roadway to see how it functions so it seems to be working fine.

Mr. Hiranaga: Deputy Director of Public Works wishes to comment?

Ms. Rowena Dagdag-Andaya: Yeah, I came across this comment the other day when I was reviewing the project. And at this time, I think back in 2005, it was just a recommendation brought by one of our district supervisors. It wasn't a standard type of, not one of our, I guess, standard requirements, but just a recommendation. And at this point, the base course road, it's working out pretty well, and we haven't had any complaints from our staff. But it's really up to the Commission to see if they want to continue to recommend the AC pavement or move forward this new condition, or revised condition I should say.

Mr. Hiranaga: Since we're getting very, very close to noon, and some Commissioners may have things they need to do at noon, we're going to call for the lunch recess at this time, and reconvene at one o'clock. Thank you.

*(The Maui Planning Commission recessed at approximately 12 noon, and reconvened at approximately 1:01 p.m.)*

Mr. Hiranaga: Any more questions regarding the application? One of the concerns I have is in the staff report, hours of operations, you have seven to four, Monday through Friday, occasionally weekend activity and maybe night. I'd like to see that tightened up a little bit more. It kind of says you can operate any time you want. You know the concerns of neighbors is dust and noise, and I don't know if this is just a representation you made to the staff, but in their report, they're typically operating hours are 7:00 a.m. to 4:00 p.m., sometimes on weekends, and if we need to, at night. It kind of says like you can operate 24 hours a day, seven days a week, whenever you choose, so I'd like to see that tightened up a little. I mean, how strong of a need do you have to operate at night or on weekends? Because you have other plans that are more isolated location that could cover for you at nights or on weekends. So I see this as being pretty open ended.

Mr. Yoshizawa: To respond to that, you know, there is reason to be approximate to the community.

And you can run centrally from over a distance, but you do it with more difficulty, sometimes with some compromise. Generally what the business requirements are to, are gonna be open to people's requirements to be pouring. You have commercial projects, they go actively in the work week. But there are times when homeowners want to pour on Saturdays. That's typically that type of activity. It's a little different from what tends to happen during the Monday through Friday work week. We do have some, primarily municipal projects that go in the evenings that they require road work repair at night. Maybe trench backfill at night, if you're doing water line repair. It could be, a nature of a project might require. There might be sometimes there's temperature reasons with high performance concrete to want to pour in cooler times of the day, so there's some bridge work that has that requirement. So typically, from our position, we're responding to the need on the construction end when to prepare for that type of activity. And the nature of our product is perishable so we're not able to say prepare, deliver something like other materials, and they get it, say, during the day, and then they do their activity in the evening. So at that time of use, that's where we're asked to be open.

Mr. Hiranaga: You mentioned you have about 90 minute radius as far as deliver time once you mix your cement.

Mr. Yoshizawa: Typically from, a typical standard from time of batch to when it's fully placed, after transit time on the road, and then working time for the contractor to get it in place, and when it's finally placed, generally speaking, a 90 window, 90-minutes is the operating window. And there are ways to get around that chemically and such, but now you're starting to change characteristics a little bit.

Mr. Hiranaga: So you couldn't service your customers from your Puunene plant on nights and weekends to that the Kihei operation is not disturbing nearby residential areas at night and on weekends?

Mr. Yoshizawa: It probably depends on what, depend on what the requirements are. We're doing something more technical in Lahaina, Lahaina bypass. We needed to be reasonably close to the project site for high performance concrete requirements on that project. On that type of mix, we needed to be right there. So it depends on the requirement. There wouldn't be a good way to pour that from a distance. I mean we can stabilize some things, but, you know, you start to compromise it. If you're trying to put a lot of, particularly in what we start to see now in high performance requirements, there is a much higher success rate if you're closer. So the concrete is only part of the actual construction process. There might be embedded utilities, plumbing, electrical, and there are a lot of steel plates. There's structures that we pour where the concrete is the final step and maybe 90% of the cost already in place. So there's a high risk to contractor or State accepting a structure if we can compromise what's already in 90% in place with additional amount of concrete. So it depends on the application. But I think what we're trying to respond to is to be available as the need arises. I mean, it would be nice to have an operation where you can compact all your work, tight in a shorter period. We're trying to respond to the need.

Mr. Hiranaga: So what you're saying you want the ability to operate 24 hours a day, seven days a week, whenever you chose, basically is what you're saying?

Mr. Yoshizawa: The nature of our request, our customer's –



Mr. Hiranaga: Kind of yes or no question.

Mr. Yoshizawa: Yes. I think in order – yes, I think in order to respond to the community we do need that. And maybe the other side we can work on how we can, how we can operate in a manner that, you know, we can be acceptable. I think overall uses, although we might be called into play at various times, the typical usage rate, the duration, is about what we stated. That's kind have been more typical. So we're not, it's not a real high volume, highly active. There's scattered dates of use.

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: Does the plant service Lahaina too, or just the Kihei area?

Mr. Yoshizawa: That is primarily for that region. It can be used as a backup if Lahaina goes down. But typically that's for, that's for that region, Kihei.

Mr. Freitas: Why did it take seven years shut down, and it's coming online now when construction is down? What's – that seven-year window, construction was up, and from what we're getting here at the Planning Commission, we're getting absolutely minimal construction requests.

Mr. Yoshizawa: We very much wanted to be in action. Right after that, the highway construction project itself probably displaced us for an 18 or 24 month period. But we weren't the only ones who were displaced. So around us a larger site happened to be our neighbors so there's a Monsanto facility that is involved. Their land activities took time to settle and resolve out. And our land assignment was kind of contingent of how that, how that played out. So we're just coming out of that process, but it was a desire to be back sooner.

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: Do we know a decibel level of the plant during operation?

Mr. Yoshizawa: I'm going to ask Linda Goldstein to come to the podium.

Ms. Linda Goldstein: Hi. I'm Linda Goldstein. I'm Ameron Hawaii's Environmental Manager and I'm responsible for the permitting and compliance for all of the facilities in Hawaii. The ready mix plant is generally a little bit more than 80 decibels. The truck themselves run at 80 decibels. And you can see the plant varying depending on what's it doing. It can be up to 100 to 120 decibels. Typically, it runs less than that. But if it's doing something like discharging a drum it would be a little bit higher than it would be if it's basically operating.

Mr. Hiranaga: What is "discharging a drum" mean?

Mr. Goldstein: When the – the batch plant has a central mix drum where all the ingredients go in and it mixes together in an enclosed environment. And then when that central mix drum discharges into the ready mix truck itself, that's the discharging of the drum. It's a little bit noisier but not a huge amount.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Linda? Is it Linda?

Ms. Goldstein: Yes.

Mr. Shibuya: Good. Thank you. The decibel numbers that you mentioned, that's onsite sound, right?

Ms. Goldstein: Correct.

Mr. Shibuya: And that means you're about 20 feet? 50-feet?

Ms. Goldstein: It would be right there at the plant, at zero feet from the plant, or zero feet from the truck.

Mr. Shibuya: So if you're 100 feet away, or 200 feet away, it would be different, right?

Ms. Goldstein: Yes. It does drop. I mean, it's not a linear drop. It's inverse square off, so there is a significant –

Mr. Shibuya: It's a significant drop.

Ms. Goldstein: It's a significant drop over a shorter period of a distance.

Mr. Shibuya: I just wanted to clear that statistic up that's why.

Ms. Goldstein: Yeah. Generally what I've observed is that the ready mix facility, our biggest ready mix facility is at our Sand Island location on Oahu. We have two batch plants there, and they are within 200 feet of the frontage road. And if you are on the frontage road, you can't hear the plants operating. You can hear the trucks coming and going, but you can't hear the plant.

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: I have another, I guess, environmental question while you're up here. In the packet, the Department of Health wrote a letter saying that they recommend a valid air permit for this facility. And I see it vaguely mentioned – and this may not be for you, maybe for Paul – it's vaguely mentioned but not specifically mentioned that the applicant shall submit a copy of an annual report submitted to the State Health and Clean Air Branch. Do we have to make that more specific or where does it say that they'll have an air permit?

