

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

December 16, 2015

Council Chamber, 8th Floor

CONVENE: 1:32 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Robert Carroll, Chair
Councilmember Michael P. Victorino, Vice-Chair (in 1:43 p.m.)
Councilmember Elle Cochran (in 1:50 p.m.)
Councilmember Don Couch
Councilmember Stacy Crivello
Councilmember Don S. Guzman

EXCUSED: VOTING MEMBERS:

Councilmember Gladys C. Baisa

STAFF:

Scott Jensen, Legislative Analyst
Raynette Yap, Committee Secretary

Dawn Lono, Council Aide, Hana Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)
Ella Alcon, Council Aide, Molokai Council Office (via telephone conference bridge)

ADMIN.:

Michele McLean, Deputy Director, Department of Planning
Kurt Wollenhaupt, Planner V, Department of Planning
Rowena Dagdag-Andaya, Deputy Director, Department of Public Works
Nolly Yagin, Civil Engineer VI, Department of Public Works
Jennifer Oana, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS:

Mike Moran, Kihei Community Association
Frank DeRego, Jr., Maui Economic Development Board
Todd Lawson
Rory Frampton, Haleakala Ranch
Jordan Hart, Chris Hart & Partners, Inc.
Tiare Lawrence
Albert Perez, Maui Tomorrow
Steve Perkins, Maui R&T Partners, LLC
Jeanne Skog, Maui Economic Development Board
Jay April, South Maui Learning Ohana
Gene Zarro, South Maui Learning Ohana
Brett Davis, Chris Hart & Partners, Inc.
Plus (10) Others

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

CHAIR CARROLL: . . .*(gavel)*. . . This Land Use Committee meeting of December 16, 2015 will come to order. I'm Councilmember Robert Carroll, Chair of the Land Use Committee. First of all, may I request if anything has cell phones or anything else that makes noise, please turn it off now. We have with us this morning voting Members, Don Couch.

COUNCILMEMBER COUCH: Good afternoon, Mr. Chair.

CHAIR CARROLL: Stacy Crivello.

COUNCILMEMBER CRIVELLO: Aloha, Chair.

CHAIR CARROLL: And Don Guzman.

COUNCILMEMBER GUZMAN: Good afternoon, Chair.

CHAIR CARROLL: Excused at this time are...Gladys Baisa will not be with us today. And Elle Cochran, I believe, will be joining us shortly. Executive Branch Representatives we have with us, Will Spence, is going to be...oh excuse me. Yes, you do not look like Will. Michele McLean is with us this morning.

MS. MCLEAN: Good afternoon, Chair and Committee Members.

CHAIR CARROLL: And Kurt Wollenhaupt.

MR. WOLLENHAUPT: Good afternoon, Chair and Committee Members.

CHAIR CARROLL: Department of Corporation Counsel, Jennifer Oana.

MS. OANA: Good afternoon, Chair.

CHAIR CARROLL: The applicant's representatives, we have Jordan Hart, Chris Hart & Partners, Incorporated. Reed Ariyoshi, Warren S. Unemori Engineering, Incorporated, Civil Engineer. Steve Perkins, Project Coordinator of Pacific Rim Land Use, Incorporated. And Philip Matsunaga, Parsons Brinckerhoff, Traffic Engineer. Our Council's Committee Staff we have Raynette Yap our Committee Secretary and Scott Jensen our Legislative Analyst. Today we have a single item on our agenda, Establishing Chapter 19.38, Maui County Code, Amending Community Plan Designations, and Changing Zoning for the Maui Research & Technology Park (Kihei), LU-4. Announcements. For individuals who will be testifying in the Chamber, please sign up at the desk located on the 8th floor lobby, just outside the Chamber door. If you will be testifying from a remote location specified on the meeting agenda, please sign up with Council Staff at that location. Testimony will be limited to the items on

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the agenda today. Pursuant to the Rules of Council, each testifier will be allowed to testify up to three minutes per item. When testifying please state your name and the name of any organization you are representing. After a testifier has concluded, we shall...in the Chamber, we shall go to the remote sites. Hana, are you there?

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

CHAIR CARROLL: Thank you. Molokai? Are you...

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

CHAIR CARROLL: And Lanai?

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

CHAIR CARROLL: Thank you. Mr. Jensen, could you call the first testifier?

. . . BEGIN PUBLIC TESTIMONY . . .

MR. JENSEN: Mr. Chair, the first testifier is Mike Moran. Mr. Moran will be testifying as a representative of Kihei Community Association. And he'll be followed by Frank DeRego.

CHAIR CARROLL: And please everyone identify yourself at the microphone and any organization, you might be representing.

MR. MORAN: Aloha and season greetings, Chair Carroll and LUC [sic] Committee. Mike Moran for the Kihei Community Association. Here we go again, more proposed land use changes to facilitate more South Maui development with no corresponding infrastructure. Let me clearly state that we believe we have maintained a good relationship with the R & T Park team. And they have been informative over the years. We testified to you just six months ago on this same proposal, which you concluded at the following July 1st meeting moving on with six conditions. So we expected it would then move on to the Council but instead, it reappears in this Committee in a varied format. So we ask again, as we asked before, where are the roads? In these six months have there...has there been any progress on transportation concerns? Is the County going to build them at taxpayer expense? Do we expect the developer will? What is unacceptable is just to continue to approve South Maui development and ignoring transportation concerns. We also ask after years of waiting, where is the South Maui transportation study? It is our understanding that it is at Council awaiting a required budget amendment. Can we get this heard? How can you continue to proceed with land use changes without this information? Lack of planning for much of our area has left us with an unplanned community. Albert Einstein tells us "you can't solve a problem by the same thinking that created it." Let us examine the current community plan before proceeding to change it. On Page 11 "there is need to lessen dependence on automobiles through efficient land use distributions. Bicycle

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and pedestrian paths separate from the...separate from the automobile traffic would provide an effective alternative to the automobile. Mass transit and public transportation must also be considered.” Having sidewalks and bicycle paths within the park mean little if they do not connect safely to ones outside it. From Page 17, “upon adoption of this plan--and we all know when it was adopted--allow no further development unless infrastructure, public facilities, and services needed to service new development are available prior to the concurrent...or concurrent with the impacts of the new development.” This has been mostly ignored this century. This is the community plan that the Council approved. What is the purpose of the Kihei-Makena Community Plan if we simply ignore portions of it and then change our other portions to facilitate development? Why do we have the plan? We cannot support these changes until we and you can at least see the South Maui transportation plan. Mahalo and Merry Christmas.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Hearing none, thank you.

MR. MORAN: Thank you.

CHAIR CARROLL: Mr. Jensen?

MR. JENSEN: Mr. Chair, the next testifier is Frank DeRego. He'll be representing Maui Economic Development Board. Mr. DeRego will be followed by Todd Lawson.

MR. DEREGO: Aloha, Chair Carroll and Members of the Land Use Committee. I am Frank DeRego, Jr., Director of the Business Development Projects at Maui Economic Development Board. I am here to share some thoughts as you consider LU-4, Establishing Chapter 19.38, Maui County Code, Amending Community Plan Designations, and Changing Zoning for the Maui Research & Technology Park in Kihei. As you know MEDB's mission is to encourage appropriate economic diversification. I hope it is evident that the R & T Park provides a place for that to happen. And has the potential to extend that capability within the bounds of this community plan and zoning update. The master plan concept incorporates a variety of workspace choices for knowledge industry workers along with amenities and housing close enough to walk or bike to. This trend is playing out in many other places and the update will allow the park to remain competitive and attractive to today's knowledge industry worker and companies. Thus the plans for the park will afford the opportunity for those who choose so, to live, work, play, and even educate their children within the boundaries of the R & T Park. The integrated nature of this proposal is due to the institution of a forward-looking, form-based code within the ordinance. A significant number of the employees in the park are from Hawaii and the typical wage of park workers in diversified industries is well above average. Many of those workers are kamaaina who have come home and found jobs in the park. This includes companies like the Pacific Disaster Center, Akimeka, and Pacific Defense Solutions, a business area of Integrity Applications, Incorporated. In fact the lead executive for Pacific Defense Solutions is a kamaaina. The prospects for business development on Maui would be enhanced with a renewed and revitalized R & T Park

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master plan that creates an inviting home for entrepreneurs and startup companies bringing their technical skills and business acumen. I cannot emphasize enough that it is important to have a flexible plan that would allow for continued economic development and growth for years to come by being an attractive location for diversified industry to make their home. Therefore, I believe it is important not to place unreasonable conditions on the project that will slow the potential for growth in the park. Mahalo again for this opportunity to share my thoughts on this proposal, I hope you will consider the areas I have outlined as you reach your decision. Mahalo again.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you. Mr. Jensen?

