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LAND USE COMMISSION

STATE OF HAWAI'I

HEARING

A11-790 KULA RIDGE, LLC (Maui))
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TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for a Public Hearing
at 4300 N. Kula Road, Kula, Hawai'i, commencing at
1:35 p.m. on August 25, 2011, pursuant to Notice.

REPORTED BY: HOLLY M. HACKETT, CSR #130, RPR
Certified Shorthand Reporter

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A P P E A R A N C E S

COMMISSIONERS:
KYLE CHOCK
THOMAS CONTRADES
RONALD HELLER
LISA M. JUDGE
NORMAND LEZY (Chairman)
JAYE NAPUA MAKUA
CHAD McDONALD
NICHOLAS TEVES, JR.

EXECUTIVE OFFICER: ORLANDO DAVIDSON
ACTING CHIEF CLERK: RILEY HAKODA
STAFF PLANNER: BERT SARUWATARI

DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

AUDIO TECHNICIAN: WALTER MENCHING

Docket No. A11-790 Kula Ridge, LLC

For the Petitioner: STEVEN LIM, ESQ.
JENNIFER BENCK, ESQ.
CLAYTON NISHIKAWA, Mgr.

For the County: MICHAEL HOPPER, ESQ.
Deputy Corporation Counsel
WILLIAM SPENCE
Planning Director

For the State: BRYAN YEE, ESQ.
Deputy Attorney General

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1 CHAIRMAN LEZY: Good afternoon, everyone.
2 This is a meeting of the State of Hawai'i Land Use
3 Commission. Commissioners, you've been provided with
4 the draft minutes for July 14-15, 2011. Are there any
5 revisions? Hearing none, all in favor say aye please.

6 COMMISSIONERS VOTING: "Aye".

7 CHAIRMAN LEZY: It's unanimous. Executive
8 Officer Davidson, if you would please provide us with
9 the tentative meeting schedule.

10 MR. DAVIDSON: Thank you, Chair. You've
11 been provided with the tentative meeting schedule
12 through October-November. As always if you have any
13 conflicts or questions about it feel free to contact
14 either Riley or myself. We are anticipating holding
15 quite a brief Commission meeting at the Hawai'i
16 Congress of Planning Officials meeting on Kaua'i
17 September 21, 22, 23. So we'll keep you informed on
18 that. Thank you.

19 CHAIRMAN LEZY: Thank you. At this time the
20 Chair will move to enter into executive session for
21 the purposes of a litigation report from our attorney.
22 Do I have a second?

23 COMMISSIONER HELLER: Second.

24 CHAIRMAN LEZY: All in favor?

25 COMMISSIONERS VOTING: "Aye".

1 CHAIRMAN LEZY: Thank you. The Commission
2 will exit the hearing room briefly for an executive
3 session. We'll return in just a moment.

4 (Executive session recess.)

5 CHAIRMAN LEZY: (1:55 (gavel) Good
6 afternoon again, everyone. Thank you for your
7 patience. The next item on the agenda is a hearing on
8 Docket No. A11-790 Kula Ridge, LLC, Maui to consider
9 the reclassification of approximately 34.516 acres of
10 land from the Agricultural District to the Urban
11 District and approximately 16.509 acres of land from
12 the Agricultural District to the Rural District at
13 Kula, Maui, Hawai'i for a mix of residential, park and
14 open space uses.

15 Will the parties please identify themselves
16 for the record.

17 MR. LIM: Good afternoon, Mr. Chairman,
18 members of the Commission. Standing in for Martin
19 Luna from the law offices of Carlsmith Ball are Steven
20 Lim and Jennifer Benck. With me today to my right is
21 Mr. Clayton Nishikawa, the manager of Kula Ridge, LLC
22 and our planner Michael Munekiyo.

23 CHAIRMAN LEZY: Good afternoon.

24 MR. HOPPER: Thank you, Mr. Chair. Michael
25 Hopper for the county of Maui Department of Planning.

1 With me is Will Spence, planning director.

2 CHAIRMAN LEZY: Good afternoon.

3 MR. YEE: Good afternoon. Deputy Attorney
4 General Bryan Yee on behalf of the Office of Planning.

5 CHAIRMAN LEZY: Good afternoon. Let me
6 update the record in this docket. On July 19th, 2011
7 the Commission received Petitioner's First Stipulation
8 in Docket A11-790 Kula Ridge, LLC and Office of
9 Planning's Seconded Amended List of Exhibits; Exhibit
10 14.

11 On August 3, 2011 the Commission received
12 Maui Planning Department's Third Amended List of
13 Exhibits, and Exhibit 9.

14 On August 16, 2011 the Commission received
15 Petitioner's Third Amended List of Exhibits, Exhibits
16 23A and 44A through 44G.

17 Between August 3rd and August 25th, 2011 the
18 Commission received written correspondence from 34
19 individuals. That correspondence has been made part
20 of the record.

21 On August 22, 2011 the Commission received
22 Petitioner's Fourth Amended List of Exhibits and
23 Exhibit 34A and Notice of Appearance of Counsel for
24 Petitioner listing Steven S.C. Lim and Jennifer A.
25 Benck as additional counsel.

1 On August 23, 2011 the Commission received
2 written correspondence from the Kula Community
3 Association.

4 On August 25, 2011 the Commission received
5 County of Maui's List of Exhibits, Amendment No. 4
6 and County's Exhibit 10.

7 Let me acknowledge at the outset the request
8 of Kula Community Association. Chapter 205-4(f)
9 allows a representative of a community group to
10 provide testimony. I'm inclined to allow the Kula
11 Community Association 10 minutes to express its views
12 in this docket as part of the initial public witness
13 testimony.

14 Do the parties have any comments or
15 objections to this?

16 MR. LIM: Petitioner has no objections.

17 CHAIRMAN LEZY: County?

18 MR. HOPPER: No, Mr. Chairman.

19 CHAIRMAN LEZY: Office?

20 MR. YEE: No objection.

21 CHAIRMAN LEZY: Thank you. Let me now
22 describe our procedure for today. First, I'll call
23 for those individuals desiring to provide public
24 testimony on this matter to identify themselves. All
25 such individuals will be called in turn to our witness

1 box where they will be sworn in. A 3-minute time
2 limit on testimony will be enforced to accommodate all
3 of the public witnesses who wish to testify today.

4 The parties will then present their cases
5 starting with the State Office of Planning. The Chair
6 would also note for the parties and public that from
7 time to time I'll be calling for short breaks. Now,
8 Executive Officer, would you please call the public
9 testimony.

10 MR. DAVIDSON: I think we first have the
11 Kula Community Association. If you can identify
12 yourselves and then you have ten minutes.

13 MS. PATNODE: My name is Bobby Patnode. I'm
14 the vice president of the Kula Community Association.

15 MR. MAYER: I'm Dick Mayer, Chair of the
16 Planning Committee of the Kula Community Association.

17 CHAIRMAN LEZY: If I could swear you both in
18 please.

19 BOBBY PATNODE and RICHARD MAYER
20 being first duly sworn to tell the truth, testified as
21 follows:

22 MS. PATNODE: Yes.

23 MR. MAYER: We do.

24 CHAIRMAN LEZY: Thank you. Please proceed.

25 MS. PATNODE: My name is Bobby Patnode. I'm

1 the vice president of the Kula Community Association.
2 The Kula Community Association has asked to be
3 included in this hearing as a community
4 representative. Last month we testified and presented
5 16 proposed conditions.

6 Today Dick Mayer, who's chair of our
7 planning committee, will elaborate on why we believe
8 this land does not meet the LUC standards to be
9 designated as urban. Thank you.

10 MR. MAYER: Thank you. My name is Dick
11 Mayer. The first par-- you have the testimony that
12 we're going to be giving today in front of you. The
13 first paragraph just deals with the summary of the
14 issues that we discussed last time.

15 Our major concerns were the serious lack of
16 water and uncertainty of the water, safety issues
17 associated with the cars as well as the substandard
18 road, the land under the Kula Community Center, the
19 dense affordable and senior housing and archaeological
20 burial sites and drainage.

21 Having heard this testimony presented at the
22 July 14th and 15th LUC meeting, the Kula Community
23 Association Board believes that the application for
24 urban designation may not meet the Land Use
25 Commission's HAR 15-15-18 criteria for boundary change

1 amendment. By using the word "and" at the end of
2 criteria 7 it seems that all eight standards must be
3 satisfied. However, it appears that specifically
4 standards 1, 2A, 2B, 3, 4, 5, and 7 may not be
5 satisfied. Let me elaborate.

6 To determine the Urban Land Use District
7 standard 1: It shall include lands characterized by
8 city-like concentrations of people, structures,
9 streets, urban level of services and related land
10 uses.

11 This area is not city-like. Waiakoa is a
12 rural village, not even a town. There are very
13 limited urban services. There's no wastewater system,
14 no public transport, no storm drainage, only one small
15 county store, no supermarket, a single church, one gas
16 station, and one small café. That hardly makes the
17 Waiakoa area city-like.

18 Standard 2. There should be proximity to
19 centers of trading and employment. The proposed Kula
20 Ridge Project is not in proximity to a center of
21 trading or employment. The Project's own Final EIS
22 states that the nearest centers of employment and
23 trading -- and these are only minor centers of
24 employment -- are in Pukalani and Makawao, which are 6
25 and 8 miles distant, according to the Final EIS.

1 It is likely that any employee in this area
2 will need to seek employment in Kahului, Wailuku,
3 Kihei or West Maui, all of which require driving a
4 significant distance, incurring a very expensive daily
5 gas and maintenance cost. When these daily costs are
6 factored in, this remote rural location becomes even
7 less affordable.

8 Standard 2.B: Availability of basic
9 services such as schools, parks, wastewater, et
10 cetera. It is perhaps in meeting Standard 2.B that
11 this Project is most deficient. There is an
12 elementary school close-by. The Kalama Intermediate
13 School is about 7 miles away. And the only high
14 school is about 4 miles away.

15 There is no wastewater system in the area.
16 The nearest solid waste disposal site is about
17 10 miles away. Drainage is a significant concern as
18 pointed out in comments below in reference to Standard
19 3.

20 Water availability, water distribution are
21 such significant issues that it's completely uncertain
22 at this time where and how water will be provided for
23 this Project.

24 There are several transportation issues: the
25 substandard Lower Kula Road, the lack of sidewalks for

1 pedestrians, the need to upgrade the intersection, the
2 Lower Kula Road, the Kula Highway, the total lack of
3 any kind of public transportation and the steep hill
4 that would have to be negotiated by seniors and
5 children wishing to get to the store or the Kula
6 Elementary School.

7 Public utilities will need to be developed,
8 particularly water source development and water
9 distribution lines, public transportation --
10 especially for the seniors -- solid waste disposal, et
11 cetera. Maui Electric Company has stated twice in the
12 Draft EIS and in the Final EIS that the --

13 CHAIRMAN LEZY: Sir, I don't mean to
14 interrupt you, our court reporter, you're going to
15 drive her nuts.

16 MR. MAYER: I'm reading literally.

17 CHAIRMAN LEZY: I understand that. But if
18 you could just slow down just a bit for her.

19 MR. MAYER: I will do that.

20 CHAIRMAN LEZY: Thank you.

21 MR. MAYER: -- and in the Final EIS. That
22 the substation and the power lines in the area are
23 inadequate and will need to be upgraded to serve this
24 Project. The nearest police substation is located 7
25 miles away in a room under Makawao's Eddy Tam Gym.

1 Standard 3. Deals with drainage and
2 reasonably free from danger of any flood. Drainage is
3 a real and very serious concern because of the threat
4 to Maui County's Community Center, historically
5 significant Holy Ghost Church, where we are now, and
6 residents below the Project.

7 The Final EIS contains drainage calculations
8 based on only the one-hour analysis. Many Kona storms
9 last for several days. There's no estimate of the
10 water flows from such storms or the effects from
11 rainfall lasting over one hour.

12 Coupled with the development of the much
13 larger Kula Ridge Mauka Project. With hundreds of
14 acres above this Project, immediately above Kula
15 Ridge, both utilizing the same street, potential
16 damage could be very extensive. Extending an Urban
17 designation to the Kula Ridge Project could severely
18 impact neighboring downslope properties.

19 Of special concern is the drainage flow down
20 the main street on the south side of the Project that
21 leads directly towards Holy Ghost Church. The Final
22 EIS makes no provision for a retention basin on that
23 side of the property, and there seems to be no place
24 for such a retention basin.

25 Standard 4: Particularly items indicated on

1 the urban use on the State and County General Plans.
2 The proposed Kula Ridge Project has only a small
3 border with Waiakoa Village. Waiakoa itself is
4 designated as only a rural service center on the Maui
5 Island Plan, not an urbanized area.

6 Standard 5. Given consideration to areas of
7 urban growth as shown on the State and County General
8 Plans. Neither the State nor County General Plans
9 include this specific area for urban development. The
10 existing Community Plan for this area indicates that
11 most of it should remain in rural use with only a
12 small portion to be designated into single-family use.

13 The Maui Island Plan has already gone
14 through three stages of review: The General Plan
15 Advisory Committee, the Maui Planning Commission and
16 the director of the Planning Department. All three
17 have recommended that this area be retained in some
18 kind of rural classification, either rural/residential
19 or rural/service center.

20 Standard 6. Surrounded by or adjacent to
21 existing urban development. The Kula Ridge land is
22 surrounded almost entirely on the north, mauka and
23 south sides by agricultural lands. Furthermore, there
24 was a farmer actively involved in agriculture working
25 these lands until shortly before the Applicant

1 purchased these agricultural lands.

2 Number 7. Necessitating unreasonable
3 investment in public infrastructure or support
4 services.

5 There will be a need to develop considerable
6 and expensive public infrastructure and services,
7 particularly water source development and water
8 distribution lines, public transportation --
9 especially for the seniors -- solid waste disposal,
10 et cetera.

11 Maui Electric Company has stated twice in
12 the EIS Pages 198 and 360 that the substation and the
13 power lines in the area are inadequate and will need
14 to be upgraded to service this Project. They state,
15 "The existing area is currently served from our Kula
16 substation. Since the substation is nearly filled to
17 capacity, the addition of this Project's anticipated
18 electrical load demand will have a substantial impact
19 to our system. Therefore, in addition to the
20 electrical line extension, other upgrades may be
21 necessary to accommodate a project of this magnitude."

22 I'm not going to read through the 16
23 conditions that we're asking. Just like to read the
24 first two paragraphs though: As we tried to have
25 pointed out we believe that this urban boundary

1 amendment application may not meet several of the
2 required HAR 15-15-18 standards.

3 However, if the LUC does grant this boundary
4 amendment, then the Kula Community Association Board
5 requests that the following conditions be included in
6 the LUC's final decision. And this is the same list
7 that I provided to you last time.

8 I've appended two pages onto the back to
9 show you what's in the EIS that was not mentioned last
10 time at the meeting, and that was the comments made by
11 Maui Electric Company's managing director and
12 reinforced the second time when they updated their
13 EIS. That's the extent of our testimony.

14 CHAIRMAN LEZY: Thank you. Let me see if
15 the parties have any questions for you. Parties, any
16 questions for the witness?

17 MR. LIM: Yes, Mr. Chairman. Good
18 afternoon, Mr. Mayer.

19 THE WITNESS: Good afternoon.

20 MR. LIM: The Land Use Commission, if it
21 sees fit to approve the Project, would impose a set of
22 conditions similar to yours. Would you agree that a
23 condition that says that: The Petitioner shall
24 implement water conservation measures and Best
25 Management Practices such as use of indigenous and

1 drought-tolerant plants and turf and incorporate such
2 measures into common area landscape planting, and
3 shall incorporate low-flow fixtures into the
4 construction of all units, would be a proper
5 condition?

6 THE WITNESS: I think that would be a very
7 good condition. But that would not take care of where
8 the water is coming from or how it would be
9 distributed.

10 MR. LIM: Would you also agree that another
11 good condition on energy conservation would be that:
12 The Petitioner shall implement energy conservation
13 measures such as insulation and use of solar water
14 heaters, and implementation of designs that
15 accommodate photovoltaic energy systems should the
16 buyer decide to purchase this option, and all units
17 would be equipped with Energy Star appliances?

18 THE WITNESS: That would be excellent. And
19 are you saying -- just so I understand for sure --
20 that there be photovoltaics? Or solar hot water
21 systems?

22 MR. LIM: I don't know. I'm not the
23 Commission but that would be one of the proposed
24 conditions. And they've talked about the option for
25 buyers to purchase that.

1 THE WITNESS: Okay. I would hope that it
2 would be both photovoltaic and solar hot water.

3 MR. LIM: Do you not favor affordable
4 housing in the Kula region?

5 THE WITNESS: I think affordable housing is
6 excellent. And I think we very much need it. And
7 that's why the Association has strongly supported the
8 efforts by the Hawaiian Home Lands to build
9 approximately 2,000 units in that area. And they will
10 have first demand on the water supply. That's what
11 the Upcountry Community Plan says.

12 So we're concerned that that water may not
13 be available for that Hawaiian Home Lands area. So we
14 are very much -- in that case the land would be
15 basically free and it would be up to the people to put
16 up a house, which I think could be done affordably.

17 MR. LIM: So you realize that the Department
18 of Hawaiian Home Lands would provide product only for
19 native Hawaiians.

20 THE WITNESS: That's correct.

21 MR. LIM: What would be your plan for
22 affordable housing for everybody else?

23 THE WITNESS: I think that it should be
24 built and it should come in. I think this site is the
25 problem, where it's located in the slope of the land,

1 the drainage issues and the other ones that we
2 mentioned. It's not opposing affordable housing.
3 It's opposing it because of the particular geography
4 and location of this particular site. And these are
5 Important Agricultural Lands too in some cases.

6 MR. LIM: So in terms of you and your
7 family's support for affordable housing, would that be
8 a reason why, at least if I understand, two of your
9 children have signed up on the list for the Kula Ridge
10 for the affordable housing units?

11 THE WITNESS: My children signed up early
12 on, yes. And I put -- my name's on there. If they
13 could get that and it was built that would be
14 wonderful. I have a lot also that I would like to be
15 able to give them. And I only have one other lot for
16 them. And I've asked for a water meter for that lot.
17 If I can get that water meter, then they could build
18 on the land at a much more reasonable cost than would
19 be available here.

20 MR. LIM: Thank you. No further discussion.

21 CHAIRMAN LEZY: County?

22 MR. HOPPER: No questions.

23 CHAIRMAN LEZY: Office of Planning?

24 MR. YEE: No questions.

25 CHAIRMAN LEZY: Commissioners, any

1 questions? Thank you very much.

2 THE WITNESS: Thank you.

3 MR. DAVIDSON: We have 47 witnesses signed
4 up. And the 3-minute rule will be enforced. First
5 two witnesses Debbie Anthony followed by Al Chiarella.

6 DEBBIE ANTHONY

7 being first duly sworn to tell the truth, was examined
8 and testified as follows:

9 THE WITNESS: Yes.

10 CHAIRMAN LEZY: Would you please state your
11 full name, spell it and provide your mailing or home
12 address.

13 THE WITNESS: Debbie Anthony. My home
14 address is 2656 Keikilani Street, Pukalani.

15 CHAIRMAN LEZY: Please proceed.

16 THE WITNESS: Aloha. My names is Debbie
17 Anthony. And my grandparents and parents were farmers
18 who farmed on leased land next to --

19 AUDIENCE: "Can't hear."

20 THE WITNESS: (continuing) -- and then below
21 the Kula Post Office up until the time they retired
22 from farming. You know, I've been born at Kula
23 Hospital and spent my childhood years growing up in a
24 plantation home on Pulehu Road. I attended Kula
25 School from kindergarten until I finished the eighth

1 grade. And I have many fond memories of the time I
2 spent in Kula and, you know, all those times we spent
3 at Morihara Store, the Kula gym, walking home after
4 school, those are something that has always cherished
5 memories for me.

6 To this day we still spend a lot of time in
7 Kula visiting with my parents and friends. My husband
8 and son still play ball at the Kula gym every week.
9 And my son continues our tradition of going to
10 Morihara Store, picking up snacks and treats every
11 time, just like I did when I was his age.

12 In my heart Kula has always been and will
13 always be my home. And it's been my dream to one day
14 move back. Affordable homes in Kula have been
15 nonexistent. And Kula Ridge with their affordable
16 housing Project would provide us the opportunity to
17 make that move back home which I would hope to do one
18 day. And so I'm here today hoping that you'll support
19 and approve of their request. Thank you.

20 CHAIRMAN LEZY: Parties, any questions?

21 MR. LIM: No questions.

22 MR. HOPPER: No, Mr. Chair.

23 MR. YEE: No questions.

24 CHAIRMAN LEZY: Commissioners, any
25 questions? Thank you very much.

1 MR. DAVIDSON: Al Chiarella followed by
2 Barbara Oura-Tavares.

3 CHAIRMAN LEZY: If I could just remind all
4 the folks providing public testimony if you could pull
5 the microphone close to yourself and speak directly
6 into it please.

7 AL CHIARELLA
8 being first duly sworn to tell the truth was examined
9 and testified as follows:

10 THE WITNESS: I do.

11 CHAIRMAN LEZY: Would you please state and
12 spell your name provide your address.

13 THE WITNESS: My names is Al Chiarella
14 C-h-i-a-r-e-l-l-a. P. O. Box 1112 in Makawao.

15 CHAIRMAN LEZY: Please proceed.

16 THE WITNESS: I hear all these objections
17 about Kula Ridge and I understand their concerns. But
18 I think all of these have been taken care of by
19 engineers and very intelligent people who have taken
20 care of drainage, drainage issues. And things like
21 that are probably going to improve when this Project
22 is done.

