

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

July 30, 2014

Council Chamber

CONVENE: 1:32 p.m.

PRESENT: Councilmember Robert Carroll, Chair
Councilmember Don S. Guzman, Vice-Chair
Councilmember Stacy Crivello
Councilmember Gladys C. Baisa
Councilmember Donald G. Couch, Jr.
Councilmember Mike White (in 1:41 p.m.)
Councilmember Michael P. Victorino

EXCUSED: Councilmember Elle Cochran
Councilmember G. Riki Hokama

STAFF: Carla Nakata, Legislative Attorney
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.: Michele McLean, Deputy Director, Department of Planning
Frank Fasi, Planner, Department of Planning
Michael Miyamoto, Deputy Director, Department of Environmental Management
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Vince Bagoyo, Bagoyo Development Consulting Group
Charles Jencks, Owner's Representative, Pacific Rim Land, Inc.
Roderick Fong
Stacy Otomo, Otomo Engineering
Phillip Rowell, Phillip Rowell and Associates
Robert Hobdy, Biological Resources Consultant

PRESS: *Akaku: Maui Community Television, Inc.*

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CHAIR CARROLL: . . .(*gavel*). . . Land Use Committee meeting of July 30, 2014 is now in session. I'm Councilmember Robert Carroll, Chair of the Land Use Committee. And first of all, may I request that if anyone has cellphones or anything that makes noise, please turn it off. Thank you. This morning we have with us Council Chair Gladys Baisa.

COUNCILMEMBER BAISA: Good afternoon, Chair.

CHAIR CARROLL: And we have from Molokai, Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR CARROLL: And from the Kihei area we have Mr. Donald Couch.

COUNCILMEMBER COUCH: Good afternoon and aloha, Chair.

CHAIR CARROLL: And Mr. Donald Guzman.

VICE-CHAIR GUZMAN: Good afternoon, Chair.

CHAIR CARROLL: Mr. Michael Victorino.

COUNCILMEMBER VICTORINO: Good afternoon, Chair.

CHAIR CARROLL: Excused at this time, Elle Cochran, Riki Hokama, and Mike White. Department of Corporation Counsel we have Michael Hopper, Deputy Corporation Counsel.

MR. HOPPER: Good afternoon, Chair.

CHAIR CARROLL: Our Planning Director...Deputy Planning Director, Michele McLean.

MS. MCLEAN: Good afternoon, Chair.

CHAIR CARROLL: Paul Fasi from Department of Planning.

MR. FASI: Good afternoon, Chair.

CHAIR CARROLL: Mike Miyamoto, Deputy Director of Environmental Management. Dave Taylor with Water Supply is on call. Applicants representative for LU-14, we have Vince Bagoyo, Bagoyo Development Consulting Group; Charlie Jencks, Owner's Representative, Pacific Rim Land Company, Incorporated; Roderick Fong; Stacy Otomo, Otomo Engineering; Phillip Rowell, Phillip Rowell and Associates; Robert Hobdy, Biological Resources Consultant. For Committee Staff we have Clarita Balala, Committee Secretary; Carla Nakata, Legislative Secretary [*sic*].

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Members, we have two items on the agenda today, LU-14, Community Plan Amendment and Change in Zoning for the proposed Waiko Baseyard Light Industrial 41-Lot Subdivision Project located at East Waiko Road, Wailuku.

The second item on the agenda, Change in Zoning for Soulspace Ranch LLC, Makawao. We will not be hearing the Soulspace item today. The representatives...the owners, could not make the meeting and when it comes time I'm going to ask for a deferral of that. To all those that want to give testimony today we will receive testimony if you wish, but the item will not be heard.

Assisting this afternoon from the Hana District Office is Dawn Lono. You there, Ms. Lono? Dawn Lono, are you in the office? Well, Lanai District Office? You know, I think we have a technical problem.

MS. NAKATA: Short recess, Chair.

COUNCILMEMBER COUCH: Short recess, Chair.

CHAIR CARROLL: There we go.

MS. LONO: Hello, this is Dawn in Hana.

CHAIR CARROLL: Thank you. Molokai?

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

CHAIR CARROLL: Thank you. And the Island of Lanai?

