

PLANNING AND SUSTAINABLE LAND USE COMMITTEE

Council of the County of Maui

MINUTES

March 13, 2019

Council Chamber, 8th Floor

CONVENE: 9:03 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Tamara Paltin, Chair
Councilmember Shane M. Sinenci, Vice-Chair
Councilmember Kelly T. King (out 11:01 a.m.)
Councilmember Alice L. Lee
Councilmember Michael J. Molina
Councilmember Keani N.W. Rawlins-Fernandez
Councilmember Yuki Lei K. Sugimura

STAFF: James Krueger, Legislative Analyst
Clarita Balala, Committee Secretary

Angela Lucero, Executive Assistant to Councilmember Tamara Paltin

Zhantell Lindo, Council Aide, Molokai Council Office (via telephone conference bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

Mavis Oliveira-Medeiros, Council Aide, Hana Council Office (via telephone conference bridge)

Seated in the gallery:

Christy Chung, Legislative Analyst

Alison Nicole Stewart, Legislative Analyst

Don Atay, Executive Assistant to Councilmember Shane M. Sinenci

ADMIN.: Michael J. Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

Michele McLean, Director, Department of Planning

Kurt Wollenhaupt, Planner, Department of Planning

Valeriano Martin, Assistant Fire Chief, Department of Fire and Public Safety

Shawn Mida, Police Officer, Department of Police

Nolly Yagin, Civil Engineer, Department of Public Works

Seated in the gallery:

John Buck, Deputy Director, Department of Parks and Recreation

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Shayne Agawa, Deputy Director, Department of
Environmental Management
Clyde "Buddy" Almeida, Housing Administrator, Department
of Housing and Human Concerns
Richelle Thomson, Deputy Corporation Counsel, Department
of the Corporation Counsel
Alexander de Roode, Planner, Department of Water Supply

OTHERS: Michael Takehara
Barry Helle
Justine Volk, Treasurer, Waikapu Community Association
Kimokeo Kapahulehua
Travis Polido, President, Waikapu Community Association
Dick Mayer
Albert Perez, Executive Director, Maui Tomorrow
Stan Franco
Zandra Amaral Crouse
(12) additional attendees

Michael Atherton, Waikapu Properties, LLC
Albert Boyce, Waikapu Properties, LLC
Michael Summers, President, Planning Consultants Hawaii, LLC
Paul Mancini, Esq., Mancini Welch & Geiger
Hokuao Pellegrino, Cultural Specialist
Netai Basu, Traffic Engineer, Fehr & Peers
Bill Mitchell, Hawaii Land Design
Reid Kawabata, Community Outreach and Involvement
Stacy Otomo, Civil Engineer, Otomo Engineering
Zoltan Milaskey, Mana Water, LLC
Steve Parabolicoli, Mana Water, LLC
Robert Hobdy, Environmental Consultant
Daniel Lum, Water Resource Associates

PRESS: Akaku: Maui Community Television, Inc.

CHAIR PALTIN: ...*(gavel)*... Good morning, everyone. The time is 9:03, March 13th, Wednesday. The Planning and Sustainable Land Use Committee will come to order. I'd like to at this time ask everyone if they can silence their cell phones and noisemaking devices. My name is Tamara Paltin, I'm the Chair of the Planning and Sustainable Land Use Committee. And I'd like to introduce my Vice-Chair, Councilmember Shane Sinenci. Aloha.

VICE-CHAIR SINENCI: Aloha.

CHAIR PALTIN: We have Committee Member Mike Molina.

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COUNCILMEMBER MOLINA: Good morning, Madam Chair.

CHAIR PALTIN: Good morning. Committee Member Alice Lee.

COUNCILMEMBER LEE: Good morning, Chair.

CHAIR PALTIN: Good morning. Council Vice-Chair Keani Rawlins-Fernandez.

COUNCILMEMBER RAWLINS-FERNANDEZ: Aloha kakahiaka, Chair.

CHAIR PALTIN: Aloha kakahiaka. And we have Council Chair Kelly King.

COUNCILMEMBER KING: Aloha, good morning.

CHAIR PALTIN: Aloha, good morning. And Committee Member Yuki Lei Sugimura.

COUNCILMEMBER SUGIMURA: Good morning, Chair.

CHAIR PALTIN: Good morning. Today, we have with us Corporation, Deputy Corporation Counsel Michael Hopper.

MR. HOPPER: Good morning.

CHAIR PALTIN: Department of Planning Director Michele McLean.

MS. MCLEAN: Aloha. Good morning, Chair.

CHAIR PALTIN: Good morning. We also have with us Planner Kurt Wollenhaupt.

MR. WOLLENHAUPT: Good morning, Chair.

CHAIR PALTIN: From the Department of Environmental Management, we have Deputy Director Shayne Agawa; from the Department of Housing and Human Concerns, we have Housing Administrator Buddy Almeida; and from the Department of Parks and Recreation, we have Deputy Director John Buck and Robert Halvorson, Chief of Planning and Development Division; from the Department of Public Works, we have Nolly Yagin; Department of Water Supply, we have two Planners, Robert De Robles and Alexander de Roode; and from the Department of Fire and Public Safety, we have Val Martin; and from the Department of Police, Miguel Munoz and John Kalama. Other resources today, we have Michael Atherton of Waikapu Properties, LLC.

MR. ATHERTON: Good morning, Chair.

CHAIR PALTIN: Good morning. Albert Boyce of Waikapu Properties; Michael J. Summers of Planning Consultants Hawaii; Bill Mitchell of Hawaii Land Design; Paul Mancini of Mancini Welch & Geiger; Reid Kawabata; Stacy Otomo of Otomo Engineering; Netai Basu, Fehr & Peers; Zoltan Milaskey, Mana Water, LLC; Steve Parabicoli, Mana Water,

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LLC; Lisa Rotunno-Hazuka, Archaeological Services Hawaii; Hokuao Pellegrino, Hana Pono; Robert Hobdy; and Daniel Lum, Water Resource Associates. And for Committee Staff today, we have Ms. Clarita Balala, our Secretary; James Krueger, our Legislative Analyst; and Angela Lucero. On District Staff, we have Zhanell Lindo at the Molokai Office; Denise Fernandez at the Lanai Office; and Mavis Oliveira-Medeiros from the Hana Office. So, at this time, I'd like to begin public testimony. For individuals testifying in the Chamber, please sign up at the desk just outside the Chamber door. If testifying from one of the remote testimony sites, please sign up with the District Office Staff. Pursuant to the Rules of the Council, each testifier will be allowed to testify for up to three minutes per item. When testifying, please state your name and the name of any organization you may be representing. If you are a paid lobbyist, please inform the Committee. We have established a connection to the Council District Offices. Molokai Office, do you have anyone wishing to testify at this time?

. . . BEGIN PUBLIC TESTIMONY. . .

MS. LINDO: Aloha, Chair. This is Zhan at the Molokai District Office, there is no one here to testify.

CHAIR PALTIN: Thank you. Hana Office, is there anyone wishing to testify at this time?

MS. OLIVEIRA-MEDEIROS: Aloha, Chair. This is Mavis from the Hana Office and there's no one here waiting to testify.

CHAIR PALTIN: Thank you. Lanai Office, do you have anyone wishing to testify at this time?

MS. FERNANDEZ: Good morning, Chair. This is Denise Fernandez at the Lanai Office and there is no one waiting to testify.

CHAIR PALTIN: Thank you. So, I'll open it up to testimony in the Chambers. The first testifier signed up on our agenda item PSLU-30 is Michael Takehara to be followed by Barry Helle.

MR. TAKEHARA: Good morning. My name is Mike Takehara and I come from Stable Camp in Wailuku, and I'm the original descendent that my family came here in the 1860s, started to work in Wailuku Sugar via Waikapu. And I come here in support of this wonderful, I call it the rebirth of plantation. And for one, I love the giving part. Plantation people where I come from, my cool Stable Camp, we're very giving. And Mr. Atherton has shown good aloha by giving back about a thousand acres of agriculture. And for me too, the identity of the area, for me I'm Stable Camp, Wailuku. And Waikapu, they keep the same name, the Waikapu Town so that's very respectful for me. And number three is me, I grew up with plantation cane fields, and now the future generation will be able to go down to the ag fields and not have maybe cane but diversification by maybe kalo, banana, coconut. And for me it's a crossing over. I have never been to the mainland and all my life I live plantation and I'll take you guys back from where I come from. And I grew up in Stable Camp, Wailuku and as a little

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boy I would go with my bicycle and my friends and we would go to Waikapu and our journey starts like this. We come from Stable Camp, we go up Mokuahau and then from Mokuahau we cross by Mr. Carvalho's pig pen and then we would walk in through the hau fields up in Mokuahau. We would carry our bicycles across the Iao Stream and over there there's a place called Kamani Forest and if you don't know Kamani Forest, you really not from that area. This is an area where all the plantation kids would play and gather nuts and eat the seeds, and there's a little spring over there. And then from there we walk up mauka and there's a swinging bridge over there that no longer is there, that's the only swinging bridge on Iao Valley, and there's a little family, his name was Mr. Eckhart and we have to be very careful when we pass that swinging bridge because he has a lot of dogs. Then from there we walk up and we go up. And I just want to say in closing that if we don't perpetuate this kind of life, you know, people like me will die. And for me it's an honor to come here and like I said, I'm the only one from my family that would speak. And there's nobody would. That's how we instill in plantation, do not speak, but I thought this project is the circle of life...and I sorry, I gotta cut 'em short. But yeah, my name is Mike and I'm come from plantation and wish you guys all support this. And this is the wave of change from the old way where it started 1860s to now the present. And this is --

CHAIR PALTIN: Thank you.

MR. TAKEHARA: --the new way of plantation. Thank you. God bless you guys.

CHAIR PALTIN: Thank you.

MR. TAKEHARA: That was fast.

CHAIR PALTIN: Members, any questions for the testifier? Seeing none, thank you for coming down.

MR. TAKEHARA: Mahalo.

CHAIR PALTIN: Next up we have Barry Helle talking on PSLU-30 to be followed by Justine Volk.

MR. HELLE: Good morning. My name is Barry Helle. I'm a resident of Waikapu and I just wanted to come today and support this project as a resident of Waikapu. I've lived on Maui for over 50 years and 42 of it in Waikapu proper. The last 28 years I've been a resident on Wilikona Place. When this project was first proposed, I think like a lot of people I was skeptical, but I followed it in the news and I've discovered Mr. Atherton's website, the Waikapu.com which is just a treasure trove of information on this project, from the EIS and all the documents, the conceptual plans and such. And over the years I've studied it, I've followed the progress through to where he's got to today. And I gotta admit that I went from initially somebody who was skeptical to someone who's very supportive. We all know we need housing on this island for our local residents, affordable housing on the island for our local residents, and this is...it'd be easy for me to stand here today and just say I support it for that reason alone. But it...even more

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so I support it because of the quality of this project. I mean you look at what is all involved in here with the, you know, the rural lots and the single-family and the affordable housing and the commercial and the school site and the parks and the open space and, you know, the sidewalks, the walking, you know, the bike paths and everything. This is really a self-contained community and it's, you can tell that, you know, going through all these documents that it's a very well-thought-out master planned community and it's self-contained. Not only do you have all these, you know, elements of it but it has its own water source so it's not going to be a burden on the County's water. He's developed his well system that will provide enough water, more than enough for this project. The wastewater treatment facility will handle all of the wastewater for this project and possibly other development in the area. So, I think Michael talked about the giving and I think other speakers are going to talk about the giving of Mr. Atherton in this project. So, I think it's quality, I think it's what we need, and I just wanted to come today and let you know that there is a resident of Waikapu that is not concerned about, you know, not in my backyard. I think I want this in my backyard, I think it's the right thing for Maui as a whole. I think it's going to be good for Waikapu. I want to commend Mr. Atherton for all of his years of persevering for this project. I never met him until about three weeks ago and I had the chance to sit down and talk to him and hear his story and everything, and I just give him credit. I think he's developed something that we need. It's a real quality project and I just ask for your support for it. But again, this is one resident that is not concerned about not in my backyard. Thank you.

CHAIR PALTIN: Thank you, Mr. Helle. Members, any questions for the testifier?

MR. HELLE: Thank you.

CHAIR PALTIN: Seeing none, thank you. Next we have Justine Volk who's testifying on behalf of herself as well as Waikapu Community Association, and her title in that organization is the Treasurer. Ms. Volk will be followed by Kimokeo Kapahulehua.

MS. VOLK: Good morning.

CHAIR PALTIN: Good morning.

MS. VOLK: Aloha, my name is Justine Volk and I am on the Board of the Community Association of Waikapu as well as mostly here today I'm here as a resident of Waikapu. And like most of us here we have seen and heard about this proposed community for about a dozen years now and seen the details evolve over time with feedback of the community. And over the past few years at general public meetings as well as many community meetings throughout the island, we've heard this community and Mr. Atherton mentioned as with praise about the way thoughtful communities should be created and mentioned that this is the new standard of how communities really should be created. And I believe it's important to acknowledge that this particular set of circumstances is rare, a landowner who lives in our community and is our neighbor, who has been in conversation with the community for a decade and a half now on how to create something everyone can enjoy now and into the future, and

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who has the experience in construction and the wisdom to bring in very reputable consultants on their specific strengths. And he has a passion for the land and for preserving its beauty. And he also has the generosity to give much more green space, lands, and funds than is required to create a predominantly self-sufficient and sustainable, walkable, and enjoyable community. And the details of this community really are a result of a decade and a half of meetings, conversations, and planning. And it really is a very rare set of circumstances. And I just, I know personally just attending these meetings for a dozen or more years now, just seeing the passion and the perseverance to really see this through and I just think it's so rare that we have the opportunity to see this in our community and to see this kind of community be created on Maui County. I just think it's an amazing opportunity. So, really in summary I just feel when it comes to creating a community it doesn't get much better, and if not now, when? And as a resident of Waikapu I know I would love to see this, to hear what people have had to say that they want to see this happen. I just beg of you to let it happen. Thank you.

CHAIR PALTIN: Thank you, Ms. Volk. Members, any questions for the testifier? Seeing none, thank you. Next up we have Kimokeo Kapahulehua to be followed by Travis Polido.

