

**MAUI PLANNING COMMISSION
REGULAR MEETING
JANUARY 9, 2007**

Approved: 2/13/07

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairman Wayne Hedani at 9:05 a.m., Tuesday, January 9, 2007, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

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

Mr. Hedani: Welcome to everyone for the year 2007. We'd like to open it up for public testimony at this time on any agenda item in order to accommodate those individuals who cannot be present at the meeting when the agenda items are considered by the planning commission. Public testimony will also be taken when the agenda item is taken up by the commission. Maximum time limit on individual testimony is three minutes. A person testifying at the beginning of the meeting will not be allowed to testify again when the agenda item comes before the commission unless new or additional information will be offered. Are there any members of the audience that would like to offer testimony at this time? If so, please step to the microphone and state your name.

Mr. Bud Pikrone: Good morning, Bud Pikrone, Wailea Community Association, I'd like to defer until the item comes up.

Mr. Hedani: Okay, thank you. Are there any other members of the public that would like to offer testimony? Seeing none, the public testimony portion is closed.

B. INTRODUCTION OF NEW PLANNING DIRECTOR JEFF HUNT AND NEW DEPUTY PLANNING DIRECTOR COLLEEN SUYAMA

Mr. Hedani: We'd like to take this moment to introduce our brand new Planning Director for the County of Maui, Mr. Jeff Hunt.

Mr. Jeff Hunt: Well, I think brevity is a virtue so I'll try and keep it shorter than that. I look at our role as providing professional planning advice to help the planning commission make an informed and the best decision. And we may not always agree, but – you may not always agree with our opinions but I think we all agree that we're all working in the best of Maui.

Mr. Hedani: Thank you very much. We'd also like to take this moment to introduce someone that's no stranger to the department, the brand-new Deputy Director of Planning, Colleen Suyama.

Ms. Suyama: Good morning Commissioners. It's a pleasure to be serving you in a different capacity. I will be making some last minute presentations before you to sort of wind up some of my work as a planner for the department before I continue with my duties as deputy director. But I hope to work with you in the future. Thank you.

Mr. Hedani: Congratulations. Bigger office, twice as much work. Let me turn it over to our new director at this point to review some resolutions that we have.

C. RESOLUTIONS THANKING THE FOLLOWING:

a. DIANE SHEPHERD, past Vice-Chair of the Maui Planning Commission

Mr. Hunt: The first resolution is in regard to Diane Shepherd, past vice chair of the planning commission, and the resolution reads:

R E S O L U T I O N
OF THE MAUI PLANNING COMMISSION

WHEREAS, The Maui County Planning Commission was established in 1958; and

WHEREAS, since April 2003, Diane Shepherd, DVM, has served as a member of the Maui Planning Commission; and

WHEREAS, Diane Shepherd has served as Vice-Chairperson of the Maui Planning Commission since April 2006; and

WHEREAS, Diane Shepherd, has served the Maui Planning Commission with dedication and provided valuable guidance in serving the needs of the people of Maui County; and

_____WHEREAS, Diane Shepherd's term of office ended on December 15, 2006, now therefore

_____BE IT RESOLVED, by the Maui Planning Commission that it does hereby express its deepest gratitude and appreciation to Diane Shepherd for her service during the almost four years and does hereby extend its best wishes in her future endeavors; and

_____BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Honorable Charmaine Tavares, Mayor of the County of Maui and the Honorable G. Riki Hokama, Chairman of the Maui County Council.

Mr. Hedani: Thank you very much. Diane is not present. I would like to offer my comments and open it up for any other comments from commission members. I appreciated Diane's presence on the commission and she was a strong and a vigilant voice for protecting the environment of Maui County and served a very valuable perspective or brought a very valuable perspective to the commission from that regard and I thank her very much for her participation and her leadership. Any other members with comments? Next resolution Jeff.

Mr. Hunt: Do we have to vote on the resolution?

Mr. Hedani: Passed by unanimous consent.

b. DON COUCH, outgoing Deputy Planning Director

Mr. Hunt: Next resolution concerns Don Couch, the outgoing Deputy Planning Director and the resolution reads:

R E S O L U T I O N
OF THE MAUI PLANNING COMMISSION

WHEREAS, Mr. Don Couch has served the County of Maui with distinction and with a high degree of professionalism as Deputy Director of Planning from June 1, 2006 to January 2, 2007; and

WHEREAS, prior to that, Don Couch has served as Executive Assistant to the Office of the Mayor from January 2, 2003 to May 31, 2006 and as a member and Chair of the Maui County Board of Ethics ; and

WHEREAS, Mr. Don Couch has contributed greatly to the profession of land use planning and the economic development of the County of Maui; and

WHEREAS, during Don Couch's tenure as Deputy Director of Planning, the Department of Planning's accomplishments include the following:

1. Increased the number of planners on board to better serve the community.
2. Thoroughly reviewed the Zucker Audit Report.

_____BE IT RESOLVED, that the Maui Planning Commission here by commends Mr. Don Couch for his dedication and service to the people of the County of Maui; and

BE IT FURTHER RESOLVED, that the Maui County Planning Commission does hereby express its deepest gratitude and appreciation to Mr. Don Couch for his service and does hereby extend its best wishes in his future endeavors; and

_____BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Honorable Charmaine Tavares, Mayor of the County of Maui and the Honorable G. Riki Hokama, Chairman of the Maui County Council.

