

**MAUI PLANNING COMMISSION
REGULAR MINUTES
APRIL 28, 2015**

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Keone Ball at approximately 9:05 a.m., Tuesday, April 28, 2015, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Chair Ball: Good morning everyone, and welcome to the Maui Planning Commission meeting of April 28th. We have Clayton Yoshida from the Department, and we will start with Item C...oh, actually sorry, let's start with the public testimony. Anybody that would like to testify at this time may do so. You have three minutes. If you do now, you will not be able to testify when the item comes up on the agenda. Please identify yourself also.

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed.

The following individuals testified at the beginning of the meeting:

- Mike Moran - Unfinished Business, Item E-1, Discussion on South Maui Citizens for Responsible Growth letter regarding SMA for SDOT Piilani Traffic Improvements on Ohukai Road
- Mark Hyde - Unfinished Business, Item E-1, Discussion on South Maui Citizens for Responsible Growth letter regarding SMA for SDOT Piilani Traffic Improvements on Ohukai Road

Their testimony can be found under the item on which they testified on.

Chair Ball: Anyone else that would like to testify at this time may do so? Seeing none, we will close the public testimony. And you may testify later if you would like on that item. Okay, let's go onto Item C. We are going into a Orientation Workshop No. 2. Clayton?

Mr. Yoshida: Yeah, good morning Mr. Chair and Members of the Commission. Clayton Yoshida, Administrator of the Current Division subbing for Will Spence, our Director who's testifying this morning on the FY 16 Budget as the Budget Chair released his recommendations yesterday, and he'll be testifying on the ramifications of those proposals, and our Deputy Director, Michele McLean involved in the...in court, involved in the case Leone v. County of Maui, et al. a shoreline parcel case entering week four.

So this morning, we're continuing our orientation workshop and we'll start off with Gina Flammer

talking about bed and breakfasts, short-term rentals, and State Special Use Permits. Gina?

C. ORIENTATION WORKSHOP NO. 2

1. **Bed and Breakfasts, Short-Term Rentals, and State Special Use Permits - Gina Flammer**
2. **Overview of Shoreline Presentations - Jim Buika**
3. **Sea Level Rise and the Future of Our Shorelines (Tara Owens, Maui Sea Grant agent)**
4. **Special Management Area Rules and Shoreline Setback Rules - Jim Buika**
5. **Flood Hazards - Avelina Cabias**

Presentations were given by the Planning Department Staff and Maui Sea Grant Agent, Tara Owens

Chair Ball: Okay, Commissioners, we are done with Orientation Workshop No. 2. We do have a public hearing that's gonna have to start after 1:00. Candace are your people here?

Ms. Thackerson: DOT is not here yet. They're supposed to be here a little bit later on today, and I don't see Staff Planner Livit here either for her item?

Chair Ball: Okay, let's continue down the agenda then and we'll finish some other things up that we can do now and then we'll go till the food gets here I guess, and break for lunch, and then we'll determine what time we come back when we take that break.

Mr. Yoshida: Under Item F, we have Acceptance of the Action Minutes of April 14th Meeting and the Regular Minutes of March 10th and March 24th.

F. ACCEPTANCE OF THE ACTION MINUTES OF THE APRIL 14, 2015 MEETING AND REGULAR MINUTES OF THE MARCH 10, 2015 AND MARCH 24, 2015 MEETINGS

Chair Ball: What is the pleasure of the Commission?

Mr. Hedani: Move to approve.

Vice-Chair Tsai: Second.

Chair Ball: Moved by Commissioner Hedani, seconded by Commissioner Tsai, all in favor?

Commission Members: Aye.

Chair Ball: Any opposed?

Mr. Hedani: You have to tell us what to do.

Chair Ball: Raise your hand, make a move. Motion carried.

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

**VOTED: To Accept the Action Minutes of the April 14, 2015 Meeting and Regular Minutes of the March 10, 2015 and March 24, 2015 Meetings
(Assenting - W. Hedani, M. Tsai, J. Medeiros, L. Hudson, K. Robinson, R. Higashi)
(Excused - I. Lay, S. Duvauchelle)**

Mr. Yoshida: Under Director's Report, we've circulated our list of SMA Minor Permit Report Appendix A, and SMA Exemption Report Appendix B.

G. DIRECTOR'S REPORT

- 1. SMA Minor Permit Report (Appendix A)**
- 2. SMA Exemption Report (Appendix B)**

Any questions on those items?

Mr. Hedani: Move to accept.

Mr. Medeiros: Second.

Chair Ball: Motion to accept by Commissioner Hedani, seconded by Commissioner Medeiros. All in favor, say, "aye".

Commission Members: Aye.

Chair Ball: Opposed? Motion carried.

It was moved by Mr. Hedani, seconded Mr. Medeiros, then

**VOTED: To Accept the SMA Minor and SMA Exemption Reports.
(Assenting - W. Hedani, J. Medeiros, L. Hudson, M. Tsai, K. Robinson, R. Higashi)
(Excused - I. Lay, S. Duvauchelle)**

- 3. Discussion of Future Maui Planning Commission Agendas**
 - a. May 12, 2015 meeting agenda items**

Mr. Yoshida: Your next meeting is scheduled for May 12th. I guess Paul Fasi did circulate the Draft

Environmental Assessment for the Iao Water Treatment Plant Upgrades. I guess you'll be reviewing and commenting on the Draft Environment Assessment for this Department of Water Supply project.

We are trying to arrange for several workshops with the Public Works Department on review of how they review drainage studies and how they review the Traffic Impact Assessment Reports. As well as we are trying to arrange with the Department of the Corporation Counsel to possibly provide updates on pending litigation involving the Commission, but we hope to solidify on that within the next day or so.

Chair Ball: Okay, sounds good. Is there anyone that would like to add to the future agenda possibly? Commissioner Higashi?

Mr. Higashi: I'd like to request to put on the agenda the Makawao Cemetery...Veteran's Cemetery-

Mr. Hopper: I got an issue with that, Chair.

Mr. Higashi: -topic that we had.

Chair Ball: Corporation Counsel?

Mr. Hopper: There has been a lawsuit filed against the County regarding that so you could do that as part of the Litigation update, but I would not recommend something that would reopen the permit at this stage until you've at least been briefed on the lawsuit that's been filed. It's not against the Commission specifically this is kind of a special situation where you need to be advised that there's been litigation filed against the County on that exact issue.

Chair Ball: Would be appropriate to have that on the next agenda and go into executive session?

Mr. Hopper: Perhaps. Now this is something we would still need to talk to our office about because again, the Commission is not a party. So...but the Commission did grant the permit involving the action. Also, we need to be cognizant of bringing back permits. You know, it would need to have something to do with commission business as well. So, we need to be cognizant before bringing back permits what the reason would be in that situation rather than to just have a discussion on general issues. So, we really need to think hard about how that would be agendaized and what the topic would be, and whether or not the Chair or the Commission actually would like to have this as an agenda item considering that there is litigation on this topic. The Commission has already completed its business as far as deciding on the permitting, conditioning the permit, and whether or not it's advisable to bring the permitting issues or whatever other issues back to the Commission considering the pending the litigation.

Chair Ball: Okay.

Mr. Hopper: It's not something I'm prepared to advise on because it's not an agenda item. So we could discuss that prior to the next agenda, but I'm not even sure it's something that we can have discussed in executive session with respect to this Commission because it doesn't directly involve

litigation. But again, I don't know all of the allegations of the complaint. I haven't read over the complaint and things like that, but I do know that there's been a lawsuit filed and we need to consider that in any future agenda posting.

Chair Ball: Okay.

Mr. Higashi: Question to the Corporate Counsel. Does that mean that this particular permit is now on hold until decision is reached on the court action?

Mr. Hopper: Again, this is not on the agenda today. I don't know about the...I don't know what's been filed in the complaint. There's been no injunction issued. So as far as I understand this does not affect the Commission's permitting. But again, we can do this as part of an update, but as of now, this is not on our agenda today, so...

Chair Ball: Okay. Well, if it's the past practice of the Commission that we hold these things until the litigation is finalized then I think that's probably what we should probably do at this point.

Mr. Hopper: I don't know if we've ever dealt with litigation that is not involving the Commission. This does not involve the Commission. There's other litigation that has, but it could tangentially deal with Commission business because the Commission did review permit activities in that area, so I would want I think a litigator who's familiar with the case to advise you on the case if we're going to discuss that issue rather than simply put it on the agenda without a...what we would like to do is discuss with the...I'd like to discuss with who the attorneys involved in it and kind of get their advice before going forward and then perhaps we can discuss with the Department as well as you, Chair, to kind of determine the best way forward.

Chair Ball: Okay. Commissioner Tsai?

Vice-Chair Tsai: Yeah, maybe I'd like to hear from Commissioner Higashi what your reasons for wanting to put this on an agenda?

Chair Ball: Do we need to have this on the agenda to start down this path?

Vice-Chair Tsai: Yeah.

Mr. Hopper: You're supposed to have...you're not supposed to discuss an issue unless it's on your agenda. So he's explained he'd like it on a future agenda. I know you wanna discuss why it would be on the future agenda, but I don't want to stretch out the Sunshine Law, you know, beyond what we're comfortable with at this point. I'd like to proceed as I proposed. If there's other alternative ways then we can discuss that, but again, not knowing all the background 'cause this is a fairly recent case, I would want to discuss that first before proceeding. If we decide not to put it on the agenda, I can then perhaps explain them to Commissioner Higashi the reasoning and possible avenues forward as well, but I don't want to conclude one way or the other without doing that research.

