

GENERAL PLAN COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

October 15, 2012

CONVENE: 1:36 p.m.

PRESENT: Councilmember Gladys C. Baisa, Chair
Councilmember Donald G. Couch, Jr., Vice-Chair
Councilmember Robert Carroll, Member
Councilmember Elle Cochran, Member
Councilmember G. Riki Hokama, Member
Councilmember Danny A. Mateo, Member
Councilmember Mike White, Member

EXCUSED: Councilmember Joseph Pontanilla, Member
Councilmember Michael P. Victorino, Member

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

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

OTHERS: Grant Chun, Vice President, A&B Properties, Inc.
Johanna Kamaunu, O Waihee Ma/Hui Pono
Tamara Paltin, Save Honolua Coalition
Les Potts
May Fujiwara, Kaanapali 2020 and Waivee Village
Gwen Hiraga, Kaanapali 2020 and Waivee Village
Chad Fukunaga, Kaanapali Land Management Corporation
Joe Pluta
Hans Michel
Paul Laub

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Stanford S. Carr, ATC Makena Holdings, LLC and Harry and Jeanette
Weinberg Foundation
Karen Christenson, Vice President/Owner, Mama's Fish House
Peter Horovitz, Esq., on behalf of Giampaolo Boschetti
Timothy Bryan
Sarah McLane, Executive Director, Maui Nui Marine Resource Council
Jennifer Maydan, Associate Senior Planner, Chris Hart and Partners, Inc.
Mike Moran, Vice President, Kihei Community Association
Chris Lau, Towne Development of Hawaii
Lloyd Sodetani, Association of II Wai Hui
State Representative Angus McKelvey
Rory Frampton, Makila Land Company, LLC
Darla White
James Hirano, Department of Public Safety
Stan Franco, FACE Maui
Kimokeo Kapahulehua
David DeLeon, Realtors Association of Maui, Inc.
Nancy Findeisen
Catherine Clark
Anthony Caputo, President, Plantation Estates Lot Owners Association
Rob Riebling, Vice President, Maalaea Community Association
Pam Daoust, President, Maalaea Community Association
John V. Duey
Dick Mayer
Mike Foley, Vice Chair, General Plan Advisory Committee
Mark Deakos
John Seebart
Patricia Chaney
Daniel Kanahele
Beatriz Garcia, Lead Organizer, FACE Maui
Adeline K. Rodrigues
Drew Astolfi, FACE Maui
Lucienne de Naie, Conservation Committee, Sierra Club Maui
Dave Arakawa, Land Use Research Foundation
Dr. Dara Rampersad
Stephen West, Maui Division, ILWU
Rose Marie H. Duey
Hinano Rodrigues
Mary Traynor
Evan Dust, Dust Consulting Services
Jason Medeiros, ILWU
Jacob Verkerke, Waikapu Community Association

(30) additional attendees

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PRESS: *Akaku: Maui Community Television, Inc.*
 Nanea Kalani, The Maui News

ITEM NO. 2(2) GENERAL PLAN UPDATE (MAUI ISLAND PLAN) (CC 07-54)

CHAIR BAISA: . . . (*gavel*) . . . Will the meeting of the General Plan Committee please come to order?
Today is October 14th and it is 1:36 p.m.

COUNCILMEMBER MATEO: Fifteenth, fifteenth.

CHAIR BAISA: Oh, I'm sorry, October 15th. I'm looking at something else. I don't know what day it is, obviously. They're all beginning to run together. Before we begin, please turn off your cell phones and other noise-making stuff or please put it on the silent mode. Chair would appreciate that very much 'cause we've got a lot of work to do this afternoon. I'm Councilmember Gladys Baisa, Chair of this Committee. Thank you for attending today's meeting. Today we will begin our final review of Chapter 8, the Directed Growth Plan of the draft Maui Island Plan and take care of other housekeeping matters. These are the final portions of the plan that remain for the Committee to review. Once we have completed our review, the Committee will make its formal recommendation to the Council for the Council's consideration. If we are not able to finish the work today, it is the Chair's intent to recess this meeting until tomorrow morning at 9:00 a.m. in Council Chamber. It is highly unlikely that we will complete testimony today so we might wanna plan, those of us that are at the end here, we'll continue taking testimony in the morning so just wanted to give you a heads up about that. Council members that are here this afternoon, I'd like to introduce them. They're all voting Members of this Committee; all Members of the Council are voting Members of this Committee. I have Vice-Chair Don Couch.

VICE-CHAIR COUCH: Good afternoon, Madam Chair.

CHAIR BAISA: Good afternoon. We have—and I'll just go this way—Bob Carroll.

COUNCILMEMBER CARROLL: Good afternoon, Chair.

CHAIR BAISA: Good afternoon. Chair Danny Mateo.

COUNCILMEMBER MATEO: Good afternoon.

CHAIR BAISA: Good afternoon. Ms. Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, Chair.

CHAIR BAISA: Good afternoon. And we have Riki Hokama.

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COUNCILMEMBER HOKAMA: Chair.

CHAIR BAISA: Afternoon. And we have Mike White, good afternoon.

COUNCILMEMBER WHITE: Aloha, Chair.

CHAIR BAISA: And excused, this afternoon, are Members Mike Victorino and Joe Pontanilla. From the Administration, we have our usual team. We have Will Spence, our Planning Director.

MR. SPENCE: Good afternoon, Chair.

CHAIR BAISA: Good afternoon. John Summers, the Planning Program Administrator of the Planning Department.

MR. SUMMERS: Aloha, Chair.

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

MS. BOSCO: Good afternoon, Chair.

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

MR. GIROUX: Aloha, Chair.

CHAIR BAISA: Good afternoon. And with us, also, are our GIS folks who have been working so hard for us. We have Dan McNulty-Huffman, GIS Analyst Supervisor with the Planning Department.

MR. MCNULTY-HUFFMAN: Aloha, Chair.

CHAIR BAISA: Good afternoon. And Mike Napier, GIS Analyst with the Planning Department.

MR. NAPIER: Good afternoon, Madam Chair.

CHAIR BAISA: Good afternoon. And thank you, again, for all the work you've been doing. Our Committee Staff, of course—and believe me, if anybody's working really hard, it's this group—we have Kirstin Hamman, our Legislative Attorney; we have Legislative Analyst, Josiah Nishita; and Committee Secretary, Clarita Balala. We'll be doing testimony in just a minute here, and it'll be limited to the item on our agenda today. We have a very large item on our agenda today so we expect testimony about many things. Please sign up at the desk located in the 8th floor lobby if you haven't already. You'll be limited to three minutes per person with one minute to conclude if you need it. Also, state your name and who you are representing if you're representing a group other than your...or somebody other than your...a group more than yourself. Okay, Members, we're going to get into testimony, and public. At the present time, I

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have 34 people who have signed up to testify, so we'll try to do the best we can to listen to everybody today. Without further ado, I'd like to call up the first testifier, that's Grant Chun. And Mr. Chun will be followed by Johanna Kamaunu.

... BEGIN PUBLIC TESTIMONY ...

CHAIR BAISA: Good afternoon, Mr. Chun.

MR. CHUN: Good afternoon, Madam Chair; good afternoon, Committee Members. I need glasses now, sorry.

CHAIR BAISA: We understand.

MR. CHUN: I just started using 'em so...thank you, all, very much for the work that you and your Committee are doing in updating the General Plan of the County of Maui. Your efforts have been tireless and diligent and they're very much appreciated. I had spoken with Mr. John Summers of the Planning Department's Long Range Planning Division concerning a housekeeping change to Table 8-6 which is located on Page 8-23 of the plan. And the change is actually also noted in written testimony that I've submitted to staff. You'll note that the table refers to Gross Site Acreage of the Waiale project area. And there's just an error in terms of that number. The Gross Site Acreage referred to as "300 acres"; actually, the Gross Site Acreage should read, "495 acres". The total area at Waiale is 545 acres; however, there's a 50-acre matrix item in Table 8-5 that accounts for the difference between 495 and 545. So with respect, we would request that as the Chapter 8 gets cleaned up and, administratively, different elements of it are amended to reflect circumstances on the ground, we would ask that that number be changed from 300 to 495. Thank you very much.

CHAIR BAISA: Thank you very much, Mr. Chun. Members, any questions for Mr. Chun? Seeing none, Mr. Chun, thank you for being here.

MR. CHUN: Thank you very much.

CHAIR BAISA: Our next testifier is Johanna Kamaunu, and Johanna will be followed by Tamara Paltin. Good afternoon.

MS. KAMAUNU: Good afternoon. I'm Johanna Kamaunu, and I reside in Waihee. I was going to be here for my community association, O Waihee Ma and Hui Pono Ike Kanawai, the groups that I belong to; but I think that this is more something that's...I need to speak on my behalf, how I feel about this plan. You know, if you have a distance to go, you know where your goal is or you need a compass to go by that goal. The farther away it is, the more accurate you have to be sure of your beginnings. But if you're off by just a tiny bit, you won't reach the goal that you're intending to. And when I looked at this Maui Island Plan years ago as it was coming forth, I felt that they were off a little bit. They hadn't started from the community and they hadn't built the

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plan from there. But what was nice about this plan was that the people who were involved in it still—the GPAC people—they listened to the communities. And at that time, Planning Department also listened to the communities. And somewhere in this...halfway through this process, our voices were heard; and so I had renewed hope in this plan. However, as we're coming to this, what seems year after year, the eleventh hour and we should've been passing this bill and haven't, I'm having questions. And, this year, I'm at the point where I'm absolutely sure I cannot support this plan. And part of it is because I believe with the changes that have been made, especially in the last year, I see the intent of what had begun years ago with GPAC, somewhat changing. And with the people that are involved, especially in the Planning Department, that's changed somewhat. Their intent seems to have changed, and I can't help feeling frustrated and upset that when communities feels their voices are not heard by this Council or by Planning Department, then something's terribly wrong. I looked at your plan today, the wordings hasn't changed as far as this, you know, the initial statement on the front, and that's still the same for all of us. Maui island residents made it abundantly clear that they had to...that they had a determined desire to maintain, protect and preserve open land, green vistas and the rural character of Maui. I don't see that happening in this plan, not at all. That Directed Growth Boundaries are not reflective of that; I cannot support that. And I would want...I would hope that this Council would take that into consideration. Thank you.

CHAIR BAISA: Thank you very much, Ms. Kamaunu. Members, any questions for the testifier? Ms. Kamaunu, I have a question. You mentioned that, you know, the Directed Growth Boundaries in the plan, you know, you have difficulty with. Is it all of it or is it specific pieces of it?

MS. KAMAUNU: It's specific pieces of the Directed Growth Boundaries, yes.

CHAIR BAISA: Okay. I just wanted to clear that up because I was hoping that some of it is okay.

MS. KAMAUNU: You know, and some parts of the...those parts that have been maintained in the original plan, they adhered more to the character of the communities. This one intends to change the character of the communities; that's where I have a problem.

CHAIR BAISA: Okay. Thank you very much. Any other questions? Seeing none, thank you. Next testifier is Tamara Paltin, and Tamara will be followed by Les Potts. Good afternoon.

MS. PALTIN: Good afternoon. On behalf of the Save Honolua Coalition, I am here to ask you to reconsider your decision to take Honolua's Lipoa Point out of that Preservation designation that was proposed by the Planning Director under the direction and approval of Mayor Alan Arakawa. Out of respect for this Committee and other testifiers, instead of advocating for individual testimony, we are asking everyone here that supports Preservation of Lipoa Point to stand at this time. We ask you to understand that designating the agricultural land at Lipoa Point in Preservation is not considered an automatic taking until you go through the entire process of exploring all options to see if there is a solution that the landowner and the County can agree to. Currently, Mayor Alan Arakawa is in negotiations with Maui Land and Pine. Legally, the

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County's concern is whether or not MLP is being fairly compensated for their property that is being downzoned. Although we have much love and respect for the pensioners, ultimately, paying the pensioners is MLP's responsibility and not the County's. West Maui representative, Angus McKelvey, has also been in discussion with our Federal and State Democratic lawmakers to form a hui to acquire as much of Lipoa Point as possible while helping our pensioners in the process, thereby creating a win-win situation. I've spoken with Lori Buchanan, the Vice Chair of State Legacy Land committee; however, all of this is dependent on MLP selling the land at fair market value. Maui Land and Pineapple claims they are putting up over 5,500 acres as debt collateral to the PBGC; we are extremely concerned with about 200 of these acres at Lipoa Point. This is less than 4 percent of the entire amount. The Preservation designation is basically a strong statement that this area is not appropriate for housing or developments which, based on community sentiment, is good planning and the true designation for this area. Who owns the land and what they intend to do with it has no bearing when it comes to an area with as much significance to the world as Honolua does? Maui Land and Pine has gotten other entitlements through the General Plan process at Haliimaile and, recently, Pulelehua and Kapalua Mauka. So it isn't as though the County is only taking away from this company, in fact, they have given a lot of entitlements without seeing return on the promised affordable housing components. We would like to ask this Committee to consider not only Maui Land and Pineapple's 1,600 pensioners, but all of the approximately 156,600 residents of Maui County as well as future generations yet to be born and the 213 --

MS. HAMMAN: Three minutes.

MS. PALTIN: --people who sent in heartfelt testimony in support of a Preservation in July of this year. And to also consider the over 16,000 petition signatures in support of Preservation by eminent domain if necessarily. We completely support Councilmember Cochran's letter to Maui Land and Pine for more information regarding their pension liabilities. And if you intend to make a decision based on pensioners, please do your due diligence as elected representatives and find out the facts about this story they are telling. Also, we would like to remind this Committee of Resolution 08-152 passed by the Maui County Council in 2008. This resolution urges the Administration to negotiate for the preservation of Honolua area and Lipoa Point. Although we understand a resolution does not have the same effect of law, it does signify intent and we offer it as explanation of the passion and disbelief our community felt following the --

MS. HAMMAN: Four minutes.

MS. PALTIN: --August 2nd vote.

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

MS. PALTIN: Thank you.

CHAIR BAISA: Our next testifier is Les Potts, and Mr. Potts will be followed by May Fujiwara.

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MR. POTTS: Aloha, Madam Chair and Council members.

CHAIR BAISA: Good afternoon.

