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M I N U T E S
LAND USE COMMITTEE
COUNCIL OF THE COUNTY OF MAUI
COUNCIL CHAMBER, EIGHTH FLOOR
WAILUKU, MAUI, HAWAII
AUGUST 6, 2008

APPROVED:



Committee Chair

REPORTED BY: Tonya McDade, Hawaii CSR #447
Registered Professional Reporter
Certified Realtime Reporter
Certified Broadcast Captioner

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1 CONVENE: 1:37 p.m.

2 PRESENT: Councilmember Michael J. Molina, Chair
 3 Councilmember Joseph Pontanilla, Vice-Chair
 4 Councilmember Michelle Anderson, Member
 5 Councilmember Gladys C. Baisa, Member
 Councilmember G. Riki Hokama, Member
 Councilmember Jo Anne Johnson, Member
 Councilmember Michael P. Victorino, Member

6 EXCUSED: Councilmember Danny A. Mateo, Member
 Councilmember Bill Kauakea Medeiros, Member

7

8 STAFF: Carla M. Nakata, Legislative Attorney
 Camille Sakamoto, Substitute Committee
 Secretary
 Leinaala Kihm, Executive Assistant to
 Councilmember Bill Kauakea Medeiros

9

10

11 ADMIN: Jeffrey Hunt, Director, Department of Planning
 Clayton Yoshida, Planning Program
 Administrator, Current Planning Division,
 Department of Planning (Item No. 19)
 Scott English, Lieutenant, Fire Prevention
 Bureau, Department of Fire and Public
 Safety (Item No. 19)
 Michael Miyamoto, Deputy Director, Department
 of Public Works
 Jeffrey Dack, Staff Planner, Department of
 Planning (Item No. 30)
 James A. Giroux, Deputy Corporation Counsel,
 Department of the Corporation Counsel

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18 OTHERS:

19 ITEM 19:

20 Louis Cambra
 Elizabeth Rost
 Melanie Padgett
 Frank Padgett

21

22 Christopher Hart, Chris Hart and Partners (Applicant's
 Consultant)

23 Raymond Cabebe, Chris Hart and Partners (Applicant's
 Consultant)

24 Ken Tatsuguchi, Engineering Program Manager, Planning
 Branch, Highways Division, State Department of
 Transportation

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1 Leonard Gomes, Jr. (parcel 5)
 Jamie Padgett (parcel 7)
 2 Sybil Padgett (parcel 6)
 Steve Sadler (parcell 11)
 3 Robert and Marlu Kimball (parcel 12)
 Cherylann and Frank Caravalho, Jr. (parcel 14)
 4 Frank and Mary Caravalho (parcel 15)
 Mercer "Chubby" Vincens
 5 Three (3) additional unidentified attendees

6 ITEM 30:

7 William Spence, The William Spence Company, (Applicant's
 Consultant)
 8 Michael Phillips, Member, Kihei Baptist Chapel
 Glenn Armstrong, Pastor, Kihei Baptist Chapel
 9

10 PRESS: Akaku: Maui Community Television, Inc.

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12 CHAIR MOLINA: ...(gavel)...The August 6, 2008
 13 Land Use Committee is now in session.

14 For the record, we have in attendance Members
 15 Anderson, Baisa, Johnson, Pontanilla, Victorino and
 16 Molina; excused are Members Mateo, Medeiros and Hokama.

17 Members, today we have two items on our agenda
 18 for discussion today and possible decision-making. But
 19 before we do that, the Chair will entertain testimony from
 20 the public. But before we do that, the Chair would like
 21 to introduce our Committee Staff. We have our Analyst
 22 Carla Nakata; and filling in for Tammy Frias, we have
 23 Committee Secretary Camille Sakamoto; and from the
 24 Corporation Counsel's Office, we have James Giroux; and
 25 from the Planning Department, we have Planning Director

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1 Jeff Hunt, and we also have Senior Planner Clayton
2 Yoshida.

3 So let us now go into public testimony.

4 Committee Secretary, do I have any sign-ups for
5 public testimony at this time?

6 Okay. We do have one person signed
7 up for testimony. And I believe that is Mr. Louis Cambra.

8 Mr. Cambra, if you can go ahead on up to the
9 podium. And before you begin, just for your
10 information -- and everyone else's -- if you do plan to
11 testify, please be sure to state your name and any
12 organization you may be representing. And you will have
13 three minutes to testify with one minute to conclude. And
14 please turn off all cell phones and pagers so as not to
15 disrupt our proceedings today.

16 So with that said, Mr. Cambra.

17 ...BEGIN PUBLIC TESTIMONY...

18 MR. CAMBRA: Thank you, Chairman Molina and
19 Council Members.

20 My name is Louis Cambra. And I reside at 288
21 Makaena Place.

22 The reason I signed up late is that we just got
23 this today, with the changes that were made. And I would
24 like to be up front with you people that my properties are
25 what -- the area they are talking about, of course, in my

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1 property.

2 And at this time I am going to let everybody
3 know that I have no intentions of signing any agreement
4 for crossing my property for a three-lane road or whatever
5 it's going to be. I should be up front with you.

6 And they talking about the future. And
7 somewhere down the line, if I still own the property, or
8 my sons or my daughter own that property, it's their
9 decision to make. But I cannot see imposing all these
10 conditions, especially when we here to ask for a rezoning.

11 And, you know, last time you was talking about
12 fixing the road, et cetera, everything else. And it was
13 my understanding before -- I don't know if it's changed
14 now -- that it's a private road. Why do we have to have
15 this road done in order to get rezoned?

16 And, you know, that -- it bothers me like, you
17 know, I -- I talked to my family. I talked to my family,
18 and my wife, my -- my children. And we came to the
19 conclusion that, you know, I had six major heart bypass
20 surgeries, and I don't need all these stress or whatever.

21 So I am going to tell you people again that I
22 will not sign the condition that -- imposed by Planning or
23 whatever they want.

24 I am open for any questions you want to ask me.

25 CHAIR MOLINA: Thank you, Mr. Cambra.

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1 Committee Members, any questions for the
2 testifier?

3 Member Baisa?

4 COUNCILMEMBER BAISA: Yes.

5 Pursuant to our meeting the other day,
6 Mr. Cambra, I wasn't really sure of the logistics of the
7 area, so I took a drive through. I drove down from the
8 highway, down on Makaena, and then came back and went from
9 the Pukalani Superette side, down that road, and onto
10 Loha. And I am trying to understand. If that traffic is
11 going to go down on Loha, is that where the entrance will
12 be, off that skinny little road and onto Loha?

13 MR. CAMBRA: The entrance they talking about?

14 COUNCILMEMBER BAISA: That they are talking
15 about.

16 MR. CAMBRA: I believe it's in Makaena Place,
17 our road.

18 COUNCILMEMBER BAISA: Yeah, but they want to
19 connect to Loha. The idea, that they going to have like a
20 loop-around like a bypass, right?

21 MR. CAMBRA: Yeah. That's correct.

22 COUNCILMEMBER BAISA: So that -- where Loha is,
23 it connects with that road coming up from Pukalani Terrace?

24 MR. CAMBRA: That's correct.

25 COUNCILMEMBER BAISA: And that intersection is a

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1 turn, it's a curve, just like that, where Loha would go
2 down?

3 MR. CAMBRA: Yes. It's a sharp turn, right there.

4 COUNCILMEMBER BAISA: It's a very, very
5 dangerous turn. And, you know, I took my husband with
6 me, the old policeman. And he said, you know, this is
7 really treacherous, they are going to have to do a lot of
8 work here if they going to turn -- you have more cars
9 coming here. Because it's very dangerous on that sharp
10 turn.

11 What is your take on that?

12 MR. CAMBRA: Yes. And you have been on our
13 road.

14 COUNCILMEMBER BAISA: Yes.

15 MR. CAMBRA: It not the best road, but it's a
16 road. Compared to that road, that Loha Place --

17 COUNCILMEMBER BAISA: It's terrible.

18 MR. CAMBRA: -- I mean, that's no comparison to
19 what we have right now.

20 COUNCILMEMBER BAISA: Yes.

21 MR. CAMBRA: I mean, you know, that road -- if
22 you go down that road, some places are wide, some places
23 are narrow. And like you said, that very intersection is
24 very dangerous. You almost cannot make a left turn over
25 there. And the cars coming up on, from the terrace area.

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1 There are going to be a lot of accidents over there.

2 COUNCILMEMBER BAISA: Yeah. What I am afraid of
3 is you are coming from the Pukalani Superette and heading
4 towards Pukalani Terrace. And if there is a car coming
5 out from Loha, it's really dangerous. And if they are
6 coming up, it's kind of blind with the person coming from
7 Loha. So it -- to me, it's a very treacherous thing to do
8 there.

9 Also, your Makaena Road is quite small. I mean,
10 it suits the neighborhood because, you know, you don't
11 have a lot of traffic. But it would take a lot of
12 improvements to change that. And it will totally change
13 your neighborhood. I saw what you meant.

14 So thank you very much, because I wouldn't have
15 a picture in my mind if I didn't go see it.

16 CHAIR MOLINA: Okay. Thank you, Member Baisa.
17 Committee Members, any other questions for the
18 testifier?

19 Thank you very much, Mr. Cambra, for your
20 testimony.

21 MR. CAMBRA: I thank you again.

22 CHAIR MOLINA: And for the record, Mr. Cambra
23 was testifying on Land Use Item 19, which is a District
24 Boundary Amendment and Change in Zoning for Makaena Place
25 in Kula.

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1 Do we have any other folks interested in signing
2 up?

3 Okay. Ma'am, why don't you go ahead -- go ahead
4 and testify? And you can -- well, I guess -- oh, go
5 ahead, just complete your sign-up. Okay.

6 And, folks, again, we are taking testimony for
7 both items, Land Use Item No. 19, as well as Land Use Item
8 30, which relates to a Change in Zoning for the Kihei
9 Baptist Chapel.

10 You may go ahead and begin.

11 MS. ROST: My name is Elizabeth Rost. I am
12 Frank and Sybil Padgett's daughter. We have a piece of
13 property on Makaena Place that we plan to develop for our
14 family only, when it's subdivided. And that seems to be
15 the general idea. Every one of our neighbors says the
16 same thing, we want it to be a family area.

17 I really object strongly to a road being put
18 across Mr. Cambra's property. This is a very hard-working
19 man who spent his life working for the County of Maui.
20 And now they are going to -- you guys are thinking about
21 taking away a piece of his property and making his living
22 situation on that piece of property a lot less tenable.

23 So I -- I think it's really wrong. I mean, we
24 paid the full price for putting in the water.
25 Mr. Cambra's living there. He wants his family to live

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1 there. We want our families to live there.

2 And we're supposed to put -- you know, put our
3 -- those -- our -- our personal and family comforts aside.
4 For what reason I am not sure. But as I said, I think
5 it's wrong. So I would like to -- everyone to know that I
6 object to this strongly.

7 CHAIR MOLINA: Okay. Hang on.

8 Committee Members, do you have questions for the
9 testifier?

10 (Silence.)

11 CHAIR MOLINA: Okay. Seeing none, thank you for
12 your comments.

13 And just to make it clear, this is -- I believe
14 this is in reference to an August 4th, 2008 letter from
15 the Planning Department. So it's not us who is initiating
16 this, you know, proposed condition. So I just want the
17 public to know. Okay. We haven't even discussed it yet
18 at this point. So I just wanted to make that clear for
19 the record.

20 Next to testify -- why don't you go ahead and
21 testify, and then you can sign up later?

22 MS. PADGETT: I am Melanie Padgett. I am also
23 part of the Padgett family and currently am residing in a
24 house on one of the lots that we are talking about at 189
25 Makaena Place.

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1 And I just want to also say that we -- my
2 husband and I and our children strongly feel that a road
3 -- Makaena Place going through to Loha Place would be a
4 big mistake, not just for us, but for people driving on
5 that road. It's -- and the potential for students coming
6 from King Kekaulike or Kamehameha High School that are new
7 and -- new drivers using that road as a shortcut is, I
8 think, dangerous for the reasons that Councilwoman Baisa
9 mentioned.

10 I, too, went down this past weekend and drove on
11 Loha Place, just to make sure -- you know, to refresh my
12 memory about what it was like and where it ends up. And
13 that turn that you are talking about with people coming up
14 from Pukalani Terrace, trying to negotiate that turn or,
15 you know -- or turning back from Loha onto the -- that
16 road would, I think, be hazardous. And it certainly would
17 change our -- our rural lifestyle forever to have that be
18 a through road.

19 So I don't think that should be a condition.

20 And I certainly don't think we should have to
21 pay for any of the improvements that would someday, you
22 know, allow that to be connected. I don't think we should
23 have to pay for that. And I, also, strongly don't feel
24 that we should have to pay for any of these other
25 conditions.

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1 Because, as I said and testified last time, all
2 those things should have been thought about when the sites
3 for King Kekaulike and Kamehameha Schools and Kulamalu
4 were approved. They are the people who have the money to
5 do those sorts of improvements.

6 And if they weren't required then, why should
7 our small family subdivision people involved in that have
8 to pay for that? It just doesn't seem fair.

9 And it would be prohibitive. I don't think any
10 of us would actually, then, be able to do a subdivision
11 for our families if we had to, you know, put in that much
12 money for that type of improvement.

13 I can understand the condition about the left
14 turn during peak hours on the highway. That is
15 reasonable. I do that now. Because with so much school
16 traffic, it's almost impossible to turn right -- I mean to
17 turn left in the mornings from our road onto the Kula
18 Highway. So I think that is a reasonable condition.

19 Thank you.

20 CHAIR MOLINA: Okay. Thank you.

21 Committee Members, questions for the testifier?

22 Okay. Hang on. We have a question from Member
23 Anderson.

24 COUNCILMEMBER ANDERSON: Thank you, Chair.

25 Thank you for being here, Ms. Padgett.

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1 MS. PADGETT: Sure.

2 COUNCILMEMBER ANDERSON: Would you mind telling
3 this Committee what it cost all you folks to put in an
4 eight-inch water line?

5 MS. PADGETT: I think Mr. Cambra or my
6 father-in-law, Frank Padgett, could probably answer that
7 better as they are actually the ones who paid for it. So
8 if you like, I can turn the mike over to my father-in-law.

9 COUNCILMEMBER ANDERSON: Well, did you guys all
10 contribute towards this?

11 MS. PADGETT: Yes.

12 COUNCILMEMBER ANDERSON: What was your
13 contribution? You can't remember?

14 I am just trying to get a figure, Mr. Chair,
15 because --

16 CHAIR MOLINA: Okay.

17 MS. PADGETT: \$140,000 total.

18 COUNCILMEMBER ANDERSON: Okay. Thank you very
19 much.

20 MS. PADGETT: Split amongst ten property owners,
21 or something like that.

22 COUNCILMEMBER ANDERSON: Thank you.

23 CHAIR MOLINA: Okay. Any other questions for
24 the testifiers, Members?

25 Okay. Thank you.

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1 Next to testify we have Justice Frank Padgett.

2 MR. PADGETT: I don't have anything in addition
3 to add to what has been said --

4 CHAIR MOLINA: Excuse me, sir. If I could ask
5 you to raise the mike so we can hear your voice.

6 MR. PADGETT: Yeah, I'm sorry.

7 CHAIR MOLINA: Thank you.

8 MR. PADGETT: I don't have anything in addition
9 to add, but to say to you that if we have to live with
10 that condition of putting through a road to Loha Place and
11 paying the money, I am not interested in doing a
12 subdivision at this time. I would just as soon -- if that
13 is the condition and that is what you are going to impose
14 on us, we don't want it.

15 Thank you. Any Questions?

16 CHAIR MOLINA: Okay. Thank you.

17 Committee Members, questions for Justice
18 Padgett?

19 (Silence.)

20 CHAIR MOLINA: Seeing none, thank you,
21 Mr. Padgett.

22 Any other requests for testimony at this time
23 before the -- the Chair closes public testimony for both
24 items, Land Use Item 19 and 30? Okay.

25 Committee Secretary, no one else has come to

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1 sign up?

2 MS. SAKAMOTO: No, Mr. Chair.

3 CHAIR MOLINA: Okay. If there are no
4 objections, Members, the Chair will close public testimony
5 for our Land Use items.

6 COUNCIL MEMBERS: No objections.

7 CHAIR MOLINA: Thank you very much, Members.

8 ...END OF PUBLIC TESTIMONY...

9 ITEM NO. 19: DISTRICT BOUNDARY AMENDMENT AND CHANGE IN
10 ZONING FOR MAKAENA PLACE SUBDIVISION
(KULA) (C.C. No. 07-216)

11 CHAIR MOLINA: Okay. Members, let's start first
12 with Land Use Item No. 19. And the Committee is in
13 receipt of the following: County Communication Number
14 07-216 from the Planning Director, transmitting requests
15 from Christopher Hart, Chris Hart and Partners, Inc., on
16 behalf of ten landowners for a District Boundary Amendment
17 from Agricultural District to Rural District and a
18 Change in Zoning from Agricultural District to RU-0.5
19 Rural District for the development of the Makaena Place
20 Subdivision in Kula, Maui, Hawaii, along with proposed
21 bills to grant the request.

22 Correspondence dated July 9, 2008, from the
23 Corporation Counsel's Office, transmitting 20 revised
24 proposed bills to grant the requested District Boundary
25 Amendments and Changes -- Changes in Zoning for properties

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1 located at the following: 109 Makaena Place; 143 Makaena
2 Place; 189 Makaena Place; 271 Makaena Place; 288 Makaena
3 Place; 236 Makaena Place; 174 Makaena Place; 88 Makaena
4 Place; 64 Makaena Place; and 26 Kula Highway.

5 So this is somewhat unprecedented, Members.
6 This is the first time we've ever had to deal with so many
7 requests in one, for one particular item. But it is what it
8 is and we will proceed.

9 So, Members, before we -- the Chair is going to
10 take a brief recess to set up a Powerpoint presentation
11 from the applicant's representative.

12 But before we do that, the Chair would like to
13 recognize the presence of Council Chairman Hokama to our
14 proceedings today.

15 All right, Members. So we will proceed with the
16 following -- in the following fashion: We will have a
17 presentation from the applicant's representative and after
18 their presentation is done, we will get comments from the
19 Planning Department and proceed with the discussion on
20 Land Use Item No. 19.

21 COUNCILMEMBER JOHNSON: Point of information.

22 CHAIR MOLINA: Yes, Member Johnson?

23 COUNCILMEMBER JOHNSON: Did we do that last
24 time?

25 CHAIR MOLINA: No. We just, basically, had only

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1 enough time to take testimony --

2 COUNCILMEMBER JOHNSON: Okay.

3 CHAIR MOLINA: -- from the landowners --

4 COUNCILMEMBER JOHNSON: I --

5 CHAIR MOLINA: Yeah.

6 COUNCILMEMBER JOHNSON: -- couldn't recall. I
7 guess it's because we went through the Powerpoint
8 ourselves.

9 CHAIR MOLINA: Right.

10 COUNCILMEMBER JOHNSON: Personally, Mr. Chair, I
11 -- because I have gone through the Powerpoint and because we
12 discussed this from last time, I personally don't need to
13 go through a Powerpoint. But, I mean, I will defer to
14 other Members.

