

**MINUTES**

**LAND USE COMMITTEE**

**August 15, 2001**

**Kihei Community Center & Aquatic Center Main Hall**

CONVENE: 6:03 p.m.

PRESENT: Councilmember Alan M. Arakawa, Chair  
Councilmember Robert Carroll, Member  
Councilmember G. Riki Hokama, Member (lv 10:18)  
Councilmember Jo Anne Johnson, Member  
Councilmember Dain P. Kane, Member  
Councilmember Michael P. Molina, Member  
Councilmember Wayne K. Nishiki, Member  
Councilmember Charmaine Tavares, Member

EXCUSED: Councilmember Patrick S. Kawano, Vice Chair

ABSENT: None

STAFF: David Raatz, Legislative Attorney  
Yvette Bantilan, Committee Secretary

Adele Rugg, Executive Assistant to Councilmember Arakawa

ADMIN.: Bill Medeiros, GIS Specialist, Office of the Mayor  
Patrick Matsui, Department of Parks and Recreation  
Ann Cua, Staff Planner, Department of Planning  
Clayton Yoshida, Deputy Director of Planning  
Ralph Nagamine, Dept. of Public Works and Waste Management  
Charlene Shibuya, Dept of Public Works and Waste Management  
David Craddick, Director of Water Supply  
Richard Minatoya, Deputy Corporation Counsel

OTHERS: Jim Williamson, Maui Meadows Homeowners Association; Boogie Luuwai, Makena Community Association; Ron Sturtz, Vice President, Maui Tomorrow, and Maui Meadows Neighborhood Association Board Member; Stephen West, Maui Prince Hotel; Russell Duarte, Maui Prince Hotel; Edward Chang; Laurie Chang; Lehua Clubb, Maui Prince Hotel; Matt Maynard, Maui Prince Hotel;

Sylvia Pitts; Howard Kihune, Jr., Director of Golf, Makena Resort; Dave Mackwell; Buck Joiner; Maile Luuwai; Gene Thompson; Jonathan Starr; Glenn Shepherd; Everett Dowling; Roy Figueiroa, Makena Resort Company (Applicant's representative); Gwen Hiraga, Munekiyo and Hiraga, Inc. (Applicant's consultant); Eric Maehara (Applicant's attorney) and additional others (40)

PRESS: Tom Blackburn Rodriguez, Haleakala Times  
 Brian Perry, The Maui News

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**37                    REQUEST FROM ROY FIGUEIROA, GENERAL  
 MANAGER, MAKENA RESORT CORPORATION, FOR A  
 CHANGE IN ZONING (C.C. No. 00-242**

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CHAIR ARAKAWA: Call the Land Use Committee meeting to order. Tonight we have one item on our agenda. That's LU Item No. 37. This is the request from Roy Figueiroa, General . . . General Manager of Makena Resort Corporation for a change in zoning. At this time, we will be accepting testimony. Some basic ground rules . . . when you are going to testify, please come up, state your name, talk into the microphone. You are to address the Council members panel up here. Do not try and address anyone in the audience, not tal . . . talk to anyone in the audience because I'm gonna stop the testimony. You're to address the Council. We're the ones that are reviewing this process. At this time, I'm going to ask Councilmember Nishiki, who lives in this district to introduce everyone. Wayne.

COUNCILMEMBER NISHIKI: Thank you. Good evening people of Maui County, especially here in Makena, Kihei, and probably from other parts of the County. I'd like to first start from my right to introduce the honorable Council members. To my right here, Bob Carroll from Hana; Dain Kane from Wailuku; Mike Molina, Paia/Haiku; Jo Anne Johnson from West Maui; Riki Hokama from Lanai. To my far, to Alan's far left is Charmaine Tavares from Kula and our honorable Chairman Alan Arakawa from the Kahului District. Missing and, and excused tonight is our Council Chair Pat Kawano. I feel inadequate in addressing the rest of the people here because I may make mistakes. So I'll allow the Committee Chairman, Mr. Arakawa to introduce the rest of the staff people representing the Administration and perhaps even people from the State. Thank you.

CHAIR ARAKAWA: What I'm gonna do is, I'm gonna let them introduce themselves so we can get everything correct. So starting at Richard Minatoya, why don't you pass the mike down and introduce every . . . everybody introduce themselves.

MR. MINATOYA: Okay. Richard Minatoya, Deputy Corporation Counsel.

MS. CUA: Ann Cua, Planning Department.

MR. YOSHIDA: Clayton Yoshida, Deputy Planning Director.

MR. MATSUI: And Patrick Matsui from Parks and Recreation.

MR. NAGAMINE: Ralph Nagamine from the Department of Public Works and Waste Management.

MS. SHIBUYA: Charlene Shibuya, Traffic Engineer with Public Works Engineering Division.

CHAIR ARAKAWA: Bill.

MR. MEDEIROS: Bill Medeiros, Maui County GIS. (inaudible)

CHAIR ARAKAWA: And Dave Craddick, would you please introduce yourself?

MR. CRADDICK: David Craddick . . .

CHAIR ARAKAWA: In the mike. Use the mike. Use the mike please, Dave. The gentleman that's coming to the mike is Dave Craddick our, um . . .

MR. CRADDICK: David Craddick from the Board of Water Supply.

CHAIR ARAKAWA: Okay. And we also have David Raatz, who's my analyst, and Yvette Bantilan, who is our committee secretary. Okay. I have outlined the procedure we're going to use for testimony and what I'm gonna do is, I'm gonna call off two names. The first name is a person who is going to testify. The second name is a person who is going to follow. So if you know you're going to be following, please come forward and get ready to be next in line to testify so we don't have a long wait. David Raatz is on the other side, and he will be timing you. You have three minutes to make your testimony. And if you think you can tie up your testimony and you need just a little bit more time, take another minute to tie up your testimony. If you need more than the three minutes to testify and you feel that you can't tie it up within a minute, please let us know and what we'll do is we'll put your name at the end of the calendar for the testifiers and you can come back and complete your testimony, okay. We don't mean to try and, um . . . make anyone have a short testimony and cut you off, but we, out of courtesy for everybody else that wants to testify, we wanna make sure everybody has a chance to testify. So we're gonna start off. Jim Williamson. He'll be followed by Boogie Luuwai. Jim. And David on the other side will wave a piece of paper when you reach, when

you've reached three minutes. So at that point, please try and decide whether or not you can conclude or you need more than another minute. Okay.

MR. WILLIAMSON. Okay.

CHAIR ARAKAWA: Jim.

MR. WILLIAMSON: My name is Jim Williamson. And I represent the Maui Meadows Homeowners Association. My comments on the Makena Resort's, uh, request for a change in zoning for its large project relate to the lack of infrastructure improvements available, particularly for water supply and traffic, plus water supply. Our association has long gone on record before the Board of Water Supply about our concern with the serious overdrafting of the Iao aquifer, North Waihee system. The USGS has also expressed its concern and about the same situation, has recently issued two reports on the Iao aquifer. In addition, the USGS has completed the system data report for the first quarter of this year. The report shows that the, despite the observation, despite the reduction in pumping from the Iao aquifer proper, the water levels in the observation wells continue to fall. Of equally greater concern, great concern is that the altitude of the transition zone has risen by 2 feet over three months, on an annual basis that salt could be rising 8 feet.

The Water Department solution to the overdrafting is to spread out the pumping in new wells in the so-called North Waihee aquifer. However, these wells are within only about a mile of the boundary of the Iao aquifer and this is, so . . . so-called new aquifer is just an extension of the Iao aquifer. So the total withdrawal, instead of being less than sustainable yield, is exceeding it by close to 10 percent. The result is that the water levels continue to drop and the elevation of the transition zone rises, which will not change until the demand on the aquifer is reduced considerably by developing a completely new source as soon as possible . . . and since there's no potable water currently available from, from the County for the Makena Resort. Further, the Central Maui Source Joint Venture Agreement expired at the end of 1999 and was not renewed by the Water Board. The question is, where does the Makena Resort plan to obtain the water for its project? That should be adequately answered before a change in zoning is approved.

The second item is traffic. We have serious misgivings about the concept of restriping Piilani Highway to make it four lanes and thus reduce the congestion in South Maui. The design of the modification will evidently be financed by the Wailea 670 developer and Makena Resort. This concept has been presented as a simple restriping job. Not so. There will be considerable additional work involved and the result will still be an inferior

road, which will require a reduced speed limit for safety. The present Piilani Highway will change from a well-designed arterial highway with two 12-foot lanes to an under designed urban road with four lanes of less than 11-foot width. The latest proposal is that this is an interim fix. No way. Once we, this is done, it will be there for a long time. We all know that. The future road will have four lanes of less than the present Mokulele Highway, it, which is considerable, considered unsafe with two full 11-foot lanes. The developer should adequately explain what is proposed on Piilani Highway before a change in zoning is considered. Thank you.

CHAIR ARAKAWA: Okay. Thank you very much. Any questions for Jim? If not, thank you very much, Jim. Boogie Luuwai followed by Ron Sturtz. You notice how Jim did that. That was really neat. He decided he could finish within four minutes, so he just went on and completed and after the three-minutes. So if you make that decision and I won't interrupt you. If you keep going, I'm gonna stop you at four minutes. If you decide after the three minutes when Dave waves his paper that you can't, then just tell us and then we'll let you go in the end. But if not, I will stop you at four minutes. Go ahead Boogie.

MR. LUUWAI: Council Chairman Alan Arakawa and Council members, my name is Boogie Luuwai. I am from Makena. I am the President of the Makena Community Association. And I was, I wanna speak in, in support of the development. For us, as the community association, the Makena Resort has been very neighborly to us. Every project that they had, even the wastewater facility, they have presented that to us and listened to us when we wanted some modification. And in addition, when they built the, um . . . the new, what do you call, like a small convention center, there was a . . . we were concerned about the noise that was gonna come out of that. And they went about and they put a lot of sound barriers so you can't hear, even if you put a rock band in there, you can't hear it outside in the neighborhood. And a lot of other things they did. And there is a lot of give and takes that they did. They down zoned some of the proposed condominiums that we asked, rerouted the, the highway, changed the lighting system that we were afraid that would light the skies up. In fact, Roy and I had to go see the Director of Public Works to make sure they do that even though the County rules doesn't require the standards, you know, you get, uh, not to be changed.

Anyway, I grew up in Makena in the 30's and 40's. I didn't live there, but we had a two-room fishing house down there. My cousin Ed, who's gonna testify later, he lived, he lived there. So we were there when there was nothing there. There was just one single dirt road. We had a water system down there with a 2-inch pipe that came from Kula. And in those days, if you open the water all you got was dirty water. So a lot of us, what you do if you lived those days, you put a durum bag on the bottom to

take the--but we never drank the water 'cause it was too dirty. In addition, we had a two-story, uh, two-room fishing house. And, and my dad decided to put a, a two-seater outdoor toilet that have a beautiful panoramic view of, of the Makena Bay. You gotta realize nobody came down there before, so . . . so we grew up, Ed Chang and I, understanding what it is. Since the developers put in the waterline, actually, we have some of the worst, best water that you can drink right out of the pipe. So it has improved, but it also has brought a lot of people. A lot of people in the ocean, a lot of changes in, in the . . . in the, the dirt and the water and all that, a lot of kayaks, jet skies, things that, you know, we're not used to, to. But all in all, I support the development, the zoning, whatever they're doing. If you go back and look, all the development happened in Kihei, nothing actually was done down there except for the wastewater facility and the widening of the Makena Alanui Road. Every development was down here. If you count the thousands of homes we've built in Kihei, these are the ones that are taking all the water. These are the ones taking the water. So give them a chance. Thank you.

CHAIR ARAKAWA: Thank you very much, Boogie. Ron Sturtz . . . will be followed by Stephen West.

MR. STURTZ: Aloha. My name is Ron Sturtz and tonight I'm speaking on, on behalf of *Maui Tomorrow* and also on the Board of the Maui Meadows Neighborhood Association. I believe I have their endorsement to represent their views. I think, uh . . . like everything in life, there are good parts and there are bad parts. And the good parts I wanna speak to first. I wanna express my appreciation for all of you coming down here to the community, Mr. Arakawa, especially for scheduling an evening meeting when people can attend and, and, uh, doing it in the community and bringing along support personnel to provide the necessary backup. I think it's excellent. And I really encourage more of this. The bad part of it is, apparently, the word didn't get out. Um . . . from the people I've talked with who were making frantic calls, saying, do you know about tonight's meeting and how did you find out about it? It was because I was on the agenda, on, on the mailing list for the agenda. But I don't know how many people here saw anything in the newspaper or anything published about this. To really make it effective, I think there has to be some concerted effort made to publicize these types of meetings. I know that when we have, we had the traffic meeting, this room was filled to overflowing. It concerned people. I noticed when we had--this was just a few weeks ago, the, the workshop session with, uh . . . in, in the Mayor's lounge concerning Wailea's 670. The room was filled with people who had an interest because they're aware of what's going on. I, I strongly suspect most people aren't aware this is happening here tonight from the turnout we have right here. And so I'd like to, I'd like to suggest that whatever process you used for publicizing this--a, a legal notice in the newspaper I

don't think does it quite. There needs to be some cooperation with our press so that there's a, there's a, there's adequate and abundant notice of things like this so people know what's going on. I think you get a much better sense of the community and, and you'll be just going through the, I don't wanna say going through the motions 'cause you're here with good intent, but there's really not a, a very adequate turnout from my perspective.

Getting to the substance and the merits of the issues and I also wanna speak on terms of the good points. Uh . . . I wanna, I wanna, I wanna speak to Makena Resort Corporation and Roy Figueiroa. They've done a beautiful job in the work that they've done in South County. It's a very esthetically, pleasing job. They've, they've, they've volunteered on infrastructure. They've been a good corporate citizen and I wanna give affirmation for that. And, and having said that, Roy asked me as, as he walked by, you know, you're here to support this tonight, right? And I said, partially. I support them in, in their efforts to try and do a very responsible job for the island. The question is, what should that look like given the current time, uh, the current situation we find ourselves in. And there are a number of issues, which are being spoken to. And I'm gonna speak to a couple of 'em in different contexts, water, traffic, also--I can't find my glasses--what their intentions are with respect to this property.

Concerning water, Mr. Williamson spoke to the lao aquifer. I believe their intention is not to utilize the lao aquifer for their water supply, but the Kamaole aquifer by drilling wells up near, the upper part of Ulu . . . Ulupalakua Ranch in conjunction with Wailea 670. And they're seeking to get several million gallons a day to, to, to fuel this, to provide water for this development. There's also several million gallons a day being required by Wailea 670. So they'll, so Tom Nance, who's their water expert, um . . . when you listen to closely to what he says, they're, they're--and when you figure out what it takes to produce actual output and you have to the have certain discounts that go into play for loss, loss of water and loss of pump time and things like that, you're talking about somewhere close to 8 to 10 million gallons of water a day to, to, uh . . . to service these two resorts and that, according to public statistics, is the entire output of the Central Maui aquifer. It's not even taking into consideration what's already being drawn. So, um . . . it, it raises a big red flag in terms of, of, uh . . . they, they mentioned they're going for private water. We all know the, the, the decision from the Supreme Court in, in Honolulu last year that says the water is held in trust by the State on behalf of all the people. Interestingly, the wells that are being dug, uh, drilled right here are right next to the Hawaiian Homelands, who have first rights to use of this water. And if, if these wells are permitted to go forward to, to, to service these developments, I strongly suspect there'll be nothing left for the Hawaiian Homelands to go forward.

CHAIR ARAKAWA: Okay, Ron . . .

MR. STURTZ: Uh-huh.

CHAIR ARAKAWA: . . . your time is up.

MR. STURTZ: I'll be glad to continue afterwards.

CHAIR ARAKAWA: No, because I asked you if you were going to continue, then to stop and then come back--

MR. STURTZ: I'll stop.

CHAIR ARAKAWA: --afterwards.

MR. STURTZ: I'll stop. I'll stop now.

CHAIR ARAKAWA: Okay. So . . .

MR. STURTZ: Okay.

CHAIR ARAKAWA: Okay.

MR. STURTZ: And I'll come back, you know, at the end.

CHAIR ARAKAWA: You had the option after three minutes to stop and come back afterwards or continue for a minute, continue into it and finish it in four minutes.

MR. STURTZ: Okay.

CHAIR ARAKAWA: You've gone four minutes, so you've chosen the first option. But afterwards I will ask the Council if they're willing to have you come back.

MR. STURTZ: Thank you very much.

CHAIR ARAKAWA: Okay. Thank you.

COUNCILMEMBER NISHIKI: Question.

CHAIR ARAKAWA: Questions? Wayne.

COUNCILMEMBER NISHIKI: Yeah. Ron, you've not told us where the association stands or where *Maui Tomorrow* stands in regards to this



development. So what is the final word? Or do you have a sense whether you're for or against and why?

MR. STURTZ: Placing it as for or against is, is putting it in polarity, Wayne. There are aspects that are positive and aspects that are not positive. The goal here is to design a large area of land in a manner which is consistent with sustainability, with proper infrastructure, with proper water, with proper traffic that services the needs of the community. The, the question that the, that has to be thought of by this organization is, what is in the best interest of South Maui at this point? Is it in the interest in this particular location to do more resort style or higher end development, which--and you may decide that it is--in which case, then it's a appropriate Land Use decision. Or is there other outcomes that are more appropriate that would, that would, that would create a greater sense of community for the present community, which is very fractionalized in terms of its sense of feeling. So I can't say yes or no and I, I can't say, uh, Roy is good or bad. He's, he's doing his best to bring these before you and get input from, from the community. And I think that we need to look at this very carefully and decide what our priorities are. The Mayor just yesterday announced to the Planning Commission that he thinks a fair contribution for infrastructure is maybe \$5,000 per residence or, or a hotel room. If you figure the number of units that are going in here--I calculated it out on the way over here--that's \$8,250,000 contribution towards infrastructure. That's a lot of money. I understand they've offered 300,000 to go toward the design of the Piilani and that's it. So there's some real major issues here as to what's in the community interest. And what *Maui Tomorrow* is asking is that you look at these broader considerations and make a reasoned, balanced decision. You know it's not, *Maui Tomorrow* does not support stopping growth. We recognize that if, the world's population is growing as is ours. And it would be, the thing is to do it in an intelligent, sensitive way that's to the benefit of all.

COUNCILMEMBER NISHIKI: Thank you.

MR. STURTZ: Thanks so much.

CHAIR ARAKAWA: That answer your question, Wayne? Okay. Any further questions for Ron? If not, thank you very much. And we will--and if I forget, Ron, remind me to ask the Council about the extra time? Stephen West followed by Russell Duarte.

MR. WEST: Aloha Council members. My name is Stephen West. I've worked at the Maui Prince Hotel . . .

CHAIR ARAKAWA: Can you speak a little bit closer into the mike?

MR. WEST: Sorry. My name is Stephen West. I've worked at the Maui Prince Hotel for just over 15 years as a Captain in Prince Court Restaurant. This is the first hurdle of many that our resort has to clear and it's, in my opinion, essential for us, especially in the restaurants, uh . . . to survive. Being the last resort, it's been, you know, we've competed fairly well, but there's a lot of room for improvement for us. And, you know, as far as our hotel con . . . contributing to the community, we've spent just over \$17 million to develop the sewage treatment plant in Makena. Um . . . our resort is very active in the community and contributing to the, to various charities. So to make this short and sweet, please consider this carefully and, and move forward with this first hurdle for us. Thank you very much.

CHAIR ARAKAWA: Okay. Thank you very much. Any questions? If not, thank you, Stephen. Russell Duarte followed by Edward Chang.

MR. DUARTE: Good evening everyone. And thank you, Council members, for having this forum tonight. My name is Russell Duarte and I'm the hotel Assistant Manager at the Maui Prince Hotel. I'm, uh, one of the people that feels a lot of concerns, questions from the community, from the local residents, and I am also a local resident. I'm a resident of Iao Valley and a concerned parent. I wanna begin by saying, as a concerned parent, the industry that we have at the visitor industry, it's a very giving one. And it provides a lot of opportunities for people like myself, a local resident. I'll have to say that the Maui Prince Hotel--I've been in the industry 18 years, and the second hotel I've worked at. And the Maui Prince Hotel has been very good to the local community, very good to the local residents, and, uh has promoted and hired from, from this island. Yes, they're developing right now.

I wanna kinda date back to 1973, 75 when, uh . . . I was, just graduated from high school, was a student going to Maui Community College and got a summer job with Ige Construction. This job was for a pipeline that fit into the Kihei area that was gonna service the residents of Kihei and also down into the Makena area. And this is a line that, um, as I understand, was parti . . . partially funded by the Seibu Corporation, of course the Prince Hotels for the hotel and the development. Now, many years later, we wanna take advantage of some of the water and we hope we can get some water for our resort. And this is what I understand is being considered. It's been a long-term investment by the hotel, our corporation for, um . . . this, this development and we hope that this will be taken under consideration. And I wanna also let you know that we are a good, um . . . good representative in the community.

There was a time when--I'm not gonna name the hotel--that had a, a little negative thing that happened where children of a school that went down to a, a pool and they were kicked out. Now, these things aren't advertised.

We don't promote it. And we were worried how the teachers and the students took, um . . . favor to our industry, the visitor industry. So what we did, we invited all those students to our hotel to come and spend the day with us, of course free of charge, spend the day at our pool, enjoy the resort, taking 'em around. And this has not stopped. We, we do many things like that. We do it also for, uh, college students. We have an, uh, adopt a school program. And some of the things that has said, being said about the water, you know, we have, in our hotel we practice this, which is called the No Na Mamo Program. And some of the employees over here know, know of this. It's a program where we practice heavy recycling. We, we put cards in guest rooms that ask 'em if they wanna have their sheets changed daily because we're concerned of the environment. We are, also our concerns about this water treatment plant. Now, we're not just dumping water anywhere. We're gonna treat the water and we're gonna utilize the water after it's treated. So it's not just a complete waste of water and we're concerned about that.

And I also, as a concerned parent, I'm wor . . . I'm worried about opportunities here, it, whether it be in trades, whether it be in the visitor industry. And this development, it'll give a lot of opportunities. Now, as I understand this, this development is not gonna be a blowup type of development where we're gonna just develop everything overnight. It's gonna be done in stages and tiers. And that, we also ask that the community and of those of you over here understand that, that we are gonna do this in a timely manner. And last that--

CHAIR ARAKAWA: Okay, Russell, that's your time.