Ms. Goldstein: Well that is a requirement. We will have to have an air permit. The Department of Health, Clean Air Branch will require it. This is a non-covered source which means it's a minor source, which means that we will submit an application and we'll get the permit before we begin to operate. We'll have the permit in hand. The annual report is a requirement of the permit and also the regulations of the Clean Air Branch. And basically it's a report of our production every year and so that goes in automatically. We do that.

Mr. Ball: And a follow up to that. How is that measured? Is there like a –?

Ms. Goldstein: Well we measure, we weigh all of the rock and the aggregate, or the aggregate sand, cement, water – all of the things that go into concrete – and that's what we report. So we report tons of aggregate, tons of sands, tons of water, tons of concrete.

Mr. Ball: So they have some formula that decide . . . (inaudible) . . .

Ms. Goldstein: Yeah. And that's part of our operations is to measure the amount of material that goes into each batch of concrete. So that's something that our system automatically records. So I just get the information from Eric.

Mr. Ball: Thanks.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: Linda, since we've got the expert up here right now, let me ask the question in a very blunt way. If I lived 1,375 feet away, would I be able to hear the operation of your plant?

Ms. Goldstein: No.

Mr. Hedani: Okay. Thank you.

Ms. Goldstein: You're welcome. Anything else?

Mr. Hiranaga: You're certain about that even at four in the morning when it's blowing 30 miles an hour, northwest trade, you won't be able to hear it?

Ms. Goldstein: I am, I am quite certain you won't be able to hear the plant. If you have low cloud cover that would reflect sound back to you, you may hear a truck and you may hear back up alarm noises, but I think that it will be, it will be under very rare circumstances. If one were to hear something offsite and talk to us about it, we could perform other mitigation efforts. But I really don't expect to have any complaints.

Mr. Hiranaga: Commissioner Tsai?

Mr. Tsai: Yeah I brought up the issue of dust this morning and using, utilizing some sort of physical barrier to either deflect or absorb this, you know, dust, but I think this is applicable for sound as well. So I'd like you guys to take a serious look at that as well.

Ms. Goldstein: Okay, we sure can.

Mr. Hiranaga: Questions Commissioners? I'm trying to understand the operation. It appears to me that dust is created primarily by the trucks going back and forth, and also delivery of your stock piles because it seems like your actual process is enclosed.

Ms. Goldstein: The process is enclosed, and the cement particles are totally enclosed from

beginning to end because it comes in an enclosed truck, nomadically delivered to the silos which are enclosed. Dust could come from truck traffic, but we try to mitigate that during operations by watering the aggregate piles, et cetera. And when you think about the materials that we're talking about, rock and sand are heavy enough that they don't fall, don't fly very far under wind circumstances before they fall down back to the ground. So dusting is minimal from our facilities.

Mr. Hiranaga: Any other questions Commissioners? I have one more question. This is more for staff. Where is the proposed A&B residential project in North Kihei located? Is just east of that Hale Piilani Subdivision?

Mr. Fasi: In the, in the Waiko Industrial Final Environmental book that I dropped off this morning, there may be a map in there showing the proposed A&B. But I don't think this batch plant is close to it. It's more on the north end, I believe, of Mokulele Highway on Waipio Road.

Mr. Hiranaga: No, I think it's right of Mokulele Highway.

Mr. Fasi: No. Maybe I'm thinking of . . . (inaudible) . . .

Mr. Hiranaga: Right above the Hale Piilani Subdivision. It looks like Kirk Tanaka wishes to speak.

Mr. Fasi: Okay. Maybe Kirk can probably give you something better.

Mr. Kirk Tanaka: Hi members of the Commission. My name is Kirk Tanaka, and I don't wish to speak, but I'll respond to your comments. If my understanding of Chair Hiranaga's question is correct, I believe that this is the property that A&B is subdividing out and proposing for -. You know, I'm not purview to that, but from what I understand.

Mr. Hiranaga: Yeah, I believe that's the correct location, and it appears Deputy Director is also nodding in concurrence. Planning Deputy Director. And I believe they would be using the same access wouldn't they? That signalized intersection where South Kihei Road meets Mokulele and Piilani? Is that the proposed access for the A&B project?

Mr. Munekiyo: Commissioner Hiranaga, I might be able to clarify that.

Mr. Hiranaga: Please identify yourself.

Mr. Munekiyo: This is Mike Munekiyo. The access to the A&B project would be via the Kauai Ini Road, I believe, at the intersection of that first signalized intersection here.

Mr. Hiranaga: Right.

Mr. Munekiyo: And then beyond that there would be approximately in this location a right-in, and right-out access point.

Mr. Hiranaga: And where's the batch plant in relation to that?

Mr. Munekiyo: The batch plant is in this area right here.

Mr. Hiranaga: Is that a bridge there on Mokulele Highway, that white – yeah?

Mr. Munekiyo: This is a bridge structure, yeah.

Mr. Hiranaga: So the access to the batch plant would be approximately where?

Mr. Munekiyo: Access would be via this signalized intersection coming this way and this way.

Mr. Hiranaga: Any more questions Commissioners? Seeing none, we can have the staff recommendation.

Mr. Fasi: Before I make the staff recommendation I believe the Deputy Director wanted to make a small amendment.

Mr. Hiranaga: Deputy Director?

Ms. McLean: Thank you Chair. This just relates to the time period. What's on the agenda is a request for 15-years which is what the applicant requested and what was applied for. And in the recommendation however that time was shortened to five years in light of some of the comments that were received. I believe in discussions with the applicant, the applicant feels that perhaps 10-years might be a reasonable compromise, and the Department can support that, can support 10-years. So I just wanted to make that clarification before Paul gets into the other recommendations.

Mr. Fasi: So with that being said, the Maui Planning Department recommends that the Planning Commission approval of the applicant's request for a time extension for the State Land Use Special Use Permit and Conditional Permit subject to the following conditions. The State Land Use Commission Special Use Permit standard condition number one, that date of November 7<sup>th</sup>, 2017, should reflect 10 years and not five years, so that will make it 2022. The recommendation on the Conditional Permit is similar and the date of November 7<sup>th</sup>, 2017 shall also reflect 10 years, and therefore the expiration date be November 7<sup>th</sup>, 2022, and, or, from the effective date of the Conditional Permit. We kind of want the dates to coincide. You are making the definitive decision on the time extension date for the Special Use Permit. The Department is comfortable with 10-years. You are making a recommendation to the County Council on the Conditional Permit also for 10 years and it would be good to have to two dates coincide with the caveat that both dates shall reflect the effective date of the Conditional Permit ordinance.

Mr. Hiranaga: Thank you. I'll open the floor to a motion. Commissioner Shibuya?

Mr. Shibuya: So move.

Mr. Freitas: Second.

Mr. Hiranaga: Seconded by Commissioner Freitas. Any discussion?

Mr. Ball: Some discussion.

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: I'd still like to see something done on Item-10 of the project specific conditions to harden that surface at least, you know, some footage from the highway back. I don't expect them to harden the whole surface of the plant and all that, but to drop gravel on to the highway is not gonna be, for a major graveled highway like that, it's not gonna be good.

Mr. Fasi: Understood. I don't know if you're under the – are you under the impression that this road is just a graveled road? I think they use compacted fill if I'm not mistaken. It's not really just the gray graveled rock. It's actually a compacted fill so it's pretty solid. Am I mistaken? Is that correct Eric? Yeah, so there is a difference. It's not just loose gravel because that never compacts.

Mr. Ball: Right.

Mr. Fasi: But that's not what this road is. It is the compacted fill that is actually, probably rolled and compacted, so it's a fairly hard surface.

Mr. Ball: So there will be no rocks on Mokulele then.

Mr. Fasi: I could probably have the applicant address that more definitively.

Mr. Tanaka: Good afternoon again. Kirk Tanaka. The picture that you're looking at is the – you see Piilani Highway in the back, North Kihei Road would be to the left, and then the entrance driveway is kind of in the middle of the photo. So when – thank you – so when you look at it, it is a compacted gravel surface, and it tends to, if there were some stray gravel that were to be taken on to the pavement, you see on the far-right hand side. There is that gradient, yeah, so it wouldn't be that any runoff or anything like that would take, would migrate gravel from where it is, where it is now onto the driveway. And ultimately, I'm pretty confident that very little if any would get on the highway, you know, just by looking at the topography. If that answers your question.

