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M I N U T E S
POLICY COMMITTEE
COUNCIL OF THE COUNTY OF MAUI
COUNCIL CHAMBER, EIGHTH FLOOR
WAILUKU, MAUI, HAWAII
OCTOBER 21, 2008

APPROVED:

Manny A. Mateo
Committee Chair

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

1 CONVENE: 1:37 p.m.

2 PRESENT: Councilmember Danny A. Mateo, Chair
3 Councilmember Riki Hokama, Vice-Chair
4 Councilmember Michelle Anderson, Member
5 Councilmember Gladys C. Baisa, Member
6 Councilmember Jo Anne Johnson, Member
7 Councilmember Bill Kauakea Medeiros, Member
8 Councilmember Michael J. Molina, Member
9 (Out 3:09 p.m.)
10 Councilmember Joseph Pontanilla, Member
11 Councilmember Michael P. Victorino, Member
12 (In 1:40 p.m.; Out 3:54 p.m.)

13 STAFF: Gayle Revels, Legislative Analyst
14 Camille Sakamoto, Committee Secretary

15 ADMIN: Jo-Ann Ridao, Deputy Director, Department
16 of Housing and Human Concerns
17 Jeff Hunt, Director, Department of Planning
18 Stephen Orikasa, Sergeant, Department of
19 Police
20 Milton M. Arakawa, Director, Department of
21 Public Works
22 Eric Yamashige, Deputy Director, Department
23 of Water Supply
24 Tamara Horcajo, Director, Department of Parks
25 and Recreation
26 Patrick Matsui, Chief of Planning and
27 Development, Department of Parks and
28 Recreation
29 Kimberly A. Sloper, Deputy Corporation
30 Counsel, Department of the Corporation
31 Counsel (Out 3:09 p.m.)

32 SEATED IN THE GALLERY:
33 Jeffrey T. Ueoka, Deputy Corporation Counsel,
34 Department of Corporation Counsel, (Out
35 3:09 p.m.)

36 OTHERS: Clayton Nishikawa, Kula Ridge, LLC
37 (Applicant)
38 Michael Munekiyo, Munekiyo & Hiraga, Inc.
39 (Applicant's Consultant)
40 Rowena Dagdag, Planner, Munekiyo & Hiraga,
41 Inc. (Applicant's Consultant)
42 Stacy Otomo, Otomo Engineering, Inc.
43 (Applicant's Consultant)

1 Ray Matasci (Applicant's Consultant)
 Morgan Gerdel, Architectural Design &
 2 Construction, Inc. (Applicant's
 Consultant)
 3 Blaine Kobayashi, Carlsmith Ball (Applicant's
 Attorney)
 4 Dick Mayer
 Henry DeHaan
 5 Jim Bushlow
 Gene Zarro
 6 John Kalama
 Six (6) additional unidentified attendees
 7

8 PRESS: Akaku: Maui Community Television, Inc.
 Chris Hamilton, The Maui News
 9

10 CHAIR MATEO: ...(gavel)... Policy Committee
 11 meeting for October 21st, 2008 will come to order.

12 For the record, Members present with us this
 13 afternoon, we have the Vice-Chair of the Committee,
 14 Chairman Hokama, also present with us, Committee Members
 15 Anderson, Baisa, Johnson, Medeiros, Molina, Pontanilla.
 16 Mr. Victorino will be joining us -- joining us soon.

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

20 CHAIR MATEO: Members, once again, we have
 21 just one item on our agenda this afternoon. But before
 22 getting into the subject matter, we will take care of
 23 our public testimony this afternoon. We have three
 24 individuals who have signed up to testify.

25 And to provide you with some housekeeping, you

1 will be allowed three minutes to testify with one minute
2 to conclude. The Chair would prefer not extending any
3 additional time so we can get through with this
4 particular agenda item this afternoon.

5 We will be calling up the first speaker, Dick
6 Mayer. When you come to the podium, please recognize
7 yourself and advise us whether or not you represent
8 yourself, a group, an organization, et cetera. So, Mr.
9 Mayer, will you please come up to the podium? And Mr.
10 Mayer will be followed by Henry DeHaan.

11 ...BEGIN PUBLIC TESTIMONY...

12 MR. MAYER: Good afternoon, Chair Mateo and
13 Members. My name is Dick Mayer. And I'm speaking today
14 entirely on my own behalf. Last time, I spoke on this
15 issue, on the Kula Ridge project, on behalf of the Kula
16 Community Association.

17 I'm only gonna speak about one item tonight,
18 and that's water. This is a question I hope that you
19 will be looking at carefully. And I have several
20 concerns. It's still unclear exactly how the water will
21 be brought to the project. Will it be done entirely
22 privately? Will the developer intend to bring it -- to
23 develop the project and then hand it over, make an
24 agreement with the County Water Department for the
25 water? Will the developer be willing to state that he

1 will and the development will be entirely responsible
2 for it? What will be -- in other words, what will be
3 the management of the water system after it's put in?

4 And, secondly, another area are the costs. To
5 bring the water up from the depth that it's coming from,
6 it will be brought up and then pumped up to a storage
7 tank at the 3,600 foot level. In other words, that's a
8 lift of three point six thousand feet. And every 1,000
9 feet, it will cost somewhere around \$1.50,
10 approximately, electricity costs, not even counting the
11 maintenance and the other types of costs, the pump
12 costs, the pump and distribution lines and et cetera.
13 Who will be paying for that? If the water is brought up
14 that height, it will be somewhere around \$6, \$7, \$8 per
15 1,000 gallons to -- to bring it to -- to the tank. Will
16 the affordable housing individuals be required to pay
17 that very high water cost, which will mean that they
18 essentially will be buying probably unaffordable water?
19 Will the developer, in perpetuity, be willing to pay for
20 that high cost?

21 And, secondly -- and what -- what makes it
22 particularly difficult -- is that that water will also
23 be used on the adjoining parcel on the agricultural
24 lands and, conceivably, at agricultural water rates. In
25 other words, that agricultural water rate will be sold

1 at somewhere around \$1 to \$2, depending what the ag
2 rates are at that time. Yet, it will cost somewhere
3 around \$8 to bring it up to that elevation.

4 These are issues I wish you will -- you'd get
5 a hold of. Either the Water Department will be paying
6 for it out of the -- the County Water Department, or the
7 individual affordable homeowners will have to pay for
8 that very expensive water to -- for this project.

9 And those are the concerns that I have. And
10 the operation of the system in the long-term, will it be
11 in perpetuity by the owners of that particular
12 subdivision, or will it be the developer himself, or
13 will it be the County as to who will actually manage the
14 water any longer? These are issues I -- I still have no
15 grasp on. And -- and I would like to have answers on.

16 Thank you.

17 CHAIR MATEO: Thank you, Mr. Mayer. Members,
18 questions for the testifier? Seeing none, thank you
19 very much.

20 MR. MAYER: Wait. Let me -- just one other
21 thing. I'm sorry. Excuse me. And that is the
22 interaction with the water meter list. If, in fact, the
23 County does take it over, there are hundreds and
24 hundreds of people who have homes that will be built at
25 an affordable level already on that water list. And,

1 presumably, this project might go ahead of those people.
2 And so I would like to have a full understanding how
3 this will interact with the Upcountry water meter list,
4 which has many, many affordable people, who own a parcel
5 of land, who are just waiting for the water to build
6 their affordable home on that list.

7 Thank you.

8 CHAIR MATEO: Thank you, Mr. Mayer. Henry
9 DeHaan will be followed by Jim Bushlow.

10 MR. DeHAAN: Good afternoon, Council. My name
11 is Henry DeHaan.

12 You know, I wasn't nervous until I got here.
13 I don't know, same thing that happened last week.

14 But I'm just here to testify on my behalf of
15 being involved with Clayton over the years and his
16 architectural group. I've built for roughly 23 years.
17 And working with these guys, I -- it's just really been
18 a pleasure. Their vision, not only with the land, of
19 the structures they put up.

20 And one thing that I just want to say, thank
21 you to the Council. As a taxpayer here in Maui County,
22 I appreciate the hard questions that you were asking
23 Clayton last week. It made me feel good that we have
24 people out here looking out for the rest of us.

25 That's pretty much it. Thank you and God

1 bless.

2 CHAIR MATEO: Thank you. Members, questions
3 for Mr. DeHaan? Thank you very much. Jim Bushlow.

4 MR. BUSHLOW: Good afternoon, Ladies and
5 Gentlemen. My name is Jim Bushlow. I live in Waiakoa.
6 I will, basically, be very directly influenced by this
7 in all the decisions that you make.

8 The Kula Community Association gave you a list
9 of questions -- a list of issues that they're concerned
10 about. And we are, you know, as individuals, living and
11 paying taxes in Waiakoa.

12 I don't think anything was answered last week.
13 I sat through this. And it was kind of a comedy of
14 errors. Every question that you asked for the first two
15 hours were just kind of danced around and, you know,
16 there weren't any real direct answers. Where's the
17 water coming from, you've pressed on that. It was,
18 well, we haven't really drilled yet, but our hydrologist
19 assures us, blah, blah, blah.

20 We didn't touch on sewage. When they first
21 presented this three years ago, they were talking about
22 leaching fields on 4,600-square-foot lots. How do you
23 do that? Not with the County rules and regs that I've
24 read.

25 I think sewage is not as important as water,

1 but awful darn important out there. Nobody has touched
2 on that, either.

3 You finally pressed Mr. Nishikawa last week on
4 the sidewalks. I think it was seven times you asked the
5 question. And his response finally was, "If it's not on
6 my property, I'm not paying for it."

7 That's, you know, not like a real rosy image
8 that I have of the developer being concerned about the
9 neighborhood, being concerned about the County of Maui,
10 et cetera, et cetera. Everybody can use affordable
11 housing, but who's gonna pay for the roads, the
12 sidewalks, the sewage, the water, the long-term? I just
13 can't see you letting people come in and make their
14 profit, get out and leave it for the rest of us to pick
15 up the sticks.

16 That's all I have. Thank you.

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

19 Ms. Anderson?

20 COUNCILMEMBER ANDERSON: Thank you, Chairman.
21 You say you live in Waiakoa?

22 MR. BUSHLOW: That's correct.

23 COUNCILMEMBER ANDERSON: So -- and you say
24 this would impact you. Could you give us just an
25 example of how you feel --

1 MR. BUSHLOW: Ma'am, I drive up and down that
2 road every day. I mean, if there's a cement truck, or a
3 dump truck, or a full-size school bus, you better pull
4 over. We have barely got a two-lane road. I mean, you
5 start to encounter some of those cliffs that are hanging
6 over the road, you don't have a two-lane. You're gonna
7 put another 300 cars on there every day?

8 I might suggest, if anybody on the Committee
9 is not familiar with it, they take a drive up to Waiakoa
10 and take a look. I mean, it's not set up for another
11 300 cars a day, another 116 houses. There's some issues
12 with infrastructure.

13 COUNCILMEMBER ANDERSON: Okay. Thank you very
14 much.

15 CHAIR MATEO: Thank you, Ms. Anderson.
16 Members, additional questions? Seeing none, thank you
17 very much.

18 MR. BUSHLOW: Thank you.

19 CHAIR MATEO: Members, Mr. Bushlow was the
20 last individual who had signed up to testify this
21 afternoon.

22 If there's anyone wanting to testify, please
23 come on down to the podium at this time. You will be
24 asked to please fill out the sign-in sheet after --
25 after you -- after your testimony this afternoon. And

1 please recognize yourself for the record.

2 MR. ZARRO: I wake up in the morning and
3 recognize myself --

4 CHAIR MATEO: I hope so.

5 MR. ZARRO: -- five out of seven days.

6 CHAIR MATEO: I hope so.

7 MR. ZARRO: Hi. My name's Gene Zarro. And I
8 am here to speak in favor of the Kula Ridge development.

9 And I want to thank you all for being in here
10 and having this hearing and trying to do the County's
11 business.

12 You know, I -- I'm kind of wondering what is a
13 housing development going to look like in order to be
14 moved forward expeditiously. This is, obviously, not a
15 housing development that has second homes for people
16 from the mainland, that might be resort-oriented. This
17 is a community development. It's in a neighborhood that
18 needs housing. There are people Upcountry that would
19 like to live there, maybe move out of their families'
20 homes. This is a residential subdivision. It is going
21 to offer 70 affordable housing units in a very nice
22 neighborhood.

23 I have actually been up there and walked this
24 property. It's really quite nice. It's, actually, in a
25 community of Kula that once housed a population. You

1 know, it has the stores and it has the gymnasium and it
2 has some of the things. So this was kind of a -- a
3 revitalization of an area that has always been there.

4 Now, all the -- the easy questions of where's
5 the water, we all know that these guys have to provide
6 water or these houses will not be built, you know. But
7 in order to move this process forward, we need to at
8 least meet the developer one-quarter of the way so that
9 they can actually drill for this well, which is probably
10 gonna cost a few million dollars in order to get the
11 water flowing. But they have to know that there is some
12 degree of certainty that this project will go forward.
13 So, really, we can't drill for water until there's a
14 certainty that they can actually build.

15 And if they don't find the water, you guys are
16 not gonna let 'em build, because there are other steps
17 along the way. So I -- I would really like you to
18 consider how important it is that this development get
19 put in place.

20 We don't need to bring up any of the economic
21 issues. God knows we have people who could use work.
22 But I don't think this development is gonna supply that
23 need because it's a pipeline issue. By the time these
24 houses are ready to go up, I would like to think we'd
25 have people back working. But it is an economic engine.

1 It is an issue for the Upcountry residents to
2 have housing up there in a development that also
3 satisfies some of the criticism I've heard of other
4 developments. Where the affordable housing -- there are
5 steps being taken so that the affordable housing units
6 will be completely integrated into this development. So
7 that people will not be able to say, oh, there's the
8 affordables and there's the markets. They're going
9 through great lengths to actually make that a reality,
10 an integrated neighborhood. And not only is it
11 integrated with the affordables being integrated with
12 the market, it's also an integrated neighborhood in real
13 estate prices. You know --

14 MS. REVELS: Three minutes.

15 MR. ZARRO: I'll finish up real quick. We
16 would like to think these affordables are not the home
17 that these people are gonna live in forever, but starter
18 homes. And -- and you need a -- a level of real estate
19 development that allows for entry into the real estate
20 market as a homeowner and then progressively getting,
21 hopefully, better or more suitable housing as your
22 family grows, as your income grows.

23 So I hope that this is the housing development
24 that becomes a picture of what good residential housing
25 developments should look like, significant amount of

1 affordable housing in a neighborhood that can use the
2 housing for the people that are up there.

3 Thank you very much.

4 CHAIR MATEO: Thank you. Members, questions
5 for Mr. Zarro? Thank you very much. The Chair will,
6 once again, call for anyone wanting to testify on this
7 agenda item, please step forward.

8 Members, seeing no one coming forward, with no
9 objections, the Chair will close public testimony.

10 COUNCIL MEMBERS: No objections.

11 CHAIR MATEO: Thank you.

12 ...END OF PUBLIC TESTIMONY...

13 CHAIR MATEO: Members, we have one item on
14 today's agenda, it's POL-7(2), the HRS 201H Affordable
15 Housing Project, the Kula Ridge Residential Workforce
16 Housing Subdivision. This Committee last met on this
17 item on October 14th, 2008.

18 Pursuant to Section 201H-38, HRS, we have an
19 application before us for the development of a proposed
20 Kula Ridge Residential Workforce Housing Subdivision in
21 Kula. The proposed project consists of approximately
22 116 improved lots, with approximately 70 lots set aside
23 for workforce housing or affordable house lot packages.
24 Affordable house lot units are proposed to be integrated
25 with the market price lots.

1 Members, we have three resolutions before this
2 -- before this Committee. One, approving the Kula Ridge
3 Sub -- Residential Workforce Subdivision; two, approving
4 with modifications; and, three, disapproving.

5 And at the last meeting, this Committee
6 received a PowerPoint presentation by the applicant's
7 consultant and was engaged in discussion. Prior to the
8 adjournment of that meeting, the Committee further
9 received comments from representatives from the
10 Department of Housing and Human Concerns, the Fire
11 Department and the Department of Parks and Recreation.

12 This afternoon, we will complete the process
13 by having the remaining Departments provide their review
14 and comments to the Committee. The order this afternoon
15 that the Chair will be calling up will start with the
16 Department of the Police, Public Works, Planning, Water,
17 and, again, Parks and Recreation.

18 And, finally, Members, you are all encouraged
19 to ask questions of each of the Department's
20 representatives as well.

21 Before calling the Department of the Police up
22 to start the afternoon, the Chair would like to
23 recognize the attendance. From the Administration, we
24 have the Deputy Corporation Counsel, Ms. Sloper, as well
25 as the Deputy Director of the Department of Housing and

1 Human Concerns, Ms. Ridao. And from our Committee
2 Staff, we have our analyst, Ms. Revels, and our
3 secretary, Ms. Sakamoto.

4 If we can have the representative from the
5 Department of the Police to join us, Sergeant Steve
6 Oriksa. Good afternoon, Sergeant.

7 MR. ORIKASA: Good afternoon, Mr. Chair,
8 Committee Members.

9 CHAIR MATEO: Sergeant, the Department had the
10 opportunity of taking a look at the application. Can
11 you provide us with the Department's comments?

12 MR. ORIKASA: Yes. In reference to this
13 subdivision, the -- from the police perspective, we're
14 looking at the safety of the pedestrian and vehicular
15 movement in the area.