Chair Ball: Okay, Commissioner Medeiros?

Mr. Medeiros: Can I ask for an update after you have your discussion and do your research?

Mr. Hopper: And it may be convenient to do that as part of the litigation update that you're getting as well even though this does not involve the Commission directly 'cause it may indirectly involve Commission business. It may be something relevant to discuss as part of that executive session update as advice from the litigation attorneys working on the case. That would be something you could discuss in executive session as I understand it.

Chair Ball: Okay, so do we want to put that as an item again or how would we agendize that?

Mr. Hopper: You don't have to vote on putting that on as a agenda item. Again, I can speak with the attorneys involved with it to communicate and talk with the Chair about putting that on a future agenda.

Chair Ball: Okay.

Mr. Hopper: If we decide to put it on as a certain way, we can do that. If not, then I would explain to Commissioner Higashi, I guess maybe individually to avoid any agenda issues or if there's a general issue. My concern is potentially opening up the record in this case again, when the record's been closed as far as to voting on the permit, and the action taken on the permit. That's what we would want to maybe discuss with you.

Chair Ball: Okay, Commissioner Higashi?

Mr. Higashi: I still have a concern that comes up. If the Commission approves a permit that comes through the council or the Commission, but yet we find that within the approval process, the applicant has not met all the requirements that were set, how can we....(sound system feedback)...how can we go about rectifying that situation is my concern.

Mr. Hopper: If there is evidence of a violation then yes, you can bring that forward on an agenda. I was unaware there's any evidence of a violation of a permit that you wanted to discuss in front of the Commission. I didn't realize that was the issue. That's a separate situation.

Chair Ball: So we're saying if there is a violation, we can discuss that?

Mr. Hopper: I mean, if you wanna have...it's the same issue with the permit that you're talking about later today with the DOT. If there's a...but I would be...you would need to have evidence of that violation before you, and have that before you before, again, reopening a hearing on a permit that's already been granted. So that's something that you'd have to bring forward and determine as a Commission.

Vice-Chair Tsai: Question?

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: For Corp. Counsel. Procedurally on all the permits that we issue or Department

issues as a followup, the Department is supposed to police the matter and not the Commission?

Mr. Hopper: We are getting, again, we're so far...we're discussing this permit now or getting into discussion of a permit that's already pending. If you wanna talk in general about a compliance report--

Vice-Chair Tsai: Yes.

Mr. Hopper: --then maybe the Department can explain what they do as far as a compliance report on a Special Use Permit. Clayton, do you have insight on that?

Mr. Yoshida: It depends on how the condition is structured. If it's triggered to some kind of building permit, they have to submit a compliance report prior to the Department signing off on that building permit, you know we would look at that. A lot of times in the case of these bed and breakfast permits and short-term rental home permits it also requires a State Special Use Permit in the Ag District, the compliance report comes in at the time of they're requesting a time extension. Before they get issued a time extension we have to approve the compliance report. So I guess it depends on the specific wording of that compliance report condition.

Chair Ball: Everybody clear on that now? Okay, we will move on. Any other items? Yes, Commissioner Hedani?

Mr. Hedani: One of the things that was brought to my attention during today's presentation is that the Council is considering eliminating Tara's position. Moving forward for the Commission on areas related to the coastal zone, I think it's important that we get as much information as we can from knowledgeable sources relative to the science of what's happening in the coastal zone. And therefore, I think...I don't know if it's gonna matter two weeks from now. You know, they probably will have already made their decision, but what I'd like to see is a letter of support from the Commission for that particular position moving forward so that we can get good advice rather than divine from the bones which way we're gonna go.

Vice-Chair Tsai: Follow up?

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: Yeah, are you talking about a letter from the Commission or on behalf of the Department, Planning Department?

Mr. Hedani: I was suggesting like a letter from the Commission through the Chair to the Council.

Mr. Hopper: You can put that on the next agenda as an item for consideration.

Chair Ball: Okay, anyone else? As we stall along here to try to make it to noon.

Mr. Hedani: Let's just go to lunch.

Chair Ball: With that, can we get maybe these guys to come in early or do we take an hour and twenty?

Ms. Thackerson: Who's these guys?

Chair Ball: You and—

Ms. Thackerson: The SUP or DOT?

Chair Ball: Either one.

Ms. Thackerson: I can't speak for Livit's permit, and I can just go back to my desk and check my emails from Ferdinand from DOT.

Chair Ball: Okay, meeting adjourned till 1:00.

A recess was called at approximately 11:39 a.m., and the meeting was reconvened at 1:00 p.m.

Chair Ball: Okay, let's call this meeting back to order of April 28, 2015 Planning Commission meeting. Next on our agenda is Public Hearing under Item D, No. 1. Clayton?

Mr. Yoshida: Thank you, Mr. Chairman. We have a request from Mr. Alan Topinka for a State Land Use Commission Special Use Permit in order to operate Rainbow Hale Estate, a four-bedroom short-term rental home located in the State Agricultural District at 275 Oka Kope Street, TMK: 4-4-020: 001, Kaanapali, Island of Maui. The Staff Planner is Livit Callentine.

D. PUBLIC HEARING (To begin at 1:00 p.m. or soon thereafter. Action to be taken after public hearing.)

- 1. MR. ALAN TOPINKA requesting a State Land Use Commission Special Use Permit in order to operate Rainbow Hale Estate, a four (4) bedroom short-term rental home, located in the State Agricultural District at 275 Oka Kope Street, TMK: 4-4-020: 001, Kaanapali, Island of Maui. (SUP2 2014/0007) (L. Callentine)**

Ms. Livit Callentine: Good afternoon, Commissioners, and nice to see you again. I hope you enjoyed the orientation session this morning. As Clayton said, this is an application. It was filed by Alan Topinka who is the sole trustee of the Topinka Family Irrevocable Family Trust. The project is a State Land Use Commission Permit in order to allow him to operate a short-term rental home at the location that Clayton indicated in Kaanapali.

This proposed short-term rental home will be in one dwelling. There is one dwelling on the lot. The rental home will be in one, in that one dwelling. There are four bedrooms which will be utilized for the short-term rental operation. And it will also be utilized for the family. They do frequently travel to Maui and stay here, and they hope to have this home be their retirement home. So in order to not leave the house vacant and unproductive, they want to in between the times that they're here use it for short-term rental.

As you'll see in Exhibit 1 of the report, you can see the location map. The site plan is shown in Exhibit 2. Parking plan you can see in Exhibit 3. And in Exhibit 4 you'll see the floor plan. And then there are a number of photographs of the short-term rental home both exterior and interior photographs and that's shown on several pages at comprised Exhibited No. 5.

The applicant has also applied for a Short-Term Rental Home Permit and that will be, at this point in time approved administratively by the Maui Planning Department pending approval of this Special Use Permit as there have been no objections filed in regards to this project. The property is approximately five acres, to be exact 5.132 acres. It's in a large lot subdivision known as the Kaanapali Coffee Farms at this point in time. It's located in Kaanapali Mauka of the Honoapiilani Highway in the Agriculture District and it's about a mile and a half east of the Pacific Ocean. As you might have guessed the State Land Use District is Ag. The Maui Island Plan it is not with a specific growth boundary in the Maui Island Plan. West Maui Community Plan and the County Zoning are both Agriculture. The property is surrounded by other lots that are zoned for agriculture. And to the west there is also residential and resort hotel.

This home was purchased by Mr. Topinka in May of 2014, and it's the only home on the property and the home was built in 2008, and it was built originally as the model home for the subdivision. There's 51 lots in the subdivision and we consider this to be a very, very creative and interesting use of agriculture land and mixed in with residential use because the developers have managed to create a subdivision where 80 percent of the area is covered with agriculture production mainly coffee plants. The farm itself is leased operated by fifth generation Lahaina farmer, James "Kimo" Falconer and brands his coffee, Maui Grown Coffee, 100 percent Maui, Original Brand. The Planning Department's Zoning Division approved a farm plan in 2007. You can see that in Exhibit No. 7, and also in Exhibit 8 of your report, you can see the Kaanapali Coffee Farms marketing map, illustrating available lots and the ratio of dwelling sites to agriculture acres.

There are no short-term rentals or bed and breakfast operations in existence or even applied for within 500 feet of the property. As of January 6, 2015, there were 27 permitted short-term rental operations within the West Maui Community Plan out of a total maximum cap of 88 short-term rental home operations. So we're about 25 to 30 percent of the way to getting to the top of the cap in West Maui. Additionally, there are 10 permitted bed and breakfast homes in the community plan region out of a maximum of 88 B&B homes. So again, we have quite a ways to go before we get to the cap on those in the West Maui Plan.

The property has been evaluated against the land use regulations and the primary one that we'll be considering today is the Chapter 205 and 205A, HRS, and the Rules of the Land Use Commission whereby we need to find that the use is not contrary to the objectives of the rules. That the desired use would not adversely affect surrounding property, that use would not unreasonably burden public agencies, that unusual trends and needs have arisen since the rules and the boundaries were established and that the land up which the use sought is unsuited for the uses permitted within the district. Now each one of these points have been carefully debated, discussed within the body of the report and in the Analysis section. We can go into those in more detail if you should desire to do that.

We transmitted this to various agencies. We no longer transmit to the Police Department because

we use the online raid system. We found no instances of recorded disturbances at the property or even within a nearby range. There have been no complaints about the property. The State Office of Planning had not submitted comment on this application prior completion of the report.

