

LAND USE COMMISSION
MINUTES OF MEETING

May 6, 2005

Maui Prince Hotel Makena Resort
5400 Makena Alanui
Makena, Maui, Hawaii

Commissioners Present:

P. Roy Catalani
Isaac Fiesta
Michael D. Formby
Lisa Judge
Randy Piltz

Commissioners Absent:

Kyong-su Im
Steven Montgomery
Randall Sakumoto
Peter Yukimura

Staff Present:

Anthony J.H. Ching, Executive Officer
Diane Erickson, Deputy Attorney General
Sandra Matsushima, Chief Clerk
Max Rogers, Staff Planner
Holly Hackett, Court Reporter
Walter Mensching, Audio Technician

Chair Catalani called the meeting to order at 8:40 a.m.

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Chair Catalani stated that this was a hearing to consider the reclassification of approximately 59.6 acres of land currently in the Agricultural District to the Urban District for a village mixed-use and open space district, and residential subdivision at Wailuku, Maui, Hawaii.

APPEARANCES

Blaine Kobayashi, Esq., represented Petitioner

Michael Foley, Director, County of Maui, Department of Planning

Jane Lovell, Esq., Dep. Corporation Counsel, County of Maui, Department of Planning

John Chang, Esq., Deputy Attorney General, represented State Office of Planning

Abe Mitsuda, State Office of Planning

Mary Alice Evans, State Office of Planning

PETITIONER'S WITNESS

1. Darren Unemori

Mr. Unemori described his education and background in the field of civil engineering. His resume and written testimony was admitted into evidence as Petitioner's Exhibits 29 and 30 and his revised preliminary engineering report was submitted as Exhibit 36. Mr. Unemori was qualified as an expert in the field of engineering and drainage. There were no objections.

Mr. Unemori summarized his engineering report and discussed issues related to drainage patterns, solid waste, and water demand.

Ms. Lovell had a few questions and concerns in reference to Exhibit 36 figure C relating to drainage.

Mr. Chang posed a few questions related to the run-off from the former dumpsite and the potable water wells. Mr. Chang added that they will be in discussion with the DOH and if necessary, may add an additional witness.

Commissioner Piltz raised questions regarding the hardened surface run-off, master drainage plan, potable water issues, and affordable housing demands.

Commissioner Judge had a few questions related to solid waste and the existing landfill capacity.

Commissioner Formby also had a few questions in reference to the exiting closed landfill site, solid waste capacity, and potable water issues.

A recess break was taken at 9:32 a.m. The meeting reconvened at 9:45 a.m.

2. Tom Nance

Mr. Nance was qualified as an expert in water resource issues. There were no objections. Mr. Nance described and discussed issues of the three wells being developed by the Petitioner, the Kahului aquifer, pumpage and recharge, geographical and physical boundaries, ground water movement, sustainable yield, and the natural resources.

Ms. Lovell posed a few questions related to the safe drinking water standards, contaminants, pumpage, sustainable yield, and recharge.

Mr. Chang had questions in reference to organic contamination in the wells, sustainable yield, and concerns related to the adjacent landfill site.

Commissioner Formby posed questions related to the capacity of the Kahului aquifer, brackish water, salinity profiling, and the relocation of the wells.

Commissioner Piltz had a few questions and concerns regarding the current drainage ditches, post construction drainage, and the possibility of contaminants diverted from the landfill's run-off.

Chair Catalani's questions were in reference to the sustainable yield, the locations of the wells, and regulating the ground water uses.

A recess break was taken at 10:35 a.m. The meeting reconvened at 11:00 a.m.

3. Daniel Ford

Mr. Ford described his education and background as a registered professional geologist and stated that he is the Vice President of Clayton Group Services, who conducted the service environmental due diligence on this project. Mr. Ford was qualified as an expert in the field of environmental assessments. There were no objections.

Mr. Ford described and discussed issues of the Phase I environmental assessment and noted that the purpose of the report was to identify and recognize environmental conditions for this project. He discussed issues relating to the Waikapu landfill, the historical review, visual inspections, potential hazardous waste, and methane gases.

Ms. Lovell raised a few questions related to the duties of the Department of Health, responsibilities associated with the inspection of the landfill, groundwater well monitoring and samples, and post closure monitoring of the landfill.

Mr. Chang's questions and concerns were regarding the Waikapu Landfill, the location of the groundwater wells, and monitoring and sampling of these wells.

Commissioner Judge raised questions and concerns related to the fencing and if it still exists on the property, the asphalt covering the former landfill site, and additional monitoring.

Commissioner Piltz also raised concerns related to the asphalt covering at the landfill site and noted that Maui has a severe problem with abandoned vehicles and storage. Commissioner Piltz stated that his concern was that these vehicles are being stored on this site, although the oils and liquids have not been removed from the vehicles, and run-off could possibly contaminate the water wells if not monitored.

Chair Catalani raised questions related to the monitoring during grading, engineered controlled swells or burms, storm water regulations, regular inspections of the landfill site, and hazardous waste regulations.

Commissioner Fiesta asked for clarification on the fencing, if it was still in existence and if someone could testify to that. He also questioned the ownership of the landfill.

Commissioner Piltz commented that the land in discussion is part of the County's property and commends the Petitioner and it's expert witness who has shown tremendous effort in describing the project site.

A recess break was taken at 12:00 p.m. The meeting reconvened at 12:05 p.m.

3. Mitch Hirano

Mr. Hirano described his education and background. His resume and written testimony was admitted into evidence at Petitioner's Exhibits 26 and 34. Mr. Hirano was qualified as an expert in land use planning. There were no objections.

Mr. Hirano described and discussed issues related to Exhibit 36, Mr. Unemori's engineering report, the numbers of single and multi-family units proposed, projected water demands, number of affordable units, and the breakdown on the number of units.

Admission of Additional Exhibits

After discussion, the diagram table introduced by Mr. Hirano indicating the breakdown of affordable units was offered into evidence as Petitioner's Exhibit 42. There were no objections. Said exhibit was admitted into the record as Petitioner's Exhibit 42.

Ms. Lovell stated that the County had no further questions.

Mr. Chang posed a few questions regarding the 51% of affordable housing, controls in place to avoid re-sale at market rates, and the housing agreement.

Commissioner Judge commended the developer for this affordable housing component as there is a housing crisis on Maui and throughout the state.

After a brief discussion, there were no further questions posed by the parties or the Commission.

The meeting adjourned at 12:40 p.m.

(Please refer to LUC Transcript of May 6, 2005 for more details on this matter.)