

**MAUI PLANNING COMMISSION
REGULAR MINUTES
AUGUST 14, 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, August 14, 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.)

Chair Hiranaga: ... meeting of August 14, 2012. We do have a quorum. At this time, I'd like to open the floor to public testimony on any agenda item. Is there anyone here that wishes to provide public testimony at this time? One person signed up, Ireneo Moriez. Do you wish to testify at this time or wait till the agenda item?

Mr. Moriez: ...(inaudible - speaking from the audience)...

Chair Hiranaga: Okay. Anyone else wishes to provide testimony on any agenda item at this time, please come forward? Seeing none, public testimony is now closed. First agenda item is B-1, Director?

Mr. Spence: Good morning, Commissioners. You notice that I did remember snacks today as opposed to earlier in my career as Planning Director. Our first, our only public hearing item this morning is Mr. Ferdinand Cajigal from State DOT requesting an SMA Permit for the Ohukai Road traffic improvements project at Piilani Highway. Our Staff person this morning is Candace Thackerson.

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

1. **MR. FERDINAND CAJIGAL of the STATE OF HAWAII DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION requesting a Special Management Area Use Permit for the Ohukai Road Traffic Improvements Project at the Piilani Highway-Ohukai Road intersection from the vicinity of Kaiola Place to the vicinity of Huku Lii Place at TMK: 3-9-001: 146, Kihei, Island of Maui. (SM1 2011/0007) (C. Thackerson)**

Ms. Candace Thackerson: Good morning, Commissioners. This item is under your review because a section of the Piilani Highway traffic improvements project is located within the Special Management Area and has a predicted construction cost of \$1,135,000 requiring a review of the project under HRS 205. The parcel is not a shoreline parcel being located over 0.4 miles mauka of the shoreline, and therefore, the action does not trigger compliance with HRS Chapter 343. The property is identified by TMK: (2) 3-9-001: 146. The parcel is State Land Use District Urban, Community Plan Designation Single-Family Residential and County Zoning is Open Zone/Proposed Road.

Piilani Highway is an existing major arterial roadway located in Kihei. Piilani Highway provides access to Lahaina, Kahului, and other areas north of Kihei while serving in conjunction with South Kihei Road to provide access to hotels and residential areas along the coast in Wailea, Makena,

south of Kihei. Ohukai Road is an existing two-lane collector road intersecting Piilani Highway that serves as an access to residential areas and the adjacent Kihei Gateway Plaza located in the southwest corner of the Piilani-Ohukai intersection.

The proposed project is almost entirely contained within the existing State highway right-of-way and only a small area, about 400 square feet extends beyond the highway right-of-way. The work outside the highway right-of-way is confined to minor grading and no additional right-of-way will be acquired. Furthermore, the work area outside the highway right-of-way is either County of Maui roadway right-of-way or parcel TMK: 3-9-001: 146 which is owned by the State of Hawaii. The proposed project will make traffic operation improvements that consists of adding turning lanes to a portion of Ohukai Road among other improvements including traffic signal modifications. The State Department of Transportation plans to widen Ohukai Road on both approaches to Piilani Highway for the purpose of providing left-turn storage lanes. The project limits extend approximately 520 feet east and 210 west of Piilani Highway along Ohukai Road. The proposed project will separate the currently shared left-turn/through lane into two lanes with a maximum distance possible with one lane dedicated to left-turn movements from Ohukai to Piilani Highway and the other dedicated to Ohukai Drive through traffic headed mauka. Other turning lanes will be largely unaffected by the work. The proposed project will not affect the elevation of the existing roadway, only its width would be affected. The project will not require substantial amounts of excavation. The proposed project will also install new traffic lights and require reconfiguration of the traffic detection loops. Mast arms will be installed for all approaches and pedestrian heads will be installed on the islands. Additional intersection lighting will be added. Some existing light poles and an existing utility pole will be relocated. Details for the project design and layout as well as pictures of the surrounding area will be explained in further detail by the project team. It's a short presentation.

Chair Hiranaga: Thank you.

Mr. Dexter Eji: Good morning, Members of the Commission, my name is Dexter Eji and I work for a firm called Parsons Brinckerhoff and we are the design team on this project. Now as Candace mentioned, the purpose of this project is to improve the traffic operations of the intersection of Piilani Highway at Ohukai. When completed, the project will reduce the congestion at the intersection, it will improve safety and provide better accommodations for pedestrians. Here's an overview of the project improvements. Ohukai Road will be widened on the south side on both approaches leading to Piilani Highway to provide for a left-turn lane on both approaches and on the makai side, we'll provide a right-turn lane. We will also improve the lighting at the intersection by adding additional three more street lights to the existing system. There will be traffic signal modifications. The existing traffic signals all will be replaced. The only thing that will remain will be the existing controller. The traffic signal...I'm sorry, the pedestrian signals will be the countdown type, and the traffic islands will be modified and a additional traffic island on the makai south side corner will be constructed.

As far as resources and mitigation, there are no historic or biological resources present at the location. This project was coordinated with the State Historic Preservation Office, OHA, the Maui Burial Council and the Federal Fish and Wildlife. The coast is roughly four-tenths of a mile west of Piilani Highway. The drainage system on the south side of Ohukai will need to be adjusted and during construction we will be providing Construction BMPs. The BMPs will consist of stabilized

entrance consisting of gravel. There will be a silt fence around the construction area and all the drain inlets will be protected with gravel-filled geotextile. The plan also has, includes a traffic control plan. Traffic construction will occur only during the off-peak hours from 8:30 a.m. to 3:30 p.m., Monday through Friday and at least one lane of traffic will be open at all times on both Ohukai and Piilani Highway.

Now the next two slides will show pictures of the location of the improvements. This is the looking at Ohukai Road on the makai side. We will be widening the pavement to provide for a left-turn lane over here. There'll be a through lane and there'll also be a right-turn lane starting from about this point all the way through to Piilani Highway. This existing traffic island will need to be modified to accommodate the left-turn lane and there'll also be a new traffic island at this location here. And this would help to accommodate the pedestrians crossing Ohukai. This existing utility pole will have to be relocated and there is a drain inlet just at the edge of the pavement over here which will need to be reconstructed and relocated. Now this photo over here shows the mauka side of Piilani Highway, in this area, the existing pavement will be widened up to the, where we have the headwall for the 48-inch culvert. Now because the edge of pavement is so close to the culvert, we'll have to extend the culvert about seven feet and construct a new concrete headwall. There'll also be a guardrail that will run at the edge of the pavement all the way on Ohukai and portions of Piilani Highway and this existing controller will remain behind the guardrail. We will also need to relocate the streetlight pole over here next to the yield sign.

This next slide shows the plan view of the construction area. This is the makai side. This is the mauka side of Ohukai Road. The hatched area is the, indicates the new pavement on either side of Piilani Highway. These are the three islands that would need to be adjusted, their locations need to be adjusted, and this fourth island here will be a brand-new island. Each one will have curb ramps running through the islands. The construction site will be protected by silt fence on all four corners. This is the silt fence on the makai side, north direction. This is the silt fence on the mauka side, and this would intercept any construction runoff from the construction of these islands over here. And on the south side, this is the silt fence which will contain the limits of construction in this area over, here and on the makai side this is the silt fence. Now at each of the inlet structures we will provide a geotextile, gravel-filled geotextile bag that will protect the, I guess, keep the sediments from running into the inlets at these two locations. And at the 48-inch culvert, we'll also provide the same protection around the inlet to the pipe.

Okay, this slide over here represents the lane configuration of the existing condition of the intersection today, and what is planned for in the future. In the makai bound direction, we have a free right-turn lane and the left and the through lane are currently shared. It's a split phase operation meaning this phase goes, it has the green, the right and the left go--I'm mean, I'm sorry, the through and the lefts go, then they stop, then in the opposite direction, the mauka, mauka bound direction, the left, the rights--the left, the through and the rights all go at the same time.