MR. KAPAHULEHUA: Aloha. Good morning, Chair and Councilmembers. My name is Kimokeo Kapahulehua. I'd like to speak in behalf as an individual of this project, Waikapu Country Development. I met Mike Atherton more than ten years ago and he asked me hey, Kimokeo, can you grow taro right here? I said yeah, I can grow taro but I have a better guy than me and so he grew the taro, and he said can the guy grow more taro? I said, Coach, you know, you gotta pay the infrastructure, we keep the fruit and we're going to eat it and we're going to sell it, we only going do that. He said okay. And then we went from that couple acres, 60 acres on the top of the mountain and now we have a guy named Bobby Pahia that's growing more than 300 acres of kalo and banana and pohole, uala which is the canoe food. And the recent development with that, through the help of Francis Sinenci in Hana, we're able to get hundreds and hundreds of coconut trees and now growing 6,000 coconut trees at Waikapu Tropical Plantation for the bees. And so that's being done with the farmers back there. This just one of the stories that he and I had together. Secondly, and he was telling me that, you know, I have a problem with this guys and they're not calling me back and I said really, my friend not calling you back? His name is Scott Fisher. Well, let me go down his office and let me get a hold of him. So, I got a hold of Scott and told Scott that he said that you cannot get a hold of him and you cannot get a hold of him, but I going arrange the meeting tomorrow, I want both of you guys to do. So, the meeting went on in Hawaiian Island Land Trust and then today we have I think approximately 850 acres or more that is in final agreement with Hawaiian Island Land Trust for the farm conservation across there. And just bear in my mind that, I'm pretty sure you all know the qualifications to have such an agriculture easement and how he's going to keep it in perpetuity. And basically, he has to make sure that he has the farmers with a long-term lease and be able to provide them water that you might say cost less or else they going go out of business if it costs more. And so that's been worked out with the farmers I think, I don't have any black and white with me

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but I do know that the farmers received a lease from him for 30 years plus and be able to work out the water division. Then secondly, just recently I say hey, you got that thing, DOE school in there, you know, and he said yeah, we have to, part of the agreement is to do something with DOE. I said well, I'd like to ask you, Coach, that I'm interested in Kimokeo Foundation to do a Hawaiian school. So, I know my time is up so in there he has a plan for five acres given to Kimokeo Foundation for a Hawaiian immersion school. Waikapu Country Development I ask you to support this of all the good things that he's done before this and the things that he's going to do when he does ever start building, but more so you gotta find an individual like this or developers like this to believe in what's happening and he's going to live it out to make sure that he get it done. And he's had a lot of patience, spent a lot of money, so I ask you to support Waikapu Country Development. Mahalo.

CHAIR PALTIN: Thank you. Members, questions for the testifier? I had a question.

MR. KAPAHULEHUA: Go ahead.

CHAIR PALTIN: Is the immersion school through Kula Kaiapuni or Punana Leo or...

MR. KAPAHULEHUA: We're working with Punana Leo. I couldn't use the name as I have not the permission yet, but we have been working originally with Punana Leo and we, Kimokeo Foundation is want to get the land fee simple and build the building and turn it over to them. So, we're not land barons and we just want to make sure that to Kimokeo Foundation to preserve, perpetuate, educate Hawaiian culture is to come in and get the land and the building for our immersion schools on Maui.

CHAIR PALTIN: Thank you.

MR. KAPAHULEHUA: Thank you and we're working on Lahaina also. Not because you're there but we do have a land out there that's been honored to us, and we're also working on Lanai and Molokai. Thank you. Aloha.

CHAIR PALTIN: Awesome. Mahalo.

MR. KAPAHULEHUA: Mahalo.

CHAIR PALTIN: Next up we have Travis Polido and he's testifying on behalf of himself although he is also the President of the Waikapu Community Association, and he will be followed by Dick Mayer.

MR. POLIDO: Good morning, Chair and Councilmembers. My name is Travis Polido, I am the President of the Waikapu Community Association. I'm testifying on myself. I'd like to start off by saying that I am for this project for a few reasons. One, Mr. Atherton has attended, met, and listened to the community at almost every community meeting that has been held, and made changes to his plans based on the community's input that was given to the best of his ability to make the community happy. Two, Mr. Atherton has the infrastructure down where the proposed

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development is going to have a wastewater treatment facility, solar farm to power its own community, and a school to relieve some of the congested...congestion that we currently have. With this being said, I think Mr. Atherton is being proactive and not reactive. I truly believe that Mr. Atherton has set the bar really high on this proposed project, and I feel that the County should make every other development follow these standards, to have the infrastructure in place for that proposed development, as well as truly listening to the community and not just being a check in a box. Thank you.

CHAIR PALTIN: Thank you. Members, any questions for the testifier? Seeing none, thank you, Mr. Polido.

MR. POLIDO: Thank you.

CHAIR PALTIN: Next up we have Dick Mayer to be followed by Albert Perez.

MR. MAYER: Chair Paltin, Members. As many of you may know, over the years I've often come before the Council and spoke out against various projects for whatever the reason, whether they're too close to the ocean, too big, too small, whatever, traffic, schools, all kinds of issues. In this case I'm very pleased to be able to come to you and say this is a very good project. The history of it goes back, in my recollection back to the GPAC days when we were...the General Plan Advisory Committee got this proposal in 2007 and we went through the whole process. Finally, in 2012, the Council adopted the Maui Island Plan and included this area within the urban growth boundary, and I think that's the first indication that this is the right location for urbanization to take place. Secondly, I want to say that in reading through the document that you have in front of you that you'll be approving, the Planning Department has put together an excellent document with many conditions on this project, many more than most projects get and very substantial conditions on water, on roads, on schools, and et cetera, et cetera. All the sort of points are covered very, very well and I think you'll find it much easier to review this project going through those conditions. One thing about the conditions though, the first few of them, transportation and a few others indicate who would enforce that condition. As you go through them, you may want to look at the rest of them and say who it is that's supposed to enforce it, that condition. Is it the, a particular County department, a State agency, the developer himself, et cetera. And I think that's important to make sure that those conditions are in fact followed over the years. One of the things that's often come up when projects come before you is the question of water. You have the "Show Me the Water" Bill, it's been controversial over the years. In this particular case, the developer has gone ahead and developed six wells on his property, has gone ahead and taken...made sure that there is water, that he will not be dependent on the County water supply, that he'll be able to supply the water to this project, and I think that's a major plus in considering a project of this kind and this scale. He's also indicated that he's willing to conserve agricultural land and make sure it stays there in perpetuity, and I think that's a very big plus. We do not see that elsewhere. I have one major concern though and that is traffic. This project is next to several other big, big, big projects on Maui; Kehalani, Maui Lani, and the huge A&B Waiale project with 2,500-plus units. I would urge you to...and it's mentioned in there, but I want you to

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look at that particular point carefully. I would like to have them pay their fair share of a plan for Central Maui's traffic in and around that area; Waiko Road, Waiale, et cetera. You've asked them to dedicate land for the extension of Waiale Road, it should be...the burden should also be on A&B and the other big developers altogether there, and I counted it up and you'll have it on this green sheet of paper that I have in front of you, 7,000 units in that area. We need to get traffic. And the second thing, they should...and I'll just finish, conclude this last thing, there should be a fair-share proportion for each of those other developers and this project to construct a lot of the intersections that will be needed. Thank you very much.

CHAIR PALTIN: Thank you. Members, any questions for the testifier? Seeing none, thank you, Mr. Mayer.

MR. MAYER: Thank you.

CHAIR PALTIN: Next up we have Mr. Albert Perez and he's testifying on behalf of Maui Tomorrow. He's a registered lobbyist for the organization and his title is Executive Director. Mr. Perez will be followed by Mr. Stan Franco. And all testimony should be on PSLU-30, although...were you testifying on PSLU-30?

MR. PEREZ: The Atherton project.

CHAIR PALTIN: Okay. You had 13 on your paper but yeah.

MR. PEREZ: Oh, sorry.

CHAIR PALTIN: So, it's 30, PSLU-30.

MR. PEREZ: Good morning, Chair --

CHAIR PALTIN: Good morning.

MR. PEREZ: --and Members. Nice to see all of you folks. This is an unusual project in that Maui Tomorrow is supporting it. Mr. Atherton has been sort of exemplary in his willingness to work with the community and to change his plans based on our input. This happened before I got here, but my understanding is that agricultural conservation easement is something that we asked for and he complied with that request. So, we're excited to see that. I'm not sure if it's actually put into effect yet, like actually an easement yet, but that is a condition, number 16, recommended by the Planning Commission. And I think the way it's worded would make sure that that would occur before any subdivision, so we support that. The EIS for this project was also very well done. It actually disclosed impacts and discussed things. It talked about secondary impacts. Again, this is an example of how a project should be done. Handling the wastewater, my understanding is that they were not given access to the Kahului Wastewater Treatment Plant so they decided to figure it out on their own and they're providing for that capacity outside of that tsunami zone which is a good thing. No injection wells. No injection from this project. They're doing it without seeking

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exemptions through the 201H process, and the 201H process is designed to provide housing. This Council in the past has provided a lot of exemptions that have the potential to affect the quality of life and that is not happening with this project, so kudos to Mr. Atherton and his partners on this one. And I guess that kind of summarizes it. It's nice to see the agriculture already going there when you drive by. It's a windy place, they have windbreaks built up. Anyway, we support this project. I would say that it's not ideal in that there are a lot of single-family homes, and I've been criticized for supporting this project because it does contribute in some regard to sprawl but that is not the fault of Mr. Atherton. He is doing everything as far as I can see to comply with the plans that this community has made. And so we need to take that, if we want to have more dense development, we need to do that ourselves in our community plans. Thank you.

CHAIR PALTIN: Thank you. Members, any questions for this testifier? Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Thank you for being here, Mr. Perez, and for your support of the project. So, I'm just curious as to what the criticism you're getting, what they're using as the definition of sprawl? Because I've never heard of planned communities described as sprawl.

MR. PEREZ: Actually, it was just one individual who was very upset that we would be supporting a project like this. It is a big project. It is providing some, you know, it's providing the required amount of affordable housing. I don't know, really I mean you could make it more dense with multifamily homes. Single-family is not the way that we're going to preserve open space over the long term, so.

COUNCILMEMBER KING: Okay, so that's kind of what you're referring to?

MR. PEREZ: Right.

COUNCILMEMBER KING: Okay, thank you.

MR. PEREZ: Right. Thank you.

CHAIR PALTIN: Anyone have questions? No? Thank you, Mr. Perez. Next up we have Stan Franco, to be followed by Zandra Amaral Crouse.

MR. FRANCO: Good morning, Chair and Members. I'm Stan Franco and I speak for myself on this project; however, I can tell you that Mike invited FACE Maui to come and sit with him because he wanted our input. I've never had anybody, any developer do that to our organization. I think they ran away from us more than they invited us in. The thing that Mike asked us constantly was I'm planning to do this, what do you think? And I think it's the way we should be...heard others say this, well, when we had this large planned developments like this, he came to us, he called us, FACE Maui to come and meet with him. And I think there's been like five or six meetings over the years. About three years ago, four years ago that he invited us in, but there's been meetings all along. We have suggested things that are not in this plan. We wanted more

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affordable housing obviously because of who we are. But, you know, Mike has had the input, the community association, other people that he has brought in. I think as one...I think maybe I'll say this, this should be the model that we, how we plan development. The thing that I would like to ask the Council is that we might want to talk to Mike about developing affordable housing, 100 percent affordable housing in large developments and that he should consult with the County on how to do that. Because one of the problems we have on this island, we talk about small projects, but we need we know according to the State of Hawaii, 14,000 homes by 2025. How are we going to do it? Mike has done it and is doing it. He has brought people in, he has talked to people, he has followed suggestions, not all of them but some of them, and I think it was always a good discussion because he said...what did he say? This is what I'm planning to do, what do you think? Thank you.

CHAIR PALTIN: Thank you. Members, any questions for the testifier? Seeing none, thank you, Mr. Franco. Next up we have Zandra Amaral Crouse testifying on PSLU-30 on behalf of herself as an individual.

MS. CROUSE: Aloha kakahiaka koomau. Aloha. Good morning, my friends, Madam Chair, Committee Chair, Madam Council Chair. My name is Zandra Amaral Crouse. I'm testifying on the item on the agenda on behalf of myself, and I had the privilege, Monday night I believe it was, to attend the Waikapu Community Association meeting of which Mr. Atherton along with other developers presented their projects to the community association. I've often gone to the Kihei Community Association where North Kihei is suffering from development. Unlike what I heard from the Waikapu Community Association, nobody in North Kihei knows why there is bulldozers in our neighborhood. Nobody came to us. They may have gone to people out of North Kihei but nobody in North Kihei knew. In fact my neighbors asked me what is that? I don't know. But what impressed me is Mr. Atherton did not wait for things to go to the Planning Commission. He did not wait for it to start, hiring people. Him and his team went to a community where my daughter resides in Waikapu and asked them what do you think and how can I make this community better? This is what I have, what do you the people of Waikapu...and the thing about it is he did not leave it only in Waikapu, he went beyond that. He went to Wailuku because he was very cognizant that Wailuku wanted their own identity. And so he was very aware and very passionate about that. So, what he did is he donated land, open space, thousands of acres of open space. As you heard Kimokeo say, he did not wait for the approval and the permits, he gave land to the local people to plant kalo. And by the way, when you see those sunflower seeds, that's part of the Atherton project too. But this is the most comprehensive plan that I have heard where it presents affordable housing, water is an issue, he's got a dual system to take care of that, the irrigation and the portable [sic]. You have the road and the traffic issue, he has mitigated that. And I...it is hoping that all of you can see his presentation knowing and addressing all of the concerns that was put for, before Maui Tomorrow, Waikapu Community Association, and for most the people. And I humbly ask all of you to please support this project, because it is indeed a refreshing project and totally a delight, and the community supports it. Thank you. Mahalo.

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CHAIR PALTIN: Members, any questions for the testifier? Seeing none, Ms. Amaral Crouse was the last person signed up to testify in the Chamber. I'm going to just check in with our District Offices. Hana Office, Ms. Oliveira-Medeiros, do you have anyone wishing to testify at this time?

MS. OLIVEIRA-MEDEIROS: Aloha, Chair. There is no one waiting in the Hana Office to testify.

CHAIR PALTIN: Thank you. Lanai Office, Ms. Fernandez, do you have anyone wishing to testify?

MS. FERNANDEZ: No one waiting to testify at the Lanai Office.

CHAIR PALTIN: Thank you. Molokai Office, Ms. Lindo, do you have anyone wishing to testify at this time?

MS. LINDO: Aloha, Chair. No one at the Molokai District Office to testify.

CHAIR PALTIN: Thank you. Is there anyone else in the Chambers wishing to testify? Alright, seeing there are no more individuals wishing to testify, without objection, I will now close public testimony.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. Public testimony is closed.

...END OF PUBLIC TESTIMONY...