16 When I was looking over the plans, I couldn't
17 tell if there was pedestrian walkways or improvements
18 for pedestrian walkways within the development or the
19 surrounding area. But that was a concern.

20 The residential properties will increase the
21 usage of the community center, and, also, the
22 surrounding roadways. So I believe improvements along
23 the Lower Kula Road should include some type of
24 pedestrian walkways.

25 Another concern was the four -- the four lots

1 with the Rural designations. If at all, these are used
2 for agricultural purposes, there will be an increase of
3 large vehicles and heavy equipment entering and exiting
4 the area. This -- we'd have to look at this as far as
5 the roadway width and, also, pedestrian walkways, if
6 we're gonna have heavy vehicles going in and out of the
7 area. In addition to the increased traffic would be the
8 implementation of lighted signals and street lights.

9 There was a previous comment submitted by
10 Sergeant Scott Migita back in 2006, I believe, but I
11 hadn't had a chance to review that. So if you have that
12 in your documents, I'll try and answer any questions as
13 best as I can.

14 CHAIR MATEO: Thank you, Sergeant. Members,
15 the floor is open for questions of Sergeant Orikasa.
16 Mr. Victorino?

17 COUNCILMEMBER VICTORINO: Yeah. Thank you,
18 Mr. Chair.

19 Sergeant Orikasa, thank you for your
20 perspective. So if I read you correctly, or understand
21 you correctly, because there doesn't seem to be a lot
22 of, in simple terms, sidewalks being built, pedestrian
23 walkways, you fear for the safety of any pedestrians,
24 especially the residents that will be living in this
25 area?

1 MR. ORIKASA: Yes.

2 COUNCILMEMBER VICTORINO: Okay. Also, I guess
3 another question I have for you, Sergeant Orikasa, what
4 is the manpower for the Upcountry area right now?

5 MR. ORIKASA: The total manpower day-to-day or
6 shift-to-shift for Upcountry area is we have five patrol
7 officers.

8 COUNCILMEMBER VICTORINO: Five patrol
9 officers. So if we had another 100-something homes to
10 the area -- not to say that our police force is not
11 overworked right now -- this would add a little more
12 burden for you folks, then, as far as the Upcountry area
13 is concerned?

14 MR. ORIKASA: Yes. Any improvements within
15 the County would have some type of impact upon our
16 services.

17 COUNCILMEMBER VICTORINO: Okay. Okay. Thank
18 you, Sergeant Orikasa. I'll yield to my colleagues.

19 CHAIR MATEO: Thank you, Mr. Victorino.
20 Members, additional questions for the Police Department?
21 Seeing -- Mr. Molina, go ahead.

22 COUNCILMEMBER MOLINA: Thank you, Chair. Good
23 afternoon, Sergeant Orikasa. One quick question with
24 regards to, you know, we have Kula School nearby and, I
25 guess, the other school, I guess, is Waldorf. Any

1 issues there with potential -- you know, without the --
2 with the way the infrastructure is right now, or lack
3 thereof, any concerns from the Police Department with
4 the building of this subdivision and, you know,
5 increased traffic going through the area?

6 MR. ORIKASA: Well, from the Department's
7 point of view, it's not a matter of seeing that the
8 development is not good. But our focus is upon the --
9 the safety of the community. So, thereupon, we focus
10 upon the pedestrian -- the safety of the pedestrians and
11 vehicular movement in the area.

12 COUNCILMEMBER MOLINA: Uh-huh.

13 MR. ORIKASA: The roadways, as I understand,
14 are already inundated with vehicular traffic. There's
15 no room for pedestrian movement upon Lower Kula Road.
16 So that -- that is a concern. With the increased
17 residential lots, obviously, you're gonna have increased
18 vehicular movement, pedestrians. Also, with the
19 community center --

20 COUNCILMEMBER MOLINA: Uh-huh.

21 MR. ORIKASA: -- there, I -- I'm sure the
22 community center will be used more often, also.

23 COUNCILMEMBER MOLINA: Uh-huh. And so you
24 guys, I guess, support the need for like additional
25 infrastructure like sidewalks and so forth?

1 MR. ORIKASA: Yes, and street lights.

2 COUNCILMEMBER MOLINA: Okay. Thank you.

3 Thank you, Chair.

4 CHAIR MATEO: Thank you, Mr. Molina.

5 Additional questions, Members? Ms. Anderson?

6 COUNCILMEMBER ANDERSON: Officer, do you know
7 how far this proposed subdivision -- well, I guess Kula
8 Community Center would be a good starting point -- how
9 far that is to the nearest elementary school?

10 MR. ORIKASA: Ah. As far as distance, no, I
11 -- I don't have even approximate distance for that. But
12 I know Kula -- Kula School is right down the road off of
13 Kula Highway, and I believe there's a -- the private
14 school off of Lower Kula Road.

15 COUNCILMEMBER ANDERSON: Yeah, Haleakala --

16 MR. ORIKASA: Is in close proximity to the
17 development.

18 COUNCILMEMBER ANDERSON: Because our Code says
19 that sidewalks shall be required on one side of the
20 street within one-half mile of any elementary school,
21 high school or intermediate. You think it's within a
22 half mile as the -- as the crow flies?

23 MR. ORIKASA: I'm sorry. I don't have the
24 answer for that.

25 COUNCILMEMBER ANDERSON: Okay. Thank you.

1 Thank you, Chair.

2 CHAIR MATEO: Thank you, Ms. Anderson.
3 Members, additional questions for the Department?
4 Seeing none, Sergeant, thank you very much for --

5 MR. ORIKASA: Thank you.

6 CHAIR MATEO: -- being with us this afternoon.
7 Chair will call the Public Works Department, Director
8 Arakawa. Mr. Arakawa, good afternoon. Thank you for
9 joining us this afternoon. If you will please provide
10 us with the Department's comments based on the review of
11 the application.

12 MR. ARAKAWA: Thank you, Mr. Chair. Just to
13 follow up on the Sergeant Orikasa's testimony, I do want
14 to note that Lower Kula Road, in the vicinity of the
15 project, generally has a very narrow right-of-way. And
16 as you all know, a new sidewalk has been mentioned along
17 Lower Kula Road to provide better access to Haleakala
18 Waldorf School and Kula Elementary School.

19 And, presently, the existing right-of-way is
20 insufficient to accommodate the new sidewalk. So if a
21 sidewalk is required, basically, portions of private
22 property would need to be acquired in order to implement
23 the sidewalk.

24 And the other consideration is that, because
25 of the slope of the area, this, also, would necessitate

1 some of the retaining walls to be built between the
2 public right-of-way and private property.

3 There's also a -- a culvert under Keahuaiwi
4 Gulch. And if the right-of-way would be widened in the
5 area, it may necessitate resizing of the drainage
6 culvert in the area as well.

7 As far as the access to the subdivision
8 itself, our comments are that the actual access road to
9 the subdivision, this is a road that leads mauka from
10 Lower Kula Road, should be built to an Urban collector
11 standard. This would mean a 56-foot-wide right-of-way
12 and 36-foot pavement width. The document currently
13 calls for 24 feet, but the land on which the -- a
14 portion of land in which the project is being built is
15 actually within the Urban -- Urban District.

16 Roads within the subdivision also need to be
17 constructed to County standard. This would be with a
18 44-foot right-of-way and 28-foot curb-to-curb width.

19 And for interior subdivision roads adjacent to
20 Single-Family Residential uses, we recommend that this
21 would include five-foot-wide sidewalks on both sides of
22 the street.

23 I would note that the alleys within the
24 subdivision are intended to remain private. And these
25 alleys would have a 24-foot-wide right-of-way with

1 24-foot-wide payment width. And this is noted as a
2 specific exemption within the exemption list.

3 As far as drainage is concerned, the applicant
4 will be constructing a detention basin near the
5 northwest corner of the site. And this basin will be
6 sized to accommodate the increase in surface runoff
7 resulting from the proposed development.

8 That, basically, concludes my comments.

9 CHAIR MATEO: Thank you, Mr. Arakawa.
10 Members, the floor open for questions. We'll start with
11 Mr. Victorino and go down.

12 COUNCILMEMBER VICTORINO: Thank -- thank you,
13 Mr. Arakawa.

14 And thank you, Chair. So your basic
15 conclusion is that this plan that they have brought
16 forth doesn't really fit the Urban standards that -- of
17 which this area is -- this Urban District, and as far as
18 the sidewalks and as far as the width of the mauka
19 exterior road, the mauta [sic] -- mauka easement that
20 will be exiting the property, it doesn't fit in your --
21 what we call your Urban standards for the County of
22 Maui?

23 MR. ARAKAWA: Councilmember Victorino, what
24 we're suggesting is that the subdivision be required to
25 provide roadways to County standard for the portion

1 that's within the Urban District. So that the portions
2 that they have control over, they should be required to
3 provide it to our County standard.

4 COUNCILMEMBER VICTORINO: So my question is,
5 how much of this project is within the Urban District,
6 as you are just stating?

7 MR. ARAKAWA: It's primarily the -- the areas
8 of Single-Family or smaller lots that you see on the --
9 the more makai portions. The four large lots on the
10 mauka portion are not within the Urban District.

11 COUNCILMEMBER VICTORINO: Okay. So that's the
12 vast majority of this development? Am I correct in
13 saying that?

14 MR. ARAKAWA: Yes, the majority of the
15 development.

16 COUNCILMEMBER VICTORINO: Okay. And then the
17 last question I have is you -- you're saying because of
18 -- because our Urban standards said that we have
19 crosswalks -- I mean -- crosswalks -- sidewalks on both
20 sides, five foot wide, and this plan right now is
21 designing no sidewalks, it's not an acceptable plan in
22 your mind, then?

23 MR. ARAKAWA: I -- in reading the EA, I'm not
24 really sure what the commitment was. I know they were
25 committing to at least sidewalks on one side of the

1 street within the subdivision. This is the area just
2 within the subdivision.

3 COUNCILMEMBER VICTORINO: Within the
4 subdivision.

5 MR. ARAKAWA: But our general practice, since
6 the Council recently amended the ordinance, we require
7 sidewalks on both sides of the street where you're
8 dealing with Single-Family Residential districts.

9 COUNCILMEMBER VICTORINO: And --

10 MR. ARAKAWA: So that's what we would require
11 in this case.

12 COUNCILMEMBER VICTORINO: Okay. So you would
13 require this of the developer?

14 MR. ARAKAWA: Yes, unless there is a specific
15 exemption that is called for under the 201H.

16 COUNCILMEMBER VICTORINO: Okay.

17 MR. ARAKAWA: Right now, there is no
18 exemption. So we would require sidewalks on both sides.

19 COUNCILMEMBER VICTORINO: Okay. And we'll get
20 to that part of the discussion later. Okay. Thank you.

21 Thank you, Mr. Chair.

22 CHAIR MATEO: Thank you, Mr. Victorino. Mr.
23 Pontanilla?

24 COUNCILMEMBER PONTANILLA: Director, just some
25 clarification. The collector road, (inaudible)

1 collector road, that you mentioned, 56 width
2 right-of-way, is that the Lower Kula Road?

3 MR. ARAKAWA: No. It's the access to the
4 project that extends mauka from Lower Kula Road.

5 COUNCILMEMBER PONTANILLA: From Lower Kula
6 Road. Does the County have any plans to widen Lower
7 Kula Road?

8 MR. ARAKAWA: It -- it is not in the six-year
9 CIP. And as you know, it was, you know, an old-time
10 agricultural road. You know, Kula is a very rural,
11 agricultural community. If there are plans to -- to do
12 that, we'd -- we'd need to include that and see what the
13 impact would be on -- on neighboring properties. And we
14 would have to propose it to the Council to include it as
15 a CIP.

16 COUNCILMEMBER PONTANILLA: Do you see the
17 existing road at that vicinity, between the junction and
18 the entrance to Kula Community Center, the junction
19 that's Paia side off Kula Community Center, is that
20 sufficient for -- or is it safe in regards to the width
21 that -- that's there now?

22 MR. ARAKAWA: Councilmember Pontanilla, I
23 would hesitate to make any judgments as to safety per
24 se. But I can tell you that it does not meet County
25 standard presently. So it's a -- it's considered a

1 substandard County road.

2 COUNCILMEMBER PONTANILLA: So that's something
3 we -- we, as a County, gotta consider in regards to, I
4 guess, improving that road?

5 MR. ARAKAWA: It is something to be
6 considered. There's also -- I would also mention,
7 whenever we do improvements in a rural/agricultural
8 area, there's always lifestyle issues to consider as
9 well. Well, let me just leave it at that. There are --
10 there are a number of issues to consider.

11 COUNCILMEMBER PONTANILLA: Thank you. Thank
12 you, Chairman.

13 CHAIR MATEO: Thank you, Mr. Pontanilla.
14 Members, additional questions? Mr. Medeiros, go ahead.

15 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.
16 Director Arakawa, thank you for your comments on the
17 project. I just wanted to ask about the drainage. So
18 they gonna -- part of the plans is for retention basins.
19 And the retention basins is just for runoff, or is it
20 also planned to meet the needs during a 50-year,
21 100-year storm?

22 MR. ARAKAWA: The -- the basin is actually
23 sized to take care of the -- the 50-year storm. So that
24 the net runoff from the project site should actually be
25 less than what it is at the existing time.

1 COUNCILMEMBER MEDEIROS: I see. And does any
2 of the runoff go in the existing gulch and through the
3 existing culvert?

4 MR. ARAKAWA: Yes.

5 COUNCILMEMBER MEDEIROS: And that'll be kept
6 as part of the drainage for that project?

7 MR. ARAKAWA: Yes. That's my understanding.
8 So they -- they would still need to do a final drainage
9 report and come up with a final drainage plan. But
10 their concept indicates that they would do that, they
11 would implement that.

12 COUNCILMEMBER MEDEIROS: In your review of the
13 application and the drawings, do you see any impact in
14 increase flow to the existing gulch and culvert on the
15 makai side properties of the road?

16 MR. ARAKAWA: So far, their preliminary
17 drainage plan doesn't indicate that. It's gonna take a
18 -- a reduction in runoff to the gulch as a result of the
19 project.

20 COUNCILMEMBER MEDEIROS: Okay. Thank you,
21 Director.

22 Mahalo, Mr. Chairman.

23 CHAIR MATEO: Thank you. Ms. Johnson,
24 followed by Ms. Baisa.

25 COUNCILMEMBER JOHNSON: Thanks very much,

1 Milton, for being here.

2 One of the area residents had expressed some
3 concern, I think, when they saw what happened in the
4 area of Keokea and Hawaiian Homes, when the flooding
5 took place. Of course, it was perhaps an unexpected
6 event, but I think their concern was that whenever you
7 place dense development or you place development in an
8 area where there was, I guess, drainage -- natural
9 drainage features, and then now you're hardening that
10 surface and, perhaps, channeling some of that drainage
11 into areas that did not previously receive it, their
12 concern was that on the -- I guess the community center,
13 the tennis courts, some of the other adjoining
14 properties may have drainage shunted off with an
15 unintended consequence.

16 Because of the steepness of this, do you think
17 that there is any concern that this individual, or other
18 people, would have in the area that there would be
19 perhaps a repeat performance of this particular
20 occurrence?

21 MR. ARAKAWA: Councilmember Johnson, let me
22 mention that whenever a new project comes up, of course,
23 you know, drainage is always a concern. One of the main
24 reasons why the drainage report is given to us, and we
25 review it, and approve it, is to make sure that these

1 types of impacts will not occur. But I cannot guarantee
2 that to you, obviously. But to the best of our ability,
3 we're gonna try and make sure that those types of
4 impacts do not occur.

5 One -- one thing I would mention, though, that
6 is separate from the actual drainage report itself is
7 that even with the correct drainage scheme, the best --
8 best laid plans, lot of times, with regard to drainage,
9 it comes down to maintenance of the drainage ways. And
10 if it's not maintained over time, there will be adverse
11 impacts upon downstream properties. So whatever happens
12 over the long-term, you know, that gulch and drainage
13 way need to be maintained by the responsible party,
14 whether it be the County, State or private owner.

15 COUNCILMEMBER JOHNSON: Yeah. And in -- and
16 in this case, because several exemptions are being asked
17 and relief from certain conditions, is it your
18 understanding that the County would be responsible for
19 maintenance of the drainage way, or is that an
20 unresolved issue as yet?

21 MR. ARAKAWA: Well, first of all, as far as
22 the exemptions are concerned, the exemptions that
23 pertain to drainage, as far as our Department is
24 concerned, is basically just the exemptions from the
25 payment of fees. It doesn't exempt the owner from any

1 drainage requirements or rules that would be applicable.

2 So they --

3 COUNCILMEMBER JOHNSON: And --

4 MR. ARAKAWA: -- they will be required to
5 comply.

6 COUNCILMEMBER JOHNSON: Okay. So -- and let's
7 assume, then, that the homeowners take over and there's
8 an association. Then under your -- I guess your -- your
9 explanation, the homeowners' association would then be
10 responsible for maintaining those drainage ways?

11 MR. ARAKAWA: If -- if it's -- we would go
12 whoever is the -- is the responsible party. Whoever is
13 the owner, whoever is responsible party for maintenance.
14 So if it is the homeowners' association, we'd go after
15 the association to clean and maintain the drainage ways.

