

**MAUI PLANNING COMMISSION  
REGULAR MEETING  
MAY 24, 2016**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Max Tsai at approximately 9:05 a.m., Tuesday, May 24, 2016, in the Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii.

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

Mr. Max Tsai: Good morning. Today's May 24<sup>th</sup>, 2016. Calling the Maui Planning Commission to order. I'm going to open the floor for, up, for public testimony. So this is for people who cannot be here when the agenda item comes up. So you have an opportunity to testify now or you can wait until the agenda item comes up, but you can't do both. So you gotta pick one or the other. If anybody wish to testify at this moment, please come forward, you have three minutes. Seeing none, public testimony is now closed. We're going to go to our first agenda item.

**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.

**C. NEW BUSINESS**

1. **MR. DAVID R. SPEE, Manager of PAIA 2020, LLC, requesting an Environmental Assessment determination on the Final Environmental Assessment prepared in support of the Community Plan Amendment for the Paia Courtyard Project located at TMK: 2-5-005:063, Paia, Island of Maui. (EA 2013/0001) (CPA 2013/0003) (DBA 2013/0001) (CIZ 2013/0006) (K. Wollenhaupt)**

**The Commission commented on the Draft Environmental Assessment at its November 10, 2014 meeting. The Commission is the accepting authority for the Final Environmental Assessment.**

**The Applicant has also filed applications for a Community Plan Amendment, State Land Use District Boundary Amendment, a Change in Zoning, and Special Management Area Use Permit. These applications will be scheduled for public hearing after the Chapter 343, HRS process has been completed.**

Ms. Michele McLean: Good morning Chair. Good morning Chair, commissioners, the first item is a request from Mr. David R. Spee, Manager of Paia 2020, LLC, with an

Environmental Assessment determination on the Final Environmental Assessment prepared in support of the Community Plan Amendment for the Paia Courtyard Project located at TMK: 2-5-005:063, in Paia. The action before the Commission today is to consider accepting the Final EA and making a Findings of No Significant Impact (FONSI) determination, and Kurt Wollenhaupt is your staff planner.

Mr. Kurt Wollenhaupt: Good morning members of the Maui Planning Commission. It's a pleasure to be here this morning. There are a couple of items today, and we're going to take a look into the world of Environmental Assessments and Environmental Impact Statements. Now most of the members here have seen actually this first project. Some of the members are new with regards to looking at the environmental process so I always find it useful just to sort of ask ourselves well why are we even here today? That's always a good way to start.

The first item -- the first item is a request for a Final Environmental Assessment review for a project in Paia. By way of trying to...provide transparency to the Commissioners who weren't here, in the staff report that I've prepared for the project Paia Courtyard and its manager, David Spee, I put the minutes of the November 2014 minutes in for the members who weren't here, and I put the comments that the Maui Planning Commission directed to the applicant in the package, along with the comments from the Urban Design Review Board. So this project in no way is something new. It's been reviewed by this Commission in 2014 with considerable detail, and also by the Urban Design Review Board.

With that being said, today's action is actually looking at the Draft Final Environmental Assessment. An Environmental Assessment, or indeed in the case of our second item today, an Environmental Impact Statement which has more detail, is an information document. This document is going to be used with this Committee throughout the entire process, so in actuality this is kind of the first start for both of these projects. This Committee is going to be looking at this project in great detail should our Final Environmental Assessment be reviewed today, and approved and sent to the Office of Environmental Quality Control (OEQC). This first project will be coming back to you with District Boundary Amendment, a Community Plan Amendment, and a Change in Zoning. So today's purpose is to determine is the environmental document for the project that will be presented by Mr. Spee, is it a complete document that all of you can use in further deliberations.

So that being the case, what exactly is the Paia Courtyard Project. Just to highlight, it's going to be six, two-story mixed use retail and office buildings, with nine upper story residential units, 56 independent senior living apartments and support facilities, and I should note that actually the project now has been modified from that which was reviewed in 2014 and it's actually less intensive. So there have not been any increases in intensity that would affect the environment that would not have been reviewed by this body in 2014. There will be grading and other improvements, of course, to support this project. And importantly,

there's going to be an approximately 309 stall parking lot -- something that is critical in Paia as all of you know if you've ever been there in the afternoon or evening -- with enough stalls for all of the proposed uses, and of course that will be required. They'll have to have parking for the senior housing and the office, but also they're going to have at the current time 44 stalls in excess of the Code. 44 stalls that will really be critical for...for Paia town improvements, along with bus stops, sidewalks, multi-use paths landscape improvements.

The requested changes are essentially to take the agricultural lands, Urban, to like the a County zoning, to change it to Country Town Business which would be similar to most of Paia; and to look at the Community Plan to Business Commercial. An important note, a really important note is that within the Maui Island Plan, and this body and of course the County Council, this area is in the directive growth country town boundaries. So this project is within what the County Council believes development should be directed.

With that being the case, I can come back after the presentation with your actual alternatives, but just to highlight what today's role would be, you could accept today's Final Environmental Assessment and issue a Findings of No Significant Impact which is commonly known as a FONSI. And then the applicant will send that to the Office of Environmental Quality Control for a period of comment for 30-days. And after that, then it will be deemed accepted, and we can now move on to the next step for the public hearing process of the DBA, CPA and CIZ. You could defer the Final EA, or you could ask the applicant to prepare an Environmental Impact Statement which is normally reserved for highly complex projects like the second one you'll be hearing today. So with your permission I'll have Mr. David Spee introduce their team, and also give you a detailed look into the project.

Mr. Tsai: Thank you Kurt.

Mr. David Spee: Hi, I'm David Spee, the manager of Paia 2020, LLC. I, I'm here today with my advisors: Hunton Conrad, the architect; civil engineer, Mark Matsuda; traffic engineer, Mike Packard, who's on his way from the airport right now; and the archaeological and Hawaiian practice expert Andre . . . (inaudible) . . .

A brief summary of the project is here's a site plan that shows the top or the commercial buildings along Baldwin Avenue, with approximately 42,000 square feet of commercial. Nine residential units above the commercial which will hopefully be work-live units. We'll try to get people that want to work in the community and also live there, like they used to in Paia Town. On the other side of the parking lot are the senior housing with 56 units, 8-garages, a community room, swimming pool, and storage for recreational purposes. The improvements will include curb, gutter and sidewalk along -- excuse me -- along...curb, gutter and sidewalk along Baldwin Avenue. And design change since I last came to you is we were going to do the retention basin off site on an acre with A&B, but we have decided that it's better to keep it onsite and we've moved the retention basin to the lower portion of

the property for overflow of water.

The parking is actually there will be 309 stalls onsite...depending upon what the County allows. There's also the ability of adding 13 more parallel parking stall up Baldwin Avenue. The actual number of excess stalls is, is, would be 51 additional stalls for Paia town.

This is an aerial of the site. You can see this is Baldwin Avenue coming up, the Paia Post Office. This is the Paia mini-by pass right here. So it's approximately nine acres...in the heart of Paia town.

At the last meeting this Commission presented six comments, and asked that I respond to them. I've directly responded them to a letter within the EA and I can go through them right now. The first one was describe how onsite parking will be managed. It will be validated parking for the, the customers who use the center. For the seniors, there will be reserved stalls for the senior housing. I've had a building in Paia for almost 20 years now, and, and, we've used the -- we've had the dirt lot, it's above, for parking, we're using it now and we've really run into problems with people towing their vehicles there and leaving them, people camping overnight. It's become kind of dump yard too for refrigerators and things like that, and I've just, I've realized overtime that you have to monitor the parking or these things happen that are detrimental to the stall and for the safety of the people who use the parking. So it will be monitored parking, and I've been in discussion with Diamond Parking about possibly managing it.

Number two, describe in greater detail the senior housing design features and marketing protocols to meet the definition of senior housing. All of the senior housing will be handicap accessible, wheel chair accessible. All the units will have elevator access to the second floor. Everything will be ramped within the project. There will be a walkway that connects...there will be walkway that connects the senior housing over to the commercial side. The marketing protocol, we've been playing with logos. The, the property will only be provided to those 55 and older, and those restrictions will be in the deed, they will be in the condo docs, the CC&Rs that will run with the land, so this will run in perpetuity. There will be no expiration of the 55 and older requirement. Those restrictions will apply to any tenants if anyone is owning units and they want to lease it. There will be a strict requirement to 55 and older.

The -- number three, review the design of the photo voltaic system for the parking lot shade covers to ensure the design will compliment that of the building architecture. At the last meeting we discussed that we were working with a solar company. I had mentioned the, the covered parking down at MCC, and the comment from this committee was is that that's pretty industrial looking and that they wanted to see something more in line with the country town guidelines. I've talked to the solar company, but the plans aren't in there yet. When we go to building permit, then we work with the solar company, and they will actually design the whole structure and the implementation as part of their process of selling electricity. So

we will work with them and comply with all country town guidelines to have it compliment the country town style.

Number four, update the EA such as there will be no three-story structure proposed on the project site. That was an oversight on my part on the last submittal that there was actually a plan that showed a three-story structure. It was never our intent, and that plan has been removed, so there's nothing in the EA that has anything other than one and two story buildings.

Number five, view the landscaping plans among, among and between the buildings. I'll get into the landscaping more because that was the primary thing that came out of the Urban Design Review Committee. They were, they were pretty much just concerned that we had the right plants, and I'll address that in the next slide.

Lastly, review the relationship between the proposed businesses, restaurants, commercial enterprises and that of senior housing. I think that's the...I think from my perspective is this is really what I see in this development is that this is upper Paia that the commercial businesses will support the people in the senior housing, and I've already talk with a doctor who wants to come in. I've talked to a health spa who wants to come in with alternative medicine. First Hawaiian Bank is interested in coming into the project. Paia has become a town of restaurants, boutiques, galleries and realtor, and it doesn't support the community. The only dentist in town is in my building which is right here, and I'm really hoping that there will be a synergy between the senior housing that can support the commercial, and the commercial that is supported by the senior housing. I've also talked to two different pharmacies that want to come back to Paia. Right now there's no pharmacy in town.

Paia has lost all the small mom and pop stores. They've lost the laundry mat, the dry cleaner. They're all leaving. They can't afford the rent. And I believe that with this extra square footage that we can charge reasonable rates that still make a profit. And I mean, a lot of supply and demand. But, that there will be a good a synergy, not only for the senior housing but the people that live and work in Paia; not just the tourist that come.

We move on to...this is the comments from the Urban Design Review Board. Number one was ensure that the project is in compliance with the latest version of the Maui County Planning Plan. That plan has not be, to my knowledge, has not been enacted yet, but we will stay on top of it. A couple of the people in the, on the Urban Design Review Board were aware that several of the plants that we were using were now considered an invasive species or not appropriate for commercial projects. The primary one was the Kou Tree...which I have in my project right now and it's just a nuisance tree because it produces little, I guess, seed pods that are balls that are like ball bearings and people will slip and fall within the parking lot. So we've removed those and we've removed a couple of different other plants that were in the plan that are now considered invasive and we will stay on top of that.

Same goes for number two, review the project against the Hawaii Weed Risk Assessment.

Number three, enhance the biodiversity of shade canopy trees to be used throughout the project. We've eliminated the Kou Tree.

Ensure that the width of "planter fingers" is in compliance with the Maui County Planting Plan, and we've done that. This is the landscaping plan, and but the commission, what the Urban Design Review Board wanted to ensure that there were plenty of planting fingers that the planting around the buildings would soften the look of the buildings.

We do have a, a water well onsite and we'll be able to, you know, properly landscape, and then I think have a fairly...lush, lush property that will soften the buildings.

And then lastly, provide a pedestrian/bicycle access route through the project from Baldwin Avenue to the west side of the project. We've added that into the site plan. This is the bike path that takes you into the parking lot. There's a little bit of issues we've got right now because there is no pedestrian access off the Paia mini bypass. In fact, there's a sign that says, "No Pedestrian Access. Stay off," so it's not exactly ready for a bike path on it. But we are prepared to put it there and, and truly believe that for the seniors that live there that having that access down to Hana Highway, to be able to cross Hana Highway, get to the bike path, get to Baldwin Beach Park, hopefully ride their bicycles to the Kaunoa Senior Center is all part of the enhance of the project. So we will work very closely with the County and try to make that connection.

Those are pretty much addressing the comments both from this Commission and from the Urban Design Review Board. I have a few shots of what the design of the senior housing looks like from the parking lot. This is the corner of the commercial. I think what's...what for me is very important is, is reading the Maui Island Plan. And the Maui Island Plan was five years in the making, talking to the community and coming up with a plan for growth over the next 25 years, until 2030. It's projected that by 2030, the number of senior citizens of 55 and over will double in the County. And I think, and I'm just going to read from this because I can't say it any better than what the plan says about the growth for Paia town. If you look at this a Paia expansion area, right here, what they propose to expand. 41 acres is the size of that, and we're taking up nine, right in the little corner right there. I'm sorry, I'm shaking a little bit, but right in that area. But it states, the Paia expansion, which is that area,

*"The Paia expansion plan growth area is approximately 41 acres and encompasses agricultural land west of Baldwin in lower Paia. The expansion is makai of the post office. The site is envisioned as a compact, mixed use, small town expansion that replicates the authentic architectural styles and design vocabulary of the business country town to Maui. The Paia expansion accommodates projected growth within the Paia-Haiku Community Plan*

*region with minimal impact on agricultural lands and existing infrastructures and services. Although the site is located on prime agricultural resource land, directed regional growth to the site, and requiring compact country town design will help preserve other agricultural lands and open spaces, and prevent the continuation of the current trend of low density development across the region's landscape. Additionally, urbanization of the site will provide residential housing in a location that is adjacent to Paia town's employment opportunities. The site should be developed as a dense, mixed use expansion of adjacent Paia town that compliments the existing community. The expansion should be designed as providing multi-modal connections between existing and new community, and to other areas of the island. Development within the expansion area should include a mix of residential and commercial uses, lot sizes and single-family and multi-family housing units."*

I'll stop there, but, I mean, I don't think you could better define what I'm trying to do within Paia town of keeping sprawl out of the community, staying within defined boundaries, creating a community of mixed uses where the majority of the seniors can, can walk to the services that they want, and to where they want to recreate, down to the Paia bike path, Kaunoa Senior Center. And I just believe that the project fits within what the County has determined should be the future growth of the small town, the small town district, and it's within the small town growth boundaries.

So in conclusion, this is the map, and I think it shows a little better...the area of the project is right in there. This is the projected small town growth map from the Maui Island Plan. It's 100% within that boundary. It provides a community for older north shore residents where there is no senior housing on the north shore unless you go up into Makawao. There's been tremendous demand for the project. I have over 50 people that are already interested that keep asking me when is it going to be finished. It will attract local businesses that want to support the community and the older population. And I believe a pharmacy will come in immediately back to the community. And lastly, it's going to provide parking where it's desperately needed, and if you look through the EA, the traffic studies all support that parking is a huge issue when there's traffic problems because people stop and wait and don't know where to go for, for parking. That's always been a problem in Paia. So I'm open to questions, and I'm asking this Commission to approve the Final EA so that we can move forward to the next round as Kurt pointed out where there will be public comment and, and, and taking it even deeper on the whole project.