PSLU-30: WAIKAPU COUNTRY TOWN PROJECT (CC 19-95)

CHAIR PALTIN: Alright. So, this item is the Waikapu Country Town Project, PSLU-30. The Committee is in receipt of the following County Communication 19-95, from myself, relating to a new zoning district for the proposed 495.905-acre Waikapu Country Town project, Waikapu, Maui, Hawaii, including related land use entitlements. Members, in summary, what is before the Committee today is a request for a Community Plan Amendment; Amendment to Title 19 of the Maui County Code, to establish a new zoning district called the Waikapu Country Town District; and a Change in Zoning to facilitate the proposed Waikapu Country Town Project. Staff has passed out revised proposed bills. I would ask that the Committee focus on these revised versions of the bills. Please note the majority of the revisions are nonsubstantive. Revisions were made to incorporate maps into the Community Plan Amendment and Change in Zoning bills. Please note that further revisions of the conditions of zoning should be made to indicate that "applicant" should be replaced with "landowner," with the landowners identified at the top of the conditions, and to indicate that project area will be defined in the conditions to mean the approximately 495.405 acres identified in Exhibit "A" of the Change in Zoning bill. As I said before, we have Mr. Michael

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Atherton of Waikapu Properties, LLC, and Mr. Michael Summers of Planning Consultants Hawaii, LLC. Mr. Atherton can introduce his consultants for the Committee. And because of their knowledge concerning the application, the Chair will ask that Mr. Atherton and all of his consultants be designated as resource persons pursuant to Rule 18(A) of the Rules of the Council, if there are no objections.

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Okay. And, you know, because the volume of information we received, two times this amount of books, I'm...my staff and myself just barely made it through the final EIS so I don't expect that everybody has read through it completely. And if there are questions of Mr. Atherton during his presentation, you can get my attention and I'll call on you so that you can ask questions during the presentation. We do have all of the staff here so if you have specific questions in relation to Fire, Police, Planning, Public Works, we can go into depth after the presentation on those questions, but if you have questions on what is being presented, you can get my attention and ask during the presentation. So, at this time, Mr. Atherton, would you like to proceed with your presentation?

MR. ATHERTON: Thank you, Chair. Good morning and good morning to the Committee Members. My name is Mike Atherton, I've been in Maui now about 13 years and I'm very proud of Waikapu Country Town. I'd also like to introduce my two partners, they're in the audience today, Mr. Pete Boyce and Albert Boyce who have been with me for almost 45 years and supported all my ideas and dreams. So, we're here today, going to humbly ask you to support Waikapu Country Town. Okay, I'm going to...I have a group of slides that kind of give pictures of the area in Waikapu so as we go through it if you have any questions let me know. Okay, I have a consultant team. My nickname is The Coach, I've always put together a pretty good team. I like to share, I like to collaborate, I like to go and share ideas, so we have all the team here today. The consultants are listed here. That's some of the best ones in Hawaii, so I'm very proud of the work product they've done. If we have any questions, detailed questions, they'd be more than glad to help us in answering. Okay, first we have the General Plan and zoning, the Maui Island Plan. The Maui Island Plan took about five years and Reid and I attended all the meetings and we were able to include Waikapu Country Town in the directed growth map, and if you see it here on the screen, the area that's black and the ones that are surrounded by the blue line are the two rural areas. Then you have the yellow which is old Waikapu and then the blue which is the Kuikahi land. So, we're in the Maui Island Plan, this is the land designation, and we've been supportive of the Maui Island Plan since the beginning. Okay, this is the community plan, the current community plan, and we're here today to ask you to make some adjustments to that. You can see the dotted line that will be added to the Waikapu Country Town project. Okay, the entitlement request we have today, we have a Community Plan Amendment and these are the detailed breakdown of that amendment. We have a Change in Zoning and these are the breakdowns of those zoning areas, primarily Agriculture to Urban, small town, and Rural. This is the zoning map. You'll see the yellow is Single-Family Residential and Residential condominiums. The red is Commercial, and the blue is the elementary school. The

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green on the right side is the Park, 25-acre park. The purple is Rural lots. On the left side, two rows are one-acre lots and up above we have two and larger lots. So, this is one of the things we're asking today is to change the zoning from Agriculture to these designations. Okay, Waikapu Country Town. Waikapu Country Town is located right smack dab in the middle of Maui. It's fortunate for us to be able to be 20 minutes from the employment centers in all directions, when you don't have to drive through a town in order to get to work. So, for --

COUNCILMEMBER KING: Chair?

MR. ATHERTON: --workforce housing it's a perfect location.

CHAIR PALTIN: Chair King, did you have a question?

COUNCILMEMBER KING: Thank you. Okay, sorry about that, Mike. Can you go back one slide? I actually had a question about that, the Rural-designated lots. I think you went forward.

MR. ATHERTON: Oh, I went forward. You take care of it.

COUNCILMEMBER KING: One more. That one. Okay, so I just wanted to clarify, so you're ask...the purple are, you're asking to be rezoned Rural from Ag?

MR. ATHERTON: Say again?

COUNCILMEMBER KING: Are you asking to rezone the purple areas from --

MR. ATHERTON: Yes.

COUNCILMEMBER KING: --Ag to Rural? Okay.

MR. ATHERTON: Yes.

COUNCILMEMBER KING: So, that puts them in a designation where they're, they don't have to farm, because I think that's one of the issues we've been having with some of these ag lots is it makes people have to be fake farmers. I mean for lack of a better term. So, they will not have to farm on those lots?

MR. ATHERTON: No.

COUNCILMEMBER KING: Okay, thank you, Chair.

MR. SUMMERS: Let me just make one clarification on that. So, all the land is being zoned Waikapu Country Town, but within that district there are sub-districts and in this case the purple is a Rural District.

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COUNCILMEMBER KING: Okay, so...but I'm just trying to get at, what we're looking at different taxation areas too? So, that will be Rural taxation, not Ag? Okay, thank you.

MR. SUMMERS: That's our understanding.

CHAIR PALTIN: Member Sinenci, did you have a question as well?

VICE-CHAIR SINENCI: Yes, will these purple lots be built homes outside of the beige area?

MR. SUMMERS: Those purple lots will be consistent with the Rural zoning district, although they're...they will not be the Rural zoning district, but you would be able to have a single-family dwelling and you would be able to practice agricultural uses. So, they're intended to provide a rural sense of place, a rural type of lifestyle, but they would not be farm dwellings as one would expect in the Agricultural District or require in the Agricultural District.

CHAIR PALTIN: Member Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. Mr. Summers, so the purple area, Rural district designation would have a minimum lot size of half acre?

MR. SUMMERS: That's correct.

COUNCILMEMBER LEE: Okay, thank you.

CHAIR PALTIN: Did you want to tell the Members how many rural homes you wanted, you were planning on developing?

MR. SUMMERS: There will be 80 Rural lots. And the purpose of the Rural lots is to create housing diversity and also to provide a transition to the agricultural lands.

CHAIR PALTIN: Thank you, Mr. Summers. Seeing no further questions, if you can proceed? Thank you.

MR. ATHERTON: Okay, moving on. We're going to try to get done this morning if we can. We got a lot to go over. Waikapu Country Town, right smack dab in the middle of Maui. If we're going to build housing this is a great spot to do it. Okay, these are neighboring land uses in the area and you can see the different colors and the different designations. We're primarily on the left-hand corner in the blue. You have the County regional park which is to the right there with the white dotted line around it, then above that is the Waiale project that A&B has had on the books for quite a while, and then you get back into the current Kehalani and the Maui Lani area. Okay, regional workforce housing, and this is a very important part about this project. WCT intends to provide 358--which is 25 percent of the total--workforce housing units. Now, that's a County requirement. The unit mix and pricing will be subject to Chapter 2.96, Residential Workforce Housing Policy. WCT--that's Waikapu Country Town--will enter into a workforce housing agreement with the Department of Housing

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and Human Concerns prior to final subdivision approval or assurance of a building permit. Residential workforce housing units will be made available either before or concurrently with market-rate units. The owner desires to offer both multifamily rentals and fee simple single or multifamily units to satisfy the workforce housing requirement. Okay, here's a breakdown of the workforce housing units. This is an example, we have 358 units that are required. Single-family simple...fee simple, three bedroom, two bath, 158 units, and 200 multifamily rentals. Now, we're the general contractor, we'll primarily do most of the construction there. We've been in the construction business about 45 years and we build multifamily projects. We currently have one under construction on the West Coast and we keep 'em and own 'em and do property management of them. So, we've been doing this type of housing for many, many years and we're pretty good at it. So, I'm looking forward to the opportunity to build several units over here in Maui. Okay, this is another example of the workforce housing, how it would work. For example, in the rentals you would have one-third at very low and low income, 33 percent, that's 67 units, and you can see there how much they would rent for, 916 to 1,465. And then you have one-third below-moderate income, 66 units from 1,400 to 1,800. And then you have one-third at moderate income which is 67 units which would go for 1,832 to 2,100. And then on the fee-simple units you can see how they would go down below, 30 percent at below-moderate, 50 percent moderate, and 20 percent above-moderate and there's the numbers there; 301 to 327, 377 to 452, and 452 to 528. Now, those, that's the Workforce Housing Ordinance here on Maui. That's our requirement, 358 units but we build affordable housing and we have quite a few lots so I'm looking forward, I can't give you a price today but I feel pretty good with some of the ideas that I have that we will continue, once we get past 358 units, building affordable housing or workforce housing in Central Maui. We believe this location is the perfect location for workforce housing, people who work here in Maui and work here in Wailuku and Kahului. So, I will give you my word that I'm going to do the very best I can to produce the very best single-family home for the very best price. I'm really looking forward to trying that. So, that's my dedication to the island of Maui and to all the wonderful people that have supported me and supported this project and said nice things today. I'm going to do my best to provide you that housing. And this is the ranch as we know it. You can see down on the left-hand corner where the location of the wastewater treatment facility is there, darker green with a dotted line around it. The County's regional park is below there, below Waiale Road extension. You can see the single-family and the multifamily there. The primary, two-thirds of the project is below or on the mauka side...or the makai side of Honoapiilani Highway and then the Tropical Plantation to the north and then the Rural lots above that. So, the red is the actual Tropical Plantation location today and lagoon stays. You can see the additional housing and see the stream location. Now, up on the top you'll see three triangles, those are the three wells that I'm proposing to use for my private water system. We drilled six wells, three of them the State said we could use. They're about a million gallons apiece, and the project...the aquifer in Waikapu is designated at 3 million gallons and we at build-out require about 1 million gallons. So, we're...water's in pretty good condition. Put a tank there, you'll see a round circle up there, bury it back in the hill and then run the main line all the way down to the project.

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CHAIR PALTIN: Mr. Atherton, if you wanted to just stay a little bit away from the microphone, when you say your P's it won't reverberate.

MR. ATHERTON: I don't hear well so I can't...apparatus and everything. I...how's that, is that better?

CHAIR PALTIN: Yeah, that's great.

MR. ATHERTON: Alright, this is the mauka village. The mauka village is what we said, the old plantation. The orange is condominiums. The one on the top right-hand corner we're looking to do maybe a seniors' project in there. Then the red is commercial. You can see the lagoon, you can see the existing restaurant and the store. Those buildings will stay. And if you haven't been out there in a while, it's changed a lot. You know Maui Tropical Plantation is 37 years old, over 5 million people have visited and rode on the tram and learned how to husk a coconut. So, this is the mauka side, the Rural lots, the single-families.

CHAIR PALTIN: Mr. Atherton --

MR. ATHERTON: This is a rendering...

CHAIR PALTIN: --can you go back to the other slide?

MR. ATHERTON: Okay.

CHAIR PALTIN: Thank you. I just was wondering, in the Planning Commission about the Rural lots, I think around Page 186 that you mentioned that those were near kuleana lands and that you're, you guys were going to construct the pads so that there would be an accurate buffer. Is that still the case?

MR. ATHERTON: Okay, she was asking about the areas of the kuleana parcels. We only have two and they're in the green area. If...once you get above the yellow, those are...and we notched it out there, and yes, there and there.

CHAIR PALTIN: Those are the kuleana lands?

MR. ATHERTON: Yes, those are kuleana lands.

CHAIR PALTIN: And the purple, the Rural, it's not your intention to have those be Ag, just strictly houses?

MR. ATHERTON: Yeah, it'd just be pasture land like it is now.

CHAIR PALTIN: Pasture land. So, the Rural lots you're not intending for them to be farming ag?

MR. ATHERTON: They can if they want.

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CHAIR PALTIN: Okay.

MR. ATHERTON: Now, we've met the people that own them, the kuleana parcels, they live in Honolulu, the Mahi's.

CHAIR PALTIN: Okay, thank you.

MR. ATHERTON: She was at the Planning Commission by the way.

CHAIR PALTIN: Okay.

MR. ATHERTON: Okay, this is a rendering of what it will look like. Waikapu Valley in the back, Honolua there. Okay, this is a rendering. I'm going to show you some renderings of what we envision the community to look like. This will be basically downtown Waikapu. You've got retail on the first floor and condominium living on the second and third floor. This is a typical rental unit, condominiums. A lot of open space. We have a lot of bike trails, walking trails, a very walkable, very bikeable community. This is a restaurant on the right and housing up across the way. We have an open space area there and the lagoon. About 250 ducks there. Big business out there. Okay, this is another rendering of the lagoon and the area across the way, landscaping. This again is the housing up in the Rural side; bike trail. This is the restaurant at night. This is the store with the remodel, existing store, and we've added some additional retail space. The makai buildings is on the other side, this is a photo of it there. This is primarily the area where we would have the workforce housing lots. All the yellow is single-family, the orange is condominiums. Again, there's the 12-acre school and the 25-acre park. And the park plan is almost completed. We used Bill Mitchell, he did a great job communicating with the Parks Department, and we have a nice big parking lot and the beginning of an eight-mile bike trail. You can come down Waikapu, park your car, get on your bike, take a big ride, come back. So, it's pretty well designed. I'm looking forward to that.

CHAIR PALTIN: Chair King, you had --

MR. ATHERTON: Also...

CHAIR PALTIN: --a question?

COUNCILMEMBER KING: Yeah and just real quick. So, is that, that school area, is that a DOE school then?

MR. ATHERTON: That's a DOE. I...

COUNCILMEMBER KING: And...okay. And where's the five acres that Kimokeo was talking about?

MR. ATHERTON: The one Kimokeo was talking about?

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COUNCILMEMBER KING: Right, the five acres...

MR. ATHERTON: It's in the agricultural easement.

COUNCILMEMBER KING: Oh, it's up there. Okay.

MR. ATHERTON: Yeah, which would be off this map.

COUNCILMEMBER KING: Okay, thank you.