Mr. Hiranaga: So you're saying there's a couple hundred feet between the paved access and Mokulele Highway that is actually asphalt?

Mr. Tanaka: No actually what you see there is what is the limit of the asphalt because as soon as you come down, as soon as you come down off of Piilani Highway, you make this sharp right-hand turn and come into the photo, yeah. I mean, you come out of the photo.

Mr. Hiranaga: So that paved area is Mokulele Highway?

Mr. Tanaka: That paved area is the driveway that is across from the North Kihei Road intersection. So the other side of this driveway is North Kihei Road. Piilani Highway is kind of running like this.

Mr. Hiranaga: So is that a State road, or County road, or private road?

Mr. Tanaka: Piilani –. Well, Piilani Highway is –. I believe a good portion of the driveway is within the State right-of-way. Yeah, so I believe a good portion of that driveway is within the State right-of-way just because State right-of-way tends to be so wide yeah. And then further as you go more to the right, it becomes private property.

Mr. Hiranaga: Commissioner Tsai?

Mr. Tsai: Yeah, I concur with Commissioner Ball about this too. I feel the need to at least – you said it's compacted, my concern is not just for the amount of particles that can be picked up by the heavy trucks, but also I assume these trucks are carrying – you know – do they have leakage issues, I guess, as they're pulling in and out? And if it does, what about clean up? You know, I assume it's going to be easier to clean up the solid asphalt or concrete versus something not so hard.

Mr. Fasi: Could I suggest that perhaps they revisit this with the Department of Public Works, and perhaps the Department of Public Works can generate a compliance letter to the Planning Department saying that what they've done so far is satisfactory? Would that be acceptable?

Ms. Dagdag-Andaya: Yeah. We're okay with that. Yeah, I was gonna suggest that too. If you felt more comfortable with us drafting up a reply after they submit their comments to the compliance report, in their compliance report, we can do that.

Mr. Hiranaga: Well perhaps if you clean up the language in number 10. Rather than saying "shall work with the Department of Public Works," say "the applicant shall receive approval by the Department of Public Works construction of." If they're going to work with there's no binding requirement.

Mr. Fasi: So noted. We can make that change on the condition. Thank you.

Mr. Hiranaga: Commissioner Tsai?

Mr. Tsai: Yeah, can we possibly add a condition for the physical barriers as part of this?

Mr. Hiranaga: You can propose an amendment to the motion. And if it's seconded, it can be voted upon. So you want to propose an amendment?

Mr. Tsai: Yes. I'd like to propose an amendment to add a condition to provide some sort physical barrier around the facility especially downwind from the trade wind pattern, I guess, of North Kihei area, so to minimize the sound and also dust.

Mr. Hiranaga: Is there a second for discussion purposes?

Mr. Ball: I'll second it for discussion purposes, but I have some concerns on grading.

Mr. Hiranaga: Okay, so you second it?

Mr. Ball: Yes.

Mr. Hiranaga: Thank you. The maker of the amendment wishes to discuss? You want to say anything?

Mr. Tsai: Yeah. I wanna keep it somewhat, I don't know, I guess, vague in terms of, you know, I

don't want to specify either a hard wall. I think even a tree line, any sort of, something that's, you know, to just break up the noise, the sound and also dust, would help. I don't know if I wanna specify anything in particular.

Mr. Hiranaga: Commissioner Ball?

Mr. Ball: Maybe a question for the applicant. What was the plan on the perimeter? Just a fence? Or you were gonna put some shrubbery or –? Maybe you can click to that photo too Mike as a –

Mr. Yoshizawa: We expect to do some sort of screen planting on the periphery, and I'm not sure exactly where the aggregate stock piles are which would be on one site of the facility. We might handle that a little differently just so we're not putting . . . (inaudible) . . . material on the aggregate so that probably is going to require some thought. I think we are sensitive to the concerns you addressed so we – but we do have a landscape consultant that is gonna help us with this process. So maybe some more general language that allows us some room to maneuver within that and yet satisfy the concerns but give up some design to provide visual screening and protective wind screen.

Mr. Hiranaga: Paul, you wanna figure out some language while we're continuing discussing? I think it's more like a landscape buffering plan to reduce noise and dust. Commissioner Shibuya?

Mr. Shibuya: As a compromise here, I was thinking in terms of rather than use vegetation, the problem here is that every time we use organic material you can compromise the strength and the quality of the concrete. So to prevent that, to minimize that, I'm suggesting perhaps maybe put slats in that chain-linked fence and that might be acceptable. I don't know. That's inorganic material being put in, and it's –

Mr. Yoshizawa: It might, it could be a combination of both so maybe the, maybe a green barrier would help better with noise mitigation as well. And I think the comments about hours of operations, certainly, as we run our business we'll be more sensitive. If we're asked to run at night, let's say we have a State highway project, we're doing it night, I mean, how we stage the truck, those things all make a difference in noise to the neighborhood. So I think there's a lot of other things that are on the plant itself, the processing, because the truck component, the load, the mechanize equipment tend to make – that's where the truck sounds come from the plant. A lot of the plant is static. We have gates that open and close. They don't do that too loudly. And it's the equipment that's in motion that probably will generate noise. Yes?

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: Yeah, you're talking about the noise running on the plant and working at night. The way, the amount of roads that the County and State is paving, you're not gonna be working very many nights, paving, so it will be an occasional, what do you call, use. It's not gonna be something that's gonna be done weekly or something. You may go six weeks without even running at night. Am I right?

Mr. Yoshizawa: That's correct. We might –. There are certain mixes. We may have the option of running out of another location. There might be a bridge structure that may require something



there, so I'm just –. That's correct. But I think there are different ways to manage that, and, you know, I hear the sensitivity toward trying to work out a location into the mix as well. I think to some extent it can be done and there are applications where it requires that. But I believe the statement is accurate that the actual times that it comes into play especially a night work is probably more limited, and I won't say an exception, but infrequent.

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: And I also understand the integrity of the concrete because on bridges and roads you guys gotta do a BSA test on the, what do you call, the concrete, yeah?

Mr. Yoshizawa: That's correct.

Mr. Hiranaga: Commissioner Tsai?

Mr. Tsai: Yeah, I want to make a clarification on my statement here. I don't necessarily looking for a solid wall, concrete wall, because it could be counterproductive as in – I mean, you guys probably heard in California on the highways they actually put the walls up which they have neighborhoods right next to the highways. And what happened is that the walls, the way the sound travels, it reflects off the walls. The people on the immediate side, the other side of the walls are shielded, but then it bounce back maybe another 100 yards or 200 yards down into the neighborhood. They actually hear it louder. So I think, what I'm looking for is some type of diffuser, even like a screen, that help. You know, as necessarily, I wanna make sure I'm clear on my intentions I guess.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: You know I'm concerned, I'm concerned about the amendment because we don't want organic material in the mix, and I think the people that filed the complaint with the Commission has met with the applicant and they're satisfied that the plant is sufficiently far away from their location that they're not going to hear it. They were confused that, and thought that, it was a crushing plant which breaks rock and you would definitely hear not a batching plant that just mixes cement. So I'm concerned about adding things. You know, the Commission does thinks the applicant a lot of times – like the access road. We had Commissioners in the past that wanted permeable surfaces so he would fight against paving of a concrete access road in this particular case and would prefer gravel over concrete. So the Commission has to be consistent from applicant to applicant, and fair in its application of what it's asking basically. In this case they're 1,375 feet away to 2,750 feet away. They're not gonna hear it. They're gonna hear the highway before they hear this operation. And the highway is open 24 hours a day, seven days a week, you know, from Piilani Highway, so, I'm not sure what we're trying to accomplish.

Mr. Hiranaga: Any more discussion on the amendment? Seeing none, I'll call for the –. I guess we'll have the senior planning, senior planner repeat the amendment for clarity.

Mr. Clayton Yoshida: I believe the amendment was to add a condition 13 that the applicant provide continuation measures around the perimeter of the project to mitigate noise emanating from the project site during prevailing trade wind conditions.

Mr. Hiranaga: Noise and dust. Noise and dust.

Mr. Yoshida: Noise and dust.

