

# LAND USE COMMITTEE

Council of the County of Maui

## MINUTES

February 5, 2014

Council Chamber

**CONVENE:** 1:36 p.m.

**PRESENT:** Councilmember Don S. Guzman, Vice-Chair  
Councilmember Stacy Crivello  
Councilmember Elle Cochran  
Councilmember Gladys C. Baisa  
Councilmember Donald G. Couch, Jr.  
Councilmember Mike White

**EXCUSED:** Councilmember Robert Carroll, Chair  
Councilmember G. Riki Hokama  
Councilmember Michael P. Victorino

**STAFF:** Carla Nakata, Legislative Attorney  
Scott Jensen, Legislative Analyst  
Clarita Balala, Committee Secretary

Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)

**ADMIN.:** William Spence, Director, Department of Planning  
Kurt Wollenhaupt, Planner, Director of Planning  
Tivoli Faaumu, Captain, Department of Police  
David Taylor, Director, Department of Water Supply  
Scott English, Lieutenant, Department of Fire and Public Safety  
David Goode, Director, Department of Public Works  
James Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel

*Seated in the gallery:*

Kyle Ginoza, Director, Department of Environmental Management  
Eric Nakagawa, Division Chief, Wastewater Reclamation,  
Department of Environmental Management

**OTHERS:** Steve Baker

LAND USE COMMITTEE MINUTES  
Council of the County of Maui

February 5, 2014

---

Mike Moran, President, Kihei Community Association  
Alan Batungbacal  
Scott Sakakihara  
Zandra Amaral Crouse, Principal Broker, Aina Hawaii ZSA Properties  
Tyler Dos Santo-Tam, Executive Director, Hawaii Construction Alliance  
Tom Croly  
Charmaine Yuen  
Marc Drehsen  
Allen Shimoda  
Dave Thomas  
Bruce Uu, Apprentice Coordinator, Hawaii Carpenters Union  
Dick Mayer, Vice Chair, General Plan Advisory Committee

Grant Chun, Vice President, A&B Properties, Inc.  
Dan Yasui, Project Manager, A&B Properties, Inc.  
Alan Arakawa, Senior Vice President, A&B Properties, Inc.  
Terrance Arashiro, Civil Engineer, Austin Tsutsumi & Associates  
Matt Nakamoto, Traffic Engineer, Austin Tsutsumi & Associates  
Adrienne Wong, Civil Engineer, Austin Tsutsumi & Associates  
Michael Munekiyo, Munekiyo & Hiraga, Inc.  
(5) additional attendees

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

---

**ITEM NO. 7: COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING  
FOR A RESIDENTIAL COMMUNITY PROJECT FOR A&B  
PROPERTIES, INC. (KIHEI) (CC 11-103)**

VICE-CHAIR GUZMAN: ...*(gavel)*... Good afternoon. The Land Use Committee meeting of February 5, 2014 will now come to order. I'm Councilmember Don Guzman, the Vice-Chair of the Committee. Before we begin, may I ask everyone who has a cell phone to please put it on silence. I'd like to introduce our members on the Committee. We have Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

VICE-CHAIR GUZMAN: Good afternoon. We have Stacy Crivello.

COUNCILMEMBER CRIVELLO: Good afternoon, Chair.

VICE-CHAIR GUZMAN: Good afternoon. And Elle Cochran.

COUNCILMEMBER COCHRAN: Aloha, good afternoon.

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

VICE-CHAIR GUZMAN: Don Couch.

COUNCILMEMBER COUCH: Good afternoon, Chair.

VICE-CHAIR GUZMAN: Good afternoon. And Mike White.

COUNCILMEMBER WHITE: Aloha, Chair.

VICE-CHAIR GUZMAN: And absent...and, sorry, excused is Bob Carroll, Riki Hokama, and Mike Victorino. For the Executive Branch, representatives that we have today, we have Will Spence, Planning Director.

MR. SPENCE: Good morning, Chair.

VICE-CHAIR GUZMAN: Good afternoon.

MR. SPENCE: Good afternoon.

VICE-CHAIR GUZMAN: And Kurt Wollenhaupt, Planning, Department of Planning. I believe David Goode, Director of Public Works is on call, Dave Taylor, Director of Water Supply is here in the gallery, and we have Scott English from the Fire Prevention Bureau, Department of Fire and Public Safety. We have here also for our Deputy Corporation Counsel, James Giroux.

MR. GIROUX: Aloha, Chair.

VICE-CHAIR GUZMAN: And for our Committee Staff, we have Scott Jensen who's here, Clarita Balala, Committee Secretary, and Carla Nakata, Legislative Attorney. For our applicant, we have representatives, Grant Chun, Vice President of A&B Properties, and as he introduces his other staff and representatives in the beginning of the Committee they'll be introduced at that time. Okay. As a moment, as a preliminary, on today's agenda we were going to have one single item, LU-7 Community Plan Amendment and Change in Zone for a Residential Community Project for A&B Properties, Inc. in Kihei. Assisting us, I'm going to go ahead and for a moment turn to our District Offices, to have them check in. Assisting us this morning in Hana District Office is Dawn Lono, are you there?

MS. LONO: Good afternoon, Chair. This is Dawn Lono, at the Hana Office.

VICE-CHAIR GUZMAN: And Denise Fernandez, from Lanai District Office.

MS. FERNANDEZ: Good afternoon, Chair. This is Denise Fernandez, on Lanai.

VICE-CHAIR GUZMAN: And Ella Alcon, from Molokai District, are you present?

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

MS. ALCON: Good afternoon, Chair. This is Ella Alcon, on Molokai.

VICE-CHAIR GUZMAN: Okay, a few public testimony announcements. Anybody wishing to testify please sign up at the lobby area here. You'll have according to our Council rules, you'll have three minutes to testify on only the agenda items, and one minute to conclude. Please when you come to the podium, identify yourself or the organization in which you represent. And at this time I would like to have our first testifier called, Ms. Nakata, can you please call the first testifier?

***...BEGIN PUBLIC TESTIMONY...***

MS. NAKATA: Mr. Chair, the first testifier in the Chamber is Steve Baker, he'll be followed by Mike Moran.

MR. BAKER: Good afternoon, Chair, and fellow Committee members. My name is Steve Baker, I'm here to testify on my own behalf in support of A&B's North Kihei residential project. I have been a resident of Kihei since 1992, and have lived in North Kihei since 2007. I support this project due to the need for affordably priced homes for both the first-time homebuyer but also for the step up family who may already own a condo and need a larger residence due to the growth in their personal family. I have personal experience in making that step up from a condo to the small single-family house as my wife and I bought our first condo in 1992 and by 1997 we were having a second child and needed that small single-family home. Unfortunately for us, there was no such project available at the time and we had to buy a property that was so run down we couldn't even spend a night in it until it was remodeled completely. That is currently about the only option for growing families today on a limited budget. Last time I was in front of you, I spoke about the increase in prices among the big three residential condo complexes in Kihei, those being Keonekai Villages, Kihei Villages, and Southpointe. If you recall, prices had risen 28 percent, 41 percent, and 53 percent respectively from 2012 to 2013. Today I want to discuss a little about single-family homes that fill the gap in affordable quality homes needed by this same group of people. In the Hale Piilani Subdivision, the residential neighborhood directly adjacent to the project site, in 2013 the average sales price rose 28.2 percent over the average sale price in the exact same neighborhood in 2012. This is for homes built in 1985 and 1986. In the Piilani Villages II and III subdivision, the last affordably priced subdivision built in 2000 to 2003, the average sales price rose 25.9 percent in 2013 compared to the average sales price in 2012. Lastly, I looked at all of North Kihei, which I considered for this talk from the Safeway complex to Hale Piilani neighborhood, so I considered that in these numbers, and the average sales price in 2013 rose 30.1 percent over the average sales price in 2012 for the same exact area. I worked with multiple families these past couple years who tried to buy properties only to have their offers accepted, other offers accepted due to the small down payments that these local families were able to put down. As you are well aware, it is difficult to save extra money for down payments. This project is geared towards that local family who is looking for their first condo or their step up home. This is a planned community they will all be proud to call home. And if any of you are interested, I have the back-up data that I can submit. Thank you.

LAND USE COMMITTEE MINUTES  
Council of the County of Maui

February 5, 2014

---

VICE-CHAIR GUZMAN: Thank you, Mr. Baker. Members, are there any follow-up questions to clarify? Mr. White.

COUNCILMEMBER WHITE: Just that I'd like to have Mr. Baker submit the information, 'cause that's very good, valuable.

VICE-CHAIR GUZMAN: Mr. Baker, is it possible to submit that information?

MR. BAKER: Yes. Thank you.

VICE-CHAIR GUZMAN: You can submit it to one of our Clerks here, thank you.

COUNCILMEMBER WHITE: Thank you, Chair.

VICE-CHAIR GUZMAN: Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Let me get that...Mr. Baker.

VICE-CHAIR GUZMAN: Mr. Baker. Can you please come back to the podium?

MR. BAKER: Yeah, sorry about that.

VICE-CHAIR GUZMAN: Thank you.

COUNCILMEMBER COUCH: Thank you, Mr. Baker, for your testimony, thank you for being here. I do have, and I share your concerns with the availability of short term rental homes...affordable housing homes, single family and multi-family. The concern I have with that project is the, all the traffic dumping out on to Kaiwahine. I don't know if you've, I know you say you live in North Kihei, are you in that section up there or are down on, below the . . . *(inaudible)*. . .

MR. BAKER: No, I live below, by Trinity by the Sea Church.

COUNCILMEMBER COUCH: Okay, okay. Yeah. So having looked at the traffic that comes through on Kaiwahine now adding the greater number of cars, are you, would you still be in support of that just because we need the affordable homes or are you, would that change your perception a little bit?

MR. BAKER: No, I looked at the plans as submitted and I think that, you know whether, obviously it's going to be a much larger intersection. But based on what I've read about it is it's almost impossible to have an out turn except at Kaiwahine because of, you know like the State said, getting over to that big intersection to go to Lahaina. You know, obviously I think everybody would've, you know thought that was a good idea but the State didn't think so and we don't want to see anybody killed. It's already tough to get on to the highway so.

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

COUNCILMEMBER COUCH: So I guess, and this isn't just to you, this is kind of to the, to everybody in general is if a project is not as safe as it could be, and I'm not saying that that's not safe, it's just that choke point is enough to make the project a little bit more difficult to accept, does that outweigh the need for the affordable housing? That's what we're here, I mean that's the only thing I can see that's wrong with the project is the fact that it's that one choke point, so my concern is does that outweigh the need for the affordable housing? So as a person whose, have to deal with people trying to get affordable housing, can you kind of comment on that?

MR. BAKER: Well I see it, I personally believe it is and more importantly it's a choke point, yes. But it's safe. I mean if you do anything else, I mean that is, it would be a safe intersection. I mean they're going to expand it, they're going to have lights timed for lefts and rights and everything else. So, I think that makes it a safe intersection, much safer than many other intersections in Kihei trying to get on to that highway so. And there is, I mean we need affordable housing in Kihei.

COUNCILMEMBER COUCH: Okay. Thank you.

MR. BAKER: Thanks.

COUNCILMEMBER COUCH: Thank you.

VICE-CHAIR GUZMAN: Thank you, Mr. Baker.

MR. BAKER: Thank you.

VICE-CHAIR GUZMAN: Please call the next testifier.

MS. NAKATA: The next testifier is Mike Moran, he'll be followed by Alan Batungbacal.

MR. MORAN: Aloha, Chair, and Committee members, my name is Mike Moran, President of the Kihei Community Association, offering testimony for the association today. KCA is appreciative that the Committee had already scheduled two prior meetings back, two prior meetings on LU-7 back on December 12<sup>th</sup> of last year, a site visit that afternoon, and meeting in Kihei that same evening. The KCA submitted testimony and I personally was one of two individuals who submitted as a concerned North Kihei resident at the site visit. We are including our testimony which was a design review of the project offered to A&B again today for the record. We have other concerns we present in hopes that you will begin serious long range planning for this and all development Mauka of the Piilani Highway. Where will children living in A&B's proposed 600 housing units attend elementary school? And will they be able to walk or bike to school? If you combine these new housing units with . . . *(inaudible)* . . . 250 units, and the Piilani Promenade's 200 plus units, and those already existing beside Tesoro, there are more than enough proposed number of children to require construction of a new elementary school to serve these children safely and intelligently. Presently, our two elementary schools are already at capacity in Kihei. Will the Department of Education support funding a new elementary school mauka of the Piilani

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

Highway now that it has committed to a new Kihei high school on that side of the highway? Should the County approve new housing developments mauka of the Piilani Highway in the absence of a plan for safe routes to school and/or conveniently located school facilities for children who will live in newly approved housing? We want to see progress on a long range mauka plan for such things as schools, interconnectivity of neighborhoods, roads, safe routes to school, water, sewage, and the like. The Kihei/Makena Community Plan requires property development consistent with infrastructure development. Are you satisfied that adequate infrastructure exists to support A&B's proposed project? If not, can the Community Plan Amendment for this project be lawfully approved? Given all the development currently proposed for South Maui, we are not convinced that the Piilani Highway can easily accommodate A&B's project without negative impact on the community. The Maui County general island plan calls for walkable and bikeable communities. We fear this project will really be just one more disconnected proposed development that unfortunately characterizes much of Kihei, inhibiting value and making the town...