15 CHAIR MOLINA: Sure. Okay.

16 Members, if -- the Chair would prefer going
17 through with the Powerpoint, just as -- as -- for
18 informational purposes for the public, and for some
19 Members who didn't have the opportunity to go through the
20 Powerpoint.

21 Mr. Victorino, you have a --

22 COUNCILMEMBER VICTORINO: And I tend to agree,
23 Chair. I think the public needs to see what we are doing.
24 I think, since we have it, let's do it. And I think then
25 they can see why we -- why and how we will make a decision

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1 on this whole issue. So I would like to see the
2 Powerpoint, personally.

3 CHAIR MOLINA: Okay. All right. Thank you,
4 Mr. Victorino.

5 And, Member Johnson, the Chair appreciates you
6 getting a leg up on this as well. So -- and I wanted to
7 commend you for that.

8 So, Members, meeting in recess subject to the
9 call of the Chair...(gavel)...

10 RECESS: 1:53 p.m.

11 RECONVENE: 1:55 p.m.

12 CHAIR MOLINA: ...(gavel)...The Land Use
13 Committee Meeting for August 6, 2008, is now back in
14 session.

15 Members, we're in the process of hearing a
16 Powerpoint presentation from the applicant's
17 representative related to Land Use Item No. 19.

18 I will turn the mike over to Chris Hart.

19 Mr. Hart.

20 MR. HART: Thank you, Chairman Molina and
21 Members of the Land Use Committee.

22 This is a present -- my name is Chris Hart of
23 Chris Hart and Partners. And we are the planning
24 consultants on this application.

25 With me is Raymond Cabebe who has been the

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1 project planner on the project.

2 This is a project involving Makaena Place. It's
3 a series of ten property owners along Makaena Place with
4 applications for District Boundary Amendment and Change in
5 Zoning.

6 The applicants are requesting a State District
7 Boundary Amendment from Agriculture to Rural and a County
8 Change in Zoning from Agricultural to RU-0.5.

9 The owners of the ten properties on Makaena
10 Place, as a matter of economy, collectively submitted
11 their applications for State District Boundary Amendment
12 and County Change in Zoning to be processed concurrently.

13 The same owners also banded together to install
14 an eight-inch water line with fire hydrants on Makaena
15 Place.

16 The County agreed, with concurrence from the
17 State, to process their applications collectively for
18 administrative efficiency.

19 And at this point I would like to just give a
20 little bit of background.

21 Back in 1992, when the update of the Upcountry
22 Community Plan was in process, it was at the Citizen's
23 Advisory Committee, Len Gomes came and testified and asked
24 that this area along Makaena Place be changed from
25 Agriculture to Rural. And the Citizen's Advisory

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1 Committee concurred with that, and the Planning Commission
2 also concurred, and the Council concurred. And it's part
3 of the 1996 Upcountry Community Plan.

4 Also, from the point of view of this group of
5 neighbors actually being friends and working together, I
6 think it's -- it's -- it's, basically, evidenced by their
7 working together to actually install an eight-inch water
8 line. And that was one of the limitations for development
9 of this particular agricultural subdivision.

10 The location map -- this -- actually, USGS map,
11 this was -- there's a better location map.

12 This actually is Lower Kula Road. This is
13 Makaena Place. King Kekaulike High School. The actual
14 intersection of Haleakala Highway and Lower Kula Road, the
15 Pukalani Bypass and old Pukalani -- or old Haleakala
16 Highway down through Pukalani. The intersection is "Five
17 Trees." You can see that the location is very close in
18 proximity to "Five Trees" and, also, to King Kekaulike.

19 I would also like to point out that this is not
20 part of Kulamalu. This is Kulamalu. And this is Kula
21 200.

22 And this is Loha Place, which is makai.
23 Actually, as -- it does actually go down to the
24 intersection of Old Haleakala Highway opposite Pukalani
25 Superette.

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1 This is Makaena Place. This shows the actual 10
2 parcels that are part of this application; Parcel 15, 16,
3 14, 5, 6, 7, 8, 10, 11, 12.

4 I might add that Parcel 11 is currently owned by
5 Steve Sadler who -- oh, I'm sorry. Parcel -- it's not --
6 Parcel 13 is currently owned by Steve Sadler, who is also
7 the owner of Parcel 11. And he has submitted an
8 application for Land Use District Boundary Amendment and
9 Change in Zoning independent of this application.

10 I would also like to say that, in the context of
11 this project, it was Steve Sadler who approached me.

12 And, you know, I really feel that it's important
13 to really try to help residents like this to, basically,
14 do this process as cheaply as possible. And I know that
15 one of the questions is going to be how much does a
16 project like this cost.

17 Now, usually, we would say that a Land Use
18 District Boundary Amendment and a Change in Zoning for one
19 parcel, just given the time involved, is someplace in the
20 neighborhood of \$45,000 to \$50,000.

21 To date, I think each of the 10 property owners
22 paid about \$4,400 to \$4,500, I believe. And so we're
23 right on target.

24 In other words, we're having 10 individuals
25 being able to go through this process for the price of

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1 one.

2 These are the individuals. And a lot of them
3 have testified. Mr. Gomes, the Padgetts, Pat -- Patricia
4 Masumoto, the Cambras, Sadlers, Kimball, and Caravalhos,
5 and Mrs. Watanabe, Robert and Astrid.

6 These are the subject parcels. This is the
7 State Land Use District Boundary Map. And you can see
8 that Agriculture is white and these parcels are still in
9 Agriculture.

10 And this is an agricultural subdivision. And
11 the project -- the subdivision was approved. It does have
12 a 40-foot right-of-way. Makaena Place is 40 feet wide.

13 And the pavement width, though, is deficient.
14 It's less than the required 20 feet in an Agricultural
15 District.

16 This is the Makawao-Pukalani-Kula Community
17 Plan. The Upcountry plan that was actually amended in
18 1996. And it shows this area as in the Rural District.

19 The "P" is the Grace Church, which is right on the
20 corner of Lower Kula Road and Makaena Place.

21 And I might add that Grace Church also
22 participated in the water line improvement.

23 P across the street is King Kekaulike High
24 School.

25 And you can notice -- I think it's very

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1 important to notice that the area immediately makai or --
2 and along Loha Place -- okay, this is Loha Place -- is
3 proposed for Single Family, which is an Urban designation.
4 Currently, you're going to see that this -- this area is
5 in Agriculture.

6 Can you go back?

7 This is the area I was just referring to. The
8 area currently is in Agriculture. So there is a process
9 that these individual landowners had to go through, which
10 is similar to the process that the property owners along
11 Makaena Place are going through, where they have to apply
12 for a State Land Use District Boundary Amendment and a
13 Change in Zoning in order to basically propose and
14 subdivide the parcels as Single Family, as a Single
15 Family-Urban subdivision.

16 So, again, this is the area that is immediately
17 makai. This is Makaena Place. This is Loha street.

18 And you can see that this area, in order for it
19 to be subdivided, has to go through a lot of land
20 entitlement process before that could actually happen.

21 The County zoning, again, the parcel, the area
22 is in Agriculture. And you will note that the area
23 immediately makai is in Agriculture. And this being Loha
24 Street.

25 The Land Use Designations, the existing State

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1 Land Use District Boundary is -- or State Land Use
2 District is Agriculture. We're proposing to amend the
3 Land Use District Boundary to Rural.

4 The Makawao-Pukalani-Kula Community Plan
5 identifies the parcels -- the subdivision along Makaena
6 Place as Rural. And there is no change in the Community
7 Plan being proposed. It's consistent with the Maui County
8 Community Plan for Upcountry.

9 The County Change in Zoning is being proposed
10 from Agriculture to RU-0.5.

11 Proposed Ordinances. There's an ordinance for
12 State Land Use District Boundary Amendment from
13 Agriculture to Rural. And, also, a Change in Zoning from
14 Agriculture District to RU-0.5 Rural District. And this
15 would be conditional zoning.

16 I might add that the State Land Use District
17 Boundary Amendment can be essentially acted upon by the
18 County Council because the area of land is less than 15
19 acres. The area of each one of the parcels is less than
20 15.

21 And, again, we did have concurrence from the
22 Planning Department and, also, from the State Land Use
23 Commission that this process was something that they would
24 support.

25 This is the -- these are site photos now.

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1 The approach to Makaena Place on Kula Highway
2 from "Five Trees," I think it's an intersection, traveling
3 southeast. King Kekaulike High School is on the left,
4 over here. And Grace Church is on the right. Grace
5 Church would be right up here.

6 One thing I -- I think that is important to note
7 is that there is a bike path that has been identified in
8 the striping of Lower Kula Road that is available for
9 pedestrian and bicycle use. And they are -- and it is
10 used for pedestrians -- by pedestrians and bicycles.

11 Also, this is Grace Church, which is, again, at
12 the intersection of Lower Kula Highway, and this is
13 Makaena Place.

14 And this is turning onto Makaena Place with
15 Grace Church on the left. This -- as you turn in, this is
16 what you would see. This is Makaena Place.

17 And then this is looking back toward Kula
18 Highway at King Kekaulike High School, which is above.

19 This would be the intersection of Lower Kula
20 Road.

21 This is residence -- a residence -- residences
22 on Parcels 14 and 15, here.

23 Residence on Parcel 5.

24 Residence on -- a driveway to residence on Parcel
25 6.

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1 Residence on Parcel 7.
2 Residences on Parcel 12.
3 Residence on Parcel 11. This is the Sadler
4 residence.
5 Residence on Parcel 8.
6 And let's see. That is residence on Parcel
7 12?
8 UNIDENTIFIED SPEAKER: 8.
9 MR. HART: 8, right. Sorry.
10 Residences on Parcel 10. That is -- okay. This
11 is -- would be the Cambra residence. And then horse barn
12 and riding arena on Parcel 10.
13 Okay. Now, this is -- this shows the existing
14 parcels, again. And it shows the development that's
15 currently on the parcels. And, again, this is in the
16 context of an agricultural subdivision.
17 This would be Lower Kula Highway. This is
18 Makaena Place.
19 This is Grace Church which is an Urban use, it
20 is Public/Quasi-Public. And these are the parcels that
21 are part of this particular application for Change in
22 Zoning and Land Use District Boundary Amendment -- or Land
23 Use District Boundary Amendment and Change in Zoning.
24 Now, this is a conceptual subdivision planned.
25 This is in the context of, again, RU-0.5. These

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1 individuals would be going through the subdivision process
2 independent of each other.

3 And I might add that, as they go through the
4 subdivision process, the requirements for subdivision do,
5 in the context of each individual, where he fronts -- or
6 his parcel fronts Makaena Place, there will be a
7 requirement to improve the road.

8 The road, actually, according to County
9 standards in the Rural District, Makaena Place requires a
10 40-foot right-of-way, which is what it has today, but it
11 would also require a 22-foot wide pavement, asphalt
12 pavement. And that would have to be improved to 22 feet.
13 And that would be the area in front of each individual
14 property.

15 That would happen all the way down.

16 Now, each individual doesn't plan to go through
17 the subdivision process together at the same time. That
18 would be ideal, but that's not necessarily their plan.
19 It's an organic process.

20 Each individual landowner should have the right
21 to go and hire a civil engineer and apply for a
22 subdivision of their parcels in accordance with,
23 basically, this Master Plan that was prepared at the time
24 that they feel is -- is appropriate. And at that time,
25 Makaena Place will be improved.

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1 And I also indicated to you that Parcel Number
2 13 is in the process of going through the Land Use
3 District Boundary Amendment and Change in Zoning. So,
4 eventually, all of Makaena Place will be improved to
5 County standard.

6 Again, the right-of-way width is 40 feet. And
7 that is what is required in a Rural subdivision.

8 The roadway width of the actual paved surface
9 has to be increased at 22 feet.

10 Let's see. This is a little bit of a
11 chronology. It goes all the way back to February 2004.

12 At that time there was a concern that because --
13 well, these are individual parcels that exist. And so
14 what we did was we proposed, in consultation with the
15 Planning Department, to actually submit three separate
16 applications in order not to exceed the 15-acre minimum
17 that basically was -- has been established in the State
18 Land Use Law or County -- in order for the County of Maui
19 to maintain jurisdiction over the Land Use District
20 Boundary Amendment.

21 Eventually, in June 2004, we received from the
22 Land Use Commission a recommendation via Planning that the
23 County could process the applications jointly within one
24 document. And we -- we felt that that was the appropriate
25 approach right from the very beginning because the

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1 Agricultural subdivision already exists. In other words,
2 there -- the subdivision consists of two-acre minimum
3 lots. Essentially, you know, we are not trying to, you
4 know, basically create -- we are not taking raw land and
5 trying to basically -- even though it -- the -- the sum
6 total of all the lots exceeds 15 acres, we are not trying
7 to jeopardize or go outside of the requirements of the
8 State Land Use Law.

9 And the State Land Use Commission actually did
10 agree, finally.

11 So, in November 8th, 2004, we submitted a single
12 document for 10 applications. That was re-submitted that
13 date.

14 February 14, 2005, State DOT disagrees with our
15 Traffic Impact Analysis Report.

16 February 2006, a final revised Traffic Impact
17 Analysis Report was submitted.

18 And June 16th, 2006, State DOT accepts the
19 revised Traffic Impact Analysis Report with
20 recommendations, which, basically, have been placed in the
21 form of conditions of the Change in Zoning.

22 On August 22nd, 2006, the Maui Planning
23 Commission recommends approval with conditions.

24 Infrastructure:

25 Water: The water system improvements already

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1 have been installed, fire hydrants, water meters, to serve
2 the current needs of the project in the context of the
3 Agricultural subdivision.

4 It was indicated at our last meeting that the
5 eight-inch line has been, basically, sized to accommodate
6 future Rural subdivision, the future Rural subdivision.

7 And then future subdivisions will be subject to
8 the water availability in terms of the Upcountry plan --
9 Upcountry waiting list.

10 I might add, though, that in the context of this
11 being a family subdivision -- in other words, these are
12 families -- by virtue of the fact that you could go
13 through the Land Use District Boundary Amendment and the
14 Change in Zoning to Rural, these individuals could
15 actually subdivide their parcels and transfer ownership of
16 the land to their -- to their children in the context of
17 inheritance, without having water meters. And I think
18 that is a very important concept in terms of a family
19 subdivision.

20 Drainage: Each individual subdivision's final
21 grading and erosion control plan will be reviewed by
22 Public Works.

23 Future plans will incorporate drainage
24 improvements in compliance with the Maui County Code.

25 And traffic: Each individual subdivision will

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1 provide improvements to Makaena Place to comply with the
2 Maui County Code. And, again, it's for that portion of
3 Makaena Place that fronts their parcel, or the
4 subdivision, the subject subdivision at that particular
5 time.

6 The Land Study Bureau basically identifies the
7 property as essentially Class C and D lands.

8 Right?

9 C and E. I'm sorry.

10 So this is -- so, basically, this is not prime
11 agricultural land. But each individual does participate
12 in some form of agriculture and -- but I would have to say
13 that, in most cases, it would be more of a subsistence
14 level of agriculture.

15 Agricultural Resources.

16 The Land Study Bureau rating Class C and E land.
17 The site has been used for grazing, but it's also been in
18 residential use since the late 1800s.

19 The site is in a State Agricultural Land Use
20 pocket flanked by Urban and Rural designations.

21 The surrounding lands are community planned for
22 Single Family, Public/Quasi-Public, and Open Space.

23 Roadway standards:

24 Public Works requires a 40-foot right-of-way for
25 Makaena Place with improvements to County standards.

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1 The State DOT recommends prohibiting left turns
2 out of Makaena Place, and the installation of a refuge
3 lane on Kula Highway.

4 The roadways:

5 This is Makaena Place, looking mauka and makai.
6 This is the end of Makaena Place at the bottom.

7 And this is Loha. Actually, Loha Street, I
8 think it's called, not Loha Place, but -- this is the end
9 of Loha Place.

10 And I -- I -- I really want to impress upon you
11 that, essentially, Loha Place or Loha Street is not going
12 to go any place until such time as the owners of this
13 property go through the same process that we are going
14 through, this process of Land Use District Boundary
15 Amendment and Change in Zoning, and then subdivision.

16 At the time of the subdivision, if it is the
17 intent of the County and the Department of Public Works
18 to, basically, create Loha Place as a through street
19 connecting with Makaena, that can be accomplished. But it
20 has to be in the context of a future subdivision.

21 This is Kula Highway at the entrance of King
22 Kekaulike High School. Kula Highway at Makaena Place.

23 And then this is Kula Highway at Makaena Place
24 looking toward "Five Trees" intersection.

25 And I want to point out to you, again, that, in

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1 the re-striping of Lower Kula Road, there has been striped
2 a pedestrian bikeway path along the highway which actually
3 connect Makaena Place to a crosswalk at the signalized
4 intersection of Old Haleakala Highway and the Pukalani
5 Bypass.

6 And this shows some more of that. And then this
7 shows the crosswalk and the signals.

8 Proposed zoning conditions:

9 Now, there's been some changes. But at the time
10 when we were going to present this at the last meeting,
11 basically the condition was -- and this is -- was the
12 actual recommended condition from the Planning Commission.
13 That left turn movements shall be prohibited from Makaena
14 Place during morning peak hours. We're aware of that. In
15 addition, a median refuge lane on Kula Highway and a
16 pedestrian path connecting Makaena Place with the existing
17 crosswalk at Haleakala Highway, "Jacaranda Junction" shall
18 be designed and constructed at no cost to the State of
19 Hawaii.

20 Now, these are recommendations by the Planning
21 Commission to the Council. And, you know, we're certainly
22 supportive of the basic prohibition of left turn movements
23 from Makaena Place during morning peak hours. And, also,
24 we're also open to the construction of a median refuge
25 lane on Kula Highway.

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1 However, the pedestrian path connecting Makaena
2 Place with existing crosswalk at Haleakala Highway we
3 believe has already been provided for in the context of
4 the State re-stripping of Lower Kula Road in terms of the
5 bike path and pedestrian walkway. And it's actually being
6 used today for that purpose.

7 And then the road improvements on Makaena Place
8 shall include provision for connections to Loha Place at
9 such time when the area south of the project is developed.

10 Now, you know, to me, I don't know why -- why
11 that should be --

12 CHAIR MOLINA: Excuse me, Mr. Hart. I allotted
13 10 minutes for this presentation. We're going at close to
14 half an hour. So you need to conclude.

15 And we have a representative from the State
16 Department of Transportation who has an afternoon flight
17 to catch. And I have Members that want to ask this
18 gentleman questions. So please wrap it up.

19 MR. HART: Okay. Thank you very much.

20 CHAIR MOLINA: Okay. Thank you, Mr. Hart. And
21 I apologize, but because we have this gentleman waiting to
22 respond to questions from the Committee, I have to make
23 sure that we get -- give him his opportunity. And we are
24 going to lose quorum at about -- between 4:30 and 5:00.
25 So I would like to get this issue addressed as soon as

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1 possible.

2 Okay, Members, we're going to take a short
3 recess. We're going to put the screens up and we are
4 going to go right into Land Use Item 19.