So after the improvements. This is future condition or planned condition. We will have a dedicated left-turn lane, we will have a through lane, this is a mistake over here. It's not a double left. It's a single left. We'll have the through lane and we'll also have the existing right-turn lane. And in the mauka bound approach, we'll have the through lane, a right-turn lane, and also a left-turn lane. So when these guys get the green, they can all go at the same time. And likewise, when they get the green, they can all go at the same time. And this should improve the congestion at the intersection.

So I guess that kinda concludes my portion of the presentation right now. Is there any questions?

Chair Hiranaga: We're gonna reserve questions till after the public hearing. We're gonna hold questions till after the public hearing.

a) Public Hearing

Chair Hiranaga: At this time, I'd like to open the public hearing. Is there anyone here that wishes to speak on this agenda item? Ireneo Moriez, do you wish to speak?

Mr. Moriez: No, I'm fine.

Chair Hiranaga: Okay. Anyone else here wishes to speak on this agenda item, please come forward? Seeing none, public hearing is now closed. I'll open the floor to questions from Commissioners. Commissioner Ball?

Mr. Ball: Makai side heading south is there an acceleration lane or is it just go right into Piilani?

Mr. Eji: No acceleration.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: Can you put up that last slide that you showed? Okay, you said on that double arrows turning onto Piilani Highway that only arrow would be--I mean, you only have one lane going onto Piilani Highway. I've seen before from coming out from Tesoro we would have it stacked up of cars and making that turn and I'm wondering why you didn't go with two lanes instead of...because you go into a double lane on the highway, right?

Mr. Eji: Uh huh.

Mr. Lay: So I was wondering why you didn't go with two lanes instead of, and you're going with one?

Mr. Eji: You're talking about this left-turn over here?

Mr. Lay: Yes.

Mr. Eji: In the p.m. peak, this through movement is pretty heavy. So we needed the capacity for the through movement.

Mr. Lay: Okay.

Mr. Eji: And that was a consideration why we didn't go with the double left. This left turn stack is quite long. I think it's about --

Mr. Lay: So it wouldn't work with the two lanes?

Mr. Eji: Well, with the two lanes it would impede the through traffic, put it that way in the p.m.

Mr. Lay: Okay.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Good morning. On your, let's see, I guess it's Exhibit 32 where you show the striping and the marking?

Chair Hiranaga: Could you please speak into the microphone?

Ms. Wakida: Exhibit 32, where you've got your striping and marking. Is there a slide that corresponds to that because I wanted to ask you a little bit more about the bike lane striping it's a little hard to...I'm not quite sure where it is on the, on the...

Mr. Eji: You can see the bike lane symbol, yeah? It's kinda shaded on the, I guess on the left-hand top corner or I guess the makai northern corner of the intersection.

Ms. Wakida: No, I don't.

Mr. Eji: Oh.

Ms. Wakida: I mean, I see the, at the top of the page where it says, bike lane arrow striping, but I'm not sure.

Mr. Eji: Right here. It's kind of covered by --

Chair Hiranaga: Do we have a slide for that particular diagram?

Mr. Eji: And it continues on through.

Ms. Wakida: You need to use the mic. Do you have a slide for that particular?

Mr. Eji: Sorry, we don't.

Ms. Wakida: Okay. Anyway, the bike lane striping is on one side of Piilani is that correct?

Mr. Eji: No, it's on both sides.

Ms. Wakida: Because I don't see it.

Mr. Eji: It's an existing striping, yeah. You can see it right here and it goes all the way through and likewise on the makai side, south bound.

Ms. Wakida: Okay. I guess my question is, it always concerns me how bike lanes get through the intersections when there's right-turn lanes. So, I'm not sure how that works. They just have to

merge with the right-turn traffic?

Mr. Eji: Well, the right turn...the bicycle has the green, so the right-turn has to yield to the bicycle.

Ms. Wakida: The right-turn yields to the bicycle?

Mr. Eji: Correct.

Ms. Wakida: Okay.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: Back to the right-turn heading south off of Ohukai. Is that gonna be signaled or is that gonna be a right-turn on red after stop?

Mr. Eji: Right-turn, red after stop.

Mr. Ball: Is there any concern with that coming up onto Piilani with no acceleration lane?

Mr. Eji: Sight distance is adequate.

Mr. Ball: Okay.

Chair Hiranaga: Commissioner Say--Tsai?

Mr. Tsai: Close enough. How are you gonna do the light sequencing? Currently, you have basically if you're going from the mauka side, you have to wait to turn--the light turn green on the other side, I mean, turn red for you to turn left. So are you gonna be able--are they gonna sequence where you're gonna be able to turn left from the mauka of Ohukai onto Piilani at same time as the makai side of Ohukai turn left?

Mr. Eji: No. We call this split phase. So what happens is, this movement over---okay, this movement going makai bound will make the left, the through and of course, this is like a free right, all in the same green light.

Mr. Tsai: Okay.

Mr. Eji: The green light will stop and it will let the opposite direction go and it will do the same thing. It will do the left, the through and the right will have the green and that will stop and then you'll have the left-turn, the left-turn from Piilani to Ohukai in both directions, that will stop and then the through lane going south and north bound will go.

Mr. Tsai: Okay, I understand that. My, I guess, question kinda based on what Ivan said earlier is, if you have those two left lanes, would it be possible to have the middle lane to turn left also because you have a lot more people going left instead of going through, through Ohukai. So it make more sense like currently that one lane you could either turn left or you can go through and that's where the traffic backs up. So that middle lane should be allowed to turn left because you're

turning onto a two-lane highway, right. So no oncoming traffic aren't you --

Mr. Eji: Yeah, but what that does is it takes away, I guess, green time from the--the through movements is pretty heavy. It's just as heavy as the left-turn movement in the p.m. peak. You know, going through from the mauka side of Ohukai to the makai side, that movement, that through movement is pretty heavy. So if you were to allow for the double left, you would be taking away some of that green time for the through movement too. You'd make the--you'd certainly improve the left-turn movement, but you'd be impacting the through movement.

Mr. Tsai: No, what I'm saying is can you be allowed the middle lane to turn left or go through?

Mr. Eji: Yes, I mean, can, but what I'm--maybe I didn't put it to you clear enough is that movement will also subtract some time for the through movement because you have a combination now of through and left-turn.

Mr. Tsai: Right, on one lane.

Mr. Eji: Yes.

Mr. Tsai: So you can do basically the middle lane, well the left lane you have to turn left, the middle lane you can go through or you can turn left because you're turning onto the two-lane highway.

Mr. Eji: That left-turn movement also takes away time for the guys going -- because you're combining through and left. So you'll make the left-turn movement...you'll make the left-turn movement a lot better, but the left turn movement will also hinder the guys that wanna go through.

Mr. Tsai: I'm sorry, I--my office is actually on Ohukai Road. So I drive on that road all the time and I don't see a lot of people going through. I think my observation driving on it everyday, probably 70 percent I will say turning left onto Piilani versus not even 30 percent going through. So that's why I figure if wanted --

Mr. Eji: Is it in the morning or...

Mr. Tsai: --yeah, yeah, exactly. And I'm noticing--

Mr. Eji: The morning, the morning is a little lighter than the p.m. In the p.m. peak you have a lot more heavy movement going through, through the intersection.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I'm in agreement with Max and Ivan. How far up does that left-turn lane go up Ohukai? My thought is that if that fills up and blocks the people from going straight anyway, then it defeats the purpose of your argument that not enough people can go straight because it's gonna be blocked so they cannot go around, and then that one lane is gonna be all empty, right?