MS. NAKATA: Three minutes.

MR. MORAN: One more minute please. Making the town fall for short of its tremendous potential. Respectfully, we ask you to postpone approving the zoning change in the Kihei/Makena Community Plan Amendment this afternoon. We are sure you are aware that the Hawaii Department of Transportation turned down a proposed second connection to the highway right in and out only but nothing else is proposed. This leaves Kaiwahine as the only access to the proposed development. You certainly remember from your site visit, especially going to the second location by the park, that road. You really should see the area on any evening or on the weekend to see the number of motor vehicles already there from present residents. Then envision another 1,000 vehicles with no relief, save a larger single intersection. Kihei is not ready for this project. Mahalo.

VICE-CHAIR GUZMAN: Thank you, Mr. Moran. Members, any questions for rephrasing, clarification? Seeing none, thank you very much.

MS. NAKATA: The next testifier is, Alan Batungbacal. He'll be followed by Scott Sakakihara.

MR. BATUNGBACAL: Good afternoon, Chair, and Council members. I'm just here basically on behalf of my wife and I. I don't think anybody lives any closer to the projected or proposed development as we do because we live right there on the corner of Piilani Highway and Kaiwahine on 200 Humupea. As far as being a choke hold in traffic, that is our major concern because with the proposed amount of units coming in, I think there's going to be about 1,200 more vehicles on the road. Right now, we sit there and we listen to all the cars, we get the fumes, we listen to people on their cell phones, we listen to all the very loud radios. We're also concerned about that being the only egress and ingress for that subdivision, or for that projected development. I personally have been involved in a traffic accident so when someone says it's a safe intersection, I don't believe so. I have also witnessed other accidents at that location. Noise and the fumes is a big concern of ours if it is going to go on. I'm all for new development,

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

affordable housing, as Steve has mentioned, and of course jobs. There's going to be a lot of jobs from this. But I am concerned, just basically on our behalf and as far as the other people in the subdivision further up, it's going to be a lot of traffic. So I am, it's a sweet and sour moment for me. I'd like to see progress, but I also am concerned about traffic and noise. Thank you.

VICE-CHAIR GUZMAN: Any portion of the testimony that needs to be rephrased or clarified? Seeing none, thank you very much.

MR. BATUNGBACAL: Thank you.

MS. NAKATA: Next to testify is Scott Sakakihara. He'll be followed by Zandra Amaral Crouse.

VICE-CHAIR GUZMAN: Hello. Can you please state your name for the record?

MR. SAKAKIHARA: My name is Scott Sakakihara. Good afternoon, Chair, Council members. I'm here to provide personal testimony in support for A&B's proposed North Kihei Project. The project will provide approximately 600 residential units in the form of condominiums, townhomes, and single-family residences. The thing I like about this project is that all the units are really aimed for various sectors of the local market. Folks that work with you and me, and spent their life long, lifetime here. You know, as I think from the previous testifiers came up and talked about the shortage of available housing inventory on the island, we've all seen prices rise recently. And I believe that this project would go a long way to providing the supply that could possibly hold back housing prices from rising further. Prices, if they can stay affordable, makes it, makes for a better environment for local families to raise their children. Parents hopefully won't have to work three or four jobs to just pay for their mortgage, and ultimately, if prices can stay stable and parents do not have to work so much, you know we'd hope that it would lead to stronger families, and hopefully a reduction in social problems that comes along without parental supervision. The project is located at the crossroads between South and West Maui, providing reasonable commute to and from where people work. You know this job is going to provide, this project will provide local jobs for our ailing construction industry, and to the extent that these benefit our local families, I think it's good for everyone in the community. Yeah, and that's the end of my testimony.

VICE-CHAIR GUZMAN: Thank you. Members, any portion of it needs to be clarified or rephrased? Seeing none, thank you very much, Mr. Sakakihara. I'm going to go ahead and check in with our District Offices. Hana District Office, Ms. Lono, is there anyone wishing to provide testimony?

MS. LONO: There is no one waiting to testify at the Hana Office.

VICE-CHAIR GUZMAN: Lanai District Office, Ms. Fernandez, is there anyone wishing to provide testimony?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.



**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

VICE-CHAIR GUZMAN: And Molokai District Office, Ms. Alcon, is there anyone wishing to provide testimony?

MS. ALCON: There is no one here on Molokai waiting to testify.

VICE-CHAIR GUZMAN: Thank you. We'll go back to the Chambers.

MS. NAKATA: The next testifier is Zandra Amaral Crouse, she'll be followed by Tyler Dos Santos-Tam.

MS. CROUSE: Aloha. Aloha, my friends. I am testifying on item LUC-7, and I'd like to start to say that I agree that we are in need of affordable homes and housing altogether. As a realtor I can tell you there is a big shortage. But I like housing for our working families which I believe this project will provide. A&B has always been in the eyes, in my eyes anyway a great steward of taking care of our land environment but most of all our working families. They have provided many opportunities for my great grandparents in Lahaina, my grandparents, my parents, myself, and also my children, and my grandchildren. With this said I would like to humbly request regarding traffic impacts as well as water flow. I live in that subdivision, Ohukai. North Kihei road is partially paved with, most of it which runs behind Kaiwahine to and through to the Puunene Mill which is only a dirt road. I suggest that it be paved and used as an alternative road to relieve Kaiwahine. This would mitigate traffic flow onto existing subdivision roads. Perhaps A&B could develop North Kihei road and provide collector roads which run from their new subdivisions directly onto North Kihei road or other roads that may, they may develop which would then feed directly onto the major existing highways working with the State to perhaps put in, in the long run for future development a new highway. Regarding water, A&B could work with the County and the contractors to provide water for irrigation to these subdivisions using recycling water from the nearby Kihei plant, recycling plant. Where we live in North Kihei, we are subject to many more projects which are still in the planning. These improvements could stand, could only stand to benefit not only for the residents, but future developments as well. The environment could benefit as well as preserve the most precious limited resource we have in Maui County and the world and that is water. We may say these suggestions are cost prohibitive, but I do believe by all entities working together, each paying their fair share, it can be done, it can be done. We either pay now or our citizens will pay later. Perhaps A&B could seek State, Federal, or private foundation grants to defray cost for both the traffic and the water improvements. Mahalo for this opportunity for sharing my mana'o. A hui hou. Malama.

VICE-CHAIR GUZMAN: Ms. Amaral, can you please state your name for the record.

MS. CROUSE: Oh, I'm sorry. I'm Zandra Amaral Crouse. Thank you.

VICE-CHAIR GUZMAN: Okay, thank you. Members, do you have any questions to rephrase or clarify? Seeing none, thank you very much.

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

MS. CROUSE: Thank you. Sorry.

MS. NAKATA: The next testifier is Tyler Dos Santos-Tam, he'll be followed by Tom Croly.

MR. DOS SANTOS-TAM: Aloha, Vice-Chair, and Members. I'm Tyler Dos Santos-Tam. I'm the Executive Director of the Hawaii Construction Alliance which represents the State's 15,000 unionized carpenters, laborers, masons, and operating engineers. And I come today to ask for your support for item LU-7 for A&B's project in Kihei. One issue that the Hawaii Construction Alliance has been focusing on is the issue of housing, and the current state of Maui County's housing market was described in the Hawaii Housing Planning Study, which was prepared in 2011. And one conclusion of that study raised was that Hawaii's housing market is marked by high prices and restricted supply. By any method of reckoning, there will be a need for units at every market level for a long time to come and that is a quote that comes directly from that study. And so A&B Property's project in Kihei which will produce approximately 600 residential units at various price levels and various housing types, will help to meet this demand here in Maui County, and as a result, middle class Maui families, including teachers, first responders, and even members in our industry, the construction industry will have the chance at achieving home ownership. In addition, construction of this project will provide several benefits for our members, including quality jobs for the construction industry to alleviate the many jobs that were shed during the last economic downturn. But in addition to that, the project will deliver a park, recreation hall, and neighborhood commercial center to make it a livable and desirable place to be. And as many folks who have testified so far have indicated, the project will also work on traffic improvement issues and the DOE funding to make sure that there are enough schools to help the future residents of this community. And so for these reasons, we respectfully ask this Committee to move this project forward to give our members a chance to get to work on this project and to give Maui residents a chance at home ownership. Mahalo.

VICE-CHAIR GUZMAN: Thank you. Members, any portion needs to be clarified or rephrased? Mr. White.

COUNCILMEMBER WHITE: Thank you, Chair. Would it be possible for us to get copies of that housing study?

MR. DOS SANTOS-TAM: Sure, I believe it's on the Maui County website.

COUNCILMEMBER WHITE: Oh, okay.

MR. DOS SANTOS-TAM: But I can send it directly to your e-mail. That would be no problem.

COUNCILMEMBER WHITE: No, no that's alright. If it's on the website we'll find it.

MR. DOS SANTOS-TAM: Okay.

COUNCILMEMBER WHITE: Thanks.

LAND USE COMMITTEE MINUTES  
Council of the County of Maui

February 5, 2014

---

VICE-CHAIR GUZMAN: Anything further? Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair, and thank you, Mr. Dos Santos-Tam. I think I got that right.

MR. DOS SANTOS-TAM: Yeah.

COUNCILMEMBER COUCH: Thank you for being here. I guess I have the same question as I did to one of the other testifiers is weighing the need and don't get me wrong, there's a definite need for affordable housing, quite a bit, especially in Kihei and West Maui, and even in Central. But at the cost of an interesting choke point there in my opinion. I don't know, from your letterhead, it sounds like you're from Oahu so you haven't seen the interesting traffic situation that there is up there. So my biggest concern is that traffic and again I'll ask you that same question, the weighing of the big traffic issue versus the affordable housing and...so...

MR. DOS SANTOS-TAM: Yeah. So, you know as you pointed out, you know I am from Oahu but this project is very important to us on a Statewide level for our members. As for traffic, I think this is an issue that, you know, it's not my expertise either, and I think the traffic engineers from the State, from the County, and even on the private side who have studied this as part of the Environmental Assessment process, as part of the planning process, you know those recommendations should be looked at. And you know, that's really where the traffic improvements should be coming from, and we need to look at kind of the data and the projections to decide.

COUNCILMEMBER COUCH: Okay. So can I give the folks your phone number when they call me and the traffic's all messed up?

MR. DOS SANTOS-TAM: Yeah, no problem. It's on my letterhead.

COUNCILMEMBER COUCH: Thank you. Thank you.

VICE-CHAIR GUZMAN: Anything further, Members? Thank you, Mr. Dos Santos-Tam.

MS. NAKATA: The next testifier is Tom Crolly, he'll be followed by Charmaine Yuen.