5 Recess subject to the call of the
6 Chair...(gavel)...

7 RECESS: 2:21 p.m.

8 RECONVENE: 2:22 p.m.

9 CHAIR MOLINA: ...(gavel)...Land Use Committee
10 Meeting for August 6, 2008, is now back in session. It is
11 2:25.

12 The Chair would like to thank Mr. Hart, the
13 applicant's representative, for that very informative
14 presentation on Land Use Item No. 19.

15 I would like to first recognize the Planning
16 Department with any comments before the Chair calls up our
17 resource personnel to respond to questioning from the
18 Committee.

19 Mr. Director?

20 MR. HUNT: Thank you, Mr. Chair.

21 We would like to introduce Clayton Yoshida who
22 is substituting for Ann Cua who has to be with the Land
23 Use Commission today. So he will try and do his best. We
24 always try and give you guys our best service. But if he
25 doesn't know exactly everything, maybe you can be a little

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1 bit understanding.

2 And with that, I will turn it over to Clayton.

3 MR. YOSHIDA: Good afternoon, Mr. Chairman,
4 Members of the Land Use Committee.

5 Some of the issues that the Department dealt
6 with, early on, concerning the acreage and 10 owners.
7 When the Department first received the application, we
8 questioned whether or not the Department could process.
9 And since the total acreage exceeded 15 acres, we checked
10 with the Land -- State Land Use Commission. And they
11 concurred that there are 10 individual applicants, each
12 owning parcels of three acres or less, who have joined
13 together to process their Boundary Amendment and Change in
14 Zoning applications.

15 The Land Use Commission agreed that the County
16 has the authority to process this provided the 10
17 applicants are issued separate docket numbers, which they
18 have been. This is stated in a letter from the Land Use
19 Commission dated December 23rd, 2004, attached as Exhibit
20 14 of the Planning Department's report.

21 There was a public hearing held on August 22nd,
22 2006. One person testified in support of the request.

23 As Chris went over, the first -- the Commission
24 recommended approval of the District Boundary Amendment.
25 They also recommended approval of the Change in Zonings

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1 subject to two conditions. Condition Number 1, Chris went
2 over in his Powerpoint presentation. Condition Number 2
3 of the Commission is that the road improvements on Makaena
4 Place shall include provision for connections to Loha
5 Place at such time when the area south of the project is
6 developed.

7 This matter was transmitted to the Council in
8 July of 2007 because -- oh, sorry -- June of 2007, because
9 20 bills had to be prepared; a District Boundary Amendment
10 Bill and a Change in Zoning Bill for each of the 10
11 properties.

12 The Department responded, in a letter dated July
13 10th, on how it hoped to implement the conditions. And a
14 subsequent meeting was held on Friday, August 1st, with
15 the Deputy Public Works Director Mike Miyamoto, Deputy
16 Corporation Counsel James Giroux, Carla Nakata from your
17 Committee, the Planning Director and Staff Planner Ann
18 Cua.

19 And this -- the results of that meeting are
20 reflected in our August 4th, 2008 letter, saying that
21 Condition Number 1 as recommended by the Commission should
22 be separated into two conditions, and that a trigger for
23 implementation and a timeframe for compliance be included.

24 So the first part would be that left turns shall
25 be prohibited from Makaena Place during morning peak hours

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1 as determined by the State Department of Transportation.
2 And, two, that within one year from the effective date of
3 this ordinance, a median refuge lane on Kula Highway and a
4 pedestrian path shall be designed and constructed in
5 accordance with State DOT standards at no cost to the
6 State of Hawaii. The pedestrian path shall connect
7 Makaena Place with the existing crosswalk at Haleakala
8 Highway, "Jacaranda Junction."

9 With respect to Planning Commission Condition
10 Number 2, it was recommended that this condition be
11 reworded to address the comments made by the Department of
12 Fire and Public Safety, which is Exhibit 9 in the Planning
13 Department's report. Their comment, that the roadway shall
14 have a 20-foot minimum width and an approved turnaround
15 shall be provided at the cul-de-sac.

16 So, therefore, Planning Commission Condition
17 Number 2 would be re-numbered to Condition Number 3, that
18 road improvements on Makaena Place shall address fire
19 safety concerns, including a 20-foot wide paved roadway and
20 an approved turnaround, and shall be implemented within one
21 year of the effective date of this ordinance. The
22 turnaround, as approved by the Department of Fire and
23 Public Safety, shall be located to allow for future
24 connection to Loha Place at such time when the area south
25 of the Makaena Place Subdivision project is developed.

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1 That concludes our comments, Mr. Chair.

2 CHAIR MOLINA: Okay. Thank you, Mr. Yoshida.

3 Members, I will ask if you can support the Chair
4 with this request.

5 We do have the gentleman from the State DOT who
6 has a flight to catch. I would like to have him give some
7 remarks, and you can do your Q&A with him, and then we can
8 go back to the Planning Department for additional Q&A on
9 this particular subject.

10 Any objections to proceeding in that manner?

11 COUNCIL MEMBERS: No objections.

12 CHAIR MOLINA: Thank you.

13 I would like to call up to the front --

14 I guess you can have a seat right up here -- Mr. Ken
15 Tatsuguchi from the State Department of Transportation.
16 And I want to thank you for making yourself available. I
17 know you guys are very busy up there in Oahu. And I
18 appreciate you coming here to address this particular
19 matter, Mr. Tatsuguchi.

20 So, for the record, if you could go ahead and
21 start off by just stating your name and your position with
22 the State as well. And then give us some opening comments
23 on this. And then we will go from there.

24 MR. TATSUGUCHI: Okay. Good afternoon. I am
25 Ken Tatsuguchi, State Department of Transportation,

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1 Highways Division Planning Branch Manager.

2 You just want me to go over the comments?

3 CHAIR MOLINA: Sure. If you could make some
4 comments on the proposal.

5 MR. TATSUGUCHI: I guess, in general, when we --
6 when our agency reviewed the TIAR, we did agree that, I
7 guess, it isn't a capacity issue, but an operational
8 issue.

9 And related to our responsible area, looking at
10 Kula Highway, we did -- our representatives did make
11 recommendations for the turning movement from Makaena to
12 Kula Highway, which was -- let me see -- I guess the
13 prohibition of the left turn movement during peak hours.
14 And that will probably have to be -- in determining the
15 actual time period for the peak hours, that will be worked
16 through probably our District Office, since peak hours
17 vary from arterial to arterial.

18 And, also, we did want to include a refuge
19 pocket just because of the -- I guess the expected growth
20 in the area. And that -- that -- that will improve the --
21 I guess, the safety turning movement, both in and out left
22 turn movements.

23 Related to the recommendation of putting in a
24 pedestrian path, I think Chris mentioned that there is an
25 existing shoulder which does act as a bike and pedestrian

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1 path. So, you know, for the State, we are okay with --
2 with that. I think what will have to be looked into is
3 when we -- when the refuge lane does go in, the striping
4 will probably -- it will become wider in the median.

5
6 That being said, the travel way will be pushed
7 out, also. So it will have to be looked at, you know, how
8 much space there is from the edge of pavement to the edge of
9 shoulder. Okay. So that is something that, that will have
10 to be looked into, because we do want to try and carry an
11 existing shoulder width through the entire corridor for
12 consistency.

13 That's about all I got.

14 CHAIR MOLINA: Okay. Thank you very much,
15 Mr. Tatsuguchi.

16 I believe, Member Anderson, you had a question
17 for the DOT representative. You have the floor.

18 COUNCILMEMBER ANDERSON: Yeah. Thank you,
19 Chair.

20 If I could get Staff to give him a copy of this
21 map so he knows what I am talking about. He is not from
22 Maui, so it might be helpful.

23 And then I am passing this on to the Members.

24 MR. TATSUGUCHI: I did drive up there just
25 before this.

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1 COUNCILMEMBER ANDERSON: Have you been through
2 Pukalani Terrace?

3 MR. TATSUGUCHI: No, I haven't.

4 COUNCILMEMBER ANDERSON: Okay. Well, this map
5 will show you the size of Pukalani Terrace.

6 And the reason I want you to see it is because
7 it's being suggested that Loha Street -- and I will give
8 you a chance to get familiar. You see where we are?

9 MR. TATSUGUCHI: Yes.

10 COUNCILMEMBER ANDERSON: The circle that I have
11 put in there, that shows the suggested area where Loha
12 Street might eventually be connected to Makaena. And I
13 want you to see the size of the Urban subdivision that is
14 connected here to Loha Street.

15 MR. TATSUGUCHI: Uh-huh.

16 COUNCILMEMBER ANDERSON: You could see where
17 Iolani Street goes up. All these Single Family
18 subdivision lots are attached to Iolani Street. And that
19 would be considered a collector road that then dead ends
20 at -- at Loha Street. And what I am getting at is that if
21 Loha Street would be to -- were to be, in the future,
22 connected to Makaena Place, that would become a collector
23 road for all of that subdivision, an Urban subdivision, to
24 outlet through a Rural subdivision onto Haleakala.
25 Highway.

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1 So being from DOT, what would then be required
2 at the juncture of Makaena and Kula Highway in order to
3 take that traffic, which is a stone's throw away from the
4 juncture of Haleakala -- of -- well, what do we call that,
5 Three Trees?

6 COUNCIL MEMBERS: "Five Trees."

7 COUNCILMEMBER ANDERSON: Huh?

8 COUNCIL MEMBERS: "Five Trees."

9 COUNCILMEMBER ANDERSON: Oh, it's "Five Trees."
10 I got it got narrowed down to Three Trees.

11 But, anyway, you know what I mean, that
12 juncture, which is already a signalized juncture with one,
13 two, three, four roads intersecting. And to me, I just
14 don't see this as being a safe thing to do, to have
15 another stoplight. I mean, and then we have a stoplight
16 again up the road, at Apueo Parkway.

17 CHAIR MOLINA: By Kamehameha School.

18 COUNCILMEMBER BAISA: Kamehameha School.

19 COUNCILMEMBER ANDERSON: Across from Kamehameha
20 School.

21 And so, you know, if you have to have that much
22 traffic coming up through that Rural subdivision and
23 outletting at Kula Highway, undoubtedly a light would have
24 to be put in. At whose cost? And you're going to have
25 traffic backing up at "Five Trees" in all directions.

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1 Would you like to comment on that?

2 CHAIR MOLINA: Mr. Tatsuguchi?

3 MR. TATSUGUCHI: Yeah. I guess when this
4 connection occurs, or if it does, you know, we would
5 probably -- our facility is Kula Highway. And what we
6 will be looking at -- we will probably be requesting
7 probably a TIAR.

8 Because exactly what you are talking about,
9 Council Member, is we'll have to look at the entire system
10 and seeing how the -- I guess the -- the -- the trips will
11 be taken or the routes that the residents and everything
12 will be occurring. I --

13 COUNCILMEMBER ANDERSON: I am just looking at
14 this from a common sense point of view.

15 MR. TATSUGUCHI: Right. Right. Right. And
16 what you are saying does make sense. But we can't make
17 decisions based on --

18 COUNCILMEMBER ANDERSON: No.

19 MR. TATSUGUCHI: -- (inaudible.)

20 COUNCILMEMBER ANDERSON: I realize that.

21 MR. TATSUGUCHI: So we will require a technical
22 document like a TIAR.

23 COUNCILMEMBER ANDERSON: Right. But, by then,
24 it will be too late because the decision will already have
25 been made whether or not to force this connection in this

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1 Change in Zoning.

2 And that's a decision we have to make today. So
3 that is why I am bringing this forward. I am just trying
4 to get like a common sense kind of comment from you as to
5 is it -- is it really --

6 MR. TATSUGUCHI: Can I ask a question?

7 CHAIR MOLINA: All right. Hang on. I would
8 like to let Member Anderson finish. Then I will give you
9 the opportunity.

10 COUNCILMEMBER ANDERSON: Thank you.

11 Is it -- is it -- and, I'm sorry, I am searching
12 for the right words here. But does it make -- let's
13 see -- engineering standard sense to set this area up for
14 another stoplight?

15 CHAIR MOLINA: Go ahead, Mr. Tatsuguchi.

16 MR. TATSUGUCHI: At Makaena Place and Kula, I
17 would -- I would say no.

18 COUNCILMEMBER ANDERSON: Okay. Thanks.

19 MR. TATSUGUCHI: I don't think there's enough --
20 I would think if this connection occurs and -- and,
21 possibly, if Loha Street is connected, and there is a
22 higher volume going through, I don't think -- I would
23 probably -- I would have to see the counts. But just off
24 the top of my head, you know, I -- you know --

25 COUNCILMEMBER ANDERSON: I'm sorry to put you on

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1 the spot.

2 MR. TATSUGUCHI: Yeah. I just --

3 COUNCILMEMBER ANDERSON: You know, as an
4 engineer, you can see how close this is. And I am not an
5 engineer, it doesn't make sense to me.

6 MR. TATSUGUCHI: Yeah.

7 COUNCILMEMBER ANDERSON: So I am just wondering.

8 MR. TATSUGUCHI: Because just looking at the
9 turning movements, like at -- at the -- is it "Five Tree"
10 intersection?

11 COUNCILMEMBER ANDERSON: Yes.

12 MR. TATSUGUCHI: You know, there are storage and
13 turning lanes. Okay. And if there is an intersection
14 similar with auxiliary and storage lanes at Makaena, you
15 know, I think probably the turning and the queuing and the
16 crossing over kind of movements will probably create kind
17 of a safety situation or operational circulation issue.

18 So without looking at a TIAR and just --

19 COUNCILMEMBER ANDERSON: Right. I appreciate
20 that.

21 MR. TATSUGUCHI: -- with my background, I would
22 just say, you know, it doesn't look like it would be a
23 safe movement.

24 COUNCILMEMBER ANDERSON: Thank you.

25 MR. TATSUGUCHI: Okay. But I --

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1 COUNCILMEMBER ANDERSON: I think it looks like
2 gridlock to me.

3 MR. TATSUGUCHI: I had a question in general
4 related to this.

5 I thought this -- this ordinance, is it -- is it
6 about connecting Loha and Makaena or is it --

7 COUNCILMEMBER ANDERSON: No, no, no. It's just
8 a suggested condition.

9 MR. TATSUGUCHI: That's another step, right?

10 COUNCILMEMBER ANDERSON: We are doing a Change
11 in Zoning and a District Boundary Amendment for this
12 property --

13 MR. TATSUGUCHI: Okay.

14 COUNCILMEMBER ANDERSON: -- so they can subdivide
15 Ag land into Rural lots.

16 MR. TATSUGUCHI: Okay.

17 COUNCILMEMBER ANDERSON: And as part of the --
18 of the Change in Zoning, this body is being asked to make
19 that a condition, that they set Makaena up at the end of
20 the roadway --

21 MR. TATSUGUCHI: Uh-huh.

22 COUNCILMEMBER ANDERSON: -- for a future
23 connection to Loha. So we're looking at that as a
24 condition. And we want to know if -- if we put that in as
25 a condition, then it leaves us. And, you know, it may

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1 happen, whether we have another shot at it or not. So we
2 want to know right now if we are doing the right thing to
3 these people by accepting that as a condition.

4 MR. TATSUGUCHI: Okay.

5 CHAIR MOLINA: All right. Thank you.

6 Thank you, Member Anderson.

7 Member Baisa, as the area representative, do you
8 have any comments or questions for Mr. Tatsuguchi from the
9 State DOT, and as someone who has traveled the area
10 frequently?

11 COUNCILMEMBER BAISA: Actually, I am quite clear
12 after Mr. -- Member Anderson's question.

13 But I do want to follow up with the Department
14 representative. Because while we're focusing on this
15 condition, if I understood him correctly, he said it's
16 been amended and it's now talking about replacing Number 2
17 with -- instead of the wording about, you know,
18 connections to Loha Place, to a 20-foot wide road and a
19 turnaround -- a paved road and a turnaround area. And my
20 suggestion was that, you know, eventually, when we get to
21 the bottom line here, that we turn the bottom of Loha into
22 a cul-de-sac. So that sometime at some future date, when
23 none of us are around, and they might want to do something
24 there, it would be there. But for now, we don't think
25 that that should be connected because it's really, really

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1 dangerous.

2 If we are going to put another stoplight that
3 close from "Five Trees" to Kamehameha, and one more in the
4 middle, it is crazy.

5 Thank you.

6 CHAIR MOLINA: It's crazy as it is already.

7 COUNCILMEMBER BAISA: Yeah, it already is crazy.

8 CHAIR MOLINA: Thank you. Thank you for your
9 comments, Member Baisa.

10 Committee Members, any questions for the State
11 DOT representative?

12 We have Member Pontanilla, followed by Chairman
13 Hokama.

14 VICE-CHAIR PONTANILLA: Thank you, Chairman.

15 Just for clarification, the -- as Chris Hart had
16 mentioned, the pedestrian pathway at this time is okay
17 with the Department of Transportation?

18 MR. TATSUGUCHI: That is my understanding.

19 VICE-CHAIR PONTANILLA: Okay, fine. Thank you.

20 Thank you, Chairman.

21 CHAIR MOLINA: Thank you, Member Pontanilla.

22 Chairman Hokama?

23 COUNCILMEMBER HOKAMA: Yes. Sitting next to
24 each other, you kind of pick up the same brainwaves,
25 Chairman.

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1 You know, hearing Mr. Hart, representing the
2 applicants, and hearing your comments to the Committee
3 this afternoon, I am kind of at a quandary whether or not
4 the new Proposed Condition 2 is still a requirement,
5 Chairman.

6 Because I am not too sure if our representative
7 from the State Department of Transportation indicates some
8 type of already compliance, that it's already satisfying
9 what is required by the proposal, or is being requested by
10 the Proposed Condition Number 2, Revised Condition 2.

11 So can you --

12 MR. TATSUGUCHI: Are you talking about the
13 pedestrian path?

14 COUNCILMEMBER HOKAMA: Yeah. The pedestrian
15 path, median refuge lane. You know, you talked about the
16 way the re-striping was, that it was satisfactory, as I
17 understood your comments. And I am wondering whether or
18 not -- in your comments to us, you're saying --

19 MR. TATSUGUCHI: Yeah. Let me -- let me
20 clarify. Because I -- I understand the misunderstanding.

21 I did consult with our District Office. And,
22 you know -- and, you know, listening to what Mr. Chris
23 Hart said, there is an existing shoulder.

24 COUNCILMEMBER HOKAMA: Uh-huh.

25 MR. TATSUGUCHI: Okay. The recommendation I got

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1 from our District Office is recommending six feet. I am
2 not sure if six feet is out there, you know, between the
3 -- the -- the edge of pavement to the edge of the
4 shoulder. Okay. So there could be the six feet already
5 and there could not be. But, you know, we are looking at
6 around six feet.

7 And the other thing is, when we do -- when the
8 refuge lane does go in, okay, it is going to expand the
9 median so that, therefore, you know, the road and, you
10 know, shoulder and pavement will have to be pushed out.
11 So, you know, if we want to maintain that six feet, it may
12 not exist, so that will be part of -- of, I guess, the
13 improvement, to make sure that there is around six feet
14 there.