MR. DUARTE: Okay, thank you.

CHAIR ARAKAWA: Thank you.

MR. DUARTE: Thank you for your consideration.

CHAIR ARAKAWA: Did you want, did you really wanna speak longer on the issue?

MR. DUARTE: I just wanted to say that we are a good community neighbor . . .

CHAIR ARAKAWA: Okay.

MR. DUARTE: . . . and we, we, a lot of times the instructions that I'm, get is just to be very understanding and . . .

CHAIR ARAKAWA: Okay. Well . . .

MR. DUARTE: . . . and (inaudible) of, you know, the questions that come to us, so . . .

CHAIR ARAKAWA: Okay, thank very much. Any questions for Russ?

COUNCILMEMBER NISHIKI: Question.

CHAIR ARAKAWA: Wayne.

COUNCILMEMBER NISHIKI: Yeah, Russ, thank you for coming. And I'm glad to see that many employees of the Prince are here tonight. My--

MR. DUARTE: And thank you, Mr. Nishiki, for being a good guest because I've seen you at our hotel supporting us.

COUNCILMEMBER NISHIKI: Thank you.

MR. DUARTE: So thank you for your support too as well sir.

COUNCILMEMBER NISHIKI: Yeah. One of the main concerns raised by a recent survey, and this includes all of Maui County, all of our employees that work for the industry and you know that we are pretty well dependent upon this industry.

MR. DUARTE: Yes.

COUNCILMEMBER NISHIKI: One of the questions raised by the Maui Visitors Bureau--and this was told to us by Marsha Wienert at our last budget session . . .

MR. DUARTE: Yes.

COUNCILMEMBER NISHIKI: . . . when they came in and asked for advertising money. And we asked her, they took a visitor satisfaction pole and asked in sequence what was the most alarming thing that has happened to Maui County and the number one concern despite that, again, we've been chosen the number one island by Condé Nast . . .

MR. DUARTE: Magazine.

COUNCILMEMBER NISHIKI: . . . Magazine. But the number one concern raised by visitors that you're concerned about because of your future generation, your family, and all of you working in the industry was, number one, the traffic.

MR. DUARTE: I understand that, sir. (inaudible)

COUNCILMEMBER NISHIKI: So . . . do you think that we need to look at this traffic problem that we are now facing in South Maui as we plan for future development here?

MR. DUARTE: I, I would also have to say so, yes. But I also would like to say that I drove from the Prince over here and purposely looked at my watch driving over here. It took me seven minutes. Now, seven minutes is very reasonable during peak traffic hours. So I think what the County and the traffic division has done in timing the lights, has done a great job in, in reducing that. And I think the concerns of the community, maybe showing tonight, has been a little bit lessened because of what the actions that I have to say the great Council we have and also the State has done. All of our traffic is not only the responsibility of Maui County as we know, it's also part of the State and also the contributing people that, and the developers. And I understand that we are putting in what we feel is our fair share. Thank you very much.

COUNCILMEMBER NISHIKI: Yeah. I guess, my concern is those visitors that have come that expressed this--

MR. DUARTE: I feel (inaudible)

COUNCILMEMBER NISHIKI: --and so how do we address this with the visitors that say--do we tell 'em tough luck, you've gotta wait.

MR. DUARTE: Well, I feel, again, let me reiterate, sir. I feel a lot of questions and concerns from our guests, but I've worked with Marsha Wienert and I do understand that, but that's not always the number one concern of our guests, it's maybe delays from the airport or, or otherwise. But, uh . . . that that's not always on, the case that I understand, it's a number one concern, sir.

COUNCILMEMBER NISHIKI: Thank you.

MR. DUARTE: And I'm in the industry.

COUNCILMEMBER NISHIKI: Thank you very much.

MR. DUARTE: Thank you very much.

CHAIR ARAKAWA: Any further questions? If not, thank you very much, Russell. Edward Chang followed by Laurie Chang.

MR. CHANG: Who was the last tall guy? Good evening, Chairman Arakawa, Councilwomen, Councilmen. Thank you for letting me speak tonight. I am

a resident of Makena. I'm also a member of the Makena Association. I'm here to speak in my behalf. I'm also here to testify in favor of the Makena Resort, Item 37, change in zoning request. These are my observations since I've been home on Maui. In a joint venture formed in 1975, Makena Resort has helped fund the water source through a 30-inch transmission line to the Kihei/Wailea/Makena area that we all currently enjoy. Ditto for the roads that we drive in the Makena area. And let me phrase that the Makena area, I believe, is not all the way through Kihei. It's somewhere from Kea Lani south. And those were some of the improvements that were recently made by Makena Resort. Perhaps, unique among large developments is beachfront property ownership. Makena, Makena Resort has no beachfront developments.

CHAIR ARAKAWA: Uncle Ed?

MR. CHANG: Yes.

CHAIR ARAKAWA: Pull the mike a little bit further, closer to you. Thank you.

MR. CHANG: Perhaps, unique among large . . .

CHAIR ARAKAWA: (inaudible)

MR. CHANG: . . . developers with beachfront property ownership. There are no beachfront developments at Makena Resort . . . all of the building setbacks on mauka of Makena Road. They have provided public comfort stations, public parking . . . picnic areas at Makena Landing across Keawalai Church, both ends of Prince Hotel. And these improvements have been situated with excellent beach access. The big Makena Resort has developed approximately 477 acres of, of their property. Their current development has an open space look, low building densities, no shoreline building. The Prince Hotel comprising of about 310 rooms and 27 acres is situated that you don't even notice it from the road very obviously. Their future proposed development also reflects this philosophy.

South Maui's traffic . . . concerning South Maui's traffic. I too want our traffic to not be like Oahu, not even like West Maui. Makena Resort has volunteered to pay for design and Environmental Assessment for DOT's, the DOT's proposed interim changes. Makena Resort is willing to support State and County efforts to improve roadways in the region and is willing to participate in pro rata cost improvements. I realize all of this is timing. You know if the roads are good and you're in development, you don't have much flack. If you haven't, likewise, developed for a number of years, like Ma . . . Makena Resort has and impacts of, of traffic or water circumstance come about--you hear 'em today. And, and I, I, I ask you that you address these things accordingly. Right, they're building something or they wanna

build something and it, it's our concern that water and roads and traffic, etcetera are, are done in a certain manner. As a Makena resident, I believe that we are fortunate to have a developer such as Makena Resort. They have been in the Makena area for about 28 years. They have earned my trust. I know that I do not stand alone in this regard as I think they're a good cooperate citizen. I ask that you consider their test . . . my testimony and approve their . . . zoning request.

CHAIR ARAKAWA: Okay, thank you very much. Any questions? If not, thank you. Laurie Chang followed by Lehua Clubb.

MS. CHANG: Oops, that's okay?

CHAIR ARAKAWA: That's okay.

MS. CHANG: That's what happens for being so short.

CHAIR ARAKAWA: I'll send you the bill.

MS. CHANG: Good evening. Welcome to South Maui. It's nice to see all of you. (inaudible) Thank you. My name is Laura Chang and I'm representing--

CHAIR ARAKAWA: Dave, start the time (inaudible).

MS. CHANG: --myself. I'd like to let you know as a resident of Makena how I feel about Maui Prince. Let me tell you, they're a very community oriented resort. We know them. They know us. You know, we're able to say hello, even to the point--I exercise when I'm walking. When I don't walk they ask me, why aren't you on the road? And it's nice knowing that you have, you know, a resort that's that friendly. We in Makena, we trust them. We like them. Now, I feel they've done a lot of their share of what they need to . . . to do as a, as a developer. They've given us three beautiful parks. They've given us a comfort station. And you know what, they've given this to us, but, you know, down at the landing where it was so sweet and pretty, it isn't anymore. And it's because our residents don't take care of it. You know they want these things, but they are not about to take care of it. They've practically trashed the landing and I think that's sad, but the Prince gave us something nice and we can talk about it with them.

And as far as traffic goes, I've been there since 1988 and I've seen the change in the traffic. And if anything, maybe Makena is at fault, is that they've built this beautiful place, gave us a beautiful road, opened up the beaches to us. So people come. They go down to big beach, in that area, and there's a lot of traffic because of that, because it's a friendly place. It's not like some of the other hotels where you feel intimidated when you go down. That's not so with the Prince. And then too, because of this

nice or because the area, it's so beautiful, we have other businesses now that takes, makes a lot of use of the road. And that's the wedding business. It's amazing the amount of weddings that, that are being held down there. And I look at the traffic today and I'm very sure a lot of the traffic is caused by people visiting the beaches and this wedding business. So if anything, if they're at fault, I'd say this may be one of their because they made it beautiful.

Now, they've taken their project slowly so we have not felt the impact. Since 1988 as Boogie and my husband had said, the only thing really they've added is that conference room. And we had a lot of talks about that, we, we didn't want noise and we--and they addressed that problem for us and it's very nice. And now this project, as we're told, and I trust they mean what they say, is that it's not gonna be done overnight or a year or two, they're looking at a span of 15 years or so. So that will give us a chance to get used to, to it, to give the County a chance to plan what needs to be planned about the road. They're ready to do their share of it. So I think they're a good development. And I cannot say I don't want them there. I don't want them to develop. They gave, still given us a lot of open space. They're concerned about the community. They are a community, community oriented development. I don't think we in Makena can ask for anything as nice as that. So I hope you folks look at this and I hope the people here in South Maui study this also and, and realize that they're doing their best for us. They've got to develop. We know they're gonna develop, but they're making it so that at least we're comfortable. And I'd like them to sort of remember that. Okay. Thank you.

CHAIR ARAKAWA: Thank you. That's amazing. That's the first time my auntie stopped it. Any questions?

MS. CHANG: (inaudible) suppose to say I'm your auntie.

CHAIR ARAKAWA: Thank you much. Lehua Clubb followed by Matt Maynard.

MS. CLUBB: Aloha everybody. My name--

CHAIR ARAKAWA: I, I'm proud of the relationship.

MS. CLUBB: Aloha. My name is Lehua Clubb. I've worked at the Maui Prince for 12 years as a PBX Operator. Can you hear me? My voice is loud anyway.

CHAIR ARAKAWA: We have to have it in the mike because we're recording it.

MS. CLUBB: Oh, okay.



CHAIR ARAKAWA: And, you know, all of you that are testifying, we are videoing this and it's going on Akaku. So be aware of that.

MS. CLUBB: I see Buck here. Hi Buck. Okay. Um . . .

CHAIR ARAKAWA: Go ahead, Lehua.

MS. CLUBB: Anyway, I've worked for the Maui Prince Hotel for the last 12 years as a PBX Operator. And I'm President of the Waiehu-Kou Community Association, Vice President of Maui Ahupuaa, also Vice-Chair of the Unit 2511 Local 142. And that's Maui Prince. And I feel that I have a responsibility to be here. I support the rezoning of Makena Resort. Makena Resort is environmentally conscious and sensitive to its surroundings, the ocean, and the people who reside in the area. We are asking for rezoning to better our property for the sake of our own independence. I had a lot, lot to say about transplants, but I don't see very many of you here tonight, so I'm sorry. Makena Resort built their own roads, their own treatment plant, and everything else that the County and the State required them to do. This is without County, State, or Federal assistance. There are those who feel that our growth will cause congestion, but the congestion will always be there. It is the Council's and Mayor's duty to resolve this concern. Thank you very much.

CHAIR ARAKAWA: Thank you, Lehua. Any questions for Lehua? If not, thank you. So you're about to go into forbidden territory, that's why the lights went that way. Matt Maynard followed by Sylvia Calibuso Pitts.

MR. MAYNARD: Aloha Council. Thank you for coming down tonight. My name is Matt Maynard. And I've been on Maui for 26 years. I married a local girl who was born and raised on Maui. I have a daughter who's 16 years old and has gone to school both here on Maui and Kamehameha Schools on Oahu. And I'm speaking for our futures. I'm the unit Chair for the . . . 2511, the hotel union and I speak for all of the employees. They all are happy that we're getting a chance to speak our peace. Since 1973, the hotel has built a golf course, a hotel, and ballrooms at approximately 93 million, spent 6 million for the water development to get the water down to the, the Kihei/Makena area. They've put in a wastewater treatment plant up above the hotel and golf course at another \$17 million, which they're gonna invite the community down there to tie into. They've put in \$6 million in roadway improvements and they've offered approximately \$600,000 for the assessment of the Piilani Highway. This shows you that, that they've put nearly \$123 million into the community. They're not takers. They're givers. The hotel has done nothing but promote good things on the island. We support the United Way, the charity walk every year, and thousands of dollars from just the employees and employees friends go back to the charities here on Maui.

Uh . . . I gotta say the hotel has stayed with us through the hard times. Believe me there were some really hard times. They never laid anybody off. They may have cut hours a little bit, but they never did lay anybody off. They kept all the people working who were willing to stay with the hotel. They also didn't come in and buy the property, build a bunch of houses . . . houses, sell it for profit and get out. We see that a lot the . . . these days and I think it says a lot for the hotel that they're willing to give back to the community. They have kept all of their promises. You've heard the Chang's and Luuwai's testify tonight that, uh . . . the things that they've promised the community, they've kept their word. I truly believe that they are, are good at their word and they will continue to be that way. They helped pay my mortgage, raise my child, uh . . . and not only me, but approximately 450 other employees that feel the same way. So I would like to urge you to recommend that, vote in favor of our rezoning request.

CHAIR ARAKAWA: Okay. Thank you very much, Matt. Any questions for Matt?  
Jo Anne.

COUNCILMEMBER JOHNSON: Hi Matt.

MR. MAYNARD: Hi.

COUNCILMEMBER JOHNSON: Thank you very coming. I, I just was curious as to what your occupancy is right now? Are you doing real well? Are you full in the hotel?

MR. MAYNARD: Yes, we've been doing, it's, especially about the last two or three weeks. I, I was on vacation so I didn't see it a week ago, but we've been running anywhere from 85 to 100 percent, uh . . . drastically opposed to the first five or six years, we were, it was very lean, we were averaging maybe 25 to 35 percent. And the hotel has made a lot of changes and, uh . . . tried to diversify their incoming, the, the public from not only Japan, but from Europe and the, the mainland. And we've been doing very well. And, uh, I think that it shows that the, the hotel has, has stayed strong. They've, they've gone through some lean times, but they've stayed with us and, uh, the owner hasn't sold out to somebody else and, and moved on. He stayed with us. And I, I think that's why I say he's a, uh . . . a contributor to the community and not a taker.

COUNCILMEMBER JOHNSON: The, the other thing that I would ask you is I know because tourism is really unstable at times and you spoke about the times in the early 90's when we really didn't have a burgeoning tourist industry. If another hotel is built and let's say we do face another one of these economic downturns, do you have any concern about your job

*(change of tape)* the employment pool so that you have, even now (pause) I've seen that happen in other areas and I just wonder if you are concerned for your jobs if that should happen.

MR. MAYNARD: Um . . . from what I've--there's always concern for jobs, but I think that it will--two things, for construction it will provide jobs for people to be able to build. Secondary, it will have jobs in the industry itself, which for our children is a possibility that they could go into that in staying here on Maui. There is always a concern of a downturn, but for--I can only speak for our resort, um . . . I, I know it happened in other hotels. There were massive layoffs. The owner has always promised that he will never sell and do what he can as far as keeping people employed as much as possible.

COUNCILMEMBER JOHNSON: Okay, thank you.

MR. MAYNARD: Yeah.

CHAIR ARAKAWA: Thank you. Any further questions? If not, thank you very much, Matt.

MR. MAYNARD: Thank you.

CHAIR ARAKAWA: Sylva . . . Sylvia followed by Howard Kihune, Jr.

MS. PITTS: Good evening, County Council. My name is Sylvia Calibuso Pitts. I am a local resident of Maui, born and raised, 24 years in Haiku and 18 years in Kihei, actually Maui Meadows. I am here on behalf of my own. Although, I work for the Maui Prince Hotel, this is on my own. (inaudible)

CHAIR ARAKAWA: Okay.

MS. PITTS: I support the Makena Resort Corporation's request to rezone their property. Back in 1975, I was a sophomore at Maui High School. We had a representative from the County of Maui as well as a representative from the, the developer that purchased several hundred acres of land. And we were told . . . what were we told. Anyway, um . . . we were told that there, there was gonna be big plans for South Kihei. If any of, of you were back here in the 70's, it was very hard to find a job. It was who you knew not what you could do or, um . . . or what you knew. Anyway, um . . . there was really no job opportunities for me as a high school student at that time. You had to know a lot of people in the different business backgrounds. I basically worked in the pineapple fields, which was hard work, but I made money. But I don't wanna do that.

Thirty years ago, let's go back to 1971. Mayor Elmer Cravalho had a vision. His plan was to take Maui into the 21<sup>st</sup> century. He knew the County's number one economic base was not going to provide for the future well-being of the island residents. That industry was agriculture. His plan was to develop the arid South Maui . . . Maui area, not allowing any present ag use to be rezoned, keeping the ag base intact. To find the infrastructure, he worked on an agreement with several large companies here, A&B for one and two additional investors including the Makena Resort Corporation. Wells were drilled, water lines brought into the area, some roads were developed and sewer lines were installed. Also Maui Electric improved their grid through Kula and Kihei, millions of dollars were spent with limited amount coming from the resident's pockets, which was us. Those who were living here back then in the 70's. There are thousands of new arrivals. Back in the 70's, there was less than 50,000 people here, 1999 to 2001, there's over 120,000 people. I've seen the growth. It's good growth, bad growth, but I have a job. I don't have to go to the mainland and do the rat race kind of thing. Maui's good. The company has been good. Without them, this wouldn't be here. I can remember back in the 60's, bumpy road Mokulele Highway. Um . . . let's see. Where am I? Sorry. How many more minutes?

CHAIR ARAKAWA: Take your time. Relax.

MS. PITTS: Okay. I know.

CHAIR ARAKAWA: Don't panic.

MS. PITTS: Um . . . okay, 60's, kiawe, kiawe trees all over, bumpy roads and not really too many building structures. And Kihei has grown to a very good community. We just need to work together and we can do it. And I again support the Makena Resort Corporation. And I hope you would please, um . . . honor their request for rezoning. Thank you.

CHAIR ARAKAWA: Thank you, Sylvia. Any questions for Sylvia? Thank you very much. Howard Kihune, Jr. followed by Dave Mackwell.

MR. KIHUNE: Thank you. Thank you, Councilmen for being here. I really appreciate it. Our company does and I think the community in, in Kihei as a, as a whole does too. I'm here as--my name's Howard Kihune, Jr. by the way. I'm here as a resident of Kihei. I've been here for 12 years, almost 13 now. I've been employed by Makena Resort for about 9½. I was born and raised in Hawaii. This is my home. I think, uh . . . the, the main thing to remember is that Makena Resort has always been a good community neighbor. They've been a leader and they've been supportive on many different issues within the Kihei community and within the Makena/Wailea area. You know, some of you that were on the Council for

many, many, have been on the Council for many years like Wayne has. He's been here, has known what the plans for this area or for this, for this community has been for many, many years. I mean it's been in the community plan for many, many years, the development and things that are gonna go on. I'm here to ask for your support, to support our resort in giving us the, the zonings for the piece of property that we're asking for at this point. Um . . . again, like I said, we've been very good neighbors. Matt has said a lot of different things that I would of said and I don't wanna cut my speech short, but again, I enjoy working where I'm at. I'm a local boy and I wanna continue to be where I'm at. So, please vote for the rezoning for our resort. Thanks.

CHAIR ARAKAWA: Thank you very much, Howard. Any questions for Howard? Okay, thank you very much. I'm going, at this point, I'm gonna take, uh . . . about a five-minute recess because we need to change the tape. And those of you that need a break, take this opportunity. Recess, five minutes.

**RECESS: 6:55 p.m.**  
**RECONVENE: 7:25 p.m.**

CHAIR ARAKAWA: Dave Mackwell. Dave will be followed by Buck Joiner. I'm gonna reconvene the meeting. Dave.

MR. MACKWELL: Thank you. Pleasure to see you here this evening. Uh . . . I guess, the first, I'm gonna start out with a question. I'm a board member of the Kihei Community Association.

CHAIR ARAKAWA: Dave, your name?

MR. MACKWELL: Oh, my name is Dave Mackwell. I'm here representing myself. I am a board member of the Kihei Community Association and I'm the only one here. And, uh . . . I found out about this meeting about a quarter of six. So I don't know, maybe it's my fault and maybe it's the rest of the KCA's fault. (inaudible)

CHAIR ARAKAWA: Dave, talk closer to the mike?

MR. MACKWELL: Can people hear me?

CHAIR ARAKAWA: Yeah.

MR. MACKWELL: Okay. That aside. I've heard a lot of testimony from the people who work for the resort and, and I basically agree with their, their testimony. And I think it is a good neighbor. But I think that we're talking

about growth here in the area and we need to make some things in consider, to consider some things. And we, I'm really tired of hearing the word, "smart growth." Just about anything that anybody wants to do is called smart growth these days. And I think that we need to answer some very basic questions before we, we call something smart growth, and I think we need to only grow smartly, so. And one of the, uh . . . one of the questions I have about an area like Makena that's been considered a resort area as a recreational thing and it has been for many years, will, will this development increase the recreational opportunities for everybody on Maui, all the visitors, and, and as well as the people who move there and the residents of Maui? And I think we need to answer that question affirmatively if we're gonna say it's a good idea. Will it also preserve the current rural atmosphere of Makena? Part of the charm of Makena is the atmosphere that we find there. All our visitors that come here from all over the world always find these little jewels by drifting down that road. They only may do it one day out of their whole two weeks here, but they, they bring that memory home more than anything else. So I think we need to . . . answer that question as well. Will this development be perceived as an improvement to the island of Maui for, for the residents and the visitors? If it's not an improvement to the whole island, uh . . . then I, I have some concerns about that. Will the existing communities that are, are adjacent to the, to the development, will they benefit from this? Will they, will they feel a negative impact or will they benefit from it? And I think we need to answer that question affirmatively. Another question I have is will wage earners who, who work at the hotel be able to live there or will they have to commute from some other community to, to their jobs? Will I be able to move down there? I don't know. Will it just be million dollar enclaves? I don't know. I'd like to know the answer to that question as well. And, um . . . the final question that I have here tonight, well is, will it pay its own way? If it can pay its own way and what it takes to add that to the, to the infrastructure of the island and the, and the local area, then that's a positive. Will it--another thing is, will it be an inclusive community or will it be an exclusive community? I think we wanna be inclusive here, of all people, we always have been and I think we wanna keep that spirit here. And all I can say to you is that the, I believe that the, it's the responsibility of the government to, to satisfy these requirements for the people. And this isn't the, uh, this is my short list, I only had 15 minutes to prepare, but I hope you'll take these things into consideration. I have no position on the development other than to say if we're gonna do something like this, we should do it right. Thank you.