23 You know what they've got planned up there
24 is so long, in my opinion, in coming. This is
25 supposedly the fast track to affordable housing and

1 we're going on for years and years just dragging this
2 out with every objection that could possibly be
3 raised.

4 I have lived here since 1985 going on about
5 27 years, all of it Upcountry. I'm an Upcountry
6 businessman and realtor. And some of the real simple
7 reasons why we need this is it's affordable. Like you
8 heard before, we do not have affordable housing
9 existing in Kula right now.

10 A lot of these people come in -- kids, I
11 have four kids. Three of them are already working on
12 the mainland. My fourth is about to go to college on
13 the mainland. And will he come back? Probably not.

14 I've got a couple of teachers and then a
15 couple of -- one other child who's working. These
16 kids would love to come back. Not everyone wants to
17 live in Wailuku and Kahului. I see people that would
18 like nothing better than to have a place for their
19 children to come back to.

20 What's planned up there is gonna be a very
21 beautiful one-a-kind kind of place. It's gonna blend
22 right into the hillside. It's gonna be probably one
23 of the nicer projects. You come back in ten years
24 you'll look up there it will just all look wonderful.

25 And, yeah, it's going to create a few more

1 vehicles on the road. Absolutely. I mean we've got
2 firemen, teachers, policemen, all of these people need
3 housing. Some of these people are going to be going
4 to and from work at different hours as everybody
5 knows.

6 What else we got? Um, I'm walking through
7 the airport the other day with this shirt on and I got
8 stopped by two TSA guys that were going through my
9 bags. And they, "What's going on with that Project?
10 You know, we've been waiting for that thing. We need
11 a place to live. What's going on?"

12 It's kinda like well, they'd love to be here
13 but a lot of people that would like to come and
14 testify are the working class people that basically
15 can't come at this time.

16 MR. DAVIDSON: 30 seconds.

17 THE WITNESS: Anyway just to end it,
18 obviously I think its time has come. It's going to be
19 hopefully a great Project. We need affordable
20 housing. People need jobs. Okay? Let's talk about
21 the job section.

22 The economy -- you're going to hear from
23 people out there probably that need -- people are
24 waiting to work: Carpenters, electricians, air
25 conditioning people. You name it. This is a good

1 thing. The time has come. Thank you. I'm obviously
2 in support.

3 CHAIRMAN LEZY: Parties, any questions?
4 Commissioners, any questions?

5 MR. LIM: Just a short question, hopefully
6 get some information from Mr. Chiarella. Is that how
7 you say it, sir?

8 THE WITNESS: Yes.

9 MR. LIM: Are you aware of the affordable
10 housing sales prices at least as of the current
11 Petition time between, ranging between 235- to 40,000
12 all the way up to \$400,000 just for the affordable
13 ranges?

14 THE WITNESS: I am, yes.

15 MR. LIM: You're familiar with the Upcounty
16 Maui real estate sales prices for comparable homes?

17 THE WITNESS: Very, yes.

18 MR. LIM: What, in your opinion, would that
19 average price run or, I guess, maybe a median or
20 average price, however you want to put it?

21 THE WITNESS: You mean today?

22 MR. LIM: Yes.

23 THE WITNESS: Oh, it's between 5 and
24 \$600,000.

25 MR. LIM: So it's significantly more than

1 what's being proposed.

2 THE WITNESS: Significantly more, yes.

3 MR. LIM: Thank you. No further questions.

4 CHAIRMAN LEZY: Commissioners, any
5 questions? Thank you for your testimony.

6 THE WITNESS: Thank you.

7 MR. DAVIDSON: Barbara Oura-Tavares followed
8 by Joann Van Gillory.

9 CHAIRMAN LEZY: If we could ask the folks
10 who are providing public testimony, if your name is
11 called, if you're the next testifier if you could
12 please come up to the testimony area and sit in the
13 on-deck circle we'd appreciate it.

14 BARBARA OURA-TAVARES
15 being first duly sworn to tell the truth, was examined
16 and testified as follows:

17 THE WITNESS: Absolutely, yes.

18 CHAIRMAN LEZY: Thank you. Please state and
19 spell your name and provide your address.

20 THE WITNESS: My names is Barbara
21 Oura-Tavares. My address is 141 Lower Kimo Drive,
22 Kula.

23 CHAIRMAN LEZY: Thank you.

24 THE WITNESS: Thank you for allowing me to
25 speak today. I feel compelled to share with you some

1 of my thoughts and concerns with regards to this
2 Project. And I ask the Commission to seriously
3 consider to not reclassify and rezone this parcel of
4 land.

5 Kula is an agrarian community. The land
6 which the Kula Ridge Project is sited for is a good
7 example of this. And there are hundreds of acres of
8 generational landowners and farmers who continue to
9 call Kula home.

10 Kula being a rural community is not a
11 primary employment hub. It does not draw people
12 because of job opportunities, rather by its offer of a
13 rural way of life. Thus residents will need to
14 commute to central Maui or beyond for employment which
15 will create more traffic, time away from home and
16 affects the quality of family life.

17 This Project presents a lack of
18 infrastructure, one road in and out, no improvement to
19 the existing roadway. The poor condition of Lower
20 Kula Road as well as its current two-lane setup will
21 not handle the increase of traffic, cars, buses, et
22 cetera, that will come with this development.

23 The incline of the projected road into and
24 out of Kula Ridge is steep and becomes problematic
25 especially for vehicles like MEO buses that are

1 frequently used to transport senior citizens.

2 Where will the runoff water go? Will there
3 be reservoirs to catch runoff? Below this Project
4 lies this church which is a nearly 120 year-old
5 national historical site and the cemeteries. What
6 provisions are in place to ensure preservation of this
7 church, its cemeteries and the residents below it?

8 Lack of infrastructure also means that the
9 rural community does not have the support facilities
10 that are particularly needed for senior citizen care.
11 Kula Hospital does not provide acute care.

12 The clinic operates only half time, and the
13 emergency room does not provide critical care for
14 situations like heart attacks or strokes.

15 Affordable housing does not equal affordable
16 living. The cost of private drilling of water, if
17 that be the case, will be passed on to residents. Lot
18 and house may be affordable but the cost of utilities
19 like water could be as much as 300 to 500 percent
20 higher than families typically pay for now, and will
21 create an unaffordable living situation.

22 The Kula Community Association spoke of
23 sewage. There is or does not seem to be
24 accommodations for these individual lots, 700,000
25 square feet with individual septic tanks, will create

1 a problem and a stench odor that will permeate to
2 surrounding areas, residential homes, this church,
3 stores, restaurants, et cetera.

4 MR. DAVIDSON: 30 seconds.

5 THE WITNESS: With affordable housing comes
6 families and children. The current infrastructure
7 does not lend itself to safe pedestrian traffic.
8 Furthermore, children will be walking to school,
9 Waldorf or Kula Elementary, because it is within the
10 current guideline of 1.5 miles for school
11 transportation.

12 Lower Kula Road, Copp Road and Kula Highway
13 do not have adequate provisions like continuous
14 sidewalks, traffic lights, crossing guards or police
15 supervision to make for safe walking conditions.
16 These are the reasons why I would like for you to
17 seriously consider not rezoning this land. Thank you.

18 CHAIRMAN LEZY: Parties, any questions?

19 MR. LIM: Just one question. Good
20 afternoon, Ms. Tavares.

21 THE WITNESS: Yes.

22 MR. LIM: Do you know a Danielle Tavares?
23 Is she related to you?

24 THE WITNESS: Not that I know of. Although
25 the Tavares family is large so...

1 MR. LIM: I can imagine. No further
2 questions.

3 CHAIRMAN LEZY: Commissioners, any
4 questions? Thank you very much.

5 MR. DAVIDSON: Joann Van Guillory followed
6 by Steve Goldstein.

7 JOANN VAN GUILLORY
8 being first duly sworn to tell the truth, was examined
9 and testified as follows:

10 THE WITNESS: I do.

11 CHAIRMAN LEZY: Please state and spell your
12 name and provide your address.

13 THE WITNESS: I'm J-o-a-n-n then V-a-n space
14 capital G-u-i-l-l-o-r-y. I live at 48 Puakea Place in
15 Kula. Do I just go on?

16 CHAIRMAN LEZY: Yes, ma'am. Please proceed.

17 THE WITNESS: As I said, my name is Joann
18 Van Guillory. I live in the immediate area and I
19 oppose the Kula Ridge development. The Maui County
20 Land Use Plan mandates no further expansion of urban
21 zoning in Kula.

22 The developer's basing his rezoning on the
23 urban zoning existing since the 1930s when this was
24 the Village of Waiakoa and at present consists of a
25 mom and pop store, takeout restaurant and gas station

1 that no longer provides gas.

2 This is a rural area that does not have the
3 infrastructure necessary for this development.
4 Because the development contains approximately 40
5 affordable housing lots out of a total of 116, it has
6 been fast-tracked under 201H which exempts the
7 developer from many requirements.

8 The development will cause a drainage flood
9 hazard to the Holy Ghost Church and existing
10 residences makai of Lower Kula Road. The developer's
11 proposed mitigation is insufficient for the
12 development's added hard surfaces.

13 If approved the developer will not have to
14 widen roads to accommodate upwards to 200 additional
15 cars, and will not have to provide a sidewalk on the
16 makai side of Lower Kula Road which will pose a safety
17 hazard for pedestrians and school children.

18 Lastly, it is unreasonable to expend public
19 money for infrastructure for private use. This has
20 been the case with the existing approximately 2000
21 applicants for Upcountry water meters, many of whom
22 have been on the list for years.

23 However, the developer has gone on record of
24 stating he does not have the financial resources to
25 develop, deliver and store water for his Project and

1 fully expects the county to assume these costs. This
2 is highly unreasonable and a precedent-setting. Water
3 is a primary issue, but other infrastructure issues
4 include electricity as well.

5 Please do not approve this application.
6 There are other lands here in Kula that are more
7 suited for housing projects including affordable
8 housing, and which would be less costly and better
9 suited for infrastructure development.

10 This is not a matter of "not in my
11 backyard". This is a plea not to urbanize a rural
12 area, not cause safety issues and to "show me the
13 water". It's unreasonable for the public to have to
14 expend money for private use of infrastructure. So
15 please don't accept or don't approve this application.

16 CHAIRMAN LEZY: Parties, any questions?

17 MR. LIM: No questions.

18 CHAIRMAN LEZY: Commissioners, any
19 questions? Ma'am, I'm sorry, one of the commissioners
20 has a question.

21 COMMISSIONER JUDGE: Thank you, Joann. At
22 the very outset of your testimony you cited a
23 document: The Maui Land Plan.

24 THE WITNESS: It's the Maui County Land Plan
25 or Land Use Plan. It calls for not having any more

1 development, urban development in Kula.

2 COMMISSIONER JUDGE: Okay. And it's just
3 the Maui Land Use? Do you know the document you're
4 referring to?

5 UNIDENTIFIED SPEAKER: Maui County General
6 Plan.

7 THE WITNESS: Maui County General Plan.

8 COMMISSIONER JUDGE: The General Plan, thank
9 you.

10 MR. DAVIDSON: Steve Goldstein followed by
11 Fran Goldstein.

12 THE WITNESS: Good afternoon. My name is
13 Steve --

14 CHAIRMAN LEZY: Sorry.

15 STEVE GOLDSTEIN
16 being first duly sworn to tell the truth, was examined
17 and testified as follows:

18 THE WITNESS: I do.

19 CHAIRMAN LEZY: State your full name, spell
20 it and provide your address, please.

21 THE WITNESS: My name is Steve S-t-e-v-e
22 G-o-l-d-s-t-e-i-n. I live at 1222 Middle Road in Kula.
23 I'm opposed to Kula Ridge development. And I've
24 already submitted a note to you guys a few weeks ago.

25 The proposed Kula Ridge development raises

1 several infrastructure issues many of which will
2 surely be discussed today and some of which have
3 already been discussed today. I will limit my
4 comments to the inadequate conditions of Lower Kula
5 Road and the inadequate plans for drainage.

6 Old Lower Kula Road is well named. Lower
7 Kula Road is narrow and dangerous even for today's
8 usage. Kula Ridge will add upwards of 200 cars, an
9 unknown number of service trucks and vans, creating a
10 hazardous situation for both vehicular and pedestrian
11 traffic. Additionally, increased traffic will need
12 safety upgrades to and from Lower Kula Road to Kula
13 Highway.

14 The Traffic Impact Assessment provided in
15 the environmental assessment for Kula Ridge is flawed.
16 It does not even show Haleakala Waldorf School on the
17 area map. This school, which has been there since the
18 1970s, has 250 students and 45 faculty.

19 In fact the assessment did not even take
20 into consideration the school's daily traffic pattern.
21 School dropoff is between 8:10 a.m. and 8:45 a.m.
22 Morning traffic was assessed from 6:00 a.m. to
23 8:00 a.m., two hours before dropoff.

24 School pickup is at 2:15 p.m. to 2:45 p.m.
25 Afternoon traffic was assessed from 3:00 p.m. to

1 6:00 p.m., two hours after school pickup. The Traffic
2 Impact Assessment does not reflect actual traffic on
3 Lower Kula Road and is invalid.

4 Additionally, this narrow road without a
5 sidewalk running all the way to the school is
6 hazardous for Waldorf kids walking to and from school,
7 and to Waldorf basketball and volleyball teams at Kula
8 gym which they traverse up and back during the week.

9 Finally, the increased number of cars at the
10 intersection of Kula Highway and Lower Kula Road
11 requires the installation of safety measures such as
12 turn lanes and lights as required by the Traffic
13 Analysis Report.

14 My second topic is drainage. Drainage from
15 Kula Ridge Mauka through Kula Ridge subdivision will
16 cascade down a steep roadway and hardscape and drain
17 directly onto Lower Kula Road, Holy Ghost Church and
18 homes below.

19 The developer has proposed a gulch retention
20 basin which would hold one hour of heavy rainfall.
21 Considering the major rainstorms here in Kula lasting
22 days, not hours, this is a flood and mudslide waiting
23 to happen.

24 To meet these community needs the following
25 conditions should be met by the Kula Ridge developer

1 prior to occupancy of any Kula Ridge or Kula Ridge
2 Mauka housing unit.

3 1. Redo the Traffic Impact Assessment. Do
4 it at peak impact hours in consideration of Waldorf's
5 daily dropoff and pickup.

6 2. Construct turn lanes and lights at the
7 intersection of Lower Kula Road and Kula Highway.

8 And 3. Solve the real drainage hazard
9 problems and secure approval from the Department of
10 Public Works for a realistic Kula Ridge Mauka Project
11 Drainage Plan.

12 Traffic and drainage are just two of the
13 several concerns raised in the EIS. The developer has
14 promised --

15 MR. DAVIDSON: Excuse me, sir, 30 seconds.

16 THE WITNESS: Thank you. The developer has
17 promised to mitigate all of these issues. We expect
18 them to keep their promises. Failure to do this would
19 create an unreasonable money expenditure for
20 infrastructure costing taxpayers millions of dollars.
21 Mahalo.

22 CHAIRMAN LEZY: Parties, any questions?

23 MR. LIM: Mr. Goldstein, just a couple
24 questions, regarding the drainage. If the Commission
25 saw fit to approve this Petition and include the

1 condition regarding drainage that I'll read to you, I
2 want to get your opinion on that.

3 The condition is proposed to say:
4 "Petitioner shall fund the design and construction of
5 drainage system improvements to prevent runoff
6 resulting from the development of the reclassified
7 area to the satisfaction of the appropriate state and
8 county agencies. The drainage swales and drainage
9 basins shall be maintained by the Petitioner or
10 homeowners association to the satisfaction of the
11 County of Maui.

12 Would that satisfy some of your current
13 concerns regarding drainage if that condition was
14 imposed?

15 THE WITNESS: I would have to look at what
16 the conditions, the specific conditions, in terms of
17 how many hours of rainfall would be required to be
18 captured by the basin, before I could answer that
19 question.

20 MR. LIM: Do you have faith in the county
21 Department of Public Works' engineers to review that
22 issue?

23 THE WITNESS: I'm not professional enough to
24 answer that question.

25 CHAIRMAN LEZY: Commissioners, any

1 questions? I'm sorry.

2 MR. LIM: Just one more question. Are you
3 aware that the Petitioner is working with the State
4 Department of Transportation to revise the Traffic
5 Impact Analysis Report?

6 THE WITNESS: And how would I be made aware
7 of that?

8 MR. LIM: I'm just asking if you were aware.

9 THE WITNESS: I'm not aware of that, no.

10 MR. LIM: Thank you.

11 CHAIRMAN LEZY: Apologizes, Mr. Lim. Didn't
12 mean to cut you off.

13 MR. LIM: No further questions.

14 CHAIRMAN LEZY: Commissioners, questions?
15 Thank you for your testimony.

16 THE WITNESS: Thank you very much.

17 MR. DAVIDSON: Fran Goldstein followed by
18 Doug MacCluer.

19 FRAN GOLDSTEIN
20 being first duly sworn to tell the truth, was examined
21 and testified as follows:

22 THE WITNESS: I do.

23 CHAIRMAN LEZY: Please state and spell your
24 name and provide your address.

25 THE WITNESS: My name is Fran Goldstein,

1 G-o-l-d-s-t-e-i-n. I live at 1222 Middle Road in
2 Kula.

3 As a Kula homeowner for 22 years I'm
4 concerned with the following issues regarding the Kula
5 Ridge development: Water, roads, drainage, senior
6 housing and urbanization. I question how the
7 developer plans to address these issues.

8 How does the developer justify jumping ahead
9 of more than a thousand Upcountry landowners waiting
10 for over 20 years for meters? Has the developer
11 secured a reliable water source and transportation?
12 Has the developer secured -- excuse me.

13 Has the developer agreed to pay for its
14 transport? Has the developer secured certified
15 approval of the health and safety by the Department of
16 Water Supply and the State Department of Health?

17 Has the developer agreed to build at his
18 expense a 5,000-gallon tank and connect it to the
19 Upper Kula waterline as specified by the Department of
20 Water Supply?

21 Has the developer agreed, if he chooses to
22 dig a private well, that the affordable and senior
23 housing units will not be charged more than the water
24 rates charged on single-family homes by the County's
25 Department of Water Supply?

1 Senior housing. I love the idea of
2 providing an area for senior living but I wonder how a
3 housing development on a hill best serves seniors. We
4 need to be able to walk or bus to stores, doctors and
5 services. This development is a long way for seniors
6 to get easy access to these necessary services. Thank
7 you.

8 CHAIRMAN LEZY: Parties, any questions?

9 MR. LIM: No further questions.

10 CHAIRMAN LEZY: Okay. Hearing none
11 Commissioners, in questions? Thank you very much.

12 MR. DAVIDSON: Doug MacCluer followed by
13 Alan Görg.

14 DOUG MacCLUER
15 being first duly sworn to tell the truth, was examined
16 and testified as follows:

17 THE WITNESS: Yes.

18 CHAIRMAN LEZY: Please state and spell your
19 name and provide your address.

20 THE WITNESS: My name is Doug MacCluer.
21 And I live at 360 Ho'opalu Drive in Pukalani. And
22 I've been a farmer, a diversified farmer on Maui for
23 45 years or so.

24 I'm opposed to the reclassification of the
25 Kula Ridge subdivision. I'm a former member of the

1 General Plan Advisory Committee. We worked on it for
2 three and-a-half years. And we didn't reclassify this
3 piece of land or many pieces of land with slopes and
4 traffic problems and water problems like this has.

5 I live right down the hill from this
6 Project, by Long's Drugs. And we have a heck of a
7 traffic problem every day with two high schools and
8 Kamehameha's School right there and Long's Drugs.

9 In the morning and the afternoon it's a
10 horrible problem. And where I used to go work at
11 Hali'imaile, it took nine minutes to get there. And
12 now today it took a half an hour to go from my house
13 to Hali'imaile. That's ridiculous.

14 I'm the Chairman of the Maui Drought
15 Committee. And we realize that something has to be
16 done for water. And if this Project is approved
17 there's not enough water. So they'll have to drill a
18 well and that will have to be affordable.

19 I drilled a well at Hali'imaile and it cost
20 over a million dollars to drill the will. The pumping
21 cost for at that time that I drilled it was about a
22 dollar and-a-half a thousand. And it's even more than
23 that now.

24 And the drainage is a horrible problem up
25 here. We're doing -- I'm Chairman of the Conservation

1 District. We're doing a study on the Kihei Watershed
2 Plan. And something has to be done in Kula in order
3 for Kihei not to flood. Kihei flooding was terrible.
4 So I just think that has to be addressed too. That's
5 all.

6 CHAIRMAN LEZY: Parties, any questions?

7 MR. LIM: Mr. MacCluer, as part of your work
8 on the General Plan Advisory Committee what was the
9 end result for this particular Petition Area in terms
10 of designation?

11 THE WITNESS: I think it was left in Ag.

12 MR. LIM: Wasn't it classified in the
13 Community Plan Single Family and Rural?

14 THE WITNESS: No.

15 MR. LIM: Okay.

16 CHAIRMAN LEZY: Commissioners, any
17 questions? Thank you.

18 MR. DAVIDSON: Alan Görg followed by Leana
19 Shirota-Purdy.

20 THE WITNESS: Good afternoon.

21 CHAIRMAN LEZY: One moment, sir. I need to
22 swear you in. Will you raise your right hand, please.

23 ALAN GÖRG

24 being first duly sworn to tell the truth, was examined
25 and testified as follows:

1 THE WITNESS: I do.

2 CHAIRMAN LEZY: Would you please state and
3 spell our name and provide your address?

4 THE WITNESS: Yes. My name is Alan Görg.
5 first name A-l-a-n, last name G-ö-r-g. I live at 4145
6 Lower Kula Road.

7 CHAIRMAN LEZY: Please proceed.

8 THE WITNESS: That address is about 400,
9 maybe 500 feet down this road. But to get here I had
10 to drive. I drove because I could not walk. There's
11 no sidewalk and except maybe a couple hundred feet in
12 front of meeting center in the church. And there's
13 barely enough room for two cars to pass, so it's
14 dangerous to walk.