The applicant is here today and would like to say a few things. I'll just reiterate that in analyzing the project against the State Land Use Commission Rules and Chapter 205, the Hawaii Revised Statutes, we find that the use is not contrary to the objectives because the property is in...80 percent of the subdivision is being used for coffee, coffee agriculture. We find that it will not adversely affect the neighboring area. There will be management of the property, management of the operation, there are rules and regulations and conditions that will be implemented through the short-term rental home permit that will prevent disturbance and will also give an avenue for a complaint if there were to be some complaint on the property. Each home site is very well buffered from other home sites because of the coffee plants that are interspersed throughout the project. And there's no indication that the proposed use would place any extra demand on public agencies. The water is provided through a private water company. Fire protection is available. There should be no anticipated increase or burden on police, fire or any...the public schools than would be a burden if was just used as a residential home.

And so, we could talk more about agriculture, but I think that you probably have seen from the photographs and description in your report that this is a very well planned agricultural subdivision that actually makes very good use of the existing land to provide 80 percent of the total area in agriculture use. So with that, I would very much like to introduce you to Alan Topinka and turn the mic over to him so that he can give you a very brief power point and description of the property. Thank you.

Mr. Alan Topinka: Good afternoon. My name's Alan Topinka, and thank you for allowing me to present for a Special Use Permit application for Rainbow Hale Estate. We love it there. As Livit had stated we bought it under the Topinka Family Trust and intend to keep it in the family and use it certainly for our retirement and beyond that. So we're excited. I just wanted to provide a few slides. I'll be as brief about it, but a few slides kind of showing the character of the neighborhood and how the house is laid out and the surrounding so that you have a feel for what we have and why we're so in love with it.

As you know, this is above the Kaanapali...overlooks the Kaanapali area. It's approximately 500 feet in elevation. It is really the first lot as you enter the community from a gated area. It was intended and for many years used as the model home. And so it was built as soon as you enter the house is as you enter the development. There are 51 other lots, but all of them have a similar character in that they are surrounded by coffee plants and coffee trees.

This is a general layout of the property itself and I'll have a slide a little bit different than this showing a little closer configuration, but you can see that it's completely surrounded other than at the street side by coffee and farm, coffee trees.

As you look towards the ocean which would be top of this, we have the master suite is on the left-hand side, this is south facing towards the south, we have the living areas right at the front center

of the property and then the two guest suites and the extra bedroom at the right side of the property, and the pool in front.

Now just some slides showing just some of the pictures of the property and the area. As you come up the hill they have refurbished the original water tanks and using it for agricultural water storage. This is the entry gate which is due to be completely active in terms of entry within the next couple weeks I understand, and our property is just to the left of this. This is an aerial from the mauka side showing the parking area in front of the structure. And again, you can see it's surrounded fairly closely by the coffee tree plants.

This is the ocean side view. I apologize for the graininess but I think I was flying into the Kapalua Airport there and my lense wasn't as good, so we had to blow it up. It's a little grainy but this is the ocean side. Again, you can see how it's situated. And a view from ground level of the ocean side again, with the pool, hot tub area, and surroundings.

Entry to the building is from the parking lot area there, and as you walk straight through, you walk straight through to the pool area and hot tub area which is surrounded by grass and the trees as well. Large deck surfaces on this property as well. It's been well outfitted with covered deck space. The living area is shown here, living room, kitchen, and then some of the gathering areas in the structure. A closeup of the kitchen just to give you kind of a flavor of the type of construction. The master suite which is towards the south side of the structure, and the ocean side guest suite, the mauka side guest suite, and the media and spare bedroom. So...and I put this in here because I just wanted to show you, my son doing something that he really would never be able to do on an actual basketball court, so...so this is...this will never happen anywhere else, so he's very proud of that. And last is, this is out our backdoor. This is the coffee harvesting. Very interesting process and I like actually seeing them, seeing them produce it. They shake the trees and it's very interesting. That's all I have. Thank you.

Chair Ball: Thank you.

a) Public Hearing

Chair Ball: Let's see, at this time we'll open it up for public testimony. Anybody that would like to testify on this matter at this time may come forward? Seeing none, public testimony is now closed. Can we get the recommendation of the Staff Planner, please?

Unidentified Speaker: ...(inaudible)...

Chair Ball: Yeah, we'll do that after, after the recommendation.

b) Action

Ms. Callentine: Okay, thank you very much, Mr. Chair. If you have no questions, I can go ahead with the recommendation which is the Planning Department recommends approval. In consideration of the foregoing, the Planning Department recommends that the Maui Planning Commission adopt the Planning Department's report and recommendation which were prepared

for the April 28, 2015 meeting as your findings of fact, conclusions of law, decision and order, and that you authorize the Planning Director to transmit said written decision and order on behalf of the Maui Planning Commission. And this will be subject to six standard conditions of State Special Uses Permits. The Director will be able to issue a time extension, but if there's any concerns, we may bring the project back to you for consideration. We're recommending a term of three years that's also a standard term for the initial State Special Use Permit. Thank you.

Chair Ball: Thank you. Questions from the Commissioners? None? Commissioner Hedani?

Mr. Hedani: Just for informational purposes if I can address the question to the owner? The Kaanapali Coffee Farms has an ongoing operation, leases your property for coffee production?

Mr. Topinka: Correct.

Mr. Hedani: Right. Is there...can you give us an idea of the revenue generated off of that?

Chair Ball: Identify yourself Mr. Topinka.

Mr. Topinka: Alan Topinka, excuse me, I'm sorry. What I can tell you is, I actually have a report. We recently had a report, and I can tell you that the coffee production has been going up and they're very pleased with their production levels. I could actually, you know, get that data for you. I don't know it right off the hand. I know that it's increasing and they're very happy with the production levels and expect it to continue at a fairly high level for some time as the trees remain in a mature state, so...

Mr. Hedani: They don't, they don't cut you check at this point?

Mr. Topinka: Alan Topinka again. The homeowner's dues are funded depending on the production level. So in a good year we will get nearly all of our homeowner's dues paid for. In fact, you know, we've only been part of this for one year, but in that year there was a production level above expected levels so there was a kick back in terms of the homeowner's dues to help pay for those. so that's our return. We don't actually, we're not gonna share I don't believe in any way other than the offset of the ongoing costs.

Chair Ball: Anyone else? Commissioner Robinson?

Mr. Robinson: So when you purchased the property, the lease was already in place for them to cultivate the coffee? It's not a individual basis if you want to do it yourself?

Mr. Topinka: Alan Topinka again. It's leased for all 51 lots to one farmer and that lease is an ongoing lease and it was in place well before we were, we purchased the lot.

Chair Ball: Anyone else? Seeing none, do we have a motion?

Vice-Chair Tsai: Move to approve as recommended.

Mr. Higashi: Second.

Chair Ball: Moved by Commissioner Tsai, seconded by Commissioner Higashi. All in favor say, "aye"? Actually raise your right so we can get an accurate count here?

Mr. Hedani: Discussion?

Chair Ball: Further discussion? Commissioner Hedani?

Mr. Hedani: The Commission recently sent a letter to the Council requesting that they impose a moratorium on short-term rentals. Subsequent to that we now have a proposal for a short-term rental and our intention is to approve that unanimously as well? I mean, so how do we reconcile the two at this point?

Chair Ball: I would say they're different. This is what we have in front of us today, and that's a letter that was sent by the Commission and it's in the Council's hands at this time so. And so we have to deal with the business at hand today, and worry about that future business at that point. Commissioner Hedani?

Mr. Hedani: Mike?

Chair Ball: Oh, Corp. Counsel?

Mr. Hopper: Also as a note, this is a State Special Use Permit. It's not actually a Short-Term Rental Home or Bed and Breakfast Permit that the Maui County Council has jurisdiction over. It is different. It's a State Law process. You would need actually a...if the only permit required was a State permit then you will need State law or moratorium. So just...I'm not gonna speak for or against the application, it's just that is...this is actually...they may have needed a Short-Term Rental Home Permit, in fact I assume they did, but it's not something that require Commission review anyway. Is that correct? So there's just a relevant issue. In addition, you know, whether or not the Council does a moratorium, the Commission is still tasked with reading what the Short-Term Rental Home Permit Law is and approving or denying based on the criteria in the Short-Term Rental Home Permit Law unless Council does make a change to that. So I think that that's relevant for the Commission to look at and if the Council had issues with that, I think it's clear that you're still required to follow whatever law's in place until there's an amendment made to that law. But as of now, this is not something that the Council can even change. This a State Special Use Permit under HRS 205-6, I believe, that you're required to determine from a separate set of regulations than the Council's Code.

Mr. Hedani: So it's outside of the Council's...well, it's outside of the County's purview in terms of the use permit itself?

Mr. Hopper: For the State Special Use Permit-

Mr. Hedani: Right.

Mr. Hopper: –cause it's in the State Ag District, that's correct. Now for the County Agricultural District, the County I believe already has jurisdiction over this, but the way the Council law is put, this is a permit that can be granted administratively. So I know there's a–

Mr. Hedani: Yeah, I agree with the Council Chair. It is a different situation. They're on a very large lot. There's no impacts to surrounding neighbors. It's not something that would go into the residential housing pool for affordable housing by any means. And you know, there's not a correlation from that standpoint, so thank you.

Chair Ball: Thank you for the question. Okay, so all in favor raise your right hand, please? Any opposed? Five to one. Motion carries. Right, one, two, three, four, five. Chair votes aye. Thank you.

It was moved by Mr. Tsai, seconded by Mr. Higashi,

**VOTED: To Approve the State Land Use Commission Special Use Permit as Recommended by the Department.
(Assenting - M. Tsai, R. Higashi, L. Hudson, W. Hedani, K. Ball)
(Dissenting - K. Robinson)
(Excused - I. Lay, S. Duvauchelle, J. Medeiros)**

Chair Ball: Moving onto Item E, Unfinished Business. Clayton?