MR. JENSEN: Mr. Chair, Todd Lawson. Mr. Lawson will be followed by Rory Frampton.

MR. LAWSON: Aloha, Chair, fellow Committee Members. My name is Todd Lawson and I've been involved with the Maui Research and Technology Park for over 20 years as an employee of large and small information technology businesses and as a small business owner. So I'm here representing myself today. Let me state for the record I'm in favor of the proposed changes by the Maui Research and Technology Partners. And as I stated for over 20-plus years I've been working towards growing the IT sector on Maui and have always had the hope that within my lifetime we would see a thriving economic driver from the IT sector that creates good paying career opportunities for residence and younger generations as well as attracting our kamaaina to come home. The time is critical now for the County to act in passing the proposal without further conditions and developments. I've been at this a long time and I know for a few of the key elements needed for a sustained ecosystem that we currently lack is included in the revised plan for the park. We need to create an environment that works together with the community to improve occupational, educational and quality of life conditions. The current plan developed over 20 years ago does not address any of these conditions properly. It was developed with large businesses and corporate parks of the '80s in mind, which is not conducive to the market here on Maui and it does not address what is needed to create an ecosystem for growth. The proposed plan supports educational institutions with an emphasis on science and technology, engineering and math. Smaller lot and building sizes offering more opportunity for small businesses to start and to grow. And the ability to live within close walking distance to work, parks, and amenities that are attractive to most people. I'd like to address just a few arguments that I've been reading about in the paper. You know, people talk about unabated growth. I've been in the tech park for quite some time, over 20 years and we've seen 4 new buildings built. I don't see a huge amount of growth from this new proposal. But it does create and allow for the establishment of the ecosystem I referred to earlier. The drainage, there are several drainings...drainage and catchment systems designed within the park by competent engineers. And the traffic, one of the goals of the revision of the park is to create a live, work, and play environment that decreases the need for driving. And facilities, walking and biking to work, education and recreational activities. The current park plan is designed to have employees drive in from other parts of the island which is far

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worse than the proposed plan. I can't help but think that those opposing this plan have not taken the time to go through it to see the planning and detail put into it. The plan's well thought out and addresses potential impacts and creates the foundation for a sustained ecosystem fostering smart growth. So please support this proposal. Thank you.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Seeing none, thank you. Mr. Jensen?

MR. JENSEN: Mr. Chair, the final gentleman signed up to testify is Rory Frampton. Mr. Frampton will be testifying on behalf of Haleakala Ranch.

MR. FRAMPTON: Good afternoon, Mr. Chairman. I'm Rory Frampton, my client is Haleakala Ranch. I do various long-range planning efforts for them. I'm here to speak in favor of passing this measure out. This project...the revamping of this project has been around for a long time. They've...I heard talk about revamping this Code and the planning district for the MRTP, Maui Research and Technology Park, back in the late '90s. They put a lot of effort in the mid 2000s, the late 2000s and towards revamping the plan. The previous two speakers really, I think, spoke to what's going on in terms of trying to make this a better project district and a better zoning ordinance. The process that they've gone through to get to this point has been very extensive as you know. They did a final Environmental Assessment that was accepted by the Land Use Commission back in 2013. There was hearings before the Land Use Commission. There were hearings in front of the Maui Planning Commission and there were hearings before this body. And I think this project has been thoroughly vetted, there's 29 conditions that are attached to it. Why we're here today is really more of a housekeeping measure. There's four parcels that are going to be excluded from the new zoning and retain the existing zoning. Two of those properties are already fully developed, a drainage basin and the Maui Research Technology Center. You could see why those properties would just want to keep their existing zoning. The other two properties are one combined project that's nearing the construction phase. I can also understand why that project would just want to keep the zoning that they have in place, that they're getting their permits for. So it's really just to keep those two...four parcels out and the rest of the project remains the same. It's...again, it's a project that's incorporated very progressive planning, design...planning and design standards, as well as ways to handle drainage. I did want to make one comment on drainage. I've seen a suggestion that perhaps they should put an offsite basin mauka of the project to, as part of the drainage plan. And they're talking about a project that was designed 20 or 30 years ago. The way that project was designed they put a mauka basin up above so they could capture water, reduce the volume of water and that would allow for more volume to be discharged below down in the makai areas. It...that old way of dealing with drainage did not deal with...does not address the quality of water coming off the property. But the plan that you have today with the multiple drainage basins at the bottom of the project allows you to capture the water and treat the water so that you're not only mitigating the volume of water coming off the property but you're mitigating the quality of water coming off the property. And that's a lot more progressive and that's really more in keeping with all the latest and

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greatest practices for handling drainage water. So I'd like to applaud the project team...I'd like to just applaud the project team for doing a great job and hope the Council can pass this measure out today. Thank you.

CHAIR CARROLL: Any clarification needed from the testifier? Seeing none, thank you. And let the record show that Mike Victorino, Vice-Chair of the Committee, is with us.

VICE-CHAIR VICTORINO: Aloha and good afternoon, Chair.

CHAIR CARROLL: Mr. Jensen?

MR. JENSEN: Mr. Chair, there are additional testifiers. The next testifier is Jordan Hart. Mr. Hart will be followed by Tiare Lawrence.

MR. HART: Good afternoon, Chair and Members. My name is Jordan Hart of Chris Hart & Partners. I'm the Land Use Planning Consultant for this project. We're here today to discuss a small but necessary step in this process. That is the reduction of the scale of the project size by approximately 15 acres which represents approximately a 4 percent reduction in size. This project has been through a lengthily environmental and land use review process. We initially started back in June of 2010 when we filed our petition for District Boundary Amendment with the State Land Use Commission. In April 19, 2013 the final EIS was accepted by the Land Use Commission. And then in October of 2013 the Land Use Commission accepted our District Boundary Amendment or approved the District Boundary Amendment. And 23 comprehensive conditions were applied to the project at that time. That includes traffic and drainage mitigation. Fast forward to November of 2013...or I'm sorry, December of 2013, the Maui Planning Commission reviewed and recommended unanimous approval of the Community Plan Amendment and Change in Zoning. That's about two years ago now. Due to unforeseen circumstances that happened within the County, we were unable to make it to Council in that timeframe but we've been at it for some time. And then in July of this year the Land Use Commission...or the Land Use Committee reviewed this project and recommended approval unanimously with an additional six conditions. So there are a total of 29 conditions and I believe that those conditions do address all impacts that the project is responsible for. But this also represents five years and six months of process and that includes public hearings, public notifications, and thorough discussion analysis of the project. Two of the things I would like to touch on are traffic mitigation and drainage. And in order to do that, I think it'd just be best to read directly out of the State Land Use Commission Decision and Order conditions. Regarding storm water mitigation, storm water management and drainage, the petitioner shall construct drainage improvements to accommodate the development of the petition area in accordance with the requirements of the Department of Public Works. The petitioner shall design, construct, and maintain storm water and drainage systems improvements in compliance with applicable Federal, State, and County laws and rules. To the extent feasible the petitioner shall implement best management practices and incorporate low-impact development practices for onsite storm water capture and the reuse into the petition's area, site design and landscaping to control water quality and mitigate non-point sources of pollution. Regarding roadway and

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traffic improvements, the applicant must submit a Traffic Impact Assessment Report for review and approval by the State Department of Transportation. And enter into a Memorandum of Understanding...or a Memorandum of Agreement. The same goes for the Department of Public Works. There's no Memorandum of Agreement but they must review and approve our Traffic Impact Assessment Report. In that context, I would say that this project does accommodate drainage and traffic improvement significantly, as well as a series of other impacts. Thank you very much.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Mr. Couch?

COUNCILMEMBER COUCH: You had introduced Mr. Hart as going to be here for a resource so, if that's the case...

CHAIR CARROLL: He will be standing by --

COUNCILMEMBER COUCH: Alright then --

CHAIR CARROLL: --as a resource person.

COUNCILMEMBER COUCH: --that's fine. I'll talk to him then.

CHAIR CARROLL: Thank you. Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Mr. Hart, for being here. You've said there's...has not been or is not going to be a MOU for the traffic? Or what...can you...

MR. HART: There will be, there's currently an updated Traffic Impact Assessment Report that was submitted to the State Department of Transportation, I believe in May of 2015, that's currently remains under review by the State Department of Transportation. As soon as it is accepted by the State Department of Transportation, there will be a Memorandum of Agreement that's executed with the State.

COUNCILMEMBER COCHRAN: And with the County?

MR. HART: I believe that we don't have a condition to execute of a Memorandum of Agreement with the County. But we do require their approval of the Traffic Impact Assessment Report.