Mr. Hiranaga: All in favor of the amendment so indicate by raising your hand.

Mr. Yoshida: Two ayes.

Mr. Hiranaga: Opposed?

Mr. Yoshida: Four nos.

Mr. Hiranaga: Motion fails. Any more discussion on the main motion? Commissioner Hedani?

Mr. Hedani: The applicant's original request was for 15 years. Why are we adjusting it down to 10 years from 15 years?

Mr. Fasi: I'm gonna have the, Mr. Yoshida address that please.

Mr. Yoshida: Question again was?

Mr. Hedani: The question was, the applicant requested a 15-year time extension. Why are we reducing to 10?

Mr. Yoshida: Well basically we felt that, one, the, the applicant had not initiated operation of the concrete batching plant at the specific site, and they were in, since 2005, when they got their original Special Use Permit and Conditional Permit. And there were letters of oppositions from people within 500 feet of the parcel. So to give them more time when they hadn't actually started operation on the site. There's like no track record at the specific site.

Mr. Hiranaga: Commissioner Hedani, the staff recommendation is a five-year extension. The applicant is asking for 15 years.

Mr. Hedani: Right.

Mr. Hiranaga: So now they've revised their position as a compromise to 10 years. So they've gone from five to 10. They went up, not down.

Mr. Hedani: No, I realize that. Actually they're going from 15 to 10, and they're going down in that case.

Mr. Hiranaga: Well, they didn't agree with the applicant's request. Question, who is the landowner?

Mr. Fasi: A&B is the landowner.

Mr. Hiranaga: And Ameron has a long term lease or is it a license agreement?

Mr. Yoshizawa: The lease language is currently being drafted. We had an existing lease on the site that's just adjacent. And the language is being drafted for the new site so we're still awaiting that. And prior to this, A&B was also working on the land documents for the site that envelopes our borders which was, that was for Monsanto's development. So there was a land sale that's involved with that. So these are more recent developments.

Mr. Hiranaga: Okay, but you're, you have a license, a month to month license agreement since you're leasing a portion of the lot? Or you're gonna have a long term lease on a portion of a lot?

Mr. Yoshizawa: Long term lease on a portion of the lot. That is the 2.002 acres.

Mr. Hiranaga: Public Works, is that legal to have a long term lease on a portion of a lot? Isn't that subdivision?

Ms. Dagdag-Andaya: Yeah, that I'm not familiar with, but I can find out.

Mr. Hiranaga: I'm sorry.

Ms. Dagdag-Andaya: I'm not familiar with that, but I can find out.

Mr. Hiranaga: I guess my point is, I guess A&B knows your proposed use there even though they're proposing a major residential subdivision.

Mr. Yoshizawa: It might be called, it might be called a site license agreement because we had something similar on existing, within the agricultural parcel. It wasn't subdivided out per se, but they had metes and bounds description of the site. So we do have a metes and bounds description. And I think Kirk is familiar with that.

Mr. Hiranaga: Thank you. Any other discussion on the main motion? Seeing Commissioner –

Mr. Ball: I guess I'm still looking at that five, 10, and 15 years. I think the plant has kind of been there before and so I don't know why we're just not going with the 15. Because the neighbors have not –. The neighbors are located further than 500 feet away, so, and the complaints were satisfied.

Mr. Hiranaga: Let me back track. So staff's recommendation is 10 years. The motion was to accept the staff's recommendation, and then there was a second, so we have a motion on the floor for 10 years.

Mr. Ball: And now we're in discussion.

Mr. Hiranaga: So you can either try to amend that by proposing an amendment. Or you can call it to the vote, and if it fails, you can come back with a new motion. So right now the motion is for 10 years. Commissioner Hedani?

Mr. Hedani: I move to amend the main motion to grant an extension for 15 years.

Mr. Ball: Second.

Mr. Hiranaga: Discussion on the amendment. Commissioner Hedani?

Mr. Hedani: Yeah, the people that were filing the complaints apparently have been satisfied. Otherwise, they would be here. If they were adamantly opposed to the extension they would be protesting and they would be here. The applicant has met with them, resolved their concerns, let them know that it's not a crushing plant, it's a batching plant. All it does is mix cement. It would be the sound of, it would be the sound of cement falling into a closed vessel basically. And I can't see, you know, turning down or revising downward the applicant's request without a really, really good reason. There were title issues. There were issues relative to the property that have to be resolved which is why they didn't do earlier than today. And I don't foresee that we're not going to have a need for concrete in the future.

Mr. Hiranaga: Any other discussion? Commissioner Shibuya?

Mr. Shibuya: As the maker of the motion, I would agree that there's no real pressing issues to invalidate the 10 year or the 15 year, so I'm really involved with – I mean, I'm really considering the 15-year extension would be very reasonable I think.

Mr. Hiranaga: Any more discussion? I guess my concern is typically when someone comes in for a Special Use Permit or a Conditional Use Permit, the initial period is a maximum of five years, and I take merit in Planner Yoshida's comments that this is the first time this particular operator is going to be operating on this site and so their typical standard is five years. They're willing to go 10 years. 15 years is a long time. Most of us are going to be on the elderly side 15 years from now, and Kihei is going to change a lot in 15 years and I think the urbanization is going to be much closer than it is now to that batch plant. So I have concerns about a 15-year term, and it's not being supported by the Department. So the Commission is now extending themselves off beyond what the Department is recommending. Commissioner Freitas?

Mr. Freitas: Yeah, I have a question for Mr. Yoshida. Have there been any complaints when they were operating the plant prior to this request to your knowledge?

Mr. Yoshida: Not that I'm aware of.

Mr. Hiranaga: Commissioner Freitas?

Mr. Freitas: I would support the 15 year then, and let me explain the reason why. Every time that you have to come before the Commission for an extension or what have you, it costs the operators, it costs the owners a lot of money. And if there have been no complaints prior to them applying for this extension, I see no problem with it. If we've had problems, then I would say, we'll down size them because they've proven that they can operate the plant and they operate it in good faith.

Mr. Hiranaga: Commissioner Tsai?

Mr. Tsai: I'd like to ask the applicant to come up and I guess discuss, explain, the reason for 15 years versus something less. That's an awfully long time I'd have to say.

Mr. Yoshizawa: I think along the way we'd like to not only commit in terms of being responsible to

the community, but we're also putting investments into the facility to support a direction that Highways Division and the other users are going. So overtime if you look at our Honokawai facility, just through that one project, there was a considerable investment in that plant. We were fortunate to have 20 years on that plant extension. But we look for 15 or 20 years to amortize the investments that we put into the plant. We do have a phase two likely for that plant that would help with a little more high performance concrete and to, even concrete might appear to be a commodity, but it's a sophisticated engineered product and, you know, there are more demands on it now. So a longer time frame would really help from a business stand point for us to continue putting investments in the facility.

Mr. Hiranaga: Question. How much further south is this plant compared to your previous location?

Mr. Yoshizawa: Gate to gate it's about 50 feet from – I mean, fence to fence – on the closest rings. So if you look at two rings, about 50 feet separation distance. So we're right on the highway, the old highway, . . . (inaudible) . . . almost in the former location. Now there's a bit of a setback from the highway shoulder.

Mr. Hiranaga: Yeah because you could see it from Piilani Highway.

Mr. Yoshizawa: Yes.

Mr. Hiranaga: It's right past the corn fields.

Mr. Yoshizawa: We have kiawe trees, right now, that shields the plant a bit both from the subdivision view and the highway view pretty much except the opening where the entrance road is.

Mr. Hiranaga: So any more discussion on the amendment? Seeing none, I'll have the senior planner restate the amendment.

Mr. Yoshida: The amendment is to amend proposed Condition #1 to 15 years until November 7, 2027.

Mr. Hiranaga: All in favor so indicate by raising your hand.

Mr. Yoshida: Five ayes.

Mr. Hiranaga: Motion carries.

Mr. Fasi: Thank you.

**It was moved by Commissioner Wayne Hedani, seconded by Commissioner Keone Ball, then**

**VOTED: to amend the main motion and grant a time extension for 15-  
years on the State Land Use Special Use Permit.**

**(Assenting: D. Domingo, J. Freitas, K. Ball, W. Shibuya, W. Hedani**

**Dissenting: M. Tsai**

**Excused: I. Lay, P. Wakida)**

Mr. Shibuya: Back to the main motion.

