

POLICY COMMITTEE

Council of the County of Maui

MINUTES

October 14, 2008

Council Chamber, 8th Floor

CONVENE: 1:37 p.m.

PRESENT: Councilmember Danny A. Mateo, Chair
Councilmember G. Riki Hokama, Vice-Chair (In 2:05 p.m.)
Councilmember Michelle Anderson, Member
Councilmember Gladys C. Baisa, Member
Councilmember Jo Anne Johnson, Member
Councilmember Bill Kauakea Medeiros, Member
Councilmember Michael J. Molina, Member
Councilmember Joseph Pontanilla, Member

EXCUSED: Councilmember Michael P. Victorino, Member

STAFF: Gayle Revels, Legislative Analyst
Tammy M. Frias, Substitute Committee Secretary

ADMIN.: Jo-Ann Ridao, Deputy Director, Department of Housing and Human Concerns
Tamara Horcajo, Director, Department of Parks and Recreation
Val Martin, Captain, Fire Prevention Bureau, Department of Fire and Public Safety
Milton M. Arakawa, Director, Department of Public Works
Jeffrey Hunt, Director, Department of Planning
Kathleen Aoki, Deputy Director, Department of Planning
Jeffrey Dack, Planner, Department of Planning
Eric Yamashige, Deputy Director, Department of Water Supply
Stephen Orikasa, Administrative Sergeant, Wailuku Patrol Division, Department of Police
Kimberly A. Sloper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Clayton Nishikawa, Kula Ridge, LLC
Michael Munekiyo, Munekiyo & Hiraga, Inc. (Applicant's consultant)
Rowena Dagdag, Planner, Munekiyo & Hiraga, Inc. (Applicant's consultant)
Stacy Otomo, President, Otomo Engineering, Inc. (Applicant's civil engineer)
Blaine Kobayashi, Carlsmith Ball (Applicant's attorney)

Yuki Lei Sugimura
Morgan Gerdel
Erin Rodrigues
Linda Mau
Dick Mayer, Kula Community Center

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

Hank DeHaan
Doreen Holton
Twenty (20) additional unidentified attendees

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

CHAIR MATEO: . . .(*gavel*). . . The Policy Committee meeting for October 14, 2008 will come to order. The Members present, for the record, we have Members Anderson, Baisa, Johnson, Medeiros, and Pontanilla. Member Victorino is excused from today's meeting. Also present with us is Member Molina and soon to join us the Council Chair Hokama.

Members, we have one item on today's agenda, but before getting into Policy-7(2), we will entertain public testimony at this time. We have five individuals signed up to testify and before calling the first individual up to the podium, the Chair would like to recognize those individuals with us this afternoon. We have from the Corporation Counsel, we have Ms. Sloper. From the Administration we have the Deputy of the Department of Housing and Human Concerns, Ms. Ridao. And our Committee Staff this afternoon we have our Analyst Ms. Revels and subbing this afternoon for Ms. Sakamoto we're glad to have Tammy Frias with us this afternoon.

Going into public testimony the first individual this afternoon we're going to call up Ms. Yuki Lei Sugimura. And just general housekeeping, the Chair will entertain three minutes to testify and a minute to convene.

. . .BEGIN PUBLIC TESTIMONY. . .

MS. SUGIMURA: Good afternoon, Chair Mateo and Members of the Council. I am here to support the Kula Ridge project for its availability for affordable housing for our treasured seniors as well as our youth. I am a resident of Kula that lives in a three generation household. My 88 year old mother lives with my family, my 68 year old husband, don't tell him I told you how old he is, and I along with our 16 year old son all live together.

I am, I am hopeful that this project can provide much needed senior independent living and affordable housing for families like myself who are three generations in one, and it will provide the opportunity for my 16 year old son to maybe one day decide to come back to Kula and live close to us and be able to purchase a home that is affordable.

I want to take this time to commend Clayton Nishikawa for taking on this project and for trying to provide much needed affordable and senior housing and available commercial housing for our residents of Maui. You will all hash out the legal details, the water, the roads, the housing, and all of that, and I know that you will make the best decision with Clayton Nishikawa for the betterment of Maui. And I wanted to just commend Clayton

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

and developers like him who have the courage to take on this for our community. Thank you very much.

CHAIR MATEO: Thank you. If you could please state your name for the record please?

MS. SUGIMURA: Yuki Lei Sugimura.

CHAIR MATEO: Thank you. Members, are there any questions for the testifier? Seeing none, thank you very much. The next individual to testify this afternoon is Morgan Gerdel and following, following Mr. Gerdel is Erin Rodrigues.

MR. GERDEL: Aloha, Council Members. My name is Morgan Gerdel. I am a licensed architect and a resident of Haiku. I grew up on Maui. I have been working here on Maui for the past eight years. I'd like to express my wholehearted support for the Kula Ridge project. My feeling is that it will benefit the community on many levels. There are a number of families that have been waiting years for the possibility to own a home in Kula Ridge, and I am one of them. For these families Kula Ridge offers unique qualities, the option to live near family Upcountry, a compact walkable neighborhood, and well designed contextual homes. The value of the project cannot be expressed in percentages or units. The most important thing is providing a large number of Maui's families with a place they can truly call home. It would be a terrible mistake to create additional conditions to this application to intentionally derail a project that can offer so much to Kula.

In addition to helping these families, Kula Ridge will bring a nucleus to the Waiakoa community. It can give the local businesses in Kula the support they need to remain viable and even allow for the growth of local, agricultural, and commercial industry in the Upcountry area. A new neighborhood with a diverse group of residents can help keep Kula a vibrant livable community. I would strongly urge the Council to consider the benefits of Kula Ridge especially with this current state of our economy. The unemployment rate is climbing and Kula Ridge would be a great stimulus to our construction industry. Our public servants and teachers would be well served with an affordable housing option. Please look to the future and give your support to a project that can bring so much to the people of Maui. Thank you.

CHAIR MATEO: Thank you. Members, questions for the testifier? Thank you very much. Erin Rodrigues to be followed by Linda Mau.

MS. RODRIGUES: Sorry, I'm nervous. Good afternoon. My name is Erin Rodrigues, and I'm here to support the Kula Ridge project. My husband and I were both raised Upcountry. I've lived here all my life. I've lived Upcountry all my life. It's a great place to live. I'd like to raise my kids up there some day. My husband and I have been together for 11 years now. We've lived Upcountry with my mother-in-law for the past 11 years. He's worked for the Fire Department up in Kula for the past six years. He'd like to live closer to home. We feel that this project will do good. It's close to schools, grocery stores,

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

restaurants, and a park. It's all walking distance. He'd like to, even though there may not be a large amount of people who work in Kula there's a lot of people who would love to live close and live close to the schools up in Kula. It's nice to live. Nice climate. It's nice that someone's trying to make affordable housing Upcountry. We need it up there. And thank you for listening for me today, and we hope this project moves forward. Thank you.

CHAIR MATEO: Thank you. Members, questions for Ms. Rodrigues? Seeing none, thank you very much. Linda Mau. Linda will be followed by Dick Mayer.

MS. MAU: Good afternoon. My name is Linda Mau. I'm a public health nurse for the State of Hawaii, Department of Health. I serve the residents of Maui as an elder case manager. I would like to share with you my views on lifespan building that Kula Ridge and Clayton Nishikawa are open to. I feel that Kula Ridge can offer the aging community lifespan homes so that they can age in place in the comfort and safety of their own home. I have seen firsthand the benefits and cost savings of encouraging more lifespan building on Maui.

The majority of my clients are faced with numerous safety issues because aging in place was not considered when their home was built. For example, they may have wooden steps that are beyond repair and also narrow and cramped bathrooms that lead to falls. Making home modifications or remodeling are just not in their budget or their capability later on in life. My parents, for example, they purchased a 75 year old home in their early 60s and rebuilt their dream house, they thought, two-story, split-level home and 18 years later they are having difficulty going up and down the stairs because of knee pain. So in retrospect my dad said he would have built a single-floor dwelling.

On a personal note, my family and I have lived on Maui for ten years. My husband and I grew up on Oahu, but we lived in California for 22 years. We have three girls. Two are living and working in California and one is a junior in high school here. My husband has been serving as a senior pastor since we moved back to the islands. I'm, I'm serving as a parish nurse there. My husband has been wanting a home in Kula for many years, and we have, but we have not been able to afford a home on a pastor's salary. So I feel that Clayton is offering an opportunity for people of all ages to live as a community in a rural setting.

You know, I see even people living in senior housing. They continue to be socially isolated because of their decreased mobility and maybe Kula Ridge will speak to that need of, maybe community of inter-generations helping and working with each other to keep each other safe and happy. Thank you.

CHAIR MATEO: Thank you, Ms. Mau. Members, questions for the testifier? Thank you very much. Mr. Mayer.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. MAYER: Thank you, Council Members. My name is Dick Mayer, and I'm speaking today on behalf of the Kula Community Association. Our president was unable to come today, and she asked me to give a presentation. The Kula Association met with Mr. Nishikawa already two or three years ago when he came to us, and we want to compliment him for his really strong efforts to come to the association and meet with us to find out our concerns, et cetera. Subsequent to that, our association drew up a long letter, five or six pages, with a number of issues and concerns that we thought should be addressed and over the years some of these have been addressed, but we feel that there remain several issues, major issues that have still been unaddressed so far, and I'd like to go through some of those items with you. I recognize that this is a project where you'll have to say yes or no on and that's unfortunate, because some of these issues are very significant. And I don't think, our association has not taken a position in favor of this project, because we still have these remaining concerns that need to be answered. Let me go through them.

First of all, there's a second project. This is not a single project, the Kula Ridge project. There is a second adjoining parcel called Kula Ridge Mauka which should have been included within the EA, and it's interaction with this project should have been discussed and presented to you in detail. I believe the proposed water pump, water well is on that parcel and the water tanks will be on that parcel, and it has interaction as well with this parcel.

Number two, traffic. We feel that there are serious problems on the Lower Kula Road just below this project and in front of the Kula Community Center that have yet to be addressed particularly because of the problem there's a school located there, Haleakala Waldorf School which is located on that road with early morning traffic. We feel that children walk along that road up to the Kula Gym, and there's no sidewalks on that road in that area, and the correspondence we have does not indicate that the developer is planning to, in any way, put in sidewalks to help, given the fact that there are an additional several hundred cars a day coming out of this project. The other part of that problem is that these children will be going to Kula School. Since the school, this project is located within one mile of the school, these children will not be allowed to use the school bus, will have to walk along Lower Kula Road with its very dangerous traffic early in the morning, and then cross the Kula Highway. We feel that there should be some ability for the Council to be able to require that proper sidewalks be utilized along that road for those children.

Next issue, water. Water is probably the most severe issue Upcountry, as you well know, with a water meter list that's now over 1,000 names. Many of the people on that list are people who are looking for affordable housing. These are people who own a piece of land and for the lack of a water meter they would be able to put up an affordable house on their own lot. And this project would jump ahead of that list. Our concern is that we still do not know what the water situation will be. It's been proposed that a 2,900 foot long well be introduced, and then an additional six, 700 foot pipe be put to pump the water even to a higher elevation. This would be an extremely expensive source of water,

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

having to pump the water up to 3,600 feet at roughly a \$1.50 to \$2 per thousand feet to pump it up a thousand feet. This water would probably cost somewhere in the range of six to \$8 to produce. If this system were handed over to the County, the County would be having to pay six to \$8 in electricity costs and maintenance costs, et cetera, and then selling the water back to this project, probably as they do now for \$2 roughly per thousand, it would take a loss on every gallon. Why I mention the first item, the agricultural lots, they would probably be also selling the water to the ag lots at ag rates.

MS. REVELS: Three minutes.

MR. MAYER: In other words, the County would then, thank you, would be subsidizing that water by pumping it up at six to \$8, and then selling it back to the water, to the ag users at roughly a dollar. That would be \$7 for every thousand gallons the County would be selling it. That's a burden I think you need to be very much aware of.

There's also a problem of drainage, because the slope of this land is 14.8 percent according to the EA, which is very, very steep. And even though they may be using best management practices that might not be enough to take care of the very heavy rains which come every winter when we have the Kona storms, because their study only looked at one-hour rainfall amounts not at a much larger amount.

Electricity costs were mentioned in the EA. As Maui Electric says that they do not have adequate lines at this point. I think these houses should have solar hot water heaters installed on them to help reduce the electric load needed by the project. The point is...

MS. REVELS: Four minutes.

MR. MAYER: Thank you. Let me just finish. The point is that there are many issues, and I could go into other ones. I tried to do those very quickly, that need to be looked at, and I'm not sure that a yes vote at this time is warranted given the concerns that we still have. Thank you very much.

CHAIR MATEO: Thank you, Mr. Mayer. Members, questions for Mr. Mayer? Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Chair. Good afternoon, Mr. Mayer. Just one quick question with regards to the, I guess the, the configuration for the site plan. Was this something that was, I guess, I guess workable for the community association to approve or work on with the, with the applicant?

MR. MAYER: Yes.

COUNCILMEMBER MOLINA: Okay.

MR. MAYER: I think that the, let me give you two answers to that. One is I was originally, as you know, the Vice-Chair of the Upcountry Community Plan, and we pushed to have this

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

area designated for residential use. So that's, that's not a problem that they be residential use, and it's in the community plan. It was a different configuration. This one meets some of those things with the one exception that these lots would normally be considered substandard. They're all below 6,000 square foot. They're 5,600 square foot lots on average for the affordable houses, and that, that, that would be a little bit of a concern that squeezing them all together and leaving four large, eight agricultural lots on there. It would be perhaps better if some of that ag land, one of those lots perhaps, could have been subdivided among all of those 115, 116 houses.

COUNCILMEMBER MOLINA: Okay, thank you. Thank you, Chair.

CHAIR MATEO: Thank you, Mr. Molina. Ms. Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chairman. Thank you, Mr. Mayer, for being here. Did you mean 4,600 square feet lots?

MR. MAYER: Fifty-six hundred.

COUNCILMEMBER ANDERSON: Where did you get that figure?

MR. MAYER: I believe I saw that in the EA.

COUNCILMEMBER ANDERSON: Because...

MR. MAYER: That might be an average of the market and the affordables I think. I, I don't know. Maybe...

COUNCILMEMBER ANDERSON: Because I see, I see 4,600 per square foot lot for the workforce housing lots.

MR. MAYER: Okay, then I stand corrected.

COUNCILMEMBER ANDERSON: Excuse me. I'm assuming that you've read the EA because you're quoting it?

MR. MAYER: I read it a while back when we originally commented on it. I haven't read it recently.

COUNCILMEMBER ANDERSON: Do you recall the projected student enrollment based on this development?

MR. MAYER: The numbers I don't remember, I couldn't give you a number off the top of my head.

COUNCILMEMBER ANDERSON: Okay.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. MAYER: I know that the, the, the DOE has said that, that there would be adequate space in Kula School, and Kekaulike, and, and Kalama, but I'm not sure whether they've considered fully is the development of the Hawaiian Home Lands. That's something I didn't get into, but the Hawaiian Home Lands puts pressure on the road situation, on the school situation, and the need for water. And that has to be considered because that's a very, very, very large project that has a high priority in the Kula, in the Upcountry Community Plan.