Mr. Yoshida: Thank you, Mr. Chair. We have under Unfinished Business, a discussion on the South Maui Citizens for Responsible Growth letters regarding the Special Management Area Use Permit for the State Department of Transportation, Piilani Highway Traffic Improvements at Ohukai Road Project at TMK: 3-9-1: 146, Kihei, Island of Maui. This is a request from past Commissioner Penny Wakida. I guess the Staff Planner on the SMA Use Permit was Candace Thackerson.

E. UNFINISHED BUSINESS

- 1. Discussion on the South Maui Citizens for Responsible Growth letters regarding the Special Management Area Use Permit for the State Department of Transportation Piilani Highway Traffic Improvements at Ohukai Road project at TMK: 3-9-1: 146, Kihei, Island of Maui. (SM1 2011/0007) (Commissioner Penny Wakida's request) Deferred from the March 10, 2015 and April 14, 2015 meetings.**

Chair Ball: Candace will you come to the podium, please?

Ms. Thackerson: Me?

Chair Ball: Yeah. Thank you. Do you wanna give us a brief overview what this item is, please?

Ms. Thackerson: Item SM1 2011/0007, and this permit was originally approved by this body subject to conditions. Condition No. 23 discussed the installation, the consideration for installing sidewalks within the project. The South Maui Citizens for Responsible Growth wrote a letter, well since the permit got approved, DOT did not choose to move forward with the sidewalk installation. And then following that South Maui Citizens for Responsible Growth a letter questioning that consideration which was brought to Commissioner Wakida's attention. Since then the Commission has discussed that and has requested the State DOT's presence to come and explain a little bit further about their consideration, and their decision to not install the sidewalks, and I'll go ahead and turn the mic over to them.

Chair Ball: Sounds good.

Mr. Ferdinand. Cajjal: Good afternoon, Commissioners. My name is Ferdinand Cajjal. I'm the District Engineer for State Highways here on Maui. With me this afternoon is Mr. Dexter Eji. He's the consultant from Parsons Brinkerhoff, and Fred Guteris is the last known project manager for this project at Piilani Highway at Ohukai traffic signal improvements. So, essentially, Mr. Eji, he's going to explain to you what the process was as to why we didn't build a sidewalk. I'll be around.

Mr. Dexter Eji: Good afternoon, Mr. Chairperson and Members of the Commission. My name is Dexter Eji, and I work for a company called Parsons Brinkerhoff. We are the design consultants for State of Hawaii, DOT. Condition 23 asked us to look at providing a pedestrian friendly sidewalk, raised sidewalk on Ohukai Street. What we did was...well, our design currently calls for a ten-foot wide shoulder area and it kinda ...(inaudible)... down to about six feet right at the intersection. We did consider a raised sidewalk. We developed a conceptual plan for a six-foot wide sidewalk, curb and gutter starting at the intersection going all the way up to the...there's an existing sidewalk that ends roughly about 400 feet mauka of the intersection.

So in our concept design we also noted that in addition to the sidewalk itself, we would probably have to put in catch basins and a closed conduit drainage system which would tie into an existing 48-inch culvert that runs across Ohukai Street. So based on our conceptual design, State asked us to come up with a rough order of magnitude cost estimate. So based on their request, our estimate was roughly 200,000. This was back in the ending part of December. I mean in December of 2012. In addition to that, there was an additional design fee that would also have to be considered of roughly 35,000. So in total we're probably looking at a cost to the State of about \$235,000. And based on...well, that was one of the considerations that State had to look into was the cost itself for a project that was a traffic signal project which we added a left-turn on both approaches to Ohukai. Total construction costs, the bid came in at 1.4, so 200,000 plus would be a considerable amount of additional monies for the State to get to provide the sidewalk.

But what the State did was, and I went out there this afternoon to take a look, is they did provide a short connection from the existing sidewalk to the existing pavement whereby pedestrians, bicyclists, well, any pedestrians can use the shoulder area, and I guess, walk to the intersection. At the intersection, our design provides for four island refuges for the pedestrians. So that makes the crossing of Piilani Highway and Ohukai actually shorter. So those went into the considerations that the State had to, make the...base their decision on. Are there any questions?

Chair Ball: We won't take questions at this time.

Mr. Eji: Okay.

Chair Ball: We'll open it up for public testimony at this time. Anybody that would like to testify at this time may do so?

The following testimony was received at the beginning of the meeting:

Mr. Mike Moran: Aloha, and congratulations Chair Ball, and likewise to our absent Vice-Chair Tsai on your new positions. I'm Mike Moran from the Kihei Community Association. We are back again on E-1. We are back again to encourage any positive action the Commission can take to induce the State Department to include needed sidewalks in this refurbishing project at Ohukai-Piilani Highway in North Kihei.

I would like to expand on part of our testimony two weeks ago concerning the County's Department of Public Works examining the sidewalks along Ohukai. While the coconut wireless offers speculation, speculative info that the Hawaii Department of Transportation has adjusted the plan by adding a sidewalk mauka of the highway along the south side of Ohukai to meet the existing sidewalk fronting the Tesoro gas station. We have verifiable information from the Department of Public Works concerning the Ohukai section between the highway and South Kihei Road.

Two months ago in February, the County engineers did a site inspection along this stretch of roadway and arrived at a proposal which in essence would construct three sections of sidewalks which would merging with the existing sidewalks offer a single continuous safe sidewalk along this street from South Kihei to the State right-of-way of the highway. Again, a complete, safe walking path up this street right to the State land from the ocean. This offers very strong emphasis on the severe need for all four corners of this project to include sidewalks. But here especially on the makai side for basic sidewalks instead of leading pedestrians right to the intersection to leave them no recourse but to venture out among the motor vehicles.

This Commission decided a necessary condition of this project was sidewalks and we were advised by Councilman Couch that the State Department decided no need because the County had none to which they could connect. I, again, commend the Public Works Department for the action and their willingness to share theme with KCA. Of course, this Commission can verify this and secure the specific details directly from this department as our time here is limited.

If you do follow up on the plans stated in a prior meeting to have State Department of Transportation come to your meeting to explain their justification, this data from the County department would be a welcome part of the discussion in our opinion. Mahalo.

Chair Ball: Thank you, Mike. Any questions for the testifier? Seeing none, thank you. Next, Mark Hyde.

Mr. Mark Hyde: Thank you, I'm also testifying on Item E-1. I'm the President of South Maui Citizens for Responsible Growth. Since the last meeting, I hand delivered a statement on policy.

I don't know if you received that dated April the 15th. If you have that, that's good. If not, I'll make a copy available this morning.

I think it's evident that Condition No. 23 to the SMA Permit has been violated. It's evident from the date of the document entitled Preliminary Compliance Report that was really written because we asked to see it after construction had already begun. It didn't exist. It was written in December of 2014. So I'm gonna assume that there's a violation.

If I were you, I'd be asking so what? I have four so whats that come to my mind. One is the integrity of this Commission and the prior work that was done. Asking that sidewalks not only be considered but the decision made evidence based given then to the Planning Department where they would exercise their discretion, none of that happened.

When I was in Italy traveling a couple years ago, we'd come up to a stop sign and the driver would drive right through it. And I asked, well why don't you stop at the stop sign? And he said, well you know, we've used stop signs as suggestive. And I think that when it comes to orders and permits issued by this commission it's more than suggestive, it's the law of that particular matter.

So what, No. 2 is public policy. Every public policy of this State, and this County, and this Federal government favors walkability, sustainability, and there are a variety of reasons for that I won't get into. But it's clear that that's the policy of this State. It's important because those policies guide the discretion of this body and other bodies.

So what, No. 3 is the people of South Maui deserve better. One of you made a comment and I, you know, it was very honest, it was very blunt, and I agree with it. Kihei is a mess. It is a mess. And you know what, it's not because of what nature gave us it's because of what we've done and what we haven't done and the people of South Maui want a walkable community. It's in our community plan and that's why Mike is here, and that's why I am here because it's time to turn the ship and deliver a better product.

And the fourth so what, the most important is the health and safety of our children. I drove that intersection the other day at 55 miles an hour, consistent with the flow of traffic. And I can tell you right now under construction there are no kids present.

Ms. Takayama-Corden: Three minutes.

Mr. Hyde: There are(inaudible)...there. That it's stopped. And if kids start using that intersection with a school in the immediate area, with a high school be built two doors, two intersections down, it's absolutely unsafe and I fear for their lives and that's why I'm here. Thank you.

Chair Ball: Thank you, Mark. Any questions for the testifier? Seeing none, thank you for your testimony.

This concludes the testimony received at the beginning of the meeting.

Chair Ball: Seeing none, we will close public testimony and move into questions, Commissioners? Commissioner Tsai?

Vice-Chair Tsai: I'm sorry, can I have your name again, sir?

Mr. Eji: Dexter Eji.

Vice-Chair Tsai: Okay, hey Dexter, I...I have one of my offices right on Ohukai Street road so I'm very familiar with that intersection. And to me, I think it's imperative based on all the feedback we got from the community to have some type of sidewalk because that intersection is...has been problematic in general for anybody trying to traverse it. And my thing too is I know exactly what you're talking about, right in front of Tesoro Gas Station, I don't even think that's 400 feet, it's probably less, I think more like 300 feet that there's existing sidewalks that stops right in front of the Tesoro Gas Station. And it's, you know, of course I'm not familiar with the cost of construction, but it seems 200,000...235,000 is ridiculous, you know, a lot of money to just build a sidewalk connecting the intersection to that existing sidewalk that's already in place. Have you guys looked at actual bids or is it...