MR. ATHERTON: I tried to put it down there because I thought maybe we could get some water and do some loi but they didn't want to do that. So, that's the makai side. You can see the County's regional park down below, and then again you see the green area with the dotted line on the left-hand side there, that's the wastewater treatment plant where we'll do all our own treatment. Water reclamation facility. Okay, this is main street, main street's basically the extension across the way. We can't call it main street but I could give it another name, sugar cane lane or something along those lines. But it'll have retail on the first floor and it will have condominiums on the second floor. Here again is the housing types. We followed the plantation style. Bike trails, very walkable. Again, a lot of open space, bike trails, a lot of wide open corridors; another one. Okay, here's my agricultural master plan. This project does have a real nice agricultural component. When I came to Maui, I wanted to buy ten acres and all they had for sales was thousands so I'm glad we bought thousands, because we were able to do this agricultural project which has been great, has been successful. I met Bob Pahia and Kimokeo about eight, nine years ago. I've been farming with Bobbie now on the land above and when HC&S closed down sugar cane, we made lemonade out of lemons and took over and he does now over 300 acres. So, we have three farmers in the plan. I have Kumu who is Grant Schule who I met in Molokai many years ago and he primarily grows a lot of papayas. He grows them on Molokai and brings them and exports them and sells them here locally, pretty good. He has a pavilion, vegetables for sale, and he's primarily an organic farmer. And then I have Bob Pahia who farms with about 20 other Hawaiian farmers. I gave them all 30-year leases because they need a 30-year lease in order to be able to get financing, in order to be able to really plant windbreaks and trees and things that take time. If you don't have that period of time, it's hard for someone to do it. We've been able to get a good deal on the, in the water so far, and then I have a surface water plan in the future which would take the wastewater and then blend it with well water. So...

CHAIR PALTIN: Did you want to indicate in this map where the five acres for the Kimokeo Foundation was going to be?

MR. ATHERTON: Okay, show them where it is, Mike. Again, we'll see Maui blocked road there. Yeah, show them where it is. No, over a little more to the right. Right there. Yeah.

CHAIR PALTIN: Oh, okay.

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MR. ATHERTON: Now, that side --

CHAIR PALTIN: Thank you.

MR. ATHERTON: --is unimproved but when they build Waiale Road extension and put in the intersection of Waiale and Honoapiilani Highway then that area will become improved. So --

CHAIR PALTIN: Member Sinenci?

MR. ATHERTON: --the sooner we build the Waiale Road, the sooner we might have a Punana Leo School.

VICE-CHAIR SINENCI: Thank you, Chair.

CHAIR PALTIN: Member Sinenci, did you have a question?

VICE-CHAIR SINENCI: Yeah, for Mr. Atherton. You know, I know currently the restaurant uses some of the agriculture, kind of a farm-to-table program. Is there any sites where you can process some of the agricultural, the products and the crops?

MR. ATHERTON: Sites, well --

VICE-CHAIR SINENCI: In like a --

MR. ATHERTON: --we have the...

VICE-CHAIR SINENCI: --production or a processing site.

MR. ATHERTON: We have the farm center there but in the long-range plan the, that would be down on the lower section there. And the lower section it's got a good story. We had what we thought was 800 acres and no one had ever done a survey out there, Brewer owned all the land so there was no survey so I've done all the survey work. We just completed the boundary survey for the ag easement, open space ag easement and it's 900 acres instead of 800. So, we're lucky, I didn't have to come back and tell you it was only 700 acres, so, 900.

CHAIR PALTIN: And is the Maui Tropical Plantation, that, will that be moved or that's staying?

MR. ATHERTON: No, the Tropical Plantation will stay. The store will stay, the restaurant will stay. We hope to build a couple more, have a little food destination there. And the tram tours and things we will move to somewhere. I'd like to move to the quarry someday and build a new tropical plantation, I've really got to love selling tram tickets.

CHAIR PALTIN: Member Sugimura, you had a question?

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COUNCILMEMBER SUGIMURA: Yeah, if I could, Coach? So, I see that on your, you have number six, renewable energy. Could you explain what that will be, what project that will be?

MR. ATHERTON: Okay, the project --

COUNCILMEMBER SUGIMURA: And what you plan to do?

MR. ATHERTON: --has proposed a solar farm, a farm that would generate electricity to operate all of our wells, the wastewater treatment facility, any other power we would need in the project. We can't sell power to MECO so the only thing we will use our solar farm power for is use in Waikapu. That means if the County decided to do a baseyard, I could offer you a good rate on energy, I could offer you water, I could offer you wastewater, so you could actually develop that 300 acres there that you own.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR PALTIN: Chair King?

COUNCILMEMBER KING: Yeah, just looking at your map here, I'm a little worried about the, I guess the area that says number four, because that's farming right now so are you planning to move the sunflower farms out of that corner there?

MR. ATHERTON: No, number four --

COUNCILMEMBER KING: It says long-horn --

MR. ATHERTON: --well that...

COUNCILMEMBER KING: --cattle grazing, but.

MR. ATHERTON: We call that the gulch, so that'll all be just...what they did was the State Land Use Commission divided that top 277 acres into five lots. So, I'm going to build my house...

COUNCILMEMBER KING: No, I'm looking at the section four where it says long-horn cattle grazing.

MR. ATHERTON: Oh, got the wrong four, huh. Where's four?

MR. SUMMERS: This map was prepared long before the sunflowers.

COUNCILMEMBER KING: Oh, okay.

MR. SUMMERS: I think that's an early vision of opportunities, yeah.

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COUNCILMEMBER KING: Oh, okay. I didn't...yeah, I just was curious...

MR. ATHERTON: The four in the corner by the coconut stand there? That's where Mr. King --

COUNCILMEMBER KING: Right.

MR. ATHERTON: --farms biofuel.

COUNCILMEMBER KING: But it says long-horn cattle grazing so that was...

MR. ATHERTON: Oh. Okay, well we'll fix that before the next meeting. Okay.

CHAIR PALTIN: Just checking, is there a conflict of interest with the sunflowers and do we need a Board of Ethics opinion? Anybody?

COUNCILMEMBER KING: Chair, for myself?

CHAIR PALTIN: Yeah.

COUNCILMEMBER KING: I don't think so. I mean we are doing...my husband and I are involved in a company that's doing farming on the ag land. We don't have any interest in any of the housing development. So, I haven't, you know, I've talked to a couple of people about it and I haven't gotten any pushback about it, but I'm happy to ask that question if you like.

CHAIR PALTIN: Okay. I mean just in the interest of transparency maybe.

COUNCILMEMBER SUGIMURA: I think that's a good idea.

CHAIR PALTIN: Okay.

COUNCILMEMBER KING: We can put in a request --

COUNCILMEMBER SUGIMURA: For such a . . . *(inaudible)* . . . project.

COUNCILMEMBER KING: --to the Board of Ethics if you want --

CHAIR PALTIN: Okay, yeah, that'd --

COUNCILMEMBER KING: --from the Committee.

CHAIR PALTIN: --be awesome. Thank you.

COUNCILMEMBER SUGIMURA: Especially since you're going to put her on the map.

CHAIR PALTIN: Okay. And, Coach, if you want to continue? Thank you.

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MR. ATHERTON: Okay, this is a rendering of the breakdown on the agricultural component. Again, you got the solar farm up in the left-hand corner. We've got row crops. Kimokeo explained of the different canoe crops that Bobby grows. So, you've got Bob King on the left, Kumu...Bobby Pahia in the middle, and you've got Kumu on the right, and we graze cattle up on the north side. We've got a couple hundred long-horns and a couple hundred angus cattle that we use in the restaurant and we've been raising long-horn steers for, oh, 40 years. My partner he's a long-horn expert. This is another rendering of the ag component. The ag component was a product of working with the Waikapu Community Association, and the question came up that this is a large project, we have a lot of development going on in this area, and we came up with an understanding that if they supported me on the Waikapu plan that we've seen here today, then I would dedicate or we would dedicate all the rest of the lands that we have into open space and an ag easement in perpetuity. So, basically what that does is that stops growth right on Waiale Road. So, once this project's built out and that's approximately 20 years, 15-20 years if it goes smoothly then this is all the growth you'll ever see in that neighborhood and they like that. That went a long way for me and I was able to use that idea and set an example in that neighborhood. That was my mitigation to Ag land conversion and urban sprawl.

CHAIR PALTIN: Member Sugimura?

MR. ATHERTON: Okay, sustainability plan...

CHAIR PALTIN: Oh, question.

COUNCILMEMBER SUGIMURA: Coach, if you --

MR. ATHERTON: Okay.

COUNCILMEMBER SUGIMURA: --if I could, so one of the things that several of us are talking about or the community is talking about is Important Ag Land designations. From what you just said with this PowerPoint of keeping agriculture in perpetuity it kind of fits into that Important Ag Land concept. So, I wonder when that does come if we could, you know, talk to you about it. We'll...there'll be more details but it basically is a concept of what you're just talking about in terms of keeping ag in perpetuity. So, thank you very much for being forward-thinking. Thank you.

MR. ATHERTON: Okay, agriculture. My family was in agriculture forever. Sustainability plan, I'm proud of the sustainability we're trying to achieve in Waikapu. We have a complete community, housing, employment, schools, parks, and neighborhood settings. Proximity close to regional serving employment and facilities. Walking and biking, eight miles of biking and walking paths. Water, dual non-potable water system. Now, that's where we have...you have two meters out in front, you'll have a potable meter where we only plumb to the potable areas where it's necessary, and then we have ag water on everything else. So, all your landscaping, all the open space will all be irrigated with ag water, and the ag water will come out of the water

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reclamation facility. It will blend R-1 water with well water and that will be our backup water plan. Okay, and we also have a wastewater reuse and water conservation fixtures. Renewable energy, solar, wind, potential hydro, and energy crops. We're very conscious about going on to our own power. We have energy efficiency, building design materials, and ENERGY STAR appliances. And we have drainage where we retain onsite, swales, bio-retention, and open space. And the agricultural lands we have 1,077 acres to remain in Ag and 900 acres to be dedicated in perpetuity as the agricultural easement. So, those items are pretty...we're proud of that. We pump our own water, we use it correctly in dual water system, and then we treat it and we reuse it again in the neighborhood. So, that's heading towards trying to become a sustainable community.

CHAIR PALTIN: Mr. Atherton, I had a question. So, there's the 900-acre easement, where's the additional 177 or 'cause it says 1,077 acres in ag.

MR. ATHERTON: Well, you have the nine...okay. Back up. When I went to school we didn't have computers. Okay. The 900 acres, Mike, show them the boundary of the 900 acres. And then you have the remaining 277 [sic] acres which is the bike path and the open space behind the Rural lots, all up into the valley up on top.

CHAIR PALTIN: Okay.

MR. ATHERTON: And that's 277 [sic] acres, I think you add them up and you get that total.

CHAIR PALTIN: Okay, thank you.

MR. ATHERTON: Alright. Cultural resources plan, this is important also and I'd like to have help on this but...

CHAIR PALTIN: Sorry, Coach, Chair King had a question. Sorry.

COUNCILMEMBER KING: Yeah, sorry. Can you go back to that sustainability plan? I just wanted to follow up on the wastewater treatment facility that you're working on with Steve Parabicoli. Are you still in talks with Maalaea community to determine if you can merge your...

MR. ATHERTON: I am. We've had several meetings with them and offered them a solution that they would be able to gather their waste in a vault down in the area there centrally located and pump it up to the plant and we would take it. I gave them some prices on what it would cost, 'cause they're doing due diligence on all the other ideas that they have in order to --

COUNCILMEMBER KING: Right.

MR. ATHERTON: --be able to solve the problems that they've encountered.

COUNCILMEMBER KING: Okay, so that's still open for...

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MR. ATHERTON: Yeah, that's still open.

COUNCILMEMBER KING: Okay, I just wanted to make sure.

MR. ATHERTON: And I would do that with any other development in the area because the plant is designed to be able to add on. So, if the Waiale project for example in the future ever started to come around and they could put their waste in that plant.

COUNCILMEMBER KING: Okay.

MR. ATHERTON: And they could gravity flow there.

COUNCILMEMBER KING: Okay. And are you still doing the, that really creative biological treatment --

MR. ATHERTON: Yeah.

COUNCILMEMBER KING: --plant? Okay.

MR. ATHERTON: State of the art.

COUNCILMEMBER KING: That's awesome. I can't wait to see it. Thank you.

MR. ATHERTON: Okay. Oh, back up. Okay, we're getting close here. Being that Waikapu is rich in historical and cultural history, I have a consultant who's done all the cultural work and given me advice from very, from the very beginning of this project, 13 years now I've worked with this young man. I'd like to introduce him to go over the cultural resources plan, because I think it's very important and I think you need to understand it pretty good. So, I'd like to bring down and introduce my cultural specialist Hokuao Pellegrino. Hokuao? There he is. Thank you.

CHAIR PALTIN: Thank you, Mr. Pellegrino, for being here.

MR. PELLEGRINO: Mahalo, Chair. So, well, first and foremost, aloha mai kakou. I wanted to make one clarifying point in regards to the cultural resources plan and the cultural impact assessment. With that I was subcontracted by Hana Pono and I don't work for Hana Pono, LLC, that I was subcontracted to do the cultural impact assessment. So, when the cultural impact assessment was done, it was done with the intent to look at the scope of cultural and natural resources within the development area for Waikapu Country Town as well as the remaining lands that surround the area. And so that included archaeological cultural sites that are mauka of the Waikapu Country Town development as well as looking at the historical sites that once existed prior to the development or the Wailuku Sugar Plantation developing that area for plantation use and then Maui Tropical Plantation. So, this Waikapu Ahupuaa being the first ahupuaa in Na Wai Eha, while it's a smaller ahupuaa, had some of the most culturally rich and diverse natural ecosystem in the area. And, Mike, you want to...move on.

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So, this plan that's still in draft form basically takes the cultural impact assessment and brings it to life, because part of the identity for the Waikapu Country Town is really to showcase and to integrate the cultural and natural resources. I think that was a commitment that Mr. Atherton and his partners felt was very important to do from the get-go which is part of the reasons why I decided to partake in this process. Because for me as well I was hesitant at the very beginning, but now going through this process and knowing that there's a commitment to ensure that our cultural resources are protected, I think there's a...it's a smooth plan forward. So, the Waikapu watershed has a very diverse forest, both mesic and dryland forest and is utilized for both traditional and customary rights for gathering in that area. It's one of those valleys that's really untouched because of the fact that it's under private ownership, there isn't access other than lineal descendants such as myself and others that go into the valley for gathering. So, it's not, you know, opened up like Iao Valley or maybe like Waihee Ridge in Waihee Ahupuaa. The Waikapu Stream is a very important part of the cultural resources. Its base flow is about 4 million gallons a day, and through the former contested case for Na Wai Eha there was an interim instream flow standard that was set for 2.9 million gallons a day. Historically, there are four main documented auwai systems. So, Waikapu had about a little over 120 awarded kuleana lands at the time of the Mahele in 1848. In the ownership of Mr. Atherton's property along with the, you know, the surrounding area and where the development is, there were 52 Land Commission awards, roughly almost half of the Land Commission awards awarded during the Great Mahele are within his land holdings. Thirty-six of those were compromised during plantation era, but the remaining kuleana lands are still very much intact and are located in the mauka region of the project area.

CHAIR PALTIN: Mr. Pellegrino, Mr. Sinenci had a question.

MR. PELLEGRINO: Oh, I'm sorry.

VICE-CHAIR SINENCI: Hokuao, would there be any diversions from the stream for the project?