16 From time to time, we always get complaints
17 from individuals about maintenance of drainage ways.
18 And we have enforced those, basically giving the owner
19 the opportunity to clean it up to a satisfactory level
20 before -- before fines and notices of violations are
21 levied.

22 COUNCILMEMBER JOHNSON: Yeah. And -- and
23 because, of course, this is an affordable project, you
24 know, the financial cost associated with hiring someone
25 to do the cleanout, to do the maintenance, if there's

1 any debris that is large enough to actually clog that
2 area, of course, is gonna have to be an expense that's
3 borne by the homeowner. So in -- just in -- in round
4 figures, assuming that, you know, this -- this is an
5 expense, what is the usual cost on an -- because I'm
6 assuming that right after a storm event, or even just on
7 an annual basis, this would have to be cleaned out.
8 What are some of the ballpark figures?

9 MR. ARAKAWA: Gee, I really couldn't answer
10 that. And -- and part of the consideration that
11 complicates matters is that we're talking about only one
12 small area of the drainage way here.

13 COUNCILMEMBER JOHNSON: Uh-huh.

14 MR. ARAKAWA: And if there are flooding
15 impacts, the flooding impacts may be caused by other
16 properties upstream as well. So -- and that's what we
17 don't know at this point. So it's really difficult to
18 answer your question.

19 COUNCILMEMBER JOHNSON: Okay. Thank you very
20 much.

21 Thank you, Mr. Chair.

22 CHAIR MATEO: Thank you, Ms. Johnson. Ms.
23 Baisa?

24 COUNCILMEMBER BAISA: Thank you, Chair. As
25 the area representative, of course, I'm very concerned

1 in the comments from the Kula Community Association. I
2 regularly try to attend their board meetings. And I
3 know that they've discussed this a lot. And they've met
4 with the developer several times. And still come up
5 pretty much with the same concerns that are being
6 mentioned. And one that was mentioned earlier, of
7 course, was the idea of the sidewalk and how important
8 those sidewalks are.

9 And I heard what the Director has told us.
10 And that is that there is not sufficient room on that
11 highway, because it's already too narrow, it's
12 substandard to begin with. That in order to have a
13 sidewalk, which would then kind of allay the fears of
14 the Kula Community Association, for the safety of the
15 children, not only for the current children, but the
16 children that will increase as a result of all
17 additional homes, you talked about having to possibly
18 acquire property to do that. Do you see that as a
19 feasible thing, considering the area and what is there?

20 MR. ARAKAWA: Well, whenever we have to
21 purchase property, especially from homeowners, as you
22 know, it's -- it's a very difficult thing.

23 If the Council desires, certainly we can come
24 up with some sort of a conceptual plan and some rough
25 price tag for what it would cost to implement it. If

1 the developer is willing to perhaps even pay a pro rata
2 share of that cost, we'd certainly be willing to
3 consider that as well.

4 But I would caution you, you know, like I
5 mentioned in my initial comments, you -- you know, land
6 acquisition is very difficult. And if we have to
7 condemn property, that's often a very painful experience
8 for small property owners. And the actual result, of
9 course, may involve retaining walls, which is maybe not
10 what some people would really wanna see up there. So
11 it's kind of a question between lifestyle on the one
12 hand and safety on the other, what are you gonna choose.

13 COUNCILMEMBER BAISA: Thank you very much.
14 But, you know, I know for the -- the members of the
15 Association, many of them who are young parents
16 themselves, and some whose children are already grown,
17 but have gone through, you know, raising children and
18 have grandchildren now, they have this -- a very serious
19 concern about the fact that already the children are,
20 some of them, you know, in danger because of the need to
21 get to the Haleakala Waldorf School and using kind of a
22 -- they have to walk across the highway and then cross
23 through vacant areas. And, you know, there's really not
24 a safe place for them to be. And so this is a real
25 serious concern to the parents. And I think this is a

1 matter that, you know, I'll try to pursue with the
2 developer when we finally get to talking to him. But
3 it's a major issue for the folks up in Kula.

4 Thank you.

5 CHAIR MATEO: Thank you, Ms. Baisa. Ms.
6 Anderson?

7 COUNCILMEMBER ANDERSON: Thank you, Chairman.
8 Director Arakawa, I just wanted to get some
9 clarification. You said that the collector road needs
10 to be 56 feet wide? Is that what you said?

11 MR. ARAKAWA: Yes. That would be our
12 recommendation.

13 COUNCILMEMBER ANDERSON: And that would be the
14 road that enters into the subdivision and goes all the
15 way to the top? So you would want it to be that wide
16 all the way up?

17 MR. ARAKAWA: Yes.

18 COUNCILMEMBER ANDERSON: And then the --
19 excuse me -- the interior roadways, I'm sorry that I
20 missed, what width did you say?

21 MR. ARAKAWA: The interior subdivision
22 roadways, we would consider like a regular Urban local
23 standard road, that would be a 44-foot-wide right-of-way
24 and a 28-foot curb-to-curb width.

25 COUNCILMEMBER ANDERSON: So that 44-foot

1 right-of-way would allow for sidewalks on either side?

2 MR. ARAKAWA: It would allow for sidewalks on
3 both sides. Yes.

4 COUNCILMEMBER ANDERSON: And I know that they
5 didn't ask any particular exemption from sidewalks, but
6 if -- if this body were to exempt one sidewalk, is that
7 something that we could do, and then would it allow that
8 street to be more narrow?

9 MR. ARAKAWA: It -- well, it's, basically, a
10 policy decision on your part. If you just require the
11 sidewalk on one side, what that means is that the other
12 side will just be a grass shoulder. If you want to
13 reduce the right-of-way even further, that's, of course,
14 you know, generally up to you as well.

15 COUNCILMEMBER ANDERSON: Well, we certainly
16 want it to be wide enough for fire access, so -- would
17 you know how wide that has to be?

18 MR. ARAKAWA: I -- I would defer to the Fire
19 Department on that --

20 COUNCILMEMBER ANDERSON: Okay.

21 MR. ARAKAWA: -- actually.

22 COUNCILMEMBER ANDERSON: Okay. And then one
23 of the exemptions they're asking for, Director Arakawa,
24 is an exemption from -- and you may not have the answer
25 to this because it is a Hawaii Administrative Rule,

1 regarding the spacing of individual wastewater systems.

2 I'm not even sure we can do that, Mr.

3 Chairman, exempt a State statute or administrative

4 regulations for a State statute.

5 They're asking that an exemption to spacing of
6 individual wastewater systems shall be granted to permit
7 the development of individual wastewater systems for 116
8 single-family homes. Could -- could you make a comment
9 on that? I mean, do you know anything about the spacing
10 requirement, and, you know, how much closer do they want
11 these to be put together?

12 MR. ARAKAWA: Probably, the applicant may be a
13 better person to talk with on that.

14 I would just note for -- for the Committee's
15 and the -- I guess the public's information, that the
16 County does not have any County wastewater system up in
17 the Kula area. And so these systems would fall under
18 the jurisdiction of the Department of Health.

19 COUNCILMEMBER ANDERSON: Right. Okay. And
20 then one last thing, Director Arakawa. Did you get a
21 chance to look at an October 20th response letter to
22 this Committee from the last meeting we had? There is a
23 map attached as Exhibit A. Do you see the map?

24 MR. ARAKAWA: Yes, I do.

25 COUNCILMEMBER ANDERSON: Okay. So this is --

1 we had asked them about an exit road in case of fire.
2 And this map is addressing that concern. And I -- you
3 know, if you look at it with Lower Kula Highway at the
4 bottom, and then you see the roadway -- the -- you know,
5 it's not a very good map because it doesn't really show
6 you where the entrance roadway intersects with Lower
7 Kula Highway.

8 At any rate, if you -- if you -- if you look
9 up at the top of the map, Director Arakawa, where it
10 shows an easement for fire protection purposes, would
11 you know where this easement goes? Because it seems
12 like we have several different maps that show different
13 configurations of how this project's gonna be laid out.
14 And now I'm more confused than ever. But if you look at
15 whatever maps we do have -- and I guess, to me, the most
16 faithful is to just look at the overhead aerial because
17 that's, actually, a photograph of existing conditions.
18 And I -- I don't see where this access, this fire --
19 fire protection easement, it doesn't look like it leads
20 to anything but a pasture. So, I mean, how is that an
21 exit route?

22 MR. ARAKAWA: Councilmember Anderson, you
23 know, just having looked at this map just a few minutes
24 ago --

25 COUNCILMEMBER ANDERSON: Yeah.

1 MR. ARAKAWA: -- I'm not familiar with the
2 specifics as well. But I can tell you, generally, we
3 sometimes ask applicants to provide this additional fire
4 access to pro -- to, basically, provide additional
5 flexibility for the Fire Department if in case, you know
6 -- you know, fire -- firefighting is necessary in this
7 general area. So the more options they have, the better
8 it is for -- for the Fire Department.

9 So I'm not certain if in this case it's an
10 actual road or just the potential to provide an extra
11 road. But sometimes we -- we do allow for these types
12 of additional avenues in the event that, you know, the
13 fire may occur.

14 And maybe applicant can provide some
15 additional clarification on that, but --

16 COUNCILMEMBER ANDERSON: Well, just so you
17 know -- I don't think you were at our last meeting on
18 this -- but we did have Captain Val Martin here, and we
19 did bring this up several times. And, actually, this is
20 the third option that we've been given on an exit route.
21 And we asked for a map to explain this.

22 And I just wondered if you had some knowledge
23 about where this easement leads to. You know, if the
24 roadway is blocked, then it's not gonna do anybody any
25 good, an exit route for residents, or a ingress/egress

1 for the Fire Department, if it's not attached to some
2 kind of roadway.

3 But, anyway, thank you, Director Arakawa. I
4 appreciate your intent.

5 Thank you, Chairman.

6 CHAIR MATEO: Thank you, Ms. Anderson.
7 Members, additional questions for the Department?
8 Seeing none at this time, Mr. Arakawa, thank you for
9 joining us. The Chair will ask the Director of
10 Planning, Mr. Hunt, if you will please come forward and
11 join us? Mr. Hunt, thank you for joining us again. If
12 you can please provide the Committee with the
13 Department's review and your comments on the application
14 that's before us this afternoon.

15 MR. HUNT: Thank you, Chair. The Planning
16 Department certainly recognizes the need for and
17 supports a provision of affordable housing. But our --
18 our job is to analyze projects from a planning
19 perspective, reviewing applicable planning documents.
20 The Draft Maui Island Plan, which is currently being
21 reviewed by the GPAC, is proposing Urban Growth
22 Boundaries. It should be noted the project falls
23 outside of the draft Urban Growth Boundaries in the Kula
24 area.

25 The text of the Draft Island Plan includes a

1 directed growth strategy. And the directed growth
2 strategy includes a couple policies. One states, land
3 outside the Urban Growth Boundaries are intended to
4 remain rural in character, with a strong agricultural
5 and natural resource presence. Another policy suggests
6 that Community Plans shall provide for Urban Density
7 land use designations only within the Urban Growth
8 Boundaries.

9 Two of the major intentions in adopting Urban
10 Growth Boundaries in the Maui Island Plan are to reduce
11 the cost of providing County services and to reduce the
12 amount of commuter traffic and its negative impacts,
13 including fuel costs, time away from family, pollution,
14 and traffic congestion. The Maui Island Plan
15 discourages bedroom communities that are far from
16 employment centers because of the resulting high
17 commuter traffic.

18 In light of the pending Maui Island Plan
19 Update, in January of this year, the Department issued a
20 policy memorandum that stated the Department will not
21 support any proposed development that involves a
22 community plan amendment at this time.

23 And there were some exceptions to that policy.
24 One is for infill projects that are surrounded by Urban
25 uses. The second exception is if a project brings

1 public benefits far above what is required by existing
2 regulations.

3 The policy was based, in part -- we wanted to
4 respect the citizen input that is involved with the Maui
5 Island Plan and the work of the GPAC and the Planning
6 Commission. We also believe that with the adoption of
7 the Maui Island Plan, our community will have a better
8 idea of where Urban density is intended.

9 Again, the proposed Urban Land Use designation
10 is not -- is not within the Urban Growth Boundaries of
11 the Draft Island -- Maui Island Plan. During public
12 discussion regarding the Maui Island Plan at the Kula
13 Community Center, there was mention of perhaps adding
14 additional Rural zoning to the Kula community, perhaps
15 adding a little Business District zoning so they could
16 enhance the Business District downtown. But I didn't
17 hear any suggestion of adding more Urban designations to
18 that area.

19 The Maui Island Plan, with its Urban Growth
20 Boundaries, will establish a proactive planning process
21 where our community plans indicate where development
22 will occur, rather than our current process where
23 development proposals come in and then we amend our
24 community plans to coincide with the development
25 proposal.

1 And while this project doesn't include a
2 Community Plan Amendment, if it were not for the 201H
3 process, it certainly would require one.

4 Specifically with the project, it's proposing
5 some very urban density development. The standards that
6 they're suggesting are denser, at least for the
7 affordable lots, than what an R1 Residential zoning
8 would entail. An R1 is an urban density. The minimum
9 lot size, the lot width, the front setbacks are all
10 smaller than an R1 density. So, again, it's a very
11 urban density that they're proposing.

12 If you ignore the four lots, the four large
13 rural lots, the -- the density would be concentrated in
14 a portion of the lot, it would be far above what would
15 be allowed under the existing Community Plan. If you
16 take into consideration the four lots, then what they're
17 doing is they're concentrating it, the development, and
18 preserving the rural lots. If those lots are preserved
19 in -- for the future, then there's no net gain in
20 density, from our calculations. They're simply
21 concentrating it. However, if those four large rural
22 lots are then allowed to be developed in the future,
23 then they are adding a substantial amount of density as
24 above what would be allowed under the existing Community
25 Plan Amendment.

1 Another specific issue is we believe the --
2 the so-called mauka project should be considered in
3 conjunction with this project. There's some -- a number
4 of features or infrastructure or swapping of affordable
5 housing units that tie one lot -- or tie one project to
6 the other. And we believe a comprehensive approach is a
7 better way to go. This is commonly done for other
8 projects that are near each other.

9 So the Department would prefer that the
10 applicant wait for the adoption of the Maui Island Plan,
11 to give our community better input on where we want
12 urban development. That's the Planning perspective.
13 The Planning Department has to consider our planning
14 documents. We understand there may be other
15 perspectives. If the Council's -- has a comfort level
16 with the 201H process, we're happy to work with you and
17 -- and address conditions of approval at the Land Use
18 Commission, should it go that far.

19 But, in summary, again, the Department
20 supports the provision of affordable housing. We
21 believe, based on accepted planning principles,
22 including smart growth, that affordable housing,
23 especially of an urban density, provides the greatest
24 community benefit, if the housing is located near urban
25 areas and existing employment centers.

1 CHAIR MATEO: Thank you, Mr. Hunt. Members,
2 floor open for questions for the Planning Director. Ms.
3 Baisa?

4 COUNCILMEMBER BAISA: Thank you very much,
5 Chair.

6 Thank you, Director Hunt. That was a little
7 hard to follow at the end. Bottom line, I heard
8 something about the Planning Department kind of hoping
9 that -- or recommending that people wait until the
10 General Plan is -- is completed. Is that what I heard?

11 MR. HUNT: That would be our recommendation
12 and preference. And let's wait for the Maui Island Plan
13 to be adopted before we start allowing urban densities
14 out in areas where the Maui Island Plan may not
15 recommend it.

16 COUNCILMEMBER BAISA: Thank you very much.
17 That's very clear to me. Thank you.

18 CHAIR MATEO: Thank you, Ms. Baisa.

19 COUNCILMEMBER BAISA: I wanted to make sure I
20 understood it correctly.

21 MR. HUNT: I apologize for my lack of clarity.

22 COUNCILMEMBER BAISA: No. It -- it's okay.
23 It's just there's an awful lot of information. And, you
24 know, you wanna get the essence of it. Thank you.

25 CHAIR MATEO: Thank you, Ms. Baisa. Mr.

1 Medeiros?

2 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.
3 Just to follow up Member Baisa's question, so if that's
4 the recommendation, what is the Planning Department's
5 projected completion schedule for the Maui Island Plan?

6 MR. HUNT: Well, up until a couple days ago,
7 it was mid-2010. So I guess it would be a little bit
8 later than that now. Probably late 2010.

9 COUNCILMEMBER MEDEIROS: Okay. So that's
10 saying that if -- that's -- that recommendation is
11 approved or followed, then the developer would have to
12 wait to 2010?

13 MR. HUNT: Correct.

14 COUNCILMEMBER MEDEIROS: I see. Thank you,
15 Director Hunt.

16 Mahalo, Mr. Chairman.

17 CHAIR MATEO: Thank you, Member Medeiros.

18 Members, additional questions for the Planning
19 Department? Mr. Pontanilla?

20 COUNCILMEMBER PONTANILLA: Thank you. What do
21 you consider Hawaiian Homelands in the vicinity in this
22 area here in Kula, is it Agriculture, Urban, or Special
23 Exemption?

24 MR. HUNT: I -- I'd have to look.

25 COUNCILMEMBER PONTANILLA: And put it, you

1 know, on your General Plan.

2 MR. HUNT: I would have to look at the
3 specifics of the project as to whether we would consider
4 it an Urban or a Rural or an Agricultural project, if
5 they are exempt from our planning process.

