

LAND USE COMMITTEE

Council of the County of Maui

MINUTES

January 9, 2008

Council Chamber

CONVENE: 1:34 p.m.

PRESENT: Councilmember Michael J. Molina, Chair
Councilmember Joseph Pontanilla, Vice-Chair
Councilmember Michelle Anderson, Member
Councilmember Gladys C. Baisa, Member
Councilmember G. Riki Hokama, Member
Councilmember Jo Anne Johnson, Member (Arrive 2:03 p.m.)
Councilmember Danny A. Mateo, Member
Councilmember Bill Kauakea Medeiros, Member
Councilmember Michael P. Victorino, Member

STAFF: Tammy M. Frias, Committee Secretary
Carla M. Nakata, Legislative Attorney

Lei Kihm, Executive Assistant to Councilmember Bill Kauakea Medeiros
Jock Yamaguchi, Executive Assistant to Councilmember Michelle Anderson

ADMIN.: Colleen Suyama, Deputy Director, Department of Planning
Clayton Yoshida, Planning Program Administrator, Current Planning Division,
Department of Planning
Michael Miyamoto, Deputy Director, Department of Public Works
Stephen Orikasa, Administrative Sergeant, Wailuku Patrol Division, Department of Police
Patrick Matsui, Chief of Planning and Development, Department of Parks and Recreation
James A. Giroux, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Grant Chun, Vice President, A & B Properties, Inc.
Meredith Ching, Senior Vice President, A & B Properties, Inc.
Stan Kuriyama, CEO, A & B Properties, Inc.
Dan Yasui, Project Manager, A & B Properties, Inc.
Mercer "Chubby" Vicens, Vicens Entitlement Group (Applicant's consultant)
Michael Munekiyo, Munekiyo & Hiraga, Inc. (Applicant's consultant)
Thomas S. Witten, President, PBR Hawaii (Applicant's planning consultant)
Phillip Rowell, Phillip Rowell & Associates (Applicant's traffic consultant)
Keith Niiya, Austin Tsutsumi & Associates (Applicant's civil engineer, roadway/drainage)

Brennon Morioka, Acting Director, State Department of Transportation
Ferdinand Cajjigal, Maui District Engineer, Highways Division, State Department
of Transportation

Ken Ota

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Michael Arista, Central Maui Little League
Jon Santos, J.S. Construction & Excavation
Barry Takahashi, The Maui Baseball Expo
Additional attendees (10)

PRESS: Harry Eagar, *The Maui News*
Akaku--Maui County Community Television, Inc.

ITEM NO. 49: CHANGE IN ZONING FOR THE MAUI BUSINESS PARK PHASE II PROJECT (KAHULUI) (C.C. No. 06-55)

CHAIR MOLINA: . . .(*gavel*). . . Land Use Committee Meeting of January 9, 2008 is now in session. For the record we have in attendance, and by the way, Happy New Year, everyone. We have in attendance Members Mateo, Anderson, Baisa, Medeiros, Hokama, Vice-Chair of the Committee Pontanilla, and Member Victorino. Excused is Member Johnson and Chair Molina [*sic*]. We have one item on our agenda today and that is Land Use Item 49, which is a Change in Zoning for the Maui Business Park Phase II project in Kahului.

But before we entertain public testimony the Chair would like to also recognize Staff who is here in attendance. We have Legislative Analyst Carla Nakata as well as Committee Secretary Tammy Diaz [*sic*]; and then we have from the Corporation Counsel's office James Giroux; from the Planning Department, Deputy Director Colleen Suyama, and we have Planning, I'm sorry, Mr. Yoshida, I'm not sure of your, your title right now, but we'll call you Senior Planner or one of the senior members of the Planning Department.

MR. YOSHIDA: Planning Program Administrator.

CHAIR MOLINA: Planning Program Administrator, Mr. Clayton Yoshida. I like that title. Once again good afternoon, Members, and we have a very large item to deal with today, but before we do that we will entertain public testimony. We have, at this point, four members of the public who have signed up to testify. Before we entertain our first testifier the Chair would like to go over a few ground rules. And that is to, first of all, turn off your cell phones or pagers so as not to disrupt our proceedings, and please state your full name and any organization that you may be representing. So with that being said first to testify we have Ken Ota followed Michael Arista.

. . .BEGIN PUBLIC TESTIMONY. . .

MR. OTA: Good morning, Council Chair --

CHAIR MOLINA: Good morning.

MR. OTA: --and Council Members. Thank you and good afternoon. My name is Ken Ota. I am representing myself. We're a small business owner at Maui Business Park currently on the

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Phase I through A&B. We've been there for about ten years. Moving there was a great opportunity for us to grow our business. And one of the best things that came out of that, of that growth was being able to grow a company and acquire more space for us as the economy grew over here in, in Hawaii or on Maui.

I am in support of your zoning changing of the LU-49, changing of zoning for Maui Business Park, Phase II. I think it's a great opportunity for small businesses to get involved in, in these areas. There is a big demand. My neighbor and across the street they're all small business people, and they've moved in their because of their growth. And I think it would be a great opportunity if they could continue expanding the industrial parks. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Ota. Committee Members, questions for the testifier? Seeing none, oh, excuse me, Member Anderson?

COUNCILMEMBER ANDERSON: Yeah, thank you, Chair. Thank you for being here, Mr. Ota. So in Phase I you are in an area that is light industrial; you're not, you're not where, like, Lowe's and all those other stores are?

MR. OTA: I'm next to Lowe's. My neighbor is Lowe's.

COUNCILMEMBER ANDERSON: You're next to the...

MR. OTA: But it's the, it's the next subdivision. It was the next phase.

COUNCILMEMBER ANDERSON: Right. Phase IB, where it has all the small lots for light industrial?

MR. OTA: That's correct, yeah. There's about 30 lots, and we're right next door to Lowe's.

COUNCILMEMBER ANDERSON: And so all those lots, those are all light industrial folks; no retail in there?

MR. OTA: No retail.

COUNCILMEMBER ANDERSON: Okay.

MR. OTA: No retail.

COUNCILMEMBER ANDERSON: Thank you very much.

CHAIR MOLINA: Okay. Thank you, Member Anderson. Mr. Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Mr. Ota, what business are you in?

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MR. OTA: We're in the construction, selling construction materials for irrigation and infrastructure materials.

COUNCILMEMBER MEDEIROS: Okay, and so you need more space mainly for warehousing, baseyard or both?

MR. OTA: It would be a combination of both warehouse and yard space.

COUNCILMEMBER MEDEIROS: Okay. Thank you, Mr. Ota. Mahalo, Mr. Chair.

CHAIR MOLINA: Okay. Thank you, Member Medeiros. Members, any other questions for the testifier? Seeing none, thank you very much, Mr. Ota, for your testimony. Next to testify we have Michael Arista followed by Jon Santos.

MR. ARISTA: Good morning, everyone. My name Mike Arista. I represent Central Maui Little League. I was here more to testify to, like, more questions, yeah, about what would be happening if this place was for pass, yeah. That water catchment area that you guys was, that somebody was fighting for with all the soccer fields, my question would be, like, say if this thing was to pass and be approved in the change of zoning, what kind accommodations would, like, say baseball have compared to strictly soccer; yeah?

Like you can say right now our league is growing so rapidly for us personally we would have 29 teams this year and one age bracket of 5 through 12, and we got no place for put 'em. Lucky if we can accommodate, like I would say, probably about 22 teams out of that 29. Game fields we're sharing with another league already, and our specifications is totally different from them, yeah. The one field that was assigned to us we lost already at War Memorial Complex, because Baldwin softball is using, your normal in-season, yeah, now with that Title IX change of season thing that happened. But for me would just be, mostly just questions on what would happen with that water catchment, if we could also get baseball fields in there, yeah, for our, our use? That would be about it. Thank you.

CHAIR MOLINA: Okay. All right. Mr. Arista. The Chair has one question for you before I open it up for the other Members. So, Mr. Arista, so roughly how much space or land would you need at least for, at least for one practice baseball field?

MR. ARISTA: One practice field?

CHAIR MOLINA: Uh-huh.

MR. ARISTA: I would say roughly, I would go at least on one average of about couple acres.

CHAIR MOLINA: Couple acres.

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MR. ARISTA: Yeah, because you also, besides the field you looking at parking also, yeah. But I would say at least couple acres, and then that would be on one 60-foot diamond.

CHAIR MOLINA: Okay. All right. Thank you. Committee Members, questions? Start with Member Pontanilla followed by Member Victorino and Member Medeiros.

VICE-CHAIR PONTANILLA: Thank you. Mr. Arista, fast question. Your Little League schedule when does the season begin and when it ends?

MR. ARISTA: Our season normally begins in January and would run until probably about the end of March, and then we would have one break in between, and we would start up for about another month for all star practices. But in the meantime you get your older divisions, yeah, from 13 through 18. They would normally start just after the MIL season is done, and then we would, that would run from say roughly about April, May all the way through to July.

VICE-CHAIR PONTANILLA: So for your season it's January to March?

MR. ARISTA: For this season right now --

VICE-CHAIR PONTANILLA: Yeah.

MR. ARISTA: --that 5 through 12s.

VICE-CHAIR PONTANILLA: Okay. Thank you.

CHAIR MOLINA: Thank you, Member Pontanilla. Member Victorino.

COUNCILMEMBER VICTORINO: Yes, Mr. Arista, thank you for coming. A couple of questions. Number one, have you sat down with A&B to discuss this matter with them?

MR. ARISTA: I have personally called them and asked them about the situation that was going on inside, about that water catchment. And they was saying right now would be something to bring up with you folks, because of the part where they're still going for this rezoning, yeah, and they would try and do, and look at whatever they could do.

COUNCILMEMBER VICTORINO: Okay, and then secondly, as far as Central Little League is concerned approximately how many kids for, like, for example, this upcoming season how many kids do you have participating in the 5 to 12s?

MR. ARISTA: Right now we have approximately 500 kids.

COUNCILMEMBER VICTORINO: And that's just Central Maui, because every region, if I understand correctly, has their own Little League region; right?

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MR. ARISTA: Correct.

COUNCILMEMBER VICTORINO: Or every area I should say; yeah?

MR. ARISTA: Correct.

COUNCILMEMBER VICTORINO: So total for Maui County, rough estimate, how many?

MR. ARISTA: I would say based on last years numbers from the other leagues we're looking at over, maybe about 2,000 kids, roughly.

COUNCILMEMBER VICTORINO: Two thousand kids approximately. The other thing is you mentioned earlier something about the loss of fields. What, what, what area are you referring to loss of fields? Because I understand the gender equity, the Title IX, and the mandate that came down to make seasons concurrent with other seasons like basketball, soccer. Boys and girls now all together where it used to be in different timeframes --

MR. ARISTA: Yeah.

COUNCILMEMBER VICTORINO: --whether the fall, winter and spring; right? So with softball they're being pushed with baseball if I'm correct in saying that?

MR. ARISTA: Correct.

COUNCILMEMBER VICTORINO: Okay. So that takes away Field One which Baldwin High School uses --

MR. ARISTA: Correct.

COUNCILMEMBER VICTORINO: --which used to be the Little League field which originally was dedicate for Little League; am I correct?

MR. ARISTA: Yeah, correct.

COUNCILMEMBER VICTORINO: So I understand the, the challenges, but what fields are you referring to that we lost, that we no don't have no longer use of?

MR. ARISTA: Well, you can say, like, right now you get three fields down there --

COUNCILMEMBER VICTORINO: Okay.

MR. ARISTA: --actually set up for game situations. You get the other two that actually, that they use as one run-off parking for the gym functions and everything else.

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COUNCILMEMBER VICTORINO: Right.

MR. ARISTA: So that's actually, like, two more fields that they could have add in for game purposes, but because of the runoff parking all of a sudden that's one field that never going be, you know, how you can say restored or anything into one game playing situation. The other two fields would be the, how you can say, the pony league fields, two and three.

COUNCILMEMBER VICTORINO: Yeah.

MR. ARISTA: Right now you can say according to specifications, right now they, they are, what, couple feet off from us while we, like, your pitching mound for us is 46 feet, in the Bronco and Mustang Divisions one is 48, the other is 44. Base bats one is 60 and the other division is 70, yeah.

COUNCILMEMBER VICTORINO: Yeah.

MR. ARISTA: So in ways, right now, truly we, we have no game fields. What we're doing is borrowing from the Pony League.

COUNCILMEMBER VICTORINO: To use the fields for, for game situations?

MR. ARISTA: Yeah.

COUNCILMEMBER VICTORINO: And what about the one you mentioned about Waikapu, we lost the two fields up there, because they been graded; right?

MR. ARISTA: The one through the Spencer homes?

COUNCILMEMBER VICTORINO: Yeah.

MR. ARISTA: Yeah.

COUNCILMEMBER VICTORINO: Those have been taken out of service, because they've been graded for other purposes?

MR. ARISTA: Yes, sir.

COUNCILMEMBER VICTORINO: Okay. Thank you, Mr. Chair, I appreciate that.

CHAIR MOLINA: Okay. Thank you, Member Victorino. Member Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Mr. Arista, thank you for your information presented today. Would a practice field could also be used as a game field?

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MR. ARISTA: You could. You can say right now some of these fields is, you know, they, they kind of abused, because being shared with school, so during recess or whatever else. You get your soccer fields also that, you know, they playing right there on the fields. So their cleats is actually tearing up the thing more, yeah, the fields. So in ways it's, it's more of a safety issue, yeah, where at least in one game field, like how War Memorial is all fenced off and no need to worry about the over, over use, yeah. And where you, like say, where was one good example. KCC fields you get, actually by right you have four diamonds being shared with two soccer fields. One of my boys was playing on one of the teams that used to practice down there, and by the time they go in you get no time for fix 'em up, flatten 'em out, or anything; make the surface level again just from the soccer season.

So in ways you're looking at something as one safety issue for the kids, yeah, because compared to one soccer ball, one baseball get, you know, like how that issue that came up in New York about bats and everything. How they're trying for investigate which one offering more, what is that, velocity.

COUNCILMEMBER MEDEIROS: Okay. Also let me ask you, currently is there a conflict between soccer and Little League baseball leagues' schedules? They occur at the same time, or...

MR. ARISTA: Well, soccer is all year long --

COUNCILMEMBER MEDEIROS: Right.

MR. ARISTA: --so there always going be one conflict.

COUNCILMEMBER MEDEIROS: Well soccer is all year long. Sometimes in just special leagues, you know, the select leagues and those go kind of all year long. But, so you don't get use of those fields that are used by soccer leagues?

MR. ARISTA: No.

COUNCILMEMBER MEDEIROS: I see. Okay. Okay. Thank you for your information. Mahalo, Mr. Chairman.

CHAIR MOLINA: Okay. Committee Members, other questions? Member Anderson followed by Member Pontanilla.

COUNCILMEMBER ANDERSON: Thank you, Chairman. Mr. Arista, thank you very much for being here and thank you for your service to Little League. It's much appreciated. I'm a little confused, though. You said that you have 29 teams and only 22, enough fields for 22 to play. Those 29 teams, does that comprise all Maui Island, or just...

MR. ARISTA: No, this is just in the central area, Kahului and Wailuku.

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COUNCILMEMBER ANDERSON: Central area only. Wow. Have you gone and looked at the site that we're talking about?

MR. ARISTA: No, I haven't.

COUNCILMEMBER ANDERSON: Because, you know, I, I think Little League needs their fair shot, but my concern would be stray balls going onto the highway. So maybe you might want to look at that and see if, I don't know how much fill that they would put in there, if they would change the configuration at all, but we'll ask them.

MR. ARISTA: Okay.

COUNCILMEMBER ANDERSON: Okay. Thank you.

MR. ARISTA: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Anderson. Member Pontanilla?

VICE-CHAIR PONTANILLA: Thank you. Just a comment and probably when the Parks Department comes up, I'll ask this question. Right now in Maui Lani the development out there is providing, I think it's like a 25 to 30 acre park. And I understand that part of the design are ball fields. So when the Parks Department come up, when they do their presentation or comment on this particular project, we'll ask them that question in regards to what the 29 or 30 acres will be used for.

MR. ARISTA: Well, just as one response back to that. I was talking with them too, and according to them the only thing that is drawn up is one 90-foot diamond for baseball. Everything else is soccer and softball.

VICE-CHAIR PONTANILLA: Yeah, just to let you know I have a problem with a 90-foot diamond.

CHAIR MOLINA: Okay. Thank you, Member Pontanilla. Members, any other questions? Seeing none, thank you, Mr. Arista.

MR. ARISTA: Thank you.

CHAIR MOLINA: Next to testify we have Jon Santos followed by Barry Takahashi.

MR. SANTOS: Aloha, Council Members. My name is Jon Santos. Thank you for allowing me to speak in support of the Maui Business Park Phase II. I am the owner of JS Construction and Excavation, and I was born here on Maui. My business, I ran my business for almost 20 years. I started my business with myself and one backhoe working out of my house in Haiku and slowly expanded to a few more pieces of equipment and employees, and added an extension to my house to run my office. This was not conveniently located. The location did not work for me,

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and it wasn't in my favor. But I was, what I was, was--oh, excuse me. But it was what was available to me, and I could afford.

I currently rent in Kahului now, and this works pretty, pretty well for me. But in order for my business to grow and remain profitable I need to have more options available to us to expand. I currently have eight employees and am in need for a larger space. I accommodate my, my growing business to find commercial space centrally located here on Maui is very hard. Maui Business Park would be centrally located and this is what I am in need of, because most of my every day business revolves around easy access to all my vendors and businesses located in the area. This project would help us, allow other small businesses like mine to grow and develop here locally on Maui. Mahalo for your time.

CHAIR MOLINA: Thank you, Mr. Santos. Committee Members, questions for the testifier? Seeing none, thank you.

MR. SANTOS: Thank you.

CHAIR MOLINA: Next to testify is Barry Takahashi, and Mr. Takahashi is the last person to have signed up. The Chair will give the Members, folks in the gallery one last opportunity to come up and testify after Mr. Takahashi is done. Good afternoon, Mr. Takahashi.