Mr. Hedani: Thank you very much. I didn't know Don well, but he did work with a commission for a year and his expertise I know at the County management level was outstanding. So these are people that we will miss very much. So if there's no objection by unanimous consent we'll approve that resolution.

c. MICHAEL FOLEY, outgoing Planning Director

Mr. Hunt: The third resolution regards outgoing Planning Director Michael Foley and the resolution reads:

R E S O L U T I O N
OF THE MAUI PLANNING COMMISSION

WHEREAS, Mr. Michael W. Foley has served the County of Maui with distinction and with a high degree of professionalism as Director of Planning for the County of Maui from January 2, 2003 to January 2, 2007; and

WHEREAS, Mr. Michael W. Foley has been a professional planner with more than 40 years of experience in locations in Northern California, Lake Tahoe, New Zealand, and Maui;

WHEREAS, Mr. Michael W. Foley has contributed greatly to the profession of land use planning and the economic development of the County of Maui; and

WHEREAS, during Michael W. Foley's tenure as Director of Planning, the Department of Planning's accomplishments include the following:

1. The full re-creation of a Long Range Planning Division in accordance with the 2002 Charter Amendment.
2. The passage of the Maui Planning Commissions's Shoreline Area Rules based on annual Coastal Erosion Rates to provide greater protection to the dynamic shoreline areas.

3. The passage of the Farm Plan Rules to better ensure that dwellings in the State Agricultural District are in conformance with the State Land Use Law.
4. The passage of and amendments to Bill 84 to insure a more responsive General Plan and Community Plan process.
5. The creation of digitized regional development project mapping to serve as a better planning tool.
6. The passage of the Open Space District Bill to implement the community plans.
7. The hosting of the 2003 Hawaii Congress of Planning Officials Conference in October 2003 at the Westin Maui Hotel.
8. The introduction of an environmental document review process for review by the planning commissions.
9. The start of a training manual effort by the Planning Department especially for new employees.
10. The increase in staff positions from 36 at the start of 2003 to 63 in 2006.

_____BE IT RESOLVED, that the Maui Planning Commission here by commends Mr. Michael W. Foley for his dedication and service to the people of the County of Maui; and

BE IT FURTHER RESOLVED, that the Maui County Planning Commission does hereby express its deepest gratitude and appreciation to Mr. Michael W. Foley for his service and does hereby extend its best wishes in his future endeavors; and

_____BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Honorable Charmaine Tavares, Mayor of the County of Maui and the Honorable G. Riki Hokama, Chairman of the Maui County Council.

Mr. Hedani: We also have with us this morning, past Chairman of the Maui Planning Commission, who's a member of the audience, Susan Moikeha. Susan, do you have any comments that you'd like to offer at this time?

Ms. Moikeha: No, I just brought leis for everyone.

Mr. Hedani: Okay, I did work with Mike. My tenure on the commission has only been since April of 2005, but I did work with Mike for that period till the present and it was always comfortable for me in my participation on the commission and as chairman to know that the department was being lead by a person of that caliber. I appreciated his, ...(inaudible)... I appreciated his experience and his distinguished reputation and I wish him all the best in the future. I'm looking forward to creative things from Jeff. So thank you very much.

D. ELECTION OF VICE-CHAIRPERSON FOR THE REMAINDER OF THE 2006-2007 COMMISSION YEAR (until March 31, 2007)

Mr. Hedani: With that, we have Item D on our agenda, which is the election of a vice-chairperson for the remainder of the 2006-2007 commission year which will be a tenure that extends all the way to March 31, 2007. Commissioner Iaconetti.

Mr. Iaconetti: I'd like to nominate John Guard.

Mr. Hedani: Mr. Guard has been nominated. Are there any other nominations?

Ms. Freitas: Well, I'd like to nominate the Doctor.

Mr. Hedani: Commissioner Iaconetti has been nominated by Commissioner Freitas. Are there any other nominations?

Mr. Guard: I nominate Jonathan if he'd be interested. I won't be here at the next meeting and don't want to take a chance not being here in your absence.

Mr. Hedani: Commissioner Starr has been nominated by Commissioner Guard. Are there any other nominations? Okay if not, we'll move that the nominations be closed. If there's no objection. Comments from the commission? Commissioner Iaconetti.

Mr. Iaconetti: I would prefer not to hold an office. I enjoy being a commissioner.

Mr. Hedani: Remember to use your mike, Doc. Any other comments? We can nominate Commissioner Freitas.

Ms. Freitas: Yeah right.

Mr. Hedani: John any comments?

Mr. Guard: I just don't see it for it – I think I'll be gone at least one meeting for sure and possibly in the future, but not at this time ideally.

Mr. Hedani: Commissioner Starr.

Mr. Starr: Well, I would have been happy to support either Doc or J.B. because I think they're working really hard and doing a great job. If chosen I'll be happy to serve, but if I did have to assume the position of, you know, taking over a meeting, unfortunately I wouldn't be able to be quite as assertive as I'd like to be on some issues because I understand the position of chair and vice-chair is very different from that as a casual member. You cannot be an advocate when you're in that position. Thank you.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: I have a question. So whoever we're going to be voting on is going to have to vote for themselves because there's only five of us here.

Mr. Hedani: Right. Okay, so we're going to have to have a unanimous vote in this case. If there's no further discussion, then we'll go ahead to vote.

All those in favor of Commissioner Iaconetti for vice-chair please signify by raising your right hand. Commissioner John Guard same sign. Commissioner Starr, same sign. Okay, we have a vice-chairman for the planning commission, Jonathan Starr. Congratulations. Comments from the vice-chair.

Mr. Starr: I just want to thank my fellow members for putting the trust and responsibility in me and I hope that I do a good service to make your trust worthwhile. Thank you.

Mr. Hedani: Thank you very much Jonathan. Okay, New Business, Item E-1.

E. NEW BUSINESS

- 1. COUNTY OF MAUI, OFFICE OF THE MAYOR requesting comments on the Draft Environmental Assessment prepared in support of the Special Management Area Use Permit for the proposed South Maui Emergency Ambulance Station consisting of a single-story, 1,500 square foot building for the South Maui Emergency Ambulance Station and related improvements at 300 Kilohana Drive, TMK: 3-9-038: por. of 026, Kihei, Island of Maui. (SM1 2006/0024) (EAC 2006/0009) (D. Shupack)**

The Environmental Assessment triggers are the use of County funds and the use of County lands. The accepting authority is the County of Maui, Office of the Mayor.

The Commission is being asked to provide comments on the Draft Environmental Assessment.