COUNCILMEMBER ANDERSON: And, and where is that in relationship to this project?

MR. MAYER: That would be near Keokea, beyond the telephone exchange down there.

COUNCILMEMBER ANDERSON: Oh, there's nothing in the Waiakoa area then?

MR. MAYER: Not, not in the Waiakoa, but it, it directly impacts because it uses the same one road --

COUNCILMEMBER ANDERSON: Same school.

MR. MAYER: --same school, and same water system.

COUNCILMEMBER ANDERSON: And so, you, you mentioned an adjacent project that should be taken into consideration for cumulative impact and, and what's the name of that project?

MR. MAYER: Kula, let me get it. Hold on. Kula Ridge Mauka.

COUNCILMEMBER ANDERSON: Kula Ridge Mauka.

MR. MAYER: And that's just to the north of the project.

COUNCILMEMBER ANDERSON: Right. I think, I think they do discuss that and take that into consideration in their EA as a project summary.

MR. MAYER: Okay. I have not, as I said I have not looked at it for a year or two.

COUNCILMEMBER ANDERSON: Okay. And then the other question I had for you, Mr. Mayer, is you talked about traffic. I'm just wondering if you saw the letter from DOT dated October 2nd, where they make several comments disagreeing with the applicant's supplemental traffic report.

MR. MAYER: No, I had not seen that letter. And, and it's both, what the State is saying on the State highway as well as the Lower Kula Road, which is County road that were our concerns.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

COUNCILMEMBER ANDERSON: Okay. Thank you very much.

CHAIR MATEO: Thank you, Ms. Anderson. Members, additional questions for Mr. Mayer? Seeing none, thank you very much.

MR. MAYER: Thank you.

CHAIR MATEO: Mr. Mayer was the last individual signed up to testify this afternoon. If there are any, anyone in the gallery wishing to testify at this time, you're welcome to please come down and do so. The Chair will ask that you just recognize yourself on the podium and when you're done if you can, please stop by the desk in front of you and fill out the testimony, the testifier's form.

MR. DeHAAN: Good afternoon, Council.

CHAIR MATEO: And state your name please.

MR. DeHAAN: My name is Hank DeHaan. I wasn't planning on testifying, but as I stood here in support of Kula Ridge one thing I didn't hear was, I've known Clayton since he's opened his business and, you know, in this day and time to be careful who we give authority to do these projects, and I've seen Clayton over the years make things right when things maybe had problems here or there. I'm fully in support of his vision, his integrity to not only the County of Maui but to the people of Maui. So I'm full support. Thank you.

CHAIR MATEO: Thank you. Members, additional, any questions for the testifier? Seeing none, thank you very much. Once again, the Chair will ask if there are anyone, is there anyone wanting to come forward and testify, now is the time to do so.

MS. HOLTON: . . . Hello, good afternoon. My name is Doreen Holton. I live up in Kula. I moved originally from the island of Oahu almost 35 years to Maui. And the thing that has always impressed me about Maui, the thing that we've always enjoyed and this is why our kids, we selected Kula to live in and Kula School for our kids to go to is that it's a diverse community. And I think the reason I feel in support of this project is once again you have a plan for old, affordable, or a little bit more, people can afford more, can live together in one area.

I know there may be problems with sidewalks, water has been a chronic problem, but all of these things can be solved if we can be a community. And I think you here on the Council and the planner who's working on this project can find a way to help make that small community of Kula, right in that Waiakoa area, viable and a happy place for many people, different generations to live in and that's why I'm in support of the project. Thank you.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

CHAIR MATEO: Thank you very much. Members, questions for the testifier?

. . . Thank you very much. Once again, the Chair will ask anyone wanting to testify, now is the time to advance to the podium.

. . . Seeing no one advancing, Members, with no objections we will close public testimony.

COUNCIL MEMBERS: No objections.

CHAIR MATEO: Thank you, so ordered.

...END OF PUBLIC TESTIMONY...

ITEM NO. 7(2): HRS CHAPTER 201H AFFORDABLE HOUSING PROJECTS (KULA RIDGE WORKFORCE HOUSING SUBDIVISION) (C.C. No. 07-13)

CHAIR MATEO: Members, we have one item on our agenda for this afternoon, and it is a lengthy item. You can follow along with me on today's agenda. We will be discussing Policy-7(2), the HRS. Chapter 201H affordable housing project, Kula Ridge Residential Workforce Housing Subdivision. This Committee is in receipt of correspondence dated October 6, from the Director of Housing and Human Concerns who transmitted the following:

1. An application for the development of the proposed Kula Ridge Residential Workforce Housing Subdivision in Kula which includes a project consisting of approximately 116 improved lots with approximately 70 lots set aside for workforce housing or affordable house-lot packages. Affordable house-lot units are proposed to be integrated with market lots;
2. A proposed resolution approving the Kula Ridge Residential Workforce Housing Subdivision pursuant to Section 201H-38 of the Hawaii Revised Statutes;
3. A proposed resolution approving, with modification, the Kula Ridge Residential Workforce Housing Subdivision pursuant to Section 201H-38 of the Hawaii Revised Statutes; and
4. A proposed resolution disapproving the Kula Ridge Residential Workforce Housing Subdivision pursuant to Section 201H, Hawaii Revised Statutes.

And, Members, pursuant to Section 201H-38, the Council shall approve, approve with modification, or disapprove the proposed project by November 20th, 2008 or it will be deemed approved. Members, the applicant's consultant, this afternoon, will provide us with a brief PowerPoint presentation on the Kula Ridge Project. Following that presentation, the Chair will allow for Q and A period. And a reminder that that will be kept specifically to the presentation that the consultant will be providing to the Committee. Following that presentation, the respective departments will be allowed to provide their comments on the project itself, and the Members are definitely encouraged

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

to question the departments. At this time, in order for us to bring down the screen and to prepare for the PowerPoint presentation the Policy Committee will stand in recess. And, Members, please do not stray very far. We'll stand in recess. . . .(gavel). . .

RECESS: 2:04 p.m.

RECONVENE: 2:05 p.m.

CHAIR MATEO: . . .(gavel). . . The Policy Committee for October 14th, 2008 will reconvene. Members, at this time the planner for the applicant with the Munekiyo & Hiraga, Ms. Rowena Dagdag, you'll go ahead and do your presentation.

Note: Computer-generated presentation.

MS. DAGDAG: Thank you very much, Chair Mateo and good afternoon, Members of the Policy Committee. My name is Rowena Dagdag, with Munekiyo & Hiraga, and our firm is assisting the applicant, Kula Ridge, LLC with the Kula Ridge Residential Workforce Housing presentation.

. . . We have prepared this PowerPoint presentation to provide the Committee Members with an overview of the project. In attendance this afternoon with me from Kula Ridge, LLC is Clayton Nishikawa. Mr. Nishikawa is also representing the firm of Architectural Design & Construction. The project's civil engineer is Stacy Otomo of Otomo Engineering, and he is also available this afternoon for questions. The project team includes the following consultants who, unfortunately, couldn't be here this afternoon, but nonetheless we'd like to introduce them as well. We have the archaeological consultant, Mr. Mike Dega of Scientific Consultant Services; the hydrologist is Mr. Glenn Bauer of Mink & Yuen; environmental waste management consultant is Best Industries USA, Inc., Mr. Harold Nagato; our traffic engineer from Wilson Okamoto Corporation is Ms. Cathy Leong; and again the planning consultant for this project is Munekiyo & Hiraga, Inc. This afternoon here with me from the firm is Mr. Michael Munekiyo.

. . . As stated earlier, this presentation provides you with a overview of the project. The project is the Kula Ridge Residential Workforce Housing Subdivision located in the Makawao-Pukalani-Kula Community Plan area within the core of the Waiakoa region. The property size is approximately 48 acres. The current State land use designation is Agricultural. The Community Plan designation is for both Rural and Single-Family, and the County zoning is Interim.

. . . This next slide is an aerial photograph of the project area and the Waiakoa region. The project site is an approximately 48-acre site off of Lower Kula Road, which is depicted right here.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

. . . The site is currently vegetated with pasture grass and was formerly used as pasture lands. To the north of the site is Keahuaiwi Gulch. The Kula Community Center, the gateball field and the tennis courts, as well as the Holy Ghost Church are located to the immediate west of the property along Lower Kula Road. We also find single-family residences along this western boundary of the project site. The project area is also located in close proximity to other existing residential areas as well as some country town establishments such as the Morihara Store. We also find educational facilities--as mentioned earlier, the Haleakala Waldorf School, and we also have Kula Elementary School which is located off of Kula Highway as depicted here in this area. Access to the site will be provided by an easement off of Lower Kula Road adjacent to the Kula Community Center tennis courts.

. . . Housing opportunities within the project includes the development of 116 residential units consisting of single-family residences ranging from 4,600 square feet to 21,000 square feet lots in this area here, as well as four larger lots that are approximately four acres each. The project is planned to have approximately 70 workforce . . . *(End of tape, Side 1A)*. . . packages ranging in lot size of approximately 4,600 square feet to 8,500 square feet, and they are depicted in this area here. There's one adjacent to the park in this area here. . . as well as this area adjacent to the four large lots.

. . . These lots. . . the house-lot packages have an estimated price range of \$286,000 to \$430,000. The sales prices, I would like to note, are exclusive of association and maintenance fees. As mentioned earlier, the Kula Ridge project will provide 59 workforce housing units for the proposed 116 lots meeting the affordability criteria for Section 201H-38, Hawaii Revised Statutes. The remaining 11 workforce housing units are proposed to meet the requirements of the County of Maui Residential Workforce Housing Policy for the adjacent Kula Ridge Mauka Subdivision. Forty-two residential lots will be sold at market price with an estimated sales price of approximately 350,000 to 450,000. And these market lots are located in this area here. These lots will be sold as lots only with restrictions on further subdividing. As you can see as well, and it was noted earlier, the affordable house-lot units are integrated with the market price lots. I also mentioned earlier that there are four large lots with a lot size of approximately four acres each. These lots have an estimated average sale of \$1.2 million. Development on these lots will be restricted to one main dwelling unit and one accessory dwelling unit with restrictions on further subdividing. As illustrated in this land use plan, the project also provides five acres of open space area and a three-acre park site. The park site is proposed to be dedicated to the County of Maui. Now, the location of the park provides for contiguity with the existing Kula Community Center as well as the tennis courts.

. . . The Kula Ridge Residential Workforce Housing Project application, as mentioned by Chair Mateo, is submitted pursuant to Hawaii Revised Statutes, Section 201H-38. Fifty-one percent of the units will be made affordable to families in the less than 140 percent of median income. Fifty-nine single-family residential units are proposed. In this figure, we'd like to show bordering the project site, the Kula Ridge Project, is the

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

proposed Kula Ridge Mauka Subdivision. It is owned by a separate entity, Kula Ridge Mauka, LLC.

. . . Kula Ridge Mauka will be processed as a separate application. The project is proposed to be a 21-lot agricultural subdivision, requiring 11 workforce housing units pursuant to the County of Maui Residential Workforce Housing Policy. Now, there are two elements--and let me just go back to this figure here. There are two elements that relate to the proposed development of this mauka subdivision. The first one being that 11 of the workforce housing units for the proposed Kula Ridge Mauka Subdivision will be provided. . .or 11, I'm sorry, 11 of the Kula Ridge Mauka units proposed for affordable, to meet the affordability requirements for the County's Workforce Housing Policy will be provided at Kula Ridge. Now, second, water service for the Ridge project is provided on the mauka subdivision. The mauka project also provides a secondary emergency access for emergency purposes only. We'd like, also like to note that a summary of the impacts resulting from Kula Ridge Mauka were mentioned in the final EA for Kula Ridge.

. . . Now, just to recap the project development summary of both projects. In the Ridge project, we have a total of 116. . .lots. The affordability requirement, 50 percent, is that we have 58 units that meet the, the project. . .affordable housing requirement. Now, for Kula Ridge, Kula Ridge will be providing 59 units. . .to make that 51 percent affordability. For the mauka subdivision, there are a total of 11 or 21 units, excuse me. The affordable housing requirement for the mauka subdivision is 11. Eleven units will be provided to meet the Workforce Housing Policy requirements for the County of Maui. And with the two numbers--59 and 11, the total number of units in Kula Ridge is 70.

. . . This next table shows the workforce housing distribution for the Kula Ridge Subdivision. The ownership income groups include those within the 101 to 120 percent of County median income. Project type will be two- to three-bedroom units. Approximately 25 percent of the 59 units will be made affordable to families in this income category, which translate to 29 units. Sales price range will be between \$286,875 to \$368,200. Out of the 59 units, we also have 26 percent of them or 30 units made available to families within this income range--the above moderate income range, which ranges from 121 percent to 140 percent of median income. The product type will be three-bedroom units. Sales price range is approximately \$398,900 to \$429,500.

. . . Kula Ridge, LLC proposes to design and build the homes and give homeowners a variety of house plans to choose from. The homes are proposed to be designed to match the architectural style of the Kula region while meeting the community's need for workforce housing. The house models for the workforce housing units will provide approximately 1,200 square feet of living area. Now, this plan here. . .shows a typical plan for the affordable units. Pictured here is a two-bedroom unit. And this particular model has the master bedroom, the second bedroom here shared by a bathroom, a kitchen and dining area with a living room, covered porch, garage or carport, as well as some storage area. Now, this entire model. . .is approximately. . .a little over 1,100 square feet.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

. . . We also have another house plan here and this one depicts three bedrooms with a master bedroom, two additional bedrooms here, bathroom area, kitchen and dining room, living room, as well as a covered porch, the garage and storage area. Additional house model plans are included in the 201 application in Section 4, as well as the first chapter of the document.

. . . Kula Ridge, LLC proposes to install offsite waterline improvements at the adjacent mauka subdivision to service the proposed residential subdivisions for both Kula Ridge and Kula Ridge Mauka. The improvements will involve the development of an offsite well at an elevation of approximately 2,900 feet. The water will be pumped from the well site to a new 500,000 gallon storage tank located at the mauka boundary of Kula Ridge Mauka. The storage tank will have two distribution lines. . .depicted here, one on the north and one. . .on the southern end. Water from the tank will be transported to Kula Ridge by a new eight-inch transmission line. The water distribution lines will have pressure break tanks to control water service pressures to Kula Ridge and Kula Ridge Mauka.

. . . The Kula Ridge Residential Workforce Housing project is requesting 11 exemptions on six sections of the Maui County Code. Pursuant to Section 201H-38 of the Hawaii Revised Statutes, it promotes the delivery of affordable housing by exempting endorsed projects from all statutes, ordinances, charter provisions, and rules of any governmental agency relating to planning, zoning, construction standards for the subdivision, development improvements of land, and the construction of units thereon. Kula Ridge, LLC will require exemptions from the Maui County Code regarding some of the standards. We are seeking exemptions from, first, the State Land Use or the Land Use. The property is currently designated Agricultural by the State Land Use Commission; Single-Family and Rural by the Makawao-Pukalani-Kula Community Plan; and zoned Interim by Maui County Zoning. We propose to seek an exemption to allow the project to occur on this site.