15 COUNCILMEMBER HOKAMA: And that improvement
16 would still be within what is -- would be our
17 understanding of the existing right-of-way or easement
18 areas?

19 MR. TATSUGUCHI: Okay. That's a good question.

20 We are looking at six feet, but my understanding
21 is our right-of-way is the constraint. So, you know, if
22 it -- if we only can get four feet to our right-of-way,
23 then -- you know, that is why I am deferring to our
24 District Office, because I am not really sure.

25 I have an as-built plan here, but I haven't been

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1 able to really scale it out. So I really don't know what
2 it is.

3 And probably someone would have to go out and
4 actually verify the dimensions out there.

5 So, you know, I can just only kind of talk
6 about, you know, performance, what we are looking for, in
7 regards to exactly what would be -- I mean what it will be
8 will -- actually, I think our District Office will have
9 to, you know, really -- really come up with that. Because
10 my understanding is the right-of-way is -- is our
11 constraint.

12 COUNCILMEMBER HOKAMA: And those personnel that
13 you are referring to will be either Mr. Cajigal or
14 Ms. Shibuya?

15 MR. TATSUGUCHI: Correct.

16 COUNCILMEMBER HOKAMA: Thank you for your
17 response.

18 Chairman, thank you.

19 CHAIR MOLINA: Okay. Thank you, Mr. Hokama.
20 Committee Members, questions?

21 Mr. Victorino, followed by Member Anderson.

22 COUNCILMEMBER VICTORINO: Yes. The only
23 question I had is, you know, you did that -- we would --
24 as far as left turn time frames, you kind of -- it depends
25 on the area and its -- and its respective traffic flows,

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1 right? In other words, when you would say no left turns
2 would be allowed, the time frames. Because you are not
3 going to not allow left turns at all, right? You know,
4 just during the peak hours, right?

5 MR. TATSUGUCHI: For -- at this time, yeah, my
6 understanding is at -- at the peak hour rate.

7 COUNCILMEMBER VICTORINO: At peak hour rate.

8 MR. TATSUGUCHI: Right.

9 COUNCILMEMBER VICTORINO: And you mentioned that
10 the peak hour rates vary from --

11 MR. TATSUGUCHI: On Oahu, it's like, you know,
12 three hours, yeah, our peak hour in the mornings.

13 COUNCILMEMBER VICTORINO: Yeah, yeah, yeah.

14 MR. TATSUGUCHI: And then like over here
15 different. So we -- someone would have to like, you know,
16 check the traffic data and kind of see like what is the
17 peak hour for that corridor.

18 COUNCILMEMBER VICTORINO: Uh-huh.

19 MR. TATSUGUCHI: Yeah.

20 COUNCILMEMBER VICTORINO: Okay. So that's all I
21 was asking is, you know, you would determine by that area,
22 that corridor itself?

23 MR. TATSUGUCHI: Yeah, yeah, yeah.

24 COUNCILMEMBER VICTORINO: You know, not by what
25 somebody in Honolulu --

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1 MR. TATSUGUCHI: No, no, no.

2 COUNCILMEMBER VICTORINO: -- (inaudible) or
3 someplace in Kahului or Lahaina.

4 MR. TATSUGUCHI: No.

5 COUNCILMEMBER VICTORINO: Because they have --
6 especially with the school, have specific peak periods.

7 MR. TATSUGUCHI: Right. Right.

8 COUNCILMEMBER VICTORINO: Which would be
9 different than someplace in Kakaako or something like
10 that.

11 MR. TATSUGUCHI: Yeah. And I guess -- yeah, when
12 we look at peak hours, I mean, it's -- you know, we're
13 going to -- I am not sure how they are going to do it.
14 Sometimes like it will be like school -- school time,
15 non-school time. Because the -- the -- the trips are
16 different or the volumes are different. Right? So, you
17 know, I am not sure how our District Office will be looking
18 at it, but they will probably consult with my branch or the
19 Planning Branch. And we do have some data in that area
20 and will be looking at the variances in the area.

21 COUNCILMEMBER VICTORINO: Because, you're aware
22 that there's actually two schools. I mean, even though
23 Kamehameha is down the road a bit, but, still, the traffic
24 flow coming up --

25 MR. TATSUGUCHI: Yeah. Because --

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1 COUNCILMEMBER VICTORINO: -- which impact in the
2 morning as well as going down to King Kekaulike.

3 MR. TATSUGUCHI: Yeah, yeah. Because, I mean,
4 there's so many, I guess, trip generator -- there's so many
5 businesses or schools or whatever that -- that use that
6 corridor.

7 COUNCILMEMBER VICTORINO: Right.

8 MR. TATSUGUCHI: So we will be looking at -- at
9 that.

10 COUNCILMEMBER VICTORINO: Okay.

11 MR. TATSUGUCHI: -- when it needs work done,
12 yeah.

13 COUNCILMEMBER VICTORINO: Okay. Thank you. I
14 appreciate it.

15 Thank you, Mr. Chair.

16 CHAIR MOLINA: Thank you, Mr. Victorino.

17 Ms. Anderson?

18 COUNCILMEMBER ANDERSON: Thank you, Mr. Chair.

19 Just to kind of add a little to what Chair
20 Hokama was discussing about the pedestrian path, page 29
21 of Mr. Hart's presentation has a picture showing the bike
22 lane. Page 32. I don't know. I guess you can't tell
23 from the picture if it's six feet wide. But the condition
24 doesn't say six feet. The condition just says a
25 pedestrian path shall be designed and constructed in

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1 accordance with State Department standards.

2 And I think, you know, here we have all these
3 major, major developments in this same highway corridor.
4 And all of a sudden, we're ganging up on these homeowners
5 in this small subdivision. It boggles the mind.

6 I want to go back to this map.

7 The whole premise for connecting Loha to Makaena
8 is for the development, the future potential development
9 of the Single Family designated lots that are currently
10 zoned Ag.

11 And, Members, I put "SF" on all those lots. You
12 could tell which ones.

13 So my question to you -- I'm sorry -- Mr. Tan?

14 CHAIR MOLINA: Tatsuguchi.

15 COUNCILMEMBER ANDERSON: Tatsuguchi. I'm sorry.

16 Tan is your first name, right?

17 MR. TATSUGUCHI: Ken.

18 COUNCILMEMBER ANDERSON: Ken. Okay. My
19 apology. Too much information here.

20 If you look at that map, to me, I am looking for
21 an alternative to route that traffic should those ag
22 parcels be developed in the future to Single Family homes,
23 extending the Urban area of Pukalani Terrace up towards
24 Haleakala Highway. It seems to me they can provide their
25 own ingress/egress onto lower Haleakala Highway, the Old

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1 Haleakala Highway.

2 And that is my question to you, is you see where
3 Loha Street comes out on Haleakala Highway, which is --
4 turns into Makawao Avenue?

5 MR. TATSUGUCHI: Yes.

6 COUNCILMEMBER ANDERSON: And then if you go up
7 and you see where the larger parcels have not been
8 subdivided, it seems to me that they could do an
9 ingress/egress right -- right in there between "Five Trees"
10 and Makawao Avenue or Loha Street, whichever you want to
11 call it. And that would be a whole lot less disruptive
12 than adding another major ingress onto Kula Highway above
13 "Five Trees".

14 So since you are here -- I know, again, you need
15 to have your counts and everything, but would that not be
16 a logical place to put the ingress/egress for future
17 development of these Ag parcels?

18 MR. TATSUGUCHI: I quite don't see where --
19 where -- where we are on this.

20 COUNCILMEMBER ANDERSON: I'm sorry. It's hard
21 when you are not from here. If, maybe, Mr. Hunt can help
22 you out.

23 There is a street called -- if you look at Loha
24 Street and you follow it from the -- the connected area
25 that we are talking about, and you just follow it back to

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1 the major collection road that ends up at "Five Trees",
2 says Loha Street, then you go up, says Lino Place.

3 See where I am at?

4 MR. TATSUGUCHI: Okay.

5 COUNCILMEMBER ANDERSON: And then you go further
6 up, and you see those big huge parcels, and I have written
7 "SF" on them.

8 MR. TATSUGUCHI: Yes.

9 COUNCILMEMBER ANDERSON: Okay. Those are the
10 parcels in question for future development. They have
11 been designated for Single Family development. Right now,
12 they are Ag, and that's why the parcels are large.

13 The reasoning behind connecting Loha with
14 Makaena was to provide for that future development. So
15 what I am saying is, instead of connecting Loha with
16 Makaena, allow for a roadway to be developed when and if
17 those Ag parcels become urbanized for Single Family
18 dwellings. Let them build their own ingress/egress
19 roadway onto lower Haleakala Highway in the vicinity of
20 Lino Place.

21 Do you follow me?

22 MR. TATSUGUCHI: Yeah. That -- that's a
23 possibility.

24 COUNCILMEMBER ANDERSON: Okay. Thank you.

25 Thank you, Mr. Chair.

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1 CHAIR MOLINA: Thank you, Member Anderson.

2 Any other questions for Mr. Tatsuguchi from the
3 State DOT before I excuse him?

4 (Silence.)

5 CHAIR MOLINA: Okay. Seeing none, thank you,
6 Mr. Tatsuguchi. If you could just hang around in the
7 gallery for a few more minutes, just in case something
8 else pops up related to traffic on the State highway.

9 And, Members, just for your information, other
10 resource personnel we have available, we have Deputy
11 Director Miyamoto from the Public Works Department as well
12 as Lieutenant English from the Fire Department, as well.

13 And, also, is there a request from any Member to
14 hear from the Deputy Director of Housing and Human
15 Concerns, Ms. Tsuhako?

16 (Silence.)

17 CHAIR MOLINA: Okay. Seeing none -- we have --
18 we have her on call. But if there is no request to have
19 her here, we will refrain from calling her.

20 Any request for Herb Chang from the Department
21 of Water Supply for Q&A at a later point today?

22 (Silence.)

23 CHAIR MOLINA: Okay. Seeing none, we will hold
24 off on that request.

25 Members, at this time the Chair going to take a

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1 short recess. We will take a ten-minute recess. And
2 let's return here at five minutes after 3:00. Meeting in
3 recess...(gavel)...

4 RECESS: 2:52 p.m.

5 RECONVENE: 3:06 p.m.

6 CHAIR MOLINA: ...(gavel)...Land Use Committee
7 Meeting for August 6, 2008, is now back in session.

8 Thank you very much for that recess, Members.

9 It's eight minutes after the hour of 3:00.

10 Members, the Chair would like to proceed in this
11 fashion. We did receive an August 4th, 2008 letter from
12 the Planning Department related to the rewording of the
13 proposed conditions for Makaena Place. I would like to
14 ask the Department to comment on that. And then we have
15 the representative from the Fire Department, Lieutenant
16 English, in the gallery as well to respond to one of the
17 conditions that is being considered for rewording.

18 So I will yield the microphone to either
19 Mr. Yoshida or Mr. Hunt.

20 And, again, this is related to the August 4th,
21 2008 letter from the Planning Department.

22 Gentlemen?

23 MR. YOSHIDA: Aloha.

24 Thank you Mr. Chairman, Members of the
25 Committee.

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1 We did mention in our opening comments this
2 August 4th letter -- based on a meeting held on Friday,
3 August 1st. So that Condition -- Planning Commission
4 Condition Number 1 would be separated into two conditions,
5 and Planning Commission Condition Number 2 would be restated
6 to be more in line with the Department of Fire and Public
7 Safety's comments, which is Exhibit 9 in the Planning
8 Department's report.

9 CHAIR MOLINA: Okay. Thank you, Mr. Yoshida.

10 So, Members, questions, first, for the reworded
11 Proposed Condition 1.

12 And, again, this would be split up into two
13 separate conditions, am I correct, Mr. Yoshida?

14 MR. YOSHIDA: That's correct, Mr. Chair.

15 CHAIR MOLINA: Members, do you have any
16 questions on that?

17 Member Baisa, as the area representative, any
18 questions?

19 COUNCILMEMBER BAISA: No, no questions. Very
20 clear.

21 CHAIR MOLINA: Okay. Any other requests for
22 questions on the rewording of Condition 1 to be now split
23 into two separate conditions as requested by the Planning
24 Department?

25 Member Anderson?

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1 COUNCILMEMBER ANDERSON: The only question I
2 have is the Condition Number 2, the changed Condition
3 Number 2.

4 CHAIR MOLINA: Okay. Proceed.

5 COUNCILMEMBER ANDERSON: The last sentence says,
6 the pedestrian path shall connect Makaena Place with the
7 existing crosswalk at Haleakala Highway -- oh, I see here
8 it's now called "Jacaranda Junction?"

9 COUNCILMEMBER BAISA: Yeah.

10 COUNCILMEMBER ANDERSON: When did that happen?

11 CHAIR MOLINA: Mr. Yoshida?

12 COUNCILMEMBER ANDERSON: My question is --

13 CHAIR MOLINA: Oh, sorry.

14 COUNCILMEMBER ANDERSON: I like "Five Trees,"
15 that's traditional. Can we be traditional?

16 Where did "Jacaranda Junction" come from? Do
17 you know, Mr. Yoshida?

18 I know this is minor, but it isn't, really.

19 Because who knows what "Jacaranda Junction" is?

20 CHAIR MOLINA: Mr. Yoshida?

21 COUNCILMEMBER ANDERSON: I lived there 16 years,
22 it was always called "Five Trees." And they are jacaranda
23 trees, but --

24 MR. HUNT: As I understand it, there was two
25 Staff Members at the meeting who are familiar with the

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1 Upcountry area suggested that terminology.

2 COUNCILMEMBER ANDERSON: Well, I think that is
3 wrong. I think we need to call it "Five Trees". That is
4 what everybody knows it as. And that's minor to what I am
5 concerned with, but I thought I would bring it up.

6 "The pedestrian path shall connect." So my
7 question is -- I think it's up to us, Members, to make
8 this decision as to whether or not the bike lane will
9 suffice as a pedestrian path. It's not like you have bike
10 tours going down these -- this bike lane. And the bike
11 lane already goes -- if you look on page 30 of Mr. Hart's
12 Powerpoint, it shows that the bike lane already intersects
13 at the crosswalk. So I would hate for us to put -- put a
14 condition in that makes it sound like they got to do
15 something other than what's already here.

16 You know, do they want this to be off the
17 shoulder of the road or what?

18 I mean, to me, if you are walking in this
19 striped area, that would be sufficient. If I was a child,
20 walking down to Pukalani Superette, I would walk on the
21 grass, not on the asphalt.

22 But I think it's just a little too vague. I
23 think we need to be more clear as what they are expected
24 to do above and beyond what the high school has done and
25 what Dowling's project has done on the roadway.

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1 CHAIR MOLINA: Okay. Department, do you have
2 any comments?

3 MR. HUNT: I think the wording of the
4 condition -- or rewording is that -- is intended to
5 accommodate the uncertainty. As the gentleman from State
6 DOT indicated, if the median is enlarged, then the side of
7 the road may have to be enlarged.

8 If DOT is okay with a wide shoulder to serve as
9 a pedestrian and bike path, that is fine with us.

10 So we're just trying to implement the condition
11 from the Planning Commission at this point.

12 COUNCILMEMBER ANDERSON: Well, again, it's up to
13 us. We're the ones that invoke conditions. And, you
14 know -- I mean, why are we asking these people to do more
15 to the roadway -- and I am only talking about the
16 pedestrian path -- to accommodate pedestrians than we
17 required of Kulamalu or the high school? We don't have
18 any -- anything other than this same striped area fronting
19 their property.

20 MR. HUNT: I am not sure about those other
21 applications.

22 In this particular situation, what happened is
23 the Planning Commission was, apparently, responding to a
24 perceived need or issue, and suggested a Condition of
25 Approval.

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1 The Condition of Approval was somewhat vague.
2 And the Chair of this Committee asked for some
3 clarification, or, in a memo, asked the Department how
4 they would implement that. And we responded to that
5 request, indicating that if we reworded it this way, we
6 could implement it.

7 If this board doesn't care to require that
8 condition of approval, that is -- that is your
9 prerogative, of course.

10 COUNCILMEMBER ANDERSON: Well, it's the Council,
11 not a board.

12 But will you -- you know, Mr. Foley was the
13 Director at the time this went through the Planning
14 Commission. And I am not really certain that it was a DOT
15 requirement that this pedestrian cross -- this pedestrian
16 path be part of the condition. I think --

17 Because I will tell you what, the condition that
18 the Planning Commission invoked regarding connecting Loha,
19 it was a condition that came out of the traffic report.
20 And all the traffic report did -- which was paid for by
21 these applicants. And that traffic report just
22 recommended an alternative access point and suggested that
23 it be through Loha.

24 So I am suggesting, Mr. Chairman, that unless
25 DOT has a problem -- and, yeah, you know, if they have to

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1 make changes to the intersection of Makaena and Kula
2 Highway that will disrupt the current striping, DOT is
3 going to make 'em redo it. I mean, I don't know that we
4 need to put a condition in for that. That's going to
5 happen at the time of subdivision.

6 Remember, all of these lots have to go through
7 subdivision. And the lots that are fronting the highway
8 are the ones that are going to bear the brunt of any
9 changes.

10 And I just don't like putting in language that
11 could be misinterpreted down the road. It may be that the
12 lots at the front of this Rural subdivision won't be
13 subdividing for quite some time. There's a church on it.
14 And, you know, five years down the road, somebody will
15 read this and think they have to put in a pedestrian path
16 above and beyond what is already there.

17 So that is my problem. Unless someone could
18 give me a better reasoning why we should keep this in, I
19 would just assume we take it out. Because what they are
20 asking for is already in existence.

21 CHAIR MOLINA: Okay. Thank you, Member
22 Anderson.

23 And you are correct in that, ultimately, that
24 decision will be up to us, whether we want to leave the
25 Planning Commission's version of the Condition 1 or the

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1 revised condition from the Planning Department, or we can
2 reword it ourselves, or simply take it out. So when we
3 get to that point, we will go ahead and make that
4 decision.

5 Okay. All right. Seeing no other questions for
6 the Revised Condition 1, I would like the Department -- I
7 would like to ask the Members if you have any questions
8 for the proposed Condition Number 3?

9 Mr. Yoshida, any additional comments?

10 And we also have Lieutenant English from the
11 Fire Department here as well to respond to the Proposed
12 Condition 3.

13 Mr. Yoshida?

14 MR. YOSHIDA: Just the reworded Condition 3
15 we felt was more in line with the comments from the
16 Department of Fire and Public Safety, and as stated in
17 Exhibit 9 of the Department's report.

18 CHAIR MOLINA: Okay. Thank you very much,
19 Mr. Yoshida.

20 Mr. Victorino -- oh, sorry. Mr. Hunt,
21 additional comments before I recognize Mr. Victorino?

22 MR. HUNT: Thank you, Chair.

23 Just a little bit of background on this. The
24 way it was worded or intended to word is the -- the road
25 in Makaena Place would go to the edge of that subdivision.

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1 There is no intention to force the existing subdivision to
2 connect through to Loha now. So that -- that needs to be
3 clear.

4 This is a standard condition in subdivision
5 development. If a developer -- if all this was one land
6 and a developer came in and said they wanted to develop
7 this road, we would likely put this condition on, that it
8 go all the way through just in case of the future. We are
9 not saying that it has to connect through. But we don't
10 know what the land on the other side is going to develop.