MR. POTTS: My name is Les Potts, I'm the caretaker in the Honolua area. I testified a couple times for keeping the Growth Boundaries at the Honolua Stream. I'm not here to villainize anybody or anything, but there was an article in *Surflife Magazine* not too long ago that I thought Mike White was very clear in explaining why the Council voted the way they did. And so my heart...while my heart is with all the people that wanna keep...want this reconsideration, my mind says that you're gonna get sued because it's essentially a condemnation without any compensation nor any kind of proceeding. At the budget hearing...at the Mayor's budget hearing, I testified that since his priority's the P2P, what we could do within our means at this time is take the park credits from Kapalua Mauka and buy the P2P for him, take the money he was gonna use and buy the development rights at Lipoa Point and put Field 53, the property in question, into a Conservation easement so that the development rights would be held in trust by a third party like Hawaii Islands Land Trust. Now, currently the Mayor is trying to buy the whole property in negotiating with Maui Land and Pine, but I think he's gonna come up short of cash. So if we can get any help from the State or the Fed, I think we should embrace it and not try to...hopefully we won't get messed up in political maneuvering. And it's gonna take all of us to save Honolua. Thank you.

CHAIR BAISA: Thank you very much, Mr. Potts. Questions for the testifier? Seeing none, thank you. Our next testifier is May Fujiwara, and she'll be followed by Gwen Hiraga. Good afternoon.

MS. FUJIWARA: Good afternoon, Chairman Baisa and Members of the General Plan Committee. Thank you for allowing me to testify, and thank you for all of your hard work and all that you do for our County. My name is May Fujiwara. I'm a member of the Kaanapali 2020 Community Planning Committee. Meetings of the committee have been ongoing for the past 12 years on a monthly basis, and I've been with this group since its inception. Our meetings discuss the needs of West Maui, and we plan the projects to help to fulfill these needs. The meetings are open to the public, and representatives from many government agencies have also participated over the years. We have had engineers and planners from the State DOT, County DPW, Current Planning Division of the Planning Department, the Police, and the Fire Departments and even many elected officials. Unfortunately, no one from the Long Range Planning Division of the County Planning Department has ever attended any of our meetings. I believe the Kaanapali 2020 and Waianai Village should be fully accepted and integrated into the Maui County Plan as planned by our community members; it would be a shame to do otherwise. Community planning of long-range projects has been and should continue to be encouraged by the County. Debates over the features and problems of the projects can be discussed by the community before they even go before the County Council for acceptance. Community-based planning will make your job easier in the future by encouraging and accepting this process. In our community planning meeting that was held last week, the committee again reviewed and voted to accept the latest plans for Kaanapali 2020 and Waianai Village. The Kaanapali 2020 plan incorporates the latest location of

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the West Maui hospital and the community and veterans cemetery. The Wainee Village plan has been updated to reflect the latest alignments of the Lahaina watershed protection channel, the Lahaina Bypass highway, and it also shows the likely route of the Kuhua Street realignment project. I am submitting, for your review, a letter that is signed by the attendees of the last week's meeting. Our letter details the discrepancies of the latest draft plan that was recently released by the Planning Department with our plans for Kaanapali 2020 and Wainee Village. Included, to make it easier for you to follow, are pages of Chapter 8 marked up to correct the discrepancies. We are also including maps that show our approved plans that is laid over the latest proposed growth maps by the Planning Department. Again, please accept the plans that have been reviewed and approved by --

MS. HAMMAN: Three minutes.

MS. FUJIWARA: --our community group. It has been a long process to get here. It is confusing that the County sometimes provides conflicting signals. We hear so often that projects should include the community in their planning processes. There has never been any project, other than Wainee Village and Kaanapali 2020 that has so thoroughly integrated a community-based planning process. Our projects have won various awards such as from the American Planning Association for community-based planning. Despite this, it seems like the County still wants to dictate what our projects can and cannot build without even attempting, in the past, to be part of the community-based planning process. In closing, please take our long and involved efforts in planning these projects into consideration for your deliberation. Thank you for allowing me to testify.

CHAIR BAISA: Thank you very much. Members, any questions for our testifier? Seeing none, thank you. Our next testifier will be Gwen Hiraga, and she'll be followed by Chad Fukunaga. Good afternoon.

MS. HIRAGA: Good afternoon, Chair Baisa and Members of the Committee. May Fujiwara just referenced the letter that she was gonna be distributing, and that's the letter that I'll be presenting today. Basically, and I won't read the letter, copies should've been provided to the Committee Members. But what I wanted to note is that how we've prepared this letter for the group—and it was signed at the last community meeting—just for ease of review and reference, when Members have a chance to read it, we have a matrix that identifies the page number, both clean copy text and track changes text and what the text change should be. In addition, there is a markup of the pages in Chapter 8; highlighted in yellow are the areas that correspond to the matrix as well as the notations in red. So hopefully this will help, you know, facilitate the Committee's review; and we appreciate that. I..I'm here today because I wanted to note that, as May and I have often noted in the past, that the planning efforts started in 1999. Fortunately, my company was selected as one of the consultants. I think you've heard that the community planning group also selected all of the consultants; it was not the landowner that did it which was, you know, the former AMFAC or, now, Kaanapali Land Management. So I'm one of the fortunate ones who, you know, was selected as a consultant to work on this project. And, again, we would ask, you know, on behalf of the two planning groups: Kaanapali 2020 and Wainee,

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we'd ask for your favorable consideration in including their...these respective plans into the Maui Island Plan Urban Growth Boundaries. Thank you.

CHAIR BAISA: Thank you. Members, questions for testifier? Yes, Mr. Couch? Gwen, hold on.

VICE-CHAIR COUCH: Thanks, Ms. Hiraga, for being here. You say you submitted that testimony, what day was that?

MS. HIRAGA: It was just dropped off. You can have this.

VICE-CHAIR COUCH: Okay. So we don't have it quite...

MS. HIRAGA: Yeah.

VICE-CHAIR COUCH: Alright, thank you.

CHAIR BAISA: Further questions? Seeing none, thank you. Our next testifier is Chad Fukunaga, and he'll be followed by Joe Pluta. Good afternoon.

MR. FUKUNAGA: Good afternoon, Chairman Baisa and General Plan Committee Members. Thank you for allowing me to testify. My name is Chad Fukunaga. I work for Kaanapali Land Management Corp. And I just wanted to clarify a little further the map, actually, that May and Gwen just spoke about. We...in the packet, we included a map with the latest proposed...what the map...Page W-3, with the latest proposed growth boundaries for the Lahaina area. And what we did was we overlaid the Wainee bubble plan or the master plan onto that map. And I know you don't have it in front of you now, but what you'll see is that the proposed area does not include...the proposed growth boundaries does not include the latest master plan area or the entire master plan area for the Wainee Community Group. And the Wainee Community Group has been meeting for the past nine years. The Kaanapali 2020 group has been meeting for the past 12 years. A lot of it is that the same members, but they've been putting in a lot of time and effort. And we just wanted to note that the latest proposed plan does not include the entire Wainee area, and we'd like to see that amended. Thank you.

CHAIR BAISA: Thank you very much. Members, any questions for our testifier? Seeing none, again, thank you. Our next testifier is Joe Pluta, and Mr. Pluta will be followed by Hans Michel. Good afternoon.

MR. PLUTA: Good afternoon, Madam Chairman and Council members. Thank you for allowing me this opportunity. I was here not too long ago testifying about this. And some changes and reiterating...I'm on...my signature's on one of those documents you'll see on the page of that committee. I was there in that first meeting in 1999 when we started getting everybody who was suing AMFAC together to cooperate instead. And it was a very interesting meeting at that time. We've had many planning directors, in the past, attend those meetings and other people. It's always been open. It is interesting. I didn't know it till today that there was never a member

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from the Long Range Planning Committee who attended any of those meetings; that's too bad. But, in any event, that's...we know that this went through a GPAC process, went through a Maui Planning Commission process, incorporated our award-winning plan; and all of a sudden, now there's changes that eliminates portions of this without any rhyme or reason that we can see. I know that once...my testimony before, once you take a plan and you start directing things out where there's so much affordable housing here, open space there, and economic activity here; and then you take away components of that, now it's all completely out of balance and it doesn't work. It no longer meets the flow and balance of what the plan originally set out to do and accomplish. So affordable housing is just completely wiped off on that Waiee area. I've been a member of both those committees and they take all the affordable housing off on the south end of that plan so that should be brought back in. And it doesn't even show the flood channel. The flood channel is the huge thing that held up that Waiee project for the longest time, because until that flood channel was provided for and funded, nothing could happen there in Waiee so that's very important that that's identified in all the directed growth plans and maps that...where that flood channel's gonna be, it shouldn't be just left out or referred to in some paragraph somewhere. It should be shown, I believe, on the map. And I'm very grateful for all the work that you go through, I just hope that this can be corrected because I think that it'll be a shame to put this plan that's taken all this time and input, that seems to have...win awards, and been approved everywhere; and all of a sudden, now, be making some changes that shouldn't be made at this time.

CHAIR BAISA: Are you done?

MR. PLUTA: I'm done, thank you.

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

MR. PLUTA: Thank you.

CHAIR BAISA: Our next testifier is Hans Michel, and Mr. Michel will be followed by Paul Laub.
Good afternoon.

MR. MICHEL: Good afternoon, Chair, Council members. I was here a month ago. I wen testify for the mass transit corridor. You might remember that, yeah.

CHAIR BAISA: Yes.

MR. MICHEL: Meanwhile, while I was at the Kaanapali 2020 meeting, and sadly to say you had to find out they wen kakaroach us again over there. Here, I will show you small little plan, this is Waiee Village. The County has take away the affordable housing on the south end of Waiee Village. I was with 2020 from beginning, all nine with Kaanapali 2020 in cooperation with Waiee Village. I'm on the...I was along all the time that's the reason why I know where everything goes. The part it is...the plan Planning Department brought out, there is not even the flood channel in here. In here, you can see the flood channel even if you look from far you can

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see the blue and you can see upper...the bypass. That is one thing it's really sad to say. We plan something and the County switch 'em. GPAC, I was a member of GPAC for three years as you guys know that. A lot of strange things wen happen. One day we put something on and a month later, you count this, it's disappeared and nobody seems to know where it goes. Anyway, this is for their part. But, Mrs. Chair, one thing I have to bring in, the mass transit corridor has to be placed...I believe the best part on the Old Haul Cane Road [*sic*] from Ukumehame all the way to Kapalua. And the bridges are actually practically new from the early '70s. It's not a Mickey Mouse, it is all done with concrete structure, it's good. You cannot put the bypass up Lahainaluna, you have to put 'em where the people live. And at the present time, nobody has overbuilt the Haul Cane Road [*sic*]. Now, the Long Range Planner, I never saw one of them at the Kaanapali 2020 meeting. They all seem to know it all and they don't wanna come out and find out what the public has decide for the good of the people in West Maui. And if you don't have a map like this, I'll be glad to give 'em to you, and you can pass 'em on. So, that way, you can recollect what Kaanapali and Wainee Village had planned, not what the Long Range Planner brought in. I don't even know the guys. The only guy I know is ol' Summers down there; the rest, I haven't seen 'em so I don't know with who you were talking to. But it will be nice if this could be on that plan. And this here, is --

MS. HAMMAN: Three minutes.

MR. MICHEL: --this over here is the 2020 from Kaanapali. The bottom part, also, is for the mass transit corridor. Renewable energy so you guys don't forget, don't try to make the highway six lane. We like to have renewable energy. We not gonna tell you how and what to build, but we gonna ask you for the corridor set aside for nobody will overbuild; although, it just going be like Honolulu. I thank you very much for your time. And where shall you give this map so it's not going be lost? Who likes to have 'em?

CHAIR BAISA: Staff?

MR. MICHEL: Okay, thank you.

CHAIR BAISA: We'll give it to the Staff.

MR. MICHEL: Thank you very much.

CHAIR BAISA: Thank you very much.

COUNCILMEMBER COCHRAN: Wait.

CHAIR BAISA: Members, any questions for the testifier?

COUNCILMEMBER COCHRAN: Yeah, Chair?

CHAIR BAISA: Yes, Ms. Cochran?

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COUNCILMEMBER COCHRAN: Hans?

MR. MICHEL: . . . (*inaudible*) . . .

CHAIR BAISA: Ms. Cochran has a question.

MR. MICHEL: Yes?

COUNCILMEMBER COCHRAN: Thank you. Hans, I know you've been with Kaanapali 2020 since day one. So I recall coming to a meeting, Kathleen Aoki was there, was she not? Was she on...wasn't she on behalf of the Planning Department?

MR. MICHEL: Not really. She was only, what you call...well maybe in a way or not, yeah. But she did not functioning in behalf of our plan. She said she will come back and return, and never see 'em no more. She was like you, you came there, too, one time. Well so --

COUNCILMEMBER COCHRAN: Yeah, I know, Hans.

MR. MICHEL: --you know.

COUNCILMEMBER COCHRAN: That's why I recall being there the one time --

MR. MICHEL: Yeah, okay, but that's just...

COUNCILMEMBER COCHRAN: --'cause I've been so busy, and I recall somebody from Planning there so that's why I'm asking. I...

MR. MICHEL: Okay.

COUNCILMEMBER COCHRAN: Anyway, thank you, Hans, thank you.

CHAIR BAISA: Okay.

MR. MICHEL: Thank you very much. Anything else you need to know? One time shot . . . (*inaudible*) . . .

CHAIR BAISA: Thank you, Mister...thank you very much, Hans. Our next testifier is Paul Laub, and Paul will be followed by Stanford Carr.

MR. LAUB: Oh, it's tough to follow Hans, I tell you that.

CHAIR BAISA: Yeah. Hard act.

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MR. LAUB: I'm Paul Laub, and I'm also a member of that committee. And, actually, Ms. Cochran is right, Kathleen was there; but I think she was in short-term Planning, not Long Range Planning. And I think it was brought out by the second speaker, perhaps, best...the voices are not being heard in the Planning Department from the people. And I...example of this is that, as it has been pointed out, this has been a twelve-year meeting process, every month, open to everybody; and probably the only one like it in the state. And, for an example, Code 18.16.320 in the Parks says that for every unit, there should 500 square feet for park which comes out to 21 acres. But, for some reason, the Long Range Planning wants us to put in 190 acres, and I don't know that the Park Department would like, actually, to have to pay for taking care of the 190 acres. But, nevertheless, they put that in unilaterally. I think the problem is, is that there is a disconnect. I think that the best thing for everybody would be if a Long Range Planner would be assigned to these long-range plans. Someone who could carry on the institutional memory of what's happening so that organizations like Kaanapali 2020 don't put forth the effort and then find out that it has been ignored or have been changed or something has gone wrong. And we saw this a lot with GPAC, and it is a constant complaint that they would do something and then there'd be changes. So, hopefully, it'll all get better. I want to thank you very, very much for listening to us. It's really an important process for us. And the key thing is that what you're getting from Kaanapali 2020 is exactly what the people of West Maui want. Thank you very kindly.