6 COUNCILMEMBER PONTANILLA: So you don't know
7 if they're exempt at this time?

8 MR. HUNT: In terms of?

9 COUNCILMEMBER PONTANILLA: When they develop
10 along Kula Highway, below Kula Highway, in this
11 vicinity.

12 MR. HUNT: Yeah. We -- as I understand it, we
13 don't have regulatory authority over those projects.

14 COUNCILMEMBER PONTANILLA: Uh-huh. Thank you.
15 Thank you, Chairman.

16 CHAIR MATEO: Thank you, Mr. Pontanilla.
17 Members, question -- additional questions?

18 Ms. Anderson?

19 COUNCILMEMBER ANDERSON: Thank you, Chairman.
20 Thank you, Director Hunt, for that overview.

21 Do you know how large the four larger parcels
22 are on the top of this project?

23 MR. HUNT: Not off the top of my head.

24 COUNCILMEMBER ANDERSON: Yeah. Not me,
25 either. And I'm looking at like three different maps

1 here. Although, I do have one that was given us as
2 Exhibit -- as Exhibit A. And it looks to me like one
3 lot is 16 acres and the other one is 15 acres, the two
4 that I can see. So -- but then a lot of these lots on
5 this map are like six acres, so I don't get it. I don't
6 -- I don't really know what we're looking at here. So I
7 just have to ask the applicant. Anyway, it's a map we
8 received on the 20th.

9 Really, my question, Director Hunt, is,
10 currently, all this land is zoned County Interim, is
11 that correct?

12 MR. HUNT: I believe that's correct.

13 COUNCILMEMBER ANDERSON: And so you can't
14 build on Interim zoned land, you have to have it changed
15 into a zoning category. And my concern is -- and I
16 don't know what size these are. This one map says a
17 minimum of four acres, but that doesn't mean anything,
18 they could be 10 acres. But, anyway, my concern is if
19 we give them Rural zoning on -- on those four large
20 lots, Rural zoning is half-acre and one acre. So we're,
21 in essence, giving them entitlement to take those four
22 large lots and divide them down into half-acre lots
23 without any further zoning review. Is that a correct
24 assumption, if -- if they get Rural zoning, from Interim
25 to Rural in this re -- request?

1 MR. HUNT: I believe your assumption is
2 correct through this process. If they were to come back
3 in and re-subdivide those rural lots, I'm not sure they
4 would still be exempt under this process or not. That
5 was -- that was my concern earlier, is what -- what's
6 gonna happen to those four rural lots and the density
7 that --

8 COUNCILMEMBER ANDERSON: Well, if they already
9 have Rural zoning, then they don't need to get zoning,
10 and all they have to do is go get a subdivision
11 approved. And, if they have water, then -- then they'll
12 never come before this body or the Planning Commission.

13 MR. HUNT: I share your concern. I don't have
14 the -- the details thought out on that next step
15 scenario that you outlined to -- to give you a good
16 response.

17 COUNCILMEMBER ANDERSON: Okay. Thank you,
18 Director Hunt.

19 Thank you, Chair.

20 CHAIR MATEO: Thank you very much, Ms.
21 Anderson. And, Ms. Anderson, I will have staff read a
22 portion that can be found on Page 3 of 12 in the
23 application itself regarding the question that you just
24 asked.

25 COUNCILMEMBER ANDERSON: Okay.

1 CHAIR MATEO: Ms. Revels.

2 MS. REVELS: Thank you, Mr. Chair. It's in
3 the warranty deed. And it reads, "It is mutually agreed
4 that grantee shall have no right, without grantor's
5 consent, which may be withheld in grantor's absolute
6 discretion to further develop the property into more
7 than five agricultural lots, each consisting of no less
8 than four acres." Would you like me to continue?

9 CHAIR MATEO: No.

10 COUNCILMEMBER ANDERSON: What page is that on
11 the warranty deed?

12 MS. REVELS: Page 3 of 12.

13 COUNCILMEMBER ANDERSON: The makai portion of
14 the property to the -- well, I mean, they're not asking
15 for Agricultural lots, they're asking for Rural.

16 CHAIR MATEO: Thank -- thank you. Thank you,
17 Gayle.

18 And, Members, additional questions for
19 Planning? Ms. Anderson, is there additional questions?

20 COUNCILMEMBER ANDERSON: No. Thank you, Mr.
21 Chairman.

22 CHAIR MATEO: Thank you. Members, no
23 questions for Mr. Hunt? If not, we're gonna move on.
24 Mr. Hunt, thank you very much for being with us this
25 afternoon. We're gonna go right into the Water

1 Department. And we're gonna ask Mr. Eric -- the Deputy
2 Director, Eric Yamashige, to please come down and join
3 us.

4 Mr. Yamashige, good afternoon. Thank you for
5 being here. And, once again, we're asking the
6 Department to provide us with comments based on the
7 review of the project that's before us this afternoon.

8 MR. YAMASHIGE: Thank you very much, Mr.
9 Chair, Members.

10 As you probably recognized, the Department is
11 not gonna be involved in this project. The system is
12 being retained as a private system, outside of the
13 jurisdiction of the Department.

14 CHAIR MATEO: Thank you very much. Members,
15 questions for the Department?

16 Mr. Hokama?

17 VICE-CHAIR HOKAMA: Thank you. Excuse me.
18 Mr. Yamashige, thank you for your very brief and concise
19 comment to the Committee this afternoon. When you say
20 to the Committee that the Department has very little
21 participation with this proposed project, wouldn't your
22 Department be involved in the review of drilling
23 applications as far as providing comment to State Water
24 Resource Commission and Land and Natural Resources?

25 MR. YAMASHIGE: Yes, Chair Hokama.

1 CHAIR MATEO: Go ahead.

2 MR. YAMASHIGE: The application -- the drill
3 application will come to the Department for comments
4 from the Commission. We would offer our comments with
5 respect to any sources that we may have in the area.

6 But as far as the details of the development,
7 we would recommend that the developer follow our
8 standards.

9 However, we do not have jurisdiction over the
10 project.

11 VICE-CHAIR HOKAMA: When you say standards,
12 that would mean the sizing of the underground service
13 laterals, transmission lines, distribution lines,
14 hydrant spacing, and all of those other requirements of
15 subdivision?

16 MR. YAMASHIGE: That's correct.

17 VICE-CHAIR HOKAMA: Would you have any --
18 would the Department have any participation regarding
19 pumpage rates, scoping and size of potential pumps,
20 distances of transmissions, whether or not it crosses
21 over into other areas of public easement areas, rights
22 of ways?

23 MR. YAMASHIGE: No. The Department of Water
24 Supply and the County would not have that jurisdiction.
25 All of your concerns about pumping rates is a -- is a

1 responsibility of the Commission. And water quality
2 would then be the responsibility of the Department of
3 Health. But the Department would not be in any position
4 to make those comments or requirements.

5 VICE-CHAIR HOKAMA: So just let me have a good
6 understanding. We are being asked to give a
7 consideration for something your Department would have
8 very little participation in, and this County is gonna
9 have to rely on State department and State agencies to
10 ensure proper implementation and enforcement of whatever
11 will be allowed in the future with this project? Is
12 that a good understanding on our part?

13 MR. YAMASHIGE: Yes.

14 VICE-CHAIR HOKAMA: That doesn't make me feel
15 good, that I have to rely on the State departments and
16 agencies.

17 MR. YAMASHIGE: Let --

18 VICE-CHAIR HOKAMA: You make me worry, Mr.
19 Yamashige.

20 MR. YAMASHIGE: Let me assure you that the
21 State is on top of these things, just as they monitor
22 what we -- as a Department, what we do. They -- they
23 always look after water quality as the lead agency for
24 the Environmental Protection Agency, with respect to
25 water quality. The Commission would regulate or oversee

1 this development or this water company just as they
2 oversee us, to make sure that we're not overpumping or
3 exceeding the capacity of the aquifer. So just as the
4 State regulates us, the State will likewise be
5 regulating this development or water system.

6 VICE-CHAIR HOKAMA: Do you know who else is in
7 that district's watershed area that is currently
8 withdrawing well water?

9 MR. YAMASHIGE: I cannot give you specific
10 wells. I do know of a few up there.

11 VICE-CHAIR HOKAMA: And, again, my -- the
12 context of my question is to have an understanding of,
13 should we allow this, what is then the potential impact
14 on the withdrawal rate, the recharge rate, and the
15 ability that those that we provide service to has no
16 longterm detrimental impacts.

17 MR. YAMASHIGE: Thank you, Chair Hokama. With
18 respect to this location, the Department and the County
19 does not have any sources of water, I would say, so far
20 south. Our sources, our well sources are further north
21 or east on the, I'll say, wetter side of the island, if
22 that's a right word.

23 VICE-CHAIR HOKAMA: Okay. I appreciate your
24 responses, Mr. Yamashige.

25 Chairman, thank you very much.

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

3 COUNCILMEMBER ANDERSON: Thank you, Chairman.
4 Mr. Yamashige, did you get a chance to see the exhibit
5 attached to the October 20th letter discussing the cost
6 of pumping the groundwater at Kula Ridge?

7 MR. YAMASHIGE: No, I'm sorry, I have not.

8 COUNCILMEMBER ANDERSON: I'm just wondering if
9 -- it will be Exhibit F.

10 MR. YAMASHIGE: Okay.

11 CHAIR MATEO: Go ahead.

12 MR. YAMASHIGE: Yes, I have it.

13 COUNCILMEMBER ANDERSON: It looks like they
14 are making a determination for pump costs based on 2,900
15 feet depth of the well. But there's also the tank. The
16 well -- the water would have to be pumped from the well
17 and then pumped up through the tank. So that's gonna
18 add additional cost, is that correct?

19 MR. YAMASHIGE: That is correct.

20 COUNCILMEMBER ANDERSON: You know -- do you
21 know -- I mean, I know this isn't a County project, but
22 do you know how many more feet to the water tank they
23 would have to calculate?

24 MR. YAMASHIGE: We have not looked at the
25 development plans to the detail that, I guess, you're

1 asking.

2 As a rule of thumb, you can use somewhere
3 between \$1.25 and \$1.50 to pump 1,000 gallons 1,000
4 feet. So if -- if this tank is another 1,000 feet above
5 this well location, you can add another \$1.25 or so.

6 COUNCILMEMBER ANDERSON: Say that again.
7 Another?

8 MR. YAMASHIGE: Another \$1.25. I'm sorry. If
9 -- if the tank is another 1,000 feet up the hill, and
10 for every 1,000 gallons that you have to pump there, it
11 will be about \$1.25.

12 COUNCILMEMBER ANDERSON: I see. And when the
13 County develops water systems, we like to have
14 redundancy so that if there is a pump failure, there's
15 something to keep the -- the people on the system going
16 until the pump is replaced. So in this proposal, this
17 is one well for two projects, what happens if their pump
18 goes down at that depth of 3,000 feet?

19 MR. YAMASHIGE: That is correct. That -- that
20 is a system standard that the Department employs. We do
21 look at redundancy. And as you've identified, this
22 project does not have a redundant pump or a second pump.
23 So if that one pump were to go down, there would be no
24 water until that pump was replaced or repaired.

25 COUNCILMEMBER ANDERSON: And, generally,

1 people don't keep extra pumps around because they --
2 they don't have a shelf life, is that right?

3 MR. YAMASHIGE: You need to keep the pump
4 operable. And if you store it on the shelf, you need
5 to, I think they call it, megger it, just to keep it
6 turning. So when you do want to use it, it functions.

7 As far as the redundancy thing, I -- I think
8 it's something you may need to ask the developer how
9 they intend to address that.

10 COUNCILMEMBER ANDERSON: Okay. Thank you,
11 Deputy Director.

12 Thank you, Chairman.

13 CHAIR MATEO: Thank you, Ms. Anderson.
14 Members, floor is still open.

15 VICE-CHAIR HOKAMA: One last question, please?

16 CHAIR MATEO: Go ahead.

17 VICE-CHAIR HOKAMA: With your understanding of
18 the type of quality of water that potentially is there,
19 is there any other treatment potential requirements that
20 you can share with the Committee this afternoon that
21 would add to the cost of each -- each lot, the water
22 availability or the water it requires?

23 CHAIR MATEO: Deputy?

24 MR. YAMASHIGE: Yes. Thank you. Certainly
25 this is well above any pineapple fields in the area. So

1 as far as that contaminant, I would not anticipate that
2 you would find any. With respect to other contaminants
3 -- and certainly you don't want to go too deep or you
4 run the risk of chlorides. But I'm certain that the
5 developer is well aware of that. And his consultants, I
6 am sure they will be very cautious.

7 VICE-CHAIR HOKAMA: So at this time you -- you
8 cannot share with the Committee any potential additional
9 treatment or filtration requirements that may add to the
10 costs of the water to be delivered, planning to be
11 delivered?

12 MR. YAMASHIGE: Yeah. At this point, I would
13 not anticipate anything. But it's certainly something
14 the developer will have to go through with the
15 Department of Health as they clarify the water quality.

16 VICE-CHAIR HOKAMA: Okay. Thank you very
17 much.

18 CHAIR MATEO: Thank you. Ms. Baisa?

19 COUNCILMEMBER BAISA: Thank you, Chair. I
20 have a question. Obviously, this is a project that --
21 or the well is a project that is not of the County Water
22 Department, but, you know, I keep hearing this analogy
23 of many straws going into the same cup. Now, this is
24 another straw going into the cup. Does the Department
25 have any -- is it anywhere on the radar screen that we

1 would be considering building a well in the area rather
2 than transporting water from East Maui?

3 CHAIR MATEO: Deputy?

4 MR. YAMASHIGE: Thank you. That's a very good
5 observation. At this point, the Department is not
6 looking at any sources, I would say, on the south side
7 of the mountain. We are looking at further east where
8 the recharge would probably be better and the --
9 therefore, the production would be better. We have the
10 benefit of being able to do that.

11 COUNCILMEMBER BAISA: Thank you very much.

12 CHAIR MATEO: Thank you, Ms. Baisa. Member --
13 Members? Seeing no additional questions for the Water
14 Department, Mr. Yamashige, thank you very much for being
15 with us this afternoon.

16 Members, we will be recalling the Director of
17 Parks and Recreation.

18 Director Horcajo, if you will please join us
19 in the front.

20 VICE-CHAIR HOKAMA: Chairman, just a point of
21 information, please?

22 CHAIR MATEO: Go ahead. State your point.

23 VICE-CHAIR HOKAMA: Do you intend to take a
24 short break shortly?

25 CHAIR MATEO: Following the -- following the

1 Director.

2 VICE-CHAIR HOKAMA: Thank you very much.

3 CHAIR MATEO: Thank you. Unless the Members
4 wish to have your break now. The Chair is -- no? Thank
5 you. Okay.

6 Ms. Horcajo, thank you for returning. And I
7 guess you can -- you can start by responding or
8 providing a response to the questions that had been
9 forwarded to you at the Department from our last
10 meeting.

11 MS. HORCAJO: Thank you, Chairman Mateo, and
12 Members of the Council.

13 I believe that those copies are being
14 distributed to you shortly. And I would like to make a
15 brief opening statement, if that's --

16 CHAIR MATEO: Go ahead.

17 MS. HORCAJO: -- okay.

18 CHAIR MATEO: Go ahead.

19 MS. HORCAJO: As -- when I was here last time,
20 I was able to see the presentation by the applicant.
21 And while the Department does not support the total
22 waiver of park assessment requirements as requested by
23 the developer, because of the high density of the
24 project and the 116 units, we do, however, want to note
25 that the project does include a three-acre park. And as

1 indicate earlier by Council, that that three acres is
2 part of the deed agreement. But it also exceeds the
3 Park Assessment requirement that is required of the
4 project. The Park Assessment requirement is under one
5 acre.

6 Also, according to the Park Assessment,
7 Chapter 18.16, the applicant would be required to grade,
8 grass and irrigate as well as provide restrooms and
9 parking, according to the Park Assessment requirement.
10 And even though the applicant has -- did not state it in
11 his presentation, he has verbally discussed the
12 possibility of doing the grading and grassing of this
13 three-acre parcel.

14 The irrigation for this project is -- we have
15 -- many of our parks Upcountry are not irrigated. So
16 that would not be a con -- a required consideration for
17 this project. We have, you know, Keokea, Rice Park,
18 those projects don't have irrigation on them, anyway.
19 So that wouldn't necessarily apply.

20 Then, in addition, the restroom and parking
21 issues, the applicant has verbally agreed that with the
22 other project, the Kula Ridge Mauka, that there would be
23 consideration for the donation of that seven-plus acres
24 with the Kula Community Centers and the tennis courts,
25 to be donated at that time. Again, at this time we just

1 have some verbal conversations on that.

2 And if there were a pedestrian walkway between
3 that three-acre park and the Kula Community Center, that
4 would marginally meet the requirement of having a
5 restroom and some parking in the area.

6 So those -- those are just comments that I
7 wanted to share with you as our Department has really
8 been thinking about this project.

9 In response to the correspondence that we
10 received from this Committee, we did give you copies of
11 the lease agreements as requested in your first request.
12 I don't know if you have any questions on those or --
13 the Department had also received a letter from Clay --
14 Mr. Nishikawa that he would honor the conditions and
15 terms of that lease agreement that we have. And that
16 letter is included in the packet that we've -- that you
17 have received.

18 The second question that you requested
19 information on was a copy of any written agreements
20 between the County and the Kula Community Center
21 property owner to purchase the property. Our -- our
22 response is that there was no written agreements between
23 the County and the property owner to purchase the
24 property. And that the Department had an oral
25 commitment from the property owner that the land would

1 be turned over to the County upon approval of the Kula
2 Ridge Mauka subdivision.