Mr. Eji: I believe it's about 300 feet.

Mr. Ball: Because I think we're all envisioning like Puunene and Kaahumanu Ave., right, by Burger King. Everybody turns, some people can go straight to the bank and other people will turn up Kaahumanu and it seems to work very well, and they actually modified it when the Super Ferry came around worked horribly after that with the straight, with the designated straight lane and turn lane. It was weird, but I don't know, I mean, you're there every day so I just...

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: I definitely think it's gonna make a difference specially, I mean, observing, I'm sure, everybody have seen it, you know, different hours of the day, in the afternoon, in the mornings, you could be 2 o'clock, 3 o'clock in the afternoon. You mentioned that people getting off work or going to work that whole Ohukai on the mauka side gets back up about--all the way down to the first intersection behind the gas station. So, I definitely think it will help the flow substantially if you have that middle lane allowed to either, you know, like the Puunene allowed to either turn left or go straight through.

Mr. Eji: Well, we can construct it the way we show it on plans and then we can observe it. And if it does appear to be a problem, I mean, we can consider putting in that double left.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: This is just an observation for what I go through coming on Haleakala Highway. I come out from Haliimaile, and like how you're saying with the speed up lane is very short, for me it's really difficult because from a dead stop on Haliimaile, I have to go straight onto a highway and to match their speed with such a short duration is really difficult and scary at times. I always thought, you know, difficult is it to make that speed up lane a little longer. I mean, is there a lot put into it where you gotta reinforce the roads or is it --

Mr. Eji: Yeah.

Mr. Lay: There is?

Mr. Eji: Widen the pavement.

Mr. Lay: Okay.

Mr. Eji: For a considerable length.

Mr. Lay: Yeah, 'cause for me, 'cause you're going from a straight--looking at the--you know, on the street light looking across to hopping onto a highway and for me the speed up time is not enough because there is no room to speed up. So I'm hoping that you can consider using that more often as far as making the speed up lane longer because to me it is dangerous because I'm going from zero to 55 in 30 feet that's difficult to do, you know, with my car, I guess.

Chair Hiranaga: I'm sure you have certain engineering traffic standards because there is...when Piilani goes to a red light, that's the opportunity for those right turns.

Mr. Eji: Right.

Chair Hiranaga: So you have standards where there will be stacking and the break comes when it turns red. So some people, I guess, would prefer not have to wait till the red light that they can merge in immediately, but you know, until the demand is there, you can't justify the cost of an accel lane. Is that correct?

Mr. Eji: Yeah, correct. I would be nice to have, but again, it's the cost to add the additional lane.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: First off, good morning and thank you, Candace. I had asked for a copy of the Comprehensive Exemption List and I got it and I'm looking at and I appreciate what the exemption is and I fully agree with it. I didn't have any question against it, but I did have concern in terms of the headwall or the bulkhead or whatever you, by the culvert, the four-foot culvert. My concern is, you mentioned something about the guardrail. There is also gonna be pedestrian walkway is there not?

Mr. Eji: Yes, correct.

Mr. Shibuya: And where is that pedestrian walkway and how will they protect the pedestrians from that four-foot, maybe more than four-foot drop at that headwall?

Mr. Eji: Well, there will be a guardrail at the edge of pavement.

Mr. Shibuya: And that's for the cars.

Mr. Eji: For the cars, but there is a shoulder area for the pedestrians to walk to the crosswalk.

Mr. Shibuya: Okay. And how wide is that shoulder?

Mr. Eji: It gets to I would say 10 feet, but at the crosswalk, I would say maybe about five feet.

Mr. Shibuya: And it is a--

Mr. Eji: It's not a sidewalk, it's a shoulder area.

Mr. Shibuya: Shoulder area, but it's not a sidewalk and that's my concern. And you're talking about ADA compliance with the island, but you're not talking about sidewalk compliance with ADA requirements. Why are you having ADA compliance at the intersection and non ADA compliance getting to the intersection?

Mr. Eji: Well, actually for the islands we do put the ramps, make it easier for pedestrians and not so much ADA compliance, but you know, rather than having them step up, go onto the island--it's kinda like a cut through where you're at road level. There's no tripping hazards. You know, so you just walk straight through.

Mr. Shibuya: Yeah, but we don't need a obstacle course prior to getting to the intersection. That's my point.

Mr. Eji: Yeah, and that's the way it is right now.

Mr. Shibuya: Can there be included some kind of a accommodation for this so that the pedestrians can be safely accessing this intersection area? Because I don't see any other access there and I would like to see that access however you do it. If it's less than standard type of sidewalk or walkway then so be it. Because of the distance that you have available at that culvert, I understand that as well as a traffic monitoring instrument whatever that bulkhead instrument is right there.

Mr. Eji: Well, the guardrail itself will also protect the pedestrians from going down the side of the slope.

Mr. Shibuya: Yes.

Mr. Eji: Right at the culvert. And there is anywhere from, I say eight feet to five feet of a shoulder area where the pedestrians can safely traverse to the crosswalk, then from the crosswalk, they can, you know, cross through the islands and get across the street. But that's pretty much the condition as it is today.

Mr. Shibuya: How much effort would it take or added cost would it be to include a sidewalk so that you have safer pedestrian access to that intersection? I'm not encouraging pedestrian access, but be it as it is, we do have pedestrians.

Mr. Eji: So the sidewalk would just be at the intersection and that's it?

Mr. Shibuya: Yes. Yeah. At least leading towards it. You know, where you have your shoulder area.

Mr. Eji: Cost wise, thirty, forty thousand.

Mr. Shibuya: Thank you.

Chair Hiranaga: That's for the whole intersection or per corner?

Mr. Eji: The total intersection.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Tsai?

Mr. Tsai: Okay, so this is going to take about six months to complete. And during construction you had mentioned you're gonna be doing it during the daytime, of course, which gets kinda busy. You're gonna have one lane, you say one lane open at all times?

Mr. Eji: At least one lane. That's pretty much on Ohukai. Piilani for the most part it be two lanes.

Mr. Tsai: Okay, so you're not gonna interfere with the Piilani traffic too?

Mr. Eji: We're trying to minimize that.

Mr. Tsai: Okay.

Chair Hiranaga: Commissioner Hedani?

Mr. Hedani: First of all, I'd like to say I appreciate the fact that you folks are making improvements to your intersection. I assume you're following just standards that are normal traffic standards for intersections, engineering standards for the intersections in order to improve its efficiency. The improvements once they're in place, will they increase the rating of the intersection from its existing condition to something better than the existing condition?

Mr. Eji: Yes it will.

Mr. Hedani: From what to what?

Mr. Eji: It will go from Level of Service D--I'm sorry--Level of Service E which is its present condition to Level of Service D. So we will move it up one, one notch.

Mr. Hedani: So it'll go up one notch.

Mr. Eji: Yeah.

Mr. Hedani: This is not the intersection involved in the mega mall shopping development project is it?

Mr. Eji: No.

Mr. Hedani: Okay. One other comment. If you look at the slide on the mauka side of the highway, if you look very carefully at it, to me, it's embarrassing to see something like that. This particular Commission is charged with the responsibility of trying to protect the ocean from sediment, from impact. And if you look at that particular slide and you see as a typical condition the amount of litter that's on the right-of-way that's gonna get washed into the drainageway that's immediately next to the right-of-way, it's embarrassing. I mean, for a State, for a County that depends on the visitor industry, that's what everybody is subjected to every day, and to me, that's not an acceptable situation.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Shibuya?

Mr. Shibuya: I echo Commissioner Hedani's comment in terms of having this area cleaned up or at least more presentable. My concern is also in this particular case not only pedestrian access to the intersection, but in terms of protecting a strategic intersection especially nowadays we have some crazy people doing creative things. That four-foot culvert is a nice home to live in for some people and I would like to see some kind of grating that excludes them from getting underneath and doing some mischievous things that you can include that that be wonderful. Okay, I'm not trying to block the storm drain. I'm trying to keep human inhabitants from habitating that and doing

creative things.