15 There's no bus service so I have to drive.
16 Just like everybody who lives here I had to get a car.
17 I didn't want to but there's no -- that's the only way
18 I can get anywhere. And that's going to be true of
19 everybody who lives in this Project. That's a couple
20 hundred cars.

21 The senior citizens, I don't know what -- I
22 don't know who these low income and senior citizens
23 are because they're buying -- they're supposed to buy
24 houses, \$200- \$300,000. Those aren't the low income
25 people I know.

1 They're not the senior citizens -- most of
2 the senior citizens I know rent. Most of the low
3 income people I know rent. I rent. There are no
4 rental units that I see in this thing.

5 So I don't know what it is about low income.
6 It just seems like a farce. But it will -- I think it
7 will go down in the history books. It will get
8 publicity if it's passed. Number one, it will go in
9 Guinness as the only city on the face of the Earth
10 with no public transportation as far as I can tell.

11 The other thing is the absurdity of the
12 whole thing will get it in the history books.
13 Taking -- trying to put a mini city 4,000 feet up the
14 side of a mountain. I see flat land out here
15 unoccupied. What is this? Why is -- the city is
16 going to invest money in doing this thing 4,000 feet
17 up, hauling water up there, hauling everything. I
18 mean it's crazy.

19 I don't know how -- I'd like to be serious.
20 It is serious because it's a threat to the environment
21 and everything else. But it's just -- it just has to
22 be absurd.

23 And the thing -- I love Hawai'i. The thing
24 that's going to hurt me is when I listen to people
25 from the mainland, if this goes through, they're going

1 to be laughing and joking and saying, "You people in
2 Hawai'i you're really backwards. You're really behind
3 the times. Have you ever heard of the word 'ecology'?
4 Have you ever heard of the word 'environment'? Have
5 you ever heard of the control of government spending"?

6 I don't think so. And I think it will go in
7 the history books if this thing passes because it's
8 totally ridiculous. Thank you.

9 CHAIRMAN LEZY: Parties, any questions?

10 MR. LIM: No questions.

11 CHAIRMAN LEZY: Commissioners, any
12 questions? Thank you, sir.

13 (Applause).

14 LEINA SHIROTA-PURDY

15 being first duly sworn to tell the truth, was examined
16 and testified as follows:

17 CHAIRMAN LEZY: Please state and spell your
18 name.

19 THE WITNESS: Leina Shirota-Purdy.

20 L-e-i-n-a S-h-i-r-o-t-a hyphen P-u-r-d-y. I live
21 within 500 feet, four houses right up from this church
22 here. And I'm a big supporter of agriculture. I'm
23 against the change in zoning for the Project. There's
24 many things that people have said before me which I
25 agree upon.

1 The main thing for me is that my children
2 walk up and down these streets every day. We go to
3 church here. We go to the store. We go to the gym.
4 What I do not allow them to do is walk to school.
5 There is no sidewalk past the end of Copp Road here
6 that would allow the kids to walk down Copp Road
7 safely to go down to the crosswalk to school.

8 Currently right now children on this street
9 cut to the gym and walk down the dirt path. Now, in
10 my opinion that's not safe. People who know the gym
11 know that there's no lighting system there. Sometimes
12 it's really dark here in the morning or the late
13 afternoon if they're coming home from practice. And
14 their ways of walking home is through the Kula gym
15 area.

16 Another thing is that when we do have games
17 here at the gym the whole roadway is lined up from the
18 gym down to this way by the store, by Café 808 it's
19 lined up with cars. You have to pull over in order to
20 let somebody pass. The roadway is not big enough to
21 accommodate 200 plus more cars that will be coming
22 down the exit and going up to the entrance that way.

23 And most of the time people here want to
24 hurry up and get to the store or Café 808 before it
25 closes. They are flying up this road. You see

1 literally cars on this dip in front of the Kula
2 Community Center launch off that little dip. And some
3 people think that it's great that they fly with their
4 car. However, that's just a total death trap.

5 Another thing is the culvert area here when
6 it storms you should see all the gravel and the rocks
7 that come down this way. Granted, we don't get too
8 much rain now. We're not getting too much rain now.
9 But when it does storm that's a big problem.

10 Another thing is where are all these
11 children who are going to be at these homes? What
12 school will they go to? They are in Kula District.
13 People, if they're having affordable housing, they're
14 not going to be going to Haleakala Waldorf. They will
15 be going to the public school.

16 And might I remind you Hawaiian Homes has
17 yet to build 300 plus homes. So where would those
18 children go to?

19 My kids, they're scattered: Kula School,
20 King Kekaulike, Kamehameha Schools. You know, it's a
21 travel for me when I'm getting them, however they know
22 that I'm here because I want them to be safe.

23 And lastly, I moved here from Haiku. I have
24 property in Haiku. Wanted to build my home in Haiku.
25 I am No. 141 on the water meter list. Don't you dare

1 let this Project pass and have people who have no idea
2 what it is to be waiting for ten plus years. People
3 have died on the water meter list.

4 Some people say "take care of the living."
5 You know what? People on the water meter list are
6 living. Some of them have died. They had to pass
7 onto their children because they couldn't afford --
8 they cannot get a water meter. There is no water in
9 this area. It's ridiculous. The whole structure is a
10 crock.

11 (Applause).

12 If I can't have a water meter -- and mind
13 you I have four children. I'm a family of six. I
14 live in a little two-bedroom, two-bath home. We moved
15 out of our own Haiku where I grew up in Haiku, moved
16 there so I could have actual, some kind of home for my
17 children, promising them that before they grow up we
18 will move back to Haiku. We will live off of our
19 land. And it is agriculture land which we raise
20 cattle.

21 So we haul water to our property. We have
22 water there for our cattle. It's a damn shame that
23 I'm going to be called a liar to my children because I
24 cannot build what I promised them. Thank you.

25 (Applause)

1 CHAIRMAN LEZY: Parties, questions?

2 MR. LIM: Thank you. Ms. Shirota-Purdy with
3 respect to the water meter issue and Upcountry water
4 meter list, would you be satisfied if after the close
5 of all the evidence that the Petitioner prove that you
6 and your neighbors wouldn't be pushed out of the list
7 if this Project were developed?

8 THE WITNESS: Would I be satisfied? No.

9 MR. LIM: On that particular issue.

10 THE WITNESS: On the water meter? Well,
11 first I'd like to know where is the water. That's the
12 one thing. Where are they getting the water from?
13 The Water right now is saying it's not, it's not
14 feas -- it's not safe for us to drink what we
15 supposedly have.

16 MR. LIM: But if you knew that the water
17 that was being provided to the Project would not
18 result in them skipping ahead in line or pushing you
19 off the list, would you be okay on the water issue?

20 THE WITNESS: No, I wouldn't. Because I
21 think the first 70 people on the water meter list
22 would surely tell you no. They want their water
23 meter.

24 And if the mayor is planning on getting us
25 the water somehow -- if there's water somewhere he

1 should get it for us and it shouldn't be based upon
2 this condition. He should take care of the people on
3 the water meter list. They were there. They've been
4 there for 25 plus years, the people.

5 And now this Project somehow within the last
6 five years has just come up. Affordable housing is
7 the people who are on the water meter list. They've
8 been given this land to their children. They want to
9 build. That's affordable. I don't think \$480,000 is
10 considered affordable.

11 MR. LIM: If the Petitioner was able to
12 prove to the Commission that you would not be pushed
13 off the list, would you be satisfied with respect to
14 the condition?

15 THE WITNESS: No. I'm dead set against.

16 (Applause)

17 MR. LIM: Do any of your children attend
18 Waldorf?

19 THE WITNESS: I'm sorry, what?

20 MR. LIM: Excuse me. Do any of your
21 children attend Waldorf?

22 THE WITNESS: No, they don't.

23 MR. LIM: That's a relatively costly school.

24 THE WITNESS: Yes, it is. It's a private
25 school.

1 MR. LIM: You think that if the Project were
2 developed with the affordable housing component that
3 many of the people in the housing project would be
4 able to afford to go to Waldorf?

5 THE WITNESS: I don't I think -- it's \$8,000
6 to go there. I doubt it that they could go there.

7 MR. LIM: Thank you.

8 CHAIRMAN LEZY: Commissioners, any
9 questions? Thank you.

10 (Applause)

11 MR. DAVIDSON: Jocelyn Romero -- and I'm
12 going to stop there.

13 THE WITNESS: Thank you.

14 MR. DAVIDSON: And Perry Humphries to
15 follow.

16 JOCELYN ROMERO DEMIRBAG
17 being first duly sworn to tell the truth, was examined
18 and testified as follows:

19 THE WITNESS: Yes.

20 CHAIRMAN LEZY: Please state and spell your
21 name and provide your address.

22 THE WITNESS: My name is Jocelyn Romero
23 D-e-m-i-r-b-a-g. I'm here on behalf of Haleakala
24 Waldorf School, which is at 4160 Lower Kula Road. The
25 school has been there for over 35 years. It serves

1 over 250 students from 0 to 14 years old, because we
2 have an infant program, to the eighth grade.

3 The school does not take a formal position.
4 We do believe, however, that the KCA does an excellent
5 job representing our rural area.

6 Our concerns include safety. People already
7 speed at 30 miles an hour around these very narrow
8 roads which happens to have a curve on each side of
9 our school and our driveway. There's no sidewalk
10 there because it cannot fit. I cannot even imagine
11 what would have to happen to make a sidewalk fit.
12 Hopefully there's the magic of engineering. But
13 currently it is a safety hazard.

14 And yet we have to walk from our campus to
15 the Kula Community Center to the gym. And so the
16 families do that.

17 There are times when we have festivals on
18 campus where there are cars all over Kula Highway, all
19 over the entire Lower Kula Road, parking over here,
20 Holy Ghost Church that we tried to rent and at the
21 community center.

22 So we have grandparents, and little kids and
23 all kinda people walking on this very substandard road
24 already, although nicely paved, thank you.

25 We are also concerned about the dense

1 traffic area because we already add over 200 cars
2 during the dropoff and pickup that wasn't included in
3 that traffic study in my information. We try our best
4 to make space on the campus for these cars but our
5 campus was not designed for these cars.

6 This is a 100 year-old campus. Our overflow
7 we try to keep it inside but it doesn't. And
8 something always happens. Sometimes it gets backed up
9 all the way down to Lower Kula Highway for which we
10 apologize and we try very hard not to have happen. So
11 those are our two concerns.

12 A possible condition that would help us
13 would be if somehow the state would allow us access
14 from the bottom of our campus onto Kula Highway with
15 turning lanes or whatever is provided. And then we
16 would be on the Lower Kula Road section for only
17 either the entrance or the dropoff but not both.

18 CHAIRMAN LEZY: Parties, any questions?

19 MR. LIM: Just a couple. You said that
20 there were possibly 200 cars that come in to drop off
21 and pick up every day, that is correct.

22 THE WITNESS: Actually more because of the
23 faculty. I forgot about us, ourselves. Maybe closer
24 to 250.

25 MR. LIM: I'm concentrating on the students,

1 I want to get a feel for. If you've got 250 students
2 is it a correct assumption that most of the 250
3 students are being brought in by car?

4 THE WITNESS: Yes. There are a few that
5 walk but it is scary and unsafe to walk. And they're
6 young. They're elementary children so they're usually
7 driven.

8 MR. LIM: Okay. And they're walking from
9 where? Do you know?

10 THE WITNESS: We have a neighbor right next
11 door. They have to cross a gulch to come to us. We
12 have people that come up from that little housing
13 street before Copp Road, we have before Copp Road. We
14 have had children that tried to ride their bikes to
15 school from various places but it's just very scary
16 with all the cars.

17 MR. LIM: You're familiar a little bit with
18 the Project proposed at Kula Ridge?

19 THE WITNESS: A little.

20 MR. LIM: You understand that there's going
21 to be a significant portion of the homes there
22 allocated for affordable housing?

23 THE WITNESS: I understand that that has
24 been said.

25 MR. LIM: Would you, in light of the

1 tuition, expect that they would have a lot of students
2 generated out of this particular Kula Ridge Project?

3 THE WITNESS: We have tuition assistance, I
4 will say that. We have scholarships. And yet it is a
5 stretch for many, many families. Our current tuition
6 is close to \$12,000.

7 Currently our maximum award is 50 percent.
8 So that's still \$6,000. Will some people kill
9 themselves to do it? Yes, because it is a good
10 education. But that means cutting someplace else.

11 MR. LIM: So have you made any plans, if
12 this Project is approved, that people at the Waldorf
13 School would then allocate additional funds for
14 scholarships?

15 THE WITNESS: We would love to do that. We
16 would love to do it now. There's Hawaiian Homes right
17 now up the street. But, of course, we are limited.
18 We have to fundraise. It's not just given to us. So
19 at this point we make awards that are about 50
20 percent. We would love to expand it but that's not
21 easy to do.

22 MR. LIM: Approximately how many from the
23 Hawaiian Home Lands subdivision have you given
24 scholarships to?

25 THE WITNESS: Most of those students have

1 come into our school through the Kamehameha Pauahi
2 program. So that is where the scholarships have been
3 coming from. Yet they believe that even at 50 percent
4 that they cannot come. So they usually leave after
5 the preschool time. We have had maybe a couple
6 students come from that area.

7 MR. LIM: Thank you very much.

8 CHAIRMAN LEZY: Commissioners, any
9 questions? Commissioner Heller.

10 COMMISSIONER HELLER: What kind of capacity
11 do you have at this point to absorb additional
12 students?

13 THE WITNESS: Not a whole lot. If this is
14 the old public school and we've already used like all
15 the principal houses, the faculty housing, the
16 cafeteria, all of that has been converted plus more we
17 have expanded the campus.

18 We could probably take a handful students in
19 some classes, maybe two classes, one or two or three
20 other classes. We're almost full. We would have to
21 build buildings on there and then that too would ruin
22 our character of being an open space, nature-oriented
23 campus.

24 CHAIRMAN LEZY: Thank you very much.

25 MR. DAVIDSON: Penny Humphries followed by

1 Bill Joan Crowe.

2 PENNY HUMPHRIES

3 being first duly sworn to tell the truth, was examined
4 and testified as follows:

5 THE WITNESS: Yes.

6 CHAIRMAN LEZY: Please state and spell your
7 name and provide your address.

8 THE WITNESS: Penny Humphries P-e-n-n-y
9 H-u-m-p-h-r-i-e-s. And address you want?

10 CHAIRMAN LEZY: Yes, ma'am.

11 THE WITNESS: 51 Kalihi Place, Kula, 96790.

12 In fact my house is two houses below this church.

13 The State Land Use Commission was formed
14 right after statehood to preserve and protect
15 Hawai'i's lands and encourage use for which the lands
16 are best used. Please say no to this application for
17 the following reasons: There's no water source paid
18 for in place ready to go and no delivery system. It
19 jumps ahead of the 1450 residents already on the water
20 meter list, some of whom, have been waiting over 15
21 years.

22 Kula Ridge does not conform to Maui's
23 General Plan, specifically Makawao-Pukalani-Kula
24 Community Plan. The Maui General Plan Advisory
25 Committee, the Maui Planning Commission and the

1 director of Maui Planning all recommend that these
2 lands be placed into the rural designation.

3 Two hundred thirty-two more cars will be
4 added to the two-lane country road as well as vehicles
5 from 15 of the Kula Ridge Mauka lots that will be
6 using the same egress/ingress road.

7 And there are no storm sewers to handle the
8 winter storm runoff, especially down the south side of
9 the property where they have placed the main roadway.

10 Maui Electric has repeatedly stated that the
11 power lines are inadequate. And, finally, the
12 developer of Kula Ridge is seeking to transfer
13 infrastructure costs to us, the county taxpayer.

14 I have 618 signatures of people who agree.
15 Every person has a direct link to this neighborhood
16 whether by residence, work, business, family, friends
17 or recreation. These signatures were gathered one by
18 one by friends talking to friends; neighbors to
19 neighbors. No one signed up via the computer. And we
20 all say no to Kula Ridge. I have three copies that
21 I'd like to give to the Commission. Who will accept
22 them?

23 CHAIRMAN LEZY: You can provide those to our
24 clerk. Parties, any questions?

25 MR. LIM: No questions.

1 CHAIRMAN LEZY: Commissioners, any
2 questions? Thank you very much.

3 (Applause)

4 MR. DAVIDSON: Joan Crowe followed by
5 Michael Yap, Jr.

6 JOAN CROWE,
7 being first duly sworn to tell the truth, was examined
8 and testified as follows:

9 THE WITNESS: Yes.

10 CHAIRMAN LEZY: Thank you. Please state and
11 spell your name and provide your address.

12 THE WITNESS: My name is Joan Crowe,
13 C-r-o-w-e. I live at 30 Ala Nui Place, Kula. I want
14 to thank the board for letting me address you. I
15 oppose the Kula Ridge Project. My testimony is not
16 technical but comes from my heart with concern for my
17 community.

18 In listening to the testimony before me I
19 came to realize in a bad rain water flows down Ala Nui
20 Place, which is makai of Lower Kula Road, flows down
21 from Ala Nui Place and floods my yard, which is just
22 right off the Kula Highway. This could only get worse
23 with the Project above us.

24 It seems to me that Kula Ridge is trying to
25 make as much money out of 320+ acres above Lower Kula

1 Road with as little liability to themselves and little
2 concern for the living conditions of existing
3 residents of Kula.

4 I live facing Kula Highway. And many times
5 in the day and night, especially at rush hours hear
6 screeches of vehicles coming down Kula Highway
7 breaking because of cars trying to get onto and off of
8 Lower Kula Road. Lower Kula Road is not made to
9 accommodate the extra traffic that Kula Ridge and Kula
10 Ridge Mauka will add to the community.

11 My husband is a police officer. His big
12 concern and love is traffic. And he is very concerned
13 about what this Project would do to the future of this
14 area. This is one of the many issues that building
15 that many residences above Lower Kula will produce.

16 I know my fellow Kula residents will and
17 have addressed other issues that make opposing this
18 Project important.

19 Each year my husband, who grew up in
20 Upcountry, and I love to spend a week on the North
21 Shore of O'ahu. The North Shore is more country than
22 Upcountry Kula. We love it.

23 In closing, I would like to say please keep
24 Upcountry "country" not urban.

25 (Applause).

1 CHAIRMAN LEZY: Ladies and gentlemen, I
2 understand you want to express your support. But if
3 you could keep your applause limited it will help us
4 get through the public testimony and make sure that
5 everybody who wants to testify gets a chance to
6 testify today. Thank you. Any parties have
7 questions?

8 MR. LIM: No questions.

9 CHAIRMAN LEZY: Commissioners, any
10 questions? Thank you.

11 THE WITNESS: Thank you.

12 MR. DAVIDSON: Michael Yap, Jr. followed by
13 Joshua Ulu.

14 MICHAEL YAP, JR.

15 being first duly sworn to tell the truth, was examined
16 and testified as follows:

17 THE WITNESS: Yeah.

18 CHAIRMAN LEZY: Please state and spell your
19 name and provide your address.

20 THE WITNESS: My name is Michael Jap, Jr.
21 M-i-c-h-a-e-l Y-a-p, J-R. Hello. I'm simply here
22 today to voice my support for the Kula Ridge Project
23 for various reasons.

24 No. 1. To have the opportunity to buy an
25 affordable home, if any home, on Maui in beautiful

1 Kula.

2 No. 2. I'm an electrician. And as you guys
3 are aware construction is almost on a downhill slump.
4 Projects like Kula Ridge, I think, going create a lot
5 of jobs for many trades. That will help stabilize the
6 economy an get the money rolling.

7 Lastly, my great grandfather was Asam Yap.
8 He was a Kula onion farmer. And he successfully
9 raised his family in Kula. It would be nice to do the
10 same with my family. That's all I have.

11 CHAIRMAN LEZY: Parties, any questions?

12 MR. LIM: Just one question. Mr. Yap, in
13 terms of the ability that you have right now to
14 purchase up in Kula, would you be able to do that in
15 the current market?

16 THE WITNESS: Right now no. I mean I look
17 through the magazines every time I waiting around and
18 stuff. Nice fo' dream. But I make good money, still
19 it's rough out there to afford anything. It's not
20 only in Kula. Everywhere.

21 MR. LIM: So you think the development of
22 Kula Ridge would give you an opportunity --

23 THE WITNESS: Yeah, give me a chance for a
24 mediocre guy like me, which I think is the majority of
25 the people.

1 MR. LIM: Thank you very much. No further
2 questions.

3 CHAIRMAN LEZY: Commissioners, any
4 questions? Thank you. Let's take a five minute break
5 before we continue.

6 (Recess was held. 3:05)

7 CHAIRMAN LEZY: (3:20) Okay. We're back on
8 the record.

9 MR. DAVIDSON: Next witness a Joshua Ulu
10 followed by Jim Bushlow.

11 JOSHUA ULU

12 being first duly sworn to tell the truth, was examined
13 and testified as follows:

14 THE WITNESS: I do.

15 CHAIRMAN LEZY: Please state and spell your
16 name and provide your address.

17 THE WITNESS: My name is Joshua Ulu,
18 J-o-s-h-u-a, Ulu, U-l-u. I'm from 2610 Haupoa, Haiku.
19 I'm here to voice my support for this Project, this
20 Kula Ridge Project. My wife and my children are born
21 and raised Upcountry. And we've been renting a place
22 for the past four years, five years.