Mr. Hiranaga: Thank you. Any more discussion on the main motion?

Mr. Yoshida: On Condition number 10 are we adopting the Chair's language that they receive approval from the Department of Public Works?

Mr. Hiranaga: Is that a friendly amendment regarding the access road? Working with the Department of Public Works, get their approval on the access road?

Mr. Shibuya: Right. That's a friendly amendment.

Mr. Hiranaga: Okay. Any more discussion on the main motion? Seeing none, I'll have the senior planner restate the main motion.

Mr. Yoshida: The main motion is to approve the State Special Use Permit for 15 years until November 7<sup>th</sup>, 2027, with the friendly amendment that also that Condition 10 the applicant shall receive approval from the Department of Public Works in the construction of the new access road to minimize and prevent the tracking of dirt and mud onto highways and the other, total 12 conditions.

Mr. Hiranaga: I'll call for the vote. All in favor so indicate by raising your hand.

Mr. Yoshida: Six ayes.

Mr. Hiranaga: Motion carries.

**It was moved by Commissioner Warren Shibuya, seconded by Commissioner Jack Freitas, then unanimously**

**VOTED: to approve the 15-year time extension on the State Land Use Commission Special Use Permit with the friendly amendment to condition #10 that the applicant shall receive approval from the Department of Public Works in the construction of the new access road to minimize and prevent tracking of dirt and mud on the highways, and the other, total 12 conditions.**

**(Assenting: K. Ball, D. Domingo, J. Freitas, W. Hedani, W. Shibuya, M. Tsai  
Excused: I. Lay, P. Wakida)**

Mr. Fasi: Excuse me?

Mr. Hiranaga: One second. I need to gather my thoughts. Okay, so now we're gonna address the Conditional Use Permit. The floor is open to a motion.

Mr. Freitas: So move.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: So move for a 15-year time extension.

Mr. Hiranaga: Is there a second?

Mr. Ball: Second.

Mr. Hiranaga: Seconded by Commissioner Ball. Any discussion? No discussion. I'll have the senior planner restate the motion.

Mr. Yoshida: The motion is to recommend to the Council approval of the time extension request with Condition #2 reading that the Conditional Permit shall be valid until November 7<sup>th</sup>, 2027 for 15 years provided that extension of it, Conditional Permit beyond the 15-year period may be granted pursuant to Section 19.04.090 of the Code and the other four conditions, so a total of five conditions as recommended by the Department.

Mr. Hiranaga: All in favor of the motion so indicate by –

Mr. Shibuya: I just wanted to clarify – to run concurrently with the other Special Use Permit.

Mr. Yoshida: Yeah, the expiration date would be November 7<sup>th</sup>, 2027.

Mr. Shibuya: Thank you.

Mr. Hiranaga: All in favor of the motion so indicate by raising your hand.

Mr. Yoshida: Six ayes.

Mr. Hiranaga: Motion carries.

Mr. Fasi: Thank you.

Mr. Hedani: Are we done?

**It was moved by Commissioner Warren Shibuya, seconded by Commissioner Keone Ball, then unanimously**

**VOTED:** to recommend to County Council approval of a 15-year time extension request on the Conditional Permit provided extension beyond 15 years may be granted in pursuant to Section 19.40.090 of the Code, and to approve the other four conditions as presented.

**Assenting:** K. Ball, D. Domingo, J. Freitas, W. Hedani, W. Shibuya, M. Tsai  
**Excused:** I. Lay, P. Wakida)

Mr. Munekiyo: Thank you Commissioners. Thank you.

2. **MS. SANDY CAMOU requesting a 5-year time extension on her State Land Use Commission Special Use Permit in order to continue to operate the Haiku Plantation Inn Bed and Breakfast, a four-bedroom bed and breakfast located in the State Agricultural District at 555 Haiku Road, TMK: 2-7-008: 041, Haiku, Island of Maui. (SUP2 2008/0006) (J. Prutch)**

**The Commission may take action on this request.**

Mr. Hiranaga: Okay, moving on to Item D-2. Senior Planner?

Mr. Yoshida: Yes. We have a request from Ms. Sandy Camou for a five-year time extension on her State Land Use Commission Special Use Permit in order to continue to operate the Haiku Plantation Inn Bed and Breakfast, a four-room bed and breakfast located in the State Agricultural District at 555 Haiku Road, in Haiku. The staff planner is Joe Prutch.

Mr. Joseph Prutch: Good afternoon Chair and Commissioners. This is a Special Use Permit, renewable Special Use Permit for the Haiku Plantation Inn. Sandi Camou is the applicant. She's in the audience to answer any questions that you have. Essentially she's been operating for the past three years. Her Ag business is still operating. I went out there a few weeks back. It's still there. She's planted a few new banana trees and I think some different citrus along there, and I think she has some plans of expanding a little bit more here and there. So her Ag business is still in operation. The fruits and vegetables are still used for the guests of the B&B. Any excess she either uses herself. In the past three years we've got no RFS's on this property so there's been no complaints from neighbors. We send it on to the Police Department for review. They have no calls on the property so in the past three years she's been operating quietly and respectfully of neighbors. We are requesting that we give her the five years, till 2016, with the caveat that the Director could request extension of the permit if things don't change between now and five years from now. Or bring it back to the Commission if there are complaints arise.

And also as stated in the, as stated, for reasons in the report, the new permit, renewal permit will just be in Sandi Camou's name. The B&B, of course, would be reviewed by us and the Planning Department, and we're ready to approve the B&B with the five-year time extension pending approval of the Special Use Permit by the Commission. That's all I have to say at the time. Oh, there were three testimony letters in support that were handed to you this morning. One of those was from an adjacent neighbor. There was no testimony in opposition and there was no one that spoke at the public hearing this morning on this item. Thank you.

Mr. Hiranaga: I'll open the floor to public testimony at this time. Anyone here wishes to provide testimony regarding this agenda item please come forward? Seeing none, public testimony is now closed. I'll open the floor to questions from Commissioners. Commissioner Freitas?

Mr. Freitas: Yeah, how much Ag do you produce, vegetables and fruits, by the pound per month?

Mr. Prutch: Okay, let me have Sandi come up and let you know about those kind of numbers. I



don't know those. Sandi?

Ms. Sandi Camou: Good afternoon everyone. Thank you Commissioners for listening to me for our expansion on our Special Use Permit. It's very important to my son and I at this point in time as I'm sure you're all aware.

Mr. Hiranaga: Please identify yourself.

Ms. Camou: Sandi Camou. In response to the type of agriculture we do, we have several large banana patches. We're putting in taro patches right now, papaya, coconuts, and vegetables and all the herbs. And we use those in the production on a daily basis. We actually have a gardener that works every day. And we serve them at breakfast for the patrons that attend and stay with us on daily basis. Sorry, but I'm really nervous. Today is big day for me for multiple reasons. And we are expanding, and I actually have a friend of ours who's planning to put a taro patch in. So the guests get to view the production outside, and we also . . . (inaudible) . . . to other farm stands and farm produce in the area. So it's kind of fun for them because it's the first time they actually get to see something growing on the trees, or Molokai potatoes in the ground. And we serve them at breakfast. Sometimes they have them in the afternoon, and then we share with our neighbors and I sell some to a couple of local restaurants down the street. So that's pretty much what our production is.

Mr. Freitas: Did I hear you correctly you say you sell some to the restaurants down the street?

Ms. Camou: Uh-huh.

Mr. Freitas: Such as?

Ms. Camou: Herbs mostly.

Mr. Freitas: According to the map, a very limited amount of the parcel is in agriculture.

Ms. Camou: That's correct. It's a very small piece of parcel, and we get a lot out of it. It's a sub parcel. It's a little less than an acre and a half.

Mr. Hiranaga: Any other questions Commissioners? Seeing none, we'll have the staff recommendation.

Ms. Camou: Thank you.

Mr. Prutch: Thank you. Staff, the Department is recommending to the Commission approval of the State Land Use Commission Special Use Permit, number SUP2 2008/0005 subject to the following six conditions with the one change being per condition number one to allow a five year time extension and to allow the Director the opportunity to extend any future renewal request.