COUNCILMEMBER COCHRAN: Okay. Thank you, Chair.

CHAIR CARROLL: Any further clarification needed from the testifier? Seeing none, thank you. That's all, thank you. Mr. Jensen?

MR. JENSEN: Mr. Chair, the next testifier is Tiare Lawrence. Ms. Lawrence will be followed by Albert Perez.

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MS. LAWRENCE: Aloha, Councilmembers. My name is Tiare Lawrence. I own a business out in Wailea so I know what it's like to drive to Wailea every day and oftentimes there is traffic, so I'm a little bit concerned about a Change in Zoning. 'Cause as we all know, that in Kihei alone, majority of the people buying the homes are out-of-state buyers. They're not really from here and so there is a big affordable-housing crisis and I believe there's well over a thousand units that is owed to the County in Kihei alone. So I personally would like to see those housing be addressed and the people be taken care of. And I think that that's something that you the Council really needs to take serious because it will impact traffic, and I'm just here as one of those average citizens telling you take care of the people. Put some low-income housing out there and finish the affordable housing before any changes be made in zoning. Mahalo.

CHAIR CARROLL: Any clarification needed from the testifier? Hearing none, thank you. Mr. Jensen?

MR. JENSEN: Mr. Chair, the next testifier is Albert Perez, he will be testifying as a representative of Maui Tomorrow. Mr. Perez will be followed by Steve Perkins.

MR. PEREZ: Aloha, Councilmembers. Good morning...good afternoon. Albert Perez, Maui Tomorrow. I'm testifying on this LU-4 item. I think it's significant that the people in the existing high-tech park didn't sign off on the Unilateral Agreement that they were asked to sign off on. And I think we need to ask ourselves why. My feeling is that they're probably concerned about some of the traffic impacts, some of the drainage impacts, and they had questions about that. And that they probably were concerned with the short timeline that they were asked to signed off on this thing with...without having the chance to actually really investigate it. I have a few suggestions that would make the project better. I think execution of the plan is really important. So for traffic, they promised...the R & T Park project promised that there would be no traffic impacts if the North-South Collector Road were completed by 2014 and we would like to see that be one of the conditions. And if it's not complete, everyone in South Maui will be affected. Similarly we had a suggestion with regard to drainage. I think all we have to do is go out to the Mahana Subdivision in Kapalua area to know that standard requirements, BMPs, are not always effective. With our current enforcement or lack thereof, we can have impacts that definitely affect the reef. The environment offshore and our tourism depends on clean water and fish. People love to look at fish on the reef. My final suggestion is that there be some phasing in this project that really ties the development of the housing with the other types of development, commercial development, in the project so that the promised internal traffic capture will actually occur. On Oahu there's a development called Kapolei, otherwise known as the second city. And what they did out there is they did all the housing...not all of it but mostly it was all housing first. And so now you have all the people who are living there, it's basically a giant bedroom community. And so, to me, it would make more sense if say they could do 120 homes or 200 homes or something and a certain amount of Commercial space would have to be filled up first before they would be granted more housing so that we're not having this development add to the traffic, people who are commuting out of there on Piilani Highway. Thank you very much.

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CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you to, Mr. Perez, for being here. And talk about the phasing, that is something that may or may not be doable. We'll check with the client or the application...applicant. I do like that idea. We'll see what we can do working with them. On your testimony you talk about the...kinda did it...you talked about that the high tech...oh yeah, the existing high-tech park didn't sign off on the Unilateral Agreement and you gave us some ideas as to why. Did you talk to them about that or is those just your...

MR. PEREZ: I did not talk to the board themselves. So...

COUNCILMEMBER COUCH: So those are just your --

CHAIR CARROLL: That's my --

COUNCILMEMBER COUCH: --speculations?

MR. PEREZ: --guess. I mean...

COUNCILMEMBER COUCH: Okay. Thank you.

MR. PEREZ: I know that they're concerned...there are some people who are concerned about, you know, how that would affect and it's just kind of a rush.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

MR. PEREZ: Thank you.

CHAIR CARROLL: Any further clarification needed from the testifier? Seeing none, thank you. Mr. Jensen?

MR. JENSEN: Mr. Chair, the next testifier is Steve Perkins. Mr. Perkins will be testifying on behalf of Maui R&T Partners, LLC. And he will be followed by Jeanne Skog.

MR. PERKINS: Mr. Chair, Vice-Chair, Members of the Committee, I'd like to take this opportunity to go into a little bit more detail on why, from our perspective, we're back here before you today. After we appeared before your Committee back in July and were passed out unanimously, we went and started preparing our Unilateral Agreement. We consulted with the County and prepared the agreement and turned it in with the signature of the developer and Haleakala Ranch on it, which is like a co-developer on the project essentially. At that time, it had always been our assumption that we, as the developer, going forward would be held responsible for all conditions of development with the County. The way that I understand this Unilateral Agreement is that it's an agreement that we're gonna live up to the conditions of development. We always planned to take that on ourselves. The County clarified to us that, Corporation Counsel that is, said that they were going to require all

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landowners to sign off that wish to participate in the zoning. They didn't say that they were required to sign off on it, but if they wanted to continue with the zoning they had to ride along with the R&T Partners and sign off on these things in the Unilateral Agreement. At that time we said to the County, we said okay great. You know, there's 16 different landowners in the R & T Park. There's a chance out of 16 that we might have somebody that doesn't want to sign this new agreement that is put to them. What happens if that's the case? And at that time, the opinion was given to us that, well, it's going to be a reduction on the project site, if somebody doesn't sign then, you know, we'll continue. It's a small change, it's a small percentage change, it's not going to be an issue. So we went out and we proceeded to get 13 of those 16 landowners to sign on this Unilateral Agreement. We brought it back and, you know, and I'm not pointing fingers here, it's nobody's fault. It's just that it required us to come back to Committee to get that reviewed. That reduction in size audit. Three parcels are, and I'll describe them, if I have the time here. One is the Maui Research and Technology Center. Okay? We did approach staff, they had, their Executive Director had signed off on the project. Liked the idea of it. But the issue with it is that they have to have a long drawn out approval process for getting this thing reviewed and signed. We never anticipated having them sign any kind of Unilateral Agreement. But, you know, things changed. We presented it to them and was like this is required by the County. We have a...we have to keep things moving. You know, other testifiers have described how long this project's been caught up in the process. You know, time is of the essence for us. So, they are not participating. They've already been built out. Later on they can come back and do a Change in Zoning. Or...

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Mr. Perkins. Mr. Chair, did you list him as one of the people as a resource as well? Can we have him come as a resource? 'Cause...

CHAIR CARROLL: Will you be available?

MR. PERKINS: Oh, absolutely.

COUNCILMEMBER COUCH: Okay.

CHAIR CARROLL: Yes, Mr. Couch.

COUNCILMEMBER COUCH: We'll have a discussion with him then. Thanks.

CHAIR CARROLL: Mr. Jensen?

MR. JENSEN: Mr. Chair. --

CHAIR CARROLL: ____ thank you.

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MR. JENSEN: -- the final testifier signed up is Jeanne Skog. She'll be testifying on behalf of MEDB.

MS. SKOG: Aloha, Chair and Members of the Committee. I am Jeanne Skog, I'm with the Maui Economic Development Board. Thank you first of all for the opportunity to testify on the ordinance before you. I just wanted to take us back to the origins of the park a little bit here. And to why the park was originally developed. So in 1981 our economy was driven by agriculture and tourism which we embrace but left us vulnerable as an economy to forces out of our control. So 70 leaders came together in 1981 to look at new options for our economy and new careers for our residents. Careers that could support a quality of life, however each of us defines that. They saw high tech as a promising solution for Maui County's economy and for a stronger future for our residents, especially our children. So MEDB was created in 1982 and charged with perusing high tech for our future. With several local partners, we set to work on the development of a place, a locus, for technology activities and technology expertise on the island. We also saw this momentous task as building a community. This community would be primarily about tech-related activity. But supported by amenities. So important to the life of those investing their lives in these careers, restaurants, fitness centers, health services, etc. It was and still is, the park was and still is a bold, deliberate action by our community and the public and private sectors that came together to get it done. I joined MEDB in 1984 so I'm really going to date myself here. I witnessed and participated in the painstaking and meticulous effort invested year after year over the ten-year development and entitlement process of the park. I saw the extensive research to understand the best practices and strategies of the 1980s. And how the park partners adapted what they learned to the conditions and environment on Maui. The process included working with the County Council through numerous milestones to create the revolutionary R & T Park ordinance. With the original vision in mind I fast forward to today. The park is a community. Emphasis continues to be on research and development activities or as referred today as STEM activities. Over the years we have brought thousands of our students from Maui, Molokai, and Lanai into the park and they leave inspired by the progress and full of hope for their future. And there are thousands more reasons behind them to keep the momentum going. The update of the park's master plan is an important necessary step in sustaining the park's vibrancy. The update of the master plan has come again as a result of extensive research of what makes sense of understanding what companies and entrepreneurs are looking for today. MEDB's own work with companies, their leaders, entrepreneurs, and similar tech communities today confirms the wisdom of what is being proposed to realize continued success for the park's vision. Thank you very much for your attention.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Seeing none, thank you.