Mr. Tsai: Thank you David. At this point I'm going to open the floor for public testimony. Anyone wish to testify please come forward. Seeing none, public testimony is closed, and we're going to have questions from the Commission. Commissioner Medeiros.

Mr. Jason Medeiros: Okay, I like the project. Thank you for addressing all of our questions

from the last meeting. However there's one more thing that, you know, hindsight is 20/20, and after that meeting I thought about it and I was wondering what kind of security would you provide for the seniors living there?

Mr. Spee: Well, it's interesting you say that because the, the Paia town has had some security issues recently and we're going through this business, trying to implement a business enterprise zone, and Michele is keenly aware of that process of providing additional security within the town. Within the project we've been thinking about it also on how to kind of encapsulate the senior side of it, both within the parking and around its perimeter. Paia has issues with, with homelessness and crime. We, we've thought about how we would fence the senior side of it, and whether or not we need a security guard, I would hope not. I mean, I still don't lock my doors at night. But if it came to that where we needed it, then there would be homeowners association and they would make those determinations on look, we need to have security. But other than that, I'm hoping within the business enterprise district, if Paia town can implement that which is an additional taxation for that district to provide security, events, signage, all those things within town, that really kind of will address the issue. If not, then, then we'll have to deal with it when there's a problem.

Mr. Medeiros: Okay, you know, I think it's important enough to where I would recommend that you consider it. You know, I'm not going to make it a...a demand or anything like that.

Mr. Spee: I think what would also help and what we are considering is possibly dedicating a unit for an onsite manager. Someone that would keep an eye on the whole project and the up keep and everything else.

Mr. Medeiros: However you choose to address it is, you know, entirely up to you guys. I just want it considered.

Mr. Spee: Yeah.

Mr. Medeiros: Thank you.

Ms. Tsai: Commissioner Robinson?

Mr. Keaka Robinson: Aloha David. Right on the top we have parking for Paia town. I'm interested on how this project is going to afford parking for Paia town besides on Baldwin Avenue. Are you, are you allocating some areas and some stalls for public use, or can you explain that?

Mr. Spee: What will likely happen is that --. Well, part of the problem in Paia is that...probably 70% of the current businesses provide no parking. I did a walk around in Paia town, and I counted. There's roughly 150 stalls that are County parking. You have

101 along Hana Highway, and about 50 in the other lot on Baldwin Avenue. I walked around from the post office down to the -- all around town, and I counted roughly 220 additional stalls. So the commercial buildings make up about 220 stalls. There's about 160 to 70,000 square feet of commercial space. So for, let's say for 160,000 square feet of space, there's roughly 200 stalls. This project will have 40,000 commercial space and provide 209 commercial stalls. So one-fifth the commercial space, the exactly same amount of parking. So, one, the increase ability of parking -- just that there is parking and some where to go takes care a part of it.

The other issue is, I've been talking to Mana Foods, Mana Foods doesn't have parking. The County requires that they have parking. They need 40 stalls, so what may happen is I may lease 40 stalls to Mana Foods which would be validated parking for Mana Foods. And you've taken a business that provides, that has no parking, and you give that business its parking. There are numerous businesses in Paia town right now that are having permitting issues that are being fined by the County because they provide no parking and they can go no further. So in a sense, yes, is there a profit motive from my side that, that allows me to dole out some parking? Yes there is. And that profit motive helps pay the real property taxes that I can tell you are very large for country town business zoned land in Paia town, and it helps the county tax base. And just the mere fact that that parking is there and it will be validated does help alleviate those problems. So is it simply dedicated open free parking? No, it's not, not under how it's designed. But it does alleviate something that's greatly needed in town.

Mr. Tsai: I have a follow up question here, David. You mentioned that Mana Foods, yeah, that obviously an issue trying to find parking if you're going there. I hope that lease option goes through with them because I think that they definitely need it. But at the same time, I think you mentioned in your presentation unless the customer is a patron of one of the businesses, they're not allowed to park in your lot.

Mr. Spee: No, they'd be allowed, but they'd just have to pay unless they get their parking validated. So it would be not unlike a lot of the parking in Lahaina. I know where Ualena is, if you go in there, if you go to a business it's validated. If you don't go to a business, then you pay for the parking. And...parking is a very sensitive issue for me because I've been in Paia town long enough that finally last year I installed a gate at my building after one of my tenants almost go into a fight with someone who parked in their stall all day. And how dare my tenant, you know, get angry that they park in their stall all day. And since I've put in that gate I don't walk the parking lot every morning and pick up the garbage. I mean, it's, it's amazing the difference of what's happened since I've done it, and the peace, it's the peace with all my tenants in the building.

Free parking is something that I think we've all have been used to over time. But at least on the north shore, in, in Paia town, that upper lot, I mean, we've, we've towed cars, we've got garbage dumped. I think the reality is, for the future, is there going to be more and more

paid parking. And you do have maintenance, you have garbage, you have property taxes. For the, for the privilege of providing parking in my existing building, you know, my tax bill is about four grand a year just for that little parking lot, and just quite honestly I'm really glad I put the gate up and now it services my clients, and my tenants' clients, and I don't have this mess so I think it's just reality. You have very expensive properties, you need to pay for the maintenance and up keeps, and the parking is to support the businesses that, that are also paying through their rent and cam and all those charges for that parking lot. So that's, kind of the of the future, at least in Paia town.

Mr. Tsai: Commissioner Robinson?

Mr. Robinson: You might know this answer. So, you know, I frequent Hana Ranch which is by Mana Foods in that parking lot there, and there's no paid, there's no paid parking there now. Somehow we make it work, we sit in the car until a spot opens up, so on and so forth. But are you saying that the County requires tenants on, on, in Paia to have a parking stall, and if they don't they pay a fee. Is that what I heard you say earlier?

Mr. Spee: No, a lot of those businesses are all grand-fathered in, that because of the old style of the town, it was never designed for really the automobiles or the number of automobiles there are now. So you have all these businesses that were grand-fathered in. A lot of the -- I don't want to say half -- but a lot of businesses in Paia town weren't grand-fathered in but somehow all of sudden became businesses, and did not provide parking, and the County finally comes around and says, look, you're not grand-fathered, you need parking. And so they're putting that requirement on those businesses, and there's a tremendous stress on the County lots. And if you, if you look at the businesses and especially restaurants where you're supposed to have a stall for 100 square feet, I mean, there's, there's quite a few restaurants, I think I counted 14 restaurants in Paia, and only three of them have any parking at all. So you have this tremendous load up on demand in the town.

Mr. Robinson: Well, with more parking there will be more people in Paia. Because a lot of people don't go to Paia because of the lack of parking. So –

Mr. Spee: You're absolutely right.

Mr. Robinson: So, you know --. And that's the thing, it's, if the parking is going to be restricted to just Mana Foods or like you said, it's open to other people who want to pay, I think that's a big, that's a big factor of this project. If it's open to everybody who's paying, you know, you're deserve to make a profit off your land, there's nothing wrong with that, and charge for parking, and I think it's something that's needed.

Mr. Spee: It's really -- I tell you the truth -- you really don't make much profit off of it. That's how Diamond Parking makes their -- that's how they pay for having someone there,

monitoring it and everything else, you know, under the design.

Mr. Robinson: Thank you.

Mr. Tsai: Commissioner Castro?

Mr. Stephen Castro: You mentioned of providing perhaps a pharmacy. I think it's great for the seniors. How many pharmacy companies have you spoken to?

Mr. Spee: I've spoken to two, and I can't really disclose. There's, there's issues with Paia town that everyone wants to keep it small town business. And what's happening with pharmacies is that the smaller pharmacies are all getting bought out, that they're disappearing, so that's a bit of an issue and what would be acceptable for Paia town...with a pharmacy. But I have a doctor who's very interested in opening an office. I believe that Clinical Labs would come in if the, if the buildings are there. And I'd really like to dedicate two of the buildings to medical services.

Mr. Castro: Thank you.

Mr. Tsai: Commissioner Hedani?

Mr. Wayne Hedani: Can you show me what the photo voltaic system is going to look like?

Mr. Spee: The photo voltaic, I can't show it to you, but I've got on my building which is in the corner of the lot because it was a consolidation and resubdivision. I have three systems on the roof. You wouldn't know it unless you're coming down Baldwin Avenue and from above, you can see one of the systems up there. But what we'll design within the parking lot, and this is going to have go with the County Code on, on shade trees because you're required to have a shade tree, I think, for every four stalls, that replacing the shade trees with covered parking. And as an attorney, I'm the attorney for Rising Sun Solar which is now the number one solar company in the State of Hawaii, and we've talked about, you know, if they designed the system they'll actually building the covered parking because of the economics just to get the solar on. But what I would envisioned is flat roof, covered parking that is unobtrusive to the eye that provides electricity to the senior housing and the commercial. In my building I have battery backups. If the power goes out in Paia, within seconds, my building would still lit up. And I would see that on the senior housing side that there would be substantial battery backup and in the commercial, and that's a security issue. It goes to the security side. But I'm a pretty green guy, and I envision every square foot we can put solar, we put solar until we've, you know, supplied the, the project. And having green charging stations for, for electric cars.

Mr. Hedani: So from your perspective the panels will be flat?

Mr. Spee: The panels would be flat other than on the roofs of the senior housing, yeah. Yeah.

Mr. Hedani: Thank you.

Mr. Tsai: Commissioner Higashi?

Mr. Richard Higashi: I think it's commendable to have senior housing right in Paia town. Looking at your architectural design I was wondering the accessibility for the seniors to be able to walk around the town itself. How is the housing situated in such a way that it makes it an easy access for the seniors to get out and move? Can you get back to your map?

Mr. Spee: I can. I can and I also have Hunton here as the architect who can explain. I'll go back. There's a better site plan in here. If you --

Mr. Higashi: So your senior housing --

Ms. McLean: Excuse me, David, you need to stay with the microphone. There's a -- we have a portable one.

Mr. Spee: Is this a karaoke mic? So here's the senior housing. This would be a covered walkway over to the commercial development. Within the commercial development there is -- you can come through the courtyard and make your way over, and there will be a ramp that goes down this side. This is what this is. This is a ramp that takes you down into Paia town and the parking lot. Or you could come around this side of the development and come down. Now currently there is no sidewalk along from the post office down to here. The sidewalk ends right here. So we would grade away and create enough space for a, a large sidewalk and then the 13 parking stalls if the County wants them, the parallel parking up Baldwin Avenue. So the access would be through the development. This would be a covered walkway with speed bumps to, you know, keep the cars slowing down...and then down through here. And then the other way would be through the development and out if there's ever access through the Paia mini by-pass.

Mr. Higashi: So in the center is all of . . . (inaudible) . . .?

Mr. Spee: In the center is the parking. That's right. And there's parking for the senior housing wraps around in here. This is the bus stop for the senior housing up in this area.

Mr. Higashi: Well, what I was looking at was you see your senior housing, where your senior housing is located?

Mr. Spee: Here?

Mr. Higashi: Yeah, right there.

Mr. Spee: And down below here.

Mr. Higashi: Would it be possible to have that housing moved where the public parking is so that the senior housing, the people themselves, would have an easier access getting out into there, rather than that long walkway going through there?

Mr. Spee: I'm more inclined and I'll tell you why is that this is, this is hillside here with just spectacular views across from Kihei all the way across to the ocean, the west Maui. And so the design element and looking out and kind of the privacy of having the pool and everything here, also the delineation on security when we were thinking about fencing is potentially having, having this section for the seniors, that this would be walled off and you really create a privacy and security issue. And delineating the parking so that the --. You know, this is privacy and, and view is more important to me than having the commercial; the commercial on this side, the seniors on that side, and if they want to get across, really making this a sense of secure walkway to integrate the two. And I don't think that distance is, is going to be that great. You're really talking, you know, probably 20 stalls wide, and keeping that separation between the two.

Mr. Tsai: Commissioner Hedani?

Mr. Hedani: David, what percentage of the...runoff from the project is being retained onsite?

Mr. Spee: We did the numbers, and we've, we've -- I'm in negotiation with A&B right now for access off the Paia mini bypass. They'd like to have that acre back. We did the engineering on the numbers. We can easily keep all the water onsite. In fact, it's designed that the water will never reach that retention basin. It's only in a 50-year, one-hour, you know, torrential rain that it would even get to that overflow status. But I feel very confident with infiltrators under the, under the...parking lot which are big, round, perforated pipe with gravel and cloth underneath that we can retain all of the water. And then the, the 16 years I've had my building with those infiltrators, I've never had an overflow. It seemed to work pretty well and percolate.

Mr. Tsai: Commissioner Robinson?

Mr. Robinson: David, getting back to that A&B easement. I saw where the A&B easement was for access off of the Paia bypass into your property. So you're saying you're thinking about giving that easement back or that a different easement?

Mr. Spee: No, there's two things going on. When we bought the property from A&B, did the consolidation and resubdivision, we negotiated. We were thinking, well, we're going to need a drainage pond. So they gave us an acre -- let me get my bearings -- across the

road from the Paia mini bypass over here for our drainage pond. So we're giving up the A&B, that acre, and A&B gets their acre back, and we're getting the access into the project off of the Paia mini bypass. But we've designed, our traffic study was done under the assumption that we wouldn't get that access off the Paia mini bypass.

The Paia mini bypass is a licensed agreement from A&B to the County of Maui, so it is in...it's in a fluctuating state. What I see happening is within the Maui Island Plan you have another -- take away my nine acres -- you have another, what is that, 32 acres of land within the Maui Island Plan, you know, sort of approved for future development. Well, A&B owns that, that complete 32 acres. And my guess is, maybe not during in your tenure, but sometime in the next 20 years, you'll see them or some other third party coming in that will, you know, they'll deal with the Paia mini bypass and, you know, hopefully by that point there will be an actual Paia bypass that goes up through the, up by the old mill.

Mr. Robinson: So the easement is intact?

Mr. Spee: The easement is intact. The Paia mini bypass is intact. But I'm in negotiation with A&B finalizing the access. You have the mini bypass, but you have literally 20 feet between the bypass and my property. That's what I'm talking about, the 20 feet between the bypass and . . . (inaudible) . . .

Mr. Robinson: Yeah 'cause, 'cause I heard you speaking earlier -- excuse me, may I speak - - is I noticed you talked about access for the seniors, bike lanes, and so on and so fort, so when I pictured that, I pictured that in the easement. Because one, you have your turn into your property off the mini bypass, plus also a bike lane on that bypass for them to go through Paia Bay. So can you clarify that for me?