Mr. Hiranaga: I'll open the floor to a motion. Commissioner Hedani?

Mr. Hedani: Move to approve as recommended by staff.

Mr. Hiranaga: Seconded by?

Mr. Ball: Second.

Mr. Hiranaga: Commissioner Ball. Any discussion? No discussion. We'll have the senior planner restate the motion.

Mr. Yoshida: The motion is to approve the time extension as recommended by staff.

Mr. Hiranaga: All in favor so indicate by raising your hand.

Mr. Yoshida: Six ayes.

Mr. Hiranaga: Motion carries.

Mr. Prutch: Thank you. And she was kind of hoping you didn't give five years to the batch plant because she was going to ask for the same five.

**It was moved by Commissioner Wayne Hedani, seconded by Commissioner Keone Ball, then unanimously**

**VOTED: to approve the recommendation as presented by staff.**  
**(Assenting: K. Ball, D. Domingo, J. Freitas, W. Hedani, W. Shibuya, M. Tsai**  
**Excused: I. Lay, P. Wakida)**

Mr. Hiranaga: Yeah before we dive into the Storm Water Treatment Best Management Practices, we're going to take a 10 minute break. Reconvene at 2:15.

*(The Maui Planning Commission recessed at approximately 2:03 p.m. and reconvened at approximately 2:15 p.m.)*

- 3. MR. DAVID GOODE, Director, DEPARTMENT OF PUBLIC WORKS requesting comments on the proposed draft rules for the Design of Storm Water Treatment Best Management Practices. (A. Benesovska)**

**The Department of Public Works intends to hold a public hearing on these draft administrative rules in July 2012.**

**The Commission may provide its comments on these draft rules.**

Mr. Hiranaga: Next agenda Item is D3. Senior Planner Yoshida?

Mr. Yoshida: Yes, we have a request from Mr. David Goode, Director, Department of Public Works, for comments on their proposed draft rules for the Design of Storm Water Treatment Best Management Practices. Anna Benesovska is the planner who'll be taking down your comments. I guess the Department of Public Works will be here to answer your questions. And so I guess the

Deputy Director Dagdag-Andaya has some comments.

Ms. Dagdag-Andaya: Just to, I just wanted to introduce Lance Nakamura from DSA Engineering who's our expert when it comes to these, the new drainage rules. And at this time we're currently trying to get a public hearing scheduled for the review of these rules. And as Clayton stated earlier right now what we're trying to do is gather comments from the proposed rules, so Lance is here to answer any questions that you have.

Mr. Hiranaga: Commissioners, questions?

Ms. Anna Benesovska: Okay, good afternoon Commissioners. My name is Anna Benesovska. I'm the staff planner assigned to this communications item. I was going to ask if you do have comments if you could please call out the section number or the page number so I can properly categorize your comments. Hopefully you had enough time to review the rules. They're complex, technical as well, so if you have comments I'm ready to take them. And again, Lance Nakamura is here to answer any questions you may have.

Mr. Hiranaga: Any questions Commissioners? Commissioner Shibuya?

Mr. Shibuya: Anna, there's mention here of water quality treatment and flow through, based on water quality control, and then there's runoff. Are they somehow related?

Ms. Benesovska: Lance?

Mr. Lance Nakamura: What section are you referring to?

Mr. Shibuya: I'm just looking at the overall general document, and I noticed that they were talking about water quality treatment and flow through of the water quality control measures, you know the flow through aspects of it.

Mr. Nakamura: And you're wondering how that relates to the runoff?

Mr. Shibuya: Yeah.

Mr. Nakamura: Okay. I think in general when they talk about the water quality, there are two ways to address the water quality. One would be, you can either detain the water and allow the particles to settle out at a runoff, and that would be the detention base treatment. The other one is flow through base treatment where you can send the runoff through, for example, a vegetative swale, and by running the water through there, it will take the pollutants out of the runoff. So the flow through is a type of treatment and the runoff is just what is generated by the site, and that is what is being sent through this facility to be treated.

Mr. Shibuya: Okay. And they seem to have an equation or it maybe they're identifying factors or elements because there's W, Q, D, V.

Mr. Nakamura: What page are you looking at?

Mr. Shibuya: Page 111-8. And they're talking about volume calculations will be W, Q, I guess Water Quality, what do you call that, Detention, Volume?

Mr. Nakamura: Design Volume.

Mr. Shibuya: Oh, design volume, equals the runoff coefficient, whatever that means. And, A, of course, Area, I understand that. And then the 3630 conversion factor. I don't understand that, how you derive that. Is it something that you just, or EPA, came up with?

Mr. Nakamura: You know I'm not going to, I don't know every factor that they, you know, how they came up with 3630 especially. You know C, when you talk about runoff coefficient, you're usually talking about a description of the character of the ground. You know where a higher C value, usually between zero and say one, a higher number, 0.95 or so might be a paved surface whereas just a grassy surface would be a lower number.

Mr. Shibuya: Right.

Mr. Nakamura: So if that number describes the type of ground you have, you know the one inch, I think, is related to the amount of rainfall that's falling. A, is the area of the basin that you're working on. And 3630, I'm guessing, is just a conversion factor to get it to the correct, you know, I think this is cubic . . . (inaudible) . . .

Mr. Shibuya: Inches.

Mr. Nakamura: The volume is – it might be in cubic feet or whatever it is, but the volume is, the conversion factor to get it to the correct, to the correct, like cubic feet or whatever it may be.

Mr. Shibuya: Right. Correct. Okay.

Mr. Hiranaga: Okay, I apologize. We need to take a step back here and open the floor to public testimony. Is there anyone here that wishes to provide public testimony regarding this agenda item please come forward? Please identify yourself and limit your comments to three minutes.

Ms. Bowie: Good afternoon, Irene Bowie, Executive Director for Maui Tomorrow Foundation. I'm here today because Maui Tomorrow supports Public Works rules for the Design of Storm Water Best Management Practices. We do suggest that in order to facilitate a timely and thorough adoption of Maui specific best management practices a manual is needed. Information and education are essential in the successful implementation of good rules and ideas. A BMP manual could include worked out examples with drawings and photos of projects with disturbed areas in the one acre and sub one acre range as well as in larger projects. Also we would like to ask that you please include what the processes are for the implementation and enforcement of best management practices. And then we also in sharing this with water quality consultants, they had two kinds of technical issues that they wanted brought to your attention. That is under 15-111-4B1, an 80% reduction in total suspended solids is the performance standard. However the rules do not state what the beginning point the reduction is from. An explicit statement would make the rules clearer to those who don't already know the topic so we would ask for that clarification. And in 15-111-5A1a, similarly an explicit statement as to what the IMP is a percentage of would make the

rules clearer. For example, IMP equals impervious area slash total drainage area, times 100 or another number. So we would ask for something more specific on that.

Mr. Nakamura: . . . (inaudible) . . . What section is the second section of it?

Ms. Bowie: It was A1a. 15-111-5A1a. And those really would be our only comments. Just as Maui Tomorrow supports greater reuse of the County's wastewater with the developed of increased R1 lines, we would also encourage the County of Maui to explore storm water reclamation and new developments as an additional supply of water for those projects. And that's our comments for today. Thank you.

Mr. Hiranaga: Thank you. Questions for the testifier? Commissioner Shibuya?

Mr. Shibuya: Thank you Irene. I didn't get the point where you were talking about, I guess, the materials, the solid materials, the suspended materials.

Ms. Bowie: Right.

Mr. Shibuya: What's that paragraph? It was 15 -

Ms. Bowie: It was 15-111-4B1.

Mr. Shibuya: Okay. Got it. Thank you.

Mr. Hiranaga: Any other questions Commissioners? Seeing none, thank you.

Ms. Bowie: Thank you.

Mr. Hiranaga: Moving on. Any more questions Commissioners? Commissioner Hedani?

Mr. Hedani: Just a question. Is this something that's brand new?

Mr. Hiranaga: Anna?

Mr. Hedani: It would be nice if somebody from staff could explain it to me in Mr. Potato head language.

Ms. Benesovska: I'm going to defer to Public Works representative.