MS. SKOG: You're welcome.

CHAIR CARROLL: Mr. Jensen?

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MR. JENSEN: Mr. Chair, there are no other testifiers signed up.

CHAIR CARROLL: Lanai, do you have anybody waiting to testify?

MS. FERNANDEZ: There is no one waiting to testify at the Lanai Office.

CHAIR CARROLL: Thank you. Molokai, do you have anybody waiting to testify?

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

CHAIR CARROLL: Thank you. Hana, do you have anybody waiting to testify?

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

CHAIR CARROLL: Thank you. Is there anyone wishes to testify, please come down now. And when you finish, please go to the lobby and fill out the paper. Identify yourself at the microphone.

MR. APRIL: Aloha, Members. My name is Jay April. I'm testifying today on behalf of the South Maui Learning Ohana, of which I am a Board Member. Last night I attended a South Maui Learning Ohana Board meeting where we were presented with the architectural drawings for a \$19 million building at the park. I worked at the park as CEO of Synchronic Studios back in the early '90s. And there was such great promise for that park. And it was interesting to hear today from some of the experts that an update of the plan needs to happen in order for that dream to be realized today. But this facility will have 625 students. They'll have 30 classrooms. It will have five...I think five commercial tenants. It's one of those perfect kind of situations where I was really inspired when I saw the architectural drawings on what that building's going to look like. And also it serves a hug need to educate our keiki heading into the future. So if these changes are not made to the plan this building isn't going to get built. And I think it's going to be a huge...a huge, huge asset to the Maui Community if it gets built. So I urge you to move forward on this plan and to make it happen. And thank you very much.

CHAIR CARROLL: Thank you. Any clarification needed from the testifier? Seeing none, thank you.

MR. APRIL: Thank you.

CHAIR CARROLL: Seeing...is there anybody else wishes to come down? And please after you finish, please go out to the lobby and fill out the form.

MR. ZARRO: Thank you, Chair, for the consideration. I just filled out the paperwork for you. Good afternoon to the Councilmembers, and again, good afternoon, Chair. My name is Gene Zarro. I am the CEO of South Maui Learning Ohana. And as our Board Member Jay April just spoke to you about, the importance of the change in the zoning for South Maui Learning Ohana is that the building that's being built is designed to

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the new standards. Without those new standards in place, we cannot create a building that would be economically feasible. And these aren't big changes, these are a little less setback so that all the students are gathered behind the building instead of split between the front and the back. And we needed a little bit more of height consideration so we could get more square footage under roof. These are valuable essential elements to our building but they are different than the current standards established in the tech park. So we do need these changes to go forward with this project. I'm also a little concerned about trying to anticipate the phasing of development. Every time we try and anticipate what the economy is going to do we're kinda second guessing like natural forces. And by that I mean, if the urgency is for housing and affordable housing, we need the affordable housing, I would hate to see affordable housing standby why we fill up X amount of small commercial space. And I wonder how we would figure out what that percentage and ratio should be. So I'd be really cautious about trying to go against the natural force of economic pressure. So that's another indication. One of the evolutions of the tech park is that the original plan was great, created a community, but it was sort of dependent on people coming from the mainland bringing their businesses here and creating a workforce for a new industry. What's beautiful about this current iteration of the tech park is it really is a local, Maui-resident project. This is for local business people to either start a business or expand the business. It's for local housing. It is really something that now shifts its focus to creating a local community with the talent of our local citizens, and I really support this project. And thank you for listening to me. Aloha.

CHAIR CARROLL: Thank you.

MR. ZARRO: Happy holidays.

CHAIR CARROLL: Any clarification needed from the testifier? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And thank you, Mr. Zarro, for being here. You mentioned...you talked about a phasing component that you had concerns with. I don't know if you heard the other testifier saying about building all the housing and then no more, none of the other things that would...the people would go to. And that's the concern in the phasing. What did you mean by economic pressures, et cetera? Because it seems reasonable to say okay you'll build so many and then when the...when you build up the commercial, just to make sure so you don't have a bedroom community.

MR. ZARRO: That's excellent. The economic pressure is that right now there seems to be a severe shortage of housing and this development is going to have a significant number of affordable houses or affordable rentals. So I think that might dictate where we should apply our efforts. But the important thing I think to recognize is, let's say we go forward with the housing first. We're not bringing people...we're not bringing new people into Kihei. These people are already living two, three, four families per house. They're already consuming the water. Their cars are already on the road. I don't think we need to imagine that there's going to be 5,000 people waiting to move into the tech park as soon as this has changed. They're already in Kihei looking for a place to

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stretch out. So I really think that if we had to build the housing first or some housing, some development, it's not going to impact as much as people might think because these people are already here.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR CARROLL: Thank you.

VICE-CHAIR VICTORINO: Chair?

COUNCILMEMBER COUCH: Any clarification --

VICE-CHAIR VICTORINO: Chair?

COUNCILMEMBER COUCH: --needed from the testifier? Mr. Victorino?

VICE-CHAIR VICTORINO: Thank you. And thank you, Mr. Zarro, for being here. And I've listened very intense...intently with what the various testifiers have brought about affordable housing and building commercial first and housing or concurrently. My question to you is would that not be also if we had something of that nature, what if a business or businesses, which does happen at times, decide to pull out and move to someplace else for various reasons? Now what happens? Does that still come into place, Mr. Chair? You know, so having ratios like that can be very, very detrimental in the overall. Or let's say a new one is coming in and something slows it down, we the County have been notorious with permitting and other outside forces and litigation. I have many reasons why I would not be in favor of something of that nature, especially when we're talking affordable rentals and affordable purchase units. So that our people, like you say, many of them who live there already, are just dying to get a hold of.

MR. ZARRO: Yeah.

VICE-CHAIR VICTORINO: And that's why rents are sky high right now. I don't care where you live in this island right now, you're paying exponentially more for rentals. So there's got to be a point where we gotta quit worrying about what's there and help those who need the most help, is affordable workforce housing.

MR. ZARRO: I have to agree with you, Councilman, and I would like to just comment that I really appreciate the support this Council has given to public education in the form of Kihei Charter School. As moral citizens of Maui, yes it's your responsibility, but as the legal citizens of a Maui County Council, we know it's really not your kuleana. But I appreciate all the support you give us, recently and today. Thank you.

CHAIR CARROLL: Any further clarification needed from the testifier? Seeing none, thank you. Seeing nobody else coming down, I'll check with our other outpost. Hana, has anybody came in to give testimony?

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MS. LONO: There's no one waiting to testifying at the Hana Office.

CHAIR CARROLL: Thank you. Molokai, do you have anybody waiting to give testimony?

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

CHAIR CARROLL: Thank you. Lanai, do you have anybody waiting to give testimony?

MS. FERNANDEZ: There's no one waiting to testify at the Lanai Office.

CHAIR CARROLL: Thank you. Having none in the Chamber and our Lanai, Molokai, and Hana Offices, I will close public testimony, if there's no objections.

COUNCILMEMBERS: No objections.

CHAIR CARROLL: Public testimony is now closed.

. . . END OF PUBLIC TESTIMONY . . .