3 Number three, your Department's recommendation
4 on what type of access way should be created between the
5 Kula Community Center and the proposed three-acre park
6 in Kula Ridge. And once again, here, we would recommend
7 that a pedestrian access way be created to connect the
8 proposed three-acre park and the community center and
9 tennis courts.

10 Number four was whether the proposed open
11 space designation in Kula Ridge will be dedicated to the
12 County or remain private. Our response was we would
13 object to having the proposed open space area in the
14 project be dedicated to the County. The Department does
15 not have the resources to maintain this open space.

16 And I do have our Planning Chief, Pat Matsui,
17 here for any historical information you might want.

18 CHAIR MATEO: Thank you, Director. Members,
19 the floor open for questions to the Department. We'll
20 start with Mr. Molina.

21 COUNCILMEMBER MOLINA: Thank you, Chair. Just
22 a quick follow-up to Director Horcajo's response to
23 question four with regards to the open space.

24 When you say resources, that includes money as
25 well as manpower to maintain this open space area?

1 MS. HORCAJO: Yes, it does. I believe where
2 it says dedicated to the County, that open space area
3 would also include probably the liability for that area.

4 COUNCILMEMBER MOLINA: Liability as well.

5 MS. HORCAJO: And we would not be able to
6 maintain that open space as well.

7 COUNCILMEMBER MOLINA: Okay. Thank you.
8 Thank you, Chair.

9 CHAIR MATEO: Thank you. Members, additional
10 questions for the Department? Ms. Horcajo, has the
11 Department actually looked at the site itself to see
12 whether or not the -- the three acres is actual lands
13 that can be used for an active park, or is the terrain
14 such that it is more of a passive type of a park use?

15 MS. HORCAJO: Thank you, Chair.

16 CHAIR MATEO: So, in other words, is it -- is
17 it hilly, is it flat and playable, or, you know -- you
18 know, what benefit is it to us?

19 MS. HORCAJO: It's very much hilly. It -- the
20 terrain in that area would allow for similar to Rice
21 Park, you have a lot of hills, you have some picnic
22 tables, maybe some barbecues up there. If you have been
23 -- passed through the project as we're building the
24 tennis courts, it would allow a view from the top,
25 overlooking the tennis courts and the other areas up

1 there. I don't believe it -- it would be possible to
2 accommodate a playing field in that terrain.

3 CHAIR MATEO: Thank you. Members, additional
4 questions for the Department? Mr. Medeiros, followed by
5 --

6 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.
7 Director, yeah, on the open space, you know, I don't
8 recall the size of that lot or that property, do you
9 recall that, what the open space property is?

10 MS. HORCAJO: I believe, in the presentation,
11 it was five acres.

12 COUNCILMEMBER MEDEIROS: Five acres. And
13 normally, in open space areas, what are the requirements
14 for maintenance? I mean, you -- you wouldn't maintain
15 it like, you know, landscape grounds at a resort or
16 anything, right? What -- what would be the maintenance
17 requirements?

18 MS. HORCAJO: Perhaps when the applicant comes
19 up, you can follow up with him a little bit. But I
20 believe the terrain there is so steep that it would only
21 just be, basically, the hillside graded so that it would
22 be safe to not come down behind the community center
23 area. It -- it would just be scrubland or pastureland.
24 I'm hoping that the park area would be like the kikuyu
25 grass. We would very much like to see the applicant

1 assist the park by putting in a kind of kikuyu grass
2 that could travel and hold that terrain back.

3 COUNCILMEMBER MEDEIROS: So as far as the open
4 space, though, when -- when we say the County doesn't
5 have the resources to maintain the open space, but your
6 recent description right now says that it'd probably
7 remain at like a pasture kind of area, so I -- I'm
8 trying to, you know, learn what kind of maintenance is
9 required. Because doesn't seem like that open space
10 would require much maintenance.

11 MS. HORCAJO: I'm not sure of the plants.
12 Again, have to ask the applicant to --

13 COUNCILMEMBER MEDEIROS: Well, my question is,
14 if the County accepts that dedication --

15 MS. HORCAJO: Uh-huh.

16 COUNCILMEMBER MEDEIROS: -- and we saying the
17 County Parks doesn't have the resources to maintain it,
18 I'm trying to determine what kind of maintenance, if
19 any, is required.

20 MS. HORCAJO: Again, if -- it would just be
21 left in the natural state that it's in. It would
22 probably just be rocks and scrubs. So like --

23 COUNCILMEMBER MEDEIROS: So pretty much no
24 maintenance.

25 MS. HORCAJO: Yeah, no maintenance. The park

1 area --

2 COUNCILMEMBER MEDEIROS: Except for maybe
3 taking over the liability if it was dedicated.

4 MS. HORCAJO: That's -- that's correct.

5 COUNCILMEMBER MEDEIROS: Okay. And then your
6 response to Chair Mateo, that the three-acre park would
7 probably not be conducive to any kind of playing fields,
8 so it would have to be some kind of passive park like
9 Rice Park, is that correct?

10 MS. HORCAJO: I believe --

11 COUNCILMEMBER MEDEIROS: We -- we would never
12 be able to use it to structure some youth soccer or
13 baseball fields?

14 MS. HORCAJO: That's correct, we would not be
15 able to.

16 COUNCILMEMBER MEDEIROS: Okay. But did you
17 say that the agreement with the developer was that they
18 would grass the area? And what else did you say as far
19 as what the developer would do for the park before
20 dedicating it?

21 MS. HORCAJO: Again, we'll have to check with
22 the developer. The proposal, as I saw the other day,
23 was a total waiver. I understand from our staff that he
24 had been in contact with the applicant. And that they
25 had indicated that there could possibly be -- it was a

1 verbal discussion that they could possibly do some
2 grading and grassing of the area.

3 COUNCILMEMBER MEDEIROS: Okay.

4 MS. HORCAJO: But we'd have to check with the
5 applicant.

6 COUNCILMEMBER MEDEIROS: Thank you, Director
7 Horcajo.

8 Mahalo, Mr. Chairman.

9 CHAIR MATEO: Thank you. Ms. Anderson?

10 COUNCILMEMBER ANDERSON: Thank you, Chairman.
11 I'm having a hard time figuring what we're getting out
12 of this for all these exemptions and cramming all these
13 people together. You know, it's a requirement of the
14 Code that a park dedicated -- or a park required, under
15 the Park Assessment, that the subdivider improve the
16 site with lot grading, grass planting, automatic
17 irrigation, parking areas, adequate drainage and comfort
18 stations. And they're asking for an exemption from this
19 portion of the Code. So they would only have to give us
20 what is existing there now, unimproved pastureland.

21 And, you know, I'm not comfortable with any
22 kind of verbal promises on behalf of our public. I'd
23 like to see something in writing.

24 And I'd like to see what that land looks like.
25 I mean, why can't we grade it down a little bit?

1 They're grading it down for house lots, so why can't
2 they grade down that area to allow some real use of it
3 as a playground area?

4 That's all I have, Chair.

5 CHAIR MATEO: Thank you, Ms. Anderson.

6 Members, additional questions for -- for the Director?
7 Seeing no more questions, Madam Director, thank you for
8 -- for being with us. Members, we're gonna take a short
9 recess.

10 We're gonna stand in recess. We'll be
11 returning at 3:20. 3:20. This Committee stands in
12 recess....(gavel)...

13 RECESS: 3:09 p.m.

14 RECONVENE: 3:29 p.m.

15 CHAIR MATEO: ...(gavel)... Policy Committee
16 meeting for October 21st, 2008 will reconvene.

17 Members, thank you very much for that short
18 break.

19 We have concluded having the departments
20 provide their comments to the Committee. At this point,
21 the Chair will provide an opportunity for the applicant
22 and/or the consultant to come on down to the podium and
23 provide additional information and/or respond to Member
24 questions that they may have for the next several
25 minutes.

1 So we'll welcome Mr. Munekiyo. Members, the
2 floor is -- is also open for questions of the -- the
3 consultant.

4 MR. MUNEKIYO: Good morning, Mr. Chair.

5 CHAIR MATEO: Good afternoon.

6 MR. MUNEKIYO: Good afternoon, Mr. Chair, and
7 Members. I'm Mike Munekiyo. And I am here together
8 with our consultants, as well as the applicant, Mr.
9 Nishikawa. We'd be happy to answer any questions that
10 Members might have this afternoon.

11 CHAIR MATEO: Thank you. Members, the floor
12 is open. Questions for --

13 COUNCILMEMBER MEDEIROS: Mr. Chair?

14 CHAIR MATEO: -- Mr. Munekiyo. Mr. Medeiros,
15 followed by Ms. Baisa.

16 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.
17 And thank you, Mr. Munekiyo, for being here.

18 I just wanted to follow up on a question by a
19 testifier concerned by the private wastewater treatment.
20 And I -- I think his concern was that, because of the
21 density, how do you put in septic tanks and leachate
22 fields in such a compressed area. And I'm sure you had
23 engineering look at it as part of your consultation. So
24 can you explain for that gentleman and for us how the
25 septic tank systems will be incorporated in -- in that

1 project?

2 MR. MUNEKIYO: All right. Yes, Council
3 Member. And if I may, before I respond, just -- I think
4 there was an earlier comment, I believe from
5 Councilmember Anderson, regarding the exemption on the
6 spacing requirement for those -- those wastewater
7 systems, and after looking at what it is that the
8 engineer did provide us, we would have no objections to
9 deleting that exemption. But after reviewing the -- the
10 plans that were prepared, all of the spacing
11 requirements as provided by Department of Health have
12 been met.

13 As to the specific leach septic systems, these
14 are systems which have been designed so that actual
15 leach field sizes can fit within the lots as provided.

16 And the gentleman who actually sought and
17 obtained approval from the Department of Health has
18 worked on these systems in other areas. But,
19 effectively, the Department of Health has granted a
20 waiver to allow the systems that are proposed with the
21 leach field sizes as indicated. And, again, the leach
22 field sizes do fit within the -- the affordable lots as
23 well.

24 COUNCILMEMBER MEDEIROS: I see. So -- so it
25 is -- it is approved by the Department of Health as --

1 as you mentioned. Because I -- for some reason, I had a
2 different understanding. In my work, in trying to
3 provide affordable housing in Hana, and single
4 residential units, we heard that the requirement for the
5 lot has to be 10,000 square feet --

6 MR. MUNEKIYO: Right.

7 COUNCILMEMBER MEDEIROS: -- in order to have
8 enough area in order to put those systems in. But if
9 the Department of Health, who is the regulatory agency
10 on that, approves it, then it's not for me to question
11 their authority. But it's just -- and then, in another
12 project that I'm also working on for Hana, which is
13 senior housing, that's multifamily. And that one, they
14 allowed to have leach fields that several units would
15 empty into. So -- but on residential single-family
16 units, is it required to have one per lot?

17 MR. MUNEKIYO: That's how it's intended to be.
18 And if I may, just to give you an idea. And I think, in
19 speaking with the civil engineer, he indicated that it
20 has a lot to do with the -- the level of treatment
21 coming out of the individual wastewater systems. But
22 the typical leach field size in this case is on the
23 order of 15 feet by 25 feet. So a relative --
24 relatively compact and still workable.

25 COUNCILMEMBER MEDEIROS: Okay. Well, thank

1 you so much for that information.

2 My second question is, because I was inquiring
3 with the Parks Department about the open space, but I
4 subsequently found out that the open space is where your
5 retention basin is gonna be, is that correct?

6 MR. MUNEKIYO: That's correct.

7 COUNCILMEMBER MEDEIROS: So if it's a
8 retention basin that's part of the development, then is
9 the development gonna maintain that basin under the
10 requirements of drainage?

11 MR. MUNEKIYO: That's correct.

12 COUNCILMEMBER MEDEIROS: Okay. Thank you, Mr.
13 Munekiyo.

14 Mahalo, Mr. Chairman.

15 CHAIR MATEO: Thank you. Ms. Baisa?

16 COUNCILMEMBER BAISA: Thank you very much, Mr.
17 Chair.

18 Let me go back to my earlier question about
19 the sidewalks, Mr. Munekiyo. Thank you for being here.
20 Any suggestions as to how we can deal with this
21 situation where there is this safety concern, and, you
22 know, obviously limited -- very limited street and
23 possibly a need to get into acquiring property, which
24 would take forever for us to get done. I am open to any
25 ideas. I am not a -- any kind of an expert in this

1 area.

2 MR. MUNEKIYO: I -- I don't know the answer,
3 Council Member. I know that Mr. Nishikawa did indicate
4 at the last meeting that he's willing to work with the
5 County to do whatever it might take to facilitate that
6 process. But I think that we all understand that
7 there's whole lot of challenges involved in
8 implementation. But that's something he's willing to
9 work with.

10 And I don't know, Clayton, if you would like
11 to elaborate on that. But --

12 COUNCILMEMBER BAISA: If he would, I would
13 appreciate it.

14 Mr. Chair, is that okay?

15 CHAIR MATEO: Yeah.

16 COUNCILMEMBER BAISA: Thank you.

17 CHAIR MATEO: Mr. Nishikawa, please advance
18 and recognize yourself, please.

19 COUNCILMEMBER BAISA: Thank you. And the only
20 reason I am asking you, because it's such an important
21 issue with the folks Upcountry, I think we better at
22 least talk about it. Thank you.

23 MR. NISHIKAWA: Good afternoon, Council Chair,
24 Council Members. My name is Clayton Nishikawa. And I'm
25 the applicant for Kula Ridge.

1 Regarding the sidewalks, we are prepared to
2 develop sidewalks on our property that we currently own.
3 And we are providing it throughout the -- the community
4 of Kula Ridge. The challenge comes about where we -- we
5 don't own the land. And how -- how do you require a
6 developer to develop sidewalks on property that he
7 currently does not own? I mean, that would be a
8 challenge, and it would be a condition that we would not
9 be able to -- to adhere to.

10 So, again, my statement from last week was
11 that I'm happy to work with the County to try and
12 resolve issues regarding sidewalks where it's feasible
13 and where it's possible.

14 COUNCILMEMBER BAISA: Great. Just to let you
15 appreciate where I'm coming from -- and I understand
16 where you're coming from -- when I read a statement like
17 this from Kula Communication Association, it concerns
18 me. It says that if the County does not require the
19 applicant to build the sidewalk along Lower Kula Road,
20 then the County will need to construct prior to the
21 occupancy of the homes. So that's a very strong
22 statement. So that's what I am dealing with.

23 MR. NISHIKAWA: Uh-huh.

24 COUNCILMEMBER BAISA: Thank you.

25 CHAIR MATEO: Thank you, Ms. Baisa. Members,

1 additional questions? Ms. Anderson, followed by Mr.
2 Hokama.

3 COUNCILMEMBER ANDERSON: Thank you, Chairman.
4 Since Mr. Nishikawa is at the mike, I'll ask him my
5 question for him first. If I can find my -- Mr.
6 Nishikawa, you've got 48 acres. And I -- in reading the
7 warranty deed, it says that -- on Page 3, that it's
8 mutually agreed that the grantee shall have no right --
9 which is you -- without grantor's consent -- which are
10 the sellers -- which may be withheld in grantor's
11 absolute discretion to further develop the property into
12 more than five agricultural lots, each consisting of no
13 less than four acres. And then it goes on to talk about
14 preserving the view plane and construction easements
15 that restrict view planes, I'm assuming from mauka
16 property. So have you gotten permission, written
17 permission, from the grantee to develop this land beyond
18 four -- or, rather, five agricultural lots?

19 MR. NISHIKAWA: Yeah. That portion refers
20 directly to the mauka portion of the property.

21 COUNCILMEMBER ANDERSON: Which would be what
22 portion?

23 MR. NISHIKAWA: The upper 16 acres.

24 COUNCILMEMBER ANDERSON: So the four -- four
25 larger lots?

1 MR. NISHIKAWA: We were required by the seller
2 to maintain the -- the lower density on the mauka
3 portion, to have more of a -- a blending, if you will,
4 to the agricultural community that surrounds Kula Ridge.
5 So as a part of the seller's restrictions, we were
6 required to provide a minimum of -- or maximum of five
7 4-acre lots. And we chose to do four 4-acre lots on the
8 mauka portion. Which it resulted in the density
9 requirement for the affordable units on the makai
10 portion of the property.

11 COUNCILMEMBER ANDERSON: Okay. I'll take your
12 word for it, even though there's nothing in this
13 warranty deed that describes what the mauka or makai
14 property is. It just talks about the property.

15 MR. NISHIKAWA: The -- the sellers, when we
16 bought the property, were living just south of the --
17 the border of the property. And their concern was not
18 seeing the density of the affordable section of the
19 development. So their concern was to keep the upper
20 portion of the project low density. And -- and that's
21 how we've accommodated that request, by developing the
22 four 4-acre lots.

23 And so -- and, also, to answer one of your
24 previous questions, we will create a covenant and
25 restriction to further develop those properties. So

1 they will stay as four-acre lots.

2 COUNCILMEMBER ANDERSON: But you don't have
3 anything in -- in your application that states that?

4 MR. NISHIKAWA: No. We'll -- we'll create
5 that in our -- in our covenants and restrictions. I'd
6 be happy to add that as a condition.