Mr. Nakamura: Were you in our last presentation that we did? The drainage presentation?

Mr. Hedani: No.

Mr. Nakamura: Currently, our rules when it comes to runoff, it handles the quantity of runoff, you know, primarily flood controls. So when you do a development, if you, you know, create parking areas or other hard surfaces, you increase the amount of runoff. And all of our standards up to this point have only addressed that increase in runoff and trying to mitigate, you know, any adverse

impact from that increase in runoff. It never took into account any impacts from the change in the quality of the water. So it didn't matter, you know, what the quality of water was. As long as you didn't increase it. If the water quality got worse that didn't matter. That wasn't part of our standard. So now what this is trying to address, it's saying that in addition to the quantity of water that it's pulling off your developed site, you also need to take into consideration the quality of water. So these rules are trying to address the quality of water. And it is a new standard. It is something that has not been imposed before. You know, I know Planning Commission has tried to on our own, add that type of condition in SMA areas as some kind of discretionary comment, but it's never been a standard requirement for Public Works. So this is something that is new.

Mr. Hedani: Follow up. Is this taken from Best Management Practices some place else or is it something that you just came up with?

Mr. Nakamura: This is a very close copy of what the City and County of Honolulu currently uses. And we thought that, you know, we are seeing a lot of Oahu consultants coming over to Maui and, you know, for consistency, we thought that it was a good idea. It's been something that's been used in Hawaii, and you know, we don't really have the expertise to just generate our own new rules on our own anyway. And this is something that has been reviewed by the State, it's been reviewed by EPA and they believe that these rules that are being used on Oahu will meet their requirements.

Mr. Hedani: Except the water quality of Oahu really sucks, you know?

Mr. Hiranaga: Any other questions Commissioners? Commissioner Tsai?

Mr. Tsai: It has been many years since I got my mechanical engineering degree, but still, I have to question, I assume you guys got the equations, the adopted equations, from Standard Engineering Practices. But I'm somewhat surprised with all the charts you have here that all the lines are linear, so – because typically engineering equations are always linear, so I'm a bit surprised with that.

Mr. Nakamura: I couldn't explain to you how the charts were –. You know, these are, again, these are from the City and County, and this has been reviewed by EPA.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Yeah, Max, I sympathize with you because I don't see it as something very linear or . . . (inaudible) . . . type of relationship here. I think it's an over simplified way of computing the quantity of water that we have to address the volume of water that's flowing. And if it's mixed in with some hydraulic particle that needs to be separated, that once you separate it, then you would have a different volume, a different way of calculating it. So I want to go back to what Wayne says. I think you need to come up with some illustrative, potato head type of explanation. I mean, if we can get a small toddler group, can talk English and using color crayons so that the public can understand, I think that would be real helpful. What do you think Lance?

Mr. Hiranaga: Well, I mean, these rules are created for civil engineers to use as their guide when designing things for County approval, so it doesn't need to be at an Eighth grade level. This is for civil engineers. They're professionals in that profession. So, you know, you hire professionals in areas of expertise.

Mr. Shibuya: Okay. But I do want a general, conceptual description before you get to this point so that the person who's going to read this understands that these is an interrelationship between the contaminants within the water. Such as you get hydrocarbon, or the amounts of hydrocarbons in there. And then it goes through a filter, and, you know, it changes the volume again and the permeability. Somehow we'll need to simplify it. That's all I'm saying. I appreciate whatever is written.

Mr. Hiranaga: Any other comments or questions regarding the proposed standards?

Mr. Ball: The more I don't understand it the better I feel.

Mr. Hedani: At this point they're just asking for our comments.

Mr. Hiranaga: Right.

Mr. Shibuya: And so that's my comment – keep it simple.

Mr. Hiranaga: Commissioner Hedani?

Mr. Hedani: I guess my only comment is very deep for me and I don't know who intended end user is, you know, that's suppose to be reading this and understanding it and applying it, whether it's developers, or homeowners, or engineers. I'm not sure.

Mr. Hiranaga: Is that a question to Planning or Public Works Department?

Mr. Hedani: So I guess the question is, "who are we trying to convince to do what?"

Mr. Nakamura: These rules were required by two ordinance revisions that Public Works recently had passed. And the two revisions, one was in the Subdivision Ordinance and the other was in the Building Code. So these requirements will be triggered at new subdivision and at new building, when new building permits are applied for. And the rules set specific threshold. And, you know, if you go over certain thresholds, then you need to comply with a specific design criteria and calculations shown in these rules. And when that gets triggered, it has to be done by a licensed civil engineer. So, you know, these rules are intended, as the Chair said, to be, you know, implemented by an engineer.

Mr. Hiranaga: Any more comments? Seeing none, thank you very much. Okay, it's been suggested we make a motion to adopt those comments as comments from the body. Someone would like to make a motion, or would you like to repeat the comments?

Ms. Benesovska: Let me just repeat the comments.

Mr. Hiranaga: Yeah.

Ms. Benesovska: The primary comment that I've heard expressed is to potentially simplify the rules in terms so that users outside of the civil engineers can better understand what is being required to an extent possible. Is that – would you guys agree that's what the comment is? The major

comment?

Mr. Hiranaga: I don't know if that is the consensus of this Commission. No objection? Okay, so that's the only general comment of record?

Ms. Benesovska: Yes, that's the only comment I captured. There are many questions. There was a comment about linear nature of the graphs, and whether that is correct or not. It was more of a question that has not been addressed. I could record it as a comment potentially.

Mr. Hiranaga: Sure.

Ms. Benesovska: Okay.

Mr. Hiranaga: Alright, so we'll have a motion to adopt those two comments?

Mr. Shibuya: Move to adopt.

Mr. Hiranaga: Moved by Commissioner Shibuya, seconded by?

Mr. Ball: Second.

Mr. Hiranaga: Commissioner Ball. All in favor say aye? Opposed? Motion carries. I'd like to welcome back Deputy Director.

**It was moved by Commissioner Warren Shibuya, seconded by Commissioner Keone Ball, then unanimously**

**VOTED: to accept and forward two comments on the draft rules to Public Works. Comments are to simplify rules to be easily comprehended, and to clarify the linear graphs provided in the draft rules.**

**(Assenting: K. Ball, D. Domingo, J. Freitas, W. Hedani, W. Shibuya, M. Tsai  
Excused: I. Lay, P. Wakida)**

**E. ACCEPTANCE OF THE ACTION MINUTES OF THE JUNE 12, 2012 MEETING AND REGULAR MINUTES OF THE JANUARY 24, 2012 AND FEBRUARY 28, 2012 MEETINGS**

Ms. McLean: Thank you.

Mr. Hiranaga: Moving on to Item-E. Deputy Director?

Ms. McLean: Item-E is the acceptance of the action minutes from June 12<sup>th</sup> and regular minutes from January 24<sup>th</sup> and February 28<sup>th</sup>.

Mr. Hiranaga: Motion to accept?



Mr. Ball: Motion to accept.

Mr. Hiranaga: Commissioner Ball. Seconded by?

Mr. Freitas: Second.

Mr. Hiranaga: Commissioner Freitas. Is there any discussion or corrections? Seeing none, all in favor say aye. Motion carries.

**It was moved by Commissioner Keone Ball, seconded by Commissioner Jack Freitas, then unanimously**

**VOTED: to accept the action minutes of June 12, 2012 and regular minutes of the January 24, 2012 and February 28, 2012 minutes as presented.**

**(Assenting: K. Ball, D. Domingo, J. Freitas, W. Hedani, W. Shibuya, M. Tsai**

**Excused: I. Lay, P. Wakida)**

#### **F. DIRECTOR'S REPORT**

- 1. MR. WILLIAM SPENCE, Planning Director notifying the Maui Planning Commission pursuant to Section 12-202-17(e) of the Maui Planning Commission's SMA Rules of his intent to process the following time extension request administratively on the following:**

**PETER and CINDY ZIEBELMAN requesting a one-year time extension on the Special Management Area Use Permit condition to initiate construction of alteration of a first floor and addition of a second floor on a unit in the Puamana Planned Development on approximately 1,881 square feet of land located at 31-2 Puamelia Place, TMK: 4-6-029: 011, Lahaina, Island of Maui. (SM1 2008/0016) (A. Benesovska)**

**The Commission shall acknowledge receipt of the request. The Commission may decide whether to waive its review or review the time extension request at a future meeting.**

Mr. Hiranaga: The next item is F1. Deputy Director?