ITEM NO. 4: ESTABLISHING CHAPTER 19.38, MAUI COUNTY CODE, AMENDING COMMUNITY PLAN DESIGNATIONS, AND CHANGING ZONING FOR THE MAUI RESEARCH & TECHNOLOGY PARK (KIHEI) (CC 14-311)

CHAIR CARROLL: Members, the Committee will today, will continue the discussion of this item previously discussed at the meetings of June 17, 2015 and July 1, 2015. As noted, the correspondence dated December 2, 2015, the applicant has requested that four parcels of land be withdrawn from the MRTP project because the property owners have declined to sign the Unilateral Agreement for recordation of the conditions of zoning. The applicant's representatives are here today and are prepared to explain why they are making this request at the appropriate time. I'd like to draw the Member's attention to a transmittal from the Department of Corporation Counsel dated December 15, 2015 transmitting revised bills approved as to form and legality in response to the request from the applicant. Following my review of the matter generally, I'll ask the Department of Planning to comment on the revised litigation as requested in my correspondence dated December 11, 2015. All of the above referenced correspondence are in your binders. As a reminder, the Committee is in receipt of County Communication 14-311, from Planning Director, transmitting three bills relating to the Maui Research and Technology expansion. The revised proposed bills transmitted yesterday reflect the reduction in total acreage of approximately 16 acres and are described as follows. A revised proposed bill entitled A Bill for an Ordinance Amending Ordinance 2641 (1998), Kihei-Makena Community Plan and Land Use Map, from Project District 6 (R & T Park), Public/Quasi-Public, and Agriculture to Maui Research & Technology Park For Property Situated At Kihei, Maui, Hawaii. The purpose of the reprised...revised proposed bill is to grant a request from Maui R&T Partners, LLC, to change the designations in the Kihei-Makena Community

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Plan and Land Use Map to Maui Research & Technology Park. For approximately 390 acres, located mauka of Piilani Highway adjacent to Lipoa Parkway in Kihei, Maui, Hawaii, consistent with the Maui Island Plan. A revised proposed bill entitled A Bill for an Ordinance Amending Chapter 19, Maui County Code, to Establish a New Chapter 19.38, Maui County Code, For Maui Research & Technology Park Situated in Kihei, Maui, Hawaii. The purpose of the proposed bill is to establish the Maui Research & Technology Park in the Comprehensive Zoning Ordinance. A proposed bill entitled A Bill for an Ordinance to Change Zoning from Kihei Research & Technology Park District and Agricultural District to Maui Research & Technological Park District Conditional Zoning for Properties Situated In Kihei, Maui, Hawaii. The purpose of the revised proposed bill is to change the zoning for approximately 390 acres located mauka of Piilani Highway adjacent to Lipoa Parkway in Kihei, Maui, Hawaii to Maui Research & Technology Park. The Committee may consider whether to recommend passage of the revised proposed bills on first reading with or without revisions. The Committee may also consider the filing of County Communication 14-311. Planning, please provide your opening comments on the proposed land use entitlements, including your response to my correspondence of December 11, 2015.

MS. McLEAN: Thank you, Chair. As we heard from the applicants and owners' representatives as well as some of the current occupants of the park, the changes between the previous version that came out of the Committee and what's being considered today are in the scope of things, nonsubstantive as far as we're concerned. We don't...we provided revised land use maps per your request. But we don't have any other comments. We support the...support what's before you today.

CHAIR CARROLL: Thank you. Members, the floor is now open. Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. So essentially three landowners wanted to be removed from this Unilateral Agreement and nothing else has changed other than the size of the project?

MS. McLEAN: Correct.

COUNCILMEMBER COUCH: And it's gotten less? Because the other...the parcels that were removed were existing uses already right? Nothing was planned?

MS. McLEAN: The scope of the project area is smaller than it was --

COUNCILMEMBER COUCH: Okay.

MS. McLEAN: --before. Correct.

COUNCILMEMBER COUCH: So, Mr. Chair, I'd sure like to talk to the...at least Mr. Perkins, to talk about what's going on with those landowners, if at all possible.

CHAIR CARROLL: If there are no objections, I will call Mr. Perkins to the podium?

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COUNCILMEMBERS: No objections.

CHAIR CARROLL: Mr. Perkins, please identify yourself at the microphone.

MR. PERKINS: Yes, sir, Mr. Chair. I'm Steve Perkins, I'm the Project Manager for the Maui Research & Technology Park.

COUNCILMEMBER COUCH: So one of your...the folks that wanted to pull out of that was the R & T Park, the...

MR. PERKINS: The High Technology Development --

COUNCILMEMBER COUCH: High tech.

MR. PERKINS: -- Corporation --

COUNCILMEMBER COUCH: Okay.

MR. PERKINS: --owns the Maui Research & Technology Center, a five-acre parcel there. It's been open and fully built out for a number of years. And as I was saying in my testimony, they were supportive of the change and initially had their Executive Director sign off several years ago to participate in the zoning process. The issue came when we came back to them with a Unilateral Agreement. At no time in the process, maybe it was from our own ignorance, we did not anticipate having all these other owners have to sign a Unilateral Agreement. We thought it would just be the developer. We were corrected on that and we kept...went back and said, here's the agreement, here's the conditions that the County gave us. They didn't say they didn't want to sign it. What they told us was is that we will have to have this signed by the Department of Land and Natural Resources. We don't know how long this is going to take. They weren't able to provide any kind of schedule for signing it. It was an open-ended thing. And again, time is of the essence for this project and we needed to get moving forward. So that's the story with that parcel. And I'm happy to explain on the other two as well.

COUNCILMEMBER COUCH: Is there...I know you would have to go through a big hassle to get those guys and get a...them to sign it quickly. Is there a way to get a letter from them just saying hey we're okay with the project, we just don't want to sign the Unilateral Agreement. Something like that? Because there's been allegations that they didn't like it because there's gonna be too much traffic or a few other things that...

MR. PERKINS: I can tell you that my discussions with them, and I had several of them prior to these...the...this meeting, in attempts to move the process along. That there was never any discussion...traffic never came up. The conditions of development never came up. Drainage never came up. That's...that, you know, that's speculation by some of the testifiers. That, you know, I will assert that those issues never came up. It was the timeline, you know, they...who knows how long it would take to get DLNR to

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sign off on this...review and sign off. Or if they would sign off on it. We...you know, we gave them...we extended the timeline for them to be able to review. They were not interested in expediting. We offered to go to elected officials at the State level and see if there's ways that we could assist with getting this and that was not something that there was an apparent interest. Interest was not expressed.

COUNCILMEMBER COUCH: Okay.

MR. PERKINS: I really would like to get back on track and start addressing the conditions of development and get the project moving again.

COUNCILMEMBER COUCH: Okay. That's one of the concerns I had. Would you be the person to ask...talk about the low-impact design requirement and also possible phasing? Would that be you or Mr. Hart?

MR. PERKINS: I can talk about phasing.

COUNCILMEMBER COUCH: Okay.

MR. PERKINS: Yeah. That, we're not able to entertain that thought. I think that that would be very difficult for the project to absorb any kind of phasing plan. It's like one of the testifiers said when one's on the rise another might be falling down. We need to have the flexibility to develop in multiple different sectors across the development. It would be a real issue for our marketing, our sales, financing. I, you know, I implore you don't consider such an...a condition.

COUNCILMEMBER COUCH: Well let's look at it at another...in another way. If say you did all of the housing that is required, just by default anybody who moved into that housing, other than maybe the few folks that are working at the R & T Center now, or the MHPCC, just by default they'd have to leave the project in order to go to where they work. And therefore when you get the other commercial in there, there will be no place for the people who want to work there to live in the park. So I'm just, I wanna see how that would pencil out.

MR. PERKINS: Well there's between 400 and 500 people that work in the park.

VICE-CHAIR VICTORINO: And there's no housing.

MR. PERKINS: You know, currently working there. You know, and as you develop a residential community, there's...the way that the master plan is structured, you know, once we were out of here and we're able to market this project, we have our zoning we're going to, you know, pursue a more...an aggressive sales and marketing campaign. And you could see, you see a little jump in housing. Then you see a, you know, a bigger jump in a bigger project that's not housing. But we gotta have the flexibility in order to address all market sectors without any kind of artificial government imposed phasing plan.

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COUNCILMEMBER COUCH: So...and, you know, the reason why I bring that up is because it was brought up and it does make a little bit of sense to make sure that the stuff that is sold is sold to the people who are going to be working there. As much as you can control it, you really can't control that 'cause that's against the U.S. Constitution. But if you're saying that you have a marketing plan and there's 5...400 or 500 people working in the R & T Park now, I'm assuming that means your marketing plan is going to go toward those guys first, right?

MR. PERKINS: It's always been our intent to design the housing component of it, and it's in our design guidelines and so forth for the workers that we contemplated having in the R & T Park. There's no gated communities there. There's no resort-style housing. There's no mansion type acreage allowed there. There...I'll tell you what there is though, is there's zoning available for Multi-Family, Apartment. There's zoning in there for low-income housing. There's zoning in there for housing for the elderly. I mean, there's a lot of civic uses that are allowed in certain portions of that too. You know, the feeling is is that we want to have housing and amenities in close proximity to employment. The size of that employment might be from a small shop where they have the desire to live near where they work. Or it might be a large-campus employer. But that housing and amenities are a catalyst for the commercial. And we need to have those kind of grow up around it. It's not...it won't...will it happen overnight? No. But it's gonna grow a lot faster than it has. I'm confident of that.

COUNCILMEMBER COUCH: Okay. Thank you, Chair. And I'm assuming...'cause I asked you about low-impact design that we can deal with that with Mr. Hart.

MR. PERKINS: Low-impact drainage design?