23 So my dream is to own my own house
24 Upcountry. And I want my kids to be raised up there.
25 I believe this Kula Ridge Project would give me the

1 best opportunity for that.

2 And listening to the early testimonies about
3 the safety and all of that, I worked under several
4 projects under Clayton Nishikawa's companies. They've
5 always forecasted future problems and they'd always
6 solved them. They made everything safe for the
7 customer and the homeowners or whatever.

8 So I believe his workmanship and his safety
9 record is good. I'll just say I'm in support of this
10 Project not only for my family but maybe other
11 families like mine. Even though it's only 16 lots or
12 whatever, that's still 16 homes that families can
13 afford. I'm for it. Thank you.

14 CHAIRMAN LEZY: Parties, any questions?

15 MR. LIM: No further questions.

16 CHAIRMAN LEZY: Commissioners, any
17 questions? Thank you.

18 MR. DAVIDSON: Jim Bushlow followed by
19 Norman Stubbs.

20 JAMES BUSHLOW

21 being first duly sworn to tell the truth, was examined
22 and testified as follows:

23 THE WITNESS: I do.

24 CHAIRMAN LEZY: Please state and spell your
25 name and provide your address.

1 this area. This is not an urban area. The Planning
2 Commission voted first to keep the area Agriculture in
3 the Maui Island Plan and later reconsidered a
4 developer's request to recommend a Rural designation
5 after the developer claimed the Kula Community
6 Association did not have any problems with the
7 Project. As you're well aware they have lots of
8 problems with the Project.

9 There's some historic urban zoning here
10 from the old time days when this was Waiakoa. Just
11 like Keoke'e, the Ching's Store, Fong's Store
12 Gramma's. That's urban but it's historic. It's not
13 what they're asking for you folks to give them. Talk
14 about a carbon footprint. There's no jobs up here.
15 There's no hospitals up here.

16 They claim they got an urban area because
17 you have Morihara Store which is a mom and pop store.
18 You have Café 808 which is a plate lunch eatery. This
19 isn't urban. There's no infrastructure. There's no
20 urban here. It's amazing that they continue to push
21 this.

22 Everybody goes down the hill for medical.
23 Everybody goes down the hill for jobs. You talk about
24 a carbon footprint, how much gas is being burnt every
25 day back and forth by all these people? It just

1 didn't make sense.

2 There's no infrastructure to support an
3 urban cluster. There's no public services. There's
4 no sewers, there's no solid waste disposal and there's
5 no water. The Maui County Council said, "Show us the
6 water." We've heard lots of conversation.

7 We've heard lots of different plans, but
8 there's no solid "Here's the water. This is how we're
9 going to water this area. This is how we're going to
10 do our sewage. This is how we're going to let these
11 people drink as long as we're here."

12 There's no water. I mean take a look
13 around.

14 MR. DAVIDSON: Thirty seconds.

15 THE WITNESS: It pours like heck in
16 Pukalani, in Makawao. We don't get a drop here in
17 Kula. Just look. There's no water. That's the main
18 thing. If can't provide water why is it before you
19 people right now? I don't understand.

20 We have been through all the traffic safety,
21 the sidewalks. How about culture burial issues? I
22 bet somebody else will address that. I mean the
23 ancient Hawaiian name for area is "shrine of bones".
24 They've already run a road grader through a tomb up
25 there. They want to avoid it on technicalities. You

1 can address that in the Kula Community Association
2 paper. They need to have another study before you
3 approve it.

4 Needless to say I'm totally against the
5 Project. I hope you people see what the problems are
6 and don't give them an approval. This is an
7 agricultural/rural area. It's as far away from urban
8 as you can get. Mahalo.

9 CHAIRMAN LEZY: Parties, any questions?

10 MR. LIM: One question. Mr. Bushlow, isn't
11 it true that the Makawao-Pukalani-Community Plan
12 designates approximately 16 acres of site for single
13 family and approximately 35.7 acres as rural?

14 THE WITNESS: I'm not qualified to answer
15 that specifically. From what I understand you've got
16 a little 9-acre parcel where you want to cram all this
17 affordable in and the rest is market. It's big dollar
18 market homes.

19 MR. LIM: If the County Planning Department
20 were to opine that the Makawao Pukalani Community Plan
21 is as I just stated, would you be satisfied with that?

22 THE WITNESS: No. I've just given you all
23 the reasons when I think it's ridiculous to make this
24 an urban area.

25 MR. LIM: I'm asking just about the

1 Community Plan designation.

2 THE WITNESS: As I said I'm not qualified to
3 answer that.

4 MR. LIM: Thank you. No further questions.

5 CHAIRMAN LEZY: Commissioners, any
6 questions? Thank you.

7 MR. DAVIDSON: Norman Stubbs followed by
8 Bobbie Patnode.

9 MS. PATNODE: I testified already.

10 MR. DAVIDSON: Right. So you're pau.

11 NORMAN STUBBS

12 being first duly sworn to tell the truth, was examined
13 and testified as follows:

14 THE WITNESS: I do.

15 CHAIRMAN LEZY: Please state and spell your
16 name and provide your address.

17 THE WITNESS: Good afternoon. My name's
18 Norman Stubbs. And it's N-o-r-m-a-n S-t-u-b-b-s. And
19 I live at 20 Kalihi, Kula right down here. I am a
20 retired developer. I hold a General Engineering Class
21 A Contractor's License.

22 And I certainly don't think this is an
23 appropriate boundary amendment considering Urban,
24 maybe Rural. But what I'd like to do is to give you a
25 viewpoint from a developer-contractor looking at this

1 as a commercial development as how feasible would it
2 be for me to do this.

3 Now, the first thing I would have to
4 consider in the "pro" category is that this is Kula:
5 wonderful views, dry, ideal climate, maybe a little
6 bit too dry, but can yield a good market price
7 provided, though, that it's not ag land because doing
8 a development on ag land would be exceedingly
9 prohibitive cost-wise.

10 So rural, possibly. But here we have a
11 rather smaller parcel. And so trying to do all the
12 things that I foresee as problems in order to get the
13 permits and in order to meet the county standards, it
14 doesn't seem like I could do this Project unless I had
15 Urban approval. I'm going to say as a conclusion that
16 certainly isn't a justification for making a boundary
17 amendment to Urban because it's necessary
18 economically.

19 Now, what I see as the problems are the road
20 issues have to be dealt with. There's a school there.
21 The road is obviously narrow. But to come to a county
22 standard street, which the county should not give
23 variances from because of public safety, we need a
24 44-foot street.

25 We need road straightening in both

1 directions both horizontal and vertical because there
2 are vertical rises there where you can't see a car
3 coming.

4 That immediately is going to imply to me I'm
5 going to have to get, buy extra property to do the
6 road widening. But on top of it I'm going to have to
7 get at least an easement to do the 2-to-1 embankment
8 which is the county requirement for road standards,
9 2-to-1 embankments on the upper side, which is an
10 incredible cut up into those hills, and 2-to-1
11 embankments on the other side where there was those
12 vertical drop-offs. So I'm getting very turned away
13 from trying to do anything this difficult.

14 The other thing is I'm going to have to get
15 water somehow. And I'm at 3,000 feet. I know that
16 any well that I drill is going to have to go down to
17 the lens which is a 3,000 foot hole. It's going to
18 cost in the millions. And am I going to be realistic
19 and say one well is going to do it?

20 If that well breaks down people won't have
21 water for a long time. Maybe weeks. So we really
22 need two wells to really ensure that we're going to
23 have adequate water.

24 Now, the other thing is that at this point
25 I'm saying, you know, it's almost insurmountable the

1 problems here. When the subdivision is built and
2 people are going to be building these houses, we're on
3 a steep slope, and the ground here is not stable.
4 It's very powdery. And so we have flash floods, we
5 have all these septic systems which somehow are built
6 on a slope. That definitely represents a public
7 health risk.

8 MR. DAVIDSON: Excuse me, 30 seconds.

9 THE WITNESS: Okay. So what I'm getting at
10 here is that the only way that this subdivision can be
11 contemplated is with the expectation that there's
12 going to be waiver of a lot of rules and that there's
13 going to be a lot of room to do things that are not
14 code that everybody should be required to do.

15 This is not something you can do within the
16 codes in a practical matter unless you're granted
17 Urban, and unless you're granted a lot of exclusions,
18 waivers, exemptions, et cetera.

19 CHAIRMAN LEZY: Parties, questions?

20 MR. LIM: Mr. Stubbs, you said the
21 improvements to Lower Kula Road fronting the Project,
22 that the improvements would be more expensive on the
23 makai side where they have the dropoff, is that
24 correct?

25 THE WITNESS: No. I'm saying that the makai

1 side you would have to do fill to really meet county
2 requirements. On the mauka side you'd have to do
3 extensive cuts which would go 60, 70 feet back into
4 private property.

5 MR. LIM: Are you familiar with the rock
6 wall that's fronting the property on the mauka side?

7 THE WITNESS: Yes.

8 MR. LIM: What kind of structural integrity
9 does that rock wall have?

10 THE WITNESS: It doesn't really matter.
11 It's not code. You'd have to get an exemption for
12 that. It's not code.

13 MR. LIM: It's not to code. Meaning it's
14 probably not up to today's engineering standards?

15 THE WITNESS: Definitely not.

16 MR. LIM: No further questions.

17 CHAIRMAN LEZY: Commissioners, any
18 questions? Thank you for your testimony.

19 MR. DAVIDSON: Alvin Peterson followed by
20 Jim Crowe.

21 ALVIN PETERSON
22 being first duly sworn to tell the truth, was examined
23 and testified as follows:

24 THE WITNESS: I do.

25 CHAIRMAN LEZY: Please state and spell your

1 name and provide your address.

2 THE WITNESS: My name is Alvin Peterson.

3 A-l-v-i-n, P-e-t-e-r-s-o-n.

4 CHAIRMAN LEZY: Mr. Peterson, would you pull
5 the mic close to yourself.

6 THE WITNESS: Did you get that though, the
7 first?

8 CHAIRMAN LEZY: Yes.

9 THE WITNESS: I live at 4380 Lower Kula Road
10 right nextdoor up here and right across from that
11 entrance to this subdivision that we're talking about.

12 I'm very concerned about the traffic issues.
13 We already have an unsafe situation with speeders
14 right now. An increase in traffic can only compound
15 this. I'm not in favor of this Project. Thank you.

16 CHAIRMAN LEZY: Parties, any questions?

17 MR. LIM: No objection.

18 CHAIRMAN LEZY: Commissioners, questions?

19 Thank you.

20 THE WITNESS: Thank you.

21 MR. DAVIDSON: Jim Crowe followed by Marie
22 Parker.

23 JIM CROWE,

24 being first duly sworn to tell the truth, was examined
25 and testified as follows:

1 THE WITNESS: Yes.

2 CHAIRMAN LEZY: Please state and spell your
3 name and provide your address.

4 THE WITNESS: My name is Jim Crowe
5 C-r-o-w-e. I'm at 30 Alanui Place, about three blocks
6 from here. I'm a senior citizen. But for a senior
7 citizen I am in really good physical shape because,
8 among other things, I walk every day including I took
9 a walk just the other day up in the dirt road into the
10 proposed area. And I was startled, in fact a little
11 frightened at the shortness of breath. And I don't
12 easily get frightened. I was actually frightened for
13 the first time in a really long time.

14 So what I'm saying is a little bit what Doug
15 MacCluer said earlier. I'm a regular citizen. He's
16 been a pro at this, a real hero in the environment and
17 things on Maui. And he said all those years on the
18 planning they never recommended that land of this
19 slope would have buildings. So for me add to that
20 seniors.

21 I think it's the wrong place given the slope
22 and the elevation. It's the wrong place for senior
23 housing. The Kula AARP earlier to the county council
24 supported this Project but they have withdrawn their
25 support. And the president probably was one of those

1 35 correspondences that you got said they're
2 withdrawing support. I'm not speaking for them. I'm
3 speaking as an individual.

4 This is a little, sounds facetious but it
5 will get the point across. When you travel down after
6 this meeting, when you -- after you travel down the
7 highway you're going to see a runaway truck ramp.
8 This is a little facetious but it's there. If you try
9 to build senior housing on that slope you're going to
10 need wheel chairs. I think you're going to need some
11 ramps. That's all.

12 (Laughter) (Applause).

13 CHAIRMAN LEZY: Parties, questions?

14 MR. LIM: No further questions.

15 CHAIRMAN LEZY: Commissioners, any
16 questions? Thank you.

17 MR. DAVIDSON: Marie Parker followed by
18 Deborah Sawyer.

19 MARIE PARKER,
20 being first duly sworn to tell the truth, was examined
21 and testified as follows:

22 THE WITNESS: Yes, I do.

23 CHAIRMAN LEZY: Please state and spell your
24 name and provide your address.

25 THE WITNESS: My name is Marie Parker

1 M-a-r-i-e P-a-r-k-e-r. I strongly oppose the Kula
2 Ridge Project site. Good afternoon. And thank you so
3 much for taking the time to come to Kula, giving us
4 the opportunity to speak to you.

5 I've lived just a block from here for the
6 past 24 years. In fact my 20 year-old son was born
7 and raised here. And I would love none more to see
8 him purchase a home on Maui after he completes
9 college.

10 But this Project is not the right, you know,
11 thing for this area. There's so many reasons. I'm
12 going to be redundant here but I do want to say what I
13 have to say.

14 Water in this area we have restrictions most
15 years. In fact I would say 80 percent of the time
16 every summer we were cut back by 25 percent. We can't
17 water our yards. We can't -- we ration so that we can
18 keep our gardens going. It's just it's not, it's not
19 right. The quality is also questionable. They're
20 constantly coming around neighborhoods and flushing
21 the systems.

22 If there's another source of water why
23 aren't they already using it? And what will it cost
24 our taxpayers to pump it to this area? Why should
25 this Project get meters ahead of the others who have

1 been waiting for years?

2 The steep grade, stormwater runoff is a
3 definite problem. Just on Kainana Place when there's
4 a heavy Makena cloud we get just a regular rainstorm,
5 we get gravel coming down the road. And I'll tell you
6 what, you go to brake when you're driving on that
7 gravel and you literally, you know, you don't stop
8 where you intend to stop.

9 Also not having county wastewater treatment
10 up here should I be concerned because I live below
11 this Project? I'm really curious what's going into
12 the ground.

13 The Lower Kula Road is too narrow. Does the
14 county have a plan to expand the road? How much
15 money? Adding over 200 additional vehicles to an
16 already-unsafe two-lane narrow road is not good
17 planning.

18 Where will the traffic lights -- will there
19 be traffic lights at the highway, additional lanes,
20 safe sidewalks and safe crosswalks?

21 The road has been too narrow and too busy
22 for kids, especially my son when he was growing up to
23 ride his bike safely or walk to and from the school
24 and the other points.

25 And also dealing with the big construction

1 vehicle traffic on this road is just outrageous. I
2 can't even imagine it. This is too far from trade,
3 jobs, commerce. Affordable homes should be a little
4 bit closer to the jobs which are mostly in Kahului,
5 Wailuku. That's 25 to 35 minutes one way drive.

6 Kihei, Wailea is 45 minutes to an hour
7 drive. Lahaina, Ka'anapali is an hour to an hour to
8 an hour and a half or more each way. There is no
9 public transit system up here.

10 The developer seems to have added affordable
11 and senior housing to this Project in order to fast
12 track it and push it through right before elections. I
13 question that. This was unanimously turned down back
14 in 2008.

15 Even the Upcountry electric system would
16 need to be upgraded to serve such a project. Solar
17 voltaic or solar hot water systems if people have
18 those, Maui Electric still needs to be able to provide
19 electricity after the sun goes down, and unless
20 they're going to be off-grid or have battery backups
21 and so on. I do know this because I have a
22 photovoltaic system. And I have the net metering. It
23 feeds into the grid during the day but I use it from
24 their grid at night.

25 MR. DAVIDSON: Excuse me, 30 seconds.

1 THE WITNESS: This Project is not in line
2 with our existing Community Plan for what I
3 understand. When the owner bought this property he
4 bought it as agriculture land. The density proposed
5 of the lot size is not country living. These lot
6 sizes -- someone said earlier they wanted to grow
7 onions like their grampa.

8 I can totally relate to that. I grew up on
9 a thousand acres. It's important. But you know what?
10 These lot sizes aren't conducive to having even a
11 small farm or little garden on it.

12 So from my heart, my son is in college.
13 He'll graduate in three years with a Bachelor of
14 Science Degree in Diversified Ag. What land will be
15 left in ag for our future generations? Please do
16 what's right and keep the land use classification as
17 Agriculture for this property. Thank you so much.

18 CHAIRMAN LEZY: Parties, questions?

19 MR. LIM: No questions.

20 CHAIRMAN LEZY: Commissioners, any
21 questions? Thank you.

22 MR. DAVIDSON: Deborah Sawyer followed by
23 JoAnna Weller.

24 DEBORAH SAWYER

25 being first duly sworn to tell the truth, was examined

1 and testified as follows:

2 THE WITNESS: Yes.

3 CHAIRMAN LEZY: Please state and spell your
4 name and provide your address.

5 THE WITNESS: I'm Deborah Sawyer
6 D-e-b-o-r-a-h S-a-w-y-e-r. I live at 50 Kainana Place
7 in Kula, which is a block away. I've lived here for
8 over 20 years, for the last 14 just a block away here.
9 And my two kids have grown up here and walked these
10 sidewalks and gone to Kula School.

11 And I know from experience that this road is
12 too tiny and too small. I don't care how much
13 infrastructure is brought in or how many sidewalks are
14 put in. But the setup with the gulch and the hill and
15 the road is not going to be good enough to take on
16 another 200 cars every day.

17 It's already really busy. I just don't
18 think that this subdivision is the appropriate place
19 you know, right here in Kula. I know that Maui needs
20 affordable housing. And I feel for, you know,
21 everyone that is looking for affordable housing.

22 I'm fortunate enough to own a home here.
23 But I just think that it should go somewhere else
24 besides this neighborhood. I know when I moved here
25 many years ago that it was because it's an agriculture

1 area and not an urban area. And I think that it
2 should stay that way. And I hope you would consider
3 that when you decide this subdivision should go in
4 here or not. Thank you.

5 CHAIRMAN LEZY: Parties, questions?

6 MR. LIM: No questions.

7 CHAIRMAN LEZY: Commissioners, any
8 questions? Thank you.

9 MR. DAVIDSON: JoAnna Weller followed by
10 Gwyn Görg.

11 CHAIRMAN LEZY: Before we continue I'd just
12 like to mention for the benefit of the folks that are
13 here to provide public testimony, that we're about
14 half way through our list of testifiers at this
15 juncture. So I would encourage everyone to please
16 express your thoughts, feelings, comments about this
17 matter.

18 But if you could, please try to keep them
19 succinct because we really would like to give
20 everybody who is here an opportunity to speak. Thank
21 you.

22 THE WITNESS: I'm Gwyn Görg.

23 MR. DAVIDSON: Gwyn Görg. Go ahead.

24 GWYN GÖRG

25 being first duly sworn to tell the truth, was examined

1 and testified as follows:

2 THE WITNESS: I do.

3 CHAIRMAN LEZY: Thank you. Would you please
4 state and spell your name and provide your address.

5 THE WITNESS: My name's Gwyn Görg. G-w-y-n
6 last name Görg G-ö-r-g.

7 CHAIRMAN LEZY: Please proceed. Oh, I'm
8 sorry, could you provide your address.

9 THE WITNESS: 4145 Lower Kula Road.

10 CHAIRMAN LEZY: Please go ahead.

11 THE WITNESS: I want to let people know -- I
12 didn't know I was supposed to wear green. (Laughter)

13 I've heard some people here today talking
14 about jobs and money and that always seems so very
15 important and it is important to all of us, you know.

16 And maybe some of the construction workers,
17 electricians and all, maybe they get jobs building
18 these homes. But those are only temporary solutions,
19 you know.

20 After the development then what? It's the
21 long-term effects that are most important: The
22 environmental impact, soil erosion. What about the
23 destruction of the animal habitats? You know, I live
24 down the road and it's so really nice to look out and
25 see animals. I moved to Kula because I wanted to be

1 in the country.

2 There'll be more cars, more toxicity. I
3 mean we get enough toxicity from the sugarcane
4 burning. You think about King Kamehameha. It was
5 about money. He sold to the sugarcane interests. And
6 now as a result of the sugarcane we have pollution,
7 health problems. There's a high incidence of asthma
8 and respiratory diseases.

9 And I don't know if any of you, but I drive
10 on the road every morning because I'm an instructor at
11 MCC. And if there's an accident or any problem on
12 that road the traffic is backed up for miles and
13 miles.

14 And so if we have more cars, you know, more
15 cars, people traveling, it's going to be that much
16 worse.

17 I moved to the Big Island of Hawai'i 41
18 years ago. I stayed there for a long, long time. We
19 lived out Opi'ikao because we wanted to live in the
20 country.

21 I have been in the entertainment industry.
22 I lived in Los Angeles, California. I worked in the
23 media. And so we moved then -- after we lived on the
24 Big Island we moved to O'ahu. Then we moved back to
25 Los Angeles.

1 And I want to let you know people who have
2 been here most of their lives, you are so blessed with
3 what you have. I mean it's so rare to be in a place
4 where there's actually some open space.