CHAIR BAISA: Thank you, Mr. Laub. Members, questions for our testifier? Seeing none, thank you. Next testifier is Stanford Carr, and he'll be followed by Karen Christenson. Good afternoon.

MR. CARR: Good afternoon, Chair Baisa, Members of the General Plan Committee. My name is Stanford Carr. I'm here to testify on behalf of two projects: ATC Makena Holdings as well as Lahaina Infill owned by the Harry and Jeanette Weinberg Foundation. I submitted formal, written testimony so I'll be brief in summarizing the written testimony and here to address any questions the Members of the Committee may have. First of all, for the Maui Island Plan with respect to the Lahaina Infill, on behalf of the Harry and Jeanette Weinberg Foundation, we're pleased that the Committee has included the Foundation's property in the Urban Growth Boundary. During the review of the Maui Island Plan, we informed both the Committee and the Planning Department that the description of the Lahaina Infill project had needed a few revisions. The Foundation is planning no neighborhood commercial on this 22-acre parcel; and, in fact, we have submitted...application, 201H application affordable housing and prepared an environmental assessment that has been filed with the Department of Housing and Human Concerns and the Planning Commission. In order to be consistent with the proposed Kahoma Village of single-family and multi-family affordable homes, we respectfully request the Committee revise the Chapter 8 of the Maui Island Plan to reflect the application filed with the County of Maui; and please refer to the submitted, formal, written comments...revisions that we're proposing to Table 8-21 on Page 8-72. We thank you and appreciate your consideration on this matter. With respect to the Maui Island Plan for...before I go on any further, is...

CHAIR BAISA: Go ahead.

MR. CARR: Would you...would anybody like to address any questions with respect to Lahaina Infill?

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CHAIR BAISA: We need to complete the testimony, Stanford.

MR. CARR: Okay. Alright. With respect to the Makena Resort, this matter has been before the Committee in previous testimony, most recently, back in June 5th. I'm here to request revisions to be made to the Makena Directed Growth Map S-3 involving the most southern boundary of Makena Resort. Our parcel designated as S-6 is approximately 98 acres of which, since 1969, Kihei Civic Development Plan has been adopted as...designated as Single-Family Residential; and according to the 1998 Kihei-Makena Community Plan, is designated Single-Family and zoned R-3. The preservation overlay on approximately 60 acres of the 98 acres of zoned property --

MS. HAMMAN: Three minutes.

MR. CARR: --is inconsistent since the preservation overlay is currently defined as the Maui...in the Maui Island Plan as intended to be designated as parks and open space for public use and does not currently allow for development. This will cause a further inconsistency in the land use entitlements that exist today. Again, this matter was brought up back in June 5th, and there may have been a little confusion with respect to the proposed changes by the Planning Department. This concludes my testimony. Thank you.

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

VICE-CHAIR COUCH: Thank you, Madam Chair. And thank you, Mr. Carr, for being here. Do you have...you said you had some written testimony, did you submit it yet or is it...

MR. CARR: Yes, we've submitted...

VICE-CHAIR COUCH: Today or earlier?

MR. CARR: I...earlier today. Or, actually, we've submitted testimony back in May 28th, May 29th, June 4th, and June 5th aside from a September 24th letter directed to the Chair and the Members of the Committee with the attached maps that illustrated both the 1998 Kihei-Makena Community Plan, the 1969 Kihei Civic Development Plan, as well as the existing zoning maps that designates all 98 acres as R-3.

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

CHAIR BAISA: Further questions for the testifier? Mr. Carr, as you know, we'll probably be doing testimony today and I don't know how far we'll go. We might be doing some again tomorrow. But we will get to discussing proposed changes that will come up. And I'm wondering, will you be available or will you have someone available as we get to discussion?

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MR. CARR: Yes, I'll have someone from our office, as well as our planning consultant, available. Unfortunately, I need to attend to community service work abroad.

CHAIR BAISA: I understand how difficult it is to be here for days on end, but...and I really can't give you a schedule --

MR. CARR: Sure.

CHAIR BAISA: --'cause we don't know how things go; but just wanted to be sure that someone would be here.

MR. CARR: Yes.

CHAIR BAISA: Thank you very much.

MR. CARR: Thank you very much.

CHAIR BAISA: For Members, further questions? Seeing none, thank you.

MR. CARR: Thank you.

CHAIR BAISA: Our next testifier is Karen Christenson, and she'll be followed by Peter Horovitz. Good afternoon.

MS. CHRISTENSON: Good afternoon, Chair Baisa, Members of the Committee. My name is Karen Christenson. I represent the Christenson family, owners of Mama's Fish House Restaurant and Inn located at 799 Poho Place in Kuau, Paia. We respectfully request that Map N-2 of the Maui Island Directed Growth Maps be amended to reflect all of our properties in the Small Town Growth Boundary identified as D-077, formerly known as Country Town Growth Boundary D-077. Two of our business properties are not now within this designation. Number one, the lot formerly identified as TMK 2-5-004-024 is our parking lot which we acquired from A&B Properties in 1997; it is zoned Business Country Town and is a part of our business operations. Number two, the lot formerly identified as TMK 2-5-012-033 includes our entrance walkways and is part of our business operation; it was also acquired from A&B Properties in 1997. These two properties and our restaurant properties have been consolidated into a single lot on which our business operations are conducted. The consolidated lot is TMK 2-5-085 [*sic*]. This was effective in 2007. We respectfully request that this entire consolidated lot be placed within the Small Town Urban Boundary in the 2012 Maui Island Plan. Thank you.

CHAIR BAISA: Thank you very much. Members, questions for Ms. Christenson? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Ms. Christenson. Question for you, you know, are you planning on doing anything else with that or just leaving it as the parking lot and the...

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MS. CHRISTENSON: Yes. That use is actually governed by a unilateral agreement in which we agreed to keep it as a single parking lot...single-story parking lot.

VICE-CHAIR COUCH: Okay. So it's in the conditions then?

MS. CHRISTENSON: Right.

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

CHAIR BAISA: Further questions? Seeing none, thank you very much. Next testifier is Peter Horovitz, and he'll be followed by Timothy Bryan. Good afternoon.

MR. HOROVITZ: Good afternoon, Chair Baisa and Members of the Committee. My name is Peter Horovitz. I'm the attorney for Giampaolo Boschetti. He owns two parcels of land that I'd like to talk about. The first is TMK (2) 2-3-009-013 and the other is 2-3-007-035; and these are on Maps U-1 and U-2 of the maps we're discussing. And both of these parcels, I've testified before, have been overlaid with a proposed greenbelt. And I raised concerns earlier about the process by which this was done and the lack of notice afforded to my client, particularly with Parcel No. 9 where he got a call a day or two before the first meeting. And then with Parcel 35, there was no such notice whatsoever. I did a few just rough calculations, and those two parcels are a total of about 200 acres of land; and the proposed greenbelt overlay is about 96 acres of that so it's quite substantial the...given the configuration of the lot. One of them is on a corner. You're taking quite a chunk of the land without any real notice. And I mentioned before, we are absolutely willing to sit down with the County, the Committee, the Council, whatever relevant department and speak about what could be some mutually beneficial goals. I understand what the County's trying to do as part of this process; but I don't think, respectfully, that with regard to this greenbelt, it was done properly. My rough calculations went further, I...and there's the 500-foot swath that goes all the way up to almost Kula Lodge; and, by my calculation, that overlay is about 860 acres of land. So this is a very substantial taking from the County, and I'm not certain it fully achieves the goals. As I understood, the goal, at least the stated goal was to preserve some level of view plane. Well if you drive that highway, there are certain areas where you don't need anything because of the berms that are in place or whatnot. And there's some that if you really wanted to protect, you'd have to protect all the way to the top of Haleakala which I don't think is realistic. So I think, with regard to this greenbelt and with regard to my client's properties in particular, step back is warranted. I would respectfully request that the greenbelt designation on my client's land from...on Maps U-1 and U-2 be removed. But, again, we remain committed to working with the County as it sees appropriate to further the goals of the plan.

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

MR. HOROVITZ: Thank you.

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CHAIR BAISA: Next testifier is Timothy Bryan, and Mr. Bryan will be followed by Sarah McLane.

MR. BRYAN: Good afternoon.

CHAIR BAISA: Good afternoon.

MR. BRYAN: My name's Timothy Bryan. I'm just coming here as a concerned citizen. I wanna remind the Council—first of all, I'd like to say, thank you for your service—I do wanna remind you that I am an active voter and I take these proceedings very seriously and vote accordingly. My main concern...and I, actually, I thought that Johanna Kamaunu...I liked her point about where we're going with this plan. I think it might be wise for all of us to reread that first page here. And, as a ship captain, I understand the whole compass bearing; and where it seems these maps are now and where we're...we were kind of supposed to go, it seems to be far away from the original plan so I'm concerned. Now my major concerns are regarding Olowalu and Lipoa Point. And I mean just a show of hands, how many people have used Olowalu, snorkeled, dove, spear-fished? It's a beautiful reef, and we need to make serious concessions to protect that reef. Now, I understand the people in Olowalu may want, you know, a town center and I think that that's important, but I'm concerned about relying upon developers as the only way that are gonna...they're gonna protect that reef. And I think we all need to be very, very careful. Olowalu is one of the most pristine coral reef systems that we have here in West and South Maui. These are highly developed corals, old stony corals, a beautiful reef system that many businesses use as well as private citizens so we need to take that into serious consideration in any kind of development process that you all are gonna have. And then Lipoa Point of course, you know, the Honolua Coalition and all that, they're doing a great job. But I don't know what Les Potts' situation, he was bringing up something about some lawsuit or whatnot, I don't know. But in terms of Lipoa Point, Honolua Bay is not only a surfer's paradise, it's a beautiful protected area, it's a marine life conservation district like Molokini. Businesses use it in its current state now. I think that any development there is gonna be very detrimental to the reef system as well as people's use so I think that's very important to consider when we're doing that. In my home town where I'm from—and I've been here about twelve years—but my home town, what we did to preserve rural character was we bought up development rights. A lot of people wanted to sell their land, but... 'cause they had no other option so the County came in and developed...bought their developments rights. I'm not sure how that could work here, but in terms of Maui Land and Pineapple, I don't think it's the County Council's position or responsibility to manage the mismanagement --

MS. HAMMAN: Three minutes.

MR. BRYAN: --of—thank you—of Maui Land and Pineapple. I think it's pretty clear David Cole did a horrible job as CEO. And now that they're in these straits, they're asking you all to help them out. And I apologize for the people that need their support, their jobs, and I understand; that's very, very important. But it's not our responsibility to help a mismanaged company. They've

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been around a long time. And, anyway, so thank you very much for your attention and that concludes my testimony.

CHAIR BAISA: Thank you, Mr. Bryan. Any further...any questions for the testifier? Seeing none, thank you very much. Next testifier is Sarah McLane, and Ms. McLane will be followed by Jennifer Maydan. Good afternoon.

MS. MCLANE: Hello. My name is Sarah McLane. I'm speaking today as a representative for the Maui Nui Marine Resource Council of which I am the Executive Director. Today I am asking for one thing in particular, we're asking that you actually reverse your vote and remove the Urban Growth Boundary in Olowalu. I'm sure that there are people here today that will be speaking about the importance of housing in West Maui, and it especially being available in Olowalu. But I believe that there's many facts that should be carefully considered when you build a community. We have nothing against development and nothing against housing, but we do expect that important considerations be listened to and reviewed. First of all, urban growth in Olowalu is not necessarily needed to satisfy the growth estimates in West Maui. Policy 8.1B in Chapter 8 says that an urban growth boundary shall only be expanded if additional urban density land is necessary to provide for the needs of the projected population growth. In Chapter 8, it also says that West Maui will require 3,000 units to satisfy the needs of its growing population. You are currently proposing 5,102 units in other areas without including Olowalu. So using the Maui Island Plan policies, it seems that Olowalu is not necessarily needed as an urban area to satisfy the needs of growth. Developers are also calling Olowalu, "smart growth", but it is not in a very smart area. The Maui County General Plan states that we should restrict development in areas that are prone to natural hazards and disasters as a part of our Directed Growth Strategy. On average, Olowalu has lost 0.7 feet of land every year to coastal erosion. In the last 50 years, the beach width there has decreased by 35 percent since 1949. As far as fire goes, Olowalu is designated a higher...a high fire risk zone by the State of Hawaii. An estimated 83 percent of the Olowalu Town project area burned from 2001 to 2008 based on U.S. Fish and Wildlife Service and County data. Tsunami, all the lands makai of the current Honoapiilani Highway location are designated by the County as a tsunami evacuation area. Wave heights in Olowalu were measured at ten feet during the 1946 tsunami and nine feet during the 1960 tsunami. It's in a flood zone; 25 percent of the proposed Olowalu Town is in a national flood insurance rate map floodplain. As far as hurricanes go, I know we don't get 'em that much, but I come from an area where we had to evacuate all the time for hurricanes and it's just not a very good idea. I mean it's a good idea to evacuate, but you know what I mean. But the whole coastline in Olowalu is actually ranked three out of four, being the worst, for storm intensity threats --

MS. HAMMAN: Three minutes.

MS. MCLANE: --in the *Hazards Atlas of Hawaii*, created by the State. So, just in summary I guess, while we think, you know, housing and all those things are important, we should carefully consider where we're putting it. Thank you.

CHAIR BAISA: Thank you. Members, any questions for our testifier?

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COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Did you submit your written to us?

MS. MCLANE: I did --

COUNCILMEMBER COCHRAN: Oh, okay.

MS. MCLANE: --and I actually submitted a...it's a table, and it explains all the different facts that I was just talking about.

COUNCILMEMBER COCHRAN: Okay, thank you.

MS. MCLANE: Thank you.

CHAIR BAISA: Any further questions for Ms. McLane? Seeing none, thank you. Next testifier is Jennifer Maydan, and she'll be followed by Mike Moran. Good afternoon.