Mr. Spee: Yeah I'll clarify. The bike path issue came up from the Urban Design Review Board. But they wanted to see something like that. And we've always wanted this path that takes the seniors down to Paia Bay. That whole mini bypass corridor is under license from A&B Properties and is technically part of a 300 acre cane field. Now as we know, cane is in, the whole farming and cane is influx and what will happen in the north shore. So...that pull from the project down the mini bypass is kind of influxed. There's the -- you know, the County is in charge of the road right now under the license, but it's A&B lands, so it's all part of negotiation and where it ends up. And ultimately I hope there's a sidewalk that takes it all the way through and down to the adjacent to the County parking lot down there. And there's a nice greenway from the little electrical substation through the County parking lot, to the crosswalk. But it's something that I can't control until I'm further in the project, and it's really working with A&B and the County to try to make that happen.

Mr. Robinson: I understand that. Thank you. I've got another question I just thought of.

Mr. Tsai: Yeah, go ahead.

Mr. Robinson: Handicap parking stalls, senior living, so do you have just the minimum or are we adding extra considering the clientele that we're going to have in there?

Mr. Spee: I don't know the answer to that. Hunton Conrad, my architect.

Mr. Hunton Conrad: Hi. I'm Hunton Conrad. My office is the designer of the project. There are extra handicap parking stalls in the commercial area, and then there are the required amount of handicap -- excuse me -- handicap stalls in the senior area, but there's designated parking in the senior area. So it's essentially open to all the, all the people that live there. But there are dedicated, especially right in front, we're going to have a little post office box right by the swimming pool there. So, so there's three stalls there that are handicap. So you can pull in, get your mail, and pull out and go back to your own unit.

Mr. Robinson: So Hunton, considering that you have senior citizens living, and you're going to have a...a fair amount of people with handicap placards, what size are your stalls going to be? You know, there's, there's County size and there's actual car size.

Mr. Conrad: Right now ours, our -- ours are drawn at 8 ½ feet wide so they are, they're a little bit narrower. They are the narrower version of it. But what we're trying to do is provide as much parking as possible so it's always, you know, it's always like how do you, how do you manage to get as much parking as possible at the same time provide ample space. But there are many of the units in the senior housing have their own garage, so if you buy or rent a unit, you can also buy or rent a garage, so, and those are wider. And so there's, there's a lot of flexibility within the senior housing area as far as parking goes. And we've provided more parking in the senior area than the one, the one parking stall for every 1 ½ units, I believe is the way the County rules are. So we have provided more parking. So there will be extra spaces within the senior housing area.

Mr. Robinson: Yeah, it's my opinion that the number of stalls for senior housing isn't as important as the size of the stalls; just the availability. You know, I mean, senior citizens are, they like a little bit larger, safer cars, and their doors open up a little wider. And, I mean, you know, that's just the reality of it, and having that 8 ½ -- you know, compact stalls, like we just found out, we parked in today, outside, you know, it's, it's, you have a senior living residence. I mean, this is the plan of, I mean, again, you're following the County rules and I understand. It's just I think it's great what you've guys have done, but now you guys are retaining water on your property, we have an easement. I think that's a condition for, you know, for a quality of living for these senior citizens of, you know, stressing out, trying to get into a parking stall, and reversing three or four times to get exactly in there. That's just my opinion.

Mr. Conrad: Okay, and what we can do is we can look at eliminating some of the parking stalls and then providing, you know, like certain parking spaces you see where there's like

an 18-inch space that's been stripped out that your wheels fit within the slot, and then there's an 18-inch extra space between all of the, all of the stalls. We can look at eliminating a few of our stalls and adding that to the parking lot. That is something we can certainly deal with. And if you, you know, if the commission wants us to do that, we will definitely do that. And we do have the extra spaces. Where the retention pond in is not an option because it's way, it's 30-feet below the parking of the senior housing so it wouldn't be an option for, to provide more parking.

Mr. Tsai: Commissioner Higashi?

Mr. Higashi: Along the line of parking.

Mr. Conrad: Yes?

Mr. Higashi: Have you ever thought about multi-level parking? Is that something possible? Because I agree Paia is a very popular place, and you can't find parking, it's hard to find parking.

Mr. Conrad: I'm going to let David speak to that, but I'm -- we never did look at that as one of the options, but I'll let David speak to that.

Mr. Spee: It's my recollection that they do not want that in the country town, small towns of Maui. And I believe I addressed this in the past, and I'm only, I'm only guessing here, but the obtrusiveness of a parking garage would, with, I think, the community, would really object to that. There is substantial parking. The other element of a parking garage is I think we're aware of what they want to do here in Wailuku. But when you start going underground and, and the supports, you start -- I mean, we're talking about millions and millions of dollars. I forget what the quote is here for the garage. And so now you're turning in just to support that type of structure, you know, \$10 an hour parking and \$5 an hour parking which I don't --. There's two elements. One's the cost and the second is that for a small town bringing in that garage really changes the dynamics of the town and the look of the project.

Mr. Tsai: Commissioner Higashi?

Mr. Higashi: Further on that, when you're talking about seniors, most of the senior housing around this area they have assigned parking. And the reason for it is seniors tend to forget where they're going to go and so forth, so if you mark a sign that says yours is number one.

Mr. Spee: Yes, I anticipate everyone will have assigned parking. And what we've really tried to do is have two stalls for every unit. So, you know, if you have one car, you've kind of taken care of that.

Mr. Higashi: . . . (inaudible) . . .

Mr. Spee: Yeah. If you have two stalls for your two assigned, if you have one car, you're going to have plenty of room. And if you have two cars, well, it's a little tighter. But, we've provided, we've tried to provide, you know, additional stalls on the commercial, substantial additional on the commercial, and more than code requirements on the seniors, so there is that flexibility.

Mr. Higashi: So you do have assigned parking for the senior citizens?

Mr. Spee: You bet. I will. Absolutely, there will be assigned parking for the senior apartments.

Mr. Higashi: Okay.

Mr. Spee: And it will be even in your deed these are your parking stalls. This is how you get your unit.

Mr. Tsai: I have a last question here. I asked this question when you guys came before us. Financing is all in place? You're –

Mr. Spee: Well phase one is we've already -- we're ready to do phase one, and it is our hope that within the phase one will support two and three. And, and I've got two banks that are kind of chomping a bit of the financing, so I'm not worried about the financing side of it.

Mr. Tsai: Phase one, can you --?

Mr. Spee: Well, hopefully the way we will set up the project, and it's in the EA about the phases, is, is to build the infrastructure first, the parking lot, and do three of the buildings, probably these three buildings, to start the project off. It's a big project. Phase two would be the senior housing, and then finish it up, going back to the commercial with phase three. And it would pretty much a continuous wave, but we have to pick how we, how we stage the project. It's not do it all at once. But the infrastructure and the grading, that's the beginning and that would be done for the entire project, up front.

The other deal is that, you know, it is substantial square footage, and there is a -- you know, you don't want a big vacancies. You want to fill up phase one. You want to know that there is that demand. And then you have the senior housing, and then you have phase two. And you know, you try to do it in stages that look appropriate and kind of go from there. But my office is right here. I work right here, so I will be intimately involved with the whole process. And my, my brother is, is in construction and, and we've worked together. He helped build my building years ago. So we've talked to all the different players on how to put the project together.

Mr. Tsai: Thank you. Commissioner Hedani?

Mr. Hedani: David, I really like the project, and I think that it fills some from reach in the community, you know, that's not met right now and I think it's well designed. And I wish you success.

Mr. Spee: Thank you.

Mr. Tsai: Commissioner Robinson?

Mr. Robinson: My sentiments exactly Mr. Hedani. I have one last question. The designs that we saw on this presentation, has that already been approved by the Urban Design or is that --?

Mr. Spee: Yes. There comments really came down to landscaping more than anything. Yeah, they were happy that we had met the country town guidelines. Part of the reason that I chose Hunton as the, as the architect is that he grew up on Maui, he loves the small towns. When we started this he went all over the island and took pictures of just about every small town building -- Lahaina, Makawao, Wailuku -- and, and played with all those different architectural styles to, to create what, what this is. So there is a little bit of the whole island within the commercial side of the project.

Mr. Tsai: Deputy Director.

Ms. McLean: Thank you Chair. Just to remind Commissioners of the process. If you do issue the FONSI today, then you would see this project again two more times. Once to make a recommendation to the County Council on the Community Plan Amendment, District Boundary Amendment, and Change in Zoning. If that gets approved, if those get approved by the Council, then you would see the SMA Major Permit after that. So you will see it two more times, and I imagine that the design will be further refined with each of those steps.

Mr. Spee: Yes. Yeah.

Mr. Tsai: Commissioner Hedani.

Mr. Hedani: I'd also like to compliment David on the comprehensiveness of the Environmental Assessment. It's EIS class, if you ask me.

Mr. Tsai: Yeah, good job.

Mr. Spee: Those three years of law school paid off.

Mr. Robinson: I'd like to make a motion to accept the recommendation.

Mr. Tsai: I think we have to hear the recommendation first, don't you think?

Mr. Robinson: We didn't hear from Kurt?

Mr. Tsai: Yeah.

Mr. Robinson: Sorry.

Ms. McLean: He can read his mind.

Mr. Tsai: You can read his mind but --

Mr. Wollenhaupt: Well, especially now that I qualify for senior housing at 55, what can I say about this project. So the...the recommendation of the Department after reviewing the Final Environmental Assessment and concluding that the Environmental document will meet the criteria for the acceptance of an EA to be used in the further debates on the CIZ, CPA, DBA and SMA, recommends that the Planning Commission accepts the EA and issues a Findings of No Significant Impacts, and that this will not, of course, preclude the Commission from reviewing this project at a future date.

Mr. Robinson: I move to accept the recommendation.

Mr. Medeiros: Second.

Mr. Tsai: Moved by Commissioner Robinson, second by Commissioner Medeiros. Discussion regarding the motion? Seeing none. Commissioner Medeiros.

Mr. Medeiros: Start now.

Mr. Tsai: Okay, call for a vote. All in favor of the motion signify raising your hand.

Ms. McLean: Five ayes.

Mr. Tsai: Seeing no opposition; passed. Congratulations.

**It was moved by Mr. Robinson, seconded by Mr. Medeiros, then**

**VOTED: To Accept the Final Environmental Assessment and a Findings of No Significant Impact (FONSI) as Recommended by the Department.**

**(Assenting - K. Robinson, J. Medeiros, W. Hedani,  
S. Castro, R. Higashi)  
(Excused - L. Carnicelli, S. Duvauchelle, L. Hudson)**

Mr. Wollenhaupt: We might need a minute or two for the other.

Mr. Tsai: We're going to take a 10 minute recess till 10:10 a.m. Thank you.

*(The Maui Planning Commission recessed at 10:04 a.m., and reconvened at 10:13 a.m.)*

2. **WAIKAPU PROPERTIES, LLC; WILLIAM S. FILIOS Trustee of the WILLIAM S. FILIOS SEPARATE PROPERTY TRUST dated April 3, 2000; and WAIALE 905 PARTNERS, LLC requesting comment on the draft Environmental Impact Statement (EIS) for a State Land Use District Boundary Amendment and anticipated applications for a Community Plan Amendment (CPA), Change in Zoning (CIZ), and Project District approvals for the proposed Waikapu Country Town Project located at TMK: 3-6-002:003 (por.), 3-6-004:006 (por.), and 3-6-005 (por.), Waikapu, Island of Maui. (A15-798) (K. Wollenhaupt)**

**The accepting authority for the Final Environmental Impact Statement is the State Land Use Commission.**

Mr. Tsai: Back to order. Next agenda item?

Ms. McLean: Thank you Chair. This is a request . . . *(Ms. McLean read the above project description into the record.)* . . . And 3-6-005...portion, we need another parcel number on that agenda for clarification, in Waikapu. Today, the action in front of you is to provide comments on the Draft Environmental Impact Statement. And once again, Kurt Wollenhaupt is the project planner.

Mr. Wollenhaupt: Good morning again Commissioners. We're moving into a little bit different world now. Now we're moving into a project that exceeds 15 acres in scope. And there, because there was a trigger with a Community Plan Amendment, and because there is a size of larger than 15 acres, the State Land Use Commission is now becoming the accepting authority for an Environmental Impact Statement. The differences from the previous application to this one are that the applicant, in working with the State Land Use Commission, and that meeting being on April 29<sup>th</sup>, 2015, the applicant requested moving directly to an EIS because of the scope, because of the no impacts to the environment, and therefore this process is a little different.

The applicant today will be presenting an overview of the Waikapu Town Project. Importantly, this project, something very similar, is in the Maui Island Plan, of which I'm sure that they will be discussing today within the directive growth boundary for a project of this size. And the project has been sent out to numerous agencies. And in fact the attachments to the letter that I sent are an overview of the Waikapu Country Town which is in the bind volume. And this brings up an issue. This is the actual Environmental Impact Statement right here. Now normally we would have printed this out to all of the Commissioners.

Mr. Tsai: Okay.

Mr. Wollenhaupt: Not that money matters, but these are almost \$500 to print out and so there is a discussion in the future as to what a version likely presented today, along with a complete version on compact discs suffice in the future. However, I think, that the Commissioners all have a good overview in the Waikapu Country Town over set view.

In addition, I put the decision and order of the Land Use Commission that indicates that they are going to be the accepting authority. So what does this mean for this Commission? Out of courtesy for this Commission, we're asking today for your comments that we will drafted in a letter and given to the applicant for response. Again, as Michele has indicated this is -- this is the beginning of a very long process. And in fact, the applicant has already spent years working with the community to even get to this point. The EIS process will take months moving forward with the Land Use Commission. After that assuming that the EIS will be accepted, this body will then look at the District Boundary, or at the Community Plan Amendment, the Change in Zoning, and most likely Project District Approval. And that will move on to the County Council.

So today really what the role of the Commission is to listen to the presentation by Mr. Atherton and Mr. Summers and their team, and then to make comments, to the applicant, on questions that you have that you'd like to see addressed in the Environmental Impact Statement. So I guess we'll go to the overview of the power point presentation now.

Mr. Mike Atherton: Good morning Chairman, Commissioners, staff, thank you very much. My name is Mike Atherton. I'm the managing partner of Waikapu Properties, Wai'ale 905, and we are the project applicant. And we bought this ranch from Brewer about 10 year ago.

Okay this is a copy of the consultant team, and I have some consultants today with me, my top consultants, Mike Summers, Bill Mitchell, and Stacy Otomo. And these are all the other consultants and subconsultants. There's 16 all together. Okay, the agenda today will be a purpose for the project, project description, and I'll address questions.

Okay Waikapu Country Town. Why? Okay, Maui needs more housing...about 25,500 units by year 2030, according to the Maui Island Plan. Residents want a livable and sustainable

community. Residents value agricultural lands and open space. Residents desire to protect Maui's beauty, sense of place, and aloha spirit. Whoops. This is our logo. We raise longhorn steers. I have for 40 years. That's why it's still on there; I'm kind of proud of this logo.