MR. TAKAHASHI: Good afternoon, Councilmember Molina. Thank you very much for your audience today. My name is Barry Takahashi, and I speak on behalf of the Maui Baseball Expo which is tax exempt organization, created this year, but has been in operation for the last three years. And to give you a quick background on that. Coming up this weekend we'll be having our, like I said, 3rd Annual Festivities of Events celebrating the national past time which is baseball.

So what I'm going to do today is speak to reinforce some of the points that Mr. Arista brought up, but then also include in there, ask for consideration for the Alexander and, Alexander & Baldwin and the County of Maui as they're collaborating on this to include more baseball and softball fields.

And the distances can become more specific with input from people from the community like Mr. Arista. However, to speak about the communities that will utilize these facilities, not just the kids, the younger 2,000 that Mr. Arista referred to, but then also our pivotal or at-risk population of the 13 and 14 year olds that require a little bit bigger field, because we are losing these fields and noted by Councilmember Victorino in Waikapu, we don't have these type of venues for people like myself which would be considered a sports educator. We're teaching life lessons just in a different environment. By losing these types of things we're losing a draw to the sport and national past time.

Alexander & Baldwin foundation has been generous enough to support our event the last three years. However, just hearing that it might just be all soft, all soccer and maybe not so much baseball or softball room, there's a concern for the senior softball community as well, because

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they're also sharing facilities, you know, people that have invested a lot into the community that are enjoying their retirement and golden years. I would hate to see it be overcome; I guess I don't see people playing soccer in the evenings as much as I do softball around this County here. You know, and it's, it's intertwined in the fabric of our community. So I ask that you please consider that as you make your conditions here in the next couple weeks. And finally, I want, I would allow to just present the, consider the potential of expanding what baseball can do as far as travel and tourists, tourism here in the islands. In putting together this testimony, researching I look at Oahu with Central Oahu Regional Park, I look at the Big Island with Dr. Wong's complex there where they have four diamonds back to back, and it's designated, and they would be the game field. So whether it's in this project or future projects, I would ask for that to be kept in consideration. Thank you.

CHAIR MOLINA: Okay. Thank, thank you, Mr. Takahashi. Before I turn the floor over to the rest of the Members for questions, Mr. Takahashi, thank you very much for your work with the Baseball Expo, and for promoting the game itself. You touched upon the seniors, and I think we might have forgotten about them that, you know, the makule gang I guess you know like some of us here, they play baseball, and it's an important way to stay active. Do you have some round numbers offhand of how many senior teams there are out there, how many players? Do you have some numbers you can share with us?

MR. TAKAHASHI: I, I would guess off and on, because teams come and go, but probably about a good firm number would be, I'd say about 30 around the island that kind of have, like, it's, it's a baseball club more or less to where it's a social club and not only are they playing games, but I do see a lot of those members involved in the civic volunteer type of activities as well.

CHAIR MOLINA: And then, so they need practice fields as well, and they play their games, is, is it just during the week or mostly on weekends?

MR. TAKAHASHI: Well, actually they play I think throughout the week. The, the, I can do some research and present that at a later time, but also the ability to invite other teams over and to have longer tournaments. There's a lot of competition with that. We'd like to share our fields with the world, but we need more fields to share.

CHAIR MOLINA: Okay. Thank you, Mr. Takahashi. Committee Members, questions for the testifier? Member Victorino?

COUNCILMEMBER VICTORINO: Yes, thank you, Barry, for being here. Again your insights and your experience plus what you bring helps us a lot to understand the, the, the baseball world. But in your, the question I have for you is you mentioned about travel and people wanting to come to Maui, and we've talked about this and others. The problem with baseball, a baseball field, and correct me if I'm wrong, baseball field must stay baseball or softball?

MR. TAKAHASHI: It, there is...

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COUNCILMEMBER VICTORINO: Very, no, what I'm saying about stay is that when you let other practice like soccer, or football, or something else on that particular field it tends to damage the field so the playing conditions become dangerous; am I not correct in saying that?

MR. TAKAHASHI: You're correct in saying that, because there is a greater risk factor, more care needs to be put into the actual surface people are playing on.

COUNCILMEMBER VICTORINO: So I think that's what we're trying to get to is when we dedicate baseball fields and we need to make more, that they stay baseball or softball, because when we then start letting them, like what's happened, for example, we've turned soccer fields into baseball fields at Luana Gardens. We've made softball fields, or Little League, or little pee wee league teams play in those things, then they cut diamonds out, and all of a sudden the soccer field became a baseball field, but neither one had a safe field to play on.

MR. TAKAHASHI: Correct.

COUNCILMEMBER VICTORINO: Yeah. So I think that's, I think that's what we're trying to get, and I think I appreciate what you're saying and whether it's seniors or, or little ones, baseball is the national sport, it's our past time, and we need to continue to perpetuate it. Thank you. Thank you, Barry.

MR. TAKAHASHI: Thank you.

CHAIR MOLINA: Thank you, Member Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

CHAIR MOLINA: Thank you, Mr. Victorino. Member Medeiros?

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman, and good afternoon, Mr. Takahashi.

MR. TAKAHASHI: Good afternoon.

COUNCILMEMBER MEDEIROS: Thank you for being here and, for the information, and I too congratulate you and thank you for your part in the Maui Baseball Expo. I know you and I talked once about possibly artificial surfaces. And in your opinion having researched the artificial surfaces, would that surface lend better to multi-type sports being played on it without the kind of damage we see when we have grass fields?

MR. TAKAHASHI: There's, it does offer, it would affect the cost and maintenance of the fields and conversion definitely. That is an avenue. Being a purist, of course, people would want to maintain the natural surfaces. However, technology has evolved to where you can incorporate both, you know, man made and synthetic, or natural and synthetic materials to make it play and recover quicker. So that is a possibility.

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COUNCILMEMBER MEDEIROS: Yeah, because on those surfaces there are that kinds of athletic shoes and spikes that are worn for those surfaces. Whereas, on grass fields the different sports have different kinds of cleats and so forth that tend to damage the fields more.

MR. TAKAHASHI: Correct. Correct. There's different types of cleats and equipment that do affect the playing surface.

COUNCILMEMBER MEDEIROS: Right. Okay. Yeah, thank you for your information, and while you're there I just wanted to add some information, Mr. Chair. You know, back, Mr. Takahashi talked about the senior leagues, and he, he mentioned a lot of teams. And the senior leagues, you know, there's the 40 and up called makule; there's the 50 and up which is above that; and then there's the senior league where it's 60 and up. The senior league on Maui has eight teams that utilize the Little League fields. They play every Sunday when the league is on. And the County of Maui takes it's turn in hosting the State championships for the seniors. So those fields get used for that, and I know teams from, coming from the other Islands have always remarked how the Maui fields are the best fields as far as what the seniors play on. So I, I think we need to look for additional space for fields for all the age groups and, you know, if there's an opportunity with this project certainly we should investigate and, and see how we can satisfy the needs of the different sports. Thank you, Mr. Takahashi.

MR. TAKAHASHI: Thank you, Councilmember Medeiros.

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman.

CHAIR MOLINA: Okay. Thank you, Mr. Medeiros. Committee Members, any other questions for the testifier? Seeing none, thank you, Mr. Takahashi, for your testimony.

MR. TAKAHASHI: Thank you.

CHAIR MOLINA: Committee Secretary, have we had any additional requests for testimony on this item?

MS. FRIAS: No, Mr. Chair.

CHAIR MOLINA: Okay, and seeing no one approaching from the gallery, if there are no objections, Members, we'll close public testimony for Land Use Item 49?

COUNCIL MEMBERS: No objections.

CHAIR MOLINA: Okay. Thank you very much, Members.

...END OF PUBLIC TESTIMONY...

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CHAIR MOLINA: Members, at this time the Chair would like to remind you we did have a July 5th, 2007, meeting on this along with a site inspection. So I, I've not asked the Applicant to do another presentation on this, and being that I believe everybody was here and aware of this particular item. And I, we are very fortunate today to have from the State Department of Transportation, Director Brennon Morioka, who is obviously a very, very busy individual. And he does have a flight to catch later this afternoon, and he can maybe give us about an hour and a half of his time. So if there are no objections, I would like to proceed first with Mr. Morioka to give some opening comments, and then I'll open the floor for Q and A, as it relates to this project.

Mr. Morioka, if you could come up and have a seat with us? And I would also like to ask the Applicant, if at some point they can, I know you have an easel there, if you can put your map up and for the Members' information and the public's information, and we can have our cameras for Akaku pan in, take a zoom and look at the site, projected site for this particular item? And thank you, Mr. Morioka, while we're having our easel set up I do want to personally thank you for the work the State is doing on our various highways here on Maui; Hana Highway, Haleakala, Mokulele, and I know the State has caught it's share of criticism and maybe rightly so, but at the same time for anyone to take time to criticize they should also take the time to praise for good work done. So I just want to start off by saying that, Mr. Director.

MR. MORIOKA: Well that's very much appreciated, Mr. Chair, and, and I do want to take the time to thank you and your Committee for allowing me to, to participate in your discussion for this development. I do understand it is a very critical issue for your community. And so being a part of your discussion is, is very important to us as well. It does have an impact on our State highway system as well, and we do, or we have had and continue to have discussions with the developers on those impacts and what some of those potential mitigations can and should be.

I guess first I'll start on, on updating you on the second, Kahului Airport second access road, which I know is of interest to you and your body. We actually have this project broken up into two phases. One is the portion that is being constructed within the airport facility itself, and that will be done by the Airports Division and paid for by the Airport Division's Special Fund as well as FAA funds. On the highway side, the Highways Division is currently engaged in that project, and on your drawings that you have in front of you Phase I is the portion within the State highway system that the Highways Division will be constructing, and then Phase II is what the Airports Division will be constructing.

The timing on both of them are intended to finish approximately at the same time in terms of designs, so that we can go out to bid. And, and at that point we will have the option, if we are able to, to finish them at the same time, to either bid them out together and hopefully get a better price, because we have the larger volume, and we get better unit prices, or bid them out separately and, and make it more competitive with more contractors available, because Maui does have quite a bit of very good contractors that we rely on. So we, we have those options. Right now the schedule, we are in design. Both divisions have consultants on board. They are

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actively engaged in the design, and we do anticipate on finishing those designs some time in very early 2009.

I think right now we're tentatively set for January 2009, is the projected schedule, but obviously on the highways side there are some environmental review issues that we are going through that we're dealing with Federal highways and the NEPA process. And any time you're...*(end tape Side 1A)*...as we very well know something can come up. But if everything goes okay and, and everything, all the studies are done appropriately, and, and there's not much contentious issues that arise, we do anticipate completing the design in January of 2009, and then subsequently going into construction the latter part of 2009, which is actually considered Federal Fiscal 2010, because it is currently on our STIP for the highways portion for Federal Fiscal Year 2010. But that starts in October of 2009. And, and on both sides, the airport side and the highway side, both of the Federal funds have already been programmed. They are currently available as, as the project currently stands, and we do have available appropriations on the State side as well. So both are fully funded in its current state, and we do anticipate being able to stay on current track.

This, this traffic is intended, its primary purpose is to alleviate much of the traffic currently going onto Dairy Road. People accessing or coming to and from the airport who want to go to either South Maui or West Maui can now, instead of going down Keolani, and going down Dairy Road, they will be able to take this alternative on the second airport, second access in order to go, either access Kuihelani or access Mokulele. And I think that also ties into what some of the, the development conditions for the Applicant is also intended to do with the Hookele extension and it's provided another alternative for travelers. And it's not only, this road will not only serve those who are coming to and from the airport, but those coming from Haleakala Highway, and from Hana Highway, and Upcountry in order to not, not necessarily have to go through Dairy Road and access the other portions of Maui. So this, this road in, in combination with Hookele will be able to service or provide an alternative that will, is, is intended to filter out much of the traffic in, in this particular area. So that's the update that I have. I'm very happy to take any questions that your Committee Members may have.

CHAIR MOLINA: Okay. Thank you very much, Mr. Director. And just before I turn you, turn things over to the rest of the Committee, the Chair would like to recognize Member Johnson to our proceedings today. And as far as those Federal, Federal and State funds, how much in total is currently available for this?

MR. MORIOKA: I believe right now we have about \$20 million programmed in the STIP for the highways portion and approximately, I believe, we have \$52 million available for the airport side.

CHAIR MOLINA: Okay. Thank you. Members, you've been handed out a document courtesy of the Department of, State Department of Transportation that Staff has given out to you. So I'm going to open it up now for questions to Mr. Morioka, and please keep in mind he does, we have basically about an hour and a half with him before he has a flight to catch. We'll start first, and

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we'll work our way down, we'll start with Mr. Victorino. Do you have any questions at this point for Director Morioka?

COUNCILMEMBER VICTORINO: Yes, thank you, Brennon. And if all factors are equal, and obviously the world we live it's not always equal, the Phase II which is the one I'm, I'm most concerned with that 52 million, what would be the, if we got everything started somewhere around 2010, what would be the estimated completion of that Phase II?

MR. MORIOKA: We're anticipating approximately two years to complete.

COUNCILMEMBER VICTORINO: So, 2000, 2012 more or less?

MR. MORIOKA: Yes, end of 2011, beginning of 2012.

COUNCILMEMBER VICTORINO: Okay, and then you would hopefully have that in concurrence with Phase I?

MR. MORIOKA: Correct.

COUNCILMEMBER VICTORINO: Okay. Thank you. That's, that's it, Mr. Chair.

CHAIR MOLINA: Thank you, Mr. Victorino. Mr. Pontanilla?

VICE-CHAIR PONTANILLA: No questions, but just to thank the Director for that information regarding Phase I and Phase II of the access road to Kahului Airport. You know, my whole contention at one time was that whenever we do have projects that come up that they take a look at the immediate location. And, and thank you for being here. You're the first guy that I ever, you know, from the State of Hawaii, Department of Highways that came over to testify, and your testimony provide, provide me, at least, a clear indication of, you know, how you're going to take care of traffic that's coming from Upcountry. I, I know that this will take part of it, and when we do the improvements on Hansen Road, that will also take a lot of traffic away from Kahului, you know, Dairy Road and Keolani Place. So, again, thank you for being here.

CHAIR MOLINA: Okay. Thank you, Mr. Pontanilla.

MR. MORIOKA: Mr. Chair, if I might contribute to that?

CHAIR MOLINA: Yes, Director, go ahead.

MR. MORIOKA: There's also, and when we look at our transportation system, and we're actually going to be doing the update to the Maui Long Range Highway Plan, as a part of that system is also the Kihei-Upcountry Road that we are currently in design. We're already about a year into it. We got about another two years, and that's another major effort on our part in order to divert traffic. And that traffic is intended to take away some of the people who have to come down

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from Upcountry, go into Kahului, take Dairy Road, get onto Mokulele, and get into Kihei. And so that is another part of the system that will end up in the future, I mean, you're not going to see it immediately, but it is intended to alleviate this area. And so, it is a part of whole holistic system that we look at.

VICE-CHAIR PONTANILLA: Thank you for that piece of information. And, yeah, you know, you know, being the representative for Kahului, you know all the traffic that coming into Kahului to get to Waihee, to get to Wailuku. With this Phase I hopefully it takes away some of the traffic going through a major intersection of Kaahumanu and Puunene Avenue. So, again, thank you.

CHAIR MOLINA: Okay. Thank you, Member Pontanilla, and I know you, you echo the sentiments of many of the residents here with the frustration of Dairy Road. Just witnessing it during this past holiday season, traffic coming from Upcountry making that left onto Dairy Road, you got cars blocking off people from Hana Highway, you know, trying to head towards Upcountry. So that's some very good positive news you've given us. Chairman Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. And I would just first congratulate Mr. Morioka on his Directorship.

MR. MORIOKA: Thank you.

COUNCILMEMBER HOKAMA: Well deserved, Brennon. But as an adjunct to your comments and Chairman Molina's, also please take into your consideration of whatever improvements or assistance the Omaopio Road and the Hansen Road can provide as additional relief to the congestion off of Haleakala and Hana Highway. So I would, I would just ask that be part of your deliberations also, Mr. Director.

MR. MORIOKA: Sure.

COUNCILMEMBER HOKAMA: So let me get back to the, what you just shared with us regarding Phase I and Phase II. Can this Committee this afternoon, Mr. Director, assume that whatever regulatory processing whether it be County SMA, if it's required, and I'm not sure if Phase II falls in an SMA zone or not, Planning Department, but all of those things have been squared away, Mr. Director, and we're just looking toward the completion of construction, engineering drawings, and then we're going to go to actual construction, or is there still processing required for either approvals or for permits that your Department needs to do prior to doing the actual construction?

MR. MORIOKA: For the highway side we still have to complete the NEPA process, which is the environmental review or up, basically updating the environmental assessment to satisfy Federal highways requirements. The, there is going to be an SMA permit application submitted as a part of the airport's portion which is the Phase II side. So we will be coming to the County for the SMA application.

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COUNCILMEMBER HOKAMA: Okay. Just that portion would require, well, let me ask Planning Deputy Director Suyama so she can give us an exact. So just the Phase II and the airport goes through an SMA process? Phase I is outside of the SMA boundary, so...

MS. SUYAMA: That's correct. Phase I is outside the boundaries. The entire airport area is within the SMA boundaries, so those portions of the roadway that are part of the airport boundaries will be subject to the SMA process.

COUNCILMEMBER HOKAMA: Okay. Thank, thank you for that, Deputy Director Suyama. Mr. Morioka, just one, one question regarding part of Phase I please, and I'm not sure if you have a copy of this really nice colored expanded layout? Thank you, Ms. Nakata. Okay. That's part of, from what, what you shared with us under your Phase I, Mr. Director, and I'm just curious between, in the colored areas you looking at, and I don't know how they explain it, but the horn, the hook, and then you have the continuation toward Puunene Avenue on, on the left side of this map. Is our Committee understanding correct that that portion of the existing roadway will be eliminated and that this is what will be replacing and becoming actually...*(inaudible)*...

MR. MORIOKA: That is correct. The intent is to create a straight thoroughfare between the airport and Kuihelani, and then provide that right turn storage lane into Puunene, which we actually do have. I think we initiated the planning contract; is that the thing I just signed for the widening of Puunene?