MR. PELLEGRINO: To my knowledge there aren't any. There is a diversion now on the Waikapu Stream via the South Waikapu intake. That water does enter the landowner's property and I believe the current use of that right now is for watering or for cattle. Yeah.

CHAIR PALTIN: I was wondering if you were planning to get off the Na Wai Eha surface water for agriculture?

MR. PELLEGRINO: That's probably something you would want to, got to respond to.

MR. ATHERTON: Yeah, in our water service/water reclamation plan, we do have a backup to the Na Wai Eha ditch water. And the future of the ditch is up in the air. Wailuku Water would like to sell, so the County's interested in purchasing it. But in the meantime, I'm putting together a plan with reclamation water, that would be the

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wastewater reclaimed to R1, and then well water, ag water in the Kahului Aquifer would pump up and blend with it. We put it into the tank at the facility and that would be our backup plan if something ever happened to the surface water. With the intent someday we might be able to get off the Na Wai Eha and 100 percent on to our own source. So, that's a plan, it's going to take a little while to get it implemented, but I've been working with Hokuao on that. Plus, we're at the end of the line so it could be interesting to see how it all goes. So, we'll keep you tuned.

CHAIR PALTIN: Thank you. Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Question for Mr. Pellegrino. Thank you for doing this study. And as part of your research, have you done a lot of outreach with other Native Hawaiian organizations and gotten their input on this as well?

MR. PELLEGRINO: In regards to the draft natural and cultural resources plan which I'll...I apologize I'm just going to get to that area. There hasn't been much outreach yet because we're trying to formalize internally with Mike Atherton and his partners what exactly we want to see from the cultural impact assessment come to life. And so that's part of the plan and I switched the slides to, or slide to this one, because this kind of shows a high-level overview of the draft plan that's being worked on right now. It's not complete yet.

COUNCILMEMBER MOLINA: Okay.

MR. PELLEGRINO: But part of it is to have a very strong community engagement component.

COUNCILMEMBER MOLINA: Oh good, I'm glad to hear that because on other matters in this Council we've heard from some organizations where they have not been contacted or have been asked to give their input, so I appreciate you folks are looking in that area --

MR. PELLEGRINO: Mahalo.

COUNCILMEMBER MOLINA: --direction.

MR. PELLEGRINO: Mahalo.

COUNCILMEMBER MOLINA: Thank you.

MR. PELLEGRINO: Chair, may I continue? So, this particular integrated natural cultural resources management and preservation plan has some specific goals, and we are still at the, somewhat at the beginning of this plan in developing it. But some of the action priorities that have been highly...well, let me back up. The reason for creating this plan was following the Land Use Commission hearing and approval from the Land Use Commission, there was a recommendation or a...not a I guess a formal recommendation but a recommendation to develop something out of the cultural

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impact assessment since it was thorough. There were, I believe it was a little over 100 pages for the cultural impact assessment, but the appendices that spoke to the cultural resources of these particular kuleana lands that I mentioned earlier was a little over 200 pages. And predominantly these kuleana lands were used for traditional agricultural purposes, and so that was a major component of why we wanted to develop this or why this plan was going to be developed. So, first and foremost was looking at water use but not necessarily in terms of, you know, the Commission on Water Resources Management but ensuring that, you know, the riparian buffers are setup. As you saw with the plan, there's a boundary between the development and the Waikapu Stream and that these don't abut the stream. Another area that we're looking at is developing a cultural, like a cultural reserve, because the mauka region for this area while not being developed has some very culturally sensitive sites as it relates to those kuleana lands. Another one is in partnership with different organizations is conducting a bio-cultural overview. While again Waikapu is a small ahupuaa, the diversity of the native plants, insects, snails, even native flies are phenomenal in Waikapu Valley and there's quite a bit of endangered species in that valley. And one of the concerns brought up during the development of the cultural impact assessment because we were looking at natural resources as one and the same was the fact that while this development originally was going to be a lot higher with those Rural lots, it was brought down for the sake of ensuring that there was not, you know, a lot of access for just any residents going up there into the valley and, you know, not necessarily turning it into an Iao Valley but, you know, causing some type of havoc to the natural and cultural, you know, ecosystem in that area. Stewardship is a really important piece of this plan. So, while we're looking at the cultural and natural resources and recording data and coming up with, you know, specific tactics and strategies on how to protect these sites, another piece that Mr. Atherton had felt was really important was stewarding these sites. So, in partnership with myself, I believe Aina Archaeology is doing part of the preservation plan for retaining or for protecting some of the plantation features such as the Waihee Ditch. There's a couple other features as well including the south kuleana auwai that still flows at this time to some of the kuleana taro farmers in the southern part of Waikapu Valley. Another I guess important point that we were looking at in relationship to the cultural resource plan was actually that of the south kuleana auwai system, because historically it was like the north kuleana auwai that feeds our family farm came directly from the Waikapu Stream. And after Wailuku Sugar Plantation established themselves in Waikapu, the system for the south kuleanas had changed whereby the water being delivered to those kuleana landowners actually came from a plantation ditch system. And one of the, at least ideas that's being floated out here is looking at two possible options, and one is ensuring that we're efficient with the water use that's being utilized for both the plantation as well as the south kuleana users. And right now there's an open ditch of about, just about a mile long and there's a lot of seepage loss in that ditch system, and so one of the ideas that's been floating around is actually piping that entire one mile to ensure, you know, less seepage loss or the possibility of actually restoring part of that south kuleana auwai system back to its natural source. The reason why that second one is being looked at is because right now in Na Wai Eha specifically while there are taro farmers from Waikapu to Waihee, one of the challenges is that majority of these taro farmers still receive water from plantation systems.

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Waikapu is very unique in the sense that one of the main auwai systems still retains its historical footprint, and if the potential for South Waikapu, if it's determined that the South Waikapu kuleana ditch can be restored, it would be the first ahupuaa in Na Wai Eha in probably over 100 years that would be completely independent from plantation-era systems. And it's I know something that is being looked at by both Hui o Na Wai Eha, the plan has been shared with Mr. Atherton and but again these are, you know, very high-level ideas and strategies that are hopefully, potentially come to fruition through this plan. So, if you have any other questions?

CHAIR PALTIN: I had...oh, sorry, Miss...I see a picture of ohia lehua and I was wondering if that is one of the species in the watershed up mauka of this project?

MR. PELLEGRINO: Definitely. Every single photograph that you see here in this slide is part of the Waikapu Ahupuaa. Of course, Kealia which is our largest wetland on Maui is not located and associated with this project area, but when we were looking at this plan and developing this plan, we're looking at the ahupuaa holistically. Because this project and just the land in general surrounding it is about 42 percent of the entire ahupuaa of Waikapu, it's important to look at all aspects. But yes, ohia lehua is very much a dominant endemic species in the Waikapu Valley.

CHAIR PALTIN: So, my question was what kind of steps or plans do you have to protect from rapid ohia death which is already on the Big Island and Kauai and we're kind of in the middle? I know there's a lot of things being done out in West Maui watershed and with the hotels to, you know, if folks, tourists or whoever go to Volcano or, you know, in Kauai so that they completely decontaminate themselves. Are there plans in place or being developed to protect the ohia lehua at Waikapu Ahupuaa?

MR. PELLEGRINO: Mahalo for that question, Chair. Last year, Mr. Atherton and I believe some partners purchased the remaining watershed for, the Waikapu portion of the watershed from Wailuku Water Company which is a little over 4,000 acres. Mr. Atherton and I believe jointing under Hanaula Ranch, LLC, are now actually part of the West Maui or Mauna Kahalawai Watershed Partnership, my apologies that name has changed. And part of the protection of these rare and endemic species are part of the kuleana of course of the watershed partnership, but as well as the landowner. And so one thing that's being floated in this process is the access. I think to answer your question in regards to rapid ohia death, ensuring that limited access into the valley is probably our best strategy at this point. And what access does go that there are partners out there that are developing educational strategies to ensure that those don't, you know, we don't have those type of biological issues in Waikapu Valley.

CHAIR PALTIN: Okay. In my visit last week with Puu Kukui Watershed, they had some pretty good strategies in place so maybe collaboration on that.

MR. PELLEGRINO: Most definitely.

CHAIR PALTIN: Member Sugimura --

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MR. PELLEGRINO: Mahalo.

CHAIR PALTIN: --did you have a question?

COUNCILMEMBER SUGIMURA: Yeah, thank you. I'm so impressed with this presentation and I think a lot of times some of the projects that we've heard from the past we've heard from the concern about iwi kupuna and preservation of our ancestors. And I think that this project you've gone beyond that so we're not looking at something as saying after the fact, well, what did you, but it sounds like you were walking in step with history which makes me really excited. And preservation and, you know, this whole plan that you've put together that I look forward to see how it unfolds as this...and after the project continues but congratulations. I mean it's, I think it sounds like what you've been doing all along, Coach, keeping in step with where we need to be. So, thank you. Good job. Good job.

CHAIR PALTIN: Member Sinenci?

VICE-CHAIR SINENCI: Chair, thank you, Chair. You mentioned that the, those upper Rural lots were brought down so that they wouldn't infringe on some possible cultural sites up there. So, in your opinion those upper purple lots, they're well below the cultural sites?

MR. PELLEGRINO: Mahalo, Mr. Sinenci. Yeah, it's a good question. Because we're still in draft development of this plan, I think that's something that we're still trying to understand, but for the most part if we saw...well, I don't even know if that even exists anymore but some of the original renderings of this plan they had lots that went pretty much all the way up to where one would enter into the back part of the watershed near the conservation line. And these were definitely brought down quite a ways, probably a little bit more than half a mile down from the entrance of Waikapu Valley. And so I...one thing I wanted to add maybe to that as I answer this question was part of that original rendering also included bike paths that went very close to the entrance, so that was also changed as well because, you know, supporting bike paths was really important but also ensuring that, you know, people didn't kind of milimili, you know, into real sensitive areas. I think with this plan and the educational, education strategy will include an important piece so that people aren't going into the valley just, you know, to go mahaioi or whatever, because there are lineal descendants including myself in Waikapu that access this valley for gathering rights for, you know, laau lapaau and other things, and we, you know, I myself definitely would not want to see that valley overrun with any kind of random people. So, that will be very much a high priority in this plan.

CHAIR PALTIN: Chair King to be followed by Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER KING: Thank you, Chair. Thank you for that presentation. It's really comforting to know that you're a part of this project and you're overseeing the cultural

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aspect of it. I just had a question about, you mentioned that you're working with Aina Archaeology. Is that an archaeologist firm on Maui or is it...

MR. PELLEGRINO: Aina Archaeology is a newer archaeological firm. I think they've been around for two to three years. There is a Maui archaeologist, Tanya Lee-Greig who now works for Aina Archaeology, in my opinion one of the most reputable...

COUNCILMEMBER KING: They're on Maui?

MR. PELLEGRINO: They're based out of Oahu, that they...they're a subsidiary of Detail --

COUNCILMEMBER KING: Okay.

MR. PELLEGRINO: --Consulting Firm. But...

COUNCILMEMBER KING: Okay, you don't happen to be an archaeologist do you?

MR. PELLEGRINO: No. But I...

COUNCILMEMBER KING: We had this conversation yesterday, I'm looking for a local archaeologist. So, thank you, Chair.

CHAIR PALTIN: Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Chair. Aloha, Hokuao.

MR. PELLEGRINO: Aloha.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo for your thorough presentation.

MR. PELLEGRINO: Mahalo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Since Councilmember Sugimura brought it up, are there any known burials, battles, or any reason to anticipate iwi kupuna in the area that will be developed for housing?

MR. PELLEGRINO: Mahalo for that question and I want to be 100 percent transparent in this response. And I want to preface with the start that as a lineal descendent, you know, my utmost priority is to ensure that our cultural resources are being protected. When we were going through the early development of the cultural impact assessment, I, you know, for me I'm a perpetual learner so I'm still learning things and I was surprised to find that my fourth great grandfather, you know, while we had specific kuleana lands in Waikapu that were associated with the Mahele, there's one very large kuleana land that was awarded to my fourth...my great, great, great, great grandfather Eugene Bal. And that particular parcel of land is, if you see where the yellow line that goes down from kind of where Waikapu Town is all the way to Kealia, that was the historical puuone or sand dune system whereby, you know, iwi kupuna were interred.

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I have done for the last 15 years in my opinion some pretty extensive research on the land tenure of Na Wai Eha, knowing that there were...there are enormous amounts of iwi kupuna from Waikapu to Waihee. The irony in all these documentations was that there were little documentations that...little documented facts about whether there were actual iwi in the dunes based on Mahele records. I found one Mahele record in all of the 400-plus Mahele records in Na Wai Eha, and it just happened be from my fourth great grandfather's parcel in Waikapu which specified a sand dune system which is located where the current, what we today call the Waikapu Japanese Cemetery on East Waiko Road. Just so that parcel of land was where the cemetery is located and it went...it spans south of that partially through Mr. Atherton's property and predominantly into the property that's owned by the County now. In that Mahele, it's, it specified in detail and I, if you want me to read it verbatim I have a copy. It said...so in that Land Commission Award 2747 to Eugene Bal in the ili of Aikanaha which was about 129.8 acres approximately. There were house lots that were specified in that parcel and it then said burial sites. So, when we came upon this information very early on in the cultural impact assessment, we had obviously shared that with Mr. Atherton and his other partners, and part of the development of where the school is situated...I don't know if we can go back to that slide, it might be good to give you some context. The original...sorry. There you go. I'm sorry, wrong way.

COUNCILMEMBER RAWLINS-FERNANDEZ: Wrong way. The other way.

MR. PELLEGRINO: Yeah, that's good. Right, you can just go back to that one, I'll just use that as an example. Go back. Do you mind if I get up and point that out?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

MR. PELLEGRINO: So, that particular Land Commission award basically went like this.

COUNCILMEMBER RAWLINS-FERNANDEZ: Oh, here, a mic's coming.

MR. PELLEGRINO: So, that Land Commission Award basically...I want to make sure I have my bearings here. Waiko Road went like this and it continued on to about halfway here. So, majority of that Land Commission Award is outside of the ownership of Mr. Atherton, but a piece of it came through right across the Waikapu Stream. In early plans this looked a lot different, and so when we had been notified that there were potential burial sites and it could have been here, it could have been here, it could have...we don't know, it didn't specify in that 129 acres. That this area was moved and that we would be creating an archaeological monitoring plan around this to ensure throughout the duration of this project that if there were any known or, you know, inadvertent burials that were found, that they follow the process of SHPD. I hope that answers your...

COUNCILMEMBER RAWLINS-FERNANDEZ: It does. So, I guess a follow-up to that question would be I'm happy to hear that there's a commitment to having a monitor, archaeological monitor during the development. Were there discussions on what the plans would be if iwi are found? Will they be relocated or...