CHAIR ARAKAWA: Okay. Thank you, Dave. Any questions for Dave? No? Dave, those questions that you have . . .

MR. MACKWELL: Yeah.

CHAIR ARAKAWA: . . . could you please give them to Adele so I can include them later on in some of our analysis?

MR. MACKWELL: (inaudible).

CHAIR ARAKAWA: Thank you. Buck Joiner followed by Maile Luuwai.

MR. JOINER: Aloha kakou.

CHAIR ARAKAWA: Aloha.

MR. JOINER: I'm Buck Joiner speaking as an individual. And I, um . . . neither in favor nor absolutely opposed to development. I have spoken out over the years loudly and strongly on various issues and will continue to do so. One of my greatest concerns about this hearing tonight is that I feel that this is very loaded. I only found out about this hearing this afternoon through the coconut wireless. And whereas that may have been a fine form of communications in the 40's and the 50's, it's not good now. So I'm not sure why I didn't know about it, but it appears that those that are the pro-development side had very good notice and have turned out in very large numbers and you don't get that with a notice in just the afternoon. So whoever is responsible or wherever those notices are suppose to go, it didn't come out to the public. I find that there is a dearth, an absolute lack of the public here and a lack of information on their part. So I'm not sure that this would necessarily constitute a legitimate public hearing if the public doesn't know about it. Okay, let me move on.

I'm concerned about several things, always concurrence. We're kind of losing that in terms of smart growth now. Anytime there is a, a sizable development that's going to have a impact on the community, and we're looking at all aspects of it, not just water, not just traffic, also schools and all of the remainder. This particular development is being done in the middle of a desert. And it's very important. When you're talking about creating life and a large source that requires a lot of input to keep it going. Okay, remember when they were talking about putting the rainforest over here, we, we killed that one, you know, as some kind of a joke. But to make resorts in resort areas, uh . . . livable and lovable, we have to make them green and that requires a lot of infusion of energy. So you have to think about what impact that is going to have, not only just the water but also the, the fertilizer. Do we really have problems or are we gonna end up with algae blooms from fertilizer runoff and things of this nature. Access to the Makena area at this moment is adequate for what is down there, but for the ultimate plans, I think that the access that I have seen proposed is not adequate. The, uh, there's a proposal for the extension of Piilani Highway towards Ulupalakua, but that is, I don't think that's a proper, uh . . . proper approach. I have been opposed to the extension of

Piilani towards Ulupalakua because the purpose of highways is to connect population centers. Ulupalakua does not constitute a population center. I think that ultimately Piilani Highway should be extended towards Makena, but as we do that and as we make this community even more linear, you have to think about the public safety aspects of how we evacuate this area if we ever have to. Okay, right now the only way out is out the north end. And if we're building further and further south, we are making the problem more worse, making the problem worse and worse. Okay, so let's consider that.

I'm very concerned about what is included with the, uh . . . for the public in large developments. A lot of times we will have developers that will say well we want, we're gonna do things--okay, thank you, I'll try to wrap it up quickly. But we're going to make these improvements outside of our area, okay. I want to see, uh . . . benefits for the public within the developments. Okay, that's very important. I don't wanna be excluded. Um . . . okay, by granting various approvals, you're gonna make people very rich. The question is, are you decreasing the quality of a life for the rest of us?

CHAIR ARAKAWA: Okay, Buck . . .

MR. JOINER: Okay, here we go.

CHAIR ARAKAWA: . . . your time is up.

MR. JOINER: Okay. We need the north, south connector road--

CHAIR ARAKAWA: Buck.

MR. JOINER: --as soon as possible as continuous as possible and Piilani Highway should be four lanes divided. (inaudible)

COUNCILMEMBER KANE: Mr. Chair, Mr. Chair?

CHAIR ARAKAWA: Yes.

MR. JOINER: Thanks, Dain.

COUNCILMEMBER KANE: It's equal time for everybody, Buck. Yeah.

MR. JOINER: (inaudible)

COUNCILMEMBER KANE: So when you kinda disregard a rule that we set forth in the beginning, it kind of just throws--



CHAIR ARAKAWA: Okay, Dain?

COUNCILMEMBER KANE: --in the face of what we're trying to achieve and--

CHAIR ARAKAWA: Dain?

COUNCILMEMBER KANE: --be fair to everybody.

CHAIR ARAKAWA: Dain? Dain, that's enough. Okay.

MS. LUUWAI: Okay, I'm gonna have to hold this.

CHAIR ARAKAWA: Maile Luuwai. Well, first of all, let me ask, does anybody have any questions for Buck before Maile gets up there? If not, Maile Luuwai followed by Gene Thompson.

MS. LUUWAI: Hi, my name is Maile Luuwai. I'm speaking for myself. I actually didn't come with the intent to testify tonight. I was just videotaping it. But I feel compelled to speak. I'm not speaking for the development--I'm making my uncle and my dad nervous--nor am I speaking against it. But I do have some concerns. And I'm standing there videotaping this and there's just some food for thought. I, I'm a user of Makena. I take my children down there. I take my children in the ocean. I go there every single week and swim. The ocean is filthy. The last couple of big rains, there was huge runoffs coming off of the Seibu golf courses and their fertilizer and their chemicals went into this ocean. If you actually talk to my dad and ask him questions, he'll tell you that our reef, are reefs are dead. If you talk to the divers who come to Makena, you will know that you will have to stay a couple of feet above the sand because your fins will kick up dirt off of, and silt off of the bottom of Makena Bay. So, you know, I'm coming here with food for thought 'cause I have concerns.

I just talked to my dad outside. You know I, I asked my dad, you know, they have a master plan. You gotta calculate some numbers. The number of people that are actually gonna come in and, and use the beaches and use our areas. Um . . . you gotta calculate some numbers and look at that. I'm already dealing with some crowded beaches in Makena. And my dad said, well, you know when the final plan is done, it's gonna be, you know, 2030. I'm not gonna be around. I said I'm gonna be around. I'm gonna be 70 years old and I'm gonna hopefully be able to bring my great grandchildren down to the beach and be able to use it without--right now I kick kayakers off of \_\_\_\_\_ Beach. I say move your kayaks. This is not a commercial site. We are building sand castles. Get those kayaks off the beach. You know, so there's competing users. And I'm not against Seibu Corporation. They have been a good neighbor. In fact, my Uncle Eddie told me the other day, they're a benevolent

developer. I said uncle, benevolent developer? I don't know. I mean does that go together? But they have been good neighbors to our family. But I do have concerns because I'm gonna be down there a long time. And long after, you know, some of these employees are no longer there. I wanna be able to use those beaches. And like I said, our bay has died already. And I don't wanna see anything else die in that area. So, you know, calculate the numbers, look at the phases, you know, calculate the number of people who are gonna be using the facilities that are, they're putting in, you know, times it by the number of the users then add the cars that they're gonna bring in, and, and think about those uses. And that's all I have to say. Mahalo.

CHAIR ARAKAWA: Thank you. Any questions for Maile? Jo Anne.

COUNCILMEMBER JOHNSON: Maile, thanks so much. What you're basically talking about is carrying capacity, how much can we really accommodate. Uh . . . we have a study that is being funded. We funded it earlier this year for beach erosion. Do you think that, just from outside observation that it would be really good for us to wait for the results of that study and maybe do more studies so that at least we can determine what the health of that area is and if it's not healthy what we can do?

MS. LUUWAI: So are you analyzing the areas in the Makena area and are you also analyzing the ocean, the ocean conditions, and, or is it just the beach . . .

COUNCILMEMBER JOHNSON: It's, it's--

MS. LUUWAI: . . . the beach, the beach line, the shoreline?

COUNCILMEMBER JOHNSON: It's, it's basically beach erosion. But what I am also looking at, what I've been an advocate for is looking at the other issues they raise about carrying capacity. How much can our beaches withstand? We've had a lot of requests for camping in my committee. And I'm just interested to hear from the public about what your kind of looking for because we have to make the decisions, but the issues that you're raising, we need to ask those questions. And so I just wanna find out if you think that we need more information in order to do that and make a good judgment.

MS. LUUWAI: Um . . . if during the pre . . . preliminary analysis, they find that there, there are some concerns, maybe you should wait un . . . until you get the full report. And you'll know that in the pre . . . preliminary stages of the research that they're doing down there. So I, if you, you see an, an issue or some issues, you definitely should wait. And, you know you're, you guys are dealing with all, all the traffic issues. You're dealing with a

multitude of issues as a Coun . . . as a Council. And all of that needs to be looked at and analyzed in order to make these very difficult decisions. I mean you guys got a tough job. You're making extremely difficult decisions for this community. And I'm looking, you know, I'm looking 30-40 years ahead 'cause I intend--I got, I got a good bloodline. You, you see these two guys over here, they're gonna be 70 next year. I got a good bloodline. I'm gonna live a long time, so I'm looking at future impacts too.

COUNCILMEMBER JOHNSON: So you just be supportive of us then getting all the information . . .

MS. LUUWAI: Oh . . .

COUNCILMEMBER JOHNSON: . . . before we make a decision.

MS. LUUWAI: . . . I, I'm the kind of person that you do your research, you get all your information, then you, you make your decisions. That's, that is the best way to make critical and important decisions, is to have all the information before you.

COUNCILMEMBER JOHNSON: Thanks very much, Maile.

MS. LUUWAI: Mahalo.

CHAIR ARAKAWA: Any further questions for Maile? If not, thank you very much, Maile. Gene Thompson who will be followed by Jonathan Starr.

MR. THOMPSON: My name is Gene Thompson. I'm a resident here in Kihei. I don't have anything at all on Makena. What I do have an opinion on is this meeting, which as far as the community meeting goes, if you're assuming that, it's a farce. There was no notification of whatsoever anywhere in Kihei about this meeting other than a very small thing in the *Maui News*, which very few people read, the announcement of the Council Committee meetings, very tiny letters, two little lines on the subject. As I say, this is not a community meeting. The KCA, the Kihei Community Association knows nothing about it. Now, if, uh, if, if we only wanted to hear Makena, now the hotel and the Makena Resort certainly turned their people out. And they have a, a reason for doing it, but we do have the rest of the community who should know about this meeting. And it is a, a rather sad commentary to, to come into a meeting like this. I counted I think 20 people from the County here and then when you count all the people from the hotel and a little scattering of people here in Kihei. What happens down there does effect us. We are interested. This meeting tells, tells us nothing about it. No one had a chance hardly to say anything, just a few people. Jim Williamson gets notification by mail and other people just happened to hear this from other people. But so long as you don't build

this as having come to Kihei and had a community meeting on the subject because you have not. Thank you very much.

COUNCILMEMBER NISHIKI: Alan, can I, can I, can I respond?

CHAIR ARAKAWA: You may.

COUNCILMEMBER NISHIKI: Just because this has been an issue with a lot of speakers tonight. And I, I wanna, I wanna tell you something, Gene. We requested and Alan said that he would have the meeting here in Kihei so that the residents could attend. I had my staff double check with Alan about doing a press release so that the people will know about the meetings. And I'm just reading from my staff report. It was reported to me by my staff that Alan and David did send out a press release to the *Maui News*. The radio stations, I don't know. And the *Maui News* did not print it. So, you know, I know that people are viewing this in, in Kihei also and are probably upset. But, um . . . maybe it wasn't enough. I don't know how to quite answer your question about how much is enough, but I, I only can say, um . . . to the people of Maui County and to the people of Kihei that, you know, we apologize. I don't know what else more to say. However, the attempt was made by Alan and his staff, who chairs this committee. I don't know what more I can tell you.

MR. THOMPSON: Well, the folks in Makena got it. Let's put it that way.

CHAIR ARAKAWA: Then . . . I will apologize, but we did try and do what we could. We do all the normal communications. Everything was scheduled. This particular meeting was scheduled over a month ago. So we pretty much knew and put everything in gear to have a full-on meeting tonight. And we actually were expecting to be here four to six hours. All of us were. So I will apologize for that.

MR. THOMPSON: (inaudible)

CHAIR ARAKAWA: I'm not gonna ask, allow anymore commentary on this until we get done with testimony at the very least.

MR. MINATOYA: Mr. Chair?

CHAIR ARAKAWA: Yes.

MR. MINATOYA: As your attorney, if I can just note for the record that notice of this meeting was posted with the County Clerks Office on August 8<sup>th</sup>, which is longer than is required by the Sunshine Law. Just for the record, Mr. Chair.

CHAIR ARAKAWA: Okay. Thank you very much. At this time, we'll have Jonathan Starr, who will be followed by our last testifier that's signed up, Gene, uh, Glenn Shepherd. Jonathan.

MR. STARR: Aloha friends. And thank you for coming to Kihei. My name is Jonathan Starr. I'm here to testify as a private individual. And I'll be talking about beaches and also traffic. I will be here if you have any questions. And I can serve as a resource on water issues or anything else. I'll be happy to answer questions later. But, um, I do wanna say, people of Kihei do care about this issue. And, you know, for whatever reason, you know, they didn't know about it. And, you know, I can't, it's not your fault, but please give them another chance at some other time.

But, um, I've been coming to the beaches of Makena for 33 years just about every week. I, I just rushed back here. I was scuba diving off Makena. And I do get in the water quite a bit there. And I've been watching. Things have been changing very rapidly over the last couple of years. And the beaches, the sand is really starting to move. There's a lot of silt problem. There's not loose sand being created because of the silt on the reef that's causing the reefs not to be creating new sand. And, um . . . I really think that we have some problems. And so I'd like to compliment the efforts to study this and I really would ask you to look at that and see the impacts because it's important that these beaches not go away. And they are, seem to be going away at a very rapid rate. This is also one of the very few places, maybe the only real place left on Maui where local people can come to the beach and really enjoy it and feel it's their own and feel that they're not standing in front of a hotel. And, uh, it would be very . . . sad to lose that for the local people not to have the ability to come to a beach that doesn't feel like it's part of a, you know, just a resort, that's it's actually still part of Maui Nui and this is the place. So, uh, please bear consideration into this.

I recently moved from, uh, from the Wailea area of Kihei to Wailuku because I couldn't stand the traffic any more. It was not fun and I didn't know what time I would get to a meeting. And I, I have a lot of meetings here in the early morning as you do. And I just, the traffic was so bad that I didn't know what time I would get there and I, I couldn't bear to live in Kihei and, and drive Piilani Highway in the morning and have to depend on, on it. So I hope that before you allow any more major expansion, you, you are able to deal with the traffic problems. And I was very happy to read in the last several days that the Mayor put forward something that I thought was, was what was a wonderful concept and something that I thought was very forward thinking. And I, and I'd like to ask you to help move in that direction. Because until a new road, completely new divided highway is built leaving, going from the southern end of Kihei back toward the airport, until this new road is actually built, things are just gonna keep

getting worse. You know, putting some new stripes down on existing pave . . . pavement on Piilani is just gonna make it dangerous. You know, may help a little bit for a couple of months, but ultimately it'll, it'll raise the death toll. And, you know, as more accidents, fatal accidents occur, it'll just get shut down that many more times. So I really think it's time. We need a new road. We need a way to finance it. The State is not being very helpful. They're lagging. I feel that, the only way in my own heart that I, I could feel that, uh . . . a real expansion, a population of the southern end of Kihei should occur is if there's a major contribution. And it, you know, perhaps if they were willing to give the \$5,000 per residential unit or hotel room up front, that might, you know, make some sense. Otherwise, you should wait, wait before any of this gets built until a new highway is actually in place and ready to serve the people so that things and traffic just does not get worse. Anyway, once again, thank you very much for your consideration and aloha.

CHAIR ARAKAWA: Thank you very much. Any questions for Jonathan? Just one commentary, Jonathan, what the Mayor is proposing would be County money. Most of the major roads that need repair are State. So, just as a food for thought and we'll have discussions about that. The idea is a great one. Glenn Shepherd. At this time, Glenn would be our last testifier and I will go back and I will allow Ron to complete out his testimony. If anybody else wants to testify at this point, this is your last chance to sign up. Glenn.

MR. SHEPHERD: Thank you. My name's Glenn Shepherd. I live in Wailuku Heights above the lao aquifer along with Councilman Kane. The rest of you I think live elsewhere, but you get the lao aq . . . aquifer waters. I want to caution you about this water situation. When I was in Honolulu in the late 60's, I told Gordon Macdonald, who's the author of this book called, "The Geology & the Water Resource . . . Groundwater Resources of Maui." And we had a number of discussions. And he said that Maui could never support a very large population based on the information of the existing water resources. Well, we've learned a little bit more about it, but we also have learned that we're under the gun, especially with the lao aquifer. And it's a political, uh, ploy, which has, we have to play with. And you should lean on David Craddick, who should be called up here to testify about this because this is a very serious situation of transporting water from the lao aquifer down to a desert area. Now, this is a desert that gets less rainfall than the Sonora Desert in the Western part of the United States. This is drier. They get more water in the desert areas of the Western United States. And they've tried to turn this place into another Hana. And Councilman Carroll might get a little homesick when he drives down that way, oh, yeah, look at that. Well, they're doing this in a desert area. It takes tremendous amounts of water. And the Makena thing is coming up. How much water can we allocate to one particular

region like that that has to be shared by everybody all over the island. I wouldn't approve of this project on any kind of a bet until you have a master plan to know where you're going, what you're gonna do, what the conditions are. If you do otherwise, you are participating in reckless endangering. You are endangering the well-being of the other people in this entire community. Water resources should be shared.

Roads, what? Tell me how you're going to widen the road. What, what do you do when you get to the end. You're all necked down again and you're, you're still backed up. You can't get out. Again, no plans. If you don't have a plan, we're gonna do many more mistakes, which we are already suffering from due to the lack of planning, a master plan, an overall plan to know where we're going. Thank you.

CHAIR ARAKAWA: Okay. Any questions for Glenn? If not, thank you very much. At this time, I'm gonna let Ron Sturtz come back and complete out his testimony because there was a little bit of confusion as to how we were doing this, so in interest of fairness, Ron.

MR. STURTZ: Thank you, Mr. Chairman. I apologize for my confusion.

CHAIR ARAKAWA: That's alright. We tried to be, tried to do something a little bit different and not tell you about the three minutes and just have you look there and I can see where you might miss that.

MR. STURTZ: I didn't see that.

CHAIR ARAKAWA: So, we'll let you complete out your testimony. Go ahead.

MR. STURTZ: Thank you. Maybe this will be better. With respect to the notice issue, I concur with Corporate Counsel that you've complied with the legal requirements. I don't think that's the issue. I think that it's the practical impact of whether the community knows about this or not. And, uh, and it's apparent that the community doesn't know about it. And I, I appreciate the efforts made to make it known. And I'm, I'm suggesting that perhaps there be a little bit of job owning, communication by the members of the Council to those who run the newspapers saying, look we want your civic participation in getting these things known to the public. And that's the constructive solution on, on how these things can happen. Doing it just from your end apparently isn't satisfactory, uh, they, 'cause the newspapers not cooperating. So maybe we need to put a little pressure on the newspapers to be more cooperative in getting the information out because I think it's really to everyone's benefit to have the maximum participation of the public possible. So that's my suggestion with respect to that. And I, I hope none of you took it personally that we were, that

anyone's blaming you for not, you know, get, trying to get the word out. We know you're trying to. It just wasn't successful.

This is a difficult situation because there's no question that the Prince Hotel is a wonderful institution. The employees love it. I love to go there to eat sushi. It's a great place. That, that's not the question. The question is--and, and not to whether Makena Resort Corp. should be allowed to do something with this land out there. That's not the question either. The question is what to do with the land. And the other question is timing. There's a, there's a great Buddhist saying, time doesn't exist, but timing is quite crucial. And, and here we have a situation where our traffic and our water have had a timing issue. They're critical issues and we need some solid answers before making enormously impactful decisions, like going forward on a project of this size. And things are in process right now. We're, we're looking at the water. We're looking at the traffic. There's some confusion as to what's suppose to happen to the Piilani Highway. Uh . . . I, I heard a couple of weeks ago at this, at the Wailea 670 workshop that they were, they were going to widen the Piilani all the way to the end and not just stop at, at, uh . . . at Kilohana. But then I hear from our representative of the Traffic Department, uh, well, she didn't hear that. She heard still stopping at Kilohana. So all of a sudden we have a bottleneck again.

I've read the reports, the traffic studies done last year that, uh, that predicted that even without the Makena and the Wailea Resort developments, they anticipate a 42 percent increase in traffic burden on the Piilani Highway in the next 10 to 15 years. So widening it by restriping may perhaps take care of and maybe not take care of existing problems, but it's not designed to take care of the future problems nor is it designed to handle the, the increased load of several thousand more units going on at the far end. So you need to be making, you need to be making planning decisions here. This is a zoning hearing and you have to decide, is this the proper zoning? Do we want more high-end housing? I understand from talking with Roy that it's, it's not, no longer a 500-unit hotel. They've scaled it down now to perhaps a hundred time-share units. Again, is that the best use for the community? Is that the best way to utilize this land? These are the kinds of, of decisions that you need to be making and going forward here.

Uh . . . con . . . conforming with the, with the Community Plan, we do have a community plan. It was enacted in law in 1998. And it says that there shall be no developments south of Kilohana or at the end of the Piilani Highway until the Piilani is built-out to a four-lane, full status, and the, and the Mokulele is built-out to a four-lane. So if the community has spoken, its given guidance as to what it wants before we go further there. So I think we have timing issues. When the discussion is, well, it will have



built-out over 10, 15, or 20 years, um, that's how long it will take to completion, but when it starts, you have construction traffic and that starts from day one all the way through. So we're gonna have dramatic impacts by these developments and I think we need to seriously consider how to, how to manage these impacts--I know, I'll stop in just a second, thanks--how to manage these impacts and, and, and one way to manage it is to choose what you're gonna permit to be here when and how. What kind of conditions you'll place on it and, and how you'll structure it in a way that serves the community. I think Dave did an excellent job of presenting some of the community issues that need to be taken into consideration and I think that, uh, if you add those into your considerations, you'll be serving the community well. Thanks very much. I appreciate the opportunity to come back and speak.