MS. MAYDAN: Good afternoon, Chair and Members of the General Plan Committee. My name is Jennifer Maydan. I'm with Chris Hart and Partners; and I'm here today on behalf of our client, Maui R&T Partners. First, I'd like to thank you for your continued support of the Maui Research and Technology Parks' Master Plan Update. As you know, at the Committee's May 30th meeting, the South Maui Directed Growth Map S-1 identified in the MRTP within the Urban Growth Boundary was approved. However, subsequent to that meeting in consultation with the Planning Department, it has come to our attention that a small portion of the MRTP Master Plan Update is not included within the Urban Growth Boundary. Specifically, the area excluded consists of approximately six acres and is located at the southerly, mauka edge of the project including the Lipoa Parkway extension and a small portion of the knowledge industry expansion area. I mailed in my testimony early last week so you should have, in your packet, a letter and figure. The letter's dated October 8th, the...and the figure is a map identifying the area which, of the project, that was excluded from the Growth Boundary. On August 22nd, I discussed the mapping discrepancy with the Long Range Division, and we understand that the Urban Growth Boundary follows the mauka boundary of Project District 6 as identified in the 1998 Kihei-Makena Community Plan. At the time the adoption of the community plan, the anticipated future extension of the Lipoa Parkway curved to the north remaining within the boundary of the Project District. However, considering potential development plans by others mauka of the Research and Technology Park, the current proposed future extension of Lipoa Parkway continues in its straight alignment to the east and mauka of the project. In this alignment, the Lipoa Parkway extension is planned to be used to access other future urban areas and will be developed to urban roadway standards. Therefore, we respectfully request the

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Committee to amend the Urban Growth Boundary to encompass the entire Research and Technology Park Master Plan Update including the Lipoa Parkway extension. Thank you.

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

MS. MAYDAN: Thank you.

CHAIR BAISA: Our next testifier is Mike Moran, and Mr. Moran will be followed by Chris Lau. Good afternoon.

MR. MORAN: Good afternoon, Chair Baisa, Members of the General Plan Committee. My name is Mike Moran; I am testifying for the Kihei Community Association this afternoon. And a particular point is the Maui Island Plan Directed Growth, Chapter 8, Kihei-Makena Community Plan region. Council members, as you prepare for the final review of the Maui Island Plan, the Kihei Community Association, again, respectfully requests that you vote to exclude, from Urban Growth Boundary, the 390 acres of Makena Resort property referenced as D-035 on the 2012 Director's proposed amendment map. The Kihei Community Association held many meetings over several years regarding the desired urban growth boundaries for Kihei and Makena. The entire community was invited to submit written testimony, and public testimony was received on many occasions. Virtually, no one expressed favor of including the 390 acres within the growth boundary. During public testimony before the Council, we heard no one testify to include this property within the growth boundary other than a representative from the Makena Resort. Testifiers otherwise, unanimously, agreed with the proposed boundary presented to the Council by the Kihei Community Association. Over the past five years, the Maui Planning Commission, GPAC, the forming Planning Director, and the Kihei Community Association, all have reviewed and rejected the inclusion of these 390 acres given the lack of available water for large-scale growth in the area and limited road capacity plus the fact that the majority of Makena Resort's existing capacity at their private wastewater facility appears to be promised to Wailea 670; and our source on that is Honolulu Final EIS. These bodies correctly determined that this is not a practical parcel of land to consider developing. Makena Resort has approximately 1,000 acres with urban entitlements already which is more than enough to satisfy any housing needs in the rural area for the next 20 years. We respectfully ask that you honor the Kihei-Makena Community Plan and the voice of the residents and please vote to exclude these 390 acres from the Urban Growth Boundary. Mahalo for your attention to this matter and your service to our community, and we did submit this digitally on this past Friday. Mahalo.

CHAIR BAISA: Thank you. Members, any questions? Seeing none, Mr. Moran, thank you. Next testifier is Chris Lau, and Mr. Lau will be followed by Lloyd Sodetani.

MR. LAU: Thank you, Madam Chair.

CHAIR BAISA: Good afternoon.

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MR. LAU: Members of the Council, good afternoon. My name is Christopher Lau; I'm an Executive Vice President with Towne Development of Hawaii who is the manager of Wailuku Kuikahi LLC. Wailuku Kuikahi owns approximately 150 acres at the corner of Kuikahi Drive and Honoapiilani Highway here in Wailuku. Our property is part of the Puunani project. Our partners are Endurance Investors, LLC and the Association of II Wai Hui. While we disagree with the amendments that were made at...made by this body at its August hearing, we do believe that there are some inconsistencies between the amendments that were made and the current version of Map C-3 as well as some of the text which I would like to discuss. With respect to Map 3C, 3C calls for a greenway along the H'piilani Highway. I believe that at the last meeting, and what was discussed was a 200-foot buffer zone, a building buffer zone off of the highway, not a greenway. The other inconsistency with the map is that it shows a preservation area of about 500 feet adjacent to Waikapu. I believe that what was discussed was a 500-foot setback...building setback. With respect to the text, the Table 8-7, shows 50 units of Rural. I believe it should be 200 units. It shows Urban of 64 acres; I believe it should be 70 acres. And with the...with respect to park-open space, it shows 36 percent which would be 75 acres; I believe that that was never discussed. With respect to the text, the text talks in terms of...that the Rural component will be comprised of low-density residential lots at and currently the text says two, five, and ten acres; I believe it should be one-half, one, two, five and ten acres. In the last sentence of the proposed growth area rationale, I believe that there's a typographical mistake...error. Right now, the...it says the area is currently zoned for agricultural use --

MS. HAMMAN: Three minutes.

MR. LAU: --water and wastewater infrastructure; I believe that there should be a period after the word "use". In the first line where it talks about 500...a 500-unit residential project, I believe that with the changes that I've proposed, it should be 650 units. Thank you, Madam Chair.

CHAIR BAISA: Thank you. Members, questions for our testifier? Seeing none, thank you very much. Next testifier is Lloyd Sodetani, and Mr. Sodetani will be followed by State Representative Angus McKelvey.

MR. SODETANI: Thank you very much, Madam Chair.

CHAIR BAISA: Good afternoon.

MR. SODETANI: Good afternoon, Members of the Council. I am here to testify on behalf of the owners of the Puunani project. As my twin just mentioned, Chris Lau, since the last hearing, we were informed of the changes made to the plan, as Chris submitted, and would like to request that these changes be reconsidered. Perhaps you were also unaware of the many problems we have encountered in spite of our efforts to keep the land in Agriculture and open space. Within the last five years, we have had several agricultural entities attempt to raise livestock, fruits and vegetables, and sod to maintain ongoing enterprises. We have not changed...charged any rent for the use of the land, however, we have requested that each entity pay for the water, each are separately metered; the insurance to cover liabilities; and the prorated real property taxes. In

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spite of our rent-free agreement, these entities have not been able to pay for any of these items and were delinquent on the insurance coverage until recently. Although a sincere effort has been made to conduct agricultural activities on the land, it is neither profitable nor feasible for any farmer to invest the money and effort in a losing business. Additionally, we have had numerous occurrences of having several cars, appliances, and junk abandoned on the property. We have also experienced dumping of green and construction waste materials on the site. Even though the land has been...was secured from...by fencing and padlocked gates five years ago, these culprits continue to find ways to reach the gates. A buffer being adjacent to the main highway will also make it easily accessible for further dumping of trash. Our occupants have also experienced theft and vandalism constantly. The residential neighbors are always complaining when the tractor's operating because of noise and dust or when the dogs are barking, particularly early in the morning. Keeping the land in agriculture and a buffer zone will only result in it being an attractive nuisance. We can expect to have continued dumping and complaints from neighbors. Having access through the old government road, there have been occasions of homeless squatters creating encampments in areas that are not visible from the highways. Incidentally, the land area that is being proposed by the General Plan Committee for agricultural use and buffer is currently community plan for single-family residential which contains approximately 25 acres, think you know what that means. Continued use in agriculture for this land will certainly increase conflicts as more homes are built in the neighboring subdivision. Our proposal to change the designation from Residential to Rural will decrease the density and should provide for more compatible...a more compatible neighborhood. We, the landowners, of Puunani project, humbly ask for your reconsideration to have the land designated for Rural and urban uses as it was originally submitted by our...by the owners. Thank you very much for this opportunity for making this presentation.

CHAIR BAISA: Thank you. Members, questions for our testifier? Seeing none, Mr. Sodetani, thank you.

MR. SODETANI: Thank you.

CHAIR BAISA: Next testifier will be State Representative Angus McKelvey, and he'll be followed by Rory Frampton. Good afternoon.

MR. MCKELVEY: Good afternoon, Madam Chair. Thank you so much for allowing me to come testify. Honorable Members of the Committee, thank you for allowing me to be here. I just have two items that I would like to address as my capacity as a State Representative, because there are compelling State interests, I believe, in there that affect all of our constituents. First one is Honolua, Lipoa Point. As you know, what I'm humbly here to ask you is for your support in just holding the line and not doing anything yet, vis-a-vis any motion. Now, this is actually what I believe the community, our beneficiaries, and everybody need because we have to be able to put together the resources on all levels of government to present a plan that will allow us to acquire the land the community wants, the 4-1-001:000 [sic] TMK, ideally, and be able to help our pensioners to make the fund as soluble as possible and give this company an ability not to go into fire-sale mode which I think would open up the door to the biggest baron estate of land grabbing

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in Hawaii in the history. Not since Pioneer Mill closed will you see something like that. We have a chance to do a win-win here, to work with you, work with the State delegation and our Federal delegation to pull together the resources so we can acquire this area which is also an important economic magnet to our visitor industry as well as our community. We have a multi-use park with cultural recreational and conservation value, and there are already State and Federal programs going on, adjacently, that are being nullified because of lack of conservation activities within the footprint. So we wanna work with you guys to be able to secure this parcel. The end game of preservation is to secure the land in perpetuity. That's the only justifiable outcome for the win-win. And so that's what we need your help in is to buy the time to go ahead and to put together a hui to try to see if we can work with Maui Land and Pine to be able not only to acquire the land, but to put in a management plan in place with a trust entity so that the land won't just lay in fallow and become, perhaps, a detriment to the community, unmanaged. And that's the first thing I would like to humbly ask for your support in. We're all on the same page here; we all want this thing to be preserved. But just give us the time to be able to see if we can working together with everybody to do this. I know the County...the Mayor's working on a project right now, but we want to preserve Pali to Puamana Parkway and Lipoa Point. We need to combine our resources. I just don't think one entity alone has the resources to be able to do this. The second reason why I'm here is just to ask for your humble consideration to the State project around Puunene. The intent of the State is for the County jail facility to build a facility where it can have services for our inmates and give 'em a quality place so that they don't have what's going on right down the road here where an inmate actually just fell through the shower floor just the other day. It's a horrible condition and it's a way for us to really be able to integrate our prison population and give 'em the services they need. And as for the light industrial, the State is not set on any particular use. We're just trying to find revenue for our native Hawaiian beneficiaries, for our Hawaiian Home Lands.

MS. HAMMAN: Three minutes.

MR. MCKELVEY: So I've...I will work with all of you to address any concerns about that on the State part. I just here to humbly ask for your support in being able to give us the time to do this hui for Lipoa Point to get the entire thing in Preservation for this living park concept and to work with us so we can provide for our native Hawaiian beneficiaries and also those who are interred in our prison. Mahalo, Members; thank you so much, Madam Chair.

CHAIR BAISA: Any questions for the testifier?

COUNCILMEMBER COCHRAN: Chair?

CHAIR BAISA: Yes, Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you. And thank you, Representative McKelvey, for being here. I think it's the first time I've seen you, but thank you, taking out of your busy schedule. Yeah, and thank you, you know, for trying to become part of the solution here. As, you know, it's...but, you know, my question is about the whole pensioner thing.

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MR. MCKELVEY: Uh-huh?

COUNCILMEMBER COCHRAN: And how you, obviously, you feel that it is State's kuleana I guess to help out with that?

MR. MCKELVEY: Yes, it is the State's kuleana to help out, because the safety net will be strained if the pensioners are left hanging. We will incur the...the cost will be incurred one way or the other and is a very...especially when you have problem delivering social services in this area anyway. So, yes, we will wanna be able...that's why we feel it's a very important situation. And it's not happening just in Hawaii, there's other states where large companies who have pension funds are going under are having to work with government entities to find creative solutions. There's value to be had here for the community is with the Lipoa Point, and so that's why it makes it such a compelling opportunity to pursue. But it's gonna take all of us and our resources because, ideally, we would like to see not only that preserved, but Pali to Puamana Parkway, right, to create this massive inventory of open space and recreational opportunities. And for the County, in particular, Lipoa Point in the Field 53 core offers a great opportunity for recreational groomed fields. They're not gonna take the water or maintenance it would take down by Launiupoko. And as a...Elle, you know how Lahaina gets, we...better play soccer up there, right, than down in Lahaina. So I mean that's kinda the opportunity that the...exists for the County potentially, too, is in helping to meet its recreational needs for the community in a more cost-effective and pristine environment.

COUNCILMEMBER COCHRAN: Thank you. And a follow-up?

CHAIR BAISA: Sure, go right ahead.

COUNCILMEMBER COCHRAN: So, Representative, not sure if you've looked into the actual ownership of the land itself --

MR. MCKELVEY: Uh-huh.

COUNCILMEMBER COCHRAN: --titlewise. Any, you know, I'm finding that through State, actually, 6,680 acres actually have no clear title out there. And this parcel is included in that.

MR. MCKELVEY: Understand.

COUNCILMEMBER COCHRAN: So I'm just...

MR. MCKELVEY: That's one of the issues we have to work through is any clouded chain of custody title for that parcel. And if it becomes problematic, then we need to look at perhaps securing the unclouded remainder of the parcel to get the most space for our dollar I mean, so to speak, you know, and help out our beneficiaries. I mean I can't imagine what they're going through at night right now thinking about how everything's up in the air. And all that we're humbly asking, for

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the State, is to just...could you just hold out and work with us to see if we can do this. If we can't do it, we will know within...by January when the budget cycle for both the Federal and State Government begins. But at least...what we're asking for is an opportunity to do that and work with the community to get the ball rolling so we have a chance to try to get this win-win. That's all it really is, Council woman, I'm sorry.

COUNCILMEMBER COCHRAN: Thank you, Angus; and thank you, Chair. We'll talk more. Thank you.

MR. MCKELVEY: Uh-huh.

CHAIR BAISA: Mr. Couch?

VICE-CHAIR COUCH: Thank you, Madam Chair. And thank you, Representative McKelvey, for being here. I wanted to ask you, you mentioned that you said, hold the line and don't change so the State can kind of work its magic, what would the difference be if we said, we wanted to put it in Preservation versus leaving it as is currently in the map now?

MR. MCKELVEY: Well my concern is it may set the dominos falling before we have a chance to talk to everybody. To not only to talk to our potential partners, but also to Maui Land and Pineapple to see what, if anything, could be done to develop a win-win. Acquisition of Lipoa Point with the funding that will allow them to provide for their beneficiaries and create a situation where it doesn't resolve in a immediate fire evacuation from West Maui and Maui, that's what we're hoping for. Right now, we've been specifically not putting in any details, it's very general at this point, because we wanna nurture this along. And so I was planning to work quietly along this like we have, just getting back from, you know, visiting with some of our Federal delegation; but then all of a sudden I know that there was this possible, potential move at looking at changing the classification. All I'm asking for is just some breathing time. This body's, you know, this body can come back at any time and make that...adopt that motion if things do not progress to the satisfaction of the community. So let's...all I'm asking for...cause we have a chance to acquire this in perpetuity and make win-wins, but we just need some time, Madam Chair, that's all we're asking for so...