11 And so there's a number of studies that show
12 that connectivity through to adjacent lands increases
13 access and reduces your traffic onto your arterials. This
14 is what happened in West Maui, is we had a consultant
15 study that area, and he said that was one of the problems,
16 is everybody has to -- to go from one neighborhood to
17 another, you have to go out to the collector road, or the
18 arterial, and then go down and then come back up. So it
19 -- it's a common problem that is alleviated by having
20 connection through.

21 The other issue that I think Public Works and,
22 perhaps, Fire can talk to is the length of the cul-de-sac.
23 There's usually standards on how long you want a
24 cul-de-sac to be. And those are safety conditions,
25 mostly.

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1 If the cul-de-sac is cut off for some reason, and
2 a natural disaster or a man-made disaster, there is only one
3 way out. And as lands gets more developed and more
4 density, and more homes, you don't want that situation to
5 occur. So, usually, you have an alternative way out.

6 We can certainly understand the concerns of the
7 neighborhood, that they don't want through traffic. That
8 is completely understandable.

9 From a technical perspective, we suggest there
10 is perhaps some mitigation that could be done. In the
11 future, if it ever is connected through, and we don't know
12 if it would be, but in the future if it's ever connected
13 through, a condition could perhaps be put on for traffic
14 calm and either a road narrowing or bumps or a zigzag or
15 something.

16 Another potential condition could be to just
17 require an emergency access through so that the Fire
18 Department could either cut the gate or just ram the gate.

19 I've talked to fire departments, that they said
20 if there's a gate in the way or even a bollard or
21 something that is a breakaway bollard, and there is a
22 fire, an emergency, they are going to go through, don't
23 worry about it.

24 So that is another option you folks could do.

25 But that -- that is the general intent. It's a

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1 technical recommendation. It's up to you folks whether
2 you want to implement it given the conditions of this
3 particular development.

4 CHAIR MOLINA: Thank you, Mr. Director.

5 Mr. Victorino?

6 COUNCILMEMBER VICTORINO: Thank you.

7 Mr. Hunt was reading my mind because that is
8 exactly what I was going to bring up at the end.

9 And I want to hear from the Fire Department.
10 Because all around Wailuku, especially up here, the new
11 subdivisions, we have what they call emergency exits with
12 gates. And the Fire Department is the only one that has
13 the key to that gate. But I have also been told, if they
14 don't have the key, they go right through that gate and
15 get to the fire or get to the emergency. So they are --
16 are in existence.

17 So my question, really, is I wanted to ask --

18 CHAIR MOLINA: Lieutenant English.

19 COUNCILMEMBER VICTORINO: Lieutenant English.

20 Thank you very much. I knew somebody was behind me and I
21 couldn't remember who it was.

22 You know, his comments exactly on that matter as
23 far as connectivity, as far as for emergency purposes and
24 not so much for convenience. And that will all be
25 determined at a later date.

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1 But, you know, I wanted to know for emergency
2 services, the connectivity, in having that gate at the
3 bottom of the subdivision. So when and if that was to
4 happen, that it could still be a -- not a through road,
5 but an emergency connecting both sub -- both areas as far
6 as those kind of, like you say, man-made or natural
7 disaster.

8 CHAIR MOLINA: Okay.

9 COUNCILMEMBER VICTORINO: So if we could have
10 Lieutenant English, I would ask for that, Mr. Chair.

11 CHAIR MOLINA: Sure. All right. Members, we
12 have a response call for Lieutenant English from the Fire
13 Department from Mr. Victorino to add clarification to the
14 Proposed Condition 3.

15 Thank you, Lieutenant, for joining us here
16 today. If you could just first start off with your name
17 and title and so forth before you respond to
18 Mr. Victorino's questions.

19 MR. ENGLISH: Thank you, Chair.

20 Right now, just for the land use change from Ag
21 to Rural half acre, the -- the requirements that we can put
22 in is to have the road widened to 20 feet and have a
23 turnaround at the end, a cul-de-sac, where trucks would
24 turn around.

25 The water line that was put in, the eight-inch

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1 water line, is sufficient to provide 1,000 gallons a
2 minute, which is a new standard. So - and the hydrant
3 spacing is correct. So that -- the water situation
4 is taken care of.

5 In the future, when they subdivide, we have a
6 clause in our Code that once they have more than 20 lots,
7 we do need a second way in and out. And like Mr. Hunt
8 said, and Mr. Victorino said, we can do an emergency
9 access lane through Loho --

10 COUNCILMEMBER VICTORINO: Loha.

11 MR. ENGLISH: -- Loha Street with an emergency
12 gate. And, basically, we just cut the chain and get
13 through the gate below, either getting ourselves in, more
14 truck, or evacuating the community out through the gate.

15 CHAIR MOLINA: Okay. Thank you, Lieutenant.

16 Mr. Victorino, any additional questions for
17 Lieutenant English?

18 COUNCILMEMBER VICTORINO: Okay. And then I guess
19 the last question I have -- and you answered -- thank you
20 very much, Lieutenant English -- is at the bottom, that
21 cul-de-sac that you are referring to, would we have to --
22 in looking at the pictures, I think there is enough room,
23 but when -- are you familiar with the area? Would there
24 be enough room without having to ask for easement rights
25 out of somebody -- somebody's property?

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1 MR. ENGLISH: For the change of use for the
2 turnaround, we can do like a hammerhead turnaround,
3 where we can drive in, reverse back, and then out this
4 Makaena Street. Don't have to be a round cul-de-sac; just
5 a provision to turn the truck around.

6 COUNCILMEMBER VICTORINO: But when they start
7 building, then you would have -- that requirement would
8 change?

9 MR. ENGLISH: When they subdivide.

10 COUNCILMEMBER VICTORINO: Subdivide, yeah.

11 MR. ENGLISH: Then we need -- like we gonna need
12 a turnaround, plus we gonna need like emergency egress
13 route through the street prior below.

14 COUNCILMEMBER VICTORINO: Okay. Okay. Thank
15 you.

16 Thank you, Mr. Chair.

17 COUNCILMEMBER ANDERSON: Chair?

18 CHAIR MOLINA: Thank you, Member Victorino.

19 Member Anderson?

20 COUNCILMEMBER ANDERSON: I just want to be
21 clear. When they subdivide the land below this
22 subdivision we're talking about?

23 MR. ENGLISH: No. When they subdivide to the
24 Rural half acres on Makaena, once they get over 20 lots, we
25 require a second way in and out of the project. So we

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1 will have to tie into, probably, Loha to get an emergency
2 egress, the secondary egress through Loha off to Makaena.

3 And like I say, we can gate it so we don't have
4 through traffic running back and forth. And that's --
5 like I said, it's only for emergency use.

6 COUNCILMEMBER ANDERSON: Okay. Great.

7 Thank you, Chairman.

8 CHAIR MOLINA: Okay. Thank you, Member
9 Anderson.

10 Committee Members, any other questions for the
11 Department?

12 Member Baisa?

13 COUNCILMEMBER BAISA: Talking about a gate,
14 there is a gate there now. Although, I don't know if you
15 want to run a fire truck through it. It's a pipe gate,
16 I think, if I can remember. So probably have a few
17 scratches on our gorgeous fire engines. So it probably
18 needs to be replaced with something that is appropriate
19 for a breakthrough. But there is a gate there now.

20 CHAIR MOLINA: Okay. Thank you.

21 Members, any other questions for Lieutenant
22 English from the Fire Department?

23 (Silence.)

24 CHAIR MOLINA: If not, thank you, Lieutenant.
25 Appreciate your comments.

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1 Members, we also have Deputy Director Miyamoto
2 from Public Works. Any Members have a request to hear
3 from Director Miyamoto on this or have questions?

4 Member Anderson?

5 Okay. Deputy Director Miyamoto, you are being
6 summoned.

7 The Chair would request if you could just give
8 us some opening comments. And then I will turn the floor
9 over to -- first to Member Anderson.

10 MR. MIYAMOTO: Thank you, Mr. Chair.

11 We did have a meeting with Planning and Council
12 Staff regarding the three proposed change conditions. And
13 so we are aware of the modifications. And we have -- you
14 know, hearing what the Lieutenant from the Fire Department
15 has to say, you know, that's fine with us.

16 CHAIR MOLINA: All right. Thank you.

17 Member Anderson?

18 COUNCILMEMBER ANDERSON: Thank you, Chairman.

19 So, you know, I know, Mr. Miyamoto, when we met
20 this last -- you and I had a discussion regarding the
21 cul-de-sac that is going to be created when they do their
22 actual subdivision and the lots towards the end of Makaena
23 Place. And, of course, we don't know for sure that that
24 is what will happen. It's just a concept, site plan of
25 their subdivision.

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1 But my concern, we thought that -- you know, one
2 of the reasons that we were given for the need for through
3 traffic on Makaena was because you can't have so many lots
4 on a cul-de-sac. But -- and I just want this on the
5 record. As there will be two cul-de-sacs created off
6 of Makaena Place, that breaks up Makaena Place as a single
7 cul-de-sac in and of itself, correct?

8 MR. MIYAMOTO: Yes.

9 COUNCILMEMBER ANDERSON: Okay. Thanks.

10 And then the other question I had is, in your
11 Department's January 24th letter, in reviewing this
12 request, one of the things -- one of the comments that
13 Director Arakawa made in their review, a road-widening lot
14 shall be provided for Makaena Place to provide for future
15 40-foot-wide right-of-way and improved to County
16 standards, to include but not be limited to pavement
17 widening, construction of curb, gutter and sidewalk,
18 street lights and relocation of utilities underground.
19 Said lot shall be dedicated to the County upon completion
20 of the improvements.

21 Can you make any comment on that?

22 MR. MIYAMOTO: Yes. Obviously, those standards
23 are for -- for somewhat of an Urban area.

24 COUNCILMEMBER ANDERSON: Exactly.

25 MR. MIYAMOTO: We're looking at a Rural area.

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1 And, yes, basically talking about pavement widening.

2 At the time we didn't realize that the existing
3 right-of-way was 40 to 42 feet wide. So, obviously, the
4 existing right-of-way is sufficient to meet that condition.

5 The pavement is a little bit underneath the
6 current rural standards. It would require a little bit
7 widening of the pavement.

8 As far as curb and gutters, they are not part of
9 the Rural standard, and sidewalks.

10 As far as the utilities being underground, that
11 is at the Director's discretion whether or not that is
12 something that is really -- a condition that we really
13 push for at this point.

14 COUNCILMEMBER ANDERSON: Okay. Thank you,
15 Deputy Director Miyamoto, for that.

16 Because I wanted to get that on the record,
17 Mr. Chairman. I don't want them to go to subdivide and,
18 all of a sudden, be required to put in curbs, gutters,
19 street lights, sidewalks, in a rural area. And I just
20 wanted to make sure of that because that's what this looks
21 like they were being directed to do. And I don't want
22 anyone to fall back on that. So I wanted to get it on the
23 record.

24 That is all I had for Mr. Miyamoto.

25 Thank you, Chairman.

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1 CHAIR MOLINA: Thank you, Member Anderson.

2 Member Pontanilla?

3 VICE-CHAIR PONTANILLA: Thank you, Chairman.

4 Remembering from the last meeting that we had
5 regarding this particular project, I am of the
6 understanding that Makaena Place would still be a private
7 road.

8 MR. MIYAMOTO: Yes, that is my understanding at
9 this point.

10 VICE-CHAIR PONTANILLA: Thank you.

11 CHAIR MOLINA: Okay. Thank you, Member
12 Pontanilla.

13 Committee Members, any other questions for
14 Deputy Director Miyamoto from Public Works?

15 (Silence.)

16 CHAIR MOLINA: Seeing none, thank you,
17 Mr. Miyamoto. Appreciate it.

18 All righty, Members, we're moving right along
19 here.

20 Any other requests for resource personnel or
21 request to hear from the applicant's representative?

22 (Silence.)

23 CHAIR MOLINA: Okay. Seeing none, the Chair
24 will be ready to offer you a recommendation, then.

25 COUNCILMEMBER VICTORINO: Recommendation.

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1 CHAIR MOLINA: All right. Well first, this is
2 going to be a rather long process, so -- a lot longer than
3 normal. But as I mentioned earlier, we have 10 bills to
4 consider, first for the District Boundary Amendment, and
5 then we got to move on to the conditional zoning bills as
6 well.

7 So we will start first with the District
8 Boundary Amendments.

9 So at this point the Chair would like to
10 recommend that the Committee consider the 10 revised
11 Proposed District Boundary Amendment bills together in one
12 motion. Any objection to proceeding in that fashion?

13 COUNCIL MEMBERS: No objections.

14 CHAIR MOLINA: All right. Very good. So
15 ordered by the Committee.

16 So, therefore, the Chair will entertain a motion
17 to recommend passage on First Reading of the following
18 Revised Proposed District Boundary Amendment bills
19 transmitted by the Corporation Counsel's Office via
20 correspondence dated July 9, 2008.

21 Number one, A Bill for an Ordinance to Amend the
22 State Land Use District Classification from Agricultural
23 to Rural for property situated at 109 Makaena Place, Kula,
24 Maui, Hawaii.

25 Two, A Bill For an Ordinance to Amend the State

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1 Land Use District Classification from Agricultural to
2 Rural for property situated at 143 Makaena Place, Kula,
3 Maui, Hawaii.

4 Three, A Bill For an Ordinance to Amend the
5 State Land Use District Classification from Agricultural
6 to Rural for property situated at 189 Makaena Place, Kula,
7 Maui, Hawaii.

8 Four, A Bill for an Ordinance to Amend the State
9 Land Use District Classification from Agricultural to
10 Rural for property situated at 271 Makaena Place, Kula,
11 Maui, Hawaii.

12 Five, A Bill for an Ordinance to Amend the State
13 Land Use District Classification from Agricultural to
14 Rural for property situated at 288 Makaena Place, Kula,
15 Maui, Hawaii.

16 Six, A Bill for an Ordinance to Amend the State
17 Land Use District Classification from Agricultural to
18 Rural for property situated at 236 Makaena Place, Kula,
19 Maui, Hawaii.

20 Seven, A Bill for an Ordinance to amend the
21 State Land Use District Classification from Agricultural
22 to Rural for property situated at 174 Makaena Place, Kula,
23 Maui, Hawaii.

24 Eight, A Bill for an Ordinance to Amend the
25 State Land Use District Classification from Agricultural

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1 to Rural for property situated at 88 Makaena Place, Kula,
2 Maui, Hawaii.

3 Nine, A Bill for an Ordinance to Amend the State
4 Land Use District Classification from Agricultural to
5 Rural for property situated at 64 Makaena Place, Kula,
6 Maui, Hawaii.

7 And, 10, A Bill for an Ordinance to Amend the
8 State Land Use District Classification from Agricultural
9 to Rural for property situated at 26 Kula Highway, Kula,
10 Maui, Hawaii.

11 COUNCILMEMBER VICTORINO: So moved.

12 VICE-CHAIR PONTANILLA: So moved.

13 COUNCILMEMBER BAISA: Second.

14 CHAIR MOLINA: It's been moved by Member
15 Pontanilla, seconded by Member Baisa.

16 Any discussion?

17 (Silence.)

18 CHAIR MOLINA: Seeing none, all those in favor,
19 signify by saying "aye."

20 COUNCIL MEMBERS: "Aye."

21 CHAIR MOLINA: All those opposed?

22 (Silence.)

23 CHAIR MOLINA: Thank you.

24 The Chair will mark it seven-zero; with two
25 excusals, Members Mateo and Members -- and Member

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1 Medeiros.

2 VOTE: AYES: Councilmembers Anderson, Baisa, Hokama,
3 Johnson, Victorino, Vice-Chair
Pontanilla, and Chair Molina.

4 NOES: None.

5 ABSTAIN: None.

6 ABSENT: None.

7 EXC.: Councilmembers Mateo and Medeiros.

8 MOTION CARRIED.

9 ACTION: Recommending FIRST READING of revised
10 proposed State District Boundary
Amendment bills.

11 CHAIR MOLINA: All righty, Members. Now we will
12 get to the next matter.

13 COUNCILMEMBER ANDERSON: Chair?

14 CHAIR MOLINA: Member Anderson?

15 COUNCILMEMBER ANDERSON: Could I just ask one
16 quick question before we go to the Change in Zoning?

17 CHAIR MOLINA: Sure.

18 COUNCILMEMBER ANDERSON: And I guess the only
19 person left here to answer that question might be
20 Mr. Hart.

21 CHAIR MOLINA: Okay.

22 COUNCILMEMBER ANDERSON: It's a question
23 regarding water.

24 CHAIR MOLINA: Okay. Members, any objections to
25 bringing up Mr. Hart, the applicant's representative?

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1 COUNCILMEMBER HOKAMA: No objections.

2 CHAIR MOLINA: Okay. Mr. Hart, if you could
3 please come up to the podium?

4 Mr. Hart, if you would please first state your
5 name and organization before I turn matters over to Member
6 Anderson.

7 MR. HART: Chris Hart, Chris Hart and Partners.
8 We are the consultants in this application.

9 CHAIR MOLINA: Member Anderson, you have the
10 floor.

11 COUNCILMEMBER ANDERSON: Thank you, Chairman.

12 Mr. Hart, do you know if this subdivision and
13 the TMKs created, or the ones that are already there, are
14 any of these lots being provided water from the Maui Land
15 & Pine agreement for the Piiholo Well?

16 MR. HART: No, they are not.

17 COUNCILMEMBER ANDERSON: They are not?

18 MR. HART: No.

19 COUNCILMEMBER ANDERSON: So everybody is on the
20 waiting list and they just have to wait until their turn
21 comes up?

22 MR. HART: That's correct.

23 COUNCILMEMBER ANDERSON: Okay. Thank you very
24 much.

25 CHAIR MOLINA: All right. Thank you, Member

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1 Anderson.

2 Committee Members any other questions for the
3 applicant's representative, Mr. Hart?

4 (Silence.)

5 CHAIR MOLINA: Seeing none, thank you.

6 Members, the Chair wants to call for a five-minute
7 recess to consult with Staff on a procedural question.
8 And we shall reconvene at 3:40.

9 Meeting in recess subject to the call of the
10 Chair...(gavel)...

11 RECESS: 3:34 p.m.

12 RECONVENE: 3:44 p.m.

13 CHAIR MOLINA: ...(gavel)...Land Use Committee
14 Meeting for August 6, 2008 is now back in session.

15 Thank you for that break, Members, to allow the
16 Chair to consult with Staff on a procedural matter.

17 All right. Members, we are now at the second
18 phase of our Land Use Item No. 19, which has to do with
19 Makaena Place.

20 The Chair will now entertain a motion to
21 recommend passage on First Reading of the following
22 revised proposed Change in Zoning bills transmitted by the
23 Department of the Corporation Counsel via correspondence
24 dated July 9, 2008.

25 One, A Bill for an Ordinance to Change Zoning

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1 from Agricultural District to RU-0.5 Rural District,
2 (Conditional Zoning) for property situated at 109 Makaena
3 Place, Kula, Maui, Hawaii.