Ms. McLean: Thank you Chair. Under Director's Report, excuse me, communication from the Planning Director notifying the Commission of his intent to administratively approve a time extension request for a one-year time extension on an SMA Permit Condition to initiate construction of an alternation of a first floor and addition of a second floor in the Puamana Development. The TMK is 4-6-29:parcel 11 in Lahaina. Anna Benesovska is the staff planner.

Ms. Benesovska: Thank you Deputy Director. I am the staff planner. My name is

Anna Benesovska. I'm representing this item. I also have Mr. Ziebelman here, who is the applicant who has been patiently waiting all day, today, to get to this item, so I'm very happy that we're there. The reason is, basically, it's a one-year extension. The reason for the extension of the permit is that Mr. Ziebelman is going through the building department and getting through the building permit process and he may not have enough time to get to completion before the July 31<sup>st</sup>, 2012 deadline hits. So that is the only reason. Other than that, he, as soon as he gets the building permit, he's ready to initiate his project. And there were no changes in the Special Management Area and so staff recommends that Commissioners waive their review and allow the Director administratively approve of this one-year time extension.

Mr. Hiranaga: Any questions Commissioners? I'm wondering why not two-years to even increase the chance that he won't appear before us again?

Ms. Benesovska: That's a good question. And we have discussed it very briefly and I'm sure that Mr. Ziebelman probably would not go against that recommendation. If we can give two-years, but he also assured me that one-year will most likely be plenty. But Mr. Ziebelman, do you want to comment?

Mr. Hiranaga: Please come forward and identify yourself.

Mr. Peter Ziebelman: My name is Peter Ziebelman, and thank you for the chance just to say yes, two-years would be just fine. I think I can get it done within the one-year, but we haven't yet got our permit, so one or two years would be just fine.

Mr. Hiranaga: Thank you. Any questions for the applicant?

Mr. Freitas: Move to accept. Move to approve.

Mr. Hiranaga: Move to waive review.

Mr. Freitas: Move to waive review, one-year extension.

Mr. Ball: Second.

Mr. Shibuya: Two years?

Mr. Ball: One year.

Mr. Freitas: One year.

Mr. Hiranaga: It's been agendaed as a one year extension. So we just say that the Commission would not object to a two-year extension?

Mr. Ball: Even though it says in the recommendation? Even if it's noticed?

Mr. Hiranaga: We can, by comment, just say there's no objection from the Commission if the Director grants a two-year extension.

Mr. Freitas: To grant two years, yeah?

Mr. Hiranaga: So motion is to waive review.

Mr. Freitas: Yeah.

Mr. Hiranaga: Moved by Commissioner Freitas, seconded by Commissioner Ball. Any discussion? Seeing none, all in favor say aye? Motion carries. Next agenda item is F2. Deputy Director?

**It was moved by Commissioner Jack Freitas, seconded by Commissioner Keone Ball, then unanimously**

**VOTED: to waive review of the one year time extension. And should the Director grant a two-year time extension, the Commission did not have any objections.**

**(Assenting: K. Ball, D. Domingo, J. Freitas, W. Hedani, W. Shibuya, M. Tsai  
Excused: I. Lay, P. Wakida)**

## **2. Planning Commission Projects/Issues**

### **a. Amending the SMA Boundaries**

Ms. McLean: Nothing to report on Item F2.

Mr. Hiranaga: Commissioner Shibuya?

Mr. Shibuya: Last time I mentioned that the Planning Director has been making suggestions/recommendations to the Maui Island Plan to the Council Members, and those recommendations are not even courtesy copied to the Planning Commission. And I would like to have the Planning Director at least provide us some cc copy of the comments or suggested changes because we were the ones that approved it. And now he does changes to it. Isn't it a courtesy that these at least come back to the Planning Commission, much less, even to the General Planning Committee to courtesy copy them? I mean, they put the work in, we put the review, and why can't we have some feedback? Thank you.

Ms. McLean: Thank you. I can follow up and see that on any written transmittals to the General Plan Committee that the Commission be copied.

Mr. Shibuya: Thank you.

**Deputy Director McLean did not have anything to report on amending the SMA boundaries.**

**Commissioner Shibuya requested that any transmittals, from the Director to the County Council regarding the Maui Island Plan, be also transmitted to the Planning Commission. Deputy Director McLean will follow up that written transmittals to the General Plan**

**Committee be also transmitted to the Commission.**

Mr. Hiranaga: Any other discussion on Item F2? If not, moving on to F3, F4, F5.

- 3. EA/EIS Report**
- 4. SMA Minor Permit Report**
- 5. SMA Exemptions Report**

Mr. Ball: I have some questions on the open SMA. Do those come before us at all? I guess specifically like page-8, there's a bunch of seawall stuff, shoreline protection.

Ms. McLean: When – if you're looking on those pages, the permits that have SMX, that's an SMA Assessment and so we receive an assessment application and then determine whether or not the project is exempted or needs a permit. And if it needs a permit it would be a Minor or a Major. And if it needs a Major, then it would come to you. Or, if it needs a Shoreline Setback Variance, it would come to you.

Mr. Ball: And do typically seawall or shoreline protection have those requirements or trigger that requirement?

Ms. McLean: If it's new, then yes. If it's repair, perhaps not. Which one in particular are you looking at?

Mr. Ball: I just a few in here that dealt very close to the ocean. 82, 87 are two that are right there. And I saw, previous –. Anyway I would just think that those would come to us because of where they're located. And what triggers the Major/Minor? Is it cost or is it size?

Ms. McLean: Yeah, it's valuation, \$500,000.

Mr. Ball: Okay. So there's a lot of \$499,999.

Ms. McLean: Not as many as there were a \$124,999s.

- 6. Discussion of Future Maui Planning Commission Agendas**
  - a. July 10, 2012 meeting agenda items**

Mr. Hiranaga: Okay, moving on to Item-6, future Planning Commission agenda.

Ms. McLean: There's a memo to the Commission from Clayton Yoshida listing two public hearing items, two items of new business, one communication and one Director's Report for the July 10<sup>th</sup>. Clayton, do you have anything to add in addition to the memo?

Mr. Yoshida: No. We distributed the Final EA and the Draft EA which will be considered at that meeting, today. And then again on your July 24<sup>th</sup> meeting we still have scheduled the Honua'ula

Final EIS acceptance.

**Mr. Clayton Yoshida provided a memo listing items scheduled at the July 10, 2012 meeting. Deputy Director McLean noted two public hearing items, two new business items, a communication item and the Director's Report are scheduled for the July 10, 2012 meeting.**

**Mr. Clayton Yoshida noted the Honua'ula Final EIS acceptance is scheduled for the July 24, 2012 meeting.**

**G. NEXT REGULAR MEETING DATE: JULY 10, 2012**

**H. ADJOURNMENT**

Mr. Hiranaga: Any questions or discussion? Seeing none, our next regular meeting is July 10<sup>th</sup>, 2012. If there's no objection this meeting is adjourned.

The meeting was adjourned at 2:44 p.m.

Respectively submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**Present:**

Keone Ball  
Donna Domingo  
Jack Freitas  
Wayne Hedani  
Kent Hiranaga, Chairperson  
Warren Shibuya  
Max Tsai

**Excused:**

Ivan Lay, Vice-Chair  
Penny Wakida

**Others:**

Michele McLean, Planning Department (09:00 a.m.-1:25 p.m. and 2:30 p.m.-2:44 p.m.)  
Clayton Yoshida, Planning Program Administrator (from 1:25 p.m.)  
Danny Dias, Staff Planner  
Paul Fasi, Staff Planner  
Joseph Prutch, Staff Planner  
Kurt Wollenhaupt, Staff Planner  
Anna Benesovska, Staff Planner  
James Giroux, Department of the Corporation Counsel (09:00 a.m.-12 noon)  
Richelle Thompson (from 1:00 p.m.)  
Rowena Dagdag-Andaya, Department of Public Works