VICE-CHAIR COUCH: And, Mr. McKelvey, are you saying...you said that the Mayor is working on --

MR. MCKELVEY: Yes, he is.

VICE-CHAIR COUCH: --another proposal. I know I worked with him on that.

MR. MCKELVEY: Uh-huh, you...

VICE-CHAIR COUCH: Are you working with the Mayor in conjunction or is this a backup plan or how's this...

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MR. MCKELVEY: This is a back-up plan, but we're letting the Mayor proceed in his conversations with Maui Land and Pine. But if it...if he needs further value and support or if perhaps this approach would work better in reaching our aims, then that's exactly why we're bringing it forward. But we support the Mayor in what he's doing, we're hope he's successful and that there'll be no need for us to come to the table. But we wanna make sure that, in the end, we can also make sure our beneficiaries are taken care of, yes. We're trying to find a win-win here 'cause we don't wanna have to inherit this on the social safety net side which has been shredded on the State level over the past eight years because of the budget crisis. So that's all I'm humbly asking for, and thank you for your time, again.

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

CHAIR BAISA: Any further questions? Chair has a question, Mr. McKelvey.

MR. MCKELVEY: Yes, Madam Chair?

CHAIR BAISA: I wanna make sure that I'm really clear.

MR. MCKELVEY: Yes, Madam Chair.

CHAIR BAISA: I know this is a very, very important issue to all of us, and we wanna make sure that, you know, everybody understands what we're trying to do. For me, it's really important that we have the outcome that you're talking about.

MR. MCKELVEY: Uh-huh.

CHAIR BAISA: I'd like to see the public and all of us own this in perpetuity. How we get there is the problem.

MR. MCKELVEY: Yes.

CHAIR BAISA: We, you know, we haven't been able to figure out how to get there. And I know that there's been a real huge reaction to the action that was taken, and the people would like to see something else happen. Now I'm confused. You said, I need time, don't change it, leave it alone. At the present time, what we have done is what we have done --

MR. MCKELVEY: Uh-huh.

CHAIR BAISA: --and we have removed some of it from Preservation. Is that what you want us to hold or are you saying you want us to go back to where it was originally?

MR. MCKELVEY: We just want you to hold where it is right now, because we...this gives us the opportunity to be able to bring the stakeholders together and see if we can develop a plan. And this really...you're right, it's gonna be contingent upon us working with the community --

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CHAIR BAISA: Right.

MR. MCKELVEY: --to stay focused and see what we can come out of this. And, you know, there's no guarantees.

CHAIR BAISA: No.

MR. MCKELVEY: But to not try would really be, I think, a waste of time.

CHAIR BAISA: I wanna thank you for your efforts. And I certainly appreciate what the Mayor is trying to do.

MR. MCKELVEY: Definitely.

CHAIR BAISA: And I really wanna ask the public to be patient. We all have the...our eye on the prize. It's going to be maybe a little going around and not directly the way you want to; but be patient, we're all trying to do what is best. I think we all want the same thing. We wanna preserve it. How we get there, is the question. And I wanna thank you very much for your efforts.

MR. MCKELVEY: Thank you so much, Madam Chair. And I humbly agree, acquisition is the end game and we can get there working together as Democrats and as in our community.

CHAIR BAISA: It doesn't matter how we get there, you know.

MR. MCKELVEY: Exactly.

CHAIR BAISA: I just wanna get there.

MR. MCKELVEY: Let's get there, exactly, I...the same thing, let's get there.

CHAIR BAISA: And who gets credit is not important to me, it's how we end up.

MR. MCKELVEY: Exactly.

CHAIR BAISA: We know where we wanna go, and I wanna assure the public that we're not taking this lightly.

MR. MCKELVEY: Uh-huh.

CHAIR BAISA: We are very committed, every single one of us, to making sure that we get the best result out of what we're trying to do.

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MR. MCKELVEY: Exactly.

CHAIR BAISA: Any further questions for our testifier? Mr. Hokama?

COUNCILMEMBER HOKAMA: Thank you for being here this afternoon. You know, as best as I can recall, Mr. McKelvey, when the Council was asked for \$1 million about six, eight years ago for --

MR. MCKELVEY: Uh-huh?

COUNCILMEMBER HOKAMA: --this project, this was our understanding: we decided to put up a million before we actually knew what we were thinking of acquiring to buy the time to help Save Honolua, Lipoa Point Coalition to fundraise to get the acquisition of the land and the County would support that effort by pledging \$1 million of taxpayers' money, okay. That was what we understood and what we supported. So now what I'm hearing is now that the State is gonna be part of a consortium to go and be part of the acquisition and get the property itself.

MR. MCKELVEY: That is correct, sir. That is our goal. The "consortium" is the key word, a partnership.

COUNCILMEMBER HOKAMA: So you gonna put up your million, too?

MR. MCKELVEY: Uh-huh, we're gonna try. And I think we're in a much better position than it was eight years ago.

COUNCILMEMBER HOKAMA: Okay. 'Cause I think the people needs to know that it's been fluid, and that what we were told and what we proceeded on is now no longer the case.

MR. MCKELVEY: Yes. The ground has changed underneath our very feet. And so, but now, I mean there's been bad actors, we can specifically go back; but rather than trying to redo history and to look...I want us to move forward. And now the opportunity is really there, especially the support from interested entities that I don't think we could've gotten in the past. And that's what I'm trying to do is let's get this win-win to care our kupuna, preserve this incredibly important icon, and create an opportunity for our, not only for our community to get more economic gainful, but also to make sure we get a strong visitor market where the right kind of visitors are coming that wanna protect and preserve our aina, cultural tourism.

COUNCILMEMBER HOKAMA: Thank you, I appreciate that. I just wanted to let people know that we don't forget what we made decisions on, Chair.

CHAIR BAISA: Thank you very much, Mr. Hokama. I was here that day, too. Any further questions or clarifications that we need? If not, Mr. McKelvey, thank you very, very much, Representative, for being here.

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MR. MCKELVEY: Thank you. And thank you all for your hard work today, and keep up the good work. Mahalo.

CHAIR BAISA: Thank you. Our next testifier is Rory Frampton, and Mr. Frampton will be followed by Darla White.

MR. FRAMPTON: Good afternoon, Chairman and Members of the Committee.

CHAIR BAISA: Good afternoon.

MR. FRAMPTON: My name is Rory Frampton. I'm testifying on behalf of Makila Land Company, LLC. And I have two, what I consider, more technical amendments to request. I have submitted my request in writing. It's in a big stack of testimony that you'll be getting later on. The first has to do with the Pali to Puamana Parkway Plan. This new version of Chapter 8 includes an amended figure and text which attempts to summarize the County's Pali to Puamana Parkway plan; however, the figure does not accurately portray the County's recommended route for the Lahaina Bypass extension, specifically between Launiupoko Beach Park and the former Olowalu Landfill. The State Department of Transportation is in the process of finalizing an environmental assessment which will establish the alignment of the Lahaina Bypass in this area. Inclusion of what appears to be an erroneous depiction of the County's recommended alignment in the Maui Island Plan could undermine efforts by the County and State to designate their preferred alignments. In addition, Directed Growth Map W-4 has been amended to designate a 148-acre parcel as park, again, in the same area. The designation was done in anticipation of the County's purchase of this parcel. All alternative routes being considered for the Lahaina Bypass southern extension involve locating the new highway corridor through this area. However, designation of the area as park prior to route being finalized could pose a significant, regulatory obstacle in deciding the new highway corridor; this is because federal regulations make it extremely difficult to locate new highways in...that are in areas that are designated for park use. So I've included recommended language that I believe could help clarify that, and basically it would acknowledge that the new highway corridor will be finalized through the State's environmental review processes, that the route shown in the map may be adjusted and that the park designation shall not apply to the final route selected for Phase 1B2 of the bypass and that the park designation shall not be interpreted in any way as discouraging the bypass route selection through the park area. And, again, this is so we don't get caught up in the federal requirements that require strong consideration of park plans and basically avoidance of park lands. The second...my second comment is...has to do with the Makila Rural Growth Boundary area. In the description that's before you now, the...there was a 500-foot greenbelt that's proposed between the project and Honoapiilani Highway. First, the project is above the Lahaina Bypass not Honoapiilani Highway so that reference should be amended. But second, and more importantly, the landowner is agreeable to this condition, this 500-foot greenbelt as long as it's made clear --

MS. HAMMAN: Three minutes.

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MR. FRAMPTON: --that the greenbelt is associated with the Makila Rural Growth area and does not apply to existing underlying agricultural lots. So, in other words, if the rural project doesn't go forward, there's gonna be a problem with the lots that are already there right now. So we're just asking that the rural...that the 500-foot greenbelt be clearly linked to the growth area; and we have recommended steps in my testimony which we think would make that clear. And then just, lastly, it's my understanding that this Committee has amended Chapter 7 of the plan to remove reference to the agricultural overlay maps which created three separate subcategories of agricultural designations. If that reference in Chapter 7 was eliminated then the three definitions of ag in Table 8-2 should be deleted. And thank you for the opportunity to testify again. All my recommendations are in...I have put in writing.

CHAIR BAISA: Thank you very much, Mr. Frampton. Members, questions for Mr. Frampton? Seeing none, thank you. We will take one more testimony before our break and that'll be Darla White. Good afternoon.

MS. WHITE: Good afternoon, Chairperson Baisa, and thank you for the opportunity. Good afternoon, Chairpersons. I am...my name is Darla White. I am here this afternoon speaking on my own behalf, on my own time. I'm a marine scientist here in the state. I spend a lot of time on the reefs, underwater, where I know a lot of folks do not spend a lot of time. I'm here...my main request today is to please reverse your decision on the urban growth boundaries in the Olowalu area. The main reason, of course, there is the more than likely possible degradation of that reef. And that reef is special. That reef more special than any of the reefs we have on Maui. It's one of three of three reefs of its size and the only one the leeward shore, and the only one that comes up against the coastline. What current science tells us now is that our reefs, locally, say each County, are receding locally. That is when all of the critters out there, the corals, the fish; they spawn; they throw their eggs and such into the water column; they all tend to come back locally, most of them. So we have to really, really think ahead of the curve and preserve what we have. It's a little bit difficult to fix an ecosystem, and this one's quite large and quite special and quite old. It is, most certainly, supplying a large amount of the fish and coral that we have here locally that protects our shorelines, that feeds our people, that feeds our economy. So, with that, I also wanted to let you know, if you don't already, that we have several sites are on the island, nine to be exact; and in each of those locations, we have two sites that we have 20 years' worth of data for. And the really sad part of that is, most...the majority of those sites are in precipitous decline. And five of nine sites are in really bad decline; three of those sites, we consider "collapsed" that includes Honolua, Maalaea, and Papaula Point. The reef in north Kaanapali is...has seen about 40 to 50 percent decline in a 15-year period. And just like to say that 15 years to us seems like a really long time, but to a coral, it's a really, really short time, okay. It's just a really, really fast decline. Everything that we do on land affects what happens in the water. And some of you may be aware, in West Maui, there's the U.S. Coral Reef Taskforce has designated this area as the priority watershed for the Pacific. And I'm not sure if you know how much effort is going --

MS. HAMMAN: Three minutes.

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MS. WHITE: --in to saving this one reef based on what's happening on the land, okay. Once the damage is done, they're really, really hard to go back. So what we need to think about as we plan for the future, the long future here on Maui, is what we do on land is going to affect this for our keiki and our grand keiki. And turning it around is not that easy so what happens on land is important. And this particular reef is very important. And I would also like to invite each and every one of you to come out with me, at your convenience, and I would like to show you the reefs and what I'm talking about and what we have to lose. Also, with Olowalu, I think it's really important to bring up the sea level rise section. The...this is...I noticed on the maps, a lot of the makai section is also included in the Urban Growth Boundary.

MS. HAMMAN: Four minutes.

MS. WHITE: Oh, I'll stop then.

CHAIR BAISA: Thank you very much. Hang on a second. Any questions for our testifier? Seeing none, Ms. White, thank you. Thank you for coming.

COUNCILMEMBER COCHRAN: Chair? Oh, wait, sorry.

CHAIR BAISA: Oh, you have a question, Ms. Cochran?

COUNCILMEMBER COCHRAN: Yeah.

CHAIR BAISA: Go ahead, I'm sorry, go ahead.

COUNCILMEMBER COCHRAN: Hi, Darla, nice to see you. So you were gonna say the...in our UGB, the lot on the makai lands are, and you feel there's...were you gonna say there's concern with that?

MS. WHITE: My concern was sea level rise. You know, it's one of these things that takes a long time and it's going to come, it's going to happen; and even in Hawaii, we are situated in a pretty good spot relative to some other island nations. But seal level rise is happening, and really how long are you thinking about having this town? I mean is...are we building 100-year homes, are we building a 200-year town, are we building a 50-year town? You know, looking towards the future—and I'm not saying I'm not for development—but we are facing times that we've never faced before and these things need to be taken into consideration.

COUNCILMEMBER COCHRAN: One follow-up, Chair?

CHAIR BAISA: Sure, go right ahead.

COUNCILMEMBER COCHRAN: You know that Blue Line --

MS. WHITE: Project?

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COUNCILMEMBER COCHRAN: --yeah, Project, did we do that here on Maui? If so --

MS. WHITE: It has been done on Maui.

COUNCILMEMBER COCHRAN: --where was the blue line in Olowalu, do you recall?

MS. WHITE: I will have...I do not recall offhand --

COUNCILMEMBER COCHRAN: Oh, just...

MS. WHITE: --but those maps are available.

COUNCILMEMBER COCHRAN: Okay, thank you. Thank you, Darla; thank you, Chair.

CHAIR BAISA: Further comments, questions? Seeing none, I think you're now pau. Thank you. Members, it is five minutes more or less after 3:00 on the clock that we can't see; that's gonna be put up during our break. So we're gonna take a break until 20 minutes after 3:00. Please try and be back on time. This meeting is in recess. . . .(*gavel*). . .

RECESS: 3:05 p.m.

RECONVENE: 3:26 p.m.

CHAIR BAISA: . . .(*gavel*). . . Will the meeting please come back to order? The next testifier will be James Hirano, and Mr. Hirano will be followed by Stan Franco. Members, it's the Chair's intent that we will go until 4:30 today. And I'd like to thank whoever took care of replacing the clock, it looks great. Thank you. Good afternoon, James, go ahead.