Mr. Eji: Okay, that's something we can look into.

Mr. Shibuya: Thank you, very much.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: Just one question about, sort of piggy backing on Mr. Shibuya's concerns about pedestrian walkways. So currently there are no sidewalks coming down Ohukai?

Mr. Eji: Yes.

Ms. Wakida: There are sidewalks?

Mr. Eji: No, no, there aren't. Just the shoulder area, paved shoulder area.

Ms. Wakida: Okay.

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

b) Action

Ms. Thackerson: The project was reviewed by nine government agencies as well as Maui Electric Company. Three of the agencies provided comments including Department of Defense, the Civil Defense Office, County of Maui Water Department and County of Maui Police Department while the other agencies had no significant comments. Comments from the agencies were placed as conditions to the permit that are listed in the recommendation. The Planning Department would like to add one condition to the staff recommendation based upon further analysis of the drainage report.

Staff would like to recommend the inclusion of Condition 22, "That the applicant shall to the satisfaction of the Department of Public Works submit a finalized drainage report prior to construction and evidence of approval to be provided in the Preliminary Compliance Report." We wanted more opportunity to discuss in further detail the drainage report with Public Works and have that meet the satisfaction of Public Works prior to commencement of construction.

The Planning Department recommends approval based upon the 22 amended conditions as listed in the report. In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's Report and Recommendation prepared for the August 14, 2012 meeting as its findings of fact, conclusions of law and decision and order and authorize the Director of Planning to transmit said written decision and order on behalf of the Planning Commission.

Chair Hiranaga: Thank you very much. Open the floor to a motion.

Mr. Freitas: So move.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I move to accept the recommendations of the Planning Department as well as the inclusion of Item No. 22, but I also would like to include that the pedestrian walkway or some pavement be included in this project area for pedestrians. And also some kind of a grating over the four-foot culvert to ensure that we don't have human invasion in that drainage tube or pipe.

Chair Hiranaga: Is there a second?

Ms. Wakida: Second.

Chair Hiranaga: Seconded by Commissioner Wakida. Discussion? Commissioner Tsai?

Mr. Tsai: Yeah, I'm in full support of this project and I'm glad to hear that, you know, the State is taking care of this matter. At the same time, you know, I'm concerned about the flow on the mauka side of the road. I'd like to see definitely looking into that and having that center lane to be turning left also allowing that to happen. And at the same time, I'm echoing what Commissioner Hedani had said too as well, it is embarrassing. It looks really bad especially, I don't know, this picture doesn't show it, a lot of the people put those signs along that dirt road area for their businesses which is illegal and had to be removed many times, but they're still putting that. So I would like to see some sort of measure taken place so people won't be able to do that. I guess the guardrail or something will help, but taking that into consideration because I think it's waste of State's resources to go out and remove all the signs and then they put it back out again and so forth.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: I just have the question about you putting a grating over this culvert area just because it's a damming effect. I mean, you got rubbish coming down, it will hit the grate and it will dam. So maybe looking into some other ways of help, preventive measures where it won't become a house or a home.

Chair Hiranaga: Commissioner Freitas?

Mr. Freitas: Question.

Chair Hiranaga: Please use the microphone.

Mr. Freitas: Were there added conditions put on, those two conditions of the sidewalk and the drainage? Was that added conditions to the motion?

Chair Hiranaga: Yes.

Mr. Freitas: Or we're addressing the motion?

Chair Hiranaga: No, that's his motion.

Mr. Freitas: But it added conditions?

Chair Hiranaga: Yeah, he's proposing to add two new conditions.

Mr. Freitas: Check.

Chair Hiranaga: Commissioner Shibuya?

Mr. Shibuya: I'm open to getting a friendly amendment to the center lane, turning left if Commissioner Tsai would introduce that and if Commissioner Hedani would like to have some kind of a cleaning measurements or cleaning measures or standards be included, I'm open to that too.

Chair Hiranaga: Commissioner Wakida?

Ms. Wakida: I have a question about the applicant's acquiescent to putting in sidewalks. I think it's an excellent idea and hopefully down the road the sidewalks will be extended up into the neighborhoods and so on because our, one of our focuses has been in many of our developments is to make things more pedestrian friendly. But I would like to know if the applicant, if that's something the applicant even would consider including?

Ms. Thackerson: I can add a...if the applicants is agreeable to this Commission and the Commission as well, I could add Condition 23, "That the applicant shall include the addition of pedestrian friendly access sidewalks within the project area," or "That the applicant shall include the addition of pedestrian friendly access sidewalks within their construction plans to the satisfaction of the Planning Department prior to construction and shall show evidence of it in their Preliminary Compliance Report."

Ms. Wakida: Very well said, Candace.

Ms. Thackerson: Okay, and I can do the same thing for Condition 24, I can say something along--I can add, "That the applicant shall provide a form of preventative measures," or "The applicant shall provide a form of measures to prevent habitation of the four-foot culvert." Therefore, we're not insisting upon a grating because we don't--I'd like to leave it open to them to propose some ideas to me and that can be to the satisfaction of the Planning Department prior to construction and evidence will be given in the Preliminary Compliance Report which means I'll get to review what they come up with.

Oh, and are we addressing the trash issue next or are we going to address the possibility of the turn lane?

Mr. Tsai: Possibility turn lane.

Chair Hiranaga: Okay, hold on one second. Okay, we a motion on the floor that was presented by Commissioner Shibuya. There's been discussion about adding additional conditions, but there's been no formal motion as far as friendly amendment or an amendment. So let's not start jumping ahead. Commissioner Tsai?

Mr. Tsai: Yes, I make a motion to make the center lane turning from mauka of Ohukai to be a left-turn also as well as through lane.

Chair Hiranaga: Actually a motion to amend to add Condition No...

Mr. Tsai: Twenty-five.

Mr. Freitas: ...(inaudible)...

Chair Hiranaga: No, 'cause we have an amendment.

Mr. Shibuya: Seeing this is a friendly amendment.

Mr. Giroux: ...pretty major. I think we should be voting on the major additions to this project should be taken as individual motions because they could have real ramifications to the project as a whole.

Chair Hiranaga: So it is an amendment that needs to be voted upon. So there's a motion on the floor to amend, to add or to allow a left-turn through the--currently proposed design, is there a second on that amendment?

Mr. Shibuya: I'll second it for discussion.

Chair Hiranaga: Seconded by Commissioner Shibuya. Discussion? Commissioner Shibuya?

Mr. Shibuya: In support of Commissioner Tsai, I believe he's talking in terms of two left lanes from mauka Ohukai going towards the ocean side, makai, and that would be a proposal to include two left-turn lanes. The second left-turn lane would be the actual from the center lane going straight across. It's a dual-use lane would it not?

Mr. Tsai: Yeah, either left or straight.

Mr. Shibuya: Right. Okay, so an optional left-turn as well as going straight ahead.

Mr. Tsai: Just basically adding the option of turning left also.

Mr. Shibuya: Okay.

Chair Hiranaga: Would the applicant like to comment on this proposed amendment?

Mr. Eji: In regards to the double left, we'll go back and check our traffic counts and we'll evaluate to see what the results would be if we made the double left. What the impact would be to the through traffic.

Chair Hiranaga: Yeah, so the applicant is willing to go back and review their studies, so I don't know if you wanna mandate a double left-turn because it's primarily a striping issue, is that correct?

Mr. Eji: Correct or signing.

Chair Hiranaga: Signage and striping.

Mr. Eji: Yeah.