The public hearing on the Special Management Area Use Permit will be scheduled for a later date after the Environmental Assessment process has been completed.

Mr. Dan Shupack presented the Maui Planning Department's Report.

Mr. Mich Hirano: Thank you very much Dan. Good morning Chair Hedani and Commissioners. My name is Mich Hirano with Munekiyo and Hiraga. First, I would like to congratulate Vice-Chair Starr for being selected to the position and I would also like to extend my congratulations and our firm's congratulations to Director Hunt and Deputy Director Suyama on their recent appointments.

Our firm has prepared the draft Environmental Assessment for the South Maui Emergency Ambulance Station and I see that commissioners have the draft EA before you which was supplied in review of this comment period. The draft EA was published in the Environmental Notice on November 8, 2006. We are at this point receiving comments from the Maui Planning Commission on the document.

In terms of background to the project the Wailea Community Association is sponsoring the development of the South Maui Emergency Ambulance Station project. However, since the project is the Wailea Fire Station which is owned by the County of Maui, coordination has been carried with the Office of the Mayor in processing the EA as well as the SMA Use Permit application. Once the facility is completed the County of Maui will own the ambulance building and it is proposed that the County will then lease the building to the emergency service provider.

The proposed project if you look in your EA document involves a construction of a single story building approximately, 50 feet long, 30 feet wide with a total floor area of 1,500 square feet. The building will be located on approximately on a one-acre site to the west of the current Wailea Fire Station. These are figures 1 and figure 2 of the EA document.

Access to the site will be provided off of Kilohana Drive. Kilohana Drive is a east-west oriented County roadway and – I'm sorry, it isn't a County roadway, it's owned by Wailea Community Association as well as the Department of Transportation.

The building will house emergency ambulance, sleeping quarters for two emergency staff persons, a bathroom, office/living quarters and a small kitchen and storage area. And these are figures 3 and 4 in the draft EA document.

Related improvements include the driveway and parking area, connection to the County water and sewer facilities and drainage improvements.

The facility will be staffed at all time, 24-hours a day, seven days a week.

Currently the emergency ambulance service for the County of Maui is provided by a American Medical Response under contract with the State of Hawaii. The company operates nine emergency ambulance stations on the island of Maui. Currently the South Maui ambulance station is located and housed in a rented ohana in Maui Meadows. The emergency ambulance service responds to 911 calls. The South Maui ambulance responds to approximately 130 to 150 calls a month. All patients are transported to the Maui Memorial Medical Center for medical care. And the current facility is inadequate in terms of location in a residential area and access through a residential area – access through a residential neighborhood to respond to emergency calls.

In consideration of the following impacts, we offer the following information that is supplied in the EA document. The surrounding land uses to the east is the Wailea Fire Station and vacant County lands. The Wailea Fire Station site is approximately 3.58 acres and the Wailea Fire Station is the only building on the particular site at this time.

To the north of the site is undeveloped lands owned by A & B Wailea. And to the south is a 37-lot single family subdivision and Kilohana Park. And to the west is drainage channel which is a part of the Wailea Fire Station parcel. And beyond to the west is a single family residential subdivision.

The building will be a single story, low rise structure and will not adversely impact scenic views or open space. The drainage channel will buffer the ambulance building from adjacent single family subdivision to the west and also preserve the existing open space on the County property.

Noise impacts to the surrounding properties from the ambulance siren will be infrequent and temporary. As a rule, the ambulance drivers do not engage the siren when entering or exiting the station and the siren is usually turned on when traffic conditions are heavy.

The proposed project is located on a parcel of land that is zoned P-1, Public Quasi-Public District. It is compatible with the County use of the property. The property has excellent access to Piilani Highway and to South Kihei Road via Kilohana Drive.

Very little site grading will be required. And so there will be minimal impact on topography. The area is located in a flood zone C, an area of minimal flooding and no development restrictions. No adverse impacts to archaeological or cultural resources are anticipated as a result of the proposed action. The site was previously altered from improvements on

Kilohana Drive and the development of the Wailea Fire Station. The State Historic Preservation Division has issued a no effect letter on the draft EA during the SMA review.

Adverse traffic impacts will be minimal. The ambulance receives on average three to five calls per day and only two emergency response personnel will be at the site.

Coordination will be carried out with the County and the State Department of Transportation regarding appropriate traffic warning signal at the ambulance driveway and Kilohana Drive.

The ambulance project is in compliance with the state land use designation. It is in the urban land use district. The community plan and the County zoning is Public Quasi-Public.

The proposed project is not anticipated to have an adverse impact on applicable coastal zone management consideration, and the special management area assessment criteria. And based on the environmental assessment a finding of no significant is anticipated.

If you have any questions, I'm available to respond to questions. Thank you.

Mr. Hedani: Questions from the Commission? Commissioner Starr.

Mr. Starr: Yeah, I'd like to – actually I want to ask Public Works to clarify Kilohana, the ownership of Kilohana and congratulations on being back Mike.

Mr. Mike Miyamoto: The development of Kilohana was part of the residential development in that area, and as of date, the roadway has not been dedicated to the County. There are some outstanding issues with that roadway at this time.

Mr. Hedani: Commissioner Iaconetti.

Mr. Iaconetti: I'm wondering about the road easement that is present between the fire station and the proposed ambulance location, Kapili Street. Is that going to be a problem having the road between the fire station and the ambulance?

Mr. Hirano: No, that has been – Dr. Iaconetti, that has been taken into account in sort of the conceptual layout and design of the fire station. That's why it's sort of sited where it is so that eventually I think the options that may be available is to either directly access Kilohana Drive or provide access from that easement when that eventually goes through. That easement is in favor of A & B Wailea which would then be able to access the property behind or to the north of the ambulance site. However, due to cost of developing – you know, of initial development, primary access will be provided off Kilohana Drive, that's how it's proposed. But that easement will be maintained for future consideration and future

development.

Mr. Hedani: Any other questions? Commissioner Starr.