4 Two, A Bill for an Ordinance to Change Zoning
5 from Agricultural District to RU-0.5 Rural District
6 (Conditional Zoning) for property situated at 143 Makaena
7 Place, Kula, Maui, Hawaii.

8 Three, A Bill for an Ordinance to Change Zoning
9 from Agricultural District to RU-0.5 Rural District,
10 (Conditional Zoning) for property situated at 189 Makaena
11 Place, Kula, Maui, Hawaii.

12 Four, A Bill for an Ordinance to Change Zoning
13 from Agricultural District to RU-0.5 Rural District
14 (Conditional Zoning) for property situated at 271 Makaena
15 Place, Kula, Maui, Hawaii.

16 Five, A Bill for an Ordinance to Change Zoning
17 from Agricultural District to RU-0.5 Rural District
18 (Conditional Zoning) for property situated at 288 Makaena
19 Place, Kula, Maui, Hawaii.

20 Six, A Bill for an Ordinance to Change Zoning
21 from Agricultural District to RU-0.5 Rural District
22 (Conditional Zoning) for property situated at 236 Makaena
23 Place, Kula, Maui, Hawaii.

24 Seven, A Bill for an Ordinance to Change Zoning
25 from Agricultural District to RU-0.5 Rural District

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1 (Conditional Zoning) for property situated at 174 Makaena
2 Place, Kula, Maui, Hawaii.

3 Eight, A Bill for an Ordinance to Change Zoning
4 from Agricultural District to RU-0.5 Rural District
5 (Conditional Zoning) for property situated at 88 Makaena
6 Place, Kula, Maui, Hawaii.

7 Nine, A Bill for an Ordinance to Change Zoning
8 from Agricultural District to RU-0.5 Rural District
9 (Conditional Zoning) for property situated at 64 Makaena
10 Place, Kula, Maui, Hawaii.

11 And, 10, A Bill for an Ordinance to Change
12 Zoning from Agricultural District to RU-0.5 Rural District
13 (Conditional Zoning) for property situated at 26 Kula
14 Highway, Kula, Maui, Hawaii.

15 VICE-CHAIR PONTANILLA: So moved.

16 COUNCILMEMBER BAISA: Second.

17 CHAIR MOLINA: Okay. Moved by Member Pontanilla
18 and seconded by Member Baisa.

19 All right, Members. The floor is now open for
20 considerations with regards to the proposed conditions.

21 Member Anderson?

22 COUNCILMEMBER ANDERSON: Thank you, Mr. Chair.

23 And, hopefully, we will only have to do this
24 once, not 10 times. Right?

25 COUNCIL MEMBERS: (Laughter.)

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1 COUNCILMEMBER ANDERSON: So I will make a motion
2 to amend all 10 main motions for Condition Number 2 that,
3 within one year from the effective date of this ordinance,
4 a median refuge lane on Kula Highway shall be designed and
5 constructed in accordance with State Department of
6 Transportation standards at no cost to the State of
7 Hawaii.

8 COUNCILMEMBER BAISA: Second.

9 CHAIR MOLINA: It's been moved by Member
10 Anderson to amend Condition Number 2. And that is the
11 conditions that was initially proposed by the Planning
12 Commission, am I correct, Member Anderson?

13 COUNCILMEMBER ANDERSON: No. Actually, I am
14 reading the --

15 CHAIR MOLINA: Oh, the August 4, 2008?

16 COUNCILMEMBER ANDERSON: Yeah. Reading the --
17 because we separated Condition 1 in this August 4th memo.
18 They separated Condition 1 and made it Condition 1 and 2.

19 CHAIR MOLINA: Okay. Members --

20 COUNCILMEMBER ANDERSON: So what I have done is
21 taken out the references to a pedestrian path.

22 VICE CHAIR PONTANILLA: Second.

23 COUNCILMEMBER BAISA: Second.

24 CHAIR MOLINA: Okay. It's been seconded by
25 Member Baisa.

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1 Member Anderson, you have the floor.

2 COUNCILMEMBER ANDERSON: I just explained what I
3 did. Thank you, Chairman.

4 CHAIR MOLINA: Oh, all right.

5 Any additional comments? Any additional
6 comments to the proposed amendment from Member Anderson?

7 COUNCILMEMBER HOKAMA: (Inaudible.)

8 CHAIR MOLINA: Chairman Hokama, followed by
9 Member Pontanilla.

10 COUNCILMEMBER HOKAMA: Chairman, no, I just
11 believe that we have just one motion, a motion on the floor
12 that covers 10 different --

13 CHAIR MOLINA: That's correct.

14 COUNCILMEMBER HOKAMA: -- bills for an
15 ordinance.

16 CHAIR MOLINA: That's right.

17 COUNCILMEMBER HOKAMA: So in case someone reviews
18 our minutes, there is no 10 main motions on the floor.

19 CHAIR MOLINA: That's right.

20 COUNCILMEMBER HOKAMA: Thank you.

21 CHAIR MOLINA: And -- yes, 10 bills in one
22 motion.

23 COUNCILMEMBER BAISA: One motion.

24 CHAIR MOLINA: Right.

25 Comments on the proposed amendment from Member

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1 Anderson? Member Pontanilla?

2 VICE-CHAIR PONTANILLA: Thank you.

3 I just want to clarify that the last sentence will
4 be eliminated?

5 COUNCILMEMBER ANDERSON: Right. The pedestrian
6 path shall connect to Makaena --

7 CHAIR MOLINA: Makaena.

8 COUNCILMEMBER ANDERSON: -- with the existing
9 crosswalk at Haleakala Highway and "Jacaranda Junction."

10 VICE-CHAIR PONTANILLA: Thank you.

11 COUNCILMEMBER ANDERSON: That has all been
12 deleted.

13 VICE-CHAIR PONTANILLA: Thank you.

14 CHAIR MOLINA: Okay. Members, are we clear?

15 Staff, would you want the -- would you like to
16 repeat the proposed amendment? Or do you need Member
17 Anderson to repeat it back to you for the record?

18 MS. NAKATA: No, Mr. Chair.

19 However, the main motion was to pass the 10
20 revised Change in Zoning bills that were transmitted by
21 Corp Counsel on July 9th. So the existing conditions --

22 COUNCILMEMBER ANDERSON: Okay.

23 MS. NAKATA: -- that are in that bill, I believe
24 Member Anderson is looking for an amendment to Condition
25 Number 1.

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1 VICE-CHAIR PONTANILLA: Condition Number 2.

2 MS. NAKATA: -- that currently also contains the
3 language regarding left turn movements.

4 COUNCILMEMBER ANDERSON: I see what she's
5 saying. We're working off the conditions that are already
6 attached to the bill.

7 CHAIR MOLINA: Exhibit B, am I correct?

8 COUNCILMEMBER ANDERSON: Yes. We are not
9 working off the recommended --

10 CHAIR MOLINA: August 4th letter, right.

11 COUNCILMEMBER ANDERSON: So I will withdraw my
12 motion and restate the motion.

13 CHAIR MOLINA: Do we need a second -- the second
14 to be withdrawn, Staff?

15 COUNCILMEMBER BAISA: No.

16 CHAIR MOLINA: Okay. Proceed, Member Anderson.

17 COUNCILMEMBER ANDERSON: Okay. So I move to
18 amend Condition 1 as stated in Exhibit B to read --

19 COUNCILMEMBER HOKAMA: Chairman, may I make a
20 suggestion to Ms. Anderson?

21 CHAIR MOLINA: Proceed, Chairman Hokama.

22 COUNCILMEMBER HOKAMA: I would just recommend,
23 Ms. Anderson, that you make your motion to amend by -- and
24 to replace the current Proposed Condition 1 with the
25 recommendation as proposed by Mr. Hunt and that the proposed

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1 Condition 2 --

2 COUNCILMEMBER ANDERSON: Be amended.

3 COUNCILMEMBER HOKAMA: -- be amended --

4 COUNCILMEMBER ANDERSON: Okay.

5 COUNCILMEMBER HOKAMA: -- to delete the last
6 sentence.

7 COUNCILMEMBER ANDERSON: Thank you,

8 Mr. Chairman. That is a much easier --

9 CHAIR MOLINA: Okay.

10 COUNCILMEMBER ANDERSON: -- way to go about
11 this.

12 CHAIR MOLINA: Member Anderson, proceed.

13 COUNCILMEMBER ANDERSON: Okay. So I would move
14 to amend Condition Number 1 attached to the ordinance --
15 or the Bill for an Ordinance to be replaced with Condition
16 Number 1 as provided in the August 4th memo from Director
17 Hunt.

18 VICE-CHAIR PONTANILLA: Second.

19 COUNCILMEMBER ANDERSON: And that -- and that
20 Condition Number 2 -- can I do it that way -- in the said
21 memo be amended to delete "and a pedestrian path", in the
22 first sentence. And that the last sentence, "The
23 pedestrian path shall connect Makaena Place with the
24 existing crosswalk at Haleakala Highway and 'Jacaranda
25 Junction'" be deleted in its entirety.

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1 COUNCILMEMBER BAISA: Second.

2 VICE-CHAIR PONTANILLA: Second.

3 CHAIR MOLINA: Okay, second. Staff, we earlier
4 had an -- Chair is little backed up here. We had -- can we
5 do this -- we need to do this as two separate --

6 COUNCILMEMBER ANDERSON: No. It's my -- it's my
7 amendment.

8 CHAIR MOLINA: It's just one separate amendment?
9 Because I heard a second after Member Anderson read her
10 first to delete Condition 1.

11 COUNCILMEMBER ANDERSON: No.

12 CHAIR MOLINA: Or should that first second not
13 be considered?

14 VICE-CHAIR PONTANILLA: Yeah. Don't consider
15 that first one.

16 COUNCILMEMBER ANDERSON: This is all one motion.

17 CHAIR MOLINA: This is all in one motion. Okay.

18 COUNCILMEMBER ANDERSON: One condition.

19 MS. NAKATA: I think it's fairly clear that the
20 second was at the conclusion of Member Anderson's reading
21 of both Condition Numbers 1 and 2 in the Planning
22 Director's August 4th memo.

23 CHAIR MOLINA: So we can go with just one second
24 and not the two seconds that I heard. I think Member
25 Pontanilla made two seconds. So we will just go with one

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1 second, then? Just to alleviate any confusion.

2 MS. NAKATA: I think that's fine, Mr. Chair.

3 COUNCILMEMBER ANDERSON: He thought I was done,
4 but I wasn't.

5 CHAIR MOLINA: Yeah. That is what the Chair
6 wanted some clarification of. So we will disregard the
7 first second that was made by Member Pontanilla, and we will
8 recognize the second second that was made by
9 Mr. Pontanilla.

10 VICE-CHAIR PONTANILLA: Thank you.

11 CHAIR MOLINA: Okay. For the record, Members, so
12 we are clear.

13 All righty. Any additional discussion on the
14 proposed amendment from Member Anderson?

15 (Silence.)

16 CHAIR MOLINA: Seeing none, would the Members
17 like the motion restated?

18 COUNCILMEMBER BAISA: No.

19 CHAIR MOLINA: Okay. All right. The Chair will
20 then call for the vote on the proposed amendment. All
21 those in favor, signify by saying "aye."

22 COUNCIL MEMBERS: "Aye."

23 CHAIR MOLINA: All those opposed?

24 (Silence.)

25 CHAIR MOLINA: Thank you. The Chair will mark

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1 it seven-zero; two excusals, Members Mateo and Medeiros.

2 VOTE: AYES: Councilmembers Anderson, Baisa, Hokama,
3 Johnson, Victorino, Vice-Chair
4 Pontanilla, and Chair Molina.

5 NOES: None.

6 ABSTAIN: None.

7 ABSENT: None.

8 EXC.: Councilmembers Mateo and Medeiros.

9 MOTION CARRIED.

10 ACTION: APPROVE amendment.

11 CHAIR MOLINA: We are now back to the main
12 motion as amended. Any other considerations?
13 Member Anderson?

14 COUNCILMEMBER ANDERSON: Thank you,
15 Mr. Chairman.

16 I move to amend Condition Number 2 attached to
17 the Bill for an Ordinance as Exhibit B to be deleted in
18 its entirety and replaced with Condition Number 3 that
19 reads: That road improvements on Makaena Place shall
20 address fire safety concerns, including a 20-foot wide
21 paved roadway and approved -- an approved turnaround, and
22 a gated emergency connection -- a gated emergency-only
23 connection to Loha Place as warranted and approved by the
24 Department of Fire and Public Safety.

25 COUNCILMEMBER VICTORINO: Second.

 CHAIR MOLINA: It's been moved by Member

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1 Anderson and seconded by Member Victorino.

2 Member Anderson, you have the floor.

3 COUNCILMEMBER ANDERSON: Thank you,
4 Mr. Chairman.

5 This will allow for the concerns of the Fire
6 Department to be addressed, and, at the same time, not
7 impose a condition on this subdivision that would require
8 them to allow a future connection to Loha Place for the
9 purposes of vehicular traffic going through their
10 subdivision and outletting at Kula Highway.

11 As was explained to me -- and I am not really
12 certain if this was on the record, so I am going to repeat
13 it. Maybe Lieutenant English did say this when he spoke
14 to us on the record. But there is a requirement, after 21
15 lots, that they have a separate escape route, I guess you
16 would call it. And so this would allow for that. But I
17 would like to at least caution or inform the members of
18 this subdivision that they are going to have to, at some
19 time, get an easement across the property of the people
20 who live between the end of Loha Street and the end of
21 Makaena in order to accomplish this.

22 And, you know, I guess Member Baisa said that
23 she already drove this route and that there's -- it
24 already connects, you know. So I think that that is
25 probably not going to be a hard thing to do. But in order

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1 to get it on a subdivision map and approved, they may have
2 to get an easement from that property owner to allow that
3 to be something that is recorded.

4 So the changes that I have made in this Number 3
5 Condition is -- has been done to effectuate fire and
6 safety and to take out the requirement that they connect
7 the urban-scale development below them with their
8 rural-scale development.

9 CHAIR MOLINA: Okay. Thank you, Member
10 Anderson.

11 Members, what we have here, Member Anderson
12 has -- proposed amendment deletes Condition Number 2 that
13 is on your Exhibit B, and replaces it with a Proposed
14 Condition 3. The previous amendment added a second
15 condition. So that is why this condition is now, will be
16 numbered as Condition 3. So that is what we are
17 considering right now on the floor.

18 Any additional discussion?

19 Mr. Victorino?

20 COUNCILMEMBER VICTORINO: And I thank Member
21 Anderson for putting it together, but I think there's a
22 correction. After the 20th, not the 21st, just to make
23 sure that the record shows that he said 20th lot, not the
24 21st lot. Just so that when they subdivide, I don't want
25 somebody saying, oh, you said 21st and -- it's the 20th.

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1 That is their standard at that point.

2 COUNCILMEMBER ANDERSON: Well, I guess what I
3 meant was at the development of the 21st lot this would have
4 to be done first.

5 So thank you for that, Member Victorino.

6 CHAIR MOLINA: Okay. Thank you.

7 So, Members, we're clear on that.

8 Mr. Director, you have a comment?

9 MR. HUNT: A question. Could we have the
10 condition as proposed be reread slowly?

11 CHAIR MOLINA: Sure.

12 COUNCILMEMBER ANDERSON: Okay.

13 CHAIR MOLINA: Okay. Member Anderson?

14 COUNCILMEMBER ANDERSON: I know what he is going
15 to go for because I am noticing this myself.

16 I amended Condition Number 3, Members, if you
17 look at his August 4th memo. And I think I was more
18 concerned about bypassing the future connection language
19 that I left out the, shall be implemented within one year
20 from the effective date of this ordinance. And that is
21 for the roadway improvements, for a 20-foot-wide paved
22 roadway and an improved turnaround.

23 So I guess what I would like to know is --
24 before I change my amendment and reread it as I just
25 stated, why is the one year a requirement?

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1 Generally, that kind of thing is done during the
2 subdivision process. So if they are not ready to
3 subdivide within one year, why would we require them to
4 make these improvements? Because it's going to be all on
5 Mr. Cambra's lots. Maybe somebody else's, too. But at
6 least, you know, they are going to be at the lots at the
7 end of the road.

8 So maybe Director Hunt can address that one-year
9 timeframe.

10 CHAIR MOLINA: Mr. Director?

11 MR. HUNT: We have an unusual situation here
12 where we tried to help out the neighborhood by combining
13 all 10 people into one application.

14 If -- if we put off some of these conditions
15 until a trigger in the future, then whoever happens to be
16 that one property owner is saddled with the entire burden
17 that is a benefit to everybody. So Staff, and our
18 thinking -- and it may need some revision or refinement,
19 but our thinking was we should put a one-year condition on
20 some of these improvements and saddle that burden -- or
21 spread the burden across all 10 property owners right
22 away.

23 CHAIR MOLINA: Member Anderson?

24 COUNCILMEMBER ANDERSON: Yeah. I can appreciate
25 that thinking. But I think, also, we want to think about

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1 -- I mean, they have already spent \$140,000, right,
2 minimum, to put in water lines that they may not be able
3 to use for some time down the road. So I am thinking, you
4 know, this could be maybe something that could be
5 triggered when they reach the 21st lot. You know, that
6 way -- because I don't know that you would want to burden
7 somebody who isn't going to get their water meter for five
8 years to have to come up with some additional money to put
9 in roadway improvements that they won't really get the
10 benefit of.

11 So Mr. Hokama has a suggestion.

12 CHAIR MOLINA: Okay. Thank you, Member
13 Anderson.

14 Chairman Hokama?

15 COUNCILMEMBER HOKAMA: Chairman, thank you.

16 I would maybe offer that another way that
17 Mr. Hart, as the applicant's representative, might be able
18 to share. If the Department's concern is to prorate or to
19 spread the costs and not have it burden someone, just the
20 first or initial property owner that comes in for
21 potentially a future subdivision request, is that maybe
22 Staff could assist us in providing some language of
23 options available whereby either within the one year --
24 or, I would say, another suitable option that the County
25 has exercised in the past is that a condition would be for

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1 a performance bond whereby all of the 10 property owners
2 would pay a prorated share. And that the bond eventually
3 would be utilized for the performance of the fulfillment of
4 the condition regarding Number 3.

5 Thank you.

6 CHAIR MOLINA: Thank you, Chair. You triggered
7 something in me. I recall Mr. Hart talking about a bond
8 at our last meeting.

9 Members, any objections to getting comment from
10 Mr. Hart with regards to Chairman Hokama's suggestion?

11 COUNCIL MEMBERS: No objections.

12 CHAIR MOLINA: Okay. Mr. Hart, if you will.

13 MR. HART: Thank you, Mr. Chair.

14 My name is Chris Hart, Chris Hart and Partners.
15 We're the consultant on this -- planning consultant on
16 this project.

17 We really appreciate, first of all, the Land Use
18 Committee and the efforts being made to essentially bring
19 some reality to the conditions in the context of the
20 family subdivision aspects of it.

21 And we had discussed the possibility of a
22 performance bond as a way to essentially promote the cost
23 sharing.

24 The other concern that we had is that the one
25 year -- there -- first of all, there is an interest on the

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1 part of the homeowners to actually enter into a roadway
2 improvement -- the roadway improvements together, like
3 they did the water line and like they certainly did in
4 terms of the land use entitlement process. They would
5 like to do that together.