MR. HIRANO: Good afternoon, Council woman and County Council. My pleasure to speak to you again, it's my privilege to. We thank you, as everyone else did, for your community service and all your leadership that you show for our community. Today I'm here to testify on the collaborative efforts between the state agencies that were trying to develop the Pulehunui area. And, of course, my recommendation is to incorporate the State Master Plan into the Urban Growth Boundary. I do wanna speak on a few other things. Specifically, we're supporting it because we wanna build our jail facility there called the Maui Regional Public Safety Complex. The necessity of it, as you well know and I won't assume you will, so I'm gonna go over the facts again. Is there...we are currently on seven acres. We have 364 inmates, currently, in the facility. When it was first built, the facility was first built, it was built with an infrastructure of 209 people. We currently have operating capacity of 301 so it also tells you how overcrowded we are. Ever since I've been there since 1992 when I first started, there were 135 inmates, maybe 130. In 1995, it went up to 450. And the way that we deal with the numbers is that we have to send them to Oahu for housing, the jail inmates anyway, to Oahu for housing. Currently, we have about 50...between 50 and 60 people housed in the Federal Detention Center on

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contract with the State. So the necessity of the Puunene project as we know...as we come to know it and the advantages of it are that it sits on 40 acres in the Pulehunui area. What we could do with the 40 acres is, obviously, house our own inmates from Maui, create more expansion programming and keep them close to our community where the support really exists. But again, too, I just wanna reiterate that, you know, we do support the inclusion of the State Master Plan in the Urban Growth Boundary. And that's really my testimony. Thank you.

CHAIR BAISA: Thank you, Mr. Hirano. Members, questions for Mr. Hirano? Seeing none, thank you.

MR. HIRANO: Thank you.

CHAIR BAISA: Our next testifier is Stan Franco, and Mr. Franco will be followed by Kimokeo Kapahulehua.

MR. FRANCO: Dear Chair Baisa and the Members of General Plan Committee, I'm Stan Franco and I speak for FACE Maui. Some of the questions have been raised, and I wanna raise a question. If you are for affordable housing, please raise your hand or your placard. None on the Council? Oh, Gladys, you did.

CHAIR BAISA: I did. That's why I came here, remember?

MR. FRANCO: No, I think it's true. You know, all our conversations that we've had, FACE Maui, we've heard affordable housing is the issue; and we've been working on that. FACE Hawaii which is a...our umbrella organization has two units: Oahu and Maui. And on Oahu, our efforts led to the preservation of affordable rentals at Kukui Gardens. And at the twelve affordable housing projects of the City and County of Honolulu, recently sold to a private developer, we've been involved in both of that to preserve affordable rentals. Our efforts on Maui have been to convince developers and the County of Maui of the need to make available to the common man and woman here rental and fee simple housing at prices within their means. And I use that because I think sometimes affordable means something else. It has to be within the means of the people. With this in mind, we held a housing summit to find the best ideas for building affordable housing; we advocated for the development of 50 acres promised by A&B to the County of Maui; we conducted meetings between developers and the environmental community; and we held many one-on-one conversations with government and community leaders. After four years of effort, we stand before you frustrated because FACE Maui cannot say that we've been able to find a developer with a viable project who'd be willing to build affordable housing within the means of our local people, until now, until now. Seven hundred fifty affordable fee simple and rental homes in Olowalu Town are being promised by Bill Frampton and David Ward, and we believe their promise. There are questions about Olowalu Town because of what you've heard, the claims that there might be damage to the reef; and we have shared this concern with Bill and Dave. They assure us they will do everything in their power to mitigate the possible damage to the reef --

MS. HAMMAN: Three minutes.

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MR. FRANCO: --and we believe them. The others' concerns that have come up, and Bill and Dave had said over and over again, we will meet with folks to address those concerns. When I was here growing up a few years ago—oh, come on—there were 40,000 people on the island; now it is 150,000. You know, you know for yourselves that our kids are leaving this island and many of them are not coming back so we're gonna be losing that local flavor. We need to build homes so that our kids can come home and live in those homes, and they can afford to be here. And until we do that, we not gonna be able to continue to have this thing called the aloha spirit that we so much love about Maui --

MS. HAMMAN: Four minutes.

MR. FRANCO: --and our tourists, I think, want the same thing. So there's implications here if we don't build affordable housing. And we have to build a lot because we're way back in building affordable housing for our people. So I ask for you to support Olowalu Town.

CHAIR BAISA: Thank you very much, Mr. Franco. Members, questions for our testifier? Seeing none, thank you. Our next testifier, of course, is Kimokeo Kapahulehua, and he'll be followed by Dave DeLeon. Good afternoon.

MR. KAPAHULEHUA: Good afternoon, Chair Gladys Baisa and Council members. My name is Kimokeo Kapahulehua. I come before you to testify on Pulehunui and for you to put that back on the master plan. In 1969, I was a beneficiary signed up to Hawaiian Homes on the island of Kauai and was able to get my benefit home housing here on the island of Maui. Since then, we have more than 10,000 lessees that have homes now, and we have more than 40,000 people that's waiting to get homes in the state. I not...I don't know the really exact count, but I just wanna say to you, when I first came to Maui in 1970, I only knew of Paukukalo. And, now, we have Waiehu Kou 1, 2, 3, and 4; Keokea; Waiohuli; and Leialii; and others planned for the island of Maui including the County...Molokai and Lanai. And if you don't know, some of you people don't really pay attention that...to Lanai that we have a Hawaiian Home Land on Lanai. So if you haven't seen that, I would welcome you go see that to see what DHHL is doing. DHHL is including Pulehunui; and before that, we had the prison people come and speak for you. We wanna let you know that since then, we have a difficult time now that we're gonna have to maintain our housing. So part of our housing will come out of revenues that we can do on a urban growth area. So, you know, urban growth area, you'd be able to get revenues to maintain these housing area in the common elements. When we do that, it's gonna be somewhere we have to get that out. And you do know that we work in a agency with you, the County of Maui, the State of Hawaii, and also with the Federal. So I urge you to consider us and DHHL property and put us in your plan in...and we want you to support Pulehunui. Mahalo.

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

MR. KAPAHULEHUA: I have a question. No, I don't.

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CHAIR BAISA: Sorry. Mr. DeLeon will be followed by Nancy Findeisen. And you'll probably correct me if I'm saying that wrong. Go ahead, Dave.

MR. DELEON: Aloha, good afternoon. I'm Dave DeLeon for...speaking for the Realtors Association of Maui. I'm going to change it up and change the topic a bit here. Thank you for this opportunity for reconsideration of the planning for four Haiku subdivisions: Haiku Makai, Haiku Hill, Haiku Mauka, and Maunaolu from Agriculture to Rural growth boundaries as proposed by the Planning Department. This concept came from, originally in 2005, the State Legislature proposed an Act 205...or actually, amended State law so that asking the counties to start the process of shifting non-farm agriculturally zoned properties to Rural zoning. The idea was to focus...be able to allow the State to focus its attention on protecting truly important ag lands. The idea being that those properties that aren't gonna be farmed aren't really important ag lands. So what's the value of doing this? Ag to Rural is a home-rule concept. It will change the legislative authority over these properties, these lands, from the State Legislature to this County Council where it belongs. Generally speaking, these subdivisions are residential in character and they don't need an extra layer of state protective authority over them. Our association kind of...well my association has a sense of trust that the property owners and the citizens of the state can come...I mean of this County can come into this room and actually be heard and make things happen for their community. That trust does not extend to the State Legislature when it comes to Maui County land use issues. I'd like to point out that the GPAC supported this concept. So what's the advantage to the County? This move would reduce the workload on the Planning Department so that it would no longer have to spend time, energy, tax dollars, enforcing a requirement that these property owners create mini farms to be able to comply with HRS 205. What's the advantage to the owners? They will no longer have to pretend to be farming; whether to farm or not to farm will be their choice not a requirement. Right-to-farm issues can be handled legislatively. This action would also remove the threat of inappropriate state legislative...legislation affecting the owners. This is actually the second step in this process. The first step is when this County Council approved the new R-2, R-5, and R-10 categories...zoning categories. So those categories were created for this possibility to shift lands from Agriculture to Rural without changing the density. Our association agrees that we should not be changing the density.

MS. HAMMAN: Three minutes.

MR. DELEON: The broader community does not support changing the densities in these communities, and probably the existing infrastructure wouldn't allow it in the first place. As the Maui Farm Bureau has repeatedly point out, once these properties are subdivided to two-acre lots, they stop being viable farm lands. It's time to recognize that reality in the Maui Island Plan. Mahalo.

CHAIR BAISA: Thank you, Mr. DeLeon. Members, questions for the testifier? Mr. DeLeon?

MR. DELEON: Yes, Ma'am?

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CHAIR BAISA: The folks who live in Haiku Makai, Haiku Hill, Haiku Mauka, and Maunaolu are in support of your recommendation?

MR. DELEON: The people I spoke to, they are, yes.

CHAIR BAISA: Okay, thank you very much.

MR. DELEON: Okay, thank you.

CHAIR BAISA: Further questions? Seeing none, our next testifier will be Nancy, and I'm gonna let you say your last name so I don't massacre it. And you'll be followed by Catherine Clark. Good afternoon.

MS. FINDEISEN: Hi. My name's Nancy Findeisen --

CHAIR BAISA: Findeisen.

MS. FINDEISEN: --and I'm just me, here. Thank you for allowing me to voice my opinion. I'm kind of following on the footsteps of Mr. DeLeon. I'm a homeowner in Haiku Hill, and I agree with the rezoning of Agriculture to Rural. I think it was very obvious, actually, when I purchased property in that development that it was not really meant for ag with the underground electricity put in; it was meant to be kind of a gentlemen's subdivision. Farming could be an option, but I also don't feel like I'd rather work with the County people as opposed to the State people when it comes to dealings with the properties. So I'd like to bring it back to our County to deal with, changing it from the farming Agriculture back...going back to the Rural just because I think that it definitely is not meant to be farming. If you drive down the streets of any of those subdivisions, you're not gonna see what we consider "farming". You're gonna see gentlemen's homes and people that might choose to plant a tree or two to produce. So I love that they would have a choice, still being Rural zoned. So I don't think it would be any harm to go from Ag to Rural. So I hope you will consider changing that ruling from Ag land to Rural land. Thank you.

CHAIR BAISA: Members, questions for Ms. Findeisen? Seeing none, thank you very much. And our next testifier is Catherine Clark, and Ms. Clark will be followed by Anthony Caputo. Good afternoon.

MS. CLARK: Aloha, Chair Baisa and Council members. The last time that I was here, the four subdivisions that Dave and Nancy are speaking about were actually being considered for a change in zoning from Ag to Rural. But when I looked at the new map, I didn't see it there this time so I'm here, again, to request that that change be considered. It seems to make perfect sense, and I had never thought that there would be anybody that wouldn't feel the same way. We're talking about approximately 160 two to three-acre parcels with most of that being on old pineapple soil. This is perhaps as many as 400 acres out of the approximately quarter million acres of Maui ag land. I live in Haiku Hill. And I drove through these four subdivisions and noticed some fruit trees, lots of really great palm hedges, some tropical flowers; but nowhere did

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I see anything that resembled a working farm. My husband's palm nursery and some fruit trees was about as close as I saw. But I just want to remark, he cannot grow those trees in the ground, they're growing in pots because the old pineapple soil just doesn't support them. But what I did see was exactly what I would expect to see in Rural zoning: larger than usual parcels with neighbors nicely spread out. This was not like driving through the farms of Kula; I didn't see crop rows anywhere. And since I live in Haiku Hill, I can tell you that the soil for farming is absolutely nothing like they have in Kula. I wonder if anybody that would be against this change has ever experienced the problem that I had when I tried to plant flowers. In the two hours that it took, I bent two gardening tools just trying to dig the small holes. The ground is that hard, and my husband had to come along with his six-foot steel oho and make little holes to put these flowers in. In addition, I accumulated a trash bag full of old black plastic, not exactly great growing medium; even then, the flowers struggled along. So now our flowers and vegetables are in these nice raised beds; that was the only way to get them to grow. And then, of course, we don't really wanna talk about the water issue. We're always concerned about the lack of Upcountry water, and I really don't think that you want me to use the amount of water that it would take to grow a crop on my property. It takes a lot of water to make up for poor soil quality. Do I believe that Maui should have farming? Absolutely, but there are areas deeper into Haiku or other areas of the island that have ideal growing conditions. The location of these four subdivisions just isn't within those areas. My understanding is that this change would not change the density, we are not changing the number of dwellings allowed, and we would still have the right to farm --

MS. HAMMAN: Three minutes.

MS. CLARK: --if we want to, but we wouldn't be forced to pretend to farm just to build a cottage. The biggest benefit that I see is that Maui County would control these subdivisions. And having watched a bill pass through the spring session of the State Legislature, I can only say, this would be incredibly comforting. The homes on these parcels have already been built, the lifestyle already created. So does anybody really think that changing these four subdivisions from Ag to Rural would make any difference in the amount of farm output for Maui? Thank you so much.

CHAIR BAISA: Thank you very much. Members, questions for the testifier? Seeing none, thank you. Our next testifier is Anthony Caputo, and he'll be followed by Rob Riebling.

MR. CAPUTO: Chair Baisa --

CHAIR BAISA: Good afternoon.

MR. CAPUTO: --Council members, my apologies for the delay. I'm testifying on behalf of the Plantation Estates Lot Owners Association or PELOA. I'm also testifying...the subject that I'm testifying is the inclusion of Honolua Ridge in Rural Growth Boundary rather than Agricultural. And I'm also testifying in behalf of the 72 percent of our owners who have signed written petitions or written letters asking that that be done. We thank you, first of all, for already including Plantation Estates within the Rural Growth Boundary; and, now, we urge you to also

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include Honolua Ridge within that boundary. Plantation Estates and Honolua Ridge are one community governed by one association, PELOA; and, therefore, it's logical for Honolua Ridge to be within the Rural Growth Boundary. This will allow for a uniform and consistent rules and design guidelines for both areas. And, as I mentioned, 72 percent of the Honolua Ridge owners have signed a petition or provided a letter to support this change. In addition, the Save Honolua organization, which originally opposed the change, has made some changes. Save Honolua has submitted separate testimony stating that they have no objection to including Honolua Ridge within the Rural Growth Boundary, and their stance on this matter is neutral. PELOA and Save Honolua have been in discussions and are working together to achieve the common goal of preserving Honolua Bay. We anticipate helping Save Honolua in their fundraising activities. As you may know, we are very adjacent to the bay; and it is...our owners see preservation of the bay as an important item for us, also, very similar to the comments made by Representative McKelvey. We agree with the community approach to this issue. We're not seeking to further subdivide or increase density as PELOA's covenants, conditions, and restrictions already express we prohibit subdivision of existing lots; and PELOA would be willing to accept a condition from the County restricting any further subdivision. And PELOA does not seek to prohibit agricultural activities; but rather as just was said to you by someone else, we encourage agriculture, but we do not wish to demand that it take place from all of our owners. What we are seeking is peace among neighbors and support established...and supporting established land values by implementing parameters regarding noise, nuisances, and the type and number of animals allowed. And then, lastly, if Honolua Ridge is included within the Rural Growth Boundary and eventually zoned Rural, it would be less likely that owners would circumvent or misrepresent laws and requirements --

MS. HAMMAN: Three minutes.