CHAIR ARAKAWA: Okay. Any quick questions for Ron? Okay, if not, Buck, I'm gonna allow you a few minutes to complete out your testimony. And you realize you had that option to come back and complete out your testimony, which is why it's a little bit on the irritating side when you don't take that break.

MR. JOINER: Thank you so much, Alan. Okay, now what I wanted to suggest was, um . . . since there has been some concern about the notification of this meeting, how about if we look at a new way of doing it. I receive Council notices for, uh, for the Council and for a couple of the committees, but not for all of them because it's just too much. I do receive the public announcements that, um, by the Internet, on e-mail. And I would like to suggest that we do something else, maybe set up, uh, for those of us who are active in the community. I want to know every time you guys are coming down here to my community. I don't necessarily follow each committee, okay. But if a particular committee is coming to my community, then I wanna know about it. So could we set up an e-mail list through Council Services that notifies people in that community of a meeting whether you were on their list for the particular notice or not and do it by e-mail? Okay, cost you nothing. I just, I just offer that as a suggestion. It's not a committee thing. It's more a Council Services thing, but, uh--

CHAIR ARAKAWA: Okay, Buck?

MR. JOINER: --let's use those, those opportunities to communicate.

CHAIR ARAKAWA: Okay. We do have an e-mail that anyone can access. [County.Council@Co.Maui.Hawaii.HI.US](mailto:County.Council@Co.Maui.Hawaii.HI.US). That will give you access to all of the--

MR. JOINER: Yeah.

CHAIR ARAKAWA: --the, the, the meeting notices. So if you want, you can get, of access to it that way. If you want to be noticed, we also let people get on our list and we notify them. So there's a multitude of ways that you can get noticed, okay.

MR. JOINER: Yeah. Yeah, thank you.

CHAIR ARAKAWA: And, um . . . while, you know, we try to do the best that we can, it's, it's obvious that we can't do everything to everybody and do everything, where every single person is considered for every little thing. So we'll try to do the best we can. We may try and see if we can flag it so that if we're going to a particular community, those people are noticed that we are coming to the community. So we'll take that suggestion to heart.

MR. JOINER: Thank you.

CHAIR ARAKAWA: Okay. And again, I'll apologize, but we did try. Okay, Buck, we have a question, um . . . from Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you for being here tonight, Mr. Joiner. In your prior testimony, you mentioned benefits for the public from the development. Can you elaborate on that a little bit?

MR. JOINER: Okay, one of the things that--I haven't been following the, the Makena total build-out as much as I, I should have, perhaps. But in, in Wailea 670, we were talking about that one. Originally, we were talking about providing park facilities within that development for the public. And then as that came along, then the developer said, we don't want them in here. So we're just gonna, you know, we'll just move all of that and, and we'll make some contribution to parks and they can do something somewhere else, but we don't want those common people in our development. And what I am saying is that in these developments, I don't want to see this, them and us kind of a thing. I don't like gated communities. I, I, I, want to see--

CHAIR ARAKAWA: Buck, Buck, the question--

MR. JOINER: --them (inaudible). So I want to see the parks that are available for the people in the new communities, okay, those kinds of things, bike paths that are accessible to those of us that don't live in that community.

COUNCILMEMBER MOLINA: Okay, thank you.

CHAIR ARAKAWA: Mike, is that answering your question?

COUNCILMEMBER MOLINA: That's all I have. Thank you.

CHAIR ARAKAWA: Oh, okay. Thank you, Buck. Okay. Thanks, Adele. She's just reading me the notice in Sunday's paper about this meeting. But I don't think that's relevant to what we're trying to do. If people didn't read it and didn't have the ability to really know what is there even though the notice was there, it's not quite adequate 'cause we did write specific articles for this meeting. And I will tell you *Maui News* has been very good about publishing the articles noticing meetings. So this is just something that was probably an oversight. So it's not normal. Okay. At this time, um, that was our last testifier. We have--Glenn, do you have something wrong with your arm or you have somebody that wants to testify?

MR. SHEPHERD: (spoke from the audience - inaudible)

CHAIR ARAKAWA: Glenn, let me run my own meeting. When we are ready for David Craddick, we will have David Craddick before us. He did not sign up to testify, but he will be asked to give testimony. So . . .

MR. SHEPHERD: Very good. I wanna pass on one particular thought having to do with the aquifers. As a geologist--

CHAIR ARAKAWA: Glenn?

MR. SHEPHERD: Uh . . .

CHAIR ARAKAWA: Wait just a couple seconds.

MR. SHEPHERD: Seconds.

CHAIR ARAKAWA: In order to do this, I'd like to ask permission from the Council to make an exception to our normal rule even though we're pretty much done with testimony and Glenn has testified to allow him to make his last point. Any objections?

?: No objection.

CHAIR ARAKAWA: Okay, um . . . let's take it to a vote. Those of us, those in favor of allowing Glenn to speak, please say aye.

?: Aye.

CHAIR ARAKAWA: Those opposed?

?: No.

CHAIR ARAKAWA: We have three noes. Okay. So . . .

MR. SHEPHERD: (inaudible)

CHAIR ARAKAWA: Okay. Sorry about that, Glenn. Okay, we have, um, I'm gonna close testimony at this point since nobody else is expressing an intent to testify. And as part of our agenda, Council members, in doing the, um . . . the study for this, this project and any other project, we're trying to work on the process. I did submit to the departments a list of questions and, um . . . we'll be going over some of those because there were questions, some of them from you and some of them from myself. So we'll be going over those questions so that we can get that information out. Understand that what I'm trying to do also, and I'm asking all of you to help me with this, is to try and create a list of questions and we can ask every development group so that we **(change of tape)** for instance on water, will give us that information on water basically for every project in this area, in the aquifer area. The information on road and how we're going to be working with the roads, will give us that information pretty much universally. Those types of questions are universal questions that we need to look at from a planning perspective, that's what I'm trying to get to so we have that information so that we can use that information for our decision-making on individual items.

COUNCILMEMBER TAVARES: Mr. Chairman?

CHAIR ARAKAWA: Yes, Charmaine?

COUNCILMEMBER TAVARES: Can we have a thirty-second recess?

CHAIR ARAKAWA: Okay, thirty-second recess.

**RECESS: 7:46 p.m.**  
**RECONVENE: 7:47 p.m.**

CHAIR ARAKAWA: Okay, I'm gonna call the meeting back to order. In your binders you will find that there is a, um . . . August 1, 2001, transmittal to the Administration and to Mr. Min. In that transmittal starting on Page 2, there are a list of 28 questions that I submitted for the departments, which is a accumulation of some of your requests, requests for answers from the public and from our office. It's, um . . . about this far from the back. David, perhaps you can help the Council members find the page. Okay, and what I'll be doing is I'll be reading the question and then will be referring to the answers. We actually got answers to most of the questions in one form or another. Now understand that in doing what we're doing to try and bring a real, uh . . . meaning to what we're asking

the department and as to how it relates to actual life in the communities, we're, we're trying to get more realistic in the questions and in the sense of how we plan our communities and what we can expect in our communities. So . . . if everybody has that now, the first question that we asked were, how many vehicles can Piilani Highway accommodate without (a) a minute delay (b) three-minute delays (c) five-minute delays? Public Works has sent replies and you will see that their, their written replies are in the binder as well. But I'm gonna let each of the departments go through their explanations as to what they said to us. So . . . Public Works if you would respond to your answers for the question . . . whichever one of you wants to respond to it. Okay.

MR. NAGAMINE: The response is pretty much written out. Is there any questions relative to the response?

CHAIR ARAKAWA: Excuse me?

MR. NAGAMINE: Are there any questions relative to the response that would--

CHAIR ARAKAWA: Why don't go over your response.

MR. NAGAMINE: (inaudible).

CHAIR ARAKAWA: You, well, the response from, for this question is on Page 2 of the August 10<sup>th</sup> memo. Okay. And basically what the--

?: (inaudible)

MS. SHIBUYA: What I'll do is I'll just go over the general response. Is that what you want?

CHAIR ARAKAWA: Yes, go over the general responses. For questions 1 and 2 you've sort of combined the response.

MS. SHIBUYA: Yeah, actually 1 and 2 is sort of combined. Basically, we answered it in general terms on--right now the current demand is, you know, approximately 1200 vehicles per hour per lane at the worst sections on Piilani Highway. And right now there's queues. You know, everybody knows there's queues right now or backups. And on South Kihei Road itself is, you know, at the peak is about 600 veh . . . vehicles per hour per lane. And it's pretty obvious that vehicles in excess of these amounts, you know, will cause longer queues. Normally, we couldn't answer this question in terms of the one-minute, three-minute, and five-minute delays. Normally, we measure, you know, highway capacity in terms of Level of Service, A through F. And on the sheet it kinda, you know, generally describes what Level of Service, "F," A through . . . A, B, C, D, all the way

down to "F" is. And basically "A" is your highest level, which is, you know, uncongested, and the vehicles will be able to clear. If it was at an signalized intersection meaning it will clear within one cycle all the way down to "F," which is pretty much congestion, total breakdown with stop, stop and go operation. You know, basically as improvements are proposed, you know, a . . . along the roadways we require Traffic Impact Analyses, you know, to normally assess the impact of a project in terms of level of service with or without the project. You know, the traffic volumes and patterns change over time, so . . .

CHAIR ARAKAWA: Charlene, Charlene, let me . . .

MS. SHIBUYA: Oh, you wanted a--

CHAIR ARAKAWA: Um, wait, wait . . .

MS. SHIBUYA: --briefer summary?

CHAIR ARAKAWA: No, I'm just gonna go over the question so that everybody who is listening to this can understand what you're responding to exactly.

MS. SHIBUYA: Okay, and, and I'm sorry, I guess not, not everybody is familiar with the questions and so . . .

CHAIR ARAKAWA: Right. And, well, the audience here doesn't have the questions. So, um . . . the question that she's responding to is also how many vehicles can South Kihei Road accommodate without the delays? So she's going over the answers to that. And basically, what we're trying to find out is, on South Kihei Road we're having difficulty right now. And what we're asking the department to come up with is, you know, what are the capacities when we start getting the delays and what is the effect gonna be when we start going to the four lanes. So this will, we're clearing it out.

MS. SHIBUYA: Yeah, one . . . well, I guess similarly what I described on Piilani Highway, South Kihei Road, you know, it's pretty much carrying about 600 vehicles per hour per lane and everybody experiences queues right now. So, you know, anything more than that would result in further backups, you know, if, if that's what you meant.

CHAIR ARAKAWA: Right.

MS. SHIBUYA: Is that what your question . . . is? So, in, in terms of congestion, and from what I hear, it's pretty much, you know, everybody feels it, it's pretty much at capacity. You know, although you could tolerate more, but

in terms of Level of Service, you know, the people wouldn't be happy with anything worse than, you know, what you're experiencing today.

CHAIR ARAKAWA: Right. So at this point, with what we have at Piilani Highway right now, we're pretty much max . . . maximum at the 600--

MS. SHIBUYA: Well, well for South Kihei Road?

CHAIR ARAKAWA: --at (inaudible)

MS. SHIBUYA: We're, what, you know, and I'm, I'm not saying it's maximum. You could handle a lot more, but at a poorer level of service.

CHAIR ARAKAWA: Service.

MS. SHIBUYA: You know, meaning you would have longer queues, longer delays.

CHAIR ARAKAWA: Okay, so, free-flowing and traffic without the delays at this point, we're pretty much at that state, any more traffic on that will cause longer delays.

MS. SHIBUYA: Yes.

CHAIR ARAKAWA: The expanse of Piilani Highway, expansion, two, three, or four lanes, um . . . well, each lane will create more capacity, which will be accumulative to about 600 cars.

MS. SHIBUYA: For South Kihei Road. For Piilani Highway, it's, it's, uh . . .

CHAIR ARAKAWA: (inaudible)

MS. SHIBUYA: . . . higher number because of the type of roadway.

CHAIR ARAKAWA: Okay, please explain that?

MS. SHIBUYA: Yeah, it's a higher-level type of roadway. You know, it, it has, you know, 12-foot lanes. It's, um, higher speed. The spacing of intersections are further. They don't have direct driveway connections. You know, you don't have all that friction. Whereas South Kihei Road, it's pretty much, um . . . you got many driveway connections. You got a lot of side roads. You got parking. You know, you got all that friction. That's why there's a difference between the two, two roadways, the numbers that we mentioned.

CHAIR ARAKAWA: Okay. The, um . . . Jo Anne, the, the question is at this point, from your testimony what is the current LOS for the corridor on an average?

MS. SHIBUYA: Um . . . well, what, uh, from the studies that we've looked at, uh, it's pretty much operating at Level of Service "D."

CHAIR ARAKAWA: D.

MS. SHIBUYA: Yes.

CHAIR ARAKAWA: Okay. That answer the question, Jo Anne?

COUNCILMEMBER JOHNSON: Charlene, because . . . all this transportation plan says basically that our goal is to operate at Level of Service "C," and we're operating at "D" now. If we add additional vehicles onto that roadway as it exists now, will we go to "E" in our likelihood or would we go to "F?"

MS. SHIBUYA: Um . . . I cannot tell you, you know, at the exact point that it would get to Level of Service "E," but of course, eventually, yes, it, it will without any further improvements.

CHAIR ARAKAWA: Okay. And two questions from now . . . oh, we'll be getting the answer to the timetable in the expansions, okay. Question No. 3, how much does each traffic light delay or expedite traffic along Piilani Highway and South Kihei Road?

MS. SHIBUYA: That, that question also, we couldn't put an exact number in each intersection 'cause each intersection has it's own timing and it's, it, the, the, the cycles really depend on how many vehicles arrive, you know, at the intersection each time. So . . . it was kind of, as I said it was difficult 'cause you have, you know, like you have a number of signalized intersections along the entire roadway. You know, you probably would think about maybe travel time or, you know, travel time delays from one end to the other if, if that, if you're interested in that, you know, we kind of have some estimates on what's the travel time across Piilani Highway, you know, during the off peak hours and during the peak hours.

CHAIR ARAKAWA: Okay. As, as all of you can see what we're trying to do is we're trying to get some real data and real information. So this is kind of a learning for me as the Chair as well as for the departments as how we wanna try and get answers in the community. The real responses, what will happen is, if we can get this thing narrowed down, we'll actually be able to understand just what the time delays are gonna be in the future. And again, this is sort of experimental at this point and we will refine our



questions. The fourth question, what is the realistic timetable for the expansion, widening of Piilani Highway? And any, any other necessary high improvements that may mitigate, increase traffic arising from the development . . . or highway improvement, excuse me. That's No. 4.

MS. SHIBUYA: Yeah, so basically it's approximately three years as the State DOT had stated. The improvements are, you know, really not just restriping the entire roadway. You're, you're talking about an improvement that'll go across 7 miles of Piilani Highway and you actually have to remove physical barriers at the signalized intersections. And you're looking at forking intersections and seven of 'em are signalized. Uh, also to really do the design modifications to really work well, you have to look at the, you know, the drainage features, the bridges, the swells, and also the roadway structure in the shoulders, it has to be checked for, you know, adequacy as far, as far as carrying of regular high volumes of traffic 'cause right now it's just designed as a shoulder for periodic stopping or emergency stopping.

CHAIR ARAKAWA: Okay. So basically your answer to that question where it refers to the, to this committee, it's gonna take about three years for Piilani Highway to be complete so that the improvements are there. And the improvements are not just necessarily just the restriping, but also wider as necessary to make it work. Okay.

COUNCILMEMBER NISHIKI: Question, Mr. Chairman?

CHAIR ARAKAWA: Question, Wayne.

COUNCILMEMBER NISHIKI: Charlene, that, that question asks about the expansion and widening, can you tell us to what point on Piilani Highway and how many lanes you are actually describing when you say three years?

MS. SHIBUYA: Uh, the, you know, the initial description lane had, from DOT was, you know, basically they were gonna take it from, uh, that, the beginning of Piilani Highway to Kilohana . . . Kilohana Drive.

COUNCILMEMBER NISHIKI: Okay, so . . .

MS. SHIBUYA: And that's 7 miles.

COUNCILMEMBER NISHIKI: Yeah, we're not talking Kilohana and beyond.

MS. SHIBUYA: Um . . .

COUNCILMEMBER NISHIKI: In other words, . . .

MS. SHIBUYA: Yes, as, as far as I know. But I, I would imagine DOT, you know, would be considering it if, if they deem it's warranted to go beyond Kilohana.

COUNCILMEMBER NISHIKI: And if we were to go beyond Kilohana, which I know that this is what we envision when the Community Plan talks about the highway being four lanes, we're talking about farther towards Makena. How much more time would you envision it would take to go four lanes all the way out to . . .

CHAIR ARAKAWA: Okay, Wayne.

COUNCILMEMBER NISHIKI: . . . past . . .

CHAIR ARAKAWA: Wayne, in Question 5(a), which is right next, the question is . . . how will the projected build-out at the Makena Resort Master Plan effect the following infra . . . infrastructure components through South Maui? And that's, traffic congestion is one so that would be the, part of the build-out to that . . . project.

COUNCILMEMBER NISHIKI: Yeah, Mr. Chairman?

CHAIR ARAKAWA: Go, go ahead.

COUNCILMEMBER NISHIKI: Charlene, how much more time would it go from Kilohana past on Piilani?

MS. SHIBUYA: You mean at what point you think, well, we think the four lanes would be warranted beyond that point?

COUNCILMEMBER NISHIKI: Through the Makena development?

MS. SHIBUYA: Well . . . you know, in looking at the Increment 1 units, you know, we feel that the, the proposed interim improvements for four lanes up to Kilohana would be able to support the Increment, you know, 1 proposal. Of course, the ultimate build-out, it, it, it really depends on the time framing as far as, you know, what real point does that ultimate build-out gets before you need that four lanes beyond Kilohana.

CHAIR ARAKAWA: And . . .

MS. SHIBUYA: Does that, does that answer your question?

CHAIR ARAKAWA: And then the written, Wayne, is 2010 for the first build-out and 2030 for the second phase. That's how they've answered it.

MS. SHIBUYA: Yes, it's, it's difficult for me to tell you, you know, how many years un . . . unless, you know . . . we knew exactly how many units were gonna be added to that area. And of course, you know, there may be other developments also. And it depends on the timing.

COUNCILMEMBER NISHIKI: Mr. Chairman?

CHAIR ARAKAWA: Yes.

COUNCILMEMBER NISHIKI: Yeah, I, I think, Charlene, and we're not just talking about this specific development, we're also taking into consideration, as we've been told by Planning Department, there are other SMA's that have already been approved, up to 1100 units that are not even on physical dirt right now that has been approved. So, um, we don't--I mean this committee is aware and we don't want to put anybody else in illusion that this is not the only impact that's going to impact the highway.

CHAIR ARAKAWA: Okay, is there any, Char . . . Charlene, can you guys answer Wayne's question more specifically? In the area after Kilohana to the resort, um . . . con . . . considering what is there right now, uh, you're projecting that 20 . . . 2010 that road will be sufficient for Phase 1, 2030, uh, for Phase 2. At what point do you think we're going to need to expand that roadway? And if we have to expand that roadway, if there are other projects that come on that are already, um . . . in the process, at what point do you think we're gonna have to expand the roadway?

MS. SHIBUYA: Um . . . well, you know, let, let me kind of back up a little bit. You know, back in, I guess the late 80's when the Kihei Traffic Master Plan was done as well as when it was updated in 1996, uh, you know, really the master plan only calls for widening up to Kilohana. Um, so, you know, actually based on the master plan, you know, it's saying that, you know, according to the Community Plan build-out, that four lanes up to Kilohana, you know, is supposedly enough. But actually, you know, the master plan only goes to 20 . . . it doesn't go to 2030. So, you know, I really think it needs to be rechecked and I cannot, and I cannot really answer specifically, you know, at what year it's gonna carry it over to go beyond Kilohana, the four-lane requirement.

CHAIR ARAKAWA: But, but everything that is in the plan to this point that was passed, the projection is that, um . . . this, the roadway can't handle it, that is what--

MS. SHIBUYA: As far as the master plans.

CHAIR ARAKAWA: --as far as the master plan . . .

MS. SHIBUYA: That . . .

CHAIR ARAKAWA: . . . what is in our community plan?

MS. SHIBUYA: Yeah, as far as what the master plans have, you know, documented so far as far as full . . . full build-out for whatever was planned in the Community Plan.

CHAIR ARAKAWA: Okay, Wayne. Wayne, does that answer your question . . . on the roadway?

COUNCILMEMBER NISHIKI: No. Charlene, I wanna . . . read explicitly from the Community Plan because I think that you as well as . . . the Council is concerned about following what the Community Plan reads. And in the Community Plan, the language that Ron Sturtz used says this, and I'm gonna read directly from the Goals & Objectives. The goal says allow no development for which infrastructure may not be available concurrent with the developments impacts. Under the Goals & Objectives, it says (b) undertake transportation system improvements concurrently with planned growth of the Kihei/Makena region. Require adequate interregional highway capacity, including the widening of Piilani and Mokulele to four lanes, prior to the construction of major projects south of Kilohana or mauka of Piilani Highway.

MS. SHIBUYA: Okay.

COUNCILMEMBER NISHIKI: It says four lanes going south of Kilohana or mauka of Piilani Highway.

CHAIR ARAKAWA: We'll, we'll take it in segments, Wayne. The road, the roadway from the project to Kilohana, the department is taking the position that that would be adequate according to the Community Plan. The concurrence issue for the rest of it, Piilani and Honoapiilani Highway, is something that we have to discuss. The department has point it out that we're at capacity right now. Basically, we're hitting that--I shouldn't say capacity, excuse me, we're at the point where it, uh, lower, it's a lower level without the expansion and we're at that, sort of danger point right now from what the Community Plan is requesting us to be at versus what the reality is. And the other highway, we haven't, at this point gotten to a four-lane configuration. So that's where we're at right now. Okay. So from the highway perspective on this, um . . . that's what, that's what you're reporting back. The Council has to make a decision as to how, how it's going to respect the Community Plan and to what the requirements are gonna be if we're gonna be concurrent or not. That's part of what our

decision is gonna be. And it's obvious that at this point today, both of those are, the four-lane widenings are in process, but they're not complete. So the timetable for the four-lane highway improvements, we're looking at Piilani, three years roughly. And Honoapiilani, do we have a timetable?