MR. CROLY: Aloha. I'm Tom Crolly and I'm speaking today on my own behalf. I was considering this project while I was watching some of the rebroadcasts of the recent meetings that we've had here about the pesticide bill and so forth, and I read the pesticide bill and one of the things that struck me and it was it talked about agricultural uses encroaching upon residential uses and I thought that's backwards. Its residential uses encroaching on agriculture and as we're all aware, we have a Right to Farm Act that's in place here in Hawaii that says agriculture can make whatever noises and smells and problems it has in order to continue their thing. But what we should be considering here is if we're going to put a subdivision right on the edge of agriculture,

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

then we're creating the problem. So, we need to create a buffer zone, or create a way to mitigate those impacts when we create, if we're going to give this zoning approval. I'm in full support of this project from the standpoint of creating affordable housing, and I actually think that it's a wonderful location from the standpoint of, from this kind of centralized location you can go in all directions very easily. I would prefer it to be there than further down the Piilani Highway and creating more traffic for everyone who's heading in one direction, heading down Piilani Highway. But I do think that we want to mitigate the, all of that border that we have with the agricultural areas and I think a way to do that would be to create a rather large buffer zone. If we look at the value of this land if you're not going to subdivide it, it's presently taxed at \$250 per acre, the agricultural value of this land. Once we subdivide it, once it turns in to housing, it's going to have a huge amount of value and perhaps \$10 million or something like that. So, or many more than \$10 million I'm sorry, but the point is, creating this buffer, if we say we're not going to have agricultural uses in that buffer or we're going to create some kind of way to mitigate the impacts of agricultural uses is not going to add a lot of cost to this project because that land is of very low value at this point. I share Councilman Couch's concerns about added traffic, and while I was sitting at that intersection heading this way I thought about something, Maui Meadows is about 600 homes, we have two exits from Maui Meadows. Typically, when I leave Maui Meadows there's between two and four cars at either of those, well actually at the one with the light, rarely over on the Mikiioi side. So, when I thought about the number of homes that are up there right now, it might double the amount of cars but I don't see it becoming this huge choke hold. They might go from three to five cars sitting in a queue to you know, six to eight cars sitting in a queue. But with proper timing of the lights and so forth, I think that they can do that but I'm not the specialist and as the last testifier said, I would depend on the specialist to give you those numbers. But I was just trying to picture in my mind what would this be, and it would be similar to the intersection coming out of Maui Meadows where we have 600 homes, and that's not like a, it's not like a major intersection where there's thousands of cars going in and out. So that's my manao, again thank you for your consideration.

VICE-CHAIR GUZMAN: Thank you. Members, any portion of the testimony that needs to be clarified or rephrased? Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Mr. Croly, for being there, and interesting comparison you made with Maui Meadows. You're right, they do have the two, and I lived up there when they only had the one and there wasn't a whole lot of traffic but at that time, and even then there was about close to 600 homes when I lived there. My concern is, that's a different mix of residents, the residents here would probably be more...have younger and bigger families and taking kids to school which the nearest school is quite a ways away. So there, I would assume that there would be a bit more traffic, probably at least double something that you might see out of Maui Meadows because of the makeup of the neighborhood I would think, I don't know. Your thoughts on that?

MR. CROLY: Well, I thought about that too. But when you think about Maui Meadows, of the 600 lots, 625 lots, 600 of which are developed, most of them, probably more than 400 have both a house and a cottage on them. So we're actually talking about, in Maui Meadows, about a 1,000

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

residences. So the number of trips, and again you lived up in Maui Meadows you know that a lot of these homes are split up into multiple dwellings and we have multiple you know, individuals living in them. So I don't know, again I'm not putting myself in there as the expert but I was just trying to get a feel for what would it look like and that's what I think it might look like. Yeah.

COUNCILMEMBER COUCH: Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you, Mr. Croly.

MS. NAKATA: The next testifier is Charmaine Yuen, she'll be followed by Marc Drehsen.

MS. YUEN: Good afternoon, Chair. Good afternoon, Council. My name is Charmaine Yuen, I'm here to testify on my own behalf in support of the Kihei residential project. I am, I feel passionate about this project for just a couple simple reasons. I am a young parent from Maui raising a family here and I have personally experienced just a short number of years ago trying to buy my first home and it was hard. It was, the demand was great and the prices were high and I remember sleeping on the side of the road for the, when the Kehalani project just started, Ohia. Nothing had been built yet and slept on the side of the road with about 500 to 600 other families just trying to get our name on a list. It was cold and we didn't have a bathroom. So I'm very, very supportive of this for that reason, for young families. It is hard, I am here by myself today but if you can imagine, there is hundreds of other families working right now, trying to pay the bills, trying to save money, and they can't be here at this hour so I'm fortunate that my employer did let me come and testify. I believe that A&B is a good company to do this project. I think that they have proven themselves over the years in Maui County to be, or the State to be a good steward of our land, of our home. I believe that they develop smart. Development will happen, traffic will happen, families will continue to grow, and I don't believe that there's a, there are good companies, but I believe A&B is a great company to develop in that area because I believe that they will do it smart. They will plan it correctly. If something's not going to work, I believe that they will fix it to make it work, and it creates jobs. It's going to create jobs in our industry, it's going to, I think it's just a good thing. That's really all I have to say about it. Thank you.

VICE-CHAIR GUZMAN: Thank you. Members, any portion that needs to be clarified or rephrased? Mr. Couch.

COUNCILMEMBER COUCH: Thank you. Thank you for being here and thank you for your support of the project. Again, I'll ask the same question, I mean you're willing to put up with the traffic, potential extra traffic and bottleneck at that, in that area for just a chance to have an affordable house?

MS. YUEN: Yeah, I believe that it does outweigh the traffic. I drive to Kihei every day for work. I live in Wailuku. I transferred to Kihei, so I understand the traffic. There is traffic but I believe that our roads are our infrastructure, we have to create good infrastructure. It's going to happen anyway so I think that this is a good way. We have a great company here, part of our community willing to put out that money to help us produce a good infrastructure. We might as well take

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

them up on it because it's going to happen. So I do believe it outweighs it, and there was one other point that I wanted to say but I just, I think it...yeah it does, in my opinion it does outweigh it.

COUNCILMEMBER COUCH: Okay. And the other issue I know when the previous testifier talked about and that's, you're going to be right up next to an ag area and there's a lot, and it's right where the trade winds blows and it gets really dusty there. The current subdivision actually might like to have you there 'cause that would be a scrubber for the, they'd collect all the dust, a lot less, they'd get a lot less dust but there will be a lot of dust coming through there. Are you guys willing to put up with that? I mean it gets really dusty.

MS. YUEN: Right, I thought of that as well because I don't like dust and I thought of it on the positive level that they will be developing an area that was creating dust right now. So as we're developing and moving, I'm looking at it in a positive light that something that is creating dust right now is being developed in a good cause. So, I mean yeah there's dust, it happens to be in that area, but I think that people that live there will have to, it's something that they have to think about when moving in there.

COUNCILMEMBER COUCH: Okay, thank you. Thank you very much.

MS. YUEN: You're welcome

VICE-CHAIR GUZMAN: Anything further, Members? Seeing none, thank you, Ms. Yuen.

MS. NAKATA: The next testifier is Marc Drehsen, he'll be followed by Allen Shimoda.

MR. DREHSEN: Good afternoon. My name is Marc Drehsen, I'm speaking on my own behalf. I'm a former air quality meteorologist and a co-founding member of the Maui Clean Air Coalition which as far as I know is the third coalition formed to try to stop cane burning, and now there's a fourth coalition going on so I'm sure you're well aware of all the problems regarding cane burning. I live a half mile southwest of the Kaiwahine/Piilani Highway intersection and we obviously get a lot of dust there and of course occasionally we get the cane smoke, occasionally it's very bad, but the dust is almost constant. We leave our windows open of course to get the trade winds come in. Almost every day that the trade winds blow that HC&S is harvesting, the dust is coming in. We clean off our counter, the next day you can write notes in the dust on the counter, it's that bad. So, Mr. Couch, I heard you allude to it so I'm sure you're well aware of it. But I would like to see a way to inform potential buyers and potential renters of the dust problems if they do move in there. I'd much rather see this area not built there. If you're going to pick a place to build a place, that's probably the worst place to pick regarding the dust. It'll be the first line of defense for us to filter out the dust so we don't get it anymore but for them they'll be out of luck. I hope you reconsider building this. I don't think that it would be a good place for anybody that would move in here. Thank you.

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

VICE-CHAIR GUZMAN: Thank you. Members, any portion of the testimony that needs to be rephrased or clarified? Seeing none, thank you so much, Mr. Drehsen.

MR. DREHSEN: Thank you.

MS. NAKATA: The next testifier is Allen Shimoda, he'll be followed by Dave Thomas.

MR. SHIMODA: Vice-Chairperson Don Guzman, and Council members, aloha. I would like to take a stand against the 600 unit proposal adjacent to Kaiwahine Street. I've lived there since I think 1989, when the Blackfields first developing the first and second increment, and I've seen where people, I guess where the traffic has been, you know pretty bad after they built the affordable County housing, and it didn't just double the noise that was going up and down the street, it multiplied the noise. People were blasting their radios, and they were just being noisy. I just want to mention some experiences that I've had there. We had a drunk driver hit my nut tree, pushed it up to the middle of the lot at one point. I also had three different people with parked vehicles in front of the house and each one got rear ended because people were driving maybe drunk, and the house next door with the fence was also rammed, and you know it could be basically coincidental. But I think because there's traffic going up and down we've had these accidents occur. Now with more traffic being involved with the 600 units, I'm thinking that, you know there's chances that there might be more accidents in the future. I took a count of the number of cars that there were between my neighbors on the right and on the left and on my right and there's a total of about 12 cars, and if you multiply that by the number of units there are which is 600, and just say you know, I know Alan Batungbacal, I hope I said his name right, had said possibly 1,200, I'm going to say 1,800 more vehicles that might be potentially in that area. And I know I'm reiterating what Don Couch said earlier, but I can foresee just a big amount of bottlenecking right there at the Kaiwahine access where Kaiolohia meets Kaiwahine. Alan lives maybe on Humupea, almost the first house, I live maybe the twelfth house going up and Dave Thomas who's here also to testify, lives across from me.

MS. NAKATA: Three minutes.

MR. SHIMODA: So, okay, sorry. The other point that Don had made was about the dirt and the previous testifier, and when Goodfellows were doing the construction work a couple of years back, they drove their trucks front, you know back and forth through Kaiwahine entrance. This created such a cloud of dust that we had to rewash our dishes every day, dust and vacuum, I took pictures of the dust that the trucks were generating and sent them to the County at that time. So with this project, you know 600 more units being developed, I just, it's very apprehensive to me, what's going to be happening during that time. It's just a major health concern for myself. So, thank you for listening to my reasons.

VICE-CHAIR GUZMAN: Thank you. Mr. Shimoda, can you please put your name on the record.

MR. SHIMODA: Say my name?

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

VICE-CHAIR GUZMAN: Yes

MR. SHIMODA: Allen Shimoda.

VICE-CHAIR GUZMAN: Okay, thank you. Members, do you have any further questions for clarification, rephrase? Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair, and thank you, Mr. Shimoda, for being here. You've heard the testimonies and a lot of my questions. The question I would have for you is again the balance. Yes, there might be some traffic issues, not so much where you are because the traffic is going to come out down below by where Alan is, but it might back up traffic just a little bit up your street, and it also could potentially filter some of the dust from your place so it might be actually a little bit better on dust from you. But weighing that, your concerns with the fact that you know we need affordable housing. I mean we need a lot of affordable housing, and that is a, potentially a pretty big affordable housing chunk there.

MR. SHIMODA: Right.

COUNCILMEMBER COUCH: And you're a landlord, is that correct?

MR. SHIMODA: Yes, I do own.

COUNCILMEMBER COUCH: So you know that people are looking for places to rent, they're in very short supply. What's your thoughts about weighing those two big, I mean big issues?

MR. SHIMODA: Right. I think we do need affordable housing. But I would like to see another access road besides Kaiwahine Street access, and I mentioned to you yesterday that if they were to open up the, make that intersection from Mokulele coming up and open that area up, I can see potentially where, you know that would alleviate any traffic that might be coming though. So if that's a possibility then, you know affordable housing, fine. But I guess the number one point that I had was, you know there's going to be traffic there. I know the previous person said about Maui Meadows, but we have about eight right now, right there at the traffic light, eight cars. Can you imagine when you have the 600 more units? How many more cars are going to be back there? Probably up to my house. So, you know, it's on my behalf I'm asking. So thank you very much.

COUNCILMEMBER COUCH: And thank you, and one last question. Do you know how many houses are in the Kaiwahine subdivision?

MR. SHIMODA: No, I don't. I don't know if . . . *(inaudible)* . . .

COUNCILMEMBER COUCH: Okay. No, that's fine if you don't. That's fine.

MR. SHIMODA: Okay, thank you.



**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

COUNCILMEMBER COUCH: Thank you.

VICE-CHAIR GUZMAN: Anything further, Members? Thank you, Mr. Shimoda. Next testifier.

MS. NAKATA: The next testifier is Dave Thomas, he'll be followed by Bruce Uu.