. . . Kula Ridge is also seeking an exemption from Chapter 14.12 to exempt the project from the need to obtain written verification of long-term reliable supply of water. And this is, in this exemption, we would like to have further discussion with the Council Members at this. . .when the time comes. We'd also like to ask for an exemption from Chapter 14.74, traffic impact fees, impact fees for traffic and roadway improvements in the Makawao-Pukalani and community plan area. Exemptions from Title 16 of the Maui County Code, relating to buildings and construction, are requested to exempt the project from fire, electrical, plumbing, building permit fees, and demolition permit fees as well as inspection fees.

. . . Kula Ridge, LLC is seeking subdivisions [*sic*] from Title 18 of the Maui County Code relating to subdivisions. The following three items are requested exemptions. First one being Section 18.04.030 and 18.16.020 to exempt the project from obtaining a Change in Zoning and Community Plan Amendment to enable subdivision approval; Section 18.16.320, relating to parks and playgrounds, to allow for the dedication of a

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

three-acre site within the project to satisfy the parks assessment requirements; and an exemption to the minimum right-of-way and pavement widths to allow 24-foot right-of-way and 20-foot pavement widths for private streets.

. . . An exemption from Chapter 19.020 to permit the development and use of the parcel for single-family and rural residential purposes, including supporting infrastructure requirements. This exemption shall allow the subdivision of the property according to these following standards. For the affordable lots, the minimum lot size would be approximately 4,600 square feet. The minimum lot width would be 52 feet, with a front yard setback of 10 feet. Zero Lot Line is in conformance with the R-0 standards. Access yard setback line would be 15 feet, and all other setback lines include 6 feet at one-story. . .as well as 10 feet at two-story. But we'd also like to note that the project will, and you'll hear from the applicant that the homes are proposed to be one story.

. . . We'd also like to request for exemptions for the market lots, whereas the minimum lot size would be 6,000 square feet, the minimum lot width 60 feet, front yard setback at 15 feet; with other setback lines 6 feet at one-story and 10 feet at two-story. The height restriction, no building shall exceed two-story or 30 feet in height from finish grade of subdivision.

. . . The applicant is also requesting an exemption from grubbing and grading permit fees to exempt the project from payment of grading, grubbing, and excavation permit fees as well as inspection fees. And an estimated cost of this exemption is approximately \$5,700.

. . . In addition, an exemption from the Hawaii Administrative Rules was requested, relating to the spacing of individual wastewater systems. We will have additional information about this exemption, and we'd like to discuss that further. . .later on this afternoon as well.

. . . In closing, and to summarize the project, the Kula Ridge Workforce Housing Subdivision will be an affordable housing program to meet a significant need in the community. The project, as designed, or was designed to accommodate the demand for local affordable housing by existing Maui families and the new generation of families from the Kula area. Fifty-nine homes will be made affordable to families earning up to 140 percent of the median income category. In addition, the applicant also intends to provide offsite water improvements to provide long-term and reliable private water source to service the project area. This ends our presentation. And as previously mentioned the applicant, Mr. Clayton Nishikawa; the civil engineer, Stacy Otomo; planning consultants, Michael Munekiyo and myself are available to answer your questions. Mahalo.

CHAIR MATEO: Thank you, Ms. Dagdag. Members, we're going to take a very short recess to put the screen up, and we will have the applicant and his representatives available to respond to questions. We'll stand in recess. . .*(gavel)*. . .

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

RECESS: 2:26 p.m.

RECONVENE: 2:29 p.m.

CHAIR MATEO: . . .(*gavel*). . . The Policy Committee meeting for October 14, 2008 will reconvene. Members, at this time the Chair will ask the representative and/or the consultant to come on down to the podium to respond to questions from the Committee. And, Members, the questions should be directly related to the presentation that was presented to us a little bit ago, because following this segment, the Chair will ask the respective departments to provide their comments, and we will again have the opportunity to ask more specific questions with the respective departments. Okay? At, this time, Mr. Munekiyo, good afternoon. Members, the floor is open for questions for the representative or the, the applicant. Mr. Medeiros, followed by Mr. Molina.

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman, and thank you for being here, Mr. Munekiyo. I, I, just, the, the park that's being proposed in the plan will be a public park open to anyone to use?

MR. MUNEKIYO: That's correct. It would be dedicated to the County of Maui.

COUNCILMEMBER MEDEIROS: All right. And then there was mention of a second access, and I wasn't clear where that access was.

MR. MUNEKIYO: That access. . .if I may refer the Members to the site plan within the application, that's probably easiest.

COUNCILMEMBER MEDEIROS: Can you give us a reference page?

MR. MUNEKIYO: That's Figure 1. . .on Page 2 of the project overview.

COUNCILMEMBER MEDEIROS: . . . Okay.

MR. MUNEKIYO: Essentially what happens, Councilmember, is that the primary access, as Rowena had mentioned, comes off of Lower Kula Road right next to the tennis courts.

COUNCILMEMBER MEDEIROS: Right.

MR. MUNEKIYO: It then goes up and if you look at Figure 1, there is a line where the arrow points, the project site arrow--

COUNCILMEMBER MEDEIROS: Uh-huh.

MR. MUNEKIYO: --that is where the access comes out from Lower Kula Road. The road, access road then follows the curve or linear path that goes on mauka, that kind of a jog,

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

and that is the road that really would provide access to the subdivision in its entirety. The secondary access really comes off of that road. It would be extended further mauka and through the Kula, Kula Ridge Mauka Subdivision, the other second subdivision that Rowena talked about, and through that subdivision there is another connection further mauka to the, to a residential outlet just to the, to the south of the Kula Mauka project. So actually the second access is, is going to be a controlled access point for emergency vehicles only, but it would be through that Kula, Kula Ridge Mauka Subdivision and through an existing subdivision that's already existing.

COUNCILMEMBER MEDEIROS: I see. So both of those would have the same egress and ingress off of Lower Kula Road?

MR. MUNEKIYO: The Kula Ridge Mauka Subdivision, that second subdivision that Rowena mentioned, would actually have access off of Kula Highway, I believe. If you can see, maybe I can refer you to. . .actually, actually that Figure 1 shows the outline of the Kula Ridge Mauka Subdivision in that dashed configuration.

COUNCILMEMBER MEDEIROS: Uh-huh.

MR. MUNEKIYO: The access point for the Kula Ridge Mauka--

COUNCILMEMBER MEDEIROS: Oh.

MR. MUNEKIYO: --would be both from Lower Kula Road, you're correct, the same access road that the Kula Ridge would receive access, as well as from Kula Highway directly.

COUNCILMEMBER MEDEIROS: Okay--

MR. MUNEKIYO: . . .*(inaudible)*. . .

COUNCILMEMBER MEDEIROS: --thank you. I, I see that now as you pointed it out. My, my other question, so that I don't have too many to ask so that the other Members can ask their questions. . .I think my, my paper disappeared . . .*(laughter)*. . . I think the dog ate it. My other concern was there was mention of exemption on the fire code, and I was wondering what kind of exemption was that for?

MR. MUNEKIYO: Actually those exemptions, Council Member, are for the fees, fire plan review fees--

COUNCILMEMBER MEDEIROS: Oh.

MR. MUNEKIYO: --and nothing that would affect the Code itself.

COUNCILMEMBER MEDEIROS: Okay. Okay, I, I think I'll. . .give up my opportunity at this time, Mr. Chairman, and look for my questions.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

CHAIR MATEO: Thank you, Mr. Medeiros. Mr. Molina?

COUNCILMEMBER MOLINA: Thank you, Mr. Chairman. Good afternoon, Mr. Munekiyo. First, with the water matter. It's been stated that, I guess one million gallons per day is assured and this has, has been verified by our own Department of Water, as well?

MR. MUNEKIYO: The water estimate is actually confirmed by the applicant's geohydrologist, Mr. Glenn Bauer.

COUNCILMEMBER MOLINA: And Department of Water Supply has not verified that yet?

MR. MUNEKIYO: I think from a process standpoint, what the Department would hope is that the well testing can be concluded, and that would verify the actual amount of, of, or yield from that well. But I think what the hydrogeologist is saying, that he's confident that one million gallons would be available.

COUNCILMEMBER MOLINA: Okay, and in terms of water quality, and I ask this being, you know, Upcountry--

MR. MUNEKIYO: Uh-huh. Right.

COUNCILMEMBER MOLINA: --several years ago there was a big controversy with water quality and so forth. Has, that report hasn't been completed yet?

MR. MUNEKIYO: That has not been done. And, and just to clarify for Council Members, Committee Members, the well testing has not been initiated at this point, so all of the studies that have been done in connection with that source are preliminary at this point.

COUNCILMEMBER MOLINA: Okay, and is it the intent to turn this system eventually over to, to the County or will this be maintained as a private system?

MR. MUNEKIYO: Right now it will be maintained as a private system. It would be designed, at a future point, should the County wish to secure some interest in it that, you know, it could be turned over, but at this point it will be a private system.

COUNCILMEMBER MOLINA: Okay, and with the exemption of the traffic impact fees, what would the applicant do, then, to address any potential traffic concerns?

MR. MUNEKIYO: I think there are, I think the Committee did receive a letter from the Department of Transportation and just chronologically we did do a traffic study. The DOT did offer comments initially. The traffic engineer responded to those comments and the letter that you have before you today, the most recent letter--I believe October 2nd or so, those are comments from DOT responding to the traffic engineer's response to their initial set of comments. What we're doing right now, and because those comments were

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

just recently received, the traffic engineer is meeting with DOT. We hope to have those comments addressed hopefully by the end of the week, and I'm sorry we don't have it with us today. But effectively there are some things which the DOT is . . .concerned about in, in terms of providing adequate mitigation at Kula Highway, and that's something that we're still working through.

. . . So in terms of the direct obligation of the applicant in terms of meeting project-related impacts to the surrounding roadways, I think that's not an issue. With respect to traffic impact fees it's more of the regional impacts that might be, I guess is of a concern. You know, if we are to provide affordable housing how is it that we can promote that by allowing some of these fees to be waived, and, and those will be more through the regional elements as opposed to the project's specific impact mitigation.

COUNCILMEMBER MOLINA: Okay, and my final question, Chairman. With regards to the current economic climate that we're in, and the, I guess projected sale prices, any estimation at this point what you may be looking at down the road now with some adjustments in price for these units, especially the affordables?

MR. MUNEKIYO: Right. We did speak with Mr. Nishikawa about this. The prices that were referred to in the PowerPoint were based on the, the year 2007 HUD median income guidelines. That has increased some since, with the issuance of the 2008 median income guidelines. At this point, I think Mr. Nishikawa's interest is to provide housing at the most affordable level possible. There's a bit of market uncertainty at this point, and so I guess that's the only thing that we can commit to right now is that he, he is indeed committed to making it affordable. It's just subject to what happens in the market moving forward.

COUNCILMEMBER MOLINA: Okay, fine. Thank you very much, Mr. Munekiyo. Thank you, Chair.

CHAIR MATEO: Thank you, Mr. Molina. Ms. Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chairman. Thank you, Mr. Munekiyo. I want to follow up on a few questions. First, real quickly. . .Member Medeiros asked you about the second. . .ingress/egress road, and you said that it would border up through the Kapalua [*sic*] Mauka, I mean, I'm sorry . . .(*laughter*) . . .

UNIDENTIFIED SPEAKER: . . .(*laughter*) . . .

COUNCILMEMBER ANDERSON: . . . the Kula Ridge Mauka project.

. . . Are you saying then that. . .that people will be able to cross the gulch and. . .and exit through the--I'm thinking in terms of a fire.

MR. MUNEKIYO: Right.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

COUNCILMEMBER ANDERSON: And if you only have one ingress and egress and the fire is in that area, you need another exit route. So would they be able to go up to the Kula Ridge Mauka project, and then cross the gulch, and then go down through that subdivision to access and exit onto Kula Highway?

MR. MUNEKIYO: Actually, Member Anderson, I, I think what might be helpful to provide some response if I can refer the Members to Figure Number 3, which is on Page 4 of the EA document. That's the aerial photograph and that was the same photo that was shown in the PowerPoint presentation. Actual, actually the, the alignment for that secondary access rather than coming down through the north across the gulch, it would actually turn south. And you can barely make it out, but there are some residences just along the pasture there which borders the Kula Ridge Mauka site, and there is a residential access road which serves those parcels. And the emergency access would actually be through that, the roadway which connects, I believe, up to Kekaulike Highway to the top. And so those, that would be very limited, of course, just for emergency purposes.

COUNCILMEMBER ANDERSON: . . . Could you show us where you're, you're referencing, because I don't see any road, any access roadway? And that, you're saying something entirely different, Mr. Munekiyo, than what you told Mr. Medeiros.

. . . I mean it appears to me that this gulch is just too. . . deep--

MR. MUNEKIYO: Right--

COUNCILMEMBER ANDERSON: --to have anybody traverse it.

MR. MUNEKIYO: Right. So maybe again, perhaps a better reference would be Figure 4, and again you can see the, the access road for Kula Ridge coming off of Lower Kula Road, and that roadway actually follows along the curve or linear border of the Kula Ridge Mauka. And at the top of the subdivision where there's that panhandle configuration--

COUNCILMEMBER ANDERSON: Uh-huh.

MR. MUNEKIYO: --you can actually see a dotted line which veers off to the right side of the page, and that is where the access road would be aligned. It would actually go towards, in the opposite direction away from the gulch, and that would connect to. . . a roadway that serves the residents on the south side of the. . . project. And again that would be limited just for emergency purposes.

. . . So I, I'm sorry if I miscommunicated, but actually the access road goes south rather than across the gulch.

COUNCILMEMBER ANDERSON: Okay. So, you know, Mr. Chairman, I think we need a map that clearly delineates that so that we can have some. . . assurance that people in the

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

subdivision are going to have. . .an exit, a safe exit route. And if we have a map that delineates that, then everybody knows where it's going to be and that they're held to doing that. Because I'm sorry, Mr. Munekiyo, I, I'm looking at several different maps, and I can't follow what you're saying and. . .and, you know, I'm not saying that you're not. . .going to do this . . .*(laughter)*. . . I just don't understand how you're doing it.

MR. MUNEKIYO: We'll provide a map.

COUNCILMEMBER ANDERSON: The other question I had, Mr. Chairman, if you could tell us, Mr. Munekiyo, the, the prices for, there's going to be, there's going to be. . .there's going to be 70 affordable units, 11 of them attributable to . . .*(End of tape, Side 1B)*. . . the Kula Ridge Mauka project. And when you gave us a price breakdown, you said that 29 of the units would be priced from 286,875 to 368,200, and that that's from a 100 to 120 percent; and then, there's going to be 30 units from 398,900 to 429,500, that's from 120 to 140 percent of the median income. So that leaves another 11 units--

MR. MUNEKIYO: Correct.

COUNCILMEMBER ANDERSON: --that are going to be attributed to the other project. Can you give us an idea of what the price range on those will be? Will they have a similar breakdown?