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

CHAIR CARROLL: Thank you. Public testimony will be accepted in a few moments. For individuals who will be testifying in the Chamber, please sign up at the desk outside the door. If you will be testifying from the remote locations specifically – boy, our tongue is not working today, I tell you – specified on the meeting agenda, please sign up with the Council staff at that location. Testimony will be limited to the items listed on the agenda today. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item, with one minute to conclude if requested. When testifying, please state your name and the name of any organization you are representing. Members, without objection, I will now proceed to have the committee accept testimony on today's items.

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: Ms. Nakata, do we have anybody signed up for testimony?

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

CHAIR CARROLL: Lanai, you have anyone signed up for testimony?

MS. FERNANDEZ: The Lanai Office has no one waiting to testify.

CHAIR CARROLL: Thank you. Molokai, do you have anyone signed up for testimony?

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

CHAIR CARROLL: Hana, you have anyone waiting to give testimony?

MS. LONO: The Hana Office has no one waiting to testify, Chair.

CHAIR CARROLL: Thank you. Is there anyone in the audience wishes to give testimony, please come forward. Seeing none, if there's no objection, I will close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR CARROLL: Public testimony is now closed.

**ITEM NO. 29: CHANGE IN ZONING FOR SOULSPACE RANCH, LLC
(MAKAWAO) (CC 14-162)**

CHAIR CARROLL: Members, before we begin our discussion on LU-14, the Chair will advise again that the Staff has received word that the applicant's unavailability for the second item on the agenda, LU-29, Change in Zoning for Soulspace Ranch, LLC (Makawao). Therefore, without objection, the Chair will defer LU-29 for discussion another time.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: EC, GRH, and MW)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR CARROLL: LU-29 is deferred.

**ITEM NO. 14: COMMUNITY PLAN AMENDMENT AND CHANGE IN ZONING
FOR THE PROPOSED WAIKO BASEYARD LIGHT INDUSTRIAL
41-LOT SUBDIVISION PROJECT LOCATED AT EAST WAIKO
ROAD (WAILUKU) (CC 13-263)**

CHAIR CARROLL: LU-14, Community Plan Amendment and Change in Zoning for the proposed Waiko Baseyard Light Industrial 41-Lot Subdivision Project located at East Waiko Road, Wailuku. The Committee is in receipt of the following, County Communication 13-263, from the Planning Director, transmitting the following:

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A proposed bill to grant a request from Vince Bagoyo of Bagoyo Development Consulting Group, LLC, on behalf of the Waiko Industrial Investment, LLC, for a Community Plan Amendment from Agricultural to Light Industrial to facilitate the development of the proposed Waiko Baseyard Light Industrial Subdivision Project, consisting of 41 lots on approximately 31.2 acres, located at East Waiko Road, Wailuku, Maui, Hawaii (TMK: (2) 3-8-007:102); and a proposed bill to grant a Change in Zoning from Agricultural District to M-1 light Industrial District to facilitate the development of the proposed project on the property.

Correspondence dated September 3, 2013, from the Department of Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO LIGHT INDUSTRIAL FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 3-8-007:102". The revised proposed bill incorporates nonsubstantive revisions.

Correspondence dated October 29, 2013, from the Department of Corporation Counsel, transmitting a revised proposed bill entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NUMBER: (2) 3-8-007:102". The revised proposed bill incorporates revisions recommended by the Committee at its meeting of October 16, 2013.

Correspondence dated June 18, 2014, from Vince Bagoyo, Bagoyo Development Consulting Group, transmitting a copy of correspondence dated June 13, 2014, from Ford N. Fuchigami, Interim Director of Transportation, to Phillip J. Rowell, Phillip Rowell and Associates, stating the revised Traffic Impact Analysis Report for the project, dated January 31, 2014, is acceptable to the State Department of Transportation.

Members, at the Committee meeting on October 16, 2013, the Committee received a PowerPoint presentation on the project. The Committee also revised the conditions of zoning, as reflected in the proposed bill transmitted by correspondence dated October 29, 2013. The Chair would ask that you refer to that version of the Change in Zoning bill.

The Chair deferred the matter because of outstanding issues relating to the revised Traffic Impact Analysis Report, per the State Department of Transportation's correspondence dated November 27, 2013.