5 And I know for developers, you know, for
6 developers it's difficult for you to see undeveloped
7 land. That's what you do. You develop. But for the
8 rest of us who can appreciate the beauty and the
9 nature and have clean air and, you know, have -- just
10 live where it's harmonious, I just, I just want to
11 tell you no to Kula Ridge development. Please don't
12 rezone this amazingly wonderful, beautiful place.
13 It's one of the last strongholds in the United States.

14 If you go to any city, you go to Los Angeles
15 now, there is no open space any longer. There's
16 nothing there. You go to the major cities in the
17 United States there's no open space.

18 We have the possibility here to be able to
19 have some beauty that's not developed. I don't have
20 solutions to people who say "jobs and money." I don't
21 have solutions, but I do know building this
22 development is only a short-term solution.

23 So I urge you, I urge you please, please,
24 please hear me. No to Kula Ridge. Please. Don't
25 rezone this land. Thank you very much.

1 CHAIRMAN LEZY: Parties, questions?

2 MR. LIM: No questions.

3 THE WITNESS: Thank you.

4 CHAIRMAN LEZY: Commissioners, questions?

5 Thank you.

6 MR. DAVIDSON: Victor Reyes followed by Anne

7 Masuda.

8 VICTOR REYES,

9 being first duly sworn to tell the truth, was examined
10 and testified as follows:

11 THE WITNESS: Yes.

12 CHAIRMAN LEZY: Please state and spell your
13 name and provide your address.

14 THE WITNESS: My name is Victor Reyes. My
15 family lives at 46 Kalihi Place. Victor Reyes.
16 V-i-c-t-o-r R-e-y-e-s.

17 CHAIRMAN LEZY: Please proceed.

18 THE WITNESS: Thank you. Aloha,
19 Mr. Chairman and members of the State Land Use
20 Commission. We have lived for 35 years on the
21 property that will be impacted by the proposed Kula
22 Ridge Project.

23 Although the Project attempts to address the
24 affordable housing needs of Maui County and will
25 create jobs, it is in the wrong place and not

1 appropriate for the area.

2 The requested land use changes should be
3 denied for the following reasons: It does not conform
4 to the Maui Island Plan of the Maui County General
5 Plan. The Project is proposed within a Rural Boundary
6 District in the Plan. This is the wish of the people
7 of Maui.

8 Classification to Urban Zoning on most of
9 the property would be contrary to the designation by
10 the community. The application has to be denied
11 because the state established the Land Use Commission
12 and conferred upon it the power to classify all of
13 Hawai'i's land into Urban, Rural, Agriculture or
14 Conservation Districts based upon existing use,
15 statutory guidelines, LUC standards and County General
16 Plans.

17 It has no water. The developer proposes to
18 dig a well in the property at 2,900-foot level.
19 According to the engineering report by the developer's
20 consultant the water, if found, will be lifted from
21 its basal source at just slightly above sea level.

22 Based on 5 kilowatt hours per 1,000 gallons
23 per 1,000-foot lift efficiency the County Department
24 of Water Supply uses in its calculation an assumed 30
25 cents per kilowatt hour cost of electricity, which is

1 bound to increase, it will cost the residents \$4.35
2 per thousand gallons just to pump the Water.

3 Adding the cost of operation and maintenance
4 will ironically make the water prohibitively expensive
5 to the target affordable home buyers and seniors for
6 the Project.

7 Alternatively, developer's considering
8 buying existing Pi'iholo South Well, located at a
9 point where pumping would have to lift the water to
10 nearly 4,000 foot level and turn it over to the county
11 after it is made to meet the county standards.

12 Using the same Department of Water Supply
13 criteria pumping alone would cost the county \$6 per
14 thousand gallons which would need to be shared by all
15 the water users of Maui.

16 Hence, it is refutable (sic) that the Kula
17 Ridge Project would burden the taxpayers of Maui and
18 for this reason the Project does not pass the water
19 infrastructure test.

20 Lower Kula Road does not meet county
21 standards. And traffic will add to congestion. The
22 main access road to the Project from Kula Highway is
23 very narrow, sloping and dangerous.

24 I provided in my limited copies of pictures
25 to show, to illustrate the different scenarios of

1 things that you could see on a normal day on that
2 narrow road from Haikua Road close to the rock wall.

3 Furthermore, it passes Haleakala Waldorf
4 School at this narrow stretch and would be almost
5 impossible to widen given its nearly insurmountable
6 topographic and existing construction challenge. For
7 safety reasons, the traffic that 116 lots will
8 generate will not be tolerable. Maui County is faced
9 with burden -- being burdened by any future costs of
10 improving the affected road and transportation
11 infrastructure, an impact that again makes Kula Ridge
12 Project fail the infrastructure test.

13 Drainage will adversely impact the
14 historically-registered Kula Holy Ghost Church, where
15 we are today, the hall, and the residents of the
16 subdivisions directly below the church.

17 The only way out for the flood water to exit
18 the Project on century storms would be for it to shoot
19 directly to the historic church. Again, I provided
20 some pictures for you. It is also against the law to
21 divert water from its natural drainage basin.

22 Therefore there's no way for the water to be
23 contained during century storms, given the topography
24 of the Project. For this reason the Project is in the
25 wrong place. And --

1 MR. DAVIDSON: Excuse me, sir, 30 seconds.

2 THE WITNESS: Thank you. It has already
3 prompted speculation on Lower Kula Road. There's a
4 project that's already been on a permitted use for
5 Special Use Permit in anticipation of this
6 development. This Special Use Permit request is for
7 personal services and other businesses.

8 In closing, the Kula Ridge Project has
9 defects that makes it not compliant with the standards
10 that meets the Land Use Commission is being asked to
11 make its decision. We respectfully request that you
12 deny the application for Urban Boundary change
13 application. Thank you.

14 CHAIRMAN LEZY: Parties, questions?

15 MR. LIM: No questions.

16 CHAIRMAN LEZY: Commissioners, any
17 questions? Thank you, sir.

18 MR. DAVIDSON: Anne Masuda followed by Mark
19 Crowe.

20 ANNE MASUDA
21 being first duly sworn to tell the truth, was examined
22 and testified as follows:

23 THE WITNESS: I do.

24 CHAIRMAN LEZY: Please state and spell your
25 name and provide your address.

1 THE WITNESS: My name is Anne A-n-n-e
2 Masuda, M-a-s-u-d-a. I live at 4420 Lower Kula Road
3 Thank you for this time amongst you. Councilman Baisa
4 Here, I'd like to remind you someone else said it took
5 three and-a-half years to complete the Maui County
6 General Plan. It seems like nobody is paying
7 attention to it. It should mean a lot.

8 I mean people spent a lot of time going over
9 why they designated Ag or Rural or Urban. And I think
10 it's kind of funny that, you know, we spend so much
11 time and yet you don't pay attention to it. So I'd
12 like for the Land Use Commission to take a look at it.
13 And I am opposing the Kula Ridge Project. But most of
14 all the land use change is what I'm against.

15 I'm against the traffic and the crowding of
16 the schools. At one time Kula had three elementary
17 schools, would you believe, public schools. But now
18 we have one. We have many, many portable classrooms.
19 Maybe we can add, you know, another school. Does the
20 state want to spend that kind of money, you know? Or
21 purchase some more land to make Kula Elementary
22 larger?

23 Then we'll, you know, lose our rural
24 character for Kula. And I object to that. I too am
25 on the water meter list. I was 400 something many,

1 many years ago, six or seven years ago and I'm still
2 in the 400's.

3 I'd like to live long enough to subdivide my
4 property so my three children can afford something on
5 Maui. I cannot split one property for three children.
6 And I have to subdivide it.

7 Every time I call the Water Department they
8 say, "Oh, you're number so and so." And it's moved
9 three slots, I think two or three slots every year. I
10 wonder if I'm going to live long enough to do my
11 subdivision?

12 I haven't taken contribution -- or
13 distribution from one of my retirement plans so I can
14 save that money for the subdivision, but nothing ever
15 happens. And I'm really, really frustrated. My
16 daughter tells me, "Mom, I'm in my 40's. Can I start
17 building before we reach your age?"

18 So I say, "Well, I'm trying. I'm on the
19 list." But nothing happens with Maui County. And now
20 it's Land Use Commission. Why should a big
21 development step ahead of me and I've waited six or
22 seven years? I don't think that's fair, you know,
23 just because they're going to make money. I'm not
24 there to make money. I want my children to have a
25 home.

1 Anyway... and what about the children?

2 MR. DAVIDSON: Thirty seconds.

3 THE WITNESS: Okay. Children that come down
4 that road, Kula Ridge Road I call it, who's going to
5 watch that they can cross the street to get to the
6 sidewalk to go to school to either Waldorf or Kula
7 Elementary?

8 Okay. Now, I'd like to make sure that if
9 everything goes through that the water that's coming
10 down the road from the lots and the road is diverted
11 to the gulch which is on the other side of the
12 subdivision. You are all aware of that, right? There
13 is a real large gulch. Although that water might go
14 to Kihei. Water has to go somewhere. Thank you.

15 CHAIRMAN LEZY: Parties, any questions?

16 MR. LIM: No questions.

17 CHAIRMAN LEZY: Commissioners, any
18 questions? Thank you.

19 MR. DAVIDSON: Mark Crowe followed by Randy
20 Speak.

21 MARK CROWE,
22 being first duly sworn to tell the truth, was examined
23 and testified as follows:

24 THE WITNESS: I do.

25 CHAIRMAN LEZY: Please state and spell your

1 name and provide your address.

2 THE WITNESS: Mark Crowe. Crowe is
3 C-r-o-w-e. My address is 66 Puakea Place in Kula. I
4 am here to voice my opposition to the Project and the
5 change in the land use designation.

6 I grew up here on Maui. And I moved away
7 from Maui for many years first to go to college and
8 then to get a job. I wondered for most of those years
9 if I would ever have the opportunity to come back to
10 my home.

11 So I can certainly appreciate the need and
12 importance of both jobs and housing. And I understand
13 that the development here proposes housing that's both
14 affordable and for seniors.

15 However, I feel that that is inappropriate
16 for this community. I feel that what is being
17 proposed for the affordable housing and the senior
18 housing in particular is high density housing. And
19 high density housing has a place, especially those two
20 categories. But it is appropriate for urban city
21 settings.

22 And it is very obvious to me that the
23 community that we live in is not an urban city
24 setting.

25 In addition to the number of infrastructure

1 issues that my neighbors have brought up, there's one
2 thing that I would like to really point out in
3 particular. And that's the fact that are there no
4 jobs around this area. There are some farming jobs.
5 There are some teachers that live here. But the
6 primary source of the jobs within Maui are down in
7 Kahului, Wailuku, downtown. It's out in Kihei,
8 Wailea. It's out in West Maui.

9 So building some high-density housing way up
10 here in Kula serves to put an unnecessary tax on the
11 people that are in those houses by forcing them to
12 commute even farther to their jobs, commute even
13 farther to get to grocery stores and the services that
14 are necessary, especially for those who require
15 affordable housing and for senior housing as well.

16 The geography of the area is not conducive
17 to seniors here. I live on the same hill over on the
18 other side that the development is proposed on. It is
19 a very steep hill. I walk it for exercise. I can't
20 imagine encouraging a group of seniors who might have
21 difficulty with mobility moving to such an area and
22 getting around at all.

23 So I'm very much opposed to the development
24 as it stands. Just feel that in general it's really
25 not consistent with either the purpose or the

1 character or our community. Thank you.

2 CHAIRMAN LEZY: Parties, questions?

3 MR. LIM: No questions.

4 CHAIRMAN LEZY: Commissioners, questions?

5 Thank you.

6 UNIDENTIFIED SPEAKER: Randy had to leave.

7 Randy Speak had to leave.

8 MR. DAVIDSON: Okay. Next is Will Flammer

9 followed by Colleen Doyle.

10 UNIDENTIFIED SPEAKER: Colleen Doyle had to

11 leave also.

12 MR. DAVIDSON: How about Fred Rawe followed

13 by Maria Rawe.

14 FRED RAWE,

15 being first duly sworn to tell the truth, was examined

16 and testified as follows:

17 THE WITNESS: I do.

18 CHAIRMAN LEZY: Would you please state and

19 spell your name and address.

20 THE WITNESS: My name is Fred Rawe R-a-w-e.

21 I live at 32 Kalihi Place, just below the church here.

22 I'm an Upcountry resident of 24 years on Maui. I just

23 want to introduce my testimony by saying my wife just

24 returned from New York City and Long Island after two

25 and-a-half weeks. I picked her up at the airport. I

1 drove her up here. She got out of the car, took a
2 deep breath. She practically kissed the ground for
3 having been able to return to this wonderful rural
4 environment.

5 I'll put my testimony in opposition to the
6 Project in the form of interrogatives. Please excuse
7 the redundancy. I'm concerned about the traffic flow.
8 How will the traffic flow be regulated so as not to
9 prevent 150 to 200 additional vehicles from surging
10 onto the Lower Kula Road?

11 THE REPORTER: Mr. Rawe --

12 CHAIRMAN LEZY: Mr. Rawe --

13 THE REPORTER: Would you slow down, please.

14 THE WITNESS: Oh. I want to make it within
15 the time. Okay. How will traffic be regulated so as
16 not to prevent 150 to 200 additional vehicles from
17 surging onto the Lower Kula Road and subsequently the
18 Kula Highway every morning as double income families
19 at the same time leave for their jobs down country?

20 How will safety concerns for pedestrian
21 Waldorf School students be addressed when they leave
22 their school grounds and walk upslope on the
23 shoulder-less road to Morihara Store or Café 808?

24 How will safety concerns for the -- I'm
25 sorry -- how will the significant increase in traffic

1 on the Lower Kula Road with the currently delapidated
2 stone wall serve as an effective guardrail alongside
3 that which is a shear 5 to 10-foot drop in some spots?

4 How far will the now uninforced 20
5 mile-an-hour speed limit be enforced with its
6 exponential increase in traffic?

7 How will seniors handle the very steep climb
8 up and down the Kula Ridge hill after they've gone
9 shopping for the dubiously plentiful goods and
10 services in the urban environment, otherwise known as
11 Morihara Store and Café 808?

12 How will those same seniors reconcile giving
13 up Downcountry amenities and services for Upcountry
14 amenities and services that are virtually nonexistent?

15 How extensive are the hui's that have sought
16 out Kula Ridge properties solely for the purposes of
17 investing, then selling the same properties not for
18 love of Kula but for a compulsion to profit?

19 How will moderate income families afford
20 more mortgage payments and the sizable increase in
21 gasoline expenses for their daily round trip drive?

22 How many subsequent Kula Ridge foreclosures
23 do we see in the real estate horizon?

24 And how did the developer determine the
25 number of residents small to moderate to grand this

1 region of Kula could tolerate?

2 And, finally, how do we accurately measure
3 support for Kula Ridge or lack thereof by the
4 residents most directly affected by the incursions of
5 hundreds of people, hundreds of vehicles into an
6 environment currently and safely suited for far fewer
7 residences and far few people?

8 CHAIRMAN LEZY: Parties, questions?

9 MR. LIM: No questions.

10 CHAIRMAN LEZY: Commissioners, questions?

11 Thank you, sir.

12 MR. DAVIDSON: Maria, then followed by Nara
13 Chow.

14 MARIA RAWE,
15 being first duly sworn to tell the truth, was examined
16 and testified as follows:

17 THE WITNESS: Yes.

18 CHAIRMAN LEZY: Please state and spell your
19 name and provide your address.

20 THE WITNESS: Maria Rawe, M-a-r-i-a, last
21 name R-a-w-e. I'm at 32 Kalihi Place right down the
22 church, down directly under the Kula Ridge proposed
23 subdivision.

24 Well, I did almost kiss the ground last
25 night. And I went to New York City because my mother

1 who's 87 had to have surgery on August 8th. I was
2 with here but I made plans to be back here last night
3 because I felt it so important to be here to testify
4 my opposition to Kula Ridge. I also assure you there
5 are three brothers back in New York who are taking
6 good care of my mom.

7 I did make copies of what I wrote and I gave
8 them to the clerk. I don't know if you have them in
9 front of you. I also want to tell you that I lament
10 the likelihood that my Rural community would be
11 changed to Urban with the addition of 116 homes
12 literally in my backyard.

13 My husband and I moved to Maui in 1971.
14 That's 40 years ago. We were so lucky to find a home
15 in Kula. We would like Kula to remain rural.

16 So I'm here to testify in opposition, more
17 specifically to articulate my concerns about the lack
18 of a drainage system on the Morihara Store side, the
19 south side of the proposed Kula Ridge subdivision.

20 The existing plan includes a drainage system
21 above the Kula Community Center which is on the
22 Makawao north side of the subdivision. I'm convinced
23 that this drainage system is inadequate in times of
24 extreme weather.

25 Consider, for instance, the raging rivers of

1 rain generated by a typical Kona storm. We have owned
2 our home directly below Holy Ghost Church on Kalihi
3 Place, which is directly below the proposed
4 subdivision. And we have witnessed the sort of damage
5 that a Kona storm can do to Upcountry Maui.

6 Consider these cases in point: I refer to a
7 bridge that was washed away just a few years ago after
8 a December Kona storm. This bridge is located on the
9 Kula Highway near the Hawaiian Homes development. At
10 that time a home literally slid down the hillside.
11 That's what I'm afraid of is going to affect me
12 personally and my fellow neighbors on Kalihi Place.

13 Yes, I am concerned. I'm extremely worried.
14 And I'm here to point out to you that my residence, as
15 well as other homes, will be in jeopardy as a
16 consequence of an inadequate drainage system.

17 I would also like to add my concerns for two
18 other issues: The lack of water in Kula and how Kula
19 Ridge was able to circumvent the established water
20 meter priority list.

21 Of course they did it by including
22 affordable housing and senior housing in their plan to
23 get the fast track approval. The very first time when
24 these were not included, the subdivision was
25 unanimously turned down in 2008. I think you've heard

1 that before.

2 So I need to state my concern here that the
3 water issue has not been resolved as yet. So I ask:
4 Where is the water coming from?

5 Lastly, I need to address my concern for the
6 senior housing. I walked the Kula Ridge property last
7 month with some of you, Commissioners, who were here
8 on July 14th.

9 After walking the property on such a steep
10 slope I asked myself how could a senior, an elderly
11 person, a person who can only walk with the aid of a
12 walker or wheelchair, how could this senior person get
13 around on this steep hill, especially on that very
14 steep entrance and exit to the proposed senior
15 housing? The answer I'm afraid is: With great,
16 great, great, great difficulty or not at all.

17 I do believe that well-planned senior
18 housing should be located close to drug stores, at
19 least close to a pharmacy. We don't have one in
20 Waiakoa. And also it should be close for -- there
21 should be a bus system for seniors --

22 MR. DAVIDSON: Excuse me, 30 seconds.

23 THE WITNESS: Thank you -- which seniors
24 desperately need. Seniors need public transportation.
25 And they constantly use it. I've used the Maui bus

1 system. A lot of seniors use the bus system. I want
2 you to be aware there's no bus system in Kula.

3 If my 88 year-old mother were to be in this
4 proposed senior housing she would feel trapped. She
5 would feel that she couldn't get anywhere. And she
6 would be too weak to go down that steep hill and walk
7 to Morihara Store, which the developer has said, "Hey
8 they have a grocery store just down the way."

9 And she is too weak then to hike back up
10 that steep hill. The senior center, the senior
11 housing development is not suited for Kula Ridge.

12 In conclusion let me say I oppose Kula
13 Ridge. Thank you for giving me this opportunity.

14 CHAIRMAN LEZY: Parties, any questions?

15 MR. LIM: No questions.

16 CHAIRMAN LEZY: Commissioners, any
17 questions? Thank you.

18 MR. DAVIDSON: Nara Chow followed by last
19 name DePonte.

20 NARA CHOW
21 being first duly sworn to tell the truth, was examined
22 and testified as follows:

23 THE WITNESS: I do.

24 CHAIRMAN LEZY: Please state and spell your
25 name and provide your address.

1 THE WITNESS: My first name is Nara,
2 N-a-r-a. My last name is Chow, C-h-o-w. My address
3 is 72 Kainana Place which is the cul-de-sac right
4 below the church here.

5 I am opposed to the proposed subdivision at
6 Kula Ridge because it is unsafe in every aspect of its
7 impact on our community. 1. Water quality and supply.
8 During the eight years since we purchased our home in
9 Kula the lack of sufficient water supply to existing
10 homes in our area has resulted in substandard water
11 quality and mandatory cutbacks of up to 25 percent.

12 How can we endure 116 additional water
13 meters when we are constantly reminded of the lack of
14 adequate water and the need for voluntary
15 conservation?

16 If there is another safe water source, why
17 isn't the county developing it to alleviate the
18 current shortages, and supply those already in line
19 for water meters?

20 2. Unsafe pedestrian and traffic
21 conditions. Lower Kula Road is a narrow two-lane
22 country road with insufficient sidewalks. The current
23 concentration of pedestrian and vehicular traffic due
24 to school, community center, churches, general store,
25 café and gym creates unsafe conditions for all. Our

1 children cannot safely ride bicycles. Seniors have
2 terribly limited access to comfort, safe walking
3 conditions.

4 To add 116 households, senior, affordable
5 and other residential to our area when we have ongoing
6 safety issues from our current quote, unquote "country
7 concentration" of population is urban impact we cannot
8 safely endure.

9 To fast track this development is deceitful,
10 injurious, and should not be allowed on any level,
11 civil, moral or judicial.

12 3. Grade and rainwater runoff. We have a
13 problem on Lower Kula Road on lower lying areas from
14 rainwater runoff during any good rain. It doesn't
15 take much. We are so dry most of the time that the
16 earth is hard packed and water runs off quickly
17 turning Lower Kula Road into a fast-moving stream.