Location? Where are we? We're right in central Maui. We're approximately three miles from here, and we are surrounding the Maui Tropical Plantation. We are a good spot for workforce housing because it's a...you don't have to drive through a large community to get there. It's close to Wailuku and Kahului employment centers, and South and West Maui employment centers.

Project site; this is where the former Maui Tropical Plantation site is. Here's an aerial view of it. Maui Tropical Plantation, MTP, I call it, has been there 33 years, and over 5 million people have ridden on the tram, and learned how to husk a coconut. So, the tropical plantation is an icon in the ag-rural tourism history of Hawaii. It was a dream child of a fellow named Doc Byers. Here's the view from the mountain side looking across the street, and that's a former cane field there where Waikapu town will be located.

Okay, these are the neighboring land uses. You can see we're number five, the blue, country town designation. Number six is across the street, the makai side. One and two is the Maui County's regional park. We were able to get together with Mayor and start the regional park idea, and he's been able to accumulate over 300 acres there for Maui. And then you have the Wai'ale Project to the north, and then you have the Puanani Project up on the very top there, I think, number nine. And those were the three projects that were approved in the Maui Island Plan for growth in Central Maui.

The Maui Island Plan. This is the Maui Island Plan in our neighborhood. Puanani is the blue on top. We're the yellow, small country town, the two rural parts. And then the lower on the left, the light blue, is golf course lots that have been there for quite a long time. Central Maui. Honoapiilani Highway right through the center.

Okay, our project guidelines, we would like to develop a self sufficient small town, 1,433 units plus ohana; commercial and employment use; school, parks and open space; 800 acre agricultural preserve with about 1,077 acres to remain in agriculture. And what I've done is I've agreed with the community to dedicate 800 acres to open space in perpetuity in exchange for community involvement.

Here's the plan. The project is about 1,600 acres altogether. This area...okay, this area here is the ag preserve. This area here is the County regional park. This is the extension of Wai'ale Road, right here, which the project has been ongoing for quite a long time. It's a Federal/County/State project, and we're hoping it will get built in the next four years. This is Honoapiilani Highway. This is the mauka side. These are the rural lots. This is the makai side, and this is primarily workforce housing. This is ag open space here, golf course,

former quarry.

I agreed with the community and agreed with Maui County that if I dedicate this, this will all . . . (inaudible) . . . in this part of Maui. Urban sprawl will stop on Wai'ale Road. The County's park here, dedicated in perpetuity to open space, open space.

Sustainability. I've been pretty good about trying to put together a project that's sustainable. I was one of the very first fellows that did the car charges. We have four of them out there. I love them. They have blue lights on top. Everybody thinks the police cars are parking there at night. We do all of our own water. We propose to do a waste water treatment plant that will recycle the water into R1 and we will use it in our ag park. So we are very sustainable in the sense that we use solar for all of the water pumping, and plan to incorporate solar into the roof tops of all the homes in the project. We're very much in to hydro-electric in the water system, and maybe possibly a windmill or two...depends on where they are.

Okay, this is the sustainability plan. It's a complete community -- housing, employment, schools, parks, and neighborhood settings. Proximity close to regional, serving employment and facilities. Walking and biking. We have over eight miles of bike trails and walking paths, so we'll be able to have a park with a parking lot. You can come and take an eight mile walk. Okay, we'll have water. We have a dual water system planned for the project. A dual water system is where you have one meter for your ag water and your lawn and your landscaping, and you have another meter that's only used for potable water, which greatly reduces your need for potable water and allows you to have a lot more open space because now you have the water to irrigate. So it's a good plan. I learned a while back in areas that are susceptible to drought.

Okay we do renewable energy -- solar, wind, hydro potential energy crops. Energy efficiency, we do into the building design. We build green, we use green materials. We have agricultural lands, 1,077 acres to remain in ag, 800 to be dedicated in perpetuity, and the housing is targeted to the local market demand.

The Master Plan, the mauka village. The mauka side is primarily the old Maui Tropical Plantation right here. This is the store and the restaurant. They'll be the only two buildings that remain. We're currently been fixing them up over the last five years. If you haven't been out there in a while, you ought to come take a look, it's a little better than it was.

This is the rural lots, one acre rural lots here, and one acre rural lots here, and then these are two acre rural lots here. And we stop right here with the construction so the people in Waikapu don't see the growth. My original plan had lots on top, and they asked me to bring them back down and I did. So, these are all single-family lots here, primarily, small lots. The project is 6,000 square feet. One thing nice about Waikapu town is we bought a big ranch, and with a big ranch we have a lot of opportunities to do really bigger lots. And I like

60 by 100 foot lots because that way you've got 60 feet across the front of your house, you can park cars out on the street, parking doesn't become a problem. Also, we have ample parking in all of the commercial areas, parking lots, and I have no intentions of charging for parking. So that's one thing about MTP, you get to park free...as long as I'm here.

This will be the center, the beginning of the community of the town. This is the senior project here. The senior condos, two and three story buildings with live/work. It will be lofts. There will be commercial down on the first floor, primarily commercial to serve the residents of the town, and maybe a few other types of, like, gallery maybe or a wood worker and a glass blower and . . . (inaudible) . . . We build a this unique little community and the visitors will come and check it out. Here's live/work condos here, live/work condos here, commercial, commercial here, and here.

Okay, this is a rendering of what the town will look like at build out. Build out could take 10 to 20 years.

Here's the senior part of the project. I've done a senior project before. It's deed restricted to 55, very similar to what you heard earlier today.

Okay this is looking from the restaurant, out across the lagoon, with the senior housing across, and we've left quite a bit of open space, in here and in here. And if you noticed in the project, there's a large amount of open space. That's one of the reasons for the dual water system. It's hard to have a lot of landscaping when you're using potable water to irrigate it, so I've designed an ag water system in my water system.

This is a view from over at the senior housing, looking out across the lawn, across the lagoon, and down into the restaurant, which is down here.

With a little bit of history out there, we were able to save the old Wailuku Sugar Mill. Avery Chumbley saved it and I dug it out of the weeds and we've resurrected it as part of our landscape. And again, the scenery looks pretty good. We've got the old . . . (inaudible) . . . train steam engine there from the sugar museum is on display, and we'd like to carry on that kind of a historical idea.

This is street scene up above. This is at night, looking across the lagoon, at the restaurant and the commercial area. This is the store, and I'm going to remodel the store and put some smaller...smaller type, maybe like the farmer's market type of vegetables and things in the front. But the store will remain and will be headquarters for the project for the first period of time. I used to live there; don't tell anybody.

Makai village, on the other side of the highway. This is makai. It's primarily work force housing project. These are all single-family lots; 6,000 square feet. We've got a large landscaped area where the bike trail will be down along Honoapiilani Highway. So when

you come down Honoapiilani Highway, you'll see a 26 acre park right in the center of Waikapu. We've got a 12 acre school; elementary school. We're trying to do Hawaiian emersion program. I've got a 201H affordable housing project right here. As soon as I get some infrastructure I'll get started on that. I've got condos...here, and then I've got what I call Main Street which is going to be Sugar Cane Lane, round about -- I like round about -- and then this will all be live work here, and here. And then this is condos and some commercial here. These are condos and this is single-family lots. We have a lot of open space, walkable trails here, a little mini park here, a walkable trails. Boy, I'm getting chompy here. Okay, Wai'ale Road. This is a big, this is a big improvement for central Maui right here.

Okay this is street scene on Main Street. We can't call it Main Street because there's already a Main Street, so let's say Sugar Cane Lane. You have live work down below, and condominiums up, upstairs. Work through the architecture, the building is looking individuals, similar to what you see on Front Street, Paia town, and these still will all be brand new housing inside. Condominiums two and three stories.

This is the walking bike, walking trails that go down the green belts in between the houses. This is affordable housing, work force housing, primarily have front porches where people can sit outside and talk with people walking by. Pretty much the whole makai side has these walking trails here, here, and here, and here, and here, and here.

This is another idea of the open space that will run along the roadways with a meandering bike trail and condominium living. It will be very similar to what the senior housing looks like also.

Here's another street scene with a little open space on the corner. Typical elevations across the street. It's a very walkable, a very bikeable community. It's nice that the County intends to do the regional park across Wai'ale Road. And in the regional park, they have proposed a new County headquarters baseyard. And it will be police and fire headquarters. A motor pool is plan to go there. All departments will put their storage there. It could create up to 300 county jobs. Now these are jobs that are already here in the County, but when they move headquarters, the Mayor's goal was to try own buildings and not pay rent, and he came up with a great idea on the regional park. I feel very fortunate that I was able to be a part of that process, and we're still talking about it all the time.

This is agricultural master plan. And it's very important because I'm an old farmer and I have two farmers that are very good here in Hawaii. They've been farming in Hawaii for over 30 years; Kumu Farms and Bob Paea. This is all open space, and we have here pasture. There's no irrigation up in this land. We put the water back in the stream for the Na Wai Eha and we just graze cattle. I graze long horns on this side, and I have the Angus on this side. These are rural lots. These are the solar panels for the wells. There's a well here, there's a well here, and a million gallon tank, and a well here. These are the rural

lots...over here, Kumu farms, Kumu farms, Kumu farms, and then I'm resurrecting a coconut stand down on the corner that was there then went away and came back and --. So we're going through the process. We'll probably be through the planning commission here in the near future with a huge plan.

Across the street I have Bob Paea. He grows taro, sweet potatoes. He works for the Lahaina Luau. They serve over 2,000 cultural meals a day. So we have a market for our farmers and it helps them be successful, and there's...Bob and Kumu will be in here. And I have two areas, six here, where I do a community garden and I would encourage people in the community to come and be a part of the community garden. I did it a couple of times. They worked out pretty good. And then we have a farmer's market here. I, I -- currently Kumu has a fruit stand with a lot of local grown vegetables. They're all organic too, so it's a pretty good program.

So the ag program is pretty well. I've been working with Water Commission on the ditch water. We lost HC&S. We had 1,600 acres of cane on this ranch, and I was fortunate to have Kumu and Bobby take over for them, so I'm trying to make lemonade out of lemons on the farming there and get the land back into ag as fast as I can. I also have two agricultural wells. We left water and put it in the ditch so...and we will recycle all of our waste water into R1 and use it for agriculture and landscape maintenance.

That's the project. Aloha. This is the DEIS. In the booklets you'll see the sufficient information that determines the impacts, the development impacts. This is all the environmental. This is all of the environmental. This is the milestones of the project. This is where we are. And to get done it will probably takes us another three years...maybe four. I also wanted to let you know there is a website, waikapu dot com. It's very easy to read the EIS on the website because it has a table of contents and you can flash over to it, and you don't have to get the big book. We do have the discs and we do have the book available. Plus I have the brochure, it tells a pretty good story and then we did the condensed version of the EIS. I believe the future will all be web, internet for big, large documents like this. It's a lot easier to -- have a look at it, it's a pretty good website. I'm proud of it. This is all in your packet. Any information you need on these types of things, environmental, physical environment, etcetera, human environment.

Any questions? I'm sure you have plenty.

Mr. Tsai: Thank you. Appreciate that. So, at this point I'm going to open the floor up for public testimony. Anyone wish to testify on this agenda item please come forward. Seeing none, public testimony is now closed. We have now questions from the Commission. Commissioner Hedani.

Mr. Hedani: Mike, how does the community of Waikapu receive the community? How does the existing residents of Waikapu town, how have they received the project?

Mr. Atherton: Well, I've been working with the Waikapu community for nine years. A year after I bought the ranch I moved here and I actually lived on site. I still do. So I communicate quite well. It was the community's idea for the ag preserve. It was the community's idea for 6,000 square foot lots. A lot of the design of this project was done in conjunction with the Waikapu community. And the president is here today to offer support to let you know that that's how it is out there. We, we -- the very first thing I did was went to the community and all the neighbors and I said, what do you think? And they said, woah, so we -- we got together. No, and there's a lot of trades off here. There's a lot of trade offs. There's a big agricultural promotion program where we can actually make it work. I mean, it's not just talk. I've got two successful farmers and I've got a lot of history on that. So I like to buy a large place that has a lot of lands so we can go back to the community with why would I want to do this because this, this and this. There's a lot of reasons that we've been able to give back. And the community recognize that. And I'm also on the other side of the stream. We've been talking through this up above the existing Waiko Road. We really don't impact any of the community that's there today. We're all on the other side which is helpful. Also, there's a large central park, a 26 acre park, right there behind on Waikapu, on 30. There will be some nice views there. And then there's a buffer so the community was very supportive of the, of the landscaping, and the buffers, and the open space. So, it was positive...at least so far. I've been out there for a long now, so, most people know about it.

Mr. Tsai: Thank you Mike. Commissioner Robinson.

Mr. Robinson: I have a question. Are we able to request on re-opening public testimony so we can encourage the Wailuku Community president to maybe say a few words, or, cause we can't call him from the audience can we?

Ms. McLean: You can call him from the audience.

Mr. Robinson: We can, ask a question of him?

Ms. McLean: Yeah. He didn't want to offer testimony during public testimony. But if there's a resource person who is willing to come up and answer a question you can ask him.

Mr. Tsai: Commissioner Hedani.

Mr. Hedani: How is the water being allocated for the project?

Mr. Atherton: Well, the requirement of the project at build out is about 700,000 acres if we used a single water system. I can reduce that in half if I do the dual water system. And what I did was when we bought Waikapu Ranch, we bought the ground water rights from Brewer. We're the only ones who did, and I drew up five large wells. Waikapu aquifer has

never been drilled in so there was a designated yield of over three million gallons a day. So I was able to build a water system over the last five years that has three domestic wells and two agricultural wells. So, it's a, it's a complete system. We will provide all our own water for the project through a private water system, and I continue to work with the Department of Water Supply and A&B on a regional system that would be beneficial to everybody. But right now we're still part of the water system until we can get consensus from all of the neighbors. And that's my supply. And then I, I really have a lot more water than I really need, so there will be some excess water there. So it would be beneficial for the County to be able to get a higher and better use out of some of that.

Mr. Hedani: Okay. The reason I asked the question was there was a resident basically, up at the old Wailuku town, Waikapu town, that had kuleana water rights coming off the stream and the rights were cut off. I mean, capped. The cut off his water. So he was a farmer basically, and he's passed away since then, but it was a sad story from my perspective. But your project itself is sustaining on water and does not take water from the stream or affect kuleana water rights, right?

Mr. Atherton: No, we use no --. The only ditch water we use comes out of the Waihee ditch which comes from over in Waihee and Iao. All the Waikapu waters, stream water, well, are very little. It went back in the stream and the settlement with the Na Wai Eha. We are almost entirely well water.

Mr. Hedani: Okay.

Mr. Tsai: Commissioner Robinson?