Chair Hiranaga: And the option they proposed was that if they felt there was more stacking than they thought they could change the signage and restripe. So, I'm not a traffic engineer, so I feel uncomfortable mandating the State to do something. They're willing to look at it. So that's my comment on the amendment. Any other discussion? Commissioner Lay?

Mr. Lay: Just on the condition on the culvert we're talking about where we're going to make it inhabitable, if can have that or the Department suggested that we could have that part of a friendly amendment to Warren's previous recommendation?

Chair Hiranaga: So we're discussing the second, second or the optional left-turn lane. Just remember that these are State funds. These funds could be used to possibly make an accel lane on Haleakala Highway instead but it's gonna be used ... If there's no more discussion I'll call for the...the Director wishes to comment?

Mr. Spence: Okay, I'm going off of Candace's cue, but could you read how the condition would read?

Ms. Thackerson: Okay, so Condition No. 3 will read, "That the applicant shall include the addition of pedestrian friendly access sidewalks for the project area within their construction plans to the satisfaction of the Planning Department prior to construction, and evidence of such approval to be provided in the Preliminary Compliance Report."

Condition 24, "That the applicant shall provide measures to prevent habitation of the existing --"

Chair Hiranaga: Okay, that's not on the floor yet.

Ms. Thackerson: Oh, okay. We're doing each one separate?

Chair Hiranaga: I believe he's talking about the left-turn lane.

Ms. Thackerson: Oh, okay.

Chair Hiranaga: There's been no amendment on the floor for the --

Ms. Thackerson: For the pedestrian one or the --

Chair Hiranaga: Your habitation.

Ms. Thackerson: Okay. So Condition 23, will then read, That the applicant shall pursue, shall investigate traffic study measures," I mean, we wanna make sure that when do the report if it's going from a E to a D, and they add that lane, it's not going to stay from an E to an E according to

whatever their traffic engineer is doing.

Mr. Tsai: That wasn't the motion.

Chair Hiranaga: Yeah, we actually have a motion on the floor.

Ms. Thackerson: To add the left-turn lane?

Chair Hiranaga: Yeah, he's mandating that the through lane in the makai direction also be allowed to make a left turn.

Ms. Thackerson: Okay. "That the applicant shall provide a left-turn lane," the motion is to add that amendment?

Chair Hiranaga: That's the motion. You may wanna reconsider the wording, but that's the language that's on the floor.

Ms. Thackerson: Well, if the Commissioner would like to give me the wording I can write it exactly?

Mr. Tsai: I will word it as such that the center lane from the mauka side of Ohukai be allowed to turn left also.

Chair Hiranaga: My suggestion is that you, you use language that will require the State to consider versus they will make the lane, because if the study doesn't mandate it, you don't wanna a call say why did they make this lane turn left when you don't need it? You don't want to mandate the State. You want them to consider with additional study unless that's your--I mean, that's your call. If you wanna mandate it that's the amendment and you'll see if you get the five votes or not.

Mr. Tsai: Can I make a comment on that?

Chair Hiranaga: Yeah, yeah.

Mr. Tsai: I don't think there's any downside for adding a left-turn for that center lane, and there's to me almost no additional cost involved. I mean, the worst comes to worst is people going...there's not enough people turning left and people can only take the center lane which you gotta stripe going straight, they're gonna go through anyway. So I don't see any downside to this amendment.

Mr. Spence: Comment?

Chair Hiranaga: Director?

Mr. Spence: I appreciate where the maker of the motion is coming from. I also, I suggest just because DOT and their consultants are gonna go back and they have to reexamine the movements on this intersection. There may be unforeseen things when they go back and they look at this that you know, that if we mandate--this Commission mandates that they make that left, that one lane, a left-turn lane as well as well as a through lane, and it turns out for some reason it's not possible that means the applicant has to come back to the Commission. So for the purposes of the Special

Management Area, you know, we're talking about construction for runoff, we're talking about, you know, shoreline access, we're talking about pedestrian access, you know, these things are what's under the Special Management Area. We're not here in my opinion to, this Commission is not here to, you know, make traffic decisions. The Special Management Area is more of an environmental kind of law and that's the regulation, that's what the regulation's for. I hope that was clear.

Chair Hiranaga: Commissioner Freitas?

Mr. Freitas: Yeah, I believe DOT has made a traffic study on the flow of the traffic going straight and making a right-turn. To add the right-turn lane they can do that at any time because it's just a striping --

Chair Hiranaga: Left-turn.

Mr. Freitas: Left-turn lane, excuse me. It's just a striping issue. And I believe we should leave status quo here as it's been presented and let them do the traffic study. If it needs to have a left-turn lane it's just a striping issue.

Chair Hiranaga: Commissioner Ball?

Mr. Ball: I understand where the Director is coming from, but we're getting first-hand knowledge from somebody that uses the road every day. They see that the left-hand turn lane would be more effective and we can try that and then if that doesn't work, then we can go back the other way. I don't know why we're mandated to do it the way the State has a study done. I mean, we're hearing directly from somebody who uses the road daily on what happens out there. So I would vote in favor of that and they could always switch it back need be.

Chair Hiranaga: My concern is that if you require this change and the downside is that through lane starts stacking up where people are trying to get makai directly all of sudden because of the additional load created on that left-turn are now unable to go through this intersection satisfactorily then you're gonna say, okay, let's do it over. Let's just spend more money on striping and signage. For me, I would rather defer to the State, let them put it in the way they're proposing, let them take a new relook at it and if there's complaints after the project is done, then they can go back and restripe it, but I mean, just from a layman's opinion to mandate the State to restripe or resign a intersection. I mean, this is money we're talking about. This is State funds that it's very limited. I wouldn't be able to support this amendment. So, is there any further discussion? If not, we'll have Candace try to restate the amendment?

Ms. Thackerson: For the fifth time. So this is the strong amendment. That the applicant shall include the addition of a dedicated, was it just a center left-turn lane? Okay, "That the applicant shall include the addition of a center left-turn lane to the mauka side of Ohukai Road."

Chair Hiranaga: I think that's correct. Can you say it again?

Ms. Thackerson: That the applicant shall include the addition of a center left-turn lane to the mauka side of Ohukai Road. Is that the road you guys want to turn from?

Chair Hiranaga: I think it's shall allow a left-turn from the center lane.

Ms. Thackerson: Yeah, I didn't--I took out dedicated the second time around.

Chair Hiranaga: So the center lane will be either through traffic or a left-turn, optional? Because there's one dedicated left and then the middle lane is left or straight.

Ms. Thackerson: So would the Commission like to state that? That the applicant shall include the addition of the center left-turn lane or the --

Chair Hiranaga: Shall allow a left-turn from the center lane.

Ms. Thackerson: Shall allow a left-turn from the center lane?

Chair Hiranaga: Right.

Ms. Thackerson: On the mauka side of Ohukai Road.

Mr. Tsai: Correct.

Ms. Thackerson: I'm not a very good driver.

Chair Hiranaga: We want to get this straight. We want to get this straight because when they build it we're gonna say, what happened there? All right, I'll call for the vote. All in favor of the amendment, so indicate by raising your hand.

Mr. Spence: That's three ayes.

Chair Hiranaga: Opposed? The amendment fails.

It was moved by Mr. Tsai, seconded by Mr. Shibuya, and

The Motion, "That the applicant shall allow a left-turn movement from the center lane on the mauka side of Ohukai Road," FAILED.

(Assenting - M. Tsai, W. Hedani, K. Ball)

(Dissenting - D. Domingo, J. Freitas, I. Lay, P. Wakida, W. Shibuya)

Chair Hiranaga: I'll open the floor to additional amendments. Commissioner Tsai?

Mr. Tsai: Okay, then I will make a motion for a, how do you word this, suggested asking State to look into that, that traffic study and looking to perhaps adding a, allowing a left-turn from the center lane.