As you recall, in the State Land Use Commission's Findings of Fact, Conclusions of Law, and Decision and Order, filed on May 3, 2013, Page 50, the Commission imposed a Condition 1(a) that states: "The TIAR, or traffic impact analysis report for the project, dated May 17, 2011, shall be revised and resubmitted to the DOT Highways Division for review and acceptance prior to zone change approval."

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The Committee has since received the correspondence dated June 18, 2014, from Mr. Bagoyo, transmitting a copy of the correspondence dated June 13, 2014, from Ford Fuchigami, Interim Director, Department of Transportation, State of Hawaii, to Phillip Rowell, stating the revised TIAR is acceptable to the DOT.

With that, Planning, do you have any comments?

MS. MCLEAN: No comments, Chair.

CHAIR CARROLL: Environmental Management, would you please come down. You have any opening comments?

MR. MIYAMOTO: Thank you, Mr. Chair. The only concern we had that we're working with the Developer on is maintaining access to our closed landfill that's in the Waikapu area. That was the only real comment that we had that we wanted to make sure that in their design that we accommodated by providing a hard surface and one that had ample turning radiuses for the large vehicles we needed to do maintenance on that closed landfill.

CHAIR CARROLL: Thank you. Members, the floor is open for discussion.

COUNCILMEMBER VICTORINO: Chair?

CHAIR CARROLL: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yeah, thank you. And Mr. Miyamoto, I mean beyond that that's what the only major concern you guys had because other than that this will not affect the old landfill in any way.

MR. MIYAMOTO: No.

COUNCILMEMBER VICTORINO: That was my only other question. Thank you. Thank you, Chair.

CHAIR CARROLL: Any further discussion on the floor? The Chair will give his recommendation.

COUNCIL MEMBERS: Recommendation.

CHAIR CARROLL: The Chair will entertain a motion to recommend passage on first reading of the revised proposed bill transmitted by correspondence dated September 3, 2013, from the Department of Corporation Counsel, entitled "A BILL FOR AN ORDINANCE TO AMEND THE WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP FROM AGRICULTURE TO LIGHT INDUSTRIAL FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NUMBER (2) 3-8-007:102".

VICE-CHAIR GUZMAN: So moved.

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COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR CARROLL: Been moved by Mr. Guzman, seconded by Mr. Victorino. Discussion? Seeing none, all in favor please signify by saying aye.

COUNCIL MEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, seven ayes, two excused.

VOTE: AYES: Chair Carroll, Vice-Chair Guzman, and Councilmembers Baisa, Couch, Crivello, Victorino, and White.

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmembers Cochran and Hokama.

MOTION CARRIED.

ACTION: Recommending FIRST READING of revised Community Plan Amendment bill.

CHAIR CARROLL: The Chair will now entertain a motion recommending passage on first reading of the revised proposed bill transmitted by correspondence dated October 29, 2013, from the Department of Corporation Counsel, entitled "A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM AGRICULTURAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII, TAX MAP KEY NUMBER: (2) 3-8-007:102", incorporating any revisions made at today's meeting and nonsubstantive revisions, and filing of County Communication 13-263.

VICE-CHAIR GUZMAN: So moved.

COUNCILMEMBER VICTORINO: Second, Mr. Chair.

CHAIR CARROLL: Discussion? Seeing none, all in favor please signify by saying aye.

COUNCIL MEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, seven ayes, no noes, two excused.

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VOTE: **AYES:** **Chair Carroll, Vice-Chair Guzman, and Councilmembers Baisa, Couch, Crivello, Victorino, and White.**

NOES: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

EXC.: **Councilmembers Cochran and Hokama.**

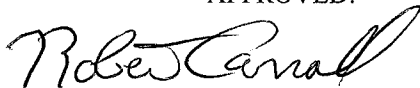
MOTION CARRIED.

ACTION: **Recommending FIRST READING of revised Change in Zoning bill and FILING of communication.**

CHAIR CARROLL: This concludes today's meeting. . . .*(laughter)*. . . Thank you very much. Thank you to all of you that attended, not only over here, but out in television land. Mahalo and this meeting of July 30, 2014 stands adjourned. . . .*(gavel)*. . .

ADJOURN: 1:45 p.m.

APPROVED:



ROBERT CARROLL, CHAIR
Land Use Committee

lu:min:140730:cb

Transcribed by: Clarita Balala