Mr. Robinson: We stay with water. So I understand you got the agreement with Na Wai Eha. So you drilled wells on top of your property. So do you have those wells in, in...forever, or is it 10 years the permit? How's, how is that well?

Mr. Atherton: No, no. They're there as long as you follow the conditions of the permit; they're there forever.

Mr. Robinson: There forever?

Mr. Atherton: Right. And I drilled them in conjunction with the Water Commission and Maui County.

Mr. Robinson: It wasn't with the State?

Mr. Atherton: In the State, it's the Water Commission.

Mr. Robinson: Yeah. The water?

Mr. Atherton: Yes.

Mr. Robinson: Okay. Thank you.

Mr. Atherton: So they're large domestic wells. Each one pumps about a million gallons a day. 250 horsepower pumps, all submersible, all underground, all solar power. Solar system isn't finished, but I have generators now. But my intent is to go solar.

Mr. Robinson: And are you going to have a, a back up to that system, or, or is your, your, your triplicate wells considered your back up system?

Mr. Atherton: We have a back up because we have a million gallon tank for storage.

Mr. Robinson: Okay.

Mr. Atherton: Probably, maybe 500,000 gallons a day at build out would be your total water usage for whole town. And then I'm going to recycle the water in the water treatment plant, waste water treatment plant, and use it for ag and landscape uses.

Mr. Robinson: Thank you Mike.

Mr. Tsai: Commissioner Higashi?

Mr. Higashi: I want to commend you for a comprehensive community plan. I think it's pretty well planned. I was first concerned because the land that you're using now it seemed to be zoned A, agriculture, which is suppose to be the best land for agriculture. But you've preserved quite a few of it, quite a bit it for agricultural use, et cetera. But I have a question about your, your community plan. I noticed that you have, for that size of a community, you have an elementary school, 12 acres, which is great for the park. What do you think the population would generate for student population for intermediate and high school as well? Because now they're going to feed into Iao and Baldwin High.

Mr. Atherton: You know that one Mike? Well, I haven't read that chapter yet. It's in the book. We have to look it up.

Mr. Higashi: You've already got it projected in there?

Mr. Mike Summers: In the EIS.

Mr. Higashi: Okay.

Mr. Atherton: This, this project was...was born in the brain of Chris Hart. Chris Hart and I

were friends and -- God bless him -- he, he told me that Maui was an island of small country towns. And Waikapu used to be a country town. It was a camp town, but it was pretty significant. And he told me I had an opportunity to be able to bring that back. Bring back a town that they can be proud of, and something that would give them identity and I liked that. I thought that was an opportunity of a life time to be able to do this. So that's why we've been able to communicate. I communicate quite well with the community, and with Maui Tomorrow, and with the County, with the State. I mean, you have to. If you don't, this becomes difficult and then it doesn't work. So, there was a reason. The 12 acre school came, they all wanted 10, I gave them an extra two, so they could put in a Hawaiian emersion if they ever could figure out how to do it. I thought that was great idea. You live in Waikapu town, you have a chance you could go this way, you have a chance to go that way. We'll get you the answer on the students.

Mr. Tsai: If you please come forward, speak into the mic.

Mr. Summers: Hi, I'm Mike Summers, Planning Consultants Hawaii, and the project would generate approximately 131 middle school students, and 177 high school students, and then 291 elementary school students.

Mr. Tsai: Commissioner Hedani?

Mr. Hedani: Hi. One of the things I saw was the two large solar fields that you have planned. From my perspective, solar fields are beneficial from the standpoint of generating power. They're an eye sore generally when you look at them. And the location that it's spec out on on the plan itself is kind of elevated on a hill so it's something that you're going to see. From my perspective if you have a large solar field you have a lot of property to plan around with, a solar field would be the best where you can't see it.

Mr. Atherton: Well up from the hill it's kind of everything you can see. What we did like with the water tank side is we cut a path in flat, so the, the project will lie into the hills and then we landscaped the front of it, so see the sun can come down from above, and then it will be buffered. And then we divide them up, we'll put five acres here and five acres here, and then that will be the power for the wells. And then I want to incorporate solar panels on all of the roof tops of the homes. I'm currently contractor and I, I do a pretty good solar program in my homes. I have a website, Atherton Homes. You can look it up. We build affordable housing; we have for 45 years.

Mr. Hedani: I'm glad you're doing that because from, from what I saw I thought it would be solar fields going right up the grade up there.

Mr. Atherton: No. You won't be able to see them. We're very, we're very conscience of not, not --. See people like growth, but they don't want to see it. That's why we put buffers in. That's why you have berms and landscaping and fences. Fences make good neighbors.

Mr. Hedani: The other comment that I had was that...the slope that goes up to the top of Waikapu Valley has some very scenic views, you know, of the central valley and Haleakala. It would be nice to, to tuck a pocket park up there as a destination for the community of Waikapu. Most of them are, like me, they're too old to walk that far up hill, but I guess the younger kids would be able to make it to the top.

Mr. Atherton: We'll make it so you can drive to it. We'll take that -- take that question down.

Mr. Tsai: Commissioner Robinson.

Mr. Robinson: I think we have plenty. I guess this is a question we always ask is...where, where's all the money going to come for this project?

Mr. Atherton: Money?

Mr. Robinson: Yeah.

Mr. Atherton: Okay, here's how we do it because they ask this question a lot. We own the land. We, we've exchanged into it. We don't borrow. We buy land on long term. And we build all our equity ourselves. I do everything myself, and we put in all the infrastructure ourselves, we do all of the construction ourselves, and what I do is I go down and borrow from First Hawaiian Bank. And we use the equity in the project and the equity that we personally have we're able to do construction loan, acquisition development loan, and then a construction loan for the houses, and then the condominiums. That's how we finance. There's four of us. I have three partners. We've all been in this business all our lives. We're still here. It hasn't been easy the last 10 years.

Mr. Robinson: So it's a, it's a one stop shop, you do it all?

Mr. Atherton: Well, that's the plan, if I live long enough.

Mr. Robinson: Thank you.

Mr. Atherton: It's important. It takes a long time...I've learned. To do my job, you gotta take time. You do.

Mr. Tsai: Commissioner Hedani.

Mr. Atherton: We'll be back here, I think, three or four more times. So we'll have plenty of time to really get into it.

Mr. Hedani: You know the -- I like the concepts of smaller lots that you have, and that the idea of producing workforce housing and housing for next generation. I have a son that is working in Virginia right now and he's visiting with us for a month, and he's thinking about trying to come home. He's been in the military for 15 years, he's trying to come home. And the sad part about...what exists right now is that housing, on Maui, is like \$700,000...\$500,000 to \$700,000, and there's nothing affordable that the next generation can buy into and call home, call Maui home again. So I'm hoping that projects like this can fulfill part of that dream.

Mr. Atherton: It's my plan too primarily build workforce housing on the makai side of the project here -- condos, single-family lots, condominiums here. We bought the land pretty good. We do all the construction ourselves, pass the savings back. So that's how you can build affordable. If you pay too much for the land, and you sub out all the work, that gets a bit expensive. So I pledge to you that I will be able to come back and do a great job I can and build affordable housing. I have 201H part of the project. They're condominiums, 299 units. Half of them will be for sales, half of them will be for rent, and we own them, and rent them, and maintain them, and have property manage them.

Mr. Robinson: I wonder if I can ask Kurt a question?

Mr. Wollenhaupt: Well, you certainly can ask.

Mr. Robinson: Kurt, I want if you could quickly educate me on the...on the bigger scope of what's left of this, the agricultural preserve. I know that somebody, somebody just recently tried to apply for something to build it on that side, closer to Maalaea and I think the commission was not, not for it, and...as part of the general plan and what we have for that area.

Mr. Wollenhaupt: I think Michele might address it, the Spencer project.

Ms. McLean: If you're talking about the Spencer Project --

Mr. Robinson: Yeah, I don't know who.

Ms. McLean: -- which is closer to Maalaea?

Mr. Robinson: Yeah.

Ms. McLean: That project is designated project district in the community plan, and they applied for a...land use entitlements and processing an EA. And in that process there were significant opposition from the Maalaea Community Association. It was the State Land Use Commission, I believe, that issued the Findings of No Significant Impact, just like you folks did today for the earlier project. The State issued the FONSI in that case, and then there

was a legal challenge to that FONSI by the Maalaea Community Association. And soon after that challenge was filed, the applicant withdrew the project. I can also say that the administration didn't support that particular project that they had laid out at that time. That particular location, that close to Maalaea, in the administration's position was not well suited for the kind of residential development that was being proposed.

Mr. Robinson: The reason that I wanted to get some information on that because I think it's great that you're putting on that reserve, but I think we need more homes. That's just my personal opinion. And, you know, and with the infrastructure and where we're going, you know, that's -- I mean, I don't want all that to be homes, don't get me wrong, but, you know, it's one shop, you guys are, you guys seems like you guys really know what you're doing. I have a question about the size of the lots, and especially about the 6,000 square feet. Now I've had homes of 6,000 and 8,000 and with having, I think it was 600 school children. Was that the number that we were just told of 600 school children on this project, total, Mike? What's the total amount of school children that's going to be in this project?

Mr. Summers: It's going to be about 600.

Mr. Robinson: Yeah, yeah. So Mr. Atherton...is, is -- and what I'm getting to is...in your opinion with 600 school children, I don't see any community pool, I don't know if the lots are big enough to build pools with 6,000 square feet compared to 8,000 square foot lots. Can you educate me on that?

Mr. Atherton: 6,000 is pretty good. You can put a pool in the back yard, and I hold the houses back 20 feet so the back yard is pretty substantial. Also the 60 foot across the front gives you room to park your car. You get those small lots, the parking gets pretty tough on the weekends.

Mr. Robinson: So your testimony is because you're doing the 60 foot front --

Mr. Atherton: Yeah, that's why the minimum lot --

Mr. Robinson: -- allows homes to be wider instead of narrower and longer, and it gives a bigger back yard?

Mr. Atherton: Correct.

Mr. Robinson: Okay.

Mr. Atherton: Also the pool, now the pool idea --. Here's the park, and it's a 26 acre park and it's right next to the existing Waikapu Community Center. Now I talked to the Mayor, I said, Mayor, we've been, we've been in business in Waikapu for 157 years and we, our community center is marginal. I mean, look at Kihei, look at Pukalani. I want to have one

like Pukalani. I want to have an aquatics center. He steps back a few feet, he says, boy those pools are expensive. But I would anticipate connecting the two, the current Waikapu Community Association area which is about probably two to three acres. We have a river park right here. Now we have water in the stream every day. You wouldn't believe how much water's going down this stream. And that's what Kealia Pond is full. The water is flowing out across the beach; it's pretty spectacular. And I want to someday work with the community and the County to build a new community center and aquatics center, and move it a little bit away from this existing neighborhood right here. These people, they came to a meeting when we talked about expanding what we already have, and maybe put it over on this side, or put it here behind Waikapu on 30, or put it down here. And we did 12 acre school because we were going to do a Hawaiian emersion. We're going to some . . . (inaudible) . . . in here, right along the stream and do a little culture project there. So to answer your question on the pools, I would work to have a community pool. Now it's difficult when you don't have the County helping you on the community pool because the pools are, are maintenance situation. They're not easy to take care of.

But, the bike the trail will start and end right here, so you live in the community, you can either get on the bike trail and go all around. The bike trail will come all the way out to here. You can visit the coconut stand. We're going to call it the Wagons of Waikapu. I'm big on wagons. My family started in a wagon business, made wagon wheels. And then the bike trail comes back down on the highway here, goes along here, goes down here, goes down here, down here, down here, but it all ends up right here. So not only people in Waikapu could come ride, but other people in the community in Waikapu Gardens and old Waikapu can come down, park in the park, take a ride, take a walk. And then it connects to the seniors here. Seniors...seniors make great citizens. It's a great way to seed your town with a lot of seniors in there. They never cause trouble...go out to dinner every night. Wonderful. More questions?

Mr. Tsai: Commissioner Hedani.

Mr. Hedani: As a senior citizen I cause a lot of trouble. But when you look at the map and the stream, because the water is flowing in the stream every day now, I think that the stream becomes like an asset in terms of creating a recreational corridor, you know, from the top all the way down to the bottom following along the edge of the stream. Instead of giving the longhorn cattle the view of the stream, I'm thinking that that's like a recreational strip park that everybody can use to walk all the way up and down the side of the river and make it a more valuable community.

Mr. Atherton: No, we have that opportunity here. And like I said with water in the stream now, what happen was the Na Wai Eha did a settlement and the minimum stream flow now is 2.4 million gallons. I think you take the measurement right here. So that puts water back in the stream because you know in the history they diverted 100%. So then when HC&S announced that they weren't going to continue we stopped all watering. So all the 4 million

gallons a day that used to come down the Waihee ditch goes now in the Waikapu stream and down into Kealia Pond which was the original intent with the Na Wai Eha. So there is an opportunity to build a real nice river park there with a couple of pedestrian bridges across. It, it is a great spot. That's why we have this open space here. This also is the dead center of Waikapu because here's old Waikapu and you can see when this aerial was taken, Waikapu Gardens was under construction. And so this is the newer Waikapu right here, this is the older Waikapu right here and this is the new, new Waikapu over here. We think it's okay. Questions?

Mr. Tsai: Mr. Robinson.

Mr. Robinson: Thank you. Can you quickly restate the phase one, phase two, and phase three for me again please?

Mr. Atherton: Okay. Phase one, the water tank's here, so the water main will go right down this road, right down Sugar Cane Lane, and down Sugar Cane Lane, and down to here. That's your water main. And then at the same time we put in the sewer and we are currently working with Stacy and his team on where's the proper location. Some where in this area or we have 11 acres right here that I left out for that particular reason. I'm not quite sure if that's the best spot, but that's to be a waste water treatment plant. And we call it the living machine, and it's the latest and greatest in waste water treatment, and it really looks like a botanical garden. It's really something special. Oh, I lost it. I think I killed it Mike.

Anyhow, on the water main comes down, and then the sewer, the sewer line comes down. What that allows us to do is that allows us to build the units on both sides of that street, taking infrastructure incrementally.

Okay, here's the water tank, and the main line will come down right here, down here, down here, to here. And then there's a, there's a main on Wai'ale Road, and there's an eight inch main in Waiko Road, so we'll be able to do these rural lots right here. We'd be able to do this little group of lots right here. We'd be able to put in the senior's project. We'd be able to do the 128 lots right here. We'd be able to build this part of the MTP, some live work right in there. We'd be able to do these two pieces. We'd be able to do this village. We'll be able to do this condo project and Main Street. This...this is condominiums and a little bit of commercial here. There's a lot of really nice ideas going on in the park. This is the 201H here, so you'll be to do these by tying into a water and sewer right here. So this is phase one right down to here. And then phase two would come off that, and phase three can come off that like this. That's the plan. We take it incrementally and it's due to cost, the...phasing. And you try to do proximity is important.