MR. MUNEKIYO: They will have a similar breakdown with the exception, Councilmember, that these 11 units would be priced pursuant to the Workforce Housing Policy because it is for the Kula Ridge Mauka Subdivision. And, therefore, in accordance with the Workforce Housing Policy, you would have income groups of 80 to 100 percent; 101 to 120 percent; 121 to 140 percent; and finally the gap group, 141 to 160 percent. And if I could just give an example of the ranges as a result, again, these are for the 11 units that would service the mauka subdivision. At the 80 to 100 percent, it will be roughly 235,000 to 261,000. At the high end where we are addressing the gap group, gap group needs of 141 to 160 percent, prices would fall roughly between 460,000 and 491,000.

COUNCILMEMBER ANDERSON: . . . And that's the 100 and. . .between 141 and 160?

MR. MUNEKIYO: That's correct.

COUNCILMEMBER ANDERSON: And so then what you're telling us, Mr. Munekiyo, is that these 11 units for the Kula Ridge Mauka project are meeting the Workforce Housing Ordinance, but the units in this Kula Ridge residential project are not. They are just coming to us under the 201H project?

MR. MUNEKIYO: That's correct.

COUNCILMEMBER ANDERSON: And so, was there any consideration to try to spread out the affordable income range on, on these. . .what is it. . .59 units?

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. MUNEKIYO: Mr. Nishikawa did look at it. One of the things that I think he. . .he is working within in terms of the pricing parameters, is that he is providing all single-family units. And so from a product standpoint, those typically are developed at a higher price. And, again, still trying to keep within the affordability guidelines, he felt that the 100 to 140 percent of income would be an appropriate target group for the 201G [*sic*] elements.

COUNCILMEMBER ANDERSON: Okay, and then, you know, you mentioned that the price range in the. . .slide show, it was mentioned that these prices did not include association fees or any other fees. So can you tell us what is anticipated that would be an add-on besides, you know, association fees, and I'm particularly concerned about the cost of water.

MR. MUNEKIYO: The association fees have not been determined at this point nor has the cost of water, and. . .a lot of the, those cost elements, of course, will depend on the final. . .buildout of the project and as well as the final development cost of the well source itself in terms of electrical pumping costs and so forth. But that's something that, that will need to be worked out.

COUNCILMEMBER ANDERSON: Well, you know, that's, that's a problem for me, Mr. Chairman, because we're being asked to give you all these exemptions and fast track this based on the 201G [*sic*] affordable housing statute. And, you know, really the constraint in that statute is that 51 percent of your project has to be affordable. And, you know, if the, the prices that you're already quoting us for these affordable units are the affordable range that people can afford at this income level, then we need to know what the add-ons are going to be. Because if we're talking about some expense of association fees as well as some expense of water, then all of a sudden these aren't affordable any more to people who are, you know, earning this incoming level. So I think we need to know that in order to be able to. . .you know, in all fairness give you these exemptions so that you can. . .make money off the market and still allow these 59 units. . .59. . .60, 70 units in totality to be fairly affordable. Because we all know what happens when affordable projects go up to market and people can't meet the qualification, because the actual monthly payment is going beyond, gonna be beyond their needs--including the association fee, and the water, and the electrical, and all of that. Then it gets put out to the open market, and it's no longer affordable, and you will have already received all these exemptions. So. . .I have a real problem with that. I think, you know, I really love the idea that. . .that you're doing single-family homes in this price range, but I want to see it stay in this price range so that we're assured that they're going to remain affordable. And then the other question I have, and I'll pass on, Mr. Chairman, is why do you need if, you know, this is all pastureland. There's no mono-crops here, and correct me if I'm wrong, but there should be no chemicals in this groundwater. So I'm, I'm. . .feeling very confident that you won't have any problems with any kind of pesticides. So I'm wondering, you, you have not finished any long-term pumping to test the viability of your well?

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. MUNEKIYO: We have not started yet.

COUNCILMEMBER ANDERSON: Okay, and so where is the well located?

MR. MUNEKIYO: The well is located, if I can refer you to the, that Figure 3.

COUNCILMEMBER ANDERSON: Yeah.

MR. MUNEKIYO: Just roughly...

COUNCILMEMBER ANDERSON: Yeah, kind of up top, right?

MR. MUNEKIYO: Yeah, actually the well site itself is, you see the, the labeling Keahuaiwi Gulch?

COUNCILMEMBER ANDERSON: Yeah.

MR. MUNEKIYO: Right directly north, if you were to extend a line straight out, it's probably in the vicinity of the letter "H" in Keahuaiwi Gulch. So it's on the left side of the gulch.

COUNCILMEMBER ANDERSON: Like around here?

MR. MUNEKIYO: That's correct. Right.

COUNCILMEMBER ANDERSON: Okay.

MR. MUNEKIYO: In that vicinity.

COUNCILMEMBER ANDERSON: Oh, on the other side of the gulch?

MR. MUNEKIYO: Right. It's on the Kula Ridge Mauka side of the gulch, so it's offsite.

COUNCILMEMBER ANDERSON: Right.

MR. MUNEKIYO: And what would happen, then it would, water from that well site will be pumped to a storage, to a storage tank near the top of the Kula Ridge Mauka site, and then conveyed by gravity down to the, across the gulch to the Kula Ridge Subdivision.

COUNCILMEMBER ANDERSON: Okay.

. . . So does that mean that you will have pipe going down the gulch, and then back up the gulch, or will it be going straight across the gulch?

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. MUNEKIYO: It would have to go through the gulch, and we have coordinated with the Army Corps of Engineering to make sure that all of the permitting requirements to do that will be addressed.

COUNCILMEMBER ANDERSON: So have you got any estimates on the cost of pumping it . . .

MR. MUNEKIYO: Uh . . .

COUNCILMEMBER ANDERSON: . . . up to the storage tank?

MR. MUNEKIYO: Not yet. That's something we haven't completed.

COUNCILMEMBER ANDERSON: Okay, and then one last question. Do you know what the market units will be priced at? There's going to be 46 market units.

MR. MUNEKIYO: The, the market units will be priced, first of all, it's lots only.

COUNCILMEMBER ANDERSON: Okay.

MR. MUNEKIYO: And I think they start at 350, Clayton?

MR. NISHIKAWA, FROM THE AUDIENCE: It's 350 to 450.

MR. MUNEKIYO: Three hundred fifty to \$450,000, and that would be for lots only.

COUNCILMEMBER ANDERSON: Okay. Thank you, Mr. Chairman. Thank you, Mr. Munekiyo.

CHAIR MATEO: Thank you, Ms. Anderson. Ms. Baisa, followed by Mr. Hokama.

COUNCILMEMBER BAISA: Well, thank you very much, Chair. Hi, Mr. Munekiyo. During one of the testimonies given by one of the testifiers, she made reference to the applicant being open to lifespan homes. Can you elaborate?

MR. MUNEKIYO: I think that refers more to the design of the homes--

COUNCILMEMBER BAISA: Uh-huh.

MR. MUNEKIYO: --and what accommodations can be put into the homes so that over time people can age in place. In other words, how adaptable can a home be in terms of. . .I suppose, you know, fixtures that could be included in bathroom areas. . . that type of thing. And so, it's just the adaptability of the homes from a design standpoint to allow individuals to stay there for a long time.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

COUNCILMEMBER BAISA: I think what I'm trying to get at is these are going to be house and lot packages. So you're going to allow the purchaser then to ask for this kind of an accommodation if they want it . . .

. . . or will it affect the price? Because, you know, these, these little accommodations tend to affect price.

MR. MUNEKIYO: Sure. Maybe I should have Mr. Nishikawa respond to that. He's probably better prepared than I am.

COUNCILMEMBER BAISA: Thank you. I think it's very important because this is becoming an issue in the community and there's been a lot of attention from the senior community about this kind of design.

MR. NISHIKAWA: Good afternoon, Council Members. Yeah, to answer your question, Councilmember Baisa, we are, we have prepared plans that would accommodate age-in-place senior independent living homes, and we can make adjustments to the market, market price plans also, and we can make adjustments to the, the affordable homes as needed and as requested.

COUNCILMEMBER BAISA: Thank you. I think that's a very good thing to know about. One, I have a few more questions. The other question is I'm reading the testimony from, the April testimony or the position paper from the Kula Community Association. And in here they address concerns about electricity and there's a statement that says that Maui Electric says they don't have enough electricity for the project. What is the status of that?

MR. NISHIKAWA: We...

CHAIR MATEO: Mr. Nishikawa, if you could please just state your name, first, for the record.

MR. NISHIKAWA: My name is Clayton Nishikawa--

CHAIR MATEO: Thank you.

MR. NISHIKAWA: --and I'm the applicant for the Kula Ridge, LLC. We've spoken with our electrical consultants and there does not seem to be an issue with providing electrical power for the project. It currently does not exist there, and I think that's what the issue is--is that we will have to bring power into the, the project.

COUNCILMEMBER BAISA: That's interesting . . . *(laughter)* . . . Okay. That's more cost of course--

MR. NISHIKAWA: Uh-huh.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

COUNCILMEMBER BAISA: --and that should be substantial. Do you know what that's going to be?

MR. NISHIKAWA: We have not. . . designed the engineering plans as of yet.

COUNCILMEMBER BAISA: Okay. The other issue that comes up in the Kula Community Association position paper is the need for a sidewalk along Lower Kula Road, because they're concerned about the safety of the children. What is the status on that issue?

MR. NISHIKAWA: We have discussed that issue with the Kula Community Association. It's not on our property so that's something that we would like to work with the County on in terms of providing sidewalks to the. . .the schools.

COUNCILMEMBER BAISA: . . . That's a, that's a real nice idea but, you know, everybody, somebody, and nobody's going to do it, and we worry about our children in that area with increased traffic. So I think it's something that, you know, we better pursue a little bit.

MR. NISHIKAWA: Uh-huh.

COUNCILMEMBER BAISA: And the last thing, of course, is I have the same concerns that everybody has about water, and I think we probably could use a little bit more definitive information--

MR. NISHIKAWA: Uh-huh.

COUNCILMEMBER BAISA: --about the well and the amount of water that's going to come out of it, and the quality of it, and also the price.

MR. NISHIKAWA: UH-huh.

COUNCILMEMBER BAISA: Because it might affect the affordability. And, you know, I'm concerned right now about the word "affordable", because what we're seeing and not just here on Maui, but throughout the nation, that you know people are having a hard time paying for homes and losing them, and we got to be realistic about people can afford. And I think that's very important. So that, that's just a comment. I'm sure that, you know, others have the, share the same concerns, and I know you do, too, because it's critical to your project being successful. So, thank you.

CHAIR MATEO: Thank you, Ms. Baisa. Mr. Hokama?

VICE-CHAIR HOKAMA: Chairman, thank you.

. . . Mr. Munekiyo or Mr. Ishikawa, although we've agendized just Kula Ridge, we keep talking about two projects . . .

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

. . . so stating that, are we here this afternoon to talk about two projects?

MR. MUNEKIYO: We are not, Councilmember. We are here to talk about the 201H on Kula Ridge. It just so happens that there are some components of the project, of the Kula Ridge project which are shared by both projects. But that's the extent to which the relationship goes. We are here, indeed, to focus on the Kula Ridge project only.

VICE-CHAIR HOKAMA: Can Kula Ridge. . . become constructed without Kula Mauka?

MR. MUNEKIYO: . . . It can. I think as long as we can define the easements for the waterlines, which Mr. Nishikawa already has a preliminary subdivision in for the Kula Ridge Mauka project. . . that's, that's the important thing--that the infrastructure offsite can be coordinated with the subdivision plans for Kula Ridge Mauka and be brought across to the Kula Ridge site itself. And as I said that's, there's already a subdivision process ongoing for the Kula Ridge Mauka project.

VICE-CHAIR HOKAMA: Kula Ridge is going through normal zoning process, Mr. Munekiyo?

MR. MUNEKIYO: That's correct, yeah.

VICE-CHAIR HOKAMA: Okay. This exemption you requesting regarding pavement minimum widths and minimum right-of-ways I'm assuming you've talked to Police and Public Works, or Fire, I should say Fire and Public Works. Is it the intent of the project to maintain this under private ownership and maintenance?

MR. MUNEKIYO: I think that's the, the intent. The, the main road, however, I think would be County dedicated, the main access road going up to the...

VICE-CHAIR HOKAMA: Okay, going from Lower Kula, past the tennis courts, entering the subdivision would be built to County standards--

MR. MUNEKIYO: Right, yeah.

VICE-CHAIR HOKAMA: --but anything within the proposed subdivision, whether it be for the rural, the market, or the affordables, that would all be private?

MR. MUNEKIYO: Right. So the exemption pertains to the internal subdivision roadways.

VICE-CHAIR HOKAMA: Okay. Why are you asking us for exemptions as it regards to market lots?

. . . I can see the request for exemptions for affordables and residential workforce project. . . components. Why, what is your. . . comment on why would you ask us for exemption on market lots?

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. MUNEKIYO: In, in this particular instance, the project was defined or designed as an integrated project with, with both market and affordable units blended. So really Mr. Nishikawa's intent was to have a subdivision where one would not be able to distinguish between market and affordable units. And in order to do that, the design standards needed to be integrated so that we could have market lots and affordable lots on the same street, as an example. And if that is to occur, then that single street serving both types of products would need to qualify under the exemption. So it was, it was a result of trying to blend the types of housing that we have in the neighborhood.

VICE-CHAIR HOKAMA: Do you feel that it would, in some way, distort valuation of adjacent properties, one that's affordable versus one that's market with pretty much commonalities?

MR. MUNEKIYO: I, I think the . . . you know, I don't know the answer to the question. I, I do, I can say, however, that the intent, that intent that I just spoke about--and that is to blend market versus affordable--was to give the neighborhood a uniform sense of place and that, by so doing, maintain the values of the neighborhood in its entirety. So whether or not the exemptions detract from the value of the market homes, I'm not really sure, but I think overall what the goal is to just to have an integrated neighborhood, and I think in that way the values of all units can be maintained.

VICE-CHAIR HOKAMA: . . . Okay. I appreciate your response, Mr. Munekiyo. Uh . . .

. . . And then when you mentioned minimum lot size, you know, 6,000 is an R-1 standard . . .

MR. MUNEKIYO: That's correct.

VICE-CHAIR HOKAMA: . . . for this County of Maui. So pretty much on the market you're, under your minimum lots, you're looking at basically all R-1 type of standards or setbacks then--6 feet side, one story, 15 feet frontage, 10 feet back?

MR. MUNEKIYO: On the market?

VICE-CHAIR HOKAMA: Right, on the market.

MR. MUNEKIYO: I think that's what, what we've attempted to do with those standards is to establish a minimum, and I think as Rowena mentioned, actually some of the lots get actually much bigger than 6,000 square feet.

VICE-CHAIR HOKAMA: Uh-huh. Uh-huh.

MR. MUNEKIYO: So what, and just from a, from a process standpoint, when we do file the subdivision application and there are these smaller lots, we'd just like for the various reviewing agencies to recognize that we, we have set a minimum lot size and

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

performance standards which may be different from zoning as established in the Maui County Code. And for that reason we've tried to identify those which we believe would be important as we go through the subdivision process.