MR. CAJIGAL (from the audience): Yes.

MR. MORIOKA: So we're starting the environmental phase for the widening of Puunene as well.

COUNCILMEMBER HOKAMA: Okay. So, Mr. Director, between Puunene and that, this portion which is kind of the, that hook --

MR. MORIOKA: Yes.

COUNCILMEMBER HOKAMA: --Director, that existing macadam area is going to be abandoned? The State's going to retain that? Can you give us some kind of, what is your Department's intentions or plans regarding that portion? Is it part of your drainage program?

MR. MORIOKA: Yeah, the, the, the Department will be retaining that as a remnant parcel, and then it will become like an open space landscape area.

COUNCILMEMBER HOKAMA: Okay. Thank you, Mr. Director. Chairman, thank you for my opportunity.

CHAIR MOLINA: Okay. Thank you, Chairman Hokama. Member Medeiros, questions for Director Morioka?

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COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman, and mahalo, Director Morioka, for being here --

MR. MORIOKA: Thank you.

COUNCILMEMBER MEDEIROS: --and for your directorship. I don't have any questions right now except to say I appreciate you being here and the information you shared from the, your Department and from the State. So thank you once again. Mahalo, Mr. Chairman.

CHAIR MOLINA: Okay. Thank you, Member Medeiros. Member Johnson?

COUNCILMEMBER JOHNSON: Yes. Brennon, you know, in, in looking at this, where is the terminus, you know, on both ends, both Phase I and Phase II? When you get to the airport, where will the exit actually from the airport come on to your new access road, and then where will it enter, exactly what feature on Dairy Road or on the Kuihelani? What will that be near?

MR. MORIOKA: In the airport portion there, and I, and I can provide you with this, a little bit more detailed version of the airport of Phase II. It basically ties into the loop on both sides so that people will have direct access to and from the airport from this road, and there is a circulation plan that is a part of it. There is a couple other network roads, and it, you can kind of see some of the new system on this general map, but it's, it's not as clear as what I have here if you want me to provide that to you, but it does tie-in so that you have smooth transitions, and it, and it will be constructed in a way that it will encourage people to use this as the primary access rather than Keolani, even though obviously people who are wanting, who are wanting to go towards Wailuku is, is, is obviously going to probably take Keolani, because it will be faster for them. But there will be a tie-in directly into that, the current loop at Kahului Airport.

The airport portion ends at the State highway right-of-way in which case the Highways Division portion takes over at that point, and then it goes to Kuihelani, and it ends, I believe the terminus of the project is approximately at the beginning of the Kuihelani-Puunene intersection. And then on the Dairy Road side, it, it basically will tie into, what is that, Pakaula Road.

COUNCILMEMBER JOHNSON: Okay, and, and that's the little jog that you have, that little...

MR. MORIOKA: Correct.

COUNCILMEMBER JOHNSON: Okay. So I guess what I'm trying to conceive of and to visualize, because we don't, you know, have any little I guess videos in front of us, is when you come out of the airport, let's say you're a departing passenger, and you've come out. You'll come out the same way that you come out now?

MR. MORIOKA: There will be, I mean there will be additional directional signs especially from the rental car agencies directing people towards this secondary access.

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COUNCILMEMBER JOHNSON: Okay. But is it by the State Department of Transportation building where that is currently? Is that the place where you'll get off, or is it back behind towards where the car rentals are stored? Because what I'm trying to do is visualize in my mind when I get off a plane where, I know how it is currently. Where am I going to go? Am I, you know, going to head down towards Costco, and then spin off in another direction? Am I going to turn off before I get to the Costco turnoff and where the State DOT building is, or there's that other little small road, or are you going to build totally new roads? Or are you going to enter, you know where the road went that meanders back to Haleakala Highway?

MR. MORIOKA: Yes.

COUNCILMEMBER JOHNSON: Is that the road that you're going to intersect with, or are you creating a totally new road?

MR. MORIOKA: It's, it's a brand new road.

COUNCILMEMBER JOHNSON: Yeah, maybe if, if you could just show us on, I'm trying to visualize it.

CHAIR MOLINA: Okay. Hang on, Mr. Director. Staff, can you provide Mr. Morioka a portable microphone, I guess, so he can respond back to Member Johnson's questions? Pardon me? Oh, okay, we don't have a portable or a wireless mic?

MR. MORIOKA: What about a pointer?

COUNCILMEMBER JOHNSON: Maybe somebody could hold the map right next to him.

CHAIR MOLINA: There we go. I think, I think that might be sufficient, then we can, there we go. It's too bad we don't have a laser pointer. It might be helpful too, yeah.

MR. MORIOKA: Okay. Thank you. Okay. This is the airport. And so basically the, the loop for the airport will be extended to this area, and then you would, those coming to the airport would take the new access road and go straight to the terminal area. And those exiting the car rental area is going to be over here, and then they just, they would take this exit and exit that way onto Hana Highway.

COUNCILMEMBER JOHNSON: Okay. So it's, and where's the State Department of Transportation building?

MR. MORIOKA: The Highway's one?

COUNCILMEMBER JOHNSON: The Highway's one, yeah.

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MR. MORIOKA: It is right here.

COUNCILMEMBER JOHNSON: Okay. So you're...

MR. MORIOKA: So this is Keolani.

COUNCILMEMBER JOHNSON: Okay. So you're way, you're, you're actually way to the back?

MR. MORIOKA: Correct. Keolani and Dairy is up here. The new intersection to Hana Highway is going to be over here.

COUNCILMEMBER JOHNSON: Okay. And so then trace, getting on that roadway, trace where the people would be going then.

MR. MORIOKA: So if you want to go to...

COUNCILMEMBER JOHNSON: Let's say you're going to Lahaina.

MR. MORIOKA: So you would take, you would come off, take this airport access road, go through Hana Highway, access Kuihelani up here where Kuihelani and Puunene intersect.

COUNCILMEMBER JOHNSON: Okay.

MR. MORIOKA: So basically we're just, it's just a diversion off of Dairy Road. It's almost like a parallel system to Dairy, but we end up connecting to where Dairy used to connect to Kuihelani.

COUNCILMEMBER JOHNSON: Okay. So, but what you're going to be doing is at Kuihelani where the current intersection is then, that's where it's going to be fading into, so you would have a five-way stop?

MR. MORIOKA: Four-way stop.

COUNCILMEMBER JOHNSON: Four way.

MR. MORIOKA: It will, it will look almost the same except just a little bit more improved, because we're going to be putting in also a right turn pocket to Puunene, because we're going to eliminate Dairy Road in this area. Just before Dairy intersects with Kuihelani we're going to terminate Dairy and that's that open space that I was talking about, and then Dairy Road will then be turned into this horn, like Chair Hokama was mentioning, and connect with the airport access road.

COUNCILMEMBER JOHNSON: Okay.

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MR. MORIOKA: Because at that point in addition with this Hookele extension, Dairy Road is supposed to become a much less used road. And those who have business in this area will primarily be the ones using Dairy. Other than that you're going to end up using some of these more major arterials that will be developed.

COUNCILMEMBER JOHNSON: Okay, and along that area where Dairy Road is then, you know, because you're going to dead-end it; right?

MR. MORIOKA: Yes.

COUNCILMEMBER JOHNSON: Okay. What will happen to, I know there's Wal-Mart, there's the Harley Davidson place, there's some auto dealers, there's Home Depot, how is that all going to, you know, where are they going to go? Because that area is congested now.

MR. MORIOKA: Yes, and they'll, and you would still access those businesses through Dairy. There will not be any access points on the new access road.

COUNCILMEMBER JOHNSON: Okay. But what I'm trying to visualize is when people are going in and out of the current Wal-Mart and, and, you know, that Home Depot area, can you point to the area where if there's going to be a conflict, once the traffic's trying to get, let's say from their shopping experience, and then are there going to be any conflict points with the people coming that feed onto that roadway from the airport?

MR. MORIOKA: There will be right here at this, at this Dairy Road intersection.

COUNCILMEMBER JOHNSON: Yeah, Okay. So we're just moving the conflicted area a little bit more to one side.

MR. MORIOKA: No, but the, the primary, the primary focus of traffic flow will be focused on the access road and Dairy Road will be considered a secondary surface street. And preference in green will be coordinated between this intersection and this intersection. And the, the throughput will be the primary, it will, when we, when we say favored that traffic direction, will be the favored direction.

COUNCILMEMBER JOHNSON: Okay. So you're going to go straight, and then when I'm looking now at the Puunene and what is now Dairy Road, but let's say the Puunene section and I guess where the new roadway will intersect with that, what's going to happen there is that will be principally, you're saying, airport traffic?

MR. MORIOKA: No, actually this, this road will also serve as a access for those coming from Upcountry to get to either --

COUNCILMEMBER JOHNSON: Okay.

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MR. MORIOKA: --West Maui, and then until Hookele is built to South Maui as well. Once south, once Hookele is built, Hookele is anticipated to also be the diversion point for people coming from Upcountry to go to South Maui. Instead of them having to come to the airport and backtrack on Mokulele, they'll just come, take Hookele, and then go down Mokulele that way.

COUNCILMEMBER JOHNSON: Okay. I know because in the afternoon when you look at the Puunene roadway intersection what ends up happening, there's a lot of stacking going along particularly when people during peak periods they're trying to make the turn from Kuihelani onto Puunene and there's not sufficient storage. So how is this going to work with that new access way into there when you, when you I guess start actually having the traffic operate? Will that problem be alleviated, will it be aggravated? How is it going to operate?

MR. MORIOKA: It, we, we would obviously look at synchronizing the area, and then, and, and we'd have to do optimization studies to relook at what the traffic patterns are, and that's what the TIA, TIARs are, are for is for projections, but we will also do studies once they are complete to monitor performance. And if there's adjustments we have to make to the signal timing, then we would do that as well. But we can I, I'm sure we can take a look at the stacking area of Kuihelani in the near term rather than just having to wait until the...*(inaudible)*...

COUNCILMEMBER JOHNSON: Okay, and, and the only reason I raise this, Brennon, is because there was a traffic light that was installed on Puunene. Okay. When that traffic light got installed, what happens is the traffic on Puunene backs up on either side of it because there's not sufficient storage. Now Puunene in that section is your roadway also; correct?

MR. MORIOKA: Yes.

MR. CAJIGAL (from the audience): Yes, and we're going to be widening Puunene so...

COUNCILMEMBER JOHNSON: So you're widening Puunene according to what Freddie's saying?

MR. CAJIGAL (from the audience): ...*(Inaudible)*...

CHAIR MOLINA: Excuse me, Mr. Cajigal, can you come up to the mic and just identify yourself for the record in response to Member Johnson's question.

MR. MORIOKA: Yeah, that's this portion.

MR. CAJIGAL (from the audience): Right, Puunene.

MR. MORIOKA: Yeah, that's the portion that we just, we're just starting the environmental review to widen Puunene in that area. But we can, in the interim we can take a look at, at what you're talking about to see what kind of interim improvements we can be making.

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COUNCILMEMBER JOHNSON: Yeah. Yeah, and, and the only reason I do bring it up is because a lot of people now you cannot make, if you're coming off Dairy Road which, you know, ostensibly that wouldn't be a problem anymore, but when you currently come off Dairy Road sometimes you cannot even get across. If you're going straight to Lahaina the traffic is backed up all the way that are trying to make the turn onto Puunene heading into Kahului. So it's, it's a very congested area, and I'm just trying to understand in my mind how this new route will interact with the traffic so that you don't have these backups and these flow problems, or if we're just simply moving them to another area and adding in a few hundred, you know, more homes or businesses. You understand what I'm saying?

MR. MORIOKA: Yes. Yeah, we do.

COUNCILMEMBER JOHNSON: Okay. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Johnson. Next we have Member Baisa.

COUNCILMEMBER BAISA: Thank you, Chair. Thank you, Director Morioka, for being here and congratulations.

MR. MORIOKA: Thank you.

COUNCILMEMBER BAISA: You're a little late for Christmas, but you certainly bring us glad tidings of great joy. It's nice to hear about all these improvements that are coming. We can certainly use them. You know, Dairy Road is a nightmare, and I catch it every afternoon as I wait to make, to go straight ahead while people are in the middle of the intersection trying to make a turn onto Dairy Road, and then nobody pays any attention to the light. I think we need a policeman there giving tickets, because they block that intersection quite a bit. But anyway this sounds very good, and I'm glad that you're doing what you're doing. And Member Johnson did a great job of getting the logistics for me, because I had the same issue. I couldn't figure out what was where. So I'm okay, and thank you very, very much.

MR. MORIOKA: Sorry about that.

CHAIR MOLINA: Okay. Thank you, Member Baisa. Before I turn things over to Member Anderson, Director, just a quick question.

MR. MORIOKA: Yes.

CHAIR MOLINA: Off of this proposed new future airport access road will there be access to the Maui Marketplace where you have Old Navy and Lowe's?

MR. MORIOKA: No, there, there will be no, no new access points on this. It will be a controlled access facility.

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CHAIR MOLINA: Okay. Thank you. Because I know it, it would provide motorists easier access to the Wal-Mart and the Lowe's. So I was just kind of curious about the other shopping center.

MR. MORIOKA: The, the only point will be at that, that Dairy Road and Pakaula intersection.

CHAIR MOLINA: Okay. So for all you Wal-Mart and Lowe's shoppers you'll have another access. So, okay. All right. Member Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chair. And that was really where I was heading with my first question. Congratulations, Director Morioka.

MR. MORIOKA: Thank you.

COUNCILMEMBER ANDERSON: Thank you for being here. You know, at first I heard you say there will be no access, then I heard you say controlled access. So exactly how much access points will be allowed on this new airport access road?

MR. MORIOKA: It's, it's a matter of terminology. For us controlled access means its restricted access.

COUNCILMEMBER ANDERSON: And that's...

MR. MORIOKA: Or there's those bubble, if you look at a right-of-way map --

COUNCILMEMBER ANDERSON: Right. Right. Right.

MR. MORIOKA: --you'll see those half-bubbles, and that's what this will be. There, there are currently no access points that will be allowed on this as currently planned except for that intersection. That will be a permitted, what's called a permitted access.

COUNCILMEMBER ANDERSON: And, and I hope you stick with that, because I think that's exactly what we need to prevent this from becoming another Dairy Road in the next ten years. So that, that is really good to hear. So, and, and when I'm looking at this one map or this aerial photograph, where you show the access road, the airport access road it looks like an underpass to me going under Hana Highway; but is that not correct?

MR. MORIOKA: No, it's going to be an at-grade intersection. We do, I just --

COUNCILMEMBER ANDERSON: With signals?

MR. MORIOKA: --just, just for disclosure there is rights-of-way already reserved in the event that the community would like an interchange. That is not in our current plans, but if you look at that drawing that I provided you those half circles, a long time ago the right, the land was dedicated over to the State as a part of reservation for a potential grade separated interchange, a half clover leaf if, if you want a terminology. That is not our current plans.

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COUNCILMEMBER ANDERSON: I think that was rejected some years ago by the community; right?

MR. MORIOKA: Right. Yes.

COUNCILMEMBER ANDERSON: That one phase.

MR. MORIOKA: We keep getting asked about it, whether or not we, I mean there is, you know, there is a, a, a fraction of the community who wants us to do grade separated overpasses and particularly at this location. But, you know, based on our past experience with discussions with, with the County Administration, and the Council, and the community right now we still take the position that the community still would not like one. So we are proceeding with a at-grade intersection. Also cost is also prohibitive right now because if you want an at, if you want a grade separated interchange, especially a half clover, you're talking about 30 to 40 million dollars. So that's, that's more than the price of the road itself. So right now it is not in our plans.

COUNCILMEMBER ANDERSON: But you do have, you know, for some decades in the future, should it be needed, you do have the right-of-way --

MR. MORIOKA: Yes, we do.

COUNCILMEMBER ANDERSON: --that that could be done?

MR. MORIOKA: Yes.

COUNCILMEMBER ANDERSON: And the advantage of that is there is no stop and go.

MR. MORIOKA: Correct.

COUNCILMEMBER ANDERSON: And that's really the only advantage; right?

MR. MORIOKA: Correct.

COUNCILMEMBER ANDERSON: And the big disadvantage is it's very urban and would lead to...

MR. MORIOKA: There, there's pros and cons, and I think that's what governmental bodies and the community need to come to a consensus before something like this is, is brought up.

COUNCILMEMBER ANDERSON: So then my other main question, Director, has to do with this Pakaula Road --

MR. MORIOKA: Yes.

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COUNCILMEMBER ANDERSON: --this new, and, and it looks like a great plan as far as diverting, you know, the traffic. Basically you're, you're taking I guess the bottleneck at Puunene and Kuihelani and, and hoping to relieve it at this interchange here so that traffic goes either to Dairy Road or south. I guess they could take, they could go south off the airport access road, and then hook up to Puunene on Hookele Street.

MR. MORIOKA: Yes.

COUNCILMEMBER ANDERSON: So do you anticipate any traffic, you know, I see, I, I, I really don't know, I'm not a traffic engineer, but in your analysis when you did this, did you foresee any traffic being generated to or from this new project onto that roadway, that new...

MR. MORIOKA: Well, we don't, we don't do the analysis. That is a part of the, the traffic impact analysis report that is done by the traffic consultants for the developers. We review it and...

COUNCILMEMBER ANDERSON: That's what I'm asking.

MR. MORIOKA: Yes, there, there are going to be trip, new trip generations that are produced by this development...*(change tape, Side 1B)*...and that is why you come up with some of these different requirements such as Hookele in order to alleviate some of that. And the, the Applicant is required to provide the Department of Transportation with updated TIARs if there are changes in, in, in the, in their plans where new trip generations from what was originally proposed would then have to be considered, and then new traffic impact mitigations would have to be discussed with the, with the DOT.

COUNCILMEMBER ANDERSON: But then, I mean, well, here's my concerns. I'm just going to come out with it. Phase I, I think all the traffic analysis that was done for that was based on light industrial, but then when it got built out it was all retail. And I think that is really what exacerbated the problem on Dairy Road is so much retail that was not planned for when they did the traffic analysis.