Mr. Starr: Yeah, perhaps might be best addressed to Bud. What's the future of Kilohana? How's that going to be rectified because I know years ago when I was involved in Wailea it was an issue then and I guess it still is and also, I know you spend a lot of time over there, is there any concern about the ambulance being able to make a left turn on Piilani from Kilohana?

Mr. Bud Pikrone: Thank you Commissioner Starr for the question. My name is Bud Pikrone, General Manager of the Wailea Community Association. Kilohana, that section of Kilohana, the top portion up to Piilani to about the fire station is State, the lower section all the way down to South Kihei is owned by A & B at this time. They are in the process of working with the County and have been in the process of working with the County to get that to the level that it could be dedicated to the County and that is still in the process. At this time there has been an improvement to that intersection and it's being undertaken right now to put a left turn on Kilohana to access Piilani and reconfigure the light there. So that is being done right now as we speak.

Mr. Hedani: Any other questions from the Commission? Commissioner Iaconetti.

Mr. Iaconetti: I was wondering about the amount of storage space that is available at this ambulance site. I'm sure they've studied this but I was wondering if that is going to be adequate. It's off the kitchen. Are they planning on storing material that the ambulance needs there?

Mr. Hirano: I think that I could provide maybe further clarification when we do the final EA in terms of the question. We could get that back to the emergency response team to see what they are presently storing in their facility and if this storage space is adequate for their supplies and equipment.

Mr. Hedani: Commissioner Guard.

Mr. Guard: Are they anticipating possibly in the future having the ability to expand for a second ambulance for some larger projects south of this one?

Mr. Hedani: Expand the station?

Mr. Guard: The station or to add a second ambulance if necessary. It seems – I mean, the one in Makawao is pretty small as well I know that, and I don't know how big the residential house is now that they're in.

Mr. Hirano: I think the floor plan, if you look at the floor plan which is on figure 3 of the EA, and it's a single story building. There's as well on the site plan ample room for expansion. It's a one-acre site approximately. The building is only 1,500 square feet. So I think it can be easily expanded. I think the question of expansion though is basically one of cost and how that will be developed and as well, the need and we could discuss that in the final EA as well. And we can get some information from the current operators to see what their forecasts are for future services.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: So this TMK is a portion of another TMK. Did you create the one acre on purpose?

Mr. Hirano: No, and I don't know it will be subdivided because it will be owned by the County and it will be part of the overall County site and property and improvements. It hasn't been subdivided.

Ms. Freitas: But it's an acre?

Mr. Hirano: It's approximately an acre, yes.

Ms. Freitas: Because it was an acre.

Mr. Hirano: Yes.

Ms. Freitas: Because an acre is kind of large if you're not planning on expanding that's a lot of land.

Mr. Hirano: Part of that I think is to maintain the open space drainage easement as part of that portion of the one-acre site.

Mr. Hedani: Commissioner Starr.

Mr. Starr: How many parking spaces will be provided?

Mr. Hirano: Four parking spaces will be provided.

Mr. Hedani: Any other questions from the Commission? Seeing none, we'd like to open it up for public testimony and we have one person that has signed up Bud Pikrone. Bud.

Mr. Bud Pikrone: Again, Bud Pikrone from the Wailea Community Association. Good morning Members, good morning Chair. Happy New Year. I just want to give you a little

background on how this all came about. A few years ago a number of communities were all striving to improve or enhance ambulance service on Maui. That included Kula and South Maui. We were trying to get an additional ambulance for South Maui and Kula was trying to get 24-hour service. Also, the air ambulance. During this process it was made clear that if the State approved an ambulance service or an additional ambulance in South Maui that it would be just for the ambulance and the service. It was not going to have anything to do putting a building up or housing the service itself. At that time we made the commitment and said, you get us the ambulance, we'll figure out, we'll build something, we'll put it some place. We began that process then working with the County and with the Mayor's Office that we knew that there was land where the fire station. We also found out that it was never planned to put an ambulance in the fire station. So at that time, we said lets look at the land and the Mayor was very gracious in saying yes, this is what this land was for. It was for public service buildings. So we then began the process of looking at well, what could be put there and where could it be put. This particular parcel was probably the best because it was, even though it sounds like a lot, it's bordered by a drainage ditch. It does have quite a slope going to that drainage ditch. It's backed up by a parcel owned by A & B and then it has the easement for a road on the other side. So it is kind of isolated though it is right next to the fire station. So we though it was a good location. We would have liked to have opened up that road, built that road and opened up a loop for the fire station which was originally intended that their property the road would loop into that and we could access that way. Cost, obviously we cannot afford to be putting in that road. So we temporarily are putting in an access off of Kilohana, but it will be designed to put in a road or an access to that road whenever that does get developed.

So we began looking at this and we are in that process now of using private funds to build this, and with again, with the Mayor's support, this process has moved forward with the County graciously saying yes, you build it and we'll take it over and we'll make sure that it gets maintained by the WCA. So that's where we stand and we hope to get this built in the near future so we have a permanent home.

Having the ambulance station where it's located right now is great. It is in a good location at least on the south end of Kihei as we have another one on the north end. I don't know if you're all familiar but the ambulance, when we had the one ambulance it goes all the way from the tunnel to Makena, La Perouse. That was the range that it was covering. So one ambulance was not – and in that area with accidents and everything and the beaches and the problems, as you heard the number of calls that they make and the Fire Department makes in that area because not just accidents but as we know people get a little reckless on the beaches and get banged up quite often and you can hear the ambulance and the Fire Department constantly going down in the area. So it's unfortunate, but we did need to keep an ambulance, spread these ambulances out and so we want to have a permanent home for an ambulance on that end of Kihei. And so having them in a temporary home at any time, they could be removed from that location and be homeless. So we want to

have a home for them and hopefully we'll be able to get that built soon.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: Are you anticipating using any air ambulance services out of there, in case an emergency or anything?