7 COUNCILMEMBER ANDERSON: Yeah. You know,
8 there's one TMK number attached to this warranty deed.
9 Have you subdivided any of this 48 acres yet?

10 MR. NISHIKAWA: No.

11 COUNCILMEMBER ANDERSON: But you do have a
12 preliminary subdivision approval?

13 MR. NISHIKAWA: No.

14 COUNCILMEMBER ANDERSON: No. So, you know,
15 this warranty deed talks about Exhibit A, which is a map
16 of this property -- and I think that would have been
17 helpful for us to have because -- you know, there's
18 restrictions in here about the property in general being
19 -- with no further description about it being mauka
20 property. It just says, "The property," which is this
21 one TMK of 48 acres. And then it goes on and gives
22 restrictions on the makai portion of the property.

23 And, you know, I'm not so sure that we're in
24 compliance with that, also. Because the makai portion
25 of the property -- it says, should the grantee ever

1 desire to further develop the makai portion of the
2 property to the maximum permitted by the Community Plan,
3 the County of Maui has heretofore stated that it will
4 require that the property owner convey three acres of
5 the property adjacent to Kula Community --

6 MR. NISHIKAWA: Well, that --

7 COUNCILMEMBER ANDERSON: -- Association. Just
8 let me finish. I haven't asked a question yet. So --
9 and then it goes on to say, if you wanna develop it any
10 further that you -- the -- the grantee shall pay the
11 grantor five percent of the gross sales price. I guess
12 that was because you paid less for this encumbrance.
13 But, you know, we heard from the Planning Director that
14 this is a higher density than the Community Plan would
15 allow. So did you -- have you discussed these
16 development plans with the previous owners?

17 MR. NISHIKAWA: Yes.

18 COUNCILMEMBER ANDERSON: Are they in approval
19 of this?

20 MR. NISHIKAWA: Uh-huh. And I beg to differ
21 with your last comment. The density of this project is
22 not -- does not exceed the amount that -- of the density
23 allowed in the Community Plan. We're, actually, less of
24 a density than what the Community Plan proposes.

25 COUNCILMEMBER ANDERSON: Well, the Community

1 Plan is Rural for most of the property and --

2 MR. NISHIKAWA: And 15 acres --

3 COUNCILMEMBER ANDERSON: Excuse me.

4 MR. NISHIKAWA: -- of Single-Family.

5 COUNCILMEMBER ANDERSON: And 15 Single. So

6 you're saying the 15 acres here and the Rural

7 surrounding it --

8 MR. NISHIKAWA: Uh-huh.

9 COUNCILMEMBER ANDERSON: -- if you -- if you
10 -- if you take it as a whole, that you're maintaining
11 that allowed density?

12 MR. NISHIKAWA: The -- the total for 15 acres
13 of Single-Family and 33 acres of Rural would total to a
14 density of about 119 units. And we're about three units
15 below that.

16 COUNCILMEMBER ANDERSON: But that includes the
17 four large lots, right?

18 MR. NISHIKAWA: Right.

19 COUNCILMEMBER ANDERSON: So, I mean, you know,
20 you might say that you're complying with the density,
21 but you're taking 48 acres of allowed building and
22 you're squeezing it down into one area and allowing 16
23 acres to stay rather open. So I guess it's how you look
24 at it. I look at it as extremely dense at 4,600 acre --
25 I mean, 4,600 square feet lots.

1 So, anyway, I got a problem with that. The
2 other thing, maybe you can answer this, Mr. Nishikawa,
3 is this map that we got, Exhibit A, that shows us this
4 fire protection easement --

5 MR. NISHIKAWA: Uh-huh.

6 COUNCILMEMBER ANDERSON: Where does this
7 easement lead to?

8 MR. NISHIKAWA: The easement leads to Kolohala
9 Road to the south and then Kolohala Road leads to
10 Kekaulike Highway to the east. I believe you can see it
11 on one of the -- the other exhibits. Figure 14, I think
12 that would show that.

13 COUNCILMEMBER ANDERSON: And that was in the
14 EA or --

15 MR. NISHIKAWA: Yes.

16 COUNCILMEMBER ANDERSON: -- in the handout or
17 what?

18 MR. NISHIKAWA: It's on Page 18.

19 COUNCILMEMBER ANDERSON: You know, for a fast
20 track project, you're sure making it hard for us to
21 figure out what you're asking for.

22 Figure 14, Lower Kula Road. So -- oh, I see.
23 So you're saying that the access easement -- now, whose
24 property is this going across and do you have any
25 approval for them -- from them?

1 MR. MUNEKIYO: Councilmember Anderson, Mike
2 Munekiyo. I just want to clarify, in this Figure 14,
3 that access road that runs from the end of the
4 cul-de-sac there, it's just about where Number 4 is on
5 the map.

6 COUNCILMEMBER ANDERSON: Yeah.

7 MR. MUNEKIYO: On the top side of the Number
8 4.

9 COUNCILMEMBER ANDERSON: Yeah.

10 MR. MUNEKIYO: And you extend it down. You
11 can see it actually extends into a subdivision.

12 COUNCILMEMBER ANDERSON: Yeah.

13 MR. MUNEKIYO: Kolohala Road is that road that
14 leads up to Kekaulike Highway.

15 COUNCILMEMBER ANDERSON: The road that goes
16 between that subdivision?

17 MR. MUNEKIYO: Yeah, uh-huh. And Mr.
18 Nishikawa owns the lot which is -- goes through -- or --
19 or the -- the LLC has that lot. So, actually, the
20 easement goes across Kula Ridge Mauka, the mauka
21 subdivision, and connects into Kolohala Place --
22 Kolohala Street. And that allows access, then, up to
23 Kekaulike Highway.

24 COUNCILMEMBER ANDERSON: Is this gonna be a
25 access for Kula Ridge Mauka?

1 MR. MUNEKIYO: No. This would be for
2 emergency access only.

3 COUNCILMEMBER ANDERSON: Only. So the road --
4 the entry road to Kula Ridge is going to go all the way
5 up to Kula Ridge Mauka?

6 MR. MUNEKIYO: That's correct. It will serve
7 a portion of the Kula Ridge Mauka subdivision.

8 COUNCILMEMBER ANDERSON: So will Kula Ridge
9 Mauka folks be entering and exiting their subdivision
10 through the Kula Ridge subdivision's access road?

11 MR. MUNEKIYO: That's correct.

12 COUNCILMEMBER ANDERSON: And how many lots are
13 involved in Kula Ridge Mauka?

14 MR. MUNEKIYO: On this side, you -- you might
15 recall there was this gulch --

16 COUNCILMEMBER ANDERSON: Yeah.

17 MR. MUNEKIYO: -- that separates Kula Ridge
18 Mauka into two portions.

19 COUNCILMEMBER ANDERSON: Right.

20 MR. MUNEKIYO: The portion to the north of the
21 gulch, it looks like there are --

22 COUNCILMEMBER ANDERSON: North? Would that be
23 on the other side of the gulch?

24 MR. MUNEKIYO: On the same side of the gulch
25 --

1 COUNCILMEMBER ANDERSON: Okay.

2 MR. MUNEKIYO: -- as the subdivision.

3 COUNCILMEMBER ANDERSON: Yeah.

4 MR. MUNEKIYO: Twelve lots on that side of the
5 subdivision.

6 COUNCILMEMBER ANDERSON: Twelve lots there.
7 And they will be what size lots?

8 MR. MUNEKIYO: Anywhere from six to 16 acres.
9 Primarily in the seven-acre range, however.

10 COUNCILMEMBER ANDERSON: And that -- and
11 they're subdividing with the sliding scale?

12 MR. MUNEKIYO: Yes.

13 COUNCILMEMBER ANDERSON: Okay. So 12 lots
14 could be 24 homes. And then the 116 in Kula Ridge,
15 they'll all be exiting onto Lower Kula Road?

16 MR. MUNEKIYO: That is correct.

17 COUNCILMEMBER ANDERSON: Okay. Thank you very
18 much, Chairman.

19 Thank you, Mr. Munekiyo.

20 CHAIR MATEO: Thank you, Ms. Anderson. Mr.
21 Hokama?

22 VICE-CHAIR HOKAMA: Just a second, please,
23 Chairman. Thank you.

24 Mr. Munekiyo, thank you. Just a couple of
25 things for clarification, for my own understanding,

1 please.

2 The first one is on the Exhibit A that you
3 were kind enough to present to us this afternoon, which
4 is the proposed residential subdivision. And on the
5 Pukalani side of the project, you have the gulch you --
6 you mentioned earlier, Keahuaiwi Gulch, I believe, is
7 the name. On it, you showed -- you show us 100-year
8 flood inundation limitations. Can you share with the
9 Committee the approach regarding those market and
10 affordable units that abut the gulch and what is the
11 mitigation regarding that 100-year flood zone, impacts
12 may have or may not have on the development of those
13 lots, please?

14 MR. MUNEKIYO: Okay. Mr. Chair, may I ask our
15 civil engineer just to come up to explain what that
16 100-year delineation is?

17 The houses are actually beyond that limit, but
18 I think it's important for the Committee to understand
19 what --

20 CHAIR MATEO: Members, any objections?

21 COUNCIL MEMBERS: No objections.

22 VICE-CHAIR HOKAMA: Mr. Chairman, just for
23 Committee information, I'm looking at Figure 4 within
24 the submitted application document dated September 2008.
25 You will see the project site map layout. It's in

1 color. And I'm talking about those units on the left
2 side of the gulch. Since it was shown to us on -- on
3 another map, of this 100-year flood -- flood zone. So
4 if you would allow Mr. Otomo, please, to respond.

5 MR. OTOMO: Good afternoon, Mr. Chair,
6 Members. My name is Stacy Otomo.

7 To answer Councilmember Hokama's question,
8 when the subdivision was filed, any time you have a
9 major drainage way that exceeds 100 acres in drainage
10 barrier, we're required to show what they call 100-year
11 flood inundation limits. How it works accepts two
12 methods. The first one being you can actually take
13 cross-sections from an on-ground topo and actually
14 calculate the depth of the flow and show that on the
15 map. In this particular case, because this particular
16 gulch is a major drainage way, Public Works gives you
17 the option of designating, basically, the top of the
18 gulch as the 100-year flood inundation limits, which was
19 done in this particular subdivision. So what you see
20 there as the limits is, basically, the top of a very
21 deep gulch.

22 VICE-CHAIR HOKAMA: So, in layman terms, you
23 do not foresee, from an engineering standpoint, any
24 possible engineering issues regarding this potential
25 100-year flood flow-down, down from the top of the

1 gulch, impacting this subdivision --

2 MR. OTOMO: I --

3 VICE-CHAIR HOKAMA: -- on those lots, you
4 know, that about the gulch?

5 MR. OTOMO: I do not because, like I said,
6 this is a very deep gulch. And the -- the inundation
7 limit shown is very conservative, being it's shown as
8 the top of the existing gulch.

9 VICE-CHAIR HOKAMA: Do you know what would be
10 the minimum or required setbacks from the gulch line to
11 the initial property lines, Mr. Otomo?

12 MR. OTOMO: There are -- there are no specific
13 setbacks to the inundation lines. Regarding setback to
14 the property line, you know, it's whatever the County
15 standard is for the zoning of the property.

16 VICE-CHAIR HOKAMA: So, actually, the lot
17 could go all the way to the edge of the gulch, then?

18 MR. OTOMO: That's correct. I think in this
19 case, it goes to the center of the gulch.

20 VICE-CHAIR HOKAMA: It's hard -- it's hard to
21 -- to make that determination. So I don't know what you
22 -- you were asked to engineer -- analyze on behalf of
23 the applicant. It's hard to tell from what we have in
24 the -- in this submittal because we don't know where the
25 gulch is regarding the subdivision siting on -- on

1 Figure 4 that we have in our submittal to us.

2 MR. OTOMO: I -- I think on the Kula Ridge
3 Mauka, the portion between the two sub -- subdivision --
4 where the gulch traverses the boundary is actually in
5 the middle. As you come down to the Kula Ridge
6 property, it's basically outside of that.

7 VICE-CHAIR HOKAMA: Okay. Thank you, Mr.
8 Otomo. I appreciate your -- your responses.

9 Chair, just a few more, please --

10 CHAIR MATEO: Go ahead.

11 VICE-CHAIR HOKAMA: -- with Mr. Munekiyo. Mr.
12 Munekiyo, can you give me a refresher on the current
13 status of the State Land Use Commission application,
14 please? Because I -- I believe you're still required to
15 get Land Use Commission approval to change
16 classifications from Ag to Rural and Ag to Urban. Is
17 that correct?

18 MR. MUNEKIYO: That's correct. And in order
19 to begin that process, we are -- or we have filed a --
20 what is referred to as a notice of intent to file.
21 That, basically, informs the Land Use Commission that a
22 Land Use Commission petition will be filed. And I
23 believe the notice of -- of intent to file, that process
24 was initiated at the end of September. Is that correct?
25 Around the end of September or so?

1 And so once that -- and there's -- actually,
2 it's a 60-day notice of intent. So at the end of the
3 60-day period, the petition then would be filed with the
4 LUC and that proceeding would begin.

5 VICE-CHAIR HOKAMA: And a request for a
6 hearing would be put into place?

7 MR. MUNEKIYO: Right. So we're looking, I
8 believe, somewhere at the early part of December or so
9 --

10 VICE-CHAIR HOKAMA: Uh-huh.

11 MR. MUNEKIYO: -- to start that process --

12 VICE-CHAIR HOKAMA: Okay.

13 MR. MUNEKIYO: -- if not sooner.

14 VICE-CHAIR HOKAMA: Okay. Thank you for that
15 comment -- response.

16 And so, again, I am trying to understand --
17 you know, in our readings of your comments -- or your
18 client's comments on behalf of the some of the Kula
19 Community Association concerns, you know, they stated
20 that they have a concern of maintaining an agricultural
21 presence on those larger lots. And in your company's
22 response to Ms. Flammer, dated July 24, 2008, on Page 4
23 of that response, again from your company regarding
24 water for farming, your response is to continue to
25 support agriculture, and, yet, you wanna change

1 classification from Agriculture to Rural. Am I missing
2 something, or is there something that we need to know
3 regarding what is the true intent for the use of those
4 lots?

5 MR. MUNEKIYO: The intent would be to keep it
6 as large lots. And as Mr. Nishikawa indicated, there's
7 no desire -- or, actually, he would be willing with a
8 prohibition on further subdivision on those large lots.
9 The idea here was to get the State Land Use designation
10 consistent with the Community Plan's Rural designation
11 for the upper area, the four large lots, and the Urban
12 designation to allow for the smaller lots at the lower
13 side of the property.

14 VICE-CHAIR HOKAMA: Okay. So I'm assuming,
15 then, on the classification from Ag to Rural, and then
16 those four lots will be entitled with a Rural
17 designation --

18 MR. MUNEKIYO: State Rural designation.

19 VICE-CHAIR HOKAMA: (Inaudible), yeah. The
20 County zoning would still be on -- on map, Interim?

21 MR. MUNEKIYO: That's correct.

22 VICE-CHAIR HOKAMA: Okay. And I just wanted
23 it to be stated for the record, Chairman, because we
24 have no zoning category for four-acre lots as of yet.
25 Maybe in the future, we will have larger lot rural

1 capacity, to appropriately put certain lands into that
2 category, but at this point we don't have. So I'm --
3 just was curious to see whether or not we'd be -- we're
4 asking to be placed in a strange predicament because we
5 don't have certain things existing as of yet, Mr.
6 Chairman.

7 The other thing that I had wanted to ask you,
8 Mr. Munekiyo, is on the sewer one, again. Because that
9 was our general understanding from Public Works, now
10 it's through Environmental Management. Mr. Medeiros was
11 talking about the 10,000 square feet minimum lot
12 required to do a septic tank with appropriate leach
13 field requirements. When is this technology that you
14 shared with us today that would be able to fit on 4,600
15 square feet lots be -- become available as an option for
16 -- for the project, please? Just recently?

17 MR. MUNEKIYO: I'm not sure when it is that
18 this particular system was divided or reviewed and
19 deemed approvable. However, the wastewater engineer has
20 obtained DOH approval. And as to specifics regarding
21 technical parameters, I'm not familiar with that at this
22 point.

23 VICE-CHAIR HOKAMA: Okay. Is there any
24 mitigation plans, should there be leakage from the
25 perimeters of the leach field that goes onto other lots

1 or other -- other property owners' real -- real estate
2 lands?

3 MR. MUNEKIYO: You know, I'm not sure. I
4 can't answer that question except to say that all of
5 these systems are designed and approved by the
6 Department of Health. And I think through that process,
7 we were -- we're assuming that that process will take
8 into account that the designs are acceptable in all
9 elements of operation. And I think Mr. Nishikawa has
10 studied this particular system with Mr. Nagata, who is
11 providing the system, and is quite comfortable with its
12 outcome. So --

13 VICE-CHAIR HOKAMA: Okay. And I also just
14 wanted to thank you for your Exhibit B. I believe that
15 was to my question regarding the zero lot and the siting
16 of those planned units. So I can appreciate how you
17 were looking at setbacks and usage of the carport/garage
18 area as potential, you know, additional buffers between
19 main living structures. So thank you very much for
20 providing the Committee with this exhibit.

21 Thank you, Mr. Chairman.

22 CHAIR MATEO: Thank you, Mr. Hokama. Ms.
23 Anderson?

24 COUNCILMEMBER ANDERSON: Yeah. I just wanted
25 to follow up. Mr. Munekiyo, the four large lots, you're

1 not asking for Rural zoning on that?