MR. CAPUTO: --pertaining to agricultural areas. For example, we have had a case where one owner was running a boarding house with nine different renters coming into the driveway every night; and his rationale was, it was a farm dwelling protected under agricultural zoning. As I mentioned, we have owners supporting it, a map has been provided to you. This area along here is Honolua Ridge. You've already put Plantation Estates in Rural. Seventy-two percent of the Honolua Ridge owners have written support for this; no one has written against it. Twenty-four percent have not replied at all. We think that there are 4 percent, meaning two owners, who are against it; and they are attempting to protect activities which, perhaps, they should not be doing. Thank you.

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

VICE-CHAIR COUCH: You say they're attempting to protect activities they shouldn't be doing?

MR. CAPUTO: Yes, sir.

VICE-CHAIR COUCH: What would those be?

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MR. CAPUTO: Well there appears to be one, I think it's pretty clear, that is renting without a County short-term rental permit. It also...they're violating...they're also renting overnight, one night, which violates our CC&Rs. So, in effect, they appear to be in violation of both County rules and our CC&Rs. When we approach people like that, they claim that they are protected by the State agricultural activities law. The first one that I mentioned, with the boarding house, took us 18 months of legal activity to stop that. We'd prefer not to have to go through the legal activities every time one of these events occur.

VICE-CHAIR COUCH: Okay, thank you.

MR. CAPUTO: Thank you.

CHAIR BAISA: Further questions? Seeing none, thank you.

MR. CAPUTO: Thank you.

CHAIR BAISA: Next testifier is Rob Riebling, and he'll be followed by Pam Daoust. Good afternoon.

MR. RIEBLING: Good afternoon, Chair and Members of the Committee. I'm Rob Riebling, Vice President of the Maalaea Community Association. Our members and our citizens really want to thank this Committee for its wisdom in retaining Maalaea's Urban Growth Boundary exactly where it is, and we request that you resist the temptation to adjust it in any way. As you know, Maalaea, aside from the ocean, is surrounded by Project Districts 11 and 12. Since these Project Districts were first incorporated in the Kihei-Makena Community Plan way back in 1998, a lot of new information has come to light which indicates that they're really not very suitable for human habitation, affordable or otherwise. Development of these ill-conceived Project Districts will overstress nearby roadways, schools, parks, Police and Fire facilities and also, importantly, the Waikapu aquifer. Significant amounts of treated wastewater will have to be disposed of via massive new injection wells close to the shoreline or otherwise it will have to wind up in the ocean as irrigation runoff if it's used to irrigate landscape, and that will kill aquatic life. Interesting, the astronomical initial operating and maintenance costs of the necessary private reverse osmosis portable water plants would actually make so-called affordable housing, unaffordable to any homeowners unfortunate enough to buy there. In addition, massive amounts of concentrated brine from reverse osmosis portable water plants has gotta be disposed of somehow, somewhere, at great cost. And if it's in the ocean, it will kill aquatic life on the bottom so you can't dump it there. There's no existing, nearby infrastructure; and Maui County cannot cost effectively provide infrastructure or public facilities to these remote sites. There's no employment center in close proximity to the sites. The Project Districts are incompatible with, and will provide no positive benefits to, our existing nearby small town of Maalaea and destroy its unique sense of place forever. Those Project Districts will constitute non-contiguous leapfrog development and they would irreversibly convert prime ag land into direct urban use. And the development of these sites would only worsen urban sprawl conditions which is something that the General Plan frowns upon. Finally, old Project Districts 11 and 12 would really worsen

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traffic congestion and would foreclose the option of light rail or other transportation corridors to West --

MS. HAMMAN: Three minutes.

MR. RIEBLING: --and South Maui. Maalaea is already a transportation hub on our bus system, as you know, the transfer point between people going between West Maui, South Maui, and Central Maui. Some of these issues and...will be elaborated on by my colleague, Pam Daoust, who will follow me. Thanks very much.

CHAIR BAISA: Thank you, Mr. Riebling. Members, questions? Seeing none, Rob, thank you.

MR. RIEBLING: Thank you.

CHAIR BAISA: Our next testifier is Pam Daoust, and Pam will be followed by John Duey.

MS. DAOUST: Aloha.

CHAIR BAISA: Good afternoon.

MS. DAOUST: My name is Pam Daoust, and I am testifying as President of the Maalaea Community Association. And as the previous speaker mentioned, we are again expressing our support of the tightly drawn Urban Growth Boundaries around Maalaea that would prevent development of Project Districts 11 and 12 in the Kihei-Makena Community Plan. We are relieved and grateful to find those two projects excluded from Maalaea's boundaries because urbanization in this area would be disastrous from a traffic standpoint alone, let alone all the other issues that Rob mentioned. However, we remain extremely concerned about the certainty of increased traffic gridlock due to expanded growth boundaries elsewhere. Maalaea is the major transit corridor to West Maui which is slated for thousands of new housing units and an entire new community at Olowalu. How many additional vehicles will be traveling through Maalaea adding to major backups when the Pali is closed due to accidents and fires? Where and how does the Maui Island Plan address this problem? We contacted the Department of Transportation to ask about plans for alleviating the Pali bottleneck, and we were told that the Maalaea to Launiupoko realignment widening project is still in the planning stage with no construction improvement plans available. This response underscores a major flaw in the current version of the Maui Island Plan. GPAC tried to address the traffic issues by identifying major transit corridors in a map with the idea that land in the corridors could be set aside for the future. This version of the plan, minus that map, fails to address traffic issues that will only be worsened as new projects get built. Projects in excess of what is needed to accommodate future growth have been added, but where is the corresponding traffic plan? How many new units of housing and how many more vehicles on our roads are we even talking about? We still don't know how we are going to move people from one place to another around the island. Maalaea folks are tired of sitting in traffic and being unable to get from into or out of Maalaea whenever the traffic is stopped on the Pali. We can't help but note that the current plan is positively bloated with market-priced housing that you

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have added. Affordable housing is cut a lot leaner, but...and the plan as we understand it does contain enough affordable housing to meet projected needs without adding additional units in areas such as Maalaea where supportive infrastructure --

MS. HAMMAN: Three minutes.

MS. DAOUST: --is completely lacking and traffic impacts from even a 500-unit project would be devastating. We urge you to reconsider the add-ons for market-priced housing made to the GPAC-proposed urban growth boundaries and to re-establish major transit corridors via a map that can serve as a guideline for the Department of Transportation and for future Council members. Mahalo.

CHAIR BAISA: Thank you very much. Members, questions for our testifier? Seeing none, Pam, thank you. Our next testifier is John Duey, and Mr. Duey will be followed by Dick Mayer.

MR. DUEY: Good afternoon, Madam Chair. Is this not the Water Resources Committee meeting?

CHAIR BAISA: Every Committee is a Water Committee.

MR. DUEY: I thought I had the wrong meeting for a while. Number one, before you do a lot of things, think about the water. Where is it gonna come from? If you wouldn't mind turning to Page 8-81 on this little handout we got today, 8-81. We, my wife and I, own a lot in Ukumehame Agricultural Subdivision; we'd like for it to stay that way. There are 45 lots there. In this plan, my wife just found the other night, this little spot right here, it's in Ukumehame Agricultural Subdivision. And then she found one line that's...a Rural, has blue around it. So why are those 17 lots, totals about 38 acres, is Lot 2 through 18, why are they changed to Rural? The rest of the subdivision stays in Ag according to what we seen, but this little parcel here is changed to Rural. Why in the world would 18...17 lots in a 45-lot subdivision be changed to Rural? It'd be interesting to find out. Anyway, we want to see the agricultural subdivision stayed Agriculture. I may or may not be a gentleman, but I'm not a gentleman farmer. I am a real farmer. We raise noni as you smell my hand right now you can tell 'cause I just came from the farm before I came here. We raise goats and we have a field stock plant nursery. So we are a real farm in an agricultural subdivision. Thank you for listening.

CHAIR BAISA: Thank you very much, Mr. Duey, hang on. Any questions for Mr. Duey? Mr. Couch?

VICE-CHAIR COUCH: Thank you, Madam Chair; and thank you, Mr. Duey, for being here. Of those 17 or 18 lots, are your...was yours in there?

MR. DUEY: No, our . . . *(clears throat)* . . . excuse me, I'm sorry. Our lot is not one of them. There is a house has just recently been built on one of those lots, and I don't know whether that owner was the one behind this or what; but our lot...these 38 acres are just on the Lahaina side of Ukumehame Stream, kind of far up off the one section of lots above the proposed highway where the County bought. Our lot is at the far end of the project by the firing range. So and

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that...this doesn't affect us, but if that's changed Rural, maybe later somebody ought take a blue marking pen and make the whole thing blue. So I hate to see it changed and start adding half-acre lots there. Those lots are two-and-a-half to four acre size lots. If changed to Rural, then you chop 'em up and put two acre...or put houses on, you know, the half...put four houses on one lot so that we'd no longer have an ag subdivision. And then the water issue, of course, another question. 'Cause it was designed...the ag water and the potable water is designed for a 45-acre lot subdivision; and be chop it up and start putting Rural in there then the water issue comes again. I'm used to that.

VICE-CHAIR COUCH: Okay, thank you.

MR. DUEY: Thank you.

CHAIR BAISA: Any other questions for Mr. Duey? Seeing none, Mr. Duey, thank you.

MR. DUEY: Mahalo.

CHAIR BAISA: And our next testifier is Dick Mayer, and Mr. Mayer will be followed by Mike Foley.
Good afternoon.

MR. MAYER: Good afternoon, Madam Chair. I'd like to be excused. I'll be here tomorrow anyways. I'd like for the other people who may not be able to come back tomorrow...can I be put later on and let somebody else come in?

CHAIR BAISA: It's okay with the Chair if you'd like to come back.

MR. MAYER: Okay. I'll be here anyways.

CHAIR BAISA: Well somebody else would be glad to take your turn. Mr. Foley, are you ready?
Ready and waiting.

MR. FOLEY: I didn't wanna follow Dick's presentation anyway. My name's Mike Foley.

CHAIR BAISA: It's a hard act to follow. Go ahead.

MR. FOLEY: It's a hard act to follow. Not as hard as Hans Michel, but difficult. My name is Mike Foley. I'm speaking as an individual. I'm a former County Planning Director now, thankfully, retired. I have handed out my presentation. Updating the Maui General Plan was originally intended to manage the amount of growth and direct growth to areas of Maui with water, schools, adequate roads and especially existing jobs. Instead of managed or directed growth plan, the Maui Island Plan has gradually and unfortunately become a growth promotion plan. This Council has expanded the urban and rural growth boundaries to provide for way too much growth and has included areas with no infrastructure and no way to economically get infrastructure. The Council appointed 25 citizens to the General Plan Advisory Committee,

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allowed them to work very hard for three years and then ignored the Committee's recommendations for where development should be allowed. The Council's support for development at Lipoa Point, Honolua Bay and Haliimaile can only be explained as attempting to postpone bankruptcy by Maui Land and Pine. In Olowalu, the Council's support for 2,400 units—1,500 houses plus 900 ohanas—2,400 hundred units at Olowalu seems about helping two nice guys who have a good plan, but a terrible location. The Council now has the opportunity to recognize that far too much land has gradually been included within the growth boundaries and correct some mistakes. Put Lipoa Point and Honolua Bay back into Preservation. At Makena Resort, put 390 acres back into Preservation plus the 98 acres adjacent to the State park which should be added to the State park. At Haliimaile, put Maui Land and Pine's 250 acres and Alexander and Baldwin's 80 acres back into Agriculture. At Olowalu, please put the area between the ocean and the existing highway in Preservation to protect Maui's finest reef. I wish I could add...agree with Stan Franco about affordable housing; but, economically, I see no way for affordable housing to be built at Olowalu. In Launiupoko and Ukumehame, please put these areas back into Agriculture. And in Ulupalakua, reduce the Rural area from 200 acres to the 100 acres that they --

MS. HAMMAN: Three minutes.

MR. FOLEY: --actually want. One other thing, just very quickly, I wanted to correct is, May Fujiwara said that Planning Department representatives didn't go to the Kaanapali 2020 meetings. And I wanna say that I went to at least 15 or 20 of those meetings when I was Planning Director. And the County Planning Department strongly supported the Wainee project. Yeah, we supported it, frankly, as the best project in West Maui. That's all, thanks.

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

VICE-CHAIR COUCH: Thank you, Madam Chair; and thank you, Mr. Foley, for being here. Question for you for Wainee project. You're in support of...since you said that you were at the meeting, you're in support of that project?

MR. FOLEY: Yeah. Our support was primarily based on its location because it's close to existing Lahaina jobs. Development of the project was unfortunately postponed because of the storm drainage project which, you know, went on for a long, long time. But it's a great project in a great location. It would add some recreational fields adjacent to the existing recreational fields. And, most importantly, it would provide affordable housing right next to Lahaina jobs.

VICE-CHAIR COUCH: Okay. And, also, you mentioned Ms. Fujiwara's testimony. She said that no Long Range Planners were there. Were there any Long Range Planners that went to any of those meetings?

MR. FOLEY: You know, I...it was a long time ago. I know I was there. I thought John Summers may have gone to some of those meetings. I know Joe Alueta went to some of those meetings with me. I frankly don't remember who else went, but I went to a lot of 'em. I was involved in

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Kaanapali 2020 before I was Planning Director and after I was Planning Director so I know I was there.

VICE-CHAIR COUCH: Okay. Thank you.

MR. FOLEY: Thanks.

CHAIR BAISA: Any other questions for Mr. Foley? Seeing none, Mr. Foley, thank you. Our next testifier is Mark Deakos, and Mark will be followed by John Seebart. Good afternoon.