18 To add to this pre-existing situation
19 removal of existing ground cover and the impact
20 construction of a subdivision on such a steep grade
21 with only one steep axis road to handle the traffic
22 flow and runoff is unsafe.

23 4. Inadequate infrastructure. The lack of
24 public transportation and substandard roads in an area
25 this far from business, trade and medical services and

1 entertainment center of the island, seems to indicate
2 poor planning especially for a community intending to
3 serve the needs of the elderly and those seeking
4 affordable housing.

5 The cost of gas and required travel time
6 would be counterproductive. Talk about carbon
7 footprints, this one would be the size of King Kong in
8 Kula. (Laughter)

9 MR. DAVIDSON: Excuse me, 30 seconds.

10 THE WITNESS: Thank you very much. I
11 implore all of you on the Land Use Commission
12 do...not... change the designation of this land from
13 Agricultural to Urban. There is no justification that
14 serves the common good of the residents of this
15 community, only the short-term interests of the few.
16 Please honor the Makawao-Pukalani-Kula Community Plan
17 and preserve a safe country environment for our Kula
18 residents and for the good of all.

19 And as a side note, as far as affordable
20 housing there are so many foreclosed properties,
21 currently homes in our area, one in particular. It
22 was just brought to my attention someone I know whose
23 home has just recently been foreclosed in Pukalani,
24 that they bought for 700,000+ is being put back on the
25 market for 300,000.

1 So there is probably another avenue to
2 alleviate some of those people that I too understand
3 their need for affordable housing, and it might be a
4 better choice. And we do implore you please
5 understand and look at the current situation and the
6 plan that's been put forth and honor this area as
7 agricultural. Thank you.

8 CHAIRMAN LEZY: Parties, questions?

9 MR. LIM: No questions.

10 CHAIRMAN LEZY: Commissioners, any
11 questions? Thank you, ma'am. Let's take a 5-minute
12 break.

13 (Recess was held. 4:20)

14 CHAIRMAN LEZY: (4:35) We're back on the
15 record.

16 MR. DAVIDSON: I couldn't read your last
17 name. DePonte?

18 THE WITNESS: Yes. Ruth M. DePonte.

19 R-u-t-h, M. and D-e capital P-o-n-t-e.

20 RUTH M. DePONTE

21 being first duly sworn to tell the truth, was examined
22 and testified as follows:.

23 THE WITNESS: Yes.

24 CHAIRMAN LEZY: Please state your address as
25 well.

1 THE WITNESS: 91 Na'alae Road in Kula. I'm
2 here really to welcome all of you since I think I'm
3 the oldest person and the oldest landowner in Kula
4 stemming from 1917. But I am against the Kula Ridge.
5 And no offense to anyone that wants to build.

6 I have been on the water list. And I don't
7 believe that he should be before us that has been on
8 the water list for many, many years.

9 We deserve water. I have watched water come
10 down in droves through this property into the church.
11 You cannot stop Mother Nature. I think this is the
12 wrong place for the Project. And that's all I have to
13 say.

14 CHAIRMAN LEZY: Parties, questions?

15 MR. LIM: No questions.

16 CHAIRMAN LEZY: Commissioners, any
17 questions? Thank you, ma'am.

18 MR. DAVIDSON: Will Flammer followed by
19 Velma Wiese.

20 WILL FLAMMER
21 being first duly sworn to tell the truth, was examined
22 and testified as follows:

23 THE WITNESS: I do.

24 CHAIRMAN LEZY: Please state and spell your
25 name and provide your address.

1 THE WITNESS: Will Flammer F-l-a-m-m-e-r,
2 1304 Naalae Road in Kula.

3 CHAIRMAN LEZY: Please proceed.

4 THE WITNESS: I'm fairly familiar with this
5 road. I shop at Morihara's three to four times a week
6 and go to 808. I coach basketball up at the gym. And
7 for four years our kids went to the Waldorf School, so
8 I've spent a lot of time on this road all hours of the
9 day.

10 And I'm not really here to testify as to for
11 or against the Project. I just wanted to talk about
12 the safety of the road. The people have mentioned the
13 sidewalk on the Haleakala Waldorf School side. And it
14 should go down because the kids go up to the gym and
15 they go up to the animal hospital and then after
16 school.

17 But even more important than that I would
18 think we would need a sidewalk on the Project side of
19 the road because Morihara Store is the only grocery
20 store this side of Pukalani Superette.

21 And I do all the food shopping in my family.
22 I'm in that store three to four times a week. And I
23 can assure you everyone who lives in this development,
24 if it's approved, will shop at Morihara's.

25 And if you had 200 cars or more they're

1 probably going to walk up. And with no sidewalk on
2 the Project side they're going to cross the road, walk
3 up, cross the road again, come out of the store, cross
4 the road, walk down, cross the road gone again.
5 That's four times.

6 Or they're going to have to walk up in the
7 face of traffic. And there isn't really a very good
8 line of sight until you're right on top of people.
9 And at nighttime it's dark.

10 Secondly, as for the road it's very narrow
11 and it's exceptionally dangerous pulling out of the
12 Waldorf having done it for four years twice a day.
13 You can't see to the right very well. It's especially
14 narrow. The trees go over the road. So I would think
15 you'd need speed bumps of some kind.

16 We got those on Naalae about five years ago.
17 And before that, kids would cut the corner and you'd
18 almost have accidents often. But with the speed bumps
19 it's been much, much safer. So I don't know if that's
20 something you can do or not.

21 And the last thing, that intersection at
22 Kula Highway is really dangerous. It's probably one
23 of the fastest points of the highway. As you come
24 down you pass the fire station, pass Kula Elementary,
25 you pick up speed. And if you don't even hit the gas

1 you'll be going 45 to 50. The average speed's
2 probably 50-55 miles an hour or faster through that
3 intersection.

4 And that's an infamous intersection is that
5 people don't stop. They do the rolling stop there.
6 They do it at the Kula Hardware. They sometimes do it
7 at Kula 200. But they do it all the time there.

8 So I've heard people talking about maybe
9 putting a right-hand lane in, which I think would be a
10 horrible idea. Because if someone turns left, which
11 they rarely do there, and you want to go in the
12 right-hand lane, you're not going to be able to see a
13 car going 60 miles an hour. And I've had to brake
14 hard many, many times there.

15 So I would think you'd want to put a light
16 in down there or at least consider that. Because with
17 two or more cars it's just going to be dangerous. And
18 that's about all I have to say.

19 CHAIRMAN LEZY: Parties, questions?

20 MR. LIM: Mr. Flammer, based upon what you
21 know about how the pedestrian traffic would work if
22 the Project went forward, you would favor the sidewalk
23 to be on the mauka side of the road?

24 THE WITNESS: Yes. I think you're going to
25 need that if you're going to have to walk up in

1 traffic to Morihara's. And everyone there will shop
2 at Morihara's.

3 MR. LIM: No further questions.

4 CHAIRMAN LEZY: Commissioners, questions?
5 Thank you.

6 MR. DAVIDSON: Velma Wiese followed by
7 Marilyn Hill.

8 THE WITNESS: (off mic) I'm Velma Wiese. I
9 live at 23 Kahoea Place in Kula. I've lived there
10 since 1982. I bought the property in 1977. I want to
11 talk about money.

12 CHAIRMAN LEZY: Ma'am, can I ask two things.

13 THE WITNESS: (continuing) It's the root of
14 all evil and always a big subject.

15 VELMA WIESE
16 being first duly sworn to tell the truth, was examined
17 and testified as follows:

18 THE WITNESS: I do.

19 CHAIRMAN LEZY: Can I also ask you to pull
20 the microphone close to you. Thank you.

21 THE WITNESS: I'm going to talk about real
22 property tax. When I get that piece of paper from the
23 county it separates the real property from the onsite
24 improvements. And I find myself looking at \$900,000
25 for half an acre. I have to ask myself what

1 low-income person can forward to live on ground that's
2 taxed at that level? I don't think anybody can answer
3 that.

4 And up here there are no places to go to to
5 get drugs. There's no drug store. You have to go all
6 the way to Kula Hospital.

7 We have a very delightful little market
8 people go to but the prices are in the stratosphere
9 because they have to haul the stuff up and they can't
10 buy in bulk because they're not part of a chain.

11 You're damning them to poverty where you put
12 them where they can't find a job. There's no jobs up
13 here. And how do you propose that they go about
14 looking for one unless they have an automobile?

15 Nobody has to tell you what is on the gas
16 station per gallon, let alone paying for the
17 maintenance and the purchase of a vehicle. I want
18 these people to have an opportunity to have some
19 dignity and be close to their jobs to make a living.
20 I haven't seen anybody going out and saying, "I need
21 this and this and this," and wait for somebody to do
22 something.

23 There are companies, they come from
24 someplace else. When I have things done at the house,
25 and I have a lot done at the house, I call a company

1 and they come from Kahului usually. Rarely do they
2 come from up here.

3 So where are the jobs? That's what I want
4 to know. So does anybody have a solution about how
5 you're going to move these people when they need to go
6 to the drug store or to a market or to their jobs? I
7 haven't heard it.

8 So obviously I can't see this Project. I
9 used to work with the executives in California who
10 supervised savings and loan associations. They're
11 saving banks now. They lent to people who were
12 developers. Let me tell you if this had been
13 presented, our examiners would have poured hot water
14 on somebody. They certainly would not have gone along
15 with that. And you know what California's like.

16 And the traffic going downtown is miserable,
17 especially when they're trying to go to work and when
18 they're coming home because they're not four and 10
19 lanes as they are in California.

20 We need our section. The roads are a
21 disgrace. They're full of holes and everything. And
22 if all those years we paid taxes where did that money
23 go? Just a proportion of that money was supposed to
24 go towards roads. They've never been touched. And I
25 have lived there 30 years.

1 I've lived up in my home for over 50 years.
2 And for over 50 years I have been told to conserve
3 water. In the old days -- I have five grandchildren.
4 I have to tell you this story. In the old days when
5 the grandkids used to come I used to get a call from a
6 friend of mine who worked at the Water Department.
7 She would say, "Hey, what's going on? Is something
8 wrong? Do you have broken pipes? Your water use is
9 going up so high."

10 And I would tell her, "The grandkids are
11 here from Honolulu. And when the grandkids come they
12 just stand in the shower and they don't pay attention
13 to what they're doing."

14 Anyway, after a few calls she would realize
15 and I would call every time they come from Honolulu
16 and say, "The grandkids are here. Don't worry. I
17 don't have any broken pipes." So that got to be kind
18 of a joke with us.

19 But, anyway, my main concern still is water
20 and roads because I'm still being told to conserve on
21 water. If I water my grass, you know, the neighbors
22 kind of look at me funny. "How come you're watering
23 your yard?" There's a certain place in my yard if you
24 walk on the grass it crunches. That's not right.

25 Why shouldn't I water my grass? All of you

1 probably do. You probably have green grass. I'd like
2 to have green grass too. So it's not right. We
3 should be able to sensibly water our grass, our
4 flowers, our plants, you know.

5 And it makes sense that everybody should
6 have an equal amount and a sensible amount of water
7 and water sensibly.

8 Our roads have not changed in all the years
9 that I've lived up here. I have called about the
10 roads. And I have to tell you another story which I
11 think is deplorable. I called about the roads and I
12 live on Kahoea Place.

13 When I called about our roads -- because my
14 shoes get stuck in the pukas, I walk every day. And I
15 get tired of my shoes getting stuck in the pukas. And
16 the girl told me, "You live in a private subdivision."
17

18 And I said, "Excuse me. I don't live in a
19 private subdivision. We don't have gates. I don't
20 have a key to any gates. And everybody comes in and
21 out. We've got cars coming in and out all the time.
22 This is not a private subdivision. Many, many years
23 ago, a long, long time ago it was a private
24 subdivision but it is not any longer. I beg to defer
25 with you. And if it is then please put up gates and

1 being first duly sworn to tell the truth, was examined
2 and testified as follows:

3 THE WITNESS: Yes, I do.

4 CHAIRMAN LEZY: Please state and spell your
5 name and provide your address.

6 THE WITNESS: My name is Joey Cremer. And I
7 live at -- it's J-o-e-y C-r-e-m-e-r and I live at 391
8 Kulalani Drive in Kula.

9 I am in favor of the Project. I support it.
10 And I'm speaking not for myself but for my four
11 children, three of which are adults. And I have a
12 grandchild. I'm a lifelong resident of Kula. My
13 oldest brother was born in Kula Sanitorium. We were
14 at Maui Memorial.

15 And of the five children that my mom had
16 there's only two of us here because only two of us
17 could afford it, one of which is taking care of my
18 mother at her place.

19 So I see this as an opportunity for my son.
20 He fits right in that bracket, with his son and his
21 wife to have a place that's close to us. My mom has
22 to talk on the telephone to the rest of my siblings.
23 They couldn't afford it. I was blessed with an
24 opportunity of buying, being at the right place at the
25 right time to purchase a house in Kula. I guess

1 someone else was gracious enough to make a subdivision
2 that was allowed by people a long time ago that
3 allowed me to get a place in Kula.

4 I would like the opportunity to others that
5 do not live here who have children like myself, four
6 children or, you know, one child of something to be
7 able to live there like most local people too.

8 Like my mom is Hawaiian Chinese. And she
9 enjoys having 'ohana around. They also came here --
10 they wasn't from here -- they came from the Big Island
11 because the tidal wave wiped out the hospital in the
12 1946 tidal wave in Hilo. And my mom was a
13 tuberculosis patient in the Kula Hospital. So they
14 came here and they loved it. My dad never left till
15 he died. My mom is 82.

16 And I hear people talking about the
17 steepness of it. Well, try going up Copp Road,
18 Kamehaiki, Pulehuiki or going down the new Hawaiian
19 Homes Waihui. It's very steep going down those roads.
20 It's a way of life in Kula.

21 And driving? I drove to St. Anthony High
22 School since I could drive, driving to Wailuku every
23 day. I drive to work. It's a way of life. We
24 choose to live here and we love it and it's a way of
25 life driving to where you need things. You cannot

1 shop at Morihara. They don't have everything. So you
2 have to drive. You go to Costco for your family.

3 So that's what I'd like to say. I'm
4 speaking for those who's not here. I saw a lot of
5 opposition. I'm sure someone else in the past was
6 gracious enough to make a subdivision for a lot of
7 these people.

8 I heard a lot of the addresses. Those
9 subdivisions, some of the subdivisions that they're in
10 wasn't here when I was a little boy. I don't remember
11 'em. So someone else gave them the opportunity to
12 live in Kula. And that's all I'm asking is for that.

13 And the seniors, my mom is 82 years old and
14 she's walking up and down my mom's property, down to
15 my brother's cottage. And she cleans his house every
16 day. So it's possible to walk up these steep hills.
17 And it keeps her strong, gives her good exercise.

18 So thank you very much for this opportunity.
19 And again, I'd just like to speak for the people that
20 cannot come here because they're working, working
21 class people that's gonna wanna buy this kind of
22 property, working class, working sunup to sundown at
23 times. Thank you.

24 CHAIRMAN LEZY: Parties, questions?

25 MR. LIM: No questions.

1 CHAIRMAN LEZY: Commissioners, any
2 questions? Thank you, sir.

3 MR. DAVIDSON: Lawrence Gregulan followed by
4 Dana Naone Hall. Dana, go ahead.

5 DANA NAONE HALL
6 being first duly sworn to tell the truth, was examined
7 and testified as follows:

8 THE WITNESS: I do.

9 CHAIRMAN LEZY: Please state and spell your
10 name and provide your address.

11 THE WITNESS: Dana D-a-n-a Naone N-a-o-n-e
12 Hall H-a-l-l.

13 CHAIRMAN LEZY: Ma'am, could you pull the
14 microphone a little bit closer to yourself.

15 THE WITNESS: I'm an interloper from
16 Wailuku. Last time that the Commission was here in
17 July I passed out these photographs. I asked you on
18 your own to take a look at them again from the point
19 of view of the steepness of the elevation. Here is
20 Holy Ghost Church. And you can see this is Keahuiwi
21 Gulch (phon) which travels all the way up almost to
22 the highest point of Haleakala.

23 I also gave you a copy of this photograph
24 which shows a graded access road. And if you look at
25 it closely when you have a chance -- you have your own

1 copy in front of you -- you will see runnels where the
2 water runs off during the rainy periods. So there are
3 deep depressions in the land that are visible in this
4 photograph.

5 Anyway, good afternoon, Commissioners. I
6 forgot that. I know that the Commission is very aware
7 of its decision-making criteria. But for the purpose
8 of grounding my testimony I recite one specific
9 criteria listed in section 205-17 which states that
10 "In its review of any reclassification or District
11 Boundary Amendment Petition the Commission shall under
12 subsection 3(b) specifically consider the impact of
13 the proposed reclassification on the maintenance of
14 valued cultural, historical and natural resources."

15 There's a footnote in this statute which
16 states that, "The Commission is required to enter
17 specific findings that the proposed reclassification
18 is consistent with policies and criteria of paragraph
19 3(b)," which I just read, citing a Supreme Court
20 decision in the Ka Pa'akai O Ka 'Aina case.

21 HRS 205-4(h) mandates that, "No amendment of
22 the land use district boundary shall be approved
23 unless the Commission finds upon the clear
24 preponderance of the evidence that the proposed
25 district boundary change is consistent with the

1 policies and criteria established pursuant to sections
2 205-16 and 205-17."

3 Thus, the LUC has an affirmative obligation
4 to independently assess the impact of a proposed
5 reclassification on historic and cultural resources.
6 Even though the State Historic Preservation Division
7 has apparently accepted archaeological inventory
8 surveys for both the lower Kula Ridge parcel and the
9 upper parcel, which I testified at your previous
10 meeting here, are part of a larger Project.

11 Because, among other things, the two parcels
12 will share one primary access road. And the upper
13 parcel has been identified as a potential well site to
14 serve the lower Project Area.

15 At a minimum the upper parcel will be the
16 site for a 500,000-gallon water tank or a series of
17 smaller tanks with waterlines serving both the upper
18 and lower parcels.

19 Despite the entreaties and questions from
20 the Office of Hawaiian Affairs, Maui Island Burial
21 Council and many native Hawaiians, SHPD so far has
22 refused to reconsider its historic preservation
23 approvals or to request more work done on the parcels.

24 The loss we face as native Hawaiians if this
25 complex that I showed you earlier, which is located on

1 both parcels, is destroyed, is incalculable. We just
2 learned that this complex of sites exist. And before
3 we had the opportunity to understand completely what
4 it is it may be bulldozed. Let me provide a few hints
5 only. You know, I think it was suggested last time by
6 one of the Applicant's consultants that this area was
7 used, even though there are all these walled terraces,
8 many walled terraces, that was used for growing Irish
9 potatoes.

10 Well, that period of time was very short.
11 The potato boom was really only 1848 to 1851. And by
12 that time California and Oregon began producing
13 potatoes themselves. So that pretty much cut Hawai'i
14 out of the deal.

15 This was a time of incredible change going
16 on. And 1848 was the Mahele when the land tenure
17 system completely changed. And it was also suggested
18 that these terraces were built by Chinese immigrants.
19 Can't possibly be because these -- the potato boom, as
20 I stated, went from 1848 to 1851. The first Chinese
21 laborers were imported in 1852, 200 from the province
22 of Amoy, China.

23 But, nevertheless, this parcel allows a
24 window into that period of time, a significant period
25 of time. So we have pre-contact sites, historic

1 sites, and we have early historic sites in a very
2 significant period of Hawai'i's history. And, of
3 course, this area was used for ranching. And even
4 though it was used for ranching on the north side with
5 the incredible complex of farms, the EIS never
6 identified that particular area as a ranching area.

7 So you have many areas of cultural and
8 historical significance. And to wind up so I can
9 stand on my three minute period, this picture shows a
10 Kula native who graduated from the Kula Kai Aupuni
11 Immersion Program on Maui and she graduated
12 subsequently from the University of Hawai'i at Hilo,
13 standing next to one of the features in this Kula
14 Ridge complex.

15 And it's for these poki'i that we want to
16 try to preserve this area. So imua aloa okea ka lani
17 kia. Mahalo for listening to me.

18 CHAIRMAN LEZY: Parties, any questions?

19 MR. LIM: Just one or two questions. Good
20 afternoon, Ms. Hall. For the record I'd like to
21 indicate for the record that the photographs that
22 Ms. Hall was referring to during her testimony are
23 Petitioner's Exhibit 44C, 44D, 44E, 44F and 44G. She
24 showed a picture at the end of her testimony that I
25 don't think is part of the record.

1 But the overall impression that I have is
2 isn't it true that the photographs that I just
3 mentioned, the 44C through G are photographs of the
4 Kula Ridge Mauka Project?

5 THE WITNESS: No, actually. The first
6 photograph I showed shows both parcels. And, you
7 know, one of the interesting things about this is that
8 of course we know that there weren't any -- TMK
9 numbers did not attach to this land until the more
10 modern period. So, you know, I'm looking at it as an
11 entire parcel with a complex that extends over both
12 TMKs.

13 MR. LIM: So you're looking at the two TMK
14 parcels as a Project Area.

15 THE WITNESS: As a larger Project Area.

16 MR. LIM: Thank you. Do you agree that the
17 archaeological sites that you've been showing in the
18 photos are on the Kula Ridge Mauka parcel?