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MR. PELLEGRINO: That's a good question. I don't know if the archaeologist is here today to talk about if they...if there's a burial treatment plan. I'm not fully aware if that's been developed yet, but if...sorry. Is Lisa or someone here that you want to speak to that?

MR. SUMMERS: Thank you very much. Unfortunately, our archaeologist is home with the flu today, but as part of a monitoring plan and the conditions imposed by SHPD, there's a very strict protocol for what you would do if, you know, a burial was found. So, that's all I can say about that, but unfortunately the archaeologist is not available. Unless we want to try calling her on a cell phone, so.

COUNCILMEMBER RAWLINS-FERNANDEZ: So, Hokuao, do you know if since those, since the Land Commission Award or since the LCA mentioned there are burials, would that then be treated as an inadvertent find or would that be treated as a known burial requiring a burial treatment plan? Because we know that inadvertent finds only require a two to three-day decision on how to move forward at that point. and with inadvertent finds generally it...they end up being relocated. So, and if that's not something that the community would want or that the lineal descendants, I guess that would be you --

MR. PELLEGRINO: And many others.

COUNCILMEMBER RAWLINS-FERNANDEZ: --would prefer or, you know, and remain in place.

MR. PELLEGRINO: That's a great question. I am...I always dreamed to be an archaeologist but I'm not. I understand. I would like to defer that, you know, for follow up with our archaeologist, please, if that's okay with you?

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo.

MR. PELLEGRINO: Mahalo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay.

CHAIR PALTIN: Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you. So, staying on that topic, I know, Mr. Pellegrino, you had mentioned Tanya Lee-Greig --

MR. PELLEGRINO: Yes.

COUNCILMEMBER MOLINA: --and maybe it's more of a clarification question and maybe Director McLean can chime in. I believe she's still on our Cultural Resources Commission, the County's as the, filling in the archaeologist slot.

CHAIR PALTIN: Yeah, she is.

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COUNCILMEMBER MOLINA: She is, yeah. She's a very good archaeologist so you have certainly a very --

MR. PELLEGRINO: Yeah.

COUNCILMEMBER MOLINA: --credible archaeologist.

MR. PELLEGRINO: I believe she's...Aina Archaeology is working only at this time on the preservation, a plan of some of the plantation era and kuleana systems. But I think Lisa is working on monitoring?

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MR. PELLEGRINO: Oh, then maybe it's both Aina Archaeology. My apologies.

COUNCILMEMBER MOLINA: No, thank you.

CHAIR PALTIN: Any further questions for Hokuao? Ms. Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, sorry.

MR. ATHERTON: Well, thank you, Hokuao. I appreciate that.

COUNCILMEMBER RAWLINS-FERNANDEZ: One last question.

MR. ATHERTON: I think we have the very best man in Hawaii to do this job for me right here.

CHAIR PALTIN: Yeah, one more question for Mr. Pellegrino.

COUNCILMEMBER RAWLINS-FERNANDEZ: One last question. This is regarding the Kapaakai legal framework. In your opinion would you say that this cultural--what is it--cultural management plan would address the requirements of the Kapaakai legal framework in having affirmative action on how to protect the cultural T&C rights and practices?

MR. PELLEGRINO: Mahalo nui, Vice-Chair. I appreciate that question. So, I did have the ability to actually do the Kapaakai analysis for this project as well. And again, part of the reason why we're doing this natural and cultural, integrated natural and cultural resource management plan is to ensure most definitely that our traditional and customary rights and practices of lineal descendants of that area in the Waikapu Ahupuaa are being protected at all costs. And so again, that's where this plan is coming out of, both the Kapaakai analysis that was conducted by myself, as well as the cultural impact assessment. Mahalo.

COUNCILMEMBER RAWLINS-FERNANDEZ: Mahalo, Hokuao. Mahalo, Chair.

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CHAIR PALTIN: Thank you, Mr. Pellegrino.

MR. ATHERTON: Thank you. And well that's about it on my presentation. I'd like to add a few comments. One is to pledge to the affordable housing or the workforce housing, we intend to sell lots to nonprofits so they have a place to build. I've selected a neighborhood down next to the orange there, 100 lots that we would improve the lots and sell them to nonprofits if we're able to work out an agreement. So, I wanted to thank you all very much for allowing me to tell you all about my dream there in Waikapu and I would humbly ask you for support so we can move on. And I got a lot of good ideas on financing which will come up later. But if you have any additional questions, I have everybody that's been involved except the archaeologist here with me today. And I would be glad to answer any questions. Again, thank you very much, Chair.

CHAIR PALTIN: Thank you, Mr. Atherton. Seeing the time, is there any objection to a ten-minute break for...

COUNCILMEMBERS: No objections.

CHAIR PALTIN: Oaky. So, we'll reconvene at about 10:55. Take a quick recess, ten-minute recess. . . .*(gavel)*. . .

RECESS: 10:46 a.m.

RECONVENE: 11:01 a.m.

CHAIR PALTIN: . . .*(gavel)*. . . It's 11:01 on March 13th and the Planning and Sustainable Land Use Committee is coming back from its morning recess. At this time, I'd like to invite Assistant Chief Val Martin to the podium if he has any comments about this project from the Department of Fire and Public Safety standpoint. And if Members would like to ask him questions after his comments, I'll open it up to that. Aloha, Chief Martin. Thank you for being here today.

MR. MARTIN: Good morning, Chair, Members of the Committee. Val Martin, Assistant Chief with the Department of Fire and Public Safety. I had a chance to look at the proposed development and our Department's stance, we do look forward to working with the developers when the building permits or prior on how we can provide emergency services to the community. It is a big project with, you know, 1,400 units, possibly 4,700 residents in that area, so we look forward and see how we can, you know, make sure that we can accommodate the emergency services that would result from the community. We know that there is a parcel along Waiko Road that the County obtained a few years back that was designated for Police and Fire so I don't know how that's going to work into this. We're going to have to have those discussions and meetings at the administrative level. I don't know what was spoken for on that parcel or how it could be used. So, we look forward also with working with the Administration on that.

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CHAIR PALTIN: Thank you, Chief Martin. Members, any questions for the Chief? Member Lee?

COUNCILMEMBER LEE: Good morning, Chief.

MR. MARTIN: Good morning.

COUNCILMEMBER LEE: I'm sure that you work with a number of developers because you need to plan for your future operations and just for natural growth, yeah, in general. So, this is a 15 to 20-year plan and then there are other of course projects. So, what are your plans for the next 20 years?

MR. MARTIN: Thank you for that question. As you know Chief Murray was the Fire Chief for many years and when he was here, the last discussions that we had with him was this parcel on Waiko Road that the County had obtained along with the Police Department and possibly other County agencies that would utilize it because from what I understand the parcel is quite large. And the last I heard was the Fire Department was going to get a piece of that, whether it was going to be a warehouse or moving a mechanic shop that would be more user-friendly for us or whether it was building a fire station on that property. We never got to that point on what was finally going to be decided and who was going to get what parcel or what portion or what size. So, I think some discussion on that still needs to be, still needs to take place, but that was the discussion from within our Department at the time was that parcel. But we gotta double check and see.

COUNCILMEMBER LEE: So, what criteria do you use to determine when a new station is required, yeah? And how far apart, like for instance this project is in Waikapu, but would Kahului be closer in the sense that it has a straight shot to Waikapu or would Wailuku be closer?

MR. MARTIN: Councilmember Lee, thank you for that question, very, very good question. There are standards that are out there on how quickly and what resources the Fire Department should be at, at the location of an emergency; however, there is no definite or any rule or law or anything that says you must provide within so many miles and be there within so many minutes. There is nothing like that and that was reiterated by the gentleman exactly a year ago from Citygate and [sic] Associates that did the fire audit. He came into this Chambers and he explained that it's really up to the policymakers and the risks that the community is willing to accept when we provide emergency, especially fire services to them. If the community is willing to pay less taxes and have a fire truck get there in 20 minutes, we can do that. That's what...if we decide to do. If we want the fire truck to be there within four minutes every time someone calls 911, obviously we can imagine what our taxes would be like. So, what is that happy medium that we want to provide the community? As far as a particular distance, that's more regulated by the insurance industry. That's when it comes into play. The insurance rates go up if you're more than five road miles from an adequate fire station. You can have a fire station with a small fire truck with two

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people working, the insurance industry doesn't really recognize that as being adequate. So, having a full complement fire truck with all the resources and equipment and fully staffed is what the insurance industry goes by. So, there's really no line in the sand, you know, on where we have to put a fire truck or at what point, but that's the discussion that we need to have.

COUNCILMEMBER LEE: Okay. So, the way things are right now, let's say within the next five to ten years, maybe 25 to 50 percent of the project is built, do we need another station close by at that Waiko property that you were talking about?

MR. MARTIN: That would be a tough question to answer. I would like to say yes, but again it's up to, you know, the policymakers and, you know, the Administration getting together and sitting down and the developers on where we want this. You know the Wailuku Fire Station right now would probably be the closest like how you were mentioning, whether it's Kahului or Wailuku. I think Wailuku would be the closest one there. That station was built in 1954. We really need to look at, you know, remodeling it. Do we want it there? Do we want to move it? So, those are some of the discussions. Even building out more towards Waiehu with some of the infrastructure, you know, do we want one out there? Haiku was our primary that we're looking at. There's some discussion now about do we want it there, so that's another one that we're looking at. So, as far as Wailuku, that parcel that the County obtained several years ago was the latest that our discussions we had within our Department where we would construct. Whether it was a fire station or if it would be something to assist the Department and, you know, at what level I haven't heard anything about that.

COUNCILMEMBER LEE: Okay, thank you.

CHAIR PALTIN: Member Molina?

COUNCILMEMBER MOLINA: Yeah, thank you. Good morning, Chief. First of all, let me preface my question first by thanking you and your Department for the fantastic response to the prison fire the other day and which is what my question is about. In your...I mean you've had a chance to view the project and, you know, Member Lee had been talking about the Wailuku Fire Station as well as Kahului. Presently, the response time, it is adequate? That if say, I mean, you know, looking down the road this project is built or other projects in Waikapu, the response time is adequate from the fire stations that we presently have from Wailuku? I know it's kind of like you have to look into the crystal ball ahead of time but...

MR. MARTIN: You know that is really a subjective, you know, I cannot answer it. Adequate is to each their own, you know, how much taxes are we willing to pay? How fast do we want the fire truck to get there?

COUNCILMEMBER MOLINA: So, let me just stop you there just real quick. So, are basically trying to or maybe trying to throw a hint at us that maybe this Waiko area land we need another station?

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MR. MARTIN: Absolutely. For me --

COUNCILMEMBER MOLINA: Alright.

MR. MARTIN: --if it's up to, you know, any of us can call 911 at any time. You know it can happen to anybody for a number of reasons, and especially when it happens to us or our family members or anything, we want, you know, emergency services to be there as quickly as possible. So, yes, I think we do need emergency services in that area. This brought back some memories a while ago of a project that was discussed in this Chambers that some of you would remember, and it was the same topic that we're kind of talking about now and that was the Maalaea Mauka project about ten years ago, and we talked about having emergency services down at that end. So, you know, both big projects. We know that going out towards that junction on your way to Maalaea is a long run because even Kihei, the fire station, their territory comes all the way up to the Kihei junction, you know, from the Flats all the way out. That's part of theirs too. But I mean you think about, well, it's kind of close now as you come up this way so it's a big gap that area and so we definitely do need emergency services. I would like to mention our Standards of Cover document which is a very valuable document that we put together a couple years ago. If you just Google Maui Fire Department, Standards of Cover you'll get a .pdf document, almost 200 pages. It'll give you our response times to over 100 areas in the County. It will tell you how long we take to get there. It'll provide all the information of resources we have at each fire station, our staffing. So, that document will really answer a lot of the questions that comes up on what we can provide so I just wanted to share that.

COUNCILMEMBER MOLINA: Okay. Well, thank you for that information. Thank you.

CHAIR PALTIN: Members, any further questions for the Fire Department? So, if no one has any questions, I'll excuse Mr. Martin from the meeting. And just going in that same vein, I know there's a representative from the Police Department, if you wanted to come down and provide any comments or if the Members had any questions? And just for the record if you could introduce yourself?

MR. MIDA: Sure. Good morning, Chair and Members of the Committee. I'm so low on the totem pole you don't even know my name which is fine. Officer Shawn Mida, representing Maui PD.

CHAIR PALTIN: Thank you, Officer Mida.

MR. MIDA: And sorry for my attire, I was told last-minute, so. Just to echo Chief Martin, as far as the PD goes, we're looking forward to providing emergency services for the new development. Excited to see it come up and work hand in hand with them as well as the medics.

CHAIR PALTIN: Members, any questions for this officer? Mr. Sinenci?

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VICE-CHAIR SINENCI: Yeah, thank you. Thank you for being here. So, I was just, you know, kind of looking at the plan, and as far as emergency, does the design, you know, look at for easy if we need to for emergency purposes where vehicles can get in or if we need to access major thoroughfares quickly? Looking at the design, does it make it, you know, kind of easier for our public services to access?

MR. MIDA: That's probably a question Chief Martin would probably better access, but as far as for me being on the SWAT team, as long as our Bearcat can make it through, we're fine. And if it can't make it through, we usually make a way. But yeah, as far as our police cars in and out, you know, it should be no problem. Fifteen to 20 years I'll be retired but.

VICE-CHAIR SINENCI: Thank you, Chair.

CHAIR PALTIN: Sure thing. Members, any further questions for the representative from the Police Department? Seeing none, thank you so much, Officer Mida, for coming. At this time, I'd like the Administration, ask Planning Director McLean for any Planning comments on the application.

MS. McLEAN: Thank you, Chair. Our comments will be very brief. There's obviously a lot of information for the Committee to consider. We would call your attention to our transmittal letter dated February 28th, which I believe is one of the first documents that would come up. Pages 3 to 10 of that letter list all of the proposed conditions or the recommended conditions so oftentimes that's where the Council spends time discussing what conditions would be imposed on the project. And there are also three ordinances included with this, and I think it's the second ordinance that would create a new chapter in the Zoning Code, a new Chapter 19.96, that's the new Zoning Code proposed for this project. So, as you're discussing the project and considering adoption, those would be the two documents that would probably be the most useful in terms of the specific uses and conditions that are on the table at this time. And I think Kurt wanted to give just a couple of highlights.

MR. WOLLENHAUPT: Well, Mr. Atherton has been waiting ten years for this day so I don't want to take too much time except to say that the applicant has been extremely meticulous in following procedure. That being first through the development of the Environmental Impact Statement and the acceptance through the State Land Use Commission of that final EIS. Further, the acceptance of the Land Use Commission in redistricting, the quasi-judicial process, that went remarkably smoothly. That brings us to the Maui Planning Commission where there was also unanimous consideration given to moving this on to the County Council. So, the level of community involvement with this has been exemplary, as has been the positive reviews from members of the community. And the applicant has worked to change and modify things to make it a better project. And I would just finally want to state that, you know, we have the Maui Island Plan, there's a story. Mr. Atherton and his team are following that story, so that gives the Planning Department continued vote of confidence in this project. So, I'd like to thank the applicant. You know we don't want

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to necessarily advocate but we do like when there's a high level of cooperation and that's been the hallmark of this project. Thank you.