MR. DEAKOS: Thank you, Chair, Council. Mark Deakos, I'm testifying on my behalf. And today I wish to request two changes to the Maui Plan. Number one, is that the Urban Growth Boundary for Olowalu be redrawn mauka of the current highway to not include lands on the makai side. And, number two, have the Maui Island Plan reference the Maui Coral Reef Recovery Plan. And if you're not familiar with that plan, I'm sure Mr. Summers can brief you on that. So why change the growth boundary? Well, for the sake of time, I'll skip all the environmental babble and get to what really seems to matter most here is money and jobs. So, as you probably know, coral reefs around the world are declining at a disturbing rate. And this is causing many of us to start evaluating the net worth of these reefs. For example, in Hawaii, the coral reefs are estimated to be worth 34 billion a year for the state, that's according to a recent NOAA report so that's a lot of jobs, a lot of tax revenue. So I compared our Olowalu reef to values that were used in these other studies; and for approximately an eight-square kilometer stretch of reef that extends just north of Olowalu Point down to the south end of Ukumehame, estimated that reef to be worth about \$28 million dollars a year. So is \$28 million a year in sustainable revenue worth moving the Urban Growth Boundary mauka of the highway so we create a small buffer between a town that impacts the, you know, that buffers the...our valuable resource with a town that has about 4,000 people and the impacts of those people? And since we're talking about money, we can't leave out lawsuits. I know the County loves to talk about lawsuits. So when the County recommends urbanizing makai of the highway, that's in its tsunami inundation zone, flood zone, it's in a low-elevation area that's likely to be underwater in 50 to 100 years, and that's based on the conservative sea level rise that is listed on Page 14 of your Maui Island Policy Plan. Is the County then not liable or inviting a lawsuit here? And maybe your legal counsel can advise you there. And what about the violations to the policies from Page 73 restricting development in areas prone to natural hazards, disasters or sea level rise? Or on Page 74 which states, discourage new entitlements for residential, resort, or commercial development --

MS. HAMMAN: Three minutes.

MR. DEAKOS: --along the shoreline. So if we do the math, if we lose that valuable reef, we lose the fish, we lose the white sandy beaches—the sand is made from the coral—we lose our surf spots, less tourists, less jobs, less tax revenue, less coastal protection from storm surges which means we have to build more \$7 million sea walls like the one we have stuck up there in Ukumehame, and of course more lawsuits against the County from homeowners that potentially losing their house in storm surges because the County recommended they build there. So that's lot of

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money, lot of jobs, and lot of tax revenue lost. So I urge the Council to do the right thing by redrawing the Olowalu Growth Boundary mauka of the current highway and also make reference to the Maui Coral Reef Recovery Plan in the final Maui Plan. And also remind you that the Planning Commission did not have lands makai of the highway --

MS. HAMMAN: Four minutes.

MR. DEAKOS: --and the GPAC also left out that northern part that's on the makai side. Thank you.

CHAIR BAISA: Thank you very much, Mr. Deakos. Members, questions for our testifier? Seeing none, thank you. Next testifier is John Seebart, and he'll be followed by Patricia Chaney. Good afternoon.

MR. SEEBART: Good afternoon and aloha. My name's John Seebart. I haven't lived here all my life, but I was born here and came back after I retired, like a lot of people that had to live on the Mainland for most of their life so I'm really glad to be back. But it's painful to see the results of development that we've had over the last 50 or 60 years, and because it hasn't really worked out very well. GPAC laid out some general principles, if nothing else, and one of 'em was to prevent urban sprawl. Anyway, I come today to support the preservation of Lipoa Point and reiterate a request that was made earlier; I don't know if it was really clear, but to ask for a resolution from the Council to support the notion of preservation of that area. Now that is a non-binding resolution, but it shows you're on the same team as everybody else. There are lots of concerns that you all have about that, I'm sure; but that resolution could be very helpful. Representative McKelvey touched on this, and he also mentioned the Patsy Mink legacy which is I believe a federal program and that may contribute to this as well; although, I can't give you details on that personally. So I support the exclusion of Lipoa Point, et cetera, as a development area and, likewise, in Olowalu. Now, before I lose all my time here, I'd like to say that I do support Wainee and Kaanapali 2020. And I'd like to compare and contrast those. Olowalu, we've heard scientists testify about the negative aspects of developing there with the reef and so on and so forth and the value of the reefs to us economically. And I see people in the room with signs. And I happen to have ridden up on the elevator this afternoon...or this morning, late this morning, with I guess...no I guess it was this afternoon, with some of those people. And they were very pleasant. In fact, they held the elevator door for me and I was very grateful that I didn't have to wait, and they were pleasant. They each had sign, there were three women; and...but one of 'em asked the other one, where's Olowalu? And I mean I was sort of in shock, and the person...other person said, well you know where Maalaea is? And she said, yeah. Well it's about halfway between there and Lahaina. So, oh. So I'm a little bit, you know, I hate to, you know, bite the hand that held the elevator for me, but I really...I was appalled. So I think comparing Olowalu and Lipoa Point to Kaanapali 2020 --

MS. HAMMAN: Three minutes.

MR. SEEBART: --to Waihee...Wainee, excuse me, there was a lot of community support and...over a long time with those projects in Lahaina, Kaanapali 2020 and Wainee; and they prevent urban

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sprawl, they're near the jobs, they're near the schools, they're...it compacts the urban area. Whereas, if you want urban sprawl, the way you do it is, you let a development pop up here and a development pop up here, and it's not so bad to have another development pop up in between later on. Anyway, I'd really like to see us save as much of this place as we can. Thank you very much and aloha.

CHAIR BAISA: Thank you very much, Mr. Seebart. Members, questions for our testifier? Seeing none, thank you. Next testifier is Patricia Chaney, and she'll be followed by Daniel Kanahale. Good afternoon.

MS. CHANEY: Good afternoon. I'm shorter than he is. Aloha, my name is Patricia Chaney. Let me put my glasses on. I'm speaking here today to give testimony in support of changing the classification of my neighborhood in Maunaolu Plantation Estates from its current agricultural designation to Rural. It is my understanding that the County Planning Department made this proposal to change a number of communities Upcountry to Rural as part of the County Council's review of the draft Maui Island Plan. I want to state for the record that I support this proposal. I didn't purchase my property to have a farm operation. I bought two acres to be in Maunaolu...I bought two acres in Maunaolu for its close proximity to neighboring towns, the open space, clear night skies, its privacy and rural setting. Though some feel that this neighborhood is prime farm land, the field actually sat fallow for twelve years prior to being subdivided into lots. Maunaolu Plantation Estates does not obtain its source of water from the County of Maui Department of Water Supply. Our source of water is by a private well owned by the Maunaolu HOA association of owners...homeowners. The size of our water storage tanks limits our usage of water. The maximum allowable water per lot per day is 1,400 gallons or 42,000 gallons per month. We are mandated by the State Department of Health not to exceed 1.6...1,638,000 gallons per month for our entire subdivision. Divide this by 39 lots and then you come with 42,000 or 1,400 a day. Given our limitation on water usage, it put...it puts hardship on developing a structured farm plan within the County of Maui's guidelines. The cost to increase our tank capacity would cost in the neighborhood over a half a million dollars. I understand that my property had once been pineapple farmland, and it has retained its agricultural zoning to this day. I believe that this is a reasonable...it is reasonable to change the designation from Ag to Rural because it actually better describes what my property actually is. Rural in this case would let my neighbors and I to farm if we choose to, but would eliminate the requirement that we must farm over 50 percent of our land in order to build an ohana or a secondary farm dwelling. As I understand, the proposal under the Rural designation, our properties would become classified as Rural-2 acres and that we would not --

MS. HAMMAN: Three minutes.

MS. CHANEY: --be able to subdivide; and I strongly support this as well. Just as a side note, I planted over 20 koa trees on my property to kinda move in favor of this farm plan; only three survived. And I was told by various sources that pineapple land is not very conducive to growing some trees and the fruit trees, et cetera, et cetera. As a result, I just support this change. Thank you.

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CHAIR BAISA: Thank you. Members, questions?

MS. CHANEY: I also gave a copy of the engineering report for our neighborhood to the Council Staff here if you'd like to review it.

CHAIR BAISA: Thank you, Ms. Chaney. Any further questions for the testifier? None, thank you very much. Our next testifier will be Daniel Kanahale. And Mr. Kanahale will be followed by Beatriz Garcia, and she will be our last testifier for today. Mr. Kanahale?

MR. KANAHELE: Aloha mai kakou --

CHAIR BAISA: Aloha.

MR. KANAHELE: --General Plan Committee Members. My name is Daniel Kanahale. I'm testifying as an individual. I'm also a member of the Kihei Community Association. Thank you so much for putting back the Chamber clock. I think that serves a vital community service.

CHAIR BAISA: Thank you.

MR. KANAHELE: Also, thank you for including a picture of my home on Chapter 8 of the Maui Island Plan. This is the ahupuaa of Paiahu in the moku of Honuaula of Wailea so we're looking right down on Maui Meadows. You can almost see my...the roof, the white roof of my house, now newly painted, even brighter than it is...was before. So I'm going to address my comments to the Kihei-Makena region. And I would like to say that I feel that the latest urban boundaries are far, far, far in excess of what is needed to meet the unmet demand...future met demand for the planning period 2010-2030 and exceeds in its recommendations those from the GPAC, those from the Maui Planning Commission and many of our professionals in the Planning Department Long Range Division. So I do not like the urban boundary as it is now drawn. According to Chapter 8, island wide, our demand for future housing is 10,854, approximately. What portion of that pie belongs to the Kihei-Makena region? I would hope that would be part of your discussion and deliberations. We're always asking to tie numbers to these lines. What do you mean when you draw this line? How many units does that represent? For example, in North Kihei, you have several projects one after another. You have the R&T Park with 1,250 units potential build out; you have the Kihei Makai, the potential build out of 2,100 units. That's 3,350 units potential build out if they get their entitlements. That's already one-third, close to one-third, of the total pie for the whole island. And that doesn't include all the other things: the A&B projects in Wailea, the Makena projects out in ATC Makena Holdings, Makena Resort. I mean how much of a burden are you putting on our region by having such an inflated, urban boundary? You can't have your cake, your ice cream, your chocolate cookies, chocolate—I love chocolate—chocolate brownies and eat it, too. You can't have the R&T Park, 1,250 units, and also the other project right next to it with 2,100 units. You're gonna have to pick one over the other. The KCA recommended the R&T Park and infill. That would go a long way towards filling any unmet demand in Kihei. That must go all the way to the south, to the Makena region. The 390 acres that was included...

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MS. HAMMAN: Three acres...three minutes.

ALL: . . . *(laughter)* . . .

MR. KANAHELE: What? . . . *(laughter)* . . . It's alright. But 390 acres, okay, that wasn't even on the radar. I mean GPAC, you know, opposed it, similar plan, you know, every testimony that I heard except the developer—and I would hope that he would support his own, you know, area—but when it was brought back by Committee Member Pontanilla, I was waiting for what reason do you wanna put it in there? Oh, it has a golf course. Well, yeah, it has a part of a golf course, but also includes one of the largest, remnant dry land forest on Maui. That wasn't brought up, it's a sensitive area. You have a dry land forest, one of the most critically endangered habitats here in Maui. So please delete that, the 390 acres. Pick and choose, R&T Park or Kihei Mauka. I would recommend Kihei Mauka. And please put in the sensitive areas, all the gulches --

MS. HAMMAN: Four minutes.

MR. KANAHELE: --please include those as sensitive areas in the Maui Island Plan for our region. Thank you. Any questions?

CHAIR BAISA: Thank you, Mr. Kanahale, hang on. Any questions for Mr. Kanahale? Seeing none, thank you very much.

MR. KANAHELE: Okay, mahalo.

CHAIR BAISA: Our last testifier for today will be Beatriz Garcia. And if you're signed up after her, then we will see you tomorrow morning; we'll start at 9 o'clock. So, Beatriz?

MS. GARCIA: Good afternoon, Madam Chair --

CHAIR BAISA: Good afternoon.

MS. GARCIA: --Council. My name is Beatriz Garcia, and I'm the Lead Organizer for FACE Maui, Faith Action for Community Equity. We're a membership organization of churches and community organizations working for social justice here on Maui. I'm here this afternoon to ask the Council, Madam Chair, to maintain Olowalu Town within the Urban Growth Boundary of the Maui Island Plan. Now, why does FACE support this? We heard Stan Franco come in earlier and share his support and the support of the organization. I wanted to add a little bit. Number one, Olowalu Town provides a variety of opportunities for local families: affordable rental as well as homeownership and senior rentals in our vision to provide housing for lots of different kinds of families and local folks here on Maui. Olowalu Town also signifies a great opportunity for Maui to be recognized as a housing development innovator. Smart growth that takes into account the unique village feel of Maui and maintains our aloha village spirit. I also agree with our environmental friends. Our faith values tell us that we must care for creation;

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and, yes, care for our reef. But we must also preserve what we have, and we must preserve our local families, our local aloha spirit and provide them with a real opportunity to thrive and prosper. Providing housing that is within their means is a way to do that. Last, but not least, it might be ironic as a previous testifier said, that someone who grew up here or has lived here over ten years does not know where Olowalu Town is. That may seem incredible for someone, but not everyone has the luxury to afford a car or even afford to ride the bus to get around the island, to move around easily as some of...those of us with cars. These are the very people who are gonna benefit from this development. They may not know where Olowalu Town is, but they do understand their need, their desire to prosper and thrive, to have their own home; that is what Olowalu Town is about and that is what FACE is about. So we ask that you maintain Olowalu Town within the Urban Growth Boundary. Thank you, and thank you for all of your work. I know you've been here countless hours, months, years. Thank you for all that you do.

CHAIR BAISA: Thank you very much. Members, any questions for our testifier? Seeing none, Beatriz, thank you for being here. Members, it's right on the money here. I think it's best we stop right here. Tomorrow we'll start...our first testifier will be Adeline Rodrigues, and we have quite a number of other testifiers who would like to testify tomorrow. Without further ado, Chair would like to thank everybody for coming today. Thank you for your patience, thank you for your hard work. Hang with us. We'll get through this. Thank you to Staff and Administrative representatives, especially to my Members, thank you so much for your help. And this meeting is now in recess. . . .(gavel). . .

RECESS: 4:30 p.m.

APPROVED BY:



GLADYS C. BAISA, Chair
General Plan Committee

gp:min:121015

Transcribed by: Raynette Yap

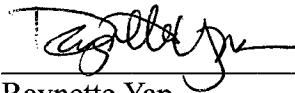
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CERTIFICATE

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

DATED the 30th day of October, 2012, in Kihei, Hawaii.



Raynette Yap