2 MR. MUNEKIYO: No. And maybe, if I may,
3 Council Member. What we are seeking from the Land Use
4 Commission are Urban and Rural land use designations.

5 COUNCILMEMBER ANDERSON: Right.

6 MR. MUNEKIYO: With respect to County zoning,
7 however, what we're doing is seeking exemptions from the
8 current Interim zoning designation and providing -- or
9 creating zoning standards specific to this project. So
10 we are not, in effect, asking for a -- a zoning
11 designation. We are asking for an exemption from the
12 zoning code. And in combination with that exemption,
13 requesting, as part of the 201H process, specific zoning
14 standards be deemed appropriate for these lots.

15 COUNCILMEMBER ANDERSON: Including the four
16 large lots?

17 MR. MUNEKIYO: Actually, the four large lots
18 would be in compliance with the -- the Interim zoning
19 designations in terms of minimum lot square footages, so
20 forth. It's -- it's the smaller lots that would need to
21 have its own unique set of performance standards.

22 COUNCILMEMBER ANDERSON: That's, you know,
23 quite unusual. Interim, you're not allowed to really do
24 anything but build one house. And -- yeah -- and the
25 reason I thought it was Rural is, in this conceptual

1 map, under lot type, you have these designated as Rural.
2 And now you're saying that you, basically, don't want
3 any zoning category for these lot -- four large lots,
4 but that you would adhere to Interim standards. And
5 there's nothing here that says that, that I can see.

6 Title 19 -- you know, in the exemption list,
7 under exemptions for Title 19, you just talk about the
8 affordable lots and the market lots. And you don't say
9 anything about the four large lots --

10 MR. MUNEKIYO: Right.

11 COUNCILMEMBER ANDERSON: -- that would impose
12 any kind of building standard on them. So could you
13 further clarify that for me?

14 MR. MUNEKIYO: Sure. The -- look on the
15 exemptions. I think you refer to exemption -- to Title
16 19.

17 COUNCILMEMBER ANDERSON: Yeah.

18 MR. MUNEKIYO: And that's, for the rest of the
19 Members, Section 5. It's the very last section of the
20 application document, on Page 2 of the exemptions.
21 Basically, what that exemption states is that we are
22 seeking an exemption from the Interim District for the
23 entire 48 acres, and that the subdivision be permitted
24 in accordance with a plat configuration shown in
25 Attachment A. Now, Attachment A isn't part of this. It

1 should be. I apologize for that. But Attachment A is
2 the site plan. And so the site plan reflects the -- the
3 lot layout as we show it in, I believe, Figure 4, at the
4 beginning of the report.

5 And that, to further clarify, for the smaller
6 lots, the zoning standards set forth in this section are
7 those which would apply. And so, again, we are not
8 asking for a specific zoning designation through the
9 201H process; we are seeking an exemption from the
10 Interim District zoning standards and asking the Council
11 to approve these specific performance standards for
12 those lots.

13 And, again, Attachment A is really the
14 subdivision concept map that we've been referring to
15 through this process.

16 COUNCILMEMBER ANDERSON: Would you have a copy
17 of that map with you?

18 MR. MUNEKIYO: Yeah.

19 COUNCILMEMBER ANDERSON: Because I'm seeing
20 several different maps. And I guess they may be
21 portions of the same thing. But it's difficult to
22 really see what you're asking for.

23 MR. MUNEKIYO: Attachment A would be Figure 4
24 in the -- the document.

25 COUNCILMEMBER ANDERSON: Figure 4?

1 MR. MUNEKIYO: Yes.

2 COUNCILMEMBER ANDERSON: Okay. You know, you
3 still didn't answer my question, Mr. Munekiyo. Because
4 the exemptions -- you're asking for the -- an exemption
5 from the Interim District, to permit the development and
6 use of the parcel for Single-Family and Rural
7 Residential purposes, Rural Residential purposes.
8 Further, this exemption shall allow the subdivision of
9 the property in the plat configuration. Attachment A.
10 The following zoning standard shall apply in the
11 proposed lots. So you've got zoning standards for the
12 affordable lots, which are 4,600 square feet, and zoning
13 standards for the market lots, which are 6,000 square
14 feet. You know, the zoning standards being the setbacks
15 and heights. You know, I got a real problem with the
16 height you're asking for because it's in direct
17 contradiction to the County Code. No building shall
18 exceed two-story or 30 feet in height from finished
19 grade of the subdivision. That means you can come in
20 and put any amount of fill you want, and then build 30
21 feet up from that.

22 That's against our County Code, Mr. Chairman.
23 We've gotten in a lot of trouble over that. I don't
24 think we should allow that. You know, maybe some kind
25 of restriction on how much fill because, undoubtedly,

1 they're gonna have to put some level of fill in to level
2 this property, for building pads.

3 But, again, Mr. Munekiyo, there's nothing in
4 here that references the large lots.

5 MR. MUNEKIYO: Right. And I think what would
6 apply then would be these performance standards for the
7 market lots.

8 COUNCILMEMBER ANDERSON: But that says minimum
9 lot size, 6,000 square feet. So they're, obviously, not
10 gonna be 6,000 square feet.

11 MR. MUNEKIYO: Right. What this does is
12 establish the minimum requirements. And even for the
13 affordable lots, the 4,600 would be the smallest. There
14 may be lots of greater size. But what we wanted to do,
15 just to be clear, as this process, the subdivision
16 process, moves through the Development Services
17 Administration, that DSA folks understand what it is --
18 what criteria we are using in terms of defining the plat
19 map.

20 COUNCILMEMBER ANDERSON: Okay. Thank you,
21 Chairman.

22 Thank you, Mr. Munekiyo.

23 CHAIR MATEO: Thank you, Ms. Anderson.
24 Members, additional questions for the consultant? Ms.
25 Johnson?

1 COUNCILMEMBER JOHNSON: I just had one
2 question, Mike. And -- and if you don't know the
3 answer, perhaps Mr. Nishikawa would know.

4 In the application, you know, there's -- I
5 guess it's Helen Von Tempsky, Deborah and Alexa Dudoit.
6 I wanted to find out, are those the other partners that
7 Mr. Nishikawa has been referring to who are also
8 partners in this project? Because I know his name is
9 the applicant, he's just listed, but he's kind of been
10 referencing, you know, that he has other parties that
11 are involved in this project. So are those the people
12 or --

13 MR. MUNEKIYO: Those individuals are not part
14 of the LLC.

15 COUNCILMEMBER JOHNSON: Okay. And -- and
16 would you know who the individuals are in the LLC?

17 MR. MUNEKIYO: I better defer to Mr. Nishikawa
18 on that question.

19 COUNCILMEMBER JOHNSON: If you don't mind, Mr.
20 Chair. It's just -- you know, it was a question that
21 was asked of me, and I didn't know the answer.

22 CHAIR MATEO: Clayton Nishikawa.

23 MR. NISHIKAWA: To answer your question, those
24 names that you mentioned, those were the sellers.

25 COUNCILMEMBER JOHNSON: Those were the

1 sellers. And so your partners in your LLC are -- you
2 know, you're the applicant --

3 MR. NISHIKAWA: Yeah. I convinced one of my
4 past clients to invest in this project so that I could
5 develop affordable housing for Maui County residents.
6 This was well over three years ago, when former Mayor
7 Arakawa had asked for private developers to -- to step
8 up and provide affordable housing for Maui County. And
9 I decided that, being an architect and builder, that if
10 I did not become part of the solution that I'd be part
11 of the problem. And so I talked and convinced one of my
12 clients that I built a home for in Kapalua that -- that
13 the County is in need of affordable housing, and if we
14 could turn this into a win-win situation, I would like
15 to do so. And he -- he volunteered to be an investor.
16 And so he became an investor and provided the financing
17 to buy the -- the property. And -- and so here we are
18 today.

19 COUNCILMEMBER JOHNSON: Okay. And -- and, you
20 know, obviously, you -- you're not divulging who that
21 individual is. Do you mind sharing that information?

22 MR. NISHIKAWA: He -- he's a past client of
23 ours. And his name is John Makarone (phonetic) from San
24 Francisco.

25 COUNCILMEMBER JOHNSON: Okay. I -- I just --

1 I think when I get asked the question -- I'm not doing
2 it to be impolite to you or to him, but I think it was
3 asked of me and I didn't know the answer. So I thank
4 you very much --

5 MR. NISHIKAWA: Okay.

6 COUNCILMEMBER JOHNSON: -- for sharing that
7 information. Thank you.

8 CHAIR MATEO: Thank you, Ms. Johnson. Ms.
9 Baisa?

10 COUNCILMEMBER BAISA: Yeah. Thank you, Chair.
11 I'm working my way through the list.

12 Mr. Munekiyo, sorry to bring this up again,
13 but we need to deal with it. When Water Deputy Director
14 Eric -- Eric -- Eric was here, he was asked the question
15 about the water pump and redundancy for the system. Can
16 you answer that question? Because he stated, well, if
17 his pump goes down, they're without water. What's the
18 -- what are we gonna do for a backup?

19 MR. MUNEKIYO: The -- there are existing water
20 meters on the site. And perhaps Mr. Nishikawa can come
21 back again. But, basically, in summary, that -- the
22 delivery capacity of existing meters are able to sustain
23 a portion of that -- well, actually, meet all of the
24 demand of the subdivision. And looks like Mr. Matasci,
25 who is our project -- one of our engineers will be

1 answering that question.

2 COUNCILMEMBER BAISA: Well, thank you very
3 much. It's a very important question. Thank you.

4 MR. MATASCI: Yes. My name is Ray Matasci,
5 Council Members. The -- the plan that -- as Mr.
6 Munekiyo had mentioned, there are some existing meters
7 on the site. And it is the intent of the developer to
8 build a second well. The initial -- the question is --
9 hasn't been resolved yet exactly, about the timing of
10 that second well. But, normally, when you construct a
11 well such as this, they would have to be maintained on
12 the order of every seven years. And either -- you have
13 to pull them up seven years or sometime within that
14 initial period. I think the intent is to build a second
15 well. And then if there were an emergency, those three
16 existing meters could provide about 300,000 gallons a
17 day to the development, if there was some emergency in
18 -- prior to when the second well was constructed.

19 COUNCILMEMBER BAISA: And how long could they
20 do that? You know, we've had experience with a well
21 that has been down an awful lot.

22 MR. MATASCI: Right.

23 COUNCILMEMBER BAISA: And like five, six
24 months at a time where we've had a pump problem.

25 MR. MATASCI: If -- normally, as I mentioned,

1 you'd routinely lift the well out -- or the pump out of
2 the well for maintenance. And if it's planned, you
3 could do -- you could repair that within seven to 10
4 days because you could mobilize the equipment and have
5 the motor there. But if it's an unplanned event, for a
6 pump such as this, it could take a number of months.

7 COUNCILMEMBER BAISA: Thank you. I think we
8 better hire you to take care of our maintenance. That's
9 a very nice timetable.

10 MR. MATASCI: Uh-huh.

11 COUNCILMEMBER BAISA: Thank you very much.

12 CHAIR MATEO: Thank you. Mr. Pontanilla,
13 followed by Mr. Hokama.

14 COUNCILMEMBER PONTANILLA: Thank you. Not
15 Mike, but the other guy, the water guy.

16 COUNCILMEMBER BAISA: The water guy.

17 COUNCILMEMBER PONTANILLA: So when the pump
18 goes down, and you need to hook up those three lines to
19 wherever --

20 MR. MATASCI: Correct.

21 COUNCILMEMBER PONTANILLA: Is there any plans
22 to extend those to -- I don't know if you gonna get one
23 tank -- so that if an emergency arises that these water
24 meters could provide water to the tank?

25 MR. MATASCI: Right. Yeah, the water meters

1 would be -- would need to be able to transport the water
2 up to this tank, which is, I think, planned at elevation
3 3,600 feet.

4 COUNCILMEMBER PONTANILLA: So those would be
5 in place of when you do construct the -- well, when --
6 when they do the subdivision that is being planned?

7 MR. MATASCI: Maybe Mr. -- Mr. Nishikawa can
8 answer that. But I think there are three existing
9 meters right now.

10 COUNCILMEMBER PONTANILLA: Yeah. All I'm
11 asking is the extension of the water line.

12 MR. MATASCI: Well, if the meters could
13 connect to the existing water system, and then they
14 should be able to get water up to the existing tank.

15 Did you want to add? Okay.

16 COUNCILMEMBER PONTANILLA: Thank you.

17 MR. MATASCI: Okay.

18 CHAIR MATEO: Thank you, Mr. Pontanilla. Mr.
19 Hokama?

20 VICE-CHAIR HOKAMA: So, gentlemen, just so
21 we're very clear, the three meters are for all 48 acres?
22 Is that the understanding for this Committee, those
23 three meters that you -- you're speaking of this
24 afternoon? And can you tell us the size of those
25 meters, please?

1 MR. MATASCI: I believe that there's three
2 meters between one and two inches, existing meters.
3 And, again, the -- the primary intent is that the well
4 is the source of water. And, again, it's the intent of
5 the developer to construct a second well during the
6 first -- within the first few years, when the first well
7 is constructed. So there would be a redundant --
8 redundant well.

9 But if something happened in this initial
10 period when the first well was constructed, and the
11 second well hadn't been put on line yet, those three
12 meters could potentially be a backup to the first well.

13 VICE-CHAIR HOKAMA: Okay. So this afternoon,
14 these three meters currently exist?

15 MR. MATASCI: Correct.

16 VICE-CHAIR HOKAMA: They're issued by the
17 County of Maui Department of Water Supply.

18 MR. MATASCI: I believe so, yes.

19 VICE-CHAIR HOKAMA: They're connected to the
20 County water system, those meters?

21 MR. MATASCI: Yes.

22 VICE-CHAIR HOKAMA: We heard the Department
23 say they have no say, no jurisdiction, no participation
24 in this project. But if this is part of the backup,
25 Chairman, we need to be assured that the County is gonna

1 provide the water to the project should the private well
2 fail. I think we missing the dots connecting someplace,
3 Chairman, unless I'm totally misunderstanding the -- the
4 situation with -- with how water is to be provided for
5 the project.

6 CHAIR MATEO: We all heard the same thing,
7 Chairman.

8 MR. MATASCI: Yeah. I think that the intent
9 is that there will be two wells constructed. The second
10 well would serve as the backup for the first. The only
11 time that these -- these existing water meters -- which,
12 again, their existing Department of Water Supply meters
13 would come into play, if there was something that
14 happened to that first well, before the second well was
15 constructed, in the first few years.

16 VICE-CHAIR HOKAMA: Okay. So, gentlemen, I
17 must -- I'm making assumptions, so tell me if I'm
18 totally off base in coming to incorrect understanding.
19 You currently have three meters, and if you do not build
20 the private well that, hopefully, will provide you the
21 anticipated water requirements, you're gonna need to
22 rely on the three County meters to provide water for the
23 project? Is that a good understanding?

24 MR. MATASCI: The -- the first well will be
25 constructed at the very beginning of the project. And

1 that will be the primary source of water.

2 VICE-CHAIR HOKAMA: See, that goes nowhere as
3 an example.

4 Does the project still go forward based on the
5 three meters it already has for the -- for the site,
6 project site?

7 MR. MATASCI: No.

8 VICE-CHAIR HOKAMA: It does not go forward?

9 MR. MATASCI: That's my understanding.

10 VICE-CHAIR HOKAMA: Okay.

11 MR. MATASCI: Again, this would just be for
12 backup, for during that very initial period before the
13 second well was constructed.

14 VICE-CHAIR HOKAMA: Okay.

15 MR. MATASCI: But the initial well will be
16 built, the first well will be built right at the very
17 beginning of the development, to serve the development.
18 Without that well, the development is not intended to
19 go.

20 VICE-CHAIR HOKAMA: Okay. And that is because
21 you are not assured enough that the County, through its
22 three water meters and water -- current water systems
23 capacity is able to provide the water for your project?

24 MR. MATASCI: Mr. Nishikawa, would you like to
25 answer that question?

1 MR. NISHIKAWA: To answer your question,
2 Chairman Hokama, three water meters -- I believe the
3 Water Department would not allow us to service the
4 entire project with three water meters, despite it being
5 larger water meters.

6 VICE-CHAIR HOKAMA: Even if it's to go to the
7 tank, then from the tank, you do your gravity flow
8 dispersement down to your individual lots?

9 MR. NISHIKAWA: Yeah. I -- I believe -- my
10 understanding from several meetings with the Department
11 of Water Supply, they would not allow a County water
12 meter to service more than one property.

13 VICE-CHAIR HOKAMA: See, if you didn't
14 subdivide and you only sold interests, you could do it.
15 Because it's still one property, although you have many
16 owners.

17 MR. NISHIKAWA: I think what we would do is
18 just subdivide into three lots and -- and sell the --
19 the three lots off.

20 VICE-CHAIR HOKAMA: Okay. So it's not about
21 capacity of the system to provide you with your water
22 requirements?

23 MR. NISHIKAWA: Yeah. I -- I -- I think
24 Department of Water Supply would not allow that to
25 happen.

1 VICE-CHAIR HOKAMA: Okay. I'm just trying to
2 understand the limitations of the system to provide your
3 needs should your -- your initial endeavor not be able
4 to provide you with the outcome you're anticipating.