Mr. Pikrone: We're not anticipating at this time. The fire station there does have a helipad in case for any emergencies, and to answer a previous question about expansion, I am on the Fire Commission and I will be working with the Fire Department on their future plans for South Maui. So as they begin their planning process as to the needs for Makena and if 670 were to move forward or any development in Makena, any expansions for health services and fire services in that area, we will take into consideration.

Mr. Hedani: Any other questions for the testifier? Bud, you mentioned that the funding for this project is coming from private sources. Is this the Wailea Community Association and can you disclose what the contribution is?

Mr. Pikrone: Well part of it right now, part of it the funds have been from the Wailea Community Association to begin this process. So to get the SMA process moving to get the design, we have actually had – the design has been donated by one of our members who is an architect. So he has been working with us on the design. Other funding for anything else we need right now, the community association is putting forward. We are also working on having further funds from the community association and members. We are looking at working with some of the developers in the area. Working with them to secure some of the other funds to finish the project and actually build it.

Mr. Hedani: Thank you very much. Congratulations on a very worthwhile effort. I know life safety is always important and this is something that I think everyone should be supportive of. Thank you. Any other questions for staff or any other comments on the draft? Commissioner Starr.

Mr. Starr: I'm just happy to see it moving forward and thank you for the efforts that everyone's been putting into it.

Mr. Hedani: Any other comments from the commission? I noted on the rendition of the fire station, I mean, the rendition of the ambulance station the coconut trees need some attention. Mich.

Mr. Hirano: Thank you very much for your comments Commissioners. I think when this project comes before you during the SMA process those coconut trees will take on a better flavor and color. We'll have a landscape architect actually design some landscape plans

for you.

Mr. Hedani: Thank you. Does the department want to summarize the comments at this point? Dan.

Mr. Shupack: Yes, what I have is I guess, to update on the status of Kilohana Drive and as far as ownership and access to Piilani Highway; what materials will be stored in the storage area, will medical supplies, medicine be stored there, and the adequacy of the storage. Also, I guess, what's the forecast for future services and are there going to be plans for expansion included with the initial plans. What the status of the Kapili Street extension is and will access be planned into the ambulance station once the extension is built. And also, what are the plans for an air ambulance, if any.

Mr. Hedani: Corp. Counsel is advising that we should have a motion at this time to adopt those comments and put them in the form of a letter ...(inaudible)... Commissioner Starr.

Mr. Starr: I so move as just stated by the Chair.

Mr. Iaconetti: Second.

Mr. Hedani: Moved by Commissioner Starr, seconded by Commissioner Iaconetti.

It was moved by Mr. Starr, seconded by Mr. Iaconetti, then

**VOTED: To Adopt the Comments as Discussed and Put Them in the Form of Letter.
(Assenting - J. Starr, W. Iaconetti, J. Guard, S. Freitas, W. Hedani)
(Excused - B. U'u, J. Amorin, P. Eason)**

Mr. Hedani: Carried. Thank you.

Mr. Hunt: I have a meeting the Mayor, so I'm going to turn it over to our Deputy Director.

Mr. Hunt was excused himself at 9:47 a.m., at which time Ms. Suyama took his place.

Mr. Hedani: We'll take a five-minute recess to set up for the next presentation.

A recess was called at 9:47 a.m., and the meeting was reconvened at 9:59 a.m.

Mr. Hedani: We're on Item No. 2.

2. **MR. ALLEN DUARTE and MR. JOSEPH G. DUARTE requesting comments on the Draft Environmental Assessment prepared in support of the Community Plan Amendment from Rural to Single Family Residential for the Duarte Family Subdivision at 411 and 425 Iao Valley Road, TMK: 3-5-003: 005 and 006, Wailuku, Island of Maui. (EA 2006/0010) (CPA 2006/0003) (DBA 2006/0001) (CIZ 2006/0004) (R. Loudermilk) (Draft EA circulated at the December 12, 2006 meeting. Commissioners: Please bring your draft EA with you.)**

The applicant may be subdividing TMK: 3-5-003: 005 into two lots at a later time.

The EA trigger is the Community Plan Amendment.

The Maui Planning Commission is being asked to do the following:

- a. **Concur with the Planning Department on the filing of a draft EA and anticipated FONSI determination with OEQC for publication.**
- b. **Provide comments on the Draft EA.**

The applicants have also been submitted applications for a State Land Use District Boundary Amendment from the State Rural District to the State Urban District and Change in Zoning from the County Agricultural District to the R-3 Residential District. The public hearing on the Community Plan Amendment, the State Land Use District Boundary Amendment, and Change in Zoning requests will be scheduled for a later date after the Chapter 343 process has been completed.

Ms. Robyn Loudermilk: Good morning and happy new year. I have Chris Hart and Partners, the consulting firm for the Duarte family do a power point presentation regarding the contents of the EA document. So I'd like to bring up Chris Hart.

Mr. Chris Hart: Thank you very much Robyn. Before I believe I would also like to, as the fourth Planning Director of the County of Maui, I would first of all like to congratulate Jonathan on being Vice-Chair and also thank Diane and especially Mike Foley and you know, for all of their work. And also to congratulate Jeff Hunt and Colleen and certainly all the best to you Colleen. I know you're prepared for the job.

Ms. Suyama: Thank you.

Mr. Hart: This is before you is the Duarte family subdivision. It's a draft environmental

assessment and it's in support of a community plan amendment and we have with us today Thomas Duarte who is the father of Alan Duarte and also the brother of Joseph Duarte and Lao Valley is kind of a Duarte domain out there.

Anyway we have just a very short power point I'd like to show. This is Lao Valley and basically we're going west and into the West Maui Mountains. The parcels that we're talking about are along Lao Valley Road and this would be parcel no. 5, this would be parcel no. 6 and this would be adjacent parcels further to the west that we'll be talking about that belong to Anthony Duarte.

The state land use classification of the parcels in question are rural, is rural. The Wailuku-Kahului Community Plan designation is also rural. The Maui County zoning for both parcels is Agricultural District and as far as flood zone is concerned it's C minimal flooding.