6 Whether or not they could get everybody together
7 to participate within one year is a question. So the
8 question that we had is how would we come back and -- say
9 it took two years in order to get a one-year extension,
10 how would we do that? Could we come back, file a letter
11 and ask for an extension?

12 The other option is to think in terms of
13 something like a performance bond. They would be able to
14 take, basically, out a performance bond in favor of the
15 County of Maui. And the County of Maui does that in the
16 context of subdivision in terms of the subdivision
17 ordinance. And then, of course, when the first
18 subdivision is essentially going through the process, that
19 would be triggered and -- and the improvements would be
20 then provided at that time.

21 CHAIR MOLINA: Okay. Thank you, Mr. Hart.

22 Members, you have heard Mr. Hart's comments with
23 regards to a performance bond as brought up by Chairman
24 Hokama.

25 Any questions for Mr. Hart at this time?

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1 Member Anderson?

2 COUNCILMEMBER ANDERSON: So, Mr. Hart --
3 Mr. Hart, if -- if we just added a sentence onto this
4 condition that said these improvements shall be
5 effectuated through a performance bond, that would --

6 MR. HART: In favor of the County of Maui.

7 COUNCILMEMBER ANDERSON: In favor of the County
8 of Maui --

9 MR. HART: Right.

10 COUNCILMEMBER ANDERSON: -- then that would
11 pretty much cover it because these conditions have to be
12 looked at by the subdivision folks when the first
13 subdivision comes through?

14 MR. HART: Right.

15 COUNCILMEMBER ANDERSON: And that would trigger
16 the use of the performance bond?

17 MR. HART: Yes.

18 COUNCILMEMBER ANDERSON: Okay. Thank you.

19 CHAIR MOLINA: Thank you.

20 Members, any other questions for Mr. Hart before
21 I excuse him?

22 (Silence.)

23 CHAIR MOLINA: If not, thank you.

24 MR. HART: You're welcome. Thank you.

25 CHAIR MOLINA: All right. Okay, Members, we

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1 have a proposed amendment on the floor from Member
2 Anderson.

3 Member Anderson, is there a consideration to
4 reword the amendment at this time?

5 COUNCILMEMBER ANDERSON: Yes.

6 CHAIR MOLINA: Okay. You have the floor.

7 COUNCILMEMBER ANDERSON: Shall I -- can I just
8 reword it or do we have to --

9 CHAIR MOLINA: Staff, does she need to withdraw
10 her --

11 MS. NAKATA: It would be cleaner to withdraw the
12 pending motion to amend and make a new one.

13 CHAIR MOLINA: Okay, Members.

14 Member Anderson, you have the floor.

15 COUNCILMEMBER ANDERSON: Okay. Thank you,
16 Chairman.

17 I will withdraw the previous condition and move
18 to amend Condition 2 attached to A Bill for an Ordinance
19 as the Bill for an Ordinance, as exhibit B, and replace it
20 with the Condition 3 in the August 4th, 2008 memo from
21 Director Hunt that is amended to read, that road
22 improvements on Makaena Place shall address fire safety
23 concerns, including a 20-foot-wide paved roadway, an
24 improved turnaround, and a gated emergency-only connection
25 to Loha Place, as warranted and approved by the Department

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1 of Fire and Public Safety. These improvements shall be
2 effectuated in the form of a performance bond in the favor
3 of the County of Maui.

4 COUNCILMEMBER VICTORINO: Second.

5 CHAIR MOLINA: Okay. It's been proposed to be
6 amended by Member Anderson, seconded by Member Victorino.

7 Additional discussion?

8 (Silence.)

9 CHAIR MOLINA: Okay. Seeing none, Members, the
10 Chair will call for the vote.

11 COUNCILMEMBER ANDERSON: I just want to make one
12 point.

13 CHAIR MOLINA: Go ahead, Member Anderson.

14 COUNCILMEMBER ANDERSON: The performance bond
15 will be for the roadway improvements. But I want to make
16 it very clear, so that it's on the record, that the
17 connection to Loha Place, there is a clarifying language
18 that says as warranted. So, you know, when the
19 performance bond is effectuated during subdivision, it
20 will be for the roadway improvements, but they may not
21 have to connect to Loha Place until they get to the 21st
22 lot. So I just want that clear --

23 CHAIR MOLINA: Okay. Thank you, Member
24 Anderson.

25 COUNCILMEMBER ANDERSON: -- on the record.

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1 CHAIR MOLINA: Planning Director or Corp.
2 Counsel, any need for further clarification on the
3 proposed amendment?

4 (Silence.)

5 CHAIR MOLINA: Okay. Seeing none from both,
6 Chair will call for the vote. All those in favor signify
7 by saying "aye."

8 COUNCIL MEMBERS: "Aye."

9 CHAIR MOLINA: All those opposed?
10 (Silence.)

11 CHAIR MOLINA: Thank you. The Chair will mark
12 it seven-zero; with two excusals, Members Mateo and Member
13 Medeiros.

14 VOTE: AYES: Councilmembers Anderson, Baisa, Hokama,
15 Johnson, Victorino, Vice-Chair
Pontanilla, and Chair Molina.

16 NOES: None.

17 ABSTAIN: None.

18 ABSENT: None.

19 EXC.: Councilmembers Mateo and Medeiros.

20 MOTION CARRIED.

21 ACTION: APPROVE amendment.

22 CHAIR MOLINA: Members, we are back to the main
23 motion, as amended. Are there any other considerations
24 before the Chair calls for the final vote?

25 If not, the Chair will call for the vote on the

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1 motion as amended.

2 All those in favor signify by saying "aye."

3 COUNCIL MEMBERS: "Aye."

4 CHAIR MOLINA: All those opposed?

5 (Silence.)

6 CHAIR MOLINA: Okay. Chair will mark it
7 seven-zero with -- excuse me, Member Anderson -- and with
8 two excusals, Members Medeiros and Mateo.

9 VOTE: AYES: Councilmembers Anderson, Baisa, Hokama,
10 Johnson, Victorino, Vice-Chair
Pontanilla, and Chair Molina.

11 NOES: None.

12 ABSTAIN: None.

13 ABSENT: None.

14 EXC.: Councilmembers Mateo and Medeiros.

15 MOTION CARRIED.

16 ACTION: APPROVE main motion as amended (FIRST
17 READING of revised proposed Change in
Zoning bills as amended).

18 COUNCILMEMBER ANDERSON: You know, I was going
19 to make a comment before we voted, but we were on a roll.

20 CHAIR MOLINA: The Chair will allow you to make
21 a comment.

22 COUNCILMEMBER ANDERSON: Thank you.

23 CHAIR MOLINA: A post-vote comment.

24 COUNCILMEMBER ANDERSON: Thank you.

25 I just think it's very refreshing to see

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1 kamaaina families bond together to get something done for
2 their families. I mean, it's great to see a true family
3 subdivision happening Upcountry. And I am glad that we
4 were able to help them do it.

5 CHAIR MOLINA: Thank you, Member Anderson.

6 Thank you.

7 (Applause.)

8 CHAIR MOLINA: The Chair wants to thank the
9 applicants for bearing with us through the process.

10 And we're not quite done yet, Members.

11 The Chair will entertain a motion to file County
12 Communication No. 07-216.

13 COUNCILMEMBER VICTORINO: So moved.

14 VICE-CHAIR PONTANILLA: Second.

15 CHAIR MOLINA: Okay. Moved by Member Victorino,
16 seconded by Member Pontanilla.

17 Any discussion?

18 Seeing none, all those in favor signify by
19 saying "aye."

20 COUNCIL MEMBERS: "Aye."

21 CHAIR MOLINA: All those opposed? Thank you.

22 The Chair will mark it seven-zero; two excusals, Members
23 Mateo and Medeiros.

24

25

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1 VOTE: AYES: Councilmembers Anderson, Baisa, Hokama,
Johnson, Victorino, Vice-Chair
2 Pontanilla, and Chair Molina.

3 NOES: None.

4 ABSTAIN: None.

5 ABSENT: None.

6 EXC.: Councilmembers Mateo and Medeiros.

7 MOTION CARRIED.

8 ACTION: Recommending FILING of communication.

9 CHAIR MOLINA: So congratulations to the
10 applicants. You've cleared a major hurdle. This matter
11 will go on to the full Council for First Reading.

12 All righty. Members, we have one last item to
13 discuss today.

14 Members, do you need a brief recess, or do you
15 want to just work right through?

16 All right, so ordered.

17 ITEM NO. 30: CHANGE IN ZONING FOR KIHEI BAPTIST CHAPEL
(C.C. No. 08-40)

18

19 CHAIR MOLINA: Okay. Members, our second and
20 final item today has to do with LU-30, Change in Zoning
21 for the Kihei Baptist Chapel.

22 The Committee is in receipt of a communication
23 from the Planning Director, transmitting a proposed bill to
24 grant a request from Rusty Summers, Chairman, Board of
25 Trustees from the Kihei Baptist Chapel, on behalf of Kihei

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1 Baptist Chapel, for a Change in Zoning from R-2
2 Residential District to P-1 Public/Quasi-Public District
3 for approximately 2.337 acres, located at 1655 South Kihei
4 Road.

5 Also, the Committee received a correspondence
6 dated July 30th, 2008, from the Corporation Counsel's
7 office, transmitting a Revised Proposed Bill Entitled A
8 Bill for an Ordinance to Change Zoning from R-2
9 Residential District to P-1 Public/Quasi-Public District
10 for property situated at Kihei, Maui, Hawaii.

11 The purpose of the Revised Proposed Bill is to
12 grant the request, the Revised Proposed Bill incorporates
13 technical revisions to the proposed bill.

14 So, from the Planning Department, the Chair will
15 ask for opening comments -- excuse me. Check that.

16 The Chair has the applicant's representative.
17 If there is no objections, I would like to have a short
18 presentation. And from there, we will get comments from
19 the Planning Department.

20 Any objections to proceeding in that fashion,
21 Members?

22 COUNCILMEMBER VICTORINO: No objections.

23 CHAIR MOLINA: Okay, Members, we're going to
24 take a brief recess, don't go anywhere, to set up the
25 Chambers for the presentation.

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1 Meeting in recess subject to the call of the
2 Chair.

3 RECESS: 4:11 p.m.

4 RECONVENE: 4:12 p.m.

5 CHAIR MOLINA: ...(gavel)...Land Use Committee
6 Meeting for August 6, 2008 is now back in session.

7 Members, we will be entertained with a
8 presentation from the applicant's representative related
9 to Land Use Item 30, Mr. Will Spence.

10 Mr. Spence, you have the floor.

11 MR. SPENCE: Thank you, Mr. Chairman, Members of
12 the Land Use Committee. I am William Spence. I am
13 representing Kihei Baptist Chapel in their Change in
14 Zoning.

15 I will go through a brief presentation. I know
16 time is pending.

17 COUNCILMEMBER HOKAMA: Chairman, can you allow
18 Mr. Spence to see if the microphone is activated, please?

19 CHAIR MOLINA: Sure. Staff, if we could boost up
20 the volume on that microphone.

21 MR. SPENCE: Is that better? Okay --

22 CHAIR MOLINA: Yeah, much better.

23 MR. SPENCE: -- I need to hold it very close.
24 Okay.

25 Background. Kihei Baptist Chapel has been at

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1 the same location at Welakahao and South Kihei Road for 47
2 years.

3 It was established at a time when churches were a
4 permitted use in the R-2 Residential zone.

5 The preschool has been there for 32 years and is
6 operated under a County Special Use Permit where they have
7 gotten five time extensions.

8 I mean, so this is a well-established use on this
9 property.

10 The church needs to expand. The 1960's chapel
11 is very small. Too many people come on Sunday mornings,
12 and they generally have to be turned away. The only
13 meeting place on the property -- you know, you don't want
14 to have your sanctuary for potlucks and that kind of
15 thing. You want to keep that for church services.

16 I will keep going.

17 You can see, this is an aerial.

18 The Welakahao, South Kihei Road.

19 This is the church property right here outlined
20 in red.

21 Existing chapel.

22 The preschool.

23 This is a building that is no longer there.

24 This is a little bit of a dated aerial.

25 This building right at the corner is the

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1 wastewater treatment or the wastewater pumping station.

2 The property is just over not quite two
3 and-a-half acres.

4 This is a picture of the Community Plan
5 currently. So the property is designated
6 Public/Quasi-Public, so the requested zoning is consistent
7 with the community plan.

8 A little bit of a dated photo just showing how
9 large the property is. And the large vacant area here,
10 chapel in the back, preschool here.

11 Picture of the preschool and the -- the chapel
12 building.

13 Close-up of the chapel. You can see it is a
14 rather dated building, very inadequate for the Church's
15 use.

16 So they started out on this long journey,
17 permitting journey, and started all the processes going.

18 And you can also see, here, the parsonage is on
19 a separate lot, but that is also owned by the church.
20 That is not a part of this application, but I thought it
21 important to show that there is a parsonage associated
22 with the church.

23 So we went to Riecke Sunnland Kono, and we went
24 through a redesign. The existing chapel and preschool
25 will remain, new parking lot, new landscaping. We will

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1 retain the existing parking lot. And then the chapel --
2 the church building here a little bit closer to South
3 Kihei Road.

4 Floor plan.

5 You know, your Staff Reports says 12,000 square
6 feet, but it incorporates a lot of uses. The auditorium
7 itself is about 6,000. But then you have meeting rooms,
8 you have a foyer that can be closed off for a classroom or
9 meeting room, another meeting room here, church office,
10 and then, of course, bathrooms.

11 Elevations.

12 Front and rear elevations.

13 The -- we've already gone before the Planning
14 Commission and obtained a County Special Use Permit,
15 because that is permitted within -- churches are permitted
16 within the R-2 Residential District. We obtained a
17 Special Management Area Use Permit that is subject to 35
18 different conditions. And now we're before the County
19 Council to request a Change in Zoning just reflecting the
20 long established use and what they are building now.

21 There's an artist's rendering of what we
22 presented to the Planning Commission.

23 This -- with the Special Use Permit, the SMA
24 permit, they have started construction. And it largely
25 reflects what was presented to the Council.

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1 This is the rear of the building.
2 The little shot of the interior.
3 Quite a feature for this particular property.
4 When they purchased it back in the sixties, it had a
5 preexisting brackish well on the property. So they are
6 going to be using this for irrigation of their landscapings
7 with quite a savings to potable water supplies. And it --
8 actually, it does save the church quite a bit of money,
9 too. Their water bills have gone down from \$3,000 to
10 about \$300 a month, \$200 or \$300.

11 Discussions with the neighbors.

12 These are actually two properties right behind
13 the church. We had discussed with them the Church's
14 plans. These two expressed the most what they would like
15 to see.

16 One, they did not want to view directly onto the
17 property and requested that we build a wall. So that has
18 been done.

19 They also requested a couple other items about
20 low-intensity lighting, which we responded is County law
21 now and is also a condition of the SMA permit.

22 Hours of construction, out of courtesy to them,
23 we are not starting construction, any construction
24 activities, prior to 8:00 in the morning.

25 And then you can see that here is the wall

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1 that -- you can see it kind of behind the -- the vehicles
2 here, and then along the parsonage lot.

3 They had requested eight feet. County Code and
4 the Planning Department say six feet. So that is what we
5 built it to.

6 The church has involved -- has installed a
7 little bit of landscaping on the other side, on the
8 neighbor's side, to help soften the look of the -- of the
9 wall in front of them now.

10 Mr. Chairman, that concludes the brief
11 presentation.

12 CHAIR MOLINA: All right. Thank you very much,
13 Mr. Spence.

14 The meeting will be in recess. And we will go
15 ahead and start right into the discussion of Land Use Item
16 30. Meeting in recess...(gavel)...

17 RECESS: 4:20 p.m.

18 RECONVENE: 4:21 p.m.

19 CHAIR MOLINA: ...(gavel)...Land Use Committee
20 Meeting for Wednesday, August 6th, 2008 is now back in
21 session.

22 Chair would like to thank Mr. Spence, the
23 applicant's representative, for that informative
24 presentation.

25 I would like to turn matters over to the

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1 Planning Department. I believe we have Mr. Dack as well
2 to give some brief comments. And from -- after
3 Mr. Dack's -- or Mr. Hunt's comments, we will open the
4 floor up for questions on this particular matter.

5 Gentlemen?

6 MR. HUNT: I will just defer to Mr. Dack.

7 MR. DACK: Yes. Good afternoon, Mr. Chair and
8 Members of the Committee.

9 As indicated, I am Jeffrey Dack with the
10 Planning Department. And I have very brief comments which
11 will verify much of what Mr. Spence provided.

12 The subject property is located at 1655 South
13 Kihei Road. It's in the State Urban District. It is
14 Public/Quasi-Public in the Community Plan, but it's zoned
15 R-2 Residential.

16 Rusty Summers, on behalf of the Kihei Baptist
17 Chapel, is requesting a Change in Zoning to the P-1
18 Public/Quasi-Public District to achieve a Permitted Use
19 instead of Special Use status for the church and its
20 preschool and to obtain consistency between the zoning and
21 the property's Public/Quasi-Public Community Plan
22 designation.

23 The application was received and reviewed
24 concurrently with applications for a Special Management
25 Area Use Permit and a County Special Use Permit to allow

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1 the construction of a new church, new chapel building,
2 which is now largely complete, at least as are the
3 exterior views, as you saw, as well as related site
4 improvements.

5 The Maui Planning Commission considered the
6 three applications on June 26th, 2007, approved the SMA
7 permit and the County Special Use Permit and recommended
8 the Council's approval of the Change in Zoning request.

9 Although two letters from the public were
10 included with the Planning Department's report to the
11 Planning Commission, no letters of support or
12 opposition were received at or subsequent to the hearing.

13 Four Members of the public spoke on the permit
14 request at the Planning Commission's meeting, but no one
15 commented upon the Change in Zoning request.

16 The Planning Commission approved the permits
17 with 37 conditions overall, and recommended that the --
18 recommended the Council's approval of the Change in Zoning
19 with no conditions.

20 This concludes the Department's report.

21 CHAIR MOLINA: Okay. Thank you, Mr. Dack.

22 We will start first with the area
23 representative, Member Anderson, for questions to the
24 Department.

25 COUNCILMEMBER ANDERSON: Thank you, Chair.

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1 I have kind of a procedural question before we
2 get into the application itself.

3 Why did the Department process a Special
4 Management Area Permit prior to the Change in Zoning?

5 CHAIR MOLINA: Department?

6 MR. DACK: Yes. The applicant requested -- the
7 -- under the current R-2 Residential District's zoning,
8 church is a permitted use with a -- with a Conditional Use
9 Permit. I shouldn't say permitted use, but a conditionally
10 permitted use. And so the applicant had an opportunity,
11 which they chose to take, to request that County Special
12 Use Permit concurrent with their SMA Permit.

13 This is not like a number of situations in the
14 past in which -- or other situations that the Council may
15 have encountered where a project would not be able to
16 proceed an actual -- until an actual Change in Zoning had
17 occurred.