MR. MORIOKA: And, and that's very possible. My understanding of the current situation is that this area is planned for light industrial --

COUNCILMEMBER ANDERSON: Right.

MR. MORIOKA: --in which case I believe retail is a part of light industrial, but there is a restriction of max of only up to 50 percent retail. And that is, from my understanding, what the TIAR was based on. So it was done as a worse case from what is currently allowable. But if they were to change it in the future, that is something that's in the Land Use conditions I believe where we can require them, and we would require them, to go back and provide us with an updated TIAR to reflect whatever changes that they are proposing.

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COUNCILMEMBER ANDERSON: So the traffic impact analysis was done based on light industrial with up to 50 percent of it being retail, which is different traffic counts?

MR. MORIOKA: Correct.

COUNCILMEMBER ANDERSON: And you know that for a fact?

MR. MORIOKA: Yes.

COUNCILMEMBER ANDERSON: Okay. Great. So then the drawings or the design that you folks did for this airport access road and in reviewing the Hookele, Hookele Street extension was done based on those counts?

MR. MORIOKA: Yes.

COUNCILMEMBER ANDERSON: Fifty percent retail, 50 percent...

MR. MORIOKA: That is, that is what the TIAR for the, from the developer is, was based on.

COUNCILMEMBER ANDERSON: But when you reviewed it you felt that this --

MR. MORIOKA: Yes.

COUNCILMEMBER ANDERSON: --configuration was adequate for that?

MR. MORIOKA: Yes.

COUNCILMEMBER ANDERSON: Great. That's what I wanted to hear. And then one other question, Chairman. On the Hookele Street extension, Director, where it comes out onto Hana Highway that is also going to be an at-grade...

MR. MORIOKA: Signalized intersection.

COUNCILMEMBER ANDERSON: And it will be just going, there's no future plans to go, wherever that way is, towards the airport?

MR. MORIOKA: We do not currently have any plans, no.

COUNCILMEMBER ANDERSON: Okay. Great. Thank you very much for being here.

MR. MORIOKA: Sure. Thank you.

CHAIR MOLINA: Thank you, Member Anderson. Member Mateo?

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COUNCILMEMBER MATEO: Chairman, thank you. Mr. Director, good afternoon.

MR. MORIOKA: Good afternoon.

COUNCILMEMBER MATEO: Part of your opening statement was when the State reviewed I guess the plan that you had, the State had concerns because of the impacts to the kuleana you're responsible for. I guess in, in working through mitigating your concerns with the Applicant, you know, are there any issues that still remain unsolved at this point that you could pinpoint on the, on the map with us?

MR. MORIOKA: Right now, I, you know, I think through our discussions with them, I mean we, we, any time there is a new development we have concerns, because there is going to be some kind of impact on our highway. And, and how we mitigate those impacts is, is very critical. And I think through our discussions with the developer, and their plans, and their current TIAR based on the current use, we are comfortable with, at this point, the, I guess our only concern in the future would be changes to the development plans in which case we think that there's enough safeguards to require the developer to discuss with the DOT, and then also redo and update their TIAR. And I think through that process, which we are very comfortable with, we believe that any changes can be mitigated as well.

COUNCILMEMBER MATEO: One, one of the problems especially on Dairy Road, yeah, I don't know if it was anticipated or not, but the volume of traffic that started to traverse the area became so heavy that I don't, you know, think it really was addressed, and because it's going to be dead-ended, you know, I guess as Ms., Ms. Johnson had indicated, you know, the, the concern of just shifting that density from one roadway to the other is, is the consideration of dead-ending Dairy one that allows the State opportunities to, to reopen at a later date should the congestion just merely move from one roadway to the other?

MR. MORIOKA: I, I think, I think we're, we are willing to leave that open for future discussion but, you know, being that the new access road will be a four lane divided highway, controlled access, you know, I, I think Member Anderson kind of brought that up about one of the real reasons why Dairy is so congested is part of it is the capacity, but also you have so many turning movements in and out of driveways, stop lights. Those, those are all friction points, and that's what slows people down. It causes people to stop. You'll have a much smoother traffic flow and transition on a controlled access road where you don't have drivers having to worry about, you know is someone coming out of a driveway? Do I, do I, is someone trying to make a turn?

So traffic flow in general just by the access road will be improved. But, and the intent was never to, never for Dairy to be a major artery for, for our highway system. It just kind of became that way by default, because the State doesn't even own Dairy Road. It's a private road, and it was, it was, the improvements to Dairy Road was, was done, you know, at, by the willingness of, of A&B to, to make those improvements in order to help the circulation. But with the airport access road, with Hookele, and providing all these, and, and in, you know, the future widening of Puunene, and then on top of that the future construction of, the Upcountry-Kihei road, you,

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you're going to see a real modification of traffic patterns within this one area just by all these projects working together. And, again, like I said it's not going to happen overnight, because these projects are still very early. We're still in designs, so that means construction is still two, you know, a year, two years out. You know, these, these things are going to take time, but that's what all these projects working in conjunction with each other will help mitigate the potential impacts, of, of, specifically this development, but also other developments, because we're trying to look ahead in the development of some of our projects.

COUNCILMEMBER MATEO: Thank you, Mr. Director. And can you give me an idea of Hookele, that is to be projected when?

MR. MORIOKA: I don't have the exact timeline, but I know they're in, in their D&O they have certain milestones that they have to meet in order to build out. And by certain timelines Hookele must be built before they can build another Phase. I don't know, I, I don't have the timeline. You'd have to, to ask the Applicant.

COUNCILMEMBER MATEO: Thank you. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member Mateo. Member Anderson has a quick follow-up question, but before you do that I got one quick question on the, where Hana Highway and the future airport access road intersect, is that the spot where there currently is a light, I guess, for A&B's agriculture traffic? I think maybe, unless it's at a different point on Hana Highway. I don't know if maybe the Applicant can come up and...

MR. MORIOKA: The new access is going to be right here which is, and, and the new intersections, Dairy and Hana, the airport access and Hana, and then Hookele and Hana are about equal distance.

CHAIR MOLINA: Okay.

MR. MORIOKA: I believe the signal that you're talking about I think is over here.

CHAIR MOLINA: Okay. Okay. That's what I wanted some clarity on. Okay. And, okay. Thank you for confirming that. And so you're going to be putting an, an upgraded traffic light in that intersection?

MR. MORIOKA: Yes, it will be a brand new signalized intersection.

CHAIR MOLINA: And that will be paid by the State or the Applicant?

MR. MORIOKA: The, the, everything with the airport access road will be paid by the State DOT.

CHAIR MOLINA: Okay.

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MR. MORIOKA: The Hookele improvements will be paid for by the Applicant.

CHAIR MOLINA: Okay. Thank you very much. Member Anderson?

COUNCILMEMBER ANDERSON: Thank you, Mr. Chairman. I just had one other question, Mr. Director, that I forgot to ask, and I am so pleased that this will be a controlled access road because, I mean, we're, we're going to have enough roadways on either side with Dairy Road and Hookele, those roads should provide access to all the light industrial and retail in the area. Leaving this access road as a straight thoroughfare, which gives us the opportunity to beautify it. And I noticed on your, you know, and this gives us a chance to give a new entryway to Maui, you know, for our visitors and make it not a commercial entryway, but a welcoming entryway to the beautiful Island of Maui. And I noticed you have a, it looks like it's very narrow median strip that goes down the center.

So this is going to be, as you said, a four lane divided roadway. Is there anything in the plans, can I make a pitch now for trees, some kind of landscaping so that, you know, at one time when we, when Dairy Road was envisioned as our only airport access road there were promises made that there would be beautiful palm trees and, and all kinds of landscaping to, you know, up the aesthetics. So I'm wondering if you guys have any plans to do that, if there's any room for it, and if we can make a pitch for you to do that now.

MR. MORIOKA: If it buys me brownie points I'll say, yes, because you asked we'll do it. But, no, it's, it's already in the plans to do landscaping in the median. The highway's portion I'm not exactly sure. It's probably going to be minimal landscaping, but the intent for the airport side is to have a much more exaggerated landscaping as a gateway to the airport, more specifically at the, this location --

COUNCILMEMBER ANDERSON: Right.

MR. MORIOKA: --where, where the access road actually meets up with the loop of the airport so that you do have some of a more grander scale of landscaping when you come and leave the airport, so that it is intended to help with, with that traveler's experience.

COUNCILMEMBER ANDERSON: Oh, that's much appreciated. So, so where we have the north project area, are you familiar with where I'm, that upper purple area on the map on the bottom, kind of that triangular area? Yeah. Yeah. So there will no, be no ingress or egress into that project area from this roadway at this point either; correct?

MR. MORIOKA: That's on the airport side. No; right? No.

COUNCILMEMBER ANDERSON: Okay. So we have opportunity for some nice landscaping along that area and buffer zones; right?

MR. MORIOKA: Sure.

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COUNCILMEMBER ANDERSON: Okay. Great. Thank you very much. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member Anderson. And thank you for bringing that issue up. I think that's real important for our visitors coming into Maui rather than just seeing welcome to Maui Costco, you know, no, no offense, but it's also nice to have a different entry point to our island. Committee Members, more questions for Director Morioka? And just for the body's information we'll be taking a short, a recess at three p.m. Member Pontanilla?

VICE-CHAIR PONTANILLA: Thank you. Just a short one. In designing your future airport access road I'm sure you guys took a traffic study. Would you know how many vehicles that travel to and from the airport that now is going to traverse hopefully, when you complete Phase I and II, onto this new highway?

MR. MORIOKA: I don't have those numbers off-hand, but I can provide it to this body.

VICE-CHAIR PONTANILLA: Okay. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Pontanilla. One question. I know someone, I think Member Johnson has a question. Mr. Director, do you know off-hand what the current level of service is for Hana Highway during peak times, morning and afternoon, and what it would be with this future airport access road if put in? I don't know if you have that information on hand?

MR. MORIOKA: I think the traffic consultant's looking it up in the TIAR right now.

CHAIR MOLINA: Okay. You know what we'll do, we'll just go ahead and wait for them at the, when we get the Applicant up to answer questions, we'll go ahead and ask them that question at that point. Member Johnson?

COUNCILMEMBER JOHNSON: Yes, Brennon, I, in part of the conditions that have been imposed I believe by the Planning Commission, there are some requirements for the developer to work with you in actually addressing, I think there's landscaping and other, other measures. Will they be contributing to any of these changes, or alterations, or any of the improvements in the area with regard to any traffic mitigation fees, measures, features, etcetera, that are part of the standard?

MR. MORIOKA: Typically our process is to work with developers on some form of cost sharing.

COUNCILMEMBER JOHNSON: So, at this point in time, have they indicated what form that cost sharing may take?

MR. MORIOKA: I don't believe that we've had that detailed level of discussion yet just because they're still in the--you know, part, part of it is also we need to also receive from them more detailed subdivision plans, development plans, and I think they are working on that, and that is, that is also going to help refine some of the, the final mitigation efforts that need to be made. So

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I think a lot of that is still up for discussion. And being that the Applicant is a long-time well established body that I don't think they're going to go anywhere. So I think this is, this is something that we feel fairly confident we can come to some kind of agreement.

COUNCILMEMBER JOHNSON: Yeah, and, and one of the things that, and, and I know that you're aware that we've had this situation in the past where this is Change in Zoning. This is where the Council puts on conditions to help you, to help Water Department, whatever, you know, impacts come from this development to help not make things at least worse, but to help at least not, I, I guess in some cases it might improve the area, but at least to not make it any worse than it already is. So that's why it's important for us, if you have any indication of any kind of condition that we should place in here that would at least require a commitment or some kind of review at some point in time, whether it's by Planning or whether it's by County Public Works, whatever it is so that we'll be confident that what we get and what you get is going to be something that's a fair trade for the community.

MR. MORIOKA: Typically our position has normally been that whatever improvements are needed because they are directly attributable to a proposed development, the State does not anticipate to pay in any of that. So, so that's, and that's one extreme. If, if, if certain improvements are directly attributable, if they are indirectly attributable where they are a part of, of the contribution to the impact, because there, I mean there's a background level of growth that is projected anyway and how much of that growth are they a part of or are they contributing to, then we start talking about fair share. And that's where we are comfortable in, in negotiations with that, but that's also what is determined through the TIAR process, because they, the TIAR will, will demon..., will tell us what is that background growth, and then of that growth what can be attributed to that specific development based on their trip generations. And the report has to be satisfactory to us in terms of their assumptions of trip generations. And then we can work it out that way, and then, and the TIAR also makes recommendations as to what improvements need to be made on the State roads as well as County roads, what they're going to cost, and what percentage of, of that development is driving the need for this improvement. And so that, that is where, you know, we would want to ensure that whatever fair share that the developer is contributing to the impacts that they will be participating in the costs.

COUNCILMEMBER JOHNSON: Okay. I appreciate that, Brennon, and one final question. Because in, in other, some of our other business parks, and I'm not sure, because I haven't ask the developer this question yet, but there's 22 acres set aside for affordable housing and rentals. Now I'm not sure if that's on-site or in some other location, but because we allow stacking, and it's taking place off of Honoapiilani Highway in West Maui where we have an apartment complex. Those kind of movements in residential areas are very different from what you might see in this type of complex, and yet they are permitted, you know, because it's a use that's consistent. So if there's a residential component or the potential at some future time for a residential component, how will you address that issue when you're doing the TIAR? Will you prepare, like, a worse case scenario that says, okay, they can do X, Y, Z, or will you firm up with them in advance what they can or cannot do?

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MR. MORIOKA: It, it is not uncommon for us to ask for scenarios, but typically a developer will come in with a plan, and then do a TIAR based on that plan. And there are, there are different trip generation assumptions that you apply to different types of structures. So retail, retail land use would have a very different trip generation than a multi-story or multi-family complex. So, yes, residential, single-family residential has a very different trip generation than multi-family, you know, duplex, complexes, or something like that. So we, we do look at that, and that's why I said the DOT has to buy off on the assumptions made in the TIAR because, you know, sometimes assumptions tend to favor less trip generations, and that's where we step in, and we say no or we disagree, go back and, and use a different type of analysis, and then go and recalculate what your impact is. And, and that is, that's often a back and forth that we have with, with many developers and their consultants.

COUNCILMEMBER JOHNSON: I, I appreciate that. Thanks very much, Brennon.

CHAIR MOLINA: Okay. Thank you, Member Johnson. Committee Members, we've got about five minutes left, any questions before we go to recess? Member Hokama followed by Member Anderson.

COUNCILMEMBER HOKAMA: Chairman, thank you very much. Mr. Director, out of the current, currently proposed 15 conditions of approval, Condition No. 2, states that the Applicant, A&B Properties, will work with you and, and your Department regarding the financing of landscaping along the adjacent portions of, as I understand it, in regards to your project portion, Phase I, Phase II, and the airport improvements area. But yet the County is saying that it needs to go through our Urban Review Design Board for its approval although this is something that is, in my opinion, under your kuleana. You have any comments for us regarding this proposed condition and whether or not you wish to see revisions, elimination, expansion of this condition?

MR. MORIOKA: I'm trying to find the D&O here.

COUNCILMEMBER HOKAMA: I don't know if Ms. Nakata can provide the Director with the language of Condition No. 2, please. And, Mr. Chairman, I hope you, if you don't mind allow this, or if there's another time that you wish us to talk about this with the Director I'm, I'm open to your directions.

CHAIR MOLINA: No, proceed. Our time with him is limited anyway, so we'll try to squeeze him in as much as we can.

COUNCILMEMBER HOKAMA: Thank you, Mr. Molina.

MR. MORIOKA: Yeah, we, we have no problem with, with that Condition No. 2. I mean it's, it's just a matter of, I mean the way I read this is it just ensures that the County has some say in the landscape that's going to go in on a State facility. And I mean...

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COUNCILMEMBER HOKAMA: My, my only concern about that, Director, to be real upfront. You know, I, I don't have a problem with eliminating our role in this condition, but I don't want our role to become a point where then we're going to be maintaining this area like we do on Kaahumanu. So I'm hoping that in response to one of my other colleague's questions about the landscaping, and I don't know whether it was Mr. Pontanilla or Ms. Anderson, my, my understanding is that then the State Department, the appropriate State Departments will be maintaining their appropriate property responsibilities.

MR. MORIOKA: That is my understanding as well.

COUNCILMEMBER HOKAMA: Okay. Thank you for that, Mr. Director. Chairman, thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Hokama. Member Anderson and after Member Anderson is done with her questions we will take a recess, Members. Member Anderson, proceed.

COUNCILMEMBER ANDERSON: Thank you, Chair. Not to put a damper on things, but the landscaping along Mokulele no sooner it gets planted and growing, then something happens, and it dies. So I don't know if you've been down Mokulele lately, but...

MR. MORIOKA: Not in the last month. I was here about a month ago, and I went down Mokulele.

COUNCILMEMBER ANDERSON: And did you see the situation, in the landscaping situation?

MR. MORIOKA: There, there is, in the median or on the shoulders; that area?

COUNCILMEMBER ANDERSON: The median.

MR. MORIOKA: There, there is oftentimes a, a, a take, what do you call it, not a, it's a, it's a period for, for the plants to have to grow in, because they, they tend to have some kind of shock by replanting. And so you can have a period where it begins to look a little more wilted and stuff. But there is, but typically landscaping is not transferred over to the Department until a planting period has been completed where there is assurances that the plants that have been installed have matured and have taken to the area that they've planted. So we typically do not accept landscaping until we are assured that, that there is some continuity in its continued growth.

In the landscaping that we did use on Mokulele is much more native, and, and it's supposed to be much more drought resistant, and maintenance, or not maintenance free, but low maintenance type landscaping which is the direction that we're going across the State, low maintenance, xeriscaping, or low irrigation needs as well as more native, and, and the grass that we have planted in that area is, is the native, native grass, and it, we have had some challenges, but there are, I know in some, some areas where the contractors have been very diligent about maintaining it and, and making its maturity come faster than, sooner than later, it has looked good, and in other areas--

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COUNCILMEMBER ANDERSON: Not so good.

MR. MORIOKA: --that it, that it looks kind of ratty.

COUNCILMEMBER ANDERSON: Yeah.