MS. SHIBUYA: Yes, you mean the interim four-lane improvements.

CHAIR ARAKAWA: The interlane [*sic*], four-lane improvements

MS. SHIBUYA: Interim.

CHAIR ARAKAWA: Three years.

MS. SHIBUYA: Three years.

CHAIR ARAKAWA: And the other highway, do we have a timetable because I know that, uh, Mr. Siarot, when he was here, was talking to us about that being one of the priorities in the State. Can you give us a timetable?

MS. SHIBUYA: You mean as far as the, the phase, the extension of Piilani Highway or just four-laning?

CHAIR ARAKAWA: No, from the end of Piilani Highway to Kahului, Mokulele Highway, excuse me.

MS. SHIBUYA: Oh, yeah, that's, that's the three years, right, you're talking about?

CHAIR ARAKAWA: So that is on the three-year? Piilani . . .

MS. SHIBUYA: Piilani Highway from Mokulele down to Kilohana, right?

CHAIR ARAKAWA: Kilohana, that's three years.

MS. SHIBUYA: That's three years.

CHAIR ARAKAWA: But . . . Mokulele Highway from Piilani to Kahului?

MS. SHIBUYA: Oh, you mean the, the schedule for DOT's--

CHAIR ARAKAWA: To go to four lanes from DOT.

MS. SHIBUYA: Yeah, right. I checked on DOT schedules, I couldn't see, I know they have a Phase 1, you know, widening from Piilani Highway going back towards Kahului. I couldn't--in looking at their schedules, you know, the

DOT schedule, I couldn't figure out exactly where they are at, but I know the design plans have been done 'cause it was prepared back in 1999. But I cannot give you a specific schedule 'cause I wasn't able to get it on such short notice.

CHAIR ARAKAWA: Okay. Wayne . . . that, the answer is that they don't know--

MS. SHIBUYA: We, you haven't, it, it's, uh . . .

CHAIR ARAKAWA: --to (inaudible)

COUNCILMEMBER NISHIKI: (inaudible)

MS. SHIBUYA: Right, and it's from DOT, DOT's projects, they have Phase 1. I don't know if you recall last year they, they went through the SMA's for that Phase 1. And so . . .

CHAIR ARAKAWA: So . . .

MS. SHIBUYA: . . . but I cannot give you the, you know, specific month when it's gonna go out to bid 'cause I wasn't able to get that information on such short . . . short notice.

COUNCILMEMBER NISHIKI: No, that, that, that is fine, Charlene. I know that you don't know those answers, so that's fine. I mean if you don't know, you don't know and I appreciate your truthfulness. Thank you.

CHAIR ARAKAWA: Okay. So where were we? On, um, 5(b) water availability, the water supply, the Department of Water Supply has sent us a reply. Dave, would you go over that, your answer for that question?

MR. CRADDICK: Okay, the question is, how would the project build-out of Makena Resort Master Plan effect the following infrastructure component, the availability of potable water? And my answer is, the availability of potable water would be unaffected as the area is not over the recharge area of the potable water aquifer.

CHAIR ARAKAWA: Okay.

MR. CRADDICK: I, I do have a reformed question there, but if anybody wants to hear that, I can go over that.

CHAIR ARAKAWA: Okay. And, you know, we're, what I'm gonna, what I'm gonna do now, Dave, pretty much we're getting into your area, 5(b), 5(c), 6, 7, 8, 9, so try and go through those questions. I know that when I phrased the questions, they weren't, uh, phrased as well as they could be.

And I, you know, I, we talked about it and we made some adjustments to the questions. So please go through, explain what you're trying to explain as far as your answers and the water availability.

MR. CRADDICK: Okay. I, I reformed the question a little bit. And I said, how does the potable water demand for the projected build-out of Makena Resort Master Plan effect the potable water system infrastructure?

CHAIR ARAKAWA: Hold on two second, this is the, if you go a little bit further back, um . . . toward the back about four pages, we have the, um . . . answers from the Water Department. There's a whole series of 'em. Okay, starting at 5(b). Okay, it's the August 10<sup>th</sup> answers. August 10<sup>th</sup>, everybody at the . . . page? Okay, go ahead, Dave?

MR. CRADDICK: Okay, the estimated build-out requires about 1.7 million gallons a day. Now, Makena Resort has not resolved outstanding water development issues with the Water Department. Therefore, the exact extent of additional source required is unknown. The 1.7 million gallons a day represents about 5 percent of the transmission capacity and storage and distribution systems are being or have been provided by Makena Resort. The, Question No. 6--any questions on that or do you just want me to go through all of 'em first?

CHAIR ARAKAWA: Go head. Go through it.

MR. CRADDICK: Okay.

CHAIR ARAKAWA: If there's questions, Council members, raise your hands and I'll recognize you.

MR. CRADDICK: Okay.

CHAIR ARAKAWA: (inaudible)

MR. CRADDICK: Question No. 6, how much water is currently available throughout South Maui? The answer to this question is unknown to us, but may be available from the State Water Commission and the County Wastewater Division. A fairly safe answer is that available water is limited only by the ability to utilize the ocean.

CHAIR ARAKAWA: That's your way of saying desalinization?

MR. CRADDICK: Yes.

CHAIR ARAKAWA: Okay.

MR. CRADDICK: Anyways, I reformed the question a little bit. How much potable water is currently available to serve the Central Maui Water System, which also serves South Maui? To that I say, all basal and some high-level water aquifers less what is currently being used are available to serve the central system. Now, also a little more enlightenment on this, I, I asked the question, within currently approved funding, how much potable water is developed or planned for development that can be, that can economically serve the Central Maui Water System? And to that I say, lao, North Waihee, Paia, and Haiku aquifers are currently developed or planned for development that will serve the system. These aquifers have a currently estimated sustainable yield totaling 67 million gallons a day. Funding is available or has been used to develop lao to its full extent and current funding is sufficient to fully develop North Waihee. Portions of Paia aquifer have been developed and funding is available to complete this subject to completion of the supplemental EIS. Development of the Haiku aquifer is also subject to the same supplemental EIS restrictions and funding is available to develop source only at this time.

Question No. 7, what are the available sources of water for South Maui? To that, my, my answer is groundwater, which includes basal and high-level tunnel water, reclaimed water, ocean water, and service water are available water sources for South Maui. And . . . I've reformed that question a little bit. What are the--and these questions reformed were reformed with a discussion with Alan. So they're not just me asking questions to myself. What are the developed potable water sources currently being used in the Central Maui Water System? And to that, the answer is the high-level lao, high-level tunnel, and basal water aquifers and the North Waihee basal aquifer are currently being used as potable water sources for Central Maui Water System. Now, what are the limitations of each identified source? Limitations are cost to develop and deliver interactions between ground and service water and current or committed demand.

The . . . 9<sup>th</sup> question, for each identified water source, what is the gross production? And I, I didn't understand that question, so I couldn't answer that at all, but I reformed the question. What is the installed pump capacity for basal and high-level pump groundwater sources and what is the capacity of the high, uh . . . high-level pump groundwater sources and what is the level, capacity of the high-level tunnel sources? For lao, the installed groundwater pump capacity is 36.2 million gallons a day. One additional well is drilled with pump not installed. The capacity of this well is 2 million gallons a day. Also one of the sources is on loan from Hawaii Land & Farming with the capacity of 5 million gallons a day. That's Wailuku Shaft. For North Waihee, the installed groundwater pump capacity is 6.3 million gallons a day with one additional well drilled with pump not installed and a capacity of 1.7 million gallons a day. For the lao,



lao high-level tunnel source, the capacity is between 1½ and 2½ million gallons a day depending on rainfall. The total of these sources is 42 or 48.2 million gallons a day if we use 2 as the number available from the high-level source. That's an average between the two numbers I gave.

Now, there's a "b" portion of that. What is the net available after discounting? And to that I answer, what is unused and uncommitted from currently developed potable water sources that currently are serving the Central Maui Water System. And by our standards, 22.29 million gallons a day is developed and available subject to installation of the two pumps. Current water reservations total about 80 . . . or 80,000 gallons a day, which is .08 million gallons a day. Currently, 22.67 million gallons a day is in use or under reservation.

And in the next question there it asks, what does sustainable yield of the current available aquifers are? And that's 30 million gallons a day. So what I'm doing is, I'm taking the demand from the, those aquifers, what they can produce. Anyways, if we minus this current usage from the sustainable yield below, we are left with 7.3 million gallons a day to deliver. About 7 percent of existing issued meters are unused, are using less than 1,000 gallons per billing cycle or in my estimate they're not being used. These meters have used, we estimate would use about 700,000 gallons a day or .07 million gallons. Discounting to keep the aquifer at 90 percent of sustainable yield and allowing for the unused meter, we still have about 3.6 million gallons to deliver. We are currently increasing usage about half a million gallons a day. So the unused water will allow seven years of continued growth at the current pace.

Question No. 10, how much water can the aquifer produce? And the, uh . . . aquifers that I'm talking about are in No. 7 above, which is the groundwater and, uh, or basal water and high-level water in lao and North Waihee. The sustainable yield of the aquifers listed can produce 30 million gallons a day before water from other sources, such as Haiku or Paia are needed.

Question No. 11, what are the threats to the aquifer? To that I answered, plants, animals, and rainfall patterns that could reduce the aquifer recharge are threats to the aquifers.

Question No. 12, what is being done to enhance and protect the aquifer? For lao, this question would have to be directed to Wailuku Agribusiness. For North Waihee, the Board of Water Supply is participating in the West Maui Mountains, uh . . . watershed partnership. And the partnership is looking at a number of watershed protection measures. The board has funded strategic fencing to keep feral animals from migrating. They've done, and basic plant studies and they regularly participate with the USGS

and the State to monitor Iao and North Waihee aquifer water levels, water quality, and rainfall levels. That's the information there.

CHAIR ARAKAWA: Thank you very much. Any questions for Dave on these questions? Jo Anne.

COUNCILMEMBER JOHNSON: Yes, David, one of the statements that you had made was that the, um . . . reserved water, when you're saying reserved specifically do you, what do you mean by that?

MR. CRADDICK: We have a development fee that people have to pay and if they're ready--the, the water that we sell is only available if we have already developed the water. And somebody can come in and pay the fee and reserve that water for a period of one year and two years by approval from the Water Board. So . . . that is the current level of reservation is 80,000 gallons expected demand of people that haven't taken meters.

COUNCILMEMBER JOHNSON: Okay. And then the other question that I have is, would overpumping also be a threat to the aquifer?

MR. CRADDICK: Um . . . it would if you did it. We don't intend to do it, so I don't see that as a threat.

COUNCILMEMBER JOHNSON: Okay, thank you.

CHAIR ARAKAWA: Any further questions?

COUNCILMEMBER NISHIKI: Yes.

CHAIR ARAKAWA: Okay, Wayne.

COUNCILMEMBER NISHIKI: Mr. Chairman?

CHAIR ARAKAWA: Yes, go ahead, Wayne.

COUNCILMEMBER NISHIKI: Yeah, David, in your answer to Question 6, the, the question was--it's on Page 2. Within currently approved funding, how much potable water is developed or planned for development that can economically serve the Central Maui Water System? Now, we know and you know as well that there are other developments that are also occurring, Wailuku, Kahului, as well as South Maui. Your answer says, portions of the Paia aquifer have been developed and funding is available to complete this subject . . . to completion of the supplemental EIS. Development of the Haiku aquifer is also subject to the same supplemental EIS restrictions and funding is available to develop source only at this time. Has the Water Board made that decision that water that

has been developed in Paia, should the supple . . . supplemental EIS be completed and the Haiku aquifer, should that supplemental EIS be developed, uh, finished and completed, has the Water Board made that decision that the water from there should be pumped to South Maui for new development rather than taking care of areas such as, Makawao, Haiku, Kula, that has been subject water restrictions to local people--not people that are going to come in--to local people that, as well as Kula farmers, that these people should not enjoy the first priority? So, I, I, I guess my question is, are we gonna take care of possible newcomers rather than take care of the local people in Makawao and Haiku that have constantly--

CHAIR ARAKAWA: Okay, Wayne?

COUNCILMEMBER NISHIKI: --waited for water as well as those that have, are waiting on the water list to keep water?

CHAIR ARAKAWA: Wayne, I think that's an unfair question. You may ask Mr. Craddick what they're planning schedule is for Upcountry as well as the lao aquifer, how they're distributing their water. But I believe that, um, you cannot be trying to characterize this as everything as newcomers versus people that live here. So rephrase your question?

COUNCILMEMBER NISHIKI: Well, let me ask this question. Has the Water Board made a decision that that water should come to South Maui rather than go to people that are waiting on the list to get water Upcountry that are subject to water restrictions?

MR. CRADDICK: That, the plan currently does not have any booster pumps that would push it up the hill except for the Hamakuapoko Wells. Those currently are available to do that and I don't expect that those pipelines are gonna be ripped out or anything like that once that EIS is completed. So, um . . . I, I would expect those wells would be able to be used for Upcountry in, in the future as the EIS that was done says. Now, another thing that the board has done is, they have already started on another well for the Upcountry area. And with that well, I don't expect they'll stop there. Once that one's completed, I believe they would probably start on another one and, and take care of that situation.

COUNCILMEMBER NISHIKI: When is this supplemental EIS scheduled to be finished and approved? Because, don't you have challenges or law suits right now?

MR. CRADDICK: Well, the schedule for completing it is around January or February of next year. I imagine, um . . . there is some chance to

challenge it. So even though the board may approve it, it still could be challenged. And that's, that's all I can say there.

COUNCILMEMBER NISHIKI: Finally, we know that the water source may be developed, but how much will it cost the County of Maui to create the transmission lines to move the water from Haiku and Paia, should that occur, all the way down to South Maui?

MR. CRADDICK: When, when you say cost the County of Maui, um . . . from our development fee we cover what we can, what we can't the developer pays for it. So . . . if you say how much money is being pulled out of the economy, that project we expect will cost about \$60 million. But the County, I don't believe is gonna be paying one cent of that.

CHAIR ARAKAWA: Wayne.

COUNCILMEMBER NISHIKI: Mr. Chairman.

CHAIR ARAKAWA: (inaudible)

COUNCILMEMBER NISHIKI: Jonathan Starr is here and is a member of the Water Board. Would it be prudent for us to call him up for as, use as a resource in regards to--

CHAIR ARAKAWA: He, he has volunteered to be a resource, but he cannot . . . but, um . . . he has to clarify whether he's speaking as a member of the board or for the board. He is a resource person that you may use if you wish. But ask him specific questions pertaining to the topic. Jonathan, if you're going to reply, please qualify how you're speaking.

MR. STARR: Okay, uh, I'm Jonathan Starr and I--

CHAIR ARAKAWA: Wayne, your question?

MR. STARR: Yeah, go ahead, Wayne.

COUNCILMEMBER NISHIKI: Thank you. What is your knowledge in regards to the supplemental EIS? And is there any type of litigation that is occurring as we pursue the Paia and Haiku aquifers--

MR. STARR: Uh . . .

COUNCILMEMBER NISHIKI: --in development of these areas?

MR. STARR: Yes, um, the, the plan to develop East Maui Water was created over ten years ago and that, I believe it was--

CHAIR ARAKAWA: Jonathan, Jonathan?

MR. STARR: Yeah.

CHAIR ARAKAWA: When you give your testimony, we are discussing the Makena Resorts . . .

MR. STARR: Yeah.

CHAIR ARAKAWA: . . . it has to tie in directly with the water that's going to the, this resort area. (inaudible)

MR. STARR: Yeah, I understand that.

CHAIR ARAKAWA: Okay.

MR. STARR: And, uh . . . to answer the question about the, the East Maui--

CHAIR ARAKAWA: And, and . . .

MR. STARR: --which . . .

CHAIR ARAKAWA: . . . and, um . . .

MR. STARR: Yeah?

CHAIR ARAKAWA: . . . you have to qualify whether you're speaking for yourself or for the board.

MR. STARR: Yeah, um, I'm speaking as a Water Board member. You know, I'm not speaking for the board. I'm speaking as a member of the board. And the East Maui Water Development Plan called for a large amount of water to be taken from East Maui. The wells would be drilled and that that water would be transmitted to the Central and South Maui system. That plan was created about ten years ago and there was an EIS for it, which was ruled insufficient by the courts. So the, the courts prevented any of that water from being used or from wells additional to the two that had been drilled long ago to be drilled. The two wells that have been drilled, we are not allowed to use that for bringing water to the Central or South Maui system. It's, we are working on a supplemental EIS and it's possible that the, the courts may review that and allow the East Maui Plant to go ahead based on a supplemental E . . . EIS. This could possibly happen early next year, but it has been ten years and so far we've not had any real

progress. So theoretically, it could be another 10 or 20 year **(change of tape)** and until it's (pause) not legal for us to use that water in terms of something we're planning toward, that we can't take that into account in our planning until the court approves the EIS. So right now, I do not feel that that water should be taken into the equation.

CHAIR ARAKAWA: Wayne, does that answer your question?

COUNCILMEMBER NISHIKI: Yeah, I'm done.

CHAIR ARAKAWA: Okay. Thank you very much. Any other questions for David? At this point, just to summarize what David is saying is that, uh, from the lao aquifer area, excluding the Paia/Haiku sources, there's about 3 point, what was it 3.7, Dave, that's, will be available? Dain, you have a question?

COUNCILMEMBER KANE: Yeah, Mr. Chairman, actually the question is for you because throughout the questions that you asked, they were rephrased.

CHAIR ARAKAWA: Yes.

COUNCILMEMBER KANE: And I'm not sure that the rephrased questions are representing what your intention was. As an example, No. 9, for each identified water source, your question was, what is the true gross production? And it was re . . . rephrased to talk about installed pump capacity. And I'm trying to . . . understand, are we on the same page with the revised questions versus the intent of your question?

CHAIR ARAKAWA: Okay. I am comfortable with what David has reported out because we had discussions about this. Understand that this is an attempt to try and get to what the reality of the situation is, what the availability is, and what we're dealing with. So, um, as this is an attempt, I welcome anybody to come in and try and phrase the questions properly so we'll get to the information we really want. Now, what I wanted to find out, why I'm asking this question is, what is it that we really have left that's available? And, you know, after you, after you take out all of the things that are allocated, if you take out all of the things that could subtract from the total amount of water that's available, what do we really have left. That was the intent of where I was going. What David has answered to this point is, what the, the well capacities are. He believes that the, the sustainable yield is and what he believes the amount that's left over is.

COUNCILMEMBER KANE: Mr. Chairman?

CHAIR ARAKAWA: Yes.

COUNCILMEMBER KANE: And if I may, I don't see what, what you just explained in the revised question because the revised question is, what is the installed pump capacity, which to me doesn't talk about the water source itself, it talks about what a pump can pump and not the water source itself.

CHAIR ARAKAWA: Right, well . . .

COUNCILMEMBER KANE: So . . .

CHAIR ARAKAWA: We--

COUNCILMEMBER KANE: So I, I don't understand how you can talk about what a capacity is for a pump and when you're talking about what's available in the ground, this pump capacity has nothing to do, there's no, there's no connection between what a pump can pump and what's in the ground.

CHAIR ARAKAWA: Well, that--

COUNCILMEMBER KANE: And so I don't see how this question that you asked connects in any way to what the revised question is in their answer that we got.

CHAIR ARAKAWA: Well, if, if I may explain. We can have water in the ground. If we don't have the pump capacity to take it out of the ground, it's not gonna do any good. Therefore, what Mr. Craddick is answering is what the pump capacity capability is as well as what the availability is. And that has to give. So he's explaining that there is a pump capacity to take the water up in each one of these sources as well as what the availability is. That as I understand the, the question as we discussed it and revised it.

COUNCILMEMBER KANE: So . . . and this is my final point and I'll let this go, Mr. Chair. But, so in other words, your question No. 9(a) what is the gross, true gross production? That question is the same question as in No. 6 . . . that talks about the lao aquifer at 20 million sustainable yield, in North Waihee at 8 million, Paia at 8 and Haiku at 31, is that what you're looking for?

CHAIR ARAKAWA: What I was looking for and trying to get is that I think what everybody is trying to understand, is what is the total water that we actually have access to that is real and how much of that water do we have in reserves that we can now have to commit? So the total, the totality of all the questions is built around trying to answer that basic premise. How much water do we really have to deal with that, that has not been allocated and whether or not we can produce that?

COUNCILMEMBER KANE: And that sustainable, and the sustainable yield figures that are being presented to us are based on what, from a hydrologist, from a study, from a series of studies?

CHAIR ARAKAWA: From what Mr. Craddick, who is the water expert representing the Water Department has been able to get to us as information. You can ask him on what he is basing his information. That's fair game. But I asked the department to come up with some answers and this is what was presented to me.

COUNCILMEMBER KANE: Okay, thank you. And so may I, I'll just ask . . .

CHAIR ARAKAWA: Please, ask your question.

COUNCILMEMBER KANE: Okay. Mr. Craddick, so the sustainable yield figures that you're providing to us in your revised question of No. 6, you talk about the sustainable yield, which I think everybody understands what that means, however, how are we arriving at these numbers? How can you justify these numbers?

MR. CRADDICK: Those are published numbers from the State Commission on Water Resource Management.

COUNCILMEMBER KANE: And, and how are those numbers arrived at? I mean, yes, they come from a place where they say, well, these are the numbers. Well . . . where are they getting those numbers?

MR. CRADDICK: Okay. It was done by a, with a study looking at what the rainfall is, what the runoff is, what the evaporation is, and how much water, surface water is taken out and other sources other than just runoff to the ocean. The net amount they figure goes down in the ground and out of that I think the USGS studies said about 34 million is recharging in lao and from that, I guess they figured the safe yield is about 20. The USGS didn't come up with that number. The recharge of the ground can change. The evaporation can change. The runoff can change. So there's no question, that number can change over time. And, but I've, uh, Alan asked the question, what are the threats to the aquifer there or discount, you know, what is the net available after discounting? So what I've done is I've taken 90 percent of those yields, discounted it by 10 percent to have some measure of safety in there and use that number.

CHAIR ARAKAWA: Does that answer your question, Dain?