COUNCILMEMBER COUCH: Yeah.

MR. PERKINS: We have our engineer here.

COUNCILMEMBER COUCH: Yeah. We'll talk with him, thank you.

MR. PERKINS: Yes, sir.

VICE-CHAIR VICTORINO: Chair?

CHAIR CARROLL: Any questions?

VICE-CHAIR VICTORINO: Yeah. Please, Chair.

CHAIR CARROLL: Mr. Victorino?

VICE-CHAIR VICTORINO: Oh, okay.

CHAIR CARROLL: Mr. Victorino, you had a question?

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VICE-CHAIR VICTORINO: I didn't hear you. Yes. Thank you, Mr. Chair. And, Mr. Perkins, if I am correct, of that 400 or 500 employees that are presently working in the R & T Park, how many own homes in the R & T Park?

MR. PERKINS: None.

VICE-CHAIR VICTORINO: Thank you. And that's, you know, I mean there's an opportunity that many of them I would know, and I know some of them very personally 'cause I spend time up there with MEDB. And there's a large number would just love that opportunity to buy and have that ability to stay right there and not have to drive out. So of that 400 or 500 employees right now, most of them drive into the area right now?

MR. PERKINS: That's correct, sir.

VICE-CHAIR VICTORINO: So, this traffic mitigation isn't that big a deal because you get 400-500 driving in, we could probably get 200 or 300 that would live there, that's 200 or 300 that's driving in and out of that area, just initially and probably a lot more, when you look at everything. And I think the whole design was a self-sustainable community with all the amenities that are needed for people to just live there, bike to the...bike to their shops or bike to their store, or walk to the store. That was the whole concept, am I correct?

MR. PERKINS: That's the vision, yes, sir.

VICE-CHAIR VICTORINO: I mean that was what that, all that master plan. And that was going to be what I phrased earlier as the model for others to look at, for others to build in Maui County. This would be the poster for us to design future communities where it'd be self-sustaining and not on our highways. Is that correct?

MR. PERKINS: That would be correct.

VICE-CHAIR VICTORINO: Thank you. Thank you, Chair.

CHAIR CARROLL: Any further questions? Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. I'm just trying to find a...I guess before and after, of the project. What's being cut out, what's existing, and then what you folks are proposing to cut out. And I'm just trying to find out if what Mr. Hart sent us shows it there or somewhere. Do we have some type of map that shows, Chair --

MR. PERKINS: I'll defer to...

COUNCILMEMBER COCHRAN: --the amount of...where the parcels are that are being now cut out of the project?

MR. PERKINS: I'll defer to Mr. Hart on that.

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CHAIR CARROLL: If there's no objections, I call Mr. Hart now?

COUNCILMEMBERS: No objections.

MR. JENSEN: And, Mr. Chair?

COUNCILMEMBER COCHRAN: And if --

MR. JENSEN: Mr. Chair?

COUNCILMEMBER COCHRAN: --he has a print...oh, sorry.

MR. JENSEN: If I could just direct the --

COUNCILMEMBER COCHRAN: Scott, Mr. Jensen?

MR. JENSEN: --maps that are contained in the revised legislation that was transmitted from Corporation Counsel yesterday.

COUNCILMEMBER COCHRAN: It's in there?

MR. JENSEN: Yeah. You'll see the maps.

CHAIR CARROLL: Would you still like to hear mister...from Mr. Hart?

COUNCILMEMBER COCHRAN: No. And I guess...well yeah. No.

CHAIR CARROLL: Oh, okay.

COUNCILMEMBER COCHRAN: Let me look at this map, thank you.

CHAIR CARROLL: Is there anybody else would like to talk to Mr. Hart?

VICE-CHAIR VICTORINO: Yeah.

COUNCILMEMBER CRIVELLO: I would.

VICE-CHAIR VICTORINO: Please.

CHAIR CARROLL: Ms. Crivello --

VICE-CHAIR VICTORINO: Oh, okay.

CHAIR CARROLL: --then, Mr. Victorino.

VICE-CHAIR VICTORINO: Yeah. Yeah. Go ahead.

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CHAIR CARROLL: Please identify yourself at the microphone.

MR. HART: Jordan Hart of Chris Hart & Partners, Chair.

COUNCILMEMBER CRIVELLO: Thank you. So some of the testifiers or written testimonies we received are concerned about drainage as well of impact traffic, yeah? And...but you also mentioned that the State Land Use Commission, part of their requirements or conditions are that you shall construct and design in compliance with State and Federal rules in regards to the storm water. And then you must submit a Traffic Impact Assessment to the Hawaii State Department of Transportation. So, do you have that in place? Or is that being put together and will we have some sort of acceptance from the State Land Use or the so-called departments that will sign off on that? Or is this something that we would be able to take a look at? And I ask this because of the concerns of the people in opposition, or their concerns of these two issues.

MR. HART: Absolutely, so onto then two parts. The first part is the transportation issue. So we do not currently have a approval by the State Department of Transportation or a Memorandum of Agreement but we do have a...our updated Traffic Impact Assessment Report that was submitted to them for review. As well as that with the State Land Use Commission approval and anticipating a County approval, there will be a requirement for annual reporting. So that both the Council and the State Land Use Commission would know when the State Department of Transportation has approved our TIAR. Additionally, the Department of Public Works through the State Land Use Commission approval, is tasked with approving the roadway improvements, not the highway improvements, but the roadway improvements. As well as being supportive of our overall TIAR. So the County Administration would be reviewing that document as well. And then annually the applicant would be updating both the State Land Use Commission and the Council on the status of those things. The other item is storm water treatment. So part of our conditions of approval is that we develop the project in compliance with the representations that have been made to the State Land Use Commission as well as to the Maui County Council. And so this project is represented from the beginning that we were proposing to do low-impact development measures for storm water management. That Maui County is in the process of adopting standards for that purpose. And this project is open to implementing those designs standards into the project as well. And our...the design guidelines for the project express that. And that is also part of the representations that have been to the State Land Use Commission and this body.

CHAIR CARROLL: Ms. Crivello?

COUNCILMEMBER CRIVELLO: So, how does the State Land Use Commission finalize their acceptance on these two issues?

MR. HART: So we've received approval from the State Land Use Commission. And what would happen is that we would continue to update them. And they would verify...the

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Planning Department would verify and they would monitor that we're executing the project as we represented. And so if there was any sort of indication in our annual reports or otherwise that we weren't, you know, we would need to go before the State Land Use Commission and basically explain that situation.

COUNCILMEMBER CRIVELLO: Thank you, Mr. Jordan. Thank you, Chair.

CHAIR CARROLL: Thank you. Mr. Victorino?

VICE-CHAIR VICTORINO: Yeah. Thank you, Mr. Chair. And thank you, Jordan. Jordan, how many units do we anticipate with the final build out of this project?

MR. HART: One thousand two hundred and fifty.

VICE-CHAIR VICTORINO: One thousand two hundred and fifty. And that's what you anticipate the build out would be?

MR. HART: That's correct, sir.

VICE-CHAIR VICTORINO: And that is not all single-family dwelling, that is multi...

MR. HART: It's a complete mix of all uses.

VICE-CHAIR VICTORINO: Complete mix --

MR. HART: Yeah.

VICE-CHAIR VICTORINO: -- of all of the above.

MR. HART: That's right.

VICE-CHAIR VICTORINO: Okay. And so if we have 1,250, which is sorely needed in South Maui, like all the other, all the areas of this County. And right now we have approximately 400 to 500 employees that work there. And expansion that is almost definite with a couple of them because I know Maui Brewing...or not Maui Brewing, the brewing company there, I just talked to the owner and they're looking to expand and probably double the space and maybe triple the employees. So, you see the need being very, very great at this point in time?

MR. HART: I do and I'd also, think that the Department of Planning has stated on several occasions that combining land uses in this way is really the model for the future. Obviously, development patterns are always evolving. But at this time a form-based code and a mix of uses like this is the cutting edge of land use development.

VICE-CHAIR VICTORINO: And again my final question to you, Jordan, with everything being said and everything being even, and no major delays, how long do you think before this build out would be completed?

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MR. HART: Easily 20 years --

VICE-CHAIR VICTORINO: Thank you.

MR. HART: --for the full build out.

VICE-CHAIR VICTORINO: Thank you very much. Thank you, Chair.

CHAIR CARROLL: Thank you. Anything further? Any Members have any further questions? If not, thank you.

COUNCILMEMBER COCHRAN: Mr. Chair? Chair? Chair?

CHAIR CARROLL: Oh, I'm sorry, Ms. Cochran.