Size information, the Tax Map Key is 3-5-03: 5 and 6, Lao Valley Road. Parcel 5 is 21,375 square feet. Basically conforms with the minimum lot size in the rural district. Parcel 6, however, is 11,845 square feet which is substandard. It's an existing, non-conforming parcel in the Rural District.

There's an existing single family residence on parcel 5, 1,180 square foot with a 486 square foot garage. Parcel 6 has 2,712 square foot residence with a 732 square foot garage that's existing development.

This actually shows the parcels and essentially gives you a sense of the character of the topography inside Lao Valley which is quite steep. And these are sites that essentially exist basically adjacent to Lao Valley Road.

We're asking for a community plan amendment from Rural to Single Family Residential and also a State District Boundary Amendment from Rural to Urban and County Change in Zoning from Agriculture to R-3 Residential District.

Again, the purpose for this is to enable basically Joseph and Thomas and also Tom's son, Alan to be able to basically initiate a family subdivision and allow for use of the parcels in a more efficient way for the family. I'd like to also point out that in the context of what we're asking for you can see the turquoise basic boundary of the rural district. You can also note that the parcels to the west belong to Anthony Duarte ... (inaudible - changing of tape) ... as being single family and so the essentially consistency with the character of development and basically the precedent of these parcels to the west is consistent and therefore, the rationale for the request that's being brought before you today.

This gives you a sense of the character. Topography is quite steep. It's not necessarily conducive to agriculture and in the context of the location of the road there are some

basically flat areas where single family residential can take place and historically that's how the development, the residential development in Iao Valley has occurred and because of the topography there's no danger really for any further urbanization. This urbanization again is for the purpose of providing for a family subdivision.

Essentially this gives you a sense of how the parcels are being used. Parcel 5 will actually be able to be further subdivided so there could be an additional basic accessory dwelling together with a second dwelling and basically an additional, a third or a second accessory dwelling. So there basically could be three additional, two accessory dwellings, and one main dwelling on this parcel. On the parcel 6, there could be an additional accessory dwelling.

Essentially that's our presentation today to you. I'd just like to summarize with a paragraph from the findings and conclusions of our draft EA that we did submit to you. The proposed land use actions are not anticipated to result in environmental impacts to the surrounding properties, nearshore waters, natural resources or archaeological and historical resources on the site or in the immediate area. The analysis shows that the public infrastructure and services including roadways, sewer and water systems, medical facilities, police and fire protection, parks and schools are adequate to serve the properties. The proposed actions will not impact public view corridors and will not produce significant adverse impacts upon the visual character of the site and its immediate environments.

The applicant's proposal to change the community plan designation from rural to SF Single family and the County Zoning from Agriculture to R-3 Residential District support the existing historical urban residential use of the parcels and the residential character of the immediate area. Rezoning the subject parcels would be consistent with the proposed State Urban Land Use Designation. As such, the proposed action is consistent with the objectives and policies contained in the Wailuku-Kahului Community Plan as well as the State Land Use Law and County Zoning. Based on the foregoing analysis and conclusion, the proposed action will not result in significant impacts to the environment and is consistent with the requirements of HRS Chapter 343. Thank you.

Mr. Hedani: Any questions for the applicant? Commissioner Iaconetti.

Mr. Iaconetti: Just out of interest I noticed that the map that you had on just before this slide showed Spreckels. Did Spreckels at one time own that property?

Mr. Guard: The whole region.

Mr. Iaconetti: Really? Wow.

Mr. Hart: I see that Claus Spreckels, right it did.

Mr. Guard: World War I it was taken away from him.

Mr. Iaconetti: Really. Thank you.

Mr. Hart: Okay, I wasn't aware of that.

Mr. Hedani: Commissioner Freitas.

Ms. Freitas: Just a question. I noticed that flood zone C, what is it, just flood on the lower side? And it doesn't get effected because it's on the upper side?

Mr. Hart: Yeah, it would be basically related to Lao Stream, and you know basically the location is above Lao Valley Road. So it's outside of the flood zone area.

Mr. Hedani: Any other questions? Commissioner Guard.

Mr. Guard: In the community plan map, are there more smaller parcels around this, the remaining light blue?

Mr. Hart: There are some additional –

Mr. Guard: There's not that many homes, but I know there's – I don't know if it's going to trigger more people doing the same.

Mr. Hart: It could. And you know, we talked a little bit with the Planning Department about that especially from the point of view that you can see for instance with the Anthony Duarte parcels to the west, these parcels are nonconforming as far as the minimum lot size in the rural district and therefore, they were changed to single family. And of course, this parcel 6 is also nonconforming. So you know, based on historical use, I think it's more appropriate that they would be identified as urban. And it could be that there will be others in this area that might ask for it. However, it could also be that the Planning Department, you know, in the context of the update of the community plan might look at it and say that, you know, for those parcels that are basically nonconforming as far as minimum lot size in the rural district maybe they should be single family.

Mr. Guard: So each of the yellow parcels the County did that on its own. There wasn't someone else that came through this process not your applicants going through to do that, do you know?

Mr. Hart: I'm not sure what the history of that is. How that Anthony Duarte part goes, maybe Tom? This is Thomas Duarte.

Mr. Thomas Duarte: I'm Thomas, Tom Duarte. My family has lived in the valley for about 120 years or a little more. So you can see why we want to keep it in the family. As far as the zoning change, I don't believe anybody in Lao Valley asked to have it changed to what it is now. I know for a fact that my next neighbor, Souza, wanted to have it changed but they had – I think it's divided with five people and two are in the mainland so they couldn't do it at this time. And my brother Anthony wanted, I mean, my cousin Anthony wanted his place changed and I think the lots above all have been changed to residential. Basically the people that live there are not farming. I guess only a rich person can farm in a half acre lots. I don't know anybody there that wants it to be farm land.

Ms. Loudermilk: Would that be something you'd like to have in the final EA document?

Mr. Guard: I was just asking.