Chair Hiranaga: I don't believe we need to include this as a condition because the State has already acknowledged that they will take a second look at it. So I think the minutes will show that you expressed a concern and the applicant is willing to look at it so I don't believe it needs to be added as a condition.

Chair Hiranaga: Commissioner Lay?

Mr. Lay: This is concerning the covering, the grating of that culvert down underneath there. After reconsidering where the money might be best used, maybe simple signage saying no trespassing, do not enter to prevent people from going into this culvert?

Ms. Thackerson: In my condition, Commissioner Lay, I said that the applicant shall provide measures to prevent habitation of the existing four-foot culvert. Measures could be signage, measures could be grating.

Mr. Lay: But not too costly.

Chair Hiranaga: So you're proposing a friendly amendment to the condition that Commissioner Shibuya put in his main motion?

Mr. Lay: Yes, his grating. A friendly amendment.

Chair Hiranaga: Is the maker of the motion receptive to that friendly amendment?

Mr. Shibuya: I don't think so because I think we have a general agreement here now that we're gonna have some review of this grating so that--the basic idea is not have it habitated. The risk of having it left as is is very severe because this is a strategic intersection especially during high traffic times as well as for evacuation events. I'd like to make sure that we don't have any mischievous things happening at this intersection. So that's why they will be looking at alternatives in terms of how they can secure this area.

Chair Hiranaga: Again, how large is this culvert.

Ms. Thackerson: Four feet.

Chair Hiranaga: Across, diameter?

Ms. Thackerson: Forty-eight inches, four feet.

Chair Hiranaga: So it's 48-inch pipe?

Ms. Thackerson: Yeah.

Chair Hiranaga: You have reasons to believe there's mischievous activity in that culvert?

Mr. Shibuya: This is more preventive and I think the State can take a look at that.

Chair Hiranaga: So if there's no other proposed amendments, we'll take up the main motion which Commissioner Shibuya added two additional conditions to the staff recommendation?

Ms. Thackerson: Yes.

Chair Hiranaga: So if you could repeat those two additional conditions for clarity?

Ms. Thackerson: Condition 23 is, "That the applicant shall include the addition of pedestrian friendly access sidewalks for the project area within their construction plans to the satisfaction of the Planning Department prior to construction and evidence of approval to be provided in the Preliminary Compliance Report."

Condition 24, "That the applicant shall provide measures to prevent habitation of the existing four-foot culvert to the satisfaction of the Planning Department prior to construction and evidence of approval to be provided in the Preliminary Compliance Report."

Chair Hiranaga: I'd like to have the or provide the applicant an opportunity to comment on those two proposed conditions?

Mr. Eji: We'll accept those mitigations.

Chair Hiranaga: Thank you. Commissioner Ball?

Mr. Ball: Where do this sidewalks, where are they going to and where are they going to be? Will it be a sidewalk to nowhere? Sidewalk on the highway, sidewalk on Ohukai?

Chair Hiranaga: We're limiting the proposed sidewalk improvements to within the project area.

Ms. Thackerson: Yes.

Chair Hiranaga: Do we have a map of that?

Mr. Eji: Excuse me, regarding the--

Chair Hiranaga: Please reidentify yourself.

Mr. Eji: Oh, I'm sorry. I'm Dexter Eji. As far as the sidewalks in the Ohukai intersection, we'd like to take a look at it to see how feasible it is. We're not really sure if it may have some other impacts.

Chair Hiranaga: So you're not committing to do it? You're willing to--

Mr. Eji: We're willing to take a look at it.

Chair Hiranaga: --look at it.

Mr. Eji: Yeah.

Chair Hiranaga: And was your motion, you're mandating improvements?

Mr. Shibuya: No, not mandating.

Chair Hiranaga: Okay. Commissioner Shibuya?

Mr. Shibuya: Thank you. It's interesting that we do have pedestrian crossways and crosswalk striping but we don't have any sidewalks accessing these improvements. That's all.

Chair Hiranaga: Okay, and the other condition regarding the culvert, you just want them to just look at it?

Mr. Shibuya: Just look at it.

Chair Hiranaga: Any further discussion on the motion? Seeing none, I guess we've repeated the motion, conditions enough that everyone understands them. So we'll call for the vote. All in favor, so indicate by raising your hand?

Mr. Spence: That's six ayes, seven ayes.

Chair Hiranaga: Motion carries.

It was moved by Mr. Shibuya, seconded by Ms. Wakida, then

**VOTED: To Approve the Special Management Area Use Permit as Recommended with Amended Conditions.
(Assenting - W. Shibuya, P. Wakida, D. Domingo, J. Freitas, I. Lay, W. Hedani, K. Ball, M. Tsai-abstained)**

Ms. Thackerson: Thank you.

Chair Hiranaga: Why don't we dispose of Agenda Item C, which is the minutes? Any corrections or additions?

C. ACCEPTANCE OF THE ACTION MINUTES OF THE JULY 24, 2012 MEETING AND THE REGULAR MEETING MINUTES OF THE APRIL 10, 2012, APRIL 24, 2012 AND MAY 22, 2012 MEETINGS

Mr. Ball: Move to approve if no changes.

Ms. Domingo: Second.

Chair Hiranaga: Actually it's acceptance. Move to accept.

Mr. Ball: Okay.

Mr. Hedani: Did we approve the main motion?

Chair Hiranaga: That was the main motion. There was only one motion on the floor. He had added two conditions to it.

Chair Hiranaga: Discussion on the minutes? Commissioner Domingo?

Ms. Domingo: Are we taking April 10th, April 24th and May 22nd minutes in one motion?

Mr. Ball: Yes.

Chair Hiranaga: Yes, the July 24th, the April 10th, April 24th, and May 22nd.

Ms. Domingo: Okay.

Chair Hiranaga: All in favor say, "aye."

Commission Members: Aye.

Chair Hiranaga: Motion carries.

It was moved by Mr. Ball, seconded by Ms. Domingo, then

VOTED: To Accept the Action Minutes of July 24, 2012 Meeting and the Regular Minutes of the April 10, 2012, April 24, 2012 and May 22, 2012 Meetings. (Assenting - K. Ball, D. Domingo, J. Freitas, I. Lay, M. Tsai, W. Hedani, P. Wakida, W. Shibuya)

Chair Hiranaga: Moving onto Director's Report. Director?

Mr. Spence: Commissioners, the first item is to notify the Maui Planning Commission of the SMA Rules...The Wailea Community Association is requesting a two-year time extension to an SMA Permit to initiate construction of South Maui Emergency Ambulance Station. Our Staff Planner is Anna Benesovska.

D. 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:**

WAILEA COMMUNITY ASSOCIATION requesting a two (2)-year time extension on the Special Management Area Use Permit condition to initiate construction of the South Maui Emergency Ambulance Station at 300 Kilohana Drive, TMK: 3-9-038: 026 (por.), Kihei, Island of Maui. (SM1 2006/0024) (A. Benesovska)

Ms. Anna Benesovska: Thank you. Good morning, Commissioners, Chair. My name is Anna Benesovska, and I'm the Staff Planner reviewing this two-year time extension request for the South Maui Emergency Ambulance Station to be built at 300 Kilohana Drive in Kihei. The applicant is the Wailea Community Association and we have representatives here in the audience. The

reason for the time extension is that the Wailea Community Association needs additional time to finish fundraising for the project. They're roughly at 70 percent of the funds required for the project at this time. The length of the time extension requested is two years and it is the first time extension for this, time extension request for this project. And finally, no changes have occurred within the Special Management Area that would cause this project to have a substantial adverse environmental or ecological effect or would adversely impact capacity or condition of infrastructure. Thus, the Department respectfully requests that the Commissioners waive their review of the project and allow the Director to process this two-year time extension administratively.