Mr. Eji: No, it's just a rough ballpark estimate.

Vice-Chair Tsai: Shouldn't you guys try and get an actual bid before making a final decision?

Mr. Eji: No. We haven't gotten a bid.

Vice-Chair Tsai: So is there—

Mr. Eji: Because the request was just to consider. So they wanted to...the State wanted to see what the rough estimated cost was.

Vice-Chair Tsai: Right.

Mr. Eji: And I guess based on that cost a decision was made.

Vice-Chair Tsai: So would it be possible for you guys to get some real numbers and evaluate based on that?

Mr. Cajjal: This is Fred Cajjal again. We normally don't do that 'cause we, when we do our estimate we do have good numbers when do estimates 'cause we deal with these things all the time. And the \$230,000 that Dexter even mentioned is, it is a rough order magnitude, but that's basically just sidewalk and drainage system. Once you put a raised sidewalk you're gonna have to put a lot of conduit, big culverts and drainage structures not even mentioning the fact that we're gonna probably gonna have to fill up that big hole on the corner of the intersection once we start pushing that sidewalks toward the service station. 'Cause we going have to allow for shoulders for bicyclists. Once you do that, then the bicyclists gotta go somewhere. So you're gonna have to give them that shoulder, another six feet, plus another six feet sidewalk and plus whatever clearance for the guardrails and all that that we have. So it's gonna be quite an undertaking and it

easily...(inaudible)...\$230,000.

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: I'm don't...I'm not gonna argue on the cost side of things. I mean, obviously you guys have your budget at State. But my main concern and to just break it down plainly it's a huge liability. I mean, if you do this whole intersection thing because you're gonna have...people already...there are accidents happening on that road already. So what you'd have there is I'm sure you guys are aware, the bus route is right near South Kihei Road. That's the nearest bus route. Some of my staff actually walk from the bus route up through Ohukai through that intersection and to work which I'm on the mauka side of Ohukai. So I'm looking out for the State and I guess Ohukai extends if I'm correct, it's the County, right?

Ms. Dagdag-Andaya: On the makai side.

Vice-Chair Tsai: Makai side, right. And the mauka side I assume as well. So I think we got a huge liability issue if this thing is done and then we have people getting hurt, and I just, you know I think not just the convenience offering that path, pedestrian walk path, but offering just a safety buffer in case, you know, once it's built and we have problems.

Mr. Cajjigal: Well, ...(inaudible)...goes to show that what we, what we gotta build over there is not safe. It is safe. It's...when we...someone mentioned the statement about pedestrian facilities. The pedestrian facilities that we're talking about are strictly sidewalks dedicated to pedestrians. What we're offering over there is not only...not dedicated to pedestrians. It's dedicated to all the users. I mean, it's good for all the users, motorcyclists, I mean, bicyclists, pedestrians or whatever, and that is why it's more than your normal six-foot shoulders that we normally provide for shoulders. It's wide. It's gonna be like he said it's ten feet. We can stripe and separate the bikers and the pedestrians, but it's not gonna do you any good. It's better we offer that wider shoulder for them to...that way they get a refuge, they can go as far as they can as opposed to being trapped on the sidewalk.

Chair Ball: Commissioner Robinson?

Mr. Robinson: I wasn't here the first time the permit came to vote, so I have just a question for you. So you're with the?

Mr. Cajjigal: I'm with the DOT, State Highways.

Mr. Robinson: The DOT. The State nothing to do with the County.

Mr. Cajjigal: No.

Mr. Robinson: So as far as the County roads and all that, that's not your jurisdiction, it's just the State?

Mr. Cajjigal: Yes.

Mr. Robinson: Okay. On Act 54, are you part of Act 54 or does that go back to the County?

Mr. Cajjigal: Is that the Complete Streets Act?

Mr. Robinson: Yes.

Mr. Cajjigal: That's strictly DOT, Highways.

Mr. Robinson: That's you?

Mr. Cajjigal: Yeah, that's us.

Mr. Robinson: So in this Act it says, it says for all users which include bicycle and pedestrians.

Mr. Cajjigal: Yeah.

Mr. Robinson: So what we're saying is that when you guys look at this plan to make this intersection because you guys gave out the RFP, you guys were saying that the pedestrians were already taken care of that they didn't a sidewalk and that bicycles and pedestrians can both walk along the highway?

Mr. Cajjigal: Yes.

Mr. Robinson: Regardless if they're, if they're five years old or they're 65 years old, you guys felt that that shoulder regardless of the grade, regardless of the speed limit, you guys thought that that would be a safe place for pedestrians to walk, is that my understanding?

Mr. Cajjigal: Yes, it is safe.

Mr. Robinson: That's the, that's the, that's the DOT standard?

Mr. Cajjigal: See, I just...we need to separate this issue about pedestrian facilities. Pedestrian facilities is strictly dedicated to sidewalk users. Pedestrians using that sidewalk only. That's what the pedestrian, when the Complete Streets says pedestrian facilities, that's it. That's sidewalk. For us is we're opening it up to everyone.

Mr. Robinson: Well, but if you're following the act you're not...you can decide what part of it is us and what part of it is the Act, I don't understand. Either the law says that you have to follow certain policies or do you have leeway to choose when and not? Because this is all started from the planning process.

Mr. Cajjigal: Well, we looked at those. We look at, we consider all those options.

Mr. Robinson: I'm not talking about options. I'm talking about regulation, about the laws.

Mr. Cajjigal: Yes, we consider, yes we do. We do.

Mr. Robinson: You get to consider laws. You don't have to follow them is that what you're saying? I mean, I'm confused.

Mr. Cajigal: That law, the Act 54 is basically allowing us to prepare a Complete Street Policy. And that we should consider when we do all this design for all these improvements.

Mr. Robinson: You know, I have the ordinance, there's no, there's no allow. There is adopt, and I guess that's where the ambiguity for me. I'm kinda questioning when you send out a RFP and you guys look at it, you guys are allowed to...you're not adopting it, you're deciding if you choose to adopt it?

Mr. Cajigal: We look at the requirements of the Complete Street as a matter of policy. We consider all the complete street principles when we do the design preparation of projects.

Mr. Robinson: And so, who decides the policy of the...who decides the policy when that happens—

Mr. Cajigal: The policy is already in place.

Mr. Robinson: So if there's a law where speed limit is 55 you guys could decide to change it if it's on a, if it's on a highway even though the law says a certain speed in front of a school has to be only certain, you guys could change that speed if you guys...because—

Mr. Cajigal: The Director of Transportation can do a study—

Mr. Robinson: —because he has that leeway.

Mr. Cajigal: —that can do a study to either to increase the speed limit or reduce the speed limit.

Mr. Robinson: Okay. So when there's a— thank you for the answers. So when I went to through the intersection I see that there's painted crosswalks on one side of the highway, and on the other side there's none. So on the Lahaina side of the intersection there's no crosswalks.

Mr. Cajigal: Okay.

Mr. Robinson: But on the Makena side there is.

Mr. Cajigal: Okay.

Mr. Robinson: Now is that your, is that your guys plan to only have crosswalks on one side and not the other?

Mr. Cajigal: I really don't know what the plan calls for, but if it's true that's what it is now, it is an engineering study that was done that to warrant only putting in crosswalk right at that point because it...by just counting the numbers of turning vehicles you gotta put the crosswalk where you have the minimum conflict between vehicular and pedestrians. Put your crosswalk away from there, don't put it where there's a lot of turning vehicles.

Mr. Robinson: Put it away from the...I'm sorry?

Mr. Cajjigal: Put your crosswalk away from where there is a lot of conflict between pedestrians and motor vehicles. But now because we are redesigning that intersections, we are installing left turns I haven't seen...

Mr. Eji: The crosswalk it remains where it is today.

Chair Ball: Please identify yourselves, we have the recorder going.

Mr. Eji: My name is Dexter Eji. Regarding the question about the crosswalks, what's out there today is what is on our plans. So we just have it on one side, on the Kihei side crossing Piilani Highway.

Mr. Robinson: To four, but you have it you said to four islands?

Mr. Eji: Four islands.

Mr. Robinson: You have the crosswalk going to right in front the stop light, and the stop light to the middle, and then the middle to the end. Is that the four islands you're talking about?

Mr. Eji: There's four islands on each corner. And there are three crosswalks. So you have a crosswalk going from one...from across Ohukai then across Piilani and back across Ohukai.

Mr. Robinson: Thank you.

Vice-Chair Tsai: So there's no cross...even though--

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: Sorry. So you're saying that there's no cross of Piilani Highway on the Lahaina side of Ohukai Street then? You're saying there's, the only proper crossing is through around the Kihei side or Makena side?

Mr. Eji: Dexter Eji. The answer is yes.

Vice-Chair Tsai: But you guys know that people cross the other side all the time, and there's actually I think some markings on the road people do that?

Mr. Eji: Dexter Eji again. We weren't aware of that.

Chair Ball: Commissioner Higashi?

Mr. Higashi: This is for Fred.

Mr. Cajjigal: Howzit, Richard.

Mr. Higashi: You know the sidewalk that they're talking about from the intersection going up mauka is that, is that length that you're talking about only State property or is that injunction with the County, the sidewalk if it comes--

Mr. Cajjal: That's only within the State property. We own it all the way up to the driveway, to the Tesoro driveway actually. That's why we connected it with the concrete walkway. It's not even a sidewalk. Right at that point it's just a walkway that same elevation as the, our pavement. So we're just gonna fix it up and blend it to make it nice and stay away from the water.