CHAIR PALTIN: Thank you. And I just wanted to clarify, the bill for an ordinance to change zoning from Wailuku-Kahului Project District 5 and Agricultural District to Waikapu Country Town, Exhibit "C" conditions of zoning, is that coming from the Planning Commission?

MS. McLEAN: Yes, the conditions of zoning would have been vetted by the Planning Commission and we would have transmitted the recommendations as they approved them.

CHAIR PALTIN: Okay. So, Members, that Exhibit "C" has, looks like 24 conditions to this project just for your information. Member Molina?

COUNCILMEMBER MOLINA: Thank you, Madam Chair. For Director McLean and the Department, with regards to the Planning staff report, I believe it mentioned that the applicant shall enter into an agreement to mitigate traffic-related impacts and the timing to complete traffic improvements to mitigate the traffic-related impacts of the project. So, if I could get a little bit more specifics, what exactly will be the traffic impacts and what the mitigation will be? And as we know like with any large-scale project it's only natural that there will be some impacts traffic-wise, and that seems to be on the mind of, you know, people, the general public who want to know what those impacts are. So, will there be more, one of the impacts, of course more cars in the area, and the mitigation, will that be a requirement for the applicant to do more storage lanes, lights, or what? Can I get more specifics on that?

CHAIR PALTIN: And just my apologies, no one from the State Department of Transportation or the Maui Department of Transportation was available to attend today's meeting. If you do have questions for them we can, our Committee can collect the questions and forward it, and then when we get the answers --

COUNCILMEMBER MOLINA: Okay.

CHAIR PALTIN: --give it out. But, Director McLean, to the extent that you can answer Member Molina's question.

MS. McLEAN: Thank you. There are proposed conditions relating to traffic impacts, and as the Chair mentioned Honoapiilani Highway is a State facility. There are two proposed intersections at Honoapiilani Highway, and the mitigation of traffic impacts and what improvements would be needed would have to be defined in an agreement that the applicant executes with the State Department of Transportation. The applicant may be able to give more detail on what some of those discussions may have entailed to date. Additionally, there's also an agreement required for the applicant to enter into with the County Department of Public Works relating to the extension of Waiale Road and the applicant's pro rata contribution to that extension because that is a critical component of the project. Those again are conditions of the zoning with milestones for

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when those agreements have to be executed and those responsibilities defined. In terms of details to those improvements, the applicant would probably be in a better situation to tell you what has been discussed with those agencies to date, because those agreements have not yet been entered into.

COUNCILMEMBER MOLINA: Okay, thank you. Well, Madam Chair, if Mr. Atherton is able to discuss briefly what some of those proposals are with the State if...

CHAIR PALTIN: Yeah, anyone from the applicant's side, whoever is the best suited.

MR. SUMMERS: We would like to ask our consultant Netai Basu with Fehr & Peers to address those questions.

CHAIR PALTIN: And we do have an extra chair set up here if...

MR. BASU: Good...

CHAIR PALTIN: If you can identify yourself for the record.

MR. BASU: Good morning. I'm Netai Basu with Fehr & Peers. Can you hear me okay?

CHAIR PALTIN: Yes.

MR. BASU: I think yes. Good. We prepared the traffic impact analysis report that's part of the draft EIS. As one of the basic assumptions was that the Waiale Bypass would be in place in the future in the analysis years. As we went through that process, it...we did pre-consultation with both County Public Works, Planning, and State DOT to determine what assumptions were reasonable for land development and infrastructure. So, this was the future setting within which we analyzed the project impacts for traffic. During the course of the study, it became less certain that the Waiale Bypass would be in place in the near-term. So, in the TIAR we included an analysis of part of the development without the bypass in place so we showed what it would be with or without. And in the response to comments during the final EIS, we did a third study looking at another scenario of full development without the Waiale Bypass. So, we've done forecasts with and without this roadway in place. We've come up with...the County has the level of service D threshold, right, this is what we're trying to achieve with the traffic impact analysis. So, this is what we're trying to achieve. In the future without this project, we analyzed 14 intersections all across Central Maui, five of them would be below that point, at E or F. The project would contribute to or create one more so that's six with the project. And then without the Waiale Bypass, there were nine intersections which were impacted so we came up with mitigations for each of these. Your question specifically is what can be done? Introducing turn lanes where there are none, an additional through lane if it's within the plan. We looked at the County's framework for planning already, the Maui plan, so we came up with signalization, changes to signals if they're already in place, additional turn lanes or reconfiguration of the intersections. We also calculated the

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pro rata share for this project for each of those impacted locations under different scenarios. So, this is all part of the record before you tonight or today.

COUNCILMEMBER MOLINA: Thank you for that explanation. So, and I presume these improvements will be...will this be all be put on the applicant or this will be cost shared with other folks? I...

MR. BASU: My answer to that --

COUNCILMEMBER MOLINA: Yeah.

MR. BASU: --question is that there are several conditions that were recommended by Planning. As Director McLean pointed out, among them is a memorandum of understanding or a memorandum of agreement with State DOT and with the County Public Works to identify exactly what improvement will be made, the timing, the responsibility for this applicant in terms of pro rata share. And just what will happen when, we're in the process of those negotiations but haven't completed them.

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

CHAIR PALTIN: Member Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. So, this traffic analysis that you've done covering a number of areas, what's the distance, you know, the distance from the subject property to how far did you go out to include in the analysis?

MR. BASU: We went north to Waiko Road and across, east, west over to Highway 380, and also to Maui Lani Parkway which is Kuikahi, right, that sort of east-west tier, mauka-makai tier, and then further south down to the next major intersection on Honoapiilani. So, in terms of distance, I'd say it's four to five miles to the north and maybe three miles to the south. Of course, you're aware there's not a lot of development to the south so we looked for impacts where we thought we might find them. That's how we scoped the study.

COUNCILMEMBER LEE: Madam Chair, do we have that traffic analysis or only the portion that relates to the project?

MR. BASU: The TIAR is included as an appendix to the draft, and --

COUNCILMEMBER LEE: Okay.

MR. BASU: --the final EIS and the supplemental studies are also.

COUNCILMEMBER LEE: Okay, thank you very much. Thank you.

CHAIR PALTIN: So, I had a question, one of the testifiers today mentioned that there might be...although this project has a total of about 1,579 units that full build-out of the

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area might be 7,035 units or around that number. And I was wondering if that was taken into account in any of your projections?

MR. BASU: Yes, indeed it was. This is a conservative analysis. We started with...we obtained the State DOT's travel demand forecasting model--I'll speak to you because you asked the question, ma'am--and that has a long-term projection for growth on the island. We looked at the land use growth in different areas or traffic analysis zones in the model. We went to Planning, we pulled down their maps, we talked to various staff at Planning about specific projects which were in the pipeline, either approved or anticipated. Looked at where they are and how much growth is in the model. Then we increased that as needed to represent over 30 development projects in the vicinity, and did our projections based on that. So, yes, we tried to account as well as we could for every project known at the time we did the study.

CHAIR PALTIN: And so then with the full build-out of the area, what do you expect traffic to look like?

MR. BASU: There will be more. It's a growth area, yes, so there are plans in place to improve certain intersections which we've identified from our study. Long-term, State DOT anticipates Honoapiilani becoming a four-lane road, and one of the things they'd asked for was some setbacks along that. So, with the Maui Island Plan and the previous transportation plan for the whole island, you've all set in place a framework within which growth can occur, and we anticipate this project--and our study makes those assumptions--occurring within that framework.

CHAIR PALTIN: Thank you. Member Sugimura?

COUNCILMEMBER SUGIMURA: Thank you. I'm not sure if it would be with the consultant versus with Public Works in terms of a CIP project, Waiale Road extension that was in our budget, CBS-1069. So, I wonder how this ties into what the consultant has been talking about. Are we having Public Works at a later time?

CHAIR PALTIN: We do have a representative from Public Works. Mr. Yagin, if you'd like to come down to the Administration desk? Maybe when he introduces himself, you can repeat the question for him. Good afternoon, Mr. Yagin. If you can identify yourself for the record?

MR. YAGIN: Good morning, Chair and Committee. Nolly Yagin with the Department of Public Works.

COUNCILMEMBER SUGIMURA: Thank you, Mr. Yagin. So, from Public Works there is in CIP, Waiale Road Extension, CBS-1069, a project district Wailuku-Kahului, project description, design the...and design for the construction of a two-lane roadway extension of Waiale Road from Waiko Road to Honoapiilani Highway. Improvements to include construction of bridge spanning Waikapu Stream and two-lane pavement structure, some shoulders, and safety improvements. Are you familiar with this?

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MR. YAGIN: Chair? Yes, so that project it was actually we requested the funding so that we could start permitting work. Permitting work, some preliminary engineering. The bridge design would be very involved, so that was part of the work that we had hoped to do. Subdivision was another portion that we needed to get through. As far as...the land acquisition or the land matters is something that's been taking quite a while just because of the road needing to cross the stream. That was the most complicated portion that we're still going through at this time.

COUNCILMEMBER SUGIMURA: If I could?

CHAIR PALTIN: Yes.

COUNCILMEMBER SUGIMURA: So, are you saying it's in progress, this project is in progress?

MR. YAGIN: It is in progress although it's rather slow. We tend to focus on...our staff efforts tend to shift focus here and there. So, since this project got funded, it's kind of been on a hold pattern at this point.

COUNCILMEMBER SUGIMURA: You said got funded?

MR. YAGIN: It did get funded.

COUNCILMEMBER SUGIMURA: So, is this connected to Mr. Atherton's project? Is it...

MR. YAGIN: The permitting that we're about to enter does...the extension does pass below his property. We would need right-of-way or right-of-way would be required in order for this road to be built.

COUNCILMEMBER SUGIMURA: So, is...so during past budgets, if I could, that I remember there was a request for Waiale Road project that somehow it was because of a land acquisition discrepancy between Mr. Atherton and another developer. Is it tied to this or it's...are you familiar with that? It didn't get funded. So, this is in addition to.

MR. YAGIN: Yeah, I'm just trying to...we have several projects going on along Waiale Road, and it might help to know how much, that CBS number that you did mention.

COUNCILMEMBER SUGIMURA: Oh, what the amount is for?

MR. YAGIN: Yeah.

COUNCILMEMBER SUGIMURA: For fiscal year...let's see, I think it looks like it's a copy that's a little bit or this is Fiscal Year 2018 Proposed Budget and it looks like it's 20 million. Or is it 20...yeah, 20 million, 20.5.

MR. YAGIN: That's a lot.

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COUNCILMEMBER SUGIMURA: Yeah.

MR. YAGIN: Yeah, so that...

COUNCILMEMBER SUGIMURA: Fiscal Year '18....Fiscal Year '19 is for 18 million.

MR. YAGIN: So, 18 million sounds about the...it sounds right around the construction cost for a full Waiale Road extension. That may have been put in or introduced by the previous Administration.

COUNCILMEMBER SUGIMURA: Yes.

MR. YAGIN: Yeah. Yeah, so that would be for...that is right for construction, that would have been for construction.

COUNCILMEMBER SUGIMURA: So, this is happening then? You're saying it's just happening slowly.

MR. YAGIN: It's in the, so it's in the six-year plan currently. Yeah, I would need to dig in a little more on this, but we haven't put quite the effort that would be needed to get this into construction in the next several years.

COUNCILMEMBER SUGIMURA: Maybe then the...last question on this, then I'll relinquish the floor. But so in order for this project then to mitigate some of the traffic concerns, this needs to happen, our County project?

MR. YAGIN: It would help; although, like that study that Netai did refer to, it did look at the scenario without the Waiale Road extension. So, I haven't had a chance to look at that report in detail, but what I believe is that it identifies mitigation that would help this project get going...mitigation to other intersections that would help this project relieve some of that traffic contribution.

CHAIR PALTIN: Mr. Netai [sic]?

MR. BASU: Thank you for giving me a chance to augment my previous testimony before you. In the analysis we did of the...with project scenario with the bypass in place and without, we found that we could fully mitigate the impacted intersections back to the desired level of service. So, within that analytical framework, the bypass is not needed to support this project. It will be a boon, it will be a benefit for regional traffic and including this project if it were in place, but it's not necessary to be there for this to proceed. So, thank you, Nolly, for giving me a chance to make that point.

CHAIR PALTIN: Any further questions on this?

COUNCILMEMBER SUGIMURA: So, if I could? So, just for my clarification then, are you saying that if this road didn't happen, this project could proceed and you would

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adjust, the plans that we were just presented would change or would it stay in place and you'll just mitigate traffic in another way?

MR. BASU: It's the latter of those two, because the plan is for the development of this land that we've all heard about this morning and been looking at for some time. The traffic impact analysis report looks at traffic beyond the site as well as away from it. So, some of the intersections are immediately adjacent to it, some are further off, and there's a different mix of improvements needed to achieve LOS D if the Waiale Bypass were not in place. So, it's the latter of those two.

CHAIR PALTIN: Member Sinenci?

VICE-CHAIR SINENCI: Oh yeah, thank you, Chair. I had a question. Would...does the street design allow for public transportation, the bus system to be coming through the site with ease I guess? Just some extra, you know, setbacks for buses to pull over if needed.

MR. BASU: The plan is flexible in that way and that it does make some allowances on the major north-south collector road should the service be provided by the bus, by the County. And it's not something the project would develop and implement in terms of service but it allows for that to be put in place.

VICE-CHAIR SINENCI: Thank you. And then one more question, Chair. One of the Waikapu residents asks if there was any plans for a bridge that would connect I guess the east and the west side with...to go over the Honoapiilani Highway. Was there any walking bridge or any other bridge designed in the project?

MR. BASU: This is a question for me? I can answer that.

VICE-CHAIR SINENCI: Anybody.

MR. SUMMERS: Thank you. Yes, you know, that suggestion's been raised before and we've actually sat down with Public Works, State DOT, and the Planning Department and have discussed bridges and underpasses and whatnot. And that is not currently being proposed, we have a different mitigation that I think DOT and Public Works feels comfortable with that would get people across the highway safely.

CHAIR PALTIN: Did you want to share that with us, the different mitigation?