VICE-CHAIR HOKAMA: And yet you believe you need the Zero Lot Line for the affordables?

MR. MUNEKIYO: Yes.

VICE-CHAIR HOKAMA: . . . You have a diagram of your conceptual of what those Zero Lot Line units will be looking like, Mr. Munekiyo? I know what, I have a good sense of what your . . .

MR. MUNEKIYO: Right--

VICE-CHAIR HOKAMA: . . . markets with the setbacks would be, but--

MR. MUNEKIYO: Not in terms, we don't have any figure, I don't think, which shows the placement of the homes on the smaller lot. We don't have that available right now; do we?

VICE-CHAIR HOKAMA: You have something in your assessment?

MR. MUNEKIYO: All we have in our assessment are the floor plans itself, but it's not, but I, I suppose if we look at the floor plans for the affordable lots. . .what we could probably . . .

. . . kind of make, just from a configuration standpoint, as an example, if you look at Figure 8 of the . . .environmental assessment, there is a . . .a lot. And, and I think what happens here, in this case is that the, in the Figure 8 lot you have the covered porch, the living area, the bedroom three, and master bedroom. I think that side of the house will be aligned along the, the lot line, the Zero Lot Line, and the other side would be--

VICE-CHAIR HOKAMA: So that wall would be the common wall between the two homes?

MR. MUNEKIYO: Right. Right. It will actually be on the lot and the lot adjoining would have, probably a parallel configuration where the garage would be next door, and you would have a side yard setback. So there would actually be a space between the two units.

VICE-CHAIR HOKAMA: . . . If you should get something a little bit more visual for the Committee--

MR. MUNEKIYO: I can do that.

VICE-CHAIR HOKAMA: --that, that would be appreciated, Mr. Munekiyo. If available, I would appreciate it. Chairman, thank you. I'm done at this point. I'll . . .happily anticipate the departments . . .(inaudible). . .

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

CHAIR MATEO: Thank you, Mr., Mr. Hokama. Mr. Pontanilla, followed by Ms. Anderson.

COUNCILMEMBER PONTANILLA: Thank you, Chairman. I, too, will wait for some of the departments when they come up for questioning. Mr. Munekiyo, the total exemption cost for. . .this particular project, the 201H, do you know the total number for that as far as the exemptions?

MR. MUNEKIYO: The. . .well, we do have the grading permit fee exemption. The permit fees for plan reviews, that type of thing, we would need to get, Councilmember, we can get that. Uh. . .of course, we don't know at this point, I think those were the. . .the other exemption which relates, which does have a cost implication is that relating to the parks exemption. And the park area, the three-acre area actually is larger than what would be ordinarily required under subdivision process, so I don't think there's any cost deduction there.

COUNCILMEMBER PONTANILLA: Yeah, so if, if you can get a total for us?

MR. MUNEKIYO: Okay, yeah.

COUNCILMEMBER PONTANILLA: I'm glad you mentioned park. The existing Kula Community Center, as well as the tennis courts at, the tennis court that's there and the one that's under construction, I understand. . .the applicant owns that particular property or properties. Am I right?

MR. MUNEKIYO: . . . Actually, the owner of the Kula Community Center and the tennis courts, that area, is part of the tax parcel owned by the Kula Ridge Mauka property. So it's actually part of Kula Ridge Mauka property; and that separate entity, the Kula Ridge Mauka property is a separate entity, and Mr. Nishikawa also has an interest in that LLC as well.

COUNCILMEMBER PONTANILLA: Okay. Is Mr. Nishikawa the only property owner on that one there or there's several?

MR. MUNEKIYO: I believe there are multiple owners.

COUNCILMEMBER PONTANILLA: Okay. Let's see. In regards to the Lower Kula Road, the drainage, have you reviewed those issues in regards to what was brought up by a testifier this afternoon, meaning the percent grade as far as the drainage? How it would be handled, and--because none of us are engineers over here, you know--on the extent of the review with the Public Works Department on the drainage?

MR. MUNEKIYO: It's probably best if I ask Mr. Otomo to respond to those questions, Councilmembers--

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

COUNCILMEMBER PONTANILLA: Okay.

MR. MUNEKIYO: --he's very familiar with the drainage characteristics in that area.

COUNCILMEMBER PONTANILLA: Okay. Thank you.

MR. OTOMO: . . . Good afternoon, Mr. Chairman, Committee Members. My name is Stacy Otomo. Regarding the drainage and the comment that was made earlier on the slopes--I think he mentioned there was a 14 percent slope--when you, when you do a cut or fill in accordance with County regulations, you're allowed, what they call a two to one slope, which amounts to 50 percent, which is substantially greater than the existing grade of 14 percent. So what the drainage plan is for this particular subdivision is to do a onsite detention basin. And as far as the grading, you know, we feel that we can make it work as far as getting it stabilized and adequate to handle the increase in the runoff from a 50-year storm.

COUNCILMEMBER PONTANILLA: So, the sheet flow coming down that side of the mountain, once everything is in, the drainage basin that you talk about will handle a 50-year storm?

MR. OTOMO: That's correct. And I want to also clarify that everything is not sheet flowing into the basins. Along the roadways itself, we're going to have curb and gutters with catch basins and drain lines. So that will prevent a lot of overland flows from getting into a particular drainage system, and that would outlet into the detention basin.

COUNCILMEMBER PONTANILLA: Okay. Thank you. Let's see.

. . . I'll wait for when the department comes up, Chairman. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Ms. Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chair. Mr. Munekiyo, you said that the three-acre park is more than the park assessment would require of this subdivision. So why do you need a park assessment exemption?

MR. MUNEKIYO: Because there are other elements of the parks and playground ordinance, such as the provision of comfort station, as an example, which we would hope that we could get an exemption from. We would dedicate a lot area greater than what would ordinarily be required under subdivision, but some of those improvements because there are the, there is the Kula Community Center and tennis courts nearby, we're hoping that we can get an exemption from the related requirements for parks and playground improvements.

COUNCILMEMBER ANDERSON: Well, I mean, it isn't contiguous, so it's not like the park would be contiguous with the Kula Community Center or the tennis courts, and being

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

that it's a three-acre site is there some intention to make it an active park for this community so the children would have, like, a soccer field or a baseball field, or something like that?

MR. MUNEKIYO: Actually, the park is contiguous with the tennis courts and the community center...

COUNCILMEMBER ANDERSON: Well, I mean it's contiguous in that it's the adjacent parcel, but --

MR. MUNEKIYO: Right.

COUNCILMEMBER ANDERSON: --you have a forest of trees in between the two, so it's not like kids are going to be able to just, you know, stop playing on the playground and go down to the Kula Community Center and use the facilities. And you know that there is an ability, of course, to get a waiver of the comfort station at a later stage in the project. So I was just wondering why you wanted that exemption right off the bat. I think it might be prudent for a future Council to have the option, Mr. Chairman, to decide whether or not a comfort station is necessary should this go forward. My other question is that, and I'll try to be quick, Mr. Chairman, the . . .you said that the Kula Mauka Subdivision had already been applied for.

MR. MUNEKIYO: For subdivision.

COUNCILMEMBER ANDERSON: Right. And, and who are the principals in that subdivision? Is Mr. Nishikawa involved in that also?

MR. MUNEKIYO: Mr. Nishikawa is a principal in that application, also.

COUNCILMEMBER ANDERSON: Okay, and so, it was applied for when? Do you have preliminary approval?

MR. MUNEKIYO: We, we do have preliminary approval.

COUNCILMEMBER ANDERSON: And do you know when that was achieved?

MR. MUNEKIYO: Oh, it's been several months now. I . . .March?

COUNCILMEMBER ANDERSON: March.

MR. MUNEKIYO: March of this year.

COUNCILMEMBER ANDERSON: And so, in order to get preliminary approval you had to comply with the Water Availability Ordinance which requires you to show a long-term supply of water.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. MUNEKIYO: That's correct.

COUNCILMEMBER ANDERSON: And so, the well that you dug has, has already received that approval from the Department of Water Supply as a long-term reliable source?

MR. MUNEKIYO: It has not, and as I mentioned earlier, the well source is still, we still need to go through the well drilling process, get the well pump tested and so forth. And so, that--

COUNCILMEMBER ANDERSON: Wait. Wait. Wait. Through the well drilling? I thought you said it was already drilled.

MR. MUNEKIYO: Oh, no, I'm sorry. It's, it's to be drilled.

COUNCILMEMBER ANDERSON: Oh, it has not been drilled?

MR. MUNEKIYO: Not yet, no.

COUNCILMEMBER ANDERSON: Then how did you get preliminary approval?

MR. MUNEKIYO: The preliminary approval was granted based on . . . *(End of Tape, Side 2A)*. . . submitted as, when it, with respect to the construction plans that would be filed in connection with the subdivision. The construction plans approval would require the long-term verification, of course, of water. So that process is a subsequent step in the design process.

COUNCILMEMBER ANDERSON: So you don't really have preliminary approval. You, you haven't even gotten construction plan approval.

MR. MUNEKIYO: We don't have construction plan approval, but as to be distinguished from the subdivision process, we do have subdivision, preliminary subdivision approval.

COUNCILMEMBER ANDERSON: Preliminary, okay. Thank you, Mr. Munekiyo. So, you know, I'm just wondering why you want an exemption from the water availability requirement, because we certainly want to know that--and I think people who buy your lots want to know that you're going to be able to provide a long-term source of water, because we don't want the County to have to end up. . .supplying water for this subdivision should your well fail.

MR. MUNEKIYO: Right.

COUNCILMEMBER ANDERSON: Because we have plenty of other people on the list that have been waiting a long time.

MR. MUNEKIYO: Uh-huh.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

COUNCILMEMBER ANDERSON: So can you explain the . . .the thinking behind wanting an exemption from this?

MR. MUNEKIYO: Right--

COUNCILMEMBER ANDERSON: And when do you intend to drill the well?

CHAIR MATEO: Ms. Anderson, if you can. . .hold the question, we need to take a short break at this point. We'll take a ten-minute recess at this time. We'll come back, and we'll have Mr. Munekiyo respond to your question.

COUNCILMEMBER ANDERSON: Thank you.

CHAIR MATEO: This Committee will stand in recess for ten minutes. We'll be back at 3:25. We're in recess. . . .(*gavel*). . .

RECESS: 3:16 p.m.

RECONVENE: 3:33 p.m.

CHAIR MATEO: . . .(*gavel*). . . The Policy Committee Meeting for October 14, 2008 will reconvene. Members, thank you for that, for that short break. Prior to going into break Ms. Anderson had just asked Mr. Munekiyo a question regarding the well on, on the property and, Mr. Munekiyo, if you're ready to respond to that question?

MR. MUNEKIYO: I am, Mr. Chairman. I believe Member Anderson's question related to our exemption, proposed exemption B-1, and that was relating to an exemption from Chapter 14.12 relating to water availability and why it is that we had included this exemption in, as part of our application. Originally when we started to compile the exemptions, we looked at, or basically scanned all of the County Codes, worked with the architect, worked with the civil engineer to see what it is that we could identify which might promote affordability in terms of either a reduction in fees or facilitating processes which one would ordinarily go through. And this was one where the exemption from 14.12 was one of those exemptions which we thought would be helpful in terms of simplifying processes. And I think after hearing the discussion today and, of course, hearing some of the other comments with respect to water the--and I just spoke with the applicant--it's something that he recognizes as important from a public policy standpoint. And so, this is something that he would be willing to delete at the appropriate time, Council Members.

COUNCILMEMBER ANDERSON: So he's willing to delete the requirement from Chapter 14.12 to show a long-term source of water before he gets his subdivision approval?

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. MUNEKIYO: Yes.

COUNCILMEMBER ANDERSON: And so, the other question, thank you for that, Mr. Munekiyo and Mr. Nishikawa, because that is, of course, the most important component of any development--that you have some water. We don't want you selling lots before you have water.

. . . When do you intend to drill the well? I mean, this project's been around for three years, and so why haven't you gone forward to prove a reliable source of water?

MR. MUNEKIYO: I think one of the things that Mr. Nishikawa wants to do is to have, get to a certain, or obtain a certain level of comfort that the entitlements would be, would allow him to move forward, because I understand that that investment in that well is anywhere from 2½ to 3 million dollars. So this, of course, being one step of that process, the State Land Use Commission being another. And so, once we are able to make sure that all of your concerns are addressed and hopefully get through this 201H process I think, and of course the State Land Use Commission process, that will put him in a much better position to move forward with developing the well.

COUNCILMEMBER ANDERSON: Well, I can appreciate that but, you know, he's basically asking us to give him a Change in Zoning and that requires proof of water and, you know, we're at a point right now where I don't think that, personally, I don't think that we can approve further development unless we have some kind of reliable water source. The well is. . .the proverbial well is dry. And unless you can show you have water, you know, there's potential for great profit from this project, and I think all of us would like to see this happen if it can be done in a reasonable and fair manner so that those people who are going to be buying into this, number one, are going to be able to afford it; and number two, are going to have a safe place to live. And that it won't have adverse impacts to the rest of the community as far as traffic and, you know, children traversing to school. I mean, frankly, I don't know that there's any room on Lower Kula Highway for sidewalks especially if you don't own the property. So those are the kind of things that you need to show us so that we can feel that we're making an informed decision. And, you know, the developer has to take the risk somewhere. And if that means investing \$3 million to prove he has water well, oh, well, because if he has water then the payoff will be great. But you're asking us to take the risk. . .and I don't think that's fair. I'm through, Mr. Chair.

CHAIR MATEO: Thank you. Ms. Johnson?

COUNCILMEMBER JOHNSON: Mike, I don't know if you can answer this, it's kind of a more global issue for me. When we've received applications in the past for 201G, or E, or, you know . . .(laughter). . . all the different. . .I guess versions we've seen, one of the questions that always came up was when you're looking at the pricing, you're looking at a structure of how is this being financed. You know, what are the financials so that the community, when they're asking for exemptions, for example, that has a value. The

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

development that you're proposing has an approximate cost so that you're able to come up with a range to make the project really work. I have not, and, and please correct me if I'm wrong, if the financials are all in here as to profitability and where the exemptions would actually go, are they going to be offsetting the cost of the housing or are any of these other things that you're going to be asking for, are they actually able to be used in, you know, let's say the second part, the second component, the market priced section of this housing? Because when I look at the big picture these are the questions we get asked--where do those benefits go, do they go in deferring the cost of the infrastructure to keep that low, do they keep the cost of the housing low? In another development, we had one of our Maui Lani developers say, well, we'll get add-ons. You know, they'll get maybe an appliance package or something. So that's why I'm asking you if, if you kind of have that information so that we have, in a global sense, where those exemptions would work out in the financing of this housing.

MR. MUNEKIYO: I think that's a good question, Councilmember. I can say this, we don't have the specific costs, cost savings allocated to the overall project development. However, all of the exemptions that we are seeking are quite important, not only in terms of promoting affordability. As an example, when we look at the roadway exemption that we're seeking, that can be converted into a significant cost savings without compromising health and safety. So there are those things that are important from a cost savings standpoint, but equally important from an, again just looking at it, just holistically, that the exemptions that we are seeking from the entitlements process, that is saving a lot of time. The entitlements that we are seeking to, or the exemptions that we are seeking to establish zoning standards, that would save a lot of time as well. So I think translating cost savings. . .include both a direct savings from the exemptions as well as the time savings related to the process in which this whole 201H process seeks to accomplish. And, and so, really we're looking at the, all of the exemptions as being contributory to the affordable, the affordability of the project. But as far as the specific allocations, we have not done that at this point.