Mr. Higashi: So is the community association requesting more than just a pedestrian walkway. They're asking for a bicycle access as well or is that just what you're doing now?

Mr. Cajjal: Just to accommodate all the users, 'cause otherwise if you gonna put in a raised sidewalk you're gonna have to give them that room to go to...especially for the bikers, yeah.

Mr. Higashi: So that's 400 feet?

Mr. Cajjal: Yeah. Well, Mr. Eji said it's 400 feet roughly, and that's only one side.

Mr. Higashi: Yeah, one side. And it cost 255,000?

Mr. Cajjal: Well, because the excavation and the drainage is a killer, it is very expensive. The pipes, and the culvert structures they are very expensive.

Mr. Eji: This is Dexter Eji. I'd like to add something regarding that crosswalk on the Lahaina side. There is also a very heavy right-turn movement going from, coming down Ohukai onto Piilani Highway and to stop that movement to allow for head crossings would take away some of the green time for the other movements.

Vice-Chair Tsai: Right, I'm...I don't--

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: I'm not suggesting to have a cross way through Piilani Highway on the Lahaina side, I think it's just the way that if you look at makai side of Ohukai Road how the traffic flows, people are kinda I will say 50/50 meaning 50 percent are cross...are coming up from the Kihei side up Ohukai Road makai, and the other 50 percent are coming on the, you know, Lahaina side. So naturally when they're already on that side of the road they wanna cross it that direction especially when there's actually markings on the road already. I mean, I can't speak to whether it's a safety concern now because I know that that's...there's a right turn there, but I think the main concern we're talking about here is we, you know, making it safe. Not having this liability issue is to have some type of sidewalk at least that, I don't know how far down makai the County takes over on Ohukai side, but just so that if a future development we can actually have a sidewalk tied to it, and I think that, you know, State you guys should at least offer that through the intersection and at least tie into the existing. There's existing sidewalk maybe if it costs that much 235,000 have you guys looked at not have a...you know, I've seen...Wailea, you know, they don't have side by side, they

have, you know, Wailea Alanui you have a pretty narrow sidewalk, but you have a little, you know, buffer on the right side of the road. I mean, have you guys considered that instead of doing a full on, you know, raised sidewalk, have all the drainage and so forth? I mean, naturally the water drains that way anyway down from Ohukai because the elevation change. So I can't see that being a big of deal just connecting to it.

Mr. Eji: Dexter Eji. If we were to put the sidewalk on say the opposite of the guardrail where that low area is and we had that 48-inch culvert, we would have to extend the culvert, we have to fill that area, but it would be...but the sidewalk would be separated by the guardrail, but you still have to deal with...if it's a raised sidewalk then you're talking about a drainage system, but the cost would be about the same even if you were to put it on the inside because of the fill material that you'd need on the inside.

Chair Ball: Public Works is here. It looks like you wanna say something?

Ms. Dagdag-Andaya: I have a couple things. About the cost, we looked into this maybe last year. Since we're in budget season we always get the questions, so how much does it cost to construct a sidewalk? Well, it ranges depending on the type of improvements that you make. So with this one you have drainage, the cost of the actual construction of the sidewalk, some fill work that you need to do, we estimate it between \$500 to \$700 per feet of sidewalk. That's about how much it costs. So when...part of our performance measures last year was to I think construct...we wanted to construct like a 1,000 feet of sidewalk, but the amount of money that we were getting, I think you know we're trying to balance that and sometimes you need more. So it kinda depends. It depends on what kind of topographic issues you have there and whether or not you need to construct additional facilities to have a appropriately constructed sidewalk. So yeah, you're gonna find out that construction...the construction costs are pretty high.

As for the County, what we are looking at doing with this Fiscal Year Budget is...in fact we've already started looking at the makai side of Ohukai Street from Piilani Highway all the way down to South Kihei Road. There are existing sidewalks there, so we're looking at ways to connect. We are looking at doing them in different sections because, a, yeah, you got that high construction cost. We also have other sidewalks that are on our priority list too, so \$500,000 each year sometimes just isn't enough to cover all the sidewalks that need to be constructed.

We...when you look at the Complete Streets, best management practices or best practices that we've learned from the Complete Street Coalition, smart growth principles, we've learned that sometimes it's not always feasible to put or make, to install complete streets elements. It depends on the type of traffic that you get, the capacity. So for example, if someone were to do a freeway project or a high volume highway, sometimes it's just not that feasible to. Yeah, you have to consider all different options. But we also have to know that sometimes it's not feasible to do it. Now, at the time, I mean, it could be it's not feasible because there isn't enough money. I don't know if there's a way that maybe the State can come back later and work with the County in doing a project. That could be something that we can discuss in the future. That's something that the County would be open to doing is working with the State in creating this you know, great pedestrian plan for this area so that our makai portion of Ohukai Street will connect up with the mauka portion. And...but again, you know, that's something that we can work with, with the state.

As we move toward complete streets, you know, we're finding that, working with the agencies, working with the communities' that's something that we gotta do ahead of time so that we have a good plan in place. You know, last week I spent the entire week in Seattle and Portland looking at different complete streets projects and looking at these great communities with other officials from the different counties. And I think as, you know, as we get more, more of our engineers, planning staff and mid to high-level leadership going in that direction, we can incorporate some of that into our predesign. I think when the State came in with their project back in 2013, 2012, at that time, I don't think the policies, Complete Streets Policies hadn't been enacted yet. So when...for the County of Maui, I know for us, we started looking at complete streets elements in our projects starting last year. That was a directive that both my Director and I gave to our Staff, every time you do a reconstruction project, every time you do a resurfacing project, you need to keep complete streets elements in mind. Back then, I don't think...I mean, I'm not here advocating for the State, but I'm just assuming that at that point it wasn't even...it was something that, it was very new to the Department. But I think moving forward, there may be some other opportunities that we can take a look at so that we can include more sidewalks, more pedestrian friendly treatments, more bicycle treatments in the future.

Mr. Cajjigal: Mr. Chair, Fred Cajjigal again. I just wanna speak of what, about what Rowena just mentioned about the County working with the State, and that's basically what my vision is for this complete street principles. I know it's a statute...(inaudible)...I think we wrapped up the Complete Streets Policy just about the time...well, after we started this project, so we kinda into this project already. But we did look at it when we got the comment from the Planning Department anyway. But to look at or from the County of Maui to come up with a...the prioritized plan of sidewalk improvements or however they wanna go, whether it's Kihei, Kahului or whatever, and then work with us, we can...so that when we do have projects that goes in that area, something like this we can accommodate it, put it in the budget or whatever ahead of time so we can...we don't have to be...I don't have to be coming in front of you again to do, to explain why we didn't put a sidewalk. Because we, we can get Federal funds for something like this if...and it can go, your \$500,000 can go a long way. Then again, and this is something that I, as a District Engineer would support, but you gotta get a plan. We need that plan to trigger the funding. You need that plan and accepted by us and the Federal Highway.

Chair Ball: I have a question for you.

Mr. Cajjigal: Yes, sir.

Chair Ball: It's semi related to that topic of the County and the State in collaboration. It seems there's a big disconnect with the State and the County as far as the...on the topic of roads. For instance the resurfacing of Mokulele Highway, there's a big outcry because you guys are stopping the traffic there. A lot of people are saying why are they doing that, there are other roads. Obviously they're not State roads, but that need resurfacing. There's the Launiupoko light that seems to be off time again because it's backing up traffic. There's Kaahumanu Avenue that the lights used to be timed, they're not timed. And those kind of things that the public has no way of getting a hold of the State on those matters. Is there a way that the State, public can get a hold of the State and voice their concerns in those areas or?

Mr. Cajjigal: They've been calling us up. I mean, they call us up. The Launiupoko one that's the best we can do at this point. We've maxed out the timing that we have at Launiupoko, and I've been telling that to everybody. We already at 250 seconds. That's the most the traffic signal can push. But the problem with that is if you do have a pedestrian coming, you put a parking on the mauka side, you push that button to cross an 80-foot highway it will take you so many seconds. You hold up the traffic for so many seconds so the pedestrian can cross, you gonna have that congestion, the delay. And it's something that it's...we built it that way. I mean, we didn't even know that the County was going to put the parking on the other side, because we don't have parking. I mean, you know, things like...so that's the disconnect that you're probably seeing, but you know, it's...that's the best we can do. I do have a lot of surfers tell me they would rather go to big culvert and walk, I mean go underneath the culvert and then just go out. I mean, but those are the guys that don't go to parties. And for some reason that Launiupoko is a party paradise now. You go there on the weekends, you get a half a dozen of them...I have no problem with that because we all do that, you know. But it's just that we don't have enough parking facilities for the users to use.

Chair Ball: So a elevated walkway or underground walkway for that matter is not even being considered at this time or not in any future plans?

Mr. Cajjigal: I don't. As far as DOT is concerned we don't have any plans like that. We are pushing for the bypass 'cause that would pretty much take a lotta of the traffic up mauka. So to minimize the...then we can add more green time to highway. But right now, that signal is maxed out like I said. Every time someone push that button, you're looking at 40 seconds that's taking away from the main. That's...we built it that way, and it's an accepted fact.

Chair Ball: Commissioner Robinson?

Mr. Robinson: I have two questions. The first one to your point. The parking lot across Launiupoko is that just somebody happen to make their own parking or is that a-

Mr. Cajjigal: I don't know how it came about. I don't know. Tell you the truth, I don't know how it came about?

Chair Ball: Public Works?