One thing about growth, growth is concentric. A lot of growth you see is next to old growth because the infrastructure comes out. One of the things here in the State of Hawaii and

Island of Maui is cost of infrastructure is very, very expensive. So that's why being in the business it helps if you can do a lot of value engineering. It's very important. We're not really too inclined, or it's not too steep, in all the upper lots a little bit, but down below, where all the workforce housing is, it's pretty much flat...right in here. With a little grade, the land flows this way. So that's the infrastructure plan. In the EIS and on the website you can see real easy there's a phasing plan. There's a whole chapter to how it works and where the phasing will be. You can see it and it explains it pretty good. There's a method to the madness.

Mr. Tsai: Commissioner Robinson?

Mr. Robinson: So Mike...the most important attractive part about this...of this...of this great country town is, is the workforce housing. So, I think, what you just described to me is that the last part of this project. Am I misunderstanding you?

Mr. Atherton: No, what would be is --. First infrastructure will go in. You'd be able to build anything right in here. Now the first thing we have on the agenda is this 201H.

Mr. Robinson: Is that fast track?

Mr. Atherton: Fast track.

Mr. Robinson: Okay.

Mr. Atherton: 100% affordable. Plus I have to do 25% of the project to County ordinance on the sliding scale anyway so that, that's just for starter. So this would probably be the first thing you would see. Now we're talking with the County and I've got a meeting after tomorrow about this road because we need that for traffic mitigation, we need it for infrastructure, we need it for a lot of things. But if there's some reason that this is going to take an extra year or two on the environmental process, we will put in Sugar Cane Lane and you'll be able to access the park, that way the County can get started here. We can build the 201H. We can build market rate condos there. And we can do workforce housing right here, single-family. We can do workforce housing, condominiums. We like to build the multiples, the condominiums, and we hold them and we manage and we rent. There's a dire need for rental housing in a nice neighborhood in Maui.

Mr. Robinson: So with the fast track is you don't, you don't pay a, fees for that as well. Is that correct, you have waivers? I mean, it's a faster. I mean, we could, you could start that relatively soon without having to be five to eight years down the road, right?

Mr. Atherton: I could. Right, right. We could start soon, in the next six months if we wanted to, but we've got to get a little farther along the infrastructure. I don't want to be able to put a project together and not be able to build it because the site is not ready; water and sewer,

et cetera, but we're getting closer. And when we get to a point where we know really we can go out there and put in some water and sewer, then we'll make an application for the, for the 201H.

Mr. Robinson: 201.

Mr. Atherton: Yeah, 299 units, half rent, half for sale. It will be affordable.

Mr. Robinson: Thank you.

Mr. Tsai: Thank you Mike. It looks like you've done a great job...with work you put in so far, a lot of thought. I'd like to talk to you about traffic. So we can have your traffic engineer come forward and address some concerns?

Mr. Atherton: Mike will be the traffic engineer.

Mr. Tsai: Alright.

Mr. Atherton: There's a whole, there's a whole traffic study. And then on the website you can see it.

Mr. Tsai: Right. I want to address the regional traffic issues and so forth because with 1,400 units, I can see that overtime it can generate a lot of traffic. So how are mitigating this, and how you plan to address this. So we obviously can't expect them all on one road, right?

Mr. Summers: Let me just make a few comments about traffic. Obviously with a project of this scale we're going to have traffic impacts, and the EIS has a very detailed traffic impact analysis report that documents existing levels of service without the project, levels of service with improvements and with the project specific points in time, where the burdens are on the infrastructure and what the mitigation package would be. So that information is in the, in the EIS. The traffic study has been circulated to State DOT and Public Works. We have not yet received comments from either of those organizations which is pretty unusual because the comment period ended a couple of months ago. So we're still trying to work with them to get those comments. There have been some comments by other folks that have commented on this project, not so much about the details of where the impacts are, but the issue of when the infrastructure would be in place and what the impact would be if the infrastructure wasn't in place. So we're currently addressing those comments because we have those comments. But again the TIAR does a very, very thorough analysis. It is being reviewed by the County Department of Public Works and the State Department of Transportation. We expect that we're going to receive a lot of detailed questions on the study. As I've mentioned, we have received some questions. We're working on addressing those questions. We do not have our traffic engineer with us, and

you know, I'm probably not the guy to go through a detailed analysis of traffic impacts. But we will certainly have our traffic engineer with us in the future as we go through the entitlement process and as we go through the State Land Use Commission.

Mr. Tsai: Okay. I understand. Can you provide at least a summary of your mitigation efforts of what you have so far?

Mr. Summers: I...I can. It will take a little bit of time. Let me just grab the, the --. Well, let me just go in here, and I'll read you what we have in the, in the, in the report.

Mr. Tsai: Mike?

Mr. Atherton: While he looks for that, I'd like to say, one thing nice about traffic, and we still need to comment so we can kind of take it to the next level, but we're fortunate that we have in the last 15 years they've been planning to build this extension on Wai'ale Road. And the State and the Federal government have planned to have four lanes all the way from here, all the way down here, all the way into town. And Wai'ale Road follows the old cane haul road there where the jail is down all the way up to the bridge there at...Lower Main. So we're fortunate to have this traffic improvement in the near future. And we have the existing Honoapiilani Highway. Department of Transportation decided many years ago to put this by pass in because of the right-of-way issues on the bridges, and a widening project for the Honoapiilani. So what they did, they said, we're going to make this a State Highway and eventually it will go all the way into town, and that will be big, helpful on our traffic mitigation. It's nice to be able to --. And then you have Dairy Road or Kuihelani Highway here, so you do have some major roadways in the neighborhood versus situations you get stuck with on the west side. You only have only one road in and out. That tends to make the traffic mitigation more difficult.

Mr. Tsai: I've got a question here.

Mr. Atherton: There's only 6,000 pages you have to go through to find that.

Mr. Tsai: No problem. Regarding your build out, you're doing a single-family condos. How are you planning to do that?

Mr. Atherton: Live work. It would be condos on the second, third floor, it goes up and down, and then retail on the first floor, loft. Like you had in the old days on Front Street, people lived upstairs, ran a store downstairs. It's the same concept. It will look the same, except it will be brand new.

Mr. Tsai: Deputy Director?

Ms. McLean: It was more a question of whether you're doing the full build out of the entire

project?

Mr. Atherton: Oh, I'd like to. I said if I was old enough -- if I lived --

Ms. McLean: Right. But that's the intent is. You won't build the homes on the rural lots. Those would be lots only?

Mr. Atherton: No, I would intend to --. I have a construction company, Atherton Homes, and we do all of our own built. It's hard to sell affordable housing if you don't control the whole process. And it really comes from, you're making money when you buy the land. If you pay too much for the land -- for example, if we went down and bought finished lots, they'd be very expensive.

Ms. McLean: Okay. I just want to confirm that the intent was to build out, was to do all of the vertical construction as well.

Mr. Atherton: I'd like to, but, you know, it's a big project, and a large project would take forever sometime if one fellow had to do it all. So there would be a lot open mindedness to sell some lots to some builders. For example, these lots up here, you know, they'll be -- they're two acre lots and then I'll build the paths so the houses are separated so we don't have any problems with the view corridors, so they're allowed to grow trees. So once the trees grow out then you don't see the development. It's a lot softer visually. The landscaping really helps a lot. That's why you got to have the water and you've got to have the land. Did you find it?

Mr. Summers: I did. And, you know, I'm just going to reiterate. I mean this traffic study when we're talking about the mitigation, is six pages long. And I could go through eight intersections and talk about widening roads, you know, all of these different things, but it would take quite some time and I don't think it would be totally fruitful unless we had a power point to show you the intersection locations, where the impacts are, how the level of services changes from, you know, a.m. and p.m., and the impact of the project, and have somebody that can really give you an overview and detail. If you would like, I can read through this but it would take some time. So I give you that opportunity. Or in your comments to us, you can suggest that in our next presentation, we have a presentation of the traffic impacts.

Mr. Tsai: Yeah, we were just hoping for some type of summarization. Commissioner Hedani?

Mr. Hedani: Mike's the right guy to ask this question. Mike, we always end up in many subdivisions, normal subdivisions, right, we have County Codes, all the burden of the County Code you have to comply with these codes. And we end up building . . . (inaudible) . . . subdivisions. This, to me, is an opportunity to do something refreshingly different. The

concept of liveable communities, smaller streets not wider streets, streets that are that are built more people than for cars, one-way streets, four way stops, the concepts that . . . (inaudible) . . . talks about all the time. Has that been breathed into the project?

Mr. Summers: It has been. And, you know, I just might say that, you know, the newer urbanism, neo-traditional town planning approach as you folks hear about often that we were educated on when we were in school, are being implemented into many projects. We pay special attention to this project to make sure that pedestrian mobility, connectivity and a safe environment is provided. So we have, you know, of course, we're going to have sidewalks, we're going to have trails separated from the streets. They're more like paths. You saw a simulation of that. We're going to have separated bike lanes because riding on the street isn't comfortable. We've located where the destinations are in our project and how those destinations relate to our neighborhoods, our commercial districts so we can provide those linkages. So we have put a lot of thought into the whole issue of pedestrian bicycle mobility and connectivity. So, yes, that's a, that's a very important part of this.

Mr. Tsai: Commissioner Robinson?

Mr. Robinson: I want to talk about the rural lots for a second, okay. People...people before you have had great intentions -- Wailuku Country Estates, Launiopoko -- about these great agricultural nice lots that have been turned into, you know, sort of gentlemen estates. Coffee Plantation has developed a way to have homes with the land being leased out. You know different islands, Kauai, Big Island, Kohala, they're having these plantations where the homes are individuals, but yet, it's already, the lands is already in ag. Is that some type of concept that you guys have thought about instead of having just gentlemen estates?

Mr. Atherton: I can't say we won't have a few gentlemen estates out there. I'm going to build a house up there. Anyway, my idea here is I have all of this open space in the back; I'm grazing cattle in there now. A two acre lots, that's a pretty good size lot. And what my intent is to build an agri-hood. A agri-hood is a combination of agricultural mixed in with a sustainable, walkable community. So that would be a word you hear more in the future.

Mr. Robinson: Yeah, I've never heard of it before.

Mr. Atherton: Is that the first time you've heard that word. I'll be honest, that's not my word. I got that word from an old planner here on Maui named Mike Foley. Mike sent it to me and said use this word. I promised him I would, and I did. So agri-hood incorporates the agriculture as close as you can. Now you don't want to get real close sometimes because agriculture and living sometimes they have dust and other issues. So what I've done is put together a program that encourages agriculture right here in the immediate proximity. So there would be -- another thing on the rural lots is I built the paths, so you build on a flat path. You don't just build on the side of a hill. And then you've got a lot of room in between the units so you have view corridors that have landscaping so you're allowed to grow some

trees. It's sad when you have all the houses on top of each other like in Wailuku Heights, you can't have any trees over a certain height because you affect the view of the fellow behind you. So we've been able to do that by spreading it out, and laying out where the layouts would be, so that helps a lot too to actually grade the lots. It's a lot easier to build on flat lot than it is to build on the side of the hill. A lot more economical.

Mr. Summers: I'd like to just make one comment on that. Just, just one quick comment on the rural.

Mr. Tsai: Can you identify yourself, again, for the record?

Mr. Summers: Mike Summers. Just, just -- as far as the rural lots are concerned, one of the advantages to going to rural rather than keeping them in agriculture is, you know, we don't want to force folks to have to farm. And the rural lots essentially are, hey, you know, if you want to farm, if you want to be involved, you can do it on your lot, but we're not going to -- it's not, you know, it's not a fake subdivision that's suppose to be agriculture, there has to be agriculture. So from an entitlement perspective, I wanted to point that out.

Mr. Tsai: Commissioner Hedani?

Mr. Hedani: Yeah, I agree with Mike. I kind of like the idea of the integrity of calling a rural lot a rural lot, and not agricultural subdivision lot. We've had enough of those kinds of lots.

Mr. Atherton: No, this is, they're entitled lots. They're all part of the EIS. I'm going to put them on sewer not on septic, even though I have two acres. I'd like sewer lines . . . (inaudible) . . . pick it up.

Mr. Tsai: Commissioner Robinson?

Mr. Atherton: Maybe I can recycle the water. I need it for the ag, my agri-hood.

Mr. Robinson: I'm going to say it again, I like this project, so I'm not attacking you here, but you said something earlier that you make money when you buy the lands.

Mr. Atherton: That's an old saying of mine.

Mr. Robinson: Yeah, well, you make money when you get the land changed zoning wise from agriculture to rural or to residential –

Mr. Atherton: That's true.

Mr. Robinson: -- and that's what this whole thing is about, and, and that's where I'm kind of, you know, going with, you know, look at these rural lots. And, and so we're taking

agricultural lands, and we're turning to rural and we're saying we're only going to put, you know, 25 homes.

Mr. Atherton: 21.

Mr. Robinson: 21 homes. And for that same area, you know, we could put 100, 201 homes. And, and again, this is not an attack, you're doing a great job. But I wanna, wanna, you know, share where I'm coming from. It's, it's the area that we have these, these rural lots, have natural rainfall. It's a good place to have somebody in the area that could actually grow their own without being a full on agricultural horticulturist, you know. And, and that's why I was hoping that, you know, had some type of, you had some type of plan where you could incorporate all these people to not really be in the agriculture, you know, agricultural business like that people at Kaanapali . . . (inaudible) . . ., but it would enable them to have some type of agriculture on that two acres. I have a three acre lot that's, you know, just barely to get something going, but of course, it always goes back the cattle, you know, but I understand that. But this property up there, it's beautiful, prime property, and I'm just hoping that we try to, you know, keep it and don't just say, it's rural, you want to grow, grow. If not, then just put up Norfolk pines and surround your two acres.

Mr. Atherton: What, what we did here is we have these rural, rural lots on this side of the road because the water availability is much better below the Waihee ditch and it's much easier for us to farm on the flat than it is to farm on the hill. I was going to plant some coffee up here when I first came to town. They all thought I was nuts because the wind blows like crazy and, and it's on the side of the hill and it's hard to harvest on the side a hill with a harvester. So part of the planning process was the rural lots --. I tried to come up with an idea that had a complete community. A little bit of this, and a little bit of this, and a lot of this, and so we don't have a large amount of large lots. These are twos, these are ones. We have some nice views here. It will be a really a nice place to live. And the water availability down here is much better and I'll be able to gravity flow out of my waste water treatment and irrigate all of this in all this, and that helps on the cost. Every time you pump, you know, we have to pay that Meco bill. So we try to really become sustainable and recycle, and solar and alternative energy as much as we can.