MR. MORIOKA: But those areas we typically don't accept until --

MR. NIIYA (from the audience): ...(Inaudible)...

MR. MORIOKA: --yeah.

COUNCILMEMBER ANDERSON: Oh, that's good to hear that you're going to make them go back and bring it up to par.

MR. MORIOKA: Yes. Yes.

COUNCILMEMBER ANDERSON: Yeah, because I hate to see, you know, all the effort to put it in, and then within months it looks, you know, like a weed patch. And, and in some areas it looks like the PVC or whatever it is, the irrigation piping is all, you know, kapakahi. It's not where it was laid. So...

MR. MORIOKA: Sometimes that's just temporary irrigation until the, the landscaping takes, and then sometimes it's removed. Sometimes it's left there for our future use.

COUNCILMEMBER ANDERSON: Okay. That's great to hear. The one question I wanted to get to, Mr. Chairman, there was a revised, the TIAR was prepared in May of '03, then it was revised in July of '04, and as far as I can see there have been no updates since then. Have you had any updated information since then?

MR. NIIYA (from the audience): October '06.

MR. MORIOKA: October '06 is the last TIAR update that they've done.

COUNCILMEMBER ANDERSON: And, and, and, they've given it to you folks to, to review?

CHAIR MOLINA: Sir, if you, if you...

MR. MORIOKA: The consultant for the Applicant.

CHAIR MOLINA: Sure. If you'd like to come up, sir, if you'd like to identify who you are, and just for the record. Sir?

COUNCILMEMBER ANDERSON: Don't be shy.

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CHAIR MOLINA: Don't be shy. We don't bite. Okay, if you just identify yourself for the record.

MR. NIIYA: Good afternoon, Council Members. My name, for the record, is Keith Niiya. I'm a traffic engineer with Austin Tsutsumi and Associates. What, the traffic report is correct. It was done in May 2003. What we did, or, is that we went back in October in 2006, and we redid traffic counts, existing traffic counts, and they are consistent with what we did in 2003 with our projections. And, therefore, we submitted it to the State DOT as well as Maui County saying that we did not have to update the traffic report, because our projections of the future traffic is consistent with what we projected in our original 2003 report.

COUNCILMEMBER ANDERSON: You mean the counts that you took in October '06 support the projections you made back in May of '03?

MR. NIIYA: Yeah. Yes.

COUNCILMEMBER ANDERSON: And then what about in July of '04? What revisions were made then?

MR. NIIYA: Revisions in July '04...okay. The report, if you look at it, there were a lot of conditions put on in State, State Planning. One of the conditions is to look at it as being 50 percent light industrial, 50 percent commercial. Okay. If you look at the report, there are 13 different scenarios that we went through. Back in '04, we didn't even know whether the airport access road was going to be constructed, whether it isn't. If you take a look at the 13 different scenarios that we went through, we looked at all different kinds of conditions for the land use. We also took a look at with and without the airport access road, Phases I, Phases II. So that's what happened, you know, back in 2004.

COUNCILMEMBER ANDERSON: Okay. Good. And then DOT has since reviewed the October '06 supplemental TIAR? In other words, you're saying that your projections, you know, were merited, but I want to know if DOT says that, because they have their own counts.

MR. MORIOKA: I don't, I don't have the answer here, but we, I can go back and talk with our Traffic Branch and Planning Branch who would typically do those reviews and let you know what our comments were.

COUNCILMEMBER ANDERSON: Great. Thank you very much. Thank you very much.

CHAIR MOLINA: Okay. Thank you, Member Anderson. Members, it is time for a short recess. Let us come back, take a 15 minute break, let us return promptly at 3:20. Meeting in recess. . . .(gavel). . .

RECESS: 3:05 p.m.

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RECONVENE: 3:24 p.m.

CHAIR MOLINA: . . .(*gavel*). . . Land Use Committee Meeting for January 9th, 2008, is now back in session. Thank you for that break, Members. We will continue with questions for State Director of Transportation Brennon Morioka. I know he's on a limited time schedule today. He has a flight to catch, so we've got roughly 20 minutes to go. Mr. Victorino? Apparently did Mr. Morioka leave already.

COUNCILMEMBER VICTORINO: Yeah.

CHAIR MOLINA: Oh, okay. I guess his flight was even earlier. So I guess that's it for Mr. Morioka. Okay. I thought, I thought he was going to be here until at least 3:40 or 3:45. We enjoyed his presence so much we wanted him here. He gave us such very uplifting...(*change tape, Side 2A*)...highway project.

COUNCILMEMBER VICTORINO: So, Mr. Chair, should I direct the question directly to you then?

CHAIR MOLINA: You may, but I'm not an expert in responding to this, these types of matters. But, so from Mr. Morioka, then we will go just quickly to the Planning Department. I know in addition to the comments you made at our first meeting, is there anything you would like to add, Deputy Director Suyama, as it relates to planning for this proposed project?

MS. SUYAMA: No, I don't believe we have any further information to, to give.

CHAIR MOLINA: Okay. Thank you very much. We have from the Police Department Sergeant Stephen Orikasa who is available to answer traffic issues as it relates to this project. Members, so I'm going to invite Sergeant Orikasa up to the front. And thank you for making yourself available, Sergeant, and for waiting. Sergeant Orikasa, do you have any opening comments to make regarding this project before I turn matters over to the Committee?

MR. ORIKASA: No, we, we don't have any objections to, to the rezoning of the project at hand other than just the traffic issues as long as the mitigation is in place.

CHAIR MOLINA: Okay. Thank you very much, Sergeant. Committee Members, questions for Sergeant Orikasa from the Police Department?

COUNCILMEMBER MATEO: Chairman?

CHAIR MOLINA: Mr., Mr. Mateo.

COUNCILMEMBER MATEO: Sergeant, good afternoon. Then, then you have had the opportunity of taking a look at the proposed mitigation plans in addressing the traffic for this particular area?

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MR. ORIKASA: I briefly had a chance to look over the roadway realignment at this point, and it, it appears to be sufficient.

COUNCILMEMBER MATEO: Okay. Thank you.

CHAIR MOLINA: Okay. Thank you, Mr. Mateo. Before I turn matters back over to the rest of the Committee, Sergeant, there was some comments made, I guess by one of the Members, with regards to traffic blocking. You know, people making that left turn from Hana Highway onto Dairy Road, and I know there's a sign that's put on there telling people to avoid blocking the road from Hana Highway traffic people heading towards Upcountry. And is there a way the, I know the police is quite stretched. Is there a way during peak hour time to monitor that? And I know this State project to add this future airport access road will hopefully relieve traffic off of Dairy Road. Is there some way the Police Department can provide some assistance to remind motorists to stop blocking the road, especially for Hana Highway traffic heading Upcountry?

MR. ORIKASA: I guess specifically for that point I can pass along the information to our Traffic Division and also maybe to our PIO and do something as far as public awareness and education.

CHAIR MOLINA: Okay. Thank you. Committee Members, questions? Councilmember Baisa?

COUNCILMEMBER BAISA: Yes. Thank you very much, Chair, for asking that question. This is a situation that exists every single day at that intersection as people try to beat that light, and they turn in on yellow, and they're sitting there in the middle, and it takes quite a while for it to clear, because they cannot get onto Dairy Road. As Mr. Morioka was explaining there's too many in, in, ways to get in, or get out, or get in the middle, or whatever on Dairy Road. So they cannot move into Dairy Road, so they sit in the middle of the intersection. So I really would appreciate it if you'd check it. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Baisa. Committee Members, questions for Sergeant Orikasa of the Police Department as it relates to Land Use Item 49? Member Johnson?

COUNCILMEMBER JOHNSON: Yes, and on the other side of the, I guess it would be the Hana Highway area, you saw the plans where I guess the new access road would cut across from the airport eventually. Have you been able to review that or has the Department been able to review what impacts might be occurring with that new airport road, and it's proximity to Dairy Road and Hana Highway already?

MR. ORIKASA: As far as the numerical impact on the vehicular flow in that area I don't, I don't have anything like that, but in brief review of their roadway improvements there's one, one pro that comes to mind is that it slows the traffic on Hana Highway. You know, it's just another slowing down point at that intersection, you know, to keep the traffic from excessive speeds. So that, that's one benefit other than alleviating the congestion of traffic flow within the Dairy Road area.

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COUNCILMEMBER JOHNSON: Yeah, and, and I don't know and, Mr. Chair, I'm not sure of the exact distance when we were looking at the map there, but I guess it, it looks like it might be right towards the end of where the industrial buildings are currently constructed or are being constructed. Generally, when you look at traffic flow or circulation in an area, and you look at how people are moving through the intersections, what kind of distance should we be looking at? Like if that's less than a mile, if it's, you know, half a mile, or is that something...

MR. ORIKASA: That's, I think that's something that State Highways would have to address along with the timing of all the surrounding traffic signals.

COUNCILMEMBER JOHNSON: But to your experience, I, I know right at the intersection of Hana Highway and Dairy Road usually when people in the late afternoon are trying to make that turn up, you know, there's really virtually no storage lane right on that one corner. It would be on the, I guess the corners that would be where, I don't know, there's some little shop there.

MR. ORIKASA: You're talking of the mauka side of Dairy Road?

COUNCILMEMBER JOHNSON: Yeah, it's right where the transmission lines are.

MR. ORIKASA: Correct. Yes.

COUNCILMEMBER JOHNSON: That area I've noticed, you know, and sometimes I come through there and there's been an accident or there's some kind of a fender bender, is the circulation also in that area, is that pretty much of a problem for you guys or are there a lot of accidents in that area that you're aware of?

MR. ORIKASA: Dairy Road, I believe, for the month of December, November-December of 2007, along with Kaahumanu Avenue had higher numbers of motor vehicle accidents. That's to include all types of motor, motor vehicle accidents, and those are only reported incidents.

COUNCILMEMBER JOHNSON: Yeah.

MR. ORIKASA: It's nothing that's really isolated to that one area.

COUNCILMEMBER JOHNSON: So that's along that whole corridor there?

MR. ORIKASA: Yeah, that, that road would include from Keolani all the way to Kuihelani highway.

COUNCILMEMBER JOHNSON: Yeah, because I, I don't know. I just, you know, passing through that area myself I try and avoid it when I can, but I just think that there is more and more frustration, and because there's no storage lane that really moves traffic off Dairy Road to get, you know, when you make your right-hand turn to go Upcountry off of Dairy Road it's really a problem. And I just wondered from your perspective if that was a, as Mr. Morioka said, a friction point where there is a higher increase or higher frequency of traffic mishaps?

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MR. ORIKASA: Well, he is correct. It is a point of friction, but from our enforcement standpoint all we can do is, like I, as I mentioned earlier through public education.

COUNCILMEMBER JOHNSON: Okay. Thank you very much.

CHAIR MOLINA: Thank you, Member Johnson. The Chair has one quick question for Sergeant Orikasa. Members, I make reference to an August 3rd, 2007 document in your binder. A response from Chief Phillips regarding a question from the Chair regarding comments from the Police Department and, Sergeant Orikasa, I guess you responded I guess to the Chief's request. It's on the flip side, Members, of that August 3rd, 2007 document.

Just to summarize what, your response had to do with basically your recommending or suggesting that an additional patrol beat should be allocated, and that because of the location of the project, which is on the outskirts of the saturated Central Maui area, and I'll just read verbatim the third paragraph. "It is suggested that a substation be constructed near or within this development. This substation could be incorporated into the development and possibly constructed by the developer and dedicated to the County of Maui." Is this something you're still in concurrence with or in agreement with?

MR. ORIKASA: Yes, because due to the size of the occupied area it, it would further stress manpower, and we, we would need to increase our allocated beats by one.

CHAIR MOLINA: Okay. Thank you. And then we'll have further discussions on that matter with the Applicant. Committee Members, additional questions for Sergeant Orikasa of the Police Department? Seeing none, thank you, Sergeant Orikasa.

MR. ORIKASA: Thank you.

CHAIR MOLINA: Thank you for spending time with us today. Next we have Public Works, Director Miyamoto, if you care to have a seat with us, give us additional comments on this project? Members, we have, for your information, on-call Mr. Pat Matsui. Is there a request to have Mr. Matsui here at our proceedings this afternoon? Would you like to have him? We could give him a call and have him...okay, I see some heads, several heads nodding. Staff, if you could make a call to Mr. Matsui and ask him for his, to be here? Good afternoon, Director Miyamoto, thanks for coming by. Do you have any additional comments to make? I know, I believe if memory serves me right you did provide some comments at our first meeting. Maybe you didn't. I know there was several, some person, some resource people that did give initial comments back at our first meeting on July 5th. Is there anything else you'd like to add or...

MR. MIYAMOTO: Not being present at some of the public testimony, the only concern I have that was raised was, you know, they were talking about Parks possibly using the, some of these drainage basins, and then the mention was made about an artificial surface. And I think that sort of goes

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against what that drainage basin was intended for. It was infiltration; the water to go through the, through the, through the bottom surface. So that would be the only concern that really came up.

CHAIR MOLINA: Okay. Thank you, Mr. Director. Committee Members, questions for Director Miyamoto? Chairman Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. Director Miyamoto, with our recent experience over the last 12 months regarding major tropical storms and, and the issues of flooding and drainage, we know the elevation of this project area. And so, are there revisions or recommendations you could give this Committee this afternoon regarding the proposed conceptual plans for the, the drainage program and retention of, or for sheet flow to further mitigate potential damaging situations?

CHAIR MOLINA: Mr. Director?

MR. MIYAMOTO: Yes, Mr. Chair. Right now I guess the process we're in is the preliminary stage, and we're doing just rough guesstimates as to what the, the amount of impervious soil that would cause the increase in runoff. So at, at this stage we're pretty much, on a preliminary standpoint. As we go through the design process, the design process is set up so that as, as they know more and more we can get into the finer details as to what's the exact acreage, what's the depth of this facilities that they're going to require. So I think the process will take care of any increases that will be necessary as part of permitting.

COUNCILMEMBER HOKAMA: So you are comfortable and confident that the existing controls within the Department is sufficient and that the Council need not place a condition of, of specific language to address the issue or the concern?

MR. MIYAMOTO: Yes, typically we just say that they'll meet all County requirements as part of our rules, you know, our drainage rules and no additional increase leaves the subject property. We're pretty much following that if not increasing the amount of, that they retain at this point.

COUNCILMEMBER HOKAMA: And as it regards to how the State's project will intertwine within this project, you see no potential issues for the, for the County and your Department in, in particular?

MR. MIYAMOTO: In visiting the area, the actual State roadway that's this bypass is actually lower in elevation than in the proposed project. So if anything they're going to have a challenge to control the drain..., whatever drainage that they're going to have in their areas.

COUNCILMEMBER HOKAMA: Okay. My last question to you, Director, and, and thank you for being here. This would be, be in regards to both Phase I and Phase II of what Director Morioka presented the Committee this afternoon, Mr. Miyamoto, or is it just basically under the Phase I area that the elevation is, as noted, in your comments?

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MR. MIYAMOTO: On the other side I think it's a little bit more, it's a little bit leveler to, closer to the elevation of the existing Hana Highway, but there is an existing drainage structure that's on that, the airport side of Hana Highway that I think they'll be utilizing.

COUNCILMEMBER HOKAMA: Okay. So if we have a concern, and I guess this would be more for the State's project, regarding Kanaha Pond that would be more appropriate for the SMA process in regard to that specific project that impacts that area? That would be better, Director Suyama? I'm just trying to see where would, what would be appropriate within this application, what we need to divide out and say that would belong to --

MS. SUYAMA: When...

COUNCILMEMBER HOKAMA: --the State Transportation when they come in for their SMA review and approval?

MS. SUYAMA: When they come in for the Phase II portion, which is by the airport, because it is in SMA, one of the issues that would be reviewed by the Department and the Commission would be how would they handle the drainage from the roadway?

COUNCILMEMBER HOKAMA: Right.

MS. SUYAMA: And if the drainage proposal is to, you know, transmit some of that into Kanaha Pond, that will be an issue, you know, with other agencies as well as with the Commission and the Department.

COUNCILMEMBER HOKAMA: Okay. But you don't see that as being a need for us to place it within this application's conditions?

MS. SUYAMA: I'm not really familiar with all the specifics of the project, and I'm not sure whether if they are utilizing that drainage, drainage way on the airport side, whether that currently outlets into Kanaha Pond. If it's not, then it would not be an issue. If it is outletting into Kanaha Pond at this point, there may be a, it may be an issue in terms of, you know, what impacts that added runoff will have.

COUNCILMEMBER HOKAMA: Okay. Okay. Are there already existing drainage issues adjacent to this project that this project could try and mitigate for us with the existing development across Dairy and Alamaha, Hukilike Drive areas, Mr. Director Miyamoto?

MR. MIYAMOTO: None that I'm, that I'm aware of at this time. Because the existing areas there's a lot of vacant areas, it's vegetated, it's absorbing a lot of the drainage, and as far as Dairy Road it's, as was mentioned, it's a private road that the State utilizes. We haven't had much drainage issues along there to my knowledge that I can recall.

COUNCILMEMBER HOKAMA: Okay. Okay. Thank you. Thank you very much, Mr. Chairman.

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CHAIR MOLINA: Yeah, thank you, Chairman Hokama. Member Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chair. Mr. Miyamoto, have you got a map that shows the 33, give or take a few acres of open space?

MR. MIYAMOTO: Yes.

COUNCILMEMBER ANDERSON: There are two existing retention basins. Are you familiar with those within this area?

MR. MIYAMOTO: Yes, we did do the field trip to visit.

COUNCILMEMBER ANDERSON: So, you know, I'm not sure but it seems to me, like, were you here earlier when we had the, Mr. Arista here talking about a Little League field?

MR. MIYAMOTO: Yes.

COUNCILMEMBER ANDERSON: Would that be an appropriate area because of the use as a retention basin?

MR. MIYAMOTO: The facilities, you know, currently when we were visiting, when we made the field trip out there the facility was relatively dry. There was, it's not intended for it to have standing water. If you liken it to the, the drainage facility out here by Kehalani where they've done a tremendous job at finishing the bottom of that, that storage basin that, that runoff basin, and they've made it a very useable area for the, the residents of that area to utilize, the only concern I have is that, you know, if you try to use something that's very regional, then you're talking about things like Mr. Arista mentioned, parking. You know, the one at Kehalani was intended for the area residents that they could walk to. That's why, you know, you don't see parking lots and the like for that area. So it's just the, the regional use and the increase demand on parking that's going to be the question. Where do you put the parking now?