COUNCILMEMBER KANE: Well, it went, it went beyond. So now that raises another question, but before I get to that question . . .



CHAIR ARAKAWA: Okay.

COUNCILMEMBER KANE: . . . the sustainable yield figures that are given to you by another agency, which is provided by somebody else, how recent are those numbers? When was, when are those numbers documented and provided to you?

MR. CRADDICK: There, it's done . . .

COUNCILMEMBER KANE: In other words, was it done back in 1990, 1998? When, when are those numbers?

MR. CRADDICK: I believe the numbers were done in the 80's.

COUNCILMEMBER KANE: Okay. The other question I have is, at the 90 percent, which you just responded in the tail end--this is gonna be my final question, Mr. Chair.

CHAIR ARAKAWA: (inaudible)

COUNCILMEMBER KANE: The 90 percent number, which you provided a 10 percent safety margin, are you also figuring that we look at 70 percent and can you describe that? Seventy percent is the number that we're not suppose to go over. So does this 90 percent represent that . . . that 70 percent figure as well?

MR. CRADDICK: I'm, I'm not sure what you're talking about?

COUNCILMEMBER KANE: I think if we have a designated number of sustainable yield, what is the mechanism which triggers, um . . . and I apologize, let me think this out. Because 70 percent of the sustainable yield represents what to you folks in regards to reporting or, or is, is that a particular number? And I'm sorry, I don't have my thoughts organized specifically on that, but can you help me on that, David?

MR. CRADDICK: There is a County ordinance that talks about the Council making some allocation once we hit 70 percent. I believe the Council's also been informed by the Water Commission that that ordinance is not legal. They, it's unenforceable, but I'll leave that up to you. You in, in essence do set the allocation when you go through this process and set the zoning. That is allocation for us.

COUNCILMEMBER KANE: Okay. Okay. Thank you, Mr. Chairman. I'm done.

CHAIR ARAKAWA: Okay. And again, you know, understand that this is something that I'm trying to do to make sure that all the information that

we need is there. The, the questions were asked at our last meeting concerning water and highways. So I wanted to make sure we had some of those answers tonight. Riki, you have a question?

COUNCILMEMBER HOKAMA: Okay, thank you. Mr. Craddick, you know, it's not an ordinance, it's a, you know, the, I think the provision that Mr. Kane was referring to is a requirement of our County Charter that the people of this, Maui demand of its government. And so it's not something of a whim of the Council that he's asking about the 70 percent allocation level. Well, anyway, my question to you is regarding the State Land Use Commission's Decision & Order dated May 7 of 1998. Have you already furnished the applicant a letter that he needs to submit to the State Land Use Commission confirming the availability of potable water?

MR. CRADDICK: Yes.

COUNCILMEMBER HOKAMA: So you're . . . so the answer--

MR. CRADDICK: I didn't, don't think it said potable water

COUNCILMEMBER HOKAMA: (inaudible)

MR. CRADDICK: I think it said availability of water.

COUNCILMEMBER HOKAMA: Not what the, not, and this is, I'm, I'm telling you what is in the, is in the written decision order by the State Land Use Commission, it says potable water. That's drinking water. And you've sent that to the applicant?

MR. CRADDICK: Yes.

COUNCILMEMBER HOKAMA: Okay, thank you very much.

CHAIR ARAKAWA: Okay. Thank you. Any, no further questions for David? Okay, Council members, you know, those are the main issues that I wanted to go over because they were the questions that were raised last time. As you can see, there are a lot of other questions that I've asked the different departments, but they really don't pertain to our meeting tonight, they're ideas on what kind of questions I would like to be able to see, uh . . . asked so that we have a comfort zone that we know in a particular community. And I would really appreciate it, um . . . if you all take a look at this when you have time, go through all of those particular areas to make sure that when we start doing a Land Use decision-making from, you know, for developments in the future, we would have all of these areas covered so we're comfortable with it. I'm not gonna go through any more of these because, again, I don't believe they pertain specifically to

what we're discussing tonight. They're more generic questions. Okay. In the decision-making for the future, if you have any additions that you want to make, to make sure that we're not missing any areas and we're sure what's happening within the areas, please forward them to our office so that we can include them.

Now in, if that's okay with you guys, is it, if there's any real deep desire to go over any one of the questions we can . . . or the areas. Okay, if not, um . . . we've come to sort of a critical point in our process. You know, this project has been going on for many, many years through the Community Plan process, several Community Plan processes. And we've had countless meetings on this issue. Now, we did have a mix-up, um . . . with the communication as far as this particular meeting. It would be, you know, the Chair was gonna entertain ideas and concepts as to how far you want to look at this project or whether you want to take it to a vote. Now, the last time we were gonna come, we were discussing this project, we were not in Kihei and we were, at that point that we were requested to come to Kihei, so we did not vote on the topic. But almost all the information that is here and all the answers to the questions that have been asked, the, the questions have been answered. And the, unless there is something specific that anyone has that, um, as far as a question in your mind to make a decision that has not been asked that needs to be answered, um, we are at that stage where we can take a vote or we can have a discussion and create another meeting, okay. But it'll be at the pleasure of this committee and the Chairman at this point, and we're really looking at, uh . . . whether or not the Council is ready to discuss taking an actual vote on this issue. My preference at this point would be that, uh . . . if you don't have anything pressing that you really need to have answered . . . I've personally been in on probably 20 meetings on this particular area, so I am ready to proceed, but I will again ask the Council members your opinions. And what we'll do is we'll go down the line whether you want to take an action.

COUNCILMEMBER NISHIKI: Mr. Chairman?

CHAIR ARAKAWA: Okay, proceed.

COUNCILMEMBER NISHIKI: Do you have a recommendation tonight?

CHAIR ARAKAWA: Do I have a recommendation?

COUNCILMEMBER NISHIKI: Yes.

CHAIR ARAKAWA: I am going to ask for a, a motion from the Committee if we're going to, in that direction, but I want, at this point, is if there are any questions that you have, you want to ask the applicant questions, the

applicant is here, you may ask him questions. But I wanna make sure everybody is satisfied that every question that you've asked at this point, has had an answer. So at this point, what I am doing is I'm asking you, you know, ask the questions, if there are, we'll get the answers. If there are further questions that need to be explored, that's fine. Um . . . but I am going to, my intent is to ask, after this committee is done asking its question, whether or not there is a recommendation for a motion, if there is no need to delay. So . . .

COUNCILMEMBER NISHIKI: So, so, I guess my question that I asked you is that your answer to me is that you don't have a recommendation?

CHAIR ARAKAWA: The Chair is not intending to make a recommendation, but rather is intending to ask for a motion if everybody is satisfied . . .

COUNCILMEMBER NISHIKI: Yeah.

CHAIR ARAKAWA: . . . that we're ready.

COUNCILMEMBER NISHIKI: Thank you. And, and, and, and, and I, I want to preface the statement tonight based on some of the concerns that have been raised in this evenings meeting.

CHAIR ARAKAWA: Okay.

COUNCILMEMBER NISHIKI: Um . . . you know . . .

CHAIR ARAKAWA: So . . . first, first of all, Wayne, I'm gonna ask, is there anybody that has a question that you want to ask of the applicant?

COUNCILMEMBER HOKAMA: I do.

CHAIR ARAKAWA: Okay. After we're done with asking, making sure where everybody is, has asked all the questions they want, then we'll go into a discussion as to whether or not to . . . take a vote. So do you have questions of the applicant? If not, Riki does.

COUNCILMEMBER NISHIKI: No.

CHAIR ARAKAWA: Okay, Riki.

COUNCILMEMBER HOKAMA: I would like to ask Mr. Figueiroa to come up if he would, please. Thanks for coming up, Roy. You know, one of the testifiers this evening, I think her name was Maile Luuwai, you know, had a concern about ocean or nearshore water quality. And one of the conditions that the Land Use Commission had added in their decision and

order, Roy, was Condition No. 10, which is that you will initiate and fund a ne . . . nearshore water quality monitoring program. Has that been initiated and can you give us a status at this time regarding the concern for waters around your property?

MR. FIGUEIROA: Yes, for the past several years, we have done, uh . . . had a consultant study the nearshore waters as for the water quality. And they do it every six months. And so that's been going on for the past several years. So, um, it, it, it, we are conforming to that requirement.

COUNCILMEMBER HOKAMA: Have you had evidence of a deterioration or a status quo or improvement of the conditions of the nearshore waters?

MR. FIGUEIROA: As far as I remember as . . . I think he used like a particular point near La Perouse as his base. And I think the water quality has not significantly changed through the years and using that as a, as a baseline for any adverse effect on the nearshore waters.

COUNCILMEMBER HOKAMA: Uh-huh. You know, as part of your program, Roy, you know, it states in this Land Use requirement that--and for the members, it's on Page 33 of the Standing Order from the State Land Use Commission--that you need to have participating with you, the State Department of Health, US Fish & Wildlife Service, the National Marine Fisheries, the State Division of Aquatic Resources of the Department of Land & Natural Resources. Have they indicated any concerns during this period of monitoring this water quality?

MR. FIGUEIROA: No, they have not. And I think in your, in the response, well, even the series of questions that Alan had that they, I believe I saw one response that showed that they didn't see adverse effects.

COUNCILMEMBER HOKAMA: Okay. How long do you need to provide this monitoring program? Throughout the life of the, the project, to maximum build-out, till 50 percent of units sold? Or what, what's your requirement there?

MR. FIGUEIROA: I believe we started this program even before it was required by the Land Use Commission. It's because we wanted to be able to see if there were adverse effects ourselves. So we see it as an ongoing program. We, we just keep on doing it to . . .

COUNCILMEMBER HOKAMA: Uh-huh.

MR. FIGUEIROA: . . . to monitor what we do on, on land.

COUNCILMEMBER HOKAMA: Now, the concern of the testifiers comments regarding the runoff, I guess after major rains and what not, uh . . . how much do you feel that can be attributed to your properties? Or has your property done efforts to mitigate sheet flow and ability of siltation into the shoreline?

MR. FIGUEIROA: Well, we believe that we, even through the golf course some people do think of development and the golf courses of development therefore, it has contributed to the silt runoff. We believe that it has helped to retain the soil. I know, I forget exactly what date it was we had, but even the Department of Public Works felt was like a hundred, a hundred year storm. In observing the water, the large amount of water that came from above the project, you know, it, it's something that is, is very difficult to control. We are looking at ways of mitigating that even though that water's coming from the mountain before it hits us. And we have engaged a consultant to design a retention basin next to the wastewater treatment plant. And that retention basement will be approximately 13 acres in size. So we are looking at the things that we could do even though, as I said, I don't feel that it has been the project itself that has contributed greatly to that runoff.

COUNCILMEMBER HOKAMA: Anyways, I appreciate your, your comments on that. You know, you, you've heard a lot of comments this evening regarding the concern and it's a valid concern--you know, even my community on Lanai has a major concern about potable water. And I think Mr. Kane brought up, uh . . . I was trying to make a distinction between what can be pumped and, and what is actual capacity of the watershed and, and the difference is that what can be pumped and transmitted to a user. What has your consultant informed you regarding the ability for you to develop more water for drinking purposes, potable requirements?

MR. FIGUEIROA: I think that's an area that people have confused us with another project, Wailea 670. We are not developing water in the Kamaole aquifer. That has been something that's been proposed by, I believe Wailea 670. We have developed brackish water use for our golf course. But, the, uh, and we've heard some people testify in fact that we're gonna develop water and then keep it for ourselves. And we've never proposed that. We've never thought of doing that on our property where brackish water is available though for the golf course.

COUNCILMEMBER HOKAMA: Alright, thank you for that clarification because I do believe, unfortunately, your project at times has been confused with another project that is, uh, at the beginning of the process and stage. Let me, let me change--I, I got two more areas that concerned me that I shared earlier in other committee meetings held by this Council. And that is in regards to, uh, the concerns that were shared by many people this

evening, which is and you drive through it everyday so you understand traffic. Uh, compared to Lanai, this is real bad. I came back from Philadelphia, I had to go through Honolulu, this is nothing. Okay. So it depends in relation what you're comparing it to. But nonetheless, a concern is a concern and you have realized that. Part of condition 12 of the State Land Use Commission is that by June 1, 2002, there needs to be a decision made on the amount of your share for regional and, uh . . . project area pro rata funding requirements?

MR. FIGUEIROA: That's correct.

COUNCILMEMBER HOKAMA: So June 1, 2002. You know, that's, that's not too far away, Roy. How real is that date for a number to be provided that you can work with? Is, you gonna be providing that number? Is the State DOT the one that's gonna provide that number? Is our County Public Works Department gonna provide it? Who's gonna provide this number so we know that you're paying your fair share for improvements?

MR. FIGUEIROA: Well, that's a number that really is, has to be determined by, we believe the Department of Transportation, which is why we felt that it would be difficult, perhaps, to get it by that June 2002. Notwithstanding that, that's why even before they decide what the pro rata share is, we decided that, or to alleviate or to mitigate some of the problems that we would volunteer to put up some money for the design and, uh, the Environmental Assessment for the restriping of Piilani Highway as the State proposed, so . . . and then that could be used, perhaps as the pro rata share when they finally determine. Now, there's no guarantee that they will ever determine what the pro rata share is, but despite that, we said well, we wanted to try to do something to mitigate traffic problems.

COUNCILMEMBER HOKAMA: Okay. I, while I can appreciate that, I don't really, to be honest with you, fully understand that either, but I can appreciate your comments. The last thing that I want to . . . talk to you about or ask you your comments is something that I've been consistent in this term and that's affordable housing. And that's, the County's department says that we should require you to provide a mix of affordable and market price housing in all . . . well, it says that a mix of affordable and market price housing should be a requirement in all major residential projects. I know you will be required to provide, by County code, "x" amount of units, uh . . . more than likely within your project site for your hotel related development. I think a gentleman earlier had testified that the Mayor is proposing a \$5,000 per market unit, um . . . for, for traffic mitigation. But what if we decided that instead of \$5,000 for traffic mitigation and for the market housing that you would provide \$5,000 in subsidy for some kind of housing program. Have you ever considered that?

MR. FIGUEIROA: I've never heard that suggestion yet. I, I think--

COUNCILMEMBER HOKAMA: It's a way of having those with a lot to help those with a lot, lot less is, is the intention.

MR. FIGUEIROA: Yeah, I think, uh, something that could contribute to the housing, affordable housing program, I think we would really look at because, as I said before, you know, we have children that need to be able to afford homes also.

COUNCILMEMBER HOKAMA: And employees.

MR. FIGUEIROA: And, and employees. And so, and, and they have remarked they have children of their own. So it is, uh, if it's something that we could work out as far as a share to contribute to that, I think we would really look at that because I think we'd be interested in having that particular problem addressed.

COUNCILMEMBER HOKAMA: Okay. And I'm gonna be real honest with you, you know, Mr. Figueiroa, I'm looking at drafting a condition regarding affordable housing that would take into account not only the ability of you to help provide housing within your project, and maybe that would be for your requirements for your hotel according to Chapter, I guess, 2.94 of the County Code, but also look at the ability of you to see if there's a way for you to provide affordable housing outside of the project area. Because I still believe our residents would have choices where they wanna live. I mean some may prefer not to wanna be in your, the employment or development area and choose to be in somewhere else. So I think, uh, that, you know, and, and as I've mentioned to you before, I've been up front about it. I would like you to work with us and as a major landowner, developer help lead the way because I feel that a lot of smaller developments have not paid their fair share. And so fortunately those like, uh, of, of your size and capabilities take the unfair burdens at times. But if we can convince people like you in your company to start providing and assisting us in this manner, I think we will be able to bring the smaller ones in line that much sooner. Any comments on that?

MR. FIGUEIROA: Well, I think if it's something that could be done in the long haul consistently--

COUNCILMEMBER HOKAMA: And fairly.

MR. FIGUEIROA: --and fairly, I think it would help with the particular problem that you're concerned about.



COUNCILMEMBER HOKAMA: Okay, thank you. That's all, uh, I have this evening, sir.

CHAIR ARAKAWA: Okay, I'm gonna take a--how, how much time do you need, Kerry?

MR. TUCKER: One.

CHAIR ARAKAWA: About a one-minute recess.

**RECESS: 9:03 p.m.**  
**RECONVENE: 9:12 p.m.**

CHAIR ARAKAWA: I'm gonna call the meeting back to order. Mike, uh, you had some questions to ask.

COUNCILMEMBER MOLINA: Mr. Chair, can I ask the applicant?

CHAIR ARAKAWA: Okay, Roy . . . Mike has some questions to ask you. Go ahead, Mike.

COUNCILMEMBER MOLINA: Okay. Thank you, Mr. Chair. Roy, I wanted to ask a couple of general questions. If, looking ahead, if you don't get the zoning request, will this have an adverse effect on the employment status of your workers . . . I mean over the long-term? If we say no, will this effect employment status of the workers you have now?

MR. FIGUEIROA: I don't think I'm gonna, I can even start to answer that as far as the, effecting their employment status. We've, like, uh, as they testified, we've gone through bad times and good times and we rode out the bad times. If this is another bad time, we try to ride out, we'll do it . . . I believe. That's the history that we've shown. But we really would like to have this to get us on an even keel with other people that have taken advantage of all the infrastructure that we've helped to put up. For example, the water, you know, they say, well, don't let it all go down to Makena, the desert area of Maui. Well, I think probably as your family members, I don't know how old you are, but you might remember that maybe even Kihei would be a, considered a desert before and people have benefited by us putting in that infrastructure so that they could build homes here and enjoy this place that we have here in Maui. And so, we think we've done a lot toward infrastructure improvements. We'd like to get started on getting some return on that, which will be able to provide additional opportunity for employment. And that's what we're looking at. As far as saying, oh, if don't, we don't get it, these people aren't gonna have jobs. I don't think I would answer an affirmative to that, no.

COUNCILMEMBER MOLINA: I guess you've, I'm assuming you based this expansion on projected population increases. And is it the, is the demand there for these time-share units over the long-term?

MR. FIGUEIROA: We believe there are, uh, especially with the climate there is now economically. We believe if we kept getting held back as far as this decision that it may pass us by. And we hope that doesn't happen because we think the opportune time is now for that. And that would contribute a great deal toward the success of this particular resort.

COUNCILMEMBER MOLINA: Okay. Mr. Chair, one more question. Roy, one of the testifiers tonight expressed his concerns about the development not being beneficial to the community. Would the Makena Resort be open to providing any types of amenities that are not only beneficial to their clients, but to the general public as well, amenities such as, a park that was mentioned and even additional parking spaces for beach goers?

MR. FIGUEIROA: Well, right now, Mr. Molina, to this date we have provided beach access, three different restrooms, comfort stations with showers. A total of, for public parking, 85 parking stalls to date. In addition to that, we have designated about 31 acres for park use in the resort development. So we feel that we've been sensitive to providing these kind of amenities for the public. And even . . . even if you consider roadways through the resort that provide access to, uh . . . parks like big beach, the State park. I mean that's a benefit that we've provided. But, but like I said, we have designated, in addition to what we've developed already for beach access and park, 31 more acres in our master plan.

COUNCILMEMBER MOLINA: Okay. I just thought I'd ask if you guys can give some more. Thank you.

CHAIR ARAKAWA: I have a question for Roy. Roy, stay up there. Um . . . in this process that we're going through, and I've been involved at it, what six years or plus on this thing right now, I've heard a lot of discussion as to what the resort has put into the community as far as money. And tonight we've had some discussion as to, you know, what more the, the resort should be putting in, the company should be putting in. Can you refresh our memory on the amount of projects and the type of money that's already been put in by the company?

MR. FIGUEIROA: For example, the development of, uh, source water, water source?

CHAIR ARAKAWA: Starting, starting from the water source to the roadways, to the parks, to everything at this point. Because I think it's unfair to get to

this point after so many years. And I have been involved with this for about six years and I know this has been a very, very long process. And I wanna be very clear that the, the company has put in a lot into the community into, into developments. So if you would please go over that just to make sure everybody's mind is refreshed on what actually has been done. We, we should be fair to everybody and I think you deserve this time.

MR. FIGUEIROA: Okay. I, I need to go, to refer to my notes on this. As far as development of projects within the resort, we've constructed so far the, the golf course, two golf courses and also the Maui Prince Hotel Tennis Complex, the Ball Room. The cost for these on, on construction costs are about \$93 million. But as far as water development, you know, infrastructure costs that we've provided, we were part of the joint venture in 1975 to fund source-development and also transmission of water. And the amount of money for that including the water storage tank is about \$6 million.

CHAIR ARAKAWA: Okay. And I wanna point out that without that joint venture agreement, Kihei probably would not have been developed because without that agreement, we would not have water in Kihei at all. So it was way in advance in everything that's happened.

MR. FIGUEIROA: That's correct. The wastewater development, right now we're completing our wastewater project. I'd like to also inform you that at the time we were looking at wastewater, uh . . . demands for our project and also providing wastewater transmission, we were looking at going into the County system, but we went through I think about three studies together with the County looking at the expansion of Kihei, a separate plant in Makena or a super plant in Puunene, but the finding, because there was no real focus on which one would be accomplished, then we decided we had to create our own wastewater facility. And that's, uh, just about completed and the cost of that project is \$17 million. And as far as roadway infrastructure, we were, we did joint venture to fund some of the improvements on the ending of Wailea Alanui and then we developed improvements on Makena Alanui. And the cost of that so far is almost \$6 million and we do have, submitted to the County, plans to extend the improvements, curbs, gutters, sidewalk, along Makena Alanui to the intersection of Makena-Keoneoio Road from where it ends right now near the entry to the golf course. So as I said, that's about, almost \$6 million . . . and then we volunteered to pay for the, the DOT's interim improvements to Piilani. And the estimated design cost right now is, is right now between 600 to \$800,000. Now, the DOT may wanna split that with another developer, but we had in going in with them said that we would fund that if they, even if they didn't get another developer to come in.

Parks and beach access, we've have provided, as I said, three restroom buildings, outdoor showers, 85 parking stalls. Development costs for that, \$3 million. So those are the, the kind of expenditures we've had. In addition to that, you have archeological studies. I think that is now in the range of almost \$1 million as far as for archeological studies in the development of our different projects. So we have put a lot into, uh . . . developing before we developed so-to-speak our own resort projects.

CHAIR ARAKAWA: Okay, thank you. Wayne, you had a question or comments.