So I would, I would promote agriculture on these two acre lots. They would have to use the local water system, you know, because there is no Na Wai Eha water available. But that was part of the trade off. We took all of the ditch water that we used in this neighborhood and put it back in the stream. There's a little bit that Kumu uses in the mean time until they move down here. So we thought HC&S would be there for a while longer so we weren't planning on moving Kumu and Bobby until just recently so we're in that plan now putting that together. We'll get them down there as fast as we can.

Mr. Robinson: Mike, is there anything restricting you from building more homes? Is there a quota that you have to follow?

Mr. Atherton: No.

Mr. Robinson: Or is this is kind of your idea of a good, a good mix?

Mr. Atherton: No. No. . . . (inaudible) . . . I mean . . . (inaudible) . . . that, that's scary. I, I really did. It took me a long time. You wouldn't believe my first meeting in there in the Waikapu Community Center. I said oh my lord.

Mr. Tsai: Commissioner Higashi?

Mr. Atherton: I came around. Believe it or not, I started in Maalaea. That was my project.

Mr. Robinson: Yeah. That was your mistake.

Mr. Atherton: Yeah, it was a mistake. I didn't know. Jesse, though, god bless him.

Mr. Higashi: Considering the amount of homes, single-family homes you're projected to build, 970 of them, what do you figure the range of the homes will be as you build it?

Mr. Atherton: You mean, price wise?

Mr. Higashi: Price wise.

Mr. Atherton: Well, I can't give you a full price today, but, you know, they're able to come out today. So let's say if we started today we'd be, you know, four to six. It would be similar to what you see here in Central Maui now. These up in Kehalani are a little more expensive. Let's get down in Maui Lani, I'm not sure what they're selling today, but I know they started off around 420, 430, 440. I think it's a two year wait there for a house. I know it's sold out. I was going to buy those lots. I should have. Anyway, my intent is to try to create the most affordable product I can and still make it work. And like I said we did pretty good when we bought the ground from Brewer because we bought a lot and that helps in our business. You can't do a master plan on this little small foot print. You need, you need the space. You need it for the parking and you need it for the bike trails. You need it for mitigation and you need it for, for give back.

Mr. Higashi: The reason...the reason why I asked was because it doesn't say anything about affordable housing. It just says residential units. So that's why I asked the question.

Mr. Atherton: Okay. That's...that's the best way I answer that.

Mr. Higashi: Okay.

Mr. Atherton: You know Jessie had a, Jessie had a pretty good model and he produced affordable housing so if they can do it, then you can do it. But no one else was doing it, then you say well there must be something wrong. But it's been done before and it's a lot to do with controlling your own destiny by doing a lot of your own construction, by buying the land right, and developing it all yourself; don't sub it all out. And you pass that savings back, that's my motto. We build affordable housing in a town Mantiqua. A nicest little town you've ever saw. 67,000 people. It used to be speckle sugar town.

Mr. Tsai: Thank you Mike. I want to make a comment to the commission as well as the applicant. We've seen a lot of projects come to us and a lot of them are much smaller in scale than what you guys have, and my concern is that we don't have a traffic engineer here to address the concern. And this is the last time we're going to see this EIS before you guys come back so if we move, move this forward without having any sort of traffic engineer here, or having any type of summary, if this commission approves it we do run the risk, you know, when we come back to see the --. Yeah, there's going to be more issues possibly, so I just want to bring it out to the commission as well as the applicant, and it's up to the commission how we want to handle this. Commissioner Medeiros?

Mr. Medeiros: I understand your concerns about traffic especially since we both live in Kihei. However, for as long as I've been on this commission, which is three years so far, I am a fierce supporter of workforce housing. I don't think there's anybody on this commission that is as crazy as I am, I get sometimes, you know, with my support...you know. And...I'm gonna support this, you know, even though I do have concerns about the traffic. That can be worked out. If I can wait 15 minutes to make a left turn on Kihei Road to support affordable housing in Kihei, you know, I think that --. This is Maui. We gotta take care of our own. We gotta take care of people who want to come back, like Wayne's kids, like your kids, Steve.

Mr. Atherton: The traffic's mitigatable with Honoapiilani Highway and the Wai'ale Road, and Waiko Road, and the Kuihelani Highway down below. That, that's the good news. I don't have Department of Transportation answer to my EIS so --. But I can put that together.

Mr. Tsai: Commissioner Hedani?

Mr. Hedani: This is a question for the Deputy Director. In rural classification following up on, on Keaka's comment, on a rural classification, what is the minimum lot size?

Ms. McLean: In the State rural district, the minimum lot size is one acre. County rural zoning has a variety. There is half acre, one acre, two acre, five acre. So just looking purely at rural, State is one acre, and then County there's --. Excuse me, I'm sorry, State is a half acre. Excuse me. State is a half acre. County starts at a half acre, and then also goes up from there. I believe the intent for this, though, is for project district zoning for the entire site that would include the rural lands, and so if you're not familiar with project district

zoning, it would be the zoning that applies to the entire property that is tailor made for that property. So you don't have to think about what's allowed in the residential district or the business district. It's all in one ordinance for this property that's tailored made to it. So lot sizes, building set backs, other development standards would be tailored made for this when, when you see the project district zoning.

Mr. Hedani: Given that criteria, I guess my comment would be...I don't know if this is where you're coming from, Keaka, but my comment would be that rather than having just a few selected blocks for the ultra rich people that might want to buy those lots, to have a wider range between the two acre, the two acre lots and 6,000 square foot lots, so that you have a full range of different sizes of lots where you have different gradations of, of price range.

Mr. Tsai: Commissioner Castro?

Mr. Castro: Yes, well first of all, I really want to commend you. I think it's a great project and likewise, Commissioner Medeiros workforce housing, I mean, yeah, I totally support it. But I also want to commend you for going out to the community and communicating with them. I think that's so important for any developer to be in, in tune with the community and their needs, so I want to thank you for that, for going out.

Mr. Atherton: Thank you. I believe it's vital to communicate early. I, I don't understand why they don't communicate early with everybody, everybody who's going to involved in the project. I'd much rather meet them at the Tropical Plantation than here at this podium. I've done this all my life, and I've always been one to communicate with the community. They control your destiny. Because if you don't, when the time comes, you get slaughtered, and I don't want that. I want to, I want to build this town. I want to build this town and spend the rest of my life here.

Mr. Tsai: Commissioner Hedani?

Mr. Hedani: I like the project. I like your attitude. I like the idea that you worked with the community, you know, for nine years. Don't lose sight of the community that, that embraced, you know, the plans for the future. Good luck.

Mr. Atherton: Thank you very much. We're coming back to Planning Commission again, two more times, I believe. We can do a condition where we would go over the traffic study. The traffic study is all in the EIS.

Mr. Tsai: Right.

Mr. Atherton: It's all there.

Mr. Tsai: I'm just --. Don't take me wrong, Mike, I support this project. I'm just looking out to the future because whatever something we can address here, now, may save us down

the road. I mean, I don't have a problem waiting on this one. I just want to point to the Commission that –

Mr. Atherton: I believe it's mitigative. We're fortunate because of the location with the existing highway.

Mr. Tsai: I just don't want too many surprises down the road that could be addressed right now. Commissioner Robinson?

Mr. Robinson: Yeah, Mike, I think, I think what Max is trying to say and I'm sort of the same stuff is, is two weeks ago we got your EIS which as you saw was two volumes, substantial. Unfortunately, last week, we had a site visit which took up some of our time. We're missing our vertical expert. You know we're missing a -- we've got a relator, and we're only allowed to give comments so it's not a vote. You know, we're going to give comments to the LUC which, which after that is going to start rolling and we'll have, you know, little things there, and nobody wants to stop a project. But I think, I think what Max is trying to say is to feel more comfortable with our comments, we don't want to slow it down, but it's, it's a lot of us as commissioners to grasp that two volumes that took you years to put together. And to have it only maybe a week and half time to review while we're reviewing the Paia Town and other things. And I think -- what I think is it's, it's just comments. It's not --. We're not --. Nobody's looking to cancel this at all; never. This is, you know, fantastically great. But I think we might need, you know, an extra, you know, 30-days or 15-days to be able to go home to think about what you told us and then come back with some comments that we can agree as a group to say that this is we want to say to the land use commission. It might be zero. It might be we went home and we read it, okay, now I understand, I don't have comment, but I think that's what kind of --. You know each person has to feel comfortable with different factors, I don't think we're -- I don't think it's a stop vote or a no vote, I think it's a comfortable, to make sure, you know, we have a good comment to the LUC.

Mr. Atherton: No, I understand. I don't have a problem with that. I'd rather have all the comments now than later. It's easier to do them now, and mitigate them now, and then when we go to the Land Use Commission, they can say, hey, we've done everything we can. That was one of the comments at the Land Use Commission last time I went was we just got this document three days ago. How can we digest this whole thing in three days? That why I put it on the website the day I got it because I want to share it with you and with everybody else so I can find out what I got and then I can mitigate...Mike can mitigate.

Mr. Tsai: Commissioner Hedani?

Mr. Hedani: Because you're going before the State Land Use Commission, I think this project is a hell of a lot better than some of the stuff that the State Land Use Commission has approved in the past.

Mr. Tsai: Yeah, we agree.

Mr. Atherton: Thank you.

Mr. Hedani: That's as kind as I can get.

Mr. Tsai: Commissioner Medeiros?

Mr. Atherton: It's a good idea in the right location.

Mr. Medeiros: Can we condition them to address the traffic concerns the next time they come here?

Mr. Tsai: Deputy Director?

Ms. McLean: The commission's action today would be just to agree on comments on the Draft EA. And, yeah, it's not an approval or disapproval. It's just submitting your comments so --

Mr. Medeiros: Can we condition it because we do want that information when they are coming back?

Ms. McLean: Right, the thing is that the Draft EA does contain that information. The problem is that it wasn't presented in any form to you today. So if you want to talk about traffic or make comments on traffic, you would defer your action on comments today and do that at a later meeting. If you didn't want to postpone anything and wanted this to move forward today, you've only really made one or two comments today that Kurt can review. I don't really see how you can comment on traffic because...it really hasn't been presented to you so...it wouldn't really be anything to condition. That's something that you would take up when, when the entitlements come back to you if you felt at that time that the traffic mitigation wasn't adequate, then you could propose conditions then. But right now you'd, you'd be saying -- you'd offer comments about the mitigation they've proposed, but that really hasn't been discussed yet, so I don't know that you can offer comments on traffic today.

Mr. Medeiros: Can I just forewarn them that questions will be coming?

Ms. McLean: Certainly.

Mr. Medeiros: Okay.

Mr. Wollenhaupt: Just, just from the planning perspective, I think that we're not at an enormous crunch of time here, so if the commissioners, along with the commissioners that

weren't here, could really craft some questions from today's meeting, and then ensure that they have a traffic engineer say at two meetings from now, then we would be able to have a good letter that goes to the Land Use Commission. Because I think right now there's not a lot that's in the letter, and that maybe your intent. But I think that because we are a fairways out from more meetings at the LUC, I don't think that 15 or 30 days is going to cause a terrible delay in the project. But I think it could really solidify that the Planning Commission, the Maui Planning Commission, is on the record. They've looked at it, they've issues which traffic is huge, and they've made comments, so that would be documented.

Mr. Tsai: You got all that? Yeah, Commissioner Robinson?

Mr. Robinson: Actually I'd like to speak to, to the Waikapu Association President.

Mr. Reid Kawabata: Still morning. Good morning. My name is Reid Kawabata, I'm with the Waikapu Community Association, presently the president.

Mr. Robinson: How are you doing Reid?

Mr. Kawabata: Very good. Nervous.

Mr. Robinson: I know Reid long time, I know Reid for a long time...long time. Reid, we heard testimony from the applicant that the community has been talked to and everybody's, you know, have put in their input over the years, and seem to be . . . (inaudible) . . . I just want the committee to verify that what he says is true.

Mr. Kawabata: Yes, he's come to us probably the past 10 years. In fact, the first time I was the president 10 years ago and he, he approached us, and we do appreciate him a lot, how he works with us. And like he says when he first started the project, I mean, he had homes all the way up, all the way up to the reservoir. From the very first meeting, I think it was Victor Pellegrino, he said he didn't want to see another Wailuku Heights, and the very next meeting he had it more than half way down. Excuse me. So he's, he's really willing to work with us.

Mr. Tsai: Commissioner Hedani?

Mr. Hedani: If a community association had a wish list of things, have the wish list been answered?

Mr. Kawabata: The majority, yes, especially that green belt from Waikapu to Maalaea. That, that sold a lot of residents, and he has all the walkable areas, the parks, and he's...honestly out of the past five developers that came through us, he's God sent. And I'm nervous I gotta sit down.

Mr. Wollenhaupt: I understand –

Mr. Atherton: I think it's important you communicate. You have to. If you don't, it just doesn't work. I'm going to live there.

Mr. Tsai: Kurt?

Mr. Wollenhaupt: I understand –

Mr. Atherton: I understand it's in the Bible.

Mr. Wollenhaupt: I understand that Public Works, I think, has finalized their letter so that might be a good segue for the meeting if you were to finalize comments at a meeting, or the next one, two weeks, or four weeks, that they could appear and talk about their letter because I think that's a critical component since our Public Works Department and this affects this area.

Mr. Tsai: Okay. Commissioner Robinson?

Mr. Robinson: I'd like to make a motion to defer comments to a later date that we can discuss.

Mr. Tsai: We have a motion.

Mr. Medeiros: I'll second it.

Ms. McLean: I'm looking at the memo for the items for your next meeting and there are four public hearing items, and you have the Hololani coming back again. So I don't think we'd be able to do this at the next meeting so it might be two meetings, which would be 30-days roughly.

Mr. Robinson: Are we in discussion right now?

Ms. McLean: Discussion on your motion.

Mr. Tsai: Commissioner Hedani?

Mr. Hedani: I'm pretty sure we're going to get the opportunity to, to produce questions on traffic at subsequent phases of the project, right? This is basically asking for comments from an environmental standpoint, or the EIS. I'm commented out in terms of traffic. Traffic is traffic, it's going to happen, you know, whether you do a development or, or not. It's still going to happen. And if the State is going to be working on a four-way, you know, a four-lane bypass around Waikapu town, from my perspective it addresses the traffic. And I think

they've done a mitigation measures within the town itself that would reduce impacted surrounding areas. So I want to -- I'd like to see them move forward as quickly as possible actually.

Mr. Tsai: Commissioner Robinson?

Mr. Robinson: Kurt, do you know when is their next, the next Land Use Commission is there on the agenda for them?

Mr. Wollenhaupt: Oh, that's going to be quite a while because there has to be testimony reports written, and there has been expert witness list produced, and I would say it would be months out. This is, this is just a matter now of finalizing the Final EIS, so I think Mike Summers may have a point, but, on the time line, but just the documentation that the department proceeds probably months out because of the process. It's a big process that before the Land Use Commission will ever meet again on this.