5 MR. NISHIKAWA: Uh-huh.

6 VICE-CHAIR HOKAMA: Thank you very much,
7 gentlemen.

8 Thank you, Chairman.

9 CHAIR MATEO: Thank you, Mr. Hokama. Ms.
10 Anderson?

11 COUNCILMEMBER ANDERSON: Mr. Nishikawa, while
12 you're here, you might be the best to answer this
13 question.

14 MR. NISHIKAWA: Uh-huh.

15 COUNCILMEMBER ANDERSON: And I agree with you,
16 the Water Department is not gonna let you use those
17 three meters --

18 MR. NISHIKAWA: Uh-huh.

19 COUNCILMEMBER ANDERSON: -- for more than
20 three residences. And based on the size, I'm assuming
21 they're ag water meters.

22 MR. NISHIKAWA: Yeah. It's a --

23 COUNCILMEMBER ANDERSON: (Inaudible).

24 MR. NISHIKAWA: One inch-and-a-half and two
25 one-inch meters.

1 COUNCILMEMBER ANDERSON: Right. So and --
2 and, you know, if you were to try to pump more water
3 from those meters, then, basically, you're jumping the
4 line against everybody that's on the waiting list, to
5 use water Upcountry, to subdivide for their families.
6 In your warranty deed, there's reference to an agreement
7 as amended and modified with the County of Maui Board of
8 Water Supply, in which it was agreed, among other
9 things, that the County of Maui issue final subdivision
10 approval without requiring the subdividers, the Von
11 Tempskys, to construct the required fire protection
12 improvements. So do you know -- obviously, you're gonna
13 have to put those improvements in, so --

14 MR. NISHIKAWA: That's correct.

15 COUNCILMEMBER ANDERSON: Do you know what
16 those are gonna be, what size lines and what -- what
17 gallons per minute you're gonna have to supply?

18 MR. NISHIKAWA: Yeah. We will be getting into
19 that detail once we get our -- hopefully, receive our
20 entitlements and improve -- improvements. We would be
21 working with our civil engineer to design the -- the
22 systems.

23 COUNCILMEMBER ANDERSON: But you haven't
24 anticipated the gallons per minute you need to supply
25 fire protection for 120 homes?

1 MR. NISHIKAWA: 1,000? 1,000 gallons.

2 COUNCILMEMBER ANDERSON: 1,000 gallons per
3 minute? Okay.

4 So do you -- you know, you're telling us that
5 you anticipate 2,900-foot depth for the well. So you,
6 obviously, have done some research to see where the lens
7 is and all that.

8 MR. NISHIKAWA: Uh-huh.

9 COUNCILMEMBER ANDERSON: So what is your
10 anticipated draw?

11 MR. NISHIKAWA: We're anticipating a million
12 gallons a day.

13 COUNCILMEMBER ANDERSON: A million gallons,
14 more or less?

15 And how much do you need for this project and
16 the Kula Mauka project combined?

17 MR. NISHIKAWA: Depending on which department
18 you ask, it varies. But we're approximating the daily
19 demand at about 150,000 gallons per day.

20 COUNCILMEMBER ANDERSON: Okay. Thank you.
21 Thank you, Chairman.

22 CHAIR MATEO: Thank you, Ms. Anderson.
23 Members, additional questions? Seeing none, thank you
24 very much, gentlemen. Members, we go back to my
25 statements from my opening statement early on. What's

1 before us this afternoon are three resolutions. This
2 Committee has had the opportunity of listening to and
3 questioning the various County departments relative to
4 their review and comments on the project. We've had the
5 opportunity to not only receive PowerPoint presentation
6 of the project, but we also had opportunity to ask
7 questions for clarification purposes of both the
8 applicant and his consultant.

9 Members, at this particular point in time, are
10 there any additional questions relative to the 201H
11 project, an application that is before this Committee?

12 COUNCILMEMBER PONTANILLA: Chair?

13 CHAIR MATEO: Mr. -- Mr. Pontanilla?

14 COUNCILMEMBER PONTANILLA: Yeah. Before you
15 make your recommendation, I just like to go over the
16 exemptions. And I understand that there's one exemption
17 that the applicant is gonna remove? I just want --
18 wanted clarification on that.

19 CHAIR MATEO: Mr. -- Mr. Pontanilla, that
20 exemption, it would be that the consultant reference
21 would be under Item G. And I would like Mr. Munekiyo to
22 please clarify whether we have the correct exemption or
23 not, and that is in reference to the spacing of the
24 individual wastewater systems. Mr. Munekiyo, was that
25 the item?

1 MR. MUNEKIYO: That's correct. And you may
2 recall, Mr. Chair, at the last meeting, we also
3 indicated that we would be willing to have exemption B1
4 deleted as well. And that refers to the Chapter 14.12,
5 water availability. I think there was some concern
6 about that. So Mr. Nishikawa has agreed to have that
7 exemption deleted as well.

8 CHAIR MATEO: Thank you. So, again, Mr.
9 Pontanilla, to respond to your query, we're looking at
10 -- they're receptive to removing B1 as well as G in its
11 entirety.

12 Additional questions, Members? Ms. Anderson?

13 COUNCILMEMBER ANDERSON: Yeah. I just want to
14 make it clear, Mr. Chair, that somebody said at the last
15 meeting that, you know, we have to accept this as is,
16 turn it up or down. I think it was a testifier from
17 Kula.

18 CHAIR MATEO: Okay.

19 COUNCILMEMBER ANDERSON: But the Legislature
20 made an amendment to 201H.

21 CHAIR MATEO: Correct.

22 COUNCILMEMBER ANDERSON: 31. And I just wanna
23 make that clear, that we can make modifications to this
24 project and the exemptions. Correct?

25 CHAIR MATEO: Correct. That is why we're

1 looking at three resolutions.

2 COUNCILMEMBER ANDERSON: Okay.

3 CHAIR MATEO: One is to approve; one is to
4 approve with modifications; and one is to disapprove.

5 COUNCILMEMBER ANDERSON: Okay. So if we
6 wanted to make any changes to any of these exemptions,
7 we would do that after we've heard your recommendation?

8 CHAIR MATEO: Correct.

9 COUNCILMEMBER ANDERSON: Thank you, Chairman.

10 CHAIR MATEO: Members, additional questions?
11 Hearing none, Members, the Chair is ready for his
12 recommendation.

13 COUNCIL MEMBERS: Recommendation.

14 CHAIR MATEO: Thank you. And I will preface
15 it by saying that we all support the need for affordable
16 housing to meet the needs of so many of our island
17 families. For so many years, we have been waiting
18 anxiously for these affordable units to materialize.

19 The Kula Ridge project, this 201H project, has
20 really been a difficult project to review. Water and
21 its availability, its access, its development and its
22 cost still needs to be addressed. Traffic concerns,
23 sewage issues, sidewalks, park requirements, homeowner
24 association fees, and the issues raised by Planning
25 Department all contributed to a very difficult

1 evaluation of this project.

2 I do not believe this project is ready to move
3 forward. It is the Chair's very difficult decision to
4 recommend to this Committee that we disapprove the
5 proposed project and adopt the resolution entitled
6 Disapproving the Kula Ridge Residential Workforce
7 Subdivision -- Housing Subdivision, Pursuant to Section
8 201H-38, Hawaii Revised Statutes, and that -- and we
9 file the other two attached resolutions.

10 Members, that is my recommendation. Any
11 discussion?

12 COUNCILMEMBER ANDERSON: So moved.

13 VICE-CHAIR HOKAMA: Second.

14 CHAIR MATEO: It's being moved by Ms.
15 Anderson, second by Mr. Hokama.

16 Ms. Anderson, any additional discussion?

17 COUNCILMEMBER ANDERSON: I think you pretty
18 much covered it, Mr. Chairman. You know, we all want
19 affordable housing, but we want housing that is
20 deserving of our community. And I'm sorry, but this is
21 just too much crammed too close together. I don't think
22 it's an appropriate density, and especially for the
23 area. If this was in an area -- another area -- I mean,
24 I lived in this -- close to this area, traveled this
25 roadway on a daily basis for 16, 17 years. I'm very

1 familiar with it. And I -- I just feel that it would be
2 a real detriment to the community to put this amount of
3 density right above Haleakala School, right above the
4 Kula Catholic Church, which is a landmark, without the
5 opportunity to expand that roadway. So I -- I'm really
6 sorry that this doesn't seem to be a viable way of
7 implementing an affordable housing project.

8 For Mr. Nishikawa, I wish that there was a way
9 to spread this out and put it in a area that is more
10 conducive to this much growth in one small area.

11 So there's a lot of unanswered questions for
12 me on this. And I would hope that this might be a
13 lesson to other people who are using this fast track
14 process, that they should get their project fully
15 vetted. Don't say, you know, we have a verbal agreement
16 or we're thinking, it's our intent, to drill another
17 well. These are all things that should be worked out in
18 some kind of final understanding before it comes to the
19 Council. Because you're asking us to make a decision on
20 a lot of unknowns. And there's always impact to
21 development, especially in a low density area. And I,
22 for one, would not want to put this kind of growth spurt
23 in that area and impact the long-term residents of Kula.

24 So, I'm sorry, but I'll be supporting your
25 recommendation.

1 CHAIR MATEO: Thank you, Ms. Anderson.
2 Members, additional comments? Before -- before the
3 Chair calls for the vote, the Chair would also like to
4 be sure that the Department is cognizant of the fact
5 that the 201H process is a very complex one for us to go
6 through, especially right now, with 45 days. The
7 Department needs to be -- to be sure that the
8 applications that be forwarded to us does in fact
9 address the major questions of water, traffic or sewer,
10 et cetera, that really needs to be addressed in -- in
11 our reviewing process.

12 Ms. -- Ms. Baisa, go ahead.

13 COUNCILMEMBER BAISA: Thank you very much,
14 Chair.

15 I, too, like my colleague, Ms. Anderson --
16 this is hard. Like you said, all of us, all of us
17 really want affordable housing. And we know how badly
18 it's needed. But, unfortunately, there are these many
19 unanswered questions. And it would be so nice if we
20 could have maybe worked out a little bit more with the
21 community that's affected. And, unfortunately, I will
22 be supporting your recommendation. With a great deal of
23 angst, but I will support it.

24 CHAIR MATEO: Thank you, Ms. Baisa. Members,
25 additional comments? Mr. Pontanilla, followed by Ms.

1 Johnson.

2 COUNCILMEMBER PONTANILLA: Thank you,
3 Chairman. I know it was a difficult decision for you to
4 make that recommendation. Because I also had some
5 difficult times when I was the chairman for the
6 particular committee.

7 Yesterday, we had a meeting in regards to
8 HSAC. And, you know, we still gonna be moving that
9 amendment to extend the 45 days, hopefully, to 90 days.
10 I know we came close last legislature hearings. So I'm
11 very confident that, going forward, with new deputy, as
12 well as director, that the 90 days would be something
13 that will be considered for the -- during the next
14 legislature.

15 Thank you.

16 CHAIR MATEO: Thank you, Mr. Pontanilla. Ms.
17 Johnson?

18 COUNCILMEMBER JOHNSON: I -- I think this --
19 you know, we don't wanna send the wrong message to
20 people that are doing 201G or H projects. And I think
21 the whole reason for my research and many years on the
22 Council has always been that these -- these developments
23 pencil out best when you have a nonprofit that's
24 actually moving them forward, and they're 100 percent
25 affordable, and you have all these different

1 contributions being made by State and Federal and
2 nonprofits and, you know, other entities that bring a
3 lot of capital to them. And they generally have a lot
4 of community support.

5 Unfortunately, this -- it didn't have that
6 kind of, you know, enthusiasm. It -- it -- it's just
7 not a typical kind of project in a typical type of area.

8 And I -- I really don't want to discourage Mr.
9 Nishikawa, or other people, from, you know, what we're
10 always asking for, which is bring us affordable housing
11 projects that we can support. But because I think this
12 has kind of languished on, also, and the circumstances
13 when this first was being considered, at least from a
14 financial perspective, is so different from what it is
15 now. If any component of this were to go awry, my
16 biggest fear is that the people whose -- you know, who
17 are the targets for these kind of units may not even be
18 able to qualify for the very thing that's being built
19 ostensibly in their benefit, or for their benefit. So I
20 -- I -- I look at this as kind of like when you look at
21 a cake -- and if you're a baker, you put it in the oven
22 and, you know, you -- you bake it and you hope that it
23 comes out and it's all done and, you know, the center
24 isn't soft. But I always take that little toothpick and
25 I put it in. And sometimes the cake doesn't ever come

1 back the way that it was supposed to be, and it goes a
2 little flat. I think that, that, to me, is kind of
3 where this is at right now. It's just not -- either
4 it's not ready to be taken out of the oven or maybe it's
5 a cake that just will not make it onto the dinner table.

6 And, unfortunately, sometimes the best plans
7 and the best intentions don't go the way that we expect
8 them to do. And -- and I feel badly because I know that
9 this has been a very laborious project. And I would
10 love to support it. But for all the reasons mentioned
11 -- as well as I kind of put the toothpick in there and
12 the cake isn't done. So I reluctantly will have to vote
13 no on this project. I think it was done with the best
14 of intentions, but, perhaps, not in the right area. And
15 maybe with the developments that have happened over
16 time, maybe this just was not meant to be.

17 Thank you very much.

18 CHAIR MATEO: Thank you, Ms. Johnson.

19 Members, additional comments? Mr. Medeiros?

20 COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

21 And, you know, I, too, join my colleague, Member
22 Pontanilla, in saying that it is a difficult
23 recommendation for you, being someone that really is
24 trying to get more affordable housing units in our
25 inventory. So it is difficult to make that

1 recommendation.

2 I would like to say, and that, you know, I
3 will support your recommendation with reluctance in that
4 not seeing this affordable housing project come to
5 fruition. And -- but I would like to say that the
6 developer, Mr. Nishikawa, seems to be a very honest and
7 responsible person that had very good intentions to
8 bring this forward. I hope this vote doesn't discourage
9 him to look at other projects that he may bring forward
10 for us to review, because we do need affordable housing
11 units in our inventory.

12 And I -- I would also like to add that, you
13 know, I've always been impressed with the consultant,
14 Munekiyo and Hiraga, for the way they present the
15 information to us and the way they can answer it with
16 such professionalism.

17 So in -- in short, you know, it's sad that we
18 can't find enough merits in -- in this project to
19 approve it, but I -- I think we have to look at what may
20 be the impact of a project like this as it's designed on
21 the surrounding community.

22 So once again, I would encourage Mr. Nishikawa
23 not to give up his efforts to provide affordable housing
24 projects. And I know that, you know, in him -- for him
25 to find investors to invest in projects like this is

1 another challenging factor in -- in trying to do these
2 projects.

3 So I will be supporting your recommendation,
4 Mr. Chair. Mahalo.

5 CHAIR MATEO: Thank you, Mr. Medeiros.
6 Members, additional comments or discussion? Hearing
7 none, Members, we'll call for the question. All those
8 in favor of the motion, signify by saying "aye."

9 COUNCIL MEMBERS: Aye.

10 CHAIR MATEO: Those opposed?

11 (Silence.)

12 CHAIR MATEO: Motion is carried. Seven ayes;
13 two excused, Mr. Molina and Mr. Victorino.

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1 VOTE: AYES: Councilmembers Anderson, Baisa,
2 Johnson, Medeiros, Pontanilla,
3 Vice-Chair Hokama, and Chair Mateo.
4 NOES: None.
5 ABSTAIN: None.
6 ABSENT: None.
7 EXC.: Councilmembers Molina and Victorino.

8 MOTION CARRIED

9 ACTION: Recommending ADOPTION of resolution
10 entitled, "DISAPPROVING THE KULA
11 RIDGE RESIDENTIAL WORKFORCE HOUSING
12 SUBDIVISION PURSUANT TO SECTION
13 201H-38, HAWAII REVISED STATUTES,"
14 FILING of resolution entitled
15 "APPROVING THE KULA RIDGE
16 RESIDENTIAL WORKFORCE HOUSING
17 SUBDIVISION PURSUANT TO SECTION
18 201H-38, HAWAII REVISED STATUTES,"
19 and FILING of resolution entitled
20 "APPROVING WITH MODIFICATION THE
21 KULA RIDGE RESIDENTIAL WORKFORCE
22 HOUSING SUBDIVISION PURSUANT TO
23 SECTION 201H-38, HAWAII REVISED
24 STATUTES."

25 CHAIR MATEO: Members, are there any

1 announcements at this time?

2 Hearing none, the Chair would just like to
3 extend a very happy birthday wish to my wife Clarissa.
4 Today is her birthday.

5 Any additional comments or announcements,
6 Members?

7 Hearing none, Members, the Policy Committee
8 meeting for October 21st, 2008 is now
9 adjourned....(gavel)...

10 ADJOURN: 4:41 p.m.

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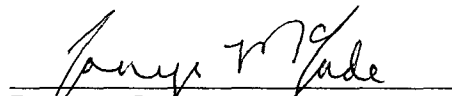
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CERTIFICATE

I, TONYA MCDADE, a Certified Shorthand Reporter of the State of Hawaii, do hereby certify that the electronically-recorded proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; that the foregoing represents, to the best of my ability, a true and accurate transcript of the electronically-recorded proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 18 day of NOVEMBER, 2008.



Tonya McDate
Hawaii Certified Shorthand Reporter #447
Registered Professional Reporter
Certified Realtime Reporter
Certified Broadcast Reporter