COUNCILMEMBER ANDERSON: Well, I mean we could always request parking. You know, my question really is if you're, if you're at all familiar with these retention basins, and if they do hold a lot of water during heavy rain periods and how long it takes for them to percolate it because, you know, I would hate to have people depend on this as a Little League field, and then have to have games canceled on a regular basis because it's too wet. But if it would, you know, if it's only used, I mean I don't know how often it's wet; do you?

MR. MIYAMOTO: No, I don't.

COUNCILMEMBER ANDERSON: So that's something I think we need to find out, Mr. Chairman, is there obviously is a need for these to be retention basins, because they already exist. But how

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often are they, you know, full of water, and would this be a viable place for us to allow baseball fields?

MR. MIYAMOTO: Mr. Chair, if I may?

CHAIR MOLINA: Go ahead, Mr. Miyamoto.

MR. MIYAMOTO: Just looking at this aerial photography that they have, just looking at the open areas it's kind of interesting to look at if you just make the observation that, you look, you can see pretty much where the two basins are next to the Wal-Mart building. And if you look at the one basin that's closer to the proposed State roadway, you can see that one's a lot greener. So that one might have a lot more water. And then you look at the, the basin that's on, adjacent to it, and you see it's all dried out. You don't see it as green. So evidently, you know, there may not be as much water in that basin. It may flow to the second basin.

COUNCILMEMBER ANDERSON: Yeah, I, I appreciate that observation but, you know, it could be the topography involved; the fact that the lower basin at one time not too long ago was in crop. So what, what I would want to know from somebody is what are the CFCs that they have calculated for these, these basins and how often, you know, how often are they wet? And if, if they're only wet during very high rainy, you know, storms, then it seems to me they would be a viable use for a Little League field or some kind of sport field, because we obviously need them. And since this is an open space area I'd much rather see it, since it's going to be along this access road, I'd much rather see it grassed, and greened, and utilized for some function rather than just, you know, a dirty hole that may or may not be wet some part of the year. So if someone can find out and let us know that, that would be helpful, Chair.

CHAIR MOLINA: Thank you, Member Anderson. I think that's a good issue to bring up with Parks and as well as the Applicant, and hopefully they can give a response to your comments.

COUNCILMEMBER ANDERSON: But I mean it is Public Works who is in charge of retention basins, and so I don't know, Mr. Miyamoto, have you looked at any kind of drainage plan for this area? Have they even done one yet?

MR. MIYAMOTO: It's very, at, at this stage of the project it's, it's done very preliminary, and, and since they, they've designated this area pretty much what they're looking at is designating the volume of additional runoff that would come off with, the full development of the site. So it's very preliminary at this point. There's no real details. Like you say it's, you know, like the, the actual elevation of the bottom of the basin at this point. That would be something more, determined in a more detailed analysis. Right now its, they need to, they need to control a certain volume of water, you know, the additional flow coming off of the property. It's very preliminary at this point.

COUNCILMEMBER ANDERSON: Right. But the fact that they are existing retention basins tells me that there is a need for them, and perhaps they've been existing since they did Phase IA to retain

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the water from draining into that area. So I guess, Mr. Chair, we'll have to speak to someone from the Applicant's--

CHAIR MOLINA: Okay. Thank you, Member Anderson. Committee Members, any other questions for Public Works? Okay. Seeing none, thank you, Mr. Director. At this point, Mr. Chair, not Mr. Chair, Committee Members, I'm going to call up, we have Mr. Matsui who has just joined us from the Parks Department, and after that we'll have the Applicant's representative come up to withstand your questions or respond to your questions. Mr. Matsui?

COUNCILMEMBER ANDERSON: Withstand your questions?

CHAIR MOLINA: It's the New Year. Well, never let it be said that this Committee is, is, you know, have very half wit questions. Please get comfortable, Mr. Matsui, I'm sure you'll have several questions regarding this proposed project. Mr. Matsui, do you have any opening comments you can share with the Committee as it relates to this project at this point before I turn it over to the Members?

MR. MATSUI: My understanding of that drainage basin is that, you know, it's just an area that's not used except once in a while when there's a storm and that it would be used for ball fields generically, and it would not be used as, for Park credits.

CHAIR MOLINA: Okay. Thank you, Mr. Matsui. We'll start off with Chairman Hokama.

COUNCILMEMBER HOKAMA: So, so we, we have a good understanding, Mr. Matsui, this afternoon, and I would tend to agree, you know, especially with our now Public Works and Facilities Committee, we've had some issues of, of, regarding park use of drainage basins or allowing a, the park requirement to be satisfied by allowing a recreational use of a drainage basin. And, and I got major philosophical issues with, with that position, because I'm in agreement that drainage basins should satisfy one thing, and that's drainage issues and not park requirements. So saying that, is there a component that you want us to consider regarding this application and regarding park activities? Because, at this point in time, I can't, cannot find, unless the Department can direct me to any of the 15 proposed conditions that satisfy a park or recreational component. Is there something you, you want to comment to the Committee this afternoon?

MR. MATSUI: My understanding is, you know, it's just a more, a better use of the land than just having this huge acreage just sitting there and only used, you know, once there's a storm. A good example is at Kuau, above the Bayview. There's a huge drainage basin, I think its ten acres, but it was split in half. The lower acreage, it was two levels. The lower acreage was for more frequent storm. I think it was like a ten year storm. So whenever there's a rain, the waters would flood the lower area, and then if there's a hundred year storm, then you needed the entire basin. So on that higher half we, the County built a softball field or baseball on that half, and, and, and it's working. It hasn't flooded so far. But, you know, it's, it's a use of land that's, you know, I mean land is scarce, you know, but none of that was used as park credit. It was just given to the

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County on, on the condition that we maintain it, and the County maintains it. So I'm, I'm looking at this...

COUNCILMEMBER HOKAMA: So you are asking us to consider a similar proposal with this project?

MR. MATSUI: Yes, I'm looking at...

COUNCILMEMBER HOKAMA: Why wouldn't we want park land for park purposes?

MR. MATSUI: Pardon me? No, instead of it just being a drainage basin, you know, they, they would...

COUNCILMEMBER HOKAMA: Which is its primary purpose?

MR. MATSUI: Its primary purpose but, you know, it will be used for drainage very infrequently.

COUNCILMEMBER HOKAMA: Understood.

MR. MATSUI: Yes.

COUNCILMEMBER HOKAMA: So why wouldn't we ask for park land if that's what the Department wants, for park purposes? Somewhere that makes sense, which will more than likely is around homes and dwellings where the kids are, they're going utilize the park?

MR. MATSUI: You know, in the Subdivision Ordinance that's, that's the, been the vehicle for us.

COUNCILMEMBER HOKAMA: That's correct.

MR. MATSUI: And then right now in the community plan process we're, we're trying to plan parks and, you're correct, it should be within neighborhoods where the kids can walk to the park. But in this case, you know, it's land that's just sitting there, and, and it was proposed that, could we use it, and, and if we put some money into it we, we could use it. And, you know...

COUNCILMEMBER HOKAMA: I don't know if you've been watching our Parks Committee --

MR. MATSUI: No.

COUNCILMEMBER HOKAMA: --chaired by Mr. Victorino, but you got to know that we got issues with park, recreational activities in drainage basins that when, when we get the storms, you know, we've decided to, to not move in that direction, and I was in the last year as a Park Committee Member, but you don't want us to ask for park land? That's, that's, let me just make it real simple then, you don't want us to ask for land consideration for park purposes only then? The Department's only position is see if you can use a drainage basin.

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MR. MATSUI: No, I, I think, you're misunderstanding me. I, I'm saying that, yeah, there's a need for parks lands that are not prone to drainage inundation, okay, but in this case where you have this huge acreage that's not going to be used except once in a while when you have these huge storms that we could use it, because it's an additional park area. I'm, I'm for more parks than is required by the Park Dedication Ordinance, and, and, and we need more parks. Okay. And I'm saying like, you know, how often do we have these huge storms, you know.

COUNCILMEMBER ANDERSON: More often than not.

COUNCILMEMBER HOKAMA: Well, lately, yes, you're right more often than, than we had hoped for. And, again, yeah, you know, Mr. Chairman, what Mr. Matsui is I guess stating this afternoon, there's nothing that precludes the current property owner in entering discussions with interested youth leagues and parties to enter in their own separate agreement to utilize those purposes. My point is what we should be talking about, asking for what the County requires as a condition for this approval. That's the question that I'm asking. I don't have a problem with Little League working with A&B, with Mr. Chun, or whoever it be to see if there's something workable with the basin that is I guess the second catchment after you reach certain flow levels and, and rainfalls.

But my question to the Department is, is there something we need to ask for Parks Department in acreage, because of the scope and impacts of this project request? That is what I would like to know. And whether it be, it makes sense for you to ask Council from our Department for one acre, ten acres, hundred acres, I, I don't know the number, because of impacts we can come back to this specific development proposal, and it makes sense for us to say, we think it is fair that A&B ante up "X" amount of square footage to satisfy our concern from the impact of this project in relations to parks and recreational activities. That's what I, I would like to know if you have a suggestion for us this afternoon, Mr. Matsui. And it doesn't have to be, for me, at the project site. This is in Kahului, so I'm looking at Kahului District that I would say, if made sense, I would be more than happy to ask the developer a proposal to consider...*(change tape, Side 2B)*...consideration. So is there something you can recommend this afternoon, or would you care to maybe have 24 hours to think about it and come back to us tomorrow?

MR. MATSUI: Well, I can say this. That the Park Assessment Ordinance does not apply to industrial uses or business uses, it only applies to residential.

COUNCILMEMBER HOKAMA: We understand that.

MR. MATSUI: And the basis for that is, you know, you're creating people moving in, and you need park for that. So, you know, that's the nexus in requiring park, but now you're industrial, and you're saying for Parks to come in and just say you, we need more park land. I don't see a connection between the two.

COUNCILMEMBER HOKAMA: There's got to be a connection. State Land Use Commission made a condition that they got to provide land for housing. So there's some kind of connection to me.

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Or how can the Land Use Commission impose such a condition then? Well, I'm sorry, that is not for you to answer. I'm sorry, Mr. Matsui. I'm just again showing my frustration with State, State authority. Chairman, thank you very much.

CHAIR MOLINA: Okay. Thank you very much, Member Hokama. And, you know, just to say going through your comments the Chair would like to inform you that I will have to leave our proceedings today at five. So I'm, at this point with this subject matter being such a large one I'm looking at a recess possibly tomorrow. So I would like to, to start, I guess planting the seeds now if you're going to be available tomorrow either for a morning session or an afternoon session. Morning would be 9:00 a.m.; afternoon 1:30. And at a later point we can discuss that. So, Member Johnson?

COUNCILMEMBER JOHNSON: Yes, Pat. Because there is this offsite, 22 acre affordable housing site that's close to Maui Lani, doesn't it, because it is housing, doesn't it have its own park requirement?

MR. MATSUI: Yes, that would, that 22 acre housing development would trigger a park assessment requirement.

COUNCILMEMBER JOHNSON: Okay. Now that I think is kind of along the lines of what Chair Hokama's talking about is there's got to be some rational nexus, you know, to providing that. So if you're going to take, would you take money or would you take land?

MR. MATSUI: You know, I, it's something that we work with the developer. It depends on the size. When you say 20, 22 acres I'm not sure how many units. I mean if you say that's 100 units times 500 square feet, that's like an acre, little over an acre. And, you know, that, you could have a small, little park that's an acre that's level and, and, you know, the kids could use for soccer practice or even Pee Wee League practice.

COUNCILMEMBER JOHNSON: Okay. But I think what we're trying to determine is, because we have to put conditions in, you know, we'd like to have some idea of do you want park space close to where that location is or, you know, just, if you could work with the developer and have something to tell us about what park space would be required, and if it would be within that project or if it would be adjacent to it. That's one thing. But because we've, we've had this issue, and I guess you won't know until actually plans are proposed, but let's say, for example, something similar to what happened in Lahaina where you have Opukea coming up on the mauka side of Honoapiilani Highway on industrial zoned land, and apartment is a residential. So how did you handle that particular thing? Did you collect park assessment on that, that proposal?

MR. MATSUI: Yeah, I'm not familiar with that Opukea...*(inaudible)*...apartment.

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COUNCILMEMBER JOHNSON: Okay. Well if you're, if you're the Parks' Planning Department would you, don't you do all the calculations and, you know, whether it's money or they're going to give us land, or?

MR. MATSUI: Yes. Yes.

COUNCILMEMBER JOHNSON: If you could look into that, because I want to find out did they pay anything for park assessment, number one, because if they did then M-1 allows stacking. It allows apartment houses. Therefore, if we have a similar situation here where residential housing or, or, not a residence, but apartment homes could be built within this other area, how do you deal with that? Do you wait until they actually come forward with the proposal? And I'm assuming you collected money from Opukea, you know, on that housing project. And if you didn't, why not?

MR. MATSUI: The recent one we talked to Maui Land was in Napili. Is that, is that the one, across from Napili Plaza?

COUNCILMEMBER JOHNSON: This is, Opukea is right, it's right off Keawe Street. It's right next to Kahoma Stream, in between there and the new Barnes and Noble.

MR. MATSUI: Yeah, if that's the one that's along, is, is it called Kahoma?

COUNCILMEMBER JOHNSON: It's right on the highway.

MR. MATSUI: Yeah, I think we got money for that.

COUNCILMEMBER JOHNSON: Okay.

MR. MATSUI: Yeah.

COUNCILMEMBER JOHNSON: Okay. Well, did, did you make the determination when they came forward with the housing? Is that what triggered the park assessment?

MR. MATSUI: Yes.

COUNCILMEMBER JOHNSON: Okay. So because there's no apartment proposed currently within this you wouldn't be asking for any money then on this particular parcel?

MR. MATSUI: Right. You know, at the time that they come in, if, if they're going to propose apartment or residential use within the industrial, then, then we'll discuss park assessment.

COUNCILMEMBER JOHNSON: Okay. And would this, well, I guess what I need to find out then is for the 22 acres they're donating it for housing and rentals. At what point, you know, would you

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be collecting either money or specifying whether you would have some kind of park requirement within that, that area?

MR. MATSUI: If it's apartments, it would be at the time of building permit they're required to either pay cash or give land. If it's a residential subdivision, it would be at final subdivision approval.

COUNCILMEMBER JOHNSON: Okay. Thank you.

CHAIR MOLINA: Okay. Thank you, Member Johnson. Member Medeiros followed by Member Pontanilla.

COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. Mr. Matsui, I've heard different scenarios about the utilization of the potential or the drainage basin for sports fields. I didn't hear the scenario proposal that the Parks Department was going to be involved in that. I thought I heard that it was in the, it was going to be an agreement between A&B and a private organization for the utilization of those basins for sports fields. Are you saying the Parks is playing a role in maintenance of these proposed fields in the basin?

MR. MATSUI: No, I'm not saying that.

COUNCILMEMBER MEDEIROS: Oh, okay.

MR. MATSUI: Yeah, my, what my understanding is, is how you just said that a private organization was going to develop and maintain it.

COUNCILMEMBER MEDEIROS: Okay. So the Parks Department and the County would have no role in, in, in that endeavor?

MR. MATSUI: That's my understanding, but we would support it because, you know, more fields and there is a demand for more fields.

COUNCILMEMBER MEDEIROS: Okay. You, you would support it philosophically, and, but not being a part of it?

MR. MATSUI: That's correct.

COUNCILMEMBER MEDEIROS: Okay. So, you know, my understanding is that, or my feelings are that if we can utilize those basins for sports fields, and it's, it won't play a role in any park credits, right, that's correct? Okay. Then I, I think we should leave it to the Applicant or the developer and this private organization to, you know, build it, and maintain it, and operate it as they see fit. And I, I think the question came up about, you know, how often would that be able to be used, and my feelings are if it's practice fields, that's not so much of an impact. If it is game fields, then I think that plays a role. But I think as we heard from the Little League representative they're looking for practice fields that they can take the leagues to, to at least

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practice, and then go to, you know, game fields at other areas. So is that a clear understanding of what we're hearing from the project?

MR. MATSUI: Yeah, my understanding it was a soccer group was, was going to take it over.

COUNCILMEMBER MEDEIROS: Right.

MR. MATSUI: And, and I, I, I have not heard of baseball coming in.

COUNCILMEMBER MEDEIROS: Yeah, I think that was fairly new as we heard testimony this morning, and I think it was brought to the attention of the developer by the Little League directly to them. So I just wanted to be clear that the County wasn't playing any role in it, and that it wouldn't serve as park credits. Okay. Thank you, Mr. Matsui. Mahalo, Mr. Chairman.

CHAIR MOLINA: All right. Thank you, Mr. Medeiros. We have Member Pontanilla followed by Member Anderson. Before I go to Member Pontanilla, Mr. Matsui, so how, we've had this shortage for some time of practice fields. You know, we had one, an individual this morning or today come up and testify. So, you know, with the War Memorial when you guys have to resod usually typically that would take how long, because that would displace teams who want to play games or practice, yeah. So typically how long does it take to resod War Memorial Baseball Stadium? A while. I guess...

MR. MATSUI: Yeah, like a month or, or more.

CHAIR MOLINA: Okay. So that would cause even more, a longer wait and delay for these teams who want to practice and get their games, yeah. Thank you. Mr. Pontanilla?

VICE-CHAIR PONTANILLA: Thank you, Chairman. And I understand that we, we need to maintain our fields and probably one of the things that we need to do is kind of rest the field and resod. Yeah, this morning we, we heard, in fact this afternoon early, we heard the Little League representative in regards to having 29 Little League teams in their league. You know, I, I know there's a number of Little League teams here in Maui County, a number of soccer leagues here in Maui County, senior leagues as well as MIL, both men and women. How do we schedule our ball fields so that we can accommodate all of the different activities that, you know, our youngsters and adults require for fields?