Ms. Loudermilk: Just curious.

Mr. Guard: I was just asking if what the history of that area was. I mean, I know this has taken these guys a long time and that's probably something to look at for some of the neighbors as well?

Mr. Hedani: Any other questions for the applicant at this time? Okay, I know I worked with Addie Rowland for 17 years for Amfac when she was working with Amfac and she said, I can remember Addie saying, if you drop a bomb in Lao Valley you would get rid of the whole Duarte family all at one time, but a history of a 120 years that's impressive. Staff recommendation.

Ms. Loudermilk: Well basically I just want to go over a couple of things. The trigger for the environmental assessment is the community plan amendment. I'd like to go over the procedural time line. The publication of this document in the OEQC Bulletin occurred yesterday on January 8, 2007, and not the December 28th that we have in the memo thus the 30-day public comment deadline is February 7, 2007. The department has reviewed the draft EA document and find that it does meet the requirements for a draft EA, and further that the potential for a FONSI is anticipated. And so we're here just to ask for any comments that you would like to see or areas in the draft EA that is not covered that you would like see covered before – as part of an agency comment. And then once the comments have been received from this body as well as the other agencies, the final document will be prepared and will come back before this commission. Should that be accepted then once it gets published in the OEQC Bulletin, we will schedule the public hearing before this body for the district boundary amendment, community plan and the change in zoning. So at this point, resulting of the two presentations if there are any additional information that you'd like to see in the document?

Mr. Hedani: Okay, before we move that what we'd like to do is open it up for public testimony to see if there are any members of the public that would like to offer comments. If so, just please step to the microphone and identify yourself. Seeing none, the public testimony is closed. Additional comments on the report? Commissioner Starr.

Mr. Starr: Yes, I would like to see inclusion of a statement by Department of Water Supply regarding the adequacy of water service not only in the lao area but at that altitude whether there is adequacy of pressure at that altitude or whether they would have to develop a structure if there's more development in that area.

Ms. Loudermilk: Okay.

Mr. Hedani: Additional comments? My comment would be that I'm glad that the applicant is going through the process in order to bring the property into conformance with the community plan as well as the state land use plan. Do you need a vote or a motion at this point on this?

Ms. Loudermilk: In order to officially relay the two comments that we have to insure that we have the –

Mr. Hedani: Could you restate the comments?

Ms. Loudermilk: The two comments were first to insure that we have comments from the Department of Water Supply regarding the adequacy of not only the availability of ground water but the ability of the system to provide the water to the site. And then secondly, that of course it will be more tactful, nice, but glad that they're coming to reflect the current use of the property.

Mr. Hedani: Thank you for making my comments more tactful. Okay, are there any objections from the commission or by consensus we'll adopt those comments for forwarding to the County Council.

Ms. Loudermilk: Okay, thank you.

F. COMMUNICATIONS

- 1. MS. KAUI KANAKAOLE, Chairperson of the HANA ADVISORY COMMITTEE TO THE MAUI PLANNING COMMISSION transmitting the Committee's recommendation on the request by MR. WAYNE I. ARAKAKI of WAYNE ARAKAKI ENGINEERING for a Change in Zoning from Interim District to RU-0.5 Rural District for the Marciel Subdivision**

**at TMK: 1-4-006: 020, Kawaipapa, Hana, Island of Maui. (CIZ 2006/0006)
(R. Loudermilk)**

The Maui Planning Commission may take action to make a recommendation to the Maui County Council on the zoning change request.

Ms. Loudermilk presented the Maui Planning Department's Report.

Mr. Hedani: Questions for the staff? Commissioner Starr.

Mr. Starr: How much of that interim zoning still exists in the Hana District? Could you kind of explain how and why that's interim. I remember there was an exclusion by the County Council at one time.

Ms. Loudermilk: This property is part of a clusters of property when you're coming from Hana Highway past Waianapanapa just before you make the fork in the road of where the County Baseyard is. All of that area has been designated rural in the Hana Community Plan and designated Rural by the State Land Use Commission. Back in 1997, and 1998 when the County Council was considering the adoption of the current rural zoning district bill, the criteria for the automatic rezoning had to do whether you were in the community plan Rural or State Land Use Rural. However, there was an exception in that bill that excluded the Hana District and part of that had to do with a serious discussion and proposal for a cultural overlay in the Hana region that would encompass these properties. That never materialized. So this is one of those properties that was not automatically rezoned to the rural district and remain in interim. In terms of acreage, I don't know. But this was one of those properties that were not part of the automatic rezone. So in order for a subdivision or other future type action to occur, these property owners will have to come in individually such as this family to request those changes.

Mr. Hedani: Commissioner Starr.

Mr. Starr: What would be the proper process to deal with all of that interim? Because I really don't think that it's right to have all of that interim zoning hanging out there. I felt it was a mistake at the time and I know this is a bigger question that the department will have to deal with, but whether now is the time to get the answer or not, I'm not sure, but I do think this is something that should be looked at and I'd like to know what that process would be.

Ms. Loudermilk: Well, we have the Deputy Director here. Hana is not the only region. There's places on Molokai and more in the rural areas that are in the similar situation

because they didn't meet criteria for the rural rezoning or the agriculture rezoning and I'd like to turn it over to the Deputy Planning Director for her comments.

Mr. Hedani: That's called, punt.

Ms. Suyama: Which is all right. To resolve the issue, the exclusion was done at the Council level when we were talking about zoning for Hana, the Hana Community Plan area. And to me, because it was a policy decision that was done by the Council, primarily I believe it was initiated by Bob Carroll who was the Councilmember from Hana at that time.

Mr. Starr: No, Kalani English.

Ms. Suyama: Oh, Kalani English, I'm sorry. That the most expeditious way to rezone these properties would be through Council resolution. So at least the policy that was established initially by previous Council is either going to be overturned or redirected in some manner.

Mr. Starr: Is it possible for either the commission or the department to make a statement that it would be a good thing for the Council to look at it?