COUNCILMEMBER NISHIKI: No, no, I'm, I'm not going to do this right now . . .

CHAIR ARAKAWA: Okay.

COUNCILMEMBER NISHIKI: . . . (inaudible).

CHAIR ARAKAWA: Charmaine.

COUNCILMEMBER TAVARES: If, um . . . you or somebody from the planning, your planning staff could go through the project again with the maps and show us what is the Community Plan designation and what is the zoning you already have in place, the ones you are proposing to change and the ones you're just proposing to match zoning with your community plan designation, if you don't mind. That's kind of like running through the maps that you have in your, uh . . . handout you gave us before.

MR. FIGUEIROA: Would you like to do it up here?

COUNCILMEMBER TAVARES: So I don't know if, Bill, do you have that, their project in detail as far as the Community Plan designations?

MR. MEDEIROS: No, that was on the, the city route.

COUNCILMEMBER TAVARES: Okay.

MR. FIGUEIROA: I do have a large, excuse me, (pause). I have, uh, colored maps that I believe, which is similar to that. But I don't know how we would put it up here.

COUNCILMEMBER TAVARES: Yeah, I guess, I guess you wouldn't. I, I thought maybe Bill had it. But if you can just make references to the maps that are included in the application, um . . .

MR. FIGUEIROA: I don't have a copy with me.

COUNCILMEMBER TAVARES: The March 12, 2001, it was the presentation that was made to the Land Use Committee in chamber. And there is a series of colored maps within that . . . well, from Munekiyo and, and Hiraga.

MR. FIGUEIROA: Okay, excuse me, I, I might . . .

COUNCILMEMBER TAVARES: Okay.

MR. FIGUEIROA: . . . have my copy.

COUNCILMEMBER TAVARES: Okay.

CHAIR ARAKAWA: Council members, in your binders, this is the maps, the documents, okay. So in this document there are colored pictures in the, in the slide presentation that was made by the applicant. And that's what Charmaine is referring to. Each of the, each of the project areas is outlined in here. Everybody got . . .

COUNCILMEMBER TAVARES: You can start us in whatever map you think is the most appropriate to show the community plan designations and your existing or proposed to change zoning to match the community plan designations.

MR. FIGUEIROA: Okay, if you turn to a map entitled, Proposed Change in Zoning. I don't know if you had numbers. Excuse me.

COUNCILMEMBER TAVARES: I think you have to count for us how many into it is . . . the third one is change in zoning map that has mostly green and orange.

MR. FIGUEIROA: That's right.

COUNCILMEMBER TAVARES: They're all mostly green and orange. Excuse me. That one. It's the third one in. The third colored page in, I think.

?: Does it look like this?

MR. FIGUEIROA: No, uh, further forward I believe. I think, uh . . . is this the one? I believe that's the one you have.

COUNCILMEMBER TAVARES: It's the one that says 755.689 acres including existing zoned areas.

MR. FIGUEIROA: Yes, that includes the existing zoned areas if that, that's what you wanna--

COUNCILMEMBER TAVARES: It's written on the, the right hand bottom part of the picture.

?: Okay.

MR. FIGUEIROA: Now it says 755.689 acres because that does include existing zoned areas . . .

COUNCILMEMBER TAVARES: Right. Okay.

MR. FIGUEIROA: . . . which number about 150, 152 acres. The, uh . . . previous page is the existing--

COUNCILMEMBER TAVARES: Oh, the next page. The next page is 603 acres . . .

MR. FIGUEIROA: Oh, okay.

COUNCILMEMBER TAVARES: . . . excluding the existed . . .

MR. FIGUEIROA: Okay.

COUNCILMEMBER TAVARES: . . . existing zoned areas.

MR. FIGUEIROA: Maybe that's the one we should refer to.

COUNCILMEMBER TAVARES: Maybe that's the easier one.

MR. FIGUEIROA: Right.

COUNCILMEMBER TAVARES: Okay.

MR. FIGUEIROA: Well, that's the one that shows the, the actual changes, the ones that we're actually changing. So most of the green there you--and, and everything conforms to the Community Plan, all of it. And that's the point of the zoning also. So the 603 acres includes, I believe 439 acres for a golf course. Right now the golf course is not really zoned PK-4. So this would conform to the present ordinance. The, uh . . . bottom part, the brown, that's interim (**change of tape**) came in that subdivided the, uh, that, the small pieces associated with the H-M zone. So that's about 28 acres.

?: Okay.

MR. FIGUEIROA: And the others are, uh, if you look on the left side of the page, R-1 to A-2. And so all the orange is rezoned to apartment zoning. Then the red, the commercial includes where the existing clubhouse is. So that's why we put the commercial in that area so it would include the existing clubhouse. Some of the 439 acres, the golf course on the top, that's the only part of the golf course that is in, would be in the agricultural zone. You see on the, the top half of the page. Those nine holes are in agriculture zone, but it would be permitted to be changed to PK-4. And that's why we included that. The empty spaces you see there within the golf course area, we're not asking to rezone that. Although, the Community Plan shows that as . . . is it single-family or multi-family, I forget which. But we're not asking to rezone that portion because it's still in the State Agricultural District. And the other open spaces you see would be similar zoning or is existing zoning that would match the adjacent zoning that we're trying to include. So like--

COUNCILMEMBER TAVARES: Okay, excluding, uh, if I can. Where you're asking for, uh, on the left hand side the orange section.

MR. FIGUEIROA: Yes.

COUNCILMEMBER TAVARES: Do you know about how many acres that is?

MR. FIGUEIROA: The R-1 to A-2? That one.

COUNCILMEMBER TAVARES: Yeah. Uh-huh.

MR. FIGUEIROA: Okay. Can I refer to my notes?

COUNCILMEMBER TAVARES: Sure. Approximately, what 30 acres?

MR. FIGUEIROA: Uh, no, it's less than that.

COUNCILMEMBER TAVARES: Okay.

MR. FIGUEIROA: Fif . . . fifteen point, 15.9.

COUNCILMEMBER TAVARES: Fifteen point nine, okay.

MR. FIGUEIROA: If I could maybe summarize the difference in, in acreage of the, of the zones. Is that what you're--

COUNCILMEMBER TAVARES: No, I think I've, I think we had that.

MR. FIGUEIROA: Okay.

COUNCILMEMBER TAVARES: Uh, I guess the question I'm getting to is in the areas that you're looking for residential use . . .

MR. FIGUEIROA: Yes.

COUNCILMEMBER TAVARES: . . . either apartment or residential.

MR. FIGUEIROA: Uh-huh.

COUNCILMEMBER TAVARES: What is the net difference between, um . . . what's being changed, going from residential to apartment or in vice versa?

MR. FIGUEIROA: Right. Okay, that, that's . . .

COUNCILMEMBER TAVARES: Yeah.

MR. FIGUEIROA: . . . that's what I was trying to get at.

COUNCILMEMBER TAVARES: Okay.

MR. FIGUEIROA: It's, uh, residential is a negative 23 acres and apartment is a plus 32 acres. And then the, if I could continue and just give you a summary of the others. The . . .

COUNCILMEMBER TAVARES: Okay.

MR. FIGUEIROA: . . . business is a plus, uh, I believe plus 10 acres, but that, half of that, about half of that is from A-2 apartment. And that's, like I said around the existing clubhouse. And then the hotel zoning is a plus 28. So those are the significant numbers I believe you would be interested at seeing.

COUNCILMEMBER TAVARES: Okay. Would you review for us now the, the density differences in your residential and apartment areas?

MR. FIGUEIROA: Well, for us, right now, I mean the densities for example, like R-1, you would allow one house per 6,000 square feet. We're looking at densities overall average between 4 and 5 units per acre, that's it. So it's significantly less than what would be permitted 'cause we are looking at more open spaces. The reason for apartment zoning is allowing the flexibility of putting units closer together and allowing more open space. And so we wanted that flexibility.



COUNCILMEMBER TAVARES: Okay. So you made a statement earlier that all of your requests are consistent with the community plan designations?

MR. FIGUEIROA: That's correct.

COUNCILMEMBER TAVARES: That's correct.

MR. FIGUEIROA: That's correct.

COUNCILMEMBER TAVARES: Okay. Thank you. I don't have any more questions.

CHAIR ARAKAWA: Thank you very much. Anyone else have questions?

COUNCILMEMBER NISHIKI: I may as well ask him right now because, um . . .

CHAIR ARAKAWA: Go ahead, Wayne.

COUNCILMEMBER NISHIKI: Yes, okay. Right now without the zoning request, you right now have 159 acres currently zoned for residential and apartment use, you got 11 acres currently zoned for hotel use or time-share, and 9 acres currently zoned for business resort don't you?

MR. FIGUEIROA: Uh, I'd have to refer to the . . . which chart are you referring to?

COUNCILMEMBER NISHIKI: Yeah. Well, well, my staff already did this and so I'm just saying right now without any more zoning that you're asking for, you can now develop 159 acres, which is currently zoned for residential or apartment, 11 acres you have right now currently zoned for another hotel or time-share--we've heard that Four Seasons may wanna come in and do a time-share--and also 9 acres that you have currently zoned for business or resort, isn't this true?

MR. FIGUEIROA: If I could refer to the map and then can confirm the exact acreage because they're . . . I believe we did--

COUNCILMEMBER NISHIKI: Uh, approximately.

MR. FIGUEIROA: (inaudible).

COUNCILMEMBER NISHIKI: I, I, I trust your integrity 'cause I know you're real truthful.

MR. FIGUEIROA: That may be accurate. I'm not sure though. I can look it up.

COUNCILMEMBER NISHIKI: Yeah. That's alright. Thank you. I'm done.

CHAIR ARAKAWA: Okay. So with . . . at this point, Council members--excuse me, Wayne, Charmaine wants you to run through the numbers again if you would, please.

COUNCILMEMBER NISHIKI: Yeah. Without the change in zoning, the applicant will still be able . . . be currently zoned for about half of the build-out. Because of the infrastructure requirements, have already been permitted separately from this request, the applicant could proceed at any time with the development of 159 acres currently zoned for residential and apartment use, 11 acres currently zoned for hotel use or time-share, and 9 acres currently zoned for business resort. Right now they can do it.

CHAIR ARAKAWA: Roy, I think what, what Wayne is saying is in the current zoning right now where the properties are, right now where the zoning is, that's what you're capable of doing. Some of the areas that you are looking at getting redesignated according to the Community Plan, as you stated, will, will go plus or minus in that particular zoning.

MR. FIGUEIROA: Right.

CHAIR ARAKAWA: But what is already zoned will give you what Wayne is saying. The, um, I guess the further discussion on that is whether or not we would like to change the zoning to correspond with the Community Plan, discussions that we've had or leave it where it is and allow you to build what you, would not correspond with the Community Plan, I guess.

MR. FIGUEIROA: Well, well, I mean this--

CHAIR ARAKAWA: What Wayne is, what Wayne is pointing out is what I think the actual zoning is right now and what you're capable of doing.

MR. FIGUEIROA: Can I respond?

CHAIR ARAKAWA: Go ahead.

MR. FIGUEIROA: Okay. What we have here is also the need to be consistent with the Community Plan even if it's zoned. If it's inconsistent with the Community Plan, then because we're in an SMA area, the SMA requires you to be consistent. The interpretation so far has been that consistency means the designation in the zoning has to be the same as the Community Plan. So we would have a problem with certain areas of that. And the subdivision will be the same thing. The subdivision ordinance requires consistency again with the Community Plan. And again, the interpretation so far from the County has been, that means the designation

has to be the same in the Community Plan and the zoning. In addition to that, some of that zoning--right now we're looking at the change in zoning so we could--our focus right now is developing the lower part of the property because that's what the water tank serves right now and that's why we've represented that this will take time as, as we, to develop because, additionally, other water improvements have to be made. To go above the clubhouse, we have to put another 1 to 2 million gallon water tank to go above the 430-foot elevation, I believe, on, on a third water tank. So it will take time to develop the upper areas. So we are including that though as part of the change in zoning so that it can be consistent with the Community Plan. There's no intention to develop this overnight. It will be a program of developing from the bottom below Makena Alanui.

CHAIR ARAKAWA: Okay. So your answer to Wayne is no, you cannot just develop that because it's not consistent with the Community Plan?

MR. FIGUEIROA: In certain areas you cannot.

CHAIR ARAKAWA: Okay. Wayne.

COUNCILMEMBER NISHIKI: Yeah, and, and, and that's fine because I, I, I, I really like what you had, just have to say because if you're going to do as you said, you want conformity with the Community Plan. I think I'd like to see some conformity, conformity with some of the objectives that I read in the Community Plan also. Under Housing & Urban Design, require a mix of affordable and market price housing in all major residential projects unless the project is to be developed exclusively as an affordable housing project. In other words, Roy, and I like what you have to say, then please in this area develop affordable and mixed price housing as you make this development 'cause this is what the Community Plan that you wanna to follow says.

Also, Mr. Chairman, I also reiterated about the four-lanes. If we are going to follow that Community Plan as this developer wants to do it, then infrastructure should be concurrent and all of the four-lane highways on Piilani should be developed as well as Mokulele. I totally agree with you in that. In regards to provisions in the Community Plan not reviewed for conformity with this project, there's a provision in there of needed public facilities and infrastructure. Upon completion of this plan, it shall be required that the adequate facilities and infrastructure will be built concurrent with future development. The Land Use designations on the Community Plan that are not an assertion that infrastructure will be provided to these areas, but merely that it would be appropriate to develop these areas as designated on the maps if necessary infrastructure and services are available. So let's develop the infrastructure and the services that we need to have also. Ambulance, fire, schools, we want all of that

too for this community, Mr. Figueiroa. So I totally agree with it. And this is what you're saying and this is what I'm repeating also. Is that fair if that is what you are really saying?

MR. FIGUEIROA: I believe, Mr. Nishiki, we've been consistent in responding to the needs for the infrastructure, responding to it in advance of our needs. I think our history shows that and I think that's what you can depend on as far as our development continuing.

COUNCILMEMBER NISHIKI: And, and . . .

CHAIR ARAKAWA: Are you done, Wayne?

COUNCILMEMBER NISHIKI: Yeah.

CHAIR ARAKAWA: Okay. And just for the record, because so many people came up and discussed the noticing . . . in the *Maui News* where the Council meets, I'm gonna read what the notification says. It says, Land Use Committee, 6 p.m., Kihei Community Center & Aquatic Center Main Hall, Lipoa Street, Kihei. Agenda includes Makena Resort zone change request. The Committee will consider for . . . an ordinance changing the zoning for several parcels in, at the Makena Resort to allow construction of 1,077 multi-family residential units, 26 single-family residential units, 2 hotels within, with 545 total rooms, and 18 acres of commercial use. So that is what the notification in the paper was for this meeting in the *Maui News*, okay. So it wasn't like it was just two lines that was not, there's, quite an extensive amount for clarification. And all the normal avenues of not . . . of notice was also done. So, just for clarification because that came up.

COUNCILMEMBER NISHIKI: Mr. Chairman?

CHAIR ARAKAWA: Yes.

COUNCILMEMBER NISHIKI: Um . . . are we talking, asking Roy things or are you referring to this because if you're referring to this public notice now, I'd like to respond also . . .

CHAIR ARAKAWA: Well--

COUNCILMEMBER NISHIKI: . . . because personally . . . I respect you as the Chairman, but we're asking Roy questions--

CHAIR ARAKAWA: We're done asking--

COUNCILMEMBER NISHIKI: --now you're coming down to a public notice statement and I, I wanna address that also.

CHAIR ARAKAWA: Well, you, you may--

COUNCILMEMBER NISHIKI: Please allow me, at this point, if you're going to do that.

CHAIR ARAKAWA: Sure you may. I thought we were done with asking questions of Roy. I asked if there were any other questions. Um, so I was gonna go into it. But, Jo Anne, you have one more question? Go ahead.

COUNCILMEMBER JOHNSON: For Roy.

CHAIR ARAKAWA: Roy, Jo Anne has one more question.

COUNCILMEMBER JOHNSON: Sorry Roy.

MR. FIGUEIROA: That's okay.

COUNCILMEMBER JOHNSON: Since everybody seems to be asking their questions tonight, I, there was one statement in the documents that we had, it was a comment from the Maui Electric Company and it said that there was a need for an additional substation to accommodate the Makena Resort build-out. And because this is going to be a direct result of the development that you're gonna be doing is, it would be my way of thinking that the resort, would, would you be willing to pay for that substation?

MR. FIGUEIROA: I think the Maui Electric will determine how that will be done. I'm not sure how they determine how they pay for the expenses of that substation. I'm not familiar with that. But they have been talking to us about, uh . . . a piece of land for it. And when you say that it's for eventual build-out, yes, they did say that eventually. And I, and I asked the question at what point would they need that . . .

COUNCILMEMBER JOHNSON: Uh-huh.

MR. FIGUEIROA: . . . and that still has to be studied by them. It depended also on the building out of Wailea as far as when they would need a substation in Makena. But we, we have been talking about it. We, we're pretty sure we could find a site that would be available that, that could be done.

COUNCILMEMBER JOHNSON: 'Cause I, I was just really interested in seeing what that is because the obvious question is gonna be asked of us, well, if it's to accommodate the additional growth, then if the County has to

construct it or the taxpayers or the ratepayers here have to construct it, it really is gonna be very difficult, you know, to justify increasing the rates.

MR. FIGUEIROA: It's a public utility so I think they have a mechanism whereby they decided what the cost will be and how they . . .

COUNCILMEMBER JOHNSON: Okay.

MR. FIGUEIROA: . . . will get the cost back.

COUNCILMEMBER JOHNSON: Okay. I just wanted to make sure. And, I guess there's one, one other smaller thing and it was in line with what Wayne was saying in regard to schools. And I know that in the documents that I've seen, not necessarily in the things that are contained in the binder, but there is this class size limitation basically from the Department of Education. And I read their comments and they have a formula. I think it's something like \$1,100 per unit, uh, and that they say it's a formula and they give a, I, I think it's, it's kind of complex, but anyway let's just assume it's \$1,100 per unit. I wondered how that applied when you're building a time-share because really when you're selling a time-share unit, you sell maybe one physical unit, but then they're selling many units of time-share. So how would that equate when you're looking at a time-share as opposed to any other type of development?

MR. FIGUEIROA: I think what they're looking at is, uh, amount of dollars per unit. And we've already signed an agreement with the Department of Education with a set dollar amount.

COUNCILMEMBER JOHNSON: It, do you know what that amount is?

MR. FIGUEIROA: My recollection, it was about \$1,300.

COUNCILMEMBER JOHNSON: Okay, for, and that's, and that's based on the time-share or just the residential units?

MR. FIGUEIROA: All the residential units in the property.

COUNCILMEMBER JOHNSON: Including, and, and that does not include or would it include the time-share?

MR. FIGUEIROA: It would--

COUNCILMEMBER JOHNSON: Is that being termed a residential unit?

MR. FIGUEIROA: It would depend on what they consider that time-share. If it's a full unit, I think they would, they might include it. I'm not sure. I don't--

COUNCILMEMBER JOHNSON: Well . . . they're saying it's hotel. That's what I'm getting from the other Council members, but then, so then there's no assessment included with hotel development . . .

MR. FIGUEIROA: Because--

COUNCILMEMBER JOHNSON: . . . for schools?

MR. FIGUEIROA: Schools, I mean the, they try to get the money from developers or from projects in anticipation of how many students will be generated by the project. So for a hotel, I don't believe they have any formula for a hotel because they don't anticipate students being generated from that project.

COUNCILMEMBER JOHNSON: Okay, and, and maybe that's where we could try and, I guess look at that a little harder because what, what I'm feeling is that when you develop a hotel obviously you have to have employees work in the hotel or the time-share, they have to come from somewhere. So I don't share that view. I think that there is an impact for a hotel because you are bringing other people to come and work in that hotel who, who will have children and so there is an impact. I don't know if it's been done before, but that would be something that I would just be interested in seeing if there's some way that we could come to some kind of an agreement at least on that.

MR. FIGUEIROA: Well, I think though the impact would be felt at their place of residence where their children would be going to school. So if they lived in the area, then the impact would be from those workers because they lived in that area, but if they lived in another area, then that area would feel that impact I believe and, uh . . .

COUNCILMEMBER JOHNSON: And--

MR. FIGUEIROA: . . . that will be taken care of by as the developer builds for that area.

COUNCILMEMBER JOHNSON: So what you're basically saying is that if you go with Mr. Nishiki's thinking and you include the employee housing within your development, then you would be saying that the employees or the, uh, local residents would then be assessed, based on the residential units that you'd offering?

MR. FIGUEIROA: No, I'm saying the, the developer who made that particular development. But you're talking about workers, perhaps coming from other areas. That's what I'm referring to. So that's why they, they put the

impact on the development of the residences where they live and not in addition upon the hotel--

COUNCILMEMBER JOHNSON: No, I, I understand that . . .

MR. FIGUEIROA: (inaudible).

COUNCILMEMBER JOHNSON: . . . but I am following Mr. Nishiki's line of reasoning that if you want affordable housing, which means affordable for people who would be working in the hotel. Then what I'm saying is that you could use that same analogy and the people that would be working in your hotel would have a place to live near by, therefore, they would be living in the area. And then what you're saying is that if that is your intention to employ people who are also living in your specific area and you would be building homes for those individuals who would be employees that it would taken care of by the residential.

MR. FIGUEIROA: That's correct.

COUNCILMEMBER JOHNSON: Okay.

MR. FIGUEIROA: The, the--

COUNCILMEMBER JOHNSON: That's, that's what I'm trying to get to.

MR. FIGUEIROA: --contribution to the school would be taken care of by that residential.

COUNCILMEMBER JOHNSON: Okay. Well, I, I just would like to go along with Mr. Nishiki and try to prevent a lot of commute time and provide some employee and residential housing in that area that people can realistically afford.

MR. FIGUEIROA: Well, right now, in fact, just an informal survey of our hotel, I believe over 400 employees, about 227 do live in the Kihei area. So they're not very far away from the hotel.

COUNCILMEMBER JOHNSON: Okay, great. Thank you.

CHAIR ARAKAWA: Okay. Are there any further questions . . . for Roy? No, no other questions? Okay. Then, Wayne, you wanted to address the notice.