MR. MATSUI: Well what Parks has done, you know, there's different leagues. And so every year they, they've kind of like allocated certain fields are for Little League, certain fields are for, like, girls' softball, and they kind of leave it up to the leagues to share or schedule between them. And I'm pretty sure with soccer same thing. You know, they'll give a certain league certain fields, and then, you know, they have to decide within themselves the weekly schedule or daily schedule for practices.

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VICE-CHAIR PONTANILLA: So the Parks Department doesn't get involved saying that, okay, Little League schedule would be from January to March, and then soccer season will start from April to whatever, so that they can more easily schedule themselves by different activities?

MR. MATSUI: The league schedules are pretty much determined nationally. You know, like Little League they have your, the post season tournament. So you work from, backwards from there, and same thing with girls softball. And, and I guess like HYSA and soccer they have certain tournaments, certain seasons, and certain leagues. So it's kind of determined by the leagues more than the County. And the County is just trying to accommodate everybody, and then it gets harder and harder, because you get more and more teams.

VICE-CHAIR PONTANILLA: What, what is our roles in regards to fields located in, at the different schools? Do we have jurisdiction as far as trying to provide these activities to, to utilize, like, practice fields on, at the high school level?

MR. MATSUI: Yeah, I know we have been working with the different schools in using some of their fields, like Maui Waena. Luana Gardens is owned by Maui High but, you know, the County maintains it really. We mow it, line it, putting up the fencing. So, you know, it's kind of a joint use kind of thing that we work with the DOE.

VICE-CHAIR PONTANILLA: Question about the Maui Lani Park. How many acres is that?

MR. MATSUI: I think it was, like, 27 acres.

VICE-CHAIR PONTANILLA: Twenty-seven acres.

MR. MATSUI: Yeah.

VICE-CHAIR PONTANILLA: And will that have both Little League fields, soccer fields?

MR. MATSUI: Right now we're planning baseball field. And, like, I think two soccer fields and some tennis courts.

VICE-CHAIR PONTANILLA: The last question I have, and, and, you know, Mr. Hokama is trying to allude you to this here, because of the affordable housing component, 22 acres, I don't know if you have taken a look at, you know, what would be the park requirements based on the 22 acres?

MR. MATSUI: Yeah, I'm not, you, you know, the formula is 500 square feet per unit. So if you go, let's say, six units per acre times 22, you know, it's 140 times 500, that's what, 70,000. That's about two acres.

VICE-CHAIR PONTANILLA: Two, three acres?

MR. MATSUI: Yeah.

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VICE-CHAIR PONTANILLA: Okay. Fine, thank you. Thank you, Chair.

CHAIR MOLINA: Thank you, Member Pontanilla. Mr. Matsui, before I recognize Member Anderson. So as far as this project goes is this an appropriate site in your opinion for practice fields, for baseball? And I ask it because Member Anderson brought up an interesting concern of, you know, baseballs may be flying across the highway. Do you see this as a good site, or is it something where you would considering asking the Applicant to possibly donate another site for a practice baseball field? Any comments?

MR. MATSUI: Well, my understanding of the site is that it's just there. And so instead of leaving it unused, you know, that's kind of making use of something. It's not the ideal, but it's better than just leaving it fallow, and, and it's not costing the County taxpayer any money. So, you know, I'm in support of it.

CHAIR MOLINA: Okay. Thank you, Mr. Matsui. Member Anderson?

COUNCILMEMBER ANDERSON: Thank you, Chairman. Yeah, the, in looking at this again it, it's pretty clear they could, I guess, configure the field in a way that it, the balls would not go towards the roadway. Have you at all, Mr. Matsui, met with the Applicant to discuss this issue?

MR. MATSUI: I went out with Mr. Vicens to the site, and I looked at it, and he showed it, and, and it's huge.

COUNCILMEMBER ANDERSON: Yes, 33 acres. Are you aware of the recommended condition, the very first condition from the Planning Commission on this?

MR. MATSUI: Yeah, I saw that condition that, that, they were to discuss it with Parks Department.

COUNCILMEMBER ANDERSON: Well, it says that if the Department of Parks and Recreation and the Applicant agree that the retention basins are, or portions thereof, can be feasibly used for recreation purposes, the Applicant and the Department of Parks and Recreation shall enter into a bilateral agreement to participate financially and to set forth the terms for such recreational use. This should be done prior to the granting of final subdivision approval. And the reason I bring that up is I'm hearing now that, you know, maybe the Applicant will sign an agreement with a private entity. And I, I have a problem with that, because I think our parks are, should be under public control. And, and that is so that there's fair and equal access. You know, that there is a government agency in control of the use of our playing fields so that it's, there's some hope that the use of the fields can be fair and equitable.

I would hate to see that one organization is favored to use these 33 acres and over maybe other organizations that have, you know, as great a need, and then I guess it comes, the question comes do we, do we allocate the resource to our children in Little League or do we allocate the resource to an adult league? And I, I would think that your agency would be the only one who would

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know what the overall need is, and who is being served and who isn't. So I guess my question to you is do you have any kind of current survey for our playing field needs specifically for Central Maui?

MR. MATSUI: I guess you asked a lot of questions.

COUNCILMEMBER ANDERSON: No, I just asked you one question.

MR. MATSUI: Well, there is a very real need for more ball fields, soccer and baseball.

COUNCILMEMBER ANDERSON: Everywhere.

MR. MATSUI: Okay, and especially in Central Maui. Okay, and where this project falls in is that the Department has the Maui Lani project. There's also another project up in Kehalani that we need to spend money on to make it useable for soccer and athletic use. And that's as, is our immediate priority. Okay, and in our budget we're proposing to develop these fields. Okay. It's not in our immediate priority to develop this drainage basin. Okay. So if it's going to be done by the private sector or volunteers, then we'll support it. But for us...

COUNCILMEMBER ANDERSON: My question, Mr. Matsui, was do you have any kind of a survey; do you keep track in any way of what the needs are for playing fields in the central area, and who currently has access to playing fields, who doesn't, who needs it? You know, we can do whatever we want. I mean not whatever we want, but I think there is a rational nexus. They're getting 180 acres of entitlement if this is approved, and there's two, there's 33 acres of retention basin right off the access road, which is I think a visual eyesore unless we, we require them to do something like grass it. And if it's going to be grassed, then it certainly would be amenable for at least practice sessions, practice games whether it's Little League baseball, soccer, or what not, but what I'm getting at is we need, as a Council you need to help us out. We need to see the overall picture and what is, you know, what need that is pressing could this fill? Not just people who happen to know about this because, you know, the last time we met on this I think it was the site inspection, Chairman, it was soccer. And now we're hearing Little League. And I'm sure there's a need for all of them. But I'm asking does the Department, I know that there was a facilities assessment done for the General Plan Update. And I know particular for my region, South Maui, we are short 200 acres of park space as of '05.

Now, as, as we are approving developments, residential developments and many of which are done without our approval, Ag subdivisions never come to the Council. They're not planned in our community plans at all. So we have population increase that is not planned for necessarily. So that contributes to our lack of park space to accommodate this population growth. So I'm just wondering if you guys keep a tally, some kind of a survey internally in your Department that would help us out in seeing where the needs lie and not just throw it up and say, well, you know, whoever A&B wants to make an agreement with you're okay with, because I think as Government we need to make sure that this is a resource that we can utilize for those people who

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are really in need and maybe we can share the resource, but we need guidance from you in, in where those needs really are.

And when I hear there are 29 Little League teams and only space for 22, that tells me there's a big need out there that needs to be filled immediately, because every team that doesn't play is a child left unattended. And so do you have any kind of survey or any kind of, you know, guidance that you're using in trying to fulfill the outstanding needs for park space, particularly playing fields?

MR. MATSUI: You mentioned the 2030 study.

COUNCILMEMBER ANDERSON: Yeah.

MR. MATSUI: And, and the numbers of acreage we have for Central Maui is way below what is required for the population that we have now. Okay. So we are short. And also on the practical side we have more and more teams coming each year, coming in Little League, soccer. So, you're correct. I can give you a, a list of teams --

COUNCILMEMBER ANDERSON: Could you do that?

MR. MATSUI: --for each league.

COUNCILMEMBER ANDERSON: Or give us some numbers, Mr. Matsui --

MR. MATSUI: Okay.

COUNCILMEMBER ANDERSON: --that we could maybe, at least give us an idea, you know, of where the need is, where the need is the most and, you know, I would think that the Council who is the entitling body here should have some say in how these 33 acres is utilized. And we can condition this project accordingly but, you know, we need some guidance from the professionals who are keeping track of this. I'm sure you're the ones who get the phone calls asking for fields. And the reason, Mr. Chairman, that I am hesitant to just turn this over for the Applicant to work out with whoever, you know, that might want to come forward and grab a hold of it because, you know, 33 acres, that's a lot. We could have quite a few ball fields in there. But I don't like the idea of it being controlled by a private entity where the Government has no say, because, and I'm not going to name names, but I know of a playing field that has that very such arrangement. It's supposed to be dedicated to the County. I'm still waiting for it to be dedicated to the County, but in the meantime the private developer has developed the park and is choosing who will play there.

I don't think that's appropriate especially since it was a condition of zoning that the Council put in place. It's been many years, and this particular park has still not come to the County to be dedicated. So, you may know which one I'm talking about, but I don't want see any other instances like this happen. If we have 33 acres here that are sitting there doing nothing for the

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most part of the year, and we have teams that need it, let's find out who's most in need, who could benefit the most from it, and put it under County control, so that, you know, if there's disputes down the road the County always has the authority to go in and mitigate, and decide what's best, what's in the public's best interest.

CHAIR MOLINA: Okay. Thank you, Member Anderson.

COUNCILMEMBER ANDERSON: So if Mr. Matsui could get us those, those numbers --

CHAIR MOLINA: Yes.

COUNCILMEMBER ANDERSON: --some, some kind, whatever you have; even if it's the 2030 numbers.

CHAIR MOLINA: Mr. Matsui?

COUNCILMEMBER VICTORINO: Mr. Chair?

CHAIR MOLINA: Hang on. Mr. Matsui, so can you provide that data to the Committee whatever you have, whatever is available?

MR. MATSUI: Sure. Yes.

CHAIR MOLINA: Okay. Mr. Victorino?

COUNCILMEMBER VICTORINO: Yes, thank you, Chair. I think we've gone in all kinds of circles on this one. We started out and it actually was a retention basin that someone thought was a great idea to put maybe soccer fields down there. And this one group wanted to do it, and A&B said, well, if you want to do it we have no problem, as long they get their own volunteers and have people do it; right, Mr. Matsui? That was the original intent.

MR. MATSUI: Yes.

COUNCILMEMBER VICTORINO: There was no park involved in this whole issue originally, but we've somehow brought it in, so since we brought it in I'll play the game. I'll go with the, with the flow and say, yeah, we need parks. There's an acute shortage. I can go South Maui, West Maui, Kalama field is one of the worse fields in this whole County when it comes to overuse. I have grandchildren that still play on the darn fields, and these fields are worse than when my children played on it. So let's leave that being what it is, the way it is unfortunately. And I don't blame any one particular entity, we're just slow in getting ball fields online, and then once we get them online the demand is so great.

And we've also had a big change in our high scheduling because of the fact that the Gender Equity Title IX has been mandated that all seasons be played concurrent, boys and girls. Now

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we built some high school fields, but they're not keeping up with, with the demand, and we still have the memorandum agreement from '64, which the State and the County agreed that the school fields adjacent to all, I mean all park fields adjacent to the schools would be first divvied for the school children to use and for the school teams to use. Am I correct in saying that, Mr. Matsui?

MR. MATSUI: That's correct.

COUNCILMEMBER VICTORINO: Okay. So let's get all the historical perspective out here so we all understand where we're at. So that we don't belabor the point, we all agree there's a need for parks. Nobody's going to disagree with that, and if somehow, and we, when we get the developer down here if we can discuss the matter if you're willing. And with soccer fields I can say see just like back here at Kaimana, back here in that little park down below, if you've got soccer fields and stuff like that, and it rains, and water stays, and then goes down and disappears which they have done a good job as far as that, you can go down there and play. Baseball is a little harder game to play on wet, soggy, muddy, ucky field. Soccer is a little bit...*(change tape, 3A)*...and baseball is, a lot of times you need some back stuff. You need, you need other things than just grass. So that's why I think the soccer people thought, oh, it was a great idea. Put in grass, put in things, and you can make playing fields there, line them, put some goals up, and you're good to go. Whereas baseball is a little bit more involved, but it's a possibility.

I guess the key here is we all agree there's a shortage of fields. I don't care where we go, west side, south side, I don't care what. In fact, they're more acute than we are here in Central Maui. Central Maui probably has the most fields and yet we're acutely short of fields here. So the bottom line in all of this, if we're going to do that, then let's bring the developer up, let's talk to them about it. I think this was never discussed originally. I think this has all come about because we had some public testimony come out and say, hey, we need Little League fields. Yeah, granted we just lost two fields up here in Waikapu, in my district. Thank you. And I'm not happy about that. I'm not happy about that, but that's the fact of life I'm not happy about, because we didn't take the necessary precautions.

So I'll agree. So whatever we decide on today, or in the next few days with this project, let's be realistic about it. But there was never, and again I just wanted to repeat, when this was originally proposed there wasn't any County involvement in any soccer field or baseball field. It was a bunch of volunteers that wanted to put it down there, and A&B thought it was a great idea. And if it rained, and there was lots of water, then they just wouldn't use it. If we have it for a County facility and there is big rain, and it's not useable for a week, or two, or three, then again that's our responsibility to make sure we clean up and all that. That's what they wanted to accept. Okay.

So I just wanted to make sure we got on the same page, because this was not part of the discussion and has evolved into a discussion matter. And as far as the roadways and Little League, when you talk Little League, soccer balls don't fly as far as baseballs do. You know, they don't fly over on roads generally speaking especially if it's down in the basin. That's pretty hard to hit a soccer ball all the way out there. So I don't think that was a concern. So all these

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different concerns that have come up because of baseball is a whole different dynamics than what we originally talked about a bunch of people wanting to put the fields together to play soccer. That's what we talked about, Mr. Chair. Now we've gone into other areas.

So whatever the developer, let's bring it to his attention. I asked the Little League guys and they said that the Little League asked them to come here and talk to us to make it, us aware of it. So I said fine, we can, we can work on it. But I think the bottom line is I not putting anybody, this is not park credits. This was never intended to be park credits. This was only a bunch of people wanting to put soccer fields down in a retention basin and that was the only intent from the beginning. And now we've gone into a whole bunch of other things which, fine, I can accept and move on with. So thank you, Mr. Chair, for that moment.

CHAIR MOLINA: Okay. Thank you, Mr. Victorino. I guess sports in general is a very passionate issue for all. So with that being said, Members, any other questions before I call the Applicant for, questions for, last few questions for Mr. Matsui? Chairman Hokama?

COUNCILMEMBER HOKAMA: Question for Corp. Counsel, Mr., Mr. Chair, please.

CHAIR MOLINA: Proceed, Mr. Hokama.

COUNCILMEMBER HOKAMA: And, and, Mr. Giroux, if you need time to respond to the Committee that would be, like 24 hours, that would be okay with me. But, you know, some of the things that was discussed in the last one hour, you know, is, is good points. You know, obviously each Member has a perspective. For me I'm not an advocate of bilateral agreements, because now we putting the County's name on a legal document that can make the hook back on us. And in regards to the retention basins that should be the property owner/developer's responsibility to maintain and ensure that when the drainage basin is needed it functions. But if we're going to have Parks have some control over, which I still say it should be Public Works has primary control because of the purpose of the basin, what kind of liabilities then? Because if that basin fails, and we have exercised control to Parks Department, and we become the liable party to pay for damages, not the developer or property owner. And I want to know if my foundation of my statement is, is accurate enough that it would, it would be the case if we move a certain option forward. So I would ask for you be able to respond back to, if you can respond now that's great, but if you need some time by tomorrow would be sufficient for me.

MR. GIROUX: No, I, I, I think we can clear the issue up today. The issue of liability comes up a lot in County especially when there's control of land and, and there's these agreements especially with Parks. And Parks is pretty familiar with the type of agreements that, that come out of our office. And our office often times is concerned about defense and indemnity. Any time there's an agreement that's one thing that we look at as far as is the, is the landowner willing to sign off on, on a defense and indemnity clause within the agreement. Where it's sketchy is where there's no agreement. That's, that where the liability is, is most questionable is when, if, if no agreement comes up, but yet Parks is mowing or Parks is participating in some way, then that exposes us to liabilities that we, we cannot protect ourselves from.

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It's, it's, it's in the document itself that, that the protection comes from. You can't just say, you're not going sue us; right? It's got to be in the document and that, that's why bilateral agreements are, are important, because then there's something in writing. It becomes basically a type of a quid pro quo that the County then says we'll, we will do this. You are getting a benefit. We're getting a benefit, but you have to take the liability. And the, the County is self-insured, and we do have a Risk Management Department that also reviews these issues to give Council more assurance of whether it is willing to take on certain types of liability.

COUNCILMEMBER HOKAMA: Okay, and isn't that why conditions of zoning is done in a unilateral agreement and not a bilateral agreement, Mr. Corporation Counsel? Because we don't want to sign the agreement.

MR. GIROUX: Well, what, the, the intent of unilateral agreements is for basically it says that the person's going to do something. The, the intent of a bilateral agreement is that we want protection. So we, we want somebody to...

COUNCILMEMBER HOKAMA: In exchange for something though.

MR. GIROUX: Right a quid pro quo. And, and the, the thing is that's why the conditions of zoning, it's important that they're connected to a nexus, they're connected to health, safety and welfare, they're necessary as far as to promote those, those objectives, and, you know, and, and that's the other reason, you know, you have bonding, you have...basically if somebody says I'm going to build a park, and I'm going to be responsible for it as part of your condition of zoning you say, well, file a unilateral agreement saying that you are going to use it as a park. But we're not going to mow it, we're not going to maintain it. We're, we're not going to expose ourselves to liability regarding it, but you are going to do it. And hopefully there is a nexus that allows you to put that condition on there.