COUNCILMEMBER JOHNSON: Yeah, and, and, you know, I don't mean to put you on the spot, but I think in all fairness members of the public who had testified in a couple of other projects asked those questions. And I guess from my point of view when you're looking at whether or not a project is financially viable--how you can deliver that, how you can meet the costs, goals, and objectives, and bring in your housing at the rates which you're required to do under this application,--what I look at is. . .draw me the picture . . .(laughter). . . You know, show me so that just in the same way that people are wondering, well, where is this \$800 billion going to go to bail out, you know, the, the Federal, well, the Federal government bailout of financial institutions. I think those are fair questions that we're going to look back and we're going to say, well, this directly benefited you because if we didn't do that, the cost to develop all the infrastructure, all these other things would add on so much. we could not deliver in that price range. So it's simply, for me, a question of justifying to the general public that I made a decision based on what's really before me. And I know it's a philosophical, I guess, kind of question, but for me it's really important because I feel it's only fair when we are giving

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

exemptions. . .how does that work into the big picture of this. Even if you have ballpark figures--if you did a cost analysis from the beginning to actually make this pencil out so that you could go through this process and come before us, I think you must have, at some point in time, knew, okay, we have to make this mark in order to make it work. If we don't make that mark. . .we can't go forward with the project.

MR. MUNEKIYO: I think Mr. Nishikawa did go through that exercise. And based on some of the questions that were raised this afternoon, I think what we need to do is go back and put some numbers to the exemptions just as Mr. Pontanilla had indicated. And we can certainly bring back that information to the Committee. Hopefully, it will be a little bit more tangible in terms of how it translates to what, what's being converted to affordability.

COUNCILMEMBER JOHNSON: Yeah, and, and I really appreciate that. And once, again, I don't mean to, you know, say I, I'm not, you know, not supportive. I, I'm not going to say that, because I think that there are some good elements, you know, and particularly with Upcountry there is this need. But what we have to do--because it's either an up or a down, we have to weigh, at least I will weigh--do all of the good things contained within this project outweigh any potential negative or unaddressed questions or aspects of the project. That's, that's one thing. And then. . .the other thing I'm going to ask you is that because when all this process started. . .it was a very different financial world that we were living in, so with regard to financing and the backing for this particular project, is there a risk if we don't move forward with this at this point in time with the exemptions that you're requesting? What is the downside risk, if any, of any of the financial backers pulling out of this particular project, or is this being independently financed and is that a non-issue?

MR. MUNEKIYO: I think it's an issue, but probably better answered by Mr. Nishikawa, if he wouldn't mind just responding.

COUNCILMEMBER JOHNSON: Okay.

MR. NISHIKAWA: . . . My name is Clayton Nishikawa. To answer your question, Councilmember, yes, it is an issue. I do have an investor that I've. . .convinced into providing the investment to purchase the land and to finance all of the consultants up to this point. It's been three years that we've been going through this fast track process and the--

UNIDENTIFIED SPEAKER: . . .*(laughter)*. . .

MR. NISHIKAWA: Thank you for that laugh, I was hoping for that response.

UNIDENTIFIED SPEAKER: . . .*(laughter)*. . .

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. NISHIKAWA: Uh. . .our investor requires a return on investment for his, his investment and if he doesn't get the approvals, there's a likelihood that he would go back and revert it back to the large ag lots that the project would be. We, we do have three large water meters. And so his. . .potential decision might be to just pull the plug and sell off the land on three ag lots, and the, the Upcountry residents that are looking for an affordable home would, would lose that opportunity. So there is that possibility.

COUNCILMEMBER JOHNSON: I, I really appreciate that because I, I just want to understand where we are and look at the bigger picture--

MR. NISHIKAWA: Uh-huh.

COUNCILMEMBER JOHNSON: --that, you know, what are you facing, what are we looking at. And then, one other question along those same lines, and you may not be able to answer it right now, but with the pricing structure that's going on with some of the units that were begun--this is Countywide--a lot of those developers are having a great deal of difficulty moving their inventory and they're dropping the prices. In a refurbishing or a reconstruction of one affordable project, what ended up happening was that some of the people--and this was explained to me, I'll try and, you know, not screw it up. The, the individuals who would have bought those homes felt that because they were in the affordable range they had certain restrictions on the sale or transfer of those properties. They felt, look, if I'm going to spend X number of dollars with restrictions as to affordability and equity building and what not, I can get the same amount of house or something similar without all those constraints. Therefore, that project could not find buyers who wanted to go down that road. So they simply said, well, I'm going to jump over and go just into the marketplace because it was more attractive at that point. So what this did, however, was the affordability and the sales for that particular project plummeted and because of the time constraints with offering to the public what happened was those time periods expired for when they had to be offered for affordability. And those individuals who, let's say, would have thought they would have been getting an affordable house, that unit then went to a market price. It went not to affordable families who it was originally intended for, but other people who were just in the regular market place without all of those caveats. So I know that's kind of a longwinded thing, but it has to do with, of course, supply and demand, it has to do with the changing market situation that we're in, and then whether or not what you're offering is going to still be competitive enough with the inventory that's currently on. . . you know, the market.

MR. NISHIKAWA: I believe we did our market research studies and the median sales prices of homes in Kula have maintained its values and sales prices at about 1.1 million. So our entry level affordable house and lot packages are at 260-something--

COUNCILMEMBER JOHNSON: Uh-huh.

MR. NISHIKAWA: --thousand, so it's about 25 percent of the, the median sales price of a home up in that comparable area. So when, when you talk about the percentages, we're looking

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

at a range between 260,000 and 400-something-thousand depending on what the interest rates would be. And so that's probably a factor of . . .40 to 50 percent less than the, the current market values in, in the area. So that's just for your information.

COUNCILMEMBER JOHNSON: Okay. I, I really appreciate that. And when was the most recent market study done?

MR. NISHIKAWA: This past year, the first half of 2008 we, we got those comparables.

COUNCILMEMBER JOHNSON: Yeah, and, and, and that's where, for my purposes, because it almost happened overnight that--granted we had this trending downward, you know, for some of the pricing structure and, you know, some of the financial markets were getting a little nervous--but we still had the capability and the, the capability I guess was there for the average citizen to go out and get a home mortgage. Now, because of the banks' positions and because of all this uncertainty in the marketplace, I guess what I'm concerned with, Clayton, is what is going on right now in this day and age, and can the individuals who would be purchasing these units, can they get prequalified and can they even get financing? I, I just don't, I don't know and if you know that's wonderful . . .*(laughter)*. . .

MR. NISHIKAWA: I, I think with the bolstering of the FHA and the Fannie Mae programs, there will be monies available for qualified applicants. And so, I'm, I'm confident that the Federal government has assisted in those regards. And so, I believe that if you speak with the mortgage lenders, that they will have loan packages available for the, the affordable housing. . .applicants.

COUNCILMEMBER JOHNSON: Okay. I, I really thank you for answering or answering as best you can the questions, and I still, you know, I still am a little bit concerned because there is other inventory out there right now that's dropping . . .*(laughter)*. . . in price. So by the time you actually get this constructed, I don't want to see you or the County be put in a predicament where, you know, these now go to off-island investors. And that, that to me is one of my biggest concerns, but thanks very much for, you know, being patient with your fast-track application . . .*(laughter)*. . . Thank you.

CHAIR MATEO: Thank you, Ms. Johnson. And, Members, the Chair would just like to provide a, a reminder to all of you. What's. . .this 201H process, what's before this body, we have three resolutions. One to approve; one to approve with modification; and one to disapprove. So we have those three options that we're, we're looking at. So it is not what we heard before--just an up and down. It is, we do have the third option. So I just wanted to remind you of that. And I guess I'll ask Mr. Munekiyo the last, the last question before going into the departments. Mr. Munekiyo, it goes right back to, to our favorite topic of water. Your. . .the intention to drill your well, what is the timetable that you're looking at with this project?

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. MUNEKIYO: . . . I think as soon as we can, well, hopefully, Mr. Chair, the processes run as we would like it to--both from Council standpoint as well as the Land Use Commission standpoint. And just for the Committee's information, we are also processing the State Land Use Commission District Boundary Amendment under that agency's fast-track process, and we hope to get, have that process concluded by the end of the year. And so, with those, again, assuming everything runs as we hope it will, having those land use approvals in place, then that will allow, of course, the subdivision application to be filed. And the subdivision application can then, can then be prepared pursuant to the exemptions, and I think at that point it will allow design and, not only of the subdivision, but of the well, water source improvements as well to begin. So probably early next year.

CHAIR MATEO: Okay. So going through the permit process, going through the test wells, going through the testing for quantity and quality, we're talking about putting a well online in about 18 months . . .

MR. MUNEKIYO: I think according to our--

CHAIR MATEO: . . . two years?

MR. MUNEKIYO: Yeah, I think going through all of the, the Commission on Water Resources, Water Resource Management procedures, I would say 18 to 24 months would be reasonable. As some of you may know they do have a well, well reports at each phase of the process that needs to be completed, and so . . . pump installation permits, so forth. So just going through that regulatory procedure and then actually the physical implementation as well, I would say that might be a reasonable timeframe to look at.

CHAIR MATEO: So if we're waiting for 18 months to two years to have water come online, then the cost of the homes will not change waiting this two years to get your, your water?

MR. MUNEKIYO: I think the, the hope, of course, is to get the water online as quickly as possible. With respect to how that compares to the prices of the homes, as we've represented today, the prices that we've included both in the PowerPoint and in the draft EA or the final EA reflect the . . . are based on the median incomes from 2007. And, of course, if there's a delay or, or a time spread between actual implementation and when the houses are able to be sold, we might have a need to make those adjustments just so that pricing of the homes can be perhaps current with the HUD median income values at the time the project is put on the market. So, as an example, if it's 2009, then, you know, the hope is we can hold the prices as much as possible, but if need be, we'd like to be able to rely on the, the HUD median income values at the time of the sale as well.

CHAIR MATEO: . . . Okay. Thank you very much.

COUNCILMEMBER PONTANILLA: Mr. Chairman?

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

CHAIR MATEO: Go ahead, Mr. Pontanilla.

COUNCILMEMBER PONTANILLA: I just want to add that when we did the Jesse Spencer 201G, that we had set a condition in regards to the pricing of the affordable housing units. And until today, it's being enforced. Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, additional questions for the consultant before we go into the, the respective departments that's here with us this afternoon? Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman, I'll try and be very brief. Mr. Munekiyo, in the presentation, there was a list of exemptions and so forth, and the minimum lot size was granted to be 4,600. So is there also an exemption--because my understanding is there's no County sewer system in the area. Is that correct?

MR. MUNEKIYO: That's correct.

COUNCILMEMBER MEDEIROS: So the wastewater systems will be septic tanks?

MR. MUNEKIYO: That's correct.

COUNCILMEMBER MEDEIROS: Okay. Normally septic tanks require 10,000 square foot lots. So the exemption to have 4,600 square foot lots, is that an exemption approved by the State Department of Health?

MR. MUNEKIYO: That's correct. We also have a separate, you know, I might add we also have an exemption pertaining to wastewater, individual wastewater systems in this, in the application. However, separately the State Department of Health has granted a variance for the systems as proposed by Mr. Nishikawa.

COUNCILMEMBER MEDEIROS: I see. Okay, and I just wanted to follow up on Council Chair Hokama's questions about the Zero Lot Line. So the adjacent property structures, the homes, will they have a common wall or they just will be very close to the lot line?

MR. MUNEKIYO: It will be, they will not have a common wall.

COUNCILMEMBER MEDEIROS: Okay.

MR. MUNEKIYO: One unit would be on the property line, that's the unit adjacent to that property which, which is on the property line would be set back from that unit. And so, it will actually be, I guess, I think it was a six foot or ten foot setback between units.

COUNCILMEMBER MEDEIROS: Oh, okay. Yeah, because I thought if you were talking about having a common wall they would be like duplexes then. But they're not, right?

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. MUNEKIYO: They're not.

COUNCILMEMBER MEDEIROS: They're--

MR. MUNEKIYO: They're detached.

COUNCILMEMBER MEDEIROS: They're individual?

MR. MUNEKIYO: Yeah.

COUNCILMEMBER MEDEIROS: Okay. Um. . .

. . . Okay. I, I think that's all I have. Thank you, Mr. Munekiyo. Mahalo, Mr. Chairman.

CHAIR MATEO: Thank you, Mr. Medeiros. Mr. Munekiyo, thank you very much. Uh, go ahead, Ms. Anderson.

COUNCILMEMBER ANDERSON: Thank you, Chair. Mr. Munekiyo. . .first let me quickly ask, you did an environmental assessment. Did you put it through the Chapter 343 process?

MR. MUNEKIYO: We did.

COUNCILMEMBER ANDERSON: You did. And, because I see it's dated. . .September '08, but there's letters in here September 17th, so how did it get through that process in the 45-day wait period for any challenge?

. . . Do you know when it was. . .received. . .acceptance, and who was the accepting agency?

MR. MUNEKIYO: The. . .approving agency was the Department of Housing and Human Concerns. And that, the finding of no significant impact or FONSI was issued in September. I believe the 30-day challenge period just recently expired, probably--

COUNCILMEMBER ANDERSON: Okay.

MR. MUNEKIYO: --beginning of the month.

COUNCILMEMBER ANDERSON: Okay. Thank you. So, you know, there's a letter in here from the Department of Planning, who has a concern about the density of this project in a rural agricultural area and how it might impact the character of the surrounding community. And so, I want to know. . .what is the maximum density permitted in the community plan?

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MR. MUNEKIYO: The community plan, for this area does not specify density. It does delineate a portion of the project area for single-family use; however, the plan itself . . .(End of tape, Side 2B). . . indicate whether it should be R-1, R-2, R-3 type of character.

COUNCILMEMBER ANDERSON: Is there a map anywhere in the EA, because I can't find it, that shows the community plan designations? Do you know where that might be?

MR. MUNEKIYO: Yeah.

. . . The community plan map is shown on Page 97 of the final EA.

NOTE: *Pause.*

COUNCILMEMBER ANDERSON: . . . So most of the property is designated as Rural?

MR. MUNEKIYO: Yes.

COUNCILMEMBER ANDERSON: And one small area, do you know how many acres that Single-Family area is?

MR. MUNEKIYO: That's about 15 acres.

COUNCILMEMBER ANDERSON: Okay, and then the area designated below that as Park, does that include any of this property or is that all the existing park?

MR. MUNEKIYO: That's the existing community center and tennis courts.

COUNCILMEMBER ANDERSON: Okay. So I, you know, I'd just like to note that in the warranty deed for the purchase of this property, which was done in 2005, October of '05, and if anybody wants to look at this it's at the beginning of the EA.