Mr. Robinson: My, my concern is, is as, as Commissioner Hedani said, we don't want to slow them down. But I think that I also don't want have too few comments to where Land Use Commission or anybody else says it wasn't, you know, properly vetted through us, you know. And even though we can, you know, debate that if they're not going to be in front of the Land Use Commission for, you know, 60-days, and it gives us 45-days to think of a comment, we still have plenty time to say no comment before the commission, before they - -. And that's what I'm trying to ask if, if that's possible.

Mr. Wollenhaupt: They won't be there in 60-days because the process works that they haven't gotten the State of Department Transportation comments yet. I understand that our Public Works Department just sent them. So they're going to have to take all of these comments that are coming in and then comment up on those in this large document. Then there's a hearing date that will have to be set for the Land Use Commission, and again, we have to write a petition paper, a witness list papers, biographies of all the witnesses. So, 60-days -- we're not going to be at the Land Use Commission in 60-days to answer your question.

So, you're, of course, the purpose of all this is to ensure does this commission believe that this document adequately address the issues and have you comment on it so that you can make an informed decision a year or two down the road on the CPA, CIZ and Project District.

Mr. Tsai: Commissioner Robinson?

Mr. Robinson: So fellow commissioners, I just think...the ability for me to read the EIS and with us not being really crunched for any time of slowing down this project, it opens up to, you know, 45-days of if we do have comments to come back and might need the applicant

anymore. We'll just have, on the agenda, the commissioners are able to, to add any comments to the LUC at that time, and maybe we can vote on it. And in the light of only having one witness for a project this big is amazing to me. It's, it's not a bad thing, but, you know, it's very little input for something so large when we have somebody that's going to, you know, rent out their two-bedroom house and have 30 people. You know, it's, it's --. And I would like to, you know, I would like to push this comments to another agenda from 30 to 45 days with the agreement of the commissioners.

Mr. Tsai: So we have a motion on the floor to postpone or delay this commenting for 30-days. Further discussion?

Mr. Hedani: You know, I, I'm going to vote against the motion. And the reason I'm going to vote against the motion is because from my perspective of deferrals, deferrals, delays, extensions, the fact that they have one, two, three missing commissioners at today's meeting...we are part of the problem of not moving projects forward, yeah. At some point you hit a tipping point, and a person that has millions of dollars to invest says it's not working, you know, and, and, pulls the plug on the project, like the Spencer project down in Maalaea. And I think that from, from that perspective we need to be on top of it every time something comes up us. We need to be ready to present comments to them on a timely basis. It's not our kuleana. This is outside of our kuleana. It's the State Land Use Commission that's going to make the decision, yeah. It's not our decision. So from my perspective, we come up with whatever comments we can, at this point, and provide it to the developer and allow him to move forward. To defer our comments for the perspective of going through the EIS is nice, but from my perspective, it's not necessary because it is, it is not our kuleana.

Mr. Tsai: Commissioner Medeiros?

Mr. Medeiros: Yeah, I seconded the motion for discussion purposes. I would support, I would support two weeks. I would not support 45-days...so if, if it's 45-days I will be voting against it.

Mr. Tsai: Commissioner Castro?

Mr. Castro: I'd like to echo everything that Commissioner Hedani just mentioned, and also the fact that no one really came to speak in opposition of the project, so that tells me that Mr. Atherton has really been out there and communicating with the community, and we shouldn't be holding this up.

Mr. Tsai: Commissioner Hedani?

Mr. Higashi: I, I fully support Commissioner Robinson's concern about enough input getting in. However when I look at the document itself the applicant started in 2009; this is 2016.

Our problem has always been we have delayed permits, and I think we need to, especially hearing from the community association president, saying that they've really appreciated the applicant's efforts in trying to get this project going, I would say that it should go along.

Mr. Tsai: Commissioner Robinson?

Mr. Robinson: I actually think it is our kuleana. I think we're the Planning Commission, and that's why we're here. It's our kuleana to go through the EIS. I think the Land Use Commission sent us this form to put recommendations, not to kind of look through it and talk for an hour. I would agree with you guys if we were the party that were stopping from this project going forward. But like we've just heard from County staff, we are not stopping anything. Us postponing this 15 days, 30 days, 40 days, 45 days will not do anything but encourage other people to add more input within the end result would help the developer get through these things quicker than any comments coming up later. I'm not for slowing this project down. I'm for trying to speed it up because this, this time that we have right now waiting for this to go to the Land Use Commission, the more comments we can get now and get this to the developer, the sooner it can be addressed, and hopefully when they go to the LUC, that can move even faster. And that is my goal. My goal is not to slow down this, this great project for this area. It's to make sure we have we have enough comments, that we have time for the comments. We're not slowing down. And I believe it is our kuleana to actually try and go through this EIS, you know, because we just got it and put comments. It, it could be -- comments could be as simple as fantastic, you know, but let's give ourselves some time to look at it, and also give the public some time to come back in the next 15 to 30 days so that way Mike can attack this like he's done for nine years and being head first with people in getting comments instead of trying to get something around the back. And that's, and that's where I'm coming from commissioners.

Mr. Tsai: Commissioner Medeiros?

Mr. Medeiros: In response to Commissioner Robinson, my comment would be this project is fantastic.

Mr. Tsai: Alright, so we have a motion. You want to --? Director, you want to repeat the motion please?

Ms. McLean: The motion on the floor is to defer action today.

Mr. Tsai: Till the next available time, meeting?

Ms. McLean: That wasn't specific, but typically that's what it would mean. I can't say that it could occur at the next meeting because it does seem to be a full agenda already.

Mr. Tsai: Okay, so let's call for the question. All in favor raise your hand, say aye.

Ms. McLean: One aye.

Mr. Tsai: One aye. Opposed?

Ms. McLean: Four noes.

Mr. Tsai: Motion fails.

Mr. Wollenhaupt: In...in that case we need to have comments then, if there are any. We need to have a letter that goes to the State Land Use Commission at least reporting on either there are no comments and we, we see no additions to the EIS. Again, an EIS does not say whether you like the project or dislike the project. This simply is, is this document complete, so if the letter is simply the Maui Planning Commission believes that this document addresses environmental impacts, then that will be the letter. If you wish to have specific concerns then I can put them in, but I need to have them at this time to write . . . (inaudible) . . .

Mr. Tsai: Commissioner Hedani?

Mr. Hedani: Kurt, how about the comments that were made in the course of the meeting today will not go to the Land Use Commission?

Mr. Wollenhaupt: Well, the comments, I need to have them a little more specific. You know, there were, there were -- there were some, a variety of things -- propose a wider range of lots for sale, consider additional pocket parks on the high side of the mauka area, look at recreational strip along the stream. There was some thought about exploring rural lots perhaps clustered around an ag area. But all of those were just kind of -- they were thrown out, but there haven't been specific comments please address this, please address this in the EIS. And that's what we're really needing now. We would like to see this specific issue addressed in the EIS. And if there are none, then the letter will say there were -- the EIS is deemed sufficient from the perspective of this commission. That makes a very easy letter for me to write. So that's where we are.

Mr. Tsai: Commissioner Hedani?

Mr. Hedani: From the, from the weight in pounds of the document that you have before you, I'm pretty positive that anything that needs to be addressed from an environmental standpoint has been addressed.

Mr. Wollenhaupt: Then that's, that's up to each of the commissioners to decide.

Ms. McLean: Do you want to make a motion to that effect? Do you want to make a motion

to that effect?

Mr. Hedani: What would that, what would that say?

Ms. McLean: You would move that the commission's comments are that the EIS adequately addresses potential impacts.

Mr. Hedani: Perfect.

Mr. Medeiros: And I second that.

Mr. Tsai: Okay. So we have a motion from Commissioner Hedani, and a second from Commissioner Medeiros...basically saying that we don't have any additional comments to the EIS that's already in place. Any –

Mr. Robinson: Do we have any comments?

Mr. Wollenhaupt: The letter would say that the Maui Planning Commission believes after its review of the Draft Environmental Impact Statement that the Draft Environmental Impact Statement sufficiently addresses environmental impacts and is a complete document to be used for further review of the District Boundary Amendment by the State Land Use Commission, the CIZ, Change in Zoning, and the Community Plan Amendment, and the Project District ordinance for the Maui Planning Commission. So this document adequately addresses the issues from an environmental standpoint for further discussion.

Mr. Hedani: I counted, counted four huddles that they still have to go through, and, and this is just one of them. It's going to come back.

Ms. McLean: Right. The process at this point, Chair, if I may.

Mr. Tsai: Yes, Director, Deputy.

Ms. McLean: Thank you. The Land Use Commission would take action on the District Boundary Amendment, and if they approve that, then it would come to you to make a recommendation to the County Council on the Community Plan Amendment and the Change in Zoning, which includes the Project District Ordinance. And that would go to the County Council for them to take action on those. Then there would another phase of approval before the Planning Commission for the Project District.

Mr. Wollenhaupt: Phase Two.

Ms. McLean: Phase Two would come to the commission in the Project District process. So you would see it, this commission would see it -- well the Land Use Commission, then this

commission, then the Council, then this commission again.

Mr. Wollenhaupt: And the first huddle is that the Land Use Commission is the accepting authority for the Final EIS. Then there's a 45-day legal challenge period. After that period, then you go back to the Land Use Commission, and then further debate on the District Boundary Amendment, and that's where that can get an involved process. And then once that is approved, then we come back here with the CIZ and CPA.

Mr. Tsai: Commissioner Hedani?

Mr. Hedani: That's a reason why guys like Mike need a bullet proof vest when he comes to any meeting.

Mr. Tsai: Alright, call for question, call for a vote. All in favor of the motion on the floor? Four ayes.

Ms. McLean: Four ayes.

Mr. Tsai: Opposed?

Ms. McLean: One no.

Mr. Robinson: I'd like to explain my vote . . . (inaudible) . . .

Ms. McLean: Will the . . . (inaudible) . . . the chair?

Mr. Tsai: Yeah, I will allow that.

Mr. Robinson: I'm going to apologize. I can't support it because I haven't fully read the document. I'm not going to vote on something and agree to a statement that I feel encompasses everything. I'm for the project, I'm for moving the project ahead, and I don't think my no vote stops this project. I don't think it slows it down at all. Thank you.

Mr. Tsai: My vote is yes, so motion carries. And I feel that...there's additional gateways in place that we're going to have a chance to look at. But I think –

Mr. Atherton: We will. We'll be back. We'll be back plenty.

Mr. Tsai: – I made it, myself --. Right. I think I expressed my concern regarding the traffic, and the lack of the traffic engineer so I think that's on record, and with that, congratulations.

Mr. Atherton: Thank you very much. Thank you all commission. Staff, thank you. Thank you. It's been a good experience. If you love your job, it's not a job.

Mr. Tsai: Alright, we're going to break for lunch?

Ms. McLean: Yeah, it's up to you. I mean, it's going to be quick afternoon.

Mr. Tsai: Yeah. We'll come back at one o'clock. Thank you.

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

**VOTED: That the Commission's Comments are that the EIS Adequately Addresses Potential Environmental Impacts.  
(Assenting - W. Hedani, J. Medeiros, S. Castro, R. Higashi, M. Tsai)  
(Dissenting - K. Robinson)  
(Excused - L. Carnicelli, S. Duvauchelle, L. Hudson)**

*(The Maui Planning Commission recessed at 12:03 p.m., and reconvened at 1:03 p.m.)*

**D. ORIENTATION WORKSHOP NO. 3 (previously scheduled for the April 26, 2016 and May 10, 2016 meetings.)**

**1. Public Works Review of Drainage and Traffic Reports**

**E. ACCEPTANCE OF THE ACTION MINUTES OF THE MAY 10, 2016 MEETING, REGULAR MINUTES OF THE JANUARY 26, 2016 MEETING AND PORTION OF MARCH 8, 2016 MEETING (ITEM C-2)**

**F. DIRECTOR'S REPORT**

**1. SMA Minor Permit Report**

**2. SMA Exemption Report**

**3. Discussion of Future Maui Planning Commission Agendas**

**a. June 14, 2016 meeting agenda items**

**G. NEXT REGULAR MEETING DATE: JUNE 14, 2016**

**H. ADJOURNMENT**

Mr. Tsai: Well, Maui Planning Commission is called back to order. Since we have lost quorum, the meeting now is closed till next session.

Mr. Gary Murai: Yeah, why don't we do this. We can't proceed, so we'll have to adjourn the meeting, and the balance of the agenda, Deputy Director, will be carried over to the next, the next meeting?

Ms. McLean: Yes.

Mr. Higashi: . . . (inaudible) . . .

Mr. Tsai: Yeah.

Mr. Hedani: We lost, we lost a presenter as well.

Ms. McLean: We don't have a quorum, and so we cannot take action on any of the remaining items.

Mr. Tsai: So all items are being pushed.

Ms. McLean: Adjourn the meeting.

Mr. Murai: You know what we'll just call it back to order. You, ready?

Mr. Tsai: Yeah. The Maui Planning Commission is called back to order. As it appears we have lost quorum, so Deputy Director, you want to --. I mean, I'm sorry, Corp Counsel, you want to make --?

Mr. Murai: Mr. Chair, because we no longer have a quorum I recommend that we adjourn the meeting at this time, and I understand that the balance of the agenda will be carried over to the next meeting.

Mr. Tsai: Thank you.

Mr. Hedani: Discussion?

Ms. McLean: No discussion.

Mr. Tsai: No discussion. Commissioner Hedani?

Mr. Hedani: I think that if they're not going to be able to spend the required amount of time with the commission and they missed several consecutive meetings --. Well, our rules call for three consecutive meetings, then the chairman can call for their resignation, right?

Mr. Murai: It's not exactly what it says.

Mr. Tsai: Well, Corp Counsel, please clarify.

Mr. Murai: Well, we really can't, we really can't discuss, have any discussion about it, but –

Mr. Tsai: Okay.

Ms. McLean: Without a quorum.

Mr. Murai: So we should just, just adjourn the meeting.

Mr. Tsai: Alright. Well, therefore the meeting is adjourned. Thank you all.

Upon reconvening the meeting at 1:03 p.m., and not having a quorum, the remaining items on the agenda was deferred to the next meeting agenda and the meeting was adjourned at 1:07 p.m.

Respectfully submitted by,

LEILANI A. RAMORAN-QUEMADO  
Secretary to Boards and Commissions II

## **RECORD OF ATTENDANCE**

### **Present**

Stephen Castro

Wayne Hedani

Richard Higashi

Jason Medeiros, Vice-Chair (excused at 12:03 p.m.)

Keaka Robinson (absent upon return from recess at 1:03 p.m.)

Max Tsai, Chair

### **Excused**

Lawrence Carnicelli

Sandy Duvauchelle

Larry Hudson

### **Others**

Michele McLean, Deputy Director, Planning Department

Gary Murai, Deputy Corporation Counsel, Department of Corporation Counsel

Rowena Dagdag-Andaya, Deputy Director, Department of Public Works -- On Call