MR. THOMAS: Aloha and good afternoon. My name is Dave Thomas. Thank you for the opportunity of being here. I am an original owner in Hale Piilani, I've lived on Kaiwahine Street for twenty eight and a half years. There are 297 units in Kaiwahine according to a realtor friend, I asked for that information. So, one thing that hasn't been mentioned so far and maybe this project isn't still alive, but the Kaiwahine Village Project is 120 units and that, the access to that is through Kaiwahine as well. So, you take that 120, add the 600, that's 720. I support the project in principle, I support the need for more affordable housing. But, until we have the infrastructure to support it, I can't. I oppose the project. Kaiwahine Street has never been repaved in twenty eight and a half years. It's the original paving, so I think the County has a responsibility to take care of what we have now first. I think A&B is a great company. I want to echo some things that Allen said, I've seen some near fatalities right in front of my house. We went from the intersection originally was two stop signs and now it's many lanes and it's many stop lights, and the way the timers are, it favors of course the traffic on Piilani Highway coming and going, but to make the left turn, you have to allow over a minute and a half and sometimes you're not going to get through. So sometimes you're going to have to wait twice, and people run that thing too because local residents that need to get to work and have to make the left hand turn, they're just, they're not patient and they're going to go. So I'm really concerned with the four lanes that are there already with the two turn lanes on either side, adding one lane, I don't see that doing it. I think there needs to be a completely different way in and out of this project and if that were the case I would definitely support it.

VICE-CHAIR GUZMAN: Thank you. Members, any portion that needs to be clarified, rephrased? Seeing none, thank you, Mr. Thomas.

MS. NAKATA: Mr. Chair, the last person who has signed up to testify in the Chamber is Bruce Uu.

MR. UU: Aloha, Council and Council Chair. Good afternoon. My name is Bruce Uu, I'm an Apprentice Coordinator for the Hawaii Carpenters Union. I'm in support of the project, A&B's project on North Kihei. I think it's been said, there's a lack of inventory for affordable housing. I support it for a lot of reasons, one is the \$12 million that would be geared towards traffic improvements. The \$2.7 million for Department of Education fees, the 9 million park improvements, which also I like the pocket parks, I really do. Also, it's an infill project, and it's already in the State land use district, and I've heard a lot of talk about traffic and granted it's a serious topic and a serious note, and to take into consideration how you can compare this project which might differ, you know. But Kehalani has a buildout of 2,400 homes, the projects already built there now, it's Koa, Akolea, Maunaleo, Waiolu Estates, The Villages, The Cottages, Iliahi, they also have Puu Kukui School right now that recently opened up. They have Ohia I, Ohia II,

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

over there three, that's one joke by the way, Hoolea Terrace, and they also have Milo Court, already built. Now mind you, the buildout is for 2,400 homes that abuts an existing project which is Wailuku Heights. They have two entrances, and that is Kuikahi and Kehalani Drive. So if you take that in comparison based on what the people testified and also you Council member, that will be a total of 4,800 cars just on Kehalani, not including Wailuku Heights, not including Puu Kukui School and it functions well. I went up there during peak season, peak hours in the morning, I went there after work, it's functional. Go take a drive, go take a look, even if you split the two, that's 2,400 vehicles per. I think it's a scare at times, the car count, and for me, 72 houses in my neighborhood, I've seen three accidents. I don't think it's based on how size is, it's how much patience you have. That's you know, you've got to be patient. I leave work early every day, I'm okay, I'm not in a rush, I drive slow. Is there any more time? And well having said that, and usually the people, and I respect the people who are not for the project, you know they have their opinions which I respect.

MS. NAKATA: Three minutes.

MR. UU: But usually the people against the housing is the haves and not the have nots. Thank you.

VICE-CHAIR GUZMAN: Thank you. Members, any portion that needs to be clarified or rephrased? Seeing...

COUNCILMEMBER COCHRAN: Bruce...I mean, sorry, Chair.

VICE-CHAIR GUZMAN: Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry. Mr. Uu, thank you for being here.

MR. UU: You're welcome.

COUNCILMEMBER COCHRAN: And so I'm just trying to picture the numbers you've given and the subdivision is right up over here and then in comparison to the Kaiwahine roads, Ohukai, and whatever all these little mini, much smaller type infrastructure and, you know the density here. I think, so I'm trying to visualize you know the infrastructure difference. I think there is though in your perspective, do you believe 'cause the Wailuku Heights and all the Kehalani, all that stuff, the roads are much wider and kind of two lane with medians in the middle versus these guys are pretty cramped, it reminds me more of like Kilauea Mauka where I'm from in Lahaina and Lahainaluna Road and stuff merging in on a more narrow roads and things.

MR. UU: You know, you brought up a good point, Council member, I like the smaller roads and it would force people to go slower. That's how I look at it, and always, when you open it up big and you make it wide for some reason people speed. When you have the nicer roads, people take advantage. If you need to put in speed bumps, I think that's one that could mitigate some of the traffic concerns. But I agree with your...but to me the smaller, you know I'm a cautious driver, I

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

can't speak for everyone, but my neighborhood's small and I really go slow in my neighborhood. Like I said, I'm never in a rush. I'm always early, I leave early, patience.

COUNCILMEMBER COCHRAN: Okay, alright, well thank you, Mr. Uu.

MR. UU: You're welcome, thank you.

COUNCILMEMBER COCHRAN: Thank you, Chair.

VICE-CHAIR GUZMAN: Anything further, Members? Seeing none, thank you, Mr. Uu.

MR. UU: One final comment. My house abutted the cane fields, Council member, and I loved it there. Aloha.

COUNCILMEMBER COCHRAN: Got to throw that in.

MS. NAKATA: Mr. Chair, we have an additional testifier, it's Dick Mayer.

MR. MAYER: Good afternoon, Vice-Chair Guzman, and Council members. What you have before you is a choice obviously whether to approve or not approve the project and I think you have some really valid choices. Let me mention some of the considerations with regard to the Urban Growth Boundary, this area is within that Urban Growth Boundary but as you know, there's no reason why it has to be the first project that you stick in to the development process, and I think the community plan would be a far better way to decide which of the many areas within the Urban Growth Boundary should be set aside for this project. With regard to water, both potable water and irrigation water, in the EIS there's no identified source for this water and there are a number of other projects which would be probably tapping into that water supply, Waiale and the Waikapu Town Center perhaps and other areas in and around Wailuku/Kahului that would be competing for this water supply. So I think unless you know of an identifiable water source, I think it would be premature to approve this project. Similar with irrigation, they plan to go into the Kamaole Aquifer, and there are already many, many wells in that aquifer and I believe those wells in sum total begin tapping, getting close to the capacity of that aquifer. Immediately adjacent to it, as it has been mentioned is the agricultural operation and I would urge you if you do go ahead with this, that you put definite limits on how close that agricultural operation can go to this particular project. In the testimony there, I've given you, you can see some of the numbers. A major issue that's come up this morning already, this afternoon, is the traffic issue. The traffic study that was originally done for the EIS was done five or six years ago. The most recent one, although it was approved by the Department of Transportation, I think they were at fault in approving it, because they did not look at about five or six absolutely huge projects already approved in South Maui which were not part of the traffic study. Makena Resort, A&B's own Wailea Resort, R&T Park, and several other projects that are in Kihei. Those weren't even part of the traffic study so on Piilani Highway all of those have to be taken into account. David Goode, your Public Works Director, has sent a letter in saying that there should be a mauka connection, and there should be better connectivity to existing neighborhoods. That's a letter in

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

your file. I think the major choice you have is, is this project better than the R&T Park? Maui R&T Park has got 1,250 units in their project but they have certain great advantages over this project. Number one, they're going to have a school on the site, number two, they're adjacent to the high school so they'll be no on the highway type connections. They will have jobs and I think that is from the GPAC point of view, one of the things we most looked at. We wanted residences near jobs, not isolated. This project, the resident of, the A&B's proposal --

MS. NAKATA: Three minutes.

MR. MAYER: --has no jobs. One minute please. Has no jobs on site. The R&T Park has it, and it would be, many of them would be affordable units in a community that would be much better planned than this project and with probably much better access to Piilani Highway on their diagrams. A&B has in the past gotten several entitlements. Several of them have not been built and I think if A&B were to be given this one, it would just add to their long list of entitlements. Particularly Waiale, with a total of 2,550 units in that project, there's also the Kahului Town Center with 442 condominium adjacent to it. Those were aimed for the same audience of local families, affordable units, all the same dimensions and characteristics that they are asking for here and so I ask that you turn down this project at this time. Get A&B to do what they should be doing and then see if they, evaluate them when the community plan comes through in a few years for South Maui, by that time --

MS. NAKATA: Four minutes.

MR. MAYER: --we'll see whether A&B has completed the other projects that they were entitled to get already. Thank you very much.

VICE-CHAIR GUZMAN: Thank you. Members, any portion that needs to be clarified or rephrased? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Mr. Mayer, for being here and your extensive detailed testimony. I'm not sure in your testimony you mentioned the whole traffic issue and I believe you're saying it's flawed but also in a sense I guess premature in the way that traffic impact fee study has just been completed and what not. Can you sort of elaborate on that?

MR. MAYER: Yeah the, your Planning Department has authorized you folks, or funded an impact fee study for the island. That study was completed several months ago, as well as impact fees not only for traffic but for wastewater and other areas of the County, Police, Fire, et cetera. That impact fee study should come before you so that you know that if this project were to go through, the 600 units plus ohanas, because we're not just talking about the 600 units, there will be ohanas in that project as well added on to it, whether in fact that project will pay it's due share, and I think that becomes particularly important because Mr. White mentioned about the property tax that was mentioned I know in the Budget Committee. These houses, many of them will have homeowner exemptions and they will pay actually very low property taxes probably to

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

the County, so the County will not get large amounts. So the one time it can get some funds would be through impact fees to support many of the County facilities that will be supporting this particular project. So I would hope you get that study, it's all done, the Planning Department has it, ask for it, and begin using it.

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

VICE-CHAIR GUZMAN: Any further questions? Seeing none, thank you, Mr. Mayer.

MR. MAYER: Thank you.

MS. NAKATA: Mr. Chair, no one else has signed up to testify in the Chamber.

VICE-CHAIR GUZMAN: Okay. I'm going to go the District Offices. Ms. Lono, in the Hana District Office, is there anyone wishing to testify?

MS. LONO: There is no one at the Hana Office waiting to testify, Chair.

VICE-CHAIR GUZMAN: Ms. Fernandez, in Lanai District Office, is there anyone wishing to provide testimony?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

VICE-CHAIR GUZMAN: And Ms. Alcon, in Molokai District Office, is there anyone wishing to provide testimony?

MS. ALCON: There is no one here on Molokai waiting to testify.

VICE-CHAIR GUZMAN: Thank you. Is there anyone in the gallery wishing to testify? Seeing none, at this time, Members, I'm going to be closing public testimony, without objection.

COUNCIL MEMBERS: No objections.

VICE-CHAIR GUZMAN: Thank you.

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

VICE-CHAIR GUZMAN: Members, we're going to go ahead and take a...I'd like to take a five-minute recess just to take a restroom break and allow everybody to regroup. Okay. So we'll be in recess for about five minutes. Thank you. ...*(gavel)*...

**RECESS: 2:37 p.m.**

**RECONVENE: 2:48 p.m.**

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

VICE-CHAIR GUZMAN: . . .*(gavel)*. . . The February 5, 2014 Land Use Committee shall now reconvene. Members, we're going to address today's agenda item, LU-7. The Committee is in receipt of County Communication 11-103, from the Planning Director, transmitting the proposed bill for a Community Plan Amendment for Agriculture to Multi-Family, Single-Family, and Commercial, and a Change in Zoning from Agricultural District to A-1 Apartment District, A-2 Apartment District, R-1 Residential District, and B-2 Community Business District. The property involved consists of 94.3 acres located mauka of Piilani Highway, south of the Piilani-Mokulele Highways intersection near Kaiwahine Street in Kihei, Maui TMK (2) 3-8-004:002 (por.), (2) 3-8-004:022 (por.), and (2) 3-8-004:030 (por.). The land use changes would facilitate the development of the proposed Kihei residential community project consisting of a mix of 600 single-family detached and multi-family residential units, and a 1.4 acre neighborhood commercial center, a park, and open space. The Committee is also in receipt of the revised proposed bills from the Department of Corporation Counsel incorporating revised property descriptions associated with each of the proposed land use designations. Members, as you know, the Committee last met to consider this application on December 18, 2013 when we concluded a site inspection followed by an evening meeting at the, I guess at the intermediate school cafeteria, Lokelani. The applicant provided a PowerPoint presentation of the proposed project at that evening meeting. Since that meeting, the Committee has received additional correspondence from the State DOT as noted previously. Yesterday, the Committee also received correspondence dated February 4, 2014 from Heidi Meeker, Facilities Development Branch State Department of Education concerning the DOE's position on the need for an educational contribution agreement for the project. That correspondence has also been distributed to the Members' binders. Before I call any of the representatives we have here today I'd like to note and I'm aware of the Mayor's state of the County address which is scheduled to start at five o'clock pm today, I'm aware the departmental directors and/or staff, as well as our Council members plan to attend, so I will adjourn this meeting exactly at 4:15 today. I'd like to start by asking the applicant's representative to provide a brief overview of the project, and please approach the podium and identify yourself and identify any other representatives that you have with you today. Thank you.