. . . ADC Development, LLC. . . purchased this property from. . . the Von Tempsky's and there were some pre-existing conditions on this property that were passed on to ADC Development when they bought the property. And one of those was, and those pre-conditions. . . I'm assuming were conditions that ran with the land from previous subdivision by the Von Tempsky's. And one of the requirements is that if the makai portion of the property is developed to the maximum permitted by the community plan that the property owner has to convey, and any subsequent property owners, have to convey three acres of the adjacent, of the property adjacent to Kula Community Center to the County of Maui. So the three acres that are designated in your project are requirements, because you're certainly requesting a development that is far denser than the community plan designation would allow, given that most of it is Rural.

MR. MUNEKIYO: Maybe I can, I'll let Mr. Nishikawa speak to. . . that--

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

COUNCILMEMBER ANDERSON: Well--

MR. MUNEKIYO: --question--

COUNCILMEMBER ANDERSON: --that really wasn't a question it was just a comment --

MR. MUNEKIYO: Right.

COUNCILMEMBER ANDERSON: --that I think it is. . .I think, you know, to be making an informed decision, we need to know exactly the conditions of this property.

MR. MUNEKIYO: Right.

COUNCILMEMBER ANDERSON: And. . .I'd like to know, frankly, if maybe somebody here from Planning can tell us--if 15 acres of the 48 is designated Single-Family and the rest of it is Rural, then what is the overall density is allowed and how much more denser are you asking us to go on this property with your project? That would be, I think, an interesting number.

MR. MUNEKIYO: I think that's real important, and if I may before Planning--

COUNCILMEMBER ANDERSON: Sure.

MR. MUNEKIYO: --comes on to respond, Councilmember, if I could refer Committee Members to Page 116 of the final EA? We did look at this because it was, like Councilmember Anderson raises, an important consideration. And so, on Page 116 we, we did make certain assumptions about lot size and so forth, and you see at the bottom of the page if the parcel is developed in accordance with the community plan, then density would come out to about 119. Of course, that makes certain assumptions about how the big single-family lots would be. And. . .but again it's more, it gives, I think, the Committee a reference point as to what it is that we're doing versus what might be one scenario for development of the parcel.

COUNCILMEMBER ANDERSON: . . . Okay. So if, let me just ask if this body doesn't approve this 201H request, then the developer's next fallback plan would be to, to go forward with a Change in Zoning to Rural and Single Family, or what would their. . .intention be?

MR. NISHIKAWA: . . . The intent of the developer would be to, to comply with the majority of the, the voting of the LLC. And our investor has a majority share. If the project does not go through our, the intention of the majority would be to liquidate the project into ag lots with the three water meters and sell it at market rate.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

COUNCILMEMBER ANDERSON: So when you say liquidate to ag lots, it's currently Interim, so it --

MR. NISHIKAWA: Yeah, we would --

COUNCILMEMBER ANDERSON: --doesn't have Ag zoning.

MR. NISHIKAWA: --we would go and request a three --

COUNCILMEMBER ANDERSON: A Change in Zoning?

MR. NISHIKAWA: --a three lot subdivision with, with the three water meters.

COUNCILMEMBER ANDERSON: . . . With the, who's, who's got water meters?

MR. NISHIKAWA: The, the property's got three water meters attached to the project.

COUNCILMEMBER ANDERSON: Right now?

MR. NISHIKAWA: Yes.

COUNCILMEMBER ANDERSON: Viable water meters?

MR. NISHIKAWA: Yes.

COUNCILMEMBER ANDERSON: Okay. So you'd need a Change in Zoning, and you would need a Community Plan Amendment?

MR. NISHIKAWA: Uh-huh.

COUNCILMEMBER ANDERSON: Okay. Thank you, Mr. Nishikawa.

CHAIR MATEO: Thank you. Thank you, Ms. Anderson. Members, additional questions before we move on at this point?

. . . Thank you very much, Mr. Munekiyo. Members, we have several of the departments who have been with us most of this afternoon. I also need to advise you that this Committee will lose quorum at 4:30 this afternoon. Therefore, we will take just, on our listing, we will take the first three departments that are listed and that is the Department of Housing and Human Concerns, Fire, and Parks. The rest of the departments, we will be contacting them at, at another rescheduled meeting. My apologies to the departments for staying with us all afternoon. And we will just ask the Department of Housing and Human Concerns, Deputy Director Ridaio, to provide us with Department comments on the project.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MS. RIDAO: Thank you, Chair Mateo and good afternoon, Council Members. The position of the Department is that we are in support of the 201H process because it allows for the opportunity of affordable housing. We would also like to indicate that we are wanting to listen also to the various departments and see what their input will be into this project. Thank you.

CHAIR MATEO: Thank you, Ms. Ridao. Ms. Ridao, may I ask you when the Department reviewed the application, did the Department take a look at the issues that have been raised this afternoon--primarily with key considerations of water, with . . . sewage, and the third item was the Department of Transportation's responses?

MS. RIDAO: I have not yet seen the Department of Transportation letter that was received today. However, during this whole process we have talked with the applicant, we have been in communications with the consultant, and all of the issues that are coming up have been discussed.

CHAIR MATEO: And . . . did the Director or the Department make any additional recommendations to the applicant prior to submitting the 201H to this body?

MS. RIDAO: Not prior, no.

CHAIR MATEO: Thank you, Ms. Ridao. Members, the floor is open to questions to the Department at this time. Mr. Hokama?

VICE-CHAIR HOKAMA: I have a question since it was shared earlier in the meeting, Mr. Chairman. Ms. Ridao. . . was it. . . let me state my question this way. Are you aware if your Department. . . made any type of recommendation or. . . or proposal. . . to tie in the Kula Mauka affordable requirement with this Kula Ridge project?

MS. RIDAO: . . . I am not aware, Councilmember Hokama. As you folks are probably aware, we came in kind of at the end portion of this application. So we are somewhat catching up; however, I don't remember any. . . any kind of. . . discussions regarding how the. . . we, we know that they are, they are kind of feeding off each other, the projects are. But we didn't have any official kind of discussion about that.

VICE-CHAIR HOKAMA: Okay. Thank you, Ms. Ridao.

. . . We, we've heard your comments from the, in your response to the Chairman's question regarding some of the key issues or concerns the Committee has brought forward this afternoon.

. . . You know, we've heard the applicant state it's been a long process for him, three years. But three years ago, those were pretty much our concerns then, also. Water was a concern for us three years ago, Kula Highway traffic impacts, downhill biking tours, you name it, we've, we were, we were concerned about that. You talk about. . . the amenities

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

or, or other requirements regarding improvements as well as infrastructure requirements either from the County or the State. So most of the things we've brought up this afternoon is not brand new, if I could say it that way. Can you tell us this afternoon what gave the Department sufficient confidence. . .to support moving the, the application to this point now? Because we're still hearing comments that makes me uncomfortable, which is. . .that is a concern, we need to work on it, but we'll deal with it later. So can you share with the Committee how the Department is confident that. . .unless we get those specific responses, how do we make an informed decision, and how did the Department arrive at an informed position to recommend moving this application forward?

MS. RIDAO: I think the Department's position, Chair. . .Mr. Hokama, was based on the fact that this project would create affordable housing. And so, that was one of our number one, I guess that was our number one issue. And as you all know, affordable housing is a very, very difficult thing to do in any. . .form; the 201H form or the normal, just going through the normal form. So that was one of our major issues. I think the, the issues of water wasn't a constant issue. We, we had meetings, besides with the Department of Water Supply, with the applicant. And the water issue until. . .until today, I think, was kind of still being worked on. So our, our basis for our decision of moving this project forward was primarily to hopefully be able to create the affordable housing component of the project.

VICE-CHAIR HOKAMA: Okay. One more question please, Mr. Chairman.

CHAIR MATEO: Go ahead.

VICE-CHAIR HOKAMA: Thank you. Planning usually shares with us, and they've been consistent in. . .affirming that part of the zoning categories is how we also deal with transitional density adjustments from a high urban core to a less dense or rural type of density levels, then we move to the agricultural, and then to your open space, conservation areas.

. . . Since it was brought up earlier by one of our Committee Members, does that ever come into part of your, the consideration? Or as long as it's an affordable project, that's good enough for us, and we'll push it forward?

MS. RIDAO: You know, I think the seriousness of this project, with Planning, we wanted the opportunity for Planning to make their concerns known to the Council. And to be truthful with you, we had planned a total meeting of all of the departments prior to this meeting; however, if, you may know that Mayor Tavares was ill last week, so we didn't really get to it. But our position is that we want to have Planning make their presentation to the Council and that those concerns need to be considered.

VICE-CHAIR HOKAMA: Thank you, Ms. Ridao. Chairman, thank you.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

CHAIR MATEO: Thank you, Mr. Hokama. Members, additional questions for the Department?
Ms. Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chair. Thank you, Ms. Ridao. Did, did you consider or did you even discuss with them, or did they bring up the need for. . .what's the word I want, a community assessment fee, a common area fee?

MS. RIDAO: You're talking about the association fees?

COUNCILMEMBER ANDERSON: Yes.

MS. RIDAO: Okay . . .*(laughter)*. . . No, we didn't really discuss that to a large extent, but from, you know, my personal experience with different subdivisions, I know that there are subdivisions that association fees are as low as \$30 a month and some can be as high as \$300 a month. So I'm, I'm hoping that in this situation, in order for the subdivision to be kept affordable, that that will be taken into consideration. I think our, our bigger concern was the cost of the water and how that was going to play into the whole--

COUNCILMEMBER ANDERSON: Yeah, that's--

MS. RIDAO: --affordable concept.

COUNCILMEMBER ANDERSON: That's my concern, too, because --

MS. RIDAO: Yeah.

COUNCILMEMBER ANDERSON: --and I, I think that it might be. . .it might be a prudent thing in the future when they come, when. . .developers come to you for. . .discussion about an affordable housing project, that you tie them down to a cost, a total cost. Because there's no way of knowing that it's going to be affordable if there's all these add-ons . . .

MS. RIDAO: Uh-huh.

COUNCILMEMBER ANDERSON: . . . 286,000 might look good to someone who makes a hundred percent of the media income. But if you're going to add on to that another \$200 a month for association fees and, you know, an exorbitant water rate, then all of a sudden it's not affordable to them. And so, in order to know if this is really an affordable project, we have to know all those components--not just that they can build the house to meet the HUD guideline for whatever income level they're at. So I'm hoping that HUD wakes up and adjusts, you know, maybe by the time this gets off the ground, the guidelines from HUD will adjust down to something more realistic.

MS. RIDAO: I appreciate your comments, Councilmember Anderson. I, I kind, I have, if the trend of the economy continues as it is, I believe it will come down.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

COUNCILMEMBER ANDERSON: That's great news. That's one good thing out of this. Thank you. Thank you, Chair.

CHAIR MATEO: Thank you, Ms. Anderson. Members, additional questions for the Department? Seeing none, we're going to move right into the next department. Thank you very much, Ms. Ridao. We're going to ask the Fire Department to, to join us up here, and that's Captain Val Martin.

NOTE: Pause while Mr. Martin approached the floor.

CHAIR MATEO: . . . Captain, thank you very much for joining us and waiting around with us this afternoon. If you can please share the Department's comments in regards to your review of this 201H project?

MR. MARTIN: . . . We have. . . we have been. . . pretty, our standpoint is it's really preliminary. We don't take a stance on the project until we really see the details of the, of the subdivision and when the building permit process comes to us. A lot of it, in general, just preliminary. . . we don't have any problems with it. I did appreciate Member Anderson's comments on the second access for the subdivision. This reminds me of a similar project that went through a few years ago on the way to Lahaina---the lot sizes, the roadways. So I'm kind of drawing on some of the issues that we had back then. And one of the things that we are concerned about with a project like this is regardless of the size of the house or the lots, like it was brought up by a testifier, we have three generations of, of people in the home. And that's probably what's going to occur here and that's the reality. We have no problems with, with the fees on the 201, but when we build these small parcels, and you seen the house sizes, and you see the carport. . . if you're like my house, the car is not always in the carport. We got other stuff in there. But if you got three generations, each generation driving a car, where are these, where are these cars going to go? The roadways we're really going to look at on this project. If it's going to be narrowed, where are these people going to park? Where are these residents going to park? We may look at alternatives such as traffic calming devices or no parking on one side of the street. It's a Catch-22, also, because we don't want the street so wide enough where it's going to encourage speeding or, or people actually traveling at a speed greater than we want, but we also have to realize that we do need our emergency vehicles to have access in there. So that's about as far as, as the project we've gone. We're really going to look at it in detail again when we get the building permit process and the details of the subdivision actually come in, and, and we can look. The water is a big issue. We don't want construction at all until the water. . . for fire protection, is in place. We don't want any fires going on with homes under construction and have no water to put them out. So that is, sounds like it's going to be still a couple years away at this point.

CHAIR MATEO: Thank you. Members, questions for the Department? Mr. Hokama?

VICE-CHAIR HOKAMA: Chairman, thank you.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

. . . Captain, thank you. Let us quickly go back to the, the road widths. So as far as your Department is concerned and knowing the type of equipment your Department maintains and utilizes Upcountry at this time, those 20 foot pavement widths that have been proposed as part of the internal access within the proposed subdivision, that is not a major issue for the Department regarding access equipment?

MR. MARTIN: . . . That is an issue. In our Title 16, in the amendments to our 1997 Uniform Fire Code, we do have a provision in there for lots under, I believe, 5,000 square feet. We actually require a 32-foot roadway width. And--

VICE-CHAIR HOKAMA: Regardless whether it's private or public?

MR. MARTIN: That is correct. And the reason is we, we've, like I mentioned earlier, we do get a lot of parking on the streets when we have the smaller lots and the . . .the condensed living that takes place. We've experienced it conceptually and in real life. And we, we looked at that and there are different options that are listed in our amendments. Those can be found in, in Title 16 under the Fire Code, and it gives, it gives the applicant some options that, that can be taken into consideration. But our Fire Code requires 20 foot clear width for, you know, two-way streets to allow people to, to come out. If the street is going to be circular and be able to access from two different directions we do offer a little bit of leeway, and, and we discuss it.

VICE-CHAIR HOKAMA: Okay. Thank you for that response, Captain, on that one. So, okay, now, now it ties in really clearly for me since you, you brought up early, in your earlier comments about how we're going to deal with, I guess, potential on-street parking issues and the ability of, of your Department's equipment to provide appropriate response and access to the, to the response area. The other thing I wanted to ask you and, again, it's clear to me that the exemptions they're asking from the Fire Code is only regarding fees for permits and in general, no other exemptions. Is that your Department's understanding, too?

MR. MARTIN: My understanding, that, that's correct, just the fees at this point. As far as the design and the details of the project, we haven't gotten into that.

VICE-CHAIR HOKAMA: Okay. So whatever you need for fire, fire flow protection, which is the hydrants, whatever, potential I guess from the, I'm not too sure, whatever I guess, disabled or ADA requirements that would be under your Department's jurisdiction, none of those are being asked to be waived or exempted from this project--as you understand it?