COUNCILMEMBER COCHRAN: Oh, no problem. And thank you, Mr. Hart, for coming back. And just looking at your...and so I guess I'm...I finally have the map, thank you. That shows the parcels that are been excluding out and it looks like one of 'em is a retention basin? So how does that play? I think that's a real integral part to this entire project. 'Cause looking at the three parcels that are being excluded, it's not like any runoff from the those three, you know, would take...would lessen the need for this retention basin. It's still in a pretty large build-out portion of this project, so why are you folks taking that out?

MR. HART: If I could clarify. That site is currently developed as a retention basin. And it will remain as a retention basin. So it was actually open space in our project prior but now that it's not being part of our Change in Zoning application, it will remain developed as a retention basin, as it is currently. My understanding is that it's a requirement of development of the Piilani Village development that's makai of our location.

COUNCILMEMBER COCHRAN: Okay. So I guess it's, this just isn't adding...and so the other two parcels that are side-by-side that are being excluded are already building...a built-out building?

MR. HART: I could address those. So basically there's the retention basin, which is already developed as retention. There is the State-owned parcel which is already developed as a technology offices. And the State-owned building is already included in the existing development for the Maui Research & Technology Park in our development caps as part of our State Land Use Commission approval. So the proposal for the Regency Namakua parcels is that the applicant will monitor them and as those are developed, the development of those parcels will be subtracted from the overall commercial development square footage for the project area. So in that way, there's actually no change in the total square footage of development of the project. Even though those parcels are being subtracted from the land area.

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COUNCILMEMBER COCHRAN: And that's number six on your map?

MR. HART: Well that...

COUNCILMEMBER COCHRAN: Parcel.

MR. HART: Let me...it is probably a more appropriate map, just for clarity on the change in zoning. Excuse me while I flip pages. There's a land zoning map and I can tell you the parcel numbers are parcel number 004 and parcel 040.

COUNCILMEMBER COCHRAN: Okay. And I guess due to this subtraction overall, you will be going back to Land Use?

MR. HART: We don't believe that that is the necessary, this would be a nonsubstantive change to the project. It's a reduction in scale of development and there's no reduction in the proposed mitigation measures for the project. So we'll still perform on all of the mitigation measures that are being proposed. But we will be developing less of a project.

COUNCILMEMBER COCHRAN: What...what's the last sentence in your handout then? Applicant...that's you. Or is that Mr. Perkins?

MR. HART: I gotta see...where are you reading from at this time?

COUNCILMEMBER COCHRAN: Your page...your two-sided page and the last sentence saying the applicant is required to go back to Land Use Committee.

MR. HART: Oh, this Committee.

UNIDENTIFIED SPEAKER: That's this...us.

COUNCILMEMBER COCHRAN: Oh, us. Oh, sorry, yes. Thinking State Land Use Committee.

MR. HART: I apologize. Yeah. That might --

COUNCILMEMBER COCHRAN: Okay. Got it.

MR. HART: --not have been clear.

COUNCILMEMBER COCHRAN: So yes, you're here today.

MR. HART: Yes.

COUNCILMEMBER COCHRAN: And the, all but three owners chose to sign the UA? Who...how many total?

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MR. HART: There is...there had been 16 and now there are 13.

COUNCILMEMBER COCHRAN: Okay. Okay. Thank you, Mr. Hart. Thank you, Chair.

CHAIR CARROLL: Thank you. Any...wow.

COUNCILMEMBER COUCH: Just --

COUNCILMEMBER COCHRAN: Is that you?

COUNCILMEMBER COUCH: --electrified personality that's all.

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: Thank you. Thank you, Mr. Chair. Mr. Hart, there's been some written testimony. I don't think it was brought up today. But some written testimony about the TIAR. And including the Downtown Kihei project, the Krausz project. Does that include that now? Does your...

MR. HART: Yeah. Unfortunately, that written testimony was incorrect. And that the Downtown Kihei project is included in our TIAR. And I might add that Philip Matsunaga is our Traffic Engineer and is here and available as a resource today.

COUNCILMEMBER COUCH: Thank you, Chair.

CHAIR CARROLL: Thank you. Any further questions for Mr. Hart? Seeing none, thank you. Thank you. That means you can go. Alright, Members, I have Public Works here. The Deputy Director of Public Works. Also is there any questions for Public Works? If not, I would release them. I'll give you a minute to look through that.

COUNCILMEMBER COCHRAN: You gonna bring 'em down?

UNIDENTIFIED SPEAKER: Yeah. Yeah. Yeah.

CHAIR CARROLL: They're right there.

COUNCILMEMBER COCHRAN: Yeah. Can we bring...

CHAIR CARROLL: Would you like them to come down?

COUNCILMEMBER COUCH: Sure.

COUNCILMEMBER COCHRAN: Yeah.

CHAIR CARROLL: Could you please come down to the desk? And if you both could please identify yourself at the microphone.

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MS. DAGDAG-ANDAYA: Good afternoon, Chair and Members of the Committee. My name is Rowena Dagdag-Andaya, Deputy Director of Public Works. And I have here this afternoon with me our Supervising Engineer of the Traffic Section, Mr. Nolly Yagin.

CHAIR CARROLL: Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair. Ms. Dagdag, thank you for coming. Wanted to check with you on a couple things. One is the low-impact design requirements. It says that they have to sign off...you have to sign off on their drainage. And I know you've gone to the same locations that the group of us have gone to to take a look at that kind of design. Are you encouraging and do you have any kind of leverage over this group to do as much of that as feasible?

MS. DAGDAG-ANDAYA: Our current, or our drainage rules will be covered in, or reviewed by our Engineering Division staff through our Development Services Administration; we do have rules as they relate to storm water quality, so that also gets reviewed; we look at best management practices, there's different triggers for that review. And this project would definitely qualify for that storm water quality review. Over the past few years, you know, we've gone through a lot of different issues as they relate to storm water review, with respect to storm water quality. So we've been changing our processes. We've been encouraging landowners to do low-impact development or design. One of the things that our staff is looking for, with respect to our MS4 program, is doing more education, outreach, and looking for those LID elements as these projects come in. So, you know, we do review for things like that through our storm water quality review and things that we would definitely encourage as well.

COUNCILMEMBER COUCH: Okay. And you sent several of your engineers on this tour so they're well aware of what can be done and are encouraging?

MS. DAGDAG-ANDAYA: That's correct. You know, we've done different tours outside of Maui. We've also had speakers come in from Honolulu to talk about low-impact design. And we constantly have staff getting educated on the subject matter as well. I think we have a really good relationship with the Planning Department with that respect. So it definitely...I mean through our MS4 program, we're looking for things like that. We're encouraging those kind of elements.

COUNCILMEMBER COUCH: Okay. Thank you. The other question I had is about the traffic impact report. What is the status of that on your end if there is any?

MS. DAGDAG-ANDAYA: I'm gonna defer that to our Traffic Engineer.

MR. YAGIN: Councilmember Couch, the traffic report is still under review. It's a fairly...

VICE-CHAIR VICTORINO: Chair? Chair, would you have him introduce himself so we know who he is?

MR. YAGIN: Chair, Nolly Yagin with the Department of Public Works Engineering Division.

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VICE-CHAIR VICTORINO: Thank you.

MR. YAGIN: As far as the review of the TIAR, we did receive the document. It's a fairly lengthy document. So it's still under review.

COUNCILMEMBER COUCH: Okay. And it does include the Krausz project ---

MR. YAGIN: Yes.

COUNCILMEMBER COUCH: --traffic...

MR. YAGIN: It does include discussion about Downtown Kihei.

COUNCILMEMBER COUCH: Okay. Thank you, Chair.

CHAIR CARROLL: Any further questions for Public Works? Ms. Dagdag?

MS. DAGDAG-ANDAYA: Chair, I did have one thing to add, in the Decision and Order, one of the sentences state that the petitioners that shall submit to the DOT, the State, an updated TIAR and petitioner shall obtain acceptance of the project's TIAR from the DOT and shall execute the MOA prior to final subdivision approval of lots intended for aboveground construction for the petition area and so forth. So I think, you know, listening to the discussion while I was in the gallery, I think one...maybe one of the questions is what's the trigger for this? I mean, when do you finish up your review? Well I think there's that trigger of final subdivision approval --

COUNCILMEMBER COUCH: Okay.

MS. DAGDAG-ANDAYA: --for the lots. So it's gonna be an ongoing process for our Department as well as the State in reviewing the applicant's TIAR. Also wanted to make note of our condition in the...I believe this is their...one of the conditions of zoning, one of the six is that the Maui R&T Partners, LLC, and the property owners shall provide their pro rata share of traffic improvements as determined by the projects Traffic Impact Assessment Report and to the satisfaction of the Department of Public Works. So we still have that condition as well.