MR. MUNEKIYO: Thank you, Mr. Chair, and members of the Committee. My name is Mike Munekiyo, I'm here today on behalf of A&B Properties, and if I may introduce the members of our team that are here today, Dan Yasui is with A&B Properties, Grant Chun with A&B Properties, Alan Arakawa with A&B Properties as well. We do have our engineering consultants, our Traffic Engineer from Austin Tsutsumi & Associates, Matt Nakamoto, and our Civil Engineer is also from Austin Tsutsumi & Associates, Terrance Arashiro and Adrienne Wong. So following our brief presentation, Mr. Chair, we do have the resources available to answer any questions which the Members may have. If I may proceed, Mr. Chair, I'd like to just give a brief refresh for the Committee, and I appreciate this opportunity because it's been about a month and a half since we last presented this item to the Committee and there have been a couple of things that have come up with respect to comments from agencies. But just to recap real briefly, I did hand out, we have on the boards, but these are just three sheets from our PowerPoint. I thought these would be useful reference documents, not so much to talk to but in

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

the event there may be questions with respect to location, traffic, so forth. These I thought were the most relevant pieces of PowerPoint that could be of use to the deliberation today. So again just going back, one point that I did want to make on this aerial photograph, and this was discussed previously, but the Waiakoa Gulch borders the property on this northern side; however, the limits of the project itself were actually delineated based on engineering studies so that the property itself, the subject property is outside the limits of any threat of flooding from Waiakoa Gulch, and I think that was a comment that was raised previously so I thought I'd just clarify that point. The second page of the handout is again the, just defines the delineations of various zoning districts that we are seeking from the Committee, about recommendations from the Committee today. And again these are the zoning classifications, R-1 Residential I did want to point out in the middle of the plan, the community plan land use designation in terms of their boundaries would mirror the zoning designation, so again these are just reference points for the Committee. And finally, the last page is something that may be of use as the Committee continues its discussion on traffic is the intersection plan that we brought before the Committee back in December. So again these are just reference documents. Again, as the Chair mentioned, this project is a project that is designed for local families, about 600 units, and the product types as we discussed previously would include multi-family products, single-family products, and these will all be architecturally designed to have a consistent neighborhood feel. And again we believe that this is a kind of project that would offer a fairly comfortable and high quality living environment. Now because we are targeting local families, we thought it important to really focus on the affordability of the project. We did mention back in December a price range, and again this price range is based on 2014 dollars, roughly between \$300,000 and \$600,000 so again, trying to keep it affordable, bearing in mind who our target market would be. As Chair mentioned, there will be a 1.4 acre park as well as a, I'm sorry 1.4 acre commercial center and parks and linkages between the neighborhoods. I did want to just call attention to the Committee as Chair mentioned, you did receive a letter from the Department of Transportation. That letter did include seven recommendations for possible conditions which the Committee could consider as it continues with its consideration of this item, and you also received a letter from the State Department of Education, and in that DOE testimony they had suggested a condition as well. So we, as a matter of facilitating discussion and at the appropriate time, Mr. Chair, we have offered conditions reflecting what the DOT has provided, as well as what the DOE has recommended, and together with whatever recommended conditions which the Planning Commission has advanced, we'd be happy to discuss those with the Committee at the appropriate time. So at this point, Mr. Chair, and Committee members, we'd be happy to answer any questions if that's appropriate.

**VICE-CHAIR GUZMAN:** Members, I'm going to open up the floor for any preliminary questions before we call the departments down to the floor. Do you have any preliminary questions for the developer? Mr. Couch.

**COUNCILMEMBER COUCH:** Thank you, Mr. Chair. Okay, here we go. You know one of the testifiers mentioned a potential buffer or something along those lines and my thoughts possibly were you know we're going to have to do something about the agriculture there, especially with all the stuff that's coming before us in other committees, Mr. Chair. Is it possible that there may

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

be some sort of windbreak or dust collection of you know kind of trees, set of trees or, I know we had the wiliwilis there for a while but of course we have the gall wasp issue. But something along those lines that can border that to mitigate some of the dust, I mean those go a long way in mitigating the dust.

MR. MUNEKIYO: Sure. I think, Council member, as you might recall there is that Waiakoa Gulch which borders the property to the immediate north and along that gulch there are vegetation, kiawe trees, so forth which borders the property, and of course the gulch itself which spans not only the topographic gully but its borders, you know provides some kind of buffer to the extent that other kinds of mitigative measures such as added vegetation can be considered, that's something that could be looked at. But at this point you know we feel comfortable that that separation offered by the gulch would be an appropriate buffer for residents at that location.

COUNCILMEMBER COUCH: Okay, I'm not an engineer but that's not a very big distance between homes and then potential sources of dust, so you know anything that we can look at potentially you know if we get an arborist or somebody in there that can show us a set of trees, plus you know the more trees we have obviously the better. So maybe if you can, I don't think we're going to have any action on this today. We don't have, we've got a lot of stuff to discuss, so in the meantime if you could take a look at potential vegetation that could screen some of the dust, and potentially I mean a windbreak but just not so much, that might help mitigate some of the concerns that people are having. Mr. Chair, I've got a lot so maybe we can --

VICE-CHAIR GUZMAN: Okay.

COUNCILMEMBER COUCH: --do a round robin so --

VICE-CHAIR GUZMAN: All right.

COUNCILMEMBER COUCH: --we don't . . . *(inaudible)* . . .

VICE-CHAIR GUZMAN: Why don't we initially get a comment from the Planning Department in regards to the overview of the project.

MR. WOLLENHAUPT: Good afternoon, Members of the Maui County Council. Just to give you a chronology of the project as this did have a Community Plan Amendment, the applicant did file a final Environmental Impact Statement with the State Land Use Commission on May 15, 2008 that was accepted, and consequently the property then was reclassified from the State Land Use Agricultural District to the Urban District by the State Land Use Commission in February 20, 2009. That then sent forth the motion in going to the Maui Planning Commission for the requirements under today's Community Plan Amendment and Change in Zoning. There was a hearing that was conducted, a public hearing, by the Maui Planning Commission for this project on December 14, 2010. During that time the letters were evenly divided with seven supporting and seven indicating concerns about the project in written testimony, two individuals spoke in public testimony at that Maui Planning Commission meeting with one supporting and



**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

one having concerns about the project. The recommendation of the Maui Planning Commission was to approve the Community Plan Amendment with no conditions by a vote of seven to one. Further, the Commission recommended approval of the CIZ subject to three conditions that are outlined in your report by a vote of also seven to one. The conditions are relatively straight forward, the first that it would meet the goals and objectives of the Community Plan and Countywide Policy Plan and that the developer shall provide an open space greenway with pedestrian walkways and bicycle pathways throughout the project area with connectivity to the gulch and adjoining areas. Second was that consideration would be given to renewable energy consistent with clean energy initiative goals, and then the third was a standard one about compliance reports. So that brings us up to today's meeting. Thank you.

VICE-CHAIR GUZMAN: Okay, thank you. Members, do you want to ask any more preliminary questions for the developer before we go into the departments? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, and thank you, Mr. Munekiyo, for being here. So just wondering what you folks had envisioned for the B-2 section, the front corner that abuts the highway and I guess that would be the corner of Kaiwahine and the main highway.

MR. MUNEKIYO: Right.

COUNCILMEMBER COCHRAN: It's what, a little over an acre --

MR. MUNEKIYO: Yeah.

COUNCILMEMBER COCHRAN: --or something or other?

MR. MUNEKIYO: Right, that's envisioned as a neighborhood commercial center, something that residents could go to, say a convenience store, small shops, that type of thing. More connected with a neighborhood as opposed to something more regional that might attract others but it's really intended as a neighborhood type of center, you know with that limited size.

COUNCILMEMBER COCHRAN: Okay, and I mean just in regards to the traffic concerns that are being discussed in that area, you know commercial being people coming and going, coming and going, more so than residential peak pau hana hours, school hours, things like that I think that can be more determined, you know more or less when, you know traffic jams will occur versus for a convenience store or whatever you just mentioned. You know so I'm just wondering, you know I'm just trying to envision what type of added traffic concerns could be generated via a business type area there, and that has been tallied in I guess or...

MR. MUNEKIYO: Yeah, Council member, and, Mr. Chair, we do have our traffic engineer so if at this time they're, the Committee wishes to discuss traffic issues, he would be the right person to address those questions, and we can certainly ask Mr. Nakamoto to come down if that's appropriate.

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

COUNCILMEMBER COCHRAN: Right, yeah. Chair --

VICE-CHAIR GUZMAN: Okay, why don't we...

COUNCILMEMBER COCHRAN: --at your discretion when you feel we should tackle the traffic --

VICE-CHAIR GUZMAN: Okay.

COUNCILMEMBER COCHRAN: --impact questions because I'm sure there's quite a bit.

VICE-CHAIR GUZMAN: Yes, there is. Thank you. Any more preliminary questions before we get into the departments? Seeing none, I do have the Police Department that was initially on call but apparently Captain Faaumu is here, so why don't we bring you down so that you can present and we can field any questions that we may have and then thereafter you may leave. Yes, come down. Okay, can you please state your name and position for the record?

MR. FAAUMU: My name is Tivoli Faaumu, and I am a Police Captain, a district commander for Kihei District.

VICE-CHAIR GUZMAN: Okay, and is there any comments that you would like to provide in regards to the project itself, and/or in more detail, traffic?

MR. FAAUMU: Thank you, Mr. Chairman and Council members. The position of the Police Department in this project is concerned about the traffic. As you all know like any other additional project to a community you will have an increase in traffic, and also call for services. But I understood based on the testimony given by the, A&B, they did look into the ways to mitigate the traffic concern. So the position of the Department is, if there is ways that you can mitigate our concern as far as traffic congestion in the area we will be supporting of what the Council members agree upon.

VICE-CHAIR GUZMAN: Members, I'm going to open up any questions that you may have for the Department at this time in regards to police matters or infrastructure involving the police. Any questions? Seeing none...

COUNCILMEMBER COUCH: Yeah, he pretty much answered them all.

VICE-CHAIR GUZMAN: Okay, thank you. Seeing none, you may leave, thank you. Members, I'll be calling the Director of Water Supply, Dave Taylor, if you could please come and assist us. And then while we're waiting for him to sit down, Members, I'd like to call your attention to the State Land Use Commission's decision and order filed on February 20, 2009 which is attached as Appendix A to the document entitled Maui Planning Department's Report to the Maui Planning Commission December 14, 2010 meeting. On Page 57 of the D and O of the, there's a condition number five, and condition number five states that the water resource allocation, the petitioner shall provide a long term drinking water source storage and transmission facilities and

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

improvements to accommodate development of the petitioned area to the satisfaction of the Department of Water Supply and other applicable State and County agencies. The options for providing water source are summarized in the D and O and well, as well as the Planning's reports, in addition, on Page 61 through 62 of the D and O condition 22 states infrastructure deadline, the petitioner shall complete construction of the proposed backbone infrastructure including the primary roadways and access point, residential internal roadways, and the water supply, sewage, and electrical infrastructure within ten years from the date of the decision and order. That deadline would be February 20, 2019. So we have Director Taylor since the Land Use Commission's decision and order four years ago, do you have any updates on the applicant's progress towards identifying the water source for the project?

MR. TAYLOR: Thank you, Mr. Chair. My discussions with the applicant indicate that they are certainly aware of their responsibility to develop a water source. I..also that they have a couple of conceptual ideas that they are working on to develop that water source, and which is their, you know primary or best hope I think is a question best for them. But we are aware of what they are trying to do and we all agree that it is their responsibility to do so. So we're open to a number of their options and we're really waiting to see from them which one ends up coming to fruition.

VICE-CHAIR GUZMAN: Okay. Members, I'd like to open up the floor to any question that you may have for the Department. Yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Thank you, Mr. Taylor. So, by the way can he sit down? He doesn't have to stand.

VICE-CHAIR GUZMAN: Oh yes, I apologize, he may sit down. Thank you.

COUNCILMEMBER COUCH: Thank you, Mr. Taylor. So what you're saying is that the Department of Water Supply is not going to be supplying water through the existing systems, they're going to have to get their own?

MR. TAYLOR: That is correct.