Chair Hiranaga: Thank you very much. At this time, I'll open the floor to public testimony. Is there anyone here that wishes to provide public testimony regarding this agenda item, please come forward? Seeing none, public testimony is closed. Open the floor to questions from Commissioners? Commissioner Wakida?

Ms. Wakida: Good morning, Anna. Is this a privately run--will this be a privately run ambulance station?

Ms. Benesovska: I'm going to let the project representative comment on your question.

Ms. Wakida: Thank you.

Mr. Mich Hirano: Good morning, Commissioners. My name is Mich Hirano with Munekiyo and Hiraga. To answer that question Commissioner Wakida, the emergency ambulance service is a contracted service by the County of Maui to a service provider. I believe it is a private company that provides this. The idea is that the Wailea Community Association will build the facility. It is on County land. It's at the Wailea Fire Station property. And once the project is completed, the Wailea Community Association will turn the improvements over to the County and then the County will lease the facility to the operator, the emergency service operator.

Ms. Wakida: And this is accessed like all the other emergencies with 911 and--

Mr. Hirano: Yes. And it has an ambulance and they have a connection to the air ambulance. It's providing ambulance service. Right now the ambulance service is operating out of a rental facility in South Maui. So they don't have a permanent home and this will provide a permanent home for the service.

Ms. Wakida: And it provides service for?

Mr. Hirano: South Maui. It's South Maui and Kihei.

Ms. Wakida: All of that, any--

Mr. Hirano: Yes, Kihei and South Maui.

Ms. Wakida: Thank you.

Chair Hiranaga: Commissioner Freitas?

Mr. Freitas: For the applicant, please?

Mr. Hirano: Wailea Community Association?

Mr. Freitas: Yes, Wailea.

Mr. Bud Pikrone: Bud Pikrone from Wailea Community Association.

Mr. Freitas: Yes, you folks have advocated that you folks need this ambulance service and now we're going a two-year extension. You have 70 percent funding. How long will it take you to get the remaining 30 percent funding because that is your reason for the two-year extension request?

Mr. Pikrone: We are, we are in the process of securing that and we're told that we should have that in the coming year, 2013. So we do have already \$250,000 cash in the bank, another 250,000 is a matching fund that is being worked on right now to transfer, and then the remainder about \$300,000 is in the process with some other folks and that, but we're told that that will be next year before we'd be able to receive that. So that's why we're asking for the extension.

Mr. Freitas: Follow up. How long will it take you to build this emergency center?

Mr. Pikrone: Eighteen months probably max.

Mr. Freitas: Eighteen months. So if you would start today with \$70,000 funding and you're a year away of raising the remaining 30, you would have that funding to finish the project within the time period?

Mr. Pikrone: Yes, as soon as we have a commitment on the remainder, we can look at beginning the project.

Chair Hiranaga: Commissioner Tsai?

Mr. Tsai: Yeah, Bud, can you disclose your source of funding? Are they private donations or?

Mr. Pikrone: Right now, we have the Wailea Community Association has committed \$250,000 cash that we have right now. We have the matching fund and really don't wanna say yet because we're still signing off on all of the agreement on that. And then the others we're working with some developers and also we were looking at the State had offered to also. Because the State was who brought this ambulance in about seven years ago. We had asked working with the South Maui different communities to bring a second ambulance into South Maui to cover from the tunnel all the way to La Perouse. There was only one ambulance so a second ambulance was needed for the population growth. And we had committed at that time that we would find a way to house it eventually and that's where we stand today.

Mr. Tsai: So who is paying for the ongoing expense running this ambulance service?

Mr. Pikrone: The ambulance service is actually paid for by the State. That's a State run. The

County will take over the building and lease it back to the State.

Chair Hiranaga: Any other questions, Commissioners? Commissioner Ball?

Mr. Ball: I guess I'm still not clear on how Wailea Community Association had to...

Mr. Pikrone: How we got involved?

Mr. Ball: Yes.

Mr. Pikrone: Like I said, back in about 2004, it was--there was a need for a second ambulance in South Maui because of the growth. At the same time actually Kula was looking to extend their hours. They only had I think 12-hour-a-day service for ambulance. So we teamed up, South Maui and Kula to work with the State on trying to extend their hours and get a second ambulance and we were able to do that. So our involvement at that time we were being told that the State, yes, could do that, get a second ambulance for us, but there was no funding to house them. In other words, they could find a place for them to rent but they couldn't build a building. The fire station was never built with that in mind unfortunately, so a separate building had to be done. Right now they've moved around to, I think three different locations. They've been in one location out of an ohana in Maui Meadows now for quite a few years, but again, that's a temporary home. So we felt that it would be best to have it next to the fire station where your emergency services could all be in one location. There's a helipad there. So that would be a prime location especially with the development of the 670, Honuaula project and whatever may happen in Makena in the future that would be a location for it. So we got involved by trying to make sure it happened.

Chair Hiranaga: Any other questions, Commissioners? Seeing none, open the floor to a motion. Commissioner Tsai?

Mr. Tsai: I move to...motion to accept the extension.

Mr. Ball: Second.

Chair Hiranaga: It's actually a motion to waive review. Is that your motion?

Mr. Tsai: Yes.

Mr. Ball: Second.

Chair Hiranaga: Seconded by Commissioner Ball. Have the Director restate the motion for clarity.

Mr. Spence: The motion is to waive the review of the request for time extension.

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

Mr. Spence: That's eight ayes.

Chair Hiranaga: Motion carries.

It was moved by Mr. Tsai, seconded by Mr. Ball, then

**VOTED: To Waive Review of the Time Extension Request.
(Assenting - M. Tsai, K. Ball, D. Domingo, J. Freitas, I. Lay, W. Hedani,
P. Wakida, W. Shibuya)**

Ms. Benesovska: Thank you, Commissioners.

Chair Hiranaga: Next Agenda Item is D-2. Director?

Mr. Spence: Commissioners, the next item is to designate the Hana Advisory Committee to conduct the public hearing for a bed and breakfast out in Hana. Applicants are Michael and Terry Kristiansen. Gina's not here. I'm not sure that we need--basically you're saying you're authorizing the Hana Advisory Committee to conduct the public hearing for this.

2. Designation of the Hana Advisory Committee to conduct the public hearing and make a recommendation on the following applications:

MICHAEL & TERRY KRISTIANSSEN requesting a State Land Use Commission Special Use Permit and a Bed and Breakfast Permit in order to operate the Entabeni Bed and Breakfast in the State Agricultural District at 370 Hana Highway, TMK: 1-2-004: 011, Nahiku, Hana, Island of Maui. (SUP2 2012/0011) (BBHA T2012/0003) (G. Flammer)

Mr. Freitas: So move.

Mr. Tsai: Second.

Chair Hiranaga: We'll open the floor to public testimony regarding this agenda item. Is there anyone here that wishes to provide public testimony at this time, please come forward? Seeing none, public testimony is now closed. We'll open the floor to questions from Commissioners. Commissioner Ball?

Mr. Ball: So then after the public hearing they make their recommendation and then it comes back here for us to review?

Mr. Spence: That's correct.

Chair Hiranaga: Actually take action.

Mr. Spence: Yes.

Chair Hiranaga: Hana Advisory can't approve.

Mr. Ball: So they'll give us a full report.

Chair Hiranaga: Hopefully. If they have quorum. Open the floor to a motion.

Mr. Freitas: So move.

Mr. Tsai: Second.

Chair Hiranaga: Any discussion? Seeing none, all in favor so indicate by raising your hand.

Mr. Spence: That's eight ayes.

Chair Hiranaga: Motion carries.