COUNCILMEMBER COUCH: Okay. Thank you. And, Chair, one last...

CHAIR CARROLL: Proceed.

COUNCILMEMBER COUCH: You heard some testimony too about the Maui County or South Maui Traffic Master Report, do you have a status on that?

MS. DAGDAG-ANDAYA: We are currently waiting for a budget amendment for additional funding to support the traffic study. So I believe...you know, that's currently with the Budget Committee at this point. So until, you know, we're just waiting for that to

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move forward. But that's...that piece, that South Maui Traffic Study is something we're looking forward to executing.

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

CHAIR CARROLL: Ms. Cochran?

COUNCILMEMBER COCHRAN: Thank you, Chair. And thank you, Department, for being here. Ms. Andaya, you mentioned, I see condition number two in relation to the pro rata share of traffic improvements. Is that...how are you assessing that? I mean how would you assess that? 'Cause as I understand we've never fully completed a traffic impact fee structure here.

MR. YAGIN: Well in determining a project's pro rata share, there's kind of a lot of back and forth between the parties involved. One is, we do have to complete review of their TIAR. And then next is to pretty much agree on all the improvements that are planned out for Kihei. And once we can agree on what impacts each project has then we can start talking about percentages and amounts. But at this point it's a bit early.

COUNCILMEMBER COCHRAN: Right. And, Chair, a follow-up if I may?

CHAIR CARROLL: Proceed.

COUNCILMEMBER COCHRAN: And, Mr. Yagin, have we imposed this condition on other projects and have been able to successfully collect? Do you have an example off the top of your head perhaps?

MR. YAGIN: Pro rata share...yeah. A lot of...I mean, there have been some pro rata share determinations on projects but the development of those agreements were kinda done before I got here. And as far as enforcement of those percentages and I believe they've been enforced.

COUNCILMEMBER COCHRAN: Oh, okay. But you don't have any concrete example at this point?

MR. YAGIN: Yeah. The...

COUNCILMEMBER COCHRAN: Nothing right now.

MR. YAGIN: Yeah.

COUNCILMEMBER COCHRAN: Okay.

MR. YAGIN: The only one that I can think of that was recent was the Kahului Shopping Center redevelopment. I think there was some discussion about pro rata share between that development and some Kane Street mixed use, some other developments in Kahului. So there was pro rata share breakdown in those projects too.

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COUNCILMEMBER COCHRAN: Okay. Okay, Chair, thank you. Just looking forward to some kind of traffic impact fee, which I think can help us all. Thank you, Chair.

CHAIR CARROLL: Any further questions for Public or inquiries from Public Works? Seeing none, thank you very much for coming down. Alright, Members, the floor is still open for other questions besides Public Works. If I don't see any I'll give my recommendation.

COUNCILMEMBERS: Recommendation?

CHAIR CARROLL: The Chair will first entertain a motion to recommend passage on first reading of the revised proposed bill transmitted by correspondence dated December 15, 2015, from the Department of Corporation Counsel, entitled A Bill for an Ordinance Amending Ordinance No. 2641 (1998), Kihei-Makena Community Plan and Land Use Map, from Project District 6 (R & T Park), Public/Quasi-Public, and Agriculture to Maui Research & Technology Park for Property Situated in Kihei, Maui, Hawaii; incorporating any non-substantial revisions.

COUNCILMEMBER COUCH: Thank you. Mr. Chair, so moved.

VICE-CHAIR VICTORINO: Second, Mr. Chair.

CHAIR CARROLL: Been moved by Mr. Couch, seconded by Mr. Victorino. Discussion? Mr. Couch?

COUNCILMEMBER COUCH: Is there...should we be filing something there or no? No? Later? Okay. Gotcha.

CHAIR CARROLL: Any further discussion?

VICE-CHAIR VICTORINO: No.

CHAIR CARROLL: All in favor of the motion, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, six "ayes," one excused, Ms. Baisa.

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

NOES: None.

ABSTAIN: None.

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ABSENT: None.

EXC.: Councilmember Baisa.

MOTION CARRIED.

ACTION: FIRST READING of revised bill and **FILING** of communication.

CHAIR CARROLL: The Chair will next entertain a motion to recommend a passage on first reading of the revised proposed bill transmitted by correspondence dated December 15, 2015, from the Department of Corporation Counsel, entitled A Bill for an Ordinance Amending Title 19, Maui County Code, to Establish a New Chapter 19.38, Maui County Code, for Maui Research & Technological Park Situated in Kihei, Maui, Hawaii; incorporating any non-substantial revisions.

COUNCILMEMBER COUCH: Mr. Chair, I move to pass A Bill for an Ordinance Amending Title 19, Maui County Code, to Establish a New Chapter 19.38, Maui County Code, for Maui Research & Technology Park Situated in Kihei, Maui, Hawaii, and any nonsubstantive changes.

VICE-CHAIR VICTORINO: Second, Mr. Chair.

CHAIR CARROLL: Been moved by Mr. Couch, seconded by Mr. Victorino. Discussion? All in favor, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, six "ayes," one excused.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Baisa.

MOTION CARRIED.

ACTION: FIRST READING of revised bill and **FILING** of communication.

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CHAIR CARROLL: Finally, the Chair will entertain a motion to recommend passage on first reading of the revised proposed bill transmitted by correspondence dated December 15th from Department of Corporation Counsel entitled A Bill for an Ordinance to Change Zoning from Kihei Research and Technology Park District and Agricultural District to Maui Research & Technology Park District (Conditional Zoning) for Property Situated At Kihei, Maui, Hawaii; incorporating any non-substantial revisions and to file County Communication 14-311.

COUNCILMEMBER COUCH: So moved.

VICE-CHAIR VICTORINO: Second, Mr. Chair.

CHAIR CARROLL: Been moved by Mr. Couch, seconded by Mr. Victorino. Discussion? Mr. Couch?

COUNCILMEMBER COUCH: Thank you, Mr. Chair, and I want to thank the applicant for a unique way of solving some problems. This all...everything that's being pulled out of here has, is already existing. So there isn't any greater impact. So, I'm glad that the Members see this and are willing to reiterate our decision that we've made several weeks...months ago. Months ago.

CHAIR CARROLL: Thank you, Mr. Couch. Further discussion?

VICE-CHAIR VICTORINO: Thank...Mr. Chair? And, Mr. Chair, I want to also --

CHAIR CARROLL: Mr. Victorino?

VICE-CHAIR VICTORINO: --thank the community for coming out and again keeping us aware of some of their concerns. I think the applicant has addressed almost all of those concerns. And like anything else, you know, I've said this before and I'll say it again, this could be really the poster child of what development could be in this County in the future. Especially self-sustaining communities, like we grew up with camps. You know, in our day we grew up in camps, we didn't have all those fancy terms. But everything was there, we never left the camp. We had everything available to us. And we had a sense of a neighborhood. We had a sense of a community. I think that's what's really lacking in a lot of these areas now. Because you don't stay there, you have to go out for everything you need, pretty much, other than come home, take a shower, have dinner, do your homework and whatever, watch the news, and get up the next morning and you're out the door. Really what we talk bedroom communities. And, you know, I live in a bedroom community, there's nothing up there. They'll never be anything up there in Wailuku Heights. But I don't think it was ever designed for that either. So I want to see more and more of these types of projects coming forward. Especially when it comes to workforce affordable housing for those who live there and who...those who live within the area also. 'Cause I don't think too many people are going to buy a unit or rent a unit down there that works in

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Makawao or works in Paia or works somewhere else like that. You know, I think you're gonna find the vast majority will work and live right there in the area. So thank you, Mr. Chair. And I want to thank all of those who participated today.

CHAIR CARROLL: Thank you. Any further discussion? Hearing none, all in favor of the motion, signify by saying "aye."

COUNCILMEMBERS: Aye.

CHAIR CARROLL: Opposed? Motion carried, six "ayes," one excused.

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

NOES: None.

ABSTAIN: None.

ABSENT: None.

EXC.: Councilmember Baisa.

MOTION CARRIED.

ACTION: FIRST READING of revised bill, **RECORDATION** of unilateral agreement, and **FILING** of communication.

CHAIR CARROLL: That brings us to the end of the meeting today. Thank you for all, to all of you that came and participated and all those out there in television land. This Land Use Committee Meeting of December 16th, the last meeting of the year, stands adjourned. . . .(gavel). . .

ADJOURN: 3:00 p.m.

APPROVED:



ROBERT CARROLL, Chair
Land Use Committee

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CERTIFICATE

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

DATED the 4th day of January, 2016, in Pukalani, Hawaii

A handwritten signature in black ink, appearing to read 'Tiare del Castillo', written over a horizontal line.

Tiare del Castillo