COUNCILMEMBER COUCH: Okay, and are you guys aware of what the aquifers look like down there or, I mean I know it's more of a State, especially if it's a private system that then the State has to take care of the aquifers and what not. Are they in danger of over pumping an existing aquifer down there if they were to do a pump, do a well right there?

MR. TAYLOR: It's important to know for any project, for any well, the State Water Commission monitors aquifer sustainable yield and pumping rates. So as long as the State Water Commission is doing their job, it's not possible that anybody over pumps the aquifer. That's the primary role of the State Water Commission for our wells, for private wells. So I would have to say that the State Water Commission tends to be on top of well pumping. They contact us with concerns, I'm sure they contact others. So regardless of where a well is, I think the concept of over pumping aquifers, there is a State agency whose sole purpose is to keep that from happening, so

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

and I have great faith that they do their job diligently. As far as where this water may come from, when the Waiale Project EIS came out, it talked about using the Waikapu Aquifer, that was another A&B project. So that is something we've discussed with them, they've also previously talked about if they get more water from Na Wai Eha to use a surface water treatment plant. So for example either of those two things if they came to fruition and were dedicated to the County, the Department is open you know under the right circumstances to accept those. So my understanding from A&B is they're working on a number of options such as those. Again they have to see what comes to fruition but our conversations with them indicate that again they are aware that it is their responsibility, they have again in the previous EIS for another project identified a possible water source or water sources that they're working on for a number of their projects and that would have adequate water supply to serve this project.

COUNCILMEMBER COUCH: Thank you, Mr. Taylor. The other question I would have is whatever they do for their water supply, would it be a private system or would they turn it over to the County once they develop it?

MR. TAYLOR: That ends up being a question more for this body than for me. Anything that's going to be adopted by the County, accepted by the County is ultimately a Council decision, not a Department decision. We would make a recommendation, but ultimately that would be the Council who would have to decide whether or not to take ownership of this. Our position and what we've talked to A&B about is whether it's a surface water treatment plant with water allocation, or a well in a reasonably, in an area that we think is reasonably reliable. We would be open as a Department to accepting those and recommending that to the Council for acceptance. But the conditions of how much water credits they get versus how much extra water there is, et cetera, et cetera, ultimately that would have to be worked out to the satisfaction of the Council. But we as a Department are certainly open to that and willing to work with them on that and we are.

COUNCILMEMBER COUCH: Thank you. Thank you, Chair.

VICE-CHAIR GUZMAN: Okay, thank you. Did you want to follow up with the applicant on any of those questions?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

VICE-CHAIR GUZMAN: Okay. Okay, thank you.

COUNCILMEMBER COCHRAN: Chair.

VICE-CHAIR GUZMAN: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Blazing through, what document is this...planning, Community Plan Amendment, Change in Zoning dated March 21, 2011, in this underwater systems and existing conditions, Mr. Taylor, it shows the project site is under the, over the Paia

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

Aquifer, and it also states 30 registered wells by CWRM in this vicinity and it also says that this particular area is not designated groundwater management area by CWRM. Mr. Taylor, not designated groundwater management area by CWRM, so does that in essence mean that it is not monitored by them?

MR. TAYLOR: No, the State Water Commission or CWRM for short, Commission on Water Resource Management, monitors, gets information on all well pumping and they're responsible for all aquifers. Once an aquifer is designated, what they do is they tell each well operator here's how much you're allowed to take out on a daily basis. Before it's designated, everybody can take out as much as they want up to their permit. But let's say an aquifer is, has a sustainable yield of 10 million gallons a day and 50 people have wells in there where the total well capacity is 20 million gallons a day but no one's running them at full blast so there's only 5 million coming out of there. CWRM is hands off and they say, look as long as no one's getting up to the sustainable yield that's okay. One of the triggers I believe is 90 percent. So once the pumpage reads 90 percent of the sustainable yield, then they designate it and then they start saying okay, there are more wells here, there's more well capacity than there is aquifer sustainable yield, so that's when the State Water Commission takes this action to tell each well owner how much they're allowed to take because at that point they have to control volume. But until then, they monitor volume, you still have to make well reports, just like we did in Water Resources Committee a couple of weeks ago, we showed you those well reports, many of those were in non-designated areas. We still submit those to the State Water Commission and they monitor those, and they're monitoring them to see, are we getting close to the sustainable yield where that designation action starts. So it's a, there's really undesignated and designated. Once it's undesignated they're watching, once it's designated they're taking action to say here's how much everyone's allowed to take. I hope that's . . . *(inaudible)* . . .

COUNCILMEMBER COCHRAN: Okay, thank you. And because I recall the concerns in regards to Kaiwahine Village, which is up above and the water source, so here I mean I know you're saying that you know that A&B are making efforts in order to address that and to somehow provide that water at the time it's due to be provided. So overall I guess your general assumption is that it'll work out. I mean as . . .

MR. TAYLOR: I guess my, it will either work out or it won't. If they can't develop a water source, they can't move ahead with the project. So it's, the onus is on them to make something work or they can't go ahead with their plans. So I can't speak for them, but there won't be houses without a water source.

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

VICE-CHAIR GUZMAN: Thank you. Any further questions for the Department? Seeing none, thank you, Mr. Taylor.

MR. TAYLOR: Thank you, Mr. Chair.

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

VICE-CHAIR GUZMAN: We will now, I guess I will be calling on the Department of Fire and Public Safety, if you can approach the table.

MR. ENGLISH: Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you, if you can please identify your position and your name, mister, I mean Lieutenant English.

MR. ENGLISH: Okay, I'm Lieutenant English, from the Fire Prevention Office. At this present time as far as the land use change, really Fire Department doesn't have really any requirements, our requirements really kick in when the proposed applicant starts to do the development . . . (*inaudible*) . . . subdivision or on the buildout, so at the present time no really comments from the Fire Department.

VICE-CHAIR GUZMAN: Okay, just since the project was reviewed initially, the State Department of Transportation has stated that no right turn in and right turn out access shall be provided from Piilani Highway for the project. Currently, the only access point is on Kaiwahine street. Could you please advise whether the Department is satisfied with that current access configuration and of any other comments in regards to that?

MR. ENGLISH: When the developer comes in with the subdivision phase of the project, a subdivision this size will require at least one main egress and entrance and then will require like a either a second egress or emergency egress out of the property.

VICE-CHAIR GUZMAN: Okay, I'm going to open it up to any questions that the Members may have for the Department. Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair, and thank you, Mr. English, for being here. So you're saying at subdivision time, they would be required to have some sort of second egress out of the subdivision?

MR. ENGLISH: That is correct.

COUNCILMEMBER COUCH: And it doesn't have to be a, something that is continually used, it has to be at least potentially there for an emergency purposes only?

MR. ENGLISH: Correct, we have it in other subdivisions similar to this design. We're probably going to require it like, put in on different opposite areas of the main entrance so we have two ways in and out and not keep it, keep it separated from the main entrance.

COUNCILMEMBER COUCH: Okay, looking at this project and the information that they gave us, it looks like any potential secondary egress would still come down Kaiwahine, which again would bottleneck up right at Piilani Highway. Is that sufficient enough for the Department or do they need something else besides that?

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

MR. ENGLISH: Looking at the layout, the emergency egress would probably come out of the east end of the property or the most mauka side of the property and again once we come down Kaiwahine, we have options of going down through Hale Kai Street, and Ohukai. So we really, we do have two ways in and out. We might congest other neighborhoods, but I guess we have the two ways in and out in an emergency.

COUNCILMEMBER COUCH: And that's just in an emergency type situation that you guys are concerned about right?

MR. ENGLISH: Correct.

COUNCILMEMBER COUCH: Okay, thank you, Chair.

VICE-CHAIR GUZMAN: Thank you. Any further questions? Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair, and thank you, Mr. English, for being here. So in regards to water and obviously fire needs, the fire flow, what is that PSIs or gallons per minute numbers, and obviously will be working in close relation to the company when they once find a water source, 'cause at this current time there isn't one available. So how, I guess if there's no water then obviously there's no development and thereby the Fire would have no comment. That secondary ingress, egress that you're saying for safety, you know access in emergency cases, when I went to the site inspection, there was that road we were, I don't know if you've been there, but the access road we were parked on, and it went north and I guess it connected into where Monsanto's farmland is. Was that ever talked about in regards to using just for emergency purposes only to exit in or out via that route versus through mauka, you know of the subdivision into existing subdivisions?

MR. ENGLISH: At the present time we really didn't work with the developer as far as I kind of seen a layout of the project but really didn't get in to the details as far as where the second egress would be coming out, but they still have to meet a minimum requirement of the Code, so they will have to give us something.

COUNCILMEMBER COCHRAN: Okay, and I believe...or sorry follow up, Chair?

VICE-CHAIR GUZMAN: Yes, go ahead.

COUNCILMEMBER COCHRAN: Mr. Goode of Public Works also had a comment that he felt that it would be prudent to have a mauka exit also and I guess it would be conducive to you folks in emergency cases.

MR. ENGLISH: Yeah, the more entrances or exits out of the property will be beneficial for the Fire Department, Police, or ambulance in emergencies. So the more access we get into the property, it would benefit all the departments.

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

COUNCILMEMBER COCHRAN: Okay, and the layout in regards to turns and widths and what have you, I don't know if it goes into that detail, but it seems to be okay at your general, you know look over on the site plans?

MR. ENGLISH: All of those details will be probably worked out in the subdivision phase as far as I mean the water flow, the hydrant spacing, road width will all be worked out during the subdivision phase of the project.

COUNCILMEMBER COCHRAN: Okay, okay. Thank you. Thank you, Chair.

VICE-CHAIR GUZMAN: Okay, thank you. Any other questions from the Committee members? Seeing none, thank you very much, Lieutenant English. At this time I'm going to call on the representative from the Department of Public Works, Director Goode. Mr. Goode, can you please state your name for the record and your position.

MR. GOODE: Good afternoon, Chair and Members. Dave Goode here, Department of Public Works, Director.

VICE-CHAIR GUZMAN: Thank you. Mr. Goode, I'm going to ask the same question as I did with the Fire. Since this project was reviewed initially, the State Department of Transportation has stated that no right turn in and right turn out access shall be provided from Piilani Highway for the project. Currently, only one access point is on Kaiwahine Street. Could you please advise whether the department is satisfied with the current access configuration or of any other comments you may have with respect to the project access specifically.

MR. GOODE: Sure, Chair. I think as itemized in our memo, we'd like to see a second exit or entrance if you will, on farther up on the mauka side to connect with the existing neighborhoods. I think as Mr. English just discussed, it is like he said better for all the departments, but it's really better for all the people too. And so I think that's, it's prudent to have in this project and that's our position.

VICE-CHAIR GUZMAN: Okay, and one more question, Mr. Goode. The State Department of Transportation submitted comments dated February 4, 2014 to the Committee requesting seven conditions of zoning. Have you had the opportunity to review those comments and does your Department have any comments on the State DOT's proposed conditions?

MR. GOODE: Yes, I did review them earlier today and I do have some comments. Their first condition, or recommended condition asks for basically all of the improvements I believe to be designed and constructed by the applicant prior to the first Certificate of Occupancy. I think that's something that may be, I think is maybe a bit too onerous. I mean, clearly they don't need all the improvements before one house is built. So maybe there's a better nexus, and I don't know what that would be but maybe the applicant would have an idea on that. Conditions, well condition two basically says that if they have to do any land acquisition that would be provided



**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

by the applicant at no cost to the State. I don't have a comment on that. Conditions three, four, five, and six basically have to do with design related comments. The Department of Transportation at the State, will be a reviewing agency on the subdivision application and all the construction plans. So they will have all their comments, they won't sign off on the plans until it satisfies them, so to be redundant and put these in as conditions is unnecessary, in my opinion. Condition seven basically mirrors, we were aware of this comment previously and we mirrored it and said we were fine with it, essentially saying that the traffic impact report should be updated at 70 percent occupancy which could be well into the future, and at that time to see how things are operating and if any additional improvements are needed. We don't have any problem with that proposed condition.

VICE-CHAIR GUZMAN: Okay. Thank you. At this time we're going to open up the floor to any questions or comments to the Department for our, opening it up for our Members. Any questions, comments? Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair, and thank you, Mr. Goode, for being here. On the secondary, or the second ingress/egress, it appears that they're going to try and tie in with the Kaiwahine Village Project that may or may not happen and then with that tie in it will allow, afford some traffic going out Hoalike Street and Hale Kai Street. Do you have any concerns, I mean I remember when we went through the Kaiwahine Village Project, we had major concerns with traffic going in and out of Hoalike Street and Hale Kai Street. Do you have concerns if that was made a constant use ingress/egress with the traffic situation going on, on those two streets, do you have any concerns there?