18 In this case the project could proceed based
19 upon the County's Special Use Permit and the SMA. But the
20 applicant then also wished to process the Change in Zoning
21 so they wouldn't need to pursue additional conditional --
22 County Special Use permits in the future.

23 COUNCILMEMBER ANDERSON: Okay. Thank you for
24 that explanation, Mr. Dack. That does make sense since
25 they have already been operating under a Special Use

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1 Permit.

2 And the other thing I like about it is that all
3 the conditions have already been taken care of by the
4 Planning Commission. So all we have to do is move to
5 approve.

6 Thank you, Chairman.

7 CHAIR MOLINA: Thank you very much, Member
8 Anderson. By the way, additional resource
9 personnel we have for today's, we have Deputy Director
10 Miyamoto as well if the Members have questions for him.

11 Additional questions, Members, for either the
12 Planning Department or Deputy Director Miyamoto?

13 Chairman Hokama?

14 COUNCILMEMBER HOKAMA: Thank you, Chairman.

15 If I saw correctly on the presentation for
16 Mr. Spence, on behalf of the applicant, I believe I saw
17 30-plus feet for elevation of the top of roofline, 32-plus
18 feet. Can you inform the Committee whether or not that is
19 within the maximum height allowed for single-story
20 structures in this proposed zoning category, please?

21 MR. DACK: Yes, it is.

22 COUNCILMEMBER HOKAMA: It is?

23 MR. DACK: Yes.

24 COUNCILMEMBER HOKAMA: What is the maximum,
25 Mr. Dack?

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1 MR. DACK: If I recall, the -- Mr. Hunt is
2 pointing to the 30 feet in the actual Code Section itself,
3 verifying that 30-foot height.

4 COUNCILMEMBER HOKAMA: It's 30 feet, the
5 maximum? Okay. And that is why I brought up a point that
6 I believe Mr. Spence's visual presentation --

7 MR. DACK: Okay.

8 COUNCILMEMBER HOKAMA: -- was over 30 feet. So
9 has that been addressed --

10 MR. DACK: Actually --

11 COUNCILMEMBER HOKAMA: -- by the Department and
12 the Planning Commission regarding the difference of the
13 height limitation and the actual presentation that you
14 shared to us this afternoon?

15 MR. DACK: I meant to look at a Code Section,
16 but -- another Code Section, but the one that Director
17 Hunt has on his computer right now shows 30 feet. And
18 that is for the R-2 District.

19 If I recall correctly, I would like to verify in
20 the Code, that should the Change in Zoning be approved
21 there may be a greater height which would allow the 32.

22 But it looks like the applicant is also ready to
23 address that same question.

24 COUNCILMEMBER HOKAMA: Chairman, if we could
25 have an appropriate -- either Mr. Spence or, again, the

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1 Department, or even Corporation Counsel, to verify for the
2 Committee what we are dealing with regarding maximum
3 height limitations, please?

4 CHAIR MOLINA: Okay. I will start with
5 Mr. Spence, if there are no objections.

6 Mr. Spence, can you respond to the question from
7 Chairman Hokama?

8 MR. SPENCE: Thank you, Mr. Chairman.

9 Thank you, Chair Hokama.

10 This was an item of discussion in front of the
11 Planning Commission. I am trying to find it in the SMA
12 application or the SMA approval letter. But it was
13 pointed out that, under the current zoning, 30 feet was
14 maximum height. And lo and behold, we couldn't build the
15 plans that we presented to the Commission. So we agreed
16 to lower the height of the building five feet. So we did
17 undergo redesign. And it's being built at a 30-foot
18 height limit. So we lowered the building.

19 COUNCILMEMBER HOKAMA: Okay. Thank you for the
20 clarification, Mr. Spence. Because, again, I am just
21 going over that presentation you showed --

22 MR. SPENCE: Yes.

23 COUNCILMEMBER HOKAMA: -- it was 30 plus feet,
24 so --

25 MR. SPENCE: Okay.

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1 COUNCILMEMBER HOKAMA: If not, then I was going
2 to anticipate your clients, through you or themselves,
3 going to the Board of Variance, asking for a approval of
4 going over the height limitations that we had set forth in
5 the ordinance.

6 I know most of the things have been addressed.
7 And I appreciate your client's cooperation. But I just
8 take note that we do have -- and from the -- I don't know
9 if it's part of the KCA attachment or not, I am not too
10 sure, but it's part of a set of information regarding the
11 August 6 transmittal from Department of Planning. I guess
12 we have some neighbors who brought up four points. And I
13 would just like to again -- the four points that was
14 brought up in the transmittal to this Committee was
15 visual, noise, light and construction.

16 So if you could maybe give us some comments on
17 behalf of your client regarding how this has been
18 mitigated to assure the Committee that your client has
19 been working well with the neighbors and associated
20 residences, please?

21 MR. SPENCE: Sure. I would be happy to.

22 I believe you're referring to Exhibit 37 in the
23 Staff Report?

24 COUNCILMEMBER HOKAMA: Yes, Mr. Spence.

25 MR. SPENCE: Okay. The visual -- I addressed

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1 that briefly in the Powerpoint. The neighbors -- they
2 wanted an eight-foot wall separating themselves from the
3 -- from the applicant's property.

4 So as you saw in the presentation, we have built
5 a six-foot wall as according to County Code, and the
6 Planning Department's recommendation, and as approved by
7 the Planning Commission.

8 Noise. The expansion of the parking lot. The
9 -- I didn't explain that very well on the Powerpoint -- or
10 at all, actually, on the Powerpoint. But the overflow
11 parking -- the grass parking is closest to the neighbors.
12 So that puts an additional, you know, smaller buffer,
13 landscaping buffer, between them and the applicant's
14 operations.

15 Really, the only time that there's a large
16 amount -- any -- that overflow parking would be used would
17 probably be Christmas and Easter, perhaps a wedding or
18 something like that, more special event kinds of things
19 than every -- than everyday kind of use.

20 The nighttime activities, that was never brought
21 up as a point of discussion. Generally, they have a Bible
22 study, you know, they have Al-Anon meetings, that kind of
23 stuff. So they're very community-oriented. But those
24 kinds of evening meetings are very small. People are
25 going to park closer to the building. So those kinds of

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1 things aren't going to bother anybody.

2 The other noise concern was -- I believe that
3 was construction.

4 COUNCILMEMBER HOKAMA: Yes. Number four, that's
5 correct, Mr. Spence.

6 MR. SPENCE: Okay. Evening -- or the
7 construction noise. We did talk with them and we agreed
8 that -- no powered equipment, no real construction
9 activities prior to 8:00 in the morning. So, you know,
10 they can go in and they can set up, that kind of thing,
11 but no mechanized equipment, no power equipment before
12 8:00.

13 And then lighting. The lighting that the church
14 has had for a long time I even thought was kind of
15 glaring. But with the -- what we explained to them was
16 with the construction of the new building and with the
17 changes in the County Code that have taken place since
18 then, all the lighting would be downward directed, all of
19 it would be shielded. And -- but they also did request
20 that some lighting be left on just for security purposes.
21 So we have -- we have agreed with all those things. And
22 they are addressed in the SMA Permit. They are conditions
23 of that permit.

24 COUNCILMEMBER HOKAMA: And thank you for stating
25 that once more this afternoon, Mr. Spence.

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1 Can you tell us how many services that the
2 church conducts for its member on any day, whether it be
3 Sundays or other days? Is there multiple services that
4 the church provides? Since it was made a point that, I
5 guess, for a service they had to turn people away in the
6 past because of the limitations of seating or what was
7 total space available.

8 MR. SPENCE: Yes. And I do have Pastor Glenn
9 Armstrong here, if he needs to address any of this.

10 Right now, they have a Bible study at 9:00 in
11 the morning. They have two church services on Sunday
12 morning, because they do have overflow conditions. So if
13 -- with the larger building, they can have one service.
14 People can get in and out and, you know, everything is a
15 lot more efficient.

16 COUNCILMEMBER HOKAMA: Sure. I can appreciate
17 that.

18 My other question that I did want to ask you,
19 Mr. Spence, on behalf of your clients, was regarding the
20 -- I find it intriguing, you know, for this County and our
21 position currently, this brackish well. Can you share
22 some additional information, if it is available, like what
23 type of capacity is this brackish well? And would you
24 know the type of chlorides count, whether it's very close
25 to being potable or it is very brackish with the chloride

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1 counts that --

2 MR. SPENCE: Okay. I do have a member of the
3 church here, Mr. Mike Phillips, who can address the
4 chloride counts.

5 I know that as a part of the SMA conditions, we
6 did have to register that well. It was unknown to the
7 State, as we're finding out a lot of wells like that in
8 Kihei are. But it has been registered and they will be
9 keeping count of pumping rates and those kinds of things.

10 Mike --

11 Mr. Chairman?

12 CHAIR MOLINA: Proceed.

13 COUNCILMEMBER HOKAMA: If you would allow it,
14 please, without objections from the Members.

15 CHAIR MOLINA: Any objections, Members, to
16 have the --

17 COUNCIL MEMBERS: No objections.

18 CHAIR MOLINA: -- gentleman from the church.

19 Please come on up, sir. And if you could just
20 state your name for the record before you respond to
21 Chairman Hokama's question.

22 MR. PHILLIPS: Aloha. Michael Phillips from
23 Kihei Baptist Chapel.

24 We don't have the exact chlorinated content of
25 the well. But we can tell you, after being tested, you

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1 can almost drink it. So the brackish contents is very
2 low. And we're very excited about that because we can use
3 it for our landscaping without killing everything on our
4 property.

5 We could provide the Council with that
6 information, but we had it tested about four different
7 times and the brackish content is very low.

8 It's actually very good water, to tell you the
9 truth. Even our pastor drank it after they had pumped it
10 out for a couple days. Because you have to take it all
11 the way down to the lowest level before you can get the
12 content for it. So --

13 And the well had been there for 52 years. And
14 the State did not know about it, of course.

15 COUNCILMEMBER HOKAMA: So, Mr. Phillips, and,
16 again, if you can respond, that would be great. And I
17 know you may not be prepared, but I am just curious.

18 MR. PHILLIPS: Okay.

19 COUNCILMEMBER HOKAMA: Are you knowledgeable of
20 what type of parameters or limitations this brackish well
21 has? Like, you know, can it provide you maybe 200,000
22 gallons a day of irrigation water requirements, the size
23 of -- or and depth of your well?

24 I am just curious because as we've been dealing
25 with South Maui issues, overall Maui Island potable water

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1 issues, I am just curious that you have the benefit of
2 this very wonderful light brackish water availability.

3 MR. PHILLIPS: Very light.

4 Pastor Armstrong, do you know the exact content or
5 the exact gallons that we can get out of it? Because I know
6 we were provided the information.

7 CHAIR MOLINA: Oh, excuse me, sir.

8 Pastor, if you could please come up, so we can
9 get you officially on the record.

10 COUNCILMEMBER HOKAMA: And I appreciate you and
11 the Members' patience, Mr. Chairman. I just find it
12 intriguing that they have such a wonderful asset. That,
13 who knows, there may be more potential for this type of
14 non-potable use of development of our resources in the
15 region.

16 CHAIR MOLINA: Good issue.

17 Pastor, if you could go ahead and please state
18 your name for the record before we start.

19 MR. ARMSTRONG: Glenn Armstrong -- Glenn
20 Armstrong, Pastor of the Kihei Baptist Church at this time.

21 We've gone through all the State-required
22 testing on this well. Charlie Ice is the State man that
23 we've dealt with. They have 12 sets of our drawings.

24 We have had a licensed well -- whatever engineer,
25 for lack of better term, come on two or three occasions.

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1 We did pull it down to see how fast it would pull down in
2 like two, two-and-a-half-inch lines or something.

3 As I recall, that pull-down in seven hours, but,
4 at the rate the State wanted, we had it running 24 hours
5 and did not pull down. It is 10 foot in the ground. It
6 is seven foot of water in it. And it seems to replenish
7 itself. It is actually clear enough, according to some of
8 our conversations with other people, that that water could
9 be used even for the (inaudible), for instance, if that was
10 necessary. Or could be done. So it's -- it's -- it has a
11 good recovery rate.

12 It's about 14 inches across, I think, the well,
13 as I recall it.

14 But it's all been done and approved by the
15 State. We --

16 Anyway, that's -- everything they have asked
17 for, we have done and done a couple times.

18 COUNCILMEMBER HOKAMA: Thank you so much,
19 Pastor, for sharing that.

20 And I know who Mr. Ice is. So I know he's a
21 very veteran member of the State Water Commission resource
22 personnel.

23 So, Mr. Spence, I just curious about the type of
24 pumping limitations that they may have. And I don't think
25 you may have it today. But I would ask if -- respectfully

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1 to you and your clients that if that is something
2 available, I would be very curious on the ability of this
3 well to perform and what its limitations are.

4 Because like I said earlier, Mr. Chair, there may
5 be another potential of how we can address water situation
6 regarding this island, in particular the South Maui
7 region, by making multiple line systems, that we separate
8 potable from irrigation. And if the quality of this close
9 to potable, light brackish, I guess, as we would call it,
10 I would hope that, in the future, we might want to further
11 investigate and see what type of potential the County has
12 to develop this potential resource.

13 Thank you, Mr. Chairman.

14 CHAIR MOLINA: Thank you, Member Hokama.

15 It's a good issue to explore.

16 Additional questions for Mr. Spence,
17 Mr. Phillips or Pastor Armstrong?

18 Member Anderson?

19 COUNCILMEMBER ANDERSON: Yeah. I just wanted to
20 follow up on Chair Hokama's line of questioning, because
21 he is right.

22 Did I hear you say 10 feet deep?

23 MR. SPENCE: Yeah, the well itself.

24 COUNCILMEMBER ANDERSON: That is amazing.

25 MR. SPENCE: The water table is very low.

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1 COUNCILMEMBER ANDERSON: Yeah. But, I mean, it's
2 amazing that you get almost fresh, I mean very lightly
3 potable -- I mean brackish.

4 So if maybe you could -- in order to approve the
5 well, they have to do a pump test. So they would know how
6 many gallons per minute. And if you pumped for seven
7 hours, that's really good. So that would be really useful
8 information for us to know.

9 Great. Thank you very much.

10 MR. SPENCE: Yes. Mr. Chairman, I will find the
11 pumping test and find the chloride counts. And I will
12 transmit them to -- provided -- you know, assuming that we
13 move on from here today, I will transmit them before First
14 Reading.

15 CHAIR MOLINA: Okay. So noted. The Committee
16 would appreciate that very much.

17 Any other questions for the gentlemen?

18 (Silence.)

19 CHAIR MOLINA: Seeing none, thank you.

20 It's a nice little asset to have on a property.
21 Maybe the water will be excellent for baptismal purposes
22 as well. So it sounds very pure.

23 COUNCILMEMBER ANDERSON: Being that it's Kihei
24 Baptist Church.

25 CHAIR MOLINA: Okay. It's getting late,

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1 Members, but I appreciate you staying hard and working
2 late.

3 Members, any other requests or questions from
4 our resource personnel before the Chair offers a
5 recommendation?

6 COUNCILMEMBER VICTORINO: Recommendation.

7 CHAIR MOLINA: Okay. Members, Chair will
8 entertain a motion to support A Bill for an Ordinance to
9 Change Zoning from R-2 Residential District to P-1
10 Public/Quasi-Public District for property situated at
11 Kihei, Maui, Hawaii.

12 COUNCILMEMBER ANDERSON: So moved.

13 VICE-CHAIR PONTANILLA: Second.

14 CHAIR MOLINA: Okay. Moved by Member Anderson,
15 seconded by Member Pontanilla.

16 And the Chair would like to also include in this
17 motion, if there is no objections, the filing of County
18 Communication No. 08-40.

19 COUNCIL MEMBERS: No objection.

20 CHAIR MOLINA: Okay. Member Anderson, as the
21 maker of the motion, additional comments?

22 COUNCILMEMBER ANDERSON: No. I think that this
23 is a really wise thing that they are doing. It will
24 probably cut down a lot of headaches for them.

25 I know I have been watching for, shoot, several

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1 years, as the thermometer out in front of their chapel,
2 their baby chapel, has grown with the amount of money that
3 they have raised. And it's been really inspiring to see
4 that they have been able to reach their goal. And now
5 they have a beautiful new church rising on the property.

6 And I think this is a really smart thing for
7 them, to get their accurate zoning so they don't have to
8 play merry-go-round every three years, whatever it's been,
9 to upgrade a Special Use Permit.

10 And, you know, it's nice to see -- see somebody
11 reach their goal and get it across the finish line and no
12 more having to deal with the County of Maui's Planning
13 Department.

14 So congratulations.

15 CHAIR MOLINA: Thank you, Member Anderson.

16 And, Members, for the record, we're considering
17 the Revised Proposed Bill here this afternoon.

18 One quick question for Mr. Spence. What is the
19 anticipated timetable, completion date of the church?

20 MR. SPENCE: I -- last I spoke with pastor, they
21 were shooting for November. I think that is -- he is a
22 very optimistic man. Now he is saying December. So as
23 soon as they can.

24 CHAIR MOLINA: Okay. Very good. Thank you.

25 Any other questions or comments as it relates to

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1 the motion?

2 (Silence.)

3 CHAIR MOLINA: Seeing none, the Chair will call
4 for the vote.

5 All those in favor signify by saying "aye."

6 COUNCIL MEMBERS: "Aye."

7 CHAIR MOLINA: All those opposed?

8 (Silence.)

9 CHAIR MOLINA: Thank you.

10 The Chair will mark it six-zero; with three
11 excusals, Members Mateo, Medeiros and Johnson.

12 VOTE: AYES: Councilmembers Anderson, Baisa, Hokama,
13 Victorino, Vice-Chair Pontanilla, and
Chair Molina.

14 NOES: None.

15 ABSTAIN: None.

16 ABSENT: None.

17 EXC.: Councilmembers Johnson, Mateo and
Medeiros.

18 MOTION CARRIED.

19 ACTION: Recommending FIRST READING of revised
20 proposed bill and FILING of
communication.

21 CHAIR MOLINA: Well, Members, I believe that
22 concludes our activities for today. The Chair would like to
23 thank you all for your hard work and dedication to the
24 Department. Thank you so much.

25 And, also, to Staff.

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1 Any announcements, Members?

2 (Silence.)

3 CHAIR MOLINA: Okay. Seeing none, it is 4:45 on
4 Wednesday, August 6, 2008. This Land Use Committee
5 meeting is now adjourned...(gavel)...

6 ADJOURN: 4:44 p.m.

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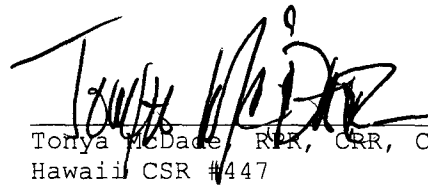
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CERTIFICATE

I, TONYA MCDADE, a Court Reporter of the Circuit Court of the Second Circuit, State of Hawaii, do hereby certify that the foregoing pages 1 through 136, inclusive, comprise a full, true and correct transcript of the proceedings had in connection with the above-entitled cause.


Tonya McDade RPR, CRR, CBC
Hawaii CSR #447