Ms. Dagdag-Andaya: No, I'm not aware of that either.

Mr. Robinson: Yeah, I mean, there's 20, 30 cars park there. I saw...(inaudible)...one day.

Chair Ball: Corp. Counsel?

Mr. Hopper: Just wanna, I know that this has turned into a bit of a general discussion on DOT, and it's...it's just-

Mr. Robinson: I apologize.

Mr. Hopper: No, I understand that. It's...but the issue is the condition on the SMA Permit at this point that's before the Commission. The Commission certainly has jurisdiction to talk about broader issues like this if it wants in the future, but that should probably be on an agenda as such. But for now, we're looking at the issue of compliance with the condition and that has been discussed, but I just wanted to kinda steer us back into that direction a bit if possible.

Chair Ball: Thank you, Corporation Counsel.

Mr. Robinson: Sorry, for causing that. My second question was if I hear you correct, when you did the plan for this intersection at 2012 there was no County plan yet to incorporate the complete neighborhood sidewalk planning, right?

Mr. Cajjigal: None. None.

Mr. Robinson: So Corp. Counsel, in front of us we have, we have with our liability we have...of course, we have citizens coming, from us talking about the sidewalk, we have the law that we're supposed to go ahead and you know, that it was in 2009 and 2010 adopt that we didn't even give a plan to the DOT until after 2012. How does that, how does that effect our County in case somebody such as ADA that wanna go across the street that has crosswalks and all these signs, but there's no access to these crosswalks?

Mr. Hopper: Well, as an initial matter the complete streets, if you're talking about the resolution that was passed, that only applies to the County of Maui. The State Department of Transportation may have their own complete streets policy. I believe they would since it's a statewide policy and they can discuss that. I don't think we have that in the record. That's kinda separate issue. In addition, if we're talking about the SMA Permit, the SMA Permit has specific considerations for Maui County that deals with the Coastal Zone Management Act, and to me, they would not reflect any County liability whatsoever as far as the granting of the permit based on whether or not it met the goals, objectives and policies of the Coastal Zone Management Act and the requirements of that act. The requirement was to consider the placement of sidewalks. And you can evaluate whether they were considered or not, consider the placement of sidewalks or not. But as far as liability, this is...you're talking about County...you're not talking about a County highway, you're talking about State highway. But you know, as far as issues like that, that would be a State issue as far as that if we're talking about a State road in general. But if we're talking about an SMA Permit granted by the Commission, I wouldn't see liability as far as...because the considerations are not to look at necessarily traffic in the area and safety in the area. It's to look at the goals, objectives and policies of the Coastal Zone Management Act and those are listed in HRS 205A, and that's the concentration. And through that, looking at that condition there was...through those requirements there was a condition placed on this project that was to consider the construction of sidewalks and to me that is the Commission's purview at this point to determine whether that condition's been complied with or not complied with.

As far as general health and safety issues in that area that would be the purview of the State Department of Transportation in looking at issues like that. As far as general road liability, I mean, owning roads in general is a liability for anyone who owns them just in general because of their nature. And that's why the taxpayers are required to, you know, maintain the roads as a whole.

But for this particular issue, I would look at whether or not the condition has been complied with or not. Because we're not looking at this project now and saying approve or deny. We're looking at a permit that has already been approved and asking whether or not the conditions of approval have already been complied with. You cannot open the permit up again for determination unless you, you do have a determination that there was violation of the permit condition and that's what the questioning here is...has been getting at, I believe, and what Mr. Hyde has been submitting to you and what the DOT has been explaining to you.

Chair Ball: Commissioner Tsai, then Hedani?

Vice-Chair Tsai: Yeah, two questions. So as a follow-up to that, the sidewalk thing. I'm sorry I just don't believe 400 feet is the length because I drive that five times a day probably and I know that intersection very well even looking at the maps and so forth. Can you guys provide sufficient data that shows maybe you know, ask...try to get a actual bid on what it would take to do that? Maybe just documentation you can provide to the Commission regarding what it would take an actual maybe cost? I assume that's reasonable to ask, analysis of what it would be to provide that sidewalk because it just looks bad right now with the sidewalk, current existing sidewalk ending right in front of Tesoro Gas Station and you guys only right around the corner. I think that's about 100 feet not even that, I mean, just I think it's reasonable to request that just you guys provide, furnish us with you know, either actual bids or even more data?

Chair Ball: Commissioner Hedani?

Vice-Chair Tsai: Is that something we could ask?

Chair Ball: We're gonna...we'll get there. Commissioner Hedani?

Mr. Hedani: You're not gonna let them respond though?

Chair Ball: We have to decide whether we want them to do that or not, whether the...don't have a say to that.

Mr. Hedani: Okay. Dexter, the question that I have is, is a raised sidewalk safer than the...as I understand it you guys are planning a wide shoulder that would accommodate pedestrians as well as bicyclists as well as anybody that wants to use it at grade. But is a raised sidewalk safer than the condition that you're proposing?

Mr. Eji: This is Dexter Eji. You're talking about a six-inch curb. Depending how you hit that six-inch curb, if it's a glancing blow then it will deflect the car, but if it's more at a I guess, perpendicular angle, I mean, it's not gonna, it's not gonna help anything, but yes, it may be slightly safer.

Mr. Hedani: So marginally safer?

Mr. Eji: Marginally.

Mr. Hedani: Yeah, I wouldn't think a six-inch curb would stop any car if they're going in the wrong direction anyway at that point, yeah? Just from my perspective, just from my perspective, I think in terms of giving due consideration to the implementation of sidewalks in that section, from my perspective I think the State has made that threshold. They looked at, they costed it out, hopefully they measured it, although their measurements don't seem to jive. But it seems that they did put that particular effort in. I'm not sure that it's within the Commission's purview to condition or require a sidewalk for safety considerations if our primary goal is coastal zone management perspectives.

Chair Ball: Commissioner Hudson?

Mr. Hudson: This is Commissioner Hudson. Greetings guys. A couple of real quick questions to follow up on Mr. Robinson's question. He asked you a question that was pretty direct and straightforward. He asked you, do you think the way the current construction is going is it safe? And you responded yes, it is safe. You recall that? Did you say the...

Mr. Cajigal: To me?

Mr. Hudson: Yes.

Chair Ball: Identify yourself?

Mr. Cajigal: This is Ferdinand Cajigal again. When we go, when design facilities, we go through...we design it in accordance with whatever standards and guidelines that we have in the books. And those are accepted design standards and guidelines. That's the only thing that we have. And it's as far as I know they are safe. I mean, otherwise it wouldn't be in the books. And we follow all the standards.

Mr. Hudson: So then the State is saying that that sidewalk, the way it's being constructed is safe?

Mr. Cajigal: Yes.

Mr. Hudson: So when somebody gets hurt it's gonna be the State responsibility because it's written somewhere now that it's saying that is safe, is that right?

Mr. Cajigal: It is safe. I mean, we wouldn't design something that's not safe. We wouldn't, you know, it is...It's in AASHTO, it's in our Design Guidelines, it's on Design Standards, shoulders is good. We do have concrete walkway that's flush with the shoulders. That we're providing right now.

Mr. Hudson: But the raised concrete walkway might be moderately safer is that my understanding?

Mr. Cajigal: I'm not a safety expert 'cause I don't have no data to say that, to make that determination.

Mr. Hudson: Well, my concern is safety. Now regardless the monetary value on that, you know, you're talking...well, first off you should have had a contingency of 280 on \$1.4 million project. So

we shouldn't even be discussing finances. It should have been stashed away to begin with.

The second item is, is lets say you spend \$500,000 doing this raised sidewalk, and I concur, I don't believe it's 400 feet but regardless, lets say you spend \$500,000 and you save one life, then you made your money return on your investment, right? Is that correct? Money should not be an issue in this decision. The only issue that should be an issue in this decision is number one, whether we met...whether you guys met what was written down in the permit. That's our only concern and so is it safe which is my concern, and you're telling me it is safe.

Mr. Cajjigal: It is.

Mr. Hudson: But I'm also hearing that it could be safer, and if money is the issue to make it safer then it shouldn't be an issue.

Mr. Cajjigal: I think I said, I said I'm not expert to say that it is safer because Mr. Eji said, it depends on how that sidewalk is hit. You can get jump, I mean, you know...

Mr. Hudson: Thank you, Chair.

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: Just as a follow up. I think my request is not asking and that's per Corp. Counsel advice to not really requesting anything extra. Is this providing whatever research that you have, you guys already have done? Does it, does it point to not going with the, you know, sidewalk idea? You know, like calculations or whatever you guys have done I think that's privy to the Commission.

Mr. Cajjigal: Did you wanna see the plans, the...(inaudible)...that we went through? Is that what you're looking for, what you're asking for?

Vice-Chair Tsai: Yeah, just whatever the process or research you guys put in, already have completed to this point in regards specifically to—

Mr. Cajjigal: We have the plans that he drew up. I mean, that's why he...that's how he costed it out.

Chair Ball: Corporation Counsel?

Mr. Hopper: I don't know if this is something the Commission wants to continue to review or what it would like. Just a suggestion, if there are additional documents that the Commission and the Planning Department do not have yet that indicate what consideration was put into whether or not sidewalks would be included and it sounds like there may be additional documents. Those could be provided to the Planning Department and to the Commission just for, for further review if there are documents. Again, I don't know if there are, but it sounds like there was a discussion that there was a consideration down for whether or not sidewalks would be built, and that would be something to supplement what we have already as far as the compliance with the condition. Or if something the Commission doesn't want, want to see, that's something you could decide. But it's just a suggestion after Commissioner Tsai had several questions earlier.