So if you, if you're challenged and, and the courts say, well, there's really no basis for you to be asking for a park in this situation, yet you did, somebody was using it as a park, and then they were injured, you know, this, this is, the things that, that lawyers are, are looking at when they're looking at the deep pocket. Who, who created the situation? Who had the duty to protect that person from being harmed? And when you enter into an agreement, and you say, well, even if, even if we're involved you as the property owner are going to take that risk. You are, are guaranteeing, by agreement, that you will defend us in court, and if we are found liable, you will pay the damages. And that's the purpose of, of indemnity, defense and indemnity clauses.

COUNCILMEMBER HOKAMA: You know, we appreciate your verbal response this afternoon, Corporation Counsel. Chairman, I'm happy to move on to another component of the application.

CHAIR MOLINA: Okay. Thank you very much, Mr. Hokama, and the Chair agrees. I would like to call upon the Applicant representative, Mr. Chun, Vice-President of A&B Properties, Incorporated. Thank you for waiting so patiently, and I'm sorry I don't have much time left for

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you today, but you've heard a lot of the concerns as it relates to ball fields, and police substations, and traffic and so forth. So I'm going to give you an opportunity to give us some responses to that before I turn matters over for Q and A from the Members. Mr. Chun?

MR. CHUN: Thank you, Mr. Chair. Good afternoon, Council Members, and Happy New Year. My name is Grant Chun, and I'm Vice-President of A&B Properties. I guess just from the perspective of what's top of mind for everyone, just a couple of background comments regarding the discussion that's transpired today concerning the, the possibility of accommodating for playing fields in the drainage basin at the project site. That has, as you all will recall has turned out to be sort of the, the most interesting part of the project in terms of what everyone wants to talk about and, and what even gets covered in the media.

So just by way of background I just wanted to let you folks all know that the condition that was imposed at the Planning Commission did contemplate the condition that was referred to by Member Anderson which, of course, you folks are free to change, or delete, or whatever you want to do. But just way of background it was imposed with the idea that here's 33 acres and why not take a look at what, how it might be best utilized, and in that context the Planning Commission's Condition No. 1 referred to the Applicant's entering into that conversation with the Department of Parks and Recreation.

Subsequently, of course, we were approached as Councilmember Victorino mentioned by one of the soccer organizations here on Maui that was very excited about the possibility of accommodating for, you know, needs of, and for some of the shortage that exists on that front. And so we had subsequent to that actually met with the Parks Director and some of her staff along with folks from the soccer club to kind of talk story about this. And the model that we sort of discussed which, again, you, you all might not find attractive, but we were coming at this question from the perspective of what has been apparently a very successful arrangement for Wailuku Junior Tennis which, you know, exists at a County facility here on Wells Street. And you'd never know it was a public facility because the club, you know, does such a nice job of maintaining and exercising stewardship over the facility while not engaging in exclusive use of the facility. You know, they have practice hours for their members and, of course, tournaments, but beyond that the facility is available for the general public.

And so that's sort of what, what we had talked about. And, again, the, the particulars of that, that whole question perhaps are just as easily left to, you know, further work with the Department and, and the user as well as, as our company. But to whatever degree the Council has any particular preferences regarding, you know, how this all shakes out, I mean, by all means. We're just trying to be accommodating in, in this regard. We, we agree that it's just an area that is best put to some sort of productive use.

With regard to the, the other matters that were covered today it seemed as though, it seems as though, well, Mr. Morioka did a very good job of sort of establishing I think a better common understanding of what's occurring in the area. As I had mentioned in our previous meeting, the Hookele Street extension which will continue that Hookele Street alignment all the way through

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to Hana Highway is required already by one of the existing conditions to be part of the initial phase of the, of the project. So that will be upfront and something that has to go in right, you know, right off the bat with the subdivision improvements for the area. And traffic assessments indicate that that will be a very significant, have a very significant impact to traffic in the area alleviating up to 40 percent of peak hour traffic on the Dairy Road frontage. So we're, they're encouraged by, you know, that possibility. And that coupled with the, the good news regarding the timeline for the airport access road we think will be served to provide some very significant mitigation for the conditions there.

I know we just have a short period of time, so I'd like to, Mr. Chairman, provide this opportunity to address whatever questions you might have.

CHAIR MOLINA: Okay. Thank you, Mr. Chun. I know everybody wants a piece of you in a good way. So, we'll, we'll start from this side of the room first with Mr. Mateo and work our way down to the line.

COUNCILMEMBER MATEO: Chairman, at this point with just 20 minutes left I will yield to the Members.

CHAIR MOLINA: Okay. Thank you. Member Anderson?

COUNCILMEMBER ANDERSON: Yeah, thank you, Chair. Thank you, Member Mateo. Mr. Chun, good afternoon.

MR. CHUN: Good afternoon.

COUNCILMEMBER ANDERSON: You know, the 33 acres in question here is designated open space in the Community Plan, which tells me that these retention basins were seen as a needed function for some reason otherwise they wouldn't have been designated open space there, because it does cut a hole right in the middle of your whole business park. So, to your knowledge, what is the function, well, I mean I guess we know the function of a retention basin, but how often is it needed, and how often is it wet?

MR. CHUN: It's hardly ever wet. I, we have our civil consultant available to answer specifics in terms of flow and numbers, but anecdotally I'll tell you that it's almost always --

COUNCILMEMBER ANDERSON: Dry.

MR. CHUN: --dry.

COUNCILMEMBER ANDERSON: And so were those retention basins required in order to mitigate any runoff to the business park, the existing area Phase IA?

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MR. CHUN: Yeah, I think the retention basins are situated where they are and planned for, you know, the large size that they are planned for to accommodate all, all drainage that will be generated from this expansion of the business park, you know, on-site so that it wouldn't affect the adjacent areas including Phase I.

COUNCILMEMBER ANDERSON: But I mean they've been there for quite some time; right? So they probably were developed just because they're in a low area, or maybe they were dug out, I don't know, but just to take all the runoff from the mauka lands, the Ag lands that I guess couldn't be absorbed under normal conditions. So when you have heavy rain, and, and, you know, I don't drive there, there often, but I have never seen water there so...so you feel that it, it would be a good use of this land to have playing fields there?

MR. CHUN: Yeah, personally it makes sense to me.

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

CHAIR MOLINA: All right. Thank you, Member Anderson. Member Baisa?

COUNCILMEMBER BAISA: Good afternoon, Mr. Chun.

MR. CHUN: Good afternoon.

COUNCILMEMBER BAISA: I've been quietly listening to this interesting discussion, and it makes me think of something I was taught that no good deed goes unpunished. You know, you, I, I know that off the top it sounds like a wonderful idea. Let's use this land, it's sitting there. We need fields. But nothing simple here, and we have to worry about liability and unilateral and bilateral and all kinds of agreements, and I kind of think like Member Medeiros mentioned that it would be a good idea to make some use of this land that's just going to be there, because from my experience this is a really dry area, and we should be so lucky that that would be wet. And because it would be a practice field, if it were wet, I would think that we would have enough sense, or whoever's in charge of this activity, would know that we need to cancel practice today and maybe for three or four days, because it won't be appropriate to be in it. And I noticed that the Planning Commission recommendations talk about recreational use. They're not specific about soccer or, or Little Leagues, or whatever we've been talking about. So it could be any kind of recreational use. So those are just my comments. I, I don't have serious concerns, however, I would like to err on the side of caution if there are liability questions. Thank you.

MR. CHUN: Thank you.

CHAIR MOLINA: Okay. Thank you, Member Baisa. Member Johnson, no questions at this point? And, Members, again the Chair did mention earlier about a recess tomorrow and if you have more questions we'll start off first with Mr. Chun of course. Mr. Medeiros, any questions for the last 15 minutes today?

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COUNCILMEMBER MEDEIROS: Mahalo, Mr. Chairman. No, I, I, I think I asked my questions, and it will be just kind of a repeat of what's already been discussed. So thank you for the opportunity.

CHAIR MOLINA: Okay. Thank you, Mr. Medeiros. Chairman Hokama?

COUNCILMEMBER HOKAMA: Chairman, thank you. May I ask Mr. Chun other issues that I believe is part of the application and not what has already transpired earlier, Chairman?

CHAIR MOLINA: Proceed, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you. You know, Mr. Chun, one of the things that for me is, is a critical component, and, and I believe it makes sense with this application is of course the need for your entity's participation for us to be able to relocate the Central Maui Wastewater System and for the full build-out of your project request, and as well as for the long-term economic engine of this County to continue to proceed at a pace that is hopefully more reasonable, regarding the level of growth. I'm wondering this afternoon if you, on behalf of your company, is open to a consideration of land to allow the County to move forward on a couple of fronts?

One, our land at the current harbor is valuable and, and if this island is going to grow in, in conjunction with economic growth from things such as light industrial commercial park, there's a need for the harbor to accommodate the growth. We have a valuable piece of land at the current site, but we know it's in a tsunami zone. And since we have only one deep draft harbor, and I cannot see the State in its next 50, 100 years building a second deep draft harbor, you know. As part of a comprehensive overview of the island and the Central Maui needs in my perspective, we're going to need to eventually, in the short term, vacate the harbor and relocate our plant to somewhere that is safer, out of the tsunami zone, and can be built with the capacity of our developmental plans, general plan and community plans.

Part of that also would be for us to then, for Central Maui, be able to try and maximize 100 percent reuse of reclaimed water for irrigational agricultural purposes. Even HC&S would utilize some of that reclaimed water. So I bring this up this afternoon because I believe it's a reasonable request from this Committee to you as the developer that this is something I would, I am considering proposing through a condition that, that your entity provide "X" acreages to have us be able to relocate the Waste Treatment Plant as part of this project proposal. Do you have anything you can respond to us this afternoon?

MR. CHUN: Well, I'll definitely have something to say tomorrow when we get back together again, but it doesn't sound, I mean I understand your concern, and I understand the importance to, you know, think comprehensively in the context of, you know, the related needs of the community, you know, in the context of, you know, our increasing trade and commerce, and, and the growth of small business which we will of course want to continue to support. So I'll surely have a better response in terms of that specific element for a condition tomorrow when we, we

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reconvene. But I don't, off the top of my, my head, Mr. Hokama, it doesn't sound like, it necessarily needs to be an unreasonable, treated as an unreasonable request. I can definitely...

COUNCILMEMBER HOKAMA: But I very appreciate your approach, Mr. Chun, and I would appreciate you talking to the appropriate parties within your entity to be able to give us some kind of response.

MR. CHUN: Sure.

COUNCILMEMBER HOKAMA: And, again, you know, if, if it's part of a work in progress that needs additional discussions with our Chair I can appreciate that. But since I'm in the asking mood, the, the other thing I would, I would like you to come back tomorrow, and because I think it makes sense for us to at least considering having it as part of a condition is that I don't have a problem, and I'm going to be upfront with my, my colleagues, supporting the request regarding the commercial light industrial permitted uses. And when we go through the assessments of studies regarding the traffic impact reports and what not that was brought up by Director Morioka of the State DOT, I can appreciate some Members concerns about the term of stacking of other permitted uses in less, what we consider the lesser zoning categories such as Apartment, Country Town Business, R-1, R-2, R-3. Those kind of things.

So I would like to know tomorrow, if you can respond back to us, if you have a problem with us only permitting those zoning uses that are within commercial light industrial only? And if the answer is no, then you can explain why you would like us to be, still be open to those lesser zoning categories. But then you need to also take into consideration, Mr. Chun, when you do your response that that change how we look at traffic, how we look at densities, and what we would believe that would be appropriate conditions to be attached to this request. Thank you very much, Mr. Chairman.

CHAIR MOLINA: Okay. Thank you, Member Hokama. Mr. Pontanilla?

VICE-CHAIR PONTANILLA: Thank you. Good afternoon, Mr. Chun.

MR. CHUN: Good afternoon.

VICE-CHAIR PONTANILLA: And I, I'm glad our Council Chair talked about the possibility of acquiring or getting some acreage from you folks in regards to moving our treatment plant in Kahului. As you know, you know, in our last budget, you know, we had budgeted quite a number of dollars just to reinforce that treatment plant, and it's going to be only temporary until we get this plant further inland. So I'm, I'm going to be awaiting, like Mr. Hokama, for your response in regards to that. Like Mr. Hokama, you know, I'm not going to be ashamed to ask.

At one time, you know, we were considering having a senior center in Kahului, and I understand that that plan has now disappeared. So my request for you is that, I'm looking at the Kahului Community Center as being the senior center, and, and because our community center in Kahului

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is, well, can't handle the population right now with, you know, people asking for utilization of the community center, you know, we've outgrown that facility, if A&B would be willing to provide some acreage in regards to relocating that community center to a location where it can accommodate the type of gatherings that we have here in Central Maui. Right now I understand that some of the people here in central, Central Maui to accommodate their gatherings, you know, either they go to Kihei or I see Wailuku Community Center is becoming obsolete. So, if, if the Applicant is open to providing acreage for a new community center in Kahului, you know, that would be a good for the community in Kahului. Any response?

CHAIR MOLINA: Mr. Chun?

MR. CHUN: Thank you, Mr. Chair. Actually, Mr. Chair and Members of the Committee, I just want to commend Councilmember Pontanilla on his diligence. You know, he's been very, very clear over the course of the past month as far as his strong desire to see this special need in Kahului where actually I grew up, so I know what the need is in Kahului to be accommodated for. And so, in deference and, and to his request, you know, I have had the opportunity to explore the, the option of being able to provide acreage to accommodate for either the relocation or maybe another community center in Kahului. And so we are comfortable, you know, being able to say that we would be happy to accommodate a site of up to six acres in Kahului. And actually Councilmember Pontanilla and I have already discussed a location that he actually thinks would be opportune as well. So, I guess, when the Committee reconvenes I would be happy to work with Staff to, to ensure that that gets reflected in, in the appropriate exhibits that you all will be compiling.

VICE-CHAIR PONTANILLA: Thank you. Thank you, Chairman.

CHAIR MOLINA: Thank you, Member Pontanilla. And last, but not least with about five minutes left, Mr. Victorino, did you choose to...

COUNCILMEMBER VICTORINO: You know what if--that's okay I'll wait until tomorrow because we're five of five, and you need to leave by five o'clock.

CHAIR MOLINA: Right.

COUNCILMEMBER VICTORINO: So I will defer my questions till tomorrow if that's okay with you, Chair.

CHAIR MOLINA: Okay. Thank you very much, Mr. Victorino.

COUNCILMEMBER ANDERSON: Chair.

CHAIR MOLINA: And, Members, I'm sorry, Member Anderson?

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COUNCILMEMBER ANDERSON: I would like to ask a quick question, because I don't expect the answer till tomorrow --

CHAIR MOLINA: Sure.

COUNCILMEMBER ANDERSON: --but it will give him a chance to...of the total 179 acres, Mr. Chun, how much of it do you anticipate being in warehousing or building of some kind, and if you could maybe base that on the numbers that you used for your traffic impact analysis? I, I understood it to be 50 percent light industrial, 50 percent retail. So if we could get a breakdown of the total 179 acres. I know it's only going to be kind of a general idea, but you must have something, you know, that you could draw on.

MR. CHUN: Sure.

COUNCILMEMBER ANDERSON: That would be helpful. Thank you very much. Thank you, Chair.

CHAIR MOLINA: Okay. Thank you, Member Anderson. Members, I'd like to take a very short break. I did mention the possible recess date of tomorrow. The Chair is looking at 1:30. I'd like to give you a few moments to confer with your staff on your availability for 1:30 tomorrow. Okay. So, unless, Members, are you ready to give the Chair an answer at this point? Let's go right down the line.

COUNCILMEMBER ANDERSON: Nine, nine o'clock's not good for anybody?

CHAIR MOLINA: Either way, the Chair is open to either morning. Anybody available for nine a.m. tomorrow Member Anderson has mentioned? It looks like, it just maybe might be me and you, Member Anderson. All right, 1:30. Mr. Mateo, are you available tomorrow?

COUNCILMEMBER MATEO: 1:30 until four.

CHAIR MOLINA: Okay. Thank you. Member Anderson, your availability for tomorrow afternoon?

COUNCILMEMBER ANDERSON: I will change my plans and be here at 1:30 if it's the will of the body.

CHAIR MOLINA: Thank you, Member Anderson. Member Baisa?

COUNCILMEMBER BAISA: 1:30 to four.

CHAIR MOLINA: Okay. Thank you. Member Johnson?

COUNCILMEMBER JOHNSON: The same as Ms. Baisa.

CHAIR MOLINA: Okay. Mr. Medeiros?

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COUNCILMEMBER MEDEIROS: 1:30, 1:30 until we need to go until.

CHAIR MOLINA: Okay. Thank you. Chairman Hokama?

COUNCILMEMBER HOKAMA: Same as Mr. Medeiros.

CHAIR MOLINA: Thank you. Mr. Pontanilla?

VICE-CHAIR PONTANILLA: Yeah, from 1:30 on until we lose quorum.

CHAIR MOLINA: Okay. And, Member Victorino?

COUNCILMEMBER VICTORINO: Same as the previous four.

CHAIR MOLINA: Okay. Thank you very much, Members. So it looks like we'll have a full body tomorrow at least up until 4:00 p.m. Before the Chair closes I'd like to thank the other members of A&B who are here in attendance, Chief Executive Officer, Officer Stan Kuriyama as well as Senior Vice-President Meredith Ching...*(Change tape, Side 3B)*...members and also Mr. Vicens who is a consultant for the project as well. Thank you for being here. Phillip Rowell, traffic consultant; Tom Witten from PBR Landscape and Design; along with Mr. Munekiyo from Munekiyo and Hiraga, Inc.; and earlier we heard from Mr. Keith Niiya from Austin Tsutsumi & Associates. So all of, at least a majority of these folks will be here for our perusal tomorrow.

So, Members, this Land Use Committee Meeting will be in recess until 1:30 p.m., right here in the Council Chambers. Meeting in recess . . .*(gavel)*. . .

RECESS: 4:57 p.m.

APPROVED:



MICHAEL J. MOLINA, Chair
Land Use Committee

CERTIFICATE

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

DATED this 24th day of January, 2008, in Wailuku, Hawaii


Jessica Cahill