COUNCILMEMBER NISHIKI: Yeah, I wanted to more than address the notice, Mr. Chairman, I wanted to make a statement being that you did mention the notice tonight. As much as I respect the fact that you did make an attempt, I didn't follow through with staff as to whether it was--you tried to



get the *Maui News* to print it. However, just as I respect some of the members of our community here in Kihei, especially Gene Thompson, who is covering this event for the newspaper, I think a lot of us are looking at perhaps addressing this concern, Mr. Chairman, the fact that this is not normal for Kihei not to come out. Had there'd been more coverage, perhaps had we done it differently, although you did make an attempt, the people have not appeared. Uh . . . Roy and those guys, you gotta give 'em credit, he got all his employees to come and, and speak in, on behalf of them and that's admirable, but I think that we need to defer this item tonight. And I would ask that you reschedule another meeting here in Kihei and give adequate time and get the newspapers and the media to try to, uh, get this community out.

CHAIR ARAKAWA: Okay.

COUNCILMEMBER NISHIKI: But I think that when you hear from two or three different people that you know also personally that normally come to meetings, they even said, 15 minutes, I just found that out. And I think that, you know, is saying that the community really through the media did not receive this information. And I think all of us also realize that this is a, this will have a major impact in this area. And so I will be requesting that you schedule another meeting here in Kihei.

CHAIR ARAKAWA: Well, Councilmember Nishiki, I just wanted to clarify for the record because those statements were made. And I wanted to make sure that everybody understood that the meeting was noticed in the normal manner in the way we always, always do it. We did write up a more specific article that was not printed, but the meeting notices that were published by the *Maui News* as all of the Committee meetings are, this was published as part of it, okay. So . . . whether people came out or did not come out, we did what we normally do for all, all meetings. So it was noticed properly in my mind. The fact that some of the people that were here testified that they didn't find out about it, um, that was also a normal occurrence for a lot of meetings that we've had and I cannot judge whether or not if we put another ad in the paper, if we put the notice on e-mail, if we mailed to who, residents again or people that were interested in again, I cannot guarantee the turnout.

I am, again, you know, the, the Committee can determine that we will defer this item and we will come back at another meeting, and the Chairman is not opposed to that. But I just want, for the record, to clarify that we did notice as normal, normal notice everything was done that way. It was done according to the way we always do it. Okay. In the past, I have taken out a full-page ad when I was the Chairman of the Planning Committee to explain what we were doing. I've tried to notice it even more and have been criticized by members of the Council for going overboard

on the communication. We have televised this meeting to make sure that everybody could be able to see it. Now . . . we can, again at the, at the wish of this body defer this meeting, uh, defer to another meeting and we will reschedule a meeting. But my role as the Chairman of the Committee is to try and provide you all the information that you need to make a decision and we are trying tonight to make sure that all of the questions that you need to have answered about decision-making process, uh, of that information you'll get it. Now, whether you need more time to deliberate in your own mind, you want to come back here, that is up to this committee. At the next meeting, when we do come back here, however, I do, if we defer, I do expect that we will be making a decision one way or the other on these issues. We cannot just continuously be holding meeting after meeting just for the sake of holding meetings. I have too many issues in my committee to do that, so we will make a decision up or down. That will be the understanding that we have. And I, again, I'm gonna ask for a show of hands, how many of you want to defer decision-making tonight or, uh, and if I may have a show of hands, Council members? Okay. So . . . I kind of want to defer for another night, okay, I think that's, that's the majority of the Council. So we will defer the item and we will schedule another meeting. But when we have the next meeting, unless there are specific questions that are asked that you don't have answered, you know, I believe that as the Chairman, I provided you with enough of the answers that you should be able to make a decision. We're not gonna be able to get too much more information. Dain.

COUNCILMEMBER KANE: Mr. Chair, if, if the intention tonight is to defer this item, then I would ask that because the Planning Department did make a presentation at the last meeting regarding the SMA projects that will have water demand in Kihei and because the applicant did testify to correct the earlier statement made by another testifier that he is not gonna be drilling their own water source, but are gonna be solely dependent on the existing Central Maui Water source, that I think it's incumbent upon us to also have the Planning Department provide the SMA as well as the non-SMA for water demand from the Central Maui System. My thing after looking at the whole, the whole picture is the water issue. We had testimony earlier tonight by Mr. Craddick telling us that the numbers for sustainable yield were numbers that were based in 1988. Well, when I was in 1988 here on Maui, between 1985 and 1990, I mean we had huge rains, big rains, and consistent rains, but we haven't had that for the past five to seven years, so there's some concerns. And I think there's some more recent concerns, scientific issues that tell us that we're at looking at, down the road, having dry times as well. So water becomes the issue for me. I mean traffic is an issue and I think everybody agrees that traffic is an issue, but traffic comes down, to me, as a convenience or may . . . maybe I should state it as an inconvenience for people and it comes down to who can tolerate what when it comes to traffic. But when we're talking about

water, water is an essential thing and it comes down to, yes, we can, we can look at all the accomplishments and all the good things that people have done in the past and we can acknowledge those things and those things are important. But I think what we're trying to do is we're trying to make decisions that are based on the future and what kind of consequences are we gonna be encountering based on the decisions that we make today for tomorrow. So water comes . . . to me, it comes down to water and I don't think that we didn't have a, the sufficient information provided to us that I think will be relevant to this project and that is to get all those questions. So to be very specific, Mr. Chair, so if your intention is to defer this item, that at the next meeting we have the Planning Department provide all projects large and small that are coming up in the Central Maui Water System area, that includes Paia, Maalaea, the Kihei/Makena area as well as the Wailuku/Kahului area and all projects that are not in the SMA zone that are serviced by the Central Maui Water System.

CHAIR ARAKAWA: Dain, if that is your request . . .

COUNCILMEMBER KANE: That is my request.

CHAIR ARAKAWA: (inaudible)

COUNCILMEMBER KANE: If, if it is your intention to defer, then that is my request for information.

CHAIR ARAKAWA: Well, my intention was to go along with the, whatever the Committee decided and there has been a majority that wants to defer. So that is where we're going right now. The questions, again, you know that's why I, I proposed all these questions to the Water Department. I've been asking all of the Committee members to please come up with the questions that you want to see answered. And I don't know, Mr. Kane, what we're actually gonna be able to get from the Water Department as to currency, uh, information. What we have gotten reports to this point, I believe the Water Department has tried to be as current as possible. And if you noticed the way I asked the questions, I'm also asking as far as what the demand is expected to be as well, but we will try and be more specific to the questions that you're asking for that determination. And again, you know, we have gone over many of these same issues countless times, so at some point, if we go through all the transcripts, you go through the meetings that we have, the questions have been asked over and over. We will submit specific questions that you're asking to the Water Department. That is why the questions that I had Dave Craddick answer for tonight, I was trying to get the most recent information that's available, okay. And I can only produce what is available. I cannot get what is not available.

COUNCILMEMBER KANE: Mr. Chair.

CHAIR ARAKAWA: Dain.

COUNCILMEMBER KANE: And just for correction. And I know you're, you're, you're referring to questions that have already been answered, so it seems you're, you're implying that . . . you're implying that we really don't have any other issues to address. I believe my question is asking for information that we still have not obtained. And to correct what you said, I think it's the Planning's Department in conjunction with the Water Department, but I think it's more the Planning Department because they're the ones with the SMA permits and they're the ones who know what the demand is gonna be for existing projects that have already been approved and are yet to be, yet to come on line. So I, I just wanna clarify that you didn't say that. I'm saying, what I'm saying is we should be talking to the Planning Department and doing the same thing they did except just expanding it.

CHAIR ARAKAWA: Well, I'm not gonna engage in a debate with you because--

COUNCILMEMBER KANE: I'm just clarifying, Mr. Chairman (inaudible).

CHAIR ARAKAWA: --yeah, we were at different meetings--

COUNCILMEMBER KANE: (inaudible) if there's any clarification . . .

CHAIR ARAKAWA: Okay.

COUNCILMEMBER KANE: . . . that needs to be made, then I ask the Planning Department to just, just clarify so that we are all on the same page.

CHAIR ARAKAWA: Again, we're agreeing. We will send the request to the department to get the best information, the staff, so we can. And it--

MR. YOSHIDA: Well, I think in Kihei we have the advantage because so much of it is in the SMA, makai or Piilani Highway, but if you're talking, you know, Wailuku/Kahului, if it has the zoning and it just has to go through subdivision approval process, you know, we don't necessarily see it.

COUNCILMEMBER KANE: So are we gonna utilize highest and best use since that is the mentality of how we operate? I mean as far as what zoning is already approved, what things are on line, what's coming on down the pipe and again clarify. So, you know, I, I don't wanna ask for anything unreasonable, but I wanna ask when it--when we're talking about the Central Maui Water System, who it serves, and we're talking about a

project and a very big project that, that's gonna be also utilizing . . . that is its sole water source, then I think it's incumbent upon us to request information that will be relevant for us to make this decision. And that's, and you folks can provide whatever you can to respond to that to assist us in making that decision. So you tell us what you can provide and we'll work with that. And that's, that's all I'm looking for.

MS. CUA: Okay, if we go back to Mr. Nishiki's original question that he asked several meetings ago. He wanted to know in the near future what can we expect to come on line in the Kihei region, which includes Kihei, Makena, and Wailea and he said in the near the future. Based on the way he phrased his question, we provided you a certain kind of information and our information at that time was limited to developmental permits because those are the permits that you can expect to come on line in the near future. Although, in our list we mentioned large projects that are being reviewed either by this body currently, which included the Makena Resort and we also listed Wailea 670 even though it's not being reviewed by this body yet, but it is being reviewed by the Planning Commission, because it's, these are very large projects in this region, we felt it worth including in our list. However, we noted that these are not going to be developed in the near future because they would still, let's say Makena Resort in, in would be, would be the closest one, that if approving this body they would still need to get development permits and at that point in time then we could add them to our list. So the information we provided you included SMA permits that were approved in the Kihei/Makena region and one particular project was outside of the SMA mauka of Piilani Highway, but had received, um . . . zoning, that all they would need to do is get their building permit and, and they would be able to proceed in building.

Our concern when you ask your question to expand, um . . . the information into other regions is that, as Clayton mentioned, in the Kihei/Makena area, you know the SMA area is, um . . . denoted by Piilani Highway and anything below Piilani Highway is in the SMA area. We can give you a lot of information for the Kihei area. We can give you, um, you know, reasonable information. I would say that for Paia area, that there's, you know, a lot of coastline area there that maybe people have come in for SMA permits. When we get into the, the central region, the Wailuku/Kahului region, it gets a little bit more difficult because (pause) have as much coastline areas there and so we may not have the information that you need. There's subdivisions, possibly large subdivisions that may have come through the County that we would not necessarily process a permit for. So I, I think you need to call on a number of agencies to get information, but you need to decide as a body . . . what kind a information do you need. If, if you're following along Mr. Nishiki's lines of what can we expect in the near future, you're looking at development permits, possibly building permits, SMA permits, not

necessarily change in zonings because that's a wild card. We have no idea when those would be developed. In a, in a lot of cases, projects that obtain a change in zoning, especially in the coastline areas, need to come in for an SMA permit and after an SMA permit a building permit. So, um . . . we need a, a little bit more direction from you before, um, we're prepared to respond. And we just need to be honest and let you know that we may not be able to give you some of the information that you are asking for.

COUNCILMEMBER KANE: Mr. Chair?

CHAIR ARAKAWA: Go ahead.

COUNCILMEMBER KANE: And, and I appreciate those comments because . . . it leads me to . . . realize that it's a lot bigger than we think it is, okay. It really does because what you're talking about is, you're saying you folks can provide so much information and just the information that you provided for at the last meeting regarding the Kihei/Makena, I think for the most part was an eye-opener for not only the members of this body, but I think for the general public. So now if we're gonna be requesting the information that has a direct impact on the Central Maui Water System or the lao aquifer, I think that becomes a relevant question. And whatever the Chair feels, and I'd be more than happy to, uh . . . try to put some thought into what the specific question will be to you as well as other agencies or departments. But again, the, the intent, as long as you can understand the intent on, we're looking at what the impact is.

Again, this, this developer has stated on the record tonight that they are so dependent on this water system. They're not gonna develop their own. They have never said it and that's, that was from them. So that makes it more important to understand, okay, well, if they are solely dependent, who else is solely dependent given the fact that we be, have these numbers of sustainable yields of, you know, all this other information. We need to put the pieces of the puzzle together to realize what the impact's gonna be. Again, the issue is not all these other things that we've talked about. I mean great people. I gotta face these people and, you know, we all have to. Okay, so I, I don't have to go down that road and they understand. I know they do. But . . . to come to a conclusion on this, Mr. Chair, that's all I'm looking for as far as trying to understand the, the impact on the Central Mau . . . Maui Water System and if we can be provided--and my whole thing was if you're gonna defer, then I'm gonna ask for that. If you weren't gonna defer, then I was ready to vote based on information I had. So . . . I'll leave it at that and if you need assistance after the meeting to provide a, a letter that's specific to that request, then I'll be more than happy to meet with you after consulting with some staff.

CHAIR ARAKAWA: Okay. Yeah, actually, you know, that is the way I was trying to--my, my thought process in asking the questions I did to Water Department and my discussions with Dave Craddick and why we reformulated some of the questions is that he was not able to answer the questions the way I wanted it because the way the information is gotten and what the available information is. A lot of it is a guess. And we had to reformulate the question to come as close as possible to be able to try and understand the system. And that's why I'm also asking all the Council members, you know, look at the questions, if we can reformulate the question so that we can come down to what we're really trying to get at, the meat of what we need to understand to make good decisions. That's how we have to think on all the projects and, you know, that's why the start of trying to ask the series of questions to make sure the information is adequate. We have many projects that we, we're gonna be, going to be deliberating on. This is not just one. And the way we ask the question, the way we get the information needs to be consistent. So we will try to do the best we can to get the information, Dain. I'll meet with you afterwards and we'll try and formulate the question. And that's why I've constantly been asking you, what is it that you really need to make a decision. If you can give me an idea, I can try in my best to get the information, but I do not read minds. So what the Chair has been trying to provide best--

COUNCILMEMBER KANE: Your, your point is taken, Mr. Chair. Thank you.

CHAIR ARAKAWA: Oh, okay.

COUNCILMEMBER TAVARES: Mr. Chairman?

CHAIR ARAKAWA: Yes, Charmaine.

COUNCILMEMBER TAVARES: It was gonna be my intention to have staff draw up additional conditions for this . . . project. And one of the conditions is to meet the, um . . . requirements of the Community Plan, which is that the highways, the both highways that are mentioned, that they cannot get their certificate of occupancy until both of those highways are four lanes as stated in our community plan. That was one of the conditions . . .

CHAIR ARAKAWA: Okay.

COUNCILMEMBER TAVARES: . . . and I was hoping that my colleague from Lanai would put in his conditions regarding the housing at some point 'cause I think we can hit off some of the concerns from the community--

CHAIR ARAKAWA: Okay. Hold on a second, Charmaine. David, did you have that condition?

?: No.

CHAIR ARAKAWA: Okay.

COUNCILMEMBER TAVARES: You know, um, if I may speak just a little bit about that. We, I've been going around to the community, and, and many of you have been joining me in those meetings regarding the Community Plan process, and one of the things that, the high number one criticism is that we don't follow the Community Plans and I think here is an opportunity to follow the Community Plan, at the same time not handcuff the developer. There is some movement already on Piilani Highway and I think there's gonna be some movement on Mokulele Highway in the near future. And maybe this is what we need to bring pressure upon the State to move a little quicker on, Mokulele Highway. But at the same time, it's very clear that the way these objectives are written in the Community Plan, I mean it, they don't match, a lot of places. So, um, I think in keeping with the spirit of trying to meet what was passed by the Council and the Community Plan, if this condition were included, I believe that the developer still can go ahead with some of their stuff, but know and realize that they've gotta also push for Mokulele and Piilani Highways to be completed, the four lanes before they can get their . . . (**change of tape**).

CHAIR ARAKAWA: Okay, if you can, um . . . write up your conditions. Any of you that have conditions that you want to be considered, please write them up so that we can have them in language that everybody can look at before the next meeting. And if anybody again has any information that they want to request, please do so, so we can have them answered to the best that we can. And we will defer this item I think tonight and we will schedule another meeting, but at that time, I think that we really need to make a decision. Now, I have some very strong opinions as to the Community Plan. And the . . . and in the creation of the Kihei Community Plan, please realize that I was the Chair of the Planning Committee. And I really do take seriously the Community Plan even though that there has been an opinion that it, all it is, is a guideline. So what Charmaine is suggesting that we need to look at, you know, there are ways that we can follow the Community Plan, there's a way we can enforce the action that we want. Also realize though that the Community Plan is an ongoing process. What the plan was and what the considerations were when we did the plan is not necessarily the same today. So there's gonna be some areas where we are going to have to review and reanalyze because this, the facts are different. Okay. Unless there are any other further comments or questions, um . . . are there any? Okay.

COUNCILMEMBER NISHIKI: Yes.



CHAIR ARAKAWA: Yes, Wayne.

COUNCILMEMBER NISHIKI: I think that when I read Mayor Apana's statement to the Planning Commission the day before yesterday or was it yesterday, he mentioned about voluntary contributions. In lieu of what the Planning Department has told us and some of the statements that . . . Ms. Tavares made and you made in regards to how we get these developers to cooperate with us in trying to address the infrastructure, which this community--and we also know that we don't want to duplicate when we see the rapid development in this area--I think it is incumbent upon us to call on this Administration, uh . . . with the knowledge of who's coming in for development and, and really not force them, but get them to contribute to building of the entire four-lane of Piilani and, and, and whatever. And I, I, I would ask you, Mr. Chairman, to get this Administration to somewhat formulate, perhaps not through a voluntary basis, but through a method of those of you that wanna develop, we wanna see the infrastructure done, so, um . . . here's the plan and, and maybe we can work with this Administration to formulate the plan on how we're gonna get the infrastructure done. I would not want to make the same mistake despite that Seibu may want to develop. I think they're gonna have to realize that we are committed to, to making sure that we don't make the same mistakes that we now are having to deal with, which is inadequate infra . . . infrastructure and again giving you the green light and yet once you're in there, you're not gonna want to play the same ball game. And I think it's similar for the rest of the developers that are in here, so let them play the same ball game, which is give money for infrastructure so that perhaps they can get their developments to occur. But I don't think any one of us wants to see inadequate water or inadequate roadways in which we strap, perhaps, the economy to collapse because tourists are not gonna come or inadequate water to fulfill what developers want to do. And I think that the developers also wanna be playing the same game as us. And so I think it would be incumbent upon us to work with this Administration to figure out a plan on how to deal with it. But to allow one development to go through, Mr. Chairman, and we've got other ones that you wanna discuss here in the Kihei area also, I think is not fair. So I make this request.

CHAIR ARAKAWA: Okay, and, Councilmember Nishiki, we've had this discussion many times before. If you want to change the amount that is required of the developer, there is a method that we can do that. We have set what we are requiring for each aspect of this development through our fee structure and if we're going to change and we're gonna require that exaction, we need to as a Council, go through that fee structure and alter it. There is that method. We also have to realize that we are dealing with State Highways as well as County Highways. Now . . . in trying to create movement in the State Highway system, if you are suggesting that the

County go ahead and build a State highway for the State, um, then that needs to be discussed with the State. If we're gonna be collecting funds from our residents here, and understand that every project, every house that is built, the cost is transferred ultimately to whoever purchases the property. That particular project has to be discussed with the State as to whether or not they would accept the money, they'd be willing to work with us, all of those things need to be considered. Now, we can take that up as a separate topic to discuss as to what those fees should be if you wanna change them. We've had the discussion about the schools as well and the parks. We have requirements on all of those things. And it is this Council that sets those rates as Jo Anne has in her Parks for many, set a rate. Now, that was considered fair by the Council when that rate was set to now go to individuals that say well, that's not the fair rate, you need to pay more, then we need to revisit this thing equally for everybody. Same as with the schools and the highway and every other fee that we assess. So . . . we can discuss each of those as a separate topic, but if you want to propose that, um, we create that exaction and force the developers to pay that, I believe we need to follow the law and go back and change the rate structure.

COUNCILMEMBER NISHIKI: Mr. Chairman?

CHAIR ARAKAWA: Yes.

COUNCILMEMBER NISHIKI: That's not what I said and that's why I, I, I, I, I ask you that we get together with this Administration. And I, I, I bring it up only because on the Big Island when a developer wanted to put in a residential development, high-end development, um, they didn't use the law, they just asked that, hey, if you want it, then can you put up some money. It's, it's like begging, but it's, at the same time developers know that, okay, if, if that's what you need then, you know, set up a fair system and, and do it. And I think that all the developers would play by the same rule. They wanna come in here and develop, but we're saying you can come, but this is what we need to accomplish in order for you to have your development occur. And to me, that's not asking too much.

CHAIR ARAKAWA: And again--

COUNCILMEMBER NISHIKI: All they can say is I wanna play, I don't wanna play.

CHAIR ARAKAWA: And again, Councilman Nishiki, volunteering, you've read my comments in the paper, I'm fine with volunteering. But, again, if you're, if you're gonna make it a requirement, then we need to go back and change the rules. If anybody wants to donate, um, and again if there is no, understand we're not guaranteeing that that particular development

is going to be granted. If they wanna donate toward a possibility of getting a development approved, that's fine, it's, as long as it's voluntary. And we can look at the policy, but, um, we tend as we, as this Council member to ask anyway and sometimes we get, sometimes we don't. So there are projects that I've asked for things and we've gotten and there are projects that we haven't. As long as it's voluntary, that's fine. you can ask all you want. Okay. And I think that's enough on this top . . . topic, everybody's tired, and I think we're ready to conclude everything. And besides, the lights are gonna go off on us pretty soon, so unless there is any substantial reason not to invite to adjourn this meeting. Okay.

COUNCILMEMBER NISHIKI: You are rescheduling this meeting (inaudible)

CHAIR ARAKAWA: I'm adjourning this so therefore I have to reschedule in order to take any other--unless you want me to recess, in which case we won't have public testimony.

COUNCILMEMBER NISHIKI: No.

CHAIR ARAKAWA: So I am adjourning this meeting. Meeting adjourned.  
(gavel)

**ACTION: DEFER**

ADJOURNED: 10:26 p.m.

APPROVED:

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ALAN M. ARAKAWA, Chair  
Land Use Committee