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: And then also, yeah, that may include other things as well. One of the other things that I wanna ask you guys as well that I actually brought when I was...when you guys came before us is the left-turn from mauka of Ohukai Road onto South Kihei...yeah, sorry, Piilani Highway. I specifically asked you guys to look into having both left lanes to turn left south towards Makena-Wailea from mauka off Ohukai Road because that's a major congestion turn lane. You have cars especially from 12:00 to 4:00, 5:00, you can have cars backed up all the way to two intersections past mauka of Ohukai Road. Is that something you guys have looked into?

Mr. Cajjal: I think we responded this at the first hearing, at the SMA hearing that we...based on the traffic counts that we, we had that we don't have enough capacity to make that turn for the timing that we're gonna put in. 'Cause we haven't...if you look at the intersection right now, it's behaving a certain timing parameters. When we're done with that intersection, we're gonna retime that intersection so that we gonna reduce a lot of this congestion by the timing alone.

Vice-Chair Tsai: Well, I think the request was actually very simple for the fact that you already have two lanes, it's gonna be three lanes, correct, going through and the two left lanes, the most...the left most lane makes a left turn and the second one can go straight or make a left turn at the same time. We're just asking you to keep that continuous flow and have both those two left lanes allowing to turn onto Piilani Highway. That was something that we brought up, and I brought that up and they said they were...and that's kind of the whole documentation I was looking at because I asked them specifically.

Mr. Eji: We're gonna leave it the way it is and see how it works.

Chair Ball: Identify yourself?

Mr. Eji: Which is the protected left, the single left.

Chair Ball: Okay, Commissioner Hedani?

Mr. Hedani: That's okay. Oh, one more question.

Chair Ball: Commissioner Hedani?

Mr. Hedani: Dexter, the reason the Commission is very concerned at this point is that we've gotten testimony that says that there's been 97 accidents at this particular intersection which you folks are probably already aware of, yeah. Which is why you're doing the signal improvements in the first place. From my perspective, a pedestrian crossing Piilani Highway is not a good idea to begin with. I mean, it's...I wouldn't send my 10-year-old out there and tell 'em go press the button and cross Piilani Highway. It's just not a good idea anywhere. But I take it that when you put in a traffic signal you're required by certain codes to include pedestrian crossings along with that, is that the case?

Mr. Eji: This is Dexter. Yes, especially if there is and we know that there is pedestrians that do

cross.

Mr. Cajjigal: Let me just make a comment about that 97 accidents that you mentioned, Wayne. I don't know how that 97 came about, but I guess whatever, 'cause that's a lot, that's a lot. 'Because what we, when we receive the accidents from the County, from the Maui Police Department is they give us only major accidents. Above, 3,000 and above estimated cost. So that's what we...that's what we use to analyze all of our projects when we look at intersections like this. And, so basically when we look at this at the beginning part of our design stage, we...there was two pedestrian related accidents in the vicinity but none of them was at that intersection. Nothing that a sidewalk would...like if it was the prevailing accidents it's a lot of the pedestrians, I mean then maybe at that time, yes there is a warrant for sidewalk. But there was none that says pedestrian related accidents at Ohukai. The two accidents that we saw, we noticed was one at Moi and the other one is further up towards Wailea, nothing at that intersection during the time that we were designing the intersection.

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: Yeah, if you're saying that you have done traffic analysis, whatever, I need to see it, I would like to ask for that to support that why you think two left-turn lanes off Ohukai is—

Mr. Cajjigal: That was done in a traffic study.

Vice-Chair Tsai: But you said you did your something, analysis.

Mr. Cajjigal: No that was just the evaluation of the accidents because you guys....Commissioner Hedani mentioned the accidents. There was nothing glaring in the accidents that we gathered that a sidewalk would have prevented. A lot of those accidents are major accidents that's either, either they're rear enders or what have you, but nothing about pedestrians.

Chair Ball: Commissioner Tsai?

Vice-Chair Tsai: Yeah, I'm not even talking about the accidents.

Mr. Cajjigal: No, I know you're—

Vice-Chair Tsai: I'm talking about the traffic flow because I'm there every day, and—

Mr. Cajjigal: We will give you the traffic, the traffic study if that's what to—

Vice-Chair Tsai: Yeah, I'd like to see that. Thank you.

Chair Ball: Commissioner Robinson?

Mr. Robinson: I'd like to talk about the sidewalks and preventing of accidents. I've been driving for a number of years, and I've probably crossed a white line in a shoulder probably weekly, but I've never gone over a sidewalk. So to kinda say that a sidewalk would or may not protect somebody

to a greater extent, I disagree. I think a sidewalk is a substantial safety addition to anybody on the sidewalk and I think almost any driver can attest that they've kind of always gone over the white line. But sidewalks is a...you know, it's a different barrier. I can understand from a head-on collision or if an errant car or an accident then went in the sidewalk, and then jumped the sidewalk, but just an everyday use, a sidewalk is a lot more safer than just maybe a little bit. Thank you.

Chair Ball: Thank you. Okay, Commissioner Tsai?

Vice-Chair Tsai: Yeah, sorry I have to leave for a meeting, Commissioners. I'm just simply asking for existing data that you guys researched, that you guys performed on two things. One is relates to the sidewalks and the other thing relates to the traffic flow from Ohukai mauka onto South Kihei[sic] and the need not having to...I mean, that's not any additional cost. You can just fix the light and have both light...both left lanes turn left. That's nothing. So I just like to see why...so any document you have supporting that decision.

Chair Ball: Is it two? Is that two?

Vice-Chair Tsai: Yeah, two of them.

Chair Ball: Is there a second to that? If there is a request for that then we'll ask them to come back.

Mr. Robinson: Second.

Chair Ball: All in favor?

Commission Members: Aye.

Chair Ball: Any opposed?

Unidentified Speaker: Is that an abstention?

Chair Ball: One abstention. Okay, so if you guys can bring that information back when you can. Our next meeting will be on May 12th...would that be....

Mr. Cajjigal: Can we just send it to you folks? Mail it to you folks?

Chair Ball: No. We want you to be here to answer questions that we probably will have when we get that material, so you tell us when you can be here and then we'll schedule it around you since you gotta come over, yeah.

Mr. Cajjigal: Okay, thank you.

Chair Ball: Thank you.

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

VOTED: To Have the Applicant Provide Any Information or Traffic Studies regarding the Sidewalk, and for Traffic on Ohukai Mauka Turning onto Piilani Highway the Intersection, and After Receiving Such Information for the Applicant to be Available at the Next Available Commission Meeting.
**(Assenting - M. Tsai, K. Robinson, L. Hudson, R. Higashi, K. Ball
W. Hedani - Abstained)**
(Excused - I. Lay, S. Duvauchelle, J. Medeiros)

Ms. Thackerson: Staff Planner, Candace Thackerson.

Chair Ball: Yes?

Ms. Thackerson: Can I clarify the record?

Chair Ball: Yes.

Ms. Thackerson: So when I firm up the letter? The Maui Planning Commission would like a copy of any information or traffic studies for the intersection. And your two points were one, the study on the sidewalk, and two, traffic on Ohukai mauka turning onto South Kihei[sic] that you were saying.

Vice-Chair Tsai: Piilani, sorry.

Ms. Thackerson: Oh, Piilani. That's right, Piilani.

Vice-Chair Tsai: Going south.

Ms. Thackerson: Going south. As well as their requested presence after receiving the documentation at the next available Planning Commission meeting.

Chair Ball: And...(inaudible)...Clayton schedule that...

Ms. Thackerson: Yeah.

Chair Ball: Corporation Counsel?

Mr. Hopper: And I think the Department's also, I mean, they're always allowed to supplement if they...I don't know if I seen a response to any of the letters that have been sent since the compliance report. So I don't know if there's any further information the Department's gotten along with the, along with the documents provided it may supplement or update the Commission on what efforts were in fact made. I think there was some testimony today about that that we have on record, but if there's any need to supplement any of that, the Department could certainly do that in writing if they feel like they would like to do so.

Chair Ball: Thank you. Moving on. We went over 1 and 2, right? Under Director's Report Item

No. 3? Clayton?

G. DIRECTOR'S REPORT

3. Discussion of Future Maui Planning Commission Agendas

a. May 12, 2015 meeting agenda items

Mr. Yoshida: I guess Mr. Chair, we did discuss this, and again, at the next meeting on May 12th you'll be asked to provide comments on the Draft EA for the proposed water treatment plant upgrades. We are working again with Public Works on a possible workshop on drainage and traffic studies and also with the Department of Corporation Counsel on updating the Commission on pending litigation involving the Commission, and I guess you'll have the draft letter of support for the SeaGrant position.

Chair Ball: Okay, thank you. Our next regular meeting will be on May 12th. See you then. Thank you. Meeting adjourned.

H. NEXT REGULAR MEETING DATE: May 12, 2015

I. ADJOURNMENT

The meeting was adjourned at approximately 2:22 p.m.

Submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions

RECORD OF ATTENDANCE

Present

Keone Ball, Chair

Wayne Hedani

Richard Higashi

Larry Hudson

Jason Medeiros (in attendance at 9:23 a.m. and excused at 12:45 p.m.)

Keaka Robinson

Max Tsai, Vice-Chair (in attendance at 9:10 a.m.)

Excused

Ivan Lay

Sandy Duvauchelle

Others

Clayton Yoshida, Program Administrator, Current Division, Planning Department

Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

Rowena Dagdag-Andaya, Deputy Director, Department of Public Works (on call in a.m. and in attendance at 1:00 p.m.)