MR. SUMMERS: So, there will be two improved intersections along the highway. And the idea is to channelize the pedestrians to those intersections through landscaping, perhaps a barrier, like a fence barrier that would be designed in such a way that it wouldn't be a visual impact. Signage to direct pedestrians to the safe intersections. And that would be kind of the primary strategy to get pedestrians to those two particular crossings. Now, if you look at the development and where the primary activity areas are, being both the commercial, the main street, you know, the main street on the makai side, the town center on the mauka side, the school, most of that

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pedestrian traffic is going to take place on main street and up through the town center. And so most of the pedestrians will naturally flow to that intersection that goes into the project area along Honoapiilani, that primary intersection. There may be traffic from some of the residential units that are further south, and we have a pedestrian kind of plan within the project site to direct the pedestrians to main street on the makai side of the highway to get them up to that primary intersection. So, it's really gonna be about getting kind of in front of the development before it takes place to make sure that pedestrians are directed to the appropriate crossing locations.

VICE-CHAIR SINENCI: Do you also have onsite parking available?

MR. SUMMERS: Yes, we'll have onsite parking available to address the parking demand of the project.

VICE-CHAIR SINENCI: Would that be like subterranean or garage or...

MR. SUMMERS: Well, we haven't considered developing parking structures. I think what we're looking at is kind of a combination of decentralized lots so that our development pattern cannot have the impact of having parking fronting the major roadways or disturbing kind of the overall kind of character of development. So, you might expect a scenario where you'll have onsite parking requirements supplemented by strategically located public parking areas.

VICE-CHAIR SINENCI: Right, just...

MR. SUMMERS: And of course, the residential units will have their own onsite parking.

VICE-CHAIR SINENCI: Right, just the question, I mean we're promoting walkable streets but, you know, people still need to get there and park somewhere, so.

MR. SUMMERS: That's true. That's very true.

VICE-CHAIR SINENCI: Thank you. Thanks, Chair.

CHAIR PALTIN: Sure thing. Ms. Sugimura, did you have another question? Oh, okay. Vice-Chair Rawlins-Fernandez?

COUNCILMEMBER RAWLINS-FERNANDEZ: I actually have a question for Planning. I don't know if everyone is --

CHAIR PALTIN: Does anyone have --

COUNCILMEMBER RAWLINS-FERNANDEZ: --done asking...

CHAIR PALTIN: --any further questions for the consultant's traffic analysis? No? Thank you, Mr. Netai [sic].

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MR. BASU: Thank you.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Mahalo, Chair. Okay, aloha, Ms. McLean. So, it looks like the wastewater reclamation facility is on Ag-zoned land. And maybe you would be able to respond but is that a permissible use on that zone area?

MS. McLEAN: No, it's not and one of the conditions related to the wastewater facility is that a State special permit be obtained for it.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay. Did you want to add anything?

MR. SUMMERS: No, she...the Director's correct. We have both a State Land Use Commission permit related to that issue of getting a special permit, and we also have a County requirement that we do that, so.

COUNCILMEMBER RAWLINS-FERNANDEZ: Okay, thank you. Thank you, Chair.

CHAIR PALTIN: Along those same lines, the school, is that a permitted...the Punana Leo one, is that permitted on Ag lands?

MR. SUMMERS: The school will also need a special permit to operate in the Ag District.

CHAIR PALTIN: And...

MR. SUMMERS: The Hawaiian immersion school will need a special permit, yeah.

CHAIR PALTIN: Any further questions for the Department of Planning at this time? No? Okay. I did have some questions. The Wailuku-Kahului Community Plan contains no language for Project District 5. Is the Department certain that the parcels in question today are currently zoned Project District 5?

MR. WOLLENHAUPT: Yes, good afternoon, Chair. Yes, the Department is convinced in looking at Ordinance Number 2160, Bill 70, 1992, and that created in Chapter 19.84, Wailuku Project District 5. On the community plan maps, this area is indicated as project district, the area which is under consideration today to go to a Change in Zoning into Waikapu Country Town. Should that occur, the entire project district, aka 5 would then shift into this new Waikapu Country Town zoning. As for why there was not a story in the community plan that was done in 2002, which would have followed on Project Districts 1, 2, 3, and 4, there doesn't seem to be an answer that I could ascertain as to why that story was not put in. But with the ordinance, all the evidence, all the maps, talking with Long-Range, Project District 5 exists. It will cease to exist should this Change in Zoning occur. So, we're convinced that it does exist.

CHAIR PALTIN: And just to follow up, are there any other areas in the Wailuku-Kahului Community Plan area that have Project District 5 designation?

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MR. WOLLENHAUPT: This project encompasses everything that's in Project District 5, and the proposed Change in Zoning and change in community plan project district, referring to the community plan in this sense of PD5, all of that would be shifted so there would be no remnant of Project District 5 left in the proposed application.

CHAIR PALTIN: Thank you. Is it the Department's understanding that the proposed Waikapu Country Town is analogous to the Waikapu Tropical Plantation Town discussed in Chapter 8 of the Maui Island Plan and that the Waikapu Country Town is similar enough to planning guidelines outlined under Wailuku Tropical Plantation Town so as not to require an amendment to the Maui Island Plan?

MS. McLEAN: That's a long question and I'll give a very simple answer, yes.

CHAIR PALTIN: Cool. Alright. Then as it relates to the bill to establish the Waikapu Country Town District zoning, the proposed Section 19.96.090 outlines principal, accessory, and special uses. This is an undefined use, AR, what does this mean?

MS. McLEAN: Thank you and thank you to your staff for finding that. Similar terminology is used in a couple of subsections, and checking with the applicant, the intent of that was for that AR use to be what we colloquially refer to as a use determination that's made by the Department. There are many districts in our Zoning Code that list permitted and accessory uses, and at the end of those uses, it will say other uses that are similar, related, or compatible as determined by the Director. And so we would recommend in those three areas where that language is referenced to say just that, other uses similar, related, or compatible to listed principal or accessory uses may be allowed with administrative review (AR) by the Planning Director. And that's consistent with how those kinds of things are handled in other districts in Title 19.

CHAIR PALTIN: So, in the same bill, Table 2.A has footnotes, and Footnote 4 is inconsistent, if you could please explain the intent?

MS. McLEAN: Thank you. That's another very good catch. That could just be...some of those phrases could just be switched around so that it would read shall be limited to a maximum of 30 rooms within the town center district, a maximum of 50 rooms within the main street district, and a maximum of 150 rooms within the commercial employment district.

CHAIR PALTIN: And proposed Section 19.96.120(C) referenced rural residential lots. Just wondering if this means Rural lots or Residential lots or both?

MR. SUMMERS: Just the Rural lots.

CHAIR PALTIN: Okay, thank you. One additional question, we've been having issues come up with ziplines, and I understand that your zipline activities are already in place. But folks who've been living in an area and then have the ziplines come up after the fact are usually not stoked on it. Wondering what your thoughts are, like if the zipline was going to move to a different location, stay in place, or continue to operate? And if

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you anticipate any problems with the folks, the residents in the country town and maybe the screaming or things like that?

MR. SUMMERS: So, I think you're assuming a scenario where that zipline might be in operation as the town is developed and you have residences in close proximity to the zipline?

CHAIR PALTIN: Yeah, that's the situation I was imagining.

MR. SUMMERS: Right. And I'm going to have Mike Atherton address that, but I don't think there's a plan to have the zipline in close proximity to the new development that would be taking place in that area, that specific area. It might be relocated to the agricultural area or some other more suitable location. Mike, can you address that?

MR. ATHERTON: Thank you. We have two ziplines at the Tropical Plantation. One is way up on the top of the mountain, it's not even shown on this map, but that's the Flyin Hawaiian. And then we have a smaller one that's within the Maui Tropical Plantation, and when we begin construction of the town, the smaller one that's down in within the Tropical Plantation we're anticipating on moving. We'd like to move into where the old quarry is there. You'll see it in the middle of the photo, it's kind of a grey area. It made a perfect spot for a zipline in the tech park. So, that's our long-range plan on that. So, there will not be any housing in this project that's close to a zipline.

CHAIR PALTIN: And for the Planning Department, is the quarry area zoned to allow ziplining?

MR. ATHERTON: The quarry is currently zoned Rural so there would have to be a change there. So, that will be a whole nother project.

CHAIR PALTIN: Okay and the one Flyin Hawaiian Zipline, is that in the watershed area that...I mean the one that you said is not in the map?

MR. ATHERTON: No, it's not in the watershed conservation area. It's in a band of land that's above the golf course there. I'd say maybe couple more inches on this map higher than the Kamehameha Marilyn Monroe Clubhouse there at the top. It's up above in those mountains there.

CHAIR PALTIN: Okay. Member Molina?

COUNCILMEMBER MOLINA: Question for the application. With regards to the affordable housing component, in your first phase of development, how many affordable housing units will be built? And I preserve [sic] you'll be doing the infrastructure concurrently before you go on to the next phase, Mr. Atherton?

MR. ATHERTON: I can't say how fast that it'll get built, but we have to build the affordable housing concurrently with the market-rate housing so the infrastructure will go together and the housing starts will start the same way.

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COUNCILMEMBER MOLINA: Okay. Do you have...

MR. ATHERTON: So, you'll have affordable housing at the same time that you have any market-rate housing.

COUNCILMEMBER MOLINA: Any idea on how many units at this point in the first phase?

MR. ATHERTON: No, I have to negotiate an agreement with Maui County housing authority.

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

CHAIR PALTIN: Members, any further questions for the Planning Department at this time? Seeing none, thank you very much for your being here and your knowledge and everything. I see that it's very close to 12 o'clock. Just temperature check, does...do Members want to continue on with the comments from Department of Environmental Management or shall we break for lunch?

COUNCILMEMBER SUGIMURA: Chair?

CHAIR PALTIN: Yes, Ms. Sugimura?

COUNCILMEMBER SUGIMURA: So, I'm just curious, how many more departments and are you thinking we're going to finish this today or...

CHAIR PALTIN: I wasn't thinking with the number of departments we have left.

COUNCILMEMBER SUGIMURA: Oh, so we would have to defer and come back another day?

CHAIR PALTIN: Yeah, so just for everyone's information, our next scheduled meeting of this Committee I believe is May 15th, and it's too long to recess to May 15th because we have Budget commitments. My suggestion would be if Members have additional questions, please compile them, forward them to my Committee and we can transmit the questions in an effort to expedite the process to the applicant and possibly to the different department heads. And once we get the answers, we can post the answers in Granicus in addition to the applicant's presentation from today. And then when we're back out of Budget, we can reschedule. So, it was my intention to defer this item --

COUNCILMEMBER SUGIMURA: Okay.

CHAIR PALTIN: --and then reschedule after Budget.

COUNCILMEMBER SUGIMURA: So, if your --

UNIDENTIFIED SPEAKER: Chair?

COUNCILMEMBER SUGIMURA: --question is shall we continue or shall we...

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CHAIR PALTIN: Break for lunch.

COUNCILMEMBER SUGIMURA: Yeah, break for lunch, that means end this meeting and defer it. I think that's what you sound like you're saying.

CHAIR PALTIN: Yeah, that's --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR PALTIN: --correct.

COUNCILMEMBER SUGIMURA: Although I would love to do this, get it done, but let's do that.

CHAIR PALTIN: Okay.

COUNCILMEMBER SUGIMURA: Let's defer this and we'll send questions, I'll send some questions.

CHAIR PALTIN: Okay, and you send it to --

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR PALTIN: --my Committee.

COUNCILMEMBER SUGIMURA: Yes.

CHAIR PALTIN: And then...

COUNCILMEMBER RAWLINS-FERNANDEZ: Chair, most of the remaining questions I have is involving Water.

CHAIR PALTIN: Water, okay. Member Molina?

COUNCILMEMBER MOLINA: Yeah, you know, thank you, Madam Chair. You know I can certainly see your point. This is a large project and we want to make sure we hear from all of the departments. So, I can support your suggestion to defer. I know you had mentioned May, I'm not sure what the, you know, Budget Chairman Rawlins-Fernandez, but if it's something that could be done earlier, maybe the month of April if there's any possibility. I mean I'm for that as well because I, you know, this is a real interesting project, and I think it certainly makes a commitment towards the affordable housing component. So, I'm open to having the next meeting a little sooner than May. So, I just throw that out there for your consideration.

CHAIR PALTIN: Yeah, I'm just...whatever happens in Budget, I'm a first-timer so I don't need to wait to May 15th if the Budget passes, finishes earlier than that. Member Sinenci?

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VICE-CHAIR SINENCI: Chair, how...a question, how many other departments did we want...did...wanted to review the project?

CHAIR PALTIN: We also have Environmental Management, Parks and Recreation, Water Supply, Housing and Human Concerns, Corporation Counsel is here. Those were the other departments that are here. The Director of Transportation did inform me that he was going to be off island today with his Deputy, and he is willing...there is currently no bus routes in there but he's open to it, you know, in the future should the need arise. Member Molina?

COUNCILMEMBER MOLINA: Yeah, just out of curiosity, maybe Director McLean can answer this. When this project went before the Planning Commission, how many times did the applicant have to go before the Commission? One meeting, two meetings?

MS. McLEAN: They went before the Maui Planning Commission just once. The Commission had seen it previously during the draft EIS process.

COUNCILMEMBER MOLINA: Okay.

MS. McLEAN: But there was quite a bit of time between the two so just one meeting with the Maui Planning Commission.

COUNCILMEMBER MOLINA: Okay, thank you. Thank you.

CHAIR PALTIN: Yeah, and I appreciate the work upfront that the applicant has done with the community engagement, and it's kind of my intention that we do all our Committee work upfront so that when we do get to first and second reading on the Council side, that we're not doing too much questioning or any presentation like that so that we just sail through that part. I'd like to continue to do the work upfront unless, you know, things change to a dramatic extent. So, I apologize, I know that it's been a long time coming for this, but similar to Councilmember Molina, a lot of us are new here and we just want to make sure that we don't run into any hiccups on the back end so we want to do our work in the front-end. Member Lee, did you want to say anything?

COUNCILMEMBER LEE: Thank you, Madam Chair. I really don't have any questions or concerns. I am supportive of this project and whenever you're ready to move it forward, you know, I'd be happy to support you. Just know that we have plans for May, so, you know, I'm hoping that we can move it along as quickly as possible. Thank you.

CHAIR PALTIN: Yeah, and so that was my intent to expedite the questions. If folks do have questions if we can compile them and get it to the applicant, and then if he can get the questions back to us before the next scheduled meeting then we can, you know, move forward a little bit faster I think. So, with no further...Member Sinenci? I'd like to defer this item.

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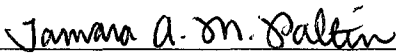
COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: KK)

ACTION: DEFER PENDING FURTHER DISCUSSION.

CHAIR PALTIN: This concludes today's Planning and Sustainable Land Use Committee meeting. Thank you very much, Members, Applicants, Staff, and Department Heads. This meeting is adjourned. . . .(gavel). . .

ADJOURN: 12:01 p.m.

APPROVED:



TAMARA PALTIN, Chair
Planning and Sustainable Land Use
Committee

pslu:min:190313:ds

Transcribed by: Daniel Schoenbeck


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CERTIFICATE

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

DATED the 29th day of March, 2019, in Kula, Hawaii



Daniel Schoenbeck