MR. MARTIN: The ADA requirements do not come under us. There is someone specifically in the, in the County that takes care of the ADA. The water situation I, I am still in a dilemma because in general, well, not in general, in, in concrete form the Water Department is responsible for fire protection. Whenever the source comes from the

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

County, from the time it comes out until it's delivered to the customers, it comes under the board of, the Department of Water for fire protection. We do not get involved in fire protection requirements. We do get involved in fire protections requirements when it's a private system, the Water Department is not involved at all, and we have our requirements for that. Now, in this particular case the project is going to start out as a private system. If there's any intent to turn it over to the County, I would highly suggest that the board, the Water Department get involved and, and be at the ground floor on the project if there is going to be an intent to eventually deliver it or be taken over by the County. If not, then the Fire Department will be responsible for the fire protection, but I really don't think it's a good idea for the Fire Department to be involved early. . .kind of knowing if it's going to be turned over to the County Water Department. So that's something that we need to battle with and, and kind of decide. And it would really, really help if a determination can be made.

VICE-CHAIR HOKAMA: Placement of those hydrants though would be from recommendations of your Department or would that still be Department of Water Supply, the placement of those fire fighting appurtenances?

MR. MARTIN: At this point, since it's going to be a private well it would come from the Fire Department.

VICE-CHAIR HOKAMA: The Fire Department. Okay. Thank you very much, Captain. Thank you, Chairman.

CHAIR MATEO: Thank you, Mr. Hokama. Members, additional questions for the Department? Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. And, Captain Martin, yeah, I just wanted to follow up what Council Chair Hokama was asking. So if it's, if the system is the, going to be a public system, Water Department, then they determine the fire requirements within the system that they allow to be designed. So if there's conflict between the Uniform Fire Code and the Water Department's standards, what takes precedence?

MR. MARTIN: Um. . .Mr. Medeiros, you bring up a very good question. For many, many years we had conflicts. About six months ago we started meeting regularly with the Water Department. We understand each other's requirements. We work together. We came up with an agreement. Very, very positive meetings. You will not get any discrepancies at this point. So that, that has been overcome.

COUNCILMEMBER MEDEIROS: Okay. That's, that's good to learn because it doesn't make sense to have two different standards between the two agencies that determine the water standards and design for a project. So I, I'm happy to hear that. And that's, that's all I have at this time. Thank you.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

CHAIR MATEO: Thank you, Mr. Medeiros. Members, additional questions for Fire Department? Seeing none, Captain, thank you very much for waiting and, and participating in this process. We're going to move on to the, the last department for this afternoon, and that's the Department of Parks and Recreation. And if we can ask the Director, Tamara Horcajo, if you can please join us?

NOTE: Pause while Ms. Horcajo approached the floor.

CHAIR MATEO: . . . Madam Director, I'm sure you, you had the opportunity of reviewing the application in terms of those items relative to the Department of Parks and Recreation, and we'd like to get your comments, your feedback on that review of the application.

MS. HORCAJO: Good afternoon. Thank you for having us here today. I apologize our Department is, we had a little bit of the flu hit our Planning and Development, and we're catching up on this project. So I will try and answer as much as I can about this particular project. And the current park assessment for this project with the affordable housing is a little under one acre. And the developer has requested or is applying to dedicate approximately three acres to the County of Maui for this project. And if you folks have been up there to the Kula Community Center, currently the tennis courts are being built and there will be an access from the current Kula Community Center area to the small three acre park. And then right next to the three acre park will be a five-acre open space as the map has indicated. And we do feel that this would be a very nice accommodation for the Kula community.

CHAIR MATEO: Thank you, Madam Director. . . .*(End of tape, Side 3A)*. . . Ms. Baisa?

COUNCILMEMBER BAISA: Thank you, Chair. I just want to be really clear. So the land that the community center is on has been donated to the County?

MS. HORCAJO: We have been in. . . discussions with Mr. Nishikawa, and I must say that I was sitting in on the earlier. . . discussion, and we do have a letter that indicates. And so, Mike--I did have, personally, some confusion on the Kula Ridge Mauka and the Kula Ridge project. Because the. . . Kula Community Association does sit on property that is, I understand now is connected with the Kula Ridge Mauka. But it is the intent of the developer. . . at some point, to turn this property over to the County of Maui. We are under, when they purchased that property it was under a 90-year lease. We are going on about 46 years, approximately, and they have indicated that they will continue that lease agreement. But as I understand it, they will be dedicating this property over once the property above is developed.

COUNCILMEMBER BAISA: . . . Okay. Thank you.

MS. HORCAJO: . . .*(laughter)*. . . It's unclear . . .*(laughter)*. . .

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

CHAIR MATEO: Thank you. Thank you, Ms. Baisa. Members, additional questions for the Department? Ms. Anderson?

COUNCILMEMBER ANDERSON: Do you have anything in writing on that? An agreement to that effect?

MS. HORCAJO: I believe we do have. I don't have it with me, and we can give a copy. . .

COUNCILMEMBER ANDERSON: I think that--

MS. HORCAJO: . . . to your office.

COUNCILMEMBER ANDERSON: --would be very important.

MS. HORCAJO: Okay.

COUNCILMEMBER ANDERSON: I'm just wondering if you're aware that there is a pre-existing condition on the property for the three acres for a park to be conveyed to the County, aside from the Kula Community, the three acres within the project.

MS. HORCAJO: Yes, I am.

COUNCILMEMBER ANDERSON: So even though the park assessment is only, what did you say, one acre --

UNIDENTIFIED SPEAKER: One acre.

MS. HORCAJO: A little under an acre.

COUNCILMEMBER ANDERSON: --they are still required to provide three acres.

MS. HORCAJO: Yes.

COUNCILMEMBER ANDERSON: And. . .are, do you have any problem with. . .they are not providing a comfort station for this park because it, it is adjoining property lines but, you know, it's hard to tell from my. . .mind, I can't really recall how far a hike it is. But when you look at an aerial photo. . .if I can find it again . . .

. . . You're, of course, on a slope and there is quite a. . .dense. . .forested area between this property and the Kula Community Center. So . . .

. . . you know, I just, I just hate to see us build parks without comfort stations. I think it's something the community deserves to have. And. . .they're asking for an exemption from the park assessment requirements, so they don't even have to come and ask for a waiver. . .like most developers do. So do you have any problem with no comfort station

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

for this three-acre park that's going to be servicing, you know, over a hundred homes? And, you know, if it is connected to the community center, I mean I could see it being an extension of this whole park complex eventually. And DOT actually in their, in their review they have, they took issue with the consultant who said that there would no, be no additional traffic generated by this park. Because the consultant is saying the park will only be used by the people who live in the community. So you can't really have it both ways.

. . . You know, either it's an extension of a regional park that people from all over Kula will come and utilize, or it will only be used by the community. And, frankly, either way I think. . . I mean you can't shut people off from using the park. And if they're there for the center and the tennis courts, it's most likely they'll use that park. And I'd like to see playing fields there. So I'd like to see a traffic assessment that reflects that, and I'd like to see bathrooms there. So could I have your thoughts on that, Ms. Horcajo?

CHAIR MATEO: . . . Madam Director?

MS. HORCAJO: Unfortunately, I have not seen the request for a waiver for the parking, or restroom, or any assessment on that particular...

COUNCILMEMBER ANDERSON: No, they're asking us to give them an exemption from that section of the County Code. So, you know, they would be exempt from having to do any kind of bathrooms or comfort station at all, which is a requirement in the Code.

MS. HORCAJO: Right.

COUNCILMEMBER ANDERSON: And as you know, many developers come to us after the fact and ask us to waive that. So if, if we gave him that exemption in this 201H project, that would be the end of the discussion. They wouldn't even have to even come and ask for a waiver. It just takes it off the table from the get-go.

MS. HORCAJO: I do realize that that's the proposal before you, and the discussions between our Department and the developer have. . .discussed that the access would be along the mauka portion of the tennis courts, that there would be that road so that access would be available to the community center area there and that the restrooms are available there. As you know...

COUNCILMEMBER ANDERSON: You mean by road?

MS. HORCAJO: Uh. . .by a walkway access. . .so that the park could be connected to the upper three acres to the lower community center area by. . .there's a retaining wall there so that there would be an accessway. And I can get back with you on exactly what kind of accessway that would be between the community center and the park.

COUNCILMEMBER ANDERSON: Okay. Thank you, Ms. Horcajo. Thank you, Chair.

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

CHAIR MATEO: Thank you, Ms. Anderson. Members, additional questions for the Department? Mr. Pontanilla?

COUNCILMEMBER PONTANILLA: Thank you. So the existing people that use the tennis courts and the future tennis courts, right now they go to Kula Community Center for when they want to use bathroom?

MS. HORCAJO: Currently, they use the porta-toilets that are on the site there, and they are highly used porta-toilets.

COUNCILMEMBER PONTANILLA: So none of them--

MS. HORCAJO: . . . *(inaudible)*. . . *(laughter)*. . .

COUNCILMEMBER PONTANILLA: --none of them go to Kula Community Center?

MS. HORCAJO: They do occasionally. We do have the . . . unfortunately, those restrooms are not left open all the time. I'd like to say that our intent is that they will be left open for the community all the time. But currently they are locked at times during the day. They are open in the evening when there's functions there. And they are used by the tennis community when they are open.

COUNCILMEMBER PONTANILLA: Thank you.

CHAIR MATEO: Thank you, Mr. Pontanilla. Members, additional questions for the Department? Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. The three-acre park is going to be dedicated to the County; that's correct, right?

MS. HORCAJO: That's the proposal, yes.

COUNCILMEMBER MEDEIROS: Okay, and I think I asked Mr. Munekiyo if it will be available for anyone to use and the answer was "yes", that it's not just the community of this project that's going to use it, but anyone in the Kula area can go use it.

MS. HORCAJO: Any park requirement dedicated--

COUNCILMEMBER MEDEIROS: Okay.

MS. HORCAJO: --to the County is open to the public.

COUNCILMEMBER MEDEIROS: Okay. So . . . I'm not sure about the open space, the open space will remain open space and not be part of the park's property?

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MS. HORCAJO: As I understand it when I go up and look at the topography, it's quite a slope, and it will just remain in the natural setting. It won't have, the current--

COUNCILMEMBER MEDEIROS: No, the question is will it be dedicated to the County or remain private, the open space?

MS. HORCAJO: . . . I don't know that . . .

COUNCILMEMBER MEDEIROS: Okay.

MS. HORCAJO: . . . I'll have to either ask the developer and get back with you on that.

COUNCILMEMBER MEDEIROS: Okay. All right. And, you know, when, when you envision three acres, that's quite a large area, and that's quite a walk for young children if they're in the far portion . . . *(laughter)*. . . of that three-acre park to get to the restrooms and Kula Community Center. You know? So I think I share Member Anderson's concern and recommendation that I think in the parks there should be at least comfort stations if not, you know, also parking, but I think at a minimum comfort stations. And if the park is going to be developed into an active park where there's little league fields or soccer fields for the younger ages, then definitely I think we need to put comfort stations. Okay. Thank you.

CHAIR MATEO: Thank you, Mr. Medeiros. Members, additional questions for the Department? Seeing none, Madam Director, thank you very much for waiting, and being with us, and participating in the process. Members, at this time you do know we have several more departments that have not had the opportunity of sharing their comments and receiving questions from the Committee in addressing this 201H project. I am at a dilemma at this point because of the next meeting date. We do know that all of our schedules are all rather hectic at this particular point in time, but the important thing to remember is this Committee faces a clock. We have 45 days to come up with a determination on this 201H project. At this point, Committee Staff will be contacting your offices and trying to check your schedules to check your availability for October 21st. Okay, October 21st is an off-week date, and we will be checking with your office. Unfortunately, you know, we need to get a response as soon as possible, so please, you know, advise your staff to contact Committee Staff so we can take a look at the next option date that we have. Ms. Anderson?

COUNCILMEMBER ANDERSON: Would that be a morning meeting or starting in the morning?

CHAIR MATEO: It will, it's, you know, the option of the Committee, the option of the Committee. Ms. Revels?

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

MS. REVELS: Mr. Chair, we would need to post for that meeting tomorrow morning, so we would need to know about availability this evening if at all possible. Thank you.

CHAIR MATEO: Ms. Johnson?

COUNCILMEMBER JOHNSON: Because there is this clock ticking and because we have these other posting requirements, is there any date that we could recess the meeting to where we would at least be able to continue the discussion? You know, I mean I can check my calendar, but I'm totally open to that so that we could at least continue to proceed. . .not to exclude public testimony . . .*(laughter)*. . . that's not the purpose, but just because this application, you know, should get. . . I guess, fully discussed before we make a decision--

CHAIR MATEO: The only--

COUNCILMEMBER JOHNSON: --but as quickly as possible . . .*(laughter)*. . .

CHAIR MATEO: The only other date other than the 21st is the regular scheduled meeting of this Committee.

COUNCILMEMBER PONTANILLA: Chairman?

CHAIR MATEO: Yes?

COUNCILMEMBER PONTANILLA: Could we take a short recess so we can check our calendars?

CHAIR MATEO: Check your calendars?

COUNCILMEMBER JOHNSON: Uh-huh.

CHAIR MATEO: If you could, Members? The Committee will take a real short recess. . . .*(gavel)*. . .

RECESS: 4:44 p.m.

RECONVENE: 4:49 p.m.

CHAIR MATEO: . . .*(gavel)*. . . The Policy Committee meeting for October 14, 2008 will reconvene. Members, during that break we were able to. . . come up with a date certain that we're all available and that is next week Tuesday, the 21st, 1:30 in the afternoon. And I do know that that date, again, we're pressed because later in the. . . late afternoon we will, again, lose quorum. So, hopefully, we will be able to go through the departments and this body given the time for the discussion and come up with a determination as to which resolution we will be recommending out of Committee. So,

POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

again, Members, October 21st, 1:30 in the afternoon, we will continue this discussion. At this time, are there any announcements?

UNIDENTIFIED SPEAKER: No.

CHAIR MATEO: Hearing none, Members, with no objections we will defer this item to, we will defer this item. Any objections?

COUNCIL MEMBERS: No objections.

CHAIR MATEO: Hearing no objections, this Committee meeting of the Policy Committee, October 14, 2008, stands adjourned. . . .*(gavel)*. . .

COUNCIL MEMBERS VOICED NO OBJECTIONS. (excused: MV)

ACTION: DEFER pending further discussion.

ADJOURN: 4:51 p.m.

APPROVED:



DANNY A. MATEO, Chair
Policy Committee

pol:min:081014

Transcribed by: Jessica Cahill

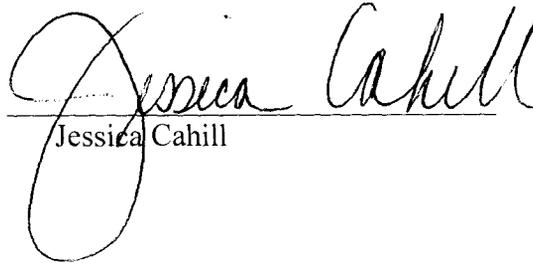
POLICY COMMITTEE MINUTES
Council of the County of Maui

October 14, 2008

CERTIFICATE

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

DATED this 6th day of November, 2008, in Wailuku, Hawaii



Jessica Cahill