It was moved by Mr. Freitas, seconded by Mr. Tsai, then

VOTED: To Designate the Hana Advisory Committee to Conduct the Public Hearing and Make a Recommendation on the Subject Applications. (Assenting - J. Freitas, M. Tsai, D. Domingo, I. Lay, W. Hedani, K. Ball, P. Wakida, W. Shibuya)

Chair Hiranaga: Moving onto Item 3.

Mr. Spence: Is the notification...this is for informational purposes only. Notification of the transfer of a SMA Permit for Matthew Norton Company to MGN Hawaii Land Investments. This is for an undeveloped lot, permit on an undeveloped lot, a two-lot subdivision, and a single family dwelling at Keawakapu. Mr. Buika is not here.

3. Notification of the transfer of the following Special Management Area Use Permit per the Special Management Area Rules of the Maui Planning Commission:

Transfer of the Special Management Area Use Permit from the MATTHEW G. NORTON COMPANY, a Washington Corporation to MGN HAWAII LAND INVESTMENTS LLC, a Washington limited liability company for the undeveloped lot of the Keawakapu Beach Lots Subdivision, a 2-lot subdivision with a single-family dwelling on each lot and related improvements at 3180 and 3190 South Kihei Road, TMK: 2-1-010: 031, Keawakapu, Kihei, Island of Maui. (SM1 2008/0002) (SSA 2007/0031) (EA 2008/0001) (SSV 2008/0001) (SSD 2007/0017) Residence 1, Parcel 11 only. (J. Buika)

Mr. Spence: If you want, Commissioners, if you would be more comfortable getting a report from Staff, we can get Jim here or if...you know, this is for informational purposes.

Chair Hiranaga: Maybe you could explain why it is for informational purposes and why it does not require action by the Commission?

Mr. Spence: I believe this is just a part of your rules. I don't have those in front of me. I see,

Mr. Giroux, looking ...(inaudible)... Wanna take a brief recess?

Chair Hiranaga: Sure. We can take a short recess and reconvene at 10:30 a.m.

A recess was called at 10:20 a.m., and the meeting was reconvened at 10:30 a.m.

Chair Hiranaga: ...back to order. The Director wishes to make a statement regarding Item 3. D-3.

Mr. Spence: Commissioners, before the break there was some questions on the Commission's notification on how the Planning Director can transfer a permit from one owner to another. So we took a brief break and we looked at your rules regarding transfers, you know, within the SMA. Your rules state that, and this is on Page 202-20, Item D. "Unless otherwise specified in permit conditions, the Director may issue a written approval for a Special Management Area Use Permit transfer if the permitholder submits a written request for a permit transfer to include the following." And it goes through the following: "reasons for the transfer; transferors' consent, notarized affidavit from the transferee acknowledging the conditions of the permit. So we've received a letter from the applicant saying that...including all of this information. You have as a part of your packet a letter from the Planning Department dated July 25, 2012, approving the transfer. And then your rules then on go to say, "the Director shall notify the Commission at the Commission's next regularly scheduled meeting of the issuance of any permit transfer proceeded of which shall be acknowledged by the Commission." So the--so this authorize--transferring this permit is authorized under your rules. I have not personally looked at the conditions of this permit specifically to see if it was--if the conditions allow the Director to do so. I assume it does because we wrote Mr. Mancini a letter approving the transfer. So we are notifying you of this transfer. If the Commission would like me to go personally look at the conditions of that SMA Permit then I might suggest a deferral until I can personally look at them and report back.

Chair Hiranaga: Yeah, it's not necessary that you personally look at the permit, but if your representative or your Planner, James, was here to confirm that he had reviewed it that would have been adequate, but James is not here.

Mr. Spence: He's on a site visit.

Chair Hiranaga: Yeah, I think just to make sure we do this properly, my preference is to just defer this matter until it can be confirmed that they have the right to do this. So if there's no objection, I'd like a motion to defer?

Mr. Shibuya: So move.

Mr. Ball: Second.

Chair Hiranaga: Motion by Commissioner Shibuya.

Mr. Shibuya: Move to defer this issue.

Chair Hiranaga: Seconded by Commissioner Ball. Any discussion? Seeing none, all in favor say, "aye."

Commission Members: Aye.

Chair Hiranaga: Motion carries.

It was moved by Mr. Shibuya, seconded by Mr. Ball, then

VOTED: To Defer the Matter to Confirm Whether the Permit Transfer can be Authorized by the Director.
(Assenting - W. Shibuya, K. Ball, D. Domingo, J. Freitas, I. Lay, W. Hedani, P. Wakida)
(Excused - M. Tsai)

Chair Hiranaga: Moving onto C-4, D-4?

- 4. Planning Commission Projects/Issues**
 - a. Amending the SMA Boundaries**

Mr. Spence: Commissioners, we have nothing to report for amending the SMA boundaries.

- 5. EA/EIS Report**
- 6. SMA Minor Permit Report**
- 7. SMA Exemptions Report**

Mr. Spence: And nothing for Item 5. We did distribute an SMA Minor Permit Report to you.

Mr. Ball: Question?

Chair Hiranaga: Commissioner Ball?

Mr. Ball: You know on the SMA Minor projects, the Montana Beach house, the demolition is there any recycling going on with those materials?

Mr. Spence: My understanding is there is. From what I read in the paper, the materials are being made available to contractors or other parties.

Mr. Ball: I had some inquiries that's why on that. That there are people willing to do that, recycle that material, whatever.

Chair Hiranaga: Any questions or comments on items D-5, 6 or 7? Commissioner Wakida?

Ms. Wakida: Just a comment on Item 4-a, Amending the SMA Boundaries. I hope that we can have some discussion and recommendations from Jim or whoever are the people are knowledgeable on this to the Commission. It's been on the agenda for a long time and I just hope it doesn't get kicked off because of lack of action. Because I think that's, it's something that we

gotta take a serious look at and whoever has time to devote to it in the Department, it would be wonderful.

Chair Hiranaga: Director?

Mr. Spence: Yeah, I agree with you, Commissioner Wakida. It's an important thing to visit our SMA boundaries, why they were established, where they perhaps should be. We discussed a long time ago, you know, some places it's grossly inadequate and some places--other places it's way too large. It's a matter of time and it's a matter of priorities when we, you know, are dealing with the Maui Island Plan and so many other things that are pushing our resources, so--but it's not forgotten.

Chair Hiranaga: Any other discussion? Seeing none, moving onto D-8. Director?

8. Discussion of Future Maui Planning Commission Agendas

a. August 28, 2012 meeting agenda items

Mr. Spence: Let's see we have the memo from Mr. Clayton Yoshida. The next time we have a public hearing for Mr. Jay Hiraide. I know I'm messing up the pronunciation. He is gonna request a Conditional Permit for a 1,200 square foot office within his residence. So that will be coming before you. There's a withdraw of an SMA Appeal by Mr. Doug Poseley and then the Director's Report. Mr. Churchill is requesting from Maui Pine, is requesting a two-year time extension on a SMA Permit for the construction of the Kapalua Site 6-0, with 42 workforce housing apartment units. So those things, there's two more, Mr. Tae Murphy will be requesting a two-year time extension on an SMA Permit for an office permit and GKT LIPOA LLC will also be requesting a time extension for Pacific Plaza Office Building in Kihei.

Chair Hiranaga: Thank you. Our next regular meeting is August 28, 2012. And if there's no objection, this meeting is adjourned.

E. NEXT REGULAR MEETING DATE: AUGUST 28, 2012

F. ADJOURNMENT

The meeting was adjourned at 10:40 a.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Keone Ball

Maui Planning Commission
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Donna Domingo
Jack Freitas
Wayne Hedani
Kent Hiranaga, Chairperson
Ivan Lay, Vice-Chair
Warren Shibuya
Max Tsai
Penny Wakida

Others

Will Spence, Director, Planning Department
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works