Mr. Hedani: That could be a comment that you could attach to this report.

Ms. Loudermilk: Sure. Sure.

Mr. Hedani: Any other comments? One correction, on page 5, Item 1, it should be the County of Maui, Department of Water Supply unless the Water Supply Department is forming a county.

Ms. Loudermilk: Thank you.

Mr. Hedani: If not then, if there's no objection we'll go ahead by consensus.

Ms. Loudermilk: Oh, public hearing.

Ms. Suyama: Public comment.

Ms. Loudermilk: Public comment.

Mr. Hedani: I thought we did that. Are there any members of the public that would like to offer comments on this item? Seeing none, public hearing is closed. By consensus we'll go ahead and forward this recommendation.

Ms. Loudermilk: Okay, with the – included in the transmittal regarding that the Council look

at rezoning those properties in Hana that are interim to rural that were excluded from the rural.

Mr. Starr: Can we make that countywide?

Mr. Hedani: For any interim property.

Ms. Loudermilk: Okay fine.

Mr. Hedani: No objection.

Ms. Loudermilk: We won't pick on Hana. Okay.

Mr. Hedani: Okay, thank you. Director.

G. MINUTES OF THE OCTOBER 24, 2006 and NOVEMBER 13, 2006

Mr. Hedani: If there are no additions, corrections to the minutes, then the minutes will be accepted as circulated.

H. DIRECTOR'S REPORT

1. Planning Commission Projects/Issues

Ms. Suyama: Because it was new administration, I believe our previous Director had informed you that we have not scheduled any hearings for the month of January. Your hearings will begin in the February meetings. So we have some more communication items and environmental assessments to deal with, with the second meeting.

2. EA/EIS Report

Ms. Suyama: Going on with the EA documents, two documents have been circulated for your review that will be coming up at the January 23rd meeting. One is the Kapalua Coastal Trail project and the other one is an environmental assessment for demolition work at the Maui Palms Hotel. And in terms of the Maui Palms Hotel site is demolition work within the shoreline setback area. And the reason this is coming back is that with the adoption of the erosion rates for the shoreline rate it turns out that some of the structures that were slated for demolition is now within the setback area and we need to go through the Chapter 343 process for that.

3. SMA Minor Permit Report

4. SMA Exemptions Report

Ms. Suyama: You also have gotten the list of the minor permits and exemption reports. So unless there are any questions regarding those listings?

Mr. Hedani: No questions. Commissioner Freitas.

Ms. Freitas: Under Director's Report, thank you. Could you see if the ball's going to get dropped now that Foley's gone about Kahoolawe? Come on I only got two months.

Mr. Hedani: He managed to escape that.

Ms. Freitas: Yes he did. If you would please?

Ms. Suyama: Yes, I will follow up about the Kahoolawe site trip.

Mr. Hedani: Also, a question at the last meeting I think we had a draft environmental assessment for the Papalaua to Puamana land use redesignation, is that scheduled for our next meeting also?

Ms. Suyama: Right. That's going to be rescheduled for your next meeting. We had some notice problems with that one at the last meeting.

Mr. Hedani: Okay, so we'll hang onto this stuff. Also, I asked the department to circulate to you a copy of a letter that I got from Mr. E. Thomas Lewicke, so that has been included in your packet. In the letter basically, this is an individual that received an SMA approval from the commission and is questioning the conditions of the approval. So I've circulated that to all of the members of the commission for your information and the department along with counsel should be responding to him at some point. With that, our next regularly scheduled meeting is for January 23rd. Commissioner Guard.

Mr. Guard: I have a question, maybe the director might be able to help out. With the one that we saw today like Duarte, we're going to have probably more of those coming up and is that something that – like Chris had talked about where the County actually kind of stepped up and changed it to single family and just like we're trying to think about taking interim out. Because I know they've already spent \$25, \$30,000 and there's going to be other families in that position that I don't know if the County could or Planning, I mean, that might be a good step to try to alleviate a lot of these from the '50's now you're going to have generations coming up because I have a lot of friends in that same position that don't have the money to pay for that. So, if there's some way to look at those areas?

Ms. Suyama: There's various ways that it can be done. Because we are in the General

Plan update and one of that is doing the Maui Island Plan, eventually redoing the Wailuku-Kahului Community Plan documents, if that occurs then those lots can be reconsidered as to whether they should be single family or should they really remain in rural district. The other way is if there becomes a pressure that there's a number of people that may want to have their property redesignated there is the possibility that it could be either initiated by the Council or it could be initiated by the department. But it does not absolve you from the process of doing Chapter review. And the problem becomes whether there's funding on the County level to do the documentation for Chapter 343 review. In a lot of cases the applicants pick up the cost when it's initiated by either the Council or the department. So it depends on funding and depends on the situation.

Mr. Hedani: Commissioner Starr.

Mr. Starr: Yeah, several meetings ago we had a list of several items which I guess were like resolutions for the new year or whatever, and don't think today is the right day to take them up. I preferred if the new director got a chance to settle in and were here as well as several of the other members, but you know, I do look forward to going over that before too long. And also I did want to report I had a really good meeting along with Commissioner U'u with the Long Range and GIS people and learned a lot and I'd like to report on that but I'd like to wait till Commissioner U'u is here with me.

Mr. Hedani: Good. Any other comments for the good of the order? If not, thank you very much. Our next meeting is January 23rd, and we are adjourned. Thank you.

I. NEXT REGULAR MEETING DATE: January 23, 2007

J. ADJOURNMENT

The meeting was adjourned at 10:32 a.m.

Respectfully submitted by,

CAROLYN J. TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Wayne Hedani, Chairperson
John Guard
Suzanne Freitas
William Iaconetti
Jonathan Starr, Vice-Chairperson

Excused

Bruce U'u
Johanna Amarin
Patti Eason

Others

Jeffrey Hunt, Planning Department
Colleen Suyama, Planning Department
James Giroux, Department of the Corporation Counsel
Mike Miyamoto, Department of Public Works and Environmental Management