19 THE WITNESS: Oh, the one with the girl
20 standing next to it --

21 MR. LIM: Yes.

22 THE WITNESS: -- is on the parcel.

23 MR. LIM: No further questions.

24 CHAIRMAN LEZY: Commissioners, any
25 questions? Thank you for your testimony, ma'am.

1 THE WITNESS: Thank you.

2 MR. DAVIDSON: Alan Vares followed by
3 Rosemary Robbins.

4 ALAN VARES,
5 being first duly sworn to tell the truth, was examined
6 and testified as follows:

7 THE WITNESS: Yes.

8 CHAIRMAN LEZY: Please state and spell your
9 name and provide your address.

10 THE WITNESS: Alan Vares. A-l-a-n,
11 V-a-r-e-s, Kekaulike, Kula. Listening to the
12 testimonies it looks like what's riding the Project is
13 the affordable base for the affordable homes, lots,
14 whatever you want to call it. These guys going put
15 everything out of their pocket, whatever they had, out
16 of the bank, whatever, for these lots. From there on
17 we been month-to-month. They cannot afford nothing
18 else. Basically that goes down.

19 The high end lots, they probably get leeway
20 here and there. The infrastructure gotta be in place.
21 The water, the runoff. One hour of rain, Kula, four
22 days Kona storm the ground's saturated, I don't know.

23 Maintenance of these drainage or the perc
24 basins, who's going to maintain after the
25 subdivision's in? Who's going to be liable of

1 checking on this to monitor or else hold somebody
2 liable if it is not maintained and it overflows?

3 Say the subdivision goes through, all plans,
4 all permits, whatever. And say this Project is sold
5 as a package to another developer or developers. Will
6 these rules or implemented procedures be passed on to
7 the next developer and not leave the affordables or
8 whoever bought these lots, left out in the cold.

9 Dig deep down in you guy's hearts and really
10 assess the situations. Go back, check the numbers,
11 check everything else. These guys putting everything
12 on the line. They in for the long haul, the
13 affordable homes. They're not moving once they're
14 there. They gotta live with what's going be there.

15 They get impacted with water, insurance
16 gonna tell 'em, "You in the flood zone." Now will
17 they be able to get flood insurance? Will they afford
18 the flood insurance?

19 Like I said they in for the long haul. So
20 try dig down deep. Try reassess the numbers.
21 Anything can be done on hills. We know that. But the
22 cost. The cost.

23 Where is this going to be put to? You going
24 take away so many lots from the affordable to make
25 another high-end lot to pay for this?

1 You hit the arch sites. Now you gotta move,
2 take away lots. Where you going take? How many lots
3 you going take? Again, you gonna add -- the price
4 will come up again.

5 So try get back with all these assessments,
6 redo the numbers again. You know, just to be fair for
7 everybody so when they're buying they know the bottom
8 dollar and not be hit with hidden -- I shouldn't say
9 hidden costs but change orders. Everybody knows
10 99 percent jobs, especially out there in the rock
11 area, there will be change orders.

12 So if you guys can really, like I said, dig
13 down deep and put you guys' shoes or your feet in
14 their shoes I should say, you know, from inside you
15 guys hearts, put yourselves in the situation. That's
16 all I got to say.

17 CHAIRMAN LEZY: Parties, questions?
18 Commissioners, any questions? Thank you, sir.

19 MR. DAVIDSON: Rosemary Robbins followed by
20 Jim Stewart.

21 ROSEMARY ROBBINS
22 being first duly sworn to tell the truth, was examined
23 and testified as follows:

24 THE WITNESS: I do.

25 CHAIRMAN LEZY: Please state and spell your

1 name and provide your address.

2 THE WITNESS: My name is Rosemary Robbins
3 all one word: R-o-s-e-m-a-r-y, Robbins is
4 R-o-b-b-i-n-s. I live at 43 Mauo Drive here in Kula.

5 I do not need a water meter. The definition
6 of Kula, if somebody were to hand you a microphone for
7 that, would it be an easy response? Okay. One of
8 those is "high desert".

9 And as you were coming up from the
10 airport -- special welcome to those of you who had to
11 fly over today -- you came across at lot of cactus as
12 you came up, especially around Oma'opio area,
13 reflective of why they probably named this area as
14 they did.

15 Sad to say there's a history of unhealthy
16 water in Kula. I was one of the people that was on
17 the Upcountry Oversight and Advisory Committee for the
18 EPA that did a lot of research, worked with a lot
19 people, did testing, helped to have an epidemiologist
20 from Virginia Tech come in, do the research, do the
21 testing, spoke to the public, wrote the documents.

22 Dr. Lorrin Pang from the Department of
23 Health agreed with him: Water is a problem. I'm
24 talking about quality not quantity.

25 We've heard a lot of that today. I agree

1 with those concerns, but also about the quality. The
2 Department of Water says that the testing that was
3 done on the Pi'iholo Well in Makawao was not
4 sufficient.

5 I want to make very clear that I do not feel
6 there was any mal-intent in that. I don't think
7 anybody intended to have a negative statement made
8 about the quality of that water. The Department of
9 Water doesn't think it was sufficient, and needs to
10 have greater understanding of more comprehensive than
11 already done testing on that water.

12 Keeping in mind that the area in Makawao up
13 behind St. Joseph's and that Pi'iholo Well possibly
14 coming up further up over and being used as a water
15 source as well as the area for the site here, are both
16 areas of agricultural history, lots of pesticides,
17 lots of herbicides.

18 We take a look at anything with a "cide"
19 ending when it comes from the Latin occido, "to kill".
20 We ended up with having water that was unsafe enough
21 where we have had deaths and lots of health issues
22 whereby the EPA said: You can't use any of the water
23 from certain places because it's a cocktail of they
24 used another "C" word in terms of the ingredients in
25 there.

1 So people a lot more erudite than I and some
2 of the people, perhaps, who have done some of the
3 investigating over time have given us this data. We
4 need to face it. Remembering that data that is known
5 to the EPA when it sets its contaminant level
6 allowances and then sets its desired allowances,
7 that's all from moving forward.

8 So anybody who's going into any housing
9 development -- I'm certainly in favor of low income
10 housing and senior housing. Wonderful, wonderful
11 concepts. I don't want anybody moving in there with
12 the expectation of what it says on our water bill
13 every month "By water all things find life" and are
14 left with this question of: For how long and for how
15 healthful?

16 So I've learned a lot today. The one issue
17 I did want to speak about was the water. So I'm
18 asking you to think ahead on who might be coming in
19 there, which is a hundred percent of the population
20 that might move in. If they move in and their water
21 is contaminated whose conscience is that on?

22 So thank you very much for being
23 conscionable and listening when the Water Department
24 says "insufficient testing to date," future lies in
25 it. Thank you.

1 CHAIRMAN LEZY: Parties, questions?

2 MR. LIM: No questions.

3 CHAIRMAN LEZY: Commissioners, questions?

4 Thank you, ma'am.

5 THE WITNESS: Aloha.

6 MR. DAVIDSON: Jim Stewart followed by

7 Cheryl Zarro. Cheryl, go ahead.

8 CHERYL ZARRO,

9 being first duly sworn to tell the truth, was examined
10 and testified as follows:

11 THE WITNESS: I do.

12 CHAIRMAN LEZY: Please state and spell your
13 name.

14 THE WITNESS: Aloha. My name is Cheryl
15 Zarro, C-h-e-r-y-l Z-a-r-r-o. And I'm here to testify
16 in support of Kula Ridge.

17 CHAIRMAN LEZY: Could you provide your
18 address as well.

19 THE WITNESS: Oh, certainly. I'm sorry. 22
20 Ulunui Place, Pukalani. Although I wouldn't mind
21 living in Kula. So I've seen this Project presented
22 throughout. Typically --I can't take off from work to
23 come and testify. I did understand that there was,
24 seemed to be opposition and letters that went into the
25 paper.

1 I feel that this subdivision is a community,
2 has senior housing, affordable housing and other type
3 of housing inclusive. I did serve as the president of
4 the Kihei Community Association and had a planning
5 committee that worked under me while I served on that
6 board.

7 And understand that a lot of times a
8 community association does have a lot of weight when
9 it comes to what their opinion is with a Project like
10 this.

11 When I originally heard about the Project I
12 thought, "Oh, an affordable home for me." Now I'm
13 starting to think, "Okay, a senior home for me."

14 I'm also the parent of quite a few children.
15 And I think about the shift that's happened in today's
16 society. A lot of what I heard today was complaints
17 on county water issues which I sympathize. I live in
18 an old home in Pukalani.

19 And I know there's infrastructure that
20 hasn't taken place that way and even on the roads.
21 But it seems as though it is kind of the template of
22 Kula.

23 As far as the senior housing project I did
24 go to Kula Hospital regularly to visit a pup-pup that
25 we pushed around in a wheelchair and sits up on a

1 hill. It's a little hilly on the sidewalk there but
2 they made a park. And my understanding is there's
3 open space and greenways and walkways in the Project.
4 So that all looked pretty good to me.

5 The other aspect of it was the way it was
6 terrained (sic) so that you actually had views. You
7 could be in an affordable housing and actually have
8 views. When it comes to the workforce and the
9 traffic, when I think about my own children who are
10 mostly adults now, and go through what their
11 professions are, most of them could do their work,
12 live there and not drive somewhere.

13 One's a personal trainer. And he gets
14 clients and he's looking to open up his own business.
15 So if he was to actually make it back to Maui -- which
16 I've lost him to L.A -- that's his desire is to do
17 health-like projects and do personal training and
18 healthy lifestyles for people. He's 23.

19 My daughter, who does real estate in
20 Manhattan, would like to come back hopefully. And
21 that's her plan is to make enough to come back and
22 live on Maui, and maybe do something like that or just
23 retire back to Maui. And at this point at 28 she
24 could move into an affordable unit and move back home.
25 I've lost her to the mainland.

1 So I've kind of heard the testimony but it
2 seems like people should have choices. And choice is
3 being taken away. I don't have a choice to be able to
4 move to Kula.

5 I have rented and lived in Kula. I have a
6 son that's in his 30's and attended Kula in
7 kindergarten. And then I had to move to Kihei because
8 it was the only affordable place.

9 I did move here from country, Vermont. And
10 I loved the mountains and I love farming and being in
11 that atmosphere which is why I'm in Pukalani. I have
12 all the fruit trees.

13 It seems like this Project you could still
14 do that. You could build a sustainable life and live
15 in Kula. And I'm kind of wondering all the people
16 that are being talked about aren't really part of the
17 crowd that's here. I work in the school. It's
18 unusual for me to take time off in a day. And I know
19 all the teachers that are there are looking to
20 purchase something.

21 Our students do work virtually and our
22 teachers do work virtually. We have some students
23 that actually only physically attend two days out of a
24 week and they have teachers that are virtual. And
25 they meet for tutoring sessions and go alternate

1 places.

2 So lifestyles are changing. It's jump in
3 your car. It's what can we do to reduce that impact?
4 Do we have places where people can move in, have a
5 farm, have a home that's affordable, raise their
6 family? I do hear all the concerns. And they're
7 legitimate. It's a steep road.

8 In 1980 when I came up that road and
9 somebody that lives up here -- because obviously the
10 people are all saying it's the people that live up
11 here that come up here. But then it's all dangerous.

12 And I have friends, you know, on the wrong
13 side of the road driving through that curve. That's a
14 dangerous curve. More signage, mirror. They use
15 mirrors to show the curve. I also know that from
16 other public meetings there were proposed sidewalks
17 already.

18 The drainage I thought was addressed but I
19 don't know enough on the details of that, but I
20 thought those issues were all addressed. So I am a
21 supporter and I appreciate you time. Thank you.

22 CHAIRMAN LEZY: Parties, any questions?

23 MR. LIM: No questions.

24 CHAIRMAN LEZY: Commissioners, questions?

25 Thank you ma'am.

1 MR. DAVIDSON: Gerald Tavares followed by
2 Cole Sturdevant. Cole Sturdevant? Bruce U'u? Joseph
3 Labuanan?

4 BRUCE U'U
5 being first duly sworn to tell the truth, was examined
6 and testified as follows:

7 CHAIRMAN LEZY: State and spell your name
8 and provide your address.

9 THE WITNESS: My name is Bruce U'u.
10 B-r-u-c-e last name U'u, U-u, easy to spell. My home
11 address is 249 Kupa'a Street Paia, Maui.

12 CHAIRMAN LEZY: Please go ahead.

13 THE WITNESS: Aloha, everyone. Thank you
14 for coming. You guys' put in a hard predicament right
15 now. I'd like to testify in favor of the Project. Me,
16 myself I feel myself to be very fortunate to own a
17 home on Maui.

18 I got extremely lucky. I got my mom's old
19 house. Cannot get luckier than that. But for the
20 people who don't have a home I think right now what we
21 have is the have and have nots. And a lot of people
22 don't have the money.

23 I heard some solutions like foreclosed
24 homes, foreclosures. I went to some auctions and the
25 people there were out-of-state buyers who had cash on

1 hand. The lenders' not giving money to people to
2 purchase homes.

3 So I feel you -- it's impossible, almost
4 impossible to own a home, buy a home if you're
5 competing against people like that in the market.
6 Granted, it's cheap but they comin' up with cash. I
7 been to one. And I was amazed who showed up to buy
8 the homes.

9 I have a lot of fond memories in Kula. I've
10 lived up here for a year and-a-half with my inlaws.
11 My wife is born and raised in Kula. My mom worked up
12 at Kula San. Her dream, my wife's dream is to move
13 back to Kula.

14 And a Project like this will give an
15 opportunity to people like her who in the same
16 situation to potentially afford a home in Kula.

17 I feel bad for the testimony I heard about
18 the water issues. And think it's a county problem. I
19 been on the Planning Commission. As long as I
20 remembered we talked about water issues whether it
21 being on the council and there's no solutions. The
22 county never came up with any solutions for the water
23 problem.

24 And it's a shame that they pin 'em, the
25 problem to a developer who's looking at putting up

1 some water for people to potentially live in Kula.
2 And I feel bad for the people on the list but it's
3 unfair.

4 I also heard some talk about the zoning. I
5 think the current Community Plan -- the existing
6 Community Plan has it 15-acre single-family and the
7 rest in Rural if I not mistaken.

8 Also heard testimony that you gotta work or
9 live next to your work. If that's the case a lot of
10 us are in trouble. I work in Wailuku. There's no way
11 I want to live there. Most of the people I know live
12 where the heart is. That's where your home is, where
13 your heart is.

14 I lived in Kahului for two years and I
15 didn't like their lifestyle. Wasn't for me. I
16 considered myself a country person and had the hardest
17 time. So was I happy close to work? I was miserable.
18 I had no choice because there was no opportunities.

19 I hear a talk from Colleen Hanabusa who
20 said, "We have 30,000 hidden homeless." And I said,
21 "What is hidden homeless?" She said, "Adults who live
22 with their parents."

23 I get those in my house right now and we
24 need some solutions. And I think a lot of us fit the
25 bill. My neighborhood is packed with cars. Everyone

1 live with their parents.

2 We lack the opportunities. A person came
3 into my office yesterday, moved to Phoenix, Arizona
4 'cause no potential housing was afforded to her. Sick
5 to my stomach.

6 She goes around the neighborhood with her
7 kid. She sees another kid with a Kamehameha Schools
8 shirt on. "Where you from?"

9 "We from O'ahu. We couldn't afford to live
10 there too."

11 What is Hawai'i without the people? That's
12 when it becomes Chicago. To keep Hawai'i "Hawai'i" we
13 gotta keep the people here. And I'm asking you guys
14 for help. That's what I asking. Base the Project on
15 its merits knowing we have problems. That's all I can
16 ask. Going to humbly ask for your support. Thank
17 you.

18 CHAIRMAN LEZY: Parties, questions?

19 MR. LIM: No questions.

20 CHAIRMAN LEZY: Commissioners, questions?

21 Thank you for your testimony.

22 MR. DAVIDSON: Is there a Mariya Dones? I
23 may be saying that wrong.

24 THE WITNESS: Yes. Aloha. My name is
25 Mariya Dones. Should I spell it?

1 CHAIRMAN LEZY: Let me swear you in first.

2 MARIYA DONES,
3 being first duly sworn to tell the truth, was examined
4 and testified as follows:

5 THE WITNESS: Yes.

6 CHAIRMAN LEZY: Please go ahead and finish
7 telling us the spelling of your name and providing us
8 your address.

9 THE WITNESS: My name is Mariya Dones.
10 M-a-r-i-y-a D-o-n-e-s. And I live at 40 Kalihi Place
11 in Kula. I'd like to refer to the General Plan of
12 2030 which is the Maui County General Plan. It's a
13 long-term comprehensive blueprint for the physical,
14 economic, environmental, developmental and cultural
15 identity of the county.

16 The County-wide Policy Plan adopted on
17 March 24 of 2010 is a framework for the development of
18 the Maui Island Plan and the nine Community Plans'
19 county-wide goals, objectives, policies implementing
20 actions relating to the following four themes:
21 "Protect the natural environment." Kula Ridge Project
22 will destroy forever a rural country town and
23 agricultural area.

24 "Preserve local cultures and traditions.
25 It's to improve education. Kula already has Kula

1 Elementary, Haleakala, Waldorf School, Clearview
2 School, Kamehameha and King Kekaulike High Schools.

3 It's to "strengthen the social and
4 healthcare services." We already have MEO, Maui
5 Medical and five or more doctors, dentists and
6 physical therapy clinics as well as Kula Hospital, an
7 ambulance service, which is excellent, within a 10
8 mile radius.

9 "Expand the housing opportunities for
10 residents." Not while taking away leasing of
11 agricultural lands and farming for sustainable living.

12 "Strengthen the local economy." Kula Ridge
13 is taking away agricultural lots that have been farmed
14 for years.

15 "Improve parks and public facilities." I
16 don't know what's going to happen when they take over
17 the Kula Community Center which is not owned by the
18 county.

19 "Diversify transportation options." We've
20 never -- this has never happened. It's not even in
21 the plan. But MEO has provided our seniors with
22 excellent and free transport to most areas of Maui as
23 necessary. Without buses -- check this out, folks --
24 there could be 34 to 60 seniors driving down that
25 steep road and lose control. Wouldn't that be fun?

1 "Improve physical infrastructure." There
2 are no roads that can accommodate this expansion. And
3 the drainage will be inadequate, thus flooding
4 everything within its path.

5 "Promote sustainable land use and growth
6 management." I don't know how that would happen.
7 Therefore, I'm saying that the Kula Ridge Project is
8 not satisfying nor is it in alliance with the General
9 Maui and Country-wide Plan.

10 As for affordable housing, there's already
11 an abundance of new homes that are empty such as Maui
12 Lani. And nobody can afford them. As for affordable
13 senior housing, nobody wants to buy at this point in
14 their lives. They rent.

15 If you proceed with the Project you'll be
16 adding exorbitant water and electric increases to our
17 bills. We will not even be able to hold onto the
18 senior housing which we have worked two and three jobs
19 over a lifetime in order to be able to maintain the
20 spirit of stewardship of the 'aina.

21 Where will we go? We cannot live in and
22 afford our own homes. We won't be able to get a loan
23 on the so-called affordable homes because we're not
24 working. We're retired. Most of us are living off
25 our Social Security, be that what it is, and farming

1 vegetables to eat. Will this Project make me lose all
2 I've worked for 60 and 70 hours a week to have in
3 place so that I can enjoy the last years of my life
4 without being in Kula sanitarium till I die?

5 Twenty-four hour heavy traffic which is
6 going/coming from Hawaiian Homesteads up in Waiahuli,
7 it's okay with me. Because you know what? People
8 need those homes. It was said today there are 360
9 homes left to be built. Why not build them? Why not
10 Kamehameha Primary School up on the same land to
11 lighten the traffic and provide jobs and enrich this
12 area with a school for keiki?

13 If anything that's where the water needs to
14 go also is to the kanaka maoli.

15 As for the drainage issues brought up, I
16 don't have faith in the county engineers such as Wayne
17 Arakaki. I built an addition on my home in 2008; paid
18 the county engineer to draw up and approve a septic
19 tank plans.

20 He approved plans to place my septic tank
21 within the 15 foot space between my house and the
22 drainage easements ditch which runs parallel the
23 length of my property.

24 I had to stop the septic tank placement and
25 tell him he had to redo the plans. Why would I have

1 faith?

2 Kula to Kihei has flooded many times. My
3 friend down there on Halama Street is a perfect
4 example. She has replaced the entire floor structure
5 of her home twice --

6 MR. DAVIDSON: Excuse me, could you conclude
7 in about 30 seconds.

8 THE WITNESS: Yes, I can -- twice within
9 this year. She brought it to the county. The county
10 says not their kuleana. She brought it to her
11 insurance company. They said flooding insurance
12 wouldn't cover that. So whose kuleana is it going to
13 be?

14 People need jobs. Yes, I know they do.
15 Well, 16 months of employment is going to run this
16 sacred 'aina? I don't think so. I know if Uncle Les
17 Kulio'o was here in body he would tell you guys,
18 "A'ole Kula Ridge to the proposal and the conditions
19 and mitigation." He would say, "You cannot mitigate
20 that which is lost."

21 Please reconsider and respect testimony of
22 those who were the residents and the stewards of the
23 sacred land. Thank you.

24 CHAIRMAN LEZY: Parties, questions?

25 MR. LIM: No questions.

1 CHAIRMAN LEZY: Commissioners, any
2 questions? Thank you for your testimony, ma'am.

3 MR. DAVIDSON: We have four additional
4 people signed up: Ron Collins followed by Gene Zarro.

5 RON COLLINS,
6 being first duly sworn to tell the truth, was examined
7 and testified as follows:

8 THE WITNESS: Yes, I do.

9 CHAIRMAN LEZY: Please state and spell your
10 name and provide your address.

11 THE WITNESS: Ron Collins, C-o-l-l-i-n-s
12 435 Puakea Place right here in Kula. I'm here against
13 my doctor's wishes, number one, because of blood clots
14 I sustained. I heard everybody's story. I'm
15 relatively new to Maui. And we chose Kula because of
16 where it's at. It's a very sacred place. The people
17 are really super people as a community. If you need
18 help they're there for you.