MR. GOODE: Mr. Chair, and Mr. Couch, I know we went through that when we worked on Kaiwahine, we had a site visit and I think at one point there was concerns from the residents that they didn't want it, the, actually the proposed project didn't have the connection and we had a major concern with that and this Council listened, because if you don't offer people choices, you're going to regret it in the end. And so the decision the Council made was to make sure that there was that connection and we thank you for that 'cause I, ultimately, when we don't have driving choices, we always regret it. So the same for this, I think you won't get that much traffic because the roads are constricted, people tend to drive the way they feel is, you know the most expeditious way to get somewhere, and for the most part, coming out of this project, they will be heading towards Piilani Highway on their internal roadways until they get to the very end. There will be opportunities when they're visiting friends, family that live in the other neighborhoods, but they're going to take the other roads, or they might want to get over to Ohukai to some of the commercial areas over there. So if we can distribute traffic, we are, we're making this a better community in my opinion.

COUNCILMEMBER COUCH: And you are, I mean we're now, we have a complete streets policy and you're aware of the walkable, bikeable community in the Maui Island Plan and what not. Are you okay with the way that they have their preliminary plans about this being a walkable, bikeable community, even though there really is no, there's a little tiny bit of commercial down

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

at the bottom, but in order for them to get anywhere they're going to essentially have to drive at this point?

MR. GOODE: I mean that's maybe a question for the Planning Department, but as far as like the cross section if you will, of the roadways, I mean I'm sure they'll want to dedicate to the County so they'll follow our standards, and our standards will be migrating into a more walkable, bikeable friendly community.

COUNCILMEMBER COUCH: Okay, and looking at their B-2 portion there, it appears that the only access is going to be from the internal roads. Would you be supportive of restricting access to that B-2 from the internal roads and not Kaiwahine, and certainly not Piilani Highway, because I believe one of the restrictions was not to allow access into that B-2 area on Piilani Highway.

MR. GOODE: You know, Mr. Couch, I'm not sure exactly what you're looking at, is it this little...

COUNCILMEMBER COUCH: This one right here.

MR. GOODE: Okay, that's what I have, so it's a little, there's a blue area shown as B-2, and it looks like the majority of it falls on Piilani Highway and it sounds like DOT's not going to give them access.

COUNCILMEMBER COUCH: Right.

MR. GOODE: And then as it relates to the portion on Kaiwahine, it looks like only a small portion borders Kaiwahine, so I doubt --

COUNCILMEMBER COUCH: Correct.

MR. GOODE: --it would be far enough away that we could give them access --

COUNCILMEMBER COUCH: Okay.

MR. GOODE: --technically. Now if that area expands farther up Kaiwahine there might be opportunities to have access off Kaiwahine, so our position would be if it meets it technically, we're okay with it.

COUNCILMEMBER COUCH: Okay, but at this point, and I mean I know this is a very rough drawing, but at this point it doesn't look like anything except for the internal roads of the subdivision.

MR. GOODE: That's what it looks like. Right.

COUNCILMEMBER COUCH: Okay.

MR. GOODE: Yeah.

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

MR. SPENCE: Mr. Chairman.

VICE-CHAIR GUZMAN: Yes, Mr. Smith [*sic*]...Will...gosh. . . .(*inaudible*). . .

MR. SPENCE: Committee Members, just because we're talking about roadways here I wanted to remind the Members that in the Maui Island Plan, we are calling for a mauka roadway and the design of that you know is yet to be determined but you're going to have Kihei Mauka with Haleakala Ranch, you have the R&T Park, you know some other things. So one of the things that the Committee may wish to consider is conditioning to provide that connection to a future mauka roadway.

COUNCILMEMBER COUCH: Okay, thank you, Mr. Spence, and just not to be on the cynic side, we also have a plan for a North-South Collector Road that's been in the plan for years and years. So we're still waiting for that.

MR. SPENCE: I hear it.

COUNCILMEMBER COUCH: Yeah, that I'm anticipating that we're going to discuss that with the applicant that there is going to be something going that way and hopefully they can help with that. So alright, thank you. Thank you, Mr. Chair.

VICE-CHAIR GUZMAN: Thank you. Any further questions?

COUNCILMEMBER COCHRAN: Chair.

VICE-CHAIR GUZMAN: Ms. Cochran.

COUNCILMEMBER COCHRAN: Yeah. Thank you, Mr. Goode, for being here. So having this project be in the near vicinity in the Waiakoa Gulch I guess, is there flood potentials? I'm trying to read the verbiage in the FEMA agency's report here and just trying to determine it seems like they're claiming an increase or no and thereby flood insurances for this area would need to be addressed accordingly. Is this in your purview to look at this or no? Would it be a question for someone else?

MR. GOODE: Mr. Chair and Ms. Cochran, it might be for someone else --

COUNCILMEMBER COCHRAN: Okay.

MR. GOODE: --but I think they, I heard something about it being outside of the 100-year flood limits.

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

COUNCILMEMBER COCHRAN: Okay, but the paperwork I'm looking at in my eyes anyway are seeming to be, but I'll address it to whoever I need to. But so for you in looking at this, you're comfortable that this is definitely in a safe, you know away from the flood zone and also drainage, preliminary drainage, whatever ideas for the project seem to be fitting for Public Works?

MR. GOODE: Yeah, from a preliminary standpoint yeah they plan on following our guidelines and our ordinances so that no net increase in flow would affect neighboring downstream properties, and also they would have to conform with our new ordinance you know as it relates to water quality and so they're going to have to incorporate that in to a final design.

COUNCILMEMBER COCHRAN: Okay, okay thank you, Mr. Goode. Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you. Any further questions? Mr. Couch.

COUNCILMEMBER COUCH: Thank you, and that brought up kind of a, just a kind of a follow up. When you say the water quality output, you're talking about that low impact design stuff with the rain gardens and things like that or it doesn't matter what they do, as long as the water quality is better than what it goes in, is that how it works?

MR. GOODE: I guess the way it works is that you know the low impact design rain gardens are possible solutions, you can think of it as part of tools in a toolbox, and so depending on how they design the project, they can incorporate basically these scrubbing techniques, just kind of scrub the water if you will to make it cleaner in a variety of manner, variety of ways. So that would be determined . . . *(inaudible)* . . . final design.

COUNCILMEMBER COUCH: Okay, and one other question that, a question Ms. Cochran asked that kind of jogged my memory, you heard some, well I don't know if you did hear some of the testimony about similarities to other subdivisions, about the traffic situation. I think one testifier talked about Maui Meadows has about 600 homes plus ohanas so the number of cars going in and out of there hasn't been very detrimental if you will, or congestive. And then somebody else mentioned about 2,400 homes at Kehalani has two entrances and exits there and it seems to be handling traffic okay. Are those valid comparisons? You know I mean on the face of it, yeah it kind of looks valid but you being a Public Works' person that you know a little bit more about this than we do, are those comparisons valid or do we, they sound good but maybe not, I don't know.

MR. GOODE: Yeah, Mr. Chair and Mr. Couch, without knowing exactly I guess all the numbers involved, you know how many homes each project represents, I think what is maybe best to convey is that you know what we call trips generated by single-family homes whether they're in the Rural District or the Ag District, single-family are pretty standard everywhere. In fact, I know they've done studies here in Maui, in Hawaii, and they pretty much mirror the mainland. And so if indeed those numbers are correct that there's certain number of homes say in Maui Meadows versus this project, they're going to generate about the same number of trips real

**LAND USE COMMITTEE MINUTES**

**Council of the County of Maui**

**February 5, 2014**

---

closely to what this project would generate. So I mean we all have our experience driving by Maui Meadows right, it has two entrances, and if you can imagine okay well it's basically coming out of, even out of one entrance, how many cars would that be? And so I think we can all do our comparisons, but it's pretty uniform, the number of trips per day on average everywhere.

COUNCILMEMBER COUCH: Thank you, Chair.

VICE-CHAIR GUZMAN: Any further questions?

COUNCILMEMBER COCHRAN: Chair.

VICE-CHAIR GUZMAN: Ms. Cochran.

COUNCILMEMBER COCHRAN: Following along the same line there, the...so yeah not so much the number of trips or the amount of cars, or the number of units per se, but I just think the way the buildout and the infrastructure is in comparison to this is where the difference lies in my eyes. Anyways, knowing how the layout is of Maui Meadows right up here in you know the Wailuku Heights comparison and Kehalani and all that, you know and then I'm looking at Lahainaluna and Kilauea Mauka, you know Mill Camp all the way up to Kilauea Mauka up into the school area it seems more that type of density and infrastructure as in roadway and what have you seems to be more in you know, more liking to this is how I feel anyways. So I think that's kind of where the question is going and I spoke to people who live in Kaiwahine and they thought my line of thinking seemed a little more equal to what we're discussing here. So any comments into that sort of comparison?

MR. GOODE: Mr. Chair and Ms. Cochran, I think the real difference is that schools are attractors of traffic right, and so if you take the school out of the picture right then you're going to have a different scenario, and I'm sure summertime when school's out of session it's different there. So it just depends on what the generators are of the traffic, like the B-2 will generate a little bit of traffic that'll be different from the single-family. So that would be one difference for sure than Maui Meadows. I don't recall there being a school proposed in this subdivision but if there was one than yeah I think the Lahainaluna example would be closer, of course you've got three schools there yeah. So...

COUNCILMEMBER COCHRAN: Yeah, excluding the schools I'm just looking say just the housing itself. So but anyways, you know we'll see, and I understand, I do agree that there should be another exit point, so thank you for that comment. Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you. Any further questions? I have a couple of questions on the, just referring back to I believe it might have been Mr. Couch or, yeah I think it was Mr. Couch when we were talking about the pedestrian walkways, or it might have been a testifier. The applicant has submitted some proposed conditions, and for my Members they are on this green sheet as well as the blue sheet. So I'm going to refer to the green sheet and the top condition there that

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

they have, I'm going to label it number one, the traffic and pedestrian connections, and Mr. Goode do you have a copy of that as well?

MR. GOODE: If this is it, yeah.

VICE-CHAIR GUZMAN: Yeah, and if you read the wording there, I'm not sure if the Members had an opportunity to read it, but I'll read it for you. The traffic and pedestrian connections, the applicant shall coordinate with the County of Maui Department of Public Works to determine practical roadway and pedestrian access connections within the project to adjacent lands. In looking at that condition, the Members should also compare it with the conditions provided by the Planning Commission, and their condition marked as number one, it says that in order to meet the goals and objectives of the community plan and Countywide Policy Plan, the developer shall provide an open space greenway with pedestrian walkways and bicycle pathways throughout the project area with connectivity to the Waiakoa Gulch and adjacent, adjoining residential areas. Now the, there's, in reference to the applicant's proposed condition, there seems to be a missing element or component involving the connectivity to the gulch, and I'm not sure whether that is a, something that is important to I guess bring up or have the Department have any comments in regards to comparing the two conditions.

MR. GOODE: Mr. Chair, you know this is the first time I've seen this. And I recall in the community plan there's language about mauka/makai use of drainage ways and pedestrian access. I think my understanding is that's a separate piece of property, and it's also subject to flooding, so I don't know how practical that is. And then the proposed condition by the applicant is pretty general, it does talk about coordinating and determining practical connections, so I don't know. I think I'd have to take this under advisement and look at it more closely.

VICE-CHAIR GUZMAN: Okay, and we'll just get back on it.

MR. GOODE: Maybe meet with Planning and Corporation Counsel on this to understand what it can and cannot mean.

VICE-CHAIR GUZMAN: Okay, maybe, Planning, do you have any comments on my, I guess my discussion?

MR. SPENCE: I think I'll have to echo the Public Works Director's comment that we should probably huddle on these a little bit. I think there should be some kind of condition regarding connectivity and traffic and stuff like that. But the exact nature of that, you know we can talk about. I mean there may be a need for more specific language than what's been presented. You know we can, let us talk about it and we'll get back since there won't be any action taken today.

VICE-CHAIR GUZMAN: Okay, okay why don't we just do that and also in regards to the applicant's proposed condition and I'm going to number it one, two, three, four, number four on drainage. With respect to the drainage, the State Land Use Commission, the D and O contains a Condition 11, which states a drainage, a petitioner shall fund the design and construction of

LAND USE COMMITTEE MINUTES  
Council of the County of Maui

February 5, 2014

---

drainage system improvements based on the applicable standards to prevent runoff resulting from the development of the petitioned area from adversely affecting State and County highway and roadway facilities to the satisfaction of the applicable State and County agencies. Director Goode, the Committee saw at the site inspection that the rear portion of the project, near the park area adjacent to the Hale Piilani Park, that appears to have like a down slope, downward slope this way. Could you provide the Committee with any comments that you may have in regards to any kind of drainage plan for the project?