19 I'm from the mainland so it's much different
20 there. Humans -- I'm going to look at this
21 objectively on both sides -- mainly development on the
22 mainland is just totally destroying everything. I'll
23 tell you why because right now there's millions of
24 homes sitting. There's developments. They're
25 overpriced. People have left. This island is loaded

1 with homes. If you really wanted to do something for
2 Maui, Hawai'i, I would hook up with Habitat for
3 Humanity. If you want to build affordable housing
4 they charge 60 to \$90,000. (Facing audience)

5 MR. DAVIDSON: Excuse me. Could you address
6 the Commission and not the --

7 THE WITNESS: I'm sorry. I think I should
8 be allowed to address both. Is that okay with you?

9 CHAIRMAN LEZY: Sir, you can proceed.

10 THE WITNESS: I'll address you. That's
11 fine. But anyhow, the whole point is being an
12 outsider looking at the passion of the people it isn't
13 just about their passion, it's about the danger, the
14 imminent danger you place people in if you make the
15 wrong decision. And it's borderline criminal.

16 So -- and I'm not a judge. I'm not a
17 lawyer. I've done a lot of engineering and
18 construction myself. Whoever did this feasibility
19 report should be hung out and I hope he gets his money
20 back.

21 As far as the taxpayers paying the bill I
22 hope he reimburses you and the state and the people.
23 Objectively I heard people saying, "We need a new
24 development. We need a new development." When
25 agricultural land -- we can't even grow food in

1 America now because all the doggone development.
2 Development starts at 20 acres, 30 acres. We got
3 approved for this part for ag. Well, can you work
4 with us? Give us another 30 acres? Before you know
5 it the farmers are gone and some have sold their souls
6 to the devil, unfortunately.

7 The elders passed away. They have finally
8 said, "Hey, I'm not going to die like my dad or mom
9 milking a cow out on a farm in the cold."

10 So I just think that each of you have more
11 responsibilities than I'd ever want to have on this
12 decision. It's a very critical decision. I'm going
13 to show you something. Not anything nasty. Anybody
14 squeamish? (Lifting up t-shirt) I start my blood
15 clots.

16 Last week I took a walk. Never had a
17 problem in my life. I was from the military, always
18 been physically fit. I walked less than a quarter
19 mile down the store to where I live.

20 When I walked back up, I got very short
21 winded. I'd made it into the house. Nobody was home
22 at that time. My wife works in Wailuku where all the
23 employment is.

24 So what I did I jumped in my Mustang GT
25 'cause I knew by the time I called an ambulance and

1 they got there I didn't know what was going on. I
2 mean to tell you it took me 20 minutes to get through
3 Kula in the traffic.

4 Okay. So I get up there. They didn't have,
5 weren't able to meet my needs. They call an ambulance
6 or EMT crew. It took them 20 minutes to get up there.
7 It's 40 minutes gone by now right from here. To get
8 down all the way to Maui Memorial that took over 40
9 minutes from here, 40 minutes.

10 If you approve this development, water
11 poisoning, the water loss that we don't have to lose,
12 people talk about we need affordable housing. My God,
13 man, that isn't affordable. Half the people in
14 America don't have the credit unless he's got his own
15 bank.

16 Habitat for Humanity don't even charge 1
17 percent. They built these houses and finance 'em. If
18 somebody like this has that much money, please put \$15
19 million in the hospital, put another 80 million in a
20 roadway infrastructures, guarantee it that the people
21 won't be poisoned by that water because that's where
22 my degree is in, in hazardous waste. I've done some
23 of my homework too.

24 But from an outsider I'm now talking too
25 passionately. Yes, I'm shaking. I'm weak. So each

1 one of you have to look within yourselves on this
2 decision. Some of you obviously don't live here on
3 Maui. I hope that "not in my backyard" thing doesn't
4 take effect or money thrown out the door. This union
5 stuff is about jobs. Come on. Everybody took a big
6 pay cut. Everybody's hurting all in America. It's
7 not just Hawai'i. It's more felt here because we are
8 an island. We are virtually on our own. People here
9 are very self-sufficient on Maui. I'm real proud.

10 Thank you for putting up with my amount of
11 preaching. Just please, it doesn't take a rocket
12 scientist but no, no. It would be criminal. You
13 know, reckless endangerment. That's what you would be
14 doing by allowing this to happen. Each one of you can
15 be and will be held responsible. I mean that in an
16 honorable way, not, no disrespect. And that's all I
17 have to say.

18 CHAIRMAN LEZY: Parties, questions?

19 MR. LIM: Mr. Collins, you said you were a
20 recent resident?

21 THE WITNESS: (off mic) Since January, sir.
22 I'm sorry, since January.

23 MR. LIM: You bought up here in Kula?

24 THE WITNESS: Pardon me?

25 MR. LIM: Did you buy your place up here in

1 Kula?

2 THE WITNESS: No, I can't afford to.
3 Housing prices right now are dropping daily. I looked
4 at a place, the actual home, because the rare woods
5 that can't even be replaced. The value insured was
6 over \$5 million. Do you know what that home sold for,
7 sir? \$1.5 million. That's a lot of money. It's a
8 lot to me.

9 And I spent 40 years in the military, wound
10 up with cancer. I know there's arsenics in water. I
11 know the hazards. I've read the water reports. But
12 it's just mind boggling. Why are we even here? Why
13 did it reach this level? I mean, to be honest, why in
14 the heck -- all the money spent could have been spent
15 feasibly on real affordable housing for our seniors.
16 This isn't about seniors.

17 If you allow a piece of Ag ground to turn
18 into Urban, my God. You might have sugarcane. It's
19 going to continue like it has nation-wide spreading
20 like a rampant cancer. We don't have food in America
21 to feed America, not enough land to grow it.

22 MR. LIM: No further questions.

23 CHAIRMAN LEZY: Commissioners, questions?
24 Thank you for your testimony, sir.

25 MR. DAVIDSON: Gene Zarro followed by Nainoa

1 Purdy followed by Alan Kaufman. And that's our list.

2 GENE ZARRO,

3 being first duly sworn to tell the truth, was examined
4 and testified as follows:

5 THE WITNESS: Yes.

6 CHAIRMAN LEZY: Please state and spell your
7 name and provide your address.

8 THE WITNESS: Gene Zarro. G-e-n-e
9 Z-a-r-r-o. Address 22 Ulunui Place in Pukalani.

10 CHAIRMAN LEZY: Please proceed.

11 THE WITNESS: Thank you. I'm here because
12 I'm a supporter of the Kula Ridge Project. I'd like
13 to give you a quick reason why. I've met Clayton and
14 his family maybe 20 years ago. And over time I got to
15 know Clayton. But more important recently I actually
16 had a working relationship with Clayton.

17 I used to sell him printing a number of
18 years ago. But I kept an eye on the projects. And I
19 became aware of Kula Ridge. I actually went up and
20 walked the property with my wife, who you heard from a
21 couple minutes ago, and I had to like calm her dreams
22 down. Because she was already planning the house,
23 where it was going to be.

24 But the point of that is when I saw this
25 hearing coming up I asked Clayton, "What can I do to

1 help?" Because when I looked at the time of the
2 hearing, 1:30 on a business day, I knew that a lot of
3 people were not going to be able to get here, people
4 that have invested their time and their emotion to
5 talk to all the previous hearings that have gone on
6 for years.

7 So Clayton wasn't sure. So I suggested,
8 "What about all those testimonies? What about all
9 those letters? What about all the support and
10 petitions, things you've done over the years that
11 you've gotten from people?"

12 What I have here is 879 unduplicated
13 letters, testimonials, petitions, e-mails, things that
14 have taken place over the years from people who have
15 been on Maui a long time. I'd like to leave it with
16 you, 879 unduplicated people. So I'm going to leave
17 that here. I'm glad they weren't here to testify
18 today or we would be here til God knows when.

19 The last gentleman said it doesn't it take a
20 rocket scientist. It doesn't. It takes good
21 engineers, takes good architects, takes good
22 designers, takes good builders to put together a good
23 community. And I know that Clayton has assembled a
24 first-rate team. Everything that -- all the
25 conditions that have been asked for are either being

1 met or have been met.

2 So this gets down to is this the right
3 Project that you should approve? I believe it is.
4 There is a practice in this island, this County of
5 Maui where if a developer plans on building a
6 subdivision they have to integrate the affordable
7 housing into that subdivision because it's best
8 practice. It's better than segregating the affordable
9 housing.

10 So if you take a bird's eye view of Maui
11 County and you pull back a little bit, why would we
12 not integrate affordable housing into all of the
13 communities of Maui? We cannot have a community on
14 Maui without affordable housing. People need to
15 choose and have the opportunity to live in Kula. They
16 don't have that opportunity right now.

17 An affordable housing project would give
18 many people the opportunity to come back to their
19 homes or to live as described in beautiful, tranquil,
20 agricultural, lovely Kula. This should be an
21 opportunity that many more people should be able to
22 enjoy. And I think this is a step in the right
23 direction.

24 I think big solutions come -- there are big
25 challenges that come with incremental solutions. You

1 can't just provide a big solution. There's gotta be
2 incremental help. The county and state are unable to
3 do it.

4 It's gonna take people who are gonna step up
5 and provide incremental solutions: Incremental
6 water, incremental engineering, which is going to stop
7 some of the downflow that goes to Kihei, incremental
8 road improvements. All of these things are
9 incremental solutions provided by private citizens
10 that the county and state governments have been unable
11 to fulfill.

12 And that's why I think this Project is not
13 only a good Project based on the merits of who can
14 have the potential to live there, but it does provide
15 quality incremental solutions based on the team of
16 high-performing engineers, architects, designers and
17 builders. Thank you.

18 CHAIRMAN LEZY: Parties, questions?

19 MR. LIM: No questions.

20 CHAIRMAN LEZY: Commissioners, any
21 questions? Sir, could I ask an indulgence of you.

22 THE WITNESS: Yes.

23 CHAIRMAN LEZY: The documents that you're
24 asking the Commission to accept, they've been
25 submitted previously in prior matters related to this

1 development, correct?

2 THE WITNESS: But maybe not Stan Luke's --
3 not your Commission but probably Maui County Planning
4 Commission and Council meetings.

5 CHAIRMAN LEZY: Sure. This is letters of
6 support, testimony that's been provided by other
7 individuals not yourself, correct?

8 THE WITNESS: Absolutely.

9 CHAIRMAN LEZY: Okay. The problem we face is
10 this: If you submit this to our clerk he's going to
11 have to make 15 copies of every single one of those
12 documents. And so I would encourage -- I don't want
13 to dissuade you from submitting it, but I would ask
14 you to take that into consideration.

15 THE WITNESS: I will withdraw it because I
16 just want you to do know there are 897 unduplicated
17 members of this community. Some have been here today,
18 most have not.

19 CHAIRMAN LEZY: Thank you. We certainly
20 will take that into consideration.

21 MR. DAVIDSON: Nainoa Purdy followed by Alan
22 Kaufman followed by Melissa Bruschi.

23 NAINOA PURDY
24 being first duly sworn to tell the truth, was examined
25 and testified as follows:

1 THE WITNESS: I do.

2 CHAIRMAN LEZY: Would you state your name
3 please, spell it and your tell us your address.

4 THE WITNESS: Nainoa Purdy, N-a-i-n-o-a
5 P-u-r-d-y.

6 CHAIRMAN LEZY: Hold the mic closer.

7 THE WITNESS: I live at 4448 Lower Kula
8 Road. I'm 11 years old, and a student at Kamehameha
9 Schools. I live right here by the church. And I'm
10 one of the many kids that walk on this road to go to
11 the church, gym and store. There are many days that I
12 see cars speeding up and down the road. During
13 basketball season the road is lined up and down with
14 cars.

15 MS. ERICKSON: Please slow down for the
16 court reporter.

17 CHAIRMAN LEZY: It's okay. You can
18 continue.

19 THE WITNESS: My brother and I walk to the
20 gym for practice. Kids are all over the place up and
21 walking between the cars. This area is not meant for
22 more vehicles to be driving up and down here on a
23 regular basis.

24 My family is also waiting a water meter. My
25 mom promised us years ago that we would build our home

1 as soon as we got our water meter. That was 11 years
2 ago. I would like to see my family build our
3 affordable home on our agriculture lot.

4 The Kula Ridge Project should not be allowed
5 to have a change in zoning. They should not be
6 allowed to pass the family and other people's families
7 on the water meter list. My mom and dad are working
8 class people. My mom took off a day of work to be
9 here because this is important to us. Your decision
10 will affect me and my family.

11 I humbly ask you to deny the change in
12 zoning and keep the land use to Agriculture. Mahalo
13 nui.

14 CHAIRMAN LEZY: Parties, questions?

15 MR. LIM: No questions.

16 CHAIRMAN LEZY: Commissioners, any
17 questions? Thank you, sir. (Applause)

18 ALAN KAUFMAN
19 being first duly sworn to tell the truth, was examined
20 and testified as follows:

21 THE WITNESS: Yes, I do.

22 CHAIRMAN LEZY: Please state and spell your
23 name.

24 THE WITNESS: My name's Alan Kaufman.

25 A-l-a-n K-a-u-f-m-a-n.

1 CHAIRMAN LEZY: Please proceed.

2 THE WITNESS: That's hard testimony to
3 follow. I don't know that I can improve on it. What
4 I can give you is a slightly different perspective on
5 it. Two years ago I was asked to serve on the board
6 of director of the Maui Foundation.

7 Probably you've never heard of the Maui
8 Foundation. It was formed over 20 years ago to bring
9 senior housing Upcountry. The Maui Foundation was
10 spectacularly unsuccessful.

11 I believe that there is value to a diverse
12 community. And I know that if we don't build for a
13 diverse community we will never have one. But I don't
14 want to say that we have a diverse community in Kula
15 currently because of how this community has formed.
16 It is a mix. But we can lose that diversity if we
17 don't build for it.

18 As the previous speaker before Nainoa
19 testified, if you don't build for diversity within
20 your community, if you go and put it somewhere else
21 you're segregating the individuals who make up the
22 community. And you have a stronger community with
23 diversity in it.

24 I've heard and I value the testimony of my
25 friends and neighbors. What we've said is there is

1 too much water coming down the mountain at times. And
2 at others there's too little water to fill the pipe so
3 that people like Nainoa's family can get a water meter
4 and build on their lots.

5 The single biggest concern, and it's one I
6 share with every testifier, is safety. There's not a
7 one of us in this room who wants to see a child or
8 anyone else injured because of traffic.

9 If those concerns can be successfully
10 addressed -- and that's your job to decide how they
11 can be addressed, and if they can be, the issues
12 revolving around water and the issues revolving around
13 safety -- if that can be dealt with, then I want to
14 see senior housing and I want to see affordable
15 housing within this community because I greatly value
16 this community in which I live at 458 Na'alaie Road,
17 which I neglected to say earlier.

18 CHAIRMAN LEZY: Parties, questions?

19 MR. LIM: No further questions.

20 CHAIRMAN LEZY: Commissioners, any
21 questions? Thank you for your testimony.

22 MR. DAVIDSON: Melissa Bruschi.

23 MELISSA BRUSCHI

24 being first duly sworn to tell the truth, was examined
25 and testified as follows:

1 THE WITNESS: Yes.

2 CHAIRMAN LEZY: Place state and spell your
3 name and provide your address.

4 THE WITNESS: My name is Melissa Bruschi.
5 M-e-l-i-s-s-a B-r-u-s-c-h-i. I live about four houses
6 up the street at 4422 Lower Kula Road in Kula
7 obviously.

8 And I'm extremely opposed to the Kula Ridge
9 development. I personally am not a homeowner anymore.
10 I'm a renter. I was also fooled many years ago by
11 developers who assured affordable housing when I lived
12 in Georgia. And the fixed adjustable rates continued
13 to rise. My mortgage doubled in two years. What was
14 originally affordable suddenly was not affordable at
15 all. Fortunately I had the foresight to sell and get
16 out of the situation before it got any worse.

17 In reference to the affordable housing that
18 they're talking about, right now one of my dearest
19 friends is a foreclosure specialist on Maui. There
20 are currently 1,000 homes being foreclosed on on Maui.
21 About one-fourth of those are Upcountry. That's 250
22 plus homes that are available right now at auction for
23 an extremely lower price than they were originally
24 estimated at.

25 Also they're short sales which helps people

1 that are being foreclosed on and allows people to buy
2 a home at a more affordable price. That's twice as
3 many plus than what they're proposing to build on this
4 116 homes.

5 If the developers have already shown such
6 disregard for the land, the community and the laws,
7 why would we believe they will keep their word about
8 the supposed affordable housing when they weren't even
9 considered in their original proposal, not to mention
10 the resources that will be used in this new affordable
11 housing when there are so many empty houses sitting
12 around the island already.

13 I worked for the Census a couple years ago.
14 You wouldn't even believe the percentage of doors that
15 I knocked on had a foreclosure notice sitting on them.

16 There are so many empty houses. When
17 they're proposing to cut back more trees, use more
18 petroleum, create more pollution to ship in the
19 materials that are not available already on the island
20 for houses that just aren't needed, not to mention the
21 type of resources that have already been used by
22 people who are trying to convince public officers to
23 turn their heads to the wall.

24 How many of you were flown here from O'ahu?

25 CHAIRMAN LEZY: Can you slow down just a

1 little bit for the court reporter.

2 THE WITNESS: I apologize. What -- for
3 these people, the school teacher, Mr. Ulu, completely
4 respect your desires to live in Kula. The five years
5 that I've had been fortunate enough to live on Maui it
6 was always my dream to live in Kula. And I have
7 managed to make that happen. It's so beautiful. But
8 what good is it going to do if you add thousands of
9 homes and take away the country that you so badly long
10 to live in?

11 My biggest concern as a business owner that
12 has founded -- my business is founded on agriculture
13 and sustainability -- I make frozen chocolate dipped
14 bananas, using all locally grown bananas. And I do
15 find it, especially in January and February times of
16 the year, when there's not enough locally grown
17 bananas for me to make my product. I'm currently
18 working with the Maui County Farm Bureau, Slow Food
19 Maui, Kau Kau Maui on projects to create more
20 sustainable farming that would supply business owners
21 such as myself with the agriculture needed to make a
22 more sustainable Maui to create cacao, bananas, other
23 agriculture that's needed.

24 Also as far as sustainability is concerned,
25 Kula, if you're anyone who knows about agriculture, is

1 the most ideal conditions to grow food and other
2 plants not only on Maui but on the entire planet. And
3 you're wanting to replace the little bit of
4 agricultural land that is left with houses, houses
5 that are not needed.

6 The houses that are proposed, the lots are
7 so small that these people won't even be able to plant
8 their own fruit trees or have home gardens. Somebody
9 made a comment about how it was going to allow for a
10 sustainable -- that's not true.

11 If you know anything about sustainability or
12 agriculture it takes space. It takes an average of
13 three acres to feed a family of four if you wanted to
14 be completely sustainable.

15 What about the businesses that already exist
16 such as mine? Maui Cattle Company -- I was on the
17 phone with a representative from Slow Food Maui, and
18 we were talking about --

19 THE REPORTER: Could you slow down, please.

20 THE WITNESS: I'm sorry. I only have three
21 minutes. Talking about how the Maui Cattle Company no
22 longer serves their burgers at First Friday Festival.
23 The reason why is because due to last year's drought
24 their cattle weighs 20 percent less this year than it
25 did last year. That it is already decreasing business

1 for an already-existing sustainable company.

2 So I'm kind of curious. I'm currently
3 trying to permit a space in Makawao to create a little
4 mini factory sustainable for my business. My
5 permitting is held up right now because of our water
6 usage.

7 So I'm just curious. If I sell a small
8 percentage of my bananas at a more affordable price
9 will you turn your heads to the laws for me too? Or
10 my pocket's not big enough?

11 MR. DAVIDSON: Thirty seconds.

12 THE WITNESS: I don't know how more houses
13 equaling less farming is good for anyone in the
14 community or for our planet. And what good is the
15 Maui County General Plan if any developer can appeal
16 to Maui County and State Land Use Commission to change
17 zoning?

18 Why did I fill out an absentee ballot on my
19 trip to Europe to vote for people who would stand for
20 me in my local community when all it takes is somebody
21 with a lot of money and a bad plan to completely
22 destroy everything? That's all I have to say.

23 (Applause)

24 CHAIRMAN LEZY: Parties, questions?

25 MR. LIM: No questions.

1 CHAIRMAN LEZY: Commissioners, questions?

2 Thank you.

3 THE WITNESS: Thank you.

4 CHAIRMAN LEZY: That's the last of the
5 public testifiers that have signed up. Is there
6 anybody else in the audience who wishes to provide
7 public testimony? If not, we'll reconvene tomorrow
8 morning here at 9:00 a.m. And we are adjourned for
9 the day. Thank you.

10 (The proceedings were adjourned at 6:00 p.m.)

11 --oo00oo--

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C E R T I F I C A T E

I, HOLLY HACKETT, CSR, RPR, in and for the State of Hawai'i, do hereby certify;

That I was acting as court reporter in the foregoing LUC matter on the 25th day of August 2011;

That the proceedings were taken down in computerized machine shorthand by me and were thereafter reduced to print by me;

That the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

DATED: This _____ day of _____ 2011

HOLLY M. HACKETT, HI CSR #130, RPR
Certified Shorthand Reporter