MR. GOODE: Mr. Chair, I think, you know other than what I mentioned earlier that, you know all their plans are going to have to conform to our draining, our drainage standards, rules, ordinances, and so to me this condition already states what's already law.

VICE-CHAIR GUZMAN: Okay.

MR. GOODE: So we're going to cover it as well as the State through their NPDES permit, so unless there's some special conditions regarding drainage, I think our existing ordinances cover it.

VICE-CHAIR GUZMAN: Okay, is there any further questions from our Members? Yes, Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And you know, Mr. Goode, we discussed this at the Kahoma Village thing, project. You know we have all these conditions for drainage and clean water and all that and currently your Department doesn't have the manpower nor is that their, really their kuleana to actually monitor after everything's built. With this being very, when there's a big flood there is a big, it's big, and there's a lot of stuff that goes down, flows into the ocean, and I can just see even if you guys don't monitor but they, everything's engineered correctly and it does work, we're still going to get the, look what you've built up there and what's coming down into the ocean now, fix it, or how do you fix it, or you shouldn't have built it kind of thing. Is there any kind of way where we can assure the folks living essentially downstream, it's going to be several condo's it looks like in that area that are just going to blame anything that happens on this project. Is there anything we can do to mitigate those kind of complaints, or educate the folks? You know I mean you've heard them as we came in...

MR. GOODE: You don't want a facetious response . . . *(inaudible)* . . .

COUNCILMEMBER COUCH: Yeah...

MR. GOODE: You're going to get those complaints, we get them too.

COUNCILMEMBER COUCH: Yeah.

MR. GOODE: But it doesn't mean that they're valid. You know, and so if something's dead wrong and the pipe's broken or I mean there's a total design defect, I mean maybe there's a complaint, but in general the amount of water coming off should be less than there is now. So you know generally it's overdesigned right --

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

February 5, 2014

---

COUNCILMEMBER COUCH: Right.

MR. GOODE: --to make sure that happens, and so I think the nature of our business is we get the complaints, it doesn't mean they're always valid.

COUNCILMEMBER COUCH: Yeah, I understand that except for --

MR. GOODE: So I don't know how you get rid of the complaints. . . .*(inaudible)* . . .

COUNCILMEMBER COUCH: --you don't get voted in and we do. I guess the concern would be the quality of the water coming off. Is there a possibility that you guys can do some monitoring at some time just to make sure that everything is done? I know from what you said in the previous project is that if it's built according to the engineered standards then it's going to work. Is there a chance that we can put something in there to have you guys take a look at it a couple of, just after a couple of storms just to see what's what to help them with their mitigation of this system or is that kind of a waste of time?

MR. GOODE: It's hard, I mean for us we just don't have that type of expertise, training. Generally the Department of Health monitors water quality. Even if we did, I mean if you conditioned the project to make us do something that would be interesting. But if we monitor the water coming off of it, what would we do? I mean we would have to go another subdivision where they don't have these types of controls and get that water and compare it and then say oh, you're 10 percent better, you're 10 percent worse, I mean where does that lead? So the nature of that, the ordinance that we passed, you folks passed and we presented, was based on a lot of big studies nationally. And the EPA helped promote through the Department of Health these rules, you know these jurisdictions like us would adopt, and they came to the conclusion that if you do these types of things in these neighborhoods and communities, your water quality will be better. And but they're also, they're also saying but you don't have to monitor it because we're convinced by doing these things it will be better. So rather than saying do all these things and then monitor it which will be another unfunded mandate, they came up with a middle ground that says you know these types of techniques are proven to work, please here's a palate of them, here's a toolbox of them, implement them and things will hopefully get better. So we would hope that the Council wouldn't put a condition in there that requires us to do things that we're not equipped to do and not sure where the results would lead.

COUNCILMEMBER COUCH: And I completely understand that and I would hope too that that...

MR. GOODE: Thanks.

COUNCILMEMBER COUCH: Is there, you say that they say this in their...where is that? I mean is there anything that you can give to us so that anytime we do get the calls, hey look EPA said this here, you can look at rule number 10-24, is there something you can provide this body so that when we do get the calls, then we say look they're doing it by its...



**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

MR. GOODE: Yeah, I'd be happy to provide that to your office or the Council in general. We may have provided some of that when we passed the ordinance a couple of years ago and there might be new studies available, but it's, yeah that's how we got the, that's how we got the ordinance.

COUNCILMEMBER COUCH: Okay, and one last question, we talked about a potential, at least out on the site on the site visit potentially going across there's one roadway if you look on the, the bigger picture here, the front page project location, you can see a bit of a roadway right at the very tip, close to Piilani Highway about a couple hundred yards off of Piilani Highway that goes, bisects the project essentially and then goes over the gulch and then kind of goes nowhere. But if there was some deal that they could work out with the adjacent landowners, some easements or what not to get traffic out of that subdivision onto the four-way light at Mokulele Highway, Piilani Highway, and North Kihei Road, the one stumbling, one of the stumbling blocks would be having to essentially go over that gulch which is kind of in that area it's a bit of a depression, it's not so much a gulch. So would your Department would be okay with a ford type situation like we have on, if you can recall back on Kahikenui Street, Kananui, sorry, Kananui Street.

MR. GOODE: Kananui right we have a ford right.

COUNCILMEMBER COUCH: Right, there's a ford right there and I believe in a couple of other places we have some fords that essentially seldom ever get wet but when they do you have the little sign that says if the water touches the red on the post which by the post is all red. So essentially if there's any water in the ford don't go through it. Are you guys still advocating doing those in certain situations or have you completely eliminated those from your toolbox?

MR. GOODE: We would, well I guess in general, another connection out is great. Right.

COUNCILMEMBER COUCH: Yes.

MR. GOODE: So if it's heading north that's fine. As far as a ford crossing goes, we obviously prefer spanning, spanning it so we don't have to do a ford crossing. If...I guess we haven't eliminated ford crossings. So it is dependent on a variety of factors I guess, the amount of traffic, the feasibility --

COUNCILMEMBER COUCH: Right.

MR. GOODE: --of crossing it, how often the water comes down, what types of safety features might be in place. So --

COUNCILMEMBER COUCH: Okay.

MR. GOODE: --it's a possibility.

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

COUNCILMEMBER COUCH: 'Cause that place doesn't get too wet. Even in this last big storm we just had it didn't appear to be that wet.

MR. GOODE: Yeah, but the 100 year flow on Waiakoa is significant.

COUNCILMEMBER COUCH: Yeah, yes it is, and --

MR. GOODE: And we wouldn't want to...

COUNCILMEMBER COUCH: --we've had three of those in the last four years so I think we're...

MR. GOODE: Yeah, you will lose fords and every other model in that gulch.

COUNCILMEMBER COUCH: Yes.

MR. GOODE: In that type of...

COUNCILMEMBER COUCH: Sure.

MR. GOODE: Yeah.

COUNCILMEMBER COUCH: But those are once every hundred years so we're good for the next 400 years apparently.

MR. GOODE: Right.

COUNCILMEMBER COUCH: But no, I understand --

MR. GOODE: Yeah.

COUNCILMEMBER COUCH: --that that might be an issue, but that's where we have to leave it up to...do we build millions of dollars of spans to cover one or two events in a number of years, I don't know. That's I guess some...

MR. GOODE: Generally if we're building it we do. But some crossings are so small that the pipe might only be a couple of feet in diameter or less --

COUNCILMEMBER COUCH: Right.

MR. GOODE: --and we actually don't like small pipes because we can't get in them. So it might make more sense to do a wider ford and just let the water gently go over it, but that's obviously for smaller flows.

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

COUNCILMEMBER COUCH: Okay, alright, I just wanted to see, you know this is a long shot for getting a thing out there but if it happens at least we have, you aren't going to completely say no to a ford just outright, you will consider it?

MR. GOODE: We would consider it but I think we're going to look hard at this one because of --

COUNCILMEMBER COUCH: Of course.

MR. GOODE: --the nature of the flows.

COUNCILMEMBER COUCH: Okay, thank you. Thank you, Chair.

VICE-CHAIR GUZMAN: Okay, thank you. Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Oh, sorry did any hands, I didn't mean to turn my back on anybody. So jumping back to the whole water quality discussion Mr. Couch was having, and I'm looking back on a letter from the Department of Health, and I guess there's like, they have anti-degradation policies and there's HAR sections that are noted here I guess that have you know dictate the designs and what have you in order to as you say you know there's guidelines and there's standards in which need to be built by and things of that nature. But you know I'm looking for preventative measures also and I know the mandating monitoring, all this stuff and inspecting and whatever is cumbersome and burdensome and all this stuff but you know when the damage is done, the damage is done. And so I'm looking back on the project and West Maui in particular and you know we know rain events are going to come at certain times of the year and perhaps there's a way to you know double check or make sure that you know engineering designs are going to uphold certain rain events and things of that nature so we prevent you know detrimental, negative impacts to this environment ahead of time. So I mean I would like to just have the Department be proactive in that sense and knowing ahead. I mean that's your line of expertise, that's the Department's line of expertise, not us the Council. And looking back I guess, and you know because administration changes from administration, I'm looking at prior Department of Public Works when this was first initiated, this project was initiated, and they stated at the time I guess looks like Milton Arakawa, that this County do not accept any drainage improvements that are outside a proposed County road right-of-way and that no underground drainage retention structure shall be placed under proposed County road right-of-way. So is that still the agreement or in your eyes is that you know a valid you know agreeable I guess thought?

MR. GOODE: Yeah, I think so. I mean generally their retention should be on private property, not in our roadways.

COUNCILMEMBER COCHRAN: Okay. And then something that's near and dear to my heart in regards to past Public Works wanting LED lights utilized in their street light system, I know that's an ongoing thing in my Committee, so just you know wondering if for you as Public Works Director today, also looking to utilize LED lights if possible?

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

**February 5, 2014**

---

MR. GOODE: I think we've got to change our ordinance, otherwise it's going to be hard to condition them to do it, but they...perhaps you could look to you know having the most cost effective lighting allowable or something like that.

COUNCILMEMBER COCHRAN: Right, okay. Okay, thank you Mr. Goode.

MR. GOODE: Sure.

COUNCILMEMBER COCHRAN: Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you. Members, it looks like this might be a good time to ask you what you prefer. We're getting close to four fifteen and I know that the department division heads and also the department directors need to be at the MACC. So the next one, next department would be Environmental Management and I know Director Ginoza is here and so it might be a good time for us to either call it for this meeting or we can do one round robin with the applicant if you would prefer that for 15 minutes.

COUNCILMEMBER BAISA: Chair, I think we should quit.

COUNCILMEMBER COCHRAN: Department.

VICE-CHAIR GUZMAN: Yeah. Yeah.

COUNCILMEMBER COCHRAN: Oh.

VICE-CHAIR GUZMAN: So I'm hearing, Mr. Ginoza, I think we'll just have you come for the next meeting so that way you can make it to the MACC in time. I don't want you to get fired. So would you prefer, Members, that we just go ahead and call this without any objections...we'll defer this matter?

**COUNCILMEMBERS VOICED NO OBJECTIONS.** (Excused: RC, GRH, and MPV)

**ACTION: DEFER PENDING FURTHER DISCUSSION.**

**LAND USE COMMITTEE MINUTES**  
Council of the County of Maui

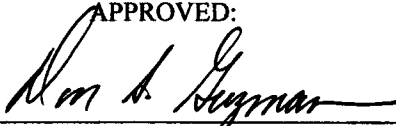
**February 5, 2014**

---

VICE-CHAIR GUZMAN: Thank you. The Land Use Committee of February 5, 2014 shall now be adjourned. Thank you. . . .(gavel). . .

**ADJOURN:** 4:02 p.m.

APPROVED:



---

DON S. GUZMAN, VICE-CHAIR  
Land Use Committee

lu:min:140205:mt

Transcribed by: Marie Tesoro

**LAND USE COMMITTEE MINUTES**  
**Council of the County of Maui**

**February 5, 2014**

---

**CERTIFICATE**

I, Marie Tesoro, 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 24<sup>th</sup> of February 2014, in Wailuku, Hawaii

A handwritten signature in cursive script, reading "Marie Tesoro", written over a horizontal line.

Marie Tesoro